

CALIFORNIA COASTAL COMMISSION

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**F5**

DATE: October 1, 2013
TO: Coastal Commissioners
FROM: Charles Lester, Executive Director
SUBJECT: **DRAFT MINUTES of MEETING of JULY 10-11, 2013**
City of Ventura City Hall
Council Chambers
501 Poli Street
Ventura, CA 93011

WEDNESDAY, JULY 10, 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, Bochco, Brennan, Garcia, Groom, McClure, Zimmer. Non-voting: Beland, Jones. Mitchell and Vargas arrived at 8:33 a.m.; Sanchez arrived at 8:35 a.m.
3. **AGENDA CHANGES**
4. **GENERAL PUBLIC COMMENT.** Member of the public addressed the Commission on various issues affecting the coast.

SOUTH COAST DISTRICT (LOS ANGELES COUNTY)

5. **CONSENT CALENDAR.** Staff recommended approval of the consent calendar with conditions.

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

- a. **Application No. 5-13-077 (Shannon, Hermosa Beach)**

NORTH COAST DISTRICT

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

7. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved one item [9a] to the expanded consent calendar.

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.**

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

- a. **City of Trinidad LCP Amendment No. LCP-1-TRN-13-205-2 (Vacation Dwelling Units). Time Extension.** Staff recommended approval.

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.**

9. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 1-12-022 (T-Mobile West, LLC, Humboldt Co.)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

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. There being no objection, Chair Shallenberger ruled that the Commission concurred.

- a. **Commission Staff Briefing on Desalination.** No action taken.

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

12. **FEDERAL CONSISTENCY.**

- a. **CD-003-13 (U.S. Army Corps of Engineers, Encinitas and Solana Beach) Staff** recommended that the Commission conditionally concur.

Motion & vote: Bochco moved to conditionally concur that the project is fully consistent and recommended a no vote, seconded by McClure. The roll call vote was 8 in opposition (Bochco, Brennan, Groom, McClure, Mitchell, Vargas, Zimmer, Shallenberger) and 3 in favor (Garcia, Kinsey, Sanchez). **Conditional Concurrence Denied.**

LUNCH RECESS. The Commission recessed for lunch at 12:45 p.m. and returned at 1:30 p.m.

- b. **CC-016-13 (Caltrans, Eureka) [POSTPONED]**

SOUTH CENTRAL 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, Chair Shallenberger ruled that the Commission concurred.

- a. **County of Santa Barbara LCP Amendment No. MAJ-4-11 (Economic Hardship Time Extensions). Certification Review.** Staff recommended that the Commission concur with the Executive Director's determination. There being no objection, Chair Shallenberger ruled that the Commission concurred.

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

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

- a. **City of Malibu LCP Amendment No. MAL-MAJ-1-12 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.**

- b. **County of Santa Barbara LCP Amendment No. MAJ-3-11-A (General Package Amendment).** Staff recommended denial of the Implementation Plan as submitted and approval if modified as suggested by staff.

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 as suggested and recommended a yes vote, seconded by Zimmer. Chair Shallenberger ruled that the vote was unanimous in favor of the motion. **Approved with modifications.**

- c. **Santa Barbara City College Public Works Plan Amendment No. SBCC-PWPA-2-12.** Staff recommended denial as submitted and approval if modified as suggested.

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

Motion & vote: Zimmer moved to certify the Public Works Plan if modified as suggested and recommended yes vote, seconded by Bochco. Chair Shallenberger ruled that the vote was unanimous in favor of the motion. **Approved with modifications.**

16. **NOTICE OF IMPENDING DEVELOPMENT.**

- a. **Santa Barbara City College Notice of Impending Development No. 2-12 (Santa Barbara City College).** Staff recommended approval with conditions.

Motion & vote: Zimmer moved to determine that the development as conditioned is consistent with the Public Works Plan and recommended a yes vote, seconded by Bochco. Chair Shallenberger ruled that the vote was unanimous in favor of the motion. **Approved with conditions.**

SOUTH COAST DISTRICT (LOS ANGELES COUNTY)

17. **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 Shallenberger ruled that the Commission concurred.

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

19. **NEW APPEALS.**

- a. **Appeal No.A-5-RPV-12-350 (Kholso, Ranchos Palos Verdes) [POSTPONED]**

NORTH CENTRAL COAST DISTRICT

20. **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. **None.**

CENTRAL COAST DISTRICT

21. **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. **None.**

STATEWIDE

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

- a. **2014 Schedule of Meeting Dates and Locations.** Staff recommended approval.

Motion & vote: Kinsey moved to approve the 2014 meeting schedule and recommended a yes vote, seconded by Brennan. Chair Shallenberger ruled that the vote was unanimous in favor of the motion. **Approved.**

- b. **Interagency Agreement.** Staff recommended that the Commission authorize an Interagency Agreement with California Department of Human Resources for personnel data processing services.

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

- c. **Interagency Agreement.** Staff recommended that the Commission authorize a contract with Sea Grant/University of California, San Diego to pay the Commission share of the cost for a California Sea Grant Coastal Fellow for one-year.

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

- d. **Interagency Agreement.** Staff recommended that the Commission authorize a contract with Sea Grant/University of California, San Diego to pay the Commission share of the cost for a California Sea Grant Coastal Extension Fellow for two-years.

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

- e. **Legislation.** Legislative report and possible Commission action. No action taken.

The Commission went into Closed Session on a personnel matter. No report.

The Commission recessed for the day at 4:30 p.m.

THURSDAY, JULY 11, 2013

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order at 8:30 by Chair Shallenberger.
2. **ROLL CALL.** Present: Chair Shallenberger, Vice Chair Kinsey, Bochco, Brennan, Groom, McClure, Mitchell, Sanchez, Vargas, Zimmer. Garcia arrived at 10:00 a.m. Non-voting: Beland, Jones.

Report of Closed Session.

City of Dana Point v. CCC (Headlands Reserve LLC, RPI)—the Commission received litigation information.

Frank v. CCC—the Commission received litigation information and gave advice.

Arnold Land Co., LLC v. CCC—the Commission received litigation information and gave advice.

Baltimore Land Co., LLC v. CCC—the Commission received litigation information and gave advice.

Pappas et al. v. State of California et al., —the Commission received litigation information and gave advice.

Security National Guaranty, Inc. v. State of California, —the Commission received litigation information and gave advice.

Venice Stakeholders Assn. v. CCC et al.,--the Commission received litigation information.

3. **AGENDA CHANGES**
4. **GENERAL PUBLIC COMMENT.** Member of the public addressed the Commission on various matters 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 concurrence.

- a. **Application No. 5-13-078 (Lyon, Huntington Beach)**
- b. **Application No. 5-13-106 (Watson, Newport Beach)**

6. **CONSENT CALENDAR.**

- a. **Application No. 5-13-059 (Smith Family Trust, San Clemente)** Staff recommended approval with conditions.

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

ENFORCEMENT

7. **ENFORCEMENT REPORT.** Report by Chief of Enforcement on Statewide Enforcement Program. No action taken.
8. **Consent Cease and Desist Order No. CCC-13-CD-05 (Lowell, McKinleyville, Humboldt Co.)** Staff recommended the Commission issue the Cease and Desist Order.
Motion & vote: Sanchez moved to issue the Cease and Desist order and recommended a yes vote, seconded by Brennan. Chair Shallenberger ruled that the vote was unanimous in favor of the motion. **Approved.**
9. **Consent Restoration Order No. CCC-13-RO-05 (Lowell, McKinleyville, Humboldt Co.)** Staff recommended the Commission issue the Restoration Order.
Motion & vote: Sanchez moved to issue the Restoration Order and recommended a yes vote, seconded by Brennan. Chair Shallenberger 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 Shallenberger ruled that the Commission concurred.
11. **CONSENT CALENDAR (removed from Regular Calendar).** None.
12. **COASTAL PERMIT APPLICATIONS.**
 - a. **Application No. 5-12-134 (City of Newport Beach Fire Rings Removal)**
 - b. **Application No. 5-12-275 (Waterfront Enterprises, Inc, Newport Beach)**
 - c. **Application No. 5-13-046 (Van Tuyl, Newport Beach)**

SAN DIEGO 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, Chair Shallenberger ruled that the Commission concurred.
 - a. **City of Carlsbad LCP Amendment No. CAR-MAJ-1-12 (Nonconforming Buildings and Uses) Certification Review.** Staff recommended that the Commission concur with the Executive Director's determination. There being no objection, Chair Shallenberger ruled that the Commission concurred.

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

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

- a. **City of Carlsbad LCP Amendment No. CAR-MAJ-1-13 (Housing Element 2.1 – Barrio) 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.**

- b. **City of Imperial Beach LCP Amendment No. IMB-MAJ-2-12 (Commercial Mixed Uses).** [POSTPONED]

16. **NEW APPEALS.**

- a. **Appeal No. A-6-ENC-13-210 (Lindstrom, Encinitas)** [POSTPONED]
b. **Appeal No. A-6-NLC-13-211 (Marina Gateway Development Co. LLC, National City)** [POSTPONED]

17. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 6-12-059 (Seascape Management Corporation, Solana Beach)** Staff recommended approval with conditions.

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

- b. **Application No. 6-12-061 (Grand & Strand, LLC, San Diego)** Staff recommended approval with conditions.

Motion & vote: Mitchell moved to approve pursuant to the staff recommendation and recommended a yes vote, seconded by Brennan. The roll call vote was 9 in favor (Bochco, Brennan, Garcia, Kinsey, McClure, Mitchell, Vargas, Zimmer, Shallenberger) and 2 opposed (Groom, Sanchez). **Approved with conditions.**

- c. **Application No. 6-13-357 (California Department of Parks & Recreation San Onofre State Beach parking lots, San Diego Co.) [POSTPONED]**

18. **PERMIT AMENDMENTS.**

- a. **Permit No. 6-84-578-A10 (MiraCosta Community College District, Encinitas)**
Moved by staff to the expanded consent calendar. **Approved with conditions.**
- b. **Permit No. 6-02-039-A1 (Seascape Chateau HOA, Solana Beach)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

19. **REVISED FINDINGS.**

- a. **Application No. 6-12-002 (Crystal Pier, San Diego)** Staff recommended that the Commission adopt the revised findings.

Motion & vote: Zimmer moved to adopt the revised findings and recommended a yes vote, seconded by Brennan. The vote of the prevailing side was 7 in favor (Bochco, Brennan, Garcia, McClure, Mitchell, Vargas, Zimmer) and none opposed. **Approved.**

There being no old or new business, the Commission went into closed session on a personnel matter and adjourned the meeting at 12:15 p.m.

Respectfully submitted,

Charles Lester
Executive Director