

CALIFORNIA COASTAL COMMISSION

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**W11**

DATE: January 26, 2016
TO: Coastal Commissioners
FROM: Charles Lester, Executive Director
SUBJECT: **DRAFT MINUTES of MEETING of APRIL 15-17, 2015**
Marin County Board of Supervisors Chambers
3501 Civic Center Drive, Suite 329
San Rafael, CA 94903

WEDNESDAY, APRIL 15, 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, Bochco, Cox, Howell, McClure, Mitchell, Shallenberger, Turnbull-Sanders, Uranga, Vargas, Bowman(alternate). Groom arrived during the lunch break. Non-voting: Beland, Jones, Newsom.
3. **AGENDA CHANGES.**
4. **GENERAL PUBLIC COMMENT.** Members of the public addressed the Commission on various issues affecting the coast.
5. **CHAIR'S REPORT.** None.

STATEWIDE

6. **EXECUTIVE DIRECTOR'S REPORT.**
 - a. **Director's Report.** Information only.
 - b. **Legislative Report.** Information only.
 - c. **Public Education Grants**

Motion & vote: Bochco moved to approve 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.**

- d. **Public Education Program Annual Update.** Information only.

SOUTH COAST DISTRICT (ORANGE 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. 5-14-1395 (Haskett, Huntington Beach)**

ENFORCEMENT

- 8. **ENFORCEMENT REPORT.** None.
- 9. **Commission Cease & Desist Order No. CCC-15-CD-02 (The Conan Hayes Revocable Living Trust, Santa Monica Mountains, Los Angeles Co.)** Staff recommended that the Commission issue **Cease & Desist Order No. CCC-15-CD-02.**

Motion & vote: Bochco moved to issue the Cease & Desist order 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.**

- 10. **Commission Restoration Order No. CCC-15-RO-02 (The Conan Hayes Revocable Living Trust, Santa Monica Mountains, Los Angeles Co.)** Staff recommended that the Commission issue **Restoration Order No. CCC-15-RO-02.**

Motion & vote: Bochco moved to issue the Restoration order 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.**

SOUTH COAST DISTRICT (ORANGE COUNTY)

- 11. **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.

- 12. **CONSENT CALENDAR (removed from Regular Calendar).** None.

- 13. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 5-14-0772 (Yanez, Sunset Beach) [POSTPONED]**

- b. **Application No. 5-14-1604 (Monarch Bay Club, Dana Point)** Staff recommended approval with conditions.

Motion & vote: Shallenberger moved to approve 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.**

[Shallenberger out of room]

- c. **Application No. 5-14-1582 (Capistrano Shores Property, LLC, San Clemente)** Staff recommended approval with conditions.

Motion & vote: Bochco moved to approve 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 with conditions.**

14. **REVISED FINDINGS.**

- a. **Application No. A-5-LGB-14-0034 (Laguna Beach Golf and Bungalow Village, LLC/The Ranch, Laguna Beach)** Staff recommended approval of the revised findings.

Motion & vote: Mitchell moved to adopt the revised findings pursuant to the staff recommendation and recommended a yes vote, seconded by Howell. The vote of the prevailing side was 7 in favor (Cox, Howell, McClure, Mitchell, Turnbull-Sanders, Vargas, Kinsey) and none opposed. **Approved.**

[Shallenberger returned]

SAN DIEGO 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.

LUNCH RECESS. The Commission recessed for lunch at 1:00 p.m. and returned at 2:00 p.m. [Groom arrived during the lunch break]

NORTH CENTRAL COAST DISTRICT

17. NEW APPEALS.

- a. **Appeal No. A-2-SON-13-0219 (California Department of Parks and Recreation, Sonoma Co.)** Staff recommended that the Commission determine that substantial issue exists on the grounds on which the appeal was filed.

Motion & vote: Mitchell moved to determine that **Appeal No. A-2-SON-13-0219** raised **no substantial issue** on the grounds on which the appeal was filed and recommended a no vote, seconded by Vargas. The roll call vote was 6 in favor of the motion (Bochco, Groom, Shallenberger, Uranga, Bowman, Kinsey) and 6 opposed (Cox, Howell, McClure, Mitchell, Turnbull-Sanders, Vargas). **Substantial Issue found—continued.**

STATEWIDE

18. **APPROVAL OF MINUTES.** None.
19. **COMMISSIONERS' REPORTS.**
20. **CONSERVANCY REPORT.**
21. **SANTA MONICA MOUNTAINS CONSERVANCY REPORT.** None.
22. **SANTA MONICA BAY RESTORATION REPORT.** None.
23. **DEPUTY ATTORNEY GENERAL'S REPORT.** Information only.

The meeting of the California Coastal Commission recessed at 5:40 p.m.

THURSDAY, APRIL 16, 2015

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order at 9:05 a.m. by Chair Kinsey.
2. **ROLL CALL.** Present: Chair Kinsey, Diaz (alternate), Groom, Howell, McClure, Mitchell, Shallenberger, Turnbull-Sanders, Uranga, Bowman (alternate). Bochco arrived at 9:30 a.m., Vargas arrived 9:50 a.m. Non-voting present: Beland, Jones.
3. **AGENDA CHANGES.**
4. **GENERAL PUBLIC COMMENT.** None.

NORTH 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 objections, Chair Kinsey ruled that the Commission concurred.
6. **CONSENT CALENDAR (removed from Regular Calendar).** None.
7. **LOCAL COASTAL PROGRAMS (LCPs)**
 - a. **Marin County LCP Amendment No. LCP-2-MAR-13-0224-1 Part B (Marin IP Update).** Staff recommended denial as submitted and approval if modified as suggested.

Motion: Shallenberger moved to continue the matter and recommended a yes vote, seconded by Bochco. **Withdrawn by applicant.**

8. **COASTAL PERMIT APPLICATIONS.**
 - a. **Application No. 2-12-014 (San Francisco Recreation and Park Department, Pacifica)** Staff recommended approval with conditions.

Motion & vote: Groom moved to approve 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.**

CENTRAL COAST DISTRICT

9. **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 to the report, Chair Kinsey ruled that the Commission concurred.
10. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved one item [13d] 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 Turnbull-Sanders. Chair Kinsey ruled that the vote was unanimous in favor of the motion. **Approved with conditions.**

11. LOCAL COASTAL PROGRAMS (LCPs)

- a. **City of Santa Cruz LCP Amendment No. STC-1-12 Part 2 (Two-Story Maximum in IG zone).** Staff recommended concurrence with the Executive Director's determination. There being no objection, Chair Kinsey ruled that the Commission concurred.
- b. **City of Santa Cruz LCP Amendment No. STC-1-12 Part 3 (Design Review Findings).** Staff recommended concurrence with the Executive Director's determination. There being no objection, Chair Kinsey ruled that the Commission concurred.
- c. **City of Santa Cruz LCP Amendment No. STC-1-12 Part 4 (Outdoor Extension Areas).** Staff recommended denial as submitted and approval if modified as suggested.

Motion & vote: Shallenberger 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: Shallenberger 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.**

- d. **City of Santa Cruz LCP Amendment No. STC-1-12, Part 5 (Decision Making Bodies).** 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.

- e. **Santa Cruz County LCP Amendment No. LCP-3-SCO-14-0833-2 (Seacliff Village Plan).** Staff recommended that the Commission deny the Land Use Plan as submitted and approve if modified as suggested by staff; approve the Implementation Plan as submitted.

Motion & vote: Groom moved to certify the Land Use Plan as submitted and recommended a no vote, seconded by Bowman. The roll call vote was 7 in favor of the motion (Diaz, Howell, Mitchell, Turnbull-Sanders, Uranga, Vargas, Kinsey) and 5 opposed (Bochco, Groom, McClure, Shallenberger, Bowman) **Approved as submitted.**

Motion & vote: Diaz moved to reject the Implementation Plan as submitted and recommended a no vote, seconded by Mitchell. The roll call vote was 4 in favor of the motion (Bochco, McClure, Shallenberger, Bowman) and 8 opposed (Diaz, Groom, Howell, Mitchell, Turnbull-Sanders, Uranga, Vargas, Kinsey). **Approved as submitted.**

[Mitchell departed for the day]

12. NEW APPEALS.

- a. **Appeal No. A-3-SCO-12-046 (R.J. Fambrini, Inc., Santa Cruz Co.)** Staff recommended that the Commission determine that the appeal raised substantial issue on the grounds on which the appeal was filed. The Commission held the hearing on the question of substantial issue.

Motion & vote: Bochco moved to determine that **Appeal No. A-3-SCO-12-046** raised no substantial issue on the grounds on which the appeal was filed and recommended a no vote, seconded by Shallenberger. Chair Kinsey ruled that the vote was unanimous in opposition to the motion. **Substantial Issue found.**

13. COASTAL PERMIT APPLICATIONS.

- a. **Application No. A-3-SLO-98-061 (Wolcott, San Luis Obispo Co.)** Staff recommended approval with conditions.

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

- b. **Application Nos. A-3-SCO-09-001 and A-3-SCO-09-002 (Frank, et al., Santa Cruz Co.) [POSTPONED]**

- c. **Application No. A-3-SNC-14-0001 (King Ventures, Sand City) [POSTPONED]**

- d. **Application No. 3-14-1591 (Grines, Pacific Grove) Moved by staff to the expanded consent calendar. Approved with conditions.**

The Commission recessed for the day at 6:05 p.m.

FRIDAY, APRIL 17, 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, Bochco, Diaz(alternate), Groom, Howell, McClure, Shallenberger, Turnbull-Sanders, Uranga, Vargas, Bowman(alternate). Absent: Mitchell. Non-voting: Beland, Jones. Absent: Lucchesi
3. **AGENDA CHANGES**
4. **GENERAL PUBLIC COMMENT.**

SOUTH COAST DISTRICT (LOS ANGELES COUNTY)

5. **CONSENT CALENDAR.** Staff recommended that the Commission approve the consent calendar with conditions.
 - a. **Application No. 5-14-1756 (Ghandour, Santa Monica)**
 - b. **Application No. 5-14-1935 (World Series of Beach Volleyball, LLC and City of Long Beach, Long Beach)**
 - c. **Application No. 5-15-0078 (Chen, Hermosa Beach)**
 - d. **Application No. 5-15-0085 (City of Santa Monica Walkway)**

Motion & vote: Bochco moved to approve 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 with conditions.**

SOUTH CENTRAL COAST DISTRICT

6. **CONSENT CALENDAR.** Staff recommended that the Commission approve the consent calendar with conditions.
 - a. **UC Santa Barbara Notice of Impending Development No. UCS-NOID-0001-15 (Women's Softball Trailer).**

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.**

NORTH 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 4 items [9a, 9b, 9c, 10a] 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.**

9. **COASTAL PERMIT APPLICATIONS.**
 - a. **Application No. 1-11-023 (Northcoast Regional Land Trust, Humboldt Co.)** Moved by staff to the expanded consent calendar. **Approved with conditions.**
 - b. **Application No. 1-14-1053 (MLRX2, LLC, Eureka)** Moved by staff to the expanded consent calendar. **Approved with conditions.**
 - c. **Application No. 1-14-1659 (Westhaven Community Services District, Humboldt Co.)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

10. **PERMIT AMENDMENTS.**
 - a. **Permit No. 1-11-037-A1 (City of Eureka Coastal Trail)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

ENERGY, OCEAN RESOURCES AND FEDERAL CONSISTENCY

11. **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.

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

13. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 5-13-1379 (Orange County and City of Huntington Beach Public Works Project)** Staff recommended approval with conditions.

Motion & vote: Shallenberger 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.**

14. **FEDERAL CONSISTENCY.**

- a. **CC-0003-14 (Orange County Dredging)** Staff recommended that the Commission concur.

Motion & vote: Shallenberger moved to concur with **CC-0003-14** is consistent and recommended a yes vote, seconded by Bochco. Chair Kinsey ruled that the vote was unanimous in favor of the motion. **Approved.**

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 one item [17a] 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.**

17. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 5-14-1819 (City of Long Beach Junipero Parking Lot)** 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.
- a. **Channel Islands Harbor Public Works Plan Amendment No. PWP-4-CIH-13-0201-1 (Administration Building). 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.
19. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved 5 items [22b, 22c, 22d, 22e, 22f] to the expanded consent calendar and recommended approval with conditions.

Motion & vote: Uranga 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.**

20. **NEW APPEAL.**

- a. **Appeal No. A-4-MAL-15-0008 (Dorn, Malibu)** Staff recommended that the Commission determine that the appeal raised no substantial issue.

Motion & vote: Vargas moved to determine that the appeal raised no substantial issue on the grounds on which the appeal was filed and recommended a yes vote, seconded by Howell. Chair Kinsey ruled that the vote was unanimous in favor of the motion. **No substantial issue found.**

21. **LOCAL COASTAL PROGRAM.**

[Diaz and McClure out of room]

- a. **Channel Islands Harbor Public Works Plan Amendment No. PWP-4-CIH-14-00041 (Telecommunications Infrastructure). 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. Chair Kinsey ruled that the vote was unanimous in favor of the motion. **Approved.**

- b. **Santa Barbara City College Public Works Plan Amendment No. PWP-4-CSB-14-0005-1 (West Campus As-built Drama/Music Building Modernization and the Proposed West Campus Classroom and Office Building Project). 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. Chair Kinsey ruled that the vote was unanimous in favor of the motion. **Approved.**

[Diaz and McClure returned]

- c. **City of Carpinteria LCP Amendment No. LCP-4-CPN-14-0832-1-Part A and Part B 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. Chair Kinsey ruled that the vote was unanimous in favor of the motion. **Approved.**

- d. **County of Santa Barbara LCP Amendment No. LCP-4-STB-14-0834-2-Part A, 4-STB-14-0835-2-Part B, and 4-STB-14-0836-2-Part C. 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. Chair Kinsey ruled that the vote was unanimous in favor of the motion. **Approved.**

22. COASTAL PERMIT APPLICATIONS.

- a. **Application No. 4-12-024 (Greenleaf Canyon Properties LLC, Los Angeles Co.) [WITHDRAWN]**
- b. **Application No. 4-12-057 (The Kissel Company, Inc., Malibu)** Moved by staff to the expanded consent calendar. **Approved with conditions.**
- c. **Application No. 4-14-0492 (Santa Barbara County Flood Control District, Carpinteria)** Moved by staff to the expanded consent calendar. **Approved with conditions.**
- d. **Application No. 4-14-0544 (Pepper, Los Angeles Co.)** Moved by staff to the expanded consent calendar. **Approved with conditions.**
- e. **Application No. 4-14-1686 (Los Angeles County Department of Public Works (DPW), Santa Monica Mountains, Los Angeles Co.)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

- f. **Application No. 4-14-1688 (Los Angeles County Department of Public Works (DPW), Santa Monica Mountains, Los Angeles Co.)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

STATEWIDE

23. **FUTURE AGENDA ITEMS.** Information only.

CLOSED SESSION. In closed session the Commission received litigation information and advice on:

*Friends of the Canyon v. CCC (Longi et al., RPI),
Fudge v. CCC et al. (Laguna Beach Golf & Bungalow Village LLC., RPI
Union of Medical Marijuana Patients v. City of San Diego (CCC, RPI),
Union of Medical Marijuana Patients v. CCC (City of San Diego, RPI),
One matter of potential litigation*