

CALIFORNIA COASTAL COMMISSION

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**W22**

DATE: November 22, 2011
TO: Coastal Commissioners
FROM: Charles Lester, Executive Director

SUBJECT: MINUTES of MEETING of NOVEMBER 2-4, 2011
Oceanside City Hall
300 North Coast Highway
Oceanside, CA 92054

WEDNESDAY, NOVEMBER 2, 2011

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order at 9:00 a.m. by Chair Shallenberger.
2. **ROLL CALL.** Present: Chair Shallenberger, Vice Chair Stone, Blank, Bloom, Bochco, Brennan, Burke, Kinsey, McClure, Kram(alternate), Sanchez, Zimmer.
3. **GENERAL PUBLIC COMMENT.** Members of the public addressed the Commission on various issues affecting the coast.

SOUTH COAST DISTRICT (Orange County)

4. **CONSENT CALENDAR.** Staff recommended approval of the consent calendar.
 - a. **Application No. 5-11-96 (Beach Front Investment, Newport Beach)**
 - b. **Application No. 5-11-179 (Cusumano, Newport Beach)**
 - c. **Application No. 5-11-189 (Gugasian, Newport Beach)**

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

ENERGY, OCEAN RESOURCES and FEDERAL CONSISTENCY

5. **ENERGY, OCEAN RESOURCES and FEDERAL CONSISTENCY.** Report by the District Manager Delaplaine 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.

[Bloom departed]

6. **FEDERAL CONSISTENCY.**

- a. **CD-047-90 (Navy, San Diego)** Staff recommended objection to the consistency determination.

Motion & vote: Sanchez moved to determine that the project is no longer consistent and recommended a yes vote, seconded by Stone. The roll call vote was 11 in favor (Blank, Bochco, Brennan, Burke, Kinsey, McClure, Kram, Sanchez, Stone, Zimmer, Shallenberger) and none opposed. **Found Objection.**

- b. **CD-029-11 (Army Corps, San Clemente)** [POSTPONED]

ENFORCEMENT

- 6.5. **ENFORCEMENT REPORT.** Report by Chief of Enforcement Haage on Statewide Enforcement Program.

CENTRAL COAST DISTRICT

7. **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 that the Commission concurred.

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

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

- a. **Santa Cruz County LCP Amendment No. SCO-1-11 Part 4 (Fences and Walls).**
Staff recommended denial as submitted and approval with suggested modifications.

Motion & vote: Stone moved to reject 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. **Certification denied.**

Motion & vote: Stone moved to certify the Land Use Plan if modified as suggested in the staff report and recommended a yes vote, seconded by Brennan. Chair Shallenberger ruled that the vote was unanimous in favor of the motion.
Approved with modifications.

- b. **San Luis Obispo County LCP Amendment No. 1-11 Part 1 (Shelters and Supportive Housing).** Staff recommended approval as submitted.

Motion & vote: Stone moved to certify the Land Use 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.**

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

NORTH CENTRAL COAST DISTRICT

10. **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 that the Commission concurred.

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

11.5. **NEW APPEALS.**

- a. **Appeal No. A-2-SON-11-37 (Bodega Bay Public Utilities District, Sonoma Co.)**
[POSTPONED]

12. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 2-11-34 (Joan Levin, Pacifica) [POSTPONED]**

SOUTH COAST DISTRICT (Orange County)

13. **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 Huntington Beach LCP Amendment No. HNB-MAJ-2-10 (Parkside). Certification Review.** Staff recommended concurrence with the Executive Director's determination. There being no objection, Chair Shallenberger ruled that the Commission concurred.

14. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved one item (16c) to the expanded consent calendar and recommended approval with conditions.

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

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

- a. **City of Dana Point LCP Amendment No. DPT-MAJ-2-10 (Del Obispo).** Staff recommended denial as submitted and approval with suggested modifications.

Motion & vote: Blank moved to continue and recommended a yes vote, seconded by Burke. The roll call vote was 6 in favor (Blank, Burke, Kinsey, McClure, Kram, Sanchez) and 5 opposed (Bochco, Brennan, Stone, Zimmer, Shallenberger). **Continued.**

[Shallenberger left the room]

- b. **City of Laguna Beach LCP Amendment No. LGB-MAJ-2-10 (7 Changes).** Staff recommended denial as submitted and approval with suggested modifications.

Motion & vote: Kinsey moved to reject the Implementation 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. **Certification denied.**

Motion & vote: Kinsey moved to certify the Implementation Plan if modified as suggested in the staff report 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.

[Bloom and Shallenberger returned]

16. **COASTAL PERMIT APPLICATIONS.**

a. **Application No. 5-10-168 (City of Newport Beach Sunset Ridge)** Staff recommended denial of the permit application.

Motion: Sanchez moved to approve and recommended a no vote, seconded by Bochco.

Amending motion & vote: Kram moved to adopt the applicant's Option B and recommended a yes vote. The roll call vote was 6 in favor (Blank, Bloom, Brennan, Burke, McClure, Kram) and 6 opposed (Bochco, Kinsey, Sanchez, Stone, Zimmer, Shallenberger). **Denied.**

Vote on main motion: Application withdrawn by applicant.

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

c. **Application No. 5-11-90 (County of Orange Sheriff's Department)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

STATEWIDE (Trailed to Friday's hearing)

17. **APPROVAL OF MINUTES.** The minutes of October 5-7, 2011 were approved with modifications.

18. **COMMISSIONERS' REPORTS.** Informational only.
19. **CONSERVANCY REPORT.** None.
20. **SANTA MONICA MOUNTAINS CONSERVANCY REPORT.** None.
21. **DEPUTY ATTORNEY GENERAL'S REPORT.** Informational only.
22. **EXECUTIVE DIRECTOR'S REPORT** including reports and possible Commission action on legislation and water quality. No action taken.

The Commission recessed for the day at 7:55 p.m.

THURSDAY, NOVEMBER 3, 2011 pages 7 to

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order at 8:00 a.m. by Chair Shallenberger.
2. **ROLL CALL.** Present: Chair Shallenberger, Vice Chair Stone, Blank, Bloom, Burke, McClure, Kram, Sanchez, Zimmer. Brennan arrived at 8:05, Bochco arrived at 8:20, Kinsey arrived at 8:35.
3. **GENERAL PUBLIC COMMENT.** Members of the public addressed the Commission on various issues affecting the coast.

SOUTH CENTRAL COAST DISTRICT

4. **CONSENT CALENDAR.** Staff recommended approval of the consent calendar.
 - a. **University of California Santa Barbara Notice of Impending Development De Minimis No. 5-11 (Southern California Edison Fuel Cell).**

Motion & vote: Stone moved to approve the consent calendar 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 with conditions.

SOUTH COAST DISTRICT (Los Angeles County)

5. **CONSENT CALENDAR.** Staff recommended approval of the consent calendar.
 - a. **Application No. 5-11-183 (Sarabrook Realty Advisors, Inc., Hermosa Beach)**
 - b. **Application No. 5-11-198 (Stewart, Venice)**

Motion & vote: Stone moved to approve the consent calendar 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 CENTRAL COAST DISTRICT

6. **DEPUTY DIRECTOR'S REPORT.** Deputy Director Ainsworth reported on permit waivers, emergency permits, immaterial amendments & extensions, LCP matters not requiring public hearings, and on comments from the public. There being no objection, Chair Shallenberger ruled that the Commission concurred.
7. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved one item (**8a**) to the expanded consent calendar and recommended approval with conditions.

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.**

8. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 4-11-004 (California State Parks, Malibu)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

SOUTH COAST DISTRICT (Los Angeles County)

9. **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.
10. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved one item (**12b**) to the expanded consent calendar and recommended approval with conditions.

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.**

LUNCH RECESS. The Commission recessed for lunch at 12:30 p.m. and returned at 1:15 p.m.

Report of Closed Session. In closed session, the Commission received litigation information in the matters of Catanzarite v. CCC, City & County of San Francisco v. CCC and City of Malibu v. CCC and Ramirez Canyon Preservation Fund v. CCC. In addition, the Commission received litigation information and advice and gave direction in the cases of Manchester Pacific Gateway v. CCC, Mariposa Land Trust v. CCC, and Security National Guaranty v. CCC.

11. LOCAL COASTAL PROGRAMS (LCPs)

[Items 11a, 11b and CDP 12a below will be a combined presentation.]

- a. **Marina del Rey Local Coastal Program Periodic Review.** [See item 11b]

- b. **Los Angeles County, Dept. of Regional Planning Marina Del Rey LCP Amendment No. MDR-MAJ-1-11.** Staff recommended denial as submitted and approval with suggested modifications. At the hearing staff incorporated the following: Special Condition 15: The County shall establish in the Slip Transition and Implementation Plan a procedure for accommodating boats under 30 feet in length desiring a location in Marina del Rey. Said procedure shall provide that any boater with a vessel 30 feet and under may request a slip from the County if said boater has been unable to find a slip in Marina del Rey. Upon such notification from the boater, the County shall cause the boater to be accommodated in any of the marinas subject to this permit which propose the loss of any slips under 30 feet. If the slip offered to the boater is larger than what would be necessary for a vessel of that size and under, the County shall cause that slip to be rented at the rate then prevailing for a slip accommodating a vessel of that size.

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

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

Amending motion & vote: Zimmer moved to add, in addition to maintaining the minimum slip mix in Figure 4 as modified by staff, the County shall not approve any CDP for renovation, replacement or reconstruction of existing anchorages which would result in a net loss of wet slips in the 25 to 35 foot range unless the reduction is directly attributable to mandatory ADA requirements or mandatory Department of Boating and Waterways safety requirements and unless the County requires replacement of existing double slips with flexible slip configurations that can continue to accommodate a variety of boat lengths with special attention to sailboats with fixed keels and recommended a yes vote, seconded by Bochco. **Motion withdrawn.**

Vote on main motion: The roll call vote was 11 in favor (Blank, Bloom, Bochco, Brennan, Burke, Kinsey, McClure, Kram, Stone, Zimmer, Shallenberger) and one opposed (Sanchez). **Approved with modifications.**

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

Motion & vote: Stone moved to certify the Implementation Plan if modified as suggested by staff and recommended a yes vote, seconded by McClure. The roll call vote was 11 in favor (Blank, Bloom, Bochco, Brennan, Burke, Kinsey, McClure, Kram, Stone, Zimmer, Shallenberger) and one opposed (Sanchez). **Approved with modifications.**

12. COASTAL PERMIT APPLICATIONS.

- a. **Application No. 5-11-131 (Los Angeles County Dept. of Beaches & Harbors, Marina Del Rey)** Staff recommended approval with conditions.

Motion & vote: Stone moved to approve pursuant to the staff recommendation and recommended a yes vote, seconded by McClure. The roll call vote was 11 in favor (Blank, Bloom, Bochco, Brennan, Burke, Kinsey, McClure, Kram, Stone, Zimmer, Shallenberger) and one opposed (Sanchez). **Approved with conditions.**

[Burke departed for the day]

b. **Application No. 5-10-278 (LCW Partners, LLC, Long Beach)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

c. **Application No. 5-11-125 (McCarthy and Singer, Pacific Palisades)** Staff recommended approval with special conditions.

Motion: Bochco moved to approve pursuant to the staff recommendation and recommended a no vote, seconded by Stone. **Continued at Applicant's request.**

STATEWIDE

13. **SONGS Mitigation Program.** Staff recommended approval of the mitigation program.

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.**

FRIDAY, NOVEMBER 4, 2011 pages 12 to

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

NORTH COAST DISTRICT

4. **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 that the Commission concurred.
 - a. **City of Crescent City LCP Amendment No. CRC-MAJ-1-03 (LCP update) - Certification Review.** Staff recommended concurrence with the Executive Director's determination. There being no objection, Chair Shallenberger ruled that the Commission concurred.
5. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved one time to the expanded consent calendar and 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.**

6. **COASTAL PERMIT APPLICATIONS.**
 - a. **Application No. 1-11-31 (California Department of Fish & Game, Del Norte Co.)**
Moved by staff to the expanded consent calendar. **Approved with conditions.**

SAN DIEGO COAST DISTRICT

7. **DEPUTY DIRECTOR'S REPORT.** 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, Chair Shallenberger ruled that the Commission concurred.

8. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved 3 items (**12a, 12b, 12c**) to the expanded consent calendar and 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.**

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

- a. **City of Encinitas LCP Amendment No. 2-10A (DESP Historic Preservation Overlay Zone) and B (Valet Parking).** Staff recommended approval as submitted.

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

- b. **City of San Diego LCP Amendment No. 3-11 (Voluntary Accessibility Program).** 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. Chair Shallenberger ruled that the vote was unanimous in favor of the motion. **Certification denied as submitted.**

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

- c. **City of San Diego LCP Amendment No. 4-11A (Community Gardens) and B (2006, 2007 and 2010 Amendments to Centre City) 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 Stone. Chair Shallenberger ruled that the vote was unanimous in favor of the motion. **Approved.**

10. **NEW APPEALS.**

- a. **Appeal No. A-6-CII-10-043 (Goetz, Carlsbad) [POSTPONED]**

11. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 6-11-60 (Haggar, Chula Vista)** Staff recommended approval with conditions.

Motion & vote: Sanchez moved to approve pursuant to the staff recommendation and recommended a yes vote, seconded by Brennan. The roll call vote was 5 in favor (Blank, Brennan, Sanchez, Stone, Shallenberger) and 4 opposed (Bochco, Kinsey, McClure, Zimmer). **Approved with conditions.**

12. **PERMIT AMENDMENTS.**

- a. **Permit No. F8945-A3 (Allison-Zongker, L.P., San Diego)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

- b. **Permit No. 6-98-86-A1 (Solana Beach Presbyterian Church, Solana Beach)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

- c. **Permit No. 6-04-29-A1 (22nd District Agricultural Assoc. San Diego)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

13. **REVISED FINDINGS.**

[Items 13a and 13b below share a single, combined staff report.]

- a. **Permit No. A-133-79-A5 (Kretowicz, San Diego)** Staff recommended approval of the revised findings.

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

- b. **Permit No. F6760-A6 (Kretowicz, San Diego)** Staff recommended approval of the revised findings.

Motion & vote: Sanchez moved to adopt the revised findings and recommended a yes vote, seconded by Bochco. Chair Shallenberger ruled 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 11:05 a.m.

Respectfully submitted,

Charles Lester
Executive Director