

CALIFORNIA COASTAL COMMISSION

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**W29**

DATE: April 11, 2012
TO: Coastal Commissioners
FROM: Charles F. Lester, Executive Director
SUBJECT: **DRAFT** MINUTES of MEETING of MARCH 7-9, 2012
Chula Vista City Council Chambers
276 Fourth Avenue
Chula Vista, CA 91910

WEDNESDAY, MARCH 7, 2012 pages 1 to 6

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order by Vice Chair Stone at 9:03 a.m.
2. **ROLL CALL.** Present: Vice Chair Stone, Blank, O'Connor (alt), Bochco, Brennan, Caldwell (alt), Kinsey, McClure, Mitchell, Sanchez, Zimmer. Non-voting: Norvell. Burke arrived at 9:40 a.m.
3. **AGENDA CHANGES.**
4. **GENERAL PUBLIC COMMENT.** Members of the public addressed the Commission on various issues related to the coast.

SOUTH COAST DISTRICT (Orange County)

5. **ADMINISTRATIVE CALENDAR.** Staff recommended concurrence with the Executive Director. There being no objection, Vice Chair Stone ruled that the Commission concurred.
 - a. **Application No. 5-12-11 (Ly, Huntington Beach)**
 - b. **Application No. 5-12-29 (Shea, Newport Beach)**
 - c. **Application No. 5-11-266 (Pence, Newport Beach)**

SOUTH COAST DISTRICT (Orange County)

6. **DEPUTY DIRECTOR'S REPORT FOR ORANGE COUNTY.** Report by Deputy Director Sarb on permit waivers, emergency permits, immaterial amendments & extensions, LCP matters not requiring public hearings, and on comments from the public. There being no objection, Vice Chair Stone ruled the Commission concurred.

- a. **City of Laguna Beach LCP Amendment No. LGB-MAJ-2-10 (7 Changes). Certification Review.** Staff recommended concurrence with the Executive Director. There being no objection, Vice Chair Stone ruled that the Commission concurred.

7. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved one item [9a] to the expanded consent calendar and recommended a yes vote.

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

8. **NEW APPEALS.**

- a. **Appeal No. A-5-DPT-12-35 (Bergman Trust, Orange Co.)** Staff recommended that the Commission determine that the appeal raised **no substantial issue** on the grounds in which the appeal was filed.

Motion & vote: Sanchez moved to determine that the appeal raised no substantial issue on the grounds in which the appeal was filed and recommended a yes vote, seconded by Bochco. Vice Chair Stone ruled the vote was unanimous in favor of the motion. **No Substantial Issue found.**

9. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 5-11-260 (Ruffalo, San Clemente)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

SAN DIEGO COAST DISTRICT

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

11. **CONSENT CALENDAR (removed from Regular Calendar)**. Staff moved one item [14a] to the expanded consent calendar and recommended approval with conditions.

Motion & vote: Kinsey moved to approve pursuant to the staff recommendation and recommended a yes vote, seconded by Zimmer. Vice Chair Stone ruled that the vote was unanimous in favor of the motion. **Approved with conditions.**

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

- a. **City of Carlsbad LCP Amendment No. 3-10A (Inclusionary Housing)**. Staff recommended approval as submitted.

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

- b. **City of Carlsbad LCP Amendment No. 3-10B (Golf Course Revisions)**. Staff recommended approval as submitted.

Motion & vote: Sanchez moved to approve the Land Use Plan as submitted and recommended a yes vote, seconded by Brennan. Vice Chair Stone ruled that the vote was unanimous in favor of the motion. **Approved as submitted.**

- c. **City of Encinitas LCP Amendment No. 5-10 (Affordable Housing)**. [WITHDRAWN]

- d. **City of Encinitas LCP Amendment No. 2-11 (Cardiff-by-the-Sea Specific Plan)**. [POSTPONED]

- e. **City of Solana Beach LCP Land Use Plan**. Staff recommended denial as submitted and approval of the Land Use Plan if modified as suggested by staff.

Motion & vote: Sanchez moved to certify the Land Use Plan as submitted and recommended a no vote, seconded by Caldwell. The roll call vote was 11 in opposition to the motion [Blank, O'Connor, Bochco, Brennan, Burke, Caldwell, Kinsey, Mitchell, Sanchez, Zimmer, Stone] and one in favor [McClure]. **Denied as submitted.**

Motion: Sanchez moved to certify the Land Use Plan if modified as suggested in the staff report and recommended a yes vote, seconded by Caldwell.

Amending Motion & vote: Sanchez moved to delete suggested modifications 129 and 130 and recommended a yes vote, seconded by Brennan. Vice Chair Stone ruled that the vote was unanimous in favor of the motion. **Approved.**

Amending motion & vote: Mitchell moved to require an 18 month timeline to complete study on mitigation fee, seconded by Brennan. Vice Chair Stone ruled that the vote was unanimous in favor of the motion. **Approved.**

Vote on the main motion: Vice Chair Stone ruled that the vote was unanimous in favor of the motion. **Approved with suggested modifications as amended.**

LUNCH RECESS. The Commission recessed for lunch at 12:30 to 1:30 p.m.

- f. **City of Del Mar LCP Amendment No. 1-11 (Wetland Setbacks).** Staff recommended approval as submitted.

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

- g. **City of San Diego LCP Amendment No. 3-10 (Mission Beach PDO Update).** Staff recommended denial as submitted and approval if modified as suggested by staff.

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

Motion & vote: Sanchez moved to certify the Implementation Plan if modified as suggested by staff and recommended a yes vote, seconded by Zimmer. Vice Chair Stone ruled that the vote was unanimous in favor of the motion. **Approved with modifications.**

13. **NEW APPEALS.**

- a. **Appeal No. A-6-PEN-11-77 (Prism Investments, San Diego Co.)** 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, Vice Chair Stone ruled that the Commission found substantial issue and opened the hearing on the merits of the project.

Motion: Brennan moved to approve pursuant to the staff recommendation and recommended a yes vote, seconded by Zimmer.

Amending motion & vote: Sanchez moved that the 50% marine related requirement also apply to the commercial live/work component and recommended a yes vote, seconded by Bochco. The roll call vote was 7 in favor [O'Connor, Bochco, Burke, Caldwell, Sanchez, Zimmer, Stone] and 5 opposed [Blank, Brennan, Kinsey, McClure, Mitchell]. **Approved.**

Vote on main motion: The roll call vote was 10 in favor [Blank, O'Connor, Bochco, Burke, Caldwell, Kinsey McClure, Sanchez, Zimmer, Stone] and 2 opposed [Brennan, Mitchell]. **Approved with conditions as amended.**

- b. **Appeal No. A-6-NOC-11-86 (City of San Diego Master Storm Water Maintenance Program)** Staff recommended that the Commission determine that the appeal raised substantial issue on the grounds in which the appeal was filed. There being no objection, Vice Chair Stone ruled that the Commission found substantial and opened the hearing on the merits of the project.

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

14. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 6-11-79 (City of Solana Beach streetscape improvements)**
Moved by staff to the expanded consent calendar. **Approved with conditions.**

15. **PERMIT AMENDMENTS.**

- a. **Permit No. 6-03-7-A (County of San Diego Park)** Staff recommended approval with conditions.

Motion & vote: McClure moved to approve pursuant to the staff recommendation and recommended a yes vote, seconded by Kinsey. The roll call vote was 11 in favor [Blank, O'Connor, Bochco, Brennan, Burke, Caldwell, Kinsey, McClure, Mitchell, Zimmer, Stone] and one opposed [Sanchez]. **Approved with conditions.**

- b. **Permit No. 6-05-40-A2 (Solana Beach parking lot time restrictions)** Staff recommended approval with conditions.

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

STATEWIDE (trailed to end of Thursday's agenda)

16. **APPROVAL OF MINUTES.** Motion to approve the minutes of February 8-10, 2012 by Sanchez, seconded by Brennan. Vice Chair Stone ruled that the vote was unanimous in favor of the motion.. **Approved.**
17. **COMMISSIONERS' REPORTS.** Informational only.
18. **CONSERVANCY REPORT.** None.
19. **SANTA MONICA MOUNTAINS CONSERVANCY REPORT.** None.
20. **DEPUTY ATTORNEY GENERAL'S REPORT.** Informational only.
21. **EXECUTIVE DIRECTOR'S REPORT** including reports and possible Commission action on legislation and water quality.
 - a. **Contract for Information Technology (IT) Consulting Services.**

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

b. **Interagency Agreement.**

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

REPORT OF CLOSED SESSION. (Closed Session was heard on Thursday's agenda)

Allen v. Radosevich, the Commission received litigation information and gave direction.

CCC v. Allen, the Commission received litigation information and gave direction.

Coastal Defender v. City of Manhattan Beach et al., the Commission received litigation information.

Thompson v. CCC (Dolbinski et al., RPI), the Commission received litigation information.

Tolowa Nations et al. v. CCC et al., the Commission received litigation information.

Wetlands Defense Fund et al. v. CCC (Cal. Dept. of Parks & Recreation et al., RPI), the Commission received litigation information.

The Commission recessed for the day at 6:35 p.m.

THURSDAY, MARCH 8, 2012 pages 7 to 11

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order at 9:00 am by Vice Chair Stone.
2. **ROLL CALL.** Present: Vice Chair Stone, Blank, O'Connor(alternate), Bochco, Brennan, Caldwell(alternate), Kinsey, McClure, Mitchell, Sanchez, Zimmer. Non-voting: Norvell. Absent: Burke.
3. **AGENDA CHANGES.**
4. **GENERAL PUBLIC COMMENT.** Members of the public addressed the Commission on various issues affecting the coast.

SOUTH COAST DISTRICT (Los Angeles County)

5. **ADMINISTRATIVE CALENDAR.** Staff recommended concurrence with the Executive Director. There being no objection, Vice Chair ruled that the Commission concurred.
 - a. **Application No. 5-11-303 (Sea Isle Boat Owners Association, Inc, Long Beach)**
6. **CONSENT CALENDAR.** Staff recommended approval with conditions of the consent calendar.

Motion & vote: Kinsey moved to approve the consent calendar pursuant to the staff recommendation and recommended a yes vote, seconded by Zimmer. Vice Chair Stone ruled that the vote was unanimous in favor of the motion. **Approved with conditions.**

 - a. **Application No. 5-11-310 (Verizon Wireless, Los Angeles)**
 - b. **Application No. 5-12-32 (City of Santa Monica)**

ENFORCEMENT

7. **ENFORCEMENT REPORT.** Report by Chief of Enforcement on Statewide Enforcement Program.

8. **Consent Cease and Desist Order No. CCC-12-CD-02 (22nd District Agricultural Association, Del Mar, San Diego Co.)** Staff recommended approval of the Cease and Desist Order.

Motion & vote: Sanchez moved to issue the Cease and Desist Order pursuant to the staff recommendation and recommended a yes vote, seconded by Brennan. Vice Chair Stone ruled that the vote was unanimous in favor of the motion.

Approved.

9. **Consent Restoration Order No. CCC-12-RO-02 (22nd District Agricultural Association, Del Mar, San Diego Co.)** Staff recommended approval of the Restoration Order.

Motion & vote: Sanchez moved to issue the Restoration Order and recommended a yes vote, seconded by Brennan. Vice Chair Stone ruled that the vote was unanimous in favor of the motion. **Approved.**

SOUTH COAST DISTRICT (Los Angeles County)

10. **DEPUTY DIRECTOR'S REPORT FOR LOS ANGELES COUNTY.** Report by 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, Vice Chair Stone ruled that the Commission concurred.

- a. **City of Long Beach LCP Amendment No. LOB-MAJ-1-10. Certification Review.** Staff recommended that the Commission concur with the Executive Director. There being no objection, Vice Chair Stone ruled that the Commission concurred.

- b. **City of Long Beach LCP Amendment No. LOB-MAJ-2-10. Certification Review.** Staff recommended that the Commission concur with the Executive Director. There being no objection, Vice Chair Stone ruled that the Commission concurred.

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

12. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 5-11-133 (Santa Catalina Island Company & City of Avalon, Los Angeles Co.) [POSTPONED]**

13. **PERMIT AMENDMENTS.**

- a. **Permit No. A-5-LOB-10-15-A (Loynes, LLC, Long Beach)** Staff recommended approval with conditions.

Motion & vote: Kinsey moved to approve pursuant to the staff recommendation and recommended a yes vote, seconded by Zimmer. Vice Chair Stone ruled that the vote was unanimous in favor of the motion. **Approved with conditions.**

SOUTH CENTRAL COAST DISTRICT

14. **DEPUTY DIRECTOR'S REPORT.** Report by 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, Vice Chair Stone ruled that the Commission concurred.

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

- a. **County of Santa Barbara LCP Amendment No. MIN-4-11. Time Extension.** Staff recommended that the Commission concur with the Executive Director that the amendment is minor. There being several objections, Vice Chair Stone ruled that the Commission did not concur. **Continued as major amendment.**

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

- b. **County of Santa Barbara LCP Amendment No. MIN-5-11 Montecito Growth Management Ordinance. Time Extension.** Staff recommended that the Commission concur with the Executive Director that the amendment is minor. There being no objection, Vice Chair Stone ruled that the Commission concurred.
- c. **County of Santa Barbara LCP Amendment No. MAJ-2-11 (Medical Marijuana Storefront Dispensary Prohibition).** Staff recommended approval as submitted.

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

16. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 4-11-043 (City of Santa Barbara Parks and Recreation Department) [POSTPONED]**

NORTH CENTRAL COAST DISTRICT

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

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

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

a. **Sonoma County LCP Amendment No. SON-MAJ-1-09 (Ocean Cove Resort).**
Staff recommended approval as submitted.

Motion & vote: Kinsey moved to certify the Land Use Plan as submitted and recommended a yes vote, seconded by McClure. Vice Chair Stone ruled that the vote was unanimous in favor of the motion. **Certified as submitted.**

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

20. **COASTAL PERMIT APPLICATIONS.**

a. **Application No. 2-07-042 (City of Pacifica Pay Parking Program) [WITHDRAWN]**

CENTRAL COAST DISTRICT

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

22. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved one item [25a] to the expanded consent calendar and recommended approval with conditions.

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

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

- a. **Monterey County LCP Amendment No. 1-11 (Housing Element). Time Extension.** Staff recommended approval of the time extension.

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

24. **NEW APPEALS.**

- a. **Appeal No. A-3-SCO-08-001 (Collins and Rabobank, Santa Cruz Co.)** Staff recommended that the Commission determine that no substantial issue exists on the grounds in which the appeal was filed.

Motion & vote: Kinsey moved to determine that no substantial issue exists on the grounds in which the appeal was filed and recommended a yes vote, seconded by Bochco. Vice Chair Stone ruled that the vote was unanimous in favor of the motion. **No Substantial Issue found.**

25. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 3-11-068 (Youssef, Pacific Grove)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

NORTH COAST DISTRICT

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

- a. **City of Arcata LCP Amendment No. ARC-MAJ-1-09 (LCP Update). Time Extension.** Staff recommended approval of the time extension.

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

27. **Coastal Program 40th Anniversary Report.** Presentation by Deputy Director Sarb on accomplishments and implementation of the Commission's program in the San Diego Coast Region, focusing on South San Diego Bay and history of the Sweetwater Marsh Wildlife Refuge and development of the Chula Vista Nature Center. **Informational only.**

28. **FIELD TRIP.** The Commission took a field trip to visit various points along the Chula Vista Bayfront.

The Commission returned from the field trip and recessed for the day at 5:15 p.m.

FRIDAY, MARCH 9, 2012 pages 12 to 13

1. **CALL TO ORDER.** The Commission was called to order by Vice Chair Stone at 9:00 a.m.
2. **ROLL CALL.** Present: Vice Chair Stone, Bochco, Brennan, Caldwell(alternate), McClure, Mitchell, Sanchez, Zimmer. Non-voting: Norvell. Absent: Blank, Burke. O'Connor(alternate)arrived at 9:05 a.m., Kinsey arrived at 9:15 a.m.
3. **AGENDA CHANGES.**
4. **GENERAL PUBLIC COMMENT.** Members of the public addressed the Commission on various issue affecting the coast.

STATEWIDE

- 4.5. **I-5/LOSSAN Corridor Briefing by Caltrans and San Diego Association of Governments (SANDAG).** Brief overview and informational update of current planning efforts for meeting the transportation needs and resource enhancement opportunities within the I-5/LOSSAN North Coast Corridor (NCC) of northern San Diego County. **Informational only.**

NORTH COAST DISTRICT

5. **DEPUTY DIRECTOR'S REPORT.** Report by Deputy Director Dettmer on permit waivers, emergency permits, immaterial amendments & extensions, LCP matters not requiring public hearings, and on comments from the public. There being no objection, Vice Chair Stone ruled that the Commission concurred.
6. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved 3 items [8a, 8b, 9a] to the expanded consent calendar and recommended approval with conditions.

Motion & vote: Caldwell moved to approve pursuant to the staff recommendation and recommended a yes vote, seconded by Zimmer. Vice Chair Stone ruled that the vote was unanimous in favor of the motion. **Approved with conditions.**

7. **LOCAL COASTAL PROGRAMS (LCPs)**
 - a. **County of Humboldt LCP Amendment No. HUM-MIN-1-12 (Minor).** Staff recommended that the Commission concur with the Executive Director's determination. There being no objection, Vice Chair Stone ruled that the Commission concurred.

8. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 1-10-40 (City of Eureka Rock Slope Project)** Moved by staff to the expanded consent calendar. **Approved with conditions.**
- b. **Application No. 1-11-37 (City of Eureka Community Development Department)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

9. **PERMIT AMENDMENTS.**

- a. **Permit No. A-1-MEN-00-28-A (Bing, Mendocino Co.)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

ENERGY, OCEAN RESOURCES and FEDERAL CONSISTENCY

10. **ENERGY, OCEAN RESOURCES and FEDERAL CONSISTENCY.** Report by the Deputy Director on permit waivers, emergency permits, immaterial amendments & extensions, negative determinations, matters not requiring public hearings, and status report on offshore oil & gas exploration & development.

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

12. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. E-11-031 (Southern California Gas Company, Santa Barbara Co.)** Staff recommended approval with conditions.

Motion & vote: Brennan moved to approve pursuant to the staff recommendation, seconded by Zimmer. Vice Chair Stone ruled that the vote was unanimous in favor of the motion. **Approved with conditions.**

13. **FEDERAL CONSISTENCY.**

- a. **CD-001-12 (Corps of Engineers, San Diego)** Staff recommended concurrence.

Motion & vote: Sanchez moved to concur that the project is fully consistent and recommended a **yes** vote, seconded by Brennan. Vice Chair Stone 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 10:30 a.m.

Respectfully submitted,

Charles F. Lester
Executive Director