

CALIFORNIA COASTAL COMMISSION

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**W17**

DATE: September 29, 2023
TO: Coastal Commissioners
FROM: Kate Huckelbridge, Executive Director
SUBJECT: **DRAFT MINUTES** of MEETING of September 6-8, 2023
Humboldt County Board of Supervisors Chambers
825 5th Street
Eureka, CA 95501

WEDNESDAY, SEPTEMBER 6, 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, O'Malley(alternate), Striplen(alternate), Escalante, Newsom(alternate), Rice, Wilson. Uranga arrived at 9:34 a.m. **Absent:** Harmon, Turnbull-Sanders. **Non-voting present:** Dumlao, Eckerle.
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 Presentation on 2023-24 El Nino Event.** Information only.
 - e. **LCP Grant Program.** Staff recommended that the Commission approve the grant award.

Motion & vote: Wilson moved to adopt pursuant to the staff recommendation and recommended a yes vote, seconded by Rice. The roll call vote was 10 in favor (Aguirre, O'Malley, Striplen, Escalante, Hart, Newsom, Rice, Uranga, Wilson, Brownsey) and none opposed. **Approved.**

- f. **Public Education Grant Program.** Staff recommended approval of the Whale Tail Grant program.

Motion & vote: Wilson moved to approve pursuant to the staff recommendation and recommended a yes vote, seconded by Newsom. There being no objection, Chair Brownsey ruled that the vote was unanimous in favor of the motion. **Approved.**

- g. **2024 Meeting Schedule.** Staff recommended approval of the meeting schedule.

Motion & vote: Aguirre moved to approve the 2024 meeting schedule and recommended a yes vote, seconded by Hart. There being no objection, Chair Brownsey ruled that the vote was unanimous in favor of the motion. **Approved.**

- 7. **CONSENT CALENDAR.** None.
- 8. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved 5 items (12a, 12b, 14a, 17a, 17b) to the expanded consent calendar and recommended approval.

Motion & vote: Wilson moved to approve the expanded consent calendar pursuant to the staff recommendation and recommended a yes vote, seconded by Rice. There being no objection, Chair Brownsey ruled that the vote was unanimous in favor of the motion. **Approved.**

ENFORCEMENT

- 9. **ENFORCEMENT REPORT.** Report by Chief of Enforcement on Statewide Enforcement Program. Information only.
- 9.1 **Consent Cease & Desist Order No. CCC-23-CD-04 (LHO Mission Bay Hotel L.P., San Diego)** Staff recommended that the Commission issue the Cease-and-Desist Order.

Motion & vote: Aguirre moved to issue the Consent Cease & Desist order pursuant to the staff recommendation and recommended a yes vote, seconded by O'Malley. There being no objection, Chair Brownsey ruled that the vote was unanimous in favor of the motion. **Approved.**

9.2 **Consent Administrative Penalty Order No. CCC-23-AP-03 (LHO Mission Bay Hotel L.P., San Diego)** Staff recommended that the Commission issue the Administrative Penalty.

Motion & vote: Newsom moved to issue the Administrative Penalty order pursuant to the staff recommendation and recommended a yes vote, seconded by O'Malley. There being no objection, Chair Brownsey ruled that the vote was unanimous in favor of the motion. . **Approved.**

NORTH 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.

[Escalante out of room]

11. NEW APPEALS.

a. **Appeal No. A-1-TRN-20-0069 (City of Trinidad, Trinidad)** Staff recommended that the Commission determine that the appeal raised no substantial on the grounds on which the appeal was filed.

Motion & vote: Uranga moved to determine no substantial issue pursuant to the staff recommendation and recommended a yes vote, seconded by Wilson. There being no objection, Chair Brownsey ruled that the vote was unanimous in favor of the motion. **No Substantial Issue found.**

b. **Appeal No. A-1-FTB-23-0021 (Best Development Group, LLC, Fort Bragg)** Staff recommended that the Commission determine that the appeal raised no substantial on the grounds on which the appeal was filed.

Motion & vote: Hart moved to determine no substantial issue pursuant to the staff recommendation and recommended a yes vote, seconded by Wilson. There being no objection, Chair Brownsey ruled that the vote was unanimous in favor of the motion. **No Substantial Issue found.**

[Escalante returned]

12. COASTAL PERMIT APPLICATIONS.

a. **Application No. 1-22-0621 (Kane, Humboldt Co.)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

- b. **Application No. 1-23-0136 (Sequoia Forest Products, LLC, Eureka)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

NORTH 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. **None.**
- 14. **LOCAL COASTAL PROGRAMS (LCPs).**
 - a. **Marin County LCP Amendment No. LCP-2-MAR-23-0028-1 (Technical Edits).** Moved by staff to the expanded consent calendar. **Concurred.**
- 15. **COASTAL PERMIT APPLICATIONS.**
 - a. **Application No. 2-22-0726 (Surfer's Beach Sand Restoration Project, Pillar Point Harbor)** Staff recommended approval.

Motion & vote: Hart moved to approve pursuant to the staff recommendation and recommended a yes vote, seconded by Newsom. There being no objection, Chair Brownsey ruled that the vote was unanimous in favor of the motion. **Approved with conditions.**

CENTRAL COAST DISTRICT

- 16. **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.
- 17. **LOCAL COASTAL PROGRAMS (LCPs).**
 - a. **Santa Cruz County LCP Amendment No. LCP-3-SCO-23-0004-1 Part B (Sustainability Update).** Time Extension. Moved by staff to the expanded consent calendar. **Approved.**
 - b. **City of Carmel-by-the-Sea LCP Amendment No. LCP-3-CML-23-0022-1-Part B (Timeshare Provisions).** Time Extension. Moved by staff to the expanded consent calendar. **Approved.**

18. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 3-18-0720 (3006 Pleasure Point Drive Armoring & Access Improvements, Santa Cruz Co.)** Staff recommended approval with conditions.

Motion & vote: Wilson moved to approve pursuant to the staff recommendation and recommended a yes vote, seconded by Striplen. The roll call vote was 6 in favor (Aguirre, Hart, Rice, Uranga, Wilson, Brownsey) and 4 opposed (O'Malley, Striplen, Escalante, Newsom). **Approved with conditions.**

- b. **Application No. 3-20-0166 (3020 Pleasure Point Drive Armoring & Access Improvements, Santa Cruz Co.)** Staff recommended approval with conditions.

Motion & vote: Wilson moved to approve pursuant to the staff recommendation and recommended a yes vote, seconded by Striplen. The roll call vote was 6 in favor (Aguirre, Hart, Rice, Uranga, Wilson, Brownsey) and 4 opposed (O'Malley, Striplen, Escalante, Newsom). **Approved with conditions.**

- c. **Application No. 3-22-0440 (3000 Pleasure Point Drive Armoring & Access Improvements, Santa Cruz Co.)** Staff recommended approval with conditions.

Motion & vote: Wilson moved to approve pursuant to the staff recommendation and recommended a yes vote, seconded by Striplen. The roll call vote was 6 in favor (Aguirre, Hart, Rice, Uranga, Wilson, Brownsey) and 4 opposed (O'Malley, Striplen, Escalante, Newsom). **Approved with conditions.**

- d. **Application No. 3-23-0176 (Moss Landing Wildlife Area Public Access and Habitat Improvements, Moss Landing)** Staff recommended approval with conditions.

Motion & vote: Rice moved to approve pursuant to the staff recommendation and recommended a yes vote, seconded by Striplen. There being no objection, Chair Brownsey ruled that the vote was unanimous in favor of the motion. **Approved with conditions.**

STATEWIDE

19. **APPROVAL OF MINUTES.** The minutes of April 2023 were approved as written.

Motion & vote: Wilson moved to approve the April 2023 minutes as written and recommended a yes vote, seconded by Uranga. There being no objection, Chair Brownsey ruled that the vote was unanimous in favor of the motion. **Approved.**

20. **COMMISSIONERS' REPORTS.** None.
21. **COMMISSION SUB-COMMITTEE REPORTS.** None
22. **CONSERVANCY REPORT.** None.
23. **SANTA MONICA MOUNTAINS CONSERVANCY REPORT.** None.
24. **SANTA MONICA BAY RESTORATION REPORT.** None.
25. **DEPUTY ATTORNEY GENERAL'S REPORT.** Information only.

The Commission recessed for the day at 5:40 p.m.

THURSDAY, SEPTEMBER 7, 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, O'Malley(alternate), Striplen(alternate), Escalante, Newsom(alternate), Rice, Wilson. Uranga arrived at 9:10 a.m. Absent: Harmon, Turnbull-Sanders. Non-voting present: Dumlao, Eckerle.
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. **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. 5-22-0751 (Manly, Newport Beach)**
 - b. **Application No. 5-22-1030 (Antepara, Newport Beach)**
6. **CONSENT CALENDAR.**
 - a. **Application No. 5-23-0296 (Barney, Sunset Beach)** Staff recommended approval of the consent calendar.

Motion & vote: Rice moved approve pursuant to the staff recommendation and recommended a yes vote, seconded by Newsom. The roll call vote was 10 in favor (Aguirre, O'Malley, Striplen, Escalante, Hart, Newsom, Rice, Uranga, Wilson, Brownsey) and none opposed. **Approved with conditions.**
7. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved 5 items (**10a, 10b, 14c, 14d, 16b**) to the expanded consent calendar and recommended approval.

Motion & vote: Hart moved to approve the expanded consent calendar pursuant to the staff recommendation and recommended a yes vote, seconded by Rice. There being no objection, Chair Brownsey ruled that the vote was unanimous in favor of the motion. **Approved as recommended.**

ENERGY, OCEAN RESOURCES AND FEDERAL CONSISTENCY

8. **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. There being no objection, Chair Brownsey ruled that the Commission concurred.
 - a. **Poseidon Carlsbad Desalination Mitigation Program.** Staff recommended approval.

Motion & vote: Aguirre moved to approve pursuant to the staff recommendation and recommended a yes vote, seconded by Newsom. There being no objection, Chair Brownsey ruled that the vote was unanimous in favor of the motion.
Approved.

SOUTH COAST DISTRICT (ORANGE COUNTY)

9. **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.
10. **LOCAL COASTAL PROGRAMS (LCPs).**
 - a. **City of Newport Beach LCP Amendment No. LCP-5-NPB-23-0020-2 (Fractional Ownership) Time Extension.** Moved by staff to the expanded consent calendar. **Approved**
 - b. **City of Laguna Beach LCP Amendment No. LCP-5-LGB-22-0021-2.** Moved by staff to the expanded consent calendar. **Approved with modifications.**
11. **NEW APPEALS.**
 - a. **Appeal No. A-5-LGB-20-0058 (32007 Coast Hwy., LLC, Laguna Beach)** [POSTPONED]
 - b. **Appeal No. A-5-LGB-20-0059 (32005 Coast Hwy., LLC, Laguna Beach)** [POSTPONED]
12. **COASTAL PERMIT APPLICATIONS.**
 - a. **Application No. 5-18-0930 (Graham Property Management, LLC, San Clemente)** [POSTPONED]

- b. **Application No. 5-22-0804 (Surf City Partners, LLC, Huntington Beach)** Staff recommended denial.

Motion & vote: Hart moved to continue and recommended a yes vote, seconded by Rice. The roll call vote was 10 in favor (Aguirre, O'Malley, Striplen, Escalante, Hart, Newsom, Rice, Uranga, Wilson, Brownsey) and none opposed. **Continued.**

SAN DIEGO 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. **LOCAL COASTAL PROGRAMS (LCPs).**

- a. **City of San Diego LCP Amendment No. LCP-6-SAN-22-0023-1 (2020 Code Update)** Staff recommended denial as submitted and approval with modifications.

Motion & vote: Aguirre moved to reject the Implementation Plan as submitted and recommended a yes vote, seconded by Wilson. The roll call vote was 10 in favor of the motion (Aguirre, O'Malley, Striplen, Escalante, Hart, Newsom, Rice, Uranga, Wilson, Brownsey) and none opposed. **Certification denied as submitted.**

Motion & vote: Aguirre moved to certify the Implementation Plan if modified as suggested and recommended a yes vote, seconded by Newsom. There being no objection, Chair Brownsey ruled that the vote was unanimous in favor of the motion. **Approved with modifications.**

- b. **City of San Diego LCP Amendment No. LCP-6-SAN-22-0025-1(2021 Code Update)** Staff recommended denial as submitted and approval with modifications.

Motion & vote: Striplen moved to reject the Implementation Plan as submitted and recommended a yes vote, seconded by Wilson. There being no objection, Chair Brownsey ruled that the vote was unanimous in favor of the motion **Certification denied as submitted.**

Motion & vote: Striplen moved to certify the Implementation Plan if modified as suggested and recommended a yes vote, seconded by Wilson. There being no objection, Chair Brownsey ruled that the vote was unanimous in favor of the motion. **Approved with modifications.**

- c. **City of San Diego LCP Amendment No. LCP-6-SAN-23-0027-2 (Housing Action Plan).** Moved by staff to the expanded consent calendar. **Concurred.**
- d. **City of Imperial Beach LCP Amendment No. LCP-6-IMB-23-0016-1 (9th Street Improvements)** Moved by staff to the expanded consent calendar. **Approved.**

15. **NEW APPEALS.**

- a. **Appeal No. A-6-IMB-23-0026 (Buckeye Investments, Inc., Imperial Beach)** Staff recommended that the Commission determine Appeal No. A-6-IMB-23-0026 raised no substantial issue on the grounds on which the appeal was filed.

Motion & vote: Aguirre moved to determine that Appeal No. A-6-IMB-23-0026 raised no substantial issue on the grounds on which the appeal was filed and recommended a yes vote, seconded by Newsom. There being no objection, Chair Brownsey ruled that the vote was unanimous in favor of the motion. **No Substantial Issue found. Local approval upheld.**

16. **COASTAL PERMIT APPLICATIONS.**

- a. **Permit No. 6-22-0113-A1 (San Diego Point La Jolla Seasonal Closure, San Diego)** Staff recommended approval with conditions.

Motion & vote: O'Malley moved to approve pursuant to the staff recommendation and recommended a yes vote, seconded by Escalante. There being no objection, Chair Brownsey ruled that the vote was unanimous in favor of the motion. **Approved with conditions.**

- b. **Application No. 6-22-0597 (Crest Canyon Storm Drain Replacement, San Diego)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

The Commission recessed for the day at 3:05 p.m. and went into closed session.

FRIDAY, SEPTEMBER 8, 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, Aguirre, O'Malley(alternate), Striplen(alternate), Escalante, Newsom, Rice, Uranga, Wilson. Absent: Vice Chair Hart, Harmon, Turnbull-Sanders. Non-voting present: Eckerle.
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:

Friends of Oceano Dunes v. California Coastal Commission, et al.
Pappas, et al. v. State Coastal Conservancy, et al.

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

Seider, et al. v. City of Malibu, et al.
Cave Landing LLC v. California Coastal Commission

5. **CONSENT CALENDAR.** Item **5a** was removed from the consent calendar and postponed. Staff recommended approval with conditions on the remaining consent calendar items.

Motion & vote: Wilson moved to approve the consent calendar pursuant to the staff recommendation and recommended a yes vote, seconded by Striplen. The roll call vote was 9 in favor (Aguirre, O'Malley, Striplen, Escalante, Newsom, Rice, Uranga, Wilson, Brownsey) and none opposed. **Approved as recommended.**

- a. **University of California Santa Barbara Notice of Impending Development No. UCS-NOID-0002-23 (Baseball Stadium Turf). [POSTPONED].**
- b. **University of California Santa Barbara Notice of Impending Development No. UCS-NOID-0003-23 (NCOS Prescribed Burn). Approved with Conditions.**

6. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved 1 items (10a) to the expanded consent calendar and recommended approval.

Motion & vote: Newsom moved to approve the consent calendar pursuant to the staff recommendation and recommended a yes vote, seconded by Aguirre. There being no objection, Chair Brownsey ruled that the vote was unanimous in favor of the motion. **Approved as recommended.**

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

- a. **City of Malibu LCP Amendment No. LCP-4-MAL-23-0024-1 (MMHS Campus Specific Plan)** Staff recommended denial as submitted and approval if modified as suggested.

Motion & vote: Wilson moved to certify the Land Use Plan as submitted and recommended a no vote, seconded by Escalante. The roll call vote was 9 in opposition to the motion (Aguirre, O'Malley, Striplen, Escalante, Newsom, Rice, Uranga, Wilson, Brownsey) and none in favor. **Certification denied as submitted.**

Motion & vote: Wilson moved to certify the Land Use Plan if modified as suggested and recommended a yes vote, seconded by Escalante. There being no objection, Chair Brownsey ruled that the vote was unanimous in favor of the motion. **Approved with modifications.**

Motion & vote: Wilson moved to reject the Implementation Plan as submitted and recommended a yes vote, seconded by Escalante. There being no objection, Chair Brownsey ruled that the vote was unanimous in favor of the motion. **Certification denied as submitted.**

Motion & vote: Wilson moved to certify the Implementation Plan if modified as suggested and recommended a yes vote, seconded by Escalante. There being no objection, Chair Brownsey ruled that the vote was unanimous in favor of the motion. **Approved with modifications.**

9. **NEW APPEAL.**

- a. **Appeal No. A-4-MAL-23-0025 (Haagen, Malibu) [POSTPONED]**

10. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 4-22-0554 (Los Angeles County Dept. of Beaches and Harbors, Malibu)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

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, 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.

12. **NEW APPEALS.**

- a. **Appeal No. A-5-VEN-23-0015 (Robert Assil, Quartz Hill, LLC, Venice)** Staff recommended that the Commission determine that Appeal No. A-5-VEN-23-0015 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: Escalante moved to approve as proposed by the applicant and recommended a no vote, seconded by Wilson. There being no objection, Chair Brownsey ruled that the vote was unanimous in opposition to the motion. **Denied.**

There being no old or new business, the meeting of the California Coastal Commission adjourned at 11:20 a.m.

Respectfully submitted,

Kate Huckelbridge
Executive Director

Approved as Submitted _____

Donne Brownsey
Chair