

CALIFORNIA COASTAL COMMISSION

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**W19**

DATE: March 8, 2023
TO: Coastal Commissioners
FROM: Kate Huckelbridge, Executive Director
SUBJECT: **DRAFT MINUTES** of MEETING of October 12-14, 2022
Best Western Island Palms
2051 Shelter Island Drive
San Diego, CA 91302

WEDNESDAY, OCTOBER 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, O'Malley(alternate), Bochco, Escalante, Harmon, Padilla, Rice, Turnbull-Sanders, Rivas(alternate), Wilson. Rice arrived at 9:30 a.m. Absent: Groom, **Non-voting present:** Gibson, Ketchum, Kunkel.
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. No action taken.
 - d. **Public Education Grant Program.** 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. 5-22-0409 (Carol Wade Langston and Oren Eugene Langston Trust, Huntington Beach)**
 - b. **Application No. 5-22-0411 (Coldren, Newport Beach)**
8. **CONSENT CALENDAR.** None.
9. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved 1 item (15a) to the expanded consent calendar and recommended approval.

Motion & vote: Bochco moved to approve the consent calendar pursuant to the staff recommendation and recommended a yes vote, seconded by Wilson. The roll call vote was 11 in favor (O'Malley, Bochco, Escalante, Harmon, Hart, Padilla, Rice, Turnbull-Sanders, Rivas, Wilson, Brownsey) and none opposed. **Approved as recommended.**

ENFORCEMENT.

10. **ENFORCEMENT REPORT.** Report by Chief of Enforcement on Statewide Enforcement Program. None.

SOUTH COAST DISTRICT (ORANGE COUNTY)

11. **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.

[Items 12a and 13a were trailed and heard after Items 11 and 14. The Commission began Item 12a after the lunch break.]

12. **LOCAL COASTAL PROGRAMS (LCPs).**
 - a. **City of Newport Beach LCP Amendment No. LCP-5-NPB-21-0036-1 Part D (Transfers of Development Rights).**

Motion & vote: Rice moved to certify the Land Use Plan as submitted and recommended a no vote, seconded by Padilla. The roll call vote was unanimous in opposition to the motion (O'Malley, Bochco, Escalante, Harmon, Hart, Padilla, Rice, Turnbull-Sanders, Rivas, Wilson, Brownsey). **Certification denied as submitted.**

Motion & vote: Rice moved to certify the Land Use Plan if modified as suggested and recommended a yes vote, seconded by Padilla. The roll call vote was unanimous in favor of the motion (O'Malley, Bochco, Escalante, Harmon, Hart, Padilla, Rice, Turnbull-Sanders, Rivas, Wilson, Brownsey) **Approved with modifications.**

Motion & vote: Rice moved to reject the Implementation Plan as submitted and recommended a yes vote, seconded by Padilla. The roll call vote was unanimous in favor of the motion (O'Malley, Bochco, Escalante, Harmon, Hart, Padilla, Rice, Turnbull-Sanders, Rivas, Wilson, Brownsey). **Certification denied as submitted.**

Motion & vote: Rice moved to certify the Implementation Plan if modified as suggested and recommended a yes vote, seconded by Padilla. The roll call vote was unanimous in favor of the motion (O'Malley, Bochco, Escalante, Harmon, Hart, Padilla, Rice, Turnbull-Sanders, Rivas, Wilson, Brownsey). **Approved with modifications.**

13. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 5-21-0903 (Las Vegas Beach House LLP, San Clemente)**
[WITHDRAWN by Applicant at hearing]

SAN DIEGO COAST DISTRICT

14. **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.

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

- a. **City of Carlsbad LCP Amendment No. LCP-6-CII-21-0040-1 (West Oaks)**
Moved by staff to the expanded consent calendar. **Approved as submitted.**

16. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. A-6-LJS-20-0008 (Abbott, San Diego)** Staff recommended approval with conditions. [*Bochco out*]

Motion & vote: Hart moved to approve pursuant to the staff recommendation and recommended a yes vote, seconded by Padilla. The roll call vote was 10 in favor (O'Malley, Escalante, Harmon, Hart, Padilla, Rice, Turnbull-Sanders, Rivas, Wilson, Brownsey) and none opposed. **Approved with conditions.**

17. **PERMIT AMENDMENTS.**

- a. **Permit No. A-189-79-A3 (North Coast Village HOA, Oceanside)**
[POSTPONED].

STATEWIDE

18. **APPROVAL OF MINUTES.** Minutes of August 10-12, 2022

Motion & vote: Wilson moved to approve the minutes of August 10-12, 2022, and recommended a yes vote, seconded by Hart. The roll call vote was 10 in favor (O'Malley, Escalante, Harmon, Hart, Padilla, Rice, Turnbull-Sanders, Rivas, Wilson, Brownsey) and none opposed. **Approved.**

19. **COMMISSIONERS' REPORTS.** None.

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

21. **CONSERVANCY REPORT.** Information only.

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 4:10 p.m. and went into closed session.

THURSDAY, OCTOBER 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, Escalante, Harmon, Padilla, Rice, Turnbull-Sanders, Rivas, Wilson. Absent: Groom. Non-voting present: Gibson, Ketchum, Kunkel.
2. **VIRTUAL MEETING PROCEDURES.**

Report of Closed Session.

The Commission received litigation information and advice and took action on the following case:

Graham v. CCC

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

City of Ft. Bragg v. Mendocino Railway

Friends, Artists, & Neighbors of Elkhorn Slough v. CCC

The Commission also discussed a personnel matter.

3. **AGENDA CHANGES.**
4. **GENERAL PUBLIC COMMENT.** Members of the public addressed the Commission on various issues affecting the coast.
5. **CONSENT CALENDAR.** None.
6. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved 3 items [8a, 10b, 11a] to the expanded consent calendar and recommended approval with conditions.

Motion & vote: Bochco moved to approve the consent calendar pursuant to the staff recommendation and recommended a yes vote, seconded by Hart. The roll call vote was 9 in favor (O'Malley, Bochco, Escalante, Harmon, Hart, Padilla, Rice, Rivas, Brownsey) and 2 abstentions (Turnbull-Sanders, 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.
8. **COASTAL PERMIT APPLICATIONS.**
 - a. **Application No. 1-22-0319 (Papstein, Eureka)** Moved by staff to the expanded consent calendar. **Approved with conditions.**
 - b. **Application No. 1-22-0711 (Caltrans District 1, Mendocino Co.)**
[POSTPONED]

ENERGY, OCEAN RESOURCES AND FEDERAL CONSISTENCY

9. **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.
10. **COASTAL PERMIT APPLICATIONS.**
 - a. **Application No. 9-20-0691 (South Coast Water District, Orange Co.)** Staff recommended approval.

Motion & vote: Padilla moved to approve pursuant to the staff recommendation as modified and recommended a yes vote, seconded by Bochco. The roll call vote was 11 in favor (O'Malley, Bochco, Escalante, Harmon, Hart, Padilla, Rice, Turnbull-Sanders, Rivas, Wilson, Brownsey) and none opposed. **Approved with conditions.**
 - b. **Application No. 9-22-0318 (RTI Infrastructure, Inc., San Luis Obispo Co.)**
Moved by staff to the expanded consent calendar. **Approved with conditions.**
11. **FEDERAL CONSISTENCY.**
 - a. **Consistency Certification No. CC-0004-22 (RTI Infrastructure Inc., San Luis Obispo Co.)** Moved by staff to the expanded consent calendar. **Concurred.**

[Wilson departed; Escalante out of room]

12. PERMIT AMENDMENTS.

- a. **Application No. E-00-014-A2 (Southern California Edison, San Diego Co.)**
Staff recommended approval with conditions.

Motion & vote: Hart moved to approve pursuant to the staff recommendation as modified and recommended a yes vote, seconded by O'Malley. The roll call vote was 9 in favor (O'Malley, Bochco, Harmon, Hart, Padilla, Rice, Turnbull-Sanders, Rivas, Brownsey) and none opposed. **Approved with conditions as amended.**

[Escalante returned]

SOUTH COAST DISTRICT (ORANGE COUNTY)

13. COASTAL PERMIT APPLICATIONS.

- a. **Application No. 5-21-0489 (Orange County Parks, Dana Point)** Staff recommended approval with conditions.

Motion & vote: Rice moved to approve pursuant to the staff recommendation and recommended a yes vote, seconded by O'Malley. The roll call vote was 10 in favor (O'Malley, Bochco, Escalante, Harmon, Hart, Padilla, Rice, Turnbull-Sanders, Rivas, Brownsey) and none opposed. **Approved with conditions.**

The Commission recessed for the day at 4:15 p.m. and went into closed session.

FRIDAY, OCTOBER 14, 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, Escalante, Harmon, Padilla, Rice, Turnbull-Sanders, Wilson. Absent: Groom, Uranga. Non-voting present: Gibson, Kunkel.
2. **VIRTUAL MEETING PROCEDURES.**
3. **AGENDA CHANGES.**

Report of Closed Session:

The Commission met in closed session to discuss a personnel matter.

4. **GENERAL PUBLIC COMMENT.** Members of the public addressed the Commission on various issues affecting the coast.
5. **CONSENT CALENDAR.** None.
6. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved 8 items [8b, 10a, 10b, 10c, 10d, 13a, 16b, 16c] to the expanded consent calendar and recommended approval with conditions.

Motion & vote: Bochco moved to approve the consent calendar pursuant to the staff recommendation and recommended a yes vote, seconded by Padilla. The roll call vote was unanimous in favor of the motion **Approved as recommended.**

NORTH 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. None.
8. **LOCAL COASTAL PROGRAM (LCPs).**
 - a. **City of Half Moon Bay LCP Amendment No. LCP-2-HMB-21-0078-2 (Short Term Rentals and Home Occupations).** Rice moved to continue this item, seconded by Wilson. The roll call vote was unanimous in favor of the motion (O'Malley, Bochco, Escalante, Harmon, Hart, Padilla, Rice, Turnbull-Sanders, Wilson, Brownsey). **Continued.**

- b. **San Mateo County LCP Amendment No. LCP-2-SMC-22-0004-1 (Child Care Centers)** Moved by staff to the expanded consent calendar. **Approved with modifications.**

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.
- 10. **LOCAL COASTAL PROGRAMS (LCPs).**
 - a. **City of Capitola LCP Amendment No. LCP-3-CAP-22-0036-1 Part-A (Objective Standards).** Moved by staff to the expanded consent calendar. **Concurred.**
 - b. **City of Grover Beach LCP Amendment No. LCP-3-GRB-22-0030-1 (IP Housing Update). Time Extension Only.** Moved by staff to the expanded consent calendar. **Approved.**
 - c. **City of Morro Bay LCP Amendment No. LCP-3-MRB-22-0032-1 (1260 Main Street).** Moved by staff to the expanded consent calendar. **Approved as submitted.**
 - d. **San Luis Obispo County LCP Amendment No. LCP-3-SLO-22-0020-1 (Hearst Ranch Cemetery).** Moved by staff to the expanded consent calendar. **Approved as submitted.**
 - e. **Santa Cruz County LCP Amendment No. LCP-3-SCO-20-0066-2 (Coastal Hazards Update).** Staff recommended denial of the amendment.

Motion & vote: Padilla moved to certify the Land Use Plan as submitted and recommended a no vote, seconded by Rice. The roll call vote was 9 in opposition (Bochco, Escalante, Harmon, Hart, Padilla, Rice, Turnbull-Sanders, Wilson, Brownsey) and none in favor. **Certification denied.**

Motion & vote: Padilla moved to reject the Implementation Plan as submitted and recommended a yes vote, seconded by Rice. The roll call vote was 9 in favor of the motion (Bochco, Escalante, Harmon, Hart, Padilla, Rice, Turnbull-Sanders, Wilson, Brownsey) and none opposed. **Certification denied.**

11. NEW APPEALS.

- a. **Appeal No. A-3-MCO-22-0039 (Huff, Monterey Co.) [WITHDRAWN]**

SOUTH CENTRAL COAST DISTRICT

12. **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. **NOTICE OF IMPENDING DEVELOPMENT.**
 - a. **Pepperdine University Notice of Impending Development No. PEP-NOID-0002-22 (Athletics/Events Center Project).** Moved by staff to the expanded consent calendar. **Approved.**
14. **COASTAL PERMIT APPLICATIONS.**
 - a. **Application No. 4-21-0693 (Caltrans, Malibu) [POSTPONED]**

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. **COASTAL PERMIT APPLICATIONS.**
 - a. **Application No. 5-21-0343 (Halikis, Torrance Beach) [POSTPONED]**
 - b. **Application No. 5-21-0618 (Caltrans, Pacific Palisades)** Moved by staff to the expanded consent calendar. **Approved with conditions.**
 - c. **Application No. 5-21-0608 (Popkes, Hermosa Beach)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

SOUTH COAST DISTRICT (ORANGE COUNTY)

17. **COASTAL PERMIT APPLICATIONS.**
 - a. **Application No. 5-21-0640 (City of Newport Beach, Newport Beach)** Staff recommended approval with conditions.

Motion & vote: Padilla moved to approve pursuant to the staff recommendation and recommended a yes vote, seconded by Bochco. The roll call vote was 8 in favor (Bochco, Escalante, Harmon, Hart, Padilla, Rice, Turnbull-Sanders, Brownsey) and one opposed (O'Malley). **Approved with conditions.**

There being no old or new business, the meeting of the California Coastal Commission adjourned at 2:40 p.m.

Respectfully submitted,

Kate Huckelbridge
Executive Director

Approved as Submitted_____

Donne Brownsey
Chair