CALIFORNIA COASTAL COMMISSION

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



W11

- DATE: July 1, 2011
- TO: Coastal Commissioners
- FROM: Peter M. Douglas, Executive Director
- SUBJECT: **DRAFT** MINUTES of MEETING of JUNE 15-17, 2011 Marina del Rey Hotel 13534 Bali Way Marina del Rey, CA 90292

WEDNESDAY, JUNE 15, 2011 pages 1 to 6

- 1. **CALL TO ORDER**. The meeting of the California Coastal Commission was called to order at 8:00 a.m. by Vice Chair Sanchez.
- 2. **ROLL CALL**. Wickett (alternate), Bloom, Bochco, Brennan, Gurney(alternate), McClure, Mitchell, Sanchez ,Shallenberger, Stone, Zimmer. Parker(alternate) arrived at 9:00 a.m.)

STATEWIDE

- 3. **ELECTION OF OFFICERS**. Shallenberger was nominated for the position of Chair. Stone was nominated for the position of Vice Chair. Shallenberger and Stone were elected by acclamation.
- 4. **COASTAL ACT OVERVIEW.** Deputy Director Lester and Deputy Director Ainsworth briefed the Commission.
- 5. **GENERAL PUBLIC COMMENT**. Members of the public addressed the Commission on various issues related to the coast.

SOUTH COAST DISTRICT (Orange County)

- 6. CONSENT CALENDAR
 - a. Application No. 5-11-2 (Pritt, Newport Beach) Staff recommended approval

with conditions.

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

SOUTH COAST DISTRICT (Orange County)

- 7. **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.
- 8. **CONSENT CALENDAR (removed from Regular Calendar)**. Staff moved 3 items (10b, 10d, 11a) 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 Shallenberger ruled that the vote was unanimous in favor of the motion. **Approved with conditions.**

9. LOCAL COASTAL PROGRAMS (LCPs)

a. City of Newport Beach LCP Amendment No. NPB-MAJ-1-10 (Beauchamp, Newport Beach). Staff recommended approval as submitted.

Motion & vote: Sanchez moved to certify 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. **Certified as submitted**.

b. City of Huntington Beach LCP Amendment No. HNB-MAJ-1-10 (Downtown Specific Plan Update). Staff recommended denial as submitted and approval with suggested modifications.

9.5. **NEW APPEALS**.

- a. Appeal No. A-5-LGB-11-134 (Mihaylo, Laguna Beach) [POSTPONED]
- 10. COASTAL PERMIT APPLICATIONS.
 - a. Application No. 5-09-202 (Irving X. & Eleanor J. Burg, Burg Family Trust, Newport Beach) Staff recommended approval with conditions.

DRAFT Meeting Minutes June 15-17, 2011 **Motion & vote**: Sanchez moved to approve per staff and recommended a yes vote, seconded by Brennan. Chair Shallenberger ruled that the vote was unanimous in favor of the motion. **Approved with conditions**.

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

LUNCH RECESS. The Commission recessed for lunch at 12:30 p.m. and returned at 2:00 p.m.

Report of Closed Session. In closed session, the Commission received litigation advice in the matter of Kretowicz v. California Coastal Commission.

- b. Application No. 5-10-293 (Edward W. Cook III Family Trust, Newport Beach) Moved by staff to the expanded consent calendar. Approved with conditions.
- c. **Application No. 5-10-298 (Advanced Group 99-D (Aerie)**, Newport Beach) Staff recommended approval with conditions.

Motion & vote: Sanchez moved to approve per staff and recommended a yes vote, seconded by Brennan. The roll call vote was unanimous in favor of the motion (Voting yes: Wickett, Bloom, Bochco, Brennan, Parker, Gurney, McClure, Mitchell, Sanchez, Stone, Zimmer, Shallenberger). **Approved with conditions.**

- d. Application No. 5-11-006 (Orange County Parks, Dana Point) Moved by staff to the expanded consent calendar. Approved with conditions.
- e. Application No. 5-11-19 (Roger & Cathie Hogan, Newport Beach) [POSTPONED]
- f. Application No. 5-11-050 (Poleshuk, Newport Beach) [POSTPONED]
- g. Application No. 5-11-64 (Yousefi, Laguna Beach) [POSTPONED]

11. **PERMIT AMENDMENTS**.

a. Permit No. 5-10-212-A1 (Laguna Broadway LLC, Laguna Beach) Moved by staff to the expanded consent calendar. Approved with conditions.

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. There being no objection, Chair Shallenberger ruled that the Commission concurred.
- CONSENT CALENDAR (removed from Regular Calendar). Staff moved 2 items (15a, 15c) 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 Brennan. Chair Shallenberger ruled that the vote was unanimous in favor of the motion. **Approved with conditions.**

14. NEW APPEALS.

- a. Appeal No. A-6-CII-10-44 (Ocean Park Estates, Carlsbad) Staff recommended that the Commission determine that the appeal raised no substantial issue.
 Motion & vote: Sanchez moved to determine that no substantial issue exists with respect to the grounds in which the appeal was filed and recommended a yes vote, seconded by Bloom. The roll call vote was 11 in favor (Wickett, Bloom, Bochco, Parker, Gurney, McClure, Mitchell, Sanchez, Stone, Zimmer, Shallenberger) and one opposed (Brennan). No substantial issue found.
- b. **Appeal No. A-6-OCN-11-28 (Stensrud**, Oceanside) Staff recommended that the Commission determine that the appeal raised no substantial issue.

Motion & vote: Mitchell moved to determine that no substantial issue exists with respect to the grounds on which the appeal was filed and recommended a yes vote, seconded by Wickett. The roll call vote was 11 in favor (Wickett, Bloom, Bochco, Brennan, Parker, Gurney, McClure, Mitchell, Stone, Zimmer, Shallenberger) and one opposed (Sanchez). **No substantial issue found**.

15. COASTAL PERMIT APPLICATIONS.

- a. Application No. 6-10-031 (Dept. of Boating & Waterways, Coronado) Moved by staff to the expanded consent calendar. Approved with conditions.
- b. Application No. 6-10-084 (22nd District Agricultural Assoc., San Diego) Staff recommended approval with conditions.

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

- c. Application No. 6-11-009 (City of San Diego emergency pipeline repair) Moved by staff to the expanded consent calendar. Approved with conditions.
- d. **Application No. 6-11-018 (SANDAG**, San Diego Co.) Staff recommended approval with conditions.

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

16. **PERMIT AMENDMENTS**.

(Items 16a and 16b, 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]
- c. **Permit No. 6-88-464-A2 (Lynch & Frick**, Encinitas) Staff recommended approval with conditions.

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

17. **DISPUTE RESOLUTION**.

a. **Permit No. 6-11-34-EDD (Schmidt & Whaler's Rest HOA, et.al.**, Imperial Beach) Staff recommended that the Commission concur with the Executive Director and determine that the proposed development requires a permit.

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

STATEWIDE

- 18. APPROVAL OF MINUTES. Minutes of May 11-13, 2011. Approved.
- 19. COMMISSIONERS' REPORTS. none
- 20. CONSERVANCY REPORT. None.
- 21. SANTA MONICA MOUNTAINS CONSERVANCY REPORT. None.
- 22. **DEPUTY ATTORNEY GENERAL'S REPORT**. Informational only.
- 23. **EXECUTIVE DIRECTOR'S REPORT** including reports and possible Commission action on legislation and water quality.

The Commission recessed for the day at 9:40 pm.

THURSDAY, JUNE 16, 2011 pages 7 to 13

- 1. **CALL TO ORDER**. The meeting of the California Coastal Commission was called to order by Chair Shallenberger at 8:05 a.m.
- 2. **ROLL CALL**. Present: Chair Shallenberger, Vice Chair Stone, Wickett (alternate), Bochco, Brennan, Gurney, McClure, Mitchell, Reznik, Zimmer. Burke arrived at 8:30 a.m.; O'Connor arrived at 9:00 a.m.
- 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. There being no objection, Chair Shallenberger ruled that the Commission concurred.
- 5. CONSENT CALENDAR (removed from Regular Calendar). None.

6. LOCAL COASTAL PROGRAMS (LCPs).

a. City of Half Moon Bay LCP Amendment No. HMB-MAJ-1-009. Time Extension. Staff recommended approval of the time extension.

Motion & vote: Stone moved to grant the 1 year time extension and recommended a yes vote, seconded by Brennan. Chair Shallenberger ruled that the vote was unanimous in favor of the motion. **Approved.**

CENTRAL COAST DISTRICT

- 7. **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. There being no objection, Chair Shallenberger ruled that the Commission concurred.
- 8. **CONSENT CALENDAR (removed from Regular Calendar)**. Staff moved one item [**10a**] to the expanded consent calendar and recommended approval with conditions.

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

9. LOCAL COASTAL PROGRAMS (LCPs)

a. Monterey County LCP Amendment Number MCO-1-10 (Stevens Rezone). Staff recommended denial as submitted and approval with suggested modifications.

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

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

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

10. COASTAL PERMIT APPLICATIONS.

- a. Application No. 3-10-036 (Imani, Morro Bay) Moved by staff to the expanded consent calendar. Approved with conditions.
- b. Application No. 3-10-056 (City of Morro Bay (State Park Marina) Staff recommended approval with conditions.

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

c. Application No. 3-11-027 (City of Santa Cruz Beach Management Plan) Staff recommended approval with conditions.

Motion & vote: Stone moved to approve per staff 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

- 11. **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.
- 12. CONSENT CALENDAR (removed from Regular Calendar). Staff moved 2 items [13a, 13b] to the expanded consent calendar and recommended approval with conditions.

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

13. COASTAL PERMIT APPLICATIONS.

- a. Application No. 4-10-093 (Walter E. Miller Trust, Los Angeles Co.) Moved by staff to the expanded consent calendar. Approved with conditions.
- b. Application No. 4-10-109 (City of Santa Barbara Waterfront Department, Santa Barbara Co.) Moved by staff to the expanded consent calendar. Approved with conditions.

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

Report of Closed Session. In closed session, the Commission discussed a proposed settlement in the matter of Ackerberg v. CCC and received litigation information and advice in the matters of Wetland Defense Fund v. CCC and Manchester Gateway v. CCC.

c. **Application No. 4-10-040 (Lunch Properties LLLP**, Los Angeles Co.) Staff recommended denial of the permit.

Motion & vote: Burke moved to continue and recommended a yes vote, seconded by McClure. The roll call vote was 1 in favor (McClure) and 11 opposed (Wickett, O'Connor, Bochco, Brennan, Burke, Gurney, Mitchell, Reznik, Stone, Zimmer, Shallenberger). Failed.

Motion & vote: Stone moved to approve and recommended a no vote, seconded by Reznik. The roll call vote was 4 in favor (Brennan, Burke, McClure, Mitchell) and 8 opposed (Wickett, O'Connor, Bochco, Gurney, Reznik, Stone, Zimmer, Shallenberger) **Denied**.

d. Application No. 4-10-041 (Vera Properties LLLP, Los Angeles Co.) Staff recommended denial of the permit.

Motion & vote: Stone moved to approve and recommended a no vote, seconded by Reznik. The roll call vote was 4 in favor (Brennan, Burke, McClure, Mitchell) and 8 opposed (Wickett, O'Connor, Bochco, Gurney, Reznik, Stone, Zimmer, Shallenberger) **Denied**.

e. Application No. 4-10-042 (Mulryan Properties LLLP, Los Angeles Co.) Staff recommended denial of the permit.

Motion & vote: Stone moved to approve and recommended a no vote, seconded by Reznik. The roll call vote was 4 in favor (Brennan, Burke, McClure, Mitchell) and 8 opposed (Wickett, O'Connor, Bochco, Gurney, Reznik, Stone, Zimmer, Shallenberger) **Denied**.

- f. Application No. 4-10-043 (Morleigh Properties LLLP, Los Angeles Co.) [WITHDRAWN BY APPLICANT]
- g. Application No. 4-10-044 (Ronan Properties LLLP, Los Angeles Co.) Staff recommended denial of the permit.

Motion & vote: Stone moved to approve and recommended a no vote, seconded by Reznik. The roll call vote was 4 in favor (Brennan, Burke, McClure, Mitchell) and 8 opposed (Wickett, O'Connor, Bochco, Gurney, Reznik, Stone, Zimmer, Shallenberger) **Denied**.

h. Application No. 4-10-045 (Mulryan Properties LLLP and Morleigh Properties LLLP, Los Angeles Co.) Staff recommended denial of the permit.

Motion & vote: Stone moved to approve and recommended a no vote, seconded by Reznik. The roll call vote was 4 in favor (Brennan, Burke, McClure, Mitchell) and 8 opposed (Wickett, O'Connor, Bochco, Gurney, Reznik, Stone, Zimmer, Shallenberger) **Denied**.

[Stone & Wickett left for the day]

14. **REVOCATION**.

a. **Revocation Request No. R-4-06-163 (Malibu Valley Farms, Inc.**, Santa Monica Mountains, Los Angeles Co.) Staff recommended denial of the request for revocation.

Motion & vote: Burke moved to grant revocation and recommended a no vote, seconded by McClure. Chair Shallenberger ruled that the vote was unanimous in opposition to the motion. **Revocation denied**.

[Burke left for the day; Stewart (alternate) arrived]

15. PUBLIC WORKS PLAN.

a. Ventura County Channel Islands Harbor Public Works Plan Notice of Impending Development No. 1-11 (Peninsula Yacht Anchorage Marina). [POSTPONED]

SOUTH COAST DISTRICT (Los Angeles County)

- 16. **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.
- 17. CONSENT CALENDAR (removed from Regular Calendar). None.

18. LOCAL COASTAL PROGRAMS (LCPs)

a. City of Long Beach, Department of Development Services LCP Amendment No. LOB-MAJ-01-10 (Golden Shore Master Plan). Staff recommended denial as submitted and approval with suggested modifications.

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

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

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

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

b. Port of Los Angeles Master Plan Amendment No. PLA-MAJ-26-11 (Port Master Plan Amendment No. 26). Staff recommended approval as submitted.

Motion & vote: Brennan moved to certify 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.

19. NEW APPEALS.

a. Appeal No. A-5-RPV-10-2 (Brian & Jenifer Conroy, Rancho Palos Verdes) Staff recommended the Commission find that substantial issue exists with respect to the grounds in which the appeal was filed. There being no objection, Chair Shallenberger ruled that the Commission found substantial issue and continued the matter to a future hearing. Substantial Issue found.

NORTH COAST DISTRICT

20. NEW APPEALS.

a. Appeal No. A-1-DNC-11-19 (California Department of Transportation (Caltrans), Del Norte Co.) [POSTPONED]

The Commission recessed for the day at 9:08 p.m.

FRIDAY, JUNE 17, 2011 pages 14 to 16

- 1. **CALL TO ORDER**. The meeting of the California Coastal Commission was called to order at 9:03 a.m. by Chair Shallenberger.
- ROLL CALL. Present: Chair Shallenberger, Bloom, Bochco, Burke, Gurney(alternate), McClure, Reznik, Stewart (alternate), Zimmer. Absent: Blank. Brennan arrived at 9:05; Mitchell arrived at 9:25.
- 3. **GENERAL PUBLIC COMMENT**. Members of the public addressed the Commission on various issues related to the coast.

ENERGY, OCEAN RESOURCES and FEDERAL CONSISTENCY

- 4. **ENERGY, OCEAN RESOURCES and FEDERAL CONSISTENCY**. Executive Director Douglas 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, Chair Shallenberger ruled that the Commission concurred.
- 5. CONSENT CALENDAR (removed from Regular Calendar). None.
- 6. **FEDERAL CONSISTENCY.**
 - a. **CD-063-10 (Bureau of Indian Affairs**, Del Norte Co.) Staff recommended concurrence of the Consistency Determination.

Motion & vote: McClure moved to concur that the project is consistent with the California Coastal Management Plan and recommended a yes vote, seconded by Stewart. Chair Shallenberger ruled that the vote was unanimous in favor of the motion. **Passed.**

ENFORCEMENT

- 7. **ENFORCEMENT REPORT**. Report by Chief of Enforcement on Statewide Enforcement Program.
- 7. 1. Commission Cease & Desist Order No. CCC-11-CD-04 (Campbell Torrance, Los Angeles County) Staff recommended the Commission issue the Cease & Desist order.

Motion & vote: Reznik moved to issue the Cease & Desist order and recommended a yes vote, seconded by Bochco. Chair Shallenberger ruled that the vote was unanimous in favor of the motion. **Passed**.

7. 3. Commission Restoration Order No. CCC-11-RO-03 (Campbell – Torrance, Los Angeles County) Staff recommended the Commission issue the Restoration Order.

Motion & vote: Reznik moved to issue the Restoration order and recommended a yes vote, seconded by Zimmer. Chair Shallenberger ruled that the vote was unanimous in favor of the motion. **Passed**.

NORTH COAST DISTRICT

- 8. **DEPUTY DIRECTOR'S REPORT**. District Manager Merrill 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.
- 9. CONSENT CALENDAR (removed from Regular Calendar). None.

10. LOCAL COASTAL PROGRAMS (LCPs)

a. County of Del Norte LCP Amendment No. DNC-MAJ-1-10 (Extension of Urban Services). Staff recommended denial as submitted and approval with suggested modification.

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

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

- 11. NEW APPEALS.
 - a. Appeal No. A-1-HUM-11-020 (Freshwater Tissue Co., LLC, Humboldt Co.) [POSTPONED]

12. COASTAL PERMIT APPLICATIONS

a. Appeal No. A-1-MEN-09-52 (Blue Port, L.L.C., Mendocino Co.) [POSTPONED]

13. **REVISED FINDINGS.**

a. Humboldt County LCP Amendment No. HUM-MAJ-1-08 (Samoa), certified with suggested modifications. Staff recommended approval of the revised findings.

Motion & vote: Bloom moved to approve the findings and recommended a yes vote, seconded by Mitchell. The hand vote of the prevailing side was 4 in favor (Bloom, Burke, Mitchell, Shallenberger) and none opposed. **Passed**.

[Bochco and Zimmer left for the day at 11:50 a.m.]

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 12:20 p.m.

Respectfully submitted,

Peter Douglas Executive Director

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