

CALIFORNIA COASTAL COMMISSION

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**W14**

DATE: April 27, 2011
TO: Coastal Commissioners
FROM: Peter M. Douglas, Executive Director
SUBJECT: **DRAFT MINUTES** of MEETING of APRIL 13-14, 2011
Santa Barbara County Board of Supervisors Chambers
105 East Anapamu Street
Santa Barbara, CA 93101

WEDNESDAY, APRIL 13, 2011 pages 1 to 8

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, Blank, Burke, Caldwell (alternate), Stone, Vargas (alternate). Bloom arrived at 9:05; Mirkarimi and Mitchell arrived at 9:15 a.m. Absent: Allgood.
3. **GENERAL PUBLIC COMMENT.** Members of the public addressed the Commission on various coastal issues.

NORTH COAST DISTRICT

4. **ADMINISTRATIVE CALENDAR.** Staff recommended concurrence. There being no objection, Vice Chair Sanchez ruled that the Commission concurred.
 - a. **Application No. 1-11-2 (Shepherd, Humboldt Co.) Approved.**

SOUTH COAST DISTRICT (Orange County)

5. **ADMINISTRATIVE CALENDAR.** Staff recommended concurrence. There being no objection, Vice Chair Sanchez ruled that the Commission concurred.
 - a. **Application No. 5-10-69 (Steelberg, Newport Beach) Approved.**

- b. **Application No. 5-10-92 (Padova & Allen, Newport Beach) Approved.**
 - c. **Application No. 5-10-193 (Sutherlin, Newport Beach) Approved.**
 - d. **Application No. 5-11-009 (Argyros, Newport Beach) Approved.**
6. **CONSENT CALENDAR.** Staff recommended approval with conditions.
- a. **Application No. 5-10-100 (Walter & Anne Adams, Newport Beach)**

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

SAN DIEGO DISTRICT

7. **CONSENT CALENDAR.** Staff recommended approval with conditions.
- a. **Application No. 6-11-14 (San Elijo Lagoon Conservancy & San Diego County Parks)**

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

SOUTH COAST DISTRICT (Orange County)

8. **DEPUTY DIRECTOR'S REPORT FOR ORANGE COUNTY.** Deputy Director Sarb report on permit waivers, emergency permits, immaterial amendments & extensions, LCP matters not requiring public hearings, and on comments from the public. There being no objection, Vice Chair ruled the Commission concurred.
9. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved 3 items (**10b, 10c, 24a**) to the expanded consent calendar and recommended approval with conditions.

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

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

- a. **City Of Laguna Beach LCP Amendment No. LGB-MAJ-1-11 (Hazards & Nonconforming Structures & Other Title 25 Changes). Time Extension.** Staff recommended the Commission approve the time extension.

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

10. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 5-09-202 (Burg Family Trust, Newport Beach) [POSTPONED]**
- b. **Application No. 5-10-58 (Mahfood, San Clemente)** Moved by staff to the expanded consent calendar. **Approved with conditions.**
- c. **Application No. 5-10-282 (Clarke, Newport Beach)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

11. **REVISED FINDINGS.**

- a. **City of Dana Point LCP Amendment No. DPT-MAJ-1-10.** Staff recommended the Commission adopt the findings.

Motion & vote: Burke moved to adopt the findings per staff and recommended a yes vote, seconded by Bloom. The hand vote was 5 in favor (Blank, Bloom, Burke, Mirkarimi, Mitchell) and none opposed. **Passed.**

12. **RECONSIDERATION.**

- a. **Application No. 5-10-32-R (Evensen, Corona Del Mar)** Staff recommended denial of the request for reconsideration.

Motion & vote: Caldwell moved to approve the request for reconsideration and recommended a no vote, seconded by Mirkarimi. The roll call vote none in favor of the motion and 9 opposed (Blank, Bloom, Burke, Mirkarimi, Mitchell, Caldwell, Stone, Vargas, Vice Chair Sanchez). **Request denied.**

SAN DIEGO DISTRICT

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

14. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved one item (**17b**) to the expanded consent calendar and recommended approval with conditions.

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

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

- a. **City of Carlsbad LCP Amendment No. 3-10A (Inclusionary Housing) and B (Municipal Golf Course HMP Revisions) Time Extension.** Staff recommended approval of the time extension.

Motion & vote: Caldwell 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.**

- b. **City of Carlsbad LCP Amendment No 1-11 (Non-conforming Buildings and Uses Resubmittal) Time Extension.** Staff recommended approval of the time extension.

Motion & vote: Caldwell 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.**

16. **NEW APPEALS.**

- a. **Appeal No. A-6-PSD-11-6 (CCDC & San Diego Unified Port District, San Diego).** 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, Vice Chair Sanchez ruled that the Commission **found substantial issue** and **opened** the hearing on the merits of the project. **Substantial Issue Found.**

Motion & vote: Burke moved to approve per staff and recommended a yes vote, seconded by Sanchez. The roll call vote was 8 in favor (Blank, Bloom, Burke, Mirkarimi, Mitchell, Stone, Vargas, Sanchez) and one opposed (Caldwell). **Approved with conditions.**

LUNCH RECESS. The Commission recessed for lunch at 1:05 p.m. and returned at 2:30 p.m.

Report of CLOSED SESSION: In the matters of Bay Island Club v. California Coastal Commission and Catanzarite v. City of Newport Beach and California Coastal Commission, the Commission made decisions regarding the litigation; in the matters of Hyman et al v. California Coastal Commission, Malibu Colony Neighbors Alliance v. California Coastal Commission, and Save the Park v. California Coastal Commission, the Commission received advice and made decisions regarding litigation.

17. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 6-10-41 (UCSD, San Diego)** Staff recommended approval with conditions.

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

- b. **Application No. 6-10-89 (T-Mobile West Corp., San Diego Co.)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

NORTH COAST DISTRICT

- 18. **DEPUTY DIRECTOR'S REPORT.** Deputy Director Merrill reported and on comments from the public. There being no objection, Vice Chair Sanchez ruled the Commission concurred.
- 19. **CONSENT CALENDAR (removed from Regular Calendar).** None.
- 20. **LOCAL COASTAL PROGRAMS (LCPs)**
 - a. **Humboldt County LCP Amendment No. HUM-MAJ-4-09 (Barry/Peterson/Chisum).** [POSTPONED]
 - b. **County of Del Norte LCP Amendment No. DNC-MAJ-1-10 (Elk Valley Rancheria) Time Extension.** Staff recommended extension of the time limit.

Motion & vote: Mitchell moved to extend the time limit for no more than 3 months and recommended a yes vote, seconded by Blank. The roll call vote was 9 in favor (Blank, Bloom, Burke, Mirkarimi, Mitchell, Caldwell, Stone, Vargas, Sanchez) and none opposed. **Passed.**

- 21. **COASTAL PERMIT APPLICATIONS.**
 - a. **Application No. 1-07-18 (City of Arcata)** Staff recommended approval with conditions.

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

SOUTH COAST DISTRICT (Los Angeles County)

22. **DEPUTY DIRECTOR'S REPORT FOR LOS ANGELES COUNTY.** The Deputy Director's report for South Coast District - Los Angeles County was combined with the Deputy Director's report for South Coast District -Orange County. See item **W8**.

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

a. **City of Long Beach, LCP Amendment No. LOB-MAJ-02-10.** Staff recommended approval with suggested modifications.

Motion & vote: Caldwell moved to certify the Land Use 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. **Certification denied as submitted.**

Motion & vote: Caldwell moved to certify the Land Use Plan if modified as suggested and recommended a yes vote, seconded by Mirkarimi. Vice Chair Sanchez ruled that the vote was unanimous in favor of the motion. **Approved with modifications.**

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

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

b. **City of Long Beach, LCP Amendment No. LOB-MAJ-01-10. [POSTPONED]**

24. **COASTAL PERMIT APPLICATIONS.**

a. **Application No. 5-10-295 (Covespring Partners, LLC, Playa del Rey, Los Angeles Co.)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

25. **PERMIT AMENDMENTS.**

- a. **Permit No. 5-95-55-A11 (City of Long Beach)** This item was combined with Item **W23a** and **approved with conditions.**

STATEWIDE

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

Motion & vote: Burke moved to approve the minutes and recommended a yes vote, seconded by Mitchell. The vote was 7 in favor (Blank, Bloom, Burke, Mirkarimi, Mitchell, Stone, Sanchez) and 2 abstentions (Caldwell, Vargas). **Approved.**

27. **COMMISSIONERS' REPORTS.** None.

28. **CONSERVANCY REPORT.** None.

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

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

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

- a. **2012 Meeting Dates and Locations. (This item was trailed and heard on Thursday, April 14, 2011).** Staff recommended approval of the meeting dates.

Motion & vote: Stone moved to approve the 2012 meeting dates and locations and recommended a yes vote, seconded by Vargas. Vice Chair Sanchez ruled that the vote was unanimous in favor of the motion. **Passed.**

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

THURSDAY, APRIL 14, 2011 pages 9 to 14

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, Bloom, Burke, Mirkarimi, Mitchell, Caldwell (alternate), Stone, Vargas (alternate); Blank arrived at 9:02 a.m. Absent: Allgood.

SOUTH CENTRAL COAST DISTRICT

3. **CONSENT CALENDAR.**
 - a. **Notice of Impending Development De Minimis No. 6-10 (UC Santa Barbara (Robertson Field Turf Expansion Project, Santa Barbara Co.)** Staff recommended approval with conditions.

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

ENERGY, OCEAN RESOURCES and FEDERAL CONSISTENCY

4. **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. There being no objection, Vice Chair Sanchez ruled that the Commission concurred.

5. **COASTAL PERMIT APPLICATIONS.**
 - a. **Application No. E-11-002 (City of Goleta, Santa Barbara Co.)** Staff recommended approval with conditions.

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

6. **FEDERAL CONSISTENCY.**

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

NORTH CENTRAL COAST DISTRICT

7. **DEPUTY DIRECTOR'S REPORT.** Deputy Director Lester on permit waivers, emergency permits, immaterial amendments & extensions, LCP matters not requiring public hearings, and on comments from the public. There being no objection, Vice Chair Sanchez ruled that the Commission concurred.

CENTRAL COAST DISTRICT

8. **DEPUTY DIRECTOR'S REPORT.** Deputy Director Lester reported and on comments from the public. There being no objection, Vice Chair Sanchez ruled that the Commission concurred.

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

- a. **City of Pismo Beach LCP Amendment No. PSB-1-10 Part 1 (Open Space Landscaping).** Staff recommended approval of the Implementation Plan if modified as suggested.

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

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

- b. **City of Santa Cruz LCP Amendment STC-1-11 (La Bahia Hotel). Time Extension Only.** Staff recommended approval of the time extension.

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

c. **San Luis Obispo County LCP Amendment No. SLO-MAJ-2-09 Part 2 (Inclusionary Housing). Certification Review.** Staff recommended concurrence with the Executive Director's determination. There being no objection, Vice Chair Sanchez ruled that the Commission concurred.

d. **San Luis Obispo County LCP Amendment No. SLO-3-09 (Framework for Planning Update). Certification Review.** Staff recommended concurrence with the Executive Director's determination. There being no objection, Vice Chair Sanchez ruled that the Commission concurred.

10. **PUBLIC WORKS PLANS (PWP's)**

a. **Opal Cliffs Public Works Plan (PWP 8-09) (Soquel Union Elementary School District, Capitola).** Staff recommended approval as submitted.

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

Motion & vote: Stone moved to determine that the development is consistent with the Public Works Plan and recommended a yes vote. Vice Chair Sanchez ruled that the vote was unanimous in favor of the motion. **Passed.**

11. **NEW APPEALS.**

a. **Appeal No. A-3-MRB-11-010 (San Luis Coastal Unified School District, San Luis Obispo 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, Vice Chair Sanchez ruled that the Commission **found substantial issue** and **opened** the hearing on the merits of the project. **Substantial Issue Found.**

Motion & vote: Mitchell moved to approve per staff recommendation and recommended a yes vote, seconded by Bloom. Vice Chair Sanchez 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 and on comments from the public. There being no objection, Vice Chair Sanchez ruled that the Commission concurred.
13. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved one item (15a) to the expanded consent calendar and recommended approval with conditions.

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

14. **LOCAL COASTAL PROGRAMS (LCPs)**
 - a. **City of Malibu Local Coastal Program Amendment No. 3-09 (TDC Program) Certification Review.** Staff recommended concurrence with the Executive Director's determination. There being no objection, Vice Chair Sanchez ruled that the Commission concurred.
15. **COASTAL PERMIT APPLICATIONS.**
 - a. **Application No. 4-09-047 (Los Angeles County Dept. of Public Works)** Moved by staff to the expanded consent calendar. **Approved with conditions.**
 - b. **Application No. 4-10-097 (Bailey, Los Angeles Co.)** Staff recommended approval with conditions.

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

16. **REVOCAION.**

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

ENFORCEMENT

17. **ENFORCEMENT REPORT.** Report by Chief of Enforcement on Statewide Enforcement Program.

- 17.3. **Consent Cease and Desist Order No. CCC-11-CD-03 (Newport Banning Ranch – Orange County) Staff** recommended that the Commission issue the Consent Cease & Desist Order.

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

- 17.5. **Consent Restoration Order No. CCC-11-RO-02 (Newport Banning Ranch –Orange County) Staff** recommended the Commission issue the Restoration Order.

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

18. **GENERAL PUBLIC COMMENT.** Members of the public addressed the Commission on various issues related to the coast.

There being no old or new business, the meeting of the California Coastal Commission adjourned at 12:50 p.m.

Respectfully submitted,

Peter M. Douglas
Executive Director