

**CALIFORNIA COASTAL COMMISSION**

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**W14**

DATE: October 22, 2012  
TO: Coastal Commissioners  
FROM: Charles Lester, Executive Director  
SUBJECT: **DRAFT MINUTES of MEETING of SEPTEMBER 12-14, 2012**  
Caspar Community Center  
15051 Caspar Road  
Caspar, CA 95420

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**WEDNESDAY, SEPTEMBER 12, 2012**

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order by Vice Chair Stone at 9:00 a.m.
2. **ROLL CALL.** Present: Vice Chair Stone, Blank, Bochco, Brennan, Caldwell (alternate), Kinsey, McClure, Mitchell, Reznik (alternate), Zimmer. Absent: Burke, O'Connor
3. **AGENDA CHANGES.**
4. **GENERAL PUBLIC COMMENT.** Members of the public addressed the Commission on various issues affecting the coast.

**NORTH COAST DISTRICT**

5. **COASTAL PROGRAM 40TH ANNIVERSARY REPORT.** No action taken. Information only.

**SOUTH COAST DISTRICT (Orange County)**

6. **ADMINISTRATIVE CALENDAR.** Staff recommended the Commission concur with the Executive Director's determination. There being no objection, Vice Chair Stone ruled that the Commission concurred. **Approved.**
  - a. **Application No. 5-11-301 (Lido Isle Community Association, Newport Beach)**
  - b. **Application No. 5-12-171 (Steiner, Huntington Beach)**
7. **CONSENT CALENDAR.** Staff recommended approval of the consent calendar. Item **7b** was postponed.

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

- a. **Application No. 5-12-99 (Smissen, Seal Beach)**
- b. **Application No. 5-12-103 (Newport Beach Country Club & Fainbarg-Feuerstein Properties, Newport Beach) [POSTPONED]**
- c. **Application No. 5-11-284 (Ruthie Whitacre Revocable Trust, Newport Beach)**
- d. **Application No. 5-12-200 (Rogers, Newport Beach)**

## **SAN DIEGO COAST DISTRICT**

8. **ADMINISTRATIVE CALENDAR.** Staff recommended the Commission concur with the Executive Director's determination. There being no objection, Vice Chair Stone ruled that the Commission concurred. **Approved.**

- a. **Application No. 6-12-46 (MacLeod & Wohlford, Solana Beach)**
- b. **Application No. 6-12-48 (Banker, Solana Beach)**

9. **CONSENT CALENDAR.** Staff recommended approval of the consent calendar.

- a. **Application No. 6-12-38 (Tillilie & Kalaska, San Diego)**

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

## **NORTH CENTRAL COAST DISTRICT**

10. **DEPUTY DIRECTOR'S REPORT.** Report by Executive 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 Stone ruled that the Commission concurred.

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

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

- a. **City of Pacifica LCP Amendment No. PAC-MAJ-1-12 (Growth Control Ordinance).** Staff recommended concurrence. There being no objection, Vice Chair Stone ruled that the Commission concurred.

13. **NEW APPEALS.**

- a. **Appeal No. A-2-SON-11-037 (Bodega Bay Public Utilities District, Marin Co.)** Staff recommended that the Commission determine that the appeal raised no substantial issue on the grounds on which the appeal was filed.

**Motion & vote:** Kinsey moved to determine that the appeal raised no substantial issue on the grounds on which the appeal was filed and recommended a yes vote, seconded by Brennan. Vice Chair Stone ruled that the vote was unanimous in favor of the motion. **No substantial issue found.**

14. **COASTAL PERMIT APPLICATIONS.** None.

## **CENTRAL COAST DISTRICT**

15. **DEPUTY DIRECTOR'S REPORT.** Report by Executive 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 Stone ruled that the Commission concurred.

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

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

- a. **City of Pismo Beach LCP Amendment No. PSB-1-12 Part 1 (Amateur Radio Antennas).** Staff recommended that the Commission concur with the Executive Director's determination. There being no objection, Vice Chair Stone ruled that the Commission concurred.
- b. **Santa Cruz County LCP Amendment No. SCO-1-12 Part 1 (Nonconforming Regulations). Time Extension.** Staff recommended approval of the time extension.

**Motion & vote:** Kinsey moved to grant the time extension pursuant to the staff recommendation and recommended a yes vote, seconded by Zimmer. The roll call vote was 7 in favor (Blank, Bochco, Caldwell, Kinsey, Reznik, Zimmer, Stone) and 3 opposed (Brennan, McClure, Mitchell). **Approved.**

18. **NEW APPEALS.** None.

19. **COASTAL PERMIT APPLICATIONS.** None.

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

20. **DEPUTY DIRECTOR'S REPORT FOR ORANGE COUNTY.** Report by 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, Vice Chair Stone ruled concurrence.

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

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

- a. **Laguna Beach LCP Amendment No. LGB-MAJ-2-11A.** Staff recommended approval of the Implementation Plan as submitted.

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

- b. **Laguna Beach LCP Amendment No. LGB-MAJ-2-11B.** Staff recommended denial of the Implementation Plan as submitted and approval with suggested modifications.

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

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

- 23. **NEW APPEALS.** None.
- 24. **COASTAL PERMIT APPLICATIONS.** None.

## **SAN DIEGO DISTRICT**

- 25. **DEPUTY DIRECTOR'S REPORT.** Report by 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, Vice Chair Stone ruled that the Commission concurred.
  - a. **San Diego LCP Amendment De Minimis 2-12 (Successor Agency).** Staff recommended that the Commission concur with the Executive Director's determination. There being no objection, Vice Chair Stone ruled that the Commission concurred.
- 26. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved one item [29a] to the expanded consent calendar and recommended approval with conditions.

**Motion & vote:** Brennan moved to approve pursuant to the staff recommendation and recommended a yes vote, seconded by Kinsey. Vice Chair Stone ruled that the vote was unanimous in favor of the motion. **Approved with conditions.**
- 27. **LOCAL COASTAL PROGRAMS (LCPs)**
  - a. **Encinitas LCP Amendment No. 1-11A (Historic Viewsheds) and B (Downtown Encinitas Specific Plan On-Street Parking).** Staff recommended approval as submitted.

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

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

- 28. **NEW APPEALS.**
  - a. **Appeal No. A-6-OCN-12-54 (Revx Pacific North, LLC, Oceanside) [POSTPONED]**
  - b. **Appeal No. A-6-OCN-12-55 (Evergreen Hebron, L.P., Oceanside) [POSTPONED]**
  - c. **Appeal No. A-6-OCN-12-56 (Revx Pacific South, LLC, Oceanside) [POSTPONED]**

29. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 6-12-3 (Carlsbad Sewer Lift Station/Bridge Replacement)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

**STATEWIDE**

30. **APPROVAL OF MINUTES.** [Caldwell abstained]. **Motion & vote:** Brennan moved to approve the minutes of August 8-10, 2012 and recommended a yes vote, seconded by Kinsey. Vice Chair Stone ruled that the vote was unanimous in favor of the motion with one abstention. **Approved.**
31. **COMMISSIONERS' REPORTS.** Information only.
32. **CONSERVANCY REPORT.** Information only.
33. **SANTA MONICA MOUNTAINS CONSERVANCY REPORT.** Information only.
34. **SANTA MONICA BAY RESTORATION REPORT.** Information only.
35. **DEPUTY ATTORNEY GENERAL'S REPORT.** Information only.
36. **EXECUTIVE DIRECTOR'S REPORT** including reports and possible Commission action on legislation and water quality.
- a. **Legislation.** Legislative report and possible Commission action. **No action taken.**
- b. **Audio and Video Streaming Services Contract for Commission Meetings.** Commission authorization for Executive Director to enter into a contract for audio-visual services and web streaming broadcast of Commission meetings. **[POSTPONED]**

**COMMISSION FIELD TRIP.** The Commission recessed for the day at 12:05 p.m. and took a field trip to visit various points of the coastal zone from the Caspar area south to the Town of Mendocino and on to the southern Mendocino coast. [*O'Connor arrived during the field trip*]

## THURSDAY, SEPTEMBER 13, 2012

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order at 9:00 a.m. by Vice Chair Stone.
2. **ROLL CALL.** Present: Vice Chair Stone, Blank, Bochco, Brennan, Caldwell(alternate), Kinsey, McClure, Mitchell, Reznik(alternate), Zimmer. O'Connor arrived at 9:30 a.m. Absent: Burke.
3. **AGENDA CHANGES.**
4. **GENERAL PUBLIC COMMENT.** Members of the public addressed the Commission on various issues affecting the coast.

### SOUTH COAST DISTRICT (Los Angeles County)

5. **ADMINISTRATIVE CALENDAR.** None.
6. **CONSENT CALENDAR.** Staff recommended approval of the consent calendar.
  - a. **Application No. 5-12-57 (City of Long Beach Water Department)**
  - b. **Application No. 5-12-208 (229 Linnie Canal LLC, Los Angeles)**

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

### ENFORCEMENT

7. **ENFORCEMENT REPORT.** Report by Chief of Enforcement on Statewide Enforcement Program. None.
- 7.1. **Consent Cease and Desist Order No. CCC-12-CD-04 (Linder, Malibu, Los Angeles Co.)** Staff recommended approval of the Cease & Desist Order.

**Motion:** Blank moved to continue and recommended a yes vote, seconded by Bochco. *Motion withdrawn.*

**Motion & vote:** Kinsey moved to issue the Cease and Desist Order and recommended a yes vote, seconded by Mitchell. The roll call vote was 9 in favor [Blank, O'Connor, Brennan, Caldwell, Kinsey, McClure, Mitchell, Reznik, Stone] and 2 opposed [Bochco, Zimmer]. **Approved.**

- 7.2. **Consent Restoration Order No. CCC-12-RO-04 (Linder, Malibu, Los Angeles Co.) Staff recommended approval of the Restoration Order.**

**Motion & vote:** Kinsey moved to issue the Restoration Order and recommended a yes vote, seconded by Brennan. Vice Chair Stone ruled that the vote was unanimous in favor of the motion. **Approved.**

- 7.3. **Consent Cease and Desist Order No. CCC-12-CD-10 (Shea Homes Limited Partnership – Huntington Beach, Orange Co.)** Staff recommended approval of the Cease & Desist Order.

**Motion & vote:** Reznik moved to approve the Cease & Desist Order and recommended a yes vote, seconded by O'Connor. Vice Chair Stone ruled that the vote was unanimous in favor of the motion. **Approved.**

- 7.4. **Consent Restoration Order No. CCC-12-RO-10 (Shea Homes Limited Partnership – Huntington Beach, Orange Co.)** Staff recommended approval of the Restoration Order.

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

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

8. **DEPUTY DIRECTOR'S REPORT FOR LOS ANGELES COUNTY.** Report by Deputy Director Ainsworth 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 Stone ruled that the Commission concurred.

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

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

10. **LOCAL COASTAL PROGRAMS (LCPs).** None.

11. **NEW APPEALS.** None.

12. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 5-12-139 (Verizon Wireless, Pacific Palisades)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

## **SOUTH CENTRAL COAST DISTRICT**

13. **DEPUTY DIRECTOR'S REPORT.** Report by Deputy Director Ainsworth 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 Stone ruled that the Commission concurred.

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

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

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

- a. **City of Port Hueneme LCP Amendment No. MAJ-1-12 (Housing, Density Bonus, and Reasonable Accommodations).** Staff recommended approval as submitted.

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

- b. **County of Ventura LCP Amendment No. MAJ-2-12 (Time Extension).** Staff recommended approval of the time extension.

**Motion & vote:** Brennan moved to grant the time extension for 125 days and recommended a yes vote, seconded by Mitchell. The roll call vote was 6 in favor [Blank, Bochco, Brennan, McClure, Mitchell, Zimmer] and 5 opposed [O'Connor, Caldwell, Kinsey, Reznik, Stone]. **Approved.**

16. **NEW APPEALS.** None.

17. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 4-11-049 (Lowry, Los Angeles Co.)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

18. **PERMIT AMENDMENTS.**

- a. **Application No. 4-00-057-A3 (Morton, Malibu)** Staff recommended approval with conditions.

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

- b. **Application No. 4-01-100-A4 (Morton, Malibu)** Staff recommended approval with conditions.

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

## **NORTH COAST DISTRICT**

19. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved one item [22c] to the expanded consent calendar and recommended approval with conditions.



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

20. **LOCAL COASTAL PROGRAMS (LCPs).** None.

21. **NEW APPEALS.**

- a. **Appeal No. A-1-DNC-12-021 (Elk Valley Rancheria, Del Norte Co.)** Staff recommended that the Commission determine that the appeal raised substantial issue on the grounds in which the appeal was filed. There being no objection, Vice Chair Stone ruled that the Commission found substantial issue and continued the matter. **Substantial Issue Found.**

22. **COASTAL PERMIT APPLICATIONS.**

- a. **Appeal No. A-1-MEN-09-34 (Marr & Malin, Mendocino Co.) [POSTPONED]**
- b. **Appeal No. A-1-MEN-10-015 (Bethel & Hupp, Mendocino Co.) [POSTPONED]**
- c. **Application No. 1-12-14 (Berry & Evans, Humboldt Co.)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

#### **Report of Closed Session.**

**Ackerberg et al. v. CCC (Access for All et al., RPI)**—The Commission received litigation information.  
**City of Malibu v. CCC (Santa Monica Mountains Conservancy et al., RPI)**—The Commission received litigation information.

**Ramirez Canyon Preservation Fund v. CCC (Santa Monica Mountains Conservancy et al., RPI)**—The Commission received litigation information.

**Laguna Terrace Park LLC et al. v. CCC et al.**—The Commission received litigation information and gave direction.

**Shea Homes LP v. CCC**—The Commission received litigation information and gave direction.

**COMMISSION FIELD TRIP.** The Commission recessed for lunch at 1:05 p.m. and returned from lunch at 2:30 p.m., then took a field trip to visit the former Georgia Pacific mill site in Fort Bragg and various points of the coastal zone from Fort Bragg to the northern Mendocino coast.

## FRIDAY, SEPTEMBER 14, 2012

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order at 9:15 a.m. by Vice Chair Stone.
2. **ROLL CALL.** Present: Vice Chair Stone, Blank, Bochco, Brennan, Caldwell(alternate), Kinsey, McClure, Mitchell, Zimmer. O'Connor arrived at 9:16. Absent: Burke, Sanchez.
3. **AGENDA CHANGES**
4. **GENERAL PUBLIC COMMENT.** Members of the public addressed the Commission on various issues affecting the coast.

### ENERGY, OCEAN RESOURCES and FEDERAL CONSISTENCY

5. **ENERGY, OCEAN RESOURCES and FEDERAL CONSISTENCY.** Report by the Deputy Director Dettmer 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 Stone ruled that the Commission concurred.
6. **CONSENT CALENDAR (removed from Regular Calendar).** None.
7. **COASTAL PERMIT APPLICATIONS.** None.
8. **FEDERAL CONSISTENCY.**
  - a. **CD-031-12 (Manchester Band of Pomo Indians of the Manchester-Point Arena Rancheria, Mendocino Co.) [POSTPONED]**

### NORTH COAST DISTRICT

9. **DEPUTY DIRECTOR'S REPORT.** Report by Deputy Director Dettmer 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 Stone ruled that the Commission concurred.
  - a. **City of Fort Bragg Specific Plan.** Briefing only. No action taken.

*[Brennan, Mitchell, Bochco and Zimmer departed at 11:30 a.m.]*

There being no old or new business, the meeting of the California Coastal Commission adjourned at 11:40 a.m.

Respectfully submitted,

Charles Lester  
Executive Director

DRAFT Meeting Minutes  
September 12-14, 2012

**CALIFORNIA COASTAL COMMISSION**

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

**W14a**

DATE: October 22, 2012  
TO: Coastal Commissioners  
FROM: Charles Lester, Executive Director  
SUBJECT: **DRAFT MINUTES of MEETING of OCTOBER 10-11, 2012**  
Oceanside City Council Chambers  
300 North Coast Hwy.  
Oceanside, CA 92054

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**WEDNESDAY, OCTOBER 10, 2012**

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order at 9:00 a.m. by Chair Shallenberger.
2. **ROLL CALL.** Present: Chair Shallenberger, Wickett (alternate), Bloom, Bochco, Brennan, Burke, Kinsey, Mitchell, Zimmer. Sanchez arrived at 9:30 a.m. Non-voting: Norvell. Absent: McClure, Stone.
3. **AGENDA CHANGES.**
4. **GENERAL PUBLIC COMMENT.** Members of the public addressed the Commission on various issues affecting the coast.

**NORTH CENTRAL COAST DISTRICT**

5. **DEPUTY DIRECTOR'S REPORT.** Report by Deputy Director Carl 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.
6. **CONSENT CALENDAR (removed from Regular Calendar).** None.

**CENTRAL COAST DISTRICT**

7. **DEPUTY DIRECTOR'S REPORT.** Report by Deputy Director Carl 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).** None.

[The remainder of the agenda was trailed and **Item 25—Executive Director’s report** was heard. The agenda resumed with **Item 9a.**]

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

- a. **City of Pismo Beach LCP Amendment No. PSB-1-12 Part 2 (Land Use and Parks and Recreation Elements). Time Extension.** Staff recommended approval of the time extension.

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

- b. **Santa Cruz County LCP Amendment No. SCO-1-12 Part 1 (Nonconforming Regulations).** Staff recommended approval as submitted.

**Motion & vote:** Brennan moved to certify the Land Use Plan 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.**

**Motion & vote:** Brennan moved to reject the Implementation Plan as submitted and recommended a no vote, seconded by Zimmer. Chair Shallenberger ruled that the vote was unanimous in favor of the motion. **Approved as submitted.**

## **NORTH COAST DISTRICT**

- 10. **DEPUTY DIRECTOR'S REPORT.** Report by Deputy Director Dettmer 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.

- 11. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved 2 items [**13a, 14a**] to the expanded consent calendar and recommended approval with conditions.

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

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

- a. **County of Humboldt LCP Amendment No. HUM-MAJ-1-12 (Guttero & Williams). 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 Kinsey. Chair Shallenberger ruled that the vote was unanimous in favor of the motion. **Approved.**

13. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 1-12-15 (Murphy, Humboldt Co.)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

14. **PERMIT AMENDMENTS.**

- a. **Permit No. 1-11-39-A (California Department of Transportation (Caltrans), Del Norte Co.)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

**ENERGY, OCEAN RESOURCES and FEDERAL CONSISTENCY**

15. **ENERGY, OCEAN RESOURCES and FEDERAL CONSISTENCY.** Report by the Deputy Director Dettmer on permit waivers, emergency permits, immaterial amendments & extensions, negative determinations, matters not requiring public hearings, and status report on offshore oil & gas exploration & development.

- a. **CC-056-09 (City of San Diego, San Diego)** Staff recommended that the Commission concur with the Executive Director's determination. There being no objection, Chair Shallenberger ruled that the Commission concurred.

16. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved 2 items [17b, 18a] to the expanded consent calendar and recommended approval with conditions.

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

17. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. E-12-005 and CC-027-12 (Pacific Gas & Electric Co., San Luis Obispo Co.)** [POSTPONED]
- b. **Application No. E-12-006 (Southern California Gas Co., Goleta)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

18. **FEDERAL CONSISTENCY.**

- a. **CC-056-11 (San Diego Association of Governments (SANDAG), San Diego)** Moved by staff to the expanded consent calendar. **Approved.**

**STATEWIDE**

- 19. **APPROVAL OF MINUTES.** None.
- 20. **COMMISSIONERS' REPORTS.** None.
- 21. **CONSERVANCY REPORT.** None.
- 22. **SANTA MONICA MOUNTAINS CONSERVANCY REPORT.** None.
- 23. **SANTA MONICA BAY RESTORATION REPORT.** None.
- 24. **DEPUTY ATTORNEY GENERAL'S REPORT.** Informational only.

*[The Executive Director report was heard before item 9a.]*

25. **EXECUTIVE DIRECTOR'S REPORT** including reports and possible Commission action on legislation and water quality. Executive Director Lester also gave an update on LCP time extensions.

a. **Legislation.** Legislative report and possible Commission action. Informational only.

b. **Audio and Video Streaming Services Contract for Commission Meetings.** Staff recommended Commission authorization for Executive Director to enter into a contract for audio-visual services and web streaming broadcast of Commission meetings.

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

**Approved.**

c. **Interagency Agreement and Subvention Contract.** Staff recommended Commission authorization to enter into an agreement with California Emergency Management Agency to accept \$50,000 in federal funds from NOAA to address marine debris from the 2011 Japanese tsunami and to pass the funds through to the California State Parks Foundation.

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

**Approved.**

The Commission recessed for the day at 12:20 p.m.

## THURSDAY, OCTOBER 11, 2012

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order by Chair Shallenberger at 9:00 a.m.
2. **ROLL CALL.** Present: Chair Shallenberger, Wickett (alternate), Bochco, Brennan, Burke, Kinsey, Mitchell, Zimmer. Bloom arrived at 9:15 a.m., Sanchez arrived at 9:20 a.m. Non-voting: Norvell. Absent: McClure, Stone.
3. **AGENDA CHANGES**
4. **GENERAL PUBLIC COMMENT.** Members of the public addressed the Commission on various issues affecting the coast.

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

5. **ADMINISTRATIVE CALENDAR.** Staff recommended that the Commission concur with the Executive Director's determination. There being no objection, Chair Shallenberger ruled that the Commission concurred.
  - a. **Application No. 5-12-187 (Santa Catalina Island Co., Los Angeles Co.)**
  - b. **Application No. 5-12-197 (Los Angeles Department of Water and Power, Long Beach)**
  - c. **Application No. 5-12-228 (Lee, Venice)**
6. **CONSENT CALENDAR.** Staff recommended approval of the consent calendar with conditions.

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

  - a. **Application No. 5-12-130 (Beach Club of Santa Monica, Santa Monica)**
  - b. **Application No. 5-12-221 (Rogers, Hermosa Beach)**

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

7. **CONSENT CALENDAR.** Staff recommended approval of the consent calendar with conditions.

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

  - a. **Application No. 5-11-297 (Walker, San Clemente)**
  - b. **Application No. 5-11-298 (Orange County Sanitation District, Huntington Beach & Newport Beach)**
  - c. **Application No. 5-12-166 (Lainer, Newport Beach)**

## **SAN DIEGO DISTRICT**

8. **CONSENT CALENDAR.** Staff recommended approval of the consent calendar with conditions.

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

- a. **Application No. 6-12-58 (San Diego Gas & Electric, Del Mar)**

## **ENFORCEMENT**

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

- 9.1 Cease and Desist Order No. CCC-12-CD-07 (Moore – **Gualala, Mendocino Co.**) [POSTPONED]

- 9.2 **Restoration Order No. CCC-12-RO-07 (Moore – Gualala, Mendocino Co.)** [POSTPONED]

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

10. **DEPUTY DIRECTOR'S REPORT FOR LOS ANGELES COUNTY.** Report by Deputy Director Ainsworth 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.

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

12. **PORT MASTER PLAN.**

- a. **Application No. PLA-PMPA-27 (Port of Los Angeles, Port of Los Angeles, City of Los Angeles)** [POSTPONED]

## **SOUTH CENTRAL COAST DISTRICT**

13. **DEPUTY DIRECTOR'S REPORT.** Report by Deputy Director Ainsworth 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.

- a. **City of Ventura LCP Amendment No. SBV-MAJ-1-11 (Ventura Harbor Mixed Use Development) Certification Review.** Staff recommended that the Commission concur with the Executive Director's determination. There being no objection, Chair Shallenberger ruled that the Commission concurred.



14. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved 3 items [17b, 17c, 17d] to the expanded consent calendar and recommended approval with conditions.

**Motion & vote:** Brennan moved to approve the consent calendar pursuant to the staff recommendation and recommended a yes vote, seconded by Kinsey. Chair Shallenberger ruled that the vote was unanimous in favor of the motion. **Approved.**

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

- a. **County of Santa Barbara LCP Amendment No. MAJ-1-12 (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 Zimmer. Chair Shallenberger ruled that the vote was unanimous in favor of the motion. **Approved.**

- b. **Pepperdine University LRDP Amendment No. 1-11 (Time Extension).** Staff recommended approval of the time extension.

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

16. **NEW APPEALS.**

- a. **Appeal No. A-4-STB-12-061 (Trust for Public Land and Devereux Creek Properties, Santa Barbara Co.)** Staff recommended that the Commission determine that the appeal raised no substantial issue on the grounds on which the appeal was filed.

**Motion & vote:** Zimmer moved to determine that the appeal raised no substantial issue on the grounds on which the appeal was filed and recommended a yes vote, seconded by Brennan. Chair Shallenberger ruled that the vote was unanimous in favor of the motion. **No substantial issue found.**

17. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 4-10-104 (ELN LLC, Malibu)** Staff recommended approval with conditions.

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

- b. **Application No. 4-11-59 (California Dept. of Parks and Recreation, Malibu)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

- c. **Application No. 4-12-19 (Bersohn, Malibu)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

- d. **Application No. 4-12-37 (Douglas, Topanga)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

**LUNCH RECESS.** The Commission recessed for lunch at 12:15 p.m. and returned at 1:00 p.m.

[Burke departed for the day.]

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

18. **DEPUTY DIRECTOR'S REPORT FOR ORANGE COUNTY.** Report by 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 Shallenberger ruled that the Commission concurred.
19. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved 2 items [**20b, 21a**] to the expanded consent calendar and recommended approval with conditions.

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

[Brennan departed for the day.]

### 20. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 5-11-68 (Shea Homes, Huntington Beach)** Staff recommended approval with conditions.

**Motion & vote:** Zimmer moved to approve pursuant to the staff recommendation and recommended a yes vote, seconded by Bochco. The roll call vote was 6 in favor [Bloom, Bochco, Kinsey, Mitchell, Zimmer, Shallenberger] and 2 opposed [Wickett, Sanchez]. **Approved with conditions.**

- b. **Application No. 5-12-21 (Brock, Laguna Beach)** Moved by staff to the expanded consent calendar. **Approved with conditions.**
- c. **Application No. 5-12-103 (Newport Beach Country Club & Fainbarg-Feuerstein Properties et al., Newport Beach)** [**POSTPONED**]
- d. **Application No. 5-12-168 (Fischer, Corona Del Mar)** [**POSTPONED**]

### 21. **PERMIT AMENDMENTS.**

- a. **Permit No. 5-97-367-A3 (Los Cerritos Wetlands Authority et. al., Seal Beach)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

## SAN DIEGO COAST DISTRICT

22. **DEPUTY DIRECTOR'S REPORT.** Report by 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 Shallenberger ruled that the Commission concurred.

23. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved 3 items [25c, 26a, 26b] to the expanded consent calendar and recommended approval with conditions.

**Motion & vote:** Sanchez moved to approve the consent calendar pursuant to the staff recommendation and recommended a yes vote. Chair Shallenberger ruled that the vote was unanimous in favor of the motion. **Approved with conditions.**

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

a. **City of Carlsbad LCP Amendment No. CAR-MAJ-2-11A (Reasonable Accommodation).** Staff recommended denial of the Implementation Plan as submitted and approval if modified as suggested.

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

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

b. **City of Carlsbad LCP Amendment No. CAR-MAJ-2-11B (Proposition D/Cannon Road AG/OS Land).** [WITHDRAWN]

c. **City of Encinitas LCP Amendment No. ENC-MAJ-2-11 (Cardiff-By-The-Sea Specific Plan).** Staff recommended approval of the Land Use Plan as submitted, denial of the Implementation Plan as submitted and approval of the Implementation Plan if modified as suggested.

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

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

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

- d. **City of San Diego LCP Amendment No. NOC-MAJ-3-12 (Gables/Peppertree).** Staff recommended approval of the Land Use Plan as submitted.

**Motion & vote:** Sanchez moved to certify the Land Use Plan 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.**

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

- e. **San Diego Port District Boundary Adjustment #6.** Staff recommended adoption of the amended Boundary Adjustment.

**Motion & vote:** Sanchez moved to adopt the amended boundary adjustment and recommended a yes vote, seconded by Bochco. Chair Shallenberger ruled that the vote was unanimous in favor of the motion. **Approved.**

25. **COASTAL PERMIT APPLICATIONS.**

- a. **Appeal No. A-6-NOC-11-86 (City of San Diego Master Storm Water Maintenance Program) [POSTPONED]**
- b. **Application No. 6-12-8 (California State Parks, Coronado)** Staff recommended approval with conditions.

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

- c. **Application No. 6-12-43 (SeaWorld, San Diego)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

26. **PERMIT AMENDMENTS.**

- a. **Permit No. 6-84-578-A9 (Mira Costa Community College District, Encinitas)** Moved by staff to the expanded consent calendar. **Approved with conditions.**
- b. **Permit No. 6-90-290-A2 (Tully, Solana Beach)** 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 4:00 p.m.

Respectfully submitted,

Charles Lester  
Executive Director

DRAFT Meeting Minutes  
October 10-11, 2012