

**CALIFORNIA COASTAL COMMISSION**

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**W22**

DATE: July 27, 2012  
TO: Coastal Commissioners  
FROM: Charles Lester, Executive Director  
SUBJECT: MINUTES of MEETING of JULY 11-13, 2012  
Huntington Beach City Council Chambers  
2000 Main Street  
Huntington Beach, CA 92648

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**WEDNESDAY, JULY 11, 2012**

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order at 8:35 a.m. by Chair Shallenberger.
2. **ROLL CALL.** Present: Chair Shallenberger, Vice Chair Stone, Bochco, Brennan, Burke, Kinsey, McClure, Mitchell, Sanchez, Zimmer. O'Connor arrived at 1:35 p.m. Non-voting: Norvell. Absent: Blank.
3. **AGENDA CHANGES.**
4. **GENERAL PUBLIC COMMENT.** Members of the public addressed the Commission on various issues affecting the coast.

**CLOSED SESSION.** In closed session, the Commission discussed a personnel matter.

**SAN DIEGO COAST DISTRICT**

5. **CONSENT CALENDAR.**
  - a. **Application No. 6-12-31 (Micheaels, San Diego)** Staff recommended approval 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.**

6. **DEPUTY DIRECTOR'S REPORT.** 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 concurrence.
7. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved one item [10e] 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.**

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

- a. **Oceanside LCP Amendment No. 02-10 (Telecommunication Facilities).** Staff recommended denial 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 Kinsey. Chair Shallenberger ruled that the vote was unanimous in favor of the motion. **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.**

9. **NEW APPEALS.** None.

10. **COASTAL PERMIT APPLICATIONS.**

- a. **Appeal No. A-6-ENC-09-40 (Okun, Encinitas)** Staff recommended approval with conditions.

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

**Amending motion & vote:** Sanchez moved to delete Condition #1 and Condition #2a and recommended a yes vote, seconded by Kinsey. The roll call vote was 7 in favor [Bochco, Brennan, Burke, Kinsey, McClure, Mitchell, Sanchez] and 3 opposed [Stone, Zimmer, Shallenberger]. **Approved.**

**Vote on main motion:** The roll call vote was 8 in favor [Bochco, Brennan, Burke, Kinsey, McClure, Mitchell, Sanchez, Stone] and 2 opposed [Zimmer, Shallenberger]. **Approved with conditions.**

- b. **Appeal No. A-6-ENC-09-41 (Okun, Encinitas)** 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:** Sanchez moved to delete Condition #1 and Condition #2a and

recommended a yes vote, seconded by Kinsey. The roll call vote was 7 in favor [Bochco, Brennan, Burke, Kinsey, McClure, Mitchell, Sanchez] and 3 opposed [Stone, Zimmer, Shallenberger]. **Approved.**

**Vote on main motion:** The roll call vote was 8 in favor [Bochco, Brennan, Burke, Kinsey, McClure, Mitchell, Sanchez, Stone] and 2 opposed [Zimmer, Shallenberger]. **Approved with conditions.**

**LUNCH RECESS.** The Commission recessed for lunch at 12:30 and returned at 1:30 p.m.

**Report of CLOSED SESSION:**

**Bay Island Club v. CCC** – The Commission received litigation advice, information and gave direction.

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

**Fiery et al. v. CCC et al.** – The Commission received litigation information.

**Pacific Shores Property Owners Assn. v. Dept. of Fish & Game et al.** – The Commission received litigation information.

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

**Steinberg v. CCC** - The Commission received litigation information.

**Tolowa Nations et al. v. CCC et al.** - The Commission received litigation information.

The Commission also considered and gave direction regarding the filing of new litigation

- c. **Application No. 6-11-10 (Oceanus Geologic Hazard Abatement District, San Diego)**  
[POSTPONED]

[O'Connor arrived.]

- d. **Application No. 6-11-78 (City of San Diego, Parks and Recreation Department, San Diego Children's Pool Rope Barrier, San Diego)** 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.**

- e. **Application No. 6-12-22 (San Diego Unified Port District, Chula Vista)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

## STATEWIDE [trailed to Friday's agenda]

11. **APPROVAL OF MINUTES.** Sanchez moved to approve the minutes of **June 13-15, 2012** as written and recommended a yes vote, seconded by Zimmer. Chair Shallenberger ruled that the vote was unanimous in favor of the motion. **Approved.**
12. **COMMISSIONERS' REPORTS.** Information only.
13. **CONSERVANCY REPORT.** Information only.
14. **SANTA MONICA MOUNTAINS CONSERVANCY REPORT.** Information only.
15. **DEPUTY ATTORNEY GENERAL'S REPORT.** None.
16. **EXECUTIVE DIRECTOR'S REPORT** including reports and possible Commission action on legislation and water quality.
  - a. **Legislation.** Legislative report and possible Commission action. None.
  - b. **Interagency Agreement.** Public hearing and Commission authorization to enter into an Inter-agency Agreement with California Department of Human Resources for personnel data processing services.

**Motion & vote:** Stone moved to authorize the Inter-agency agreement and recommended a yes vote, seconded by Brennan. Chair Shallenberger ruled that the vote was unanimous in favor of the motion. **Approved.**
  - c. **2013 Schedule of Meeting Dates and Locations.** Staff recommended approval of the meeting dates and location.

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

## THURSDAY, JULY 12, 2012

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order at 9:07 p.m. by Chair Shallenberger
2. **ROLL CALL.** Present: Chair Shallenberger, Vice Chair Stone, O'Connor (alternate), Bochco, Brennan, McClure, Mitchell, Zimmer. Sanchez arrived at 9:15 a.m.; Kinsey arrived at 9:35 a.m.; Burke arrived at 10:30 a.m. Non-voting: Norvell. Absent: Blank.
3. **AGENDA CHANGES.**
4. **GENERAL PUBLIC COMMENT.** Members of the public addressed the Commission on various issues affecting the coast.

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

5. **CONSENT CALENDAR.**
  - a. **Application No. 5-12-110 (Elias, Huntington Beach)** Staff recommended approval with conditions.

**Motion & votes:** 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.**

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

6. **ADMINISTRATIVE CALENDAR.**
  - a. **Application No. 5-12-145 (Gordon, Long Beach)** Staff recommended that the Commission concur with the Executive Director's determination. There being no objection, Chair Shallenberger ruled that the Commission concurred.

### **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.
  - a. **City of Laguna Beach LGB-MAJ-3-10 (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.

8. **CONSENT CALENDAR (removed from Regular Calendar).** None
9. **LOCAL COASTAL PROGRAMS (LCPs)** None
10. **NEW APPEALS.** None.

**Report of CLOSED SESSION.**

**Norberg v. CCC** – The Commission received litigation information and advice.

11. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 5-09-105 (Norberg Family Trust, Laguna Beach)** Staff recommended approval with conditions. [Burke arrived during this item and did not vote.]

**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.**

- b. **Application No. 5-11-53 (Orange County Parks, Dana Point)** Staff recommended denial.

**Motion & vote:** Stone moved to approve pursuant to the staff recommendation and recommended a no vote, seconded by Zimmer. Chair Shallenberger ruled that the vote was unanimous in opposition to the motion. **Denied.**

**LUNCH RECESS.** The Commission recessed for lunch at 12:00 p.m. and returned at 12:45 p.m.

**Report of CLOSED SESSION.**

**Manchester Pacific Gateway v. California Coastal Commission** – The Commission received litigation information and advice and gave direction.

- c. **Application No. 5-11-302 (City of Newport Beach Public Park (Sunset Ridge Park))** Staff recommended denial.

**Motion:** Brennan moved to approve pursuant to the staff recommendation and recommended a yes vote, seconded by McClure.

**Amending motion:** McClure moved to add conditions if approved and recommended a yes vote, seconded by Brennan.

Main motion withdrawn by Brennan.

**Motion & vote:** Kinsey moved to continue and recommended a yes vote, seconded by Zimmer. The roll call vote was 6 in favor [Brennan, Burke, Kinsey, McClure, Mitchell, Zimmer] and 5 opposed [O'Connor, Bochco, Sanchez, Stone, Shallenberger]. **Continued.**

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

12. **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.
13. **CONSENT CALENDAR (removed from Regular Calendar).** None.
14. **LOCAL COASTAL PROGRAMS (LCPs)** None.
15. **NEW APPEALS.**

- a. **Appeal No. A-5-MDR-12-159 (Legacy Partners Residential, Inc., Los Angeles Co.)** Staff recommended that the appeal raised no substantial issue on the grounds in which the appeal was filed.

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

- b. **Appeal No. A-5-MDR-12-161 (Los Angeles County, Dept. of Beaches and Harbor, Los Angeles Co.)** [POSTPONED]

- c. **Appeal No. A-5-MDR-12-162 (Legacy Partners Residential, Inc., Los Angeles Co.)** Staff recommended that the appeal raised no substantial issue on the grounds in which the appeal was filed.

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

*[Burke departed for the day.]*

16. **COASTAL PERMIT APPLICATIONS.** None.
17. **PERMIT AMENDMENTS.**

- a. **Permit No. 5-08-251-A3 (Los Angeles Unified School District, San Pedro)** Staff recommended approval with conditions.

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

- b. **Permit No. 5-91-286-A9 (City of Los Angeles, Department of Recreation and Parks, Los Angeles)** 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.**

## **ENFORCEMENT**

- 18. **ENFORCEMENT REPORT.** None.

- 18.3. **Consent Cease and Desist Order No. CCC-12-CD-05 (United World of the Universe)** Staff recommended approval of the Cease and Desist Order.

**Motion & vote:** Vice Chair Stone moved to issue the Consent Cease and Desist Order 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.**

- 18.5 **Consent Restoration Order No. CCC-12-RO-05 (United World of the Universe)** Staff recommended approval of the Restoration Order.

**Motion & vote:** Vice Chair Stone moved to issue the Consent Restoration Order 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.**

## **SOUTH CENTRAL COAST DISTRICT**

- 19. **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. **Santa Barbara County LCP Amendment No. STB-MAJ-2-11 (Medical Marijuana Storefront Dispensaries) 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.

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

- 21. **LOCAL COASTAL PROGRAMS (LCPs)**

- a. **City of Oxnard LCP Amendment No. OXN-MAJ-1-12. [POSTPONED]**



22. **NEW APPEALS.** None.

23. **COASTAL PERMIT APPLICATIONS.** None

The Commission recessed for the day at 5:35 p.m.

## FRIDAY, JULY 13, 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, Vice Chair Stone, Bochco, Brennan, Kinsey, McClure, Mitchell, Sanchez, Zimmer. O'Connor arrived at 9:35 a.m. Non-voting: Norvell. Absent: Blank, Burke.
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, Chair Shallenberger ruled that the Commission concurred.
6. **CONSENT CALENDAR (removed from Regular Calendar).** None.
7. **COASTAL PERMIT APPLICATIONS.** None.
8. **FEDERAL CONSISTENCY.**
  - a. **CD-014-12 (U.S. Coast Guard, Humboldt 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, Chair Shallenberger ruled that the Commission concurred.
10. **CONSENT CALENDAR (removed from Regular Calendar).** None.
11. **LOCAL COASTAL PROGRAMS (LCPs)**
  - a. **City of Eureka Community Development Department LCP Amendment No. EUR-MAJ-1-5 (Redwood Marine LCP Amendment & Zone Reclassification).** Staff recommended approval as submitted.

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

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

12. **NEW APPEALS.**

- a. **Appeal No. A-1-DNC-12-16 (County of Del Norte Public Trail)** Staff recommended that the appeal raised no substantial issue on the grounds in which the appeal was filed.

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

- b. **Appeal No. A-1-MEN-12-18 (Roscoe, Mendocino Co.)** Staff recommended that the appeal raised no substantial issue on the grounds in which the appeal was filed.

**Motion & vote:** McClure moved to determine that the appeal raised no substantial issue on the grounds in 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.**

13. **COASTAL PERMIT APPLICATIONS.** None.

## **NORTH CENTRAL COAST DISTRICT**

14. **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. **None.**

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

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

17. **PUBLIC WORKS PLAN.**

- a. **Montara Water and Sanitary District Public Works Plan Notice of Impending Development No. SMC-NOID-1-12 (Schoolhouse Water Tank).** Staff recommended approval of the Notice of Impending Development.

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

18. **NEW APPEALS.**

- a. **Appeal No. A-2-HMB-12-11 (Gibraltar Capital, San Mateo 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, Chair Shallenberger ruled that the Commission found substantial issue and continued the matter to a future hearing. **Substantial Issue found.**

19. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 2-11-24 (Daly City Revetment)** Staff recommended approval with conditions.

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

## **CENTRAL COAST DISTRICT**

20. **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.

21. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved one item [25a] 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 Sanchez. Chair Shallenberger ruled that the vote was unanimous in favor of the motion. **Approved with conditions.**

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

23. **LONG RANGE DEVELOPMENT PLAN.**

- a. **University of California, Santa Cruz Notice of Impending Development No. 4.**  
**[POSTPONED]**

24. **NEW APPEALS.** None.

25. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 3-10-034 (California Department of Transportation (Caltrans), Monterey Co.)** 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 10:45 a.m.