

CALIFORNIA COASTAL COMMISSION

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**W17**

DATE: October 12, 2016
TO: Coastal Commissioners
FROM: Jack Ainsworth, Acting Executive Director
SUBJECT: **DRAFT MINUTES** of MEETING of **MARCH 9-11, 2016**
Santa Monica Civic Auditorium – East Wing
1855 Main Street
Santa Monica, CA 90401

WEDNESDAY, MARCH 9, 2016

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, McClure, Mitchell, Shallenberger, Turnbull-Sanders. Vargas arrived at 9:30 a.m.; Uranga arrived at 10:00 a.m. Pector arrived at 2:30 p.m. Absent: Luevano. Non-voting present: April, Baker, Gibson
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.
 - 5.1. **Appointment of Acting Executive Director.** Commission discussion and potential action for appointment of Acting Executive Director to be in place until new Executive Director is hired.

Motion: Groom moved to appoint John Ainsworth as acting Executive Director and recommended a yes vote, seconded by Bochco.

Amending motion & vote: Uranga moved to appoint Ainsworth but require that he step down if he submits an application for the position of Executive Director and recommended a yes vote, seconded by Vargas. The roll call vote was five in favor (McClure, Mitchell, Turnbull-Sanders, Uranga, Vargas) and six opposed (Bochco, Cox, Groom, Howell, Shallenberger, Kinsey). **Motion failed.**

Vote on main motion: The roll call vote was 10 in favor (Bochco, Cox, Groom, Howell, McClure, Mitchell, Shallenberger, Turnbull-Sanders, Vargas, Kinsey) and one opposed (Uranga). **Approved.**

- 5.2. **Selection Process for Executive Director.** Consideration and Commission discussion regarding the selection process for a new Executive Director of the California Coastal Commission. **Discussion only.**

[Shallenberger departed; Pestor arrived.]

SAN DIEGO COAST DISTRICT

6. **CONSENT CALENDAR.** Staff recommended that the Commission approve the consent calendar with conditions. *(Howell out of the room for this item)*

Motion & vote: Turnbull-Sanders 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.**

- a. **Application No. 6-15-1983 (Pardee Homes, San Diego)**
- b. **Application No. (6-15-2098) Champion-Cain, San Diego)**

SAN DIEGO 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, Chair Kinsey ruled that the Commission concurred.

8. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved 2 items [10c, 10d] 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 Uranga. Chair Kinsey ruled that the vote was unanimous in favor of the motion. **Approved with conditions.**

9. **LOCAL COASTAL PROGRAMS (LCPs).**
- a. **City of Carlsbad LCP Amendment No. LCP-6-CAR-15-0034-2 (General Plan Update/LCP Map Revisions) Time Extension.** Staff recommended approval of the time extension.

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

- b. **City of San Diego LCP Amendment No. LCP-6-SAN-15-0035-4 (Part A/Affordable Housing Density Bonus).** [POSTPONED]
- c. **City of San Diego LCP Amendment No. LCP-6-SAN-15-0035-4 (Part B/Community Plan Implementation Revisions).** Staff recommended approval of the Implementation Plan as submitted.

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

[Howell returned]

- d. **City of San Diego LCP Amendment No. LCP-6-SAN-15-0035-4 (Part C/Solar Energy Systems Ordinance).** Staff recommended approval as submitted.

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

10. COASTAL PERMIT APPLICATIONS.

- a. **Application No. 6-10-018 (Brown, Encinitas)** [POSTPONED]
- b. **Application No. 6-14-0559 (Sonnie, Encinitas)** [POSTPONED]
- c. **Application No. 6-15-1186 (Encinitas Wastewater Improvements)** Moved by staff to the expanded consent calendar. **Approved with conditions.**
- d. **Application No. 6-15-1980 (City of Coronado, Glorietta Bay Marina and Boat Launch Improvements)** Moved by staff to the expanded consent calendar. **Approved with conditions.**
- e. **Application No. 6-16-0024 (California State Parks Silver Strand Fence Replacement, Coronado)** Staff recommended approval with conditions.

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

Amending motion & vote: Cox moved to allow a 2” x 6” mesh grid fence to be constructed of an 11-gauge wire or thicker with an anti-perching device atop the fence post and recommended a yes vote, seconded by Howell. The roll call vote was 10 in favor (Bochco, Cox, Howell, McClure, Mitchell, Pestor, Turnbull-Sanders, Uranga, Vargas, Kinsey) and one opposed (Groom). **Motion passed.**

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

- f. **Application No. 6-15-2092 (Caltrans I-5/San Elijo Lagoon Bridge Replacement).** Trailed until after item 11a.

11. **PUBLIC WORKS PLAN/NOTICE OF IMPENDING DEVELOPMENT.**

- a. **North Coast Corridor Public Works Plan Amendment No. PWP-6-NCC-16-0001-1.** Staff recommended approval as submitted.

Motion & vote: Cox moved to certify **Public Works Plan Amendment No. PWP-6-NCC-16-0001-1** as submitted and recommended a yes vote, seconded by Bochco. Chair Kinsey ruled that the vote was unanimous in favor of the motion. **Approved as submitted.**

- b. **North Coast Corridor Notice of Impending Development No. NCC-NOID-0005-15 (Interstate 5 Improvements at San Elijo Lagoon).** Staff recommended approval with conditions. Hearing combined with trailed item 10f.

Motion & vote: Cox moved to determine that the Notice of Impending Development was consistent with the certified public works plan and recommended a yes vote, seconded by Bochco. Chair Kinsey ruled that the vote was unanimous in favor of the motion. **Approved.**

- 10f. **Application No. 6-15-2092 (Caltrans I-5/San Elijo Lagoon Bridge Replacement).** Staff recommended approval with conditions. Hearing combined with item 11b.

Motion & vote: Cox 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.**

12. **REVISED FINDINGS.**

- a. **Application No. 6-15-0003 (Integral Communities, Imperial Beach)** Staff recommended approval of the revised findings.

Motion & vote: Cox moved to adopt the findings pursuant to the staff recommendation and recommended a yes vote, seconded by Bochco. The vote of the prevailing side was 10 in favor (Bochco, Cox, Groom, Howell, McClure, Mitchell, Turnbull-Sanders, Uranga, Vargas, Kinsey) and none opposed. **Approved.**

- b. **Application No. 6-15-0424 (SeaWorld Orca Enclosure Expansion, San Diego)**
[POSTPONED]

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 Kinsey ruled that the Commission concurred.
14. **CONSENT CALENDAR (removed from Regular Calendar).** None.
15. **LOCAL COASTAL PROGRAMS (LCPs)**
 - a. **Humboldt County LCP Amendment No. LCP-1-HUM-15-0004-1 (Samoa Town Plan Modifications).** 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 Bochco. Chair Kinsey ruled that the vote was unanimous in opposition to the motion. **Certification denied as submitted.**

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

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

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

ENERGY, OCEAN RESOURCES AND FEDERAL CONSISTENCY

16. **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.
17. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved one item [18a] 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 Groom. Chair Kinsey ruled that the vote was unanimous in favor of the motion. **Approved with conditions.**

18. **COASTAL PERMIT APPLICATIONS.**
 - a. **Application No. 9-15-0027 (Venoco, Inc., Goleta)** Moved by staff the to expanded consent calendar. **Approved with conditions.**

19. **FEDERAL CONSISTENCY.**
 - a. **CD-0004-15 (NOAA Restoration Center, Southern California)** Staff recommended that the Commission concur with the consistency determination.

Motion & vote: Groom moved to concur with consistency determination CD-0004-15 and recommended a yes vote, seconded by Bochco. Chair Kinsey ruled that the vote was unanimous in favor of the motion. **Approved.**

STATEWIDE

20. **APPROVAL OF MINUTES.** The minutes of April 2015 were approved as written.

Motion & vote: Bochco moved to approve the minutes of April 15-17, 2015 as written and recommended a yes vote, seconded by McClure. Chair Kinsey 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.** None.
24. **SANTA MONICA BAY RESTORATION REPORT.** None.
25. **DEPUTY ATTORNEY GENERAL'S REPORT.** None.
26. **LEGISLATIVE REPORT.** Information only, discussion continued to Thursday.

THURSDAY, MARCH 10, 2016

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, McClure, Mitchell, Pestor, Turnbull-Sanders, Uranga. Vargas arrived at 9:35 a.m. Absent: Luevano. Non-voting present: April, Baker, Gibson.
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. 5-15-0840 (Deen, Huntington 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 Mitchell. Chair Kinsey ruled that the vote was unanimous in favor of the motion. **Approved with conditions.**

- a. **Application No. 5-15-0814 (Public Works Dept., Huntington Beach)**
- b. **Application No. 5-15-1367 (Bapu Development, LLC, Newport Beach)**
[POSTPONED]
- c. **Application No. 5-15-1471 (Stewart, Newport Beach)**
- d. **Application No. 5-15-1565 (Spencer, San Clemente)**
- e. **Application No. 5-15-1719 (Wardy, Newport Beach)**
- f. **Application No. 5-15-1732 (Lawler, Newport Beach)**
- g. **Application No. 5-15-1979 (Haugen, San Clemente)**

ENFORCEMENT

7. **ENFORCEMENT REPORT.** Report by Chief of Enforcement on Statewide Enforcement Program. [POSTPONED]

[Items Th8 and Th9 were trailed and heard after Item 13a]

[Vargas out of the room]

8. **Commission Consent Cease and Desist Order No. CCC-16-CD-01 (Isaacson, 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 No. CCC-16-CD-01** 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.**

9. **Commission Consent Restoration Order No. CCC-16-RO-01 (Isaacson, Santa Monica Mountains, Los Angeles Co.)** Staff recommended that the Commission issue the Restoration order.

Motion & vote: Bochco moved to issue **Restoration order No. CCC-16-RO-01** 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.**

[Vargas returned.]

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 [13c] to the expanded consent calendar and recommended approval with conditions.

Chair Kinsey ruled that the Commission unanimously approved the consent calendar.
12. **LOCAL COASTAL PROGRAMS (LCPs).**
 - a. **City of Newport Beach Coastal Land Use Plan (LUP) Amendment No. LCP-5-NPB-14-0831-3 (Lido House Hotel). Certification Review.** Staff recommended concurrence with Executive Director's determination that action of City of Newport is legally adequate. There being no objection, Chair Kinsey ruled that the Commission concurred.
 - b. **City of Newport Beach LCP Implementation Plan No. LCP-5-NPB-15-0039-1. Time Extension.** Staff recommended approval of the time extension.

Commissioner Pestor recused himself.

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

13. COASTAL PERMIT APPLICATIONS.

- a. **Application No. 5-15-1459 (Newport Harbor Yacht Club, Newport Beach)** Staff recommended approval with special conditions. Staff orally modified its recommendation.

Motion & vote: Groom 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.**

- b. **Application No. 5-15-1946 (Smith Family Trust, San Clemente)** [POSTPONED]
- c. **Application No. 5-15-2056 (City of San Clemente Beach Sand Replenishment Program)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

NORTH CENTRAL COAST DISTRICT

[Howell departed]

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 one item [16a] 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.**

16. COASTAL PERMIT APPLICATIONS.

- a. **Application No. 2-15-1354 (Caltrans, Marin and Sonoma Counties)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

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).** None

19. **NEW APPEALS.**

- a. **Appeal No. A-3-SLO-15-0001 (Loperena, San Luis Obispo Co.)** Staff recommended that the Commission determine that **Appeal No. A-3-SLO-15-0001** raised substantial issue on the grounds that the appeal was filed. There being no objection, Chair Kinsey ruled that the Commission **found substantial issue** and continued the matter to a future hearing.

20. **REVISED FINDINGS.**

- a. **A-3-PSB-14-0057 (Silver Shoals Subdivision, San Luis Obispo Co.)** Staff recommended approval of the revised findings.

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

SOUTH COAST DISTRICT (LOS ANGELES COUNTY)

21. **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.

22. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved one item [25a] to the expanded consent calendar and recommended approval with conditions.

Motion & vote: Uranga 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.**

23. **LOCAL COASTAL PROGRAM.**

- a. **City of Long Beach LCP Amendment No. LCP-5-LOB-16-0004-1 (Adaptive Reuse Ordinance).** Staff recommended concurrence with Executive Director's determination that the City of Long Beach's request to amend the Implementing Ordinances (LIP) portion of the certified Local Coastal Program to facilitate adaptive reuse of buildings is a minor amendment.

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

Report on Closed Session. The Commission received litigation information and advice regarding:

Hansen v. CCC (Silver Shoals Investors LLC, RPI)
SeaWorld LLC v. CCC.

The Commission received litigation information and advice and provided direction regarding:

Grassroots Coalition v. CCC (Lester et al., RPI)
One matter of potential litigation.

24. **NEW APPEALS.**

- a. **Appeal No. A-5-RPV-15-0051 (Rancho Palos Verdes Parking)** Staff recommended that the Commission determine that **Appeal No. A-5-RPV-15-0051** raised substantial issue on the grounds that the appeal was filed. 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: Bochco moved to approve pursuant to the staff recommendation and recommended a yes vote, seconded by Vargas. Chair Kinsey ruled that the vote was unanimous in favor of the motion. **Approved with conditions.**

25. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 5-15-1393 (Los Cerritos Wetlands Authority, Long Beach)**
Moved by staff to the expanded consent calendar. **Approved with conditions.**
- b. **Application No. 5-15-1427 (California Department of Fish and Wildlife, Ballona Wetlands Ecological Reserve, Playa del Rey, Los Angeles)** Staff recommended approval with conditions.

Motion & vote: Bochco moved to approve pursuant to the staff recommendation and recommended a yes vote, seconded by McClure. The roll call vote was 6 in favor (Bochco, Groom, McClure, Mitchell, Pestor, Kinsey) and 4 opposed (Cox, Turnbull-Sanders, Uranga, Vargas). **Approved with conditions.**

- c. **Application No. 5-16-0095 (Bolkin, Los Angeles)** Staff recommended approval with conditions.

Motion & vote: Groom 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.**

Motion & vote: Groom moved to reduce the after-the-fact fee from 5 times to 2 times and recommended a yes vote, seconded by Cox. The roll call vote was 8 in favor (Bochco, Cox, Groom, McClure, Mitchell, Turnbull-Sanders, Uranga, Kinsey) and 2 opposed (Pestor, Vargas). **Approved.**

LEGISLATIVE REPORT. (Continued from Wednesday.) Discussion only.

The Commission recessed for the day at 5:45 p.m.

FRIDAY, MARCH 11, 2016

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, McClure Pestor, Turnbull-Sanders, Uranga. Vargas arrived at 9:05 a.m. Absent: Luevano, Mitchell. Non-voting present: April, Baker, Gibson.
3. **AGENDA CHANGES.**
4. **GENERAL PUBLIC COMMENT.** Members of the public addressed the Commission on various issues affecting the coast.

SOUTH CENTRAL 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).** None.
7. **LOCAL COASTAL PROGRAM.**
 - a. **Santa Barbara County LCP Amendment No. LCP-4-STB-14-0835-2-Part B (General Package 2013 Amendment).** Staff recommended approval of the Implementation Plan if modified as suggested.

Motion & vote: Bochco moved to reject the Implementation Plan as submitted 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. **Certification denied as submitted.**

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

- b. **Santa Barbara County LCP Amendment No. LCP- 4-STB-14-0836-2-Part C (Summerland Community Plan Update).** Staff recommended approval with modifications. [*Vargas out of room on the vote*]

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

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

Motion & vote: Cox moved to reject the Implementation Plan as submitted and recommended a yes vote, seconded by Bochco. Chair Kinsey 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 by staff and recommended a yes vote, seconded by Bochco. Chair Kinsey ruled that the vote was unanimous in favor of the motion. **Approved with modifications.**

[Vargas returned]

8. **NEW APPEAL.**

- a. **Appeal No. A-4-MAL-13-030 (Santa Monica-Malibu Unified School District, Malibu) [POSTPONED]**
- b. **Appeal No. A-4-VNT-15-0034 (Sandefer, Ventura)** Staff recommended that the Commission determine that **Appeal No. A-4-VNT-15-0034** 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 and opened the de novo hearing. Staff recommended approval with conditions. Staff orally modified recommended special condition 2(A) to apply only to the applicant's property.

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

- c. **Appeal No. A-4-STB-14-016 (Carr, Santa Barbara Co.)** Staff recommended approval with conditions.

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

Amending motion: Vargas moved to add conditions as requested by the applicant, but without the requested special condition regarding removal of the cabana if it is damaged, and recommended a yes vote, seconded by Howell.

Amending motion & vote: Cox moved modify the amending motion to include the applicant's proposed special condition regarding removal of the cabana if it is damaged and recommended a yes vote, seconded by Howell. The roll call vote was 7 in favor (Bochco, Cox, Howell, McClure, Turnbull-Sanders, Uranga, Vargas) and 3 opposed (Groom, Pector, Kinsey). **Motion passed.**

Vote on the amending motion as modified: The roll call vote was 5 in favor (Cox, Howell, McClure, Uranga, Vargas) and 5 opposed (Bochco, Groom, Pector, Turnbull-Sanders, Kinsey). **Motion failed.**

Amending motion & vote: Kinsey moved to add the conditions as requested by the applicant, including the special condition regarding removal of the cabana if it is damage, and recommended a yes vote, seconded by Bochco. The roll call vote was 6 in favor (Howell, McClure, Uranga, Vargas, Cox, Kinsey) and 4 opposed (Groom, Pector, Turnbull-Sanders, Bochco). **Motion passed.**

Vote on main motion: The roll call vote was 6 in favor (Bochco, Cox, Howell, McClure, Turnbull-Sanders, Uranga, Vargas) and 4 opposed (Pector, Turnbull-Sanders, Bochco, Groom). **Approved with conditions as amended.**

9. **PERMIT AMENDMENTS.**

a. **Permit No. 4-04-077-A6 (Rancho Mar LLC, Los Angeles Co.) [POSTPONED]**

There being no old or new business, the meeting of the California Coastal Commission adjourned at 2:05 p.m.

Respectfully submitted,

John Ainsworth
Acting Executive Director

Approved as written on _____

Steve Kinsey
Chairman