

CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE (415) 904-5200
FAX (415) 904-5400
TDD (415) 597-5885

**W29**

DATE: March 15, 2013
TO: Coastal Commissioners
FROM: Charles Lester, Executive Director

SUBJECT: **DRAFT MINUTES of MEETING of FEBRUARY 6-7, 2013**
City of Redondo Beach
Council Chambers
415 Diamond Street
Redondo Beach, CA 90277

WEDNESDAY, FEBRUARY 6, 2013

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order at 8:30 a.m. by Vice Chair Kinsey.
2. **ROLL CALL.** Present: Vice Chair Kinsey, Wickett(alternate), Bochco, Brennan, Burke, Caldwell(alternate), Garcia, Groom, McClure, Sanchez, Zimmer. Mitchell arrived at 8:40 a.m.; Non-voting: April.
3. **AGENDA CHANGES.** Commission staff reported changes to the day's agenda.
4. **GENERAL PUBLIC COMMENT.** Members of the public addressed the Commission on various issues affecting the coast.

STATEWIDE

[Item 5 was trailed and heard later in the day]

5. **ELECTION OF REPRESENTATIVE.** Bochco nominated Brennan and Caldwell nominated Bochco as alternate to the Santa Monica Mountains Conservancy. Unanimous vote to elect Brennan as representative to the Santa Monica Mountains Conservancy. Bochco unanimously elected as alternate.

SOUTH COAST DISTRICT (ORANGE COUNTY)

6. **ADMINISTRATIVE CALENDAR.** Staff recommended concurrence with the Executive Director's determination. There being no objection, Vice Chair Kinsey ruled that the Commission concurred.
 - a. **Application No. 5-12-266 (OC Public Works, Dana Point)**

SAN DIEGO DISTRICT

7. **CONSENT CALENDAR.** Staff recommended approval with conditions of the consent calendar.
 - a. **Application No. 6-12-082 (Mah, San Diego)**
 - b. **Application No. 6-12-086 (California Dept. of Parks & Recreation, San Diego Co.)**

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

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. **None.**

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 on the report, Vice Chair Kinsey ruled that the Commission concurred.

SAN DIEGO 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 on the report, Vice Chair Kinsey ruled that the Commission concurred.
 - a. **City of San Diego LCP Amendment No. PEN-DM-4-12 (Halsey Road).** Staff recommended concurrence with Executive Director's determination.

Motion & vote: Brennan moved to concur with the Executive Director's determination and recommended a yes vote, seconded by Sanchez. Vice Chair Kinsey ruled that the vote was unanimous in favor of the motion. **Approved.**

11. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved one item [15a] to the expanded consent calendar and recommended approval with conditions.

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

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

- a. **City of Imperial Beach LCP Amendment No. IMB-MAJ-2-12 (Commercial Mixed Uses) Time Extension.** Staff recommended approval.

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

13. **NEW APPEALS.**

- a. **Appeal No. A-6-ENC-11-073 (Gordon, Encinitas)** 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, Vice Chair Kinsey ruled that substantial issue was found and open the hearing. Staff recommended approval in part and denial in part.

Motion & vote: Mitchell moved to continue the matter to the March hearing and recommended a yes vote, seconded by Brennan. The roll call vote was 8 in favor [Wickett, Bochco, Brennan, Burke, Garcia, Groom, McClure, Mitchell] and 4 opposed [Caldwell, Sanchez, Zimmer, Kinsey]. **Continued.**

14. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 6-12-002 (Crystal Pier Hotel Cottages, Inc., San Diego)** [POSTPONED]
- b. **Application No. 6-12-026 (California Department of Parks & Recreation, San Diego Co.)** [POSTPONED]

15. **PERMIT AMENDMENTS.**

- a. **Application No. 6-98-154-A3 (San Dieguito River Park JPA, San Diego)** Moved by staff to the expanded consent calendar. **Approved with conditions.**
- b. **Application No. A-6-PSD-08-004-A1 (LLP Lane Field LLC, San Diego)** Staff recommended approval with conditions.

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

SOUTH COAST DISTRICT (ORANGE COUNTY)

16. **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 on the report, Vice Chair Kinsey ruled that the Commission concurred.
17. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved 2 items [19g, 20a] 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. Vice Chair Kinsey ruled that the vote was unanimous in favor of the motion. **Approved with conditions.**

18. **NEW APPEALS.**

- a. **Appeal No. A-5-LGB-12-091 (Meehan, Laguna Beach)** Staff recommended that the Commission determine that the appeal raised no substantial issue on the grounds on which the appeal was filed.

Motion & vote: Sanchez moved to find that the appeal raised no substantial issue on the grounds on which the appeal was filed and recommended a no vote, seconded by Zimmer. The roll call vote was 2 in favor (Caldwell, Kinsey) and 10 opposed (Wickett, Bochco, Brennan, Burke, Garcia, Groom, McClure, Mitchell, Sanchez, Zimmer). **Substantial Issue found.**

19. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 5-12-152 (California Department of Parks and Recreation, San Clemente State Beach, San Clemente) [POSTPONED]**
- b. **Application No. 5-12-153 (California Department of Park & Recreation, Doheny State Beach, Dana Point) [POSTPONED]**
- c. **Application No. 5-12-154 (California Department of Parks & Recreation, Crystal Cove State Park, Laguna Beach) [POSTPONED]**
- d. **Application No. 5-12-168 (Fischer, Corona Del Mar)** Staff recommended denial.

Motion: Sanchez moved to approve and recommended a no vote, seconded by Caldwell.

Amending motion & vote: McClure moved to accept the applicants submitted conditions and recommended a yes vote, seconded by Groom. The roll call vote was 9 in favor [Wickett, Bochco, Brennan, Burke, Garcia, Groom, McClure, Mitchell, Kinsey] and 3 opposed [Caldwell, Sanchez, Zimmer]. **Approved.**

Vote on main motion: The roll call vote was 10 in favor [Wickett, Bochco, Brennan, Burke, Garcia, Groom, McClure, Mitchell, Zimmer, Kinsey] and 2 opposed [Caldwell, Sanchez]. **Approved with conditions.**

- e. **Application No. 5-12-191 (City of Huntington Beach Public Works) [POSTPONED]**

LUNCH RECESS. The Commission recessed for lunch at 12:40 p.m. and returned at 1:30 p.m.

- f. **Application No. 5-12-214 (Advanced Group 99-D, Newport Beach)** Staff recommended approval with conditions.

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

- g. **Permit No. 5-12-314 (Markuson, San Clemente)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

20. **PERMIT AMENDMENTS.**

- a. **Permit No. 5-06-093-A3 (County of Orange Resources and Development, Dana Point)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

STATEWIDE

21. **APPROVAL OF MINUTES.** The minutes of **January 9-11, 2013** were approved as written.

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

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.

27. **EXECUTIVE DIRECTOR'S REPORT** including reports and possible Commission action on legislation and water quality.

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

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

- b. Budget Status Report for FY 2012-2013 and Governor's Proposed Budget for FY 2013-2014. (CL/SH-SF) [**POSTPONED**]

The Commission recessed for the day and went into Closed Session at 2:30 p.m.

THURSDAY, FEBRUARY 7, 2013

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order at 8:30 a.m. by Vice Chair Kinsey.
2. **ROLL CALL.** Present: Vice Chair Kinsey, Bochco, Brennan, Caldwell, Garcia, Groom, Zimmer. McClure arrived at 8:40 a.m. Burke, Mitchell, Sanchez arrived at 12:00 p.m. Non-voting: April. Absent: Blank.
3. **AGENDA CHANGES.** Commission staff reported changes to the day's agenda.
4. **GENERAL PUBLIC COMMENT.** Members of the public addressed the Commission on various issues affecting the coast.
- 4.5. **COMMISSION FIELD TRIP.** The Commission took a field trip to visit the Airport Dunes restoration area and other coastal sites.

Report of CLOSED SESSION.

Access for All v. Ackerberg – Commission received litigation information and advice and gave direction to staff.

Lynch et al v. CCC – Commission received litigation information and advice regarding a settlement offer and gave direction to staff.

Venice Stakeholders Assn. v. CCC - Commission received litigation information and advice regarding a settlement offer and gave direction to staff.

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 on the report, Vice Chair Kinsey ruled that the Commission concurred.

ENERGY, OCEAN RESOURCES AND FEDERAL CONSISTENCY

6. **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 Kinsey ruled that the Commission concurred.

7. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved one item [8b] 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. Vice Chair Kinsey ruled that the vote was unanimous in favor of the motion. **Approved with conditions.**

8. **FEDERAL CONSISTENCY.**

- a. **CD-031-12 (Manchester Band of Pomo Indians of the Manchester-Point Arena Rancheria, Mendocino Co.)** Staff recommended that the Commission concur that the project is consistent.

Motion & vote: Sanchez moved to concur that the project is consistent and recommended a yes vote, seconded by Brennan. The roll call vote was unanimous in favor of the motion. **Approved.**

- b. **CC-048-12 (San Diego Association of Governments (SANDAG),** Moved by staff to the expanded consent calendar. **Approved.**

SOUTH CENTRAL COAST DISTRICT

[Items 9 through 13 were trailed and Item 14b was heard. Burke departed for the day at the conclusion of Item 14b.]

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.
 - a. **County of Ventura LCP Amendment No. VNT-MAJ-2-12 (Phase I Update) Certification Review.** Staff recommended concurrence with Executive Director's determination. There being no objection, Vice Chair Kinsey ruled that the Commission concurred.
10. **LOCAL COASTAL PROGRAMS (LCPs)**
 - a. **City of Malibu LCP Amendment No. MAJ-2-11 Part A.** Staff recommended approval as submitted of the Land Use Plan and denial as submitted of the Implementation Plan and approval if modified as suggested.

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

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

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

ENFORCEMENT

11. **ENFORCEMENT REPORT.** Report by Chief of Enforcement on Statewide Enforcement Program. **None.**

11.1. **Cease and Desist Order No. CCC-13-CD-01 (Drakes Bay Oyster Company, Point Reyes National Seashore, Marin Co.)** Staff recommended that the Commission issue the Cease and Desist Order.

Motion: Sanchez moved to issue the Cease and Desist Order pursuant to the staff recommendation and recommended a yes vote, seconded by Garcia.

Amending motion & vote: Zimmer moved to remove documents submitted at the hearing from the record and recommended a yes vote, seconded by Sanchez. The roll call vote was unanimous (Bochco, Brennan, Caldwell, Garcia, Groom, McClure, Mitchell, Sanchez, Zimmer, Kinsey) in favor of the motion. **Approved.**

Vote on the main motion: The roll call vote was unanimous (Bochco, Brennan, Caldwell, Garcia, Groom, McClure, Mitchell, Sanchez, Zimmer, Kinsey) in favor of the motion. **Approved.**

11.2. **Restoration Order No. CCC-13-RO-01 (Drakes Bay Oyster Company, Point Reyes National Seashore, Marin Co.)** Staff recommended that the Commission issue the Restoration Order.

Motion & vote: Sanchez moved to issue the Restoration Order and recommended a yes vote, seconded by Garcia. Vice Chair Kinsey ruled that the vote was unanimous in favor of the motion. **Approved.**

SOUTH COAST DISTRICT (LOS ANGELES COUNTY)

12. **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 on the report, Vice Chair Kinsey ruled that the Commission concurred.
13. **CONSENT CALENDAR (removed from Regular Calendar).** None.
14. **COASTAL PERMIT APPLICATIONS.**
 - a. **Application No. 5-12-095 (Fuchs, Pacific Palisades)** Staff recommended approval with conditions.

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

- b. **Application No. 5-12-176 (City of Los Angeles Zip Line Attraction, Venice, Los Angeles)** Staff recommended approval with conditions.

Motion & vote: Burke moved to approve pursuant to the staff recommendation and recommended a yes vote, seconded by Sanchez. The roll call vote was 7 in favor (Brennan, Burke, Garcia, McClure, Sanchez, Zimmer, Kinsey) and 4 opposed (Bochco, Caldwell, Groom, Mitchell). **Approved with conditions.**

There being no old or new business, the meeting of the California Coastal Commission adjourned at 5:45 p.m.

Respectfully submitted,

Charles Lester
Executive Director