

CALIFORNIA COASTAL COMMISSION

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**F9**

DATE: May 14, 2010
TO: Coastal Commissioners
FROM: Peter M. Douglas, Executive Director
SUBJECT: **DRAFT MINUTES** of MEETING of MARCH 10-12, 2010
Santa Cruz County Board of Supervisors Chambers
701 Ocean Street
Santa Cruz, CA 95060

WEDNESDAY, MARCH 10, 2010 pages 1 to 9

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order by Vice Chair Shallenberger at 10:05 a.m.
2. **ROLL CALL.** Present: Vice Chair Shallenberger, Achadjian, Blank, Bloom, Secord(alternate), Kruer, Gurney(alternate), Sanchez, Stone, Wan,. Chair Neely arrived at 11:45. Absent: Burke.
3. **GENERAL PUBLIC COMMENT.** Fran Gibson, representing Coastwalk California, addressed access issues at the Montage Resort; Ross Gibson addressed issues related to the LaBahia project; Grant Weseman addressed misuse of the NOID process in Ventura County; Katrina Dolinsky spoke to the Commission about OHV use in Oceana Dunes and asked the Commission to revoke the permit; Nell Langford, representing Safe Beach Now, asked the Commission to protect public health by revoking the OHV permit at Oceano Dunes.

SOUTH COAST DISTRICT (Los Angeles County)

4. **ADMINISTRATIVE CALENDAR.**
 - a. **Application No. 5-09-173 (Erickson, Long Beach)** Staff recommended concurrence. There being no objection, Vice Chair Shallenberger ruled that the Commission concurred. **Passed.**

5. **CONSENT CALENDAR.** See items [a-b] on page 3 of the meeting notice. Staff recommended approval with conditions. [Item **5b** was pulled from the consent calendar and will be heard at a **future** hearing.]

Motion & vote: Achadjian moved to approve per staff, seconded by Secord and recommended a yes vote. Vice Chair Shallenberger ruled that the vote was unanimous in favor of the motion. **Passed.**

SOUTH COAST DISTRICT (Orange County)

6. **ADMINISTRATIVE CALENDAR.**

- a. **Application No. 5-10-1 (Chrys & Sharon Ritchie, Seal Beach)** Staff recommended concurrence. There being no objection, Vice Chair Shallenberger ruled that the Commission concurred.

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7. **CONSENT CALENDAR.** See item [a] on page 4 of the meeting notice. Staff recommended approval with conditions.

Motion & vote: Secord moved to approve, seconded by Achadjian and recommended a yes vote. Vice Chair Shallenberger ruled that the vote was unanimous in favor of the motion. **Passed.**

SOUTH CENTRAL COAST DISTRICT

8. **DEPUTY DIRECTOR'S REPORT.** Deputy Director Ainsworth reported on matters not requiring a public hearing and comments from the public.

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9. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved two items (**12a, 12b**) to the expanded consent calendar and recommended approval with conditions.

Motion & vote: Secord moved to approve, seconded by Kruer and recommended a yes vote. Vice Chair Shallenberger ruled that the vote was unanimous in favor of the motion. **Passed.**

10. LOCAL COASTAL PROGRAMS (LCPs)

- a. **City of Port Hueneme LCP Major Amendment No. 1-10 (Flood Plain Management). Time Extension.** Staff recommended approval of the time extension.

Motion & vote: Secord moved to grant the time extension, seconded by Achadjian and recommended a yes vote. Vice Chair Shallenberger ruled that the vote was unanimous in favor of the motion. **Passed.**

- b. **City of Malibu LCP Amendment No. MAJ-3-08 (La Paz).** Staff recommended denial as submitted and approval with modifications.

Joyce Parker-Bozylinski submitted a request to speak; Ozzie Silna submitted a request to speak in opposition to the project; Don Schmitz, representing LaPaz, submitted a request to speak in favor of the project.

Motion & vote: Kruer moved to certify the Land Use Plan as submitted, seconded by Secord and recommended a no vote. Vice Chair Shallenberger ruled that the vote was unanimous in favor of the no vote. Certification denied.

Motion & vote: Kruer moved to certify the Land Use Plan if modified as suggested, seconded by Secord and recommended a yes vote. Vice Chair Shallenberger ruled that the vote was unanimous in favor of the motion. **Passed.**

Motion & vote: Kruer moved to reject the Implementation Plan as submitted, seconded by Secord and recommended a yes vote. Vice Chair Shallenberger ruled that the vote was unanimous in favor of the motion. **Certification denied.**

Motion & vote: Kruer moved to certify the Implementation Plan if modified as suggested, seconded by Secord and recommended a yes vote. Vice Chair Shallenberger ruled that the vote was unanimous in favor of the motion. **Passed.**

[Chair Neely arrived during the vote, but abstained from the vote.]

11. NEW APPEALS.

- a. **Appeal No. A-4-MAL-10-013 (Bercu, Los Angeles Co.) [POSTPONED]**

12. COASTAL PERMIT APPLICATIONS.

- a. **Application No. 4-09-036 (Wagner, Los Angeles Co.)** Moved by staff to the expanded consent calendar. **Approved.**

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- b. **Application No. 4-09-068 (Flood Control Dist., Santa Barbara Co.)** Moved by staff to the expanded consent calendar. **Approved.**

SOUTH COAST DISTRICT (Los Angeles County)

13. **DEPUTY DIRECTOR'S REPORT.** Deputy Director Ainsworth reported on matters not requiring a public hearing and comments from the public.

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14. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved three items [16a, 16b, 17a] to the expanded consent calendar and recommended approval with conditions.

Motion & vote: Achadjian moved to approve, seconded by Secord and recommended a yes vote. Chair Neely ruled that the vote was unanimous in favor of the motion. **Passed.**

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15. **NEW APPEALS.**

- a. **Appeal No. A-5-LOB-10-15 (2H Properties, Los Angeles Co.)** Staff recommended that the Commission find substantial issue exists. There being no objection, Chair Neely ruled that the Commission **found substantial issue** and continued the matter to a future hearing. **Substantial Issue found.**

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- b. **Appeal No. A-5-PVE-10-23 (Buxton, Los Angeles Co.)** Staff recommended that the Commission find substantial issue exists. There being no objection, Chair Neely ruled that the Commission **found substantial issue** and continued the matter to a future hearing. **Substantial Issue found.**

16. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 5-10-8 (Protasevich, Los Angeles)** Moved by staff to the expanded consent calendar. **Approved.**

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- b. **Application No. 5-10-21 (Community Corp. of Santa Monica, Santa Monica)** Moved by staff to the expanded consent calendar. **Approved.**

17. **PERMIT AMENDMENTS.**

- a. **Permit No. 5-96-268-A3 (City of Long Beach, Long Beach)** Moved by staff to the expanded consent calendar. **Approved.**
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ENFORCEMENT

18. **ENFORCEMENT REPORT.** Report by Chief of Enforcement on Statewide Enforcement Program. [None]
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LUNCH RECESS. The Commission recessed for lunch at 12:30 p.m. and returned at 2:00 p.m. [Achadjian returned at 2:40 p.m.]

Report of CLOSED SESSION. In closed session, the Commission received advice in the matter of Channel Islands Harbor v. CCC.

SOUTH COAST DISTRICT (Orange County)

19. **DEPUTY DIRECTOR'S REPORT.** Deputy Director Sarb reported on matters not requiring a public hearing and comments from the public.
20. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved one item (**22b**) to the expanded consent calendar and recommended approval with conditions.

Motion & vote: Vice Chair Shallenberger moved to approved, seconded by Secord and recommended a yes vote. Chair Neely ruled that the vote was unanimous in favor of the motion. **Passed.**

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

- a. **City of Laguna Beach LCP Amendment No. LGB-MAJ-3-8 (Three Changes).**
Staff recommended denial as submitted and approval with modifications.

Motion & vote: Shallenberger moved to certify the Land Use Plan as submitted, seconded by Sanchez and recommended a no vote. Chair Neely ruled that the vote was unanimous in favor of the no vote. **Certification denied.**

Motion: Shallenberger moved to certify if modified as suggested, seconded by Secord.

Amending motion & vote: Wan moved to limit the maximum footprint to 2,000 feet, seconded by Sanchez and recommended a yes vote. Chair Neely ruled that the vote was unanimous in favor of the motion. **Passed.**

Vote on main motion: Chair Neely ruled that the vote was unanimous in favor of the motion. **Passed.**

Motion & vote: Shallenberger moved to reject the Implementation Plan as submitted, seconded by Sanchez and recommended a yes vote. Chair Neely ruled that the vote was unanimous in favor of the motion. **Passed.**

Motion & vote: Shallenberger moved to certify the Implementation Plan per staff and as amended by the Commission, seconded by Secord and recommended a yes vote. Chair Neely ruled that the vote was unanimous in favor of the motion. **Passed.**

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- b. **City of Dana Point LCP Amendment No. DPT-MAJ-1-10 (Time Extension).** Staff recommended approval of the time extension.

Motion & vote: Sanchez moved to grant the time extension, seconded by Secord and recommended a yes vote. Chair Neely ruled that the vote was unanimous in favor of the motion. **Passed.**

21.5 **NEW APPEALS.**

- a. **Appeal No. A-5-LGB-10-39 (Laguna Terrace Park, Laguna Beach)** Staff recommended that the Commission find substantial issue. There being no objection, Chair Neely ruled that the Commission **found substantial issue** and continued the matter to a future hearing. **Substantial Issue Found.**

Mark Massara, representing an appellant, submitted a request to speak.

22. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 5-09-128 (City of Newport Beach, Newport Beach)** Staff recommended approval with conditions.

George Lazaruk submitted a request to speak in opposition to the project.

Motion & vote: Secord moved to approve per staff, seconded by Stone and recommended a yes vote. Chair Neely ruled that the vote was unanimous in favor of the motion. **Passed.**

- b. **Application No. 5-09-249 (City of San Clemente, Public Works/Engineering Div., San Clemente)** Moved by staff to the expanded consent calendar. **Approved.**

SAN DIEGO DISTRICT

23. **DEPUTY DIRECTOR'S REPORT**

- a. **City of Carlsbad LCP Amendment No. 1-08B (Legoland Inner Park) Certification Review.** Staff recommended concurrence with the Executive Director's determination. There being no objection, Chair Neely ruled that the Commission concurred.

- b. **City of Carlsbad LCP Amendment No. 1-09B (Legoland Hotel) Certification Review.** Staff recommended concurrence with the Executive Director's determination. There being no objection, Chair Neely ruled that the Commission concurred.

24. **CONSENT CALENDAR (removed from Regular Calendar). [None]**

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

- a. **Carlsbad LCP Amendment No. 2-08A (Carlsbad Drainage Master Plan).** Staff recommended approval as submitted.

Motion & vote: Sanchez moved to certify the Land Use and Implementation Plan as submitted and recommended a yes vote, seconded by Secord. Chair Neely ruled that the vote was unanimous in favor of the motion. **Passed.**

Motion & vote: Sanchez moved to reject the Land Use and Implementation Plan as submitted and recommended a no vote, seconded by Secord. Chair Neely ruled that the vote was unanimous in favor of the no vote. **Passed.**

b. **Carlsbad LUP Amendment 2-08B (Adams St. Subdivision).** [WITHDRAWN]

c. **City of Carlsbad LCP Amendment No. 4-09A-E (Various LUP and Code Changes) Time Extension.** Staff recommended approval of the time extension.

Motion & vote: Sanchez moved to grant the time extension and recommended a yes vote, seconded by Kruer. Chair Neely ruled that the vote was unanimous in favor of the motion. **Passed.**

d. **City of Encinitas LCP Amendment No. 1-09 (Encinitas Ranch Specific Plan Revisions).** Staff recommended approval as submitted.

Tom Curriden, representing City of Encinitas, submitted a request to speak.

Motion & vote: Sanchez moved to certify the Land Use and Implementation Plan as submitted and recommended a yes vote, seconded by Kruer. Chair Neely ruled that the vote was unanimous in favor of the motion. **Passed.**

Motion & vote: Sanchez moved to reject the Land Use and Implementation Plan as submitted and recommended a no vote. Chair Neely ruled that the vote was unanimous in favor of the motion. **Passed.**

26. **NEW APPEALS.**

a. **Appeal No. A-6-OCN-10-04 (Pack, Oceanside)** [POSTPONED]

b. **Appeal No. A-6-LJS-10-09 (San Diego Parks temporary rope barrier, San Diego)**
Staff recommended the Commission find no substantial issue exists.

Motion & vote: Sanchez moved to determine no substantial issue exists and recommended a yes vote, seconded by Kruer. Chair Neely ruled that the vote was unanimous in favor of the motion. **Passed.**

27. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 6-08-123 (Medina & Graham, Carlsbad) [POSTPONED]**

STATEWIDE

28. **APPROVAL OF MINUTES.** None.

29. **COMMISSIONERS' REPORTS.** None.

30. **CONSERVANCY REPORT.** None.

31. **SANTA MONICA MOUNTAINS CONSERVANCY REPORT.** Information only.

32. **DEPUTY ATTORNEY GENERAL'S REPORT.** Information only.

33. **EXECUTIVE DIRECTOR'S REPORT** including report and possible Commission action on legislation and water quality.

- a. **2011 meeting dates and locations. No action taken.**

THURSDAY, MARCH 11, 2010 pages 10 to 13

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order at 9:00 a.m. by Chair Neely.
2. **ROLL CALL. [A.M. Roll Call]** Present: Achadjian, Secord(alternate), Kruer, Mirkarimi, Neely, Shallenberger, Stone, Wan. Absent: Blank, Bloom, Sanchez. **[P.M. Roll Call]** Present: Achadjian, Wickett(alternate), Bloom, Secord(alternate), Kruer, Mirkarimi, Neely, Sanchez, Shallenberger, Stone, Wan.
3. **GENERAL PUBLIC COMMENT.** Douglas Deitch, representing Monterey Bay Conservancy, asked the Commission to about saltwater intrusion in the Salinas Valley and asked for a response from the Commission; Don Webber, representing Build a Better LaBahia, addressed decreased funding for litigation and asked the Commission to discuss the issue publicly and issues with the LaBahia project; Anthony Lombardo addressed inaccuracy of findings in October 2008 and asked the Commission to discuss in closed session; Bill Malone, representing Build a Better LaBahia, addressed the proposed height of the project and asked the Commission to deny any height increase in the LCP; Ed Davidson welcomed the Commission to Santa Cruz.
4. **COMMISSION FIELD TRIP.** The Commission took a field trip to view the sites of the LaBahia Hotel and Arana Gulch.

LUNCH RECESS. The Commission recessed for lunch at 12:30 p.m. and returned at 1:45 p.m.

CENTRAL COAST DISTRICT

5. **DEPUTY DIRECTOR'S REPORT.** Deputy Director Lester reported on matters not requiring a public hearing and comments from the public.
6. **CONSENT CALENDAR (removed from Regular Calendar).** [None]

7. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 3-09-068 (City of Santa Cruz, Santa Cruz Co.)** Staff recommended approval with conditions.

The following persons submitted a request to speak in favor of the project:

Juliana Rebagliati, representing City of Santa Cruz; Cynthia Matthews, City of Santa Cruz; Neal Coonerty, Santa Cruz County; Supervisor John Leopold, County of Santa Cruz; Carolyn Jett, Kitty Bolte, Susan Kauffman, Cheryl Schmitt, Jim Panaler, Peter Beckman, Elizabeth Schilling, Dennis Norton, Jane Weed-Pomerantz, Peter Heylin, Jeanette Cosentino, Charles Stone, Sonda Beal, Connie Gabriel, Chris Jordan, Takashi Yogi, Peter Stanger, Foster Anderson, Michael Levy, Scott Kennedy, William Menchine, Peter Weiss, Holly Tyler, Ron Pomerantz, Rick Smith, representing Santa Cruz Port District; Laura Kasa, representing Save Our Shores; Paul Schoewhamer; Gary Kittleson; George Dondero, representing Santa Cruz Regional Transportation Commission; Linda Wilshusan; Roberta Hauer, representing Arana Gulch Watershed Alliance; Piet Canin; Mike Molesky; Bill Malone; John Dougherty; Tim Bustos, Charles Dixon, Joseph Thomas; Carolyn Greene; Wilson Fieberling, Helena Iratt, Bart Coddington, Grace Voss, Michael Borns, Ed Davidson, Andrew Schiffrin, Drew Lewis, Debbie Justice, Rick Longinotti, Kem Akol, Jeff Caplan, Keresha Durham, Micah Posner, Lisa Hochstein, Jacob Grigsby, Bill Muench, Richard Snow, Fahad Siadat, Zoe Altenberg, Selena Rodriguez.

The following persons submitted a request to speak in opposition to the project:

Grey Hayes, representing California Native Plant Society; Aldo Giacchino, representing Sierra Club; Patricia Matejcek, Roxanne Rothafel, Marty Demare, Grant Weseman, Dennis Davie, Lois Robin, Mike Ferreira, Ginger Mosney, Doug Ross, Michael Lewis, Neil Conner, Sharon Saldavia, Sally Digirolamo, Carol DePalma, Brett Hall, Bruce Larson, Charles Paulden, David Kossack, David Bockman, Stephen McCabe, Margaret Waters, Pat Kittle, Will Winger, Julia McDermott, Dennis McDowell, Andrea Criswell, Don Fong, Birgit Wilke, Theodore Meyer, Kristen Raugust, Ellen Manko, Lon Price, Jean Brocklebank, Scott Graham, Kimberly Hayes, Debbie Bulger, Richard Stover, Vince Cheap, Charles Baughman, Lion Baumgartner, Lyle Jenks, Janell Hillman, Karen Hildebrand, Susan Martinez, Fred Geiger.

The following person submitted a request to speak with no firm position:

Chris Vance, Laura Kummerer, Suzanne Schettler, representing California Native Plant Society.

Motion & vote: Stone moved to continue and recommended a yes vote, seconded by Mirkarimi. Chair Neely ruled that the vote was unanimous in favor of the motion. **Passed.**

- b. **Application No. 3-10-003 (Pebble Beach Co., Monterey Co.)** Staff recommended approval with conditions.

Mark Stillwell, representing Pebble Beach Company, submitted a request to speak in favor of the project; Sean Conroy, representing City of Carmel, submitted a request to speak in favor of the project; Fran Gibson, presenting Coastwalk California, submitted a request to speak in favor of the project.

Motion & vote: Shallenberger moved to approve per staff and recommended a yes vote, seconded by Mirkarimi. Chair Neely ruled that the vote was unanimous in favor of the motion. **Passed.**

NORTH COAST DISTRICT

8. **DEPUTY DIRECTOR'S REPORT.** Executive Director Douglas reported on matters not requiring a public hearing and comments from the public.

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9. **CONSENT CALENDAR (removed from Regular Calendar).** [None]

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10. **LOCAL COASTAL PROGRAMS.**

- a. **Humboldt County LCP Amendment No. HUM-MAJ-1-8 (Samoa Town Plan).** Staff recommended approval of the time extension.
- b. **Humboldt County LCP Amendment No. HUM-MAJ-3-9 (Race Investments, LLC).** Staff recommended approval with modifications.

Motion & vote: Achadjian moved to reject the Implementation Plan as submitted and recommended a yes vote, seconded by Mirkarimi. Chair Neely ruled that the vote was unanimous in favor of the motion. **Certification denied.**

Motion & vote: Achadjian moved to certify the Implementation Plan if modified as suggested and recommended a yes vote, seconded by Mirkarimi. Chair Neely ruled that the vote was unanimous in favor of the motion. **Passed.**

11. **COASTAL PERMIT APPLICATIONS.**

- a. **Appeal No. A-1-MEN-08-15 (Bower Limited Partnership, Mendocino Co.)**
[POSTPONED]
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12. **PERMIT AMENDMENTS.**

- a. **Permit No. 1-83-270-A (Bower Limited Partnership, Mendocino Co.)**
[POSTPONED]

The Commission recessed for the day at 7:30 p.m.

FRIDAY, MARCH 12, 2010 pages 14 to 16

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order at 9:00 a.m. by Chair Neely.
2. **ROLL CALL.** Present: Chair Neely, Vice Chair Shallenberger, Achadjian, Wickett (alternate), Bloom, Sanchez, Stone, Wan. Mirkarimi arrived at 9:06 a.m.
3. **GENERAL PUBLIC COMMENT.** Anthony Lombardi, Don Webber, Bill Malone, Ed Davidson, Douglas Deitch.

NORTH CENTRAL COAST DISTRICT

4. **DEPUTY DIRECTOR'S REPORT.** Deputy Director Lester reported on matters not requiring a public hearing and on comments from the public.
5. **CONSENT CALENDAR (removed from Regular Calendar).** None.

CENTRAL COAST DISTRICT

6. **DEPUTY DIRECTOR'S REPORT.** Deputy Director Lester reported on matters not requiring a public hearing and on comments from the public.
7. **CONSENT CALENDAR (removed from Regular Calendar).** None.
8. **NEW APPEALS.**
 - a. **Appeal No. A-3-SLO-07-035 (Stolo, San Luis Obispo Co.) [POSTPONED]**
9. **COASTAL PERMIT APPLICATIONS.**
 - a. **Application No. 3-09-049 (Wheeler, Pacific Grove) [POSTPONED]**

10. **NOTICE OF IMPENDING DEVELOPMENT.**

- a. **UCSC Notice of Impending Development UCSC NOID 2.** Staff recommended the Commission find the project is consistent with the certified Long Range Development Plan.

Elizabeth Howard, representing UCSC Natural Resources, submitted a request to speak; Gage Dayton, representing UCSC Natural Resources, submitted a request to speak.

Motion & vote: Stone moved to determine the project is consistent with the certified Long Range Development Plan, seconded by Shallenberger and recommended a yes vote. Chair Neely ruled that the vote was unanimous in favor of the motion. **Passed.**

ENERGY, OCEAN RESOURCES and FEDERAL CONSISTENCY

11. **ENERGY, OCEAN RESOURCES and FEDERAL CONSISTENCY.** Mark Delaplaine reported on matters not requiring a public hearing and comments from the public.

12. **FEDERAL CONSISTENCY.**

- a. **CC-075-09 (North County Transit District, San Diego Co.)** Staff recommended that the Commission concur with the consistency certification.

John P. Eschenbach, representing Amtrak, submitted a request to speak in favor of the project; Lisa Tollstrup, representing NCTD-Amtrak, submitted a request to speak in favor of the project.

Motion & vote: Sanchez moved to concur, seconded by Wan and recommended a yes vote. Chair Neely ruled that the vote was unanimous in favor of the motion. **Passed.**

13. **REVISED FINDINGS.**

- a. **CC-056-09 (City of San Diego, San Diego Co.)** Staff recommended approval of the findings.

Tom Zeleny, representing City of San Diego, submitted a request to speak in favor of the staff recommendation; J. Brent Eidson, representing City of San Diego, submitted a request to speak in favor of the staff recommendation.

Motion & vote: Achadjian moved to adopt the findings, seconded by Chair Neely and recommended a yes vote. The hand vote was 3 in favor (Achadjian, Sanchez, Chair Neely) and none opposed. **Passed.**

There being no old or new business, the meeting of the California Coastal Commission adjourned at 9:30 a.m.