

CALIFORNIA COASTAL COMMISSION

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W27a



TO: ALL COMMISSIONERS

FROM: PETER DOUGLAS, EXECUTIVE DIRECTOR

SUBJECT: MINUTES OF MEETING OF OCTOBER 7-10, 2003
Hotel Del Coronado
1500 Orange Avenue
Coronado

Wednesday, October 7, 2003 pages 1 to 9

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Wednesday, October 7, 2003, at 10:00 a.m. by Vice Chairman Burke.
2. **ROLL CALL.** Present: Vice Chairman Burke, Commissioners Dean, Hart, Iseman, (Alternate) Curtis, Nava, Peters, (Alternate) Ruddock and (Alternate) Rose. Absent: Desser, Sanders, Sweeney Vargas, Wan and Woolley. Krueer arrived at 1:00 p.m.

SOUTH COAST DISTRICT

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

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

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

(j) Chief Lifeguard Mike Frazer, representing L.A. County Fire-Lifeguard Division, submitted a request to speak in favor of the project. Mark Massara, representing Sierra Club, submitted a request to speak in opposition to the project.

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

SAN DIEGO COAST DISTRICT

5. **ADMINISTRATIVE PERMIT APPLICATIONS.** See items a through c on pages 4-5 of the Meeting Notice. Staff recommended approval with special condition.

(c) Edward M. Eginton, representing the applicant, submitted a request to speak in favor of the project.

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

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

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

SOUTH CENTRAL COAST DISTRICT

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

a. **Carpinteria LCP De Minimus Amendment No. 1-03.** Staff recommended concurrence with the Executive Director's determination. Paul Kermoyan, representing City of Carpinteria, submitted a request to speak in favor of the project. There being no objection Vice Chairman Burke ruled that the Commission concurred with the Executive Director. **Approved.**

8. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved items 11f & 12c to the Calendar, and recommended approval with special conditions.

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

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

a. **Santa Barbara Co. LCP Amendment No. MAJ-1-03 Time Extension.** Staff recommended approval.

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

10. **NEW APPEALS.**

a. **Appeal Nos. A-4-03-83 & 84 (Gordon, Ventura Co.)** Staff recommended that the appeals raised no substantial issue.

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

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

11. **COASTAL PERMIT APPLICATIONS.**

a. **Application No. 4-98-54 (Gindick, Los Angeles Co.) Postponed.**

b. **Application No. 4-02-19 (Bren-Haley, Los Angeles Co.) Postponed.**

c. **Appeal No. A-4-03-16 (Carnevale, Carpinteria)** Staff recommended approval with special conditions.

Jan R. Hochhauser, representing the applicant, submitted a request to speak in favor of the project. Paul Kermoyan, representing City of Carpinteria, submitted a request to speak in favor of the project. Al Clark, representing Carpinteria Creek Foundation, submitted a request to speak in opposition to the project. Brian Trautwein, representing Environmental Defense Center, submitted a request to speak in opposition to the project.

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

d. **Application No. 4-03-24 (Alexander, Los Angeles Co.) Postponed.**

e. **Application No. 4-03-40 (Sahafi, Los Angeles Co.)** Staff recommended approval with special conditions as modified in addendum.

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

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

f. **Application No. 4-03-66 (State Lands, Malibu)** Moved to expanded Consent Calendar. **Approved.**

12. **PERMIT AMENDMENTS.**

a. **Permit 4-98-143-A (Revell, Malibu) Postponed.**

b. **Permit No. 4-01-68-A (Srivastava, Los Angeles Co.)** Staff recommended approval with special conditions.

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

c. **Permit No. 4-02-33-A (Santa Barbara Museum of Natural History)** Moved to expanded Consent Calendar. **Approved.**

SOUTH COAST DISTRICT

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

14. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved five items (16c, 17a, 17b, 17c, 17d) to the Calendar, and recommended approval with special conditions.

(17a) Michael Kollin & Jonathan Curtis, both representing the applicant, submitted requests to speak in favor of the project.

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

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

a. **Long Beach LCP Amendment No. LOB-MAJ-2-02 (Open Space & Recreation).** Staff recommended approval of the land use plan amendment with suggested modifications, and approval of the implementing ordinances as submitted.

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

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

b. **Huntington Beach LCP Amendment 1-03 Time Extension.** Staff recommended approval.

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

16. **COASTAL PERMIT APPLICATIONS.**

a. **Application No. 5-02-379 (Brunner & Kuntz, San Clemente)** Staff recommended approval with special conditions.

Clyde Brunner, an applicant, submitted a request to speak in favor of the project.

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

b. **Appeal No. A-5-03-87 (Walker & Dupler, Palos Verdes Estates)** Staff recommended approval with special conditions.

Pam Schmidt, representing the applicants, submitted a request to speak in favor of the project.

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

c. **Application No. 5-03-253 (Gold's Gym, Redondo Beach)** Moved to expanded Consent Calendar. **Approved.**

17. **PERMIT AMENDMENTS.**

a. **Permit No. 5-82-291-A3 (SHC, Dana Point)** Moved to expanded Consent Calendar. **Approved.**

b. **Permit No. 5-85-224-A2 (Santa Monica, safety office)** Moved to expanded Consent Calendar. **Approved.**

c. **Permit No. 5-98-156-A8 (Long Beach & DDR Urban)** Moved to expanded Consent Calendar. **Approved.**

d. **Permit No. 5-03-312-A (Nelson, Los Angeles)** Moved to expanded Consent Calendar. **Approved.**

18. **FINDINGS.**

a. **Application No. 5-02-174 (Anderson, Newport Beach)** Staff recommended approval of findings.

Motion & Vote: Desser moved staff recommendation, seconded by Hart, and the hand vote was 4 in favor and 0 opposed. **Passed.**

b. **Application No. 5-02-302 (Barth, Newport Beach)** Staff recommended approval of findings.

Motion & Vote: Desser moved staff recommendation, seconded by Hart, and the hand vote was 4 in favor and 0 opposed. **Passed.**

19. **RECONSIDERATION.**

a. **Application No. A-5-99-225-R (Mt. Holyoke Homes, Los Angeles)** **Postponed.**

SAN DIEGO COAST DISTRICT

20. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved five items (22d, 22e, 22f, 23a & 23b) to the Calendar, and recommended approval with special conditions.

(22d) Robert Hayes, representing the applicant, submitted a request to speak in favor of the project. (23b) Ashley Berman, representing the applicant, submitted a request to speak in favor of the project.

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

21. NEW APPEAL.

a. **Appeal No. A-6-03-61 (Miller, San Diego)** Staff recommended that the appeal raised substantial issue. There being no objection, Vice Chairman Burke ruled that the Commission found substantial issue. Vice Chairman Burke opened the hearing on the merits of the project. Staff recommended denial.

Nancy Lucast, representing the applicant, submitted a request to speak in favor of the project. Brett Miller submitted a request to speak in favor of the project. Graham Downes, the applicant, submitted a request to speak in favor of the project. James Milch, representing the applicant, submitted a request to speak in favor of the project. Greg Marguina submitted a request to speak in favor of the project. Carol Blomstrom, representing Pacific Beach Planning Committee, submitted a request to speak in favor of the project. Steve Morrison submitted a request to speak in opposition to the project. Deane Howard submitted a request to speak in opposition to the project. Linda Cassell, representing Seashore Condo's, submitted a request to speak in opposition to the project. Carol A. Tuller, representing Seashore Condo's, submitted a request to speak in opposition to the project.

Motion: Peters moved staff recommendation, seconded by Hart.

Amending Motion & Vote (redesign): Kruer moved to modify condition #1 to allow Scheme A and remove the thin wall, seconded by Peters, and Vice Chairman Burke ruled that the vote was unanimous. **Passed.**

Amending Motion & Vote (parking fee): Kruer moved allow a parking fee, seconded by Peters, and Vice Chairman Burke ruled that the vote was unanimous. **Passed.**

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

22. COASTAL PERMIT APPLICATIONS.

a. **Application No. 6-02-119 (Beach House, Encinitas)** Staff recommended approval with special conditions as modified orally.

Jeffrey Goldfarb, representing Beach House Restaurant, submitted a request to speak in favor of the project. Mark Dillon & Michael Mullane, both representing the applicant, submitted requests to speak in favor of the project.

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

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

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

d. **Appeal No. A-6-03-21 (Lemperle, San Diego) Moved to expanded Consent Calendar. Approved.**

e. **Application No. 6-03-27 (YMCA, San Diego) Moved to expanded Consent Calendar. Approved.**

f. **Application No. 6-03-94 (SDG&E, San Diego) Moved to expanded Consent Calendar. Approved.**

23. PERMIT AMENDMENTS.

a. **Permit No. 6-93-133-A (NCTD, Encinitas) Moved to expanded Consent Calendar. Approved.**

b. **Permit No. 6-86-396-A5 (Lochtefeld, San Diego) Moved to expanded Consent Calendar. Approved.**

RECESS. The Commission recessed for the day at 2:35 p.m.

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Thursday, October 8, 2003, at 9:00 a.m. by Chairman Reilly.
2. **ROLL CALL.** Present: Chairman Reilly, Vice Chairman Burke, Commissioners Hart, Iseman, Kruer, Peters, Potter, (Alternate) Albert and Woolley. Absent: Dean, Dessler, McClain-Hill, Nava, Sanders, Sweeney and Vargas.

NORTH COAST DISTRICT

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

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

5. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 1-01-47 (Sierra Pacific, Humboldt Co.) Withdrawn.**

- b. **Appeal No. A-1-01-56 (Williams, Mendocino Co.)** Staff recommended approval with special conditions.

Gale Williams, the applicant, submitted a request to speak in favor of the project.

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

- c. **Application No. 1-03-49 (Bode et al., Humboldt Co.)** Staff recommended approval with special conditions.

Mike Bode, representing Mid County Ranch, submitted a request to speak in favor of the project.

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

6. **PERMIT AMENDMENT.**

a. **Permit No. 1-89-148-A3 (Ciancutti, Mendocino Co.)** Staff recommended approval with special conditions as modified orally.

Arthur Ciancutti, MD, representing Brewery Gulch Inn, 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.**

STATEWIDE

7. **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.

8. **FEDERAL CONSISTENCY.**

a. **CD-63-03 (INS, San Diego)** **Postponed.**

SOUTH CENTRAL COAST DISTRICT

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

a. **Santa Barbara Co. LCP Amendment No. MAJ-3-02 (Toro Canyon Plan).** Staff recommended approval with suggested modifications.

Dianne Meester, representing Santa Barbara County, submitted a request to speak in opposition to the staff recommendation. Greg Mohr, representing Santa Barbara County, Planning & Development, submitted a request to speak in opposition to the staff recommendation. Robert Almy, representing Santa Barbara County Water Resources Div., submitted a request to speak in opposition to the staff recommendation. Steven A. Amerikaner, representing Padaro Assn., submitted a request to speak in opposition to the staff recommendation. Lu Ann Hall submitted a request to speak in opposition to the staff recommendation.

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

PUBLIC STATEMENT. Scott Andrews, representing Save Everyone's Access, said the Mission Bay Park dump site was 2 to 3 times larger than previously thought, and raised concerns about intensity of development.

RECESS. The Commission recessed for the day at 10:45 p.m.

Draft

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Thursday, October 9, 2003, at 9:05 a.m. by Chairman Reilly.
2. **ROLL CALL.** Present: Chairman Reilly, Commissioners Desser, Hart, Iseman, Kruer, McClain-Hill, Peters, (Alternate) Albert and Woolley. Absent: Dean, Sanders and Sweeney. Burke, Potter and Vargas arrived at 9:15 a.m. Nava arrived at 9:35 a.m.

ENERGY, OCEAN RESOURCES and WATER QUALITY

3. **ENERGY & OCEAN RESOURCES REPORT.** Environmental Analyst Luster reported on matters not requiring public hearings, and status of offshore oil & gas exploration & development.

- a. **Briefing on Updated Seawater Desalination Report.** Informational only. Bernie Rhinerson, representing San Diego County Water Authority, submitted a request to speak in favor of the staff recommendation. Jim Bond, representing San Diego County Water Authority, submitted a request to speak in favor of the staff recommendation. Tom Story, representing City of San Diego, submitted a request to speak in favor of the staff recommendation. Donna Nenow, representing San Diego County Water Authority, submitted a request to speak in favor of the staff recommendation. Bob Yanada, representing San Diego County Water Authority, submitted a request to speak in favor of the staff recommendation. Anatole Falagan, representing Metropolitan Water District, submitted a request to speak in favor of the staff recommendation. Karl Seckel, representing Municipal Water District of Orange County, submitted a request to speak in favor of the staff recommendation. Bob Siemak, representing US Filter & Water Partnership Council, submitted a request to speak. Joseph Brenner, representing Center for Policy Analysis on Trade and Health, submitted a request to speak. Eugene Mitchell, representing San Diego Regional Chamber, submitted a request to speak. Nancy Price, representing Alliance for Democracy, submitted a request to speak in favor of the staff recommendation. Marco Gonzalez, representing Surfrider/Baykeeper, submitted a request to speak. Tarren Collins, representing Sierra Club, submitted a request to speak in favor of the staff recommendation. Gene Ratcliffe submitted a request to speak in favor of the staff recommendation.

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

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

5. **COASTAL PERMIT APPLICATION.**

a. **Application No. E-03-8 (Monterey Peninsula Water Dist., Monterey Co.)** Moved to expanded Consent Calendar. **Approved.**

6. **SONGS STATUS.** A written report was distributed for information only.

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. Christina Keller, representing 22nd District Agricultural Assoc., submitted a request to speak in favor of the staff recommendation.

a. **San Diego De Minimis LCP Amendment No. 2-03 (Chrome plating businesses).** Staff recommended concurrence with the Executive Director's determination. There being no objection Chairman Reilly ruled that the Commission concurred with the Executive Director. **Approved**

b. **Carlsbad De Minimis LCP Amendment No. 3-03 (Second Units).** Staff recommended concurrence with the Executive Director's determination. There being no objection Chairman Reilly ruled that the Commission concurred with the Executive Director. **Approved**

c. **Carlsbad De Minimis LCP Amendment No. 4-03 (Senior Citizen Housing).** 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.**

8. LOCAL COASTAL PROGRAMS (LCPs).

a. **San Diego LCP Amendment No. 1-03B (Sorrento Valley Road).** Staff recommended approval.

Patti Boekamp, representing Engineering & Capital Projects – City of San Diego, submitted a request to speak in favor of the staff recommendation. Richard Schulman, representing Citizens for Inland, submitted a request to speak in opposition to the staff recommendation. Mel Hinton, representing San Diego Audubon Society, submitted a request to speak in favor of the staff recommendation. Kathryn Burton, representing Torrey Hills Community, submitted a request to speak in favor of the staff recommendation. Douglas Lappi, representing Sorrento Valley Businesses, submitted a request to speak in favor of the staff recommendation. Joanne Pearson, representing San Diego Sierra Club, submitted a request to speak in favor of the staff recommendation. Diana Bergen, representing Torrey Pines Association, submitted a request to speak in favor of the project. David Grubb, representing Sierra Club, submitted a request to speak in favor of the staff recommendation. Robert Wright, representing Torrey Hills Community Planning Board, 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. **Passed.**

b. **Encinitas LCP Amendment No. 1-03 (Grading Ordinance Revisions).** Staff recommended approval with suggested modifications. The City requested continuance.

Masih Maher, representing City of Encinitas, submitted a request to speak in favor of the staff recommendation. Michael Larsen, representing M&M Development, submitted a request to speak in opposition to the staff recommendation. Kathleen Porterfield, representing Encinitas Country Day School/self, submitted a request to speak in opposition to the staff recommendation.

Motion & Vote to Continue: Kruer moved to continue the hearing, seconded by Potter, and the roll call vote was in favor and 0 opposed. **Passed.**

PUBLIC STATEMENTS. John Wilks, representing Sierra Club, presented an update on research into dumping toxic waste into the south shore area of Mission Bay between 1935 & 1963. Laurel Ehrenfreund said she had become ill from swimming in Mission Bay along with another racer, another triathlon was coming up.

LUNCH RECESS. The Commission recessed for lunch at 11:25 a.m. and returned at 1:45 p.m. after closed session.

REPORT of CLOSED SESSION. In closed session the Commission took action Khouri v. CCC; CPH Dos Pueblos Associates, LLC, et al. v. CCC; Blanton, et al. v. State of California, CCC; Communications Relay Corp., et al. v. CCC, Peter Douglas, et al.; Anthis, et al. v. State of California, CCC, et al. ; Furmandski v. CCC, Douglas, CA State Lands, et al.; and discussed nine other matters of litigation for information only.

SOUTH COAST DISTRICT

9. LOCAL COASTAL PROGRAM (LCP).

a. Dana Point LCP Amendment No. DPT-MAJ-2-02 (Dana Pt. Headlands). Staff recommended denial.

Sanford Edward, representing Headlands Reserve LLC, submitted a request to speak in opposition to the staff recommendation. William Ossenmacher, Mayor of Dana Point, submitted a request to speak in opposition to the staff recommendation. James Lacy, City Council Member, submitted a request to speak in opposition to the staff recommendation. Doug Chotkevys, City Manager – Dana Point, submitted a request to speak in opposition to the staff recommendation. Jeff Oderman, Attorney for City of Dana Point, submitted a request to speak in opposition to the staff recommendation. Dan Silver, representing Endangered Habitats League, submitted a request to speak in opposition to the staff recommendation. Andrew Yuen, representing U.S. Fish & Wildlife Service, submitted a request to speak in opposition to the staff recommendation. Patrick Mock & Ed Guy, both representing Dana Point Lighthouse Society, submitted requests to speak in opposition to the staff recommendation. Thirty eight other speakers submitted requests to speak in opposition to the staff recommendation: Ingrid McGuire, former Mayor; Mitch Higginbotham; April O'Connor, Planning Commissioner of Dana Point; Carol O'Connor; Albert D. Griffin, Jr.; Richard Dietmeier, Director, South Coast Water District; Kirk Lapple, representing Dana Point Chamber of Commerce; Tim Cremins, representing Operating Engineers AFL-CIO; Jose Mejia, representing Laborer's Union; Tristan Krogius, representing Monarch Bay Terrace Property Owner's Assoc.; Mike Geyer, representing Monarch Bay Properties Association; Ricardo C. Grodinez; Rick M. Grodinez; William C. Mangs, representing Veterans of Foreign Wars Post 9934; Bob Borland; Mildred Arnold; Charles Arnold; Joseph "Perry" Stewart, representing Dana Point VFW Post 9934; Anthony Finizza; Ron Lantz; Carol Shaffer; Phil Bordeaux; Terry Walsh, representing Headlands Today; Marvin Ulrikson; Bud Bruggeman; Carolyn Rogerson; Dee Sampson; Dan Ambrose; Wit Muller; Anthony Romero; Pat Fairbanks, representing Dana Point Civic Assoc.; Bill Johnson, representing Dana Point Coastal Arts; Karin Schnell, representing Dana Point Coastal Arts; Colene Schwandt, representing Dana Point Coastal Arts; Linda Yadao, representing Dana Point Coastal Arts; Christopher Bourke,

representing Dana Point Coastal Arts; Alicia Erlinger, Teacher-Capistrano Unified Sch. Dist.; and Joe Lo Vuc Lo. Sixteen speakers representing Sierra Club submitted requests to speak in favor of the staff recommendation: Mark Massara; John B. Pfeffer; Wayne Page; Bonnie Leigh; Virginia Page; Mickie Burton; Owen Bailey; Tracy Schmidt; Brittany Mckee; Al White; Rachel Myers; Shirley Olson; Judy Bartholomew; Tarren Collins; James DeLong; and Greg Sumter. Fifteen speakers representing Surfrider Foundation submitted requests to speak in favor of the staff recommendation: Mark Cabinean; James L. Calkins; Rick Wilson; Jeffrey Hohlbein; Ed Schlegel; Michael Metcalf; Chuck Butera; Christine Maclean; Wendy Morris; Chad Nelson; Sabrina Venskus; Mike Lewis; Chris Evans; Joe Geever; and Marco Gonzalez. Nineteen other speakers submitted requests to speak in favor of the staff recommendation: Robert Bemus; Toni Gallagher, representing Safe the Headlands; Nancy Knipe; Celia Kutcher, representing Dana Point Headlands Action Group; Gary S. Meredith, representing South Coast Audubon; Ruby L. Netzley; Frank Persides, representing Headland Action Group; Norman Powell, representing Dana Point Headlands Conservancy; Gene E. Ratcliffe; Katherine Schenk, representing Dana Point Headlands Cons.; Jeffrey Segall; Janice Sharon; Jim Stark; Lynn L. Smith; Pam Tappan; Joe Thomas; Scott Williams, representing CalBeach Advocates; Sheelagh Williams, representing CalBeach Advocates; and Helen Wilson. The City **withdrew** the amendment submittal.

RECESS. The Commission recessed for the day at 7:15 p.m.

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Friday, October 10, 2003, at 9:05 a.m. by Chairman Reilly.
2. **ROLL CALL.** Present: Chairman Reilly, Commissioners Desser, Hart, Iseman, Nava, Potter, (Alternate) Albert and Woolley. Absent: Burke, Dean, Kruer, McClain-Hill, Sanders and Sweeney. Peters arrived at 9:15 a.m. Vargas arrived at 9:20 a.m.

REPORT of CLOSED SESSION. In closed session the Commission discussed a number of housing cases related to the Orange County housing program, and gave direction to counsel.

STATEWIDE

3. **APPROVAL OF MINUTES.** None.
4. **COMMISSIONERS' REPORTS.** Informational only.
 - a. Secretary of the Resources Agency status report. A written report was distributed for information only.
5. **CONSERVANCY REPORT.** A written report was distributed for information only.
6. **SANTA MONICA MOUNTAINS CONSERVANCY REPORT.** None.
7. **DEPUTY ATTORNEY GENERAL'S REPORT.** None
8. **EXECUTIVE DIRECTOR'S REPORT.** Informational only.
 - a. **Interagency Agreements.** Staff recommended approval.

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

ENFORCEMENT

9. **ENFORCEMENT REPORT.** Informational only.

a. **Commission Cease & Desist Order No. CCC-03-CD-10 and Restoration Order No. CCC-03-RO-8 (Campbell, Los Angeles Co.)** Staff recommended approval.

Motion & Vote on Cease & Desist Order: Albert moved staff recommendation on Cease & Desist Order CCC-03-CCD-10, seconded by Peters, and Chairman Reilly ruled that the vote was unanimous. **Passed.**

Motion & Vote on Restoration Order: Albert moved staff recommendation on Restoration Order CCC-03-RO-8, seconded by Peters, and Chairman Reilly ruled that the vote was unanimous. **Passed.**

NORTH CENTRAL COAST DISTRICT

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

CENTRAL COAST DISTRICT

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

a. **Monterey Harbor 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.

b. **Monterey Del Monte Beach 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.

c. **Monterey Co. Periodic LCP Review.** Informational only.

12. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved item 15d to the Calendar, and recommended approval with special conditions.

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

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

a. **Santa Cruz Co. LCP Amendment No. SCO-MAJ-2-03 Part 2 (TP Rezoning).** Staff recommended approval.

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 in opposition to the motion. The motion failed so the amendment was **approved**.

14. **NEW APPEALS.**

a. **Appeal No. A-3-03-71 (Santa Cruz Co., Live Oak library)** Staff recommended that the appeal raised no substantial issue.

Steve Barlow submitted a request to speak in opposition to the staff recommendation. Tom Burns, representing Santa Cruz County Redevelopment Agency, submitted a request to speak in favor of the staff recommendation.

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

b. **Appeal No. A-3-03-90 (Ryter, Monterey Co.) Postponed.**

c. **Appeal No. A-3-03-91 (Ewing & Steinmann, Morro Bay) Postponed.**

15. **COASTAL PERMIT APPLICATIONS.**

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

b. **Application No. 3-03-55 (Albert, Carmel)** Staff recommended approval with special conditions.

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

c. **Application No. 3-03-68 (CHOMP, Monterey) Postponed.**

d. **Application No. 3-03-88 (Santa Cruz Co. lagoon restoration) Moved to expanded Consent Calendar. Approved.**

16. **FINDINGS.**

a. **Appeal No. A-3-02-86 (Horizon Seabright, Grover Beach)** Staff recommended approval of findings.

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

PUBLIC STATEMENTS. Kathleen Blavatt, representing Peninsula Community Planning, spoke about the hazards of the toxic waste dump at Sea World. Cdr. Bert Decker USN (Ret.), representing Save Our NTC, Inc., said SeaWorld got a sweetheart lease and the people were being short-changed.

ADJOURNMENT. There being no old or new business, the meeting adjourned at 10:05 a.m.

Respectfully Submitted,

PETER M. DOUGLAS
Executive Director

pmg

CALIFORNIA COASTAL COMMISSION

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W27b



TO: ALL COMMISSIONERS

FROM: PETER DOUGLAS, EXECUTIVE DIRECTOR

SUBJECT: MINUTES of MEETING of DECEMBER 10-12, 2003
Hyatt Regency
5 Embarcadero Center
San Francisco

Wednesday, December 10, 2003 pages 1 to 8

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Wednesday, December 10, 2003, at 9:05 a.m. by Chairman Reilly.
2. **ROLL CALL.** Present: Chairman Reilly, Vice Chairman Burke, Commissioners Hart, Iseman, McClain-Hill, Nichols, Peters, Potter, Wan and Woolley. Absent: Crisman, Sanders and Sandoval. Nava arrived at 9:20 a.m., and Krueer arrived at 10:05 a.m.

CENTRAL COAST DISTRICT

3. CONSENT CALENDAR.

a. **Application No. 3-03-84 (Tescher, Carmel)** Staff recommended approval with conditions.

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

STATEWIDE

4. **ELECTION of CHAIR & VICE-CHAIR and SELECTION of REPRESENTATIVE to the SANTA MONICA MOUNTAINS CONSERVANCY.** The nominating committee recommended Reilly as Chair. Woolley moved approval of the recommendation, seconded by Peters, and unanimously approved. Woolley moved to retain Burke as Vice Chair, seconded by Peters, and unanimously approved. Chairman Reilly recommended Nava as representative to the Santa Monica Mountains Conservancy and Nichols as alternate representative. Woolley moved approval of the recommendation, seconded by McClain-Hill, and unanimously approved.

CENTRAL COAST DISTRICT

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

a. **Santa Cruz LCP Amendment No. STC-MAJ-1-02 (Part B) 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.

6. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved item 9b to the Calendar, and recommended approval with special conditions.

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

Nava arrived during the following item,

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

a. **Monterey Co. Periodic LCP Review.** Informational only. Mark Massara, representing Sierra Club, submitted a request to speak in favor of the staff recommendation. Lisa Kleissner, representing CPOA, submitted a request to speak in opposition to the staff recommendation. Aengus Jeffers submitted a request to speak in opposition to the staff recommendation.

b. **San Luis Obispo Co. LCP Amendment No. SLO-MAJ-1-03 (Phase 1 Periodic Review)**. Staff recommended extension of the time limit for action.

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

8. **NEW APPEAL.**

a. **Appeal No. A-3-03-81 (Reddell, Morro Bay) Postponed.**

9. **COASTAL PERMIT APPLICATIONS.**

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

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

Motion: Burke moved staff recommendation, seconded by Wan.

Amending Motion & Vote: Hart moved to site the 8-unit addition where proposed by the applicant, seconded by McClain-Hill, and the roll call vote was 8 in favor and 4 opposed (Burke, Iseman, Nava & Wan). **Passed.**

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

b. **Application No. 3-03-49 (Carmel, Scenic Road revetments)** Moved to expanded Consent Calendar. **Approved.**

c. **Application No. 3-03-68 (CHOMP, Monterey)** Staff recommended approval with special conditions as modified in addendum.

Dr. Steven Packer, representing the applicant, submitted a request to speak in favor of the project. Mark Massara, representing Sierra Club, submitted a request to speak in favor of the staff recommendation.

Motion: Potter moved staff recommendation, seconded by Peters.

Amending Motion & Vote: Potter moved to delete determination of ESHA in the findings and balancing of policies, seconded by Peters, and the roll call vote was 10 in favor and 1 opposed (Wan). **Passed.**

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

d. **Application No. 3-03-101 (CHOMP, Monterey)** Staff recommended approval with special conditions as modified in previous actions.

The hearing was combined with item c above.

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

e. **Application No. 3-03-72 (Heron Crest, San Luis Obispo Co.)** **Postponed.**

PUBLIC STATEMENTS. Julie Tacker, representing Concerned Citizens of Los Osos, requested a hearing in March 2004 on the Los Osos sewer. Linde Owen, representing Concerned Citizens of Los Osos, opposed the proposed location of the Los Osos sewer, and suggested an industrial site.

LUNCH RECESS. The Commission recessed for lunch at 12:05 p.m. and returned at 1:40 p.m.

NORTH CENTRAL COAST DISTRICT

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

b. **Procedures 2-03-2-EDD (Bruce, San Mateo Co.)** Staff recommended that the Commission uphold the Executive Director's determination that the lot line adjustment required a coastal permit and would be appealable.

Paul Perkovic submitted a request to speak in favor of the project. Kathryn Slater-Carter submitted a request to speak in favor of the project.

Motion & Vote: Woolley moved to reject the Executive Director's determination, seconded by Wan, and Chairman Reilly ruled that the vote was unanimous in opposition to the motion with Burke abstaining. **Failed.**

c. **Procedures 2-03-3-EDD (Hayes & Callan, San Mateo Co.)** Staff recommended that the Commission uphold the Executive Director's determination that the lot line adjustment required a coastal permit and would be appealable.

Paul Perkovic submitted a request to speak in favor of the project. Kathryn Slater-Carter submitted a request to speak in favor of the project.

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

11. **NEW APPEALS.**

a. **Appeal No. A-2-03-8 (Weber, Marin Co.)** Staff recommended that the appeal raised no substantial issue.

Warren T. Weber, the applicant, submitted a request to speak in favor of the project. Alex Hinds, representing Marin County Community Development, submitted a request to speak in favor of the project. Celia O'Connor submitted a request to speak in favor of the project. Kenneth J. Fox, representing Tomales Bay Association, submitted a request to speak in favor of the project. Arthur Moritz submitted a request to speak in opposition to the project. Roger Hurt submitted a request to speak in opposition to the project.

Motion & Vote: Woolley moved staff recommendation, seconded by Iseman, and the roll call vote was 6 in favor and 3 opposed (Burke, Wan & Reilly). **Passed.**

b. **Appeal No. A-2-03-19 (Three Sons, Marin Co.)** Trained until after item 12a below. 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 Giacomini, representing the applicants, submitted a request to speak in favor of the project. Diane Renshaw, representing the applicants, submitted a request to speak in favor of the project. Alex Hinds submitted a request to speak in favor of the project. Pat Kuleto, representing the applicant, submitted a request to speak in favor of the project. Tom Flynn submitted a request to speak in favor of the project. Ann Grymes submitted a request to speak in favor of the project. Gary McEwen submitted a request to speak in favor of the project. Catherine Caufield, representing EAC, submitted a request to speak in favor of the project. Tim Furlong, representing Furlong Bros Const., submitted a request to speak in favor of the project. Ed Vallejo, representing Diekmann's General Store Tomales, submitted a request to speak in favor

of the project. Beverly Mills, representing CUESA (Center for Urban Ed. about Sustainable Agriculture, submitted a request to speak in favor of the project. Lynnette Kahn submitted a request to speak in opposition to the project. Ken Fox, representing Tomales Bay Association, submitted a request to speak.

Motion: Nava moved staff recommendation, seconded by Kruer.

Amending Motion & Vote (decks): Kruer moved to allow proposed decks on the cottages, seconded by Nava, and Chairman Reilly ruled that the vote was unanimous. **Passed.**

Amending Motion & Vote (auxiliary buildings): Woolley moved to approve the relocated auxiliary buildings, seconded by Burke, 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.**

12. COASTAL PERMIT APPLICATIONS.

a. **Application No. 2-03-3 (Weber, Marin Co.)** Staff recommended approval with special conditions as modified orally.

Warren T. Weber, the applicant, submitted a request to speak in favor of the project. Alex Hinds, representing Marin County Community Development Agents, submitted a request to speak in favor of the project. Stacy Carlsen, Marin County Agricultural Commissioner, submitted a request to speak in favor of the project. Catherine Caufield, representing Env. Action Committee, submitted a request to speak in favor of the project. Paul Elmore submitted a request to speak in favor of the project. Barry Epstein, representing the applicant, submitted a request to speak in favor of the project. Mike Gale submitted a request to speak in favor of the project. Burr Heneman submitted a request to speak in favor of the project. Peter J. Martinelli, representing Marin Organic Farmers Association, submitted a request to speak in favor of the project. Mark Massara, representing Sierra Club, submitted a request to speak in favor of the project. Kenneth J. Fox, representing Tomales Bay Association, submitted a request to speak in favor of the project. Steve Quirt, representing University of California cooperative Extension, submitted a request to speak in favor of the project. Arthur Moritz submitted a request to speak in opposition to the project. Roger Hurt submitted a request to speak in opposition to the project. John O'Connor submitted a request to speak in opposition to the project. Cella O'Connor submitted a request to speak in favor of the project. Dale Curtis submitted a request to speak in opposition to the project. Ben Moseley submitted a request to speak in opposition to the project.

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

b. **Application No. 2-03-25 (Three Sons, Marin Co.)** Staff recommended approval with special conditions as modified in item 11b above.

The hearing was combined with item 11b above.

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

c. **Application No. 2-03-9 (Dana, Marin Co.)** Staff recommended approval with special conditions.

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

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

Ed Schmidt, representing Coastside County Water District, submitted a request to speak in favor of the project. John Muller, Pres. of Board C.C.W.D., submitted a request to speak in favor of the project. Mike Ferreira, representing City of Half Moon Bay, submitted a request to speak in favor of the project. John Meader submitted a request to speak in favor of the project. John Blake, representing Big Wave LLC, submitted a request to speak in opposition to the project. Jeff Peck submitted a request to speak in opposition to the project. Bob Ptacek, representing Montara Water & Sanitary, submitted a request to speak in opposition to the project. Paul Perkovic submitted a request to speak. Kathryn Slater-Carter submitted a request to speak.

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

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

The hearing was combined with item d above.

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

STATEWIDE

13. **APPROVAL OF MINUTES.** Wan moved approval of the minutes of November 2003, seconded by Woolley, and unanimously **approved**.

14. **COMMISSIONERS' REPORTS.** Wan was selected by the marine mammals commission to represent west coast states on a federal advisory committee to develop a comprehensive plan to guide scientific policy on marine mammals & sound over the next 10-15 years.

15. **CONSERVANCY REPORT.** Informational only.

16. **SANTA MONICA MOUNTAINS CONSERVANCY REPORT.** Informational only.

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

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

a. **Public Education Program Status Report.** Trilled until Thursday morning, informational only.

b. **Interagency Agreements.** Staff recommended approval.

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

RECESS. The Commission recessed for the day at 5:40 p.m.

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Thursday, December 11, 2003, at 9:05 a.m. by Chairman Reilly.
2. **ROLL CALL.** Present: Chairman Reilly, Vice Chairman Burke, Commissioners Iseman, Kruer, (Alternate) Curtis, (Alternate) Orr, Peters, Wan and Woolley. Absent: Crisman and Sanders. Nichols arrived at 9:10 a.m. Hart arrived at 9:15 a.m. Potter and Sandoval arrived at 9:20 a.m.

SOUTH COAST DISTRICT

3. **ADMINISTRATIVE PERMIT APPLICATIONS.** See items a through h on pages 7-8 of the Meeting Notice. Item b (Application No. 5-03-398 (Primm), Newport Beach) was postponed. Staff recommended approval of the remainder of the items 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 i on pages 8-9 of the Meeting Notice. Staff recommended approval with special conditions.

a. **Application No. 5-03-351 (Robertson & Massengill, Los Angeles)** Graham Robertson submitted a request to speak in favor of the staff recommendation. Bill Gerhardt submitted a request to speak in opposition to the project. Audrey Smith submitted a request to speak in opposition to the project. Teresa Coen submitted a request to speak in opposition to the project. There being 3 votes to remove it, this item was **set for hearing** at a later meeting.

b. **Application No. 5-03-372 (Bunge, Los Angeles)** Joce M. Bunge submitted a request to speak in favor of the project.

Motion & Vote: Burke moved staff recommendation on the remainder of the Calendar, seconded by Orr, and Chairman Reilly ruled that the vote was unanimous.
Passed.

SOUTH CENTRAL COAST DISTRICT

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

6. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved two items (8c & f) to the Calendar, and recommended approval with special conditions.

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

7. **CLAIM OF VESTED RIGHTS No. 4-03-98-VRC (Malibu Riviera One, Malibu)** Staff recommended denial.

Martin N. Burton, representing the applicant, submitted a request to speak in opposition to the staff recommendation.

Motion & Vote: Nichols moved approval of the Claim of Vested Rights, seconded by Orr, and Chairman Reilly ruled that the vote was unanimous in opposition to the motion. **Failed.**

8. **COASTAL PERMIT APPLICATIONS.**

a. **Application No. 4-98-54 (Gindick, Los Angeles Co.) Withdrawn.**

b. **Application No. 4-02-19 (Bren-Haley, Los Angeles Co.)** Staff recommended denial.

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

Motion & Vote: Hart moved approval of the application with conditions described orally, seconded by Kruer, and the roll call vote was 9 in favor and 3 opposed (Orr, Nichols & Wan). **Passed.**

c. **Application No. 4-02-186 (Breese, Los Angeles Co.)** Moved to expanded Consent Calendar. **Approved.**

d. **Application No. 4-02-227 (Marks, Los Angeles Co.)** Staff recommended approval with special conditions.

Ken Marks, the applicant, submitted a request to speak in favor of the project.

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

e. **Application No. 4-02-251 (Santa Barbara Co., Goleta Beach revetment)** Postponed.

f. **Application No. 4-03-67 (Roda, Los Angeles Co.)** Moved to expanded Consent Calendar. **Approved.**

g. **Application No. 4-03-82 (Santa Barbara Airport)** Staff recommended approval with special conditions.

Laurie Owens, representing the applicant, submitted a request to speak in favor of the project. John Gray, representing URS Corporation, submitted a request to speak in favor of the project.

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

9. PERMIT AMENDMENT.

a. **Permit No. 4-99-169-A2 (Trento, Malibu)** Postponed.

NORTH COAST DISTRICT

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

a. **Presentation on Lake Earl.** Informational only.

11. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved three Items (13b, c & d) to the Calendar, and recommended approval with special conditions.

(13c) Mark Binder, representing the applicant, submitted a request to speak in favor of the project.

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

LUNCH RECESS. The Commission recessed for lunch at noon and returned at 2:35 p.m. after closed session.

REPORT of CLOSED SESSION. In closed session the Commission took action on Anthis, et al. v. CCC, et al.; Butterfield v. CCC, et al.; Irwin Russell, Trustee of Rust Trust v. CCC; Geffen v. Access For All, CCC, et al.; the matter of A.J. Perenchio; and discussed four other cases for information only.

PUBLIC STATEMENT. Bill Allayaud, representing Sierra Club, said the Commission had made a difference on the Santa Cruz coast by things you don't see, and supported the Commission's budget.

12. **NEW APPEALS.**

a. **Appeal No. A-1-02-32 (Taylor, Mendocino Co.)** Staff recommended that the appeal raised substantial issue. There being no objection, Chairman Reilly ruled that the Commission found substantial issue. Chairman Reilly opened the hearing on the merits of the project. Staff recommended denial.

Charlie Cochran, representing the applicants, submitted a request to speak in favor of the project. Steve Hale, representing the applicants, submitted a request to speak in favor of the project. Ed Hoylman, representing Pacific GeoScience, submitted a request to speak in favor of the project. Henry & Helen M. Taylor, the applicants, submitted requests to speak in favor of the project. Marilyn Matthews submitted a request to speak in favor of the project. Rev. Dick Coolidge submitted a request to speak in favor of the project. Charlotte Coolidge submitted a request to speak in favor of the project. Jerry Bates submitted a request to speak in favor of the project. Dr Hillary Adams submitted a request to speak in opposition to the project. Patricia Jones submitted a request to speak in opposition to the project. Renée Pasquinelli, representing Calif. State Parks, submitted a request to speak in opposition to the project. Norman Hautzsche, representing Questa Engineering, submitted a request to speak in opposition to the project.

Motion & Vote to Continue: Woolley moved to continue the hearing, seconded by Peters, and the roll call vote was 10 in favor and 1 opposed (Burke). **Passed.**

b. **Appeal No. A-1-03-55 (Zita, Mendocino Co.)** Staff recommended that the appeal raised substantial issue. There being three votes to hear testimony on substantial issue, Chairman Reilly opened the hearing on substantial issue.

Julie Verran, representing Friends of Schooner Gulch, submitted a request to speak in opposition to the project. Henry Taylor submitted a request to speak in favor of the project. Marilyn Matthews submitted a request to speak in favor of the project. Rev. Dick Coolidge submitted a request to speak in favor of the project. Charlotte Coolidge submitted a request to speak in favor of the project.

Motion & Vote on No Substantial Issue: Woolley moved to find that the appeal raised no substantial issue, seconded by Orr, and Chairman Reilly ruled that the vote was unanimous in opposition to the motion. **Failed.** Chairman Reilly opened the hearing on the merits of the project and continued it to a future meeting.

13. COASTAL PERMIT APPLICATIONS.

a. **Appeal No. A-1-02-18 (Affinito, Mendocino Co.)** Staff recommended approval with special conditions as modified in addendum.

Brendan Dooley, representing the applicants, submitted a request to speak in favor of the project. Mayor Jere Melo, representing the City of Fort Bragg, submitted a request to speak in favor of the project. Adam Lindgren, esq., City attorney, City of Fort Bragg, submitted a request to speak in favor of the project. Linda Ruffing, representing the City of Fort Bragg, submitted a request to speak in favor of the project. Diana Stuart submitted a request to speak.

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

b. **Application No. 1-03-26 (Gaussoin & Radcliffe, Humboldt Co.)** Moved to expanded Consent Calendar. **Approved.**

c. **Application No. 1-03-28 (Rohner, Humboldt Co.)** Moved to expanded Consent Calendar. **Approved.**

d. **Application No. 1-03-53 (Kirkpatrick, Arcata)** Moved to expanded Consent Calendar. **Approved.**

STATEWIDE

14. **FEDERAL CONSISTENCY REPORT.** Division Supervisor Delaplaine reported on Negative Determinations issued by the federal consistency staff, and status of major non-energy federal consistency matters.

15. FINDINGS.

a. **CD-87-03 (Corps of Engineers, Orange Co.)** Staff recommended approval of findings.

Motion & Vote: Woolley moved staff recommendation, seconded by Iseman, and the hand vote was 4 in favor and 0 opposed. **Passed.**

ENFORCEMENT

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

a. **Commission Cease & Desist Order (CDO) No. CCC-03-CD-12 (Johnson Oyster, Marin Co.)** Staff recommended approval.

Carol Whitmire, Planning Consult. representing respondent, submitted a request to speak.

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

b. **Commission Cease & Desist Order No. CCC-03-CD-13 (Pacific Operators Offshore, Santa Barbara Co.)** Staff recommended approval.

Steven Kirby, counsel for Pacific Operators, submitted a request to speak in favor of the staff recommendation.

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

SOUTH COAST DISTRICT

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

a. **Redondo Beach LCP Amendment No. 1-03 (Minor).** 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.**

18. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved three items (20c, 20e & 21b) to the Calendar, and recommended approval with special conditions.

(20c) Robin Raida, representing the applicant, submitted a request to speak in favor of the project. (20e) Eugenia Chusid & Richard D. Barrett, both representing the City of Santa Monica, submitted requests to speak in favor of the project.

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

19. **NEW APPEALS.**

a. **Appeal No. A-5-03-465 (Y.M.C.A., Los Angeles)** Staff recommended continuance. There being no objection Chairman Reilly opened the hearing on substantial issue, and **continued** it to a future meeting.

b. **Appeal No. A-5-03-466 (Sant Architect, Los Angeles)** Staff recommended that the appeal raised no substantial issue.

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

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

c. **Appeal No. A-5-03-477 (Stuhlbarg, Long Beach)** **Withdrawn.**

20. COASTAL PERMIT APPLICATIONS.

a. **Application No. 5-03-153 (Rich, Newport Beach)** Staff recommended approval with special conditions.

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

b. **Application No. 5-03-212 (Bredesen, Torrance)** **Withdrawn.**

c. **Application No. 5-03-270 (Community Corp. of Santa Monica, Santa Monica)** Moved to expanded Consent Calendar. **Approved.**

d. **Application No. 5-03-337 (LA Co. Dept. of Beaches & Harbors, Los Angeles)** Staff recommended approval with special conditions as modified in addendum and orally.

Joseph Chesler, representing Los Angeles County Dept. Beaches & Harbors, submitted a request to speak in favor of the project. Rudy Lee, representing Los Angeles County Dept. of Public Works, submitted a request to speak in favor of the project.

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

e. **Application No. 5-03-454 (Santa Monica, stairs)** Moved to expanded Consent Calendar. **Approved.**

21. **PERMIT AMENDMENTS.**

a. **Permit No. A-5-93-5-A19 ("Ocean Trails" VH Property, Rancho Palos Verdes)** Wan acted as chair for this item. Staff recommended approval with special conditions.

Michael Sweesy, representing the applicant, submitted a request to speak in favor of the project. Greg Pfost, representing the City of Rancho Palos Verdes, submitted a request to speak in favor of the project. Vincent Stello submitted a request to speak in favor of the project.

Motion: Peters moved staff recommendation, seconded by Potter.

Amending Motion & Vote: Potter moved to apply the conditions only to the new tees, seconded by Curtis, and the roll call vote was 7 in favor and 1 opposed (Wan). **Passed.**

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

b. **Permit No. 5-98-156-A9 (Long Beach & DDR Urban)** Moved to expanded Consent Calendar. **Approved.**

22. **PERMIT EXTENSION.**

a. **Permit No. 5-01-143-E (Marina Two & Los Angeles Co.)** Staff recommended approval.

Doug Ring, representing Marina Two Holding Partnership, submitted a request to speak in favor of the project. Raymond Collins submitted a request to speak in opposition to the project.

There being no objection, Chairman Reilly ruled that the permit was extended. **Approved.**

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

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Friday, December 12, 2003, at 8:50 a.m. by Chairman Reilly.
2. **ROLL CALL.** Present: Chairman Reilly, Commissioners Baird, Iseman, (Alternate) Susskind, (Alternate) Curtis, (Alternate) Orr, Nichols, Wan and Woolley. Absent: Burke, Hart, Peters, Sanders and Sandoval. Potter arrived at 9:15 a.m.

SAN DIEGO COAST DISTRICT

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

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

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

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

Bobbette Biddulph, representing State of CA, Dept. of General Services, submitted a request to speak in favor of the project.

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

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

- a. **San Diego LCP Amendment No. 1-02C (La Jolla Rezones).** **Postponed.**

b. **Encinitas LCP Amendment No. 2-03 Time Extension (Johnson & Fullwood)**. Staff recommended approval.

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

7. **COASTAL PERMIT APPLICATIONS.**

a. **Application No. 6-03-48 (Gault & Sorich, Encinitas) Postponed.**

b. **Application No. 6-03-88 (Parks & Rec., Imperial Beach & San Diego) Postponed.**

c. **Application No. 6-03-95 (San Diego bike lane)** Staff recommended approval with special conditions.

Kerry Santoro, representing the City of San Diego – Eng. & Cap. Proj., submitted a request to speak in favor of the project.

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

d. **Application No. 6-03-106 (Caltrans, San Diego)** Moved to expanded Consent Calendar. **Approved.**

8. **FINDINGS.**

a. **Application No. 6-02-119 (Beach House, Encinitas) Postponed.**

ENERGY, OCEAN RESOURCES and WATER QUALITY

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

a. **Briefing on Seawater Desalination. Postponed.**

b. **Briefing on Revised General NPDES Permit for Oil & Gas Platform Discharges.**
Informational only.

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

11. **COASTAL PERMIT APPLICATION.**

a. **Application No. E-02-19 (Venoco, Carpinteria)** Staff recommended approval with special conditions.

Steve Greib, representing Venoco Inc., submitted a request to speak in favor of the project.

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

ENFORCEMENT

12. **COMMISSION CEASE & DESIST ORDER No. CCC 03-CD-15 and RESTORATION ORDER No. CCC-03-RO-9 (Kay, Los Angeles Co.)** Staff recommended approval.

Fred Gaines, representing the property owners, submitted a request to speak in favor of the project. Don Schmitz, representing Communications Relay Corp LLC, Panorama Ranch LLC, Deer Valley Ranch LLC, submitted a request to speak in favor of the project.

Motion & Vote on Cease & Desist Order: Orr moved staff recommendation on Cease & Desist Order No. CCC-03-CD-15, seconded by Wan, and Chairman Reilly ruled that the vote was unanimous. **Passed.**

Motion & Vote on Restoration Order: Orr moved staff recommendation on Restoration Order No. CCC-03-RO-9, seconded by Nichols, and Chairman Reilly ruled that the vote was unanimous. **Passed.**

NORTH CENTRAL COAST DISTRICT

13. DEPUTY DIRECTOR'S REPORT.

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

PUBLIC STATEMENTS. Grant Weseman said a popular surfing beach had become an off-leash dog park and there were conflicts with recreational use of the area. Tarren Collins, representing Sierra Club, commented on the San Luis Obispo County's LCP amendment responding to the periodic review, and issues of storage of nuclear waste from Diablo Canyon.

ADJOURNMENT. There being no old or new business, the meeting adjourned at 10:40 a.m.

Respectfully Submitted,

PETER M. DOUGLAS
Executive Director

pmg



