

CALIFORNIA COASTAL COMMISSION

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**W19**

DATE: April 1, 2016
TO: Coastal Commissioners
FROM: Jack Ainsworth, Acting Executive Director
SUBJECT: **DRAFT MINUTES** of MEETING of **JANUARY 13-14, 2016**
San Diego Board of Supervisors Chambers
1600 Pacific Highway
San Diego, CA 92101

WEDNESDAY, JANUARY 13, 2016

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order at 1:00 p.m. by Vice Chair Bochco.
2. **ROLL CALL.** Present: Vice Chair Bochco, Cox, Groom, Howell, McClure, Shallenberger, Turnbull-Sanders, Uranga. Vargas arrived at 1:05 p.m.; Luevano arrived at 1:30 p.m.; Kinsey arrived at 4:00 p.m. Absent: Mitchell. Non-voting present: April, Baker.
3. **AGENDA CHANGES.**
4. **GENERAL PUBLIC COMMENT.** Members of the public addressed the Commission on various issues affecting the coast.
5. **CHAIR'S REPORT.** None.

STATEWIDE

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

SOUTH COAST DISTRICT (LOS ANGELES COUNTY)

7. **CONSENT CALENDAR.** Staff recommended approval of the consent calendar.

Motion & vote: Luevano moved to approve pursuant to the staff recommendation and recommended a yes vote, seconded by Shallenberger. The roll call vote was 5 in favor (Cox, Luevano, Shallenberger, Uranga, Bochco) and 5 opposed (Groom, Howell, McClure, Turnbull-Sanders, Vargas). **Denied.**

- a. **Application No. 5-15-1638 (Bolkin, Pacific Palisades)**

NORTH CENTRAL COAST DISTRICT

8. **DEPUTY DIRECTOR'S REPORT.** Report by Deputy Director on permit waivers, emergency permits, immaterial amendments & extensions, LCP matters not requiring public hearings, and on comments from the public.
9. **CONSENT CALENDAR (removed from Regular Calendar).** None.

CENTRAL COAST 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. There being no objection, Vice Chair Bochco ruled that the Commission concurred.
11. **CONSENT CALENDAR (removed from Regular Calendar).** None.
12. **LOCAL COASTAL PROGRAMS (LCPs)**
 - a. **City of Pismo Beach LCP Amendment No. LCP-3-PSB-14-0830-3 (Planned Development Permit and Affordable Housing). Certification Review.** Staff recommended concurrence with the Executive Director's determination. There being no objection, Vice Chair Bochco ruled that the Commission concurred.
 - b. **Santa Cruz County LCP Amendment No. LCP-3-SCO-15-0008 Part B (Affordable Housing Update; Zoning Plan Amendments). Certification Review.** Staff recommended concurrence with the Executive Director's determination. There being no objection, Vice Chair Bochco ruled that the Commission concurred.
 - c. **Monterey County LCP Amendment No. LCP-3-MCO-15-0022-1 (Housing Update). Certification Review.** Staff recommended concurrence with the Executive Director's determination. There being no objection, Vice Chair Bochco ruled that the Commission concurred.

NORTH COAST DISTRICT

13. **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, Vice Chair Bochco ruled that the Commission concurred.
14. **CONSENT CALENDAR (removed from Regular Calendar).** None.

ENERGY, OCEAN RESOURCES AND FEDERAL CONSISTENCY

15. **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 Vice Chair Bochco ruled that the Commission concurred.
16. **CONSENT CALENDAR (removed from Regular Calendar).** None.
17. **COASTAL PERMIT APPLICATIONS.**
 - a. **Application No. 9-15-0027 (Venoco, Inc., Goleta) [POSTPONED]**

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, Vice Chair Bochco ruled that the Commission concurred.
19. **CONSENT CALENDAR (removed from Regular Calendar).** None.
20. **COASTAL PERMIT APPLICATIONS.**
 - a. **Application No. 5-14-1919 (City of Los Angeles, Ice Skating Ring, Venice, Los Angeles)**

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

Amending motion & vote: Shallenberger moved to require the applicant to submit a lighting plan to Commission staff that minimizes the height of lights while still providing adequate lighting of the ice-skating rink but minimizes light glow and recommended a yes vote, seconded by Groom. Vice Chair Bochco ruled that the vote was unanimous in favor of the motion. **Approved.**

Amending motion & vote: Bochco moved to require a 5 year monitoring plan for parking and recommended a yes vote, seconded by Turnbull-Sanders. Vice Chair Bochco ruled that the vote was unanimous in favor of the motion. **Approved.**

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

[Kinsey arrived]

- b. **Application No. A-5-VEN-15-0036 (Smith, Los Angeles)** Staff recommended approval with conditions.

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

- c. **Application No. 5-15-0744 (McMurrey, Hermosa Beach)** Staff recommended approval with conditions.

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

Amending motion & vote: McClure moved to delete Special Condition #1 and recommended a yes vote, seconded by Bochco. The roll call vote was 10 in favor (Bochco, Cox, Groom, Howell, Luevano, McClure, Turnbull-Sanders, Uranga, Vargas, Kinsey) and one opposed (Shallenberger). Approved.

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

- d. **Application No. 5-15-1309 (Grand Prix Association of Long Beach and City of Long Beach, Long Beach)** Staff recommended approval with conditions.

Motion & vote: Uranga 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.**

STATEWIDE (THESE ITEMS WERE TRAILED TO THURSDAY'S AGENDA)

The Commission recessed for the day at 5:58 p.m.

THURSDAY, JANUARY 14, 2016

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 Bochco, Cox, Groom, Howell, Luevano, McClure, Mitchell, Shallenberger, Turnbull-Sanders, Uranga. Vargas arrived at 9:30 a.m. Non-voting present: April, Baker
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. **CONSENT CALENDAR.** Staff recommended that the Commission approve the consent calendar with conditions.

Motion & vote: Shallenberger 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.**

- a. **Application No. 5-15-0253 (Shiloh, LLC, Newport Beach)**
- b. **Application No. 5-15-1343 (City of Seal Beach, Seal Beach)**

SOUTH CENTRAL COAST DISTRICT

6. **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. 4-15-1795 (Stanton and Cordray, Ventura)**
 - b. **Application No. 4-15-1898 (Yovanno, Ventura)**

ENFORCEMENT

7. **ENFORCEMENT REPORT.** Report by Chief of Enforcement on Statewide Enforcement Program. Information only.

SOUTH CENTRAL COAST DISTRICT

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

[Howell out of room]

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

Motion & vote: Shallenberger 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 with conditions.**

- 9.5 a. **Santa Barbara City College Public Works Plan Amendment No. PWP-4-CSB-14-0005-1 (West Campus Complex and Drama/Music Building Expansion).** Staff recommended concurrence with the Executive Director's determination that action by Santa Barbara City College agreement with Commission's suggested modifications was legally adequate. There being no objection, Chair Kinsey ruled that the Commission concurred.

10. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 4-14-0821 (Ventura Harbor Village Marina, Ventura Port District, Ventura)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

SOUTH COAST DISTRICT (ORANGE COUNTY)

11. **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.

- a. **Application No. 5-15-2097 (Newport Banning Ranch, LLC).** Staff recommended approval of request to waive application fee.

Motion & Vote: Cox moved pursuant to the staff recommendation and recommended a yes vote, seconded by Bochco. The roll call vote was nine in favor (Bochco, Cox, Luevano, McClure, Mitchell, Turnbull-Sanders, Uranga, Vargas, Kinsey) and two opposed (Groom, Shallenberger). **Fee waiver approved.**

12. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved one item [13a] to the expanded consent calendar and recommended approval with conditions.

Motion & vote: Shallenberger 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.**

13. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 5-15-0255 (Atkins, Newport Beach)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

[Howell returned]

- b. **Application No. 5-15-0413 (239 Carnation NB, LLC, Newport Beach)** Staff recommended approval with conditions.

Motion & vote: Bochco moved to approve pursuant to the staff recommendation and recommended a yes vote, seconded by Mitchell. Chair Kinsey 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 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.

15. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved two items [17b, 17c] to the expanded consent calendar and recommended approval with conditions.

Motion & vote: Uranga 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.**

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

- a. **City of Oceanside LCP Amendment No. LCP-6-OCN-15-0040-3 (Density Bonus Provisions).** Staff recommended that the Commission approve the Implementation Plan 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 Oceanside LCP Amendment No. LCP-6-OCN-15-0041-4 (Sign Ordinance)**
Staff recommended approval 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 of the motion. **Approved as submitted.**

- c. **City of San Diego LCP Amendment No. LCP-6-SAN-15-0017-2 (9th Update/Small Lot Subdivisions)**

Motion & vote: Cox moved to reject the Implementation Plan for small lot subdivision and 9th update as submitted (Ordinances O-20481 and O-20483) and recommended a no vote, seconded by McClure. The roll call vote was 11 in favor (Bochco, Cox, Groom, Howell, Luevano, Mitchell, Shallenberger, Turnbull-Sanders, Uranga, Vargas) and one abstention (McClure abstains). **Certified as submitted.**

Motion & vote: Cox moved to reject the Implementation Plan for 9th Update Previously Conforming regulations (Ordinance O-20482) and recommended a yes vote, seconded by Bochco. The roll call vote was 11 in favor (Bochco, Cox, Groom, Howell, Luevano, Mitchell, Shallenberger, Turnbull-Sanders, Uranga, Vargas) and one abstention (McClure abstains). **Certification denied as submitted.**

Motion: Cox moved to certify the Implementation Plan amendment (Ordinance O-20482) if modified as suggested and recommended a yes vote, seconded by Bochco.

Amending motion: Cox moved to accept submitted modifications as proposed by the City of San Diego and recommended a yes vote, seconded by Bochco. Commission staff revised its recommendation to include the City's proposed language, but with the phrase "on a cumulative basis" added to Sections 127.0106(e), 127.0105(d), and 127.0106(d). *Cox withdraws amending motion.*

Amending motion & vote: Cox moved to delete the phrase "on a cumulative basis" from the revised staff recommendation, seconded by Bochco. The roll call vote was 3 in favor (Cox, McClure, Vargas) and 9 opposed (Groom, Howell, Luevano, Mitchell, Shallenberger, Turnbull-Sanders, Uranga, Bochco, Kinsey). **Amending motion failed.**

Vote on main motion: The roll call vote was 11 in favor (Bochco, Cox, Groom, Howell, Luevano, Mitchell, Shallenberger, Turnbull-Sanders, Uranga, Vargas, Kinsey) and one opposed (McClure). **Certified with suggested modifications.**

Closed Session Report: The Commission received litigation information and advice regarding the following cases:

Kretowicz v. CCC
SeaWorld LLC v. CCC

- d. **San Diego Unified Port District PMP Amendment No. PMP-6-PSD-15-0002-2 (Glorietta Bay Improvements)** Staff recommended approval of the Port Master Plan Amendment as submitted.

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

[Shallenberger departed for the day]

- e. **City of San Diego LCP Amendment No. LCP-6-SAN-15-0035-4 (Part A/Affordable Housing Density Bonus; Part B/Community Plan Implementation Ordinance and Part C/Solar Energy Systems) Time Extension.** . Staff recommended approval of the time extension.

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

- f. **City of San Diego LCP Amendment No. LCP-6-SAN-15-0035-4 (Part D/Chollas Creek Triangle Community Plan Implementation Overlay Zone).** Staff recommended that the Commission concur with the Executive Director's determination. There being no objection, Chair Kinsey ruled that the Commission concurred.

- g. **City of San Diego LCP Amendment No. LCP-6-OCB-15-0006-1 (Ocean Beach Community Plan Update) Certification Review.** Staff recommended that the Commission concur with the Executive Director's determination. There being no objection, Chair Kinsey ruled that the Commission concurred.

- h. **City of Encinitas LCP Amendment No. LCP-6-ENC-15-0042-2 (Density Bonus) Time Extension.** Staff recommended approval of the time extension.

Motion & vote: Cox 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.**

17. COASTAL PERMIT APPLICATIONS.

- a. **Application No. 6-15-0142 (St. John Garabed Armenian Apostolic Church, San Diego)** Staff recommended approval with conditions

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

Amending motion & vote: Cox moved to delete Special Conditions 1a and 1b and recommended a yes vote, seconded by Vargas. The roll call vote was unanimous (Bochco, Cox, Groom, Howell, Luevano, McClure, Mitchell, Turnbull-Sanders, Uranga, Vargas, Kinsey) in favor of the motion. **Approved.**

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

- b. **Application No. 6-15-0986 (City of Oceanside Opportunistic Beach Fill Program)**
Moved by staff to the expanded consent calendar. **Approved with conditions.**
- c. **Application No. 6-15-1251 (Symphony Asset Pool XVI, San Diego)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

18. **PERMIT AMENDMENTS.**

- a. **Permit No. 6-96-102-A2 (Solana Beach & Tennis Club, Solana 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. The roll call vote was 2 in favor (Cox, Howell) and 9 opposed (Bochco, Groom, Luevano, McClure, Mitchell, Turnbull-Sanders, Uranga, Vargas, Kinsey). **Denied.**

19. **PERMIT EXTENSIONS.**

- a. **Permit No.A-6-CII-02-028-E6 (Moss, Carlsbad) [POSTPONED]**

STATEWIDE

- 20. **Future Agenda Items.**None.
- 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.** None.

GENERAL PUBLIC COMMENT. A member of the public addressed the Commission on various issues affecting the coast.

There being no old or new business, the meeting of the California Coastal Commission adjourned at 5:15 p.m.

Respectfully submitted,

Jack Ainsworth
Acting Executive Director