

**CALIFORNIA COASTAL COMMISSION**

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**W19**

DATE: April 1, 2016  
TO: Coastal Commissioners  
FROM: Jack Ainsworth, Acting Executive Director  
SUBJECT: **DRAFT MINUTES** of MEETING of **FEBRUARY 10-12, 2016**

Morro Bay Community Center  
1001 Kennedy Way  
Morro Bay, CA 93442

Inn at Morro Bay  
60 State Park Rd.  
Morro Bay, CA 93442

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**WEDNESDAY, FEBRUARY 10, 2016**

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order by Chair Kinsey at 10:00 a.m.
2. **ROLL CALL.** Present: Chair Kinsey, Vice Chair Bochco, Diaz(alternate), Groom, Howell, Luevano, McClure, Mitchell, Shallenberger, Turnbull-Sanders, Uranga, Vargas. Non-voting present: April, Baker, Beland.
3. **AGENDA CHANGES.**
4. **GENERAL PUBLIC COMMENT.** There was no general public comment on Wednesday.
5. **CHAIR'S REPORT.**

**STATEWIDE**

6. **EXECUTIVE DIRECTOR'S REPORT.**
  - a. **Director's Report.** Information only.
  - b. **Legislative Report.** Legislative report. Trailed.

**ENFORCEMENT**

7. **ENFORCEMENT REPORT.** Trailed.

## **STATEWIDE: PUBLIC HEARING AND POSSIBLE CLOSED SESSION ON EXECUTIVE DIRECTOR'S EMPLOYMENT**

### **8. Consideration of Dismissal of the Executive Director.**

**Motion & vote:** Bochco moved to go to closed session and recommended a yes vote, seconded by Uranga. The roll call vote was 10 in favor (Bochco, Diaz, Howell, Luevano, McClure, Mitchell, Turnbull-Sanders, Uranga, Vargas, Kinsey) and 2 opposed (Groom, Shallenberger). **Passed.**

*Report of closed session: The Commission met in closed session to discuss legal questions related to a personnel matter. The Commission took no action.*

**Motion:** McClure moved to deliberate and vote in closed session and recommended a yes vote, seconded by Uranga.

**Amending motion & vote:** Groom moved to deliberate in closed session but take action in public session and recommended a yes vote, seconded by Shallenberger. The roll call vote was 5 in favor (Groom, Luevano, Shallenberger, Turnbull-Sanders, Kinsey) and 7 opposed (Bochco, Diaz, Howell, McClure, Mitchell, Uranga, Vargas). **Failed.**

**Vote on main motion for closed session:** The roll call vote was 9 in favor (Bochco, Diaz, Howell, Luevano, McClure, Mitchell, Turnbull-Sanders, Uranga, Vargas) and 3 opposed (Groom, Shallenberger, Kinsey). **Passed.**

**Report of Closed Session:** In closed session the Commission voted on a motion to dismiss the Executive Director. The roll call vote was 7 in favor (Diaz, Howell, McClure, Mitchell, Turnbull-Sanders, Uranga, Vargas) and 5 opposed (Bochco, Groom, Luevano, Shallenberger, Kinsey). **Motion for dismissal passed.**

*The meeting of the California Coastal Commission recessed at 9:30 p.m.*

**9. Selection Process for Executive Director.** No action taken.

**10. Selection of Interim Executive Director or Executive Director.** No action taken.

## **STATEWIDE**

**11. APPROVAL OF MINUTES.** None.

**12. COMMISSIONERS' REPORTS.** None.

**13. CONSERVANCY REPORT.** None.

**14. SANTA MONICA MOUNTAINS CONSERVANCY REPORT.** None.

**15. SANTA MONICA BAY RESTORATION REPORT.** None.

**16. DEPUTY ATTORNEY GENERAL'S REPORT.** None.

## THURSDAY, FEBRUARY 11, 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, Diaz, Groom, Howell, Luevano, McClure, Mitchell, Shallenberger, Turnbull-Sanders, Uranga, Vargas. Non-voting present: April, Beland, Baker.
3. **AGENDA CHANGES.**
4. **GENERAL PUBLIC COMMENT.** Members of the public addressed the Commission on various issues affecting the coast.

### STATEWIDE

5. **Public Education Targeted Grant Program.** [withdrawn]

*[Howell out of room]*

6. **Public Education Competitive Grant Program.** Staff recommended approval.

**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.**

### 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. 5-15-1241 (Pozzuoli, Newport Beach)**
  - b. **Application No. 5-15-1758 (Harano, Newport Beach)**
8. **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 Uranga. Chair Kinsey ruled that the vote was unanimous in favor of the motion. **Approved with conditions.**

- a. **Application No. 5-15-0292 (Moss, Newport Beach)**
- b. **Application No. 5-15-1005 (Chandler Family Trust, Newport Beach)**
- c. **Application No. 5-15-1279 (814 W. Ocean Front, LLC, Newport Beach)**
- d. **Application No. 5-15-1460 (Bashoor, San Clemente)**

- e. **Application No. 5-15-1531 (Grimm-Marshall, Newport Beach)**
- f. **Application No. 5-15-1532 (Grimm-Marshall, Newport Beach)**
- g. **Application No. 5-15-1562 (Polos, Newport Beach)**
- h. **Application No. 5-15-1723 (Wardy, Newport Beach)**
- i. **Application No. 5-15-1904 (City of Huntington Beach Bridge Maintenance)**
- j. **Application No. 5-15-1905 (City of Huntington Beach Bridge Maintenance)**

## **SAN DIEGO COAST DISTRICT**

- 9. **CONSENT CALENDAR.** There being no objection to concurrence, Chair Kinsey ruled that the Commission concurred. **Approved with conditions.**
  - a. **Application No. 6-15-2011 (Lane, San Diego)**
  - b. **Application No. 6-15-2089 (Champion-Cain, San Diego)**

## **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.

## **SAN DIEGO COAST DISTRICT**

- 12. **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.
- 13. **CONSENT CALENDAR (removed from Regular Calendar).** None.
- 14. **LOCAL COASTAL PROGRAMS (LCPs).**
  - a. **City of Carlsbad LCP Amendment No. LCP-6-CII-15-0027-3 (Tamarack Avenue).** Staff recommended approval 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.**

## SOUTH COAST DISTRICT (LOS ANGELES COUNTY)

[Howell returned]

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. Commissioners Diaz, Luevano, and Vargas objected to immaterial extension A-5-MDR-12-161-E2. The extension was removed and Chair Kinsey ruled that the Commission concurred with the remaining items of the report.
16. **CONSENT CALENDAR (removed from Regular Calendar).** None.
17. **NEW APPEALS.**

[Howell out of room]

- a. **Appeal No. A-5-VEN-15-0071 (Lunia and Ruchita, Venice, Los Angeles)** Staff recommended that the Commission determine that the appeal raised no substantial issue on the grounds on which the appeal was filed.

**Motion & vote:** Bochco moved to determine that the appeal raised no substantial issue and recommended a yes vote, seconded by Groom. Chair Kinsey ruled that the vote was unanimous in favor of the motion. **No Substantial Issue found.**

[Howell returned]

- b. **Appeal No. A-5-VEN-16-0005 (Jun, Venice, Los Angeles)** Staff recommended that the Commission determine that **Appeal No. A-5-VEN-16-0005** 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 **continued** the item to a future hearing.
- c. **Appeal No. A-5-VEN-16-0006 (Kim, Venice, Los Angeles)** Staff recommended that the Commission determine that **Appeal No. A-5-VEN-16-0006** 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 **continued** the item to a future hearing.

## NORTH 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).** None.

20. **NEW APPEALS.** [*Kinsey and Shallenberger out of room*]

- a. **Appeal No. A-2-MAR-15-0074 (Hjorth, Marin Co.)** Staff recommended that the Commission determine that **Appeal No. A-2-MAR-15-0074** raised no substantial issue on the grounds on which the appeal was filed.

**Motion & vote:** Groom moved to determine that **Appeal No. A-2-MAR-15-0074** raised no substantial issue on the grounds on which the appeal was filed and recommended yes vote, seconded by Uranga. Vice Chair Bochco ruled that the vote was unanimous in favor of the motion. **No substantial issue found.**

## **CENTRAL COAST DISTRICT**

21. **CONSENT CALENDAR.**

- a. **Application No. 3-04-070 (Caltrans and State Parks, Santa Cruz Co.)** Staff 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 Uranga. Vice Chair Bochco ruled that the vote was unanimous in favor of the motion. **Approved with conditions.**

[*Shallenberger returned*]

## **CENTRAL COAST DISTRICT**

22. **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 Bochco ruled that the Commission concurred.

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

24. **NEW APPEALS.**

- a. **Appeal No. A-3-SLO-15-0001 (Loperena, San Luis Obispo Co.)** [**POSTPONED**]
- b. **Appeal No. A-3-MRB-16-0002 (Frye, Morro Bay)** Staff recommended that the Commission determine that the appeal raised no substantial issue on the grounds on which the appeal was filed.

**Motion & vote:** Howell moved to determined that **Appeal No. A-3-MRB-16-0002** raised no substantial on the grounds on which the appeal was filed and recommended a yes vote, seconded McClure. Vice Chair Bochco ruled that the vote was unanimous in favor of the motion. **No substantial issue found.**

- c. **Appeal No. A-3-SCO-16-0003 (Northpoint Investments Fund LLC, Santa Cruz Co.)**  
Staff recommended that the Commission determine that the appeal raised no substantial issue on the grounds on which the appeal was filed.

Howell moved to determined that **Appeal No. A-3-MRB-16-0002** raised no substantial on the grounds on which the appeal was filed and recommended a yes vote, seconded McClure. Vice Chair Bochco ruled that the vote was unanimous in favor of the motion. **No substantial issue found.**

**LUNCH RECESS.** The Commission recessed for lunch at 12:30 p.m. and returned at 1:30 p.m. [*Bochco and Mitchell departed for the day*]

**Closed Session Report:** The Commission received litigation information and advice regarding the following cases:

*416 Grand Blvd. LLC et al. v. CCC*  
*City of Dana Point v. CCC (Dana Point Headlands LLC, RPI)*  
*Hansen v. CCC (Silver Shoals Investors LLC, RPI)*  
*Kohn v. CCC (County of Marin et al, RPI)*  
*Pacific Shores Property Owners Assn. et al. v. Cal. Dept. of Fish & Wildlife et al.*  
*Pappas et al. v. State Coastal Conservancy et al. (Rancho Cuarta, RPI)*  
*Save Everyone’s Access v. City of San Diego et al.*  
*Sierra Club v. CCC (Mulryan Properties LLLP et al., RPI)*  
*Sunshine Enterprises LP v. Lester et al.*  
*Sunshine Enterprises LP v. CCC*

**25. COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 3-16-0011 (UCSC, Monterey Co.)** Staff recommended approval with conditions.

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

The Commission recessed for the day at 3:25p.m.

## FRIDAY, FEBRUARY 12, 2016

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order at 9:00 a.m.
2. **ROLL CALL.** Present: Chair Kinsey, Diaz, Groom, Howell, Luevano, McClure, Shallenberger, Turnbull-Sanders, Uranga, Vargas. Absent: Bochco, Mitchell. Non-voting present: April, Baker. Absent: Beland
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. 5-15-1822 (Robins, Santa Monica)**
  - b. **Application No. 5-15-0412 (Waller, Long Beach)**

*[Shallenberger out of room]*

6. **CONSENT CALENDAR.** Staff recommended approval of the consent calendar with conditions.
  - a. **Application No. 5-15-1220 (Sutter, Venice, Los Angeles)**
  - b. **Application No. 5-15-1708 (The Tony Bill Living Trust, Venice, Los Angeles)**
  - c. **Application No. 5-15-2064 (Shapiro, Venice, Los Angeles)**
  - d. **Application No. 5-15-2074 (Revello LLC, Los Angeles) [POSTPONED]**

**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.**

### 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.
8. **CONSENT CALENDAR (removed from Regular Calendar).** None.



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

- a. **Humboldt County LCP Amendment No. LCP-1-HUM-15-0011-2 (Big Lagoon Park). Certification Review.** Staff recommended that the Commission concur with the Executive Director's determination that the resolutions and ordinances adopted by Humboldt County accepting the Commission's certification of LCP-1- HUM-15-0011-2 (Big Lagoon Park) with modifications are legally adequate. There being no objection, Chair Kinsey ruled that the Commission concurred.

10. **NEW APPEALS.**

- a. **Appeal No. A-1-DNC-15-0072 (Alexandre, Del Norte Co.)** Staff recommended that the Commission determine that **Appeal No. A-1-DNC-15-0072** raised no substantial issue on the grounds on which the appeal was filed.

**Motion & vote:** McClure moved to determine that **Appeal No. A-1-DNC-15-0072** 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.**

**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).** Staff moved one item [13a] 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 Uranga. Chair Kinsey ruled that the vote was unanimous in favor of the motion. **Approved with conditions.**

13. **FEDERAL CONSISTENCY.**

- a. **CD-0001-16 (U.S. Navy)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

## **SOUTH CENTRAL 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).** None.
16. **PUBLIC WORKS PLAN.**
  - a. **Channel Islands Harbor Public Works Plan Amendment No. PWP-4-CIH-14-0004-1 (Telecommunications Infrastructure). Certification Review.** Concurrence with the Executive Director's determination that action by the Ventura County Board of Supervisors is legally adequate. There being no objection, Chair Kinsey ruled that the Commission concurred.

*[Shallenberger returned]*

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

17. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved 4 items [19a, 19b, 20a, 20c] to the expanded consent calendar and recommended approval with conditions.

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

18. **LOCAL COASTAL PROGRAMS (LCPs)**
  - a. **Long Beach LCP Amendment No. LCP-5-LOB-13-0229-1 (Mobility Element).** Staff recommended concurrence with the Executive Director's determination that the resolution and ordinance adopted City of Long Beach accepting certification of LCP-5-LOB-13-0229-1 with suggested modifications is legally adequate. There being no objection, Chair Kinsey ruled that the Commission concurred.
19. **COASTAL PERMIT APPLICATIONS.**
  - a. **Application No. 5-15-0885 (City of Santa Monica, Los Angeles Co.)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

- b. **Application No. A-5-VEN-15-0025 (Marina Pacific Hotel & Suites, LLC, Venice, Los Angeles)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

20. **PERMIT AMENDMENTS.**

- a. **Permit No. 5-03-071-A3 (Marina Pacific Hotel & Suites, LLC, Venice, Los Angeles)** Moved by staff to the expanded consent calendar. **Approved with conditions.**
- b. **Permit No. 5-97-211-A2 (Portnoy, Venice, Los Angeles)** Staff recommended approval in part and denial in part. Staff orally modified recommendation to include authorization for removal of rooftop elements.

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

- c. **Permit No. 5-92-050-A4 (City of Long Beach, Long Beach)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

21. **REVISED FINDINGS.**

- a. **Application No. 5-15-0030 (Sunshine Enterprises LP, Santa Monica)** Staff recommended adoption of the revised findings.

**Motion & vote:** Groom moved to adopt the revised findings pursuant to the staff recommendation and recommended a yes vote, seconded by Uranga. The vote of the prevailing side was 5 in favor (Groom, Howell, Luevano, Uranga, Kinsey) and none opposed. **Approved.**

- b. **Application No. A-5-VEN-15-0026 (422 Grand Boulevard LLC, Los Angeles)** [POSTPONED]
- c. **Application No. A-5-VEN-15-0027 (416 Grand Boulevard LLC, Los Angeles)** [POSTPONED]

**STATEWIDE**

22. **Future Agenda Items.** Information only.

There being no old or new business, the meeting of the California Coastal Commission adjourned at 10:35 a.m.

Respectfully submitted,

Jack Ainsworth  
Acting Executive Director