

CALIFORNIA COASTAL COMMISSION

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**W20**

DATE: May 8, 2024
TO: Coastal Commissioners
FROM: Kate Huckelbridge, Executive Director
SUBJECT: **DRAFT MINUTES** of MEETING of November 15-17, 2023
Graton Casino & Resort
288 Golf Course Drive
Rohnert Park, CA 94928

WEDNESDAY, NOVEMBER 15, 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, Escalante, Harmon, Rice, Turnbull-Sanders, Uranga, Notthoff arrived at 9:30am, Wilson arrived at 1:00pm., **Non-voting present:** Dumlao, Ekerle, 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.** Information only.
 - d. **LCP Grant Program.** Staff recommended approval of the update to the LCP Local Assistance Grant Program.

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

[Item 6e was trailed and heard after the lunch break.]

e. **Tijuana River Pollution Crisis Update.** Staff recommended the Commission approval of sending a letter to the President, the Governor, and the Secretary of State.

Motion & vote: Aguirre moved to approve sending the letters to the President, the Governor, and the Secretary of State, seconded by Notthoff. The roll call vote was 12 in favor (Aguirre, Bochco, Cummings, Escalante, Harmon, Hart, Notthoff, 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 (11a, 13a, 13b, 15a) to the expanded consent calendar and recommended that the Commission approve the expanded consent calendar.

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

ENFORCEMENT

9. **ENFORCEMENT REPORT.** Report by Chief of Enforcement on Statewide Enforcement Program. Information only. [This item was trailed to Thursday's agenda.]

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.

11. **COASTAL PERMIT APPLICATIONS.**

a. **Application No. 1-23-0289 (Kinder, King Salmon)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

NORTH 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. None.
13. **COASTAL PERMIT APPLICATIONS.**
 - a. **Application No. 2-23-0662 (Pasarell SFD, Seadrift)** Moved by staff to the expanded consent calendar. **Approved with conditions.**
 - b. **Application No. 2-22-0664 (Johnson Pier Expansion and Replacement, San Mateo Co.)** Moved by staff to the expanded consent calendar. **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 Santa Cruz LCP Amendment No. LCP-3-STC-23-0006-1 Part B (Objective Design Standards and Code Cleanup).** Moved by staff to the expanded consent calendar. **Approved as recommended.**
16. **NEW APPEALS.**
 - a. **Appeal No. A-3-SLO-23-0027 (Bergen SFD Addition, Cambria)** Staff recommended that the Commission determine that the appeal raised no substantial issue.

Motion & vote: Bochco moved to determine Appeal No. A-3-SLO-23-0027 raised no substantial issue on the grounds on which the appeal was filed and recommended a yes vote, seconded by Hart. The roll call vote was 11 in favor (Aguirre, Bochco, Cummings, Escalante, Harmon, Hart, Notthoff, Rice, Turnbull-Sanders, Uranga, Brownsey) and none opposed. **No substantial issue found.**
 - b. **Appeal No. A-3-SLO-23-0028 (Lucero-Sokol SFD Addition, Cambria).** Staff recommended that the Commission determine that the appeal raised no substantial issue.

Motion & vote: Bochco moved to determine Appeal No. A-3-SLO-23-0028 raised no substantial issue on the grounds on which the appeal was filed and recommended a yes vote, seconded by Hart. The roll call vote was 11 in favor (Aguirre, Bochco, Cummings, Escalante, Harmon, Hart, Notthoff, Rice, Turnbull-Sanders, Uranga, Brownsey) and none opposed. **No substantial issue found.**

- c. **Appeal No. A-3-PGR-23-0038 (Wastewater Collection System Repairs, Pacific Grove)** Staff recommended that the Commission determine that the appeal raised no substantial issue.

Motion & vote: Cummings moved to determine Appeal No. A-3-PGR-23-0038 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 11 in favor (Aguirre, Bochco, Cummings, Escalante, Harmon, Hart, Notthoff, Rice, Turnbull-Sanders, Uranga, Brownsey) and none opposed. **No substantial issue found.**

- d. **Appeal No. A-3-SCO-23-0042 (Tzouanakis-Ajao Seawall, Santa Cruz County)** [WITHDRAWN]

STATEWIDE

- 17. **APPROVAL OF MINUTES.** The minutes of August & September 2023 were approved as written.

Motion & vote: Bochco moved to approve the August & September 2023 minutes as written and recommended a yes vote, seconded by Wilson. The roll call vote was 12 in favor (Notthoff, Rice, Turnbull-Sanders, Uranga, Wilson, Aguirre, Bochco, Cummings, Escalante, Harmon, Hart, Brownsey) and none opposed. **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 2:45 p.m. and went into closed session.

REPORT OF CLOSED SESSION

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

AMJT Capital LLC, et al. v. California Coastal Commission
California Coastal Commission v. North County Transit District
Ruby Falls Fund v. California Coastal Commission

THURSDAY, NOVEMBER 16, 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, Harmon, Notthoff, Rice, Turnbull-Sanders, Uranga, Wilson. Escalante arrived at 9:30am. Non-voting present: Dumlao, Ekerle, 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. **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. 5-22-0271 (Day, Newport Beach)**
6. **CONSENT CALENDAR.** Staff recommended approval of the consent calendar.
 - a. **Application No. 5-22-0971 (Christovich, Seal Beach)**

Motion & vote: Cummings moved approve pursuant to the staff recommendation and recommended a yes vote, seconded by Bochco. The roll call vote was 12 in favor (Aguirre, Bochco, Cummings, Escalante, Harmon, Hart, Notthoff, Rice, Turnbull-Sanders, Uranga, Wilson, Brownsey) and none opposed. **Approved with conditions.**
7. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved 5 items (9a, 9c, 10a, 12a, 12b) to the expanded consent calendar and recommended approval.

Motion & vote: Cummings moved to approve the expanded consent calendar pursuant to the staff recommendation and recommended a yes vote, seconded by Bochco. The roll call vote was 12 in favor (Aguirre, Bochco, Cummings, Escalante, Harmon, Hart, Notthoff, Rice, Turnbull-Sanders, Uranga, Wilson, Brownsey) and none opposed. **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.

9. **COASTAL PERMIT APPLICATIONS.**

- a. **Application 9-23-0785 (South Coast Water District, Orange Co.)** Moved by staff to the expanded consent calendar. **Approved with conditions.**
- b. **Application No. 9-20-0488 (Nordic Aquafarms California, LLC, Samoa)** Staff recommended approval with conditions.

Motion & vote: Cummings moved to approve pursuant to the staff recommendation and recommended a yes vote, seconded by Wilson. The roll call vote was 12 in favor (Aguirre, Bochco, Cummings, Escalante, Harmon, Hart, Notthoff, Rice, Turnbull-Sanders, Uranga, Wilson, Brownsey) and none opposed. **Approved with conditions.**

- c. **Application No. 9-23-0548 (Seren Juno Network America, Inc., Grover Beach)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

10. **FEDERAL CONSISTENCY.**

- a. **Consistency Certification No. CC-0002-23 (Seren Juno Network America, Inc., Grover Beach)** Moved by staff to the expanded consent calendar. **Approved.**
- b. **CD-0006-20 (National Park Service, Marin Co.)** Update only. No action taken.

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 Laguna Beach LCP Amendment No. LCP-5-LGB-23-0033-2.** Moved by staff to the expanded consent calendar. **Approved as recommended.**
- b. **City of Laguna Beach LCP Amendment No. LCP-5-LGB-23-0038-3. Time Extension.** Moved by staff to the expanded consent calendar. **Approved.**

13. **COASTAL PERMIT APPLICATIONS.**

a. **Application No. 5-22-0804 (Surf City Partners, LLC, Huntington Beach)**

Motion & vote: Rice moved to approve pursuant to the staff recommendation, as modified to allow: 1) a private changing room, without evidence that it is legally required; 2) a walk up window and/or food cart; and 3) one public seating area, as proposed by the applicant, that would include two ADA accessible tables, and recommended a yes vote, seconded by Wilson.

Amending motion #1: Hart moved to require one gender neutral/disabled restroom and the remaining restrooms according to gender and recommended a yes vote, seconded by Bochco. The roll call vote was 7 in favor (Harmon, Hart, Rice, Uranga, Bochco, Cummings, Brownsey) and 2 opposed (Notthoff, Wilson). **Motion passed.**

Amending motion #2: Rice moved to change the hours of the bait shop to minimum of 6 hours per day between dawn and dusk at the discretion of the operator and recommended a yes vote, seconded by Harmon. The roll call vote was 9 in favor (Hart, Notthoff, Rice, Uranga, Wilson, Bochco, Cummings, Harmon, Brownsey) and none opposed. **Motion passed.**

Amending motion #3: Harmon moved to allow the merchandise cart, seconded by Wilson. The roll call vote was 4 in favor (Uranga, Bochco, Harmon, Brownsey) and 5 opposed (Notthoff, Rice, Wilson, Cummings, Hart). **Motion failed.**

Vote on Main Motion: The roll call vote was 9 in favor (Rice, Uranga, Wilson, Bochco, Cummings, Harmon, Hart, Notthoff, Brownsey) and none opposed. **Approved with conditions as amended.**

b. **Application No. 5-23-0120 (Gage Village Residential Development, LLC, Sunset Beach) [POSTPONED]**

c. **Application No. 5-23-0293 (Maximo Diamond, Laguna Beach)** Staff recommended approval with conditions.

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

d. **Application No. 5-23-0397 (City of San Clemente, San Clemente) [POSTPONED]**

The Commission recessed for the day at 5:14 p.m.

FRIDAY, NOVEMBER 17, 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, Bochco, Cummings, Escalante, Harmon, Notthoff, Rice, Wilson. Arrived after roll call: Aguirre, Uranga. Absent: Turnbull-Sanders. Non-voting present: Ketchum, Dumlao.
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.** Staff recommended that the Commission approve the consent calendar pursuant to the staff recommendation.

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

- a. **Application No. 6-22-0996 (San Diego El Carmel restroom, San Diego)**
- b. **Application No. 6-23-0349 (Bigelow, San Diego)**

6. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved 2 items (9a, 13a) to the expanded consent calendar and recommended approval.

Motion & vote: Aguirre 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 11 in favor (Aguirre, Bochco, Cummings, Escalante, Harmon, Hart, Notthoff, Rice, Uranga, Wilson, Brownsey) and none opposed. **Approved as recommended.**

SAN DIEGO COAST DISTRICT

[Notthoff departed]

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. **NEW APPEALS.**

- a. **Appeal No. A-6-DMR-22-0020 (Watermark DM. LP, Del Mar)** Staff recommended that the Commission determine Appeal No. A-6-DMR-22-0020 raised no substantial issue on the grounds on which the appeal was filed.

Motion & vote: Wilson moved to determine that Appeal No. A-6-DMR-22-0020 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 10 in favor (Cummings, Escalante, Harmon, Hart, Rice, Uranga, Wilson, Aguirre, Bochco, Brownsey) and none opposed. **No substantial issue found.**

- b. **Appeal No. A-6-ENC-23-0024 (Beacon's Beach Parking Lot, Encinitas)**[POSTPONED]

9. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 6-23-0186 Barlow Capital Investment, LLC, San Diego)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

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.

[Uranga out of room]

11. **NEW APPEAL.**

- a. **Appeal No. A-4-STB-22-0027 (Mecay, Santa Barbara Co.)** Staff recommended that the Commission determine the appeal raised no substantial issue.

Motion & vote: Harmon moved to determine that Appeal No. A-4-STB-22-0027 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 9 in favor (Escalante, Harmon, Hart, Rice, Wilson, Aguirre, Bochco, Cummings, Brownsey) and none opposed. **No substantial issue found.**

SOUTH COAST DISTRICT (LOS ANGELES COUNTY)

12. **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.

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

a. **City of Redondo Beach LCP Amendment No. LCP-5-RDB-23-0036-1.**
Moved by staff to the expanded consent calendar. **Concurred.**

14. **NEW APPEALS.**

a. **Appeal No. A-5-DRL-23-0039 (Campbell, Playa del Rey)** Staff recommended that the Commission determine that the appeal raised no substantial issue.

Motion & vote: Rice moved to determine that Appeal No. A-5-DRL-23-0039 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 9 in favor (Harmon, Hart, Rice, Wilson, Aguirre, Bochco, Cummings, Escalante, Brownsey) and none opposed. **No substantial issue found.**

15. **COASTAL PERMIT APPLICATIONS.**

a. **Application No. 5-23-0193 (SoCalGas, Playa del Rey)** Staff recommended approval with conditions.

Motion & vote: Hart moved to approve pursuant to the staff recommendation and recommended a yes vote, seconded by Bochco. The roll call vote was 9 in favor (Hart, Rice, Wilson, Aguirre, Bochco, Cummings, Escalante, Harmon, Brownsey) with one abstention (Uranga). **Approved with conditions.**

There being no old or new business, the meeting of the California Coastal Commission adjourned at 12:40 p.m.

Respectfully submitted,

Kate Huckelbridge
Executive Director

Approved as Submitted _____
Dr. Caryl Hart
Chair