

**CALIFORNIA COASTAL COMMISSION**

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**W26**

DATE: March 29, 2011  
TO: Coastal Commissioners  
FROM: Peter M. Douglas, Executive Director  
SUBJECT: **DRAFT MINUTES** of MEETING of MARCH 9-11, 2011  
Santa Cruz Board of Supervisors Chambers  
701 Ocean Street  
Santa Cruz, CA 95060

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**WEDNESDAY, MARCH 9, 2011 pages 1 to 9**

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, Allgood, Blank, Burke, Gurney(alternate), Mitchell, Reznik(alternate), Shallenberger, Stone. Bloom arrived at 9:20 a.m.
3. **GENERAL PUBLIC COMMENT.** Nine speakers addressed the Commission about various issues related to the coast.

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

4. **ADMINISTRATIVE CALENDAR.** Staff recommended that the Commission concur. There being no objection, Chair Wan ruled that the Commission concurred.
  - a. **Application No. 5-11-16 (Gath, Long Beach)**
5. **CONSENT CALENDAR.** Staff recommended approval with conditions.
  - a. **Application No. 5-10-146 (Jarvis, Santa Monica)**

b. **Application No. 5-10-275 (City of Redondo Beach)**

c. **Application No. 5-11-001 (Rudolph, Pacific Palisades)**

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

### **6. CONSENT CALENDAR.**

a. **Application No. 5-10-266 (Mazzo, Laguna Beach)** Staff recommended approval with conditions.

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

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

7. **DEPUTY DIRECTORS' REPORT FOR LOS ANGELES AND ORANGE COUNTIES.** 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 Wan ruled concurrence.

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

### **9. NEW APPEALS.**

a. **Appeal No. A-5-LGB-11-31 (Laguna Terrace Park, Orange Co.)** Staff recommended the Commission determine that the appeal raised **substantial issue** with respect to the grounds on which the appeal was filed. There being no objection, Chair Wan ruled that the Commission **found substantial issue** and **continued** the matter to a future hearing. **Substantial Issue Found.**

10. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 5-09-209 (Orange County Public Works, Huntington Beach)**  
Staff recommended approval with conditions.

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

- b. **Application No. 5-10-298 (AERIE, Newport Beach)** Staff recommended denial of the proposed water-side improvements and approval of the land-side improvements.

**Motion:** Blank moved to approve in part by adopting the resolution set forth in the staff report and recommended a yes vote, seconded by Burke.

**Motion & vote:** Blank moved to continue and recommended a yes vote, seconded by Burke. The roll call vote was 8 in favor (Allgood, Blank, Bloom, Burke, Gurney, Mitchell, Reznik, Wan) and 2 opposed (Shallenberger, Stone). **Continued.**

11. **PERMIT AMENDMENTS.**

- a. **Permit No. 5-05-459-A (Gertminian, Laguna Beach)** Staff recommended approval with conditions and added the condition to cap and make inactive the existing irrigation system.

**Motion & vote:** Allgood moved to approve pursuant to the staff recommendation with the addition of condition to cap and make inactive the existing irrigation system per applicant and recommended a yes vote, seconded by Bloom. Chair Wan ruled that the vote was unanimous in favor of the motion. **Passed.**

**Amendment approved with conditions.**

**LUNCH RECESS.** The Commission recessed for lunch at 12:15 p.m. and returned at 1:45 p.m.

## SAN DIEGO DISTRICT

12. **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 Wan ruled that the Commission concurred.
13. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved one item (16a) to the expanded consent calendar and recommended approval with conditions.

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

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

- a. **City of Carlsbad LCP Amendment No. 4-09A (Non-Conforming Buildings and Uses).** [WITHDRAWN]
- b. **City of Encinitas LCP Amendment No. 5-10 (Affordable Housing) Time Extension.** Staff recommended approval of the time extension.

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

- c. **City of Del Mar LCP Amendment No. 1-11 (Wetland Setbacks) Time Extension.** Staff recommended approval of the time extension.

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

- d. **City of San Diego LCP Amendment No. 3-10 (Mission Beach PDO Update) Time Extension.** Staff recommended approval of the time extension.

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

15. **NEW APPEALS.**

- a. **A-6-OCN-11-7 (Dillon, Oceanside, San Diego Co.)** Staff recommended the Commission determine **no substantial issue** exists with respect to the grounds on which the appeal has been filed.

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

16. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 6-10-67 (California State Parks Torrey Pines trail improvement, San Diego)** Moved by staff to the expanded consent calendar (item 13). **Approved with conditions.**
- b. **Application No. 6-10-84 (22nd District Agricultural Association, San Diego)**  
**POSTPONED**

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

17. **NEW APPEALS.**

- a. **Appeal No. A-5-PPL-11-28 (Dolbinski, Los Angeles Co.)** Staff recommended the Commission determine that a **substantial issue** exists with respect to the grounds on which the appeal was filed. There being no objection, Chair Wan ruled that the Commission **found substantial issue** and **continued** the matter to a future hearing. **Substantial Issue Found.**

18. **REVISED FINDINGS.**

- a. **Appeal No. A-5-LOB-10-15 (Loynes, LLC, Long Beach) [POSTPONED]**

## **SOUTH CENTRAL COAST DISTRICT**

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

20. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved 3 items (**22b, 22c, 22d**) to the expanded consent calendar and recommended approval with conditions.

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

21. **NEW APPEALS.**

- a. **Appeal No. A-4-STB-11-005 (Agua Azul Partnership, Santa Barbara Co.) [POSTPONED]**

22. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 4-10-005 (Third District Parklands LLC, Los Angeles Co.) [POSTPONED]**
- b. **Application No. 4-09-025 (BP West Coast Products, LLC, Los Angeles Co.)**  
Moved by staff to the expanded consent calendar (item **20**). **Approved with conditions.**
- c. **Application No. 4-09-037 (Anderson, Los Angeles Co.)** Moved by staff to the expanded consent calendar (item **20**). **Approved with conditions.**

- d. **Application No. 4-10-066 (City of Santa Barbara Waterfront Department)** Moved by staff to the expanded consent calendar (item 20). **Approved with conditions.**

## **ENERGY, OCEAN RESOURCES and FEDERAL CONSISTENCY**

- 23. **ENERGY, OCEAN RESOURCES and FEDERAL CONSISTENCY.** Deputy Director's report 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 was none to report.

- 24. **NEW APPEALS.**

- a. **Appeal No. A-2-MAR-11-007 (Nextera, Marin Co.)** Staff recommended that the Commission determine that a **substantial issue** exists with respect to the grounds on which the appeal was filed. There being no objection, Chair Wan ruled that the Commission **found substantial issue** and **continued** the matter to a future hearing. **Substantial issue found.**

- b. **Appeal No. A-2-MAR-11-008 (Nextera, Marin Co.)** Staff recommended that the Commission determine that a **substantial issue** exists with respect to the grounds on which the appeal was filed. There being no objection, Chair Wan ruled that the Commission **found substantial issue** and **continued** the matter to a future hearing. **Substantial issue found.**

- 25. **FEDERAL CONSISTENCY.**

- a. **CD-061-10 (Corps of Engineers, Pismo Beach)** Staff recommended that the Commission object to the Consistency Determination.

**Motion & vote:** Stone moved to concur with the consistency determination and recommended a no vote, seconded by Reznik. Chair Wan ruled that the vote was unanimous in objection to the motion. **Objected.**

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

## STATEWIDE

26. **APPROVAL OF MINUTES.** The minutes of February 9-11, 2011 were approved.

**Motion & vote:** Mitchell moved to approve, seconded by Allgood. Chair Wan ruled that the vote was 9 in favor of the motion (Allgood, Blank, Bloom, Burke, Gurney, Mitchell, Shallenberger, Stone, Wan) and 1 abstention (Reznik). **Passed.**

27. **COMMISSIONERS' REPORTS.** None to report.

28. **CONSERVANCY REPORT.** None to report.

29. **SANTA MONICA MOUNTAINS CONSERVANCY REPORT.** None to report.

30. **DEPUTY ATTORNEY GENERAL'S REPORT.** Trilled to Thursday's hearing. Informational only.

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

[The Legislative report was trilled to Thursday's hearing.]

**AB206 (Harkey). Coastal Resources: Fireworks displays.** Staff recommended opposition to the bill.

**Motion & vote:** Mitchell moved to oppose and recommended a yes vote, seconded by Allgood. The hand vote was unanimous in opposition to the bill.

**AB1112 (Huffman).** Staff recommended support of the bill.

**Motion & vote:** Allgood moved to support the bill and recommended a yes vote, seconded by Bloom. The hand vote was 8 in favor (Allgood, Bloom, Mirkarimi, Mitchell, Reznik, Shallenberger, Stone, Wan), one opposed (Burke) and one abstention (Blank).



**SB468 (Kehoe).** Staff recommended support of the bill.

**Motion & vote:** Allgood moved to support the bill and recommended a yes vote, seconded by Bloom. The hand vote was 8 in favor (Allgood, Bloom, Burke, Mirkarimi, Reznik, Shallenberger, Stone, Wan), 2 opposed (Blank, Mitchell).

**AB376 (Fong).** Staff recommended support of the bill.

**Motion & vote:** Bloom moved to support the bill and recommended a yes vote, seconded by Mirkarimi. The hand vote was unanimous in favor of the motion.

**SB588 (Evans).** Staff recommended support of the bill.

**Motion & vote:** Mirkarimi moved to support the bill and recommended a yes vote, seconded by Allgood. The hand vote was unanimous in favor of the motion.

a. **2012 Meeting Dates and Locations.** No action taken.

b. **Courier Service Contract.** Staff recommended approval.

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

c. **Briefings and/or Workshops Topics for Discussion.** The Commission discussed topics for future Commission briefings and/or workshops and gave the staff suggestions for briefings and/or workshops.

The Commission recessed for the day @ 5:00 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 Allgood, Burke, Mirkarimi, Mitchell, Reznik, Shallenberger, Stone. Bloom arrived at 9:02 a.m.; Blank arrived at 9:13 a.m.
3. **GENERAL PUBLIC COMMENT.** Members of the public addressed the Commission on various issues related to the coast.

## ENFORCEMENT

4. **ENFORCEMENT REPORT.** Chief of Enforcement Lisa Haage reported on Enforcements matters not on the hearing agenda.

## NORTH COAST DISTRICT

5. **ADMINISTRATIVE CALENDAR.**
  - a. **Application No. 1-11-002 (Shepherd, Humboldt Co.) [POSTPONED]**
6. **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 was none to report.
7. **LOCAL COASTAL PROGRAMS (LCPs)**
  - a. **Humboldt County LCP Amendment No. HUM-MAJ-1-08 (Samoa).** Staff recommended denial as submitted and approval if modified as suggested. As directed Commission, staff incorporated a modification relative to appealability that would specify the first public road and the appeal area cannot be changed with respect to the road system.

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

**Motion & vote:** Allgood moved to certify the Land Use Plan if modified as suggested pursuant to the staff recommendation and recommended a yes vote, seconded by Mirkarimi. Chair Wan ruled that the vote was unanimous in favor of the motion. **Passed.**

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

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

- b. **Humboldt County LCP Amendment No. HUM-MAJ-4-09**  
(Barry/Peterson/Chisum). [POSTPONED]

## **CENTRAL COAST DISTRICT**

- 8. **DEPUTY DIRECTOR'S REPORT.** Deputy Director Lester reported on permit waivers, emergency permits, immaterial amendments & extensions, LCP matters not requiring public hearings, and on comments from the public. Staff recommended concurrence. There being no objection, Chair Wan ruled that the Commission concurred.

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

- a. **City of Santa Cruz LCP Amendment STC-1-11 (La Bahia Hotel).** [POSTPONED]

**LUNCH RECESS.** The Commission recessed for lunch at 12:45 and returned at 2:00 p.m.

**Report of Closed Session.** In closed session, the Commission received legal information and advice in *Catanzarite v. City of Newport Beach*. In addition, received legal information and advice on recently filed litigation.

## STATEWIDE

### 10. EXECUTIVE DIRECTOR'S REPORT.

- a. **Commission Briefing.** Commission briefing and discussion on the topic of Single Economic Parcel Theory. Informational only. No action taken.

The Commission recessed for the day at 3:20 p.m.

**FRIDAY, MARCH 11, 2011 pages 13 to 16**

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, Blank, Bloom, Mirkarimi, Shallenberger, Stone. Allgood and Mitchell arrived at 9:01 a.m. Absent: Vice Chair Sanchez, Burke.
3. **GENERAL PUBLIC COMMENT.** Members of the public addressed the Commission on various issues related to the coast.

## **NORTH CENTRAL COAST DISTRICT**

4. **DEPUTY DIRECTOR'S REPORT.** Deputy Director Lester reported on permit waivers, emergency permits, immaterial amendments & extensions, LCP matters not requiring public hearings, and on comments from the public recommended that the Commission concur. There being no objection, Chair Wan ruled concurrence.
5. **CONSENT CALENDAR (removed from Regular Calendar).** None.

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

- a. **LCP Amendment No. HMB-MAJ-2-10-A (IDES Rezone).** Staff recommended approval as submitted.

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

**Motion & vote:** Stone moved to reject the Land Use Plan as submitted and recommended a no vote, seconded by Allgood. Chair Wan ruled that the vote was unanimous in opposition to the motion. **Passed.**

6.5. **NEW APPEALS.**

- a. **A-2-SMC-11-010 (Fitzgerald, )** Staff recommended the Commission determine that no substantial issue exists.

**Motion & vote:** Stone moved to determine that the appeal raised no substantial issue with respect to which the appeal was filed and recommended a yes vote, seconded by Blank. The roll call vote was 4 in favor (Blank, Bloom, Mitchell, Stone) and 4 opposed (Allgood, Mirkarimi, Shallenberger, Wan). **Motion failed.** Chair Wan ruled that the Commission **found substantial issue** and **continued** the matter to a future hearing. **Substantial Issue found.**

7. **COASTAL PERMIT APPLICATIONS.**

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

## **CENTRAL COAST DISTRICT**

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

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

- a. **City of Capitola LCP Amendment No. CAP-1-10 Part 1 (C-C District Standards). Time Extension Only.** Staff recommended approval of the time extension.

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

- b. **Santa Cruz County LCP Amendment No. SCO-2-10 Part 2 (Emergency Homeless Shelters).** Staff recommended approval as submitted.

**Motion & vote:** Stone moved to reject the Implementation Plan as submitted and recommended a no vote, seconded by Bloom. Chair Wan ruled that the vote was unanimous in opposition to the motion. **Motion to reject Implementation Plan denied. Implementation Plan amendment certified.**

- c. **Santa Cruz County LCP Amendment No. SCO-2-10 Part 3 (Public Agency Second Units).** Staff recommended concurrence. There being no objection, Chair Wan ruled that the Commission concurred.

10. **NEW APPEALS.**

- a. **Appeal No. A-3-MRB-11-001 (Morro Bay-Cayucos CSD, San Luis Obispo Co.)**  
Staff recommended that the Commission determine that a **substantial issue** exists with respect to the grounds on which the appeal was filed. There being no objection, Chair Wan ruled that the Commission **found substantial issue** and **continued** the matter to a future hearing. **Substantial issue found.**

- b. **Appeal No. A-3-SLO-10-039 (San Luis Obispo County Public Works Department)**  
Staff recommended the Commission determine that no substantial issue exists.

**Motion & vote:** Stone moved to determine that the appeal raised no substantial issue with respect to the grounds on which the appeal was filed and recommended a no vote, seconded by Bloom. The roll call vote was 6 in favor (Allgood, Blank, Bloom, Mirkarimi, Mitchell, Shallenberger) and 2 opposed (Stone, Wan). **No Substantial Issue found.**

11. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 3-10-061 (City of Santa Cruz & UCSC, Santa Cruz Co.)** Staff recommended approval with conditions.

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

12. **DISPUTE RESOLUTION.**

- a. **Permit No. 3-04-027-A2 (City of Pacific Grove, Monterey Co.) [WITHDRAWN]**

There being no old or new business, the Commission adjourned at 11:50 a.m.

Respectfully submitted

Peter M. Douglas  
Executive Director