

CALIFORNIA COASTAL COMMISSION

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**W21a**

DATE: May 15, 2013
TO: Coastal Commissioners
FROM: Charles Lester, Executive Director
SUBJECT: **DRAFT MINUTES of MEETING of MARCH 6-8, 2013**
Bahia Resort Hotel
998 West Mission Bay Drive
San Diego, CA 92109

WEDNESDAY, MARCH 6, 2013

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order by Chair Shallenberger at 8:30 a.m.
2. **ROLL CALL.** Present: Chair Shallenberger, Vice Chair Kinsey, Bochco, Brennan, Burke, Garcia, Groom, McClure, Sanchez, Zimmer. Mitchell arrived at 11:00 a.m. Non-voting: April. Absent: Blank
3. **AGENDA CHANGES.**
4. **GENERAL PUBLIC COMMENT.** Members of the public address the Commission on various issues affecting the coast.

SOUTH COAST DISTRICT (ORANGE COUNTY)

5. **CONSENT CALENDAR.**
 - a. **Application No. 5-12-224 (Shah, Newport Beach) WITHDRAWN**

NORTH CENTRAL COAST DISTRICT

6. **DEPUTY DIRECTOR'S REPORT.** Report by Deputy Director Carl on permit waivers, emergency permits, immaterial amendments & extensions, LCP matters not requiring public hearings, and on comments from the public. There being no objection, Chair Shallenberger ruled that the Commission concurred.
7. **CONSENT CALENDAR (removed from Regular Calendar).** None.

8. **NEW APPEALS.**

- a. **Appeal No. A-2-SMC-10-15 (Irizarry, San Mateo Co.)** Staff recommended that the Commission determine that the appeal raised substantial issue on the grounds in which the appeal was filed. There being no objection, Chair Shallenberger ruled that the Commission found substantial issue and opened the hearing on the merits of the project.

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

9. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. A-2-MAR-10-22 (Magee & Brader, Marin Co.) [POSTPONED]**
- b. **Application No. A-2-MAR-09-10 (Crosby, Muir Beach) [POSTPONED]**

10. **RECONSIDERATION.**

- a. **Reconsideration No. A-2-SMC-11-32-R (Cattermole, San Mateo Co.) [POSTPONED]**

CENTRAL COAST DISTRICT

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

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

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

- a. **Monterey County LCP Amendment No. 1-11 (Housing). [WITHDRAWN]**
- b. **City of Grover Beach LCP Amendment No. 1-12 Part 1 (Grover Beach Lodge). [POSTPONED]**

14. **NEW APPEALS.**

- a. **Appeal No. A-3-MRB-12-26 (Hough, San Luis Obispo Co.)** Staff recommended the Commission determine that no substantial issue exists on the grounds in which the appeal was filed.

Motion & vote: Kinsey moved to determine that the appeal raised no substantial issue on the grounds on which the appeal was filed and recommended a yes vote, seconded by Brennan. Chair Shallenberger ruled that the vote was unanimous in favor of the motion. **No Substantial Issue found.**

SOUTH COAST DISTRICT (ORANGE COUNTY)

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

16. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved 2 items [18e, 18g] to the expanded consent calendar and recommended approval with conditions.

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

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

a. **City of Newport Beach LCP Amendment No. NPB-MAJ-1-12 (Marina Park Height Limit).** Staff recommended denial as submitted and approval with suggested modifications.

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

Motion: Brennan moved to certify the Land Use Plan if modified as suggested and recommended a yes vote, seconded by McClure.

Amending motion & vote: Brennan moved to change the modification to allow the 73 foot tower and recommended a yes vote, seconded by McClure. The roll call vote was 8 in favor (Bochco, Brennan, Burke, Garcia, Groom, Kinsey, McClure, Zimmer) and 2 opposed (Sanchez, Shallenberger). **Approved.**

Vote on the main motion: The roll call vote was 8 in favor (Bochco, Brennan, Burke, Garcia, Groom, Kinsey, McClure, Zimmer) and 2 opposed (Sanchez, Shallenberger). **Approved with modifications.**

18. **COASTAL PERMIT APPLICATIONS.**

a. **Application No. 5-11-178 (Cervantes-Morehart, 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 Bochco. Chair Shallenberger ruled that the vote was unanimous in favor of the motion. **Approved with conditions.**

- b. **Application No. 5-12-134 (City of Newport Beach Fire Rings Removal)** Staff recommended denial.

Motion: Sanchez moved to approve pursuant to the staff recommendation and recommended a no vote, seconded by Garcia.

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

- c. **Application No. 5-12-155 (Jahangiri & Levering, Newport Beach)** [POSTPONED]
- d. **Application No. 5-12-198 (Blue Lagoon Community Association, Laguna Beach)** [POSTPONED]
- e. **Application No. 5-12-246 (Howard & Kurnick, San Clemente)** Moved by staff to the expanded consent calendar. **Approved with conditions.**
- f. **Application No. 5-12-268 (City of Huntington Beach, Huntington Beach)** [POSTPONED]
- g. **Application No. 5-12-303 (Mesa Consolidated Water District, Newport Beach)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

STATEWIDE

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

25. **EXECUTIVE DIRECTOR'S REPORT** including reports and possible Commission action on legislation and water quality.
- a. **Courier Service Contract.** Staff recommended approval of the contract.
Motion & vote: Sanchez moved to approve, seconded by Brennan. Chair Shallenberger ruled that the vote was unanimous in favor of the motion. **Approved.**

The Commission recessed for the day at 3:00 p.m.

THURSDAY, MARCH 7, 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, Burke, Garcia, Groom, McClure, Sanchez, Zimmer. Blank and Mitchell arrived at 9:30. Non-voting: April
3. **AGENDA CHANGES**
4. **GENERAL PUBLIC COMMENT.** Members 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.

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

- a. **Application No. 5-12-317 (City of Long Beach Public Works (DPW), Long Beach)**
- b. **Application No. 5-12-343 (Ennis, Playa Del Rey)**
- c. **Application No. 5-13-002 (Mass, Pacific Palisades)**

SAN DIEGO DISTRICT

6. **CONSENT CALENDAR.** Staff recommended approval of the consent calendar.
 - a. **Application No. 6-12-078 (Farmar, San Diego Co.)**
 - b. **Application No. 6-12-087 (Cities of Carlsbad, & Oceanside Coastal Rail Trail)**
 - c. **Application No. 6-13-2 (Verizon Wireless, San Diego)**

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

ENFORCEMENT

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

8. **Commission Cease and Desist Order Amendment No. CCC-09-CD-01-A (Ackerberg – Malibu, Los Angeles Co.)** Staff recommended that Commission issue the Cease and Desist Order.

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

9. **Consent Cease and Desist Order No. CCC-13-CD-02 (Caribbean Dana Point Investors LLC, Dana Point, Orange Co.)** Staff recommended that Commission issue the Cease and Desist Order.

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

10. **Consent Restoration Order No. CCC-13-RO-02 (Caribbean Dana Point Investors LLC, Dana Point, Orange Co.)** Staff recommended that Commission issue the Restoration Order.

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

REPORT OF CLOSED SESSION.

Altman et al. v. CCC- The Commission received litigation information.

CCC v. United States Department of the Navy et al. – The Commission received litigation information and advice.

Cattermole v. CCC – The Commission received litigation information and advice.

Mulryan Properties, LLLP v. CCC – The Commission received litigation information, advice and gave direction.

SOUTH COAST DISTRICT (LOS ANGELES COUNTY)

11. **DEPUTY DIRECTOR'S REPORT FOR LOS ANGELES COUNTY.** Report by Deputy Director Ainsworth on permit waivers, emergency permits, immaterial amendments & extensions, LCP matters not requiring public hearings, and on comments from the public. There being no objection, Chair Shallenberger ruled that the Commission concurred.
12. **CONSENT CALENDAR (removed from Regular Calendar).** None.

13. **PERMIT AMENDMENTS.**

- a. **Permit No. 5-06-460-A3 (Orange County Flood Control District, Long Beach)** Staff recommended approval with conditions.

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

SOUTH CENTRAL COAST DISTRICT

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

15. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved one item [17a] to the expanded consent calendar and recommended approval with conditions.

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

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

- a. **County of Santa Barbara LCP Amendment No. MAJ-4-11 (Time Extensions Due to Economic Hardship).** Staff recommended denial as submitted and approval if modified as suggested by staff.

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

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

- b. **City of Oxnard LCP Amendment No. OXN-MAJ-1-12.** Staff recommended denial as submitted and approval with suggested modifications.

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

Motion & vote: Brennan moved to certify the Land Use Plan if modified as suggested and recommended a yes vote, seconded by McClure. The roll call vote was 11 in favor (Blank, Bochco, Brennan, Burke, Garcia, Groom, Kinsey, McClure, Mitchell, Zimmer, Shallenberger) and one opposed (Sanchez). **Approved with modifications.**

Motion & vote: Brennan moved to reject the Implementation Plan as submitted and recommended a yes vote, seconded by McClure. 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 McClure. The roll call vote was 10 in favor (Blank, Bochco, Brennan, Burke, Garcia, Groom, McClure, Mitchell, Zimmer, Shallenberger) and one opposed (Sanchez). [*Kinsey was not present for this vote*] **Approved with modifications.**

17. **NOTICE OF IMPENDING DEVELOPMENT.**

- a. **Application No. CIH-NOID-1-12 (Channel Islands Harbor)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

18. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 4-12-065 (Ventura Port District, San Buenaventura)** Staff recommended approval with conditions.

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

SAN DIEGO COAST DISTRICT

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

- a. **City of Carlsbad LCP Amendment No. CAR-MAJ-2-11A (Reasonable Accommodations) Certification Review.** Staff recommended the Commission concur with the Executive Director's determination. There being no objection, Chair Shallenberger ruled that the Commission concurred.

20. **CONSENT CALENDAR (removed from Regular Calendar)**. Staff moved 2 items [23b, 23c] 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 Kinsey. Chair Shallenberger ruled that the vote was unanimous in favor of the motion. **Approved with conditions.**

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

- a. **City of Carlsbad LCP Amendment No. CAR-MAJ-1-12 (Non-Conforming Buildings and Uses)**. Staff recommended denial of the Implementation Plan as submitted and approval if modified as suggested by staff.

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

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

- b. **City of San Diego LCP Amendment No. SAN-MAJ-5-11A (Airport Land Use Compatibility Plan Implementation)**. Staff recommended approval as submitted.

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

Motion & vote: Sanchez moved to reject the Implementation Plan as submitted and recommended a no vote, seconded by Brennan. Chair Shallenberger ruled that the vote was unanimous in favor of the motion. **Approved as submitted.**

- c. **City of San Diego LCP Amendment No. SAN-MAJ-5-11B (7th Update LDC)**. [POSTPONED]

- d. **City of Imperial Beach LCP Amendment No. IMB-MAJ-1-12 (Commercial/Recreation-Ecotourism)**. Staff recommended approval of the Land Use Plan as submitted and approval of the Implementation Plan if modified as suggested by staff.

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

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

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

- e. **City of Imperial Beach LCP Amendment No. IMB-MAJ-3-12 (Medical Marijuana).** Staff recommended approval as submitted.

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

- f. **City of San Diego LCP Amendment No. SAN-MAJ-5-12 (Outdoor Lighting Regulations). Time Extension.**

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

22. **NEW APPEALS.**

- a. **Appeal No. A-6-NOC-12-5 (Sorrento Valley Holdings, San Diego) [POSTPONED]**

- b. **Appeal No. A-6-OCN-12-54 (Revx Pacific North, Oceanside)** Staff recommended that the Commission determine that the appeal did not raise substantial issue on the grounds on which the appeal was filed.

Motion & vote: Brennan moved to determine that the appeal raised no substantial issue on the grounds on which the appeal was filed and recommended a yes vote, seconded by McClure. The roll call vote was 8 in favor [Bochco, Brennan, Garcia, Groom, McClure, Mitchell, Zimmer, Shallenberger] and 4 opposed [Blank, Burke, Kinsey, Sanchez]. **No Substantial Issue found.**

- c. **Appeal No. A-6-OCN-12-55 (Evergreen Hebron, Oceanside)** Staff recommended that the Commission determine that the appeal did not raise substantial issue on the grounds on which the appeal was filed.

Motion & vote: Brennan moved to determine that the appeal raised no substantial issue on the grounds on which the appeal was filed and recommended a yes vote, seconded by McClure. The roll call vote was 11 in favor [Blank, Bochco, Brennan, Burke, Garcia, Groom, Kinsey, McClure, Mitchell, Zimmer, Shallenberger] and 1 opposed [Sanchez]. **No Substantial Issue found.**

- d. **Appeal No. A-6-OCN-12-56 (Revx Pacific South, Oceanside)** Staff recommended that the Commission determine that the appeal did not raise substantial issue on the grounds on which the appeal was filed.

Motion & vote: Brennan moved to determine that the appeal raised no substantial issue on the grounds on which the appeal was filed and recommended a yes vote, seconded by McClure. The roll call vote was 11 in favor [Blank, Bochco, Brennan, Burke, Garcia, Groom, Kinsey, McClure, Mitchell, Zimmer, Shallenberger] and 1 opposed [Sanchez]. **No Substantial Issue found.**

- e. **Appeal No. A-6-PSD-13-5 (Sunroad Enterprises, San Diego) [POSTPONED]**

23. **COASTAL PERMIT APPLICATIONS.**

- a. **Appeal No. A-6-ENC-11-73 (Gordon, Encinitas) [POSTPONED]**
- b. **Application No. 6-12-041 (Lampl & Baskin, Encinitas)** Moved by staff to the expanded consent calendar. **Approved with conditions.**
- c. **Application No. 6-12-081 (Lonsdale, San Diego Co.)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

The Commission recessed for the day at 1:00 p.m.

FRIDAY, MARCH 8, 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, McClure, Sanchez, Zimmer. Mitchell arrived at 8:45 a.m.. Non-voting: April. Absent: Blank, Burke, Groom.
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 Dettmer on permit waivers, emergency permits, immaterial amendments & extensions, LCP matters not requiring public hearings, and on comments from the public. There being no objection, Chair Shallenberger ruled that the Commission concurred.

ENERGY, OCEAN RESOURCES AND FEDERAL CONSISTENCY

6. **ENERGY, OCEAN RESOURCES and FEDERAL CONSISTENCY.** Report by Deputy Director Dettmer on permit waivers, emergency permits, immaterial amendments & extensions, negative determinations, matters not requiring public hearings, and status report on offshore oil & gas exploration & development. There being no objection, Chair Shallenberger ruled that the Commission concurred.
 - a. **Revision to Platform Hidalgo's Development and Production Plan.** Briefing. No action taken.
7. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved one item [8a] to the expanded consent calendar and recommended approval with conditions.

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

8. **COASTAL PERMIT APPLICATIONS.**
 - a. **Application No. E-13-001 (Venoco, Inc., Santa Barbara Co.)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

9. **FEDERAL CONSISTENCY.**

- a. **CD-008-13 (Navy, Southern California)** Staff recommended that Commission conditionally concur that the project is consistent.

Motion: Bochco moved to conditionally concur that the project is consistent and recommended a no vote, seconded by Zimmer.

Amending motion & vote: Bochco moved to strike language in the main motion as follows: remove the word “conditionally” and the words “provided the Navy agrees to modify the project consistent with the conditions specified below” and recommended a yes vote, seconded by Zimmer. Chair Shallenberger ruled that the vote was unanimous in favor of the amending motion. **Approved.**

Vote on main motion: Chair Shallenberger ruled that the vote was unanimous in opposition to the motion. **Objection to concurrence.**

- b. **CD-011-13 (Navy, San Diego) [POSTPONED]**

There being no old or new business, the meeting of the California Coastal Commission adjourned at 11:35 a.m.

Respectfully submitted,

Charles Lester
Executive Director