

STATE OF CALIFORNIA
COASTAL COMMISSION

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

Amendment No. 1-95
Mission Bay Park Master Plan
Bahia Point

REPORTER'S TRANSCRIPT OF PROCEEDINGS

Thursday
February 6, 1997
Agenda Item No. 16.a.

Princess Resort
1404 West Vacation Road
San Diego, California

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1 California Coastal Commission

2 February 6, 1997

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

4 * * * * *

5 VICE CHAIR GIACOMINI: We go now to the next item
6 on the agenda, please.

7 DISTRICT DIRECTOR DAMM: The next item, Mr.
8 Chairman, would be the revised findings that were prepared
9 for the City of San Diego Local Coastal Program Plan
10 Amendment No. 1-95.

11 These are the revised findings that relate to the
12 Mission Bay Park Master Plan update, and more specifically to
13 the Bahia Point item that the Commission reviewed and acted
14 on this past November.

15 Your staff has prepared revised findings, which we
16 believe do accurately reflect the decision of the Commission.

17 I believe there are persons in the audience who
18 wish to address the Commission, and do have concerns with
19 those revised findings, and we will, after the testimony is
20 taken, respond.

21 VICE CHAIR GIACOMINI: Which item is this? number?

22 COMMISSIONER PAVLEY: Sixteen.

23 VICE CHAIR GIACOMINI: Item 16.a? Yes, we have
24 quite a --

25 DISTRICT DIRECTOR DAMM: This is Item 16.a. It is

1 the last of the San Diego items.

2 VICE CHAIR GIACOMINI: Okay.

3 DISTRICT DIRECTOR DAMM: As I mentioned, after the
4 testimony, we will respond to questions.

5 And, we do have a couple of minor corrections
6 we'll make at that time.

7 VICE CHAIR GIACOMINI: Okay, Mr. Leppert, from the
8 city.

9 Oh, I am sorry -- ex parte.

10 Commissioner Wan.

11 COMMISSIONER WAN: Very quickly, two ex parte
12 communications.

13 On the third of February, I spoke with Scott
14 Andrews, and he said he had some concerns about the findings,
15 but they were rather non-specific, and that it was hard to --
16 one of which was that it was hard to tell about the number of
17 parking spaces.

18 And, then, last night I had a call at -- I spoke
19 with a Miriam Kirshner at 9:00 p.m. I explained that I, at
20 that point, didn't want to talk about it anymore, but she
21 said that there were a number of figures that needed to be
22 modified to be consistent. I don't know what those figures
23 are, but that was the extent of the conversation.

24 VICE CHAIR GIACOMINI: Okay, any other ex parte?

25 Yes, Commissioner Flemming.

1 VICE CHAIR FLEMMING: On Tuesday, I spoke with
2 Nancy Lucast -- and I don't know whether this would be
3 procedural or not -- but as to sort of what part of the day
4 this would happen, and if Byron was going to be here, because
5 -- Byron Wear -- because I wanted to thank him for the
6 assistance that our staff received in being able to stay here
7 at this location.

8 VICE CHAIR GIACOMINI: Okay?

9 All right, we move on to the findings then. Those
10 of you that can participate, you will see on page 1 of the
11 Item 16.a.

12 Mr. Leppert, from the City of San Diego.

13 MR. LEPPERT: Mr. Chairman, thank you very much.

14 Basically, we would like to say, in reference to
15 the position of the staff of the city. The park and
16 recreation department, the city manager, have reviewed the
17 actions that were taken by the Commission at their meeting in
18 November, specifically as they related to the Bahia Hotel,
19 and the specific motions that would be a part of the master
20 plan that now is back up, and we hope to adopt and bring back
21 to our counsel, these changes.

22 The only thing that was changed from the previous
23 master plan were those sections, I believe No. 17 on page 13,
24 and 14 of your report. And, we have reviewed those changes,
25 and the staff is in a position of recommending to our city

1 council when the plan goes back to them that these be
2 adopted.

3 These were, in our opinion, the action -- they
4 represent the action that was taken by your Commission in
5 November, and we are prepared to support them, and hope that
6 you will adopt them.

7 Byron, Councilman Wear, had to leave the meeting
8 today. He had to go down to a meeting along the border, and
9 he has filed a letter with you. And, I believe it has been
10 --

11 VICE CHAIR GIACOMINI: We have it.

12 COMMISSIONER PAVLEY: We got it.

13 MR. LEPPERT: -- submitted to you.

14 VICE CHAIR GIACOMINI: We have it.

15 MR. LEPPERT: And, I think that, basically, what
16 he is talking about is some of the wording that was put in
17 the staff's findings, and he has some additions that I don't
18 think it is necessary to read into the record.

19 But, his feeling is -- basically, his feeling was
20 -- and this is one that is also shared by the staff, and I
21 think it was shared by your Commission in November, when we
22 were talking about this subject -- that we recognize that
23 when the redevelopment of the hotel comes forward, many of
24 these issues will be addressed, along the guidelines that you
25 have adopted here -- we hope you have adopted -- on page 13

1 and 14 of the plan.

2 And, so there will be ample opportunity to address
3 -- and I think that the councilman, and rightly so in many
4 instances -- was a little afraid that some of the findings
5 went a little bit beyond what they needed to be, because all
6 of these issues that he is raising would, again, be properly
7 brought before the Commission, as well as our city council,
8 at the time redevelopment proposals are being considered.

9 VICE CHAIR GIACOMINI: Thank you, Mr. Leppert.
10 Mary Lynn Hyde.

11 MS. HYDE: I would like Miriam to go first,
12 please.

13 VICE CHAIR GIACOMINI: What?

14 COMMISSIONER PAVLEY: Someone else is coming.

15 MS. KIRSHNER: We have a semi-organized
16 presentation, if you wouldn't mind taking us in this order --
17 I am Miriam Kirshner -- and the other speakers will follow.

18 VICE CHAIR GIACOMINI: You have put in a slip?

19 MS. KIRSHNER: Yes, I did.

20 VICE CHAIR GIACOMINI: Okay, fine, your call.

21 MS. KIRSHNER: Thank you.

22 My name is Miriam Kirshner. I am a member of
23 Friends of Bahia Point Park, which is an organization that is
24 committed to preserving access to Bahia Point, including
25 vehicular access, and parking access, for sailors who depend

1 heavily on Bahia Point for access to the waters of Sail Bay,
2 as well as the numerous other kinds of users that use this
3 area.

4 My purpose here today is to insure that the LCP
5 language that you approved in November is reflected
6 throughout the Mission Bay Park Master Plan -- which is this
7 document -- to insure that the language that you approved is
8 reflected throughout that entire document.

9 The staff report does accurately reflect the
10 language that you approved in November. Unfortunately, I
11 feel that the staff's findings presented in your staff
12 report, cannot be made, because they do not make the master
13 plan consistent throughout; however, you can easily remedy
14 that situation by directing changes to four figures in the
15 master plan.

16 First of all, Figure 12 of the master plan shows
17 Bahia Point with its original submittal. When you took
18 testimony and reviewed the motion made by, then, Commissioner
19 Wear in November, you had a figure in front of you. I
20 believe that your action today should direct the city to
21 incorporate this figure into the master plan. Your staff
22 report simply says, "revised Figure 12." It doesn't say how.

23 I believe this is the figure that you acted upon,
24 with one slight change. You changed the word "bicycle
25 pathway" to "bicycle access". The original language was

1 "bicycle path" and you specifically made the change to
2 "bicycle access." That is a significant wording change. It
3 needs to be reflected in this figure.

4 Secondly, Figure 30 of the Mission Bay Park Master
5 Plan shows bicycle improvements throughout the park. Again,
6 that figure should be changed to show bicycle access around
7 Bahia Point, and not bicycle path. And, again, bicycle path
8 is a very technical definition. It has very specific design
9 considerations. Bicycle access is a more generic term.

10 And, finally, there are two figures in the master
11 plan, Figures 6 and 28 that show vehicular access throughout
12 the park. I believe that figure needs to be changed to show
13 Gleason Road as an existing park road, not a road that would
14 serve only for emergency and maintenance access. And, I have
15 two reasons for saying that.

16 First of all, you adopted language in November,
17 specifically addressing access for small water craft;
18 specifically saying that there would be no development, or
19 closure of a public right-of-way, which Gleason Road is; and
20 that priority would be maintained for public parking. All of
21 that language clearly directs that road access be maintained.

22 The second reason is that this figure that you had
23 in front of you in November, upon which you based your plan
24 language clearly shows Gleason Road being maintained.

25 I believe that, only if you make these changes

1 would the master plan be consistent with your previous
2 approval, and only then can you make those findings.

3 I brought extra copies of three of the four
4 figures that need to be changed. Again, the fourth would be
5 just the one that is --

6 VICE CHAIR GIACOMINI: Okay.

7 MS. KIRSHNER: -- in your staff report.

8 VICE CHAIR GIACOMINI: Okay, thank you.

9 MS. KIRSHNER: Thank you.

10 VICE CHAIR GIACOMINI: To the subsequent speakers,
11 we -- I want you to understand, we are not going to take
12 longer on the findings than we did on the merits. The point
13 is, that everyone had their licks then, at what -- and the
14 decision has been made.

15 The issue before us now is, do these findings
16 reflect the decision we made. We are not in the position to
17 revisit and make a different decision. But, rather, do the
18 findings reflect what happened.

19 So, I urge these speakers to be quick, like 30
20 seconds, and focus on the findings: do they reflect what we
21 did last time?

22 Next.

23 [No response.]

24 Nobody else? They just handed in these slips
25 pretending to speak?

1 Name, please.

2 MS. HYDE: I am Mary Lynn Hyde, and I will be
3 brief.

4 VICE CHAIR GIACOMINI: Good.

5 MS. HYDE: I represent two small boating clubs,
6 the Santa Clara Racing Association, and the San Diego Wind
7 Surfing Association.

8 I speak in favor of the staff findings, and I
9 encourage you to adopt the modified text, but with additional
10 information included. I urge you to take this modified text
11 a step further by incorporating the text into the figures
12 illustrated in the Mission Bay Master Plan, because then, and
13 only then, will I think it will be clearly stated, and I
14 think this will eliminate any future controversy.

15 Thank you --

16 VICE CHAIR GIACOMINI: Thank you --

17 MS. HYDE: -- very much.

18 VICE CHAIR GIACOMINI: -- very much.

19 Next, please.

20 MR. ANDREWS: Good afternoon. My name is Scott
21 Andrews. I am chair of Friends of Bahia Point Park. I would
22 second the considerations we have concerning the language of
23 the findings.

24 I would also, finally, like to state that, since
25 it was brought up earlier, I also represent the community

1 planning commission to the committees, to the extent that
2 they voted 14 to 1 to save the park, save the public parking
3 therein, and allow the hotel to redevelop only within their
4 existing footprint.

5 Thank you.

6 VICE CHAIR GIACOMINI: Thank you very much.

7 Mr. Massara, welcome.

8 MR. MASSARA: Good morning, Commissioners, Mark
9 Massara, Sierra Club.

10 While we support the findings, we urge that you
11 can modify them to make them even stronger, in terms of our
12 concerns regarding the critically important public access,
13 public rights, and public parking to Bahia Point.

14 And, anything that you could do, with respect to
15 modifying these conditions, to insure that none of the
16 existing free public access and parking out there will be
17 eliminated, would satisfy our concerns.

18 Thank you.

19 VICE CHAIR GIACOMINI: Thank you, Mr. Massara.

20 Next.

21 Mr. Strohlein, welcome.

22 MR. STROHLEIN: Thank you very much --

23 VICE CHAIR GIACOMINI: I got it the third time.

24 MR. STROHLEIN: -- your honor.

25 VICE CHAIR GIACOMINI: Yes, and thank you, you can

1 do that all you want.

2 MR. STROHLEIN: I have two points. One is
3 procedural, and the other is a few comments on the findings.

4 I respect Commissioner Flemming's and Wan's
5 comment on ex parte, but I wish to remind you, and Mr. Faust,
6 that there was a formal method by which ex parte notification
7 should be published at this hearing, and that is we do wish
8 to know who initiated the communication, and who received it,
9 and such other matters, and that this form be adopted, and
10 that this should be submitted to the Commissioners, so I can
11 review it.

12 On comments, I do find fault with some of the
13 findings that they do not support the Coastal Act. To give
14 one example of several: to quote Councilman Wear, on-site
15 parking for all hotel employees, and guests within the
16 hotel's leasehold shall be provided.

17 If the leasehold expands to the east, then the
18 guest and employee parking can be accommodated on this new
19 site, whether inside a new structure, or along Gleason Road,
20 as now occurs. In other words, something has not changed.
21 It has merely been moved.

22 Also, if the removal of 250 parking spaces from
23 Bahia Point to East Mission Bay is a good thing for visitors
24 and wind surfers, because there will be a tram, or a shuttle,
25 or a trolley, some day, then why isn't it equally good for

1 the workers and the guests of the Bahia Hotel?

2 Thank you.

3 VICE CHAIR GIACOMINI: Thank you very much.

4 Next.

5 CHIEF COUNSEL FAUST: Mr. Chairman, while the next
6 person is coming up, let me just --

7 VICE CHAIR GIACOMINI: Yes.

8 CHIEF COUNSEL FAUST: -- respond on the point
9 about ex parte communications.

10 There was a specific process that was mandated by
11 the court, with regard to a particular hearing, the hearing
12 at which the Commission was ordered to vacate a previous
13 decision, accept a remand, and make a decision. That was the
14 hearing which made the decision on which you are presently
15 determining the findings.

16 That order, as I understand it, and as I have
17 advised the Commission -- I am just saying this publicly for
18 Mr. Strohlein's benefit -- does not apply to all subsequent
19 proceedings involving Bahia Point, or any other such thing.
20 It applies to the decision the Commission made in this
21 matter, which has been made.

22 As a consequence, your requirements for ex parte
23 disclosures are the same as they are required in the law,
24 rather than required in the special court order.

25 VICE CHAIR GIACOMINI: Thank you, counsel, very

1 much.

2 Yes, Commissioner.

3 COMMISSIONER WAN: I appreciate that.

4 Just to clarify in my case, in both cases -- in
5 the Scott Andrews' case and in the case of Miriam Kirshner --
6 they initiated it by leaving a message for me, which I
7 responded to.

8 VICE CHAIR GIACOMINI: Thank you, Commissioner.

9 Yes, sir, sorry to interrupt your flow.

10 MR. LEVINE: Thank you, Mr. Chairman, members of
11 the Commission. My name is Dan Levine. While I am an
12 attorney duly authorized to practice law in the State of
13 California, I am appearing as a concerned citizen, as opposed
14 to a paid advocate.

15 Last time I appeared before the Commission, I
16 asked you to look at, not only the California Constitution,
17 the California Government Code, Public Resource Code, Common
18 Law Trust Doctrine, Common Law Case Law, specifically
19 referencing a case by the name of Lane v. The City of Redondo
20 Beach, with respect to closure of public rights-of-way, and
21 the --

22 VICE CHAIR GIACOMINI: Speak on the findings,
23 please.

24 MR. LEVINE: With respect to the findings, there
25 was additional language which was added:

1 "Nothing in the plan shall be construed to
2 allow development or closure of public
3 rights-of-way in a matter inconsistent
4 with statutory or constitutional law."

5 And, yet, above it says that -- or allows
6 expansion of the leasehold shifted eastward in some areas. I
7 don't understand how the leasehold could be shifted eastward
8 onto Gleason Road, an existing public right-of-way, and yet
9 not be inconsistent with closure of any public right-of-way.

10 VICE CHAIR GIACOMINI: Thank you very much.

11 MR. LEVINE: Thank you.

12 VICE CHAIR GIACOMINI: Next, please.

13 MR. WATERS: Commissioners, my name is Mike
14 Waters. I represent the Mission Bay Sun Fish Fleet, a user
15 of Bahia Point.

16 I am in receipt, as you are now, of Byron Wear's
17 letter, and Mr. Leppert said it wasn't necessary to read it
18 into the record. Well, I think there are some extremely
19 pertinent changes here.

20 I am not quite sure, exactly, how you are going to
21 react to that, but since it comes directly from the pen of
22 the man who put together the language that is going into it,
23 I believe it does bear some public notice.

24 Specifically, small, but extremely pertinent
25 changes about half way down on the first page of this letter,

1 where it mentions, page 34, third paragraph, line 6, he
2 strikes out the words, "and parking". This is an extremely
3 significant change. I mean, it is only 10 or 12 letters, but
4 it has a major impact on the way people use this.

5 So, I am not entirely in favor of the language
6 that has been adopted, but to accept this as the author of
7 the modifications, and to not read this into the record, and
8 let it be heard for public testimony, and public debate, I
9 think is a very wrong move on your part, and I urge you not
10 to do that.

11 Thank you.

12 VICE CHAIR GIACOMINI: Thank you.

13 Next, please, on the findings.

14 Mr. Paul, welcome.

15 MR. PAUL: Hello, my name is Billy Paul, and I
16 live in Claremont.

17 Bahia Point is a unique water user area, and the
18 access road at Gleason -- and the access road called Gleason
19 Road allows the public right-of-way to access out onto the
20 point.

21 VICE CHAIR GIACOMINI: The findings, please.

22 MR. PAUL: All right.

23 VICE CHAIR GIACOMINI: The findings reflect what
24 the Commissioners decided.

25 MR. PAUL: But, as with the following speaker, I

1 do not believe that the public right-of-way can be given up
2 to this hotel. I don't believe that is appropriate.

3 I also object to the findings that the parking lot
4 at the Bahia Point can be mitigated anywhere else, other than
5 on Bahia Point. Even if this has to go into the Bahia Point
6 land lease.

7 Currently, the Bahia Hotel uses the park land for
8 its parking. It makes sense to me that if any parking is
9 lost, it should be mitigated within the Bahia Hotel lease.

10 Thank you.

11 VICE CHAIR GIACOMINI: Thank you very much.

12 Next, on the findings.

13 MR. ADAMS: My name is Bill Adams, and I am a
14 resident of San Diego.

15 VICE CHAIR GIACOMINI: Welcome, Mr. Adams.

16 MR. ADAMS: And, I am mostly connected with the
17 people that surf fish along the bay. I spoke before you
18 before, about the Bahia Point problem, and the elimination of
19 parking.

20 On page 13, you have got on-site parking for the
21 hotel employees and guests. And, based upon my many, many,
22 years of experience on the city council of Coronado, I know
23 this is a loophole.

24 And, on page 39, I guess my questions are mostly
25 towards the staff, but I hope that the Commission will be

1 very observant on page 39. We talk about something that is
2 already pointed out by staff, and that is that no parking
3 standards for commercial uses in the park area. I know that
4 if there are no parking standards for the commercial uses in
5 the park, that is going to be a problem later on, and
6 therefore I am going to encourage the staff and the
7 Commission to make sure that there are some parking standards
8 for hotels, and especially the Bahia.

9 It is bad enough that we are going to probably
10 lose parking over in that area, but it would be even worse if
11 we made it so easy to have a lot of parking for the hotel at
12 the expense of the public.

13 Also, you mentioned -- the Chairman mentioned that
14 we are only permitted to talk about what happened at the
15 November meeting. I believe that there is going to be some
16 rapid changes in the city council in San Diego in the next
17 three or four years, because of some of the things that have
18 developed over the last --

19 VICE CHAIR GIACOMINI: Sir, sir, this has nothing
20 to do with the findings.

21 MR. ADAMS: Okay.

22 I guess my finding is, you mentioned, Mr. Chairman
23 that we were not going to be able to talk about things later
24 on. I think maybe future Commissioners will be able to allow
25 more discussion on this issue when it starts being developed

1 later on.

2 I think it is a bad thing that --

3 VICE CHAIR GIACOMINI: We will --

4 MR. ADAMS -- residential -- people are losing on
5 this issue --

6 VICE CHAIR GIACOMINI: Okay, thank you.

7 MR. ADAMS: -- is my viewpoint.

8 VICE CHAIR GIACOMINI: Anybody else on the
9 findings?

10 Welcome.

11 MR. D'ANA: Hi, my name is Salvatore D'ana. I
12 represent Italians against the confiscation of Bahia Point.

13 VICE CHAIR GIACOMINI: Wait a minute, wait a
14 minute. Do I have a conflict here?

15 COMMISSIONER PAVLEY: The Italian --

16 [Audience Reaction]

17 VICE CHAIR GIACOMINI: Thank you.

18 MR. D'ANA: Basically, though, the only reason why
19 I wanted to speak is that I wanted to see if before you made
20 the vote you could clarify to all of us that the parking on
21 the east and west side of Gleason Road is going to be
22 maintained? and that where this bike access is going? is it
23 going to go over the parking spaces? and, if so please tell
24 us what parking spaces are going to be taken out? and where
25 they are going to be put? is this bike path going to be put

1 onto the grass? if so, is the grass going to be 20 feet
2 afterwards from that point?

3 Also, the vagueness of the lease expansion is
4 going to be shifting eastward in some areas. What areas? I
5 mean, are they going to take half of the whole east side of
6 the parking spaces?

7 We just want some clarification before you vote on
8 this, thank you.

9 VICE CHAIR GIACOMINI: Thank you very much.

10 Next please, on findings. I think this is going
11 to be a conflict. I can tell, again.

12 Welcome.

13 MR. D'ORIA: Hi, I am Sal D'oria, with the --

14 VICE CHAIR GIACOMINI: I knew this, I knew this.

15 MR. D'ORIA: -- Italians against the confiscation
16 of Bahia Point.

17 My concern is the expansion -- the easterly
18 expansion of the hotel. It is very vague. I don't know
19 whether it is at the northern point? the southern point? in
20 the middle? where they are going to be allowed to expand?

21 This easterly expansion should not happen at any
22 point, as far as I am concerned, but if it is going to be
23 approved I think it should be indicated. It should be
24 clarified at this time.

25 Thank you.

1 VICE CHAIR GIACOMINI: Thank you very much.

2 Anybody else on the findings?

3 [No response.]

4 Okay, we will close the public hearing, and back
5 to the staff.

6 Anything to add?

7 [No response.]

8 This is Item 16.a., the findings. Those eligible
9 to participate are Flemming, Rick, Staffel, Wan, Calcagno.

10 ASSISTANT DISTRICT DIRECTOR LEE: Just a couple of
11 things. When Chuck did his introduction, he asked me to
12 point out that there was two clarifications that we were
13 including in the addendum.

14 The first one is a revision to Suggested
15 Modification No. 17, and it should -- we did listen to the
16 tapes, and there was a small change, and I'll just read this
17 into the record. It should --

18 Pardon?

19 VICE CHAIR GIACOMINI: What page?

20 ASSISTANT DISTRICT DIRECTOR LEE: It is in the
21 addendum for today, and it is a replacement for Suggested
22 Modification No. 17 that is on page 14 of your full report.

23 COMMISSIONER PAVLEY: I don't have the addendum.

24 ASSISTANT DISTRICT DIRECTOR LEE: Well, here, I'll
25 read it into the record.

1 It is:

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

7 We had listened to the tape, and that was a clarification.

8 VICE CHAIR GIACOMINI: Okay.

9 ASSISTANT DISTRICT DIRECTOR LEE: The other thing
10 that we did note -- and this was brought to our attention by
11 one of the speakers you heard from today -- was that there
12 was another suggested modification that did have a cross
13 reference to a number of parking spaces at Bahia Point.

14 We honestly did not catch it with the original
15 review, because it wasn't related directly to Bahia Point.
16 It was a discussion of the overall parking in Mission Bay
17 Park. And, it included a specific reference to 217 spaces
18 that were going to be deleted at Bahia Point.

19 We believe that is directly contrary to what the
20 Commission's action was last November, and that the
21 Commission said, basically, the question of how much parking
22 would be retained, or removed, was going to be addressed in
23 the future redevelopment proposal.

24 So, we think this specific reference should be
25 deleted, and we have suggested a revision that says: "Just

1 some existing parking spaces are proposed to be deleted,"
2 and, then makes that all internally consistent.

3 I think this goes to some of those speakers that
4 you have heard this morning. We did have a number of these
5 questions posed to staff.

6 On the first one Ms. Kirshner raised, regarding
7 path versus access. That one we looked at. We asked the
8 city what their thoughts were. It is a literal question.
9 The language in the suggestion, or the revision that was
10 presented by Commissioner Wear at the time, in the suggested
11 modification, he uses the word access, as opposed to path.
12 However, all of the other exhibits in the Mission Bay Master
13 Plan used the phrase path.

14 We felt that, you know, being if you look at it
15 very literally, that is a clear difference. We changed it in
16 the suggested modification, but we did not propose changes to
17 the exhibits, and city staff did not indicate their
18 willingness to modify the exhibits.

19 With regard to the question of retaining Gleason
20 Road, we feel the Commission's action did not provide that
21 direction. It did leave that open to further review. There
22 was the specific suggested modification that was added, and I
23 think you have heard it already this morning. But, it said:

24 "Nothing in this plan shall be construed
25 to allow development, or the closure of

1 public rights-of-way in a manner inconsistent
2 with statutory or constitutional law."

3 It basically was leaving the question of whether
4 or not Gleason Road remains to future review. We also feel
5 the question of how much parking was left for future review.

6 But, in the suggested revisions to findings
7 presented by Council Member Wear, we are not in concurrence
8 with those changes, because we feel they go too far the other
9 way, suggesting that all parking could be removed.

10 Staff did believe that the Commission's action was
11 that water craft users, the other public uses that are out at
12 the point, needed to be preserved, and that some support
13 facilities, in kind, would be necessary to accommodate those
14 continuing uses.

15 So, some parking in some configuration, we feel
16 was the direction that the Commission made. It did not
17 provide any specific clarity as to number or location.

18 I think, with regard to the last speaker's
19 question on parking standards, we did suggest the adoption of
20 new parking standards, and that is in Suggested Modification
21 No. 15.

22 And, that will conclude our comments.

23 VICE CHAIR GIACOMINI: Okay, thank you.

24 Any other staff comments?

25 DISTRICT DIRECTOR DAMM: Yes, the only last

1 comment, Mr. Chairman, is with regards to the map that would
2 show the public area versus the lease, and the lease
3 expansion area. We certainly would concur that there needs
4 to be the exhibit that shows that. The Commission's action
5 was very clear in that regards, so that will, and that should
6 be included in the adoption of these revised findings.

7 EXECUTIVE DIRECTOR DOUGLAS: And, just on the
8 point of the difference between bike path, and accessway, it
9 is clear to us that the Commission was not looking at this as
10 limiting access around here to bicyclists only. It was a
11 path that would be available, or accessible, to a range of
12 uses. So, I want to make sure for the record that there
13 isn't a limitation read into that.

14 VICE CHAIR GIACOMINI: Okay, does that do it? I
15 don't want my grandchildren to have kids while staff is
16 responding to these.

17 Okay, Commissioner.

18 COMMISSIONER WAN: Yes, the findings as amended by
19 the staff, I believe more accurately -- I mean, I don't find
20 any problems with them.

21 But, the findings as amended, or suggested by
22 Council Member Wear really do not reflect accurately, as
23 staff has pointed out, the discussion.

24 One of the issues that was made -- and since I was
25 the one who made that issue, I will go through my discussion.

1 I made it quite clear that the only way I was going to agree
2 to approve this was if the ability of the public to use that
3 for certain water sports, the end of the point, was not
4 eliminated, and that part of that involved parking.

5 I agreed that the parking is non-specific, but
6 that these suggested modifications, in this letter, go to the
7 point of basically taking away and implying, if not directly
8 saying, that there doesn't need to be any parking. And, that
9 was not part -- that was not what happened. I mean, that was
10 a major issue in the discussion.

11 And, I can support the findings as revised by
12 staff, including the amendment, but I cannot support these
13 because they really do not reflect what the discussion was.

14 VICE CHAIR GIACOMINI: Okay, those of you that are
15 players, is there going to be a motion on the findings?

16 COMMISSIONER RICK: Yes.

17 VICE CHAIR GIACOMINI: Commissioner, yes?

18 [MOTION]

19 COMMISSIONER RICK: Yes, I move to concur with the
20 findings offered by staff, and as modified in the recent --

21 VICE CHAIR GIACOMINI: Thank you, Commissioner
22 Rick.

23 Is there a "second"?

24 COMMISSIONER WAN: Second.

25 VICE CHAIR GIACOMINI: Okay, all in favor, from

1 those eligible to vote, raise your hand, please?

2 No, you are not eligible.

3 EXECUTIVE DIRECTOR DOUGLAS: Five.

4 VICE CHAIR GIACOMINI: Okay, that's it?

5 You got the necessary votes?

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8 [Whereupon the hearing was concluded.]

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