

CALIFORNIA COASTAL COMMISSION

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**W38**

DATE: August 29, 2013
TO: Coastal Commissioners
FROM: Charles Lester, Executive Director

SUBJECT: **DRAFT MINUTES of MEETING of APRIL 10-12, 2013**
El Capitan Resort
11560 Calle Real
San Barbara, CA 93117

WEDNESDAY, APRIL 10, 2013

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order by Chair Shallenberger at 8:30 a.m.
2. **ROLL CALL.** Present: Chair Shallenberger, Vice Chair Kinsey, Wickett (alternate), Brennan, Burke, Groom, Kinsey, McClure, Zimmer. Garcia and Sanchez arrived at 8:45 a.m. Mitchell arrived at 10:00 a.m. Non-voting: April. Absent: Bochco.
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. **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. 5-12-118 (Melville, San Clemente)**
 - b. **Application No. 5-12-227 (Twist, Newport Beach)**
 - c. **Application No. 5-12-240 (Anthony, Newport Beach)**

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

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

- a. **Application No. 5-12-283 (Mertz, San Clemente)**
- b. **Application No. 5-13-41 (Schaper, Newport Beach)**

SAN DIEGO DISTRICT

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

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

- a. **Application No. 6-12-27 (Solana Beach pump station access improvements)**
- b. **Application No. 6-12-79 (SANDAG, San Diego)**

NORTH COAST DISTRICT

8. **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.

9. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved one item [10a] to the expanded consent calendar and recommended approval with conditions.

Motion & vote: Kinsey 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.**

10. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 1-11-24 (Humboldt County Department of Public Works)** 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 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.
12. **CONSENT CALENDAR (removed from Regular Calendar).** None.
13. **REVISED FINDINGS.**
 - a. **CD-008-13 (Navy, Southern California)** Staff recommended the Commission adopt the revised findings.

Motion & vote: Sanchez moved to adopt the revised findings pursuant to the staff recommendation and recommended a yes vote, seconded by Zimmer. Chair Shallenberger ruled that the vote of the prevailing side [Brennan, Garcia, Groom, Kinsey, McClure, Sanchez, Zimmer, Shallenberger] was unanimous in favor of the motion. **Approved.**
14. **FEDERAL CONSISTENCY.**
 - a. **CD-011-13 (Navy, San Diego)** Staff recommended that the Commission concur with the Consistency Determination that the project is fully consistent. There being no objection, Chair Shallenberger ruled that the Commission concurred.

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 that the Commission concurred.
16. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved 2 items [18b, 18d] 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 Kinsey. Chair Shallenberger ruled that the vote was unanimous in favor of the motion. **Approved with conditions.**

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

- a. **City of Huntington Beach LCP Amendment No. HNB-MAJ-2-11 (Flood, Signs, & Other Changes)**. Staff recommended denial of the Implementation Plan as submitted and approval of the Implementation Plan if modified as suggested by staff.

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

Motion & vote: Sanchez moved to approve the Implementation Plan if modified 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 modifications.**

18. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 5-12-155 (Jahangiri & Levering, Newport Beach)** Staff recommended approval with conditions.

Motion & vote: Kinsey 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. 5-12-160 (Golf Realty Fund, Newport Beach)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

[Burke departed; Mitchell arrived; Garcia out of room]

- c. **Application No. 5-12-260 (Evensen, Newport Beach)** Staff recommended approval with conditions.

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

- d. **Application No. 5-12-268 (City of Huntington Beach Public Works)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

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 2 items [22a, 22b] 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.**

21. **NEW APPEALS.**
 - a. **Appeal No. A-6-OCN-13-8 (Burgess, San Diego 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 continued the matter to a future hearing.
22. **COASTAL PERMIT APPLICATIONS.**
 - a. **Application No. 6-12-17 (Lincoln Trust Company, San Diego)** Moved by staff to the expanded consent calendar. **Approved with conditions.**
 - b. **Application No. 6-13-4 (22nd District Agricultural Association, Del Mar)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

23. **PERMIT AMENDMENTS.**
 - a. **Application No. 6-96-089-A2 (Casa De La Playa HOA, San Diego)** [POSTPONED]

SOUTH CENTRAL COAST DISTRICT

24. **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 that the Commission concurred.

- a. **County of Santa Barbara LCP Amendment No. MAJ-1-12-B (Pescadero Lofts). Certification Review.** Staff recommended that the Commission concur with the Executive Director's determination. There being no objection, Chair Shallenberger ruled that the vote was unanimous in favor of the motion.

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

- b. **Gaviota Coastal Plan Briefing.** [No action taken]

25. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved one item [27a] to the expanded consent calendar and 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.**

[Garcia returned]

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

- a. **County of Santa Barbara LCP Amendment No. MAJ-3-11-B (Telecommunications Facilities).** Staff recommended denial as submitted and approval if modified as suggested in the staff report.

Motion & vote: Brennan moved to reject the Implementation Plan as submitted and recommended a yes vote, seconded by Zimmer. 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 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 modifications.**

- b. **City of San Buenaventura LCP Amendment No. SBV-MAJ-1-12.** Staff recommended denial of the Land Use Plan as submitted and approval if modifications as suggested in the staff report.

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

Motion & vote: Brennan moved to certify the Land Use Plan with modifications pursuant to the staff recommendation and recommended a yes vote, seconded by Wickett. Chair Shallenberger ruled that the vote was unanimous in favor of the motion. **Approved with modifications.**

27. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 4-04-120 (Wallis, Los Angeles Co.)** Moved by staff to the expanded consent calendar. **Approved with conditions.**
- b. **Application No. 4-12-051 (Ventura County Watershed Protection District, Oxnard and Port Hueneme)** Staff recommended approval with special conditions.

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

28. **RECONSIDERATION.**

- a. **Application No. 4-12-003-R (Rydings, Los Angeles Co.)** Staff recommended denial.

Motion & vote: Sanchez moved to grant the reconsideration and recommended a no vote pursuant to the staff recommendation, seconded by Zimmer. The roll call vote was 4 in favor (Brennan, Garcia, McClure, Mitchell) and 6 opposed (Wickett, Groom, Kinsey, Sanchez, Zimmer, Shallenberger). **Denied.**

STATEWIDE

29. **APPROVAL OF MINUTES.** The minutes of February 6-8, 2013 were approved.

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

30. **COMMISSIONERS' REPORTS.** Information only.

31. **CONSERVANCY REPORT.** Information only.

32. **SANTA MONICA MOUNTAINS CONSERVANCY REPORT.** Information only.

33. **SANTA MONICA BAY RESTORATION REPORT.** Information only.

34. **DEPUTY ATTORNEY GENERAL'S REPORT.** Information only.
35. **EXECUTIVE DIRECTOR'S REPORT** including reports and possible Commission action on legislation and water quality.

[Garcia departed for the day]

- a. **Legislation.** Legislative report and possible Commission action.

AB203 (Stone). Staff recommended the Commission support the bill.

Motion & vote: Sanchez moved to support AB203 and recommended a yes vote, seconded by Zimmer. The roll call vote was 8 in favor [Wickett, Brennan, Groom, Kinsey, Mitchell, Sanchez, Zimmer, Shallenberger] and one opposed [McClure]. **Approved.**

AB754 (Muratsuchi). Staff recommended the Commission support the bill.

Motion & vote: Sanchez moved to support AB734 and recommended a yes vote, seconded by Brennan. Chair Shallenberger ruled that the vote was unanimous in favor of the motion. **Approved.**

AB881 (Chesbro) Staff recommended the Commission support the bill.

Motion & vote: Kinsey moved to support AB881 and recommended a yes vote, seconded by Zimmer. Chair Shallenberger ruled that the vote was unanimous in favor of the motion. **Approved.**

AB976 (Atkins). Staff recommended the Commission support the bill.

Motion & vote: Sanchez moved to support AB976 and recommended a yes vote, seconded by Brennan. Chair Shallenberger ruled that the vote was unanimous in favor of the motion. **Approved.**

- b. **City of Redondo Beach Draft Post-LCP Certification Jurisdiction Map.** Staff recommended approval.

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

- c. **City of Santa Cruz Revised Post-LCP Certification Jurisdiction Map.** Staff recommended approval.

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

The Commission recessed for the day at 3:30 p.m.

THURSDAY, APRIL 11, 2013

STATEWIDE

Commission Field Trip. The Commission took a tour of the Gaviota coast and returned at noon.

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order by Chair Shallenberger at 1:00 p.m.
2. **ROLL CALL.** Present: Chair Shallenberger, Vice Chair Kinsey, Wickett (alternate), Brennan, Groom, McClure, Mitchell, Sanchez, Zimmer. Absent: Bochco, Burke, Garcia
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.
- 5.3. **Consent Cease and Desist Order No. CCC-13-CD-03 (Bacara Resort and Spa, Goleta, Santa Barbara Co.)** Staff recommended the Commission issue the Consent Cease and Desist Order.

Motion & vote: Zimmer moved to issue the Consent 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.**

- 5.5. **Consent Restoration Order No. CCC-13-RO-03 (Bacara Resort and Spa, Goleta, Santa Barbara Co.)** Staff recommended the Commission issue the Consent Restoration Order.

Motion & vote: Zimmer moved to issue the Consent 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 CENTRAL COAST DISTRICT

6. **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.

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

8. **NEW APPEALS.**

a. **Appeal No. A-2-SMC-11-019 (Datson, San Mateo Co.) [POSTPONED]**

9. **COASTAL PERMIT APPLICATIONS.**

a. **Application No. 2-10-030 (Porto Bodega Marina & RV Park, Sonoma Co.)** Staff recommended approval with conditions.

Motion & vote: Wickett 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. 2-08-013 (Porto Bodega LP, Sonoma Co.)** Staff recommended approval with conditions.

Motion & vote: Wickett 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.**

c. **Application No. A-2-MAR-10-22 (Magee & Brader, Marin Co.)** Staff recommended approval with conditions.

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

Amending motion & vote: Groom moved to require 5-year monitoring of waste water, fungus, and odors and recommended a yes vote, seconded by Zimmer and recommended a yes vote. **Motion withdrawn.**

Vote on main motion: The roll call vote was 7 in favor [Wickett, Brennan, Kinsey, McClure, Mitchell, Sanchez, Shallenberger] and 2 opposed [Groom, Zimmer]. **Approved with conditions.**

10. **RECONSIDERATION.**

- a. **Reconsideration No. A-2-SMC-11-32-R (Cattermole, San Mateo Co.)** Staff recommended denial.

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

CENTRAL COAST DISTRICT

11. **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.

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

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

- a. **City of Capitola LCP Amendment No. 1-13 (Parking Standards). Time Extension.** Staff recommended approval.

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

- b. **City of Grover Beach LCP Amendment No. 1-12 Part 1 (Grover Beach Lodge).** Staff recommended denial of the Land Use Plan as submitted and approval if modified as suggested, and rejection of the Implementation Plan.

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

Motion: Zimmer moved to certify the Land Use Plan if modified pursuant to the staff recommendation and recommended a yes vote, seconded by Kinsey.

Amending motion: Mitchell moved to relocate the equestrian area to the south of Grand location and recommended a yes vote, seconded by McClure. The roll call vote was 4 in favor [Wickett, McClure, Mitchell, Sanchez] and 5 opposed [Brennan, Groom, Kinsey, Zimmer, Shallenberger]. **Denied.**

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

Motion & vote: Zimmer 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.**

- c. **City of Grover Beach LCP Amendment No. 1-12 Part 2 (Public Works Update).**
Staff recommended denial as submitted and approval if modified as suggested.

Motion & vote: Kinsey moved to certify the Public Works Plan as submitted and recommended a no vote, seconded by Brennan. Chair Shallenberger ruled that the vote was unanimous in opposition to the motion. **Certification denied.**

Motion & vote: Kinsey moved to certify if modified 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 modifications.**

14. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. A-3-SLO-11-064 (Lewis, San Luis Obispo Co.)** Staff recommended approval with conditions.

Motion & vote: Kinsey moved to approve pursuant to the staff recommendation and recommended a yes vote, seconded by Zimmer. The roll call vote was 6 in favor (Brennan, Kinsey, McClure, Mitchell, Zimmer, Shallenberger) and 3 opposed (Wickett, Groom, Sanchez). **Approved with conditions.**

The Commission recessed for the day at 8:25 p.m.

FRIDAY, APRIL 12, 2013

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order at 8:30 a.m.
2. **ROLL CALL.** Present: Chair Shallenberger, Vice Chair Kinsey, Wickett (alternate), Brennan, Groom, McClure, Reznik (alternate), Zimmer. Non-voting: April. Mitchell arrived at 9:15 a.m. Absent: Bochco, Burke, Garcia.
3. **AGENDA CHANGES.**
4. **GENERAL PUBLIC COMMENT.** Members of the public addressed the Commission on various issues affecting the coast.

CLOSED SESSION.

Ballona Wetlands Land Trust v. CCC, (County of Los Angeles, RPI) – The Commission received litigation information.

Koligian v. CCC – The Commission received litigation information.

McCarthy et al. v. CCC – The Commission received litigation information.

In two potential litigation matters, the Commission received litigation information and gave advice.

SOUTH COAST DISTRICT (LOS ANGELES COUNTY)

5. **CONSENT CALENDAR.** Staff recommended the Commission approve the consent calendar.

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.**

- a. **Application No. 5-12-316 (City of Long Beach Public Works)**
- b. **Application No. 5-12-319 (City of Long Beach Public Works)**
- c. **Application No. 5-13-27 (City of Santa Monica)**

SOUTH COAST DISTRICT (LOS ANGELES COUNTY)

6. **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.
7. **CONSENT CALENDAR (removed from Regular Calendar).** None.
8. **COASTAL PERMIT APPLICATIONS.**
 - a. **Application No. 5-12-239 (Briles, Long Beach) [POSTPONED]**

STATEWIDE

9. **EXECUTIVE DIRECTOR'S REPORT** including reports and possible Commission action.
 - a. **Final Strategic Plan.** Staff recommended approval of the Strategic Plan.

Motion & vote: Brennan moved to approve and recommended a yes vote, seconded by Zimmer. Chair Shallenberger ruled that the vote was unanimous in favor of the motion. **Approved.**
 - b. **Report on Local Government Workshop of December 2012 on Improving the LCP Planning Process.** [No action taken]

There being no old or new business, the meeting of the California Coastal Commission adjourned at 10:45 a.m.

Respectfully submitted,

Charles Lester
Executive Director