

CALIFORNIA COASTAL COMMISSION

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**W23**

DATE: April 27, 2015
TO: Coastal Commissioners
FROM: Charles Lester, Executive Director
SUBJECT: **DRAFT MINUTES of MEETING of MARCH 11-13, 2015**
Chula Vista City Hall—Council Chambers
276 Fourth Avenue
Chula Vista, CA 91910

WEDNESDAY, MARCH 11, 2015

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order by Chair Kinsey at 9:00 a.m.
2. **ROLL CALL.** Present: Chair Kinsey, Vice Chair Zimmer, Bochco, Cox, Groom, McClure, Mitchell, Pestor (alternate), Turnbull-Sanders, Vargas. Non-voting: Gibson, Jones. Absent: Howell
3. **AGENDA CHANGES.**
4. **GENERAL PUBLIC COMMENT.** Members of the public addressed the Commission on various issues affecting the coast.
5. **CHAIR'S REPORT.** Information only.

STATEWIDE

6. **EXECUTIVE DIRECTOR'S REPORT.**
 - a. **Director's Report.** Information only.
 - b. **Legislative Report.**
 - c. **Interagency Agreement.** Authorization to enter into a contract with Sea Grant/University of California, San Diego to pay the Commission's share of the costs for two California Sea Grant Fellows for one-year. Zimmer moved to approve pursuant to the staff and recommended a yes vote, seconded by Bochco. Chair Kinsey ruled that the vote was unanimous in support of the motion. **Approved.**

NORTH 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. There being no objections, Chair Kinsey ruled that the Commission concurred.
8. **CONSENT CALENDAR (removed from Regular Calendar).**
9. **LOCAL COASTAL PROGRAMS (LCPs)**
 - a. **City of Arcata LCP Amendment No. LCP-1-ARC-14-0015-1(Multiple Site Designation Changes) Certification Review.** Staff recommended that the Commission concur with the Executive Director's determination that the adopted resolutions and ordinances by the City of Arcata are legally adequate. There being no objection, Chair Kinsey ruled that the Commission concurred.
 - b. **City of Trinidad LCP Amendment No. LCP-1-TRN-14-0846-1 (Vacation Dwelling Units).** Staff recommended concurrence that the proposed modifications to the certified Implementation Plan for vacation dwellings are minor.

Motion & vote: McClure moved to concur with the staff recommendation and recommended a yes vote, seconded by Groom. Chair Kinsey ruled that the vote was unanimous in favor of the motion. **Approved.**

ENERGY, OCEAN RESOURCES AND FEDERAL CONSISTENCY

10. **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. Action on 9-15-0162-W (Southern California Edison Co.) was postponed. There being no objection, Chair Kinsey ruled that the Commission concurred with the remainder of the report.
11. **CONSENT CALENDAR (removed from Regular Calendar).** None.

NORTH CENTRAL COAST DISTRICT

12. **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.
13. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved one item [16a] to the expanded consent calendar and recommended approval with conditions. There being no objections, Chair Kinsey ruled that the Commission concurred. Approved with conditions.

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

- a. **City of Half Moon Bay LCP Amendment No. HMB-MAJ-2-10-B (A-1 Zoning District)**. Staff recommended that the Commission certify the Implementation Plan as submitted.

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

15. **NEW APPEALS.**

- a. **Appeal No. A-2-MAR-12-008 (Kirschman, Marin County)** Staff recommended that the Commission determine that **Appeal No. A-2-MAR-12-008** raised a substantial issue.

Motion & vote: Groom moved to determine that **Appeal No. A-2-MAR-12-008** raised no substantial issue on the grounds on which the appeal was filed and recommended a no vote, seconded by Zimmer. Chair Kinsey ruled that the vote was unanimous in opposition to the motion. **Substantial Issue found. De novo phase of hearing continued.**

- b. **Appeal No. A-2-HMB-15-0006 (Campodonico, Half Moon Bay)** Staff recommended that the Commission determine Appeal No. A-2-HMB-15-0006 raised no substantial issue.

Motion & vote: Groom moved to determine that Appeal No. A-2-HMB-15-0006 raised no substantial issue on the grounds on which the appeal was filed and recommended a yes vote, seconded by Cox. Chair Kinsey ruled that the vote was unanimous in favor of the motion. **No Substantial Issue found.**

16. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 2-14-0673 (Lundberg, Bodega Bay)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

CENTRAL COAST DISTRICT

17. **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 Kinsey ruled that the Commission concurred.

18. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved one item [21b] to the expanded consent calendar and recommended approval with conditions. Chair Kinsey ruled that the Commission concurred. **Approved with conditions.**

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

- a. **City of Santa Cruz LCP Amendment No. STC-1-12 Part 1 (Emergency Shelters).**
Staff recommended approval of the Implementation Plan as submitted.

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

20. **NEW APPEALS.**

- a. **Appeal No. A-3-CML-15-0004 (Jarve, Carmel-by-the-Sea)** Staff recommended that the Commission determine no substantial issue on the grounds on which the appeal was filed.

Motion & vote: Groom moved to determine that Appeal No. A-3-CML-15-0004 raised no substantial issue on the grounds on which the appeal was filed and recommended a yes vote, seconded by Bochco. Chair Kinsey ruled that the vote was unanimous in favor of the motion. **No substantial Issue found.**

21. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 3-14-0210 (Flavell, Santa Cruz Co.) [POSTPONED]**
- b. **Application No. 3-14-1722 (Scales Restaurant, Monterey)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

SOUTH CENTRAL COAST DISTRICT

22. **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 Kinsey ruled that the Commission concurred.

23. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved 3 items [25a, 26c, 26d] to the expanded consent calendar and recommended approval with conditions.

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

24. **LOCAL COASTAL PROGRAM.**

- a. **County of Santa Barbara LCP Amendment No. LCP-4-STB-13-0211-1-Part A (Agricultural Buffer Regulation) Certification Review.** Staff recommended that the Commission concur with the Executive Director's determination that the action by the County of Santa Barbara is legally adequate. There being no objection, Chair Kinsey ruled that the Commission concurred.

- b. **City of San Buenaventura LCP Amendment No. SBV-MAJ-2-12 (Promenade Parcels) Certification Review.** Staff recommended that the Commission concur with the Executive Director's determine that the action by the City of San Buenaventura is legally adequate. There being no objection, Chair Kinsey ruled that the Commission concurred.
- c. **City of Malibu LCP Amendment No. LCP-4-MAL-15-0001-1 (Civic Center Wastewater Treatment Facility). Time Extension.** Staff recommended approval of the time extension.

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

25. **NOTICE OF IMPENDING DEVELOPMENT.**

- a. **UCSB Notice of Impending Development No. UCS-NOID-0007-14 (East Gate Vegetation Removal).** Moved by staff to the expanded consent calendar. **Approved with conditions.**

26. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 4-12-076 (Kellogg Avenue LLC, Goleta) [POSTPONED]**
- b. **Application No. 4-13-010 (Caltrans, Malibu)** Staff recommended approval with conditions.

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

- c. **Application No. 4-06-081-A2 (Dziadulewicz, Los Angeles County)** Moved by staff to the expanded consent calendar. **Approved with conditions.**
- d. **Application No. 4-14-1685 (Los Angeles County Department of Public Works)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

SAN DIEGO COAST DISTRICT

- 27. **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 Kinsey ruled that the Commission concurred.
- 28. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved 2 item [**30b, 30c**] to the expanded consent calendar and recommended approval with conditions.

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

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

- a. **City of Carlsbad LCP Amendment No. LCP-6-CII-14-0837-2 (Daybreak Community Church).** Staff recommended approval as submitted.

Motion & vote: Cox moved to certify the Land Use Plan as submitted and recommended a yes vote, seconded by Bochco. Chair Kinsey ruled that the vote was unanimous in favor of the motion. **Approved as submitted.**

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

- b. **City of Chula Vista LCP Amendment No. LCP-6-CHV-14-0824-1 (Clean-Up Revisions & Corrections).** Staff recommended denial of the Land Use Plan as submitted and approval if modified as suggested and approval of the Implementation Plan as submitted.

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

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

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

- c. **City of Imperial Beach LCP Amendment No. LCP-6-IMB-14-0838-1 (Affordable Housing Density Bonus and Special Needs Housing).** Staff recommended denial of the Implementation Plan as submitted and approval if modified as suggested.

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

Motion & vote: Cox moved to certify the Implementation Plan if modified as suggested pursuant to the staff recommendation and recommended a yes vote, seconded by Bochco. Chair Kinsey ruled that the vote was unanimous in favor of the motion. **Approved with modifications.**

30. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 6-14-0679 (WJK Trust, Solana Beach) [POSTPONED]**
- b. **Application No. 6-14-1755 (UCSD Kendall-Frost Marsh Reserve Restoration)**
Moved by staff to the expanded consent calendar. **Approved with conditions.**
- c. **Application No. 6-14-1897 (San Dieguito Union High School District, Solana Beach)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

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

CLOSED SESSION. The Commission received litigation information and advice regarding Horizontal Development LLC et al. v. CCC; Khalkhali et al. v. CCC et al. (Svitek, RPI); San Diegans for Responsible Planning v. CCC (City of San Diego et al., RPI); In re Petition for a Determination that a Policy of the CCC is an Underground Regulation; and two matters of potential litigation.

31. **PERMIT AMENDMENTS.**

- a. **Permit No. 6-04-088-A12 (JPA Boardwalk, Del Mar)** Staff recommended denial of the proposed amendment.

Motion: Cox moved to approve the proposed amendment and recommended a yes vote, seconded by McClure.

Motion: Mitchell moved to continue and recommended a yes vote, seconded by Bochco. [*motion withdrawn*]

Motion & vote: Turnbull-Sanders moved to continue and recommended a yes vote, seconded by Bochco. The roll call vote was 5 in favor (Bochco, Groom, McClure, Mitchell, Turnbull-Sanders) and 5 opposed (Cox, Pestor, Vargas, Zimmer, Kinsey).

Motion failed.

Vote on the main motion: The roll call vote was 5 in favor (Cox, McClure, Mitchell, Turnbull-Sanders, Vargas) and 5 opposed (Bochco, Groom, Pestor, Zimmer, Kinsey).

Denied.

- b. **Permit No. 6-05-95-A1 (Lingenfelder, et al., Solana Beach)** Staff recommended approval with conditions.

Motion & vote: Bochco moved to approve pursuant to the staff recommendation and recommended a yes vote, seconded by Zimmer. The roll call vote was 9 in favor (Bochco, Cox, Groom, Mitchell, Pestor, Turnbull-Sanders, Vargas, Zimmer, Kinsey) and one opposed (McClure). **Approved with conditions.**

32. **REVOCAION.**

- a. **Revocation Request No. 6-12-061-REV (Grand & Strand LLC, San Diego)** Staff recommended denial of the revocation request.

Motion & vote: Cox moved to grant the revocation and recommended a no vote, seconded by Bochco. Chair Kinsey ruled that the vote was unanimous in opposition to the motion. **Denied.**

STATEWIDE

33. **APPROVAL OF MINUTES.** Zimmer moved to approve the minutes of April 2014 and November 2014 as written, seconded by Bochco. Chair Kinsey ruled the vote was unanimous in support of the motion. **Approved.**
34. **COMMISSIONERS' REPORTS.** Information only.
35. **CONSERVANCY REPORT.** Information only.
36. **SANTA MONICA MOUNTAINS CONSERVANCY REPORT.** Information only.
37. **SANTA MONICA BAY RESTORATION REPORT.** Information only.
38. **DEPUTY ATTORNEY GENERAL'S REPORT.** Information only.

The Commission recessed for the day at 4:10 p.m.

THURSDAY, MARCH 12, 2015

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order 9:00 a.m. by Chair Kinsey.
2. **ROLL CALL.** Present: Chair Kinsey, Vice Chair Zimmer, Bochco, Cox, Groom, McClure, Pestor. Turnbull-Sanders arrived at 9:12 a.m.; Howell, Mitchell, and Vargas arrived at 9:25 a.m. Non-voting: Gibson, Jones, Lucchesi.
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 Kinsey ruled that the Commission concurred.
 - a. **Application No. 5-14-1706 (Chamberlain, Seal Beach, Orange Co.)**
 - b. **Application No. 5-14-1760 (Miller and Accretive Realty Investments LLC, Newport Beach)**
6. **CONSENT CALENDAR.** Staff recommended that the Commission approve the consent calendar with conditions. [*Item 6b was postponed*]

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

- a. **Application No. 5-14-1635 (Previti, Newport Beach)**
- b. **Application No. 5-14-1717 (Lido Group Retail, LLC, Newport Beach)**
[POSTPONED]

ENFORCEMENT

7. **ENFORCEMENT REPORT.** Report by Chief of Enforcement on Statewide Enforcement Program. None.
8. **Settlement Agreement and Settlement Cease and Desist Order No. CCC-15-CD-01 (Newport Banning Ranch, LLC, et al., Orange Co.)** Staff recommended that the Commission issue the Settlement Cease and Desist order.

Motion & vote: Vargas moved to issue **Cease and Desist Order No. CCC-15-CD-01** pursuant to the staff recommendation and recommended a yes vote, seconded by McClure. Chair Kinsey ruled that the vote was unanimous in favor of the motion. **Approved.**

9. **Settlement Agreement and Settlement Restoration Order No. CCC-15-RO-01 (Newport Banning Ranch, LLC, et al., Orange Co.)** Staff recommended that the Commission issue the Settlement Restoration order.

Motion & vote: Vargas moved to issue **the Settlement Restoration Order No. CCC-15-RO-01** pursuant to the staff recommendation and recommended a yes vote, seconded by McClure. Chair Kinsey ruled that the vote was unanimous in favor of the motion. **Approved.**

SOUTH COAST DISTRICT (ORANGE COUNTY)

10. **DEPUTY DIRECTOR'S REPORT FOR ORANGE COUNTY.** Report by Deputy Director on permit waivers, emergency permits, immaterial amendments & extensions, LCP matters not requiring public hearings, and on comments from the public. There being no objection, Chair Kinsey ruled that the Commission concurred.

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

12. **NEW APPEALS.**

- a. **Appeal No. A-5-LGB-13-0223 (Meehan, Laguna Beach)** Staff recommended that the Commission determine that **Appeal No. A-5-LGB-13-0223** raised substantial issue on the grounds on which the appeal was filed. There being no objection, Chair Kinsey ruled that the Commission **found substantial issue** and opened the de novo hearing. Staff recommended approval with conditions.

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

Amending motion & vote: Vargas moved to allow the existing casita and stairway to remain; to require a CDP for renovation, repair, or maintenance of the casita and stairway consistent with the LCP; to require any new accessory structures to comply with the bluff edge setback as defined in the LUP; and to prohibit replacement of the casita and stairway if they collapse and recommended a yes vote, seconded by McClure. The roll call vote was 10 in favor (Bochco, Cox, Groom, Howell, McClure, Mitchell, Turnbull-Sanders, Vargas, Zimmer, Kinsey) and one opposed (Pestor). **Approved.**

Vote on the main motion: The roll call vote was 10 in favor (Bochco, Cox, Groom, Howell, McClure, Mitchell, Turnbull-Sanders, Vargas, Zimmer, Kinsey) and one opposed (Pestor). **Approved with conditions as amended.**

- b. **Appeal No. A-5-LGB-14-0027 (Mssk Ventures, LLC, Laguna Beach)**
[POSTPONED]

13. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 5-13-1100 (Newport Mesa Unified School District, Newport Beach)**
[POSTPONED]
- b. **Application No. 5-13-1233 (City of Seal Beach, Bay City Partners and Marina Beach House, Seal Beach)** Staff recommended denial.

Motion: Zimmer moved to approve and recommended a no vote, seconded by [Bochco].

Amending motion & vote: Zimmer moved to require that the applicant convey the four lots on Marina closest to the boating facility to a third party at no cost, that those lots be restricted to the development of lower-cost visitor-serving uses, including overnight accommodations, and that the CC&Rs for the subdivision include protections for the adjacent boat yard and recommended a yes vote, seconded by Bochco. The roll call vote was 9 in favor (Bochco, Groom, Howell, McClure, Mitchell, Turnbull-Sanders, Vargas, Zimmer, Kinsey) and 2 opposed (Cox, Pestor). **Approved.**

Amending motion & vote: Zimmer moved to adopt permit conditions as described by Deputy Director Sarb, to require that the four proposed lots dedicated to visitor-serving uses be conveyed as a single parcel, but with the possibility of future subdivision, and that Commission staff work with the City of Seal Beach to establish the hours of the public park and recommended a yes vote, seconded by Groom. The roll call vote was 11 in favor and none opposed. **Approved.**

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

- c. **Application No. 5-14-1007 (Peters, Newport Beach) [POSTPONED]**

The Commission recessed for the day at 7:30 p.m.

FRIDAY, MARCH 13, 2015

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order at 9:00 a.m. by Chair Kinsey.
2. **ROLL CALL.** Present: Chair Kinsey, Cox, Groom, McClure, Pestor, Turnbull-Sanders, Vargas. Howell arrived at 9:20 a.m. Non-voting: Gibson, Lucchesi. Absent: Bochco, Mitchell, Zimmer.
3. **AGENDA CHANGES**
4. **GENERAL PUBLIC COMMENT.**

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 Kinsey ruled that the Commission concurred.
 - a. **Application No. 5-14-1690 (City of Long Beach, Long Beach)**
 - b. **Application No. 5-15-0009 (Barratt, Venice)**
 - c. **Application No. 5-15-0086 (Hill & Heiserman, Santa Monica)**

SOUTH COAST DISTRICT (LOS ANGELES COUNTY)

6. **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. There being no objection, Chair Kinsey ruled that the Commission concurred.
7. **CONSENT CALENDAR (removed from Regular Calendar).** None.
8. **REVISED FINDINGS.**
 - a. **Permit No. 5-98-156-A16 (DDR Urban LLC and City of Long Beach, Long Beach)**
Staff recommended that the Commission approve the revised findings.

Motion & vote: Turnbull-Sanders moved to approve the revised findings pursuant to the staff recommendation and recommended a yes vote, seconded by Groom. The vote of the prevailing side (Cox, Groom, Howell, McClure, Turnbull-Sanders, Vargas) was unanimous in favor of the motion. **Approved.**

STATEWIDE

9. **Public Workshop: Lower Cost Visitor Serving Accommodations.** Information only.
No action taken.
10. **FUTURE AGENDA ITEMS.** Information only

There being no old or new business, the meeting of the California Coastal Commission adjourned at 12:30 p.m.

Respectfully submitted,

Charles Lester
Executive Director

CALIFORNIA COASTAL COMMISSION

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**W23**

DATE: April 27, 2015
TO: Coastal Commissioners
FROM: Charles Lester, Executive Director

SUBJECT: MINUTES of MEETING of **DECEMBER 10-12, 2014**
Portola Plaza Hotel
2 Portola Plaza
Monterey, CA 93940

WEDNESDAY, DECEMBER 10, 2014

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order at 9:00 a.m. by Chair Kinsey.
2. **ROLL CALL.** Present: Chair Kinsey, Vice Chair Zimmer, Bochco, Cox, Groom, Howell, McClure, Mitchell, Shallenberger, Turnbull-Sanders. Vargas arrived at 9:20 a.m. Non-voting: Jones, Lucchesi, Randolph.
3. **Public Workshop: Lower Cost Visitor Serving Accommodations.** Discussion only.
4. **ELECTION OF OFFICERS.** Bochco nominated Commissioner Kinsey for Chair and Commissioner Zimmer for Vice Chair, seconded by Turnbull-Sanders. Chair Kinsey and Vice Chair Zimmer elected by unanimous consent.

Chair Kinsey nominated Commissioner Bochco as the Commission's representative on the Santa Monica Bay Restoration Commission and Commissioner Vargas as the Commission's representative on the Santa Monica Mountains Conservancy, seconded by Cox. Commissioners Bochco and Vargas elected by unanimous consent.

5. **AGENDA CHANGES.**
6. **GENERAL PUBLIC COMMENT.** None.
7. **CHAIR'S REPORT.** Information only.

STATEWIDE

8. **EXECUTIVE DIRECTOR'S REPORT.**
 - a. **Director's Report.** Information only.

- b. **Courier Service Contract.** Staff recommended approval of the Courier Service contract.

Motion & vote: Groom moved to approve pursuant to the staff recommendation and recommended a yes vote, seconded by Turnbull-Sanders. Chair Kinsey ruled that the vote was unanimous in favor of the motion. **Approved.**

- c. **Annual Report of the Conservation/Open Space OTD Program.** Information only.
- d. **Briefing on Civil Service Hiring/Recruitment and Agency Diversity.** Information only.

SOUTH COAST DISTRICT (ORANGE COUNTY)

- 9. **CONSENT CALENDAR.** Staff recommended that the Commission approve the consent calendar with conditions. Chair Kinsey ruled that the Commission approved the consent calendar by unanimous consent.
 - a. **Application No. 5-14-0664 (McCarthy, Newport Beach)**
 - b. **Application No. 5-14-1673 (Scheel, San Clemente)**

ENFORCEMENT

- 10. **ENFORCEMENT REPORT.** Report by Chief of Enforcement on Statewide Enforcement Program. Information only.
- 11. **COMMISSION CONSENT CEASE & DESIST ORDER No. CCC-14-CD-05 (Beim, Carlsbad)** Staff recommended that the Commission issue the Cease and Desist order.

Motion & vote: Howell moved to issue the cease and desist order pursuant to the staff recommendation and recommended a yes vote, seconded by Shallenberger. Chair Kinsey ruled that the vote was unanimous in favor of the motion. **Approved.**

- 12. **COMMISSION CONSENT RESTORATION ORDER NO. CCC-14-RO-05 (Beim, Carlsbad)** Staff recommended that the Commission issue the Restoration order.

Motion & vote: Howell moved to issue the restoration order pursuant to the staff recommendation and recommended a yes vote, seconded by Shallenberger. Chair Kinsey ruled that the vote was unanimous in favor of the motion. **Approved.**

SOUTH COAST DISTRICT (ORANGE COUNTY)

- 13. **DEPUTY DIRECTOR'S REPORT FOR ORANGE COUNTY.** Report by Deputy Director on permit waivers, emergency permits, immaterial amendments & extensions, LCP matters not requiring public hearings, and on comments from the public. There being no objection, Chair Kinsey ruled that the Commission concurred.

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

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

- a. **City of Newport Beach LCP Amendment No. LCP-5-NPB-14-0820-2 (Back Bay Landing) Time Extension.** Staff recommended approval of the time extension.

Motion & vote: Zimmer moved to grant the time extension and recommended a yes vote, seconded by Turnbull-Sanders. Chair Kinsey ruled that the vote was unanimous in favor of the motion. **Approved.**

15. **NEW APPEALS.**

- a. **Appeal No. A-5-LGB-14-0037 (Koga Properties, Laguna Beach)** Staff recommended the Commission determine that the appeal raised substantial issue on the grounds on which the appeal was filed and approval with conditions at the de novo hearing.

Motion & vote: Howell moved to postpone and recommended a yes vote, seconded by Mitchell. The roll call vote was 6 in favor (Cox, Howell, McClure, Mitchell, Turnbull-Sanders, Vargas) and 5 opposed (Bochco, Groom, Shallenberger, Zimmer, Kinsey). **Postponed.**

16. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 5-14-1291 (South Coast Water District, Laguna Beach)** Staff recommended approval with conditions.

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

SAN DIEGO COAST DISTRICT

17. **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 Kinsey ruled that the Commission concurred.

18. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved one item [20a] to the expanded consent calendar and recommended approval with conditions.

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

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

- a. **City of Carlsbad LCP Amendment No. LCP-6-CII-14-0837-2 (Daybreak Community Church) Time Extension.** Staff recommended approval of the time extension.

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

20. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 6-14-1707 (Caltrans, Carlsbad)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

STATEWIDE

21. **APPROVAL OF MINUTES.** None.
22. **COMMISSIONERS' REPORTS.** None.
23. **CONSERVANCY REPORT.** None.
24. **SANTA MONICA MOUNTAINS CONSERVANCY REPORT.** None.
25. **SANTA MONICA BAY RESTORATION REPORT.** None.
26. **DEPUTY ATTORNEY GENERAL'S REPORT.** Information only.

The Coastal Commission recessed for the day at 3:45 p.m.

THURSDAY, DECEMBER 11, 2014

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order at 9:00 a.m. by Chair Kinsey.
2. **ROLL CALL.** Present: Chair Kinsey, Vice Chair Zimmer, Bochco, Cox, Groom, Howell, McClure, Mitchell, Shallenberger, Turnbull-Sanders, Vargas. Non-voting: Jones, Lucchesi, Randolph.
3. **AGENDA CHANGES.**
4. **GENERAL PUBLIC COMMENT.** Members of the public addressed the Commission on various issue affecting 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 Kinsey ruled that the Commission concurred.
 - a. **Application No. 5-14-1758 (Donaldson, Venice, Los Angeles)**
 - b. **Application No. 5-14-1815 (Jacobson, Venice, Los Angeles)**

STATEWIDE

6. **Public Education Program Annual Update. Postponed.**

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. There being no objection, Chair Kinsey ruled that the Commission concurred.
8. **CONSENT CALENDAR (removed from Regular Calendar).**

CENTRAL COAST DISTRICT

9. **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 Kinsey ruled that the Commission concurred.
10. **CONSENT CALENDAR (removed from Regular Calendar).** None.

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

- a. **Santa Cruz County LCP Amendment No. 3-SCO-14-0817-1 Part B (Signs).** Staff recommended denial as submitted and approval if modified as suggested by staff.

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

Motion & vote: Groom moved to certify the Implementation Plan if modified as suggested pursuant to the staff recommendation and recommended a yes vote, seconded by Howell. Chair Kinsey ruled that the vote was unanimous in favor of the motion. **Approved with modifications.**

- b. **San Luis Obispo County LCP Amendment No. LCP-3-SLO-14-0839-3 (Former Cambria Library Parcel Redesignation).** Staff recommended approval of the Land Use Plan as submitted.

Motion & vote: Howell moved to certify the Land Use Plan as submitted and recommended a yes vote, seconded by Bochco. Chair Kinsey ruled that the vote was unanimous in favor of the motion. **Approved as submitted.**

12. **NEW APPEALS.**

- a. **Appeal No. A-3-STC-14-0049 (La Bahia Hotel, Santa Cruz)** Staff recommended that the Commission determine that **Appeal No. A-3-STC-14-0049** raised no substantial issue.

Motion & vote: Groom moved to determine that **Appeal No. A-3-STC-14-0049** raised no substantial issue on the grounds on which the appeal was filed and recommended a yes vote, seconded by Shallenberger. The roll call vote was 10 in favor (Bochco, Cox, Groom, Howell, McClure, Mitchell, Shallenberger, Turnbull-Sanders, Vargas, Kinsey) and one opposed (Zimmer). **No Substantial Issue found.**

13. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. A-3-MRB-06-064 (Black Hill Villas, Morro Bay) [POSTPONED]**

SOUTH CENTRAL COAST DISTRICT

14. **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 Kinsey ruled that the Commission concurred.

- a. **University of California, Santa Barbara, Long Range Development Plan Amendment No. MAJ-1-11 (Comprehensive Update). Certification Review.** Staff recommended that the Commission concur with the Executive Director's determination that the amendment is legally adequate. There being no objection, Chair Kinsey ruled that the Commission concurred.
15. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved 5 items [17b, 17c, 17d, 17f, 17g] and recommended approval with conditions.

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

16. **NEW APPEALS.**

- a. **Appeal No. A-4-MAL-13-0257 (Safapour, Malibu)** 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 Kinsey ruled that the Commission found substantial issue and opened the de novo hearing. Staff recommended approval with conditions.

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

17. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 4-12-043 (Broad Beach Geologic Hazard Abatement District, Malibu)** *Trailed until after lunch. [WITHDRAWN BY APPLICANT]*
- b. **Application No. 4-06-025 (Los Angeles County Department of Public Works)**
Moved by staff to the expanded consent calendar. **Approved with conditions.**
- c. **Application No. 4-06-124 (Los Angeles County Department of Public Works)**
Moved by staff to the expanded consent calendar. **Approved with conditions.**
- d. **Application No. 4-13-0256 (Uger and Williams Consolidated Inc., Los Angeles Co.)**
Moved by staff to the expanded consent calendar. **Approved with conditions.**
- e. **Application No. 4-13-0303 (Vogt & Olsson, Los Angeles Co.)** Staff recommended approval with conditions.

Motion & vote: Mitchell moved to approve pursuant to the staff recommendation and recommended a yes vote, seconded by Howell. The roll call vote was 10 in favor (Bochco, Cox, Groom, Howell, Mitchell, Shallenberger, Turnbull-Sanders, Vargas, Zimmer, Kinsey) and one opposed (McClure). **Approved with conditions.**

- f. **Application No. 4-13-0413 (Leachman, Los Angeles Co.)** Moved by staff to the expanded consent calendar. **Approved with conditions.**
- g. **Application No. 4-14-1537 (City of San Buenaventura, City of San Buenaventura)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

CLOSED SESSION.

Arnold Land Co. v. CCC. – The Commission received litigation information and advice and gave direction.

Baltimore Land Co. v. CCC, – The Commission received litigation information and advice and gave direction.

Frank 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, advice and gave direction.

Gradstein et al. v. CCC et al. (Stoloski, RPI), – The Commission received litigation information.

Marina Coast Water District v. CCC (California-American Water Co., RPI), – The Commission received litigation information.

SDS Family Trust v. CCC, – The Commission received litigation information.

LUNCH RECESS. The Commission recessed for lunch at 12:45 p.m. and returned at 1:15 p.m.

17. COASTAL PERMIT APPLICATIONS.

- a. **Application No. 4-12-043 (Broad Beach Geologic Hazard Abatement District, Malibu) [WITHDRAWN BY APPLICANT]**

SOUTH COAST DISTRICT (LOS ANGELES COUNTY)

- 18. **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. There being no objection, Chair Kinsey ruled that the Commission concurred.
- 19. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved one item [20b] to the expanded consent calendar and recommended approval with conditions.

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

20. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 5-14-0269 (City of Long Beach Dredging)** Staff recommended approval with conditions.

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

- b. **Application No. 5-14-1387 (Beauchamp, Cohen, Coppentrath, Pacific Palisades, Los Angeles)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

21. **FEDERAL CONSISTENCY.**

- a. **CC-0004-14 (City of Long Beach Dredge Disposal)** Staff recommended that the Commission conditionally concur that the project is consistent.

Motion & vote: Shallenberger moved to conditionally concur that the project if modified as suggested by Special Condition 2, is consistent and recommended a yes vote, seconded by Howell. Chair Kinsey ruled that the vote was unanimous in favor of the motion. **Approved.**

The Commission recessed for the day at 7:00 p.m.

FRIDAY, DECEMBER 12, 2014

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order at 9:00 a.m. by Chair Kinsey.
2. **ROLL CALL.** Present: Chair Kinsey, Vice Chair Zimmer, Bochco, Cox, Groom, Howell, McClure, Mitchell, Shallenberger, Turnbull-Sanders. Non-voting: Jones.
3. **AGENDA CHANGES.**
4. **GENERAL PUBLIC COMMENT.** Members of the public addressed the Commission on various issues affecting the coast.

NORTH COAST DISTRICT

5. **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 Kinsey ruled that the Commission concurred.
6. **CONSENT CALENDAR (removed from Regular Calendar).** None.
7. **COASTAL PERMIT APPLICATIONS.**
 - a. **Application No. 1-13-0489 (California Department of Fish & Wildlife, Del Norte Co.) [POSTPONED]**

ENERGY, OCEAN RESOURCES AND FEDERAL CONSISTENCY

8. **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. There being no objection, Chair Kinsey ruled that the Commission concurred.
 - a. **SONGS Mitigation Program. Information only.**
 - b. **Ocean Health Index.** Information only.
 - c. **NOAA's Office of National Marine Sanctuaries (ONMS) Sanctuary Nomination Process.** Information only.
 - d. **Changes to CCMP List of Federal Permits Subject to Federal Consistency Review.** Staff recommended adoption of the modifications.

Motion & vote: Groom moved to adopt the modifications and recommended a yes vote, seconded by Howell. Chair Kinsey ruled that the vote was unanimous in favor of the motion. **Approved.**

9. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved 2 items [10a, 11b] to the expanded consent calendar and recommended approval with conditions.

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

10. **PERMIT AMENDMENTS.**

- a. **Permit No. E-01-029-A4 & CC-111-01 (GU Holdings, Inc., Hermosa Beach)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

11. **FEDERAL CONSISTENCY.**

- a. **CD-0002-14 (NOAA, Northern California)** Staff recommended that the Commission concur that the project is consistent.

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

- b. **CC-0006-14 (North County Transit District, San Diego Co.)** Moved by staff to the expanded consent calendar. **Approved.**

CENTRAL COAST DISTRICT

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

13. **NEW APPEALS.**

- a. **Appeal No. A-3-SNC-14-0001 (King Ventures Resort, Sand City)** 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, the Commission **found substantial issue** and continued the matter to a future hearing. **Substantial Issue found.**

STATEWIDE

14. **Petition for Repeal of After-the-Fact Permit Fee Regulation.** Staff recommended denial.

Motion & vote: Shallenberger moved to grant the petition for repeal and recommended a no vote, seconded by Zimmer. Chair Kinsey ruled that the vote was unanimous in opposition to the motion. **Denied.**

15. **FUTURE AGENDA ITEMS.** Information only.

There being no old or new business, the meeting of the California Coastal Commission adjourned at 11:00 a.m.

Respectfully submitted,

Charles Lester
Executive Director