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.


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. 5-13-0305 (Cole and Whitesides, Newport Beach)
   c. Application No. 5-13-101 (Farrell, 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.


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.


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**.

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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.**
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