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STATE OF CALIFORNIA -- THE RESOURCES AGENCY GRAY DAVIS, *Governor*

CALIFORNIA COASTAL COMMISSION
SOUTH CENTRAL COAST AREA
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RECORD PACKET COPY

Filed:	02/04/02
49th Day:	03/25/02
180th Day:	08/03/02
Staff:	S. Haswell
Staff Report:	02/14/02
Hearing Date:	03/06/02

STAFF REPORT: APPEAL
SUBSTANTIAL ISSUE

LOCAL GOVERNMENT: County of Santa Barbara

LOCAL DECISION: Approval with Conditions

APPEAL NO.: A-4-STB-01-030

APPLICANT: Oly Chadmar General Partnership

AGENT: Mary Meaney Reichel, Tynan Group, Inc.

APPELLANTS: Santa Barbara County Urban Creeks Council; Citizens for Goleta Valley

PROJECT LOCATION: North side of Hollister Avenue (near its western terminus), west of Las Armas Road, and ¼ of a mile south of U.S. Highway 101 in the City of Goleta, Santa Barbara County.

PROJECT DESCRIPTION: Division of 14.46 acres into one parcel for condominium purposes and development of a 109 unit residential community with designated building footprints, private roads, approximately 77,958 cubic yards of excavation (cut) grading and 75,126 cubic yards of embankment (fill) grading, minimum front yard setbacks measuring five feet from the right of way (rather than the standard 20 feet), and uncovered studio unit parking, .8 acres of common open space, and approximately 3.2 acres of riparian, wetland, and grassland habitat to be restored, enhanced, and protected as open space.

SUBSTANTIVE FILE DOCUMENTS: County of Santa Barbara Local Coastal Program, Goleta Community Plan, Santa Barbara County Tentative TM (Tract Map) 14,541, and Development Plan 99-DP-051.

SUMMARY OF STAFF RECOMMENDATION: SUBSTANTIAL ISSUE EXISTS

Staff recommends that the Commission determine that a **substantial issue exists** with respect to the grounds on which the appeals have been filed with respect to the protection of native grasslands, riparian areas, and wetlands..

I. Appeal Jurisdiction

The project site is a 14.46 acres parcel located on the north side of Hollister Avenue, on the west side of Las Armas Road, and approximately ¼ of a mile south of U.S. Highway 101 in the City of Goleta (which incorporated on February 1, 2002), Santa Barbara County. The Post Local Coastal Program (LCP) Certification Permit and Appeal Jurisdiction map certified for the County of Santa Barbara (Adopted November 19, 1982 and revised on February 5, 2002) indicates that the appeal jurisdiction for this area extends 100 feet from each bank of Devereux Creek. In addition, Section 30603 of the Coastal Act states, in part, that an action taken by a local government on a coastal development permit application may be appealed to the commission if the development approved is within 100 feet of any wetland, estuary, or stream. Devereux Creek traverses the subject site from north to south and there are four wetlands that were identified on the parcel. As such, portions of the subject site are located within the appeal jurisdiction of the Commission.

The project includes, at a minimum, the following development within 100 feet of wetlands on the site and/or Devereux Creek: a) a pedestrian bridge across the creek and a pathway leading to and from the bridge; b) an irrigation system; c) approximately 10 single family residential structures; d) improvements to Hollister Avenue; and e) a new road identified as "Road C". The project also potentially includes grading within 100 feet of wetlands to provide the required removal and recompaction of soil within (at a minimum) five feet of the foundation of all structures. Because this development constitutes critical components of one integrated project, the entire project is appealable. Additionally, the project approved by the County includes a subdivision of 14.46 acres into one parcel for condominium purposes for the development of a 109 unit residential community. Because the subdivided property includes wetlands and areas within 100 feet of wetlands, and a creek and areas within 100 feet of a creek, the entire project is appealable to the Commission.

A. Appeal Procedures

The Coastal Act provides that after certification of Local Coastal Programs, a local government's actions on Coastal Development Permits in certain areas and for certain types of development may be appealed to the Coastal Commission. Local governments must provide notice to the Commission of its coastal permit actions. During a period of 10 working days following Commission receipt of a notice of local permit action for an appealable development, an appeal of the action may be filed with the Commission.

1. Appeal Areas

Under Section 30603 of the Coastal Act, development approved by a local government may be appealed to the Commission if they are located within the mapped appealable

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The project includes, at a minimum, the following development within 100 feet of wetlands on the site and/or Devereux Creek: a) a pedestrian bridge across the creek and a pathway leading to and from the bridge; b) an irrigation system; c) approximately 10 single family residential structures; d) improvements to Hollister Avenue; and e) a new road identified as "Road C". The project also potentially includes grading within 100 feet of wetlands to provide the required removal and recompaction of soil within (at a minimum) five feet of the foundation of all structures. Because this development constitutes critical components of one integrated project, the entire project is appealable. Additionally, the project approved by the County includes a subdivision of 14.46 acres into one parcel for condominium purposes for the development of a 109 unit residential community. Because the subdivided property includes wetlands and areas within 100 feet of wetlands, and a creek and areas within 100 feet of a creek, the entire project is appealable to the Commission.

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1. Appeal Areas

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areas, such as those located between the sea and the first public road paralleling the sea, within 300 feet of the inland extent of any beach or of the mean high-tide line of the sea where there is no beach, whichever is greater, on state tidelands, or along or within 100 feet of any wetland, estuary, or stream. Further, any development approved by a local County government that is not designated as a principal permitted use within a zoning district may also be appealed to the Commission, irrespective of its geographic location within the coastal zone. Finally, development that constitutes major public works or major energy facilities may also be appealed to the Commission.

2. Grounds for Appeal

The grounds for appeal of development approved by the local government and subject to appeal to the Commission shall be limited to an allegation that the development does not conform to the standards set forth in the certified Local Coastal Program or the public access policies set forth in Division 20 of the Public Resources Code (Section 30603[a][4] of the Coastal Act).

3. Substantial Issue Determination

Section 30625(b) of the Coastal Act requires the Commission to hear an appeal unless the Commission determines that no substantial issue exists with respect to the grounds on which the appeal was filed. When Commission staff recommends that a substantial issue exists with respect to the grounds of the appeal, substantial issue is deemed to exist unless three or more Commissioners wish to hear arguments and vote on substantial issue. If the Commission decides to hear arguments and vote on the substantial issue question, proponents and opponents will have three minutes per side to address whether the appeal raises a substantial issue. The only persons qualified to testify before the Commission at the substantial issue stage of the appeal process are the applicant, persons who opposed the application before the local government (or its representatives), and the local government. Testimony from other persons must be submitted in writing. It takes a majority of Commissioners present to find that substantial issue is raised by the appeal.

4. De Novo Review Hearing

If a substantial issue is found to exist, the Commission will consider the application de novo. The de novo permit may be considered by the Commission at the same time as the substantial issue hearing or at a later time. The applicable test for the Commission to consider in a de novo review of the project is whether the proposed development is in conformity with the certified Local Coastal Program and the public access and public recreation policies of the Coastal Act. If a de novo hearing is held, testimony may be taken from all interested persons.

In this case, if the Commission finds substantial issue, staff will prepare the de novo consideration staff report for the Commission's April, 2002 meeting.

B. Local Government Action and Filing of Appeal

On October 31, 2001, the County of Santa Barbara Planning Commission approved a Tentative TM (Tract Map) for the division of 14.46 acres into one parcel for condominium purposes and the development of a new 111 unit residential community (Tentative TM 14,541 and 99-DP-051). The County of Santa Barbara Planning Commission's decision was appealed to the County of Santa Barbara Board of Supervisors by Wanda Michalenko on behalf of the Santa Barbara County Urban Creeks Council and Diane Conn on behalf of the Citizens for Goleta Valley, which was represented by the Environmental Defense Center. The County of Santa Barbara Board of Supervisors approved a Tentative Tract Map (Tentative TM 14,541) to divide 14.46 acres into one parcel for condominium purposes and a Final Development Plan (99-DP-051) to develop 109 new residential units. Commission staff received a Notice of Final Action for the project on January 24, 2002 that incorrectly listed the project description. A corrected Notice of Final Action with the accurate project description was received by Commission staff on January 30, 2002. Following receipt of the corrected Notice of Final Action, a 10 working day appeal period was set and notice provided beginning January 31, 2002 and extending to February 14, 2002.

An appeal of the County's action was filed by Santa Barbara Urban Creeks Council, during the appeal period, on February 4, 2002 and the Environmental Defense Center on behalf of the Citizens for Goleta Valley, during the appeal period, on February 14, 2002. Commission staff notified the County, the applicant, and all interested parties that were listed on the appeals and requested that the County provide its administrative record for the approval of the project. The administrative record was received on February 13, 2002.

II. Staff Recommendation on Substantial Issue

MOTION: ***I move that the Commission determine that Appeal No. A-4-STB-02-030 raises NO substantial issue with respect to the grounds on which the appeals have been filed under Section 30603 of the Coastal Act.***

STAFF RECOMMENDATION:

Staff recommends a **NO** vote. Failure of this motion will result in a de novo hearing on the proposed development and adoption of the following resolution and findings. Passage of this motion will result in a finding of no substantial issue and the local

actions will become final and effective. The motion passes only by an affirmative vote of the majority of the appointed Commissioners present.

RESOLUTION TO FIND SUBSTANTIAL ISSUE:

The Commission hereby finds that Appeal A-4-STB-02-030 presents a substantial issue with respect to the grounds on which the appeals have been filed under Section 30603 of the Coastal Act regarding consistency with the Certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act.

III. Findings and Declarations for Substantial Issue

The Commission hereby finds and declares:

A. Project Description

The subject site is located north of Hollister Avenue, east of Las Armas Road, and ¼ mile south of U.S. Highway 101 in the City of Goleta, Santa Barbara County (Exhibit 1). The County's action approved a tentative tract map (Tentative TM 14,541) for the division of 14.46 acres into one parcel for condominium purposes and a final development plan (99-DP-051) for the development of a new 109 unit residential community. The County also approved approximately 77,958 cubic yards of excavation (cut) grading and 75,126 cubic yards of embankment (fill) as part of the approved development. Twenty percent (22 units) of the total number of residences would be affordable to lower, lower moderate, and upper moderate income households, pursuant to the County's Housing Element Inclusionary Program.

The local approval also allowed for minimum front yard setbacks measuring five feet from the right of way, rather than the standard 20 feet and uncovered studio unit parking. The project would include 87 housing units, including multiplex and detached units, and 22 affordable housing units, including a variety of unit types from studios to three bedroom units. The 22 affordable housing units would be subject to a 30-year resale restriction. The layout of the proposed new residential community consists of two distinct residential components on the site, one on the eastern side of Devereux Creek and one on the western side of Devereux Creek. Residences on the eastern portion would be accessible from Las Armas Road, while residences on the western portion would be accessible from Hollister Avenue. Internal common open space areas would consist of approximately .8 acres. In addition, approximately 3.2 acres of riparian, wetland, and grassland habitat would be restored, enhanced, and protected as open space pursuant to the County's approval.

B. Appellants' Contentions

The appeal filed by Santa Barbara Urban Creeks Council is attached as Exhibit 2. The appeal filed by the Environmental Defense Center (EDC) on behalf of the Citizens for Goleta Valley (CGV) is attached as Exhibit 3

The appeal filed by Santa Barbara Urban Creeks Council (SBUCC) contends that the approved project is not consistent with the County of Santa Barbara's certified Local Coastal Program (LCP) and that adverse impacts have not been mitigated to the maximum extent feasible. SBUCC states that the development is inconsistent with LCP policies regarding development within and buffers for environmentally sensitive habitat areas (ESHA), wetlands, and native grasslands. In addition, SBUCC also argues in its appeal that there was inadequate analysis and mitigation for proposed dewatering and rerouting of wetlands immediately upstream of Devereux Creek, where a California red-legged frog was documented in a survey. In addition, SBUCC also states that the site is known to be used by Monarch butterflies as an autumnal gathering area, for basking, and foraging and that the site is part of the larger Ellwood overwintering site for Monarch butterflies. The Ellwood site is located approximately ¼ mile south of the project site. As a result, SBUCC argues that in approving the removal and major thinning of on site Eucalyptus trees as part of this project, the County did not address the impact of that activity on the viability of Monarch butterfly habitat. SBUCC also states that aesthetic impacts were not adequately mitigated, particularly with respect to views of the project from Hollister Avenue, the "gateway of Goleta." Further, SBUCC argues that the project will only provide a private, narrow road with no on street parking and an inadequate number of parking spaces, which could result in adverse impacts on ESHA, the Santa Barbara Shores Nature Preserve, and nearby neighborhoods with on street parking. Finally, SBUCC also states in its appeal that the long-term management of ESHA and riparian areas may not be sufficient.

The appeal filed by EDC on behalf of CGV, likewise, contends that the County of Santa Barbara erred and abused its discretion in approving the project due to the fact that it is not consistent with the County's LCP or the Coastal Act. EDC argues in its appeal the project fails to protect native grasslands, coastal sage scrub, wetlands, and riparian ESHA, as required by the LCP, and that evidence in the record indicates that the project approved by the County includes development within these areas. Further, EDC states that the map of native grasses relied upon by the County in approving the development is inaccurate. EDC also sets forth in its appeal that there is insufficient buffer space (zero to 10 feet) between the approved project's development footprint and the native grassland ESHA, which will not prevent long term disruption to and loss of those grassland resources selected by the County for protection. In addition, EDC also argues that "Road B," approved under the project, is located within a recently identified coastal sage scrub habitat and its buffer along the northern property line of the parcel. Further, EDC states that the impacts and LCP policy consistency of the County's condition of approval (Condition 12) requiring the redirection of Devereux Creek back to its original course onsite (which EDC argues will remove flows from an existing riparian

ESHA) were not analyzed (see Exhibit 4 for the County's Conditions of Approval). In addition, EDC states that the although the County's conditions of approval state that no development shall occur within 100 feet of wetlands, installation of a sidewalk, curb, and gutters are required within two wetland buffers pursuant to the project. Furthermore, EDC also argues that the project violates LCP policies regarding public access to trails in creeks. Finally, EDC also states that the project is inconsistent with LCP policies regarding the availability of public services and infrastructure, such as schools and solid waste disposal, to serve the project.

C. Analysis of Substantial Issue

Pursuant to Sections 30603 and 30625 of the Coastal Act, the appropriate standard of review for the subject appeals is whether a substantial issue exists with respect to the grounds raised by the appellants relative to the project's conformity to the policies contained in the certified LCP or the public access policies of the Coastal Act. In this case, the appellants did not cite public access policies of the Coastal Act as a grounds for appeals. EDC, on behalf of CGV, did, however, argue that the project violates policies of the LCP with respect to public access to trails in creeks and the certified LCP incorporates the public access policies of the Coastal Act. Should the Commission find that a substantial issue exists with respect to the arguments made by the appellants, the public access policies of the Coastal Act would also be addressed in the de novo review of the project.

A substantial issue does exist with respect to the grounds on which the appeals have been filed for the specific reasons discussed below.

1. Environmentally Sensitive Habitat Areas/Native Grassland, Riparian, Wetland, Coastal Sage Scrub, and Monarch Butterfly Areas

a. Native Grasslands

SBUCC and EDC, on behalf of CGV, both argue in their appeals that the approved development is inconsistent with LCP policies regarding protection of environmentally sensitive habitat areas (ESHA) and native grasslands. In addition, the appeal filed by CGV contends that the County of Santa Barbara erred and abused its discretion in approving the project, since the development fails to protect and is located within native grasslands and ESHA. CGV argues that the map of native grasses relied upon by the County in approving the development is inaccurate and that the methodology used to define and identify areas of "native grassland" is flawed and contrary to the policies of the LCP. For example, CGV argues that native grass patches, such as purple needle grass and meadow barley, were mapped by the County as individual units when they actually represent portions of one contiguous native grassland habitat that should be

protected under the LCP. CGV argues that in order to be consistent with the policies of the LCP, the proposed development should not be located within areas of native grassland, including those areas identified by the County as native grassland and recognized by CGV's experts as native grassland areas.

In addition, CGV asserts that sufficient buffers are necessary to prevent significant destruction of the native grassland habitat and that in reviewing the subject development, the County approved an insufficient buffer space (zero to 10 feet) between the development footprint and the native grassland ESHA. CGV argues that this inadequate buffer will not protect the native grasslands from significant impacts and will not prevent long term disruption to and loss of the site's native grassland resources. CGV also assert that while it appears that most buffers between residences and areas of native grasslands selected for protection by the County will be 10 feet, grading and excavation will occur a minimum of five feet beyond the foundation footprints. CGV argues that grading and excavation are forms of development and that this development within the buffer will reduce the size and effectiveness of the approximate 10 foot buffer, perhaps eliminating it altogether. SBUCC also argues in its appeal that the buffers for protected native grasslands are inadequate, as approved by the County.

Further, CGV also asserts in its appeal that a habitat management plan should be prepared to protect the native grasslands from the surrounding development, including excavation, grading, soil compaction, invasion of non-native seeds, disruption by humans and pets, etc. In addition, CGV also argue that habitat management should be performed by an independent entity, rather than the homeowners' association, as allowed pursuant to the County's approval. CGV argues that homeowners' associations are not qualified to manage sensitive resources such as native grasslands. Likewise, SBUCC also argues in its appeal that the long-term management of ESHA areas is questionable and also raises the issue of a homeowners' association managing these resources.

The County's LCP states:

> ***At one time, native grassland communities covered much of California. However, overgrazing and competition with European weedy species introduced at the time of Spanish settlement have all but eliminated the native grasses from California. Twenty-six of these native grass species are listed as rare, endangered, or possibly extinct by the California Native Plant Society. Additionally, numerous wildflower species occur within the native grassland community. Wildflowers, because of their varying colors, add a unique visual resource to this habitat. The grassland community is sensitive to disturbance, particularly from cattle grazing. Disruption to this community increases its vulnerability to takeover by introduced species.***

The County's LCP also states:

> ***Natural ecological systems composed of native plant species serve many essential functions. They serve as wildlife habitats and provide nesting sites and feeding resources for many animals. Native plants, due to their adaptation to the local environment, use less water than most introduced species and contribute to the***

stabilization of soil on bluffs, hillsides, and watersheds. In addition, native plants are an integral component of the landscape that makes the Santa Barbara County coastal zone a visual resource of more than local importance. . . .

In addition, there are several policies in the County's LCP that relate to the protection of native vegetation, native grasslands, and ESHA.

Policy 2-11 states:

All development, including agriculture, adjacent to areas designated on the land use plan or resource maps as environmentally sensitive habitat areas, shall be regulated to avoid adverse impacts on habitat resources. Regulatory measures include, but are not limited to, setbacks, buffer zones, grading controls, noise restrictions, maintenance of natural vegetation, and control of runoff (emphasis added).

Policy 2-12 states:

The densities specified in the land use plan are maximums and shall be reduced if it is determined that such reduction is warranted by conditions specifically applicable to a site, such as topography, geologic or flood hazards, habitat areas, or steep slopes (emphasis added).

Policy 3-14 states:

All development shall be designed to fit the site topography, soils, geology, hydrology, and other existing conditions and be oriented so that grading and other site preparation is kept to an absolute minimum. Natural features, landforms, and native vegetation, such as trees, shall be preserved to the maximum extent feasible. . . . (emphasis added)

Policy 9-1 states:

Prior to the issuance of a development permit, all projects on parcels shown on the land use plan and/or resource maps with a Habitat Area overlay designation or within 250 feet of such designation or projects affecting an environmentally sensitive habitat area shall be found to be in conformity with the applicable habitat protection policies of the land use plan. All development plans, grading plans, etc., shall show the precise location of the habitat(s) potentially affected by the proposed project. . . .

Policy 9-18 states:

Development shall be sited and designed to protect native grassland areas.

Policy 9-36 states:

When sites are graded or developed, areas with significant amounts of native vegetation shall be preserved. All development shall be sited, designed, and constructed to minimize impacts of grading, paving, construction of roads or structures, runoff, and erosion on native vegetation. . . .

Policy BIO-GV-2 states:

> ***Environmentally Sensitive Habitat (ESH) areas and Riparian Corridors within the Goleta Planning Area shall be protected and, where feasible and appropriate, enhanced.***

DevStd BIO-GV-2.2 states:

> ***New development within 100 feet of an Environmentally Sensitive Habitat (ESH), shall be required to include setbacks or undeveloped buffer zones from these habitats consistent with those detailed in specific habitat protection policies as part of the proposed development except where setbacks or buffer zones would preclude reasonable use of the parcel. In determining the location, width and extent of setbacks and buffer zones, the Goleta Biological Resources Map and other available data shall be used (e.g., maps, studies, or observations). If the project would result in potential disturbance to the habitat, a restoration plan shall be required. When restoration is not feasible onsite, offsite restoration may be considered.***

Policy BIO-GV-3 states:

> ***Development within areas designated as ESH or Riparian Corridor shall comply with the applicable habitat protection policies.***

Policy BIO-GV-14 states:

> ***To the maximum extent feasible, areas of native grasslands shall be preserved.***

DevStd BIO-GV-14.1 states:

> ***To the maximum extent feasible, development shall avoid impacts to native grasslands that would isolate, interrupt, or cause a break in a contiguous habitat which would disrupt animal movement patterns, seed dispersal routes, or increase vulnerability of species to weed invasion or local extirpations such as fire, flooding disease, etc.***

DevStd BIO-GV-14.2 states:

> ***Impacts to native grasslands shall be minimized by providing a <u>minimum 10 foot buffer</u> vegetated with native species and by placing the project outside of the buffer rather than in or through the middle of the habitat area, except where such an action would preclude reasonable use of a parcel*** *(emphasis added).*

DevStd BIO-GV-14.3 states:

> ***Onsite mitigation such as revegetation, erosion and water quality protection, and other measures which would minimize the impact of development on native grasslands shall be included in the project design as necessary.***

Policy BIO-GV-15 states:

> ***Significant biological communities shall not be fragmented into small non-viable pocket areas by development.***

DevStd BIO-GV-15.2 states:

> ***The County shall require appropriate protective measures (e.g., fencing) where necessary to protect sensitive biological resources during construction.***

Policy BIO-GV-22 states:

> ***Where sensitive plant species and sensitive animal species are found pursuant to the review of a discretionary project, efforts shall be made to preserve the habitat in which they are located to the maximum extent feasible. For the purposes of this policy, sensitive plant species are those species which appear on a list in the County's list of locally rare, rare or endangered plants and the California Native Plant Society's* Inventory of Endangered Vascular Plants of California. *Sensitive animal species are defined as those animal species identified by the California Department of Fish and Game, the U.S. Fish and Wildlife Service and/or are listed in Tate's* The Audubon Blue List *(birds).***

Although the County required the preservation of some areas of designated native grasslands, the adequacy of a minimum 10 foot buffer from the edge of the approved adjacent residential structures raises a substantial issue with respect to the policies of the County's LCP. Further, the administrative record submitted by the County did not include any grading plan.

The Revised Conditions of Approval from the County state:

> ***Earth movement would be restricted within the common open space to that necessary for construction of the proposed pedestrian bridge and passive irrigation system components only. Rough site grading throughout the remainder of the site would include excavation and recompaction of the upper three feet of soil materials. Total grading quantities would approximate 77,958 cubic yards (c.y.) of excavation (cut) and 75,126 c.y. of embankment (fill).***

In addition, Condition 24 of the County's approval requires all grading and earthwork recommendations made by the applicant's engineer to be incorporated into the final project design and final grading plan. That condition states that those recommendations would include, but not be limited to requiring within the "footprint of proposed buildings and foundations, and extending to a minimum distance of 5 feet beyond the foundation footprint, soils should be overexcavated to a depth of 3 feet below existing grade, or 1 foot below bottom of foundation, whichever is deeper (emphasis added)." Although the engineer submitted a grading plan to Commission staff on February 4, 2002 with notes on the plans that state that there will be no grading within the wetland or grassland buffers and that if necessary the developer will modify the foundation design to prevent grading within the buffers, this was not a condition to the County's approval nor were these grading plans (or any grading plans) submitted to Commission staff as part of the administrative record. In addition, the grading plan that was submitted to Commission staff by the applicant's engineer does not list the amounts of grading correctly and does not show any limit lines of the grading on the site.

The site plan approved by the County that was part of the administrative record does not show the location of the proposed grading, but rather only the footprint of the residences. It is unclear from the site plans where the outer edge of the foundation of each residence would be located or where the extent of grading would be located. The County's conditions of approval, however, do require over excavation extending a minimum distance of five feet beyond the foundation footprint for each structure. Residences and roads are located on the approved site plan three to five feet from the 10 foot native grassland buffer established by the County. The County's approval does not ensure that all development, including grading, will occur outside of the native grasslands or their buffer areas on the site and does not ensure that the native grasslands on site will be protected. As approved by the County it appears that grading for overexcavation will occur within the required 10 foot buffer. In addition, the inconsistencies between statements, administrative record, and submitted plans raise a substantial issue with respect to the grading for the proposed development and protection of native grasslands and maintenance of an adequate buffer for the native grasslands.

Further, the appellants have questioned whether all native grassland and ESHA have been accurately identified and given the protection required by the LCP. CGV assert that the methodology used to map ESHA on the site excluded certain rare native grasslands and native grassland communities that, in fact, should be designated as ESHA. If certain areas of rare grassland that constitute ESHA have not been identified as ESHA and have not been protected from adverse impacts, this would be inconsistent with the LCP. If the mapping was inadequate, the methodology flawed, or development will be located in areas of native grassland, the project approved by the County could conflict with certain policies of the LCP, listed above. Further evaluation of the project and the resources at the site is necessary to determine whether the project is consistent with the ESHA policies of the LCP that apply to rare native grasslands. Therefore, there is a substantial issue regarding compliance with the ESHA policies of the LCP that has been raised.

In addition, although DevStd BIO-GV-14.2 requires impacts to native grasslands to be minimized by providing a minimum 10 foot buffer and by placing the project outside of the buffer, a 10 foot buffer is the minimum buffer that could be required. As noted, LCP policies BIO-GV-14 and BIO-GV-14.1 state that native grassland be preserved and that development avoid impacts to native grassland "to the maximum feasible extent." Depending on the characteristics of a particular site and the nature of an individual development proposal, this buffer may be increased pursuant to the LCP in order to ensure the long-term protection and preservation of native grasslands on a site. In reviewing the proposed project, John Allen, Ph.D., the California Coastal Commission's ecologist, believes that a 10 foot buffer is not adequate to preserve these areas of native grassland. Due to the intensity of the development proposed (109 residential units on a 14.46 acres parcel) and the fact that the development will completely surround the native grassland proposed to be protected, a 10 foot buffer will not be sufficient in the long-term to ensure the viability and survival of the grassland areas.

Furthermore, DevStd BIO-GV-2.2 states that in determining the location, width and extent of setbacks and buffer zones, available data shall be used such as maps, studies, and observations. The patches of native grasses on the subject site vary in size from 0.02 to 0.29 acres as currently mapped. Mapped patches of both purple needlegrass (*Nasella pulchra*) and meadow barley (*Hordeum brachyantherum*) occur on the site. In addition, individual plants have been mapped near and between the existing mapped patches of native grasslands. The applicant's biologists have maintained that these patches of native grasses are only remnants of true grassland communities with only two native plant species, and such they do not have high biological value. The applicant's biologist has maintained that the needlegrass recolonized the site after being extirpated by decades of forage crop production on the site. In the opinion of Jon Allen, Ph.D., Commission ecologist, while this is possible, the native grasses on the site may have survived the agricultural use because, like all grasses, they are adapted to mowing and herbivory (Exhibit 7). In addition they may have been preferentially favored along the firebreaks that roughly followed their current pattern, but they may have been there at low levels all through the agricultural use period both as seedbank and individual plants.

In the opinion of the Commission ecologist, this history on the site does not mean that the native grassland on site is not valuable or should not be protected. In fact, the very fact that they still persist at the subject site is a likely testament to their original prevalence and abundance on the site. Further, the extent of native plant species that may be present as seeds at this site in the soil seedbank is unknown. Additionally, if encouraged and managed as a native plant area, this grassland could function as an attractive educational example of native grassland species, as well as a source of seeds for other restorations.

Further, in the Commission ecologist's opinion, the critieria used for identifing diffferent categories of native grasses will effect the patch size and location in the mapping of the grassland plant areas at the subject site. These mapped patch type designations on the maps submitted by the applicant, for example, are:

1. >50% cover by purple needlegrass
2. 30-50% cover by purple needlegrass
3. 10-30% cover by purple needlegrass

It is the Commission ecologist's understanding and opinion that even less than 10 percent cover by needlegrass is considered rather significant. If the grass patches with more than 50 percent coverage were mapped this way (by including less than 30 percent and less than 10 percent around the edges), he strongly suspects that the current three native grassland patches across the middle of the site would increase in size and become even more contiguous than the current patches that are limited more than than 50 percent coverage. This is likely because even individual plants on the site are abundant in the spaces between these patches more than 50 percent cover. This methodology of mapping may lead to the conclusion that the grassland patches should

really be one contiguous area, and that the this whole area should be protected. In addition, it is his opinion that the patches in the southwest corner of the site that are designated as less than 30 percent cover by needlegrass should be protected as well.

It is the opinion of the Commission ecologist, that there is a significant biological issue concerning the grassland designations at the subject site. The project footprint will avoid patches that were mapped at more than 50 percent cover of purple needlegrass, but will not avoid other mapped areas of native grassland. In addition, he believes that a 10 foot buffer does not seem adequate based on the site characteristics and the development proposed. In his opinion, the footprints of some structures and roads are nearly on the buffer boundary, and this, combined with the small size of the native grasslands, does not provide an adequate setback to avoid invasion by non-native plants and other human disturbances.

As such, the approval by the County of the proposed development raises a substantial issue with respect to the policies of the LCP relating to protection of native grasslands and plant communities and adequate buffers and setbacks.

Furthermore, the County's approval lacks a long-term management plan and delegates the long-term management of native grassland areas to the homeowners' association. In addition, County staff submitted a letter dated February 11, 2002 to Commission staff stating that County staff is currently reviewing the Covenants, Conditions, and Restrictions (CCRs) for the proposed development in association with final map clearance applications (Exhibit 5). Although the County staff argue in this letter that financial assurance for the protection and continued restoration and maintenance of on-site resources in perpetuity will be established through the CCRs, the approved development did not provide for the long-term management and it appears that the County intends to retain the homeowners' association as the responsible party for such management.

As there is no long-term management plan required and no assurance that a homeowners' association would have the expertise or knowledge to effectively manage and maintain the viability of native grasslands, this also raises a substantial issue with respect to the native grassland protection policies of the LCP, as protection of those native grasslands is not ensured through the County's approval.

As a result, the County's approval raises a substantial issue with the LCP policies that require protection of native plant communities and grasslands and adequate buffers and setbacks, including Policies 2-11, 2-12, 3-14, 9-1, 9-18, 9-36, BIO-GV-2, DevStd BIO-GV-2.2, BIO-GV-3, BIO-GV-14, DevStd BIO-GV-14.1, DevStd BIO-GV-14.2, DevStd BIO-GV-14.3, BIO-GV-15, DevStd BIO-GV-15.2, and BIO-GV-22, listed above.

b. Riparian Habitat and Devereux Creek

The appeals filed by the appellants also contend that the approved project is not consistent with the County's LCP with respect to development within and buffers for ESHA. The appeal filed by CGV argues that the project fails to protect riparian ESHA, as required by the LCP, and that evidence in the record indicates that the project approved by the County includes development within these areas. Further, CGV states that the impacts and LCP policy consistency of the County's condition of approval (Condition 12) requiring the redirection of Devereux Creek back to its original course onsite (which CGV argues will remove flows from an existing riparian ESHA) were not analyzed. Furthermore, CGV also argues that the project violates LCP policies regarding public access to trails in creeks. In addition, SBUCC also argues in its appeal that there was inadequate analysis and mitigation for proposed dewatering and rerouting of wetlands immediately upstream of Devereux Creek, where a California red-legged frog was documented in a survey. Finally, SBUCC also states in its appeal that the long-term management of ESHA and riparian areas may not be sufficient under the County's approval and is inconsistent with the policies of the LCP.

There are several policies in the County's LCP that relate to the protection of streams and riparian ESHA.

Policy 2-11 states:

> ***All development, including agriculture, adjacent to areas designated on the land use plan or resource maps as environmentally sensitive habitat areas, shall be regulated to avoid adverse impacts on habitat resources. Regulatory measures include, but are not limited to, setbacks, buffer zones, grading controls, noise restrictions, maintenance of natural vegetation, and control of runoff*** (emphasis added).

Policy 2-12 states:

> ***The densities specified in the land use plan are maximums and shall be reduced if it is determined that such reduction is warranted by conditions specifically applicable to a site, such as topography, geologic or flood hazards, habitat areas, or steep slopes.***

Policy 3-14 states:

> ***All development shall be designed to fit the site topography, soils, geology, hydrology, and other existing conditions and be oriented so that grading and other site preparation is kept to an absolute minimum. Natural features, landforms, and native vegetation, such as trees, shall be preserved to the maximum extent feasible. . . .***

Policy 9-1 states:

> ***Prior to the issuance of a development permit, all projects on parcels shown on the land use plan and/or resource maps with a Habitat Area overlay designation or within 250 feet of such designation or projects affecting an environmentally sensitive habitat area shall be found to be in conformity with the applicable habitat protection policies of the land***

use plan. All development plans, grading plans, etc., shall show the precise location of the habitat(s) potentially affected by the proposed project. . . .

Policy 9-36 states:

When sites are graded or developed, areas with significant amounts of native vegetation shall be preserved. All development shall be sited, designed, and constructed to minimize impacts of grading, paving, construction of roads or structures, runoff, and erosion on native vegetation. . . .

Policy 9-37 states:

The minimum buffer strip for major streams in rural areas, as defined by the land use plan, shall be presumptively 100 feet, and for streams in urban areas, 50 feet. These minimum buffers may be adjusted upward or downward on a case-by-case basis. The buffer shall be established based on an investigation of the following factors and after consultation with the Department of Fish and Game and Regional Water Quality Control Board in order to protect the biological productivity and water quality of streams:

a. soil type and stability of stream corridors;
b. how surface water filters into the ground;
c. slope of the land on either side of the stream; and
d. location of the 100-year flood plain boundary.

Riparian vegetation shall be protected and shall be included in the buffer. Where riparian vegetation has previously been removed, except for channelization, the buffer shall allow for the reestablishment of riparian vegetation to its prior extent to the greatest degree possible.

Policy 9-38 states:

No structures shall be located within the stream corridor except: public trails, dams for necessary water supply projects, flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development; and other development where the primary function is for the improvement of fish and wildlife habitat. Culverts, fences, pipelines, and bridges (when support structures are located outside the critical habitat) may be permitted when no alternative route/location is feasible. All development shall incorporate the best mitigation measures available.

Policy 9-40 states:

All development, including dredging, filling, and grading within stream corridors, shall be limited to activities necessary for the construction of uses specified in Policy 9-38. When such activities require removal of riparian plant species, revegetation with local native plants shall be required except where undesirable for flood control purposes. Minor clearing of vegetation for hiking, biking, and equestrian trails shall be permitted.

Policy BIO-GV-2 states:

Environmentally Sensitive Habitat (ESH) areas and Riparian Corridors within the Goleta Planning Area shall be protected and, where feasible and appropriate, enhanced.

DevStd BIO-GV-2.2 states:

> ***New development within 100 feet of an Environmentally Sensitive Habitat (ESH), shall be required to include setbacks or undeveloped buffer zones from these habitats consistent with those detailed in specific habitat protection policies as part of the proposed development except where setbacks or buffer zones would preclude reasonable use of the parcel. In determining the location, width and extent of setbacks and buffer zones, the Goleta Biological Resources Map and other available data shall be used (e.g., maps, studies, or observations). If the project would result in potential disturbance to the habitat, a restoration plan shall be required. When restoration is not feasible onsite, offsite restoration may be considered.***

Policy BIO-GV-3 states:

> ***Development within areas designated as ESH or Riparian Corridor shall comply with the applicable habitat protection policies.***

DevStd BIO-GV-15.2 states:

> ***The County shall require appropriate protective measures (e.g., fencing) where necessary to protect sensitive biological resources during construction.***

Policy BIO-GV-22 states:

> ***Where sensitive plant species and sensitive animal species are found pursuant to the review of a discretionary project, efforts shall be made to preserve the habitat in which they are located to the maximum extent feasible. For the purposes of this policy, sensitive plant species are those species which appear on a list in the County's list of locally rare, rare or endangered plants and the California Native Plant Society's* Inventory of Endangered Vascular Plants of California. *Sensitive animal species are defined as those animal species identified by the California Department of Fish and Game, the U.S. Fish and Wildlife Service and/or are listed in Tate's* The Audubon Blue List *(birds).***

In addition, the *Goleta Community Plan Area, Southern Section Environmentally Sensitive Habitats and Riparian Corridor Protection Overlays* map, which was certified by the Commission, illustrates the subject site with Devereux Creek passing through from north to south. Additionally, the subject site is located within the urban boundary, thereby requiring a minimum 50 foot buffer strip from Devereux Creek, pursuant to Policy 9-37, listed above.

Although the County required 50 foot buffers from the actual development footprints proposed, the adequacy of a minimum 50 foot buffer from the edge of the approved adjacent residential structures and accessory structures raises a substantial issue with respect to the policies of the County's LCP. Furthermore, as stated previously, the administrative record submitted by the County did not include any grading plan.

In addition, as stated above, the Revised Conditions of Approval from the County state:

> ***Earth movement would be restricted within the common open space to that necessary for construction of the proposed pedestrian bridge and passive irrigation system components only. Rough site grading throughout the remainder of the site would include excavation and recompaction of the upper three feet of soil materials. Total grading quantities would approximate 77,958 cubic yards (c.y.) of excavation (cut) and 75,126 c.y. of embankment (fill).***

Further, as stated previously, Condition 24 of the County's approval requires all grading and earthwork recommendations made by the applicant's engineer to be incorporated into the final project design and final grading plan. That condition states that those recommendations would include, but not be limited to requiring within the "footprint of proposed buildings and foundations, and extending to a minimum distance of 5 feet beyond the foundation footprint, soils should be overexcavated to a depth of 3 feet below existing grade, or 1 foot below bottom of foundation, whichever is deeper (emphasis added)."

Although the engineer submitted a grading plan to Commission staff on February 4, 2002 with notes on the plans that state that there will be no grading within the wetland or grassland buffers and that if necessary the developer will modify the foundation design to prevent grading within the buffers, this was not a condition to the County's approval nor were these grading plans (or any grading plans) submitted to Commission staff as part of the administrative record. Conditions of approval for the project, however, require final and revised grading plans to be submitted (i.e., Conditions 20 and 24). Further, even those grading plans submitted directly to Commission staff by the applicant's engineer on February 4, 2002 do not indicate that there will be no grading within the buffer from Devereux Creek for residential development or accessory structures. The grading plan submitted to Commission staff by the applicant's engineer does not list the amounts of grading correctly and does not show any limit lines of the grading on the site. Other portions of the County's Conditions of Approval state that earth movement would be "restricted to the common open space to that necessary for construction of the proposed pedestrian bridge and passive irrigation system components only." In addition, in a letter dated February 11, 2002, from County staff to Commission staff, the County states that no grading "except that necessary to enhance the flood control characteristics and water quality functions of on-site resources, will occur" within designated open space easements (Exhibit 5). In addition, the plans (Sheet 4 of 4 of the Tract Map Plan) submitted by the County as part of the administrative record appear to show what appears to be a fire department turn around or road within this easement area intended to protect the riparian ESHA.

Despite these assurances, the administrative record received by Commission staff and the conditions of approval do not assure that there will be no grading within the 50 foot buffer from Devereux Creek for the residential development. In addition, although the County staff state in the above-referenced letter that there will only be grading within the creek to enhance flood control characteristics and water quality functions, the LCP

requires the development to be designed with setbacks that take the flooding into account. With no grading plan, it is unclear what amount of grading was approved within the creek and buffer area and what amount is for flood protection for the proposed development, enhancement of the biological qualities of the creek, construction of the proposed pedestrian bridge, or installation of the irrigation system.

The site plan approved by the County that was part of the administrative record does not show the location of the proposed grading, but rather only the footprint of the residences. It is unclear from the site plans where the outer edge of the foundation of each residence would be located or where the extent of grading would be located. The County's conditions of approval, however, do require overexcavation extending a minimum distance of five feet beyond the foundation footprint for each structure. Residences and roads are located on the approved site plan three to five feet from the 50 foot creek buffer established by the County. The County's approval does not ensure that all development, including grading, will occur outside of the riparian areas or the riparian buffer areas on the site and does not ensure that the riparian areas on site will be protected. In addition, the inconsistencies between the administrative record, submitted plans, and statements and letters from the County raise a substantial issue with the County's LCP policies on stream protection and riparian ESHA with respect to the grading for the proposed development, construction of development within the 50 foot setback area, and protection of the riparian ESHA and maintenance of the 50 foot setback area from Devereux Creek.

Further, CGV also argue that the County failed to map and identify potential harm to ESHA within 250 feet of the project site, as required by LCP Policy 9-1. In particular, CGV asserts that the County's analysis should have identified impacts to the existing creek and riparian area immediately north of the subject site which could be impacted by the County's condition of approval requiring the applicant to coordinate with Union Pacific Railroad (UPRR) to redirect the northern portion of Devereux Creek off site. Condition 12, required by the County approval states, in part:

> ***The applicant submit a [revised] Vegetation Enhancement Plan for Devereux Creek . . . In addition the plan shall specifically provide for prospective redirection of the Creek from its current course along the UPRR tracks back to the original Devereux Creek channel crossing the property. This would potentially require excavation of the channel invert to remove accumulated sediment and to restore appropriate elevations. It may also require contributing to the design and construction of a structural solution to ensure continued flow across the UPRR and onto the project property in cooperation with UPRR. . . . The applicant shall provide documentation of coordination efforts with UPRR in respect to UPRR's redirection of the Creek from its current course along the UPRR tracks back to the Devereux Creek channel crossing the property.***

The appellants argue in the appeals that there was inadequate analysis and mitigation by the County in its approval of the development for proposed rerouting of Devereux Creek's flow from the UPRR site to the subject site. In particular, CGV argue the analysis should have identified impacts to the existing creek and riparian corridor just north of the project site. Further, SBUCC also argues that the County failed to provide

adequate analysis and mitigation for the proposed dewatering and rerouting of wetlands immediately upstream of Devereux Creek, where a California red-legged frog (RLF) was documented in a survey. CGV also argues in its appeal that the newly identified RLF and aquatic habitat immediately to the north of the project site could be adversely affected by the project and potential impacts have not been adequately analyzed or mitigated through the County's approval. CGV argue, specifically, that the specific project impacts could include the loss of open land for frog dispersal from nearby source populations to other aquatic habitats east of the project site, creation of an attractive nuisance by redirecting flows to Devereux Creek on the project site, impacts to the existing riparian corridor and potential frog dispersal path north of the project site (which will be dewatered under Condition 12 of the County's approval, and increase in human disturbance impacts and predation by raccoons which would increase due to development of the site, at the pond where the RLF was discovered in September, 2001. Therefore, the appellants argue that the County's approval was inconsistent with the resource protection policies of the LCP as it did not adequately assess potential impacts to RLF or RLF habitat.

Due to the uncertainty regarding compliance with the condition of approval, lack of plans, failure to calculate grading amounts, and uncertainty regarding the potential method of rerouting, there is a substantial question regarding whether rerouting of Devereux Creek may be done without adversely impacting the riparian ESHA or RLF or RLF habitat. Therefore, there is a substantial issue regarding whether the project complies with LCP policies that prohibit adverse impacts to ESHA, including sensitive species, such as the RLF.

Furthermore, as stated previously, the County's approval lacks a long-term management plan and delegates the long-term management of the riparian ESHA areas to the homeowners' association. In addition, County staff submitted a letter dated February 11, 2002 to Commission staff stating that County staff is currently reviewing the Covenants, Conditions, and Restrictions (CCRs) for the proposed development in association with final map clearance applications (Exhibit 5). Although the County staff argue in this letter that financial assurance for the protection and continued restoration and maintenance of on-site resources in perpetuity will be established through the CCRs, the approved development did not provide for the long-term management and it appears that the County intends to retain the homeowners' association as the responsible party for such management.

As there is no long-term management plan required and no assurance that a homeowners' association would have the expertise or knowledge to effectively manage and maintain the viability of the riparian ESHA, this also raises a substantial issue with respect to the stream and ESHA protection policies of the LCP, as protection of those resources is not ensured through the County's approval.

As a result, the County's approval raises a substantial issue with the LCP policies that require protection of streams and riparian ESHA with adequate setbacks, including

Policies 2-11, 2-12, 3-14, 9-1, 9-36, 9-37, 9-40, BIO-GV-2, DevStd BIO-GV-2.2, BIO-GV-3, DevStd BIO-GV-15.2, and BIO-GV-22, listed above.

c. Wetlands

The appeals filed by the appellants also contend that the approved project is not consistent with the County's LCP with respect to development within and buffers for wetlands. The appeal filed by SBUCC argues that the wetland buffers for the proposed development are not adequate and that inappropriate development was approved by the County within the buffers. Likewise, CGV argue in its appeal that although the County's Condition 96 of approval requires that no development will be located within the 100 foot buffer required under the LCP from wetlands, Condition 77 of approval requires that the applicant install a curb, gutter, and a sidewalk along the north side of Hollister Avenue and pay its "fair share" to widen Hollister Avenue. CGV argues that Condition 77 would require development within the 100 foot buffer for two wetlands on the subject site. Although CGV states that at the Board of Supervisors' hearing on January 15, 2002, the Roads Division of Santa Barbara County stated that a boardwalk or decomposed granite sidewalk would be acceptable in the wetland buffer, CGV argues that this development within the 100 foot wetland buffer would still not comply with the policies of the LCP. In addition, CGV also argues that the approved project fails to require restoration of one of the four wetlands identified on the subject site, in contradiction with the LCP, which requires that wetlands that have been degraded be restored to the maximum extent feasible. Finally, SBUCC also states in its appeal that the long-term management of ESHA areas may not be sufficient under the County's approval and is inconsistent with the policies of the LCP.

The County's LCP states:

> ***Wetlands, and their associated biotas (marshes, swamps, lagoons and sloughs) are extremely fertile and productive environments. They act as nurseries for many aquatic species and serve as feeding and nesting areas for many waterfowl including rare and endangered species. Tidal flushing from the ocean and nutrient rich freshwater runoff mix to form a delicate balance that maintains the productivity of these environments. Eighty to ninety percent of the State's shorebirds utilize wetland habitats while in California (Fish and Game, 12971). Furthermore, six endangered and one rare species are dependent on the coastal wetlands. . . . Loss of 60 to 70 percent of California's wetland acreage since 1900 to development, dredging, and siltation underscores the need to protect remaining wetland habitats. Development activities in upland watersheds and stream alteration pose the greatest threats to continued viability of wetland habitats due to toxic runoff and siltation. Direct impacts include dredging, mosquito abatement practices, and flood control projects. . . .***

In addition to the general LCP policies listed previously that would also apply to wetlands, there are several specific policies in the County's LCP relating to the protection of wetlands, buffers from wetlands, and environmentally sensitive habitat areas such as wetlands.

Policy 2-11 states:

> ***All development, including agriculture, adjacent to areas designated on the land use plan or resource maps as environmentally sensitive habitat areas, shall be regulated to avoid adverse impacts on habitat resources. Regulatory measures include, but are not limited to, setbacks, buffer zones, grading controls, noise restrictions, maintenance of natural vegetation, and control of runoff*** (emphasis added).

Policy 2-12 states:

> ***The densities specified in the land use plan are maximums and shall be reduced if it is determined that such reduction is warranted by conditions specifically applicable to a site, such as topography, geologic or flood hazards, habitat areas, or steep slopes.***

Policy 3-14 states:

> ***All development shall be designed to fit the site topography, soils, geology, hydrology, and other existing conditions and be oriented so that grading and other site preparation is kept to an absolute minimum. Natural features, landforms, and native vegetation, such as trees, shall be preserved to the maximum extent feasible. . . .***

Policy 9-1 states:

> ***Prior to the issuance of a development permit, all projects on parcels shown on the land use plan and/or resource maps with a Habitat Area overlay designation or within 250 feet of such designation or projects affecting an environmentally sensitive habitat area shall be found to be in conformity with the applicable habitat protection policies of the land use plan. All development plans, grading plans, etc., shall show the precise location of the habitat(s) potentially affected by the proposed project. . . .***

Policy 9-9 states:

> ***A buffer strip, a minimum of 100 feet in width, shall be maintained in natural condition along the periphery of all wetlands. No permanent structures shall be permitted within the wetland or buffer area except structures of a minor nature, i.e., fences, or structures necessary to support the uses in Policy 9-10.***
>
> ***The upland limit of a wetland shall be defined as: 1) the boundary between land with predominantly mesophytic or xerophytic cover; or 2) the boundary between soil that is predominantly hydric and soil that is predominantly hydric and soil that is predominantly nonhydric; or 3) in the case of wetlands without vegetation or soils, the boundary between land that is flooded or saturated at some time during years of normal precipitation and land that is not.***
>
> ***Where feasible, the outer boundary of the wetland buffer zone should be established at prominent and essentially permanent topographic or manmade features (such as bluffs, roads, etc.). In no case, however, shall such a boundary be closer than 100 feet from the upland extent of the wetland area, nor provide for a lesser degree of environmental protection than that otherwise required by the plan. The boundary definition shall not be construed to prohibit public trails within 100 feet of a wetland.***

Policy 9-14 states:

> ***New development adjacent to or in close proximity to wetlands shall be compatible with the continuance of the habitat area and shall not result in a reduction in the biological productivity or water quality of the wetland due to runoff (carrying additional sediment or contaminants), noise, thermal pollution, or other disturbances.***

Policy 9-36 states:

> ***When sites are graded or developed, areas with significant amounts of native vegetation shall be preserved. All development shall be sited, designed, and constructed to minimize impacts of grading, paving, construction of roads or structures, runoff, and erosion on native vegetation. . . .***

Policy BIO-GV-2 states:

> ***Environmentally Sensitive Habitat (ESH) areas and Riparian Corridors within the Goleta Planning Area shall be protected and, where feasible and appropriate, enhanced.***

DevStd BIO-GV-2.2 states:

> ***New development within 100 feet of an Environmentally Sensitive Habitat (ESH), shall be required to include setbacks or undeveloped buffer zones from these habitats consistent with those detailed in specific habitat protection policies as part of the proposed development except where setbacks or buffer zones would preclude reasonable use of the parcel. In determining the location, width and extent of setbacks and buffer zones, the Goleta Biological Resources Map and other available data shall be used (e.g., maps, studies, or observations). If the project would result in potential disturbance to the habitat, a restoration plan shall be required. When restoration is not feasible onsite, offsite restoration may be considered.***

Policy BIO-GV-3 states:

> ***Development within areas designated as ESH or Riparian Corridor shall comply with the applicable habitat protection policies.***

Policy BIO-GV-11 states:

> ***Wetland areas and surrounding habitats that have been damaged by pollution and artificial stream channelization shall be restored to their natural condition to the maximum extent feasible.***

DevStd BIO-GV-15.2 states:

> ***The County shall require appropriate protective measures (e.g., fencing) where necessary to protect sensitive biological resources during construction.***

Policy BIO-GV-22 states:

> ***Where sensitive plant species and sensitive animal species are found pursuant to the review of a discretionary project, efforts shall be made to preserve the habitat in which they are located to the maximum extent feasible. For the purposes of this policy, sensitive plant species are those species which appear on a list in the County's list of locally rare, rare or endangered plants and the California Native Plant Society's*** **Inventory of Endangered Vascular Plants of California.** ***Sensitive animal species are defined as those animal species identified by the California Department of Fish and Game, the U.S. Fish and Wildlife Service and/or are listed in Tate's*** **The Audubon Blue List** ***(birds).***

Although the County required the minimum 100 foot buffers from the actual development footprints proposed and the four identified wetlands on the subject site, the adequacy of the minimum 100 foot buffer from the edge of the approved adjacent residential structures and accessory structures raises a substantial issue with respect to the policies of the County's LCP. Furthermore, as stated previously, the administrative record submitted by the County did not include any grading plan.

In addition, as stated above, the Revised Conditions of Approval from the County state:

> ***Earth movement would be restricted within the common open space to that necessary for construction of the proposed pedestrian bridge and passive irrigation system components only. Rough site grading throughout the remainder of the site would include excavation and recompaction of the upper three feet of soil materials. Total grading quantities would approximate 77,958 cubic yards (c.y.) of excavation (cut) and 75,126 c.y. of embankment (fill).***

Further, as stated previously, Condition 24 of the County's approval requires all grading and earthwork recommendations made by the applicant's engineer to be incorporated into the final project design and final grading plan. That condition states that those recommendations would include, but not be limited to requiring within the "footprint of proposed buildings and foundations, and extending to a minimum distance of 5 feet beyond the foundation footprint, soils should be overexcavated to a depth of 3 feet below existing grade, or 1 foot below bottom of foundation, whichever is deeper (emphasis added)."

Although the engineer submitted a grading plan to Commission staff on February 4, 2002 with notes on the plans that state that there will be no grading within the wetland or grassland buffers and that if necessary the developer will modify the foundation design to prevent grading within the buffers, this was not a condition to the County's approval nor were these grading plans (or any grading plans) submitted to Commission staff as part of the administrative record. Conditions of approval for the project, however, require final and revised grading plans to be submitted (i.e., Conditions 20 and 24). The grading plan submitted to Commission staff by the applicant's engineer does not list the amounts of grading correctly and does not show any limit lines of the grading on the site. In addition, in a letter dated February 11, 2002, from County staff to Commission staff, the County states that no grading "except that necessary to enhance

the flood control characteristics and water quality functions of on-site resources, will occur" within designated open space easements (Exhibit 5).

Despite these assurances, neither the administrative record received by Commission staff nor the conditions of approval assure that there will be no grading within the 100 foot buffers from the four wetlands identified on the subject site for residential development or accessory structures. In addition, County staff states in the above-referenced letter that there will only be grading within open space easements to enhance flood control characteristics and water quality functions. The four wetlands identified on the subject site are designated as open space easements. With no grading plan submitted as part of the administrative record, however, it is unclear whether any grading will occur within any of the wetlands or their prescribed buffers.

The site plan approved by the County that was part of the administrative record does not show the location of the proposed grading, but rather only the footprint of the residences. It is unclear from the site plans where the outer edge of the foundation of each residence would be located or where the extent of grading would be located. The County's conditions of approval, however, do require overexcavation extending a minimum distance of five feet beyond the foundation footprint for each structure. Residences and roads are located on the approved site plan three to five feet from the 100 foot wetland buffer. The County's approval does not ensure that all development, including grading, will occur outside of the wetlands and their buffer areas on the site and does not, therefore, ensure that the wetlands on site will be protected. In addition, the inconsistencies between the administrative record, submitted plans, and statements and letters from the County raise a substantial issue with the County's LCP policies on wetland protection and buffers for the proposed development.

Further, it appears that there may be widening of Hollister Avenue and the construction of curbs, gutters, and sidewalks within the 100 foot setbacks of two identified wetlands. Condition of Approval 77 requires compliance with the Road Division (Public Works) departmental letter dated January 23, 2002. That letter from the Road Division states:

> ***Prior to Final Map recordation, applicant shall engineer and post a security for the construction of frontage improvements along the project frontage on Hollister Avenue designed to the satisfaction of the County Traffic Engineer and County Council to include curb, gutter, and sidewalk. . . . Construction of these improvements shall be completed prior to occupancy.***

In response to this concern, in the letter to Commission staff dated February 11, 2002, County staff states that "it is unclear at present exactly where facilities would best be located" and that in the "event that public sidewalks are required along the project site's Hollister Avenue frontage, requirements for appropriate construction techniques and materials would ensure consistency with Coastal Plan policies 9-9 and 9-10, which allow for development, with appropriate mitigation, of facilities for purposes of light recreation, including walking, through ESH buffers." As Condition of Approval 77 requires compliance with the Road Division (Public Works) departmental letter dated

January 23, 2002, and it remains unclear as to how these issues will be addressed. Due to the uncertainty regarding compliance with the condition of approval, lack of plans, and uncertainty regarding the improvements to Hollister Avenue relating to the proposed development, a substantial issue is raised as to whether the project approved by the County complies with the LCP policies regarding wetlands.

It also remains unclear as to whether a substantial issue is raised with respect to CGV's argument that the County should have required the applicant to restore one of the wetlands on site. Condition 12 of the County's approval does require a revised vegetation enhancement plan adjacent wetland habitat.

As stated previously, however, the County's approval lacks a long-term management plan and delegates the long-term management of the wetlands and wetland buffer areas to the homeowners' association. In addition, County staff submitted a letter dated February 11, 2002 to Commission staff stating that County staff is currently reviewing the Covenants, Conditions, and Restrictions (CCRs) for the proposed development in association with final map clearance applications (Exhibit 5). Although the County staff argue in this letter that financial assurance for the protection and continued restoration and maintenance of on-site resources in perpetuity will be established through the CCRs, the approved development did not provide for the long-term management and it appears that the County intends to retain the homeowners' association as the responsible party for such management.

As there is no long-term management plan required and no assurance that a homeowners' association would have the expertise or knowledge to effectively manage and maintain the viability of the wetland and buffer areas, this also raises a substantial issue with respect to the wetland protection policies of the LCP, as protection of those resources is not ensured through the County's approval.

As a result, the County's approval raises a substantial issue with the LCP policies that require protection of wetlands with adequate buffers, including Policies 2-11, 2-12, 3-14, 9-1, 9-9, 9-14, 9-36, BIO-GV-2, DevStd BIO-GV-2.2, BIO-GV-3, BIO-GV-11, DevStd BIO-GV-15.2, and BIO-GV-22, listed above.

d. Coastal Sage Scrub

The appeal filed by CGV also argues that the County erred and abused its discretion in approving the project, as the project fails to protect coastal sage scrub on the subject site as required by the County's LCP. CGV states that "Road B," approved under the project by the County, is located within a recently identified coastal sage scrub habitat and its buffer along the northern property line of the parcel.

In addition to the resource protection policies previously cited under the section regarding native grasslands, above, the County's LCP contains specific provisions relating to coastal sage scrub.

Policy BIO-GV-13 states:

> ***Areas of one or more acres of coastal sage scrub shall be preserved to the maximum extent feasible, consistent with reasonable use of a parcel.***

DevStd BIO-GV-13.1 states:

> ***To the maximum extent feasible, development shall avoid impacts to coastal sage scrub that would isolate, interrupt, or cause a break in a contiguous habitat which would disrupt animal movement patterns, seed dispersal routes, or increase vulnerability of species to weed invasion or local extirpations such as fire, flooding, disease, etc.***

DevStd BIO-GV-13.2 states:

> ***Impacts to coastal sage scrub shall be minimized by providing a minimum 10 foot buffer vegetated with native species and by placing the project outside of the buffer rather than in or through the middle of the habitat area, except where such an action would preclude reasonable use of a parcel.***

DevStd BIO-GV-13.3 states:

> ***Onsite mitigation such as revegetation, erosion and water quality protection, and other measures which would minimize the impact of development on coastal sage scrub shall be included in the project design as necessary.***

Although the County's LCP does have specific policies requiring protection of native plant species and coastal sage scrub, in particular, as CGV asserts that an area of coastal sage scrub was recently identified on the site, there is not enough information available at this time to reach a conclusion as to whether a substantial issue is raised by this argument.

e. <u>Monarch Butterfly Areas</u>

In its appeal, SBUCC argues that the subject site is known to be used by Monarch butterflies as an autumnal gathering area, basking, and foraging and that the site is part of the larger Ellwood overwintering site for Monarch butterflies. As a result, SBUCC argues that in approving the removal and major thinning of on site Eucalyptus trees as part of this project, the County did not address the impact of that activity on the viability of Monarch butterfly habitat.

The County's LCP contains specific provisions regarding the protection of trees used by Monarch butterflies.

The County's LCP states:

> ***Tagging studies indicate that the Monarch Butterfly (Danaus plexippus) migrates southward over long distances to escape the cold winters of the central and northern states. Their wintering grounds are within a coastal strip extending from Los Angeles to Monterey. These wintering grounds are roosting habitats consisting of a circular configuration of tall trees, usually eucalyptus, which are essential for the mating phase of the Monarch Butterfly's life cycle. During the fall and winter months the trees are used by massive numbers of Monarch Butterflies as communal roosts. These winter clusters represent the most sensitive part of the Monarch's life cycle. Repopulation of the species depends upon the mating phase which occurs in these specialized habitats. Little is known about behavior patterns and migration routes of the Monarch Butterfly; therefore, this habitat is of important scientific, educational, and general public interest.***

Policy 9-22 states:

> ***Butterfly trees shall not be removed except where they pose a serious threat to life or property, and shall not be pruned during roosting and nesting season.***

Policy 9-23 states:

> ***Adjacent development shall be set back a minimum of 50 feet from the trees.***

DevStd BIO-GV-16.3 states:

> ***Where trees may be impacted by new development a Tree Protection Plan may be required where either the project site contains native or other biologically valuable trees (e.g., oaks, willows, sycamores, cottonwoods, cypress, eucalyptus,) . . .***

There is a stand of existing eucalyptus trees located on the southern portion of the subject site in the riparian area. In addition, there are other scattered eucalyptus trees located on the parcel and groves of eucalyptus trees located to the north and south of the site on adjacent lots, including UPRR and the Sandpiper Golf Course sites. The County's approval of the proposed development does allow for the existing eucalyptus trees located in the creek to be thinned by 50 percent. Additionally, the County approval allows for tree removal under the direction of an arborist familiar with eucalyptus trees and associated habitats. The County's staff report states that all other existing plant material will be removed in association with the grading of the site for the development. Condition 18 of the County's approval also states that non-invasive landscape plants for the site shall be selected for their attractiveness to Monarch butterflies, and their capacity to provide nectar, basking, and/or roosting habitat between the months of October and December.

The draft "Residence at Sandpiper Supplemental EIR" states that the "dense stand of blue gum eucalyptus that occupies the banks at the southern extent of the stream on-site is suitable for autumnal aggregations and patrolling individuals of Monarch butterflies . . ." Further, the "Initial Study/Scope of Work" report prepared by the County, dated April 10, 2001, states:

While Meade's "Monarch Butterflies in Santa Barbara County" (1999) does not identify the grove as hosting aggregation in 1999, the author confirmed that the grove on the project site is part of the Ellwood Complex, and for purposes of environmental review, should be considered a potential aggregation-site (personal communication with D. Meade, 10/4/00).

The draft EIR concludes that based on observations by the applicant's biologist, however, that the parcel does not contain a Monarch butterfly aggregation site. That report does state that the site does contain habitat suitable for patrolling, basking and nectaring by Monarch butterflies.

Based on the information available at this time, it is not clear whether the proposed development as approved by the County is inconsistent with the policies of the LCP protecting eucalyptus trees that are used for butterfly habitat. While it appears that Monarch butterflies may at times visit the site, the extent of use of the site and the eucalyptus grove is not currently known by Commission staff.

2. Parking

SBUCC argues in its appeal that due to the proposed development's narrow roads with no on-street parking and the fact that an inadequate number of parking spaces are provided, there is a strong potential for overflow parking that could impact the on site resources, the Santa Barbara Shores Nature Preserve, and nearby neighborhoods that have on-street parking. SBUCC states that this was the effect of the residential community, Winchester Commons, and development on Storke Road.

The County's approval of the project states that ordinance requirements for unit parking are satisfied primarily through the provision of garages. In addition, 81 uncovered parking spaces are proposed throughout the site and one off-street parallel parking area that could accommodate eight vehicles are proposed. Twelve of the total number of uncovered spaces would be designated for visitors only and no other parking would be allowed on site.

Although SBUCC raises a valid issue as to whether an adequate number of parking spaces will be provided for the proposed development without overflowing into adjacent areas or impacting resources, based on the limited information currently available, it is unclear whether this raises a substantial issue with respect to the policies of the LCP at this time.

3. Adequate Public Services

CGV also argues in its appeal that there are inadequate public services and resources available to service the project approved by the County, inconsistent with the LCP.

Specifically, CGV argues that the environmental impact report (EIR) for the project found that the development would result in significant cumulative impacts to schools and sold waste disposal capacity. Further, CGV states that in approving the project, the County relied upon the proposed expansion of the Tajiguas Landfill, which has not yet been approved and would only provide 15 additional years of service. In addition, CGV also asserts that there are existing factors that may compromise the County's ability to expand the Tajiguas Landfill.

Policy 2-6 of the LCP states:

> ***Prior to issuance of a development permit, the County shall make the finding, based on information provided by environmental documents, staff analysis, and the applicant, that adequate public or private services and resources (i.e., water, sewer, roads, etc.) are available to serve the proposed development. The applicant shall assume full responsibility for costs incurred in service extensions or improvements that are required as a result of the proposed project. Lack of available public or private services or resources shall be grounds for denial of the project or reduction in the density otherwise indicated in the land use plan.***

Whether adequate services and resources exist for the proposed development at this time is not clear. If adequate services and resources are not available to service the proposed development as asserted by CGV, however, a substantial issue may exist with respect to consistency with Policy 2-6 of the County's LCP.

4. Aesthetic Impacts

SBUCC states in its appeal that aesthetic impacts from the proposed development have not been adequately mitigated, particularly with respect to views from Hollister Avenue, "the gateway to Goleta." SBUCC argues that the architectural style is not compatible with the surrounding community or the surrounding open space. In addition, SBUCC asserts that inadequate setbacks from Hollister Avenue do not allow for sufficient screening with vegetation, which would soften the impact of the development from Hollister Avenue, Sandpiper Golf Course, and Santa Barbara Shores Nature Preserve.

Policy 4-4 of the LCP states:

> ***In areas designated as urban on the land use plan maps and in designated rural neighborhoods, new structures shall be in conformance with the scale and character of the existing community. Clustered development, varied circulation patterns, and diverse housing types shall be encouraged.***

The County's LCP does require new development to be in conformance with the scale and nature of the neighborhood adjacent to the project site. At this time, however, there is insufficient information upon which to find whether or not a substantial issue exists with LCP policies regarding the aesthetic impacts of the proposed development,

although the intensity of the development proposed may raise a substantial issue with respect to the scale and character of the surrounding, existing community.

5. Private Trail and Bridge across Devereux Creek

In its appeal, CGV argue that the County's LCP prohibits structures in creeks, with only a few exceptions. One exception, CGV states, is for public trails that would not adversely affect existing habitat. The proposed project includes a private trail with a bridge that crosses Devereux Creek near the northern property boundary. CGV states that the administrative record clearly shows that the project site, roads, trail, and bridge will be private. As a result, CGV states that the project, as approved with a private trail and bridge across Devereux Creek violates the policies of the County's LCP.

As listed previously, the County's LCP has specific policies relating to development within riparian areas and streams.

Policy 9-38 states:

> ***No structures shall be located within the stream corridor except: public trails, dams for necessary water supply projects, flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development; and other development where the primary function is for the improvement of fish and wildlife habitat. Culverts, fences, pipelines, and bridges (when support structures are located outside the critical habitat) may be permitted when no alternative route/location is feasible. All development shall incorporate the best mitigation measures available.***

Policy 9-40 states:

> ***All development, including dredging, filling, and grading within stream corridors, shall be limited to activities necessary for the construction of uses specified in Policy 9-38. When such activities require removal of riparian plant species, revegetation with local native plants shall be required except where undesirable for flood control purposes. Minor clearing of vegetation for hiking, biking, and equestrian trails shall be permitted.***

DevStd BIO-GV-10.1 states:

> ***No structures shall be located within a riparian corridor except: public trails that would not adversely affect existing habitat . . . Culverts, agricultural roads and crossings in rural areas zoned for agricultural use, fences, pipelines, and bridges may be permitted when no alternative route or location is feasible or where other environmental constraints or site design considerations (eg: public safety) would require such structures. All development shall incorporate the best mitigation measures feasible to minimize the impact to the greatest extent.***

In the letter submitted to Commission staff dated February 11, 2002, County staff states that the project consists of two distinct residential components, one located on the

eastern side of the creek and one on the western side of the creek. County staff states that a defined pedestrian access providing a physical connection between the eastern and western components of the site is essential to the health of the future residential community and is also critical to protecting on-site resources from the "undesirable pedestrian intrusion along informal paths." Additionally, County staff states that the applicant eliminated proposed public sidewalks from the Hollister Avenue frontage, where they would be located within the ESHA buffers. County staff also states that it is unclear at present exactly where facilities such as sidewalks would be located along Hollister Avenue. County staff, in that letter, asserts that internal pedestrian access through the site will provide a safe route for resident children to the Ellwood Elementary School, located on the north side of Hollister Avenue, approximately 1,600 feet east of the subject site.

Although it appears unclear from the County's approval whether sidewalks will be constructed along Hollister Avenue, as stated previously in this report, it does appear that the proposed private trail and pedestrian bridge will provide for increased public safety and may not, therefore, raise a substantial issue with respect to LCP policies regarding development within a stream corridor.

D. Conclusion

For the reasons discussed above, a substantial issue is raised with respect to the consistency of the approved development with the native grassland, riparian, wetland, and environmentally sensitive habitat policies of the County's certified LCP. Therefore, the Commission finds that the appeals filed by Santa Barbara Urban Creeks Council and Citizens for Goleta Valley raise a substantial issue as to the County's application of the policies of the LCP in approving the proposed development.

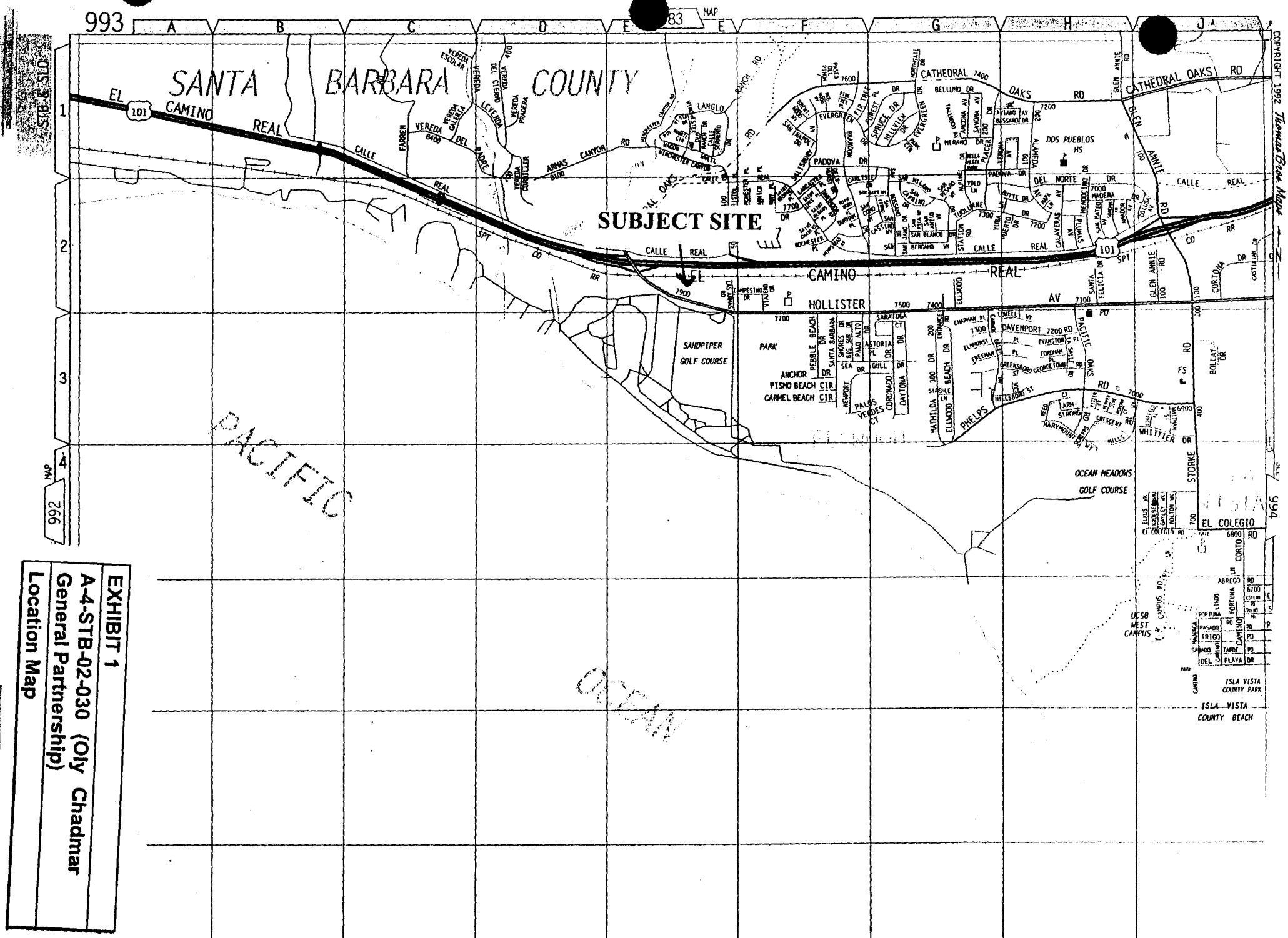

EXHIBIT 1
A-4-STB-02-030 (Oly Chadmar General Partnership)
Location Map

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., 2ND FLOOR
VENTURA, CA 93001
(805) 641-0142

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name, mailing address and telephone number of appellant(s):

Santa Barbara Urban Creeks Council
P.O. Box 1083
Carpinteria CA 93014-1083 (805) 968-3000
Zip Area Code Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port government: County of Santa Barbara

2. Brief description of development being appealed: Residences at Sandpiper: Tract Map, Development Plan, Private Roads

3. Development's location (street address, assessor's parcel no., cross street, etc.): West of Las Armas Road, north of Hollister Avenue, ¼ mile south of U.S . Highway lol.

4. Description of decision being appealed:

a. Approval; no special conditions: _____

b. Approval with special conditions: X

c. Denial: _____

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-4-STB-02-030

DATE FILED: 2/4/02

DISTRICT: _____

H5: 4/88

EXHIBIT 2
A-4-STB-02-030 (Oly Chadmar General Partnership)
SBUCC Appeal

5. Decision being appealed was made by (check one):

a. __Planning Director/Zoning Administrator

c. X Planning Commission

b. X City Council/Board of Supervisors

d. __Other_____

6. Date of local government's decision: January 15, 2002

7. Local government's file number (if any): TM 14,541; 99-DP-051; 01RDN-00000-00001

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:
Oly Chadmar General Partnership, c/o Tynan Group
2927 De la Vina Street
Santa Barbara CA 93105

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) see Attached

(2)

(3)

(4)

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page.

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

see Attached

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Wanda Michalenko, President

Signature of Appellant(s) or Authorized Agent

Date January 22, 2002

NOTE: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize _____ to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date _____

III. (b) Interested Persons

1) Environmental Defense Center
906 Garden Street
Santa Barbara CA 93101

2) Citizens for Coleta Valley
c/o Diane Conn
6765 Sabado Tarde
Isla Vista CA 93117

3) Citizens Planning Association
916 Anacapa Street
Santa Barbara CA 93101

4) Roger Jahnke Coordinator
Coalition to Preserve Santa Barbara Shores as Natural Open Space
243 Pebble Beach Drive
Goleta, CA 93117

5) Santa Barbara Audubon Society
5679 Hollister Avenue #5B
Goleta CA 93117

6) Goleta City Council
P.O Box 250
Goleta, CA 93116

7) Barbara S. Massey
7912 Winchester Circle
Goleta, CA 93117

8) Kathy Gebhardt
7650 Newport Drive
Goleta CA 93117

9) Santa Barbara Shores Homeowners Assoc.
P.O. Box 8222
Goleta, CA 93118

10) Goleta Valley Chamber of Commerce
5582 Calle Real
Goleta CA 93117

IV. REASONS FOR APPEAL:

Adverse impacts have not been mitigated to the maximum extent feasible and the project as approved is inconsistent wih the Local Coastal Plan and Coastal Act Policies. Specifically:

1) Wetland ESHA buffers and not adequate; inappropriate development is proposed therein.

2) The project include development within native grassland ESHAs and buffers for protected native grasslands are inadequate.

3) There was inadequate analysis and mitigation for proposed dewatering and rerouting of wetlands immediately upstream on Devereaux Creek where a red-legged frog was discovered. Unblocking the culvert and rerouting Devereux Creek are tied to the Sandpiper Residences Project by County conditions.

4) The site is known to be used by Monarch Butterflies as an atumnal gathering area and for basking and foraging and is part of the larger Ellwood overwintering site. There is no credible evidence that removal of Eucalyptus trees and major thinning of the Eucalyptus grove will not impact the viability of this habitat.

5) Class I aesthetic impacts have not been adequately mitigated, especially the impacts of the project to views from Hollister Avenue, "the gateway to Goleta". The architextural style is not compatible with the surrounding neighborhood nor the surrounding open space . Inadequate setbacks from Hollister Avenue do not allow for sufficient room to plant vegetation that will screen the project from along Hollister or from the Sandpiper Golf Course or Santa Barbara Shores Nature Preserve.

6) The project has private, narrow road with no on-street parking, and an inadequate number of parking spaces have been provided. Based on recent experience with Winchester Commons and the development on Storke Road, there is a strong potential for overflow parking to impact the proposed ESHA protection areas, Santa Barbara Shores Nature Preserve, and hearby neighborhoods that have on-street parking.

7) The long-term management of riparian and other ESHA areas is being left up to the Homeowners Association(s). While a trust fund may be established, the viability of long-term management is still questionable.

URBAN CREEKS COUNCIL

The Residences at Sandpiper
CONDITIONS LEFT TO HOMEOWNERS TO IMPLEMENT

8. Making sure MTD bus route schedules and rideshare information are posted in a central location on a covered message board.

12. Maintaining and enhancing the native grassland areas onsite. Maintenance of barrier plantings. Riparian corridor restoration maintenance.

13. "The Homeowners association will be the party responsible for ongoing restoration and providing maintenance costs" of open space easememt including Devereux Creek corridor as well as the protected isolated wetlands.

15. Long-term maintenance of "barrier plantings .. on the existing margin of the protected areas and the Devereux Creek channel combined with appropriate fencing to reduce encroachment into the area by humans and domestic pets."

17. "The Homeowners association (HOA) will be responsible for long-term operation and maintenance of (sedimentation, silt, and grease traps, or other storm water runoff treatment control measures...to act as filters) in working order.

21. On-going removal of exotic species of plants "where native plants are proposed in natural protected areas."

25. Informing new homeowners about EMF hazards.

41. Long-term implementation of a Solid Waste Management Program, including recycling and composting.

42. Long-term implementation of a Monitoring program to ensure a 35 percent to 50 percent participation in overall waste disposal...

44. Maintenanace of recreational facilities (playgrounds, ball fields, etc).

47. Insuring that there is "no on-street parking in accordance with Fire Department conditions." (City Police or Highway Patrol will not police private roadways.)

50. "The project Homeowners' Association shall coordinate with the Metropolitan Transit District (MTD) to provide bus passes to all interested project residents."

52. "Project CCRs shall include information and photographs about drought-tolerant plantings for individual private spaces (i.e., front and back yards) and encourage and facilitate owner use of these water-saving species... The CCRs shall incorporate language and illustrations..."

53. Goleta Water District reclaimed water shall be used for all common area exterior landscaping... Safe reclaimed water use requires expertise.

54. "Surface water detention basins, outlet pipes, velocity reduction structures, bioswales and/or improvement to wetland buffer areas" will have to be cleaned and maintained to "prevent off-site flooding and long-term erosion-induced sedimentation in Devereux Creek."

58. Drainage filters will have to be maintained in working order.
59. Bioswales. 60. Drains. 61. Biofiltration devices.
62. Pesticide, Herbicide, and Fertilizer control. 63. Dog waste. 64. Pavements
65, 72, 79, 80,. TM 14,541: Nos. 65, 66.

Dear Sabrina,

Thanks for your phone call. The Urban Creeks Council would like to cite LCP Policy to support our concerns as outlined by Wanda Michalenko.

1) Wetland ESHA buffers LCP policy 9-9

2) Native grassland ESHA and buffer LCP Policy 9-36 and 9-18

3) Mitigation for proposed dwatering and rerouting of wetlands. LCP Policy 9-38 and Coastal Act Sections 30240 (a) and (b)

4) Monarch Butterfly habitat issues LCP Policy 9-22 and LCP Policy 9-23

5) Class I aesthetic impacts LCP Policy 4-4

6) Not referenced

7) Long term management of riparian and other ESHA areas Coastal Act Sect. 30240

We appreciate your help in this matter, on behalf of our membership.

Eddie Harris
S.B. Urban Creeks Council

STATE OF CALIFORNIA—THE RESOURCES AGENCY PETE WILSON, Governor

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., 2ND FLOOR
VENTURA, CA 93001
(805) 641-0142

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name, mailing address and telephone number of appellant(s):

Citizens for Goleta Valley
P.O. Box 1564
Goleta, CA 93116 ( )
Zip Area Code Phone No.

RECEIVED
FEB 14 2002
CALIFORNIA COASTAL COMMISSION SOUTH CENTRAL COAST DISTRICT

SECTION II. Decision Being Appealed

1. Name of local/port government: Santa Barbara County

2. Brief description of development being appealed: 109-Unit Sandpiper Residential Project

3. Development's location (street address, assessor's parcel no., cross street, etc.): North Side of Hollister Avenue, west side of Las Armas Road, in new city of Goleta

4. Description of decision being appealed:

a. Approval; no special conditions: _____

b. Approval with special conditions: X

c. Denial: _____

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-4-STB-02-030

DATE FILED: _____

DISTRICT: _____

H5: 4/88

EXHIBIT 3
A-4-STB-02-030 (Oly Chadmar General Partnership)
CGV Appeal

2nd appeal rec'd 2/14/02 BT

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

a. __Planning Director/Zoning Administrator

c. __Planning Commission

b. X__City Council/Board of Supervisors

d. __Other_____

6. Date of local government's decision: 1-15-02

7. Local government's file number (if any): _____

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:
Oly Chadmar Sandpiper General Partnership
The Chadmar Group: 1933 Cliff Dr., Suite 6
Santa Barbara, CA 93109

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) (see attached list)

(2) _____

(3) _____

(4) _____

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

(see attached Appeal)

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Signature of Appellant(s) or Authorized Agent

Date 2-13-02

NOTE: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize _____ to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date _____

III. (b) Interested Persons

1. Environmental Defense Center
906 Garden Street
Santa Barbara, CA 93101

2. Citizens for Goleta Valley
PO Box 1564
Goleta, CA 93116

3. Citizens Planning Association
916 Anacapa Street
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4. Santa Barbara Urban Creeks Council
PO box 1083
Carpinteria, CA 93014-1083

5. Roger Jahnke, Coordinator
Coalition to Preserve Santa Barbara Shores as a Natural Open Space
243 pebble Beach Drive
Goleta, CA 93117

6. Santa Barbara Audubon Society
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Goleta, CA 93117

7. Goleta City Council
PO Box 250
Goleta, CA 93116

8. Barbara Massey
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9. Santa Barbara Shores Homeowners Association
PO Box 8222
Goleta, CA 93118

10. Goleta Valley Chamber of Commerce
5582 Calle Real
Goleta, CA 93117

11. Anne Almy
Santa Barbara County Planning and Development Department
123 E. Anapamu Street
Santa Barbara, CA 93101

12. Kathy Gebhardt
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Goleta, CA 93117

13. Wanda Michalenko, President
Santa Barbara Urban Creeks Council
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Carpinteria, CA 93013

February 13, 2002

APPEAL TO THE CALIFORNIA COASTAL COMMISSION

This appeal of Santa Barbara County's January 15, 2002 approval of the Sandpiper Residential Project is submitted by the Environmental Defense Center ("EDC") on behalf of the Citizens for Goleta Valley ("CGV"). We ask that you review the administrative record for this case, uphold CGV's appeal and overturn the approval because the project violates the Local Coastal Plan ("LCP") and the California Coastal Act.

SUMMARY

The County of Santa Barbara erred and abused its discretion when it approved the 109-unit Sandpiper Residential Project ("Project") and found that the project complied with the LCP and Coastal Act. Evidence in the record shows that the project being appealed includes development within native grasslands, which are environmentally sensitive habitats ("ESHA") pursuant to the LCP and Coastal Act. The map of native grasses relied upon is inaccurate and reflects, incompletely, only the distribution of native grass species rather than the larger extent of native grassland ESHA onsite. There is also insufficient buffer space (0 to 10 feet) between the approved project's development footprint and the native grassland ESHAs to prevent long term disruption to and loss of those native grassland resources selected for protection.

The approved project also includes Road B, which is located within a recently identified coastal sage scrub habitat and its buffer along the northern property line. This road must be moved and the area designated ESHA.

Condition of Approval #12 requires the applicant to develop a revised Vegetation Enhancement Plan that includes provisions for the redirection of Devereux Creek back into its original course onsite, but this will eliminate flows to the existing creek course near and parallel to the northern property boundary. Removing the flows from the existing riparian ESHA will cause it to become desiccated, and the impacts and policy consistency associated with implementing Condition #12 have not been analyzed.

Furthermore, the Conditions are internally inconsistent requiring on one hand that no development occur within 100 feet of wetlands and on the other hand requiring installation of a sidewalk, curb and gutter within two wetland buffers.

The project violates LCP policy regarding public access to trails in creeks and regarding the availability of public services and infrastructure, such as schools and solid waste disposal, to serve the project.

For these reasons, we ask the Commission to find that the County's approval of the Sandpiper Residential Project violates the Coastal Act and the County's LCP, and that the approval should be overturned because the County's findings were not based on the evidence in the record.

VIOLATIONS OF THE COASTAL ACT AND LOCAL COASTAL PLAN

I. FAILURE TO PROTECT ESHA

CGV alleges that the project fails to protect native grasslands, coastal sage scrub, wetlands and riparian ESHA as required by the Coastal Act.

The Coastal Act defines ESHA as "**any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could easily be disturbed or degraded by human activities and development.**" Pub. Res. Code §30107.5. Under the Coastal Act, ESHA "shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas." Pub. Res. Code §30240(a). This language is incorporated by reference "as the guiding policies" in the Santa Barbara County Local Coastal Plan (LCP). (Santa Barbara County LCP Policy 1-1.) Finally, "[d]evelopment in areas adjacent to environmentally sensitive areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas." Pub. Res. Code §30240(b). Specific to grasslands, the County's certified LCP requires that "[d]evelopment shall be sited and designed to protect native grasslands." (Santa Barbara County LCP Policy 9-18.)

As with CEQA, under the Coastal Act "[t]he highest priority must be given to environmental consideration in interpreting the statute." *Bolsa Chica Land Trust v. Superior Court* (1999) 71 Cal.App.4th 493, 506 [83 Cal.Rptr.2d 850]. "In addition to the protection afforded by the requirement that the Commission consider the environmental impact of all its decisions, the Coastal Act provides heightened protection to ESHA's." *Id.*, citing *Sierra Club v. California Coastal Commission* (1993) 12 Cal.App.4th 602, 617 [15 Cal.Rptr.2d 779] ("*Pygmy Forest*"). In *Bolsa Chica*, the Court pointed out that "the goal of the Coastal Act [] is to protect *all* coastal zone resources and provide heightened protection to ESHA's." *Id.* at 508, emphasis in original. Finally, the *Bolsa Chica* Court rejected a development proposal that would have displaced ESHA on the grounds that "nothing in the record or the briefs of the parties suggests there is such an acute need for development of residential housing in and around the eucalyptus grove that it cannot be accommodated elsewhere." *Id.* at 509.

A. *Native Grasslands*

California bunchgrass communities are one of the most endangered ecosystem types in the United States. *Environmental and Biotic Factors Affecting the Occurrence of the Native Bunchgrass Nassella Pulchra in California Grasslands,* Jason Grant Hamilton, 1997. In this case, the applicant proposes to eliminate a mapped native grassland habitat located in the southeastern corner of the project site in order to accommodate residential housing. In addition, the applicant proposes to install an unpaved but compacted portion

of an emergency access road through native grassland habitat east of Devereux Creek. To offset the loss, the applicant proposes to enhance grasslands elsewhere. However, as pointed out in the *Bolsa Chica* case,

> "the language of section 30240 does not permit a process by which the habitat values of an ESHA can be isolated and then recreated in another location. Rather, a literal reading of the statute protects *the area* of an ESHA from uses which threaten the habitat values which exist in the ESHA. Importantly, while the obvious goal of section 30240 is to protect habitat values, the express terms of the statute do not provide that protection by treating those values as intangibles which can be moved from place to place to suit the needs of development." *Id.* at 507, emphasis in original.

The applicant attempts to avoid these requirements by declaring that all but one of the areas of native grasslands, including the area in the southeastern corner and the area where the emergency access road would be located, do not constitute ESHA. As a result, the applicant and Santa Barbara County determined that these areas are therefore not afforded the protections contained in state law and County policy. However, this argument violates the clear language and intent of the Coastal Act. As stated above, the Coastal Act definition of ESHA is quite broad. The expert letters attached to this submittal confirm that the native grasslands onsite fit the Coastal Act definition of ESHA. [See Exhibits A, B, C, D.] According to the experts, the native grassland habitats at the project site are very rare and are functionally related to the other sensitive habitats onsite, including the wetlands and Devereux Creek. [See Exhibit C.] The grasslands also provide habitat to rare species and are highly vulnerable to human disturbance and development. *Id.* The failure to designate most of the native grasslands on the project site as ESHA, even with the Open Space Easement leaves these areas vulnerable to disruption by future adjacent uses and developments because the Easement does not include a sufficient buffer to protect the areas from adjacent uses.

The applicant attempts to categorize all but one mapped patch of grassland as non-ESHA by using the County's CEQA size thresholds for analyzing the significance of impacts to native grasslands and thereby tries to escape protection of the grassland habitats required under the Coastal Act. However, based on the Department of Fish and Game's native grassland mapping methodology, the Thresholds state that, "a native grassland is defined as an area where native grassland species comprise 10 percent or more of the total relative cover." The Thresholds do not require an area to equal or exceed .25 acres to be native grassland. Areas of native grassland do not have to be .25 acres or larger to be considered ESHA, as stated by the County in the October 8, 2001 Memo from County Planner Anne Almy to Planning Commission. All mapped patches meet or exceed 10% total relative cover and thus are native grasslands pursuant to the Thresholds. The LCP identifies native grasslands as ESHA, and these native grasslands are ecologically interrelated with each other and with the wetland creek and eucalyptus grove onsite. Therefore the mapped areas of native grass including those slated for removal, which all exceed 10% relative cover, are native grassland ESHA.

While the onsite patches of native grassland meet the County CEQA Thresholds' definition of native grassland, the County's use of the CEQA Thresholds and a .25 acre criterion to identify native grassland ESHA is inappropriate for two reasons. First, CEQA Thresholds of Significance for impact to native grasslands are very different than the Coastal Act definition and requirements for ESHA protection. Under CEQA, some level of disruption may be allowed, whereas under the Coastal Act *all* ESHA must be avoided and only uses dependent upon the ESHA may be developed there.[1]

Second, even if the CEQA Thresholds and the .25 acre criterion were the applicable standards to identify native grassland ESHA, the applicant and County misapply them. The applicant and County map the distribution of individual patches of native grass species rather than following the more scientifically correct method of grouping nearby patches of native grasses together and mapping grasslands by complexes or habitat areas. The LCP protects native grassland habitats, not merely areas of native grass plant species distribution, and these are not congruous terms. In footnote 8, the County's CEQA Thresholds state:

> "Native grasslands which are dominated by perennial bunch grasses such as purple needlegrass [] tend to be patchy (the individual plants and groups of plants tend to be distributed in patches). Therefore, for example, where a high density of small patches occur in an area of one acre, the whole acre should be delineated if native grassland species comprise 10% or more of the total relative cover, rather than merely delineating the patches that would sum to less than one acre." (Santa Barbara County CEQA Environmental Thresholds and Guidelines, page 6-9)

A review of the SAIC map of native grassland patches, which EDC and CGV's native grassland experts finds incompletely maps native grass species distributions and native grasslands, reveals that there are numerous patches and individual native grass plants in close proximity on the project site, particularly east of Devereux Creek. However, by failing to group these patches together into larger contiguous grassland habitats, SAIC's mapping of native grasses does not comport with the definition of native grassland set forth in the County's CEQA Thresholds, and is not consistent with the Coastal Act's definition of, and requirements for protection of, ESHA. More importantly, SAIC's mapping fails to recognize the patchy nature of perennial bunch grassland habitats and thus fails to map the native grassland ESHAs in their entirety. Instead, SAIC incorrectly maps the smaller individual stands of native grass species as isolated fragments and then the County claims they are not ESHA due to their small size.

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[1] / The County failed to make any policy findings regarding the loss of native grasslands on site, instead summarily finding that "[t]he largest contiguous polygon of native grasses on the project site would be protected in the preservation area." Finding 6.2. This finding does not address the grasslands that would *not* be protected. The only finding specifically on point is contained within the CEQA findings, in which the thresholds and narrow mapping are used to avoid protection.

EDC and CGV asked three experts to conduct site visits and analyze the habitat value and extent of the native grasslands onsite. All three experts opined that the grassland complexes to the east and west of Devereux Creek in the central-eastern portion of the site (where the emergency access road is planned) constitute contiguous grassland habitat, which should be mapped together. [See Exhibits A, B, C.] For example, as stated by Dr. Cristina Sandoval,

> "The three patches of *Nassella* form a single needle grass grassland. The patchiness of purple needle grass is typical of this type of grassland and this type of distribution should be expected for this species. Indeed, the open areas among the plants are needed for the survival reproduction of the mature plants because purple needle grass seedlings are bad competitors with other plant species. The three purple needle grass areas are almost contiguous and form an east-west trending stand of native needle grass grassland extending from Devereux Creek toward the eastern property boundary. The percent of needle grass cover in the approximately .5 acre needle grass grassland is in excess of 50%, according to the applicant's habitat map. This is very high.
>
> The applicant similarly mapped three related areas of meadow barley instead of mapping this area as a single habitat unit. These patches form a distinct line that parallels Devereux Creek west of the creek, illustrating how they are parts of a single native grassland. The percent cover by native grasses in the meadow barley grassland is 30-50%, which is high for a native grassland. This grassland is less than a ¼ acre in size, however, since it is functionally related to larger adjacent habitat areas and has a high percent cover, it still represents an ecologically significant native grassland habitat unit." [Exhibit C.]

Dr. Sandoval also noted that the native grasslands are especially rare and vulnerable to disturbance, and that they are functionally related to the Devereux Creek and other habitats onsite. "For example, raptors use the trees to perch and forage on the grasslands, rodents use the creek for water supply, and raptors prey on the rodents, etc." *Id.* Dr. Sandoval concluded that the native grasslands constitute ESHA under the Coastal Act definition and therefore require protection afforded under the Act.

Dr. Michael P. Williams, UCSB Sedgwick Reserve Director, examined the grasslands on the eastern portion of the project site on November 26, 2001. According to Dr. Williams, "It readily became clear during this visit that the grass patches mapped as individual units actually represent portions of the one contiguous grassland habitat." [Exhibit A.] He further states, "Habitat, in the sense of an environmentally sensitive area (that is, a biologically functioning habitat that is self perpetuating) does not equate to the boundaries of a mapped patch of one species....As such, mapping of this environmentally sensitive area needs to include the greater occurrence of perennial grassland species on-site." Dr. Williams concluded that both the purple needle grass on the east side of Devereux Creek, as well as the meadow barley on the west side of the Creek, constitute "one collective grassland habitat." *Id.*

Dr. Williams recommended avoidance of these native grassland areas, pointing out that "the direct and indirect effects of the house sites within, or adjacent to, this area...without question will result in long-term chronic degradation of the grassland habitat that exists on-site at present." He therefore recommended avoidance of the patches, and adequate buffering.

Dr. Beth Painter, Research Associate for the Jepson Herbarium and a native grassland expert, reached similar conclusions. She writes: "most (probably all) of this area [of mapped patches of native grassland] meets or exceeds the criteria for an ESHA." [See Exhibit B.] Moreover, she finds the project would cause a significant impact to the native grassland plant community onsite, and violates the Coastal Act and LCP. Her 11-29-01 memo to EDC states, "there appear to be numerous native grass bunches and patches that are not depicted on SAIC's map," and that the mapping of individuals between patches does not accurately reflect the actual number of native grasses in these areas. She concludes that the entire native grassland community onsite, which spans the creek and includes a larger area than depicted by SAIC's map should be protected along with a buffer area large enough to protect the community from significant impacts.

She also concluded that SAIC's native grassland plant surveys and habitat mapping should have included native grassland plant species other than the dominant native grass species mapped by SAIC. Native grassland habitats are not merely the stands of highest density native grass plants as mapped by SAIC, they include native grassland associate species that were not recorded by SAIC in the November 2000 Assessment of Native Grasslands and Wetlands on the Residences at Sandpiper Property. The SAIC map only maps the native grass species patches and plants (and only mapped some of those), and does not map other species found in native grassland communities, including non-grass species, as part of the native grassland habitat. Therefore, the SAIC map does not reflect the true extent of native grassland habitats onsite.

In addition, EDC and CGV attach a letter from Dr. Mark Stromberg, Resident Director of the Hastings Natural History Reservation at UC Berkeley. Dr. Stromberg's letter supports the mapping methodology utilized by our local experts, pointing out that "'grassland' should be mapped as a unit when the distance between the patches (groups of individual grass clumps" is smaller than the average dimension of the individual patches. An individual patch can be mapped by connecting the outer individual grass clumps." Applying this methodology to the grasslands at sandpiper, it readily becomes clear that what are mapped as discrete patches should be grouped into larger contiguous grassland habitats. [Exhibit F.]

This mapping method, endorsed by all four CGV experts, is consistent with prior County and Coastal Commission practice, as evidenced in the ESHA map for the Ellwood Beach-Santa Barbara Shores Specific Plan and the Goleta Community Plan, both certified in 1995. In those cases the County and Commission rejected the applicant's mapping approach (similar to that invoked by Sandpiper) and instead required that grassland complexes be mapped together because they comprise a single habitat. [See Exhibit G.] The Coastal Commission found that native grasslands are ESHA in part

because of their rare status ("the remaining native perennial grasslands constitute less than .1% of the pre-historically occurring grasslands," and of that remaining, less than 1% was protected in reserves in 1995). Native grasslands are indeed rare and especially valuable and prone to destruction by human activities in our County. For this reason, the County's LCP considers native grasslands to be ESHA. (LCP, pages 116-120.)

The Final EIR for the Ellwood Beach - Santa Barbara Shores Specific Plan considered four different native grassland mapping methodologies. [See Exhibit G.] The FEIR rejected the applicant's approach of mapping individual patches of bunch grass because this method overlooks the grassland habitat as a native plant community and is not consistent with the approach of the LCP and Coastal Act, which is to protect the habitat rather than the individual patches or specimens within the habitat. Therefore, it is inappropriate to consider the closely related patches of native grasslands in a vacuum and in isolation from each other and from the adjacent creek and wetland habitats. [See Exhibits C and G.]

Importantly, the interrelated nature of the native grassland, creek and wetland habitats located within this portion of the site adds to this area's environmental sensitivity. As recognized by the Commission during its consideration of ESHA mapping for the nearby Ellwood Mesa, "Each of these habitat types exhibits distinct functional values, and individually and collectively contributes to the environmentally sensitive nature of the site." [See Exhibit G.] Similarly, the juxtaposition of and biological connections between Devereux Creek, the purple needle grass and meadow barley native grasslands and associated wetlands at the Sandpiper site contribute to those habitats' qualifications as ESHAs and as an ESHA composite. [See Exhibits B, C and G.]

The native grasslands are entitled to protection under the following County policies: LCP Policy 9-18 (which requires that areas of native grassland be protected); LCP Policy 9-29 (which protects white-tailed kite foraging areas); Goleta Community Plan ("GCP") Policy BIO-GV-15 (which requires that significant biological communities must not be fragmented); GCP DevStd BIO-GV-14 (which requires that "to the maximum extent feasible, development shall avoid impacts to native grassland that would isolate, interrupt or cause a break in a contiguous habitat which would disrupt animal movement patterns, seed dispersal routes, or increase vulnerability of species to weed invasions"); LCP Policy 9-36 (which requires that significant areas of native vegetation be preserved when sites are graded for development, and which further requires that development be sited and designed to minimize impacts to native habitats); and LCP Policies 3-13 and 3-24 (which require that grading be kept to a minimum and that native vegetation be preserved to the maximum extent feasible).

As proposed in the approved plans, development would occur in the native grassland ESHAs recognized by CGV's experts east of Devereux Creek including the mapped patches in the southeast corner of the site. **The Project must be modified to avoid the grassland patches as identified on SAIC's map and the grassland ESHAs recognized by CGV's experts, including the closely aligned patches in the southeast**

portion of the site. Significantly, development can avoid the native grassland ESHAs in the southeast portion of the site with only a minor reduction in the number of units offered (approximately 6 units). Fewer units would be lost if the project is reconfigured and clustered more efficiently to avoid the ESHAs as identified by native grassland experts. The emergency access road proposed in the native grassland habitat in the eastern central portion of the site, while unpaved, would still entail compaction and development and therefore must be relocated to avoid this ESHA. In addition, the mapped grassland areas east and west of the creek in the central portion of the site must be designated as ESHA to insure a proper precedent of ESHA mapping and protection from adjacent development.

B. *Native Grassland Buffers*

In addition to including development within the native grassland ESHAs and to incompletely mapping the native grassland ESHA, the project would include development within the buffer area around those habitats. Sufficient buffers are necessary for preventing significant destruction of those habitats. The Coastal Act and LCP require avoidance of a sufficient buffer area around each ESHA.

As noted above, the Coastal Act states that, "Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas." Public Resources Code Section 30240(b).

Under its Criteria for Reviewing Proposed Development Adjacent to Environmentally Sensitive Habitat Areas, the Coastal Commission's February 4, 1981 Interpretive Guideline for Wetlands and Other Wet Environmentally Sensitive Habitats states:

> "A buffer area should be established for each development adjacent to environmentally sensitive habitat areas based on the standards enumerated below. The width of the buffer will vary depending upon analysis. The buffer area should be a minimum of 100 feet for small projects on existing lots (such as one single family home or one commercial office building) unless the applicant can demonstrate that 100 feet is unnecessary to protect the resources of the habitat area. If the project involves substantial improvements or increased human impacts, such as a subdivision, a much wider buffer area should be required. For these reasons, the guidelines do not recommend a uniform width." (Emphasis added.)

This Guideline is pertinent to some of the native grassland ESHA at the Project site because the Meadow Barley native grassland areas found onsite are a type of wet ESHA. Meadow Barley is associated with moist settings, and is found along a shallow swale next to Devereux Creek on the Project site.

These Guidelines discuss the specific factors that should be considered when determining a wet ESHA's buffer size on a case by case basis. Criteria #1 involves the functional relationship of the ESHA with adjacent areas. As noted above and described in Sandoval's report, the native grasslands have functional ecological relationships with adjacent and nearby creek, eucalyptus grove and wetland ESHAs. Criteria #2 requires consideration of the sensitivity of species to disturbance. Considering the recent discovery of the threatened red-legged frog in Devereux Creek, a species that is very sensitive to urban development and requires protected upland areas adjacent to aquatic habitat for dispersal, a larger buffer for the grassl~~ands and o~~ther habitats may be necessary. The presence of rare foraging raptors, such as the white-tailed kite, a fully protected species pursuant to the Fish and Game Codes, supports the need for larger grassland buffer areas to support continued foraging, which requires such area. Criteria #7 states that the type and scale of development proposed will largely determine the size of the buffer. As an example, it states that due to pets, human use and vandalism, residential development, such as the Project, generally requires larger buffers from habitats than do light industrial developments, which have less severe impacts on surrounding habitats.

Buffers can be adjusted depending upon the sensitivity of the resource and the effectiveness of habitat management activities. Dr. Sandoval recommends a 50-foot buffer, as well as active restoration efforts to offset the impacts of the adjacent development. [Exhibit C.] She specifically recommends that the restoration efforts include removal or control of invasive non-native plants, facilitating regeneration of native grasses, controlling human and if possible pet entry into the habitats and buffers, and periodic mowing as directed by a native grassland expert. *Id.*

Dr. Beth Williams of the Jepson Herbarium states, "The 10-foot buffer offered for the native grassland area to be protected is inadequate to prevent the long term significant disruption to and possible loss of the native grassland resources present onsite. An adequate buffer that will protect the native grassland from significant disruption and allow it to persist into the future is required under Section 30240(b) of the Coastal Act and the LCP. A 50-foot buffer is necessary to adequately protect the native grassland resources present onsite." [Exhibit D.] Dr. Williams also recommends a minimum 50-foot buffer. [Exhibit A.][2]

The project includes a mere 10-foot buffer (between structures and the specified areas of native grassland to be protected) except for the southwestern edge of the grassland area west of Devereux Creek where there will be a smaller setback. However, there will be grading and excavation "to a depth of three feet below existing grade

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[2]/ In the Ellwood Beach Specific Plan, a smaller buffer was approved due to the extensive habitat management plan proposed for implementation by a qualified independent entity. The size of the buffers should be related to the extent and expected success of the restoration and management activities, as determined by an independent native grassland expert.

extending to a minimum distance of 5 feet beyond the foundation footprint," according to Condition of Approval #24. Grading and excavation are forms of development that harm native grasslands. Thus, while most buffers between homes and the areas of native grassland to be protected appear as 10 foot setbacks on the project plans, grading and excavation will occur a minimum of five feet beyond the foundation footprints. This will reduce the size and effectiveness of, and may eliminate the buffer altogether.

In sum, the Commission must require additional mapping of the native grassland habitats onsite, consistent with the methodology utilized in the Goleta Community Plan and Ellwood Beach-Santa Barbara Shores Specific Plan, in order to properly designate the areas as components of larger native grassland ESHAs. The project must be redesigned to avoid such native grassland ESHA. In addition, a buffer and habitat management plan must be prepared that will adequately protect the grasslands from the surrounding development (e.g., excavation and grading, soil compaction, invasion of non-native seeds, disruption by people and pets, etc.). Finally, the Commission should require habitat management by an independent entity. Homeowners' associations are not qualified to manage sensitive resources such as wetlands and native grasslands.

C. *Devereux Creek*

When Devereux Creek's flow is redirected as described in Condition of Approval #12, the resulting de-watering of the current flow areas will adversely affect existing riparian ESHA. This proposed redirection of the creek flow is tied to the Sandpiper Residential Project by Condition #12. According to LCP Policy 9-1, all projects within 250 feet of ESHA must "show the precise location of the habitat(s) potentially affected by the proposed project." In this case, the project analysis failed to map and identify harm to ESHA within 250 feet of the project site; in particular, the analysis should have identified impacts to the existing creek and riparian corridor just north of the project site caused by the redirection of Devereux Creek's flow. **The project was not modified to ensure "conformity with the applicable habitat protection policies of the land use plan," including protection of offsite ESHA.**

D. *Development of Road B in Coastal Sage Scrub ESHA*

During the January 28, 2002 site visit that included various biologists from the County's consulting team, the applicant's team and CGV's team of biologists, Coastal Sage Scrub habitat was identified along the northern property boundary. Nowhere in the administrative record is there a mention of this habitat or development proposed within Coastal Sage Scrub habitat, although the SAIC wetland and native grass map does depict unspecified vegetation at this location. The LCP and GCP Action BIO-GV-1.2 identify Coastal Sage Scrub habitat as environmentally sensitive, and the habitat present onsite includes various species such as *Artemisia californica*, Poison Oak, coyote brush, and various other Coastal Sage species. LCP Policy 9-36 requires that areas with significant

native vegetation be preserved. The approved plans call for Road B to intersect and displace Coastal Sage ESHA, and do not provide an adequate buffer to protect the Coastal Sage ESHA as required by the LCP and Coastal Act. **Therefore, the project as approved includes development in and adjacent to Coastal Sage Scrub ESHA in violation of the certified LCP and the Coastal Act and this appeal should be upheld.**

E. *Development in Wetland Buffers*

As noted previously, the Coastal Act requires buffers of adequate size around all ESHAs to ensure protection and continuation of those habitat areas. LCP Policy 9-9 is specific to wetlands and mandates that development is prohibited within a minimum of 100 feet around all wetlands in the Coastal Zone. Condition of Approval #96 reiterates this requirement. However, Condition #77 requires compliance with Departmental letters including the Roads Division's September 18, 2001 letter. The Roads Division has required the applicant to install a curb, gutter and a sidewalk along the north side of Hollister Avenue, and to pay its fair share for or to actually widen Hollister Avenue adjacent to the project site. Wetlands #4 and #6 occur within 100 feet north of Hollister Avenue and the future location of the required sidewalk, gutter, curb and widened road. The Roads Division stated during the January 15, 2002 Board of Supervisors hearing that a boardwalk or decomposed granite sidewalk would be acceptable in the wetland buffer. However, the Roads Division's requirements for a paved curb, gutter and widened road in the wetlands' buffers are in conflict with Condition #96 and the LCP requirement for a 100-foot development setback around wetlands. The curb, gutter and widened road also conflict with LCP Policy 9-14 (which requires that new development adjacent to wetlands not reduce the biological productivity or water quality in wetlands).

The approved project also fails to include restoration of Wetland #4. GCP Policy BIO-GV-11 requires that wetlands that have been degraded be restored to the maximum extent feasible. The draft Vegetation Enhancement and Management Plan and the Conditions of Approval fail to require feasible restoration of Wetland #4 as required by this GCP Policy.

F. Red-legged Frogs

CGV has maintained throughout the Project's review and approval process that the newly identified red-legged frog and aquatic habitat near the Project site could be adversely affected by Project. Specific potential impacts include: 1) the loss of open land for frog dispersal from nearby source populations to other aquatic habitats east of the Project; 2) the creation of an attractive nuisance by redirecting flows to Devereux Creek on the Project site; 3) impacts to the existing riparian corridor and potential frog dispersal path north of the project site, which will be dewatered by the provisions specified in Condition #12, and 4) increase in human disturbance impacts and predation by raccoons, which increase due to development of the site, at the pond where this species was discovered in September 2001. The U.S Fish and Wildlife Service, responsible for

administering the federal Endangered Species Act ("ESA"), has concluded that construction of the Project would not likely cause the take of a red-legged frog. However, the Coastal Act embodies stronger protection for endangered species' habitats in the Coastal Zone than the ESA does. Therefore, CGV urges the Coastal Commission to assess potential impacts to red-legged frog habitat, and to ensure policy consistency.

II. FAILURE TO COMPLY WITH LCP POLICY 2-6

The project as approved also violates LCP Policy 2-6, which requires that adequate public services and resources must exist to support the project. In this case, the EIR found that the project would result in significant cumulative impacts to schools and solid waste disposal capacity. In approving the project, the County relied upon the proposed expansion of the Tajiguas Landfill; however, this expansion has not been approved and, in any event, would only provide capacity for an additional 15 years. Moreover, evidence submitted by EDC to Santa Barbara County regarding the Tajiguas Landfill Expansion draft EIR illustrates that the Landfill may be causing water pollution and has groundwater in the waste mass, which may compromise the County's ability to expand it. The Sandpiper Residential Project EIR and other evidence in the record demonstrate that adequate public services do not exist to support the increased development and population for the life of the project. Therefore, CGV's appeal should be upheld and the project approval should be overturned.

III. FAILURE TO DESIGNATE TRAIL ACROSS DEVEREUX CREEK AS PUBLIC PURSUANT TO GCP DEVSTD BIO-GV-10.1

The Project includes a private trail that crosses Devereux Creek with a bridge near the northern property boundary. The Goleta Community Plan, which was certified by the Coastal Commission, prohibits structures in creeks with few exceptions. One exception is for "public trails that would not adversely affect existing habitat." The administrative record is clear that the project site and proposed roads will be private, and does not describe the pedestrian trail over Devereux Creek as public. Therefore, the approved Project violates GCP DevStd BIO-GV-10.1, and the appeal should be upheld.

CONCLUSION

In closing, the Project includes development in both ESHAs and ESHA buffers in violation of the Coastal Act and LCP. By law, a project cannot be approved unless it is consistent with applicable policies. Policy inconsistencies cannot be overridden or waived.

In this case, development can be sited and designed to avoid the native grasslands and other ESHAs and to provide adequate buffers. Such a change represents a feasible mitigation measure or alternative that would avoid significant biological impacts as

required by the LCP and Coastal Act, while still accomplishing all or most of the basic project objectives.

Avoidance of impacts to unmapped offsite riparian habitat, newly identified coastal sage and incompletely mapped native grassland habitats, and sufficient buffers, have not been included in the approved project but are necessary to ensure adequate protection of natural resources onsite as required by the LCP and Coastal Act. Therefore, the Coastal Commission should uphold the appeal and overturn the County's errant approval of the Sandpiper Residential Project.

Thank you for your attention to these comments.

Sincerely,

Linda Krop,
Chief Counsel

Brian Trautwein,
Environmental Analyst

EXHIBIT A

Michael P. Williams, Ph.D.
P.O. Box 608
Santa Ynez, CA 93460-0608
805-686-1941

November 29, 2001

Brian Trautwein
Environmental Defense Center
906 Garden Street
Santa Barbara, CA 93101

Subject: Sandpiper Residential Project Native Grassland Mapping review

Dear Brian:

I attended the on-site visit and have reviewed the materials you provided with your letter of November 17, 2001. The on-site visit took place at 11:15 AM to 12:15 PM at the project site on Monday, November 26, 2001. We parked along the north side of Hollister Avenue across from the abandoned gas station. I joined your group which included EDC staff and clients, Cris Sandoval, Beth Painter, the applicant and Tom Mulroy, the County's biological consultant. A County planner also attended. The site visit was essentially limited by the applicant to the eastern portion of the property with a brief side visit to the western portion. During this time, we moved through the area using as a guide the map, "Figure 1. Native Grasslands and Wetlands at Sandpiper Property..." and dated November 21, 2000. It should be noted that this map exhibited inconsistencies in locational information such as missing delineations of obvious trees canopies. The following comments are based on my best professional opinion.

It readily became clear during this visit that the grass patches mapped as individual units actually represent portions of the one contiguous grassland habitat. A habitat, in the true biological sense, is not delineated by the boundaries of a denser patch of one particular species, but is the area of influence of a collective group of species which make up the overall biological habitat. This collective group of species includes all organisms whose lives are interrelated with the collective community or habitat which includes its zone of influence.

In addition, the direct and indirect effects of the house sites within, or adjacent to, this area (at a density as shown on an illustration, Figure 4.3-1 Native grasslands and wetlands...") with out question will result in long-term, chronic degradation of the grassland habitat that exists on-site at present. Adequate connectivity between and within "patches" and adequate buffering are necessary to prevent loss of this environmentally sensitive habitat in the Santa Barbara County coastal zone. My specific comments for this particular project are as follows:

1. The grassland habitat runs across the three mapped patches of the purple needle grass (*Nassella pulchra*) with greater than 50 % cover and includes the lower density adjacent patches as mapped (30-50% patches, 10-30% cover patches, and individuals) which actually appear in the field to blend into the larger patches.

2. Habitat, in the sense of an environmentally sensitive area (that is, a fully functioning habitat that is self perpetuating) does not equate to the boundaries of a mapped patch on one species. Habitat includes the zone of influence and function of a characteristic species or group of species. Factors such as dispersal zones, rooting zones, resting areas, etc. are all included in the functional habitat of an organism. As such, mapping of this environmentally sensitive area needs to include the greater occurrence of perennial grassland species on-site.

3. No protective buffering, as shown for the wetland areas, is specified on the drawing for the grassland habitat areas. These areas should be protected by a minimum 50 foot buffer from the

edge of the boundaries of the larger grassland habitat (see above) and inter-veining areas allowing for adequate connectivity.

4. The meadow barley (*Hordeum brachyantherum)* sites west of the N-S drainage also should be collectively aggregated and be connected to the eastern units as one collective grassland habitat. Natural occurring drainage ways or swales are commonly encountered in any such perennial grassland habitat. Rather that acting as a barrier to continuity of grassland habitat (as currently shown), such a drainage actually functions as an additional habitat feature or element.

5. The grassland habitat mapping does not appear complete as populations of native perennial grasses were observed during the site visit that do not appear to have been noted on the drawing.

These are the detail of my comments from the above reference site visit. Please call me if you have any questions.

Sincerely,

Michael P. Williams, Ph.D.

MICHAEL P. WILLIAMS, Ph.D.
Plant Ecologist and Plant Taxonomist
P.O. Box 608
Santa Ynez, California 93460-0608
wyethia@earthlink.net

Mike is currently employed as the Reserve Director for a 6,000 acre natural reserve operated by the University of California, Santa Barbara. Mike Williams worked as a consulting ecologist since 1976. His technical specialties include riparian-wetland inventories and assessments, mitigation and monitoring designs, vegetation surveys, inventories of endangered, threatened, and sensitive plant species, population distributions and forest composition characterizations. He is actively involved in master planning background studies for community park projects, watershed and landscape analyses for habitat restoration, and in assisting communities in obtaining funding to support conservation projects.

EDUCATION

Ph.D. Botany, emphasis Plant Ecology, University of Washington, Seattle, 1995.
M. S. Botany, University of Tennessee, Knoxville, 1980.
B. A. Botany, University of California, Santa Barbara, 1976.

PROFESSIONAL HISTORY

Reserve Director, University of California, Sedgwick Reserve, 1999 to present.
Principal and Senior Scientist, Michael P. Williams Consulting, Inc., 1988 to 1999.
Instructor, Seattle Central Community College, Botany 112, Introductory Botany, Spring 1999.
Instructor for Vascular Plants of the Pacific Northwest Course, University of Washington, 1995.
Instructor for Snohomish County, Watershed Community Link Wetland Stewardship, 1997.
Instructor for King County Wetlands Short Course, Washington State Extension Service, 1995.
Research Associate II/Manager, University of California, Sagehen Creek Field Station, 1981 to 1985.
District Botanist, U.S.D.I. Bureau of Land Management, Winnemucca, NV, 1979-1981.
Scientist, E.G.& G., Inc., Santa Barbara, CA, 1976 to 1978.

EXPERIENCE

Wetland-Riparian Studies

Mike is formally trained in all aspects of jurisdictional wetlands delineation, mitigation and monitoring. Mike constructed a methodology for surveying and classifying riparian communities in the Blue Mountains and Owyhee Uplands for work on over 200 miles of route along the proposed Union Pacific Railroad expansion project. Recently, he has completed inventorying wetland and stream systems of 58 square miles of eastern Thurston County, Washington and detailed mapping of over 170 miles of vegetation communities along the Snake River and its tributaries to be used in the development of a digital land use/land cover map. In addition, Mike has been called upon as an expert many times to identify unknown botanical species, including *Salix, Carex* and other species inherent to wetland and riparian ecosystems.

Botany and Ecology Experience

Mike is an excellent plant taxonomist and field ecologist. He authored the barberry family treatment in the recently published Jepson Manual, a California flora. He has carried out extensive vegetation sampling in almost every major biome in western North America, including playa lakes, tundra, forest, chaparral, grassland, and riparian woodlands. A recent monitoring plan that his firm prepared for a >100 acre mitigation site is considered of highest quality and effectiveness of use. For five years he was the resident biologist at the Sagehen Creek Field Station, a high Sierran fisheries-wildlife research facility on the eastern slope of the Cascade-Sierra corridor. Mike was directly involved in long-term research on aquatic systems in relation to land use changes in an experimental watershed in the Sierra Nevada region. This included adult and fry movement in a variety of stream channels as well as studies of invertebrate abundance and movement in and around the stream ecosystems. Mike has conducted research on and authored studies in

forest regeneration, endangered species biology, forest bird populations in relation to forest succession, flooding event effects on winter fish populations, and bedload transport and sedimentation in mountain streams.

Environmental Impact Assessment

Mike is a general ecologist with a broad training in all components of ecological theory and practice. He has participated in a wide array of EIS documents with over 23 years experience. His work has extended throughout the western United States and Alaska as a team member, team leader, and agency representative on public hearings and interagency planning workshops and committees. Mike understands well those components to be reviewed under National Environmental Policy Act that make up the natural and human environment. He is well versed in the aspects of EIS on federal and state lands, and waters of the US. In the last 7 years he has focused his consulting work on wetland and riparian systems as they relate to regional planning. Mike has participated on document drafting for private and public sector clients, and the state counterparts.

HONORS AND PROFESSIONAL SOCIETY INVOLVEMENT

President of the Society for Ecological Restoration-Northwest Chapter (SER-NW) 1997-1998
Conference Co-chair: *Turning the Tides: Ecological Restoration from a Watershed Perspective*, 27-30 October 1998, Tacoma, Washington.
Current Peer Reviewer for Conservation Biology, Madroño, and Northwest Science.
Astragalus yoder-williamsii Barneby, Brittonia 32:30-32, 1980.
National Science Foundation Dissertation Improvement Grant, Fall 1986 through Fall 1988.
Sigma Xi Science Society, Elected as Member, 1985.
President of the Northern Nevada Native Plant Society, 1982-84.
Task Force Member, Urban Soil and Water Conservation, Society of Soil and Water Conservation.
Waterfront Centre Award, 1997, Golden Gardens Park Shoreline Restoration with Bruce Dees & Associates.

RECENT SPECIALIZED TRAINING

National Wetlands Training Institute, Hydric Soils and Hydrology, 1991.
Wetlands Monitoring Standards Workshop, Professional. Consultants of Snohomish Co., 1993.
Washington Growth Management Act and State Environmental Policy Act Interface Workshop, 1992.
Open Space Areas Workshop, WA Department of Ecology, Bremerton, WA, 1992.
Hydric Soils Workshop, Society of Consulting Soil Scientists, Portland, OR, 1993.
Wetlands Mitigation and Restoration Design Workshop, Seattle, WA, 1992.
Wetland Soil Geomorphology Workshop, 1994.
Natural Channel Design Principles and Applications, Nashville, TN, 1997.
Construction Site Erosion and Spill Control Certification Course, Washington Department of Transportation, 1998; and Certification through 2001.
Restoration Implementation: Native Plant Specifications and Installing Restoration Projects, The Society for Ecological Restoration, Northwest Chapter, 1998.

SELECTED PUBLICATIONS

(Used surname of Yoder-Williams from 1979 to 1989.)

Chapin, D.M. and M.P. Williams, 1996. Applying ecological concepts: assumptions of ecosystem dynamics, scale and function. In: The Role of Restoration in Ecosystem Management, Pearson, D.L. and C.V. Klimas (eds.) Society for Ecological Restoration, Parks Canada.

Williams, M. P. 1995. Inhibition of conifer regeneration by an herbaceous perennial, Wyethia mollis. Ph.D. Dissertation, University of Washington, Seattle.

Williams, M. P. 1993. *Berberidaceae* [family treatment]. In D. Wilken and J. Hickman (eds.) The Jepson Flora. University of California Press, Berkeley.

Parker, V. T. and M. P. Yoder-Williams. 1989. Reduction of survival and growth of *Pinus jeffreyi* by an herbaceous perennial, *Wyethia mollis*, and montane chaparral. American Midland Naturalist 121:105-111.

Folt, C. L., M. J. Weaver, M. P. Yoder-Williams, and R. P. Howmiller. 1989. Field studies comparing growth and viability of a population of phototropic bacteria. Appl. and Env. Microbiology 55(1):78-85.

Erman, D.C., E. D. Andrews, and M. Yoder-Williams. 1988. Effects of winter floods on fishes in the Sierra Nevada. Can. J. Fish. Aquat. Sci. 45:2195-2200.

Raphael, M. G., M. L. Morrison, and M. P. Yoder-Williams. 1987. Breeding bird populations during twenty-five years of post-fire succession in the Sierra Nevada. Condor 89:614-626.

Yoder-Williams, M. P. and V. T. Parker. 1987. Allelopathic interference in the seedbed of *Pinus jeffreyi* in the Sierra Nevada, California. Canadian Journal of Forestry Research 17:991-994.

Morrison, M.L., M.F. Dedon, M.G. Raphael, and M.P. Yoder-Williams. 1986. Snag requirements of cavity nesting birds: Are the U.S.D.A. Forest Service Guidelines being met? Western Journal of Applied Forestry 1:38-40.

Morrison, M.L., M.F. Dedon, M.P. Yoder-Williams, and M.G. Raphael. 1986. Distribution and abundance of snags in the Sagehen Creek Basin, California. U.S.D.A. Pacific Southwest Forest and Range Experiment Station Res. Note PSW-389, 4p.

Yoder-Williams, M.P., M. Liverman, and K. With. 1985. Burned pine-forest, and mature pine-forest. In W.T. and A.C. Van Velzen (eds.), Forty-eighth breeding bird census. American Birds 39:114.

Morrison, M.L., M.P. Yoder-Williams, D.C. Erman, R.H. Barrett, M. White, and D.A. Airola. 1985. An annotated species list of vertebrates of the Sagehen Creek Basin, Nevada County, California. University of California Agricultural Experiment Station Special Publication, 16 p.

Yoder-Williams, M.P. and K. With. 1984. Burned pine-fir forest, and mature pine-fir forest. In W.T. and A.C. Van Velzen (eds.), Forty-seventh Breeding Bird Census. American Birds 38:91-92.

Morrison, M.L. and M.P. Yoder-Williams. 1984. Movement of Steller's Jays in western North America. North American Bird Bander 9:12-15.

Patterson, R. and M.P. Yoder-Williams. 1984. *Leptodactylon glabrum*, a new intermountain species of the Polemoniaceae. Systematic Botany 9:261-262.

Yoder-Williams, M.P. 1983. Burned pine-fir forest, and mature pine-fir forest. In W.T. and A.C. Van Velzen (eds.), Forty-sixth Breeding Bird Census. American Birds 37:89.

Yoder-Williams, M.P. 1982. Research natural areas and rare plants in Nevada, p. 89-95. In N.S. Van Pelt, (ed.), Research Natural Area Needs in Nevada and Utah: A First Estimate. The Nature Conservancy, San Francisco.

Yoder-Williams, M.P. 1980. Vernon Orlando Bailey (1864 - 1942): A self-taught biologist who became the Chief Naturalist for the U.S. Biological Survey. Mentzelia 5:2-4.

Williams, M.P. 1980. Studies of *Elymus mollis* directed towards its use in revegetation of maritime tundra. Masters thesis, University of Tennessee, Knoxville, 123 pp.

PROFESSIONAL MEMBERSHIPS AND CERTIFICATIONS

Master Bird Bander, U.S. Fish and Wildlife Service, 1981-1991.
California Botanical Society, 1975 to present.
Ecological Society of America, 1976 - 1978, 1980 to present.
Botanical Society of America, 1985 to present.
Northern Nevada Native Plant Society, 1978 to present.
California Native Plant Society, 1982 to present.
Sigma Xi, Full Member, 1985 to present.
Society for Ecological Restoration, 1992 to present.
Society of Wetland Scientists, 1990 to 1999.
Society for Conservation Biology, 1994 to present
Washington Native Plant Society, 1994 to 1999
Soil and Water Conservation Society, 1995 to present.
International Erosion Control Association, 1997.
Natural Areas Association, 1998 to present.

TECHNICAL REPORTS (most recent)

Wetlands and Shoreline Inventory, Compensatory Mitigation, Mitigation Monitoring Plan, and Turf Management Plan to Protect Critical Areas for the Dickman Mill Park, Commencement Bay, Washington. Prepared for the Tacoma Metropolitan Parks District.

Land use assessment, terrestrial environment analyses, and riparian study for the Tillamook River watershed, Flood Assessment in relation to Salmon Restoration Study. Prepared for the U.S. Fish and Wildlife Service and U.S. Environmental Protection Agency.

Biological Inventory and Habitat Assessment Report for Farrell's Marsh Park, Town of Steilacoom, Pierce County, Washington. Prepared for the Town of Steilacoom Parks Department, Pierce County, Washington.

An Analysis of the Jurisdictional Status of Waters of the United States, including Wetlands, a Conceptual Mitigation Plan, and a Fish & Wildlife Habitat Assessment at the South Prairie to Buckley Segment of the Foothills Linear Park/Trail Segment of the Nisqually Delta-Mount Rainier Trail in Pierce County, Washington. Prepared for Pierce County Parks, Recreation and Community Services Department, Pierce County, Washington.

An Analysis of the Jurisdictional Status of Waters of the United States, including Wetlands, a Wetlands Functions and Values Assessment and a Preliminary Mitigation Plan at the Proposed Swamp Creek Park Site, King County, Washington. Prepared for the King County Department of Construction and Facilities Management.

An Analysis of the Jurisdictional Status of Waters of the United States, including Wetlands at the Proposed Pritchard Reserve Park Site, King County, Washington. Prepared for the City of Seattle Department of Parks and Recreation.

An Analysis of the Jurisdictional Status of Waters of the United States, including Wetlands, a Compensatory Mitigation Plan, and the Final Mitigation Monitoring Plan at the Proposed Dickman Mill Park Site, Pierce County, Washington. Prepared for the Metropolitan Parks Department, City of Tacoma, Pierce County, Washington.

Fish & Wildlife Habitat Assessment Report for the Proposed Lake Stevens Community Park (Roesler Timber and Machias Pit Sites) in the Vicinity of Lake Stevens, Snohomish County, Washington. Prepared for Snohomish County Parks and Recreation Department.

Report on the Environmental Conditions and Mitigation Recommendations, a Mitigation Plan, Monitoring Plan, and Playfield Turf Management Plan for Celebration Park, City of Federal Way, King County, Washington. Prepared for Bruce Dees & Associates, Tacoma, Washington for the City of Federal Way. 37 pp. plus appendices.

Environmental Conditions Report and Wetland Delineation Report, Lake Killarney Park Master Plan Project. Prepared for the City of Federal Way, Parks and Recreation Department.

Wetland Delineation Update and Fish and Wildlife Habitat Report for proposed Intercollegiate Soccer and Baseball Facilities, University of Washington Project Number 1833. Prepared for the University of Washington, Facilities Management and Intercollegiate Athletics Program.

Critical Areas Reconnaissance towards Appraisal Feasibility, Kongsli Property, Fox Island, Pierce County, Washington. Prepared for the University of Washington, Real Estate Office.

Mitigation and Monitoring Report, Thurston County/Grays Harbor County ORV Park Stream Crossing. Prepared for Thurston County Parks Department.

Inventory of the vegetation and land use along 167 miles of the Hell's Canyon study area, Snake River. Aerial Photography interpretation and mapping for Idaho Power Company, Boise, Idaho.

Report of Vegetation and Sensitive Plant Inventory, U. S. Generating Olympic Power Plant, Bucoda, Thurston County, Washington. Prepared for CH2M Hill, Bellevue, Washington.

Wetlands Delineation Report and Detailed Mitigation Plan, Crescent City Landfill, Del Norte County, California. Prepared for the Del Norte Solid Waste Management Authority.

Inventory of wetland and riparian zones, Thurston Regional Wetland and Stream Corridor Inventory, Phase III--Deschutes River Middle Reach, 57 square mile study area. Prepared for Thurston Regional Planning Council.

Environmental Conditions Report and Funding Application Presentations, Wapato Hills Natural Area, Tacoma, Washington. Prepared for the City of Tacoma, Water Department.

PRESENTATIONS (most recent)

Reproductive biology of American dunegrass (Leymus mollis). Conference presentation at Ecosystem Restoration: Turning the Tide. October 28-30, 1998. The Society for Ecological Restoration, Northwest Chapter, Tacoma, Washington.

Redefining the landscape in an agricultural economy. Conference plenary presentation at Landscape Connections: Working with Culture and Ecology to Restore the Inland Northwest. September 19 and 20, 1997. Washington State University, Pullman, Washington.

Inhibition of conifer regeneration by an herbaceous perennial, Wyethia mollis, in the eastern Sierra Nevada, California. 47th Annual Meeting of the American Institute of Biological Sciences/Botanical Society of America. August 4-8, 1996. University of Washington, Seattle, Washington.

Landscapes, ecology, ecosystems and restoration: working concepts. Session Organizer and Moderator. Symposium: The Role of Restoration in Ecosystem Management, Taking a Broader View, Society for Ecological Restoration, 1995 International Conference, University of Washington, September 14-16, 1995.

Habitat Restoration of an Urban Shoreline Park: Goldens Gardens. Presentation to the Washington Native Plant Society, Seattle, Washington, February 4, 1999.

EXHIBIT B

Date: 11-29-01
From: Elizabeth Painter, Ph.D.
To: Brian Trautwein, Linda Krop
RE: your questions concerning Sandpiper Residential Project Native Grassland Mapping Methods

I am submitting these comments to describe my views on the proposed mapping of grasslands for the Sandpiper Residential Project.

I am a conservation biologist and plant ecologist with nearly 25 years experience working with grasslands. I have been working on plant conservation, plant ecology, and plant taxonomy issues in California for over 10 years. I have experience with native community conservation in Santa Barbara, San Luis Obispo, and Monterey counties. My c.v. is attached.

My opinions expressed here do not reflect in any way the opinion of the University of California Berkeley where I work.

Several sources (e.g., Holland and Keil 1995, Keeley 1990) identified grasslands as having occurred on much of the south coast of Santa Barbara County (Holland and Keel Fig. 11-1, p. 200; Keeley p. 2). However, examination of the land-cover classes mapped in the recent Southern California Mountains and Foothills Assessment (Stephenson and Calcarone 1999) illustrates how little remains (Figure 1.7, p.11). Perennial grasslands are now included among the endangered plant communities of California (see Schoenherr 1990).

> "Perennial bunchgrass communities are one of the rarest plant communities in California (Keeley 1989; Keeley 1993) and are considered to be one of the most endangered ecosystem types in the United States (Noss et al. 1995; Peters & Noss 1995)." [Hamilton 1997, p. 42]

The rarity of this community type, both in California as a whole and in Santa Barbara County, renders it an Environmentally Sensitive Area as defined under the Coastal Act and Santa Barbara County Local Coastal Plan (LCP) and should warrant stringent protection of remaining sites.

Based on the documents provided me and my observations at the site, I do not believe that the current plan for the Sandpiper Project is adequate to do so.

I had an opportunity for a short site visit to the Sandpiper Project grasslands on 25 November 2001 and have reviewed the documents provided by your office.

As you requested, I have reached conclusions about the impacts and consistency with policies independently and based on my experience as a biologist, the project-related documents provided to me, and my visit to the site.

A number of recent publications have recognized the importance of adequate documentation in environment assessments and other environmental documents.

In his recommendations and guidelines, C. F. Smith (1998) recommended that "impact surveys should be made in the spring, with additional follow-ups in summer and fall for the identification of later flowering plants".

"Environmental documents prepared under CEQA/NEPA would be improved if they were supported by voucher specimens...." (Ferren et al. 195, p. 208).
Ferren et al. (1995) pointed out that the majority of environmental impact reports, environmental impact statement, environmental assessments, and other types of environmental reports are not documented by voucher specimens.

"Without vouchers deposited in institutional herbaria, the scientific and even legal credibility of these reports is suspect at best, and their long-term value is minimal...." [Ferren et al. 1995,p. 198]

As Ferren et al. (1995) point out that, without vouchers, it is impossible to verify or reassess identifications of species. "Only voucher specimens provide adequate evidence of findings to the scientific community and public at large" (Ferren et al. 1995, p. 208).

A documented (vouchered), comprehensive, more complete listing and mapping of native species (in addition to the three grasses) is needed for the entire area – both within and between the already identified 'patches' native grasses – before a map of habitats from the applicant (or the project) should be accepted.

The Amended Final Assessment appears to be based on limited site visits [10 May 2000 (p. 1), 2 November 2000 (p. 8)]. Given that the mapping of individuals between the 'patches' does not adequately reflect the numbers of native plants in those areas, additional site visits for mapping appears to be warranted. Additionally, there appear to be numerous native grass bunches and patches that are not depicted on SAIC's map, and many of these plants and patches are older than one year and were thus missed by SAIC during its mapping effort. Additional mapping is recommended to properly record the extent of the native grassland or grasslands onsite.

Three species of native grasses identified for the site are purple needle grass (*Nassella pulchra*), meadow barley [*Hordeum brachyantherum* (subsp. unknown)], and California brome [*Bromus carrinatus* (var. unknown)]. All other native plant species identified in the text of Amended Final Assessment (p. 4) were species associated with the wetlands, based on Table 1-A. Other native plant species occur on the site, e.g., at least one native morning-glory (*Calystegia*).

A list of plant species associated with the wetlands was included in the Amended Final Assessment; however, no list of plant species associated with the grasslands was provided.
A documented (vouchered) catalogue of native species is needed for the site.

The applicant's map of habitats Figure 4.3-1 as provided) shows discrete 'patches' of *Nassella pulchra*, *Hordeum brachyantherum*, and *Bromus carrinatus* with scattered plants between the 'patches'. The Amended Final Assessment reported that there were at least eight 'stands' of native grasslands, only one of which was greater than 0.25 acres in area (p. 8).

What I observed at the site was that there were many more native grass plants between than mapped the 'patches'. Much of the area east of Devereux Creek between Hollister Avenue and the primitive road near the railroad tracks constitutes a single 'grassland' community, with dense and diffuse 'patches'. The native grasses west of the creek, though physically separated by the stream should be considered a continuation of this larger native grassland community. The stream is not sufficiently large to restrict gene flow and other interactions between the eastern and western portions of the grassland community.

It is my opinion, based on my observations at the site and my professional experience that the characteristics including average cover over the most (probably all) of this area meets or exceeds criteria for an ESHA, including 10% cover of native grassland species, particularly when grassland species in addition to the three native grasses are considered.

The development as proposed appears to be inconsistent with the County's LCP and with the Coastal Act, in that is designed in a manner that fragments and diminishes rather than protects the native grassland.

When all the 'patches' of all three native grass species are mapped together, the site has greater ecological integrity and higher natural diversity.

Size and shape of protected areas is important to their success. Protected areas generally should be as large as possible and should include enough individuals of the least abundant species to ensure survival of those species. Edge effects can be highly significant, and the smaller the area, the greater the ratio of edge to core.

Accepting the 'patches' as individual protected areas, rather than protecting the entire native grassland, increases the probability that species will be lost or that entire 'patches' may disappear.

The native grassland at this site is associated with the wetlands, including the riparian area and the eucalyptus grove, which harbors raptors that forage in the grassland. While there is no discussion of animals in the documents I received, it is probable that there are animals at the site that are dependent on all these interrelated habitats remaining intact. This aspect of community integrity needs to be explored before decisions are made concerning this site. The interrelated nature of these various habitat types adds to their environmentally sensitive nature.

Hordeum brachyantherum is often a streamside grass. As such it may bridge the grassland/wetland boundaries at the site.

CONCLUSIONS

Based on my observations during the site visit and my review of the materials provided to me by your office, I conclude that the proposed project would cause significant negative impacts to the native grassland on the site. Development within portions of the native grass patches onsite would violate the Coastal Act and LCP. The project needs to be redesigned, to consider the identified 'patches' and intervening areas with grassland species as one unit, and to include a buffer area large enough to prevent significant disruption to the remaining rare native grasslands, as well as the other ecologically related habitats. This would help mitigate significant biological impacts and achieve consistency with the LCP and Coastal Act.

MATERIALS CONSULTED:

Applicant's map of grassland and wetland habitats
EDC 10/12/01 letter to Planning Commission regarding Sandpiper Residential
EDC 10/29/01 letter to Planning Commission regarding Findings
Report by Dr. Cristina Sandoval RE: Environmental Impacts of Development in and adjacent to the Native Grasslands and Devereux Creek at the Sandpiper Residential Project Site
9/18/01 Coastal Commission letter to Planning Commission regarding Sandpiper Project
10/8/01 County Planning Staff Memo to Planning Commission regarding Sandpiper Project
Coastal Act definition of ESHA
Background information on mapping grasslands as ESHA from Ellwood Beach Project
Science Applications International Corporation 11/21/00 Amended Final Assessment of Native Grasslands and Wetlands on the Residences at Sandpiper Property
Memo re: Expert Opinion during administrative Proceedings

REFERENCES

Ferren, W. R., Jr., D. L. Magney, and T. A. Sholars. 1995. The future of California floristics and systematics: collecting guidelines and documentation techniques. Madroño 42(2): 197-210.

Hamilton, J. G. 1997. Environmental and biotic factors affecting the occurrence of the native bunchgrass *Nassella pulchra* in California grasslands. Ph.D. Dissertation. University of California Santa Barbara.

Holland, V. L. and D. J. Keil. 1995. California Vegetation. Kendall/Hunt Publ. Co., Dubuque, IA.

Schoenherr, A. A. (editor). 1990. Endangered Plant Communities of Southern California: Proceedings of the 15th Annual Symposium. Southern California Botanists Special Publication No. 3. Rancho Santa Ana Botanic Gardens, Claremont.

Smith, C. F. 1998. A Flora of the Santa Barbara Region, California 2nd Edition. Santa Barbara Botanic Garden & Capra Press, Santa Barbara.

Stephenson, J. R. and G. M. Calcarone. 1000. Southern California Mountains and Foothills assessment: Habitat and Species Conservation Issues. General Technical Report GTR-PSW-172. Pacific Southwest Research Station, Forest Service, US Department of Agriculture, Albany, CA.

CURRICULUM VITAE

Elizabeth Lee Painter

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e-mail	paintere@west.net

ACADEMIC BACKGROUND

1987 Ph.D.	Department of Range Science [now Department of Range Ecosystem Science]	Colorado State University
1979 M.S.	Department of Botany [now part of Department of Biology]	Colorado State University
1970 B.A.	English, Spanish (with honors)	Eastern Montana College [now Montana State University–Billings]

PROFESSIONAL HISTORY

1994–	Research Associate, Jepson & University Herbaria, University of California, Berkeley, CA
1998	Center for the Ecological Management of Military Lands–Floristics Laboratory, Colorado State University (floristics, taxonomy, rare plant biology), Fort Hunter Liggett, CA
1996–1998	Editor, *Madroño:A West American Journal of Botany*, California Botanical Society
1993–1997	Research Associate, Center for the Ecological Management of Military Lands–Floristics Laboratory, Colorado State University (floristics, taxonomy, rare plant biology, editing), military installations in Arizona, California, Georgia, Hawaii, Mississippi, New York, Texas, Washington, Wyoming, Germany
1992–1993	Center for the Ecological Management of Military Lands–Floristics Laboratory, Department of Range Ecosystem Science, Colorado State University (floristics, taxonomy, rare plant biology), military installations in Arizona, Georgia, Hawaii, Mississippi, New York, Texas
1990–1992	Galley-proof & copy editing, *The Jepson Manual: Higher Plants of California*, Jepson Herbarium, University of California-Berkeley
1989–1993	Botanist, Colorado State Extension Service, Colorado State University (plant identification)
1988–1990	Instructor, Department of Biology, Colorado State University (general botany, botany for non-scientists)
1988	Botanical Assistant, Land Trend Control Analysis Laboratory, US Army Corps of Engineers Research Laboratory unit, Department of Range Science, Colorado State University (literature surveys, plant identification, manuscript preparation)
1988–1993	Research Associate, Department of Biology, Colorado State University
1984–	Contracts & consulting (see below)
1981–1984	Graduate Research Assistant, Natural Resource Ecology Laboratory, Colorado State University (ecology, population biology)
1979–1980	Research Technician, Natural Resource Ecology Laboratory, Colorado State University (ecology, ecophysiology)
1978–1979	Graduate Research Assistant, Natural Resource Ecology Laboratory, Colorado State University (ecology, ecophysiology)
1976–1977	Summer Graduate Research Assistant, Department of Botany, Colorado State University (taxonomy, population biology)
1976–1977	Graduate Teaching Assistant, Department of Botany, Colorado State University (general botany, plant identification)
1975	Summer Research Assistant, Beartooth Mountains (Wyoming & Montana), Department of Botany, Duke University, Durham, NC (plant population biology)
1974–1975	Teacher, Meeker Elementary & High Schools, Meeker, CO (English, Spanish)
1973–1974	Loan Officer, Duke University Credit Union, Duke University

1972–1973	Multi-lingual Secretary, Department of Romance Languages, Duke University
1971–1972	Credit Clerk, ITT-Grinnell, Billings, MT
1970–1971	Teacher, Lincoln Junior High School, Billings, MT (English, reading)

CONTRACTS AND CONSULTING

2001-	Biological Assessment, Management, and Monitoring for *Holocarpha macrantha* at Santa Cruz Armory, California National Guard
2001-	Monitoring for *Cirsium fontinale* var. *obispoensis* at Camp San Luis Obispo, California National Guard
2000-	Biological Assessment, Management, and Monitoring for *Chlorogalum purpureum* var. *purpureum* at Camp Roberts, California National Guard
1999-	Survey for Species of Special Concern at Camp Roberts and Camp San Luis Obispo, California National Guard
1998-1999	Verification of identifications of specimens from floristic inventories of Camp Roberts and Camp San Luis Obispo, California National Guard
1998-1999	Expert witness, US v Gherini, United State Department of Justice
1998	Review of 'Grazing on Public Lands' (Task Force Report No. 129 by Council for Agricultural Science and Technology). Natural Resources Defense Council
1998	On-site survey for rare plant taxa. Rachel Tierney, Botanical Consultant
1996-1997	Botanical, Rare Plant, Plant Ecology, and Range Science advisory expert, litigation and mediation concerning management of Santa Rosa Island, Channel Islands National Park. National Parks and Conservation Association
1994-1997	Douglas, P. P., K. A. Schulz, E. L. Painter, & R. B. Shaw. Scope of work for Fort Hunter Liggett floristic inventory, CA.
1996	Review of White River Project Environmental Assessment, Hot Springs and Greenhorn Ranger Districts. USDA Forest Service, Sequoia National Forest. Range Watch
1995	Review of Pueblo-Lone Mountain Allotment Management Plan/ Environmental Assessment. USDI Bureau of Land Management, Burns District Office, Oregon. Oregon Natural Desert Association
1995	Scientific peer review. Interior Columbia Basin Ecosystem Management Project, Walla Walla, WA.
1995	Review of Grazing Management Environmental Assessment of Alamosa National Wildlife Refuge, Colorado. Sierra Club Legal Defense Fund
1994	Copy editing, *Flora of Santa Cruz Island*, Santa Barbara Botanic Garden, Santa Barbara, CA
1994	Review of Grazing Management Environmental Assessment of Monte Vista National Wildlife Refuge, Colorado. Sierra Club Legal Defense Fund
1991	Plant identification for biotic resource assessments. Environmental Collaborative, Inc., Point Richmond, CA
1990	Vegetation and soils classification and mapping survey in the Northern Absaroka Mountains, Shoshone National Forest, WY. US Forest Service (contract to Computer Assisted Development, Inc., Fort Collins, CO)
1988	Vegetation, climate, and soils near Chernobyl, in the Polesye region of Belorus and Ukraine. Western Radiation Consultants, Inc., Fort Collins, CO
1987	Floristic inventory of the Little Snake River Elk/Cattle Project site. Colorado Division of Wildlife
1987	Seed and seedling morphology of common tropical weedy ruderal hydrophytes. Department of Plant Pathology and Weed Science, Colorado State University
1978	Field Inventory of plants of the Piceance Basin, adjacent areas, and Cross Mountain Canyon. State of Colorado Contract A/C79–2, Colorado Natural Areas Program (majority of funding from US Fish & Wildlife Service Endangered Species Office, Denver) (rare plant inventory)

PUBLICATIONS

2002	Wilken, D. H., and E. L. Painter. *Bromus. In* The Desert Jepson Manual. B. G. Baldwin, S. Boyd, B. J. Ertter, R. W. Patterson, T. J. Rosatti, D. H. Wilken (editors). University of California Press. [in press]
2002	Wilken, D. H., and E. L. Painter. *Deschampsia. In* The Desert Jepson Manual. B. G. Baldwin, S. Boyd, B. J. Ertter, R. W. Patterson, T. J. Rosatti, D. H. Wilken (editors). University of California Press. [in press]
1995	Painter, E. L. Threats to the California flora: ungulate grazers and browsers. Madroño 42(2): 180–188.
1993	Painter, E. L., and A. J. Belsky. Application of the herbivore optimization theory to rangelands of the western United States. Ecological Applications 3: 2–9. (invited *Forum* position paper, with 9 responses)

4 more pages - grassland publications left off fax. (B.T.)

1993 Painter, E. L., J. K. Detling, and D. A. Steingraeber. Plant morphology and grazing history: Relationships between native grasses and herbivores. Vegetatio 106: 37–62.

1993 Wilken, D. H., and E. L. Painter. *Bromus*. Pp. 1239–1243, *in* The Jepson Manual: Higher Plants of California. J. C. Hickman (editor). University of California Press.

1993 Wilken, D. H., and E. L. Painter. *Deschampsia*. Pp. 1249–1250, *in* The Jepson Manual: Higher Plants of California. 3rd printing. J. C. Hickman (editor). University of California Press.

1989 Painter, E. L., J. K. Detling, and D. A. Steingraeber. Grazing history, defoliation, and frequency-dependent competition: Effects on two North American grasses. American Journal of Botany 76: 13–1379.

1986 Detling, J. K., E. L. Painter, and D. L. Coppock. Ecotypic differentiation resulting from grazing pressure: Evidence for a likely phenomenon. Rangelands: A Resource under Siege. Proceedings of the Second International Rangeland Congress. P. J. Joss, P. W. Lynch, and O. B. Williams (editors). Australian Academy of Science, Canberra.

1983 Detling, J. K., and E. L. Painter. Defoliation responses of western wheatgrass populations with diverse histories of prairie dog grazing. Oecologia 57: 65–71.

1980 Detling, J. K., D. T. Winn, C. Proctor-Gregg, and E. L. Painter. Effects of simulated grazing by belowground herbivores on growth, CO_2 exchange, and carbon allocation patterns of *Bouteloua gracilis*. Journal of Applied Ecology 17: 771–773.

1980 Painter, E. L., and J. K. Detling. Effects of defoliation on net photosynthesis and regrowth of western wheatgrass. Journal of Range Management 34: 68–71.

PROFESSIONAL REPORTS

1999 Center for Ecological Management of Military Lands. Floristic Survey of Fort Hunter Liggett. (in prep.) [contributor]

1995 Wilken, D. H., S. Brauner, and E. Painter. Population biology of rare Santa Cruz Island endemic plants. 1994-195 research reports, University of California Natural Reserves-Santa Cruz Island.

1994 Douglas, P. P., R. B. Shaw, D. L. Hazlett, E. L. Painter, C.A. Popolizio, T. C. Wager, J. R. Morrison, N. E. Hastings, G. C. Lilburn, P. J. Walter, and K. A. Schulz. Status report for *Haplostachys haplostachya* and *Stenogyne angustifolia*. CEMML Misc. Publications Series.

1993 Shaw, R. B., P. P. Douglas, J. M. Castillo, T. A. Tierney, and E. L. Painter. 1993. Assessment of the status and recovery of rare plants in the Multipurpose Range Complex, Pohakuloa Training Area, Hawaii, Hawaii. Phase II. Complete Survey. (originally submitted July 1991) 113 pp.

1993 Douglas, P. P., R. B. Shaw, E. L. Painter, T. C. Wager, N. E. Hastings, D. L. Hazlett, R. J. Krohn, G. C. Lilburn, J. R. Morrison, C.A. Popolizio, K. A. Schulz, and M. B. Tomecek. Botanical Survey Report of the 11th Brigade Signal Corps Sites, Arizona. 208 pp.

1987. Painter, E. L. Grazing and intraspecific variation in four North American grass species. Final Investigator's Report. Wind Cave National Park.

1985 Krueger, K. A. and E. L. Painter. Marked individuals in range plant studies. Investigator's Annual Report. Wind Cave National Park.

1985 Painter, E. L. and J. K. Detling. Plant-animal interactions: The role of above- and belowground herbivores in North American grassland ecosystems. V. The role of natural herbivores in selection of grazing-adapted plants. Investigator's Annual Report. Wind Cave National Park.

1984 Painter, E. L. and J. K. Detling. Plant-animal interactions: The role of above- and belowground herbivores in North American grassland ecosystems. V. The role of natural herbivores in selection of grazing-adapted plants. Investigator's Annual Report. Wind Cave National Park.

1983 Painter, E. L. and J. K. Detling. Plant-animal interactions: The role of above- and belowground herbivores in North American grassland ecosystems. V. The role of natural herbivores in selection of grazing-adapted plants. Investigator's Annual Report. Wind Cave National Park.

1982 Painter, E. L. and J. K. Detling. Plant-animal interactions: The role of above- and belowground herbivores in North American grassland ecosystems. V. The role of natural herbivores in selection of grazing-adapted plants. Investigator's Annual Report. Wind Cave National Park.

1981 Painter, E. L. and J. K. Detling. Plant-animal interactions: The role of above- and belowground herbivores in North American grassland ecosystems. V. The role of natural herbivores in selection of grazing-adapted plants. Investigator's Annual Report. Wind Cave National Park.

1981 Painter, E. L. and J. K. Detling. The role of natural herbivores in selection of grazing-adapted plants. Investigator's Annual Report. Wind Cave National Park.

1978 Emrich, S. and E. L. Painter. A field inventory of candidate threatened and endangered plants of the Piceance Basin including adjacent areas and a floristic inventory at Cross Mountain Canyon. *Report* to the Colorado Natural Areas Program and US Fish & Wildlife Service.

POPULAR & SEMI-PROFESSIONAL LITERATURE

1993 Metaphoric Control of the Fearsome Coyote (Brush) *Fremontia* 21(3): 29. (contributor). Authors listed as "Betty Bert McHenry, Dalydia Waxwing, Michael Schmidt-Thoms, and Sinjun Forbes" (pseudonyms for participating botanists, primarily UC/JEPS)

1991 Painter, E. L. An Ancient History of Grazing? Bay Leaf (East Bay Chapter, California Native Plant Society) September, p. 4.

1991 Painter, E. L. History of Trampling Herds? — An Examination of the Evidence. Bay Leaf (East Bay Chapter, California Native Plant Society) December, p. 4.

1989 The Colorado Native Plant Society. Rare Plants of Colorado. Rocky Mountain Nature Association, Estes Park, Colorado. (contributor)

ABSTRACTS OF PROFESSIONAL PRESENTATIONS

1986 Painter, E. L., and J. K. Detling. Herbivory and intraspecific variation in native North American grasses in Wind Cave National Park. Ecological Society of America.

1986 Painter, E. L., and J. K. Detling. Variation among native grasses with differing grazing histories in Wind Cave National Park. Conference on Science in the National Parks. Program and Abstracts: 87.

1986 Krueger, K. A., and E. L. Painter. Marked individuals in range plant studies: Uses for managers. Conference on Science in the National Parks. Program and Abstracts: 87.

1984 Painter, E. L., and J. K. Detling. Effects of grazing history and defoliation on competitive fitness of *Agropyron smithii*. Bulletin of the Ecological Society of America 65: 181.

1984 Cid, M.S., J. K. Detling, E. L. Painter, and M. A. Brizuela. Controlled environment studies on the potential influences of defoliation and past grazing history on silicon content of *Agropyron smithii*. Bulletin of the Ecological Society of America 65: 162.

1984 Detling, J. K., D. L. Coppock, and E. L. Painter. Comparative physiological ecology of populations of several North American grass species with different grazing histories. Bulletin of the Ecological Society of America 65: 196.

1983 Painter, E. L., and J. K. Detling. 1983. Historical effects of native herbivore grazing on morphology of four grass species in a northern mixed grass prairie. Society for Range Management, 36th Annual Meeting.

1983 Detling, J. K., R. E. Ingham, S. Archer, and E. L. Painter. Trophic interactions among above- and belowground herbivores and plants in a North American mixed-grass prairie. Pp. 32–38, Program, Abstracts and General information, Third European Ecological Symposium. Lund, Sweden.

1983 Painter, E. L. Morphological and physiological variation in *Agropyron smithii* as affected by history of grazing. Guild of Rocky Mountain Population Biologists.

1983 Painter, E. L. Effects of history of grazing by native herbivores on the morphology of four grass species in a northern mixed-grass prairie. Colorado-Wyoming Academy of Science and Central Rockies Chapter, Ecological Society of America.

1982 Detling, J. K., E. L. Painter, and D. L. Coppock. Defoliation responses of western wheatgrass with diverse histories of prairie dog grazing. Society of Range Management, 35th Annual Meeting.

1980 Detling, J. K., D. T. Winn, C. Proctor-Gregg, and E. L. Painter. Effects of simulated grazing by belowground herbivores on growth, CO_2 exchange, and carbon allocation of *Bouteloua gracilis*. Bulletin of the Ecological Society of America 61: 139.

INVITED SCIENTIFIC PRESENTATIONS and SEMINARS

1996 California State University-Northridge, Department of Biology

1994 Panel: Threats to the California Flora, *The Future of California Floristics and Systematics: Research, Education Conservation* (symposium of The Friends of the Jepson Herbarium)

1994 University of California-Santa Barbara, Department of Biology

1992 University of California-Berkeley, Department of Integrative Biology

1991 University of California-Berkeley, Museum of Vertebrate Zoology

1987 Colorado State University, Department of Range Science

1984 Colorado State University, Department of Botany and Plant Pathology

1978 Colorado State University, Department of Botany and Plant Pathology

WORKSHOPS

2001 Jepson Herbarium Weekend Workshops. Flora of Camp Roberts (with Margriet Wetherwax)

2000 Jepson Herbarium Weekend Workshops. How to Key in *The Jepson Manual* (with Margriet Wetherwax)

1999 Jepson Herbarium Weekend Workshops. Flora of the Central Santa Lucia Mountains (with Elizabeth C. Neese)

1999 California Native Grass Association. Grass Identification (J. Travis Columbus, primary instructor).

PROFESSIONAL SERVICE ACTIVITIES

Society for Conservation Biology *ad hoc* committee on *PUBLIC LANDS GRAZING POLICY*

University of California-Santa Barbara, graduate seminar in ecology and evolution

University of California-Santa Barbara, graduate seminar in systematics

University of California-Santa Barbara, *Committee on Grazing* , with Drs. Bruce Mahall, Frank Davis, Herbert Bormann (to develop research and instructional program related to Sedgwick Ranch University Reserve)

University of California-Berkeley, graduate seminar on biological constraints

University of California-Berkeley, graduate seminar on public lands use policy

Reviewer:

American Journal of Botany, American Midland Naturalist, Conservation Biology, Ecology, Ecological Applications, Journal of Applied Ecology, Journal of Applied Entomology, Madroño

National Science Foundation
Academic Press, Inc. (Harcourt Brace Jovanovich, Inc.)
Island Press

POPULAR PRESENTATIONS

2001 *Management by Myth.* RangeNet 2001

2001 *Science and Sagebrush.* Wild Idaho! [Idaho Conservation League]

2000 *Science, Management, Myth.* Soda Mountain Wilderness Council

1999 Field trip to Central Santa Lucia Mountains (with Margriet Wetherwax. Santa Clara Chapter, California Native Plant Society

1999 Flora of the Central Santa Lucia Mountains (with Elizabeth C. Neese). Presentation to Santa Clara Chapter, California Native Plant Society

1998 Flora of Fort Hunter Liggett (with Elizabeth C. Neese). Presentation to Monterey Chapter, California Native Plant Society

1995 *Management by Myth.* Desert Conference XVII, Oregon Natural Desert Association

1995 *Does Grass Need to be Eaten.* Keynote Address, California Native Grass Society Annual Field Day

1994 *The Making of the Plains: Pleistocene to Present.* Opening Address, Annual Meeting, Colorado Native Plant Society

1992 *Well Mown Bowling Greens: Natural Grazing Lawns in the Great Plains.* Presentation to East Bay Chapter, California Native Plant Society

1992 *Well Mown Bowling Greens: Natural Grazing Lawns in the Great Plains.* Presentation to Yerba Buena Chapter, California Native Plant Society

OFFICES HELD WITH SERVICE SOCIETIES

1996–1999 Board of Directors, California Native Grass Association

1993 Board of Directors, Colorado Native Plant Society

1990–1991 Board of Directors, Colorado Native Plant Society

1989 Vice President, Colorado Native Plant Society

1982–1983 Board of Directors, Colorado Native Plant Society

1981 Editor, *Newsletter* [now *Aquilegia*]. Colorado Native Plant Society

SERVICE ACTIVITIES

2000- Advisory Board, Western Watersheds Project

1998 Botanical inventory, Santa Rosa Island. National Park Service

1996 Contributor to *Management and Monitoring Recommendations for Livestock on Public Lands.* California Native Plant Society

1995–97 Collaborated in inventory and monitoring of proposed endangered plant species and Biological Resources Division USGS Species at Risk on Santa Cruz and Santa Rosa Islands

1993	Data collection for and on-site review of livestock monitoring protocol, Santa Rosa Island, Channel Islands National Park
1990	Contributor to updating of western North American exhibits, Denver Museum of Natural History
1986	Management of Prairie Dogs on Boulder Open Space Grasslands. Boulder Open Space Program, Boulder, CO
1985–1986	Management Plan, Tallgrass Prairie Relicts Natural Areas, Boulder, Colorado. Colorado Natural Areas Program, Dept. of Natural Resources, State of Colorado

SOLICITED REVIEWS OF ENVIRONMENTAL DOCUMENTS

2001	Review of Environmental Assessments for 8 grazing allotments on the Big Sur Coast
1998	Solicited formal peer review of listing action for *Chlorogalum purpureum*, US Fish and Wildlife Service (1 of 3 requisite)
1997	Solicited formal peer review of listing action for sixteen plant taxa on the Northern Channel Islands, California, US Fish and Wildlife Service (1 of 3 requisite)
1996	Review of Resource Management Plan and Environmental Impact Statement for Improvement of Water Quality and conservation of Rare species and Their Habitats on Santa Rosa Island, Channel Islands National Park
1995	Review of Carrizo Plain Natural Area Management Plan. USDI Bureau of Land Management, The Nature Conservancy, California Department of Fish and Game
1995	Review of Grazing Management Environmental Assessment of Alamosa National Wildlife Refuge, Colorado
1995	Review of Pueblo-Lone Mountain Allotment Management Plan/ Environmental Assessment. USDI Bureau of Land Management, Burns District Office, Oregon
1994	Review of Grazing Management Environmental Assessment of Monte Vista National Wildlife Refuge, Colorado.
1994	Review of draft report of range monitoring program on Santa Rosa Island, Channel Islands National Park
1992	Review of grazing management policies of the East Bay Regional Parks, for East Bay Chapter, California Native Plant Society

AWARDS & SCHOLARSHIPS

1983–1984	Colorado Graduate Fellowship
1970	Who's Who among Students in American Colleges & Universities
1969–1970	Outstanding Education Major, Eastern Montana College
1968–1970	Alpha Mu Gamma, Foreign Languages Honors Fraternity
1968–1970	Kappa Delta Epsilon, Education Honors Sorority
1968–1969	Spur Scholarship, Outstanding Sophomore Woman, Eastern Montana College
1966–1967	Academic Merit Scholarship, Eastern Montana College

RESEARCH INTERESTS

Flora and Vegetation of western North America
Biology of Grasses
Ecology of Semi-arid and Arid Lands
Biology and Conservation of Rare Plants
Plant:Herbivore Interactions

PROFESSIONAL SOCIETIES

Botanical Society of America
Ecological Society of America
Society for Range Management
Society for Conservation Biology
California Botanical Society

SERVICE ORGANIZATIONS

California Native Plant Society
Colorado Native Plant Society

EXHIBIT C

Cristina Sandoval, Ph.D
Biologist Consultant
701 Storke Rd. #C
Goleta CA, 93107

October 10, 2001

Linda Krop, Chief Counsel
Brian Trautwein, Environmental Analyst
Environmental Defense Center
906 Garden Street
Santa Barbara, CA 93101

RE: ENVIRONMENTAL IMPACTS OF DEVELOPMENT IN AND ADJACENT TO THE NATIVE GRASSLANDS AND DEVEREUX CREEK AT THE SANDPIPER RESIDENTIAL PROJECT SITE

Dear Ms. Krop and Mr. Trautwein:

I am submitting this letter to describe my views on the environmental effects of residential development within and adjacent to native grassland habitat areas at the Sandpiper Residential Project site along both sides of Devereux Creek north of Hollister Avenue and south of the railroad tracks near the western end of Goleta.

It is part of my duty as the Director of Coal Oil Point Reserve to assist with biological expertise on projects that may affect the Devereux Watershed. Yet, my opinions do not reflect in any way the opinion of the University of California Santa Barbara where I work. As you know, there is less than 15% undeveloped area left in the Devereux Watershed. These native habitats still contain remnants of wetlands and grasslands that should be preserved in longevity. The proposed Sandpiper Residential project as mapped will affect some of these areas. Below I describe the valuable resources that should not be impacted.

I walk the open space in the Devereux Watershed regularly and know the botanical and animal resources there very well. This knowledge is important in helping my management decisions in the Reserve I manage. I particularly have expertise in wetlands and native grasslands because of my interest in preserving and restoring these habitats within the watershed. I am able to identify the species present in the project area and to place these species in an ecosystem context. My background in ecology and evolutionary biology provide the tools to interpret the relationship between the location of the native species and the ecological factor that affect their presence. Please find my CV attached.

I have also reviewed relevant excerpts from the Final SEIR, the applicant's map of habitats, the revised project plans (October 1, 2001), the County's adopted CEQA Thresholds of Significance for assessing impacts to native grasslands, and relevant sections from the County's Local Coastal Plan, the Goleta Community Plan and the California Coastal Act. Pursuant to your request, I have reached conclusions about the impacts and policy inconsistencies independently and based

on my knowledge of the site, my experience as a biologist in this area, and on the various project-related documents provided to me. I summarized my findings regarding the level of impacts and regarding consistency with pertinent Coastal Act and LCP Policies for you below.

Summary

The applicant's consultant mapped three patches of purple needle grass (*Nassella pulchra*) east of Devereux Creek (.29 acres, .1 acres and .07 acres). Native grasslands of bunch grasses such as purple needle grass and meadow barley (*Hordeum brachyantherum*) typically occur in patches of various sizes separated by empty spaces. These empty spaces are caused by abiotic factors such as less suitable soil or biotic factors such as gophers. Among different rainfall years these patches expand and contract. Thus the patches of purple needle grass mapped should be viewed as one grassland and not single pieces of grasslands because their patchy distribution is a natural phenomenon. The applicant also mapped three patches of meadow barley west of and parallel to Devereux Creek (.02, .07 and about .01 acres). Again, the same rationale for preserving the entire group of patches applies to the meadow barley. Both patches have high densities of native grass species present and are therefore good representatives of these rare habitat types.

The native grasslands at the project site are a rare find in the Devereux watershed. Significant grassland remnants associated with wetlands' edges are only found today at the project site, at Coal Oil Point Reserve and the Ellwood Bluffs. Native grassland habitats, particularly those with high native grass species density and those with ecological functional relationships to other significant habitats nearby, are rare, sensitive and valuable habitats that are disappearing locally and statewide due to human causes including urban development. The native grasslands onsite constitute environmentally sensitive habitats as defined under the Coastal Act and the County's LCP because they are rare, they support rare species, are highly vulnerable to human disturbance and development, and are functionally related to the other sensitive habitats onsite, including wetlands and Devereux Creek.

Residential development in each of the two native grasslands described above and adjacent to the one patch of *Nassella* that would be physically avoided as proposed, would cause significant direct and indirect impacts to important biological resources. Direct removal of the habitats for development would be a significant impact, and development in close proximity to the remaining *Nassella* patch would cause a significant impact related to increased human use and disturbance, landscaping and pets. In ecological terms, habitat fragmentation such as proposed leads to an unavoidable loss of species diversity and habitat function. Due to the interconnected nature of the various habitats onsite, significant damage to the native grasslands would serve to degrade the biological value of other habitats onsite slated for avoidance (e.g., the creek and wetlands), adding to the overall significance of the project's biological impacts.

The development as proposed appears inconsistent with the Coastal Act and the County's LCP because it not sited and designed to protect native grasslands and it includes uses in ESHAs and ESHA buffers that are incompatible with the continuance of those habitats. To comply with the Coastal Act and LCP and to avoid significant impacts to the native grasslands and to lessen other biological impacts, the project must be redesigned to avoid the native grassland ESHAs described above and to avoid a 50 feet setback area around the native grassland ESHAs.

In addition to avoiding the grasslands, it is important that they be managed to ensure their persistence. Native grasslands used to have periodic fires and grazers but once they are locked into developed parcels, these natural phenomena are terminated. One method of managing native grasslands is to conduct periodic mowing done by an expert on grassland management. Mechanical weed abatement (to avoid pollution of herbicides on the creek) and weed invasion prevention with a low plexiglass fence would also help decrease competition by exotic grasses and weeds.

The Native Grasslands are Environmentally Sensitive Habitat Areas.
The two native grasslands depicted on the attached map are ESHAs. The Santa Barbara County LCP and the Goleta Community Plan define native grasslands as a type of ESHA. Section 30107.5 of the Coastal Act defines ESHA as "any area in which plant of animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could easily be disturbed or degraded by human activities and development." The purple needle grass and meadow barley present onsite are rare species and form rare habitats because other than relict grasslands, such as those present onsite, they have been virtually eliminated from this region as mentioned above. In addition, several other native species depend on these grasslands. For example, raptors forage well on native grasslands such as the one at the Sandpiper Residential because these bunch grasses are patchy and provide open habitat to spot rodents. Exotic grasslands on the other hand form thick mats of thatch that hide the rodents and make the habitat unsuitable for raptor foraging. The eucalyptus grove at the project site experiences high use by raptors according to pages 4.3-5 and –6 of the FSEIR.

In addition to being rare, native grassland ecosystems are highly vulnerable to disturbance and destruction from urban development. Grasslands are an easy habitat for people to access. Trampling by people, bike, etc, has caused severe erosion on many grasslands locally. Simply the prevention of periodic fires and grazers into grasslands has lead many native grasslands to convert into exotic European grasslands. Thus these native grasslands are environmentally sensitive, valuable and fragile.

The Applicant-mapped Native Grassland Patches are Parts of larger Grassland ESHAs.
It is biologically incorrect to view the patches of native grasslands mapped by the applicant's consultant as independent areas supporting native grassland species. The three patches of *Nassella* form a single needle grass grassland. The patchiness of purple needle grass is typical of this type of grassland and this type of distribution should be expected for this species. Indeed, the open areas among the plants are needed for the survival reproduction of the mature plants because purple needle grass seedlings are bad competitors with other plant species. The three purple needle grass areas are almost contiguous and form an east-west trending stand of native needle grass grassland extending from Devereux Creek toward the eastern property boundary. The percent of needle grass cover in the approximately .5 acre needle grass grassland is in excess of 50%, according to the applicant's habitat map. This is very high. The size and percent cover exceed the standards used in the CEQA Thresholds to determine if native grasslands are being impacted. Thus, the needle grass 'patches' constitute a single native grassland ESHA.

The applicant similarly mapped three related areas of meadow barley instead of mapping this area as a single habitat unit. These patches form a distinct line that parallels Devereux Creek west of the creek, illustrating how they are parts of a single native grassland.[1] The percent cover by native grasses in the meadow barley grassland is 30-50%, which is high for a native grassland. This grassland is less than a 1/4 acre in size, however, since it is functionally related to larger adjacent habitat areas and has a high percent cover, it still represents an ecologically significant native grassland habitat unit.

The closely associated patches of needle grass and the closely associated patches of meadow barley should not have been mapped separately, but as two distinct native grassland ESHAs.[2] Since the three patches of needlegrass east of the creek, when mapped as one unit, exceed 10%, the three patches are part of one needlegrass grassland ESHA. Similarly, the three patches of meadow barley west of and parallel to the creek, when mapped as a unit and viewed within the context of the interrelated habitats onsite, are one native grassland ESHA.

The Native Grasslands are Functionally Connected to the Creek and other Habitats onsite. The project site includes functionally interrelated ESHA habitats (wetlands, native grasslands, eucalyptus trees and Devereux Creek). These habitats should not be viewed in isolation but as part of a larger rare ecosystem that will loose functions if fragmented. Both native grasslands referred to above are geographically and ecologically connected to Devereux Creek and the other interrelated habitats present. For example, raptors use the trees to perch and forage on the grasslands, rodents use the creek for water supply, and raptors prey on the rodents, etc.

Development in any Portion of the Native Grasslands would cause a Significant Impact. The County's CEQA Thresholds of Significance for native grassland impacts states that an impact to native grasslands may be significant if a "clearly isolated" area of 1/4 acre or more (e.g., with 10% or more native grassland cover) would be removed or severely disturbed. Removal of or disturbance to a smaller area of native grasslands is generally not considered significant unless the area is part of a significant native grassland or is an integral component of a larger ecosystem.

Using these guidelines and based on my experience, the project would cause two significant impacts. First, it would remove the eastern half of the purple needle grass grassland and would fail to buffer that habitat adequately to prevent further degradation caused by adjacent development of homes and urban infrastructure and landscaping. Second, the development would remove portions of the native meadow barley grassland ecologically and geographically affiliated with Devereux Creek, and would not adequately buffer this native grassland, leading to

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[1] Page 4.3-3 of the FSEIR states, "This area of Meadow Barley is approximately eight (8) feet wide and extends almost continuously along a shallow swale nearly half the length of the creek," supporting my assertion that this is a single area of native grassland. (emphasis added.)

[2] The California Department of Fish and Game Natural Heritage Division uses a 10% relative cover figure in determining acreages of remaining native grasslands. Native grasslands which are dominated by perennial bunch grass such as purple needlegrass tend to be patchy (the individual plants and groups of plants tend to be distributed in patches). Therefore, where a high density of small patches of native grasses occur in an area the whole area should be delineated if native grassland species comprise 10% or more of the total relative cover. (Santa Barbara County CEQA Thresholds of Significance, 1995, page 6-9.)

additional indirect impacts to the remaining meadow barley grassland. These are significant impacts because they would cause the long-term degradation or loss of these grasslands due to direct removal and competition from the inevitable introduction of project-related invasive exotic plant species. While the meadow barley grassland is less than ¼ acre, it is part of a larger native grassland (.81 acres on the project site) and is an important component of the ESHA complex associated with Devereux Creek. The reduction or loss of the native grassland would contribute to a significant project-wide loss of raptor foraging area, as well as to a significant cumulative loss of such habitats in Goleta. At a species level, the reduction or loss of the native grassland would worsen an ongoing genetic bottleneck in native grassland species that threatens such species. Therefore, development in the native grasslands and in the native grasslands' buffers would cause significant impacts.

Development within the Native Grasslands and Buffers Violates the Coastal Act and LCP.
Development in the native grassland ESHAs is governed by Section 30240(a) of the Coastal Act. Only uses dependent on the resources of the ESHA are allowed in such areas, and the urban development proposed is not dependent on the resources of the native grasslands. The approximately .6 acres of native grassland ESHAs could be avoided without significantly reducing development potential on the site. Furthermore, even uses that are dependent on the resources of an ESHA (e.g., a fishing pier on a lakeshore) are not allowed in the ESHA if they would cause a significant degradation of the habitat. Development of homes, roads and urban infrastructure and landscaping in the native grassland ESHAs would cause significant degradation and potentially the complete destruction and loss of these habitats.

Policy 9-18 of the LCP requires that all new development in the County be "sited and designed to protect native grasslands." The project violates this policy because new development is proposed within and adjacent to native grassland areas and this development would significantly impact and/or eliminate these habitat areas. This is not protecting the native grasslands, and protecting the creek and wetland buffers also does not protect the grassland ESHAs.

Development in areas adjacent to ESHAs is governed by Section 30240(b) of the Act. The only activities allowed adjacent to the native grassland ESHAs on the site are those that would be compatible with the continuance of the ESHAs. The Act requires that development be set back far enough from ESHAs to avoid substantial disruption of the habitat values. This project as proposed does not yet include a buffer around the numerous areas of native grassland to be destroyed, and does not provide an adequate buffer around the one area to be "protected" to prevent significant disruption of the habitat values and functions. Therefore, the project as proposed is not consistent the Coastal Act and LCP.

Proposed Solution to Avoid a Significant Impact and to Achieve Consistency with the Coastal Act and LCP.
In order to prevent two specific significant impacts to the native grasslands onsite and to lessen somewhat the overall significance of biological impacts to the interrelated ESHAs on site, the project must be redesigned to avoid the native grasslands as continuous ecosystem and create a buffer zone to protect the grassland. Pursuant to the LCP and Coastal Act, the buffer must be of sufficient size to prevent significant degradation or elimination of the native grasslands over time. An adequate buffer surrounding both native grassland ESHAs should be fenced off prior to

commencement of any work on the site. To prevent or lessen significant indirect impacts to the native grassland habitats caused by human disturbances, noise, lighting, runoff, non-native plants, pets, etc., a buffer of 50 feet would be sufficient to protect the existing plants and provide an edge for its natural expansion and contraction cycles. Neither the buffer nor the native grassland habitats should be subject to excavation, grubbing, trenching, grading or disturbance of any type. Purple needle grass plants grow very slow and some plants may be dozens or hundreds of years old. Their loss due to construction would be irreplaceable.

The grassland buffer and habitat areas will still require active restoration to offset the impacts of development, including landscaping, that occurs outside this minimum necessary buffer. This active management and restoration includes removal or control of invasive non-native plants, facilitating regeneration of native grasses, and controlling human and if possible pet entry into the habitats and buffers for the life of the project. In addition, periodic mowing, as directed by a native grassland expert, should be necessary to reduce the advantage of annual exotic grasses.

Conclusion

In closing, based on my assessment of the project, the ecological resources present, and the material provided to me by your office, I conclude that the proposed project would cause two significant impacts, one to each native grassland identified. The project needs to consider the grassland patches as one unit and include a 50-foot setback. Fortunately, avoiding these impacts is possible by re-designing the project.

Sincerely,

Cristina Sandoval

Cristina Sandoval, Ph.D
701 Storke Rd #C
Goleta, CA 93107

Materials Consulted:

1. the SB County LCP Policy 9-18, Coastal Zoning Ordinance and the California Coastal Act sections relating to ESHA and native grasslands and buffers (30107.5, 30240)
2. the SAIC habitat maps and current project plans
3. County CEQA Thresholds for determining what is a significant impact to grasslands.
4. Coastal Commission staff report on Goleta Community Plan describing how patches of grassland at Ellwood would more properly be combined into ESHA complexes, rather than mapped in a piecemeal fashion.
5. Excerpts from FSEIR
6. GCP and draft Toro Canyon Plan

October 2,000

Curriculum Vitae

Cristina Penteado Sandoval

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Birth date: November 4, 1960; São Paulo, SP, Brazil
Social Security number: 602-05-4444
Status: U.S. resident
Citizenship: Brazilian

Education

Post-Doctoral (Evolution). University of California President's Post-Doctoral Fellow. University of California, San Diego. 1994-96. Mentor: Dr. Trevor Price.

Ph.D. (Ecology and Evolution). University of California, Santa Barbara. Completed in June 1993. Advisor: Dr. John Endler.
"Geographic, ecological and behavioral factors affecting spatial variation in color morph frequency in the walking-stick, *Timema cristinae*".

M.A. (Ecology, emphasis in entomology) thesis with honors. Universidade Estadual de Campinas. Completed in June 1987. Advisor: Dr. João Vasconcellos-Neto. "Aspectos da ecologia e socialidade na aranha social do cerrado, *Parawixia bistriata* (Araneidae)". English: "Aspects of the ecology and sociality of the savanna social spider, *Parawixia bistriata* (Araneidae)".

B.A. (Biology). Completed in 1982. Universidade Estadual de Campinas.

Languages

Portuguese, Spanish, English.

Teaching experience

-Lecturer, 1994- 2,000. UCSB. Walking Biology: field natural history, College of Creative Studies.
-Lecturer, 1997-2,000 UCSB. Natural History of Coal Oil Point, College of Creative Studies.
-Lecturer, 1999-2,000 UCSB. What's bugging you, College of Creative Studies.
-Lecturer, 1993. UCSB. Population Genetics, Lectured in collaboration with Dr. John Endler.
-Undergraduate Advisor, 1988-2,000. UCSB.
-Seminar leader, 1992. Experimental design.
-Teaching Assistant, 1987-1988. UCSB. Entomology, General Biology

Undergraduate experience

-Genetics laboratory, 1981-82. Learned techniques of artificial selection in corn and conducted my own research to detect heterosis in *Coix lachryma job*.
-Plant-insect interaction laboratory, 1982-83. Described the associated insect fauna with *Solanum maurithianum* and compared diversity and abundance of insects in mono- versus poli-culture fields.

Other professional experience

- Director, Coal Oil Point Reserve 1997-present.

- Research Biologist 1998-1999, Museum of Ecology and Systematics. Inventory of Lepidoptera of Carpenteria Salt Marsh Reserve.
- Consultant 1997, Distribution of Globose Dune Beetle in Haskell's and adjacent beaches
- Research Biologist, 1996. MSI. Mapped the vegetation of Coal Oil Point Reserve.
- Consultant, 1993. City of Santa Barbara, CA. Mapped the vegetation and described aquatic insect communities of wetlands in Southern California.
- Consultant, 1992. City of Santa Barbara, CA. Assessed the distribution of the tidewater goby in Goleta Slough prior to Santa Barbara Airport expansion.
- Research Assistant, 1987-1988. For Dr. John Endler, UCSB. Assisted in green house experiments to asses the effect of natural and sexual selection in guppy color patterns.

Publications

Crespi, B and Sandoval, C. 2000. Phylogenetic evidence for the evolution of specialization in *Timema* walking-sticks. **Journal of Evolutionary Biology** 13:249-262

Sandoval, C.P. 2000. Resistance to wildfire during diapause in a walking-stick (phasmatodea, timemidae). **The Southwestern Naturalist** 45:123-127.

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Sandoval, C.P. 1994. Differential visual predation on morphs of *Timema cristinae* (Phasmatodea, Timemidae) and its consequences for host range. **Biological Journal of the Linnean Society** 52 :341-356.

Species descriptions

Vickery, R. V. and Sandoval, C. P. Description of three new species of *Timema* (Phasmatoptera:Timematodea:Timematidae). Journal of Orthoptera Research. in review.

Vickery, R. V. and Sandoval, C. P. Additional notes, a change in synonymy and description of two new species of *Timema* Scudder (Phasmatoptera: Timematodea; Timematidae) from California. **The Canadian Entomologist** in press.

Vickery, R. V. and Sandoval, C. P. Two new species of *Timema* (Phasmatoptera: Timematodea; Timematidae), one parthenogenetic, in California. **The Canadian Entomologist** in press.

Sandoval, C. P. and V. Vickery. *Timema coffmani* (Phasmatoptera; Timematodea) a new species from Arizona. **The Canadian Entomologist** in press

Vickery, V. R. and Sandoval, C. P. 1998. *Timema monikensis*, Species Nov. (Phasmatoptera: Timemmatidea: Timematidae), a new parthenogenetic species in California. **Lyman Entomological Museum and Research Laboratory**, Note Number 22.

Vickery, V. R. and Sandoval, C. P. 1997*Timema bartmani* (Phasmatoptera: Timematodea: Timematidae), a new species from southern California. **The Canadian Entomologist** 129:933-936

Sandoval, C.P. and Vickery, V.R. 1996. *Timema douglasi* (Phasmatoptera:Timematodea), a new parthenogenetic species from southwestern Oregon and northern California, with notes on other species. **The Canadian Entomologist** 128:79-84.

Presentations at scientific meetings

Sandoval, C. P., Carmean, D., and Crespi, B. 1998. Macroevolution of host-plant specialization and color polymorphism in *Timema* walking-sticks. The Society for the Study of Evolution, UBC, Vancouver, Canada.

Sandoval, C. P, Carmean, D. and Crespi, B. 1996. Ecological Divergence in Sympatric and Allopatric conditions in walking-sticks (Timemidae). Endless Forms: species and speciation. A symposium in Honor of Guy Bush.

Sandoval, C. P. 1996. Effects of diversifying selection in speciation of the Timemidae. University of California President's Fellowship Meeting. UCLA Conference Center, Lake Arrowhead.

Sandoval, C.P. 1993. Patterns of color morph frequency in a walking-stick agree with predictions of multiple-niche polymorphism and isolation-by-distance models. Society for the Study of Evolution. Snowbird, Utah.

Sandoval, C.P. 1992. Maintenance of polymorphism in the walking stick, *Timema cristinae*, XXVI th Annual South West Population Conference, Hasting's Reserve, Monterey, CA.

Sandoval, C.P. 1991. Host plant utilization in the walking-stick, *Timema cristinae*, effects of preference, performance and predation. Society for the Study of Evolution. Hilo, Hawaii.

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Sandoval, C.P. 1988. Foraging and defensive behavior in the social spider, *Parawixia bistriata*. The Arachnological Society of America. Las Cruces, New Mexico.

Sandoval, C.P. and José da Silva, W. 1981. Heterosis in hybrids of *Coix lachryma jobi* (gramineae). Sociedade Brasileira de Genética, Campinas, São Paulo.

Invited talks

1995. Geographic, ecological and behavioral factors affecting spatial variation in color morph frequency in the walking-stick, *Timema cristinae*. Bodega Marine Laboratory

1994. Geographic, ecological and behavioral factors affecting spatial variation in color morph frequency in the walking-stick, *Timema cristinae*.
- University of Florida, gainnesville, Florida.
- University of California, San Diego.

- University of Washington, Seattle.

1993. Conditions for the maintenance of the color polymorphism in the walking stick *Timema cristinae*. Universidade Estadual de Campinas, São Paulo, Brazil.

1992. Trade-offs in host plant utilization by different color morphs of the walking-stick, *Timema cristinae*. University of Arizona, Tucson.

1990. Foraging and defensive strategies in a social spider. University of California, Santa Barbara.

Professional societies

American Society for the Study of Evolution.
American Society of Orthopterists

Honors

-UCSB General Affiliates Graduate Fellowship.

Competitive fellowships and grants

For Research:

- The American Orthopterists' Society. 1998
-University of California President's Post-Doctoral Fellowship. 1994-1996.
-Genetic Resources Conservation Program, UC, Davis. 1994, 1995, 1996, 1998.
-CNPq, Ph.D research support and fellowship. 1988-1992.
-American Museum of Natural History, 1991.
-Sigma XI, 1990.
-CAPES, MA fellowship. 1984-1986.
-FMB, MA fellowship. 1983-1984.

For UCCoal Oil Point Reserve:

- $ 100,000 for Restoration - Coastal Resources Program, 1999
- $ 1,000 for K-12 Restore a Space Program – Santa Barbara County Education Office, 1999.
- $ 2,500 for K-12 Outdoor Environmental Education for COPR- NRS UCOP, 2000
- $7,250 for K-12 Outdoor Environmental Education for COPR- NRS UCOP, 2001
- $ 4,000 for K-12 teacher training- NRS UCOP, 2000
- $ 55,000 for Restoration - Coastal Resources Program, 2000
- $ 13,000 for Restoration – Shoreline Preservation Fund, 2000
- $ 1,500 for Botanical Field Guide – Shoreline Preservation Fund, 2000

Awards

-Staff Incentive Award, UCSB, 1998.
-Continuing Graduate Student, Fellowship Award, 1992.
-Association for Woman in Science, 1991.
-UCSB Committee on Research, Research Travel Award, 1991.

Names of referees:

Dr. John Endler (Ph.D. advisor)
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EXHIBIT D

Date: 01-09-02
From: Elizabeth Painter, Ph.D.
To: Diane Conn, Brian Trautwein, Linda Krop
RE: Sandpiper Residential Project: Independent Analysis of Grasslands...

I have reviewed the comments by Drs. Robert F. Holland and V. L. Holland contained in *the Independent Analysis of Grasslands and California Red-Legged Frog, January 2002.*

1) There are 3 species of grasses (not 2 as stated by R. F. Holland) identified on the 'native grasslands and wetlands' map – purple needle grass [*Nassella pulchra*], meadow barley [*Hordeum brachyantherum* (apparently 2 subspp. Based on V. L. Holland Table 1], and California brome [*Brumus carinatus*]. There are also other native species, including an as yet unidentified morning glory (*Calystegia* sp,), which add to the native grassland habitat's botanical diversity.

2) While none of the native grasses are 'rare enough' (R. F. Holland) to warrant listing *in California Native Plant Society's Inventory of Rare and Endangered Plants of California* [Tibor 2001), native grasslands are considered to be a rare and endangered ecosystem type in California

   Several sources (e.g., Holland and Keil 1995, Keeley 1990) identified grasslands as having occurred on much of the south coast of Santa Barbara County (Holland and Keel Fig. 11-1, p. 200; Keeley p. 2). However, examination of the land-cover classes mapped in the recent Southern California Mountains and Foothills Assessment (Stephenson and Calcarone 1999) illustrates how little remains (Figure 1.7, p.11). Perennial grasslands are now included among the endangered plant communities of California (see Schoenherr 1990).
   > "Perennial bunchgrass communities are one of the rarest plant communities in California (Keeley 1989; Keeley 1993) and are considered to be one of the most endangered ecosystem types in the United States (Noss et al. 1995; Peters & Noss 1995)." [Hamilton 1997, p. 42]

Therefore, the native grassland present onsite, while it has yet to be completely and accurately mapped, meets the definition in the Coastal Act of an Environmentally Sensitive Habitat Area (ESHA).

3) I agree with R. F. Holland that the grasses are not distributed uniformly over the site. As Dr. Mark R. Stromberg pointed out in his letter of 18 November 2001, it is the very nature of *Nassella pulchra* grasslands to be patchy.

   Looking at the map provided, I can see what R. F. Holland described as the 'linear nature of the densest stands'. However, I am not sure whether this perceived pattern might be the result of history of disturbance (leaving and artificial pattern of remnants), an artifact of the mapping, stochastic, or related to other factors.

   It did not appear to me that the native grass plants were 'growing in rows'.

   Based on my site visit with representatives from the County, the appellants, the applicant, Dr. Cristina Sandoval and Dr. Mike Williams on November 26, 2001, in my professional opinion, numerous individual grass plants and areas of native grass were not recorded on SAIC's map of native grasses and grasslands. Therefore, a complete mapping of the grass plants between the recognized patches is still necessary to assess the actual pattern of distribution of plants at the site, and the size and extent of the ESHA.

4) As R. F. Holland points out, there are anthropogenic disturbances at the site. Dr. Mark R. Stromberg pointed out that human disturbances can lead to distinct boundaries and the well-separated patches. Areas disturbed by soil cultivation often support stands with lower total cover (Hamilton 1987).

   I do not think that the anthropogenic disturbances preclude this from being a natural (albeit disturbed) grassland.

   Based on the basal diameter of some of the plants, it is quite possible that some of the plants are older than the disturbances identified by R. F. Holland [see J. G. Hamilton 1997 for relationship of size to age in *Nassella pulchra*].

   Moreover, under the Coastal Act and the County's LCP, the site's history is not relevant to determining the current extent of ESHA. Regardless of the origin of native grasslands onsite, since such habitat does exist and

is rare, it is an ESHA. The total size of this habitat has yet to be determined and additional mapping is required to properly map the ESHA.

5) Because most of the 'usual neighbors' [see R. F. Holland comments] are dormant or in very early growth stages in mid-December, it is unlikely that one would be able to determine whether they are actually present at the site.

   Nearly all of the plant taxa on V. L. Holland's Table 1 would not be visible in mid-December. Bulbous geophytes and herbaceous perennials generally die back to the soil surface or below each year, and most do not reappear until there has been sufficient rain to trigger growth. Annuals die, leaving only seeds to reestablish the plants with winter rains. Thus, many of these plants may be present at the site but not visible in mid-December.

   Only a survey at an appropriate time during the growing season would allow one to determine associates. In his recommendations and guidelines in *A Flora of the Santa Barbara Region, California*, C. F. Smith (1998) recommended that "impact surveys should be made in the spring, with additional follow-ups in summer and fall for the identification of later flowering plants".

   Until an actual survey for the plants in V. L. Holland's Table 1 (and other native plants) is conducted at an appropriate time, it is premature to say that none of these plants occur at the site. It is also premature to make conclusions regarding the size of the native grassland habitat.

6) The areas with lower density of plants between the dense patches may be important for the success of these grasslands. Hamilton (1987) found that high seedling recruitment was associated with low basal cover of mature individuals. Also, these areas of lower native grass density support prey used by raptors and are thus integral parts of the native grassland habitat. Therefore, the areas of lower native grass density surrounding the mapped dense patches may be significant components of the native grassland community and part of the ESHA, but have not been mapped as such.

7) The apparent absence of visible native grasses (as well as many of the other native perennial herbs) during periods of disturbance and/or drought may not represent their absence from the site. Most of these plants have mechanisms for long-term dormancy during periods of stress. Some bulbous geophytes have been found to 'reappear' after fires in areas that have not burn for a century and where the geophytes were not recorded during that time. During the 1930s drought, perennial grasses were documented to remain dormant for a decade. Some grasses have been found to go dormant following a single defoliation.

8) The 10-foot buffer offered for the native grassland area to be protected is inadequate to prevent long term significant disruption to and possible loss of the native grassland resources present onsite. An adequate buffer that will protect the native grassland from significant disruption and allow it to persist into the future is required under Section 30240(b) of the Coastal Act and the LCP. As noted in my previous report on this subject, a 50-foot buffer is necessary to adequately protect the native grassland resources present onsite.

REFERENCES

Hamilton, J. G. 1997. Environmental and biotic factors affecting the occurrence of the native bunchgrass *Nassella pulchra* in California grasslands. Ph.D. Dissertation. University of California Santa Barbara.

Holland, V. L. and D. J. Keil. 1995. California Vegetation. Kendall/Hunt Publ. Co., Dubuque, IA.

Keeley, J. E. 1990. The California Valley Grassland. Pp. 2-23 in A. A. Schoenherr (ed.), Endangered Plant communities of Southern California: Proceedings of the 15th Annual Symposium. Southern California Botanists Special Publication No. 3. Rancho Santa Ana Botanic Gardens, Claremont, CA.

Smith, C. F. 1998. A Flora of the Santa Barbara Region, California 2nd Edition. Santa Barbara Botanic Garden & Capra Press, Santa Barbara.

Stephenson, J. R. and G. M. Calcarone. 1000. Southern California Mountains and Foothills assessment: Habitat and Species Conservation Issues. General Technical Report GTR-PSW-172. Pacific Southwest Research Station, Forest Service, US Department of Agriculture, Albany, CA.

EXHIBIT E

From Cristina Sandoval, Ph.D. biologist

To: Santa Barbara County Board of Supervisors
cc: Diane Conn, Brian Trautwein, Linda Krop

RE: Response to Holland R. F., Independent Analysis of Grasslands and California Red-Legged Frog

January 15, 2002

I read the report by R. F. Holland and wish to comment on several issues regarding his findings and conclusions.

1) Holland observed in his one site visit that the patches of *Nassella pulchra* had "something funny" in their distribution concluding that they were linearly distributed as a result of mowing for fire-breaks.

I agree that mowing may favor *Nassella pulchra* by decreasing competition with exotic European grasses. However, the patches of *Nassella* at the 14-acre site do not appear linearly distributed, particularly if unmapped patches were to be taken into account.
Additionally, the firebreaks do not appear linear, particularly in the 1983 photo. It seems that the entire field has been mowed and certain areas are barer than others.

2) The conclusion that the observed patches of *Nassella* were a "naturalized grassland that happened to include two native species" is absurd. Native species of grasses, particularly the ones in question, do not grow everywhere. They require specific ecological conditions and their presence at this site is an indication that these grasses were historically present at the area. Their ability to persist despite human activities shows that this is a very suitable area for a native grassland. Additionally, *Nassella* grows very slowly and the site has very large and mature plants, likely to be several decades old. This again suggests their continued presence on this site.

The argument that the existing native grasses do not form a native grassland because recent human use history has removed them is flawed. If one is to use historical presence as an argument, then by the same argument one could say that entire area was probably historically a native grassland and should not be developed.

3) By looking at the aerial photos, I was not able to tell that the site has been cultivated with hay and grain or simply mowed or pastured. It would be useful to know if this was a guess or a substantiated information. If it is the latter, a reference should be attached.

4) Holland concludes that the project should not be appealed because native species are not valuable if there is no good evidence that they belonged to an original relictual grassland. Even if this was the case, this seems a questionable and unsubstantiated personal view of conservation. I do not believe that the regulations distinguish whether individuals of protected species had a historical presence at an area or not to warrant their protection. The precedent for this argument argues in favor of protecting individuals regardless of their site history. For example, the California Coastal Commission protects

wetlands even if they are formed by artificial ditches. The Endangered Species Act protects individuals of listed species, no matter where they are and how they were distributed in the past.

The SAIC map is incomplete and does not depict the actual extent of the native grassland ESHA. Instead, it merely depicts some of the locations of native grass species. The pertinent regulations of the Coastal Act and Local Coastal Plan require that **habitats**, not merely species, be protected.

5) Holland's report attempts to verify the SAIC map but does not identify existing patches of *Nassella* that are absent from the SAIC maps. There is a particularly large patch that remains unmapped at the southeast edge of the property along Hollister Ave.

In conclusion: I do not believe that the aerial photos substantiate the claims of cultivation and termination of a native grassland. I do not agree that, even if the cultivation history reported is correct, that the native grasses are of lesser value and therefore deserve less protection. This logic, if accepted, sets a bad precedent for sensitive species and habitat protection in the county.

EXHIBIT F

UNIVERSITY OF CALIFORNIA, BERKELEY

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SANTA BARBARA • SANTA CRUZ

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A Biological Field Research Station
Museum of Vertebrate Zoology

November 18, 2001

Dear Dr. Sandoval,

The very nature of Nassella pulchra grasslands are patches. How one defines a patch is probably similar to the approach taken by those classifying woodlands in the Midwest. There has been quite a controversy about savanna .vs. forest .vs. grassland with isolated trees. There, a standard of vegetation mapping is based on the following criteria. It is a contiguous forest if the distance between canopies of trees is smaller than the average of the longest dimension of the canopy of the trees. If the distance between tree canopies is greater than average canopy dimension, you have a savanna. If the distance between canopies is many times (>3x) that of the average tree canopy, it is a grassland with scattered trees.

So, in a grassland that is similarly patchy, I would argue that the "grassland" should be mapped as a unit when the distance between the patches (groups of individual grass clumps) is smaller than the average dimension of the individual patches. An individual patch can be mapped by connecting the outer individual grass clumps. Generally, they have very distinct, often anthropomorphic-caused boundaries (edges of former fields, etc.). In some very extreme cases (Carizzo Plain) the distance between individual bunches of grass can be hundreds of feet. It should be less than a meter in your cases, I suppose. The patches are comparable to a "tree" and would consist of several hundred to several hundred thousand individual clumps of grass. Take the average patch size (measured as longest dimension) of these patches and if the distance between such discreet patches is smaller than the average largest dimension of the patches, then map as one unit. I have attached a diagram to explain this further.

I will attach our paper (Stromberg, Kephart, Yadon) on the recognition of coastal terrace prairies in California which further discusses how rare these have become and includes a discussion of how to recognize them.

Best regards,

Mark R. Stromberg

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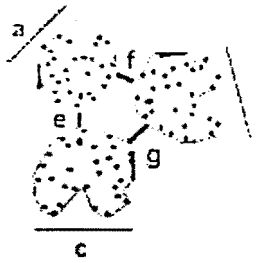
Mark R. Stromberg, Ph.D.
Resident Director
Hastings Natural History Reservation
University of California - Berkeley

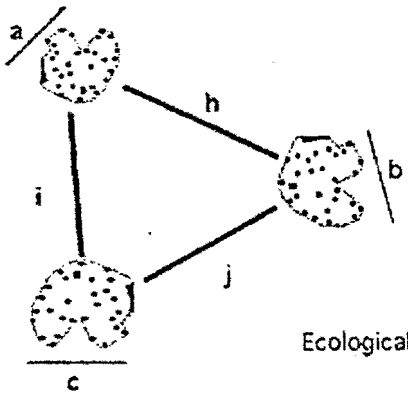


Average of a,b,c

is greater than

average of e, f, g.

Ecologicaly One Patch, Unit



Average of a, b, c

is smaller than

avearge of h, i, j.

Ecologically Three Patches, Units

EXHIBIT G

STATE OF CALIFORNIA—THE RESOURCES AGENCY PETE WILSON, Governor

CALIFORNIA COASTAL COMMISSION
SOUTH CENTRAL COAST AREA
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VENTURA, CA 93001
(805) 641-0142

June 1, 1995

TH 12a

TO: Commissioners and Interested Parties

FROM: Tom Crandall, Deputy Director
Acting Director, South Central Coast Area Office

SUBJECT: REVISED FINDINGS SANTA BARBARA COUNTY LCP AMENDMENT 2-93-C Land Use Plan Amendment, (Santa Barbara Shores - Ellwood Beach). Public Hearing and Final Action at the California Coastal Commission Hearing of June 13-16, 1995 at 10:00 A.M. at the Carmel Mission Inn, Carmel, CA 93923

STAFF RECOMMENDATION FOR REVISED FINDINGS

The staff recommends that the Commission adopt the following revised findings in support of the Commission's actions on August 10, 1994 denying as submitted and then approving with suggested modifications the County of Santa Barbara LCP amendment number 2-93-C (Santa Barbara Shores - Ellwood Beach Specific Plan)

COMMISSIONERS ELIGIBLE TO VOTE:

Doo, Doughty, Flemming, Giacomini, Glickfeld, Gwyn, Moulton-Patterson, Rick, Williams, and Wright

~~13540 majority vote of members prevailing on motion~~
9-1

30315.1

Background

The County submitted in 1993 a Specific Plan for the Santa Barbara Shores - Ellwood Beach Planning area which would allow for the development of public recreational facilities on the Santa Barbara Shores portion, and a private residential development within an approximate 40 acre development envelope on the Ellwood Beach portion of the Specific Plan area. The Commission staff had recommended limiting the development of the residential development to a 29.5 acre development envelope.

After a public hearing the Commission approved a 38 acre development envelope on the Ellwood Beach portion of the Specific Plan Area. In addition, the Commission approved five additional suggested modifications which: restricted the use of private desalination plants; provided for the transfer of permitted residential development to the Santa Barbara Shores portion of the Specific Planning Area; and transferred recreational development to the Ellwood Beach portion of the Planning Area; identified the coastal bluff trail route as the preferred route of the DeAnza Coastal Trail; provided for the coordinated development with the adjacent West Devereux Specific Plan Area; and provided for the potential use of the common open space areas of the residential development for public use and access to the beach areas.

PRC Section 30240 provides that:

> (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.
>
> (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

The Santa Barbara County Local Coastal Program Land Use Plan includes numerous policies addressing Environmentally Sensitive Habitat Areas. The Goleta Community Plan, which was approved by the Commission in January 1994 as part of the County's certified Local Coastal Program, includes numerous policies, actions and development standards providing guidance on ESHA related to this project. As noted above, the Coastal Act is the standard of review while the Santa Barbara County Local Coastal Program provides guidance to decision makers for this amendment.

2. General Habitat Characteristics of the Specific Plan Area

The environmentally sensitive habitats of the Specific Plan area are concentrated on the Ellwood Beach portion of the Specific Plan area. These ESH consist of a mosaic of native and introduced grasslands, vernal pools, coyote brush scrub, coastal bluff scrub, and eucalyptus woodlands. The Environmentally Sensitive Habitat Map adopted as part of the Goleta Community Plan and certified by the Commission was based upon mapping of native grassland (principally Stipa pulchra) and vernal pool habitat discussed below. However, the environmentally sensitive habitat areas identified by the County in its certified EIR for the Specific Plan are not restricted to these two habitat types, but are a composite composed of a variety of different habitat types (including non-native grasslands). Each of these habitat types exhibits distinct functional values, and individually and collectively contributes to the environmentally sensitive nature of the site.

The grasslands provide important foraging habitat for a variety of protected raptors (e.g., White-tailed kite, Coopers Hawk, Northern harrier, etc. pursuant to California Department of Fish and Game Code Section 3800) and habitat for a number of small mammals (e.g., Voles, Beechy ground squirrels, Red fox, etc.).

In addition, the native grasslands, are environmentally sensitive because this habitat type has been reduced in the region, and through out the State; current estimates indicate that the remaining native perennial grasslands constitutes less than 0.1% of the pre-historically occurring grasslands. Of the remaining grasslands, less than 1.0% are protected in state or federal reserves. Consequently native grassland habitat is considered to be one of the most endangered plant communities in California.

The native grasslands on the site are one of the best preserved examples in terms of density and acreage on the south coast of Santa Barbara County, and was ranked fourth among 17 sites evaluated in the County by the certified

Environmental Impact Report for the Specific Plan. Significantly, some of these other sites, most of which are outside the coastal zone, have since been lost or degraded by development and livestock grazing.

It is important to note in this connection, however, that these habitat functions (e.g., food chain support for rare, sensitive, and regionally restricted wildlife species) are not limited to the native species of grasses, but are also supported by the non-native species of grasses.

Vernal pools are a naturally restricted and therefore rare habitat type which because of their rarity are considered environmentally sensitive. The vernal pools on the site support a number of endemic plant species (e.g., Hermizonia australis and Stachys ajugoides) which are restricted to the distinctive hydrologic cycle of a vernal pools. In addition there are a number of arthropods which are restricted to this habitat type.

Because vernal pools naturally occur in settings where there are rapid environmental changes (e.g., temperature, soil chemistry, and water), vernal pools species exhibit an unusually high degree of genetic diversity. This diversity is dispersed among vernal pools species throughout groups of vernal pools, rather than being exhibited in individual pools. As a consequence effective vernal pool conservation requires groups of pools be protected, along with avenues for dispersal of organisms between them, rather than as individual or isolated pools. The rarity of this habitat type coupled with the unique assemblage of both plant and animals associated with them qualifies this habitat as environmentally sensitive.

The Coyote brush and coastal bluff scrub (coastal sage scrub) is a native habitat which has become increasingly rare due to development pressures along the south coast. Coastal bluff scrub, in particular has been eliminated due to development of and use of terraces for agricultural, grazing, and other land uses; individual species comprising this community are considered to be environmentally sensitive by the County and the California Native Plant Society.

The Eucalyptus grove, to the north, while a non-native species like much of the grassland area, plays an important role in the mosaic of habitat types on the site: in addition to buffering the open-space area of the site from adjacent residential development, the Eucalyptus grove provides an important roosting area for Monarch butterflies, as well as a roosting site for Turkey vultures. Additionally, according to John Storrer who prepared the biological portion of the EIR for the County (as sub-consultant to ESA), the Eucalyptus grove has been used in the past (observed in 1989) as a nesting site for the White-tailed kite, and is presently being used by two pairs of nesting kites. Recent observations indicate that the at least one pair of White-tailed kites are rearing young in the Eucalyptus grove bordering the eastern end of Ellwood Beach property.

Many of these habitats have been substantially affected by past agricultural and recreational uses on the site. However, they have retained many of their functional values because of the limited nature of the disturbance, the distance from other urbanized areas, and the proximity to other related habitats, including the adjacent coastal strand, the Devereux Creek, and the Devereux Slough.

Additionally, some habitats have recovered or expanded as a result of the abandonment of the site for active energy or agricultural development. The extent and coverage of native perennial grasses, for example, has increased since the removal of horses from the Ellwood Beach portion of the Specific Plan Area.

3. Native Perennial Grassland Habitat on Ellwood Beach.

The areal extent of the various habitats (particularly native bunchgrass) has been the subject of considerable discussion, and has been variously mapped by different consultants and the County's own Planning and Development staff.

Although native grasslands and vernal pools exist in isolated areas outside the complexes on the eastern end of the Ellwood Beach property, and also on the Santa Barbara Shores (County owned) property, the densest and best preserved aggregation of native grasses occur on the Ellwood Beach property. Further, the Ellwood Beach portion of the Specific Plan Area contains 23 of the 24 existing vernal pools in the Specific Plan Area.

The native grassland - vernal pool complex on the Ellwood Beach property as mapped in the certified EIR comprises approximately 35 acres.

4. Alternative Development Envelopes for Ellwood Beach

At the Commission's hearing on January 12, 1994, Commissioners expressed an interest in examining alternative configurations to the staff proposed development envelope on the Ellwood Beach Portion of the Specific Plan Area, and also directed the Commission staff to meet with a number of the biological consultants responsible for preparing the analysis of environmental resources, including native and non-native grasslands, for the site, as well as other scientists having expertise regarding the biological resources of the Specific Plan Area.

The environmental habitat issues raised by the Specific Plan have been reviewed by a number of independent biological consultants, as well as by the California Department of Fish and Game and the U.S. Fish and Wildlife Service.

Based upon a further review and consultation with the County, applicant representatives, and others with expertise relevant to and familiar with the resources of the site (including a meeting with scientists involved with the Specific Plan on March 2, 1994), the Commission staff prepared an analysis of seven alternative development envelope configurations and their combinations for the Ellwood Beach portion of the Specific Plan Area; these were presented as part of the Commission staff's July 29, 1994 staff report and recommendation.

The table below provides a summary of three of these individual developement envelope alternatives, including the County approved development envelope, the prior Commission staff recommended development envelope, and the Commission approved development envelope.

Volume 1
FINAL

ELLWOOD BEACH - SANTA BARBARA SHORES SPECIFIC PLAN AREA Environmental Impact Report

89-SP-2

91-EIR-3

September 1992

SCH # 890208003

ESA

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Native Grassland: Native grassland is a sensitive natural community. LCP policies 9-17 and 9-18 address agriculture and other forms of development with respect to this resource. The Comprehensive Plan recommends that this community be protected and that access be limited to educational and scientific study (Santa Barbara County, 1979).

Historically, native bunchgrasses were much more widespread throughout California than today. The introduction of non-native grasses and forbs (wildflowers), livestock grazing and alteration of community's natural fire regime are factors that resulted in the displacement of native bunchgrass, other native grasses, and forbs by introduced species (Heady, 1988).

Grazing by horses over most of the Specific Plan area kept native bunchgrass confined to the steeper north-facing slopes of the site in the past. With the removal of horses from the SWD property approximately 5 years ago, native bunchgrass coverage has greatly increased throughout the eastern portion of the site (Ferren, personal communication, 1990; Gira, personal communication, 1990 and Odion, 1992). Continued exclusion of domestic grazing animals will probably result in further increases in cover and dominance of native bunchgrass on the site (Ferren, personal communication, 1990; Odion, 1992). In contrast, grazing by horses continues on the County Property where native grasses are essentially non-existent.

Relatively large stands of native bunchgrass occur in a mosiac with non-native grasses and forbs, primarily on the southeastern portion of the Specific Plan area (see Figures VI.D.2a and VI.D.2b). The extent of native perennial bunchgrass grassland, as measured by ESA and depicted in Figure VI.D.2a, comprises about 42 acres and generally represents the area where bunchgrass is concentrated. Not all vegetation within this boundary is native bunchgrass, but this area functions as an integrated community and, as discussed above, has the potential to increase its coverage both within and outside the area shown in Figure VI.D.2a. Smaller stands and individual bunches of these native grasses are also scattered throughout areas dominated by non-native grasses. The most abundant native bunchgrass is purple needlegrass (Stipa pulchra). Other native grasses include two species of meadow barley, (Hordeum californicum and Hordeum brachyantherum). Both purple needlegrass and H. californicum occur in drier upland areas on the mesa and north-facing slopes, while H. brachyantherum is typically associated with, but not restricted to, seasonally wet areas such as swales and the margins of vernal pools. Please refer to the discussion following Impact VI.D.1 for additional information on the extent of native grassland on-site.

Other native grasses occurring as components of the bunchgrass complex on the project site include: California brome (Bromus carinatus), which occurs on the north-facing slope of the northeastern corner of the site; and alkali rye (Elymus triticoides), which occurs on the northeastern corner of the site on this same north-facing slope, in low-lying areas adjacent to Devereux Creek, and in several swales on the mesa. Native grasses which are members of the palustrine emergent wetland vegetation community are discussed below.

Eucalyptus Woodland: Eucalyptus woodland occurs primarily around the perimeter of the Specific Plan area, particularly along its north, east and west boundaries (see Figure VI.D.2). Several small stands of wind sculpted trees also grow at the edge of the coastal bluff to the south. These dense groves of introduced trees were probably planted by ranchers as windrows in the late 1800s or early 1900s, as they appear to be well established in historic aerial photographs of the site from as early as 1928. The three species of Eucalyptus that occur on the project site are blue gum (E. globulus), the dominant species, lemon-scented gum (E. maculata var. citriodora) and red ironbark (E. sideroxylon).

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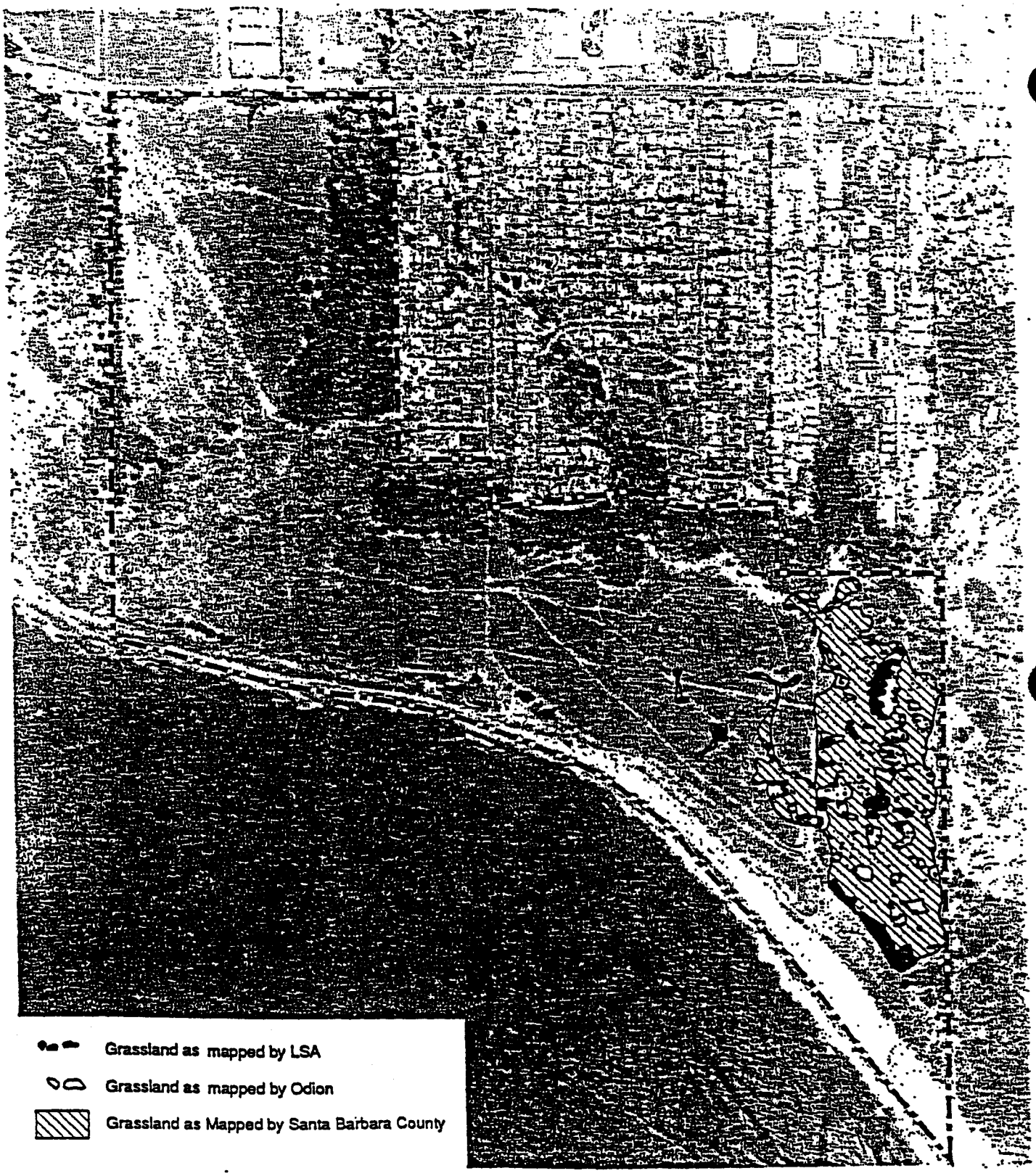

SOURCE: Environmental Science Associates, Inc.

Ellwood Beach / 0211 ■

Figure VI.D.2b
County Designation of Native Grassland Boundary
(incorporates LSA and Odion Mapping Methodologies)

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Guidelines (State of California, 1986). Availability and feasibility of offsetting mitigations are, pursuant to these publications, a primary consideration in making findings of potential significance.

In summary, direct, indirect and cumulative impacts to terrestrial and wetland biological resources were considered significant if any of the following criteria were met:

- If the proposed Specific Plan has the potential to substantially degrade the quality of any plant community or habitat designated as an ESH by the County of Santa Barbara, or listed as rare or of critical importance to plant and/or wildlife species.
- If the Specific Plan may cause a change in population size or structure, through direct mortality or habitat degradation, of any listed or proposed rare, threatened or endangered plant and/or animal species.
- If the Specific Plan may result in the alteration of ecological relationships necessary to sustain local plant populations, natural communities and/or animal populations.

SPECIFIC PLAN AREA IMPACTS AND MITIGATION MEASURES

Impacts

Appendix F contains detailed discussions of impacts, as well as more detailed mitigation measures for impacts to sensitive wildlife habitats and species. The information in these reports is synthesized and summarized below.

Direct Impacts

Direct impacts to terrestrial and wetland biological resources include the displacement of and/or disturbance to plant and wildlife species and habitats. The development of the residential units, the water treatment plant(s), the equestrian facility, roadways, landscaped open space and associated facilities would result in the direct, permanent loss of approximately 200 acres of existing vegetation communities. The loss or deterioration of these communities also constitutes a loss of important wildlife habitat. Direct and short-term impacts to wildlife species resulting from construction activities (i.e., grading, filling and construction of buildings) include construction-induced mortality, disturbance and noise and air pollution.

In addition to the presence of structures on the site accompanied by increased human activity, other project components such as the operation of the water treatment plant(s) and the use of Phelps Road would have long term effects on the remaining vegetation and wildlife in the Specific Plan area. Long-term pollution and disturbance would further degrade natural communities and wildlife habitat. Furthermore, disturbance of wildlife species combined with the loss of suitable habitat is likely to result in abandonment of the area by certain wildlife species. The long term effects of habitat loss are critical in terms of preservation of local and regionally significant wildlife populations.

Impact VI.D.1: The removal and/or disturbance of the native grassland would constitute a significant unavoidable impact (Class I).

Native grassland has been identified as an environmentally sensitive plant community and wildlife habitat which is afforded protection by local plans and policies. The loss

of this plant community is significant because it has been substantially reduced in the region. Native and non-native grassland communities also provide important hunting and foraging habitat for many common and sensitive wildlife species in the Specific Plan area. This particular grassland is one of the best remaining examples of this habitat in terms of density and acreage on the south coast (Odion, 1992) and was ranked fourth among 17 sites in the County that were evaluated as potential native grassland preserves (Odion, 1989). According to Odion, the extent of native grasses at the Ellwood Mesa site has increased in recent years (Odion, 1992). In addition, some of the previously higher ranked sites have been lost or degraded by development and livestock grazing.

Four different methodologies have been used to measure the distribution of native perennial bunchgrass habitat on the Ellwood Mesa site (LSA, 1991; ESA, 1991; and Odion, 1992). These methods, as developed and employed by different investigators, resulted in four different quantitative estimates of the resource.

The analysis presented in the Draft EIR concluded that there are 42 acres of native grassland within the Specific Plan area (see Figure VI.D.2a). This value was derived using definitions of native grassland presented in Holland (1986), Bliss (1989) and Odion (1989). This mapping method yields a much larger, contiguous area that encompasses all of the native grassland patches fitting the previously referenced descriptions. Approximately 42 acres of grassland habitat would be lost to development under the proposed Specific Plan using this methodology.

The applicant proposed OSHMP (LSA, 1991) calculates that the SWD property supports about 4.5 total acres of native bunchgrass grassland. This calculation was derived by measuring foliar extent (the edge of canopy for all patches of native bunchgrass with a density range of 25 to 75 percent cover). The resulting map depicts numerous irregularly shaped "polygons" with a disjunct occurrence (see Figure VI.D.2b). The proposed Specific Plan would remove approximately 4.5 acres using this methodology (LSA, 1991).

A third quantification of native grassland, performed by an independent consultant to the County, estimated the total to be approximately 7.3 acres (Odion, 1992). Please refer to Appendix N for details on this third assessment. This assessment applied the definition of "significant grassland" as proposed by Odion (1989) (i.e., areas where the indicator plant, Stipa sp., is dominant to all other species in terms of percent cover). An important feature of this methodology is that smaller patches of bunchgrass, containing 50 percent or greater cover of Stipa, were aggregated into larger units. This was done because the investigator felt that these larger sub-units more accurately represented the true occurrence of the habitat on-site. This mapping strategy resulted in several large polygons in the eastern portion of the site, with several smaller aggregates to the south and southeast. Using Odion's estimate, the area of native grassland that would be directly impacted by the proposed Specific Plan would be approximately 7.3 acres.

In view of the differences of professional opinion among native grassland specialists, the County's planning staff attempted to resolve the grasslands issue during the public review period for the environmental document. Each of the previous methods used to quantify the resource was thoroughly evaluated for practicality and consistency with the general Coastal Plan policy requiring preservation of native grassland habitat. This process resulted in a revised map depicting the distribution of the significant native grasslands on site (see Figure VI.D.2b). A quantification of the extent and potential impact to the resource was generated by County RMD staff from the revised base map and is available for review at the County.

County staff used the applicant's mapping of native grassland "polygons" (LSA, 1991) as a basis for their assessment. A more conservative operational definition of grassland was applied, one that is consistent with the California Department of Fish and Game concept of "minimum mapping unit" for native grasslands which is: areas where native grass species comprise ten percent or more of the total vegetative cover are mapped as native grassland (Keeler-Wolf, 1992, personal communication). Therefore, where such areas occurred on the Ellwood Mesa, they were classified as significant and mapped as one unit. This broader definition resulted in a higher estimate for the extent of native grassland habitat on site. A total of 29 acres of native grasslands was computed from this method (see Supporting Technical Information). The other investigators had used 25 to 75 percent (LSA, 1991) and 50 percent or greater (Odion, 1992) of the indicator species Stipa pulchra or the outermost extent of the community (ESA, 1991) in measuring the distribution of native grassland.

A brief comparison of the four methodologies may assist with the determination of which is the most useful in this case. There is a consensus among the participating biologists that regardless of the method and values used to measure the resource, the impact will be significant and subject to mitigation.

The applicant's technique (LSA, 1991) is the most precise measure of the occurrence of native bunchgrass individual patches on-site. The density in the majority of the stands that were mapped ranged from 25 to 75 percent, which is a reasonable operational definition of native grassland. However, Odion (1992) argues that this method minimizes the true extent of the habitat because spaces between smaller patches of bunchgrass were not included in the estimate. This emphasis on individual specimens in also subject to seasonal bias (foliar edge may retract or expand) and it disregards species diversity as a measure of habitat quality because only one species is used for delineation. It should be noted that the other two methods also rely on presence and density of that singular indicator species in their mapping procedures.

Odion's (1989) operational definition (50 percent or more dominance by Stipa) is not substantially different from the applicant's. However, his method considers spaces between smaller patches of Stipa to be bunchgrass habitat whereas the applicant (LSA) does not. This gives some allowance for the dynamic nature of the community. As has been previously stated, the extent of native grassland is increasing on the site and it is reasonable to assume that spaces between patches would eventually become occupied by Stipa were this trend to continue.

ESA uses a broader operational definition of native grassland (ESA, 1991). The map is less precise with respect to the current extent of the resource and it includes spaces between patches where Stipa is either very sparse or absent. This method is probably the best representation of the area that was previously or could potentially become dominated by native grasses.

County staff's method, by virtue of the larger mapping unit, encompasses other native grasses in addition to S. pulchra in its delineation. These species include Hordeum brachyantherum and H. californicum as previously mapped by Bliss (1989). This is an advantage because the previously employed techniques did not incorporate species diversity as an indication of habitat quality. There are at least five additional native grass species in the project area, including Hordeum brachyantherum, H. californicum, H. depressum, Bromus carinatus, and Elymus triticoides. Other herbaceous annuals, which are also indicative of native grassland habitat may also be included within the more generous polygon depicted in Figure VI.D.2b.

County staff's method used a more liberal application of Odion's (1992) approach of aggregating individual patches of grassland. It should be noted that this method is more conservative (i.e., results in a smaller area of native grassland) than is presented in the Draft EIR (ESA, 1991). As has been previously discussed, the foliar extent of perennial bunchgrassses (the feature used by LSA, 1991 to measure bunchgrass distribution) is seasonally variable. Similarly, the boundaries of a particular plant population are dynamic over periods of even just a few years, as appears to be the case on Ellwood Mesa. Combining the smaller, closely distributed patches of bunchgrass gives a more realistic picture of the amount of habitat present. This method also underscores a community approach to delineating the habitat, rather than a mapping of individual plants.

In summary, County staff's measurement of native grassland was chosen as the basis for the impact analysis for the following reasons:

- Given the regional sensitivity of the resource and the fact that this grassland is similar in cover to most other significant grasslands in the state, the threshold of significance for mapping (i.e., minimum percentage of vegetative cover) should have been lower than was used by other investigators.

- Previous attempts to define and delineate the resource did not consider species diversity as an indication of habitat quality.

- The County's technique emphasizes habitat or community approach (as is implied by the relevant Coastal Plan policy) that was not reflected in at least one of the three other estimates.

The direct impact associated with removal and the indirect effects of increased human occupancy (e.g., foot traffic, pets, bicycles, landscaping) adjacent to remaining stands of grasslands have the potential to further degrade the quality of this resource. Native and non-native grassland communities also provide important hunting and foraging habitat for many common and sensitive wildlife species in the project area (see Impacts VI.D.5 and VI.D.6). These impacts are considered significant and unavoidable.

Partial mitigation has been developed in order to address significant and unavoidable impacts. County staff supports a mitigation ratio of 3:1 for on site restoration mitigation and 4:1 for either off site restoration mitigation or preservation mitigation. This policy recognizes both the regional sensitivity of the resource and the advantages to on site preservation versus off site restoration mitigation.

Impact VI.D.2: The destruction of and/or disturbance to vernal pools and swales would constitute a significant unavoidable impact (Class I).

Wetlands are sensitive natural communities which are protected by local and federal policies. Development of the Specific Plan would result in the permanent loss of all existing 24 vernal pools in the Specific Plan area either by direct removal (about 15 pools), grading and filling (about 3 pools) or by the elimination and/or alteration of their natural watershed (about 6 pools). The vernal pools on the project site function as an ecological unit, and in some cases are hydrologically inter-connected pools. Existing surface water drainage patterns are of critical importance in maintaining the integrity of this vernal pool system. Therefore, significant disturbance of pools or of portions of the watershed of the vernal pool complex could negatively affect other portions of the system, resulting in the degradation and potential loss of associated pools.

STATE OF CALIFORNIA—THE RESOURCES AGENCY PETE WILSON, Governor

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March 25, 1998

TO: Commissioners and Interested Parties

FROM: Chuck Damm, Senior Deputy Director
Gary Timm, District Manager
Mark H. Capelli, Coastal Program Analyst

SUBJECT: COUNTY OF SANTA BARBARA LOCAL COASTAL PROGRAM (LCP) AMENDMENT 2-97-C Land Use Plan Amendment (Ellwood Beach - Santa Barbara Shores Specific Plan). Scheduled for Public Hearing and Possible Final Action at the California Coastal Commission Hearing of April 9, 1998 at the Hyatt Regency - Long Beach.

STAFF RECOMMENDATION FOR DENIAL AS SUBMITTED AND APPROVAL WITH SUGGESTED MODIFICATIONS

The staff recommends after the public hearing testimony is closed that the Commission adopt the following findings for DENIAL of the County of Santa Barbara's Local Coastal Program Amendment 2-97-C (Ellwood Beach - Santa Barbara Shores Specific Plan) as submitted and APPROVAL with suggested modifications to the Ellwood Beach - Santa Barbara Shores, the Goleta Community Plan, and the related Trails Map regarding coastal access, scenic and visual resources, and environmentally sensitive habitats. The motion for denial and approval with suggested modifications are found on page 5; the suggested modifications are on pages 6 through 9.

Background

The County of Santa Barbara submitted LCP Amendment 2-97 on August 28, 1997 consisting of three separate components: (A) Amendments to the Greenwell Park/Preserve in the Summerland Planning Area; (B) Amendments to the previously certified Goleta Transportation Improvement Plan; and (C) Amendments to the previously certified Ellwood Beach - Santa Barbara Shores Specific Plan and related elements of the Goleta Community Plan and County Parks, Recreation, and Trails Map PRT-3 for the Goleta Area. The amendment was deemed complete and filed on September 12, 1997.

The Commission opened and continued the public hearing on LCP Amendment 2-97-C at its January meeting in San Luis Obispo. At that meeting the Commissioners raised a number of issues related to public access (including bluff top setbacks for a coastal trail and interior trail widths), the protection of the Monarch Butterfly habitat provided by the Eucalyptus grove on the site, review of the Open Space and Habitat Management Plan for the Ellwood Beach property, and the design of the proposed residential development, and requested that staff consider additional suggested modifications to deal with these issues.

Part C of the amendment submittal does not involve re-certification of the Goleta Community Plan or the Ellwood Beach - Santa Barbara Shores Specific Plan, but only revisions to these components of the Santa

This more inclusive and habitat based definition resulted in a higher estimate of the extent of native grasslands than the applicant's consultant (4.2 acres), but smaller than the original estimate developed by the County's EIR consultant (42 acres). By virtue of the larger mapping unit, the County's adopted method also encompasses other native grasses in addition to Stipa pulchra in its delineation. These species include Hordeum barchyantherum, and H. californicum. This method has the advantage over the other mapping methods previously employed which did not incorporate species diversity as an indication of habitat quality, as well as recognizing the areas most suitable and likely to regenerate with native grasses because of the close proximity of existing seed sources.

In summary, the basic difference between the smaller and larger mapped environmentally sensitive native grassland areas is the result of mapping only individual plants or clumps of plants (principally Stipa pulchra), and mapping areas which because of topography and soils, as well as the presence of a variety of native grassland plants, were treated as grassland habitat. All of the grassland mapping was performed as part of the initial environmental review for the Goleta Community Plan and Ellwood Beach - Santa Barbara Shores Specific Plan Local Coastal Program amendment, and formed the basis for the delineation of environmentally sensitive habitat on the Specific Plan Area. This Environmentally Sensitive Habitat Map was included in the Goleta Community Plan submitted by the County as part of LCP Amendment 2-93-B, and was certified by the Commission at its January 12, 1994 meeting.

The County's certified Local Coastal Program has provisions for up-dating the delineation of environmentally sensitive habitats during the review of individual development projects. (See Exhibit 12.)

c. Eucalyptus Grove/Monarch Butterfly Habitat

Eucalyptus woodlands occurs around the perimeter, with the densest stands along the north, east, and west boundaries, of the Specific Plan area. Additionally, several small stands of trees also grow at the edge of the coastal bluff. The three species of trees found on the sites are the Blue gum (E. globulus), which is the dominant species, Lemon-scented gum (E. maculata var. citriodora), and the Red Ironbark (E. sideroxylon) All of these species are introduced non-native species which were planted around the turn of the century. (See Exhibit 20.)

The dense shade created by the Eucalyptus canopy, in combination with the volatile chemical produced by the bark and leaf litter, create poor growing conditions for most herbaceous and woody understory species. Consequently, the establishment of the Eucalyptus woodland along Devereux Creek has displaced the native riparian vegetation which is unable to compete with the Eucalyptus trees for light, water, and nutrients, as well as the native riparian vegetation's intolerance to the toxins associated with Eucalyptus leaf and bark litter.

The Eucalyptus grove provides important over-wintering habitat for the Monarch butterfly (Danaus plexippus). While the Monarch butterfly is not listed as a state or federal endangered or threatened species, it is listed as a species of concern by the California Natural Diversity Data Base, and its habitat is protected under the County of Santa Barbara's certified Local Coastal Program.

Monarch butterflies in the western United States migrate to the coast of California, from Mendocino County to Baja California, each fall. The butterflies migrate to the coast to avoid the freezing winters of the northern and interior portions of the United States, and usually begin arriving at the coast in September. The butterflies remain at the winter roost sites until mid-February or later, when they begin to disperse. Eucalyptus trees are the most frequently used tree species today; however, it is not the tree species which attract the butterflies, but the microclimate that the larger Eucalyptus groves create that is

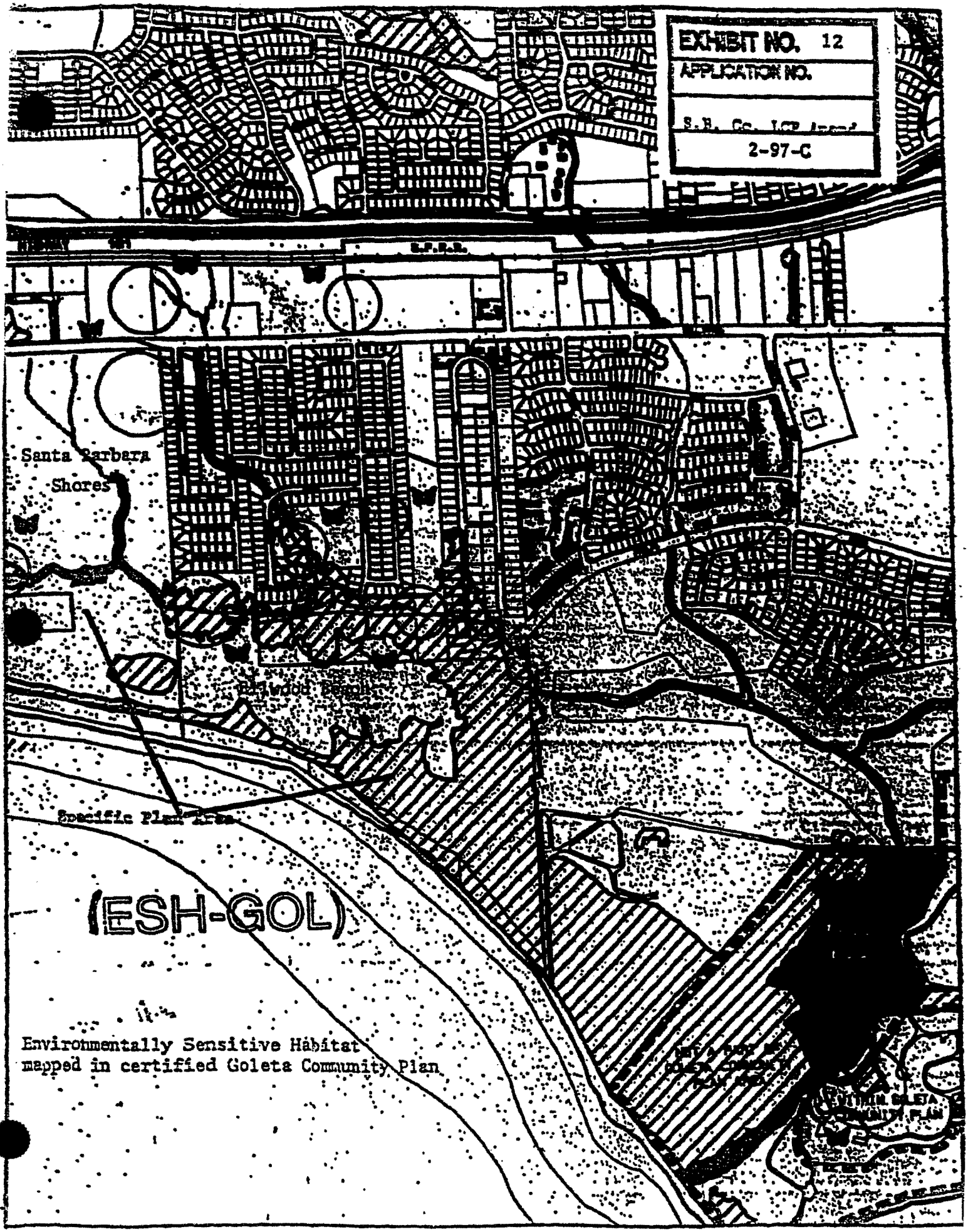
EXHIBIT NO. 12
APPLICATION NO.
S.B. Co. LCP Amend
2-97-C
S.P.R.R.
Santa Barbara
Shores
Plywood Beach
Specific Plan Area
(ESH-GOL)
Environmentally Sensitive Habitat
mapped in certified Goleta Community Plan

County of Santa Barbara
Planning and Development

John Patton, Director
Dianne Meester, Assistant Director

January 22, 2002

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3rd Floor

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Santa Barbara Urban Creeks Council
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Carpinteria, CA 93013

Diane Conn
Citizens for Goleta Valley
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Isla Vista, CA 93117

BOARD OF SUPERVISORS
HEARING OF JANUARY 15, 2002

RE: Appeal of the Residences at Sandpiper, TM 14,541, 99-DP-051

Hearing to consider the appeals of Wanda Michalenko, representing the Santa Barbara Urban Creeks Council, and Diane Conn, representing Citizens for Goleta Valley, and conditionally approve the Residences at Sandpiper project, located on the north side of Hollister Avenue near its western terminus, Goleta area, Third Supervisorial District.

Dear Ms. Michalenko and Ms. Conn:

At the Board of Supervisors' hearing of January 15, 2002, Supervisor Schwartz moved, seconded by Supervisor Gray and carried by a vote of 4-1 (Marshall no) to:

1. Adopt the required findings for the project, including CEQA findings and Statement of Overriding Considerations, specified in Attachment A of the board letter dated January 8, 2002, as revised at the hearing of January 15, 2002;

2. Certify the Supplemental Environmental Impact Report (01-SD-02) and adopt the mitigation monitoring program contained in the conditions of approval specified in Attachments B and C of the board letter dated January 8, 2002;

3. Grant the requested modifications to ordinance standards 1) to allow minimum residential front yard setbacks measuring five feet from the right of way of internal private roadways rather than 20 feet and 2) to allow the parking required for the studio dwelling units to be uncovered rather than covered;

4. Approve Vesting Tentative Tract Map 14,541 subject to the conditions included as Attachment B of the board letter dated January 8, 2002, as revised at the hearing of January 15, 2002; and

5. Approve 99-DP-051 subject to conditions included as Attachment C of the board letter dated January 8, 2002, as revised at the hearing of January 15, 2002.

EXHIBIT 4
A-4-STB-02-030 (Oly Chadmar General Partnership)
Local Approval with Conditions

REVISIONS TO THE FINDINGS

Finding 1.3.3, Biological Resources, first and second paragraphs are amended:

The 14.46 acre project site supports three discrete patches of purple needlegrass at >50% cover. Individually, these patches measure 0.29 acres, 0.07 acres and 0.10 acres; cumulatively, they measure 0.46 acres. Mapped patches of native grasses are distinguished by their strikingly limited botanical diversity. The fact that the patches are dominated by a single native grass species substantiates 1) the low botanical value attributable to the areas of grasses and 2) the site's characterization as a non-native grassland supporting patches of native grasses. The patches of purple needlegrass measuring 0.07 and 0.10 acres are separated by ten feet; the patch measuring 0.29 acres is separated from the other patches by about 50 feet. Intervening areas are dominated by exotic european annual grasses. The area of purple needlegrass measuring greater than 0.25 acres in size (exceeding the threshold of significance in respect to size) and located in close proximity to existing, albeit degraded wetland and stream resources, is arguably functionally related to these resources, and hence has been designated as an ESH. This patch of grasses ~~and~~ would be preserved *in situ*, provided with a minimum ten foot buffer and protected within the larger ±3.20 acre preservation area. The patches of purple needlegrass measuring 0.07 and 0.10 acres are not designated ESH due to 1) their distinct separation and distances from each other, from the purple needlegrass designated ESH, as well as from other botanical and biological resources existing on site, 2) the absence of other grassland community plants in the intervening areas, and 3) the low diversity of native species. Nevertheless, the project has been redesigned in deference to appellant interests to preserve these areas of native grasses which will also be preserved in their entirety in their existing locations with surrounding minimum ten-foot buffers. The project site also supports two patches of meadow barley, a native grass, at >50% cover adjacent to the west side of the Devereux Creek channel. Together these patches measure 0.07 acres. Similar to the stands of purple needlegrass found on site, these stands of grasses also lack botanical diversity and hence are not designated ESH. Nevertheless, the project has been redesigned in deference to appellant interests to preserve these patches of meadow barley, and they are proposed to be preserved in place with a minimum ten foot surrounding buffer.

A review of historic aerial photographs proves that the site was extensively cultivated up until the late 1940s and portions were developed for other uses including an industrial site (buildings and yards) in the 1930s and 1940s and subsequently redeveloped and used as a staging area for development of US Highway 101. Other portions of the property were affected by flood control activities, installation of the sanitary sewer mainline and repairs to the RR; hence, native grasses on site today are not relictual but rather have developed at some time in the years subsequent to the cessation of agricultural activities. While native grasses have not previously been identified on this site, despite several prior environmental assessments, the presence of the scattered native grass patches and outlying individuals on the project site indicate that the site could potentially support a more widespread population. Nevertheless, at the time the Notice of Preparation was circulated (and baseline was established for purposes of CEQA) to the present, the areas on the project site supporting native grasses have remained separate and distinct with clearly defined boundaries. It would be speculative to assume expansion of these grasses to the point of their connection across intervening areas dominated by non-natives as such expansion would be dependant, among other factors, on variable local weather patterns of drought and rain. Consolidation of biological resources on site into one cohesive ±3.20 acre area will allow for successful management of the restored and expanded habitat area on site, to the benefit of, at the very least, water quality of surface water runoff into the Devereux Slough system.

Finding 2.1.3.3 is amended:

The project site is surrounded by urban development including US Hwy 101, UPRR railroad, Hollister Avenue, golfcourse and urban infrastructure (peaking plant and parking lot). The small size of the lot, in association with its limited on site wetland, grassland and riparian resources and its relative isolation from offsite biological resources, limits its contribution to the coastal ecosystem of western Goleta. Hence, the site is considered ~~The project site is~~ physically suited to accommodate the proposed subdivision which would include one lot for condominium purposes supporting a total of 109 new residential units and landscape preservation and restoration areas. The proposed residential development can be accommodated on the project site while conforming to applicable zoning and policy requirements with only minor modifications.

Finding 3.1.1 is amended:

The project site is surrounded by urban development including US Hwy 101, UPRR railroad, Hollister Avenue, golfcourse and urban infrastructure (peaking plant and parking lot). The small size of the lot, in association with its limited on site wetland, grassland and riparian resources and its relative isolation from offsite biological resources, limits its contribution to the coastal ecosystem of western Goleta. Hence, the 14.46 gross acre site is considered ~~The 14.46 acre project site is considered~~ adequate in size, shape, location and physical characteristics to accommodate the proposed 109 unit affordable housing project. The site was determined to be an appropriate location for DR-8 zoning, which allows for a density of eight units per acre for a maximum total of 115 units on site, as well as an appropriate location for increased densities under the County AHO program. Additionally, the design of the tract map provides for connected common open spaces throughout the site with both adequate access from prospective units and adequate protections of onsite sensitive biological resources.

REVISIONS TO THE CONDITIONS OF APPROVAL, TM 14,541

Condition 69(e) is amended:

69. e. Road Division (Public works) dated ~~September 18, 2001~~ January 23, 2002

Condition 82 is added:

82. Owner shall submit annual compliance reports, in perpetuity, to P&D regarding on-going maintenance of the open space easement and performance of the landscape enhancement plan. Permit compliance staff shall review report in the field. Owner shall be responsible for all P&D costs. **Plan Requirements and Timing:** Vegetation enhancement plan, to be recorded with the required Open Space Easement prior to final map clearance, shall include compliance reporting form/protocol.

Monitoring: P&D permit compliance staff biologist shall review reports annually.

REVISIONS TO THE CONDITIONS OF APPROVAL, 99-DP-051

Condition 77 (e) is amended:

77. e. Road Division (Public works) dated ~~September 18, 2001~~ January 23, 2002

Condition 98 is added:

98. Owner shall submit annual compliance reports, in perpetuity, to P&D regarding on-going maintenance of the open space easement and performance of the landscape enhancement plan. Permit Compliance staff shall review report in the field. Owner shall be responsible for all P&D costs. **Plan Requirements and Timing:** Vegetation enhancement plan, to be recorded with the required Open Space Easement prior to final map clearance, shall include compliance reporting form/protocol.

Monitoring: P&D staff biologist shall review reports annually.

The attached findings and conditions of approval reflect the Board of Supervisors' action of January 15, 2002.

The time within which judicial review of this decision must be sought is governed by Section 65009 (c) of the California Government Code and Section 1094.6 of the California Code of Civil Procedure. You are advised to consult an attorney immediately if you intend to seek judicial review of this decision.

Sincerely,

Rita Bright
Deputy Director, Development Review
FOR JOHN PATTON, DIRECTOR

xx: Case File: TM 14,541, 99-DP-051
Planning Commission File
Lisa Martin, Planning Technician
Agent: Mary Meaney Reichel, Tynan Group, 2927 De La Vina Street, Santa Barbara, CA 93105
Owner/Applicant: Oly Chadmar General Partnership, 1933 Cliff Drive, Santa Barbara, CA 93109
Engineer: MAC Design Associates, 1933 Cliff Drive, Santa Barbara, CA 93109
Architect: Mark Scheurer, Scheurer Architects, Acacia Court, 20250 Acacia Suite 260, Newport Beach, CA 92660
Sabrina Haswell, California Coastal Commission, 89 S. California St., Suite 200, Ventura, CA 93001
County Chief Appraiser
County Surveyor
Fire Department
Flood Control
Park Department
Public Works
Environmental Health Services
APCD
Mary Anne Slutzky, Deputy County Counsel
Anne Almy, Planner
Barbara Phillips, North County Reference Binder

Attachments: Board of Supervisors Minute Order dated January 15, 2002
Findings
Conditions of Approval, TM 14,541
Conditions of Approval, 99-DP-051

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County of Santa Barbara
BOARD OF SUPERVISORS
Minute Order

January 15, 2002

Present: Supervisor Gray, Supervisor Marshall, Supervisor Rose, Supervisor Schwartz and Supervisor Urbanske

PLANNING AND DEVELOPMENT File Reference No. 02-00071

RE: HEARING - Consider the appeals of Wanda Michalenko, representing the Santa Barbara Urban Creeks Council, and Diane Conn, representing Citizens for Goleta Valley, and conditionally approve the Residences at Sandpiper project (Case Nos. TM 14,541 and 99-DP-051), located on the north side of Hollister Avenue near its western terminus, Goleta area, based upon the project's consistency with the Comprehensive Plan, including the Coastal Plan and the Goleta Community Plan, and based on the ability to make the required findings and certify 01-SD-02, supplement to 94-EIR-9, Third District, as follows: (EST. TIME: 1 HR. 30 MIN.)

a) Adopt the required findings for the project, including CEQA findings and Statement of Overriding Considerations (Attachment A to the Board Letter dated January 15, 2002);

b) Certify the Supplemental Environmental Impact Report (01-SD-02) and adopt the mitigation monitoring program contained in the conditions of approval (Attachments B and C to the Board Letter dated January 15, 2002);

c) Grant the requested modifications to ordinance standards 1) to allow minimum residential front yard setbacks measuring five feet from the right of way of internal private roadways rather than 20 feet and 2) to allow the parking required for the studio dwelling units to be uncovered rather than covered;

d) Approve Vesting Tentative Tract Map 14,541 subject to the conditions included as Attachment B to the Board Letter dated January 15, 2002;

e) Approve 99-DP-051 subject to conditions included as Attachment C to the Board Letter dated January 15, 2002.

COUNTY ADMINSTRATOR'S RECOMMENDATION: POLICY

Present: Supervisor Gray, Supervisor Marshall, Supervisor Rose, Supervisor Schwartz and Supervisor Urbanske

A motion was made by Supervisor Schwartz, seconded by Supervisor Gray, that this matter be Acted on as follows:

a. Adopted.

Directed staff to amend findings 1.3.3, 2.1.3.3 and 3.1.1 to disclose the site specific characteristics distinguishing on-site biological resources.

b. Certified 01-SD-02; adopted mitigation monitoring plan.

c. Granted.

d. Approved.

Directed staff to amend Condition 1 (Attachment C to the Board Letter dated January 15, 2002) to require the applicant to provide an annual report and sufficient funds to allow County to monitor compliance annually, in perpetuity, of the maintenance program applicable to the open space easement/ landscape preservation area Roads Division amended its condition letter to provide for consistency with the Local Coastal Plan, thereby revising condition 69 (e).

e. Approved.

Directed staff to amend Condition 1 (Attachment C to the Board Letter dated January 15, 2002) to reflect the revised project description including varying affordability levels and to require the applicant to provide an annual report and sufficient funds to allow County to monitor compliance annually, in perpetuity, of the maintenance program applicable to the open space easement/ landscape preservation area. Roads Division amended its condition letter to provide for consistency with the Local Coastal Plan, thereby revising condition 77 (e).

The motion carried by the following vote:

Ayes: 4 - Supervisor Gray, Supervisor Rose, Supervisor Schwartz and Supervisor Urbanske
Noes: 1 - Supervisor Marshall

ATTACHMENT A

BOARD OF SUPERVISORS FINDINGS
TM 14,541 and 99-DP-051

1.0 CEQA FINDINGS

1.1 FINDINGS PURSUANT TO PUBLIC RESOURCES CODE SECTION 21081 AND THE CALIFORNIA ENVIRONMENTAL QUALITY ACT SECTIONS 15090 AND 15091

1.1.1 CONSIDERATION OF THE EIR

The impact summary table from Final Environmental Impact Report (EIR), 94-EIR-9 and Supplemental environmental document, 01-SD-02, dated September 11, 2001 were presented to the Board of Supervisors, and all voting members of the Board of Supervisors have reviewed and considered the EIR, 94-EIR-9, and its supplement 01-SD-02 prior to approving this proposal. In addition, all voting Supervisors have reviewed and considered testimony and additional information presented at or prior to public hearing on January 15, 2002. The EIR and its supplement reflect the independent judgement of the Board of Supervisors and are adequate for this proposal.

1.1.2 FULL DISCLOSURE

The Board of Supervisors finds and certifies that the Final EIR and its supplement, 01-SD-02 constitute a complete, accurate, adequate and good faith effort at full disclosure under CEQA. The Board further finds and certifies the Final EIR has been completed in compliance with CEQA. Changes to the project description do not change the conclusions of the environmental document. The mitigation measures, as revised, are equivalent or more effective than originally proposed and do not cause additional impacts.

1.1.3 LOCATION OF RECORD OF PROCEEDINGS

The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Clerk of the Board of Supervisors at 105 E. Anapamu Street, Santa Barbara, CA 93101.

1.2 FINDINGS THAT CERTAIN UNAVOIDABLE IMPACTS ARE MITIGATED TO THE MAXIMUM EXTENT FEASIBLE

The Final Environmental Impact Report and its supplement, 01-SD-02, on the Residences at Sandpiper project identify seven environmental impacts which cannot be fully mitigated and are therefore considered unavoidable. Those impact areas are: aesthetics, air quality, biological resources, hazards, public facilities (schools and solid waste), recreation and transportation/circulation. To the extent the impacts remain significant and unavoidable, such impacts are acceptable when weighed against the overriding social, economic, legal, technical, and other considerations, including provision of 22 units of affordable housing set forth in the Statement of Overriding Considerations included herein. Each of these "Class I" impacts identified by the Final EIR are discussed below, along with the appropriate findings as per CEQA Section 15091:

1. **Aesthetics:** As stated in the County Board of Supervisors findings for the Goleta Community Plan and for the Aradon Corporation's "Sandpiper Residential Development", proposed development would change the existing open space character of the site where it occurs at the western gateway to Goleta. Development would also substantially obstruct public views along

the Hollister Avenue corridor, including views of open space and of the Santa Ynez Mountains and foothills. Mitigation to reduce project specific and cumulative aesthetic impacts includes a requirement for BAR approval of the project to ensure that the design, scale and character of the architecture will be compatible with vicinity development. Due to the change in the visual setting at the "western gateway" to Goleta resulting from the proposed project, however, residual impacts would remain significant and unavoidable. (This finding was already made by the Board in their adoption of the Goleta Community Plan and in their approval of the previous Sandpiper Residential Development. The Board's previous findings are included as an attachment to this staff report.) The Board of Supervisors finds that the identified impacts would be substantially reduced by the mitigation measures stated above, which are incorporated into the project conditions of approval. Pursuant to CEQA Guidelines Section 15091(a), the Board further finds that to the extent the impacts remain significant and unavoidable, such impacts are acceptable when weighed against the benefits of allowing for new housing development in which a minimum of 20% of the units will be affordable, and the overriding social, economic, and other considerations set forth in the Statement of Overriding Considerations in section 1.2 of these findings.

2. **Air Quality:** Operation of the project would produce significant ROC and NO_x emissions from all combined residential project sources, including vehicular traffic, wood-burning fireplaces, space heating, water heating, and consumer products. Additionally, emissions of NO_x and ROC from project operations, in combination with other cumulative project sources of NO_x and ROC emissions in the region, would produce significant impacts. Mitigations to reduce air quality impacts include coordination with the Metropolitan Transit District to provide a covered bus shelter adjacent to the project site on Hollister Avenue, incorporation of energy conservation measures into the project building plans, and elimination of any proposed wood-burning fireplaces in exchange for natural gas burning units. Residual impacts would, however, remain significant and unavoidable as the project would still result in total daily emissions of ±29.25 lbs. of ROC. The Board of Supervisors finds that the identified impacts would be substantially reduced by the mitigation measures stated above, which are incorporated into the project conditions of approval. Pursuant to CEQA Guidelines Section 15091(a), the Board further finds that to the extent the impacts remain significant and unavoidable, such impacts are acceptable when weighed against the benefits of allowing for new housing development in which a minimum of 20% of the units will be affordable, and the overriding social, economic, and other considerations set forth in the Statement of Overriding Considerations in section 1.2 of these findings.

3. **Biological Resources:** Loss of upland migratory corridors and open land would contribute to cumulative losses in the Devereux Slough watershed. The project would also contribute to cumulative losses of foraging habitat and unique botanical resources. Mitigations to offset these impacts (outlined below under section 1.3) would be inadequate to mitigate cumulative impacts. Residual impacts would remain significant and unavoidable. The Board of Supervisors finds that the identified impacts would be substantially reduced by the mitigation measures stated above, which are incorporated into the project conditions of approval. Pursuant to CEQA Guidelines Section 15091(a), the Board further finds that to the extent the impacts remain significant and unavoidable, such impacts are acceptable when weighed against the benefits of allowing for new housing development in which a minimum of 20% of the units will be affordable, and the overriding social, economic, and other considerations set forth in the Statement of Overriding Considerations in section 1.2 of these findings.

4. **Hazards:** Assuming continuous operation of the Reliant Peaking Facility at 500 A, the proposed project would expose 12 structures to elevated ELF magnetic fields of 2 mG, and, from a cumulative perspective, would increase the number of residences in the County exposed to ELF magnetic fields. Mitigations to reduce impacts include the applicant's required provision of an EMF disclosure statement and an EMF information package to potential home

buyers, inclusion of similar information in the final Subdivision Public Report prepared for the project by the California Department of Real Estate and undergrounding of all utility lines within the project site. Because impacts would not abate as a result of feasible mitigation, residual impacts remain significant and unavoidable. The Board of Supervisors finds that the identified impacts would be substantially reduced by the mitigation measures stated above, which are incorporated into the project conditions of approval. Pursuant to CEQA Guidelines Section 15091(a), the Board further finds that to the extent the impacts remain significant and unavoidable, such impacts are acceptable when weighed against the benefits of allowing for new housing development in which a minimum of 20% of the units will be affordable, and the overriding social, economic, and other considerations set forth in the Statement of Overriding Considerations in section 1.2 of these findings.

5. **Public Facilities:** The project would contribute incrementally to significant and unavoidable cumulative impacts to schools as identified in the Goleta Community Plan EIR and in 94-EIR-9. The proposed project would also contribute substantial amounts of solid waste under cumulative buildout of the Goleta Community Plan also identified in both the Goleta Community Plan EIR and in 94-EIR-9. Standard school mitigation fees would be insufficient to compensate for the additional students generated by the project. Moreover, while the County is currently reviewing options for additional landfill space, including expansion, diversion to other existing landfills, new landfills and alternative facilities to reduce current levels of waste flow to the landfill, the project would still result in approximately 340 tons per year of additional solid waste entering area landfills. Hence, residual impacts to area elementary schools and landfills would remain significant and unavoidable. The Board of Supervisors finds that the identified impacts would be substantially reduced by the mitigation measures stated above, which are incorporated into the project conditions of approval. Pursuant to CEQA Guidelines Section 15091(a), the Board further finds that to the extent the impacts remain significant and unavoidable, such impacts are acceptable when weighed against the benefits of allowing for new housing development in which a minimum of 20% of the units will be affordable, and the overriding social, economic, and other considerations set forth in the Statement of Overriding Considerations in section 1.2 of these findings.

6. **Recreation:** The proposed project's residential population would increase the use of existing recreational facilities in the area including nearby coastal trails, Santa Barbara Shores County Park, Haskell's Beach, and Ellwood Shores. Mitigations to reduce impacts to existing recreational resources in the area include provision for a safe pedestrian crossing Hollister Avenue to Santa Barbara Shores County Park and provision, on site, of active play areas. Mitigation would be inadequate to compensate for the additional use of existing recreational facilities by project residents and hence residual impacts would remain significant and unavoidable. The Board of Supervisors finds that the identified impacts would be substantially reduced by the mitigation measures stated above, which are incorporated into the project conditions of approval. Pursuant to CEQA Guidelines Section 15091(a), the Board further finds that to the extent the impacts remain significant and unavoidable, such impacts are acceptable when weighed against the benefits of allowing for new housing development in which a minimum of 20% of the units will be affordable, and the overriding social, economic, and other considerations set forth in the Statement of Overriding Considerations in section 1.2 of these findings.

7. **Transportation/Circulation:** The proposed project would generate additional vehicular trips and would result in additional traffic through project area intersections to the extent that LOS would be degraded. The project would also contribute to degradation of LOS at area intersections on a cumulative basis. Traffic fees would be insufficient to compensate for the project's impacts to area intersections and residual impacts would remain significant and unavoidable. The Board of Supervisors finds that the identified impacts would be substantially reduced by the mitigation measures stated above, which are incorporated into the project

conditions of approval. Pursuant to CEQA Guidelines Section 15091(a), the Board further finds that to the extent the impacts remain significant and unavoidable, such impacts are acceptable when weighed against the benefits of allowing for new housing development in which a minimum of 20% of the units will be affordable, and the overriding social, economic, and other considerations set forth in the Statement of Overriding Considerations in section 1.2 of these findings.

1.3 FINDINGS THAT CERTAIN IMPACTS ARE MITIGATED TO INSIGNIFICANCE BY CONDITIONS OF APPROVAL

The final Supplemental EIR (01-SD-02) identified several subject areas for which the project is considered to cause or contribute to significant, but mitigable environmental impacts. Each of these impacts is discussed below along with the appropriate findings as per CEQA Section 15091:

1. **Aesthetics/Visual Resources:** The proposed project would result in short-term adverse aesthetic impacts during construction. Mitigations include provision of covered receptacles onsite prior to and throughout construction activities and retention of a clean up crew to collect debris on a daily basis. The Board of Supervisors finds that the identified mitigation measures would reduce impacts to less than significant levels.

2. **Air Quality:** Operation of the project would produce significant NO_x emissions from all combined residential project sources, including vehicular traffic, wood-burning fireplaces, space heating, water heating, and consumer products. Mitigations include coordination with the Metropolitan Transit District to provide a covered bus shelter adjacent to the project site on Hollister Avenue, incorporation of energy conservation measures into the project building plans and elimination of any proposed wood-burning fireplaces in exchange for natural gas burning units. The Board of Supervisors finds that the identified mitigation measures would reduce impacts to less than significant levels.

3. **Biological Resources:** The 14.46 acre project site supports three discrete patches of purple needlegrass at >50% cover. Individually, these patches measure 0.29 acres, 0.07 acres and 0.10 acres; cumulatively, they measure 0.46 acres. Mapped patches of native grasses are distinguished by their strikingly limited botanical diversity. The fact that the patches are dominated by a single native grass species substantiates 1) the low botanical value attributable to the areas of grasses and 2) the site's characterization as a non-native grassland supporting patches of native grasses. The patches of purple needlegrass measuring 0.07 and 0.10 acres are separated by ten feet; the patch measuring 0.29 acres is separated from the other patches by about 50 feet. Intervening areas are dominated by exotic european annual grasses. The area of purple needlegrass measuring greater than 0.25 acres in size (exceeding the threshold of significance in respect to size) and located in close proximity to existing, albeit degraded wetland and stream resources, is arguably functionally related to these resources, and hence has been designated as an ESH. This patch of grasses would be preserved *in situ*, provided with a minimum ten foot buffer and protected within the larger ±3.20 acre preservation area. The patches of purple needlegrass measuring 0.07 and 0.10 acres are not designated ESH due to 1) their distinct separation and distances from each other, from the purple needlegrass designated ESH, as well as from other botanical and biological resources existing on site, 2) the absence of other grassland community plants in the intervening areas, and 3) the low diversity of native species. Nevertheless, the project has been redesigned in deference to appellant interests to preserve these areas of native grasses which will also be preserved in their entirety in their existing locations with surrounding minimum ten-foot buffers. The project site also supports two patches of meadow barley, a native grass, at >50% cover adjacent to the west side of the Devereux Creek channel. Together these patches measure 0.07 acres. Similar to the stands of purple needlegrass found on site, these stands of grasses also lack botanical diversity and hence are not designated ESH. Nevertheless, the project has been redesigned in deference to appellant

interests to preserve these patches of meadow barley, and they are proposed to be preserved in place with a minimum ten foot surrounding buffer.

A review of historic aerial photographs proves that the site was extensively cultivated up until the late 1940s and portions were developed for other uses including an industrial site (buildings and yards) in the 1930s and 1940s and subsequently redeveloped and used as a staging area for development of US Highway 101. Other portions of the property were affected by flood control activities, installation of the sanitary sewer mainline and repairs to the RR; hence, native grasses on site today are not relictual but rather have developed at some time in the years subsequent to the cessation of agricultural activities. While native grasses have not previously been identified on this site, despite several prior environmental assessments, the presence of the scattered native grass patches and outlying individuals on the project site indicate that the site could potentially support a more widespread population. Nevertheless, at the time the Notice of Preparation was circulated (and baseline was established for purposes of CEQA) to the present, the areas on the project site supporting native grasses have remained separate and distinct with clearly defined boundaries. It would be speculative to assume expansion of these grasses to the point of their connection across intervening areas dominated by non-natives as such expansion would be dependant, among other factors, on variable local weather patterns of drought and rain. Consolidation of biological resources on site into one cohesive ±3.20 acre area will allow for successful management of the restored and expanded habitat area on site, to the benefit of, at the very least, water quality of surface water runoff into the Devereux Slough system.

Rough site grading would create substantial ground disturbance and necessitate removal of the upper three feet of soil and associated vegetation throughout the entire project site outside of the proposed restoration area and buffer; loss of habitat would result in reductions in populations of common wildlife that currently use the site. Development of the project would result in indirect effects associated with increased noise and human activity, activities of pets, and nighttime lighting on the remaining habitat including the protected grasslands, remaining eucalyptus grove, and the proposed restoration site. Runoff from the residential development could degrade water quality in the creek channel on site, and in downstream reaches of Devereux Creek and Devereux Slough. And sewer lateral and utility installation could result in direct impact to the Devereux Creek Channel and the eucalyptus grove. Mitigations include 1) development, implementation and maintenance in perpetuity of a vegetation enhancement plan, including eradication of invasive and non-native species and use of indigenous native plant materials only, for the segment of Devereux Creek on the project site and associated wetland and grassland habitat, 2) designation of the landscape restoration area as an open space easement and installation of fencing, signage and barrier plantings to restrict access into the restoration area, 3) implementation of erosion control measures throughout construction, 4) installation and perpetual maintenance of BACT to treat stormwater runoff, 5) requirements to cooperate with UPRR in its efforts to provide hydrologic reconnection of the Devereux Creek to its source, 6) provisions to dim exterior night lighting site wide and to extinguish lighting within the landscape preservation area after 10:00 p.m. and 7) prohibitions against installation of sewer lateral extensions or other utility connections through the preservation area. The Board of Supervisors finds that the identified mitigation measures would reduce impacts to less than significant levels.

4. **Geological Processes:** Project grading during construction would potentially cause substantially increased erosion and sedimentation. Surficial soils encountered within the depths affected by proposed grading include plastic, highly expansive clays and the upper 2 feet of surface soils are potentially compressible, resulting in low structural strength and support for proposed development. Mitigations include implementation of an erosion control plan during construction and incorporation of all grading and earthwork recommendations by Padre Associates into the final

project design. The Board of Supervisors finds that the identified mitigation measures would reduce impacts to less than significant levels.

5. **Land Use:** Residential development adjacent to the Venoco Ellwood Onshore Facility would result in incompatible land uses. Mitigations include provisions for a buyer beware statement regarding potential exposure to levels of airborne acute non-cancer emissions greater than the APCD health risk public notification thresholds, and development, implementation and maintenance in perpetuity of a vegetation enhancement plan, including eradication of invasive and non-native species and use of indigenous native plant materials only, for the segment of Devereux Creek on the project site and associated wetland and grassland habitat; the plan would improve the watershed function of coastal resources on site. The Board of Supervisors finds that the identified mitigation measures would reduce impacts to less than significant levels.

6. **Noise:** Short term impacts would result from construction activities. Traffic associated with project buildout and Cathedral Oaks Overpass traffic directed on to Hollister Avenue would cumulatively increase ambient noise levels along roadways in the vicinity of the project site, impacting project residents. Mitigations include limiting the hours of noisy construction activities to 7:00 am – 4:00 pm, Mondays through Fridays, shielding of stationary construction equipment generating noise in excess of 65 dBA, use of temporary noise barriers the shield the Ellwood Elementary School and incorporation of construction elements designed to reduce interior and exterior noise levels to below adopted thresholds. The Board of Supervisors finds that the identified mitigation measures would reduce impacts to less than significant levels.

7. **Public Facilities:** Generation of solid waste would occur as a result of short-term construction impacts. Additionally, while the County is currently reviewing options for additional landfill space, including expansion, diversion to other existing landfills, new landfills and alternative facilities to reduce current levels of waste flow to the landfill, significant amounts of solid waste would be generated by the proposed project at full buildout. Mitigations include development and implementation of a construction and demolition waste management plan during construction as well as development of a solid waste management program with a monitoring plan to assist implementation by prospective project residents in perpetuity. The Board of Supervisors finds that the identified mitigation measures would reduce impacts to less than significant levels.

8. **Recreation:** Residential development would result in increased demands on recreational facilities and the proposed project does not contribute active recreational facilities which would otherwise reduce the project's contribution to recreational cumulative impacts. Mitigations include 1) installation of sidewalk along Hollister Avenue providing safe access to Ellwood Elementary School and its recreational facilities, and 2) installation of active recreational facilities on site. The Board of Supervisors finds that the identified mitigation measures would reduce impacts to less than significant levels.

9. **Traffic and Circulation:** Short-term construction traffic including heavy equipment would potentially impact local roadways and intersections. Inadequate street width within the internal circulation system could pose safety problems. Mitigations to reduce residual impacts to less than significant levels include development and implementation of a construction transportation program to direct traffic during peak volume periods, prohibitions against parking along the internal street system of the project site except in designated parking pockets only and assignment of responsibility to the applicant to widen Hollister Avenue adjacent to the site frontage with required provision of adequate sight distances for vehicles entering or exiting the site. The Board of Supervisors finds that the identified mitigation measures would reduce impacts to less than significant levels.

10. **Water Resources/Flooding:** Proposed development would create additional impervious ground coverage, substantially reducing the ability of the site to absorb surface water runoff.. Increased runoff could potentially result in increased long-term erosion and sedimentation, and therefore decreased water quality in Devereux Creek. Pollution from vehicles, roadways, and parking areas, as well as from landscape and household chemicals, could be carried in surface runoff into Devereux Creek, thereby degrading the quality of waters contributing to Devereux Slough from this portion of its watershed. Siltation of the UPRR culvert, located immediately north of the project site along Devereux Creek, would continue to result in divergence of normal creek flow away from the project site. Mitigations include design and implementation of a site drainage plan to provide permeable surfaces allowing for ground water recharge, bioswales to filter surface water runoff, BACT to maintain surface water quality and design elements to meter surface water runoff, design of finish floor elevations at two feet above the 100-year flood level as determined by County Flood Control, , and installation of mutt mitt dispensers on both sides of the creek. The Board of Supervisors finds that the identified mitigation measures would reduce impacts to less than significant levels.

1.4 FINDING THAT MITIGATION OF CERTAIN IMPACTS IS WITHIN THE RESPONSIBILTY AND JURISDICTION OF ANOTHER PUBLIC AGENCY

1. Schools Impacts: Potential actions to alleviate school overcrowding, other than statutorily authorized, are generally beyond the County's scope of authority and within the jurisdiction of the State and/or the School District. Such actions include portable (temporary) classrooms, intra-district student transfers to less crowded schools, reconfiguration of school attendance boundaries, reconfiguration of district boundaries, year-round school schedules, "double session" school schedules and more "combination" classes of students on several grade levels.

1.5 FINDINGS THAT IDENTIFIED PROJECT ALTERNATIVES ARE NOT FEASIBLE

1. No Project Alternative: Although identified as the environmentally superior alternative, this alternative would not provide affordable housing, which has been identified as a basic objective of the project as well as a goal in the Goleta Community Plan and the Housing Element.

2. Reduced Project Alternative: Although this alternative would reduce some project impacts and is considered environmentally superior to the proposed project, development of this alternative would still result in Class I impacts to aesthetic resources, public services (schools and solid waste) and transportation/circulation and it would, moreover, reduce the overall number of housing units by ±19% (equal to 20 units). Reduction in the overall number of units would render the provision of affordable housing units, a primary project objective, as well as multiplex housing units which are more affordable than detached single family dwellings, infeasible as defined in CEQA. Additionally, reducing the number of housing units in general would be socially infeasible as Santa Barbara County has a demonstrated need for housing and the Board of Supervisors has adopted Resolution Number 00-118 indicating support for well designed and creatively planned affordable housing projects that are compatible with surrounding communities, provide a broad range of bedroom mix, price levels and a greater length of affordability.

3. Reconfigured Project Alternative: This alternative was eliminated from serious consideration in light of the limited opportunity for reconfiguring the site without compromising sensitive biological resources while still avoiding other significant impacts. While housing could be reduced to one story along Hollister Avenue, and such action would minimize the massing of the project as viewed from Hollister Avenue, it would not reduce significant and unavoidable impacts associated with loss of open space and obstruction of view corridors. Similarly, while three story structures might be capable of reducing the overall disturbance to biological resources onsite by reducing the footprint required for the 119 units, this design option would exacerbate significant unavoidable

impacts on aesthetics, obstruction of view corridors and intensification of the urban character of the area.

4. Off-Site Location: This alternative would assume the same densities and footprints as those proposed for the Residences at Sandpiper; the location of the project would occur adjacent to the northwest corner of Storke Road and Hollister Avenue, between the residential streets of Santa Felicia Drive and Glen Annie Road. This alternative would present potentially reduced impacts in respect to aesthetics, air quality, biological resources and hazards, but would increase impacts associated with noise and transportation. Additionally, this alternative would not allow for the applicant's proposed restoration of the upper reach of Devereux Creek, as planned for the proposed project.

1.6 STATEMENT OF OVERRIDING CONSIDERATIONS

The Supplemental EIR for the Residences at Sandpiper identifies project impacts associated with aesthetics, air quality, hazards, public facilities (schools and solid waste), recreation and transportation/ circulation and the project's contribution to cumulative biological resource impacts as significant environmental impacts which are considered unavoidable. The Board of Supervisors therefore makes the following Statement of Overriding Considerations which warrant approval of the project notwithstanding that all identified impacts are not fully mitigated. Pursuant to CEQA Sections 15043, 15092 and 15093, any remaining significant effects on the environment are acceptable due to these overriding considerations:

1.6.1 Twenty percent of the 109 units, or 22 housing units, would be constructed in the affordable range, under the County Housing Element's Inclusionary Program. The proposed 20% affordability component is the highest level of participation contemplated under the Inclusionary Program. Additionally, the affordable units would provide a variety of unit types from studio to three-bedroom units, and would be subject to a 30-year resale restriction. The 30-year resale restriction is 20 years longer than that prescribed under the requirements of the Inclusionary Program. In sum, the provision of affordable housing well exceeds the minimum required by the County.

1.6.2 The project includes separation of clean surface water runoff from polluted surface water runoff with filtration components designed into the system to reduce pollutant loads from the polluted surface waters. Surface waters would be directed into the habitat preservation area to support plant materials; waters would ultimately flow into Devereux Creek. Additionally, conditions of approval require the applicant to cooperate with the UPRR in its efforts to reconnect Devereux Creek hydrologically to its upstream source. Diversion of clean surface waters into the creek and reconnection of stream flows would enhance recovery of the Devereux Creek system on site.

1.6.3 A total of ±3.20 acres on site, comprising currently degraded riparian, wetland and grassland resources would be restored, enhanced and maintained in perpetuity as protected open space.

1.6.4 Short-term employment during construction would be created.

1.6.5 Increased property tax revenues would be generated.

1.6.6 Existing high power electric lines crossing the site would be undergrounded.

1.6.7 Hollister Avenue would be widened and improved consistent with County plans.

1.6.8 Would provide additional homes to the South Coast housing stock to contribute to the improvement of the job/housing imbalance thereby potentially reducing overcrowding, long distance commuting between regions, and the resulting negative effects on families in Santa Barbara County.

1.6.9 Would provide energy source for residents to encourage their use of electrical vehicles.

1.6.10 Would incorporate sprinklers in all residential structures regardless of size.

1.6.11 Would implement "green" building design.

1.6.12 Would provide safe access to Ellwood Elementary School for project residents.

1.6.13 The project would provide 87 for sale housing units including multiplex and detached units resulting in a positive impact to the housing crisis in the South Coast Housing Market area.

1.7 ENVIRONMENTAL REPORTING AND MONITORING PROGRAM

Pursuant to Public Resources Code Section 21081.6, the Board of Supervisors hereby adopts the approved project description and conditions of approval, with their corresponding permit monitoring requirements, as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation and mitigation or avoidance of significant effects on the environment.

2.0 ADMINISTRATIVE FINDINGS

2.1 Tract Map Findings

Pursuant to the Subdivision Map Act and Chapter 21 of the County Code, a Tentative Tract Map is required for all proposed subdivisions of five or more lots in any zone district. The following Subdivision Map Act Findings support approval of the project:

2.1.1 State Government Code §66473.1. The design of the subdivision for which a tentative map is required pursuant to §66426 shall provide, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision.

There is ample southern and western exposure as well as ample area for planting to allow for passive heating or cooling systems to be provided on site for all future residential development. Solar array panels or photo voltaic cells may be feasible subject to obtaining the necessary permits.

2.1.2 State Government Code §66473.5. No local agency shall approve a tentative map, or a parcel map for which a tentative map was not required, unless the legislative body finds that the proposed subdivision, together with the provisions for its design and improvement is consistent with the general plan required by Article 5 (commencing with §65300) of Chapter 3 of Division 1 or any specific plan adopted pursuant to Article 8 (commencing with §65450) of Chapter 3 of Division 1.

2.1.3 State Government Code §66474. The following findings shall be cause for disapproval of a Tentative Parcel Map/Tract Map:

2.1.3.1 The proposed map is not consistent with applicable general and specific plans as specified in §66451.

As discussed in Attachment A.2 of staff's memo to the BOS dated January 7, 2002, and incorporated herein by reference, the proposed tentative tract map is consistent with all applicable Comprehensive Plan policies, including the Coastal Plan and the Goleta Community Plan, including those related to services, water resources, earth movement, biological resources, aesthetic resources, noise, solid waste, air quality and cultural resources.

2.1.3.2 The design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.

The design and improvements set forth in TM 14,541, and as conditioned, are consistent with the Comprehensive Plan with respect to lot width, depth and size as well as provision of access and availability of services.

2.1.3.3 The site is not physically suitable for the type of development proposed.

The project site is surrounded by urban development including US Hwy 101, UPRR railroad, Hollister Avenue, golfcourse and urban infrastructure (peaking plant and parking lot). The small size of the lot, in association with its limited on site wetland, grassland and riparian resources and its relative isolation from offsite biological resources, limits its contribution to the coastal ecosystem of western Goleta. Hence, the site is considered physically suited to accommodate the proposed subdivision which would include one lot for condominium purposes supporting a total of 109 new residential units and landscape preservation and restoration areas. The proposed residential development can be accommodated on the project site while conforming to applicable zoning and policy requirements with only minor modifications.

2.1.3.4 The site is not physically suited for the proposed density of development.

The project as proposed and as conditioned provides adequate protection of significant natural resources on the property while at the same time allowing ample area for development of new residences commensurate in size with existing residential development in the west Goleta vicinity. As conditioned, surface runoff would be controlled to County standards, including those associated with the mandates of Project Clean Water. Thus, the site is physically suited for the proposed density of development.

2.1.3.5 The design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

As discussed in §§ 1.2 and 1.3 of these findings and incorporated herein by reference, the project, as conditioned, would minimize adverse impacts to the site and surrounding resources to the maximum extent feasible. The mitigation measures from 01-SD-02 are incorporated into conditions of approval.

2.1.3.6 The design of the subdivision or type of improvements is likely to cause serious public health problems.

The proposed project, as conditioned, ensures that future residential development would be served by the GWSD. Additionally, water for domestic purposes would be supplied by the Goleta Water District. Finally, as conditioned, storm water drainage facilities serving the lots would include

best available control technologies to remove pollutants (such as brake fluid, oil, etc.) from site runoff thereby protecting water quality in the Devereux Slough watershed and the Pacific Ocean. Thus, the design of the subdivision including improvements will not cause serious public health problems.

2.1.3.7 The design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

There are no public easements through the property. The applicant would negotiate with the Goleta West Sanitary District to designate alternative access to the District's existing sewer mainline on the site; alternative access would be routed specifically to avoid sensitive biological resources.

2.2.4 State Government Code §66474.6. The governing body of any local agency shall determine whether discharge of waste from the proposed subdivision into an existing community sewer system would result in violation of existing requirements prescribed by a California Regional Water Quality Control Board pursuant to Division 7 (commencing with §13000) of the Water Code.

As conditioned, future development of the proposed project will be served by the GWSD: receipt of can and will serve letters from the District would be a prerequisite of said service. Since District operation is consistent with the requirements of the Regional Water Quality Control Board, issuance of can and will serve letters by the District would substantiate that discharge of waste into the existing public sewer system would not result in violation of existing requirements prescribed by the California Regional Water Quality Control Board.

3.0 Development Plan Findings

Pursuant to Section 35-174.7.1, a Development Plan shall only be approved if all of the following findings are made:

3.1.1 That the site for the project is adequate in size, shape, location, and physical characteristics to accommodate the density and level of development proposed.

The project site is surrounded by urban development including US Hwy 101, UPRR railroad, Hollister Avenue, golfcourse and urban infrastructure (peaking plant and parking lot). The small size of the lot, in association with its limited on site wetland, grassland and riparian resources and its relative isolation from offsite biological resources, limits its contribution to the coastal ecosystem of western Goleta. Hence, the 14.46 gross acre site is considered adequate in size, shape, location and physical characteristics to accommodate the proposed 109 unit affordable housing project. The site was determined to be an appropriate location for DR-8 zoning, which allows for a density of eight units per acre for a maximum total of 115 units on site, as well as an appropriate location for increased densities under the County AHO program. Additionally, the design of the tract map provides for connected common open spaces throughout the site with both adequate access from prospective units and adequate protections of onsite sensitive biological resources.

3.1.2 That adverse impacts are mitigated to the maximum extent feasible.

As discussed in §§ 1.2 and 1.3 of these findings and incorporated herein by reference, the project, as conditioned, would minimize adverse impacts to the site and surrounding resources to the maximum extent feasible. The mitigation measures from 01-SD-02 are incorporated into conditions of approval.

3.1.3 That streets and highways are adequate and properly designed to carry the type and quantity of traffic generated by the proposed use.

With incorporation of mitigation measures which identify roadway improvements, the streets and highways which would serve the project are adequate and properly designed to accommodate any traffic generated by the project. The exception to this would be impacts to the intersection of Storke and Hollister Avenues where project traffic would contribute to degradation of the intersection's LOS; the project's traffic contribution to this intersection would, however, be only a minor contribution to an already impacted intersection.

3.1.4 That there are adequate public services, including but not limited to fire protection, water supply, sewage disposal, and police protection to serve the project.

As discussed in Attachment A.2 of staff's memo to the BOS dated January 7, 2002, and incorporated herein by reference, adequate public services exist to serve the proposed development. The property will be provided service through the Goleta Water District and the Goleta West Sanitary District.

The project site is located within the five-minute response zone for Santa Barbara Fire Protection District Station 13 and, as conditioned, proposed new roadways would provide adequate emergency access to the site. Existing police protection services in the Goleta area would be adequate to serve the proposed project.

3.1.5 That the project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will not be incompatible with the surrounding area.

The proposed project would not be detrimental to the health, safety, comfort, convenience, and general welfare of the surrounding neighborhood. The project site was determined to be an appropriate location for residential development, specifically affordable Design Residential development, during the Goleta Community Plan Update. All of the existing surrounding land uses were planned or present at the time this determination was made. The proposed project would allow a total of 109 residential units on the project site. Residential uses on the site would be compatible with surrounding recreational and residential land uses. Traffic generated by the proposed project would not significantly affect roadways used by residents of the surrounding area. The proposed residential development does not have the potential to generate factors such as smoke, odors or noise, which would be incompatible with the surrounding area or could affect the comfort and convenience of residents or recreationists in the surrounding area.

3.1.6 That the project is in conformance with the applicable provisions of Article II and the Coastal Land Use Plan.

With incorporation of the conditions of approval, the proposed development plan conforms to all requirements of the Article II Zoning Ordinance as discussed in Section 6.3 of the PC staff report dated September 11, 2001, and would be consistent with all applicable requirements of the County Comprehensive Plan, including the Coastal Plan and the Goleta Community Plan as discussed in Attachment A.2 of staff's memo to the BOS dated January 7, 2002, and incorporated herein by reference.

3.1.7 That in designated rural areas the use is compatible with and subordinate to the scenic, agricultural and rural character of the area.

The project site is not located in a rural area.

3.1.8 That the project will not conflict with any easements required for public access through, or public use of a portion of the property.

There are no public easements through the property. The applicant would negotiate with the Goleta West Sanitary District to designate alternative access to the District's existing sewer mainline on the site; alternative access would be routed specifically to avoid sensitive biological resources.

ATTACHMENT B

CONDITIONS OF APPROVAL
VTM 14,541

PROJECT DESCRIPTION

1. This Vesting Tentative Tract Map is based upon and limited to compliance with the project description, Board of Supervisors' hearing exhibits 1-5 dated January 15, 2002, and conditions of approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

   The project description is as follows:

   The proposed VTM would allow for the subdivision of the 14.46-gross acre project site into one lot for condominium purposes (as defined by California Civil Code Section 1351(f)). The lot would be held in common ownership by all condominium owners. The sale of the individual condominium units would be conveyed through the use of a State Department of Real Estate approved Condominium Plan. The VTM would allow for the development of proposed community infrastructure, tract grading and drainage, perimeter walls and related improvements. Water to serve the proposed development would be provided by the Goleta Water District. Sewer service would be provided by the Goleta West Sanitary District via an existing line. Residential connections to the line would be provided. The VTM includes the offer of a waiver of abutters access rights for the entire length of the site's frontages along Hollister Avenue and Las Armas Roads excluding the widths of the proposed intersections of access roads into the development.

   The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

MITIGATION MEASURES FROM 01-SD-02

AESTHETICS

2. To prevent construction and/or employee trash from blowing offsite, covered receptacles shall be provided onsite prior to commencement of grading or construction activities. **Plan Requirements and Timing**: Prior to Coastal Development Permit approval, the applicant shall designate and provide to Planning & Development the name and phone number of a contact person(s) to monitor trash/waste and organize a clean-up crew. Additional covered receptacles shall be provided as determined necessary by Permit Compliance staff. This requirement shall be noted on all plans. Trash control shall occur throughout all grading and construction activities.

   Monitoring: Permit Compliance staff shall inspect periodically throughout grading and construction activities.

3. The applicant or his designee shall retain a clean-up crew to ensure that trash and all excess debris is collected daily and placed in provided receptacles throughout construction. **Plan Requirement:** Prior to Coastal Development Permit approval, applicant shall designate and provide to Planning &

Development the name and phone number of a contact person(s) to monitor trash/waste and organize a clean-up crew. This requirement shall be noted on final building plans. **Timing**: Final debris clearance shall occur prior to occupancy clearance.

Monitoring: P&D shall site inspect throughout construction and immediately prior to occupancy clearance.

4. The design, scale and character of the project architecture shall be compatible with vicinity development. **Plan Requirement and Timing:** The applicant shall submit architectural drawings of the project for review and approval by BAR prior to Coastal Development Permit approval. Grading plans shall be submitted to P&D concurrent with BAR plan filing.

   Monitoring: BAR shall review final building plans to ensure compliance with approved plans.

5. Exterior night lighting installed on the project site shall be of low intensity, low glare design, and shall be hooded to direct light downward onto the subject parcel and prevent spill-over onto adjacent parcels. **Plan Requirements:** The applicant shall submit a Lighting Plan incorporating these requirements that demonstrates the use of hooded and, where possible, low-level lighting fixtures. The locations of all exterior lighting fixtures and an arrow showing the direction of light being cast by each fixture and the height of the fixtures shall be depicted on the Lighting Plan. **Timing** The plan shall be reviewed and approved by P&D and the BAR prior to Coastal Development Permit approval.

   Monitoring: P&D shall inspect structures upon completion to ensure compliance with the approved Lighting Plan.

AIR QUALITY

6. Dust generated by project construction activities shall be kept to a minimum and prevented from dispersing offsite by following the dust control measures listed below:

   a) Use water trucks or sprinkler systems during construction to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, wet down such areas in the late morning and after completion of work at the end of the day. Use reclaimed water whenever possible.

   b) Increase the watering frequency when wind speeds exceed 15 miles per hour if soils are not completely wet. If wind speeds increase to the point that the dust control measures cannot prevent dust from leaving the site, suspend construction activities.

   c) Install gravel pads at all access points to prevent tracking of mud onto public roads.

   d) The applicant shall provide street cleaning along Hollister Avenue and Las Armas Road if soil track-out occurs on these streets.

   e) If importation, exportation, or stockpiling of fill is involved, cover soil stockpiled for more than two days, and keep moist, or treat with soil binders to prevent dust generation. Trucks transporting fill material to and from the site shall be covered (tarped) from the point of origin.

   f) After clearing, grading, earth moving, or excavation is completed, treat the disturbed area by watering, revegetating, or by spreading soil binders until the area is paved or otherwise developed so that dust generation will not occur.

g) The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to land use clearance for map recordation and land use clearance for finish grading for the structures.

Plan Requirement: The project applicant shall include these measures as notes on a separate sheet attached to the grading and building plans that shall be reviewed and approved prior to approval of a Coastal Development Permit for grading or structural development. **Timing:** These measures shall be implemented during and after project construction, as appropriate.

Monitoring: P&D shall ensure measures are on plans. P&D Building and Safety grading inspectors shall perform periodic site inspections. APCD inspectors shall respond to nuisance complaints.

7. ROC and NOx emissions generated by construction equipment shall be reduced by application of the following equipment control measures:

a) Heavy-duty diesel-powered construction equipment manufactured after 1996 (with federally mandated "clean" diesel engines) shall be utilized whenever feasible.

b) The engine size of construction equipment shall be the minimum practical size.

c) The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time.

d) Construction equipment shall be maintained in tune per the manufacturer's specifications.

e) Construction equipment operating onsite shall be equipped with two to four degree engine timing retard or pre-combustion chamber engines.

f) Catalytic converters shall be installed on gasoline-powered equipment, if feasible.

g) Diesel catalytic converters shall be installed, if available.

h) Diesel-powered equipment shall be replaced by electric equipment whenever feasible.

i) Construction employee trips shall be minimized by requiring carpooling and by providing for lunch onsite.

Plan Requirement: The project applicant shall include these measures as notes on a separate sheet attached to the grading and building plans that shall be reviewed and approved prior to approval of a Coastal Development Permit for grading or structural development. **Timing:** These measures shall be implemented during and after project construction, as appropriate.

Monitoring: P&D shall ensure measures are on plans. P&D Building and Safety grading inspectors shall perform periodic site inspections. APCD inspectors shall perform periodic equipment inspections and respond to nuisance complaints.

8. The applicant shall coordinate with the Metropolitan Transit District (MTD) to provide a covered bus shelter adjacent to the project site. The applicant shall also post MTD bus route schedules and rideshare information in a central location on a covered message board. **Plan Requirement:** The

Final Development Plan application shall include the location and type of proposed transit infrastructure. **Timing:** Copies of the information shall be reviewed and approved by P&D prior to occupancy clearance.

Monitoring: P&D shall check for inclusion of MTD facilities on the Final Development Plan submittal and shall review and approve CC&Rs prior to approval of a Coastal Development Permit for Buildings. Permit Compliance shall spot check for posting of rideshare and MTD information prior to occupancy clearance.

9. The applicant shall incorporate the following energy conservation measures into project building plans unless the applicant proves that incorporation of a specific measure is infeasible:

   a) Install heat transfer modules in furnaces and hot water heating insulation.

   b) Use light colored water based paint and roofing materials.

   c) Use solar panels for water heating systems and water heater systems that heat water only on demand.

   d) Use passive solar cooling/heating.

   e) Use concrete or other non-polluting materials for parking lots instead of asphalt.

   Plan Requirement: Prior to approval of the Coastal Development Permit for Buildings, the P&D shall review the project building plans and provide recommendations on increasing energy efficiencies in project design. **Timing:** The proposed energy conservation measures shall be incorporated into the project building plans prior to approval of the Coastal Development Permit for Buildings.

   Monitoring: County building inspectors shall site inspect for inclusion of proposed energy conservation measures during project construction.

10. To reduce significant daily ROC and NOx emissions during winter days from combined project sources, residences shall be built without wood-burning fireplaces or only with natural gas-fired burning units. **Plan Requirement:** P&D shall check for the fireplace designs on the project building plans prior to land use clearance. **Timing:** The proposed fireplace designs shall be incorporated into the project building plans prior to approval of the Coastal Development Permit.

    Monitoring: County building inspectors shall site inspect to check fireplace designs during project construction.

11. To help reduce daily ROC and NOx emissions from project mobile sources, the project applicant shall provide, as part of the sale of each housing unit, an information packet on carpooling and vanpooling and bus schedules with routes most accessible to the development. The packet shall also contain information to prospective homeowners on purchasing less polluting or alternatively-fueled vehicles (available from the APCD). **Plan Requirement:** The project applicant shall provide P&D with a signed statement from each new housing unit buyer that attests to the fact that they received the packet prior to completion of their purchase. **Timing:** The signed statement from the buyer shall be submitted to P&D prior to completion of the housing unit sale.

    Monitoring: P&D shall ensure that signed statements are submitted for each housing unit buyer.

BIOLOGICAL RESOURCES

12. The applicant shall submit a [revised] Vegetation Enhancement Plan for Devereux Creek and adjacent wetland and native grassland habitat. The Plan shall be prepared by a P&D-approved biologist or restoration ecologist familiar with conditions at the site. The Plan shall include specific goals for habitat restoration and include performance criteria by which replanting success is measured; any necessary stream channel and creek flow modifications to ensure restoration success; a planting plan including an irrigation plan; an exotic vegetation management plan; methods to protect the plantings until established; and a contingency plan in the event performance criteria are not met. The plan shall include provisions for maintaining and enhancing the native grassland areas onsite. In addition the plan shall specifically provide for prospective redirection of the Creek from its current course along the UPRR tracks back to the original Devereux Creek channel crossing the property. This would potentially require excavation of the channel invert to remove accumulated sediment and to restore appropriate elevations. It may also require contributing to the design and construction of a structural solution to ensure continued flow across the UPRR and onto the project property in cooperation with UPRR. The plan shall include details of planting and maintenance of barrier plantings identified below. **Plan Requirements**: The plan shall be submitted with the Final Development Plan and Tract Map and shall be reviewed and approved by P&D prior to Coastal Development Permit approval. The applicant shall also provide documentation of coordination efforts with UPRR in respect to UPRR's redirection of the Creek from its current course along the UPRR tracks back to the Devereux Creek channel crossing the property. **Timing**: Plantings shall be in place prior to occupancy.

Monitoring: Vegetation enhancement and restoration plans shall include monitoring by a County-approved biologist or restoration specialist to determine the success of mitigation.

13. An open space easement including the protected area and creek corridor of Devereux Creek as well as the protected isolated wetland on the western portion of the site shall be offered to and approved by the Board of Supervisors, so that the restoration area would remain in perpetuity. Within the approximately 3.07 acre area, riparian habitat and adjacent wetland, native grassland, and related upland habitat shall be enhanced through eradication of invasive non-native plants and the planting of native species, according to a plan developed by a P&D-approved biologist and approved by P&D. **Plan Requirements**: The terms and conditions of the easement to cover initial restoration and maintenance costs (trail, planting, fencing, etc.), ongoing habitat restoration, and limited public access shall be approved by P&D. The Homeowners association will be the party responsible for ongoing restoration and providing maintenance costs. **Timing**: These components shall be addressed with the Final Development Plan and Tract Map prior to recordation of final map and prior to approval of a Coastal Development Permit for grading or construction. The applicant shall receive approval of the Board of Supervisors and shall record the easement.

Monitoring: The terms and conditions of the easement shall provide for P&D or third-party evaluation by a P&D-approved biologist or restoration specialist of riparian enhancement measures and the effectiveness of controlled public access.

14. The final grading plan shall identify measures to minimize sedimentation into the protected area adjacent to the creek channel, and protected wetlands and native grassland. Grading in these areas shall avoid the rainy season (November 1 to May 1) unless P&D and a P&D-qualified biologist or restoration specialist determine that erosion and sediment control measures are sufficient to avoid impacts during the rainy season. Sediment control structures (e.g., straw bales, silt curtains/fences, sediment basins, etc.) shall be placed between graded areas and the protected area to direct runoff and remove silt. The structures shall remain in place and be /regularly maintained until all disturbed soils are stabilized by structures or vegetation. **Plan Requirements**: The erosion and sediment control structures shall be indicated on the final grading plan. **Timing**: The erosion and

sediment control plan shall be reviewed and approved by P&D and Building and Safety prior to Coastal Development Permit approval.

Monitoring: The structures shall be monitored by P&D during construction, and recommendations for corrective actions reported to the P&D immediately when maintenance is needed.

15. The final landscape plan shall include barrier plantings of native riparian shrub and understory species (e.g., blackberry, California rose, and other thorny species) on the existing margin of the protected areas and the Devereux Creek channel combined with appropriate fencing to reduce encroachment into the area by humans and domestic pets. Fencing shall be posted with signage to educate resdients and visitors to the biological resources within the habitat preservation area. **Plan Requirements**: The vegetation barrier between the protected areas and the development shall be identified on the final landscape plan submitted with the Final Development Plan and Tract Map. Details of its planting and maintenance shall be included in the Vegetation Enhancement Plan. **Timing**: The final landscape plan shall be reviewed and approved by P&D and Flood Control during processing of the Final Development Plan and Tract Map prior to approval of Coastal Development Permit

    Monitoring: The performance of the barrier plantings shall be monitored by a County-approved biologist or restoration specialist to determine the success of mitigation (in conjunction with the monitoring of condition 12.

16. The applicant shall obtain all required federal, state or local permits or authorizations including but not limited to: a Streambed Alteration Agreement from the California Department of Fish and Game (CDFG), a Section 404 permit from the U.S. Army Corps of Engineers (USACE), a Section 401 Water Quality Certification or Waiver from the Regional Water Quality Control Board and a Section 7 Consultation from the Fish and Wildlife Service. Copies shall be submitted to P&D. **Plan Requirements**: Applicant shall submit necessary plans to CDFG, USF&W and USACE with copies to P&D. **Timing**: Prior to approval of Coastal Development Permit (CDP) for work associated with the coordinated offsitedesiltation of the UPRR culvert and streambed alterations on the project site.

    Monitoring: P&D staff shall confirm receipt of permits and coordinate monitoring of permit compliance with CDFG and USACE.

17. Sedimentation, silt, and grease traps, or other storm water runoff treatment control measures shall be installed in paved areas to act as filters to minimize pollution reaching the Devereux Creek channel and downstream habitats. Appropriate measures shall address both short-term construction and long-term operational impacts of runoff from the site. The measures shall be maintained in working order for the life of the project. Prior to receiving CDP approval for grading, the applicant shall submit grading and building plans that shown the detail of this requirement to P&D for review and approval. Prior to and during grading installation and maintenance of appropriate sediment control measures shall be photo-documented and submitted by the applicant to P&D. Similarly, prior to completion of the project, installation of the long term stormwater runoff treatment control measures shall be photo-documented and submitted by the applicant to P&D. The Homeowners association (HOA) will be responsible for long-term operation and maintenance of the filters in working order. The County shall inspect and ensure filters are maintained and effectively mitigating impact. **Plan Requirements**: Grading and building plans to contain specifications. The applicant may be required to record an agreement for long-term maintenance of storm water control measures per Santa Barbara County Water Agency and Flood Control District conditions to ensure maintenance is completed over the life of the project. **Timing**: Specifications submitted prior to CDP approval for grading, implemented during construction and thereafter.

Monitoring: County shall monitor mitigation implementation prior to and throughout the construction period as well as throughout a minimum 3 year landscape establishment period.

18. Non-invasive landscape plants to be included in the landscape plan for the site should be selected for their attractiveness to Monarch butterflies, and their capacity to provide nectar, basking and/or roosting habitat between the months of October and December. **Plan Requirements and Timing**: Landscape plan submitted prior to CDP approval for grading.

    Monitoring: County shall monitor mitigation implementation during landscape installation and throughout a minimum 3-year establishment period thereafter.

19. Night lighting in the vicinity and within the Devereux Creek channel and buffer area, including the native grassland, wetland, eucalyptus grove, and nature trail, shall be minimized. Lights on homes adjacent to the creek, and within the buffer, native grassland or wetland enhancement area shall be directed away from the protected area, be of low intensity, and shall be connected to timing devices that shut off after 10 PM. **Plan Requirements and Timing**: A lighting plan submitted prior to Coastal Development Permit approval for grading.

    Monitoring: County shall confirm installation and shall respond to complaints.

20. Improvements to the hydrology and water quality of Devereux Creek channel shall be effectuated. This shall be accomplished by grading and designing the site to facilitate runoff to riparian and wetland habitats rather than to the sewer system, as described below:

    a) Include sediment and erosion control measures in the grading/drainage plan, and maintain these measures throughout the construction period. Install and maintain erosion control measures (such as jute netting or coir fabric/rolls) along the creek channel and in protected areas until native plants or landscaping is established.

    b) Install native wetland plants (of known local geographic origin) that will filter or absorb runoff or pollutant materials that may enter the Devereux Creek channel.

    c) Include pervious surfaces in the project design in key areas (adjacent to concrete walkways and impervious roads) so that runoff percolates into the ground to the maximum extent feasible.

    d) Collect and filter all runoff prior to its discharge into the Devereux Creek channel.

    e) Direct runoff from rooftops and large impervious areas to a filtering system and thence to the Devereux Creek channel to provide supplemental water to the riparian corridor and aquatic biota.

    Plan Requirements and Timing: A revised grading and drainage plan, and water quality improvement plan shall submitted prior to CDP approval for grading.

    Monitoring: County shall monitor mitigation implementation during construction.

21. The Enhancement Plan area shall contain indigenous native plant material only.

    a) Where native plants are proposed in natural protected areas or in landscape plans, seed, cuttings or plants shall be obtained from known sources in the watershed or in the Goleta Valley. Local experts, Growing Solutions or the University of Santa Barbara Coal Oil Point Reserve, should be contacted to assist with verifying plant stock from appropriate geographic origins.

b) Invasive non-natives shall be eradicated from the site. Invasive ornamentals (such as periwinkle, fountain grass, cape ivy, English ivy, Algerian ivy, bamboo, etc.) shall not be included in the landscape plan. The California Exotic Plant Pest Council (CalEPPC) list of Exotic Invasive Species should also be consulted to ensure that species on this list are not introduced to the site.

Plan Requirements and Timing: The applicant shall verify the source of plant material prior to CDP approval for grading. Removal of exotic species from the Enhancement Plan area shall take place prior to implementation of the Enhancement Plan. Removal of exotic species shall be ongoing, as necessary.

Monitoring: County shall monitor mitigation implementation during construction and for the minimum three-year establishment period.

22. Sewer later extensions, or other utility connections that must cross the Devereux Creek channel shall avoid the creek and adjacent buffer and protected areas. This shall be accomplished by directional drilling/boring or other technology.

Plan Requirements and Timing: A revised grading and drainage plan, depicting construction methods for sewer and other utilities, shall be submitted prior to CDP approval for grading.

Monitoring: County shall monitor mitigation implementation during, and after construction.

GEOLOGY

23. The applicant shall submit grading and drainage plans with the Final Development Plan/Tract Map application and shall include, but not be limited to, the following:

a) Temporary berms and sedimentation traps shall be installed in association with project grading to minimize erosion of soils into Devereux Creek. The sedimentation basins shall be cleaned after large rain events, and as further directed by Permit Compliance staff, and the silt shall be removed and disposed of in a location approved by P&D.

b) Revegetation or restoration shall be completed, including measures to minimize erosion and to reestablish soil structure and fertility. Revegetation shall include native, fast-growing, vined plants that shall quickly cover drainage features. Local native species shall be emphasized. A landscape revegetation plan shall be included as part of the Final Redevelopment Plan.

c) Graded areas shall be revegetated within 4 weeks of grading activities with deep-rooted, native, drought-tolerant species, as specified in a landscape revegetation plan to minimize slope failure and erosion potential. Geotextile binding fabrics shall be used as necessary to hold soils until vegetation is established.

d) Drains shall be designed to cause exiting flow of water to enter sub-parallel downstream (60 degrees or less) to existing Devereux Creek stream flow to avoid eddy currents that would cause opposite bank erosion.

e) An energy dissipater or a similar device such as trash racks or baffles shall be installed at the base end of drainpipe outlets to minimize erosion during storm events. Pipes shall be covered to prevent children from entering the storm drain.

f) Storm drains shall be designed to minimize environmental damage and shall be shown on drainage plans.

g) With the exception of limited ground disturbance in association with construction of the proposed bridge and adjoining walkway, grading shall be prohibited within 50 feet of the Devereux Creek top-of-bank. Where possible, hand equipment shall be utilized during ground disturbances adjacent to the proposed bridge.

h) The applicant shall limit excavation and grading to the dry season of the year (i.e., April 15 to November 1) unless a Building & Safety approved erosion control plan is in place and all measures therein are in effect.

i) Temporary siltation protection devices such as silt fencing, straw bales, and sand bags shall be placed at the base of all cut and fill slopes and soil stockpile areas where potential erosion may occur. P&D staff shall determine these locations.

Plan Requirements and Timing: Erosion control components shall be listed on the grading plan that shall be reviewed and approved by P&D prior to Coastal Development Permit (CDP) approval for grading. These measures shall be implemented prior to approval of CDPs for structural development.

Monitoring: P&D shall verify as to plan in the field.

24. All grading and earthwork recommendations by Padre Associates (1999) shall be incorporated into the final project design, including the Final Grading Plan. A Registered Civil Engineer or Certified Engineering Geologist shall supervise all grading activities. These recommendations would include, but not be limited, to the following:

a) Within the footprint of proposed buildings and foundations, and extending to a minimum distance of 5 feet beyond the foundation footprint, soils should be overexcavated to a depth of 3 feet below existing grade, or 1 foot below bottom of foundation, whichever is deeper.

b) Foundations shall be constructed to compensate for consolidation settlement of 1 inch.

c) Where feasible, building areas shall be backfilled with nonplastic, low expansion soils to mitigate the potential effects of expansive soils. If highly expansive soil is placed within the upper 3 feet below buildings, measures recommended in Padre Associates (1999), such as providing positive drainage away from slabs, presoaking soils prior to pouring slabs, and using post-tensioned slabs, perimeter moisture barriers, and grade beam foundation systems, shall be completed.

Plan Requirements and Timing: Earthwork components recommended by Padre Associates (1999) shall be listed on the grading plan to be reviewed and approved by P&D prior to approval of the Coastal Development Permit for grading. These measures shall be implemented during construction.

Monitoring: P&D shall verify as to plan in the field.

HAZARDOUS MATERIALS/RISK OF UPSET

25. The applicant shall provide an EMF Disclosure Statement and an EMF Information Package containing a balanced range of EMF educational and informational materials to potential buyers of units SF1 through SF12. **Plan Requirements**: The applicant shall provide this disclosure and Information Package as part of the project CCRs to County Counsel and P&D to verify the disclosure and Information Package is fair and adequate. **Timing**: The disclosure shall be reviewed and approved prior to recordation of the Final Map.

Monitoring: P&D shall verify that an adequate disclosure has been incorporated into the CCRs prior to sale of homes and that an adequate EMF Information Package has been assembled by the applicant and has been made easily available for review by prospective buyers. P&D shall review and approve the contents of the Package for objectivity, balance and completeness.

26. The applicant shall request that the California Department of Real Estate insert the following into the final Subdivision Public Report: "The subject property is located near power lines and a power substation. Purchasers should be aware that there is ongoing research on adverse health effects associated with long-term exposure to low-level magnetic fields. Although no causal link is established, there is sufficient evidence to require reasonable safety precautions. The buyer may wish to become informed on the issue before making a decision on a home purchase in this location." **Plan Requirement:** The applicant shall provide this disclosure request to the California Department of Real Estate for inclusion in the Subdivision Public Report. **Timing:** The disclosure shall be reviewed and approved prior to approval of a Coastal Development Permit.

    Monitoring: P&D shall verify that the California Department of Real Estate Subdivision Public Report contains this disclosure statement.

27. Applicant shall under ground all utility lines within the project site. **Plan Requirement:** Construction plans for these improvements shall be reviewed and approved by P&D prior to Coastal Development Permit approval. **Timing:** Improvements shall be implemented prior to occupancy.

    Monitoring: P&D shall verify that completion of these improvements in the field.

28. In the unlikely event that hazardous materials are encountered during grading, excavation shall be temporarily suspended or redirected. The applicant shall prepare and implement a soil remediation plan for these areas. **Plan Requirements and Timing:** The remediation plan shall be reviewed and approved by County Fire PSD prior to continuing excavation . The applicant must obtain a compliance letter from County Fire PSD prior to approval of the Final Grading Plan. The applicant shall obtain a compliance letter from County Fire PSD prior to continuing grading in the affected area. Approval and implementation of all required specifications shall be completed prior to grading in the affected area.

    Monitoring: County Fire PSD shall inspect remediation activities as to plan in the field.

NOISE

29. Construction activity for site preparation and for future development shall be limited to the hours between 7:00 A.M. and 4:00 P.M., Monday through Friday. No construction shall occur on State holidays (e.g., Thanksgiving, Labor Day). Construction equipment maintenance shall be limited to the same hours. Non-noise generating construction activities such as interior painting are not subject to these restrictions. Efforts shall be made to schedule construction during off-school (i.e., summer) months. **Plan Requirements and Timing:** Construction timing shall be included as a note on all grading and construction plans to Planning & Development for review and approval prior to final map recordation. Signs shall be in place prior to the beginning of and throughout grading and construction activities.

    Monitoring: Building Inspectors and Permit Compliance shall spot check and respond to complaints.

30. Stationary construction equipment that generates noise that exceeds 65 dBA at the project boundaries shall be shielded with the most modern and effective noise control devices, i.e., mufflers, lagging,

and/or motor enclosures to P&D's satisfaction and shall be located at a minimum of 200 feet from occupied residences and other noise sensitive uses as far as possible from the eastern property line of the project site. All equipment shall be properly maintained to ensure that no additional noise, due to worn or improperly maintained parts, would be generated. **Plan Requirements and Timing:** The equipment area with appropriate acoustic shielding shall be designated on building and grading plans. Equipment and shielding shall remain in the designated location throughout construction activities.

Monitoring: Permit Compliance and grading and/or building inspectors shall perform site inspections to ensure compliance.

31. Temporary noise barriers shall be used and relocated as needed to block line-of-sight between the construction equipment and the Ellwood Elementary School to reduce effects of construction noise on these sensitive receptors below 65 dBA CNEL. **Plan Requirements and Timing:** The sound walls shall be included on the grading plan, and reviewed and approved by P&D prior to approval of a Coastal Development Permit for grading. The measure shall be implemented during construction.

    Monitoring: P&D shall verify as to plan in the field during construction.

32. The project applicants shall notify the sensitive noise receptors in advance of any and all construction activities. The construction manager's (or representative's) telephone number shall also be provided with the notification so that community concerns can be communicated. **Plan Requirements:** This notification clause shall be included on the grading plan, and reviewed and approved by P&D prior to approval of a Coastal Development Permit for grading. **Timing:** The measure shall be implemented prior to and during construction.

    Monitoring: P&D shall verify as to plan in the field during construction.

33. All permanent exterior mechanical equipment shall be acoustically engineered, incorporating attenuating designs, mufflers, enclosures, parapets, etc., so that the noise generated by these operations would not exceed the 65 dBA CNEL at the Ellwood Elementary School sensitive receptor location. **Plan Requirements and Timing:** The final exterior mechanical equipment engineering designs and specifications shall be designated as a note on Final Development Plans and shall be developed by a County-qualified acoustic engineer. Noise-attenuation design shall be reviewed and approved by P&D prior to approval of a Coastal Development Permit for grading. The shielding mechanisms shall be constructed prior to occupancy.

    Monitoring: P&D shall verify as to plan in the field during construction.

34. An acoustical study and Acoustical Attenuation Plan shall be prepared associated with the probable future Cathedral Oaks Overpass project by a County-approved acoustical engineer that determines any characteristics of attenuation (i.e., potential sound wall height and extent) required to maintain exterior noise levels experienced on the western and northern boundaries of the Residences at Sandpiper project to 65 dBA CNEL or less, and the interior noise level of proposed project structures to 45 dBA CNEL or less. Any perimeter fencing along the northern boundary of the proposed project site shall provide for a 180-foot gap in the attenuation along the northern project boundary within the restoration and enhancement area of Devereux Creek. **Plan Requirements and Timing:** The Acoustical Attenuation Plan, including any required sound wall location, construction material, base elevation and overall height, shall be incorporated on building plans and reviewed and approved by a P&D and BAR prior to final map recordation. The sound wall shall be incorporated into the project plans during the FDP/TM stage.

Monitoring: Building Inspectors shall perform plan and site inspection to ensure compliance prior to occupancy clearance.

35. Second story structure windows adjacent to Hollister Avenue shall be double-glazed or incorporated with other suitable noise-attenuating design to reduce interior noise exposure to 45 dBA CNEL or below. **Plan Requirements and Timing:** Noise attenuation design for second-floor window designs for structures adjacent to Hollister Avenue shall be developed by a P&D approved acoustic engineer and designated on the building plan. P&D shall review and approve the building plan prior to land use clearance.

    Monitoring: Building Inspectors shall inspect in the field to ensure compliance prior to occupancy clearance.

PUBLIC FACILITIES

36. The applicant shall pay Goleta Development Impact Fees, including Schools and Sheriffs fees, prior to issuance of building permits. **Plan Requirement and Timing:** A copy of the payment shall be sent to P&D prior to final inspection.

    Monitoring: P&D shall ensure payment is made prior to issuing land use clearance.

37. The applicant shall notify GUSD and SBHSD of the expected buildout date of the project to allow the Districts to plan in advance for new students. **Plan Requirement and Timing:** A copy of the notice shall be sent to P&D prior to Coastal Development Permit approval

    Monitoring. P&D shall receive notification from GUSD and SBHSD of compliance with the measure.

38. The applicant shall request a letter from the GUSD and SBHSD, which states their ability to accommodate the expected number of new students. **Plan Requirements and Timing:** The applicant shall submit a copy of the letter to P&D prior to Coastal Development Permit approval.

    Monitoring: P&D shall receive notification from GUSD and SBHSD of compliance with the measure.

39. Demolition and/or excess construction materials shall be recycled where applicable (i.e., wood, cardboard, concrete, and asphalt). The applicant shall submit a Construction and Demolition Waste Management Plan. **Plan Requirements:** The plan shall be reviewed and approved by the County Solid Waste and Utilities Division of the Public Works Department prior to approval of Coastal Development Permit. Permittee shall provide P&D with receipts for recycled materials or for separate bins. **Timing:** Materials shall be recycled as necessary throughout construction. All materials shall be recycled prior to occupancy clearance.

    Monitoring: P&D shall review receipts prior to occupancy clearance.

40. Materials with recycled content shall be used in project construction. Chippers on site during construction shall be used to further reduce excess wood for landscaping cover.

    Plan Requirements: The applicant shall submit, along with the Solid Waste Management Program, a description of the amounts and types of recycled materials to be used in project construction to P&D and Public Works. The applicant shall submit, along with the Solid Waste Management Program, a description of the Monitoring program to P&D and Public Works. **Timing:** P&D shall approve documents prior to Coastal Development Permit approval.

Monitoring: P&D shall periodically inspect in the field for compliance.

41. The permittee shall develop and implement an Solid Waste Management Program. The program shall include one or more of the following measures, but is not limited to those measures:

    a) Provision of space and/or bins for storage of recyclable materials within the project site.

    b) Implementation of a curbside recycling and green waste program to serve the new development.

    c) Development of a plan accessible collection of materials on a regular basis.

    d) Regular composting of lawn clippings and other landscape materials.

    Plan Requirements: The applicant shall submit a Solid Waste Management Program to P&D and Solid Waste (Public Works) for review and approval prior to Coastal Development Permit approval. **Timing:** Program components shall be implemented prior to occupancy clearance.

    Monitoring: P&D shall periodically inspect in the field for compliance.

42. The applicant shall implement a Monitoring program (quarterly, semi-annually) to ensure a 35 percent to 50 percent participation in overall waste disposal, using source reduction, recycling, and/or composting programs. The Monitoring program shall include a detailed report on the programs implemented and documentation (i.e., receipts) of the amounts diverted where applicable or, in the case of source reduction programs, an estimate of the amounts diverted. **Plan Requirements:** The applicant shall submit a Monitoring Program to P&D and Solid Waste (Public Works) for review and approval prior to Coastal Development Permit approval. **Timing:** Program components shall be implemented prior to occupancy clearance.

    Monitoring: P&D shall periodically inspect in the field for compliance.

43. The applicant shall pay the statutory school fees in effect at the time of issuance of building permits to the appropriate school district. **Plan Requirements and Timing:** The applicant shall submit final square footage calculations and a copy of the fee payment to the school district prior to issuance of Building Permits.

    Monitoring: P&D shall receive notification from GUSD and SBHSD of compliance with the measure.

RECREATION

44. Recreational facilities such as play structures, ball fields, etc. shall be developed within the common open space areas. **Plan Requirements:** Design of the facilities shall be submitted for review and approval of the Park Department, Flood Control District, and P&D. Provisions for maintenance shall be discussed in the project CC&R's to be reviewed and approved by the Park Department and P&D. **Timing:** Plans shall be submitted prior to Coastal Development Permit approval. Recreational facilities shall be installed prior to occupancy clearance.

    Monitoring: Park Department, Flood Control and P&D shall review plans prior to Coastal Development approval. Permit Compliance shall ensure installation in the field.

TRANSPORTATION

45. The applicant shall prepare a Construction Transportation Plan that designates heavy equipment routes, schedules, and the need for any special flagpersons to direct traffic during peak volume periods, with special attention to Ellwood School drop-off and pick-up activity. **Plan Requirement and Timing:** The Construction Transportation Plan shall be reviewed and approved by P&D and Public Works Roads Division prior to Coastal Development Permit approval.

    Monitoring: Public Works Roads Division will monitor during construction for compliance with the approved plan.

46. The project shall pay traffic mitigation fees in accordance with County policies. These fees shall be used by the County to provide infrastructure improvements required to accommodate future and cumulative traffic volumes. **Plan Requirement and Timing:** Payment of traffic mitigation fees shall be verified by Public Works prior to Coastal Development Permit approval.

    Monitoring: P&D shall verify receipt of fees.

47. The street system shall be reviewed and approved by the Fire Department and designed to provide adequate access and circulation for emergency vehicles. No on-street parking shall be allowed in accordance with Fire Department conditions. **Plan Requirement and Timing:** Review by the Fire Department shall be verified by Public Works prior to Coastal Development Permit approval.

    Monitoring: Public Works Roads Division shall verify implementation of improvements pursuant to approved plans.

48. The project shall be responsible for widening Hollister Avenue adjacent to the site frontage to Public Works standards. The improvements shall provide the required sight distance for vehicles entering or exiting the site. Alternatively, with Public Works concurrence, the project shall be responsible for funding its proportionate share of the widening of Hollister Avenue adjacent to the site frontage where the widening would be completed in conjunction with the construction of the Hollister Avenue overpass. **Plan Requirement:** Construction plans for these improvements shall be reviewed and approved by the Public Works Department prior to Coastal Development Permit approval. **Timing:** Improvements shall be implemented prior to occupancy, or as directed by the Public Works Department.

    Monitoring: Public Works Roads Division shall verify implementation of improvements pursuant to approved plans.

49. The project shall construct half-street improvements on Las Armas Road from Hollister Avenue to Campasino Drive along the project frontage. The improvements shall provide the required sight distance for vehicles entering or exiting from the site. **Plan Requirement:** Construction plans for these improvements shall be reviewed and approved by the Public Works Department prior to Coastal Development Permit approval. **Timing:** Improvements shall be implemented prior to occupancy.

    Monitoring: Public Works Roads Division shall verify implementation of improvements pursuant to approved plans.

50. The project Homeowners' Association shall coordinate with the Metropolitan Transit District (MTD) to provide bus passes to all interested project residents. The applicant shall also post MTD bus route schedules and rideshare information in a central location on a covered message board. **Plan Requirement:** The Final Development Plan shall include the contract mechanisms to provide

resident bus passes. **Timing:** Copies of the contractual mechanism shall be reviewed and approved by P&D prior to occupancy clearance.

Monitoring: P&D shall verify receipt of evidence of contractual mechanisms to effectuate condition.

51. The project shall fund its proportionate share of a striped left-turn pocket at the Road A and Las Armas Road intersections with Hollister Avenue throughout the construction of probable future projects on the western Hollister Avenue corridor. **Plan Requirement:** A Hollister Avenue striping plan including this improvement shall be reviewed and approved by the Public Works Department prior to Coastal Development Permit approval. **Timing:** Improvements shall be implemented prior to occupancy.

Monitoring: Public Works Roads Division shall verify implementation of improvements pursuant to approved plans.

WATER RESOURCES

52. The project landscape plan shall be revised to maximize the use of low-water demand species for ornamental purposes. Project CCRs shall include information and photographs about drought-tolerant plantings for individual private spaces (i.e., front and back yards) and encourage and facilitate owner use of these water-saving species. **Plan Requirements and Timing:** The final landscape plan shall define precisely high and lower demand species areas to allow for expedient review and approval by Planning and Development and the Board of Architectural Review prior to Coastal Development Permit approval. The CCRs shall incorporate language and illustrations such as those found in GWD and Santa Barbara Botanical Garden publications advocating low water use plantings. CCRs shall be reviewed prior to final map clearance; landscape plan components shall be reviewed prior to approval of Coastal Development Permit.

Monitoring: P&D staff shall verify the installation of the required landscaping in the field.

53. The applicant shall, where feasible, utilize GWD reclaimed water for all common area exterior landscaping. Non-reclaimed water shall not be used to water exterior landscape. If not feasible, the applicant shall provide documentation as to the efforts made to procure reclaimed water from local water purveyors and the negative outcome. **Plan Requirements and Timing:** The final project plans shall include the necessary fixtures and separate plumbing systems to allow the use of reclaimed water, should such water become available. The project plans shall be reviewed and approved by P&D prior to Coastal Development Permit approval.

Monitoring: P&D staff shall verify installation of the required facilities in the field.

54. Indoor water use in all proposed structures shall be limited through the following measures:

    a) Recirculating, point-of-use, or on-demand water heaters shall be installed.

    b) Low flow toilets shall be installed.

Plan Requirements and Timing: Indoor water conserving measures shall be graphically depicted on building plans. The plans shall be reviewed and approved by P&D prior to Coastal Development Permit approval. Indoor water-conserving measures shall be implemented prior to occupancy clearance.

Monitoring: P&D shall inspect for all requirements prior to occupancy clearance.

55. Surface water detention basins, outlet pipes, velocity reduction structures (e.g., rip-rap), and bioswales and/or improvement to wetland buffer areas shall be constructed, as necessary, to reduce off-site runoff velocities and to prevent off-site flooding and long-term erosion-induced sedimentation in Devereux Creek. These features shall be included on the drainage plan. **Plan Requirements and Timing:** The improvements shall be depicted on drainage plans. The plans shall be reviewed and approved by County Flood Control Division and P&D prior to Coastal Development Permit issuance.

    Monitoring: County Flood Control Division shall inspect implementation pursuant to approved plans prior to occupancy clearance.

56. Finish floor elevations shall be designed at a minimum of two feet above the 100-year flood level, as determined by the County Flood Control Department. **Plan Requirements and Timing:** The improvements shall be depicted on building plans. The plans shall be reviewed and approved by County Flood Control Division and P&D prior to Coastal Development Permit approval.

    Monitoring: P&D shall inspect implementation pursuant to approved plans prior to occupancy clearance.

57. Structures shall be prohibited within 50 feet of the Devereux Creek top-of-bank. A cross section shall be included on the drainage plan, which traverses the creek and adjacent residences to the west, demonstrating the setback and slope configuration. **Plan Requirements and Timing:** The final drainage plan shall be reviewed and approved by Santa Barbara County Flood Control Department. The final drainage plan shall be reviewed and approved by P&D prior Coastal Development Permit approval.

    Monitoring: County Flood Control District shall inspect for all requirements prior to occupancy clearance.

58. The drainage plan shall include Best Available Control Technology (BACT) filters installed in paved areas to reduce oil and grease pollution from entering Devereux Creek. The plan shall include specifications for the filters to be maintained in working order. **Plan Requirements and Timing:** Drainage plans shall contain specifications and maintenance procedures. The plan shall be reviewed and approved by P&D prior to Coastal Development Permit.

    Monitoring: Prior to construction, installation shall be photo-documented and submitted by the applicant to P&D. P&D shall site inspect and ensure filters are maintained and effectively mitigating impacts. P&D shall monitor mitigation implementation prior to, during, and after construction.

59. The drainage plan shall include bioswales to maximize contact time, minimize concentrated drainage, minimize erosion, and allow suspended solids to settle before entering Devereux Creek. The plan shall include specifications for any bioswales to be maintained in working order. CC&Rs shall assign responsibility for long-term maintenance of the bioswales to the Homeowner's Association. **Plan Requirements and Timing:** CC&Rs shall be reviewed and approved by County P&D prior to approval of final map clearance. Drainage plans shall contain specifications and maintenance procedures; the plan shall be reviewed and approved by Flood Control/Water Agency staff and P&D prior to approval of Coastal Development Permit.

    Monitoring: P&D shall site inspect and ensure bioswales are maintained and effectively mitigating impacts. P&D shall monitor mitigation implementation prior to, during, and after construction (i.e., throughout landscape establishment/maintenance period). P&D shall respond to complaints.

60. The drainage plan shall include separation of clean runoff (e.g., from roofs) from polluted runoff (i.e., from streets and driveways). The plan shall include specifications for the drains to be maintained in working order. The CC&Rs shall assign responsibility for long-term maintenance to the Home Owner's Association. **Plan Requirements and Timing**: CC&Rs shall be reviewed and approved by P&D and County Counsel prior to final map clearance. Drainage plans shall contain specifications and maintenance procedures; the plan shall be reviewed and approved by Flood Control/Water Agency staff and P&D prior to Coastal Development Permit approval.

    Monitoring: P&D shall site inspect and ensure drains are maintained and effectively mitigating impacts. P&D shall monitor mitigation implementation prior to, during, and after construction.

61. The drainage plan shall include biofiltration devices designed to capture runoff associated with a 2-year storm event. The detention basins (or equivalent) shall be placed immediately upstream of stormwater pollution source reduction and biological treatment systems, such as oil-water separators and bioswales, on both the west and east side of the creek. The plan shall include specifications for the basins to be maintained in working order. The CC&Rs shall assign responsibility for long-term maintenance to the Homeowner's Association. **Plan Requirements and Timing**: CC&Rs shall be reviewed and approved by P&D and County Counsel prior to approval of final map clearance. Drainage plans shall contain specifications and maintenance procedures; the plan shall be reviewed and approved by Flood Control/Water Agency staff and P&D prior to approval of Coastal Development Permit.

    Monitoring: P&D shall site inspect and ensure basins are maintained and effectively mitigating impacts. P&D shall monitor mitigation implementation prior to, during, and after construction.

62. The applicant shall prepare a Pesticide, Herbicide, and Fertilizer Maintenance Plan that minimizes their use in common areas and private landscape areas, particularly during the rainy season. Biodegradable pesticides and herbicides shall be maximized. Grasses not generally susceptible to pest disease, such as Bermuda grass, shall be planted in common area turf areas. **Plan Requirements and Timing:** The plan shall incorporate the types of chemicals to be used and a procedure for their application during the rainy season. Maintenance plan shall be reviewed and approved by P & D prior to Coastal Development Permit.

    Monitoring: County shall field check implementation by Homeowners Association during operation.

63. Dog waste pollution minimization shall be implemented in the vicinity of Devereux Creek. Mutt-mitt dispensers shall be installed on both sides of the creek. An educational display/sign shall be installed which provides information about Santa Barbara County Project Clean Water. The display shall include information pertaining to dog waste and surface water pollution prevention. **Plan Requirements and Timing:** Prior to approval of Coastal Development Permit Clearance, surface water pollution prevention measures shall be graphically depicted on the drainage plan, subject to P&D review and approval. Surface water pollution prevention measures shall be implemented prior to occupancy clearance.

    Monitoring: P&D shall inspect for all requirements prior to occupancy clearance.

64. The drainage plan shall include use of permeable surfaces, such as pavers in driveways, parking areas, and gravels or decomposed granite on common area pathways, to increase infiltration of surface water at the site. The plan shall include specifications for these permeable surfaces to be maintained. The CC&Rs shall assign responsibility for long-term maintenance to the Homeowner's Association. **Plan Requirements and Timing**: CC&Rs shall be reviewed and approved by P&D and County Counsel prior to approval of Final Map Clearance. Drainage plans shall contain specifications and maintenance procedures; the plan shall be reviewed and approved by Flood Control/Water Agency staff and P&D prior to Coastal Development Permit approval.

Monitoring: P&D shall site inspect and ensure permeable surfaces are maintained and effectively mitigating impacts. P&D shall monitor mitigation implementation prior to, during, and by Homeowners Association during operation.

PROJECT SPECIFIC CONDITIONS

65. Title to the common open space shall be held by a non-profit association of homeowners or by any other non-profit group on such reasonable terms and conditions as the Board of Supervisors may prescribe. If the common open space is conveyed to a group other than the homeowners association, the rights to develop such property with anything except open space or noncommercial recreation shall be conveyed to the County of Santa Barbara.

66. Prior to recordation, the applicant shall record CC&Rs which require shared responsibility of site improvements by all owners. The owners shall share maintenance responsibilities for the landscaping, revegetation, fencing and access, subject to approvals from Flood Control, P&D and County Counsel. The CC&R's shall also include by reference responsibilities for all owners to maintain property in compliance with all conditions of approval for the project. Any amendments to the County required conditions shall be reviewed and approved by the County; this requirement shall also be included in the CC&Rs.

67. Twenty-two dwelling units shall be provided at sales prices affordable to a mix of low, lower moderate and upper moderate income households as defined by the County's Housing Element and the Housing Element Implementation Guidelines

DISTRIBUTION OF AFFORDABLE HOUSING WITHIN TOWNHOME UNITS

AFFORDABLE LEVEL	STUDIO UNIT	ONE BEDROOM UNIT	TWO BEDROOM UNIT	THREE BEDROOM UNIT
Lower	3			
Lower Mod.	3			
Upper Mod.		6	5	5

Prior to final map clearance, the applicant shall enter into and record an Agreement to Provide Affordable Housing and shall record a Resale Restrictive Covenant and Preemptive Right, based upon the County's model agreement and restrictive covenant. Both shall be subject to review and approval by Planning & Development, Treasurer and County Counsel. These documents shall specify affordability consistent with the terms described above and shall include provisions describing marketing and lottery requirements for the initial sale of units. Income eligibility of prospective purchasers shall be determined by the County or its designee. An intent to reside statement shall be required for potential owners of the affordable units. The maximum sales price for the affordable units shall not exceed the maximum levels established by the Board of Supervisors, consistent with the provisions of the Housing Element. The agreement and covenant shall specify that the affordable units shall remain affordable for a period of 30 years unless preempted by state or federal programs and shall be sold to qualified households at prices as established by the Board of Supervisors.

68. Construction of the affordable units shall be concurrent with the construction of the market rate units Occupancy clearance for no more than 80% of the market rate units shall be allowed prior to occupancy clearance for all the affordable units for the development. **Plan Requirements & Timing:** Prior to map recordation, this requirement shall be included in the "Agreement to Provide Affordable Housing" and shall be printed on all grading and building plans.

Monitoring: Permit Compliance staff shall ensure compliance during construction

69. Compliance with Departmental letters required as follows:

    a) Air Pollution Control District dated October 16, 2001
    b) Environmental Health Services dated September 13, 2001
    c) Fire Department dated October 24, 2001
    d) Flood Control dated September 17, 2001
    e) Road Division (Public Works) dated January 23, 2002, and
    f) Park Department dated September 13, 2001

70. Prior to recordation, the map shall note that public emergency access has been dedicated on all private roadways.

71. Official road names shall be reviewed and approved by P&D and the Fire Department prior to recordation of the final map.

TENTATIVE TRACT MAP CONDITIONS

72. No permits for development, including grading, shall be issued except in conformance with the approved Final Development Plan [99-DP-051]. The size, shape, arrangement, use, and location of buildings, walkways, parking areas and landscaped areas shall be developed in conformity with the approved final development plan [99-DP-051].

73. Prior to recordation of the map and subject to P&D approval as to form and content, the applicant shall include all of the mitigation measures, conditions, agreements and specific plans associated with or required by this project approval on a separate informational sheet to be recorded with the Final Map. All applicable conditions and mitigation measures of the project shall be printed on grading and/or building plans and shall be graphically illustrated where feasible. If Coastal Development Permits are obtained prior to recordation, Tentative Tract Map conditions will not apply retroactively to the previously issued Coastal Development Permit. For any subsequent development on any parcels created by the project, each set of plans accompanying a Coastal Development Permit shall contain these conditions.

74. If the proposed map is revised from the approved Tentative Map, or if changes to conditions are sought, approval shall be in the same manner as for the originally approved map.

75. Three copies of the map to finalize the final map and required review fees in effect at the time, shall be submitted to Planning and Development (P&D) for compliance review of P&D conditions before P&D will issue final map clearance to the County Surveyor. The map shall show statistics for net lot area (gross area less any public road right of way) and any open space.

76. Prior to recordation, public utility easements shall be provided at the locations and of widths required by the serving utilities. The subdivider shall submit to the County Surveyor a set of prints of the parcel map accompanied by a letter from each utility and water and sewer district serving the property stating that the easements shown thereon are acceptable.

77. The Tentative Tract Map shall expire three years after approval or conditional approval by the final decisionmaker unless otherwise provided in the Subdivision Map Act, Government Code §66452.6.

78. The applicant shall ensure that the project complies with all approved plans and all project conditions including those which must be monitored after the project is built and occupied. To accomplish this the applicant agrees to:

a) Contact P&D compliance staff as soon as possible after project approval to provide the name and phone number of the future contact person for the project and give estimated dates for future project activities.

b) Contact P&D compliance staff at least two weeks prior to commencement of construction activities to schedule an on-site pre-construction meeting with the owner, compliance staff, other agency personnel and with key construction personnel.

c) Pay fees prior to approval of Coastal Development Permit as authorized under ordinance and fee schedules to cover full costs of monitoring as described above, including costs for P&D to hire and manage outside consultants when deemed necessary by P&D staff (e.g. non-compliance situations, special monitoring needed for sensitive areas including but not limited to biologists, archaeologists) to assess damage and/or ensure compliance. In such cases, the applicant shall comply with P&D recommendations to bring the project into compliance. The decision of the Director of P&D shall be final in the event of a dispute.

79. Prior to Recordation, the applicant shall pay all applicable P&D permit processing fees in full.

80. Developer shall defend, indemnify and hold harmless the County or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of the Tentative Tract Map. In the event that the County fails promptly to notify the applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.

81. In the event that any condition imposing a fee, exaction, dedication or other mitigation measure is challenged by the project sponsors in an action filed in a court of law or threatened to be filed therein which action is brought within the time period provided for by law, this approval shall be suspended pending dismissal of such action, the expiration of the limitation period applicable to such action, or final resolution of such action. If any condition is invalidated by a court of law, the entire project shall be reviewed by the County and substitute conditions may be imposed.

82. Owner shall submit annual compliance reports, in perpetuity, to P&D regarding on-going maintenance of the open space easement and performance of the landscape enhancement plan. Permit Compliance staff shall review report in the field. Owner shall be responsible for all P&D costs. **Plan Requirements and Timing:** Vegetation enhancement plan, to be recorded with the required Open Space Easement prior to final map clearance, shall include compliance reporting form/protocol.

Monitoring: P&D permit compliance staff shall review reports annually.

ATTACHMENT C

REVISED CONDITIONS OF APPROVAL
99-DP-051

PROJECT DESCRIPTION

1. This Final Development Plan is based upon and limited to compliance with the project description, Board of Supervisors' hearing exhibits 1-5 dated January 15, 2002 as revised by BOS exhibit dated December 4, 2001, and conditions of approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

   The project description is as follows:

   The proposed project comprises 109 new residential units, 20% (or 22) of which would be affordable to a mix of low, lower moderate and upper moderate income households consistent with the County's Housing Element Inclusionary Program.

Site Plan

The layout of the proposed new residential community provides for two distinct residential components on the site, one on the east side of the creek and the other on the west. Housing on the eastern portion would take access from Las Armas Road. Housing in the western portion of the site would be accessed directly from Hollister Avenue.

Proposed residential development on the western portion of the site would be organized around a loop road encircling a centrally located common open space (measuring ±0.4 acres) ringed with a mixture of affordable and market rate townhouses, including triplex and fourplex structures. Market rate single family dwellings (SFDs) would be aligned along the outside of the loop road throughout the eastern perimeter of this portion of the site (i.e., parallel with Devereux Creek). Five SFDs would align the eastern, and four, the western flanks of the Hollister Avenue frontage in this area of the project site; these housing units would be separated by a ±250 foot wide open space area (as measured along the Hollister Avenue frontage from proposed Road A to proposed unit SF 45). Additional townhouse units would be aligned along the outside of the loop road throughout the western perimeter of the area.

Proposed residential development on the eastern portion of the project site would be similarly organized with one internal block of multiplex and single family dwelling housing surrounding centrally located common open space area. The open space area would include a protected native grass area as well as areas for passive/active recreation. Market rate SFDs would ring the eastern, southern and western perimeters of this portion of the site. Internal common open space areas would measure ±0.80 acres.

Internal roadways would measure 28 feet in width, thereby satisfying fire department access standards. The 2 foot wide perimeter ribbons of decorative paving proposed on both sides of all roadways would, however, visually reduce the width of the roads to 24 feet in width. The roadway design, which includes borders and crosswalk areas of decorative paving within the primary 28-foot wide travelway, is proposed specifically to diminish the authority of the automobile throughout the site. To further underline dominance of the pedestrian within the proposed development, ordinance requirements for unit parking would be satisfied primarily through provision of garages, with the proposed short length of private driveways precluding their use as

informal uncovered parking spaces. Eighty-one (81) uncovered parking spaces would be scattered throughout the site with a maximum five parking spaces per pocket, where parking is arranged perpendicular to the internal roadways, and one off-street parallel parking area accommodating a total of eight vehicles; twelve of the total number of uncovered spaces would be designated for visitors only. No other parking would be allowed on site. Temporary stopping of service vehicles (e.g. moving vans) would be allowed subject to restrictions of the project CC&Rs.

The two residential components of the proposed project would be physically linked via a pre-fabricated clear-span steel or wood pedestrian bridge crossing Devereux Creek and connecting with a pedestrian path system designed to provide access throughout the site as well as along the creek, Hollister Avenue and Las Armas Road. The two residential areas would also be visually linked by the consistent architecture and landscape plantings proposed throughout the project. All of the single-family dwellings proposed to be located along Devereux Creek corridor would be oriented to face that open space element. The SFDs proposed along Hollister Avenue and Las Armas Road would be oriented to face the roadways unobstructed by sound or screen walls, consistent with the applicant's stated goal of integrating the project into the existing community.

Architecture

The architecture of the proposed residential units is intended to reflect the Spanish Colonial Revival architecture[1] of the historic Barnsdall-Rio Grande Gasoline Station (County Historic Landmark #29), the Bacara Resort and the proposed new clubhouse etc., associated with the current application by Sandpiper Golf Course for proposed renovations. The structures would have two stories and would consist of three types of housing: 22 affordable townhomes[2], 32 market rate townhomes[3] and 55 detached market rate single family dwellings[4]. All of the structures would have two stories (measuring approximately 24 feet maximum height) with the townhouses configured either as triplex (with 2 market rate units and one 2 or 3-bedroom affordable unit) or fourplex (with two market rate units and one affordable studio unit and one affordable one bedroom unit).

The project includes four floor plan options for the proposed affordable units. The unit designs would range from studio units (measuring ±600 s.f.) to three bedroom/two bath family units (measuring ± 1,460 s.f.). All units would be equipped with washer and dryer connections. The studio unit would include a walk-in closet. All units would include a balcony off of the livingroom With the exception of the studio units, each affordable unit would benefit from an attached single car garage. Garages would include electrical outlets appropriate for charging electrical vehicles.

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[1] Typified by white plaster walls, red roof tiles and covered porches. One unit design differs to incorporate shingle roofing and timbers.

[2] DISTRIBUTION OF AFFORDABLE HOUSING WITHIN TOWNHOME UNITS

AFFORDABILITY LEVEL	STUDIO UNIT	ONE BEDROOM UNIT	TWO BEDROOM UNIT	THREE BEDROOM UNIT
Lower	3			
Lower Mod.	3			
Upper Mod.		6	5	5

[3] For a total of 32 two or three-bedroom units.

[4] Including six detached townhome units. All units would have two, three or four bedrooms. -

The project includes two floor plan options for the proposed market rate townhomes with two or three bedrooms each. The units would range in size from 1,850 s.f. to 2,425 s.f.. Each market rate townhome unit would benefit from an attached two car garage. Garages would include electrical outlets appropriate for charging electrical vehicles.

The project includes four floor plan options for the detached market rate single family dwellings with two, three or four bedrooms each. The units would range in size from 1,850 s.f. to 2,800 s.f. and would benefit from an attached two car garage each. Garages would include electrical outlets appropriate for charging electrical vehicles.

Landscape

Proposed landscape would address restoration and enhancement of existing biological resources occurring within the proposed common open space, as well as beautification of the site as a whole. The common open space lot would be subject to an aggressive enhancement program including eradication of non-native plant material as well as installation of endemic plant species sustainable under the intermittent drainage flows currently typifying this upper portion of the Devereux Creek watershed. Strictly endemic plantings within the enhancement area would transition into more refined native and dry region gardens throughout the remainder of the site to achieve a cohesive landscape program founded on the aesthetic of native plant communities and associations. Common open space areas would be developed with fescue lawn and accent areas of decorative shrub and tree plantings. Decorative streetscape themes would be developed along the proposed internal roadways as well as along the site's Hollister Avenue and Las Armas Road frontages. Existing eucalyptus trees located within the creek could be subject to a 50% thinning to remove deadwood, etc., with the intent of improving the health of the stand and habitat overall. Tree removal would only occur under the direction of an arborist familiar with eucalyptus trees and associated habitats and after consultation with the appropriate regulatory agency. All other existing plant material on-site would be removed in association with proposed rough site grading

Site Engineering, Grading and Drainage

Earth movement would be restricted within the common open space to that necessary for construction of the proposed pedestrian bridge and passive irrigation system components only. Rough site grading throughout the remainder of the site would include excavation and recompaction of the upper three feet of soil materials. Total grading quantities would approximate 77,958 cubic yards (c.y.) of excavation (cut) and 75,126 c.y. of embankment (fill).

Proposed site drainage on both sides of the creek would comprise a combination of surface runoff and subsurface drainage facilities. Surface drainage from within and around all housing and landscape areas would be directed either 1) onto Hollister Avenue or 2) into the internal loop roads, where runoff would be captured in a continuous french drain located within the proposed swale in the center of all roadways and outlet directly into Devereux Creek.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

MITIGATION MEASURES FROM 01-SD-02

AESTHETICS

2. To prevent construction and/or employee trash from blowing offsite, covered receptacles shall be provided onsite prior to commencement of grading or construction activities. **Plan Requirements and Timing:** Prior to Coastal Development Permit approval, the applicant shall designate and provide to Planning & Development the name and phone number of a contact person(s) to monitor trash/waste and organize a clean-up crew. Additional covered receptacles shall be provided as determined necessary by Permit Compliance staff. This requirement shall be noted on all plans. Trash control shall occur throughout all grading and construction activities.

   Monitoring: Permit Compliance staff shall inspect periodically throughout grading and construction activities.

3. The applicant or his designee shall retain a clean-up crew to ensure that trash and all excess debris is collected daily and placed in provided receptacles throughout construction. **Plan Requirement:** Prior to Coastal Development Permit approval, applicant shall designate and provide to Planning & Development the name and phone number of a contact person(s) to monitor trash/waste and organize a clean-up crew. This requirement shall be noted on final building plans. **Timing:** Final debris clearance shall occur prior to occupancy clearance.

   Monitoring: P&D shall site inspect throughout construction and immediately prior to occupancy clearance.

4. The design, scale and character of the project architecture shall be compatible with vicinity development. **Plan Requirement and Timing:** The applicant shall submit architectural drawings of the project for review and approval by BAR prior to Coastal Development Permit approval. Grading plans shall be submitted to P&D concurrent with BAR plan filing.

   Monitoring: BAR shall review final building plans to ensure compliance with approved plans.

5. Exterior night lighting installed on the project site shall be of low intensity, low glare design, and shall be hooded to direct light downward onto the subject parcel and prevent spill-over onto adjacent parcels. **Plan Requirements:** The applicant shall submit a Lighting Plan incorporating these requirements that demonstrates the use of hooded and, where possible, low-level lighting fixtures. The locations of all exterior lighting fixtures and an arrow showing the direction of light being cast by each fixture and the height of the fixtures shall be depicted on the Lighting Plan. **Timing** The plan shall be reviewed and approved by P&D and the BAR prior to Coastal Development Permit approval.

   Monitoring: P&D shall inspect structures upon completion to ensure compliance with the approved Lighting Plan.

AIR QUALITY

6. Dust generated by project construction activities shall be kept to a minimum and prevented from dispersing offsite by following the dust control measures listed below:

   a) Use water trucks or sprinkler systems during construction to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, wet down such areas in the late morning and after completion of work at the end of the day. Use reclaimed water whenever possible.

b) Increase the watering frequency when wind speeds exceed 15 miles per hour if soils are not completely wet. If wind speeds increase to the point that the dust control measures cannot prevent dust from leaving the site, suspend construction activities.

c) Install gravel pads at all access points to prevent tracking of mud onto public roads.

d) The applicant shall provide street cleaning along Hollister Avenue and Las Armas Road if soil track-out occurs on these streets.

e) If importation, exportation, or stockpiling of fill is involved, cover soil stockpiled for more than two days, and keep moist, or treat with soil binders to prevent dust generation. Trucks transporting fill material to and from the site shall be covered (tarped) from the point of origin.

f) After clearing, grading, earth moving, or excavation is completed, treat the disturbed area by watering, revegetating, or by spreading soil binders until the area is paved or otherwise developed so that dust generation will not occur.

g) The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to land use clearance for map recordation and land use clearance for finish grading for the structures.

Plan Requirement: The project applicant shall include these measures as notes on a separate sheet attached to the grading and building plans that shall be reviewed and approved prior to approval of a Coastal Development Permit for grading or structural development. **Timing:** These measures shall be implemented during and after project construction, as appropriate.

Monitoring: P&D shall ensure measures are on plans. P&D Building and Safety grading inspectors shall perform periodic site inspections. APCD inspectors shall respond to nuisance complaints.

7. ROC and NOx emissions generated by construction equipment shall be reduced by application of the following equipment control measures:

a) Heavy-duty diesel-powered construction equipment manufactured after 1996 (with federally mandated "clean" diesel engines) shall be utilized whenever feasible.

b) The engine size of construction equipment shall be the minimum practical size.

c) The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time.

d) Construction equipment shall be maintained in tune per the manufacturer's specifications.

e) Construction equipment operating onsite shall be equipped with two to four degree engine timing retard or pre-combustion chamber engines.

f) Catalytic converters shall be installed on gasoline-powered equipment, if feasible.

g) Diesel catalytic converters shall be installed, if available.

h) Diesel-powered equipment shall be replaced by electric equipment whenever feasible.

i) Construction employee trips shall be minimized by requiring carpooling and by providing for lunch onsite.

Plan Requirement: The project applicant shall include these measures as notes on a separate sheet attached to the grading and building plans that shall be reviewed and approved prior to approval of a Coastal Development Permit for grading or structural development. **Timing:** These measures shall be implemented during and after project construction, as appropriate.

Monitoring: P&D shall ensure measures are on plans. P&D Building and Safety grading inspectors shall perform periodic site inspections. APCD inspectors shall perform periodic equipment inspections and respond to nuisance complaints.

8. The applicant shall coordinate with the Metropolitan Transit District (MTD) to provide a covered bus shelter adjacent to the project site. The applicant shall also post MTD bus route schedules and rideshare information in a central location on a covered message board. **Plan Requirement:** The Final Development Plan application shall include the location and type of proposed transit infrastructure. **Timing:** Copies of the information shall be reviewed and approved by P&D prior to occupancy clearance.

   Monitoring: P&D shall check for inclusion of MTD facilities on the Final Development Plan submittal and shall review and approve CC&Rs prior to approval of a Coastal Development Permit for Buildings. Permit Compliance shall spot check for posting of rideshare and MTD information prior to occupancy clearance.

9. The applicant shall incorporate the following energy conservation measures into project building plans unless the applicant proves that incorporation of a specific measure is infeasible:

   a) Install heat transfer modules in furnaces and hot water heating insulation.

   b) Use light colored water based paint and roofing materials.

   c) Use solar panels for water heating systems and water heater systems that heat water only on demand.

   d) Use passive solar cooling/heating.

   e) Use concrete or other non-polluting materials for parking lots instead of asphalt.

   Plan Requirement: Prior to approval of the Coastal Development Permit for Buildings, the P&D shall review the project building plans and provide recommendations on increasing energy efficiencies in project design. **Timing:** The proposed energy conservation measures shall be incorporated into the project building plans prior to approval of the Coastal Development Permit for Buildings.

   Monitoring: County building inspectors shall site inspect for inclusion of proposed energy conservation measures during project construction.

10. To reduce significant daily ROC and NOx emissions during winter days from combined project sources, residences shall be built without wood-burning fireplaces or only with natural gas-fired burning units. **Plan Requirement:** P&D shall check for the fireplace designs on the project

building plans prior to land use clearance. **Timing:** The proposed fireplace designs shall be incorporated into the project building plans prior to approval of the Coastal Development Permit.

Monitoring: County building inspectors shall site inspect to check fireplace designs during project construction.

11. To help reduce daily ROC and NOx emissions from project mobile sources, the project applicant shall provide, as part of the sale of each housing unit, an information packet on carpooling and vanpooling and bus schedules with routes most accessible to the development. The packet shall also contain information to prospective homeowners on purchasing less polluting or alternatively-fueled vehicles (available from the APCD). **Plan Requirement:** The project applicant shall provide P&D with a signed statement from each new housing unit buyer that attests to the fact that they received the packet prior to completion of their purchase. **Timing:** The signed statement from the buyer shall be submitted to P&D prior to completion of the housing unit sale.

Monitoring: P&D shall ensure that signed statements are submitted for each housing unit buyer.

BIOLOGICAL RESOURCES

12. The applicant shall submit a [revised] Vegetation Enhancement Plan for Devereux Creek and adjacent wetland and native grassland habitat. The Plan shall be prepared by a P&D-approved biologist or restoration ecologist familiar with conditions at the site. The Plan shall include specific goals for habitat restoration and include performance criteria by which replanting success is measured; any necessary stream channel and creek flow modifications to ensure restoration success; a planting plan including an irrigation plan; an exotic vegetation management plan; methods to protect the plantings until established; and a contingency plan in the event performance criteria are not met. The plan shall include provisions for maintaining and enhancing the native grassland areas onsite. In addition the plan shall specifically provide for prospective redirection of the Creek from its current course along the UPRR tracks back to the original Devereux Creek channel crossing the property. This would potentially require excavation of the channel invert to remove accumulated sediment and to restore appropriate elevations. It may also require contributing to the design and construction of a structural solution to ensure continued flow across the UPRR and onto the project property in cooperation with UPRR. The plan shall include details of planting and maintenance of barrier plantings identified below. **Plan Requirements**: The plan shall be submitted with the Final Development Plan and Tract Map and shall be reviewed and approved by P&D prior to Coastal Development Permit approval. The applicant shall also provide documentation of coordination efforts with UPRR in respect to UPRR's redirection of the Creek from its current course along the UPRR tracks back to the Devereux Creek channel crossing the property. **Timing**: Plantings shall be in place prior to occupancy.

Monitoring: Vegetation enhancement and restoration plans shall include monitoring by a County-approved biologist or restoration specialist to determine the success of mitigation.

13. An open space easement including the protected area and creek corridor of Devereux Creek as well as the protected isolated wetland on the western portion of the site shall be offered to and approved by the Board of Supervisors, so that the restoration area would remain in perpetuity. Within the approximately 3.07 acre area, riparian habitat and adjacent wetland, native grassland, and related upland habitat shall be enhanced through eradication of invasive non-native plants and the planting of native species, according to a plan developed by a P&D-approved biologist and approved by P&D. **Plan Requirements**: The terms and conditions of the easement to cover initial restoration and maintenance costs (trail, planting, fencing, etc.), ongoing habitat restoration, and limited public access shall be approved by P&D. The Homeowners association will be the party responsible for ongoing restoration and providing maintenance costs. **Timing**: These components shall be addressed with the Final Development Plan and Tract Map prior to recordation of final map and

prior to approval of a Coastal Development Permit for grading or construction. The applicant shall receive approval of the Board of Supervisors and shall record the easement.

Monitoring: The terms and conditions of the easement shall provide for P&D or third-party evaluation by a P&D-approved biologist or restoration specialist of riparian enhancement measures and the effectiveness of controlled public access.

14. The final grading plan shall identify measures to minimize sedimentation into the protected area adjacent to the creek channel, and protected wetlands and native grassland. Grading in these areas shall avoid the rainy season (November 1 to May 1) unless P&D and a P&D-qualified biologist or restoration specialist determine that erosion and sediment control measures are sufficient to avoid impacts during the rainy season. Sediment control structures (e.g., straw bales, silt curtains/fences, sediment basins, etc.) shall be placed between graded areas and the protected area to direct runoff and remove silt. The structures shall remain in place and be /regularly maintained until all disturbed soils are stabilized by structures or vegetation. **Plan Requirements**: The erosion and sediment control structures shall be indicated on the final grading plan. **Timing**: The erosion and sediment control plan shall be reviewed and approved by P&D and Building and Safety prior to Coastal Development Permit approval.

    Monitoring: The structures shall be monitored by P&D during construction, and recommendations for corrective actions reported to the P&D immediately when maintenance is needed.

15. The final landscape plan shall include barrier plantings of native riparian shrub and understory species (e.g., blackberry, California rose, and other thorny species) on the existing margin of the protected areas and the Devereux Creek channel combined with appropriate fencing to reduce encroachment into the area by humans and domestic pets. **Plan Requirements**: The vegetation barrier between the protected areas and the development shall be identified on the final landscape plan submitted with the Final Development Plan and Tract Map. Details of its planting and maintenance shall be included in the Vegetation Enhancement Plan. **Timing**: The final landscape plan shall be reviewed and approved by P&D and Flood Control during processing of the Final Development Plan and Tract Map prior to approval of Coastal Development Permit

    Monitoring: The performance of the barrier plantings shall be monitored by a County-approved biologist or restoration specialist to determine the success of mitigation (in conjunction with the monitoring of condition 12.

16. The applicant shall obtain all required federal, state or local permits or authorizations including but not limited to: a Streambed Alteration Agreement from the California Department of Fish and Game (CDFG), a Section 404 permit from the U.S. Army Corps of Engineers (USACE), a Section 401 Water Quality Certification or Waiver from the Regional Water Quality Control Board and a Section 7 Consultation from the Fish and Wildlife Service. Copies shall be submitted to P&D. **Plan Requirements**: Applicant shall submit necessary plans to CDFG, USF&W and USACE with copies to P&D. **Timing**: Prior to approval of Coastal Development Permit (CDP) for work associated with the coordinated offsite desiltation of the UPRR culvert and streambed alterations on the project site.

    Monitoring: P&D staff shall confirm receipt of permits and coordinate monitoring of permit compliance with CDFG and USACE.

17. Sedimentation, silt, and grease traps, or other storm water runoff treatment control measures shall be installed in paved areas to act as filters to minimize pollution reaching the Devereux Creek channel and downstream habitats. Appropriate measures shall address both short-term construction and long-term operational impacts of runoff from the site. The measures shall be maintained in

working order for the life of the project. Prior to receiving CDP approval for grading, the applicant shall submit grading and building plans that shown the detail of this requirement to P&D for review and approval. Prior to and during grading installation and maintenance of appropriate sediment control measures shall be photo-documented and submitted by the applicant to P&D. Similarly, prior to completion of the project, installation of the long term stormwater runoff treatment control measures shall be photo-documented and submitted by the applicant to P&D. The Homeowners association (HOA) will be responsible for long-term operation and maintenance of the filters in working order. The County shall inspect and ensure filters are maintained and effectively mitigating impact. **Plan Requirements**: Grading and building plans to contain specifications. The applicant may be required to record an agreement for long-term maintenance of storm water control measures per Santa Barbara County Water Agency and Flood Control District conditions to ensure maintenance is completed over the life of the project. **Timing**: Specifications submitted prior to CDP approval for grading, implemented during construction and thereafter.

Monitoring: County shall monitor mitigation implementation prior to and throughout the construction period as well as throughout a minimum 3 year landscape establishment period.

18. Non-invasive landscape plants to be included in the landscape plan for the site should be selected for their attractiveness to Monarch butterflies, and their capacity to provide nectar, basking and/or roosting habitat between the months of October and December. **Plan Requirements and Timing**: Landscape plan submitted prior to CDP approval for grading.

Monitoring: County shall monitor mitigation implementation during landscape installation and throughout a minimum 3-year establishment period thereafter.

19. Night lighting in the vicinity and within the Devereux Creek channel and buffer area, including the native grassland, wetland, eucalyptus grove, and nature trail, shall be minimized. Lights on homes adjacent to the creek, and within the buffer, native grassland or wetland enhancement area shall be directed away from the protected area, be of low intensity, and shall be connected to timing devices that shut off after 10 PM. **Plan Requirements and Timing**: A lighting plan submitted prior to Coastal Development Permit approval for grading.

Monitoring: County shall confirm installation and shall respond to complaints.

20. Improvements to the hydrology and water quality of Devereux Creek channel shall be effectuated. This shall be accomplished by grading and designing the site to facilitate runoff to riparian and wetland habitats rather than to the sewer system, as described below:

    a) Include sediment and erosion control measures in the grading/drainage plan, and maintain these measures throughout the construction period. Install and maintain erosion control measures (such as jute netting or coir fabric/rolls) along the creek channel and in protected areas until native plants or landscaping is established.

    b) Install native wetland plants (of known local geographic origin) that will filter or absorb runoff or pollutant materials that may enter the Devereux Creek channel.

    c) Include pervious surfaces in the project design in key areas (adjacent to concrete walkways and impervious roads) so that runoff percolates into the ground to the maximum extent feasible.

    d) Collect and filter all runoff prior to its discharge into the Devereux Creek channel.

e) Direct runoff from rooftops and large impervious areas to a filtering system and thence to the Devereux Creek channel to provide supplemental water to the riparian corridor and aquatic biota.

Plan Requirements and Timing: A revised grading and drainage plan, and water quality improvement plan shall submitted prior to CDP approval for grading.

Monitoring: County shall monitor mitigation implementation during construction.

21. The Enhancement Plan area shall contain indigenous native plant material only.

a) Where native plants are proposed in natural protected areas or in landscape plans, seed, cuttings or plants shall be obtained from known sources in the watershed or in the Goleta Valley. Local experts, Growing Solutions or the University of Santa Barbara Coal Oil Point Reserve, should be contacted to assist with verifying plant stock from appropriate geographic origins.

b) Invasive non-natives shall be eradicated from the site. Invasive ornamentals (such as periwinkle, fountain grass, cape ivy, English ivy, Algerian ivy, bamboo, etc.) shall not be included in the landscape plan. The California Exotic Plant Pest Council (CalEPPC) list of Exotic Invasive Species should also be consulted to ensure that species on this list are not introduced to the site.

Plan Requirements and Timing: The applicant shall verify the source of plant material prior to CDP approval for grading. Removal of exotic species from the Enhancement Plan area shall take place prior to implementation of the Enhancement Plan. Removal of exotic species shall be ongoing, as necessary.

Monitoring: County shall monitor mitigation implementation during construction and for the minimum three-year establishment period.

22. Sewer later extensions, or other utility connections that must cross the Devereux Creek channel shall avoid the creek and adjacent buffer and protected areas. This shall be accomplished by directional drilling/boring or other technology.

Plan Requirements and Timing: A revised grading and drainage plan, depicting construction methods for sewer and other utilities, shall be submitted prior to CDP approval for grading.

Monitoring: County shall monitor mitigation implementation during, and after construction.

GEOLOGY

23. The applicant shall submit grading and drainage plans with the Final Development Plan/Tract Map application and shall include, but not be limited to, the following:

a) Temporary berms and sedimentation traps shall be installed in association with project grading to minimize erosion of soils into Devereux Creek. The sedimentation basins shall be cleaned after large rain events, and as further directed by Permit Compliance staff, and the silt shall be removed and disposed of in a location approved by P&D.

b) Revegetation or restoration shall be completed, including measures to minimize erosion and to reestablish soil structure and fertility. Revegetation shall include native, fast-growing, vined plants that shall quickly cover drainage features. Local native species shall be emphasized. A landscape revegetation plan shall be included as part of the Final Redevelopment Plan.

c) Graded areas shall be revegetated within 4 weeks of grading activities with deep-rooted, native, drought-tolerant species, as specified in a landscape revegetation plan to minimize slope failure and erosion potential. Geotextile binding fabrics shall be used as necessary to hold soils until vegetation is established.

d) Drains shall be designed to cause exiting flow of water to enter sub-parallel downstream (60 degrees or less) to existing Devereux Creek stream flow to avoid eddy currents that would cause opposite bank erosion.

e) An energy dissipater or a similar device such as trash racks or baffles shall be installed at the base end of drainpipe outlets to minimize erosion during storm events. Pipes shall be covered to prevent children from entering the storm drain.

f) Storm drains shall be designed to minimize environmental damage and shall be shown on drainage plans.

g) With the exception of limited ground disturbance in association with construction of the proposed bridge and adjoining walkway, grading shall be prohibited within 50 feet of the Devereux Creek top-of-bank. Where possible, hand equipment shall be utilized during ground disturbances adjacent to the proposed bridge.

h) The applicant shall limit excavation and grading to the dry season of the year (i.e., April 15 to November 1) unless a Building & Safety approved erosion control plan is in place and all measures therein are in effect.

i) Temporary siltation protection devices such as silt fencing, straw bales, and sand bags shall be placed at the base of all cut and fill slopes and soil stockpile areas where potential erosion may occur. P&D staff shall determine these locations.

Plan Requirements and Timing: Erosion control components shall be listed on the grading plan that shall be reviewed and approved by P&D prior to Coastal Development Permit (CDP) approval for grading. These measures shall be implemented prior to approval of CDPs for structural development.

Monitoring: P&D shall verify as to plan in the field.

24. All grading and earthwork recommendations by Padre Associates (1999) shall be incorporated into the final project design, including the Final Grading Plan. A Registered Civil Engineer or Certified Engineering Geologist shall supervise all grading activities. These recommendations would include, but not be limited, to the following:

a) Within the footprint of proposed buildings and foundations, and extending to a minimum distance of 5 feet beyond the foundation footprint, soils should be overexcavated to a depth of 3 feet below existing grade, or 1 foot below bottom of foundation, whichever is deeper.

b) Foundations shall be constructed to compensate for consolidation settlement of 1 inch.

c) Where feasible, building areas shall be backfilled with nonplastic, low expansion soils to mitigate the potential effects of expansive soils. If highly expansive soil is placed within the upper 3 feet below buildings, measures recommended in Padre Associates (1999), such as providing positive drainage away from slabs, presoaking soils prior to pouring slabs, and using post-tensioned slabs, perimeter moisture barriers, and grade beam foundation systems, shall be completed.

Plan Requirements and Timing: Earthwork components recommended by Padre Associates (1999) shall be listed on the grading plan to be reviewed and approved by P&D prior to approval of the Coastal Development Permit for grading. These measures shall be implemented during construction.

Monitoring: P&D shall verify as to plan in the field.

HAZARDOUS MATERIALS/RISK OF UPSET

25. The applicant shall provide an EMF Disclosure Statement and an EMF Information Package containing a balanced range of EMF educational and informational materials to potential buyers of units SF1 through SF12. **Plan Requirements**: The applicant shall provide this disclosure and Information Package as part of the project CCRs to County Counsel and P&D to verify the disclosure and Information Package is fair and adequate. **Timing**: The disclosure shall be reviewed and approved prior to recordation of the Final Map.

    Monitoring: P&D shall verify that an adequate disclosure has been incorporated into the CCRs prior to sale of homes and that an adequate EMF Information Package has been assembled by the applicant and has been made easily available for review by prospective buyers. P&D shall review and approve the contents of the Package for objectivity, balance and completeness.

26. The applicant shall request that the California Department of Real Estate insert the following into the final Subdivision Public Report: "The subject property is located near power lines and a power substation. Purchasers should be aware that there is ongoing research on adverse health effects associated with long-term exposure to low-level magnetic fields. Although no causal link is established, there is sufficient evidence to require reasonable safety precautions. The buyer may wish to become informed on the issue before making a decision on a home purchase in this location." **Plan Requirement:** The applicant shall provide this disclosure request to the California Department of Real Estate for inclusion in the Subdivision Public Report. **Timing:** The disclosure shall be reviewed and approved prior to approval of a Coastal Development Permit.

    Monitoring: P&D shall verify that the California Department of Real Estate Subdivision Public Report contains this disclosure statement.

27. Applicant shall under ground all utility lines within the project site. **Plan Requirement:** Construction plans for these improvements shall be reviewed and approved by P&D prior to Coastal Development Permit approval. **Timing:** Improvements shall be implemented prior to occupancy.

    Monitoring: P&D shall verify that completion of these improvements in the field.

28. In the unlikely event that hazardous materials are encountered during grading, excavation shall be temporarily suspended or redirected. The applicant shall prepare and implement a soil remediation plan for these areas. **Plan Requirements and Timing:** The remediation plan shall be reviewed and approved by County Fire PSD prior to continuing excavation . The applicant must obtain a compliance letter from County Fire PSD prior to approval of the Final Grading Plan. The applicant shall obtain a compliance letter from County Fire PSD prior to continuing grading in the affected area. Approval and implementation of all required specifications shall be completed prior to grading in the affected area.

    Monitoring: County Fire PSD shall inspect remediation activities as to plan in the field.

NOISE

29. Construction activity for site preparation and for future development shall be limited to the hours between 7:00 A.M. and 4:00 P.M., Monday through Friday. No construction shall occur on State holidays (e.g., Thanksgiving, Labor Day). Construction equipment maintenance shall be limited to the same hours. Non-noise generating construction activities such as interior painting are not subject to these restrictions. Efforts shall be made to schedule construction during off-school (i.e., summer) months. **Plan Requirements and Timing:** Construction timing shall be included as a note on all grading and construction plans to Planning & Development for review and approval prior to final map recordation. Signs shall be in place prior to the beginning of and throughout grading and construction activities.

    Monitoring: Building Inspectors and Permit Compliance shall spot check and respond to complaints.

30. Stationary construction equipment that generates noise that exceeds 65 dBA at the project boundaries shall be shielded with the most modern and effective noise control devices, i.e., mufflers, lagging, and/or motor enclosures to P&D's satisfaction and shall be located at a minimum of 200 feet from occupied residences and other noise sensitive uses as far as possible from the eastern property line of the project site. All equipment shall be properly maintained to ensure that no additional noise, due to worn or improperly maintained parts, would be generated. **Plan Requirements and Timing:** The equipment area with appropriate acoustic shielding shall be designated on building and grading plans. Equipment and shielding shall remain in the designated location throughout construction activities.

    Monitoring: Permit Compliance and grading and/or building inspectors shall perform site inspections to ensure compliance.

31. Temporary noise barriers shall be used and relocated as needed to block line-of-sight between the construction equipment and the Ellwood Elementary School to reduce effects of construction noise on these sensitive receptors below 65 dBA CNEL. **Plan Requirements and Timing:** The sound walls shall be included on the grading plan, and reviewed and approved by P&D prior to approval of a Coastal Development Permit for grading. The measure shall be implemented during construction.

    Monitoring: P&D shall verify as to plan in the field during construction.

32. The project applicants shall notify the sensitive noise receptors in advance of any and all construction activities. The construction manager's (or representative's) telephone number shall also be provided with the notification so that community concerns can be communicated. **Plan Requirements:** This notification clause shall be included on the grading plan, and reviewed and approved by P&D prior to approval of a Coastal Development Permit for grading. **Timing:** The measure shall be implemented prior to and during construction.

    Monitoring: P&D shall verify as to plan in the field during construction.

33. All permanent exterior mechanical equipment shall be acoustically engineered, incorporating attenuating designs, mufflers, enclosures, parapets, etc., so that the noise generated by these operations would not exceed the 65 dBA CNEL at the Ellwood Elementary School sensitive receptor location. **Plan Requirements and Timing:** The final exterior mechanical equipment engineering designs and specifications shall be designated as a note on Final Development Plans and shall be developed by a County-qualified acoustic engineer. Noise-attenuation design shall be reviewed and approved by P&D prior to approval of a Coastal Development Permit for grading. The shielding mechanisms shall be constructed prior to occupancy.

Monitoring: P&D shall verify as to plan in the field during construction.

34. An acoustical study and Acoustical Attenuation Plan shall be prepared associated with the probable future Cathedral Oaks Overpass project by a County-approved acoustical engineer that determines any characteristics of attenuation (i.e., potential sound wall height and extent) required to maintain exterior noise levels experienced on the western and northern boundaries of the Residences at Sandpiper project to 65 dBA CNEL or less, and the interior noise level of proposed project structures to 45 dBA CNEL or less. Any perimeter fencing along the northern boundary of the proposed project site shall provide for a 180-foot gap in the attenuation along the northern project boundary within the restoration and enhancement area of Devereux Creek. **Plan Requirements and Timing:** The Acoustical Attenuation Plan, including any required sound wall location, construction material, base elevation and overall height, shall be incorporated on building plans and reviewed and approved by a P&D and BAR prior to final map recordation. The sound wall shall be incorporated into the project plans during the FDP/TM stage.

    Monitoring: Building Inspectors shall perform plan and site inspection to ensure compliance prior to occupancy clearance.

35. Second story structure windows adjacent to Hollister Avenue shall be double-glazed or incorporated with other suitable noise-attenuating design to reduce interior noise exposure to 45 dBA CNEL or below. **Plan Requirements and Timing:** Noise attenuation design for second-floor window designs for structures adjacent to Hollister Avenue shall be developed by a P&D approved acoustic engineer and designated on the building plan. P&D shall review and approve the building plan prior to land use clearance.

    Monitoring: Building Inspectors shall inspect in the field to ensure compliance prior to occupancy clearance.

PUBLIC FACILITIES

36. The applicant shall pay Goleta Development Impact Fees, including Schools and Sheriffs fees, prior to issuance of building permits. **Plan Requirement and Timing:** A copy of the payment shall be sent to P&D prior to final inspection.

    Monitoring: P&D shall ensure payment is made prior to issuing land use clearance.

37. The applicant shall notify GUSD and SBHSD of the expected buildout date of the project to allow the Districts to plan in advance for new students. **Plan Requirement and Timing:** A copy of the notice shall be sent to P&D prior to Coastal Development Permit approval

    Monitoring. P&D shall receive notification from GUSD and SBHSD of compliance with the measure.

38. The applicant shall request a letter from the GUSD and SBHSD, which states their ability to accommodate the expected number of new students. **Plan Requirements and Timing:** The applicant shall submit a copy of the letter to P&D prior to Coastal Development Permit approval.

    Monitoring: P&D shall receive notification from GUSD and SBHSD of compliance with the measure.

39. Demolition and/or excess construction materials shall be recycled where applicable (i.e., wood, cardboard, concrete, and asphalt). The applicant shall submit a Construction and Demolition Waste Management Plan. **Plan Requirements:** The plan shall be reviewed and approved by the County

Solid Waste and Utilities Division of the Public Works Department prior to approval of Coastal Development Permit. Permittee shall provide P&D with receipts for recycled materials or for separate bins. **Timing:** Materials shall be recycled as necessary throughout construction. All materials shall be recycled prior to occupancy clearance.

Monitoring: P&D shall review receipts prior to occupancy clearance.

40. Materials with recycled content shall be used in project construction to the maximum extent feasible. Chippers on site during construction shall be used to further reduce excess wood for landscaping cover. **Plan Requirements:** The applicant shall submit, along with the Solid Waste Management Program, a description of the amounts and types of recycled materials to be used in project construction to P&D and Public Works. The applicant shall submit, along with the Solid Waste Management Program, a description of the Monitoring program to P&D and Public Works. **Timing:** P&D shall approve documents prior to Coastal Development Permit approval.

    Monitoring: P&D shall periodically inspect in the field for compliance.

41. The permittee shall develop and implement an Solid Waste Management Program. The program shall include one or more of the following measures, but is not limited to those measures:

    a) Provision of space and/or bins for storage of recyclable materials within the project site.

    b) Implementation of a curbside recycling and green waste program to serve the new development.

    c) Development of a plan accessible collection of materials on a regular basis.

    d) Regular composting of lawn clippings and other landscape materials.

    Plan Requirements: The applicant shall submit a Solid Waste Management Program to P&D and Solid Waste (Public Works) for review and approval prior to Coastal Development Permit approval. **Timing:** Program components shall be implemented prior to occupancy clearance.

    Monitoring: P&D shall periodically inspect in the field for compliance.

42. The applicant shall implement a Monitoring program (quarterly, semi-annually) to ensure a 35 percent to 50 percent participation in overall waste disposal, using source reduction, recycling, and/or composting programs. The Monitoring program shall include a detailed report on the programs implemented and documentation (i.e., receipts) of the amounts diverted where applicable or, in the case of source reduction programs, an estimate of the amounts diverted. **Plan Requirements:** The applicant shall submit a Monitoring Program to P&D and Solid Waste (Public Works) for review and approval prior to Coastal Development Permit approval. **Timing:** Program components shall be implemented prior to occupancy clearance.

    Monitoring: P&D shall periodically inspect in the field for compliance.

43. The applicant shall pay the statutory school fees in effect at the time of issuance of building permits to the appropriate school district. **Plan Requirements and Timing:** The applicant shall submit final square footage calculations and a copy of the fee payment to the school district prior to issuance of Building Permits.

    Monitoring: P&D shall receive notification from GUSD and SBHSD of compliance with the measure.

RECREATION

44. Recreational facilities such as play structures, ball fields, etc. shall be developed within the common open space areas. **Plan Requirements:** Design of the facilities shall be submitted for review and approval of the Park Department, Flood Control District, and P&D. Provisions for maintenance shall be discussed in the project CC&R's to be reviewed and approved by the Park Department and P&D. **Timing:** Plans shall be submitted prior to Coastal Development Permit approval. Recreational facilities shall be installed prior to occupancy clearance.

    Monitoring: Park Department, Flood Control and P&D shall review plans prior to Coastal Development approval. Permit Compliance shall ensure installation in the field.

TRANSPORTATION

45. The applicant shall prepare a Construction Transportation Plan that designates heavy equipment routes, schedules, and the need for any special flagpersons to direct traffic during peak volume periods, with special attention to Ellwood School drop-off and pick-up activity. **Plan Requirement and Timing:** The Construction Transportation Plan shall be reviewed and approved by P&D and Public Works Roads Division prior to Coastal Development Permit approval.

    Monitoring: Public Works Roads Division will monitor during construction for compliance with the approved plan.

46. The project shall pay traffic mitigation fees in accordance with County policies. These fees shall be used by the County to provide infrastructure improvements required to accommodate future and cumulative traffic volumes. **Plan Requirement and Timing:** Payment of traffic mitigation fees shall be verified by Public Works prior to Coastal Development Permit approval.

    Monitoring: P&D shall verify receipt of fees.

47. The street system shall be reviewed and approved by the Fire Department and designed to provide adequate access and circulation for emergency vehicles. No on-street parking shall be allowed in accordance with Fire Department conditions. **Plan Requirement and Timing:** Review by the Fire Department shall be verified by Public Works prior to Coastal Development Permit approval.

    Monitoring: Public Works Roads Division shall verify implementation of improvements pursuant to approved plans.

48. The project shall be responsible for widening Hollister Avenue adjacent to the site frontage to Public Works standards. The improvements shall provide the required sight distance for vehicles entering or exiting the site. Alternatively, with Public Works concurrence, the project shall be responsible for funding its proportionate share of the widening of Hollister Avenue adjacent to the site frontage where the widening would be completed in conjunction with the construction of the Hollister Avenue overpass. **Plan Requirement:** Construction plans for these improvements shall be reviewed and approved by the Public Works Department prior to Coastal Development Permit approval. **Timing:** Improvements shall be implemented prior to occupancy, or as directed by the Public Works Department.

    Monitoring: Public Works Roads Division shall verify implementation of improvements pursuant to approved plans.

49. The project shall construct half-street improvements on Las Armas Road from Hollister Avenue to Campasino Drive along the project frontage. The improvements shall provide the required sight

distance for vehicles entering or exiting from the site. **Plan Requirement:** Construction plans for these improvements shall be reviewed and approved by the Public Works Department prior to Coastal Development Permit approval. **Timing:** Improvements shall be implemented prior to occupancy.

Monitoring: Public Works Roads Division shall verify implementation of improvements pursuant to approved plans.

50. The project Homeowners' Association shall coordinate with the Metropolitan Transit District (MTD) to provide bus passes to all interested project residents. The applicant shall also post MTD bus route schedules and rideshare information in a central location on a covered message board. **Plan Requirement:** The Final Development Plan shall include the contract mechanisms to provide resident bus passes. **Timing:** Copies of the contractual mechanism shall be reviewed and approved by P&D prior to occupancy clearance.

Monitoring: P&D shall verify receipt of evidence of contractual mechanisms to effectuate condition.

51. The project shall fund its proportionate share of a striped left-turn pocket at the Road A and Las Armas Road intersections with Hollister Avenue throughout the construction of probable future projects on the western Hollister Avenue corridor. **Plan Requirement:** A Hollister Avenue striping plan including this improvement shall be reviewed and approved by the Public Works Department prior to Coastal Development Permit approval. **Timing:** Improvements shall be implemented prior to occupancy.

Monitoring: Public Works Roads Division shall verify implementation of improvements pursuant to approved plans.

WATER RESOURCES

52. The project landscape plan shall be revised to maximize the use of low-water demand species for ornamental purposes. Project CCRs shall include information and photographs about drought-tolerant plantings for individual private spaces (i.e., front and back yards) and encourage and facilitate owner use of these water-saving species. **Plan Requirements and Timing:** The final landscape plan shall define precisely high and lower demand species areas to allow for expedient review and approval by Planning and Development and the Board of Architectural Review prior to Coastal Development Permit approval. The CCRs shall incorporate language and illustrations such as those found in GWD and Santa Barbara Botanical Garden publications advocating low water use plantings. CCRs shall be reviewed prior to final map clearance; landscape plan components shall be reviewed prior to approval of Coastal Development Permit.

Monitoring: P&D staff shall verify the installation of the required landscaping in the field.

53. The applicant shall, where feasible, utilize GWD reclaimed water for all common area exterior landscaping. Non-reclaimed water shall not be used to water exterior landscape. If not feasible, the applicant shall provide documentation as to the efforts made to procure reclaimed water from local water purveyors and the negative outcome. **Plan Requirements and Timing:** The final project plans shall include the necessary fixtures and separate plumbing systems to allow the use of reclaimed water, should such water become available. The project plans shall be reviewed and approved by P&D prior to Coastal Development Permit approval.

Monitoring: P&D staff shall verify installation of the required facilities in the field.

54. Indoor water use in all proposed structures shall be limited through the following measures:

    a) Recirculating, point-of-use, or on-demand water heaters shall be installed.

    b) Low flow toilets shall be installed.

    Plan Requirements and Timing: Indoor water conserving measures shall be graphically depicted on building plans. The plans shall be reviewed and approved by P&D prior to Coastal Development Permit approval. Indoor water-conserving measures shall be implemented prior to occupancy clearance.

    Monitoring: P&D shall inspect for all requirements prior to occupancy clearance.

55. Surface water detention basins, outlet pipes, velocity reduction structures (e.g., rip-rap), and bioswales and/or improvement to wetland buffer areas shall be constructed, as necessary, to reduce off-site runoff velocities and to prevent off-site flooding and long-term erosion-induced sedimentation in Devereux Creek. These features shall be included on the drainage plan. **Plan Requirements and Timing:** The improvements shall be depicted on drainage plans. The plans shall be reviewed and approved by County Flood Control Division and P&D prior to Coastal Development Permit issuance.

    Monitoring: County Flood Control Division shall inspect implementation pursuant to approved plans prior to occupancy clearance.

56. Finish floor elevations shall be designed at a minimum of two feet above the 100-year flood level, as determined by the County Flood Control Department. **Plan Requirements and Timing:** The improvements shall be depicted on building plans. The plans shall be reviewed and approved by County Flood Control Division and P&D prior to Coastal Development Permit approval.

    Monitoring: P&D shall inspect implementation pursuant to approved plans prior to occupancy clearance.

57. Structures shall be prohibited within 50 feet of the Devereux Creek top-of-bank. A cross section shall be included on the drainage plan, which traverses the creek and adjacent residences to the west, demonstrating the setback and slope configuration. **Plan Requirements and Timing:** The final drainage plan shall be reviewed and approved by Santa Barbara County Flood Control Department. The final drainage plan shall be reviewed and approved by P&D prior Coastal Development Permit approval.

    Monitoring: County Flood Control District shall inspect for all requirements prior to occupancy clearance.

58. The drainage plan shall include Best Available Control Technology (BACT) filters installed in paved areas to reduce oil and grease pollution from entering Devereux Creek. The plan shall include specifications for the filters to be maintained in working order. **Plan Requirements and Timing:** Drainage plans shall contain specifications and maintenance procedures. The plan shall be reviewed and approved by P&D prior to Coastal Development Permit.

    Monitoring: Prior to construction, installation shall be photo-documented and submitted by the applicant to P&D. P&D shall site inspect and ensure filters are maintained and effectively mitigating impacts. P&D shall monitor mitigation implementation prior to, during, and after construction.

59. The drainage plan shall include bioswales to maximize contact time, minimize concentrated drainage, minimize erosion, and allow suspended solids to settle before entering Devereux Creek. The plan shall include specifications for any bioswales to be maintained in working order. CC&Rs shall assign responsibility for long-term maintenance of the bioswales to the Homeowner's Association. **Plan Requirements and Timing**: CC&Rs shall be reviewed and approved by County P&D prior to approval of final map clearance. Drainage plans shall contain specifications and maintenance procedures; the plan shall be reviewed and approved by Flood Control/Water Agency staff and P&D prior to approval of Coastal Development Permit.

    Monitoring: P&D shall site inspect and ensure bioswales are maintained and effectively mitigating impacts. P&D shall monitor mitigation implementation prior to, during, and after construction (i.e., throughout landscape establishment/maintenance period). P&D shall respond to complaints.

60. The drainage plan shall include separation of clean runoff (e.g., from roofs) from polluted runoff (i.e., from streets and driveways). The plan shall include specifications for the drains to be maintained in working order. The CC&Rs shall assign responsibility for long-term maintenance to the Home Owner's Association. **Plan Requirements and Timing**: CC&Rs shall be reviewed and approved by P&D and County Counsel prior to final map clearance. Drainage plans shall contain specifications and maintenance procedures; the plan shall be reviewed and approved by Flood Control/Water Agency staff and P&D prior to Coastal Development Permit approval.

    Monitoring: P&D shall site inspect and ensure drains are maintained and effectively mitigating impacts. P&D shall monitor mitigation implementation prior to, during, and after construction.

61. The drainage plan shall include biofiltration devices designed to capture runoff associated with a 2-year storm event. The detention basins (or equivalent) shall be placed immediately upstream of stormwater pollution source reduction and biological treatment systems, such as oil-water separators and bioswales, on both the west and east side of the creek. The plan shall include specifications for the basins to be maintained in working order. The CC&Rs shall assign responsibility for long-term maintenance to the Homeowner's Association. **Plan Requirements and Timing**: CC&Rs shall be reviewed and approved by P&D and County Counsel prior to approval of final map clearance. Drainage plans shall contain specifications and maintenance procedures; the plan shall be reviewed and approved by Flood Control/Water Agency staff and P&D prior to approval of Coastal Development Permit.

    Monitoring: P&D shall site inspect and ensure basins are maintained and effectively mitigating impacts. P&D shall monitor mitigation implementation prior to, during, and after construction.

62. The applicant shall prepare a Pesticide, Herbicide, and Fertilizer Maintenance Plan that minimizes their use in common areas and private landscape areas, particularly during the rainy season. Biodegradable pesticides and herbicides shall be maximized. Grasses not generally susceptible to pest disease, such as Bermuda grass, shall be planted in common area turf areas. **Plan Requirements and Timing:** The plan shall incorporate the types of chemicals to be used and a procedure for their application during the rainy season. Maintenance plan shall be reviewed and approved by P & D prior to Coastal Development Permit.

    Monitoring: County shall field check implementation by Homeowners Association during operation.

63. Dog waste pollution minimization shall be implemented in the vicinity of Devereux Creek. Mutt-mitt dispensers shall be installed on both sides of the creek. An educational display/sign shall be installed which provides information about Santa Barbara County Project Clean Water. The display shall include information pertaining to dog waste and surface water pollution prevention. **Plan Requirements and Timing:** Prior to approval of Coastal Development Permit Clearance, surface water pollution prevention measures shall be graphically depicted on the drainage plan, subject to

P&D review and approval. Surface water pollution prevention measures shall be implemented prior to occupancy clearance.

Monitoring: P&D shall inspect for all requirements prior to occupancy clearance.

64. The drainage plan shall include use of permeable surfaces, such as pavers in driveways, parking areas, and gravels or decomposed granite on common area pathways, to increase infiltration of surface water at the site. The plan shall include specifications for these permeable surfaces to be maintained. The CC&Rs shall assign responsibility for long-term maintenance to the Homeowner's Association. **Plan Requirements and Timing**: CC&Rs shall be reviewed and approved by P&D and County Counsel prior to approval of Final Map Clearance. Drainage plans shall contain specifications and maintenance procedures; the plan shall be reviewed and approved by Flood Control/Water Agency staff and P&D prior to Coastal Development Permit approval.

    Monitoring: P&D shall site inspect and ensure permeable surfaces are maintained and effectively mitigating impacts. P&D shall monitor mitigation implementation prior to, during, and by Homeowners Association during operation.

PROJECT SPECIFIC CONDITIONS

65. All potential perimeter walls shall incorporate textured materials and/or designs to produce a textured effect using natural muted colors (i.e., sandstone, buckskin, etc.). Landscape planters shall be installed outside and adjacent to all perimeter walls visible from public roadways. This landscaping shall be vertical, and densely planted with large plant specimens. **Plan Requirements:** A Perimeter Wall Plan shall incorporate color and design details, and screening landscape plantings. **Timing:** The plan shall be reviewed and approved by P&D and the BAR prior to Coastal Development Permit approval. Landscape planters shall be installed prior to occupancy clearance.

    Monitoring: P&D shall photodocument installation and maintenance of landscaping per plan. Permit Compliance signature shall be required for release of performance security.

66. The project applicant shall notify prospective housing unit buyers of the potential for exposure to objectionable odors from the Venoco oil and gas processing facility. **Plan Requirement:** A buyer notification shall be recorded on a separate information sheet with the final map that notifies potential buyers of potential odor problems in the project area. **Timing**: The notification shall be reviewed and approved by P&D prior to occupancy clearance.

    Monitoring: P&D shall review and approve the buyer information sheet prior to issuance of a Coastal Development Permit.

67. The project applicant shall notify prospective housing unit buyers of the potential for exposure to acute non-cancer airborne toxins from the Venoco Oil and Gas Processing Facility at a level greater than the APCD's significance criterion. **Plan Requirement**: The project applicant shall provide P&D with a signed statement from each new housing unit buyer that attests to the fact that they were notified of the potential for acute non-cancer toxin exposure prior to their purchase of a unit in the project area. **Timing**: The signed statement from the buyer shall be submitted to P&D prior to completion of the housing unit sale. This requirement for submittal of the statement shall apply to resales and rentals as well, but shall no longer apply after such time as the APCD determines that the Venoco facility has met the conditions of its' Risk Reduction Plan and the Hazard Index in the project area has been reduced to less than 1.0.

    Monitoring: P&D shall ensure that signed statements are submitted for each housing unit buyer.

68. In the event archaeological remains are encountered during grading, work shall be stopped immediately or redirected until a P&D qualified archaeologist and Native American representative are retained by the applicant to evaluate the significance of the find pursuant to Phase 2 investigations of the County Archaeological Guidelines. If remains are found to be significant, they shall be subject to a Phase 3 mitigation program consistent with County Archaeological Guidelines and funded by the applicant. **Plan Requirements/Timing:** This condition shall be printed on all building and grading plans.

    Monitoring: P&D shall check plans prior to approval of Coastal Development Permits and shall spot check in the field.

69. The following energy-conserving techniques shall be incorporated into project design unless the applicant demonstrates their infeasibility to the satisfaction of P&D staff:

    a) installation of energy-efficient appliances; and
    b) installation of energy-efficient lighting.

    Requirements and Timing: The applicant shall incorporate the provisions in building and improvement plans or shall submit proof of infeasibility prior to approval of Coastal Development Permits.

    Monitoring: Building and Safety shall site inspect to ensure development is in accordance with approved plans prior to occupancy clearance. Planning staff shall verify landscape installation in accordance with approved landscape plans.

70. The applicant shall install exterior motion sensitive light switches on all homes adjacent to landscape preservation areas. **Plan Requirements:** Type of light switch shall be denoted on building plans. **Timing**: Motion sensitive light switches shall be installed prior to occupancy.

    Monitoring: P&D shall inspect prior to occupancy.

71. Landscaping in common areas shall be designed in a manner to shade buildings and vehicle parking areas to lessen demand for air conditioning. **Plan Requirements:** Landscaping plan and summer shade study shall be submitted for review and approval by P&D staff and the County BAR prior to approval of a Coastal Development Permit. **Timing:** Landscaping shall be planted prior to occupancy clearance.

    Monitoring: P&D shall inspect prior to occupancy.

72. Annual HOA meetings shall be held to distribute and update information on potential hazards associated with the Venoco facility as well as information on sirens and siren testing schedules. The HOA will coordinate with Venoco in this effort. The first of the annual meetings shall occur within one month of final occupancy clearance of the project. **Plan Requirements and Timing:** Project CC&Rs shall include this requirement. CC&Rs shall be reviewed and approved by P&D and Counsel prior to final map clearance.

    Monitoring: P&D shall receive confirmation of recordation of the CC&Rs.

73. The applicant should request that the California Department of Real Estate insert the following into the final Subdivision Public Report: "The subject property is located within the vicinity of the Veneco Oil and Gas Processing Facility. Potential risk of upset impacts on project residents have been determined by the County to be insignificant. The buyer however, may wish to become informed on the issue before making a decision on a home purchase in this location." **Plan**

Requirement: The applicant shall provide this disclosure request to the California Department of Real Estate for inclusion in the Subdivision Public Report. **Timing:** The disclosure shall be reviewed and approved prior to approval of a Coastal Development Permit.

Monitoring: P&D shall verify that the California Department of Real Estate Subdivision Public Report contains this disclosure statement or its equivalent.

74. Second story structure windows adjacent to Hollister Avenue shall be double-glazed or incorporated with other suitable noise-attenuating design to reduce interior noise exposure. **Plan Requirements and Timing:** Noise attenuation design for second-floor window designs for structures adjacent to Hollister Avenue shall be developed by a P&D approved acoustic engineer and designated on the building plan. P&D shall review and approve the building plan prior to land use clearance.

Monitoring: Building Inspectors shall inspect in the field to ensure compliance prior to occupancy clearance.

75. During construction, washing of concrete, paint, or equipment shall occur only in areas where polluted water and materials can be contained for subsequent removal from the site. Washing shall not be allowed near sensitive biological resources. An area designated for washing functions shall be identified. **Plan Requirements:** The applicant shall designate a wash off area, acceptable to P&D, on the construction plans. **Timing**: The wash off area shall be designated on all plans prior to approval of Coastal Development Permits. The washoff area shall be in place throughout construction.

Monitoring: P&D staff shall check plans prior to approval of Land Use Permits and compliance staff shall site inspect throughout the construction period to ensure proper use.

76. Construction of the affordable units shall be concurrent with the construction of the market rate units Occupancy clearance for no more than 80% of the market rate units shall be allowed prior to occupancy clearance for all the affordable units for the development. **Plan Requirements & Timing:** Prior to map recordation, this requirement shall be included in the "Agreement to Provide Affordable Housing" and shall be printed on all grading and building plans.

Monitoring: Permit Compliance staff shall ensure compliance during construction

77. Compliance with Departmental letters required as follows:

    a) Air Pollution Control District dated October 16, 2001
    b) Environmental Health Services dated September 13, 2001
    c) Fire Department dated October 24, 2001
    d) Flood Control dated September 17, 2001
    e) Road Division (Public Works) dated January 23, 2002, and
    f) Park Department dated September 13, 2001

78. Two performance securities shall be provided by the applicant prior to approval of Coastal Development Permits, one equal to the value of installation of all items listed in section (a) below (labor and materials) and one equal to the value of maintenance and/or replacement of the items listed in section (a) for *three* years of maintenance of the items. The amounts shall be agreed to by P&D. Changes to approved landscape plans may require a substantial conformity determination or an approved change to the plan. The installation security shall be released upon satisfactory installation of all items in section (a). If plants and irrigation (and/or any items listed in section (a) below) have been established and maintained, P&D may release the maintenance security *two* years

after installation. If such maintenance has not occurred, the plants or improvements shall be replaced and the security held for another year. If the applicant fails to either install or maintain according to the approved plan, P&D may collect security and complete work on property. The installation security shall guarantee compliance with the provision below:

a) Installation of landscaping and irrigation, in accordance with the approved decorative landscape plan and installation of landscape preservation plan prior to occupancy clearance.

Monitoring: P&D shall inspect landscaping and improvements for compliance with approved plans prior to authorizing release of both installation and maintenance securities.

79. Landscaping shall be maintained for the life of the project.

80. A post occupancy evaluation shall be performed one year following the County's issuance of final occupancy clearance to the project to assess the adequacy of on-site parking. P&D shall determine the locations of additional parking, as necessary; required additional parking spaces, if any, shall be marked within one month of P&D's determination. **Plan Requirements and Timing:** The applicant shall submit proposed POE approach to permit compliance staff for their review and approval prior to approval of coastal development permits for buildings. The POE shall be submitted to Permit Compliance within 13 months of the County's issuance of final occupancy clearance to the project.

81. The applicant shall negotiate alternative access with the Goleta West Sanitary District to their mainline on the project site, avoiding the preservation area as much as feasible.

82. Before any construction activities begin on the project, a biologist shall conduct a training session for all construction personnel. At a minimum, the training shall include a description of the California red-legged frog and its habitat, the importance of the California red-legged frog and its habitat, the general measures that are being implemented to protect the California red-legged frog as they relate to the project, and the boundaries within which the project may be accomplished.

83. Immediately prior to project construction, areas to be impacted that day shall be surveyed for California red-legged frogs. Prior to each subsequent day of construction, all new construction areas as well as previously graded areas shall be surveyed for California red-legged frogs.

84. If a red-legged frog is encountered, all construction within 100-feet shall be stopped until U.S. Fish & Wildlife Service is contacted and the frog relocated to nearby suitable habitat in accordance with the Service's requirements.

85. A County approved biologist shall be on site throughout rough grading of all areas located within 200 feet of the landscape preservation area.

DEVELOPMENT PLAN CONDITIONS

86. No permits for development, including grading, shall be issued except in conformance with TM 14,541.

87. Approval of the Final Development Plan shall expire five (5) years after approval by the Planning Commission unless prior to the expiration date, substantial physical construction has been completed on the development or a time extension has been applied for by the applicant. The decisionmaker with jurisdiction over the project may, upon good cause shown, grant a time extension for one year.

88. No permits for development, including grading, shall be issued except in conformance with the approved Final Development Plan [99-DP-051]. The size, shape, arrangement, use, and location of buildings, walkways, parking areas, and landscaped areas shall be developed in conformity with the approved development plan marked Exhibits 2, 3 and 4, dated December 4, 2001. Substantial conformity shall be determined by the Director of P&D.

89. On the date a subsequent Preliminary or Final Development Plan is approved for this site, any previously approved but unbuilt plans shall become null and void.

90. If the applicant requests a time extension for this permit/project, the permit/project may be revised to include updated language to standard conditions and/or mitigation measures and additional conditions and/or mitigation measures which reflect changed circumstances or additional identified project impacts. Mitigation fees shall be those in effect at the time of approval of a CDP.

91. No permits for development, including grading, shall be issued prior to recordation of TM 14,541.

92. Prior to approval of Coastal Development Permits, the applicant shall pay all applicable P&D processing fees in full.

93. The applicant shall ensure that the project complies with all approved plans and all project conditions including those which must be monitored after the project is built and occupied. To accomplish this the applicant agrees to:

    a. Contact P&D compliance staff as soon as possible after project approval to provide the name and phone number of the future contact person for the project and give estimated dates for future project activities.

    b. Contact P&D compliance staff at least two weeks prior to commencement of construction activities to schedule an on-site pre-construction meeting with the owner, compliance staff, other agency personnel and with key construction personnel.

    c. Pay fees prior to approval of Land Use Permits as authorized under ordinance and fee schedules to cover full costs of monitoring as described above, including costs for P&D to hire and manage outside consultants when deemed necessary by P&D staff (e.g. non-compliance situations, special monitoring needed for sensitive areas including but not limited to biologists, archaeologists) to assess damage and/or ensure compliance. In such cases, the applicant shall comply with P&D recommendations to bring the project into compliance. The decision of the Director of P&D shall be final in the event of a dispute.

94. Developer shall defend, indemnify and hold harmless the County or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of the Tentative Parcel Map. In the event that the County fails promptly to notify the applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.

95. In the event that any condition imposing a fee, exaction, dedication or other mitigation measure is challenged by the project sponsors in an action filed in a court of law or threatened to be filed therein which action is brought within the time period provided for by law, this approval shall be suspended pending dismissal of such action, the expiration of the limitation period applicable to such action, or final resolution of such action. If any condition is invalidated by a court of law, the entire project shall be reviewed by the County and substitute conditions may be imposed.

96. Structures shall be prohibited from within the 100 foot buffers of all wetland areas on site. **Plan Requirements and Timing:** Prior to approval of CDP, wetland buffers shall be graphically indicated on all site, grading and landscape plans. Prior to commencement of grading and construction, all buffer areas (including those surrounding wetlands and grasses) shall be staked in the field.

    Monitoring: P&D shall inspect plans and shall perform site visits to ensure adherence to this condition.

97. The pedestrian path proposed to cross the native grassland, designated ESH and located in the landscape preservation area, shall be relocated to avoid ESH areas. **Plan Requirements and Timing:** Prior to approval of CDP, path shall be relocated.

    Monitoring: P&D shall inspect plans and shall perform site visits to ensure adherence to this condition.

98. Owner shall submit annual compliance reports, in perpetuity, to P&D regarding on-going maintenance of the open space easement and performance of the landscape enhancement plan. Permit Compliance staff shall review report in the field. Owner shall be responsible for all P&D costs. **Plan Requirements and Timing:** Vegetation enhancement plan, to be recorded with the required Open Space Easement prior to final map clearance, shall include compliance reporting form/protocol.

    Monitoring: P&D permit compliance staff shall review reports annually.

Santa Barbara County
Air Pollution Control District

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AGENDA ITEMS

ITEM #: 2

MEETING DATE: 10/17/01

October 16, 2001

Anne Almy, Project Planner
County of Santa Barbara, Planning and Development
123 East Anapamu Street
Santa Barbara, CA 93101-2058

RE: The Residences at Sandpiper (99-DP-051): Recommended Conditions of Approval.

Dear Anne,

The Santa Barbara County Air Pollution Control District (APCD) recommends that all conditions, implementing air quality mitigation measures required by the Goleta Community Plan, the final EIR and the final SEIR for this project (including the APCD comment letter dated August 7, 2001) be incorporated into the Land Use Permits for the above mentioned project.

Please contact me by phone at 961-8893, or by e-mail: *VLJ@sbcapcd.org* if you have questions.

Sincerely,

Vijaya Jammalamadaka

Vijaya Jammalamadaka, AICP
Air Quality Specialist
Technology and Environmental Assessment Division

cc: Project File
TEA Chron File

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RECEIVED
OCT 16 2001
S.B. COUNTY
PLANNING & DEVELOPMENT

Douglas W. Allard, Air Pollution Control Officer
26 Castilian Drive B-23, Goleta, CA 93117 Fax: 805-961-8801 Phone: 805-961-8800

Santa Barbara County
PUBLIC Health
DEPARTMENT

Environmental Health Services

2125 S. Centerpointe Pkwy., #333 • Santa Maria, CA 93455-1340
805/346-8460 • FAX 805/346-8485

Roger Hereuz, MPA Director
Tom Brown, MBA, Assistant Director
Elliot Schulman, MD, MPH Health Officer/Medical Director

FILE COPY

AGENDA ITEMS

ITEM #: 1

MEETING DATE: 9/19/01

TO: Anne Almy, Planner
Planning & Development Department
Development Review Division

FROM: Paul E. Jenzen
Environmental Health Services

DATE: September 13, 2001

SUBJECT: Case No. TM 14,541, 99-DP-051 Goleta Area

Applicant: Oly Chadmar Sandpiper General Partnership
c/o Chadmar Group
1933 Cliff Drive Suite 6
Santa Barbara, CA. 93109

Property Location: Assessor's Parcel No. 079-210-049, zoned DR 8, located northwest of the intersection of Hollister Avenue and Las Armas Road.

TM 14,541 represents a request to divide a 14.46-acre parcel into ten lots including nine lots for condominium purposes and one open space lot. 99-DP-051 represents a request to construct 119 unit residential community with infrastructure and a swimming pool.

Domestic water supply is proposed to be provided by the Goleta Water District.

Sewage disposal is proposed to be provided by the Goleta West Sanitary District.

Providing the Planning Commission grants approval of the applicant's request, Environmental Health Services recommends the following be included as Conditions of Approval:

1. Prior to Recordation, Environmental Health Services shall receive and approve written notice from the Goleta Water District indicating that said district can and will provide domestic water service upon demand and without exception and that all financial arrangements guaranteeing extension of said service have been made to the satisfaction of the district and Environmental Health Services.

2. Prior to Recordation, Environmental Health Services shall approve written notice from the Goleta West Sanitary District indicating that said sanitary district can and will provided municipal sewage collection and disposal upon demand and without exception and that all financial

arrangements guaranteeing extension of such service have been made to the satisfaction of the sanitary district and Environmental Health Services.

3. Prior to the Issuance of a Building Permit plans for the swimming pool and related facilities shall be reviewed and approved by Environmental Health Services.

4. Prior to Recordation, the applicant shall submit a copy of the final map to Environmental Health Services

Paul E. Jenzen, REHS
Senior Environmental Health Specialist

cc: Applicant
Agent, Mary Reichel, Tynan Group, 2927 De La Vina Street, Santa Barbara, CA. 93105
Goleta Water District
Goleta West Sanitary District
Office of the County Surveyor
John Keairns, Planning & Development Building Div, Santa Barbara
Jennifer Bernstein, Environmental Health Services

LU-3984

AGENDA ITEMS

ITEM #: 1

MEETING DATE 10/31/01

Memorandum

FILE COPY

Date: October 24, 2001

To: Anne Almy
Planning & Development
Santa Barbara

From: Maynard Yeaw, Captain
Fire Department

Subject: APN: 079-210-049; Case #: 99-DP051/TM 14541; Site: Hollister Avenue, Goleta

This Memorandum Supersedes the Previous Memorandum Dated November 30, 1999

The above project is located within the jurisdiction of the Santa Barbara County Fire Department. To comply with the established standards, we submit the following with the understanding that the Fire Protection Certificate application may involve modifications, which may determine additional conditions.

PRIOR TO MAP RECORDATION THE FOLLOWING CONDITION MUST BE MET:

1. Proposed road width of twenty-four (24) feet will preclude parking on either side of the roadway. Curbs will be required to be painted red on both sides and signage shall be posted every 150 feet to indicate no parking allowed. CC&Rs shall reflect this standard and make the Home Owners' Association responsible for parking enforcement for the life of the project.

PRIOR TO ERECTION OF COMBUSTIBLE BUILDING MATERIALS THE FOLLOWING CONDITIONS MUST BE MET:

2.. All access ways (public or private) shall be installed and made serviceable. Roadway plans, acceptable to the fire department, shall be submitted for approval prior to any work being undertaken.

Access to this project shall conform to Santa Barbara County Private Road and Driveway Standard #1. Dead end access roads shall terminate with a fire department approved turnaround.

Access ways shall be extended to within 150 feet of all portions of the exterior walls of the first story of any building.

A minimum of 13 feet 6 inches of vertical clearance shall be provided and maintained for the life of the project for emergency apparatus access.

Your road/driveway will need to be ≥ 24 feet wide.

3. Eleven (11) fire hydrant(s) shall be installed. The hydrants shall be located per fire department specifications and shall flow 1250 gallons per minute at a 20 psi residual pressure. Prior to installation, plans showing locations, size and type of hydrants, valves, main lines and lateral lines shall be approved by the fire department. The system shall be tested by the fire department to ensure compliance with recognized standards. See Standard #2-A.

PRIOR TO OCCUPANCY CLEARANCE THE FOLLOWING CONDITIONS MUST BE MET:

4. Fire or emergency alarm system plans for the day care structure shall be submitted to this office for review. The system shall be installed in conformance with Santa Barbara County Fire Department Standard #7 and all other applicable standards. Alarm panel location and annunciator graphics to be approved by fire department prior to installation

5. An automatic fire sprinkler system will need to be installed for all buildings over 5000 square feet. Fire sprinkler plans are required to be checked and approved by this department, prior to installation. Any system must be in compliance with Santa Barbara County Fire Department Standard #5. The fire department shall determine the location of any fire department connection (FDC) that may be required.

6. The applicant will be required to pay a new development impact fee. In accordance with Chapter 15 of the Santa Barbara County Code, the fee shall be computed per square foot on each new building, including non-habitable spaces, paid for the purpose of mitigating the incremental increase in needs for emergency services generated by the development.

   Checks shall be made payable to the Santa Barbara County Fire Department and shall be paid at the Building and Safety Division of the Planning and Development Department.

   Mitigation fees are subject to change prior to issuance of building permit.

   Estimated fees calculated as follows:

   Mitigation Fee at $.20 per square foot for non-sprinklered buildings
   Mitigation Fee at $.10 per square foot for sprinklered buildings
   Goleta Fees at $566.00 per single family dwelling
   Goleta Fees at $420.00 per multifamily dwelling

Final occupancy clearance inspection will not be scheduled unless fees have been paid. If a project is denied on the initial inspection, then a second inspection will be arranged with the inspector assigned to the project. This could result in additional delays.

These conditions apply to the project as currently described. Future changes, including but not limited to further division, change of occupancy, intensification of use, or increase in hazard classification, may require additional mitigation to comply with applicable development standards in effect at the time of change.

The application for a new building permit or time extension for the project may require further review and the imposition of current development standards and fees.

Non-compliance with conditions placed on this project could result in the issuance of a stop work order by the fire department, which may require additional fees and a delay in final occupancy clearance.

As always, if you have any questions or require further information please call 681-5500.

MY:reb

c: APN/Chron

Attachments: Refer to #1, #2-A, #5, #7

Santa Barbara County Flood Control & Water Conservation District and Water Agency

123 E. Anapamu Street, Santa Barbara, California 93101
(805) 568-3440 Fax: (805) 568-3434
Web: http://www.publicworkssb.org/

Phillip M. Demery
Public Works Director

Thomas D. Fayram
Deputy Public Works Director

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September 17, 2001

AGENDA ITEMS

Planning Commission
Santa Barbara County Planning & Development
123 E. Anapamu Street
Santa Barbara, CA 93101

ITEM #: 1

MEETING DATE: 9 | 19 | 01

Reference: **TM 14,541/99-DP-051; The Residences at Sandpiper**
APN: 079-210-049/Goleta

Dear Commissioners:

This District recommends that approval of the above referenced project be subject to the following conditions.

1. Prior to recordation, the applicant shall comply with the Flood Control Standard Conditions of Approval.

2. Prior to recordation, the applicant shall submit a copy of the Map to the District for review and approval. Said map shall indicate a minimum 50-foot setback from the District approved top of bank of Devereaux Creek.

3. Prior to recordation, the applicant shall submit improvement plans, grading & drainage plans, a drainage study and landscape plans to the District for review. Said plans shall convey project drainage to Devereaux Creek in a non-erosive manner. Drainage plans shall include Clean Water Best Management Practices (BMP's) to the satisfaction of the District & Water Agency. The applicant shall enter into a Maintenance Agreement with the District to assure perpetual maintenance of the on-site drainage improvements by the Tract. The applicant shall submit a copy of the project CC & R's for District review. The CC & R's shall provide for the maintenance of the on-site drainage improvements.

4. Prior to issuance of Land Use Clearance, the applicant shall submit final improvement plans, grading & drainage plans and landscape plans for review and approval.

5. All drainage improvements required as part of the above conditions shall be constructed in accordance with approved plans and certified by a Registered Civil Engineer prior to issuance of occupancy clearance.

6. The applicant will be required to pay the current plan check fee deposit at the time the map and the improvement/grading & drainage plans are submitted for review and approval.

Sincerely,

Dale W. Weber, P.E.
Development Engineer

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S.B. COUNTY
PLANNING & DEVELOPMENT

cc: Anne Almy, Planning & Development
Chadmar Group, 1933 Cliff Drive, Suite 6, Santa Barbara, CA 93109
Tynan Group, 2927 De La Vina, Santa Barbara, CA 93105
Mac Design Assoc., 1933 Cliff Drive, Santa Barbara, CA 93109

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PUBLIC WORKS - Transportation Division

TO: Anne Almy, Development Review
Planning & Development

FROM: Court Eilertson, Traffic Section
Transportation Division

DATE: January 23, 2002

SUBJECT: **Revised Conditions for the Residences at Sandpiper Project; TM 14,541 (99-DP-051)**

Santa Barbara County Public Works' recommended conditions for the approval of the Residences at Sandpiper project are listed below.

1. Pursuant to Ordinance No. 4270 regarding Transportation Impact Fees, the applicant will be required to pay a fee for each new unit, for the purpose of funding transportation facilities within the Goleta Planning Area of the County.

   Based on the current fee schedule, the total estimated fee for the proposed project is $911,222 (56 single family units * $9,632 per unit, 40 condominiums * $5,150 per unit, and 23 condominiums * $5,150 – 60% reduction (affordable housing discount)). Fees are due prior to land use clearance and shall be based on the fee schedule in effect when paid. This office will not accept or process a check received prior to project approval.

Fees are payable to the COUNTY OF SANTA BARBARA, and may be paid in person or mailed to: Santa Barbara County Transportation Division, 123 E. Anapamu St., 2nd Floor, Santa Barbara, CA 93101. Please phone this office prior to payment if unsure as to the final fee required.

2. Sight distance requirements shall be to the satisfaction of the County Traffic Engineer.

3. An encroachment permit will be required for any work done in the public right-of-way. Include signage and landscaping in the encroachment permit. Sidewalk, landscaping and irrigation along the project frontage will require a long-term maintenance agreement as part of the permit.

4. Applicant must offer the right of way dedications described below as easements to the County, at no cost to the County. All project right-of-way dedications include five to ten-foot easements incorporating pedestrian pathways for public use as well as signs, utilities, etc. All road rights of way offered for dedication to the County must be free and clear of any easements prior to Land Use Clearance, unless otherwise approved by the Department of Public Works.

   <u>Las Armas Road</u>

   Prior to Final Map recordation, applicant shall engineer and post a security for the construction of frontage improvements along Las Armas Road to include curb, gutter, and sidewalk along the project frontage from Hollister Avenue to the proposed Road 'F." Las Armas Road shall be constructed to a

minimum of 30 feet in width from Hollister Avenue to the northern limits of the proposed project access at Road "F." The improvements shall transition into existing improvements in a manner acceptable to the County Traffic Engineer. Construction of these improvements shall be completed prior to occupancy.

a) Design and construct the driveway entrance along Las Armas Road to include a minimum of 15-foot radius curb returns.

Hollister Avenue

Prior to Final Map recordation, applicant shall engineer and post a security for the construction of frontage improvements along the project frontage on Hollister Avenue designed to the satisfaction of the County Traffic Engineer and County Counsel to include curb, gutter, and sidewalk. The improvements shall transition into existing improvements in a manner acceptable to the County Traffic Engineer. Construction of these improvements shall be completed prior to occupancy.

a) Design and construct the driveway entrance on Hollister Avenue to include a minimum of 15-foot radius curb returns.

5. Prior to occupancy, and prior to final acceptance, the County may require the developer to add traffic safety devices, such as signing and striping, the need for which are not apparent at time of plan approval but which are warranted due to actual field conditions. The developer shall install the traffic safety devices prior to final acceptance.

If you have any questions, please contact me at 568-3042.

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Santa Barbara COUNTY PARKS

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AGENDA ITEMS

ITEM #: 1

MEETING DATE: 9/19/01

Jennifer Briggs
Director of Parks
(805) 568-2461

Michael Gibson
Business Manager
(805) 568-2477

Coleen Lund
Project Manager
(805) 568-2470

Rick Wheeler
South County Deputy Director
Tel: (805) 681-5653
Fax: (805) 681-5657

Jeff Stone
North County Deputy Director
Tel: (805) 934-6145
Fax: (805) 934-6213

610 Mission Canyon Road
Santa Barbara, CA 93105
Tel: (805) 568-2461
Fax: (805) 568-2459
administration@sbparks.org
www.sbparks.org
Reservations:
(805) 568-2460 Voice/TDD

Equal Opportunity Employer

September 13, 2001

TO: Anne Almy, Planner
Planning & Development

FROM: Claude Garciacelay, Park Planner

RE: **TM 14,541 / 99-DP-051 Residences at Sandpiper**
APN 079-210-049

County Parks recommends the following condition(s) to the approval of the above referenced project:

1) Pursuant to the provisions of Santa Barbara County Ordinance 4317 (Quimby Ordinance) and the appurtenant fee resolution for the recreational demand area, the applicant will be required to pay a fee for each newly generated lot or dwelling unit for the purpose of providing park and recreational facilities within the recreational demand area.

Based on the current fee schedule, the total fee for the proposed project would be **$908,922.00** ($7638 x 119 new lot(s)/dwelling unit(s)). Fees are due prior to land use clearance and shall be based on the fee schedule in effect when paid. Fee schedules are subject to adjustment on an annual basis. Please phone this office prior to payment if unsure as to the final fee required. This office will not accept or process a check received prior to project approval.

Fees are payable to the COUNTY OF SANTA BARBARA, and may be paid in person or mailed to: Santa Barbara County Parks, Rocky Nook Park, 610 Mission Canyon Road, Santa Barbara, CA 93105; or in the North County at Waller Park, 300 Goodwin Road, Santa Maria, CA 93455.

c: Owner:
Oly Chadmar Sandpiper General Partnership
c/o Chadmar Group, 1933 Cliff Dr., Suite 6, Santa Barbara CA 93109
Agent:
Mary Reichel, Tynan Group, 2927 De la Vina St., Santa Barbara CA 93105

February 11, 2002

County of Santa Barbara
Planning and Development

John Patton, Director
Dianne Meester, Assistant Director

Melanie Hale
California Coastal Commission
South Central Coast Area
89 South California Street, Suite 200
Ventura, CA 93001

Re: The Residences at Sandpiper

Dear Ms. Hale:

The following responds to issues raised during your February 4, 2002, telephone conversation with my supervisor, Jackie Campbell.

Coastal Resource Protections

A little over three acres of the ±14 acre project site supports environmentally sensitive habitats (ESH) and their buffers, including a segment of Devereux Creek, four wetlands and several patches of native grasslands. Biological and hydrological characteristics of these resources, as well as the sizes and adequacies of their proposed buffers, received intense scrutiny throughout the two and a half year discretionary permit process as well as during public hearings (please see attached administrative record). In their approval of the project, the Board of Supervisors (BOS) was explicit that the ESH areas and buffers occurring on-site were to be protected from active use, restored, and maintained in perpetuity (please refer to BOS findings of approval, attached), with responsibility delegated to the property owner subject to annual reporting and County oversight in perpetuity[1] (VTM condition 82). All ESH areas and ESH buffers, as well as two stands of purple needlegrass (*Nassella pulchra*), determined not to be ESH but protected by the applicant out of deference to appellant interests, are included within the boundaries of the Open Space Easement (OSE) described in the applicant's Irrevocable Offer to Dedicate an Open Space Easement for Biological Habitat and Open Space Resources, acknowledged by the County on January 22, 2002 (attached).

The Purpose and Scope of the applicant's Irrevocable Offer, shown in part below, confirms the applicant's understanding of and cooperation with the intent of resource protection underlying the County's approval of the project:

> *The purpose of the Easement which is the subject of this Irrevocable Offer is to impose upon GRANTOR certain covenants, conditions and restrictions pertaining to the Easement Areas. It is GRANTOR's intention and objective that the Easement limit all activities within the Easement Areas to those which will not impair the viability of the Conservation Values, and that GRANTEE and its successors and assigns shall have the right to prevent the development of the Easement Areas for any purpose or in a manner that would conflict with the preservation of the Easement Areas except as specifically allowed herein...*

[1] Costs associated with annual monitoring will be borne by the owner.

EXHIBIT 5
A-4-STB-02-030 (Oly Chadmar General Partnership)
02/11/02 Letter from County to CCC Staff

County staff will implement conditions of approval consistent with the BOS' intent to protect on-site resources and provide for their enhancement throughout all aspects of zoning clearances (required prior to issuance of building permits), reviews for building permits, permit compliance monitoring (throughout construction) and zoning enforcement (for the life of the project). In the event that plans and/or materials submitted for zoning clearances do not further the BOS' intent, staff will require revisions (e.g., were grading for house pads proposed to extend into any portion of the OSE, including ESH buffers, staff would require modifications to remove grading from the OSE prior to approval of zoning clearances). Building division staff will ensure receipt of departmental clearances, as appropriate, consistency with those conditions of approval timed for compliance prior to building permit issuance, and consistency with the Uniform Building Code and all other applicable building standards. Permit compliance monitors will use their full authority to ensure compliance with all mitigation measures during construction. And, by virtue of the advisories staff will attach to parcel information in P&D's permit tracking system, zoning enforcement officers will know to place high priority on resolving complaints, if any, implicating the health of on-site coastal resources.

Specific protections afforded ESH and ESH buffers under the approved project include the following:

- Conditions of approval pertaining to protection of the ESH areas and their buffers require dedication to the County of an OSE to include all ESH and ESH buffer areas (VTM and DP condition 13).
- Conditions also require physical delineation of the OSE on site, through installation of continuous fencing and barrier shrubs along the edges of the OSE as well as along the edges of the designated pathway through the OSE; fencing and plants must be maintained in perpetuity (VTM and DP condition 15).
- Installation and perpetual maintenance of educational signage along the perimeter of the OSE is required (VTM and DP condition 15).
- Conditions require development of a Vegetation Enhancement Plan for the OSE; attached draft is currently under review (VTM and DP conditions 12 and 21).
- Installation of structures within the OSE is prohibited (VTM and DP condition 13, 15, 21, 57 and DP 96).
- No grading, except that necessary to enhance the flood control characteristics and water quality functions of on-site resources, will occur within the designated OSE (VTM and DP conditions 20, 22, 55 and 59).
- Rigorous erosion control measures will be implemented prior to and throughout construction to protect water quality as well as on-site biological resources (VTM and DP conditions14 and 23).
- Measures to address the quality of surface water runoff throughout the life of the project are required, with responsibility for maintenance of facilities in perpetuity assigned to the HOA through recorded agreements with County Flood Control (VTM and DP conditions 17, 58, 61 and 64).
- Active recreational facilities are prohibited from the within the OSE, but are required to be developed in the other common open space area on-site specifically reserved for more active use; please see attached highlighted site plan (VTM and DP condition 44 and 57).

Financial assurance for the protection and continued restoration and maintenance of on-site resources in perpetuity is made in the Draft[2] Declaration of Covenants, Conditions and Restrictions, The Residences at Sandpiper, Santa Barbara County, California, Tract Map Number 14,541, Sections 6.1(l) and 19.18(e), shown below, which establish and protect a Homeowner Association account for exclusive use in this regard.

[2] CCR's are currently under review by County staff in association with final map clearance applications.

§ 6.1(l) Establish and maintain working capital, reserve and contingency funds in amounts determined as reasonable by the Board. The Association shall establish and maintain a separate account solely for the purpose of funding the anticipated requirements for the operation, maintenance and preservation of the Landscape Preservation Area (the "Landscape Preservation Area Account"). In no event shall any amounts deposited in the Landscape Preservation Area Account be withdrawn for any purpose other than to pay the costs associated with the operation, maintenance and preservation of the Landscape Preservation Area.

§ 19.18(e): Further, notwithstanding the foregoing, in no event shall the provisions set forth in Section 6.1(l) hereof regarding the establishment and maintenance of the Landscape Preservation Area Account for the costs associated with the operation, maintenance and preservation of the Landscape Preservation Area be deleted or amended without the prior written consent of the County and the City.

Pedestrian Access through the Site

On-site ESH and ESH buffers effectively bisect the project site. The approved project is designed to avoid these resources entirely, resulting in a bifurcated design comprising two distinct residential components, one located on the east side of the creek and the other on the west. Defined pedestrian access providing physical connection between the two components of the project is essential to the health of the future residential community and is also critical to protecting on-site resources from undesirable pedestrian intrusion along informal paths.

The originally proposed project included sidewalk improvements along the site's Hollister Avenue frontage, intended for use primarily by the public, and a pathway through the landscape preservation area, intended to provide internal access through the project for future residents and their guests. The originally proposed public sidewalk along Hollister Avenue intruded into the buffer areas of two on-site wetlands. The originally proposed private internal pathway, too, was routed through ESH buffer areas. In light of controversy raised during public hearings over interpretation of coastal plan policies 9-9 and 9-10, the applicant eliminated proposed public sidewalks from the Hollister Avenue frontage, where they occurred within ESH buffers, and relocated the internal private path across the OSE to occur outside of any ESH and ESH buffers. Internal pedestrian access through the site will provide a safe route for resident children to the Ellwood Elementary School, located on the north side of Hollister Avenue, approximately 1,600 feet east of the project site.

Conditions of approval, applied to the project by the Public Works Transportation Division, include requirements of *the applicant to engineer and post a security for the construction of frontage improvements along the project frontage on Hollister Avenue designed to the satisfaction of the County Transportation Engineer and County Counsel to include curb, gutter and sidewalk.* Of note, in regard to ultimate Transportation Division exactions is the ongoing coordination and planning of transportation facilities (including vehicular, pedestrian, bicycle and equestrian) along the western Hollister Avenue corridor in the area of the project site. While the goal of comprehensive transportation planning efforts is to ensure vehicular, pedestrian, bicycle and equestrian connectivity between points east of the area, through the western Hollister Avenue area, and out to the Gaviota

Coast, it is unclear at present exactly where facilities would best be located. In the event that public sidewalks are required along the project site's Hollister Avenue frontage, requirements for appropriate construction techniques and materials would ensure consistency with Coastal Plan policies 9-9 and 9-10, which allow for development, with appropriate mitigation, of facilities for purposes of light recreation, including walking, through ESH buffers.

The fourth goal of the Coastal Act reads, *Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resources conservation principles and constitutionally protected rights of private property owners.* We understand that Coastal Commission (CCC) staff seek clarification regarding the project's furtherance of this goal. In response, it must first be noted that the project site is located approximately ½ mile north of the Ellwood Shores bluff on an uplifted marine terrace. The site is surrounded by urban infrastructure including the Union Pacific Railroad and US Highway 101 immediately to the north, Las Armas, the Ellwood Electrical Peaking station and the Bacara hotel parking lot to the east, Hollister Avenue (soon to be widened to a minimum of three lanes) to the south and the prospective Cathedral Oaks Overcrossing/ Overpass to the west. The project site lacks direct physical connectivity to the coast or to public recreational opportunities in the coastal zone; providing public access through the site would not further Coastal Act goals.

The eleventh item on page 8 of the Irrevocable Offer states that *no right of access by the general public to any portion of the Easement Areas is conveyed by the Easement.* Limiting access through the common open spaces on the project site, including the OSE, to prospective residents and their guests is consistent with the constitutionally protected rights of private property owners as well as with the intent and purpose of the DR zone district, applicable to the site, which encourages development of common open space areas for cooperative use by owners and/or residents of a given project. Approved private pedestrian access connecting the two residential components of the project comprises a decomposed granite or crushed shale pathway, routed through the OSE to avoid the ESH and their buffers, connecting to a prefabricated bridge spanning the creek along the northernmost edge of the OSE immediately south of and parallel to the Union Pacific Railroad right of way. The approved location of the bridge is driven by the constrained layout of pathways through the OSE and constitutes the only feasible location on-site for installation. Support structures for the prefabricated bridge will be located outside the critical habitat of Devereux Creek on site. The project's OSE restoration program will ensure revegetation with appropriate species. Hence, the approved project is consistent with Coastal Plan Policies 9-38 and 9-40 which allow for the location of a pedestrian trail, including bridge (with support structures located outside critical habitat), within a stream corridor when no alternative route/location is feasible, provided development incorporates best mitigation feasible.

Coastal Commission Appeal No. A-4-STB-02-030

We have reviewed the Reasons for Appeal, submitted to the CCC by Wanda Michelanko on behalf of Santa Barbara Urban Creeks Council (UCC) and note that the issues raised are very similar to those raised in the UCC appeal to the Santa Barbara County BOS of the County Planning Commission's approval of the project (attached). Attached please find copies of the Board Agenda Letters, prepared on 11/20/01 and 1/8/02, with discussions keyed to the seven Reasons for Appeal cited in the UCC appeal to the CCC.

Following review of the administrative record, upon consideration of testimony received during their two public hearings on the matter, and in light of project changes which removed structures from within ESH and ESH buffer areas, opened view corridors across the site, and reduced the total number of homes from 119 to 109 while maintaining a high level of affordability, the BOS found the project consistent with all applicable Comprehensive Plan policies including Coastal Plan policies. We hope that the information contained in this letter and in the administrative record answers the issues raised in the UCC appeal and substantiates the County's approval of the project.

If you have any questions about this letter, please do not hesitate to call me at 568-2053.

Sincerely,

Anne Almy,
Development Review South

Attachments: BOS Action Letter dated January 22, 2002
Site plan indicating common open space area designated for development of active use facilities
Irrevocable Offer to Dedicate
UCC appeal to BOS
UCC Reasons for Appeal with keyed BOS letters

xx: Case File: TM 14,541, 99-DP-051
Agent: Mary Meaney Reichel, Tynan Group, 2927 De La Vina Street, Santa Barbara, CA 93105
Owner/Applicant: Oly Chadmar General Partnership, 1933 Cliff Drive, Santa Barbara, CA 93109
Mary Anne Slutzky, Deputy County Counsel
Jackie Campbell, Supervising Planner

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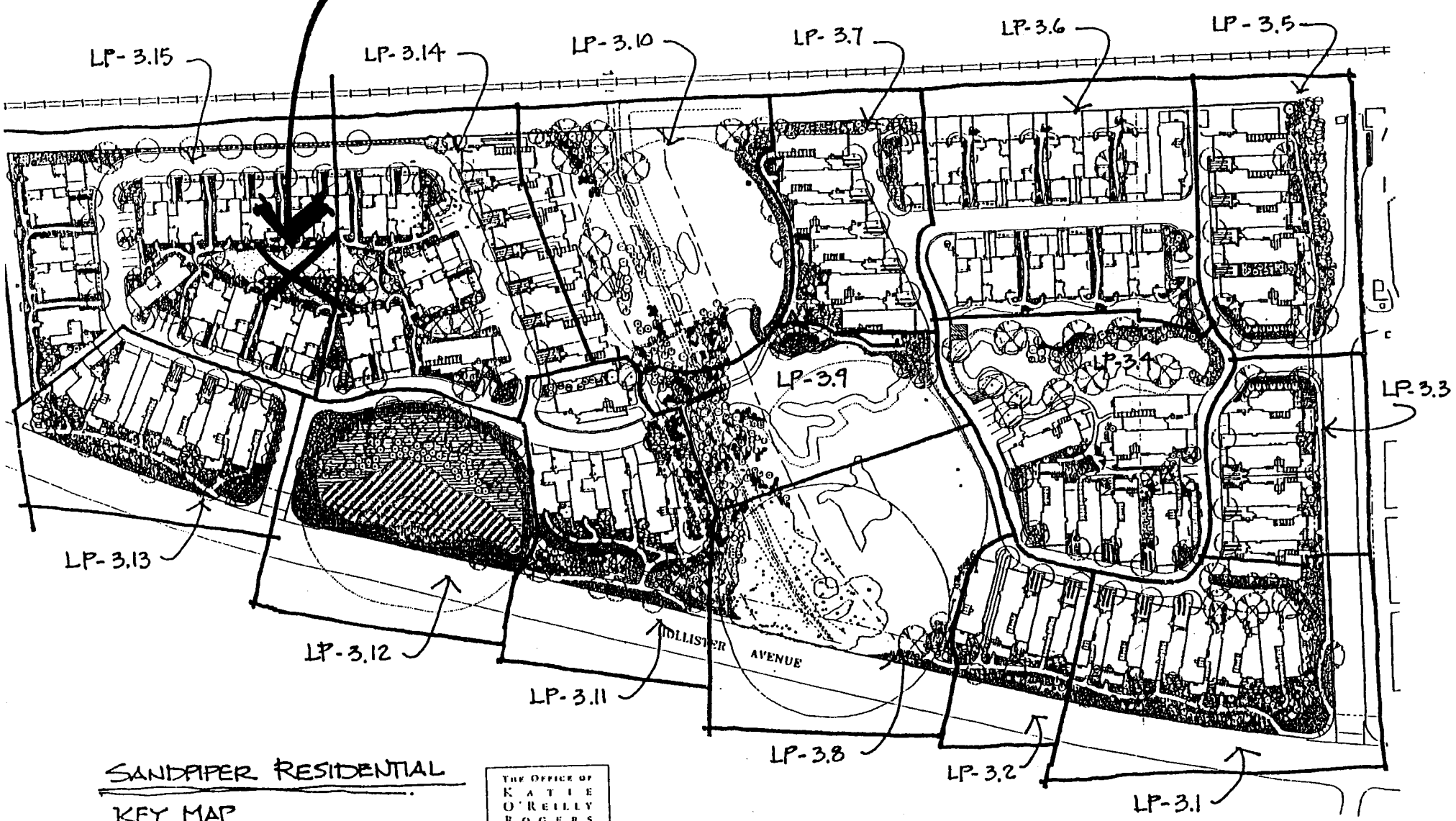
Area for Active Use



SANDPIPER RESIDENTIAL

KEY MAP

THE OFFICE OF
KATIE O'REILLY ROGERS
ASLA

LANDSCAPE ARCHITECT
CA #2968

113 EAST DE LA GUERRA ST
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CALIFORNIA 93101
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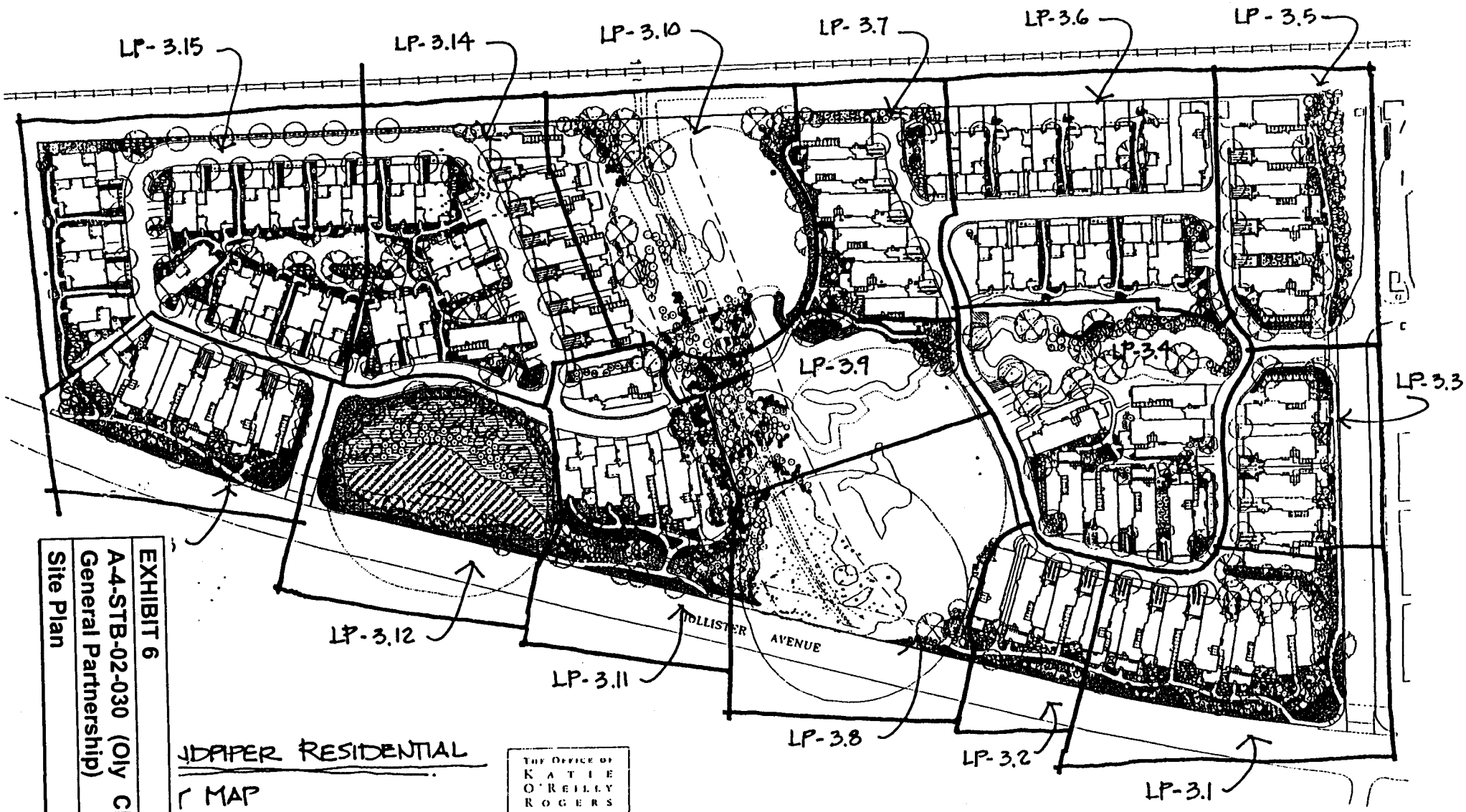

EXHIBIT 6
A-4-STB-02-030 (Oly Chadmar General Partnership)
Site Plan

J.D. PIPER RESIDENTIAL

MAP

THE OFFICE OF
KATIE O'REILLY ROGERS
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LANDSCAPE ARCHITECT
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STATE OF CALIFORNIA -- THE RESOURCES AGENCY GRAY DAVIS, *Governor*

CALIFORNIA COASTAL COMMISSION
SOUTH CENTRAL COAST AREA
[illegible]UTH CALIFORNIA ST., SUITE 200
[illegible]RA, CA 93001
(805) 641 - 0142

To: Sabrina Haswell

From: Jon Allen, Staff Ecologist/Biologist

Subject: Sandpiper Development Project

Date: 2/14/02

Documents Reviewed:

1. Independent Analysis of Grasslands and Red-Legged Frog. January 2002, Residences at Sandpiper. Report by the Applicant's Biologists.
2. Maps of Native Grasslands and Wetlands on the Site (Figure 1).
3. Development Footprint showing habitat locations.
4. EDC Letter of Appeal to the California Coastal Commission, February 13, 2002. (Appeal of Santa Barbara County's approval of the Sandpiper Project).

Biologically Significant Issues

While there are other potentially significant biological issues (red-legged frogs, monarchs, and wetlands) at the Sandpiper site, the one that I believe to be foremost is the occurrence of native grasses on the site. These patches of native grasses vary in size from 0.02 to 0.29 acres as currently mapped. Both purple needlegrass (*Nascella pulchra*) and meadow barley (*Hordeum brachyantherum*) occur on the site, and, as well as the mapped patches, individual plants have been mapped near and between the existing patches. The project footprint will avoid patches that were mapped at >50% cover of purple needlegrass, however the proposed buffer of only ten feet seems too small in my opinion. I believe it should be increased since the footprint of some structures and roads is nearly on the buffer boundary, and this, combined with its small size, does not provide an adequate setback to avoid invasion by non-native plants and other human-related disturbances.

Few biologists would argue that these small patches of grass plants are full-fledged native grassland communities with all of their spatial extent and diverse speices. The applicants biologists have maintained that these patches of native grasses are only pathetic remnants of true grassland communities with only two native plant species, and such they do not have high biological value. They believe that the needlegrass recolonized the site after being extirpated by decades of forage crop production on the site. While this is possible, I believe it is also just as possible that the native grasses on the site survived the agricultural use because, like all grasses, they are adapted to mowing and herbivory. In addition they may have been preferentially favored along the firebreaks that roughly followed their current pattern, but they may have been there at low levels all through the agricultural use period both as seedbank and individual plants.

EXHIBIT 7
A-4-STB-02-030 (Oly Chadmar General Partnership)
Memorandum-CCC Ecologist

I do not agree that this means that they are not valuable and need not be protected. The very fact that they still persist at Sandpiper is a likely testament to their original prevalence and abundance on the Sandpiper site. I do not believe that we know the extent of native plant species that may be present as seeds at this site in the soil seedbank. If encouraged and managed as a native plant area, this grassland could function as an attractive educational example of native grassland species as well as a source of seeds for other restorations.

The EDC appeal has raised an issue with the mapping of the grassland plant areas at Sandpiper. While I do not have any doubt that the maps constructed by SAIC for Santa Barbara County are very accurate with regard to the placement of particular patches of grassland plants meeting the stated coverage ranges, the cut-off crtieria for different categories will effect the patch size and location. These mapped patch type designations, for example are:

1. >50% cover by purple needlegrass
2. 30-50% cover by purple needlegrass
3. 10-30% cover by purple needlegrass

So while I do not dispute the placement of these patches, I do wonder very much about their significance and the assignment of these particular categories for mapping. It is my understanding and personal opinion as a biologist that even >10% cover by needlegrass is considered rather significant. If the grass patches >50% were mapped this way (by including >30% and >10% around the edges) it is not clear what would happen to the mapping, but I strongly suspect that the current three patches across the middle of the site would increase in size and become even more contiguous than the current patches that are limited to >50% cover. This is likely because even individual plants on the site are abundant in the spaces between these patches of >50% cover. This leads to the conclusion that the grassland patches should really be one contiguous area, and that the this whole area should be protected. In addition the patches in the southwest corner of the site are designated as >30% cover by needlegrass and should be protected as well.

In summary, I believe that there is a significant biological issue concerning the grassland designations at the Sandpiper site not in regard to the placement of the designated patches but in the designations themselves and their significance. In addition the buffer areas are very small and not sufficient to assure the protection of these areas from invasive plants and other human distrubances.