

CALIFORNIA COASTAL COMMISSION

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**W26**

DATE: July 27, 2011
TO: Coastal Commissioners
FROM: Peter M. Douglas, Executive Director
SUBJECT: **DRAFT MINUTES** of MEETING of JULY 13-14, 2011
Marin County Civic Center
3501 Civic Center Drive Room 330
San Rafael, CA 94903

WEDNESDAY, JULY 13, 2011 pages 1 to 5

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order at 9:00 a.m. by Chair Shallenberger.
2. **ROLL CALL.** Present: Blank, Bloom, Bochco, Brennan, Kinsey, McClure, Mitchell, Sanchez, Stone, Zimmer, Shallenberger. Absent: Burke.

Report of Closed Session. In closed session, the Commission received information on a personnel matter.

STATEWIDE

3. **GENERAL PUBLIC COMMENT.** Members of the public addressed the Commission on various issues affecting the California Coast.

CENTRAL COAST DISTRICT

4. **DEPUTY DIRECTOR'S REPORT.** Report by Deputy Director Lester on permit waivers, emergency permits, immaterial amendments & extensions, LCP matters not requiring public hearings, and on comments from the public. There being no objection, Chair Shallenberger ruled that the Commission concurred.

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

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

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

- a. **San Luis Obispo County LCP Amendment No. 1-11 Part 1 (Shelters and Supportive Housing). Time Extension Only.** Staff recommended approval.

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

- b. **Santa Cruz County LCP Amendment No. 1-11 Part 3 (Vacation Rentals).** Staff recommended approval as submitted.

Motion & vote: Stone moved to reject the Implementation Plan as submitted and recommended a no vote, seconded by Sanchez. Chair Shallenberger ruled that the vote was unanimous in opposition to the motion. **Approved as submitted.**

7. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 3-10-044 (Crest Enterprises LLC, Capitola)** Staff recommended approval with conditions with the added condition for public access stairs.

Motion & vote: Stone moved to approve per staff recommendation and recommended a yes vote, seconded by Bochco. Chair Shallenberger ruled that the vote was unanimous in favor of the motion. **Approved with modifications.**

- b. **Application No. 3-11-020 (Goins, Pacific Grove)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

LUNCH RECESS. The Commission recessed for lunch at 12:09 p.m. and returned at 1:39 p.m.

NORTH CENTRAL COAST DISTRICT

8. **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. There being no objection, Chair Shallenberger ruled that the Commission concurred.
9. **CONSENT CALENDAR (removed from Regular Calendar).** None.
10. **COASTAL PERMIT APPLICATIONS.**
 - a. **Application No. 2-06-18/A-2-MAR-08-028 (Lawson's Landing, Inc., Marin Co.)**
Staff recommended approval with conditions. Staff incorporated the following changes to their recommendation. 1) Add to Condition 4B "If any of the success criteria identified in the plan are not achieved, the permittee shall submit a CDP proposing alternative measures to achieve the success criteria identified in the plan." 2) To delete Special Condition 6. 3) to add "unsecured" to Condition 17a1c.

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

Amending motion & vote #1: Sanchez moved to require no future non-agricultural development in ESHA in areas 5, 6, 7, and 8 except Sand Haul Road and recommended a yes vote, seconded by Blank. The roll call vote was 9 in favor (Blank, Bochco, Brennan, Kinsey, Mitchell, Sanchez, Stone, Zimmer, Shallenberger) and 2 opposed (Bloom, McClure). **Passed.**

Amending motion & vote #2: Sanchez moved to eliminate all development on east side of the road in Area 4 and recommended a yes vote, seconded by Brennan. The roll call vote was 1 in favor (Sanchez) and 10 opposed (Blank, Bloom, Bochco, Brennan, Kinsey, McClure, Mitchell, Stone, Zimmer, Shallenberger). **Failed.**

Amending motion & vote #3: Sanchez moved to require PREP by the Commission and recommended a yes vote, seconded by Brennan. The roll call vote was 5 in favor (Brennan, Sanchez, Stone, Zimmer, Shallenberger) and 6 opposed (Blank, Bloom, Bochco, Kinsey, McClure, Mitchell) **Failed.**

Amending motion & vote #4: Sanchez moved to eliminate all travel trailers within 3 years excluding employee housing and recommended a yes vote, seconded by Bochco. The roll call vote was 7 in favor (Blank, Bochco, Brennan, Sanchez, Stone, Zimmer, Shallenberger) and 4 opposed (Bloom, Kinsey, McClure, Mitchell). **Passed.**

Amending motion & vote #5: McClure moved to include new language per staff recommendation as follows: *"Staff is recommending that Special Condition 2 be amended so that the travel trailers in Area 2 not owned by the Lawson's be removed no later than 5 years from the Commission approval to be replaced by RVs or tent sites exclusively used for overnight visitor serving uses. If the permittee wishes to utilize Area 2 for any other type of overnight visitor serving use other than*

RVs or tents exclusively used for visitor serving purposes, the permittee may submit to the Commission a Coastal Development Permit Amendment proposing an alternative type of low cost visitor serving use." and recommended a yes vote, seconded by Kinsey. The roll call vote was 10 in favor (Blank, Bloom, Bochco, Brennan, Kinsey, McClure, Mitchell, Stone, Zimmer, Shallenberger) and one opposed (Sanchez). **Passed.**

Amending motion & vote #6: Sanchez moved to eliminate all development in Area 4 on east side of the road and recommended a yes vote, seconded by Bochco. The roll call vote was 5 in favor (Bochco, Brennan, Sanchez, Stone, Shallenberger) and 6 opposed (Blank, Bloom, Kinsey, McClure, Mitchell, Zimmer) **Failed.**

Vote on main motion: The roll call vote "as amended" was 10 in favor (Blank, Bloom, Bochco, Brennan, Kinsey, McClure, Mitchell, Stone, Zimmer, Shallenberger) and one opposed (Sanchez). **Approved with modifications.**

b. **Application No. 2-10-33 (City & County of San Francisco)** Staff recommended approval with conditions.

Motion & vote: Blank moved to continue and recommended a yes vote, seconded by McClure. The roll call vote was 3 in favor (Blank, Bloom, McClure) and 8 opposed (Bochco, Brennan, Kinsey, Mitchell, Sanchez, Stone, Zimmer, Shallenberger). **Failed.**

Motion & vote: Brennan moved to approve per staff and recommended a no vote, seconded by Stone. Chair Shallenberger ruled that the vote was unanimous in opposition to the motion. **Denied.**

STATEWIDE (Statewide items were trailed to Thursday's agenda)

11. **APPROVAL OF MINUTES.** Stone moved to approve the **minutes of June 15-17, 2011** and recommended a yes vote, seconded by Brennan. Chair Shallenberger ruled that the vote was unanimous in favor of the motion. **Approved.**
12. **COMMISSIONERS' REPORTS.** The Commission appointed Dayna Bochco as the representative for the Santa Monica Bay Restoration Commission and appointed Brian Brennan and Chair Shallenberger as representative for the Road's Edge Committee.
13. **CONSERVANCY REPORT.** None.

14. **SANTA MONICA MOUNTAINS CONSERVANCY REPORT.** None.
15. **DEPUTY ATTORNEY GENERAL'S REPORT.** Informational only.
16. **EXECUTIVE DIRECTOR'S REPORT** including reports and possible Commission action on legislation and water quality.
 - a. **2012 Meeting dates and locations.** The Commission **approved** the Proposed 2012 meeting calendar.

THURSDAY, JULY 14, 2011 pages 6 to 13

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order at 9:00 a.m. by Chair Shallenberger.
2. **ROLL CALL.** Present: Chair Shallenberger, Vice Chair Stone, Blank, Bloom, Bochco, Kinsey, McClure, Mitchell, Sanchez, Zimmer. Brennan arrived at 9:10 a.m.
3. **GENERAL PUBLIC COMMENTS.** Members of the public addressed the Commission on various issues affecting the coast.

Report of Closed Session. In closed session the Commission received information on a personnel matter; received litigation information and gave advice in the matters of City of Malibu v. CCC and Ramirez Canyon Preservation Park v. CCC; received information and advice in the matter of Kretowicz v. CCC.

SOUTH COAST DISTRICT (Los Angeles County)

4. **CONSENT CALENDAR.**
 - a. **Application No. 5-11-101 (Lu, Venice, City of Los Angeles)** Staff recommended approval with conditions.

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

SOUTH COAST DISTRICT (Orange County)

5. **ADMINISTRATIVE CALENDAR.**
 - a. **Application No. 5-11-117 (Valley, Newport Beach)** Staff recommended the Commission concur with the Executive Director's determination. There being no objection, Chair Shallenberger ruled that the Commission concurred.
6. **CONSENT CALENDAR.** Staff recommended approval with conditions.
 - a. **Application No. 5-10-244 (Mr. Guy Inzalaco, Newport Beach)**
 - b. **Application No. 5-11-63 (AT&T Mobility, Newport Beach)**

Motion & vote: Stone moved to approve per staff and recommended a yes vote, seconded by Bloom. Chair Shallenberger ruled that the vote was unanimous in favor of the motion. **Approved with conditions.**

SOUTH COAST DISTRICT (Orange County)

7. **DEPUTY DIRECTOR'S REPORT FOR ORANGE COUNTY.** Deputy Director Sarb reported on permit waivers, emergency permits, immaterial amendments & extensions, LCP matters not requiring public hearings, and on comments from the public. There being no objection, Chair Shallenberger ruled that the Commission concurred.
8. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved two items (9a, 9c) to the expanded consent calendar and recommended approval with conditions.

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

9. **COASTAL PERMIT APPLICATIONS.**
 - a. **Application No. 5-09-065 (Orange County Public Works, Newport Beach)**
Moved by staff to the expanded consent calendar. **Approved with conditions.**
 - b. **Application No. 5-11-50 (Polshuk, Newport Beach) [POSTPONED]**
 - c. **Application No. 5-11-147 (City Of San Clemente, San Clemente)** Moved by staff to the expanded consent calendar. **Approved with conditions**

SAN DIEGO DISTRICT

10. **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. There being no objection, Chair Shallenberger ruled that the Commission concurred.
11. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved two items (13a, 14c) to the expanded consent calendar and recommended approval with conditions.

Motion & vote: Brennan moved to approve, seconded by McClure and recommended a yes vote. Chair Shallenberger ruled that the vote was unanimous in favor of the motion. **Approved with conditions.**

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

- a. **City of Oceanside LCP Amendment No. 01-10 (Mini-Dorm Ordinance).** Staff recommended denial of the Implementation Plan 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 Bochco. Chair Shallenberger ruled that the vote was unanimous in favor of the motion. **Certification denied.**

Motion & vote: Sanchez moved to approve the Implementation Plan with the suggested modifications per staff and recommended a yes vote, seconded by Bochco. Chair Shallenberger ruled that the vote was unanimous in favor of the motion. **Approved with modifications.**

13. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 6-11-33 (Caltrans, San Diego)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

14. **PERMIT AMENDMENTS.**

(Items 14a and 14b, share a single, combined staff report)

- a. **Permit No. F6760-A6 (Kretowicz, San Diego)** Staff recommended approval with conditions.

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

Amending motion & vote: Zimmer moved to delete Condition 1b and 2b and add "approval subject to recordation prior to issuance" and recommended a yes vote, seconded by Stone. The roll call vote was unanimous in favor (Blank, Bloom, Bochco, Brennan, Kinsey, McClure, Mitchell, Sanchez, Stone, Zimmer, Shallenberger) and none opposed. **Passed.**

Vote on main motion: The roll call vote was unanimous in favor of the motion. **Approved with conditions.**

- b. **Permit No. A-133-79-A5 (Kretowicz, San Diego)** See Item Th14a.
- c. **Permit No. A-6-CII-00-87-A2 (Carlsbad golf course emergency access)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

NORTH COAST DISTRICT

- 15. **DEPUTY DIRECTOR'S REPORT.** District Manager Merrill on permit waivers, emergency permits, immaterial amendments & extensions, LCP matters not requiring public hearings, and on comments from the public. There being no objection, Chair Shallenberger ruled that the Commission concurred.
- 16. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved one item (18c) to the expanded consent calendar and recommended approval with conditions.

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

- 17. **LOCAL COASTAL PROGRAMS (LCPs)**
 - a. **Humboldt County LCP Amendment HUM-MAJ-4-09 (Barry/Peterson/Chisum).**
[WITHDRAWN]
- 18. **COASTAL PERMIT APPLICATIONS.**
 - a. **Appeal No. A-1-MEN-08-15 (Bower Limited Partnership, Mendocino Co.)**
[POSTPONED]
 - b. **Appeal No. A-1-MEN-09-52 (Blue Port, L.L.C., Mendocino Co.)** [POSTPONED]
 - c. **Application No. 1-11-4 (Humboldt Bay Rowing Association, Humboldt Co.)**
Moved by staff to the expanded consent calendar. **Approved with conditions.**

SOUTH COAST DISTRICT (Los Angeles County)

- 19. **DEPUTY DIRECTOR'S REPORT FOR LOS ANGELES COUNTY.** Deputy Director Ainsworth on permit waivers, emergency permits, immaterial amendments & extensions, LCP matters not requiring public hearings, and on comments from the public. There being no objection, Chair Shallenberger ruled that the Commission concurred.

20. **CONSENT CALENDAR (removed from Regular Calendar)**. Staff moved 3 items (**22b, 22c, 23a**) to the expanded consent calendar and recommended approval with conditions.

Motion & vote: Stone moved to approve per staff and recommended a yes vote, seconded by Bloom. Chair Shallenberger ruled that the vote was unanimous in favor of the motion. **Approved with conditions.**

- 20.5 **Los Angeles County LCP Amendment No. MDR-MAJ-1-11 (Marina del Rey). 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 Stone. Chair Shallenberger ruled that the vote was unanimous in favor of the motion. **Approved.**

21. **NEW APPEALS.**

- a. **Appeal No. A-5-LOB-11-136 (City of Long Beach Dept. of Parks, Recreation and Marine, Long Beach)** Staff recommended that the Commission determine that the appeal raised no substantial issue on the grounds on which the appeal was filed.

Motion & vote: Stone moved to determine no substantial issue exists and recommended a yes vote, seconded by Zimmer. Chair Shallenberger ruled that the vote was unanimous in favor of the motion. **No substantial issue found.**

- b. **Appeal No. A-5-VEN-11-149 (G & M Weisenfeld Properties, Los Angeles)** Staff recommended that the Commission determine that the appeal raised substantial issue on the grounds on which the appeal was filed. There being no objection, Chair Shallenberger ruled that the Commission **found** substantial issue and **continued** the matter to a future hearing. **Substantial Issue found—to continue.**

22. **COASTAL PERMIT APPLICATIONS.**

- a. **Appeal No. A-5-VEN-10-281 (The Leader Camel Cheech, LLC, Los Angeles)**
Staff recommended approval with conditions.

Motion & vote: Brennan moved to approve per staff and recommended a yes vote, seconded by Bloom. Chair Shallenberger ruled that the vote was unanimous in favor of the motion. **Approved with conditions.**

- b. **Application No. 5-11-140 (City of Santa Monica, Santa Monica)** Moved by staff the to the expanded consent calendar. **Approved with conditions.**
- c. **Application No. 5-11-145 (City of Santa Monica, Santa Monica)** Moved by staff the to the expanded consent calendar. **Approved with conditions.**

23. **PERMIT AMENDMENTS.**

- a. **Permit No. 5-06-341-A (Blake Holdings, LLC, Hermosa Beach)** Moved by staff the to the expanded consent calendar. **Approved with conditions.**

SOUTH CENTRAL COAST DISTRICT

- 24. **DEPUTY DIRECTOR'S REPORT.** Deputy Director Ainsworth on permit waivers, emergency permits, immaterial amendments & extensions, LCP matters not requiring public hearings, and on comments from the public. There being no objection, Chair Shallenberger ruled that the Commission concurred.
- 25. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved 2 items to the expanded consent calendar (**27a, 27b**) and recommended approval with conditions.

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

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

- a. **City of Malibu LCP Amendment No. MAL-MAJ-2-10.** Staff recommended denial as submitted and approval if modified as suggested.

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

Motion: Bloom moved to certify the Land Use Plan if modified and recommended a yes vote, seconded by Kinsey.

Amending motion & vote: Bloom moved to add "and if further modified as set forth in Exhibit B of the letter dated July 8, 2011 from Latham & Watkins" and recommended a yes vote, seconded by Bochco. The roll call vote was 7 in favor (Bloom, Bochco, Brennan, Kinsey, McClure, Mitchell, Zimmer) and 4 opposed (Blank, Sanchez, Stone, Shallenberger). **Passed.**

Vote on main motion: The roll call vote was 8 in favor (Blank, Bloom, Bochco, Brennan, Kinsey, McClure, Mitchell, Zimmer) and 3 opposed (Sanchez, Stone, Shallenberger). **Approved with modifications.**

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

Motion: Bloom moved to certify the Implementation Plan if modified and recommended a yes vote, seconded by Bochco.

Amending motion & vote: Bloom moved to add "and if further modified as set forth in Exhibit B of the letter dated July 8, 2011 from Latham & Watkins" and recommended a yes vote, seconded by Bochco. The roll call vote was 7 in favor (Bloom, Bochco, Brennan, Kinsey, McClure, Mitchell, Zimmer) and 4 opposed (Blank, Sanchez, Stone, Shallenberger). **Passed.**

Vote on main motion: The roll call vote was 7 in favor (Bloom, Bochco, Brennan, Kinsey, McClure, Mitchell, Zimmer) and 4 opposed (Blank, Sanchez, Stone, Shallenberger). **Approved with modifications.**

27. COASTAL PERMIT APPLICATIONS.

- a. **Application No. 4-11-011 (Ventura Port District, Ventura Co.)** Moved by staff to the expanded consent calendar. **Approved with conditions.**
- b. **Application No. 4-11-016 (The Sunshine Trust, Los Angeles Co.)** Moved by staff to the expanded consent calendar. **Approved with conditions**

ENFORCEMENT

28. **ENFORCEMENT REPORT.** Chief of Enforcement Haage reported on the Commission's Enforcement program.

ENERGY, OCEAN RESOURCES and FEDERAL CONSISTENCY

29. **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. There being no objection, Chair Shallenberger ruled that the Commission concurred.

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

31. **CONDITION COMPLIANCE**

- a. **Condition Compliance for CDP E-04-010 (California Department of Fish and Game)**. Staff recommended approval.

Motion & vote: Stone moved to allow the bird platforms to remain in place and recommended a yes vote, seconded by Brennan. Chair Shallenberger ruled that the vote was unanimous in favor of the motion. **Approved.**

32. **FEDERAL CONSISTENCY.**

- a. **CC-026-11 (San Diego Association of Governments (SANDAG), San Diego Co.)**
Staff recommended concurrence.

Motion & vote: Sanchez moved to concur with SANDAGs consistency certification and recommended a yes vote, seconded by Zimmer. Chair Shallenberger ruled that the vote was unanimous in favor of the motion. **Approved.**

There being no old or new business, the meeting of the California Coastal Commission adjourned at 4:00 p.m.

Respectfully submitted,

Peter M. Douglas
Executive Director