

# 2010 California Coastal Commission Conservation Voting Chart

Prepared by  
Sierra Club, League for Coastal Protection, Surfrider Foundation,  
California Coastkeeper Alliance, California Coastal Protection Network & Coastwalk California



## 75 Acres Saved in Laguna Beach

After a decade-long battle, the Sierra Club's Save Hobo Aliso Task Force has prevailed in saving a very special area of Southern Maritime Chaparral on Hobo Aliso Ridge in Laguna Beach – a true victory for our coastal resources.

*(See page 19 for the story and Commission vote outcome)*

# 2010 California Coastal Commission Conservation Voting Chart

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## 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 Sierra Club, League for Coastal Protection (LCP), Surfrider Foundation, California Coastkeeper Alliance, California Coastal Protection Network (CCPN) and Coastwalk California.

These voting charts have been prepared for the last 23 years.

The CCC voting chart for 2010 examines 21 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 Carlsbad Poseidon desalination facility, several major enforcement actions as well as the controversial Malibu Lagoon restoration project.

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 coastal 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 following charts. 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 additional information regarding California coastal protection issues, visit

- <http://www.sierraclubcalifornia.org>
- <http://www.surfrider.org>
- <http://www.cacoastkeeper.org>
- <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. To date, expenses incurred to influence Commissioners, for the most part, go unreported.

## Background

A vote of the people in 1972 created the original Coastal Commission and the California Coastal Act of 1976 provided for its continuing operation as an independent state agency.<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 state-wide 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>.

# 2010 California Coastal Commission Conservation Voting Chart

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## Key Findings

- ◆ For 2010, the average conservation score for the entire Commission dropped from 66% in 2009 to 61%. This decrease in the overall conservation score for the Commission could be attributed to:
  - 1) the mix of agenda items selected this year;
  - 2) Commissioners that were “new” to the Commission for the last scoring are now moving into their second year – note comments on page 4;
  - 3) the economic downturn of the state dramatically affected the numbers of major coastal development projects coming before the Commission in 2009.In 2010, the state’s economy began to turn around and major development projects returned to the Commission for debate and increased approvals.
- ◆ 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 23 years is now 51%.
- ◆ Of appointing authorities, for the first time since 1997, Assembly Speaker appointments (75%) outpaced both gubernatorial (43%) and Senate Rules Committee (65%) Coastal Commissioners for pro-coast votes.
- ◆ Governor Schwarzenegger’s coastal appointments, who lagged severely in 2007 with just a 24% pro-coast conservation score, and a 29% in 2008, jumped ahead in 2009 with a 52% conservation score. However, this score dropped to 43% in 2010.
- ◆ Typically “local elected” Commissioners have had lower conservation scores than Commissioners drawn from the public at-large. This year their scores were very close at 60% and 62% respectively.
- ◆ Of the six “public” members, Commissioner Wan (appointed by Senate Rules Committee) had the highest conservation voting score at 80% (down from her 2009 rating of 83%), while Commissioner Steven Kram (appointed by Governor Schwarzenegger) had a conservation score of 41% (slightly up from his 2009 score of 37% which was the lowest score of all Commissioners in 2009).
- ◆ Of the six “electeds” members, Commissioner Sanchez (appointed by Assembly Speaker) had the highest conservation voting score at 90% (up from her 2009 rating of 75%).
- ◆ Commissioner Steve Kram (Los Angeles) is a Governor appointee and often is absent from hearings. His score for 2010 was 41%, while his alternate Dr. Dan Secord (Santa Barbara) had a comparable voting score of 38%. Together they share one of the lowest scores of the Commission for 2010 as well as 2009 (42%).
- ◆ While looking at alternate voting records, Dr. Clark Parker, alternate for Dr. Bill Burke, had the lowest score of any Commissioner or alternate at 25%. Dr. Burke was either out of the room or did not vote on several important agenda items in 2010, enabling him to capture a higher score of 69%.

# 2010 California Coastal Commissioners Overall Ranking

Average Voting Score: **61%**

■ Public Member ■ Elected Members

When reviewing the annual 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. In 2010, the Commission remained quite consistent throughout the year with only one new appointment in December (Mary Ann Reiss). In an effort to maintain statistical accuracy, this one vote was not included.

Of special note with respect to Commissioners that have served only a short period of time, first year's conservation voting scores tend to be high. Historically it is often the strongest year for many newly appointed Commissioners. However, there is a consistent, disturbing and rather unique phenomenon that occurs and can be noted by a brief comparison of votes from one year to the next. More often than not, once the Commissioners are consistently lobbied by paid lobbyists during their first year of being seated, there is a dramatic drop in their conservation voting score. We cannot underestimate the influence, exclusive access and pressure paid agents and lobbyists for project applicants have on all Commissioners.

To aid in review of this report, we have included the number of votes that each Commissioner cast in 2010 in addition to their overall conservation voting scores.

 **1 Sanchez**  
**90%**


 **2 Wan**  
**80%**


 **3 Mirkarimi**  
**71%**

 **3 Stone**  
**71%**

 **4 Burke**  
**69%**

 **4 Kruer**  
**69%**

 **5 Shallenberger**  
**67%**

 **6 Neely**  
**50%**

 **7 Blank**  
**45%**

 **8 Bloom**  
**42%**

 **9 Kram**  
**41%**

 **10 Achadjian**  
**35%**

**EUREKA** Neely

**SACRAMENTO** Shallenberger

**SAN FRANCISCO** Mirkarimi

**SAN MATEO** Blank

**SANTA CRUZ** Stone

## Public Members

of the Commission include Steve Blank, Sara Wan, William Burke, Steven Kram, Mary Shallenberger and Patrick Kruer and are outlined in blue.

## Elected Members

consist of six elected officials representing their specific coastal district on the Commission. Elected Members of the Commission include Bonnie Neely (North Coast), Ross Mirkarimi (North Central Coast), Mark Stone (Central Coast), Khatchik Achadjian (South Central Coast), Richard Bloom (South Coast), and Esther Sanchez (San Diego Coast) and are outlined in purple.

**SAN LUIS OBISPO** Achadjian

**MALIBU** Wan

**SANTA MONICA** Bloom

**LOS ANGELES** Burke & Kram

**OCEANSIDE** Sanchez  
**LA JOLLA** Kruer


# 2010 California Coastal Commissioners Ranking Comparisons

## PUBLIC MEMBERS • Average Voting Score: **62%**

 **1** Wan  
**80%**

 **2** Burke  
**69%**

 **2** Kruer  
**69%**

 **3** Shallenberger  
**67%**

 **4** Blank  
**45%**

 **5** Kram  
**41%**

## ELECTED MEMBERS • Average Voting Score: **60%**

 **1** Sanchez  
**90%**

 **2** Mirkarimi  
**71%**

 **2** Stone  
**71%**

 **3** Neely  
**50%**

 **4** Bloom  
**42%**

 **5** Achadjian  
**35%**

## MEMBER RANKINGS & STATISTICS BY STATE GOVERNMENT APPOINTING AUTHORITY

Average Voting Score: **61%**

Governor Appointments	<b>43%</b>	Senate Appointments	<b>65%</b>	Assembly Appointments	<b>75%</b>
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OVERALL RANKING	COMMISSIONER	TOTAL NUMBER OF VOTES CAST	PRO-COAST VOTES	ABSENCES	PERCENTAGE
10	Achadjian	20	7	0	35%
7	Blank	20	9	0	45%
8	Bloom	19	8	1	42%
4	Burke	13	9	8	69%
9	Kram	17	7	4	41%
4	Kruer	13	9	8	69%
3	Mirkarimi	21	15	0	71%
6	Neely	14	7	6	50%
1	Sanchez	21	19	0	90%
5	Shallenberger	21	14	0	67%
3	Stone	21	15	0	71%
2	Wan	20	16	1	80%
				Average	<b>61%</b>

# 1987 - 2010 California Coastal Commission Conservation Voting Scores

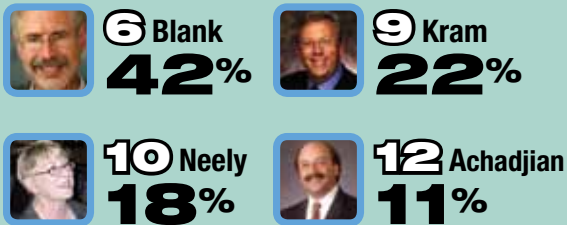
Environmentalists began tracking the Coastal Commission's conservation voting record in 1987. 1996 is split into two halves to show the precipitous fall in pro-environmental votes in the latter half of 1996 caused by the Assembly's transition from a Democratic majority to a Republican majority headed 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. Both 2009 and 2010 saw marked improvement, but as discussed in the Key Findings this improvement is very likely linked to the down economy and less impactful projects.

Year	Governor Appointments	Senate Appointments	Assembly Appointments	Commission
1987	26%	71%	64%	66%
1988/89	74%	63%	50%	60%
1990/91	19%	89%	55%	58%
1992	30%	83%	59%	53%
1993	32%	65%	38%	34%
1994	31%	68%	43%	38%
1995	35%	79%	42%	50%
Jan-May 1996	21%	85%	31%	41%
June-Dec 1996	20%	87%	6%	25%
1997	42%	78%	87%	76%
1998	24%	66%	66%	44%
1999	54%	72%	62%	64%
2000	42%	59%	46%	50%
2001	28%	56%	35%	41%
2002	44%	64%	44%	50%
2003	45%	65%	45%	52%
2004	Davis: 47%	58%	38%	46%
	Schwarzenegger: 29%			
2005	45.5%	74%	55%	60%
2006	35%	54%	42%	43%
2007	24%	72%	35%	44%
2008	29%	53%	31%	38%
2009	48%	75%	69%	66%
2010	43%	65%	75%	61%

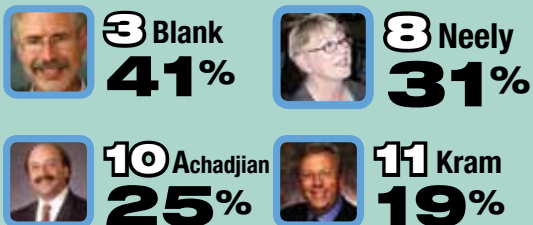
# 2007-2010 California Coastal Commissioners Overall Ranking Comparisons

## GOVERNOR APPOINTMENTS

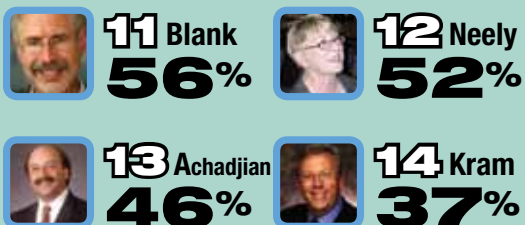
### 2007



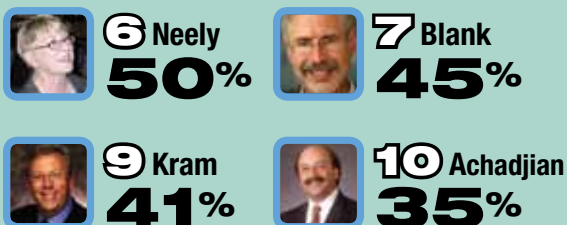
### 2008



### 2009

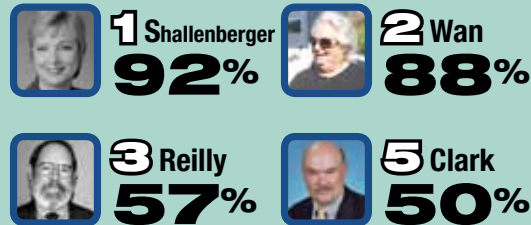


### 2010

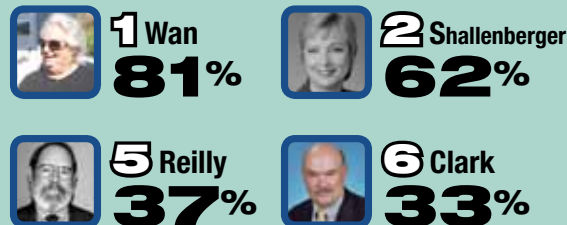


## SENATE APPOINTMENTS

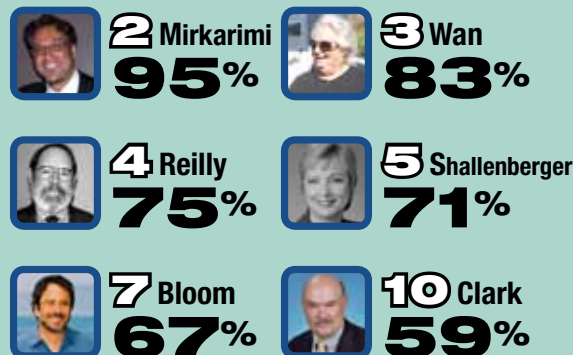
### 2007



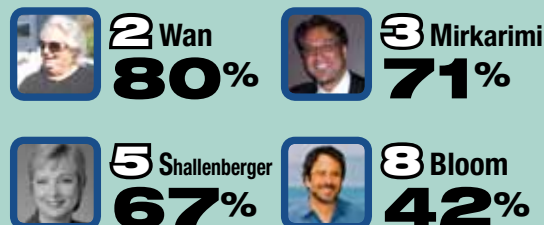
### 2008



### 2009

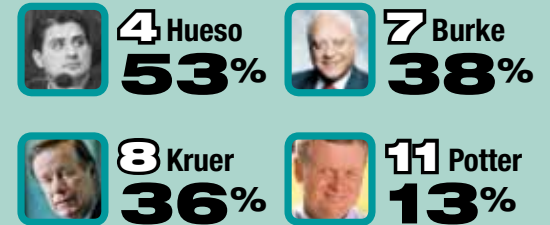


### 2010

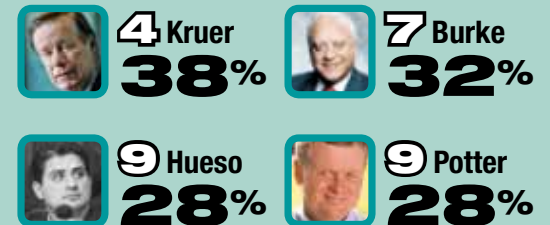


## ASSEMBLY APPOINTMENTS

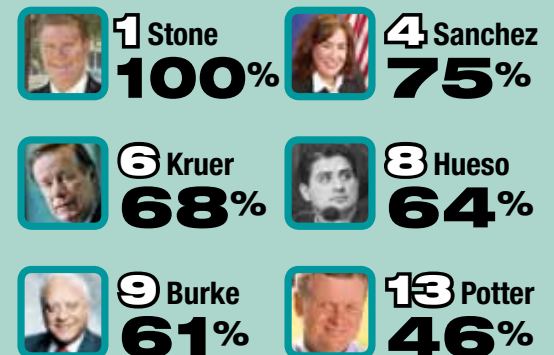
### 2007



### 2008



### 2009



### 2010



# 2007-2010 California Coastal Commission Appointing Authorities Comparison

## 2010 GOVERNOR SCHWARTZENEGGER APPOINTMENTS Average Voting Score: **43%**



**1** Neely  
**50%**



**2** Blank  
**45%**



**3** Kram  
**41%**



**4** Achadjian  
**35%**

## 2007 - 2010 APPOINTING AUTHORITIES COMPARISON

### 2007

■ Governor Schwarzenegger **24%**  
■ Senate Rules Committee **72%**  
■ Assembly Leader **35%**  
 Average Voting Score: **44%**

### 2008

■ Governor Schwarzenegger **29%**  
■ Senate Rules Committee **53%**  
■ Assembly Leader **31%**  
 Average Voting Score: **38%**

### 2009

■ Governor Schwarzenegger **48%**  
■ Senate Rules Committee **75%**  
■ Assembly Leader **69%**  
 Average Voting Score: **64%**

### 2010

■ Governor Schwarzenegger **43%**  
■ Senate Rules Committee **65%**  
■ Assembly Leader **75%**  
 Average Voting Score: **61%**

## 2010 SENATE RULES COMMITTEE APPOINTMENTS Average Voting Score: **65%**



**1** Wan  
**80%**



**2** Mirkarimi  
**71%**



**3** Shallenberger  
**67%**



**4** Bloom  
**42%**

## 2010 ASSEMBLY LEADER APPOINTMENTS Average Voting Score: **75%**



**1** Sanchez  
**90%**



**2** Stone  
**71%**



**3** Burke  
**69%**



**3** Kruer  
**69%**



# Selected 2010 California Coastal Commission Hearing Agenda Items

## January

### AGENDA ITEM F14a

Appeal No. A-1-MEN-07-28-R  
(Jackson-Grube Family, Inc. –  
Mendocino Co.)  
[RECONSIDERATION DENIED]



Resulted in a unanimous vote by the Commission to not accept staff recommendation for reconsideration. The denial of reconsideration sent a direct message to the applicant that they needed to return with a project that should be more consistent with the Local Coastal Plan, have a more compatible design, resolves some of the viewshed issues associated with this open coastal terrace, is subordinate to the character of this Highly Scenic Area and is more in line with the visitor-serving inn designation.

Agenda Item F14a	Appeal No. A-1-MEN-07-28-R (Jackson-Grube Family, Inc. – Mendocino Co.)
Achadjian	+
Blank	+
Bloom	ABSENT
Burke– <i>via Parker</i>	+
Kram– <i>via Secord</i>	ABSENT
Kruer	+
Mirkarimi	+
Neely	+
Sanchez	+
Shallenberger	+
Stone	+
Wan	+
<b>VOTE OUTCOME</b>	<b>+</b>

+ = Positive Vote for Coastal Conservation  
- = Negative Vote for Coastal Conservation

**NOTE:** When reviewing the voting charts please keep in mind that Parker is an alternate for Burke, Gurney for Mirkarimi, Wright or Greer for Neely, Greer for Blank, Secord for Kram and Liberman for Kruer. A vote by an alternate will be indicated “via [alternate name]” in the name column. All votes of alternates are attributed to the primary Commissioner for vote scoring purposes.

## February

### AGENDA ITEM W6a

Revocation Request No. R2-E-06-013  
(Poseidon Resources –  
Carlsbad, San Diego Co.)  
[REVOCATION DENIED]



The Commission granted a Coastal Development Permit (CDP) to Poseidon Resources for the largest ocean desalination facility in the United States. A condition was that the applicant mitigate the greenhouse gas (GHG) emissions resulting from the enormous energy demand for ocean desalination. Poseidon asserted that the desalinated water would replace water currently being delivered to their customers. Therefore, the elimination of the energy used to deliver water from the Sacramento Delta to San Diego was the largest factor in calculating the “net” energy demand of the facility. It was later discovered the assertion was fraudulent and intentionally meant to mislead the Commission’s decision to grant the conditional permit. Petitioners proved the intentionally fraudulent act and the Commission agreed. However, Commissioners disapproved the Revocation Request and found that because Poseidon had submitted supporting letters from Metropolitan Water District the Commission did not rely solely on Poseidon’s intentionally fraudulent information and consequently would not have voted differently. Therefore, Commissioners knowingly allowed a project proponent to intentionally falsify information in their CDP application, undermining state efforts to reduce “global warming” as well as the Coastal Act mandate to protect coastal and ocean resources that will be dramatically impacted by sea level rise, ocean acidification and other adverse effects of climate change. This decision set a bad precedent for numerous future ocean desalination projects currently proposed and the broader authority of the Coastal Commission to enforce the Coastal Act.

Agenda Item W6a	Revocation Request No. R2-E-06-013 (Poseidon Resources – Carlsbad)
Achadjian	-
Blank	-
Bloom	-
Burke– <i>via Parker</i>	-
Kram– <i>via Secord</i>	-
Kruer	-
Mirkarimi– <i>via Gurney</i>	+
Neely	-
Sanchez	+
Shallenberger	+
Stone	+
Wan	-
<b>VOTE OUTCOME</b>	<b>-</b>

+ = Positive Vote for Coastal Conservation  
- = Negative Vote for Coastal Conservation

# Selected 2010 California Coastal Commission Hearing Agenda Items

## February

### AGENDA ITEM TH13.5a

City of Malibu LCP Amendment  
No. MAJ-2-09-A  
("Crummer Trust" Parcel –  
Malibu, Los Angeles Co.)  
[APPROVED WITH MODIFICATIONS]



In an 11–1 vote, the Commission agreed to allow the city of Malibu and the property owner to amend the city's Land Use Plan and Implementation Plan to change CV-2 zoning designation on subject property to mixed residential/recreational use to allow for five residential homes to be built, along with an inadequate in-lieu payment for loss of low-cost commercial visitor-serving capacity on this vacant 24-acre parcel above Surfrider Beach in City of Malibu. This approval, even with modifications, eliminated a major potential for marked improvements in the city's ability to provide low and moderately-priced overnight accommodations in Malibu and therefore reduced coastal access within the City of Malibu and Los Angeles County.

Agenda Item TH13.5a	City of Malibu LCP Amendment No. MAJ-2-09-A ("Crummer Trust" Parcel)
Achadjian	-
Blank	-
Bloom	-
Burke– <i>via Parker</i>	-
Kram– <i>via Secord</i>	-
Kruer	-
Mirkarimi	-
Neely	-
Sanchez	+
Shallenberger	-
Stone	-
Wan	-
<b>VOTE OUTCOME</b>	-

+ = Positive Vote for Coastal Conservation  
- = Negative Vote for Coastal Conservation

## April *(No conservation agenda items for March)*

### AGENDA ITEM W7a

City Of Newport Beach LCP  
Amendment & Application  
(Advanced Group 99-D/AERIE –  
Newport Beach, Orange Co.)  
[DENIED]



A narrow victory for coastal resources in Corona del Mar with the denial of this gargantuan condominium complex that would have called for massive grading, bluff face destruction and an intensification of the entire area. Some Commissioners referred to the tactics of the architect and developer as creative, but creative or not, the amount of destruction required to construct this project finally rang true with the majority vote. This application has yet to be finalized and approved by the Commission.

Agenda Items W7a & W8a	City Of Newport Beach LCP Amendment & Application (AERIE)
Achadjian	-
Blank	-
Bloom	-
Burke	+
Kram– <i>via Secord</i>	-
Kruer	+
Mirkarimi– <i>via Gurney</i>	+
Neely– <i>via Wright</i>	-
Sanchez	+
Shallenberger	+
Stone	+
Wan	+
<b>VOTE OUTCOME</b>	+

+ = Positive Vote for Coastal Conservation  
- = Negative Vote for Coastal Conservation

# Selected 2010 California Coastal Commission Hearing Agenda Items

## April

### AGENDA ITEM W11&12

**Commission Cease and Desist Order  
& Restoration Order  
(Gromet-Laguna Beach, Orange Co.)  
[APPROVED]**



In a unanimous decision to support the Commission's enforcement staff recommendations, this special area in South Laguna is in the process of being restored following the approval of this consent order. This small area is connected with the land that was also saved from development at the December hearing (Consent Cease and Desist Order No. CCC-10-CD-01 Driftwood Properties, LLC – Laguna Beach) that is adjacent to two wilderness parks. The endangered Big-Leaved Crown-beard plant and its required overstory have once again been allowed to flourish in this unique area. Destructive development has almost completely extinguished this endangered species throughout the world, but with the help of enforcement staff and the Commission's vote, it will survive – at least in South Laguna.

Agenda Items W11 & W12	Cease/Desist & Restoration Order (Gromet – Laguna Beach)
Achadjian	+
Blank	+
Bloom	+
Burke– via Parker	ABSENT
Kram– via Secord	+
Kruer– via Liberman	ABSENT
Mirkarimi– via Gurney	+
Neely– via Greer	+
Sanchez	+
Shallenberger	+
Stone	+
Wan	+
<b>VOTE OUTCOME</b>	<b>+</b>

+ = Positive Vote for Coastal Conservation  
- = Negative Vote for Coastal Conservation

### AGENDA ITEM W15a

**Appeal No. A-6-PSD-09-43  
(San Diego Unified Port District –  
San Diego Co.)  
[DENIED]**



The main issue in this agenda item was public access and the integrity of the Port of San Diego's approved Port Master Plan. The Port of San Diego sought a Coastal Development permit for various construction projects along its Embarcadero that would have the effect of eliminating a large oval park depicted in its Port Master Plan. They would also eliminate the construction of a public serving pier at Grape Street. Instead of proposing a Port Master Plan Amendment to plan mitigation for the loss of these public serving elements of its Plan, the Port granted itself a Coastal Development Permit that was clearly inconsistent with the Port Master Plan. The Coastal Commission found substantial issue with the Coastal Development Permit and then in a 5-5 vote rejected its issuance, thus protecting the environment and public access as set forth in the Port Master Plan.

Agenda Item W15a	Appeal No. A-6-PSD-09-43 (San Diego Unified Port District – San Diego)
Achadjian	-
Blank	-
Bloom	-
Burke– via Parker	ABSENT
Kram– via Secord	-
Kruer– via Liberman	ABSENT
Mirkarimi– via Gurney	+
Neely– via Greer	-
Sanchez	+
Shallenberger	+
Stone	+
Wan	+
<b>VOTE OUTCOME</b>	<b>+</b>

+ = Positive Vote for Coastal Conservation  
- = Negative Vote for Coastal Conservation

# Selected 2010 California Coastal Commission Hearing Agenda Items

## April

### AGENDA ITEM TH12b

**Appeal No. A-3-SLO-07-35  
(Stolo – San Luis Obispo Co.)  
[SUBSTANTIAL ISSUE FOUND,  
APPROVED WITH CONDITIONS  
at de novo hearing]**



Substantial issue was found and this item moved to de novo hearing. In a 9–1 vote this project was approved with conditions that would supposedly protect natural resources yet not necessarily improve the contested road. Even though staff recommended approval of the Coastal Development Permit (CDP), their concerns included public tours, wine tasting, commercial sales and special events because of the rural agricultural character of the area. The environmental community testimony included issues involving the high use of water for the development despite the lack of water resources in the community, as well as dangerous road conditions that would be created through approval of the CDP.

Agenda Item TH12b	Appeal No. A-3-SLO-07-35 (Stolo – San Luis Obispo Co.)
Achadjian	-
Blank	-
Bloom	-
Burke– via Parker	ABSENT
Kram– via Secord	-
Kruer	-
Mirkarimi	-
Neely– via Wright	ABSENT
Sanchez	-
Shallenberger	-
Stone	-
Wan	+
<b>VOTE OUTCOME</b>	-

+ = Positive Vote for Coastal Conservation  
- = Negative Vote for Coastal Conservation

## May

### AGENDA ITEM TH7a

**Permit No. CD-002-10  
(Corps of Engineers –  
San Luis Obispo Co.)  
[APPROVED]**



Eight out of nine Commissioners voted to allow a feasibility study and seawater desalination test wells located on a beach, despite Commissioners' allusions that a permanent facility would not likely be approved in this location. Furthermore, this project is clearly one piece of a larger project; by separating the project into multiple components for permitting purposes, analysis of the complete project and adequate public and regulatory review were precluded.

Agenda Item TH17a	Permit No. CD-002-10 (Corps of Engineers – San Luis Obispo Co.)
Achadjian	-
Blank	-
Bloom	-
Burke	ABSENT
Kram– via Secord	-
Kruer	ABSENT
Mirkarimi	-
Neely– via Wright	ABSENT
Sanchez	+
Shallenberger	-
Stone	-
Wan	-
<b>VOTE OUTCOME</b>	-

+ = Positive Vote for Coastal Conservation  
- = Negative Vote for Coastal Conservation

# Selected 2010 California Coastal Commission Hearing Agenda Items

## May

### AGENDA ITEM TH12a

**Appeal No. A-5-DPT-10-82  
(City Of Dana Point, Orange Co.)  
[SUBSTANTIAL ISSUE FOUND,  
DENIED at de novo HEARING]**



A City Ordinance was appealed by Surfrider Foundation's South Orange County Chapter, Ms. Vonne Barnes and Coastal Commissioners Wan and Bloom because it contravenes the standards set forth in the certified local coastal program and the public access policies set forth in the California Coastal Act. The Ordinance unfairly restricts hours of operation by using locked gates and unnecessarily limits public access hours to coastal tidelands to much less than the maximum access requirements under the Coastal Act, and it allows the continued placement of unpermitted gates to obstruct maximum coastal public access through the Headlands development via the Mid Strand Beach Access and the South Strand Switchback Trail. The Commission also found that the installation of gates and signs constituted unpermitted development under the Coastal Act, and that the City's nuisance abatement measures were not narrowly tailored and significantly restricted lawful activities protected under the Act.

(Note: The Coastal Commission was subsequently sued by the City of Dana Point for this decision, and the case has been joined with the Surfrider Foundation v. City of Dana Point case on the same set of facts. Surfrider prevailed in the lawsuit striking down the City's nuisance declaration. Now the issue is back within Coastal Commission purview.)

Agenda Item TH12a	Appeal No. A-5-DPT-10-82 (City Of Dana Point - Orange Co.)
Achadjian	+
Blank	+
Bloom	+
Burke	ABSENT
Kram- <i>via Secord</i>	+
Kruer	ABSENT
Mirkarimi	+
Neely- <i>via Wright</i>	ABSENT
Sanchez	+
Shallenberger	+
Stone	+
Wan	+
<b>VOTE OUTCOME</b>	<b>+</b>

+ = Positive Vote for Coastal Conservation  
- = Negative Vote for Coastal Conservation

## June

### AGENDA ITEM W21.5a

**Dispute Resolution No. 5-10-117-EDD  
(Laguna Terrace Park LLC - Laguna Beach, Orange Co.)  
[EDD UPHELD]**



Photo: CA Coastal Records Project

Following a previous dispute resolution hearing in February, where the Executive Director's Determination was unanimously upheld, followed by an appeal hearing in March where substantial issue was unanimously approved, two Commissioners voted against the Executive Director at this third dispute resolution hearing in consideration of all the same facts and arguments regarding Coastal Commission jurisdiction in Hobo Canyon (the location of Laguna Terrace Mobilehome Park) which is an area of deferred certification.

Agenda Item W21.5a	Dispute Resolution No. 5-10-117-EDD (Laguna Terrace Park LLC - Laguna Beach)
Achadjian	-
Blank- <i>via Greer</i>	ABSTAIN
Bloom	+
Burke	+
Kram	-
Kruer	+
Mirkarimi- <i>via Gurney</i>	+
Neely	ABSTAIN
Sanchez	+
Shallenberger	+
Stone	+
Wan	ABSENT
<b>VOTE OUTCOME</b>	<b>+</b>

+ = Positive Vote for Coastal Conservation  
- = Negative Vote for Coastal Conservation

# Selected 2010 California Coastal Commission Hearing Agenda Items

## June

### AGENDA ITEM TH14a-c

**Appeals & Application  
(City of Los Angeles,  
Dept. of Transportation –  
Los Angeles Co.)  
[DENIED]**

Following an emotionally-charged four-hour hearing, the Commission did not allow the city to solve its social problems on the back of coastal access. It would set a very poor precedent if coastal communities decide they can solve social issues with denial of public coastal access and associated parking.



Agenda Items TH14a-c	City of Los Angeles, Dept. of Transportation – Los Angeles)
Achadjian	-
Blank– via Greer	-
Bloom	-
Burke	ABSENT
Kram	ABSENT
Kruer	ABSENT
Mirkarimi	+
Neely	+
Sanchez	+
Shallenberger	+
Stone	+
Wan	+
<b>VOTE OUTCOME</b>	<b>+</b>

+ = Positive Vote for Coastal Conservation  
- = Negative Vote for Coastal Conservation

### AGENDA ITEM F14a

**Application No. A-3-SLO-09-055 & 069  
(Los Osos Wastewater Project –  
San Luis Obispo Co.)  
[APPROVED WITH CONDITIONS]**

The project as proposed had potentially significant environmental impacts that had not been clearly and/or adequately addressed. Commission staff recommended finding no substantial issue, despite the fact that there were glaring inconsistencies and conflicting reports on 1) wetlands delineation 2) mitigation double-dipping (since some mitigation was required for the past attempt to build this plant on another site) 3) lack of specifics (including timing) for implementation of certain project elements and 4) ensuring that the project would not result in adverse impacts to the larger hydrologic system (surface flows and groundwater recharge). These issues were taken up in De Novo hearing where the project was ultimately approved with conditions.



Photo: CA Coastal Records Project

Agenda Item F14a	Application No. A-3-SLO-09-055 & 069 (Los Osos Wastewater Project)
Achadjian	-
Blank– via Greer	-
Bloom	-
Burke– via Parker	-
Kram	-
Kruer	ABSENT
Mirkarimi	-
Neely	-
Sanchez	-
Shallenberger	-
Stone	-
Wan	-
<b>VOTE OUTCOME</b>	<b>-</b>

+ = Positive Vote for Coastal Conservation  
- = Negative Vote for Coastal Conservation

# Selected 2010 California Coastal Commission Hearing Agenda Items

## August *(No conservation agenda items for July)*

### AGENDA ITEM W11a

Appeal No. A-2-SMC-07-01  
(Sterling – San Mateo Co.)

[APPROVED WITH CONDITIONS]



In February 2009, the Commission approved a permit authorizing the Sterlings to build a 6,456 sq.ft. single family residence on their agriculturally zoned 147-acre property near El Granada in San Mateo County. In order for the project to be found in compliance with the agricultural policies of the LCP, the Commission required the Sterlings to place an “affirmative agricultural easement” on the area of the property not being developed for the residence. A Superior Court judge set aside the “affirmative agricultural easement” and as part of a settlement agreement, the Commission was being asked to approve a Deed Restriction that would limit use of the property outside of the development envelope to agricultural and open space uses. The Staff recommendation to the Commission on re-review included a statement that the Deed Restriction would not prohibit a future application to subdivide the property. Sierra Club, Committee for Green Foothills and community members pointed out that the proposed language appeared to encourage subdivision. Several Commissioners agreed, and revised the Deed Restriction to state: “Under the Coastal Act and the LCP, the permittee or the landowner remains free to apply for a subdivision or other permit amendment at any time.”

Agenda Item W11a	Appeal No. A-2-SMC-07-01 (Sterling – San Mateo Co.)
Achadjian	+
Blank	+
Bloom	+
Burke	+
Kram– <i>via Secord</i>	+
Kruer– <i>via Liberman</i>	+
Mirkarimi	+
Neely– <i>via Wright</i>	ABSENT
Sanchez	+
Shallenberger	+
Stone	+
Wan	+
<b>VOTE OUTCOME</b>	+

+ = Positive Vote for Coastal Conservation  
- = Negative Vote for Coastal Conservation

### AGENDA ITEMS TH8-14

Commission Cease and Desist Orders,  
Restoration Orders &  
Notice of Violations  
(Hagopian – Topanga, Los Angeles Co.)  
[APPROVED]



The staff report for this agenda item was a record of forbearance and regulatory restraint that was almost beyond comprehension. The Commission unanimously supported enforcement staff’s recommended actions on an exhaustive list of wholesale destruction tactics and massive violations that continued to mount even in the face of a clearly posted stop-work order by the L.A. County Building & Safety staff and many months of meetings with Commission staff. All of this destruction was completed in the name of Topanga Skyline Winery. The ecosystem in this area is found in only five distinct coastal regions in the world that encompasses a mere two percent of the earth’s total land area. Worldwide, only 18% of this rare Mediterranean shrub ecosystem remains undisturbed. Topanga Skyline Winery internet promotions state that, “the emerging wine community here in the Santa Monica Mountains is truly unique, not only because of the incredible terroir “geology” but the philosophies and personalities behind the multitude of growers and winemakers.” One has to question what that truly unique philosophy is that would empower a landowner to remove the knobs from ridgelines and destroy acres of a rare ecosystem in order to create the perfect, man-made terroir for their vineyard.

Agenda Items TH8-14	Commission Cease & Desist Orders (Hagopian – Topanga, Los Angeles Co.)
Achadjian	+
Blank	+
Bloom	+
Burke	ABSENT
Kram– <i>via Secord</i>	+
Kruer– <i>via Liberman</i>	+
Mirkarimi	+
Neely– <i>via Wright</i>	ABSENT
Sanchez	+
Shallenberger	+
Stone	+
Wan	+
<b>VOTE OUTCOME</b>	+

+ = Positive Vote for Coastal Conservation  
- = Negative Vote for Coastal Conservation

# Selected 2010 California Coastal Commission Hearing Agenda Items

## October *(No conservation agenda items for September)*

### AGENDA ITEM W6a

**Application No. 4-07-098  
(California Dept. of Parks and Recreation – Malibu, Los Angeles Co.)  
[APPROVED WITH CONDITIONS]**

Application by the California Dept. of Parks and Recreation to restore and enhance the western channels of Malibu Lagoon State Park. The western channels of Malibu Lagoon were part of an unsuccessful restoration project initiated in 1983, and suffers from long periods of low dissolved oxygen, excessive levels of algae and submerged aquatic vegetation, low species diversity and richness of benthic macroinvertebrates, crustaceans, bi-valves, and fish when compared with other coastal lagoons. The project intends to improve function of lagoon ecosystem by recontouring western channels to enhance tidal inundation and tidal flushing when the lagoon is open to the ocean and to increase circulation throughout the lagoon when it is isolated from the ocean. The project will lower the existing topography of the western channels. The new configuration, slopes and drainages will be lowered to sea level to increase hydrologic flow. The habitat restoration plan will salvage appropriate native species from the site prior to excavation, will replant appropriate native species and remove non-native species, construct public access trails around the lagoon, construct interpretive public educational amenities, and implement long-term monitoring and adaptive management plan to ensure project success.



Photo: CA Coastal Records Project

Agenda Item W6a	Application No. 4-07-098 (California Dept. of Parks and Recreation – Malibu)
Achadjian	+
Blank	+
Bloom	ABSTAIN
Burke	+
Kram	ABSENT
Kruer– via Liberman	+
Mirkarimi	+
Neely– via Wright	+
Sanchez	+
Shallenberger	+
Stone	+
Wan	+
<b>VOTE OUTCOME</b>	+

+ = Positive Vote for Coastal Conservation  
- = Negative Vote for Coastal Conservation

### AGENDA ITEM W15a

**City of Huntington Beach  
LCP Amendment No. HNB-MAJ-2-10  
(Parkside)  
[APPROVED WITH MODIFICATIONS]**

This item implements a requirement within the Huntington Beach LCP for projects in locations with known archaeological resources that a separate Coastal Development Permit (CDP) for an Archaeological Research Design (ARD) must be obtained and the work completed prior to the main CDP of the project. The goal of this is to obtain a better understanding of potential archaeological impacts prior to making development decisions on the main CDP. In theory this may allow the main CDP to be structured in a way that better mitigates or preserves the archaeological resources. This should help prevent future fiascos similar to the Hearthsides Homes Brightwater project whereby preliminary archaeological work did not disclose the very significant resources uncovered/destroyed by project grading. This ARD CDP requirement should be considered for other Local Coastal Plan Amendments in order to improve protections statewide for Coastal Zone archaeological resources.



Agenda Item W15a	City of Huntington Beach LCP Amendment No. HNB-MAJ-2-10 (Parkside)
Achadjian	+
Blank	+
Bloom	+
Burke	+
Kram	+
Kruer– via Liberman	+
Mirkarimi	+
Neely– via Wright	+
Sanchez	+
Shallenberger	+
Stone	+
Wan	+
<b>VOTE OUTCOME</b>	+

+ = Positive Vote for Coastal Conservation  
- = Negative Vote for Coastal Conservation



# Selected 2010 California Coastal Commission Hearing Agenda Items

## October

### AGENDA ITEM TH8a

**Application No. 3-09-068  
(City of Santa Cruz, Santa Cruz Co.)  
[DENIED]**



In a tie vote (5–5) this project was narrowly denied. Extensive testimony from proponents as well as opponents addressed the project as a transportation project, which is not allowed in Environmentally Sensitive Habitat Area (ESHA). Opponents noted that the Master Plan was simply a vector for that project. In other words the Master Plan was a “specific project” document rather than a planning document, as suggested to City planners by Coastal Commission staff in January 2000. Sierra Club was joined by the Center for Biological Diversity, Friends of Arana Gulch and California Native Plant Society in opposition and asked the Commission to uphold the Coastal Act (30240 specifically), as well as to maintain the original vision and intent of the City’s 1979 initiative that directed the creation of the Arana Gulch greenbelt to be maintained as open space for habitat and watershed values. The following morning consideration of a waiver of the six-month waiting period for permit reapplication was approved for the November agenda.

Agenda Item TH8a	Application No. 3-09-068 (City of Santa Cruz – Santa Cruz Co.)
Achadjian	-
Blank	+
Bloom	-
Burke	+
Kram	ABSENT
Kruer– <i>via Liberman</i>	-
Mirkarimi	+
Neely– <i>via Wright</i>	ABSENT
Sanchez	+
Shallenberger	-
Stone	-
Wan	+
<b>VOTE OUTCOME</b>	<b>+</b>

+ = Positive Vote for Coastal Conservation  
- = Negative Vote for Coastal Conservation

## November

### AGENDA ITEM W17a

**Application No. 5-10-031  
(Paicius – Laguna Beach, Orange Co.)  
[DENIED]**



The Commission majority supported staff’s recommendation for denial of this project in an area of deferred certification. In the past, the Commission has been consistent in imposing a bluff top setback in the project vicinity and yet the project applicants and their lobbyist argued that this project should be an exception to the other seven previous projects noted in the staff report. These past projects, did in fact, set precedent therefore recommendation for denial should have been upheld by the Commission. Staff also asserted that this CDP should be denied and not conditioned. Conditioning can open the door to problems, present and future, and are very difficult to enforce.

Agenda Item W17a	Application No. 5-10-031 (Paicius – Laguna Beach, Orange Co.)
Achadjian	-
Blank	-
Bloom	+
Burke	+
Kram	+
Kruer	+
Mirkarimi– <i>via Gurney</i>	+
Neely	+
Sanchez	+
Shallenberger	+
Stone	+
Wan	+
<b>VOTE OUTCOME</b>	<b>+</b>

+ = Positive Vote for Coastal Conservation  
- = Negative Vote for Coastal Conservation

# Selected 2010 California Coastal Commission Hearing Agenda Items

## November

### AGENDA ITEM TH17a

**City of Santa Cruz  
Arana Gulch Master Plan  
(Santa Cruz Co.)  
[WAIVER APPROVED]**



Following the denial of the application for this project at the October hearing, the waiver was approved. However, a new application for this project has not come forward which does bring into question why the waiver was needed to begin with. At the November hearing, testimony by both proponents and opponents was consistent: save the tarplant. The City, a bicycling spokesperson, California Native Plant Society, Friends of Arana Gulch (via written communication) and even the Commissioners all shared this messaging point. With this in mind, environmentalists hope that the Coastal Commission will approve a Master Plan for Arana Gulch that gives science-based guidance for the restoration of the endangered tarplant as well as resource-based maintenance of the entire greenbelt. This transportation project, that would destroy Environmentally Sensitive Habitat Area (ESHA), is not consistent with the Coastal Act.

Agenda Item TH17a	City of Santa Cruz Arana Gulch Master Plan
Achadjian	-
Blank	-
Bloom	-
Burke	-
Kram- <i>via Secord</i>	-
Kruer	<i>ABSENT</i>
Mirkarimi	-
Neely	-
Sanchez	+
Shallenberger	-
Stone	-
Wan	+
<b>VOTE OUTCOME</b>	-

+ = Positive Vote for Coastal Conservation  
- = Negative Vote for Coastal Conservation

### AGENDA ITEM F7a

**Appeal No. A-1-MEN-09-23  
(Wernette – Mendocino Co.)  
[SUBSTANTIAL ISSUE FOUND,  
APPROVED WITH CONDITIONS  
at de novo hearing]**



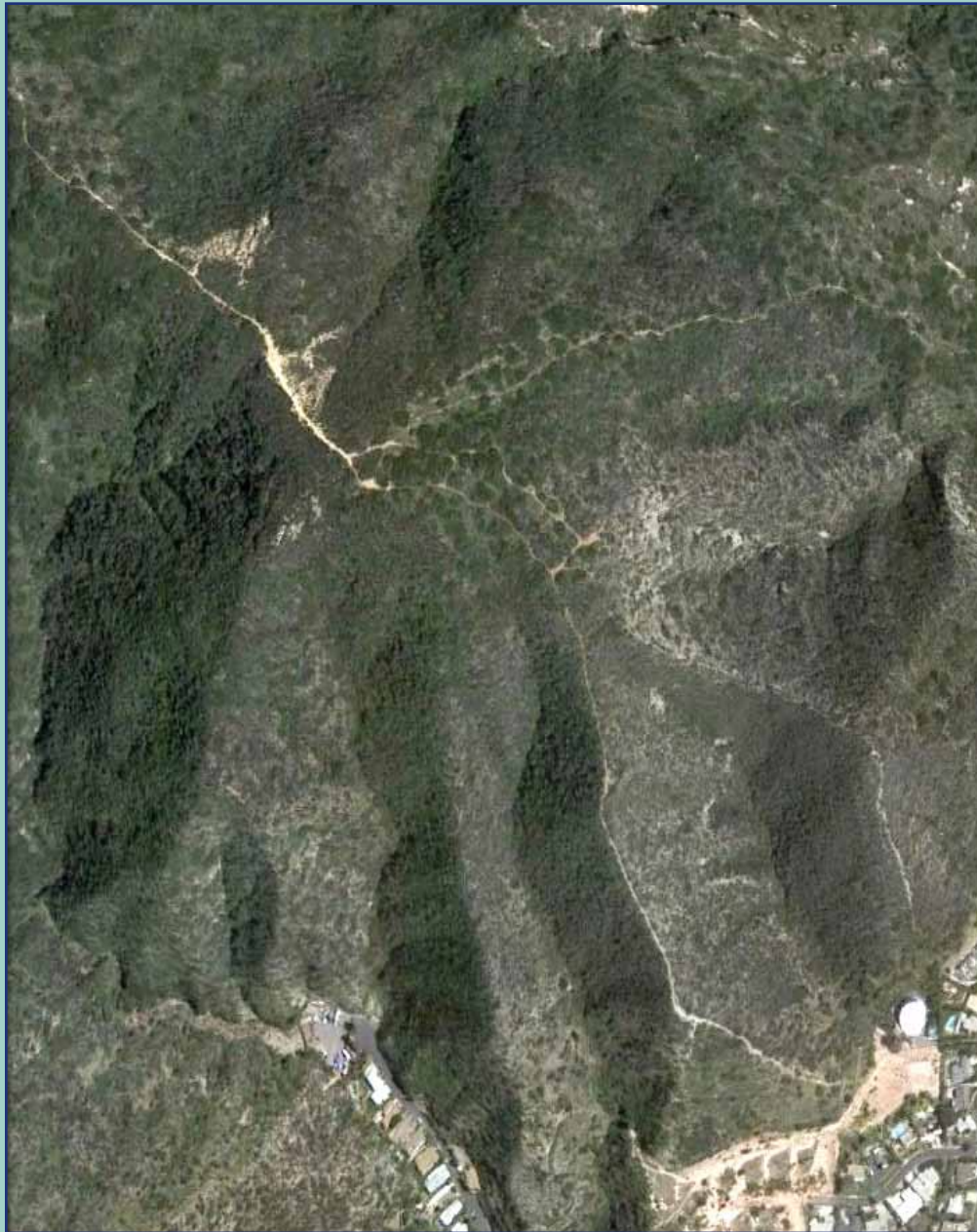
Substantial issue was found on this project that would impact Environmentally Sensitive Habitat Area (ESHA), wetlands and have adverse impacts on the geological stability of this bluff top parcel, formerly a railroad right of way that had already eroded into the sea north and south of the subject parcel. Despite the negative environmental impacts, the Commission voted 7-3 to approve the project with conditions, and set a bad precedent by allowing inappropriate development to avoid a “takings” on an eroding remnant parcel where there was no reasonable financial backed expectation to develop.

Agenda Item F7a	Appeal No. A-1-MEN-09-23 (Wernette – Mendocino Co.)
Achadjian	-
Blank	-
Bloom	-
Burke	<i>ABSENT</i>
Kram- <i>via Secord</i>	-
Kruer	<i>ABSENT</i>
Mirkarimi	-
Neely	-
Sanchez	+
Shallenberger	-
Stone	+
Wan	+
<b>VOTE OUTCOME</b>	-

+ = Positive Vote for Coastal Conservation  
- = Negative Vote for Coastal Conservation

# Selected 2010 California Coastal Commission Hearing Agenda Items

## December



### AGENDA ITEMS TH8.1 & 8.3

**Commission Cease & Desist Order and Restoration Order (Driftwood Properties, LLC – Laguna Beach, Orange Co.) [APPROVED]**

For ten years, the Save Hobo Aliso Task Force has attended every public hearing in the fight to preserve Hobo Aliso Ridge in Laguna Beach from proposed development. During that time, the task force discovered the intentional destruction of endangered species and unpermitted development on the property by the Athens Development Group which resulted in two Coastal Act violations in 2005 and 2007. On the heels of these violations came destructive fuel modification ordered for two consecutive years by the City of Laguna Beach in 2007 and 2008. All the while, the Task Force was there to continually challenge every attempt at destruction of this significant biological resource. Finally, in 2010, the Coastal Act Violations, a Cease & Desist Order and subsequent Consent Restoration Order were agreed upon by the Athens Group, Driftwood Properties, LLC and the Commission – a victory for our coastal resources, the Commission and the Sierra Club. This consent order combined with the April consent order in the same area (Commission Cease and Desist Order & Restoration Order – Gromet) was a testament to how important the Commission Enforcement staff’s role is in upholding the Coastal Act. The Commission unanimously supported staff’s incredible work on a consent order to not only protect and preserve 75 acres in perpetuity, but also to remove the unpermitted development and allow this Environmentally Sensitive Habitat Area (ESHA) and endangered species, including the unique Big-Leaved Crownbeard, to flourish, and the wildlife an opportunity to regain their domain.

Agenda Items TH8.1 & 8.3	Commission Cease & Desist Order (Driftwood Properties, LLC – Laguna Beach)
Achadjian	N/A
Blank	+
Bloom–via O’Conner	+
Burke	+
Kram–via Secord	+
Kruer	+
Mirkarimi	+
Neely	+
Sanchez	+
Shallenberger	+
Stone	+
Wan	+
<b>VOTE OUTCOME</b>	<b>+</b>

+ = Positive Vote for Coastal Conservation  
 - = Negative Vote for Coastal Conservation

## 2010 California Coastal Commission Conservation Voting Chart

### For More Information, Contact

*Penny Elia, Sierra Club – 949-499-4499*

*Mel Nutter, League for Coastal Protection – 562-432-8715*

*Angela Howe, Surfrider Foundation – 949-492-8170, ext. 414*

