

**CALIFORNIA COASTAL COMMISSION**

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**W15a**

DATE: January 21, 2011  
TO: Coastal Commissioners  
FROM: Peter M. Douglas, Executive Director  
SUBJECT: **DRAFT MINUTES** of MEETING of JUNE 9-11, 2010  
Marina del Rey Hotel  
13534 Bali Way  
Marina del Rey, CA 90292

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**WEDNESDAY, JUNE 9, 2010 pages 1 to 8**

1. **CALL TO ORDER.** The meeting of the CCC was called to order at 9:00 a.m. by Vice Chair Shallenberger.
2. **ROLL CALL.** Present: Vice Chair Shallenberger, Achadjian, Greer (alternate), Bloom, Burke, Kram, Kruer, Gurney (alternate), Stone, Wan. Sanchez arrived at 9:20 a.m.; Chair Neely arrived at 9:30 a.m.
3. **GENERAL PUBLIC COMMENT.**

**SOUTH COAST DISTRICT (Orange County)**

4. **CONSENT CALENDAR.** Staff recommended approval with conditions.
  - a. **Application No. 5-06-111 (Mesa Consolidated Water District, Newport Beach)**
  - b. **Application No. 5-09-250 (Department of Fish & Game, Newport Beach)**
  - c. **Application No. 5-10-65 (San Clemente Shorecliffs Beach Club Assoc., San Clement)**

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

## SAN DIEGO COAST DISTRICT

5. **DEPUTY DIRECTOR'S REPORT.** Deputy Director Sarb reported on permit waivers, emergency permits, immaterial amendments & extensions, LCP matters not requiring public hearings, and on comments from the public. Staff recommended that the Commission concur. There being no objection, Chair Neely ruled concurrence.

6. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved 2 items (**9a, 10a**) to the expanded consent calendar and recommended approval with conditions.

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

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

- a. **Carlsbad LCP Amendment No. 4-09B (Building Height).** Staff recommended approval as submitted.

**Motion & vote:** Sanchez moved to reject the Implementation Plan amendment as submitted and recommended a no vote, seconded by Kruer. Chair Neely ruled that the vote was unanimous in opposition to the motion. The motion failed so the amendment was **approved.**

8. **NEW APPEALS.** [Items 8a and 8b were combined and heard as one]

- a. **Appeal No. A-6-COR-08-98 (Hotel Del Partners LP, Coronado)** Staff recommended the Commission determine that a substantial issue exists. Staff also recommended denial of the permit. There being no objection Chair Neely ruled that the Commission **found substantial issue.** Chair Neely opened the hearing on the merits of the project.

**Motion:** Stone moved to approve and recommended a no vote, seconded by Shallenberger.

**Motion & vote:** Achadjian moved to continue and recommended a yes vote, seconded by Burke. The roll call vote was 8 in favor (Achadjian, Greer, Bloom, Burke, Kram, Kruer, Shallenberger, Chair Neely) and 4 opposed (Gurney, Sanchez, Stone, Wan). **Passed. Continued.**

b. **Appeal No. A-6-COR-08-99 (Hotel del Partners LP, Coronado)** [See item 8a]

9. **COASTAL PERMIT APPLICATIONS.**

a. **Application No. 6-09-64 (City of San Diego Ocean Beach parking restrictions)**  
Moved by staff to the expanded consent calendar. **Approved with conditions.**

10. **PERMIT AMENDMENTS.**

a. **Permit No. 6-04-88-A4 (Southern California Edison (SCE) & San Dieguito River Park Joint Powers Authority, Del Mar & San Diego)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

11. **REVISED FINDINGS.**

a. **Application No. 6-07-133 (Li, Encinitas)** Staff recommended approval of the findings.

**Motion & vote:** Shallenberger moved to adopt the findings and recommended a yes vote, seconded by Achadjian. The hand vote was 8 in favor (Achadjian, Bloom, Kruer, Sanchez, Shallenberger, Stone, Wan, Chair Neely) and none opposed.

**LUNCH RECESS.** The Commission recessed for lunch at 1:30 p.m. and returned at 3:00 p.m.

**Report of Closed Session.** In Closed Session, the Commission heard advice in the matter of Monterey County LCP Amendment No. 1-07 (Measure A) and extended the tolling agreement.

[Wan left the room at 3:15 p.m.]

## **NORTH COAST DISTRICT**

12. **DEPUTY DIRECTOR'S REPORT.** District Manager Merrill reported on permit waivers, emergency permits, immaterial amendments & extensions, LCP matters not requiring public hearings, and on comments from the public. Staff recommended that the Commission concur. There being no objection, Chair Neely ruled concurrence.

13. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved 3 items [**16a, 16b, 16c**] to the expanded consent calendar and recommended approval with conditions.

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

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

- a. **Humboldt Co. LCP Amendment No. HUM-MAJ-2-09 (New Heart Community Church) Time Extension.** Staff recommended approval.

**Motion & vote:** Stone 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.**

15. **NEW APPEALS.**

- a. **Appeal No. A-1-MEN-10-12 (Brotherton, Mendocino Co.) [WITHDRAWN]**
- b. **Appeal No. A-1-MEN-10-15 (Bethel & Hupp, Mendocino Co.)** Staff recommended the Commission determine a **substantial issue** exists. There being no objection, Chair Neely ruled that the Commission **found substantial issue** and opened and continued the matter to a future hearing. **Substantial Issue Found.**
- c. **Appeal No. A-1-MEN-10-20 (Big River Partners, LLC, Mendocino Co.) [POSTPONED]**

16. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 1-08-47 (Crescent City Harbor District, Crescent City)** Moved by staff to the expanded consent calendar. **Approved with conditions.**
- b. **Application No. 1-08-50 (Crescent City Harbor District, Crescent City)** Moved by staff to the expanded consent calendar. **Approved with conditions.**
- c. **Application No. 1-09-36 (Lake, Arcata)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

17. **PERMIT AMENDMENTS.**

- a. **Permit No. 1-03-21-A (City of Arcata, Arcata)** Staff recommended approval with conditions.

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

## **SOUTH COAST DISTRICT (Orange County)**

18. **DEPUTY DIRECTOR'S REPORT.** Deputy Director Sarb reported on permit waivers, emergency permits, immaterial amendments & extensions, LCP matters not requiring public hearings, and on comments from the public. Staff recommended the Commission concur. There being no objection, Chair Neely ruled concurrence.

- a. **City of Dana Point LCP Amendment No. DPT-MAJ-1-08 (Certification Review).** Item pulled from the agenda by staff.

19. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved item (21c) to the expanded consent calendar and recommended approval with conditions.

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

[Neely out of the room]

20. **REVISED FINDINGS.**

- a. **City of Dana Point LCP Amendment No. DPT-MAJ-1-08 (Revised Findings).** Staff recommended approval of the findings.

**Motion & vote:** Achadjian moved to adopt the findings and recommended a yes vote, seconded by Shallenberger. The hand vote was 8 in favor (Achadjian, Burke, Kram, Kruer, Sanchez, Shallenberger, Stone, Neely) and none opposed. **Passed.**

21. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 5-09-179 (Hitchcock Jr., San Clemente)** Staff recommended approval with conditions.

**Motion & vote:** Achadjian moved to approve pursuant to the staff recommendation as orally modified at this hearing and recommended a yes vote, seconded by Sanchez. Vice Chair Shallenberger ruled that the vote was unanimous in favor of the motion. **Passed.**

- b. **Application No. 5-09-180 (Hitchcock Jr., San Clemente)** Staff recommended approval with conditions.

**Motion & vote:** Achadjian moved to approve pursuant to the staff recommendation as orally modified at this hearing and recommended a yes vote, seconded by Sanchez. Vice Chair Shallenberger ruled that the vote was unanimous in favor of the motion. **Passed.**

- c. **Application No. 5-09-225 (Orange County Public Works, Huntington Beach)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

21.5. **DISPUTE RESOLUTION.** [Neely returned but abstained from the vote.]

- a. **Dispute Resolution No. 5-10-117-EDD (Laguna Terrace Park LLC, Laguna Beach)** Staff recommended the Commission concur with the Executive Director's determination that the permit is appealable.

**Motion & vote:** Sanchez moved to reject the Executive Director's determination and recommended a no vote, seconded by Stone. The roll call vote was 7 in favor of the no vote (Bloom, Burke, Kruer, Gurney, Sanchez, Shallenberger, Stone) 2 opposed (Achadjian, Kram) and 2 abstentions (Greer, Neely). **ED Determination Upheld.**

## ENFORCEMENT

22. **ENFORCEMENT REPORT.** None.

## NORTH CENTRAL COAST DISTRICT

23. **DEPUTY DIRECTOR'S REPORT.** Deputy Director Lester reported on permit waivers, emergency permits, immaterial amendments & extensions, LCP matters not requiring public hearings, and on comments from the public. Staff recommended that the Commission concur. There being no objection, Chair Neely ruled concurrence.
24. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved one item [25.5a] to the expanded consent calendar and recommended approval with conditions.

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

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

- a. **San Mateo County LCP Amendment No. SMC-MAJ-1-07 (Midcoast LCP Update). Time Extension.** Staff recommended approval of the time extension.

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

- b. **San Mateo County LCP Amendment No. SMC-MAJ-1-04-A (Midcoast Design Standards). Time Extension.** Staff recommended approval of the time extension.

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

- c. **San Mateo County LCP Amendment No. SMC-MAJ-1-09 (Wireless Facilities). Time Extension.** Staff recommended approval of the time extension.

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

25.5. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 2-09-15 (Sonoma County Regional Parks Department).** Moved by staff to the expanded consent calendar. **Approved with conditions.**

**STATEWIDE**

26. **APPROVAL OF MINUTES.** The minutes of April 2010 were approved.

27. **COMMISSIONERS' REPORTS.** Informational only.

28. **CONSERVANCY REPORT.** Informational only.

29. **SANTA MONICA MOUNTAINS CONSERVANCY REPORT.** Informational only.

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

31. **EXECUTIVE DIRECTOR'S REPORT.** Informational only.

The Commission recessed for the day at 5:30 p.m.



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, Greer (alternate), Bloom, Burke, Kram, Kruer, Mirkarimi, Sanchez, Stone, Wan.
3. **GENERAL PUBLIC COMMENT.**

## CENTRAL COAST DISTRICT

4. **DEPUTY DIRECTOR'S REPORT.** Deputy Director Lester reported on permit waivers, emergency permits, immaterial amendments & extensions, LCP matters not requiring public hearings, and on comments from the public. Staff recommended that the Commission concur. There being no objection, Chair Neely ruled concurrence.
5. **CONSENT CALENDAR (removed from Regular Calendar).** None.
6. **LOCAL COASTAL PROGRAMS (LCPs).**
  - a. **San Luis Obispo County LCP Amendment No. SLO-1-09 (Williamson Act).**  
[POSTPONED]
7. **COASTAL PERMIT APPLICATIONS.**
  - a. **Application No. 3-09-052 (Neal, Pismo Beach) [POSTPONED]**
  - b. **Application No. A-3-SLO-09-055 & 069 (Los Osos Wastewater Project, San Luis Obispo Co.)** Item was moved to Friday, June 11, 2010 as Item 14a.

## SOUTH CENTRAL COAST DISTRICT

8. **DEPUTY DIRECTOR'S REPORT.** Deputy Director Ainsworth reported on permit waivers, emergency permits, immaterial amendments & extensions, LCP matters not requiring public hearings, and on comments from the public. Staff recommended

that the Commission concur. There being no objection, Chair Neely ruled concurrence.

- a. **City of Malibu Local Coastal Program Amendment No. 3-08 (La Paz) Certification Review.** Staff recommended concurrence with the Executive Director's determination. There being no objection, Chair Neely ruled that the Commission concurred. **Passed.**

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

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

- a. **City of Malibu LCP Amendment No. MAJ-2-09-B.** Staff recommended denial as submitted and approval with suggested modifications.

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

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

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

11. **COASTAL PERMIT APPLICATIONS.**

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

- b. **Appeal No. A-4-MAL-09-070 (Drane, Los Angeles Co.)** [POSTPONED]

- c. **Application No. 4-09-087 (Los Angeles County Dept. of Public Works, Los Angeles Co.)** Staff recommended approval with conditions.

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

12. **LONG RANGE DEVELOPMENT PLAN.**

- a. **UCSB Long Range Development Plan (LRDP) Amendment 1-10 (Lagoon Restoration Plan).** Staff recommended approval with modifications.

**Motion & vote:** Mirkarimi moved to certify the amendment as submitted and recommended a no vote, seconded by Achadjian. Chair Neely ruled that the vote was unanimous in opposition to the motion. **Denied.**

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

13. **NOTICE OF IMPENDING DEVELOPMENT.**

- a. **UCSB Notice of Impending Development No. 8-08 (Lagoon Management Plan Restoration).** Staff recommended approval of the Notice of Impending Development.

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

**LUNCH RECESS.** The Commission recessed for lunch at 12:00 p.m. and returned at 1:30 p.m. Burke and Kram did not return after the lunch break.

[Kruer left for the day at 3:30 p.m.]

14. **COASTAL PERMIT APPLICATIONS.**

- a. **Appeal No. A-5-VEN-08-343 (City of Los Angeles, Dept. of Transportation, Los Angeles)** Staff recommended approval with special conditions.

**Motion & vote:** Stone moved to approve pursuant to the staff recommendation and recommended a no vote, seconded by Sanchez. The roll call vote was 6 in opposition to the motion (Mirkarimi, Sanchez, Shallenberger, Stone, Wan, Chair Neely) and 3 in favor (Achadjian, Greer, Bloom). **Denied.**

**Substitute Motion & vote:** Bloom moved to allow the City to implement oversized vehicle restrictions for six months and review by the Commission after the six month period and recommended a yes vote, seconded by Greer. The roll call vote was

4 in favor (Achadjian, Greer, Bloom, Neely) and 5 opposed (Mirkarimi, Sanchez, Shallenberger, Stone, Wan). **Failed.**

- b. **Application No. 5-08-313 (City of Los Angeles, Dept. of Transportation, Venice)**  
Staff recommended approval with special conditions.

**Motion & vote:** Stone moved to approve pursuant to the staff recommendation and recommended a no vote, seconded by Sanchez. The roll call vote was 6 in opposition (Mirkarimi, Sanchez, Shallenberger, Stone, Wan, Chair Neely) and 3 in favor (Achadjian, Greer, Bloom) of the motion. **Denied.**

- c. **Appeal No. A-5-VEN-08-344 (City of Los Angeles, Dept. of Transportation, Los Angeles)** Staff recommended approval with special conditions.

**Motion & vote:** Stone moved to approve pursuant to the staff recommendation and recommended a no vote, seconded by Sanchez. The roll call vote was 6 in opposition (Mirkarimi, Sanchez, Shallenberger, Stone, Wan, Chair Neely) and 3 in favor (Achadjian, Greer, Bloom) of the motion. **Denied.**

The Commission recessed for the day at 5:30 p.m.

FRIDAY, JUNE 11, 2010 pages 13 to 16

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order at 9:05 a.m. by Chair Neely.
2. **ROLL CALL.** Present: Chair Neely, Vice Chair Shallenberger, Achadjian, Greer (alternate), Parker (alternate), Mirkarimi, Sanchez, Stone, Wan. Bloom arrived at 9:15 a.m.; Kram arrived at 9:50 a.m. Absent: Kruer.
3. **GENERAL PUBLIC COMMENT.**

### **SOUTH COAST DISTRICT (Los Angeles County)**

4. **ADMINISTRATIVE CALENDAR.** See items **4a** through **4c** on page 13 of the meeting notice. Staff recommended the Commission concur with the Executive Director's determination. There being no objection, Chair Neely ruled the Commission concurred. **Approved.**
  - a. **Application No. 5-10-48 (Naify, Long Beach)**
  - b. **Application No. 5-10-50 (Naify, Long Beach)**
  - c. **Application No. 5-10-51 (Rowan, Long Beach)**
5. **CONSENT CALENDAR.** See item **5a** on page 13 of the meeting notice. Staff recommended approval with conditions.
  - a. **Application No. 5-10-98 (City of Santa Monica, Santa Monica)**  
**Motion & vote:** Achadjian moved to approve pursuant to the staff recommendation and recommended a yes vote, seconded by Sanchez. Chair Neely ruled that the vote was unanimous in favor of the motion. **Passed.**

### **SOUTH COAST DISTRICT (Los Angeles County)**

6. **DEPUTY DIRECTOR'S REPORT.** Deputy Director Sarb reported on permit waivers, emergency permits, immaterial amendments & extensions, LCP matters not requiring public hearings, and on comments from the public. Staff recommended

that the Commission concur. There being no objection, Chair Neely ruled concurrence.

7. **CONSENT CALENDAR (removed from Regular Calendar).** None.
  
8. **LOCAL COASTAL PROGRAMS (LCPs)**
  - a. **City of Rancho Palos Verdes LCP Amendment No. RPV-MAJ-1-10 (Nantasket Drive). 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. Chair Neely ruled that the vote was unanimous in favor of the motion. **Passed.**

9. **COASTAL PERMIT APPLICATIONS.**
  - a. **Application No. A-5-LOB-10-15 (2H Properties, Long Beach) [POSTPONED]**
  
  - b. **Application No. 5-10-76 (NF Marina, Marina Del Rey) [POSTPONED]**

## **ENERGY, OCEAN RESOURCES and FEDERAL CONSISTENCY**

10. **ENERGY, OCEAN RESOURCES and FEDERAL CONSISTENCY.** Deputy Director Dettmer reported on permit waivers, emergency permits, immaterial amendments & extensions, negative determinations, matters not requiring public hearings, and status report on offshore oil & gas exploration & development. Staff recommended that the Commission concur. There being no objection, Chair Neely ruled concurrence.
  
11. **CONSENT CALENDAR (removed from Regular Calendar).** None.
  
12. **COASTAL PERMIT APPLICATIONS.**
  - a. **Application No. E-10-006 (Southern California Gas Co., Santa Barbara Co.)** Staff recommended approval with conditions.

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

[Kram arrived.]

13. **FEDERAL CONSISTENCY.**

- a. **CC-032-09 (Goleta Sanitary District, Santa Barbara Co.)** Staff recommended concurrence.

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

- b. **CD-015-10 (Coast Guard, Statewide)** Staff recommended the Commission object to concurrence.

**Motion & vote:** Stone moved to concur that the project is consistent and recommended a no vote, seconded by Sanchez. Chair Neely ruled that the vote was unanimous in opposition to the motion. **Denied.**

- c. **CD-026-10 (National Park Service, Marin Co.)** Staff recommended concurrence.

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

14. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. A-3-SLO-09-055 & 069 (Los Osos Wastewater Project, San Luis Obispo Co.)** Staff recommended approval with conditions.

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

There being no old or new business, the meeting of the California Coastal Commission adjourned at 1:55 p.m.

Respectfully submitted,

Peter Douglas  
Executive Director