

CALIFORNIA COASTAL COMMISSION

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TO: ALL COMMISSIONERS

FROM: PETER DOUGLAS, EXECUTIVE DIRECTOR

SUBJECT: MINUTES of MEETING of FEBRUARY 18-20, 2004
The Lodge at Torrey Pines
11480 North Torrey Pines Road
La Jolla

Wednesday, February 18, 2004 pages 1 to 9

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Wednesday, February 18, 2004, at 10:00 a.m. by Chairman Reilly.
2. **ROLL CALL.** Present: Chairman Reilly, Commissioners Hart, Iseman, Kruer, (Alternate) Orr, Nichols, Wan, Larson and Woolley. Absent: Baird, Burke and Sandoval. Peters & Potter arrived at 10:05 a.m. McClain-Hill arrived at 10:10 a.m.

SOUTH COAST DISTRICT

3. **ADMINISTRATIVE PERMIT APPLICATIONS.** See items a through f on page 3 & addendum 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.

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

(f) Stephen Luy, representing the City of Newport Beach, submitted a request to speak in favor of the project. (h) Nick Nodoust, the applicant, submitted a request to speak in favor of the project.

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

SAN DIEGO COAST DISTRICT

5. **REVOCATION of Permit No. 6-01-129 (SeaWorld Adventure Park, San Diego)** Staff recommended denial of the revocation.

David Watson, Michael Handman & John Stier, all representing SeaWorld San Diego, submitted a request to speak in favor of the project. Ten other speakers submitted requests to speak in favor of the project: Thomas Baker Ph.D.; Ingrid Croce; Janet Delaney; Will Laughlin; Don May & Sabrina Venskus, both representing California Earth Corps; Joanne Pastula, representing Junior Achievement; Wally Schirra; Tom Story, representing Mayor Murphy; and Kevin Waldick, representing Mission Bay Aquatic Center. Nine speakers submitted requests to speak in opposition to the project: Kathleen Blavatt, representing Peninsula Community Planning Brd.; Helen Bourne; Ann Cantrell, representing Eco-Link; Ann Denison, representing EcoLink; Linda Kelson, representing San Diego Animal Advocates; Mark Massara, representing Sierra Club Coastal Program; Jarvis Ross, representing Peninsula Community Planning Board; John E. Wilks, III, representing Sierra Club, San Diego Chap.; and Doug Zilm. Six speakers submitted requests to speak in favor of the staff recommendation: Michael Handman, representing MH Hazmat Services for Seaworld; Julie Meier-Wright, representing Economic Development Corp.; Mitch Mitchell, representing San Diego Regional Chamber of Commerce; Sam Parisa; Lance Pelky; and Reint Reinders, representing San Diego Convention + Visitors Bureau. Four other speakers, representing the City of San Diego submitted requests to speak: Martha Blake; Chris Gonaver, representing Environmental Services; Rebecca Lafreniere, representing Solid Waste LEA; and Anne Lowry.

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

PUBLIC STATEMENTS. Commissioner Wan presented a resolution to former Commissioner McCoy. John Murdoch spoke about the absence of ex parte rules for closed session, and expressed concern about the Mt Holyoke Homes case. Kathleen Blavatt said the SDSU project (scheduled for Thursday) bypassed local environmental review. Penny Elia said the Montage resort had not complied with its permit regarding employee parking, and said there would be another site being developed by the same owner which could provide parking. Terry Sprague spoke about desalination proposed in Monterey Bay, and water bag technology.

LUNCH RECESS. The Commission recessed for lunch at 1:10 p.m. and returned at 2:25 p.m. McClain-Hill returned from the break at 3:05 p.m. Potter returned from the break at 3:55 p.m.

SOUTH COAST DISTRICT

6. **DEPUTY DIRECTOR'S REPORT.** Deputy Director Lee reported on matters not requiring public hearings, and on comments from the public. Pat Larkin, representing John Laing Homes submitted a request to speak in favor of the project.

7. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved items 10a & d to the Calendar, and recommended approval with special conditions as modified in addendum.

(10a) Laurence Wilson, representing T.A.B. Comm. Serv. Dist., submitted a request to speak in favor of the project.

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

8. LOCAL COASTAL PROGRAMS (LCPs).

a. **Laguna Beach Plan Amendment No. LGB-MAJ-1-2-B (Water Quality).** Staff recommended approval with suggested modifications.

Penny Elia, representing Sierra Club, submitted a request to speak in favor of the project. Christopher Koontz, representing Sierra Club, Hobo-Aliso Homeowners, submitted a request to speak in favor of the project.

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

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

b. **Redondo Beach LCP Amendment No. RDB-MAJ-1-3 (Amend Geographic Segmentation & 2nd units).** Staff recommended approval.

James Allen submitted a request to speak in opposition to the project. Jess Money submitted a request to speak in opposition to the project. Bill Brand submitted a request to speak in opposition to the project. Ellen Allan submitted a request to speak in opposition to the project.

Motion & Vote on Segmentation: Peters moved to add 11 lots to Area One, seconded by Woolley, and Chairman Reilly ruled that the vote was unanimous. **Passed.**

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

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

9. NEW APPEALS.

a. **Appeal No. A-5-03-465 (Y.M.C.A & Santa Monica Mountains Conservancy, Los Angeles)** **Postponed.**

b. **Appeal No. A-5-03-536 (Laguna Beach public works yard, Orange 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-5-04-4 (Laguna Beach corporate yard & festival parking, Orange 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-5-04-8 (Venice Park Associates 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.

e. **Appeal No. A-5-04-9 (Venice Park Associates, 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.

10. **COASTAL PERMIT APPLICATIONS.**

a. **Application No. 5-03-298 (Three Arch Bay CSD, Laguna Beach)** Moved to expanded Consent Calendar. **Approved.**

Kruer left before the following items. Larson left during the following item.

b. **Application No. 5-03-351 (Robertson & Massengill, Los Angeles)** Staff recommended approval with special conditions.

Graham Robertson submitted a request to speak in favor of the project. Karena Massengill submitted a request to speak in favor of the project. Ken Genser, representing the applicants, submitted a request to speak in favor of the project. Arthur Corona submitted a request to speak in favor of the project. Mark Coen submitted a request to speak in opposition to the project. Teresa Coen submitted a request to speak in opposition to the project. William T. Gameroz submitted a request to speak in opposition to the project. Bill Gerhardt submitted a request to speak in opposition to the project. Gary Kane submitted a request to speak in opposition to the

project. Linda Ragin, representing Shepard Street Cottages, submitted a request to speak in opposition to the project.

Motion & Vote: Peters moved staff recommendation, seconded by Wan, and the roll call vote was 6 in favor, 2 opposed (Iseman & Nichols) and 1 abstention (Potter).
Passed.

c. **Application No. 5-03-402 (Bubba Gump Shrimp & Santa Monica)** Staff recommended approval with special conditions.

Elana Buegoff, representing the City of Santa Monica, submitted a request to speak in favor of the project. Scott Barnett, representing Bubba Gump, submitted a request to speak in favor of the project. Howard Laks, Christopher Neils & Gordon Miles, all representing Bubba Gump Shrimp Co., submitted requests to speak in favor of the project. Ellen Brennan, representing Pier Restoration Corp., submitted a request to speak in favor of the project.

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

d. **Application No. 5-03-455 (Kuntz, San Clemente)** Moved to expanded Consent Calendar. **Approved.**

e. **Application No. 5-03-478 (Playa Capital, Los Angeles)** Staff recommended approval with special conditions.

Catherine Tynell, representing Playa Vista, submitted a request to speak in favor of the project. Rick Zbur, representing the applicant, submitted a request to speak in favor of the project. Eric Strecker, representing the applicant, submitted a request to speak in favor of the project. Patrick Gibson, representing the applicant, submitted a request to speak in favor of the project. Jane Bright, representing Playa Vista, submitted a request to speak in favor of the project. Jay Kim, representing Los Angeles Dept. of Transportation, submitted a request to speak in favor of the project. Dr. James Moore, representing Villa Marina Council, submitted a request to speak in favor of the project. Judy Crane submitted a request to speak in favor of the project. Linda Topal submitted a request to speak in favor of the project. Linda Shafritz submitted a request to speak in favor of the project. Tony Romano submitted a request to speak in favor of the project. Challis Macpherson submitted a request to speak in favor of the project. Frank Underwood submitted a request to speak in favor of the project.

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

11. PERMIT AMENDMENTS.

a. **Permit No. 5-84-638-A2 (Singer & McDemas, Los Angeles)** Staff recommended approval with special conditions.

Debbie Singer, representing C&O Trattoria, submitted a request to speak in favor of the project. Robert Singer submitted a request to speak in favor of the project. Jay B. Siegel, representing the applicant, submitted a request to speak in favor of the project. Lowell Safier, representing L.A. Police Dept., Sheriffs Dept., C-PAB, submitted a request to speak in favor of the project. Paul Oscher submitted a request to speak in opposition to the project. Marilyn Roland submitted a request to speak in opposition to the project. Debra Kane submitted a request to speak in opposition to the project. Susan-Lori Parks submitted a request to speak in opposition to the project.

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

b. **Permit No. A-5-03-87-A (Walker & Dupler, Palos Verdes Estates)** **Postponed.**

STATEWIDE

12. **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.

13. FEDERAL CONSISTENCY.

a. **CD-63-03 (CBP, San Diego)** Staff recommended objection.

Congressman Duncan Hunter submitted a request to speak in favor of the project. U.S. Congressman Bob Filmer submitted a request to speak in favor of the staff recommendation. Senator Denise Moreno Ducheny, representing California State Senate 40th, submitted a request to speak in opposition to the project. Dianna Zamora, representing Assembly Member Juan Vargas, submitted a request to speak in opposition to the project. Supervisor Greg Cox, San Diego County, submitted a request to speak in favor of the staff recommendation. Therese O'Rourke, representing U.S. Fish & Wildlife Service, submitted a request to speak.

Thomas E. Diaforli, representing Customs & Border Protection, submitted a request to speak in favor of the project. Robert Beken submitted a request to speak in favor of

the project. James R. Dorcy, representing Border Solution Task Force, submitted a request to speak in favor of the project. Michael Giorgino, representing Giorgino for Congress, submitted a request to speak in opposition to the staff recommendation.

Fifty six speakers submitted requests to speak in opposition to the project: Allison Rolfe, representing S.D. Baykeeper; Jim Peugh, representing Safe Border Coalition; Claudia Smith, representing Am. Friends Justice Comm.; Kate A., representing Organic Collective; Theresa Acerro; Michael Beck, representing Endangered Habitats League; Brian Bilbray, representing Congressman Duncan Hunter; Helen Bourne; Cory Briggs; Cindy Burraserne, representing CA Native Plant Society; Michael Cardenas, representing the Organic Collective; Kristine Coleman, representing the Organic Collective; Elizabeth Copper; Jean Costa; Joni K. Craig; Colleen Dietzel; Deborah Hart Dobson; William Doyle, representing Save Our Heritage-SOHO; Meryl Faulkner; Sharon Floyd, representing Environmental Health Coalition; Brian Foster; Teruko Foster, representing San Diego Audubon Society; Mr & Mrs Jim Herron; Mel Hinton, representing San Diego Audubon Society; Laura Hunter, representing Envl' Health Coalition; Lupita Jimenez, representing So. Bay Green Party; Adam Keats, representing Center for Biological Diversity; Barbara Booth Keiller, PhD; Martin J. Kenney; Ed Kimura, representing Sierra Club; Jim King, representing California Coastal Conservancy; Libby Lucas, representing CA Department of Fish & Game; Mark Massara, representing Sierra Club Coastal Program; Patricia W. McCoy, Mayor pro tem, City of Imperial Beach; Kimberly McGinley; Peter A. Mesich, Esq.; Charles Nelson; Lea D. Norton, representing California Least Tern Monitor-ARA; Susan Orlofsky, representing Ocean Beach Grassroots Organization; Joanne Pearson, representing Sierra Club; Maria Curry, representing SOHO; Nohelia Ramos, representing Environmental Health Coalition; Bruce Reznik, representing San Diego Baykeeper; William Richter; Annie Sarter, representing Southwest Wetlands Interpretive Assoc.; Ellen Shirely, representing Sierra Club or EHC; Jonathan Snapp-Cook; Gladys Soeterik; Gabriel Solmer, representing San Diego Baykeeper; Peter St. Clair, representing Calif. Native Plant Society; Cindy Stankowski, representing San Diego Archaeological Center; Herb Stern, representing SD Audubon; Michael Wells, representing California Department of Parks & Recreation; Shauna Wolf; Cindy Woodward; and Anne L. Wright.

Motion & Vote: Peters moved to approve the consistency determination, seconded by Wan, and the roll call vote was 0 in favor and 10 opposed. **Failed.**

b. **CD-5-04 (Corps of Engineers, Humboldt Co.)** Staff recommended approval.

Fari Tabatabai, D.Env., representing U.S. Army Corps of Engineers, San Francisco Dist., 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.**

ENERGY, OCEAN RESOURCES and WATER QUALITY

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

STATEWIDE

15. **APPROVAL OF MINUTES.** On Thursday morning, Wan moved approval of the minutes of January 2004, seconded by Burke, and unanimously **approved**.

16. **COMMISSIONERS' REPORTS.** Informational only.

a. Appointment of a member to serve on the **Santa Monica Bay Restoration Commission**. The Commission approved Commissioner Nichols as its representative, and authorized her to designate an alternate.

17. **CONSERVANCY REPORT.** Informational only.

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

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

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

a. **Nonpoint Source Program Contract.** Trilled to Thursday morning. Staff recommended approval.

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

RECESS. The Commission recessed for the day at 7:20 p.m.

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Thursday, February 19, 2004, at 9:00 a.m. by Chairman Reilly.
2. **ROLL CALL.** Present: Chairman Reilly, Vice Chairman Burke, Commissioners Hart, Iseman, (Alternate) Curtis, Nava, Nichols, Potter, Wan, Aronberg and Woolley. Absent: Baird and Sandoval. Peters arrived at 9:05 a.m. (Alternate) Susskind arrived during the lunch break.

SAN DIEGO COAST DISTRICT

3. **CONSENT CALENDAR.** See items a through d on page 9 of the Meeting Notice. Staff recommended approval with special conditions.

(a) Kevin Perry, representing the applicant, submitted a request to speak in favor of the project. (d) Lou Haberkern, representing the applicant, submitted a request to speak in favor of the project. John McNab, representing Save Our NTC, submitted a request to speak in opposition to the staff recommendation. Cynthia Conger, Chair, Peninsula Community Plng. Bd., submitted a request to speak in opposition to the staff recommendation.

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

STATEWIDE

4. **EXECUTIVE DIRECTOR'S REPORT.**

a. **Public Education Grant Program.** Staff recommended approval.

Motion & Vote: Nava moved staff recommendation, seconded by Nichols, 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.

a. **Port Hueneme LCP Amendment No. MAJ 1-03 (Anacapa Walk Homes)**

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.**

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

7. **CHANNEL ISLANDS HARBOR Notice Of Impending Development No. 1-04 (BISC).** Staff recommended approval with special conditions.

Lynn Krieger, Director, Channel Islands Harbor, submitted a request to speak in favor of the staff recommendation. Andi Culbertson, representing CAA, submitted a request to speak in favor of the staff recommendation. Mike Ammon, representing Boating and Waterways, submitted a request to speak in favor of the staff recommendation. John Buse, representing The Environmental Defense Center, submitted a request to speak in opposition to the staff recommendation. Four speakers representing The Beacon Foundation submitted requests to speak in opposition to the staff recommendation: Lee Quaintance, Jean Rountree, Gordon Birr and Vickie Finan. John Flynn, a member of the Board of Supervisors, Ventura County, submitted a request to speak in opposition to the staff recommendation. Mark Massara, representing Sierra Club, submitted a request to speak in opposition to the staff recommendation. Vernon Pilgrim submitted a request to speak in opposition to the staff recommendation. Trevor Smith submitted a request to speak in opposition to the staff recommendation. Nancy Snooks submitted a request to speak in opposition to the staff recommendation. Ellen Spiegel, representing Channel Islands Beach Community Services District, submitted a request to speak in opposition to the staff recommendation. Thomas M. Volk, Harbor Director-Retired, submitted a request to speak in opposition to the staff recommendation. Jayne Ziv, representing The Beacon Foundation, submitted a request to speak in opposition to the staff recommendation. Dr. Jonathan Ziv submitted a request to speak in opposition to the staff recommendation. Piper Ziv submitted a request to speak in opposition to the staff recommendation. Charlie Brunt submitted a request to speak in opposition to the project. Kenneth Grim submitted a request to speak in opposition to the project. Mati Waiya, representing Wishtoyo-Ventura Coastkeepers, submitted a request to speak in opposition to the project. Zak Ziv, representing The Sierra Club, submitted a request to speak in opposition to the project.

Motion & Vote: Hart moved staff recommendation, seconded by Potter, and the roll call vote was 4 in favor (Hart, Curtis, Potter & Reilly) and 6 opposed. **Failed.**

PUBLIC STATEMENTS. Gilbert Foerster presented information about conversion of agricultural land in Encinitas. Mark Massara, representing Sierra Club, presented information about marketing of "fully seawalled" property.

LUNCH RECESS. The Commission recessed for lunch at 12:30 a.m. and returned at 2:40 p.m. after closed session. Potter returned from the break at 4:55 p.m.

REPORT of CLOSED SESSION. In closed session the Commission took action on Sierra Club, et al. v. CCC, et al. (Soka University, RPI); Coalition to Save the Marina, Inc. v. CCC, et al.; Rubinroit v. CCC; Trancas Property Owners Association, et al. v. State of California, CCC, et al.; and the matter of the border fence, Dept. of Homeland Security; and discussed five other cases for information only.

8. **COASTAL PERMIT APPLICATIONS.**

a. **Application No. 4-02-191 (Mohammadi, Los Angeles Co.)** Staff recommended denial.

Christy Mohammadi submitted a request to speak in favor of the project. Oscar Ensafi, representing the applicant, submitted a request to speak in favor of the project. Nick Kazeki, representing the applicant, submitted a request to speak in favor of the project.

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

b. **Application No. 4-03-28 (Buyink, Los Angeles Co.)** **Postponed.**

c. **Application No. 4-03-69 (Panorama Ranch, Los Angeles Co.)** Staff recommended denial.

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

Motion & Vote: Wan moved approval of the application, seconded by Peters, and the roll call vote was 0 in favor and 12 opposed. **Failed.**

d. **Application No. 4-03-70 (Panorama Ranch, Los Angeles Co.)** Staff recommended denial.

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

Motion & Vote: Wan moved approval of the application, seconded by Peters, and the roll call vote was 0 in favor and 12 opposed. **Failed.**

e. **Application No. 4-03-71 (Communications Relay, Los Angeles Co.)** Staff recommended denial.

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

Motion & Vote: Wan moved of the application, seconded by Peters, and the roll call vote was 0 in favor and 12 opposed. **Failed.**

f. **Application No. 4-03-72 (Deer Valley Ranch, Los Angeles Co.)** Staff recommended denial.

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

Motion & Vote: Wan moved approval of the application, seconded by Peters, and the roll call vote was 0 in favor and 12 opposed. **Failed.**

g. **Application No. 4-03-73 (Ventura Port District, Ventura)** Staff recommended approval with special conditions.

Richard Parsons, representing the applicant, submitted a request to speak in favor of the project.

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

9. **PERMIT AMENDMENT.**

a. **Permit No. 4-99-169-A2 (Trento, Malibu)** Staff recommended approval with special conditions.

Carol Pulido, representing the applicant, submitted a request to speak in favor of the project. Cara Vallier, representing the applicant, submitted a request to speak in favor of the project. Dr. David S. Whitley, representing the applicant, submitted a request to speak in favor of the project. Edward Muñoz submitted a request to speak in favor of the project. Chester King PhD, representing Topanga Anthropological Consultants, submitted a request to speak in opposition to the project. Ricardo Melender (Chumash), representing Wishtoyo/Ventura Coastkeepers, submitted a request to speak in opposition to the project. Mati Waiya, representing Chumash Indian Priest, submitted a request to speak in opposition to the project. Tarren Collins submitted a request to speak in opposition to the staff recommendation.

Motion & Vote: Potter moved staff recommendation, seconded by Hart, and the roll call vote was 9 in favor and 3 opposed (Burke, Nava & Wan). **Passed.**

b. **Permit No 5-90-1103-A2 (Betz, Los Angeles Co.)** **Postponed.**

ENFORCEMENT

10. **ENFORCEMENT REPORT.** None.

11. **COMMISSION CEASE & DESIST ORDER No. CCC-04-CD-1 (Battram, Newport Beach)**
Postponed.

SAN DIEGO COAST DISTRICT

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

Curtis left during the following item.

a. **San Diego LCP Amendment No. 1-02A (La Jolla Plan Update) Certification Review.** Staff recommended concurrence with the Executive Director's determination.

Bob Manis, representing the City of San Diego, submitted a request to speak in favor of the staff recommendation. Eleven other speakers submitted requests to speak in favor of the staff recommendation: Allison Rolfe, representing S.D. Baykeeper, Surfrider Foundation, Environmental Health Coalition; Sally Fall; Sherri Lightner, representing La Jolla Town Council; John Edward Ward; Susan Goulian; Patrick Ahern; Ken King; Joanne Pearson, representing S.D. Sierra Club; Sally Miller; Neal Singer, representing Hillel of San Diego; and Michael Cudany.

Fourteen speakers submitted requests to speak in opposition to the staff recommendation: Tiffany Shever and Deborah Marengo, both representing Promote La Jolla; F.H. Bennett, III. and Terry Upton, both representing San Diegans for Sensible Land Use; Claude Anthony Marengo, representing La Jolla Community Planning Assoc.; Maeve Hanlon, Claudette Berwin and Marisa Janine-Dage, all representing SDSLU; Justin Salbato, representing Masterworks Construction Company; Matthew Peterson, representing SDSLU and multiple property owners; Penelope Bourk, representing La Jolla Highlands Homeowners Assoc.; Robert L. Barto; Pat Granger; and David Olson.

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

b. **San Diego Sludge Mitigation Funds. Postponed.**

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

(16c) Bobbette Biddulph, Jim Prine & Mary Putnam, all representing San Diego County, submitted a request to speak in favor of the project. K. Porterfield, representing Encinitas Country Day M&M Dev LLC, submitted a request to speak in opposition to the staff recommendation.

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

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

a. **San Diego LCP Amendment No. 1-02C (La Jolla rezones).** Staff recommended approval.

Bob Manis, representing the City of San Diego, submitted a request to speak in favor of the staff recommendation. Six other speakers submitted requests to speak in favor of the staff recommendation: Joanne Pearson, representing S.D. Sierra Club; Sherri Lightner, representing La Jolla Town Council; Michael Cudany; Neal Singer, representing Hillel of San Diego; Patrick Ahern; and Susan Gouliau.

Twelve speakers submitted requests to speak in opposition to the staff recommendation: Matthew Peterson, representing SDSLU and multiple property owners; Claude Anthony Marengo, representing La Jolla Community Planning Assoc.; Terry Upton, representing San Diegans for Sensible Land Use; Sandra Kindred; Maeve Hanlon, Claudette Berwin and Marisa Janine-Dage, all representing SDSLU; Penelope Bourk, representing La Jolla Highlands Homeowners Assoc.; Robert L. Barto; Pat Granger; Deborah Marengo, representing Promote La Jolla; and David Olson.

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

b. **San Diego LCP Amendment No. 2-02 (Headquarters Point).** **Withdrawn.**

c. **San Diego LCP Amendment No. 1-03A (Affordable Housing).** **Postponed.**

d. **Coronado LCP Amendment No. 1-03 (Orange Avenue Corridor).** **Postponed.**

Peters left during the following item.

e. **Imperial Beach LCP Amendment No. 1-03 (Short-Term Rentals).** Staff recommended approval.

Greg Wade, representing the City of Imperial Beach, submitted a request to speak in favor of the staff recommendation. Edward Spriggs and Michael Bixler, both representing the Port of San Diego, submitted requests to speak in favor of the staff recommendation. Four other speakers submitted requests to speak in favor of the staff recommendation: Brian Jones, Travis Brazil, Robert Miller and Dee McLean. John Haupt, representing Imperial Beach businesses submitted a request to speak in opposition to the staff recommendation. John Carr submitted a request to speak in opposition to the staff recommendation.

Motion & Vote to Reject Implementation: Woolley moved to reject the implementation amendment as submitted, seconded by Wan, and the roll call vote was 2 in favor (Hart & Potter) and 8 opposed. The motion failed so the amendment was **approved**.

15. **NEW APPEALS.**

a. **Appeal No. A-6-03-123 (Security Asset Credit, Imperial Beach)** Staff recommended that the appeal raised no substantial issue.

Ed Johnson submitted a request to speak in favor of the project. David Skelly submitted a request to speak in favor of the project. Greg Wade, representing the City of Imperial Beach, submitted a request to speak in favor of the staff recommendation.

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

b. **Appeal No. A-6-04-1 (Sea Biscuit, Carlsbad)** Staff recommended that the appeal raised no substantial issue.

Pat McGuire, representing the applicant, submitted a request to speak in favor of the project.

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

c. **Appeal No. A-6- 04-2 (Lloyd & Assoc., Encinitas)** **Postponed**.

16. **COASTAL PERMIT APPLICATIONS.**

a. **Application No. 6-03-78 (Weiserau, San Diego Co.)** Moved to expanded Consent Calendar. **Approved.**

b. **Application No. 6-03-81 (San Diego park improvements)** Staff recommended approval with special conditions.

Kevin J. Oliver, Maureen Ostrye, Charles Daniels & Cory Wilkinson, all representing the City of San Diego, submitted a request to speak in favor of the project. Elisa Cusato, representing the City of San Diego, submitted a request to speak in favor of the project. Kathi Riser & Dennis Otsuji submitted a request to speak in favor of the project. Julie Zoellin Cramer, representing Families for a Point Loma Swimming Pool, submitted a request to speak in favor of the project. John McNab, representing Save Our NTC, submitted a request to speak in opposition to the staff recommendation. Paul Webb, representing San Diego County Regional Airport, submitted a request to speak.

Motion: Peters moved staff recommendation, seconded by Burke.

Amending Motion & Vote: Peters moved to delete the vegetative barrier, seconded by Iseman, and Chairman Reilly ruled that the vote was unanimous. **Passed.**

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

c. **Application No. 6-03-127 (SD Co. Water Authority, Encinitas)** Moved to expanded Consent Calendar. **Approved.**

RECESS. The Commission recessed for the day at 8:05 p.m.

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Friday, February 20, 2004, at 9:00 a.m. by Chairman Reilly.
2. **ROLL CALL.** Present: Chairman Reilly, Commissioners Aronberg, Burke, Hart, Iseman, (Alternate) Susskind, Nava, Peters, Potter, Scarborough, Wan and Woolley. Absent: McClain-Hill and Sandoval. Nichols arrived at 9:15 a.m.

CENTRAL COAST DISTRICT

3. **DEPUTY DIRECTOR'S REPORT.** Deputy Director Lester reported on matters not requiring public hearings, and on comments from the public. Dr Nell Langford submitted a request to speak in opposition to the staff recommendation.

a. **Santa Cruz Co. LCP Amendment No. SCO-3-03 (Part 1) (Agricultural Notification) 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.**

b. **Santa Cruz Co. LCP Amendment No. SCO-MAJ-2-03 (Part 1) (2nd Units) 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. **Santa Cruz Co. LCP Amendment No. SCO-MAJ-1-02 (Part 3) (MOU) 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.**

d. **Santa Cruz Co. LCP Amendment No. SCO-MAJ-1-02 (Part 1) (PUD Ordinance) 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.**

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

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

a. **Santa Cruz Co. LCP Amendment No. SCO-MAJ-3-03 (Part 2) (wireless facilities). Time Extension.** Staff recommended approval.

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

b. **San Luis Obispo Co. LCP Amendment No. SLO-MAJ-1-03 (Phase 1 Periodic Review).** Staff recommended approval with suggested modifications.

John Ufrat, representing San Luis Obispo County, submitted a request to speak in favor of the project. Eric Greening, representing Life on Planet Earth, submitted a request to speak in favor of the project. Gordon Hensley, representing Environment in the Public Interest, submitted a request to speak in favor of the project. Tarren Collins, representing Sierra Club, submitted a request to speak in favor of the staff recommendation. Pamela Heatherington, representing Environmental Center of San Luis Obispo, submitted a request to speak in favor of the staff recommendation. Mark Massara, representing Sierra Club, 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 Nava, and Chairman Reilly ruled that the vote was unanimous in opposition to the motion. **Failed.**

Motion on Plan with Modifications: Peters moved approval of the Land Use Plan Amendment with suggested modifications, seconded by Nava.

Amending Motion & Vote: Nava moved to delete balancing of safety projects with scenic resources, seconded by Wan, 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**

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

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

c. **Carmel LCP Implementation.** Trained to the end of the day. Staff recommended approval with suggested modifications.

Sue McCloud, Mayor Carmel by the Sea, submitted a request to speak in favor of the staff recommendation. Brian Roseth, representing the City of Carmel, submitted a request to speak in favor of the staff recommendation. Rich Guillen, representing the City of Carmel-by-the-Sea, submitted a request to speak in favor of the staff recommendation. Kevin Gavin, representing Carmel homeowners, submitted a request to speak in opposition to the staff recommendation. Isabelle Gunn submitted a request to speak in opposition to the staff recommendation. Jim Gunn submitted a request to speak in opposition to the staff recommendation. Greg Gunn submitted a request to speak in opposition to the staff recommendation.

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

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

6. **NEW APPEALS.**

a. **Appeal No. A-3-02-77 (Gorman, Monterey Co.) Postponed.**

b. **Appeal No. A-3-03-122 (First Baptist Church, San Luis Obispo Co.) Withdrawn.**

c. **Appeal No. A-3-04-6 (Sena, Monterey Co.) Postponed.**

d. **Appeal No. A-3-04-5 (Sena, Monterey Co.) Postponed.**

7. **COASTAL PERMIT APPLICATIONS.**

a. **Application No. 3-00-102 (Moss Landing Marine Lab, Monterey Co.) Postponed.**

b. **Application No. 3-03-35 (Williams, Santa Cruz Co.) Postponed.**

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

d. **Application No. 3-03-114 (Monterey, depot demolition)** Staff recommended approval with conditions.

Bill Wotkowski, representing the City of Monterey, submitted a request to speak in favor of the project.

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

8. FINDINGS.

a. **Application No. 3-03-68 (CHOMP, Monterey)** Staff recommended approval of findings as modified orally.

Thomas Jamison, representing CHOMP, submitted a request to speak in opposition to the staff recommendation.

Motion & Vote to Continue: Potter moved to continue the hearing, seconded by Peters, and the roll call vote was 4 in favor (Hart, Iseman, Peters & Potter) and 5 opposed (Nava, Nichols, Wan, Woolley & Reilly). **Failed.**

Motion: Peters moved staff recommendation, seconded by Nichols.

Amending Motion & Vote: Potter moved to adopt the applicant's changes, seconded by Peters, and the roll call vote was 4 in favor (Hart, Iseman, Peters & Potter) and 5 opposed. **Failed.**

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

b. **Application No. 3-03-101 (CHOMP, Monterey)** Staff recommended approval of findings.

The hearing was combined with item a above.

Iseman left before the following item. Burke left during the item.

9. **CONDITION COMPLIANCE on Permit No. 4-82-300-A5 (Oceano Dunes SVRA, San Luis Obispo Co.)** Staff recommended no change to permit and a letter to the Park.

Ruth Coleman, Director CA State Parks, submitted a request to speak in opposition to the staff recommendation. Nell Langford submitted a request to speak in opposition to the staff recommendation. Eric Greening, representing Life on Planet Earth, submitted a request to speak in opposition to the staff recommendation. Joel Suty, representing Friends of Oceano Dunes, submitted a request to speak in opposition to the staff recommendation. Jim Suty, representing Friends of Oceano Dunes, submitted a request to speak in opposition to the staff recommendation. David Hubbard, representing Friends of Oceano Dunes, submitted a request to speak in opposition to the staff recommendation. Tarren Collins, representing Sierra Club, submitted a request to speak in favor of the staff recommendation. Gordon Hensley, representing Env in Pub Interest, 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.

Motion & Vote to Continue: Woolley moved to continue the hearing and direct staff to revise the letter, seconded by Nichols, and Chairman Reilly ruled that the motion **passed**.

NORTH CENTRAL COAST DISTRICT

Peters left before the following item.

10. **DEPUTY DIRECTOR'S REPORT.** None.

11. **NEW APPEAL.**

a. **Appeal No. A-2-03-33 (Hayes, San Mateo Co.)** Staff recommended that the appeal raised no substantial issue.

Nicholas Licato submitted a request to speak.

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

NORTH COAST DISTRICT

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

a. **Eureka LCP Amendment No. EUR-MAJ-03-01 (Kovacovich or Clear Channel TV) 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.**

13. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved item 15b to the Calendar, and recommended approval with special conditions as modified orally.

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

14. NEW APPEALS.

a. **Appeal No. A-1-03-52 (Edge Wireless & King, Mendocino Co.) Postponed.**

b. **Appeal No. A-1-03-66 (SAFE, Mendocino Co.) Postponed.**

15. COASTAL PERMIT APPLICATIONS.

a. **Appeal No. A-1-03-29 (Claiborne & Schmitt, Mendocino Co.)** Staff recommended approval with special conditions as modified orally.

Noren Schmitt, an applicant, submitted a request to speak in favor of the project. J. David Breemer, representing Pacific Legal Foundation, submitted a request to speak in favor of the project. Fred Sedlacek submitted a request to speak. Susie Sedlacek submitted a request to speak.

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

b. **Application No. 1-03-67 (Fredrickson & Jioras, Humboldt Co.)** Moved to expanded Consent Calendar. **Approved.**

ADJOURNMENT. There being no old or new business, the meeting adjourned at 1:15 p.m.

Respectfully Submitted,

PETER M. DOUGLAS
Executive Director

pmg

