

**CALIFORNIA COASTAL COMMISSION**

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

**W26**

DATE: January 27, 2012  
TO: Coastal Commissioners  
FROM: Charles Lester, Executive Director  
SUBJECT: MINUTES of MEETING of JANUARY 11-12, 2012  
Annenberg Community Beach House  
415 Pacific Coast Highway  
Santa Monica, CA 90402

---

**WEDNESDAY, JANUARY 11, 2012 pages 1 to 7**

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, Vice Chair Stone, Bloom, Bochco, Brennan, Burke, Gurney (alternate), McClure, Sanchez, Zimmer. Non-voting: Norvell. Mitchell arrived at 9:30a.m. Absent: Blank.
3. **AGENDA CHANGES.** Staff informed the Commission and the public of changes to the day's agenda.
4. **GENERAL PUBLIC COMMENT.** Members of the public addressed the Commission on issues affecting the coast that were not on the agenda.

**SAN DIEGO COAST DISTRICT**

5. **CONSENT CALENDAR (removed from Regular Calendar).** Staff 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 Stone. Chair Shallenberger ruled that the vote was unanimous in favor of the motion.

**Approved with conditions.**

- a. **Application No. 6-11-57 (Brucker, San Diego)**
- b. **Application No. 6-11-70 (Fletcher, San Diego)**

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

- 6. **ADMINISTRATIVE CALENDAR.** Staff recommended concurrence with the Executive Director's determination. There being no objection, Chair Shallenberger ruled that the Commission concurred.
  - a. **Application No. 5-11-175 (The Irvine Co., Newport Beach)**
  - b. **Application No. 5-11-220 (Cassell, Newport Beach)**
  - c. **Application No. 5-11-293 (City of Newport Beach, Balboa Island)**
- 7. **CONSENT CALENDAR.** Staff 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 Sanchez. Chair Shallenberger ruled that the vote was unanimous in favor of the motion.

**Approved with conditions.**

- a. **Application No. 5-11-177 (Respatelli, San Clemente)**
- b. **Application No. 5-11-224 (Betty Y. Liang, Huntington Beach)**
- c. **Application No. 5-11-274 (City of San Clemente)**
- d. **Application No. 5-11-277 (Bj & Lauren Delzer, Newport Beach)**

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

- 8. **CONSENT CALENDAR.** Staff 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 Zimmer. Chair Shallenberger ruled that the vote was unanimous in favor of the motion.

**Approved with conditions.**

- a. **Application No. 5-10-239 (City of Long Beach)**
- b. **Application No. 5-11-209 (Los Angeles County Department of Public Works, Marina Del Rey)**

- c. **Application No. 5-11-237 (Southern California Gas Co., Los Angeles)**

## **SAN DIEGO COAST DISTRICT**

9. **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 Shallenberger ruled that the Commission concurred.

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

11. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 6-10-16 (Tu Casa HOA, Carlsbad)** Staff recommended approval with conditions.

**Motion & vote:** Sanchez 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.**

## **ENFORCEMENT**

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

13. **Consent Cease and Desist Order No. CCC-12-CD-01 (Goodell Family Trust – Bolsa Chica Mesa, Orange Co.)** Staff recommended approval of the cease and desist order.

**Motion & vote:** Bloom moved to approve the cease and desist order pursuant to the staff recommendation as amended by staff at the hearing, and recommended a yes vote, seconded by McClure. The roll call vote was 10 in favor (Bloom, Bochco, Brennan, Burke, Gurney, McClure, Mitchell, Stone, Zimmer, Shallenberger and one opposed (Sanchez). **Approved as amended.**

14. **Consent Restoration Order No. CCC-12-RO-01 (Goodell Family Trust – Bolsa Chica Mesa, Orange Co.)**

**Motion & vote:** Bloom moved to approve the restoration order pursuant to the staff recommendation as amended by staff at the hearing and recommended a yes vote, seconded by McClure. The roll call vote was 10 in favor (Bloom, Bochco, Brennan, Burke, Gurney, McClure, Mitchell, Stone, Zimmer, Shallenberger and one opposed (Sanchez). **Approved as amended.**

**LUNCH RECESS.** The Commission recessed for lunch at 12:00 p.m. and returned at 1:00 p.m. [Burke departed for the day.]

**Report of Closed Session.**

**Allen v. Radosevich**-- the Commission gave direction and advice to staff;

**CCC v. Allen**-- the Commission gave direction and advice to staff;

**CCC v. Feduniak**-- the Commission gave direction and advice;

**Norberg v. CCC**-- the Commission gave direction and advice to staff;

**SNG v. CCC**-- the Commission received litigation information and gave direction;

**Shea Homes, LP v. CCC**-- the Commission received litigation information and gave direction;

**Smith et al v. Cal. Dept. of Fish & Game, CCC**-- the Commission gave direction.

**SOUTH COAST DISTRICT (Orange County)**

15. **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. There being no objection, Chair Shallenberger ruled that the Commission concurred.

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

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

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

a. **City of Laguna Beach LCP Amendment No. LGB-MAJ-3-10.** Staff recommended denial of the Implementation Plan as submitted and approval if modified as suggested by staff.

**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.**

**Motion & vote:** Sanchez moved to certify the Implementation Plan if modified as suggested pursuant to the staff recommendation 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 Newport Beach, Community Development Dept. LCP Amendment No. NPB-MAJ-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 Stone. Chair Shallenberger ruled that the vote was unanimous in favor of the motion. **Approved.**

18. **NEW APPEALS.**

- a. **Appeal No. A-5-DPT-11-299 (Robert Theel Company, Dana Pt) [POSTPONED]**

19. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 5-10-106 (California Department of Transportation (Caltrans) Dist.12, Huntington Beach)** Moved by staff to the expanded consent calendar. **Approved with conditions.**
- b. **Application No. 5-10-258 (Goodell, Huntington Beach)** Staff recommended approval with conditions.

**Motion:** Sanchez moved to postpone and recommended a yes vote, seconded by Stone. **Motion withdrawn.**

**Motion:** Stone moved to approve pursuant to the staff recommendation and recommended a no vote, seconded by Zimmer. **APPLICATION WITHDRAWN BY APPLICANT.**

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

- 20. **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.
- 21. **CONSENT CALENDAR (removed from Regular Calendar).** None.
- 22. **LOCAL COASTAL PROGRAMS (LCPs)**

- a. **City of Manhattan Beach LCP Amendment No. MNB-MIN-1-11 (Minor).** Staff recommended that the Commission concur that the amendment is minor. There being no objection, Chair Shallenberger ruled that the Commission concurred.

## **SOUTH CENTRAL COAST DISTRICT**

23. **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.
24. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved 2 items [24a, 26b] to the expanded consent calendar and recommended approval of the consent calendar.

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

- a. **University of California Santa Barbara Notice of Impending Development De Minimis No. 6-11 (Goleta West Sanitary District Trunk Improvement).**

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

- a. **City of Malibu Local Coastal Program Amendment No. 2-10 (View Corridors) 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.
- b. **City of San Buenaventura LCP Amendment No. SBV-MAJ-1-11. Time Extension.** Staff recommended approval of the time extension.

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

### 26. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 4-08-069 (Kies, Los Angeles Co.)** Staff recommended approval in part and denial in part.

**Motion & vote:** Sanchez moved to adopt the 2 part resolution pursuant to the staff recommendation as amended by staff at the hearing and recommended a yes vote, seconded by Bloom. Chair Shallenberger ruled that the vote was unanimous in favor of the motion. **Approved with conditions.**

b. **Application No. 4-10-110 (Foy, Los Angeles Co.)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

## STATEWIDE

27. **APPROVAL OF MINUTES.** None.
28. **COMMISSIONERS' REPORTS.** Informational only.
29. **CONSERVANCY REPORT.** None.
30. **SANTA MONICA MOUNTAINS CONSERVANCY REPORT.** None.
31. **DEPUTY ATTORNEY GENERAL'S REPORT.** Informational only.
32. **EXECUTIVE DIRECTOR'S REPORT** including reports and possible Commission action on legislation and water quality.

The Commission recessed for the day at 5:05 p.m.

## THURSDAY, JANUARY 12, 2012 pages 8 to 11

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, Vice Chair Stone, O'Connor (alternate), Bochco, Brennan, Gurney (alternate), McClure, Zimmer. Non-voting: Norvell. Sanchez arrived at 9:20a.m.; Mitchell arrived at 9:30a.m. Absent: Blank, Burke.
3. **AGENDA CHANGES.** Staff informed the Commission and the public of changes to the day's agenda.
4. **GENERAL PUBLIC COMMENT.** Members of the public addressed the Commission on issues affecting the coast that were not on the agenda.

### STATEWIDE

5. **PUBLIC ACCESS PROGRAM. Status of Vertical Accessways Acquired by California Coastal Commission Actions 1973 to 2011** in San Diego, Orange, Los Angeles, Ventura, Santa Barbara and San Luis Obispo Counties as reported by Coastal Access Manager Locklin. [Informational-No action taken.]
- 5.3. **Open Meeting and Ex Parte Communication Legal Briefing.** [Informational-No action taken.]

**COMMISSION FIELD TRIP.** The Commission took a field trip to visit various points along the Pacific Coast Highway and the Malibu coastline with designated stops Malibu Lagoon, Broad Beach, Carbon Beach and Ramirez Canyon.

[Lunch was taken during the field trip and the Commission reconvened at the Annenberg Beach House at 3:00 p.m.]

### NORTH COAST DISTRICT

6. **ADMINISTRATIVE CALENDAR.** Staff recommended the Commission concur with the Executive Director's determination. There being no objection, Chair Shallenberger ruled that the Commission concurred.
  - a. **Application No. 1-11-22 (Figas, Humboldt Co.)**



## **NORTH CENTRAL COAST DISTRICT**

7. **DEPUTY DIRECTOR'S REPORT.** Executive 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).** None.

## **CENTRAL COAST DISTRICT**

9. **DEPUTY DIRECTOR'S REPORT.** Executive 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.
10. **CONSENT CALENDAR (removed from Regular Calendar).** None.

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

11. **ENERGY, OCEAN RESOURCES and FEDERAL CONSISTENCY.** 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, Chair Shallenberger ruled that the Commission concurred.
12. **CONSENT CALENDAR (removed from Regular Calendar).** None.
13. **LOCAL COASTAL PROGRAMS (LCPs)**
  - a. **Santa Barbara County LCP Amendment STB-Min-1-11.** Staff recommended that the Commission concur with the Executive Director's determination that the amendment is a minor amendment. There being no objection, Chair Shallenberger ruled that the Commission concurred.

14. **REVISED FINDINGS.**

- a. **CD-047-11 (Army Corps, San Luis Obispo Co.)** Staff recommended that the Commission adopt the revised findings.

**Motion & vote:** Sanchez moved to adopt the findings pursuant to the staff recommendation and recommended a yes vote, seconded by Bochco. The hand vote was 8 in favor (Bochco, Brennan, McClure, Mitchell, Sanchez, Stone, Zimmer, Shallenberger) and none opposed. **Approved.**

## **NORTH COAST DISTRICT**

15. **DEPUTY DIRECTOR'S REPORT.** Deputy Director Dettmer 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.

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

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

- a. **County of Del Norte LCP Amendment No. DNC-MAJ-1-9 (Part C - Hogberg).**  
[POSTPONED]

- b. **County of Del Norte LCP Amendment No. DNC-MAJ-1-10 (Extension of Urban Services).** Staff recommended that the Commission concur with the Executive Director's determination. There being no objection, Chair Shallenberger ruled that the Commission concurred.

18. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 1-11-17 (E.Z. Landing R.V. Park & Marina, Humboldt Co.)** Staff recommended approval with conditions.

**Motion & vote:** McClure 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.**

19. **PERMIT EXTENSIONS.**

- a. **Permit No. 1-83-158-E25 (Savoca, Mendocino Co.)** Staff recommended the Commission determine that there are changed circumstances that affect the consistency of the development.

**Motion & vote:** Bochco moved to determine that there are changed circumstances and recommended a yes vote, seconded by Zimmer. The hand vote was 10 in favor [O'Connor, Bochco, Brennan, Gurney, McClure, Mitchell, Sanchez, Stone, Zimmer, Shallenberger] and none opposed. **Changed circumstances found – Extension denied.**

There being no old or new business, the Commission adjourned at 4:00 p.m.

Respectfully submitted,

Charles Lester  
Executive Director