

California Coastal Commission Conservation Voting Chart 2007



Prepared By:
Surfrider Foundation, Sierra Club Coastal Programs,
League for Coastal Protection, Coastal Protection Network &
California Coastkeeper Alliance

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California Coastal Commission Conservation Voting Chart 2007

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), League for Coastal Protection (LCP), Sierra Club Coastal Programs and Surfrider Foundation. These voting charts have been prepared for the last 20 years.

The CCC voting chart for 2007 examines 28 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. The decisions that the authors analyzed in this chart were selected in consultation with coastal conservation activists based on the following non-exclusive factors: 1) the extent of impact 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 hired lobbyist(s). In most cases, these are projects where the applicant has hired 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.¹

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 votes 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 Coast-Watcher (www.coastwatcher.com) and maintains a website at <http://www.sierraclub.org/ca/coasts/>.

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

¹In 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.

BACKGROUND :

The California Coastal Commission is an independent state agency created by the California Coastal Act of 1976.² 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.³

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 to deliberate the merits of proposed coastal development projects within the 1.5-million acre, 1,100-mile long California coastal zone.⁴

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. 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.

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

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

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

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 twelfth year on the Commission while Commissioner Ben Hueso had served only nine months when this vote tally was calculated. After Chula Vista Mayor Steve Padilla left the Commission following its January 2007 meeting, Assembly Speaker Fabian Nunez appointed Commissioner Ben Hueso (who is a local elected official from San Diego City Council, where he represents District 8) in April 2007. Also, Steve Blank, who is a professor of University of California Berkeley Haas Business School, joined the Commission in February 2007, replacing the former Chair of the Commission, Meg Caldwell, who was dismissed from her post by Governor Arnold Schwarzenegger. To aid your review, we have included the number of votes that each Commissioner cast in addition to their overall conservation voting score in the chart on page 9.

KEY FINDINGS:

- For 2007, the average score for the entire Commission increased a mere 1% in the past year to a 44% pro-conservation voting score.

- During 2007 the Commission deliberated some of the largest, most destructive projects ever proposed for the California coastal zone, with mixed results. On the conservation side, the Commission will be remembered for its historic action to defend the coast from a floating offshore LNG terminal proposed by the Australian mining firm BHP (April 2007) and denial of a proposal by the Pebble Beach Company to cut down 18,000 historic native Monterey Pine trees and destroy forest habitat and wetlands with over two dozen rare and endangered plants and animals in the Del Monte Forest (June 2007). The Commission's legacy, however, was severely compromised by their year-end decisions to support lobbyists and allow for development of the first and largest private residential desalination project in North American history (Poseidon Carlsbad, November 2007), Shea Homes' proposal to build houses on top of wetlands at Bolsa Chica in Orange County (November 2007), allowing a giant expansion of UCSC Long Marine Labs on top of wetlands and open space habitat (December 2007) and approval of one of the longest seawalls in California history at Pleasure Point in Santa Cruz (December 2007).

- 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 20 years is 50%.

- The overall Commission's conservation score for 2007 was 44%, a full 16% lower than 2005's overall score of 60%, and a dramatic 32% lower than the all-time high of 76% in 1997.

- Of appointing authorities, Senate Rules Committee Coastal Commission members continued to outpace both gubernatorial and Assembly Speaker appointments for pro-coast votes. All four Senate-appointed Commissioners recorded 50% or higher in 2007 pro-coast conservation scores, while Assembly Speaker appointments registered a disappointing 32%, followed by Governor Schwarzenegger's coastal appointments, who lagged severely with just a

24% pro-coast conservation score (which was skewed upward by Commissioners Blank and Caldwell, who scored 42% and 67%, respectively—the Governor’s other three Commissioners, Achidjian, Neely and Kram, scored just 11%, 13% and 24%, respectively).

- For 2007, the Commission’s overall 44% conservation voting score represents one of the lowest conservation ratings this decade, only 3% above the decade’s low score of 41% in 2001. Prior to 2001, the Commission had not scored as low since the all-time low score of 25% in the latter half of 1996.

- Conservation voting scores vary by appointing authority. In general, Senate Rules appointments have maintained the highest conservation scores over the years, followed by the Assembly Speaker’s appointments, and then the Governor’s. The same holds true for this year, when the Senate appointees outscored the Governor’s appointments by threefold and were more than two times as likely to vote pro-conservation than the Assembly appointees.

- During Assembly Speaker Fabian Nunez’s tenure, the scores of his appointments have experienced a troubling decline. Nunez initially appeared promising, appointing Commissioners who scored 55% in 2005, but the scores of his appointments fell to 42% in 2006 and a very disappointing 35% in 2007. Fabian Nunez’s appointments’ score of 35% in 2007 is one of the four lowest scores for Assembly Speaker appointees since 1987.

- 2004 was the first year in which Governor Schwarzenegger made appointments to the Coastal Commission. In stark contrast to his other appointees, Meg Caldwell had maintained a relatively high conservation score (averaging 68% between 2004 and the first two months of 2007, after which Meg Caldwell was replaced). Her replacement, Steve Blank, dipped below the 50% mark in his first year on the Commission, with a 42% for pro-conservation score in the 10 months he served as a Commissioner in 2007.

- Commissioners Mary Schallenberger and Sara Wan, both Senate Rules Committee appointments, had the two highest 2007 pro-conservation voting scores—92% and 88%, respectively. This is a full 30+ points higher than the next highest Commissioner having served the entire year.

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

- Of the seven ‘elected’ members who served on the Commission during 2007, Sonoma County Supervisor Mike Reilly had the highest conservation voting score at 57% (up from his 2006 score of 39%), while San Luis Obispo Supervisor Khatchik Achadjian had the lowest score at 11%.

- Of the six ‘public’ members, Commissioner Mary Schallenberger (appointed by Senate Rules Committee) had the highest conservation voting score at 92% (up from her 2006 rating of 63%), while Commissioner Steven Kram (appointed by Governor Schwarzenegger) had a conservation score of 22% (down from his 2006 score of 34%).

California Coastal Commission Conservation Voting Scores: 1987-2007

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%

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 2006 and 2007 representing two of the lowest scores this decade.

California Coastal Commission

Conservation Voting Chart 2007

Comparison of 2004 vs. 2005 vs. 2006 vs. 2007

Senate Appointments



Wan



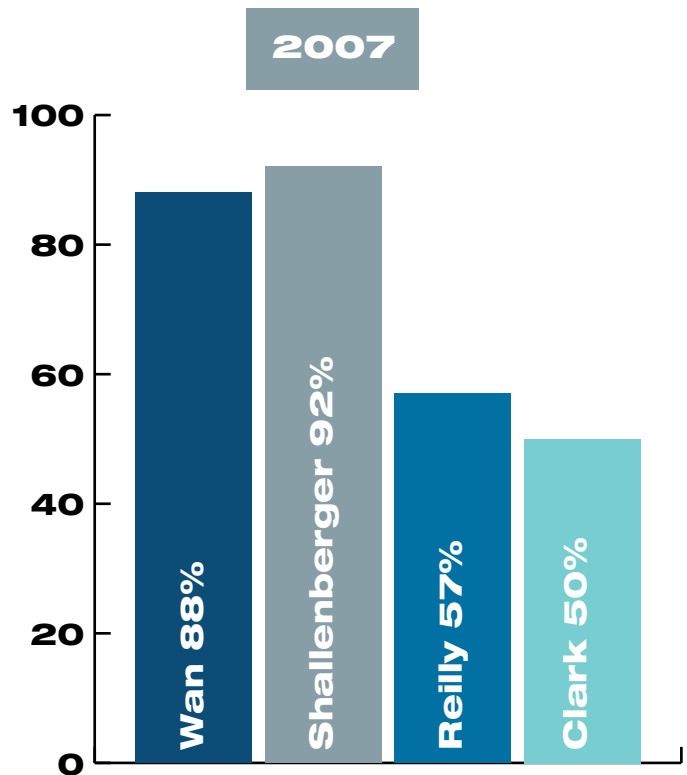
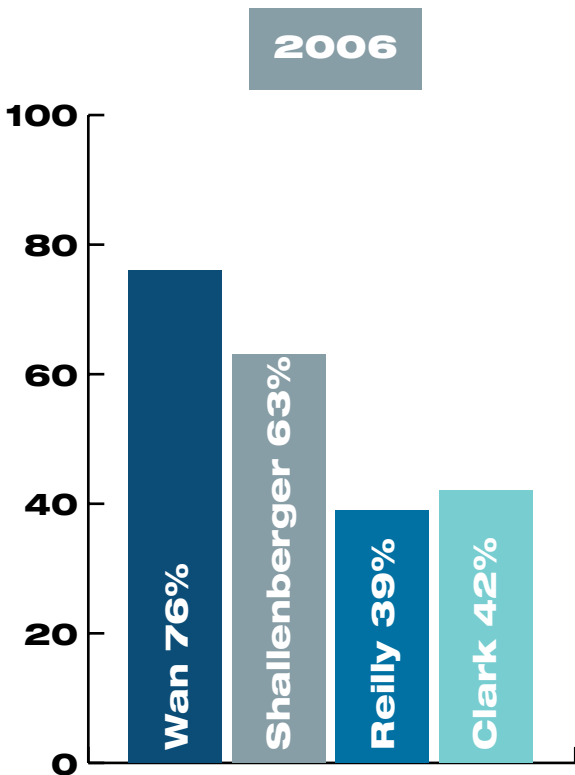
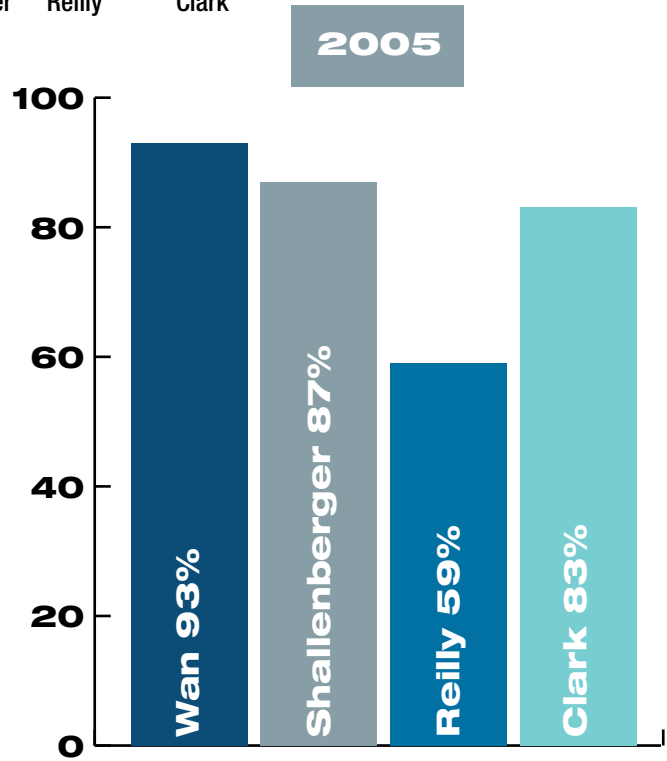
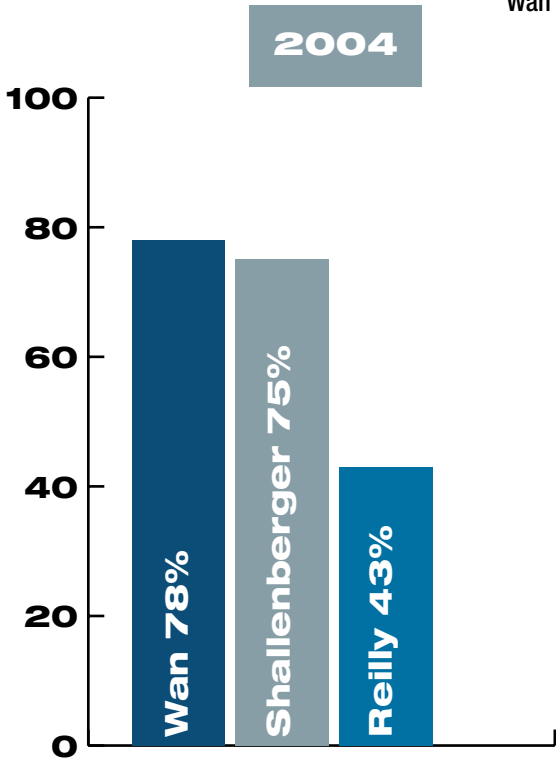
Shallenberger



Reilly



Clark



California Coastal Commission

California Coastal Commission

Conservation Voting Chart 2007

Comparison of 2004 vs. 2005 vs. 2006 vs. 2007

Assembly Speaker Appointments



Burke



Padilla



Kruer

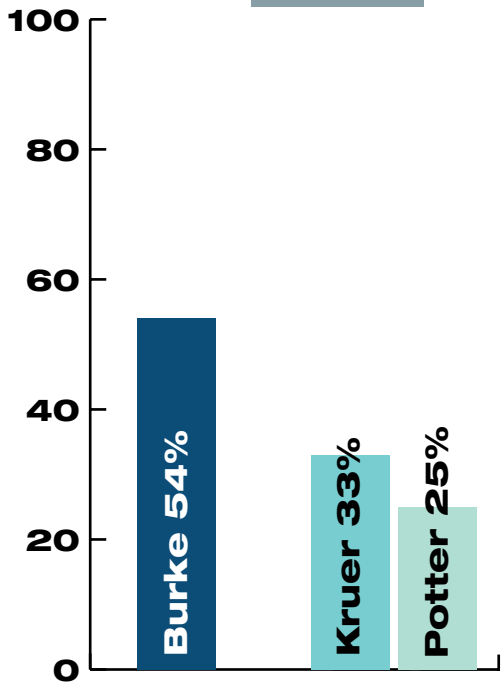


Potter

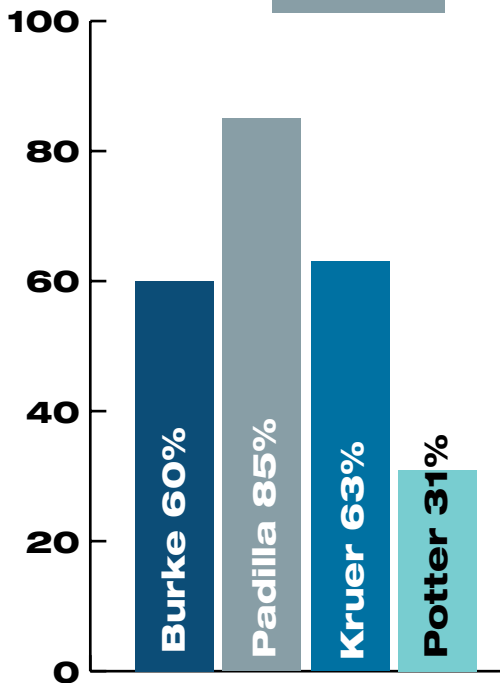


Hueso

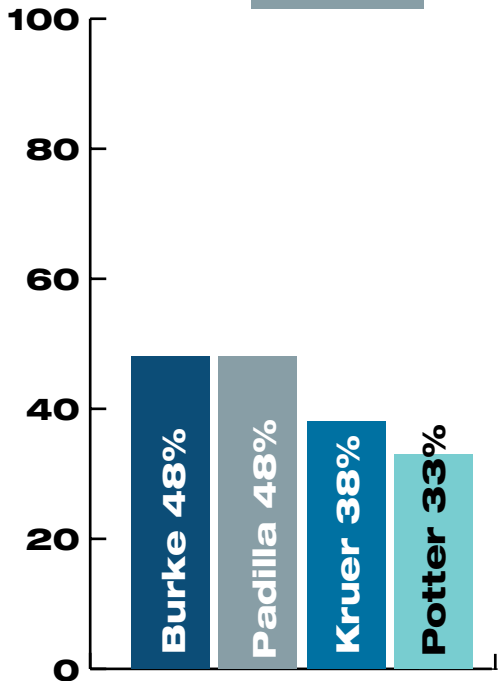
2004



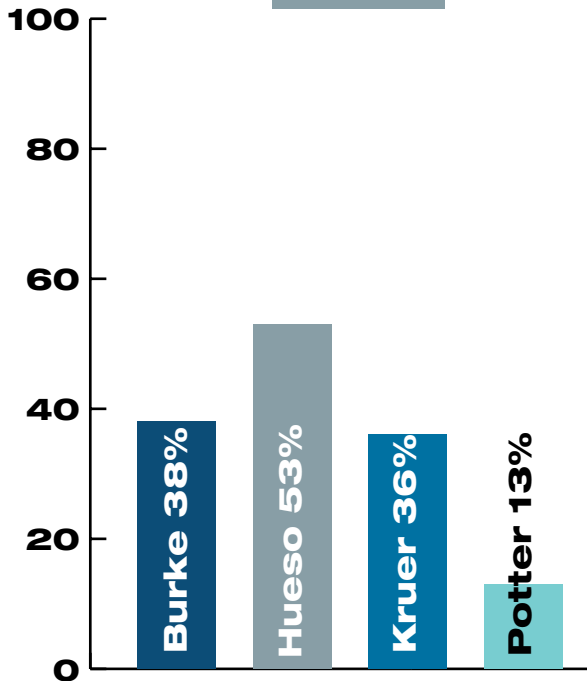
2005



2006



2007



California Coastal Commission

Conservation Voting Chart 2007

Comparison of 2004 vs. 2005 vs. 2006 vs. 2007

Governor Appointments



Caldwell



Blank



Achadjian



Neely

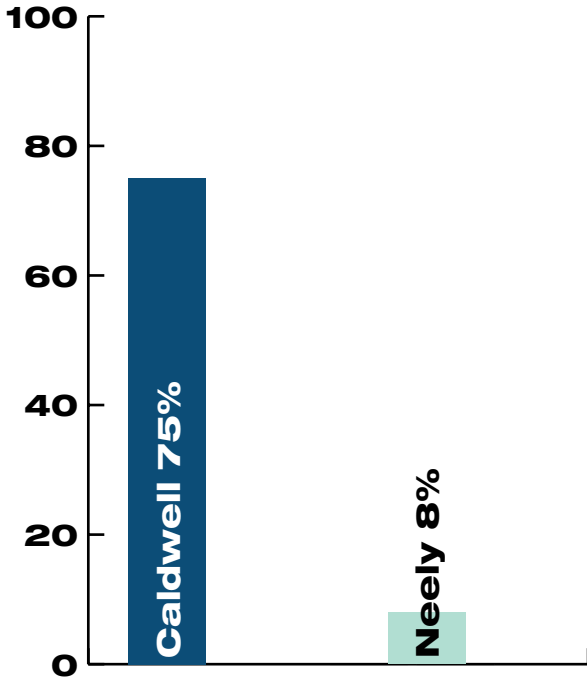


Kram

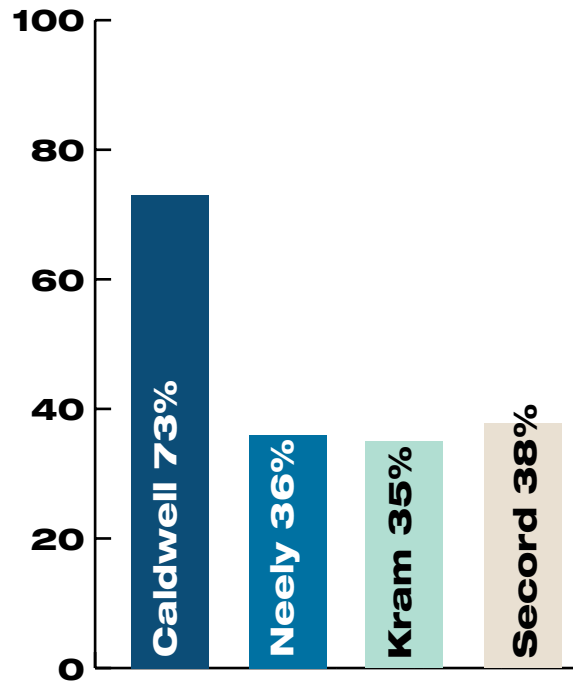


Secord

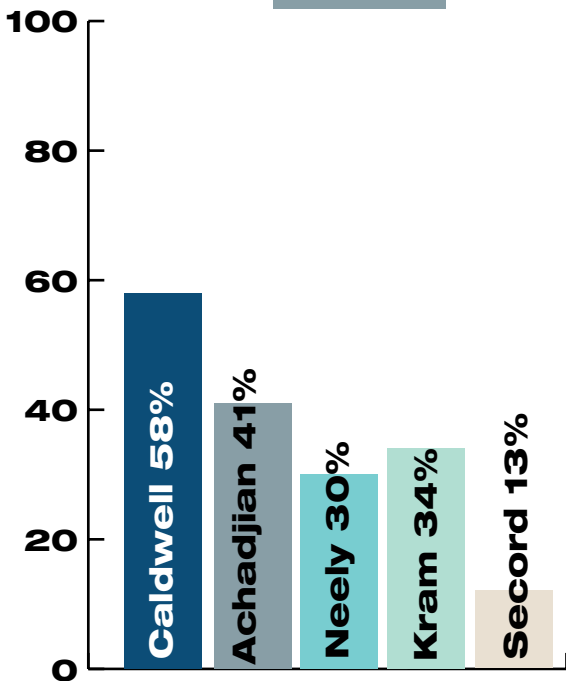
2004



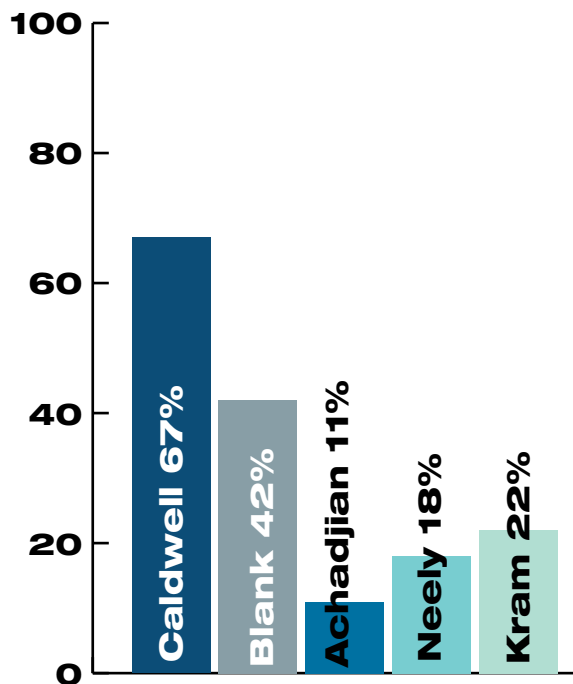
2005



2006



2007



California Coastal Commission

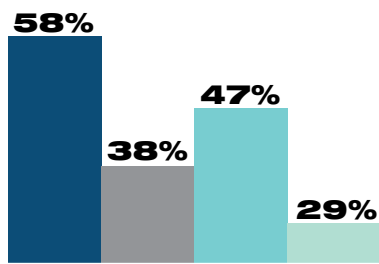
California Coastal Commission

Conservation Voting Chart 2007

Comparison of 2004 vs. 2005 vs. 2006 vs. 2007

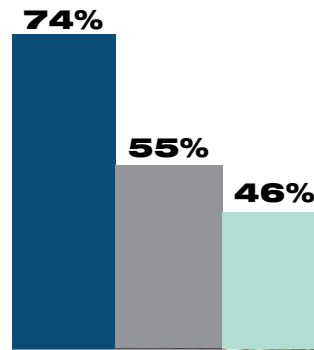
Average by Appointing Authorities

2004



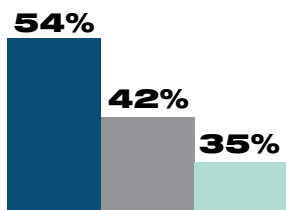
- Senate Leader John Burton: 58%
- Assembly Leader Fabian Nunez: 38%
- Governor Davis: 47%
- Governor Schwarzenegger: 29%

2005



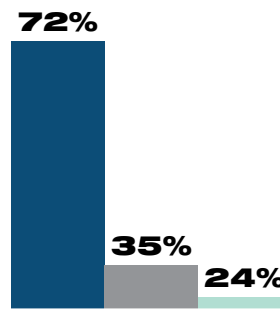
- Senate Leader John Burton: 72%
- Assembly Leader Fabian Nunez: 55%
- Governor Schwarzenegger: 46%

2006



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

2007



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

Overall Coastal Commission: 2004: 46%, 2005: 60%, 2006: 43%, 2007: 44%

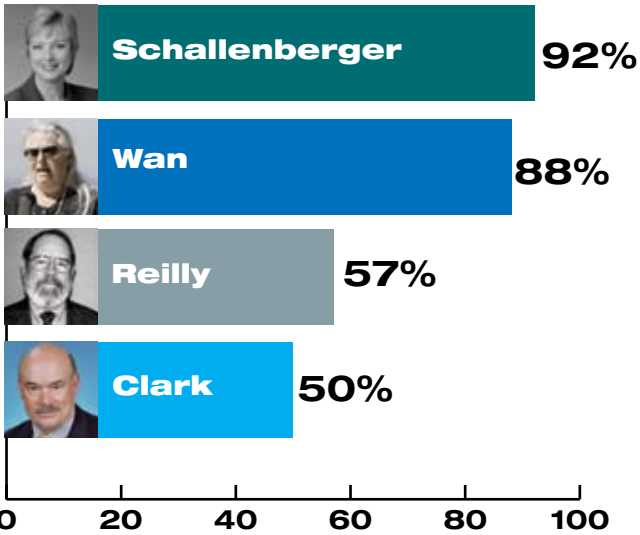
Observation: The Commission's overall Conservation score essentially remained constant between 2006 and 2007, increasing just 1%.

California Coastal Commission

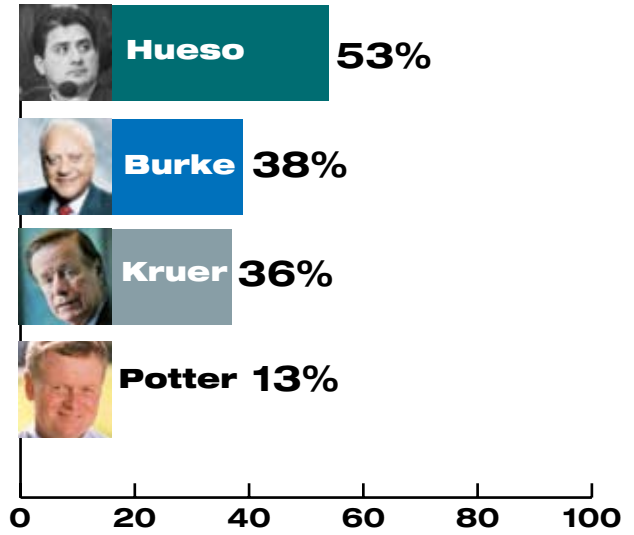
Conservation Voting Chart 2007

Rankings by Appointing Authority

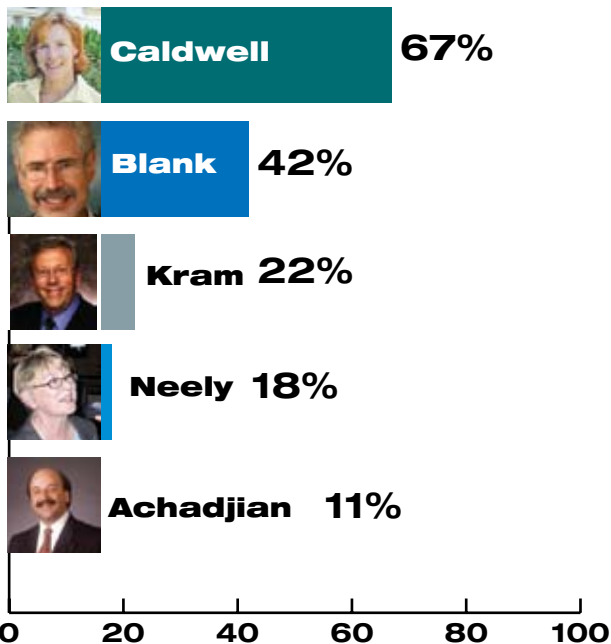
Senate Appointments



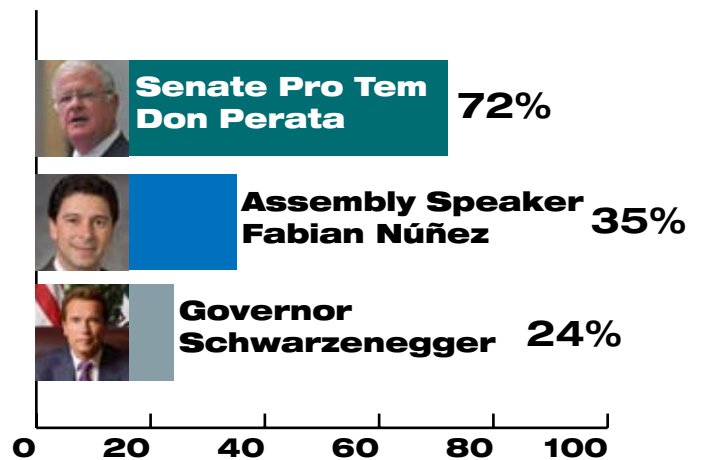
Assembly Appointments



Governor Appointments



Average by Appointing Authority

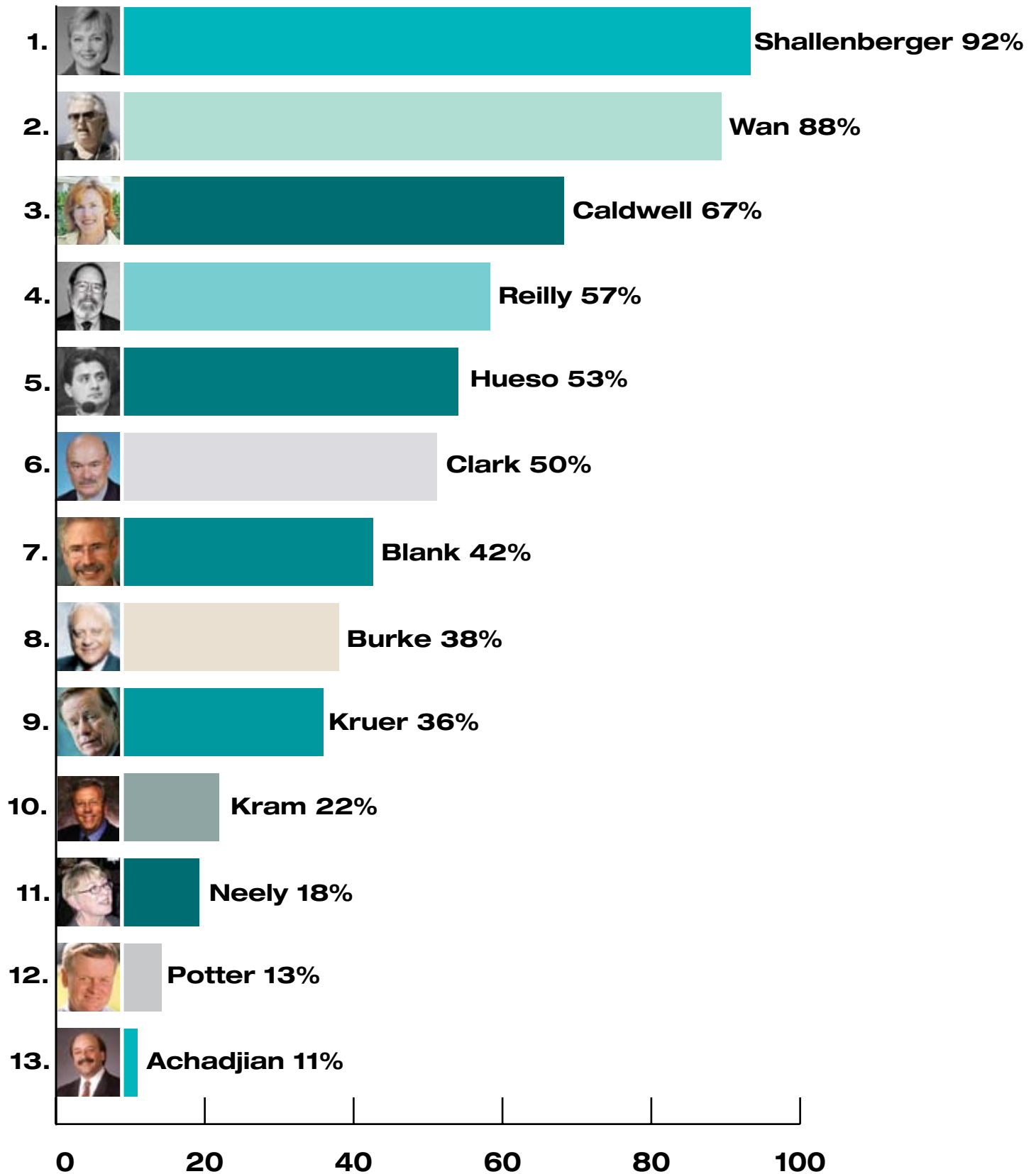


California Coastal Commission

CALIFORNIA COASTAL COMMISSION CONSERVATION VOTING CHART 2007

Overall Commissioner Ranking

Commissioner



CALIFORNIA COASTAL COMMISSION
 CONSERVATION VOTING CHART 2007

	COMMISSIONER	Months on Commission	Total Number of Votes Cast	Pro-Coast Votes	Absences	Percentage
13	Achadjian	12	28	3		10.71%
7	Blank	10	24	10		41.67%
8	Burke	12	26	10	1	38.46%
3	Caldwell	2	3	2		66.67%
6	Clark	12	28	14		50.00%
5	Hueso	9	19	10	1	52.63%
10	Kram	12	23	5	5	21.74%
9	Kruer	12	28	10		35.71%
11	Neely	12	28	5		17.86%
12	Potter	12	23	3	5	13.04%
4	Reilly	12	23	13	4	56.52%
1	Shallenberger	12	24	22	4	91.67%
2	Wan	12	26	23	1	88.46%
					Average	44%

OBSERVATION:

Commissioners appointed by the Senate Rules Committee earned a conservation score of 72% in 2007, an increase of 22% from their 2006 score of 55%. Assembly Speaker Fabian Nunez's appointees earned a 2007 conservation score of only 35%, down 7% from their 2006 score of 42%. Governor Schwarzenegger's appointees earned a 2007 conservation score of just 24%, down 11% from their 2006 score of 35%.

CALIFORNIA COASTAL COMMISSION

CONSERVATION VOTING CHART 2007

COMPARISON OF ELECTED & PUBLIC MEMBERS

Elected Members



Average Voting Score: **34%**

Public Members



Average Voting Score: **54%**

*Caldwell and Blank are combined for one value of 46%, proportionally reflecting the number of months they spent on the Commission.

TECHNICAL NOTES

Overall Conservation Voting Score = Total Number of Pro Conservation Votes Cast Divided by Total Number of Votes Cast

Commissioner Voting Score = Total Number of Pro Conservation Votes Cast Divided by Total Number of Votes Cast
 Votes by Alternates are counted as part of the Sitting Commissioner's Conservation Voting Score

Definitions:

ALT – Alternate, meaning the Alternate Commission member cast the vote.

ABS – Absent, meaning the Commission was not present at the time of the vote.

Abstain - Meaning the Commission chose not to cast a vote.

+ Vote: Positive Vote for Coastal Conservation

- Vote: Negative Vote for Coastal Conservation

CALIFORNIA COASTAL COMMISSION

CONSERVATION VOTING CHART JANUARY 2007

January 2007	US Navy Southern California January 10 CD-86-06	So. Cal. Gas Co. Playa Del Rey Los Angeles Co. January 10 5-06-174
Achadjian	-	-
Burke	+	+
Caldwell	+	-
Clark	+(Alt.)	-(Alt.)
Kram	-(Alt.)	-(Alt.)
Kruer	-	-
Neely	-	-
Padilla	Absent	Absent
Potter	Absent	Absent
Reilly	Absent	Absent
Shallenberger	+	-
Wan	-	+
Outcome	-	-

• **US Navy, Southern California:** The Commission dramatically improved a proposal by the US Navy for the use of Sonar off the Southern California coastline, by insuring the Navy reduced the level of noise and improved the monitoring and avoidance of marine mammals. On a very close 5-4 vote, however, the Commission failed to ban the use of sonar within 100 miles of coast, which would have virtually eliminated marine mammal threats and kills by the Navy. For more information on the decision, go to <http://www.nrdc.org/media/2007/070213a.asp>.

Postscript: Following the Commission's determination that additional protective measures were necessary, the Bush Administration attempted to override the Commission's determination. That effort, however, was rejected by both the Federal Circuit Court and












the Federal Circuit Court of Appeals. In Summer 2007 the United States Supreme Court accepted the matter for rehearing and a decision is expected in 2009.

• **Southern California Gas Company, Playa Del Rey, Los Angeles County:** After being caught red-handed building an illegal road through wetlands at the intersection of Culver & Jefferson Blvd's, the Commission approved the work after the fact without restoration or penalties.

• **Note:** Commissioner Steve Padilla was not re-appointed to the Commission by Assembly Speaker Fabian Nunez and left the Commission in January 2007.

CALIFORNIA COASTAL COMMISSION

CONSERVATION VOTING CHART FEBRUARY 2007

February 2007		AVP - Hermosa Beach Los Angeles Co. February 14 5-06-396
	Achadjian	-
	Burke	-
	Caldwell	+
	Clark	-
	Kram	-
	Kruer	+
	Neely	-(Alt.)
	Potter	-
	Reilly	+
	Shallenberger	+
	Wan	+
Outcome		-

• **AVP Pro Beach Volleyball Tour, Inc., Hermosa Beach, Los Angeles Co.:** In a disastrous decision allowing for unprecedented commercialization of public beaches, the Commission ignored their staff and the public by agreeing to revoke long-standing California policy and allow the AVP to charge the public to use beaches and charge beach access fees for 75% of tournament seating.

• **Note:** Commission Vice-Chair Meg Caldwell was dismissed by Governor Arnold Schwarzenegger and left the Commission in February 2007.

CALIFORNIA COASTAL COMMISSION
 CONSERVATION VOTING CHART MARCH 2007

March 2007	Henderson Harmony San Luis Obispo Co. March 14 A-3-SLO-04-56	Breakers Way Rezzone City of Oxnard Ventura Co. March 15 1-07	NOAA Santa Barbara/ Ventura Co. March 16 CC-072-06
Achadjian	-	-	-
Blank	-	+	-
Burke	-	+	+
Clark	+(Alt.)	+	+
Kram	Absent	Absent	Absent
Kruer	-	-	+
Neely	-	+	-
Potter	Absent	-	+
Reilly	+	+	+
Shallenberger	Absent	Absent	Absent
Wan	+	+	+
Outcome	-	+	+

• **Henderson, Harmony, San Luis Obispo County:** In a completely unnecessary maneuver designed to assist a developer, the Commission voted 5-3 to ‘continue’ a proposal to create two legal lots and lessen environmental protections and create new building envelopes in environmentally sensitive habitat areas (ESHA), thereby insuring the property owner will continue to seek to damage coastal resources.

• **City of Oxnard LCP Amendment No. Oxn-Maj-1-07, Ventura County:** On a 6-3 vote, the Commission rejected an effort by the City of Oxnard to sell off publicly owned property—environmentally sensitive sand dunes—for construction of luxury mansions. Postscript: Just 5 months later the Commission reversed themselves and allowed one of the two sand dune parcels to be sold and developed (“Breakers Way”). The City of Oxnard

has committed to insuring to use public taxpayer dollars to destroy and allow development of the last remaining parcel (“Whitecap”) as soon as possible. For more information, see the August 2007 vote on page 21.

• **NOAA, Santa Barbara/Ventura County:** The Commission voted to require a larger marine reserve and conservation protection area, after a failed motion (supported by only three Commission members) would have allowed the establishment of a smaller protected area. The lesser protection had been sponsored by the National Oceanic and Atmospheric Administration (NOAA), for federal waters of the Channel Islands National Marine Sanctuary.

• **Note:** Governor Arnold Schwarzenegger appointed Steve Blank to the Commission in March 2007.

CALIFORNIA COASTAL COMMISSION CONSERVATION VOTING CHART APRIL 2007

April 2007	AB1459 Coastal Act Amendment April 11	BHP Billiton LNG Ventura/Los Angeles Co. April 12 CC-079-06
Achadjian	-	+
Blank	-	+
Burke	-	+
Clark	-	+
Hueso	+	+
Kram	-(Alt.)	+
Kruer	-	+
Neely	-	+
Potter	Absent	+
Reilly	-	+
Shallenberger	+	+
Wan	+	+
Outcome	-	+

• **Assembly Bill 1459, California Coastal Act Amendment:** This legislation, authored by Levine (D-Van Nuys) and sponsored by Sierra Club, would have placed limitations on the practice of subdividing and selling coastal hotel rooms as privately owned residential units, or ‘condo-tels.’ The Commissioners, who support lobbyists and hotel developers wanting to convert overnight visitor accommodations to private residential condos, undertook an unprecedented vote 8-3 to oppose the legislation and refuse to work with the author to even consider amendments to the legislation.

• **BHP Billiton LNG International Inc., Ventura & Los Angeles Counties:** Following the project being denied by the California State Lands Commission, and despite enthusiastic support from the Schwarzenegger Administration, the Coastal Commission voted unanimously to deny a proposal to build a floating industrial Liquid Natural Gas (LNG) terminal off the coast of Southern California that would have been devastating to marine resources, public property, views, climate change and sound energy policy.

• **Note:** Assembly Speaker Fabian Nunez appointed San Diego City Councilman Ben Hueso to the Commission in April 2007.

CALIFORNIA COASTAL COMMISSION
 CONSERVATION VOTING CHART MAY 2007



May 2007	Silver City of Malibu Los Angeles Co. May 9 A-4-MAL-06-096
Achadjian	-
Blank	+
Burke	+
Clark	+(Alt.)
Hueso	-
Kram	+
Kruer	+
Neely	+
Potter	-
Reilly	+
Shallenberger	+
Wan	+
Outcome	+

• **Silver, City of Malibu, Los Angeles County:** In approving a 15,000 sq. ft. mansion, some Commissioners lobbied for a fence along Pacific Coast Highway (“PCH”) that would have dramatically blocked public coastal views that even the property owners thought excessive. On a 9-3 vote the Commission rejected the effort to block public views even worse than proposed, while allowing the massive home to be constructed.

California Coastal Commission Conservation Voting Chart June 2007

June 2007		Measure A Pebble Beach Co. Monterey Co. June 13 MCO-1-07	Cal-Am Water Co. Monterey Co. June 15 A-3-MCO-06-384
	Achadjian	-	-
	Blank	+	N/A
	Burke	-	N/A
	Clark	+	+
	Hueso	+	N/A
	Kram	+	-
	Kruer	+	+
	Neely	-	-
	Potter	-	-
	Reilly	+	N/A
	Shallenberger	+	+
	Wan	+	N/A
Outcome		+	-

• **Measure A, Pebble Beach Company/Del Monte Forest LCP, Monterey Co.:** Regarding one of the most important development proposals in years, the Commission voted 8-4 to deny a plan by PBC to chop down 18,000 native Monterey Pine trees, fill wetlands and destroy forest habitat containing over 2 dozen rare and endangered plants and animals for new resort rooms, 33 mansions and a golf course.

• **California-American Water Co., Monterey Co.:** In a highly unusual maneuver, Commissioner Potter moved to amend findings to assist developer and delete language to a Monterey County ordinance requiring that desalination plants be publicly owned, despite the fact that no objection to the statute had been raised or discussed in the Commission's underlying previous unfortunate decision to approve the plant (see Commission Conservation Voting Chart, December 2006). Only Commissioners supporting the pilot desalination plant were permitted to vote on the findings. N/A referencing either a no vote initially or an absence.

California Coastal Commission

Conservation Voting Chart

July 2007

July 2007	Chase Isle Vista Santa Barbara Co. July 9 A-4-STB-06-054 & 55	Pacific Jewish Center Santa Monica/Marina Del Rey Los Angeles Co. July 9 R-5-06-42	Malibu Valley Farms, Inc. Santa Monica Mts. Los Angeles Co. July 9 4-06-163	Revell City of Malibu Los Angeles Co. July 9 A-220-80-A2-EDD	SLO Co. LCP San Luis Obispo Co. July 11 Maj-1-06 (Part 1)
Achadjian	-	-	-	+	-
Blank	-	-	-	+	+
Burke	+	+	-	+	-
Clark	-(Alt.)	-(Alt.)	+(Alt.)	+	-
Hueso	+(Alt.)	+(Alt.)	+(Alt.)	+	Absent
Kram	-(Alt.)	-(Alt.)	-(Alt.)	+	-(Alt.)
Kruer	-	+	-	+	+
Neely	-	-	-	+	-
Potter	-	-	-	Absent	-
Reilly	-(Alt.)	-(Alt.)	+(Alt.)	+	-(Alt.)
Shallenberger	+	+	+	+	+
Wan	+	-	+	+	+
Outcome	-	-	-	+	-

• **Chase, Isle Vista, Santa Barbara County:** Rather than require smaller houses in a better configuration, the Commission approved houses on top of wetlands and Environmentally Sensitive Habitat Area (“ESHA”) to avoid an alleged constitutional takings argument.













• **Pacific Jewish Center, Santa Monica/Marina Del Rey, Los Angeles County:** On a motion to revoke a permit for a string ERUV wherein it was shown that the applicant had not provided accurate information regarding the nature and extent of the religious strings, and their adverse impacts on birds and wildlife, the Commission voted to allow the project to proceed despite the misinformation.

• **Malibu Valley Farms, Inc., Santa Monica Mts, Los Angeles County:** In an about face due primarily to intense lobbying, the Commission reversed itself and voted to allow and legitimise extensive illegal development in ESHA and in and along Stokes Creek, after specifically finding the development was not vested and not permissible in November 2006. See Commission Conservation Voting Chart, November 2006.

• **Revell, City of Malibu, Los Angeles County:** In protecting beach access and access to a scenic bluff top headland, the Commission rejected the efforts of the adjacent property owner to amend permits to allow continued denial of public access to the area, at 32340 Pacific Coast Highway.

• **San Luis Obispo County LCP Amendment:** Commissioner Achadjian, during consideration of a larger, comprehensive Local Coastal Plan Amendment, moved to delete a routine condition prohibiting residential use of hotels, saying that in San Simeon Acres (adjacent to the Hearst Castle tourist attraction), workers live in hotels due to a lack of housing. Other land in town exists, however, in which such housing could be constructed. Unfortunately the Commission voted 7-4 to dilute a priority use under the Coastal Act with the least desirable land use and hotels in San Simeon may now be used for residential housing.

California Coastal Commission Conservation Voting Chart August 2007

	August 2007	Breakers Way
	Achadjian	-
	Blank	-
	Burke	-
	Clark	-
	Hueso	-
	Kram	-
	Kruer	-
	Neely	-
	Potter	-
	Reilly	-
	Shallenberger	-
	Wan	-
	Outcome	-

• **Breakers Way Rezone, City of Oxnard, Ventura Co.:** Commission faltered in Oxnard's long standing effort to destroy all remaining endangered undeveloped sand dune habitat at Oxnard Shores. On a 12-0 vote, the Commission allowed the City to sell off a sand dune

that had been given to the City on the condition it be used as a community park. Instead, the City sold it to a developer for \$7 million to advance development of more than a dozen luxury beach homes.

California Coastal Commission
Conservation Voting Chart
September 2007

September 2007	Cambria CSD San Luis Obispo September 6 A-3-SLO-06-053 & E-07-001	Collins Bunker House Aptos Santa Cruz Co. September 6 A-3-SCO-06-59	Cornell Pacific Grove Monterey Co. September 6 A-94-78-A1
Achadjian	-	-	-
Blank	+	-	-
Burke	-	-	-
Clark	+	-	-
Hueso	+	+	-
Kram	-	-	-
Kruer	-	-	-
Neely	-	-	-
Potter	-	-	-
Reilly	+	-	+
Shallenberger	+	+	+
Wan	+ (Alt.)	+ (Alt.)	+ (Alt.)
Outcome	+	-	-













• **Cambria Community Services District, San Luis Obispo Co.:** On a 6-6 vote, the Commission rejected a proposal by Cambria CSD to construct desalination pumps and pipes infrastructure on San Simeon State Beach. Over the objection of water development advocates, the Commission determined that even though the CSD claimed the desal facility was ‘temporary’ that it could never be allowed to be permanently located on the State Beach, and thus it was illogical to site it there as a test plant program.

• **Collins, Aptos, Santa Cruz Co.:** The Commission voted to allow a so-called ‘bunker’ house to be built into a landsliding cliffside, to serve as both a house and a seawall to protect the new house from the

inevitable collapse of the hillside and ravages of the adjacent seashore, despite the fact the house, given its dangerous location and need for shoreline armoring, appeared to be explicitly prohibited by the Coastal Act. Worse, Commissioners supporting the developer disregarded coastal staff recommendations that the house be limited to 2-stories and voted instead for a 3-story home.

• **Cornell, Pacific Grove, Monterey Co.:** On a 9-3 vote, the Commission approved expansion of a house that would allow the destruction of 2500-sq. ft of environmentally sensitive habitat area (ESHA) specifically protected by easements established in exchange for ESHA destroyed when the original home was constructed.

California Coastal Commission Conservation Voting Chart October 2007

	October 2007	Figas Enforcement Cease & Desist Order Eureka, Humboldt Co. October 11 CCC-07-CD-08
	Achadjian	+
	Blank	+
	Burke	Absent
	Clark	+(Alt.)
	Hueso	+
	Kram	+
	Kruer	+
	Neely	+
	Potter	+
	Reilly	Absent
	Shallenberger	+(Alt.)
	Wan	+
	Outcome	+

• **Figas, Eureka, Humboldt Co.:** On a vote of 10-0, the Commission issued an order to stop ongoing unpermitted development, grading, site clearance, dumping of motorcycles, home appli-

ances, debris and fill near and adjacent to wetlands and environmentally sensitive habitat areas at 4900 Broadway Avenue in the City of Eureka.

California Coastal Commission
Conservation Voting Chart
November 2007

November 2007	Shea Homes Huntington Beach LCP Orange County November 14 #1-06 (eliminate wetlands)	Shea Homes Huntington Beach LCP Orange County November 14 #1-06 (eliminate ESHA buffers)	Poseidon Resources LLC. Carlsbad San Diego Co. November 15 E-06-013	Foster Big Sur Monterey Co. November 16 A-3-MCO-06-018
Achadjian	-(Alt.)	-(Alt.)	-(Alt.)	-(Alt.)
Blank	+	+	-	-
Burke	+	-	-	-
Clark	+	-	-	-
Hueso	-	-	-	-(Alt.)
Kram	-(Alt.)	-(Alt.)	-(Alt.)	-(Alt.)
Kruer	-	-	-	-
Neely	-	-	-	-
Potter	-	-	-	-
Reilly	-	-	+	-
Shallenberger	+	+	+	+
Wan	+	+	+	+
Outcome	-	-	-	-

• **Huntington Beach Local Coastal Plan (Shea Homes) Huntington Beach, Orange County:** After being feted by lobbyists for six years, the Commissioners voted to violate the Coastal Act by allowing the construction of new houses on top of known, existing, legally established wetlands. They then threw caution to the wind by voting to eliminate buffer setbacks that will result in the elimination of documented raptor habitat and white tailed kite foraging open space (a legally protected endangered bird species in California). Due to the legal and historic importance of the Commission’s decision, we have included each of the separate illegal votes as part of this compilation.

• **Poseidon Resources, LLC, Carlsbad, San Diego County:** Rather than rely on science and well-documented negative impacts to coastal resources, climate change and community security, the Commission voted to side with developers and local politicians and officials who sought to avoid implementing water conservation measures, and approved the largest desalination project ever undertaken in North America. The Commission also broke precedent with all past Commissions and Coastal Act policy by allowing the first ever privately owned residential desalination plant that will predictably result in profiteering against San Diego County water utility rate payers.

• **Foster, Big Sur, Monterey County:** The Commission approved a large home and numerous cottages, studios, outbuildings, a barn and five septic systems that required destruction of ESHA and numerous oak and redwood trees, on a ridge dividing Rocky Creek from Palo Colorado Canyon in Big Sur.

California Coastal Commission Conservation Voting Chart December 2007

December 2007	City of Oceanside LCP San Diego County December 12 No. 01-07	UCSC Long Marine Lab LRDP Santa Cruz County December 13	Pleasure Point Sea- wall Santa Cruz County December 13 Appeal A-3-SC0-07- 015 Application 3-07-019
 Achadjian	-	-	-
 Blank	-	-	-
 Burke	-	-	-
 Clark	- (Alt.)	+ (Alt.)	- (Alt.)
 Hueso	-	-	Absent
 Kram	-	Absent	Absent
 Kruer	-	-	-
 Neely	-	-	-
 Potter	-	-	-
 Reilly	-	+	Absent
 Shallenberger	+	+	Absent
 Wan	+	+	Absent
Outcome	-	-	-

• **City of Oceanside Local Coastal Plan (“LCP”) Amendment, San Diego County:** Embracing a proposal to construct yet more private luxury residential hotel condominium units at the beach, on land zoned for public visitor overnight accommodations, the Commission sided with developers and local politicians and eliminated a much-needed \$3 million dollar mitigation fee designed to insure protection of lower-cost visitor hotel rooms in the future.

• **University of California, Santa Cruz (“UCSC”), Long Range Development Plan (“LRDP”), Santa Cruz County:** In seeking to harmonize some 140,000 square feet of uncoordinated, environmentally destructive past development on fragile Terrace Point, the Commission instead approved an LRDP that

will permit 600,000 square feet of new development over the next 20 years, insuring the destruction of wetlands, environmentally sensitive resources and raptor foraging open space in favor of an intensely developed urban landscape that will destroy the urban-rural boundary line in north Santa Cruz.

• **Pleasure Point Seawall, Santa Cruz County:** Reversing a 2004 denial of nearly the exact same project, the Commission embraced one of the longest seawalls proposed in California, a 1600-ft long fortification of a public bluff that will urbanize the coastline and vitiate attempts by past Commission policy to encourage the use of managed retreat strategies instead of walling off the coastline merely to protect roads.



UCSC Long Marine Laboratory/ Younger Lagoon - December 2007



Pleasure Point Seawall - December 2007



Poseidon Desal/Carlsbad Agua Hedionda Lagoon - November 2007



Pebble Beach Co. Measure A - June 2007



Shea Homes Bolsa Chica - November 2007

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California Coastal Commission Conservation Voting Chart 2007

For More Information Call:

Mark Massara, Sierra Club Coastal Programs: 805-895-0963

Angela Howe, Surfrider Foundation: 949-492-8170 x.414

Mel Nutter, League for Coastal Protection: 562-432-8715

Linda Sheehan, California Coastkeeper Alliance: 510-770-9764

