

**CALIFORNIA COASTAL COMMISSION**

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# Th19

**RECORD PACKET COPY**

TO: ALL COMMISSIONERS

FROM: PETER DOUGLAS, EXECUTIVE DIRECTOR

SUBJECT: MINUTES OF MEETING OF AUGUST 6-8, 2003  
Hyatt Regency  
21500 Pacific Coast Highway  
Huntington Beach

**Wednesday, August 6, 2003 pages 1 to 12**

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Wednesday, August 6, 2003, at 9:05 a.m. by Chairman Reilly.
2. **ROLL CALL.** Present: Chairman Reilly, Commissioners Desser, Hart, Iseman, Nava, Wan and Woolley. Absent: Burke, Dean, Sanders and Sweeney. Potter arrived at 9:25 a.m. Peters arrived at 9:30 a.m. Kruer arrived at 9:50 a.m. (Alternate) Curtis arrived at 11:20 a.m. Vargas arrived during the lunch break.

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**ENFORCEMENT**

3. **ENFORCEMENT REPORT.** Trailed until Friday. Informational only.
    - a. **Commission Consent Order No. CCC-03-CD-7 (Harrington & Lynch, Ventura Co.) Postponed.**
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## NORTH CENTRAL COAST DISTRICT

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

Potter & Peters arrived during the following item.

- a. **Procedures 2-03-1-EDD (Carey, San Mateo Co.)** Staff recommended that the County's permit decision was appealable.

Paul Perkovic, representing Midcoast Community Council, submitted a request to speak in favor of the staff recommendation.

**Motion & Vote to Reject the Determination:** Nava moved to reject the Executive Director's determination that the permit was appealable, seconded by Desser, and Chairman Reilly ruled that the vote was unanimous in opposition to the motion, with Peters abstaining. **Passed.**

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5. **NEW APPEAL.**

- a. **Appeal No. A-2-03-23 (POST, San Mateo Co.)** Staff recommended that the appeal raised no substantial issue.

Jeff Powers, representing Peninsula Open Space Trust, submitted a request to speak in favor of the project.

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

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Kruer arrived during the following item.

6. **COASTAL PERMIT APPLICATIONS.**

- a. **Appeal No. A-1-99-20 (El Granada Pipeline, Half Moon Bay)** Staff recommended approval with special conditions.

John Mullen, Anthony Condotti, James Teten & Edward Lambing, all representing Coastside County Water Dist., submitted requests to speak in favor of the project. Jack Liebster, representing City of Half Moon Bay, submitted a request to speak in opposition to the project. Tarren Collins, representing Sierra Club, submitted a request to speak. Kathryn Slater-Carter submitted a request to speak. Paul Perkovic, representing Midcoast Community Council, submitted a request to speak. Mark Massara,

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

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

b. **Appeal No. A-2-99-63 (El Granada Pipeline, San Mateo Co.)** Staff recommended approval with special conditions.

The hearing was combined with item a above.

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

## STATEWIDE

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

8. **FEDERAL CONSISTENCY.**

a. **CD-59-03 (Air Force, Santa Barbara Co.)** Staff recommended approval.

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

b. **CD-60-03 (National Park Service, Marin Co.)** Staff recommended approval.

**Motion & Vote:** Hart moved staff recommendation, seconded by Woolley, and Chairman Reilly ruled that the vote was unanimous. **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).** Staff moved items 13b & d to the Calendar, and recommended approval with special conditions.

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

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

a. **Santa Cruz Co. LCP Amendment No. SCO-MAJ-1-03 Part 2 (AS combining district) Time Extension.** Staff recommended approval.

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

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Curtis arrived during the following item.

b. **Santa Cruz Co. LCP Amendment No. SCO-MAJ-1-03 (Part 1) (Wireless Facilities Ordinance).** Staff recommended approval with suggested modifications as modified in addendum.

Frank Barron, representing Santa Cruz Co. Planning Dept., 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 Desser, 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 Desser, and Chairman Reilly ruled that the vote was unanimous. **Passed.**

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c. **San Luis Obispo Co. Periodic LCP Review. Postponed.**

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d. **San Luis Obispo Co. LCP Amendment No. 1-01 Part C (Grading Ordinance).** Staff recommended extension of time limit for acceptance of suggested modifications.

Pamela Heatherington, representing Environmental Center of San Luis Obispo, submitted a request to speak in opposition to the staff recommendation. Tarren Collins, representing Santa Lucia Ch. of Sierra Club, submitted a request to speak in opposition to the staff recommendation.

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

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## 12. NEW APPEALS.

a. **Appeal No. A-3-01-122 (Cambria Pines Lodge, San Luis Obispo Co.)** Staff recommended that the appeal raised substantial issue. There being no objection, Chairman Reilly ruled that the Commission found substantial issue. Chairman Reilly opened the hearing on the merits of the project. Staff recommended approval with special conditions.

Gary Swauger, representing the applicant, submitted a request to speak in favor of the project. Lila Evans submitted a request to speak in opposition to the project. Vern Kalshan, representing Cambria Legal Defense Fund, submitted a request to speak in opposition to the project.

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

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b. **Appeal No. A-3-02-16 (Grossman & Cavanagh, Pismo Beach)** Staff recommended that the appeal raised a substantial issue. There being no objection, Chairman Reilly ruled that the Commission found substantial issue. Chairman Reilly opened the hearing on the merits of the project. Staff recommended approval with special conditions as modified orally.

Norbert Dall, Pat Shires & David Skelly, all representing the applicants, submitted requests to speak in favor of the project. Kate Carson, representing Planning Comm. Pismo Beach, submitted a request to speak in favor of the project. Todd T. Cardiff, Esq., representing Surfrider Foundation – San Luis Bay Chapter, submitted a request to speak in opposition to the project. Tarren Collins, representing Santa Lucia Ch. of Sierra Club, submitted a request to speak in opposition to the project. Joey Racano, representing Ocean Outfall Group, submitted a request to speak in opposition to the project. Doug Korthof submitted a request to speak in opposition to the project. Pamela Heatherington, representing Environmental Center of San Luis Obispo, 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 staff recommendation.

**Motion & Vote:** Kruer moved staff recommendation, seconded by Woolley, and the roll call vote was 7 in favor and 3 opposed (Iseman, Nava & Wan). **Passed.**

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**PUBLIC STATEMENTS.** Kathryn Slater-Carter, representing Montara Water & Sanitary Dist., announced that the District took their water district out of private ownership and made it public, allowing the public to make the policy and infrastructure decisions. Joey Racano, representing OOG, spoke about negative impacts to coastal resources from

desalination projects. Julie Tacker, representing Concerned Citizens of Los Osos, said the Los Osos sewer project site in downtown was a poor choice. Linde Owen, representing Concerned Citizens of Los Osos, said the decision, last August, to site the sewer plant in downtown Los Osos, was not based on complete information or analysis. Doug Korthof said the City of Seal Beach misunderstood the condition on the Hellman project regarding park hours.

**LUNCH RECESS.** The Commission recessed for lunch at 1:30 p.m. and returned at 2:45 p.m. Vargas arrived during the break.

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c. **Appeal No. A-3-03-66 (McWethy, Monterey 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.

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d. **Appeal No. A-3-03-74 (Cambria Cross Town Trail, San Luis Obispo Co.)** Staff recommended that the appeal raised no substantial issue.

Lila Evans submitted a request to speak in opposition to the project. Vern Kalshan, representing Cambria Legal Defense Fund, submitted a request to speak in opposition to the project. Gene Valdemir submitted a request to speak in opposition to the project. Simon Wilder submitted a request to speak in opposition to the project. Bob Gresens, representing Cambria Community Services District, submitted a request to speak in favor of the project. John Ufrat, representing San Luis Obispo County, submitted a request to speak in favor of the project.

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

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### 13. COASTAL PERMIT APPLICATIONS.

a. **Application No. 3-02-60 (Medeiros, Santa Cruz Co.)** Staff recommended denial.

Mark Massara, representing Sierra Club, submitted a request to speak in opposition to the project.

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

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b. **Application No. 3-02-107 (Podesto, Santa Cruz Co.)** Moved to expanded Consent Calendar. **Approved.**

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c. **Application No. A-3-03-40 (Benson, San Luis Obispo Co.)** Staff recommended approval with special conditions.

Alex Benson, the applicant, submitted a request to speak in favor of the project. Marshall Ochylski, representing the applicant, submitted a request to speak in favor of the project. Linde Owen, representing Concerned Citizens of Los Osos, submitted a request to speak in opposition to the project. Julie Tacker, representing Concerned Citizens of Los Osos, submitted a request to speak in opposition to the project.

**Motion & Vote to Continue:** Hart moved to continue the hearing, seconded by Kruer, and the roll call vote was 7 in favor and 3 opposed (Nava, Wan & Reilly). **Passed.**

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d. **Application No. 3-03-51 (Guiton, San Luis Obispo Co.)** Moved to expanded Consent Calendar. **Approved.**

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e. **Application No. 3-03-53 (Baker, Carmel)** **Postponed.**

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#### 14. **PERMIT AMENDMENT.**

a. **Permit No. 3-00-34-A2 (Santa Cruz Port District, Santa Cruz)** Staff recommended approval with special conditions.

Brian Foss, representing Santa Cruz Harbor, submitted a request to speak in favor of the project. Isabel Gloege submitted a request to speak in opposition to the project. Michael Guth submitted a request to speak in opposition to the project. Paul J. Cogswell submitted a request to speak in opposition to the project. Richard Rivoir, representing Harbor Community Groups, submitted a request to speak in opposition to the project. Bruce Monroe, representing Sierra Club, submitted a request to speak in opposition to the staff recommendation.

**Motion & Vote:** Potter moved staff recommendation, seconded by Kruer, and the roll call vote was 7 in favor, 3 opposed (Desser, Iseman & Wan) and 1 abstention (Nava). **Passed.**

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## 15. FINDINGS.

a. **Appeal No. A-3-01-99 (Santa Cruz Department of Public Works)** Staff recommended approval of findings.

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

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b. **Appeal No. A-3-02-117 (Luers, Santa Cruz Co.)** Staff recommended approval of findings as modified orally.

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

**Motion:** Potter moved staff recommendation, seconded by Hart.

**Amending Motion & Vote (Height):** Potter moved to change condition 1c (height) to be measured from existing grade, seconded by Hart, and the roll call vote was 4 in favor and 1 opposed (Desser). **Passed.**

**Amending Motion & Vote (Roof Pitch):** Potter moved to delete condition 1d (roof pitch), seconded by Hart, and the roll call vote was 3 in favor and 2 opposed (Desser & Woolley). **Passed.**

**Amending Motion & Vote on Riparian Restoration:** Potter moved to delete the non-disturbed areas from condition 4 (Willow Riparian Woodland Landscape Restoration Plan), seconded by Hart, and the roll call vote was 2 in favor (Hart & Potter) and 3 opposed. **Failed.**

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

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## SOUTH CENTRAL COAST DISTRICT

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

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17. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved three items (20a, b & d) to the Calendar, and recommended approval with special conditions.

(20a) William Fuller, the applicant, submitted a request to speak in favor of the project.

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

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18. **Public Works Plan Amendment and Notice of Impending Development Nos. SBCC- PWP-1-03 and SBCC NOID-1-03 (Santa Barbara City College).** Staff recommended approval.

Rosie Thompson, representing Santa Barbara City College, submitted a request to speak in favor of the project.

**Motion & Vote on Plan as Submitted:** Nava moved approval of the Public Works Plan Amendment as submitted, seconded by Hart, and Chairman Reilly ruled that the vote was unanimous. **Passed.**

**Motion & Vote on Development:** Nava moved approval of the Notice of Impending Development, seconded by Hart, and Chairman Reilly ruled that the vote was unanimous. **Passed.**

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

a. **Port Hueneme LCP Amendment No. MAJ-1-03 (Anacapa Hospital).** Staff recommended extension of the time limit.

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

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b. **Santa Barbara Co. LCP Amendment No. MAJ-3-02 (Toro Canyon Plan).** **Postponed.**

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c. **Santa Barbara LCP Amendment No. MAJ-2-02 (OC & HRC zones).** Staff recommended approval with suggested modifications as modified orally.

Bettie Hennon, representing the City of Santa Barbara, submitted a request to speak in opposition to the staff recommendation. Connie Hannah, representing Committee for Santa Barbara, submitted a request to speak in favor of the staff recommendation. Beverly King, representing League of Women Voters of Santa Barbara, submitted a request to speak in favor of the staff recommendation. Mark Massara, representing Sierra Club & Citizens' Planning Assoc. of SB, submitted a request to speak in favor of the staff recommendation. Catherine McCammon, representing League of Women Voters of Santa Barbara, submitted a request to speak in favor of the staff recommendation. Beatrice Terrés Rosales, representing Citizens Planning Association of Santa Barbara County, submitted a request to speak in favor of the staff recommendation.

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

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

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

**Motion on Implementation with Modifications:** Nava moved approval of the implementation with suggested modifications, seconded by Desser.

**Amending Motion & Vote (Ratio):** Peters moved to change the ratio to 70% residential & 30% commercial, seconded by Hart, and Chairman Reilly ruled that the vote was unanimous. **Passed.**

**Amending Motion & Vote (Lot Size):** Hart moved to apply mixed use ratio to lots greater than 10,000 ft<sup>2</sup>, seconded by Potter, and the roll call vote was 3 in favor (Hart, Curtis & Potter) and 8 opposed. **Failed.**

**Vote on Main Motion:** The roll call vote, on the main motion, as amended above, was 10 in favor and 1 opposed (Hart). **Passed**

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## 20. COASTAL PERMIT APPLICATIONS.

a. **Application No. 4-00-185 (Fuller, Malibu)** Moved to expanded Consent Calendar. **Approved.**

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b. **Application No. 4-02-140 (Smith, Los Angeles Co.)** Moved to expanded Consent Calendar. **Approved.**

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c. **Application No. 4-02-220 (Sweeney, Los Angeles Co.)** Staff recommended approval with special conditions.

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

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

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d. **Application No. 4-02-241 (Tamkin, Los Angeles Co.)** Moved to expanded Consent Calendar. **Approved.**

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e. **Application No. 4-03-7 (Sahafi, Los Angeles Co.)** **Postponed.**

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f. **Appeal No. A-4-03-16 (Carnevale, Carpinteria)** **Postponed.**

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g. **Application No. 4-03-17 (Matise, Los Angeles Co.)** Staff recommended approval with special conditions.

Don Schmitz, representing the applicant, submitted a request to speak in favor of the project. Bala Chandran submitted a request to speak in opposition to the project. Kevin Fisher submitted a request to speak in opposition to the project.

**Motion:** Wan moved staff recommendation, seconded by Desser.

**Amending Motion & Vote:** Potter moved to modify the revised plans condition as requested by the applicant, seconded by Hart, and the roll call vote was 3 in favor (Hart, Curtis & Potter) and 6 opposed.

**Failed.**

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

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h. **Appeal No. A-4-03-35 (Smith, Oxnard)** Staff recommended approval with special conditions.

Marilyn Miller, representing the City of Oxnard, submitted a request to speak in favor of the project.

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

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i. **Appeal No. A-4-03-36 (Peixoto, Oxnard)** Staff recommended approval with special conditions.

Marilyn Miller, representing the City of Oxnard, submitted a request to speak in favor of the project.

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

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21. **PERMIT AMENDMENT.**

a. **Application No. 4-99-169-A (Trento, Malibu)** **Postponed.**

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22. **FINDINGS.**

a. **Appeal No. A-4-03-34 (Fleming, Oxnard)** Staff recommended approval of findings.

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

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**RECESS.** The Commission recessed for the day at 8:10 p.m.

**Thursday, August 7, 2003 - pages 13 to 21**

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Thursday, August 7, 2003, at 9:05 a.m. by Chairman Reilly.
2. **ROLL CALL.** Present: Chairman Reilly, Commissioners Desser, Hart, Iseman, Nava, Wan and Woolley. Absent: Dean, Sanders and Sweeney. Potter and (Alternate) Curtis arrived at 9:30 a.m. Krüer arrived at 9:35 a.m. Vargas arrived at 10:00 a.m. Peters arrived at 3:35 p.m. (Alternate) Susskind arrived at 4:35 p.m.

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**SOUTH COAST DISTRICT**

3. **ADMINISTRATIVE PERMIT APPLICATIONS.** See items a & b on page 10 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.

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4. **CONSENT CALENDAR.** See items a through c on page 10 of the Meeting Notice. Staff recommended approval with special conditions.

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

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**NORTH COAST DISTRICT**

5. **DEPUTY DIRECTOR'S REPORT.** District Manager Merrill reported on matters not requiring public hearings, and on comments from the public.
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6. **CONSENT CALENDAR (removed from Regular Calendar).** None.
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7. **NEW APPEALS.**

a. **Appeal No. A-1-03-37 (Penrod, Humboldt Co.)** Staff recommended that the appeal raised no substantial issue.

Seth Lancaster, representing SHN Engineers, 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.**

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b. **Appeal No. A-1-03-46 (Gordon, Mendocino Co.)** Staff recommended that the appeal raised no substantial issue.

Maria Hansen submitted a request to speak in opposition to the staff recommendation. Michael Gordon 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.**

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c. **Appeal No. A-1-03-47 (Gordon, Mendocino Co.)** Staff recommended that the appeal raised no substantial issue.

The hearing was combined with item 7b above.

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

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8. **COASTAL PERMIT APPLICATIONS.**

a. **Appeal No. A-1-01-56 (Williams, Mendocino Co.)** **Postponed.**

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b. **Application No. 1-02-162 (Mallard Pond, Humboldt Co.)** **Postponed.**

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c. **Application No. 1-02-164 (Eureka Sand & Gravel, Humboldt Co.)** **Postponed.**

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d. **Application No. 1-03-15 (Humboldt Co. Public Works, Humboldt Co.)**  
**Postponed.**

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e. **Application No. 1-03-30 (Hansen, Humboldt Co.) Postponed.**

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f. **Application No. 1-01-47 (Sierra Pacific, Humboldt Co.) Postponed.**

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g. **Application No. 1-03-48 (Leland Rock & Dwelley, Humboldt Co.) Postponed.**

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## **ENERGY, OCEAN RESOURCES and WATER QUALITY**

### **9. ENERGY, OCEAN RESOURCES and WATER QUALITY REPORT. None.**

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a. **Briefing on Arguello Proposal to Develop Eastern Half of Lease OCS-P 0451.**  
Staff recommended approval.

Thomas M. Gladney and Robert Huguenard, both representing Arguello Inc., submitted requests to speak in favor of the staff recommendation. Luis Perez & Bill Dillon, representing Santa Barbara County, submitted a request to speak.

**Approved:** There being no objection Chairman Reilly ruled that the Commission concurred with the Executive Director.

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Vargas arrived during the following item.

b. **Briefing on Updated Seawater Desalination Report.** Informational only. Greg Helms, representing The Ocean Conservancy, submitted a request to speak in favor of the staff recommendation. Joe Geever, representing Surfrider Foundation, submitted a request to speak in favor of the project. Seventeen other speakers submitted requests to speak: Gregg Berge; Adam Brick; John Earl; Tarren Collins, representing Sierra Club, Santa Lucia Ch.; Mario Gonzalez, representing Surfrider Foundation, San Diego Chapter; Marcia Hanscom, representing Wetlands Action Network & Sierra Club; Pamela Heatherington, representing Environmental Center of San Luis Obispo; Joan Jackson, representing League for Coastal Protection; Randy Koland; Carolyn Krammer; Austin B. Mackin; Shari B. Mackin; Jonas Minton, Deputy Director, Calif. Dept. of Water Resources; Diane Nygaard; Larry Porter, representing Ocean Outfall Group; Joey Racano, representing OOG; and Kathryn Slater-Carter, representing Montara Water & Sanitary District.

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## 10. COASTAL PERMIT APPLICATIONS.

a. **Appeal No. A-5-03-239 (Long Beach desalination test facility)** Staff recommended approval with special conditions.

Kevin Wattier, representing Long Beach Water Dept., submitted a request to speak in favor of the project. Joey Racano, representing O.O.G, submitted a request to speak in opposition to the project. Debbie Cook, Councilmember representing Huntington Beach, submitted a request to speak in favor of the staff recommendation. Lee Whittenberg, representing City of Seal Beach, submitted a request to speak.

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

b. **Application No. E-03-7 (Long Beach desalination test facility)** Staff recommended approval with special conditions.

The hearing was combined with item 10a above.

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

c. **Application No. E-03-3 (Forexco, Humboldt Co.)** Staff recommended approval with special conditions.

Seth Lancaster, representing the applicant, submitted a request to speak.

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

## SOUTH COAST DISTRICT

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

12. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved item 16b to the Calendar, and recommended approval with special conditions.

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

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

a. **Long Beach LCP Amendment No 2-02 (Open Space) Postponed.**

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14. **NEW APPEALS.**

a. **Appeal No. A-5-02-265 (Haspert, Laguna Beach)** 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.

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**LUNCH RECESS.** The Commission recessed for lunch at 12:00 p.m. and returned at 2:05 p.m. after closed session.

**REPORT of CLOSED SESSION.** In closed session the Commission took action on Thompson v. County of San Mateo, et al. (CCC, et al. RPI), and Matter of Consistency Determination CD-50-03 (Navy, San Nicolas Island), and discussed three other matters of litigation for information only.

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b. **Appeal No. A-5-03-134 (Clear Channel Outdoor, Los Angeles)** Staff recommended that the appeal raised no substantial issue.

Paul A. Jacobs and Richard Hamlin, both representing Clear Channel Outdoor Inc., submitted requests to speak in favor of the project. Ruthann Friedman Carlisle, representing Oxford Triangle/Venice resident, submitted a request to speak in favor of the staff recommendation. Steve Freedman, representing Oxford Triangle/Venice residents, submitted a request to speak in favor of the staff recommendation. Marcia Hanscom, representing Sierra Club, submitted a request to speak in favor of the staff recommendation.

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

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c. **Appeal No. A-5-03-141 (CalTrans, Orange Co.)** Substantial issue was found in May 2003. Staff recommended approval with special conditions.

Six speakers, all representing California Dept. of Transportation, submitted requests to speak in favor of the project: Hank Alonso, Chris Flynn, Stefan Galvez, Susanne Glasgow, Sheila Mone and Hector Salas. Michelle Lyman, representing Orange

County Coastkeeper/California Coastkeeper Alliance, submitted a request to speak in opposition to the project. Garry Brown, representing Orange County Coastkeeper, submitted a request to speak in opposition to the project.

**Motion:** Woolley moved staff recommendation, seconded by Curtis.

**Amending Motion & Vote:** Wan moved to require monitoring in both Muddy Creek & Trancas Creek for at least 3 years and a plan to remediate pollution if necessary, seconded by Woolley, and the roll call vote was 9 in favor and 0 opposed. **Passed.**

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

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## 15. COASTAL PERMIT APPLICATIONS.

Peters arrived at the beginning of this item.

a. **Application No. 5-02-174 (Anderson, Newport Beach)** Staff recommended approval with special conditions.

Jared Ficker, Rusty Areias & Charlie Williams submitted a request to speak in favor of the project. Michael Millikan, M.D., submitted a request to speak in favor of the project.

**Motion:** Woolley moved staff recommendation, seconded by Wan.

**Amending Motion & Vote:** Hart moved to amend the conditions as proposed by the applicant, seconded by Potter, and the roll call vote was 9 in favor and 2 opposed (Desser & Wan). **Passed.**

**Vote on Main Motion:** The roll call vote, on the main motion, as amended above, was 10 in favor and 1 opposed (Wan). **Passed**

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b. **Application No. 5-02-357 (Saczański, Laguna Beach)** Staff recommended approval with special conditions.

Marie Grosher, representing the applicant, submitted a request to speak in favor of the project.

**Motion:** Iseman moved staff recommendation, seconded by Woolley.

**Amending Motion:** Iseman moved to delete conditions 1a & 1b, but **failed** for lack of a second.

**Amending Motion & Vote:** Iseman moved to delete condition 1a (stringline for structure), 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**

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c. **Application No. 5-03-71 & A-5-03-67 (Best Western Marina Pacific Hotel, Los Angeles)** Staff recommended approval with special conditions as modified orally.

Clare Bronowski, representing Best Western Marina Pacific Hotel, submitted a request to speak in favor of the project. Mark Sokol submitted a request to speak in favor of the project. DeDe Audet submitted a request to speak in opposition to the project.

**Motion & Vote on 5-03-71:** Desser moved staff recommendation on Application No. 5-03-71, seconded by Iseman, and Chairman Reilly ruled that the vote was unanimous. **Passed.**

**Motion & Vote on A-5-03-67:** Desser moved staff recommendation on Application No. A-5-03-67, seconded by Iseman, and Chairman Reilly ruled that the vote was unanimous. **Passed.**

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d. **Application No. 5-03-132 (1719 Ocean, Santa Monica)** Staff recommended denial.

Sherman Stacey, representing the applicant, submitted a request to speak in favor of the project. Carole Brown submitted a request to speak in favor of the project. Eric Siss submitted a request to speak in favor of the project.

**Motion & Vote:** Curtis moved approval of the project with standard conditions, seconded by Kruer, and the roll call vote was 8 in favor and 3 opposed (Nava, Wan & Woolley). **Passed.**

Susskind arrived during the previous item.

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## **16. PERMIT AMENDMENTS.**

a. **Permit No. 5-91-286-A4 (Los Angeles Recreation & Parks, Pacific Palisades landslide repair)** Staff recommended approval with special conditions.

John Byer, project geologist, submitted a request to speak in favor of the project. Diane Abbitt representing Bill & Leslie Elkus (co-applicant), submitted a request to speak in favor of the staff recommendation. Jane Adrian, representing City of L.A.-Rec. & Parks, submitted a request to speak in favor of the staff recommendation.

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

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b. **Permit No. 5-94-10-A6 (Shoreline Village Enterprises, Long Beach)** Moved to expanded Consent Calendar. **Approved.**

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## 17. FINDINGS.

a. **Application No. 5-01-174 (Leonard, Newport Beach)** Staff recommended approval of findings.

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

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b. **Application No. 5-01-362 (Jenkins & Manzo, Newport Beach)** Staff recommended approval of findings.

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

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c. **Appeal No. A-5-02-324 (Destination Development, Rancho Palos Verdes)** Staff recommended approval of findings as modified orally.

Bob Lowe, representing the applicant, submitted a request to speak in favor of the project.

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

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d. **Application No. 5-02-345 (Markland, Laguna Beach)** Staff recommended approval of findings.

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

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17.5 **CONDITION COMPLIANCE on Permit No. 5-97-367**, as amended (**Hellman**, Seal Beach). Staff recommended approval.

Pat Larkin, representing the applicant, submitted a request to speak in favor of the project. Dave Bartlett, representing Hellman Properties, submitted a request to speak in favor of the project. James Cleland, representing EDAW, Inc., submitted a request to speak in favor of the project. Patti Campbell, Mayor, City of Seal Beach, submitted a request to speak in favor of the project. Charles Antos, Councilman, City of Seal Beach, submitted a request to speak in favor of the project. Lee Whittenberg, Director of Development Service, City of Seal Beach, submitted a request to speak in favor of the project. Stephen Reg Clewley submitted a request to speak in opposition to the project. Leslie Aleshire submitted a request to speak in opposition to the project. Anthony Morales, representing Gabrieleno-Tongva MLD, submitted a request to speak. Robert Dorame, representing Gabrielino Indians of CA Tribal Council, submitted a request to speak. Terrence Krieger submitted a request to speak. Doug Korthof submitted a request to speak in favor of the staff recommendation.

**Motion & Vote to Overturn Condition Compliance:** Nava moved to overturn the Executive Director's determination, seconded by Wan, and Chairman Reilly ruled that the vote was unanimous in opposition to the motion. **Failed.**

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18. **REVOCATION of Permit No. 5-02-302 (Barth, Newport Beach)** Staff recommended denial of the revocation request.

Richard Helmuth submitted a request to speak in opposition to the project. James D. Stroffe submitted a request to speak in opposition to the project. Roger Osenbaugh submitted a request to speak in opposition to the project. Dave Neish Jr, representing the applicants, submitted a request to speak in favor of the project.

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

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**RECESS.** The Commission recessed for the day at 6:45 p.m.

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Friday, August 8, 2003, at 8:00 a.m. by Chairman Reilly.
2. **ROLL CALL.** Present: Chairman Reilly, Commissioners Desser, Iseman, Kruer, (Alternate) Curtis, Nava, Wan and Woolley. Absent: Dean, Sanders and Sweeney. (Alternate) Susskind arrived at 8:05 a.m. Hart & Peters arrived at 8:15 a.m. Potter arrived at 8:50 a.m. Vargas arrived at 8:55 a.m.

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## SAN DIEGO COAST DISTRICT

### 3. ADMINISTRATIVE PERMIT APPLICATION.

a. **Application No. 6-03-20 (King, San Diego)** Staff recommended approval with conditions.

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

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4. **CONSENT CALENDAR.** See items a & b on page 16 of the Meeting Notice. Staff recommended approval with special conditions.

(b) Arthur Harris, an applicant, submitted a request to speak in favor of the project.

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

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## STATEWIDE

5. **APPROVAL OF MINUTES.** Woolley moved approval of the minutes of June & July 2003, seconded by Desser, and unanimously **approved.**
6. **COMMISSIONERS' REPORTS.** Informational only.
7. **CONSERVANCY REPORT.** None.
8. **SANTA MONICA MOUNTAINS CONSERVANCY REPORT.** None.



9. **DEPUTY ATTORNEY GENERAL'S REPORT.** Informational only.
10. **EXECUTIVE DIRECTOR'S REPORT** including report on legislation. Informational only.  

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## **SAN DIEGO COAST DISTRICT**

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

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a. **Carlsbad LCP Amendment No. 1-03B (Habitat Management Plan) 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.**  

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b. **San Diego LCP Amendment No. 1-02B (Estates at Costa del Mar) 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.**  

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

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### **12.5 LOCAL COASTAL PROGRAMS (LCPs).**

a. **Encinitas LCP Amendment No. 1-03 Time Extension.** Staff recommended approval.

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

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b. **Carlsbad LCP Amendment 2-03 Time Extension.** Staff recommended approval.

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

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### **13. COASTAL PERMIT APPLICATIONS.**

a. **Appeal No. A-6-00-87 (Carlsbad golf course)** Staff recommended approval with special conditions.

Michael Holzmiller, representing City of Carlsbad, submitted a request to speak in favor of the project. Ramona Finnila, vice Mayor, City of Carlsbad, submitted a request to speak in favor of the project. Don Rideout, representing City of Carlsbad, submitted a request to speak in favor of the project. Allison Rolfe, representing San Diego Bay Keeper, submitted a request to speak in favor of the project. Ron Rouse, representing Carlsbad Chamber of Commerce, submitted a request to speak in favor of the project. Tim Stripe, representing Carlsbad Chamber of Commerce, submitted a request to speak in favor of the project. Jan Sobel, CEO, Carlsbad Chamber of Commerce, submitted a request to speak in favor of the project. Scott Pieratt, Parks & Rec Commissioner Carlsbad, submitted a request to speak in favor of the project. Nancy Trahe submitted a request to speak in favor of the staff recommendation. Mark Mojado, representing San Luis Rey Band Luiseno, submitted a request to speak.

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

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b. **Application No. 6-02-95 (Becker, Solana Beach)** Staff recommended approval with special conditions.

Larry L. Marshall, representing the applicant, submitted a request to speak in favor of the project.

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

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c. **Appeal No. A-6-02-121 (CH Oceanside, Oceanside)** **Postponed.**

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d. **Application No. 6-02-161 (22<sup>nd</sup> Dist. Ag. Assn., Del Mar)** Staff recommended approval with special conditions.

Trish Butler, representing the applicant, submitted a request to speak in favor of the project.

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

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e. **Application No. 6-03-23 (CH Oceanside, Oceanside)** **Postponed.**

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f. **Application No. 6-03-53 (Coronado Glorietta Bay redevelopment)** Staff recommended approval with special conditions.

Three speakers, all representing City of Coronado, submitted requests to speak in favor of the project: Tony Peña, Mark Ochendusko and James Benson.

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

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#### 14. FINDINGS.

a. **Application No. 6-02-153 (Caltrans auxiliary lane)** Staff recommended approval of findings.

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

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b. **San Diego LCP Amendment No. 1-02A (La Jolla Plan Update).** Staff recommended approval of findings.

Michael Pallamary and F. H. "Trip" Bennett, both representing San Diegans for Sensible Land Use, submitted requests to speak in opposition to the project.

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

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**PUBLIC STATEMENTS.** Penny Elia, representing Sierra Club, presented information on parking & traffic impacts resulting from the Montage resort at the Treasure Island site in Laguna Beach.

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**ADJOURNMENT.** There being no old or new business, the meeting adjourned at 10:55 a.m.

Respectfully Submitted,

PETER M. DOUGLAS  
Executive Director

pmg

