

CALIFORNIA COASTAL COMMISSION

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**W14**

DATE: October 7, 2020

TO: Coastal Commission and Interested Persons

FROM: John Ainsworth, Executive Director

SUBJECT: **DRAFT MINUTES** of MEETING of June 10-12, 2020
(Virtual Hearing #2)

WEDNESDAY, JUNE 10, 2020

1. **CALL TO ORDER and ROLL CALL.** The meeting of the California Coastal Commission was called to order at 9 a.m. by Chair Padilla. Present: Bochco, Vice Chair Brownsey, Diamond, Escalante, Groom, Howell, O'Malley, Rice, Turnbull-Sanders, Uranga, Wilson, Chair Padilla. Non-voting present: Baker, Gold & Ketchum. (Absent: Howell)
2. **VIRTUAL MEETING PROCEDURES.**
3. **AGENDA CHANGES.** Staff reported changes to the day's agenda.
4. **GENERAL PUBLIC COMMENT.** Members of the public addressed the Commission on various issues affecting the coast.
5. **Chair's Report.** Informational only.

STATEWIDE

6. **EXECUTIVE DIRECTOR'S REPORT.**
 - a. **Executive Director's Report.** Informational only.
 - b. **Commission Correspondence.** None.
 - c. **Legislative Report.** Informational only.
 - d. **Filing Fees Increase.** Informational only.

CONSENT CALENDAR

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

NORTH CENTRAL COAST DISTRICT

9. **DEPUTY DIRECTOR'S REPORT.** Report by Deputy Director on permit waivers, emergency permits, immaterial amendments & extensions, and on comments from the public relating to the Deputy Director's report. **No report.**

10. **NEW APPEALS.**

- a. **Appeal No. A-2-PAC-19-0160 (Phoenix Capital LXV LLC, Pacifica).** Staff recommended that the Commission determine the appeal raised a substantial issue on the grounds on which the appeal was filed. There being no objection, Chair Padilla ruled that the Commission **found substantial issue** and **opened** the de novo hearing. Staff recommended approval with conditions.

Motion & vote: Howell moved to approve A-2-PAC-19-0160 pursuant to the staff recommendation and recommended a yes vote, seconded by Rice. The vote was 5 in favor (Bochco, Howell, Rice, Uranga, Chair Padilla), 6 opposed (O'Malley, Brownsey, Escalante, Groom, Diamond, Wilson). **Denied.**

(Turnbull-Sanders out of the room.)

11. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 2-17-0438 (AMIT Capital and BCPUD, Bolinas, Marin Co.).** **Postponed.**
- b. **Application No. 2-19-0555 (Sonoma County Water Agency Estuary Management, Sonoma Co.).** Staff recommended approval with conditions.

Motion & vote: Rice moved to approve pursuant to the staff recommendation and recommended a yes vote, seconded by Bochco. The vote was 12 in favor (Bochco, Brownsey, Diamond, Escalante, Groom, Howell, O'Malley, Rice, Turnbull-Sanders, Uranga, Wilson, Chair Padilla), zero. **Approved with Conditions.**

(Turnbull-Sanders returned to room.)

CENTRAL COAST DISTRICT

12. **DEPUTY DIRECTOR'S REPORT.** Report by Deputy Director on permit waivers, emergency permits, immaterial amendments & extensions, and on comments from the public relating to the Deputy Director's report.

Motion & vote: Howell moved to concur with the Deputy Director's Report and recommended a yes vote, seconded by Bochco. The vote was 12 in favor (Bochco, Brownsey, Diamond, Escalante, Groom, Howell, O'Malley, Rice, Turnbull-Sanders, Uranga, Wilson, Chair Padilla), zero opposed. **Concurred.**

13. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 3-18-1092 (Perry Manufactured Homes, Oceano, San Luis Obispo Co.). Postponed.**
- b. **Application No. A-3-SLO-19-0033 (Peoples' Self-Help Housing Affordability Apartments, Cambria, San Luis Obispo Co.).** Staff recommended approval with conditions.

Motion & vote: Bochco moved to approve pursuant to the staff recommendation and recommended a yes vote, seconded by Howell. The vote was 12 in favor (Bochco, Brownsey, Diamond, Escalante, Groom, Howell, O'Malley, Rice, Turnbull-Sanders, Uranga, Wilson, Chair Padilla), zero opposed. **Approved with conditions.**

STATEWIDE

14. **COMMISSIONERS' REPORTS.** No Report.
15. **COMMISSION SUB-COMMITTEE REPORTS.** No Report.
16. **CONSERVANCY REPORT.** No Report.
17. **SANTA MONICA MOUNTAINS CONSERVANCY REPORT.** No Report.
18. **SANTA MONICA BAY RESTORATION REPORT.** No Report.
19. **DEPUTY ATTORNEY GENERAL'S REPORT.** No Report.
20. **APPROVAL OF MINUTES.** No Minutes.

The Commission recessed for the day and went into closed session at 3:15p.m

THURSDAY, JUNE 11, 2020

1. **CALL TO ORDER and ROLL CALL.** The meeting of the California Coastal Commission was called to order at 9 a.m. by Chair Padilla. Present: Bochco, Vice Chair Brownsey, Diamond, Escalante, Groom, Howell, O'Malley, Rice, Turnbull-Sanders, Uranga, Wilson, Chair Padilla. Non-voting present: Baker, Gold & Ketchum.

Report Out of Closed Session.

The Commission received litigation information and advice on the following cases:

Harris v. CCC
Hollister Ranch Owners Association v. Becerra, et al.
O'Neill v. CCC
Stanger v. CCC (2433 Wilson)

The Commission received litigation information and advice and provided direction on the following case as well two matters of potential litigation:

Rudisill, et al. v. CCC (Lighthouse Brooks, et al., RPIs)

2. **VIRTUAL MEETING PROCEDURES.**
3. **AGENDA CHANGES.** Staff reported changes to the day's agenda.
4. **GENERAL PUBLIC COMMENT.** Members of the public addressed the Commission on various issues affecting the coast.

ADMINISTRATIVE CALENDAR

5. **ADMINISTRATIVE CALENDAR.** Staff recommended that the Commission concur with the Executive Director's determination. There being no objection, Chair Padilla ruled that the Commission **concurred**.
 - a. **Application No. 5-20-0029 (Harder, Newport Beach)**
 - b. **Application No. 5-20-0040 (Georges, Newport Beach)**

CONSENT CALENDAR

6. **CONSENT CALENDAR.** None.

7. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved 4 items [Th9b, Th11a, Th11b & Th12a] to the expanded consent calendar and recommended approval. [Note: City of Huntington Beach LCPA (LCP-5-HNB-19-0011-1 Time Extension); 5-19-0606 (Outwin & Beals); 5-19-0228 (Greystar GP II, LLC & LHC Investments); 5-14-0540-A1 (Twomey).]

Motion & vote: Wilson moved to approve the consent calendar pursuant to the staff recommendations and recommended a yes vote, seconded by Bochco. The vote was 12 in favor (Bochco, Brownsey, Diamond, Escalante, Groom, Howell, O'Malley, Rice, Turnbull-Sanders, Uranga, Wilson, Chair Padilla), zero opposed. **Approved.**

SOUTH COAST DISTRICT (ORANGE COUNTY)

8. **DEPUTY DIRECTOR'S REPORT FOR ORANGE COUNTY.** Report by Deputy Director on permit waivers, emergency permits, immaterial amendments & extensions, and on comments from the public relating to the Deputy Director's report. There being no objection, Chair Padilla ruled that the Commission **concurred.**

Motion & vote: Wilson moved to concur with the Deputy Director's Report and recommended a yes vote, seconded by Brownsey. The vote was 12 in favor (Bochco, Brownsey, Diamond, Escalante, Groom, Howell, O'Malley, Rice, Turnbull-Sanders, Uranga, Wilson, Chair Padilla), zero opposed. **Concurred.**

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

- a. **City of San Clemente LUP Amendment No. LCP-5-SCL-18-0099-1. (Major Remodel Definition). Postponed.**
- b. **City of Huntington Beach LCP Amendment No. LCP-5-HNB-19-0011-1. (Code Revisions) Time Extension.** Moved by staff to the expanded consent calendar. **Approved.**
- c. **City of Laguna Beach LCP Amendment No. LCP-5-LGB-20-0004-3. (CDP Process Update).** Staff recommended to deny certification of amendment as submitted and approve certification of amendment with suggested modifications.

Motion I & vote: Howell moved to reject the IP Amendment as submitted and recommended a yes vote, seconded by Brownsey. The vote was 12 in favor (Bochco, Brownsey, Diamond, Escalante, Groom, Howell, O'Malley, Rice, Turnbull-Sanders, Uranga, Wilson, Chair Padilla), zero opposed. **Denied IP Amendment as submitted.**

Motion II & vote: Howell moved to certify the IP Amendment with suggested modification and recommended a yes vote, seconded by Brownsey. The vote was 12 in favor (Bochco, Brownsey, Diamond, Escalante, Groom, Howell, O'Malley, Rice, Turnbull-Sanders, Uranga, Wilson, Chair Padilla), zero opposed. **Approved IP Amendment with suggested modifications.**

10. **NEW APPEALS.**

- a. **Appeal No. A-5-LGB-18-0056 (Miura, Laguna Beach).** Staff recommended that the Commission determine the appeal raised a substantial issue on the grounds on which the appeal was filed. There being no objection, Chair Padilla ruled that the Commission **found substantial issue** and **opened** the de novo hearing. Staff recommended approval with conditions.

Motion & vote: Groom moved to approve A-5-LGB-18-0056 pursuant to the staff recommendation and recommended a yes vote, seconded by Bochco. The vote was 11 in favor (Bochco, Brownsey, Diamond, Escalante, Groom, O'Malley, Rice, Turnbull-Sanders, Uranga, Wilson, Chair Padilla), zero opposed. **Approved de novo permit.**

(Howell left for the day.)

11. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 5-19-0606 (Outwin & Beals, San Clemente).** Moved by staff to the expanded consent calendar. **Approved with conditions.**
- b. **Application No. 5-19-0228 (Greystar GP II, LLC & LHC Investements, Solana Beach).** Moved by staff to the expanded consent calendar. **Approved with conditions.**
- c. **Application No. 5-19-0883 (Leibl, Seal Beach).** **Postponed.**

12. **PERMIT AMENDMENTS.**

- a. **Permit No. 5-14-0540-A1 (Twomey, Seal Beach).** Moved by staff to the expanded consent calendar. **Approved.**

[The Commission recessed for lunch at 11:45am and returned at 12:30pm.]

ENFORCEMENT

13. **ENFORCEMENT REPORT.** Report by Chief of Enforcement on Statewide Enforcement Program. **No Report.**

[Items Th14 thru Th16, shared a combined staff report and hearing.]

14. **Consent Cease and Desist Order No. CCC-20-CD-02 (City of Newport Beach, et al., Orange County).** Staff recommended approval.

Motion 1 & vote: Escalante moved to issue Consent Cease and Desist Order pursuant to the staff recommendation and recommended a yes vote, seconded by Wilson. The vote was 11 in favor (Bochco, Brownsey, Diamond, Escalante, Groom, O'Malley, Rice, Turnbull-Sanders, Uranga, Wilson, Chair Padilla), zero opposed. **Approved.**

15. **Consent Restoration Order No. CCC-20-RO-01 (City of Newport Beach, et al., Orange County).** Staff recommended approval.

Motion 2 & vote: Escalante moved to issue Consent Restoration Order pursuant to the staff recommendation and recommended a yes vote, seconded by Brownsey. The vote was 11 in favor (Bochco, Brownsey, Diamond, Escalante, Groom, O'Malley, Rice, Turnbull-Sanders, Uranga, Wilson, Chair Padilla), zero opposed. **Approved.**

16. **Consent Administrative Penalty No. CCC-20-AP-02 (City of Newport Beach, et al., Orange County).** Staff recommended approval.

Motion I & vote: Escalante moved to issue Consent Administrative Civil Penalty Order pursuant to the staff recommendation and recommended a yes vote, seconded by O'Malley. The vote was 11 in favor (Bochco, Brownsey, Diamond, Escalante, Groom, O'Malley, Rice, Turnbull-Sanders, Uranga, Wilson, Chair Padilla), zero opposed. **Approved.**

The Commission recessed for the day at 1:45 p.m.

FRIDAY, JUNE 12, 2020

1. **CALL TO ORDER and ROLL CALL.** The meeting of the California Coastal Commission was called to order at 9:00 a.m. by Chair Padilla. Present: Bochco, Vice Chair Brownsey, Diamond, Escalante, Groom, Howell, O'Malley, Rice, Turnbull-Sanders, Uranga, Wilson, Chair Padilla. Non-voting present: Baker & Ketchum. (Absent: Gold)
2. **VIRTUAL MEETING PROCEDURES.**
3. **AGENDA CHANGES.** Staff reported changes to the day's agenda.
4. **GENERAL PUBLIC COMMENT.** Members of the public addressed the Commission on various issues affecting the coast.

CONSENT CALENDAR

5. **CONSENT CALENDAR.** Staff recommended that the Commission approve the consent calendar with conditions.

Motion & vote: Howell moved to approve the consent calendar pursuant to the staff recommendations and recommended a yes vote, seconded by Wilson. The vote was 12 in favor (Bochco, Brownsey, Diamond, Escalante, Groom, Howell, O'Malley, Rice, Turnbull-Sanders, Uranga, Wilson, and Chair Padilla), zero opposed. **Approved with conditions.**

- a. **Application No. 5-19-0592 (Wonderbird Properties California, LLC, Santa Monica)**
- b. **Application No. 5-19-0996 (Doyle, Venice, Los Angeles)**
- c. **Application No. 5-19-1012 (MdR Beach Rental LLC, Venice, Los Angeles)**
- d. **Application No. 6-20-0189 (University of California San Diego Voigt Roundabout, San Diego)**

6. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved 5 items [F8a, F8b, F9a, F11a & F13a] to the expanded consent calendar and recommended approval. [Note: City of Encinitas LCPA (LCP-6-ENC-20-0018-1); City of San Diego LCPA (LCP-6-SAN-20-0026-1- Time Extension); 6-20-0129 (San Diego County Regional Airport Authority Fuel Tanks); 1-19-0278 (Gary & Plaza); 9-19-0029 (Chevron, USA).]

Motion & vote: Wilson moved to approve the consent calendar pursuant to the staff recommendations and recommended a yes vote, seconded by Brownsey. The vote was 12 in favor (Bochco, Brownsey, Diamond, Escalante, Groom, Howell, O'Malley, Rice, Turnbull-Sanders, Uranga, Wilson, Chair Padilla), zero opposed. **Approved.**

SAN DIEGO COAST DISTRICT

7. **DEPUTY DIRECTOR'S REPORT.** Report by Deputy Director on permit waivers, emergency permits, immaterial amendments & extensions, and on comments from the public relating to the Deputy Director's report.

Motion & vote: Brownsey moved concur with the Deputy Director's Report and recommended a yes vote, seconded by Wilson. The vote was 12 in favor (Bochco, Brownsey, Diamond, Escalante, Groom, Howell, O'Malley, Rice, Turnbull-Sanders, Uranga, Wilson, Chair Padilla), zero opposed. **Concurred.**

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

- a. **City of Encinita LCP Amendment No. LCP-6-ENC-20-0018-1 (Street Trees).** Moved by staff to the expanded consent calendar. **Approved IP Amendment as submitted.**
- b. **City of San Diego LCP Amendment No. LCP-6-SAN-20-0026-1 (12th Update Land Development Code) – Time Extension.** Moved by staff to the expanded consent calendar. **Approved.**

9. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 6-20-0129 (San Diego County Regional Airport Authority Fuel Tanks, San Diego).** Moved by staff to the expanded consent calendar. **Approved with conditions.**

NORTH COAST DISTRICT

10. **DEPUTY DIRECTOR'S REPORT.** Report by Deputy Director on permit waivers, emergency permits, immaterial amendments & extensions, and on comments from the public relating to the Deputy Director's report.

Motion & vote: Bochco moved to concur with the Deputy Director's Report and recommended a yes vote, seconded by Rice. The vote was 12 in favor (Bochco, Brownsey, Diamond, Escalante, Groom, Howell, O'Malley, Rice, Turnbull-Sanders, Uranga, Wilson, Chair Padilla), zero opposed. **Concurred.**

11. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 1-19-0278 (Gary & Plaza, Humboldt Co.).** Moved by staff to the expanded consent calendar. **Approved with conditions.**

ENERGY, OCEAN RESOURCES AND FEDERAL CONSISTENCY

12. **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 Padilla ruled that the Commission **concurred.**

13. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 9-19-0029 (Chevron, USA, Santa Barbara Co.).** Moved by staff to the expanded consent calendar. **Approved with conditions.**
- b. **Application No. 9-19-1250 (City of Santa Barbara, Santa Barbara Co.).**
Postponed.

SOUTH CENTRAL COAST DISTRICT

14. **DEPUTY DIRECTOR'S REPORT.** Report by Deputy Director on permit waivers, emergency permits, immaterial amendments & extensions, and on comments from the public relating to the Deputy Director's report.

Motion & vote: Bochco moved to concur with the Deputy Director's Report and recommended a yes vote, seconded by Howell. The vote was 12 in favor (Bochco, Brownsey, Diamond, Escalante, Groom, Howell, O'Malley, Rice, Turnbull-Sanders, Uranga, Wilson, Chair Padilla), zero opposed. **Concurred.**

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, and on comments from the public relating to the Deputy Director's report.

Motion & vote: Wilson moved to concur with the Deputy Director's Report and recommended a yes vote, seconded by Groom. The vote was 12 in favor (Bochco, Brownsey, Diamond, Escalante, Groom, Howell, O'Malley, Rice, Turnbull-Sanders, Uranga, Wilson, Chair Padilla), zero opposed. **Concurred.**

16. **NEW APPEALS.**

- a. **Appeal No. A-5-LOB-20-0012 (Marina Pacific Homeowners Association, Long Beach).** Staff recommended that the Commission determine that the appeal raised no substantial issue.

Motion & vote: Howell moved to determine that Appeal No. A-5-LOB-20-0012 raised no substantial issue on the grounds on which the appeal was filed and recommended a no vote, seconded by Uranga. The vote was 12 in favor (Bochco, Brownsey, Diamond, Escalante, Groom, Howell, O'Malley, Rice, Turnbull-Sanders, Uranga, Wilson, Chair Padilla), zero opposed. **Substantial Issue found and continued.**

- b. **Appeal No. A-5-MNB-20-0020 (Coral Court, LLC, Manhattan Beach).**
Postponed.

17. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 5-19-0955 (Lesman, Hermosa Beach).** Staff recommended approval with conditions.

Motion & vote: Wilson moved to approve the staff recommendations and recommended a yes vote, seconded by Rice. The vote was 12 in favor (Bochco, Brownsey, Diamond, Escalante, Groom, Howell, O'Malley, Rice, Turnbull-Sanders, Uranga, Wilson, Chair Padilla), zero opposed. **Approved with conditions.**

- b. **Application No. 5-19-1015 & A-5-VEN-18-0049 (Mobile Park Investment, Venice, Los Angeles).** Staff recommended approval with conditions. **Withdrawn by applicant at hearing.** Applicant requested a permit filing fee waiver upon resubmittal of permit application.

Motion & vote: Brownsey moved to waive the filing permit fee upon applicant's resubmittal of permit application and condition that the applicant withdraws the current permit application, and recommended a yes vote, seconded by Groom. The vote was 11 in favor (Bochco, Brownsey, Diamond, Escalante, Groom, Howell, O'Malley, Rice, Uranga, Wilson, Chair Padilla), zero opposed. **Permit withdrawn, and permit filing fee waived upon resubmittal of new permit application.**

(Turnbull-Sanders out of the room.)

18. **REVISED FINDINGS.**

- a. **Application No. 5-18-0872 (Sunshine Enterprises, Santa Monica).** Staff recommended approval of the revised findings.

Motion and vote: Bochco moved to adopt the revised findings pursuant to the staff recommendation and recommended a yes vote, seconded by Brownsey. Commissioners on the prevailing side are: Chair Padilla, Bochco, Vice Chair Brownsey, Rice, Hart, Howell and Luce (Alternate for Escalante). The vote was 4 in favor (Bochco, Brownsey, Howell, Chair Padilla), zero opposed. (Note: Commissioner Hart's alternate was not allowed to vote.) **Revised Findings adopted.**

There being no old or new business, the meeting of the California Coastal Commission adjourned at 2:45 p.m

Respectfully submitted,

John Ainsworth
Executive Director

Approved as
Submitted _____

Steve Padilla
Chair