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CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

STATE OF CALIFORNIA
COASTAL COMMISSION

CITY OF SAN DIEGO)
LOCAL COASTAL PROGRAM)
COUNTY OF SAN DIEGO)

Amendment No. 1-95
Mission Bay/Bahia Point

REPORTER'S TRANSCRIPT OF PROCEEDINGS

[Fragmented Portion Only]

Friday
November 15, 1996

Agenda Item No. 3.a.

Radisson Hotel/Mission Valley
1433 Camino del Rio South
San Diego, California

A P P E A R A N C E S

COASTAL COMMISSIONERS

Louis Calcagno, Chair
Nancy Flemming, Vice Chair
Ray Belgard
Jacqueline Rynerson
Patricia Randa
William Rick
Timothy Staffel
Sara Wan
Byron Wear

Bob Brennan, Transportation & Housing Agency
Victor Holanda, Trade & Commerce Agency

STAFF

Executive Director Douglas
District Director Chuck Damm
Assistant District Director Deborah Lee
Chief Counsel Ralph Faust
Deputy Attorney General Jamie Jordan Patterson

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1 California Coastal Commission

2 November 15, 1996

3 San Diego LCP Amendment No. 1-95 (Mission Bay/Bahia Point)

4 (Fragmented portion -- Following closing the public hearing.)

5 * * * * *

6 CHAIR CALCAGNO: Okay, at this time we will close
7 it to the floor.

8 Commissioners?

9 Commissioner Wear.

10 [MOTION]

11 COMMISSIONER WEAR: Thank you, Mr. Chairman, and
12 thank all of you who have attended today's meeting of the
13 California Coastal Commission and taken an active approach in
14 speaking out on this very important issue.

15 I have the utmost respect for all points of view
16 expressed here today, on all sides of this issue. This issue
17 has a long history, and it is not over yet. Our actions
18 today, as Commissioners, are but one chapter along the way in
19 sorting out the public policy issues, and the interpretation
20 of the California Coastal Act.

21 As many of my fellow Commissioner and San Diegans
22 know, I am exceptionally familiar with this area, having
23 grown up in the beach community for over 32 years. I have
24 served as a life guard lieutenant, even served as a seasonal
25 life guard on Mission Bay and Mission Beach, as did my two

1 brothers. I also served as a sergeant on the Mission Bay
2 Harbor Patrol, and as the executive director of the United
3 States Life Saving Association.

4 My most recent experiences on Mission Bay occurred
5 just last Friday night, when I camped out in a tent with my
6 six-year old son, Conrad, a tiger Cub Scout, at the youth
7 aquatic facility on Fiesta Island. I paddled a canoe around
8 Enchanted Cove, help shape a sand castle, and watched my son
9 enjoy the bay as I had done years earlier as a Scout.

10 I know the history of this unique park, and the
11 public's diverse recreational uses. Although, I represent
12 all of Mission Bay Park as a member of the San Diego City
13 Council, I sit today as a member of the California Coastal
14 Commission, pledged to uphold the California Coastal Act.

15 Clearly, given the emotions on this issue, some
16 people are going to be disappointed by whatever determination
17 is reached here today. The Mission Bay Master Plan has been
18 years in the making. I realize the many years of hard work
19 that has gone into drafting this very important document, all
20 of the public testimony. The plan was approved at most
21 levels, and alternatives were provided along the way, but due
22 to a technicality the California Coastal Commission has had
23 to revisit this issue.

24 Many people have asked me why is it necessary to
25 tinker with this issue when it has already been before the

1 Commission. My reply is that I was not a member of the city
2 council, nor the Coastal Commission, in 1994 or 1995, but I
3 am now, and I need to make a decision, and be held
4 accountable.

5 I would be ignoring the responsibility entrusted
6 to me if I did not exercise both leadership, and followed my
7 conscience and informed convictions regarding the Bahia Point
8 issue.

9 I know that tonight, regardless of the outcome, I
10 am going to go home tonight, and put my head on the pillow
11 and fall asleep knowing that I did the right thing. During
12 this process, I have attempted to be as objective as
13 possible, talking to every individual who called my office
14 asking for a meeting. I met with many groups with differing
15 viewpoints. I made numerous personal visits to the site, and
16 throughout Mission Bay Park. I even looked at different
17 alternatives, and explored different avenues. I have
18 listened very carefully.

19 Given the information that I have received on this
20 entire matter, and having listened to your testimony today, I
21 can say with certainty that the current -- the current
22 Mission Bay Master Plan, as it pertains to Bahia Point, does
23 not adequately address, or mitigate at least some of my major
24 concerns.

25 First, parking, the plan as written virtually

1 eliminates 250 parking spaces, and mitigates them over on
2 Fiesta Island in the east part of Mission Bay. This is
3 unacceptable. Adequate public parking needs to be maintained
4 at Bahia Point. How many spaces? I don't know, 100? 150? or
5 200? who knows at this stage? While -- while some parking
6 spaces, and not all the parking spaces.

7 I made a visit, personal visit to this site, on
8 Labor Day Weekend -- actually it was Labor Day in 1995, and
9 again two weeks later in September. While visiting the very
10 end of the point on Labor Day, from 11:00 a.m. until 1:00
11 p.m. only 10 of the 59 parking spaces were being used. But,
12 the demand for parking did, in fact, increase as I walked
13 along the easterly shore, south, along Bahia Point towards
14 Ventura Cove.

15 I have driven to Bahia Point at 7:00 o'clock in
16 the morning, and with no one on the beach, nearly 100 of the
17 250 public parking spaces were being used by hotel employees,
18 and perhaps some guests. In effect, we have 150 public,
19 really truly public parking spaces there.

20 If there is any net reduction of parking spaces at
21 Bahia Point, they must be mitigated, or those spaces will be
22 in higher demand. In fact, one of the speakers testified
23 about the need to keep the parking over close to the ocean,
24 in the west part of the bay, and I think that needs to be
25 mitigated at Ventura Cove, Bonita Cove, and the western

1 portion of the bay, and not over on the east side of the bay,
2 or Fiesta Island.

3 Secondly, access for small boat users is a
4 concern. Elimination of adequate access for small boat users
5 to the area is unacceptable. The western portion of Mission
6 Bay is called "Sail Bay" for a good reason. It is the best
7 area for sailing. It was planned that way.

8 In addition, and unfortunately, on many occasions,
9 the east Mission Bay area is polluted from urban runoff, and
10 closed for water contact sports. There was a speaker earlier
11 today that talked about our broken sewage system. We do have
12 an interceptor system that intercepts raw sewage from sewage
13 breakage around the bay, but we still have a problem with the
14 urban runoff, primarily, out of Tecolote Creek, and Rose
15 Creek, into the eastern part of Mission Bay, and that affects
16 water contact sports, for small water craft, and windsurfing.

17 A minute ago I told you about me being over on
18 Fiesta Island just this last week, and when I was building
19 that sand castle it smelled. Adequate access for small
20 water craft users needs to be addressed satisfactorily in any
21 precise plan at the Bahia Hotel.

22 Thirdly, the potential loss of lawn area. The
23 traditional picnic use, from the Italian - American
24 community, along the eastern shoreline, with adequate access,
25 needs to be preserved. Any loss of lawn at the end of the

1 point --

2 [Audience reaction]

3 -- any loss of lawn at the end of the point, needs to be
4 mitigated by adding additional lawn area along Ventura Cove,
5 and an area for boccie ball and other recreational uses.

6 Fourth, the concept of a pedestrian bicycle path
7 around Bahia Point is a good idea, and it should be part of
8 the plan. A 16-foot wide new path is overkill, when an 8- to
9 10-foot path is adequate elsewhere along Mission Bay. A 10-
10 foot path makes sense, and there is wide support for it, and
11 our Coastal Commission staff, obviously, is recommending
12 that.

13 Some of the Coastal Commission staffers, and some
14 have suggested that the hotel go beyond its 30-foot height
15 limitation that was imposed by Proposition D -- that has been
16 some of the concerns that have been addressed, or some of the
17 ideas. While some might say this is a practical solution, it
18 would set a poor precedent in the coastal area of San Diego,
19 and could pose problems in the future.

20 I suggest to those who oppose any expansion of the
21 hotel's leasehold, that that is an inflexible position, and
22 very unrealistic. The San Diego City Charter clearly allows
23 a maximum of 25 percent of the park to be used for commercial
24 purposes.

25 Remember that the City of San Diego is the only

1 major jurisdiction in Southern California with no paid
2 parking. There is a precedent in allowing existing
3 leaseholders to expand commercial operations into unused
4 areas of the park. It happened in 1976. The Princess
5 Resort, in the north cove, on Vacation Island, was expanded.
6 That beach was not very well utilized, and I can attest to
7 the fact that we only had one life guard there, and very
8 little -- for some reason, very little of the public used
9 that beach. As long as those dollars stay in Mission Bay,
10 from those commercial leases around the bay, that is to the
11 greater good of the population.

12 As a member of the city council, I would like
13 nothing better than to see some hotel expansion, which means
14 increased revenue to the city, from both the ground lease and
15 the transient occupancy tax. These dollars are critically
16 needed for the implementation of the \$200 million Mission Bay
17 Master Plan.

18 As an existing leaseholder, with historic roots
19 that stretch from the initial development of the park, the
20 Bahia Hotel, and the Evans family, have been good integral
21 neighbors and partners for the past 43 years. Unfortunately,
22 expansion of this particular hotel may result in some public
23 park land and parking spaces. By most accounts, this area is
24 currently underutilized on a daily basis, but is, neverthe-
25 less, utilized regularly.

1 As a Coastal Commissioner, I feel our first
2 obligation is to insure public use of this park, and whenever
3 possible to accommodate reasonable commercial uses; there-
4 fore, I cannot vote to approve the current Mission Bay Master
5 Plan as it is now written. As the Coastal Commission, we
6 should not micro-manage local government, but we need to
7 uphold the Coastal Act in our duties as Coastal
8 Commissioners, in relation to access.

9 My recommendation today is to modify the Mission
10 Bay Master Plan to conform with the Coastal Act, as a broad
11 framework and guidelines for the precise development for
12 Bahia Point. The city council, working with the community,
13 and the Evans family, needs to develop a more precise plan
14 which I am sure will get a full debate at the local level,
15 and at some point be back here before the Coastal Commission
16 for its final approval.

17 Therefore, today, I am going to offer the
18 following motion, as an amendment to the current Mission Bay
19 Master Plan, and I have provided a copy of this for my
20 colleagues and staff, and I will be happy to give you an
21 extra copy. And, I will go ahead and read it for the record,
22 so that everyone will have an opportunity to understand what
23 has gone on today.

24 What I am going to read is simply the verbiage as
25 it would appear modified. It would be Item No. 17 of the

1 Bahia Hotel, 600-room resort hotel:

2 "In accordance with the objective of
3 intensifying existing leaseholds the
4 Bahia Hotel's lease, at the lessee
5 option, should be expanded towards the
6 point of the peninsula, and shifted
7 eastward in some areas. Such an expansion
8 and shift could, potentially, permit the
9 addition of 120 hotel rooms to the complex,
10 above and beyond the current 484-room
11 development plans.

12 "The following criteria should guide the
13 precise redevelopment plan for Bahia Point."

14 First bullet point:

15 "The demand to maintain public parking shall
16 be a priority of any redevelopment plan.

17 Any net loss of public parking, resulting
18 from a lease expansion and/or relocation
19 shall be mitigated by increasing parking
20 lot capacity at Bonita Cove, Ventura Cove,
21 and if necessary other areas in the western
22 half of Mission Bay.

23 "On-site parking for all hotel employees
24 and guests within the hotel's leasehold
25 shall be provided."

1 I'll add to my motion the wording that was stated by the
2 Attorney General's Office:

3 "Nothing in this plan should be construed
4 to allow development, or the closure of
5 public rights of way in a manner inconsistent
6 with statutory or constitutional law."

7 Fourth bullet point:

8 "Access needs for small water craft users,
9 and the use of traditional picnic areas
10 along the eastern shoreline shall be
11 preserved as part of the specific
12 redevelopment plan."

13 COMMISSIONER WAN: Are you substituting --

14 COMMISSIONER WEAR: I substituted the word
15 preserve, right.

16 "An adequate public-use zone should be
17 maintained in accordance with the design
18 guidelines, taking into account the narrowness
19 of the peninsula. A 10-foot wide continuous
20 pedestrian and bicycle access..." --

21 inserting over the word, "path" --

22 "...around Bahia Point shall be made part
23 of any redevelopment effort of the Bahia
24 Hotel, in accordance with the design
25 guidelines. A minimum 20-foot grass strip

1 along the eastern side of the peninsula
2 shall remain."

3 ///

4 Next bullet point:

5 "To mitigate the loss of any lawn area
6 at Bahia Point, a minimum 20-foot wide
7 grass strip shall replace beach along
8 the length of Ventura Cove, adjacent to
9 the parking lot, for approximately 400 feet.
10 In addition, an approximate 50- by 100-foot
11 lawn area for bocce ball, and other
12 recreational uses, shall be added north of
13 the entrance to the Ventura Cove parking
14 lot, adjacent to the beach."

15 And, I will take a footnote here, and I have discussed those
16 issues with Park and Recreation, and they are, in fact,
17 viable.

18 "A seasonal access walkway for all shall
19 be installed at Ventura Cove to the beach,
20 and the Bahia Hotel's expansion plan shall
21 comply with the American Disabilities Act."

22 And, that is something that I have added as a result of the
23 testimony today. I think that we would require that anyway,
24 when the plan -- but, I wanted to make it a part of the
25 record.

1 And, the final bullet point is:

2 "Any other public facilities, including
3 all public parking removed from Bahia Point,
4 shall be fully mitigated at the time of, or
5 prior to, redevelopment."

6 So, that is my motion, and I wanted to just make
7 sure, if I could ask counsel for --

8 COMMISSIONER RICK: I'll second your motion.

9 COMMISSIONER WEAR: Thank you, Mr. Rick.

10 CHAIR CALCAGNO: There is a motion and a second
11 before this Commission.

12 COMMISSIONER WEAR: And, I'll ask the legal
13 counsel to guide me along at the appropriate time for the
14 motions as they are part of the record.

15 Thank you.

16 CHAIR CALCAGNO: Is there any discussion from any
17 of the Commissioners at this time?

18 COMMISSIONER WAN: Yes.

19 CHAIR CALCAGNO: Commissioner Wan.

20 COMMISSIONER WAN: Well, let --

21 CHAIR CALCAGNO: Commissioner Rynerson.

22 COMMISSIONER RYNERSON: Yes, I wanted to ask the
23 staff, in regard to Commissioner Wear's motion, how that
24 relates to the staff recommendation? I know that it is
25 touched on, the areas of concern that have been presented by

1 the audience here.

2 What I am concerned about is that sometimes in
3 wording, impacts can occur that we don't necessarily intend.

4 DISTRICT DIRECTOR DAMM: Commissioner, the
5 difference, I think, between the staff recommendation and
6 what is proposed in Commissioner Wear's November 14 draft
7 language, is that the staff recommendation would simply
8 require all of the public parking, and public use area, to
9 remain. It would also allow for the continuous bike route.

10 In the alternative language proposed by
11 Commissioner Wear, it indicates that you will maintain public
12 parking as a priority in any redevelopment plan, but if there
13 is any net loss, it is to be mitigated. So, there can be net
14 loss. It has to be mitigated in that alternative; whereas,
15 the staff recommendation simply says maintain the parking.

16 The language also, that is of concern to staff in
17 the alternative proposed by Commissioner Wear, dealing with
18 the point or the tip of Bahia Point, the staff recommendation
19 would require the lawn area and the parking to remain. This
20 alternative language would allow for that area to be
21 eliminated. Those are the two main differences that I see.

22 The other item that is being pointed out to me
23 is that the language, with regards to the amount of the
24 expansion area, the city's proposed language indicates that
25 it shall not exceed approximately one acre in area. That

1 would be deleted under the alternative proposal by
2 Commissioner Wear.

3 EXECUTIVE DIRECTOR DOUGLAS: I think the concern
4 that we have here, and one of the things that I was trying to
5 figure out, while we were outside, was what is the purpose of
6 this? what is the effect of this action? These are all
7 public trust lands. So, there is the question, in terms of
8 what standards of the law are applicable, when a subsequent
9 permit comes in? It is not clear to us, exactly, what
10 language, or what standards are going to be applicable.

11 However, we do sense that this plan amendment is
12 going to provide guidance, even though it may not be the
13 specific standard of law against which a subsequent actual
14 specific development proposal is measured.

15 In order to provide guidance, though, we felt it
16 ought to be as specific as possible, and I understand what
17 Commissioner Wear is trying to do here, but from our
18 perspective, we think that this just invites more dispute
19 later on, in terms of what these provisions mean. So, our
20 language is really much more specific than this.

21 It could be that under Commissioner Wear's
22 language, what the staff is recommending ends up happening,
23 but it is not clear. So, it is really much more open and
24 general. That is the major difference as I see it.

25 COMMISSIONER RYNERSON: That is the concern I

1 have. It is also using the term mitigation if there is any
2 net loss, for example, on parking.

3 Mitigation can mean many things to many people,
4 and if you don't have any framework by which to measure, it
5 is just difficult to quantify.

6 Thank you.

7 CHAIR CALCAGNO: Commissioner Staffel.

8 COMMISSIONER STAFFEL: Thank you. I would like to
9 make a couple of comments.

10 I think the proposal that has been set forth is
11 certainly -- and I want to commend Commissioner Wear, because
12 he has worked hard on this, and the city has had their
13 submittal, and it is certainly better than the proposal that
14 was adopted by this Board back in May.

15 And I think that from that standpoint, if the
16 staff is having difficulty, it would be wise for them to look
17 back at their report, their staff report, of July 21, 1995,
18 to the findings associated with that, and I think you can
19 very easily craft those findings to support this proposal
20 that Commissioner Wear has put forth today.

21 And, I do believe that it is a good, you know,
22 compromise effort. It does delay some issues, but quite
23 frankly when the specific aspects of this comes back, it will
24 come back from the City of San Diego, who will be very
25 cognizant of everything that has gone on here, as they have

1 been in this entire plan.

2 I want to mention one other thing, because I think
3 that when we dealt with this before, there was a very
4 important aspect to this, that I think needs to be stated,
5 and that is, you know, Commissioner Wear and other members of
6 this Commission, some are, and some are not, are local
7 government officials. I am a local government official. I
8 am very cognizant of the difficulties of public financing of
9 infrastructure improvements, in local government these days.
10 Last week, this last election, it got more difficult.
11 Proposition 218 passed. Proposition 217 failed. It is going
12 to be a lot tougher for local governments to do public
13 infrastructure of financing.

14 I felt that way last time when this issue came
15 before this Commission. I feel stronger today because of
16 what has occurred in the last month with those two
17 propositions. I think we have to do more private-public
18 partnerships, and that is the only way that we are going to
19 be able to provide infrastructure. In this case, it is
20 public recreation infrastructure.

21 So, it really is something that I think makes some
22 sense. You are not going to please everyone. I think
23 Commissioner Wear's compromise goes a long way, and I think
24 he ought to be, and should be commended for that.

25 I also believe, someone mentioned, boy, if you are

1 going to vote for this, mention what sections that you think
2 they are consistent with. I think, and you go back to the
3 staff report of July 21, 1995, and take a look at the
4 analysis with respect to 30252 of the Public Resources Code.
5 I think the kind of improvements that this can finance is
6 consistent with that code section.

7 And, I think, when you talk about public
8 transportation, and a couple of other things, and the bike
9 ways, this helps make them a reality. It also opens up some
10 other areas.

11 And, I know from where I speak. I am not exactly
12 a stranger to San Diego. I graduated from a little school
13 down the road here, and know all about parking problems,
14 believe me. I think I got a degree in parking problems when
15 I graduated from San Diego State.

16 But, I really think -- and sometimes, the
17 Commission's focus, and the staff's focus -- and I don't
18 meant this as a criticism, it is just an institutional fact
19 -- they are not as cognizant of local government financing
20 issues, as some of those that sit on this Commission from
21 local government are. And, that is why the Commission was
22 created the way it was. That is why you have six members
23 from local government here. We are very concerned about
24 local government issues. And, today, the most pressing local
25 government issue, is local government financing of public

1 infrastructure.

2 I think the proposal today, and the compromise
3 that has been put forward by Commissioner Wear, helps balance
4 those interest with both the Coastal Act and the very real
5 concern we have with respect to how to finance these things.
6 And, when I say "we" I mean any local government entity, and
7 in this case, the City of San Diego, which approved this plan
8 on an eight-to-one vote. We have a very strong letter from
9 Mayor Golding. I think this is something that will set the
10 parameters for the more specific plan to come forward.

11 And, more importantly, provides -- and some people
12 may snicker at this, but whether it is public investment, or
13 private investment, it provides an incentive for an
14 investment in the public good.

15 So, I will support Commissioner Wear's motion.

16 CHAIR CALCAGNO: Commissioner Wan.

17 COMMISSIONER WAN: Yes, I have to commend
18 Commissioner Wear. This has come a long way, as a
19 compromise. I still have a couple of specific points of
20 concern, and I will raise those where -- with regards to why
21 I could not support it without some additional changes.

22 In the very first sentence -- and it does go
23 somewhat to what Mr. Douglas said -- it says that the hotel
24 should be expanded towards the point of the peninsula. The
25 problem that I have with that is that under these terms and

1 conditions, we could see this expand all the way out to the
2 edge of the point. And, the point, itself, is an important
3 area to preserve for public use.

4 Perhaps, if we could limit the extent of the
5 expansion a little bit more definitively, to -- and I am
6 looking at the map provided by Commissioner Wear. There is
7 an area here, that if we -- I don't know how to define this,
8 legally, though, but if we could limit the expansion out to
9 this point here? Is that a grassy area there?

10 COMMISSIONER WEAR: Yes.

11 COMMISSIONER WAN: The end of the grassy area,
12 which allows for considerable hotel expansion, but still it
13 at least allows for some public parking and use of the point.

14 Then, I think that would clear up some of the
15 issues, and we wouldn't see this coming back to us with the
16 possibility of just taking the entire point away, and that is
17 a kind of a -- I think that is an important issue for me,
18 because I don't want to see losing everything at the point.

19 COMMISSIONER WEAR: Just to -- that would be the
20 southerly curb of the north parking area, would be how that
21 would be described, so it is that curb on the north parking
22 area --

23 COMMISSIONER WAN: And, by the way, when we are
24 finished, perhaps we could put a map up for people so we can
25 point to the areas that we are talking about, so people will

1 have a feeling for what is happening, and what isn't
2 happening.

3 CHAIR CALCAGNO: Commissioner Brennan.

4 COMMISSIONER WAN: Wait.

5 CHAIR CALCAGNO: Commissioner Wan, are you
6 finished?

7 EXECUTIVE DIRECTOR DOUGLAS: I think, for purposes
8 of understanding exactly what we are talking about, Chuck, if
9 you could grab a bigger map --

10 COMMISSIONER WAN: I have just a few more points.

11 CHAIR CALCAGNO: We have a -- go ahead, and ask
12 your question. We have an easel over on this end of the
13 podium.

14 EXECUTIVE DIRECTOR DOUGLAS: Mr. Damm is going to
15 point it out, just so that we are clear in terms of what was
16 just discussed, if that becomes part of what is being
17 proposed.

18 DISTRICT DIRECTOR DAMM: Is it part of this area,
19 right here.

20 EXECUTIVE DIRECTOR DOUGLAS: Excuse me, Chuck --

21 COMMISSIONER WAN: No, no.

22 EXECUTIVE DIRECTOR DOUGLAS: -- if you would do it
23 on the microphone, please.

24 COMMISSIONER WAN: Well, first let us agree, and
25 then we will show it to you.

1 It is out --

2 DISTRICT DIRECTOR DAMM: If I understood you
3 correctly, Commissioner, as you head out to the tip of the
4 point, there is the grassy area, and then there is the road,
5 with parking on each side of the road. Then, there is this
6 area here, that is also a landscaped area --

7 COMMISSIONER WAN: And, it is the north end of
8 that.

9 DISTRICT DIRECTOR DAMM: -- and what Commission
10 Wear, I believe, was saying is that it is this area that you
11 are talking about, right in here, and that if there was going
12 to be expansion of the lease area, it would stop at --

13 COMMISSIONER WAN: That is what I have in mind --

14 CHAIR CALCAGNO: For all of you in the audience --
15 excuse me. For all of you in the audience that are moving
16 forward, as soon as the Commission views this, we will turn
17 it around the other way, and we will do it for you, too,
18 okay.

19 DISTRICT DIRECTOR DAMM: It is -- okay.

20 EXECUTIVE DIRECTOR DOUGLAS: So, it is the -- what
21 did you say? the southerly edge of the curbing area out on
22 the point, of the northern --

23 COMMISSIONER WAN: Well, Mr. Damm will show it to
24 everybody --

25 EXECUTIVE DIRECTOR DOUGLAS: Okay.

1 COMMISSIONER WAN: -- so that they understand.

2 DISTRICT DIRECTOR DAMM: I am sure that the people
3 in the back can't see.

4 But, what is being discussed is that Gleason Road,
5 and the parking in this area here.

6 And, what Commissioner Wan is discussing is that
7 the expansion of the lease area would stop at this point
8 here, where this little island of landscaping is.

9 EXECUTIVE DIRECTOR DOUGLAS: It could go no
10 further than that.

11 DISTRICT DIRECTOR DAMM: No further than this --

12 COMMISSIONER WAN: It doesn't require it to go out
13 to there, but it would go no further than that, so that at
14 least it would preserve that area, that additional area of
15 parking.

16 CHAIR CALCAGNO: The road would be gone?

17 COMMISSIONER WAN: No.

18 DISTRICT DIRECTOR DAMM: No, the road would not be
19 gone under what is being proposed by --

20 CHAIR CALCAGNO: Okay, thank you very much.

21 COMMISSIONER WAN: Then --

22 CHAIR CALCAGNO: Now, if we can remove the easels,
23 so that the audience can see the Commission, and we can see
24 the audience, thank you. We appreciate that.

25 COMMISSIONER WAN: I have another question, for

1 Commissioner Wear.

2 If we go to -- I think it is great to add lawn, so
3 that we don't lose any lawn area, but I saw a lot of pictures
4 up here today that showed along -- I think it is the eastern
5 side, a lot of beach. What happens to that? are we going to
6 lose all of that beach area?

7 COMMISSIONER WEAR: No, it would maintain the
8 existing lawn along at least 20-feet in width along the
9 easterly shore.

10 COMMISSIONER WAN: And, then there was still --
11 along the easterly shore there still would be some beach?

12 COMMISSIONER WEAR: Oh, yes, then after the --

13 COMMISSIONER WAN: Oh, okay, that was --

14 COMMISSIONER WEAR: -- lawn there is the beach,
15 yes.

16 COMMISSIONER WAN: -- just a question, that is
17 fine.

18 And, um --

19 CHAIR CALCAGNO: Are you finished, Commissioner
20 Wan?

21 COMMISSIONER WAN: -- um, Commission, I'll let --
22 Commissioner Rynerson has some additional questions, but I --

23 CHAIR CALCAGNO: Commissioner Brennan was next.

24 COMMISSIONER WAN: -- let me just finish, I have
25 another question, about, if you go to bullet point one, it

1 says the demand to main public parking shall be a priority of
2 any redevelopment plan, and any net loss of public parking
3 shall be mitigated by increasing parking lot capacity at
4 Bonita Cove, Ventura Cove, and if necessary the western half
5 of Mission Bay.

6 Since the bulk of the parking that is going to be
7 lost, is at the north end of the point, these -- if I am
8 correct, and you will have to excuse me, because I am not
9 that familiar with Mission Bay -- but these are fairly far
10 away. Is there any way to mitigate for the loss of that
11 parking, closer?

12 COMMISSIONER WEAR: Yes, and let me explain that
13 to you.

14 Out at the end of the point, because that is the
15 parking that could be conceivably lost, or whatever, what you
16 have is a great degree of beach use, and high impaction.
17 Right down south of here at Bonita Cove, some parking could
18 be added there. There could be some additional parking
19 spaces added down here at Ventura Cove right in proximity.
20 Ventura Cove is where a life guard is posted, for example,
21 and we could use some additional capacity right here, and we
22 need that.

23 The whole idea of -- the current way is that we
24 are saying that we are going to mitigate it some other place
25 in Mission Bay Park. And, we are saying, keep it over on the

1 west side of the bay, adjacent to the Mission Bay community.
2 And, that is what one of the speaker's talked about --

3 COMMISSIONER WAN: Okay, so that is fairly close
4 --

5 COMMISSIONER WEAR: -- the demand on -- that is
6 correct --

7 COMMISSIONER WAN: -- to, okay --

8 COMMISSIONER WEAR: -- oh, absolutely.

9 COMMISSIONER WAN: -- those are my primary
10 concerns.

11 COMMISSIONER RYNERSON: If you would excuse me,
12 for just a minute, Mr. Chairman, because it relates to
13 clarifying --

14 CHAIR CALCAGNO: If it relates to the same
15 subject, follow through.

16 COMMISSIONER RYNERSON: Yes.

17 Any other public facilities, including all public
18 parking, removed from Bahia Point shall be fully mitigated at
19 the time of, or prior to, redevelopment, and I wasn't --

20 COMMISSIONER WEAR: The staff had a --

21 COMMISSIONER RYNERSON: -- sure how it related to
22 the other part.

23 COMMISSIONER WEAR: -- it is catch all that
24 relates to anything that we do at Bahia Point, that needs
25 mitigation.

1 The concept is to -- we are not going to say we
2 are going to do that five years after the development. Any
3 changes we make, and facilities that might be lost, would
4 have to be mitigated at the time of development.

5 COMMISSIONER RYNERSON: Well, and, at that site?
6 could that be added?

7 COMMISSIONER WEAR: Well, if we lose some parking,
8 it would be in the general vicinity, so --

9 COMMISSIONER RYNERSON: Yes, and what I am saying
10 is, if you are going to mitigate it, what would that proposal
11 -- what kind of a proposal would that be?

12 COMMISSIONER WEAR: Well, for example --

13 COMMISSIONER RYNERSON: How would you mitigate it?

14 COMMISSIONER WEAR: -- conceptually, we have
15 already talked about mitigating. If we went out, for
16 example, and extended it out to the line that Commissioner
17 Wan talked about, losing a little bit of lawn. Well, I have
18 already stated where I would add that lawn right back into
19 this area adjacent to Ventura Cove, so --

20 COMMISSIONER RYNERSON: Okay.

21 COMMISSIONER WEAR: -- we would displace it right
22 there. I have already made that. That is already part of the
23 motion, because I am actually spelling that out on --

24 COMMISSIONER RYNERSON; I see.

25 COMMISSIONER WEAR: -- the provision -- it would

1 be on the top of page 2, any mitigation of loss of -- to
2 mitigate the loss of any lawn area, a minimum of 20-foot wide
3 shall be replaced at the beach along the length of Ventura
4 Cove, 400 feet, and some additional 50- by 100-foot lawn
5 area.

6 COMMISSIONER RYNERSON: I was just concern that it
7 would be in this vicinity, because it is so heavily used.

8 COMMISSIONER WEAR: I don't have a -- in that
9 vicinity, it would be, you know, that language wouldn't
10 bother me at all. That is the intent of it.

11 COMMISSIONER RYNERSON: Okay, and I am wondering,
12 could that be clarified a bit?

13 COMMISSIONER WEAR: Yes.

14 COMMISSIONER WAN: I have one question, also, one
15 additional --

16 CHAIR CALCAGNO: Well, we are --

17 COMMISSIONER WAN: -- and that would be my last
18 question.

19 CHAIR CALCAGNO: -- going back and forth here. Go
20 ahead, Commission Wan, you keep your question in the
21 background --

22 COMMISSIONER WAN: All right, I am sorry.

23 CHAIR CALCAGNO: -- Commissioner Brennan has the
24 floor.

25 COMMISSIONER WAN: We don't -- do we lose the

1 parking over here, along the eastern shore?

2 COMMISSIONER WEAR: That is left to the city
3 council to work out as part of this. We are saying, it is
4 the demand for parking, and that will come back as part of
5 the specific plan: how many spaces, and what the
6 configurations are.

7 COMMISSIONER WAN: No, but, we don't necessarily,
8 we don't -- the way it is worded, I mean, we won't lose that
9 parking?

10 COMMISSIONER WEAR: We may lose some of it. We
11 are not going to lose all of it, is kind of the way the
12 interpretation is. We don't know how much we are going to
13 lose.

14 I'll tell you one other thing. The planning
15 commission took a shot at this issue, during the process.
16 One of their compromises was the reduction of some parking on
17 the non-beach side of the point. That is another option.
18 So, we have -- the City of San Diego needs to meet with the
19 community groups, and work out these access issues, because
20 we don't want to preclude anything that could affect that.

21 COMMISSIONER RYNERSON: Well, yes, because you are
22 seeing that the access needs shall be preserved.

23 COMMISSIONER WEAR: Right.

24 COMMISSIONER RYNERSON: So, that is --

25 COMMISSIONER WEAR: That is the intention.

1 COMMISSIONER RYNERSON: -- saying, preserve means
2 saving, so --

3 COMMISSIONER WEAR: Right.

4 COMMISSIONER RYNERSON: -- I just want to be sure
5 there isn't a contradiction in the wording in here.

6 COMMISSIONER WEAR: I think it is consistent.

7 CHAIR CALCAGNO: Commissioner Brennan.

8 COMMISSIONER RYNERSON: I'm not sure.

9 COMMISSIONER BRENNAN: Okay, I am a little
10 confused, with regards to the use that we are just using
11 right now, in terms of access.

12 There is physical access that we are talking
13 about, and we are talking about vehicular access. A large
14 portion of the body that spoke today, spoke in regards to
15 vehicular access. I think Mr. Wear's proposal addresses foot
16 traffic and pedestrian access, as opposed to vehicular
17 access. But, --

18 COMMISSIONER WEAR: Just to correct, it affects
19 all access, in general. As we look at this thing from a
20 precise standpoint within the city, we need to look at all of
21 the access issues and work out those issues at the local
22 level.

23 COMMISSIONER BRENNAN: Okay --

24 COMMISSIONER WEAR: That is the intent in it.

25 COMMISSIONER BRENNAN: -- well, in that regard, I

1 agree that this is a local issue matter.

2 I do agree, and I would like to refer to Mr.
3 Staffel. Mr. Staffel represents a San Diego interest here,
4 from having gone to school here. I am, unknown to many of
5 you out here, but I, too, was a San Diego resident for a long
6 time. I first moved to San Diego in 1967, in route to
7 Southeast Asia, and I left my family here, and when I came
8 back, intending to go to law school in northern California,
9 the family said, "No, this is too important. San Diego is
10 very unique. We want to stay here."

11 So, I put my roots in San Diego for some 20-some
12 years. I had a law practice in the north county, lived for a
13 time in Mission Hills, went to school at USD, which, of
14 course, overlooks Mission Bay. During breaks in class, I
15 would meet my family, either south or north of the Hilton
16 Hotel, to either fly kites, study, or watch the kids play in
17 the gymnasiums, or park ground facilities. After that, of
18 course, I either jogged, cycled, I have wind surfed, cycled,
19 water skied and sailed all throughout Sail Bay, around Fiesta
20 Bay. I have played over-the-line at Mariners Point. I
21 played in the on-back tournament on Fiesta Island. I am
22 familiar with the properties that we are talking about.

23 What I am most impressed with is Mrs. Duffy's
24 remarks today, which reminded us that this is an entire plan.
25 This is an entire park. And, what we have focused on today

1 is a small portion of this integral plan, and my analysis of
2 this is that this is not an access issue. It is not a matter
3 of circling Bahia Point with access.

4 You people have never been denied access under
5 this plan. I will say you have been inconvenienced a bit, in
6 the fact that you are going to have to walk a little bit.
7 But, in terms of coastal access, up and down this coast,
8 whether you are in San Elijo, and you want to surf, and the
9 access is up on the coast, surfers walk more than a half-a-
10 mile, or so, to get to great surfing spots. Up and down the
11 coast, in the Big Sur area, if you want to access the beach,
12 people walk to get to these beach locations, and access
13 locations. That is all access, and it works.

14 In this situation, and moving the access down to
15 Ventura Cove, the access that is available there, it is
16 inconvenient for those people that do surf, or windsurf off
17 of the point, but you can still get there. Nobody has denied
18 anybody access to any part of Mission Bay. This is a park.
19 This is your park, and, you are entitled to every square foot
20 of it. And, so from that perspective, you haven't been
21 denied anything under this plan.

22 But, what this plan does do, as Tim said, this is
23 a plan that addresses the infrastructure of continuing to
24 have a great park. That is the important thing. In this
25 park plan, you are addressing the long-term needs, staff has

1 identified.

2 Staff said, quote, "recreational demands are
3 growing in San Diego."

4 I have experienced these things. I have watched
5 them. I have grown up on Mission Bay with all of you. I
6 have seen the increased demand of these facilities, and until
7 we turn around, I agree, Fiesta Island is not where I want to
8 be now, but in 10 years, 20 years, Fiesta Island is where a
9 lot of people are going to go, because we are going to be
10 able to fix Fiesta Island up, and it is going to be neat, and
11 nice, and everybody is going to enjoy it, and it is going to
12 provide access for people who are coming from Chula Vista,
13 Poway, Rancho Bernardo, Escondido, Watsonville, and all over
14 the United States, for that matter.

15 So, from that perspective, you need the fiscal
16 infrastructure to help that out, and in doing that, this
17 expansion, this master plan, is helping to identify that type
18 of an expansion.

19 And, from that perspective I was willing to, and
20 anxious to support the plan as originally suggested by the
21 city planners, and by the people who put together the master
22 plan update.

23 However, in hearing Mr. Wear's presentation, and
24 suggested modifications, I think they make sense, because I
25 appreciate all of the problems that the wind surfers have in

1 getting out to that point. I realize you are going to be
2 inconvenienced. Hopefully, Mr. Wear's suggestion is going to
3 help mitigate some of those problems that you are having.

4 But, I think what you need to look at is the
5 global perspective that we are talking about. We are talking
6 about a regional park that includes access to everybody, and
7 that is what we are trying to achieve.

8 So, from that perspective, I also recommend
9 support of Mr. Wear's recommendation, or amendment.

10 CHAIR CALCAGNO: Commissioner Belgard.

11 COMMISSIONER BELGARD: Thank you, Mr. Chairman.

12 I, too, am a locally elected official, like Mr.
13 Staffel, although, thankfully, I am not an attorney, so I
14 won't be as verbose as he was. But, I tend to agree with
15 everything that he said. I just am not able to say it in
16 that way.

17 And, I, like Mr. Wear, who is locally elected, he
18 has to face you folks down here, and I happen to think that
19 he has got a really good plan, and a good idea, and that, you
20 know, it is sort of easy for us, we vote yea or nay, and we
21 are gone. I don't think there probably won't be too many of
22 you coming up to Santa Cruz to surf, when you have got plenty
23 of surf down here.

24 So, I think this is a plan that fits a lot of the
25 needs, and while it is not going to satisfy everyone, it

1 seems workable, and I am prepared to support the motion.

2 CHAIR CALCAGNO: Commissioner Flemming.

3 VICE CHAIR FLEMMING: I am also an elected
4 official, and understand the city's needs, and I will not be
5 verbose, however, because I think we need to call the
6 question, and get on with this.

7 Thank you.

8 CHAIR CALCAGNO: Okay.

9 Commissioner Wan, and then after that we are going
10 to go to take action.

11 COMMISSIONER WAN: I need a couple of points of
12 clarification.

13 And, by the way, there is a big difference to a
14 windsurfer carrying a windsurfer from a long distance away,
15 and also he needs the wind, which as I understand it is at
16 the point, so I am not going to get into that whole issue,
17 but there are specific types of uses that will be precluded
18 if we don't allow parking at the point, itself.

19 I need a clarification from staff. On the
20 wording, where it says: shifted eastward in some areas. If
21 that creates a parking loss along the eastern side, would we,
22 as a Commission when this does come back to us, would we be
23 able to say, "No," or would this wording permit loss of
24 parking along the eastern shore to take place, and we would
25 have no ability to say, "No," because we had granted this

1 permission today?

2 EXECUTIVE DIRECTOR DOUGLAS: You would --

3 COMMISSIONER WAN: It is not just the northern
4 parking that I am looking at.

5 EXECUTIVE DIRECTOR DOUGLAS: Yes.

6 COMMISSIONER WAN: I am looking at the eastern
7 shore.

8 EXECUTIVE DIRECTOR DOUGLAS: You would have the
9 ability to say, "No," under the Coastal Act --

10 COMMISSIONER WAN: Okay.

11 EXECUTIVE DIRECTOR DOUGLAS: -- because the public
12 access policies of Chapter 3 would be applicable, and be
13 applied by the Commission sitting at the time that the matter
14 comes back to you.

15 I think in terms of getting on with the motions,
16 and getting to some sort of legal action, though, you need a
17 motion on the plan as submitted, and our recommendation is to
18 deny it as submitted, and then to go on with the suggested
19 modifications.

20 And, perhaps Deborah, you can indicate where the
21 resolutions are, and --

22 COMMISSIONER WAN: Just before we do that, I would
23 like to ask Commissioner Wear, if he is agreeable to the
24 suggestion that I made when he makes his amendment --

25 COMMISSIONER WEAR: Yes.

1 COMMISSIONER WAN: -- with regards to the furthest
2 extension northward.

3 COMMISSIONER WEAR: It would be the Bahia Hotel's
4 lease, at the lessee's option, should be expanded towards the
5 point of the peninsula, to the south curb of the north
6 parking lot.

7 COMMISSIONER WAN: Yes, no further than, right?

8 COMMISSIONER WEAR: Yes.

9 CHAIR CALCAGNO: Okay, Commission Holanda, you
10 want the floor, and then we will act.

11 COMMISSIONER HOLANDA: Thank you, Mr. Chairman.

12 I just want to, in essence, reiterate what my
13 fellow Commissioners have clearly articulated in supporting
14 Commissioner Wear's amendment; however, I want to point out
15 that the concern right now for specificity is something that
16 I don't think we should be delving into, because as
17 Commissioner Brennan talked about, and clearly indicated here
18 we are talking about a master plan, and subsequently those
19 details will be worked out.

20 I am encouraged by Commissioner Wear's outline in
21 his bullet points, and I think these matters will be
22 sufficiently discussed at the local level.

23 But, one thing that Commissioner Staffel did point
24 out, and I think it is an underlying factor here, and I know
25 we don't really delve into the fiscal realities of cities and

1 counties here, but it is a reality. And, nevertheless, as
2 you look at this aquatic park, my agency looks at it as an
3 amenity for economic development, and this is something that
4 we would want to see developed, and followed through,
5 relative to the local government's master plan.

6 So, with that, I would encourage my fellow
7 Commissioners to support Commissioner Wear's amendments.

8 CHAIR CALCAGNO: Commissioner Randa.

9 COMMISSIONER RANDA: I want to commend
10 Commissioner Wear for his thoughtful and consensus building
11 approach to drafting a motion that I think addressed some of
12 the issues that I was concerned about.

13 I look at it as overall plan. We are adding more
14 than 100 acres of new park land. We are adding more than 100
15 acres of wetlands, 5000 more parking spaces, a new nature
16 center, and we will be improving the water quality of Mission
17 Bay, not to mention we are increasing the view shed, and that
18 we are also creating a plan for a bike path and a pedestrian
19 trail, used not only by the handicapped, but also mothers
20 with strollers, and other things that you have to roll with.
21 That is why this plan has received unanimous approval from
22 almost every major citizens group, including the Audubon
23 Society, and the Friends of Mission Bay.

24 I think that in an overall plan, it has done a
25 good job. I think that Commissioner Wear has taken the Bahia

1 Point into an area where he can compromise and create
2 flexibility for the city to address those very important
3 concerns, while still showing our support for as much access
4 to the point as possible.

5 And, I support it.

6 CHAIR CALCAGNO: Commissioner Wear.

7 COMMISSIONER WEAR: Okay, now to go ahead and go
8 to the motions, if that would be okay with the counsel.

9 CHIEF COUNSEL FAUST: The first motion is on page
10 five, Commissioner, and I think you can do it in three
11 motions.

12 COMMISSIONER WEAR: Okay.

13 CHIEF COUNSEL FAUST: And, we will try to walk
14 together on it.

15 COMMISSIONER WEAR: Okay.

16 [MOTION]

17 Motion one is that I would move that the
18 Commission certify the City of San Diego Land Use Plan
19 Amendment No. 1-95, as submitted, but recommending a "No"
20 vote.

21 VICE CHAIR FLEMMING: Second.

22 CHAIR CALCAGNO: It has been moved and seconded.

23 Roll call.

24 SECRETARY GOEHLER: Commissioner Belgard?

25 COMMISSIONER BELGARD: No.

1 SECRETARY GOEHLER: Commissioner Flemming?

2 VICE CHAIR FLEMMING: No.

3 SECRETARY GOEHLER: Commissioner Rynerson?

4 COMMISSIONER RYNERSON: No.

5 SECRETARY GOEHLER: Commissioner Randa?

6 COMMISSIONER RANDA: No.

7 SECRETARY GOEHLER: Commissioner Rick?

8 COMMISSIONER RICK: No.

9 SECRETARY GOEHLER: Commissioner Staffel?

10 COMMISSIONER STAFFEL: No.

11 SECRETARY GOEHLER: Commissioner Wan?

12 COMMISSIONER WAN: No.

13 SECRETARY GOEHLER: Commissioner Wear?

14 COMMISSIONER WEAR: No.

15 SECRETARY GOEHLER: Chairman Calcagno?

16 CHAIR CALCAGNO: No.

17 SECRETARY GOEHLER: Zero, nine.

18 CHAIR CALCAGNO: Motion carried.

19 Next motion.

20 CHIEF COUNSEL FAUST: The next motion is at the
21 top of page 6, Motion No. 2, and then we are going to amend
22 that motion before we do a final vote on it.

23 [MOTION]

24 COMMISSIONER WEAR: Correct, and so I would --

25 CHAIR CALCAGNO: Move the motion as stated --

1 COMMISSIONER WEAR: -- go ahead and make the
2 motion --

3 CHIEF COUNSEL FAUST: And, then amend the main
4 motion, that is correct.

5 COMMISSIONER WEAR: -- as stated.

6 All right, I move that the Commission certify the
7 Mission Bay Park Master Plan, if it modified in conformance
8 with Suggested Modifications No. 1-16 of the attached revised
9 findings, dated July 15, 1995, as revised to delete a
10 specific reference to Bahia Hotel expansion in Suggested
11 Modification No. 12, and with Suggested Modifications Nos. 17
12 and 18, which are set forth in the staff report, and
13 recommending a "Yes" vote.

14 COMMISSIONER BELGARD: Second.

15 CHAIR CALCAGNO: It has been moved and seconded.

16 CHIEF COUNSEL FAUST: Now, you will --

17 CHAIR CALCAGNO: Now we will amend it.

18 CHIEF COUNSEL FAUST: -- you will need an amending
19 motion. And, staff, please listen, because I am going to
20 take a first attempt at this, but my understanding of the
21 amending motion is that the amending motion would substitute
22 for Modification No. 17, the language that Commissioner Wear
23 has suggested.

24 So, there would be a complete substitution of
25 language, in place of staff's version of Modification 17, it

1 would be the language that Commissioner Wear has previously
2 discussed.

3 And, just for now an attorney's clarification, my
4 understanding is the Commissioner had already included within
5 that modification the language that the Attorney General had
6 earlier suggested.

7 EXECUTIVE DIRECTOR DOUGLAS: And, for
8 clarification, it is my understanding that Commissioner Wear
9 had accepted the language suggested by Commissioner Wan,
10 which would add to the first paragraph that it would be
11 shifted eastward no further than the southern curb of the --

12 COMMISSIONER WEAR: North parking lot.

13 EXECUTIVE DIRECTOR DOUGLAS: -- north parking
14 area, right.

15 COMMISSIONER WEAR: Right.

16 EXECUTIVE DIRECTOR DOUGLAS: And, then with
17 respect to --

18 COMMISSIONER WEAR: It would be shifted north, I
19 believe.

20 EXECUTIVE DIRECTOR DOUGLAS: North.

21 COMMISSIONER WEAR: The correct direction is
22 north, by the time you get around the point.

23 EXECUTIVE DIRECTOR DOUGLAS: All right.

24 And, then on the first bullet, where you talked
25 about any net loss of public parking resulting from a lease

1 expansion, and/or relocation shall be mitigated, and I heard
2 you accepting some language there that says, "in the
3 vicinity."

4 COMMISSIONER WEAR: Actually, that is the last
5 bullet point, that by the Commissioner, it was any other
6 public facilities, including all parking removed from Bahia
7 Point, shall be fully mitigated in the vicinity of Bahia
8 Point --

9 EXECUTIVE DIRECTOR DOUGLAS: Okay.

10 COMMISSIONER WEAR: -- at the time prior to the
11 redevelopment.

12 EXECUTIVE DIRECTOR DOUGLAS: All right.

13 COMMISSIONER WEAR: In the vicinity of.

14 CHAIR CALCAGNO: Is there a "second" for the
15 amendment?

16 COMMISSIONER BELGARD: Second.

17 CHAIR CALCAGNO: Roll call on the amendment.

18 COMMISSIONER WEAR: Recommending a "Yes" vote.

19 CHAIR CALCAGNO: Correct.

20 SECRETARY GOEHLER: Commissioner Flemming?

21 VICE CHAIR FLEMMING: Yes.

22 SECRETARY GOEHLER: Commissioner Rynerson?

23 COMMISSIONER RYNERSON: Yes.

24 SECRETARY GOEHLER: Commissioner Randa?

25 COMMISSIONER RANDA: Yes.

1 SECRETARY GOEHLER: Commissioner Rick?

2 COMMISSIONER RICK: Yes.

3 SECRETARY GOEHLER: Commissioner Staffel?

4 COMMISSIONER STAFFEL: Yes.

5 SECRETARY GOEHLER: Commissioner Wan?

6 COMMISSIONER WAN: Yes.

7 SECRETARY GOEHLER: Commissioner Wear?

8 COMMISSIONER WEAR: Yes.

9 SECRETARY GOEHLER: Commissioner Belgard?

10 COMMISSIONER BELGARD: Yes.

11 SECRETARY GOEHLER: Chairman Calcagno?

12 CHAIR CALCAGNO: Yes, amendment passes.

13 Next vote will be on the main motion, as amended.

14 EXECUTIVE DIRECTOR DOUGLAS: If --

15 CHAIR CALCAGNO: Roll call, and can we substitute
16 the previous roll call, if there is no objections from the
17 Commission?

18 CHIEF COUNSEL FAUST: You may do that.

19 COMMISSIONER WAN: Mr. Douglas wanted to say
20 something.

21 Mr. Douglas.

22 EXECUTIVE DIRECTOR DOUGLAS: All I wanted to say
23 is that Commissioner Wear's proposed changes have now been
24 adopted, and we think moves this plan a mighty way to where
25 we were, and we think that you have tremendously improved it.

1 COMMISSIONER WEAR: Thank you.

2 EXECUTIVE DIRECTOR DOUGLAS: We are not changing
3 our recommendation on those changes, but if you adopt this, I
4 think you have done a good compromise here.

5 CHAIR CALCAGNO: Okay, anymore? That is it?
6 right.

7 CHIEF COUNSEL FAUST: You may substitute the
8 previous roll call without objections, Mr. Chairman.

9 CHAIR CALCAGNO: Okay, if there is no objection,
10 we substitute the previous roll call, and the motion, as
11 amended passes.

12 VICE CHAIR FLEMMING: May I say -- okay, thank
13 you.

14 EXECUTIVE DIRECTOR DOUGLAS: Mr. Chairman, if we
15 could ask the people in the audience --

16 CHAIR CALCAGNO: Well, before they leave, I would
17 like to thank them again for their courtesy. I would like to
18 also thank Vice President Flemming, and Wan, for assisting me
19 in conducting the meeting today. They were a great help, and
20 you were a great group to work with.

21 And, again we would like to congratulate
22 Commissioner Wear for all of the work he has put to bring
23 this issue to a head here today.

24 Thank you, all.

25 [Whereupon the hearing was concluded.]