

**CALIFORNIA COASTAL COMMISSION**

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**W17a**

**DATE:** October 12, 2016  
**TO:** Coastal Commissioners  
**FROM:** Jack Ainsworth, Acting Executive Director  
**SUBJECT:** **DRAFT MINUTES of MEETING of SEPTEMBER 7-9, 2016**  
Newport Beach Civic Center Council Chambers  
100 Civic Center Drive  
Newport Beach, CA 92660

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**WEDNESDAY, SEPTEMBER 7, 2016**

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 Bochco, Cox, Groom, Howell, Luevano, McClure, Shallenberger, Uranga. Vargas arrived at 9:03 a.m., Turnbull-Sanders arrived at 10:30 a.m. Absent: Mitchell.
3. **AGENDA CHANGES.**
4. **GENERAL PUBLIC COMMENT.** Members of the public addressed the Commission on various issues affecting the coast.
5. **CHAIR'S REPORT.** Trailed to Friday.

**STATEWIDE**

6. **ACTING EXECUTIVE DIRECTOR'S REPORT.**
  - a. **Executive Director's Report.** Information only.
  - b. **Legislative Report.** Information only.
7. **STATUS REPORT ON EXECUTIVE DIRECTOR SEARCH PROCESS.** Information only. Trailed to Friday.

## **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. 5-15-1789 (Orange County Parks)**
  - b. **Application No. 5-16-0139 (Residential Holdings, LLC, Newport Beach)**
  - c. **Application No. 5-16-0264 (Quijada, Huntington Beach)**
  - d. **Application No. 5-16-0535 (Whitcher, Newport Beach)**

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

**Motion & vote:** Bochco 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.**

- a. **Application No. 5-16-0074 (J, Cubed Properties, LLC, Newport Beach)**
- b. **Application No. 5-16-0336 (Davis, Newport Beach)**

## **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 [14b] 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 Shallenberger. Chair Kinsey ruled that the vote was unanimous in favor of the motion. **Approved with conditions.**

12. **NEW APPEALS.**

- a. **Appeal No. A-5-LGB-16-0075 (Montage Laguna Beach, Laguna Beach)**  
**[POSTPONED]**

13. **PERMIT AMENDMENTS.**

- a. **Permit No. 5-13-039-A1 (Capistrano Shores, Inc., San Clemente)** **[POSTPONED]**

14. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 5-13-1231 (Khalil, 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 Shallenberger. Chair Kinsey ruled that the vote was unanimous in favor of the motion. **Approved with conditions.**

- b. **Application No. 5-15-1751(Orange County Parks, Newport Beach)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

- c. **Application No. 5-16-0203 (South La Senda Trust #109, Laguna Beach)**  
**[POSTPONED]**

*[Kinsey departed]*

**Report on Closed Session.** The Commission met in closed session to discuss significant exposure to litigation related to the Newport Banning Ranch project. The Commission did not take any action.

- d. **Application No. 5-15-2097 (Newport Banning Ranch, LLC, Newport Beach)** Staff recommended approval with conditions.

**Motion & vote:** Shallenberger moved to approve pursuant to the staff recommendation and recommended a no vote, seconded by Vargas. The roll call vote was 1 in favor (Uranga) and 9 opposed (Cox, Groom, Howell, Luevano, McClure, Shallenberger, Turnbull-Sanders, Vargas, Bochco) **Denied.**

**STATEWIDE (TRAILED TO FRIDAY)**

## THURSDAY, SEPTEMBER 8, 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, Luevano, McClure, Mitchell, Shallenberger, Turnbull-Sanders, Uranga. Vargas arrived at 9:30 p.m. Non-voting present: April, Gibson.
3. **AGENDA CHANGES.**
4. **GENERAL PUBLIC COMMENT.** Members of the public addressed the Commission on various issues affecting the coast.

### SOUTH COAST DISTRICT (LOS ANGELES COUNTY)

5. **CONSENT CALENDAR.** Staff recommended 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 Luevano. Chair Kinsey ruled that the vote was unanimous in favor of the motion. **Approved with conditions.**

- a. **Application No. 5-16-0341 (Dogan, Hermosa Beach)**
- b. **Application No. 5-16-0503 (58 The Strand LLC, Hermosa Beach)**

### ENFORCEMENT

6. **ENFORCEMENT REPORT.** None.

### 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).** None.

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

- a. **City of Carlsbad LCP Amendment No. LCP-6-CAR-16-0015-2 Part A (Westin Hotel and Timeshare) Certification Review.** Staff recommended concurrence with the Executive Director's determination that the action by the City of Carlsbad accepting certification with suggested modifications of **LCP Amendment No. LCP-6-CAR-16-0015-2 Part A** is legally adequate. There being no objection, Chair Kinsey ruled that the Commission concurred.
- b. **City of San Diego LCP Amendment No. LCP-6-SAN-16-0027-4 (10<sup>th</sup> Update LDC).** Staff recommended approval with modifications.

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

**Motion & vote:** Cox moved to certify the Implementation Plan if modified as suggested 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. **Approve with modifications.**

- c. **Port of San Diego Master Plan Amendment No. 6-PSD-16-0001-1 (Shelter Island Boat Launch Facility Improvements) Certification review.** Staff recommended adoption.

**Motion & vote:** Cox moved to accept the adoption of the Port Master Plan Amendment No. 6- PSD-16-0001-1 and recommended a yes vote, seconded by Bochco. Chair Kinsey ruled that the vote was unanimous in favor of the motion. **Approved.**

10. **REVISED FINDINGS.**

- a. **Application No. 6-96-102-A2 (Solana Beach and Tennis Club HOA, Solana Beach) [POSTPONED]**

**SOUTH COAST DISTRICT (LOS ANGELES COUNTY)**

- 11. **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.

12. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved one item [15a] 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 Shallenberger. Chair Kinsey ruled that the vote was unanimous in favor of the motion. **Approved with conditions.**

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

- a. **City of Redondo Beach LCP Amendment No. 1-16 (LCP-5-RDB-16-0021-1). Time Extension.** Staff recommended approval.

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

14. **NEW APPEALS.**

- a. **Appeal No. A-5-VEN-16-0072 (Chavez, Venice, Los Angeles)** Staff recommended that the Commission determine that **Appeal No. A-5-VEN-16-0072** raised no substantial issue on the grounds on which the appeal was filed.

**Motion & vote:** Bochco moved to determine that **Appeal No. A-5-VEN-16-0072** raised no substantial issue on the grounds on which the appeal was filed and recommended a yes vote, seconded by Turnbull-Sanders. Chair Kinsey ruled that the vote was unanimous in favor of the motion. **No substantial issue found.**

15. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 5-16-0478 (Whaler, LLC, Los Angeles)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

## **SOUTH CENTRAL COAST DISTRICT**

16. **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.

17. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved one item [19c] to the expanded consent calendar.

**Motion & vote:** Shallenberger 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.**

18. **LOCAL COASTAL PROGRAM (LCPs).**

- a. **City of Carpinteria LCP Amendment No. LCP-4-CPN-14-0832-1-Part B (Housing Ordinance). Certification Review.** Staff recommended concurrence with Executive Director's determination that action by the City of Carpinteria, acknowledging receipt, acceptance, and agreement with the Commission's certification with suggested modifications, is legally adequate. There being no objection, Chair Kinsey ruled that the Commission concurred.
- b. **County of Santa Barbara LCP Amendment No. LCP-4-STB-14-0835-2-PART B (General Package). Certification Review.** Concurrence with Executive Director's determination that action by the County of Santa Barbara, acknowledging receipt, acceptance, and agreement with the Commission's certification with one suggested modification, is legally adequate. There being no objection, Chair Kinsey ruled that the Commission concurred.
- c. **County of Ventura LCP Amendment No. LCP-4-VNT-16-0033-1 (Phase II A Update). Time Extension.** Staff recommended approval.

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

- d. **County of Santa Barbara Minor LCP Amendment No. LCP-4-STB-16-00341 (Montecito Architectural Guidelines and Development Standards Update).** There being no objection to the update, Chair Kinsey ruled that the Commission concurred.

19. **COASTAL PERMIT APPLICATIONS.**

- a. **Appeal No. A-4-STB-14-0060 (Schlesinger, Santa Barbara Co.)** Staff recommended denial.

**Motion & vote:** Bochco moved to approve pursuant to the staff recommendation and recommended a no vote, seconded by Shallenberger. Chair Kinsey ruled that the vote was unanimous in opposition to the motion. **Denied.**

- b. **Appeal No. A-4-STB-14-0073 (CTS Properties, Santa Barbara Co.)** Staff recommended denial.

**Motion & vote:** Howell moved to approve 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. **Denied.**

- c. **Application No. 4-16-0333 (Ventura Port District)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

## **REPORT ON CLOSED SESSION.**

The Commission received litigation information and advice on the following matters:

*Capistrano Shores Property LLC et al. v. CCC*  
*Friends of the Canyon v. CCC (Longi et al., RPI)*  
*Fudge v. CCC et al (Laguna Beach Golf & Bungalow Village LLC, RPI)*  
*Hansen v. CCC (Silver Shoals Investors LLC, RPI)*  
*Lindstrom v. CCC*  
*Pappas et al. v. State of California et al.*

The Commission received litigation information and advice and provided direction on the following matters:

*416 Grand Blvd., LLC et al. v. CCC*  
*Grassroots Coalition v. CCC (Lester et al., RPI)*  
*Spotlight on Coastal Corruption v. Kinsey et al.*  
One matter of potential litigation.

## **SOUTH COAST DISTRICT (ORANGE COUNTY)**

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

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

*[Mitchell & McClure out of room]*

- a. **City of Huntington Beach LCP Amendment No. 1-16 (LCP-5-HNB-16-0031-1). Sunset Beach Specific Plan. Time Extension.** Staff recommended approval.

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

*[Mitchell & McClure returned]*

- b. **City of Dana Point LCP Amendment No. LCP-5-DPT-16-0035-1 (Town Center Plan).** Staff recommended concurrence. There being no objection, Chair Kinsey ruled that the Commission concurred.
- c. **City of Newport Beach LCP-5-NPB-15-0039-1 (Implementation Plan).** Staff recommended denial as submitted and approval with modifications. Staff orally modified some of the suggested modifications.



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

**Motion:** Cox moved to certify the Implementation Plan if modified as suggested pursuant to the staff recommendation and recommended a yes vote, seconded by Shallenberger.

**Amending motion & vote:** Cox moved to codify the beach hours from 6 a.m. to 10 p.m. and recommended a yes vote, seconded by Uranga. The roll call vote was 10 in favor (Bochco, Cox, Groom, Luevano, McClure, Mitchell, Shallenberger, Uranga, Vargas, Kinsey) and 2 opposed (Howell, Turnbull-Sanders). **Passed.**

**Amending motion & vote:** Cox moved to remove the phrase “not more than 25 ft. from the bluff edge” in concurrence with the request from the City of Newport Beach and recommended a yes vote, seconded by Uranga. The roll call vote was 6 in favor (Cox, Howell, McClure, Mitchell, Uranga, Vargas) and 6 opposed (Groom, Luevano, Shallenberger, Turnbull-Sanders, Bochco, Kinsey). **Failed.**

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

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

## FRIDAY, SEPTEMBER 9, 2016

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 Bochco, Cox, Groom, Luevano, Mitchell, Shallenberger, Turnbull-Sanders, Uranga. Howell, McClure, Vargas arrived at 9:10 a.m. Non-voting present: April, Gibson
3. **AGENDA CHANGES.**
4. **GENERAL PUBLIC COMMENT.** Members of the public address the Commission on various issues affecting the coast.

### STATEWIDE

5. **EXECUTIVE DIRECTOR SEARCH PROCESS.** Discussion only.

### NORTH COAST DISTRICT

*[Mitchell out of room.]*

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 [9a] 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 McClure. Chair Kinsey ruled that the vote was unanimous in favor of the motion. **Approved with conditions.**

8. **COASTAL PERMIT APPLICATIONS.**
  - a. **Application No. 1-16-0122 (City of Arcata) [POSTPONED]**
9. **PERMIT AMENDMENTS.**
  - a. **Permit No. 1-15-0277-A1 (Mercer Fraser, Humboldt Co.)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

## ENERGY, OCEAN RESOURCES AND FEDERAL CONSISTENCY

*[Mitchell recused from Deputy Director report.]*

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.
  - a. **Proposal to Upgrade Mandalay Generating Station.** Staff recommended adoption of report.

*[Mitchell returned.]*

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

11. **CONSENT CALENDAR (removed from Regular Calendar).** None.
12. **NEW APPEALS.**
  - a. **Appeal No. A-5-HNB-10-225 (Poseidon Water, Huntington Beach) [POSTPONED]**
13. **COASTAL PERMIT APPLICATIONS.**
  - a. **Application No. 9-15-1361 (Poseidon Water, Huntington Beach) [POSTPONED]**

## NORTH CENTRAL COAST DISTRICT

*[Howell and Shallenberger 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).** None.
16. **LOCAL COASTAL PROGRAMS (LCPs).**

*[Cox and Vargas out of the room]*

  - a. **Sonoma County LCP Amendment No. LCP-2-SON-15-0025-1 Part C (Carrington Ranch Zoning).** Staff recommended approval as submitted.

**Motion & vote:** Groom moved to certify the Land Use Plan 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.**

**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. **Approved as submitted.**

## **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-SCO-16-0070 (Graves/Pohlmann, Santa Cruz Co.) [POSTPONED]**
20. **COASTAL PERMIT APPLICATIONS.**
  - a. **Application No. A-3-SLO-09-058 (DeCicco, San Luis Obispo) [POSTPONED]**
  - b. **Application No. A-3-CML-16-0057 (Henderson, Carmel-by-the-Sea) [WITHDRAWN]**

## **STATEWIDE** (Trailed from Wednesday.)

15. **APPROVAL OF MINUTES.** None.
16. **COMMISSIONERS' REPORTS.** No action taken.
17. **CONSERVANCY REPORT.** None.
18. **SANTA MONICA MOUNTAINS CONSERVANCY REPORT.** None.
19. **SANTA MONICA BAY RESTORATION REPORT.** None.
20. **DEPUTY ATTORNEY GENERAL'S REPORT.** None.

There being no old or new business, the meeting of the California Coastal Commission adjourned at 11:45 a.m.

Respectfully submitted,

John Ainsworth  
Acting Executive Director

Approved as submitted on 11/2/2017

Steve Kinsey  
Chairman