

CALIFORNIA COASTAL COMMISSION

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**W29**

DATE: February 21, 2017
TO: Coastal Commissioners
FROM: Jack Ainsworth, Executive Director
SUBJECT: **DRAFT MINUTES** of MEETING of **JANUARY 11-13, 2017**
San Luis Obispo County Government Center
Board of Supervisors Chambers
1055 Monterey Street
San Luis Obispo, CA 93408

WEDNESDAY, JANUARY 11, 2017

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order at 9:00 a.m. by Chair Bochco.
2. **ROLL CALL.** Present: Chair Bochco, Vice Chair Turnbull-Sanders, Cox, Groom, Howell, Kinsey, Shallenberger. Uranga arrived at 9:15 a.m., McClure arrived at 9:25 a.m., Vargas arrived at 9:35 a.m. Absent: Luevano. Non-voting present: 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.

STATEWIDE

6. **ACTING EXECUTIVE DIRECTOR'S REPORT.**
 - a. **Executive Director's Report.**
 - b. **Commission Correspondence.** Consideration and potential action on Commission correspondence.
 - c. **Interagency Agreement.** Staff recommended authorization to enter into contract with Sea Grant/University of California, San Diego to pay Commission's share of costs for 1 California Sea Grant Fellows for one-year.

Staff orally changed recommended maximum amount of contract to \$33,943.

Motion & vote: Shallenberger moved to authorize the Interagency Agreement pursuant to the staff recommendation and recommended a yes vote, seconded by Cox. Chair Bochco ruled that the vote was unanimous in favor of the motion. **Approved.**

- d. **Legislative Report.** Legislative Report: New Laws Memo. Review and discussion of newly enacted statutes. **Information only.**
- e. **2016 Strategic Plan Update – Report on Implementation of the 2013-2018 Strategic Plan.** Discussion item only.

- 7. **STATUS REPORT ON EXECUTIVE DIRECTOR SEARCH PROCESS.** Information only.

SOUTH COAST DISTRICT (LOS ANGELES COUNTY)

- 8. **ADMINISTRATIVE CALENDAR.** Staff recommended concurrence with the Executive Director's determination. There being no objection, Chair Bochco ruled that the Commission concurred.
 - a. **Application No. 5-16-0934 (Stein, Venice, Los Angeles)**
 - b. **Application No. 5-16-0953 (Make It Nice, LLC, Venice, Los Angeles)**

SOUTH 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, Chair Bochco ruled that the Commission concurred.

[Howell departed]

- 10. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved 2 items [W11a, W12a] 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 Turnbull-Sanders. Chair Bochco ruled that the vote was unanimous in favor of the motion. **Approved with conditions.**

11. **NOTICE OF IMPENDING DEVELOPMENT.**

- a. **Pepperdine University Notice of Impending Development No. PEP-NOID-0008-16 (Enhanced Recreation Area Phase II and Temporary Staging Area).** Moved by staff to the expanded consent calendar. **Approved with conditions.**

12. **COASTAL PERMIT APPLICATIONS**

- a. **Application No. 4-15-0466 (King, Santa Barbara Co.)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

SOUTH COAST DISTRICT (LOS ANGELES COUNTY)

13. **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 Bochco ruled that the Commission concurred.

14. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved one item [W16a] 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 Cox. Chair Bochco ruled that the vote was unanimous in favor of the motion. **Approved with conditions.**

15. **NEW APPEALS.**

- a. **Appeal No. A-5-VEN-16-0099 (Broumand, LOC Equities, Venice)** Staff recommended that the Commission determine that Appeal No. A-5-VEN-16-0099 raised no substantial issue.

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

16. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 5-16-0808 (Grand Prix Association of Long Beach and City of Long Beach)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

ENFORCEMENT

17. **ENFORCEMENT REPORT.** Report by Chief of Enforcement on Statewide Enforcement Program. **None.**

STATEWIDE

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

The meeting of the California Coastal Commission recessed at 1:00 p.m. The Commission then held closed session.

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

657 Flowers LLC et al. v. CCC
Animal Protection and Rescue League v. City of San Diego et al.
Friends of the Children's Pool v. City of San Diego et al.
Beach Vacations Coalition v. City of Laguna Beach et al.
Drakes Bay Oyster Co. v. CCC
Friends of Oceano Dunes v. CCC
Fudge v. CCC et al. (Laguna Beach Golf & Bungalow Village LLC, RPI)
Grassroots Coalition v. CCC (Lester et al., RPI)
Martins Beach 1 LLC et al. v. Turnbull Sanders et al.
People of the State of California et al. v. U.S. Dept. of the Interior et al.
San Diego Navy Broadway Complex Coalition v. CCC (San Diego Unified Port District, RPI)
San Clemente Vacation Rental Alliance v. City of San Clemente et al.
Security National Guaranty v. CCC

The Commission received litigation information and advice and provided direction regarding the following cases:

CCC v. Witter

Beach & Bluff Conservancy v. City of Solana Beach (CCC et al., RPI)

Homewoner's Assn. of the Solana Beach & Tennis Club c. City of Solana Beach (CCC, RPI)

Friends of the Canyon v. CCC (Longi, et al., RPI)

Rubino v. CCC et al. (Mendocino Land Trust, RPI)

THURSDAY, JANUARY 12, 2017

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order at 9:00 a.m. by Chair Bochco.
2. **ROLL CALL.** Present: Chair Bochco, Vice Chair Turnbull-Sanders, Cox, Groom, McClure, Shallenberger. Howell arrived at 9:05 a.m., Uranga arrived at 9:10 a.m., Vargas arrived at 1:30 p.m. Absent: Kinsey, Luevano. Non-voting: Gibson
3. **AGENDA CHANGES.**
4. **GENERAL PUBLIC COMMENT.** Members of the public addressed the Commission on various issues affecting the coast.

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 objection, Chair Bochco ruled that the Commission concurred.
6. **CONSENT CALENDAR (removed from Regular Calendar).** None.
7. **LOCAL COASTAL PROGRAMS (LCPs).**
 - a. **City of Half Moon Bay LCP Amendment No. LCP-2-HMB-14-0612-1. Certification Review.** Staff recommended concurrence with the Executive Director's determination that the action by the City of Half Moon Bay accepting certification of LCP-2-HMB-14-0612-1 (Habitat Map Revisions) with modifications is legally adequate.

Motion & vote: Groom moved to concur and recommended a yes vote, seconded by Howell. Chair Bochco ruled that the vote was unanimous in favor of the motion.

Approved.

CENTRAL COAST DISTRICT

8. **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 Bochco ruled that the Commission concurred.
9. **CONSENT CALENDAR (removed from Regular Calendar).** None.

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

- a. **Monterey County LCP Amendment No. LCP-3-MCO-16-0041-1 (Medical Cannabis Regulations). Time Extension.** Staff recommended approval of the time extension.

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

- b. **San Luis Obispo County LCP Amendment No. LCP-3-SLO-15-0013-1-Part B (Resource Management System). [POSTPONED]**

11. **LONG RANGE DEVELOPMENT PLAN.**

- a. **University of California of Santa Cruz Long Range Development Plan No. LRDP-3-SCZ-16-0005-1 (Wetland Buffer Expansion and Minor Changes).** Staff recommended approval as submitted.

Motion & vote: Groom moved to certify the Long Range Development Plan No LRDP-3-SCZ-16-0005-1 as submitted and recommended a yes vote, seconded by Cox. Chair Bochco ruled that the vote was unanimous in favor of the motion. **Approved as submitted.**

12. **NOTICE OF IMPENDING DEVELOPMENT.**

- a. **University of California of Santa Cruz Notice of Impending Development No. SCZ-NOID-0010-16 (NOID 8 Parking Lot Development and Expansion).** Staff recommended approval.

Motion & vote: Groom moved to approve pursuant to the staff recommendation and recommended a yes vote, seconded by Turnbull-Sanders. Chair Bochco ruled that the vote was unanimous in favor of the motion. **Approved.**

13. **NEW APPEALS.**

- a. **Appeal No. A-3-PSB-12-042 (Capistrano Seawall, Pismo Beach)** Staff recommended that the Commission determine that **Appeal No. A-3-PSB-12-042** raised a substantial issue on the grounds on which the appeal was filed. There being no objection, the Commission found substantial issue and opened the hearing.

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

- b. **Appeal No. A-3-PSB-12-043 (Vista del Mar Seawall, Pismo Beach)** Staff recommended that the Commission determine that **Appeal No. A-3-PSB-12-043** raised a substantial issue on the grounds on which the appeal was filed. There being no objection, the Commission found substantial issue and opened the hearing.

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

- c. **Appeal No. A-3-MCO-06-044 (Mayr Subdivision, North Monterey Co.)** Staff recommended that the Commission determine that **Appeal No. A-3-MCO-06-044** raised a substantial issue on the grounds on which the appeal was filed. There being no objection, Chair Bochco ruled that the Commission found substantial issue and continued the hearing to a future meeting,
- d. **Appeal No. A-3-MCO-05-027 (Rancho Roberto Subdivision, North Monterey Co.)** Staff recommended that the Commission determine that **Appeal No. A-3-MCO-05-027** raised a substantial issue on the grounds on which the appeal was filed. There being no objection, Chair Bochco ruled that the Commission found substantial issue and opened the hearing.

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

- e. **Appeal No. A-3-PSB-15-0030 (Rozo, Pismo Beach)** Staff recommended that the Commission determine that **Appeal No. A-3-PSB-15-0030** raised a substantial issue on the grounds on which the appeal was filed. There being no objection, Chair Bochco ruled that the Commission found substantial issue and continued the hearing to a future meeting.

[Howell out of room]

- f. **Appeal No. A-3-SCO-16-0100 (Geisreiter, Santa Cruz Co.)** Staff recommended that the Commission determine that **Appeal No. A-3-PSB-15-0030** raised no substantial issue on the grounds that the appeal was filed.

Motion & vote: Groom moved to determine that **Appeal No. A-3-PSB-16-0100** raised no substantial issue on the grounds on which the appeal was filed and recommended a yes vote, seconded by Turnbull-Sanders. Chair Bochco ruled that the vote was unanimous in favor of the motion. **No substantial issue found.**

[Howell returned]

14. **CONDITION COMPLIANCE.**

a. **Oceano Dunes State Vehicular Recreation Area (ODSVRA) CDP Review.**

Motion & vote: Howell moved to continue the hearing until September 2017 and recommended a yes vote, seconded by Groom. Chair Bochco ruled that the vote was unanimous in favor of the motion. **Continued.**

The Commission recessed for the day at 3:38 p.m.

FRIDAY, JANUARY 13, 2017

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order at 9:00 a.m. by Chair Bochco.
2. **ROLL CALL.** Present: Chair Bochco, Vice Chair Turnbull-Sanders, Groom, Howell, Kinsey, Shallenberger. Cox and McClure arrived at 9:10 a.m., Vargas arrived at 9:35 a.m. Absent: Luevano, Uranga. Non-voting present: Gibson, Lucchesi.
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. There being no objection, Chair Bochco ruled that the Commission concurred.
 - a. **Application No. 5-16-0740 (Littlefair, Newport Beach)**
6. **CONSENT CALENDAR.** Staff recommended approval of the consent calendar with conditions.

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

- a. **Application No. 5-15-0169 (Bassi and Issab, LLC, Newport Beach)**
- b. **Application No. 5-16-0444 (Warmington, Newport Beach)**
- c. **Application No. 5-16-0485 (Saldena, San Clemente)**
- d. **Application No. 5-16-0548 (Shah, Newport Beach)**

[Vargas arrived]

ENERGY, OCEAN RESOURCES AND FEDERAL CONSISTENCY

7. **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.

- a. **Request to Waive Permit Application Fee (Poseidon Resources (Surfside), LLC, Huntington Beach)** Staff recommended denial of the fee waiver request.

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

8. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved one item [F9a] 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 Shallenberger. Chair Bochco ruled that the vote was unanimous in favor of the motion. **Approved with conditions.**

[Howell out of room]

9. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 9-16-0384 (Los Angeles Department of Water and Power, Los Angeles)** Moved by staff to the expanded consent calendar. **Approved with conditions.**
- b. **Application No. 9-16-0990 (Venoco, Inc., Santa Barbara Co.) [POSTPONED]**

NORTH COAST DISTRICT

10. **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.
11. **CONSENT CALENDAR (removed from Regular Calendar).** None.
12. **NEW APPEALS.**

- a. **Appeal No. A-1-HUM-16-0101 (Dollar General, Humboldt Co.) [POSTPONED]**

SOUTH COAST DISTRICT (ORANGE COUNTY)

13. **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 Bochco ruled that the Commission concurred.

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

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

- a. **City of Newport Beach LCP-5-NPB-15-0039-1 (Implementation Plan) Certification Review.** Concurrence with the Executive Director's determination that the action by the City of Newport Beach accepting certification with suggested modifications of LCP-5-NPB-15-0039-1 is legally adequate. There being no objection, Chair Bochco ruled that the Commission concurred.
- b. **City of San Clemente Local Coastal Program Amendment No. 1-16 (LCP-5-SCL-16-0012-1). Time Extension.** Staff recommended approval of the time extension.

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

SAN DIEGO 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 Bochco ruled that the Commission concurred.

17. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved 3 items [20a, 20b, 20c] 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 Shallenberger. Chair Bochco ruled that the vote was unanimous in favor of the motion. **Approved with conditions.**

[Howell returned]

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

- a. **City of Oceanside LCP Amendment No. LCP-6-OCN-16-0042-1 (Zoning Ordinance Update).** Staff recommended approval as submitted.

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

- b. **City of Carlsbad LCP Amendment No. LCP-6-CII-16-0066-2 (Marja).**
[POSTPONED]

- c. **City of San Diego LCP Amendments No. LCP-6-SAN-16-0063-2/Part A (Affordable Housing Density Bonus); LCP-6-SAN-16-0063-2/Part B (Emergency Shelters/Continuing Care Retirement Communities) and LCP-6-CCP-16-0064-2 (Downtown Mobility Plan Revisions) Time Extension.** Staff recommended approval of the time extension.

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

19. **NEW APPEALS.**

- a. **Appeal No. A-6-COR-16-0097 (City of Coronado Public Facilities Enhancement Project)** Staff recommended that the Commission determine that **Appeal No. A-6-COR-16-0097** raised a substantial issue on the grounds on which the appeal was filed. There being no objection, Chair Bochco ruled that the Commission found substantial issue and continued the hearing to a future meeting.

20. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 6-16-0099 (San Elijo JPA outfall pipeline replacement, Encinitas)** Moved by staff to the expanded consent calendar. **Approved with conditions.**
- b. **Application No. 6-16-0434 (State Parks Cardiff Day Use Lot repairs)** Moved by staff to the expanded consent calendar. **Approved with conditions**
- c. **Application No. 6-16-0528 (California Department of Fish and Wildlife, Carlsbad)** Moved by staff to the expanded consent calendar. **Approved with conditions**

STATEWIDE

- 21. **Report of Closed Session to Consider Applicants for Executive Director.** The Commission discussed applicants for the executive director position and the interview process. The Commission decided which applicants to invite for interviews during the Commission's February meeting.

There being no old or new business, the meeting of the California Coastal Commission adjourned at 11:00 a.m.

Respectfully submitted,

Approved as written on _____

John Ainsworth
Executive Director

Dayna Bochco
Chair