

CALIFORNIA COASTAL COMMISSION

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W11

DATE: July 11, 2012

TO: California Coastal Commissioners and Interested Parties

FROM: Charles Lester, Executive Director

SUBJECT: **DRAFT MINUTES** of MEETING of JUNE 13-15, 2012
Huntington Beach City Council
2000 Main Street
Huntington Beach, CA 92648

WEDNESDAY, JUNE 13, 2012
(pages 1-4)

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, Blank, Bochco, Burke, McClure, Sanchez, Stone, Zimmer. Non-voting: Norvell. Kinsey arrived at 9:10 a.m.; Mitchell arrived at 9:25 a.m.; Bloom arrived at 9:37 a.m.
3. **AGENDA CHANGES.**
4. **GENERAL PUBLIC COMMENT.** Members of the public addressed the Commission on various issues affecting the coast.

REPORT OF CLOSED SESSION.

Shea Homes, LP v. CCC – The Commission received litigation information and advice.

Laguna Terrace Park, LLC – The Commission received litigation information and advice.

SOUTH COAST DISTRICT (ORANGE COUNTY)

5. ADMINISTRATIVE CALENDAR.

- a. **Application No. 5-11-37 (Clark, Huntington Beach)** Staff recommended that the Commission concur with the Executive Director's determination. There being no objection, Chair Shallenberger ruled that the Commission concurred.

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

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.**

- a. **Application No. 5-12-24 (Cunningham, Newport Beach)**
- b. **Application No. 5-12-14 (Small, Sunset Beach)**
- c. **Application No. 5-12-132 (City of San Clemente Engineering Division)**

SOUTH COAST DISTRICT (ORANGE COUNTY)

7. DEPUTY DIRECTOR'S REPORT FOR ORANGE COUNTY. Report by Deputy Director 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.

9. LOCAL COASTAL PROGRAMS (LCPs). None.

10. NEW APPEALS. None.

11. COASTAL PERMIT APPLICATIONS.

- a. **Application No. 5-10-229 (City of Newport Beach Bayfront Public Park & Marina)** Staff recommended approval with conditions.

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

Amending motion & vote: Blank moved to allow existing non-native palms trees to be retranslocated with monitoring conditions and not be replaced with new non-native, invasive species if they fail to thrive and recommended a yes vote, seconded by Burke. The roll call vote was 7 in favor [Blank, Bloom, Bochco, Brennan, Burke, McClure, Zimmer] and 5 opposed [Kinsey, Mitchell, Sanchez, Stone, Shallenberger]. **Approved.**

Amending motion & vote: Kinsey moved to exempt the height limitation in the Shoreline Height Limitation Zone to allow for a 71 foot tower with tsunami warning signal and recommended a yes vote, seconded by Burke. The roll call vote was 6 in favor [Bloom, Brennan, Burke, Kinsey, McClure, Mitchell] and 6 opposed [Blank, Bochco, Sanchez, Stone, Zimmer, Shallenberger]. **Motion failed.**

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

LUNCH RECESS. The Commission recessed for lunch at 12:35 p.m. and returned at 1:15 p.m.

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

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

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

- c. **Application No. 5-11-302 (City of Newport Beach Public Park (Sunset Ridge)).**
[POSTPONED]

- d. **Application No. 5-12-121 (Laguna Isla Vista, LP, Laguna Beach Luxury Hotel LLC & Driftwood Properties LLC, Laguna Beach)**

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.**

STATEWIDE

12. **APPROVAL OF MINUTES.** The minutes of May 9-10, 2012 were approved. **Motion & vote:** Brennan moved to approve the minutes and recommended a yes vote, seconded by Bochco. Chair Shallenberger ruled that the vote was unanimous with 2 abstentions [Stone, Sanchez]. **Approved as written.**
13. **COMMISSIONERS' REPORTS.** Informational only.
14. **CONSERVANCY REPORT.** None.
15. **SANTA MONICA MOUNTAINS CONSERVANCY REPORT.** Informational only.
16. **DEPUTY ATTORNEY GENERAL'S REPORT.** Informational only.

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

- a. **Legislation.** Legislative report and possible Commission action. Staff recommended opposition to SB 162.

Motion & vote: Kinsey moved to oppose SB 162 and recommended a yes vote, seconded by Mitchell. Chair Shallenberger ruled that the vote was unanimous in favor of the motion. **Opposed.**

- b. **Property Information Service Contract.** Staff recommended authorization of the contract.

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

- c. **Filing Fees Increase.** Schedule of filing fees will be adjusted for inflation effective July 1, 2012. For informational purposes only. No Commission action necessary. (CL/SH-SF)

- d. **2013 Schedule of Meeting Dates and Locations.** No action taken.

The Commission recessed for the day and departed for a field trip to the Bolsa Chica Ecological Reserve at 6:00 p.m.

THURSDAY, JUNE 14, 2012
(pages 5-9)

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, Blank, Bochco, Brennan, Burke, Kinsey, Zimmer. Non-voting: Norvell. Bloom arrived at 9:03 a.m.; McClure arrived at 9:07 a.m.; Sanchez arrived at 9:12 a.m.; Mitchell arrived at 9:40 a.m.
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. 5-12-107 (Thompson, Long Beach)**

6. **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 Kinsey. Chair Shallenberger ruled that the vote was unanimous in favor of the motion. **Approved with conditions.**

a. **Application No. 5-12-101 (Martin, Santa Monica)**

SAN DIEGO DISTRICT

7. **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 Brennan. Chair Shallenberger ruled that the vote was unanimous in favor of the motion. **Approved with conditions.**

a. **Application No. 6-12-14 (San Diego County Regional Airport Authority, San Diego)**

b. **Application No. 6-12-20 (City of Carlsbad Storm Drain Repair)**

SOUTH COAST DISTRICT (LOS ANGELES COUNTY)

8. **DEPUTY DIRECTOR'S REPORT FOR LOS ANGELES COUNTY.** Deputy Director Timm 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 concurrence.
9. **CONSENT CALENDAR (removed from Regular Calendar).** None.
10. **LOCAL COASTAL PROGRAMS (LCPs)** None.
11. **NEW APPEALS.** None.
12. **COASTAL PERMIT APPLICATIONS.** None.
13. **PERMIT AMENDMENTS.**
 - a. **Permit No. 5-91-286-A9 (City of Los Angeles, Department of Recreation and Parks) [POSTPONED]**

ENERGY, OCEAN RESOURCES AND FEDERAL CONSISTENCY

14. **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 concurrence.
15. **CONSENT CALENDAR (removed from Regular Calendar).** None.
16. **COASTAL PERMIT APPLICATIONS.**
 - a. **Application No. E-11-027 (Dynegy South Bay, LLC, Chula Vista)** Staff 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.**

17. **FEDERAL CONSISTENCY.**

- a. **CD-024-12 (Bureau of Indian Affairs, Del Norte Co.)** Staff recommended concurrence on the Consistency Determination.

Motion & vote: McClure moved to concur that the project is consistent and recommended a yes vote, seconded by Bochco. Chair Shallenberger ruled that the vote was unanimous in favor of the motion. **Approved.**

- b. **CD-019-12 (U.S. Fish and Wildlife Service, So. California)** Staff recommended concurrence on the Consistency Determination. At the hearing, the Commission included a monitoring program on the effect of its action on the fishing industry.

Motion & vote: In its deliberations the Commission encouraged the Fish and Wildlife Service to continue to monitor the effects of any future expanded sea otter range populations on commercial and recreational fishing in the southern California Bight. Stone moved to concur with staff recommendation that the project is consistent and recommended a yes vote, seconded by Bochco. Chair Shallenberger ruled that the vote was unanimous in favor of the motion. **Approved.**

LUNCH RECESS. The Commission recessed for lunch at 11:45 p.m. and returned at 12:45 p.m.

SAN DIEGO COAST DISTRICT

18. **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.

19. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved one item [22b] 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.**

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

- a. **Carlsbad LCP Amendment No. 2-12A (Housing Element Program 2.1-Min. Densities), B (Housing Element Program 2.1-Mixed Use) and C (Land Use Decision Making) 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 Brennan. Chair Shallenberger ruled that the vote was unanimous in favor of the motion. **Approved.**

- b. **San Diego LCP Amendment No. 1-12 (Urban Agriculture) 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 Bochco. Chair Shallenberger ruled that the vote was unanimous in favor of the motion. **Approved.**

21. **NEW APPEALS.** None.

22. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 6-11-66 (22nd District Agricultural Association, Del Mar)**
[WITHDRAWN]
- b. **Application No. 6-11-93 (California Department of Transportation, San Diego)**
Moved by staff to the expanded consent calendar. **Approved with conditions.**

23. **PERMIT AMENDMENTS.**

- a. **Permit No. 6-90-290-A2 (Tully, Solana Beach)** [POSTPONED]

24. **REVISED FINDINGS.**

- a. **Solana Beach LCP (Land Use Plan).** Staff recommended approval of the revised findings.

Motion & vote: Sanchez moved to adopt the revised findings and recommended a yes vote, seconded by Zimmer. The vote of the prevailing side was 10 in favor [Blank, Bochco, Brennan, Burke, Kinsey, McClure, Mitchell, Sanchez, Stone, Zimmer] and none opposed. **Approved.**

ENFORCEMENT

25. **ENFORCEMENT REPORT.**

- a. The Enforcement Report included a presentation by Dr. Karen Martin of her award winning documentary, “Surf, Sand, and Silversides: the California Grunion”. Informational only.

SOUTH CENTRAL COAST DISTRICT

26. **DEPUTY DIRECTOR’S REPORT.** District Manager Hudson 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.

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

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

- a. **City of Port Hueneme LCP Amendment No. 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 Kinsey. Chair Shallenberger ruled that the vote was unanimous in favor of the motion. **Approved.**

- b. **County of Santa Barbara LCP Amendment No. MAJ-3-11-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 Kinsey. Chair Shallenberger ruled that the vote was unanimous in favor of the motion. **Approved.**

- c. **County of Santa Barbara LCP Amendment No. MAJ-3-11-B (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 Zimmer. Chair Shallenberger ruled that the vote was unanimous in favor of the motion. **Approved.**

- d. **County of Ventura LCP Amendment No. MAJ-1-12.** 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 Bloom. Chair Shallenberger ruled that the vote was unanimous in opposition to the motion. **Approved as submitted.**

29. **NEW APPEALS.** None.

30. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 4-11-051 (Jantzen, Los Angeles Co.)** Staff recommended approval with conditions.

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

The Commission recessed for the day and went into closed session at 2:25 p.m.

FRIDAY, JUNE 15, 2012
(pages 10-13)

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, Blank, Bochco, Brennan, Burke, McClure, Mitchell, Zimmer. Non-voting: Norvell. Bloom arrived at 9:03 a.m.; Sanchez arrived at 9:06 a.m.; Kinsey arrived at 9:14 a.m.
3. **AGENDA CHANGES.**
4. **GENERAL PUBLIC COMMENT.** Members of the public addressed the Commission on various issues affecting the coast.

REPORT OF CLOSED SESSION. [Trailed from Thursday]

City of Malibu v. CCC (Santa Monica Mountains Conservancy et al., RPI) - The Commission heard litigation information and advice and gave direction.

Ramirez Canyon Preservation Fund v. CCC (Santa Monica Mountains Conservancy et al., RPI) - The Commission heard litigation information and advice and gave direction.

Monterey County LCP Amendment No. 1-07 - The Commission gave direction based on litigation information.

NORTH COAST DISTRICT

5. **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.
6. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved one item [9b] 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 McClure. Chair Shallenberger ruled that the vote was unanimous in favor of the motion. **Approved with conditions.**
7. **LOCAL COASTAL PROGRAMS (LCPs).** None.
8. **NEW APPEALS.** None.

9. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 1-11-48 (California Department of Fish & Game (DFG), Humboldt Co.) [POSTPONED]**
- b. **Application No. 1-12-10 (Kinori & Lobovits, Humboldt Co.)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

CENTRAL COAST DISTRICT

10. **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.

- a. **Santa Cruz County SCO-1-11 Part 1 (Minor Exceptions and Garage Standards). Certification Review.** Staff recommended that the Commission concur with the Executive Director's determine.

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

- b. **Santa Cruz County SCO-1-11 Part 4 (Fences and Walls). Certification Review.** Staff recommended that the Commission concur with the Executive Director's determine.

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

- c. **Monterey County LCP Amendment No. MCO-1-12 Part 1 (Del Monte Forest LCP Update and Pebble Beach Company Concept Plan). Certification Review.** Staff recommended that the Commission concur with the Executive Director's determination.

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

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

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

- a. **City of Seaside LCP Amendment No. SEA-1-11 (Seaside LCP). Time Extension.** Staff recommended approval of the one-year time extension.

Motion: Stone moved to grant the one-year time extension and recommended a yes vote, seconded by Sanchez.

Amending motion & vote: Blank moved to grant a 6 month extension and recommended a yes vote, seconded by McClure. The roll call vote was 5 in favor [Blank, Brennan, Kinsey, McClure, Mitchell] and 7 opposed [Bloom, Bochco, Burke, Sanchez, Stone, Zimmer, Shallenberger]. **Motion failed.**

Vote on the main motion: The roll call vote was 9 in favor [Bloom, Bochco, Burke, Kinsey, McClure, Sanchez, Stone, Zimmer, Shallenberger] and 3 opposed [Blank, Brennan, Mitchell]. **Approved.**

- b. **City of Grover Beach LCP Amendment No. GRB-MAJ-1-12 (Grover Beach Lodge and Public Works Update). 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.**

- c. **City of Carmel by the Sea LCP Amendment No. CML-2-12 (Commercial Design Guidelines).** Staff recommended that the Commission concur with the Executive Director's determination. There being no objection, Chair Shallenberger ruled that the Commission concurred.

13. **NEW APPEALS.** None.

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

15. **REVOCATIONS.**

- a. **Application No. R-A-3-SLO-09-055/069 (San Luis Obispo County Public Works Department, Los Osos)** Staff recommended denial of the revocation request.

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

NORTH CENTRAL COAST DISTRICT

16. **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.
17. **CONSENT CALENDAR (removed from Regular Calendar).** None.
18. **LOCAL COASTAL PROGRAMS (LCPs)** None.
19. **NEW APPEALS.** None.
20. **COASTAL PERMIT APPLICATIONS.**
 - a. **Application No. 2-10-039 (Land's End, Pacifica) [POSTPONED]**

There being no further business, the Commission recognized and honored Naomi Schwartz. The June meeting of the California Coastal Commission adjourned at 11:05 a.m.

Respectfully submitted,

Charles Lester
Executive Director