

CALIFORNIA COASTAL COMMISSION

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**W18**

DATE: May 10, 2023
TO: Coastal Commissioners
FROM: Kate Huckelbridge, Executive Director
SUBJECT: **DRAFT MINUTES** of MEETING of February 8-10, 2023
Virtual Meeting #1

WEDNESDAY, FEBRUARY 8, 2023

1. **CALL TO ORDER and ROLL CALL & TRIBAL ACKNOWLEDGEMENT.** 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, Harmon, Rice, Turnbull-Sanders, Wilson. Uranga arrived at 10:15a.m. **Non-voting present:** none.
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.**
 - d. **Public Education Grant Program.**

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

- e. **Annual Report of the Open Space/Conservation OTD Program.**
- f. **Interagency Agreements for Implementing California’s Coastal Zone Management Program’s Infrastructure Investment and Jobs Act (IIJA) Cooperative Agreement for Non-Competitive Capacity Building Award.**

Motion & vote: Rice moved to authorize the Interagency Agreement for SFBCDC pursuant to the staff recommendation and recommended a yes vote, seconded by Hart. The roll call vote was 10 in favor (Aminzadeh, Bochco, Escalante, Harmon, Hart, Rice, Turnbull-Sanders, Uranga, Wilson, Brownsey) and none opposed. **Approved.**

Motion & vote: Rice moved to authorize the Interagency Agreement for SCC pursuant to the staff recommendation and recommended a yes vote, seconded by Wilson. The roll call vote was 10 in favor (Aminzadeh, Bochco, Escalante, Harmon, Hart, Rice, Turnbull-Sanders, Uranga, Wilson, Brownsey) and none opposed. **Approved.**

- g. **Procurement Authorization.**

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

- 7. **CONSENT CALENDAR.** None.
- 8. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved 4 items (11b, 11c, 14b, 15b) to the expanded consent calendar and recommended approval.
 - a. **Motion & vote:** Aminzadeh moved to approve the consent calendar pursuant to the staff recommendation and recommended a yes vote, seconded by Bochco. The roll call vote was 9 in favor (Aminzadeh, Bochco, Escalante, Hart, Rice, Turnbull-Sanders, Uranga, Wilson, Brownsey) and none opposed. [Harmon out for vote]. **Approved as recommended.**

ENFORCEMENT

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

SOUTH 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 PROGRAM (LCPs).**

a. **City of Malibu LCP Amendment No. LCP-4-MAL-21-0073-2 (Sea View Hotel Project).** Staff recommended approval with modifications.

Motion & vote: Bochco moved to certify the Land Use Plan as submitted and recommended a yes vote, seconded by Uranga. The roll call vote was 10 in favor (Aminzadeh, Bochco, Escalante, Harmon, Hart, Rice, Turnbull-Sanders, Uranga, Wilson, Brownsey) and none opposed. **Certified as submitted.**

Motion & vote: Bochco moved to reject the Implementation Plan as submitted and recommended a yes vote, seconded by Uranga. The roll call vote was 10 in favor (Aminzadeh, Bochco, Escalante, Harmon, Hart, Rice, Turnbull-Sanders, Uranga, Wilson, Brownsey) and none opposed. **Certification denied as submitted.**

Motion & vote: Bochco moved to certify the Implementation Plan if modified as suggested and recommended a yes vote, seconded by Uranga. The roll call vote was 10 in favor (Aminzadeh, Bochco, Escalante, Harmon, Hart, Rice, Turnbull-Sanders, Uranga, Wilson, Brownsey) and none opposed. **Approved with modifications.**

b. **City of Santa Barbara LCP Amendment No. LCP-4-SBC-22-0042-1 (Senate Bill 9).** Moved to the expanded consent calendar. **Concurred.**

c. **City of Malibu LCP Amendment No. LCP-4-MAL-21-0048-1-Part A and LCP-4-MAL-21-0049-1-Part B. Time Extension.** Moved to the expanded consent calendar. **Approved.**

12. **NEW APPEALS.**

a. **Appeal No. A-4-STB-22-0028 (Van Wingerden, Santa Barbara County)** 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-22-0028 raised no substantial issue on the grounds on which the appeal was filed and recommended a yes vote, seconded by Bochco. The roll call vote was 10 in favor (Aminzadeh, Bochco, Escalante, Harmon, Hart, Rice, Turnbull-Sanders, Uranga, Wilson, Brownsey) and none opposed. **No substantial issue found.**

- b. **Appeal No. A-4-STB-22-0065 (Pat and Maire Radis, Santa Barbara County)** Staff recommended that the Commission determine that the appeal raised no substantial issue.

Motion & vote: Hart moved to determine that Appeal No. A-4-STB-22-0065 raised no substantial issue on the grounds on which the appeal was filed and recommended a yes vote, seconded by Rice. The roll call vote was 7 in favor (Aminzadeh, Escalante, Hart, Rice, Uranga, Wilson, Brownsey) and 3 opposed (Bochco, Harmon, Turnbull-Sanders). **No substantial issue found.**

SOUTH COAST DISTRICT (LOS ANGELES COUNTY)

- 13. **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.
- 14. **LOCAL COASTAL PROGRAMS (LCPs).**
 - a. **City of Long Beach LCP Amendment No. LCP-5-LOB-21-0089-3-Part B (Unpermitted Dwelling Units, Motel Conversions).[POSTPONED]**
 - b. **City of Santa Monica LCP Amendment No. LCP-5-SNM-22-0041-1 (Ocean Avenue Mixed-Use Development Project). Time Extension.** Moved by staff to the expanded consent calendar. **Approved.**
- 15. **COASTAL PERMIT APPLICATIONS.**
 - a. **Application No. 5-21-0715 (Noonan, Santa Monica) [POSTPONED]**
 - b. **Application No. 5-21-0906 (City of Los Angeles, Pacific Palisades, Los Angeles)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

- c. **Application No. 5-22-0658 (Girgis, Playa Del Rey, Los Angeles)** Staff recommended approval with conditions.

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

- d. **Application No. 5-22-0659 (Girgis, Playa Del Rey, Los Angeles)** Staff recommended approval with conditions.

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

STATEWIDE

16. **APPROVAL OF MINUTES.** None.
17. **COMMISSIONERS' REPORTS.** None.
18. **COMMISSION SUB-COMMITTEE REPORTS.** None.
19. **CONSERVANCY REPORT.** Information only.
20. **SANTA MONICA MOUNTAINS CONSERVANCY REPORT.** Information only.
21. **SANTA MONICA BAY RESTORATION REPORT.** None.
22. **DEPUTY ATTORNEY GENERAL'S REPORT.** None.

The Commission recessed for the day at 3:15 p.m.

THURSDAY, FEBRUARY 9, 2023

1. **CALL TO ORDER and ROLL CALL.** The meeting of the California Coastal Commission was called to order at a.m. by Chair. Present: Chair Brownsey, Vice Chair Hart, Bochco, Harmon, Rice, Turnbull-Sanders, Wilson. Escalante arrived at 9:10 a.m., Aminzadeh and Uranga arrived at 9:30 a.m. Non-voting present: None.
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. 5-21-0805 (Buettner, Huntington Beach)**
 - b. **Application No. 5-22-0447 (Neuah, Huntington Beach)**
6. **CONSENT CALENDAR.**
 - a. **Application No. 6-22-0694 (Lasko, San Diego).** Staff recommended approval with conditions.

Motion & vote: Rice moved to approve the consent calendar pursuant to the staff recommendation and recommended a yes vote, seconded by Bochco. The roll call vote was 10 in favor (Aminzadeh, Bochco, Escalante, Harmon, Hart, Rice, Turnbull-Sanders, Uranga, Wilson, Brownsey) and none opposed. **Approved with conditions.**
7. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved nine items [10a, 12a, 12b, 12c, 15a, 15b, 15c, 15d, 16a] to the expanded consent calendar and recommended approval.

Motion & vote: Rice moved to approve the consent calendar pursuant to staff recommendation and recommended a yes vote, seconded by Bochco. The roll call vote was 10 in favor (Aminzadeh, Bochco, Escalante, Harmon, Hart, Rice, Turnbull-Sanders, Uranga, Wilson, Brownsey) and none opposed. **Approved as recommended.**

ENERGY, OCEAN RESOURCES AND FEDERAL CONSISTENCY

8. **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.
9. **COASTAL PERMIT APPLICATIONS.** None.
10. **FEDERAL CONSISTENCY.**
 - a. **Consistency Determination No. CD-0011-22 (National Parks Service, Marin County)** Moved by staff to the expanded consent calendar. **Concurred.**

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.
12. **LOCAL COASTAL PROGRAMS (LCPs).**
 - a. **City of Dana Point LCP Amendment No. LCP-5-DPT-21-0059-5 (Dana Point, Doheny Village)** Moved by staff to the expanded consent calendar. **Approved as submitted.**
 - b. **City of Laguna Beach LCP Amendment No. LCP-5-LGB-22-0003-3 Part A (Accessory Dwelling Units).** Moved by staff to the expanded consent calendar. **Approved with modifications.**
 - c. **City of Laguna Beach LCP Amendment No. LCP-5-LGB-22-0003-3 Part B and C (Local Coastal Development Permit Procedures).** Moved by staff to the expanded consent calendar. **Approved with modifications.**
13. **COASTAL PERMIT APPLICATIONS.**
 - a. **Application No. 5-21-0423 (Cole Family Investment Rentals LLC, San Clemente)** [**POSTPONED**]

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-22-0017-1 (Chick-Fil-A Map Amendment).** Moved by staff to the expanded consent calendar. **Approved as submitted.**
 - b. **City of Encinitas LCP Amendment No. LCP-6-ENC-21-0076-2 (Tandem & Inclusionary Parking).** Moved by staff to the expanded consent calendar. **Concurred.**
 - c. **City of San Diego LCP Amendment No. LCP-6-SAN-22-0063-3 (Cannabis Code Amendment).** Moved by staff to the expanded consent calendar. **Concurred.**
 - d. **City of San Diego LCP Amendment No. LCP-6-SAN-22-0065-3 (Pushcart Repeal). Time Extension.** Moved by staff to the expanded consent calendar. **Approved.**
16. **COASTAL PERMIT APPLICATIONS.**
 - a. **Application No. 6-22-0078 (Del Mar Paid Parking Facilities, Del Mar)** Moved by staff to the expanded consent calendar. **Approved with conditions.**
 - b. **Application No. 6-22-0127 (LHO Mission Bay Hotel, LP, San Diego)** [POSTPONED]
 - c. **Application No. 6-22-1069 (San Diego Port & USS Midway Museum Navy Pier Park, San Diego)** Staff recommended approval with conditions. [Harmon departed]

Motion & vote: Escalante moved to approve pursuant to the staff recommendation and recommended a yes vote, seconded by Wilson. The roll call vote was 9 in favor (Aminzadeh, Bochco, Escalante, Hart, Rice, Turnbull-Sanders, Uranga, Wilson, Brownsey) and none opposed. **Approved with conditions.**

The Commission recessed for the day at 11:55 a.m. and went into closed session.

FRIDAY, FEBRUARY 10, 2023

Commissioners Eleni Kounalakis and Matthew Dumlao were sworn in before the start of the meeting.

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, Harmon, Rice, Wilson. Uranga arrived at 9:30 a.m. Absent: Turnbull-Sanders. Non-voting: Kounalakis

Report of Closed Session.

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

Friends, Artists, and Neighbors of Elkhorn Slough, et al. v. CCC
Hain v. CCC
San Mateo Farm Bureau v. CCC
Mendocino Railway v. Ainsworth

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

AMJT Capital LLC v. CCC
Casa Mira Homeowners Association, et al. v. CCC
Graham v. CCC
Rhodes v. CCC
Seider v. City of Malibu

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. **CONSENT CALENDAR.** None.
6. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved seven items [8a, 8b, 8c, 15a, 15b, 15c, 16a] to the expanded consent calendar and recommended approval with conditions. [Harmon out for vote]

Motion & vote: Rice moved to approve the consent calendar pursuant to the staff recommendation and recommended a yes vote, seconded by Wilson. The roll call vote was 8 in favor (Aminzadeh, Bochco, Escalante, Hart, Rice, Uranga, Wilson, Brownsey) and none opposed. **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. **LOCAL COASTAL PROGRAMS (LCPs).**
 - a. **County of Humboldt LCP Amendment No. LCP-1-HUM-21-0067-3 (Accessory Dwelling Units).** Moved by staff to the expanded consent calendar. **Approved with suggested modifications.**
 - b. **City of Eureka LCP Amendment No. LCP-1-EUR-22-0049-1 (Cannabis Regulations Update).** Moved by staff to the expanded consent calendar. **Approved.**
 - c. **City of Eureka LCP Amendment No. LCP-1-EUR-22-0054-2 (Digital Sign Prohibition).** Moved by staff to the expanded consent calendar. **Approved.**

[Harmon returned/Escalante out]

9. **NEW APPEALS.**
 - a. **Appeal No. A-1-MEN-22-0014 (Caltrans, Mendocino County)** Staff recommended that the Commission determine that the appeal raised no substantial issue on the grounds on which the appeal was filed.

Motion & vote: Aminzadeh moved to determine that Appeal No. A-1-MEN-22-0014 raised no substantial issue and recommended a yes vote, seconded by Harmon. (Aminzadeh, Bochco, Harmon, Hart, Rice, Uranga, Brownsey) and one opposed (Wilson). **No substantial issue found.**
10. **PERMIT AMENDMENTS.**
 - a. **Application No. 1-18-0630-A1 (Trinidad Civic Club & Trinidad Rancheria, Trinidad)** Staff recommended approval with conditions.

Motion & vote: Bochco moved to approve pursuant to the staff recommendation and recommended a yes vote, seconded by Hart. The roll call vote was 8 in favor (Aminzadeh, Bochco, Harmon, Hart, Rice, Uranga, Wilson, Brownsey) and none opposed. **Approved with conditions.**

NORTH CENTRAL COAST DISTRICT

11. **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 were no items reported.

12. **NEW APPEALS.**

- a. **Appeal No. A-2-SMC-22-0062 (POST/MidPen Agricultural and Open Space Parcels, Half Moon Bay)** Staff recommended that the Commission determine that the appeal raised no substantial issue on the grounds on which it was filed.

Motion & vote: Bochco moved to determine that Appeal No. A-2-SMC-22-0062 raised no substantial issue and recommended a yes vote, seconded by Rice. The roll call vote was 8 in favor (Aminzadeh, Bochco, Harmon, Hart, Rice, Uranga, Wilson, Brownsey) and none opposed. **No substantial issue found.**

13. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. A-2-MAR-21-0048 (Groneman/Sibley SFD, Muir Beach)** Staff recommended approval with conditions:

Motion & vote: Hart moved to approve pursuant to the staff recommendation as modified at the hearing to: allow minor deviations in the stringline to accommodate a 2,000 square foot home; limit grading for the foundation system to the extent feasible; and memorialize the applicants' agreement not to oppose future removal of unpermitted shoreline armoring and recommended a yes vote, seconded by Bochco. The roll call vote was 9 in favor (Aminzadeh, Bochco, Escalante, Harmon, Hart, Rice, Uranga, Wilson, Brownsey) and none opposed. **Approved with conditions as amended.**

- b. **Application No. 2-22-0792 (Munro SFD, Seadrift)** Staff recommended approval with conditions.

Motion & vote: Rice moved to approve pursuant to the staff recommendation as amended and recommended a yes vote, seconded by Bochco. The roll call vote was 9 in favor (Aminzadeh, Bochco, Escalante, Harmon, Hart, Rice, Uranga, Wilson, Brownsey) and none opposed. **Approved with conditions.**

CENTRAL 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 Capitola LCP Amendment No. LCP-3-CAP-22-0037-1-Part B (SB9 Housing Provisions)** Moved by staff to the expanded consent calendar. **Concurred.**

 - b. **Santa Cruz County LCP Amendment No. LCP-3-SCO-22-0058-2 (Septic Systems)** Moved by staff to the expanded consent calendar. **Concurred.**

 - c. **Monterey County LCP Amendments No. LCP-3-MCO-22-0062-2 (Highway 156).** Moved by staff to the expanded consent calendar. **Approved as submitted.**

16. **PUBLIC WORKS PLAN.**
 - a. **Public Works Plan No. PWP-3-MCO-22-0002-1 (Monterey County Resource Conservation District Forest Health and Fire Resilience Public Works Plan.** Moved by staff to the expanded consent calendar. **Approved as submitted.**

17. **NEW APPEALS.**
 - a. **Appeal No. A-3-STC-22-0070 (St. Joseph Senior Housing Facility, Santa Cruz)** Staff recommended that the Commission determine that the appeal raised no substantial issue on the grounds on which the appeal was filed.

Motion & vote: Aminzadeh moved to determine that Appeal No. A-3-STC-22-0070 raised no substantial issue and recommended a yes vote, seconded by Bochco. The roll call vote was 9 in favor (Aminzadeh, Bochco, Escalante, Harmon, Hart, Rice, Uranga, Wilson, Brownsey) and none opposed. **No substantial issue found.**

18. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 3-23-0014 (Grossman Armoring, Pismo Beach)** Staff recommended approval with conditions.

Motion & vote: Hart moved to approve pursuant to the staff recommendation as amended and recommended a yes vote, seconded by Aminzadeh. The roll call vote was 9 in favor (Aminzadeh, Bochco, Escalante, Harmon, Hart, Rice, Uranga, Wilson, Brownsey) and none opposed. **Approved with conditions.**

There being no old or new business, the meeting of the California Coastal Commission adjourned at 5:05 p.m.

Respectfully submitted,

Kate Huckelbridge
Executive Director

Approved as Submitted _____

Donne Brownsey
Chair