

# **California Coastal Commission Conservation Voting Chart 2008**



**Prepared By:  
Surfrider Foundation, Sierra Club Coastal Programs,  
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## California Coastal Commission Conservation Voting Chart 2008

### The California State Legislature hereby finds and declares:

- (a) That the California coastal zone is a distinct and valuable natural resource of vital and enduring interest to all the people and exists as a delicately balanced ecosystem.
- (b) That the permanent protection of the state's natural and scenic resources is a paramount concern to present and future residents of the state and nation.

- California Coastal Act of 1976, California Public Resources Code Section 30001

### EXECUTIVE SUMMARY:

The California Coastal Commission (CCC) Conservation Voting Chart is a joint enterprise of the California Coastkeeper Alliance, Coastal Protection Network (CPN), Coastwalk California, League for Coastal Protection (LCP), Sierra Club Coastal Programs and Surfrider Foundation. These voting charts have been prepared for the last 21 years.

The CCC voting chart for 2008 examines 31 separate votes. Votes analyzed were selected in consultation with coastal conservation activists based on their likely impact on coastal resources and their potential to set important statewide precedent. The CCC reviews approximately 1000 projects each year and approves the vast majority of them. This voting chart is designed to highlight only the most important votes, where the environmental stakes are high, including several major issues of concern to the California environmental community. For example, this year's chart includes the proposed toll road through San Onofre State Beach. The projects analyzed were selected based on the following non-exclusive factors: 1) the extent of impacts on coastal resources; 2) the potential to set important statewide precedent; 3) the amount of funding required for the project; and 4) whether the project proponent employed one or more lobbyists. In most instances, the cases analyzed in this report involved high economic value projects with significant environmental resource or public beach access. Most cases also included one or more paid agents to lobby Commissioners to vote in favor of development. Direct lobbying between agents and Commissioners is required by law to be publicly disclosed and recorded as *ex parte* communications, though most lobbying expenditures go unreported.<sup>1</sup>

A description of the issues and resources affected by each vote, as well as a record of individual Commissioner's votes and those of their alternates, appear in the charts below. These vote records have been compared with the official records kept by Coastal Commission staff. However, any errors are the sole responsibility of the preparers. For in-depth discussion of key votes on a regular basis, the Sierra Club publishes blog information regarding coastal resources at California CoastWatcher ([www.coastwatcher.com](http://www.coastwatcher.com)) and maintains a website at <http://www.sierraclub.org/ca/coasts/>

For additional information regarding California coastal protection issues, visit <http://www.surfrider.org>, <http://www.cacoastkeeper.org/> and <http://www.coastaladvocates.com/>.

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<sup>1</sup> In 2005, AB 771, authored by Assemblywoman Lori Saldana (D-San Diego), would have dramatically improved recording requirements, including expenditures and public disclosure of lobbying contacts involving Coastal Commissioners. AB 771 passed the California Legislature in 2005 but was vetoed by Governor Schwarzenegger on October 7, 2005.

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## **BACKGROUND:**

The California Coastal Commission is an independent state agency created by the California Coastal Act of 1976.<sup>2</sup> The mission of the Coastal Commission is to protect, conserve, restore, and enhance environmental and human resources of the California coast and ocean for environmentally sustainable and prudent use by current and future generations.<sup>3</sup>

The Commission itself is comprised of 12 voting members (and up to 12 alternate members) and three non-voting *ex officio* members. The Commissioners meet monthly in different coastal communities up and down the coast to deliberate the merits of proposed coastal development projects within the 1.5-million acre, 1,100-mile long California coastal zone.<sup>4</sup>

The independence, balance and integrity of the Commission depend upon the appointment process. All voting members are appointed by California's Governor, the Senate Rules Committee, and the State Assembly Speaker. Each appoints four Commissioners, two of whom are from the general public and two of whom are local elected officials. In order to ensure statewide representation, each of the following geographical areas are designated to have one "local elected" voting member seat: San Diego, South, South Central, Central, North Central, and North Coast regions. Each Commissioner may also have an alternate, subject to the approval of his or her appointing authority.

Until 2003, appointments were normally made shortly after an appointing authority either assumed office (as in the case of the Governor), or a legislator ascended to the leadership of the Senate or the Assembly, and all appointments served at the pleasure or will of their appointing authority. However, in 2003, the law concerning Commission appointments and terms was amended, and now all eight Legislative appointments (four appointed by the Speaker of the Assembly and four appointed by Senate Rules Committee under the leadership of the President Pro Tem of the State Senate) are considered "tenured" appointments. That is, once a Commissioner is appointed, he or she will sit on the Commission for a fixed four-year term and in general cannot be removed until the expiration of the full appointment term (or, in the case of local elected officials, until such time as they no longer serve as an elected official in their particular region). In contrast, the Governor's four appointments continue to serve "at will" and can be removed at any time.

In addition to the twelve voting Commission members, there are also three non-voting state agency members: Resources Agency; State Lands Commission; and Business, Transportation, and Housing Agency. With the exception of State Lands Commission, these *ex officio* members of the Commission represent the views of the Governor and have in general merely lobbied for more intensive development, rather than coastal protection or other goals of the Coastal Act.

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<sup>2</sup> See Cal. Pub. Res. Code §§ 30000 *et seq.* Available online at <http://www.coastal.ca.gov/ccatc.html>.

<sup>3</sup> More information regarding Coastal Commission members, staff, staff analysis and upcoming meetings and agendas found at <http://www.coastal.ca.gov>.

<sup>4</sup> For a complete list of current members of the Coastal Commissioners, Alternate Commissioners and Non-voting Commissioners, and their appointment dates and terms, go to <http://www.coastal.ca.gov/roster.html>.

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## **AN IMPORTANT NOTE:**

When reviewing this Voting Chart, it is important to remember that some Commissioners have only served on the Commission for a relatively short time, while others have served for many years. For example, Commissioner Sara Wan is in her thirteenth year on the Commission while other Commissioners have served only a year or two. Fortunately for purposes of this chart, all twelve Commissioners in 2008 served all twelve months.

To aid in review of this report, we have included the number of votes that each Commissioner cast in 2008 in addition to their overall conservation voting score in the chart on page 9.

## **KEY FINDINGS:**

- **For 2008, the average conservation score for the entire Commission decreased dramatically to 38%, from 44% in 2007.**
- **The 2008 conservation score of just 38% represents a tie for the third lowest overall conservation voting percentage in the last 21 years, and the lowest score in over ten years.**
- **Since 1987, the California Coastal Commission's voting scores have ranged from a low of 25% in the latter half of 1996 to a high of 76% in 1997. The average conservation voting score for the Coastal Commission over the past 21 years is now 49%.**
- **The overall Commission's conservation score for 2008 was 38%, a full 22% lower than 2005's overall score of 60%, and a dramatic 38% lower than the all-time high of 76% in 1997.**
- **In February 2008 over 3,000 people attended a public hearing as the Commission deliberated one of the largest, most destructive projects ever proposed for the California coastal zone, with a positive result. Faced with a proposal to destroy San Onofre State Beach in favor of a private toll road highway to facilitate construction of over 14,000 new houses in Orange County, the Commission voted 8-2 to save one of California's most beloved State Parks.**
- **Of appointing authorities, Senate Rules Committee Coastal Commissioners continued to outpace both gubernatorial and Assembly Speaker appointments for pro-coast votes, but all Senate appointees scored lower than their previous year's scores. Whereas in 2007 all four Senate-appointed Commissioners recorded 50% or higher, in 2008 only the Senate public member appointments scored above 50% (Wan at 81% and Shallenberger at 62%), while the elected officials (Clark at 33% and Reilly at 37% lagged noticeably).**

- **Assembly Speaker Fabian Núñez’s appointments again had a very disappointing record, dropping down a point from last year to just 31% in 2008.**

- **Governor Schwarzenegger’s coastal appointments, who lagged severely in 2007 with just a 24% pro-coast conservation score, nudged upwards in 2008 with a 29% conservation score.**

- **Commissioners Sara Wan and Mary Shallenberger, both Senate Rules Committee appointments, again had the two highest 2008 pro-conservation voting scores—81% and 62%, respectively. This is a full 20+ points higher than the next highest Commissioner.**

- **The third highest scoring Commissioner, Steve Blank, who scored 41% in 2008, is an appointment of Governor Schwarzenegger. Blank’s score was 10 points higher than the next highest scoring Governor’s appointment, Bonnie Neely, who scored 31% in 2008.**

- **Four Commissioners did not even manage to achieve a score of 30%: Commissioners Steven Kram and Khatchik Achadjian (both Governor’s appointments) scored 19% and 25% respectively, and Commissioners Dave Potter and Ben Hueso (both Assembly Speaker appointments) scored both only 28%.**

- **Typically, “local elected” Commissioners have had lower conservation scores than Commissioners drawn from the public at-large and 2008 was no exception. Public members had a conservation voting score of 46% (down from 54% in 2007 and 52% in 2006 and 69% in 2005), while local elected officials serving as Commissioners had a conservation voting score of 30% (down from 34% in 2007, 35% in 2006 and 55% in 2005).**

- **Of the six “elected” members who served on the Commission during 2008, Sonoma County Supervisor Mike Reilly had the highest conservation voting score at 37% (down from his 2007 score of 57%), while San Luis Obispo County Supervisor Khatchik Achadjian had the lowest score 25% (up from his 2007 score of 11%).**

- **Of the six “public” members, Commissioner Sara Wan (appointed by Senate Rules Committee) had the highest conservation voting score at 81% (down from her 2007 rating of 88%), while Commissioner Steven Kram (appointed by Governor Schwarzenegger) had a conservation score of 19% (down 3% from his 2007 score of 22%).**

# CALIFORNIA COASTAL COMMISSION

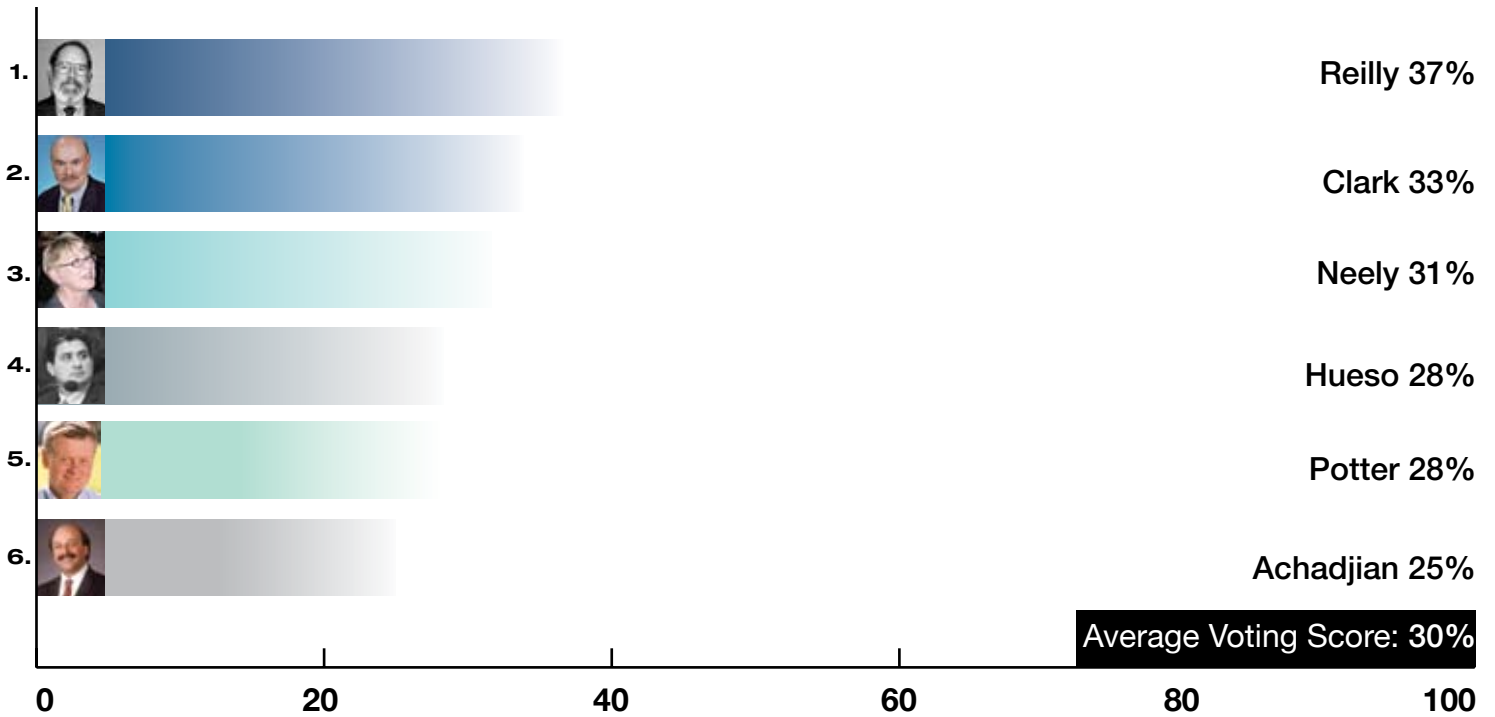
## California Coastal Commissioners by Place of Residence



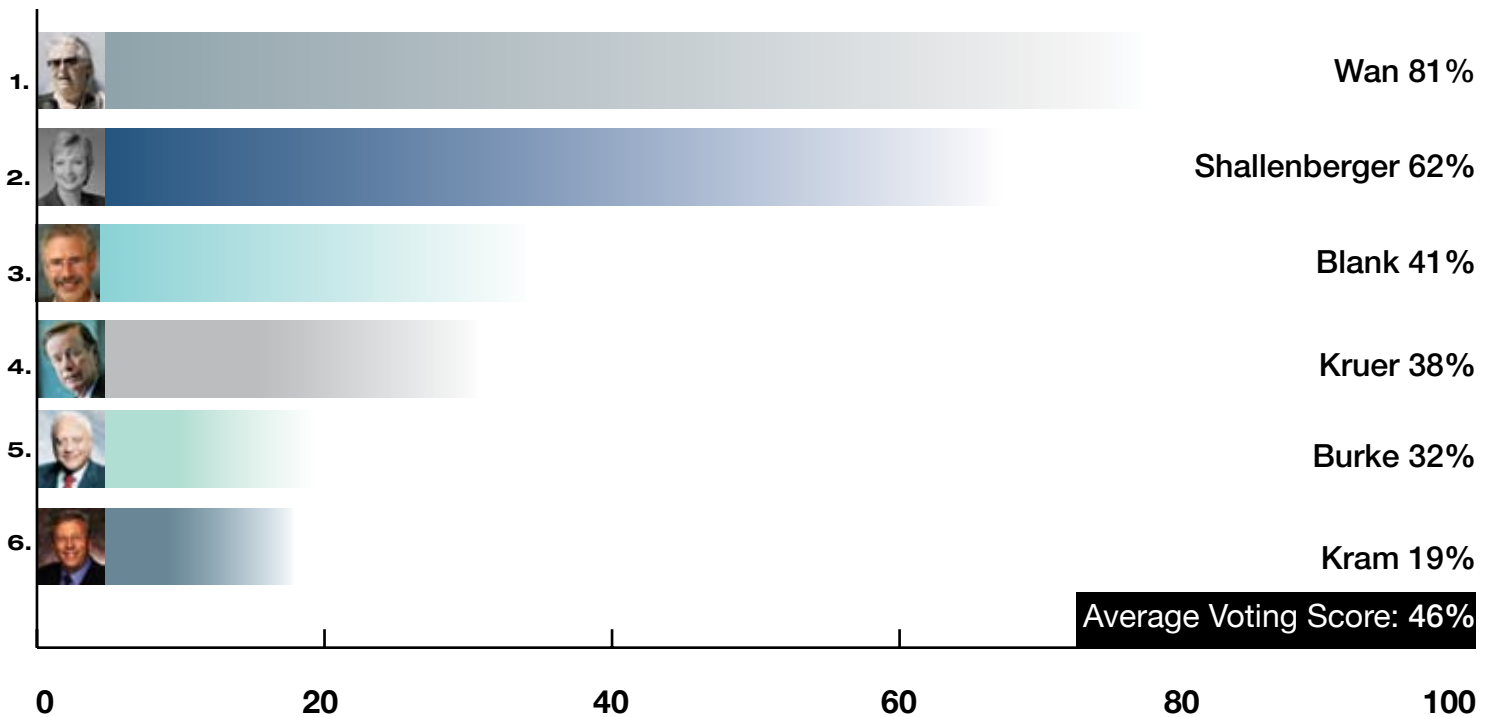
# CALIFORNIA COASTAL COMMISSION

Conservation Voting Chart 2008  
Comparison of Elected & Public Members

## Elected Members



## Public Members

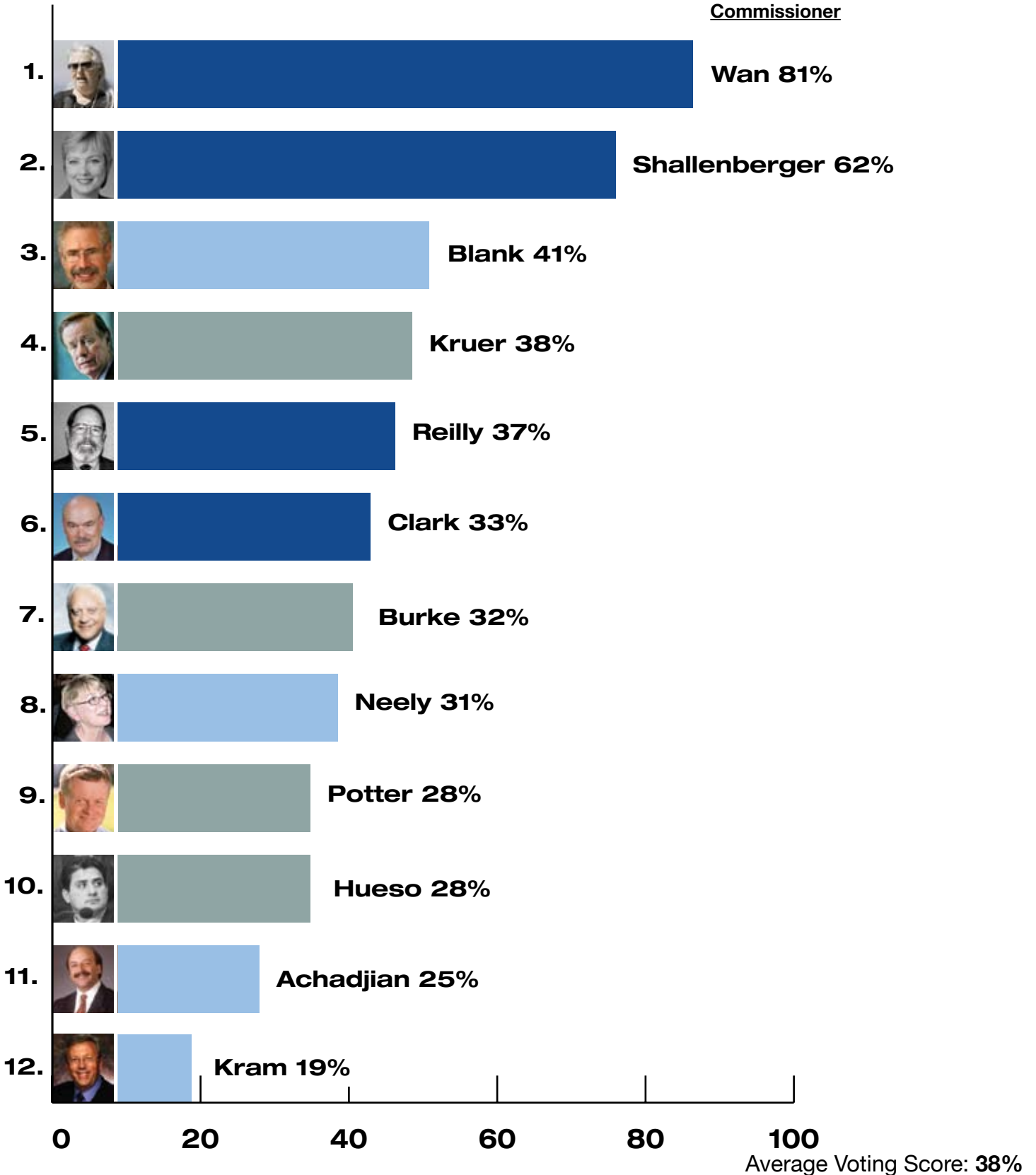


# CALIFORNIA COASTAL COMMISSION

## CALIFORNIA COASTAL COMMISSION

Conservation Voting Chart 2008

### Overall Commissioner Ranking





# CALIFORNIA COASTAL COMMISSION

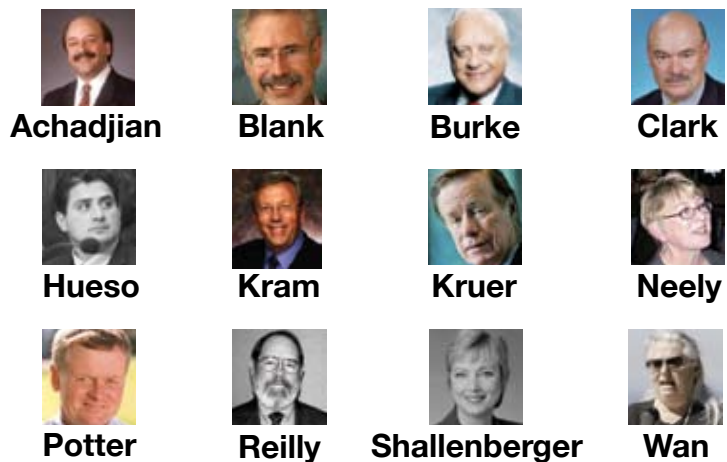
Conservation Voting Chart 2008

	COMMISSIONER	Total Number Of Votes Cast	Pro-Coast Votes	Absences	Percentage
8	Achadjian	28	7	2	25.00%
3	Blank	22	9	8	40.91%
9	Burke	22	7	8	31.82%
5	Clark	27	9	4	33.33%
10	Hueso	29	8	2	27.59%
12	Kram	27	5	4	18.52%
4	Kruer	29	11	2	37.93%
7	Neely	26	8	5	30.77%
11	Potter	25	7	5	28.00%
6	Reilly	30	11	1	36.67%
2	Shallenberger	29	18	1	62.07%
1	Wan	27	22	3	81.48%
				<b>Average</b>	<b>37.84%</b>

<b>Senate</b>	<b>53.39%</b>
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<b>Governor</b>	<b>28.80%</b>
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<b>Assembly</b>	<b>31.34%</b>
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# CALIFORNIA COASTAL COMMISSION

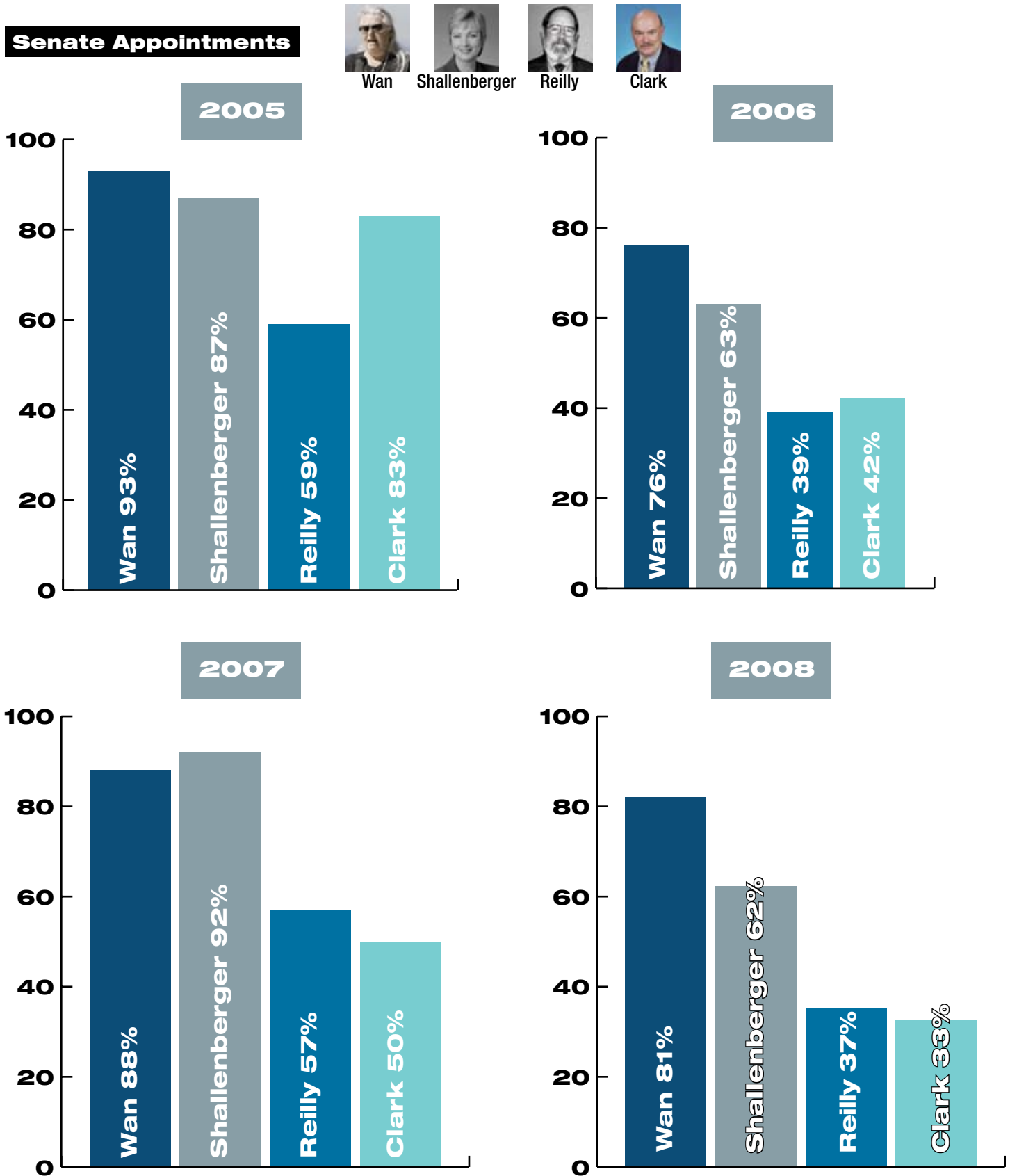
## California Coastal Commission Conservation Voting Scores: 1987-2008

Year	Senate	Assembly	Governor	Commission
1987	71%	64%	26%	66%
1988/89	63%	50%	74%	60%
1990/91	89%	55%	19%	58%
1992	83%	59%	30%	53%
1993	65%	38%	32%	34%
1994	68%	43%	31%	38%
1995	79%	42%	35%	50%
1996 (1-5/96)	85%	31%	21%	41%
1996 (6-11/96)	87%	6%	20%	25%
1997	78%	87%	42%	76%
1998	66%	66%	24%	44%
1999	72%	62%	54%	64%
2000	59%	46%	42%	50%
2001	56%	35%	28%	41%
2002	64%	44%	44%	50%
2003	65%	45%	45%	52%
2004	58%	38%	Davis: 47%	46%
			Schwarzenegger: 29%	
2005	74%	55%	45.5%	60%
2006	54%	42%	35%	43%
2007	72%	35%	24%	44%
2008	53%	31%	29%	38%

Environmentalists began tracking the Coastal Commission's Conservation voting record in 1987. 1996 is split into two halves to show the precipitous fall in pro-environmental votes in the latter half of 1996 caused by the Assembly's transition from a Democratic majority to a Republican majority headed by Speaker Curt Pringle. The highest overall conservation voting score for the commission was in 1997 when the overall conservation voting score stood at 76%, related, in part, to Democrats retaking majority of the Assembly. Since 1997, the scores, on average, have declined with 2008 representing the lowest score this decade.

# California Coastal Commission

Conservation Voting Chart 2008 and Comparison of 2005 vs. 2006 vs. 2007 vs. 2008



# CALIFORNIA COASTAL COMMISSION

## California Coastal Commission

Conservation Voting Chart 2008 and Comparison of 2005 vs. 2006 vs. 2007 vs. 2008



Burke



Kruer

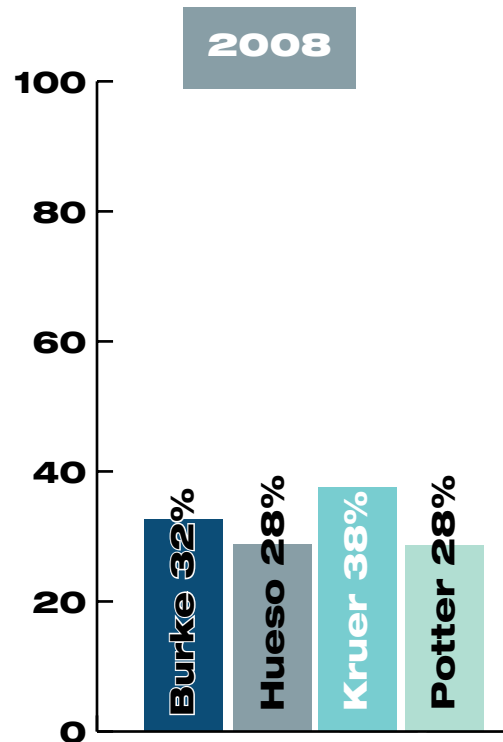
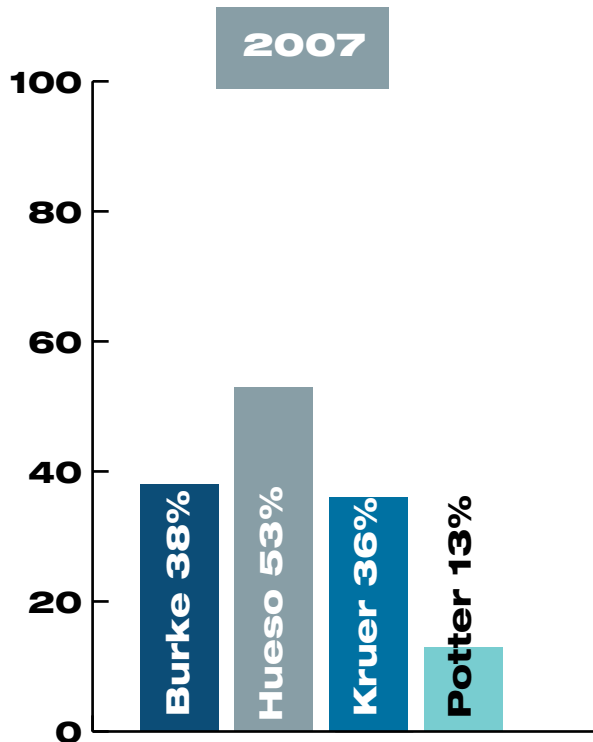
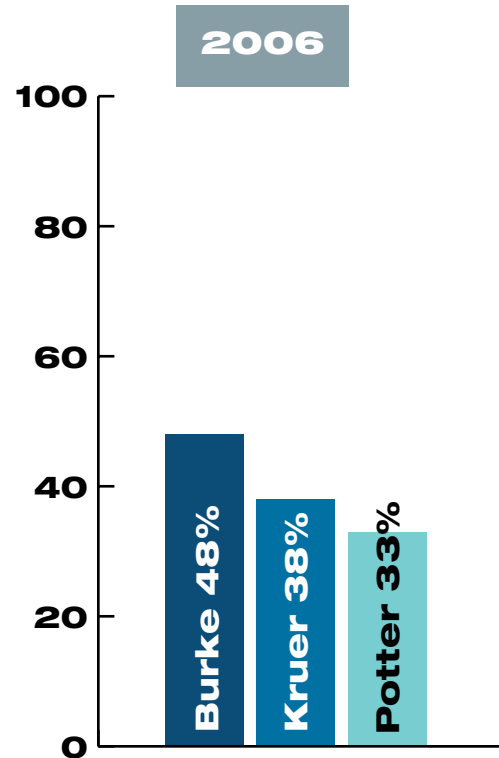
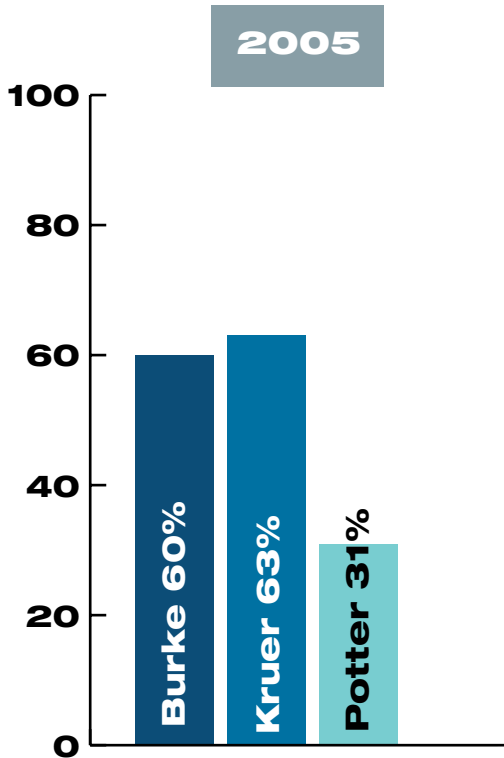


Potter



Hueso

### Assembly Speaker Appointments



# California Coastal Commission

Conservation Voting Chart 2008 and Comparison of 2005 vs. 2006 vs. 2007 vs. 2008

## Governor Appointments



Blank



Achadjian

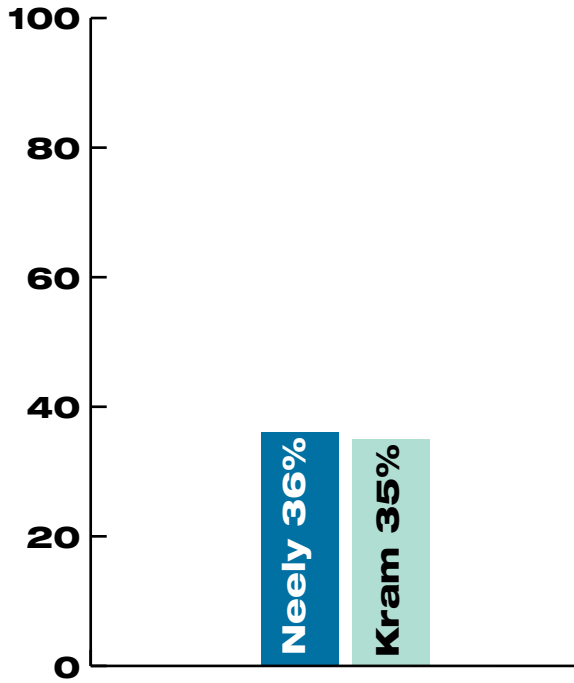


Neely

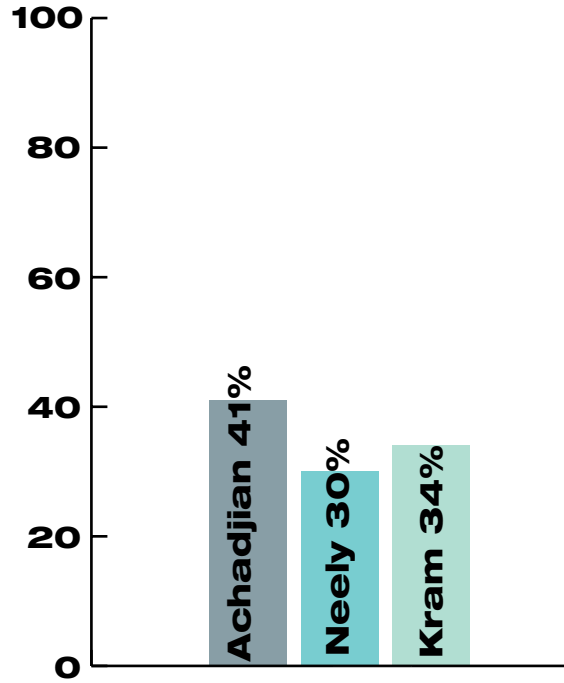


Kram

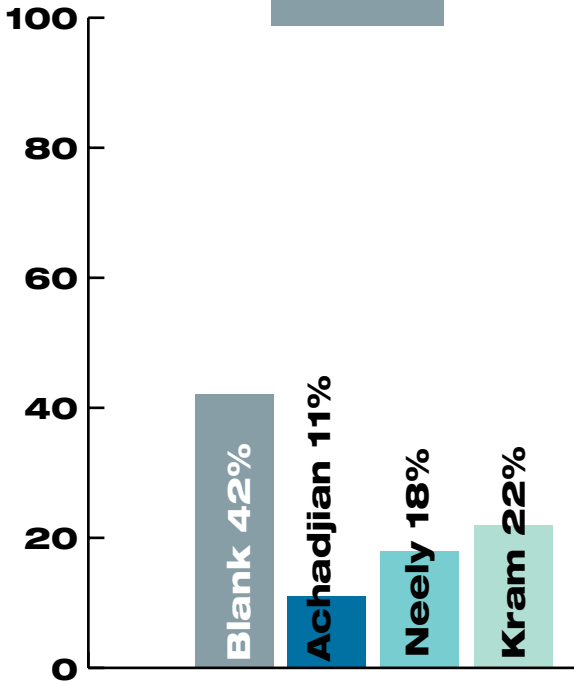
2005



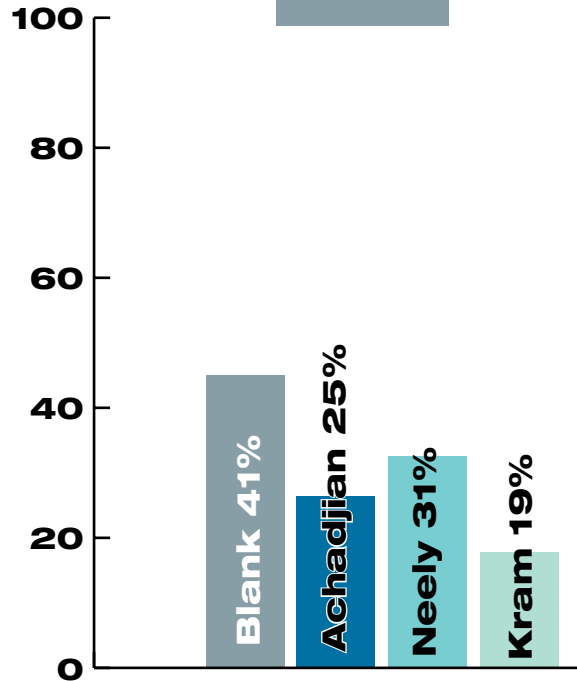
2006



2007



2008



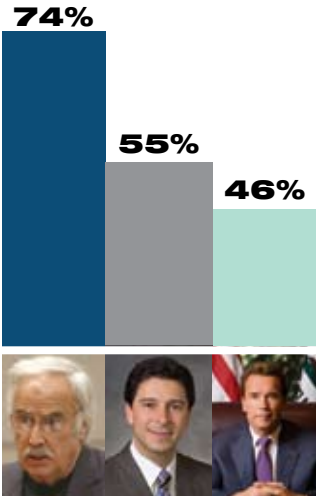
# CALIFORNIA COASTAL COMMISSION

## California Coastal Commission

Conservation Voting Chart 2008 and Comparison of 2005 vs. 2006 vs. 2007 vs. 2008

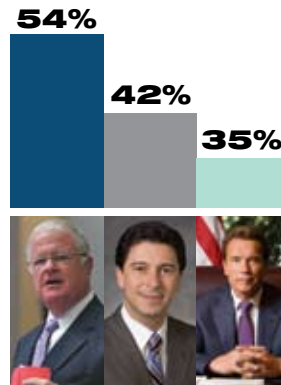
### Average by Appointing Authorities

#### 2005



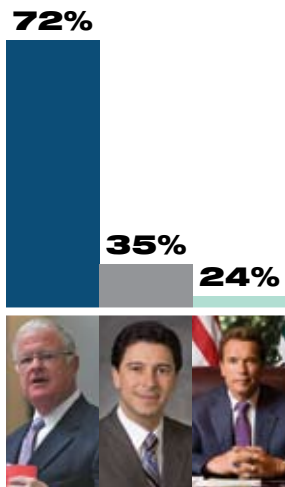
- Senate Leader John Burton: 72%
- Assembly Leader Fabian Núñez: 55%
- Governor Schwarzenegger: 46%

#### 2006



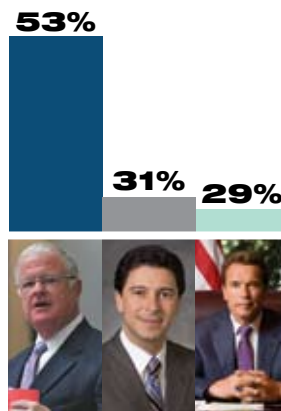
- Senate Leader Don Perata: 54%
- Assembly Leader Fabian Núñez: 42%
- Governor Schwarzenegger: 35%

#### 2007



- Senate Leader Don Perata: 72%
- Assembly Leader Fabian Núñez: 35%
- Governor Schwarzenegger: 24%

#### 2008



- Senate Leader Don Perata: 53%
- Assembly Leader Fabian Núñez: 31%
- Governor Schwarzenegger: 29%

Overall Coastal Commission: 2005: 60%, 2006: 43%, 2007: 44%, 2008: 38%

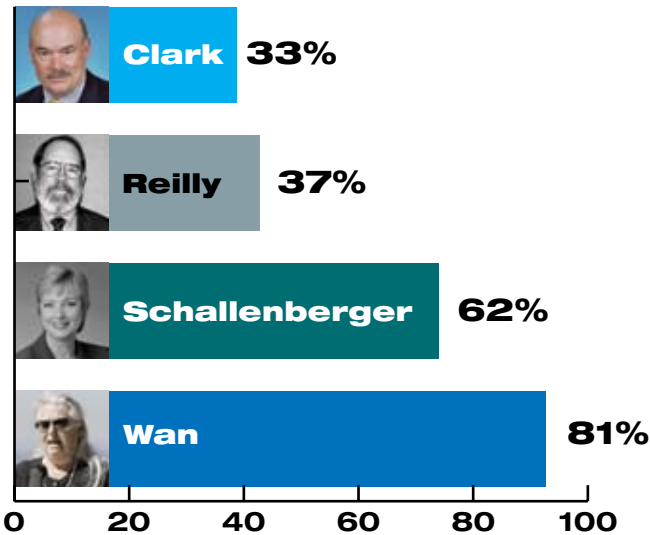
**Observation:** The Commission's overall conservation score dropped six percentage points in the last year to its lowest score overall Commission score since 1996.

**Note:** Karen Bass was sworn in as Assembly Speaker on May 13, 2008 and Daryl Steinberg became Senate President pro tem on August 21, 2008, although neither made any new appointments to the Commission during 2008.

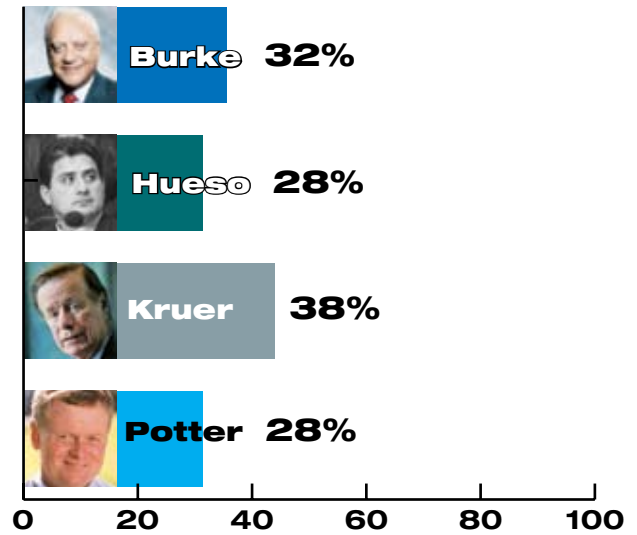
# California Coastal Commission

## Comparison by Appointing Authority

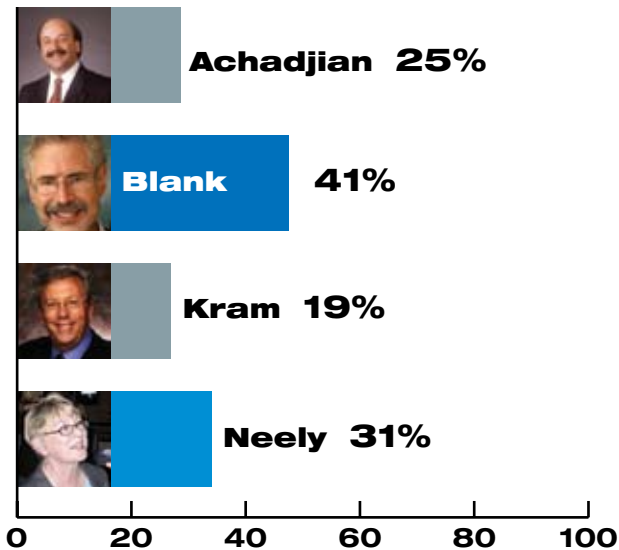
### Senate Appointments



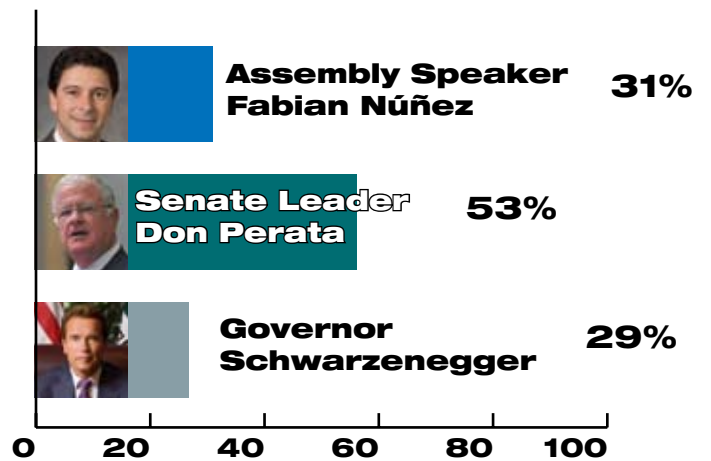
### Assembly Appointments



### Governor Appointments



### Average by Appointing Authority



**Observation:** Commissioners appointed by the Senate Rules Committee earned a conservation score of 53% in 2008, which is down markedly from the 72% score earned in 2007. Assembly Speaker Fabian Núñez’s appointees earned a 2008 conservation score of only 31%, down 4 percentage points from last year and down 13 percentage points from the 2006 score of 42%. Governor Schwarzenegger’s appointees earned a 2008 conservation score of 29%, up from 24% in 2007.

# CALIFORNIA COASTAL COMMISSION

## CALIFORNIA COASTAL COMMISSION

Conservation Voting Chart January 2008

January 2008	Marina Del Rey LCP Los Angeles Co. Update 1/09/08
Achadjian	+
Blank	+
Burke	<i>Absent</i>
Clark	+
Hueso	+
Kram	+
Kruer	+
Neely	+
Potter	+
Reilly "via Kinsey"	+
Shallenberger	+
Wan	+
Outcome	+

• **Marina Del Rey LCP Update, Los Angeles County:** In defense of nesting shore birds and wetlands habitat, the Commission voted unanimously to rebuke Los Angeles County and paid lobbyists on their effort to eliminate such protections from the Marina Del Rey Local Coastal Plan update.



+ = Pro Coast Vote for Coastal Conservation  
 - = Negative Vote for Coastal Conservation

(Note that Kinsey is an alternate for Commissioner Reilly, Lowenthal is an alternate for Clark, Gonzales for Hueso, Secord for Kram, and Liberman for Kruer. A vote by an alternate will be indicated "via [alternate name]" as in the case of Reilly above [not below]. All votes of alternates are attributed to the primary commissioner for votes scoring purposes.)



# CALIFORNIA COASTAL COMMISSION

Conservation Voting Chart February 2008

February 2008	TCA Toll Road through San Onofre State Beach CC-018-07 San Diego Co. 2/06/08
Achadjian	+
Blank	+
Burke	-
Clark	+
Hueso	<i>Absent</i>
Kram	-
Kruer	+
Neely	+
Potter	<i>Absent</i>
Reilly	+
Shallenberger	+
Wan	+
Outcome	+

• **Foothill Transportation Corridor South, San Diego County:** In the most important vote of the year, the Commission voted 8-2 to reject a proposal to build a private toll road through San Onofre State Park that would have destroyed a large portion of the park and have had major impacts on wetlands estuary, endangered species, sacred Native American sites, a prized campground, and a world famous surfing environment at Trestles, among other catastrophic impacts.



# CALIFORNIA COASTAL COMMISSION

## CALIFORNIA COASTAL COMMISSION

Conservation Voting Chart March 2008

March 2008	Pacifica Condos A-2-PAC-07-22 San Mateo Co. 3/07/08
Achadjian	<i>Absent</i>
Blank	-
Burke	<i>Absent</i>
Clark	-
Hueso	-
Kram <i>“via Secord”</i>	-
Kruer	+
Neely	-
Potter	-
Reilly	-
Shallenberger	-
Wan	+
Outcome	-

• **Pacifica Condos, San Mateo County:** In allowing for 10 condos to be built on a single family half-acre ocean front lot regularly flooded by large waves, the Commission joined the City of Pacifica in ignoring the effects of climate change and sea level rise.



Photo courtesy of California Coastal Records Project

## CALIFORNIA COASTAL COMMISSION

Conservation Voting Chart April 2008

April 2008	Boating Instruction and Safety Center (BISC), Channel Islands Harbor PWP Amdmt No. 1-04 Ventura Co. 4/09/08	Kiosks impeding Public Access at Bolsa Chica Orange Co. 4/10/08	Imperial Beach Resort - Condotel Time Share Interests San Diego Co. 4/10/08	Puffsky subdivision on public land in Santa Cruz Co. 4/11/08
Achadjian	-	-	-	-
Blank	-	-	-	+
Burke	+	+	-	<i>Absent</i>
Clark	-	-	-	-
Hueso	-	-	-	-
Kram	-	"via" <b>Secord</b>	"via" <b>Secord</b>	"via" <b>Secord</b>
Kruer	-	-	-	+
Neely	-	-	-	-
Potter	-	-	-	+
Reilly	-	-	-	-
Shallenberger	+	+	-	<i>Absent</i>
Wan	+	+	+	+
Outcome	-	-	-	-

• **Channel Islands Harbor Boating Instruction and Safety Center, Ventura County:** Even after a Superior Court decision forbade development on this area close to sensitive bird nests and Environmentally Sensitive Habitat Area ("ESHA"), the Commission agreed with paid lobbyists and Ventura Co. Supervisors in allowing the facility to be located in the exact same place, rather than environmentally preferable locales in the Channel Islands Harbor.

• **Signal Landmark, Huntington Beach, Orange County:** After discovering that the Bolsa Chica wetlands housing developer had illegally constructed 'entrance monuments' to impede public access to its new subdivision, the Commission failed to require removal of these intimidating structures.

• **Pacifica Co., Seacoast Inn, Imperial Beach, San Diego County:** In allowing a new resort hotel on the beach, the Commission ignored its own established policies and for the first time approved a visitor serving facility where 100% of the rooms will be subdivided and sold off to individual 'condotel' owners.

• **Puffsky, Santa Cruz County:** In approving a new nine-house subdivision in the City of Santa Cruz, the Commission allowed the subdivision to be located partially on public park land.

# CALIFORNIA COASTAL COMMISSION

## CALIFORNIA COASTAL COMMISSION

Conservation Voting Chart May 2008

May 2008	Shea Parkside Findings Subdivision approved on Bolsa Chica wetlands Orange Co. 5/07/08	San Onofre Beach Toxic Cores Haul San Diego Co. 5/07/08	Dana Point Headlands Stairway Access Elimination Orange Co. 5/08/08
Achadijan		-	+
Blank		-	+
Burke		-	+
Clark <i>“via Lowenthal”</i>		-	+
Hueso	-	-	+
Kram <i>“via Secord”</i>	-	-	+
Kruer	-	-	+
Neely	-	-	+
Potter		-	+
Reilly	-	-	-
Shallenberger		-	+
Wan		-	+
Outcome	-	-	+

• **City of Huntington Beach LCP Amendment (Shea Parkside Findings), Orange County:** In one of the most surprising moments of the year, the Commission allowed lobbyists for a Bolsa Chica wetlands housing development to ‘re-write’ legal findings for the project (see Vote Chart, November 2007) to further damage established wetlands on the property. This would eliminate the possibility of a successful environmental lawsuit. (Note: only Commissioners who initially voted for the project in November 2007 were entitled to vote on the developers’ sponsored findings in 2008).

• **So. Cal. Edison, San Diego County:** In order to help SCE avoid the purchase of insurance, the Commission voted to allow SCE to haul radioactive nuclear cores up, down and across miles of beach, and across creeks, wetlands and through ESHA, between San Onofre near San Clemente and Camp Pendelton, in San Diego County.

• **City of Dana Pt. LCP Amendment (Headlands), Orange County:** The Commission defended the right to public access in rejecting a proposal to eliminate a public beach access stairway through a luxury subdivision above Strands Beach at Dana Point Headlands. In requiring the project proponent to implement the original plan for the development, the Commission rejected developer’s contention that the previously agreed-upon access was no longer viable after the project had been completed.

## CALIFORNIA COASTAL COMMISSION

Conservation Voting Chart June 2008

June 2008	Malibu LCP Amendment to reduce lot size and increase number of houses by Perenchio/ Malibu Bay Co. on Broad Beach lots Los Angeles Co. 6/11/08	Increase of Coastal Subdivision in San Diego Co. 6/12/08	La Jolla Beach & Tennis Club San Diego Co. 6/12/08
Achadijan	-	-	-
Blank	-	-	+
Burke	-	<i>Absent</i>	<i>Absent</i>
Clark	-	-	+
Hueso	-	-	-
Kram	<i>Absent</i>	<i>Absent</i>	<i>Absent</i>
Kruer	-	-	+
Neely	-	-	-
Potter	-	-	<i>Absent</i>
Reilly	-	<i>Absent</i>	+
Shallenberger	+	+	+
Wan	-	+	+
Outcome	-	-	+

• **City of Malibu LCP Amendment, Los Angeles County:**

Here the Commission voted to reduce the required width size of beach front lots at Broad Beach for the Malibu Bay Co. (“MBC”) so that MBC could build four new houses instead of just two, thereby insuring additional profit for MBC and further degrading sensitive beach habitat and wildlife resources.

• **Key, McCullough & Ames, San Diego County:**

With no Coastal Act justification whatsoever, the Commission allowed a four-lot subdivision rather than a single home in order to assist the developer in maximizing profits.

• **La Jolla Beach and Tennis Club, San Diego County:**

In defense of public beach access, the Commission voted to deny a proposal by the City of San Diego and the privately owned La Jolla Beach and Tennis Club to install signage delineating a private beach fronting the club, adjacent to La Jolla Shores public beach.

# CALIFORNIA COASTAL COMMISSION

## CALIFORNIA COASTAL COMMISSION

Conservation Voting Chart July 2008

July 2008	Margolis, Malibu Los Angeles Co. 7/10/08
Achadijan	-
Blank	-
Burke	-
Clark	-
Hueso	-
Kram	-
Kruer	-
Neely	-
Potter	-
Reilly <i>“via Kinsey”</i>	-
Shallenberger	-
Wan	+
Outcome	-

• **Margolis, Malibu, Los Angeles County:** In approving a new house in the Malibu Colony adjacent to Surfrider Beach, the Commission allowed for development within 100-ft of ESHA, Malibu State Park wetlands and adjacent to a stand of Monterey Cypress trees rather than consider less environmentally damaging designs.



Photo courtesy of California Coastal Records Project

# CALIFORNIA COASTAL COMMISSION

Conservation Voting Chart August 2008

August 2008	Livoni, Corona Del Mar Private Stairway Orange Co. 8/07/08	Poseidon Desal Plant Findings Greenhouse Gas emissions San Diego Co. 8/06/08	Poseidon Desal Plant Findings Marine impacts San Diego Co. 8/06/08	Ocean View Plaza, Monterey commercial center w/ private Desal plant Monterey Co. 8/07/08
Achadjian	-	-	-	-
Blank	-	-	-	-
Burke	+	-	-	-
Clark	+	"via" Lowenthal -	"via" Lowenthal -	-
Hueso	+	-	-	-
Kram	-	-	-	-
Kruer	+	-	-	-
Neely	-	-	-	-
Potter	<i>Absent</i>	-	-	-
Reilly	+	-	-	-
Shallenberger	+	+	-	+
Wan	+	+	+	+
Outcome	+	-	-	-

• **Livoni Second Family LP, Newport Beach, Orange County:** In keeping with long standing policy, the Commission denied a proposal for a private beach access stairway in Corona Del Mar, Los Angeles County.

• **Poseidon Resources LLC Condition Compliance, Carlsbad Greenhouse Gas Reduction Plan, San Diego County:** In an effort to assist desalination developer increase profits, the Commission agreed to lessen mitigation for green house gas emissions associated with the high energy use plant. By allowing for illusory conservation credits, the Commission ignored the fact that future draws on state water allocations will not be reduced by this facility.

• **Poseidon Resources LLC Condition Compliance, Carlsbad Marine Life Mitigation Plan, San Diego County:** Despite evidence of massive marine larvae and fish kills associated with operation of the proposed desalination facility, the Commission ignored their own policy designed to end use of 'once through cooling technology' and approved the plant with mitigation of only 55.4 acres of new habitat, of which only 37 acres must be delineated in phase one.

• **Cannery Row Marketplace – Ocean View Plaza, Monterey County:** Ignoring past policy, precedent and their staff's recommendation, the Commission approved a small private desalination facility in conjunction with a commercial center despite inconsistencies with the Coastal Act regarding public services, access, visual resources, historical areas, land use and water quality.

# CALIFORNIA COASTAL COMMISSION

## CALIFORNIA COASTAL COMMISSION

Conservation Voting Chart September 2008

September 2008	Marina Towers, Oceanside San Diego Co. 9/10/08	Mendocino Land Trust Public Access Trail in Gualala Mendocino Co. 9/12/08
Achadjian	-	+
Blank	-	+
Burke	<i>Absent</i>	<i>Absent</i>
Clark <i>“via Lowenthal”</i>	<i>Absent</i>	+
Hueso	-	+
Kram <i>“via Secord”</i>	-	+
Kruer	-	+
Neely	-	+
Potter	-	+
Reilly	-	+
Shallenberger	-	+
Wan	-	<i>Absent</i>
Outcome	-	+

• **Oceanside Lot Line Adjustment – Marina Towers Giveaway, San Diego County:** The Commission voted to allow the City of Oceanside to sell public property in the Oceanside Harbor for tens of millions of dollars less than fair market value to enrich condo lessees.

• **Mendocino Land Trust, Mendocino County:** Commission voted to preserve a public access trail along the bluffs in Gualala by denying an attempt by adjacent landowners to block this access.



Photo courtesy of California Coastal Records Project



## CALIFORNIA COASTAL COMMISSION

Conservation Voting Chart October 2008

October 2008	US Navy Sonar 10/15/08	Athens Group Vested Rights Claim Orange Co. 10/16/08	Long Pt., Palos Verdes, Privacy Kiosk Los Angeles Co. 10/16/08	Silva Appeal Santa Barbara Company Santa Barbara Co. 10/17/08	Jager Del Norte Co. LCP Setback Violations Del Norte Co. 10/17/08
Achadjian	+	+	-	-	-
Blank	<i>Absent</i>	+	+	<i>Absent</i>	<i>Absent</i>
Burke	+	+	-	-	-
Clark	+	+	-	<i>Absent</i>	<i>Absent</i>
Hueso	+	+	-	-	-
Kram <i>"via Secord"</i>	+	+	-	-	-
Kruer	+	<i>"via" Lieberman +</i>	<i>Absent</i>	<i>"via" Lieberman -</i>	<i>"via" Lieberman +</i>
Neely	+	+	+	-	-
Potter	+	+	<i>Absent</i>	-	-
Reilly <i>"via Kinsey"</i>	+	+	+	-	-
Shallenberger	+	+	+	+	-
Wan	+	+	+	<i>Absent</i>	<i>Absent</i>
Outcome	+	+	+	-	-

• **Navy Sonar, Southern California Expansion:** Despite the refusal of the US Supreme Court to protect marine mammals (<http://www.thedailygreen.com/environmental-news/community-news/navy-sonar-whales-88111302>), the Commission voted to continue to require marine mammal protections (see Vote Chart, January 2007) for a new US Navy sonar expansion program in Southern California.

• **Driftwood Properties LLC, Orange County:** The Commission voted to deny a patently frivolous vested rights claim wherein a property owner argued that their past destruction of endangered species and ESHA habitat was so consistent and pervasive that they had acquired a legal right to continue the slaughter.

• **Long Point Development, LLP, Dispute Resolution, Los Angeles County:** In keeping with past policy against privacy gates, the Commission voted on an amending motion to deny a proposal to erect entrance kiosks for new resort at Long Point, Rancho Palos Verdes.

• **Silva, City of Santa Barbara, Santa Barbara County:** In approving a new 6,000 sq. ft. house with a golf putting green, the Commission agreed to a local housing evaluation system that includes no baseline and will insure 'mansion creep' and larger homes in the area.

• **Jager, Del Norte County:** Despite LCP policies requiring a 100-ft setback from wetlands, the Commission approved a new house just 39 ft from delineated wetlands and ESHA resources.

# CALIFORNIA COASTAL COMMISSION

## CALIFORNIA COASTAL COMMISSION

Conservation Voting Chart November 2008

November 2008	Rockaway Beach Seawall, Pacifica San Mateo Co. 11/12/08	San Simeon Creek Bridge San Luis Obispo Co. 11/12/08	Gualala Arena School on ESHA, Mendocino Co. 11/12/08	Lane Field Hotel San Diego Co. 11/13/08	Hearthside Homes, Bolsa Chica Revocation based on fraud related to Native American burial grounds Orange Co. 11/13/08
Achadjian	-	-	+	-	-
Blank	<i>Absent</i>	<i>Absent</i>	<i>Absent</i>	<i>Absent</i>	<i>Absent</i>
Burke	-	-	-	+	-
Clark	-	-	-	-	-
Hueso	<i>Absent</i>	"via" Gonzalez	"via" Gonzalez	+	-
Kram	-	-	-	-	-
Kruer	-	-	-	-	-
Neely	<i>Absent</i>	<i>Absent</i>	<i>Absent</i>	<i>Absent</i>	<i>Absent</i>
Potter	-	-	-	+	-
Reilly	-	+	-	+	-
Shallenberger	-	+	-	-	-
Wan	-	+	+	+	-
Outcome	-	-	-	+	-

• **City of Pacifica Revetment, San Mateo County:** Commission approved City of Pacifica plan to continue to place boulders on top of public beach to protect a hotel in denial of climate change, sea level rise or any strategic managed retreat program.

• **SLO Public Works Dept. –San Simeon Bridges, San Luis Obispo County:** Commission approved needlessly large bridge replacement project with adverse riparian and oak woodland habitat impacts. The enlarged bridge will serve only to increase access for private ranches.

• **Arena Union Elementary School Dist., Mendocino County:** Instead of considering less environmentally damaging alternatives, the Commission approved a new elementary school resulting in destruction of redwood forest habitat. Special note: Due to fiscal limitations, the school district has announced the new school will not be constructed and new facilities will be built at the existing Pt. Arena school, proving the district had alternative plans after all.

• **Lane Field Developers, San Diego County:** On a very close vote, the Commission determined that Coastal Act policies and alternatives would have to be considered with respect to large new resort planned for the downtown San Diego waterfront, despite lobbyists efforts to convince the Commissioners to the contrary.

• **Hearthside Homes/Brightwater, Bolsa Chica, Orange County:** In addressing new information regarding hundreds of Native American remains found while developing luxury houses on Bolsa Chica Mesa in Huntington Beach, the Commission found that revocation of earlier development permits was not appropriate because the developer's earlier fabrications were binding.

# CALIFORNIA COASTAL COMMISSION

Conservation Voting Chart December 2008

December 2008	G-P Mill request to cap severe toxic waste on redevelopment site and public park in Fort Bragg Mendocino Co. 12/12/08
Achadjian	<i>Absent</i>
Blank	+
Burke	<i>Absent</i>
Clark	+
Hueso	+
Kram	<i>Absent</i>
Kruer	<i>Absent</i>
Neely	+
Potter	<i>Absent</i>
Reilly	+
Shallenberger	+
Wan	+
Outcome	+

• **Georgia-Pacific Corp., Fort Bragg, Mendocino County:** In declining to approve a polluter’s proposal to bury and cap toxic waste within a public park, the Commission continued the matter to analyze alternatives.



Photo courtesy of California Coastal Records Project

# California Coastal Commission Conservation Voting Chart 2008

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