



CALIFORNIA
COASTAL
COMMISSION



CALIFORNIA COASTAL COMMISSION

October 5-7, 2011 Agenda

**Huntington Beach City Hall
2000 Main Street
Huntington Beach, CA 92648
(562) 972-9854**

[Phone number will only be available during the meeting]



**Wednesday, October 5, 2011, 9:00 a.m.
Thursday, October 6, 2011, 9:00 a.m.
Friday, October 7, 2011, 9:00 a.m.**

This has been posted, Friday, September 23, 2011.

Visit the Commission's web: www.coastal.ca.gov for the latest updates.

9:00 A.M.

WEDNESDAY, OCTOBER 5, 2011

1. CALL TO ORDER.

2. ROLL CALL.

3. GENERAL PUBLIC COMMENT. Public comments will be heard at 9:00 am for items not on the agenda, for no more than 30 minutes. For those unable to attend the early comment period, there will be additional comment time available later in the day.

4. WETLANDS BRIEFING. Staff briefing on the definition and delineation of wetlands in the coastal zone. (JD-E)

SOUTH CENTRAL COAST DISTRICT

5. **CONSENT CALENDAR** See **AGENDA CATEGORIES**.

a. [University of California Santa Barbara Notice of Impending Development De Minimis No. 4-11 \(Research Greenhouse\)](#). Public hearing and action on Notice of Impending Development by the University of California Santa Barbara for the demolition of 1,300 sq. ft. of existing 2,400 sq. ft. Building 539 and construction of a 23-ft. high, 600 sq. ft. Alpine Greenhouse and a 23-ft. high, 2,700 sq. ft. Research Greenhouse, including removal of two non-native trees, widening of access road, and minimal grading on Main Campus at the University of California Santa Barbara, Santa Barbara County. (KB-V)

SOUTH COAST DISTRICT (Los Angeles County)

6. **ADMINISTRATIVE CALENDAR**. See **AGENDA CATEGORIES**.

a. [Application No. 5-11-201 \(McBrearty and Ware Trust, Long Beach\)](#) Application of McBrearty and Ware Trust to remove and replace private U-shaped floating boat dock and gangway in same location using existing piles, at 5515 E. Sorrento Drive (Alamitos Bay), Long Beach, Los Angeles County. (CP-LB)

7. **CONSENT CALENDAR**. See **AGENDA CATEGORIES**.

a. [Application No. 5-11-93 \(Chamberlaine, Pacific Palisades\)](#) Application of Barry Chamberlaine to demolish single family home and construct new, 25 ft.-high, 3,988 sq.ft. single family home, at 15337 De Pauw Street, Pacific Palisades, Los Angeles County. (JDA-LB)

b. [Application No. 5-11-171 \(Grand Prix Association of Long Beach & City of Long Beach, Special Events & Film Bureau\)](#) Application of Grand Prix Association of Long Beach & City of Long Beach, Special Events & Film Bureau for the 2012 Toyota Grand Prix of Long Beach (April 13-15, 2012), including installation and removal of temporary facilities for traffic and public accommodations, at Downtown Shoreline, Long Beach, Los Angeles County. (CP-LB)

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. For specific information contact the Commission's Eureka office at (707) 445-7833.

9. **CONSENT CALENDAR (removed from Regular Calendar)**. See **AGENDA CATEGORIES**.

10. **COASTAL PERMIT APPLICATIONS**. See **AGENDA CATEGORIES**. **Attention:** Items appearing in this section of the agenda may be moved to the Consent Calendar for this area by the Executive Director when, prior to taking up the Consent Calendar, staff and the applicant are in agreement on the staff recommendation. If an item is moved to the Consent Calendar it will be processed in the same manner as other Consent Calendar items (See **AGENDA CATEGORIES**) except that if that item is subsequently removed from the Consent Calendar by a vote of three or more commissioners, the item will be acted upon at the meeting in the order in which it originally appears on this Meeting Notice and in the manner Coastal Permit Applications are processed. The purpose of this procedural change is to expedite the Commission's coastal development permit process.

a. [Appeal No. A-1-MEN-09-52 \(Blue Port, L.L.C., Mendocino Co.\)](#) Appeal by Commissioners Wan & Krueer from decision of County of Mendocino granting permit with conditions to Blue Port, L.L.C. to construct 5,183 sq.ft. single-family home with attached 675 sq.ft. garage, and 1,536 square feet of upper and lower attached decks (for a total structural size of 7,394 square feet) and average height of 18 feet above natural grade. Associated developments include 2,400 sq.ft. barn, 600 sq.ft. guest house with attached deck and 192 sq.ft. cabana, 192 sq.ft. hobby workshop, 216 sq.ft. garden storage shed, 160 sq.ft. cabana with attached deck, and replace existing shed. Install septic system, driveway, water storage tank, well, and roof mounted solar and temporary use of guest cottage during construction, at 12350 South Highway One, Elk, Mendocino County. (MBK-E)

b. [Application No. 1-10-32 \(Humboldt County Resource Conservation District\)](#) Application of Humboldt County Resource Conservation District to restore hydraulic capacity, fish habitat, and water quality in the lower Salt River and lower Francis Creek; re-establishing natural ecological processes; improve drainage, fish passage, and water quality; address sediment sources in headwater areas of Salt River watershed; and increase tidal prism (volume of water exchanged on each tidal cycle) into Salt River and extent of estuarine habitat through restoration on Riverside Ranch, at Salt River & Francis Creek, near Ferndale, Humboldt County. (MBK-E)

SOUTH CENTRAL COAST DISTRICT

11. **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. For specific information contact the Commission's Ventura office at (805) 585-1800.

12. **CONSENT CALENDAR (removed from Regular Calendar).** See **AGENDA CATEGORIES.**

13. **LOCAL COASTAL PROGRAMS (LCPs)** See **AGENDA CATEGORIES.**

a. [City of Malibu LCP Amendment No. MAJ-1-11 Part A.](#) Public hearing and action on request by City of Malibu to amend its certified Local Implementation Plan to allow lighting of the main sports fields at public high schools in the Institutional zone as a conditional use. (DC-V)

14. **LONG RANGE DEVELOPMENT PLAN.**

[Items 14a and 15a below share a single, combined staff report.]

a. [University of California Santa Barbara Long Range Development Plan Amendment No. 2-10 \(Bioengineering Building\).](#) Public hearing and action on request by the University of California Santa Barbara to amend its Long Range Development Plan to reconfigure Potential Building Location No. 16; transfer 7,700 assignable square feet from Potential Building Location No. 7 to Potential Building Location No. 16; remove 22 parking spaces from Parking Lot No. 7; and relocate existing bicycle path/parking, to allow for construction of a 48,690 assignable sq.ft. Bioengineering Building on Main Campus at the University of California Santa Barbara, Santa Barbara County. (KB-V)

15. **NOTICE OF IMPENDING DEVELOPMENT.**

a. [University of California Santa Barbara Notice of Impending Development No. 2-11 \(Bioengineering Building\).](#) Public hearing and action on Notice of Impending Development by the University of California Santa Barbara for demolition/removal of two existing structures; construction of a 59 ft. high, three-story, LEED certified, 89,744 gross sq.ft. (48,690 assignable sq.ft.) building with vivarium facilities in basement and mechanical area on roof; removal of 64 trees; relocation of 3 trees; removal of 22 parking spaces from Parking Lot No. 7; relocation of bicycle path/parking; and construction of pedestrian walkways, service access road, landscaping, additional bicycle parking, and 39,900 cu.yds. of grading (20,350 cu.yds. cut, 19,550 cu.yds. fill) on Main Campus at the University of California Santa Barbara, Santa Barbara County. (KB-V)

16. **COASTAL PERMIT APPLICATIONS.** See **AGENDA CATEGORIES.** **Attention:** Items appearing in this section of the agenda may be moved to the Consent Calendar for this area by the Executive Director when, prior to taking up the Consent Calendar, staff and the applicant are in agreement on the staff recommendation. If an item is moved to the Consent Calendar it will be processed in the same manner as other Consent Calendar items (See **AGENDA CATEGORIES**) except that if that item is subsequently removed from the Consent Calendar by a vote of three or more commissioners, the item will be acted upon at the meeting in the order in which it originally appears on this Meeting Notice and in the manner Coastal Permit Applications are processed. The purpose of this procedural change is to expedite the Commission's coastal development permit process.

a. [Application No. 4-10-055 \(Los Angeles County Department of Public Works\)](#) Application of Los Angeles County Department of Public Works to repair and restore 120 linear ft. segment of western stream bank of lower Topanga Creek including laying slope of western creek bank back to a less steep gradient of 1.5:1; widening creek by relocating toe of rip rap 5 feet further landward of its existing location; revegetate and restore slope with native vegetation; add 382 cu.yds. of rip rap to repair existing rock slope area; and 2,144 cu.yds. of grading (1,276 cu.yds. cut and 868 cu.yds. fill) at Topanga Creek, immediately downstream of Pacific Coast Highway overpass, Los Angeles County. (KB-V)

17. **PERMIT AMENDMENTS.** See **AGENDA CATEGORIES.** An Amendment below may be moved to the Consent Calendar for this area by the Executive Director when, prior to taking up the Consent Calendar, staff and the applicant are in agreement on the staff recommendation. If an item is moved to the Consent Calendar it will be processed like other Consent Calendar items (See above) except that if that item is subsequently removed from the Consent Calendar by a vote of 3 or more commissioners, the item will be acted upon at the meeting in the order in which it originally appears on this Meeting Notice and in the manner material amendments are processed.

a. [Coastal Development Permit Amendment No. 4-99-276-A4 \(Santa Monica-Malibu Unified School District, Los Angeles Co.\)](#) Request by Santa Monica-Malibu Unified School District to amend permit to eliminate Special Condition No. 6 (Athletic Field Lighting Restriction) to allow future lighting of the main sports field at Malibu High School subject to the requirements of the Malibu LCP as proposed to be amended above in LCP Amendment No. MAJ-1-11, 30215 Morning View Drive, Malibu, Los Angeles County. (DC-V)

ENFORCEMENT

18. **ENFORCEMENT REPORT.** Report by Chief of Enforcement on Statewide Enforcement Program. (LAH-SF)

SOUTH COAST DISTRICT

19. **DEPUTY DIRECTOR'S REPORT FOR LOS ANGELES 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. For specific information contact the Commission's Long Beach office at (562) 590-5071.

20. **CONSENT CALENDAR (removed from Regular Calendar).** See **AGENDA CATEGORIES.**

21. **COASTAL PERMIT APPLICATIONS.** See **AGENDA CATEGORIES.** **Attention:** Items appearing in this section of the agenda may be moved to the Consent Calendar for this area by the Executive Director when, prior to taking up the Consent Calendar, staff and the applicant are in agreement on the staff recommendation. If an item is moved to the Consent Calendar it will be processed in the same manner as other Consent Calendar items (See **AGENDA CATEGORIES**) except that if that item is subsequently removed from the Consent Calendar by a vote of three or more commissioners, the item will be acted upon at the meeting in the order in which it originally appears on this Meeting Notice and in the manner Coastal Permit Applications are processed. The purpose of this procedural change is to expedite the Commission's coastal development permit process.

a. [Appeal No. A-5-RPV-10-002 \(Conroy, Rancho Palos Verdes\)](#) Appeal by Commissioners Shallenberger & Wan, James Huston & Pamela Simes Fleming & Don Fleming from decision of City of Rancho Palos Verdes granting permit to Brian & Jenifer Conroy for approving (after-the-fact) pool, spa and outdoor chimney barbeque in rear yard area of bluff top property, at 24 Sea Cove Drive, Rancho Palos Verdes, Los Angeles County. (CP-LB)

[Items 21b and 21c share a single, combined staff report.]

b. [Appeal No. A-5-PPL-11-28 \(Robert Dolbinski, Pacific Palisades\)](#) Appeal by Gerald B. Kagan from decision of City of Los Angeles granting permit to Robert Dolbinski to construct 3-story, 1,966 sq.ft. single-family home on vacant 3,170 sq.ft. lot, at 370 Vance Street & 375 East Rustic Road, Pacific Palisades, Los Angeles County. (CP-LB)

c. [Application No. 5-11-56 \(Dolbinski & Chen, Pacific Palisades\)](#) Application of Robert Dolbinski & Jeanne Chen to construct 3-story, 1,966 sq.ft. single-family home on vacant 3,170 sq.ft. lot, at 370 Vance Street, Pacific Palisades, Los Angeles County. (CP-LB)

STATEWIDE

CLOSED SESSION. At a convenient time during the meeting, the Commission (CCC) will have a closed session to discuss items of pending litigation, including:

CCC v. Allen Govt. Code §11126(e)(2)(A).
CCC v. Feduniak Govt. Code §11126(e)(2)(A).
Citizens for a Better Eureka v. CCC Govt. Code §11126(e)(2)(A).
Mariposa Land Co., Ltd. V. CCC et al. Govt. Code §11126(e)(2)(A).
Norberg v. CCC et al. Govt. Code §11126(e)(2)(A).
Ross v. CCC et al. (Malibu Bay Co., RPI) Govt. Code §11126(e)(2)(A).
Security National Guaranty, Inc. v. State of California Govt. Code §11126(e)(2)(A).
Security National Guaranty, Inc. v. State of California Govt. Code §11126(e)(2)(A).
Sterling v. CCC Govt. Code §11126(e)(2)(A).
Wettengel v. CCC Govt. Code §11126(e)(2)(A).
Wilson v. CCC Govt. Code §11126(e)(2)(A).
Allen v. Radosevich, CCC, Govt. Code §11126(e)(2)(A).
Ackerberg et al. v. CCC (Access for All et al., RPI), Govt. Code §11126(e)(2)(A).

The Commission is authorized to discuss these matters in a closed session pursuant to Government Code Sections 11126(e)(2)(A) and (2)(C). In addition, the Commission may consider matters which fall under Government Code Section 11126(e)(2)(B) or (2)(C). The Commission may also consider personnel matters which fall under Government Code Section 11126(a).

22. APPROVAL OF MINUTES.

23. COMMISSIONERS' REPORTS.

24. CONSERVANCY REPORT.

25. SANTA MONICA MOUNTAINS CONSERVANCY REPORT.

26. DEPUTY ATTORNEY GENERAL'S REPORT.

27. EXECUTIVE DIRECTOR'S REPORT including reports and possible Commission action on [legislation](#) and water quality.

a. [Interagency Agreement](#). Interagency Agreement between the California Coastal Commission and the Bay Conservation and Development Commission (BCDC). Approval of transfer of federal funds to BCDC for implementation of the California Coastal Management Program for Fiscal Year 2011-2012. (MJ-SF)

9:00 a.m.

THURSDAY, OCTOBER 6, 2011

1. **CALL TO ORDER.**

2. **ROLL CALL.**

3. **GENERAL PUBLIC COMMENT.** Public comments will be heard at 9:00 am for items not on the agenda, for no more than 30 minutes. For those unable to attend the early comment period, there will be additional comment time available later in the day.

SOUTH COAST DISTRICT (Orange County)

4. **ADMINISTRATIVE CALENDAR.** See **AGENDA CATEGORIES.**

a. **Application No. 5-11-99 (Melbon, Newport Beach)** Application of John Melbon to remove 8' x 20' finger shaped dock and two 12 inch diameter piles and install new 10' x 40' finger shaped dock and three 12 inch diameter piles, at 25 Balboa Coves, Newport Beach, Orange County. (JDA-LB)

b. **Application No. 5-11-100 (Seamans, Newport Beach)** Application of Scott Seamans to remove U-shape dock and one 14" pile and install new triangular shaped dock and one 14" pile, at 84 Linda Isle, Newport Beach, Orange County. (JDA-LB)

c. **Application No. 5-11-184 (Cecere, Newport Beach)** Application of Vince Cecere to demolish dock structure and construct new dock structure consisting of 5-ft. wide and 80-ft. long pier approach, 10'x14' platform, 3'x24' ramp and "L" shaped 40'x8' finger float, install four "T" piles, one poured in place concrete pier support and one 14" pile, at 303 E. Edgewater Ave, Newport Beach, Orange County. (LR-LB)

5. **CONSENT CALENDAR.** See **AGENDA CATEGORIES.**

a. **Application No. 5-11-132 (Waterfront Newport Beach, LLC, Newport Beach)** Application of Waterfront Newport Beach, LLC to demolish 2,950 sq.ft. 6-slip commercial docks, gangway and 23 piles and construct new 4,325 sq.ft. 5-slip commercial docks, gangway and 23 piles (19, 18" diameter dock guide piles and 4, 14" diameter gangway platform support piles) in different configuration with ADA compliant gangway, on-dock fire suppression system, water supply backflow preventers, waste pumpout station, and vessel "cold-ironing" electrical facilities, at 2901 West Coast Hwy., Newport Beach, Orange County. (LR-LB)

SOUTH COAST DISTRICT (Orange County)

6. **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. For specific information contact the Commission's Long Beach office at (562) 590-5071.

a. **City of Dana Point LCP Amendment DPT-MAJ-1-10 (Implementation Plan for Dana Point Harbor Revitalization Plan) Certification Review.** Concurrence with the Executive Director's Determination that the action by the City of Dana Point, accepting certification of DPT-MAJ-1-10 with modifications is legally adequate. (FSY-LB)

b. **City of Huntington Beach HNB-MAJ-1-10 (Downtown Specific Plan Update) Certification Review.** Concurrence with Executive Director's determination that action by City of Huntington Beach, accepting certification of HNB-MAJ-1-10 with modifications, is legally adequate. (MV-LB)

7. **CONSENT CALENDAR (removed from Regular Calendar).** See **AGENDA CATEGORIES.**

8. NEW APPEALS. See **AGENDA CATEGORIES.**

a. [Appeal No. A-5-LGB-11-134 \(Mihaylo, Laguna Beach\)](#) Appeal by Northwood Investors, LLC from decision of City of Laguna Beach granting permit with conditions to Steven Mihaylo to demolish single family home and construct new single family home on oceanfront lot at 18 Lagunita Drive, Laguna Beach, Orange County. (JDA-LB)

9. COASTAL PERMIT APPLICATIONS. See **AGENDA CATEGORIES.** **Attention:** Items appearing in this section of the agenda may be moved to the Consent Calendar for this area by the Executive Director when, prior to taking up the Consent Calendar, staff and the applicant are in agreement on the staff recommendation. If an item is moved to the Consent Calendar it will be processed in the same manner as other Consent Calendar items (See **AGENDA CATEGORIES**) except that if that item is subsequently removed from the Consent Calendar by a vote of three or more commissioners, the item will be acted upon at the meeting in the order in which it originally appears on this Meeting Notice and in the manner Coastal Permit Applications are processed. The purpose of this procedural change is to expedite the Commission's coastal development permit process.

a. [Application No. 5-10-168 \(City of Newport Beach\)](#) Application of City of Newport Beach to construct, on vacant land, an active recreational park (Sunset Ridge Park) of approximately 18 acres at northwest corner of intersection of West Coast Highway and Superior Ave, including access road, parking lot, public restroom, playground, sports fields, paths, viewpoint, retaining wall, landscaping, and coastal sage scrub habitat enhancement. Grading consists of approximately 110,000 cu.yds. of cut, and 102,000 cu.yds. of fill, at 4850 West Coast Highway and on portion of Banning Ranch, Newport Beach, Orange County. (JDA-LB)

b. [Application No. 5-10-205 \(Tsoong, Newport Beach\)](#) Application of David Tsoong to add to existing "U" shaped 1,374 sq.ft. boat dock with 6' x 23' (138 sq. ft.) section of float and one additional 10" steel pipe pile, totaling 1,512 sq. feet. Existing pier, platform and gangway will remain. Proposed impacts to eelgrass habitat will be mitigated. The dock system will be composed of Douglas fir and Trex decking, at 2115 Bayside Drive, Newport Beach, Orange County. (FSY-LB)

c. [Application No. 5-10-258 \(Goodell, Huntington Beach\)](#) Application of Donald E. Goodell to implement an archaeological research plan (ARP) for subsurface investigation of potential cultural resources on property, at east-side of intersection between Brightwater Drive & Bolsa Chica Street, Huntington Beach, Orange County. (TH-LB)
[POSTPONED]

d. [Application No. 5-11-50 \(Polshuk, Newport Beach\)](#) Application of Stephen Polshuk to construct standard 6' x 4' 6" pier platform and steps per City standards composed of pressure treated Douglas fir and trex composite deck materials along public bulkhead for access into Grand Canal public waterway, at 319 Grand Canal, Newport Beach, Orange County. (LR-LB)

e. [Application No. 5-11-64 \(Yousefi, Laguna Beach\)](#) Application of Mr. & Mrs. Nariman Yousefi to demolish 2-story single-family home, guest house, pool and patios and construct new 2-story plus basement level, 25-feet high, 9,690 sq.ft. single-family home with attached 2-car garage and detached 1-car garage, 768 sq.ft. covered patio, new pool, landscaping improvements, fuel modification plan, and grading consisting of approximately 740 cu.yds. cut and 410 cu.yds. fill on 28,527 sq.ft. coastal bluff top lot, at 2695 Riviera Drive, Laguna Beach, Orange County. (LR-LB)

f. [Application No. 5-11-68 \(Shea Homes, Huntington Beach\)](#) Application of Shea Homes to subdivide and create 111 residential lots, additional lots for roads, conservation, public access and public park areas; construct 111 single family homes and related infrastructure, and construct public active park, passive park, paseo park, public access trails, natural treatment system, habitat restoration, new storm drain system, new pump facility at the Slater storm water pump station, improve flood control channel levee, flood protection feature, replace sewer pump, and new sewer force-main, occurring within vacant 50 acre area in Huntington Beach, at 17301 Graham Street (west of Graham Street north of Wintersburg Channel), Huntington Beach, Orange County. (MV-LB)

SAN DIEGO DISTRICT

10. **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. For specific information contact the Commission's San Diego office at (619) 767-2370.

11. **CONSENT CALENDAR (removed from Regular Calendar).** See **AGENDA CATEGORIES.**

12. **LOCAL COASTAL PROGRAMS (LCPs)** See **AGENDA CATEGORIES.**

a. [City of Carlsbad LCP Amendment No. 1-10A \(Muroya\)](#). Public hearing and action on request by the City of Carlsbad to amend its LCP to revise both the Land Use and Implementation Plans to change the land use designation, in part, from Residential Low-Medium (RLM) to Residential Medium Density (RM) and Open Space (OS) and to change the zoning designation, in part, from Limited Control (L-C) to Residential Density – Multiple (RD-M), Open Space (OS) and Single Family Residential on a 20.27 acre lot located on the west side of Black Rail Road, south of Corte Orchidia, in Carlsbad. (TR-SD)

b. [City of Carlsbad LCP Amendment No. 2-11A \(Reasonable Accommodations\) and B \(Proposition D/Cannon Road AG/OS Land\) Time Extension](#). Public hearing and action to extend the 90 day time limit for Commission action on request by the City of Carlsbad to amend both its certified land use and implementation plans to first provide citywide inclusionary housing measures and then modify land use policies and adopt a new zoning classification to implement preservation of the flower and strawberry fields along both sides of Cannon Road, east of Interstate 5 consistent with local initiative. (DNL-SD)

c. [City of Solana Beach LCP Land Use Plan](#). Public hearing and action on request by City of Solana Beach to certify LCP Land Use Plan. (DL-SD)

d. [City of Chula Vista LCP Amendment No. 1-11 \(Bayfront Master Plan\) Time Extension](#). Public hearing and action to extend the 90 day time limit for Commission action on request by the City of Chula Vista to amend both its certified Master Plan and Bayfront Specific Plan to provide alternate land uses and development standards, in conjunction with proposed San Diego Unified Port District Master Plan Amendment No. 41, for the approximate 550 acres of the mid-bayfront along southeastern San Diego Bay. (DNL-SD)

e. [Imperial Beach LCP Amendment No. IMB MAJ-1-11 \(Medical Marijuana\) Time Extension](#). Public hearing and action to extend the 60 day time limit for Commission action on request by the City of Imperial Beach to amend its certified LCP zoning ordinance to prohibit the establishment of medical marijuana distribution facilities. (DL-SD)

13. **COASTAL PERMIT APPLICATIONS.** See **AGENDA CATEGORIES.** **Attention:** Items appearing in this section of the agenda may be moved to the Consent Calendar for this area by the Executive Director when, prior to taking up the Consent Calendar, staff and the applicant are in agreement on the staff recommendation. If an item is moved to the Consent Calendar it will be processed in the same manner as other Consent Calendar items (See **AGENDA CATEGORIES**) except that if that item is subsequently removed from the Consent Calendar by a vote of three or more commissioners, the item will be acted upon at the meeting in the order in which it originally appears on this Meeting Notice and in the manner Coastal Permit Applications are processed. The purpose of this procedural change is to expedite the Commission's coastal development permit process.

a. [Application No. 6-10-16 \(Tu Casa HOA, Carlsbad\)](#) Application of Tu Casa HOA for maintenance of existing revetment including returning dislodged rocks back on revetment and the addition of 25 cu.yds. of new rock, on northern shore of Agua Hedionda Lagoon, at 4747 Marina Drive, Carlsbad, San Diego County. (TR-SD)

14. **PERMIT AMENDMENTS.** See **AGENDA CATEGORIES.** An Amendment below may be moved to the Consent Calendar for this area by the Executive Director when, prior to taking up the Consent Calendar, staff and the applicant are in agreement on the staff recommendation. If an item is moved to the Consent Calendar it will be processed like other Consent Calendar items (See above) except that if that item is subsequently removed from the Consent Calendar by a vote of 3 or more commissioners, the item will be acted upon at the meeting in the order in which it originally appears on this Meeting Notice and in the manner material amendments are processed.

a. [Permit No. 6-08-100-A \(1984 Abbott LLC, San Diego\)](#) Request by 1984 Abbott LLC to modify project for 12 residential condominiums to reduce the number of units to 10 and replace underground parking with at-grade parking, at 5113 Saratoga Avenue & 1984 Abbott Avenue, Ocean Beach, San Diego, San Diego County. (ES-SD)

9:00 a.m.

FRIDAY, OCTOBER 7, 2011

1. **CALL TO ORDER.**

2. **ROLL CALL.**

3. **GENERAL PUBLIC COMMENT.** At some time prior to adjournment for the day, public comment will be heard for items not listed on today's agenda.

ENERGY, OCEAN RESOURCES and FEDERAL CONSISTENCY

4. **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. For specific information contact the Commission's Energy, Ocean Resources, and Federal Consistency Division office at (415) 904-5240.

5. **FEDERAL CONSISTENCY.** See **AGENDA CATEGORIES.**

a. **CC-006-11 (North County Transit District, San Diego Co.)** Consistency certification by North County Transit District for placement of rock riprap along the eastern side of the southern abutment of San Dieguito River railroad bridge 243.0, Del Mar, San Diego County. (LJS-SF)

b. **CD-038-11 (National Marine Fisheries Service, Del Norte Co.)** Consistency determination by National Marine Fisheries Service for federal funding of a fish processing plant for the Yurok Tribe, Yurok Reservation, north side of the Klamath River mouth, Requa, Del Norte County. (MPD-SF)

CENTRAL COAST DISTRICT

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. For specific information contact the Commission's Santa Cruz office at (831) 427-4863.

a. **Monterey County LCP Amendment MCO-MAJ-1-10 (Stevens Re-designation). Certification Review.** Concurrence with the Executive Director's determination that the action by Monterey County, accepting certification of MCO-MAJ-1-10 with modifications (limiting the re-designation and rezoning of the residential portion of the site to the existing developed area and applying the B-6 overlay over the entire property), is legally adequate. (MW-SC)

6.5. **LOCAL COASTAL PROGRAMS.** See **AGENDA CATEGORIES.**

a. **City of Pismo Beach LCP Amendment No. PSB-1-10 Part 1 (Open Space Landscaping). Time Extension.** Public hearing and action on request by City of Pismo Beach to extend time to acknowledge and accept the modifications suggested by the Coastal Commission on LCP Amendment 1-10 Part 1 (Open Space Landscaping). (MC-SC)

NORTH CENTRAL COAST DISTRICT

7. **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. For specific information contact the Commission's San Francisco office at (415) 904-5260.

8. **CONSENT CALENDAR (removed from Regular Calendar).** See **AGENDA CATEGORIES.**

9. **COASTAL PERMIT APPLICATIONS.** See **AGENDA CATEGORIES.** **Attention:** Items appearing in this section of the agenda may be moved to the Consent Calendar for this area by the Executive Director when, prior to taking up the Consent Calendar, staff and the applicant are in agreement on the staff recommendation. If an item is moved to the Consent Calendar it will be processed in the same manner as other Consent Calendar items (See **AGENDA CATEGORIES**) except that if that item is subsequently removed from the Consent Calendar by a vote of three or more commissioners, the item will be acted upon at the meeting in the order in which it originally appears on this Meeting Notice and in the manner Coastal Permit Applications are processed. The purpose of this procedural change is to expedite the Commission's coastal development permit process.

a. **Application No. 2-08-020 (AIMCO, Esplanade Avenue Apartments LLC, Pacifica)** Application of AIMCO, Esplanade Avenue Apartments LLC, for follow-up authorization of work performed under emergency permits, including construction of (1) 475 ft.-long rock riprap shoreline revetment, and (2) 3,240 sq.ft., 50 ft.-high soil nail wall along 70 ft.-long section of upper bluff, at 360 & 380 Esplanade Avenue, Pacifica, San Mateo County. (ND-SF)

Future Meetings: The next meetings of the Coastal Commission are November 2-4 in Oceanside and December 7-9 in San Francisco.

See **future agenda items** (these are items submitted to the Coastal Commission and *could* be scheduled on future meeting agendas).

Future Agenda Items

Updated September 23, 2011

The items listed below may be coming before the Commission during the next few months. Publication of this list is provided for the purpose of facilitating public participation in the Commission's activities and is not required by law. The list's inclusion in this Meeting Notice also does not constitute, nor substitute for any of the notice requirements contained in the Coastal Act and Commission regulations. Also, please be aware that the details of a submittal may change as staff review proceeds, and that not all submittals of potential significance may appear on the listing below.

Energy, Ocean Resources & Federal Consistency Unit

- **Poseidon Huntington Beach** desalination project
- **Caltrans High Speed Rail**, LOSSAN Mass Transit. High Speed Train throughout California (south of Sacramento to the San Francisco Bay Area, the Central Valley, and southern California) with one component, which may be separate or combined with it, is LOSSAN, Passenger Rail Improvements, Los Angeles to San Diego (LOSSAN) Rail Corridor

Central Coast District

- **Santa Cruz Harbor Dredging**. Santa Cruz Port District CDP application for a multi-year permit to authorize recurring dredging operations at the Santa Cruz Harbor. (SC-SC)

SOUTH CENTRAL COAST DISTRICT

- **Ventura Harbor**. City of San Buenaventura LCP Amendment No MAJ-1-11 to modify both the certified Land Use Plan and Implementation Plan portions of its certified Local Coastal Program to allow for a proposed mixed-use development project involving 270 residential units, 30 live/work lofts, a 21,300 sq. ft. commercial retail building, and various public access and recreational amenities on a vacant 21-acre vacant waterfront property in the Ventura Harbor.

South Coast District

- **Aquarium of the Pacific Expansion Plans**. City of Long Beach LCP amendment to remove the 150,000 gross square foot limit on the size of the aquarium allowed in Shoreline Park (Subarea 6), and a permit amendment to allow the proposed 23,330 square foot "Pacific Visions" aquarium expansion project at 100 Aquarium Way, City of Long Beach, Los Angeles County.
- **Golden Shore Master Plan**. City of Long Beach LCP amendment to incorporate the Golden Shore Master Plan into the certified LCP. Subarea 1 of the Downtown Shoreline Planned Development District (PD-6) would be divided into Subareas 1 and 1a, the height limit would be set at 500 feet, and the list of allowable land uses would be expanded to include office, residential, retail and hotel uses.
- **California Coastal Commission's Evaluation of Los Angeles County's First Year Response to the Periodic Review of the Marina del Rey Local Coastal Program**.
- **Los Angeles County Marina Del Rey Local Coastal Program Amendment** involving five "Pipeline" projects. The LCP amendment proposes to change land uses within specific parcels and re-allocate approved development intensity and allow the development of visitor-serving commercial, residential and senior housing, dry stack boat storage, and a Department of Beaches and Harbors administrative building.

FUTURE AGENDA ITEMS
(continued)

San Diego Coast District

- **Appeal No. A-6-ENC-09-40 (Okun, Encinitas)** Appeal by Commissioners Wan and Shallenberger from decision of City of Encinitas granting permit with conditions to Leonard Okun to demolish portions of existing home and construction 2,986 sq. ft., 2-story home with 447 sq. ft. attached garage and 1,677 sq. ft. basement on coastal blufftop lot, at 828 Neptune Avenue, Encinitas, San Diego County.
- **Appeal No. A-6-ENC-09-41 (Okun, Encinitas)** Appeal by Commissioners Wan and Shallenberger from decision of City of Encinitas granting permit with conditions to Leonard Okun to demolish portions of existing home and construction 3,136 sq. ft., 2-story home with 459 sq. ft. attached garage and 1,798 sq. ft. basement on coastal blufftop lot, at 828 Neptune Avenue, Encinitas, San Diego County.

Agenda Categories

Below are described the standard categories of agenda items.

ADMINISTRATIVE PERMIT APPLICATIONS. If a person objects to issuance of an administrative permit or permit conditions, that person is allowed 3 minutes to request removal of the application from the administrative calendar. If four or more Commissioners vote to remove an item from this calendar, the approval is revoked, and the application will be scheduled for action at a later meeting.

COASTAL PERMIT APPLICATIONS. The Commission may vote at the conclusion of the public hearing, or it may continue the matter to a subsequent meeting. Time limits are determined by the Chair but generally are 15 minutes combined total time per side. The applicant may reserve some time for rebuttal after the opponents speak.

CONSENT CALENDAR. Three minutes will be allowed to each side to address the Commission on whether to remove an application from this calendar. It takes 3 or more Commissioners to remove an item from the consent calendar, in which case it will be scheduled for further hearing & action at a later meeting.

ENFORCEMENT ACTIONS. Public hearing and action on proposed Cease and Desist Orders, Restoration Orders, and recordation of Notices of Violation.

FEDERAL CONSISTENCY. See time limits under COASTAL PERMIT APPLICATIONS above.

LOCAL COASTAL PROGRAMS (LCPs). LCPs consisting of a land use plan and implementation plan are prepared by local governments and provide the standards for issuing coastal permits after approval by the Commission. Copies of LCP reports are available on request from the Commission office. Oral testimony may be limited to 5 minutes or less for each speaker, depending on the number wishing to be heard. Copies of all correspondence will be provided to the Commission.

NEW APPEALS. (Note: This agenda item requires an initial determination of whether the appeal raises a “substantial issue” and may **not** include a *de novo* public hearing on the merits of the project.)

When staff recommends “substantial issue,” a public hearing on the question will only be held if 3 or more Commissioners ask for it. If three Commissioners do not request a hearing on “substantial issue” the matter automatically proceeds to *de novo* public hearing either at this or a later Commission meeting. If staff recommends “no substantial issue,” public testimony will be taken only on the question whether the appeal raises a “substantial issue.” Generally and at the discretion of the Chair, testimony is limited to 3 minutes total per side.

If the Commission finds “substantial issue” and there is no staff recommendation on the merits of the project, the *de novo* hearing will be scheduled for a subsequent meeting.

PERMIT AMENDMENTS or EXTENSIONS. Public hearing and action on requests to amend or extend permits previously issued by the Commission.

RECONSIDERATIONS. Public hearing and action to reconsider previous actions.

REVISED FINDINGS. Public hearing and vote to approve revised findings for a previous Commission action. The only issue is whether the findings adequately reflect the Commission action. The hearing is not to reargue the merits of the prior action.

VOTING on APPLICATIONS. Hearing and action on coastal development permits continued from a previous meeting. The time limits are 5 minutes combined total time per side, and the applicant may reserve time for rebuttal.

Meeting Rules and Procedures

SPEAKER SIGN-UP & TIME LIMITS. If you wish to speak, please fill out a "Request to Speak" form and give it to a staff person. Forms are available near the door to the meeting room. Time limits are indicated on the back of speaker sign-up forms, and under 'agenda categories' later in this summary. Generally, the Chairman will determine time limits for each speaker. Time limits for permit items are **combined total time** for all speakers in favor of or in opposition to the project.

SUGGESTIONS FOR SUBMISSION OF WRITTEN MATERIALS. Written materials should be submitted to Commission staff no later than three working days before the hearing. In the upper right hand corner of the first page of your submittal please identify the agenda item number & your name. Please summarize your position in two or three pages. You may attach any exhibits you feel are necessary. **Please Note:** You are discouraged from submitting written materials to the Commission on the day of the hearing, unless they are visual aids. It is difficult for Commissioners to carefully consider late submittals.

LOCATION of MEETINGS. The Commission meets once a month in different locations of the State in order to facilitate public participation. Staff attempts, whenever possible, to schedule matters for hearings that will be relatively close to the location of a proposed development. However, legal deadlines for action may require that the hearing on an item take place in a different area than the proposed project.

NO FAXs will be accepted at the meeting site. You may be able to make prior arrangements with staff or a Commissioner to send a fax, but you will be responsible for paying the hotel or meeting site for its receipt.

CAMPAIGN CONTRIBUTIONS. Government Code Section 84308 requires Commissioners to disqualify themselves from voting on any matter if they have received a campaign contribution of more than \$250 from an interested party. If you intend to speak on any hearing item, please indicate on your speaker slip and/or in your testimony, if you have made campaign contributions of more than \$250 to any Commissioner within the last year, and if so, to which Commissioners you contributed.

CONTACTS with COMMISSIONERS. Written materials sent to Commissioners must also be sent to staff. All non-procedural communications must become part of the record. For a summary of these requirements, please call the receptionist at (415) 904-5200.

PUBLIC STATEMENTS ABOUT ITEMS NOT ON THIS AGENDA. Before lunch each day there will be time for public statements about Commission work other than items that are pending before the Commission. Persons wishing to speak should fill out a sign-up slip, and limit presentations to 3 minutes. You may always submit written comments to the Commission office, and copies will be distributed to Commissioners.

WHEN WILL MY AGENDA ITEM BE HEARD? It is not possible to predict how quickly the Commission will complete agenda items or how many will be postponed to a later date. The Commission begins each session at the time listed on the Meeting Notice and considers each item in the sequence listed, except in extraordinary circumstances. The Commission may consider an item even though interested persons are not present.

STAFF RECOMMENDATIONS. A written staff report is available for most items on this agenda. At the end of the agenda description the author's initials and a code indicating his/her headquarters office are identified (E=Eureka SF=San Francisco SC=Santa Cruz V=Ventura LB=Long Beach SD=San Diego). Staff reports are usually distributed 10 days before the meeting. If you are interested in any item on this Meeting Notice contact the nearest Commission office to get a copy of the staff report. It may also be on the Commission's web site.

VISUAL PRESENTATIONS/MATERIALS. Powerpoint presentations must be accompanied by a USB flash drive, flash memory card, or compact disk. A slide projector & laptop will be available from our audio-visual technician, and they can assist you in its use. All materials exhibited to the Commission during the hearing (slides, maps, etc) are part of the public record and must be kept by the Commission for 60 days after final Commission action on the matter. Your materials will be returned upon written request.

PUBLIC & ADMINISTRATIVE RECORDS. Some public records for agenda items are available for inspection at the meeting, and are available in the Commission office. Please call to make an appointment to see any file you are interested in. If you need a verbatim transcript of the proceedings, a court reporter is present at the hearing. If you decide to challenge a final decision of the Commission in court, please request preparation of the administrative record by letter to the Administrative Records Section at the Commission office in San Francisco, and indicate in your letter a description of the agenda item and date(s) of Commission action. Such a record must include a transcript of the proceedings at the hearing and you must contact the court reporter to order the transcript for the record.

CLOSED SESSION. At any time during the meeting the Commission may meet to consider possible and pending litigation in a session closed to the public pursuant to the attorney-client privilege and statutory exemption to the Open Meeting Act (Government Code Section 11126e).

ACCESS TO HEARINGS. The hearings are wheelchair accessible. If accommodation for other disabilities is required, please call (415) 904-5200.

MORE INFORMATION. For more information about this agenda, contact one of the following staff members:

(Del Norte, Humboldt & Mendocino Counties) Bob Merrill (707) 445-7833;
 (Sonoma, Marin, San Francisco & San Mateo Counties) Ruby Pap (415) 904-5260,
 (Santa Cruz, Monterey & San Luis Obispo Counties) Dan Carl (831) 427-4863,
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 (Statewide) Vanessa Miller (415) 904-5200.

A Telecommunication Device for the Deaf (TDD) is available at (415) 904-5200.

The Coastal Commission is not equipped to receive comments on any official business by electronic mail. Any information relating to official business should be sent to the appropriate Commission office using U.S. Mail or courier service.

COMMISSION OFFICES

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