

CALIFORNIA COASTAL COMMISSION

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**W17**

DATE: November 23, 2015
TO: Coastal Commissioners
FROM: Charles Lester, Executive Director
SUBJECT: MINUTES of MEETING of **NOVEMBER 4-6, 2015**
Oceano Hotel
280 Capistrano Drive
Half Moon Bay, CA 94019

WEDNESDAY, NOVEMBER 4, 2015

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order at 9:00 a.m. by Chair Kinsey.
2. **ROLL CALL.** Present: Chair Kinsey, Vice Chair Bochco, Cox, Groom, Howell, Luevano, McClure, Shallenberger, Turnbull-Sanders, Uranga, Kinsey. Vargas arrived at 9:30 a.m. Absent: Mitchell. Non-voting present: Schmidt.
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. **Legislative Report.** Information only.

SOUTH COAST DISTRICT (LOS ANGELES COUNTY)

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. 5-15-1187 (Shah, Long Beach)**
- b. **Application No. 5-15-1235 (Hosford, Long Beach)**
- c. **Application No. 5-15-1325 (Burnier, Long Beach)**
- d. **Application No. 5-15-1368 (McCreary, Long Beach)**
- e. **Application No. 5-15-1369 (McCreary, Long Beach)**

SOUTH COAST DISTRICT (ORANGE 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. 5-14-1905 (Salmonson, Newport Beach)**
 - b. **Application No. 5-15-0754 (Rose, San Clemente)**
 - c. **Application No. 5-15-0545 (Schlosberg, Seal Beach)**
9. **CONSENT CALENDAR.** Staff recommended that the Commission approve the consent calendar with conditions.

Motion & vote: Shallenberger 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.**

- a. **Application No. 5-15-0420 (Alakor Holding Company, L.L.C., Sunset Beach)**
- b. **Application No. 5-15-0421 (Zimmermann, San Clemente)**

SAN DIEGO COAST DISTRICT

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

- a. **Application No. 6-14-1928 (SMR Investments 1 LLC, San Diego)**
- b. **Application No. 6-15-0972 (Benko, San Diego)**
- c. **Application No. 6-15-1340 (Border Field State Park Entrance Improvements, San Diego)**

SOUTH CENTRAL COAST DISTRICT

11. **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.

12. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved one item [14a] 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 Howell. Chair Kinsey ruled that the vote was unanimous in favor of the motion. **Approved with conditions.**

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

- a. **City of Carpinteria LCP Amendment No. LCP-4-CPN-15-0018-1 (Transportation Improvements). Certification Review.** Staff recommended that the Commission concur with the Executive Director's determination. There being no objection, Chair Kinsey ruled that the Commission concurred.
- b. **City of Malibu LCP Amendment No. LCP-4-MAL-14-0408-1. (Malibu Coast Estate/Crummer Trust Property Planned Development) Certification Review.** Staff recommended that the Commission concur with the Executive Director's determination. There being no objection, Chair Kinsey ruled that the Commission concurred.

14. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 4-15-1346 (Santa Barbara Public Works Department - Laguna Pump Station Facility).** Moved by staff to the expanded consent calendar. **Approved with conditions.**

SOUTH COAST DISTRICT (LOS ANGELES COUNTY)

15. **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.

16. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved two items [17b, 18a] to the expanded consent calendar and recommended approval with conditions.

Motion & vote: Bochco 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.**

17. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 5-14-1932 (Lambert, Venice, Los Angeles)** Staff recommended approval with conditions.

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

Amending motion & vote: Kinsey moved to increase the permit fee to \$102,924 and recommended a yes vote, seconded by Luevano. The roll call vote was 7 in favor (Groom, Howell, Luevano, Shallenberger, Turnbull-Sanders, Uranga, Kinsey) and 4 opposed (Bochco, Cox, McClure, Vargas). **Approved.**

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

- b. **Application No. 5-15-1152 (Ballast Point, Long Beach)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

18. **PERMIT AMENDMENTS.**

- a. **Permit No. 5-13-034-A1 (City of Los Angeles, Venice, Los Angeles)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

SOUTH COAST DISTRICT (ORANGE COUNTY)

19. **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.

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

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

21. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 5-14-1901 (7 Harbor LLC, Newport Beach)** Moved by staff to the expanded consent calendar. **Approved with conditions.**
- b. **Application No. 5-15-0694 (Robin, Newport Beach) [POSTPONED]**
- c. **Application No. 5-15-1264 (Thomas, Newport Beach)** Staff recommended approval with conditions.

Motion & vote: Shallenberger 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.**

- d. **Application No. 5-15-1294 (Bassaly, Sunset Beach)** Moved by staff to the expanded consent calendar. **Approved with conditions.**
- e. **Application No. 5-15-1252 (Laguna Beach County Water District, Laguna Beach)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

22. **PERMIT AMENDMENTS.**

- a. **Permit No. 5-03-322-A4 (City of San Clemente Beach Trail)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

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

24. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved two items [27a, 28a] to the expanded consent calendar and 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.**

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

- a. **City of Oceanside LCP Amendment No. LCP-6-OCN-15-0019 (Sale and Consumption of Alcohol at Restaurants).** Staff recommended that the Commission concur with the Executive Director's determination. There being no objection, Chair Kinsey ruled that the Commission concurred.
- b. **City of Carlsbad LCP Amendment No. LCP-6-CAR-15-0024-2 (Density Bonus Amendment).** Staff recommended that the Commission concur with the Executive

Director's determination. There being no objection, Chair Kinsey ruled that the Commission concurred.

- c. **City of Encinitas LCP Amendment No. LCP-6-ENC-15-0023-1 (Zoning Ordinance Clean-up).** Staff recommended approval of the Implementation Plan as submitted.

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

- d. **City of Chula Vista LCP Amendment No. LCP-6-CHV-14-0824-1 (Clean-up Revisions & Corrections). Certification Review.** Staff recommended that the Commission concur with the Executive Director's determination. There being no objection, Chair Kinsey ruled that the Commission concurred.

26. NEW APPEALS.

- a. **Appeal No. A-6-NOC-15-0060 (Cal Coast Academy, San Diego)** Staff recommended that the Commission determine that the appeal raised no substantial issue.

Motion & vote: Cox moved to determine that **Appeal No. A-6-NOC-15-0060** raised no substantial issue on the grounds on which the appeal was filed and recommended a yes vote, seconded by Bochco. Chair Kinsey ruled that the vote was unanimous in favor of the motion. **No substantial issue found.**

27. COASTAL PERMIT APPLICATIONS.

- a. **Application No. 6-15-0783 (Tamarack Retail Partners, LP, Carlsbad)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

28. PERMIT AMENDMENTS.

- a. **Permit No. 6-86-035-A2 (Marsaglia/Murray, Carlsbad)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

STATEWIDE

- 29. **APPROVAL OF MINUTES.** The minutes of January 2015 we approved as written.

Motion & vote: Howell moved to approve the minutes as written and recommended a yes vote, seconded by Vargas. Uranga abstained. Chair Kinsey ruled that the vote was unanimous in favor of the motion. **Approved.**

30. **COMMISSIONERS' REPORTS.** Information only.
31. **CONSERVANCY REPORT.** None
32. **SANTA MONICA MOUNTAINS CONSERVANCY REPORT.** None.
33. **SANTA MONICA BAY RESTORATION REPORT.** None
34. **DEPUTY ATTORNEY GENERAL'S REPORT.** None

The Commission recessed for the day at 2:50 p.m.

THURSDAY, NOVEMBER 5, 2015

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order at 9:00 a.m. by Chair Kinsey.
2. **ROLL CALL.** Present: Chair Kinsey, Vice Chair Bochco, Cox, Groom, Howell, Luevano, McClure, Shallenberger, Turnbull-Sanders, Uranga, Vargas. Absent: Mitchell. Non-voting present: Beland, Schmidt
3. **AGENDA CHANGES.**
4. **GENERAL PUBLIC COMMENT.** Members of the public addressed the Commission on various issues affecting the coast.

ENFORCEMENT

5. Report by Chief of Enforcement on Statewide Enforcement Program. None.

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

ENERGY, OCEAN RESOURCES AND FEDERAL CONSISTENCY

8. **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.
9. **CONSENT CALENDAR (removed from Regular Calendar).**
10. **COASTAL PERMIT APPLICATIONS.**
 - a. **Application No. 9-15-0027 (Venoco, Inc., Goleta) [POSTPONED]**

11. **FEDERAL CONSISTENCY.**

- a. **CC-0003-15 (SANDAG, San Diego)[POSTPONED]**

NORTH CENTRAL COAST DISTRICT

12. **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.

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

14. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 2-15-1354 (Caltrans, Marin and Sonoma Counties)[POSTPONED]**
- b. **Application No. 2-15-1357 (San Francisco Public Utilities Commission (SFPUC), San Francisco)** Staff recommended approval with conditions.

Motion & vote: Groom 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 with conditions.**

- c. **Application No. 2-15-1458 (Cartel Management, San Mateo Co.)** Staff recommended approval with conditions.

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

Amending motion & vote: Vargas moved to require a plan for encouraging equal opportunity for women surfers in future surfing events, seconded by McClure. The roll call vote was 7 in favor [Cox, Howell, Luevano, McClure, Turnbull-Sanders, Uranga, Vargas] and 4 opposed [Bochco, Groom, Shallenberger, Kinsey]. **Passed.**

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

- d. **Application No. 2-15-1200 (Heule, Pacifica) [POSTPONED]**

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. There being no objection, Chair Kinsey ruled that the Commission concurred.
16. **CONSENT CALENDAR (removed from Regular Calendar).** None.
17. **LOCAL COASTAL PROGRAMS (LCPs).**
 - a. **City of Santa Cruz LCP Amendment No. STC-1-12 Part 4 (Outdoor Extension Areas). Certification Review.** Staff recommended concurrence with the Executive Director's determination.

Motion & vote: Groom moved to concur that the action by the City of Santa Cruz is legally adequate and recommended a yes vote, seconded by Howell. Chair Kinsey ruled that the vote was unanimous. **Approved.**

Report of CLOSED SESSION. In closed session the Commission received litigation information and advice in the following matters:

*City of Dana Point v. CCC (Dana Point Headlands LLC, RPI),
Kretowicz v. CCC,
Macpherson v. CCC,
Markee et al. v. County of Santa Barbara et al.,
San Diego Unified Port District v. CCC (Sunroad Marina Partners LP, RPI),
Save Our Beach Access et al. v. CCC (Hitzke Development Corp., RPI),
The Commission also received litigation information and advice and gave direction in a matter of potential litigation.*

18. **NEW APPEALS.**
 - a. **Appeal No. A-3-PSB-15-0037 (Pismo Beach Hotel, Pismo Beach) [WITHDRAWN]**
19. **COASTAL PERMIT APPLICATIONS.**
 - a. **Application No. 3-04-070 (Caltrans, Santa Cruz Co.) [POSTPONED]**
 - b. **Application No. A-3-PSB-14-0057 (Silver Shoals Investors LLC, Pismo Beach) Staff recommended approval with conditions.**

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

Amending motion & vote: Vargas moved to accept the applicant's suggested conditions and recommended a yes vote, seconded by Howell. The roll call vote was 6 in favor (Cox, Howell, McClure, Turnbull-Sanders, Uranga, Vargas) and 5 opposed (Bochco, Groom, Luevano, Shallenberger, Kinsey). **Approved.**

Vote on main motion: The roll call vote was 9 in favor (Bochco, Cox, Howell, Luevano, McClure, Turnbull-Sanders, Uranga, Vargas, Kinsey) and 2 opposed (Groom, Shallenberger). **Approved with conditions.**

[Kinsey departed]

c. **Application No. 3-14-0488 (Iceplant LLC, Santa Cruz Co.)** Staff recommended approval with conditions.

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

20. **PERMIT EXTENSION.**

a. **Permit No. A-3-MCO-04-054-E3 (Sunridge Views, Monterey Co.) [POSTPONED]**

STATEWIDE

21. **FUTURE AGENDA ITEMS.** Information only.

The meeting of the California Coastal Commission recessed at 4:30 p.m.

FRIDAY, NOVEMBER 6, 2015

1. **CALL TO ORDER and ROLL CALL:** Present: Chair Kinsey, Vice Chair Bochco, Cox, Groom, Howell, Luevano, McClure, Shallenberger, Turnbull-Sanders, Uranga. Vargas arrived at 9:30 a.m. Non-voting present: Schmidt. Absent: Mitchell.
2. **Local Government-CCC Public Workshop: Local Coastal Planning Process (Part I) and LCPs and Sea Level Rise Guidance (Part II).** Information only.

The meeting of the California Coastal Commission adjourned at 12:55 p.m.

Respectfully submitted,

Charles Lester
Executive Director