

CALIFORNIA COASTAL COMMISSION

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**W36**

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

SUBJECT: **MINUTES of MEETING of OCTOBER 8-10, 2014**
City of Newport Beach
100 Civic Center Drive
Newport Beach, CA 92660

WEDNESDAY, OCTOBER 8, 2014

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order by Chair Kinsey at 9:00 a.m.
2. **ROLL CALL.** Present: Chair Kinsey, Vice Chair Zimmer, Bochco, Cox, Groom, McClure, Mitchell, Pestor (alternate), Turnbull-Sanders. Vargas arrived at 10:00 a.m., Howell arrived at 12:00 p.m.
3. **AGENDA CHANGES.**
4. **GENERAL PUBLIC COMMENT.** Members of the public addressed the Commission various issues affecting the coast.

CLOSED SESSION.

In closed session the Commission received litigation information and advice regarding *Mulryan Properties, LLLP v. CCC*; *Lunch Properties, LLLP v. CCC*; *Ronan Properties, LLLP v. CCC*; and *Vera Properties, LLLP v. CCC*. The Commission also voted to postpone Wednesday **Items 16a through 16f**.

5. **CHAIR'S REPORT.** Information only.

STATEWIDE

6. **EXECUTIVE DIRECTOR'S REPORT.**
 - a. **Director's Report.** Information only.
 - b. **Legislation.** Information only.

SAN DIEGO COAST DISTRICT

7. **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. 6-14-0734 (Lees and Costello, Solana Beach)**

SAN DIEGO 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. There being no objection, Chair Kinsey ruled that the Commission concurred.
9. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved 2 items [12a, 13a] to the expanded consent calendar and recommended approval with conditions pursuant to the staff recommendation.

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.**

10. **LOCAL COASTAL PROGRAMS (LCPs).**
 - a. **City of Carlsbad LCP Amendment No. LCP-6-CII-14-0597-1 (Car Country Initiatives 2 and 4). [POSTPONED]**
 - b. **City of San Diego LCP Amendment No. LCP-6-SAN-14-0601-1 (Mobile Food Truck Ordinance).** Staff recommended approval of the Implementation Plan as submitted.

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

- c. **City of San Diego LCP Amendment No. LCP-6-CCP-14-0826-1 (Civic San Diego Amendments) Time Extension.** Staff recommended that the Commission approve the time extension.

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

- d. **City of San Diego LCP Amendment No. LCP-6-OMN-14-0825 (New Industrial Zones) Time Extension.** Staff recommended that the Commission approve the time extension.

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

11. NEW APPEALS.

- a. **Appeal No. A-6-OCN-13-17 (Strands End LLC, Oceanside)** Staff recommended that the Commission determine that **Appeal No. A-6-OCN-13-17** 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: Cox moved to approve 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 with conditions.**

- b. **Appeal No. A-6-OCN-13-18 (Leeds Properties LLC, Oceanside)** Staff recommended that the Commission determine that **Appeal No. A-6-OCN-13-18** 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: Cox moved to approve 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 with conditions.**

- c. **Appeal No. A-6-MBE-14-0040 (Garbaczewski, San Diego)** Staff recommended that the Commission determine that **Appeal No. A-6-MBE-14-0040** 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: Cox 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.**

[Howell arrived]

12. COASTAL PERMIT APPLICATIONS.

- a. **Application No. 6-13-1359 (San Diego Mission Beach boardwalk repairs, San Diego)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

- b. **Application No. 6-14-1033 (Hitzke Development Corporation, Solana Beach)** Staff recommended approval with conditions.

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

LUNCH RECESS. The Commission recessed for lunch at 1:00 p.m. and returned at 2:00 p.m.

CLOSED SESSION. In the matters of:

CCC v. Navy et al – the Commission gave guidance to the staff and the Attorney General in settlement discussions.

Drakes Bay Oyster Co. v. CCC et al.; Faber et al. v. CCC (Drakes Bay Oyster Co., RPI) – The Commission received an update on the status of pending litigation.

The Commission also received a status report on Navy Sonar training exercises and the Commission’s Consistency Determination and the potential for litigation.

- c. **Application No. 6-14-1128 (Cabrillo Power I LLC, Carlsbad)** Staff recommended approval with conditions.

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

13. **PERMIT AMENDMENTS.**

- a. **Permit No. 6-01-172-A1 (San Diego North Torrey Pines Road Access Ramp, San Diego)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

14. **REVISED FINDINGS.**

- a. **Application No. 6-12-061 (Grand & Strand, San Diego)** Staff recommended that the Commission adopt the revised findings.

Motion & vote: Zimmer moved to adopt the revised findings pursuant to the staff recommendation and recommended a yes vote, seconded by Bochco. The vote of the prevailing side was 6 in favor (Bochco, McClure, Mitchell, Vargas, Zimmer, Kinsey) and none opposed. **Approved.**

ENFORCEMENT

- 14.1. **Commission Cease & Desist Order No. CCC-14-CD-04 (The Salvation Army, Santa Monica Mountains, Los Angeles Co.)** Staff recommended that the Commission issue the Cease and Desist order.

Motion & vote: Bochco moved to issue the Cease and Desist order 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.**

- 14.2. **Commission Restoration Order No. CCC-14-RO-04 (The Salvation Army, Santa Monica Mountains, Los Angeles Co.)** Staff recommended that the Commission issue the Restoration order.

Motion & vote: Bochco moved to issue the Restoration order 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.**

SOUTH CENTRAL COAST DISTRICT

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

16. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 4-10-040 (Lunch Properties LLLP, Los Angeles Co.)**
[POSTPONED]
- b. **Application No. 4-10-041 (Vera Properties LLLP, Los Angeles Co.)**
[POSTPONED]
- c. **Application No. 4-10-042 (Mulryan Properties LLLP, Los Angeles Co.)**
[POSTPONED]
- d. **Application No. 4-14-0598 (Morleigh Properties LLLP, Los Angeles Co.)**
[POSTPONED]
- e. **Application No. 4-10-044 (Ronan Properties LLLP, Los Angeles Co.)**
[POSTPONED]
- f. **Application No. 4-14-1094 (Mulryan Properties LLLP, Morleigh Properties LLLP, Vera Properties LLLP, Ronan Properties LLLP, and ED West Properties LLLP, Los Angeles Co.)** [POSTPONED]

SOUTH COAST DISTRICT (LOS ANGELES COUNTY)

17. **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.

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

19. **PERMIT AMENDMENTS.**

- a. **Permit No. 5-91-286-A11 (City of Los Angeles)** Staff recommended approval with conditions.

Motion & vote: Howell 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.**

19.1. **RECONSIDERATION.**

- a. **Application No. 5-14-1479-R (City of Los Angeles Department of Recreation and Parks (DPR))** Staff recommended approval of the request for reconsideration.

Motion & vote: Vargas moved to grant the request for reconsideration pursuant to the staff recommendation and recommended a yes vote, seconded by Mitchell. The roll call vote was 6 in favor (Cox, Howell, McClure, Mitchell, Vargas, Kinsey), 4 opposed (Groom, Pestor, Turnbull-Sanders, Zimmer) and one abstention (Bochco). **Approved.**

STATEWIDE

20. **APPROVAL OF MINUTES.** None.

21. **COMMISSIONERS' REPORTS.** Information only.

22. **CONSERVANCY REPORT.** Information only.

23. **SANTA MONICA MOUNTAINS CONSERVANCY REPORT.** None.

24. **SANTA MONICA BAY RESTORATION REPORT.** None.

25. **DEPUTY ATTORNEY GENERAL'S REPORT.** Information only.

The meeting of the California Coastal Commission recessed for the day at 6:30 p.m.

THURSDAY, OCTOBER 9, 2014

1. **CALL TO ORDER and ROLL CALL.** The meeting of the California Coastal Commission was called to order by Chair Kinsey at 9 a.m. Present: Chair Kinsey, Vice Chair Zimmer, Bochco, Cox, Groom, Howell, McClure, Mitchell, Pestor (alternate), Turnbull-Sanders, Vargas. Non-voting: Jones, Lucchesi, Randolph.
2. **CLOSED SESSION. Periodic Performance Evaluation: Executive Director.**
3. **AGENDA CHANGES.**
4. **GENERAL PUBLIC COMMENT.** Members of the public addressed the Commission on various issues affecting the coast.

SOUTH COAST DISTRICT (ORANGE COUNTY)

5. **ADMINISTRATIVE CALENDAR.** Staff recommended concurrence with the Executive Director's determination. There being no objection, Chair Kinsey ruled that the Commission concurred.
 - a. **Application No. 5-14-0741 (Declusin, Newport Beach)**
6. **CONSENT CALENDAR.** Staff recommended that the Commission approve the consent calendar with conditions.

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

 - a. **Application No. 5-13-0862 (Lear, Newport Beach)**
 - b. **Application No. 5-14-0551 (Vallely, Newport Beach)**

ENFORCEMENT

7. **ENFORCEMENT REPORT.** Report by Chief of Enforcement on Statewide Enforcement Program. **No action taken.**

SOUTH COAST DISTRICT (ORANGE COUNTY)

8. **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.

- a. **City of Laguna Beach LCP Amendment No. LCP-5-LGB-14-0823-4 (Second Units Noticing & Appeals).** Staff recommended that the Commission concur with the Executive Director that the amendment is minor. There being no objection, Chair Kinsey ruled that the Commission concurred.

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

Motion & vote: (*Motion inaudible*) Chair Kinsey ruled that the vote was unanimous in favor of the motion. **Approved with conditions.**

10. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 5-13-0764 (California State Parks and Recreation, Newport Beach)**
Staff recommended approval with conditions.

Motion & vote: Groom moved to approve pursuant to the staff recommendation and recommended a yes vote, seconded by Zimmer. The roll call vote was 7 in favor (Bochco, Groom, Howell, Mitchell, Pestor, Zimmer, Kinsey) and 4 opposed (Cox, McClure, Turnbull-Sanders, Vargas). **Approved with conditions.**

- b. **Application No. A-5-DPT-14-0018 (City of Dana Point) [POSTPONED]**
- c. **Application No. 5-14-0580 (Werner Family Trust, Newport Beach)** Moved by staff to the expanded consent calendar. **Approved with conditions.**
- d. **Application No. 5-14-0613 (Newport Beach Townhouse LLLP, Newport Beach)**
Moved by staff to the expanded consent calendar. **Approved with conditions.**

11. **PERMIT AMENDMENTS.**

- a. **Permit No. 5-13-0962-A1 (Kochis, Newport Beach)** Staff recommended approval with conditions.

Motion & vote: Zimmer moved to approve pursuant to the staff recommendation and recommended a yes vote, seconded by Groom.

Amending motion & vote: Zimmer moved to modify Condition #1 to remove subsections 1 and 2 and to allow the two-dock system proposed by the applicant and recommended a yes vote, seconded by Bochco. The roll call vote was 9 in favor (Bochco, Cox, Groom, Howell, McClure, Turnbull-Sanders, Vargas, Zimmer, Kinsey) and 2 opposed (Mitchell, Pestor). **Approved.**

Vote on the main motion: The vote was unanimous in favor of the motion. **Approved with conditions.**

CLOSED SESSION. Periodic Performance Evaluation: Executive Director.

The Commission recessed for the day at 4:45 p.m. and went into Closed Session.

REPORT OF CLOSED SESSION. In Closed Session, the Commission discussed the Executive Director's performance evaluation.

FRIDAY, OCTOBER 10, 2014

CLOSED SESSION. Periodic Performance Evaluation: Executive Director.

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order by Vice Chair Zimmer at 9:09 a.m.
2. **ROLL CALL.** Present: Vice Chair Zimmer, Bochco, Diaz (alternate), Groom, Howell, McClure, Mitchell, Pector (alternate), Turnbull-Sanders, Vargas, Zimmer, Kinsey. Non-voting: Randolph.
3. **AGENDA CHANGES**
4. **GENERAL PUBLIC COMMENT.** Members of the public addressed the Commission on issues affecting the coast.

NORTH COAST DISTRICT

[Kinsey out of room]

- 4.5. **ADMINISTRATIVE CALENDAR.** Staff recommended that the Commission concur with the Executive Director's determination. There being no objection, Vice Chair Zimmer ruled that the Commission concurred.
 - a. **Application No. 1-13-1172 (Maxwell, Humboldt Co.)**
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, Vice Chair Zimmer ruled that the Commission concurred.
6. **CONSENT CALENDAR (removed from Regular Calendar).** None.

ENERGY, OCEAN RESOURCES AND FEDERAL CONSISTENCY

7. **ENERGY, OCEAN RESOURCES and FEDERAL CONSISTENCY.**
 - a. **Changes to CCMP List of Federal Permits Subject to Federal Consistency Review.** Information only. **No Commission Action.**
8. **CONSENT CALENDAR (removed from Regular Calendar).**
9. **FEDERAL CONSISTENCY**
 - a. **CD-0003-14 (Navy, Coronado) [POSTPONED]**

NORTH CENTRAL 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, Vice Chair Zimmer ruled that the Commission concurred.
11. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved one item [13a] to the expanded consent calendar and recommended that the Commission approve the consent calendar pursuant to the staff recommendation with conditions. There being no objection, Vice Chair Zimmer ruled that the Commission concurred. **Approved with conditions.**
12. **LOCAL COASTAL PROGRAMS (LCPs)**
 - a. **Marin County LCP Amendment No. LCP-2-MAR-13-0224-1 Part A (Marin LUP Update). 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 Vargas. Vice Chair Zimmer ruled that the vote was unanimous in favor of the motion. **Approved.**
13. **COASTAL PERMIT APPLICATIONS.**
 - a. **Application No. 2-14-1025 (Marin County Environmental Health Services, Marin Co.)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

CENTRAL COAST DISTRICT

14. **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. **City of Morro Bay LCP Amendment No. LCP-3-MRB-13-0219-1-Part A (North Main Street Parking).** Staff recommended that the Commission concur with the Executive Director's determination that the LCP Amendment is de minimis. There being no objection, Chair Kinsey ruled that the Commission concurred.
 - b. **San Luis Obispo County LCP Amendment No. LCP-3-SLO-14-0829-2 (Reasonable Accommodations).** Staff recommended that the Commission concur with the Executive Director's determination that the LCP Amendment is de minimis. There being no objection, Chair Kinsey ruled that the Commission concurred.

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

16. **NEW APPEALS.**

a. **Appeal No. A-3-SLO-13-0213 (Kingston Bay Senior Living, LLC, San Luis Obispo Co.) [WITHDRAWN]**

b. **Appeal No. A-3-SLO-14-0044 (Fox, San Luis Obispo Co.) [WITHDRAWN]**

[Kinsey returned during item 17a]

17. **COASTAL PERMIT APPLICATIONS.**

a. **Application 3-13-006 (Held Family Trust, Morro Bay)** Staff recommended approval with conditions.

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

Amending motion & vote: Howell moved to allow grating over the eel grass and recommended a yes vote, seconded by McClure. (*motion withdrawn*).

Vote on the main motion: The roll call vote was 10 in favor (Bochco, Diaz, Groom, Howell, McClure, Mitchell, Pestor, Turnbull-Sanders, Vargas, Zimmer) and one abstention (Kinsey). **Approved with conditions.**

18. **REVISED FINDINGS.**

a. **Application No. 3-13-012 (Caltrans, San Luis Obispo Co.)** Staff recommended that the Commission adopt the revised findings.

Motion & vote: McClure moved to adopt the revised findings and recommended a yes vote, seconded by Howell. The vote of the prevailing side was 6 in favor (Howell, McClure, Mitchell, Turnbull-Sanders, Vargas, Kinsey) and none opposed. **Approved.**

b. **Application No. A-3-SLO-14-0021 (7 Tracks Realty, San Luis Obispo Co.)** Staff recommended that the Commission adopt the revised findings.

Motion & vote: Zimmer moved to adopt the revised findings and recommended a yes vote, seconded by Turnbull-Sanders. The vote of the prevailing side was 7 in favor (Bochco, Groom, Mitchell, Pestor, Turnbull-Sanders, Zimmer, Kinsey) and none opposed. **Approved.**

c. **Application No. A-3-SLO-11-055 (Kellaway, San Luis Obispo Co.)** Staff recommended that the Commission adopt the revised findings.

Motion & vote: Zimmer moved to adopt the revised findings and recommended a yes vote, seconded by Turnbull-Sanders. The vote of the prevailing side was 9 in favor (Bochco, Groom, Howell, McClure, Mitchell, Pestor, Turnbull-Sanders, Zimmer, Kinsey) and none opposed. **Approved.**

SOUTH CENTRAL COAST DISTRICT

19. **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. **County of Santa Barbara LCP Amendment No. LCP-4-STB-14-0819-1.** Staff recommended that the Commission concur with the Executive Director's determination that the LCP Amendment is minor. There being no objection, Chair Kinsey ruled that the Commission concurred.
- b. **County of Los Angeles LCP (Land Use Plan Amendment No. 4-LAC-14-0108-4 and Local Implementation Plan No. 4-LAC-14-0109-4). Certification Review.** Staff recommended that the Commission concur with the Executive Director's determination that the County's acceptance of the Commission's suggested modifications to the LCP is legally adequate. There being no objection, Chair Kinsey ruled that the Commission concurred.
20. **CONSENT CALENDAR (removed from Regular Calendar).** None.
21. **LOCAL COASTAL PROGRAM.**
- a. **Minor Boundary Adjustment No. 01-2014 (Los Angeles County Santa Monica Mountains LCP Segment).** Staff recommended approval.

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

- b. **Los Angeles County Santa Monica Mountains LCP Segment, Post-LCP Certification Jurisdiction Map.** Staff recommended approval.

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

STATEWIDE

22. **Future Agenda Items.** Information only. No action taken.

CLOSED SESSION. Periodic Performance Evaluation: Executive Director.

Report of Closed Session. In closed session, the Commission discussed the Executive Director's performance evaluation.

There being no old or new business, the meeting of the California Coastal Commission adjourned at 12:15 p.m.

Respectfully submitted,

Charles Lester
Executive Director