

CALIFORNIA COASTAL COMMISSION

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**W15**

DATE: January 21, 2011
TO: Coastal Commissioners
FROM: Peter M. Douglas, Executive Director

SUBJECT: **DRAFT MINUTES** of MEETING of JANUARY 12-14, 2011
Long Beach City Council Chambers
333 W. Ocean Street
Long Beach, CA 90802

WEDNESDAY, JANUARY 12, 2011 pages 1 to 4

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order at 10:00 a.m. by Chair Wan.
2. **ROLL CALL.** Present: Chair Wan, Vice Chair Sanchez, Allgood, Bloom, Burke, Mirkarimi, Mitchell, Reiss, Stone, Zanzi; Blank arrived at 11:00 a.m. Non-voting Present: Baird. Absent: Shallenberger.

STATEWIDE

3. **GENERAL PUBLIC COMMENT.** 11 Speakers submitted requests to address the Commission on various coastal issues that were not on the agenda.

REPORT OF CLOSED SESSION. REPORT OF CLOSED SESSION. In Closed Session, the Commission clarified its previous directions to staff of January 13, 2005, authorizing the Executive Director to execute an assignment of judgment to Kenneth and Paula Radosevich. The Commission confirmed that the Executive Director was authorized to enter into any further extensions of the termination date necessary to carry out the terms and conditions of the Temporary Assignment without further Commission authorization. In addition, to avoid any misunderstanding regarding the Commission's prior instructions regarding the Second Addendum, the Commission ratified to the extent necessary the execution of the "Second Addendum to Temporary Assignment of Judgment Lien Dated August 17, 2005."

SOUTH COAST DISTRICT (Orange County)

4. **CONSENT CALENDAR.** See item 4a on page 3 of the meeting notice. Staff recommended approval with conditions.

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

ENERGY, OCEAN RESOURCES and FEDERAL CONSISTENCY

5. **ENERGY, OCEAN RESOURCES and FEDERAL CONSISTENCY.** Deputy Director Sarb reported on matters not requiring a public hearing and on comments from the public.

SOUTH COAST DISTRICT

6. **DEPUTY DIRECTOR'S REPORT FOR ORANGE AND LOS ANGELES COUNTIES.** Deputy Director Sarb reported on matters not requiring a public hearing and on comments from the public.
 - a. **City of Laguna Beach LCP Amendment No. LGB-MAJ-3-08 (Certification Review).** Staff recommended concurrence with the Executive Director's determination. There being no objection, Chair Wan ruled concurrence. **Passed.**

SOUTH COAST DISTRICT (Orange County)

7. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved one item [9c] to the expanded consent calendar and recommended approval with conditions.

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

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

- a. **City of Laguna Beach LCP Amendment No. LGB-MAJ-4-10 (Lifeguard Headquarters)**. Staff recommended approval of the Land Use Plan as submitted.

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

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

- b. **City of Dana Point LCP Amendment No. DPT-MAJ-1-10 (Dana Point Harbor Revitalization IP)**. Staff recommended denial of the Implementation Plan as submitted and approval if modified as suggested.

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

Motion: Stone moved to certify the Implementation Plan if modified and recommended a yes vote, seconded by Sanchez.

Amending motion & vote: Sanchez moved that within a half mile of the harbor all new buildings of the harbor shall be consistent with the character of the community in architectural form, bulk, and height of the community which is defined as the harbor and recommended a yes vote, seconded by Mirkarimi. Chair Wan ruled that the vote was unanimous in favor of the motion. **Passed.**

Amending motion & vote: Allgood moved that for the purposes of public safety, Building 4 as discussed in this hearing, be allowed additional height with the condition that the top floor be used exclusively for public safety purposes and recommended a yes vote, seconded by Burke. Chair Wan ruled that the vote was unanimous in favor of the motion. **Passed.**

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

- c. **City of Laguna Beach Local Coastal Program Major Amendment No. 3-09A (Medical Dispensaries)**. Staff recommended approval as submitted.

Motion & vote: Sanchez moved to reject the Implementation Plan as submitted and recommended a no vote, seconded by Zanzi. The roll call vote was 5 in favor of the no vote (Bloom, Reiss, Sanchez, Zanzi, Wan) and 6 opposed (Allgood, Blank, Burke, Mirkarimi, Mitchell, Stone). **Denied.**

9. **COASTAL PERMIT APPLICATIONS.**

a. **Application No. 5-10-32 (Evensen, Corona Del Mar)** Staff recommended denial.

Motion & vote: Sanchez moved to approve and recommended a no vote, seconded by Mirkarimi. The roll call vote was 7 in favor of the no vote (Allgood, Bloom, Mirkarimi, Mitchell, Sanchez, Stone, Wan) and 3 opposed (Burke, Reiss, Zanzi). **Denied.**

b. **Application No. 5-10-110 (T- Mobile West Corp., Newport Beach)** **POSTPONED**

c. **Application No. 5-10-162 (City of Newport Beach, Harbor Resources Dept., Newport Beach)** Moved by staff to the expanded consent calendar. **Approved.**

STATEWIDE

10. **APPROVAL OF MINUTES.** None.

11. **COMMISSIONERS' REPORTS.** None.

12. **CONSERVANCY REPORT.** None.

13. **SANTA MONICA MOUNTAINS CONSERVANCY REPORT.** None.

14. **DEPUTY ATTORNEY GENERAL'S REPORT.** Informational only.

15. **EXECUTIVE DIRECTOR'S REPORT.** Informational only.

The Commission recessed for the day at 7:00 p.m.

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order at 9:00 a.m. by Chair Wan.
2. **ROLL CALL.** Present: Chair Wan, Vice Chair Sanchez, Allgood, Blank, Bloom, Burke, Mirkarimi, Mitchell, Reiss, Stone, Zanzi. Absent: Shallenberger.
3. **GENERAL PUBLIC COMMENT.** 13 Speakers submitted requests to address the Commission on various coastal related issues that were not on the agenda.

SOUTH COAST DISTRICT (Los Angeles County)

4. **ADMINISTRATIVE PERMIT APPLICATIONS.**
 - a. **Application No. 5-10-265 (Bratengen, Long Beach)** Staff recommended concurrence with the Executive Director's Determination. There being no objections, Chair Wan ruled that the Commission concurred.
5. **CONSENT CALENDAR.** See items **5 a-c** on page 6 of the meeting notice. Staff recommended approval with conditions.

MOTION & VOTE: SANCHEZ MOVED TO APPROVE AND RECOMMENDED A YES VOTE, SECONDED BY BLOOM. CHAIR WAN RULED THAT THE VOTE WAS UNANIMOUS IN FAVOR OF THE MOTION. PASSED.

SAN DIEGO DISTRICT

6. **CONSENT CALENDAR.** See items **6 a-d** on pages 6 and 7 of the meeting notice. Staff recommended approval with conditions.

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

SAN DIEGO DISTRICT

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

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

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

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

- a. **Carlsbad LCP Amendment No. 3-08 (HMP Implementation) 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 Bloom. Chair Wan ruled that the vote was unanimous in favor of the motion. **Passed.**

- b. **Carlsbad LCP Amendment No. 4-09C (Adult Business Ordinance).** Staff recommended approval as submitted.

Motion & vote: Sanchez moved to reject the Implementation Plan as submitted and recommended a no vote, seconded by Stone. Chair Wan ruled that the vote was unanimous in favor of the no vote. **Passed.**

- c. **Encinitas LCP Amendment No. 4-10 (Cardiff-by-the-Sea Specific Plan) 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 Zanzi. Chair Wan ruled that the vote was unanimous in favor of the motion. **Passed.**

10. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 6-10-37 (Solana Beach public beach access stair replacement)** Moved by staff to the expanded consent calendar. **Approved.**
- b. **Application No. 6-10-64 (Riviera Pacific, San Diego)** Staff recommended approval with special conditions.

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

11. **PERMIT AMENDMENTS.**

- a. **Permit No. F9010-A3 (All Creatures Hospital, Inc., San Diego)** Staff recommended approval with conditions.

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

SOUTH CENTRAL COAST DISTRICT

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

- a. **City of Ventura LCP Amendment No. SBV-MAJ-1-08 (Midtown Corridors Development Code) and No. SBV-MAJ-2-08 (Downtown Specific Plan) Certification Review.** Staff recommended the Commission concur with the Executive Director's determination. There being no objection, Chair Wan ruled that the Commission concurred.

13. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved 2 items (**15c, 15d**) expanded consent calendar and recommended approval with conditions.

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

14. **NOTICE OF IMPENDING DEVELOPMENT.**

- a. **UCSB Notice of Impending Development No. 3-10 (West Campus Bluffs Vernal Pool Enhancement Project)** Staff recommended approval.

Motion & vote: Bloom moved to determine the Notice of Impending Development is consistent with the Long Range Development Plan and recommended a yes vote, seconded by Reiss. Chair Wan ruled that the vote was unanimous in favor of the motion. **Passed.**

15. **COASTAL PERMIT APPLICATIONS.**

- a. **Appeal No. A-4-VNT-08-057 (Ventura County Harbor Dept.)** Staff recommended approval with conditions.

Motion & vote: Burke moved to approve per staff recommendation and recommended a yes vote, seconded by Reiss.

Amending motion: Burke moved to relocate proposed building east to the west end of the parking lot and recommended a yes vote, seconded by Mitchell. **MOTION WITHDRAWN.**

Vote on the main motion: The roll call vote was 10 in favor (Allgood, Blank, Bloom, Burke, Mirkarimi, Mitchell, Reiss, Stone, Zanzi, Wan) and one opposed (Sanchez). **Passed.**

- b. **Appeal No. A-4-VNT-08-100 (Ventura County Harbor Dept.)** Staff recommended approval with conditions.

Motion & vote: Mirkarimi moved to approve and recommended a yes vote, seconded by Zanzi. The roll call vote was 10 in favor (Allgood, Blank, Bloom, Burke, Mirkarimi, Mitchell, Reiss, Stone, Zanzi, Wan) and one opposed (Sanchez). **Passed**

- c. **Application No. 4-10-034 (Duong, Los Angeles Co.)** Moved by staff to the expanded consent calendar. **Approved.**

- d. **Application No. 4-10-067 (Hirsch, Los Angeles Co.)** Moved by staff to the expanded consent calendar. **Approved.**

SOUTH COAST DISTRICT (Los Angeles County)

- 16. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved item **18a** to the expanded consent calendar. The item was removed by the Commission and heard on the regular calendar.

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

- a. **City of Long Beach, LCP Amendment No. LOB-MAJ-2-10. Time Extension.** Staff recommended approval.

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

LUNCH RECESS. The Commission recessed for lunch at 12:00 p.m. and returned at 1:00 p.m.

- 18. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 5-10-211 (Grand Prix Association of Long Beach & City of Long Beach, Long Beach)** Staff recommended approval with conditions.

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

- b. **Application No. 5-10-263 (City of Long Beach, Marine Bureau, Long Beach)** Staff recommended approval with conditions.

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

Amending motion & vote: Burked motioned, with regards to 25-foot slips, if the 25-foot and 30-foot slips are full and there are waiting list for both sizes, the age of the waiting list (as defined by the date the first person went on the list) will be

reviewed. If the 25-foot waiting list is older than any 30-foot list, the City of Long Beach will rent 30-foot slips as they become vacant on a rotating basis from the 30-foot waiting list and the 25-foot waiting list, and shall charge the 25-foot vessel boater the normal 25-foot rate, until that 25-foot vessel can be placed in a vacant 25-foot slip and recommended a yes vote, seconded by Mitchell. [*This motion was withdrawn and incorporated as a condition of the permit*].

19. **PERMIT AMENDMENTS.**

- a. **Permit No. 5-91-286-A8 (City of Los Angeles Dept. of Public Works,)** Staff recommended approval with conditions.

Motion: Bloom moved to approve per staff and recommended a yes vote, seconded by Reiss.

Amending motion & vote: Blank moved to restrict the City from returning to the Commission for future sale of lots until there is documented progress and recommended a yes vote, seconded by Allgood. Chair Wan moved that the vote was unanimous in favor of the motion. **Passed.**

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

ENFORCEMENT

20. **ENFORCEMENT REPORT.** Andrew Willis of the Enforcement Staff reported on matters not requiring a public hearing and on comments from the public.

The Commission recessed for the day at 4:30 p.m.

FRIDAY, JANUARY 14, 2011 pages 11 to 13

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order at 9 a.m. by Chair Wan.
2. **ROLL CALL.** Present: Chair Wan, Vice Chair Sanchez, Blank, Bloom, Mirkarimi, Mitchell, Reiss, Stone, Zanzi. Absent: Allgood, Burke, Shallenberger.
3. **GENERAL PUBLIC COMMENT.** 11 speakers submitted request to address the Commission on various coastal related issues.

STATEWIDE

4. **Status Report on the LCP Program.** Senior Deputy Director Lester reported on the status of the Commission's LCP Program. No action taken.

NORTH CENTRAL COAST DISTRICT

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

CENTRAL COAST DISTRICT

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

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

- 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: Reiss moved to grant the time extension and recommended a yes vote, seconded by Bloom. Chair Wan ruled that the vote was unanimous in favor of the motion. **Passed.**

8. **NEW APPEALS.**

- a. **Appeal No. A-3-SLO-10-053 (San Luis Obispo Coastal Unified School District, San Luis Obispo Co.)** Staff recommended the Commission determine that the appeal **raises a Substantial Issue** and approval with conditions. There being no objection, Chair Wan ruled that the Commission **found substantial issue** and opened the hearing on the merits of the project.

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

- b. **Appeal No. A-3-SLO-10-054 (San Luis Obispo Coastal Unified School District, San Luis Obispo Co.)** Staff recommended the Commission determine that no substantial issue exists.

Motion & vote: Mirkarimi moved to determine that the appeal raised no substantial issue and recommended a yes vote, seconded by Reiss. The roll call vote was 8 in favor (Blank, Bloom, Mirkarimi, Mitchell, Reiss, Stone, Zanzi, Wan) and one opposed (Sanchez). **No Substantial Issue found.**

- c. **Appeal No. A-3-SLO-10-055 (San Luis Obispo Coastal Unified School District, San Luis Obispo Co.)** Staff recommended the Commission determine that no substantial issue exists.

Motion & vote: Mirkarimi moved to determine that the appeal raised no substantial issue and recommended a yes vote, seconded by Reiss. The roll call vote was 8 in favor (Blank, Bloom, Mirkarimi, Mitchell, Reiss, Stone, Zanzi, Wan) and one opposed (Sanchez). **No Substantial Issue found.**

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.

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

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

- a. **Humboldt County LCP Amendment No. HUM-MAJ-1-09 (New Heart Community Church). Certification Review.** Staff recommended the Commission concur with the Executive Director's determination. There being no objection, Chair Wan ruled that the Commission concurred.

12. **NEW APPEALS.**

- a. **Appeal No. A-1-MEN-10-39 (Hohnloser, Mendocino Co.)** Staff recommended the Commission first determine that the appeal **raised substantial issue** and then denial of the permit. There being no objection, Chair Wan ruled that the Commission **found substantial issue** and opened the hearing on the merits of the project.

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

13. **COASTAL PERMIT APPLICATIONS.**

- a. **Appeal No. A-1-MEN-09-9 (Moore, Mendocino Co.) [POSTPONED]**

There being no old or new business, the meeting of the California Coastal Commission adjourned at 10:50 a.m.

Respectfully,

Peter M. Douglas
Executive Director

