

CALIFORNIA COASTAL COMMISSION

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W16

DATE: January 28, 2014
TO: Coastal Commissioners
FROM: Charles Lester, Executive Director

SUBJECT: **DRAFT MINUTES of MEETING of OCTOBER 9-11, 2013**
Crowne Plaza-San Diego
2270 Hotel Circle North
San Diego, CA 92108

WEDNESDAY, OCTOBER 9, 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, Cox, Garcia, Groom, McClure, Mitchell, Vargas, Zimmer. Non-voting: Beland, Jones.
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. **ADMINISTRATIVE CALENDAR.** Staff recommended that the Commission concur with the Executive Director's determination. There being no objection, Chair Shallenberger ruled that the Commission concurred.
 - a. **Application No. 5-13-0512 (Tebrich, Long Beach)**

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

- a. **Application No. 5-13-086 (Ramras, Venice, Los Angeles)**
- b. **Application No. 5-13-0342 (JCC Strand 136 LLC, Hermosa Beach)**
- c. **Application of 5-13-0476 (Venice Beach House Trust and Emery, Venice, Los Angeles)**
- d. **Application No. 5-13-0652 (Kahl, Hermosa Beach)**

SOUTH COAST DISTRICT (ORANGE COUNTY)

7. **ADMINISTRATIVE CALENDAR.** Staff recommended that the Commission concur with the Executive Director's determination. There being no objection, Chair Shallenberger ruled that the Commission concurred.

- a. **Application No. 5-13-046 (Van Tuyl, Newport Beach)**
- b. **Application No. 5-13-101(Farrell, Newport Beach)**
- c. **Application No. 5-13-0305 (Cole and Whitesides, Newport Beach)**

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

- a. **Application No. 5-13-070 (Gugasian, Newport Beach)**
- b. **Application No. 5-13-0237 (Newport Property Ventures, LLC, Newport Beach)**
- c. **Application No. 5-13-0650 (Valenzuela, Sunset Beach)**

SOUTH 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, Chair Shallenberger ruled that the Commission concurred.

10. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved 2 items [12a, 12b] to the expanded consent calendar and recommended approval with conditions.

Motion & vote: Kinsey 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.**

11. **LONG RANGE DEVELOPMENT PLAN.**

- a. **Pepperdine University LRDP Amendment No. 1-11, Part B (Night Lighting and Use of Marie Canyon Sports Field).** Staff recommended denial as submitted.

Motion & vote: Bochco moved to approve as submitted and recommended a no vote, seconded by Zimmer. **Application Withdrawn by applicant.**

12. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 4-12-064 (Santa Barbara County Flood Control District, Devereux Creek)** Moved by staff to the expanded consent calendar. **Approved with conditions.**
- b. **Application No. 4-12-067 (Los Angeles County Department of Public Works, Los Angeles Co.)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

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 objections, Chair Shallenberger ruled that the Commission concurred.

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

15. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 5-11-085 (City of Long Beach Naples Island Seawall Repair Project [Phase One])** Staff recommended approval with conditions.

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

Amending motion & vote: Garcia moved to amend Special Condition 14 to include a community process by the city and recommended a yes vote, seconded by Brennan. 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 favor of the motion as amended. **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, Chair Shallenberger ruled that the Commission concurred.
17. **CONSENT CALENDAR (removed from Regular Calendar).** None.
18. **NEW APPEALS.**
 - a. **Appeal No. A-5-HNB-12-298 (Russo & Steele Automobile Auctions, Huntington Beach) [POSTPONED]**
 - b. **Appeal No. A-5-LGB-13-0235 (Sanson, Laguna Beach)** Staff recommended that the Commission determine that the appeal raised a substantial issue on the grounds on which the appeal was filed. There being no objection, Chair Shallenberger ruled that the Commission found substantial issue and continued the item to a future hearing. **Substantial Issue found.**
19. **COASTAL PERMIT APPLICATIONS.**
 - a. **Application No. 5-13-003 (City of Seal Beach, Bay City Partners & Marina Beach House, Seal Beach) [POSTPONED]**

STATEWIDE

20. **APPROVAL OF MINUTES.** The minutes of June 2013 were approved as written.

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

21. **COMMISSIONERS' REPORTS.** Information only.
22. **CONSERVANCY REPORT.** Information only.
23. **SANTA MONICA MOUNTAINS CONSERVANCY REPORT.** Information only.

24. **SANTA MONICA BAY RESTORATION REPORT.** Information only.
25. **DEPUTY ATTORNEY GENERAL'S REPORT.** Information only.
26. **EXECUTIVE DIRECTOR'S REPORT.**
 - a. **Legislation.** Legislative report and possible Commission action. No action taken.

The Commission recessed for the day at 3:49 and went into closed session.

Report of CLOSED SESSION.

Cannery Row Marketplace LLC v. CCC et al., - The Commission received litigation information and advice.

Lynch et al. v. CCC, - The Commission received litigation information and advice and gave direction.

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

THURSDAY, OCTOBER 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, Cox, Garcia, Groom, McClure, Mitchell, Vargas, Zimmer. Non-voting: Beland, Jones.
3. **AGENDA CHANGES**
4. **GENERAL PUBLIC COMMENT.** Members of the public addressed the Commission on various issues affecting the coast.

SAN DIEGO DISTRICT

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

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

- a. **Application No. 6-13-0591 (Caltrans, San Diego)**

NORTH CENTRAL 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).** None.
8. **LOCAL COASTAL PROGRAMS (LCPs)**
 - a. **San Mateo County LCP Amendment No. LCP-2-SMC-13-0209-1 (Administrative Remedies).** Staff recommended that the Commission concur with the Executive Director's determination. There being no objection, Chair Shallenberger ruled that the Commission concurred.

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, Chair Shallenberger ruled that the Commission concurred.
10. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved one item to the expanded consent calendar and recommended approval with conditions.

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

11. COASTAL PERMIT APPLICATIONS.

- a. **Application No. 3-11-63 (Moss Landing Harbor District, Moss Landing)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

12. REVISED FINDINGS.

- a. **University of California, Santa Cruz Notice of Impending Development No. 6.** Staff recommended adoption of the revised findings.

Motion & vote: Kinsey moved to adopt the findings and recommended a yes vote, seconded by Zimmer. Chair Shallenberger ruled that the vote of the prevailing side (Bochco, Brennan, Groom, Kinsey, McClure, Mitchell, Vargas, Zimmer, Shallenberger) was unanimous. **Approved.**

- b. **Application No. 3-12-044 (Leage, Morro Bay)** Staff recommended adoption of the revised findings.

Motion & vote: Zimmer moved to adopt the findings and recommended a yes vote, seconded by Groom. Chair Shallenberger ruled that the vote of the prevailing side (Bochco, Brennan, Groom, McClure, Mitchell, Vargas, Zimmer) was unanimous. **Approved.**

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, Chair Shallenberger ruled that the Commission concurred.

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

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

- a. **County of Del Norte LCP Amendment No. LCP-1-DNC-13-0210-1 (Major - McNamara Field Utility Lines). Time Extension.** Staff recommended that the Commission grant the time extension.

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

16. **NEW APPEALS.**

- a. **Appeal No. A-1-TRN-13-007 (Morgan, Trinidad)** Staff recommended that the Commission determine that the appeal raised no substantial issue.

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 Zimmer. Chair Shallenberger ruled that the vote was unanimous in favor of the motion. **No Substantial Issue found.**

ENERGY, OCEAN RESOURCES AND FEDERAL CONSISTENCY

17. **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.

18. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved one item [19a] to the expanded consent calendar.

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

19. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 9-13-0204 (Chevron, San Luis Obispo Co.)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

ENFORCEMENT

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

SAN DIEGO 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. There being no objection, Chair Shallenberger ruled the Commission concurred.
- a. **City of San Diego LCP Amendment No. SAN-MAJ-5-11B (7th Update LDC) Certification Review.** Staff recommended concurrence with the Executive Director's determination. There being no objection, Chair Shallenberger ruled the Commission concurred.
22. **CONSENT CALENDAR (removed from Regular Calendar).** None.
23. **COASTAL PERMIT APPLICATIONS.**
- a. **Application No. A-6-ENC-11-73 (Gordon, Encinitas)** Staff recommended partial approval and partial denial.

Motion: Brennan moved to approve in part and deny in part pursuant to the staff recommendation and recommended a yes vote, seconded by McClure.

Amending motion & vote: Brennan moved to amend Special Condition 1 to require removal of all new unpermitted stairway and related construction,; however existing, pre-Coastal Act railroad ties may remain but may not be replaced including railroad ties on state property, subject to approval of the state property owner and recommended a yes vote, seconded by McClure [*McClure withdraws second*], seconded by Zimmer. The roll call vote was nine in favor (Bochco, Brennan, Cox, Garcia, Kinsey, Mitchell, Vargas, Zimmer, Shallenberger) and two opposed (Groom, McClure). **Approved.**

Vote on the main motion: The roll call vote was nine in favor (Bochco, Brennan, Cox, Garcia, Kinsey, Mitchell, Vargas, Zimmer, Shallenberger) and two opposed (Groom, McClure). **Approved with conditions as amended.**

- b. **Application No. 6-13-0025 (Koman, Mariani, & Upp, Solana Beach)**
[POSTPONED]

24. **PERMIT AMENDMENT.**

- a. **Application No. 6-02-084-A3 (Ocean Ventures, LLC, Solana Beach)**
[POSTPONED]

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

- a. **City of Solana Beach LUP Amendment No. SOL-MAJ-1-13 (Bluff Top Development).** [POSTPONED]
- b. **City of San Diego LCP Amendment No. SAN-MAJ-5-12 (Outdoor Lighting Regulations).** [POSTPONED]
- c. **City of San Diego LCP Amendment No. SAN-MAJ-2-13A (8th Update LDC) and B (Microbreweries) 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 Brennan. Chair Shallenberger ruled that the vote was unanimous in favor of the motion. **Approved.**

- d. **Port Master Plan Amendment No. 45 (Convention Center Expansion II).** Staff recommended denial of the amendment.

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

- e. **City of Imperial Beach LCP Amendment No. IMB-MAJ-2-12 (Commercial Mixed Uses).** Staff recommended denial as submitted and approval with modifications.

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

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

Amending motion & vote: Cox moved to delete Condition #3 and Condition #7 and recommended a yes vote, seconded by McClure. The roll call vote was 9 in favor (Bochco, Brennan, Cox, Garcia, Groom, Kinsey, McClure, Mitchell, Vargas) and 2 opposed (Zimmer, Shallenberger). **Approved.**

Vote on main motion: Chair Shallenberger ruled that the vote was unanimous in favor of the motion. **Approved with modifications.**

Motion & vote: Cox 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 as submitted.**

Motion & vote: Cox moved to certify the Implementation Plan if modified as suggested and recommended a yes vote, seconded by Kinsey. **Approved as submitted.**

The Commission recessed for the day at 6:55 p.m.

FRIDAY, OCTOBER 11, 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, Cox, Garcia, Groom, McClure, Mitchell, Zimmer; Vargas arrived at 8:45. Absent: Beland, Jones (Non-voting)
3. **AGENDA CHANGES**
4. **GENERAL PUBLIC COMMENT.** Members of the public addressed the Commission on various issues affecting the coast.

SAN DIEGO COAST DISTRICT

5. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved 2 items [7c, 7d] to the expanded consent calendar and recommended approval with conditions.

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

6. **NEW APPEALS.**

- a. **Appeal No. A-6-LJS-13-0226 (Romney, San Diego)** Staff recommended that the Commission determine that the appeal raised no substantial issue.

Motion & vote: Cox moved to determine that the appeal raised no substantial issue on the grounds on which the appeal was filed and recommended a yes vote. The roll call vote was 7 in favor (Brennan, Cox, Garcia, Groom, Kinsey, Vargas, Shallenberger) and 4 opposed (Bochco, McClure, Mitchell, Zimmer). **No Substantial Issue found.**

7. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 6-12-067 (22nd District Agricultural Association, San Diego)** Staff recommended approval with conditions.

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

Motion & vote: Bochco moved to continue and recommended a yes vote, seconded by Zimmer. The roll call vote was 9 in favor (Bochco, Brennan, Garcia, Groom, Kinsey, McClure, Mitchell, Zimmer, Shallenberger) and 2 opposed (Cox, Vargas). **Continued.**

[Groom departed, Kinsey out of the room; did not vote]

- b. **Appeal No. A-6-OCN-13-008 (Burgess, Oceanside)** Staff recommended approval with conditions.

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

Amending motion & vote: Brennan moved to delete Special Condition 1a and Special Condition 1b and recommended a yes vote, seconded by Garcia. [Motion withdrawn]

Substitute Motion: Brennan moved to delete Special Condition #1a, #1b, and revise #1d to read “*no principle structure shall be located any further than 121.14 west of the eastern property line*” and recommended a yes vote, seconded by Cox. The roll call vote was 7 in favor (Bochco, Brennan, Cox, Garcia, McClure, Mitchell, Vargas) and 2 opposed (Zimmer, Shallenberger). **Approved.**

Vote on main motion: The roll call vote was 7 in favor (Bochco, Brennan, Cox, Garcia, McClure, Mitchell, Vargas) and 2 opposed (Zimmer, Shallenberger). **Approved with conditions.**

- c. **Application No. 6-13-0228 (City of Carlsbad vegetation trimming)** Moved by staff to the expanded consent calendar. **Approved with conditions.**
- d. **Application No. 6-13-0397 (Everingham Brothers Bait Company, San Diego)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

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