

CALIFORNIA COASTAL COMMISSION

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**W12**

DATE: May 24, 2012
TO: Coastal Commissioners
FROM: Charles Lester, Executive Director
SUBJECT: **DRAFT MINUTES** of MEETING of MAY 9-10, 2012
Marin County Board of Supervisors Chambers
3501 Civic Center Drive, Room 330
San Rafael, CA 94903

WEDNESDAY, MAY 9, 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, Blank, Bochco, Burke, Kinsey, McClure, Mitchell, Reznik (alternate), Stewart (alternate), Zimmer. Non-voting: Norvell. Brennan arrived at 9:15 a.m. Absent: Bloom.
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 concurrence with the Executive Director's determination. There being no objection, Chair Shallenberger ruled that the Commission concurred.
 - a. **Application No. 5-12-27 (City of Long Beach & Long Beach Transit)**
 - b. **Application No. 5-12-73 (Red Frog Events, Long Beach)**
6. **CONSENT CALENDAR.** Staff recommended approval of the consent calendar.

Motion & vote: Kinsey 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.**

- a. **Application No. 5-12-47 (Belzberg, Santa Monica)**
- b. **Application No. 5-12-90 (City of Santa Monica Public Walkway)**

SOUTH COAST DISTRICT (Orange County)

- 7. **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. 5-11-296 (Webster, Huntington Beach)**
 - b. **Application No. 5-12-84 (Olson, Newport Beach)**

SAN DIEGO COAST DISTRICT

- 8. **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 concurrence.
- 9. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved one item [11a] to the expanded consent calendar and recommended approval with conditions.

Motion & vote: Kinsey 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.**

- 10. **LOCAL COASTAL PROGRAMS (LCPs)**
 - a. **Carlsbad LCP Amendment No. 3-11 (Second Dwelling Unit Rent Restrictions). Time Extension.** Staff recommended approval of the time extension.

Motion & vote: Bochco 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. **Carlsbad LCP Amendment No. 1-12 (Non-conforming Buildings and Uses). Time Extension.** Staff recommended approval of the time extension.

Motion & vote: Bochco 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.**

- c. **San Diego LCP Amendment No. 5-11A (Airport Land Use Compatibility Plan Implementation) and B (7th Update LDC). Time Extension.** Staff recommended approval of the time extension.

Motion & vote: Bochco 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.**

11. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 6-11-89 (UCSD, San Diego)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

12. **REVISED FINDINGS.**

- a. **Appeal No. A-6-PEN-11-77 (Prism Investments, San Diego)** Staff recommended approval of the revised findings.

Motion & vote: Bochco moved to approve the findings and recommended a yes vote, seconded by Zimmer. The vote of the prevailing side was 3 in favor [Bochco, Burke, Zimmer] and none opposed. **Approved.**

SOUTH COAST DISTRICT (ORANGE)

- 13. **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.

- a. **City of Laguna Beach LGB-MAJ-1-10 (Land Use Element Update). Certification Review.** Staff recommended concurrence with the Executive Director's determination. There being no objection, Chair Shallenberger ruled that the Commission concurred.

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

15. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 5-11-167 (Claims Advocate Services, LLC, Seal Beach) [WITHDRAWN]**
- b. **Application No. 5-11-168 (Fischer, Newport Beach) [WITHDRAWN]**

SOUTH COAST DISTRICT (Los Angeles County)

- 16. **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.
- 17. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved 2 items [18a, 19a] to the expanded consent calendar and recommended approval with conditions.

Motion & vote: Bochco moved to approve 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 with conditions.**

18. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 5-12-88 (City of Long Beach Dept. of Public Works)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

19. **PERMIT AMENDMENTS.**

- a. **Permit No. 5-10-19-A (Santa Catalina Island Company, Los Angeles Co.)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

SOUTH CENTRAL COAST DISTRICT

- 20. **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.

21. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved one item [23c] 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 Mitchell. Chair Shallenberger ruled that the vote was unanimous in favor of the motion. **Approved with conditions.**

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

- a. **City of Oxnard LCP Amendment No. OXN-MAJ-1-12. 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 Mitchell. Chair Shallenberger ruled that the vote was unanimous in favor of the motion. **Approved.**

- b. **City of Malibu LCP Amendment No. MAL-MAJ-2-11-A. 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 Mitchell. Chair Shallenberger ruled that the vote was unanimous in favor of the motion. **Approved.**

- c. **County of Ventura LCP Amendment No. VNT-MAJ-1-12. 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 Mitchell. Chair Shallenberger ruled that the vote was unanimous in favor of the motion. **Approved.**

23. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 4-11-069 (Santa Barbara County Flood Control District, Goleta Slough)** Staff 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.**

- b. **Application No. 4-11-026 (California Department of Transportation, (Caltrans), Ventura Co.)** Staff recommended approval with conditions.

Motion & vote: Bochco 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.**

- c. **Application No. 4-12-018 (Mukherjee, Los Angeles Co.)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

CLOSED SESSION.

Fiery et al. v. CCC et al.: The Commission received litigation information and gave direction.

Mariposa Land Company v. CCC et al.: The Commission gave direction.

Pacific Shores Property Owners Assn. v. Dept. of Fish & Game et al.: The Commission received litigation information and gave direction.

Tolowa Nations et al v. CCC et al.: The Commission received litigation information and gave direction.

In addition, the Commission discussed a matter of threatened litigation.

CENTRAL COAST DISTRICT

24. **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.

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

26. LOCAL COASTAL PROGRAMS (LCPs)

- a. **Monterey County LCP Amendment No. MCO-1-12 Part 1 (Del Monte Forest LCP Update and Pebble Beach Company Concept Plan).** Staff recommended approval as submitted.

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

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

- b. **Monterey County LCP Amendment No. MCO-1-12 Part 2 (Carmel Highlands Rezonings).** Staff recommended approval as submitted.

Motion & vote: Mitchell 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. **Approved as submitted.**

27. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 3-10-034 (California Department of Transportation, (Caltrans), Monterey Co.) [POSTPONED]**

NORTH CENTRAL COAST DISTRICT

- 28. **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.

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

- 30. **COASTAL PERMIT APPLICATIONS.** None.

STATEWIDE

- 31. **APPROVAL OF MINUTES.** The minutes of April 11-13, 2012 were approved as written.

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

- 32. **COMMISSIONERS' REPORTS.** Informational only.
- 33. **CONSERVANCY REPORT.** Informational only.
- 34. **SANTA MONICA MOUNTAINS CONSERVANCY REPORT.** None.
- 35. **DEPUTY ATTORNEY GENERAL'S REPORT.** None.

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

a. **Contract for Database Reporting Software for the Coastal Data Management System Upgrade.** Staff recommended approval of the contract.

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

b. **Contract for Software Maintenance Agreement for the Coastal Data Management System Upgrade.** Staff recommended approval of the contract.

Motion & vote: Brennan 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**

LEGISLATIVE.

SCR84 (Kehoe) Coastal Protection Week. Staff recommended support of the resolution.

Motion & vote: Mitchell moved to support the Resolution and recommended a yes vote, seconded by Brennan. Chair Shallenberger ruled that the vote was unanimous in favor of the motion. **Support.**

AB2226 (Hueso) Agency proceedings: evidence: presumption. Staff recommended opposition to the bill.

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

The Commission recessed for the day at 3:15 p.m.

THURSDAY, MAY 10, 2012

COMMISSION FIELD TRIP. The Commission took a field trip at 9:00 a.m. to visit various sites in western Marin County and returned at 1:20 p.m. to convene its regular agenda.

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

ENFORCEMENT

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

NORTH COAST DISTRICT

6. **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.
7. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved two items [8a, 9a] 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 McClure. Chair Shallenberger ruled that the vote was unanimous in favor of the motion. **Approved with conditions.**

8. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 1-11-007 (Union Pacific Railroad, Eureka)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

9. **PERMIT AMENDMENTS.**

- a. **Permit No. 1-08-47-A (Crescent City Harbor District, Del Norte Co.)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

ENERGY, OCEAN RESOURCES and FEDERAL CONSISTENCY

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

11. **FEDERAL CONSISTENCY.**

- a. **CC-054-11 (Caltrans, Eureka) [WITHDRAWN]**
- b. **CD-010-12 (U.S. Marine Corps, San Diego) [WITHDRAWN]**

CLOSED SESSION. *City of Malibu v. CCC (Santa Monica Mountains Conservancy et al., RPI),* the Commission received litigation information.

There being no old or new business, the meeting of the California Coastal Commission adjourned at 1:50 p.m.

Respectfully submitted,

Charles Lester
Executive Director