

**CALIFORNIA COASTAL COMMISSION**

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



Filed: 1/7/99  
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Staff: MHC - VNT *[Signature]*  
Staff Report: 1/21/99  
Hearing Date: 2/2-5/99

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**STAFF REPORT: PERMIT EXTENSION REQUEST**

**APPLICATION NO.:** A-4-STB-93-154-E1

**APPLICANT:** Arco Oil & Gas Company

**PROJECT LOCATION:** 1.5 miles west of Winchester Canyon & Highway 101, Santa Barbara County

**PROJECT DESCRIPTION:** Removal of existing oil and gas production facilities; construction of a public 18-hole and 9-hole golf course with appurtenant facilities; + 154,000 cubic yards of grading; extension of an eight inch water line + 5,200 feet from Goleta to the site; construction, operation and maintenance of various access improvements, landscaping, and merger of 23 lots into two parcels.

**SUBSTANTIVE FILE DOCUMENTS:** Coastal Development Permit A-4-STB-93-154; County of Santa Barbara Local Coastal Program.

**PROCEDURAL NOTE:** The Commission's regulations require that permit extension requests shall be reported to the Commission if:

- 1) The Executive Director determines that due to changed circumstance the proposed development may not be consistent with the Coastal Act, or
- 2) Objection is made to the Executive Director's determination of consistency with the Coastal Act (14 C.C.R. Section 13169).

Pursuant to a request of the applicant, the extension request is being referred to the Commission for a public hearing and action on this permit extension.

If three (3) Commissioners object to the extension on the grounds that the proposed development may not be consistent with the Coastal Act, the application shall be set for a full hearing as though it were a new application. If three (3) objections are not received, the permit will be extended for an additional year.

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**STAFF RECOMMENDATION:**

The staff recommends that, unless the Commission objects, the extension should be granted for the following reason:

There have been no changed circumstances since the approval of the subject development, including the Commission approved amendments to the project.

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**Staff Analysis:**

**A. Project Description**

Removal of existing oil and gas production facilities; construction of a public 18-hole and 9-hole golf course with appurtenant facilities; + 154,00 cubic yards of grading; extension of an eight inch water line + 5,200 feet from Goleta to the site; construction, operation and maintenance of various access improvements, landscaping, and merger of 23 lots into two parcels.

**B. Background and Permit History**

The Coastal Commission granted a Coastal Development Permit (A-4-STB-93-154) for this project on November 16, 1994. The two-year time limit on the original Coastal Development Permit issued for this project was tolled as a result of a suit brought against the Commission, the County, and the applicant, and as a result was extended until January 28, 1999. The revised findings for Commission approval of the golf course in 1994 are attached as Exhibit 1.

On November 9, 1998, the applicant applied for an amendment to the Coastal Development Permit (A-4-STB-93-154-A-2) to modify a number of existing elements of the golf course, which is the subject of a separate staff report and is scheduled for consideration at the Commission's February Commission hearing. (See related staff report for A-4-STB-93-154-A-2)

On January 7, 1998, the applicant sought a one-year time extension of coastal development permit A-4-STB-93-154 (as amended). To date, the coastal development permit has not been issued, and is set to expire on January 28, 1999 unless extended. (See Exhibit 2.)

**C. Analysis and Conclusion**

None of the changes proposed as part of amendment A-4-STB-93-154-A-2 fundamentally alters the project originally approved by the Coastal Commission in 1994. The proposed amendment changes are intended to avoid impacting coastal resources, (including newly discovered seasonal wetland habitats), and to address a variety of other design issues. Staff has evaluated the amended project and has determined that for the reasons noted in the amendment staff report, the proposed development is consistent with the Coastal Act. (See the related staff report and recommendation for the proposed

amendment which is scheduled for consideration at the Commission's February Commission meeting.)

Predicated on the Commission approval of the Coastal Development Permit amendment A-4-STB-93-154-A-2, the Executive Director concludes that there have been no changed circumstances since the Commission's approval of Coastal Development Permit A-4-STB-93-154.

Accordingly, if the Commission does not object to the requested extension described herein, the Executive Director intends to grant the applicant's request for a one year time extension as requested in Application A-4-STB-93-154-E-1. The extension period shall commence on January 28, 1999.

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Final Staff Report  
with Revised Findings  
of 2/8/95 Comm. Mtg. 2/22/95 1679P  
Comm. Action: Approval with Conditions

*Accepted  
2/8/95  
WHL*

FINAL REVISED FINDINGS

LOCAL GOVERNMENT: County of Santa Barbara  
DECISION: Approval  
APPEAL NO.: A-4-STB-93-154  
APPLICANT: ARCO Oil and Gas Company AGENT: R.W. Hollis, Jr.

PROJECT LOCATION: Naples Area, ± three miles west of Goleta, Route 1,  
Box 275, Goleta

PROJECT DESCRIPTION: Removal of existing oil and gas production facilities,  
public 18-hole and 9-hole golf course and appurtenant  
facilities; ±154,000 cubic yards of grading; extension of  
an eight inch water line ±5,200 feet from Goleta to the  
site; construction of a 4 acre-foot pond; and dedication,  
construction, operation and maintenance of various  
access improvements, landscaping and merger of  
all 23 lots into two parcels.

APPELLANTS: Surfrider Foundation

COMMISSIONERS ELIGIBLE TO VOTE: Calcagno, Cervantes, Doo, Fleming,  
Moulton-Patterson, Malcolm, Wright, Williams

SUBSTANTIVE FILE DOCUMENTS: Conditional Use Permit 91-CP-85; Final Environmental  
Impact Report for ARCO Dos Pueblos Golf Links Project, March 1993 (92-EIR); Santa  
Barbara County Local Coastal Program; Adopted Findings for denial of A-4-93-154  
(April 1, 1994) and associated administrative record; ARCO Oil and Gas Company  
Request for Reconsideration; amendments to project description by applicant dated  
October 23, 1994 and November 14, 1994.

EXHIBIT NO. 1
APPLICATION NO.
A-4-STB-93-154-E1
ARCO

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EXECUTIVE SUMMARYPROJECT AND SETTING

This appeal involves the proposal by the ARCO Oil & Gas Company to replace oil and gas facilities with two golf courses, appurtenant facilities and public access amenities on a 200 acre bluff top, ocean fronting site situated along the rural, agricultural Gaviota Coast in Santa Barbara County. The site is currently zoned AG-II. All of the soils are classified as either prime agricultural soil, or non-prime based upon the County and the Commission's soil classification. Most of the surrounding parcels are large agriculturally zoned parcels supporting a variety of farming activities, including cattle grazing, hay, and avocados on the steeper slopes.

Approximately half of the parcel has been used in the past for oil extraction and processing facilities, while the other half has remained in open space or used periodically for (dry farming and cattle grazing). The historic oil extraction and processing facilities remain largely in place. Oil production continued until 1993 and was suspended following County approval of the project. The oil and gas facilities remain operable. According to the State of California, Division of Oil and Gas Records, the site produced an average of 6,000 barrels of oil a month in 1993.

The project description has been amended by the applicant to include significant beneficial modifications to the access and habitat protection provisions originally approved by the County and to provide for the merger of the 23 parcels which make up the ±200 acre site. These modifications are responsive to the analysis which formed a part of the basis of the Commission's previous denial of the project.

BASIS OF APPEAL

The project was originally appealed by the Surfrider Foundation on the grounds that the project was inconsistent with the County's agricultural zoning requirements and agricultural protection policies, as well as the County's policies providing for the protection and provision of public coastal access, habitat protection and other issues.

STANDARD OF REVIEW

The standard of review for this appeal are the existing provisions of the County's certified Local Coastal Program, including the County's zoning requirements, and pertinent resource protection policies. Additionally, because the proposed golf course would be situated between the first road paralleling the sea and the shoreline, the project must conform with the public access and recreation policies of the Coastal Act. (Public Resources Code Section 30603 and 30604(c)).

### LCP POLICIES AND ORDINANCES

The County Local Program designates the site as AG II, a designation used to protect agricultural lands and promote agricultural uses. Permitted uses in the AG II zone district are low intensity and predominantly agriculturally related. Non-agricultural uses are conditionally allowed under the major conditional use permit provision in the AG-II zone, but must not adversely affect neighboring or on site agricultural use or require the expansion of urban services.

County zoning does, however, include a separate ordinance which allows for a variety of uses, including golf courses, to be located in any zone district provided the appropriate findings can be made. This Major Conditional Use procedure was the one used by the County to approve this project. In order to approve this project, the findings which must be made include 1) the project is not inconsistent with the purpose of the zone district in which it will be located and 2) the project is consistent with all applicable LCP provisions.

### HISTORY OF THE COMMISSION'S REVIEW OF THE PROJECT

This appeal was filed on September 17, 1993. The public hearing was opened and continued at the October 13, 1993 Commission meeting to allow adequate time to review the file materials and prepare a staff report and recommendation regarding the question of whether any substantial issues were raised by the appeal. Substantial Issue was determined by the Commission at its November 17, 1993 meeting, and the Commission took jurisdiction over the project. The de novo public hearing was continued to the next available Commission meeting. The hearing was subsequently continued at the request of the applicant to allow additional time to respond to the Commission staff's report and recommendation. On April 13, 1994, the Commission conducted a public hearing on the appeal and voted to deny the project. Subsequently, the applicant requested a reconsideration of the Commission's action, and the Commission, on July 13, 1994, voted to reconsider their previous denial. The item was re-filed and scheduled for the November hearing in San Diego. On October 14, 1994, the applicant formally amended the project to include a variety of access and habitat improvements and dedications. The project now before the Commission, therefore, includes the proposed access and habitat improvements and the findings are based on this amended version. Prior to the November 16, 1994 hearing, the applicant also amended the project description to include the merger of the twenty three lot, including 21 Naples lots, which make up the ±200 acre site. The applicant further indicated that a deed restriction to preclude future subdivision of the merged parcel would be an acceptable condition.

#### I. APPEAL HEARING PROCEDURES

Section 30603 (b) and 30604(c) of the Coastal Act and California Administrative Code Section 13115 provide the standard of review for projects which have been appealed and found to present a substantial issue. Section 30603(b) and 30604(c) requires consistency with the certified Local Coastal

Program (LCP), and also requires that any development located between the first public road and the sea or the shoreline of any body of water located within the Coastal Zone must conform with the public access and recreation policies of the Coastal Act.

## II. STAFF RECOMMENDATION

The staff recommends that the Commission, after public hearing, adopt the following resolution:

### Approval with Conditions.

The Commission hereby grants a permit for the proposed development on the grounds that the development will be in conformity with the provisions of the certified Santa Barbara County Local Coastal Program, is in conformance with the public access policies of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

## MOTION

I move that the Commission approve the revised findings for the project (A-4-STB-93-154) as approved by the County of Santa Barbara, and as subsequently amended by the applicant on October 14, 1994 and November 14, 1994.

## III. CONDITIONS

Standard Conditions. See Exhibit 7.

Special Conditions.

1. The project shall be subject to all conditions attached to County approval (91-CP-085) except as specifically modified by subsequent amendments to the project description. Any deviations or conflicts shall be reviewed by the Executive Director to determine whether an amendment to the Coastal Permit is required.
2. The applicant shall submit a deed restriction to the Executive Director for review and approval which irrevocably precludes the re-subdivision of the lots merged as proposed in the amended project description (amendment dated November 14, 1994). The approved deed restriction shall be recorded within sixty days of recordation of the lot merger.

The document shall run with the land, binding all successors and assigns and shall be recorded free of prior liens and encumbrances which the Executive Director determines may affect the interest being conveyed.



#### IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares as follows:

##### A. PROJECT LOCATION AND DESCRIPTION

The project as approved and conditioned by the County will be located on  $\pm 101$  acres of a 202 acre bluff-top site on the Gaviota Coast approximately 3 miles west of the community of Goleta. The project consists of two golf courses; an 18-hole public course encompassing 72.4 acres; and a 9-hole course on 8 acres. The 18-hole course would have a concrete cart path servicing the entire course. An existing service road located south of the railroad right-of way bisecting the property, in addition six, short bridges would provide access throughout the parcel (Exhibit 1).

The two golf courses would be supported by the following appurtenant facilities: driving range (9.5 acres), club house, including pro shop and grill, administrative offices, meeting rooms and restrooms (9,290 square feet), a cart barn (8,012 square feet), maintenance building (7,974 square feet), service building (800 square feet), turf farm ( $\pm 3$  acres), half-way house, including snack bar (700 square feet), a 275 car parking area (6.8 acres), and several restrooms and shelters along the course routes. The maximum height of any building is 22 feet above finished grade. The layout of the golf courses would require crossing the Southern Pacific Railroad right-of-way three times; this will be accomplished using an existing wooden bridge, and two new tunnel crossings. All structural developments will be set back a minimum of 55 feet from the bluff edge, and except for public access trails, all other non-structural development (greens, fairways, tee-boxes), a minimum of 30 feet from the bluff edge. The entire parcel will be fenced to control access to and from the property.

The project includes a landscaping plan (in addition to installation of turf) which involves the removal of most non-native species of trees and extensive replanting with native species. All facilities are set back the required 100 feet distance from environmentally sensitive habitats, including the one stream on the east side of the property (Eagle Creek), a drainage swale on the west side of the property (Tomate Canyon), and a vernal pool.

The project requires 154,470 cubic yards of cut and and fill, over approximately 57% of the site; the cut and fill is to be balanced on site. The maximum elevation changes will occur near hole number seven and will increase the existing elevation from 50 to 75 feet; this change in elevation is the result of filling in an erosional feature on the southern side of the Southern Pacific Railroad line to accommodate the fairway for hole number seven.

In the intervening period since the project was approved by the County, the applicant has amended their proposal to include the improvement, maintenance and operation of substantial public access facilities and a program to protect

and monitor a seal haulout and rookery located on the western portion of the site. The applicant has also amended the application to provide for the merger of the twenty-three individual parcels that comprise the site.

The applicant has indicated that reclaimed water purchased from the Goleta Water District will be used to irrigate the golf courses, turf farm and for all other uses where non-potable water is acceptable. The golf courses will require  $\pm 221$  acre feet of irrigation water annually. This water will be delivered to the site via a  $\pm 5,200$  foot extension of an 8 inch water line from Goleta. Potable water to serve the clubhouse needs will, according to the applicant, be provided by the Goleta Water District.

Construction of the golf facilities will require the removal of the remaining, substantial oil and gas facilities which include five single family homes, 19 other buildings, 23 wells, two large tanks and miles of oil and gas pipelines. These oil and gas production facilities are located mainly on a portion of the site south of the Southern Pacific Railroad tracks. The removal of this development and any necessary clean-up will be addressed in a separate locally issued coastal permit to be processed by the County's energy division.

The golf course will be operated as a public facility from 350 to 360 days per year, and is expected to accommodate 50,000 to 60,000 rounds of golf per year on the 18-hole course, and 20,000 rounds on the 9-hole course. The County and the amended project require that conversion of any portion of the golf facilities to private or restricted use would entail additional discretionary review and approval. Approximately 32 full-time employees will be required for golf course operation and maintenance.

## B. PROJECT SITE HISTORY

The project site has been in continuous use for oil and gas production for the last  $\pm 50$  years. The principal oil and gas facilities are located on the south half of the project site, (seaward of the Southern Pacific Railroad lines). Most of these facilities remain on-site and operable. In the last decade a limited amount of cattle grazing has been undertaken on a seasonal basis on the property, principally as a grass/weed control measure and in conjunction with neighboring agricultural uses but has been discontinued. The site has never been a "stand alone" farm. Aerial photographs and field observation indicate that its occasional use for dry farming (hay) and grazing has always been as an adjunct to the neighboring ranch.

The site was originally given a Coastal Dependent Industry (M-CD) land use and zoning designation in the Santa Barbara County LCP, which was certified in 1982. This designation was largely based upon the existing industrial facilities on the site, and the long-standing use for oil and gas production dating from the mid-1940's. In 1991, however, the site was redesignated and re-zoned Agriculture II (AG-II) at the County's request as part of major Amendment 3-90 which consolidated oil and gas facilities sites to other

locations within the South Coast Consolidation Planning Area. This redesignation and re-zone to Agriculture was precipitated by the County's desire to consolidate the energy facilities along the Gaviota coast into two sites over time.

The County considered several possible land use designations, including, Recreation (REC), Rural Residential (RR), Resort/Visitor Serving Commercial (C-V), and Resource Management (RES). The EIR prepared for the energy facilities consolidation amendments identified Resource Management as the designation most protective of coastal resources, but also identified numerous trade-offs between the various potential land-use/zoning designations. In an attempt to balance these trade-offs, the EIR proposed a split between AG-II and REC which would provide a balance between these uses. Ultimately, the County choose to designate/rezone the entire parcel as AG-II, and the Commission certified the designation as consistent with the agricultural protection policies of the Coastal Act.

At the time the Commission considered Amendment 3-90, the ARCO representatives indicated to the Commission that it was their intention to develop the site, once its oil and gas operations had ceased, as a golf course, and expressed an interest in having the property designated Recreation (REC) to accommodate such a use. The EIR for the 1990 re-zone and LCP amendment had recommended a split Recreation/Agriculture re-zone for the subject parcel. The County, however, did not support the Recreational designation at that time because of the wide range of recreational uses allowed under a Recreational designation, and the potentially greater impacts (e.g., traffic, etc.) which might be generated by a high intensity recreational use, such as a recreational vehicle park, under the County's existing LCP Land Use Plan Recreational designation.

At the time the Commission re-zoned the subject parcel from M-CD to Agriculture, the County did, however indicate that it was not their intent to preclude some future non-agricultural use of the site. Specifically, the County indicated that an evaluation of a future golf course project "should be based on its own merits at the time of proposal." It should be emphasized that the County itself recognized that a non-agricultural use of the site must be evaluated on a case by case basis for conformity with the applicable provision of the County's certified Local Coastal Program.

At the time the Commission considered Amendment 3-90, no specific proposal for a golf course had been developed that would allow either the County or the Commission to evaluate the specific relative impacts of a golf course versus agricultural uses, or other recreational uses. However, in certifying the Agricultural land-use and zoning designation for the property the Commission acknowledged the intent of ARCO to develop a golf facility on the site, and specifically indicated that its action to redesignate the land as Agriculture was not meant to preclude the possible future use of the site for a golf facility as described in the following excerpt from the findings prepared for the amendment.

"It should be noted that ARCO has discussed with the County a proposal for the construction of a golf course as part of the Dos Pueblos site. At this time, that proposal has been discussed in concept only and no specific detailed golf course project has been submitted to the County for review. The County's decision to change the land use designation to Agriculture II, versus the split designation of Recreation/Agriculture II, is not intended to bias any future specific golf course project which ARCO may propose for this site, even if it requires a change in the land use designation. Rather, the County believed it was premature, at this time, to make the decision that a Recreation land use designation was the most appropriate designation for the site without having the specific merits of the proposed golf course project and its potential impacts to the site to fully evaluate. It should also be noted that a golf course is a conditionally permitted use in the County's LCP in the AG-II zone ..."

#### C. LOCAL GOVERNMENT ACTION

In August 17, 1993, the County Board of Supervisors issued a Conditional Use Permit (#93-CP-85) for the two 18 and 9 hole golf courses and appurtenant facilities as described above. The Conditional Use Permit contained a number of Special Conditions. Those relating to the issues raised in this appeal include: (a) a Biological Enhancement Plan to address specific environmental resources on the site (e.g., Harbor seals, Monarch Butterfly, vernal pools, and riparian tree species); (b) Restricted Access Implementation Plan for the protection of a Harbor seal haul-out site adjacent to the project site; (c) an Access Plan that requires offers-to-dedicate both lateral and vertical access trails and initial trail improvements; (d) a Landscaping Plan to replace loss of existing trees; and (e) an Integrated Pest Management Plan to control the use of pesticides and herbicides. (Please see Exhibit 2, County Permit conditions.)

#### D. LCP PROCEDURAL REQUIREMENTS

The County has essentially three options for permitting a major golf course proposal on an agriculturally zoned parcel: (1) rezone the parcel from AG-II to Recreation (or create a new zone to accommodate golf courses or other similar recreational uses) and, following certification of the rezone amendment, process an application for a Coastal Development Permit; (2) modify the existing permitting requirements under the Major Conditional Use Permit process in (Sec. 35.69.4 of the certified LCP) to remove some of the procedural requirements, and following certification of these amendments, process an application for a Coastal Development Permit; or (3) retain the present AG-II land use and zone designation, and process an application for a Coastal Development Permit for the proposed golf course using the Major Conditional Use Permit process which provides for the consideration of a variety of uses in all zone districts (Sec. 35.172.5), and make all of the findings required under this provision.

In this case, the County chose to process the application according to scenario three described in the previous paragraph, rather than rezoning the parcel to either an existing, or newly created non-agricultural zone designation, or modifying current permitting requirements by Amendment to the LCP.

The County processed the application for a Major Conditional Use Permit under the provisions of Section 35-172.5.2 of the County's LCP Zoning Ordinance. Section 35-172.5 of the County's LCP provides for a variety of institutional, public service and recreational uses that may be permitted in any zone district subject to a use permit.

The following uses may be permitted in any district that they are not otherwise permitted, with a Major Conditional Use Permit:

- a. Airstrip - temporary
- b. Animals, use of property for animals different in kind or greater in number than otherwise permitted in this Article
- c. Cemetery
- d. Church
- e. Drive-through facilities for a use otherwise permitted in the zone district subject to the provisions of Sec. 35-172.11
- f. Educational facilities, including nursery schools and day nurseries
- g. Electrical substations subject to the district requirements of the Public Utilities District, Sec. 35.88
- h. Electrical transmission lines, except in areas with the View Corridor Overlay subject to the provisions of Sec. 35-172.11
- i. Eleemosynary and philanthropic institutions (except when human beings are housed under restraint)
- j. Extraction, processing, storage, bottling, selling and shipping of natural waters.
- k. Fairgrounds
- l. Golf courses and driving ranges
- m. Helistops
- n. Master television antennae system subject to the provisions of Sec. 35-172.11
- o. Mining, extraction and quarrying of natural resources, except gas, oil and other hydrocarbons subject to the provisions of Sec. 35-177 (Reclamation Plans)
- p. Polo fields and playing fields for outdoor sports
- q. Rodeo
- r. Sea walls, revetments, groins and other shoreline structures subject to the provisions of Sec. 35-172.11
- s. Stable, commercial (including riding and boarding)

Most zoning ordinances contain comparable provisions to maximize opportunities for siting these types of uses. The fact that they are allowed for consideration as a use in all zone districts does not, however, mean that they are exempt from the requirements of the particular zone district in which a

project proponent may wish to locate a development, or that all of the uses are appropriate in all zone districts. As an example, a cemetery may be a completely compatible use in a rural residential area on a large parcel of land, but would not be appropriate on a half-city block site in a downtown location.

Among the enumerated findings required by Section 35.172.8 are two which are critical to a review of the proposed golf facilities in this location:

6. That the project is in conformance with the applicable provisions and policies of this Article [LCP Zoning & Implementation Ordinance/ and the Coastal Land Use Plan].
9. That the proposed use is not inconsistent with the intent of the zone district.

As detailed in the following section, the Commission finds that the proposed project, as approved by the County and subsequently amended by the applicant, is consistent with these requirements. In addition, the County has adopted findings which address the remaining items found in Sec. 35.172.8 as well as other provisions of the LCP not specifically discussed in these findings. To the extent that the County's findings and conditions do not conflict with the Commission's, they are adopted as further support for the Commission's decision. (Please see Exhibit 9)

## E. COASTAL AGRICULTURE

### 1. INTRODUCTION

The project site is located between Highway 101 and the sea on the eastern end of the Gaviota coast approximately  $\pm 2400$  feet from the western/urban rural boundary along the south coast of Santa Barbara beyond the unincorporated town of Goleta. The site is comprised of twenty-three lots which range in size from 1/4th acre to 78 acres. For the past  $\pm 50$  years, the  $\pm 200$  acre site has been used for gas and oil production. Most of the structures and wells associated with this use remain, but will be removed to accommodate the project. The Southern Pacific Railroad bisects the site from east to west.

Soils on the site include  $\pm 60$  acres of Class II Diablo Clay as well as non-prime agricultural soil. The Class II prime soils, however, occur in 16 disjunct patches located on various individual parcels and separated by drainage swales, slopes, environmentally sensitive habitats, railroad tracks and oil facilities. These isolated patches of prime soil vary in size from  $\pm 17$  acres to  $\pm 8000$  square feet with most areas under 2 acres.

Although there has been past agricultural use of portions of the site (dry farming and cattle grazing), it has been very sporadic and conducted in conjunction with the larger, on-going farming operation on the neighboring

Rancho Dos Pueblos. (Please see Exhibit 3 for past agricultural history of the site). As an added constraint, this site, unlike neighboring agricultural operations, does not have any on-site water for irrigation.

Land uses in the vicinity of the project site include grazing lands to the north and west and orchards (avocado and citrus) approximately 3/4 mile to the northwest, inland of Highway 101. An undeveloped 40 acre rural residential parcel subdivision (40 ac. minimum lot size) bounds the site on the east. The Hyatt Hotel site lies further to the east towards Goleta and marks the urban/rural boundary in this area. The undeveloped Naples area occupies a portion of the site and extends west and north of the site.

## 2. LCP SUBSTANTIVE REQUIREMENTS

In order to find that the proposed project is consistent with the relevant agriculture policies and implementing ordinances of the LCP, the following standards must be met:

- 1) The project is not inconsistent with the intent of the underlying Zone District (Section 35.172.8.9, Zoning Ordinance).
- 2) The project is in conformance with the applicable provisions of the LCP (policies and zoning) (Section 35.172.8.6, Zoning Ordinance).

The following analysis discusses why the proposed project can be found to be not inconsistent with the intent of the Agricultural Zone District in which it will be located and with the applicable agricultural protection policies and ordinances of the certified LCP.

### THE PROJECT IS "NOT INCONSISTENT" WITH THE PURPOSE OF THE AG II ZONE DISTRICT

The underlying zone district of the project parcels is AG II. The purpose of the zone district, as stated in the ordinance, is two-fold.

- 1) To establish agricultural use for large parcels with prime and non-prime land.
- 2) To preserve prime and non-prime soils for long term agricultural use.

The first purpose of the AG II District as stated in the ordinance is to establish agricultural uses on large parcels which contain prime and non-prime agricultural soils. ARCO has proposed to merge the 23 lots which comprise the ±200 acre site. The proposed merger of the 23 lots on the site into two parcels of roughly 100 acres each will serve to support the underlying intent of the AG II zone by consolidating small holdings into parcels compatible with

an agricultural use. At present the developability of the 23 lots is uncertain. Without the merger, according to the certified LCP, if each of these lots could be developed with a single-family home, a residential density for the site of one dwelling unit per 10 acres could result. The proposed non-agricultural use is not inconsistent with the intent of the ordinance to establish agricultural uses on the large holdings more typical of the Gaviota Coast.

The Commission further notes that the establishment of an agricultural use or uses would be very difficult because of existing conditions such as the scattered distribution of prime soils, lack of water for irrigation and the inherent conflicts due to the permitted residential density if each parcel was developed with a single family home.

The proposed project is also not inconsistent with the second goal of the AG II District, which is to preserve prime and non-prime soils for long term agricultural use. Golf courses, unlike most non-agricultural development, result in minimal site coverage (in this case only 4 1/2 acres of the land will be built on or paved\*) and need good soil to operate. The applicant indicates that all prime soils will be stockpiled during the initial grading process. These soils will be amended to improve fertility and re-distributed on the site to serve as the growing medium for the course turf. Because healthy turf is essential to a golf course, the soils will be maintained in proper condition and irrigated. Furthermore, a pest management plan will be prepared and implemented to assure the proper use of pesticides, herbicides and fertilizers. Thus, although the use will not be agricultural, the agricultural soils on the site, with the exception of the minimal areas covered by buildings and paving will be retained and possibly enhanced consistent with potential agricultural uses.

In the alternative, the site could be returned to oil and gas production without any additional permits or potentially developed with twenty-three single family homes and attendant road improvements. Under either of these scenarios, greater site coverage would occur and there would be no inducement to maintain or improve the existing agricultural soils found on the site. The proposed project is, therefore, not inconsistent with the goal to preserve prime and non-prime soils.

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\* This coverage includes all buildings, parking lot, access trails and cartpaths.

THE PROJECT IS IN CONFORMANCE  
WITH ALL APPLICABLE LCP PROVISIONS

LUP POLICY 8-2 This policy is applicable to the project because it directly addresses the issue of conversion of land designated for agricultural use posed by the development.



POLICY 8-2: If a parcel is designated for agricultural use and is located in a rural area not contiguous with the urban/rural boundary, conversion to non-agricultural use shall not be permitted unless such conversion of the entire parcel would allow for another priority use under the Coastal Act, e.g., coastal dependent industry, recreation and access, or protection of an environmentally sensitive habitat. Such conversion shall not be in conflict with contiguous agricultural operations in the area, and shall be consistent with Section 30241 and 30242 of the Coastal Act.

This policy allows the conversion of agricultural land if the following three criteria can be met:

- 1) The replacement use must be a priority use under the Coastal Act.
- 2) The conversion must not conflict with nearby agricultural uses in the area.
- 3) The conversion must meet the criteria of PRC 30241 (prime soils) and 30242 (non-prime soils)

#### THE PROJECT PROVIDES FOR TWO COASTAL ACT PRIORITY USES

According to PRC Section 30001.5(c), and 30210, public access to and along the shoreline is one of the highest priorities of the Coastal Act. Likewise, the preservation and protection of environmentally sensitive habitats receives a high ranking (PRC 30240). Although the protection of coastal agricultural lands is an important Coastal Act goal as evidenced by the strong resource protection policies of PRC Sections 30241 and 30242, this land use may, in this case, according to the LCP, be displaced by public access to the shoreline or the need to preserve an environmentally sensitive habitat. As discussed in detail in the respective findings on Environmentally Sensitive Habitats and Public Access, the project as amended by the applicant, includes significant access and habitat protection components of a magnitude sufficient to allow for the development of the proposed non-agricultural use on half of the site.

#### THERE ARE NO CONFLICTS WITH CONTIGUOUS AGRICULTURAL OPERATIONS

To the east, the project site borders the Eagle Canyon Ranch, which has an LUP designation of rural residential with 40-acre minimum parcel sizes. The closest operating ranch is within 1/4 mile to the west of the project site. The Commission finds that because the maintenance activities proposed in

connection with the golf course are similar to those of agriculture, no operational conflicts will occur with respect to the neighboring cattle operation west of the site.

An important issue raised by the application is whether approval of the project will create an adverse precedent or threat to agricultural lands on the Gaviota coast. The Commission finds that, as conditioned, this particular golf course project will create no such adverse precedent or threat because no site on the Gaviota coast shares all the same characteristics of the applicant's property.

The site has been an operating oil field for the past 50 years. It was rezoned from Coastal Dependent Industry to AG-II only recently, with the understanding that a golf course use was being proposed for the property. The property contains 23 Naples lots totalling 65 acres, or approximately 1/3 of the project site, the development potential of which would be extinguished by the project. The project would replace the existing oil and gas facilities with a public golf course, substantial public beach access and a coastal trail system. The Class II Diablo Clay soils on site are located in small isolated pockets, separated by site features such as railroad tracks, vegetated drainages, environmentally sensitive habitat areas and grassland. The property has never been a "stand alone" agricultural operation, has no commercial agricultural irrigation water supply, and would utilize reclaimed water under a County condition which prohibits any water service from the reclaimed water line to any parcel other than the project site. The Commission further notes that the project is located at the extreme southernmost end of the Gaviota Coast, within approximately 2000 feet of a Commission-approved resort hotel, the Hyatt, and within 1/3 mile of the urban/rural boundary.

THE PROJECT IS CONSISTENT WITH THE  
STANDARDS OF PRC 30241 AND 30242

The proposed use must, however, also comply with the standards found in PRC Sections 30241 and 30242 if these are found applicable to the project. These criteria are as follows:

Section 30241.

The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas agricultural economy, and conflicts shall be minimized between agricultural and urban land uses through all of the following:

- (a) By establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban land uses.

(b) By limiting conversions of agricultural lands around the periphery of urban areas to the lands where the viability of existing agricultural use is already severely limited by conflicts with urban uses or where the conversion of the lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.

(c) By permitting the conversion of agricultural land surrounded by urban uses where the conversion of the land would be consistent with Section 30250.

(d) By developing available lands not suited for agriculture prior to the conversion of agricultural lands.

(e) By assuring that public service and facility expansions and nonagricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality.

(f) By assuring that all divisions of prime agricultural lands, except those conversions approved pursuant to subdivision (b), and all development adjacent to prime agricultural lands shall not diminish the productivity of such prime agricultural lands.

#### Section 30242.

All other lands suitable for agricultural use shall not be converted to nonagricultural uses unless (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands.

PRC Code 30241 requires that the maximum amount of prime agricultural land shall be maintained in agricultural production. The purpose of this policy is clearly to preserve and maintain valuable, prime agricultural holdings in order to avoid the wholesale loss of an area's agricultural economy through attrition. The statute does not require that the holding be continuously in production, but must have the potential to be feasibly farmed. While prime soils are certainly a factor in making the determination regarding the farmability of agricultural land, other, site specific criteria must also be considered.

In the case of the proposed project, the ±200 a.c. site does contain ±60 acres of prime Diablo Clay soils. An initial analysis would indicate that a 200 acre site which is 30% prime soil would generally be of an adequate size to be

productively farmed if the owner chose to do so. This initial analysis is supported by the fact that land adjacent to the ARCO site on the west end, which contains similar soils, is in agricultural production.

Although concerns were expressed by project opponents that the land was farmable, a closer look at the facts of the subject site distinguishes its agricultural potential from that of neighboring ranches. The prime soils on this site are located in sixteen separate areas. The largest single aggregation of prime soil is  $\pm 17$  acres with most patches being under  $\pm 2$  acres in size. In addition there is no on site water for irrigation. Given these facts, it is apparent that the site for the proposed golf course does not have the potential to be farmed commercially and thus the requirements of PRC Section 30241 do not apply to this project.

PRC Section 30242 protects non-prime agricultural land by limiting the conversion of such lands and requiring that any permitted conversions not interfere with surrounding agricultural uses. Applying the same analysis as previously set forth in the discussion regarding PRC 30241, it is apparent that the lot and development uncertainties inherent in this site could result in parcels that are simply too small to be farmed.

The Commission notes, however, that the proposed project will not adversely affect neighboring agricultural uses and may provide some modest benefits. Golf courses are more compatible with agriculture than many other types of non-agricultural land uses because they are low in intensity, need minimal site coverage and require proper soil maintenance using practices similar to those used by commercial ranchers and growers. This particular golf course may provide some specific benefits to agriculture in the area because its development and lot merger will preclude the development of a twenty-three unit residential enclave adjacent to existing agricultural uses. As conditioned to require a deed restriction to preclude future subdivision and thus ensure that the benefit of the merger will be retained, the project is consistent with the LUP requirement to avoid adverse impacts on surrounding agricultural land. The project will also free up the rights to 40 acre feet of water for the neighboring Rancho dos Pueblo. Currently, the site is entitled to a maximum of 40 acre feet of water per year from this adjoining ranch. According to information submitted by the applicant, this entitlement cannot be used for the project, but can only be used to support the industrial development which will be replaced. (Please see Exhibit 4 letter of Nov. 2, 1994 from William D. Herz to David Fainer). Presumably, this water will then be available to support agricultural activities elsewhere on the Gaviota coast. Finally, it should be noted that development of the project will not displace an existing, agricultural use. The project will, however, result in the conversion of an industrial use, oil and gas production to a recreational land use.

Therefore, in conclusion, the proposed project is consistent with County requirements to protect land designated for Agriculture because the conversion for access and habitat protection is permitted by the LCP, the lack of water,

the existing lot pattern coupled with the inability to unilaterally merge the parcels results in a lot size and development potential which would make farming very difficult and the project will not adversely affect surrounding agricultural lands.

## F. PUBLIC ACCESS

### 1. INTRODUCTION

The proposed project will be located on a blufftop site with  $\pm 1.5$  miles of ocean frontage. This section of the coast is bounded on the landward side by sheer bluffs approximately 100' in height bordered by short, narrow pocket beaches. The closest existing public access points are  $\pm 3$  miles up-coast at El Capitan Beach State Park and  $\pm 6$  miles downcoast at Isla Vista.

A primary benefit of the project is a comprehensive access program which will give the public undisputed use of the shoreline and also provide a trail system. The access provided by this project is particularly important because, although the Gaviota Coast offers many areas suitable for public, coastal recreation, much of the shoreline is unavailable to the public due to large, private holdings between the highway and the sea. Most of the large holdings are fenced and beach-goers attempting to cross the sites are viewed as trespassers by the property owners. The project also ensures that all golf facilities will be open to the public. The golf courses are expected to provide approximately 80,000 rounds of golf per year, thus giving golfers as well as beach visitors, hikers and surfers access to and along the shoreline.

Even though the ARCO site has been fenced, there is however, historic evidence that surfing enthusiasts in particular have used this site to gain access to two, well known surf breaks known as "Naples" and "Naples Reef." The appellants of this project have provided copies of the 1963 Surfers Guide to Southern California as evidence of the public's long term use of trails across the site to gain access to these surfing areas. In addition to surfers, there is also evidence of the use of the trails by hikers and beach visitors.

Trails across the parcel are visible in the aerial photos taken in April of 1986 and March of 1987 and on file in the Commission's Ventura office. The use of these surfing destinations also was observed by County staff during site visits conducted as part of the County's review of the project. Further evidence of historic and current use of the site to gain access to the adjoining beaches is indicated by the existence of worn trails to the beaches observed by the Commission staff during its analysis of the appeal. The County's administrative record for this project also includes testimony on the part of the the appellants of the use of the property to gain access to the beaches along this section of the coast.

In opposition to the appellants contention that historic public access has, and continues to occur on the site, the applicant has offered affidavits from oil company personnel for the period from the mid-1940's to the present which

indicate that a continuous and effective effort has been made over the years to exclude trespassers from the site. Evidence supplied by the applicant also shows that the site has been fenced and signed for "No Trespassing" during this same fifty year period.

It is thus unknown whether the historic public use has been sufficient to override the property owner's efforts to exclude the public, therefore giving rise to a prescriptive right of access or, conversely, if the owner's security program has effectively stymied the perfection of such a right. In any event, the Commission is not required to resolve this issue because the project description has been amended to provide extensive public access through the site to and along the shoreline. The access component provides for physical improvements, operation and maintenance as described in the following section.

## 2. PROPOSED REVISED ACCESS PROGRAM

The original access provisions approved by the County as part of the Conditional Use permit for this project have been modified by the applicant to address the access issues identified in the original staff recommendation for denial of the project. The principal change in the proposed access program is the applicant's offer to construct, operate and maintain the public accessways on a permanent basis, concurrently with the operation of the golf facilities.

The project now includes a significant access component in addition to the requirements contained in the County's Conditional Use Permit. The following items (1-5) constitute the applicant's proposal for the establishment and maintenance of public access on the site.

### 1. Agree to Improve, Operate and Maintain Public Access Facilities

Prior to the issuance of a coastal development permit, the applicant shall enter into an agreement with the Coastal Commission and the County of Santa Barbara, or other public or non-profit entity acceptable to the Executive Director, wherein the applicant agrees to irrevocably offer to dedicate, improve, operate and maintain all public access features of the development. The agreement shall be in the form and content acceptable to the Executive Director and shall include the following provisions:

- a. Prior to issuance of the coastal development permit, the applicant shall comply with all requirements for dedication of public accessways contained within conditions 7, 8 and 16 of the County of Santa Barbara's conditional use permit No. 91-CP-085, approved August 17, 1993. All offers of dedication required therein shall be in the form of grants or access easements in favor of the People of the State of California and shall include legal descriptions of both the entire parcel and the easement areas.

b. Prior to issuance of the coastal development permit, the applicant shall submit, for the review and approval of the Executive Director, detailed plans for construction of the public access improvements required by conditions 7, 8, and 16 of the County Santa Barbara conditional use permit No. 91-CP-085, approved August 17, 1993. Any deviation from the Executive Director-approved plans shall be reported to the Executive Director. Any changes that the Executive Director determines to be substantial shall require an amendment to the coastal development permit.

c. The applicant shall be financially responsible for completion and construction of all public access improvements required by conditions 7, 8, and 16 of the County of Santa Barbara conditional use permit No. 91-CP-085, approved August 17, 1993.

d. Prior to the issuance of the coastal development permit, the applicant shall submit, for the review and approval of the Executive Director, in consultation with the California Department of Fish and Game, and the National Marine Fisheries Service, a Restricted Access Implementation Plan for the purpose of ensuring protection of the on-site harbor seal haul-out. The plan shall include the following provisions:

1. During the seal pupping/breeding season (February 1 to May 31):  
(a) access to the beach at the vertical coastal access point at Eagle Canyon shall be prohibited, and (b) access eastward along the beach from the vertical coastal access point west of Tomate Canyon shall be prohibited.
2. Locking gates shall be installed at the vertical access trails to implement any restrictions on access to the beach under the Restricted Access Implementation Plan.
3. No dogs shall be allowed on the vertical access trails or on the beach.
4. Signs informing users of access restrictions and relevant Marine Mammal Protection requirements shall be posted at the golf course parking lot, at the bridge stairway to the coastal access trail, at the terminus of the trail at Eagle Canyon, at the terminus of the vertical access trail west of Tomate Canyon and, if allowable, on the beach bluff east and west of the haul-out area. Interpretive signing shall also be provided at these locations. The content of the interpretive signs shall be subject to the review and approval of the Executive Director.

Signs informing users of alternative access locations during restricted access periods shall be posted at the golf course parking lot and at the bridge stairway to the lateral access. The content of such signs shall be subject to the review and approval of the Executive Director.

5. The Restricted Access Implementation Plan shall include a monitoring component (such as provision of an on-site monitor/course steward) to assure that the above restrictions are enforced and that the seals are not being harassed.
  6. The Restricted Access Implementation Plan shall include provisions for the harbor seal haul-out to be monitored by the National Marine Fisheries Service (NMFS) and/or the California Department of Fish and Game (DFG) for the purpose of determining the effect of use of the public access features of the development on the seals. If NMFS or DFG determines that the harbor seals are being detrimentally affected by users of the vertical accessways, the applicant shall see an emergency coastal development permit from the California Coastal Commission to further regulate use of the vertical accessways to avoid jeopardizing the harbor sea. Approval of such additional access reeregulation shall be consistent with all applicable provisions of the certified County of Santa Barbara Local Coastal Program, the California Coastal Act, and the Federal Marine Mammal Protection Act.
- e. Construction of all public access features required by conditions 7, 8, and 16 of County of Santa Barbara conditional use permit No. 91-CP-085, approved August 17, 1993, shall be completed prior to issuance of an occupancy permit from the County of Santa Barbara, except that completion of lateral trail improvements west of the Tomate Canyon vertical accessway may be deferred until final alignment of the Coastal Trail has been established by the County of Santa Barbara.
- f. The applicant shall provide for the permanent operation and maintenance of all public access improvements required under conditions 7, 8 and 16 of County of Santa Barbara conditional use permit No. 91-CP-085, approved August 17, 1993, including the on-site public access monitor/course steward required to enforce access regulations of the Restricted Access Implementation Plan required above.

The agreement shall include a legal description of the affected property and shall be recorded free of prior liens and any other encumbrances which may affect the terms of the agreement. The agreement shall run with the land for the benefit of the People of the State of California, binding all successors and assignees for the life of the golf facility approved in the coastal development permit.



## 2. Compliance with County of Santa Barbara's Conditions of Approval

Except as explicitly modified by the terms of the coastal development permit, all development shall comply with the conditions of the County of Santa Barbara conditional use permit No. 91-CP-085, approved August 17, 1993. Any deviations or conflicts shall be reviewed by the Executive Director of the Commission to determine whether an amendment to the coastal development is required as a result.

## 3. Public Rights

By acceptance of a coastal development permit, the applicant acknowledges, on behalf of itself and its successors in interest, that issuance of the permit shall not constitute a waiver of any public rights which may exist on the property. The applicant shall also acknowledge that issuance of the permit and construction of the permitted development shall not be used or be construed to interfere with any public prescriptive or public trust rights that may exist on the property.

## 4. Assumption of Risk

Prior to the issuance of the coastal development permit, the applicant shall execute and record a deed restriction, in a form and of content acceptable to the Executive Director, which shall provide that: (a) the applicant understand that the site may be subject to extraordinary hazard from storm waves, and (b) the applicant hereby waives any future claims of liability against the Commission or its successors in interest for damage from such hazards. The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens.

## 5. Public Availability of Facilities

Prior to issuance of the coastal development permit, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which provides: (1) that all recreational golf facilities, including the clubhouse, will be open to the general public; (2) that, except for occasional tournament play, no club arrangement that would restrict use of the golf course by the general public shall be permitted; and (3) that conversion of any portion of the facilities to private or members-only use, or the implementation of any program to allow extended or exclusive use or occupancy of the facilities by an individual or limited group or segment of the public is specifically not authorized and would require an amendment to the coastal development permit or a new permit and/or amendment to the certified LCP in order to be effective. The document shall be recorded free of prior liens which the Executive Director determines may affect the interest being conveyed, and free of any other encumbrances which may affect said interest. The deed restriction shall run with the land in favor of the People of the State of California, binding all successors and assigns, for the life of the facility approved in the coastal development permits.

### 3. LCP AND COASTAL ACT SUBSTANTIVE REQUIREMENTS

The standard of review for projects, such as this one, located between the first public road and the sea, is in conformance with both the certified LCP and the public access and recreation policies of the Coastal Act. For the reasons detailed in the following sections, the Commission finds that the project, as amended by the applicant on October 14, 1994, is consistent with the public access and recreation requirements of both the Certified Santa Barbara County LCP and the relevant access policies of the Coastal Act.

#### ACCESS PROVISIONS ARE CONSISTENT WITH THE POLICIES AND IMPLEMENTING ORDINANCES OF THE LCP

The Certified LCP contains the following access policies and implementing ordinance applicable to the ARCO project:

Policy 7-1 stipulates that:

The County shall take all necessary steps to protect and defend the public's constitutionally guaranteed rights of access to and along the shoreline. At a minimum, County actions shall include:

- a) Initiating legal action to acquire easements to beaches and access corridors for which prescriptive rights exist consistent with the availability of staff and funds.
- b) Accepting offers of dedication which will increase opportunities for public access and recreation consistent with the County's ability to assume liability and maintenance costs.
- c) Actively seeking other public or private agencies to accept offers of dedications, having them assume liability and maintenance responsibilities, and allowing such agencies to initiate legal action to pursue beach access.

Policy 7-2 stipulates that:

For all development\* between the first public road and the ocean granting of an easement to allow vertical access to the mean high tide line shall be mandatory unless:

- a) Another more suitable public access corridor is available or proposed by the Land Use Plan within a reasonable distance of the site measured along the shoreline, or
- b) Access at the site would result in unmitigatable adverse impacts on areas designed as "Habitat Areas" by the Land Use Plan, or

- c) Findings are made, consistent with Section 30212 of the Coastal Act, that access is inconsistent with public safety, military security needs, or that agriculture would be adversely affected, or
- d) The parcel is too narrow to allow for an adequate vertical access corridor without adversely affecting the privacy of the property owner. In no case, however, shall development interfere with the public's right of access to the sea where acquired through use unless an equivalent access to the same beach area is guaranteed.

The County may also require the applicant to improve the access corridor and provide bike racks, signs, parking, etc.

Policy 7-3 stipulates, in part, that:

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

Policy 7-25 stipulates that:

Easements for [coastal] trails shall be required as a condition of project approval for that portion of the trail crossing the parcel upon which the project is proposed.

Section 35-63 of the County's LCP Zoning Ordinance stipulates that:

Easements for trails shown on the Santa Barbara County Comprehensive Plan Parks, Recreation Trails (non-motorized) maps, shall be required as a condition of project approval for that portion of the trail crossing the lot upon which the project is proposed.

The Commission notes that LCP Policy 7.1(a) is not applicable to this project because, as discussed in the preceding paragraphs, it is unclear whether public prescriptive rights to access through the site exist due to conflicting evidence on the issue. In any event, only a court can establish prescriptive rights although the Commission does, if necessary, have an obligation under Section 30211 of the Coastal Act to ensure that new development does not interfere with whatever rights to access the public may have at a given site. Finally, it is not necessary to reach this issue because the amended project provides adequate public access.

The proposed project is consistent with LUP Policy 7.1(b) because it includes an offer to dedicate all designated public accessways (vertical trails, all beach/shoreline area between the mean high tide and the base of the bluffs, etc.) in favor of the people of California. This offer may be accepted on behalf of the people of the County of Santa Barbara or another governmental or

non-profit entity acceptable to the Executive Director. The proposal is consistent with LUP Policy 7.1(c) because it provides for liability and maintenance of the access by the applicant.

LUP Policy 7.2 requires that new shoreline development, with few exceptions, shall provide a vertical trail from the nearest public road to the sea. The policy further indicates that additional access improvements such as parking, signs and bike racks may also be required. The proposed project includes a two-pronged vertical access trail through the site. (Please see Exhibit 5). Given the site's remote location and lack of safe parking (Caltrans letter, Exhibit 6), additional access support improvements are necessary in this case. These improvements are provided and include a 15 space parking area, bike rack and horse tie-up. Signs directing the public to trails and parking are also proposed. All improvements will be constructed and open for public use prior to occupancy of the golf course. The project, therefore, as amended by the applicant is consistent with LUP policy 7.2.

Policy 7.3 requires that new development between the first public road and the sea offer lateral easements for public access for shoreline areas seaward of the base of a coastal bluff. As proposed, the project provides for an offer to dedicate the entire shoreline area of the site to the public and thus complies with this policy.

Both LUP Policy 7.25 and Section 3.5-63 of the Certified Implementation Plan require that new development provide easements for coastal trails identified in the LCP. The LCP shows a lateral trail alignment across this property. Although the draft "Santa Barbara Comprehensive Access Plan" indicates a continuous trail westward (up-coast) from the site, the County's access planning efforts have not yet established the specific preferred alignment of the Santa Barbara County Coastal Trail in this area. The proposed project, however, provides for the trail alignment through the site and for the connecting alignment up-coast to be constructed consistent with the future approved route. The Commission notes that the trail route has been reviewed and accepted by County Planning staff, Parks and Recreation staff, the Planning Commission and the Board of Supervisors.

ACCESS PROVISIONS ARE CONSISTENT WITH THE  
ACCESS AND RECREATION POLICIES OF THE COASTAL ACT

A primary goal of the Coastal Act is to preserve and enhance access opportunities for the public to and along the California coast. In order to implement this goal, the statute provides several access and recreation policies, which are relevant to this project.

Coastal Act Section 30210.

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Coastal Act Section 30211.

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Coastal Act Section 30212(a).

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

- (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,
- (2) adequate access exists nearby, or,
- (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

Coastal Act Section 30213.

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

The commission shall not: (1) require that overnight room rentals be fixed at an amount certain for any privately owned and operated hotel, motel, or other similar visitor-serving facility located on either public or private lands; or (2) establish or approve any method for the identification of low or moderate income persons for the purpose of determining eligibility for overnight room rentals in any such facilities.

Coastal Act Section 30220.

Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

Coastal Act Section 30221.

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

Coastal Act Section 30223.

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

The proposed project is consistent with the foregoing policies because of the substantial commitment made to public use by the applicant's access component as previously indicated. The proposed project offers a comprehensive access program which will provide trail access through the length of the site, vertical access to the shoreline, dedication of the entire shoreline to the public and critical support facilities -- parking, signs, bike racks, etc., in addition to the recreation/access opportunities provided by the golf courses. These access improvements will be constructed, operated and maintained by the applicant. Finally, all access facilities will be completed and open for public use at the same time the golf course opens. The public will be able to use the access anytime the golf course is open, which is anticipated to be ±360 days out of the year. The proposed program maximizes the access opportunities on this site by ensuring that the public will be able to reach the beaches and surfing areas and view the entire shoreline from the trails and vista points.

The proposal is also consistent with the portion of PRC 30210 which requires that access be safe and that natural areas shall be protected from over-use. As proposed, the access component provides for a 15 space parking area adjacent to the clubhouse and bike racks and horse tie-ups. These improvements are necessary because the only available existing parking is located on the shoulder of Highway 101. Caltrans has indicated that this practice is not only illegal but dangerous. Although only a few cars park along the Highway currently, once the access on this site is opened, an increase in beachgoers can be expected and parking difficulties exacerbated. In order to avoid this potential problem and safely accommodate beachgoers, the parking area on site is an important component of the access program.

The site also contains a natural area which requires protection from over-use. Near the west end of the sites' shoreline there is a small beach used as a haul-out and rookery by harbor seals. Access to this area will be restricted and interpretive signs placed at appropriate points to advise the public of the nature of the habitat. The access facilities will also be supervised by the applicant to ensure that the seals are not disturbed. Under the Restricted Access Implementation Plan, if the National Marine Fisheries

Service and/or the Department of Fish and Game determines that the harbor seals are being detrimentally affected by users of the vertical accessways, the applicant may seek an emergency coastal development permit from the Commission to further regulate the use of the vertical accessways to avoid jeopardizing the harbor seal. As proposed, however, the Commission is not bound to issue an emergency permit and follow-up permits but, depending on the situation could require a regular coastal permit. In either event, such a request would require a further public hearing to address appropriate measures to regulate impacts to the haulout area, and would have to be consistent with the County's certified LCP, the Coastal Act, and Federal Marine Mammal Protection Act.

In conclusion, the Commission finds that the proposed access program complies with the relevant access and recreation policies of the Coastal Act and the LCP. Furthermore, because of the scope of the access improvements coupled with the extensive measures taken to protect environmentally sensitive habitats on the site, the project is also consistent with LUP policy 8-2 which permits non-agricultural development of land designated for agriculture if the conversion supports a coastal priority use. In this case, two Coastal Act priority uses are supported, substantial access opportunities and, as detailed in the Finding on Environmentally Sensitive Habitats, significant habitat protection.

## G. DEVELOPMENT

### 1. INTRODUCTION

The existing oil and gas facility has historically obtained potable water from two sources -- the Goleta Water District and the Dos Pueblos Ranch. The proposed golf course and turf farm will require  $\pm 221$  acre feet of water for irrigation per year and  $\pm 5$  acre feet of potable water to serve the Clubhouse needs. (An acre foot is equivalent to 326,000 gallons of water.) As there is no on-site water, the applicant plans to purchase reclaimed water from the Goleta Water District to serve the irrigation needs of the project. This water will be delivered via a new eight inch line to be constructed between the Sandpiper Golf Course and the site, a distance of  $\pm$  one mile. Potable water will also be supplied by the Goleta Water District. As of this date, the applicant has no binding commitment from the water district, but is confident that the necessary water will be obtained.

### 2. LCP SUBSTANTIVE REQUIREMENTS

The Certified LCP includes the following policies relevant to the proposal to extend a waterline to the site:

#### Coastal Act Section 30241(a):

The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas agricultural economy, and conflicts shall be minimized between agricultural and urban land uses through all of the following:

(a) By establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban land uses.

**POLICY 2-6:** Prior to the issuance of a development permit, the County shall make the finding, based on information provided by environmental documents, staff analysis, and the applicant, that adequate public or private services and resources (i.e., water, sewer, roads, etc.) are available to serve the proposed development. The applicant shall assume full responsibility for costs incurred in service extensions or improvements that are required as a result of the proposed project. Lack of available public or private services or resources shall be grounds for denial of the project or reduction in the density otherwise indicated in the land use plan.

The first policy, PRC 30241(a), is directed at maintaining a stable urban boundary by limiting the extension of urban services into rural areas. A stable urban boundary is critical to the achievement of two important goals of the Coastal Act; 1) the avoidance of urban sprawl by the concentration of development in urban areas, and 2) the protection of agricultural areas by prohibiting the extension of urban services thus reducing the pressure to convert to urban uses.

LUP Policy 2-6 is more project specific in scope and is directed to simply ensure that any given development will have adequate public or private utility services to support it (water, sewer, etc.).

**THE PROPOSED PROJECT IS  
CONSISTENT WITH LCP REQUIREMENTS**

Although the project requires the extension of an eight inch water line  $\pm$ 2400 feet beyond the urban boundary, it is not inconsistent with PRC 30241(a) because it will not destabilize the existing boundary. The proposed line is sized only to serve the project and will carry only reclaimed water. Reclaimed water cannot be used to serve most types of urban development because it is not potable and is only suitable for irrigation. In this case, the water will be used to irrigate the golf course, turf farm and on-site small nursery. Reclaimed water could, as is the case in other areas, be used to irrigate agricultural crops, thus the extension of this particular "urban service", a reclaimed water line does not place pressure on agricultural lands, like those adjacent to the golf course site, to develop with more intensive land uses. In addition, the reclaimed water line could not be converted to carry potable water because that would violate the County permit and is not allowed by the water district. The proposed line extension is therefore consistent with the policy direction of PRC 30241(a) to preserve stable urban boundaries.



The project is also conditioned to be consistent with LUP policy 2-6. This policy requires that before a coastal permit will be issued to allow construction, the applicant must demonstrate that all required public or private utility services are available and adequate to serve the needs of the project. The County has conditioned their permit to this effect and will not issue the coastal permit until adequate services are demonstrated.

In conclusion, the Commission finds that the proposed project is consistent with the relevant development policies which require the preservation of stable urban boundaries and ensure that any new development will have adequate utility services.

#### H. ENVIRONMENTALLY SENSITIVE HABITATS

##### 1. INTRODUCTION

The golf course site has been disturbed by oil and gas production over the years, but does include a variety of environmentally sensitive habitats (ESH). Two areas of riparian habitat are found on the site in Tomate Canyon and Eagle Canyon. Both of these canyons are designated ESH in the County LCP. Tomate Canyon is located in the western portion of the site and contains an intermittent stream and associated riparian vegetaton. Eagle Canyon lies along the eastern boundary of the site and contains a blue line stream -- Eagle Canyon Creek -- and associated riparian habitat. A vernal pond is located in the south-eastern part of the property midway between the railroad tracks and the edge of the coastal bluff. The site also includes small, scattered patches of native bunch grass. Native grasslands are considered to be environmentally sensitive in this area because they are becoming increasingly rare.

The site also contains an environmentally sensitive marine habitat. A well established harbor seal haul-out and rookery (pupping area/nursery) is located on the beach, at the base of the steep bluffs on the west end of the site. This habitat qualifies as ESH because harbor seals have been designated as a "protected species" under the Federal Marine Mammal Act.

##### 2. LCP AND COASTAL ACT SUBSTANTIVE REQUIREMENTS

The standard of review for this project is conformance with both the policies and ordinances of the Certified Local Coastal Plan and the public access and recreation policies of the Coastal Act. For the reasons discussed in the following paragraphs, the Commission finds that the project, as conditioned by the County and subsequently amended by the applicant is consistent with both the County LCP and the public access and recreation policies of the Coastal Act.

PROJECT IS CONSISTENT WITH  
THE POLICIES AND IMPLEMENTING  
ORDINANCES OF THE LCP

The Santa Barbara County LCP includes numerous policies relevant to the protection of Environmentally Sensitive Habitats. Due to the number and length of the ESH policies, they are attached as Exhibit 8.

Riparian Areas

The ESH policies relevant to the protection of riparian habitat are PRC 30231, 30240, 2-11, 9-1, 9-9, 9-37, 9-38, 9-40, 9-41 and 9-42. The site contains two riparian areas -- Tomate Canyon, an intermittent drainage area, and Eagle Canyon Creek which is defined as a major stream in the certified LCP. The proposed project as conditioned by the County is consistent with the applicable policies because adequate buffers from the stream corridors are included in the project and the limited uses (public trails and drainage culverts) permitted within these corridors are consistent with LUP policy 9-38. The County has also required the preparation and implementation on an Integrated Pest Management Plan to ensure compliance with LUP policies which require that run-off from the proposed development and mosquito abatement practices will not degrade habitat values. Finally, all site grading near the stream corridors must be done using non-mechanical equipment and shall avoid disruption of the habitat. If any habitat is disturbed, the affected areas must be immediately replanted. A more detailed account of the mitigation measures required by the County are found on pages 30-37 of the County staff report for this project.)

Wetlands

The site contains a vernal pool in the south-eastern corner of the site. Vernal pools are identified in the Certified LCP as wetlands and thus any development near them must observe the requirements of the LCP relevant to this habitat type.

The applicable LUP policies require that all development avoid vernal pools, that a 100' buffer area around the habitat be provided and that grass cutting shall be avoided in and immediately adjacent to these pools. These policies are specifically directed to the protection of vernal pools and are in addition to the more general policies which limit uses within habitat areas and prohibit run-off which could degrade environmentally sensitive natural features.

The project does not propose any development within the vernal pool and provides for a 100' buffer consistent with LUP policy 9-9. A cart path will, however, be located within the buffer as will a split-rail fence to discourage golfers from entering the habitat. These minimal uses are allowed by the terms of policy 9-9 which permits structures of a minor nature and those

needed to protect habitat values. The County has conditioned their permit to limit grass cutting in the vernal pond and buffer area. An integrated pest management plan is also required to ensure that run-off will not degrade the wetland. Finally, the project is consistent with LUP Policy 9-13 because neither vehicular or pedestrian access to the vernal pool will be allowed.

#### Native Grasslands

The site includes many small patches of native bunch grass. These patches are scattered throughout the entire site. According to a biological evaluation prepared for the project, the golf course development will displace several hundred square feet of native grassland. This vegetative community is considered to be an environmentally sensitive habitat according to the LCP because it is becoming increasingly rare in Santa Barbara County.

LUP policy 9-18 requires that new development shall be sited and designed to protect native grasslands. Although the project has been designed to avoid most of the native grassland, it will result in the loss of several hundred square feet of this habitat. Mitigation measures, however, require the restoration of a significantly greater area of the site to native grassland. The net result is that development of the project will result in a substantial enlargement of this habitat on the site and thus is consistent with LUP policy 9-18.

#### SEAL HAUL-OUT AND ROOKERY

A harbor seal haul-out and rookery is located on a narrow beach below the steep bluffs near the west end of the site. This well established habitat is used by the seals year round as a haul-out (resting) area. During the late winter and spring, the beach provides a sheltered location for mating, pupping and pup care. Harbor seals are a protected species under the terms of the Federal Marine Mammal Act and their terrestrial habitat is considered environmentally sensitive. The Marine Mammal Act prohibits any activities which kill or harass protected species such as the harbor seal.

The Certified LUP includes two policies directed to the protection of these animals and their habitat. Policy 9-24 indicates that recreational activity near haul-outs must be monitored to avoid disruption of the habitat by human activities. LUP Policy 9-25 requires that rookeries must not be disturbed by any type of development during the breeding season.

The proposed project is consistent with these policies because recreational activities will be well separated from the habitat and a monitoring program will be implemented concurrently with the opening of the golf course to ensure that the haul-out will not be disturbed by golfers or beach visitors. The golf course has been designed to ensure that golfers will not be visible to the seals and the incidence of errant golf balls landing on the beach is limited. Likewise, the proposed access trail closest to the habitat is routed

to avoid disruption and will be closed altogether during the pupping and breeding season (February 1 to May 31). An interpretive signing program is also proposed to advise all visitors of this habitat and its requirements. Finally, no grading within 300' of the bluff edge will be permitted during the breeding season.

In conclusion, the project as conditioned by the County and subsequently amended by the applicant is consistent with the numerous, stringent provisions in the LCP directed to protecting the various environmentally sensitive habitats found on this site.

PROJECT IS CONSISTENT WITH  
THE PUBLIC ACCESS POLICIES  
OF THE COASTAL ACT

The Coastal Act includes the following three policies relevant to the habitat preservation aspect of this project:

Section 30001.5(c)

The Legislature further finds and declares that the basic goals of the state for the coastal zone are to:

(c) Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resources conservation principles and constitutionally protected rights of private property owners.

Section 30210.

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30212(a).

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

- (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,
- (2) adequate access exists nearby, or,

(3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

The thrust of these policies is to maximize public access to and along the California coast in a manner which ensures that natural resource areas, like the harbor seal haul-out/rookery, will not be overused or otherwise adversely affected. The proposed access program strikes this balance by siting the trails to adequately separate beach visitors from the seals, signing and supervising the trails to alert visitors to the needs of the habitat and limiting access during the critical mating/pupping period. The proposed program is therefore consistent with Coastal Act policies to provide access while respecting habitats.

#### I. LCP/CEQA

The proposed project site lies within the County of Santa Barbara. The Commission has certified a Local Coastal Program for the County of Santa Barbara (Land Use Plan and Implementation Ordinances) which contain policies for the Gaviota Planning Area. As conditioned by both the County and the Coastal Commission and amended by the applicant, the proposed development is consistent with the applicable policies of the County's certified Local Coastal Program and the Coastal Act, including those regarding the preservation of agricultural lands and public access facilities.

The Coastal Commission's permit process has been designated as the functional equivalent of CEQA. CEQA requires the consideration of less environmentally damaging alternatives and mitigation measures to lessen significant environmental impacts to a level of insignificance. This project was the subject of an environmental impact report at the County level. The EIR provided a thorough discussion of alternatives to the proposed project including a no project alternative, a reduced project alternative, and two alternative project locations (Naples site and Patterson site). (See County Revised Findings for Project Approval) In addition, the Commission has considered an on-site agricultural alternative which would convert the project site to an agricultural use. However, as previously stated, agricultural use of the site is presently not possible because the lot and development uncertainties inherent in the site could result in lots that are too small to be farmed and the site has no commercial agricultural irrigation water supply.

Based on the information submitted, the Commission finds that there is no alternative available that will further reduce any adverse environmental impacts created by the project. Further, there are no negative impacts caused by the project which have not been adequately mitigated. The County imposed 79 conditions in its approval of a Conditional Use Permit for the golf course project. As amended by the applicant and further conditioned by the Commission, the proposed development is therefore consistent with the provisions of CEQA, the certified LCP and the access and recreation policies of the Coastal Act.



Exhibit 1

EXHIBIT NO. 1
APPLICATION NO. A 4-93-154
AECO APPEAL
Revised Findings

RECEIVED

EXHIBIT NO. 2
APPLICATION NO.
A-4-STB-93-154-E1
ARCO

STATE OF CALIFORNIA--THE RESOURCES AGENCY

JAN 07 1999

CALIFORNIA COASTAL COMMISSION

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

COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT  
APPLICATION FOR EXTENSION OF PERMIT NO. A-4STB-93-154

NOTE TO APPLICANTS:

1. Filing. Application for extension of a permit for a period not to exceed one year where construction is not expected to commence prior to the expiration date of the permit may be made by submitting this form completed and signed, together with the applicable filing fee, to the Commission Area Office. Such applications will not be accepted more than 90 days prior to the expiration date of the permit.

Extensions must be applied for prior to the expiration date of the permit, but filing of an application for extension will automatically extend the expiration date of the permit until the final action of the Commission on the request. Construction may not be commenced during this period of automatic extension. 14 Cal. Admin. Code Section 13169(a)(2).

2. Procedures. The Commission regulations require the Executive Director to follow the following procedures (Cal. Admin. Code Title 14, Section 13169): If the Executive Director determines that there are no changed circumstances that may affect the consistency of the proposed development with the Coastal Act of 1976, notice of such determination shall be posted at the project site and mailed to all parties who may be interested in the application. The necessary forms are available from the Area office. If no written objection is received at the Area office within 10 working days of publishing notice, the determination of no changed circumstances is conclusive and the extension will be granted. If the Executive Director determines that due to changed circumstances the proposed development may not be consistent with the Coastal Act, or if objection is made to the determination of consistency, a report shall be made to the Commission. If three Commissioners object to the extension, the application shall be set for a full hearing as though it were a new application.

SECTION 1. APPLICANT

1. Name, address and telephone number of applicant:  
CPHPAH Dos Pueblos Associates, LLC Attn: R.W. Hollis, Jr., President,  
211 W. Canon Perdido, Santa Barbara 93101 (805) 962-0262  
(Zip) (Area Code) (Telephone No.)

2. Name, address and telephone number of applicant's representative, if any:  
R.W. Hollis, Jr. AND Nancy Lucret - (819) 793-6020  
Address Same As Above  
(Zip) (Area Code) (Telephone No.)

TO BE COMPLETED BY COMMISSION:

Date Received: 1-7-99 Application Fee: \$ 400.00  
Date Filed: \_\_\_\_\_ Date Paid: 1-7-99

SECTION II. INFORMATION REQUIRED

1. Date of issuance and number of permit: November 16, 1994 A-4-STB-93-154
2. Is this a land division? No
3. Attachments. The following documents must be enclosed with this application form completed to ensure prompt processing of your application:
  - a. Documentation evidencing permit holder's continued legal interest in the property. See Attachment A.
  - b. Copy of original permit showing that it has not expired. See Attachment B  
Documentation of expiration submitted under separate cover.
  - c. Documentation of completed or proposed satisfaction of permit conditions, if any. See Attachment C.
  - d. List of names and addresses for all known interested parties and property owners/tenants within 100 feet of project site, plus one stamped, addressed envelope for each person on the list. See Attachment D.

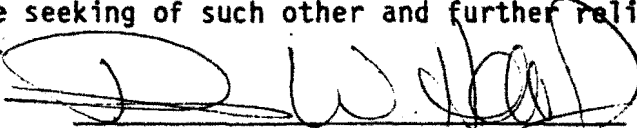
SECTION III. FILING FEE

This application will not be deemed filed until payment of a filing fee of \$200.00 for single-family houses and \$400.00 for all other developments. 14 Cal. Admin. Code 13169(a).

SECTION IV. CERTIFICATION

1. I hereby certify that I or my authorized representative will complete and post the "Notice of Extension Request" form furnished me by the Commission in a conspicuous place on the development property upon receipt of said notice from the Commission.

2. I hereby certify that to the best of my knowledge, the information in this application and all attached exhibits is full, complete, and correct, and I understand that any failure to provide information requested or any misstatement in the information submitted in support of the application may be grounds for either non-acceptance of the application, for denying the application for extension, or for the seeking of such other and further relief as may seem proper to the Commission.

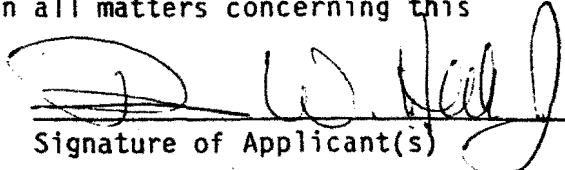


Signature of Applicant(s) or Agent

NOTE: If signed by Agent, Applicant must sign below.

SECTION V. AUTHORIZATION OF AGENT

I hereby authorize Nancy L. West to act as my (our) representative and bind me (us) in all matters concerning this application.



Signature of Applicant(s)





**LUCAST CONSULTING**

Coastal Land Use Planning & Advocacy  
12760 High Bluff Drive, Suite 280  
San Diego, California 92130  
(619) 793-6020 FAX: (619) 793-9395

January 7, 1999

**VIA FACSIMILE AND US MAIL**  
***Enclosures via Hand Delivery and US Mail***

**RECEIVED**

JAN 12 1999

Mr. Chuck Damm  
California Coastal Commission  
89 South California Street, Suite 200  
Ventura, CA 93001

COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

**Re: 4-STB-93-154 (Dos Pueblos Golf Links)**  
**Application for Extension of Coastal Development Permit**

Dear Chuck:


Thank you for meeting with us yesterday regarding the two appeals of the "ministerial" local CDPs issued by Santa Barbara County for the soil remediation and golf course construction phases of the Dos Pueblos Golf Links project. As you know, we believe these second appeals of this project put the applicant in a "double jeopardy" situation and are invalid for several reasons. (Please see letters to you from David C. Fainer dated December 17, 1998 and from me dated December 3, 1998 and December 21, 1998.) At best, the appeals are completely without merit as they do not take issue with the County's actions on condition compliance, the only question that could arguably be subject to review by the Commission on appeal at this point. Nonetheless, we understand that you have filed the appeals and that they will be scheduled for public hearing at the Commission's February, 1999 meeting.

The Coastal Commission-approved CDP for the Golf Links project, unless tolled, expires January 28, 1999. (Please see September 9, 1997 letter from Steven H. Kaufmann to Diane Landry and attachments.) Unfortunately, because the Commission will not decide the current appeals before January 28th, we are prevented from exercising our permit by commencing construction before the Commission-approved CDP expires.

As you have advised, we are submitting with this letter a completed application for extension of CDP 4-STB-93-154. Because of the peculiar perception that the County's LCP permits a double appeal, we feel we must reserve the argument that the CDP expiration date has been equitably tolled since, but for the appeals and the resulting lack of incentive for staff to complete review and execution of all the materials we have submitted in fulfillment of the terms and conditions of the permit, we could and would begin construction prior to January 28<sup>th</sup>, thus vesting our permit and eliminating the necessity for seeking an extension.

Although we may disagree on the decision to accept the appeals for filing, we understand how it was reached, and we continue to be strongly committed to working cooperatively with you on both the appeals and our application for extension.

Very truly yours,

  
Nancy A. Lucast

- enclosures (1) September 9, 1997 letter from Steven H. Kaufmann to Diane Landry, Esq., with attachments (via mail)  
(2) Completed Application for Extension, with attachments (hand delivered)

cc w/o encls: Ralph Faust, Esq.  
Jamee Jordan Patterson, Esq.  
Dianne Meester  
Alan Seltzer, Esq.  
R.W. Hollis, Jr.  
Steven H. Kaufmann, Esq.