

CALIFORNIA COASTAL COMMISSION

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**W15**

DATE: September 9, 2020

TO: Coastal Commission and Interested Persons

FROM: John Ainsworth, Executive Director

SUBJECT: **DRAFT MINUTES** of MEETING of August 12-14, 2020
(Virtual Hearing)

WEDNESDAY, August 12, 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: Aminzadeh, Bochco, Vice Chair Brownsey, Escalante, Groom, Hart, Howell, Rice, Turnbull-Sanders, Uranga, Wilson, Chair Padilla. Non-voting present: Gold and Ketchum. (Absent: Baker)
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.** None.

STATEWIDE

6. **EXECUTIVE DIRECTOR'S REPORT.**
 - a. **Executive Director's Report.** – Informational only.
 - b. **Coastal Clean-up Day 2020 Presentation.** – Informational only.
 - c. **Sea Level Rise Story Map Presentation.** – Informational only.
 - d. **Commission Correspondence.** – None.
 - e. **Legislative Report.** – Informational only.

f. **Interagency Agreements for Implementing California's Coastal Management Program, FY 2020-21 Coastal Zone Management Grant Award.**

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

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

CONSENT CALENDAR

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

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 (Aminzadeh, Bochco, Brownsey, Escalante, Groom, Hart, Howell, Rice, Turnbull-Sanders, Uranga, Wilson, Padilla), zero opposed. **Approved.**

a. **Pepperdine University Notice of Impending Development (NOID) No. PEP-NOID-0003-20 (Student Housing Wellness Center).**

8. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved 6 items [W10a-b, W12b and W13a, W19b & W20a] to the expanded consent calendar and recommended approval. [Note: W10a-b (City of Eureka LCP Time Extensions); W12b (9-20-0275 approved with conditions); W13a (CC-0002-20 approved with conditional concurrence), W19b (Malibu LCPA Minor Amendment approved as submitted) and W20a (Ventura County Channel Islands Harbor PWP NOID, approved with conditions).]

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

NORTH 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.**

[Please note: W10a and W10b share a single combined staff report and hearing.]

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

- a. **City of Eureka LCP Amendment No. LCP-1-EUR-20-0009-1, Part C (Crowley Site Redesignation) - Time Extension.** Moved by staff to the expanded consent calendar. **Approved.**
- b. **City of Eureka LCP Amendment No. LCP-1-EUR-20-0009-1, Part B (Service Commercial District Height Limit) - Time Extension.** Moved by staff to the expanded consent calendar. **Approved.**

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 Padilla ruled that the Commission **concurred.**

[Please note: W12b and W13a share a single combined staff report and hearing.]

12. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 9-20-0268 (State Lands Commission, Santa Barbara Co.).** **Postponed.**
- b. **Application No. 9-20-0275 (RTI Infrastructure, Inc., San Luis Obispo Co.).** Moved by staff to the expanded consent calendar. **Approved with conditions.**

13. **FEDERAL CONSISTENCY.**

- a. **CC-0002-20 (RTI Infrastructure, Inc., San Luis Obispo Co.).** Moved by staff to the expanded consent calendar. **Conditional Concurrence.**
- b. **CC-0001-20 (San Diego Association of Governments (SANDAG), San Diego Co.).** Staff recommended that the Commission concur with the consistency determination.

Motion & vote: Brownsey moved to concur with the consistency certification pursuant to the staff recommendations and recommended a yes vote, seconded by Hart. The vote was 12 in favor (Aminzadeh, Bochco, Brownsey, Escalante, Groom, Hart, Howell, Rice, Turnbull-Sanders, Uranga, Wilson, Padilla), zero opposed. **Concurrence.**

[The Commission recessed for lunch at 1:00 and returned at 1:38pm.]

SOUTH COAST DISTRICT (Los Angeles County)

14. **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. Commissioners Aminzadeh, Brownsey, Escalante and Wilson objected to Waiver 5-20-0237-W, to be heard at a future hearing. There being no objection to any other item, Chair Padilla ruled that the Commission **concurred** with the remaining items in the Deputy Director's Report.

(Turnbull Sanders out of room.)

15. **NEW APPEALS.** None

[Please note: W16c and W17a below, have separate staff reports but shared a single combined hearing.]

16. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 5-19-1220 (Dennis, Hermosa Beach). Postponed**
- b. **Application No. 5-20-0363 & A-5-VEN-18-0049 (Mobile Park Investment, Venice, Los Angeles). Dual Permit jurisdiction.**

Motion I & vote: Brownsey moved to approve pursuant to the staff recommendation and recommended a yes vote, seconded by Wilson. The vote was 11 in favor (Aminzadeh, Bochco, Brownsey, Escalante, Groom, Hart, Howell, Rice, Uranga, Wilson, Padilla), zero opposed. **Approved de novo permit with conditions.**

Motion II & vote: Brownsey moved to approve pursuant to the staff recommendation and recommended a yes vote, seconded by Wilson. The vote was 11 in favor (Aminzadeh, Bochco, Brownsey, Escalante, Groom, Hart, Howell, Rice, Uranga, Wilson, Padilla), zero opposed. **Approved with conditions.**

(Turnbull Sanders out of room.)

- c. **Application No. 5-18-0554 (California Department of Fish and Wildlife, Playa Del Rey, Los Angeles).**

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

17. **PERMIT AMENDMENTS.**

- a. **Permit No. 5-17-0253-A1 (California Department of Fish and Wildlife, Playa Del Rey, Los Angeles).**

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

(Turnbull-Sanders returned.)

SOUTH CENTRAL COAST DISTRICT

18. **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. There being no objection, Chair Padilla ruled that the Commission **concurred.**

19. **LOCAL COASTAL PROGRAM (LCPs).**

- a. **City of Oxnard LCP Amendment No. LCP-4-OXN-20-0007-1 (Ventura County Harbor Department).**

Motion I & vote: Howell moved to certify the LUP Amendment as submitted and recommended a NO vote, seconded by Hart. The vote was 0 in favor of the motion and 12 opposed (Aminzadeh, Bochco, Brownsey, Escalante, Groom, Hart, Howell, Rice, Turnbull-Sanders, Uranga, Wilson, Padilla). **Denied certification of the City of Oxnard LUP Amendment as submitted by the Ventura County Harbor Department.**

Motion II & vote: Howell moved to deny the IP Amendment as submitted and recommended a Yes vote, seconded by Wilson. The vote was 12 in favor (Aminzadeh, Bochco, Brownsey, Escalante, Groom, Hart, Howell, Rice, Turnbull-Sanders, Uranga, Wilson, Padilla), zero opposed. **Denied certification of the City of Oxnard IP Amendment as submitted by the Ventura County Harbor Department.**

- b. **City of Malibu Minor LCP Amendment No. LCP-4-MAL-20-0035-1 (Fire-Resistant Landscape Ordinance).** Moved by staff to the expanded consent calendar. **Approved minor LCP Amendment as submitted.**

20. **NOTICE OF IMPENDING DEVELOPMENT.**

- a. **Ventura County Channel Islands Harbor Public Works Plan Notice of Impending Development (NOID) No. CIH-NOID-0001-20 (Boater Restroom Facility Project).** Moved by staff to the expanded consent calendar. **Approved with conditions.**

21. **NEW APPEALS.**

- a. **Appeal No. A-4-MAL-20-0026 (Perrin, Malibu). Withdrawn**

STATEWIDE [trailed to Thursday]

22. **APPROVAL OF MINUTES.** None.

23. **COMMISSIONERS' REPORTS.** None.

24. **COMMISSION SUB-COMMITTEE REPORTS.** None.

25. **CONSERVANCY REPORT.** None

26. **SANTA MONICA MOUNTAINS CONSERVANCY REPORT.** Informational only.

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

28. **DEPUTY ATTORNEY GENERAL'S REPORT.** Informational only.

The Commission recessed for the day at 8:17 p.m.

THURSDAY, AUGUST 13, 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: Aminzadeh, Bochco, Vice Chair Brownsey, Esclante, Groom, Hart, Rice, Uranga, Wilson, Chair Padilla. (Absent: Howell) Non-voting present: Baker and 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.

(Howell and Gold returned.)

ENFORCEMENT

5. **ENFORCEMENT REPORT. Postponed.**

SOUTH COAST DISTRICT (ORANGE COUNTY)

6. **ADMINISTRATIVE CALENDAR**

- a. **Application No. 5-20-0151 (Jakosky, Newport Beach.** Staff recommended that the Commission concur with the Executive Director's determination. There being no objection, Chair Padilla ruled that the Commission **concurred**.

(Bochco out of room.)

CONSENT CALENDAR

7. **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 recommendation and recommended a yes vote, seconded by Groom. The vote was 11 in favor (Aminzadeh, Brownsey, Escalante, Groom, Hart, Howell, Rice, Turnbull-Sanders, Uranga, Wilson, Padilla), zero opposed. **Approved with conditions.**

- a. **Application No. 5-19-1016 (Mangan, Seal Beach).**
- b. **Application No. 6-20-0190 (UCSD Multi-Use Walkway, San Diego).**

(Bochco out of room.)

8. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved 6 items [Th12d, Th12e, Th12f, Th14a, Th16a, and Th17a] to the expanded consent calendar and recommended approval with conditions. (Note: Th14a (City of Carlsbad LCP Amendment), staff recommended approval of the LUP and IP amendments as submitted.)

Motion & vote: Howell moved to approve the consent calendar pursuant to the staff recommendations and recommended a yes vote, seconded by Hart. The vote was 11 in favor (Aminzadeh, Brownsey, Escalante, Groom, Hart, Howell, Rice, Turnbull-Sanders, Uranga, Wilson, Padilla), zero opposed. **Approved.**

(Bochco out of room.)

SOUTH COAST DISTRICT (Orange County)

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. There being no objection, Chair Padilla ruled that the Commission **concurred**. (Note: staff recommended to postpone action for 5-15-1670-A1-E3.)

(Bochco out of room.)

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

- a. **City of San Clemente LUP Amendment No. LCP-5-SLC-18-0099-1 (Major Remodel Definition). Withdrawn.**

(Bochco returned.)

- b. **City of Newport Beach LCP Amendment No. LCP-5-NPB-19-0016-1 (Parking Management Overlay District). Postponed**

[The Commission recessed for lunch at 12:25 and returned at 1:20pm.]

- c. **City of Laguna Beach LCP Amendment No. LCP-5-LGB-19-0074-1 (Short-term Lodgings/Rentals).**

Motion & vote: Wilson moved to continue the matter, seconded by Rice. The vote was 12 in favor (Aminzadeh, Bochco, Brownsey, Escalante, Groom, Hart, Howell, Rice, Turnbull-Sanders, Uranga, Wilson, Padilla), zero opposed. **Continued.**

11. **NEW APPEALS.**

- a. **Appeal No. A-5-NPB-20-0025 (215 Riverside Drive, LLC, Newport 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 the de novo hearing continued.

(Turnbull-Sanders out of room.)

12. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. A-5-LGB-17-0033 (HCI Systems, Laguna Beach) - Postponed**
- b. **Application No. A-5-LGB-19-0159 (HCI Systems, Laguna Beach) - Withdrawn**
- c. **Application No. 5-19-0883 (Leibl, Seal Beach)**

Motion & vote: Hart moved to approve pursuant to the staff recommendation and recommended a yes vote, seconded by Wilson. The vote was 11 in favor (Aminzadeh, Bochco, Brownsey, Escalante, Groom, Hart, Howell, Rice, Uranga, Wilson, Padilla), zero opposed. **Approved with conditions.**

(Turnbull-Sanders out of room.)

- d. **Application No. 5-19-1202 (Eggert & McIntire, Newport Beach).** Moved by staff to the expanded consent calendar. **Approved with conditions.**
- e. **Application No. 5-19-1513 (JL Oceanfront LLC, Newport Beach).** Moved by staff to the expanded consent calendar. **Approved with conditions.**
- f. **Application No. 5-20-0183 (South Orange County Wastewater Authority (SOCWA), Dana Point).** Moved by staff to the expanded consent calendar. **Approved with conditions.**

SAN DIEGO COAST DISTRICT

13. **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. There being no objection, Chair Padilla ruled that the Commission **concurred.**

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

- a. **City of Carlsbad LCP Amendment No. LCP-6-CII-19-0145-1 (Ocean View Point).** Moved by staff to the expanded consent calendar. **Approved certification of LUP and IP Amendment as submitted.**

15. **NEW APPEALS.**

- a. **Appeal No. A-6-LJS-19-0198 (San Diego Children's Pool Retaining Wall, La Jolla, San Diego). Postponed.**
- b. **Appeal No. A-6-ENC-20-0022 (Hanlon, San Diego)** 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 de novo hearing continued.

(Turnbull-Sanders out of room)

16. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 6-20-0154 (San Diego County Regional Airport Authority Administration Building, San Diego).** Moved by staff to the expanded consent calendar. **Approved with conditions.**

17. **PERMIT AMENDMENTS.**

- a. **Permit No. 6-84-496-A2 (Craig, San Diego Co.).** Moved by staff to the expanded consent calendar. **Approved with conditions.**

STATEWIDE [Wednesday items W22-W28, were reported on Thursday.]

The Commission recessed for the day at 4:01 p.m. and went into Closed Session.

FRIDAY, AUGUST 14, 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: Aminzadeh, Bochco, Vice Chair Brownsey, Escalante, Groom, Hart, Howell, Rice Turnbull-Sanders, Uranga, Wilson, Chair Padilla. Non-voting present: Baker and Ketchum. (Absent: Gold)

Report of Closed Session.

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

Fowler Packing Co. v. CCC

Jack, et al., v. City of Los Angeles, et al. (925 Marco Plane, LLC, et al., RPIs)

O'Brien v. CCC

Pacific Palisades Residents Association, Inc. v. City of Los Angeles, et al. (Rony Shram, et al., RPIs)

The Commission received litigation information and advice and took action on the following cases and a matter of potential litigation:

Rudisill v. CCC (Pied a Terre, RPI)

Sanson v CCC

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. **CONSENT CALENDAR.**
6. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved 1 item [F12a] to the expanded consent calendar and recommended approval with conditions.

Motion & vote: Bochco moved to approve the consent calendar pursuant to the staff recommendations and recommended a yes vote, seconded by Wilson. The vote was 11 in favor (Aminzadeh, Bochco, Brownsey, Escalante, Groom, Hart, Rice, Turnbull-Sanders, Uranga, Wilson, Padilla), zero opposed. **Approved.**

(Howell out of room.)

NORTH CENTRAL 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. **No Report.**

8. **NEW APPEALS.**

- a. **Appeal No. A-2-SMC-19-0002 (Zubieta, Moss Beach, San Mateo Co.)** 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.

Motion & vote: Groom moved to approve pursuant to the staff recommendation and recommended a yes vote, seconded by Bochco. The vote was 11 in favor (Aminzadeh, Bochco, Brownsey, Escalante, Groom, Hart, Rice, Turnbull-Sanders, Uranga, Wilson, Padilla), zero opposed. **Approved with conditions.**

(Howell out of room.)

9. **PERMIT AMENDMENTS.**

- a. **Permit No. A-2-MAR-08-028-A3 (Lawson's Landing Inc., Dillon Beach, Marin Co.). Postponed**

CENTRAL 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. There being no objection, Chair Padilla ruled that the Commission **concurred.**

(Howell returned.)

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

- a. **San Luis Obispo County LCP Amendment No. LCP-3-SLO-20-0043-1 (Industrial Hemp).**

Motion I & vote: Howell moved to certify the LUP Amendment as submitted and recommended a yes vote, seconded by Bochco. The vote was 12 in favor (Aminzadeh, Bochco, Brownsey, Escalante, Groom, Hart, Howell, Rice, Turnbull-Sanders, Uranga, Wilson, Padilla), zero opposed. **Approved to certify LUP Amendment as submitted.**

Motion II & vote: Howell moved to deny the IP Amendment as submitted and recommended a Yes vote, seconded by Bochco. The vote was 12 in favor (Aminzadeh, Bochco, Brownsey, Escalante, Groom, Hart, Howell, Rice, Turnbull-Sanders, Uranga, Wilson, Padilla), zero opposed. **Denied IP Amendment as submitted.**

Motion III & vote: Howell moved to certify the IP Amendment with suggested modification and recommended a Yes vote, seconded by Bochco. The vote was 12 in favor (Aminzadeh, Bochco, Brownsey, Escalante, Groom, Hart, Howell, Rice, Turnbull-Sanders, Uranga, Wilson, Padilla), zero opposed. **Approved IP Amendment with suggested modification.**

12. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. A-3-MCO-17-0068 (Monterey Bay Aquarium Research Institute (MBARI) Field Program Staging Facility, Moss Landing, Monterey Co.)**
Moved by staff to the expanded consent calendar. **Approved with conditions.**

There being no old or new business, the meeting of the California Coastal Commission adjourned at 11:40 a.m.

Respectfully submitted,

John Ainsworth
Executive Director