

CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE (415) 904-5200
FAX (415) 904-5400
TDD (415) 597-5885

**W21**

DATE: July 28, 2017
TO: Coastal Commissioners
FROM: John Ainsworth, Executive Director
SUBJECT: **DRAFT MINUTES** of MEETING of **July 12-14, 2017**
California State University Monterey Bay
World Theater Building
5260 Sixth Avenue
Seaside, CA 93955

WEDNESDAY, JULY 12, 2017

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order at 9:00 a.m. by Vice Chair Turnbull-Sanders.
2. **ROLL CALL.** Present: Vice Chair Turnbull-Sanders, Brownsey, Groom, Howell, Luevano, Padilla, Peskin, Shallenberger, Uranga. Vargas arrived at 12:18 pm. Absent: Bochco, Sundberg. Non-voting present: Ketchum, Lucchesi. Absent: Gibson
3. **AGENDA CHANGES.**
4. **GENERAL PUBLIC COMMENT.** Members of the public addressed the Commission addressed the Commission on various issue affecting the coast.
5. **CHAIR'S REPORT.**

STATEWIDE

6. **EXECUTIVE DIRECTOR'S REPORT.**
 - a. **Executive Director's Report.** Information only.
 - b. **Coastal Commission and Caltrans Overview.** Joint overview of Coastal Commission's and Caltrans' interagency partnering agreements. **Briefing and discussion only.**
 - c. **Commission Correspondence.** Consideration and potential action on Commission correspondence. Vice Chair Turnbull-Sanders ruled that the Commission unanimously approved proposed letter to NOAA regarding review of national marine sanctuaries.

[Items 6d through 6f were trailed until Thursday]

SOUTH COAST DISTRICT (LOS ANGELES COUNTY)

7. **ADMINISTRATIVE CALENDAR.** Item 7a was removed from the administrative calendar. Staff recommended concurrence on the remaining calendar items. There being no objection, Vice Chair Turnbull-Sanders ruled that the Commission concurred.
 - a. **Application No. 5-17-0334 (DuBois, Venice, Los Angeles)** Commissioners Groom, Shallenberger, Uranga, and Vice Chair Turnbull-Sanders requested removal of item from the administrative calendar. **Removed.**
 - b. **Application No. 5-17-0224 (Layne, Venice, Los Angeles)**
8. **CONSENT CALENDAR.** Staff recommended that the Commission approve the consent calendar with conditions,
 - a. **Application No. 5-17-0437 (John Staff/John Alan, LLC, Venice, Los Angeles)**
Motion & vote: Shallenberger moved to approve pursuant to the staff recommended a recommended a yes vote, seconded by Brownsey. Vice Chair Turnbull-Sanders ruled that the vote was unanimous in favor of the motion. **Approved with conditions.**

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, Vice Chair Turnbull-Sanders ruled that the Commission concurred.
10. **CONSENT CALENDAR (removed from Regular Calendar).** None.

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, Vice Chair Turnbull-Sanders ruled that the Commission concurred.
12. **CONSENT CALENDAR (removed from Regular Calendar).** None.

FIELD TRIP. The Commission took a field trip to Fort Ord Dunes State Park and the site of the proposed Collection Resort in Sand City. Information only.

13. **NEW APPEALS.** *[Items W13a-e, was heard as a combined hearing and staff report.]*

- a. **Appeal No. A-5-VEN-17-0020 (Henson, Venice, Los Angeles)** Staff recommended the Commission find no substantial issue.

Motion & vote: Luevano moved to determine that **Appeal No. A-5-VEN-17-0020** raised no substantial issue on the grounds on which the appeal was filed and recommended a yes vote, seconded by Vargas. Vice Chair Turnbull-Sanders ruled that the vote was unanimous in favor of the motion. **No substantial issue found.**

- b. **Appeal No. A-5-VEN-17-0021 (Henson, Venice, Los Angeles)** Staff recommended the Commission find no substantial issue.

Motion & vote: Luevano moved to determine that **Appeal No. A-5-VEN-17-0021** raised no substantial issue on the grounds on which the appeal was filed and recommended a yes vote, seconded by Vargas. Vice Chair Turnbull-Sanders ruled that the vote was unanimous in favor of the motion. **No substantial issue found.**

- c. **Appeal No. A-5-VEN-17-0022 (Henson, Venice, Los Angeles)** Staff recommended the Commission find no substantial issue.

Motion & vote: Luevano moved to determine that **Appeal No. A-5-VEN-17-0022** raised no substantial issue on the grounds on which the appeal was filed and recommended a yes vote, seconded by Vargas. Vice Chair Turnbull-Sanders ruled that the vote was unanimous in favor of the motion. **No substantial issue found.**

- d. **Appeal No. A-5-VEN-17-0023 (Henson, Venice, Los Angeles)** Staff recommended the Commission find no substantial issue.

Motion & vote: Luevano moved to determine that **Appeal No. A-5-VEN-17-0023** raised no substantial issue on the grounds on which the appeal was filed and recommended a yes vote, seconded by Vargas. Vice Chair Turnbull-Sanders ruled that the vote was unanimous in favor of the motion. **No substantial issue found.**

- e. **Appeal No. A-5-VEN-17-0024 (Henson, Venice, Los Angeles)** Staff recommended the Commission find no substantial issue.

Motion & vote: Luevano moved to determine that **Appeal No. A-5-VEN-17-0024** raised no substantial issue on the grounds on which the appeal was filed and recommended a yes vote, seconded by Vargas. Vice Chair Turnbull-Sanders ruled that the vote was unanimous in favor of the motion. **No substantial issue found.**

- f. **Appeal No. A-5-VEN-17-0028 (Chait, Venice, Los Angeles)** Staff recommended the Commission find no substantial issue.

Motion & vote: Vargas moved to determine that **Appeal No. A-5-VEN-17-0028** raised no substantial issue on the grounds on which the appeal was filed and recommended a yes vote, seconded by Padilla. Vice Chair Turnbull-Sanders ruled that the vote was unanimous in favor of the motion. **No substantial issue found.**

- g. **Appeal No. A-5-VEN-17-0029 (Chait, Venice, Los Angeles)** Staff recommended the Commission find no substantial issue.

Motion & vote: Vargas moved to determine that **Appeal No. A-5-VEN-17-0029** raised no substantial issue on the grounds on which the appeal was filed and recommended a yes vote, seconded by Luevano. The roll call was 8 in favor (Brownsey, Howell, Luevano, Padilla, Peskin, Uranga, Vargas, Vice Chair Turnbull-Sanders) and 2 opposed (Groom, Shallenberger). **No substantial issue found.**

- h. **Appeal No. A-5-PPL-17-0030 (Chan, Pacific Palisades, Los Angeles)** Staff recommended the Commission find no substantial issue.

Motion & vote: Shallenberger moved to determine that **Appeal No. A-5-PPL-17-0030** raised no substantial issue on the grounds on which the appeal was filed and recommended a yes vote, seconded by Brownsey. Vice Chair Turnbull-Sanders ruled that the vote was unanimous in favor of the motion. **No substantial issue found.**

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, Vice Chair Turnbull-Sanders ruled that the Commission concurred.
15. **CONSENT CALENDAR (removed from Regular Calendar).** None.
16. **LOCAL COASTAL PROGRAMS (LCPs).**
- a. **LCP-3-STC-17-0016-1-Part E (Residential Parking in Setbacks).** Staff recommended that the Commission approve the Implementation Plan as submitted.

Motion & vote: Groom moved to reject the Implementation Plan as submitted and recommended a no vote, seconded Padilla. Vice Chair Turnbull-Sanders ruled that the vote was unanimous in opposition to the motion. **Approved as submitted.**

- b. **Grover Beach LCP Amendment No. LCP-3-GRB-17-0046-1 (Medical Cannabis).** Staff recommended that the Commission approve the Implementation Plan as submitted.

Motion & vote: Howell moved to reject the Implementation Plan as submitted and recommended a no vote, seconded Vargas. Vice Chair Turnbull-Sanders ruled that the vote was unanimous in opposition to the motion. **Approved as submitted.**

17. **NOTICE OF IMPENDING DEVELOPMENT (NOID).**

- a. **University of Santa Cruz (UCSC) Notice of Impending Development No. SCZ-NOID-0004-17 (Younger Lagoon Reserve Public Access Plan).** [*Withdrawn by applicant at the hearing.*]

18. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 3-17-0335 (Pacific Grove Seawall, Pacific Grove)** Staff recommended approval with conditions.

Motion: Howell moved to approve pursuant to the staff recommendation and recommended a yes vote, seconded by Padilla.

Amending motion & vote: Vargas moved to reduce the term of the permit from five years to three years and recommended a yes vote, seconded by Howell. The roll call vote was unanimous in favor of the motion. **Passed.**

Vote on main motion as amended: The roll call vote was 6 in favor (Groom, Howell, Padilla, Peskin, Vargas, Turnbull-Sanders) and 4 opposed (Brownsey, Luevano, Shallenberger, Uranga). **Approved with conditions.**

- b. **Application No. 3-14-1613 (Fort Ord Dunes State Park Campground, Monterey Co.)** Staff recommended approval with conditions.

Motion & vote: Groom moved to continue and recommended a yes vote, seconded by Shallenberger. [*Motion withdrawn*]

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

[ITEMS 19 THROUGH 24 WERE TRAILED UNTIL THURSDAY]

The Commission recessed for the day at 8:00 p.m.

THURSDAY, JULY 13, 2017

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

Wednesday item 5d. Legislative Report. [trailed from Wednesday] Staff recommended support of AB1151 (Gloria)

Motion & vote: Padilla moved to support AB1151 pursuant to the staff recommendation and recommended a yes vote, seconded by Luevano. Vice Chair Turnbull-Sanders ruled that the vote was unanimous in favor of the motion. **Passed.**

Wednesday item 5e. Sea Level Rise Update: [trailed from Wednesday] Staff presentation on recently completed sea level rise informational products and web-tool. **Information only.**

Wednesday item 5f. Budget Update. [trailed from Wednesday] Information and discussion only.

[Items 5 and 6 were trailed and heard after item 22]

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, Vice Chair Turnbull-Sanders ruled that the Commission concurred.
8. **CONSENT CALENDAR (removed from Regular Calendar).** None.

ENERGY, OCEAN RESOURCES AND FEDERAL CONSISTENCY

9. **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, Vice Chair Turnbull-Sanders ruled that the Commission concurred.

10. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved one item [11a] to the expanded consent calendar and recommended approval with conditions.

Motion & vote: Peskin moved to approve the consent calendar pursuant to the staff recommendation and recommended a yes vote, seconded by Luevano. Vice Chair Turnbull-Sanders ruled that the vote was unanimous in favor of the motion. **Approved with conditions.**

11. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 9-17-0408 (Pacific Gas & Electric Co., Humboldt Co.)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

[Items 12 through 20 were trailed and heard after item 22]

ENFORCEMENT

21. **ENFORCEMENT REPORT.** None.
22. **Consent Cease and Desist Order No. CCC-17-CD-02 (RMC Pacific Materials, LLC, d/b/a CEMEX, Marina, Monterey Co.)**

Motion & vote: Shallenberger moved to approve Consent Cease & Desist Order No. CCC-17-CD-02 pursuant to the staff recommendation and recommended a yes vote, seconded by Brownsey. Vice Chair Turnbull-Sanders ruled that the vote was unanimous in favor of the motion. **Approved.**

SOUTH COAST DISTRICT (ORANGE COUNTY)

5. **ADMINISTRATIVE CALENDAR.** Staff recommended that the Commission concur with the Executive Director's determination. There being no objection, Vice Chair Turnbull-Sander ruled that the Commission concurred.
 - a. **Application No. 5-17-0196 (Spath, Newport Beach)**
 - b. **Application No. 5-17-0337 (Segerstrom Properties, Newport Beach)**
 - c. **Application No. 5-17-0396 (Lindborg, Huntington Beach)**
 - d. **Application No. 5-17-0421 (Baker, Newport Beach)**

SAN DIEGO COAST DISTRICT

6. **CONSENT CALENDAR.** Staff recommended that the Commission approve the consent calendar.

Motion & vote: Padilla moved to approve the consent calendar pursuant to the staff recommendation and recommended a yes vote, seconded by Uranga. Vice Chair Turnbull-

Sanders ruled that the vote was unanimous in favor of the motion. **Approved with conditions.**

- a. **Application No. 6-17-0036 (KWD Holdings, LLC, Carlsbad)**

SOUTH COAST DISTRICT (ORANGE COUNTY)

[Howell out of room]

12. **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, Vice Chair Turnbull-Sanders ruled that the Commission concurred.
13. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved one item [14b] to the expanded consent calendar and recommended approval with conditions.

Motion & vote: Shallenberber moved to approve the consent calendar pursuant to the staff recommendation and recommended a yes vote, seconded by Brownsey. Vice Chair Turnbull-Sanders ruled that the vote was unanimous in favor of the motion. **Approved with conditions.**

14. **COASTAL PERMIT APPLICATIONS.**
 - a. **Application No. 5-16-0054 (SoCal Land Co. LLC, Newport Beach) [POSTPONED]**
 - b. **Application No. 5-16-0229 (City of Newport Beach)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

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, Vice Chair Turnbull-Sanders ruled that the Commission concurred.
16. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved one item [19a] to the expanded consent calendar and recommended approval with conditions.

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

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

- a. **City of Oceanside LCP Amendment No. LCP-6-OCN-17-0039-1 (Part A/Open Space Zoning).** Staff recommended denial as submitted and approval if modified as suggested.

Motion & vote: Padilla moved to reject the Implementation Plan as submitted and recommended a yes vote, seconded by Peskin. Vice Chair Turnbull-Sanders ruled that the vote was unanimous in favor of the motion. **Certification denied as submitted.**

Motion & vote: Padilla moved to certify the Implementation Plan if modified as suggested and recommended a yes vote, seconded by Peskin. Vice Chair Turnbull-Sander ruled that the vote was unanimous in favor of the motion. **Approved with modifications.**

- b. **City of Oceanside LCP Amendment No. LCP-6-OCN-17-0039-1 (Part B/Craft Breweries and Wineries).** Staff recommended approval as submitted.

Motion & vote: Padilla moved to reject the Implementation Plan as submitted and recommended a no vote, seconded by Peskin. Vice Chair Turnbull-Sanders ruled that the vote was unanimous in opposition to the motion. **Approved as submitted.**

- c. **City of San Diego LCP Amendment No. LCP-6-PEN-17-0028-1 (Peninsula RM Base Zone Height Limit).** Staff recommended approval as submitted.

Motion & vote: Padilla moved to reject the Implementation Plan as submitted and recommended a no vote, seconded by Peskin. Vice Chair Turnbull-Sanders ruled that the vote was unanimous in opposition to the motion. **Approved as submitted.**

- d. **City of San Diego LCP Amendment No. LCP-6-SAN-17-0030-1(Land Development Code Amendments).** Staff recommended approval as submitted.

Motion & vote: Padilla moved to reject the Implementation Plan as submitted and recommended a no vote, seconded by Peskin. Vice Chair Turnbull-Sanders ruled that the vote was unanimous in opposition to the motion. **Approved as submitted.**

18. **NEW APPEALS.**

- a. **Appeal No. A-6-LJS-17-0025 (San Diego La Jolla Cove Stairway Gates)**
[WITHDRAWN]

19. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 6-16-0406 (Loews Coronado Bay Resort and California State Parks Beach Concession, Coronado)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

[Howell returned]

20. **REVISED FINDINGS.**

- a. **Application No. 6-16-0500 (Szekeres, Solana Beach)** Staff recommended adoption of the findings.

Motion & vote: Groom moved to adopt the revised findings and recommended a yes vote, seconded by Uranga. Vice Chair Turnbull-Sanders ruled that the vote of the prevailing side [Brownsey, Groom, Howell, Luevano, Peskin, Shallenberger, Uranga, Turnbull-Sanders] was unanimous. **Approved.**

STATEWIDE [*Trailed from Wednesday*]

19. **APPROVAL OF MINUTES.** Vice Chair Turnbull-Sanders ruled that the Commission unanimously approved the minutes for August 2016 (Brownsey, Padilla, Peskin abstained) and for March 2017 (Padilla abstained).
20. **COMMISSIONERS' REPORTS.** None.
21. **CONSERVANCY REPORT.** None.
22. **SANTA MONICA MOUNTAINS CONSERVANCY REPORT.** None.
23. **SANTA MONICA BAY RESTORATION REPORT.** None.
24. **DEPUTY ATTORNEY GENERAL'S REPORT.** Information only.

The Commission went into closed session.

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

Capistrano Shores Property LLC v. CCC
Citizens Oversight, Inc. et al. v. CCC
Harper v County of Santa Cruz
Lynch et al. v. CCC
Martins Beach 1 LLC et al. v. Turnbull Sanders et al.
San Diego Navy Broadway Complex Coalition v. CCC et al.
Sierra Club v. CCC et al.
Surfrider Foundation v. Martins Beach 1 LLC et al.
One matter of potential litigation

The Commission received litigation information and advice and took action regarding the following matters:

Mahon v. CCC
One matter of potential litigation

FRIDAY, JULY 14, 2017

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order at 9:30 a.m. by Vice Chair Turnbull-Sanders.
2. **ROLL CALL.** Present: Vice Chair Turnbull-Sanders, Brownsey, Groom, Howell, Luevano, Padilla, Peskin, Shallenberger, Uranga, Vargas. Absent: Bochco, Sundberg. Non-voting present: Ketchum. Absent: Gibson, Lucchesi
3. **AGENDA CHANGES.**
4. **GENERAL PUBLIC COMMENT.** Members of the public addressed the Commission on various issues affecting the coast.

CENTRAL COAST DISTRICT

5. **CONSENT CALENDAR (removed from Regular Calendar).** None.
6. **NEW APPEALS.**
 - a. **Appeal No. A-3-MCO-09-009 (Rancho Los Robles Subdivision, North Monterey Co.)** Staff recommended that the Commission determine that **Appeal No. A-3-MCO-09-009** raised substantial issue on the grounds on which the appeal was filed.

Motion & vote: Groom moved to determine that **Appeal No. A-3-MCO-09-009** raised no substantial issue on the grounds on which the appeal was filed and recommended a no vote, seconded by Shallenberger. Vice Chair Turnbull-Sanders ruled that the vote was unanimous in opposition to the motion. **Substantial issue found, de novo phase of hearing continued.**

7. **COASTAL PERMIT APPLICATIONS.**
 - a. **Application No. A-3-MCO-16-0017 (Moro Cojo Subdivision Affordability Amendment, North Monterey Co.)** Staff recommended approval with conditions.

Motion & vote: Vargas moved to approve pursuant to the staff recommendation and recommended a yes vote, seconded by Uranga. The roll call vote was 5 in favor (Brownsey, Luevano, Uranga, Vargas, Turnbull-Sanders) and 5 opposed (Groom, Howell, Padilla, Peskin, Shallenberger). **Denied.**

NORTH 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, Vice Chair Turnbull-Sanders ruled that the Commission concurred.

- 9. **CONSENT CALENDAR (removed from Regular Calendar).** None.
- 10. **COASTAL PERMIT APPLICATIONS.**
 - a. **Application No. A-2-MAR-12-008 (Trivelpiece, Marin Co.) [POSTPONED]**
- 11. **REVISED FINDINGS.**
 - a. **Marin County LCPA No. LCP-2-MAR-15-0029-1 (Marin LCP Update).** Staff recommended that the Commission adopt the revised findings.

Motion & vote: Groom moved to adopt the findings and recommended a yes vote, seconded by Shallenberger. Vice Chair Turnbull-Sanders ruled that the vote was unanimous of those eligible to vote (Groom, Luevano, Shallenberger, Uranga, Vargas). **Approved.**

There being no old or new business, the meeting of the California Coastal Commission adjourned at 4:10 p.m.

Respectfully submitted,

John Ainsworth
Executive Director

Approved as written on _____

Dayna Bochco
Chair

