

CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE (415) 904-5200
FAX (415) 904-5400
TDD (415) 597-5885

**W26**

DATE: February 22, 2011
TO: Coastal Commissioners
FROM: Peter M. Douglas, Executive Director
SUBJECT: **DRAFT MINUTES** of MEETING of FEBRUARY 9-11, 2011
Chula Vista City Council Chambers
276 Fourth Avenue
Chula Vista, CA 91910

WEDNESDAY, FEBRUARY 9, 2011 pages 1 to 5

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, Gurney(alternate), Mitchell, Reiss, Shallenberger, Stone, Zanzi,. Burke arrived at 9:35 a.m.

STATEWIDE

3. **GENERAL PUBLIC COMMENT.** Members of the public addressed the Commission on various issues affecting the coastal zone.

SOUTH COAST DISTRICT (Los Angeles County)

4. **CONSENT CALENDAR.**
 - a. **Application No. 5-10-280 (City of Los Angeles, Department of Works, Bureau of Engineering)** Staff recommended approval with conditions.

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

SOUTH COAST DISTRICT (Orange County)

5. **ADMINISTRATIVE CALENDAR.** Staff recommended concurrence. There being no objection, Chair Wan ruled that the Commission concurred. **Approved.**
 - a. **Application No. 5-10-93 (Gaskill, Corona Del Mar)**
 - b. **Application No. 5-10-141 (Namson, San Clemente)**
 - c. **Application No. 5-10-203 (Behsai, Huntington Beach)**
 - d. **Application No. 5-10-237 (Washington Holdings, Dana Point)**

ENERGY, OCEAN RESOURCES and FEDERAL CONSISTENCY

6. **ENERGY, OCEAN RESOURCES and FEDERAL CONSISTENCY.** Deputy Director Dettmer 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 and recommended concurrence. There being no objection, Chair Wan ruled concurrence.
7. **NEW APPEALS.**
 - a. **Appeal No. A-2-MAR-11-007 (Nextera, Marin Co.) [POSTPONED]**
 - b. **Appeal No. A-2-MAR-11-008 (Nextera, Marin Co.) [POSTPONED]**
8. **CONDITION COMPLIANCE.**
 - a. **Condition Compliance for Permit No. E-06-013 (Poseidon Resources (Channelside), LLC, Carlsbad)** Staff recommended approval of the proposed plan.

Motion & vote: Sanchez moved to approve per staff recommendation and recommended a yes vote, seconded by Stone. Chair Wan ruled that the vote was unanimous in favor of the motion. **Passed.**
9. **FEDERAL CONSISTENCY.**
 - a. **CC-052-10 (San Diego Association of Governments (SANDAG), San Diego Co.)** Staff recommended concurrence.

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

b. **CD-061-10 (Corps of Engineers, Pismo Beach) [POSTPONED]**

c. **CD-063-10 (Bureau of Indian Affairs, Del Norte Co.) [POSTPONED]**

SOUTH COAST DISTRICT (Los Angeles County)

10. **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. Staff recommended that the Commission concur. There being no objection, Chair Wan ruled concurrence.

11. **NEW APPEALS.**

a. **Appeal No. A-5-VEN-10-281 (The Leader Camel Cheech, LLC, Los Angeles)**
Staff recommended the Commission determine that the appeal raised a substantial issue. There being no objection, Chair Wan ruled that the Commission **found substantial issue** and **continued** the matter to a future hearing.

SOUTH COAST DISTRICT (Orange County)

12. **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. Staff recommended that the Commission concur. There being no objection, Chair Wan ruled concurrence.

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

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

REPORT OF CLOSED SESSION. In the matter of Laguna Terrace Park LLC v. CCC the Commission received litigation information and advice from counsel.

13.5. **DISPUTE RESOLUTION.**

- a. **Dispute Resolution No. 5-11-12-EDD (Laguna Terrace Park LLC & Ohana Laguna Reef LLC, Laguna Beach)** Staff recommended the Commission uphold the Executive Director's determination.

Motion & vote: Mitchell moved to reject the Executive Director's determination and recommended a no vote, seconded by Shallenberger. Chair Wan ruled that the vote was unanimous in opposition to the motion. **EDD upheld.**

LUNCH RECESS. The Commission recessed for lunch at 12:00 p.m. and returned at 1:30 p.m.

14. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 5-10-12 (Manzo, Corona Del Mar) [POSTPONED]**
- b. **Application No. 5-10-107 (Williams, Laguna Beach)** Moved by staff to the expanded consent calendar. **Approved.**
- c. **Application No. 5-10-110 (T- Mobile West Corp., Newport Beach)** Staff recommended approval with conditions.

Motion & vote: Allgood moved to approve per staff and recommended a yes vote, seconded by Mitchell. The roll call vote was 10 in favor (Allgood, Blank, Bloom, Burke, Mitchell, Reiss, Shallenberger, Stone, Zanzi, Wan) and 2 opposed (Gurney, Sanchez). **Passed.**

- d. **Application No. 5-10-125 (Yeskin, Staver, Schneider, Fakouri & Grewe, San Clemente)** Staff recommended approval with conditions.

Motion: Allgood moved to continue the matter and recommended a yes vote, seconded by Burke. **Motion withdrawn.**

Motion: Allgood moved to approve per staff, seconded by (inaudible) recommended a no vote. **Application withdrawn by applicant.**

- e. **Application No. 5-11-011 (Shea Homes, Huntington Beach)** Staff recommended approval with conditions.

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

STATEWIDE

- 15. **APPROVAL OF MINUTES.** June 2010/January 2011

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

- 16. **COMMISSIONERS' REPORTS.** None.

- 17. **CONSERVANCY REPORT.** Informational only.

- 18. **SANTA MONICA MOUNTAINS CONSERVANCY REPORT.** None.

- 19. **DEPUTY ATTORNEY GENERAL'S REPORT.** Informational only.

- 20. **EXECUTIVE DIRECTOR'S REPORT** including reports and possible Commission action on legislation and water quality.

- a. **Public Education Grants.** Staff recommended approval of the proposed competitive grant awards from sales of the WHALE TAIL License Plate.

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.**

The Commission recessed for the day at 5:15 p.m.

THURSDAY, FEBRUARY 10, 2011 pages 6 to 10

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order at 9:03 a.m.
2. **ROLL CALL.** Present: Chair Wan, Vice Chair Sanchez, Allgood, Blank, Bloom, Burke, Mirkarimi, Mitchell, Reiss, Shallenberger, Stone, Zanzi.
3. **GENERAL PUBLIC COMMENT.** Members of the public addressed the Commission on various issues affecting the coastal zone.

SAN DIEGO DISTRICT

4. **ADMINISTRATIVE CALENDAR.**
 - a. **Application No. 6-10-96 (Galinson & Fantel, Solana Beach)** Staff recommended concurrence. There being no objection, Chair Wan ruled that the Commission concurred.

SOUTH CENTRAL COAST DISTRICT

5. **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. Staff recommended the Commission concur. There being no objection, Chair Wan ruled concurrence.
6. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved one item (9a) to the expanded consent calendar and recommended a yes vote.

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.**

7. **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: Reiss 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.**

8. **COASTAL PERMIT APPLICATIONS.**

Items 8a through 8f were POSTPONED.

- a. **Application No. 4-10-040 (Lunch Properties LLLP, Los Angeles Co.) [POSTPONED]**
- b. **Application No. 4-10-041 (Vera Properties LLLP, Los Angeles Co.) [POSTPONED]**
- c. **Application No. 4-10-042 (Mulryan Properties LLLP, Los Angeles Co.) [POSTPONED]**
- d. **Application No. 4-10-043 (Morleigh Properties LLLP, Los Angeles Co.) [POSTPONED]**
- e. **Application No. 4-10-044 (Ronan Properties LLLP, Los Angeles Co.) [POSTPONED]**
- f. **Application No. 4-10-045 (Mulryan Properties LLLP and Morleigh Properties LLLP, Los Angeles Co.) [POSTPONED]**

9. **PERMIT AMENDMENTS.**

- a. **Application No. 4-02-220-A1 (Markham, Los Angeles Co.)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

10. **REVOCAION.**

- a. **Revocation Request No. R-4-06-163 (Malibu Valley Farms, Inc., Santa Monica Mountains, Los Angeles Co.) [POSTPONED]**

ENFORCEMENT

11. **ENFORCEMENT REPORT.** Chief of Enforcement Haage reported on the Statewide Enforcement Program.

[Note: 11.1, 11.2 and 11.3 share a single combined staff report]

- 11.1. **Commission Consent Cease and Desist Order No. CCC-11-CD-01 (Soloway, Malibu, Los Angeles Co.)** Staff recommended approval of the Cease and Desist Order.

Motion & vote: Mirkarimi moved to issue the Cease and Desist Order per staff recommendation and recommended a yes vote, seconded by Allgood. Chair Wan ruled that the vote was unanimous in favor of the motion. **Passed.**

- 11.2. **Commission Consent Restoration Order No. CCC-11-RO-01 (Soloway, Malibu, Los Angeles Co.)** Staff recommended approval of the Restoration Order per staff recommendation and recommended a yes vote.

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

- 11.3. **Commission Consent Cease and Desist Order No. CCC-11-CD-02 (Davies, Malibu, Los Angeles Co.)** Staff recommended approval of the Cease and Desist Order.

Motion & vote: Mirkarimi moved to issue the Cease and Desist Order per staff recommendation and recommended a yes vote, seconded by Allgood. Chair Wan ruled that the vote was unanimous in favor of the motion. **Passed.**

SAN DIEGO DISTRICT

12. **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. Staff recommended the Commission concur. There being no objection, Chair Wan ruled concurrence.

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

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

- a. **City of San Diego LCP Amendment No. 2-10 (Pt. Loma Townhomes Resubmittal).** Staff recommended denial as submitted and approval with suggested modification.

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

Motion & vote: Bloom moved to certify the Land Use Plan if modified as suggested by staff and recommended a yes vote, seconded by Shallenberger. The roll call vote was 8 in favor (Allgood, Blank, Bloom, Mirkarimi, Mitchell, Reiss, Shallenberger, Stone) and 4 opposed (Burke, Sanchez, Zanzi, Wan). **Approved with modifications.**

LUNCH RECESS. The Commission recessed for lunch at 1:40 and returned at 3:00 p.m.

Report of Closed Session. In the matter of Yandow v. California Coastal Commission, the Commission received litigation information and advice.

15. **NEW APPEALS.**

- a. **Appeal No. A-6-ENC-09-50 (Westbridge Financial, Encinitas)** Staff recommended that the Commission determine **substantial issue exists**. 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: Sanchez moved to approve and recommended a no vote, seconded by Stone. Chair Wan ruled that the vote was unanimous in opposition to the motion. **Denied.**

16. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 6-10-41 (UCSD, San Diego)[POSTPONED]**

17. **PERMIT AMENDMENTS.**

[Note: 17a and 17b share a single combined staff report]

- a. **Permit No. F6760-A6 (Kretowicz, San Diego) POSTPONED**
- b. **Permit No. A-133-79-A5 (Kretowicz, San Diego) POSTPONED**

The Commission recessed for the day at 4:35 p.m.

FRIDAY, FEBRUARY 11, 2011 pages 11 to 15

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order at 9:00 a.m. by Vice Chair Sanchez.
2. **ROLL CALL.** Present: Vice Chair Sanchez, Allgood, Blank, Mirkarimi, Shallenberger, Stone, Zanzi. Mitchell and Reiss arrived at 9:08 a.m.; Bloom arrived at 9:10 a.m. Absent: Chair Wan, Burke.
3. **GENERAL PUBLIC COMMENT.** Members of the public addressed the Commission on various issues affecting the coastal zone.

NORTH CENTRAL COAST DISTRICT

4. **DEPUTY DIRECTOR'S REPORT.** Senior Deputy Director Lester reported on permit waivers, emergency permits, immaterial amendments & extensions, LCP matters not requiring a public hearing and on comments from the public. Staff recommended the Commission concur. There being no objection Vice Chair Sanchez ruled concurrence.

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

[Items 6a, 7a & 7b were heard as one single item]

6. **DISPUTE RESOLUTION.**

- a. **2-11-4-EDD (Mahon, San Mateo Co.)** Staff recommended that the Commission determine that the approved development requires a Coastal Development Permit and is Appealable to the California Coastal Commission.

Motion & vote: Mirkarimi moved to reject the Executive Director's Determination and recommended a no vote, seconded by Shallenberger. Vice Chair Sanchez ruled that the vote was unanimous in opposition to the motion. **EDD Upheld.**

7. **NEW APPEALS.**

- a. **Appeal No. A-2-SMC-11-1 (Mahon, San Mateo Co.) Substantial Issue found.**
- b. **Appeal No. A-2-SMC-11-3 (Mahon, San Mateo Co.) Substantial Issue found.**

Staff recommended that the Commission determine **substantial issue exists** with respect to **Appeal Nos. A-2-SMC-11-1** and **A-2-SMC-11-3**. There being no objection, Vice Chair Sanchez ruled that the Commission **found substantial issue** with respect to both appeals.

Motion & Vote: Mirkarimi moved to approve the Claim of Exemption Nos. A-2-SMC-11-1 and A-2-SMC-11-3 and recommended a no vote, seconded by Shallenberger. Vice Chair Sanchez ruled the vote was unanimous in opposition to the motion. **Claims denied.**

8. **COASTAL PERMIT APPLICATIONS.**

a. **Application No. 2-09-13 (Tomales Farm & Dairy LLC, Marin Co.) [POSTPONED]**

CENTRAL COAST DISTRICT

9. **DEPUTY DIRECTOR'S REPORT.** Senior Deputy Director Lester reported on permit waivers, emergency permits, immaterial amendments & extensions, LCP matters not requiring a public hearing and on comments from the public. Staff recommended the Commission concur. There being no objection Vice Chair Sanchez ruled concurrence.

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

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

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

a. **City of Capitola LCP Amendment No. CAP-1-10 Part 2 (Affordable Housing Overlay).** Staff recommended the Commission approve the Land Use Plan and the Implementation Plan as submitted.

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

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

- b. **City of Capitola LCP Amendment No. CAP-1-10 Part 3 (Mixed Uses).** Staff recommended approval of the Implementation Plan as submitted.

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

- c. **Santa Cruz County LCP Amendment Nos. SCO-2-10 Part 1 (Hoop Houses), Part 2 (Emergency Homeless Shelters), Part 3 (Public Agency Second Units), and Part 4 (Demolition Exclusion). Time Extension.** Staff recommended approval of the time extension.

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

12. COASTAL PERMIT APPLICATIONS.

- a. **Application No. 3-10-040 (City of Monterey Harbor District)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

13. PUBLIC WORKS PLAN.

- a. **Public Works Plan No. 8-09 (Soquel Union Elementary School District, Capitola) Time Extension.** Staff recommended approval of the time extension.

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

NORTH COAST DISTRICT

- 14. **DEPUTY DIRECTOR'S REPORT.** There were no waivers permit waivers, emergency permits, immaterial amendments & extensions, LCP matters to report.

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

16. **NEW APPEALS.**

- a. **Appeal No. A-1-MEN-11-001 (Bradley, Mendocino Co.)** Staff recommended that the Commission determine that a **substantial issue exists**. There being no objection, Vice Chair Sanchez ruled that the Commission **found substantial issue** and **continued** the matter to a future hearing. **Substantial Issue Found. Continued.**

17. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 1-10-35 (Crescent City Harbor District, Del Norte Co.)** Staff recommended approval with conditions.

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

SAN DIEGO DISTRICT

18. **CONSENT CALENDAR (removed from Regular Calendar)**. Staff moved one item (19a) to the expanded consent calendar and recommended approval with conditions.

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

19. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 6-10-85 (SeaWorld, San Diego)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

There being no old or new business, the meeting of the California Coastal Commission adjourned at 10:35 a.m.

Respectfully submitted,

Peter M. Douglas
Executive Director