

CALIFORNIA COASTAL COMMISSION

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RECORD PACKET COPY

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TO: ALL COMMISSIONERS

FROM: PETER DOUGLAS, EXECUTIVE DIRECTOR

SUBJECT: MINUTES OF MEETING OF MARCH 4-7, 2003
Embassy Suites Hotel
333 Madonna Road
San Luis Obispo

Tuesday, March 4, 2003 pages 1 to 9

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Tuesday, March 4, 2003, at 10:30 a.m. by Chairman Reilly.
2. **ROLL CALL.** Present: Chairman Reilly, Commissioners Desser, (Alternate) Luna, (Alternate) Orr, (Alternate) Allgood, (Alternate) Ruddock and Wan. Absent: Burke, Dean, Hart, Krueger, Neal, Sanders, Sweeney and Woolley. McClain-Hill arrived at 11:15 a.m.

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.

(a & b) Christina Keller, representing the applicant, submitted requests to speak in favor of the staff recommendation.

Motion & Vote: Luna moved staff recommendation, seconded by Orr, and Chairman Reilly 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 Reilly ruled that these administrative permits be issued by the Executive Director.

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

(d) Kevin Schley, representing the applicants, submitted a request to speak in favor of the project.

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

STATEWIDE

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

6.5 **FEDERAL CONSISTENCY.**

a. **CD-90-02 (Corps of Engineers, Los Angeles Dist., San Diego) Postponed.**

SAN DIEGO COAST DISTRICT

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

8. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved items 10d & e to the Calendar, and recommended approval with special conditions.

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

9. LOCAL COASTAL PROGRAMS (LCPs).

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

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

b. **San Diego LCP Amendment No. 4-01 (Tierra Alta).** **Withdrawn.**

c. **San Diego LCP Amendment No. 1-02B (Estates at Costa del Mar).** Staff recommended approval with suggested modifications as modified in addendum.

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

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

10. COASTAL PERMIT APPLICATIONS.

a. **Application No. 6-02-55 (Parks & Rec. road repair & wetlands creation)** Staff recommended approval with special conditions.

Suzy Lahitte, representing California State Parks, submitted a request to speak in favor of the project. Chris Nordby, representing Tierra Environmental, submitted a request to speak in favor of the project.

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

McClain-Hill arrived during the following item.

b. **Application No. 6-02-84 (Scism, Solana Beach)** Staff recommended approval with special conditions.

Bob Trettin, representing the applicant, submitted a request to speak in favor of the project. Sheelagh Williams, representing CalBeach Advocates, submitted a request to speak in opposition to the project. Mark Massara, representing Sierra Club, submitted a request to speak in opposition to the project.

Motion & Vote: McClain-Hill moved staff recommendation, seconded by Allgood, and the roll call vote was 7 in favor and 1 opposed (Wan). **Passed.**

c. **Application No. 6-02-85 (Solana Beach seacave infill)** **Postponed.**

d. **Application No. 6-02-117 (San Diego Famosa Slough enhancement)** Moved to expanded Consent Calendar. **Approved.**

e. **Application No. 6-02-134 (San Diego treatment plant improvements)** Moved to expanded Consent Calendar. **Approved.**

f. **Application No. 6-02-151 (NCTD, Carlsbad)** Staff recommended approval with special conditions.

Jim Merritt & Christina Keller, both representing the applicant, submitted a request to speak in favor of the project.

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

g. **Application No. 6-02-152 (NCTD, Oceanside)** Staff recommended approval with special conditions.

Jim Merritt & Christina Keller, both 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.**

h. **Application No. 6-02-164 (UCSD, San Diego) Postponed.**

i. **Application No. 6-02-176 (McMillin, San Diego) Postponed.**

11. **PERMIT AMENDMENTS.**

a. **Permit No. 6-84-573-A (Seascape Sur, Solana Beach) Postponed.**

b. **Permit No. 6-89-138-A (Hoehn, San Diego Co.)** Staff recommended approval with special conditions.

George Mercer, representing the applicants, submitted a request to speak in favor of the project.

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

PUBLIC STATEMENTS. Tarren Collins, representing Santa Lucia Chapter Sierra Club, SLO Coast Alliance, welcomed the Commission to San Luis Obispo and thanked the Commission for its work & dedication to the environment.

LUNCH RECESS. The Commission recessed for lunch at 12:30 p.m. and returned at 1:50 p.m.

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.

13. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved three items (14g, 14h & 15a) to the Calendar, and recommended approval with special conditions.

(14h) Gary L. Williamson, architect, submitted a request to speak in favor of the project.

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

14. **COASTAL PERMIT APPLICATIONS.**

a. **Application No. 4-98-35 (Fox, Malibu)** Staff recommended approval with special conditions.

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

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

b. **Application No. 4-00-267 (McCoy, Los Angeles Co.)** Staff recommended approval with special conditions.

Terry Valente, representing the applicant, submitted a request to speak in favor of the project.

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

Amending Motion & Vote: McClain-Hill moved to allow the second floor deck, 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. **Application No. 4-01-169 (Carsey, Malibu)** Staff recommended approval with special conditions.

Pam Schmidt, Ron Spindler & John Byer, all representing the applicant, submitted requests to speak in favor of the project.

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

d. **Application No. 4-01-180 (Zappala, Malibu)** Staff recommended approval with special conditions.

Dana & Carlo Zappala, the applicants, submitted a request to speak in favor of the project. Scott Hofgree, representing the applicants, submitted a request to speak in favor of the project. Five speakers submitted requests to speak in opposition to the project: Louise Ann Fernandez, Dr Janet Fulk, Donald B. Kowalewsky, Dr Peter Monge and John Morris.

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

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

f. **Application No. 4-01-234 (Serra Canyon Owners, Malibu) Postponed.**

g. **Application No. 4-02-89 (Tantalus Drive, Malibu)** Moved to expanded Consent Calendar. **Approved.**

h. **Application No. 4-02-108 (Beltrami, Malibu)** Moved to expanded Consent Calendar. **Approved.**

i. **Application No. 4-02-148 (Rosenthal, Los Angeles Co.)** Staff recommended approval with special conditions as modified in addendum.

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

j. **Application No. 4-02-160 (Reason, Los Angeles Co.) Postponed.**

15. **PERMIT AMENDMENT.**

a. **Permit No. 5-86-293-A4 (Topanga Pacific Land, Malibu)** Moved to expanded Consent Calendar. **Approved.**

SOUTH COAST DISTRICT

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

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

17.5 LOCAL COASTAL PROGRAM (LCP).

a. **Laguna Beach LCP Amendment 1-02 A (Lagunita).** Staff recommended approval.

Motion & Vote to Reject Implementation: Wan 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.

18. COASTAL PERMIT APPLICATIONS.

a. **Application No. 5-02-174 (Anderson, Newport Beach) Postponed.**

b. **Application No. 5-02-218 (3 Arch Bay CSD, Laguna Beach)** Staff recommended approval with special conditions.

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

c. **Application No. 5-02-256 (De Pauw, Newport Beach) Postponed.**

d. **Application No. 5-02-353 (Lowenstein, Los Angeles)** Staff recommended denial.

Roger Lowenstein submitted a request to speak in favor of the project. Christopher Ward submitted a request to speak in favor of the project.

Motion & Vote: Desser moved approval of the project with conditions described orally, seconded by Allgood, and the roll call vote was 6 in favor and 1 opposed (Wan). **Passed.**

e. **Application No. 5-02-378 (Johnson, Newport Beach) Postponed.**

f. **Application No. 5-02-385 (Los Angeles Co. sand berms, Los Angeles & Hermosa Beach)** Staff recommended approval with special conditions as modified in addendum and orally.

Joseph Chesler & Wayne Schumaker, both representing L.A. County Dept. of Beaches & Harbors, submitted requests 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.**

19. **FINDINGS.**

a. **Application No. 5-02-380 (Santa Monica preferential parking) Postponed.**

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

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Wednesday, March 5, 2003, at 9:00 a.m. by Chairman Reilly.
2. **ROLL CALL.** Present: Chairman Reilly, Commissioners Desser, Hart, (Alternate) Luna, Nava, (Alternate) Allgood, Potter, Wan and Woolley. Absent: Burke, Dean, Neal, Sanders and Sweeney. McClain-Hill arrived at 9:10 a.m., and (Alternate) Durazo arrived at 9:50 a.m.

STATEWIDE

3. **APPROVAL OF MINUTES.** Woolley moved approval of the minutes of February 2003, with correction, seconded by Potter, and unanimously **approved**.
4. **COMMISSIONERS' REPORTS.** Informational only.
 - a. Secretary of the Resources Agency status report. On Friday, Undersecretary Sweeney reported on Administration coastal and ocean related initiatives and activities.
5. **CONSERVANCY REPORT.** Informational only
6. **SANTA MONICA MOUNTAINS CONSERVANCY REPORT.** None.
7. **DEPUTY ATTORNEY GENERAL'S REPORT.** Informational only.
8. **EXECUTIVE DIRECTOR'S REPORT.** Informational only

CENTRAL COAST DISTRICT

9. **LOCAL COASTAL PROGRAM (LCP).**
 - a. **San Luis Obispo Co. Periodic LCP Review.** Informational only. Vic Holanda, John Ufrat & Supervisor Shirley Bianchi, all representing San Luis Obispo County, submitted a request to speak in favor of the staff recommendation. Thirty three other speakers submitted requests to speak in favor of the staff recommendation: Jesse Arnold; Todd Barnes; Al Barow; Alese Bell, representing Friends of the Ranchland; Bob Bell, representing Friends of the Ranchland; Doug Buckmaster, representing SLO Alliance; Mickie Burton, representing SLO Coast Alliance; Tarren Collins; Bill Denneen,

representing Citizens for Vehicle Free Nipomo Dunes; Jay Elder, representing Port San Luis Harbor District; Suzy Ficker, representing Cambria Legal Defense Fund; Fred Frank; Watson Gooch; Eric Greening, representing Life on Planet Earth; Henriette Groot; Richard Hawley, representing Greenspace-the Cambria Land Trust; Pamela Heatherington, representing SLO Coast Alliance; Gordon Hensley, representing Environment in the Public Interest; Dan Holland; Colleen & Eric Johnson; Jan Howell Marx; Mark Massara; Kat McConnell, representing California Coastal Protection Network; Jack McCurdy; Bob McDonnell; Ross L. Pepper, representing bike riders; Wayne Ryburn, representing North Coast Alliance; Wilma Smith; George Taylor; Gwynn Taylor; Brian Trautwein, representing Environ. Defense Ctr.; and Peter E. Wagner. Eric Hawley, representing Friends of Oceano Dunes submitted a request to speak in opposition to the staff recommendation. Darren Tyler, representing Gold Coast 4x4, submitted a request to speak in opposition to the staff recommendation. Fourteen speakers submitted requests to speak: Bill Allen, representing North Coast Alliance; Kara W. Blakeslee, representing American Land Conservancy; Jenele Buttery; Valerie Endres, representing Land Conservancy of SLO County; Betty Fiscalini, representing North Coast Alliance; Joy Fitzhugh, representing SLO Co. Farm Bureau; Nancy Graves, representing Coastwalk; Sara Horne, representing League of Women Voters; Lynda Layton; John Linn; Allen Minker, representing Los Osos Community Advisory Council; Rhonda Vigil, representing SLOCCC Chumash; Don Warden, representing San Luis Obispo County Agricultural Liaison Board; and Clyde Warren. Kathy Teufel submitted a request to speak in opposition to the project.

PUBLIC STATEMENTS. David Nelson complimented the Commission on its decision regarding the Morro Bay power plant. Suzy Ficker representing Cambria Lgl. Def. Fund raised the issue of the future use of lands purchased to protect open space. Tarren Collins spoke about a proposed settlement over Diablo Canyon NPDES permit.

LUNCH RECESS. The Commission recessed for lunch at 12:50 p.m. and returned at 2:20 p.m. McClain-Hill did not return after the break.

ENERGY, OCEAN RESOURCES and WATER QUALITY

10. **ENERGY, OCEAN RESOURCES and WATER QUALITY REPORT.** None.

a. **Briefing on Provision of Desalinated Water.** Informational only. Pamela Heatherington, representing ECOSLO, submitted a request to speak in favor of the staff recommendation. David Nelson submitted a request to speak in opposition to the project. Rick Hawley, representing Greenspace, submitted a request to speak. Suzy Ficker, representing Cambria Lgl. Defense Fund, submitted a request to speak.

11. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved item 12a to the Calendar, and recommended approval with special conditions.

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

12. **COASTAL PERMIT APPLICATION.**

a. **Application E-02-23 (Avila Beach CSD, San Luis Obispo Co.)** Moved to expanded Consent Calendar. **Approved.**

SOUTH CENTRAL COAST DISTRICT

13. **RECONSIDERATION.**

a. **Application No. A-4-93-154-R2 (Arco Dos Pueblos Golf Course, Santa Barbara Co.)** Staff recommended denial.

Steven H. Kaufmann, representing the applicant, submitted a request to speak in favor of the project. Thirty five speakers submitted requests to speak in opposition to the project: Christine Bourgeois, representing Sierra Club; David Bourgeois; Doug Buckmaster; Scott Bull, representing Surfrider Foundation; Scott Chatenever; Tarren Collins, representing San Luis Obispo County Chumash Council; Diane Conn, representing Citizens for Goleta Valley; Edw. Easton; Catherine Engberg, representing Surfrider; Dan Fontaine; Matthew Fox; Logan Green, representing Environmental Affairs Board of UCSB; Benjamin Hazard; Alex Kane; Maya Jamal Kasberg; Ariana Katovich; Bob Keats, representing Surfrider Foundation; Alice Kinner, representing Isla Vista Surfrider; Kenneth Korten, representing Sierra Club; Dr Mark Kram; Sandy Lejeune, representing Surfrider Foundation - Santa Barbara Chapter; Mike Lunsford, representing Gaviota Coast Conservancy; Loren Luyendyk; Webster Mentor, representing Sierra Club; Mark Morey; Deane Plaister; Selma Rubin, representing Sierra Club; Sabina Saib; Guner Tautrim; Kristen Uliasz, representing Isla Vista Surfrider Foundation; Rhonda Vigil; Matthew Wallace; David Wass, representing S.B. Audubon; Dan Weiner; and Keith Zandona, representing Save Our Coast. Four speakers submitted requests to speak in favor of the staff recommendation: Mark Massara, representing Sierra Club; Nathan Post; Brian Trautwein, representing Environmental Defense Center; and John Ucciferri.

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

NORTH COAST DISTRICT

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

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

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

a. **Del Norte Co. LCP Amendment No. DNC-MAJ-1-03 (Redland Company).** Staff recommended continuance and extension of the time limit.

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

17. **NEW APPEAL.**

a. **Appeal No. A-1-03-3 (Cody, Mendocino Co.)** **Postponed.**

18. **COASTAL PERMIT APPLICATIONS.**

a. **Appeal No. A-1-02-18 (Affinito, Fort Bragg)** **Postponed.**

b. **Appeal No. A-1-02-150 (Forest, Crescent City)** Staff recommended approval with special conditions.

Motion & Vote: There being no speakers, Woolley moved staff recommendation, seconded by Luna, and Chairman Reilly ruled that the vote was unanimous. **Passed.**

19. **PERMIT AMENDMENT.**

a. **Permit No. A-1-01-43-A (Roost, Mendocino Co.)** Staff recommended approval with special conditions.

Ken Roost, the applicant, and Alan Block, representing the applicant, submitted requests to speak in favor of the project.

Motion: Woolley moved staff recommendation, seconded by Hart.

Amending Motion & Vote: Hart moved to reduce the fence setback to 25' from the bluff, seconded by Desser, and the roll call vote was 8 in favor and 1 opposed (Reilly). **Passed.**

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

20. FINDINGS.

a. **Permit No. 1-89-28-A4 (Meredith, Mendocino Co.)** Staff recommended approval of findings.

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

CENTRAL COAST DISTRICT

21. LOCAL COASTAL PROGRAM (LCP).

a. **San Luis Obispo Co. LCP Amendment No. SLO-MAJ-1-01 C (Grading Ordinance).** Staff recommended approval with suggested modifications.

Pat Beck, representing SLO County Planning & Bldg., submitted a request to speak in opposition to the staff recommendation. Four speakers submitted requests to speak: Jackie Crabb, representing San Luis Obispo Co. Farm Bureau; Joy Fitzhugh, representing S.L.O. Co. Farm Bureau; Don Warden, representing San Luis Obispo County Agricultural Liaison Board; and Clyde Warren. Eight speakers submitted requests to speak in favor of the staff recommendation: Pam Heatherington, representing ECOSLO; Gordon Hensley, representing Environment in the Public Interest; Tarren Collins, representing San Luis Obispo County Chumash Council; Rhonda Vigil; Richard Hawley, representing Greenspace-the Cambria Land Trust; Mark Massara, representing Sierra Club; Kat McConnell, representing California Coastal Protection Network; and Pat Veearart.

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

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

RECESS. The Commission recessed for the day at 5:55 p.m.

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Thursday, March 6, 2003, at 9:00 a.m. by Chairman Reilly.
2. **ROLL CALL.** Present: Chairman Reilly, Commissioners Desser, Hart, Iseman, (Alternate) Durazo, Nava, (Alternate) Allgood, Potter, Wan and Woolley. Absent: Burke, Dean, Neal, Sanders and Sweeney. McClain-Hill arrived at 9:50 a.m.

CENTRAL COAST DISTRICT

3. **DEPUTY DIRECTOR'S REPORT.** Deputy Director Lester reported on matters not requiring public hearings, and on comments from the public. Ehab Youssef submitted a request to speak in favor of project 3-93-64-A2.

- a. **Fee Waiver for 3-02-107 (Podesto, Santa Cruz Co.)** Staff recommended denial, and credit for the previous fee toward a new application.

The Commission **declined** to waive the fee and concurred with the staff recommendation.

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

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

- a. **Santa Cruz Co. LCP Amendment No. SCO-MAJ-2-01 (Seacliff Village Plan).** Staff recommended approval with suggested modifications.

Adele Eberhart, representing Seacliff Neighbors Coalition, submitted a request to speak in opposition to the project.

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: On Friday, Wan moved approval of the Land Use Plan Amendment with suggested modifications, seconded by Potter, and Chairman Reilly ruled that the vote was unanimous with Susskind abstaining. **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: On Friday, Wan moved approval of the implementation with suggested modifications, seconded by Allgood, and Chairman Reilly substituted the previous roll call vote (7-0-1). **Passed.**

b. **Carmel Plan.** Staff recommended approval with suggested modifications.

Sue McCloud, Mayor, and four other speakers representing the City of Carmel submitted requests to speak in opposition to the staff recommendation: Don Freeman, Christi di Iorio, Brian Roseth and John Thodos. Five other speakers submitted requests to speak in opposition to the staff recommendation: Clay Berling, Jeanne Byrne, Michael Cunningham, Denny Gambill and Betty Marie Tripp. Monty Miller submitted a request to speak in favor of the staff recommendation. Eighteen speakers submitted requests to speak in opposition to the project: Enid Sales, representing Carmel Preservation Fdn.; Barbara Livingston; Jim Wright; Melanie Billig; Ralph Tober; Anne Bell; Constance Wright; Suzanne Arnold, representing Carmel Preservation Foundation; Allan Paterson; Mary Condry; Linda Anderson; Peggy Purchase; Joyce Stevens; Mike Brown, representing Carmel-by-the-Sea Preservation; Richard Dalsemer; Dianne Brun, representing Carmel Pres. foundation; Paule E. Missud; and Larry Rodocker, representing Carmel Preservation Foundation.

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 on Plan with Modifications: Potter moved approval of the Land Use Plan Amendment with suggested modifications, seconded by McClain-Hill.

Amending Motion & Vote: Potter moved to increase the size of floor area on single lots to 1800 sq.ft., seconded by McClain-Hill, and the roll call vote was 7 in favor and 4 opposed (Desser, Nava, Allgood & Wan). **Passed.**

Amending Motion & Vote: Potter moved to close parking at 11 p.m., seconded by Hart, and the roll call vote was 2 in favor (Hart & Potter) and 9 opposed. **Failed.**

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

c. **Monterey Plan No. MTC-LAGUNA LUP-3RD-1 (Laguna Grande Resubmittal).**
Withdrawn.

d. Monterey Plan MTC-LUP-HARBOR-SUB-R4 (Harbor Resubmittal). **Withdrawn.**

e. Monterey Plan submittal MTC-DelMonte-LUP-3rd-1. **Withdrawn.**

PUBLIC STATEMENTS. Jim Suty, representing Friends of Oceano Dunes, said recent studies showed that the snowy lover ranged inland to Utah, and supported maximizing access to the coast. Rochelle Becker raised concerns about transport and storage of nuclear waste from San Onofre and Diablo Canyon. Carla Andrus, representing MDR News, said the Coastal Act emphasis on public participation is empowering, and hoped that the pending review of Los Angeles County's LCP for Marina del Rey would fix mistakes of the past. Steve Weinman, representing MDR News, described his dry storage yard for individual boaters at dock 77 in Marina del Rey, and concerns that the County would displace it. James Sokalski, representing MDR News, documented public participation problems at Los Angeles Co., and urged that boater services not be reduced.

LUNCH RECESS. The Commission recessed for lunch at 12:25 p.m. and returned at 3:15 p.m. after closed session.

REPORT of CLOSED SESSION. In closed session the Commission took action on Butterfield v. CCC, et al., Higgins v. CCC (Sup. Ct. Case No. SS009779 & SC061313), and City of Half Moon Bay, CCC v. Superior Court of San Mateo (Yamagiwa RPI), and discussed four matters of litigation for information only. The Commission discussed evaluation of the Executive Director.

6. **NEW APPEALS.**

a. **Appeal No. A-3-02-95 (Corrigan, Santa Cruz Co.)** Staff recommended that the appeal raised no substantial issue.

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

b. **Appeal No. A-3-03-12 (Sani, San Luis Obispo Co.)** Staff recommended continuance. There being no objection, Chairman Reilly opened the hearing on substantial issue and **continued** it to a future meeting.

c. **Appeal No. A-3-03-17 (Barker & Delp, San Luis Obispo Co.)** Staff recommended continuance. There being no objection, Chairman Reilly opened the hearing on substantial issue and **continued** it to a future meeting.

7. COASTAL PERMIT APPLICATIONS.

a. **Application No. 3-02-71 (Port San Luis, San Luis Obispo Co.)** Staff recommended approval with special conditions as modified orally.

Joe Barget, representing the applicant, submitted a request to speak in favor of the project.

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

b. **Appeal No. A-3-02-74 (Pelle, San Luis Obispo Co.)** **Postponed.**

c. **Appeal No. A-3-02-93 (Korpiel, San Luis Obispo Co.)** **Postponed.**

NORTH CENTRAL COAST DISTRICT

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

9. NEW APPEAL.

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

RECESS. The Commission recessed for the day at 3:35 p.m.

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

ENFORCEMENT

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

- a. **Commission Restoration Order No. CCC-03-RO-3 (Teherani – Monte Nido, Los Angeles Co.) Postponed.**

- b. **Commission Cease & Desist Order No. CCC-03-CD-1 (Fossil-II & Myers, Malibu)** Staff recommended approval as modified in addendum.

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

CENTRAL COAST DISTRICT

Desser left during the following item.

4. **CONDITION COMPLIANCE on Permit No. 4-82-300 (Oceano Dunes SVRA, San Luis Obispo Co.)** Staff recommended no action.

Ruth Coleman, Steve Yamaichi & Rick Rayburn, all representing CA State Parks, submitted a request to speak in favor of the project. Steve Henry, representing U.S. Fish & Wildlife Service, submitted a request to speak in favor of the project. Six speakers submitted requests to speak in favor of the staff recommendation: Jim Suty, representing Friends of Oceano Dunes; Joel Suty, representing Friends of Oceano Dunes; Susan Zimmerman, representing Friends of Oceano Dunes; Don Klusman, representing CA4WDC; Don Peterson, representing CORVA; and Tammy Swanson,

representing Friends of Oceano Dunes. Gordon Hensley & Tarren Collins 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 staff recommendation. Eleven speakers submitted requests to speak in opposition to the project: Phil Ashley, fish biologist representing Canyons & Streams Alliance; Bill Denneen, representing Citizens for a Vehicle Free Nipomo Dunes; Eric Greening, representing Life on Planet Earth; Jack McCurdy, representing Sierra Club; Victor Miller, representing Sierra Club; David Nelson; Beatrice Noireaux, representing Citizens for a Vehicle Free Nipomo Dunes; George Taylor, representing Sierra Club; Gwynn Taylor, representing Sierra Club; Janise Trezise; and Matthew Wallace. Ten speakers submitted requests to speak in opposition to the staff recommendation: Pamela Heatherington, representing Environmental Center of San Luis Obispo; Ariana Katovich, representing Sierra Club; Dr Nell Langford; Jan Marx; Steven Marx; Gordon Shore; Duke Sterling; Michael Sullivan; Peter Wagner, representing Sierra Club; and Janet White. Ross L. Pepper and Ronald Willis submitted requests to speak.

Motion & Vote: Wan moved to recommend expansion of the enclosure area, seconded by Allgood, and the roll call vote was 7 in favor and 1 opposed (Hart).
Passed.

PUBLIC STATEMENTS. Valerie Powell asked the Commission to give the people of Morro Bay & Los Osos additional time to address the snowy plover issues. Gretchen Moreno opposed closure of the sand spit in Montana de Oro, and the strand in Morro Bay to equestrians to protect snowy plover habitat.

ADJOURNMENT. There being no old or new business, the meeting adjourned at noon.

Respectfully Submitted,

PETER M. DOUGLAS
Executive Director

pmg