

CALIFORNIA COASTAL COMMISSION

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Tu19

DATE: October 6, 2015
TO: Coastal Commissioners
FROM: Charles Lester, Executive Director
SUBJECT: **DRAFT MINUTES** of MEETING of **SEPTEMBER 9-10, 2015**
Humboldt State University
Great Hall, College Creek Community Center
1 Harpst Street
Arcata, CA 95521

WEDNESDAY, SEPTEMBER 9, 2015

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order at 9:15 a.m. by Chair Kinsey.
2. **ROLL CALL.** Present: Chair Kinsey, Cox, Groom, Howell, Luévano, McClure, Shallenberger, and Uranga. Non-voting present: Beland and Jones.
3. **AGENDA CHANGES.**
4. **GENERAL PUBLIC COMMENT.** The public addressed the Commission on various issues affecting the coast.
5. **CHAIR'S REPORT.** None.

STATEWIDE

6. **EXECUTIVE DIRECTOR'S REPORT.**
 - a. **Director's Report.** Informational purposes only.
 - b. **Legislative Report.** Informational purposes only.

STATEWIDE (CONT'D)

- c. **Public Education Grant Program.** Public hearing and action on proposed targeted WHALE TAIL grants from the Commission's Public Education Program.

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

- 6.5. **Living Shoreline Sea Level Rise Adaptation Strategy Briefing** Briefing on "living shoreline" sea level rise adaptation strategy by Professor Eileen Cashman, Humboldt State University. **Informational purposes only.**
- 6.7. **Tsunami Hazards Briefing** Briefing on tsunami hazards affecting the north coast of California by Professor Lori Dengler, Humboldt State University. **Informational purposes only.**

SOUTH COAST DISTRICT (LOS ANGELES COUNTY)

7. **ADMINISTRATIVE CALENDAR.** There being no objection, Chair Kinsey ruled that the Commission concurred.
 - a. **Application No. 5-15-0095 (Cornelius, Long Beach)**
 - b. **Application No. 5-15-0096 (Lineberger, Long Beach)**
 - c. **Application No. 5-15-0097 (Danielson, Long Beach)**
 - d. **Application No. 5-15-0155 (Knoph, Long Beach)**
 - e. **Application No. 5-15-0446 (Portofino HOA, Long Beach)**
 - f. **Application No. 5-15-0468 (Frederick and Della Donna, Long Beach)**

8. **CONSENT CALENDAR.** Staff recommended that the Commission approve the consent calendar with conditions.

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

- a. **Application No. 5-14-1345 (Los Angeles County Department of Harbors, Beaches and Parks Sand Berms)**
- b. **Application No. 5-15-0170 (Ware, Long Beach)**
- c. **Application No. 5-15-0267 (City of Los Angeles, Los Angeles Co.)**

SOUTH COAST DISTRICT (ORANGE COUNTY)

9. **ADMINISTRATIVE CALENDAR.** There being no objection, Chair Kinsey ruled that the Commission concurred.

- a. **Application No. 5-15-0788 (Irvine Co., Newport Beach)**
- b. **Application No. 5-15-0414 (Raymer, Huntington Beach)**

10. **CONSENT CALENDAR.** Staff recommended that the Commission approve the consent calendar with conditions.

Motion & vote: Uranga 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. 5-14-1843 (OC Parks, Newport Beach)**

SAN DIEGO COAST DISTRICT

11. **CONSENT CALENDAR.**

- a. **Application No. 6-15-1205 (Kotz, San Diego). [POSTPONED]**

SOUTH COAST DISTRICT (ORANGE COUNTY)

12. **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.
13. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved one item [15a] to the expanded consent calendar and recommended approval with conditions.

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

14. **LOCAL COASTAL PROGRAMS (LCPs)**
 - a. **City of Newport Beach LCP Amendment No. LCP-5-NPB-14-0611-1 (Newport Harbor Yacht Club).** [WITHDRAWN]
15. **COASTAL PERMIT APPLICATIONS.**
 - a. **Application No. 5-14-1211 (City of Newport Beach)** Moved by staff to the expanded consent calendar. **Approved with conditions**
 - b. **Application No. 5-15-0060 (86 Linda Isle, LLC, Newport Beach).** [POSTPONED]

16. **REVISED FINDINGS.**
 - a. **Application No. 5-13-1233 (City of Seal Beach, Bay City Partners & Marina Beach House, Seal Beach)** Staff recommended that the Commission approve the revised findings in support of Commission's action on March 12, 2015. Staff orally modified its recommendation regarding Special Condition 6.B to specify that the Open Space Park shall be open from the hours of 5 a.m. to 10 p.m.

Motion & vote: Howell moved to adopt the revised findings pursuant to the staff recommendation and recommended a yes vote, seconded by Cox. Chair Kinsey ruled that the vote of the commissioners on the prevailing side (Cox, Groom, Howell, McClure and Kinsey) was unanimous in favor of the motion. **Approved.**

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

City of Oceanside LCP Amendment No. LCP-6-OCN-15-0019-1 (Sale and Consumption of Alcohol at Restaurants) Time Extension.

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

20. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 6-15-0742 (Del Mar San Dieguito Lagoon Western Trail)**
Staff recommended approval with conditions.

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

LUNCH RECESS. The Commission recessed for lunch at 12:31 p.m. and returned at 1:25 p.m. The Commission also held closed session during the lunch recess.

CLOSED SESSION REPORT. The Commission received litigation information and advice regarding the following cases:

2808 Lafayette Property LLC v. CCC
CCC v. U.S. Dept. of the Navy et al.
City of Dana Point v. CCC (Dana Point Headlands LLC, RPI)
Friends of Martin's Beach v. Martins Beach 1 LLC et al.
Fudge v. CCC et al. (Laguna Beach Golf & Bungalow Village LLC, RPI)
Sierra Club v. CCC (22nd Agricultural District Assn., RPI)
Sunshine Enterprises LP v. Lester et al.
Wild Equity Institute v. CCC (City & County of San Francisco et al., RPI)

and a matter of potential litigation.

SOUTH CENTRAL 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 Kinsey ruled that the Commission concurred.
22. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved one item [24b] to the expanded consent calendar and recommended approval with conditions.

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

[Items W23a and W24a, below share a single, combined staff report]

23. **PUBLIC WORKS PLAN.**
 - a. **Santa Barbara City College Public Works Plan Amendment No. PWP-4-CSB-15-0001-2 (Campus Center Replacement).** Staff recommended approval as submitted.

Motion & vote: Shallenberger moved to approve pursuant to the staff recommendation and recommended a yes vote, seconded by Howell. Chair Kinsey ruled that the vote was unanimous in favor of the motion. **Approved.**
24. **NOTICE OF IMPENDING DEVELOPMENT.**
 - a. **Santa Barbara City College Notice of Impending Development No. CSB-NOID-0003-15 (Campus Center Replacement).** Staff recommended that the Commission approve the Notice of Impending Development with conditions.

Motion & vote: Shallenberger moved approve **Notice of Impending Development No. CSB-NOID-0003-15** pursuant to the staff recommendation and recommended a yes vote, seconded by Howell. Chair Kinsey ruled that the vote was unanimous in favor of the motion. **Approved with conditions.**

24. **NOTICE OF IMPENDING DEVELOPMENT.** (cont'd)
- b. **Pepperdine University Notice of Impending Development No. PEP-NOID-0004-15 (Debris Basin and Stockpile Relocation Project).** Moved by staff to the expanded consent calendar. **Approved with conditions**

SOUTH COAST DISTRICT (LOS ANGELES COUNTY)

25. **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.
26. **CONSENT CALENDAR (removed from Regular Calendar).**
27. **NEW APPEALS.**
- a. **Appeal No. A-5-MNB-15-0049 (City of Manhattan Beach Valet Parking Program)** Staff recommended that the Commission determine that **Appeal No. A-5-MNB-15-0049** raised a substantial issue.

Motion & vote: Groom moved to determine that **Appeal No. A-5-MNB-15-0049** raised no substantial issue on the grounds on which the appeal was filed and recommended a no vote, seconded by Howell. Chair Kinsey ruled that the vote was unanimous in opposition to the motion. **Substantial Issue found. De novo phase of hearing continued.**

28. **COASTAL PERMIT APPLICATIONS.**
- a. **Application No. 5-15-0030 (Sunshine Enterprises LP, Santa Monica).** Staff recommended approval with conditions.

Motion & vote: Groom moved to approve pursuant to the staff recommendation and recommended a no vote, seconded by Howell. The roll call vote was 8-0 in opposition to the motion (Cox, Groom, Howell, Luévano, McClure, Shallenberger, Uranga and Kinsey.) Chair Kinsey ruled that the vote was unanimous in opposition to the motion. **Denied.**

29. **RECONSIDERATION.**
- a. **Application No. A-5-VEN-10-138-A1-REC (Camaj, Los Angeles).**
[WITHDRAWN]

STATEWIDE

30. APPROVAL OF MINUTES.

Motion & vote: Cox moved to adopt the May, June and July minutes as submitted and recommended a yes vote, seconded by Uranga. Chair Kinsey ruled that the vote was unanimous in favor of the motion. **Approved.**

31. COMMISSIONERS' REPORTS. Informational purposes only.

32. CONSERVANCY REPORT. None.

33. SANTA MONICA MOUNTAINS CONSERVANCY REPORT. None.

34. SANTA MONICA BAY RESTORATION REPORT. None.

35. DEPUTY ATTORNEY GENERAL'S REPORT. Informational purposes only.

Commission Field Trip to Big Lagoon and Trinidad. [CANCELLED]

RECEPTION. The Commission attended an evening reception hosted by Humboldt State University at the Humboldt Bay Aquatic Center.

The Commission recessed for the day at 3:44 p.m.

THURSDAY, SEPTEMBER 10, 2015

1. **CALL TO ORDER and ROLL CALL.** The meeting of the California Coastal Commission was called to order at 8:35 a.m. by Chair Kinsey. Present: Chair Kinsey, Cox, Groom, Howell, Luévano, McClure, Shallenberger, and Uranga. Non-voting present: Beland.
2. **HUMBOLDT BAY FIELD TRIP.** The Commission went on a field trip touring Humboldt Bay.
3. **AGENDA CHANGES.** Meeting reconvened at 1:20 pm.
4. **GENERAL PUBLIC COMMENT.** The public addressed the Commission on various issues affecting the coast.

ENERGY, OCEAN RESOURCES AND FEDERAL CONSISTENCY

5. **ADMINISTRATIVE CALENDAR.** There being no objection, Chair Kinsey ruled that the Commission concurred.
 - a. **Application No. 9-15-0588 (Tomales Bay Oyster Co., Marin Co.)**

NORTH COAST DISTRICT

- 5.5. **ADMINISTRATIVE CALENDAR.** There being no objection, Chair Kinsey ruled that the Commission concurred.
 - a. **Application No. 1-15-0546-A1 (Wildlands Conservancy, Humboldt Co.)**
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 Kinsey ruled that the Commission concurred.
7. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved one item [9b] to the expanded consent calendar and recommended approval with conditions.

Motion & vote: McClure moved to approve 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.**

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

- a. **Humboldt County LCP Amendment No. LCP-1-HUM-15-0011-2 (Big Lagoon Park)**. Staff recommended denial of the Land Use Plan and Implementation Plan as submitted and approval if modified as suggested.

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

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

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

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

- b. **City of Eureka LCP Amendment LCP-1-EUR-15- 0020-1 (Waterfront Commercial Principal and Conditional Uses)**. There being no objection, Chair Kinsey ruled that the Commission concurred that the LCP amendment determination is de minimis.

9. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 1-09-025 (Kuhnel, Eureka) [WITHDRAWN]**
- b. **Application No. 1-15-0199 (Sequoia X, LLC, Humboldt Co.)** Moved by staff to the expanded consent calendar. **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. The Executive Director provided informational update regarding Poseidon matter.

11. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved one item [12b] to the expanded consent calendar and recommended approval with conditions.

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

12. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 9-14-0489 (University of Southern California, Los Angeles Co.) [POSTPONED]**
- b. **Application No. 5-15-0605 (City of Los Angeles Department of Public Works (DPW), Los Angeles Co.)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

13. **PERMIT AMENDMENTS.**

- a. **Permit No. E-85-10-A2 (Freeport McMoRan Oil & Gas, Santa Barbara Co.) [POSTPONED]**

ENFORCEMENT

14. **ENFORCEMENT REPORT.** Informational only.
- 14.5. **Commission Consent Cease and Desist Order No. CCC-15-CD-04 (Bank of America N.A., Santa Monica Mountains, Los Angeles Co.) [POSTPONED]**
- 14.7. **Commission Consent Restoration Order No. CCC-15-RO-04 (Bank of America N.A., Santa Monica Mountains, Los Angeles Co.) [POSTPONED]**

NORTH CENTRAL COAST DISTRICT

15. **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.
16. **CONSENT CALENDAR (removed from Regular Calendar).**

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).**

STATEWIDE

19. **FUTURE AGENDA ITEMS.** Informational purposes only.

There being no old or new business, the meeting of the California Coastal Commission adjourned at 2:35 p.m.

Respectfully submitted,

CHARLES LESTER
Executive Director