

CALIFORNIA COASTAL COMMISSION

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RECORD PACKET COPY**W17**

TO: ALL COMMISSIONERS

FROM: PETER DOUGLAS, EXECUTIVE DIRECTOR

SUBJECT: MINUTES of MEETING of JUNE 9-11, 2004
Sheraton Los Angeles Harbor
601 South Palos Verdes Street
San Pedro

Wednesday, June 9, 2004 pages 1 to 9

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Wednesday, June 9, 2004, at 10:00 a.m. by Chairman Reilly.
2. **ROLL CALL.** Present: Chairman Reilly, Commissioners Caldwell, Iseman, Kram, (Alternate) Susskind, Nava, Neely, Peters, Potter, Scarborough and Wan. Absent: Burke, McPeak and Westly.

CENTRAL COAST DISTRICT

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

a. **San Luis Obispo Co. LCP Amendment No. SLO-MAJ-1-03 (Phase 1 Periodic Review Implementation) Certification Review. Postponed.**

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

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

a. **Santa Cruz Co. LCP Amendment No. SCO-MAJ-3-03 (Part 2) (Wireless Facilities).** Staff recommended approval with suggested modifications.

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

6. **COASTAL PERMIT APPLICATIONS.**

a. **Application No. 3-00-102 (Moss Landing Marine Lab, Monterey Co.)** Staff recommended approval with special conditions as modified orally.

Kenneth Coale, representing the applicant, submitted a request to speak in favor of the project. Linda McIntyre submitted a request to speak in favor of the project.

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

b. **Application No. 3-01-16 (Moss Landing Harbor Dist., Monterey Co.)** Staff recommended approval with special conditions as modified in addendum.

Mark Davis, representing the applicant, submitted a request to speak in favor of the project. Kenneth Coale submitted a request to speak in favor of the project. Linda McIntyre submitted a request to speak in favor of the project.

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

c. **Application No. 3-02-24 (Ocean Harbor House, Monterey)** **Postponed.**

d. **Application No. A-3- 02-92 (Webb, Santa Cruz Co.) Postponed.**

7. **PERMIT AMENDMENT.**

a. **Permit No. A-3-02-58-A (Smith, Monterey Co.)** Staff recommended approval with special conditions.

John Bridges, representing the applicant, submitted a request to speak in favor of the project.

Motion & Vote: Neely moved staff recommendation, seconded by Peters, and the roll call vote was 5 in favor (Caldwell, Susskind, Neely, Peters & Reilly), 3 opposed (Iseman, Kram & Potter) and 1 abstention (Wan). **Passed.**

8. **FINDINGS.**

a. **Application No. 3-03-29 (Kwiatkowski, Pacific Grove)** Staff recommended approval of findings.

John Bridges, representing the applicant, submitted a request to speak in favor of the project.

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

b. **Appeal No. A-3-03-81 (Reddell, Morro Bay)** Staff recommended approval of findings.

Cathy Novak, representing Harbor View applicant, submitted a request to speak in opposition to the staff recommendation.

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

NORTH CENTRAL COAST DISTRICT

9. **DEPUTY DIRECTOR'S REPORT.** Deputy Director Lester reported on matters not requiring public hearings, and on comments from the public.
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PUBLIC STATEMENTS. Mark Massara, representing Sierra Club, welcomed the new Commissioners and said the public wants beach access and protection of coastal resources not more development.

LUNCH RECESS. The Commission recessed for lunch at 12:50 p.m. and returned at 2:30 p.m. after closed session.

REPORT of CLOSED SESSION. In closed session the Commission took action on Bochner v. CCC, et al.

NORTH COAST DISTRICT

10. **DEPUTY DIRECTOR'S REPORT.** District Manager Merrill reported on matters not requiring public hearings, and on comments from the public.
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11. **CONSENT CALENDAR (removed from Regular Calendar).** None.
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12. **LOCAL COASTAL PROGRAM (LCP).**

a. **Del Norte Co. LCP Amendment No. DNC-MAJ-2-04 (Redland Company).** Staff recommended approval with suggested modifications.

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

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

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

13. **NEW APPEAL.**

a. **Appeal No. A-1-04-23 (Pauli, Mendocino Co.)** **Postponed.**

14. **COASTAL PERMIT APPLICATIONS.**

a. **Application No. 1-03-24 (Wiyot Tribe & Eureka)** Staff recommended approval with special conditions.

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

b. **Application No. 1-01-10 (Decker & Jochim, Humboldt Co.)** Staff recommended approval with special conditions.

Kristen Decker, an applicant, submitted a request to speak in favor of the project.

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

c. **Application No. 1-04-27 (Eureka street improvements)** **Postponed.**

ENFORCEMENT

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

16. **COMMISSION CEASE & DESIST ORDER No. CCC-04-CD-5 and RESTORATION ORDER No. CCC-04-RO-1 (Niles, Humboldt Co.)** Staff recommended approval.

Motion & Vote on Cease & Desist Order: Neely moved staff recommendation on the Cease & Desist Order, seconded by Iseman, and Chairman Reilly ruled that the vote was unanimous. **Passed.**

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

SOUTH CENTRAL COAST DISTRICT

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

a. **Santa Barbara Co. LCP Amendment No. 2-02 (Carpinteria Valley Greenhouse) Certification Review.** Staff recommended concurrence with the Executive Director's determination. Norbert Dall, representing Marilyn & Cornelius Vanzeyl, also representing David Seehof, & representing Santa Barbara Flower Growers, submitted a request to speak in opposition to the staff recommendation. There being no objection, Chairman Reilly ruled that the Commission concurred with the Executive Director. **Approved.**

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

(21a) Robert Silber submitted a request to speak. (21d) Hossein Kia, the applicant, submitted a request to speak in favor of the project.

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

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

a. **Carpinteria LCP Amendment No. 1-02b (Creeks Preservation).** Postponed.

b. **Santa Barbara Co. LCP Amendment No. MAJ-1-03-C (Telecommunications).**
Staff recommended approval with suggested modifications as modified in addendum.

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

Scarborough left during the following item.

20. **UCSB LRDP Amendment 2-03 & Notice of Impending Development 10-03 (parking).** Staff recommended approval of the LRDP Amendment as submitted, and approval of the impending development with special conditions as modified orally.

Tye Simpson, representing UC Santa Barbara, submitted a request to speak in favor of the project.

Motion & Vote on LRDP Amendment: Peters moved staff recommendation, to approve the Long range Development Plan Amendment as submitted, seconded by Neely, and Chairman Reilly ruled that the vote was unanimous. **Passed.**

Motion & Vote on Notice of Impending Development: Peters moved staff recommendation, to approve the Notice of Impending Development with conditions, seconded by Neely, and Chairman Reilly ruled that the vote was unanimous. **Passed.**

21. **COASTAL PERMIT APPLICATIONS.**

a. **Application No. 4-01-233 (Port, Los Angeles Co.)** Moved to expanded Consent Calendar. **Approved.**

b. **Application No. 4-03-86 (Stoney Heights & Meadowlands, Los Angeles Co.)** Postponed.

c. **Application No. 4-03-101 (Blowers Trust, Los Angeles Co.)** Postponed.

d. **Application No. 4-03-110 (Kia, Los Angeles Co.)** Moved to expanded Consent Calendar. **Approved.**

22. **PERMIT AMENDMENTS.**

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

b. **Permit No. 4-95-105-A (Higgins, Malibu)** Staff recommended approval with special conditions.

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

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

c. **Permit No. 4-97-243-A (Higgins, Malibu)** Staff recommended approval with special conditions.

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

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

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

23. **FINDINGS.**

a. **Channel Islands Harbor Public Works Plan Notice of Impending Development 1-04 (BISC).** Staff recommended approval of findings.

John Flynn, Ventura Co. Supervisor, submitted a request to speak in favor of the staff recommendation. John Buse, representing Environmental Defense Center, submitted a request to speak in favor of the staff recommendation. Vickie Finan, representing The Beacon Foundation, submitted a request to speak in favor of the staff recommendation. Jean Rountree, representing The Beacon Foundation, submitted a request to speak in favor of the staff recommendation. Five speakers submitted requests to speak in opposition to the staff recommendation in an organized presentation: Kathy Long, Vice-Chair, Ventura Co. Board of Supervisors; Lyn Krieger, Director, Channel Islands Harbor; Noel Klebaum, County Counsel, Ventura County; Steve Bennett, Chair, Ventura Co. Board of Supervisors; and Andi Culbertson, representing County of Ventura. Nine other speakers submitted requests to speak in opposition to the staff recommendation: Raynor Tsuneyoshi, Director Calif. Dept. of Boating & Waterways; Barbara Harison, representing Ventura County Harbor Commission; Carol Burhoe, representing Ventura County Harbor Commission; Michael Kontnik, representing Whale's Tail Restaurant; Barbara Thorpe, representing Calif. State University-Channel Islands; Janet Sederquist, representing Oxnard Convention & Visitors; Robert Snyders; Scott Ramser, representing Ramser Development Co.; and Randy Short. Stephanie Angelini, representing Channel Islands Harbor Foundation, submitted a request to speak in favor of the project.

Motion & Vote: Wan moved staff recommendation, seconded by Nava, and the roll call vote was 2 in favor (Nava & Wan) and 1 opposed (Iseman). **Passed.**

RECESS. The Commission recessed for the day at 3:45 p.m.

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Thursday, June 10, 2004, at 9:00 a.m. by Chairman Reilly.
2. **ROLL CALL.** Present: Chairman Reilly, Vice Chairman Burke, Commissioners Caldwell, Iseman, Kram, Kruer, Neely, Peters, Potter, Wan and Aronberg. Absent: Chrisman and McPeak. Nava arrived at 9:05 a.m.

SOUTH COAST DISTRICT

3. ADMINISTRATIVE PERMIT APPLICATION.

a. **Application No. 5-04-118 (Kelso, Newport Beach)** 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.** See items a through e on page 9 of the Meeting Notice. Item e was postponed. Staff recommended approval with special conditions on the remainder of the Calendar.

(c) David Granoff, the applicant, submitted a request to speak in favor of the project.

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

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

a. **Hermosa Beach LCP Amendment No. HRM-MAJ-2-03 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. **Long Beach LCP Amendment No. LOB-MAJ-2-2 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).** Staff moved five items (8c, 8d, 8e, 8f & 9a) to the Calendar, and recommended approval with special conditions.

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

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

a. **Long Beach LCP Amendment No. LOB-MAJ-1-04 (Citywide Zoning Changes).** Staff recommended approval of part of the amendment as submitted and approval of part of the amendment with suggested modifications.

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

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

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

b. **Huntington Beach LCP Amendment No. HNB-MAJ-1-03.** Staff recommended approval with suggested modifications.

John McGregor & Elmer F. Smith, both representing Cabrillo Wetland Village, submitted requests to speak.

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

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

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

c. **Dana Point LCP Amendment No. DPT-MAJ-1-03 Time Extension.** Staff recommended approval.

Marco Gonzalez, representing Surfrider Foundation, submitted a request to speak in favor of the staff recommendation. Celia Kutcher, representing Dana Pt. Headlands Action Grp., submitted a request to speak.

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

8. **COASTAL PERMIT APPLICATIONS.**

a. **Application No. 5-02-99 (Bel Air Bay Club, Los Angeles)** Staff recommended approval with special conditions as modified in addendum and orally.

Bill McGregor, representing the applicant, 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. Maida Hastings, President Bel Air Bay Club Bd. of Directors, submitted a request to speak in favor of the project. Laurie Newman, representing Senator Sheila Kuehl, submitted a request to speak in favor of the project. Kevin Keller, representing Los Angeles City Councilwoman Cindy Miscikowski, submitted a request to speak in favor of the project. Stephanie Sapper, representing Caltrans, submitted a request to speak in favor of the project. Kurt Toppel, representing Pacific Palisades Community Council, submitted a request to speak in favor of the project. David Pinassi submitted a request to speak in favor of the project. Kent Strumpell, representing L.A. County Bike Coalition, submitted a request to speak in favor of the project. Marcia Hanscom, representing Coastal Law Enforcement Action Network & Sierra Club, submitted a request to speak in opposition to the project. Martin J. Murphy submitted a request to speak in opposition to the project. Harold Tuchyner, representing Pacific Palisades Residents Assoc., submitted a request to speak in opposition to the project.

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

b. **Appeal No. A-5-02-162 (Bel Air Bay Club, Los Angeles)** Staff recommended approval with special conditions as modified in addendum and orally.

The hearing was combined with item a above.

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

c. **Application No. 5-03-121 (San Clemente, Marine Safety Headquarters)** Moved to expanded Consent Calendar. **Approved.**

d. **Application No. 5-03-198 (Byrnes, Seal Beach)** Moved to expanded Consent Calendar. **Approved.**

e. **Application No. 5-03-447 (Francescon, Newport Beach)** Moved to expanded Consent Calendar. **Approved.**

f. **Application No. 5-04-7 & CC 32-04 (Redondo Beach, King Harbor dredging)** Moved to expanded Consent Calendar. **Approved.**

g. **Appeal No. A-5-04-59 (Linden, Long Beach)** Staff recommended approval with special conditions as modified orally.

Jim Linden submitted a request to speak in favor of the project. Doug Otto, representing the applicants, submitted a request to speak in favor of the project. Robert Benard, representing the applicants, submitted a request to speak in favor of the project. Evan Anderson-Braude submitted a request to speak in favor of the project. Bozena Jowarski, representing RPP Architects, submitted a request to speak in favor of the project. Tia Lentini submitted a request to speak in opposition to the project. Jenny Choi submitted a request to speak in opposition to the project. Ernst Kuo submitted a request to speak in opposition to the project. Beverly B. Milner & James S. Milner submitted a request to speak in opposition to the project.

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

9. **PERMIT AMENDMENT.**

a. **Permit No. 5-01-234-A2 (San Clemente Parks, pier repair)** Moved to expanded Consent Calendar. **Approved.**

PUBLIC STATEMENTS. Joey Racano said a proposal for the site of a mobile home park in Huntington Beach would result in loss of lower income housing. Elmer Smith was concerned about purchase of Cabrillo Wetland Village, loss of low income housing, and loss of wetlands. John McGregor objected to rezoning wetlands to visitor-serving, said that local kids dug holes in the wetlands, and said the water supply for the wetlands was blocked. Mary Jo Baretich, representing Cabrillo Wetland Village, described the ownership of the property and its history. Barry Johnson, representing Cabrillo Mobile Home Park & wetlands, said that even if he had to lose his house, he wanted the wetlands protected. Marianne Johnson, representing Cabrillo Mobile Home Park & wetlands, invited the Commission to see how the residents had taken care of the wetlands and their homes. Ginya Beth Paasch, representing Cabrillo Mobile Home Park, said they wanted to purchase the property and stay in their homes. Marcia Hanscom, representing Wetlands Action Network & Sierra Club, urged protection of habitat in consideration of 2 LCPs, Los Angeles County and Newport Beach. Doug Korthof described projects in Orange County that had provided more public benefits, and said it was not too late for the Dana Point Headlands. Larry Porter

urged the Commission to keep the current zoning on Big Shell wetlands and to investigate the flood control channel.

LUNCH RECESS. The Commission recessed for lunch at 12:05 a.m. and returned at 2:50 p.m. after closed session. Nava and Aronberg did not return after the break

REPORT of CLOSED SESSION. In closed session the Commission took action on Butterfield v. CCC, et al., CPH Dos Pueblos Associates, LLC, et al. v. CCC, the Matter of Vested Rights Claim 3-04-20-VRC (Alistair Black), the Matter of Appeal No. A-3-03-113 (Los Osos Community Services District), and the Matter of Jerrold Perenchio violation; and discussed three other cases for information only.

10. FINDINGS.

a. **Dana Point LCP Amendment No. DPT-MAJ-1-3 (Dana Point Headlands).** Staff recommended approval of findings.

Doug Chotkevys - City Manager & Jeff Oderman - City Atty. Office, both representing the City of Dana Point, submitted requests to speak in favor of the project. Sanford Edward, representing Headlands Reserve LLC, submitted a request to speak in favor of the project. Marco Gonzalez, representing Surfrider Foundation, submitted a request to speak in opposition to the staff recommendation. Fourteen speakers submitted requests to speak in opposition to the project: Eugene R. Atherton, MD; Mary Jo Baretich, representing Cabrillo Wetland Village; Stephanie Barger, representing Earth Resource; Barry Johnson; Marianne Johnson, representing Cabrillo Mobil Home Park & Wetlands; Cynthia Kelber-Ackley; Celia Kutcher, representing Dana Pt. Headlands Action Grp.; Mike Lewis, representing San Clemente Chapter of the Surfrider Foundation; John McGregor, representing Cabrillo Wetland Village; Chad Nelson, representing Surfrider Foundation; Ginya Beth Paasch, representing Cabrillo Mobile Home Park/Big Shell Wetland; Larry Porter, representing Ocean Outfall Goup; Joey Racano, representing Ocean Outfall Group; and Elmer F. Smith.

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

ENERGY, OCEAN RESOURCES and WATER QUALITY

11. **ENERGY, OCEAN RESOURCES and WATER QUALITY REPORT.** None.

STATEWIDE

12. **FEDERAL CONSISTENCY REPORT.** Development & Transportation Liaison Grove reported on Negative Determinations issued by the federal consistency staff.

13. **APPROVAL OF MINUTES.** Peters moved approval of the minutes of May 2004, with correction, seconded by Kruer, and unanimously **approved** with 2 abstentions.

14. **COMMISSIONERS' REPORTS.** None.

15. **CONSERVANCY REPORT.** A written report was distributed.

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

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

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

a. **Caltrans, DPR, and CCC Martini Creek Alignment Disposition MOU.** Staff recommended approval.

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

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

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

c. **Legislation.** Informational only.

RECESS. The Commission recessed for the day at 3:30 p.m.

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order on Friday, June 11, 2004, at 9:00 a.m. by Chairman Reilly.
2. **ROLL CALL.** Present: Chairman Reilly, Commissioners Caldwell, Kram, Kruer, Nava, Neely, Peters, Potter and Wan. Absent: Burke, Chrisman, Iseman, McPeak and Westly.

SAN DIEGO COAST DISTRICT

2.5 CONSENT CALENDAR.

a. **Application No. 6-04-19 (San Diego pump station upgrades)** Staff recommended approval with special condition.

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

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

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

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

5. LOCAL COASTAL PROGRAM (LCP).

a. **Encinitas LCP Amendment No. 1-04 (REI/Islands Rest.).** Staff recommended approval.

David de Cordova, representing the City of Encinitas, submitted a request to speak in favor of the staff recommendation. Gilbert Foerster, representing Agricultural Element, submitted a request to speak in favor of the staff recommendation. Chris Calkins, representing Encinitas Town Center Associates, submitted a request to speak in favor of the staff recommendation.

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

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

6. **NEW APPEALS.**

a. **Appeal No. A-6-04-16 (M.B. Ocean Front, San Diego)** Staff recommended that the appeal raised substantial issue. There being three objections, Chairman Reilly opened the hearing on substantial issue.

Cara Vallier, representing the applicant, submitted a request to speak in favor of the project.

Motion & Vote on No Substantial Issue: Peters moved to find that the appeal raised no substantial issue, seconded by Kruer, and Chairman Reilly ruled that the vote was unanimous. **Passed.**

b. **Appeal No. A-6-04-24 (Del Mar paid parking)** Staff recommended that the appeal raised substantial issue. There being no objection, Chairman Reilly ruled that the Commission found substantial issue. Chairman Reilly opened the hearing on the merits of the project. Staff recommended approval with special conditions.

Jerry Finnell, Deputy Mayor, City of Del Mar, submitted a request to speak in favor of the project. Linda S. Niles, representing the City of Del Mar, submitted a request to speak in favor of the project. Bill Michalsky, chair, Traffic & Parking Advisory Comm., submitted a request to speak in favor of the project.

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

7. **COASTAL PERMIT APPLICATIONS.**

Wan left during the following item.

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

Jeff Brown, representing Calif. State Parks, submitted a request to speak in favor of the staff recommendation. Sheelagh Williams, representing CalBeach Advocates, submitted a request to speak in favor of the project.

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

b. **Application No. 6-04-27 (San Diego digester cleaning)** Moved to expanded Consent Calendar. **Approved.**

ADJOURNMENT. There being no old or new business, the meeting adjourned at 10:25 a.m.

Respectfully Submitted,

PETER M. DOUGLAS
Executive Director

pmg

