

CALIFORNIA COASTAL COMMISSION

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**W16**

DATE: February 17, 2012
TO: Coastal Commissioners
FROM: Charles Lester, Executive Director
SUBJECT: **DRAFT MINUTES** of MEETING of FEBRUARY 8-9, 2012
Santa Cruz County Board of Supervisor's Chambers
701 Ocean Street
Santa Cruz CA 95060

WEDNESDAY, FEBRUARY 8, 2012 pages 1 to 7

1. **CALL TO ORDER.** The meeting was called to order at 10:00 a.m. by Chair Shallenberger.
2. **ROLL CALL.** Present: Chair Shallenberger, Vice Chair Stone, Bochco, Brennan, McClure, Mitchell, Zimmer. Non-voting: Norvell. Kinsey arrived at 10:02 a.m., O'Connor arrived at 10:05 a.m., Blank arrived at 10:10 a.m. Absent: Burke, Sanchez.
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. **CONSENT CALENDAR.** Staff recommended approval with conditions of the consent calendar.
 - a. **Application No. 5-11-250 (Cattani et. al., Hermosa Beach)**
 - b. **Application No. 5-11-304 (Muchin, Los Angeles)**

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

SOUTH COAST DISTRICT (Orange County)

6. **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. 5-11-253 (McCalla, Newport Beach)**
 - b. **Application No. 5-11-276 (Black, Newport Beach)**

7. **CONSENT CALENDAR.** Staff recommended approval with conditions of the consent calendar.
 - a. **Application No. 5-11-48 (Preston, Laguna Beach)**
 - b. **Application No. 5-11-212 (Morgan, Laguna Beach)**
 - c. **Application No. 5-11-213 (Matthews, Newport Beach)**

Motion & vote: Stone 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.**

SAN DIEGO DISTRICT

8. **CONSENT CALENDAR.** Staff recommended approval with conditions of the consent calendar.
 - a. **Application No. 6-11-68 (Uy, San Diego)**

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.**

SOUTH COAST DISTRICT (Orange County)

9. **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.
10. **CONSENT CALENDAR (removed from Regular Calendar).** None.
11. **LOCAL COASTAL PROGRAMS (LCPs)**
 - a. **City of Laguna Beach LCP Amendment No. LGB-MAJ-3-11 (Public Noticing). Time Extension.** Staff recommended approval of the time extension.

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

12. **COASTAL PERMIT APPLICATIONS.**
 - a. **Application No. A-5-DPT-05-306 (Safari, Dana Point) [POSTPONED]**
 - b. **Application No. 5-11-168 (Fischer, Newport Beach) [POSTPONED]**

SAN DIEGO COAST DISTRICT

13. **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.
14. **CONSENT CALENDAR (removed from Regular Calendar).** None.
15. **LOCAL COASTAL PROGRAMS (LCPs)**
 - a. **Encinitas LCP Amendment No. 2-11 (Cardiff-by-the-Sea Specific Plan) Time Extension.** Staff recommended approval of the time extension.

Motion & vote: Stone moved to grant the time extension 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.

b. **Solana Beach LCP Land Use Plan Time Extension.** Staff recommended approval of the time extension.

Motion & vote: Zimmer 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.

16. **NEW APPEALS.**

a. **Appeal No. A-6-OCN-11-80 (Altman, Oceanside)** Staff recommended that the Commission determine that no substantial issue exists on the grounds in which the appeal was filed.

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

b. **Appeal No. A-6-NOC-12-005 (Sorrento Valley Holdings, San Diego Co.)**
[POSTPONED]

17. **PERMIT AMENDMENTS.**

a. **Permit No. 6-05-40-A2 (Solana Beach Parking Lot Time Restrictions)**
[POSTPONED]

SOUTH COAST DISTRICT (Los Angeles County)

18. **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.

a. **Los Angeles County MDR-MAJ-1-11 (Marina del Rey). Certification Review.** Staff recommended concurrence with the Executive Director's decision. There being no objection, Chair Shallenberger ruled that the Commission concurred.

19. **CONSENT CALENDAR (removed from Regular Calendar)**. Staff moved two items [21b, 22a] 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 Kinsey. Chair Shallenberger ruled that the vote was unanimous in favor of the motion. **Approved with conditions.**

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

- a. **City of Long Beach LCP Amendment No. LOB-MIN-1-11 (Minor)**. Staff recommended concurrence with the Executive Director's determination. There being no objection, Chair Shallenberger ruled that the Commission concurred.

21. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 5-11-125 (McCarthy and Singer, Pacific Palisades)** Staff recommended approval with conditions.

Motion: Blank moved to approve pursuant to the staff recommendation and recommended a yes vote, seconded by Mitchell.

Amending motion & vote: Blank moved to delete Condition 1 as requested by the applicant and recommended a yes vote, seconded by Mitchell. Chair Shallenberger ruled that the vote was unanimous in favor of the motion.

Approved.

Vote on main motion: Chair Shallenberger ruled that the vote was unanimous in favor of the motion. **Approved with conditions as amended.**

- b. **Application No. 5-11-271 (Hickerson, Los Angeles)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

22. **PERMIT AMENDMENTS.**

- a. **Permit No. 5-88-005-A (Lakota Properties, LLC, Los Angeles)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

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.
- a. **City of Malibu Local Coastal Program Amendment No. 1-11-A (High School Lights) Certification Review.** Staff recommended concurrence with the Executive Director's decision. There being no objection, Chair Shallenberger ruled that the Commission concurred.
24. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved one item [25a] to the expanded consent calendar and recommended approval with conditions.

Motion & vote: Kinsey 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.**

25. **COASTAL PERMIT APPLICATIONS.**
- a. **Application No. 4-10-116 (Sadat, LLC, Los Angeles 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 1:00 p.m.

Report of Closed Session.

CCC v. Feduniak. The Commission received litigation information and advice.

Shea Homes, LP v. CCC. The Commission received litigation information & advice, and gave direction.

Sierra Club v. Cal. Dept. of Parks & Recreation et al. The Commission received litigation information In a matter of threatened litigation, the Commission received advice and gave direction.

STATEWIDE

26. **APPROVAL OF MINUTES.** Stone moved to approve the minutes of January 11-12, 2012 and recommended a yes vote, seconded by Mitchell. Chair Shallenberger ruled that the vote was unanimous in favor of the motion. **Approved as written.**

27. **COMMISSIONERS' REPORTS.** None.
28. **CONSERVANCY REPORT.** Informational only.
29. **SANTA MONICA MOUNTAINS CONSERVANCY REPORT.** None.
30. **DEPUTY ATTORNEY GENERAL'S REPORT.** None.
31. **EXECUTIVE DIRECTOR'S REPORT** including reports and possible Commission action on legislation and water quality.
 - a. **Public Education Grants.** Public hearing and action on proposed use of \$26,000 reserve from sales of the WHALE TAIL License Plate.

Motion & vote: Brennan moved to approve 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.**

- b. **Public Education Grants.** Public hearing and action on proposed competitive grant awards from sales of the WHALE TAIL License Plate.

Motion & vote: Brennan moved to approve 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.**

The Commission recessed for the day at 2:20 p.m.

THURSDAY, FEBRUARY 9, 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, Blank, Bochco, Brennan, Kinsey, McClure, Mitchell, Zimmer. Non-voting: Norvell. O'Connor arrived at 9:15; Stone arrived at 2:30 p.m. Absent: Burke, Sanchez.
3. **AGENDA CHANGES.** Staff reported changes to the day's agenda.
4. **GENERAL PUBLIC COMMENT.** Members of the public addressed the Commission on various issues affecting the coast.

ENFORCEMENT

5. **ENFORCEMENT REPORT.** Chief of Enforcement Haage reported on Statewide Enforcement Program.

NORTH CENTRAL COAST DISTRICT

6. **DEPUTY DIRECTOR'S REPORT.** Deputy Director Carl 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.
7. **CONSENT CALENDAR (removed from Regular Calendar).** None.
- 7.5. **NOTICE OF IMPENDING DEVELOPMENT.**
 - a. **Montara Water and Sanitary District Public Works Plan Notice of Impending Development No. SMC-NOID-2-10 (Alta Vista Well).** Staff recommended approval.

Motion & vote: Brennan moved to determine that the Notice of Impending Development is consistent and recommended a yes vote, seconded by Mitchell. Chair Shallenberger ruled that the vote was unanimous in favor of the motion.
Approved.

CENTRAL COAST DISTRICT

8. **DEPUTY DIRECTOR'S REPORT.** Deputy Director Carl 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. **CATEGORIAL EXCLUSION.**
 - a. **Santa Cruz County Categorical Exclusion Amendment Request No. E-82-4-A6 (Hoop House Exclusion).** [POSTPONED]
11. **LOCAL COASTAL PROGRAMS (LCPs)**
 - a. **Santa Cruz County LCP Amendment No. SCO-2-10 Part 1 (Hoop Houses).** [POSTPONED]
12. **NEW APPEALS.**
 - a. **Appeal No. A-3-STC-11-076 (Santa Cruz Seaside Co., Santa Cruz Co.)** Staff recommended the Commission determine that no substantial issue exists on the grounds in which the appeal was filed.

Motion & vote: Brennan moved to determine that no substantial issue exists on the grounds in which the appeal was filed and recommended a yes vote, seconded by Mitchell. The roll call vote was 7 in favor (O'Connor, Brennan, Kinsey, McClure, Mitchell, Zimmer, Shallenberger) and 2 opposed (Blank, Bochco). **No Substantial Issue found.**
13. **COASTAL PERMIT APPLICATIONS.**
 - a. **Application No. 3-11-031 (Degarimore, Morro Bay)** [POSTPONED]

STATEWIDE

- 13.3. **Coastal Program 40th Anniversary Report.** Informational only. **No action taken.**

13.5. **Commission Field Trip.** The Commission took a field trip to visit various points along the Pacific Coast Highway and the Santa Cruz coastline. The Commission returned and resumed the meeting at 3:00 p.m.

[Stone arrived]

14. **FEDERAL CONSISTENCY BRIEFING.** Informational only. **No action taken.**

ENERGY, OCEAN RESOURCES and FEDERAL CONSISTENCY

15. **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, Chair Shallenberger ruled that the Commission concurred.

16. **FEDERAL CONSISTENCY.**

a. **CD-055-11 (Army Corps, Humboldt Co.) [POSTPONED]**

NORTH COAST DISTRICT

17. **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.

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

19. **NEW APPEALS.**

a. **Appeal No. A-1-MEN-09-051 (Yasskin, Dakers, Drake & Graham, Mendocino Co.)** Staff recommended that the Commission determine that the appeal raised a substantial issue on the grounds on which the appeal was filed. There being no objection, Chair Shallenberger ruled that the Commission **found substantial issue** and continued the hearing to a future meeting.

b. **Appeal No. A-1-ARC-12-003 (Humboldt State University Foundation, Arcata)** [POSTPONED]

20. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 1-11-11 (Wages Creek Campground, LLC, Mendocino Co.)**
Staff recommended approval with conditions.

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

[Mitchell departed for the day]

- b. **Application No. 1-11-39 (California Department of Transportation, Del Norte Co.)** Staff recommended approval with conditions.

Motion & vote: McClure 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.**

There being no old or new business, the meeting of the California Coastal Commission adjourned at 3:55 p.m.

Respectfully submitted,

Charles Lester
Executive Director