

CALIFORNIA COASTAL COMMISSION

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**W17b**

DATE: October 12, 2016
TO: Coastal Commissioners
FROM: Jack Ainsworth, Acting Executive Director
SUBJECT: **DRAFT MINUTES** of MEETING of **OCTOBER 5-6, 2016**
Ukiah Valley Conference Center
200 South School Street
Ukiah, CA 95482

WEDNESDAY, OCTOBER 5, 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, Morales (alternate), Luevano, McClure, Pestor (alternate), Turnbull-Sanders, Vargas. Absent: Cox, Howell, Mitchell, Uranga.

Non-voting present: April, Gibson. Absent: Baker.
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. **ACTING EXECUTIVE DIRECTOR'S REPORT.**
 - a. **Executive Director's Report.** Information only.
 - b. **Legislative Report.** Information only.
 - c. **Public Access Program.** Information only.
7. **EXECUTIVE DIRECTOR SEARCH PROCESS.** Discussion only.

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.
9. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved one item [10a] to the expanded consent calendar and recommended approval with conditions.

Motion & vote: McClure 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.**

10. **COASTAL PERMIT APPLICATIONS.**
 - a. **Application No. 9-16-0379 (Pacific Gas and Electric, Humboldt Co.)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

NORTH 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 3 items [14a, 14c, 15a] to the expanded consent calendar and recommended approval with conditions.

Motion & vote: McClure 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.**

13. **LOCAL COASTAL PROGRAMS (LCPs)**
 - a. **County of Mendocino LCP Amendment No. LCP-1-MEN-14-0840-1 (Mendocino Town Plan Update)** Discussion only. No action taken.
14. **COASTAL PERMIT APPLICATIONS.**
 - a. **Application No. 1-16-0122 (City of Arcata)** Moved by staff to the expanded consent calendar. **Approved with conditions.**
 - b. **Application No. 1-16-0278 (Noyo Harbor District, Mendocino Co.)** [POSTPONED]

- c. **Application No. 1-16-0491 (City of Crescent City Park Improvements)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

15. **PERMIT AMENDMENTS.**

- a. **Permit No. 1-12-013-A1 (Wilson, Humboldt Co.)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

ENFORCEMENT

16. **ENFORCEMENT REPORT.** Report by Chief of Enforcement on Statewide Enforcement program. Information only.

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).** Staff moved one item [20a] 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 McClure. The roll call vote was 7 in favor (Bochco, Luevano, McClure, Pestor, Turnbull-Sanders, Vargas, Kinsey) and one opposed (Morales). **Approved with conditions.**

19. **NEW APPEALS.**

- a. **Appeal No. A-3-SCO-16-0070 (Graves/Pohlmann, Santa Cruz Co).** Staff recommended that the Commission determine that **Appeal No. A-3-SCO-16-0070** raised no substantial issue on the grounds on which the appeal was filed.

Motion & vote: Luevano moved to determine that **Appeal No. A-3-SCO-16-0070** 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.**

[Turnbull Sanders out of room]

- b. **Appeal No. A-3-SLO-16-0080 (1736PAC, LLC Vacation Rental, San Luis Obispo Co.)** Staff recommended that the Commission determine that **Appeal No. A-3-SLO-16-0080** raised no substantial issue on the grounds on which the appeal was filed.

Motion & vote: Bochco moved to determine that **Appeal No. A-3-SLO-16-0080** raised no substantial issue on the grounds on which the appeal was filed and recommended a yes vote, seconded by McClure. The roll call vote was 6 in favor (Bochco, Luevano, McClure, Pestor, Vargas, Kinsey) and one opposed (Morales). **No substantial issue found.**

20. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 3-16-0572 (Monterey Bay Aquarium Education Bldg., Monterey)**
Moved by staff to the expanded consent calendar. **Approved with conditions.**

NORTH 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).** None.

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

- a. **Sonoma County LCP Amendment No. LCP 2-SON-16-0007-1 Part B (Coastal Zoning and Land Use Plan Changes).** Staff recommended approval as submitted.

Motion & vote: Pestor 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: Pestor 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.**

[Turnbull-Sanders returned]

STATEWIDE

24. **APPROVAL OF MINUTES.** None.
25. **COMMISSIONERS' REPORTS.** Information only.
26. **CONSERVANCY REPORT.** Information only.
27. **SANTA MONICA MOUNTAINS CONSERVANCY REPORT.** None.
28. **SANTA MONICA BAY RESTORATION REPORT.** None.
29. **DEPUTY ATTORNEY GENERAL'S REPORT.** Information only.

The meeting of the California Coastal Commission recessed at 5:05 p.m.

THURSDAY, OCTOBER 6, 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, Morales (alternate), Orr (alternate), McClure, Pestor (alternate), Turnbull-Sanders; Vargas arrived at 9:35 a.m.. Absent: Cox, Howell, Mitchell, Uranga.

Non-voting present: April, Gibson. Absent: Baker.
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. **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. 5-15-1705 (Powell, Long Beach)**
 - b. **Application No. 5-16-0441 (Dugan, Long Beach)**
 - c. **Application No. 5-16-0630 (Catalina Express, Long Beach)**
6. **CONSENT CALENDAR.**
 - a. **Application No. 5-16-0066 (Hospitality Industry Management Group, Santa Monica)** Staff recommended approval of the consent calendar.

Motion & vote: McClure 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.**

SOUTH CENTRAL COAST DISTRICT

7. **CONSENT CALENDAR.**
 - a. **University of California Santa Barbara Notice of Impending Development No. UCS-NOID-0007-16 (Building 382/Aquatics Trailer Demolition Project)** Staff recommended approval of the consent calendar.

Motion & vote: Pestor 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.**

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. 5-16-0442 (Huberman, Newport Beach)**
- b. **Application No. 5-16-0443 (Sandberg, Newport Beach)**
- c. **Application No. 5-16-0725 (Pennington, Seal Beach)**

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

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

- a. **Application No. 5-15-1647 (Avila, San Clemente)**
- b. **Application No. 5-16-0243 (Mariman, Newport Beach)**
- c. **Application No. 5-16-0321 (Aronoff, Newport Beach)**
- d. **Application No. 5-16-0419 (von Blasingame, Sunset 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).** None.

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

- a. **City of Newport Beach LCP Amendment No. 1-16 (LCP-5-NPB-16-0039-1, Lido House Hotel). Time Extension.** Staff recommended approval of the time extension.

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

SAN DIEGO 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 the Commission concurred.
14. **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 Orr. Chair Kinsey ruled that the vote was unanimous in favor of the motion. **Approved with conditions.**

[Vargas arrived]

15. **LOCAL COASTAL PROGRAMS (LCPs).**
- a. **City of San Diego LCP Amendment No. LCP-6-SAN-16-0043-3 (9th Update – Previously Conforming Development Resubmittal)** Staff recommended the Commission approve the amendment as submitted.

Motion & vote: Bochco moved to reject the Implementation Plan as submitted and recommended a no vote, seconded by McClure. The roll call vote was 2 in favor (Pestor, Kinsey) and 6 opposed (Bochco, Morales, Orr, McClure, Turnbull-Sanders, Vargas). **Approved as submitted.**

- b. **City of Oceanside LCP Amendment No. LCP-6-OCN-15-0043-5 (Emergency Shelters, Inclusionary Housing, Reasonable Accommodations) Time Extension.** Staff recommended approval of the time extension.

Motion & vote: Orr moved to grant the time extension 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. 6-16-0498 (Van Arsdale, San Diego Co.)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

SOUTH COAST DISTRICT (LOS ANGELES COUNTY)

17. **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.
18. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved 2 items [20a, 20b] 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 McClure. Chair Kinsey ruled that the vote was unanimous in favor of the motion. **Approved with conditions.**

19. **NEW APPEALS.**

- a. **Appeal No. A-5-MNB-16-0077 (City of Manhattan Beach) [POSTPONED]**
- b. **Appeal No. A-5-PPL-16-0079 (M&A Gabae, LP., Pacific Palisades)** Staff recommended that the Commission determine that the appeal raised no substantial issue.

Motion & vote: Bochco moved to determine that Appeal No. A-5-PPL-16-0079 raised no substantial issue on the grounds on which the appeal was filed and recommended a yes vote, seconded by Orr. Chair Kinsey ruled that the vote was unanimous in favor of the motion. **No substantial issue found.**

- c. **Appeal No. A-5-VEN-16-0081 (Marciano, Venice, Los Angeles) [POSTPONED]**

20. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 5-16-0096 (Samy & Hedy Kamienowicz Living Trust, Venice, Los Angeles)** Moved by staff to the expanded consent calendar. **Approved with conditions.**
- b. **Application No. 5-16-0632 (City of Santa Monica)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

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 2 items [24a, 24b] 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 Orr. Chair Kinsey ruled that the vote was unanimous in favor of the motion. **Approved with conditions.**

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

- a. **City of Carpinteria LCP Amendment No. LCP-4-CPN-16-0024-1 (Short-Term Rental Ordinance) Time Extension.** Staff recommended approval of the time extension.

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

- b. **County of Santa Barbara LCP Amendment No. LCP-4-STB-16-0038-2 (2016 General Package) Time Extension.** Staff recommended approval of the time extension.

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

24. **NOTICE OF IMPENDING DEVELOPMENT.**

- a. **Pepperdine University Notice of Impending Development No. PEP-NOID-0005-16 (Student Housing Rehabilitation, Outer Precinct).** Moved by staff to the expanded consent calendar. **Approved with conditions.**

- b. **UCSB Notice of Impending Development No. UCS-NOID-0003-16 (Main Campus Infrastructure Renewal Phase 1C Project).** Moved by staff to the expanded consent calendar. **Approved with conditions.**

25. **PUBLIC WORKS PLAN.**

- a. **Channel Islands Harbor Public Works Plan Amendment No. PWP-4-CIH-16-0004-1. Certification Review.** Concurrence with the Executive Director's determination that action by the Ventura County Board of Supervisors, 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.

26. **NEW APPEAL.**

- a. **Appeal No. A-4-STB-16-0078 (Hair, Santa Barbara Co.)** Staff recommended that the Commission determine that the appeal raised substantial issue on the grounds on which the appeal was filed.

Motion & vote: Bochco moved to determine that **Appeal No. A-4-STB-16-0078** raised no substantial issue on the grounds on which the appeal was filed and recommended a no vote, seconded by McClure. Chair Kinsey ruled that the vote was unanimous in opposition to the motion. **Substantial Issue found.**

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

Capistrano Shores Property LLC v. CCC
City of Dana Point v. CCC (Dana Point Headlands LLC, RPI)
Friends of the Canyon v. CCC (Longi et al., RPI)
Grassroots Coalition v. CCC (Lester et al., RPI)
Hair v. County of Santa Barbara (Coastal Commission, RPI)
Hansen v. CCC (Silver Shoals Investors LLC, RPI)
Surfrider v. City of Dana Point
Barth v. CCC
One matter of potential litigation.

There being no old or new business, the meeting of the California Coastal Commission adjourned at 11:49 a.m.

Respectfully submitted,

John Ainsworth