

## CALIFORNIA COASTAL COMMISSION

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# W14

DATE: February 10, 2010  
TO: Coastal Commissioners  
FROM: Peter M. Douglas, Executive Director  
SUBJECT: MINUTES of MEETING of JANUARY 14-15, 2010  
Huntington Beach City Council Chambers  
2000 Main Street  
Huntington Beach, CA 92648

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**THURSDAY, JANUARY 14, 2010 pages 1 to 10**

1. **CALL TO ORDER.** The meeting of the California Coastal was called to order at 10:00 a.m. by Chair Neely.
  2. **ROLL CALL.** Present: Chair Neely, Achadjian, Blank, Bloom, Burke, Kram, Kruer, Mirkarimi, Sanchez, Stone, Wan. Non-voting: Baird. Shallenberger arrived at 11:30 a.m.
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3. **GENERAL PUBLIC COMMENT.** Penny Elia, representing the Sierra Club, addressed violations at Hobo Aliso ridge and asked for Commission help; Tom Murphy addressed the Commission and proposed the adoption of the National Green Standard; William Lochrie asked the Commission to approve the Huntington Beach desalination facility; Patricia Lochrie addressed the water shortage and asked the Commission to approve the desal facility; Al Barrow addressed earthquakes and asked the Commission to consider them when looking at projects before the Commission; Alon Perlman showed the Commission a slideshow on Baywood Bluff erosion; Eric Greening spoke about particulate pollution from activity at Oceano Dunes; Ginny Lombardi addressed the Sunset Ridge Park soon to come before the Commission and invited the Commission to visit the site; Steve Ray, representing the Banning Ranch Conservancy, showed a presentation on Banning Ranch and invited the Commission to visit the site; Piper Reilly spoke about water issues in San Luis Obispo County; Gwynn Taylor addressed a 35 year old appeal and

undeveloped wetlands; Patrick Sparks spoke about being stewards of the coast and protecting sensitive environments.

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

4. **CONSENT CALENDAR.** See items a & b on page 3 and item c on the addendum.

**Motion & vote:** Mirkarimi 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.**

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## **CENTRAL COAST DISTRICT**

5. **DEPUTY DIRECTOR'S REPORT.** Deputy Director Lester reported on matters not requiring a public hearing and on comments from the public.
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6. **CONSENT CALENDAR (removed from Regular Calendar).** None.
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7. **LOCAL COASTAL PROGRAMS (LCPs).**

- a. **City of Capitola LCP Amendment No. CAP-2-09 Part 1 (Affordable Housing Overlay).** Staff recommended approval of the Land Use Plan as submitted and recommended denial and approval as submitted on the Implementation Plan.

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

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

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

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b. **City of Capitola LCP Amendment No. CAP-2-09 Part 2 (Mixed Use in Community Commercial).** Staff recommended approval as submitted.

**Motion:** Stone moved to reject the Implementation Plan as submitted and recommended a no vote.

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

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c. **City of Carmel LCP Amendment No. CML-3-09 Part 1 (Del Mar Dunes Master Plan).** Staff recommended approval of the Land Use Plan as submitted.

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

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d. **City of Carmel LCP Amendment No. CML-3-09 Part 2 (Circulation Element).** Staff recommended concurrence with the Executive Director's determination. There being no objection, Chair Neely ruled that the Commission concurred.

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e. **San Luis Obispo County LCP Amendment No. SLO-MAJ-1-05 Part 2 (DeVincenzo/Avila Valley Lodge).** [WITHDRAWN]

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8. **NEW APPEALS.**

a. **Appeal No. A-3-SLO-09-55 (Los Osos Wastewater Project, San Luis Obispo Co.).** Staff recommended the Commission find no substantial issue exists.

Andrew Christie, representing Sierra Club, submitted a request to speak in opposition to the project; Angela Howe, representing Surfrider Foundation, submitted a request to speak in opposition to the project; Keith Wimer, representing Los Osos Sustainability Group, submitted a request to speak in opposition to the project; Julie Tacker, an appellant, submitted a request to speak; Martha Goldin, an appellant, submitted a request to speak in opposition to the project; Jeff Edwards, an appellant, submitted a request to speak; Don Bearden,

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an appellant, submitted a request to speak; Chuck Cesena, an appellant, submitted a request to speak; Patrick Sparks, an appellant, submitted a request to speak in opposition to the project; Al Barrow submitted a request to speak in opposition to the project; Alfredo Magallanes submitted a request to speak in opposition to the staff recommendation; Richard Nyznyk, an appellant, submitted a request to speak; Bruce Gibson, representing San Luis Obispo County, submitted a request to speak in favor of the staff recommendation; Mark Hutchinson, representing County of San Luis Obispo, submitted a request to speak in favor of the staff recommendation; Dan Gilmore, representing Los Osos CSD, submitted a request to speak in favor of the project; Marshall Ochilski, representing Los Osos CSD, submitted a request to speak.

**Motion & vote:** Achadjian moved to determine no substantial issue, seconded by Shallenberger. The roll call vote was 5 in favor (Achadjian, Blank, Burke, Kram, Chair Neely) and 7 opposed (Bloom, Kram, Kruer, Mirkarimi, Sanchez, Shallenberger, Stone, Wan). **Substantial Issue found.**

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- b. **Appeal No. A-3-SLO-09-69 (Los Osos Wastewater Project, San Luis Obispo Co.).** Staff recommended the Commission find no substantial issue exists.

[See item 8a for speaker list]

**Motion & vote:** Achadjian moved to determine no substantial issue, seconded by Shallenberger. The roll call vote was 5 in favor (Achadjian, Blank, Burke, Kram, Chair Neely) and 7 opposed (Bloom, Kram, Kruer, Mirkarimi, Sanchez, Shallenberger, Stone, Wan). **Substantial Issue found.**

[Burke and Kruer left for the day. Parker (an alternate) arrived and sat for Burke.]

## 9. PERMIT AMENDMENTS.

- a. **Permit No. A-3-SCO-05-073-A1 (Porter, Live Oak).** Staff recommended approval with conditions.

Cove Britton, representing the applicants, submitted a request to speak.

**Motion:** Wan moved to approve, seconded by Stone.

**Amending motion & vote:** Wan moved to delete approval of the wind turbine, seconded by Stone. The roll call vote was 8 in favor (Blank, Kram, Mirkarimi, Sanchez, Shallenberger, Stone, Wan, Chair Neely) and 3 opposed (Achadjian, Bloom, Burke). **Passed.**

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

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## NORTH CENTRAL COAST DISTRICT

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

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## SOUTH CENTRAL COAST DISTRICT

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

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12. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved one item (14a) and recommended approval with conditions.

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

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

- a. **City of Santa Barbara LCP Amendment No. MAJ-3-09 (Veronica Meadows) Time Extension.** Staff recommended approval of the time extension.

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

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- b. **County of Santa Barbara LCP Amendment No. MAJ-1-09 (Land Use & Development Code) Time Extension.** Staff recommended approval of the time extension.

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

- c. **City of Malibu LCP Amendment No. MAJ-2-09-A (“Crummer Trust” Parcel).**  
[POSTPONED]
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14. **COASTAL PERMIT APPLICATIONS**

- a. **Application No. 4-09-008 (Mukherjee, Los Angeles Co.)** Moved by staff to the expanded consent calendar. **Approved.**
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**SOUTH COAST DISTRICT (Los Angeles County)**

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

- 16. **CONSENT CALENDAR (removed from Regular Calendar).** None.
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17. **LOCAL COASTAL PROGRAMS (LCPs)**

- a. **City Of Long Beach LCP Amendment No. LOB-MAJ-1-9.** Staff recommended denial as submitted and approval with modifications.

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

**Motion & vote:** Shallenberger moved to certify the Land Use Plan if modified as suggested, seconded by Achadjian and recommended a yes vote. **Passed.**

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

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

18. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 5-09-151 (SHC Santa Monica Beach Hotel III LLC, Santa Monica)** Staff recommended approval with conditions.

Ted Harris, representing California Strategies, submitted a request to speak.

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

## ENFORCEMENT

19. **ENFORCEMENT REPORT.** None.
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## ENERGY, OCEAN RESOURCES and FEDERAL CONSISTENCY

20. **ENERGY, OCEAN RESOURCES and FEDERAL CONSISTENCY.** Executive Director Douglas reported on matters not requiring a public hearing.

21. **FEDERAL CONSISTENCY.** None.
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22. **CONSENT CALENDAR (removed from Regular Calendar).** None.
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## SOUTH COAST DISTRICT (Orange County)

23. **DEPUTY DIRECTOR'S REPORT.** Deputy Director Sarb reported on matters not requiring a public hearing and on comments from the public.
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24. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved one item (**26a**) to the expanded consent calendar and recommended approval with conditions.

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

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

- a. **City Of Newport Beach LCP Amendment No. NPB-MAJ-1-09 (AERIE). Time Extension.** Staff recommended approval of the time extension.

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

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- b. **City Of Laguna Beach LCP Amendment No. LGB-MAJ-3-09(Title 25 changes). Time Extension.** Staff recommended approval of the time extension.

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

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26. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 5-09-63 (Simon Trust, Newport Beach)** Moved by staff to the expanded consent calendar. **Approved.**
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- b. **Application No. 5-09-99 (Palm Beach Park Association, San Clemente)** Staff recommended approval with conditions.

Colin Cline, representing Palm Beach Park Association, submitted a request to speak in favor of the project.

**Motion & vote:** Wan moved to approve per staff, seconded by Blank and recommended a yes vote.

**Amending motion & vote:** Blank moved to delete condition #2, seconded by Achadjian. The roll call vote was 4 in favor (Achadjian, Blank, Sanchez, Chair Neely) and 6 opposed (Bloom, Parker, Mirkarimi, Shallenberger, Stone, Wan). **Failed.**



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

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- c. **Application No. 5-09-105 (Norberg Trust, Laguna Beach)** Staff recommended approval with conditions.

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

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

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- d. **Application No. 5-09-141 (City Of Newport Beach, Newport Beach)** Staff recommended approval with conditions.

Robert Schumann submitted a request to speak in opposition to the project; Robert Stein, representing City of Newport Beach, submitted a request to speak.

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

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## STATEWIDE

27. **APPROVAL OF MINUTES.** Approved.
28. **COMMISSIONERS' REPORTS.** None.
29. **CONSERVANCY REPORT.** None.
30. **SANTA MONICA MOUNTAINS CONSERVANCY REPORT.** None.
31. **DEPUTY ATTORNEY GENERAL'S REPORT.** Informational only.
32. **EXECUTIVE DIRECTOR'S REPORT** including report and possible Commission action on legislation and water quality.
- a. **World Surfing Reserves Resolution.** Staff recommended approval of the resolution.

Josh Berry, representing Save the Waves Coalition, submitted a request to speak in favor of the staff recommendation.

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

b. **NOAA Resolution.** Staff recommended the Commission adopt the resolution.

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

FRIDAY, JANUARY 15, 2010 pages 10 to

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order at 9:05 a.m. by Chair Neely.
  
2. **ROLL CALL.** Present: Chair Neely, Vice Chair Shallenberger, Achadjian, Blank, Bloom, Parker (alternate), Krueer, Mirkarimi, Sanchez, Stone, Wan. Absent: Kram.

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3. **GENERAL PUBLIC COMMENT.** Richard Kolander urged the Commission to approve the Poseidon project; Kevin Nelson invited the Commission to the Banning Ranch Conservancy; Robert Harrison addressed the Poseidon project.

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## SAN DIEGO DISTRICT

4. **CONSENT CALENDAR.** See items a –c on page 11 of the meeting notice. Staff recommended approval with conditions.

**Motion & vote:** Shallenberger 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.**

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## SAN DIEGO DISTRICT

5. **DEPUTY DIRECTOR'S REPORT.** Deputy Director Sarb reported on matters not requiring a public hearing and on comments from the public.
  
6. **CONSENT CALENDAR (removed from Regular Calendar).**

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7. **COASTAL PERMIT APPLICATIONS.**
  - a. **Application No. 6-07-133 (Li, Encinitas)** Staff recommended approval of the project with conditions.

Bob Trettin, representing the applicant, submitted a request to speak in favor of the project; Jon Corn, representing the applicant, submitted a request to speak in favor of the project; Elizabeth Li, an applicant, submitted a request to speak in favor of the project; Ronald Lucker, representing Beach & Bluff Conservancy, submitted a request to speak in favor of the project; Carol Childs submitted a request to speak; Chris Hamilton submitted a request to speak in favor of the project; David Winkler submitted a request to speak in favor of the project.

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

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8. **PERMIT AMENDMENTS.**

a. **Permit No. 6-04-88-A4 (Southern California Edison, Del Mar & San Diego)**  
[POSTPONED]

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b. **Permit No. 6-88-464-A1 (Lynch and Frick, Encinitas) [WITHDRAWN BY APPLICANT]**

Jennifer Lynch, an applicant, submitted a request to speak in favor of the project; Walt Crampton submitted a request to speak in favor of the project.

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**NORTH COAST DISTRICT**

9. **DEPUTY DIRECTOR'S REPORT.** District Manager Merrill reported on matters not requiring a public hearing and on comments from the public.

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

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

a. **Humboldt County LCP Amendment No. HUM-MAJ-1-8 (Samoa Town Plan).**  
[POSTPONED]

12. **NEW APPEALS.**

a. **Appeal No. A-1-MEN-09-51 (Yasskin, Dakers, Drake & Graham, Mendocino Co.). [POSTPONED]**

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b. **Appeal No. A-1-MEN-09-52 (Blue Port, LLC, Mendocino Co.)** Staff recommended that the Commission find substantial issue. There being no objection, Chair Neely ruled that the Commission **found substantial issue** and continued the matter to a future hearing.

Gower Smith, representing BluePort LLC, submitted a request to speak in favor of the project.

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13. **COASTAL PERMIT APPLICATIONS.**

a. **Application No. 1-07-46 (Cher-Ae Heights Indian Community of the Trinidad Rancheria, Trinidad)** Staff recommended approval with conditions.

Travis Schneider submitted a request to speak; Shirley Laos and Jacque Hostler, representing Trinidad Rancheria, submitted a request to speak.

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

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14. **RECONSIDERATION.**

a. **Appeal No. A-1-MEN-07-28-R (Jackson-Grube Family, Inc., Mendocino Co.)** Staff recommended the Commission grant the request for reconsideration.

Alan Block, representing Jackson-Grube Family, Inc., submitted a request to speak in favor of the project.

[Bloom was out of the room for the vote.]

**Motion & vote:** Wan moved to grant reconsideration, seconded by Stone and recommended a no vote. The roll call vote was 10 in favor of the no vote (Achadjian, Blank, Parker, Krueer, Mirkarimi, Sanchez, Shallenberger, Stone, Wan, Chair Neely) and none opposed. **Reconsideration denied.**

There being no old or new business the meeting of the California Coastal Commission adjourned in memory of Anne McMahon at 12:35 p.m.

Respectfully,

Peter Douglas  
Executive Director

DRAFT MEETING MINUTES

January 14-15, 2010