

CALIFORNIA COASTAL COMMISSION

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**W21**

DATE: May 15, 2013
TO: Coastal Commissioners
FROM: Charles Lester, Executive Director
SUBJECT: **DRAFT MINUTES of MEETING of MAY 8-9, 2013**
Marin County Civic Center
BOS Chambers
3501 Civic Center Drive
San Rafael, CA 94903

WEDNESDAY, MAY 8, 2013

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order at 8:30 a.m. by Chair Shallenberger.
2. **ROLL CALL.** Present: Chair Shallenberger, Vice Chair Kinsey, Blank, Bochco, Brennan, Garcia, Groom, McClure, Mitchell, Sanchez, Vargas, Zimmer. Non-voting: April, Beland

STATEWIDE

3. **Public Workshop: Agriculture in the Coastal Zone.** Public workshop with panelist presentations and discussion focusing on agriculture in the coastal zone. **No action taken.**

LUNCH RECESS. The Commission recessed for lunch at 12:20 p.m. and returned at 1:20 p.m.

4. **AGENDA CHANGES**
5. **GENERAL PUBLIC COMMENT.** Members of the public addressed the Commission on various issues affecting the coast.

SOUTH COAST DISTRICT (LOS ANGELES COUNTY)

6. **CONSENT CALENDAR.** Staff recommended the Commission approve the consent calendar with conditions.

Motion & vote: Mitchell moved to approve the consent calendar 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. 5-13-45 (Zuccherro, Long Beach)**
- b. **Application No. 5-13-48 (Browning, Long Beach)**

- c. **Application No. 5-13-50 (City of Long Beach Public Restrooms)**
- d. **Application No. 5-13-51 (City of Long Beach Public Restroom)**

SOUTH COAST DISTRICT (ORANGE COUNTY)

- 7. **ADMINISTRATIVE CALENDAR.** Staff recommended the Commission concur with the Executive Director's determination. There being no objection, Chair Shallenberger ruled that the Commission concurred.
 - a. **Application No. 5-12-262 (Flynn & Vogler, Newport Beach)**
 - b. **Application No. 5-12-310 (Sullivan, Newport Beach)**
 - c. **Application No. 5-13-39 (Capistrano Shores, Inc., San Clemente)**
 - d. **Application No. 5-13-76 (Ca. Department of Parks and Recreation, San Clemente)**
- 8. **CONSENT CALENDAR.** Staff recommended the Commission approve the consent calendar with conditions.

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

- a. **Application No. 5-13-11 (Gant & Shelly Penick, San Clemente)**

SOUTH COAST DISTRICT (LOS ANGELES COUNTY)

- 9. **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.

SOUTH COAST DISTRICT (ORANGE COUNTY)

- 10. **DEPUTY DIRECTOR'S REPORT FOR ORANGE COUNTY.** Report by Deputy Director Sarb on permit waivers, emergency permits, immaterial amendments & extensions, LCP matters not requiring public hearings, and on comments from the public. There being no objection, Chair Shallenberger ruled that the Commission concurred.
 - a. **Laguna Beach LCP Amendment No. LGB-MAJ-2-11B. Certification Review.** Staff recommended concurrence with the Executive Director's determination. There being no objection, Chair Shallenberger ruled that the Commission concurred.
- 11. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved one item [13a] to the expanded consent calendar and recommended approval with conditions.

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

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

- a. **City of Laguna Beach LCP Amendment Request No. LGB-MAJ-1-13 (Floodplain Management & Height Limit). 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 Sanchez. Chair Shallenberger ruled that the vote was unanimous in favor of the motion. **Approved.**

13. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 5-12-191 (City of Huntington Beach, Huntington Beach)** Moved by staff to the expanded consent calendar. **Approved with conditions.**
- b. **Application No. 5-12-348 (Shea Homes, Huntington Beach)** Staff recommended approval with conditions.

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

SAN DIEGO COAST DISTRICT

14. **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.

- a. **City of Oceanside LCP Amendment No. 2-10 (Wireless Communication Facilities) Certification Review.** Staff recommended the Commission concur with the Executive Director's determination. There being no objection, Chair Shallenberger ruled that the Commission concurred.
- b. **City of San Diego LCP Amendment No. SAN-MAJ-4-11-A (Community Gardens) Certification Review.** Staff recommended the Commission concur with the Executive Director's determination. There being no objection, Chair Shallenberger ruled that the Commission concurred.
- c. **City of Chula Vista LCP Amendment No. 1-11 (Chula Vista Bayfront) Certification Review.** Staff recommended the Commission concur with the Executive

Director's determination. There being no objection, Chair Shallenberger ruled that the Commission concurred.

- d. **City of Imperial Beach LCP Amendment No. 1-12 (C/R Ecotourism) Certification Review.** Staff recommended the Commission concur with the Executive Director's determination. There being no objection, Chair Shallenberger ruled that the Commission concurred.
- e. **City of Encinitas LCP Amendment No. ENC-MAJ-2-11 (Cardiff-by-the-Sea Specific Plan) Certification Review.** Staff recommended the Commission concur with the Executive Director's determination. There being no objection, Chair Shallenberger ruled that the Commission concurred.

15. **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 the consent calendar and recommended a yes vote, seconded by Brennan. Chair Shallenberger ruled that the vote was unanimous in favor of the motion. **Approved with conditions.**

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

- a. **City of Carlsbad LCP Amendment No. CAR-MAJ-3-11 (Second Dwelling Unit Rent Restrictions).** Staff recommended approval as submitted.

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

- b. **City of San Diego LCP Amendment No. CCP-MAJ-4-11B (2006, 2007, 2010, 2011 and 2012 Centre City Amendments) Adoption of Suggested Modifications. 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.**

17. **NEW APPEALS.**

- a. **Appeal No. A-6-NOC-12-5 (Sorrento Valley Holdings, San Diego)** Staff recommended that the Commission determine that the appeal raised substantial issue on the grounds on which the appeal was filed. There being no objection, Chair Shallenberger ruled that substantial issue was found and open the hearing. 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.**

18. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 6-12-002 (Crystal Pier Hotel, San Diego)** Staff recommended approval with conditions.

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

Amending motion & vote: Zimmer moved to delete Condition 1a and recommended a yes vote, seconded by Brennan. The roll call vote was 7 in favor [Bochco, Brennan, Garcia, McClure, Mitchell, Vargas, Zimmer] 5 opposed [Blank, Groom, Kinsey, Sanchez, Shallenberger]. **Approved.**

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

- b. **Application No. 6-12-18 (J CREW, LLC, San Diego)** Moved by staff to the expanded consent calendar. **Approved with conditions.**
- c. **Application No. 6-12-88 (San Diego County Regional Airport Authority, San Diego)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

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.

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

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

- a. **City of Malibu Local Coastal Program Amendment No. MAJ-2-11 Part A. Certification Review.** Staff recommended the Commission concur with the Executive Director's determination. There being no objection, Chair Shallenberger ruled that the Commission concurred.
- b. **Santa Barbara City College, City of Santa Barbara – Santa Barbara City College Public Works Plan (PWP) Major Amendment No. 2-12. Time Extension.**

Motion & vote: Zimmer 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.**

22. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 4-12-075 (Anglin Classics LLC, Los Angeles Co.)** Staff recommended approval with conditions.

Motion & vote: Bochco 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

23. **APPROVAL OF MINUTES.** None.
24. **COMMISSIONERS' REPORTS.** Information only.
25. **CONSERVANCY REPORT.** Information only.
26. **SANTA MONICA MOUNTAINS CONSERVANCY REPORT.** Information only.
27. **SANTA MONICA BAY RESTORATION REPORT.** Information only.
28. **DEPUTY ATTORNEY GENERAL'S REPORT.** Information only.
29. **EXECUTIVE DIRECTOR'S REPORT** including reports and possible Commission action on legislation and water quality.

LEGISLATIVE REPORT.

AB521(Stone). Staff recommended Commission support of the bill.

Motion & vote: Zimmer moved to support AB521 and recommended a yes vote, seconded by Sanchez. Chair Shallenberger ruled that the vote was unanimous in favor of the motion. **Approved.**

- a. **Public Education Grants.** Staff recommended approval of the grant.

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

The Commission recessed for the day at 4:15 p.m.

THURSDAY, MAY 9, 2013

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order at 8:30 a.m. by Chair Shallenberger.
2. **ROLL CALL.** Present: Chair Shallenberger, Vice Chair Kinsey, Blank, Bochco, Garcia, Groom, McClure, Mitchell, Vargas, Zimmer. Brennan arrived at 8:40 a.m., Sanchez arrived at 9:00 a.m. Non-voting: April, Beland.
3. **AGENDA CHANGES.**
4. **GENERAL PUBLIC COMMENT.** None.

NORTH COAST DISTRICT

5. **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.
6. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved 3 items [7a, 7b, 7c] to the expanded consent calendar. Staff recommended approval of the consent calendar.

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

7. **COASTAL PERMIT APPLICATIONS.**
 - a. **Application No. 1-11-48 (California Department of Fish & Wildlife, Humboldt Co.)** Moved by staff to the expanded consent calendar. **Approved with conditions.**
 - b. **Application No. 1-12-035 (McLaughlin, Humboldt Co.)** Moved by staff to the expanded consent calendar. **Approved with conditions.**
 - c. **Application No. 1-13-003 (Crescent City Harbor District, Del Norte Co.)** Moved by staff to the expanded consent calendar. **Approved with conditions.**
 - d. **Application No. 1-13-014 (Cher-ae Indian Community of the Trinidad Rancheria, Trinidad) [WAIVED]**

ENERGY, OCEAN RESOURCES AND FEDERAL CONSISTENCY

8. **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.

9. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved 3 items [10a, 10b, 11a] to the expanded consent calendar. Staff recommended approval of the consent calendar.

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

10. **PERMIT AMENDMENTS.**

- a. **Application No. E-09-010-A3 (Pacific Gas & Electric Co., Humboldt Co.)** Moved by staff to the expanded consent calendar. **Approved with conditions.**
- b. **Application No. E-06-003-A1 (Coast Seafoods Co., Humboldt Co.)** **Approved with conditions.**

11. **FEDERAL CONSISTENCY.**

- a. **CD-021-13 (NOAA, Northern and Central California)** **Approved with conditions.**

ENFORCEMENT

12. **ENFORCEMENT REPORT.** None.

NORTH CENTRAL COAST DISTRICT

13. **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.

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

15. **NEW APPEALS.**

- a. **Appeal No. A-2-SMC-09-006 (Johnson, San Mateo Co.)** [POSTPONED]
- b. **Appeal No. A-2-SMC-09-008 (Shook, San Mateo Co.)** [POSTPONED]

- c. **Appeal No. A-2-SNF-12-020 (San Francisco Recreation and Park Department, San Francisco Co.)** Staff recommended that the Commission determine that the appeal raised **substantial issue** on the grounds on which the appeal was filed. There being no objection, Chair Shallenberger ruled that the Commission **found substantial issue** and opened the hearing on the merits of the project. Staff recommended approval with conditions.

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

LUNCH RECESS. The Commission recessed for lunch during the hearing of Item 15c at 12:20 p.m. and returned at 1:10 p.m.

Amending motion & vote: Kinsey moved to replace “pursuant to the staff recommendation” with “pursuant to the City & County of San Francisco” and recommended a yes vote, seconded by McClure. The roll call vote was 10 in favor [Bochco, Brennan, Garcia, Groom, Kinsey, McClure, Vargas, Zimmer, Shallenberger] and one opposed [Sanchez]. **Approved.**

Amending motion & vote: Zimmer moved to find that replacement of grass with artificial turf would be a significant impact to the naturalistic condition of the park and to require mitigation, and recommended a yes vote, seconded by Bochco. The roll call vote was 5 in favor [Bochco, Groom, Sanchez, Zimmer, Shallenberger] and 6 opposed [Brennan, Garcia, Kinsey, McClure, Mitchell, Vargas]. **Failed.**

Vote on the main motion: The roll call vote was unanimous in favor of the motion as amended [Bochco, Brennan, Garcia, Groom, Kinsey, McClure, Mitchell, Sanchez, Vargas, Zimmer, Shallenberger]. **Approved with conditions.**

[Blank departed during Item 15c; Sanchez departed at the conclusion of Item 15c]

REPORT OF CLOSED SESSION.

Big Wave LLC et al. v. CCC, - The Commission received litigation information and advice and gave direction.

CCC v. U.S. Dept. of the Navy et al., - The Commission received litigation information and advice and gave direction.

Drakes Bay Oyster Co. et al. v. CCC et al. – The Commission received litigation information.

Faber et al. v. CCC et al. (Drakes Bay Oyster Co., RPI), - The Commission received litigation information.

- d. **Appeal No. A-2-HMB-13-001 (Ailanto Properties, Inc., Half Moon Bay)** Staff recommended that the Commission determine that the appeal raised no substantial issue on the grounds on which the appeal was filed.

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

16. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 2-12-004 (Sonoma County Water Agency, Sonoma Co.) [POSTPONED]**

CENTRAL COAST DISTRICT

17. **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.

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

18.5. **LOCAL COASTAL PROGRAMS.**

- a. **City of Seaside LCP Amendment 1-11 (LUP Update and IP Certification). 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.**

19. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 3-12-018 (Gravelle's Boat Yard, Monterey Co.) [POSTPONED]**

There being no old or new business, the meeting of the California Coastal Commission adjourned at 3:40 p.m.

Respectfully submitted,

Charles Lester
Executive Director

