

CALIFORNIA COASTAL COMMISSION

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

**W17**

DATE: October 31, 2014
TO: Coastal Commissioners
FROM: Charles Lester, Executive Director

SUBJECT: **DRAFT MINUTES of MEETING of SEPTEMBER 10-11, 2014**
Smith River Rancheria
350 North Indian Road
Smith River, CA 95567

WEDNESDAY, SEPTEMBER 10, 2014

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order by Chair Kinsey at 9:05 a.m.
2. **ROLL CALL.** Present: Chair Kinsey, Vice Chair Zimmer, Duclos(alternate) Groom, Howell, McClure, Pestor (alternate), Vargas. Cox and Turnbull-Sanders arrived at 9:08 a.m. Non-voting: Beland, Jones. Absent: Bochco.
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. **Legislation.** Information only.
 - c. **Budget Briefing. [POSTPONED]**
 - d. **Public Education Grants.** Staff recommended that the Commission approve the Public Education Grants.

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

(Vargas departed)

- e. **Interagency Agreement.** Staff recommended the Commission authorize the Interagency Agreement/ Nonpoint Source Program Contract.

Motion & vote: Groom moved to authorize the Interagency Agreement and recommended a yes vote, seconded by McClure. Chair Kinsey ruled that the vote was unanimous in favor 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 objection, Chair Kinsey ruled that the Commission concurred.
 - a. **Briefing on Coastal Development Issues Related to North Coast Tribes.** No action taken.
 - b. **Briefing on Humboldt Bay Sea Level Rise Adaptation Planning.** No action taken.
- 8. **CONSENT CALENDAR (removed from Regular Calendar).** None.
- 9. **NEW APPEALS.**
 - a. **Appeal No. A-1-DNNC-14-0028 (Pappas, Del Norte Co.)** Staff recommended that the Commission determine that Appeal No. A-1-DNCC-14-0028 raised a substantial issue. 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: McClure 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.**

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

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

12. **APPROVAL OF MINUTES.** None.
13. **COMMISSIONERS' REPORTS.** Information only.
14. **CONSERVANCY REPORT.** None.
15. **SANTA MONICA MOUNTAINS CONSERVANCY REPORT.** None.
16. **SANTA MONICA BAY RESTORATION REPORT.** None.
17. **DEPUTY ATTORNEY GENERAL'S REPORT.** Information only.

18. **COMMISSION FIELD TRIP.** The Commission recessed for the day at 2:30 and departed for a field trip to: (1) the Pacific Shores Subdivision off of Lower Lake Drive, and Kellogg Avenue; where mitigation is proposed for previously approved runway safety area development at the Del Norte County Regional Airport; (2) Lake Earl; (3) the U.S. Highway 101 crossing of the Smith River where replacement of the highway bridge is proposed.

THURSDAY, SEPTEMBER 11, 2014

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order at 9:05 a.m. by Chair Kinsey.
2. **ROLL CALL.** Present: Chair Kinsey, Vice Chair Zimmer, Duclos(alternate), Groom, Howell, McClure, Mitchell, Pestor(alternate), Turnbull-Sanders. Cox arrived at 9:10 a.m. Non-voting: Beland, Jones. Absent: Bochco, Vargas.
3. **AGENDA CHANGES.**
4. **GENERAL PUBLIC COMMENT.** Members of the public addressed the Commission on various issues affecting the coast.

ENFORCEMENT

[These items were trailed and heard after Item 12b]

5. **ENFORCEMENT REPORT.** Report by Chief of Enforcement on Statewide Enforcement Program. **No action taken.**
- 5.1. **Consent Cease and Desist Order No. CCC-14-CD-03 (Kim, Unincorporated Los Angeles Co.)** Staff recommended approval of the consent cease and desist order.
Motion & vote: Turnbull-Sanders moved to issue the cease and desist order 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.**
- 5.2. **Consent Restoration Order No. CCC-14-RO-03 (Kim, Unincorporated Los Angeles Co.)**
Motion & vote: Turnbull-Sanders moved to issue the restoration order 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.**

SOUTH COAST DISTRICT (ORANGE COUNTY)

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. 5-14-1005 (Burrows, Huntington Beach)**

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

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. 5-13-0898 (Albin, Newport Beach)**

b. **Application No. 5-14-1284 (Zamboni, Huntington Beach)**

c. **Application No. 5-14-1287 (Stein, Huntington Beach)**

SOUTH COAST DISTRICT (LOS ANGELES COUNTY)

8. **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. 5-14-1062 (Howard, Venice)**

9. **CONSENT CALENDAR.** Staff 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 Zimmer. Chair Kinsey ruled that the vote was unanimous in favor of the motion. **Approved with conditions.**

a. **Application No. 5-13-0927 (Marc & Creative, LLC, Santa Monica)**

b. **Application No. 5-13-1370 (Landis, Playa del Rey)**

c. **Application No. 5-14-0690 (City of Los Angeles, San Pedro)**

d. **Application No. 5-14-0982 (City of Santa Monica Pier Project)**

e. **Application No. 5-14-0997 (Patel, Playa del Rey)**

f. **Application No. 5-14-1010 (Fitzgerald, Venice)**

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. [*Pestor recused himself from this item.*]

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

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

- a. **City of Newport Beach LUP Amendment Request No. LCP-5-NPB-14-0611-1 (Newport Harbor Yacht Club). Time Extension.** Staff recommended approval of the time extension.

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

- b. **City of Laguna Beach LCP Amendment Request No. LCP 5-LGB-14-0823-4 (2nd Residential Units Revised). Time Extension.** Staff recommended approval of the time extension.

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

SOUTH COAST DISTRICT (LOS ANGELES COUNTY)

13. **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.

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

15. **NEW APPEALS.**

- a. **Appeal No. A-5-VEN-14-0041 (664 Sunset LLC, Venice)** Staff recommended that the Commission find no substantial issue on **Appeal No. A-5-VEN-14-0041.**

Motion & vote: Zimmer moved to determine no substantial issue on the grounds on which the appeal was filed and recommended a yes vote, seconded by Groom. The roll call vote was 10 in favor (Cox, Duclos, Groom, Howell, McClure, Mitchell, Pector, Turnbull-Sanders, Zimmer, Kinsey) and none opposed. **No substantial issue found.**

CLOSED SESSION.

CCC v. U.S. Dept. of Navy et al. The Commission received litigation information.

Drakes Bay Oyster Co. v. CCC et al. The Commission received litigation information

Faber et al. v. CCC (Drakes Bay Oyster Co., RPI) . The Commission received litigation information

Horizontal Development LLC et al. v. CCC. The Commission received litigation information.

San Diegans for Responsible Planning v. CCC (City of San Diego et al., RPI). The Commission received litigation information and advice.

Union of Medical Marijuana Patients v. CCC (City of San Diego, RPI) . The Commission received litigation information.

[*Duclos departed*]

[*Item 16a through Item 26 were trailed to hear Item 27*]

16. COASTAL PERMIT APPLICATIONS.

- a. **Application No. 5-14-1479 (City of Los Angeles Ice Skating Project)** Staff recommended approval with conditions.

Motion & vote: Cox moved to approve pursuant to the staff recommendation and recommended a yes vote, seconded by Kinsey. The roll call vote was 3 in favor (Cox, Howell, Kinsey) and 6 opposed (Groom, McClure, Mitchell, Pestor, Turnbull-Sanders, Zimmer). **Denied.**

16.5 REVISED FINDINGS

- a. **Permit No. A-5-LOB-13-0246 (Silversands Properties USA, Inc./Studio One Eleven, Long Beach)** Staff recommended approval of the revised findings.

Motion & vote: Zimmer moved to adopt the revised findings and recommended a yes vote, seconded by Groom. The vote of the prevailing side was 3 in favor (Groom, Zimmer, Kinsey) and none opposed. **Approved.**

SOUTH 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).** None.

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

- a. **County of Santa Barbara Local Coastal Program Amendment No. LCP-4-STB-14-0819-1. Time Extension.** Staff recommended approval of the time extension.

Motion & vote: Zimmer moved to grant the time extension 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.**

SAN DIEGO COAST DISTRICT

[Groom and Zimmer departed]

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

21. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved 3 items [22a, 22b, 22c] to the expanded consent calendar and recommended approval with conditions.

Motion & vote: Cox moved to approve the consent calendar 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.**

22. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 6-14-1048 (San Diego dredging, San Diego)** Moved by staff to the expanded consent calendar. **Approved with conditions.**
- b. **Application No. 6-14-0177 (SD Port District fence, San Diego)** Moved by staff to the expanded consent calendar. **Approved with conditions.**
- c. **Application No. 6-14-0516 (Plastino II, LP, Encinitas)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

NORTH CENTRAL COAST DISTRICT

23. **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.**
24. **CONSENT CALENDAR (removed from Regular Calendar).** None.

CENTRAL COAST DISTRICT

25. **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.
26. **CONSENT CALENDAR (removed from Regular Calendar).** None.
27. **Agenda-Setting Briefing.**
28. **Future Agenda Items.** Discussion of potential future agenda items. **Discussion item only.**

There being no old or new business, the meeting of the California Coastal Commission adjourned at 2:05 p.m.

Respectfully submitted,

Charles Lester
Executive Director