

CALIFORNIA COASTAL COMMISSION

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**W13**

DATE: December 21, 2012
TO: Coastal Commissioners
FROM: Charles Lester, Executive Director
SUBJECT: **DRAFT MINUTES of MEETING of NOVEMBER 14-15, 2012**
Santa Monica Civic Center—East Wing
1855 Main Street
Santa Monica, CA 90401

WEDNESDAY, NOVEMBER 14, 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, Wickett(alternate), Bochco, Brennan, Burke, Kinsey, McClure, Mitchell, Norvell, Sanchez, Stewart(alternate), Zimmer.
- 2.5 **ELECTION OF VICE CHAIR.** Mitchell nominated Kinsey. There being no further nominations, the Commission unanimously elected Kinsey to be Vice Chair.
3. **AGENDA CHANGES.**
4. **GENERAL PUBLIC COMMENT.** Members of the public addressed the Commission on various issues affecting the coast.

ENFORCEMENT

5. **ENFORCEMENT REPORT.** None.
6. **Consent Cease and Desist Order No. CCC-12-CD-07 (Moore, Gualala, Mendocino Co.)** Staff recommended that the Commission issue the Consent Cease and Desist order.

Motion & vote: Sanchez moved to approve the Cease and Desist Order 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.**

7. **Consent Restoration Order No. CCC-12-RO-07 (Moore, Gualala, Mendocino Co.)** Staff recommended that the Commission issue the Consent Restoration Order.

Motion & vote: Sanchez moved to approve the Restoration Order 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.**

NORTH COAST DISTRICT

8. **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. **None.**

9. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved one item 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 Kinsey. Chair Shallenberger ruled that the vote was unanimous in favor of the motion. **Approved with conditions.**

10. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 1-12-13 (Wilson, Humboldt Co.)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

ENERGY, OCEAN RESOURCES and FEDERAL CONSISTENCY

11. **ENERGY, OCEAN RESOURCES and FEDERAL CONSISTENCY.** Report by the Deputy Director on permit waivers, emergency permits, immaterial amendments & extensions, negative determinations, matters not requiring public hearings, and status report on offshore oil & gas exploration & development. **None.**

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

13. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. E-11-029 (Taylor Mariculture, Humboldt Co.)** Staff recommended approval with conditions.

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

LUNCH RECESS. The Commission recessed for lunch at 12:15 p.m. and returned at 1:00 p.m.

- b. **Application No. E-12-005 and CC-027-12 (Pacific Gas & Electric Co., San Luis Obispo Co.)** Staff recommended denial. *[Mitchell recused and not present]*

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

Motion & vote: Bochco moved to concur that the project is consistent and recommended a no vote pursuant to the staff recommendation, seconded by Sanchez. Chair Shallenberger ruled that the vote was unanimous in opposition to the motion. **Objection.**

STATEWIDE [items 14, 15, 16, 17 & 19, 20 were trailed to Thursday's agenda]

14. **APPROVAL OF MINUTES.** The minutes of September 2012 and October 2012 were approved as written.

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

15. **COMMISSIONERS' REPORTS.** Information only.
16. **CONSERVANCY REPORT.** Information only.
17. **SANTA MONICA MOUNTAINS CONSERVANCY REPORT.** No report.
18. **SANTA MONICA BAY RESTORATION REPORT.** No report.
19. **DEPUTY ATTORNEY GENERAL'S REPORT.** Information only.
20. **EXECUTIVE DIRECTOR'S REPORT** including reports and possible Commission action on legislation and water quality. No action taken. Information only.

THURSDAY, NOVEMBER 15, 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.** Chair Shallenberger, Vice Chair Kinsey, Wickett(alternate), Bochco, Brennan, Burke, McClure, Sanchez, Stewart(alternate), Zimmer. Non-voting: Norvell. O'Connor(alternate) arrived at 9:05 a.m., Mitchell arrived at 9:10 a.m.
3. **AGENDA CHANGES.**
4. **GENERAL PUBLIC COMMENT.** Members of the public addressed the Commission on issues related to 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. 5-12-226 (Briles, Long Beach)**
6. **CONSENT CALENDAR.** Staff recommended approval with conditions.
 - a. **Application No. 5-12-216 (Lieber, Venice, Los Angeles Co.)**
 - b. **Application No. 5-12-223 (924 PBR LLC, Santa Monica)**
 - c. **Application No. 5-12-225 (City of Santa Monica Municipal Pier Replacement)**
 - d. **Application No. 5-12-233 (Grand Prix Association of Long Beach & City of Long Beach, Special Events and Film Bureau)**

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 the conditions.**

SAN DIEGO COAST DISTRICT

7. **CONSENT CALENDAR.** Staff recommended approval with conditions.
 - a. **Application No. 6-11-85 (SeaWorld, San Diego)**
 - b. **Application No. 6-12-63 (Fletcher, San Diego)**

Motion & vote: Brennan 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.**

NORTH CENTRAL COAST DISTRICT

8. **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. **None.**
9. **CONSENT CALENDAR (removed from Regular Calendar).** **None.**
10. **NEW APPEALS.**
 - a. **Appeal No. A-2-MAR-11-29 (Freedomhowler, Marin Co.) [WITHDRAWN]**
11. **COASTAL PERMIT APPLICATIONS.**
 - a. **Application No. 2-12-19 (City of Pacifica Parking Fee Program)** Staff recommended approval with conditions.

Motion & vote: Kinsey 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.**

CENTRAL COAST DISTRICT

12. **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 concurrence.
 - a. **City of Pismo Beach LCP Amendment No. PSB-1-11 (Sign Regulations).** Staff recommended that the Commission concur with the Executive Director's determination that the amendment is minor. There being no objection, Chair Shallenberger ruled that the Commission concurred.
 - b. **City of Capitola LCP Amendment No. CAP-1-12 Part 1 (Reasonable Accommodations).** Staff recommended that the Commission concur with the Executive Director's determination that the amendment is minor. There being no objection, Chair Shallenberger ruled that the Commission concurred.
 - c. **City of Capitola LCP Amendment No. CAP-1-12 Part 3 (Parking Requirements).** Staff recommended that the Commission concur with the Executive Director's determination that the amendment is minor. There being no objection, Chair Shallenberger ruled that the Commission concurred.
 - d. **City of Capitola LCP Amendment No. CAP-1-12 Part 4 (Sidewalk Signs).** Staff recommended that the Commission concur with the Executive Director's determination that the amendment is minor. There being no objection, Chair Shallenberger ruled that the Commission concurred.

13. **CONSENT CALENDAR (removed from Regular Calendar). None.**
14. **LOCAL COASTAL PROGRAMS (LCPs)**
 - a. **City of Capitola LCP Amendment No. CAP-1-12, Part 2 (Emergency Shelters).** Staff recommended approval as submitted.

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

- b. **City of Seaside LCP Amendment No. SEA-1-11 (Complete LCP). [POSTPONED]**

SOUTH COAST DISTRICT (Orange County)

15. **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 concurrence.

16. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved two items [**18b, 18c**] 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.**

17. **LOCAL COASTAL PROGRAMS (LCPs).**
 - a. **City of Newport Beach LUP Amendment No. NPB-MAJ-1-11.** Staff recommended approval of the Land Use Plan 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.**

18. **COASTAL PERMIT APPLICATIONS.**
 - a. **Application No. 5-12-124 (Schwary, Newport Beach)** Staff recommended denial.
Motion & vote: Brennan moved to approve pursuant to the staff recommendation and recommended a no vote, seconded by Sanchez. Chair Shallenberger ruled that the vote was unanimous in opposition to the motion. **Denied.**
 - b. **Application No. 5-12-177 (Abell & Helou, Newport Beach)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

- c. **Application No. 5-12-178 (Abell & Helou, Newport Beach)** Moved by staff to the expanded consent calendar. **Approved with conditions.**
- d. **Application No. 5-12-214 (Advanced Group 99-D (AERIE), Newport Beach)**
[POSTPONED]

SAN DIEGO COAST DISTRICT

- 19. **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 that the Commission concurred.
- 20. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved one item [24a] 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.**

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

- a. **City of San Diego LCP Amendment No. SAN-MAJ-4-11-A (Community Gardens).** Staff recommended denial of the Implementation Plan as submitted and approval if modified as suggested.

Motion & vote: Brennan moved to reject the Implementation Plan as submitted and recommended a yes vote, seconded by Sanchez. Chair Shallenberger ruled that the vote was unanimous in favor of the motion. **Certification denied.**

Motion & vote: Brennan moved to certify the Implementation Plan if modified as suggested and recommended a yes vote, seconded by Sanchez. Chair Shallenberger ruled that the vote was unanimous in favor of the motion. **Approved with modifications.**

[Item 21b was trailed and the Statewide items that were trailed from Wednesday's agenda were heard.]

- b. **City of San Diego LCP Amendment No. CCP-MAJ-4-11-B (2006, 2007 and 2010 Centre City Amendments).** Staff recommended denial as submitted and approval if modified as suggested.

Motion & vote: Sanchez moved to certify the Land Use Plan as submitted and recommended a no vote, seconded by Bochco. Chair Shallenberger ruled that the vote was unanimous in opposition to the motion. **Certification denied.**

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

LUNCH RECESS. The Commission recessed for lunch at 12:00 p.m. and returned 1:00 p.m.

Report of Closed Session.

Ackerberg et al. v. CCC (Access for All et al., RPI) –the Commission received litigation information.
Big Wave LLC et al. v. CCC –the Commission received litigation information.
City of Malibu v. CCC (Santa Monica Mountains Conservancy et al., RPI)—the Commission received litigation information and gave direction.
Ramirez Canyon Preservation Fund v. CCC (Santa Monica Mountains Conservancy et al., RPI)—the Commission received litigation information and gave direction.
Khalkhali v. CCC (Svitek, RPI)—the Commission received litigation information.
Norberg v. CCC—the Commission received litigation information and gave direction.

22. **NEW APPEALS.**

- a. **Appeal No. A-6-ENC-11-73 (Gordon, Encinitas) [POSTPONED]**

[Burke returned from the lunch break]

23. **COASTAL PERMIT APPLICATIONS.**

- a. **Appeal No. A-6-NOC-11-86 (San Diego Master Storm Water Maintenance Program)** 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.**

- b. **Application No. 6-12-40 (22nd District Agricultural Association, Del Mar)** 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.**

24. **PERMIT AMENDMENTS.**

- a. **Permit No. 6-07-21-A (Los Penasquitos Lagoon Foundation, San Diego)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

25. **PORT MASTER PLAN.**

- a. **Application No. PSD-MAJ-43-11 (San Diego Marriott)** Staff recommended approval of the Port Master Plan as amended.

[Burke recused; Stewart departed during the hearing of this item]

Motion: Mitchell moved to certify the Port Master Plan as amended and recommended a yes vote, seconded by Bochco.

Amending motion: Sanchez moved to have the clear view at Sally's restaurant further defined, seconded by Zimmer. **[Motion withdrawn]**

Vote on the main motion: The roll call vote was 9 in favor [Wickett, O'Connor, Bochco, Brennan, Kinsey, McClure, Mitchell, Zimmer, Shallenberger] and one opposed [Sanchez]. **Approved as amended.**

SOUTH COAST DISTRICT (Los Angeles County)

26. **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.

27. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved two items **[28a, 29a]** to the expanded consent calendar and 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.**

28. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 5-12-79 (City of Los Angeles, Department of Public Works (DPW), Bureau of Engineers, Playa Del Rey)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

29. **PERMIT AMENDMENTS.**

- a. **Permit No. 5-07-124-A (City of Santa Monica, Civil Engineering)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

[Kinsey departed]

SOUTH CENTRAL COAST DISTRICT

30. **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.
31. **CONSENT CALENDAR (removed from Regular Calendar).** None.
32. **LOCAL COASTAL PROGRAMS (LCPs).**
 - a. **County of Ventura LCP Amendment No. MAJ-2-12 (Phase I Update).** Staff recommended denial as submitted and approval if modified as suggested.

Motion & vote: Brennan moved to reject the Land Use Plan as submitted and recommended a yes vote, seconded by Mitchell. Chair Shallenberger ruled that the vote was unanimous in favor of the motion. **Certification denied.**

Motion & vote: Brennan moved to certify the Land Use Plan if modified as suggested and recommended a yes vote, seconded by Mitchell. Chair Shallenberger ruled that the vote was unanimous in favor of the motion. **Approved with modifications.**

There being no old or new business, the meeting of the California Commission adjourned at 6:25 p.m.

Respectfully submitted,

Charles Lester
Executive Director