

CALIFORNIA COASTAL COMMISSION

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**W33**

DATE: September 15, 2010
TO: Coastal Commissioners
FROM: Peter M. Douglas, Executive Director
SUBJECT: **DRAFT MINUTES** of MEETING of AUGUST 11-13, 2010
San Luis Obispo Board of Supervisors Chambers
1055 Monterey Street
San Luis Obispo, CA 93408

WEDNESDAY, AUGUST 11, 2010 pages 1 to 8

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order at 9:00 a.m. by Vice Chair Shallenberger.
2. **ROLL CALL.** Present: Vice Chair Shallenberger, Achadjian, Blank, Bloom, Burke, Secord (alternate for Kram), Liberman (alternate for Kruer), Mirkarimi, Sanchez, Stone, Wan. Absent: Chair Neely.
3. **GENERAL PUBLIC COMMENT.** Nancy Graves, Coastwalk, updated the Commission on the status of the Coastal Trail; Piper Reilly, representing Surfrider Foundation, spoke against marine debris and asked for support of AB1998 (Brownley); Harry Farmer spoke about test well drilling and desal in Cambria; Gwynn Taylor addressed water conservation and saltwater intrusion in San Luis Obispo County; Bill Martoni addressed spoke about the Cambria sewer treatment plant upgrade; Tina Dickason addressed test wells in the CCSD; Mary Webb asked the Commission to re-evaluate their decision to drill test wells at Shamel Park; Frank Ausilio addressed concerns on saltwater intrusion at the Los Osos treatment facility; Bill Deneen asked for protection of the mouth of Arroyo Grande Creek; Clyde Warren addressed the appeal of a lot line adjustment; Gary Ruggerone, representing Caltrans, presented staff with a plaque; Al Barrow.

Report of Closed Session. In closed session the Commission discussed and received litigation information and advice in the matters of Hagopian v. CCC, Jackson-Grube v. CCC and Sterling v. CCC.

NORTH COAST DISTRICT

4. **DEPUTY DIRECTOR'S REPORT.** District Manager Merrill reported on matters not requiring a public hearing and comments from the public.
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5. **CONSENT CALENDAR (removed from Regular Calendar).** None.
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6. **LOCAL COASTAL PROGRAMS (LCPs).**

- a. **City of Arcata LCP Amendment No. ARC-MAJ-1-9 (City of Arcata - LCP Update) Time Extension.** Staff recommended approval of the time extension.

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

- b. **Mendocino County LCP Amendment No. MEN-MAJ-1-08 (Delamotte) Time Extension.** Staff recommended approval of the time extension.

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

- c. **Del Norte County LCP Amendment No. DNC-MAJ-1-09 (Flood Damage/General Provisions/Hogberg) Time Extension.** Staff recommended approval of the time extension.

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

7. **NEW APPEALS.**

- a. **Appeal No. A-1-DNC-10-16 (County of Del Norte, Del Norte Co.)** Staff recommended the Commission find that no substantial issue exists.

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

8. **COASTAL PERMIT APPLICATIONS.**

- a. **Appeal No. A-1-MEN-07-28 (Jackson-Grube Family, Inc., Mendocino Co.)** Staff recommended approval with special conditions.

Peter Grube, an applicant, submitted a request to speak in favor of the project; William Jackson, an applicant, submitted a request to speak in favor of the project; Alan Block, representing the applicant, submitted a request to speak in favor of the project; Deborah Cahn submitted a request to speak in opposition to the project; Judith Whiting submitted a request to speak in opposition to the project.

Motion: Wan moved to approve with conditions and recommended a yes vote, seconded by Sanchez.

Amending motion & vote: Secord moved to remove Condition 21 (indemnification clause) and recommended a yes vote, seconded by Blank. The roll call vote was 4 in favor (Achadjian, Blank, Burke, Secord) and 7 opposed (Bloom, Liberman, Mirkarimi, Sanchez, Stone, Wan, Vice Chair Shallenberger). **Failed.**

Amending motion: Bloom moved to limit the number of people for special events and recommended a yes vote, seconded by Secord. **Motion withdrawn.**

Amending motion & vote: Bloom moved to exclude non-fee and non-profit groups under 30 people and recommended a yes vote, seconded by Secord. The roll call vote was 5 in favor (Achadjian, Blank, Bloom, Burke, Secord) and 6 opposed (Liberman, Mirkarimi, Sanchez, Stone, Wan, Vice Chair Shallenberger). **Failed.**

Vote on the main motion: The roll call vote was unanimous in favor of the motion and none opposed. **Passed.**

NORTH CENTRAL COAST DISTRICT

9. **DEPUTY DIRECTOR'S REPORT.** Deputy Director Lester reported on matters not requiring a public hearing and on comments from the public.
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10. **CONSENT CALENDAR (removed from Regular Calendar).** None.
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11. **COASTAL PERMIT APPLICATIONS.**

- a. **Appeal No. A-2-SMC-07-01 (Sterling, San Mateo Co.)** Staff recommended approval with conditions.

Denise Sterling, an applicant, submitted a request to speak in favor of the project; Lennie Roberts, representing Committee for Green Foothills, submitted a request to speak in favor the project; Mike Ferreira, representing Sierra Club Loma Prieta, submitted a request to speak in favor of the project; Allen Olivo submitted a request to speak in favor of the project; J. David Breemer, representing the applicant, submitted a request to speak.

Motion: Mirkarimi moved to approve per staff and recommended a yes vote, seconded by Achadjian.

Amending motion & vote: Wan moved to delete Condition #2A8 and recommended a yes vote, seconded by Mirkarimi. The roll call vote was 10 in favor (Blank, Bloom, Burke, Secord, Liberman, Mirkarimi, Sanchez, Stone, Wan, Vice Chair Shallenberger) and one opposed (Achadjian). **Passed.**

Vote on the main motion: The roll call vote was unanimous in favor and none opposed. **Passed.**

CENTRAL COAST DISTRICT

12. **DEPUTY DIRECTOR'S REPORT.** District Manager Carl reported on matters not requiring a public hearing and on comments from the public.
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13. **CONSENT CALENDAR (removed from Regular Calendar).** None.

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

- a. **City of Carmel-by-the-Sea LCP Amendment No. CML-1-10 (Medical Marijuana Dispensaries).** Staff recommended approval as submitted.

Sean Conroy, representing City of Carmel, submitted a request to speak in favor of the project.

Motion & vote: Secord moved to reject as submitted and recommended a no vote, seconded by Achadjian. The roll call vote was 8 in favor of the no vote (Achadjian, Blank, Bloom, Burke, Secord, Liberman, Stone, Wan), 2 opposed (Mirkarimi, Vice Chair Shallenberger) and one abstention (Sanchez). **Approved as submitted.**

- b. **City of Carmel-by-the-Sea LCP Amendment No. CML-2-10 (Mills Act Historic Preservation).** No objection to concurrence.

Sean Conroy, representing City of Carmel, submitted a request to speak in favor of the project

- c. **San Luis Obispo County LCP Amendment No. SLO-2-09 Part 2 (Inclusionary Housing).** Staff recommended approval with modifications.

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

- d. **San Luis Obispo County LCP Amendment No. SLO-3-09 (Framework for Planning Update).** Staff recommended approval with modifications.

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

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

15. **NEW APPEALS.**

- a. **Appeal No. A-3-SLO-06-043 (SDS Family Trust, Harmony Coast).** Staff recommended the Commission determine that the appeal raises substantial issue. There being no objection, Vice Chair Shallenberger ruled that the Commission found substantial issue and opened the hearing on the merits of the project. Staff further recommended approval in part and denial in part.

[Mirkarimi out of the room during this item]

Andrew Christie, representing Sierra Club, submitted a request to speak; Fran Gibson, representing Coastwalk California, submitted a request to speak in opposition to the project; Marshall Ochylski submitted a request to speak; David McLaughlan, representing SDS Family Trust, submitted a request to speak; Denise McLaughlin, representing SDS Family Trust, submitted a request to speak; Pat Molnar submitted a request to speak.

Motion & vote: Wan moved to approve and recommended a no vote, seconded by Stone. The roll call vote was 9 in favor of the no vote (Blank, Bloom, Burke, Secord, Liberman, Sanchez, Stone, Wan, Vice Chair Shallenberger) and one opposed (Achadjian). **Denied.**

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

- b. **Appeal No. A-3-SLO-10-016 (State Parks, Harmony).** [POSTPONED]

[Mirkarimi returned}

- c. **Appeal No. A-3-SCO-10-025 (Ingram, Pleasure Point).** Staff recommended the Commission find that the appeal raised no substantial issue.

William Shawver submitted a request to speak in opposition to the project; Kris Ingram submitted a request to speak in favor of the project.

Motion & vote: Secord moved to determine the appeal raised **no substantial issue** and recommended a yes vote, seconded by Achadjian. Vice Chair Shallenberger ruled that the vote was unanimous in favor of the motion. **Passed**

- d. **Appeal No. A-3-SLO-10-031 (Goodan, Harmony)**. Staff recommended the Commission find that the appeal raised **substantial issue**. There being no objection, Vice Chair Shallenberger ruled that the Commission **found substantial issue** and opened and continued the project to a future hearing.

David Juhake, representing the applicant, submitted a request to speak in favor of the project.

16. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 3-09-25 (Pebble Beach Company, Del Monte Forest)**. Staff recommended approval with conditions.

Mark Stillwell, representing Pebble Beach Company, submitted a request to speak in favor of the project.

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

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- b. **Application No. 3-09-42 (O'Neill, Pleasure Point)**. Staff recommended approval with special conditions.

Mark Massara, representing the applicant, submitted a request to speak in favor of the project.

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

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- c. **Application No. 3-09-68 (City of Santa Cruz, Santa Cruz)**. **[POSTPONED]**

17. **PERMIT AMENDMENTS.**

- a. **Permit No. 3-04-027-A2 (City of Pacific Grove, Pacific Grove)**. **[POSTPONED]**

STATEWIDE

18. **APPROVAL OF MINUTES.** (May 2010) **Approved.**
19. **COMMISSIONERS' REPORTS.** None.
20. **CONSERVANCY REPORT.** None.
21. **SANTA MONICA MOUNTAINS CONSERVANCY REPORT.** None.
22. **DEPUTY ATTORNEY GENERAL'S REPORT.** Informational only.
23. **EXECUTIVE DIRECTOR'S REPORT** *including* report and possible Commission action on legislation and water quality.
 - a. **AB234.** Staff recommended the Commission support the bill.

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

The Commission recessed for the day at 6:05 p.m.

THURSDAY, AUGUST 12, 2010 pages 9 to 15

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order at 9:03 a.m. by Vice Chair Shallenberger.
 2. **ROLL CALL.** Present: Vice Chair Shallenberger, Achadjian, Blank, Bloom, Burke, Secord (alternate), Liberman (alternate), Mirkarimi, Sanchez, Stone, Wan. Absent: Chair Neely.
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3. **GENERAL PUBLIC COMMENT.** Rhana Gulassa, Elaine Watson, Richard Margetson, and Keith Wimer, addressed issues at the Los Osos Wastewater Plant and the USDA funding; Lyn Krieger, representing County of Ventura Harbor Dept., spoke to the Commission about vacancies at the Marina; Larry Bross spoke to the Commission about air quality at Oceano Dunes; Pamela Dunlap addressed issues at Nipomo Dunes with particulate matter and special event permits; Ana Citrin spoke about protection of the Gaviota Coast; Nell Langford addressed particulate matter resulting from off-highway vehicles at Nipomo Dunes; Al Barrow spoke about earthquake fault and liquefaction zones near sewer Los Osos sewer plant and the risks of sewer spills; Linde Owen encouraged strengthening the permit conditions for the Los Osos sewer treatment plant; Ben DiFatta failed projects and funding for sewer projects; Alon Perlman spoke about the use of gray water; Geof Bard expressed concerns about zoning on the coast.

ENERGY, OCEAN RESOURCES and FEDERAL CONSISTENCY

4. **ENERGY, OCEAN RESOURCES and FEDERAL CONSISTENCY.** Deputy Director Dettmer reported on matters not requiring a public hearing and on comments from the public.

5. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. E-09-011 (Rincon Island Limited Partnership, Ventura)** Staff recommended approval with conditions.

Mark Steffy submitted a request to speak (for questions only).

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

6. **FEDERAL CONSISTENCY.**

a. **CD-033-10 (Navy, Coronado)** Staff recommended concurrence.

Lee Moldaver submitted a request to speak; Rear Admiral French, Senior Chief LeFevre, Tiffany Shepherd, Kim O'Connor, Captain Lindsey, Alex Stone, Kat Ostapuk, all representing the U.S. Navy, submitted a request to speak in favor of the project.

Motion: Wan moved to concur and recommended a yes vote, seconded by Bloom.

Amending motion & vote: Wan moved to ban public from bringing dogs onto the beach and recommended a yes vote, seconded by Secord. Vice Chair Shallenberger ruled that the vote was unanimous on favor of the motion. **Passed.**

Amending motion & vote: Sanchez moved to add a condition for the Navy to open discussion on an easement for the coastal trail and recommended a yes vote, seconded by Liberman. The roll call vote was 7 in favor (Bloom, Burke, Liberman, Mirkarimi, Sanchez, Stone, Wan) and 4 opposed (Achadjian, Blank, Secord, Vice Chair Shallenberger) **Passed.**

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

b. **CD-029-10 (NOAA, Southern California)** Staff recommended concurrence.

Brandon Southall, representing NOAA, submitted a request to speak in favor of the project.

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

- c. **CD-035-10 (Corps of Engineers, Marina del Rey)** Staff recommended concurrence.

Dana Murray, representing Heal the Bay, submitted a request to speak; Larry Smith, representing U.S. Army Corp of Engineers, submitted a request to speak in favor of the staff recommendation.

Motion: Sanchez moved to concur and recommended a yes vote, seconded by Bloom.

Amending motion & vote: Sanchez moved to require toxicity testing and recommended a yes vote, seconded by Bloom. Vice Chair Shallenberger ruled that the vote was unanimous in favor of the motion. **Passed.**

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

LUNCH RECESS. The Commission recessed for lunch at 12:30 p.m. and returned at 2:00 p.m.

ENFORCEMENT

7. **ENFORCEMENT REPORT.** None.

[Items 8 through 14 share a single combined staff report]

8. **Commission Cease and Desist Order No. CCC-10-CD-07 (Stefan Hagopian & Kathryn Hagopian – Topanga, Los Angeles Co.)** Staff recommended issuance of the cease and desist order.

Ronald Zumbrun, representing the appellant, submitted a request to speak; Fran Gibson, representing Coastwalk California, submitted a request to speak in favor of the staff recommendation; Andrew Christie, representing Sierra Club, submitted a request to speak in favor of the staff recommendation; Lee Moldaver submitted a request to speak in favor of the staff recommendation; Emil Soorani submitted a request to speak in favor of the staff recommendation; Edlyn Soorani submitted a request to speak in favor of the staff recommendation.

Motion & vote: Sanchez moved to issue the order and recommended a yes vote, seconded by Bloom. The roll call vote was 10 in favor (Achadjian, Blank, Bloom, Secord, Liberman, Mirkarimi, Sanchez, Stone, Wan, Vice Chair Shallenberger) and none opposed. **Passed.**

9. **Commission Restoration Order No. CCC-10-RO-06 (Stefan Hagopian & Kathryn Hagopian – Topanga, Los Angeles Co.)** Staff recommended issuance of the restoration order.
Motion & vote: Sanchez moved to issue the order and recommended a yes vote, seconded by Bloom. The roll call vote was 10 in favor (Achadjian, Blank, Bloom, Secord, Liberman, Mirkarimi, Sanchez, Stone, Wan, Vice Chair Shallenberger) and none opposed. **Passed.**

10. **Commission Cease and Desist Order No. CCC-10-CD-08 (Stefan Hagopian, Kathryn Hagopian and Rahel Hagopian – Topanga, Los Angeles Co.)** Staff recommended issuance of the cease and desist order.
Motion & vote: Sanchez moved to issue the cease and desist order and recommended a yes vote, seconded by Bloom. The roll call vote was 10 in favor (Achadjian, Blank, Bloom, Secord, Liberman, Mirkarimi, Sanchez, Stone, Wan, Vice Chair Shallenberger) and none opposed. **Passed.**

11. **Commission Restoration Order No. CCC-10-RO-07 (Stefan Hagopian, Kathryn Hagopian and Rahel Hagopian – Topanga, Los Angeles Co.)** Staff recommended issuance of the restoration order.
Motion & vote: Sanchez moved to issue the order and recommended a yes vote, seconded by Bloom. The roll call vote was 10 in favor (Achadjian, Blank, Bloom, Secord, Liberman, Mirkarimi, Sanchez, Stone, Wan, Vice Chair Shallenberger) and none opposed. **Passed.**

12. **Commission Notice of Violation No. CCC-10-NOV-02 (Stefan Hagopian & Kathryn Hagopian – Topanga, Los Angeles Co.)** Staff recommended the Commission find a violation had occurred.

Motion & vote: Sanchez moved to find that a violation had occurred and recommended a yes vote, seconded by Bloom. The roll call vote was 10 in favor (Achadjian, Blank, Bloom, Secord, Liberman, Mirkarimi, Sanchez, Stone, Wan, Vice Chair Shallenberger) and none opposed. **Passed.**

13. **Commission Notice of Violation No. CCC-10-NOV-03 (Stefan Hagopian & Kathryn Hagopian – Topanga, Los Angeles Co.)** Staff recommended the Commission find a violation had occurred.

Motion & vote: Sanchez moved to find that a violation had occurred and recommended a yes vote, seconded by Bloom. The roll call vote was 10 in favor (Achadjian, Blank, Bloom, Secord, Liberman, Mirkarimi, Sanchez, Stone, Wan, Vice Chair Shallenberger) and none opposed. **Passed.**

14. **Commission Notice of Violation No. CCC-10-NOV-04 (Stefan Hagopian, Kathryn Hagopian and Rahel Hagopian – Topanga, Los Angeles Co.)** Staff recommended the Commission find that a violation had occurred.

Motion & vote: Sanchez moved to find that a violation had occurred and recommended a yes vote, seconded by Bloom. The roll call vote was 10 in favor (Achadjian, Blank, Bloom, Secord, Liberman, Mirkarimi, Sanchez, Stone, Wan, Vice Chair Shallenberger) and none opposed. **Passed.**

SOUTH CENTRAL COAST DISTRICT

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

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16. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved on item [19b] to the expanded and recommended approval with conditions.

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

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17. **LOCAL COASTAL PROGRAMS (LCPs) Major.**

- a. **City of Santa Barbara LCP Amendment No. MAJ-3-09 (Veronica Meadows).**
Staff recommended denial as submitted and approval with modifications.

Renee Brooke, representing City of Santa Barbara, submitted a request to speak; Steven Amerikaner, representing Peak-Las Positas Partners, submitted a request to speak in favor of the project; Todd Lyle submitted a request to speak in opposition to the staff recommendation; Ana Citrin, representing Santa Barbara Urban Creek Council, submitted a request to speak in favor of the staff recommendation; Brian Trautwein submitted a request to speak.

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

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

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

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

[Items 17b and 17c were heard as one item]

- b. **County of Santa Barbara LCP Amendment No. MAJ-1-09-A (County Land Use and Development Code).**
- c. **County of Santa Barbara LCP Amendment No. MAJ-1-09-B (Montecito Land Use and Development Code and Rezone).**

Janet Wolf, Chair County of Santa Barbara Board of Supervisors, submitted a request to speak; Doreen Farr, representing County of Santa Barbara, submitted a request to speak; Dianne Black, representing County of Santa Barbara, submitted a request to speak; Greg Pruitt, representing Vista Del Mar USD, submitted a request to speak in opposition to the staff recommendation; Paul Van Leer, representing Santa Barbara Farm Bureau, submitted a request to speak in opposition to the staff recommendation; Dian Van der Have submitted a request to speak in opposition to the staff recommendation; Leslie Freeman submitted a request to speak in opposition to the project; Brian Trautwein, representing Environmental Defense Center, submitted a request to speak; Steven Amerikaner submitted a request to speak; Eva Turenchalk submitted a request to speak in opposition to the project; Jay Higgins submitted a request to speak; Geoffery Bard submitted a request to speak; Ana Citrin, representing Gaviota Coast Conservancy & Naples Coalition, submitted a request to speak in favor of the staff recommendation; J. David Breemer, representing Pacific Legal Foundation, submitted a request to speak; Andy Caldwell submitted a request to speak in opposition to the project; Jim Neuman submitted a request to speak in opposition to the project; Kim Kimbell submitted a request to speak in opposition to the staff recommendation; Christina McGinnis, representing EDC/OPEN, submitted a request to speak in favor of the project; Linda Krop, representing Environmental Defense Center, submitted a request to speak in favor of the staff recommendation; Lee Moldaver, representing Gaviota Coast Conservancy, submitted a request to speak.

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

- d. **City of Malibu LCP Amendment No. MAL-MAJ-2-10 (Morton) Time Extension.**
Staff recommended approval of the time extension.

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

18. **NEW APPEALS.**

- a. **Appeal No. A-4-MAL-10-053 (WFS Seastar, Malibu)** Staff recommended the Commission find no substantial issue exists. The applicant requested a continuance.

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

19. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 4-07-098 (California Dept. of Parks and Recreation, Malibu)**
[POSTPONED]

- b. **Application No. 4-07-143 (Ketchum and Kaplan, Los Angeles Co.)** Moved by staff to the expanded consent calendar. **Approved.**

The Commission recessed for the day at 8:15 p.m.

FRIDAY, AUGUST 13, 2010 pages 16 to 22

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order at 9:00 a.m. by Vice Chair Shallenberger.
2. **ROLL CALL.** Present: Vice Chair Shallenberger, Achadjian, Blank, Bloom, Secord (alternate), Liberman (alternate), Sanchez, Stone, Wan. Mirkarimi arrived at 9:05 a.m. Absent: Chair Neely, Burke.
3. **GENERAL PUBLIC COMMENT.** Fran Gibson, representing Coastwalk California, updated the Commission about parking triangle being moved away from North Beach in San Clemente and the LAB project affecting beach access; Terry Sweetland addressed issues with dust on Pier Avenue in Oceano; Geof Bard; Nattalia Merzoyan spoke about the wastewater treatment in Morro Bay; Katrina Dolinsky, Mesa for Clean Air, addressed air pollution at Oceano Dunes and asked for a moratorium; Dr. Tobey Crockett spoke about the test well drilling; Piper Reilly addressed lack of management at Los Osos sewer plant; Gwynn Taylor inquired about the money for the sewer treatment plant and sea water intrusion not being addressed; Al Barrow spoke about the Los Osos sewer gravity collection system; Robert van de Hoek ;

SOUTH COAST DISTRICT (Orange Co.)

4. **ADMINISTRATIVE PERMIT APPLICATIONS.** See items 4a through 4c on page 12 of the meeting notice. Staff recommended the Commission concur with the Executive Director's determination. There being no objection, Vice Chair Shallenberger ruled the Commission concurred. **Approved.**

SAN DIEGO COAST DISTRICT

5. **CONSENT CALENDAR.**
 - a. **Application No. 6-10-46 (Cabrillo Power, Carlsbad)** Staff recommended approval with conditions.

David Lloyd, representing Cabrillo Power I LLC, submitted a request to speak in favor of the project.

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

SOUTH COAST DISTRICT (LOS ANGELES CO.)

6. **DEPUTY DIRECTOR'S REPORT.** Deputy Director Ainsworth reported on matters not requiring a public hearing and on comments from the public.
 - a. **City of Long Beach Local Coastal Program (LCP) Amendment Certification Review.** Staff recommended the Commission concur with the Executive Director's determination. There being no objection, Vice Chair Shallenberger ruled that the Commission concurred.

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7. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved one item [10b] to the expanded consent calendar and recommended approval with special conditions.

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

8. **LOCAL COASTAL PROGRAMS (LCPs) Major.**
 - a. **City Of Rancho Palos Verdes LCP Amendment No. RPV-MAJ-1-10 (Nantasket Drive).** Staff recommended the Commission deny the LUP amendment as submitted, and approve if modified as recommended and approve the amendment request to the Implementation Plan as submitted.

Joel Rojas, representing City of Rancho Palos Verdes, submitted a request to speak; Dave Neish, representing applicant, submitted a request to speak in favor of the project; Dana Ireland submitted a request to speak in favor of the project.

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

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

Motion & vote: Bloom moved to reject the Implementation Plan as submitted and recommended a no vote, seconded by Achadjian. Vice Chair Shallenberger ruled that the vote was unanimous in favor of the no vote. **Passed.**

9. **NEW APPEALS.**

- a. **Appeal No. A-5-PPL-10-156 (Morelli, Pacific Palisades) [POSTPONED]**
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10. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 5-10-19 (Santa Catalina Island Company, Avalon)** Staff recommended approval with special conditions.

Rick Ware, representing Coastal Resource Management, Inc., submitted a request to speak; Dana Murray, representing Heal The Bay, submitted a request to speak; Wayne Griffin, representing Catalina Island Chamber of Commerce, submitted a request to speak in favor of the project; Elaine Vaughan, representing Catalina Express, submitted a request to speak in favor of the project; Kevin Strege, representing Catalina Island Vacation Rentals, Inc., submitted a request to speak in favor of the project; Bryan Ballard, representing Catalina Chamber of Commerce, submitted a request to speak in favor of the project; Randy Herrel, representing Santa Catalina Island Company, submitted a request to speak in favor of the project; Brad Wilson, representing Santa Catalina Island Company, submitted a request to speak in favor of the project; Robert Kennedy, representing Catalina Scuba Luv, Inc., submitted a request to speak in favor of the project.

Motion & vote: Secord moved to approve with special conditions and recommended a yes vote, seconded by Achadjian. The roll call vote was 8 in favor (Achadjian, Blank, Bloom, Secord, Liberman, Mirkarimi, Stone, Vice Chair Shallenberger) and 2 opposed (Sanchez, Wan). **Passed.**

- b. **Application No. 5-10-102 (Lazarus, Santa Monica)** Moved by staff to the expanded consent calendar. **Approved.**
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- c. **Appeal No. A-5-VEN-10-138 (ADC Development, Inc., Los Angeles) [POSTPONED]**

11. **PERMIT AMENDMENTS.**

- a. **Permit No. 5-08-294-A (City Of Los Angeles, Department Of Public Works, Bureau of Eng., Los Angeles)** Staff recommended approval of the amendment. Marcia Hanscom, representing CLEAN/Sierra Club, submitted a request to speak; Robert van de Hoek, representing Ballona Institute, submitted a request to speak; Jim Doty, representing City of Los Angeles, submitted a request to speak in favor of the project.

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

SOUTH COAST DISTRICT (ORANGE CO.)

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

13. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved one item [15a] to the expanded consent calendar and recommended approval with conditions.

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

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

- a. **City Of Huntington Beach LCP Amendment No. HNB-MAJ-2-9 (RLUIPA).** Staff recommended approval of the amendment as submitted.

Scott Hess, representing City of Huntington Beach, submitted a request to speak in favor of the project; Michael Pepper, representing Pacific Justice Institute, submitted a request to speak in favor of the project; Wayne Carvalho submitted a request to speak in favor of the project.

Motion & vote: Sanchez moved to reject as submitted and recommended a no vote, seconded by Mirkarimi. Vice Chair Shallenberger ruled that the vote was unanimous in favor of the motion. **Passed.**

14.5 **NEW APPEALS.**

- a. **Appeal No. A-5-LGB-10-166 (Skendarian, Laguna Beach)** Staff recommended the Commission determine that the appeal raised a **substantial issue**. There being no objection, Vice Chair Shallenberger ruled that the Commission **found substantial issue** and continued the matter to a future hearing. **Substantial Issue Found.**

Sherman Stacey, an applicant, submitted a request to speak in favor of the project; Audrey Prosey submitted a request to speak in opposition to the project.

15. **COASTAL PERMIT APPLICATIONS**

- a. **Application No. 5-09-193 (Pedersen-Lenich, Newport Beach)** Moved by staff to the expanded consent calendar. **Approved.**
-

SAN DIEGO COAST DISTRICT

16. **DEPUTY DIRECTOR'S REPORT.** Deputy Director Sarb reported on matters not requiring a public hearing and on comments from the public.
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17. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved 3 items [**19a, 20a, 20b**] to the expanded consent calendar and recommended approval with conditions.

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

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

- a. **City of Oceanside LCP Amendment No. 1-10 (Mini-Dorms) 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 Achadjian. Vice Chair Shallenberger ruled that the vote was unanimous in favor of the motion. **Passed.**

- b. **City of San Diego LCP Amendment No. 1-10 (Voluntary Accessibility Program) 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 Achadjian. Vice Chair Shallenberger ruled that the vote was unanimous in favor of the motion. **Passed.**

- c. **City of Encinitas LCP Amendment No. 1-10 (Grading Ordinance Modifications).** Staff recommended denial of the amendment as submitted and approval if modified as suggested.

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

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

18.5 NEW APPEALS

- a. **Appeal No. A-6-OMN-10-54 (Kravis & Magnotto, Otay Mesa-Nestor, San Diego)**
Staff recommended a determination of no substantial issue.

Hannah Miller, representing an appellant, submitted a request to speak; Mark Kravis, an applicant, submitted a request to speak in favor of the project; Geof Bard submitted a request to speak.

Motion: Achadjian moved to determine the appeal raised no substantial issue and recommended a yes vote, seconded by Secord. **[Motion withdrawn]**

Motion & vote: Bloom moved to determine the appeal raised no substantial issue and recommended a yes vote, seconded by Secord. The roll call vote was 5 in favor (Achadjian, Blank, Bloom, Secord, Liberman) and 5 opposed (Mirkarimi, Sanchez, Stone, Wan, Vice Chair Shallenberger). **Substantial Issue Found.**
Continued.

19. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 6-10-6 (California Department of Transportation, San Diego Co.)** Moved to the expanded consent calendar by staff. **Approved.**
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- b. **Application No. 6-10-20 (California Department of Fish and Game, Carlsbad)**
Staff recommended approval with conditions.

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

20. **PERMIT AMENDMENTS.**

- a. **Permit No. F7195 -A (Holmes Family Trust & Ab Mountain Associates, La Jolla)**
Moved to the expanded consent calendar by staff. **Approved.**
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- b. **Permit No. 6-09-079-A1 (County of San Diego Public Parking Facility, San Diego)**
Moved to the expanded consent calendar by staff. **Approved.**
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21. **REVISED FINDINGS.**

- a. **City of Carlsbad LCP Amendment No. 3-07B (Ponto Beachfront Vision Plan).**
[POSTPONED]

There being no old or new business, the meeting of the California Coastal Commission adjourned at 1:17 p.m.

