

CALIFORNIA COASTAL COMMISSION

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**W17**

DATE: October 31, 2023
TO: Coastal Commissioners
FROM: Kate Huckelbridge, Executive Director
SUBJECT: **DRAFT MINUTES** of MEETING of August 9-10, 2023
Oxnard City Council Chambers
300 3rd Street
Oxnard, CA 93030

WEDNESDAY, AUGUST 9, 2023

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, Aguirre, Bochco, Cummings, Reyes(alternate), Harmon, Notthoff, Turnbull-Sanders, Wilson. Uranga arrived at 9:10 a.m. **Absent:** Rice. **Non-voting present:** Dumlao, Ketchum, Schwartz.
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.** Information only.
 - d. **Informational briefing on Smart Growth.** Information only.

- e. **Sustainability Principles.** Staff recommended that the Commission adopt the sustainability principles.

Motion & vote: Wilson moved to adopt pursuant to the staff recommendation and recommended a yes vote, seconded by Notthoff. The roll call vote was 11 in favor (Aguirre, Bochco, Cummings, Reyes, Harmon, Hart, Notthoff, Turnbull-Sanders, Uranga, Wilson, Brownsey) and none opposed. **Approved.**

- 7. **CONSENT CALENDAR.** Staff recommended approval of the consent calendar.

Motion & vote: Bochco moved to approve the consent calendar pursuant to the staff recommendation and recommended a yes vote, seconded by Harmon. The roll call vote was 11 in favor (Aguirre, Bochco, Cummings, Reyes, Harmon, Hart, Notthoff, Turnbull-Sanders, Uranga, Wilson, Brownsey) and none opposed. **Approved with conditions.**

- 8. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved 2 items (12a, 13.1a) to the expanded consent calendar and recommended approval.

- a. **Motion & vote:** Hart moved to approve the expanded consent calendar pursuant to the staff recommendation and recommended a yes vote, seconded by Cummings. The roll call vote was 10 in favor (Aguirre, Bochco, Cummings, Reyes, Harmon, Hart, Notthoff, Uranga, Wilson, Brownsey) and none opposed. **Approved as recommended.** [Turnbull-Sanders out of room]

NORTH COAST DISTRICT

- 9. **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. **None.**

- 10. **NEW APPEALS.**

- a. **Appeal No. A-1-FTB-23-0002 (Caltrans, Fort Bragg)** Staff recommended that the Commission determine that the appeal raised a substantial 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 approval with conditions.

Motion & vote: Wilson moved to approve pursuant to the staff recommendation and recommended a yes vote, seconded by Bochco. The roll call vote was 9 in favor (Aguirre, Bochco, Cummings, Harmon, Hart, Notthoff, Uranga, Wilson Brownsey), one abstention (Reyes) and none opposed. **Approved with conditions.**

11. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 1-23-0136 (Sequoia Forest Products, LLC, Eureka)**
[POSTPONED]

ENERGY, OCEAN RESOURCES AND FEDERAL CONSISTENCY

- 12. **DEPUTY DIRECTOR’S REPORT for 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. **None.**
 - a. **Poseidon Carlsbad Desalination Mitigation Program.** Moved by staff to the expanded consent calendar. **Approved.**

SOUTH 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.

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

- a. **City of Santa Barbara LCP Amendment No. LCP-4-SBC-23-0024-1 (ADU Update)** Moved by staff to the expanded consent calendar. **Concurred.**

14. **NEW APPEAL.** [Turnbull-Sanders returned]

- a. **Appeal No. A-4-STB-22-0013 (G & K Farms, Santa Barbara Co.)** Staff recommended that the Commission determine that the appeal raised no substantial issue.

Motion & vote: Harmon moved to determine that Appeal No. A-4-STB-22-0013 raised no substantial issue on the grounds on which the appeal was filed and recommended a yes vote, seconded by Cummings. The roll call vote was 11 in favor (Aguirre, Bochco, Cummings, Reyes, Harmon, Hart, Notthoff, Turnbull-Sanders, Uranga, Wilson, Brownsey) and none opposed. **No substantial issue found.**

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, 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 Manhattan Beach LCP Amendment No. LCP-5-MNB-22-0028-1.** Staff recommended denial as submitted and approval if modified as suggested.

Motion & vote: Hart moved to certify the Land Use Plan as submitted and recommended a no vote, seconded by Bochco. The roll call vote was 11 in opposition to the motion (Aguirre, Bochco, Cummings, Reyes, Harmon, Hart, Notthoff, Turnbull-Sanders, Uranga, Wilson, Brownsey) and none in favor. **Denied as submitted.**

Motion & vote: Hart move to certify the Land Use Plan if modified as suggested and recommended a yes, vote seconded by Bochco. The roll was vote was 11 in favor (Aguirre, Bochco, Cummings, Reyes, Harmon, Hart, Notthoff, Turnbull-Sanders, Uranga, Wilson, Brownsey) and none opposed. **Approved with modifications.**
17. **COASTAL PERMIT APPLICATIONS.**
 - a. **Application No. 5-21-0873 (City of Santa Monica, Santa Monica)**
[POSTPONED]

STATEWIDE

18. **APPROVAL OF MINUTES.** None.
19. **COMMISSIONERS' REPORTS.** None.
20. **COMMISSION SUB-COMMITTEE 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 recessed for the day at 3:30 p.m. and went into closed session.

THURSDAY, AUGUST 10, 2023

1. **CALL TO ORDER and ROLL CALL.** The meeting of the California Coastal Commission was called to order at 9:15 a.m. by Chair Brownsey. Present: Chair Brownsey, Vice Chair Hart, Aguirre, Bochco, Cummings, Reyes(alternate), Harmon, Notthoff, Turnbull-Sanders, Uranga, Wilson. arrived at 4:45p.m. Absent: Rice. Non-voting present: 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.

Report of Closed Session.

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

AMJT Capital LLC v. California Coastal Commission
Cal Coast Companies, LLC, et al. v. California Coastal Commission
Casa Mira Homeowners Association, et al., v. California Coastal Commission
Friends of Oceano Dunes, Inc. v. California Coastal Commission , et al

5. **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. 5-22-0969 (Frye Family Partnership, Newport Beach)**
 - b. **Application No. 5-22-0970 (Shore Investors IV, LLC, Newport Beach)**
 - c. **Application No. 5-22-0904 (Velarde, Newport Beach)**
 - d. **Application No. 5-23-0020 (Jones, Huntington Beach)**
 - e. **Application No. 5-22-0995 (Segerstrom Properties, Newport Beach)**
6. **CONSENT CALENDAR. None.**
7. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved 4 items (11a, 11b, 16a, 19c) to the expanded consent calendar and recommended approval.

Motion & vote: Turnbull-Sanders moved to approve the expanded 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 as recommended.**

ENFORCEMENT

8. **ENFORCEMENT REPORT.** Report by Chief of Enforcement on Statewide Enforcement Program. Information only.

NORTH CENTRAL COAST DISTRICT

9. **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.

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 Capitola LCP Amendment No. LCP-3-CAP-23-0026-1(Public Parking Rates/Zones).** Moved by staff to the expanded consent calendar. **Concurred.**
 - b. **Santa Cruz County LCP Amendment No. LCP-3-SCO-22-0033-1 (Wireless Facilities Provisions).** Moved by staff to the expanded consent calendar. **Approved with modifications.**
 - c. **City of Carmel-by-the-Sea LCP Amendment No. LCP-3-CML-23-0022-1-Part B (Timeshare Provisions).** [POSTPONED]
12. **NEW APPEALS.**
 - a. **Appeal No. A-3-STC-23-0019 (Reed ADU, Santa Cruz)** Staff recommended that the Commission determine that Appeal No. A-3-STC-22-0019 raised no substantial issue on the grounds on which the appeal was filed.

Motion & vote: Cummings moved to determine that Appeal No. A-3-STC-22-0019 raised no substantial issue and recommended a yes vote, seconded by Bochco. The roll call vote was 11 in favor (Aguirre, Bochco, Cummings, Reyes, Harmon, Hart, Notthoff, Turnbull-Sanders, Uranga, Wilson, Brownsey) and none opposed. **No substantial issue found. Local government decision upheld.**

- b. **Appeal No. A-3-SLO-23-0020 (Dick SFD, Los Osos)** Staff recommended that the Commission determine Appeal No. A-3-SLO-23-0020 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.**

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

- a. **City of Newport Beach LCP Amendment No. LCP-5-NPB-23-0020-2 (Fractional Ownership).** [POSTPONED]

- 15. **NEW APPEALS.**

- a. **Appeal No. A-5-EMB-23-0023 (Olson, Emerald Bay, Orange Co.)**
[WITHDRAWN BY APPELLANT]

[Reyes & Wilson departed]

- 16. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 5-23-0337 (City of Newport Beach, CDFW, & Newport Bay Conservancy, Newport Beach)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

- 17. **REVOCAATION.**

- a. **A-5-DPT-22-0038-REV (City of Dana Point, Dana Point)** Staff recommended denial of the revocation request.

Motion & vote: Hart moved to grant the revocation and recommended a no vote, seconded by Turnbull-Sanders. The roll call vote was 9 opposed (Aguirre, Bochco, Cummings, Harmon, Hart, Notthoff, Turnbull-Sanders, Uranga, Brownsey) and none in favor. **Denied.**

SAN DIEGO COAST DISTRICT

18. **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.

19. LOCAL COASTAL PROGRAMS (LCPs).

- a. **City of San Diego LCP Amendment No. LCP-6-SAN-22-0023-1 (2020 Code Update) [POSTPONED]**
- b. **City of San Diego LCP Amendment No. LCP-6-SAN-22-0025-1(2021 Code Update) [POSTPONED]**
- c. **City of San Diego LCP Amendment No. LCP-6-SAN-22-0064-3 (Community Planning Group Reform).** Moved by staff to the expanded consent calendar. **Concurred.**

[Bochco departed]

- d. **City of Nation City LCP Amendment No. LCP-6-NLC-23-0012-1(Balanced Land Use Plan) Time Extension.** Staff recommended approval.

Motion & vote: Harmon moved to grant the time extension and recommended a yes vote, seconded by Notthoff. The roll call vote was 7 in favor (Cummings, Harmon, Hart, Notthoff, Turnbull-Sanders, Uranga, Brownsey) and one opposed (Aguirre). **Approved.**

20. NEW APPEALS.

- a. **Appeal No. A-6-DMR-23-0022 (Vonder Reith, Del Mar)** Staff recommended that the Commission determine Appeal No. A-6-DMR-23-0022 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.

There being no old or new business, the meeting of the California Coastal Commission adjourned at 12:25 p.m.

Respectfully submitted,

Kate Huckelbridge
Executive Director

Approved as Submitted _____

Donne Brownsey
Chair