

CALIFORNIA COASTAL COMMISSION

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**W19**

DATE: October 28, 2022
TO: Coastal Commissioners
FROM: John Ainsworth, Executive Director
SUBJECT: **DRAFT MINUTES** of MEETING of May 11-13, 2022
Hilton Orange County Costa Mesa
3050 Bristol Street
Costa Mesa, CA 92626

WEDNESDAY, MAY 11, 2022

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 Brownsey. **Present:** Chair Brownsey, Vice Chair Hart, Aminzadeh, Bochco, Escalante, Groom, Rice, Turnbull-Sanders, Wilson. Uranga arrived at 9:10 a.m. **Absent:** Padilla. **Non-voting present:** Dumlao, Gold, Ketchum.
2. **VIRTUAL MEETING PROCEDURES.**
3. **AGENDA CHANGES.**
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.** Information only.
 - b. **Commission Correspondence.** None.
 - c. **Legislative Report.** Staff recommended support of the following bills:

SB1497 (Senate Natural Resources & Water Committee) Staff recommended support.

Motion & vote: Wilson moved to support SB1497 and recommended a yes vote, seconded by Rice. Chair Brownsey ruled that the vote was unanimous in favor of the motion. **Support approved.**

AB2975 (Assembly Water, Parks, & Wildlife Committee). Staff recommended support.

Motion & vote: Hart moved to support AB2975 and recommended a yes vote, seconded by Wilson. Chair Brownsey ruled that the vote was unanimous in favor of the motion. **Support approved.**

d. **Informational Presentation on the State Agency SLR Action Plan.**
Information only.

7. **ADMINISTRATIVE CALENDAR.** Staff recommended that the Commission concur with the Executive Director's determination. There being no objection, Chair Brownsey ruled that the Commission concurred.

a. **Application No. 5-21-0804 (Sherer, Huntington Beach)**

8. **CONSENT CALENDAR.** Staff recommended approval of the consent calendar.

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

a. **Application No. 5-21-0004 (Kozik, San Clemente)**

b. **Application No. 5-21-0797 (Orange County Public Works, Costa Mesa)**

c. **Application No. 5-21-0908 (Schulman, Newport Beach)**

d. **Application No. 5-22-0130 (Garcia, Seal Beach)**

e. **Application No. 6-22-0071 (Carlsbad Temporary Fire Station No. 7, Carlsbad)**

9. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved 4 items (16a, 16b, 16c, 20a) to the expanded consent calendar and recommended approval.

a. **Motion & vote:** Groom moved to approve the expanded consent calendar pursuant to the staff recommendation and recommended a yes vote, seconded by Rice. Chair Brownsey ruled that the vote was unanimous in favor of the motion. **Approved as recommended.**

ENFORCEMENT

10. **ENFORCEMENT REPORT.** Report by Chief of Enforcement on Statewide Enforcement Program.
11. **Cease and Desist Order No. CCC-22-CD-01 (1205-1207 Wooster Street LLC, Pacific Palisades, Los Angeles Co.) [POSTPONED]**
12. **Administrative Penalty No. CCC-22-AP-01 (1205-1207 Wooster Street LLC, Pacific Palisades, Los Angeles Co.) [POSTPONED]**

[Turnbull-Sanders & Padilla out of room]

13. **Cease and Desist Order No. CCC-22-CD-02 (Headland Property Associates LLC et al, Pacific Palisades, Los Angeles Co.)** Staff recommended that the Commission issue the cease-and-desist order.

Motion & vote: Hart moved to issue Cease and Desist Order No. CCC-22-CD-02 pursuant to the staff recommendation and recommended a yes vote, seconded by Groom. The roll call vote was 8 in favor (O'Malley, Bochco, Groom, Harmon, Hart, Rice, Wilson, Brownsey) and none opposed. **Approved.**

14. **Administrative Penalty No. CCC-22-AP-02 (Headland Property Associates LLC, Pacific Palisades, Los Angeles Co.)**

Motion & vote: Hart moved to issue Administrative Penalty No. CCC-22-AP-02 pursuant to the staff recommendation as amended and recommended a yes vote, seconded by Groom. The roll call vote was 8 in favor (Bochco, Groom, Harmon, Hart, Rice, Wilson, O'Malley, Brownsey) and none opposed. **Approved.**

SAN DIEGO COAST DISTRICT

15. **DEPUTY DIRECTOR'S REPORT.** Report by Deputy Director on permit waivers, emergency permits, immaterial amendments & extensions, local government acceptance of modifications for LCP certification and on comments from the public relating to the Deputy Director's report. There being no objection, Chair Brownsey ruled that the Commission concurred.
16. **LOCAL COASTAL PROGRAMS (LCPs).**
 - a. **City of Encinitas LCP Amendment No. LCP-6-ENC-21-0075-2 (Inclusionary Housing Update).** Moved by staff to the expanded consent calendar. **Approved as recommended.**

- b. **City of Del Mar LCP Amendment No. LCP-6-DMR-21-0035-1 (5th Cycle Housing Element).** Moved by staff to the expanded consent calendar. **Approved as recommended.**
- c. **City of Del Mar LCP Amendment No. LCP-6-DMR-21-0081-2 (Parking Adjustments) Time Extension.** Moved by staff to the expanded consent calendar. **Approved.**

17. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 6-21-0353 (Northeast MB, LLC, San Diego) [POSTPONED]**

Report of Closed Session.

The Commission received litigation information and advice and took action on:

AMJT Capital LLC, et al. v. CCC
Pappas, et al. v. State Coastal Conservancy, et al.
Samuel Lawrence Foundation v. CCC
Shear v. CCC

The Commission received litigation information and advice on a matter of potential litigation.

SOUTH COAST DISTRICT (ORANGE COUNTY)

- 18. **DEPUTY DIRECTOR'S REPORT FOR ORANGE COUNTY.** Report by Deputy Director on permit waivers, emergency permits, immaterial amendments & extensions, local government acceptance of modifications for LCP certification and on comments from the public relating to the Deputy Director's report. There being no objection, Chair Brownsey ruled that the Commission concurred.

19. **NEW APPEALS.**

- a. **Appeal No. A-5-LGB-22-0009 (Gross, Laguna Beach) [WITHDRAWN]**

20. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. A-5-LGB-18-0014 (Harle, Laguna Beach)** Moved by staff to the expanded consent calendar. **Approved with conditions.**
- b. **Application No. 5-21-0475 (Orange County Water District, Seal Beach).** **[WITHDRAWN]**

- c. **Application No. 5-21-0705 (City of San Clemente, San Clemente)** Staff recommended approval with conditions.

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

STATEWIDE

21. **APPROVAL OF MINUTES. Motion & vote:** Wilson moved to approve the March 2022 minutes as written and recommended a yes vote, seconded by Bochco. Chair Brownsey ruled that the vote was unanimous in favor of the motion. **Approved.**
22. **COMMISSIONERS' REPORTS.** None.
23. **COMMISSION SUB-COMMITTEE REPORTS.** None
24. **CONSERVANCY REPORT.** Information only.
25. **SANTA MONICA MOUNTAINS CONSERVANCY REPORT.** none.
26. **SANTA MONICA BAY RESTORATION REPORT.** None.
27. **DEPUTY ATTORNEY GENERAL'S REPORT.** Information only.

The Commission recessed for the day at 4:15 p.m.

THURSDAY, MAY 12, 2022

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 Brownsey. Present: Chair Brownsey, Vice Chair Hart, Aminzadeh, Bochco, Groom, Harmon, Padilla, Rice, Turnbull-Sanders, Rivas(alternate), Wilson. Absent: Escalante. Non-voting present: Gold, Ketchum, Kunkel.
2. **VIRTUAL MEETING PROCEDURES.**
3. **AGENDA CHANGES.**
4. **GENERAL PUBLIC COMMENT.** No public comment.
5. **CONSENT CALENDAR.** None.
6. **CONSENT CALENDAR (REMOVED FROM REGULAR CALENDAR)** Staff moved one item [8a] to the expanded consent calendar and recommended approval as recommended by staff.

Motion & vote: Bochco moved to approve the expanded consent calendar pursuant to the staff recommendation and recommended a yes vote, seconded by Groom. Chair Brownsey ruled that the vote was unanimous in favor of the motion. **Concurred.**

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. There being no objection, Chair Brownsey ruled that the Commission concurred.
8. **FEDERAL CONSISTENCY.**
 - a. **NE-0001-22 (U.S. Army Corps of Engineers, San Luis Obispo Co.)** Moved by staff to the expanded consent calendar. **Concurred.**
9. **CONTINUED APPEALS.**
 - a. **Appeal No. A-5-HNB-10-225 (Poseidon Water, Huntington Beach)** Staff recommended denial.

Motion & vote: Bochco moved to approve Appeal No. A-5-HNB-10-225 as proposed by the applicant and recommended a no vote, seconded by Hart. The roll call vote was none in favor and 11 opposed (Aminzadeh, Bochco, Groom, Harmon, Hart, Padilla, Rice, Turnbull-Sanders, Rivas, Wilson, Brownsey). **Denied.**

10. **COASTAL PERMIT APPLICATIONS.**

a. **Application No. 9-21-0488 (Poseidon Water, Huntington Beach)** Staff recommended approval with conditions.

Motion & vote: Bochco moved to approve as proposed by the applicant and recommended a no vote, seconded by Hart. The roll call vote was none in favor and 11 opposed (Bochco, Groom, Harmon, Hart, Padilla, Rice, Turnbull-Sanders, Rivas, Wilson, Aminzadeh, Brownsey). **Denied.**

The Commission recessed for the day at 7:30 p.m.

FRIDAY, MAY 13, 2022

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 Brownsey. Present: Chair Brownsey, Vice Chair Hart, O'Malley(alternate), Bochco, Groom, Padilla, Turnbull-Sanders, Wilson, Brownsey. Absent: Escalante, Harmon, Rice, Uranga. Non-voting present: Ketchum, Kunkel.
2. **VIRTUAL MEETING PROCEDURES.**
3. **AGENDA CHANGES.**
4. **GENERAL PUBLIC COMMENT.** No public comment.
5. **CONSENT CALENDAR.** Staff recommended approval of the consent calendar.

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

a. **Application No. 5-21-0649 (Sprague, Hermosa Beach)**

6. **CONSENT CALENDAR (REMOVED FROM REGULAR CALENDAR)** Staff moved ten items [9a, 11a, 12a, 14a, 16a, 18a, 18b, 20a, 20c, 20d] to the expanded consent calendar and recommended approval as recommended by staff. *[Bocho out of room]*

Motion & vote: Hart moved to approve the expanded consent calendar pursuant to the staff recommendation and recommended a yes vote, seconded by Groom. The roll call vote was 6 in favor (O'Malley, Groom, Hart, Padilla, Turnbull-Sanders, Brownsey) and 1 opposed (Wilson) **Approved as recommended.**

NORTH COAST DISTRICT

7. **DEPUTY DIRECTOR'S REPORT.** Report by Deputy Director on permit waivers, emergency permits, immaterial amendments & extensions, local government acceptance of modifications for LCP certification and on comments from the public relating to the Deputy Director's report. There being no objection, Chair Brownsey ruled that the Commission concurred.

a. **Fee Waiver.** Staff recommended approval of the fee waiver.

Motion & vote: Wilson moved to approve the waiver for the permit application fee pursuant to the staff recommendation and recommended a yes vote, seconded by Turnbull-Sanders. Chair Brownsey ruled that the vote was unanimous in favor of the motion. **Approved.**

8. **NEW APPEALS.**

- a. **Appeal No. A-1-HUM-22-0011 (At The Bluff Farm Stay, Humboldt Co.)** Staff recommended that the Commission determine that the appeal does not raise a substantial.

Motion & vote: Wilson moved to determine that Appeal No. A-1-HUM-22-0011 does not present a substantial issue on the grounds on which the appeal was filed and recommended a yes vote, seconded by Padilla. Chair Brownsey ruled that the vote was unanimous in favor of the motion. **No substantial issue found.**

9. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 1-21-0677 (Rotter & Gavin, Humboldt Co.)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

NORTH CENTRAL COAST DISTRICT

10. **DEPUTY DIRECTOR'S REPORT.** Report by Deputy Director on permit waivers, emergency permits, immaterial amendments & extensions, local government acceptance of modifications for LCP certification and on comments from the public relating to the Deputy Director's report. There being no objection, Chair Brownsey ruled that the Commission concurred.

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

- a. **City of Half Moon Bay LCP Amendment No. LCP-2-HMB-21-0078-2 (Short Term Rentals and Home Occupations). Time Extension.** Moved by staff to the expanded consent calendar. **Approved.**

12. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 2-21-0650 (Lefcourt/Jacoby SFD, Seadrift)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

CENTRAL COAST DISTRICT

13. **DEPUTY DIRECTOR'S REPORT.** Report by Deputy Director on permit waivers, emergency permits, immaterial amendments & extensions, local government acceptance of modifications for LCP certification and on comments from the public relating to the Deputy Director's report. There being no objection, Chair Brownsey ruled that the Commission concurred.

14. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 3-22-0164 (Crow's Nest Beach Party, Santa Cruz)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

SOUTH CENTRAL COAST DISTRICT

15. **DEPUTY DIRECTOR'S REPORT.** Report by Deputy Director on permit waivers, emergency permits, immaterial amendments & extensions, local government acceptance of modifications for LCP certification and on comments from the public relating to the Deputy Director's report. There being no objection, Chair Brownsey ruled that the Commission concurred.

16. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 4-21-0103 (City of Santa Barbara Waterford Department, Santa Barbara Co.)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

SOUTH COAST DISTRICT (LOS ANGELES COUNTY)

17. **DEPUTY DIRECTOR'S REPORT FOR LOS ANGELES COUNTY.** Report by Deputy Director on permit waivers, emergency permits, immaterial amendments & extensions, local government acceptance of modifications for LCP certification and on comments from the public relating to the Deputy Director's report. There being no objection, Chair Brownsey ruled that the Commission concurred.

18. **LOCAL COASTAL PROGRAM.**

- a. **City of Long Beach LCP Amendment No. LCP-5-LOB-21-0088-2 (Enhanced Density Bonus). Time Extension.** Moved by staff to the expanded consent calendar. **Approved.**
- b. **City of Long Beach LCP Amendment No. LCP-5-LOB-21-0089-3-Part A (Drive Through and Miscellaneous Code Updates).** Moved by staff to the expanded consent calendar. **Approved as submitted.**

19. **NEW APPEALS.**

- a. **Appeal No. A-5-VEN-21-0069 (315 6th Avenue LLC, Venice)** Staff recommended that the Commission determine Appeal No. A-5-VEN-21-0069 raised a substantial issue on the grounds on which the appeal was filed. There being no objection, Chair Brownsey ruled that the Commission found substantial issue and opened the denovo hearing. Staff recommended denial.

Motion & vote: Wilson moved to approve pursuant to the staff recommendation and recommended a no vote, seconded by Hart. The roll call vote was none in favor and 7 opposed (Bochco, Groom, Hart, Turnbull-Sanders, Wilson, O'Malley, Brownsey). **Denied.**

- b. **Appeal No. A-5-VEN-22-0012 (Place Holder DP, LLC, Venice)** Staff recommended that the Commission determine Appeal No. A-5-VEN-22-0012 raised a substantial issue on the grounds on which the appeal was filed. There being no objection, Chair Brownsey ruled that the Commission found substantial issue and continued the denovo hearing. **Substantial issue found. Continued.**

20. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 5-21-0451 (HNP Investments, LLC, Hermosa Beach)** Moved by staff to the expanded consent calendar. **Approved with conditions.**
- b. **Application No. 5-21-0877 (North Venice Boardwalk, LLC, Venice)** Staff recommended approval with conditions.

Motion & vote: Wilson moved to approve pursuant to the staff recommendation and recommended a yes vote, seconded by Hart. The roll call vote was 7 in favor (Groom, Hart, Turnbull-Sanders, Wilson, O'Malley, Bochco, Brownsey) and none opposed. **Approved with conditions.**

- c. **Application No. 5-21-0882 (Singer, Hermosa Beach)** Moved by staff to the expanded consent calendar. **Approved with conditions.**
- d. **Application No. 5-22-0022 (Horwitz, Hermosa Beach)** 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 1:15 p.m.

Respectfully submitted,

John Ainsworth
Executive Director

Approved as Submitted_____

Donne Brownsey
Chair