

## CALIFORNIA COASTAL COMMISSION

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 Commission Action:



M19a

STAFF REPORT: APPEALSUBSTANTIAL ISSUE

LOCAL GOVERNMENT: County of Santa Barbara

DECISION: Approve with Conditions

APPEAL NO.: A-4-STB-97-185

APPLICANT: Santa Barbara Development Partnership

LOCATION: Eight miles east of Goleta between Ellwood Beach Drive and Pebble Beach Road, Santa Barbara County.

PROJECT DESCRIPTION: Development of 155 residential units and appurtenant facilities for Ellwood Beach (Monarch Point)

APPELLANT: Santa Barbara Shores Homeowners Association; Santa Barbara Urban Creek Council

SUBSTANTIVE FILE DOCUMENTS: 96-DP-026; TM 14,417 County of Santa Barbara Local Coastal Program (Goleta Community Plan, Ellwood Beach - Santa Barbara Shores Specific Plan); Appeal A-4-STB-185.

STAFF NOTE: This item was opened and continued at the Commission meeting of October 9, 1997 pending the receipt of the administrative record.

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: (1) the development is consistent with the environmentally sensitive habitat protection policies of the County's Local Coastal Program; (2) the development is consistent with the public access requirements of the County's Local Coastal Program, and the Coastal Act; (3) the development is consistent with the scenic and visual resources protection policies of the County's Local Coastal Program; and (4) the development is consistent with the coastal hazards policies of the County's Local Coastal Program.

The Commission received a Notice of Final Action from the County of Santa Barbara on September 2, 1997, and an appeal of the County's action on September 15, 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.

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### I. Appellants Contentions

The appellants allege the following basic inconsistencies with the County of Santa Barbara's Local Coastal Program: (1) the development is inconsistent with the environmentally sensitive habitat protection policies of the County's Local Coastal Program; (2) the development is inconsistent with the public access requirements of the County's Local Coastal Program; (3) the development is inconsistent with the scenic and visual resource protection policies of the County's Local Coastal Program; and (4) the development is inconsistent with the coastal hazards policies of the County's Local Coastal Program.

### Project Location and Description

The project is located in the unincorporated area of Goleta, but within the urban area of the Goleta Planning Area. The project site consist of the Ellwood Beach portion of the Ellwood Beach - Santa Barbara Shores Specific Plan Area which is the subject of a related LCP Amendment 21-97-C.

The project site is bounded on the north by Hollister Avenue and the existing Santa Barbara Shores residential subdivision; on the west by the County owned Santa Barbara Shores park property; on the south by the Pacific Ocean; and on the east by the undeveloped UCSB North Campus (formerly known as the West Devereux Specific Plan area) which is planned for residential, recreational, and open space uses. The project is designated Planned Residential Development and zoned for for 161 residential uses in the Santa Barbara County Local Coastal Program. (See Exhibits 1 through 3.)

The development consists of a residential subdivision and related construction of 155 detached single-family residential units on a 135 acre bluff top parcel, with a development footprint of approximately 33 acres. The 155 residential lots to be created range in size from 4,530 square feet to 10,943 square feet, with the average lot size of 6,300 square feet. Additionally, there would be 2 lots of 41,101 and 27,089 square feet (1.52 acres) to accommodate 2 siltation basins; 9 private common open space lots (2.71 acres, which includes the 2 siltation basins); 5 public open space lots (101.73 acres, of which 8.17 acres includes bluffs), and a lot of 0.14 acre reserved for the potential transfer of 1 unit from the Ellwood Ranch property. (See Exhibits 5 and 7.)

The residential density calculated over the entire 134.86 acre property would be 1.15 residential units per acre, while the effective density within the development footprint would be 4.68 dwelling units per acre. The proposed homes would range in size from 2,500 to 3,600 square feet (including 2 or 3 car garages), and would be constructed in a California Spanish Colonial style.

The primary vehicular access to the site would be via the southern extension of Santa Barbara Shores Drive through to the subject property. The access road would be developed to a maximum of 52 feet right-of-way (42-foot width at the Devereux Creek crossing), including two 12 foot wide travel lanes, two 4-foot wide bicycle lanes, and two 10-foot landscaped buffers adjacent to 4-foot wide sidewalks. Internal circulation would consist of an east-west trending roadway with cul-de-sacs. All internal project roadways would be

private and maintained by the homeowners association, although public pedestrian access would be allowed on all project roadways and sidewalks. An emergency access easement would be provided eastward from the eastern end of the development footprint and coordinated with the access road on the UCSB North Campus property to the east. Improvements would be limited to widening the dirt surface of the existing trail (to approximately the 12-foot wide easement), installation of a permeable all-weather surface, and provision of emergency gates. (See Exhibit 9.)

Improvements at the Devereux Creek crossing of the Santa Barbara Shores Drive extension would include a culvert providing a 100-year flood flow capacity.

Project landscaping would screen the development, and include internal streetscape, the southern development boundary, common open space areas, individual lots, siltation basins, public parking areas, and along trail fencing. Vegetation would be required to be at least 75% native drought-tolerant coastal vegetation or naturalized trees, shrubs, and groundcovers.

Common private open space within the Monarch Point Reserve development totals 2.17 acres (9 lots) and includes primarily a lot with clubhouse and pool, a north facing slope west of the Santa Barbara Shores Drive entry road, 2 siltation basins, and five alley lots at the end of cul-de-sacs which would allow future residents private access. Public open space includes 102 acres (in 5 lots) for the preservation and protection of existing sensitive biological resources (beach, coastal bluff, vernal pools, native grassland, riparian, and Eucalyptus/Monarch butterfly habitats). The proposed Open Space Nature Preserve would be managed through an Open Space and Habitat Management Plan.

Approximately 66% of the site would be retained in public open space, with approximately 28% privately developed.

The development would include a system of public trails and parking facilities for pedestrian, bicycling and equestrian use. (See Exhibit 9, 11, and 12.)

The trail system consists of a main lateral (east-west) trail near the northern boundary of the site, and a secondary lateral (east-west) north of the proposed residential development. A main lateral bluff-top trail would traverse the property and connect with the adjacent County owned Santa Barbara Shores property to the west and the UCSB North Campus property to the east. The lateral trail long the bluff would become part of the Coastal Trail, which includes a 24 foot wide easement to accommodate a pedestrian path, and equestrian/hiking path, and a 10-foot wide bicycle trail.

Two vertical (north-south) access trails with connection tot the beach would be located at the west and east end of the Ellwood Beach property. The eastern vertical access trail would connection with the existing vertical access trail on the adjacent UCSB North Campus trail.

Twenty public parking spaces would be provided. Ten spaces would be located west of the existing terminus of Santa Barbara Shores Drive, and ten would be located west of the project entry kiosk unless an additional 10 spaces can be

provided near the entry kiosk. (See Exhibit 9.)

The Monarch Point Reserve project would be served by the Goleta Water District. A looped water system is proposed involving extension of the Goleta Water District water line from Santa Barbara Shores Drive as well as from near the terminus of Phelps Road to the east. The Goleta West Sanitary District would serve the project via a connection to existing lines along Devereux Creek, near the proposed culvert for the Santa Barbara Shores crossing. Other services would be provided by Southern California Edison, Southern California Gas Company, General Telephone Company, and Cox Cable Company.

### III. Local Government Action

The County of Santa Barbara provisionally approved a Development Plan (96-DP-026; TM 14,417) for the project on August 19, 1997, with special conditions governing environmentally sensitive habitats, public access, scenic and visual qualities, and coastal hazards. The County's approval was predicated upon the Commission's certification of amendments to the related Goleta Community Plan and Ellwood Beach - Santa Barbara Shores Specific Plan components of the County's certified Local Coastal Program. (LCP Amendment 2-97-C) This amendment is necessary to accommodate the reduced and reconfigured development envelope, use of all detached single family residences, and the proposed public access trail system. Without the amendment to the Local Coastal Program, the Development Plan and Tract Map could not be effectuated.

The Commission received a Notice of Final Action from the County of Santa Barbara on September 2, 1997 and an appeal of the County's action on September 15, 1997.

### 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, whichever is greater, on state tide-lands, or along or within 100 feet of natural water courses. For coastal counties, non-principal permitted uses may also be appealable to the Commission.

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 proposed development is located between the sea and the first public road paralleling the sea and is therefore within the Coastal Commission's appeals area and 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-97-185 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 development consists of a residential subdivision and related construction of 155 detached single-family residential units on a 135 acre bluff top

parcel, with a development footprint of approximately 33 acres. The 155 residential lots to be created range in size from 4,530 square feet to 10,943 square feet, with the average lot size of 6,300 square feet. Additionally, there would be 2 lots of 41,101 and 27,089 square feet (1.52 acres) to accommodate 2 siltation basins; 9 private common open space lots (2.71 acres, which includes the 2 siltation basins); 5 public open space lots (101.73 acres, of which 8.17 acres includes bluffs), and a lot of 0.14 acres reserved for the potential transfer of 1 unit from the Ellwood Ranch property. (See Exhibits 5 and 7.)

The residential density calculated over the entire 134.86 acre property would be 1.15 residential units per acre, while the effective density within the development footprint would be 4.68 dwelling units per acre. The proposed homes would range in size from 2,500 to 3,600 square feet (including 2 or 3 car garages), and would be constructed in a California Spanish Colonial style.

The primary vehicular access to the site would be via the southern extension of Santa Barbara Shores Drive through to the subject property. The access road would be developed to a maximum of 52 feet right-of-way (42-foot width at the Devereux Creek crossing), including two 12 foot wide travel lanes, two 4-foot wide bicycle lanes, and two 10-foot landscaped buffers adjacent to 4-foot wide sidewalks. Internal circulation would consist of an east-west trending roadway with cul-de-sacs. All internal project roadways would be private and maintained by the homeowners association, although public pedestrian access would be allowed on all project roadways and sidewalks. An emergency access easement would be provided eastward from the eastern end of the development footprint and coordinated with the access road on the UCSB North Campus property to the east. Improvements would be limited to widening the dirt surface of the existing trail (to approximately the 12-foot wide easement), installation of a permeable all-weather surface, and provision of emergency gates. (See Exhibit 9.)

Improvements at the Devereux Creek crossing of the Santa Barbara Shores Drive extension would include a culvert providing a 100-year flood flow capacity.

Project landscaping would screen the development, and include internal streetscape, the southern development boundary, common open space areas, individual lots, siltation basins, public parking areas, and along trail fencing. Vegetation would be required to be at least 75% native drought-tolerant coastal vegetation or naturalized trees, shrubs, and groundcovers.

Common private open space within the Monarch Point Reserve development totals 2.17 acres (9 lots) and includes primarily a lot with clubhouse and pool, a north facing slope west of the Santa Barbara Shores Drive entry road, 2 siltation basins, and five alley lots at the end of cul-de-sacs which would allow future residents private access. Public open space includes 102 acres (in 5 lots) for the preservation and protection of existing sensitive biological resources (beach, coastal bluff, vernal pools, native grassland, riparian, and Eucalyptus/Monarch butterfly habitats). The proposed Open Space Nature Preserve would be managed through an Open Space and Habitat Management Plan.

Approximately 66% of the site would be retained in public open space, with approximately 28% privately developed.

The development would include a system of public trails and parking facilities for pedestrian, bicycling and equestrian use. (See Exhibits 9, 11, and 12.)

The trail system consists of a main lateral (east-west) trail near the northern boundary of the site, and a secondary lateral (east-west) north of the proposed residential development. A main lateral bluff-top trail would traverse the property and connect with the adjacent County owned Santa Barbara Shores property to the west and the UCSB North Campus property to the east. The lateral trail long the bluff would become part of the Regional Coastal Trail, which includes a 24 foot wide easement to accommodate a pedestrian path, and equestrian/hiking path, and a 10-foot wide bicycle trail.

Two vertical (north-south) access trails with connection to the beach would be located at the west and east end of the Ellwood Beach property. The eastern vertical access trail would connection with the existing vertical access trail on the adjacent UCSB North Campus trail.

Twenty public parking spaces would be provided in two parking lots of a minimum of 10 spaces each. One would be located west of the existing terminus of Santa Barbara Shores Drive, and one would be located west of the project entry kiosk unless an additional 10 spaces can be provided near the entry kiosk. (See Exhibit 9.)

The Monarch Point Reserve project would be served by the Goleta Water District. A looped water system is proposed involving extension of the Goleta Water District water line from Santa Barbara Shores Drive as well as from near the terminus of Phelps Road to the east. The Goleta West Sanitary District would serve the project via a connection to existing lines along Devereux Creek, near the proposed culvert for the Santa Barbara Shores crossing. Other services would be provided by Southern California Edison, Southern California Gas Company, General Telephone Company, and Cox Cable Company.

#### B. Issues Raised by the Appellant

The appellants allege the following basic inconsistencies with the County of Santa Barbara's Local Coastal Program: (1) the development is inconsistent with the environmentally sensitive habitat protection policies of the County's Local Coastal Program; (2) the development is inconsistent with the public access requirements of the County's Local Coastal Program; (3) the development is inconsistent with the scenic and visual resource protection policies of the County's Local Coastal Program; and (4) the development is inconsistent with the coastal hazards policies of the County's Local Coastal Program.

The individual contentions of the two appellants are treated separately below.

#### Santa Barbara Home Owners Association

1. The development is inconsistent with the existing Local Coastal Program (including the Goleta Community Plan and the Ellwood Beach - Santa Barbara Shores Specific Plan).

The appellant contends that the County's approval of a Development Plan for the project is inconsistent with the County's certified Local Coastal Program because elements of the project are inconsistent with the specific existing provisions of the County's Local Coastal Program, including the Goleta Community Plan and the Ellwood Beach - Santa Barbara Shores Specific Plan.

The County approval of the Development Plan, and related Tentative Map is provisional; based upon certification of related amendments to the County's Local Coastal Program, including the Goleta Community Plan, and the Ellwood Beach - Santa Barbara Shores Specific Plan.

Both the Final Development Plan, Tract Map, and the associated Coastal Development Permits are appealable to the Commission under the County Local Coastal Program Implementation Ordinances. Coastal Development Permits for the project and authorization to construct have not been approved by the County, and will follow the Commission's action on the related Local Coastal Program (LCP) amendment 2-97-C which being considered by the Commission prior to this appeal.

The Commission staff is recommending certification of the County's LCP amendment 2-97-C with only minor suggested modifications to ensure that the LCP contains specific language providing for the long-term protection of public access. These suggested modifications reflect the conditions of approval already included by the County as part of the of the proposed Development Plan and Tract Map. (See Exhibit 15, Special Condition #72.) While the suggested modifications are consistent with the County's action on the proposed residential development, they are not necessary for the approval of the Development Plan and Tract Map which is the subject of this appeal. However, the suggested modifications are necessary to ensure that any future development proposed for the site will similarly protect the long-term viability of lateral and vertical public access to and long the bluff top and adjacent shoreline of the Ellwood Beach property which currently and historically have experienced extensive public use.

The analysis of the other elements of the proposed LCP amendment indicates that the proposed changes to the Local Coastal Program are consistent with the relevant Coastal Act policies, and existing provisions of the County's certified Local Coastal Program. No other suggested modifications are necessary to accommodate the proposed development which is the subject of this appeal. (See Commission staff report for Santa Barbara County LCP amendment 2-97-C.

The Commission therefore finds that the proposed Development Plan and Tract Map, as provisionally approved by the County, is in conformance with the County of Santa Barbara's Local Coastal Program, as amended (with suggested modifications) by the related LCP amendment 2-97-C. The appellant's contentions, therefore, raise no substantial issue.

2. The development is inconsistent with the scenic and visual resources of the area, as well as the character of the surrounding community.

The appellant contend that the proposed development is inconsistent with the scenic and visual policies of the County's certified Local Coastal Program because it does not have a proper mix of housing types (i.e. attached and detached, one and two story units); allows residents to exceed one story, 15-foot height; does not adequately cluster development within the development envelope; will adversely affect public views; will require a significant alteration of land forms; and will incorporate colors which are incompatible with the existing adjacent development.

The County's certified Local Coastal Program contains a number of general policies addressing the protection of scenic and visual resources, and specific policies and development standards pertaining to the Ellwood Beach property. The applicable policies are identified below with an indication as to whether the related LCP amendment 2-97-C modifies the policies.

LCP Policy 3-14 provides that:

All development shall be designed to fit the site topography, soils, geology, hydrology, and any other existing conditions and be oriented so that grading and other site preparation is kept to an absolute minimum. Natural features, landforms, and native vegetation, such as trees, shall be preserved to the maximum extent feasible. Areas of the site which are not suited for development because of known soil, geologic, flood, erosion, or other hazards shall remain in open space.

LCP Policy 4-3 provides that:

In areas designated as rural on the land use plan maps, the height, scale, and design of the structures shall be compatible with the character of the surrounding natural environment, except where technical requirements dictate otherwise. Structures shall be subordinate in appearance to natural landforms; shall be designed to follow the natural contours of the landscape ; and shall be sited so as not to intrude into the skyline as seen from public viewing places.

LCP Policy 4-4 provides that:

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

LCP Policy 4-6 provides that:

Signs shall be of a size, location, and appearance so as not to detract from scenic areas or views from public roads and other viewing points.

The related LCP amendment 2-97-C does not alter any of the above policies.

The Goleta Community Plan contains the following development standard pertaining to the scale and compatibility of new development on the subject property with the surrounding environment and development. The applicable

development standard is noted below with an indication as to whether the related LCP amendment 2-97-C modifies the standard.

DevStd LUDS-GV-7: New development shall utilize low profile construction (one or two stories), natural building materials and colors compatible with the surrounding terrain, and landscape screening to further minimize visual disruption of Santa Barbara Shores.

The related LCP amendment 2-97-C does not alter this development standard.

The Ellwood Beach - Santa Barbara Shores Specific Plan contains the following development standards regarding physical design of proposed development in the Specific Plan area. The applicable development standards are noted below with an indication as to whether the related LCP amendment 2-97-C modifies the standards.

Development Standard No. 56 requires the submission of a Landscape and Design Plan as part of the Development Plan and Tract Map application.

The related LCP amendment 2-97-C modifies this development standard by reducing the height of fences from 4 feet to 3 feet.

Development Standard No. 57 requires that conceptual plans and architectural drawings be reviewed and approved by the County Planning and Development Division and the Board of Architectural Review, and that more densely clustered areas be recessed back away from public view corridors and accessways, and incorporate colors compatible with the surrounding natural environment.

The related LCP amendment 2-97-C does not alter this development standard.

Development Standard 59 requires that the applicant shall submit to the County Planning and Development Division and the Board of Architectural Review for review and approval a Landscaping and Design Plan which contains specific program elements, including trail and fencing design, and a signing program, specifications for paving materials and landscaping, walls and gating, and exterior lighting.

The related amendment LCP 2-97-C modifies this development standard by requiring that the County Board of Architectural Review approval be consistent with County ordinance standards, and allows for interpretive signs to be higher than three feet, and requires a six foot solid fence in lieu of a three foot wall with Plexiglas.

Development Standard 60 requires that night lighting be prohibited for multi-purpose playing fields and tennis complexes.

The related LCP amendment 2-97-C does not alter this development standard.

Development Standard 55 (added as part of the related amendment) requires that a mix of sizes and heights of residential structures be utilized if the applicant chooses to develop only single family detached housing on the

Ellwood Beach property.

The proposed development consists of the creation of a residential subdivision and the construction of 155 detached single family residences (148 two story and 7 one story units). These residences would be located within a development envelope which is situated on the western and central portion of the mesa on the Ellwood Beach property.

The development footprint in the Development Plan/Tract Map is approximately 33 acres (of the 36 developable acres), and covers approximately 28% of the 135 acres of the Ellwood Beach property. The residential units would be custom built, and be in a Spanish Colonial style. The color scheme will be determined during the final permitting for the project, but must be compatible with the surrounding area per Development Standard #57. The development has been conditioned to require landscape screening between the individual residences, and between the development envelope and the public open space and environmentally sensitive habitats.

The existing certified Ellwood Beach - Santa Barbara Shores Specific Plan required a mix of detached and attached single family residences. The Specific Plan, however, did not specify the particular mix. The proposed LCP amendment 2-97-C to the Specific Plan would allow all the units to be detached single family residences, but includes an additional development standard (#55) which requires a mix of sizes and heights of residential structures if the applicant chooses to develop only single family detached housing on the Ellwood Beach property. Similarly, no specific mix of units is specific in the development standard.

The Development Plan is conditioned to provide a minimum of seven one story units and a mix of floor plans, including those with one story elements and those with two story elements. The one story units are situated on seven lots (10, 29, 43, 59, 61, 71, and 73) which border the public open space area to the south of the development envelope. This detached units and two story structures is consistent with the detached arrangement of houses in the adjacent Santa Barbara Shores residential tract and the two story multi-story family units in the surrounding areas.

The height limit specified in the previously approved Ellwood Beach - Santa Barbara Shores Specific Plan is 35 feet, not 15 feet as indicated in the appeal. The related LCP Amendment 2-97-C does not alter the 35 foot height limit. The 15 foot height limit contained in LCP Policy 4-11 applies only to sites which have a view corridor overlay designation, and are limited to those sites which afford significant public coastal views from a major coastal road to the ocean. The Ellwood Beach property does not afford any public coastal views from any major coastal road, and as a result does not carry a view corridor overlay designation. Consequently, the County's certified Local Coastal Program does not limit structures to 15 feet on the Ellwood Beach property.

The project protects the two view corridors required in the previously approved Ellwood Beach - Santa Barbara Shores Specific Plan. One corridor runs from the bluffs and vernal pool area on the south to the northeast portion of the property. (The second is located through the County property

from Hollister Avenue to the bluff.) Because of the location of the development envelope adjacent to the Eucalyptus grove, and back from the bluff top, the development would not block public views of the bluff top and open ocean from the bluff top trail. Nor would the development be visible from the beach below the fronting bluffs. While the development would intrude into the inland views of the distant Santa Ynez Mountains from the west end of the Ellwood Beach property, it would preserve views from the larger public open space on the west end of the Ellwood Beach property. Further, the proposed development within the modified development envelope actually reduces visual impacts associated with the development envelope previously certified as part of the Ellwood Beach - Santa Barbara Shores Specific Plan by pulling the east end of the development envelope back from the bluff. (See Exhibits 6 and 7.)

Finally, the number of units proposed (155) is consistent with the maximum density allowed (162) in the previously certified Ellwood Beach - Santa Barbara Shores Specific Plan. Similarly, the amount of public open space (approximately 66% exceeds the public open space minimum requirement of 40% specified in the previously certified Ellwood Beach - Santa Barbara Shores Specific Plan. Neither the density or open space requirements would be modified as a result of the related LCP amendment 2-97-C.

The residential development will be confined to a 33 acre footprint of the 135 acre site in an area which is generally level, and away from bluffs and slopes. Grading and alteration of natural landforms have been minimized by avoiding the Eucalyptus grove, the native grassland, vernal pools, coastal bluffs scrub vegetation, dune vegetation, and riparian plant species in the eastern portion of Devereux Creek, and by the imposition of special conditions which require that grading be reduced near the Eucalyptus grove aggregation areas and in some perimeter areas. Cutting and filling will be balanced on site.

In summary, the proposed Development Plan/Tract Map, as conditioned by the County, is consistent with the applicable provisions of the County's certified Local Coastal Program, including the Goleta Community Plan and the Ellwood Beach - Santa Barbara Shores Specific Plan as modified by the related LCP amendment 2-97-C. (See Exhibit 15, Special Conditions #64 through #70.)

The Commission therefore finds that the propose development, as conditionally approved by the County, is in conformance with the County of Santa Barbara Local Coastal Program as modified by the related LCP amendment 2-97-C. The appellant's contentions, therefore, raise no substantial issue.

3. The development is inconsistent with Coastal Act and Local Coastal Program access policies.

The appellant contends that the development is inconsistent with the public access policies of the Coastal Act and the County's Local Coastal Program because it alters the location of historic trails on the Ellwood Beach property. Specifically, the proposed public access trail program cuts off or eliminates the existing vertical (north-south) trail on the east end of the property, and directs it further to the east onto the adjacent UCSB North Campus property.

The appellant also contends that the proposed trails are not safe and permanent because the Coastal Trail is not set back behind the projected 75 year life of the project, which the appellant contends requires that development be set back 200 feet from the bluff-top. The appellant further contends that the use of a gated community is inconsistent with the Coastal Act and County LCP policies requiring access to the coast. Finally, the appellant contends that historic vehicular access to the bluff top and shoreline must be retained to ensure consistency with the access policies.

Coastal Act Policies 30210 through 30212 requires that maximum access and recreational opportunities shall be provided consistent with public safety needs, the need to protect public rights, the right of private property owners, and natural resources areas from overuse; and that public access from the nearest public roadway to the shoreline along the coast shall be provided in connection with new developments.

The County's certified Local Coastal Program contains a number of general policies addressing the protection and provision of public access, and specific policies and development standards pertaining to the Ellwood Beach property. These are cited below with an indication as to whether the related LCP amendment 2-97-C modifies the policies and standards.

LCP Policy 7-2 provides that:

For development between the first public road and the ocean, granting an easement to allow vertical access to the mean high tide line shall be mandatory.

LCP Policy 7-3 provides that:

For all new development between the first public road and the ocean, granting of lateral easement to allow public access along the shoreline shall be mandatory. In a coastal area, where the bluffs exceed five feet in height, all beach seaward of the base of the bluff shall be dedicated.

LCP Policy 7-12 provides, in part, that:

New opportunities for beach access and coastal recreation shall be provided in the Goleta planning area . . . (c) Provision of a public moderate use recreation area including parking, restrooms, bluff-top hiking trails, picnic tables, and appropriate access to the sand beach shall be required as a condition of any future development on the Ellwood Beach - Santa Barbara Shores property.

LCP Policy 3-4 provides, in part, that:

In areas of new development, above ground structures shall be set back a sufficient distance from the bluff edge to be safe from the threat of bluff erosion for a minimum of 75 years.

The related LCP amendment 2-97-C does not alter any of the above policies, with the exception of noting changes in property ownership.

The Goleta Community Plan contains the following development standard regarding public access within the Ellwood Beach - Santa Barbara Shores Specific Plan Area. These are cited below with an indication as to whether the related LCP amendment 2-97-C modifies the standards.

DevStd LUDS-GV-.5: New development shall be designed to accommodate maximum public access to the site, consistent with the protection of the ESH [Environmentally Sensitive Habitat] areas and the sites natural features, and maintenance of reasonable privacy for new residents of the site. Such access, to be provided by the developers of the site, shall include the following.

\* Public access from the east end of the site shall be provided via coordination of the trail system with the University's North Campus project, including a coastal bikeway.

\* Parking for beach access shall be accommodated on the County owned parcel in small lots and should be located well north of the bluffs.

\* An informal trail system aligned as closely as possible with the existing major historic trails on-site and linking to three access points to the beach, and including accommodations for pedestrian, equestrian, and bikers. Interpretive signage, informal seating areas, bicycle racks, and public restrooms shall be provided as deemed appropriate by the County.

The related LCP amendment 2-97-C does not alter any of the above standards.

The Ellwood Beach - Santa Barbara Shores Specific Plan also contains a number of development standards pertaining to the provision of public access.

Development Standard #61 provides, in part, that the Final Development Plan and Tract Map include, but not be limited to the following:

i. A mixed width shared pedestrian, equestrian, and bicycle trail network as outlined in the Specific Plan.

ii. A 24-foot wide East/West Trail (Coastal/De Anza Trail) with separated uses, including a natural surface pedestrian/equestrian trail and a 10-foot wide bike path.

iii. Sign(s) shall be posted advising users about the County leash law.

The Coastal/De Anza Trail easement shall be dedicated to the County prior to the recordation of the TM [Tentative Map]. The location of this trail is on the coastal bluff.

The related LCP amendment 2-97-C does not alter any of the above standards, with the exception of iii which no longer references boardwalks, but only signs.

The development would include a system of public trails and parking facilities for pedestrian, bicycling, and equestrian use; this trail system generally incorporates trail routes which have been historically used in the Ellwood Beach - Santa Barbara Shores Specific Planning Area.

The proposed Development Plan provides for an extensive trail system connecting to the adjacent County owned Santa Barbara Shores property to the west, and the UCSB North Campus property to the east. A main lateral bluff-top trail would run across the property and connect with the adjacent County owned Santa Barbara Shores property to the west and the UCSB North Campus property to the east. The lateral trail along the bluff would become part of the Regional Coastal Trail, which includes a 24 foot wide easement to accommodate a pedestrian path, and equestrian/hiking path, and a 10-foot wide, paved Class I bicycle trail.

The trail system also includes two principal vertical (north-south) trails across the development site at the west and east ends, which provide beach access.

Twenty public parking spaces would be provided in two parking lots of a minimum of 10 spaces each as provided for in the related LCP amendment 2-97-C. Ten would be located west of the existing terminus of Santa Barbara Shores Drive, and ten would be located west of the project entry kiosk unless an additional 10 spaces can be provided near the entry kiosk consistent with the with the policies and development standards of the Specific Plan. County staff has indicated that at this time is anticipated that all 20 spaces can be accommodated near the entry kiosk on the mesa portion of the Ellwood Beach property. (See Exhibits 8 and 9.)

Interpretive signage, informal seating areas, and bike racks are also included as part of the Development Plan.

The public trails are in the same general locations as the historic trails which serve the same general historic demand, but have been relocated in some cases to avoid passing through designated environmentally sensitive habitats as provided for in the related LCP amendment 2-97-C. (See Exhibits 10, 11, and 12.)

The main lateral (east-west) trail previously certified as part of the Ellwood Beach - Santa Barbara Shores Specific Plan will be shifted north to generally follow an existing trail alignment along Devereux Creek. This trail will preserve the historic access opportunities connecting the Ellwood Beach property with the Santa Barbara Shores property to the west, and the UCSB North Campus property to the east. Much of the trail alignment is off the Ellwood Beach property, and the applicant is required to fund acquisition of any off-site segments of the main lateral east-west trail.

The southern portion of the existing vertical trail on the east side of the Ellwood Beach property has been relocated to connect with the existing vertical access trail on the UCSB North Campus property. This route has been chosen specifically to avoid sensitive vernal pool and native grassland habitats on the Ellwood Beach property. However, if the vertical public access is ever terminated on the UCSB North Campus property, a special condition attached to the Development Plan requires that a substitute vertical access must be provided on the Ellwood Beach property to ensure that the historic vertical access opportunities on the eastern end of the Ellwood Beach property will be maintained.

The Regional Coastal Trail along the bluff is to be sited approximately 100 feet back from the bluff-top to ensure the life of the trail generally corresponds to the life of the project. The 200 foot bluff-top set back cited by the appellant is actually a set back which combines geological and visual set back distances for residential development, and not a structural set-back. Additionally the Development Plan is conditioned to require that the trail be relocated as necessary within the open space areas should it be threatened with bluff erosion. If the extent of the erosion prevents location of the trail in the open space areas between the bluff and the development, it will be routed through the publicly available circulation routes within the development envelope. Vehicular access is specifically prohibited in the vicinity of the bluff to protect environmentally sensitive habitat and to reduce bluff erosion. (See Exhibit 14, Special Condition #81.)

The previously certified Ellwood Beach - Santa Barbara Shores Specific Plan allows for a gated community, providing the County finds that public access and to along the coast is not adversely affected by the development of the Ellwood Beach property. With the provision for the protection of historic access trails and the enhancement of the existing public access opportunities through the provision of 20 public parking spaces, and the retention of the right of public pedestrian access to the internal circulation system and sidewalks in the residential development, the allowance for a gated community would not adversely affect public access to and along the coast within the Ellwood Beach - Santa Barbara Shores Specific Plan Area. (The provision of an additional 180 public parking spaces and related trails on the adjacent County owned Santa Barbara Shores property further assures that adequate public access to this section of the coast will be provided in connection with the developed permitted by the Specific Plan.)

In summary, the proposed Development Plan/Tract Map, as conditioned by the County, is consistent with the applicable provisions of the Coastal Act, and the previously approved Local Coastal Program, including the Goleta Community Plan and the Ellwood Beach - Santa Barbara Shores Specific Plan, as modified by the related LCP amendment 2-97-C. (See Exhibit 15, Special Conditions #71 through #82.)

The Commission therefore finds that the proposed development, as conditionally approved by the County, is in conformance with the County of Santa Barbara Local Coastal Program as modified by the related LCP amendment 2-97-C. The appellant's contentions, therefore, raise no substantial issue.

4. The development is inconsistent with the Coastal and and Local Coastal Program natural resource protection policies.

The appellant contends that the development is inconsistent with the natural resource protection policies of the Coastal Act and the County Local Coastal Program. Specifically, the appellant contends that the 50-foot buffer around the Eucalyptus grove is inadequate to protect the Monarch butterfly habitat, and will place residential development too close to the grove and that the drainage plan for the development, including the siltation basins, will also adversely impact the Monarch butterflies. The appellant also contends that the use of fireplaces, and lighting of the project will alter the microclimate and biological pattern of animal life in the Eucalyptus grove. Additionally

the appellant contends that the development would not provide adequate protection for the windblown Eucalyptus along the bluff-top.

The appellant also contends that the alteration of Devereux Creek to accommodate the main entrance road (Santa Barbara Shores) by bridging the creek with a culvert will adversely impact the creek in a manner inconsistent with the County Local Coastal Program. Finally, the appellant contends that the approval of the Development Plan is inconsistent with the requirement to provide an Open Space and Habitat Management Plan because no operator of the plan has been identified with adequate funding.

The County's certified Local Coastal Program contains a number of general policies addressing the protection of natural resources, and specific policies and development standards pertaining to the Ellwood Beach property. The applicable policies and standards are cited below with an indication as to whether the related LCP amendment 2-97-C modifies the policies or standards.

LCP Policy 2-11 provides that:

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

LCP Policy 9-22 provides that:

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

LCP Policy 9-23 provides that:

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

The related LCP amendment 2-97-C does not alter these policies.

The Goleta Community Plan contains the following development standards regarding protection of natural resources and environmentally sensitive habitats within the Ellwood Beach - Santa Barbara Shores Specific Plan Area. The applicable standards are cited below with an indication as to whether the related LCP amendment 2-97-C modifies the standards.

DevStd LUDS-GV-3: Development shall be sited and designed to minimize and avoid disruption of the site's natural resources and environmentally sensitive habitats, and shall, with the exception of the passive recreational development permitted on the SBDP [Santa Barbara Development Partnership, i.e., Ellwood Beach] parcel be located outside of all ESH [Environmentally Sensitive Habitat] areas.

DevStd LUDS-GV-3.4: The Specific Plan shall protect unique, rare or fragile habitats to ensure their survival in the future. The Plan shall recognize and respect native grasses through a combination of preservation and management.

DevStd LUDS-GV-3.6: Vernal pools, and the eucalyptus grove along the northern boundary shall be preserved. Development shall avoid all butterfly, turkey vulture, and black shouldered kite roosts.

The related LCP amendment 2-97-C does not alter any of the above policies, with the exception that the phrase "active management" would be changed to "management" in DevStd LUDS-GV-3.4.

The Ellwood Beach - Santa Barbara Shores Specific Plan also contains a number of development standards pertaining to the protection of natural resources. The applicable standards are cited below with an indication as to whether the related LCP amendment 2-97-C modifies the standards.

Development Standard #17 provides, in part, that:

The Final Development Plan and Tract Map shall include a 50-foot buffer between the southerly footprint of the Ellwood Main Grove and the structures and roadways, with the exception of the improvements to Santa Barbara Shores Drive (reflected in the approved development envelope).

The related LCP amendment 2-97-C does not alter the above standard.

Development Standard #18 provides, in part, that:

Improvement to the extension of Santa Barbara Shores Drive shall be designed and constructed to minimize removal of and/or damage to eucalyptus trees in the grove. . . Any tree removal shall be identified in the Tree Protection Replacement Plan required by the applicable Development Standards which address tree protection and replacement. Replanting shall be required to offset tree removal and provide a buffer between the roadway and the Eucalyptus grove.

The related LCP amendment 2-97-C modifies this standard to allow for minimal tree removal to accommodate the Santa Barbara Shores Drive extension, but also requires replanting of lost trees.

Development Standard #24 provides, in part, that:

A Native Grassland Restoration and Management Program shall be developed and implemented and a P&D approved biologist and shall be submitted with the DP/TM. The goal of the program shall be the long-term protection, preservation and restoration of native grasslands. The program shall include but not be limited to short-and long-term maintenance and management criteria and provision of buffers and permanent fencing as necessary based on proximity to potential sources and degradation . . . Gaps in the fencing (approximately 4-foot wide) shall be provided for pedestrian access at trail locations.

The related LCP amendment 2-97-C alters the above standard by requiring the restoration of native grassland removed to accommodate an emergency access, trails, or any development within the development envelope.

Development Standard #25 provides, in part, that:

Devereux Creek and its tributaries shall be shown on the Final Development Plan, Tract Map, and grading plan. With the an exception of Santa Barbara Shores Drive extension, utility extension, and siltation basins, a setback of 50 feet from the top of bank of Devereux Creek and the riparian and wetland habitat associated with Devereux Creek and its tributaries shall be shown on all project plans (as reflected in the approved development envelope). No clearing of native vegetation or construction-related ground disturbances shall be allowed within this setback area except in accordance with Development Standards No. 23, 31, and 47.

These standards provide for the accommodation of sewer lines connections, but require the replacement of lost butterfly tree and riparian vegetation.

The related LCP amendment 2-97-C substitutes the word "utility" for "sewer".

Development Standard #26 provides, in part, that:

Trails may be established in the Devereux Creek area as long as a minimum of vegetation is removed and Park Department standards are applied to preserve existing resources. The trail shall be shown on the Final Development Plan and Tract Map and shall be included in the Open Space and Recreation Component which is part of the OSHMP [Open Space and Habitat Management Plan].

The related LCP amendment 2-97-C does not alter this standard.

Development Standard #27 provides, in part, that:

Trees in the Devereux Creek area (as shown in the Tree Protection and Replacement Program required by Development Standard No. 23) shall not be removed unless deemed necessary by P&D to enhance the riparian habitat with the exception of Santa Barbara Shores Drive extension, retention basins, and utility line extensions.

The related LCP amendment 2-97-C substitutes the word "utility" for "sewer".

Development Standard #28 provides, in part, that:

Permanent long-term measures shall be developed to prevent chemical contaminants and solid waste from entering Devereux Creek, and Devereux Slough. These measures shall include, but not be limited to, limiting the use of pesticides for mosquito abatement (to the minimum acceptable to the Mosquito Abatement District), provide soil stabilization, through revegetation of exposed soils and use and maintenance of sediment basins and silt trap to minimize off-site transport of soils. . . . Additional measures such as street sweeping, oil and gas traps and use of filters will be evaluated for their effectiveness on the specific development

projects during review of the TM [Tentative Map] and/or DP[Development Plan] applications.

The related LCP amendment 2-97-C substitutes the word "utility" for the word "sewer".

Development Standard #32 provides, in part, that:

All development, including ground disturbance associated with site preparation, shall avoid the Vernal Pool Drain/Buffer Areas as mapped by Penfield and Smith or 100 feet whichever is greater, as the Buffer Areas (as reflected in the approved development envelope). A Vernal Pool Management Program shall be developed and implemented by a P&D approved biologist (including, but not limited to, the criteria identified in the FEIR Mitigation Measure VI.D.1d.3)

The related LCP amendment 2-97-C clarifies how the vernal pool buffer was established and eliminates the limitation of pedestrian access, allowing gaps in fences to be used for all types of trail users.

Development Standard #32A provides, in part, that:

All development, including ground disturbance associated with site preparation, shall avoid swales which are determined to be wetlands by the Army Corps of Engineers, to the greatest extent feasible. If a swale cannot be avoided, either an on-site swale restoration and enhancement plan shall be prepared implemented by a P&D qualified biologist or a contribution to fund an restore remaining open land within the Devereux watershed shall occur.

The related LCP amendment 2-97-C adds the above standard to protect, to the maximum extent feasible, any swales which may contain wetland habitat not previously identified by the Army Corps of Engineers, and to provide for mitigation of any impacts to such swale wetlands.

The proposed development envelope avoids the mapped environmentally sensitive habitat on-site, including the native grassland, vernal pool complex, Monarch butterfly areas, Devereux Creek and coastal bluff and dune habitat. The development envelope is designed so that contiguous habitat is maintained, both within the native grassland and within the native grassland/vernal pool complex. An undeveloped area along the eastern portion of the property is provided for use as a wildlife corridor through the site and between on-site and off-site habitat areas.

The Eucalyptus trees which serve as raptor nesting/roosting sites are located south of the existing terminus of Santa Barbara Shores Drive, along the eastern portion of the Ellwood Beach property, and off-site west of the property. The development envelope preserves these trees and provides a buffer between the planned residence and the roosts consistent with the County's Local Coastal Program, including the Goleta Community Plan and the Ellwood Beach - Santa Barbara Shores Specific Plan.

The project conditions require a redesign of grading adjacent to the main Monarch butterfly aggregation site in order to establish and maintain a 50 foot setback from the main aggregation areas. Project conditions also require the maintenance of a 10 foot buffer around native grassland with the exception of a few lots. The native grassland buffer specified in the development standard in the Goleta Community Plan is met in these cases with the inclusion of a six foot solid wall (3 feet masonry 3 feet Plexiglas) in conjunction with the long term management provided by the Open Space and Habitat Management Plan. (See Exhibit 15, Special Conditions #27 through #43.)

In areas where the mapped topographic watershed is larger than the 100 foot buffer around vernal pools, the larger area is utilized as the buffer. No development is proposed within vernal pools or the larger of these two buffers.

Project conditions require the relocation of the existing eastern vertical trail segment beyond the 100 foot buffer of the major vernal pool located in this portion of the Ellwood Beach property. Where development may occur in areas of drainage swales which contain wetland habitat, replacement of the swale with either similar wetlands on site or other habitat off-site is required. All other buffers from Environmentally Sensitive habitat areas are met with the configuration of the reviewed development envelope.

In addition to avoidance of native grassland and vernal pools, restoration on a 3:1 basis is required for native grassland which may be removed as a result of the development of trails and the emergency access route, as well as to offset the removal of grassland which may expand into the development envelope. Management techniques include protection of grassland during construction through temporary fencing, control of public access to the grassland by prohibiting motorized traffic, channelling access onto designated trails system, long-term weed abatement. The conditions on the project also requires the establishment of a large Monarch Butterfly Preserve and management plan.

The use of Santa Barbara Shores Drive as the primary vehicular access and pedestrian access to the site takes advantage of the existing access across Devereux Creek. The extension of Santa Barbara Shores Drive, and an existing paved road, already crosses Devereux Creek. The Development Plan is conditioned to require a Riparian Habitat Restoration Program as a component of the Open Space and Habitat Management Plan. All development is contained within the development envelope which maintains at least a 50 foot setback from Devereux Creek, except for the siltation basin, utility line extensions, and improvements to accommodate the extension of Santa Barbara Shores Drive - all of which are specifically allowed in the previously certified Ellwood Beach - Santa Barbara Shores Specific Plan. The adjacent stream corridor will be temporarily fenced during construction and grading during the rainy season will occur only if erosion control techniques are employed, and only in certain portions of the site. Water quality will be protected on a long-term basis through the use of sedimentation basins and other long-term erosion control methods.

The two siltation basins are specifically required as part of the previously certified Ellwood Beach - Santa Barbara Shores Specific Plan, and are intended to prevent minimize off site transport of sediments, particularly silts to

Devereux Creek and the downstream Devereux Slough. The special conditions prevent the use of night light for the recreational facilities. Finally, the wind blown Eucalyptus trees near the bluff edge are protected by a special of the Specific Plan and related Special Conditions. (See Exhibit 15, Special Conditions #7 through #10, #30.)

In summary, the proposed Development Plan/Tract Map, as conditioned by the County, is consistent with the applicable provisions of the County's certified Local Coastal Program, including the Goleta Community Plan and the Ellwood Beach - Santa Barbara Shores Specific Plan, as modified in the related LCP amendment 2-97-C. (See Exhibit 15, Special Conditions #15 through #61.)

The Commission therefore finds that the propose development, as conditionally approved by the County, is in conformance with the County of Santa Barbara Local Coastal Program as modified by LCP amendment 2-97-C. The appellant's contentions, therefore, raise no substantial issue.

5. The development is inconsistent with the parking and circulation requirements of the Coastal Act.

The appellant contends that the parking and traffic provisions of the proposed Development Plan for the Ellwood Beach property are inconsistent with Section 30212.5 of the Coastal Act. No specific provision of the County's certified Local Coastal Program, including the Goleta Community Plan or the Ellwood Beach - Santa Barbara Shores Specific Plan were cited in the appeal.

Specifically, the appellant contends that the 20 public parking spaces required as part of the proposed Development Plan should be located atop the bluff near the proposed recreation center, and not behind the residences of Carmel Beach Circle. Additionally, the appellant contends that the approval of a gated development will generate traffic and parking impacts on the adjacent Santa Barbara Shores residential community. The appellant also objects to the single point of ingress and egress via Santa Barbara Shores Drive to the proposed development, and proposes that a second access be required, either through the adjacent County owned Santa Barbara Shores property, or through the east side of the Ellwood Beach property to provide safer ingress and egress, particularly during emergencies

The Coastal Act Section 30212.5 provides that:

Wherever appropriate and feasible, public facilities including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, or overcrowding or overuse by the public of any single area.

The County's certified Local Coastal Program contains a number of general policies addressing the protection of public access, and specific policies and development standards pertaining to the Ellwood Beach property, including LCP Policies 7-2, 7-3, and 7-12 cited above.

The related LCP amendment 2-97-C does not alter any of the above policies.

The Goleta Community Plan contains a number of development standards regarding public access within the Ellwood Beach - Santa Barbara Shores Specific Plan

Area, including DevStd LUDS-GV-3.5 cited and discussed in the preceding section. Additionally, the Goleta Community Plan contains the following development standard regarding access to the Ellwood Beach property:

DevStd LUDS-GV-3.11: Primary access to Santa Barbara Development Partnership - Monarch Point Reserve site shall be from Santa Barbara Shores Drive.

The related LCP amendment 2-97-C does not alter the above standard.

As noted above, twenty public parking spaces would be provided in two parking lots of a minimum of 10 spaces each consistent with the related LCP amendment 2-97-C which increases the number of required public parking spaces from 10 to 20. One lot would be located west of the existing terminus of Santa Barbara Shores Drive, and one would be located west of the project entry kiosk, unless an additional 10 spaces can be provided near the entry kiosk.

As noted above, this parking requirement represents an increase of 10 public parking spaces required as part of the existing certified Ellwood Beach - Santa Barbara Shores Specific Plan, and is intended to ensure that adequate parking is provided to serve the existing and proposed public trail system. The parking locations are sited to avoid any environmentally sensitive habitats, and to provide safe and convenient access from the main access road (Santa Barbara Shores Drive) to the Ellwood - Santa Barbara Shores Specific Plan Area. County staff has also indicated that at this time it is anticipated that all 20 spaces could be accommodated in the vicinity of the entry kiosk consistent with all Specific Plan standards. (See Exhibits 8 and 9.)

The internal roadway system would be private and maintained by the homeowners association. However, public pedestrian access would be allowed on all project roadways and sidewalks. The previously certified Ellwood Beach - Santa Barbara Shores Specific Plan included a development standard which allowed for a gated community if the County found that public access to an along the beach would not be adversely affected by the development. As noted above, the proposed development preserves the historic trails on site and also includes certain improvement such as signage and fencing. Currently, there is no on-site public parking serving the Ellwood Beach property. Public visitors currently use on street parking along Santa Barbara Shores Drive and Ellwood Beach Drive. The Development Plan requires the provision of 20 public parking spaces on the Ellwood Beach property to serve the public use of the property for access and recreation. Additionally, 180 public parking spaces would be provided as part of the development of the adjacent County owned Santa Barbara Shores property. As a result, the development of a gated community, with pedestrian access permitted on the internal roadways and sidewalks, would not adversely affect public access to and along the beach.

Santa Barbara Shores Drive is identified as the primary vehicular and pedestrian access to the site, and takes advantage of the existing access across Devereux Creek. An emergency route is also provided from the eastern cul-de-sac of the development envelope to the UCSB North Campus property to the east to ensure a second access in the event of an emergency. As noted above, the previously certified Goleta Community Plan identified Santa Barbara Shores as the primary access to the Ellwood Beach property.

Alternative routes through the County owned Santa Barbara Shores property or through the east end of the Ellwood Beach property, as suggested by the appellant, have been considered in the previous and current versions of the Specific Plan. These alternatives would also be inconsistent with the previously circulation element of the Ellwood Beach - Santa Barbara Shores Specific Plan, as well as the Goleta Community Plan Development Standard LUDS-GV-3.11 cited above.

Further, use of the Santa Barbara Shores property would place a major public road serving a private residential community through a County Park, while using the east end of the Ellwood Beach property would shift the traffic into a different neighborhood, and funnel nearly all of the project traffic to the already constricted Storke/Hollister intersection. Entering the Ellwood Beach site from the east would also entail extending Phelps Road through a previously undeveloped portion of Devereux Creek closer to the Devereux Lagoon, or a sensitive archaeological site, depending on the location of the road. Using either one of these routes as an additional ingress or egress to the Ellwood Beach property, in addition to the designated Santa Barbara Shores Drive, would therefore result in additional impacts to both recreational and environmental resources. Additionally, the County has found that the vehicular access plan is adequate to comply with the circulation and safety standards in the Goleta Community Plan and determined that the access design would not result in significant traffic impacts to Santa Barbara Shores Drive.

In summary, the proposed Development Plan/Tract Map, as conditioned by the County, is consistent with the applicable provisions of the County's certified Local Coastal Program, including the Goleta Community Plan and the Ellwood Beach - Santa Barbara Shores Specific Plan, as modified by the related LCP amendment 2-97-C. (See Exhibit #15, Special Conditions #4 and #5.)

The Commission therefore finds that the proposed development, as conditionally approved by the County, is in conformance with the County of Santa Barbara Local Coastal Program as modified by the related LCP amendment 2-97-C. The appellant's contentions, therefore, raise no substantial issue.

#### Urban Creeks Council Appeal

##### 1. The main lateral trail will adversely impact Devereux Creek.

The appellant contends that the improvement of the existing trail along Devereux Creek is inconsistent with the resource protection policies of the Local Coastal Program, including the Goleta Community Plan and the Ellwood Beach - Santa Barbara Shores Plan. Specifically, the appellant contends that the creation of a 15 foot wide trail would violate the setback requirements from streams and require the removal of a substantial number of Eucalyptus trees along Devereux Creek.

The Ellwood Beach - Santa Barbara Shores Specific Plan contains a number of development standards pertaining to the protection of natural resources, including Devereux Creek and the related Eucalyptus grove. The applicable standards are cited below with an indication as to whether the related LCP amendment 2-97-C modifies the standards.

Development Standard #26 specifically provides, in part, that:

Trails may be established in the Devereux Creek area as long as a minimum of vegetation is removed and Park Department standards are applied to preserve existing resources. The trail shall be shown on the Final Development Plan and Tract Map and shall be included in the Open Space and Recreation Component which is part of the OSHMP.

The related LCP amendment 2-97-C does not alter this standard.

Development Standard 27 provides that:

Trees in the Devereux Creek area (as shown in the Tree Protection and Replacement Program required by Development Standard No. 23) shall not be removed unless deemed necessary by P&D to enhance the riparian habitat with the exception of Santa Barbara Shores Drive extension, retention basins, and utility line extension.

The related LCP amendment 2-97-C substitutes the word "utility" for the word "sewer".

As provided in the Development Standard #26, the proposed main lateral (east-west) trail is allowed along Devereux Creek. While the required dedicated easement for this trail is 15 feet in width, the actual trail width would be only 4 feet. The routes identified in the proposed Development Plan generally follow the existing historic trail and are intended to preserve the existing access opportunities afforded by the trail between the Ellwood Beach property and the adjacent Santa Barbara Shores property to the west and the UCSB North Campus to the east. However, the specific alignment of the trail will be adjusted within the easement to assure adequate setbacks from Devereux Creek and to avoid the impacts to any Eucalyptus trees or other environmentally sensitive resources. Alternative trail alignments would entail disturbing presently undisturbed portions of the Eucalyptus grove, or other environmentally sensitive habitats.

In summary, the proposed Development Plan/Tract Map, as conditioned by the County, is consistent with the applicable policies of the certified Local Coastal Program, including the Goleta Community Plan and the Ellwood Beach - Santa Barbara Shores Specific Plan as modified by the related LCP amendment 2-97-C. (See Exhibit 15, Special Conditions #27 through #43.)

The Commission therefore finds that the proposed development, as conditionally approved by the County, is in conformance with the County of Santa Barbara Local Coastal Program as modified by the related LCP amendment 2-97-C. The appellant's contentions, therefore, raise no substantial issue.

2. The development does not provide for a variety of trail types.

The appellant contends that the proposed trail system does not provide for a variety of trail types, particularly for narrow footpaths, and that the multi-use trail along Devereux Creek would adversely impact riparian resources. The appellant also contends that the elimination of the vertical (north-south) trail on the east side of the Ellwood Beach property

unnecessarily restricts historic access which could be accommodated with a narrow footpath.

The County's certified Local Coastal Program contains a number of general policies addressing the protection of public access, and specific policies and development standards pertaining to the Ellwood Beach property. The applicable policies are cited below with an indication as to whether the related LCP amendment 2-97-C modifies the policies.

LCP Policy 7-12(c) for the Goleta Planning Area provides, in part, that:

Provision of a public moderate use recreation area including parking, restrooms, bluff-top hiking and biking trails . . . shall be required as a condition of any future development of the Santa Barbara shores property [now referred to as the Ellwood Beach - Santa Barbara Shores property].

The Ellwood Beach - Santa Barbara Shores Specific Plan contains a number of development standards pertaining to the provision of public access.

As noted above, Development Standard #6 provides, in part, that the Final Development Plan and Tract Map include, but be limited to, the following:

- i. A mixed width shared pedestrian, equestrian, and bicycle trail network as outlined in the Specific Plan.
- ii. A 24-foot wide East/West Trail (Coastal/De Anza Trail) with separated uses, including a natural surface pedestrian/equestrian trail and a 10-foot wide bike path.
- iii. Sign(s) shall be posted advising users about the County leash law.

The Coastal/De Anza Trail easement shall be dedicated to the County prior to the recordation of the TM [Tentative Map]. The location of this trail is on the coastal bluff.

The related LCP amendment 2-97-C does not alter any of the above standards, with the exception of iii which no longer references boardwalks, but only signs.

The trail system includes a main lateral (east-west) trail near the northern boundary of the site, and a secondary lateral (east-west) trail through the southern portion of the Eucalyptus grove along an existing route. A main lateral bluff-top trail would run across the property and connect with the adjacent County owned Santa Barbara Shores property to the west and the UCSB North Campus property to the east. The lateral trail along the bluff would become part of the Coastal Trail, which includes a 24 foot wide easement to accommodate a pedestrian path, and equestrian/hiking path, and a 10-foot wide Class I bicycle trail. These trails follow generally the routes of existing informal trails which exist on the property.

As noted above, while the required dedicated easement for the multi-use trail along Devereux Creek is 15 feet in width, the actual trail will only be 4 feet in width. The general route identified in the proposed Development Plan

follows the existing historic trail and is intended to preserve the existing access opportunities afforded by the trail. However, the specific alignment of the trail will be adjusted within the easement to avoid the impacts to any Eucalyptus trees or other environmentally sensitive resources. Alternative trail alignments would entail disturbing presently undisturbed portions of the Eucalyptus grove, or other environmentally sensitive habitats. Footbridges are also proposed to maximize access during wet periods and to minimize erosion and sedimentation from trail use in the creek during the rainy season.

The proposed trails are in the same general locations as the historic trails which serve the same general historic demand, but have been relocated in some cases to avoid passing through designated environmentally sensitive habitats. The elimination of a portion of the existing vertical (north-south) trail on the eastern end of the Ellwood Beach property and its relocation onto the existing vertical trail on the UCSB North Campus property is intended to avoid sensitive vernal pool and native grassland habitats. However, the vertical access opportunities have been preserved with the revised trail design, and assured in the future through a special condition which requires that the vertical access trail be re-located onto the Ellwood Beach property should the trail ever be eliminated on the UCSB North Campus property.

In summary, the proposed Development Plan/Tract Map, as conditioned by the County, is consistent with the applicable policies of the certified Local Coastal Program, including the Goleta Community Plan and the Ellwood Beach - Santa Barbara Shores Specific Plan, as modified by the related LCP amendment 2-97-C. (See Exhibit 15, Special Conditions #71 through 82.)

The Commission therefore finds that the propose development, as conditionally approved by the County, is in conformance with the County of Santa Barbara Local Coastal Program as modified by the related LCP amendment 2-97-C. The appellant's contentions, therefore, raise no substantial issue.

3. The development will not adequately protect the Coastal Trail from bluff-top erosion.

The County's certified Local Coastal Program contains a number of general policies addressing the protection of development from bluff-top erosion. The applicable policies are identified below with an indication as to whether the related LCP amendment 2-97-C modifies the policies.

LCP Policy 3-4 provides, in part, that:

In areas of new development, above ground structures shall be set back a sufficient distance from the bluff edge to prevent damage from the threat of bluff erosion for a minimum of 75 years.

The related LCP amendment 2-97-C does not alter this policy.

The appellant contends that the Development Plan does not provide a continuous 200-foot bluff-top set back necessary to assure the Regional Coastal Trail will remain for the 75 year life of the project.

A main lateral bluff-top trail would run across the property and connect with the adjacent County owned Santa Barbara Shores property on the west and the UCSB North Campus property on the east. The lateral trail along the bluff would become part of the Regional Coastal Trail which includes a 24 foot wide easement to accommodate a pedestrian path, an equestrian/hiking path, and a 10 foot wide Class I bicycle trail.

The Coastal Trail along the bluff would be generally set back from the bluff approximately 100 feet to ensure that the life of the trail generally corresponds to the life of the project. The precise location of the trail would be determined prior to the recordation of the Tract Map. Additionally, the Development Plan and Tract Map is conditioned to required that the trail be relocated as necessary within the open space area should it be threatened with bluff erosion; if the extent of the erosion prevents location of the trail in the open space areas, it will be routed through publicly available circulation routes within the development envelope. (A corresponding suggested modification to the related LCP amendment 2-97-C would incorporate the same provision into the Goleta Community Plan and the Ellwood Beach - Santa Barbara Shores Specific Plan.) Vehicular access is specifically prohibited in the vicinity of the bluff-top to protect environmentally sensitive habitat and to reduce bluff erosion.

In summary, the proposed Development Plan/Tract Map, as conditioned by the County, is consistent with the applicable policies of the certified Local Coastal Program, including the Goleta Community Plan and the Ellwood Beach - Santa Barbara Shores Specific Plan. (See Exhibit 15, Special Conditions #80 and #81.)

The Commission therefore finds that the proposed development, as conditionally approved by the County, is in conformance with the County of Santa Barbara Local Coastal Program as modified by the related LCP amendment 2-97-C. The appellant's contentions, therefore, raise no substantial issue.

4. The development plan does not minimize alteration of natural landforms.

The appellant contends that the Development Plan does not minimize alteration of a natural landforms, but does not provide any specific contentions or references to any Local Coastal Program policies.

The County certified Local Coastal Program contains a number of general policies addressing the alternation of landforms. The applicable policies are identified below with an indication as to whether the related LCP amendment 2-97-C modifies the policies.

LCP Policy 3-13 provides that:

Plans for development shall minimize cut and fill operations. Plans requiring excessive cutting and filling may be denied if is determined that the development could be carried out with less alteration of the natural terrain.

LCP Policy 3-14 provides that:

All development shall be designed to fit the site topography, soils,

geology, hydrology, and any other existing conditions and be oriented so that grading and other site preparation is kept to an absolute minimum. Natural features, landforms, and native vegetation, such as trees, shall be preserved to the maximum extent feasible. Areas of the site which are not suited for development because of known soil, geologic, flood, erosion, or other hazards shall remain in open space.

The related LCP amendment 2-97-C does not alter any of the above policies.

The residential development will be confined to a 33 acre portion of the 135 acre site in an area which is generally level, and away from bluffs and slopes. Grading and alteration of natural landforms have been minimized by avoiding the Eucalyptus grove, the native grassland, vernal pools, coastal bluffs scrub vegetation, dune vegetation, and riparian plant species in the eastern portion of Devereux Creek. Cutting and filling will be balanced on site, and sited in an area which is generally level, and away from bluffs and slopes. Drainage has been oriented so that runoff is achieved through the existing street network to storm drains and siltation basins which are necessary to control or eliminate siltation to Devereux Creek. Special conditions on the Development Plan and Tract Map require that grading be minimized, particularly on the perimeter of the development.

In summary, the proposed Development Plan/Tract Map is consistent with the applicable provisions of the County's certified Local Coastal Program, including the Goleta Community Plan and the Ellwood Beach - Santa Barbara Shores Specific Plan as modified by the related LCP amendment 2-97-C. (See Exhibit 15, Special Conditions #6 through #14, and #65.)

The Commission therefore finds that the proposed development, as conditionally approved by the County, is in conformance with the County of Santa Barbara Local Coastal Program as modified by the related amendment 2-97-C. The appellant's contentions, therefore, raise no substantial issue.

5. The development will adversely impact scenic and visual resources.

The appellant contends that the two story Spanish Colonial style residential development with red tile roofs and heavy masonry walls is inconsistent with the surrounding topography and residential development.

The County's certified Local Coastal Program contains a number of general policies addressing the protection of scenic and visual resources, and specific policies and development standards pertaining to the Ellwood Beach property, including LCP Policies 2-2- 3-14, 4-3, 4-4, and 4-6 cited and discussed in the preceding section.

The related LCP amendment 2-97-C does not alter any of the above policies.

The Goleta Community Plan contains the development standard regarding scenic and visual resources of the Specific Plan Area, DevStd LUDS-GV-3.7, cited above.

The Ellwood Beach - Santa Barbara Shores Specific Plan contains a number of development standards regarding scenic and visual resources of the Specific Plan Area, including No. 70, 72, 73, 74A, and 55, cited above.

The 155 residential units would be custom built, and be in a Spanish Colonial style. No colors have been specified by the County, though the County must approve the color scheme as part of the Final Development Plan and Tract Map, and related Coastal Development Permits. The residential development envelope is approximately 36 acres, and represents approximately 28% of the total area of the Ellwood Beach property. The development has been conditioned to require landscaping screening between the individual residences, and between the development envelope and the public open space and environmentally sensitive habitats.

As noted above, the originally certified Ellwood Beach - Santa Barbara Shores Specific Plan required a mix of detached and attached single family residences. The proposed amendment to the Specific Plan would allow the units to be exclusively detached single family residences, but includes an additional development standard (#55) which requires a mix of sizes and heights of residential structures if the applicant chooses to develop only detached single family detached housing on the Ellwood Beach property. The Development Plan is conditioned to provide a minimum of seven one story units and a mix of floor plans, including those with one story elements and those with two story elements. The seven one story units proposed as part of the Development Plan are situated on lots which border the public open space areas to the south of the development envelope. The proposed mix is consistent with the detached arrangement of houses in the adjacent Santa Barbara Shores residential tract and the two story, multi-family units in the surrounding areas.

The project protects the two view corridors required in the previously certified Ellwood Beach - Santa Barbara Shores Specific Plan. One corridor runs from the bluffs and vernal pool area on the south to the northeast portion of the property. (The second is located through the County property from Hollister Avenue to the bluff.) Because of the location of the development envelope adjacent to the Eucalyptus grove, and back from the bluff-top, the development would not block public views of the ocean as viewed from the bluff-top trail. Nor would the development be visible from the beach below the fronting bluffs.

While the development would intrude into the inland views of the distant Santa Ynez Mountains from the west end of the Ellwood Beach property, it would preserve views from the larger public open space on the west end of the Ellwood Beach property. Further, the proposed development within the modified development envelope actually reduces visual impacts associated with the development envelope previously certified as part of the Ellwood Beach - Santa Barbara Shores Specific Plan because it pulls development away from the bluff at the east end of the property. (See Exhibits 6 and 7.)

Finally, the number of units proposed (155) is less than allowed (162) by the previously certified Ellwood Beach - Santa Barbara Shores Specific Plan. Similarly, the amount of public open space (approximately 66%) exceeds the public open space minimum requirement of 40% specified in the previously certified Local Coastal Program.

In summary, the proposed Development Plan/Tract Map, as conditioned by the County, is consistent with the applicable provisions of the County's certified Local Coastal Program, including the Goleta Community Plan and the Ellwood

Beach - Santa Barbara Shores Specific Plan as modified in the related LCP amendment 2-97-C. (See Exhibit 15, Special Conditions #64 through #70.)

The Commission therefore finds that the proposed development, as conditionally approved by the County, is in conformance with the County of Santa Barbara Local Coastal Program as modified by the related LCP amendment 2-97-C. The appellant's contentions, therefore, raise no substantial issue.

6. The development is inconsistent with the carrying capacity of the site.

The appellant contends that the proposed Development Plan has not been developed in conjunction with a carrying capacity study to determine the environmental carrying capacity of the proposed recreational areas.

The County's certified Local Coastal Program contains a number general policies addressing the protection of environmentally sensitive habitats, including Policy 7-4.

LCP Policy 7-4 provides that:

The County, or appropriate public agency, shall determine the environmental carrying capacity of all existing and proposed recreational areas sited on or adjacent to dunes, wetland, tidepools, or any other area designated as "Habitat Areas" by the land use plan. A management program to control the kinds, intensities, and locations of recreational activities so that habitat resources are preserved shall be developed, implemented, and enforced. The level of facility development (i.e. parking spaces, camper sites, etc.) shall be correlated with the environmental carrying capacity.

The proposed Development Plan is designed to avoid use of environmentally sensitive habitat areas and/or to allow recreational activities consistent with the Open Space and Habitat Management Plan required by the Ellwood Beach - Santa Barbara Shores Specific Plan. The revised development envelope was based upon the mapped environmentally sensitive habitat on-site including the native grassland, vernal pool complex, Monarch butterfly areas, Devereux Creek and coastal bluff and dune habitats. These habitats were identified through the environmental review process and incorporated into the previously approved Ellwood Beach - Santa Barbara Shores Specific Plan.

The development envelope is designed so that contiguous habitat is maintained, both within the native grassland and within the native grassland/vernal pool complex. An undeveloped area along the eastern portion of the property is provided for use as a wildlife corridor through the site and between on-site and off-site habitat areas.

The Eucalyptus trees which serve as raptor nesting/roosting sites are located south of the existing terminus of Santa Barbara Shores Drive, along the eastern portion of the Ellwood Beach property, and off-site west of the property. The development envelope preserves these trees and provides a buffer between the planned residences and the roosts consistent the Local Coastal Program including the Goleta Community Plan and the Ellwood Beach - Santa Barbara Shores Specific Plan. Special conditions on the Development Plan

and Tract Map minimize impacts from construction, and require a management plan for the Eucalyptus grove, including drainage control, irrigation, and replacement of trees.

As noted above, while the general route of the main lateral (east-west) trail identified in the proposed Development Plan follows the existing historic trail and is intended to preserve the existing access opportunities afforded by the trail. Similarly, the secondary lateral access trail is aligned with the existing informal access trail. Both of these trails will be within 15 foot easements but be only 4 feet in width. The specific alignment of the trails will be adjusted within the easement to avoid the impacts to any Eucalyptus trees or other environmentally sensitive resources. Alternative trail alignments would entail disturbing presently undisturbed portions of the Eucalyptus grove, or other environmentally sensitive habitats.

While the proposed trails are in the same general locations as the historic trails which serve the same general historic demand, some have been relocated to avoid passing through designated environmentally sensitive habitats. The elimination of a portion of the existing vertical (north-south) trail on the eastern end of the Ellwood Beach property and its relocation onto the existing vertical trail on the UCSB North Campus property is intended to avoid sensitive vernal pool and native grassland habitats.

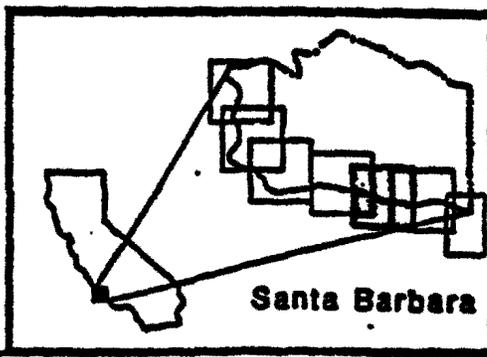
The Development Plan includes requirements for a management program to control the kinds, intensities, and location of recreational activities so that these resources are preserved and protected through appropriate management. The Open Space and Habitat Management Plan will be funded in perpetuity by the applicant and future homeowners through construction of homes on the Ellwood Beach property.

In summary, the proposed Development Plan/Tract Map, as conditioned by the County, is consistent with the applicable provisions of the County's certified Local Coastal Program, including the Goleta Community Plan and the Ellwood Beach - Santa Barbara Shores Specific Plan, as modified by the related LCP amendment 2-97-C. (See Exhibit 15, Special Conditions #1 through #131.)

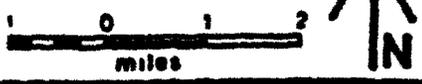
The Commission therefore finds that the propose development, as conditionally approved by the County, is in conformance with the County of Santa Barbara Local Coastal Program as modified by the related LCP amendment 2-97-C. The appellant's contentions, therefore, raise no substantial issue.



<b>EXHIBIT NO. 1</b>
<b>APPLICATION NO.</b>
A-4-STB-97-185
Ellwood Beach

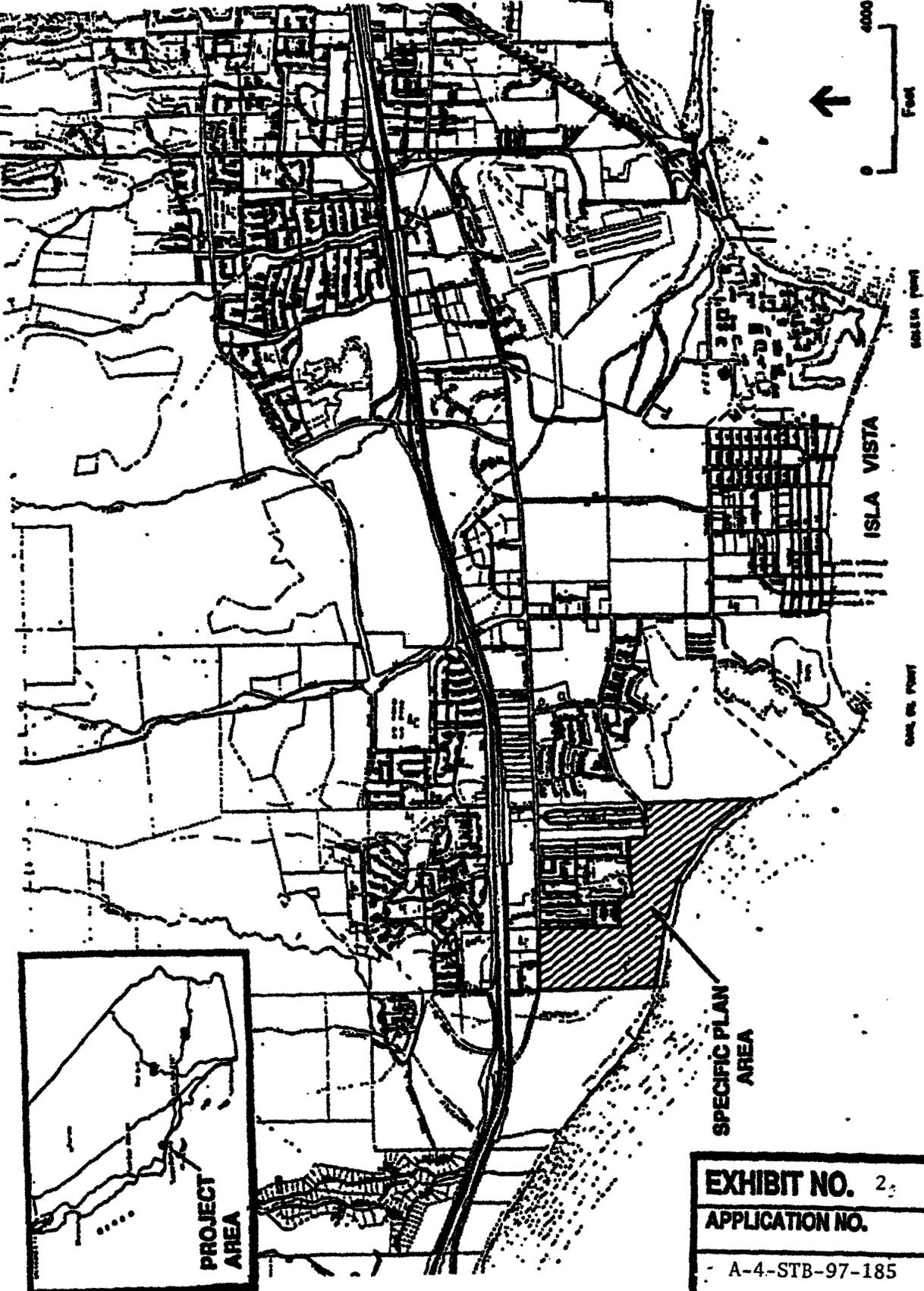


Santa Barbara

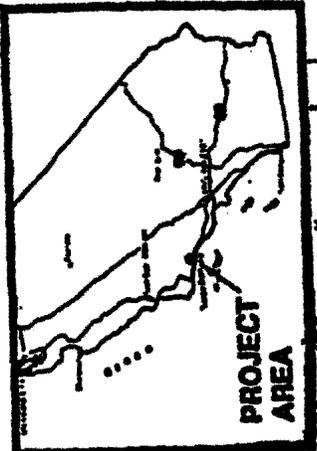


**LOCATION MAP**

California Coastal Commission  
**County of Santa Barbara**

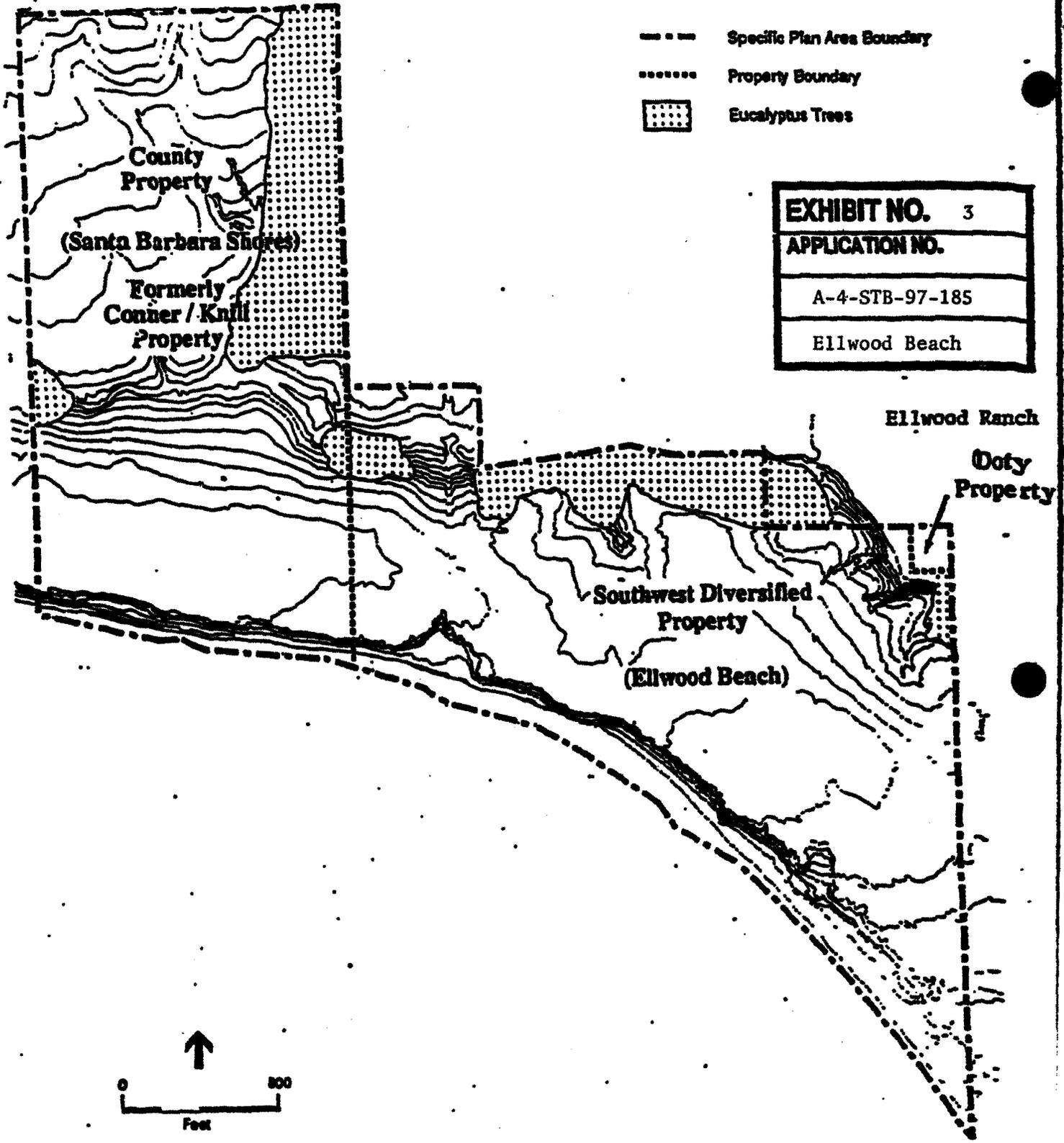


Ellwood Beach / 02 / in  
 Figure III.1  
 General Vicinity Map



<b>EXHIBIT NO.</b>	2
<b>APPLICATION NO.</b>	
A-4-STB-97-185	
Ellwood Beach	

SOURCE: Environmental Science Associates, Inc.



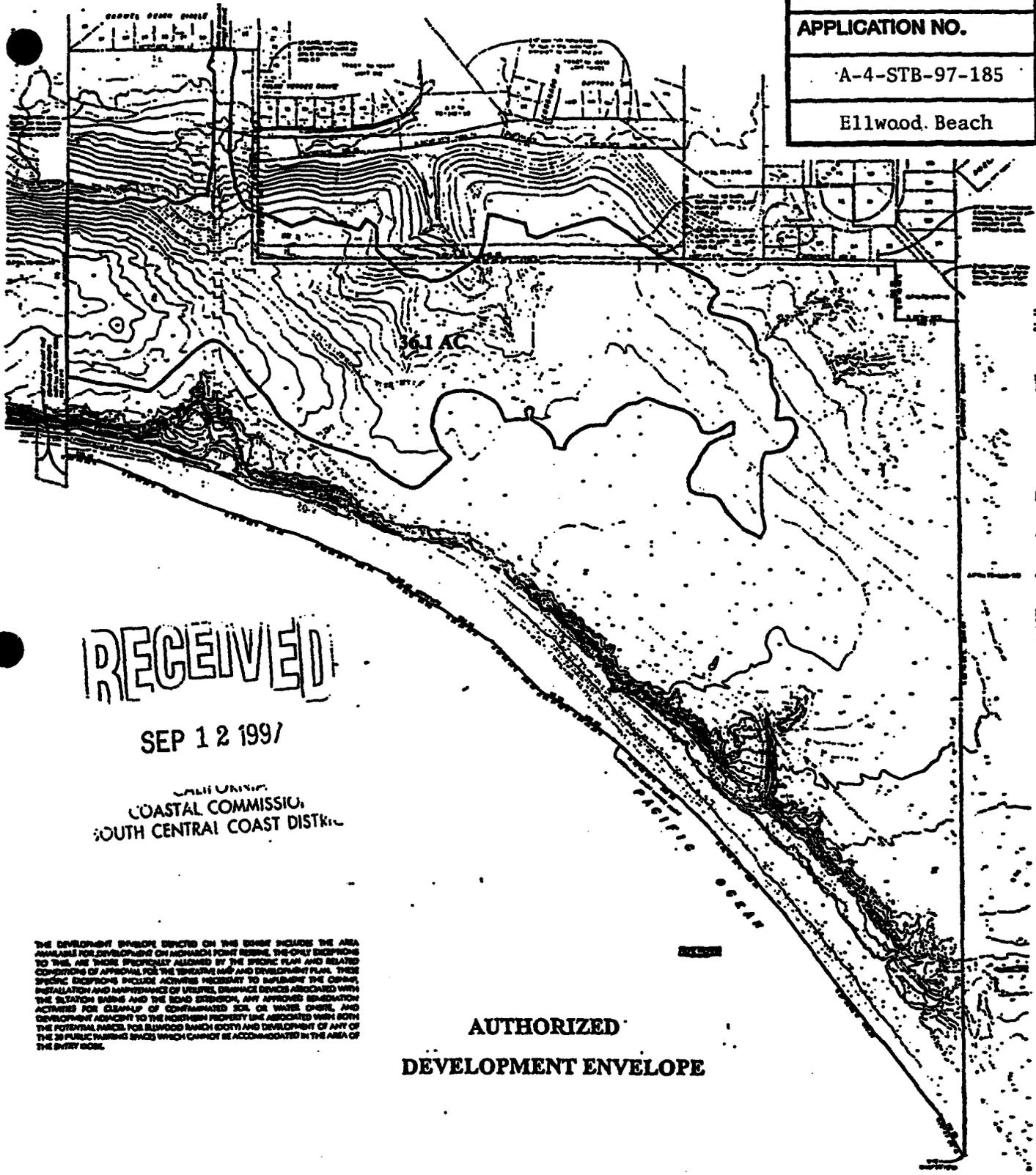
Ellwood Beach 0212 W  
**Figure III.2a**  
 Ellwood Beach - Santa Barbara Shores  
 Specific Plan Area

EXHIBIT NO. 5

APPLICATION NO.

A-4-STB-97-185

Ellwood Beach



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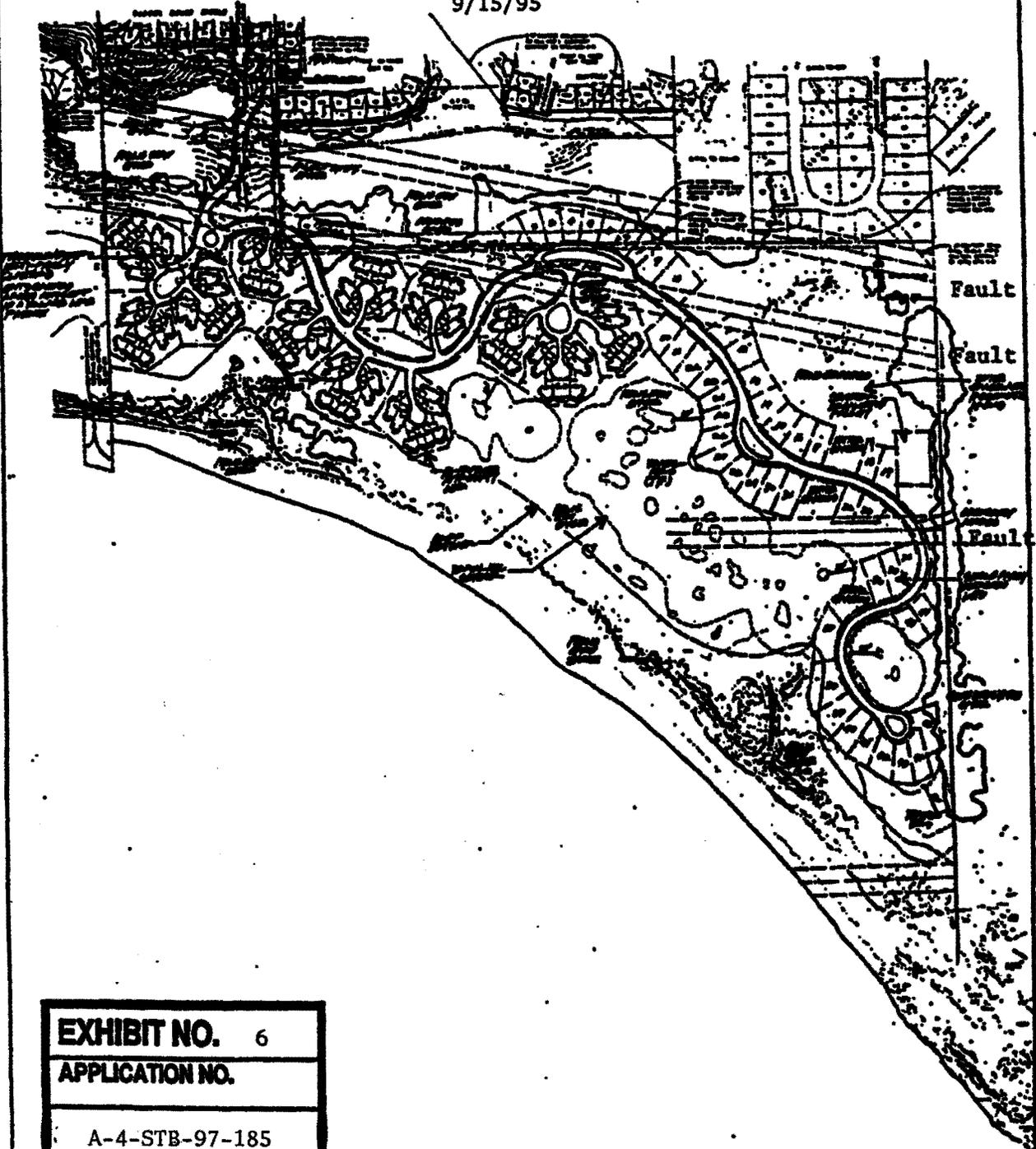
CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

THE DEVELOPMENT ENVELOPE SHOWN ON THIS EXHIBIT INCLUDES THE AREA AVAILABLE FOR DEVELOPMENT ON A BEACH FRONT BEARING THE ONLY EXCEPTIONS TO THIS ARE THOSE SPECIFICALLY ALLOWED BY THE SPECIFIC PLAN AND RELATED CONDITIONS OF APPROVAL FOR THE TENTATIVE MAP AND DEVELOPMENT PLAN. THESE SPECIFIC EXCEPTIONS INCLUDE ACTIVITIES NECESSARY TO IMPLEMENT THE CORRECT, INSTALLATION AND MAINTENANCE OF UTILITIES, DRAINAGE DEVICES ASSOCIATED WITH THE BEACHEN BARRIERS AND THE BEACH STRUCTURE, ANY APPROVED REMEDIATION ACTIVITIES FOR CLEANUP OF CONTAMINATED SOIL OR WATER ON-SITE, AND DEVELOPMENT ADJACENT TO THE NORTHERN PROPERTY LINE ASSOCIATED WITH BOTH THE POTENTIAL PARCEL FOR BIRCHWOOD BUNCH SOUTH AND DEVELOPMENT OF ANY OF THE 28 PUBLIC TRAILING SPACES WHICH CANNOT BE ACCOMMODATED IN THE AREA OF THE BEACH ESCAPE.

AUTHORIZED  
DEVELOPMENT ENVELOPE

ELLWOOD BEACH-SANTA BARBARA SHORES SPECIFIC PLAN

Certified Land Use Plan Map - Ellwood Beach  
9/15/95



<b>EXHIBIT NO.</b>	6
<b>APPLICATION NO.</b>	
	A-4-STB-97-185
	Ellwood Beach

**SPECIFIC PLAN SITE PLAN FOR THE  
SWD PROPERTY**

**III-1**

Provisionally Approved Development Plan. - Ellwood Beach

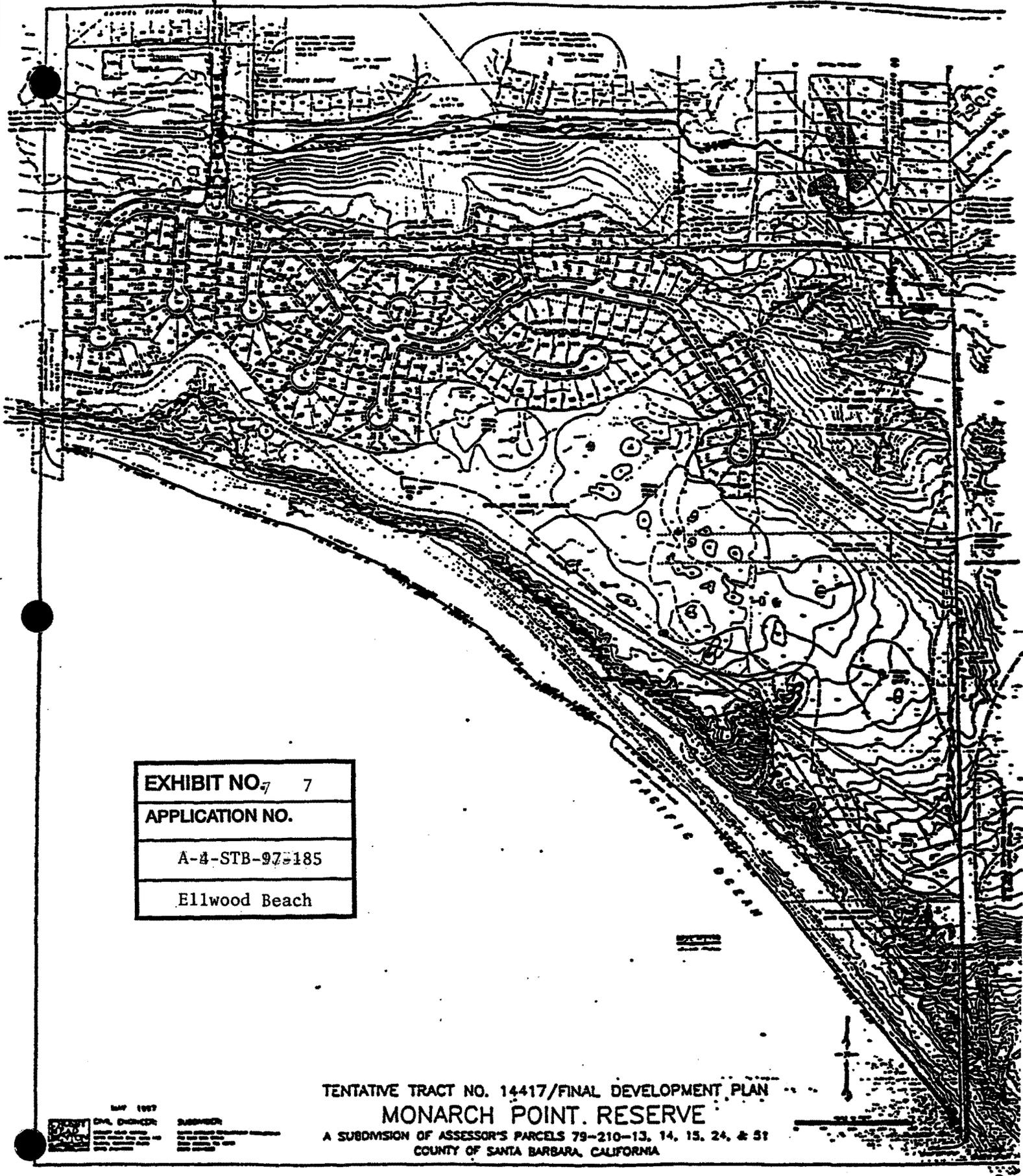


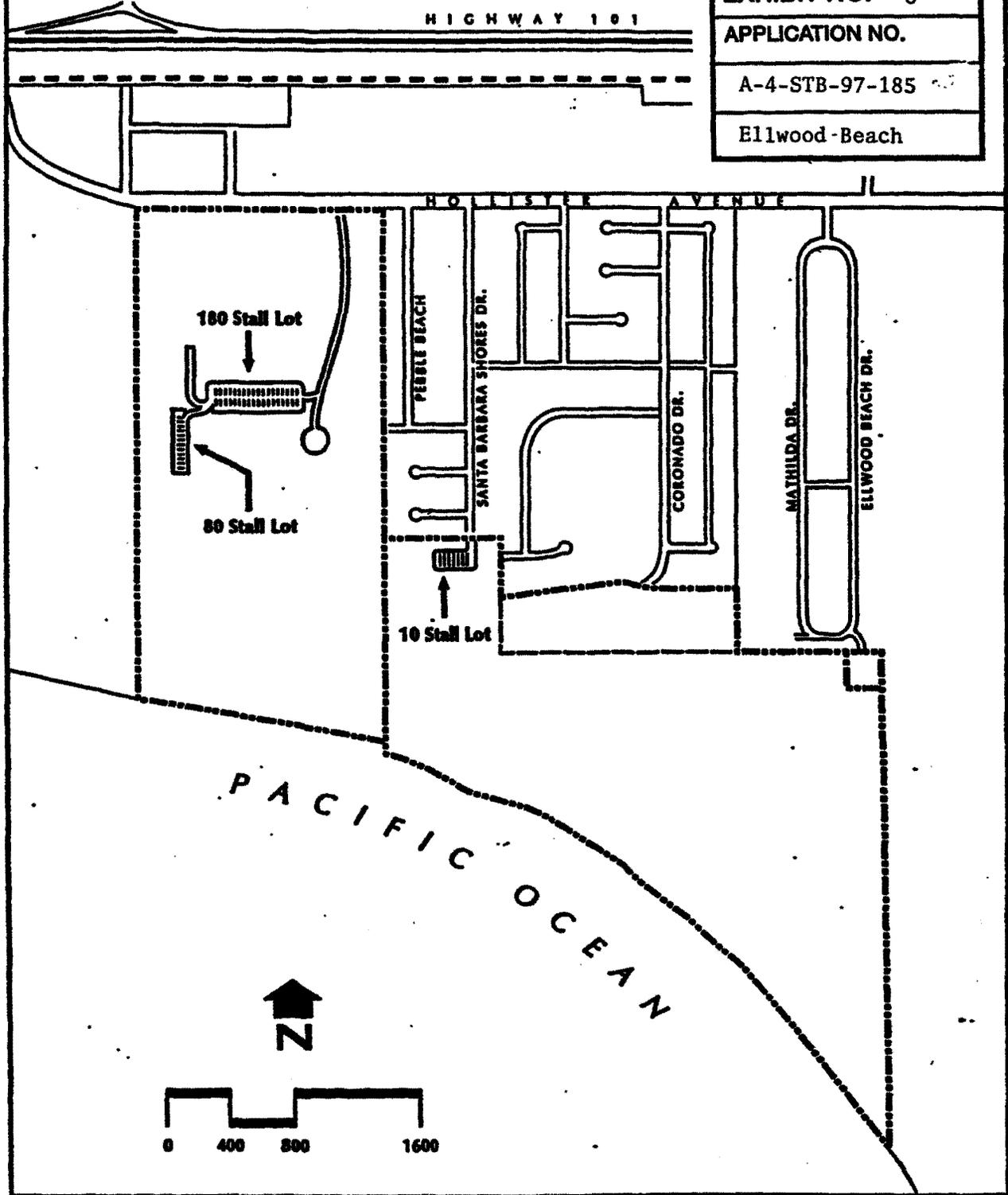
EXHIBIT NO. 7
APPLICATION NO.
A-4-STB-97-185
Ellwood Beach

TENTATIVE TRACT NO. 14417/FINAL DEVELOPMENT PLAN  
MONARCH POINT RESERVE  
A SUBDIVISION OF ASSESSOR'S PARCELS 79-210-13, 14, 15, 24, & 51  
COUNTY OF SANTA BARBARA, CALIFORNIA

MAY 1997  
DPA, ENGINEER  
SUBMISSION

ELLWOOD BEACH-SANTA BARBARA SHORES SPECIFIC PLAN

EXHIBIT NO.	8
APPLICATION NO.	A-4-STB-97-185
Ellwood-Beach	



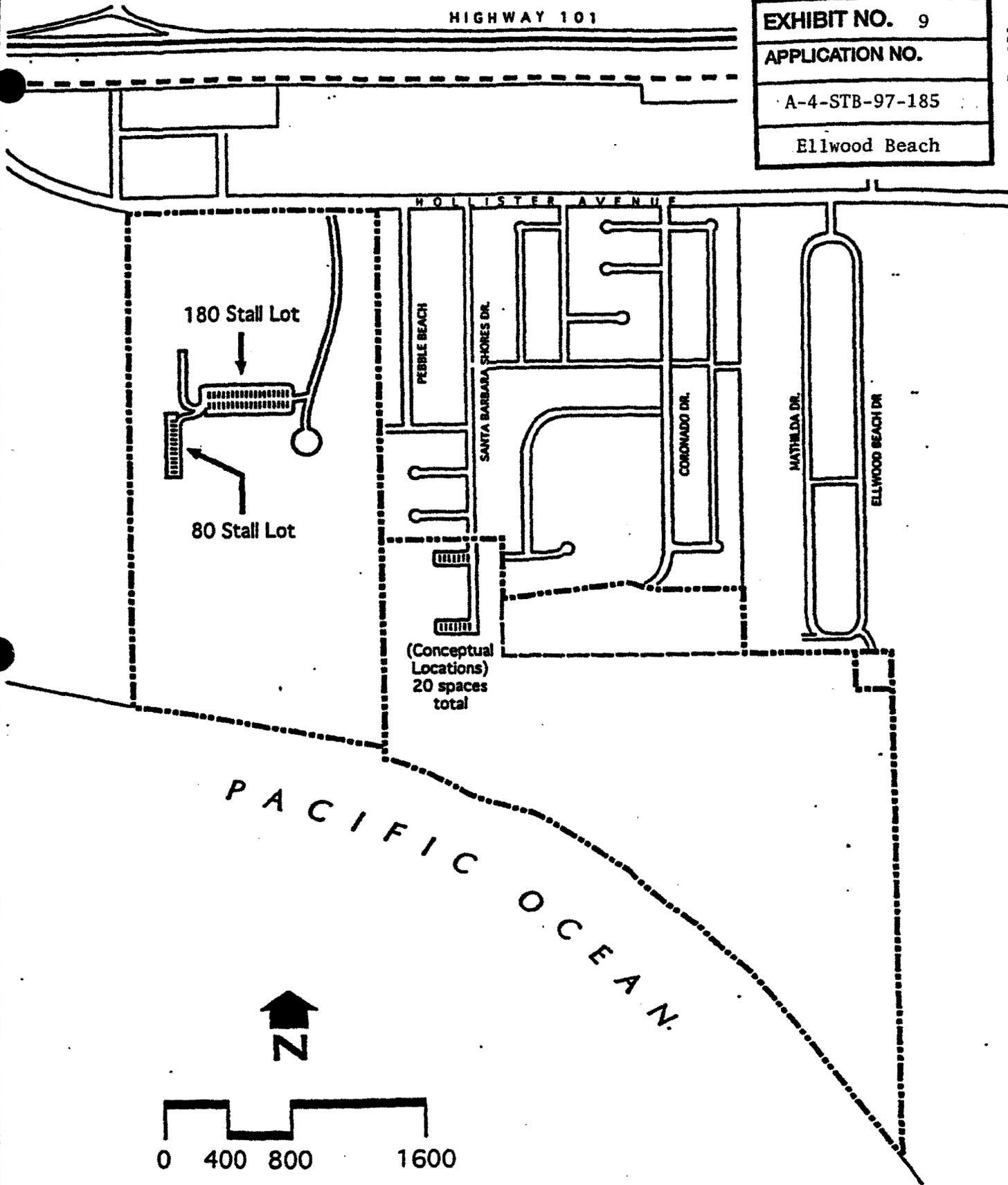
ELLWOOD BEACH-SANTA BARBARA SHORES  
PUBLIC ACCESS PARKING AREAS

ELLWOOD BEACH - SANTA BARBARA SHORES SPECIFIC PLAN

Proposed Amended Public Access Parking Areas: Ellwood Beach - Santa Barbara Shores

HIGHWAY 101

EXHIBIT NO. 9
APPLICATION NO.
A-4-STB-97-185
Ellwood Beach



ELLWOOD BEACH - SANTA BARBARA SHORES  
PUBLIC ACCESS PARKING AREAS (CONCEPTUAL)

11-5

Certified Circulation Trail Map: Ellwood Beach - Santa Barbara Shores  
9/15/95

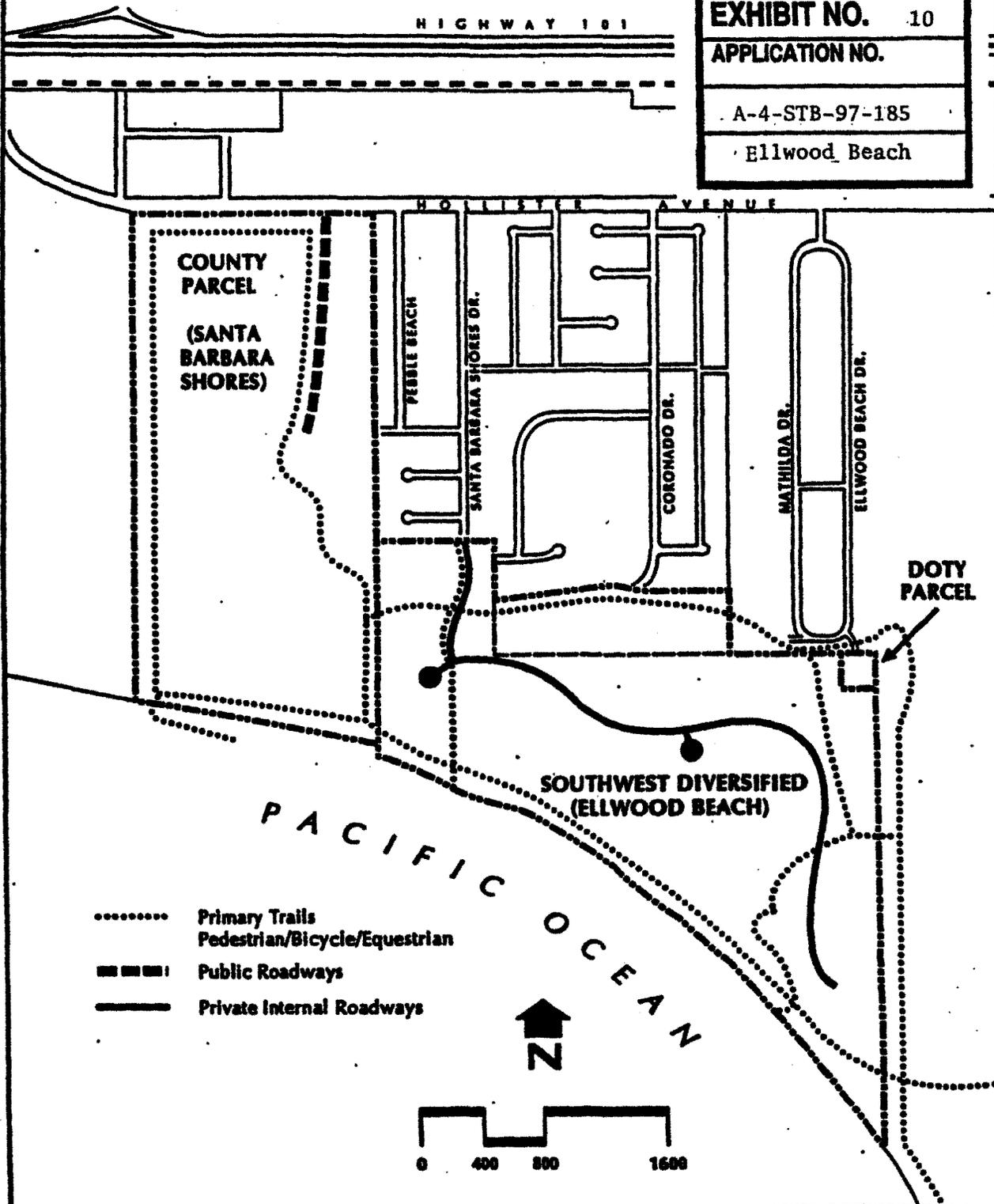
ELLWOOD BEACH-SANTA BARBARA SHORES SPECIFIC PLAN

EXHIBIT NO. 10

APPLICATION NO.

A-4-STB-97-185

Ellwood Beach



ELLWOOD BEACH-SANTA BARBARA SHORES  
CIRCULATION PLAN

11-3

ELLWOOD BEACH - SANTA BARBARA SHORES SPECIFIC PLAN

HIGHWAY 101

EXHIBIT NO. 11

APPLICATION NO.

A-4-STB-97-185

Ellwood Beach

COUNTY  
PARCEL  
(Santa  
Barbara  
Shores)

PEBBLE BEACH

SANTA BARBARA SHORES DR.

CORONADO DR.

MATHILDA DR.

ELLWOOD BEACH DR.

ELLWOOD  
RANCH  
PARCEL

SANTA BARBARA  
DEVELOPMENT  
PARTNERSHIP

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

-  Internal Roadways \*  
(Except motor vehicles,  
all public access)
-  Park Roadways \*
-  Major Access Trails \*
-  Additional Public Access  
Trail \*

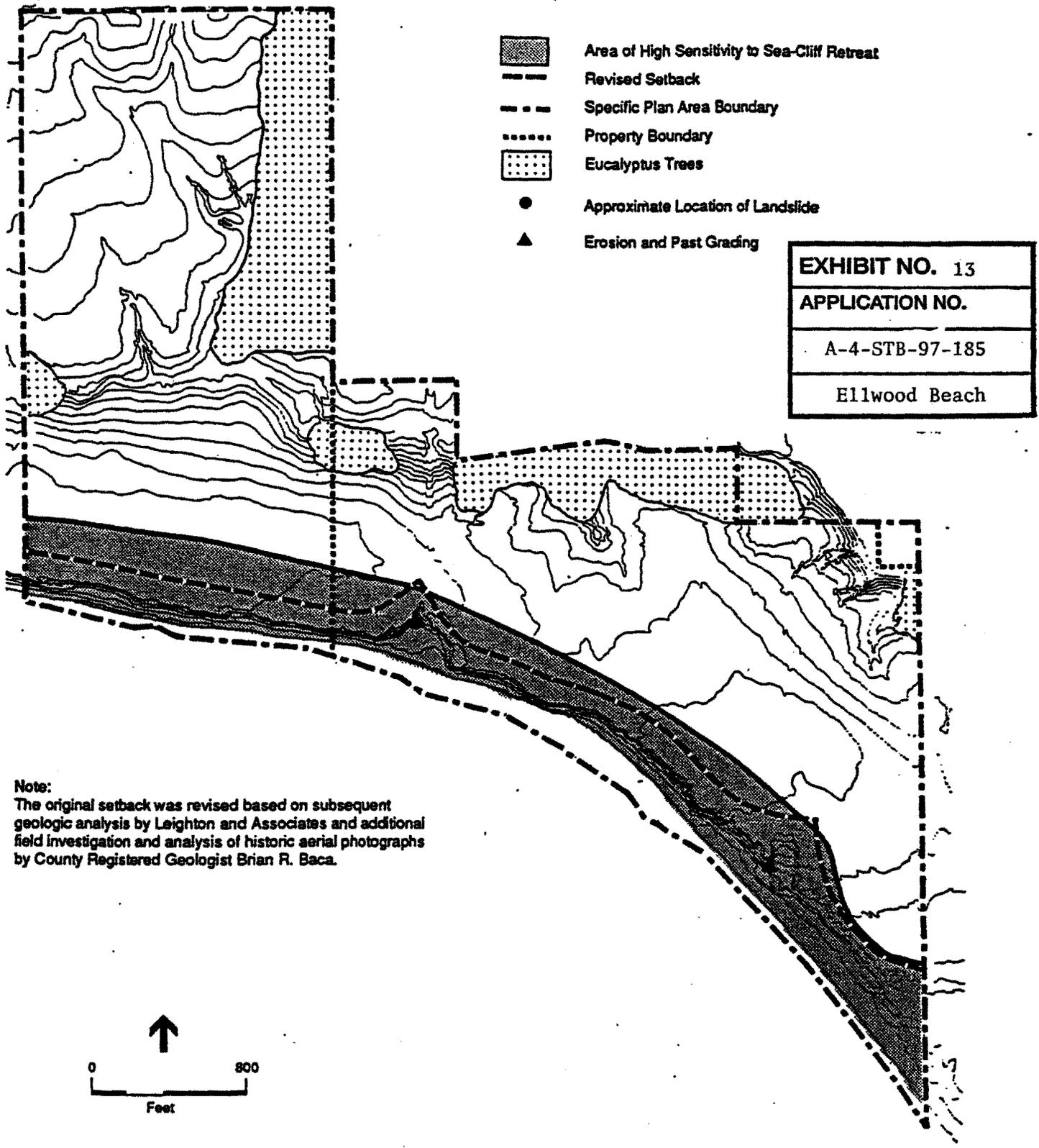


ELLWOOD BEACH - SANTA BARBARA SHORES  
CIRCULATION PLAN

II-2

\* Precise locations to be determined prior to recordation of final map.





**Figure VL.C.3**  
 Specific Plan Area Zone of High  
 Sensitivity to Sea-Cliff Retreat

SOURCE: Environmental Science Associates, Inc.

EXHIBIT NO. 14
APPLICATION NO.
A-4-STB-97-185
Ellwood Beach

## ATTACHMENT H

### CONDITIONS OF APPROVAL FOR TM 14,417 MONARCH POINT RESERVE

Page 1 of 2

1. This Tract Map is based upon, and limited to, compliance with the project description, the Planning Commission Exhibits marked A - E, stamped August 6, 1997, and conditions of approval set forth below. Any deviations from the project description, exhibits, or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The Project description is as follows:

**Proposed Tract Map 14,417 (Exhibit A) would divide the SBDP property into 155 residential lots (ranging in size from 4530 SF to 10,943 SF; with an average lot size of 6300 SF), 2 siltation basin lots (of 41,101 and 27,089 SF; 1.52 acres), 9 common open space lots (2.71 acres; this includes the siltation basins), 5 public open space lots (101.73 acres; of which 8.17 acres include the bluffs and 1 lot of 0.14 acres is reserved for the potential transfer of 1 unit from the Ellwood Ranch property). The development footprint includes approximately 33 acres.**

**Consistent with the Specific Plan, primary access would be via the southerly extension of Santa Barbara Shores Drive through to the SBDP property. Internal circulation would consist of an east-west trending roadway with numerous cul-de-sacs. The access road would be developed to a maximum 52-foot right-of-way (42-foot width at the Devereux Creek crossing) generally including two 12-foot wide travel lanes, two 4-foot bicycle lanes, and two 10-foot landscape buffers (reduced over creek crossing section) with traditional and meandering up to 4-foot sidewalks. All internal project roadways would be private and maintained by the homeowner's association (although with the exception of motor vehicles, public access would be allowed on all project roadways and sidewalks). An emergency access easement would be provided eastward from the eastern end of the development footprint and coordinated with the access road on the UCSB North Campus property. Improvements would be limited to widening the dirt surface of the existing trail (approximately 12-foot easement width exclusive of fencing/landscaping), installation of a permeable all-weather surface (e.g. grass crete), and provision of emergency gate(s) as required by the Fire Department.**

**Improvements at the Devereux Creek over-crossing include a culvert which would be required to provide 100-year floodwater capacity. The finish surface of Santa Barbara Shores Drive would range from approximately 6 - 15 feet above existing grade. A keystone system retaining wall would be installed to support fill slopes. This wall would be approximately 300 feet in length on the east side and 350 feet on the west side.**

Grading is proposed for streets, infrastructure, and all residential lots. In general, residential lots would drain to streets. Storm drains would direct water into siltation basins where ponding would occur before outletting into Devereux Creek. Preliminary earthwork calculations total approximately 90,000 cubic yards of both cut and fill to be balanced onsite (updated 5/97 per project engineer from 101,000 cut/fill shown on tract grading plans). Rough grading of the entire development footprint area is proposed with the first phase; final grading would occur in association with phased recordation of portions of the tract map.

The Monarch Point Reserve project would be served by the Goleta Water District (GWD). A looped water system is proposed involving extension of GWD water lines from Santa Barbara Shores Drive as well as from near the terminus of Phelps Road to the east. The Goleta West Sanitary District (GWSD) would serve the project via a connection to existing lines along Devereux Creek near the proposed culvert. Other services would be provided by Southern California Edison, Southern California Gas Company, General Telephone Company, and Cox Cable Company.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased, or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

## MITIGATION MEASURES

Note: Mitigation Measures in Conditions #2 through #131 are contained in Exhibit #15, Conditions of Approval for Development Plan 96-DP-026.

EXHIBIT NO.	15
APPLICATION NO.	
	A-4-STB-97-185
	Ellwood Beach

## ATTACHMENT I

### CONDITIONS OF APPROVAL FOR 96-DP-026 MONARCH POINT RESERVE

Page 1 of 45

1. The Development Plan is based upon, and limited to, compliance with the project description, the Planning Commission Exhibits marked A - E, stamped August 6, 1997, and conditions of approval set forth below. Any deviations from the project description, exhibits, or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

SBDP proposes construction of 155 detached single-family dwelling units within a development footprint of approximately 33 acres under Development Plan 96-DP-026. Residential density calculated over the entire 134.86 acre property would be 1.15 dwelling units per acre (du/acre), while the effective density within the development footprint is 4.68 du/acre with average lot size of approximately 6300 square feet (SF). Homes would range in size from 2500 to 3600 SF (including 2 or 3 car garages) and would be constructed in a California Spanish Colonial style theme. Specific floorplans have been assigned to individual lots as per the applicant's Lotting Plan (Planning Commission Exhibit D, stamped August 6, 1997).

Consistent with the Specific Plan, primary access would be via the southerly extension of Santa Barbara Shores Drive through to the SBDP property. Internal circulation would consist of an east-west trending roadway with numerous cul-de-sacs. The access road would be developed to a maximum 52-foot right-of-way (42-foot width at the Devereux Creek crossing) generally including two 12-foot wide travel lanes, two 4-foot bicycle lanes, and two 10-foot landscape buffers (reduced over creek crossing section) with traditional and meandering up to 4-foot sidewalks. All internal project roadways would be private and maintained by the homeowner's association (although with the exception of motor vehicles, public access would be allowed on all project roadways and sidewalks). An emergency access easement would be provided eastward from the eastern end of the development footprint and coordinated with the access road on the UCSB North Campus property. Improvements would be limited to widening the dirt surface of the existing trail (approximately 12-foot easement width exclusive of fencing/landscaping), installation of a permeable all-weather surface (e.g. grass crete), and provision of emergency gate(s) as required by the Fire Department.

Improvements at the Devereux Creek over-crossing include a culvert which would be required to provide 100-year floodwater capacity. The finish surface of Santa Barbara Shores Drive would range from approximately 6 - 15 feet above existing grade. A keystone system retaining wall would be installed to support fill slopes.

This wall would be approximately 300 feet in length on the east side and 350 feet on the west side.

Project landscaping is proposed to screen and enhance development and includes planting of the entry, internal streetscape, the southern development boundary, common open space areas, individual lots, siltation basins, public parking area, and along trail fencing. Vegetation would be required to be at least 75 percent native drought-tolerant coastal vegetation or naturalized trees, shrubs, and groundcovers.

Common open space within the Monarch Point Reserve development totals 2.71 acres (9 lots) and includes primarily a lot with clubhouse and pool, a north-facing slope west of the entry road, 2 siltation basins, and five alley lots at the end of cul-de-sacs which would allow future residents private access. The private bluff access trails (as opposed to the public access trails) would be gated with 5-foot wrought iron fencing in the center of these common area lots. Common area plantings would be inside the gate and compatible native species on the bluff side of the gates. Public open space includes 102 acres (in 5 lots) for the preservation and protection of existing sensitive biological resources (beach, coastal bluff, vernal pool, native grassland, riparian, and eucalyptus/monarch butterfly habitats).

The Development Plan includes an Open Space Nature Preserve (OSNP) encompassing these areas of sensitive biological resources (above referenced 5 public open space lots). An Open Space and Habitat Management Plan (OSHMP) that proposes an approach to ownership, maintenance, monitoring, enforcement, education, and funding issues related to the OSNP has also been submitted. The OSHMP is on file at P&D.

The OSHMP also includes an Open Space and Recreation Component. The objectives of this component would be to create a defined trail system that protects biological resources by limiting and redirecting access. The trail system and recreational facilities proposed under the Development Plan include north-south trails from the bluff to the northern property boundary and east-west trails including one along the bluff top (the coastal access trail) and a trail through the northern main eucalyptus grove (a substantial portion of this trail is offsite). Additional trail segments are proposed including an east-west trail segment that would be coterminous with the emergency access. Onsite trails are intended to connect with existing regional trails in the area. The trail system is described on the Coastal Access and Public Use Plan (Planning Commission Exhibit E, stamped August 6, 1997) as amended by Attachment K to the Board Action Letter of August 22, 1997. Improved widths would generally be 5-foot pedestrian, 10-foot bicycle, and 8-foot equestrian trails.

Other recreational amenities and facilities include plantings, fencing, educational/interpretive signage, informal seating areas, bicycle racks, two blufftop gazebos, and two coastal access points. Consistent with the Specific Plan, public parking includes a minimum of 20 spaces (see Board of Supervisors Action Letter

dated August 22, 1997; Attachment H, Condition 75). The OSHMP describes installation and management of recreational facilities.

Grading is proposed for streets, infrastructure, and all residential lots. In general, residential lots would drain to streets. Storm drains would direct water into siltation basins where ponding would occur before outletting into Devereux Creek. Preliminary earthwork calculations total approximately 90,000 cubic yards of both cut and fill to be balanced onsite (updated 5/97 per project engineer from 101,000 cut/fill shown on tract grading plans). Rough grading of the entire development footprint area is proposed with the first phase; final grading would occur in association with phased recordation of portions of the tract map.

The Monarch Point Reserve project would be served by the Goleta Water District (GWD). A looped water system is proposed involving extension of GWD water lines from Santa Barbara Shores Drive as well as from near the terminus of Phelps Road to the east. The Goleta West Sanitary District (GWSD) would serve the project via a connection to existing lines along Devereux Creek near the proposed culvert. Other services would be provided by Southern California Edison, Southern California Gas Company, General Telephone Company, and Cox Cable Company.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased, or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

## **MITIGATION MEASURES**

### **WATER**

2. Outdoor water use shall be limited through the measures listed below:

- a) Landscaping shall be with native and/or drought tolerant species.
- b) Drip irrigation or other water saving irrigation shall be installed.
- c) Turf shall constitute less than 20 percent of the total landscaped area within the development footprint for the SBDP development; to ensure this limit is met, no more than 40 percent of private yards shall be in turf.
- d) No turf shall be allowed on slopes over 4 percent.
- e) Extensive mulching (2" minimum) shall be used in all landscaped areas to improve the water holding capacity of the soil by reducing evaporation and soil compaction.
- f) Soil moisture sensing devices shall be installed to prevent unnecessary irrigation.

**Plan Requirements:** Prior to approval of a Coastal Development Permit, a final landscape and irrigation plan shall be submitted to P&D for review and approval. The applicant/owner shall enter into an agreement with the County to install required landscaping/irrigation and maintain required landscaping for the life of the project. Turf restrictions shall be included in the project CC&Rs. **Timing:** The applicant shall implement all aspects of the landscape and irrigation plan prior to occupancy clearance. P&D shall review and approve CC&Rs prior to approval of a CDP for grading.

**MONITORING:** Permit Compliance shall conduct site visits to ensure installation. Any part of the irrigation plan requiring a plumbing permit shown on building plans shall be inspected by Building Inspectors.

3. For each phase of the development, the applicant shall secure a water allocation from the County pursuant to Resolution 97-15 and a Can and Will Serve Letter from the Goleta Water District. Any water required for the Open Space and Habitat Management Plan (OSHMP) shall be provided with the first phase of development. **Plan Requirements and Timing:** Prior to approval of any Coastal Development Permits for grading or structural development, the applicant shall provide P&D a CAWSL from the District indicating adequate service for the phase being recorded.

**MONITORING:** P&D staff shall ensure Can and Will Serve Letters have been secured.

## **TRAFFIC**

4. The applicant shall work with the Santa Barbara Shores Homeowners Association and Public Works in preparing a traffic calming program for Santa Barbara Shores Drive (and adjacent streets if appropriate). **Plan Requirements and Timing:** The applicant shall provide letter of comment from the homeowners association regarding traffic calming measures to P&D prior to approval of a Coastal Development Permit for grading. P&D and Public Works shall review and approve traffic calming program if 75% of affected homeowners approve the program prior to approval of a Coastal Development Permit for grading.

**MONITORING:** P&D and Public Works shall site inspect for installation of traffic calming measures according to approved plan.

5. The applicant shall participate in an Alternative Transportation Program which includes an annual contribution of \$5000 over a 5 year period to assist in funding of the operation and maintenance of the UCSB/Ellwood shuttle system. **Plan Requirements and Timing:** The applicant shall enter into an agreement with the County of Santa Barbara which identifies timing of payment and includes a financial assurance for total fees required. The first payment shall be submitted prior to approval of a Coastal Development Permit for grading.

**MONITORING:** P&D shall review and approve agreement and ensure payment of first \$5000 prior to recordation of the map and ensure subsequent yearly payments as a part of ongoing monitoring of the project.

## **GEOLOGY AND FLOODING**

6. The site plan shall include a 50-foot building setback on either side of the mapped traces of the More Ranch and North Ellwood faults. In addition, no habitable structures shall be located within the bluff setback area. **Plan Requirements and Timing:** The applicant shall submit plans indicating compliance with the above setbacks prior to approval of a Coastal Development Permit for structural development.

**MONITORING:** P&D shall site inspect for construction according to plan.

7. The applicant shall submit a grading, drainage, and erosion control plan. The plan shall include, but not be limited to, the following:
- a. Temporary berms and sedimentation traps installed in association with project grading to minimize erosion of soils into Devereux Creek. The applicant shall provide a detailed proposal for such temporary measures for review and approval with the final grading plan.
  - b. Revegetation or restoration with included measures to minimize erosion and to reestablish soil structure and fertility. Revegetation shall include native, fast-growing, viney plants that will quickly cover the outlet structures for the northeast siltation basin, and thrive in a rocky environment. Local native species shall be utilized first, followed by these suggested species: Wild Blackberry (*Rubus ursinus*), Poison oak (*Toxicodendron diversiloba*), Chaparral Morning Glory (*Calyptegia macrostegia, subspecies cyclostegia*), Mugwort (*Artemisia douglasiana*), Creek clematis (*Clematic liquisticifolia*).
  - c. Outlet structures for the siltation basins shall utilize natural rock or steel gabions for bank retaining walls. If concrete must be used, the prefabricated crib wall construction is recommended rather than poured concrete. Rock grouting shall be used only if no other feasible alternative is available.
  - d. Installation of drain and outlet structures for the siltation basins shall minimize disturbance or alterations to the creek bottom, and undisturbed natural rocks embedded in the stream bank shall be utilized as a base to tie in rip-rap. Direct outlets to the creek shall be located and designed with appropriate energy dissipaters to reduce erosion and sedimentation into the stream channel.
  - e. An energy dissipater at the base end of the drain pipe outlet shall be installed, or a similar device such as trash racks or baffles, shall be installed to insure minimal erosion during storm events. To prevent children from entering the storm drain system, pipes shall be covered with a grate.
  - f. All storm drains shall be shown on drainage plans. Easements shall be designed to allow proper installation and shall be placed in the least environmentally damaging

- area. Easements shall be located to minimize environmental impacts and shall be approved by P&D and Flood Control District.
- g.** Within areas of high sea-cliff erosion sensitivity, drainage shall be directed ~~into~~ proposed storm drains away from the cliff face. Drainage from project streets and building pads shall not be permitted directly over the seacliff.
  - h.** Grading shall be prohibited within 50 feet of the top-of-bank of ~~Devereux Creek~~ except for Santa Barbara Shores drive extension improvements.
  - i.** Methods such as retention basins, drainage diversion structures, and ~~spot grading~~ shall be used to reduce siltation into adjacent streams.
  - j.** Graded areas shall be revegetated within 4 weeks of grading activities with deep-rooted, native, drought-tolerant species (wherever possible and practical) to minimize slope failure and erosion potential. The use of geotextile binding fabrics may be necessary to hold soils until vegetation is established. Revegetation for stabilization over the long-term shall include use of native shrubs of a ~~minimum~~ 1-gallon size, raised from appropriate seed stock.
  - k.** Grading of slopes shall be designed to minimize surface water runoff.
  - l.** Grading and clearance shall begin as soon as possible after April 1 and shall extend no later than November 1 on sensitive portions of the site, as determined by P&D, to allow establishment of vegetation prior to the following rainy season.
  - m.** Grading shall not occur during the wet season (November 1 - April 1), unless erosion control devices acceptable to P&D and Public Works are implemented. However, grading of siltation basins, the Santa Barbara Shores Drive extension, and areas in proximity to the creek or highly erosive soils shall only occur during the non-rainy period.
  - n.** Temporary storage of construction equipment shall be limited to ~~designated areas~~ approved by P&D. These areas shall be consistent with the OSHMP and all other conditions.
  - o.** Temporary siltation protection devices such as silt stop fencing, straw bales, and sand bags shall be placed at the base of all cut and fill slopes and soil stockpile areas where potential erosion may occur. P&D and onsite monitors shall ~~determine~~ specifically which lots require siltation runoff-prevention devices.
  - p.** Areas identified in the geologic and soils investigation as ~~experiencing~~ accelerated erosion will be rehabilitated by regrading, replanting, and restoring ~~normal~~ surface drainage conditions as necessary. Areas intended for rehabilitation shall be identified on final grading and drainage plans. Any such activities shall be consistent with the OSHMP and all other project conditions.

- q. Top soil shall be retained from graded areas for use in revegetation of cut and fill slopes.

**Plan Requirements and Timing:** These requirements shall be graphically depicted (as applicable) on project grading, drainage, erosion control, and building plans. Grading, drainage, and erosion control plans shall be reviewed and approved by P&D and Flood Control prior to approval of a Coastal Development Permit for grading.

**MONITORING:** P&D shall site inspect to ensure compliance with approved plans.

8. A plan for temporary construction fencing (and any necessary signage) shall be provided. Fencing shall be chain link unless other fencing is specifically allowed by P&D in other areas. Silt fencing shall be placed at the base of chain link fencing and shall be reinforced by sand bags. **Plan Requirements:** At a minimum temporary construction fencing shall be provided around the periphery of the development footprint (including space for maneuvering of construction equipment), along the roadway corridor for the extension of Santa Barbara Shores Drive, along the emergency access corridor, and along other areas of sensitive geologic conditions and biological resources that are within 50 feet of proposed ground disturbances. All construction fencing shall be consistent with the OSHMP and all other conditions. Final grading plans shall include a notation showing "Limit of Grading" at the boundaries of proposed ground disturbances consistent with the limits of grading shown on the preliminary grading plan for TM 14,417 (Planning Commission Exhibit B, stamped August 6, 1997) except that grading adjacent to the Main Aggregation area shall be revised consistent with Condition 39 and final grading shall be consistent with Condition 65. The area provided for equipment maneuvering beyond the "Limit of Grading" shall be minimized (20-foot width currently shown along Lots 71 - 76 shall be reduced). Any grading modifications and/or need to increase space for equipment maneuvering identified during grading/construction shall occur inside areas proposed for disturbance/construction and shall not result in encroachment into areas of sensitive geologic conditions and/or biologic resources. Gaps in the fencing shall be provided (approximately 4 feet wide) where appropriate in order to provide public access at trail locations if designated public access would otherwise be blocked.

**Timing:** Final grading plans and the construction fencing plan shall be reviewed and approved by P&D and Public Works prior to approval of a Coastal Development Permit for grading. A pre-fence installation meeting shall be held onsite between the applicant, P&D, and Public Works prior to approval of a CDP for grading.

**MONITORING:** P&D shall site inspect for proper installation of fencing in the field and shall monitor periodically throughout grading and construction activities.

9. Backfilling of soils behind the keystone retaining system for the construction of the entry road shall occur from within the roadbed in order to minimize erosion and sedimentation within the creek corridor and eucalyptus grove. **Plan Requirements and Timing:** This requirement shall be noted on applicable grading and construction plans which shall be

reviewed and approved by P&D and Public Works prior to approval of a Coastal Development permit for grading.

**MONITORING:** P&D shall site inspect for compliance with this requirement.

10. The Santa Barbara Shores crossing of Devereux Creek shall include an arch culvert. **Plan Requirements:** An arch culvert shall be included on project grading and construction plans. If an arch culvert would not adequately convey 100 year flows, then a small bridge crossing shall be provided. Bridge abutments shall be placed outside of the 100-year floodway as supported by engineering analysis. The bridge shall not have any support structures within the creek (if engineering is feasible). **Timing:** Prior to approval of a Coastal Development Permit for grading, project plans shall be revised to include an arch culvert (as an alternative to the currently shown box culvert). The arch culvert shall also be shown on grading and construction plans along with a detailed description of construction in the creek area which shall be reviewed and approved by P&D and PW prior to approval of a Coastal Development Permit for grading.

**MONITORING:** Public Works shall field inspect for compliance.

11. A Flood Protection Plan shall be provided and shall include, but not be limited to, the following:
- a. Prohibition of habitable structures within the 50 foot setback from the top of bank of Devereux Creek. The applicant shall dedicate a flood control easement for access and maintenance purposes to the Flood Control District, which includes the creek bed out to 25 feet from the top of bank. This easement shall be included on the tract map.
  - b. Debris plugging bridge locations and overland escape.
  - c. Documentation using an engineering analysis showing that grading in the floodway does not raise the 100-year water surface elevation.
  - d. A drainage plan to include standard requirements, bank stabilization, sediment basins, and erosion control measures.

**Plan Requirements and Timing:** Prior to approval of a Coastal Development Permit for grading, the applicant shall submit a Flood Protection Plan to the satisfaction of P&D and the Flood Control District.

**MONITORING:** P&D and the FCD shall site inspect to ensure all requirements are complied with in the field.

12. The following flood control measures shall be included on the final grading and drainage plans:
- a. All storm drains and drainage inlets shall be designed for a peak 25-year runoff event with an overland escape for large storm event flows. Where positive overland

escape cannot be reasonable provided, storm drains and drainage inlets shall be sized for 100-year storm.

- b. Drainage shall be conducted in streets to drop inlets and storm drain facilities. Concrete curbs and gutters shall be constructed to control drainage in the streets.
- c. Storm drains shall outlet into the proposed siltation basins. These basins shall be designed to pond runoff sufficient to allow settlement of silt from the water. Storm drain outlets shall be constructed to conduct the drainage from the basin to the natural drainage course. An overflow structure shall be constructed to provide for any excess flow not carried by the storm drain.

**Plan Requirements and Timing:** The final map and final grading and drainage plans shall be reviewed and approved by P&D and Flood Control prior to approval of a Coastal Development Permit for grading.

**MONITORING:** P&D, Flood Control, and Public Works shall check for inclusion of these measures in project plans prior to approval of a Coastal Development Permit. Public Works shall site inspect to ensure compliance.

13. Project siltation basins shall be maintained by the Monarch Point Reserve homeowners association (HOA). **Plan Requirements and Timing:** Project plans shall be revised to designate siltation basin lots (Lots 156 and 157) as "Common Open Space" lots. Maintenance responsibilities for silt cleanout, restoration of plantings (after cleanout), and for pollution filters shall be described in project CC&Rs which shall be reviewed and approved by P&D prior to approval of a Coastal Development Permit for grading. This shall include timing and specific requirements for maintenance. At minimum, maintenance shall include desilting of the basins prior to issuance of occupancy clearance for the first unit, whenever silt accumulates to a depth of 2 feet, or as additionally determined to be necessary by the FCD or the homeowner's association. Pollutant filters associated with basins shall be maintained based on manufacturers specifications. If these are not explicit, the applicant shall provide additional information on required maintenance schedule to ensure adequate maintenance by the HOA.

**MONITORING:** P&D and the FCD shall site inspect for compliance.

14. Prior to approval of a Coastal Development Permit for grading, the applicant shall obtain proof of exemption or proof that a National Pollutant Discharge Elimination System Storm Water Permit from the California Regional Water Quality Control Board has been applied for by registered mail.

**MONITORING:** P&D shall review the documentation prior to CDP approval.

#### **OPEN SPACE AND HABITAT MANAGEMENT PLAN (OSHMP)**

15. An Open Space and Habitat Management Plan (OSHMP) for the entire Santa Barbara Development Partnership portion of the Ellwood Beach - Santa Barbara Shores Specific

Plan area shall be revised pursuant to Attachment G to the Board of Supervisors Action Letter dated August 22, 1997. **Plan Requirements:** The revised OSHMP shall be consistent with the approved Specific Plan, associated Development Standards, and Monarch Point Reserve project conditions of approval. The OSHMP shall be coordinated with the Specific Plan for the UCSB North Campus property to ensure maximum protection of Devereux Creek, Devereux Slough, and the adjacent upland and marine habitats. The components of the OSHMP identified below shall be developed in conjunction with qualified experts acceptable to the County.

The revised OSHMP shall address, but not be limited to, the following topics: **Monarch** butterflies, native grasslands, Devereux Creek, vernal pools, rare plant species, coastal dune and bluff habitat, regional coordination, and an open space and recreational component.

The revised OSHMP shall be consistent with Specific Plan Development Standards. The project plans, including site plan, grading plan, landscape plan, and final map shall incorporate the provisions of the OSHMP where they can be graphically displayed and shall incorporate other OSHMP provisions by reference.

Any revisions to the OSHMP shall be reviewed and approved by P&D or applicable County decision maker through the appropriate permit process (i.e., substantial conformity, amendment, or revised permit).

**Timing:** The OSHMP as revised by conditions of approval shall be reviewed and approved by P&D prior to approval of a Coastal Development Permit for grading. P&D shall consult with affected agencies and districts during review and approval of the OSHMP (and/or resource plans) including, but not limited to, the Santa Barbara County Park Department, Santa Barbara County Fire Department, Santa Barbara County Flood Control District, Santa Barbara County Environmental Health Services, the Mosquito Abatement District, the Goleta West Sanitary District, the Department of Fish and Game, the Army Corps of Engineers, Regional Water Quality Control Board, and the Coastal Commission.

**MONITORING:** P&D shall ensure adequacy of OSHMP prior to CDP approval.

16. The revised OSHMP shall include a provision for an Advisory Committee to facilitate proper management of the natural resources and coordination of management efforts on adjacent and nearby properties. Diligent effort shall be made to secure participation on the Committee by all appropriate parties including, but not limited to, members from the County (P&D, Flood Control, Park Department), UCSB, Goleta West Sanitary District, Department of Fish and Game, Save Ellwood Shores, and representatives from the Santa Barbara Shores and Monarch Point Reserve HOAs. The applicant, in conjunction with the Committee, shall prepare a long-term management plan for the land to be preserved. **Plan Requirements:** The plan shall include, but not be limited to, the following:

- a) The creation of an ecological interpretative center (not necessarily a major structure) for the purpose of public education and involvement;

- b) The design of a regional trail system which allows for public access to open space areas, while directing recreational activities away from sensitive resources;
- c) Maintenance of appropriate buffer zones around sensitive resources by installing fencing and signage;
- d) Implementation of a management plan to decrease siltation entering the slough; and
- e) The conservation/management entities shall convene a meeting at least once a year to review management of the site and to solicit input from the committee.

**Timing:** The applicant shall submit evidence of diligent efforts to contact participants to schedule initial meetings to discuss long-term management plan and shall submit initial recommendations from the committee. P&D shall review and approve the long-term management plan prior to approval of a Coastal Development Permit for grading. Implementation of the program shall occur prior to issuance of the first occupancy permit. Management shall be part of the ongoing OSHMP.

**MONITORING:** P&D shall site inspect for adequate implementation of the plan.

17. The deed, easement(s), or other conveyances for the areas covered by the OSHMP shall be reviewed and approved by P&D. The management/conservation entities shall be approved by the County, Save Ellwood Shores, and the League for Coastal Protection. **Plan Requirements and Timing:** The conveyance(s) shall be executed prior to approval of a Coastal Development Permit for grading. Examples of potential entities include, but are not limited to, the following: The Land Trust for Santa Barbara County; the Botanic Garden; the Museum of Natural History; the Parks Department; the UC Reserve System; The Nature Conservancy; and the County of Santa Barbara.

The management contract shall include, but not be limited to, the following goals and objectives relating to the preservation, management, and enhancement of resources:

- a. The enforcement of the OSHMP and associated project description and mitigation measures/conditions of approval.
- b. Maintenance of OSHMP infrastructure and property management.
- c. Development of a public education component involving signage/mapping of on-site resources.

**MONITORING:** P&D shall review, approve, and ensure receipt of a copy of the signed conveyance document(s) prior to CDP approval.

18. P&D shall review and approve the method of funding of the OSHMP area and the conceptual start-up, near-term, and long-term operation/maintenance budgets (long-term funding shall be appropriate to cover necessary management activities over the life of the project, estimated to be 75-years). Long-term funding of the OSHMP shall be ensured through a combination of endowment and homeowners fees. A provision for adjustment of

homeowner's fees over time due to inflation shall be included. Final funding and budgets shall be signed-off as adequate by the title and conservation entities and P&D and the Park Department prior to approval of a Coastal Development Permit for grading.

**MONITORING:** P&D shall check for endorsement of funding and budgets and shall review and approve same prior to CDP approval.

19. Prior to approval of a Coastal Development Permit for grading of the first phase of the project, two types of performance securities shall be provided for each restoration program required as part of the revised OSHMP. One shall be equal to the value of installation and/or replacement of all required items and one equal to the value of maintenance of the items for the required maintenance period. The amounts shall be agreed to by P&D. The installation security shall be released upon satisfactory installation. If plants and irrigation (and/or other required infrastructure, such as fencing) have been established and maintained, P&D may release the maintenance security after 3 - 5 years, depending on the specific restoration program. If the applicant fails to either install or maintain according to plan, P&D may collect security and complete work on the property.

**MONITORING:** P&D shall site inspect prior to sign-off for release of both installation and maintenance securities.

20. The final location of the coastal access trail shall minimize impacts associated with the seacliff retreat zone. Conveyance documents for the OSHMP area shall include provisions for the landward relocation of this trail in the event erosion occurs during the life of the project. **Plan Requirements and Timing:** A meeting shall be held onsite between the applicant, P&D, and the Parks Department to determine the initial bluff setback distance and to finalize the location of the 24-foot easement and trails. The paved bikeway trail shall be located on the landward side of the easement and the hiking/equestrian trail on the bluffside. Prior to approval of a Coastal Development Permit for grading, project plans shall be revised consistent with final easement location. OSHMP conveyance documents shall be reviewed and approved by P&D prior to approval of a Coastal Development Permit for grading.

**MONITORING:** P&D shall check for compliance with these requirements prior to CDP approval.

21. The two proposed gazebos shall be removed from the project plans and shall be replaced with informal seating located off the bluff face/edge. **Plan Requirements and Timing:** Project plans and the OSHMP shall be revised consistent with this requirement prior to approval of a Coastal Development Permit for grading.

**MONITORING:** P&D shall check for plans prior to CDP approval and shall site inspect to ensure compliance with approved plans.

22. Trail construction shall minimize impacts in areas already prone to erosion and at locations of creek/wetland overcrossing. Specifics on trails construction and maintenance shall be included in the Open Space and Habitat Management Plan (OSHMP), including details for those trail sections requiring grading, steps, footbridges, restoration plantings, etc. **Plan Requirements:** Trails shall be constructed with necessary erosion-control protection including, but not limited to, water bars, drains, and steps. **Timing:** The OSHMP shall be

reviewed and approved by P&D and the Park Department prior to approval of a Coastal Development Permit for grading. Trails shall be constructed prior to occupancy clearance for the first residence.

**MONITORING:** Permit Compliance shall site inspect to ensure construction according to approved plans.

23. The public open spaces and trails (with the exception of the coastal access trail) shall be dedicated in perpetuity to the management/conservation entities designated to receive areas of the OSHMP. **Plan Requirements:** Title of the public open space shall be held by the conservation entity, with an easement to a separate entity capable of assisting in managing and enforcing the Open Space and Recreation Component. (Such entities may include The Land Trust for Santa Barbara County, the Botanic Garden, the Museum of Natural history, the UC Reserve System, the Park Department, The Nature Conservancy, etc.) **Timing:** This agreement shall be recorded prior to approval of a Coastal Development Permit for grading.

**MONITORING:** P&D and County Counsel shall review and approve the agreement ensuring consistency with management of biologically sensitive areas of the OSHMP area.

24. The OSHMP shall be revised to incorporate Fire Department requirements for the proposed Fire Control Plan for the eucalyptus trees **Plan Requirements and Timing:** The revisions to the Fire Control Plan in the OSHMP shall be reviewed and approved by P&D and the Fire Department prior to approval of a Coastal Development Permit for grading.

**MONITORING:** P&D shall ensure inclusion in the OSHMP management contract.

25. The applicant shall provide an orthophoto(s) at the same scale as project plans. **Plan Requirements and Timing:** The orthophoto shall be reviewed and approved by P&D prior to recordation of the map.

**MONITORING:** P&D shall ensure provision of orthophoto prior to recordation.

26. Dumping of yard clippings in public open space areas shall be prohibited unless expressly deemed acceptable by the OSHMP manager. This requirement shall be included in project CC&Rs. **Plan Requirements and Timing:** Permission to dump yard clippings in public open spaces shall be provided by the OSHMP manager in writing and shall be submitted to P&D for review and approval prior to recordation or as part of any future OSHMP revision. Project CC&Rs shall be reviewed and approved by P&D prior to recordation.

**MONITORING:** P&D shall site inspect for compliance.

## TERRESTRIAL AND WETLAND BIOLOGY

### Eucalyptus Grove

27. A 50-foot buffer between the southerly footprint of the Ellwood Main Grove and structures and roadways shall be provided. Improvements to Santa Barbara Shores Drive are excepted from this requirement. **Plan Requirements and Timing:** The 50-foot buffer shall be staked in the field in selected locations and shall be indicated on project plans which shall be reviewed and approved by P&D prior to approval of Coastal Development Permit for grading. P&D shall review and approve grading and construction plans for inclusion of this setback boundary prior to approval of Coastal Development Permits for grading and structural development.

**MONITORING:** P&D shall site inspect to ensure compliance.

28. Improvements to the extension of Santa Barbara Shores Drive shall be designed and constructed to minimize removal of, and/or damage to, eucalyptus trees in the grove. **Plan Requirements:** Improvements to Santa Barbara Shores Drive shall be identified on applicable plans submitted for a Coastal Development Permit. Any tree removal shall be identified in the Tree Protection and Replacement Plan. Tree replacement locations shall be identified in the plan and replanting shall occur consistent with this plan. **Timing:** P&D shall review and approve replanting program prior to approval of a Coastal Development Permit for grading. Replanting shall occur prior to issuance of the first occupancy permit.

**MONITORING:** P&D shall site inspect for compliance with replanting program and Building and Safety shall ensure construction of roadway according to plan.

29. Roads within the development shall be limited to two-lane roadways. Any future widening of roadways by the Public Works Department would require further review. **Plan Requirements and Timing:** Project plans shall be reviewed and approved by P&D for consistency with this requirement prior to approval of a Coastal Development Permit for grading.

**MONITORING:** P&D shall site inspect for construction according to plan.

30. A Tree Protection and Replacement Program, prepared by a P&D-approved arborist/biologist, shall be implemented. **Plan Requirements:** The program shall include, but not be limited to, the following:

- a. A map shall be prepared showing the location and extent of dripline for **all trees, or groupings of trees, and identification of all trees which are to be removed and those that would remain (primarily in the location of the new entry road, emergency access, and along the southern periphery of the Main Grove and where water line or trail construction would affect trees).**

- b. All ground disturbances within the driplines of trees designated to be retained shall be prohibited except fencing, trail construction, interpretive signing, benches, and approved roadway improvements to the extension of Santa Barbara Shores Drive.
- c. Temporary fencing with chain link or other material satisfactory to P&D shall be required to be installed 50 feet from the edge of the eucalyptus grove, or 3 feet from smaller trees on the edge of the grove, whichever is greater, to the greatest extent feasible while still allowing for approved grading for site development. This exception shall not apply to the 50-foot buffer around the Main Aggregation area which shall be strictly enforced (see also Condition 8 and 39). All other trees within 25 feet of proposed ground disturbances shall also be temporarily fenced 3 feet from their driplines. These requirements shall apply in all areas where trees may be impacted except where development has been approved (Santa Barbara Shores Drive extension, the siltation basins, some of the lots in the northerly portion of the development footprint, and potentially at the juncture of the emergency access and the Aminoil road on the UCSB property to the east), where trees have been designated for removal (potentially the easterly clump of blufftop eucalyptus trees and trees in the southerly portion of the South Grove), and in selected locations of proposed trail construction where heavy equipment would not be utilized. Fencing shall be shown on project grading and building plans and shall remain in place throughout all grading and construction activities.
- d. No construction equipment or supplies shall be parked, stored, or operated within 3 feet of any eucalyptus tree or willow dripline.
- e. Any construction activity required within 3 feet of any eucalyptus tree or willow dripline shall be done with hand tools, if feasible. Exceptions to this requirement shall be approved by the biologist in advance.
- f. Any pervious or impervious artificial surfaces shall be prohibited within the dripline of any tree unless surfaces such as roads are specifically approved in such locations.
- g. Any roots encountered that are one inch in diameter or greater shall be cleanly cut and sealed with a tree-seal compound.
- h. Only designated eucalyptus or willow trees shall be removed. Any of these trees which are removed, shall be replaced on a 3:1 basis for eucalyptus trees and 5:1 basis for willow trees. New plantings shall be at a minimum 5-gallon size saplings from locally obtained seed except eucalyptus replacement which need not be locally obtained and shall be irrigated and maintained until established (5 years). New plantings shall be protected from predation by wild and domestic animals, and from human interference, by use of fencing for the duration of the establishment period. Native trees can be utilized (and are preferred) as replacements for eucalyptus trees removed.

- i. All utilities shall be placed within or directly adjacent to roadways and driveways or in a designated utility corridor in order to minimize impacts to eucalyptus and willow trees.

**Timing:** The Tree Protection and Replacement Program shall be reviewed by P&D prior to approval of a Coastal Development Permit for grading.

**MONITORING:** P&D shall site inspect during grading and construction for adequacy of temporary fencing, and compliance with protective/restoration measures.

### **Devereux Creek**

31. Devereux Creek and its tributaries shall be shown on the final grading plan. With the exception of Santa Barbara Shores Drive extension, utility extensions, siltation basins, and approved trails, a setback of 50 feet from the top of bank of Devereux Creek and the riparian and wetland habitat associated with Devereux Creek and its tributaries shall be shown on all project plans. **Plan Requirements:** No clearing of native vegetation or construction-related ground disturbances shall be allowed within this setback area except for construction of the Santa Barbara Shores entry road and extension of utility lines. Temporary fencing during construction shall be provided consistent with Condition 8. Installation of permanent fencing or other visual/physical barriers may be required to be installed beyond the top of bank in order to discourage off-trail use by humans while allowing for the passage of wildlife, with a fence type and location that is satisfactory to P&D. **Timing:** P&D shall review all project plans for inclusion of setback boundary prior to approval of a Coastal Development Permit for grading. P&D shall review and approve grading and construction plans for inclusion of temporary and permanent fencing or other visual/physical barriers prior to approval of a Coastal Development for grading and structural development, respectively.

**MONITORING:** P&D shall site inspect for compliance with setback boundary and installation of temporary and permanent fencing.

32. Trails may be established in the Devereux Creek area as long as a minimum of vegetation is removed and Park Department standards are applied to preserve existing resources. **Plan Requirements and Timing:** These trails shall be shown on exhibits to the site plan and shall be included in the Open Space and Recreation Component of the OSHMP. The trail exhibits and OSHMP shall be reviewed and approved by P&D prior to approval of a Coastal Development Permit for grading.

**MONITORING:** P&D shall site inspect for adequate installation prior to issuance of the first occupancy permit.

33. Trees in the Devereux Creek area shall not be removed unless deemed necessary by P&D to enhance the riparian habitat or for the Santa Barbara Shores Drive extension, siltation basins, and utility line extensions. Any revegetation/tree replacement shall be consistent with the Tree Protection and Replacement Program. **Plan Requirements and Timing:** P&D shall review and approve the Tree Protection and Replacement Program prior to approval of a Coastal Development for grading.

**MONITORING:** P&D shall site inspect to ensure compliance with tree protection and replacement measures.

34. Permanent long-term measures shall be incorporated into the project and the OSHMP to prevent chemical contaminants and solid waste from entering Devereux Creek and Devereux Slough. **Plan Requirements and Timing:** The revised OSHMP shall be reviewed and approved by P&D prior to approval of a Coastal Development Permit for grading. P&D review shall include confirmation that applicable OSHMP components (IPMP, vernal pools, siltation basins, etc) comply with this condition consistent with the intent of Specific Plan Development Standard 28.

**MONITORING:** P&D shall site inspect for compliance with approved grading plan.

35. A Devereux Creek water sampling program (including details of implementation and what constituents would be tested for) shall be included in the revised OSHMP. **Plan Requirements:** Sampling of water in Devereux Creek (upstream and downstream of the project area) and Devereux Slough shall be conducted immediately prior to commencement of grading to the extent practical (e.g., if no water flow in creek, sampling cannot occur) in order to assess water quality prior to project development. Samples shall be conducted by a P&D-approved water quality specialist/biologist and thereafter on a biannual basis and the findings shall be submitted to P&D for every sampling period. Sampling shall be conducted by the property owner until conveyance of the OSHMP areas to a management entity at which time the management entity shall conduct and continue sampling (and any remedial measures as necessary). If a significant decline is detected (as determined by the water quality specialist/biologist in conjunction with P&D), the source of contamination shall be identified and remedial measures implemented if contamination is related to the Monarch Point Reserve development. This requirement can be terminated if an areawide monitoring program is established for the Devereux Slough watershed area. **Timing:** P&D shall approve sampling program in consultation with the Army Corps of Engineers and Regional Water Quality Control Board prior to approval of a Coastal Development Permit for grading. P&D shall receive results of sampling prior to approval of a Coastal Development Permit for grading.

**MONITORING:** P&D shall require remediation at such time as deemed necessary based on sampling results by the water quality specialist/biologist. P&D shall consult with water quality specialist/biologist in making this determination.

36. During construction, washing of concrete, paint, or equipment shall occur only in areas where polluted water and materials can be contained for subsequent removal from the site. Washing shall not be allowed within 100 feet of sensitive biological resources. **Plan Requirements and Timing:** The wash off area shall be shown on all construction plans and the location shall be reviewed and approved by P&D prior to approval of a Coastal Development Permit for structural development. The wash off area shall be in place throughout construction.

**MONITORING:** P&D shall site inspect throughout the construction period to ensure proper implementation.

37. Extension of sewer lines shall minimize disturbance to the Devereux Creek habitat area. **Plan Requirements:** Plans detailing sewer connections (including depth of trenching) to

the main trunk line shall be provided. Any removal of vegetation shall be consistent with all project conditions. Plans for trenching and revegetation shall be coordinated with the Goleta West Sanitary District's (GWSD) Habitat Restoration Plan. **Timing:** The sewer connections and revegetation plan shall be reviewed and approved by P&D in consultation with the GWSD, Santa Barbara County Flood Control, and the Santa Barbara County Park Department prior to approval of a Coastal Development Permit for grading.

**MONITORING:** P&D shall site inspect to ensure compliance with plan.

38. Extension of the looped water line shall occur using the least environmentally damaging method possible (such as bore and jack) for segments occurring in environmentally sensitive habitat areas. **Plan Requirements and Timing:** Final grading plans identifying location and method of construction of the water line shall be reviewed and approved by P&D prior to approval of a Coastal Development Permit. Any necessary replacement of habitat shall be consistent with the OSHMP and all other conditions.

**MONITORING:** P&D shall ensure construction according to approved plans.

#### **Monarch Butterfly Aggregation Sites**

39. Project development shall not encroach into the 50-foot setback of the monarch butterfly Main Aggregation area as mapped in Planning Commission Exhibit B, stamped August 6, 1997. **Plan Requirements and Timing:** Project plans shall be revised to remove all development, including grading, from this setback area, including on Lots 140, 141, 142, 149, 150, and 157. P&D shall review and approved revised plans prior to recordation of the map and shall review and approve grading plans prior to approval of a Coastal Development Permit.

**MONITORING:** P&D shall site inspect during grading and construction to ensure compliance with this requirement in the field and to ensure construction according to plan.

40. Consistent with BIO-GV-6.1 and 6.2, construction activities involving earth moving equipment or causing the emission of noxious substances during the time of Monarch butterfly overwintering (November 1 - April 1) shall be prohibited within 200 feet of the southerly footprint of the Ellwood Main Grove (unless butterflies are not present by the end of December with confirmation by P&D). **Plan Requirements:** A delineation of the affected area and a plan consistent with BIO-GV-6.1 and -6.2, along with this requirement, shall be included on all project grading and construction plans. In no case shall the above activities take place within 50 feet of this part of the grove when monarchs are present. **Timing:** This requirement shall be included on all project grading and construction plans prior to approval of a Coastal Development Permit for grading or structural development, as applicable.

**MONITORING:** P&D shall site inspect for compliance with approved plans.

41. An irrigation system shall be provided in the Main Grove. **Plan Requirements and Timing:** The irrigation system shall at minimum provide supplemental water to the Main Grove (particularly the Monarch aggregation area) during drought years. This system shall

be developed in conjunction with an arborist, Monarch butterfly specialist, and the proposed management entity. The design and details of this irrigation system (i.e. separate metering, location of water lines, drip lines, or sprinklers, irrigation requirements, timing, etc) shall be reviewed and approved by P&D prior to approval of a Coastal Development Permit for grading. The irrigation system shall be installed prior to issuance of the first occupancy permit.

**MONITORING:** P&D shall site inspect for installation according to project plans.

42. A Fire Protection Program for the eucalyptus groves shall be provided. **Plan Requirements:** This program shall address initial and periodic clean up of down wood and woody debris and implementation of a fuel management program in order to reduce the risk of fire and increase the potential for control should a fire occur. The program shall also prohibit smoking and motor vehicles and shall include signage stating these restrictions. **Timing:** The Fire Protection Program shall be reviewed and approved by the Fire Department and P&D prior to approval of a Coastal Development Permit for grading.

**MONITORING:** P&D shall site inspect for compliance.

43. Fireplaces in residential units adjacent to the Main Grove butterfly aggregation area shall be gas burning. This includes future residential development on Lots 140 - 142 and 148 - 151. **Plan Requirements and Timing:** This requirement shall be complied with on unit building plans and shall be included in project CC&Rs and as deed restrictions on affected lots. P&D shall review and approve CC&Rs and deed restriction prior to recordation of the map and shall ensure compliance on building plans prior to approval of a CDP for structural development.

**MONITORING:** P&D shall site inspect to ensure construction according to approved plans.

### **Native Grasslands**

44. A Native Grassland Restoration and Management Program shall be developed as part of the OSHMP and implemented by a P&D-approved biologist. **Plan Requirements:** The goal of program shall be the long-term preservation of the native grassland habitat, through protection, restoration (in response to direct removal associated with the project), enhancement (including fencing), and expansion where possible. This program shall include, but not be limited to, restoration details (location and method), short and long-term maintenance and management criteria and provision of buffers and permanent fencing as necessary based on proximity to potential sources of degradation. The native grassland boundary shall be shown on project grading plans and temporarily fenced consistent with the construction fencing required in Condition 8. Permanent fencing shall be provided as described in the recreational component of the OSHMP.

All development, including ground disturbances associated with site preparation, shall avoid the native grassland area as shown on the environmentally sensitive habitat area map in the Goleta Community Plan. A survey shall be required to determine native grassland

removal within the development footprint, emergency access corridor, and along new water line and trail corridors.

Restoration of native grassland removed as a result of development shall occur onsite on not less than a 3:1 basis. A restoration program shall be developed by a P&D-approved biologist and shall include, but not be limited to, the following:

- a. Establishment of performance criteria and a monitoring period of at least 5 years.
- b. Identification of restoration, preferably in contiguous areas such as the bluff top open space (including abandoned trail segments), within or near the existing vernal pool/native grassland complex.
- c. The seed stock which is removed from development areas shall be used for revegetation. Criteria and timing for removal and replanting shall be identified.
- d. Short-term and long-term maintenance and management criteria shall be developed and implemented by a P&D approved biologist.
- e. Buffers and/or fencing shall be included based on proximity to potential sources of degradation.

**Timing:** The Native Grassland Restoration and Management Program shall be reviewed and approved by P&D prior to approval of a Coastal Development Permit for grading. Temporary fencing shall be indicated on grading plans and shall be installed prior to issuance of a Coastal Development Permit for grading. Implementation of the program shall occur prior to issuance of the first occupancy permit. Management shall be part of the ongoing OSHMP.

**MONITORING:** P&D shall site inspect for implementation according to plan. P&D shall check grading plans and site inspect for installation of fencing prior to approval of a Coastal Development Permit for grading.

45. The trail segment between Lots 126 and 127 shall be relocated as close to Lot 127 as possible while avoiding erosion/slope concerns next to the gully and minimizing fragmentation of native grassland habitat. **Plan Requirements and Timing:** Project plans shall be submitted with trail segment relocation and shall be reviewed and approved by P&D prior to approval of a Coastal Development Permit for grading.

**MONITORING:** P&D shall site inspect for construction of trail segment in accordance with approved plans.

46. French drains adjacent to environmentally sensitive habitat areas shall be constructed prior to final grading to ensure that they would not subsequently be installed in the ESH area or buffer area. **Plan Requirements and Timing:** Final grading and drainage plans shall be reviewed and approved for compliance with this condition prior to approval of a Coastal Development Permit for grading.

**MONITORING:** P&D shall site inspect for construction according to approved plans.

## Vernal Pools

47. All development, including ground disturbances associated with site preparation, shall provide as a Buffer Area the topographic water shed as mapped by Penfield and Smith or 100 feet, whichever is greater. No development or construction activities shall be allowed within the larger of these buffer areas. A Vernal Pool Management Program shall be developed and implemented by a P&D-approved biologist as part of the OSHMP. **Plan Requirements:** The Vernal Pool and Buffer Area boundaries shall be shown on final grading/construction plans and shall be fenced consistent with Condition 8 throughout all grading and construction activities. **Timing:** The Buffer Area shall be included on the final map and final grading/construction plans which, along with the Vernal Pool Management Program, shall be reviewed and approved by P&D prior to approval of a Coastal Development Permit for grading. The Buffer Area and temporary fencing shall be indicated on grading/construction plans which shall be reviewed and approved by P&D prior to approval of a Coastal Development Permit for grading.

**MONITORING:** P&D shall monitor compliance with this measure in the field during grading and construction.

48. All project drainage shall be directed away from the vernal pool complex. The final grading plan shall be reviewed and approved by P&D and Public Works prior to approval of a Coastal Development Permit for grading for compliance with this requirement.

**MONITORING:** P&D and Building and Safety shall site inspect for compliance with approved grading plan.

49. All development, including ground disturbances associated with site preparation, shall avoid onsite swales to the greatest extent feasible. Mitigation for any swales removed as a result of development shall occur by one of the following methods:

a. An onsite swale restoration and enhancement plan (as part of the OSHMP/Vernal Pools component) shall be prepared and implemented by a P&D-qualified biologist. **Plan Requirements:** The plan shall include, but not be limited to, a map showing the location of onsite swales, an assessment of swales removed, a minimum replacement ratio of 2:1, replacement location(s), replacement using seed and/or vegetative propagules of onsite native plant populations and other appropriate native species, performance criteria, and irrigation/maintenance until established. **Timing:** The swale restoration and enhancement plan shall be reviewed and approved by P&D prior to approval of a Coastal Development Permit for grading.

OR

b. A minimum offsite replacement ratio of 2:1 or other mitigation acceptable to P&D shall be required for net losses of wetland habitat that cannot be mitigated by onsite avoidance and replacement. The offsite replacement habitat shall be located within the Devereux Slough watershed as part of an ongoing restoration project or planning effort. Prior to grading, opportunity shall be provided for qualified biologists to salvage native plant species from the site for use in regional

restoration efforts. **Plan Requirements:** The terms and conditions for funding the contribution to habitat preservation and restoration shall be approved by the County. **Timing:** A funding mechanism for offsite habitat replacement shall be reviewed and approved by P&D prior to recordation of the map. The County shall confirm that access to the site has been allowed for native plant salvage prior to recordation of the map. Offsite revegetation and/or funding for habitat restoration shall be completed prior to occupancy clearance for the first structure.

**MONITORING:** P&D shall site inspect for compliance or shall ensure payment of funds prior to CDP approval.

50. The proposed trail segment between Lots 80/81 shall be relocated to Lots 78/79. **Plan Requirements and Timing:** Revised project plans shall be submitted for review and approval by P&D prior to approval of a Coastal Development Permit for grading.

**MONITORING:** P&D shall site inspect to ensure implementation according to plan.

51. Grass cutting for fire prevention shall be conducted in such a manner as to protect vernal pools. No grass cutting shall be allowed within the vernal pool area or within a buffer zone of five feet or greater. **Plan Requirements and Timing:** This requirement shall be incorporated into the OSHMP and shall be reviewed and approved by P&D prior to recordation of the map.

**MONITORING:** P&D/OSHMP manager shall site inspect to ensure compliance with plan.

#### **Rare Plants**

52. A Rare Plant Species Restoration and Management Program shall be prepared by a P&D-approved biologist, and shall include but not be limited to, the following:
- a) A map shall be prepared showing the species, locations, and extent of all rare plants on site.
  - b) Only rare plant species in designated areas shall be removed. All other rare plant species located within 25 feet of proposed ground disturbances shall be temporarily fenced with highly visible fencing 3 feet from the mapped extent of the species.
  - c) Replacement of displaced plant populations onsite shall occur at a 3:1 ratio (offsite restoration would be 4:1 and offsite preservation would be 3:1). A study shall be conducted of onsite rare plants to identify germination and establishment requirements of these plants. Replacement shall occur using seed and/or vegetative propagules of onsite plant populations. Replacement shall occur within designated Final Development Plan open space areas or alternate site(s) approved by P&D. Replacement plants shall be irrigated/maintained until established (minimum of 3 years). Replacement plants that do not survive shall be replaced again and irrigated/maintained for at least another 3 years.

**Plan Requirements and Timing:** The Rare Plant Species Restoration and Management Program shall be reviewed and approved by P&D prior to approval of a Coastal Development Permit for grading.

**MONITORING:** P&D shall site inspect for implementation in compliance with approved program.

### **Raptors**

53. A survey by a P&D-approved biologist shall be conducted immediately prior to construction in order to establish the current breeding and roosting status of resident raptors. **Plan Requirements:** The survey shall include recommendations regarding minimizing impacts during construction, including but not limited to fence protection, restrictions on construction scheduling, etc. The survey shall take into account expected increases and decreases in raptors over the construction period and shall include a map showing known roosting and nesting sites. **Timing:** This survey shall be reviewed and approved by P&D prior to approval of a Coastal Development Permit for grading. The biologist's recommendations shall be included on all project grading and construction plans.

**MONITORING:** P&D shall site inspect for compliance with survey recommendations.

54. A setback of 100 feet (from future buildings and parking lot) from known black-shouldered kite nesting sites and turkey vulture roosting activity shall be provided. **Plan Requirements and Timing:** These areas and the setback shall be included on the revised grading plans and construction plans.

**MONITORING:** P&D shall site inspect for compliance with approved plans.

### **Coastal Dunes And Bluffs**

55. A Coastal Dune and Bluff Habitat Protection and Management Program shall be prepared by a P&D-approved biologist. This Plan shall be coordinated with the Open Space and Recreation Component (a component of the OSHMP). **Plan Requirements:** The Dune and Bluff Program shall include, but not be limited to, the following:

- a) The bluff trail may be fenced on the ocean side. Where adjacent to any biological resource area, clear trail edge definition shall be provided with fencing, wooden markers or other form of markers approved by P&D. Bike racks shall be provided along the blufftop to discourage bike riding across the dunes.
- b) Planting of coastal dune strand vegetation including sand verbena, beach bar, saltgrass, sea scale, and sea rocket on the foredunes.
- c) A post and rope trail delineation shall be provided to direct beach users across the loose sand to the shoreline. This trail segment shall include an 8-foot wide sand/dirt section for equestrian use. The location of trails and fencing shall be planned in consultation with P&D and the Park Department.

- d) Signs shall be posted and maintained at strategic locations on the bluff to inform residents and visitors of the sensitivity of the sand dunes, the presence of the globose dune beetle, and restrictions on the use of the dune area. Signs shall be posted and maintained at both ends of the dunes, along the dunes, and at the coastal accesses. Signs shall also state that vehicles are prohibited from the dune complex entirely.

**Timing:** P&D shall review and approve the Coastal Dune and Bluff Habitat Protection and Management Program prior to approval of a Coastal Development Permit for grading. Implementation of the program shall occur prior to issuance of the first occupancy permit. Management shall be part of the ongoing OSHMP.

**MONITORING:** P&D shall site inspect for adequate implementation of plan.

### **Riparian Habitat**

56. A Riparian Habitat Restoration Program addressing significant impacts resulting from the construction of roadways, utilities, or other development and grading, shall be prepared by a P&D-approved biologist. This program shall be reviewed and approved by P&D and a performance security for adequate completion shall be required prior to issuance of a Coastal Development Permit for grading. The plan shall include, but not be limited to, the following:
  - a. Replacement of wetland riparian habitat destroyed during construction at a ratio of 2:1 onsite and 3:1 offsite. The amount of habitat to be mitigated shall be determined by measuring the surface area of current and potential wetland vegetative cover. The habitat boundaries shall be determined by the biologist during the wet season. Revegetation of the area shall occur with native riparian species from local plan and seed stock. Revegetation shall occur prior to issuance of building permits and shall be irrigated and maintained until established (minimum of 3 years). Plants that do not survive shall be replaced and irrigated/maintained until established.
  - b. Where applicable, the topographic contours of the creek bottom shall be reestablished consistent with the pre-construction hydraulic gradient and longitudinal stream profile. Creek banks shall be reestablished to approximate their original condition, slope and aspect, with installation of erosion and scour protection to prevent elevated sedimentation and bank erosion.

**MONITORING:** P&D shall review compliance with the Devereux Creek requirements including approval of the method for implementing these conditions prior to approval of a Coastal Development Permit for grading. P&D shall check for required CDFG and Corps permits prior to issuance of Coastal Development Permit for grading. P&D shall site inspect for adequate replacement of wetland riparian habitat.

57. An Integrated Pest Management Program for public and common open space areas shall be developed. Proposed use of herbicides shall be detailed and used only where hand removal would be ineffective. Herbicide use shall minimize any impacts on sensitive biological resources. **Plan Requirements and Timing:** The Integrated Pest Management Program shall be reviewed and approved by P&D in consultation with affected departments/agencies

(e.g., EHS, Mosquito Abatement, Flood Control) prior to approval of a Coastal Development Permit for grading.

**MONITORING:** P&D shall site inspect for adequate implementation of programs.

58. Mosquito Abatement Programs shall be prepared for vernal pools, Devereux Creek, and the siltation basins and incorporated into the Integrated Pest Management Program. **Plan Requirements:** Specific measures to minimize the potential negative effects of treatments on these biological resources shall be developed in consultation with the Mosquito Abatement District. **Timing:** This plan shall be reviewed and approved by P&D in consultation with the Mosquito Abatement District and Environmental Health Services prior to approval of a Coastal Development Permit for grading.

**MONITORING:** P&D shall site inspect for adequate implementation of programs.

59. A P&D-approved biologist shall review and approve the onsite trail system, including fencing, signs, and new construction for adequacy in reducing impacts to biological resources and for consistency with all biological mitigation measures. A P&D-approved biologist shall be present during trail installation and during any subsequent construction/maintenance activities when P&D determines that biological resources could be impacted by different aspects of trail installation. **Plan Requirements and Timing:** A contract for such services shall be reviewed and approved by P&D prior to approval of a Coastal Development Permit for grading.

**MONITORING:** P&D shall site inspect for adequate implementation.

60. A construction plan shall be prepared which minimizes impacts to biological resources. **Plan Requirements:** This plan shall include, but not be limited to, 1) fencing of all sensitive areas prior to ground breaking consistent with Condition 8, 2) designation of access routes for heavy equipment that avoids sensitive areas, 3) prohibitions against material storage or parking outside of the development footprint, except as approved by P&D (including anywhere in Devereux Creek), and 4) specification regarding stockpiling of plant material and topsoil (including watering, covering, etc.) that would be used for revegetation purposes.

**MONITORING:** P&D shall review and approve grading and construction plans for inclusion of these restrictions as written notes and designated locations on the plans prior to approval of CDP. A construction monitor shall be on-site at all times during grading.

61. The applicant shall obtain all necessary permits from the California Department of Fish and Game and the U.S. Army Corps of Engineers. **Plan Requirements and Timing:** The applicant shall apply for and obtain: a Section 1603 Stream Alteration Agreement, if required by the CDFG, and a Section 404 permit, if required by the U.S. Army Corps of Engineers, for any grading or fill activity affecting jurisdictional wetlands, prior to approval of a Coastal Development Permit for grading.

**MONITORING:** P&D shall ensure necessary permits have been obtained if required, prior to approval of a CDP.

## AIR QUALITY

62. The applicant shall submit a record of contact with the Metropolitan Transit District (MTD) to identify and determine the need, if any, for additional bus service and/or bus stops to the project area. **Plan Requirements and Timing:** The applicant shall submit the location and type of transit infrastructure required, if any, when recordation of the first phase of the map is requested. Transit improvements, if any, shall be installed in the timeframe specified by MTD. Rideshare and MTD information shall be posted in a central, onsite community location. This information shall also be included in project CC&Rs. The rideshare/MTD information, and CC&Rs shall be reviewed and approved by P&D prior to approval of a Coastal Development Permit for structural development.

**MONITORING:** P&D shall site inspect for posting of rideshare and MTD information prior to occupancy clearance of the first phase of development and shall inspect for any transit improvements required by MTD.

63. The applicant shall inform potential buyers of the known odor problems and unhealthful levels of O<sub>3</sub> in the area. **Plan Requirements and Timing:** A buyer notification shall be recorded on a separate information sheet with project plans.

**MONITORING:** P&D shall review and approve the information sheet prior to CDP approval.

## AESTHETICS

64. The site plan shall be revised to include 1-story structures on the following lots at a minimum: 10, 29, 43, 59, 61, 71, and 73 (with expansion of Lot 73 to accommodate the 1-story building footprint). The remainder of the development shall to the greatest extent feasible, include floorplans with a strong 1-story element and floorplans with primarily two stories, generally consistent with the Lotting Plan Planning Commission Exhibit D, stamped August 6, 1997. **Plan Requirements and Timing:** Project plans shall be revised to incorporate this requirement. Revisions shall be reviewed and approved by P&D and the BAR prior to recordation of the final map.

**MONITORING:** P&D shall site inspect to ensure construction according to approved plans.

65. The final grading and drainage plans shall be revised to minimize fill requirements within the development through use of innovative grading and drainage techniques. **Plan Requirements:** Plans shall reduce or eliminate fill on Lots 9 - 13, 121 - 128, 132 - 133, 140 - 143, and 149 - 151, particularly where 8 - 10 foot fill slopes are proposed in the preliminary grading plan. (See also Conditions 8 and 39). **Timing:** Final grading and drainage plans shall be reviewed and approved by P&D and Public Works prior to recordation of the map.

**MONITORING:** P&D shall site inspect to verify grading according to approved plans.

66. Final building and landscape plans shall be reviewed and approved by P&D and the BAR prior to approval of a Coastal Development Permit for grading. **Plan Requirements:** The development design, scale, and character shall be compatible with the surrounding natural

and built environment. The design and color scheme shall be compatible with colors in the surrounding natural environment and shall utilize non-reflective surfaces and textures (this does not preclude the use of glass). These requirements shall be incorporated into the Final Development Plan site design, architectural renderings, and building plans. **Timing:** The applicant shall submit architectural drawings and all applicable project conditions (site design, landscaping, etc.) for final BAR approval prior to approval of a Coastal Development Permit for grading. Grading plans shall be submitted to P&D prior to, or concurrent with, BAR review.

**MONITORING:** P&D shall check project building plans and shall field check during construction for compliance with approved site and structural design.

67. The development shall utilize colors that are compatible with the natural surroundings. The use of the color white on exterior surfaces is prohibited, except as accent trim as approved by P&D and BAR. **Plan Requirements:** Exterior surfaces of all structures, including but not limited to, trash storage areas, roofs, walls (including masonry/wrought iron perimeter fencing), fences, and signs shall be constructed using colors that blend with the surrounding soils, vegetation, bluffs, etc., using the natural color palette for the area. The Conceptual Color Palette (June 2, 1997) shall be revised to delete the reddest shade of red and to adjust the whitest shade such that it is darker in value. Painted poles in the field may be used to best identify appropriate colors. This requirement shall be noted on all construction plans and shall be included in project CC&Rs. **Timing:** The project shall be reviewed and approved by P&D and the BAR for compliance with this requirement for landscaping and structural development. Project CC&Rs shall be reviewed and approved by P&D prior to approval of a Coastal Development Permit for grading.

**MONITORING** P&D shall site inspect during construction for compliance.

68. A Landscaping and Design Plan shall be provided. **Plan Requirements:** Plan elements shall include, but not be limited to, the following components:
- a. A trail and fencing design plan. Trail fencing shall be limited to 3 feet in height.
  - b. Perimeter fencing for the residential development shall include a 3-foot masonry wall topped by 3-feet of wrought iron (or similar material). This perimeter fencing shall include plexiglass (or similar material) on the inside of the wrought iron along the southern, eastern, and western boundaries of the development envelope. Maintenance and replacement of the plexiglass shall be the responsibility of the Homeowners Association and shall include at minimum monthly washing and replacement on an as needed basis. The remainder of the perimeter wall along the northern edge, may be developed with or without plexiglass or could be a six foot high fence or wall.
  - c. A sign program which includes height limitations of 3 feet and placement and design such that the signs do not visually detract from scenic areas or views.
  - d. Paving materials, bollards, and landscaping on and around paved areas, turnarounds, and courtyards which softens their appearance shall be specified on plans.

- e. Construction of walls or gates around private yards and privately maintained common area outside of the area incorporated in the Open Space & Habitat Management Program is permissible and shall be specified on plans. Such walls or gates shall be compatible with the surrounding environment with regard to materials and colors used.
- f. Gates or other breaks in fencing/walls or trails leading from yards into public open spaces are prohibited in Monarch Point Reserve yard areas abutting public open space.
- g. Landscaping in public and common open space areas shall consist of at least 75 percent native drought-tolerant coastal vegetation or naturalized trees, shrubs, and groundcovers. The landscaping concept shall specify the planting of trees in groups and clusters around parking areas, along streets, and in other public open spaces. Screening in the form of combinations of trees, shrubs, and groundcovers shall be provided along any walls constructed onsite. Such screening shall be consistent with the OSHMP where walls are adjacent to nature preserve areas.
- h. Existing native vegetation in the bluff setback zone shall be preserved except as is necessary to install the coastal access trail. The Landscape and Design Plan shall ensure that additional plantings in this area balance the maintenance of the open character of the area with the desire to provide privacy between homes and public areas, and the breaking up of massing of residential structures.
- i. All exterior lighting (including street lighting and other lighting within public and common open space areas) shall be identified on final plans as to location, style, and height. All exterior lighting within common open space areas shall be hooded to minimize light dispersion. Lighting within public areas (i.e., street/parking areas) shall be in accordance with Public Works requirements.
- j. Drought-tolerant native species shall be utilized in areas of the site abutting the public open space and sensitive habitats. Use of invasives shall be prohibited throughout the development. The applicant shall develop a list of plants that are prohibited in yards abutting public open space.

**Timing:** These requirements shall be depicted graphically where possible or included as notes on the final Landscape and Design Plan, building plans, and project CC&Rs (for those conditions relating to gates, trails, and invasives), as applicable. P&D shall review and approve Landscape and Design Plan and related restrictions on gates, trails, invasive species, and project CC&Rs prior to approval of a Coastal Development Permit for grading and building plans prior to approval of a CDP for structural development.

**MONITORING:** P&D shall site inspect prior to occupancy.

- 69. The applicant shall submit a Landscape and Design Plan that includes a blufftop component. **Plan Requirements and Timing:** This component shall address the blufftop

areas of the site, including trail design, proposed vegetation planting, and fencing design. Provisions to maintain the visual integrity of the blufftop area shall include minimizing the removal of existing vegetation (including retention of the western windshaped eucalyptus clusters), complying with blufftop setback requirements, planting only native coastal species on the bluff area, and limiting the height of fences to 3 feet or less (may be planted), and limiting the height of signs to 3 feet or less. Features of this plan shall be compatible with the landscape plan for the rest of the site. The blufftop portion of the Landscape and Design Plan shall be reviewed and approved (and amended as appropriate) by a P&D-approved biologist. P&D and BAR shall review and approve the blufftop portion of the Landscape and Design Plan in consultation with the OSHMP management entity prior to approval of a Coastal Development Permit for grading. Landscaping for the blufftop area shall be installed prior to issuance of the first occupancy permit.

**MONITORING:** P&D shall site inspect to ensure compliance.

70. Final landscape plans shall include at least one 24" box tree per lot for all lots along the southern perimeter of the development footprint. Trees are to be planted in the adjacent nature preserve area in a manner that is consistent with OSHMP. **Plan Requirements and Timing:** Final landscape plans shall be reviewed and approved by P&D prior to recordation of the map.

**MONITORING:** P&D shall site inspect to ensure implementation according to approved plans.

## **RECREATION**

71. An Open Space and Recreation Component shall be included in the OSHMP. **Plan Requirements:** The Open Space and Recreation Component shall clearly identify public, common, and private open spaces and shall be consistent with the OSHMP regarding biologically sensitive areas (including, but not limited to, eucalyptus trees and groves, native grassland, vernal pools, Devereux Creek, and coastal dune and bluff habitat areas).

The map and plan shall include, but not be limited to, the following:

- a. All trails, fences, signs, and landscaping shall be identified on a map and described in this component.
- b. The final trail network shall include a link from the Coronado Drive area through the Main Grove into the development providing connection to public coastal access points. This trail link shall be included on the PRT-3 map.
- c. All materials used and trail construction shall be in accordance with Park Department standards including:
  - i. A mixed width trail network as outlined in the Specific Plan.

- ii. A 24-foot wide east/west coastal access trail with separated uses, including a natural surface pedestrian/equestrian trail and a 10-foot wide bike path. The location of this trail is on the coastal bluff consistent with seacliff retreat zone requirements (see Condition 20) and all other conditions.
- iii. Sign(s) shall be posted advising users about the County leash law.
- d. Separate at-grade crossings at all points where pedestrian, equestrian, and/or bicycle trails cross roadways shall be provided.
- e. The establishment, management, and maintenance responsibilities for public, common, and private open spaces shall be outlined. The guidelines for public (and private where appropriate) open spaces shall be consistent with OSHMP.
- f. The applicant shall request and fund modification of existing Goleta Sanitary District vehicle barriers (along the northerly GSD easement which is intended to coincide with the "Devereux Creek" trail) to allow for equestrian and bicycle passage.
- g. Provisions for bike racks shall be provided at all parking lots for beach goers as well as near the top of beach access points.
- h. Provision of informal seating areas at intervals along the blufftop.
- i. Provision of visual barriers (railroad ties, logs, plantings) or physical barriers (such as fencing) along private access trails to the bluff.

**Timing:** The Open Space and Recreation Component shall be reviewed and approved by the Parks Department and P&D prior to approval of a Coastal Development Permit for grading. To facilitate review, all trails shall be staked in the field. The coastal access trail easement shall be dedicated to the County prior to approval of a Coastal Development Permit for grading. The Open Space and Recreation Plan improvements shall be completed prior to issuance of the first occupancy permit.

**MONITORING:** P&D shall site inspect for trail staking prior to CDP approval and for completion of all improvements prior to occupancy clearance.

72. A Subregional Trail Component shall be included in the OSHMP and shall be consistent with the OSHMP regarding biologically sensitive areas (including, but not limited to, eucalyptus trees and groves, native grassland, vernal pools, Devereux Creek, and coastal dune and bluff habitat areas). **Plan Requirements:** The Subregional Trail Component shall be substantially consistent with trails shown in Planning Commission Exhibit E, stamped August 6, 1997 as amended by Attachment K of the Board of Supervisors Action Letter of August 22, 1997. The Subregional Trail Component shall provide onsite trail connections between trails to the east and west of the project area. This component shall provide continued access to the beach for pedestrians. OSHMP conveyance documents shall include provisions for the relocation of the primary beach access trail located on the

UCSB North Campus housing property to the east, onto the Monarch Point Reserve property, in the event the trail is ever closed.

The trail connections to offsite properties shall be determined in consultation with the University and County Parks and the connections shall be funded by the applicant. **Timing:** The Subregional Trail Component of the OSHMP shall be reviewed and approved by P&D in consultation with affected agencies prior to approval of a Coastal Development Permit for grading.

**MONITORING:** P&D shall site inspect for completion of all onsite improvements prior to occupancy clearance.

73. Completion of a continuous east-west trail to the north of the project site (the "Devereux Creek" trail) shall be ensured as follows:

- a. The applicant shall cooperate with the County, including payment of costs, to acquire and construct the primary trail to the north of the project site through the eucalyptus grove across APNs 79-210-58 and other privately owned parcels. The applicant's responsibility shall be governed by Government Code Section 66462.5.
- b. In the event the offsite easements for this trail cannot be obtained, the applicant shall submit an acceptable alternative trail route to P&D for permitting and installation.

**Plan Requirements and Timing:** Within 120 days of filing the final map, the offsite easements for the trail shall be obtained by negotiation or condemnation proceedings shall be commenced, or Condition 73a shall be waived and have no further effect and Condition 73b shall be required. An application for an acceptable alternative route shall be filed within 30 days of waiver of Condition 73a.

**MONITORING:** P&D shall ensure acquisition and installation of trails through either "a" or "b" above prior to issuance of the first occupancy permit.

74. The applicant shall provide a written report outlining recreational infrastructure and costs associated with these facilities as well as maintenance responsibilities. **Plan Requirements and Timing:** Recreational facilities within the Monarch Point Reserve property which overlap with the OSHMP shall be included within the funding mechanism of the OSHMP. A performance security equal to the value of purchase and installation shall be posted prior to approval of a Coastal Development Permit for grading, for any recreational infrastructure not within the jurisdiction of the OSHMP.

**MONITORING:** P&D shall review and approve the written report and ensure posting of any necessary performance security prior to approval of a Coastal Development Permit for grading.

75. The project shall include two public parking lots (minimum of 10 spaces each). One shall be located west of the existing terminus of Santa Barbara Shores Drive and one shall be located west of the project entry kiosk unless an additional 10 spaces can be provided near the entry kiosk, consistent with policies and development standards in the Specific Plan. Parking shall be installed as part of the first phase unless public parking is allowed

on project streets. Conflicts between the northerly lot and existing adjacent residential uses shall be minimized. **Plan Requirements:** A revised proposal for public parking shall be provided, which includes relocation of the northerly lot eastward, closer to the extension of Santa Barbara Shores Drive, in the event a lot is constructed in the northerly location. Lot security shall be addressed including controlled hours of use (with means of enforcement) and provision of landscaping that does not impair visibility of activities occurring within the lot and does not block solar access for adjacent residential uses. Landscaping and any lighting within the northerly lot shall be coordinated with the Santa Barbara Shores Homeowners Association. **Timing:** A revised site plan shall be submitted to P&D and the BAR for review and approval prior to recordation of the map.

**MONITORING:** P&D shall site inspect to ensure construction according to plan.

76. Details on the two proposed beach access points shall be submitted with final project plans. **Plan Requirements:** Information shall include location, width, surface, grading requirements, construction details, landscaping, and proposed demarcation. **Timing:** Beach access information shall be submitted for review and approval by P&D prior to approval of a Coastal Development Permit for grading.

**MONITORING:** P&D shall site inspect in order to ensure installation according to approved plans.

77. A typical east-west cross section for the entry road shall be submitted with the final map. **Plan Requirements and Timing:** The cross section shall be submitted for review and approval by P&D prior to approval of a Coastal Development Permit for grading.

**MONITORING:** P&D shall site inspect in order to ensure installation according to approved plans.

78. A buyer notification shall be provided to potential home buyers within the Monarch Point Reserve project regarding the potential for a public equestrian facility on the County park property. **Plan Requirements and Timing:** A Department of Real Estate (DRE) Notice of Public Equestrian Facility on adjacent property indicating the potential for dust, flies, and other occurrences and activities normally associated with equestrian facilities shall be provided prior to approval of a Coastal Development Permit for structural development. This notice shall also be included in project CC&Rs which shall be reviewed and approved by P&D prior to approval of a Coastal Development Permit for grading.

**MONITORING:** P&D shall review and approve DRE notice and project CC&Rs prior to approval of a Coastal Development Permit for structural development.

79. The project shall at minimum include vehicular access for handicapped members of the public in the southerly public parking lot near the project entry kiosk. In order to facilitate handicapped access to the coastal trail and beach, the trail segment between Lots 30 and 31 shall consist of a decomposed granite surface. This requirement shall be included in the Open Space and Recreation Component of the OSHMP **Plan Requirements and Timing:** P&D shall review and approve project plans for inclusion of handicapped parking in the southerly parking lot and shall review and approve the OSHMP prior to recordation of the map.

**MONITORING:** P&D shall site inspect to ensure implementation according to approved plan.

80. The tract map shall be revised to reduce the backyards of Lots 9 - 11 and 59 - 60 by approximately 5 feet in a northward direction to ensure adequate area for the coastal access trail in order to minimize erosion impacts and to reduce residential/recreational conflicts over the long-term. **Plan Requirements and Timing:** P&D shall ensure compliance with this requirement prior to recordation of the map.

**MONITORING:** P&D shall site inspect to ensure construction according to approved plan.

81. In the event of erosion resulting in loss of segments of the coastal trail, public access shall be routed through the Monarch Point Reserve development in order to provide any connections to northerly trails that are necessary to establish an alternate continuous coastal trail. Notice of this requirement shall also be included in project CC&Rs. **Plan Requirements and Timing:** The applicant shall submit an alternate coastal trail route which shows upgrade of north-south trail links to the coastal trail standard prior to recordation of the map. Financial assurance for trail link construction shall also be provided prior to recordation. P&D shall review and approve alternate route, financial assurance, and CC&Rs prior to recordation of the map.

**MONITORING:** P&D shall enforce this requirement as necessary and ensure construction of trail according to approved plans.

82. A buyer notification shall be provided to potential homebuyers regarding the location and use of public access trails. **Plan Requirements and Timing:** A Department of Real Estate (DRE) Notice of Public Trail Easements shall be provided and notification of public trail use shall be included in the project CC&Rs prior to recordation.

**MONITORING:** P&D shall review and approve DRE notice and project CC&Rs prior to approval of the Coastal Development Permit.

## **NOISE**

83. Construction activity for site preparation and for future development shall be limited to the hours between 7:00 a.m. and 4:00 p.m., Monday through Friday where noise levels of 65 decibels or greater would impact neighbors. No construction shall occur on State holidays (i.e. Thanksgiving, Labor Day). Construction equipment maintenance shall be limited to the same hours. Non-noise generating construction activities such as interior painting are not subject to these restrictions. **Plan Requirements:** Ten (10) signs stating these restrictions shall be provided by the applicant and posted at major project access points. **Timing:** Signs shall be in place prior to the beginning of, and throughout, grading and construction activities. Agreements shall be submitted prior to lot land use clearance. Violations may result in suspension of permits.

**MONITORING:** P&D shall spot check and respond to complaints.

84. Stationary construction equipment that generates noise which exceeds 65 dBA at the project boundaries shall be shielded and placed in locations onsite that minimize noise impacts to nearby sensitive receptors. Shielding and equipment location shall be acceptable to P&D. **Plan Requirements:** The equipment area with appropriate acoustic shielding shall be designated on building and grading plans. **Timing:** Equipment and shielding shall remain in designated locations throughout construction activities.

**MONITORING:** P&D shall perform site inspections to ensure compliance.

85. Residential structures shall be designed to ensure that interior noise levels are below 45 dBA. **Plan Requirements and Timing:** An onsite noise study shall be performed by an acoustical engineer prior to approval of a Coastal Development Permit for structural development. All construction techniques and recommendations necessary to reduce interior noise to at or below 45 dBA shall be incorporated into project design and shall be detailed on building plans.

**MONITORING:** P&D shall ensure that all noise control measures have been included on project building plans and shall ensure implementation prior to occupancy clearance. At the Building Inspector's discretion a follow up acoustical analysis may be required to verify noise reduction.

86. A buyer notification shall be provided to potential home buyers regarding aircraft overflight and associated noise levels. **Plan Requirements and Timing:** A Department of Real Estate (DRE) Notice of Aircraft Overflights shall be provided and notification of aircraft overflights and associated noise levels shall be included in the project CC&Rs prior to approval of a Coastal Development Permit for structural development.

**MONITORING:** P&D shall review and approve DRE notice and project CC&Rs prior to approval of the Coastal Development Permit.

87. An avigational easement shall be recorded for development on the SBDP property. **Plan Requirements and Timing:** An avigational easement shall be provided prior to approval of a Coastal Development Permit for grading.

**MONITORING:** P&D shall review and approve the avigational easement prior to CDP approval.

## ARCHAEOLOGY

88. Prior to recordation, the applicant shall fund services of an P&D-qualified archaeologist to coordinate with P&D on application of the archaeological conditions of approval to determine how they will be applied to various phases of the project. **Plan Requirements and Timing:** A contract for such services shall be reviewed and approved by P&D prior to approval of a Coastal Development Permit for grading.

**MONITORING:** P&D shall work with archaeologist in application of archaeological conditions to project development.

89. All archaeological sites that are to be avoided shall be located within open space areas wherever feasible. The applicant shall include a note on a separate information sheet to be recorded with the final map designating these archaeological sites contained in open space areas as "Unbuildable Open Space" (these areas shall not be identified as archaeological sites on the informational sheet). These "Unbuildable Open Space" areas shall also be shown on project grading, landscape, fencing, and building plans. **Plan Requirements and Timing:** P&D shall review and approve the informational sheet prior to map recordation and shall review grading, landscape, and building plans prior to approval of a Coastal Development Permit for grading.

**MONITORING:** P&D shall spot check to ensure compliance.

90. All archaeological sites that are to be avoided and included in open space areas shall be seeded with shallow-rooted native vegetation. **Plan Requirements:** This requirement shall be noted on the final landscape plan. The applicant shall post a performance security with P&D to establish and maintain plantings for a two (2) year period. **Timing:** The final landscape plan shall be reviewed and approved by P&D prior to approval of a Coastal Development Permit for structural development and the sites shall be seeded prior to issuance of any building permits.

**MONITORING:** P&D shall site inspect to ensure installation and maintenance according to plan and for sign-off for release of performance security.

91. If archaeological resources cannot be avoided, impacts shall be reduced by capping the sites. A fill program shall be designed so that intrusions or recompaction made into archaeological deposits is limited to the upper 20 cm of the previously disturbed plow zone. All materials used as fill shall be culturally sterile and chemically neutral. Placement of the fill over archaeological sites shall be monitored by a P&D-approved archaeologist and a Native American representative. **Plan Requirements:** Because site deposits on which fill would be placed would no longer be accessible to research, a data collection program shall be conducted. The program shall include the following:

- a. mapping the location of surface artifacts within the proposed areas of fill;
- b. surface collection of artifacts;
- c. the excavation of a small sample of cultural deposit, as determined by the P&D staff archaeologist, to characterize the nature of the buried portions of the sites;
- d. curation of all artifacts and records at a County-approved facility.

**Timing:** The applicant shall enter into an agreement for conducting the above-referenced study. The agreement shall be reviewed and approved by County Counsel prior to approval of a Coastal Development Permit for grading. The required data collection program shall be conducted by a P&D qualified archaeologist and funded by the applicant. The results of the program shall be reviewed and approved by P&D prior to approval of a Coastal Development Permit for grading. All recommendations in the report shall be implemented as approved.

**MONITORING:** Placement of the fill over archaeological sites shall be monitored by a P&D-approved archaeologist and a Native American representative. P&D shall site inspect to ensure compliance.

92. If avoiding or filling over the surface of the archaeological sites is not possible, a Phase 2 subsurface testing program conducted by a P&D-approved archaeologist to evaluate the nature, extent, and significance of the cultural resources shall be implemented. **Plan Requirements:** The program shall be required to assess each archaeological site consistent with County archaeological guidelines and shall involve the following:

- a. controlled hand excavation and surface collection of a representative sample of the site deposit as determined by the P&D staff archaeologist;
- b. a detailed analysis of the material recovered;
- c. an assessment of cultural resource integrity;
- d. the preparation of a final report with recommendations for impact mitigation if necessary; should this program determine that the archaeological sites are significant, a Phase 3 mitigation in the form of data recovery excavation shall be required consistent with County archaeological guidelines.

**Timing:** Prior to approval of a Coastal Development Permit for grading, the applicant shall enter into an agreement for conducting the Phase 2 study. This agreement shall be reviewed and approved by P&D and County Counsel. The archaeologist shall submit a final report to P&D staff detailing the results of the study prior to approval of a Coastal Development Permit for grading.

**MONITORING:** P&D shall review study and site inspect to ensure compliance.

93. All artifact isolates identified on the SBDP property shall be collected and placed in curation at a County-approved facility. **Plan Requirements and Timing:** A contract for such collection and documentation consistent with County standard County procedures for such work (conducted by an archaeologist, etc.) shall be submitted by the applicant for review and approval by County Counsel prior to approval of a Coastal Development Permit for grading. Funding of the contract by the applicant, completion of collection, and submittal of a report documenting collection to P&D shall be completed prior to approval of a Coastal Development Permit for grading.

**MONITORING:** P&D shall ensure completion of requirements prior to CDP approval.

94. All earth disturbances within 100 feet of an archaeological site shall be monitored by a P&D-qualified archaeologist and a Native American Consultant pursuant to County Archaeological Guidelines. **Plan Requirements and Timing:** The project EQAP contract shall include specific provision for applicant funded archaeologist and Native American monitor. Scope of work for their participation in project implementation shall be approved by P&D prior to approval of CDP for grading.

**MONITORING:** P&D shall monitor contract and spot check field work.

95. In the event unknown archaeological remains are encountered during grading, work shall be stopped immediately or redirected until a P&D-qualified archaeologist and Native American representative are retained by the applicant to evaluate the significance of the find pursuant to Phase 2 investigations of the County Archaeological Guidelines. If remains are found to be significant, they shall be subject to a Phase 3 mitigation program consistent with County archaeological guidelines and funded by the applicant. **Plan Requirements and Timing:** This condition shall be printed on all grading and building plans. These plans shall be reviewed and approved by P&D prior to approval of a Coastal Development Permit for grading and structural development, respectively.

**MONITORING:** P&D shall check plans prior to approval of Coastal Development Permits and shall spot check in the field.

96. The applicant shall fund the costs associated with the preparation and publication of a written history of the Ellwood area. This publication shall be prepared by a P&D-approved archaeologist or an archaeologist in conjunction with a locally recognized expert on the history of Goleta. **Plan Requirements and Timing:** This document shall be prepared in a popular, well-illustrated format and serve to more fully inform members of the public about the historic nature of this portion of Santa Barbara County. All information regarding the locations of sensitive resources occurring within the Specific Plan area shall be reviewed and approved by the County's P&D to ensure that those resources shall not be harmed through public disclosure. The publication shall be submitted to P&D for review and approval prior to issuance of occupancy clearance. The Parks Department shall reimburse the applicant for half the cost of this condition prior to approval of the first Development Plan on the Parks Department property.

**MONITORING:** P&D shall ensure adequacy of publication prior to occupancy clearance.

## **HAZARDS**

97. A remediation plan shall be prepared consistent with the site assessments (Hoover) conclusions. Fire Department-Protection Services Division (PSD) shall approve the Remediation Plan prior to recordation. In addition, the zoning ordinance requires approval of Development Plan for implementation of the Remediation Plan as the applicant did not submit the remediation plan as part of the current Development Plan (96-DP-026). Therefore, a Development Plan to implement the remediation work must also be approved prior to approval of a Coastal Development Permit for grading. PSD and P&D should review the proposed Remediation Plan concurrently. Remediation shall include but not be limited to the following:

- a) A map showing all areas of remediation and a discussion of type of remediation required. The map shall include a proposed buffer around the areas of remediation which would be fenced throughout all remediation activities.

- b) Measures which would protect workers, the public, and the environment. These measures shall include fencing of excavation and other areas of remediation activities in order to minimize exposures.
- c) Excavation and other remediation activities shall be consistent with biology, air quality (dust suppression), archaeology, and all other applicable mitigation measures and conditions wherever possible.

**Timing:** A PSD approved Remediation Plan shall be submitted and a Development Plan for this work approved for any phase(s) subject to this requirement at the time of recordation of that phase. Remediation as required under the plan shall be completed prior to approval of a Coastal Development Permit for structural development associated with each affected phase(s). Any remediation required in the OSHMP areas shall be initiated no later than recordation of the final phase and shall be accomplished prior to transfer of title.

**MONITORING:** P&D shall ensure submittal of required documents as per above requirements. P&D shall check for PSD-approved remediation plan and approval of DP for this work prior to CDP approval. P&D shall confirm PSD sign-off on completion of remediation activities prior to approval of a CDP for structural development. P&D shall site inspect to ensure compliance.

98. Abandonment of all known wells and pipelines shall be reviewed and approved by the California State Division of Oil and Gas (DOG), County Petroleum Office and P&D. **Plan Requirements:** Adequacy of abandonment, including checking for H<sub>2</sub>S leakage shall be required. Recommendations by DOG and the County regarding re-abandonment procedures and positioning of structures in the vicinity of the wells and pipelines shall be incorporated into the final project plans. Structures shall be planned to allow for a 10-foot buffer and access area around abandoned wells. **Timing:** Sign-off as to status of abandonment by DOG and EHS shall be included prior to approval of a Coastal Development Permit for grading.

**MONITORING:** P&D shall ensure appropriate sign-offs and shall ensure project design complies with required buffer.

**Note:** Any contamination encountered during excavation of abandoned wells or pipeline shall be remediated in accordance with applicable conditions of approval.

## **SOLID WASTE**

99. The final landscape plan shall include native or other drought tolerant landscaping in public and common open space areas and in private yards (for initial plantings provided by the developer) in order to minimize clippings. Project CC&Rs shall also recommend use of native or other drought tolerant landscaping by homeowners. Model homes used in marketing the development shall also be landscaped consistent with this requirement. **Plan Requirements and Timing:** The final landscape plan and project CC&Rs shall be provided to P&D and BAR for review and approval prior to approval of a CDP for grading.

**MONITORING:** P&D shall site inspect for compliance prior to issuance of the first occupancy permit for each phase of development for public and common open space landscaping and prior to occupancy permit for model homes/subsequent dwellings.

100. Compost units for clippings generated within common open space areas shall be provided in designated areas within the development. Individual backyard compost units and instructions shall be provided for lots of 7500 square feet or larger or for any lots regardless of size, where such units are specifically requested by buyers. **Plan Requirements and Timing:** The applicant shall submit a recycling plan for review and approval by P&D and the Solid Waste Management Division prior to approval of a Coastal Development Permit for structural development.

**MONITORING:** P&D shall site inspect for installation of compost units in public and common open space areas prior to issuance of the first occupancy permit and prior to issuance of occupancy permits for lots 7500 SF and larger.

101. Prior to approval of a Coastal Development Permit, the applicant shall submit a recycling plan for review and approval by the County's Solid Waste Management Division and P&D. The recycling plan shall include recycling areas for residential, recreation, and park areas of the project. The plan shall also provide for accessible collection of recycled materials from the onsite recycling areas by a local recycling agency (such as CEC/MarBorg Disposal Company). A contract for collection shall be included as part of the recycling plan. All recycling facilities shall be installed prior to issuance of occupancy clearance. If a community-wide recycling program is in effect and implemented onsite, this condition shall not apply.

**MONITORING:** P&D and Solid Waste Division shall review the FDP for location of collection areas. P&D shall site inspect for installation of recycling facilities prior to issuance of occupancy clearance. If community-wide program is implemented onsite, a separate project recycling plan shall not be required.

102. Debris and/or excess construction materials shall be separated onsite for reuse/recycling or proper disposal (e.g. concrete, brush). Estimates of potentially recyclable materials shall be provided to P&D. During grading and construction, separate bins for recycling of construction materials and brush shall be provided onsite. **Plan Requirements:** This requirement shall be included on grading and construction plans prior to approval of a Coastal Development Permit. **Timing:** Materials shall be recycled as necessary throughout construction. All materials shall be recycled prior to occupancy clearance.

**MONITORING:** P&D shall site inspect to ensure installation of dumpsters/boxes at the onset of construction activities and shall review receipts to verify recycling prior to issuance of occupancy clearance.

103. The OSHMP Open Space and Recreation Component shall include provisions for public litter removal. **Plan Requirements and Timing:** This requirement shall be included in the revised OSHMP and shall be reviewed and approved by P&D prior to recordation.

**MONITORING:** P&D/OSHMP monitor shall site inspect for implementation and compliance.

## **PUBLIC SERVICES**

104. The applicant shall pay all applicable residential development fees to the Santa Barbara County Fire Department as per Fire Department conditions. **Plan Requirements and Timing:** Fee shall be paid prior to issuance of building permits.

**MONITORING:** P&D shall check for payment of fees prior to issuance of building permits.

105. The applicant shall mitigate school impacts caused by the project by either developing an enforceable plan to provide adequate financing for school facilities impacted by the development, by phasing development, by reducing the density of the development, and/or by other measures consistent with State law and by payment of applicable statutory school fees. **Plan Requirements and Timing:** The applicant shall submit a letter from the Goleta Union School District indicating that impacts have been mitigated prior to approval of a Coastal Development Permit for grading. The applicant shall submit final square footage calculations and a copy of the fee payment to the school district prior to issuance of building permits.

**MONITORING:** P&D shall check for GUSD letter and Building and Safety shall ensure payment of statutory school fees.

106. The project shall incorporate "defensible space" (e.g. adequately lighted areas, low shrubs and bushes, and unobstructed views of pathways and activity areas) and adequate emergency access, address signage, and internal circulation. **Plan Requirements and Timing:** These requirements shall be included in project design. The site plan shall be reviewed and approved by the County Sheriff's and Fire Departments prior to approval of a CDP for grading.

**MONITORING:** P&D shall ensure comments are incorporated into project plans.

## **ENERGY**

107. Project buildings plans shall incorporate energy-efficient measures. **Plan Requirements:** Future construction shall include energy-efficient appliances, flow restrictors for sinks and showers, and skylights. Use of solar energy for space and water heating shall be incorporated where feasible. **Timing:** Building plans shall be reviewed and approved by P&D for compliance with this requirement prior to issuance of building permits.

**MONITORING:** P&D shall site inspect prior to issuance of occupancy permits.

## **AFFORDABLE HOUSING**

108. The applicant shall pay in-lieu fees to satisfy affordable housing requirements pursuant to Housing Element Policy 1.5 and Housing Element Implementation Guidelines. **Plan**

**Requirements and Timing:** The amount of the in-lieu fees shall be based upon the fee in effect at the time of approval of a Coastal Development Permit for grading for a 155 unit project in the South Coast Housing Market Area.

**MONITORING:** P&D shall ensure payment of fees prior to CDP approval.

### **LOCAL HIRING PREFERENCE**

109. The applicant shall use reasonable effort in giving local contractors and the local labor pool the opportunity to bid and perform work on the project. **Plan Requirements:** The plan for local hiring preference shall, at a minimum, include applicant placement of display ads in the News Press, Valley Voice, and the Independent encouraging bids from local contractors for various aspects of project development. The display ads shall specify the time in which to submit bids and an estimated date when the developer will choose a contractor(s) for site development. **Timing:** The local hiring measures shall be reviewed and approved by P&D prior to CDP approval and proof of plan implementation shall be provided to P&D prior to approval of Coastal Development Permits for grading/structural development.

**MONITORING:** P&D shall verify implementation prior to CDP approval.

### **PROJECT SPECIFIC CONDITIONS**

110. Compliance with Department letters (a copy of departmental letters is attached to companion case TM 14,417 conditions of approval):

- a. P&D Building and Safety Division, April 8, 1997
- b. Flood Control & Water Conservation District and Water Agency, April 10, 1997
- c. Health Care Services, May 28, 1997
- d. Air Pollution Control District, May 29, 1997
- e. Fire Department, June 16, 1997
- f. Parks Department, August 8, 1997 (replaces letter of 6/12/97)
- g. Public Works Department, July 7, 1997

### **DEVELOPMENT PLAN CONDITIONS**

111. Approval of the Final Development Plan shall expire five (5) years after approval by the Board of Supervisors unless prior to the expiration date, substantial physical construction has been completed on the development or a time extension has been applied for by the applicant. The decisionmaker with jurisdiction over the project may, upon good cause shown, grant a time extension for one year.

112. No permits for development, including grading, shall be issued except in conformance with an approved Final Development Plan. 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 C, dated August 6, 1997. Substantial conformity shall be determined by the Director of P&D.
113. On the date a subsequent Preliminary or Final Development Plan is approved ~~for this site~~, any previously approved but unbuilt plans shall become null and void.
  114. If the applicant requests a time extension for this permit/project, ~~the permit/project may~~ be revised to include updated language to standard conditions and/or mitigation ~~measures~~ and additional conditions and/or mitigation measures which reflect ~~changed~~ circumstances or additional identified project impacts. Mitigation fees shall be those in effect at the time of approval of a Coastal Development Permit. This condition shall not apply if it is in conflict with the Development Agreement during its term.
  115. The Development Plan is only valid with the related Tract Map. Where ~~there are~~ differences in timing of implementation of conditions, the Tract Map ~~condition~~ shall control.
  116. No permits for development pursuant to this DP, including grading, shall be ~~issued~~ prior to recordation of Tract Map 14,417.
  117. The applicant shall obtain final approval from the Board of Architectural Review (BAR) prior to approval of a Coastal Development Permit for grading, including approval of the applicant's assignment of specific floorplans to designated lots throughout the project (see Lotting Plan, Planning Commission Exhibit D, stamped August 6, 1997).
  118. Consistent with Article II of the County's zoning ordinance ~~attached or detached~~ secondary residential units are prohibited in the Monarch Point Reserve project. This notice shall be included in project CC&Rs. ~~Plan Requirements and Timing:~~ P&D shall review and approve project CC&Rs prior to recordation of the map.

**MONITORING:** P&D shall ensure compliance prior to approval of a CDP for structural development.

## **COUNTY RULES AND REGULATIONS/LEGAL REQUIREMENTS**

119. All applicable conditions and mitigation measures of the project shall be ~~printed on~~ grading and/or building plans and shall be graphically illustrated where feasible.
120. Title to the common open space shall be held by a non-profit association ~~of homeowners~~.
121. Prior to approval of a Coastal Development Permit for grading, the applicant shall ~~record~~ CC&Rs which provide for shared maintenance responsibility by all lots for ~~the situation~~ basins and appurtenant landscaping, fencing, and access, subject to ~~approvals from~~ Flood Control, P&D, and County Counsel. The CC&Rs shall also include ~~by reference~~ responsibilities for all parcels to maintain property in compliance with all conditions of approval for the project. The County shall be made party to the CC&Rs for ~~any changes~~ as they relate to conditions that may be made subsequent to adoption of CC&Rs.

## COUNTY RULES AND REGULATIONS/LEGAL REQUIREMENTS

122. Approval of this Development Plan is subject to the Board of Supervisors and Coastal Commission approving the required Coastal Plan Amendment, Specific Plan Revision, and Tract Map.
123. Before using any land or structure, or commencing any work pertaining to the erection, moving, alteration, enlarging or rebuilding of any building, structure, or improvement the applicant shall obtain a Coastal Development Permit and Building Permit from Planning and Development. The Permit is required by ordinance and is necessary to ensure implementation of the conditions required by the Board of Supervisors. Before any Permit will be issued by Planning and Development, the applicant must obtain written clearance from all departments having conditions; such clearance shall indicate that the applicant has satisfied all pre-construction conditions. A form for such clearance is available in Planning and Development.
124. Two performance securities shall be provided by the applicant prior to approval of Coastal Development Permits, one equal to the value of installation of all items listed in section (a) below (labor and materials) and one equal to the value of maintenance and/or replacement of the items listed in section (a) for 5 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 5 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: project landscaping in accordance with the landscape plan.
125. The applicant shall ensure that the project complies with all approved plans and all project conditions including those which must be monitored after the project is built and occupied. To accomplish this the applicant agrees to:
- a) Contact P&D compliance staff as soon as possible after project approval to provide the name and phone number of the future contact person for the project and give estimated dates for future project activities.
- b) Contact P&D compliance staff at least two weeks prior to commencement of construction activities to schedule an onsite pre-construction meeting with the owner, compliance staff, other agency personnel, and with key construction personnel.

- c) Pay fees prior to approval of Coastal Development Permits as authorized under ordinance and fee schedules to cover full costs of monitoring as described above, including costs for P&D to hire and manage outside consultants when deemed necessary by P&D staff (e.g., non-compliance situations, special monitoring needed for sensitive areas including but not limited to biologists, archaeologists, etc) 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 P&D Director shall be final in the event of a dispute.
126. Prior to approval of a Coastal Development Permit for grading, an Environmental Quality Assurance Program (EQAP) shall be prepared according to procedures established by Santa Barbara County P&D, paid for by the applicant and submitted for review and approval by P&D. The EQAP shall include the following:
- a) All conditions and mitigation measures imposed on this project and the impacts they are mitigating separated by subject area.
  - b) A plan for coordination and implementation of all measures and the plans and programs required therein.
  - c) A description of all measures the applicant will take to assure compliance, including field monitoring, data collection, management and coordination of all field personnel and feedback to field personnel and affected County agencies including P&D. Contractor feedback responsibilities include weekly, monthly, and quarterly reports (as specified in the EQAP) to be prepared throughout grading and construction. These shall include status of development, status of conditions, incidents of non-compliance and their results and any other pertinent or requested data.
  - d) A contractor to carry out the EQAP shall be selected by P&D in consultation with the applicant. The contractor(s) will be under contract and responsible to the County, with all costs to be funded by the applicant. The EQAP contractor shall appoint at least one Onsite Environmental Coordinator (OEC) responsible for overall monitoring, but shall employ as many qualified specialists as necessary, as determined by P&D, to oversee specific mitigation areas (e.g. archaeologists, biologists). In addition, the OEC has the authority and ability to ensure compliance with all project conditions and to stop work in an emergency. The EQAP shall also provide for any appropriate procedures not specified in the conditions of approval to be carried out if they are necessary to avoid environmental impacts.
127. Prior to approval of Coastal Development Permits, the applicant shall notify in writing all property owners and occupants of parcels within 300 feet of the project site of its approval and conditions. Proof of mailing the notices shall be provided to Planning and Development.

128. Prior to approval of a Coastal Development Permit for grading, the applicant shall pay all applicable P&D permit processing fees in full.
129. Developer shall defend, indemnify and hold harmless the County or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers, or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of the Development Plan. In the event that the County fails promptly to notify the applicant of any such claim, action, or proceeding, or that the county fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.
130. In the event that any condition imposing a fee, exaction, dedication, or other mitigation measure is challenged by the project sponsors in an action filed in a court of law or threatened to be filed therein which action is brought within the time period provided for by law, this approval shall be suspended pending dismissal of such action, the expiration of the limitation period applicable to such action, or final resolution of such action. If any condition is invalidated by a court of law, the entire project shall be reviewed by the County and substitute conditions may be imposed.
131. Approval of the Final Development Plan shall expire in accordance with the expiration specified in the Development Agreement. Approval of phases subsequent to the initial phase of development shall expire at the same time as the initial phase or two (2) years from the date of issuance of occupancy clearance for the prior phase, whichever occurs later, unless prior to the expiration date, substantial physical construction has been completed on the subject phase or a time extension has been applied for by the applicant.

CALIFORNIA COASTAL COMMISSION

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

APPEAL FROM COASTAL PERMIT  
DECISION OF LOCAL GOVERNMENT



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

SECTION I. Appellant(s)

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

SANTA BARBARA SHORES HOMEOWNER'S ASSOC.  
P.O. BOX 8222 805 685-6664  
GOLETA, CA 93118 (805) 685-8424  
Zip Area Code Phone No.

EXHIBIT NO. 16
APPLICATION NO.
A-4-STB-97-185
Ellwood Beach

SECTION II. Decision Being Appealed

1. Name of local/port government: COUNTY OF SANTA BARBARA

2. Brief description of development being appealed: ELLWOOD BEACH-MONARCH POINT HOUSING DEVELOPMENT, DEVELOPMENT PLAN, TRACT MAP + PARKS, RECREATION + TRAILS MAP #3

3. Development's location (street address, assessor's parcel no., cross street, etc.): ASSESSOR'S PARCELS NO APN 79-210-13, 14, 15, 24 + 51; 79-210-19; 79-210-12, 17, 18

4. Description of decision being appealed:

a. Approval; no special conditions: \_\_\_\_\_

b. Approval with special conditions: X (SEE ATTACHMENT, PAGE 2)

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

SEP 15 1997

CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

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

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

- a.  Planning Director/Zoning Administrator      c.  Planning Commission  
b.  City Council/Board of Supervisors      d.  Other \_\_\_\_\_

6. Date of local government's decision: AUGUST 19, 1997

7. Local government's file number (if any): 96-DP-026, TM #, 477, 97-0A-012

**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:  
RANDY FOX, SANTA BARBARA DEVELOPMENT PARTNERSHIP  
MONARCH POINT RESERVE  
116 E. SOLA STREET, 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) (SEE ATTACHMENT PGS. 11-15)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(2) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(3) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(4) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**SECTION IV. Reasons Supporting This Appeal**

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

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

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

(SEE ATTACHMENT - PAGES 3-10)

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.

*Nancy Hembrow*  
*Jeff Haight*  
*John Sloan*  
*Mark [unclear]*

*Cynthia J. Beck*  
Signature of Appellant(s) or  
Authorized Agent

Date AUGUST 13, 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 \_\_\_\_\_

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT**

**Section 1. Appellant(s)**

Santa Barbara Shores Homeowner's Association  
P.O. Box 8222  
Goleta, CA 93118

**President:** Cynthia Brock  
7629 Pismo Beach Circle  
Goleta, CA 93117  
(805) 685-8424

**Vice-President:** Mark Alciati  
230 Santa Barbara Shores Drive  
Goleta, CA 93117  
(805) 685-8935

**Secretary:** Lisa Sloan  
370 Santa Barbara Shores Drive  
(805) 961-4736

**Treasurer:** Nancy Hembrow  
7645 Carmel Beach Circle  
Goleta, CA 93117  
(805) 685-6661

**Trustee:** Jeff Haight  
7635 Anchor Drive  
Goleta, CA 93117  
(805) 961-9807

**Section II. Decision Being Appealed**

**1. Name of Local Government:**

The Santa Barbara County Board of Supervisors.

**2. Description of Development being Appealed:**

The Ellwood Shores Specific Plan and associated approvals for development of a 255 acre area located in the unincorporated area of Goleta. The Specific Plan area is bounded on the north by Hollister Avenue and the existing Santa Barbara Shores residential subdivision, a Monarch Butterfly biological habitat, on the west by Sandpiper Golfcourse, on the south by the Pacific Ocean, on the east by the West Devereaux Specific Plan area.

The development envelope includes 155 single family lots, two sedimentation basins, seven common open space lots and an

approximate 102 acre nature preserve.

3. Development's Location: APN 79-210-13, 14, 15, 24 & 51;  
79-210-12, 17, 18; 79-210-19.

4. Description of decision being appealed:

The Santa Barbara County Board of Supervisors' approval of:

The Development Plan

Tract Map and Ordinance Amendment

Approval of permit entitlements, Final Development Plan,  
Development Agreement, & Tentative Map for project  
(89-SP-002 RV02) Monarch Point Reserve.

Development Agreement Amendments

Changes to the March 1997 Open Space Habitat Management Plan

Changes to the Trail Map

Changes to Specific Plan EIR (91-EIR-3)

Changes of Goleta Community Plan EIR (91-EIR-3)

Revised Ellwood Beach/Santa Barbara Shores Specific Plan

Approval of 89-SP-002 RV02, revisions to the February, 1995  
Ellwood Beach/Santa Barbara Shores Specific Plan, as an  
implementing action to the Coastal Land Use Plan.

Approval of 97-GP-003, modifications to site specific  
development standards in the Goleta Community Plan and  
modifications to the Ellwood Beach (SBDP) portion of the  
PRT-3 map.

5. Decision being appealed was made by:

The County of Santa Barbara Board of Supervisors

6. Date of Local government's decision:

August 19, 1997

7. Local government's file number:

89-SP-002 RV02/97-GP-002

### **SECTION III - Identification of Other Interested Persons**

A. Permit Applicant: Randy Fox  
Santa Barbara Development  
Partnership  
Monarch Point Reserve  
116 East Sola Street  
Santa Barbara, CA 93101

B. Names & Mailing addresses as available to those who testified  
(either verbally or in writing:

Refer to Attachment 1 - printed listing of names

NOTE: A Petition with 1700 signatures has been forwarded to you  
by the Santa Barbara County Planning & Development Department.

### **SECTION IV - REASONS SUPPORTING THIS APPEAL**

This appeal is filed pursuant to Public Resources Code,  
Section 30603 (b), because the development does not conform to  
the standards set forth in the certified local coastal program or  
the public access policies set forth in this division.

The Local Coastal Plan recognizes the Ellwood Shores  
property as one of the few remaining large tracts of vacant  
oceanfront land within the urbanized South Coast area and calls  
for "comprehensive planning of this area to ensure that its  
scenic, recreational, and open space values are respected."

The Local Coastal Plan also calls for "an informal  
trail system aligned as closely as possible with the existing  
major historic trails onsite." It also requires that "new  
development shall utilize low profile construction, natural  
building materials and colors compatible with the surrounding  
terrain."

The protections offered in the Local Coastal Plan, the  
Coastal Act, the Goleta Community Plan, and the Specific Plan to  
preserve these values have been misinterpreted or ignored  
altogether in the Ellwood Shores approval. The failure to  
provide sufficient public access, impacts to the environmentally  
sensitive habitat areas, the destruction of view corridors, and  
incompatibility with adjacent land uses render this project  
absolutely inconsistent with the Santa Barbara Coastal Plan.  
The uniform large size of these homes, their uniform  
distribution, their close placement to one another, and the  
neo-Spanish Colonial styles and colors of the project make it  
incompatible with both the neighborhood and the natural  
environment. The height and density of these houses and the lack  
of adequate view, as currently called for in the Specific Plan,  
destroys the 360-degree views of mountains, grove, islands, and

ocean that all give the site its unique sense of place.

This site deserves a more sensitive and compliant design.

The Santa Barbara Shores Homeowner's Association (SBSHA) believes this development is out of compliance with the Coastal Act and the Santa Barbara County Local Coastal Plan as set forth below.

**A. The Project Could Not Be Approved Because Amendments to the LCP Necessary For the Project Have Not Been Certified By the Commission**

Approval of the Ellwood Shores Development Plan requires amendments to the following development standards of the Goleta Valley Community plan, which is part of the Santa Barbara County Local Coastal Plan: DevStd LUDS-GV-3.1, DevStd LUDS-GV-3.3, DevStd LUDS-GV-3.4, DevStd LUDS-GV-3.5, DevStd LUDS-GV-3.8, DevStd LUDS-GV-3.10, DevStd LUDS-GV-3.11, and DevStd LUDS-GV-3.12. In addition, the project requires approval of amendments to the public access trail maps of the LCP.

Project approvals must be consistent with a certified local coastal plan (Pub. Res. Code §§ 30600.5(c), 30604(b)) and amendments to the coastal plan must be certified by the Coastal Commission. Pub. Res. Code § 30514. Because the amendments necessary for approval of the Ellwood Shores project have not yet been certified by the Coastal Commission, the project is not in conformity with the current certified LCP of Santa Barbara County. Therefore, the project is inconsistent with the LCP and its approval by the County is void.

In addition to its inconsistency with the existing, certified LCP with respect to the above development standards (whose amendment has not yet been certified), the Ellwood Shores project is inconsistent with the following policies of the Coastal Act and the LCP.

**B. Impact on Visual Resources and Consistency with the Surrounding Area**

The proposed development is inconsistent with the following policies of the Local Coastal Plan and the Coastal Act for protection of visual resources and public views of the coast: Public Resources Code section 30251, LCP Policies 4-3, 4-4, 4-6, 3-14, and Ellwood Shores Development Plan, Policy 57, which require a mix of housing types and a development that is of a scale consistent with the existing community and natural environment. The project is also inconsistent with Local Coastal Plan policy requiring building height shall not exceed one

story or 15 feet above finished grade, unless an increase in height would facilitate clustering of development and result in greater view protection.

Specifically, the project calls for the construction 155 closely spaced homes that will, in effect, create a wall of homes along the coastal bluff. Of the 155 homes, 148 will be 2 story houses spaced a mere 10 feet apart. The large size of the homes, their placement, and their neo-Spanish colonial styles and colors will create a massive wall of stucco that will block public views of the coast, as well as views of the mountains and the local County park, from the existing coastal trails. Current views from the project site afford a 360 degree view of the coast and surrounding woodlands and mountains. Construction of a uniform series of closely-spaced homes does not provide for the mix of housing types and protection of coastal views required by the Coastal Act.

Even the token 7 one-story homes do not appear to be true one-story houses. Instead they are two-story homes with a one story element, such as a garage or entry-way. The developer did not adequately submit any completely one-story floor plans during public meetings. A true mix of housing types, that called for the construction of a 1/3 mix of one story homes, would provide for more views of the coast and a more varied development/viewshed interface.

Furthermore, the materials used for construction are not compatible with the surrounding environment. Colors specified for the development do not blend into the site which contains greens, browns, tans and gold. Pinks, reds and white do not occur naturally in this area.

Because of its scale and the composition of the materials, the project is also inconsistent with the Coastal Commission's landform alteration policies which emphasize development that is compatible with the natural environment and surrounding community and sited so as to avoid environmental sensitive areas.

### C. Impacts On Public Access

The project is inconsistent with the public access policies of the Coastal Act, and the LCP. Specifically, the project is inconsistent with: Public Resources Code section 30001.5, 30211, and 30222, which prohibit development that interferes with access to the coast and requires maximum public access and recreational opportunities along the coast.

The SBSHA submits that the existing network of historic trails are being greatly altered. The easterly trail is being cut off or eliminated at the bottom end of the trail. This

easterly trail is being diverted further to the east, away from the major trail that allows a visitor to walk down to the water. This easterly trail that is being dissected is the most traveled trail and best serves the elderly and handicapped due to the fact that it had been covered with asphalt in the 1960s and allows the elderly and handicapped to walk upon a somewhat stable hard surface when attempting to get to the beach. We are concerned that the bottom portion of this major trail is being eliminated. Also, the portion of this trail which is covered in asphalt, has historically accommodated vehicular traffic. The developer is proposing elimination of this access site by the general public.

The project is also inconsistent with the Goleta Community Plan Policy, LUDSGV3, Development Standard 3.6 in that access trails should be safe, natural and permanent.

Specifically, the coastal trail is sited so close to the bluff edge that portions of it will be destroyed by erosion before the 75-year life of the project. If we were to endure a particularly wet winter season, erosion of the bluff and trails will sharply increase. We believe that the coastal trail should be moved further inland, (beyond what has been approved by the Santa Barbara County Board of Supervisors) in order to ensure public access well into the future.

For example, the Environmental Impact Report, Section VI.G.18, mitigation measure VI.G.2 requires a minimum 200 foot development setback from the bluffs. The Southwest section of the development does not comply with this 200 foot setback. With the formula of a 6 inches per year erosion factor, the SBSHA respectfully submits that a minimum 200 foot setback be mandated to this development. This 200 foot setback would protect the life of public access trails well into the next century. These trails are intended to support many types of activities, to include bicycles, walkers, and horses. These activities will contribute largely to increased erosion. In addition, a particularly wet winter (as predicted for this winter el nino season) will also contribute to increased erosion and instability of the bluff edge.

The Goleta Community Plan also calls for the trail system to align as closely as possible with existing major historic trails onsite and linking to 3 access points to the beach. Entrance to the bluff top via the east side of the property on a historic trail, is being re-routed in a way that does not preserve the "most heavily utilized" historic trail. Access to the bluff-top (under this development plan) is not friendly or convenient; nor does it adequately preserve the historic trail system.

Finally, the use of a gated community is inconsistent with policies requiring maximum access to the coast. For the

past 30 years, residents of the Santa Barbara Shores community have enjoyed vehicular access across the bluff and to the shoreline. Approval of a gated community for this development will eliminate the historic access to the coast. This gated community is removing a historical access that Santa Barbara Shores homeowners were assured of (and one that was written into original deeds) with the onset of the entire development in the 1960s. Many of us who currently transport recreational equipment to the shoreline will no longer be able to do so.

It is also our belief that this gated community will place boundaries between the two communities (Santa Barbara Shores and Monarch Point Reserve). Allowing for a isolated community could set in place, a negative social association between Monarch Point Reserve and the surrounding community.

#### **D. Impacts to Natural Resources**

The project is inconsistent with the requirements of the Coastal Act and the LCP for protection of natural resources. Specifically it is inconsistent with Public Resources Code Sections 30001(c), 30230, 30231, 30240, 30251, and LCP policy 2-11.

The SBSHA submits that the development as proposed will adversely impact habitat for the Monarch butterfly as well as riparian, wetland, coastal grasslands, and vernal pool habitats. Specifically, the current development setback does not allow for a wide enough natural vegetation buffer for the ESHA. The approved 50 foot setback from the Monarch Grove is not sufficient to protect the delicate nature of the "aggregation site" environment and specialized climatic conditions required for the monarchs to flourish and prosper. This development abuts the grove and these two story homes (atop graded land for view enhancement) and will obstruct and alter the natural wind flow patterns as well as fog distribution coverage throughout the grove. The delicate balance of these specialized weather conditions are what the butterflies require. Numerous specialists agree that this set-back is dangerous. The concentrated outflows of run-off water from street drains are of great concern. These Monarch Butterflies are a protected species in all the documents (Coastal Act, Local Coastal Plan, Specific Plan and the EIR). Other adverse impacts to the Monarch butterfly will occur from the placement of siltation basins directly adjacent to and above the biologically sensitive monarch butterfly habitat, grading, and the use of fireplaces immediately adjacent to the habitat.

Coastal Act policies indicate that wider set-backs are necessary to protect the monarch butterfly habitat as well as the eucalyptus groves, native grasslands, vernal pools, coastal

bluffs, riparian habitat, and species that include raptors, black-shouldered kites and the turkey vulture. For example, the development is inconsistent with guidelines for protection of the windblown eucalyptus along the bluff tops. Please mandate that the developer may not remove these groupings of bluff top vegetation.

The development also calls for alteration of the Devereaux creek stream bed at the entrance of this development (under a bridge and through a culvert), which will adversely affect both the riparian habitat and public access. The SBSHA submits that the Devereaux Creek will experience interference with surface water flow once the entrance bridge is built and the stream bed is diverted through a culvert. The existing creek corridor trail will be relocated near the existing terminus of Santa Barbara Shores Drive due to the need for building a retaining wall. This particular stretch of trail is one of the most picturesque trails in Santa Barbara. The SBSHA believes that the bridge structure should be modified to protect the trail and trail entry.

The SBSHA understands that lighting in the coastal zone is regulated. Nighttime lighting from this development will alter the biological patterns of animal and bird life in the grove. The SBSHA submit that night time lighting should be heavily regulated and/or curtailed at dusk in the developers parking lot and around the proposed recreation center. Street lighting should be limited and low profile, low glare and conservative in size as this development will most certainly degrade the natural visual resource of the night sky.

Finally, the development does not comply with the Open Space Habitat Management Plan which calls for the developer to fund an endowment for the long term maintenance of the ESHA. Two entities have been approached to manage this Open Space, one being the University of California at Santa Barbara. The management budget that has been proposed by the University is approximately \$90,000/year. The developer has proposed a annual budget of \$45,000. The University's participation has not been confirmed at this point in time. Therefore, the SBSHA does not feel that the developer is in compliance with the requirement of having a management entity in place with adequate funding.

#### **E. Parking and Traffic**

The California Coastal Act, Section 30212.5, states, "Wherever appropriate and feasible, public facilities including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, or overcrowding or overuse by the public of any single area."

The SBSHA suggests that the developer must be held to the requirement of providing for a 20 space parking lot atop the bluff near the recreation center. We would also request mandates and assurances that no public parking spaces will be located behind the residents of Carmel Beach Circle. The developer's preference to build parking spaces behind residents only represents a negative social impact between the two communities.

Public parking has been a controversial issue throughout this process. Due to the fact that the Board of Supervisors have allowed this development to become a gated community, the burden of providing adequate public parking becomes the responsibility of our neighboring community. While the SBSHA applauds the 20 space parking lot mandated at the top of the development entry, near the entry kiosk; we feel it is blatantly inappropriate to approve this new gated development which will off-load massive traffic and parking impacts onto the streets of the Santa Barbara Shores community. Knowing that the overflow parking from the adjacent county park (which is proposed to provide "fee parking") will also burden our streets, it is frankly a disregard of civic respect to create this cumulative impact of overflow parking onto the Santa Barbara Shores streets, while the streets of this new development remain free from public parking.

This development will bring with it an estimated additional 1500 - 2000 average daily trips per day down our streets. The SBSHA believes that the traffic studies presented by the developer are grossly understated, especially in light of the fact that Santa Barbara Shores Drive is the single point of ingress and egress for this 155 home development with two and three car garages. We believe that the increase in ADT's will be detrimental to the safety and well-being of both communities. In light of the fact that overall cumulative development adjacent to our neighborhood (Monarch Point Reserve, Santa Barbara Shores Park, the Big Box Commercial Development, The Hyatt Convention Center, Winchester Commons residential development and the Sandpiper development) will pose a cumulative impact of overall increased traffic patterns, the SBSHA believe that the general public would be best served by a more current and accurate traffic study, taking into account cumulative traffic. We also believe that a single point of entry to this development will exacerbate traffic impacts. Traffic statistics and planning appears to be based on outdated information and is completely neglectful of the immense accumulation of these cumulative impacts.

The single point of ingress and egress at the end of Santa Barbara Shores Drive represents short-sightedness and poor decision-making. SB Shores community members have requested a second access to this development via the County park lands and/or via the east side of the property. Recent fires in the grove area have proven that this single point of entry is very

unfriendly and difficult for fire equipment to rapidly suppress fires. The SBSHA have expressed concern over the possibility of fire breaking out in the eucalyptus grove at the entrance road. If this were to happen, development residents would be unable to easily drive to safety; especially if a fire truck must situate itself on the entrance bridge. Currently, the emergency access road on the eastern side of the property could not easily accommodate something other than a 4-wheel drive vehicle as this access is full of worn out trenches and rugged terrain. During the winter months this road is extremely muddy and most probably unfit for travel. The failure to provide adequate access is inconsistent with Coastal Commission policies designed to minimize hazards, including fire hazards associated with new development.

### Conclusion

For the foregoing reasons the SBSHA requests that the Commission grant this appeal.



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

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

- a.  Planning Director/Zoning Administrator      c.  Planning Commission  
b.  City Council/Board of Supervisors      d.  Other \_\_\_\_\_

6. Date of local government's decision: August 19, 1997

7. Local government's file number (if any): 96-DP-026, TM 14,417, 97-OA-012

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:  
Randy Fox, Santa Barbara Development Partnership  
Monarch Point Reserve  
116 East Sola Street, 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) (see Attachment 1)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- (2) Nathan Post, Surfriders  
739 Calle de los Amigos  
Santa Barbara, CA 93105  
\_\_\_\_\_
- (3) Citizens Planning Association  
916 Anacapa Street  
Santa Barbara, CA 93101  
\_\_\_\_\_
- (4) Audubon Society  
5679 Hollister Avenue  
Goleta, CA 93117  
\_\_\_\_\_

SECTION IV. Reasons Supporting This Appeal

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

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

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

See Attachment 2 (13 pages)

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

SECTION V. Certification

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

Wanda Michalenko, Secretary  
Signature of Appellant(s) or  
Authorized Agent

Date September 14, 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 \_\_\_\_\_

ATTACHMENT 2

SECTION IV. Reasons Supporting This Appeal

The proposed development(s) is located in a sensitive coastal resource area, within 100 feet of a stream (Devereux Creek), within 100 feet of wetlands (including the Mathilda Wetland swale, designated ESH in the Goleta Community Plan), and within 300 feet of the top of the seaward face of the coastal bluff.

The development(s) does not conform to the standards set forth in the certified Local Coastal Program and Coastal Act as follows.

1) Devereux Creek Trail:

The proposed northern east-west "Primary Trail" ("Devereux Creek Trail") for bicycles and equestrians, in addition to pedestrians, is inconsistent with numerous creek protection and butterfly tree protection policies as listed below. This is because the dense woodland comes down to (and, in some cases, below) the top of the bank of Devereux Creek in many places. Where this occurs, the 15-foot wide multipurpose trail would have to be placed within the Devereux Creek, or, several hundred trees (comprising Monarch Butterfly habitat) would have to be cut down if the trail was placed above the top of the bank. Either one of these options is inconsistent with resource protection policies. (See EXHIBIT A attached)

While there are contradictory statements and descriptions of the "north east-west trail" or "Devereux Creek Trail", several Conditions (as well as the maps and testimony at public hearings) indicate that this is planned to be a multipurpose trail with a 15-foot easement that will accommodate bicycles and horses as well as "pedestrians" and "hikers". Specifically:

*Policy PRT-GV-10: All trails developed by and/or dedicated to the County shall be multi-use. (See also letter EXHIBIT B attached)*

The Conditions of Approval for 96-DP-026, August 19, 1997, p. 30, under RECREATION state:

*Condition 71*

- f. The applicant shall request and fund modification of existing Goleta Sanitary District vehicle barriers (along the northerly GSD easement which is intended to coincide with the "Devereux Creek" trail) to allow for equestrian and bicycle passage.*

*Condition 73: Completion of a continuous east-west trail to the north of the project (the "Devereux Creek" trail) shall be ensured...*

The Goleta Sanitary District (and Flood Control) barriers were installed along their Devereux Creek easements as mitigation conditions to previous development projects (after public comment). Ample documentation was provided at that time to prove that severe damage was being done to the creekbed, banks, and riparian vegetation by bicycles in particular (as well as horses and motorized vehicles). These barriers would not need to be removed if it was the intent of the County to keep the Devereux Creek "trail" limited to pedestrian use only.

The Sanitary District sewer line (and easement) runs under the Mathilda Wetland (swale) and under the channel of Devereux Creek. (See EXHIBIT A)

\*The conditions mandating a multi-use trail are inconsistent with and conflict with other conditions in the same document, for example:

Condition 15: The revised OSHMP...shall include...

- (b) The design of a regional trail system which allows for public access to open space areas, while directing recreational activities away from sensitive resources;
- (c) Maintenance of appropriate buffer zones around sensitive resources by installing fencing and signage;
- (d) Implementation of a management plan to decrease siltation entering the (Devereux) slough; ...

Devereux Creek is a sensitive resource. Bicycles and horses cause severe erosion and siltation downstream. Placement of a multi-use trail in the Devereux Creek corridor is inconsistent with the intention to protect sensitive resources, and is especially inconsistent with the stated intent to protect Devereux Slough.

\*Devereux Slough is one of the most important remaining wetlands in California. Both the Local Coastal Plan and the Goleta Community Plan commit to protecting the watershed of this wetland.

LOCAL COASTAL PLAN: (p. 122)

HABITAT TYPE: Wetlands

Location: Santa Maria River Mouth, ... Devereux Lagoon (UCSB), Goleta Slough, and small wetlands at the mouths of many streams ...

...Development activities in upland watersheds and stream alteration pose the greatest threats to continued viability of wetland habitats due to toxic runoff and siltation...

Policy 9-1: Prior to the issuance of a development permit, all projects on parcels shown on the land use plan and/or resource maps with a Habitat Area overlay designation or within 250 feet of such designation or projects affecting an environmentally sensitive habitat area shall be found to be in conformity with the applicable habitat protection policies of the land use plan. ...

GOLETA COMMUNITY PLAN:

Program BIO-GV-19.3: The County shall develop a plan for the creation of a Devereux Slough Ecological Preserve. ... The Preserve shall encompass the entire Devereux Slough regional ecosystem and shall ensure protection of biological resources and water quality with the system. Particular emphasis shall be placed upon protecting ESH areas on the West Devereux and Santa Barbara Shores Specific Plan properties. ...

\*On the eastern side of the development site, the proposed north trail would go through the Mathilda Wetland (swale), which is also designated in the LCP as an Environmentally Sensitive Habitat Area (see EXHIBIT C). While often dry in the mid-summer months, the Mathilda Wetland is under 18 - 24 inches of water during the winter wet months, and contains a unique assemblage of fresh-water marsh and brackish marsh plants.

A group of volunteers from Audubon Society and Sierra Club have been working on removing exotic vegetation and restoring this wetland for several years.

The proposed "Devereux Creek Trail" is inconsistent with the following stream/wetland habitat protection policies:

COASTAL ACT POLICIES:

30230. Marine resources shall be maintained, enhanced, and, where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance...

30231. The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes ...shall be maintained ... through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, ... maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

30233. (a) The diking, filling, or dredging of ... wetlands, estuaries ... shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible, mitigation measures have been provided to minimize environmental effects, and shall be limited to the following:

...(8) Nature study, aquaculture, or similar resource-dependent activities. (Multipurpose trails are not included)

30236. Channelizations, dams or other substantial alterations of rivers and stream shall incorporate the best mitigation measures feasible, and shall be limited to (1) necessary water supply projects; (2) flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development, or; (3) developments where the primary function is the improvement of fish and wildlife habitat.

30240. (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

LOCAL COASTAL PLAN POLICIES:

- 2-11: All development, including agriculture, adjacent to areas designated on the land use plan or resource maps as environmentally sensitive habitat areas, shall be regulated to avoid adverse impacts on habitat resources. Regulatory measures include, but are not limited to, setbacks, buffer zones, grading controls, noise restrictions, maintenance of natural vegetation, and control of runoff.
- 3-11: All development, including construction, excavation, and grading, except for flood control projects and non-structural agricultural uses, shall be prohibited in the floodway unless off-setting improvements in accordance with HUD regulations are provided...
- 3-19: Degradation of the water quality of groundwater basins, nearby streams, or wetlands shall not result from development of the site. Pollutants, such as ... reaw sewage, and other harmful waste, shall not be discharged into or alongside coastal streams or wetlands either during or after construction.
- 9-1: Prior to the issuance of a development permit, all projects on parcels shown on the land use plan and/or resource maps with a Habitat Area overlay designation or within 250 feet of such designation or projects affecting an environmentally sensitive habitat area shall be found to be in conformity with the applicable habitat protection policies of the land use plan. ...
- 9-9: A buffer strip, a minimum of 100 feet in width, shall be maintained in natural condition along the periphery of all wetlands. No permanent structures shall be permitted within the wetland or buffer area except structures of a minor nature, i.e., fences, or structures necessary to support the uses in Policy 9-10. ...
- 9-10: Light recreation such as birdwatching or nature study and scientific and educational uses shall be permitted with appropriate controls to prevent adverse impacts.
- 9-13: No unauthorized vehicle traffic shall be permitted in wetlands and pedestrian traffic shall be regulated and incidental to the permitted uses.
- 9-14: New development adjacent to or in close proximity to wetlands shall be compatible with the continuance of the habitat area and shall not result in a reduction in the biological productivity or water quality of the wetland due to runoff (carrying additional sediment or contaminants), noise, thermal pollution, or other disturbances.
- 9-37: The minimum buffer strip for major streams in rural areas, as defined by the land use plan, shall be presumptively 100 feet, and for streams in urban areas, 50 feet. These minimum buffers may be adjusted upward or downward on a case-by-case basis. The buffer shall be established based on an investigation of the following factors and after consultation with the Department of Fish and Game and Regional Water Quality Control Board in order to protect the biological productivity and water quality of streams:...
- Riparian vegetation shall be protected and shall be included in the buffer. Where riparian vegetation has previously been removed, except for channelization, the buffer shall allow the for

reestablishment of riparian vegetation to its prior extent to the greatest degree possible.

9-41: All permitted construction and grading within stream corridors shall be carried out in such a manner as to minimize impacts from increased runoff, sedimentation, biochemical degradation, or thermal pollution.

ELLWOOD BEACH-SANTA BARBARA SHORES SPECIFIC PLAN 89-SP-002 RVO1,  
August 19, 1997, Development Standards:

DevStd LUDS-GV-3.3: Development shall be sited and designed to minimize and avoid disruption of the site's natural resources and environmentally sensitive habitats, and shall, with the exception of the passive recreational development permitted on the SBDP parcel, be located outside of all ESH areas.

DevStd LUDS-GV-3.4: The Specific Plan shall protect unique, rare or fragile habitats to ensure their survival in the future. The Plan shall recognize and respect native grasses ...

DevStd LUDS-GV-3.5: New development shall be designed to accommodate maximum public access to the site, consistent with the protection of ESH areas and the site's natural features, ...

GOLETA COMMUNITY PLAN:

BIO-GV-1: The County shall designate and provide protection to important or sensitive environmental resources and habitats in the Goleta Planning Area.

BIO-GV-2: Environmentally Sensitive Habitat (ESH) areas and Riparian Corridors with the Goleta Planning Area shall be protected and, where feasible and appropriate, enhanced.

BIO-GV-7: Riparian vegetation shall be protected and shall not be removed except where clearing is necessary for the maintenance of free flowing channel conditions, the provision of essential public services or where protection would preclude the reasonable use of a parcel. ...

BIO-GV-8: The minimum buffer strip and setbacks from streams and creeks for new development and actions within the ESH overlay that are regulated by the County Zoning Ordinances shall be as follows, except on parcels designated for agriculture in inner rural areas where Policy BIO-GV-9 shall apply:

a. ESH areas within urban, inner rural and existing developed rural neighborhoods: a setback of 50 feet from either side of top-of-bank of creeks or existing edge of riparian vegetation, whichever is further, minimizing all ground disturbance and vegetation removal, shall be indicated on all grading plans; ...

BIO-GV-10: To the greatest extent feasible, natural stream channels shall be maintained in an undisturbed state in order to protect banks from erosion, enhance wildlife passageways, and provide natural greenbelts.

**BIO-GV-19:** Pollution of streams, sloughs, drainage channels, underground water basins, estuaries, the ocean and areas adjacent to such waters shall be minimized.

**BIO-GV-22.1:** Where sites proposed for new development contain sensitive or important habitats and areas to be preserved over the long term, the impacts to these habitats shall be avoided or mitigated to the extent feasible. ...

**FLD-GV-1:** (Flooding and Drainage) The number of persons and amount of property exposed to flood hazard shall be minimized through requiring adequate setbacks from the floodway and/or other appropriate means.

**FLD-GV-2:** No structures (except flood control) shall be allowed within creek channels or along creekbanks. Structural setbacks (usually a minimum of 50-feet from top-of-bank) which are adequate to protect life and property from potential flood hazards shall be provided.

**PRT-GV-7:** (Trails) In developing and maintaining the trail system, provision shall be made for the following:

- . . . e. minimization of erosion on trails, particularly those located near creeks and riparian corridors.

\* The proposed "Devereux Creek Trail" is further inconsistent with the following Trails policies of the Goleta Community Plan:

**PRT-GV-8:** New trails shall be limited to non-motorized vehicle use. Trails shall be designed to keep hikers, bikes and equestrians on the cleared pathways, and shall be designed to minimize impacts to the maximum extent feasible to any sensitive habitat area. Trails shall be sited to avoid significant environmental constraints and to minimize user conflicts and conflicts with surrounding land uses, to the maximum extent feasible.

Land Use Element Parks/Recreation Policy 3 states:

Opportunities for hiking and equestrian trails should be preserved, improved, and expanded wherever compatible with surrounding uses.

Public Resources Code 30210 states:

...maximum access ... and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect ... natural resource areas from overuse.

The above policies are clearly in contradiction to the County's policy:

**PRT-GV-10:** All trails developed by and/or dedicated to the County shall be multi-use.

\*Cutting down trees within the Ellwood Monarch Groves/Riparian woodland to put a wide trail "alongside" the creek--is inconsistent with the following additional policies protecting trees:

LOCAL COASTAL PLAN:

- 9-22: Butterfly trees shall not be removed except where they pose a serious threat to life or property, and shall not be pruned during roosting and nesting season.
- 9-23: Adjacent development shall be set back a minimum of 50 feet from the trees.
- 9-35: Oak trees, because they are particularly sensitive to environmental conditions, shall be protected. ...
- 9-36: When sites are graded or developed, areas with significant amount of native vegetation shall be preserved. All development shall be sited, designed, and constructed to minimize impacts of grading, paving, ... runoff, and erosion on native vegetation. In particular, grading and paving shall not adversely affect root zone aeration and stability of native trees.

\*There are oak trees, toyons and other native vegetation growing within the riparian corridor--exactly where the "Devereux Trail" is indicated on the PRT map.

SPECIFIC PLAN POLICIES:

Dev Std LUDS-GV-3.6 and E. NATURAL RESOURCES PRESERVATION ELEMENT:  
The north eucalyptus grove will be preserved in its entirety (with the exception of some possible tree removal for the Santa Barbara Shores Drive extension if tree removal cannot be avoided.

\*There is no mention of an exception for removal of trees for "trails" anywhere in the Specific Plan.

GOLETA COMMUNITY PLAN POLICIES:

Policy BIO-GV-6: Monarch Butterfly roosting habitats shall be preserved and protected.

DevStd BIO-GV-6.2: (b) A minimum setback of 50 feet from either side of the roost shall be noted on the plan. Buffers surrounding potential roosts may be increased from this minimum...All ground disturbance and vegetation removal shall be avoided within this buffer region;

(c) Vegetation shall be maintained within this buffer.

BIO-GV-17: Oak trees shall be protected to the maximum extent feasible. All land use development applications shall be processed in such a manner as to avoid damage to native oak trees. Regeneration of oak trees shall be encouraged.

DevStd BIO-GV-18: Trees serving as known raptor nesting or key raptor roosting sites shall be preserved to the maximum extent feasible.

SPECIFIC PLAN:

DevStd LUDS-GV-3.6: Vernal pools, and the eucalyptus grove along the northern boundary shall be preserved. Development shall avoid all butterfly, turkey vulture, and black shouldered kite roosts.

\*Horse excrement is a known pollutant to streams and wetlands. It is causing severe ocean water quality problems near Arroyo Burro Beach.

\*Both horses and bicycles cause severe erosion and siltation into streams/wetlands.

\*A trail is a development.

\*There is no need for a second "major" multi-purpose east-west trail on the Monarch Point property, which has so many separate and different Environmentally Sensitive Habitat areas (including Devereux Creek, the Monarch Butterfly groves, Mathilda Wetland swale, and raptor roosting/nesting sites).

The De Anza Coastal Trail runs along the blufftop, providing adequate horizontal access for equestrians and bicycles across the property.

\*The only compatible and acceptable east-west access within the riparian corridor and ESH areas is a narrow (2-foot wide or less) footpath, not a "Trail" as defined by the County.

\*Passage of bicycles and horses is not a use that is "dependent on" an Environmentally Sensitive Habitat Area. Nature (appreciation) walking and studying are a dependent use.

\*Where there are conflicts between goals and policies, the Local Coastal Plan states (p. 2):

*The Act also attempts to establish a framework for resolving conflicts among competing uses for limited coastal lands. The policies which spell out priority uses constitute this framework. The Coastal Act places as its highest priority the preservation and protection of natural resources including environmentally sensitive habitat areas (i.e., wetlands, dunes), and prime agricultural lands. In the case of habitat areas, only uses dependent on these resources are allowed within such areas.*

*... Public recreational uses have priority on coastal sites which are not habitat areas and not needed for coastal dependent uses.*

*... These priorities must be reflected in the land use plans prepared by local governments.*

2) Public Access:

The Santa Barbara County Parks Department has a requirement that all "trails" be multi-use (including equestrians and bicycles) trails with 15' easements. The County has no category or provision for narrow footpaths which are the only appropriate access in Environmentally Sensitive Habitat Areas or other natural resource areas. This automatically and unnecessarily limits the provision of adequate public access to the beach, and coastal resources. For example, the highly used historical vertical access pathway that runs to the beach from the end of Ellwood Beach Drive has been cut off and eliminated in the Development Plan because it runs through the vernal pool/native grassland complex ESHA. Although it is designated as "public open space", it is not open to the public. There is no substantial evidence as to why a narrow footpath (appropriately contained) could not be put through this area (see County "ATTACHMENT K"). (See EXHIBIT D)

The County Parks Department's "trail" requirements are inconsistent with the following Coastal Act and Local Coastal Plan policies:

30210: ... maximum access ... and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect ... natural resource areas from overuse.

30211: Development shall not interfere with the public's right of access to the sea where acquired through use ...

30212.5: Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

30240: (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas ... shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

"Nature study" is a "dependent use", and narrow footpaths can be provided in many ESH areas without any significant disruption of habitat values. On the other hand, 15-foot wide bicycle paths and equestrian trails are not a dependent use.

This contradiction can be easily resolved by the designation of narrow "footpaths" (as opposed to the County's definition of "trails") within the ESH areas of the Specific Plan properties.

Urban Creeks Council wishes to point out that we raised this issue during the deliberations of the advisory committee that up-dated the PRT maps as part of the Goleta Community Plan updates. We raised the issue of the need for "nature paths" instead of multi-purpose "trails" in the vicinity of all riparian corridors. We specifically expressed our concern and objection to the trail designations in the Ellwood area. We were continually told that the lines on the PRT maps were only "conceptual" and that the exact location and designation of trails would be worked out in detail during the Development Plan process for each respective property. Please see map titled "GOLETA TRAIL IMPLEMENTATION STUDY" (EXHIBIT E-2) which contains the following note:

"This is not a trail map. The proposed trail corridors on this map are primarily non-existing and are merely illustrative of general locations of future trail corridors "Not Yet" acquired for public use."

Urban Creeks Council also raised the issue of appropriate access during both the Planning Commission and Board of Supervisors hearings on the Development Plan. The County has continued to refuse to address and remediate this problem, despite all our efforts to bring this issue to their attention and to resolve the problem by creating different types of "trails" that would be consistent with the natural resource protection policies of the Coastal Act, the Local Coastal Plan, and the Goleta Community Plan.

We also want to point out that the GOLETA COMMUNITY PLAN (FINAL, August 1993) Map "Santa Barbara County Comprehensive Plan (PRT-3) Parks, Recreation and Trails" (Figure 26) showed only one "PROPOSED TRAIL" going through the Ellwood area (that is, West Devereux property, Ellwood Beach-Santa Barbara Shores property, Sandpiper, and westward). (see EXHIBIT E-1)

To our knowledge, there has been no environmental assessment (e.g. EIR) performed to assess the environmental impacts to the Devereux Slough watershed of constructing many ("a network of") wide multi-purpose trails through this highly sensitive area.

#### Public Access Impacts

The on-going (existing and future) severe problems and impacts to Devereux Creek created by public access to the Main Butterfly Grove through the adjoining Devereux Creek have not been dealt with adequately (that is, analyzed and conditioned). Site visits to this area have mostly been during the summer (dry) season, and decision makers have rarely viewed this area during the wintertime when it is a wet, muddy mess. The refusal of the applicant and the County to deal with this problem is inconsistent with Coastal Act Policy 30212.5 (cited above), and Coastal Act Policy 30214:

*30214: (a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each including, but not limited to, the following:*

- (1) Topographic and geologic site characteristics.*
- (2) The capacity of the site to sustain use and at what level of intensity.*
- (3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses. ...*

Access to the Main Butterfly Grove needs to be rerouted entirely to keep people out of the creekbed (that is, an upland trail from the Santa Barbara Shores extension entrance road); or, if access is to continue from the end of Coronado Drive, appropriate bridge(s) and/or wooden walkways need to be provided to keep pedestrian (and bicycle and equestrian) traffic out of the stream channel.

3) BLUFFTOP EROSION:

The Development Plan does not provide a continuous 200-foot blufftop setback as required by EIR Mitigation VI-G.2 to assure the De Anza Trail will remain for the 75-year "life of the project". This is inconsistent with

LOCAL COASTAL PLAN Policy 3-4: In areas of new development, above-ground structures shall be set back a sufficient distance from the bluff edge to be safe from the threat of bluff erosion for a minimum of 75 years, unless such standard will make a lot unbuildable ...

The potential loss of the bluff-top major trail is of concern because that may necessitate moving the De Anza Trail to go inland, through the Eucalyptus (Monarch) Grove or within the riparian corridor of Devereux Creek.

4) Hillside and Watershed Protection:

The Development Plan does not minimize alteration of natural landforms. This is inconcistent with

GOLETA COMMUNITY PLAN

Policy GEO-GV-4: Excessive grading for the sole purpose of creating or enhancing views shall not be permitted.

LOCAL COASTAL PLAN POLICIES

- 3-13: Plans for development shall minimize cut and fill operations. Plans requiring excessive cutting and filling may be denied if it is determined that the development could be carried out with less alteration of the natural terrain.
- 3-14: All development shall be designed to fit the site topography, soils, geology, hydrology, and any other existing conditions and be oriented so that grading and other site preparation is kept to an absolute minimum. Natural features, landforms, and native vegetation, such as trees, shall be preserved to the maximum extent feasible. Areas of the site which are not suited for development because of known soil, geologic, flood, erosion or other hazards shall remain in open space.

COASTAL ACT POLICIES

30251. The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.

30231. (previously cited)

30253. New development shall:

... (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geological instability, or destruction of the site or surrounding area or in any way require the

construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

\*This development plan contains unnecessary alteration to the natural land forms.

5) VISUAL RESOURCES:

The "Spanish colonial" architectural style (with red tile roofs and heavy masonry walls) and a lack of a true "mix" of housing styles with mostly 2-story structures--creates a building mass and scale that is inconsistent with Coastal Act Policy

30251. *The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas shall be subordinate to the character of its setting.*

The Ellwood area is on the fringe of urban development and previous housing built in the area has been of an architectural style that blended the buildings into the natural surroundings of trees and grasslands. The existing development is unobtrusive, and Ellwood still has a rural coastal ambience.

This Development Plan is not "in conformance with the scale and character of the existing community" as specified in Local Coastal Plan Policy 4-4.

The Development Plan is inconsistent with Goleta Community Plan/  
Specific Plan Policy

*DevStd LUDS-GV-3.7: New development shall utilize low profile construction natural building materials and colors compatible with the surrounding terrain, and landscape screening to further minimize visual disruption of Santa Barbara Shores.*

This incompatible architectural style creates a visual impact that is not mitigated to the maximum extent feasible. It could easily be changed. There are many other beach/coastal communities that have architecture compatible with the natural surroundings (for example, Summerland, Cambria, and Cuesta by the Sea) where property values are enhanced by the ambience. This development can be redesigned to be less obtrusive.

6) CARRYING CAPACITY:

Coastal Plan Policy 7-4 requires the County to "determine the environmental carrying capacity for all existing and proposed recreational areas sited on or adjacent to dunes, wetlands, streams, tidepools, or any areas designated as "Hagitat Areas" by the land use plan.

Although the County's "Findings" state that the Specific Plan is consistent with this policy, we have no knowledge of any scientifically based study regarding the carry capacity of the Ellwood Beach-Santa Barbara Shores Specific Plan area. If they exist, they have never been provided for public or peer review.

CONCLUSION:

The Monarch Point Development Plan, Tract Map, and PRT Map are inconsistent with the Coastal Act, the Local Coastal Plan, and the Goleta Community Plan. The County's staff report analysis of the proposal's consistency with the Santa Barbara County Local Coastal Plan (LCP) is flawed, and is not supported with any substantial evidence. There is no substantial evidence contained in the FEIR(s), the County's CEQA Findings, the Statement of Overriding Considerations, or the Administrative Record that support the conclusionary recital cited in support of the proposal's consistency with the express language of the Coastal Act and the LCP.

The Monarch Point Development Plan, Tract Map, and PRT Map as proposed are not permissible pursuant to the Coastal Act provisions, or the LCP. The project has not been mitigated to the maximum extent feasible; and there are viable and practical mitigations and conditions that could be applied to achieve consistency.

NOTE:

Despite numerous attempts at both the County of Santa Barbara and the Ventura office of the Coastal Commission, we have been unable to obtain the most up-to-date revisions of the documents cited. The most recent version of the Local Coastal Plan available is dated January 1982, with amended pages as of June 1995. This version is completely missing Chapter 4: "The Planning Areas" from page 146 forward, with no explanation as to why they are missing.

The Goleta Community Plan citations are taken from a document entitled "GOLETA COMMUNITY PLAN--FINAL", dated August 1993. We have been unable to obtain any revisions or up-dates to this document.

EXHIBIT A



Devereux Creek corridor showing dense vegetation that would have to be cut down if the east-west trail was developed as shown on the PRT Map.



Devereux Creek channel, looking west toward Coronado Drive. Sanitary District manhole is in the middle of the creek.

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**REVISED CONDITION LETTER (7/11/97)**

June 12, 1997

TO: Natasha Heifetz, Planner  
Planning & Development

FROM: Claude Garciacelay, Park Planner 

RE: TM 14,417/96-DP-026/96-SP-003 Monarch Point Reserve  
APN 079-210-013, -014, -015, -024, -051

County Parks has the following condition(s) to the approval of the above referenced project:

- 1) Pursuant to the provisions of Santa Barbara County Ordinance 3339/3656 (Quimby Act), the applicant will be required to pay a fee for each newly generated lot or dwelling unit prior to land use clearance for each phase for the purpose of providing park and recreational facilities within the regional demand area.

Based on the current fee schedule, the total fee for the proposed project would be **\$90,675.00** (\$585 x 155 new lot(s)/dwelling unit(s)). Fees are due prior to land use clearance for each phase, and shall be based on the fee schedule in effect when paid. This office will not accept or process a check received prior to project approval.

Fees are payable to the TREASURER, COUNTY OF SANTA BARBARA, and may be paid in person or mailed to: Santa Barbara County Parks, Rocky Nook Park, 610 Mission Canyon Road, Santa Barbara, CA 93105; or in the North County at Waller Park, 300 Goodwin Road, Santa Maria, CA 93455. Please phone this office prior to payment if unsure as to the final fee required.

- 2) Should the applicant desire credit on the above mentioned park Quimby fees for property dedicated or facilities provided for park and recreation purposes, a request for such credit shall be submitted pursuant to the provisions of Ordinance 3656. County Code Section 23-106 sets the procedure for making application for credit which requires a written request for credit to the Director of Parks prior to map approvals by the Planning Commission and/or the Board of Supervisors. A copy of available credits has been attached for information purposes.

*Providing Places for People and Nature*

3) In conformity with the Parks, Recreation and Trails map of the Comprehensive Plan/Goleta Community Plan for the Goleta area (PRT-3) and the Goleta Trails Implementation Study, the applicant shall dedicate trail easements to the County of Santa Barbara for riding and hiking trail purposes to be recorded concurrently with the recordation of the final map for the subdivision. Final specific locations for said easements shall be determined, surveyed and staked in the field and approved by Parks and Planning and Development prior to recordation of final map. Off site sections of proposed east/west main eucalyptus grove trail shall also have property lines staked to determine location of proposed off-site alignment

The applicant shall construct all trails and improvements and other facilities within the open space area as provided for in the approved Open Space and Habitat Management Plan (OSHMP). No encroachments will be permitted within the dedicated easement which would inhibit future safe use of the trail, including but not limited to fences, walls, structures, paving, or landscaping other than low growing grasses or other approved groundcovers.

Trail easements to be dedicated to the County of Santa Barbara are generally described as follows:

a) Coastal/De Anza Trail and beach access ways:

The trail easement shall be dedicated as a 24' wide easement to accommodate a 10 foot wide Class I paved bikeway and a graded section for hiking and equestrian use. The paved bikeway shall be located on the landward side of the easement with the pedestrian/equestrian section on the bluff side. Beach access ways and structures as indicated in the OSHMP shall be dedicated and improved commencing at the Coastal Trail to the mean high tide line at beach. The southern edge of the 24' Coastal Trail easement shall generally be set back from the bluff approximately 100 feet, specifically that portion coinciding with lots 72 through 84.

b) Eucalyptus Grove Trails:

The trail easements shall be dedicated as 15' wide easements, natural surface multi-use trails. All trails, including the main east/west eucalyptus grove trail generally following the alignment of the sanitary sewer line easement and the secondary trails within the grove, shall be improved in accordance with the OSHMP.

Parks recommends that the OSHMP be modified to add the requirement that the applicant provide pedestrian/equestrian bridges and/or boardwalks at all Devereux Creek trail crossings of sufficient proportions to convey trail users across the creek during the wet months of the year. Parks also recommends that an additional trail segment be dedicated in a north/south direction through the grove generally from the Coronado Drive entrance of the grove to connect with the proposed cul-de-sac between lots 140 and 139 of the subdivision for through access to the beach through the proposed

subdivision and continuing to that public access point/trail near lots 78 through 81 connecting to the Coastal Trail.

c) North/South Vertical Access Trails:

Public access points in a general north/south direction shall be dedicated to the public as 15' wide trail easements for those portions occurring within the open space areas and developed as natural surface trails. Continuation of vertical public access shall be accommodated as part of public right to pass on sidewalks and bikeways on the streets of the subdivision through those areas within the development footprint. These north/south vertical access ways are generally described as follows:

The applicant shall dedicate to the County of Santa Barbara the 10 space public parking lot at the end of Santa Barbara Shores Drive concurrent with the recordation of the final map. A vertical access trail shall generally be located to connect from the parking lot with a beach access trail along the eastern boundary of the public park to the west.

The applicant shall provide for a vertical access way the length of the Santa Barbara Shores Drive extension on the subject property to include sidewalk for pedestrian use and on road bikeway. The vertical access way (sidewalk and on road bikeway) shall continue in southerly direction along the cul-de-sac leading to a public access point connecting to the Coastal Trail between lots 30 and 31. An additional segment of this vertical access shall be comprised of a trail connecting the 10 space public parking lot in a westerly direction towards the County Park.

The applicant shall dedicate a trail in a north south direction from the Coastal Trail along the west edge of the grassland/vernal pool complex to an access point on the subdivision street between lots 78 and 79. As previously recommended in this condition letter, a continuation of this north/south access way should proceed as a public access way to connect to the grove and on through to Coronado Drive by providing a public trail easement connection at the cul-de-sac between lots 140 and 139.

All proposed private vertical access points to the open space area (between lots 10 and 11, lots 41 and 42, lots 58 and 59, lots 72 and 73) shall become a part of the common lot(s) for the subdivision and be administered and maintained by the Homeowner's Association. Any proposed gates or fencing of these private access ways shall occur at the southern boundary of the access way area.

The applicant shall dedicate a north/south vertical access way generally connecting the main eucalyptus grove trail southerly to connect with an east/west trail along the emergency access road. A secondary trail shall be dedicated connecting this north/south vertical trail segment with the subdivision street between lots 127 and 126. An east/west public trail shall be dedicated overlying the emergency access road from the subdivision street between lots 120 and 121 and connecting to the university property to the east. This east/west trail segment on the emergency access road shall connect to the north/south vertical access way on the university property to the beach. Should the university preclude the use of

TM 14,417/96-DP-026/96-SP-003

June 12, 1997 (Revised 7/11/97)

Page 4

X this trail to the public or restrict the use of the north/south vertical access way by any user group (hikers, equestrians, bikers) on the university property, the County reserves the right to require the dedication of an easement to locate a north/south vertical beach accessway on the applicant's property to be generally located along the eastern property boundary of the applicant's property.

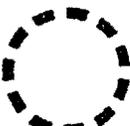
cc: County Surveyor  
Applicant:  
Santa Barbara Development Partnership  
c/o Randy Fox  
116 East Sola Street  
Santa Barbara, CA 93101  
CRAHTAC

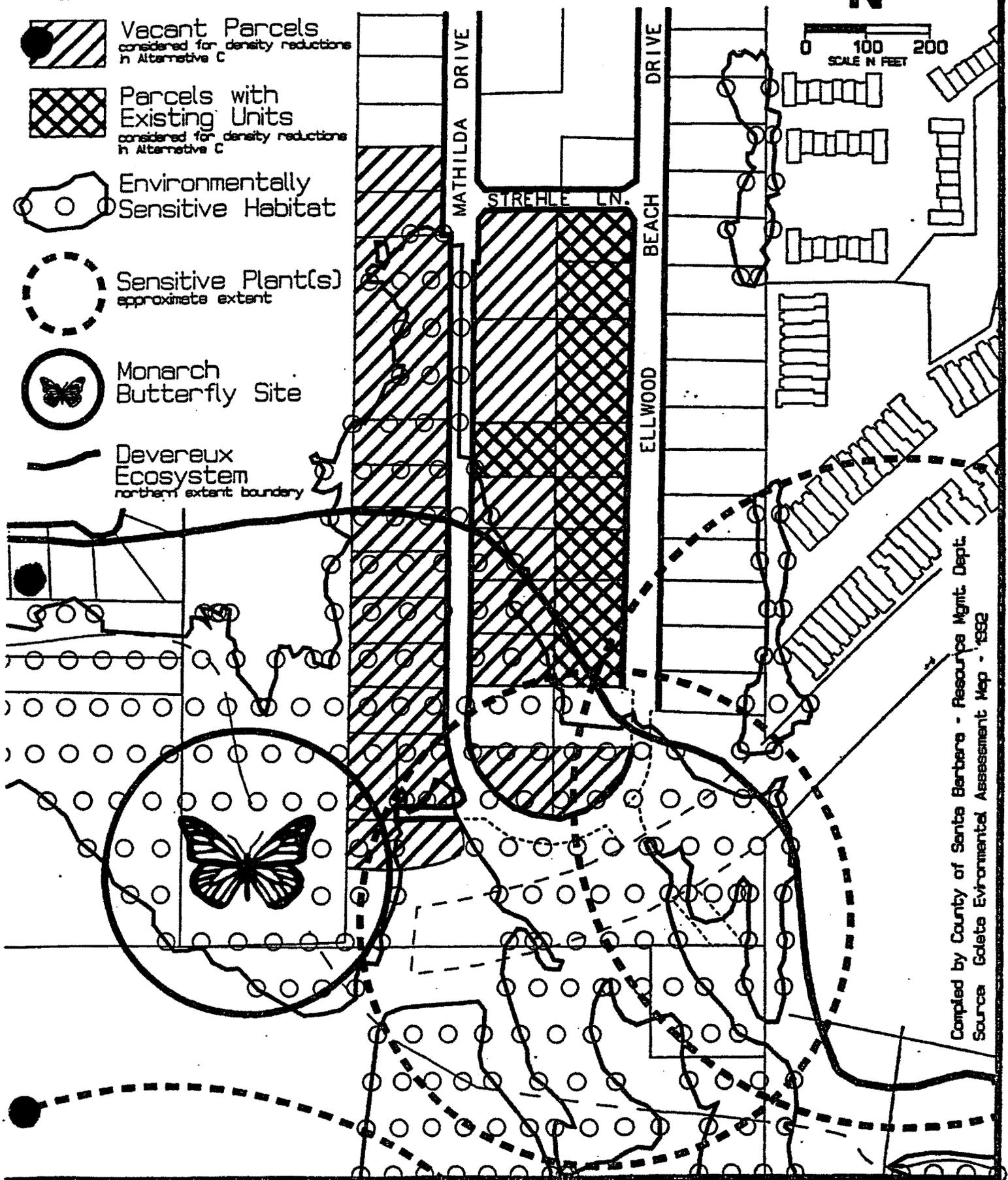
# GOLETA COMMUNITY PLAN - ALTERNATIVE C

## Mathilda Drive Parcels and Surrounding Environmental Constraints - May 1992



0 100 200  
SCALE IN FEET

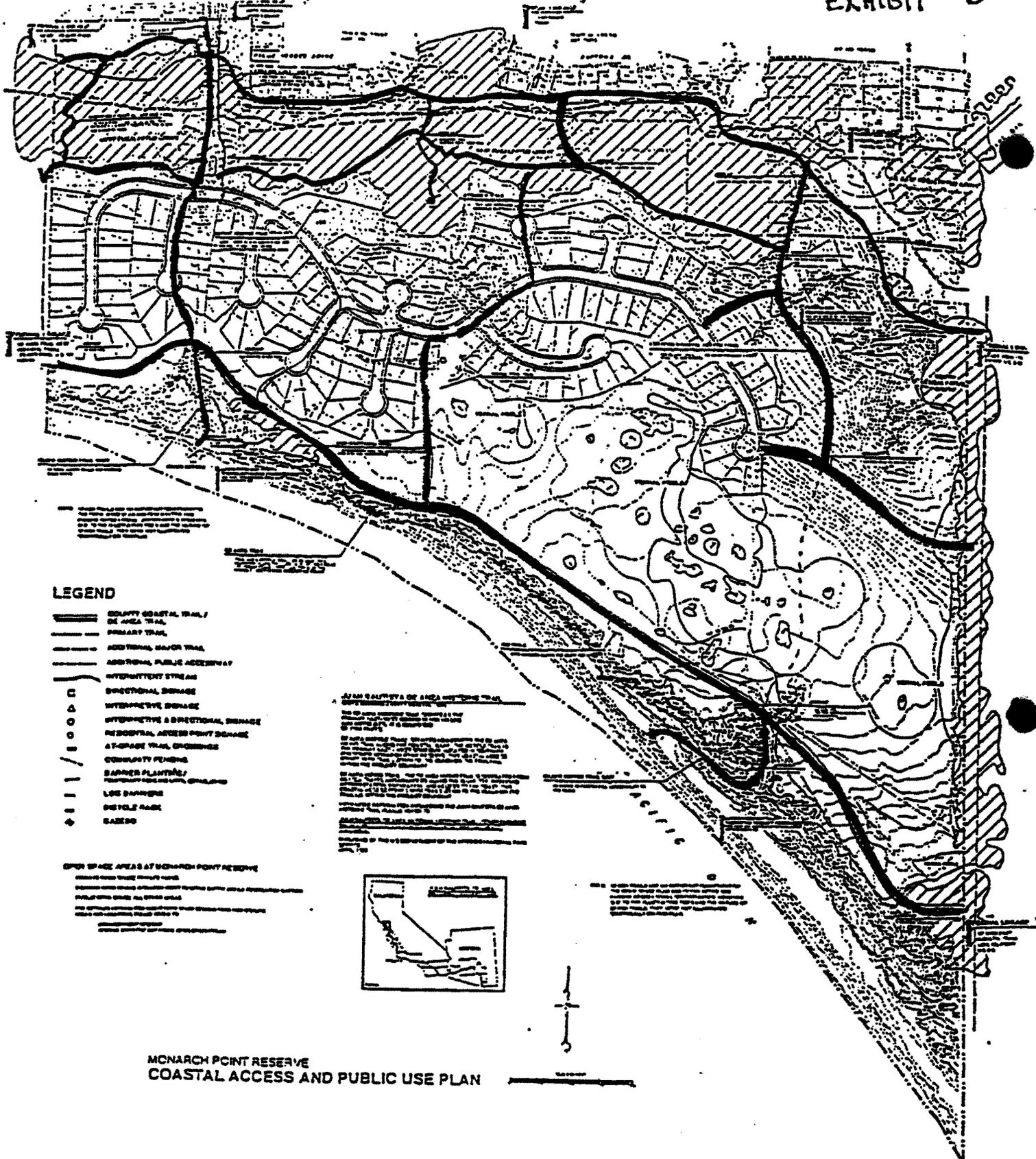
-  Vacant Parcels considered for density reductions in Alternative C
-  Parcels with Existing Units considered for density reductions in Alternative C
-  Environmentally Sensitive Habitat
-  Sensitive Plant(s) approximate extent
-  Monarch Butterfly Site
-  Devereux Ecosystem northern extent boundary



Compiled by County of Santa Barbara - Resources Mgmt. Dept.  
Source: Goleta Environmental Assessment Map - 1992

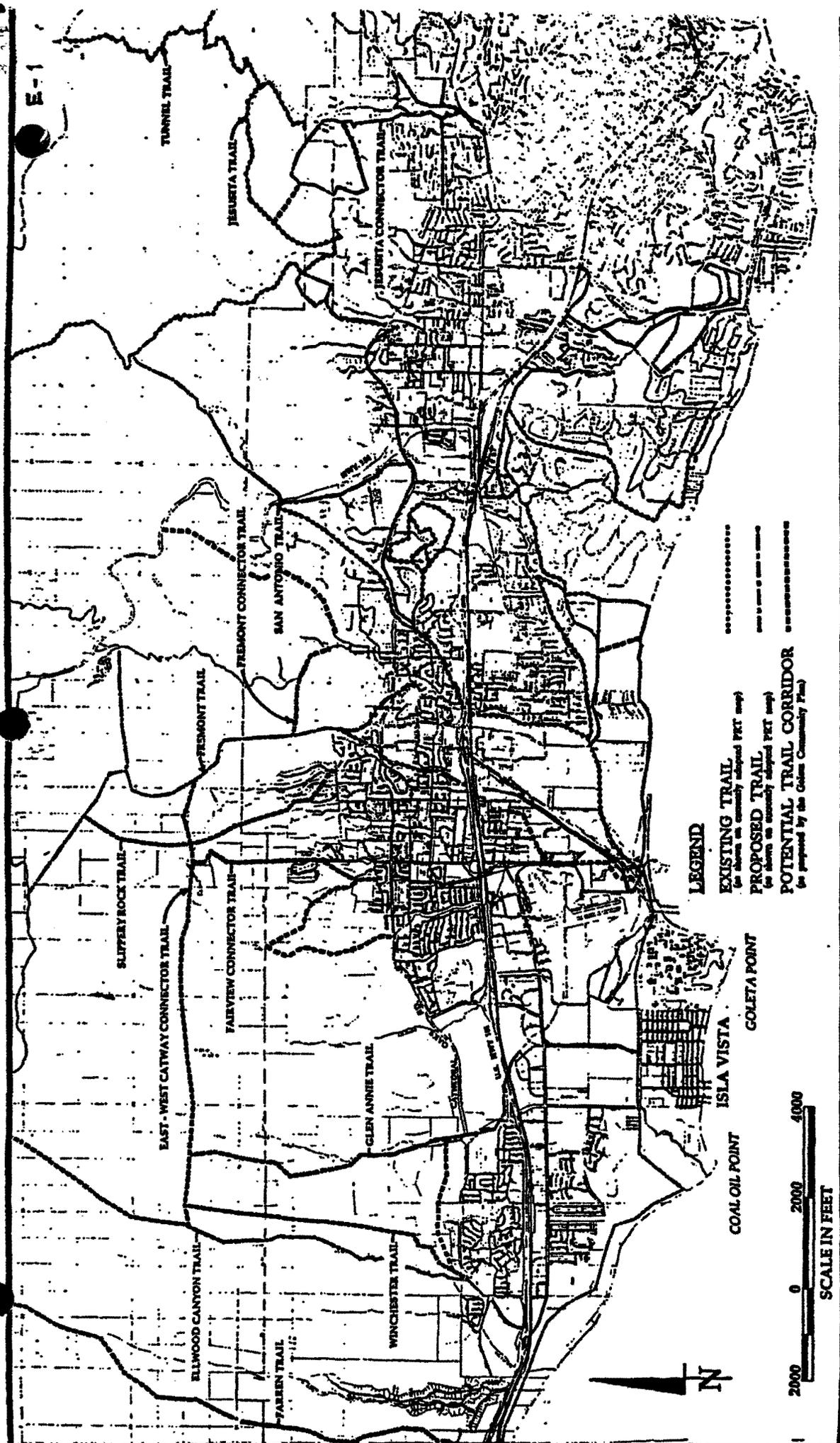
= Multi-Use Trail

EXHIBIT C



Attachment K of Board Action Letter  
 August 6, 1997  
 819197 Hg

E-1



Santa Barbara County Comprehensive Plan (PMT-3) Parks, Recreation and Trails  
Goleta, Santa Barbara Area

Figure 26

# GOLETA TRAIL IMPLEMENTATION STUDY

LOS PADRES NATIONAL FOREST BOUNDARY  
 NATIONAL FOREST LAND (open yearling to public entry)

TRAILS

EXISTING (PRT-3, 1978)

EXISTING INFORMAL

PROPOSED CORRIDORS (PRT-3, 1978)

RECOMMENDED CORRIDORS (GOLETA COMM. PLAN, 8/1973)

POTENTIAL CORRIDORS (CURRENT STUDY, 1974)

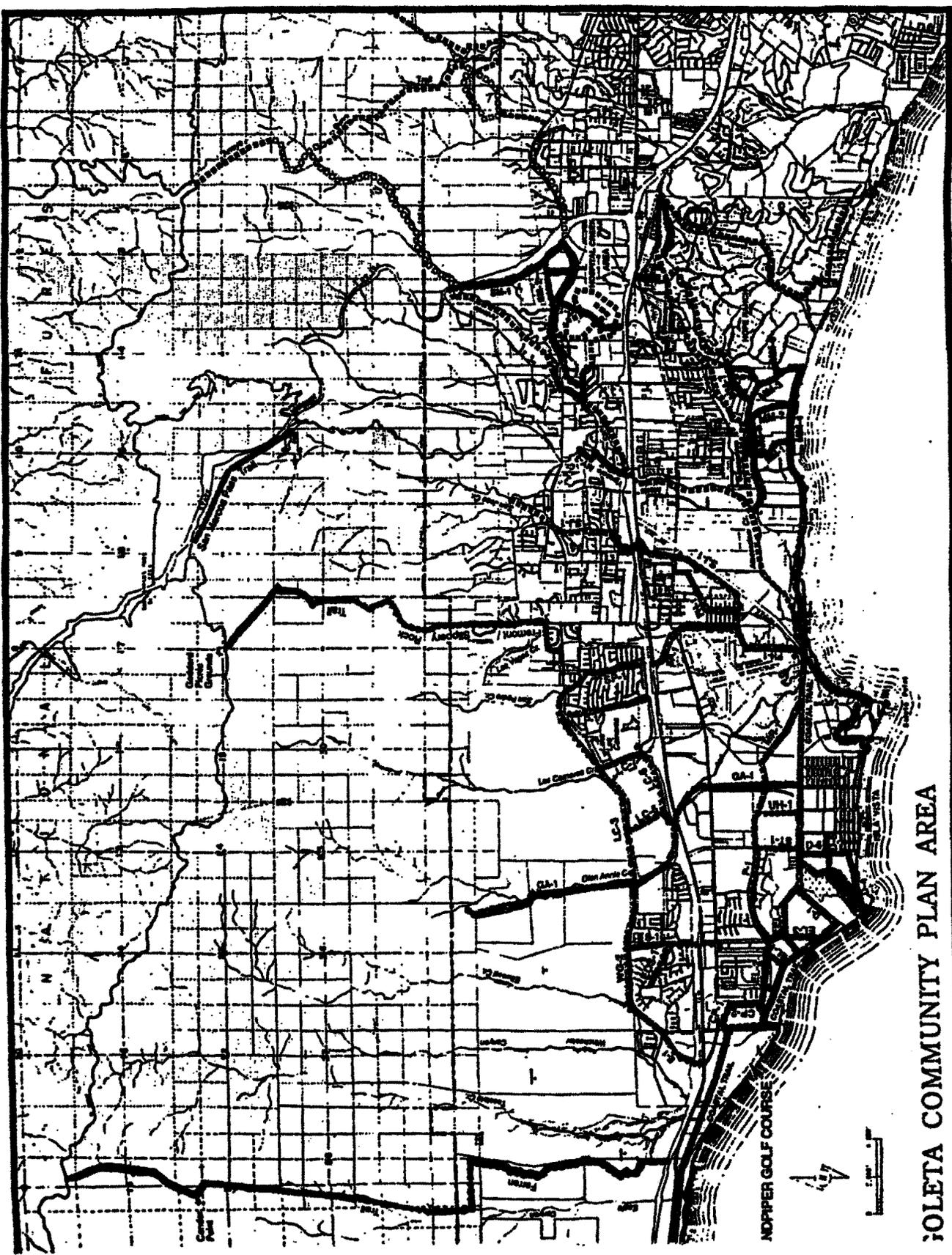
PLANNING COMMISSION RECOMMENDATION

Note: This is not a trail map. The proposed trail corridors on this map are primarily non-existing and are merely illustrative of general locations of future trail corridors "Not Yet" acquired for public use.

Figure 4.9-1

COASTAL TRAIL  
CORRIDOR SEGMENT

FEB. 18, 1988



GOLETA COMMUNITY PLAN AREA

4.9-3