

CALIFORNIA COASTAL COMMISSION

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W14

TO: ALL COMMISSIONERS

RECORD PACKET COPY

FROM: PETER DOUGLAS, EXECUTIVE DIRECTOR

SUBJECT: MINUTES of MEETING of OCTOBER 13-15, 2004
The Doubletree Club Hotel
1515 Hotel Circle South
San Diego

Wednesday, October 13, 2004 pages 1 to 8

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Wednesday, October 13, 2004, at 9:00 a.m. by Vice Chairman Burke.
2. **ROLL CALL.** Present: Vice Chairman Burke, Commissioners Caldwell, Scarborough, Iseman, Kram, Sedlik, (Alternate) Orr, Neely, Peters, (Alternate) Rose and Wan. Absent: Westly. Potter arrived at 9:05 a.m. Kruer arrived at 9:10 a.m.

SOUTH COAST DISTRICT**3. ADMINISTRATIVE PERMIT APPLICATIONS.**

a. **Application No. 5-04-338 (Twitchell, Long Beach)** Staff recommended approval with special conditions.

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

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

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

ENFORCEMENT

5. **ENFORCEMENT REPORT.** Chief of Enforcement Haage reported on the statewide Enforcement Program.

6. **COMMISSION CEASE & DESIST ORDER No. CCC-04-CD-10 (Harner, Malibu).** Staff recommended approval.

Mark The, representing David Harner, submitted a request to speak in opposition to the project. Steve Hoyer, representing Access for All, submitted a request to speak in favor of the project.

Motion & Vote: Orr moved staff recommendation, seconded by Kruer, and the roll call vote was 10 in favor and 0 opposed. **Passed.**

7. **COMMISSION CEASE & DESIST ORDER No. CCC-04-CD-11 and RESTORATION ORDER No. CCC-04-RO-04 (Knipe, Los Angeles Co).** **Postponed.**

8. **COMMISSION CEASE & DESIST ORDER NO. CCC-04-CD-12 (Munro & Pacific Alliance Holdings, Los Angeles Co.)** Staff recommended approval.

Fred Gaines, representing Raymond Munro & Pacific Alliance Holdings, Inc., submitted a request to speak in opposition to the project. Wade Weber submitted a request to speak in opposition to the project. Serge Palesitch submitted a request to speak in opposition to the project.

Motion & Vote: Orr moved staff recommendation, seconded by Potter, and the roll call vote was 11 in favor and 0 opposed. **Passed.**

SOUTH COAST DISTRICT

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

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

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

a. **Laguna Beach LCP Amendment No. 2-04 (Water Quality).** Staff recommended approval.

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

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

b. **Dana Point LCP Amendment No. DPT-MAJ-01-4 Time Extension.** Staff recommended approval.

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

12. **COASTAL PERMIT APPLICATIONS.**

a. **Application No. 5-03-343 (Nieto, Newport Beach)** **Postponed.**

b. **Application No. 5-03-521 (Ruby's Diner, Seal Beach)** Staff recommended approval with special conditions as modified in addendum.

Susan McCabe, representing the applicant, submitted a request to speak in favor of the project. Lee Whittenberg, representing the City of Seal Beach, submitted a request to speak in favor of the project.

Motion: Iseman moved staff recommendation, seconded by Neely.

Amending Motion & Vote: Iseman moved to delete the reduction in seating area, seconded by Potter, and Vice Chairman Burke ruled that the vote was unanimous. **Passed.**

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

c. **Application No. 5-04-82 (Jungwirth, Los Angeles) Postponed.**

d. **Application No. 5-04-149 (Ward, Laguna Beach)** Staff recommended approval with special conditions.

David J. Neish, representing the applicant, submitted a request to speak in favor of the project.

Motion: Iseman moved staff recommendation, seconded by Orr.

Amending Motion & Vote: Iseman moved to delete condition 1 (bluff setback), seconded by Potter, and the roll call vote was 3 in favor (Iseman, Neely & Potter) and 8 opposed. **Failed.**

Vote on Main Motion: The roll call vote, on the main motion, without amendment above, was 11 in favor and 0 opposed. **Passed**

e. **Application No. 5-04-205 (Paicius, Laguna Beach) Withdrawn.**

f. **Appeal No. A-5-04-261 (Doyle, Redondo Beach) Postponed.**

PUBLIC STATEMENTS. Elmer Smith, representing Cabrillo Mobile Home Park, said government abused power, ignored homeowners' right of first refusal and gave land (at Cabrillo Mobile Home Park) to wealthy developer, planning to dry up wetland and to build condominiums, luxury hotels and private offices. F.K. Holtzman described alleged violations at Torrey Pines gliderport. Dr. Lawrence J. Fogel, representing Scale Soaring Society, said watering of non-native plants at Torrey Pines gliderport caused slope failure. Mary Jo Barefich, representing Cabrillo Mobile Home Park, brought pictures of wetland indicator plants removed 9/24 by Mills Land & Water.

LUNCH RECESS. The Commission recessed for lunch at 12:15 p.m. and returned at 1:45 p.m.

Peters and Krueger left during the following item.

g. **Application No. 5-04-192 (Brightwater, Orange Co.)** Staff recommended denial.

Ed Mountford, representing Hearthside Homes, submitted a request to speak in favor of the project. Susan Hori, representing the applicant, submitted a request to speak in favor of the project. Dr. Nancy Anastasia Whitney-Desautels, representing the applicant, submitted a request to speak in favor of the project. Fifteen other speakers submitted requests to speak in favor of the project: Ernest O. Bartelo; Karen Blankenzee; Tony Bomkamp; George Cross; Cathy Green, Mayor of Huntington Beach; Peter Green; Mark Hoover; Donald Hughes, representing Orange County Supervisor Silva; Joseph Jeffrey; Carol S. MacFarlane; Ted McKibbin; John Melissa; Reed L. Royalty, representing Orange County Taxpayers Ass'n.; Jeremy Steele; Kelly Sylvester; and Sandra Word.

The Bolsa Chica Land Trust & Amigos de Bolsa Chica made a presentation in opposition to the project: Shirley Dettloff, Evan Henry, Gerald Chapman, Mel Nutter, David Carlberg, Sandy Genis, James W. Robins, Marjorie Allen, Ted Dowding, and Nancy Donaven. Twenty other speakers submitted requests to speak in opposition to the project: Jim Anderson, representing Bolsa Chica Land Trust; Paul Arms, representing Orange County League of Conservation Voters; Virginia G. Bickford, representing California Cultural Resource Preservation Alliance; Julie Bixby, representing Bolsa Chica Land Trust; Debbie Cook; Terry Dolton, representing Amigos de Bolsa Chica; Marcia Hanscom, representing Wetlands Action Network & Coastal Law Enforcement Action Network; Louise V. Jeffredo-Warden, representing Maritime Shoshone, Inc.; Paul Kleven, representing Maritime Shoshone Inc.; Mark A. Massara, representing Sierra Club; Bruce Monroe, representing Sierra Club; Linda Moon, representing Amigos de Bolsa Chica; Eileen Murphy; Beth Parris; Rebecca Robles, representing Native American Sacred Sites T.F.; Joyce Ryder, representing Maritime Shoshone, Inc.; Robert Roy van de Hoek; Jan Vandersloot; Thomas Warden, representing Maritime Shoshone, Inc.; and Fran Yorba, representing Juaneno Band of Mission Indians

The applicant **withdrew** the application.

Motion & Vote to Waive Time: Wan moved to waive the time limit for re-application, seconded by Orr, and Vice Chairman Burke ruled that the vote was unanimous.

Passed.

Scarborough left at the beginning of the following item. Sedlik left during the item.

h. Application No. 5-04-60 (Parks & Recreation, Laguna Beach) Staff recommended approval with special conditions as modified in addendum.

Ken Kramer, representing CA State Parks, submitted a request to speak in favor of the project. Joan Irvine Smith submitted a request to speak in favor of the project. Clair Schlotterbeck, representing Calif. State Parks Foundation, submitted a request to speak in favor of the project. Edward Merrelees, representing Friends of Newport Coast, submitted a request to speak in favor of the project. Murray Rosenthal, representing Sierra Club, submitted a request to speak in favor of the project. Rick Wilson, representing Surfrider-Laguna Beach-Newport Beach, submitted a request to speak in favor of the project. Dr. Elisabeth Brown, Laguna Greenbelt, Inc., submitted a request to speak in favor of the project. Laura Davick, representing Crystal Cove Alliance, submitted a request to speak in favor of the project. Julian McIntyre, representing Friends of Newport Coast, 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. Iryne C. Black submitted a request to speak in favor of the project. Jan D. Vandersloot MD submitted a request to speak in favor of the project.

Fifty-two speakers submitted requests to speak in opposition to the project: Janis Arendsen, representing El Morro Community Association Village; Paul Bahan, representing El Morro Village; Diana Baumann, representing El Moro Village & Management; Lois Beeman, representing El Morro Village; Frank Brakovich, representing El Morro Village; Diane Brown; Nick Brown; Maureen Buffington, representing El Morro Village; Oren C. Crothers; Ben Crowen, representing El Morro Village; Jerry Dacks; Marlene Estrada, representing El Morro Village; Raul Estrada, representing El Morro Village; Beverly Foland, representing El Morro Village Assoc.; Amie French, representing El Morro Village; Francie French, representing El Morro Village; Jack Gibson, representing El Morro Village; Vicki Gorham, representing El Morro Village; Michael A Green, representing EMCA; William Halle, representing El Morro Community Association; Donald L. Haggie, representing El Morro Village; Sharron Haggie, representing El Morro Village; Gabriel Heflin, representing El Morro Village; Jacob Heflin; Kelly Heflin, representing El Morro Village; Kamme J. H. Hodge, representing El Morro Village; Michael Kaylor, representing El Morro Village; Sandy Laub, representing El Morro Village; Carla Madden, representing El Morro Community Ass.; Emil Marmol; Luis Marmol; Sally McIver, representing El Morro Village; Phyllis Meyer, representing El Morro Village; Jeanette Miller, representing El Morro Community Association; Gloria Monroe, representing El Morro Vilg.; Mary Neumann, representing El Morro Village; Ray Pandolfi, representing EMCA; Marion Pearse, representing El Morro Village; Ron Ravenscroft, representing El Morro Village; Shari Ravenscroft; Marlene Rombath, representing El Morro Village; Bruce Rosen; S. Wayne Rosenbaum, representing EMCA; Sara Saavetra, representing El Morro Village; John Santo, representing El Morro Village; Peter Shah; Harry Showalter, representing El Morro

Village; Marian Showalter, representing El Morro Village; Bob Stevens; Naia Stevens; Lulu Tyner, representing El Morro Village; and Judy Wallace, representing El Morro Village.

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

i. **Application No. 5-04-297 Parks & Recreation**, (Laguna Beach) Staff recommended approval with special conditions.

The hearing was combined with item h above.

Motion: Iseman moved staff recommendation, seconded by Orr.

Amending Motion & Vote: Iseman moved to add a condition to restrict vehicles at "tent only" camp sites, seconded by Wan, and Vice Chairman Burke ruled that the vote was unanimous. **Passed.**

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

j. **Appeal No. A-5-99-225 (Mt. Holyoke Homes**, Los Angeles) Staff recommended approval with special conditions.

Norbert Dall, representing the applicant, submitted a request to speak in favor of the project. John Bowman, representing the applicant, submitted a request to speak in favor of the project. Bob Sousa, representing the applicant, 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. Barbara Schelbert, representing appellants, submitted a request to speak in opposition to the project. Rob Glushon, Esq., representing appellant-community groups, submitted a request to speak in opposition to the project. Douglas Moran submitted a request to speak in opposition to the project. Todd Thompson, representing SOS, submitted a request to speak in opposition to the project. Mark Schelbert, representing Save Our Slopes (SOS), submitted a request to speak in opposition to the project.

Motion & Vote: Iseman moved staff recommendation, seconded by Orr, and the roll call vote was 3 in favor (Kram, Neely & Potter) and 6 opposed. **Failed.**

STATEWIDE

The following items were trailed until the end of the Thursday agenda.

13. **APPROVAL OF MINUTES.** Neely moved approval of the minutes of September 2004, seconded by Caldwell, and unanimously **approved**.

14. **COMMISSIONERS' REPORTS.**

a. Selection of Nominating Committee for annual election of officers. Vice Chairman Burke named Wan to chair the committee, and Kruer & Neely as the other members.

15. **CONSERVANCY REPORT.** A written report was mailed, for information only.

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

17. **DEPUTY ATTORNEY GENERAL'S REPORT.** None.

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

a. **Marketing Contract.** Staff recommended approval.

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

RECESS. The Commission recessed for the day at 9:30 p.m.

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Thursday, October 14, 2004, at 9:05 a.m. by Vice Chairman Burke.
2. **ROLL CALL.** Present: Vice Chairman Burke, Commissioners Caldwell, Kram, Kruer, Neely, Peters, Potter, (Alternate) Rose and (Alternate) Albert. Absent: Chrisman, McPeak and Westly. Iseman arrived at 9:15 a.m. Nava arrived at 9:45 a.m.

CENTRAL COAST DISTRICT

3. CONSENT CALENDAR.

a. **Application No. 3-03-36 (Filizetti, Santa Cruz Co.)** Staff recommended approval with special conditions.

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

SAN DIEGO COAST DISTRICT

4. **CONSENT CALENDAR.** See items a through c on page 7 of the Meeting Notice. Staff recommended approval with special conditions.

(4a) Norma Ruhm submitted a request to speak in opposition to the project. (4b) Rich Gebele submitted a request to speak in favor of the project.

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

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. **Carmel LCP Implementation No. CML-IP-SUB-R2 Certification Review.** Staff recommended concurrence with the Executive Director's determination. Brian Roseth, representing the City of Carmel, submitted a request to speak in favor of the staff recommendation. Elizabeth Gianole, representing owners of affected property, submitted a request to speak in opposition to the staff recommendation. Lezlie Gunn submitted a request to speak in opposition to the staff recommendation. Izzy Gunn submitted a request to speak in opposition to the staff recommendation. There being no objection, Vice Chairman Burke ruled that the Commission concurred with the Executive Director. **Approved.**

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

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

a. **Carmel Draft Post-LCP Jurisdiction Map.** Staff recommended approval.

Brian Roseth, representing the City of Carmel, submitted a request to speak in favor of the staff recommendation.

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

b. **Pismo Beach LCP Amendment No. PSB-MIN-1-04 (parking).** Staff recommended concurrence with the Executive Director. There being no objection Vice Chairman Burke ruled that the Commission concurred with the Executive Director. **Approved.**

8. **NEW APPEALS.**

a. **Appeal No. A-3-03-116 (Gozzi, Monterey Co.) Postponed.**

b. **Appeal No. A-3-03-117 (Brown & Townsend, San Luis Obispo Co.)** 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 **and continued** it to a future meeting.

c. **Appeal No. A-3-04-19 (Goedinghaus, San Luis Obispo Co.)** 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 approval with special conditions.

John Belsher, representing the applicant, submitted a request to speak in favor of the project. Steve Molnar submitted a request to speak in favor of the project. Gregg Berge submitted a request to speak.

Motion: Caldwell moved staff recommendation, seconded by Albert.

Amending Motion & Vote: Potter moved to delete the second condition #2 (water use to be offset through retrofit of existing users), seconded by Neely, and Vice Chairman Burke ruled that the vote was unanimous. **Passed.**

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

d. **Appeal No. A-3-04-48 (Berge, San Luis Obispo Co.)** Staff recommended that the appeal raised no substantial issue.

Gregg A. Berge, the applicant, submitted a request to speak in opposition to the project.

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

9. COASTAL PERMIT APPLICATIONS.

Rose left during the following item.

a. **Application No. 3-02-24 (Ocean Harbor House, Monterey)** Staff recommended approval with special conditions as modified in addendum.

Mary Seiersen, representing Ocean Harbor House HOA, submitted a request to speak in favor of the project. Dave Larsen, representing Ocean Harbor House, submitted a request to speak in favor of the project. Bud Carney submitted a request to speak in favor of the project. Les Strnad, representing Cal. Land Planning, submitted a request to speak in favor of the project. Scott Williams, representing Calbeach Advocates, submitted a request to speak in opposition to the project. Mark Massara, representing Sierra Club, submitted a request to speak in opposition to the project. Chad Nelson, representing Surfrider Foundation, submitted a request to speak in opposition to the project.

Motion: Potter moved staff recommendation, seconded by Neely.

Amending Motion & Vote on Hours of Access: Potter moved to open the access between dawn and dusk, seconded by Iseman, and the roll call vote was 5 in favor (Caldwell, Iseman, Kruer, Neely & Potter) and 5 opposed (Nava, Peters, Rose, Albert & Burke). **Failed.**

Amending Motion & Vote on Use of Fee: Potter moved to use the fee for planning a regional strategy, seconded by Neely, and the roll call vote was 3 in favor (Iseman, Neely & Potter) and 6 opposed (Caldwell, Kruer, Nava, Peters, Albert & Burke). **Failed.**

Amending Motion & Vote on Amount of Fee: Nava moved to increase the in lieu fee to \$5.3 million, seconded by Kruer, and the roll call vote was 5 in favor (Caldwell, Kruer, Nava, Peters & Burke) and 4 opposed (Iseman, Neely, Potter & Albert). **Passed.**

Vote on Main Motion: The roll call vote, on the main motion, as amended above, was 8 in favor and 1 opposed (Albert). **Passed**

b. **Application No. 3-04-30 (Pebble Beach Co., Monterey Co.) Postponed.**

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.

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

12. **COASTAL PERMIT APPLICATION.**

a. **Application No. 2-02-8 (Stinson Beach Co. Water Dist., Marin Co.) Postponed.**

LUNCH RECESS. The Commission recessed for lunch at 12:15 p.m. and returned at 1:50 p.m.

NORTH COAST DISTRICT

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

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

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

a. **Del Norte Co. LCP Amendment No. DNC-MAJ-1-4 (Walters & Brien).** Staff recommended approval with suggested modifications.

Brien B. Walters submitted a request to speak in favor of the staff recommendation.

Motion & Vote to Reject Implementation: Neely moved to reject the implementation amendment as submitted, seconded by Iseman, and Vice Chairman Burke ruled that the vote was unanimous. **Passed.**

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

16. **NEW APPEALS.**

a. **Appeal No. A-1-04-30 (Bangs, Mendocino Co.)** 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 approval with special conditions.

Tom Bangs, the applicant, submitted a request to speak in favor of the project. Mitzi McDonnell, an applicant, submitted a request to speak in favor of the project. Rob Millberry submitted a request to speak in opposition to the project.

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

b. **Appeal No. A-1-04-54 (Reed, Del Norte Co.)** **Postponed.**

17. COASTAL PERMIT APPLICATIONS.

- a. **Appeal No. A-1-03-69 (Hunt, Mendocino Co.)** Staff recommended denial.

Robert Hunt, the applicant, submitted a request to speak in favor of the project. Kari Prevost, representing the applicant, submitted a request to speak in favor of the project. Mark Massara, representing Friends of Ten Mile, submitted a request to speak in opposition to the project.

Motion & Vote: Neely moved approval of the application, seconded by Iseman, and Vice Chairman Burke ruled that the vote was unanimous in opposition to the motion. **Failed.**

- b. **Application No. 1-04-9 (PG&E, Humboldt Co.)** Staff recommended approval with special conditions as modified in addendum.

Michael Neer, representing Pacific Gas & Electric Company, submitted a request to speak in favor of the project.

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

- c. **Application No. 1-04-14 (CalTrans, Humboldt Co.)** Staff recommended approval with special conditions.

Gerald Kracher, representing Caltrans District 1, submitted a request to speak in favor of the project.

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

17.5 PERMIT AMENDMENT.

- a. **Permit No. A-1-01-29-A (Eureka Waterfront Partners, Eureka)** Staff recommended approval with special conditions.

John Ash, representing the applicant, submitted a request to speak in favor of the project. Sidnie Olson, Senior Planner, representing the City of Eureka, submitted a request to speak in favor of the project. Kevin Hamblin, representing the City of Eureka, submitted a request to speak in favor of the project.

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

STATEWIDE

18. **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.

19. **FEDERAL CONSISTENCY.**

a. **CD-53-04 (Corps of Engineers, Ventura Co.)** Staff recommended approval.

Ruth Villalobos, representing U.S. Army Corps of Engineers, submitted a request to speak in favor of the staff recommendation. Marlene O'Brien, representing Matilija Hot Springs Sanctuary submitted a request to speak in favor of the staff recommendation. Mark Capelli, representing NOAA fisheries, submitted a request to speak in favor of the staff recommendation. Brian Brennan, representing Beacon & City of Ventura, submitted a request to speak in favor of the project. David Pritchett, representing Southern Calif. Steelhead Coalition, submitted a request to speak in favor of the project.

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

b. **CC-61-04 (Los Angeles Airport, Los Angeles)** Postponed.

c. **CD-62-04 (FAA, Los Angeles)** Postponed.

d. **CD-52-04 (Navy, Coronado)** Staff recommended approval.

Mitchell Perdue, Brandon Workman & Mike Baker, all representing Southwest Division, Naval Facilities CMD, submitted a request to speak in favor of the project.

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

e. **CD-66-04 (Navy, Coronado) Postponed.**

f. **CD-70-04 (BLM, Mendocino Co.)** Staff recommended approval.

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

SAN DIEGO COAST DISTRICT

20. **DEPUTY DIRECTOR'S REPORT.** Deputy Director Lee reported on matters not requiring public hearings, and on comments from the public. Edward Eginton submitted a request to speak in favor of waiver 6-04-95-W.

21. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved items 22d & e to the Calendar, and recommended approval with special conditions.

(22d) Jesse Gomez submitted a request to speak in opposition to the project.

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

22. **COASTAL PERMIT APPLICATIONS.**

a. **Application No. 6-04-37 (Edwards, Solana Beach)** Staff recommended approval with special conditions.

Anne Farrell, representing the applicant, submitted a request to speak in favor of the project.

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

b. **Application No. 6-04-38 (Jocis, San Diego)** The applicant requested a continuance.

Motion & Vote to Continue: Neely moved to continue the hearing, seconded by Peters, and Vice Chairman Burke ruled that the vote was unanimous. **Passed.**

c. **Application No. 6-04-71 (Evangelical Church, San Diego) Postponed.**

d. **Application No. 6-04-75 (Fletcher, San Diego) Moved to expanded Consent Calendar. Approved.**

e. **Application No. 6-04-82 (San Diego sewer repair) Moved to expanded Consent Calendar. Approved.**

f. **Application No. 6-04-84 (Paradise Point Resort, San Diego) Postponed.**

g. **Application No. 6-04-86 (Winkler, Solana Beach) Postponed.**

23. **PERMIT AMENDMENTS.**

a. **Permit No. A-6-99-133-A (Ligouri, Oceanside) Postponed.**

b. **Permit No. 6-03-41-A (Parks & Recreation, Encinitas) Staff recommended approval with special conditions.**

Jim Brown, representing California State Parks, submitted a request to speak in favor of the project.

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

PUBLIC STATEMENTS. Mark Massara said the Pleasure Point seawall (in Santa Cruz County) was being built in small pieces despite the Commission's earlier denial.

RECESS. The Commission recessed for the day at 3:40 p.m.

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Friday, October 15, 2004, at 9:00 a.m. by Vice Chairman Burke.
2. **ROLL CALL.** Present: Vice Chairman Burke, Commissioners Caldwell, Iseman, Kruer, Neely, Peters, Potter and (Alternate) Albert. Absent: Chrisman, Kram, McPeak, Nava, Reilly and Westly.

SOUTH CENTRAL COAST DISTRICT

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

- a. **Carpinteria LCP Amendment No. CPN-MAJ-1-04 (Creeks Preservation) Certification Review.** Staff recommended concurrence with the Executive Director's determination. There being no objection, Vice Chairman Burke ruled that the Commission concurred with the Executive Director. **Approved.**

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

Jerald M. Ferrell submitted a request to speak in favor of the project.

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

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

- a. **Santa Barbara Co. LCP Amendment No. MAJ-1-03-B (Mecay-Hotchkiss).** Staff recommended approval with suggested modifications as modified in addendum and orally.

Bob Mecay submitted a request to speak in favor of the project. Kathleen Weinheimer submitted a request to speak.

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

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

Motion & Vote to Reject Implementation: Caldwell moved to reject the implementation amendment as submitted, seconded by Peters, and Vice Chairman Burke ruled that the vote was unanimous. **Passed.**

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

Peters left before the following items.

b. **Santa Barbara Co. LCP Amendment No. MAJ-1-04 (Toro Canyon Plan).** Staff recommended approval with suggested modifications.

Greg Mohr, representing Santa Barbara County, submitted a request to speak in favor of the staff recommendation. LuAnn Hall submitted a request to speak in opposition to the staff recommendation. Juanita Wulff submitted a request to speak in favor of the project.

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

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

Motion & Vote to Reject Implementation: Caldwell moved to reject the implementation amendment as submitted, seconded by Potter, and Vice Chairman Burke ruled that the vote was unanimous. **Passed.**

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

c. **Santa Barbara Amendment No. SB-MAJ-1-04 Time Extension.** Staff recommended approval.

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

d. **San Buenaventura Amendment No. SBV-MAJ-1-03 Time Extension.** Staff recommended approval.

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

e. **Oxnard LCP Amendment No. OXN-MAJ-2-04 (wireless communication).** Staff recommended approval with suggested modifications.

Sue Martin, representing the City of Oxnard, submitted a request to speak in favor of the project.

Motion & Vote to Reject Implementation: Caldwell moved to reject the implementation amendment as submitted, seconded by Iseman, and Vice Chairman Burke ruled that the vote was unanimous. **Passed.**

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

6. COASTAL PERMIT APPLICATIONS.

a. **Application No. 4-03-89 (Barth, Los Angeles Co.)** Staff recommended approval with special conditions.

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

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

b. **Application No. 4-03-94 (Max, Los Angeles Co.)** Staff recommended approval with special conditions.

Norm Haynie, representing the applicant, submitted a request to speak in favor of the project.

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

c. **Application No. 4-04-36 (Ferrell, Los Angeles Co.)** Moved to expanded Consent Calendar. **Approved.**

7. **PERMIT AMENDMENT.**

a. **Permit No. 5-89-963-A (MRG, Malibu)** Staff recommended approval with special conditions.

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

ENERGY, OCEAN RESOURCES and WATER QUALITY

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

9. **SONGS STATUS.** A written report was mailed for information only. David Kay, representing Southern Calif. Edison, submitted a request to speak.

SAN DIEGO COAST DISTRICT

10. LOCAL COASTAL PROGRAMS (LCPs).

a. **Encinitas LCP Amendment No. 3-03 (Community Character).** Staff recommended approval with suggested modifications.

Teresa Barth submitted a request to speak in opposition to the staff recommendation.

Motion & Vote to Reject Implementation: Kruer moved to reject the implementation amendment as submitted, seconded by Potter, and Vice Chairman Burke ruled that the vote was unanimous. **Passed.**

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

b. **San Diego LCP Amendment No. 3-03B (Crescent Heights).** The City requested postponement. Staff recommended approval and extension of the time limit for action.

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

c. **Carlsbad LCP Amendment No. 1-04 (Vigilucci's Seafood et al.).** Staff recommended approval of parts of the amendment and continuance of parts of the amendment.

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

Motion & Vote to Reject Implementation: Potter moved to reject the implementation amendment (Parts C (Twin D), E (farm worker housing) & F (parking for gyms & health spas)) as submitted, seconded by Kruer, and Vice Chairman Burke ruled that the vote was unanimous in opposition to the motion. The motion failed so the amendment was **approved.**

Motion & Vote to Continue Part of Amendment: Potter moved to continue parts B (Kirgis) & D (Cannon Lift Station) and extend the time limit for action, seconded by Iseman, and Vice Chairman Burke ruled that the vote was unanimous. **Passed.**

11. **BRIEFING on SAN DIEGUITO WETLANDS RESTORATION PROJECT.** Informational only. Six speakers submitted requests to speak in favor of the staff recommendation: Pam Slater-Price, representing San Dieguito River Park; Allison Rolfe; Patricia Bone, representing San Dieguito Lagoon Committee-Del Mar; Dick Bobertz, representing San Dieguito River Park JPA; Tom Curriden, representing City of Encinitas; and Jacqueline Winterer, representing Friends of San Dieguito River Valley. Five other speakers submitted requests to speak: David Kay, representing Southern Calif. Edison; Julie Hamilton, representing Save the Beach; Kim Fletcher; Jack Batzler; and Doug Allred, representing Save the Beach.

ADJOURNMENT. There being no old or new business, the meeting adjourned at 10:50 a.m.

Respectfully Submitted,

PETER M. DOUGLAS
Executive Director

pmg

