

CALIFORNIA COASTAL COMMISSION

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**W25**

DATE: August 17, 2011
TO: Coastal Commissioners
FROM: Peter M. Douglas, Executive Director
Charles Lester, Acting Executive Director
SUBJECT: **DRAFT MINUTES** of MEETING of AUGUST 10-12, 2011
Watsonville Civic Center
City Council Chambers
275 Main Street
Watsonville, CA 95076

WEDNESDAY, AUGUST 10, 2011 pages 1 to 7

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.** Chair Shallenberger, Vice Chair Stone, Blank, Bochco, Brennan, Burke, Kinsey, McClure, Sanchez, Zimmer. Non-voting: Norvell. Mitchell arrived at 9:15 a.m. Absent: Bloom.

Report of Closed Session. In closed session, the Commission discussed a personnel matter.

STATEWIDE

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

SOUTH COAST DISTRICT (Los Angeles County)

4. **CONSENT CALENDAR.**
 - a. **Application No. 5-10-52 (Los Angeles County, Dept. of Public Works)** Staff recommended approval with conditions.

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

SOUTH COAST DISTRICT (Orange County)

5. **ADMINISTRATIVE CALENDAR.** Staff recommended that the Commission concur with the Executive Director's determination. There being no objection, Chair Shallenberger ruled that the Commission concurred.

- a. **Application No. 5-11-124 (Prajin, Huntington Beach)** No objection to concurrence.
- b. **Application No. 5-11-153 (Boucher, Huntington Beach)** No objection to concurrence.

6. **CONSENT CALENDAR.** Staff recommended approval with conditions on items **a** through **e**.

- a. **Application No. 5-11-73 (Balboa Performing Arts Theater Foundation, Newport Beach)**
- b. **Application No. 5-11-113 (Kassel, Newport Beach)**
- c. **Application No. 5-10-62 (Mid-Cal Pacific Development Corp., San Clemente)**
- d. **Application No. 5-10-259 (White, San Clemente)**
- e. **Application No. 5-11-044 (Anvari, San Clemente)**

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

SAN DIEGO DISTRICT

7. **CONSENT CALENDAR.**

- a. **Application No. 6-11-44 (San Diego/Mission Beach Lifeguard Station Replacement)** Staff recommended approval with conditions.

Motion & vote: Sanchez 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.**

SOUTH CENTRAL COAST DISTRICT

8. CONSENT CALENDAR.

- a. **University of California Santa Barbara Notice of Impending Development De Minimis No. 1-11 (Harder Stadium West Open Space Enhancement Project)**
Staff recommended approval.

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

SOUTH COAST DISTRICT (Orange County)

9. **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 with respect to both Orange and Los Angeles Counties. There being no objection, Chair Shallenberger ruled concurrence.

10. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved one item (11d) to the expanded consent calendar and recommended approval with conditions.

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

11. COASTAL PERMIT APPLICATIONS.

- a. **Application No. 5-10-163 (Harris & Pitt, San Clemente)** Staff recommended approval with conditions.

Motion & vote: Burke 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.**

- b. **Application No. 5-10-238 (City of Newport Beach)** Staff recommended approval with conditions.

Motion & vote: McClure moved to approve 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 conditions.**

c. **Application No. A-3-PSB-10-032 (Larson, Pismo Beach) [POSTPONED]**

d. **Application No. 5-11-106 (Hernandez, Huntington Beach)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

SAN DIEGO DISTRICT

12. **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 concurrence.

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

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

a. **City of San Diego LCP Amendment No. 1-10 (Voluntary Accessibility Program).**
[WITHDRAWN]

15. **NEW APPEALS.**

a. **Appeal No. A-6-ENC-11-21 (Sorich, Encinitas)** Staff recommended that the Commission determine that no substantial issue exists on the grounds in which the appeal was filed.

Motion & vote: Sanchez moved to determine that no substantial issue exists on the grounds in which the appeal was filed 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.**

16. **COASTAL PERMIT APPLICATIONS.**

a. **Application No. 6-11-32 (UCSD, San Diego)** Staff recommended approval with conditions and incorporated the following modifications: to change phrasing of Special Condition 5 to read "by commencing construction authorized by CDP No. 6-11-32".

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

17. **PERMIT AMENDMENTS.**

- a. **Permit No. 6-02-8-A (Pacific Coast Grill, Encinitas)** Staff recommended approval with conditions.

Motion: Sanchez moved to approve and recommended a yes vote, seconded by Kinsey.

Amending motion & vote: Blank moved to remove Special Condition 11 (deed restriction) and recommended a yes vote. Chair Shallenberger ruled that the vote was unanimous in favor of the motion. **Approved.**

Vote on the main motion: Chair Shallenberger ruled that the vote was unanimous in favor of the motion. **Approved with conditions as amended.**

- b. **Permit No. 6-88-464-A2 (Lynch & Frick, Encinitas)** Staff recommended approval with conditions.

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

Amending motion & vote: Sanchez moved to delete Special Condition 1a and recommended a yes vote, seconded by McClure. The roll call vote was 4 in favor (Blank, Burke, McClure, Sanchez) and 7 opposed (Bochco, Brennan, Kinsey, Mitchell, Stone, Zimmer, Shallenberger). **Failed.**

Vote on main motion: Chair Shallenberger ruled that the vote was unanimous in favor of the motion. **Approved with conditions.**

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

SOUTH COAST DISTRICT (Los Angeles County)

18. **DEPUTY DIRECTOR'S REPORT FOR LOS ANGELES COUNTY.** Deputy Director Ainsworth reported on permit waivers, emergency permits, immaterial amendments & extensions, LCP matters not requiring public hearings, and on comments from the public. Moved to Deputy Director's Report for Orange County [9]. Commission concurred with Executive Director determinations.

- a. **Port of Los Angeles PLA-MAJ-26-11. (Port Master Plan Amendment No. 26).** Staff recommended approval.

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

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

Motion & vote: Kinsey move to approve per staff recommendation and recommended a yes vote, seconded by Mitchell. The roll call vote was unanimous in favor (Blank, Bochco, Brennan, Burke, Kinsey, McClure, Mitchell, Stone, Zimmer, Sanchez, Shallenberger) for items 20b and 20c; 10 in favor (Blank, Bochco, Brennan, Burke, Kinsey, McClure, Mitchell, Stone, Zimmer, Shallenberger) and one opposed (Sanchez), regarding item 20d. **Approved with conditions.**

20. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 5-11-125 (McCarthy and Singer, Pacific Palisades)** [POSTPONED]
- b. **Application No. 5-11-137 (301 Ocean Development LLC c/o Trammell Crow Co., Santa Monica)** Moved by staff to the expanded consent calendar. **Approved with conditions.**
- c. **Appeal No. A-5-VEN-11-149 (G & M Weisenfeld Properties, Los Angeles)** Moved by staff to the expanded consent calendar. **Approved with conditions.**
- d. **Application No. 5-11-155 (G & M Weisenfeld Properties, Marina Del Rey)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

SOUTH CENTRAL COAST DISTRICT

21. **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. There being no objection, Chair Shallenberger ruled concurrence.
22. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved one item [23a] to the expanded consent calendar and recommended approval with conditions.

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

23. **PUBLIC WORKS PLAN.**

- a. **Ventura County Channel Islands Harbor Public Works Plan Notice of Impending Development No. 1-11 (Peninsula Yacht Anchorage Marina).** Moved by staff to the expanded consent calendar. **Approved with conditions.**

24. **NEW APPEALS.**

- a. **Appeal No. A-4-MAL-11-037 (Marine, Los Angeles Co.) [POSTPONED]**

25. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 4-10-113 (Santa Barbara County Flood Control District) [POSTPONED]**

STATEWIDE (trailed to Friday's agenda)

26. **APPROVAL OF MINUTES.** Stone moved to approve the minutes of **July 13-15, 2011** as written, seconded by Brennan. Chair Shallenberger ruled that the vote was unanimous in favor of the motion. **Approved.**

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

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

29. **SANTA MONICA MOUNTAINS CONSERVANCY REPORT.** None.

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

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

- a. **SB833 (Vargas).** Sanchez moved for Commission support of the bill and recommended a yes vote, seconded by Stone. The roll call vote was 5 in favor (Bochco, Brennan, Burke, Sanchez, Stone) and 6 opposed (Blank, Kinsey, McClure, Mitchell, Zimmer, Shallenberger). **Failed.**

The Commission recessed for the day and left for a field trip to visit the La Bahia hotel site at 3:20 p.m.

THURSDAY, AUGUST 11, 2011 pages 8 to 10

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, Bochco, Brennan, Burke, Kinsey, McClure, Mitchell, Sanchez, Zimmer. Non-voting: Norvell. Absent: Bloom.
3. **GENERAL PUBLIC COMMENT.** Members of the public addressed the Commission on matters affecting the coast.

NORTH 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. There being no objection, Chair Shallenberger ruled that the Commission concurred.
5. **CONSENT CALENDAR (removed from Regular Calendar).** None.

CENTRAL COAST DISTRICT

6. **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. Oral correction to typographical error in item 3-11-041-W (Caltrans). That waiver applies to work at 23 locations, not 13. There being no objection, Chair Shallenberger ruled that the Commission concurred.
7. **CONSENT CALENDAR (removed from Regular Calendar).** None.
8. **LOCAL COASTAL PROGRAMS (LCPs)**
 - a. **Santa Cruz County LCP Amendment No. SCO-1-11 Part 1 (Garages). Time Extension.** Staff recommended approval.

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

- b. **Santa Cruz County LCP Amendment No. SCO-1-11 Part 4 (Fences and Walls). Time Extension.** Staff recommended approval.

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

- c. **Santa Cruz County LCP Amendment No. SCO-1-11 Part 2 (Medical Marijuana).** Staff recommended approval as submitted.

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

LUNCH RECESS. The Commission recessed for lunch at 12:40 p.m. and returned at 2:10 p.m. Burke did not return after the lunch recess.

- d. **City of Santa Cruz LCP Amendment No. STC-1-11 (La Bahia Hotel).** Staff recommended approval with suggested modifications.

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

Motion: Sanchez moved to certify the Land Use Plan if modified as suggested and recommended a no vote, seconded by Zimmer.

Amending motion: Kinsey moved to replace items 2 and 3 and recommended a yes vote, seconded by McClure. **[WITHDRAWN]**.

Vote on main motion: The roll call vote was 4 in favor (Brennan, Kinsey, McClure, Mitchell) and 6 opposed (Blank, Bochco, Sanchez, Stone, Zimmer, Shallenberger). **Denied.**

Motion & vote: Sanchez moved to reject the Implementation Plan as submitted and recommended a yes vote, seconded by Zimmer. 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 as suggested and recommended a no vote, seconded by Zimmer. The roll call vote was 3 in favor (Brennan, McClure, Mitchell) and 7 opposed (Blank, Bochco, Kinsey, Sanchez, Stone, Zimmer, Shallenberger). **Denied.**

9. **NEW APPEALS.**

- a. **Appeal No. A-3-SCO-11-044 (Pitt, Santa Cruz Co.)** Staff recommended that the Commission determine that a substantial issue exists with respect to the grounds in which the appeal was filed. There being no objection, Chair

Shallenberger ruled that the Commission **found substantial issue** and **continued** the hearing to a future meeting. **Substantial Issue Found.**

10. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 3-09-029 (Rusconi, Santa Cruz) [POSTPONED]**
- b. **Application No. A-3-PSB-10-032 (Larson, Pismo Beach) [POSTPONED]**
- c. **Application No. 3-10-043 (Pebble Beach Company, Pebble Beach) [POSTPONED]**

ENFORCEMENT

11. **ENFORCEMENT REPORT.** Chief of Enforcement Haage reported on Enforcement cases before the Commission.

The Commission recessed for the day at 7:00 p.m.

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.** Chair Shallenberger, Vice Chair Stone, Blank, Bochco, Brennan, Kinsey, McClure, Zimmer. Non-voting: Norvell. Sanchez arrived at 9:05 a.m. Absent: Bloom, Burke, Mitchell.
3. **GENERAL PUBLIC COMMENT.** Members of the public addressed the Commission on matters affecting the coast.

ENERGY, OCEAN RESOURCES and FEDERAL CONSISTENCY

4. **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 concurrence.
5. **CONSENT CALENDAR (removed from Regular Calendar).** None.
6. **COASTAL PERMIT APPLICATIONS.**
 - a. **Application No. E-11-019 (Monterey County Water Resources Agency, Marina Coast Water District, California-American Water Company, Monterey Co.)** Staff recommended approval with conditions.

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

- b. **Application No. E-11-011 (Venoco, Inc., Goleta)** Staff recommended approval with conditions.

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

7. **FEDERAL CONSISTENCY.**
 - a. **CD-028-11 (Corps of Engineers, Orange Co.) [WITHDRAWN]**

NORTH COAST DISTRICT

8. **DEPUTY DIRECTOR'S REPORT.** Deputy Director Merrill 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 concurrence.
9. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved 3 items (**11a, 11b, 11c**) to the expanded consent calendar and recommended approval with conditions.

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

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

- a. **Arcata LCP Amendment No. ARC-MAJ-1-09 (LCP Update).** No action taken. [*Sanchez left at 1:30 p.m.*]

11. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 1-10-028 (City of Arcata & Resident Owned Parks, Inc., Arcata)** Moved by staff to the expanded consent calendar. **Approved with conditions.**
- b. **Application No. 1-11-010 (Pacific Gas & Electric Co., Arcata)** Moved by staff to the expanded consent calendar. **Approved with conditions.**
- c. **Application No. 1-10-33 (California Redwood Company, Humboldt Co.)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

There being no old or new business. The meeting of the California Coastal Commission adjourned at 1:40 p.m.

Respectfully submitted,

Peter M. Douglas, Executive Director
Charles Lester, Acting Executive Director