

**CALIFORNIA COASTAL COMMISSION**

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**W17**

DATE: October 19, 2011  
TO: Coastal Commissioners  
FROM: Charles Lester, Executive Director  
SUBJECT: **DRAFT MINUTES** of MEETING of OCTOBER 5-7, 2011  
Huntington Beach City Hall  
2000 Main Street  
Huntington Beach, CA 92648

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**WEDNESDAY, OCTOBER 5, 2011 pages 1 to 6**

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order at 9:01 a.m. by Chair Shallenberger.
2. **ROLL CALL.** Present: Chair Shallenberger, Vice Chair Stone, Blank, Bochco, Brennan, Burke, Kinsey, McClure, Zimmer. Sanchez arrived at 9:30 a.m., Bloom arrived at 9:35 a.m.; Non-voting: Norvell; Absent: Mitchell.
3. **GENERAL PUBLIC COMMENT.** Members of the public addressed the Commission on various issues affecting the coast.
4. **WETLANDS BRIEFING.** Informational briefing on wetlands by John Dixon. No action taken.

**SOUTH CENTRAL COAST DISTRICT**

5. **CONSENT CALENDAR.**
  - a. **University of California Santa Barbara Notice of Impending Development De Minimis No. 4-11 (Research Greenhouse).**

**Motion & vote:** Stone moved to approve pursuant to the staff recommendation 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 COAST DISTRICT (Los Angeles County)

### 6. ADMINISTRATIVE CALENDAR.

- a. **Application No. 5-11-201 (McBrearty and Ware Trust, Long Beach)** Staff recommended concurrence with the Executive Director's determination. There being no objection, Chair Shallenberger ruled concurrence.

### 7. CONSENT CALENDAR.

- a. **Application No. 5-11-93 (Chamberlaine, Pacific Palisades)**
- b. **Application No. 5-11-171 (Grand Prix Association of Long Beach & City of Long Beach, Special Events & Film Bureau)**

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

**Approved with conditions.**

## NORTH COAST DISTRICT

8. **DEPUTY DIRECTOR'S REPORT.** District Manager 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 that the Commission concurred.

### 9. CONSENT CALENDAR (removed from Regular Calendar).

### 10. COASTAL PERMIT APPLICATIONS.

- a. **Appeal No. A-1-MEN-09-52 (Blue Port, L.L.C., Mendocino Co.)** Staff recommended approval with conditions. Staff amended its recommendation to add a requirement to plant new trees now in the event currently planted trees are felled by disease.

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

- b. **Application No. 1-10-32 (Humboldt County Resource Conservation District)** Staff recommended approval with conditions.

**Motion & vote:** McClure moved to approve pursuant to staff recommendation 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 CENTRAL COAST DISTRICT**

11. **DEPUTY DIRECTOR'S REPORT.** Deputy Director Ainsworth on permit waivers, emergency permits, immaterial amendments & extensions, LCP matters not requiring public hearings, and on comments from the public. There being no objection, Chair Shallenberger ruled that the Commission concurred.
12. **CONSENT CALENDAR (removed from Regular Calendar).** None.
13. **LOCAL COASTAL PROGRAMS (LCPs)** (*This item was combined with Item 17a and heard as one item*)

- a. **City of Malibu LCP Amendment No. MAJ-1-11 Part A.** Staff recommended denial as submitted and approval with suggested modifications.

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

**Motion & vote:** Burke moved to certify the Implementation Plan if modified pursuant to the staff recommendation and recommended a yes vote, seconded by Bloom. Chair Shallenberger ruled that the vote was unanimous in favor of the motion. **Approved with modifications.**

**LUNCH RECESS.** The Commission recessed for lunch at 3:30 p.m. and returned at 4:30 p.m.

[*Items 14a, 15a, and 16a were trailed and heard after Item 17a; Burke left for the day after Item 17a.*]

14. **LONG RANGE DEVELOPMENT PLAN.**

- a. **University of California Santa Barbara Long Range Development Plan Amendment No. 2-10 (Bioengineering Building).** Staff recommended approval as submitted.

**Motion & vote:** Stone moved to certify the Long Range Development Plan as submitted and recommended a yes vote, seconded by Zimmer. Chair Shallenberger ruled that the vote was unanimous in favor of the motion.

**Approved as submitted.**

15. **NOTICE OF IMPENDING DEVELOPMENT.**

- a. **University of California Santa Barbara Notice of Impending Development No. 2-11 (Bioengineering Building).** Staff recommended approval of the Notice of Impending Development with conditions.

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

16. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 4-10-055 (Los Angeles County Department of Public Works)**  
Staff recommended approval with conditions.

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

17. **PERMIT AMENDMENTS.**

- a. **Coastal Development Permit Amendment No. 4-99-276-A4 (Santa Monica-Malibu Unified School District, Los Angeles Co.)** Staff recommended approval with conditions.

**Motion:** Burke moved to approve pursuant to the staff recommendation and recommended a yes vote, seconded by Kinsey.

**Amending Motion & vote:** Bloom moved to drop the indemnity provision. Motion failed for lack of second.

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

## ENFORCEMENT

18. **ENFORCEMENT REPORT.** None.

## SOUTH COAST DISTRICT

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

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

21. **COASTAL PERMIT APPLICATIONS.**

a. **Appeal No. A-5-RPV-10-002 (Conroy, Rancho Palos Verdes)** Staff recommended approval with conditions.

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

b. **Appeal No. A-5-PPL-11-28 (Robert Dolbinski, Pacific Palisades)** Staff recommended approval with conditions.

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

c. **Application No. 5-11-56 (Dolbinski & Chen, Pacific Palisades)**

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

## **STATEWIDE (trailed and heard on Thursday, October 6, 2011)**

22. **APPROVAL OF MINUTES.** Motion to approve the minutes of *September 7-9, 2011* by Stone, seconded by Sanchez. Chair Shallenberger ruled that the vote was unanimous in favor of the motion. **Approved.**
23. **COMMISSIONERS' REPORTS.** None.
24. **CONSERVANCY REPORT.** Informational only.
25. **SANTA MONICA MOUNTAINS CONSERVANCY REPORT.** None.
26. **DEPUTY ATTORNEY GENERAL'S REPORT.** Informational only.
27. **EXECUTIVE DIRECTOR'S REPORT** including reports and possible Commission action on legislation and water quality.
  - a. **Interagency Agreement.** Interagency Agreement between the California Coastal Commission and the Bay Conservation and Development Commission (BCDC).

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

The Commission recessed for the day at 7:15 p.m.

THURSDAY, OCTOBER 6, 2011 pages 7 to 11

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order at 9:01 a.m. by Chair Shallenberger.
2. **ROLL CALL.** Present: Chair Shallenberger, Vice Chair Stone, Blank, Bloom, Bochco, Kinsey, McClure, Zimmer. Non-voting: Norvell. Brennan, Burke, and Sanchez arrived at 9:03 a.m.; Absent: Mitchell.
3. **GENERAL PUBLIC COMMENT.** Members of the public addressed the Commission on various issues affecting the coast.

### **SOUTH COAST DISTRICT (Orange County)**

4. **ADMINISTRATIVE CALENDAR.** Staff recommended concurrence with the Executive Director's determination. There being no objection, Chair Shallenberger ruled that the Commission concurred.
  - a. **Application No. 5-11-99 (Melbon, Newport Beach)**
  - b. **Application No. 5-11-100 (Seamans, Newport Beach)**
  - c. **Application No. 5-11-184 (Cecere, Newport Beach)**
5. **CONSENT CALENDAR.**
  - a. **Application No. 5-11-132 (Waterfront Newport Beach, LLC, Newport Beach)**  
Staff recommended approval with conditions.

**Motion & vote:** Sanchez moved to approve pursuant to the staff recommendation 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 COAST DISTRICT (Orange County)**

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

- a. **City of Dana Point LCP Amendment DPT-MAJ-1-10 (Implementation Plan for Dana Point Harbor Revitalization Plan) Certification Review.** Staff recommended concurrence with the Executive Director's determination. There being no objection, Chair Shallenberger ruled that the Commission concurred.
  - b. **City of Huntington Beach HNB-MAJ-1-10 (Downtown Specific Plan Update) Certification Review.** Staff recommended concurrence with the Executive Director's determination. There being no objection, Chair Shallenberger ruled that the Commission concurred.
7. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved one item [9e] to the expanded consent calendar. Staff recommended approval with conditions.

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

8. **NEW APPEALS.**
- a. **Appeal No. A-5-LGB-11-134 (Mihaylo, Laguna Beach)** Staff recommended that the Commission determine that **no substantial issue** exists with respect to the grounds on which the appeal was filed.

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

9. **COASTAL PERMIT APPLICATIONS.**
- a. **Application No. 5-10-168 (City of Newport Beach) [POSTPONED]**
  - b. **Application No. 5-10-205 (Tsoong, Newport Beach)** Staff recommended approval with conditions.

**Motion & vote:** Brennan moved to approve pursuant to the staff recommendation



and recommended a yes vote, seconded by Sanchez. Chair Shallenberger ruled that the vote was unanimous in favor of the motion. **Approved with conditions.**

c. **Application No. 5-10-258 (Goodell, Huntington Beach) [POSTPONED]**

d. **Application No. 5-11-50 (Poleshuk, Newport Beach)** Staff recommended approval with conditions. [Blank out of the room for the vote.]

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

**Amending motion & vote:** Sanchez moved to add a new condition: The applicant will provide for the structure to be open to the public and provide appropriate signage if the City of Newport Beach has not built a public pier in the Grand Canal within one year, seconded by Stone and recommended a yes vote. The roll call vote was 8 in favor (Bochco, Brennan, Burke, Kinsey, McClure, Sanchez, Stone, Shallenberger) and 2 opposed (Bloom, Zimmer). **Approved.**

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

**LUNCH RECESS.** The Commission recessed for lunch at 1:00 p.m. and returned at 2:15 p.m.

e. **Application No. 5-11-64 (Yousefi, Laguna Beach)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

f. **Application No. 5-11-68 (Shea Homes, Huntington Beach)** Staff recommended approval with special conditions.

**Motion & vote:** Stone moved to approve pursuant to the staff recommendation and recommended a no vote, seconded by Sanchez. The roll call vote was 6 in opposition (Brennan, Kinsey, Sanchez, Stone, Zimmer, Shallenberger) and 5 in favor (Blank, Bloom, Bochco, Burke, McClure). **Denied.**

## SAN DIEGO DISTRICT

10. **DEPUTY DIRECTOR'S REPORT.** Deputy Director Sarb reported on permit waivers, emergency permits, immaterial amendments & extensions, LCP matters not requiring public hearings, and on comments from the public. There being no objection, Chair Shallenberger ruled concurrence.

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

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

a. **City of Carlsbad LCP Amendment No. 1-10A (Muroya).** Staff recommended approval of the Land Use Plan as submitted.

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

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

b. **City of Carlsbad LCP Amendment No. 2-11A (Reasonable Accommodations) and B (Proposition D/Cannon Road AG/OS Land) Time Extension.** Staff recommended approval of the time extension.

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

*[Bloom and Burke departed for the day]*

c. **City of Solana Beach LCP Land Use Plan. [POSTPONED]**

d. **City of Chula Vista LCP Amendment No. 1-11 (Bayfront Master Plan) Time Extension.** Staff recommended approval of the time extension.

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

- e. **Imperial Beach LCP Amendment No. IMB MAJ-1-11 (Medical Marijuana) 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 McClure. Chair Shallenberger ruled that the vote was unanimous in favor of the motion. **Approved.**

13. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 6-10-16 (Tu Casa HOA, Carlsbad) [POSTPONED]**

14. **PERMIT AMENDMENTS.**

- a. **Permit No. 6-08-100-A (1984 Abbott LLC, San Diego)** Staff recommended approval with conditions.

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

The Commission recessed for the day at 4:55 p.m.

FRIDAY, OCTOBER 7, 2011 pages 12 to 14

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order by Chair Shallenberger at 9:00 a.m.
2. **ROLL CALL.** Present: Chair Shallenberger, Vice Chair Stone, Blank, Bloom, Bochco, Brennan, Kinsey, McClure, Zimmer; Sanchez arrived at 9:03 a.m.; Non-voting present: Norvell. Absent: Burke, Mitchell.
3. **GENERAL PUBLIC COMMENT.** Members of the public address the Commission on various issues affecting the coast.

**ENERGY, OCEAN RESOURCES and FEDERAL CONSISTENCY**

4. **ENERGY, OCEAN RESOURCES and FEDERAL CONSISTENCY.** Mark Delaplaine reported on permit waivers, emergency permits, immaterial amendments & extensions, negative determinations, matters not requiring public hearings, and status report on offshore oil & gas exploration & development. There being no objection, Chair Shallenberger ruled that the Commission concurred.
5. **FEDERAL CONSISTENCY.**
  - a. **CC-006-11 (North County Transit District, San Diego Co.)** Staff recommended concurrence with the North County Transit District consistency certification. There being no objection, Chair Shallenberger ruled that the Commission concurred.
  - b. **CD-038-11 (National Marine Fisheries Service, Del Norte Co.)** Staff recommended that the Commission concur with the consistency determination.

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

## CENTRAL COAST DISTRICT

6. **DEPUTY DIRECTOR'S REPORT.** Executive 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 concurrence.
  - a. **Monterey County LCP Amendment MCO-MAJ-1-10 (Stevens Re-designation). Certification Review.** Staff recommended that the Commission concur with the Executive Director's determination. There being no objection, Chair Shallenberger ruled that the Commission concurred.
  
- 6.5. **LOCAL COASTAL PROGRAMS.**
  - a. **City of Pismo Beach LCP Amendment No. PSB-1-10 Part 1(Open Space Landscaping). Time Extension.** Staff recommended approval of the time extension.

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

## NORTH CENTRAL COAST DISTRICT

7. **DEPUTY DIRECTOR'S REPORT.** Deputy Director 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.
  
8. **CONSENT CALENDAR (removed from Regular Calendar).** None.
  
9. **COASTAL PERMIT APPLICATIONS.**
  - a. **Application No. 2-08-020 (AIMCO, Esplanade Avenue Apartments LLC, Pacifica)** Staff recommended approval with special conditions and added the following change:

First addendum, subsection 5 that proposes amendments to special condition 11 we would not strike the language that is shown stricken and not add the language that is shown added, but rather, change the language that is shown stricken in the addendum to the following:

**WITHIN SIX MONTHS OF COASTAL COMMISSION ACTION ON THIS CDP**

**APPLICATION**, or within such additional time as the Executive Director may grant for good cause, and unless an application to retain rock on property not owned by the applicant is submitted to the Coastal Commission for review, the permittee shall provide written evidence of the full consent of any underlying land owner of the proposed project, to the extent the construction activities approved herein include removal or alteration of rock on property not owned by the permittee.

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

**Amending motion:** Zimmer moved to require that no additional renovations be made to the property and recommended a yes vote, seconded by Bloom.

**Motion withdrawn.**

There being no old or new business, the meeting of the California Coastal Commission adjourned at 10:30 a.m.

Respectfully submitted,

Charles Lester  
Executive Director

