

**CALIFORNIA COASTAL COMMISSION**

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

**RECORD PACKET COPY****W13**

TO: ALL COMMISSIONERS

FROM: PETER DOUGLAS, EXECUTIVE DIRECTOR

SUBJECT: MINUTES of MEETING of SEPTEMBER 8-10, 2004  
Eureka Public Marina  
Wharfinger Building, Great Room  
1 Marina Way  
Eureka

**Wednesday, September 8, 2004 pages 1 to 5**

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Wednesday, September 8, 2004, at 10:00 a.m. by Chairman Reilly.
2. **ROLL CALL.** Present: Chairman Reilly, Vice Chairman Burke, Commissioners Caldwell, Scarborough, Iseman, Kram, Kruer, (Alternate) Orr, Neely, (Alternate) Allgood, Potter and Wan. Absent: McPeak and Westly.

**NORTH CENTRAL COAST DISTRICT**

3. **DEPUTY DIRECTOR'S REPORT.** Deputy Director Lester reported on matters not requiring public hearings, and on comments from the public.
4. **CONSENT CALENDAR (removed from Regular Calendar).** None.

5. **NEW APPEAL.**

a. **Appeal No. A-2-04-11 (Devil's Slide Tunnel, San Mateo Co.)** Trilled to Friday. On Friday the Commissioners withdrew their appeal. Staff recommended that the remaining appeal raised no substantial issue.

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

---

6. **COASTAL PERMIT APPLICATIONS.**

a. **Appeal No. A-2-04-12 (Wavecrest Village, Half Moon Bay)** Postponed.

b. **Appeal No. A-2-04-13 (Wavecrest Village, Half Moon Bay)** Postponed.

c. **Appeal No. A-2-04-14 (Wavecrest Village, Half Moon Bay)** Postponed.

d. **Appeal No. A-2-04-15 (Wavecrest Village, Half Moon Bay)** Postponed.

---

**CENTRAL COAST DISTRICT**

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

---

a. **Santa Cruz Co. LCP Amendment No. SCO-MAJ-3-03 (Part 2) (Wireless Facilities) 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.**

---

b. **Pismo Beach PSB-MAJ-1-04 (Secondary Dwellings) 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.**

---

c. **Periodic review of Monterey County's local coastal program.** Informational only. Keith G. Wagner, representing Friends and Neighbors of Elkhorn Slough (FANS), submitted a request to speak.

---

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

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

---

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

a. **Santa Cruz LCP Amendment No. STC-MAJ-1-04 (density increase).** Staff recommended approval.

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

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

---

10. **NEW APPEALS.**

a. **Appeal No. A-3-04-12 (Laube & Engel, 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.

---

b. **Appeal No. A-3-04-54 (Sunridge Views, 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.

---

c. **Appeal No. A-3-04-56 (Country Enterprises, San Luis Obispo Co.)** **Postponed.**

---

11. **COASTAL PERMIT APPLICATION.**

a. **Application No. 3-04-27 (Pacific Grove, parking meters)** Moved to expanded Consent Calendar. **Approved.**

---

## ENERGY, OCEAN RESOURCES and WATER QUALITY

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

---

## ENFORCEMENT

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

---

14. **Commission Cease & Desist Order No. CCC-04-CD-8 (Headlands, Los Angeles)** Staff recommended approval.

Jim Burroughs & Ed Miller, both representing HPA, submitted requests to speak in favor of the staff recommendation.

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

15. **Commission Cease & Desist Order No. CCC-04-CD-9 (Fryzer, Los Angeles)** Staff recommended approval.

The hearing was combined with item 14 above.

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

16. **Commission Restoration Order No. CCC-04-RO-2 (Headlands, Los Angeles)** Staff recommended approval.

The hearing was combined with item 14 above.

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

17. **Commission Restoration Order No. CCC-04-RO-3 (Fryzer, Los Angeles)** Staff recommended approval.

The hearing was combined with item 14 above.

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

---

## STATEWIDE

18. **APPROVAL OF MINUTES.** Neely moved approval of the minutes of August 2004, seconded by Orr, and the hand vote was unanimous. **Approved.**

19. **COMMISSIONERS' REPORTS.** None.

20. **CONSERVANCY REPORT.** Informational only.

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

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

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

a. **Interagency Agreement.** Staff recommended approval.

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

b. **National Marine Sanctuary Expansion Legislation.** Postponed.

---

**RECESS.** The Commission recessed for the day at 11:20 a.m.

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Thursday, September 9, 2004, at 9:00 a.m. by Chairman Reilly.
2. **ROLL CALL.** Present: Chairman Reilly, Vice Chairman Burke, Commissioners Caldwell, Iseman, Kram, Kruer, (Alternate) Orr, Neely, (Alternate) Allgood, Potter and Wan. Absent: Chrisman, McPeak and Westly.

---

## **SAN DIEGO COAST DISTRICT**

### **3. ADMINISTRATIVE PERMIT APPLICATION.**

a. **Application No. 6-04-72 (SeaWorld, San Diego)** Staff recommended approval with conditions.

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

- 
4. **CONSENT CALENDAR.** See items a through c on page 8 of the Meeting Notice. Staff recommended approval with special conditions.

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

---

## **NORTH COAST DISTRICT**

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

- 
6. **CONSENT CALENDAR (removed from Regular Calendar).** None.

## 7. NEW APPEALS.

a. **Appeal No. A-1-04-23 (Pauli, 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 **and continued** it to a future meeting.

---

b. **Appeal No. A-1-04-30 (Bangs, Mendocino Co.) Postponed.**

---

c. **Appeal No. A-1-04-43 (Trinity, Del Norte Co.)** Staff recommended that the appeal raised substantial issue. There being no objection, Chairman Reilly ruled that the Commission **found substantial** issue. Chairman Reilly opened the hearing on the merits of the project **and continued** it to a future meeting.

---

d. **Appeal No. A-1-04-47 (Nelson, Mendocino Co.) Postponed.**

---

## 8. COASTAL PERMIT APPLICATIONS.

a. **Appeal No. A-1-02-152 (Redland Company, Del Norte Co.)** Staff recommended approval with special conditions.

Frank Galea, representing Galea Wildlife-Redlands, submitted a request to speak in opposition to the staff recommendation. Regan Carroll, representing Jo Redland, submitted a request to speak. Eileen Cooper submitted a request to speak.

**Motion:** Orr moved staff recommendation, seconded by Allgood.

**Amending Motion & Vote:** Neely moved to reduce the buffer, seconded by Kruer, and the roll call vote was 7 in favor and 4 opposed (Caldwell, Orr, Allgood & 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. 1-04-20 (Mercer, Fraser, Humboldt Co.)** Staff recommended approval with special conditions as modified in addendum.

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

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

---

c. **Application No. 1-04-22 (Eureka Ready Mix Concrete, Humboldt Co.)** Staff recommended approval with special conditions as modified in addendum.

Paul Kraus, representing the applicant, submitted a request to speak in favor of the project.

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

---

d. **Application No. 1-04-24 (Humboldt Co. sand & gravel extraction)** Staff recommended approval with special conditions as modified in addendum.

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

---

e. **Application No. 1-04-45 (Leland Rock & Dwelley, Humboldt Co.)** Staff recommended approval with special conditions as modified in addendum.

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

---

f. **Application No. 1-04-46 (Mallard Pond, Humboldt Co.)** Staff recommended approval with special conditions as modified in addendum.

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

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

---

g. **Application No. 1-04-11 (Eureka Sand & Gravel, Humboldt Co.)** Staff recommended approval with special conditions as modified in addendum.

Paul Kraus, representing the applicant, submitted a request to speak in favor of the project.

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

---



## STATEWIDE

9. **FEDERAL CONSISTENCY REPORT.** Deputy Director Damm reported on Negative Determinations issued by the federal consistency staff.

---

10. **FEDERAL CONSISTENCY.**

a. **CD-16-04 (National Park Service, Marin Co.)** Staff recommended approval.

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

---

b. **CD-33-04 (National Park Service, Humboldt Co.)** Staff recommended approval.

Bill Pierce, representing National Park Service, submitted a request to speak. Diane Beck, representing North Group, Redwood Chapter, Sierra Club, submitted a request to speak. Carole Hurst, representing Orick Chamber of Commerce, submitted a request to speak in opposition to the project. Dennis Mayo, representing Open Beaches and Trails, submitted a request to speak in opposition to the staff recommendation. Judith Schmidt submitted a request to speak in opposition to the project. Tim McKay, representing Northcoast Environmental Center, submitted a request to speak in opposition to the staff recommendation. Ed Salsedo, representing Save Orick Committee, submitted a request to speak in opposition to the project. Donnis McCurdy, representing Originals By Us, submitted a request to speak in opposition to the project. Linda Williams submitted a request to speak in opposition to the project. Charles Rylee submitted a request to speak in opposition to the project. James Simmons submitted a request to speak in opposition to the staff recommendation.

**Motion & Vote:** Orr moved staff recommendation, seconded by Allgood, and the roll call vote was 8 in favor and 3 opposed (Burke, Neely & Reilly). **Passed.**

---

## SAN DIEGO COAST DISTRICT

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

---

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

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

---

13. **NEW APPEAL.**

a. **Appeal No. A-6-04-81 (Hendrick, Encinitas)** **Postponed.**

---

14. **COASTAL PERMIT APPLICATION.**

a. **Application No. 6-04-18 (Kachay, San Diego Co.)** Moved to expanded Consent Calendar. **Approved.**

---

15. **PERMIT AMENDMENT.**

a. **Permit No. A-6- 02-68-A (Sunset View, San Diego)** Moved to expanded Consent Calendar. **Approved.**

---

16. **FINDINGS.**

a. **Application No. 6-03-7 (San Diego Co. park)** Staff recommended approval of findings.

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

---

**PUBLIC STATEMENTS.** Zach Rotweir opposed funding for a school program by the Northcoast Environmental Center. Emily DeHuff, representing Friends of Del Norte, said Del Norte County failed to implement its LCP, permitting houses too close to the lagoon.

---

**RECESS.** The Commission recessed for the day at noon.

Friday, September 10, 2004 pages 11 to 14

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Friday, September 10, 2004, at 9 a.m. by Chairman Reilly.
2. **ROLL CALL.** Present: Chairman Reilly, Vice Chairman Burke, Commissioners Caldwell, Iseman, Kram, Kruer, (Alternate) Orr, Neely, (Alternate) Allgood, Potter and Wan. Absent: Chrisman, McPeak and Westly.

---

## **SOUTH CENTRAL COAST DISTRICT**

### **3. ADMINISTRATIVE PERMIT APPLICATION.**

a. **Application No. 4-04-62 (Lost-At-Sea Memorial & Santa Barbara)** Staff recommended approval with special conditions.

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

---

### **4. CONSENT CALENDAR.**

a. **Application No. 4-04-69 (Santa Barbara sand berm)** Staff recommended approval with special conditions.

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

---

## **SOUTH COAST DISTRICT**

5. **ADMINISTRATIVE PERMIT APPLICATIONS.** See items a through d on pages 12-13 of the Meeting Notice. Staff recommended approval with special conditions.

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

6. **CONSENT CALENDAR.** See items a through k on pages 13-14 of the Meeting Notice & addendum. Staff recommended approval with special conditions.

**Motion & Vote:** Orr moved staff recommendation, seconded by Caldwell, and Chairman Reilly 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.

---

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

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

---

### **9. COASTAL PERMIT APPLICATIONS.**

a. **Application No. 4-02-228 (Wheeler, Los Angeles Co.)** Moved to expanded Consent Calendar. **Approved.**

---

b. **Application No. 4-03-102 (Cook, Los Angeles Co.)** Staff recommended approval with special conditions.

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

---

### **10. PERMIT AMENDMENT.**

a. **Permit No. 4-99-16-A2 (Persson, Los Angeles Co.)** **Postponed.**

---

## 10.5 LOCAL COASTAL PROGRAM (LCP).

a. **Malibu LCP Amendment No. 1-04 Time Extension.** Staff recommended approval.

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

---

## SOUTH COAST DISTRICT

11. **DEPUTY DIRECTOR'S REPORT.** Deputy Director Damm reported on matters not requiring public hearings, and on comments from the public. Pat Larkin, representing W.L. Homes, submitted a request to speak in favor.

---

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

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

---

## 13. LOCAL COASTAL PROGRAM (LCP).

a. **Newport Beach LCP Amendment No. NPB-MAJ-1-04 Time Extension.** Staff recommended approval.

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

---

## 14. NEW APPEALS.

a. **Appeal No. A-5-04-309 (Manhattan Beach, walkway)** **Postponed.**

---

b. **Appeal No. A-5-04-315 (St. Joseph Center, Los Angeles)** 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.

---

**15. COASTAL PERMIT APPLICATIONS.**

a. **Application No. 5-04-13 (Primm, Newport Beach)** Moved to expanded Consent Calendar. **Approved.** \_\_\_\_\_

b. **Application No. 5-04-149 (Ward, Laguna Beach)** **Postponed.** \_\_\_\_\_

**16. PERMIT AMENDMENTS.**

a. **Permit No. 5-98-80-A (Harman, Los Angeles)** Moved to expanded Consent Calendar. **Approved.** \_\_\_\_\_

b. **Permit No. 5-03-459-A (CSP, Newport Beach)** Moved to expanded Consent Calendar. **Approved.** \_\_\_\_\_

**ADJOURNMENT.** There being no old or new business, the meeting adjourned at 9:20 a.m.

Respectfully Submitted,

PETER M. DOUGLAS  
Executive Director

pmg