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## CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA  
89 SOUTH CALIFORNIA ST., SUITE 200  
VENTURA, CA 93001  
(805) 641-0142

Filed: 6/2/97  
49th Day: 7/21/97  
180th Day: 11/29/97  
Staff: MHC  
Staff Report: 6/25/95  
Hearing Date: 7/7-10/97  
Commission Action:

STAFF REPORT: APPEALSUBSTANTIAL ISSUE

LOCAL GOVERNMENT: Santa Barbara County

DECISION: Approve with Conditions

APPEAL NO.: A-4-STB-97-122

APPLICANT: Santa Barbara Club Resort and Spa (Formerly, Great Universal Corporation, and Wallover, Inc/Hyatt Hotel Corps.  
AGENT: John P. Tynan

PROJECT LOCATION: South of U.S. Highway 101, one mile west of Winchester Canyon Road, County of Santa Barbara

PROJECT DESCRIPTION: Phase I improvements including construction of hotel entrance road, relocating oil and gas pipelines, fencing environmentally sensitive areas, installing temporary overhead facilities, clearing cut and fill sites, constructing bridge over Bell Canyon Creek, installing retaining wall and drainage facilities, and implementing site restoration at site located south of Highway 101 and Southern Pacific Railroad.

APPELLANT: Nathan Post and Jeff Underwood, Surfrider Foundation.

SUBSTANTIVE FILE DOCUMENTS: 97-CDP-078; Santa Barbara County Local Coastal Program; Appeal A-4-STB-97-122

SUMMARY OF STAFF RECOMMENDATION:

The staff recommends that the Commission, after public hearing, determine that no substantial issue exists with respect to the grounds on which the appeal has been filed for the following reasons: The proposed project is in conformity with the applicable provisions of the County's Local Coastal Program regarding public notice requirements, and special conditions regarding on site grading, water supply, construction worker housing, disposition of gas or oil wells on site.

The Commission received a Notice of Final Action from the County of Santa Barbara on May 20, 1997, and an appeal of the County's action on June 2, 1997; the appeal was therefore filed within 10 working days of receipt of the Notice of Final Action by the County as provided by the Commission's Administrative Regulations.

### I. Appellants Contentions

The appellant alleges the following basic inconsistencies with the County of Santa Barbara's Local Coastal Program: (1) the County failed to properly notice the appellants of its intent to approve a Coastal Development Permit, or the appealability of a previously issued Time Extension of the Land Use Plan for the project; (2) the County action's is inconsistent with the requirements of Special Conditions #24, #48, #90, and #91, attached to the Coastal Development Permit and underlying Land Use Permit. (See Exhibit 8.)

### II. Commission Jurisdiction and Project History

The project straddles the current original coastal permit jurisdiction of the California Coastal Commission and the County of Santa Barbara. The majority of the project, including the hotel and appurtenant facilities, falls within a portion of the County of Santa Barbara's Coastal Zone for which a Local Coastal Program has not been certified, and remains subject to the Commission's original coastal permitting jurisdiction. A portion of the project, consisting of approximately one half mile of roadway and a bridge over Bell Canyon Creek falls within a portion of the County of Santa Barbara's Coastal Zone for which the Commission has certified a Local Coastal Program, and therefore is subject to the County of Santa Barbara's original coastal permitting jurisdiction. (See Exhibit 4.)

Because of its location between the first road paralleling the ocean and the ocean (U.S. Highway 101), that portion of the project within the County's original coastal permitting jurisdiction is also subject to an appeal to the California Coastal Commission.

The Coastal Commission originally granted a Coastal Development Permit (4-85-343) for the project in 1985, as well as several major and minor amendments over the past 12 years. Additionally, the Commission has granted a series of Time Extensions for the project, the most recent being granted in February 1997. The County of Santa Barbara issued a Final Development Plan (86-DP-046) for the entire project in 1988, and a revised Final Development Plan in 1991 to allow for the construction of a bridge over Bell Canyon Creek. Along with several Time Extensions, the County of Santa Barbara has also issued a local Coastal Development Permit for that portion of the access road within the County's original coastal permitting jurisdiction in May of 1997.

The subject of the present appeal to the Commission is limited to that portion of the project within the portion of the County's Coastal Zone for which a certified Local Coastal Program has been certified, and consists principally of a one half mile of access road (including associated cut and fill), a related bridge over Bell Canyon Creek, and appurtenant facilities and actions. (See Project Description below for a fuller project description.)

### III. Local Government Action

The County of Santa Barbara issued a Final Development Plan (86-DP-046) for the entire project in 1988, and a revised Final Development Plan in 1991 to

allow for the construction of a bridge over Bell Canyon Creek. The appellant filed an appeal of the County's discretionary action on the project (Final Development Plan) in February 1988, and the County Board of Supervisors denied the appeal in August 1988, thus affirming the approval of the project by the County Planning Commission. Further County action on the project was staid pending the resolution of a lawsuit filed by appellants.

The County of Santa Barbara approved a Coastal Development Permit for Phase I of the proposed Santa Barbara Resort and Spa (formerly Hyatt Hotel) on May 16, 1997. Phase I includes construction of a hotel access road from the east off of Hollister Avenue, relocating oil and gas pipelines, fencing environmentally sensitive areas, installing temporary overhead electrical facilities, clearing cut and fill sites, constructing a bridge over Bell Canyon Creek, installing retaining walls and drainage facilities, and implementing site restoration at sites located south of Highway 101 and the Southern Pacific Railroad.

The Commission received a Notice of Final Action from the County of Santa Barbara on May 20, 1997, and an appeal of the County's action on June 2, 1997.

The project was approved with a number of special conditions regarding control of construction activities to reduce erosion and sedimentation and to protect environmentally sensitive habitats associated with Bell Canyon Creek and the adjacent estuary. (See Exhibit 9.)

#### IV. Appeal Procedures

The Coastal Act provides for appeals after certification of Local Coastal Programs (LCPs) to the Coastal Commission of local government actions on Coastal Development Permits. Developments approved by cities or counties may be appealed if they are located within the mapped appealable 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, which ever is greater, on state tide-lands, or along or within 100 feet of natural water courses.

For development approved by the local government and subject to appeal to the Commission, the grounds for appeal 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.

The project is situated between the sea and the first public road paralleling the sea (U.S. Highway 101), and within 300 feet of a coastal stream; it is therefore subject to appeal to the Commission.

Section 30625(b) of the Coastal Act requires the Commission to hear an appeal unless the Commission determines that no substantial issue is raised by the appeal.

If the Staff recommends "substantial issue" and no Commissioner objects, the substantial issue question will be considered moot, and the Commission will proceed directly to a de novo public hearing on the merits of the project. If the staff recommends "no substantial issue" or the Commission decides to hear

arguments and vote on the substantial issue question, proponents and opponents will have 3 minutes per side to address whether the appeal raises a substantial issue.

It takes a majority of Commissioners present to find that no substantial issue is raised. If substantial issue is found, the Commission will proceed to a full public hearing on the merits of the project. If the Commission conducts a de novo hearing on the merits of the permit application, the applicable test for the Commission to consider 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.

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 their representatives), and the local government. Testimony from other persons must be submitted in writing. If a de novo hearing is held, testimony may be taken from all interested persons.

Coastal Act Section 30621 requires that a public hearing on appeals shall be set no later than 49 days after the date on which the appeal is filed with the Commission.

#### V. Staff Recommendation on Substantial Issue

The staff recommends that the Commission determine that NO substantial issue exists with respect to the grounds on which the appeal was filed, pursuant to PRC Section 30603.

##### Motion

I move that the Commission determine that Appeal NO. A-4-STB-95-122 raises NO substantial issue with respect to the grounds on which the appeal has been filed.

Staff recommends a YES vote on the motion.

A majority of the Commissioners present is required to pass the motion.

#### VI. Findings and Declarations

##### A. Project Description

The proposed project, a 400 unit luxury hotel and spa with conference center and appurtenant facilities, is situated approximately one-half mile west of the intersection of US. 101 and Hollister Avenue and one mile west of Winchester Canyon Road in the unincorporated community of Goleta.

Phase I of the project (which is the only portion of the project subject to appeal) includes construction of a hotel access road from the east off of Hollister Avenue, relocating oil and gas pipelines, fencing environmentally sensitive areas, installing temporary overhead electrical facilities, clearing cut and fill sites, constructing a bridge over Bell Canyon Creek, installing retaining walls and drainage facilities, and implementing site restoration at

sites located south of Highway 101 and the Southern Pacific Railroad. Phase II of the project (which is not the subject of this appeal) covers the remainder of the project, including the construction of the hotel, conference center and appurtenant facilities. (See Exhibits 1 through 7.)

The County's permit for Phase I covers the excavation of a portion of the east mesa bordering the project site to accommodate the access road. The total amount of cut for the access road is 135,000 cubic yards; the total amount of fill is 158,000 cubic yards. Of the total amount of cut and fill, 6,600 cubic yards of cut and 125,000 cubic yards of fill is authorized under the County's Coastal Development Permit for the Phase I access road. The cut will be necessary to route the access road through the east mesa; the fill will be used primarily to accommodate that portion of the access road east and west of the bridge over Bell Canyon. The complete access road will be covered by the Phase I permits issued by the County of Santa Barbara and the California Coastal Commission.

The California Coastal Commission issued a Coastal Development Permit (4-85-343, as amended) for that portion of Phase I under its original coastal permitting jurisdiction on May 9, 1997. (See Exhibits 5 through 7.)

#### B. Issues Raised by the Appellant

The appellant has raised issues regarding the public noticing of the project and the project's consistency with conditions regarding on-site grading, water supplies, construction worker housing, and the disposition of oil and gas wells on site.

##### 1. Failure to Provide Adequate Public Notice.

The appellant contends that the County failed to provide adequate notice to requesting parties of record, including the appellants. Specifically, the appellants contend that they only received a "Notice of Intent" to issue a Coastal Development Permit for the project on May 13, 1997, three days before the County actually granted the Coastal Development Permit on May 16, 1997, not the required seven days prior to the granting of the local Coastal Development Permit as required by the County's Local Coastal Program noticing requirements. (See Exhibit 8, pages 4 through 6.)

The Santa Barbara County LCP Zoning Ordinance Section 35-181.3 sets forth the following notice requirements for the granting of Coastal Development Permits:

1. Minimum Requirements. Notice of a pending decision on a Coastal Development Permit, not subject to the special hearing requirements of Section 35-169.5, shall be given seven (7) days prior to the decision on the permit in the following manner:

a. By the Planning and Development Department conspicuously posting notice at one (1) public place within the County's jurisdiction (e.g., Planning and Development);

b. Requiring that the applicant conspicuously post notice of Coastal Development Permit, as provided by the Planning Department, at a minimum of three (3) location on and around the perimeter of the subject property

with at least one notice posted in a location that can be viewed from the nearest public street. The applicant shall provide proof of notice by filing an affidavit of noticing, and any other required documentation, with the Planning and Development Department, prior to permit issuance or such other date as may be required. Failure of the applicant to comply with this Section may result in revocation of the permit.

c. Notice required pursuant to subsections a. and b., above, shall be posted by a date identified by the Planning and Development Department. If no such date is identified, the required date of posting shall be seven days prior to the date of decision on the Coastal Development Permit.

d. Notice required to be posted shall be continuously posted for a minimum of seventeen (17) calendar days from the date prescribed pursuant to subsection 1.c., above and shall remain posted for a minimum of ten (10) calendar days following the Planning and Development Department's decision on the permit.

e. Notice of the Planning and Development Department's intent to act on a Coastal Development Permit shall also be mailed to 1) all persons who have filed a written request and has supplied the Planning and Development Department with self-addressed stamped envelopes, 2) all property owners and residents within 100 feet of the perimeters of the subject parcel, and 3) to the Coastal Commission.

The County's action on the issuance of a Coastal Development Permit for the subject project is governed by Section 35-181.3 rather than 35-169.5 (which among other things requires a ten day notice period) because the granting of a Coastal Development Permit under the Implementation Ordinance of the County's Local Coastal Program is handled administratively, and is not subject to a separate public hearing. In this case, the public hearing and 10 day public notice requirement was met in conjunction with the County's underlying discretionary action on the Final Development Plan (and subsequent revision) for the project.

The County of Santa Barbara has provided the following information on their notice procedures for this project:

Planning and Development prepared and posted the Notice of Intent to Approve an Appealable Coastal Development Permit on May 9, 1997. An Errata Sheet correcting the information on the Notice regarding the scope of any potential appeal of the permit was prepared and posted on May 13, 1997. An Affidavit verifying posting of the Notice on May 9, 1997 and the Errata Sheet on May 15, 1997 in three locations on the project site was received by the Planning and Development Department on May 15, 1997. (See Exhibits 10 through 13.)

A copy of the Notice of Intent to Approve an Appealable Coastal Development Permit was mailed on May 12, 1997 and a copy of the Errata Sheet was mailed on May 14, 1997 to property owners/residents within 100 feet of the parcel boundary and the Coastal Commission pursuant to Section 38-181.3e of the Santa Barbara County Local Coastal Program Implementation Ordinance. The same mailing list was used for both of these mailings. As a courtesy to interested parties, copies of these documents were mailed to several

interested parties whose names also appear on the mailing list, even though no self-addressed stamped envelopes were received from any member of the public pursuant to the requirements of Section 35-181.3e. Additionally, County staff has indicated that they informed several members of the Surfrider Foundation prior to May 9, 1997 via telephone that the Coastal Development Permit was likely to be approved by May 16, 1997, seven days after the posting of the original Notice of Intent to Issue a Coastal Development Permit for the project.

The County's notice requirements requires that all notices required under Section 35-181.3 "shall be given seven (7) days prior to the decision on the permit", including posting notices and mailed notices. (Note: the notice provisions only require that notice be posted or mailed, not received within seven (7) days prior to a decision to grant a Coastal Development Permit.)

The County's posting notice appears to be consistent with the notice requirements. However, the County did not meet the mailing requirements for either property owners and residents within 100 feet of the perimeter of the subject parcel, or the Coastal Commission. The County indicates that they mailed their Notice of Intent to Approve an Appealable Coastal Development Permit for Phase I of the project on May 12, 1997, and an Errata Sheet on May 14, 1997, four (4) and two (2) days respectively, rather than the required seven (7) days prior to granting the Coastal Development Permit for the project on May 16, 1997. The appellants have not alleged these infractions as grounds of the appeal. Nor have any property owners or residents within 100 feet of the perimeter of the subject parcel joined in the appeal filed by the Surfrider Foundation, or have filed separate appeals alleging improper public notice of the County's intent to grant a Coastal Development Permit for the project. (See Exhibits 10 and 11.)

The appellants contention that they were not provided mailed notice within seven (7) prior to the decision on the permit is not grounds for appeal because the County's notice requirements only requires such mailed notice be provided to "property owners and residents within 100 feet of the perimeter of the subject parcel" or "persons who have filed a written request and has supplied the Planning and Development Department with self-addressed stamped envelopes" or "to the Coastal Commission." None of the appellants own property or reside within 100 feet of the perimeter of the subject parcel. Further, the appellants have not claimed, nor is there evidence, that the appellants filed a written request or provided self-addressed stamped envelope(s) to the County County Planning and Development Department for the purposes of receiving mailed notice of the project.

A second contention of the appellants is that the County failed to inform the Surfrider Foundation that the County Board of Supervisor's decision to grant a one year Time Extension was appealable to the Coastal Commission. The County's Local Coastal Program Implementation Ordinance makes no provision for the appeal of Time Extensions to the Commission. Further, the County informed interested parties through its action letter on the Time Extension that the appropriate remedy for any objections to the County's granting of a Time Extension was filing a lawsuit in Superior Court.

The County has provided public notice to the appellants for this project consistent with the public notice requirements of the County's certified Local

Coastal Program. Further the County provided additional notice to the appellants, though not required to do so, via telephone.

The Commission therefore finds that the proposed project, as conditionally approved by the County, is in conformance with the County's certified Local Coastal Program. The appellants contentions, therefore, raise no substantial issue.

## 2. Failure to Comply with Special Conditions

The appellant alleges that the applicant has failed to meet the terms of Special Conditions attached to the Coastal Development Permit for this project, in particular Special Conditions #24, #48, #90, and #91. Condition compliance is generally not a grounds for an appeal, and is properly pursued through the violation procedures established by the County's certified Local Coastal Program Implementation Ordinance.

The following analysis is therefore provided for the Commission only to assist in their understanding of the appeal, and is not intended to constitute an analysis required to establish whether a substantial issue exists with respect to the consistency of the County's issuance of a Coastal Development Permit for Phase I of the project with the applicable policies and standards of the Santa Barbara County Local Coastal Program.

### a. Special Condition #24

The appellants allege that the project as approved is "not in accord" with Condition #24 of the Coastal Development Permit. (See Exhibit 8, page 11.)

Special Condition #24 provides that:

No permits for development, including grading shall be issued except in conformance with the approved Final Development Plan, 86-DP-46 TEO1. 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 Exhibit B., dated September 4, 1996. Substantial conformity shall be determined by the Director of P&D.

The appellant did not provide any additional specificity regarding the alleged inconsistency of this aspect of the project with the applicable policies and standards of the County's certified Local Coastal Program. The County, however, has indicated that the exhibits and the plans approved for the Coastal Development Permit for Phase I of the project are in conformance with each other, and therefore Condition #24 has been satisfied.

The Commission therefore finds that the proposed project, as conditionally approved by the County, is in conformance with the County's certified Local Coastal Program. The appellants contentions, therefore, raise no substantial issue.

### b. Special Condition #48

The appellants allege that the project applicants have not demonstrated that sufficient water resources are available in the event that the Tecolote Ground



Water Basin becomes overdrafted, or entered into any agreement with any water agency for the purpose of gaining additional water supplies as stipulated in Condition #48. (See Exhibit 8, page 8.)

Special Condition #48 provides that:

Prior to land use permit approval, the applicant shall demonstrate exclusive use of the wells identified to support the project. This condition can be met through the use of an alternative water source derived outside of Tecolote Canyon, such as the Goleta Water District or other viable sources which would not result in overdraft of any groundwater basin or aquifer, subject to review and approval by Planning and Development.

The Final Development Plan approved for the project included the full ranges of special conditions. However, for purposes of phasing the construction of the project the County and the Commission have elected to issue separate Coastal Development Permits for Phase I and Phase II of the project and apply individual conditions drawn from the complete set of conditions to the two phases. The County determined that Special Condition #48 was not appropriately applied to Phase I of the project because Phase I of the project only allows for grading and construction of the access road and bridge to serve the project.

The only water demands generated by Phase I would be for dust suppression and concrete construction for the access road; this water demand would be supplied by water trucks brought to the site and would therefore not make any demands on local water supplies.

Because water demands on local water supplies would only be generated by the operation of Phase II of the project, the County has chosen to defer implementation of Special Condition #48 until construction of Phase II of the project.

The Commission therefore finds that the proposed project, as conditionally approved by the County, is in conformance with the County's certified Local Coastal Program. The appellants contentions, therefore, raise no substantial issue.

c. Special Condition #90

The appellants allege that the project applicants have not submitted a plan in accordance with Special Condition #90 which specifies how the applicants plan to house temporary construction workers for every year of construction, and thereby reduce housing impacts identified in the certified EIR for the project. (See Exhibit 8, page 9.)

Special Condition #90 provides that:

Prior to approval of land use permits, the applicant shall submit to the Association of Governments a plan which details how they plan to house temporary construction workers for every year of construction. This plan, to be implemented by the applicants, shall demonstrate how the applicants

plan to reduce the housing impacts identified in the EIR including, but not limited to, the following elements:

a) Use of existing under-utilized hotel/motel space during the months of September through May to provide temporary living quarters for direct construction workers every year; identification of incentives to all applicant direct [sic] construction workers such as rent subsidies and/or shuttle service to the site.

b) Use of any available housing outside the South Coast area for all workers associated with the project during the summer months when visitor-serving facilities in the South Coast area are at capacity. Incentives for workers shall be identified such as rent subsidies and shuttle service for all workers commuting to this job site.

c) Methods to limit worker use of public campgrounds as living quarters.

In response to this contention, the County has provided the following information on compliance with this condition: the applicant has submitted a letter dated April 29, 1997 which indicates the intent of the applicant to use local labor for work associated with Phase II of the project. The letter included a Bidder List which identified five contractors, four of whom are located within Santa Barbara County, with one from southern San Luis Obispo County. (See Exhibit 14.)

The applicant has indicated that they have chosen a General Contractor from within the County for construction of the access road, and as a result, no construction housing will be necessary for the construction of Phase I of the project. The applicant has also indicated that Phase I may require a bridge specialist, and that a potential subcontractor from out of the County may be selected. The County has accepted the applicant's letter as adequate to fulfill the requirements of Special Condition #90 for Phase I of the project, though a housing plan may still be required prior to approval of a land use clearance for Phase II of the project.

The Commission therefore finds that the proposed project, as conditionally approved by the County, is in conformance with the County's certified Local Coastal Program. The appellants contentions, therefore, raise no substantial issue.

d. Special Condition #91

The appellants allege that the project sponsors have not submitted evidence that there are no gas or oil wells extant on the property, or that they have been safely abandoned, as stipulated in Special Condition #91. (See Exhibit 8, page 9.)

Special Condition #91 requires that:

Prior to land use permit approval, the applicant shall provide a letter from the State Department of Conservation of Oil and Gas confirming:

1) There are not abandoned gas or oil wells on the property.

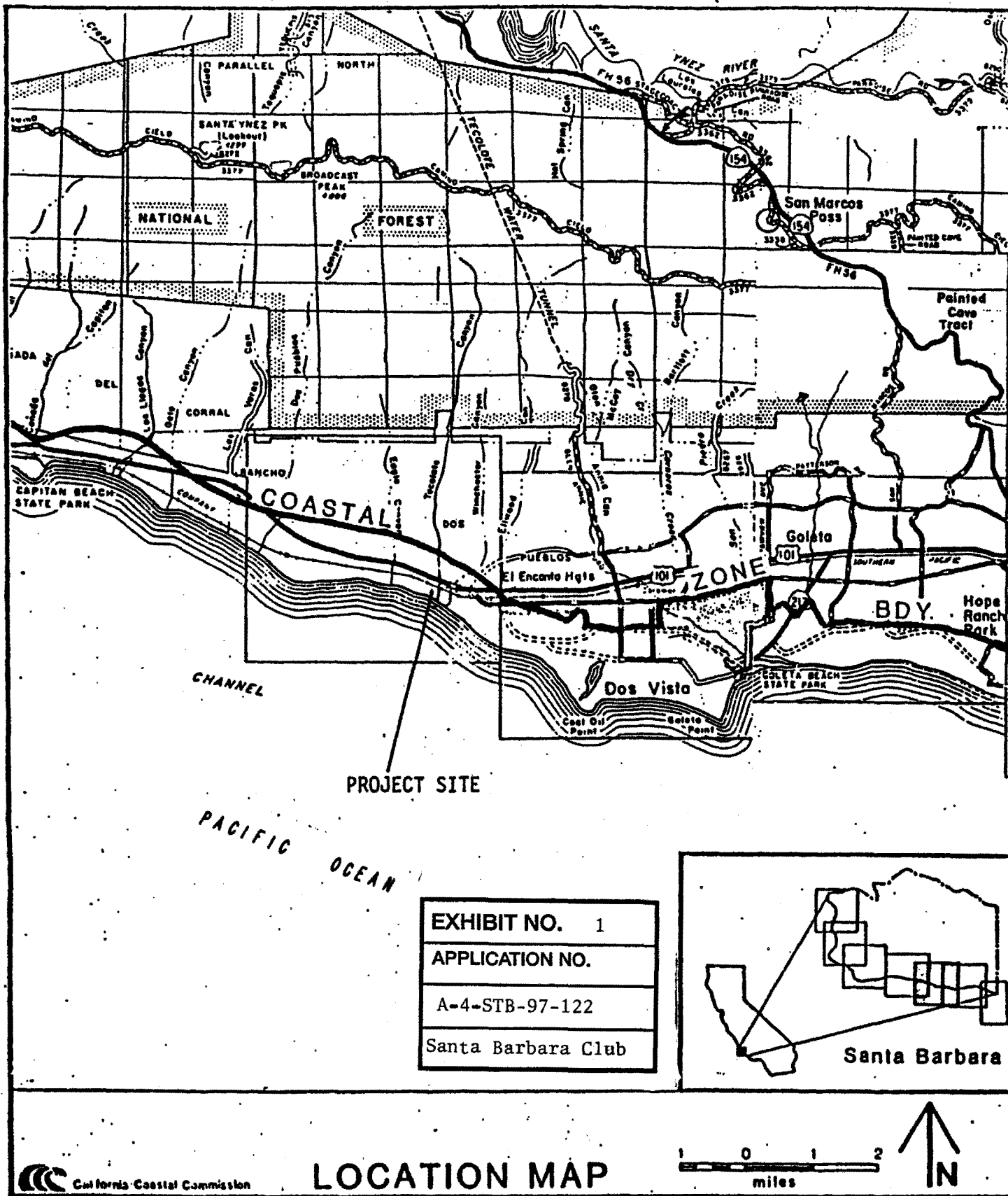
2) That any such wells have been abandoned or otherwise the safety hazards have been properly mitigated to the satisfaction of D.O.G.

There is a letter on file from the Division of Oil and Gas dated April 8, 1987 which documents the status of two oil wells on the project site. While these wells were abandoned in the 1930's and do not conform to the Division of Oil and Gas's current abandonment requirements, both wells are located outside the area of the County's original coastal permitting jurisdiction and beyond the area involved in Phase I construction. Further, the Division of Oil and Gas has indicated that while construction would not prevent future access to the wells, present oil reservoir conditions are such that reabandonment would be unwarranted at this time. (See Exhibits 2 and 15.)

The County has determined that this letter satisfies the terms of Special Condition #91, though there may be a need for additional review of the condition and status of these wells at the time the County considers approval of a land use clearance for Phase II of the project which entails the construction of structures on the project site.

The Commission therefore finds that the proposed project, as conditionally approved by the County, is in conformance with the County's certified Local Coastal Program. The appellants contentions, therefore, raise no substantial issue.

MHC/  
8012A



County of Santa Barbara

SANTA BARBARA CLUB RESORT & SPA

SITE PLAN

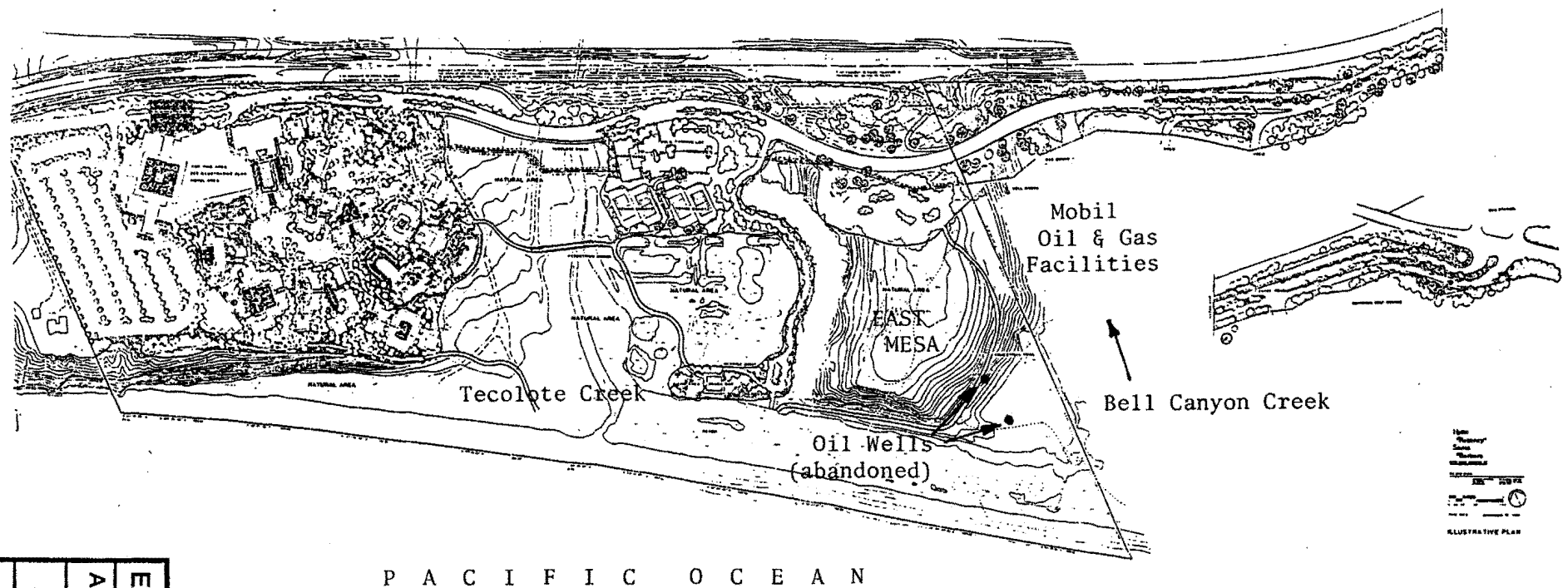


EXHIBIT NO. 2

APPLICATION NO.

A-4-STB-97-122

Santa Barbara Club

# SANTA BARBARA CLUB RESORT & SPA

## ACCESS ROAD

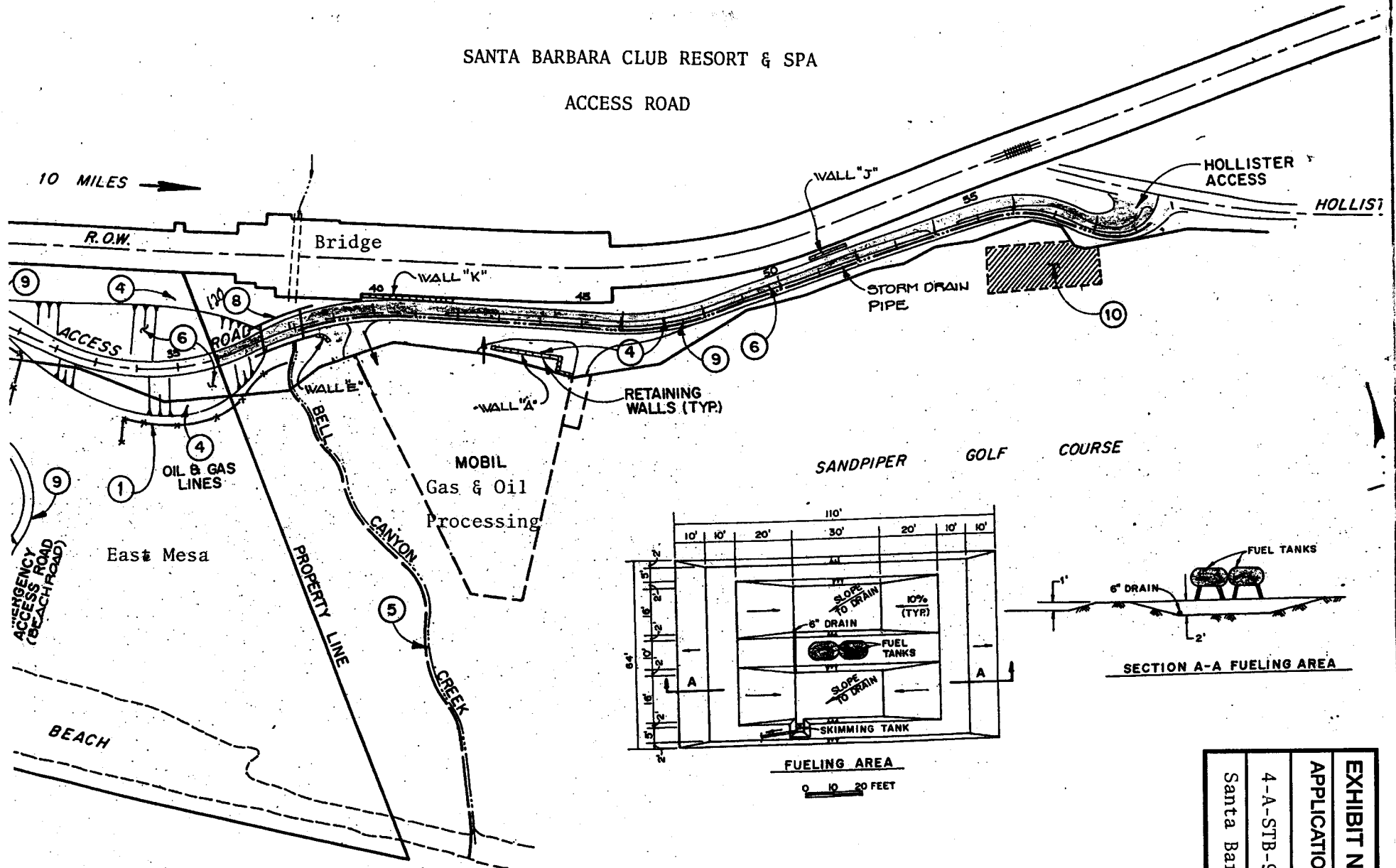


EXHIBIT NO.	3
APPLICATION NO.	4-A-STB-97-122
Santa Barbara Club	

# Santa Barbara Club Resort & Spa

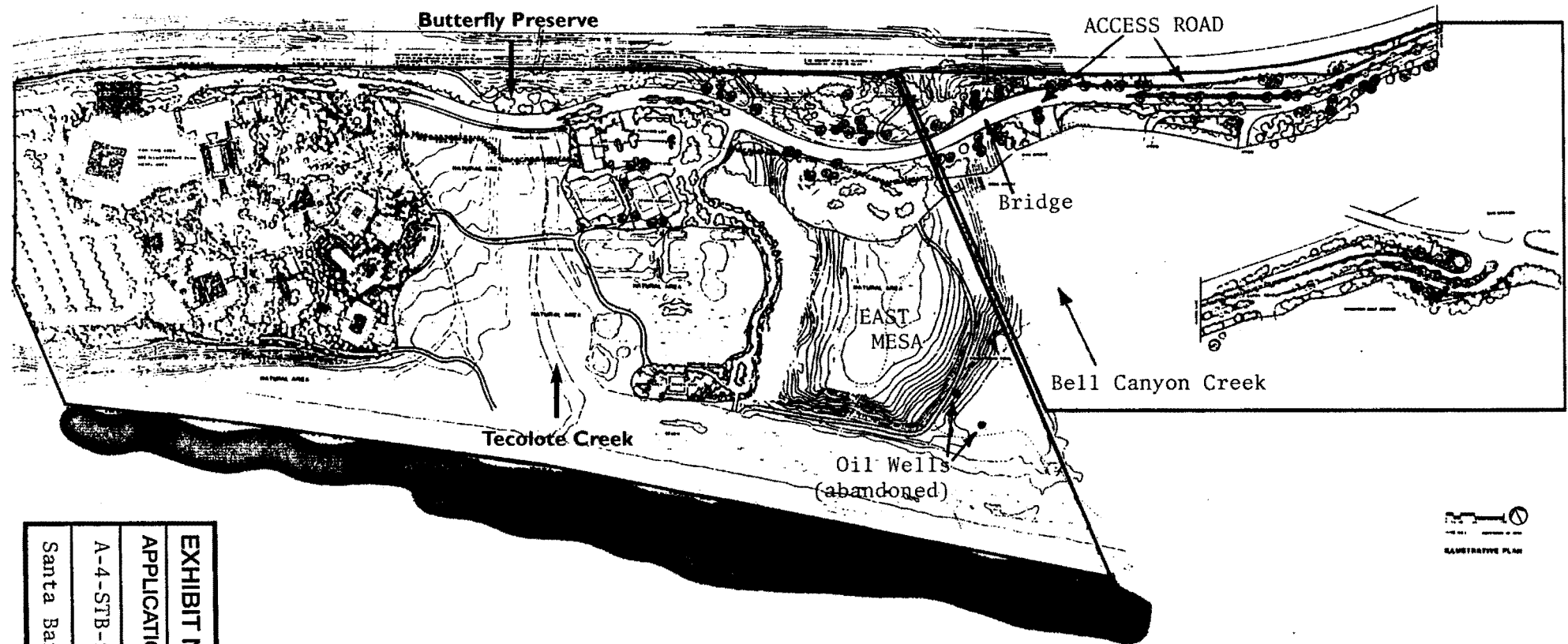
CALIFORNIA COASTAL COMMISSION & COUNTY OF SANTA BARBARA ORIGINAL COASTAL PERMIT  
JURISDICTION

California Coastal Commission

County of Santa Barbara  
CDP Appeal Area

1 mile

4/10 mile



SCALE  
1" = 1/4 MILE  
N  
SANDSHOOTS PLAN

P A C I F I C O C E A N

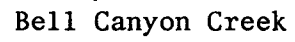
EXHIBIT NO. 4

APPLICATION NO.

A-4-STB-97-122

Santa Barbara Club

## TOPOGRAPHY



P A C I F I C O C E A N

**EXHIBIT NO. 5**

**APPLICATION NO.**

A-4--STB-97-122

**Santa Barbara Club**



PROPOSED ACCESS ROAD-CUT PERSPECTIVE  
LOOKING WEST FROM NORTH BOUND US 101

TOP OF EXISTING EAST TERRACE

ACCESS ROAD

420'

61'

NORTH BOUND US 101

EXHIBIT NO. 6

APPLICATION NO.

A-4-STB-97-122

Santa Barbara CI b

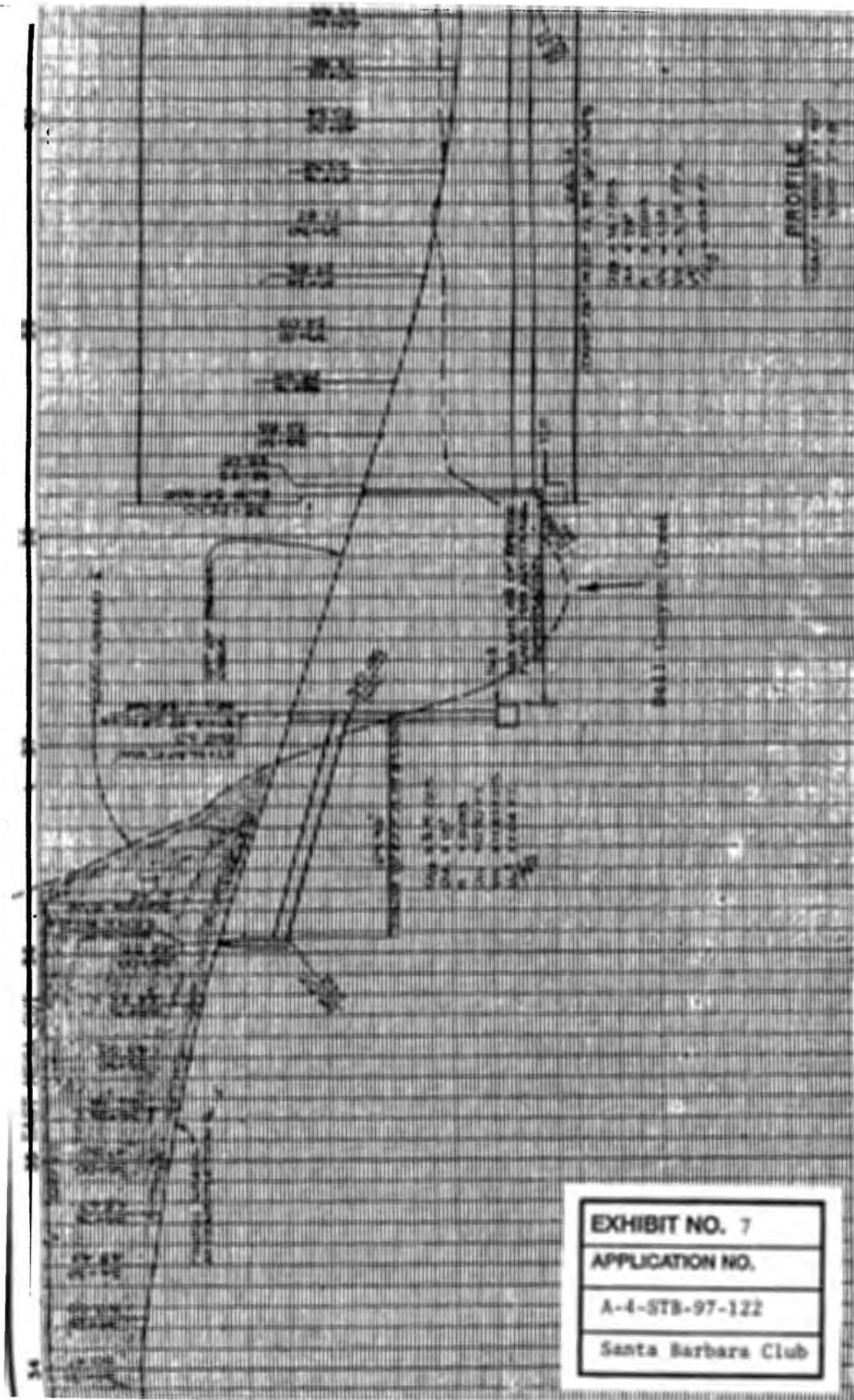


EXHIBIT NO. 7
APPLICATION NO.
A-4-STB-97-122
Santa Barbara Club

## 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.

EXHIBIT NO. 8

APPLICATION NO.

A-4-STB-97-122

Santa Barbara Club

SECTION I. Appellant(s)

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

Nathan Post & Jeff Underwood, Surfrider Foundation

739 Calle De Los Amigos

Santa Barbara, CA 93105

(805 ) 687-4465

Zip

Area Code

Phone No.

1 of 11

SECTION II. Decision Being Appealed

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

2. Brief description of development being  
appealed: Santa Barbara Club Resort and Spa/Phase I

3. Development's location (street address, assessor's parcel  
no., cross street, etc.): APN County Road Right of Way  
Northern Parcel Boundary of the Sandpiper Golf Course and Mobil  
Ellwood onshore facility

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: \_\_\_\_\_

DATE FILED: \_\_\_\_\_

DISTRICT: \_\_\_\_\_

H5: 4/88

RECEIVED

JUN 02 1997

CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

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: May 16, 1997

7. Local government's file number (if any): Case No. 97-CDP-078

**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:

HT Santa Barbara Inc.  
c/o Bart Clemens -Price, Postel, & Parma  
200 E. Carrillo, Santa Barbara, CA 93101

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) Bob Keats  
630 Miramonte  
Santa Barbara, CA 93109
- (2) Deane Plaister  
30 W. Valerio #7  
Santa Barbara, CA 93101
- (3) Keith Zandona  
P.O. Box 60021  
Santa Barbara, CA 93160
- (4) Brian Trautwein  
5771 Leeds Lane  
Goleta, CA

**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.)

The applicant and County of Santa Barbara have failed to satisfy all of the conditions of approval required to be performed prior to commencement of the project by failing to  
1.) Properly notice Surfrider of it's intent to approve a CDP for HT Santa Barbara. 2.) Failure to inform Surfrider that the January 7, 1997 decision by the Board of Supervisors was appeal-  
able to the Coastal Commission, and 3.) Failure to meet the requirements of Conditions of approval #48, #90 and #91, and  
also Condition # 24 of the CDP approved May 16, 1997, attachment A.  
 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 June 2, 1997

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 \_\_\_\_\_

Nathan Post  
739 Calle De Los Amigos  
Santa Barbara, CA 93105  
Ph: 687-4465

California Coastal Commission  
South Central Coast Area  
89 S. California St., 2nd Floor  
Ventura, CA 93001

Dear Sirs:

On May 13, 1997 I received a "notice of intent" to approve a Coastal Development Permit for HT Santa Barbara, Case number 97-CDP-078. The letter noted that a 7 day public commenting period is required to allow for public comment. The public comment period, in this case, one week, extended from May 9, 1997 to May 16, 1997. The scheduled approval date was May 16, 1997.

The "intent to approve" notice was issued, I presume, on Friday, the 9th of May, and mailed the following Monday, four days after the public comment period began.. The postmark was dated Monday, May 12, 1997. The notice did not arrive at my home until late Tuesday, May 13th, 1997. That was five days after the public comment period began. That effectively left me with 2 days, not 7 as required by law, to comment on the "intent to approve" notice.

While I am unprepared to comment at this writing, I would like to say that I remain unconvinced that the County of Santa Barbara has the right to permit development in the middle of an Environmentally Sensitive Habitat. When the County entered into an Memorandum of Understanding with HT Santa Barbara, the Monarch

butterfly grove was 40 feet from the access road. Since that time, the Monarchs have moved directly into the access road and occupy three oak trees which are scheduled for destruction. The original MOU did not contemplate outright destruction of the Monarch habitat, therefore the issue under discussion in 1991 has little in common with the issue facing the County today. It is against the law to develop in the middle of an ESH period.

Finally, the public is entitled to a 7 day noticing period, commencing at earliest with the mailing of the notice. I am hoping that this situation can be rectified, giving the public an opportunity to respond to the CDP issued on May 16, 1997.

Sincerely,

A handwritten signature in cursive script that reads "Nathan Post". The signature is written in dark ink and is positioned above the printed name.

Nathan Post

Nathan Post  
739 Calle De Los Amigos  
Santa Barbara, CA 93105  
Ph: 687-4465

California Coastal Commission  
South Central Coast Area  
89 S. California St., 2nd Floor  
Ventura, CA 93001

Dear Sirs:

On January 7, 1997 the Santa Barbara County Board of Supervisors met to consider appeals of the Planning Commission's September 18, 1996 approval of a one year time extension [86-DP-46 TE01] with revised conditions.

Appealing the Planning Commission's approval were Bob Keats of the Surfrider Foundation, and Brian Trautwein of Santa Barbara Urban Creeks Council, Inc.. Several members of the Santa Barbara Chapter of Surfrider were also in attendance. At that hearing Surfrider and Urban Creeks Council were informed by the County that since the entire Hyatt project was in a "white hole" the decision was not appealable to the Coastal Commission.

It was subsequently found that a portion of the property was not in the "white hole" and therefore the project was ultimately appealable to the Coastal Commission. As a result of confusion over whether or not the project could be appealed, Surfrider and Urban Creeks Council were effectively denied their right to appeal. Since this information has come to light, we are hoping that the appeal process will be reopened, and that Surfrider and Urban Creeks Council will be allowed to appeal the Board's decision.

Sincerely,  
  
Nathan Post



Bob Keats  
630 Miramonte Dr.  
Santa Barbara, CA 93109

May 14, 1997

Dear Jackie,

I am writing this letter to object to the issuance of a Coastal Development Permit for the Santa Barbara Club Resort & Spa (SBCR&S).

I have two reasons for objecting. The first reason is that the county gave incorrect information to the public regarding the public's right to make an appeal to the California Coastal Commission (CCC) of the Board of Supervisors' approval of the permit extension for the SBCR&S development at Haskell's Beach. Both before, and also during the Board of Supervisors' hearing on the permit extension, the public was informed that the extension could not be appealed to the CCC because the project location is a "white hole". I was recently informed that part of the project is not located in the "white hole" area. Therefore, the public was inappropriately denied the right to appeal the Board of Supervisors' decision. Consequently, the issuance of a permit now, without the Surfrider Foundation or the Urban Creeks Council having an opportunity to appeal to the CCC, would be illegal.

My second reason for objecting is that the developers have not demonstrated or guaranteed that funding is available to build the proposed hotel. A permit for Phase I should not be issued until a guarantee of funding for the entire project can be provided by the developer. It would be inappropriate and wasteful to allow partial development, and the resulting environmental destruction, only to have the project then remain unfinished.

Sincerely,

COPY

Please note: This is a copy of a letter that was sent to Jackie Campbell, Development Review Division, Santa Barbara County Planning + Development

B.K.

Issues Under Appeal  
Condition # 48

Prior to land use permit approval the applicant shall demonstrate exclusive use of the wells identified to support the project. This condition can be met through the use of an alternative water source derived outside of Tecolote Canyon, such as the Goleta Water District or other viable sources which would not result in overdraft of any groundwater basin or aquifer, subject to review and approval by Planning and development.

Comments: 87-EIR-11 stated that the Tecolote Groundwater System was already overdrafted. The Time Extension Request Memorandum dated September 11, 1996 stated that, "Impacts to biological resources resulting from the reduction in stream flow were previously analyzed in 84-EIR-4 and were considered adverse. According to Brian Trautwein of Santa Barbara Urban Creeks Council, "...there are no mitigation measures offered to offset, reduce or avoid the impacts to surface habitat's dependent on ground water. Studies have concluded that stream diversions at Tecolote Creek after 1973, as well as drought periods, depleted the streamflow negatively impacting the Steelhead population. Tecolote Creeks, estuary, critical habitat for Steelhead, is threatened by Hyatt's proposed wells. Several other threatened or endangered species could be adversely affected by Hyatt's dewatering of the creek. According to the Coastal Commission Staff, the project is now reliant on shallow alluvial wells in the Tecolote Canyon area, rather than the deep rock wells originally approved.

The Revised Initial Study Check List for Potentially Significant Effects, Hyatt Hotel Time Extension, dated August 14, 1996 addressed the following questions.

1. Will the proposal result in:

h.) Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavating or recharge interference?

ANSWER: UNKNOWN POTENTIALLY SIGNIFICANT

i.) Overdraft or over commitment of any groundwater basin? Or a significant increase in the existing overdraft or over commitment of any groundwater basin?

ANSWER: UNKNOWN POTENTIALLY SIGNIFICANT

To the best of my knowledge, neither HT Santa Barbara nor any of it's officers or agents has entered into any agreement with any water agency, including the Goleta District, for the purpose of gaining additional supplies of water. The applicant has yet to demonstrate that sufficient water sources are available in the event that the Tecolote Ground Water Basin becomes overdrafted.

## Issues Under Appeal

## Condition # 90

Prior to approval of land use permits, the applicant shall submit to the Association of Governments a plan which details how they plan to house temporary construction workers for every year of construction. This plan, to be implemented by the applicants shall demonstrate how the applicants plan to reduce the housing impacts identified in the EIR including, but not limited to, the following elements: .....

Comments: To the best of my knowledge the applicant has failed to produce the above mentioned plan. The fact that Condition 90 utilizes the term "land use permits", plural, and requests that the applicant demonstrate how he plans to reduce the housing impacts identified in the EIR. One must conclude that this particular condition requires the applicant to create a plan addressing future housing impacts.

## Issues Under Appeal

## Condition # 91

Prior to land use permit approval, the applicant shall provide a letter from the State Department of Conservation of Oil and Gas Confirming:

- 1.) There are no abandoned gas or oil wells on the property.
- 2.) That any such wells have been abandoned or otherwise the safety hazards have been properly mitigated to the satisfaction of D.O.G.

Comments: County personnel have indicated that this letter is not on file. It was also reported that the Department of Oil and Gas had no record of this letter. Since a determination must be made that no abandoned gas or oil wells exist on site prior to issuance of a land use permit, the County and the applicant appear to be in violation of Condition # 91.

Issues Under Appeal  
Additional Comments

1.) With regard to the AMENDMENT TO PERMIT (4-85-343-A2) dated May 9, 1997, Surfrider is concerned that notification requirements may have been neglected as no one involved in the appeal process was notified

2.) In conclusion, with regard to Case No: 97-CDP-078 the Notice of Pending Decision/Intent to Issue an Appealable Coastal Development Permit, it appears that the project is not in accord with Condition 24 of the CDP, attachment A, approved May 16, 1997.

**NOTICE OF PENDING DECISION/  
INTENT TO ISSUE AN APPEALABLE  
COASTAL DEVELOPMENT PERMIT (CDP)**

MAY 20 1997



Case No.: 97-CDP-078 Planner: Jennifer Scholl  
Project Name: Santa Barbara Club Resort & Spa - Stage I  
Project Address:

CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL DISTRICT  
Initials: *JS*

EXHIBIT NO.	9
APPLICATION NO.	
A-4-STB-97-122	
Santa Barbara Club	

1 of 13

The Santa Barbara Club Resort & Spa (SBCR&S) access road is located on the south side of U.S. Highway 101 and the Southern Pacific Railroad, approximately 1 mile west of Winchester Canyon Road. The access road commences at Hollister Avenue and runs along the northern property boundary of the Sandpiper Golf Course and the Mobil Ellwood Onshore Facility and continues across Bell Creek to the eastern property boundary of the HT Santa Barbara property (APNs 79-200-006 and 79-200-007). All access road improvements up to the eastern boundary of the HT Santa Barbara property are within County Road Right-of-Way. Stage I also involves work on HT Santa Barbara's property and will be permitted under a separate Land Use Permit 97-LUS-158.  
A.P.N.: County Road Right-of Way

**Prior Discretionary Case No.: 86-DP-046 TE01**

The Planning and Development Department (P&D) *intends to grant final approval and issue* this Coastal Development Permit for the development described below, based upon the required findings and subject to the attached terms and conditions.

**START OF PUBLIC COMMENT PERIOD/POSTING DATE:** May 9, 1997

**FINAL COUNTY APPROVAL DATE:** May 16, 1997

**COASTAL COMMISSION APPEAL PERIOD:** The County's final approval of this project can only be appealed to the California Coastal Commission by the applicant, an aggrieved person, or any two members of the Coastal Commission (Coastal Act Sec. 30603). The Coastal Commission 10 working day appeal period will commence on the day after their receipt of the County's Notice of Final Approval. An appeal must be filed with the Coastal Commission at 89 South California St., Suite 200, Ventura, CA 93001. Please contact California Coastal Commission regarding the timing of the appeal period.

**ESTIMATED DATE OF PERMIT ISSUANCE:** *(if no appeal filed)* June 2, 1997

**PUBLIC COMMENTS:** You may submit written or oral comments on this pending decision to the project planner at P&D, 123 East Anapamu Street, Santa Barbara, CA 93101, prior to May 16, 1997. Comments submitted after or on May 16, 1997 will not be accepted. If you have questions regarding this project please contact the project planner, Jackie Campbell at 568-2076.

**PROJECT DESCRIPTION SUMMARY:** This permit authorizes Stage I SBCR&S components which are not located on HT Santa Barbara property (APNs 79-200-006 and 79-200-007). Work to complete Stage I on the HT Santa Barbara property is authorized under a separate Land Use Permit (97-LUS-185). The purpose of the access road is to serve the Santa Barbara Club Resort & Spa which is subject to the conditions of Final Development Plan Permit (86-DP-046 TE01). This CDP authorizes the following components: relocating oil and gas pipelines, constructing the hotel entrance road including Sandpiper parking lot modifications, fencing of environmentally sensitive areas, installing temporary overhead electricity, constructing temporary erosion control facilities, clearing and grubbing road and cut fill areas that are not in environmentally sensitive areas (ESH), clearing cut and fill sites in ESH's, constructing the Bell Canyon Creek bridge, installing retaining walls and drainage facilities, and implementing site restoration.

**PROJECT SPECIFIC CONDITIONS:** This project is subject to all conditions of Final Development Plan Permit, 86-DP-046 TE01 as approved by the Santa Barbara County Board of Supervisors on January 7, 1997. Project conditions directly related to the development authorized under this CDP are included as Attachment A.

SBCR&S  
97-CDP-078  
May 16, 1997  
Page 2

**TERMS OF FINAL APPROVAL:**

1. **Posting Notice.** A weather-proofed copy of this Notice, with Attachments, shall be posted in three (3) conspicuous places along the perimeter of the subject property. At least one (1) notice shall be visible from the nearest street. Each copy of this Notice shall remain posted for a minimum of ten (10) calendar days. (Art. II Sec. 35-181.3.)

**TERMS OF PERMIT ISSUANCE:**

1. **Work Prohibited Prior to Permit Issuance.** No work, development, or use intended to be authorized pursuant to this approval shall commence prior to issuance of this Coastal Development Permit and/or any other required permit (e.g., Building Permit). **Warning! This is not a Building/Grading Permit.**

2. **Date of Permit Issuance.** This Permit shall be deemed effective and issued on the **Estimated Date of Permit Issuance** as identified above, provided:

- a. All terms and conditions including the requirement to post notice have been met and this Notice/Permit has been signed,
- b. The Affidavit of Posting Notice was returned to P&D prior to the expiration of the Appeal Period (Failure to submit the affidavit by such date shall render the approval null and void), and
- c. No appeal is filed with the Coastal Commission.

3. **Time Limits.** This permit is issued pursuant to 86-DP-046 TE01. This permit shall expire if, prior to expiration of 86-DP-046 TE01, land use permits for Stage II hotel construction are not issued or substantial physical construction is not completed.

**NOTE:** This Notice of Pending Decision/Intent to Issue an Appealable Coastal Development Permit serves as the Coastal Development Permit once the permit is deemed effective and issued. Issuance of a permit for this project does not allow construction or use outside of the project description, terms or conditions; nor shall it be construed to be an approval of a violation of any provision of any County Policy, Ordinance or other governmental regulation.

**TERMS OF APPEAL:**

This CDP is being issued for the project described above. The scope of review of any appeal of this CDP shall be limited to the following issues:

- (1) Whether this CDP is consistent with the Final Development Plan approved by the Board of Supervisors.
- (2) Whether the conditions of approval required to be performed prior to commencement of the project described above have been complied with.

Print Name \_\_\_\_\_

Signature

Date \_\_\_\_\_

## Planner

Date \_\_\_\_\_



**ATTACHMENT A  
CONDITIONS OF APPROVAL  
Santa Barbara Club Resort and Spa  
May 16, 1997  
97-CDP-078 GO**

**Added Conditions**

1. All grading and construction shall conform to approved plans, including the biological resources mitigation plan, habitat restoration plans, cultural resources management plan, erosion control plans, tree protection plans, and the tidewater goby mitigation plan.
2. Following completion of the relocation of the oil and gas lines consistent with Final Development Plan Conditions 107 and 109, protective fencing shall be installed a minimum of 5 feet from the pipeline trench to prohibit heavy equipment from driving over the pipeline trench. The protective fencing shall be maintained throughout construction of the project. The County's EQAP contractor shall monitor to ensure compliance.
3. Prior to operation of the relocated oil and gas pipelines, SBCR&S shall ensure that Mobil or its successor submit as built plans of the pipelines, x-rays of weld joints and a hydrotest report to P&D (Building and Safety) for review and approval.
4. This permit does not limit the County's discretion to fix the future location of the Coastal Trail.

**Conditions from 86-DP-046 TE01**

5. P&D-approved archaeologist and Native American consultants shall be funded by the sponsor to monitor all earthmoving activities within the site boundaries, including grading and landscaping. These monitors shall have the authority to redirect earthmoving activities at any location in order to evaluate any potentially significant archaeological remains encountered during construction. The field evaluation and decision to excavate these remains shall be done with the most expedient time frame after this decision. Results of all monitoring activities shall be fully documented in a report consistent with Santa Barbara County guidelines, and such a report shall be submitted by the archaeologist and Native Americans to the County. (DP Condition #10)
6. Archaeological soils removed from any archaeological site shall not be redeposited as fill on another archaeological site. The location of the redeposited soils shall be mapped by the archaeological monitors. Historic diagnostic artifacts (e.g., coins) shall be placed in the soils to indicate their disturbance and non-archaeological nature of their location. (DP Condition #11)
7. To reduce the possibility of any damage from vehicle accidents to high pressure gas lines at the Ellwood Gas Processing Plant, the project sponsor shall install guard rails or other

*SBCR&S Phase I CDP Conditions*  
*Approval date: May 16, 1997*  
*Page A-2*

- similarly effective devices along the hotel access road where it would pass the gas lines. (DP Condition #36)
8. Emulsion-type or slow-cure asphalt shall be used for all paved surfaces. (DP Condition #37)
  9. All unpaved construction areas shall be sprinkled with water twice a day (or as necessary) to minimize dust generation. (DP Condition #38)
  10. Non-asphalt (i.e., gravel) paving shall be used as feasible. (DP Condition #39)
  11. The project sponsor shall retain a licensed geologist or landscape architect to design and supervise an erosion control program during grading. The program shall be incorporated into the Environmental Quality Assurance Program. Inspection of the site shall be conducted as part of the EQAP periodically to determine if the revegetation program is successfully carried out. The landscaping bond would be refunded to the project sponsor upon satisfactory compliance. (DP Condition #43)
  12. The applicant shall use hydromulching or a similarly effective technique to revegetate graded slopes. (DP Condition #44)
  13. Stormdrains would be installed in the lower lying portions of all streets to collect stormwater runoff. Drainage conduits would be extended down to the channel of Tecolote Creek as close to the mouth of the creek as feasible. Runoff would not be discharged to unprotected slopes. (DP Condition #46)
  14. The project sponsor shall retain a professional consultant to develop a system of erosion control designed to prevent siltation of the creek channel, and will follow the recommendations made by the consultant. (DP Condition #47)
  15. The project sponsor shall, in conjunction with the County, Department of Fish and Game, develop a comprehensive biological resources mitigation program based on the measures recommended below. This program shall include detailed site plans showing how elements of the program would be implemented. This comprehensive approach would increase the effectiveness of the individual mitigation measures adopted by the County. Development onsite shall occur in compliance with the Biological Mitigation Program on file with P&D, amended as required to comply with all conditions. (DP Condition #55)
  16. The project sponsor shall obtain a Streambed Alteration Agreement from the California Department of Fish and Game for any alteration of the Tecolote Creek or Bell Canyon Creek channels. The Department of Fish and Game has direct jurisdiction under Section 1601-03 of [the] Fish and Game Code over any proposed activities that would obstruct the natural flow or substantially change the bed, channel, or bank of any creek. The Streambed Alteration Agreements may impose conditions to partially mitigate the project's

*SBCK&S Phase I CDP Conditions*  
*Approval date: May 16, 1997*  
*Page A-5*

adverse effects on the creeks. The provisions of this section of the Code are intended to protect and conserve fish and wildlife resources. (DP Condition #58)

17. The applicant shall retain a licensed professional to design and supervise an erosion control program during grading. Require the sponsor to post a bond with the County to ensure that erosion is controlled. The bond would be released upon successful completion of the erosion control program. This program shall address mitigation measures if grading is to occur in the winter rainy season. (DP Condition #60)
18. The applicant's landscape architect shall report to the County periodically during and following construction to ensure that the revegetation program is being successfully carried out as provided in the EQAP. (DP Condition #61)
19. The applicant shall construct a suitable barrier around sensitive habitat during construction to prevent disturbance of these areas by workers. (DP Condition #63)
20. To offset the project's impact on native plant and animal communities:
  - b. The applicant shall install and maintain the significant wildlife habitat on-site consistent with the Biological Resources Mitigation Program on file with the Planning and Development Department as amended pursuant to all conditions of approval.
  - c. All mature trees on the site, including the windrow located at the western property boundary, shall be preserved wherever feasible, as implied in Policies 2-15 and 9-28 of the Coastal Plan Element, which recommend preventing development in roosting or nesting habitat.  
(DP Condition #65)
21. Objectionable construction activities shall be scheduled between 7 a.m. and 6 p.m.; construction equipment shall have operative mufflers. All construction north of Highway 101 in the EMID residential areas shall only be scheduled between 8 a.m. and 5 p.m. on weekdays. (DP Condition #66)
22. The size, shape, arrangement, and location of buildings, walkways, parking areas, and landscaped areas shall be developed in substantial conformity with the approved development plan marked Planning Commission Exhibit B, dated September 4, 1996. (DP Condition #70)
23. Compliance with departmental letters: (DP Condition #72)
  - a. Fire Department dated 11/13/87 and September 9, 1996.
  - b. Flood Control dated 12/17/86.
  - c. Environmental Health Services dated 1/25/88 and 8/19/96.

*SBCRA&S Phase I CDP Conditions*  
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*Page 4-4*

- d. Public Works Department dated 7/27/88, except Condition #15 is modified such that the \$6,500 per PHT fee shall be a minimum amount which may be adjusted upward consistent with future changes to the Consumer Price Index (CPI).
  - e. Park Department dated 12/14/87.
  - f. Embarcadero Municipal Improvement District letter dated May 10, 1985 subparagraphs 1-6 only.
24. No permits for development, including grading, shall be issued except in conformance with the approved Final Development Plan, 86-DP-046 TE01. 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 Exhibit B, dated September 4, 1996. Substantial conformity shall be determined by the Director of P&D. (DP Condition #73)
25. All final plans of buildings and structures shall be subject to final approval by the Board of Architectural Review prior to the approval of land use permits. (DP Condition #74)
26. All grading and construction shall conform to the approved tree protection plan which indicates the trunk locations and tree canopy line of all mature native trees and maintenance of a continuous windrow along the western property boundary to the maximum extent feasible. A qualified botanist, horticulturist or approved tree specialist shall develop a site specific program providing protection during grading, construction and recuperation period. ((DP Condition #80)
27. Two performance securities shall be provided by the applicant prior to approval of a land use permit, 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 five 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 five 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 tree protection measures, all native plant revegetation, landscaping of parking lots and water tanks, walls, and fences, site landscaping, in accordance with the approved landscape, tree protection plan and sensitive habitat restoration plans prior to occupancy clearance.

*SBCR&S Phase I CDP Conditions*  
*Approval date: May 16, 1997*  
*Page A-5*

**MONITORING:** P&D shall inspect landscaping and improvements for compliance with approved plans prior to authorizing release of both installation and maintenance securities. (DP Condition #81)

28. All grading and development shall conform to the approved mitigation plans for protection of the tidewater goby in Bell Canyon. The applicant shall receive a renewal of the California Department of Fish and Game's 1603 agreement for the crossing of Bell Canyon which specifically addresses the tidewater goby including conditions to preserve the species. Consistent with LCP Policy 9-39, construction in Bell Canyon Creek shall be prohibited during the winter through May, when tidewater goby is spawning or migrating upstream. If fish are likely to be present during construction, the mitigation plan should address:

1. avoidance of direct loss of fish;
2. avoidance of interruption or disturbance of seasonal movement or breeding of gobies;
3. avoidance of permanent habitat degradation by avoiding fills to the greatest extent possible; and
4. inclusion of habitat maintenance or improvement measures.

The mitigation program shall be submitted to the Planning and Development Department for review and approval, and shall be incorporated into the EQAP. (DP Condition #100)

29. All heavy equipment activity resulting from the removal or relocation of the ARCO pipeline shall be prohibited in the riparian corridors. Activities related to the pipeline removal shall be limited to as small an area as possible, and include a well-flagged work site. Implementation of this condition shall be incorporated into the E.Q.A.P. (DP Condition #107)

30. The applicant shall provide public access to the beach area throughout the construction period. Plans indicating each alternative access route which will be available to the public as construction proceeds shall be reviewed and approved by the Planning and Development Department and Parks Department prior to the issuance of grading permits. (DP Condition #135)

31. All slopes facing Bell Canyon shall be hydromulched and covered with jute mat once completed. If construction is scheduled to occur during the rainy season, the contractor shall cover the slopes with visquene (plastic) prior to completion of these slopes. (DP Condition #137)

32. Slopes adjacent to Bell Canyon Creek shall also be hydromulched and covered with jute mat once completed. Prior to completion of these slopes, silt fences shall be set up if grading is scheduled to occur during the rainy season. The silt fences shall be designed to break up the slopes into a series of terraces and stop the water and silt behind the fence.

*SBCR&S Phase I CDP Conditions**Approval date: May 16, 1997**Page 4-6*

The silt should be trapped behind the fence(s) while allowing water to filter through the fence, down the slope, and into the next fence. (DP Condition #138)

33. The silt fences described in development plan condition 138 shall be designed to direct any storm runoff into the access road. The water should then be collected behind the berm located outside of the Bell Canyon Creek area and drained into a temporary drainage pipe. This pipe shall direct any storm runoff to the ocean. The pipe shall be installed at the start of construction by hand, and be placed on the ground in such a manner as to avoid the removal of riparian vegetation. The pipe shall be removed at the completion of construction activities. A berm shall be constructed should grading and/or bridge construction occur during any rainy season. (DP Condition #139)
34. The Biological Resources Mitigation Plan, required pursuant to development plan Condition 55, shall include revegetation on a 10:1 basis for all removed riparian vegetation in the Bell Canyon or Tecolote Canyon areas. This plan, in addition to the landscaping plan, shall also address the revegetation of the existing S.P.R.R. fill slope north of the Bell Canyon Creek bridge, utilizing appropriate native plant species. (DP Condition #140)
35. If the construction site is graded and left undeveloped for over three weeks, the following methods shall be employed immediately to inhibit dust generation:
  - a) seeding and watering to revegetate graded areas; and/or
  - b) spreading of soil binders; and/or
  - c) any other methods deemed appropriate by the Air Pollution Control District or Planning and Development.

If grading activities are discontinued for over six weeks, applicant shall contact both Permit Compliance Staff and Grading Inspector to site inspect revegetation/soil binding. Plan Requirements: These requirements shall be noted on all plans. Timing: Plans are required prior to approval of land use permit.

MONITORING: P&D and Grading Inspector shall perform periodic site inspections. (DP Condition #143)

36. Dust generated by the development activities shall be kept to a minimum by following the dust control measures listed below.
  - a) During clearing, grading, earth moving, excavation, or transportation of cut or fill materials, water trucks or sprinkler systems are to be used to prevent dust from leaving the site and to create a crust after each day's activities cease.
  - b) During construction, water trucks or sprinkler systems shall be used to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At

*SBCR&S Phase I CDP Conditions*  
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*Page A-7*

a minimum, this would include wetting down such areas in the later morning and after work is completed for the day and whenever wind exceeds 15 miles per hour.

- c) After clearing, grading, earth moving, or excavation is completed, the entire area of disturbed soil shall be treated immediately by watering or revegetating or spreading soil binders to prevent wind pickup of the soil until the area is paved or otherwise developed so that dust generation will not occur.
- d) Soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation.
- e) Trucks transporting soil, sand, cut or fill materials and/or construction debris to or from the site shall be tarped from the point of origin.

**Plan Requirements:** All requirements shall be shown on grading and building plans.  
**Timing:** Condition shall be adhered to throughout all grading and construction periods.

**MONITORING:** P&D shall ensure measures are on plans. P&D, Grading and Building inspectors shall spot check; Grading and Building shall ensure compliance on-site. APCD inspectors shall respond to nuisance complaints.  
 (DP Condition #144)

- 37. 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 off-site. Their duties shall include holiday and weekend periods when work may not be in progress.  
**Plan Requirements:** The name and telephone number of such persons shall be provided to the APCD. **Timing:** The dust monitor shall be designated prior to approval of land use permit.

**MONITORING:** P&D shall contact the designated monitor as necessary to ensure compliance with dust control measures.  
 (DP Condition #145)

- 38. Reclaimed water shall meet the following hauling and use controls:

- a) Use sites shall be approved by the Regional Water Quality Control Board and the State and local health departments.
- b) Truck drivers shall be instructed as to the requirements contained herein and the potential health hazards involved with the reuse of wastewater.
- c) Tank trucks and other equipment which contain or come in contact with reclaimed water shall be clearly identified with warning signs.

*SBCR&S Phase I CDP Conditions*  
*Approval date: May 16, 1997*  
*Page A-8*

- d) Tank trucks used for reclaiming water shall be thoroughly cleaned of septage or other contaminants prior to use.
- e) Use of reclaimed water shall not create any odor or other nuisance.
- f) Reclaimed water shall be confined to the authorized use area.
  - 1) Ponding or runoff of reclaimed water shall not occur.
  - 2) Aerosol formation during uses involving spraying must be minimized.
- g) Reclaimed water shall be applied so as to prevent public or employee contact with the water.
- h) Reclaimed water for dust suppression must not be introduced into any permanent piping system and no connection shall be made between the tank truck and any part of a domestic water system.
- i) Tank trucks shall be cleaned and disinfected after the project is completed.
- j) Tank trucks used to transport reclaimed water shall not be used to carry domestic water.

**Plan Requirements:** This condition shall be printed on all grading and construction plans.  
**Timing:** All conditions to be carried out whenever reclaimed water is on site.

**MONITORING:** P&D will site inspect throughout grading and construction activities.  
 (DP Condition #146)

- 39. All applicable final conditions of approval shall be printed in their entirety on applicable pages of grading/construction or building plans submitted to P&D or Building and Safety Division. These shall be graphically illustrated where feasible.

**MONITORING:** P&D shall ensure that conditions of approval are on the final plans prior approval of land use clearance.  
 (DP Condition #157)

- 40. 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.



*SBCR&S Phase I CDP Conditions*

*Approval date: May 16, 1997*

*Page A-9*

- 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 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.

**MONITORING:** P&D to ensure notifications and payment are made prior to approval of the LUP.

(DP Condition #158)

DEV\_REV/WT/DP/66DP046/CDPGENZ.doc

FINDINGS OF APPROVAL  
May 16, 1997  
Santa Barbara Club Resort & Spa  
97-CDP-078

In order to approve a Coastal Development Permit, the following findings must be made:

1. *The proposed development conforms to 1) the applicable policies of the Comprehensive Plan, including the Coastal Land Use Plan, and 2) with the applicable provisions of this Article and/or the project falls within the limited exception allowed under Section 35-161-7.*

Access road grading, paving and bridge development conform to the policies of the Comprehensive Plan, including the Coastal Land Use Plan, and Article II as described in the findings adopted for approval of 86-DP-046 and 86-DP-046 TE01.

2. *The proposed development is located on a legally created lot.*

Road grading and related development is located on existing legal lots within County road right-of-way.

3. *The subject property is in compliance with all laws, rules and regulations pertaining to zoning uses, subdivisions, setbacks and any other applicable provisions of this Article, and such zoning violation enforcement fees as established from time to time by the Board of Supervisors have been paid.*

The subject property is in compliance with the provisions of Article II. No zoning violations have been recorded against the site.

4. *The development does not significantly obstruct public views from any public road or from a public recreation area to, and along the coast.*

Development of the road would not significantly obstruct public views.

5. *The development is compatible with the established physical scale of the area.*

Grading and construction of the road and Bell Canyon bridge is compatible with the physical scale of the area as described in the findings of approval for 86-DP-046 and 86-DP-046 TE01.

6. *The development is in conformance with the public access and recreation policies of this Article and the Coastal Land Use Plan.*

Development of the road would provide public access to the beach along the frontage of the HT Santa Barbara property consistent with the public access and recreation policies of Article II and the Coastal Land Use Plan.



JACKIE CAMPBELL  
**County Planning**  
PLANNING & DEVELOPMENT  
INTEROFFICE

John Patton, Director

**SANTA BARBARA COUNTY PLANNING AND DEVELOPMENT  
NOTICE OF INTENT TO APPROVE AN APPEALABLE  
COASTAL DEVELOPMENT PERMIT**

**APPLICANT:** HT Santa Barbara

**DATE APPLICATION FILED:** January 8, 1997

**CASE NAME:** Santa Barbara Club Resort & Spa - Phase I (formerly the Hyatt Hotel)

**CASE NUMBER:** 97-CDP-078

**PREVIOUS DISCRETIONARY CASE NUMBER:** 86-DP-046 TE01

**EXHIBIT NO. 10**

**APPLICATION NO.**

A-4-STB-97-122

Santa Barbara Club

1 of 2

**SITE ADDRESS & ASSESSOR PARCEL NUMBER:** The Santa Barbara Club Resort & Spa (SBCR&S) access road is located on the south side of U.S. Highway 101 and the Southern Pacific Railroad, approximately 1 mile west of Winchester Canyon Road. The access road commences at Hollister Avenue and runs along the northern property boundary of the Sandpiper Golf Course and the Mobil Ellwood Onshore Facility and continues across Bell Creek to the eastern property boundary of the HT Santa Barbara property (APNs 79-200-006 and 79-200-007). All access road improvements up to the eastern boundary of the HT Santa Barbara property are within County Road Right-of-Way. Phase I also involves work on HT Santa Barbara's property and will be permitted under a separate Land Use Permit 97-LUS-158.

**PROJECT DESCRIPTION SUMMARY:** This permit authorizes Phase I SBCR&S components which are not located on HT Santa Barbara property (APNs 79-200-006 and 79-200-007). Work to complete Phase I on the HT Santa Barbara property is authorized under a separate Land Use Permit (97-LUS-185). The purpose of the access road is to serve the Santa Barbara Club Resort & Spa which is subject to the conditions of Final Development Plan Permit (86-DP-046 TE01). This CDP authorizes the following components: relocating oil and gas pipelines, constructing the hotel entrance road including Sandpiper parking lot modifications, fencing of environmentally sensitive areas, installing temporary overhead electricity, constructing temporary erosion control facilities, clearing and grubbing road and cut fill areas that are not in environmentally sensitive areas (ESH), clearing cut and fill sites in ESH's, constructing the Bell Canyon Creek bridge, installing retaining walls and drainage facilities, and implementing site restoration.

**SCHEDULED APPROVAL DATE: May 16, 1997**

The County of Santa Barbara intends to approve and issue an Appealable Coastal Development Permit (CDP) for development in the Coastal Zone. This permit follows the approval of a previous discretionary case. The County is required to provide a seven (7) day public comment period prior to the approval of this Appealable CDP. This public comment period shall commence on May 9, 1997 and shall end on May 16, 1997.

Interested parties who want to comment on this pending decision may submit written comments to the assigned planner at Santa Barbara County, Planning & Development, 123 E. Anapamu Street, Santa Barbara, CA, 93101, Attention: Jackie Campbell. Comments submitted after the close of the public comment period will not be accepted.

SBCR&S  
97-CDP-078  
Page 2

The County's final approval of this project can only be appealed to the California Coastal Commission by the applicant, an aggrieved person, or any two members of the Coastal Commission (Coastal Act Sec. 30603). The Coastal Commission 10 working day appeal period will commence on the day following their receipt of the County's Notice of Approval. An appeal must be filed with the Coastal Commission at 89 South California St., Suite 200, Ventura, CA 93001. Please contact California Coastal Commission regarding the timing of the appeal period. The Coastal Development Permit will not be issued until the Coastal Commission's appeal period expires and if no appeal has been filed. For further information please contact, Jackie Campbell, at 568-2076.

**TERMS OF APPEAL:** This Coastal Development Permit is being issued for the project's access road. The scope of review of any appeal of this CDP shall be limited to the following issues:

- (1) Whether this CDP is consistent with the FDP approved by the Board of Supervisors (86-DP-046 TE01) on January 7, 1997.
- (2) Whether the conditions of approval required to be performed prior to commencement of the project's access road, maintenance building, 50 space parking lot and rough site grading have been complied with.

**MATERIAL REVIEW:** Project plans will be available for public review at Planning and Development, 123 E. Anapamu Street, Santa Barbara, CA 93101.

GROUPDEV\_REVIEW\DP\86DP046\HYATT.NOT



# County of Santa Barbara Planning and Development

John Patton, Director

## Errata Sheet

**Date:** May 14, 1997  
**To:** Interested Parties  
**From:** Jackie Campbell, Planner  
Development Review Division  
**Subject:** Santa Barbara Club Resort and Spa Phase I

EXHIBIT NO. 11
APPLICATION NO.
A-4-STB-97-122
Santa Barbara Club



The following minor corrections to notices recently distributed by Planning and Development for the Santa Barbara Club Resort and Spa - Phase I clarify the scope of what is appealable in the subject permit as shown below. All other terms of the notices remain in full force and effect and are unaffected by these changes.

- A. Santa Barbara County Planning and Development issued a Notice of Intent to Approve an Appealable Coastal Development Permit. Under the Section titled "TERMS OF APPEAL" the following corrections are hereby made:

This Coastal Development Permit is being issued for the project's ~~access road, maintenance building, 50 space parking lot and rough site grading~~ described above. The scope of review of any appeal of this CDP shall be limited to the following issues:

- (1) Whether this CDP is consistent with the FDP approved by the Board of Supervisors (86-DP-046 TE01) on January 7, 1997.
- (2) Whether the conditions of approval required to be performed prior to commencement of the project's ~~access road, maintenance building, 50 space parking lot and rough site grading~~ described above have been complied with.

- B. Santa Barbara County Planning and Development issued a Notice of Pending Decision/Intent to Issue an Appealable Coastal Development Permit (DRAFT). Under the Section titled "TERMS OF APPEAL:" the following corrections are hereby made:

This CDP is being issued for the project's ~~access road, maintenance building, 50 space parking lot and rough site grading~~ described above. The scope of review of any appeal of this CDP shall be limited to the following issues:

- (1) Whether this CDP is consistent with the FDP approved by the Board of Supervisors.
- (2) Whether the conditions of approval required to be performed prior to commencement of the project's ~~access road, maintenance building, 50 space parking lot and rough site grading~~ described above have been complied with.

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Attention Jackie Campbell



AFFIDAVIT OF POSTING NOTICE  
FOR  
APPROVAL/INTENT TO ISSUE  
A COASTAL DEVELOPMENT PERMIT

EXHIBIT NO.	12
APPLICATION NO.	
	A-4-STB-97-122
	Santa Barbara Club

Case Number: 97-CDP-078  
Case Name: Santa Barbara Club Resort & Spa Phase I  
Site Address: Located on the south side of U.S. Highway 101 and the Southern Pacific Railroad, approximately 1 mile west of Winchester Canyon Road, within the road right-of-way extending from Hollister Avenue on the east to the HT Santa Barbara property on the west, immediately north of the Sandpiper Golf Course and the Mobil Ellwood Onshore Facility  
A.P.N: n/a (County road right-of-way)

Tynan Group (Project Manager)

I. I, Mary Reichel agent for HT Santa Barbara DO HEREBY CERTIFY:  
Print Name (Owner/Applicant)

A. That Mary Reichel posted the required notice for  
(Name)  
the project identified above on May 9, 1997  
(Date)

B. That the Notice was posted at a minimum of three (3) following on-site locations: (At least one Notice shall be visible from the street).

1. Sandpiper Golf Course Entrance
2. NE Corner of the Mobil facility
3. Western terminus of the Current access road

C. That the Notice will remain properly and continuously posted for the required Appeal Period which begins upon receipt by the CCC and ends 10 working days

II. I CERTIFY under penalty of perjury that everything set out herein is true and correct.

Signature: Mary Reichel Tynan Group (Project Manager)  
agent for HT Santa Barbara  
(Owner / Applicant)

INSTRUCTIONS: Please complete and sign the above affidavit. The affidavit must be returned in person, faxed to 805-568-2030, or mailed to: County of Santa Barbara, Planning & Development Dept., 123 E. Anapamu Street, Santa Barbara, CA prior to the end of the Appeal Period identified above. Failure to do so will render the project approval NULL & VOID.

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Errata posted 5/15/97 by Kristin Gibbons

KEITH ZANDONA  
PO BOX 60021  
SANTA BARBARA CA 93160

SIG LOKENSGARD  
1300 NORTH L ST #165  
LOMPOC CA 93436

RICHARD MONK  
HOLLISTER & BRACE  
1126 SANTA BARBARA ST  
SANTA BARBARA CA 93101

US FISH & WILDLIFE SERVICE  
2493 PORTOLA RD #B  
VENTURA CA 93003

BRIAN TRAUTWEIN  
URBAN CREEKS COUNCIL  
5771 LEEDS LN  
GOLETA CA 93117

PENFIELD & SMITH  
111 EAST VICTORIA ST  
SANTA BARBARA CA 93101

UCSB HERBARIUM  
WAYNE FERREN  
UNIVERSITY OF CALIFORNIA  
SANTA BARBARA CA 93106

KEN MARSHALL  
DUDEK INTERFACE  
621 CHAPALA ST  
SANTA BARBARA CA 93101

PRICE POSTEL & PARMA  
BART CLEMONS  
200 E CARRILLO ST  
SANTA BARBARA CA 93101

CALIF COASTAL COMMISSION  
SUSAN FRIEND  
89 S CALIFORNIA ST #200  
VENTURA CA 93001

US ARMY CORPS OF ENGINEERS  
REGULATORY FIELD OFFICE  
2151 ALESSANDRO DR #225  
VENTURA CA 93001

DAVID WASS  
115 BODEGA LAN #2  
SANTA BARBARA CA 93110

RESEARCH ARCHAEOLOGIST  
DEPT OF ANTHROPOLOGY  
UNIVERSITY OF CALIFORNIA  
SANTA BARBARA CA 93106

ENVIRONMENTAL DEFENSE CNTR  
MARK CHYTILLO  
906 GARDEN ST #2  
SANTA BARBARA CA 93101

TYNAN GROUP  
JOHN TYNAN  
2927 DE LA VINA ST  
SANTA BARBARA CA 93105

SB METROPOLITAN TRANSIT DIST  
BRIAN LOEW/JOHN MURDOCH  
550 E COTA ST  
SANTA BARBARA CA 93103

NATHAN POST  
739 CALLE DE LOS AMIGOS  
SANTA BARBARA CA 93105

BOB KEATS  
630 MIRAMONTE DR  
SANTA BARBARA CA 93109

JAN SCHIENLE  
530 RICARDO  
SANTA BARBARA CA 93109

079-200-002, 005 & 009  
PARSONS LOUIS  
PO BOX 57  
CARPINTERIA CA 93104

BARTON CLEMENS 079-200-06  
HT SANTA BARBARA INC  
200 E CARRILLO ST  
SANTA BARBARA CA 93101

ALAN SELTZER  
COUNTY COUNSEL  
INTEROFFICE

079-200-005  
OCCUPANT  
8555 HWY 101  
GOLETA CA 93117

ARADON CORP 079-210-059  
PIPER S CORP  
1603 AVIATION BLVD  
REDONDO BEACH CA 90278

079-210-059  
CURRENT OCCUPANT  
7925 HOLLISTER AVE  
GOLETA CA 93117

JACKIE CAMPBELL  
PLANNING & DEVELOPMENT  
INTEROFFICE

MARY ANN SLUTZKY  
COUNTY COUNSEL  
INTEROFFICE

JOHN V. STAHL  
P.O. BOX 930  
LOS OLIVOS, CA 93441

*Veronica Lanz  
P+D Interoffice*

EXHIBIT NO.	13
APPLICATION NO.	
	A-4-STB-97-122
	Santa Barbara Club



*Project Planning and Management*

EXHIBIT NO.	14
APPLICATION NO.	
A-4-STB-97-122	
Santa Barbara Club	

April 29, 1997

1 of 2

Jennifer Scholl  
Planner  
Planning & Development Department  
123 East Anapamu Street  
Santa Barbara, CA 93101

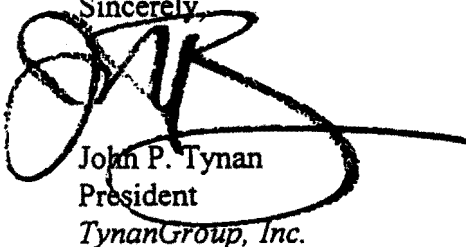
RE: Santa Barbara Club Resort & Spa  
Final Development Plan Condition 90 Compliance

Dear Jennifer:

As you are well aware, in 1989 we made the commitment to maximize our use of local labor for work associated with what is now referred to as the Santa Barbara Club Resort & Spa. This commitment was reconfirmed during the January 7, 1997 Board of Supervisors hearing. In that endeavor, we have sent the Santa Barbara Club Resort & Spa Phase I General Contractor bid package to five local firms. These firms are identified on the attached list. Based on preliminary discussions with some of the contractors, it was determined that a subcontractor who specializes in bridge construction may be necessary due to technical difficulties associated with the bridge slope, curve and taper. Based on these preliminary indications and in the interest of time, a copy of the bid package was also sent to bridge specialists MCM Construction. MCM has committed to using local labor to the maximum extent possible in the event that they are involved in the project.

It is our intention that the submittal of this information will satisfy Phase I compliance for Condition 90. If you determine to the contrary, please notify Mary Reichel posthaste (567-5229).

Sincerely,



John P. Tynan  
President  
TynanGroup, Inc.

Enclosure

cc: Tank  
file



## Bidder List

Mr. Rick Jackson  
Director, Business Development  
A. J. Diani Construction Co., Inc.  
295 North Blosser  
Santa Maria, CA 93456-0636

Mr. Brian Larinan  
Project Manager  
Granite Construction Company  
5335 Debbie Lane  
Santa Barbara, CA 93160

Mr. Jerry Burney  
A. Rasmussen, Inc.  
645 Hill Street,  
Nipomo, CA 93444

Mr. Arthur R. Lash  
Lash Construction, Inc.  
721 Carpinteria Street  
Santa Barbara, CA 93103

Mr. Bruce Sanchez  
C. Sanchez & Sons, Inc.  
1230 Mission Drive  
Solvang, CA 93464

### \*Bridge Specialist

Mr. James Carter / Stan Hiatt  
M. C. M. Construction  
6413 32<sup>nd</sup> Street  
North Highlands, CA 95660

DEPARTMENT OF CONSERVATION

## DIVISION OF OIL AND GAS

361 WEST CHURCH STREET, P. O. BOX 227

SANTA MARIA, CALIFORNIA 92436

(209) 925-3486

April 8, 1987

APR 9 1987  
RECEIVED  
SANTA MARIA, CALIF.

Michael Viettone  
Penfield & Smith Engineers Inc.  
P.O. Box 98  
Santa Barbara, CA 93102

Re: Proposed Hyatt Regency  
Resort and Hotel  
Santa Barbara County

Dear Mr. Viettone:

This office has reviewed the Grading Plan you submitted with your letter dated March 27, 1987. Our records indicate that there are two abandoned wells in the proposed development area. These wells were abandoned in the 1930's and do not conform to the Division's current abandonment requirements.

If nearby construction would prevent access to the wells in the future, it would be required to upgrade the well abandonments now for an extra margin of occupant safety and while disturbance to permanent structures would be minimal.

If construction would not prevent future access to the wells, present reservoir conditions are such that reabandonment at this time would appear unwarranted.

This office may be contacted for any additional information concerning the above-mentioned wells and must be consulted prior to altering in any manner the condition of these wells.

Yours truly,



K. P. Henderson  
Deputy Supervisor

KPH:ks

Enclosures

EXHIBIT NO. 15
APPLICATION NO.
A-4-STB-97-122
Santa Barbara Club