

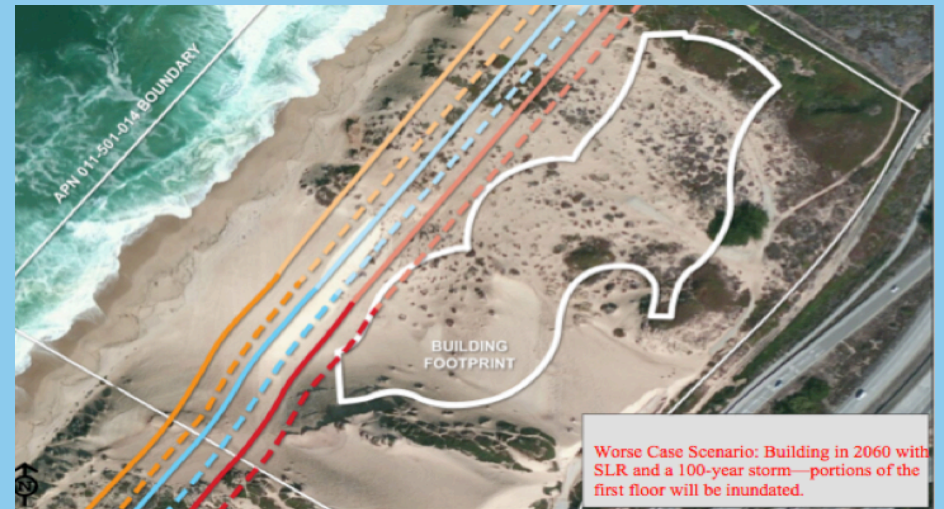
# 2014 California Coastal Commission Conservation Voting Chart

## **Best 2014 California Coastal Commission Vote—Santa Monica Mountains Land Use Plan**



In October, the Commission certified the Santa Monica Mountains Land Use Plan (LUP) which covers 52,000 acres of popular recreational lands known for steep rugged mountains, extensive native habitat and wildlife, and for containing the largest urban national park in the U.S. The LUP will protect the integrity of this region by preserving scenic views, coastal watershed quality, and wildlands while allowing small-scale organic farming to continue.

## **Worst 2014 California Coastal Commission Vote—Monterey Bay Shores (“Sand City”)**



The Commission approved a massive, ten-story, 368 unit luxury condo and hotel complex on 39 acres of important habitat. The project will bury Environmentally Sensitive Habitat Areas for two threatened species and will be subject to sea level rise and flooding in the future as the property sits atop fragile dunes in close proximity to an eroding shoreline.

# 2014 California Coastal Commission Conservation Voting Chart




## Overview

The Coastal Vote Chart tracks the annual voting record of the California Coastal Commission. The Coastal Vote Chart is produced by Surfrider Foundation, WiLDCOAST / COSTASALVAJE, and Environment California, in cooperation with ActCoastal and California's conservation community.

The California Coastal Commission is an independent state agency created originally by citizen initiative in 1972 and made permanent by the California Coastal Act of 1976. The Coastal Commission's mission 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.

The Coastal Commission is comprised of 12 voting members (and up to 12 alternate members) and three non-voting ex officio members. California's Governor, Senate Rules Committee, and Assembly Speaker appoint the voting members. Each appoints four commissioners, two from the general public and two from among local elected officials. By statute, the latter group of commissioners must be representative of the state's geography, and are selected from six regions ranging from San Diego to the North Coast.

The Commission meets monthly and reviews up to 1,000 projects a year. The 2014 Coastal Vote Chart reviews 17 votes on the most important projects and issues that came before the Commission in 2014. Votes were selected for review in consultation with ActCoastal members and community advocates based on the following three non-exclusive factors, with most of the reviewed projects ranking as highly significant for all three:

-  A vote's potential impacts on coastal resources or well-established coastal values, such as public access;
-  A vote's potential economic value and impacts with respect to project proponents and/or the communities that would be affected by the vote; and
-  A vote's potential to set statewide precedent.

Put simply, the Coastal Vote Chart focuses on high-priority, high-stakes coastal development projects and issues. Such votes often pit the interests of coastal developers, employing experienced and politically connected paid lobbyists, against public values and interests—and Commissioners often face intense political pressure. Decisions this important require transparency and accountability. The Coastal Vote Chart is designed to help provide both.

This report provides detailed descriptions of the issues and resources affected by each 2014 vote, as well as the voting record of each individual Commissioner and his or her alternate. These voting records have been compared with the official records kept by the Coastal Commission. However, any errors are the sole responsibility of the preparers.

Coastal Commission votes are also monitored and reviewed on a monthly basis. Monthly Vote Charts and descriptions of key votes are provided for public review at <http://www.ActCoastal.org>.





# 2014 California Coastal Commission Conservation Voting Chart

## Policy Issues

Two major policy issues, public access and sea level rise, shaped many of the Commission's votes in 2014 and are likely to grow in importance in future years.

### *Public Access*

Both the California Constitution and the Coastal Act establish the right for all Californians to access the beach. Defending this right is a challenge in light of a growing and diversifying coastal population, continued development pressure and, increasingly, sea level rise. Of nearly 2,000 outstanding Coastal Act violations, the majority are from illegal efforts to block public access, such as when private landowners post illegal "no parking" or "no beach access" signs. Proliferating seawalls also threaten public access.

Two high-profile public access issues came before the Commission in 2014:



In July, the Commission issued a cease and desist order regarding illegal fencing, gates, and no trespassing signs blocking public access at Ontario Ridge Trail, a heavily visited hiking trail in San Luis Obispo County (see July 2014 vote chart).

"Violations like this are exactly why we need the Coastal Commission." Commissioner Howell assessing the Ontario violations.



After four years of court battles and worldwide media attention, the San Mateo County Superior Court ruled that installation of a gate at Martin's Beach "changed the intensity of use" and constituted development, requiring a permit from the Coastal Commission. In December, Commission Staff issued a letter to the Martin's Beach landowner instructing him to open the gate and restore public access to the beach.



Also in 2014, the Commission began to assess the impact of high-end hotels and resorts replacing smaller, more affordable overnight accommodations along the coast. The Commission convened a December workshop on ways to preserve public access to existing affordable accommodations and encourage development of new lower-cost ones. In 2015, the Commission is expected to continue focusing on this issue.

# 2014 California Coastal Commission Conservation Voting Chart

## Sea Level Rise

Sea level has risen by more than half a foot along California's coast since 1900 and is expected to rise by an additional two feet by 2050, with more than five feet of sea level rise expected by 2100. The anticipated costs of sea level rise to the environment and to both private landowners and public taxpayers will be significant, and even higher without thoughtful action to reduce vulnerabilities along the coast.

The Coastal Commission has begun to help prepare for these threats by advancing sea level rise planning guidance (anticipated for final release in 2015) and by providing small grants to local governments to update their Local Coastal Programs (LCPs) to address this issue. However, much more must be done by the California legislature and the Commission to adequately prepare for coming sea level rise.

Two high profile sea level rise projects came before the Commission in 2014:



In April, the Commission approved the Monterey Bay Shores Resort, a massive resort development in Sand City. The project was based on an outdated Local Coastal Plan certified in 1986 that failed to map environmentally sensitive dune habitat areas or identify the serious risks of erosion from sea level rise at the site.

"We have to make critical decisions. Our commitment to infrastructure can only be good for so long...at some point we need the ability to say 'at your own risk.'" *Commissioner Kinsey discussing sea level rise guidance document during a public hearing.*



In December, the Commission held a seven-hour hearing regarding a large-scale sand replenishment and revetment project at Broad Beach in Malibu. Several Commissioners expressed concern about the project's environmental impacts, loss of public beach access, and failure to address sea level rise. The applicant pulled its application before a vote was cast. The item will return to the Commission for review in early 2015.



In order to better prepare for sea level rise, the Commission needs to improve coastal policies and practices for addressing seawalls, revetments, and other "coastal armoring" structures. Coastal armoring increases erosion and accelerates the loss of public beaches, yet fails to provide more than temporary protection from encroaching seas. Nevertheless, under current law, the Coastal Commission must approve armoring structures when existing development is threatened by erosion or flooding. To address this policy conflict, the Commission has begun to use innovative permit conditions that enables it to revisit armoring permits in the future in light of changing conditions.



# 2014 California Coastal Commission Conservation Voting Chart

## Key Findings

- For 2014, the average conservation score for the entire Commission was 72% with 139 pro-conservation votes cast of the 193 total votes cast. This conservation voting score is up from 61% in 2010, and just below the Commission's all-time high score of 76% in 1997.
- Among the “elected” commissioners, Brian Brennan scored the highest (100%), with Martha McClure scoring the lowest (59%). It should be noted that Brennan only cast two votes analyzed in the 2014 Coastal Vote Chart before leaving the Commission. Robert Garcia scored the second highest of elected commissioners (91%), voting 10 times before leaving the Commission.
- The conservation voting scores for the Commission's appointing authorities may be responsible for the recent swing in the Commission's overall voting score. The Senate Rules Committee's appointments (81%) significantly outperformed those of the Assembly Speaker (70%) and the Governor (66%). However, 2014 generated the best annual score for consistently poorly performing gubernatorial appointments in recent history, far outpacing their 2005 score (45.5%), which was previously the highest since 2000.
- Commissioners appointed from the general public (73%) and elected officials (71%) had very similar voting scores.
- Among the “public” commissioners, Mary Shallenberger had the highest score (94%), while Mark Vargas had the poorest (53%).

*Disclaimer: This 2014 Conservation Voting Chart is the first one compiled since 2010. Historical information should be considered with the knowledge that California politics and the makeup of the commission have changed significantly over the last three years.*



# 2014 California Coastal Commission Conservation Voting Chart

## Commissioners' Voting Scores

The thirteen voting Commissioners are pictured on this page. To the right of each photo is the commissioner's appointing authority and her or his Conservation voting score. The score was determined as the ratio of pro-conservation votes to total votes cast in the selected agenda items. It should be noted that Commissioner Brennan left the Commission after the first two selected votes, after which he was replaced by Commissioner Howell. Commissioner Garcia left the Commission after August upon being elected Mayor of Long Beach.



Senate Appointed  
Public Member

**Conservation  
Voting Score: 76%**  
13 of 17 votes

**Dayna  
Bochco**



Governor Appointed  
Elected Member,  
South Central Coast

**Conservation  
Voting Score: 100%**  
2 of 2 votes

**Brian  
Brennan**



Assembly Appointed  
Elected Member,  
San Diego

**Conservation  
Voting Score: 65%**  
11 of 17 votes

**Greg  
Cox**



Senate Appointed  
Elected Member,  
South Coast

**Conservation  
Voting Score: 91%**  
10 of 11 votes

**Robert  
Garcia**



Assembly Appointed  
Elected Member,  
Central Coast

**Conservation  
Voting Score: 82%**  
14 of 17 votes

**Carole  
Groom**



Governor Appointed  
Elected Member,  
South Central Coast

**Conservation  
Voting Score: 67%**  
10 of 15 votes

**Erik  
Howell**



Senate Appointed  
Elected Member  
North Central Coast

**Conservation  
Voting Score: 65%**  
11 of 17 votes

**Steve  
Kinsey**



Governor Appointed  
Elected Member,  
North Coast

**Conservation  
Voting Score: 59%**  
10 of 17 votes

**Martha  
McClure**



Governor Appointed  
Public Member

**Conservation  
Voting Score: 63%**  
10 of 16 votes

**Wendy  
Mitchell**



Senate Appointed  
Public Member

**Conservation  
Voting Score: 94%**  
16 of 17 votes

**Mary K.  
Shallenberger**



Governor Appointed  
Public Member

**Conservation  
Voting Score: 73%**  
11 of 15 votes

**Effie  
Turnbull-Sanders**



Assembly Appointed  
Public Member

**Conservation  
Voting Score: 53%**  
8 of 15 votes

**Mark  
Vargas**



Assembly Appointed  
Public Member

**Conservation  
Voting Score: 76%**  
13 of 17 votes

**Janna  
Zimmer**



# Selected 2014 California Coastal Commission Hearing Agenda Items

## January

### AGENDA ITEM 5c

Local Coastal Plan Planning Grant  
Awards for Fiscal Year 2013-2014  
[APPROVED]



Bochco	+
Brennan	+
Cox	+
Groom	+
Garcia	+
Kinsey	+
McClure	+
Mitchell	-
Shallenberger	+
Vargas	-
Zimmer	+
<b>Vote Outcome</b>	<b>+</b>

The CCC received 28 grant applications requesting a total of \$5,292,007. Because the Commission only had \$1 million to distribute, Staff determined that it could only fund 11 grant requests. The City of Los Angeles was a major focus of the deliberation. Some Commissioners were disappointed that L.A. only received \$100,000. Other Commissioners mentioned that for nearly 40 years, L.A. has made little progress in developing a Local Coastal Plan for certification, while many other cities have been actively working on their Local Coastal Plans—and thus should be rewarded for their efforts. Staff reminded the Commission that every grant application needed to meet funding criteria and that L.A. did not do so as well as some other jurisdictions. After extensive debate, the Commission voted 9-2 to approve Staff's proposed grant allocations. In the end, applicants were rewarded with grant money based on their compliance with the Commission's stated funding criteria. *In August 2013 the Commission adopted funding criteria, stating that project proposals should: include plans to address sea level rise and other effects of climate change; address a demonstrated need; show a likelihood of success; and explain how grant projects could leverage or match funds from other sources.*

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

## January

### AGENDA ITEM 7d

City of Solana Beach LUP  
Amendment No. SOL-MAJ-1-13  
[APPROVED  
WITH MODIFICATIONS]



Bochco	+
Brennan	+
Cox	+
Groom	+
Garcia (Duclos)	+
Kinsey	+
McClure	+
Mitchell	+
Shallenberger	+
Vargas	
Zimmer	+
<b>Vote Outcome</b>	<b>+</b>

In November 2013, the City of Solana Beach brought forward amendments to its Land Use Plan (LUP). The Commission denied certification at that time and continued the hearing. At the January hearing, the City returned with LUP amendments relating to Hazards and Shoreline/Bluff Development, Public Access and Recreation, and New Development definitions. One major amendment proposed the removal of a provision that requires seawalls to be reauthorized after 20 years. Instead, the City wanted to tie the life of the seawall to the life of the structure it protects. Commissioners voiced concerns regarding the 20-year provision's removal because it could jeopardize the triggering of seawall review on all property improvements. After extensive debate, the Commission agreed on clarifications to language which would trigger review of seawalls upon any improvement to the structures they protect. The Commission unanimously approved amendments to the LUP. Solana Beach is peppered with seawalls that impede public access, restrict sand supply, and speed the loss of beaches to protect the private property values of precariously placed structures at the expense of the whole community. The Commission's decision to create a regular review and mitigation mechanism in the LUP is a step in the right direction.

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

# Selected 2014 California Coastal Commission Hearing Agenda Items

## April

### AGENDA ITEM 6a

Application No. A-3-SNC-98-114  
(SNG Inc., Monterey Bay Shores  
Resort, Sand City)  
[APPROVED]



On April 9th, the Commission devoted 10 hours to an application by Ed Ghandour, Security National Guarantee Inc. (SNG), to build a ten-story, 368 unit luxury condo and hotel complex on 39 acres of coastal sand dunes in Sand City, (Monterey County). The project was based on a LCP certified by the Coastal Commission in 1986, which failed to identify any environmentally sensitive habitat areas (ESHA). When the hotel was proposed, staff identified sensitive habitats based on US Fish and Wildlife Service threatened and endangered species designations. After much discussion, the Commission approved the application with a condition that requires the developer to revise his Habitat Protection Plan for submission to the CCC Executive Director for his review and approval. Sadly, this decision is an example of regressive planning that can result when local coastal policies are not updated. Now, despite evidence that erosion and sea level rise imminently jeopardize this structure, weak 30-year-old policies have been used to allow ill-conceived development in sensitive habitat.

Bochco	-
Cox	-
Groom	-
Garcia (Duclos)	+
Howell	-
Kinsey	-
McClure	-
Mitchell	-
Shallenberger	+
Turnbull-Sanders	-
Vargas	-
Zimmer	-
<b>Vote Outcome</b>	-

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

### AGENDA ITEM 19a

Appeal No. A-4-STB-14-0010  
(Brooks Street, Santa Barbara Co.)  
[NO SUBSTANTIAL ISSUE  
FOUND]



On April 9th, the Commission heard an appeal on two large-scale residential estates, approved by Santa Barbara County on the Gaviota coast. The proposed project would be constructed on sensitive coastal habitat that is home to special status raptor (White-Tailed Kite) and directly above a seal rookery (one of only two publicly accessible seal rookeries remaining on the mainland coast of Santa Barbara County). The public has used the project area for generations to walk along the coast to access the beach. One of the estates would block the public beach access trail used for decades to access the well-known Naples surf break. The Commission voted 7-4 to not find substantial issue, thereby approving the project. To reach that decision, the Commission engaged in an unusual process of negotiating with the developer from the dais to revise project conditions under the guise of amending an existing settlement agreement after the public hearing closed. That action effectively barred the appellants from commenting in detail on the specifics of what was being proposed. This decision not only allows massive development in ESHA, but also jeopardizes a long held prescriptive easement for public access to the coast. The process employed by the Commission in this hearing also excluded public comment and review.

Bochco	-
Cox	-
Groom	+
Garcia (Duclos)	+
Howell	-
Kinsey	-
McClure	-
Mitchell	-
Shallenberger	+
Turnbull-Sanders	+
Vargas	-
Zimmer	-
<b>Vote Outcome</b>	-

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



# Selected 2014 California Coastal Commission Hearing Agenda Items

## April

### AGENDA ITEM 17a&b

Los Angeles County Land Use  
Plan Amendment No. LCP-4-  
LAC-14-0108-4 (Santa Monica  
Mountains Land Use Plan)  
[APPROVED  
WITH MODIFICATIONS]



On April 10th, the Coastal Commission reviewed the Land Use Plan submitted by the County of Los Angeles for the unincorporated area of the Santa Monica Mountains (SMM) in the coastal zone. Without a certified LCP, the Commission had been left in the position of having to approve all development in this area for decades and was forced to rely on an outdated Land Use Plan that had been certified in 1986. This LUP was a product of collaboration between staffs of the Coastal Commission and County of LA. A key provision was the establishment of three levels of Sensitive Resource Areas. The highest level bars any residential or commercial development (unprecedented in the State until now), and creates a Resource Conservation Program to acquire land for permanent protection. This LUP, the first to be approved under the full oversight of Executive Director Lester, is a good example of a local policy update. The motion was carried unanimously.

Bochco	+
Cox	+
Groom	+
Garcia (Duclos)	+
Howell	+
Kinsey	+
McClure	+
Mitchell	+
Shallenberger	+
Turnbull-Sanders	+
Vargas	+
Zimmer	+
<b>Vote Outcome</b>	+

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

### AGENDA ITEM 22a

Application No. A-5-LOB-13-0246  
(Studio One Eleven, Long Beach)  
[DENIED]



On April 11th, the Commission unanimously denied a permit for the demolition of a 40-unit (low-moderate cost) motel for the construction of a seven level 72-room hotel and up to 33 residential condo units in Long Beach. The Commission responded to an appeal by a hotel workers union (Unite Here Local 11), who contended that the project would remove lower cost overnight accommodations provided by the motel. The union also successfully argued to the Commission that the approval of the project would support policy language that would threaten the continued existence of two additional low cost motels.

Bochco	+
Cox	+
Groom	+
Garcia	+
Howell	+
Kinsey	+
McClure	+
Mitchell	+
Shallenberger	+
Turnbull-Sanders	+
Vargas	+
Zimmer	+
<b>Vote Outcome</b>	+

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

# Selected 2014 California Coastal Commission Hearing Agenda Items

## May

### AGENDA ITEM 12a

Marin County LCP Amendment  
No. LCP-2-MAR-13-0224-1 Part A  
(Marin LUP Update)  
[APPROVED  
WITH MODIFICATIONS]



Bochco	-
Cox (Diaz)	-
Groom	-
Garcia (Duclos)	-
Howell	-
Kinsey	-
McClure	-
Mitchell	-
Shallenberger	-
Turnbull-Sanders	-
Vargas	-
Zimmer	-
<b>Vote Outcome</b>	-

The County of Marin proposed extensive changes to its existing Local Coastal Program (LCP) Land Use Plan (LUP). The LCP update presented at the hearing focused on several important local issues including agriculture, biological resources, Environmentally Sensitive Habitat Area (ESHA) protection, coastal hazards, water quality, public access, visual resources, community character, creation of a category for “intergenerational homes,” public participation, and the appeal process. The Commission voted unanimously to approve the County’s proposed LCP amendments. Everyone agreed that providing “intergenerational homes” for farmers was important. However, Commission staff and local activists strongly disagreed with County staff and did not believe that the County policies as proposed could legally require that occupants of new residential dwellings on agricultural lands be limited to those related to the landowner or engaged in a property’s agricultural operation. Activists further argued that by making such new residential development a ‘principally permitted use,’ the Commission would lose its existing appeal jurisdiction. They argued that a public hearing at the local level would be more difficult to obtain and that residents would lose their ability to appeal to the Coastal Commission for most development in most Coastal Zone areas.

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

### AGENDA ITEM 21a

Appeal No. A-4-STB-14-0016 (Carr,  
Santa Barbara Co.)  
[SUBSTANTIAL ISSUE FOUND  
de novo Hearing TO CONTINUE]



Bochco	+
Cox	+
Groom	+
Garcia (Duclos)	+
Howell	+
Kinsey	+
McClure	+
Mitchell	+
Shallenberger	+
Turnbull-Sanders	+
Vargas	
Zimmer	+
<b>Vote Outcome</b>	+

This was an appeal by Commissioners Zimmer and Bochco regarding the approval of a permit in the Hope Ranch area of Santa Barbara County. The property in question is a bluff-top estate with several pre-Coastal Act non-conforming structures including a cabana located in the middle of an eroding bluff. The prior owner had done extensive unpermitted work and was the subject of at least two open violations cases. The current owners, who were aware of the unpermitted work prior to purchase, applied to the County for a permit in 2009 for “as built” construction. The Commission voted unanimously to find Substantial Issue and assume jurisdiction over the permit. At a future de novo hearing, the Commission will consider all Coastal Act policies that apply to this permit.

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



# Selected 2014 California Coastal Commission Hearing Agenda Items

## JUNE

### AGENDA ITEM 12a

Application No. 6-13-0948 (Bannasch  
Living Trust, Solana Beach)  
[APPROVED  
WITH CONDITIONS]



Bochco	-
Cox (Diaz)	+
Groom	-
Garcia	
Howell	+
Kinsey	-
McClure	-
Mitchell	-
Shallenberger (Pestor)	+
Turnbull-Sanders	+
Vargas (Song)	+
Zimmer (Bowman)	-
<b>Vote Outcome</b>	-

The applicants in this case chose to rebuild their home in 1991 and place it within a 40-foot setback zone just 29 feet from the bluff edge. In exchange, they waived their right to a future seawall through a deed restriction but were allowed to maintain their sea cave notch fills. In this application, they requested permission to repair and expand the 5 existing sea cave fills with erodible concrete. The proposed expansions would cover 92 feet of previously unarmored bluff. The Commission voted 6-5 to approve the project with special conditions. One condition required the applicant test erodible concrete to prove it erodes before being utilized.

The most concerning aspect of this vote is how the project undermines the definition of “maintenance” under both the Coastal Act and Local Coastal Program. The project is considerably more than maintenance—expanding sea caves an additional 92 feet on unarmored bluff is the functional equivalent of building a new seawall which is barred by the deed restriction the homeowner agreed to in 1991. The Commission’s vote sets a poor precedent of “piecemealing expansion of sea cave fills” that technically function as a seawall and weakening the definitions of maintenance and development under the letter of the law.

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



# Selected 2014 California Coastal Commission Hearing Agenda Items

## July

### AGENDA ITEM 12a

Permit No. A 5-RPV-93-005-A21  
(Ocean Trails, LP, Ranchos Palos Verdes)  
[APPROVED  
WITH CONDITIONS]



Bochco	+
Cox	+
Groom	+
Garcia (Duclos)	+
Howell	+
Kinsey	+
McClure	+
Mitchell	+
Shallenberger	+
Turnbull-Sanders	+
Vargas	+
Zimmer	+
<b>Vote Outcome</b>	+

The application included a request to amend the current permit to reconfigure 26 residential lots and two golf course lots resulting in reduced residential density. As part of the changes to the original permit, the applicant also sought to gain retroactive approval of a 90-foot flagpole that had been illegally constructed 10 years ago as well as grading that had already been undertaken for the re-designed project.

There were two major permit issues that monopolized the Commission debate—the illegally constructed flagpole and the water quality management plan. The Commission voted unanimously to approve the permit, but only after urging the Applicant and the City to remove the flagpole from the current application and to go back and amend the Local Coastal Program (LCP) to include specific language allowing the flagpole to be over 26 feet. As it stands now, the LCP prohibits structures over 26 feet, and therefore the flagpole is in violation of the LCP. The Commission made important recommendations to the water quality management plan thereby making the permit requirements stronger.

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

### AGENDA ITEM 10

Cease and Desist Order No. CCC-14-  
CD-02 (McCarthy, Ontario Ridge,  
San Luis Obispo Co.)  
[APPROVED]



Bochco (Faustinos)	+
Cox	+
Groom	+
Garcia (Duclos)	+
Howell	+
Kinsey	+
McClure	+
Mitchell	+
Shallenberger	+
Turnbull-Sanders	+
Vargas	+
Zimmer	+
<b>Vote Outcome</b>	+

The Commission heard a Cease and Desist Order regarding illegal fencing, gates, and “no trespassing” signs blocking public access at Ontario Ridge Trail. This heavily visited hiking trail on the San Luis Obispo County coast has been used for over 50 years to access a popular beach cove and a county park. The Ontario Ridge Trail transverses a private property, yet the trail has “prescriptive rights” dating back to the 1960s. Currently there are only two ways to access the beach—either drive to the County Park lot, or hike along the Ontario Ridge Trail. The County of San Luis Obispo acquired two easements to facilitate public access and codify prescriptive rights. Some of the unpermitted fencing is located directly on the County easement. Despite the public’s clear right to utilize the trail, the fences are illegally keeping the public off the beach. The private landowners claimed they constructed the fences to improve public safety, but the entire Commission rejected the safety argument and unanimously directed the homeowners to remove all unpermitted fences, gates, and signs. The Commission largely based its decision on the fact that the fencing not only violates the Coastal Act, but also circumvents the Local Coastal Plan, since structures cannot obstruct views or impede access to tidelands.

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



# Selected 2014 California Coastal Commission Hearing Agenda Items

## August

### AGENDA ITEM 13a

Dispute Resolution No. 5-13-1233-  
EDD (Bay City Partners,  
LLC, Seal Beach)  
[NO OBJECTION TO  
CONCURRENCE]



Bochco	+
Cox	-
Groom	+
Garcia	
Howell	-
Kinsey	-
McClure	-
Mitchell	
Shallenberger	+
Turnbull-Sanders	+
Vargas (Sanders)	-
Zimmer	+
<b>Vote Outcome</b>	+

This vote was not based on the merits of the proposed project, but on whether the project application was complete. Commission Staff deemed the application incomplete and the Applicant appealed Staff's decision. While the Commission was not voting on the project itself, some Commissioners expressed concerns over the fact that the project requires a "land exchange" with the California State Lands Commission (SLC) and there is currently no official agreement in place.

The property in question is currently designated as "Visitor Serving/Commercial," yet the Applicant asserts that "visitor serving use" is not financially viable and requested the land designation be changed to residential. Over the past year, Commission Staff repeatedly requested additional information from the Applicant to no avail, including: (1) an approved land exchange from SLC concluding the public trust easement no longer exists where residential use is proposed; (2) "rate of return" analysis for the proposed residential project; and (3) a mitigation proposal for the loss of visitor-serving overnight accommodations. The application will continue to be considered incomplete as long as there is no agreement with SLC to eliminate the easement.

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

### AGENDA ITEM 12c

City of San Diego LCP Amendment  
No. LCP-6-LJS-14-0607-1  
(Children's Pool)  
[APPROVED]



Bochco	+
Cox	+
Groom	+
Garcia	+
Howell	+
Kinsey	+
McClure	+
Mitchell	+
Shallenberger	+
Turnbull-Sanders	+
Vargas	+
Zimmer	+
<b>Vote Outcome</b>	+

The City of San Diego sought to revise public access and marine resource protection policies in its Land Use Plan (LUP) to allow a seasonal closure at Children's Pool Beach in La Jolla during the Harbor Seal pupping season (from December 15 to May 15 of every year). During the five-month closure period, beach access would be prohibited. However the breakwater surrounding the beach area would remain open throughout the year. The Commission voted unanimously to approve the LCP amendment.

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

# Selected 2014 California Coastal Commission Hearing Agenda Items

## October

### AGENDA ITEM 12c

Application No. 6-14-1128 (Cabrillo Power I LLC, Carlsbad)  
[APPROVED WITH CONDITIONS]



Bochco	+
Cox	+
Groom	+
Howell	+
Kinsey	+
McClure	+
Mitchell	+
Shallenberger (Pestor)	+
Turnbull-Sanders	+
Vargas	+
Zimmer	+
<b>Vote Outcome</b>	+

Cabrillo Power, owner of the Encina power plant, submitted an application for a permit to dredge 500,000 cubic yards of sand from the bottom of the Agua Hedionda Lagoon and deposit the dredged sand on North, Middle, and South Beach in Carlsbad. Sand dredging has occurred around the Encina power plant for nearly 50 years. However, recently coastal advocates have become increasingly concerned about sand deposition impacting surf conditions. Locals also raised questions about the availability of alternative locations for depositing dredged sand according to locations' potential benefits from sand deposition. The application was approved with a new condition to Cabrillo Power's permit that will require Cabrillo Power to work with concerned citizens to identify alternative sand placement options prior to the next round of dredging and to develop monitoring plans to avoid surfing impacts.

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

### AGENDA ITEM 12b

Application No. 6-14-1033 (Hitzke Development Corporation, Solana Beach)  
[APPROVED WITH CONDITIONS]



Bochco	+
Cox	+
Groom	+
Howell	+
Kinsey	+
McClure	+
Mitchell	+
Shallenberger (Pestor)	+
Turnbull-Sanders	+
Vargas	+
Zimmer	+
<b>Vote Outcome</b>	+

The permit application was for construction of a mixed-use building including commercial office space, 10 low-income housing units, and improvements to parking, landscaping, and sidewalk. A few Commissioners reiterated the Commission's responsibility to support low-income housing where feasible. The Commission unanimously voted to approve the application. *Section 30604 (g) of the Coastal Act says: "The Legislature finds and declares that it is important for the commission to encourage the protection of existing and the provision of new affordable housing opportunities for persons of low and moderate income in the coastal zone."*

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



# Selected 2014 California Coastal Commission Hearing Agenda Items

## October

### AGENDA ITEM 10a

Application No. 5-13-0764  
(California State Parks and  
Recreation, Newport Beach)  
[APPROVED  
WITH CONDITIONS]



Bochco	+
Cox	-
Groom	+
Howell	+
Kinsey	+
McClure	-
Mitchell	+
Shallenberger (Pestor)	+
Turnbull-Sanders	-
Vargas	-
Zimmer	+
<b>Vote Outcome</b>	+

California State Parks proposed to remove an existing Interpretive Center from a parking lot at Crystal Cove State Park and build two new modular structures in an Environmentally Sensitive Habitat Area. The Commission voted to approve the project per staff's recommendation that the new structures be placed in the paved portion of the existing parking lot and outside of ESHA.

Environmentally Sensitive Habitat is that which is rare or especially valuable and which can be easily disturbed or degraded by human activity and development. The Coastal Act prohibits development within ESHA unless it is resource dependent. The construction of two new modular structures is not resource dependent and therefore could not be permitted.

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

## November

### AGENDA ITEM 16a

CD-0003-14 (U.S. Navy, Coronado)  
[APPROVED]



Bochco	+
Cox	-
Groom	+
Howell	-
Kinsey	-
McClure	-
Mitchell	-
Shallenberger (Pestor)	+
Turnbull-Sanders	-
Vargas	-
Zimmer	+
<b>Vote Outcome</b>	-

The US Navy proposed a major development consisting of 24 separate projects and 1.5 million square feet of new facilities to be constructed over a ten-year period at its Silver Strand Base in San Diego County. A split Commission voted to grant consistency to the Navy's project despite staff's contention that part of the project would be constructed in Environmentally Sensitive Habitat and concerns that the site was vulnerable to sea level rise and flooding.

Under the Coastal Act, development is not allowed in ESHA unless it is "resource dependent." The expansion of new Naval facilities is not "resource dependent" since the base has been successfully operating for decades without encroachment on ESHA land, and therefore should not have been permitted in ESHA. Further, the Navy refused to agree to a 'no new seawall' policy in the event that their projections were not sufficient to protect the facility from future sea level rise. Sadly, these issues did not convince the Commission that it should deny consistency.

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



CRESCENT CITY  
McClure

SAN RAFAEL  
Kinsey

CLEMENTS  
Shallenberger

REDWOOD CITY  
Groom

PISMO BEACH  
Howell

SANTA BARBARA  
Zimmer

VENTURA  
Brennan

STUDIO CITY  
Mitchell

LOS ANGELES

Bochco  
Turnbull-Sanders  
Vargas

LONG BEACH  
Garcia

SAN DIEGO  
Cox

Overall Ranking	Commissioner	Total Number of Votes Cast	Pro-Coast Votes	Absences	Conservation Vote Score
1	Brennan	2	2	0	100
2	Shallenberger	17	16	0	94
3	Garcia	11	10	2	91
4	Groom	17	14	0	82
5	Bochco	17	13	0	76
5	Zimmer	17	13	0	76
7	Turnbull-Sanders	15	11	0	73
8	Howell	15	10	0	67
9	Cox	17	11	0	65
9	Kinsey	17	11	0	65
11	Mitchell	16	10	1	63
12	McClure	17	10	0	59
13	Vargas	15	8	3	53



WILDCOAST  
COSTASALVAJE

Senate Appointments	81%
Assembly Appointments	70%
Governor Appointments	66%

