

CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE AND TDD (415) 904-5200
FAX (415) 904-5400

**W20**

March 30, 2009

TO: ALL COMMISSIONERS

FROM: PETER DOUGLAS, EXECUTIVE DIRECTOR

SUBJECT: MINUTES of MEETING of FEBRUARY 4-6, 2009
Huntington Beach City Council Chambers
2000 Main Street
Huntington Beach, CA 92648

Wednesday, February 4, 2009 Pages 1 To 8

1. **CALL TO ORDER.** The meeting of the California Coastal Commission called to order at 10:00 a.m. by Chair Neely.
2. **ROLL CALL.** Present: Chair Neely, Vice Chair Burke, Achadjian, Blank, Clark, Gonzalez (alternate), Kram, Potter, Reilly, Shallenberger Wan. Absent: Hueso.

SOUTH COAST DISTRICT (Los Angeles County)

3. **ADMINISTRATIVE PERMIT APPLICATIONS.** See items (a – e) on page 3 of the meeting notice. Staff recommended concurrence with the Executive Director's determination. There being no objection, Chair Neely ruled that the Commission concurred. **Approved.**

-
4. **CONSENT CALENDAR.** See item (a) on page 4 of the meeting notice. Staff recommended approval with conditions.

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

DRAFT MINUTES OF COMMISSION MEETING
OF FEBRUARY 4-6, 2009

SOUTH CENTRAL COAST DISTRICT

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

-
6. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved move 3 items (9b, 9c, and 9e) to the expanded consent calendar and recommended approval with special conditions.

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

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

- a. **City of Carpinteria LCP Amendment No. CPN-MAJ-2-07.ED TO THURSDAY AS ITEM 2.5a**

-
8. **NEW APPEALS.** [Items 8a & b were heard under one report.]

- a. **Appeal No. A-4-VNT-08-057 (Lifeguard Tower and Restroom, County of Ventura)** Staff recommended that the Commission find **no substantial issue** exist.

Derek Doler, representing Public Safety/Lifeguard Services, submitted a request to speak in favor of the project; Lyn Krieger, representing Channel Islands Harbor, submitted a request to speak in favor of the project; Graham Galliford submitted a request to speak in opposition to the project; Lee Quaintance, representing the Beacon Foundation, submitted a request to speak in opposition to the project; Mark Massara, representing Sierra Club, submitted a request to speak in opposition to the project; Penny Elia, representing Sierra Club, submitted a request to speak.

Motion & vote: Shallenberger moved to determine **no substantial issue** exists, seconded by Wan and recommended a no vote. The roll call vote was unanimous (Achadjian, Blank, Burke, Clark, Gonzalez, Kram, Kruer, Potter, Reilly, Shallenberger, Wan, Chair Neely) in favor of the motion. **Substantial Issue found—continued to a future hearing.**

DRAFT MINUTES OF COMMISSION MEETING
OF FEBRUARY 4-6, 2009

- b. **Appeal No. A-4-VNT-08-100 (Lifeguard Tower and Restroom, County of Ventura)** Staff recommended that the Commission determine **no substantial issue** exists.

Motion & vote: Shallenberger moved to determine **no substantial issue** exists, seconded by Wan and recommended a no vote. Chair Neely ruled that the vote was unanimous in favor of the motion. **Substantial Issue found—continued to a future hearing.**

-
- c. **Appeal No. A-4-STB-08-099 (Caruso BSC Miramar, LLC, County of Santa Barbara)** **POSTPONED.**
-

9. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 4-98-24 (Mariposa Land Co., Malibu)**– **MOVED TO THURSDAY AS ITEM 2.6a**
- b. **Application No. 4-08-27 (Kline, Los Angeles Co.)** Moved by staff to the expanded consent calendar. **Approved.**
- c. **Application No. 4-08-29 (Tiffany, Los Angeles Co.)** Moved by staff to the expanded consent calendar. **Approved.**
- d. **Application No. 4-07-116 (Caltrans & City of Goleta, Santa Barbara Co.)** **MOVED TO THURSDAY AS ITEM 2.6b**
- e. **Application No. 4-07-132 (Bersohn, Los Angeles Co.)** Moved by staff to the expanded consent calendar. **Approved.**
-

10. **PUBLIC WORKS PLAN.**

- a. **Ventura County Channel Islands Harbor Public Works Plan Notice of Impending Development No. 3-08 (Channel Islands Landing/Boatyard Landside Remodel and Reconstruction).** Staff recommended approval with special conditions.

Lyn Krieger, representing Channel Islands Harbor Ventura County, submitted a request to speak in favor of the staff recommendation; Robert Nahm, representing Channel Islands Landing/Boatyard, submitted a request to speak in favor of the project; Andy Killion, representing President Anchors Way Marine Center, submitted a request to speak in favor of the project; Penny Boehm, representing

DRAFT MINUTES OF COMMISSION MEETING
OF FEBRUARY 4-6, 2009

Channel Islands Harbor Lessee Association, submitted a request to speak in favor of the staff recommendation; Ellen Spiegel, representing The Beacon Foundation, submitted a request to speak; Gordon Birr, representing The Beacon Foundation, submitted a request to speak.

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

PUBLIC STATEMENTS. Penny Elia, representing Sierra Club, addressed the Commission on the postponement of an Enforcement item—Athens Group/Hobo Aliso Ridge; Mark Massara, representing Sierra Club, also addressed Hobo Aliso Ridge issues and Poseidon’s proposal for federal bailout funds; Marcia Hanscom, representing Ballona Institute, Wetlands Defense Fund, and CLEAN, reported on wetland/frog habitat destruction in Playa Vista under an emergency exemption; Vickie Finan, representing the Beacon Foundation, addressed the lack of public access to the Bahia Marina project.

LUNCH RECESS. The Commission recessed for lunch at 12:30 p.m. and returned at 2:00 p.m. [Burke, Clark, Krueer and Potter returned at 2:15 p.m.]

NORTH COAST DISTRICT

11. **DEPUTY DIRECTOR’S REPORT.** District Manager Merrill reported on matters not requiring a public hearing and on comments and letters received from the public.
12. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved one item (14a) to the expanded consent calendar and recommended approval with special conditions.

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

-
13. **LOCAL COASTAL PROGRAMS (LCPs)**
 - a. **Mendocino County LCP Amendment No. MEN-MAJ-1-08 (Delamotte). Time Extension.** Staff recommended approval.

DRAFT MINUTES OF COMMISSION MEETING
OF FEBRUARY 4-6, 2009

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

14. **COASTAL PERMIT APPLICATIONS**

- a. **Application No. 1-07-52 (California Dept. of Parks & Recreation, Humboldt Co.)**
Moved by staff to the expanded consent calendar. **Approved.**

15. **PERMIT AMENDMENTS.**

- a. **Permit No. 1-04-5-A2 (Humboldt County Public Works Dept., Humboldt Co.)**
Staff recommended approval with conditions.

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

[Burke, Clark, Kruer and Potter returned]

-
- b. **Permit No. A-1-FTB-05-53-A6 (Georgia-Pacific Corp., Fort Bragg)** Staff recommended approval with conditions.

Chip Hilardes, representing Georgia-Pacific LLC, submitted a request to speak in favor of the project; Kimi Klein, representing DTSC/HERD, submitted a request to speak in favor of the project; Barbara Cook, representing Department of Toxic Substances Control, submitted a request to speak in favor of the project; Karyn Gear, representing the State Coastal Conservancy, submitted a request to speak in favor of the project; Dave Turner, Vice Mayor, representing City of Fort Bragg, submitted a request to speak in favor of the project; Linda Ruffing, representing City of Fort Bragg, submitted a request to speak in favor of the project; Glenn Young, representing City of Fort Bragg, submitted a request to speak in favor of the project; Thais Mazur, representing North Coast Action, submitted a request to speak; Antonio Wuttke submitted a request to speak; Sheila Dawn Tracy submitted a request to speak in opposition to the project; Kent Pember submitted a request

DRAFT MINUTES OF COMMISSION MEETING
OF FEBRUARY 4-6, 2009

to speak in favor of the project.

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

ENFORCEMENT

16. **ENFORCEMENT REPORT. - MOVED TO THURSDAY AS ITEM 22**
17. **Commission Cease and Desist Order No. CCC-09-CD-02 (Driftwood Properties, LLC–Laguna Beach, Orange County) MOVED TO THURSDAY AS ITEM 23**
18. **Commission Restoration Order No. CCC-09-RO-01 (Driftwood Properties, LLC – Laguna Beach, Orange County) - MOVED TO THURSDAY AS ITEM 24**
19. **Commission Notice of Violation No. CCC-09-NOV-02 (Driftwood Properties, LLC – Laguna Beach, Orange County) - MOVED TO THURSDAY AS ITEM 25**

SOUTH COAST DISTRICT (Los Angeles County)

20. **DEPUTY DIRECTOR'S REPORT.** Deputy Director Ainsworth reported on matters not requiring a public hearing and on comments and letters from the public.
21. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved two items (23b, 24a) to the expanded consent calendar and recommended approval with special conditions.

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

-
22. **NEW APPEALS.** [The following items were heard as a combined hearing]

The following speakers submitted requests to speak in favor of the project: Bill Rosendahl, representing Los Angeles City Council, submitted a request to speak in favor of the project; Paul Daniels, representing City of Los Angeles, submitted a request to speak in favor of the project; Joseph Hiltner, representing Los Angeles

DRAFT MINUTES OF COMMISSION MEETING
OF FEBRUARY 4-6, 2009

Police Department, submitted a request to speak in favor of the project; Theresa Skinner, representing Los Angeles Police Department-Pacific Division, submitted a request to speak in favor of the project; Sherman Stacey, representing Venice Stakeholders Association, submitted a request to speak in favor of the project; Dorothy Meyer, representing City of Los Angeles Bureau of Engineers, submitted a request to speak in favor of the project; Alan Willis, representing City of Los Angeles Department of Transportation, submitted a request to speak in favor of the project; Julie Van Wagner, representing Bureau of Engineering, submitted a request to speak in favor of the project; Clabe Hartley submitted a request to speak in favor of the project. The following speakers submitted a request to speak in opposition to the project but did not speak: Linda Lucks, Jim Bickhart, Pat Solomon, Curtis Jackson, Herbert Lundberg, Delilah Gill, James Smith, Antoieta Villamil, Celia Williams, representing VNAC POWER; Barbara Peck, Patricia Nemenz, Alex Platt, Mark Lipman, Nelly Pardo, Wendy Winston, Don Geasan, Colleen Saro, Rev. Thomas C. Ziegert, Peggy Lee Kennedy, Jay Cortland, Eden Andes, Jataun Valentine, Holly Mosher, Lydia Ponce; Dede Audet submitted a request to speak with no firm position.

- a. **Appeal No. A-5-VEN-08-340 (City of Los Angeles, Dept. of Transportation, Los Angeles)** Staff recommended that the appeal raised **substantial issue**. There being no objection, Chair Neely ruled that the Commission **found substantial issue**. Chair Neely opened the hearing on the merits of the project and **continued** it to a future hearing.
- b. **Appeal No. A-5-VEN-08-341 (City of Los Angeles, Dept. of Transportation, Los Angeles)** Staff recommended that the appeal raised **substantial issue**. There being no objection, Chair Neely ruled that the Commission **found substantial issue**. Chair Neely opened the hearing on the merits of the project and **continued** it to a future hearing.
- c. **Appeal No. A-5-VEN-08-342 (City of Los Angeles, Dept. of Transportation, Los Angeles)** Staff recommended that the appeal raised **substantial issue**. There being no objection, Chair Neely ruled that the Commission **found substantial issue**. Chair Neely opened the hearing on the merits of the project and **continued** it to a future hearing.
- d. **Appeal No. A-5-VEN-08-343 (City of Los Angeles, Dept. of Transportation, Los Angeles)** Staff recommended that the appeal raised **substantial issue**. There being no objection, Chair Neely ruled that the Commission **found substantial issue**. Chair Neely opened the hearing on the merits of the project and **continued** it to a future hearing.
- e. **Appeal No. A-5-VEN-08-344 (City of Los Angeles, Dept. of Transportation, Los Angeles)** Staff recommended that the appeal raised **substantial issue**. There being no objection, Chair Neely ruled that the Commission **found substantial**

DRAFT MINUTES OF COMMISSION MEETING
OF FEBRUARY 4-6, 2009

issue. Chair Neely opened the hearing on the merits of the project and **continued** it to a future hearing.

23. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 5-07-375 (T-Mobile, USA, Venice, Los Angeles Co.)** Staff recommended approval with conditions.

Michael Shonafelt, representing T-Mobile, submitted a request to speak; Scott Longhurst, representing T-Mobile, submitted a request to speak; Bill Rosendahl, representing Los Angeles Counsel District 11, submitted a request to speak in opposition to the project; Marcia Hanscom, representing CLEAN/Ballona Institute, submitted a request to speak in opposition to the project; Steve Hoye, representing Access for All, submitted a request to speak in opposition to the project; Mark Winter, Marina Peninsula Neighborhood Association, submitted a request to speak in opposition to the project; Mark Lipman submitted a request to speak in opposition to the project.

Motion & vote: Burke moved to approve per staff, seconded by Gonzalez and recommended a no vote. Chair Neely ruled that the vote was unanimous in favor of the motion. **Denied.**

- b. **Application No. 5-08-187 (City of Long Beach, Long Beach)** Moved by staff to the expanded consent calendar. **Approved.**

- c. **Application No. 5-08-245 (Pacific Palisade Bowl Mobile Home Estates, LLC, Pacific Palisades)**

24. **PERMIT AMENDMENTS.**

- a. **Permit No. 5-07-131-A (Dugan, Long Beach)** Moved by staff to the expanded consent calendar. **Approved.**

STATEWIDE

25. **APPROVAL OF MINUTES.** None.

DRAFT MINUTES OF COMMISSION MEETING
OF FEBRUARY 4-6, 2009

26. **COMMISSIONERS' REPORTS.** Informational only.
27. **CONSERVANCY REPORT.** None.
28. **SANTA MONICA MOUNTAINS CONSERVANCY REPORT.** None.
29. **DEPUTY ATTORNEY GENERAL'S REPORT.** Informational only.
30. **EXECUTIVE DIRECTOR'S REPORT** including report on legislation and water quality.

The Commission recessed for the day at 5:00 p.m.

Thursday, February 5, 2009 Pages 9 To 17

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 Burke, Achadjian, Blank, Clark, Gonzalez (alternate), Kram, Potter, Reilly, Shallenberger, Wan. Absent: Kruer.

SOUTH CENTRAL COAST DISTRICT

2.5. LOCAL COASTAL PROGRAMS (LCPs)

- a. **City of Carpinteria LCP Amendment No. CPN-MAJ-2-07.** Staff recommended denial as submitted and approval with modifications.

Dave Durlinger, representing City of Carpinteria, submitted a request to speak in favor of the project; April Winecki submitted a request to speak; Scott Ellinwood, representing Green Heron Spring, submitted a request to speak; Michael J. Lillis submitted a request to speak in favor of the project; Rico Delgado submitted a request to speak in favor of the project; Joel Ellinwood submitted a request to speak in favor of the project; Foster Campbell submitted a request to speak in favor of the project.

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

DRAFT MINUTES OF COMMISSION MEETING
OF FEBRUARY 4-6, 2009

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

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

Motion & vote: Achadjian moved to certify the Implementation Plan if modified as suggested by staff and recommended a yes vote. Chair Neely ruled that the vote was unanimous in favor of the motion. **Passed.**

2.6. **COASTAL PERMIT APPLICATIONS.**

a. **Application No. 4-98-24 (Mariposa Land Co., Malibu)** [WITHDRAWN]

[Kram out of room]

b. **Application No. 4-07-116 (Caltrans & city of Goleta, Santa Barbara Co.)** Staff recommended approval with conditions.

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

NORTH CENTRAL COAST DISTRICT

3. **ADMINISTRATIVE PERMIT APPLICATIONS.** See item (a) on page 12 of the meeting notice. There being no objection to concurrence, Chair Neely ruled that the Commission concurred.

ENERGY, OCEAN RESOURCES and FEDERAL CONSISTENCY

4. **ENERGY, OCEAN RESOURCES and FEDERAL CONSISTENCY.** Executive Director Douglas reported on matters not requiring a public hearing. There was no objection to concurrence.

DRAFT MINUTES OF COMMISSION MEETING
OF FEBRUARY 4-6, 2009

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

6. **COASTAL PERMIT APPLICATIONS.**
 - a. **Application No. E-08-19 and CC-28-08 (Plains Exploration and Production Company, Santa Barbara Co.) [POSTPONED]**

7. **FEDERAL CONSISTENCY.**
 - a. **CD-001-09 (U.S. Army Corps of Engineers, San Diego Co.) [POSTPONED]**

NORTH CENTRAL COAST DISTRICT

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

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

10. **LOCAL COASTAL PROGRAMS (LCPs).**
 - a. **City of Pacifica LCP Amendment No. PAC-MAJ-1-08 (270 Rockaway). Time Extension.** Staff recommended approval.

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

 - b. **City of Half Moon Bay LCP Amendment No. HMB-MAJ-2-05 (Measure D). Time Extension.** Staff recommended approval.

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

DRAFT MINUTES OF COMMISSION MEETING
OF FEBRUARY 4-6, 2009

10.5. **NEW APPEALS.**

- a. **Appeal No. A-2-MAR-09-001 (Biondi, Muir Beach)** Staff recommended a finding of no substantial issue.

Robin Collier submitted a request to speak in opposition to the project; Eric Christ, representing Halperin & Christ Architects, submitted a request to speak in favor of the project.

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

11. **COASTAL PERMIT APPLICATIONS**

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

Dan Sterling, an applicant, submitted a request to speak in favor of the project; David Byers submitted a request to speak in favor of the project; J. David Breemer, representing Pacific Legal Foundation, submitted a request to speak in favor of the project; Mark Massara, representing Sierra Club, submitted a request to speak.

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

CENTRAL COAST DISTRICT

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

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

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

- a. **Santa Cruz County LCP Amendment No. SCO-MAJ-1-07 Part 2 (Timber Harvest on Agriculture Lands).** [WITHDRAWN]

DRAFT MINUTES OF COMMISSION MEETING
OF FEBRUARY 4-6, 2009

- b. **Santa Cruz County LCP Amendment No. SCO-MAJ-1-08 Part 4 (Groundwater Quality). Time Extension.** Staff recommended approval.

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

- c. **Santa Cruz County LCP Amendment No. SCO-DM-2-08 (Wireless Ordinance Changes).** Staff recommended that the Commission concur with the Executive Director's determination that the LCP is de minimis. There being no objection, Chair Neely ruled concurrence. **Approved.**

15. **PERMIT AMENDMENTS.**

- a. **Permit No. 3-01-039-A2 (Seymour, Morro Bay).** Staff recommended approval with conditions.

Thomas Laurie, an applicant, submitted a request to speak; Cathy Novak submitted a request to speak in opposition to the project.

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

REPORT OF CLOSED SESSION. In closed session, the Commission received advice regarding litigation in Malibu Valley Farms v. CCC, Livoni v. CCC, and Ojavan Investors, Inc. v. CCC.

LUNCH RECESS. The Commission recessed for lunch at 12:00 p.m. and returned at 1:30 p.m. [Vice Chair Burke and Kram left for the day.]

SOUTH COAST DISTRICT (Orange County)

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

DRAFT MINUTES OF COMMISSION MEETING
OF FEBRUARY 4-6, 2009

17. **CONSENT CALENDAR (removed from Regular Calendar)**. Staff moved two items (19b, 19c) to the expanded consent calendar and recommended approval with conditions.

Carol Mcdermott, representing Etco Investments, submitted a request to speak on Item 19b; Jim Wasko, representing The Crab Cooker, submitted a request to speak in opposition to Item 19b.

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

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

- a. **Laguna Beach LCP Amendment No. LGB-MAJ-1-08b (Parking)** Staff recommended denial as submitted and approval with modifications.

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

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

- b. **City of Dana Point LCP Amendment No. DPT-MAJ-1-08.** Staff recommended approval of the time extension.

David Neish, Sr., representing City of Dana Point, submitted a request to speak in favor of the project.

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

- c. **City of Laguna Beach LCP Amendment No. LGB-MAJ-3-08.** Staff recommended approval of the time extension.

DRAFT MINUTES OF COMMISSION MEETING
OF FEBRUARY 4-6, 2009

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

-
- d. **City of Newport Beach LCP Amendment No. NPB-MAJ-1-07 (Land Use Changes).** Staff recommended denial as submitted and approval with suggested modifications.

Councilmember Nancy Gardner, representing City of Newport Beach, submitted a request to speak in favor of the project; David Hunt, representing City of Newport Beach, submitted a request to speak in favor of the project; Jim Campbell, representing City of Newport Beach, submitted a request to speak; Larry Tucker submitted a request to speak in opposition to the staff recommendation; Ned McCune, representing Mariners Mile Co., submitted a request to speak; Barry Eaton submitted a request to speak; Elaine Linhoff submitted a request to speak in favor of the staff recommendation; David Muller, representing Newport Harbor Nautical Museum, submitted a request to speak in favor of the staff recommendation; Carol McDermott submitted a request to speak in favor of the staff recommendation; Anna Pistole submitted a request to speak in favor of the staff recommendation; Tom Ridgeway, representing Mariners Mile Co., submitted a request to speak in favor of the staff recommendation; Larry Porter submitted a request to speak in opposition to the staff recommendation; Dave Neish, representing City of Newport Beach, submitted a request to speak in favor of the project.

Motion & vote: Clark moved to certify the Land Use Plan as submitted and recommended a no vote, seconded by Potter. Chair Neely ruled that the vote was unanimous in favor of the motion. **Certification Denied.**

Motion: Clark moved to certify the Land Use Plan if modified as suggested in the staff report but incorporating the changes and findings and suggested modifications contained in the handout from the City. [*Chair Neely asked for guidance from staff on the motion. Staff suggested making separate amending motions*].

Main Motion: Clark moved to certify the Land Use Plan if modified as suggested in the staff report, seconded by Achadjian.

1st Amending Motion: Clark moved to delete suggested modification #14, pg. 11 prohibiting limited use overnight accommodations within the visitor serving CV land use category and delete suggested modifications #33, 34, 35, 36 [*Reilly asked for a separation of the modifications. Chair Neely agreed.*], motion seconded by Potter and recommended a yes vote. [motion **changed** by Clark]

DRAFT MINUTES OF COMMISSION MEETING
OF FEBRUARY 4-6, 2009

2nd Amending Motion & vote: Clark moved to modify condition #14 to permit overnight accommodations within the visitor serving Land Use category subject to the conditions associated with that being memorialized in the Implementation Plan or project prior to certification, seconded by Potter and recommended a yes vote. The roll call vote was 7 in favor (Achadjian, Blank, Clark, Gonzalez, Potter, Reilly, Chair Neely) and 2 opposed (Shallenberger, Wan). **Passed.**

3rd Amending Motion: Potter moved to delete modifications #33, 34, 35, 36, and 39 as seen on pages 15 through 18 in regards to the low cost accommodation mitigation, seconded by Achadjian. [motion **withdrawn** by Potter].

4th Amending Motion & vote: Reilly moved to substitute staff conditions #34, 35 and 36 with the City's recommended language but taking out the option of using in lieu fees for recreation and requiring them to be used solely for low cost visitor serving, seconded by Clark and recommended a yes vote. The roll call vote was 9 in favor (Achadjian, Blank, Clark, Gonzalez, Potter, Reilly, Shallenberger, Wan, Chair Neely) and none opposed. **Passed.**

Vote on the main motion (as amended): Chair Neely ruled that the vote was unanimous in favor of the motion. **Passed.**

19. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 5-08-204 (Bissell, San Clemente)** [POSTPONED]
- b. **Application No. 5-08-279 (ETCO Investment, LLC, Newport Beach)** Moved by staff to the expanded consent calendar. **Approved.**
- c. **Application No. 5-05-314 (Rambo, San Clemente)** Moved by staff to the expanded consent calendar. **Approved**

20. **RECONSIDERATION.**

- a. **Application No. 5-07-327-R (Livoni, Newport Beach)** Staff recommended that the Commission grant the reconsideration request.

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

DRAFT MINUTES OF COMMISSION MEETING
OF FEBRUARY 4-6, 2009

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

21. **DEVELOPMENT AGREEMENT.**

- a. **Application No. 5-09-008 (Hoag Memorial Hospital Presbyterian, Newport Beach)** Staff recommended approval with conditions.

David Neish, representing Hoag Hospital, submitted a request to speak in favor of the project; Dennis O'Neil, representing Hoag Hospital, submitted a request to speak in favor of the project; Debra Legan, representing Hoag Hospital, submitted a request to speak.

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

ENFORCEMENT

22. **ENFORCEMENT REPORT.** None.

23. **Commission Cease and Desist Order No. CCC-09-CD-02 (Driftwood Properties, LLC –Laguna Beach, Orange County)** [POSTPONED]

24. **Commission Restoration Order No. CCC-09-RO-01 (Driftwood Properties, LLC – Laguna Beach, Orange County)** [POSTPONED]

25. **Commission Notice of Violation No. CCC-09-NOV-02 (Driftwood Properties, LLC – Laguna Beach, Orange County)** [POSTPONED]
-

PUBLIC STATEMENTS. David Lush, representing City of Dana Point, addressed the Commission on the Dana Point Harbor revitalization plan; Jack Roper also spoke on the Dana Point revitalization and expressed that he was in agreement with staff; John Hicks gave his input on the Dana Point LCP; Wayne Rayfield also addressed the Dana Point Harbor and asked Commissioners and staff to expedite the hearing; Rick Zbur, representing Latham & Watkins, spoke about incorrect assertion of a federal bailout by Poseidon; Brian Woolley also addressed concerns about the Dana Point Harbor LCP and requested an April hearing; Mark Massara, representing Sierra Club, addressed the Commission on public access in Santa

DRAFT MINUTES OF COMMISSION MEETING
OF FEBRUARY 4-6, 2009

Barbara County near the Naples project; Merle Moshiri, representing Residents for Responsible Desalination, spoke to the Commission regarding streamlining permit process for desalination plants; Bruce Heyman, representing Boaters 4 Dana Point Harbor, addressed the Commission on the budget and the Department of Boating and Waterways possibly being eliminated; Irwin Haydock, representing R4RD, spoke to the Commission regarding Coastal Commission procedures and governance; Terry Welsh, representing Banning Ranch Conservancy, addressed saving coastal open space at Banning Ranch in Newport Beach; John Mansour, representing Driftwood Properties, LLC, gave an update on enforcement issues related to the property; Anthony Morales, representing Gabrieleno-Tongva Tribal Council, updated the Commission on burial of ancestral remains at Bolsa Chica; Stephanie Pacheco, representing Sierra Club, thanked the staff for their work and made general comments on the Orange County coast; Joyce Perry, representing Juaneno Band of Mission Indians, spoke on the Brightwater project and Hearthsides Homes is working with them on their issues; James Mansfield, representing Banning Ranch Conservancy, expressed that he looked forward to working with staff and Commissioners on the Banning Ranch project; Chris Bunyan, Save Banning Ranch, gave input on the project and ESHA on the property and the need to save open space; Steve Ray, Banning Ranch Conservancy, spoke on building a dialogue with staff on the Banning Ranch project and to conserve open space; Larry Porter addressed the Commission on Poseidon and its financing and thanked the Commission on its vote on the Toll Road.

RECESS. The Commission recessed for the day at 4:50 p.m.

DRAFT MINUTES OF COMMISSION MEETING
OF FEBRUARY 4-6, 2009

Friday, February 6, 2009 pages 18 to 21

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, Achadjian, Blank, Clark, Liberman (alternate), Potter, Reilly, Shallenberger, Wan. Absent: Vice Chair Burke, Hueso, Kram and Kruer.

SAN DIEGO COAST DISTRICT

3. **CONSENT CALENDAR.** See items (a –b) on page 18 of the meeting notice. Staff recommended approval with conditions.

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

SAN DIEGO COAST DISTRICT

4. **DEPUTY DIRECTOR'S REPORT.** Deputy Director Sarb reported on matters not requiring a public hearing and recommended concurrence with the director's report. There being no objection, Chair Neely ruled concurrence.
5. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved one item (8a) to the expanded consent calendar and recommended approval with special conditions.

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

-
6. **LOCAL COASTAL PROGRAMS (LCPs)**
 - a. **City of Carlsbad LCP Amendment No. 2-07A (Aura Circle).** Staff recommended approval as submitted.

Motion & vote: Achadjian moved to certify the Land Use Plan and the Implementation Plan as submitted and recommended a yes vote, seconded by

DRAFT MINUTES OF COMMISSION MEETING
OF FEBRUARY 4-6, 2009

Potter. Chair Neely ruled that the vote was unanimous in favor of the motion.
Passed.

7. **NEW APPEALS.**

- a. **Appeal No. A-6-ENC-08-106 (Encinitas Community Park)** Staff recommended that the Commission determine **no substantial issue** exists.

Gerald Sodomka, representing Citizens for Quality of Life, submitted a request to speak in opposition to the project; Andrew Audet submitted a request to speak in opposition to the project; Dan Dalager, representing City of Encinitas, submitted a request to speak in favor of the project.

Motion & vote: Reilly moved to determine **no substantial issue**, seconded by Clark and recommended a yes vote. Chair Neely ruled that the vote was unanimous in favor of the motion. **Passed. No Substantial Issue found.**

8. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 6-08-68 (Hamilton Trust, Solana Beach)** Moved by staff to the expanded consent calendar. **Approved.**

SOUTH COAST DISTRICT (Orange County)

9. **COASTAL PERMIT APPLICATIONS.**

[The following speakers requested to speak on items 9a-e.]

Sandran Siani, an appellant, submitted a request to speak; Craig dePfyffer submitted a request to speak; Jon Stromquist submitted a request to speak in opposition to the project; Richard Seymour, Ph.D., submitted a request to speak in opposition to the project; Robert Foltz submitted a request to speak in opposition to the project; Jason Winlinger submitted a request to speak in opposition to the project; Cindalee Hall submitted a request to speak in opposition to the project; Charlotte Masarik submitted a request to speak in opposition to the project; Linda Morgenlander submitted a request to speak in opposition to the project; Barbara Pemberton submitted a request to speak in opposition to the project; Mark Kellan submitted a request to speak in opposition to the project; George Heed submitted a request to speak in opposition to the project; Penny Elia, representing Sierra Club, submitted a request to speak in opposition to the project; Joseph Ravenna, M.D. submitted a request to speak in opposition to the project; Ken Frank,

DRAFT MINUTES OF COMMISSION MEETING
OF FEBRUARY 4-6, 2009

representing City of Laguna Beach, submitted a request to speak; Mark Klosterman, City of Laguna Beach, submitted a request to speak.

- a. **Appeal No. A-5-LGB-08-47 (City of Laguna Beach Dept of Marine Safety, Laguna Beach)** Staff recommended denial of the project.

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

- b. **Appeal No. A-5-LGB-08-48 (City of Laguna Beach Dept of Marine Safety, Laguna Beach)** Staff recommended denial of the project.

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

- c. **Appeal No. A-5-LGB-08-49 (City of Laguna Beach Dept of Marine Safety, Laguna Beach)** Staff recommended approval with conditions.

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

- d. **Appeal No. A-5-LGB-08-50 (City of Laguna Beach Dept of Marine Safety, Laguna Beach)** Staff recommended approval with conditions.

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

- e. **Appeal No. A-5-LGB-08-51 (City of Laguna Beach Dept of Marine Safety, Laguna Beach)** Staff recommended approval with conditions.

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

PUBLIC STATEMENTS. Penny Elia, representing Sierra Club, spoke to the Commission about the public records act related to Driftwood Properties, LLC and Athens

DRAFT MINUTES OF COMMISSION MEETING
OF FEBRUARY 4-6, 2009

Group and asked how to get restoration at the site started.

There being no old or new business the Coastal Commission adjourned at 11:30 a.m.