

CALIFORNIA COASTAL COMMISSION

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**W17**

DATE: November 30, 2015
TO: Coastal Commissioners
FROM: Charles Lester, Executive Director
SUBJECT: **DRAFT MINUTES of MEETING of February 11-13, 2015**
The Cliffs Resort Hotel
2757 Shell Beach Road
Pismo Beach, CA 93449

WEDNESDAY, FEBRUARY 11, 2015

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order at 9:00 a.m. by Vice Chair Zimmer.
2. **ROLL CALL.** Present: Vice Chair Zimmer, Bochco, Cox, Groom, Howell, McClure, Mitchell, Shallenberger, Turnbull-Sanders, Vargas. Kinsey arrived at 4:00 p.m. Non-voting: Beland, Lucchesi
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.** None.
 - c. **Public Education Grants.** Staff recommended approval of the grants.

Motion & vote: Howell moved to approve and recommended a yes vote, seconded by Groom. Vice Chair Zimmer ruled that the vote was unanimous in favor of the motion.
Approved.

NORTH CENTRAL COAST DISTRICT

7. **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.

8. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved one item [9a] to the expanded consent calendar and recommended approval with conditions.

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

9. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 2-14-1562 (Barton, Marin Co.)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

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 [13d] 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. Vice Chair Zimmer ruled that the vote was unanimous in favor of the motion. **Approved with conditions.**

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

- a. **Santa Cruz County LCP Amendment No. LCP-3-SCO-14-0833-2 (Seacliff Village Plan). 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 Bochco. Vice Chair Zimmer ruled that the vote was unanimous in favor of the motion. **Approved.**

13. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. A-3-MRB-06-064 (Black Hill Villas, Morro Bay)** Staff recommended approval with conditions.

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

Amending motion: Howell moved to require the applicant to provide documentation of new water allocation prior to issuance of a coastal development permit and recommended a yes vote, seconded by Vargas. **Motion withdrawn.**

Vote on main motion: The roll call vote was 7 in favor (Bochco, Cox, McClure, Mitchell, Turnbull-Sanders, Vargas, Zimmer) and 3 opposed (Groom, Howell, Shallenberger) **Approved with conditions.**

- b. **Application No. A-3-SNC-14-0001 (King Ventures, Sand City)** [POSTPONED]
- c. **Application No. 3-14-0210 (Flavell, Santa Cruz Co.)** [POSTPONED]
- d. **Application No. 3-14-1186 (Griffith, Pacific Grove)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

14. **CONDITION COMPLIANCE.**

- a. **Oceano Dunes State Vehicular Recreation Area (ODSVRA) CDP Review.** No action taken.

15. **APPROVAL OF MINUTES.** (trailed to Friday's agenda) The minutes of August 12-15, 2014 were approved as written.

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

16. **COMMISSIONERS' REPORTS.** (trailed to Friday's agenda) Information only.

17. **CONSERVANCY REPORT.** (trailed to Friday's agenda) Information only.

18. **SANTA MONICA MOUNTAINS CONSERVANCY REPORT.** (trailed to Friday's agenda) None.

19. **SANTA MONICA BAY RESTORATION REPORT.** (trailed to Friday's agenda) None.

20. **DEPUTY ATTORNEY GENERAL'S REPORT.** (trailed to Friday's agenda) None.

The Commission recessed for the day at 7:40 p.m.

THURSDAY, FEBRUARY 12, 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 Zimmer, Bochco, Cox, Groom, Howell, McClure, Shallenberger, Turnbull-Sanders, Vargas, Zimmer. Non-voting present: Beland, Jones, Lucchesi.
3. **AGENDA CHANGES.**
4. **GENERAL PUBLIC COMMENT.** Members of the public addressed the Commission on various issue 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. 5-14-1090 (Wilson, Newport Beach)**
6. **CONSENT CALENDAR.** Staff recommended approval of 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 Groom. Chair Kinsey ruled that the vote was unanimous in favor of the motion. **Approved with conditions.**

- a. **Application No. 5-14-1667 (ALB Partners, LLC, Corona del Mar)**
- b. **Application No. 5-14-1789 (Talley, Huntington Beach)**
- c. **Application No. 5-14-1790 (Garcia, Huntington Beach)**
- d. **Application No. 5-14-1791 (Woods, Huntington Beach)**

SOUTH COAST DISTRICT (LOS ANGELES COUNTY)

7. **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. 5-14-1702 (Biggs, Venice, Los Angeles)**
 - b. **Application No. 5-14-1807 (Tooke & Benitez, Venice, Los Angeles)**
 - c. **Application No. 5-14-1908 (Lido, Long Beach)**

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

Motion & vote: Zimmer moved to approve the consent calendar 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 with conditions.**

- a. **Application No. 5-14-1858 (Lorinsky, Pacific Palisades)**

ENFORCEMENT

9. **ENFORCEMENT REPORT.** None.

SOUTH COAST DISTRICT (ORANGE COUNTY)

10. **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.

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

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

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

- a. **City of Newport Beach LUP Amendment No. 3-14 (LCP-5-NPB-14-0831-3). (Time Extension).** Staff recommended approval of the time extension.

Motion & vote: Zimmer moved to grant the time extension 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.**

13. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 5-14-0715 (Newport Beach Mixed Development, LLLP, Newport Beach)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

SAN DIEGO 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.
15. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved 4 items [16a, 16b, 16c, 17a] to the expanded consent calendar and recommended approval with conditions.

Motion & vote: Cox 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.**

16. **COASTAL PERMIT APPLICATIONS.**
 - a. **Application No. 6-14-0351 (Tu Casa HOA, Carlsbad)** Moved by staff to the expanded consent calendar. **Approved with conditions.**
 - b. **Application No. 6-14-1761 (SDG&E, Solana Beach)** Moved by staff to the expanded consent calendar. **Approved with conditions.**
 - c. **Application No. 6-14-1782 (Camino del Mar Sewer Force Main, Del Mar)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

17. **PERMIT AMENDMENTS.**
 - a. **Permit No. 6-11-059-A1 (22nd District Agricultural Association, San Diego)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

SOUTH CENTRAL COAST DISTRICT

18. **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.
19. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved 6 items [22a, 22c, 22d, 22e, 22f, 22g] to the expanded consent calendar and recommended approval with conditions.

Motion & vote: Zimmer moved to approve the consent calendar 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 with conditions.**

20. **LOCAL COASTAL PROGRAM.**

- a. **City of San Buenaventura LCP Amendment No. SBV-MAJ-2-12 (Promenade Parcels) Certification Review. [POSTPONED]**
- b. **City of Malibu Local Coastal Program Amendment No. LCP-4-MAL-14-0408-1 (Malibu Coast Estate/Crummer Trust Property Planned Development).** Staff recommended denial as submitted and approval with modifications.

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

Motion: McClure moved to certify the Land Use Plan if modified as suggested and recommended a yes vote, seconded by Turnbull-Sanders.

Substitute motion & vote: Zimmer moved to continue and recommended a yes vote, seconded by Shallenberger. Chair Kinsey ruled that the vote was unanimous in favor of the motion. **Continued.**

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

Ag Land Trust v. CCC (California-American Water Co., RPI)
Marina Coast Water District v. CCC (California-American Water Co., RPI)
Cattermole v. CCC
CBS Outdoor LLC v. CCC et al. (Humboldt County Assn. of Governments, RPI)
City & County of San Francisco v. CCC
Gradstein et al. v. CCC (Stoloski, RPI)
Koligian v. CCC
Save the Park v. CCC (Colmer, RPI)
SDS Family Trust v. CCC
Winholtz v. CCC (City of Morro Bay et al., RPI)

The Commission received litigation information and advice and provided direction regarding one matter of potential litigation.

21. **NEW APPEAL.**

- a. **Appeal No. A-4-MAL-14-0046 (Carsey, Malibu)** Staff recommended that the Commission determine that **Appeal No. A-4-MAL-14-0046** raised no substantial issue.

Motion & vote: Turnbull-Sanders moved to determine that **Appeal No. A-4-MAL-14-0046** raised no substantial issue on the grounds on which the appeal was filed and recommended a yes vote, seconded by Vargas. Chair Kinsey ruled that the vote was unanimous in favor of the motion. **No substantial issue found.**

- b. **Appeal No. A-4-SBC-14-0070 (Rudd, Santa Barbara)** Staff recommended that the Commission determine that **Appeal No. A-4-SBC-14-0070** raised no substantial issue.

Motion & vote: Shallenberger moved to determine that Appeal No. **A-4-SBC-14-0070** raised no substantial issue and recommended a yes vote, seconded by Bochco. The roll call vote was 9 in favor (Bochco, Cox, Groom, Howell, Mitchell, Shallenberger, Turnbull-Sanders, Vargas, Kinsey) and 2 opposed (McClure, Zimmer). **No substantial issue found**

22. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 4-12-014 (Johnson, Los Angeles Co.)** Moved by staff to the expanded consent calendar. **Approved with conditions.**
- b. **Application No. 4-13-001 (MRCA & SMMC, Los Angeles Co.)** Staff recommended approval with conditions. Staff orally modified recommended special condition no. 10 to require Executive Director review and approval of the haul-out route for removal of excess material.

Motion & vote: Mitchell 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 with conditions.**

- c. **Application No. 4-13-1397 (Eucalyptus Ranch LP, Los Angeles Co.)** .) Moved by staff to the expanded consent calendar. **Approved with conditions.**
- d. **Application No. 4-14-0100 (Hacienda Robles LP, Los Angeles Co.)** .) Moved by staff to the expanded consent calendar. **Approved with conditions.**
- e. **Application No. 4-14-0201 (Pepper Creek LP, Los Angeles Co.)** .) Moved by staff to the expanded consent calendar. **Approved with conditions.**
- f. **Application No. 4-14-0202 (Canary Island Palm LP, Los Angeles Co.)** .) Moved by staff to the expanded consent calendar. **Approved with conditions.**

- g. **Application No. 4-14-0621 (Rancho Tecolote LP, Los Angeles Co.)** .) Moved by staff to the expanded consent calendar. **Approved with conditions.**

SOUTH COAST DISTRICT (LOS ANGELES COUNTY)

23. **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.
24. **CONSENT CALENDAR (removed from Regular Calendar).** None.
25. **LOCAL COASTAL PROGRAMS (LCPs)**
- a. **City of Long Beach LCP Amendment No. 4-13 (LCP-5-LOB-13-0229-4 Regulation of Mortuaries, Cemeteries, and Crematoriums).** Staff recommended approval of the Implementation Plan as submitted.

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

- b. **City of Long Beach LCP Amendment No. 2-13 (LCP-5-LOB-13-0229-2 Fortunetelling, Secondhand Dealers, and Cottage Food Operations).** Staff recommended approval of the Implementation Plan as submitted.

Motion & vote: Groom 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.**

- c. **City of Rancho Palos Verdes LCP Amendment No. 1-14 (LCP-5-RPV-14-0843-1 Flagpole Height Limit).** Staff recommended approval of the Implementation Plan as submitted.

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

- d. **City of Long Beach LCP Amendment No.1-13 (LCP-5-LOB-13-0229-1 Mobility Element).** Staff recommended denial as submitted and approval with modifications.

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

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

26. **NEW APPEAL.**

- a. **Appeal No. A-5-VEN-15-0002 (Lavi, City of Los Angeles)** Staff recommended that the Commission determine that **Appeal No. A-5-VEN-15-0002** raised substantial issue on the grounds on which the appeal was filed. There being no objection, Chair Kinsey ruled that the Commission **found substantial issue.**

- b. **Appeal No. A-5-VEN-15-0003 (Lion Gate Global #1, LLC, City of Los Angeles).** Staff recommended that the Commission determine that **Appeal No. A-5-VEN-15-0003** raised substantial issue on the grounds on which the appeal was filed. There being no objection, Chair Kinsey ruled that the Commission **found substantial issue.**

The Commission recessed for the day at 7:25 p.m.

FRIDAY, FEBRUARY 13, 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 Zimmer, Bochco, Cox, Groom, Howell, McClure, Mitchell, Shallenberger, Turnbull-Sanders, Vargas. Non-voting present: Beland, Jones, Lucchesi.
3. **AGENDA CHANGES**
4. **GENERAL PUBLIC COMMENT.** Members of the public addressed the Commission on various issues affecting the coast.

NORTH COAST DISTRICT

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, Chair Kinsey ruled that the Commission concurred.
6. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved one item [9a] to the expanded consent calendar and recommended approval with conditions.

Motion & vote: Groom 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 with conditions.**
7. **LOCAL COASTAL PROGRAMS (LCPs)**
 - a. **Mendocino County LCP Amendment No. MEN-MIN-1-8 (Minor).** Staff recommended that the Commission concur with the Executive Director's determination that the amendment is minor. There being no objection, Chair Kinsey ruled that the Commission concurred.
8. **NEW APPEALS.**
 - a. **Appeal No. A-1-MEN-14-0072 (Chetelat & Tyson, Mendocino Co.)** Staff recommended that the Commission determine that the appeal raised no substantial issue.

Motion & vote: McClure moved to determine that **Appeal No. A-1-MEN-14-0072** raised no substantial issue on the grounds on which the appeal was filed and recommended a yes vote, seconded by Cox. Chair Kinsey ruled that the vote was unanimous in favor of the motion. **No substantial issue found.**

9. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 1-14-0773 (Chevron, Eureka)** 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.

[Howell out of room]

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

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

12. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. E-12-007 (BEACON, Goleta)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

[Howell returned]

- b. **Application No. 9-14-1781 (City of Santa Barbara)** Staff recommended approval with conditions.

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

13. **REVISED FINDINGS.**

- a. **CD-0003-14 (Navy, Coronado)** Staff recommended that the Commission adopt the revised findings.

Motion & vote: Cox moved to adopt the revised findings and recommended a yes vote, seconded by Vargas. Chair Kinsey ruled that the vote of the prevailing side (Cox, Howell, McClure, Mitchell, Turnbull-Sanders, Vargas, Kinsey) was unanimous in favor of the motion. **Approved.**

STATEWIDE

APPROVAL OF MINUTES. The minutes of August 12-15, 2014 were approved as written.

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

COMMISSIONERS' REPORTS. Information only.

CONSERVANCY REPORT. Information only.

SANTA MONICA MOUNTAINS CONSERVANCY REPORT. None.

SANTA MONICA BAY RESTORATION REPORT. None.

DEPUTY ATTORNEY GENERAL'S REPORT. Information only.

14. **FUTURE AGENDA ITEMS.** Information only.

The meeting of the California Coastal Commission adjourned at 12:30 p.m.

Respectfully submitted,

Charles Lester
Executive Director

