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STATE OF CALIFORNIA -- THE RESOURCES AGENCY

CALIFORNIA COASTAL COMMISSION
SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
TURA, CA 93001
5) 585-1800

RECORD PACKET COPY

Filed: 6/10/02
49th Day: 7/29/02
180th Day: 12/07/02
Ventura District Staff
Staff Report: 6/21/02
Hearing Date: 7/11/02

STAFF REPORT: APPEAL SUBSTANTIAL ISSUE

LOCAL GOVERNMENT: County of Santa Barbara

LOCAL DECISION: Approval with Conditions

APPEAL NO.: A-4-STB-02-145

APPLICANT: Oly Chadmar General Partnership

APPELLANT: City of Goleta and Margaret Connell, Jean Blois, Cynthia Brock, Jack Hawxhurst and Jonny Wallis, as individuals and residents of the City of Goleta

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

PROJECT DESCRIPTION: Residences at Sandpiper Vesting Tentative Tract Map Final Clearance for recordation at County Recorder's Office. The Sandpiper residence project entails division of 14.46 acres into one parcel for condominium purposes and development of a 109 unit residential community with designated building footprints, private roads, approximately 77,958 cubic yards of excavation (cut) grading and 75,126 cubic yards of embankment (fill) grading, minimum front yard setbacks measuring five feet from the right of way (rather than the standard 20 feet), and uncovered studio unit parking, .8 acres of common open space, and approximately 3.2 acres of riparian, wetland, and grassland habitat to be restored, enhanced, and protected as open space.

SUBSTANTIVE FILE DOCUMENTS: County of Santa Barbara Local Coastal Program, Santa Barbara County Tentative Tract Map 14,541 (Board of Supervisor Approval dated 1/15/02); Santa Barbara County Final Development Plan 99-DP-051(Board of Supervisors Approval dated 1/15/02); Coastal Commission Appeal, Substantial Issue Staff Report A-4-STB-01-030 (Oly Chadmar General Partnership);

SUMMARY OF STAFF RECOMMENDATION SUBSTANTIAL ISSUE DOES NOT EXIST

Staff recommends that the Commission determine that **no substantial issue** exists with respect to the grounds on which the appeal has been filed. The **motion** and **resolution** for no substantial issue are found on **page 4 and page 5**.

The appeal contends that: (1) the County no longer has the authority to issue any coastal development permits within the jurisdiction; (2) the Sandpiper Residences Project (SRP) is incompatible with the established physical scale of the area; (3) the SRP is inconsistent with the access policies of the Coastal Act; and (3) the SRP is inconsistent with the County's LCP in regard to protection of native grasslands, coastal sage scrub, wetlands, and riparian ESHA, public access to trails in creeks, and availability of public services and infrastructure.

I. APPEAL JURISDICTION

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

The Sandpiper Residences Project includes, at a minimum, the following development within 100 feet of wetlands on the site and/or Devereux Creek: a) a pedestrian bridge across the creek and a pathway leading to and from the bridge; b) an irrigation system; c) approximately 10 single family residential structures; d) improvements to Hollister Avenue; and e) a new road identified as "Road C". The Vesting Tentative Map approved by the County includes a subdivision of 14.46 acres into one parcel for condominium purposes for the development of a 109-unit residential community. The development authorized in the Tentative Map constitutes one integrated project. Because the subdivided property includes wetlands and areas within 100 feet of wetlands, and a creek and areas within 100 feet of a creek, if the Commissin finds that the appeal raises a substantial issue, the County's action of approving a CDP authorizing recordation of the Vesting Tentative Map would be subject to Commission review de novo.

A. Appeal Procedures

The Coastal Act provides that after certification of Local Coastal Programs, a local government's actions on Coastal Development Permits in certain areas and for certain types of development may be appealed to the Coastal Commission. Local governments must provide notice to the Commission of its coastal permit actions. During a period of

10 working days following Commission receipt of a notice of local permit action for an appealable development, an appeal of the action may be filed with the Commission.

1. Appeal Areas

Under Section 30603 of the Coastal Act, development approved by a local government may be appealed to the Commission if they are located within the appealable areas, such as those located between the sea and the first public road paralleling the sea, within 300 feet of the inland extent of any beach or of the mean high-tide line of the sea where there is no beach, whichever is greater, on state tidelands, or along or within 100 feet of any wetland, estuary, or stream. Further, any development approved by a local County government that is not designated as a principal permitted use within a zoning district may also be appealed to the Commission, irrespective of its geographic location within the coastal zone. Finally, development that constitutes major public works or major energy facilities may also be appealed to the Commission.

2. Grounds for Appeal

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

3. Substantial Issue Determination

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

4. De Novo Review Hearing

If a substantial issue is found to exist, the Commission will consider the County's action de novo. The de novo permit may be considered by the Commission at the same time as the substantial issue hearing or at a later time. The applicable test for the Commission to consider in a de novo review of the project is whether the proposed development is in conformity with the certified Local Coastal Program and the public

access and public recreation policies of the Coastal Act. If a de novo hearing is held, testimony may be taken from all interested persons.

B. Local Government Action and Filing of Appeal

Commission staff received a Notice of Final Action for a Coastal Development Permit (Case No. 01CDP-00000-00150) issued by the County for the Final Vesting Tentative Map Clearance for the Residences at Sandpiper on May 14, 2002. A corrected Notice of Final Action was received by the Commission on May 24, 2002. Following receipt of the corrected Notice of Final Action, a 10 working day appeal period was set and notice provided beginning May 28, 2002 and extending to June 10, 2002.

An appeal of the County's action was filed by the City of Goleta and Margaret Connell, Jean Blois, Cynthia Brock, Jack Hawxhurst and Jonny Wallis, as individuals and residents of the City of Goleta, during the appeal period, on June 10, 2002. Commission staff notified the County, the applicant, and all interested parties that were listed on the appeals.

The action undertaken by the County in approving CDP No. 01CDP-00000-00150 is to grant the Final Clearance of the Tentative Tract Map for recording. The Final Tentative Tract Map was previously approved by the Santa Barbara County Board of Supervisors (BOS) on January 15, 2002.*The current action represents the County's determination of whether the Vesting Tentative Tract Map is consistent with the discretionary approval for the Residences at Sandpiper Project that was previously granted in January 2002.*

II. STAFF RECOMMENDATION ON SUBSTANTIAL ISSUE

MOTION: ***I move that the Commission determine that Appeal No. A-4-STB-02-145 raises NO substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act.***

STAFF RECOMMENDATION:

Staff recommends a **YES** vote. Passage of this motion will result in adoption of the following resolution and findings. Passage of this motion will result in a finding of no substantial issue and the local actions will become final and effective. Failure of this motion will result in a de novo hearing on the application. The motion passes only by an affirmative vote of the majority of the appointed Commissioners present.

RESOLUTION TO FIND SUBSTANTIAL ISSUE:

The Commission hereby finds that Appeal No. A-4-STB-02-145 raises **no substantial issue** with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act regarding consistency with the Certified LCP and/or the public access and recreation policies of the Coastal Act.

III. FINDINGS AND DECLARATIONS FOR SUBSTANTIAL ISSUE

The Commission hereby finds and declares:

A. Commission History

On August 10, 1994, the Commission approved Major Amendment 3-93-B to Santa Barbara County's certified Local Coastal Program (LCP). LCP Amendment 3-93-B updated various functions of the Land Use Plan, Zoning Ordinance, and associated Maps to implement the County's Housing Element programs in the coastal zone. The amendment created an affordable housing overlay program which identified the subject site as one of four Affordable Housing sites in the County's coastal zone. The subject site, known as the Hollister/Las Armas site was designated as having a base buildout of 113 units and a maximum buildout of 175 units, given the density bonuses provided under the affordable housing program.

B. Background

The project site is zoned as Design Residential (DR-8) in the certified Local Coastal Program (LCP) for Santa Barbara County. The DR-8 zone designation allows for a maximum of 8 units per acre or 1 unit per 5,445 sq. ft. of gross land area which would allow base buildout of approximately 115 units. The site is further subject to the Affordable Housing (AH) Overlay District which designates the site for a potential maximum buildout of 175 units, providing it is consistent with all applicable policies and provisions of the LCP. The AH Overlay District allows residential development projects to be eligible for increased densities, up to the maximum number of units designated by the overlay, provided that either 30% or more of all new units are available to very low income households or 50% or more of all new units are available to a mix of affordable income households as determined by the County.

The County's LCP requires that no permits for development be issued for Design Residential (DR) sites or sites within the Affordable Housing (AH) Overlay District except in conformance with an approved Final Development Plan (Section 35.74.3 and 35-102C.4). Development Plans are required "to provide discretionary action for projects allowed by right within their respective zoning districts which, because of the type, scale, or location of the development, require comprehensive review" (Section 35.174.1). Pursuant to this requirement, a Development Plan was submitted to the County for Planning Commission review.

The applicant, Oly Chadmar Sandpiper General Partnership, requested the County's approval of three items: a Vesting Tentative Tract Map (VTM), a Final Development Plan (FDP), and a Road Naming. Approval of the Vesting Tentative Tract Map and Final Development Plan were discretionary actions taken by the County that were appealable to the Commission under the County's LCP.

1. County Prior Approval (Tentative Tract Map and Development Plan)

The LCP requires that Development Plans under the jurisdiction of the Planning Commission be considered at a noticed public hearing and that the Planning Commission approve, conditionally approve, approve with modifications of development standards, or deny the plan. On October 31, 2001, the County of Santa Barbara Planning Commission approved a Tentative TM (Tract Map) and Development Plan for the division of 14.46 acres into one parcel for condominium purposes and the development of a new 111 unit residential community (Tentative TM 14,541 and 99-DP-051).

The County of Santa Barbara Planning Commission's decision was appealed to the County of Santa Barbara Board of Supervisors by Wanda Michalenko on behalf of the Santa Barbara County Urban Creeks Council and Diane Conn on behalf of the Citizens for Goleta Valley, which was represented by the Environmental Defense Center. On January 15, 2002, the County of Santa Barbara Board of Supervisors approved a Tentative Tract Map (Tentative TM 14,541) to divide 14.46 acres into one parcel for condominium purposes subject to conditions and a Final Development Plan (99-DP-051) to develop 109 new residential units, also subject to conditions (see Exhibits 3). The County's conditions of approval are attached as Exhibit 3).

2. Coastal Commission History

Commission staff received a Notice of Final Action for the Board of Supervisors' approval of the Final Development Plan and Tentative Tract Map on January 24, 2002A 10 working day appeal period was set and extended to February 14, 2002.

An appeal (A-4-STB-02-030) of the County's Discretionary Action to Approve Tentative Tract Map 14,541 and Final Development Plan 99-DP-051 was filed by Santa Barbara Urban Creeks Council, during the appeal period, on February 4, 2002 and the Environmental Defense Center on behalf of the Citizens for Goleta Valley, during the appeal period, on February 14, 2002. The appeal was scheduled for the March 6, 2002 Coastal Commission hearing. Staff recommended that the appeal raised a substantial issue with respect to the protection of native grasslands, riparian areas, and wetlands. However, the matter was settled with the appellants before the substantial issue hearing, and the appeal was formally withdrawn by both appellants on March 5, 2002. The appellants indicated that a private settlement agreement was reached with the developer, the results of which have not been made public.

C. Project Description

1. Current Coastal Development Permit

The action undertaken by the County in CDP No. 01CDP-00000-00150, and subject to appeal, is the County's ministerial determination to clear the Vesting Tentative Tract Map for recordation. The County has determined that the Vesting Tentative Map proposed to be recorded is in compliance with the Final Tentative Tract Map approved

by the Santa Barbara County Board of Supervisors (BOS) on January 15, 2002. The Vesting Tentative Tract Map submitted as part of the Final Map Clearance consists of three pages: (1) Boundary and Easements; (2) Easements; and (3) Open Space Easements. The Vesting Tentative Tract Map proposed for recordation is in conformance with the original approval.

The January 15, 2002 BOS decision represents the final discretionary approval of the Sandpiper Residences Project with regard to its consistency with the certified Local Coastal Program. The Board of Supervisor's action was reported to the Commission and the appeal period was run. *The current action represents the County's determination of whether the Vesting Tentative Tract Map is consistent with the prior discretionary approval for the Residences at Sandpiper Project.*

2. Underlying Sandpiper Residences Project

On January 15, 2002, the Santa Barbara County Board of Supervisors undertook final discretionary action to approve the Sandpiper Residences Project. The subject site is located north of Hollister Avenue, east of Las Armas Road, and ¼ mile south of U.S. Highway 101 in the City of Goleta, Santa Barbara County (Exhibit 1). The County's action approved a tentative tract map (Tentative TM 14,541) for the division of 14.46 acres into one parcel for condominium purposes and a final development plan (99-DP-051) for the development of a new 109 unit residential community. The County also approved approximately 77,958 cubic yards of excavation (cut) grading and 75,126 cubic yards of embankment (fill) as part of the approved development. Twenty percent (22 units) of the total number of residences would be affordable to lower, lower moderate, and upper moderate income households, pursuant to the County's Housing Element Inclusionary Program.

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

D. Appellants' Contentions

The appeal filed by City of Goleta and Margaret Connell, Jean Blois, Cynthia Brock, Jack Hawxhurst and Jonny Wallis, as individuals and residents of the City of Goleta is attached as Exhibit 6. The appeal contends that the County no longer has the authority

to issue any coastal development permits within the jurisdiction of the City of Goleta because under Public Resources Code Section 30600(c), the only agency authorized to issue a CDP is the Commission. The appellants also contend that the project is not compatible with the established physical scale of the area, wherein the Sandpiper Residences Project violates Public Resources Code Section 30251 and County LCP Policy 4-4. The appellants also contend that the proposed CDP violates the access policies of the coastal act. In this regard, the appellants contend that the inadequate amount of on-site parking and active recreation areas for a project this large violates Public Resources Code Section 30252.

Furthermore, the appeal has incorporated by reference, the Environmental Defense Center's (EDC) February 14, 2002 grounds of appeal on behalf of the Citizens for Goleta Valley (CGV) which contended that the County of Santa Barbara erred and abused its discretion in approving the project due to the fact that it is not consistent with the County's LCP or the Coastal Act. EDC argued in its appeal the project failed to protect native grasslands, coastal sage scrub, wetlands, and riparian ESHA, as required by the LCP, and that evidence in the record indicated that the project approved by the County included development within these areas. Further, EDC stated that the map of native grasses relied upon by the County in approving the development was inaccurate. EDC also set forth in its appeal that there was insufficient buffer space (zero to 10 feet) between the approved project's development footprint and the native grassland ESHA, which would not prevent long-term disruption to and loss of those grassland resources selected by the County for protection. In addition, EDC also argued that "Road B," approved under the project, is located within a recently identified coastal sage scrub habitat and its buffer along the northern property line of the parcel. Further, EDC stated that the impacts and LCP policy consistency of the County's condition of approval requiring the redirection of Devereux Creek back to its original course onsite. In addition, EDC stated that the although the County's conditions of approval state that no development shall occur within 100 feet of wetlands, installation of a sidewalk, curb, and gutters were required within two wetland buffers pursuant to the project. Furthermore, EDC argued that the project violated LCP policies regarding public access to trails in creeks. Finally, EDC also stated that the project is inconsistent with LCP policies regarding the availability of public services and infrastructure, such as schools and solid waste disposal, to serve the project.

E. Analysis of Substantial Issue

Pursuant to Sections 30603 and 30625 of the Coastal Act, the appropriate standard of review for the subject appeals is whether a substantial issue exists with respect to the grounds raised by the appellants.

Section 30603 provides:

"The grounds for an appeal pursuant to subdivision (a) shall be limited to an allegation that the development does not conform to the standards set forth in the certified local

coastal program or the public access policies set forth in this division." (Section 30603(b)(1)).

Section 30625 provides:

"With respect to appeals to the commission after certification of a local coastal program;, that no substantial issue exists with respect to the grounds on which an appeal has been filed pursuant to Section 30603." (Section 30625(b)(2).

In this case, the action taken by the County in issuing CDP No. 01CDP-00000-00150 was to determine that the Vesting Tentative Tract Map conforms with the County's prior approval of the Map and could be recorded. The grounds for an appeal of the CDP are limited to an allegation that this action does not conform to the LCP or public access policies of the Coastal Act. The appeals submitted by the appellants do not address the conformity of the Vesting Tentative Tract Map to be recorded in comparison with the terms of the County's prior approval of theVesting Tentative Tract Map. The Commission finds that a substantial issue does not exist with respect to the grounds on which the appeal has been filed for the specific reasons discussed below.

The first ground for appeal is that the County no longer has the authority to issue any coastal development permits within the jurisdiction of the City. This is not one of the grounds for appealing a coastal development permit to the Coastal Commission that is authorized in the Coastal Act (see section 30603(b)(1) above). Therefore, this cannot form the basis for the Coastal Commission's review of the County's action in approving the CDP for the Sandpiper project.

The other grounds for appeal that the City asserts are: that the Sandpiper Residences Project is incompatible with the established physical scale of the area and inconsistent with the access policies of the Coastal Act. The City also incorporates by reference as grounds of its appeal, all the grounds for appeal that were set forth in Appeal No. A-4-STB-02-030, filed by Citizens of Goleta Valley challenging the County's approval of the Sandpiper Residences Project as inconsistent with the County's LCP in regard to protection of native grasslands, coastal sage scrub, wetlands, and riparian ESHA, public access to trails in creeks, and availability of public services and infrastructure. These assertions all challenge the decision of the County to conditionally approve the proposed Sandpiper development in January 2002. An appeal of that decision to the Coastal Commission was filed by Citizens of Goleta Valley and Santa Barbara Urban Creeks Council. Before it was heard by the Coastal Commission, that appeal was withdrawn and therefore, the County's approval became final. There has been no change to the Vesting Tentative Map from the original approval. There have been no other discretionary decisions made by the County in the CDP currently on appeal. The City does not assert that the County's determination that the Vesting Tentative Tract Map conforms to the prior approval of the Tentative Tract Map were incorrect and as a result of those incorrect determinations the project does not comply with the LCP or applicable provisions of the Coastal Act. Accordingly, the City does not raise any grounds of appeal challenging the determinations that the County made when it decided

to issue CDP No. 01CDP-00000-00150. The City's appeal only challenges the decision that was previously made by the County in January 2002 to conditionally approve the Tentative Tract Map; however, the time for appealing that decision has passed and it has become final. Accordingly, the City has not raised any grounds of appeal that are relevant to the County's decision to issue CDP No. 01CDP-00000-00150. Therefore, the Commission finds that the appeal does not raise a substantial issue regarding whether the County decision to approve CDP No. 01CDP-00000-00150 conforms to the LCP or applicable provisions of the Coastal Act.

D. Conclusion

For the reasons discussed above, no substantial issue is raised with respect to the conformity of the Vesting Tentative Tract Map with the Board of Supervisor's January 15, 2002 approval. Therefore, the Commission finds that the appeal filed by City of Goleta and Margaret Connell, Jean Blois, Cynthia Brock, Jack Hawxhurst and Jonny Wallis, does not raise a substantial issue as to the County's application of the policies of the LCP in determining the Vesting Tentative Tract Map to be in conformance with the previous discretionary approvals.

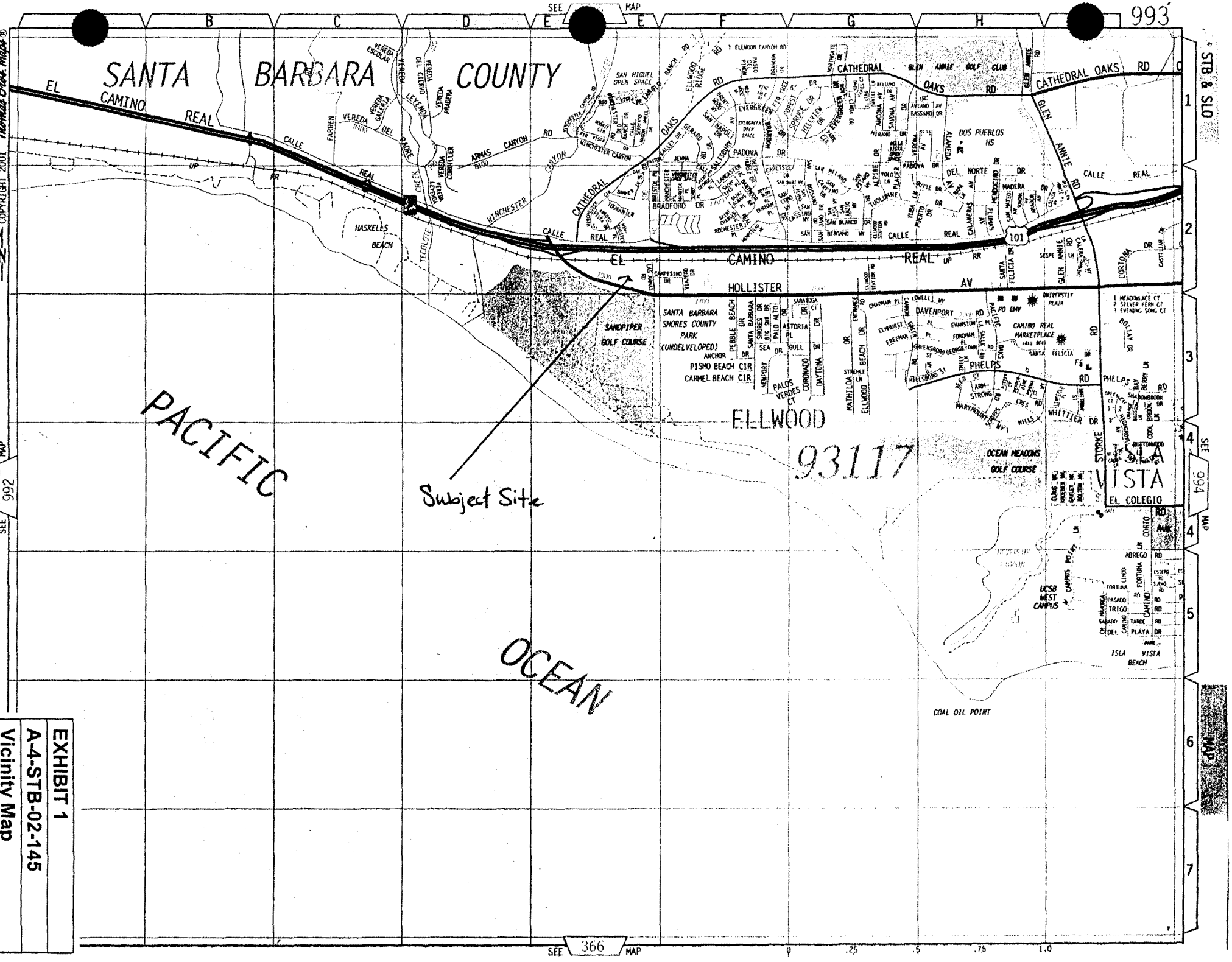

EXHIBIT 1
A-4-STB-02-145
Vicinity Map

CORRECTED
NOTICE OF FINAL APPROVAL/ INTENT TO ISSUE AN APPEALABLE COASTAL DEVELOPMENT PERMIT (CDP)

(Subsequent to a previous discretionary approval. This Notice is given and the CDP will be issued by the County of Santa Barbara acting on behalf of the City of Goleta and pursuant to direction from the California Coastal Commission.)

RECEIVED
MAY 24 2002
CALIFORNIA COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Case No.: 01CDP-00000-00150 **Planner:** A. Almy **Initials** AA
Project Name: Residences at Sandpiper Final Map Clearance
Project Address: Hollister Avenue
A.P.N.: 079-210-049
Prior Discretionary Case No.: TM 14,541

The *intent to grant final approval and issue* this Coastal Development Permit for the development described below, is based upon the required findings and subject to the attached terms and conditions.

FINAL APPROVAL DATE: May 23, 2002

POSTING DATE: May 24, 2002

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

ESTIMATED DATE OF PERMIT ISSUANCE: *(if no appeal filed)* June 11, 2002

PROJECT DESCRIPTION SUMMARY: See Attached

PROJECT SPECIFIC CONDITIONS:
See Attachment A, hereby incorporated by reference.

TERMS OF FINAL APPROVAL:

1. **Posting Notice.** A weather-proofed copy of this Notice, with Attachments, shall be posted in three (3) conspicuous places along the perimeter of the subject property. At least one (1) notice shall be visible from the nearest street. Each copy of this Notice shall remain posted continuously until the **Date of Permit Issuance.** (Art. II Sec. 35-181.3.)
2. **Amendment/Extension.** This pending decision may be changed, amended or extended prior to the **Final Approval Date**, based upon comments received by the public or other interested parties. In such event, an amended notice shall be provided and the CCC Appeal Period will run for a full ten (10) working days.

EXHIBIT 2
A-4-STB-02-145
Local Action Notice

3. **Date of Final Approval.** Be advised if no changes to the project are made pursuant to public comment, this approval shall become final on the date indicated above provided that all terms and conditions have been met.

TERMS OF PERMIT ISSUANCE:

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

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

   a. All terms and conditions including the requirement to post notice have been met and this Notice/Permit has been signed,

   b. The **Affidavit of Posting Notice** was returned prior to the expiration of the Appeal Period (Failure to submit the affidavit by such date shall render the approval null and void), and

   c. No appeal is filed with the Coastal Commission.

3. **Time Limit.** Failure to obtain a required construction, demolition or grading permit and to lawfully commence development within two (2) years of permit issuance, shall render this Coastal Development Permit null and void. A Coastal Development Permit that follows an approved Final Development Plan (FDP) shall be rendered null and void on the date the FDP expires even if the FDP expiration date is within two years of the Coastal Development Permit issuance, unless substantial physical construction has been completed.

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

OWNER/APPLICANT ACKNOWLEDGMENT: Undersigned permittee acknowledges receipt of this pending approval and agrees to abide by all terms and conditions thereof.

Richard C. Monk — Richard C. Monk — 5/23/02

Print Name — Signature — Date

OLY Chadmar Sanlp, per General Partnership
By Richard C. Monk
Its Attorney and Authorized Agent

Issuance by:

Planner — Date

ATTACHMENT A
PROJECT SPECIFIC CONDITIONS

1) This Coastal Development Permit is based upon and limited to compliance with the project description, the Final Map, dated May 13, 2002, and conditions of approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the appropriate jurisdiction for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

   The project description is as follows:

   The TM subdivides the 14.46-gross acre project site into one lot for condominium purposes (as defined by California Civil Code Section 1351(f)). The lot is held in common ownership by all condominium owners. The sale of the individual condominium units will be conveyed through the use of a State Department of Real Estate approved Condominium Plan. The TM would allow for the development of proposed community infrastructure, tract grading and drainage, perimeter walls and related improvements. Water to serve the proposed development would be provided by the Goleta Water District. Sewer service would be provided by the Goleta West Sanitary District via an existing line. Residential connections to the line would be provided. The VTM includes the offer of a waiver of abutters access rights for the entire length of the site's frontages along Hollister Avenue and Las Armas Roads excluding the widths of the proposed intersections of access roads into the development.

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

2) An open space easement including the protected area and creek corridor of Devereux Creek as well as the protected isolated wetland on the western portion of the site shall be offered to and approved by the City of Goleta (City), so that the restoration area would remain in perpetuity. Within the approximately 3.07 acre area, riparian habitat and adjacent wetland, native grassland, and related upland habitat shall be enhanced through eradication of invasive non-native plants and the planting of native species, according to a plan developed by a biologist and approved by City. **Plan Requirements**: The terms and conditions of the easement to cover initial restoration and maintenance costs (trail, planting, fencing, etc.), ongoing habitat restoration, and limited public access shall be approved by City. The Homeowners Association will be the party responsible for ongoing restoration and providing maintenance costs. **Timing**: These components shall be addressed with the Final Development Plan and Tract Map prior to recordation of final map and prior to approval of a Coastal Development Permit for grading or construction. The applicant shall receive approval of the City and shall record the easement.

Monitoring: The terms and conditions of the easement shall provide for City or third-party evaluation by a biologist or restoration specialist of riparian enhancement measures and the effectiveness of controlled public access.

3) The applicant shall provide an EMF Disclosure Statement and an EMF Information Package containing a balanced range of EMF educational and informational materials to potential buyers of units SF1 through SF12. **Plan Requirements**: The applicant shall provide this disclosure and Information Package as part of the project CCRs to City to verify the disclosure and Information Package is fair and adequate. **Timing**: The disclosure shall be reviewed and approved prior to recordation of the Final Map.

Monitoring: City shall verify that an adequate disclosure has been incorporated into the CCRs prior to sale of homes and that an adequate EMF Information Package has been assembled by the applicant and has been made easily available for review by prospective buyers. City shall review and approve the contents of the Package for objectivity, balance and completeness.

4) The drainage plan shall include bioswales to maximize contact time, minimize concentrated drainage, minimize erosion, and allow suspended solids to settle before entering Devereux Creek. The plan shall include specifications for any bioswales to be maintained in working order. CC&Rs shall assign responsibility for long-term maintenance of the bioswales to the Homeowner's Association. **Plan Requirements and Timing**: CC&Rs shall be reviewed and approved prior to approval of final map clearance. Drainage plans shall contain specifications and maintenance procedures; the plan shall be reviewed and approved prior to approval of Coastal Development Permit.

Monitoring: City shall site inspect and ensure bioswales are maintained and effectively mitigating impacts. City shall monitor mitigation implementation prior to, during, and after construction (i.e., throughout landscape establishment/maintenance period). City shall respond to complaints.

5) The drainage plan shall include separation of clean runoff (e.g., from roofs) from polluted runoff (i.e., from streets and driveways). The plan shall include specifications for the drains to be maintained in working order. The CC&Rs shall assign responsibility for long-term maintenance to the Home Owner's Association. **Plan Requirements and Timing**: CC&Rs shall be reviewed and approved by City prior to final map clearance. Drainage plans shall contain specifications and maintenance procedures; the plan shall be reviewed and approved prior to Coastal Development Permit approval.

Monitoring: City shall site inspect and ensure drains are maintained and effectively mitigating impacts. City shall monitor mitigation implementation prior to, during, and after construction.

6) The drainage plan shall include biofiltration devices designed to capture runoff associated with a 2-year storm event. The detention basins (or equivalent) shall be placed immediately upstream of stormwater pollution source reduction and biological treatment systems, such as oil-water separators and bioswales, on both the west and east side of the creek. The plan shall include specifications for the basins to be maintained in working order. The CC&Rs shall assign responsibility for long-term maintenance to the Homeowner's Association. **Plan Requirements and Timing**: CC&Rs shall be reviewed and approved by City prior to approval of final map clearance. Drainage plans shall contain specifications and maintenance procedures; the plan shall be reviewed and approved prior to approval of Coastal Development Permit.

Monitoring: City shall site inspect and ensure basins are maintained and effectively mitigating impacts. City shall monitor mitigation implementation prior to, during, and after construction.

7) The drainage plan shall include use of permeable surfaces, such as pavers in driveways, parking areas, and gravels or decomposed granite on common area pathways, to increase infiltration of surface water at the site. The plan shall include specifications for these permeable surfaces to be maintained. The CC&Rs shall assign responsibility for long-term maintenance to the Homeowner's Association. **Plan Requirements and Timing:** CC&Rs shall be reviewed and approved by City prior to approval of Final Map Clearance. Drainage plans

shall contain specifications and maintenance procedures; the plan shall be reviewed and approved prior to Coastal Development Permit approval.

Monitoring: City shall site inspect and ensure permeable surfaces are maintained and effectively mitigating impacts. City shall monitor mitigation implementation prior to, during, and by Homeowners Association during operation. Prior to recordation, the applicant shall record CC&Rs which require shared responsibility of site improvements by all owners. The owners shall share maintenance responsibilities for the landscaping, revegetation, fencing and access, subject to approvals from City. The CC&R's shall also include by reference responsibilities for all owners to maintain property in compliance with all conditions of approval for the project. Any amendments to the required conditions shall be reviewed and approved by the City; this requirement shall also be included in the CC&Rs.

8) Twenty-two dwelling units shall be provided at sales prices affordable to a mix of low, lower moderate and upper moderate income households as defined by the City's Housing Element and the Housing Element Implementation Guidelines.

DISTRIBUTION OF AFFORDABLE HOUSING WITHIN TOWNHOME UNITS

AFFORDABLE LEVEL	STUDIO UNIT	ONE BEDROOM UNIT	TWO BEDROOM UNIT	THREE BEDROOM UNIT
Lower	3			
Lower Mod.	3			
Upper Mod.		6	5	5

Prior to final map clearance, the applicant shall enter into and record an Agreement to Provide Affordable Housing and shall record a Resale Restrictive Covenant and Preemptive Right, based upon the City's model agreement and restrictive covenant. Both shall be subject to review and approval by City. These documents shall specify affordability consistent with the terms described above and shall include provisions describing marketing and lottery requirements for the initial sale of units. Income eligibility of prospective purchasers shall be determined by the City or its designee. An intent to reside statement shall be required for potential owners of the affordable units. The maximum sales price for the affordable units shall not exceed the maximum levels established by the City, consistent with the provisions of the Housing Element. The agreement and covenant shall specify that the affordable units shall remain affordable for a period of 30 years unless preempted by state or federal programs and shall be sold to qualified households at prices as established by the City.

9) Construction of the affordable units shall be concurrent with the construction of the market rate units Occupancy clearance for no more than 80% of the market rate units shall be allowed prior to occupancy clearance for all the affordable units for the development. **Plan Requirements & Timing:** Prior to map recordation, this requirement shall be included in the "Agreement to Provide Affordable Housing" and shall be printed on all grading and building plans.

Monitoring: City staff shall ensure compliance during construction

10) Prior to recordation, all maps and documents to be recorded shall clarify that the Tract Map formerly known as TM 14,541 is now TM 32,003.

11) Prior to Recordation, the applicant shall pay all applicable permit processing fees in full.

12) Prior to final building permit inspection, all development impact mitigation fees shall be paid in accordance with the ordinances and resolutions in effect when paid.

County of Santa Barbara
Planning and Development

John Patton, Director
Dianne Meester, Assistant Director

Anne Almy
3rd Floor

RECEIVED
FEB 15 2002
CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

January 22, 2002

Wanda Michalenko
Santa Barbara Urban Creeks Council
751 Olive Avenue
Carpinteria, CA 93013

Diane Conn
Citizens for Goleta Valley
6765 "C" Sabado Tarde
Isla Vista, CA 93117

BOARD OF SUPERVISORS
HEARING OF JANUARY 15, 2002

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

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

Dear Ms. Michalenko and Ms. Conn:

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

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

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

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

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

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

EXHIBIT 3
A-4-STB-02-145
Local Approval with Conditions

123 East Anapamu Street · Santa Barbara CA 93101-2058
Phone: (805) 568-2000 Fax: (805) 568-2030

REVISIONS TO THE FINDINGS

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

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

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

Finding 2.1.3.3 is amended:

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

Finding 3.1.1 is amended:

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

REVISIONS TO THE CONDITIONS OF APPROVAL, TM 14,541

Condition 69(e) is amended:

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

Condition 82 is added:

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

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

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

Condition 77 (e) is amended:

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

Condition 98 is added:

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

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

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

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

Sincerely,

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

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

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

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County of Santa Barbara
BOARD OF SUPERVISORS
Minute Order
January 15, 2002

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

PLANNING AND DEVELOPMENT File Reference No. 02-00071

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

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

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

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

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

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

COUNTY ADMINSTRATOR'S RECOMMENDATION: POLICY

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

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

a. Adopted.

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

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

c. Granted.

d. Approved.

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

e. Approved.

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

The motion carried by the following vote:

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

ATTACHMENT A

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

1.0 CEQA FINDINGS

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

1.1.1 CONSIDERATION OF THE EIR

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

1.1.2 FULL DISCLOSURE

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

1.1.3 LOCATION OF RECORD OF PROCEEDINGS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1.5 FINDINGS THAT IDENTIFIED PROJECT ALTERNATIVES ARE NOT FEASIBLE

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

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

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

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

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

1.6 STATEMENT OF OVERRIDING CONSIDERATIONS

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

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

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

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

1.6.4 Short-term employment during construction would be created.

1.6.5 Increased property tax revenues would be generated.

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

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

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

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

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

1.6.11 Would implement "green" building design.

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

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

1.7 ENVIRONMENTAL REPORTING AND MONITORING PROGRAM

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

2.0 ADMINISTRATIVE FINDINGS

2.1 Tract Map Findings

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

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

There is ample southern and western exposure as well as ample area for planting to allow for passive heating or cooling systems to be provided on site for all future residential development. Solar array panels or photo voltaic cells may be feasible subject to obtaining the necessary permits.

2.1.2 ***State Government Code §66473.5. No local agency shall approve a tentative map, or a parcel map for which a tentative map was not required, unless the legislative body finds that the proposed subdivision, together with the provisions for its design and improvement is consistent with the general plan required by Article 5 (commencing with §65300) of Chapter 3 of Division 1 or any specific plan adopted pursuant to Article 8 (commencing with §65450) of Chapter 3 of Division 1.***

2.1.3 ***State Government Code §66474. The following findings shall be cause for disapproval of a Tentative Parcel Map/Tract Map:***

2.1.3.1 The proposed map is not consistent with applicable general and specific plans as specified in §66451.

As discussed in Attachment A.2 of staff's memo to the BOS dated January 7, 2002, and incorporated herein by reference, the proposed tentative tract map is consistent with all applicable Comprehensive Plan policies, including the Coastal Plan and the Goleta Community Plan, including those related to services, water resources, earth movement, biological resources, aesthetic resources, noise, solid waste, air quality and cultural resources.

2.1.3.2 The design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.

The design and improvements set forth in TM 14,541, and as conditioned, are consistent with the Comprehensive Plan with respect to lot width, depth and size as well as provision of access and availability of services.

2.1.3.3 The site is not physically suitable for the type of development proposed.

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

2.1.3.4 The site is not physically suited for the proposed density of development.

The project as proposed and as conditioned provides adequate protection of significant natural resources on the property while at the same time allowing ample area for development of new residences commensurate in size with existing residential development in the west Goleta vicinity. As conditioned, surface runoff would be controlled to County standards, including those associated with the mandates of Project Clean Water. Thus, the site is physically suited for the proposed density of development.

2.1.3.5 The design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

As discussed in §§ 1.2 and 1.3 of these findings and incorporated herein by reference, the project, as conditioned, would minimize adverse impacts to the site and surrounding resources to the maximum extent feasible. The mitigation measures from 01-SD-02 are incorporated into conditions of approval.

2.1.3.6 The design of the subdivision or type of improvements is likely to cause serious public health problems.

The proposed project, as conditioned, ensures that future residential development would be served by the GWSD. Additionally, water for domestic purposes would be supplied by the Goleta Water District. Finally, as conditioned, storm water drainage facilities serving the lots would include

best available control technologies to remove pollutants (such as brake fluid, oil, etc.) from site runoff thereby protecting water quality in the Devereux Slough watershed and the Pacific Ocean. Thus, the design of the subdivision including improvements will not cause serious public health problems.

2.1.3.7 The design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

There are no public easements through the property. The applicant would negotiate with the Goleta West Sanitary District to designate alternative access to the District's existing sewer mainline on the site; alternative access would be routed specifically to avoid sensitive biological resources.

2.2.4 State Government Code §66474.6. The governing body of any local agency shall determine whether discharge of waste from the proposed subdivision into an existing community sewer system would result in violation of existing requirements prescribed by a California Regional Water Quality Control Board pursuant to Division 7 (commencing with §13000) of the Water Code.

As conditioned, future development of the proposed project will be served by the GWSD: receipt of can and will serve letters from the District would be a prerequisite of said service. Since District operation is consistent with the requirements of the Regional Water Quality Control Board, issuance of can and will serve letters by the District would substantiate that discharge of waste into the existing public sewer system would not result in violation of existing requirements prescribed by the California Regional Water Quality Control Board.

3.0 Development Plan Findings

Pursuant to Section 35-174.7.1, a Development Plan shall only be approved if all of the following findings are made:

3.1.1 That the site for the project is adequate in size, shape, location, and physical characteristics to accommodate the density and level of development proposed.

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

3.1.2 That adverse impacts are mitigated to the maximum extent feasible.

As discussed in §§ 1.2 and 1.3 of these findings and incorporated herein by reference, the project, as conditioned, would minimize adverse impacts to the site and surrounding resources to the maximum extent feasible. The mitigation measures from 01-SD-02 are incorporated into conditions of approval.

3.1.3 That streets and highways are adequate and properly designed to carry the type and quantity of traffic generated by the proposed use.

With incorporation of mitigation measures which identify roadway improvements, the streets and highways which would serve the project are adequate and properly designed to accommodate any traffic generated by the project. The exception to this would be impacts to the intersection of Storke and Hollister Avenues where project traffic would contribute to degradation of the intersection's LOS; the project's traffic contribution to this intersection would, however, be only a minor contribution to an already impacted intersection.

3.1.4 That there are adequate public services, including but not limited to fire protection, water supply, sewage disposal, and police protection to serve the project.

As discussed in Attachment A.2 of staff's memo to the BOS dated January 7, 2002, and incorporated herein by reference, adequate public services exist to serve the proposed development. The property will be provided service through the Goleta Water District and the Goleta West Sanitary District.

The project site is located within the five-minute response zone for Santa Barbara Fire Protection District Station 13 and, as conditioned, proposed new roadways would provide adequate emergency access to the site. Existing police protection services in the Goleta area would be adequate to serve the proposed project.

3.1.5 That the project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will not be incompatible with the surrounding area.

The proposed project would not be detrimental to the health, safety, comfort, convenience, and general welfare of the surrounding neighborhood. The project site was determined to be an appropriate location for residential development, specifically affordable Design Residential development, during the Goleta Community Plan Update. All of the existing surrounding land uses were planned or present at the time this determination was made. The proposed project would allow a total of 109 residential units on the project site. Residential uses on the site would be compatible with surrounding recreational and residential land uses. Traffic generated by the proposed project would not significantly affect roadways used by residents of the surrounding area. The proposed residential development does not have the potential to generate factors such as smoke, odors or noise, which would be incompatible with the surrounding area or could affect the comfort and convenience of residents or recreationists in the surrounding area.

3.1.6 That the project is in conformance with the applicable provisions of Article II and the Coastal Land Use Plan.

With incorporation of the conditions of approval, the proposed development plan conforms to all requirements of the Article II Zoning Ordinance as discussed in Section 6.3 of the PC staff report dated September 11, 2001, and would be consistent with all applicable requirements of the County Comprehensive Plan, including the Coastal Plan and the Goleta Community Plan as discussed in Attachment A.2 of staff's memo to the BOS dated January 7, 2002, and incorporated herein by reference.

3.1.7 That in designated rural areas the use is compatible with and subordinate to the scenic, agricultural and rural character of the area.

The project site is not located in a rural area.

3.1.8 That the project will not conflict with any easements required for public access through, or public use of a portion of the property.

There are no public easements through the property. The applicant would negotiate with the Goleta West Sanitary District to designate alternative access to the District's existing sewer mainline on the site; alternative access would be routed specifically to avoid sensitive biological resources.

ATTACHMENT B

CONDITIONS OF APPROVAL
VTM 14,541

PROJECT DESCRIPTION

1. This Vesting Tentative Tract Map is based upon and limited to compliance with the project description, Board of Supervisors' hearing exhibits 1-5 dated January 15, 2002, and conditions of approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

   The project description is as follows:

   The proposed VTM would allow for the subdivision of the 14.46-gross acre project site into one lot for condominium purposes (as defined by California Civil Code Section 1351(f)). The lot would be held in common ownership by all condominium owners. The sale of the individual condominium units would be conveyed through the use of a State Department of Real Estate approved Condominium Plan. The VTM would allow for the development of proposed community infrastructure, tract grading and drainage, perimeter walls and related improvements. Water to serve the proposed development would be provided by the Goleta Water District. Sewer service would be provided by the Goleta West Sanitary District via an existing line. Residential connections to the line would be provided. The VTM includes the offer of a waiver of abutters access rights for the entire length of the site's frontages along Hollister Avenue and Las Armas Roads excluding the widths of the proposed intersections of access roads into the development.

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

MITIGATION MEASURES FROM 01-SD-02

AESTHETICS

2. To prevent construction and/or employee trash from blowing offsite, covered receptacles shall be provided onsite prior to commencement of grading or construction activities. **Plan Requirements and Timing**: Prior to Coastal Development Permit approval, the applicant shall designate and provide to Planning & Development the name and phone number of a contact person(s) to monitor trash/waste and organize a clean-up crew. Additional covered receptacles shall be provided as determined necessary by Permit Compliance staff. This requirement shall be noted on all plans. Trash control shall occur throughout all grading and construction activities.

   Monitoring: Permit Compliance staff shall inspect periodically throughout grading and construction activities.

3. The applicant or his designee shall retain a clean-up crew to ensure that trash and all excess debris is collected daily and placed in provided receptacles throughout construction. **Plan Requirement:** Prior to Coastal Development Permit approval, applicant shall designate and provide to Planning &

Development the name and phone number of a contact person(s) to monitor trash/waste and organize a clean-up crew. This requirement shall be noted on final building plans. **Timing**: Final debris clearance shall occur prior to occupancy clearance.

Monitoring: P&D shall site inspect throughout construction and immediately prior to occupancy clearance.

4. The design, scale and character of the project architecture shall be compatible with vicinity development. **Plan Requirement and Timing:** The applicant shall submit architectural drawings of the project for review and approval by BAR prior to Coastal Development Permit approval. Grading plans shall be submitted to P&D concurrent with BAR plan filing.

   Monitoring: BAR shall review final building plans to ensure compliance with approved plans.

5. Exterior night lighting installed on the project site shall be of low intensity, low glare design, and shall be hooded to direct light downward onto the subject parcel and prevent spill-over onto adjacent parcels. **Plan Requirements:** The applicant shall submit a Lighting Plan incorporating these requirements that demonstrates the use of hooded and, where possible, low-level lighting fixtures. The locations of all exterior lighting fixtures and an arrow showing the direction of light being cast by each fixture and the height of the fixtures shall be depicted on the Lighting Plan. **Timing** The plan shall be reviewed and approved by P&D and the BAR prior to Coastal Development Permit approval.

   Monitoring: P&D shall inspect structures upon completion to ensure compliance with the approved Lighting Plan.

AIR QUALITY

6. Dust generated by project construction activities shall be kept to a minimum and prevented from dispersing offsite by following the dust control measures listed below:

   a) Use water trucks or sprinkler systems during construction to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, wet down such areas in the late morning and after completion of work at the end of the day. Use reclaimed water whenever possible.

   b) Increase the watering frequency when wind speeds exceed 15 miles per hour if soils are not completely wet. If wind speeds increase to the point that the dust control measures cannot prevent dust from leaving the site, suspend construction activities.

   c) Install gravel pads at all access points to prevent tracking of mud onto public roads.

   d) The applicant shall provide street cleaning along Hollister Avenue and Las Armas Road if soil track-out occurs on these streets.

   e) If importation, exportation, or stockpiling of fill is involved, cover soil stockpiled for more than two days, and keep moist, or treat with soil binders to prevent dust generation. Trucks transporting fill material to and from the site shall be covered (tarped) from the point of origin.

   f) After clearing, grading, earth moving, or excavation is completed, treat the disturbed area by watering, revegetating, or by spreading soil binders until the area is paved or otherwise developed so that dust generation will not occur.

g) The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to land use clearance for map recordation and land use clearance for finish grading for the structures.

Plan Requirement: The project applicant shall include these measures as notes on a separate sheet attached to the grading and building plans that shall be reviewed and approved prior to approval of a Coastal Development Permit for grading or structural development. **Timing:** These measures shall be implemented during and after project construction, as appropriate.

Monitoring: P&D shall ensure measures are on plans. P&D Building and Safety grading inspectors shall perform periodic site inspections. APCD inspectors shall respond to nuisance complaints.

7. ROC and NOx emissions generated by construction equipment shall be reduced by application of the following equipment control measures:

a) Heavy-duty diesel-powered construction equipment manufactured after 1996 (with federally mandated "clean" diesel engines) shall be utilized whenever feasible.

b) The engine size of construction equipment shall be the minimum practical size.

c) The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time.

d) Construction equipment shall be maintained in tune per the manufacturer's specifications.

e) Construction equipment operating onsite shall be equipped with two to four degree engine timing retard or pre-combustion chamber engines.

f) Catalytic converters shall be installed on gasoline-powered equipment, if feasible.

g) Diesel catalytic converters shall be installed, if available.

h) Diesel-powered equipment shall be replaced by electric equipment whenever feasible.

i) Construction employee trips shall be minimized by requiring carpooling and by providing for lunch onsite.

Plan Requirement: The project applicant shall include these measures as notes on a separate sheet attached to the grading and building plans that shall be reviewed and approved prior to approval of a Coastal Development Permit for grading or structural development. **Timing:** These measures shall be implemented during and after project construction, as appropriate.

Monitoring: P&D shall ensure measures are on plans. P&D Building and Safety grading inspectors shall perform periodic site inspections. APCD inspectors shall perform periodic equipment inspections and respond to nuisance complaints.

8. The applicant shall coordinate with the Metropolitan Transit District (MTD) to provide a covered bus shelter adjacent to the project site. The applicant shall also post MTD bus route schedules and rideshare information in a central location on a covered message board. **Plan Requirement:** The

Final Development Plan application shall include the location and type of proposed transit infrastructure. **Timing:** Copies of the information shall be reviewed and approved by P&D prior to occupancy clearance.

Monitoring: P&D shall check for inclusion of MTD facilities on the Final Development Plan submittal and shall review and approve CC&Rs prior to approval of a Coastal Development Permit for Buildings. Permit Compliance shall spot check for posting of rideshare and MTD information prior to occupancy clearance.

9. The applicant shall incorporate the following energy conservation measures into project building plans unless the applicant proves that incorporation of a specific measure is infeasible:

   a) Install heat transfer modules in furnaces and hot water heating insulation.

   b) Use light colored water based paint and roofing materials.

   c) Use solar panels for water heating systems and water heater systems that heat water only on demand.

   d) Use passive solar cooling/heating.

   e) Use concrete or other non-polluting materials for parking lots instead of asphalt.

   Plan Requirement: Prior to approval of the Coastal Development Permit for Buildings, the P&D shall review the project building plans and provide recommendations on increasing energy efficiencies in project design. **Timing:** The proposed energy conservation measures shall be incorporated into the project building plans prior to approval of the Coastal Development Permit for Buildings.

   Monitoring: County building inspectors shall site inspect for inclusion of proposed energy conservation measures during project construction.

10. To reduce significant daily ROC and NOx emissions during winter days from combined project sources, residences shall be built without wood-burning fireplaces or only with natural gas-fired burning units. **Plan Requirement:** P&D shall check for the fireplace designs on the project building plans prior to land use clearance. **Timing:** The proposed fireplace designs shall be incorporated into the project building plans prior to approval of the Coastal Development Permit.

    Monitoring: County building inspectors shall site inspect to check fireplace designs during project construction.

11. To help reduce daily ROC and NOx emissions from project mobile sources, the project applicant shall provide, as part of the sale of each housing unit, an information packet on carpooling and vanpooling and bus schedules with routes most accessible to the development. The packet shall also contain information to prospective homeowners on purchasing less polluting or alternatively-fueled vehicles (available from the APCD). **Plan Requirement:** The project applicant shall provide P&D with a signed statement from each new housing unit buyer that attests to the fact that they received the packet prior to completion of their purchase. **Timing:** The signed statement from the buyer shall be submitted to P&D prior to completion of the housing unit sale.

    Monitoring: P&D shall ensure that signed statements are submitted for each housing unit buyer.

BIOLOGICAL RESOURCES

12. The applicant shall submit a [revised] Vegetation Enhancement Plan for Devereux Creek and adjacent wetland and native grassland habitat. The Plan shall be prepared by a P&D-approved biologist or restoration ecologist familiar with conditions at the site. The Plan shall include specific goals for habitat restoration and include performance criteria by which replanting success is measured; any necessary stream channel and creek flow modifications to ensure restoration success; a planting plan including an irrigation plan; an exotic vegetation management plan; methods to protect the plantings until established; and a contingency plan in the event performance criteria are not met. The plan shall include provisions for maintaining and enhancing the native grassland areas onsite. In addition the plan shall specifically provide for prospective redirection of the Creek from its current course along the UPRR tracks back to the original Devereux Creek channel crossing the property. This would potentially require excavation of the channel invert to remove accumulated sediment and to restore appropriate elevations. It may also require contributing to the design and construction of a structural solution to ensure continued flow across the UPRR and onto the project property in cooperation with UPRR. The plan shall include details of planting and maintenance of barrier plantings identified below. **Plan Requirements**: The plan shall be submitted with the Final Development Plan and Tract Map and shall be reviewed and approved by P&D prior to Coastal Development Permit approval. The applicant shall also provide documentation of coordination efforts with UPRR in respect to UPRR's redirection of the Creek from its current course along the UPRR tracks back to the Devereux Creek channel crossing the property. **Timing**: Plantings shall be in place prior to occupancy.

    Monitoring: Vegetation enhancement and restoration plans shall include monitoring by a County-approved biologist or restoration specialist to determine the success of mitigation.

13. An open space easement including the protected area and creek corridor of Devereux Creek as well as the protected isolated wetland on the western portion of the site shall be offered to and approved by the Board of Supervisors, so that the restoration area would remain in perpetuity. Within the approximately 3.07 acre area, riparian habitat and adjacent wetland, native grassland, and related upland habitat shall be enhanced through eradication of invasive non-native plants and the planting of native species, according to a plan developed by a P&D-approved biologist and approved by P&D. **Plan Requirements**: The terms and conditions of the easement to cover initial restoration and maintenance costs (trail, planting, fencing, etc.), ongoing habitat restoration, and limited public access shall be approved by P&D. The Homeowners association will be the party responsible for ongoing restoration and providing maintenance costs. **Timing**: These components shall be addressed with the Final Development Plan and Tract Map prior to recordation of final map and prior to approval of a Coastal Development Permit for grading or construction. The applicant shall receive approval of the Board of Supervisors and shall record the easement.

    Monitoring: The terms and conditions of the easement shall provide for P&D or third-party evaluation by a P&D-approved biologist or restoration specialist of riparian enhancement measures and the effectiveness of controlled public access.

14. The final grading plan shall identify measures to minimize sedimentation into the protected area adjacent to the creek channel, and protected wetlands and native grassland. Grading in these areas shall avoid the rainy season (November 1 to May 1) unless P&D and a P&D-qualified biologist or restoration specialist determine that erosion and sediment control measures are sufficient to avoid impacts during the rainy season. Sediment control structures (e.g., straw bales, silt curtains/fences, sediment basins, etc.) shall be placed between graded areas and the protected area to direct runoff and remove silt. The structures shall remain in place and be /regularly maintained until all disturbed soils are stabilized by structures or vegetation. **Plan Requirements**: The erosion and sediment control structures shall be indicated on the final grading plan. **Timing**: The erosion and

sediment control plan shall be reviewed and approved by P&D and Building and Safety prior to Coastal Development Permit approval.

Monitoring: The structures shall be monitored by P&D during construction, and recommendations for corrective actions reported to the P&D immediately when maintenance is needed.

15. The final landscape plan shall include barrier plantings of native riparian shrub and understory species (e.g., blackberry, California rose, and other thorny species) on the existing margin of the protected areas and the Devereux Creek channel combined with appropriate fencing to reduce encroachment into the area by humans and domestic pets. Fencing shall be posted with signage to educate resdients and visitors to the biological resources within the habitat preservation area. **Plan Requirements**: The vegetation barrier between the protected areas and the development shall be identified on the final landscape plan submitted with the Final Development Plan and Tract Map. Details of its planting and maintenance shall be included in the Vegetation Enhancement Plan. **Timing**: The final landscape plan shall be reviewed and approved by P&D and Flood Control during processing of the Final Development Plan and Tract Map prior to approval of Coastal Development Permit

    Monitoring: The performance of the barrier plantings shall be monitored by a County-approved biologist or restoration specialist to determine the success of mitigation (in conjunction with the monitoring of condition 12.

16. The applicant shall obtain all required federal, state or local permits or authorizations including but not limited to: a Streambed Alteration Agreement from the California Department of Fish and Game (CDFG), a Section 404 permit from the U.S. Army Corps of Engineers (USACE), a Section 401 Water Quality Certification or Waiver from the Regional Water Quality Control Board and a Section 7 Consultation from the Fish and Wildlife Service. Copies shall be submitted to P&D. **Plan Requirements**: Applicant shall submit necessary plans to CDFG, USF&W and USACE with copies to P&D. **Timing**: Prior to approval of Coastal Development Permit (CDP) for work associated with the coordinated offsitedesiltation of the UPRR culvert and streambed alterations on the project site.

    Monitoring: P&D staff shall confirm receipt of permits and coordinate monitoring of permit compliance with CDFG and USACE.

17. Sedimentation, silt, and grease traps, or other storm water runoff treatment control measures shall be installed in paved areas to act as filters to minimize pollution reaching the Devereux Creek channel and downstream habitats. Appropriate measures shall address both short-term construction and long-term operational impacts of runoff from the site. The measures shall be maintained in working order for the life of the project. Prior to receiving CDP approval for grading, the applicant shall submit grading and building plans that shown the detail of this requirement to P&D for review and approval. Prior to and during grading installation and maintenance of appropriate sediment control measures shall be photo-documented and submitted by the applicant to P&D. Similarly, prior to completion of the project, installation of the long term stormwater runoff treatment control measures shall be photo-documented and submitted by the applicant to P&D. The Homeowners association (HOA) will be responsible for long-term operation and maintenance of the filters in working order. The County shall inspect and ensure filters are maintained and effectively mitigating impact. **Plan Requirements**: Grading and building plans to contain specifications. The applicant may be required to record an agreement for long-term maintenance of storm water control measures per Santa Barbara County Water Agency and Flood Control District conditions to ensure maintenance is completed over the life of the project. **Timing**: Specifications submitted prior to CDP approval for grading, implemented during construction and thereafter.

Monitoring: County shall monitor mitigation implementation prior to and throughout the construction period as well as throughout a minimum 3 year landscape establishment period.

18. Non-invasive landscape plants to be included in the landscape plan for the site should be selected for their attractiveness to Monarch butterflies, and their capacity to provide nectar, basking and/or roosting habitat between the months of October and December. **Plan Requirements and Timing**: Landscape plan submitted prior to CDP approval for grading.

    Monitoring: County shall monitor mitigation implementation during landscape installation and throughout a minimum 3-year establishment period thereafter.

19. Night lighting in the vicinity and within the Devereux Creek channel and buffer area, including the native grassland, wetland, eucalyptus grove, and nature trail, shall be minimized. Lights on homes adjacent to the creek, and within the buffer, native grassland or wetland enhancement area shall be directed away from the protected area, be of low intensity, and shall be connected to timing devices that shut off after 10 PM. **Plan Requirements and Timing**: A lighting plan submitted prior to Coastal Development Permit approval for grading.

    Monitoring: County shall confirm installation and shall respond to complaints.

20. Improvements to the hydrology and water quality of Devereux Creek channel shall be effectuated. This shall be accomplished by grading and designing the site to facilitate runoff to riparian and wetland habitats rather than to the sewer system, as described below:

    a) Include sediment and erosion control measures in the grading/drainage plan, and maintain these measures throughout the construction period. Install and maintain erosion control measures (such as jute netting or coir fabric/rolls) along the creek channel and in protected areas until native plants or landscaping is established.

    b) Install native wetland plants (of known local geographic origin) that will filter or absorb runoff or pollutant materials that may enter the Devereux Creek channel.

    c) Include pervious surfaces in the project design in key areas (adjacent to concrete walkways and impervious roads) so that runoff percolates into the ground to the maximum extent feasible.

    d) Collect and filter all runoff prior to its discharge into the Devereux Creek channel.

    e) Direct runoff from rooftops and large impervious areas to a filtering system and thence to the Devereux Creek channel to provide supplemental water to the riparian corridor and aquatic biota.

    Plan Requirements and Timing: A revised grading and drainage plan, and water quality improvement plan shall submitted prior to CDP approval for grading.

    Monitoring: County shall monitor mitigation implementation during construction.

21. The Enhancement Plan area shall contain indigenous native plant material only.

    a) Where native plants are proposed in natural protected areas or in landscape plans, seed, cuttings or plants shall be obtained from known sources in the watershed or in the Goleta Valley. Local experts, Growing Solutions or the University of Santa Barbara Coal Oil Point Reserve, should be contacted to assist with verifying plant stock from appropriate geographic origins.

b) Invasive non-natives shall be eradicated from the site. Invasive ornamentals (such as periwinkle, fountain grass, cape ivy, English ivy, Algerian ivy, bamboo, etc.) shall not be included in the landscape plan. The California Exotic Plant Pest Council (CalEPPC) list of Exotic Invasive Species should also be consulted to ensure that species on this list are not introduced to the site.

Plan Requirements and Timing: The applicant shall verify the source of plant material prior to CDP approval for grading. Removal of exotic species from the Enhancement Plan area shall take place prior to implementation of the Enhancement Plan. Removal of exotic species shall be ongoing, as necessary.

Monitoring: County shall monitor mitigation implementation during construction and for the minimum three-year establishment period.

22. Sewer later extensions, or other utility connections that must cross the Devereux Creek channel shall avoid the creek and adjacent buffer and protected areas. This shall be accomplished by directional drilling/boring or other technology.

Plan Requirements and Timing: A revised grading and drainage plan, depicting construction methods for sewer and other utilities, shall be submitted prior to CDP approval for grading.

Monitoring: County shall monitor mitigatión implementation during, and after construction.

GEOLOGY

23. The applicant shall submit grading and drainage plans with the Final Development Plan/Tract Map application and shall include, but not be limited to, the following:

a) Temporary berms and sedimentation traps shall be installed in association with project grading to minimize erosion of soils into Devereux Creek. The sedimentation basins shall be cleaned after large rain events, and as further directed by Permit Compliance staff, and the silt shall be removed and disposed of in a location approved by P&D.

b) Revegetation or restoration shall be completed, including measures to minimize erosion and to reestablish soil structure and fertility. Revegetation shall include native, fast-growing, vined plants that shall quickly cover drainage features. Local native species shall be emphasized. A landscape revegetation plan shall be included as part of the Final Redevelopment Plan.

c) Graded areas shall be revegetated within 4 weeks of grading activities with deep-rooted, native, drought-tolerant species, as specified in a landscape revegetation plan to minimize slope failure and erosion potential. Geotextile binding fabrics shall be used as necessary to hold soils until vegetation is established.

d) Drains shall be designed to cause exiting flow of water to enter sub-parallel downstream (60 degrees or less) to existing Devereux Creek stream flow to avoid eddy currents that would cause opposite bank erosion.

e) An energy dissipater or a similar device such as trash racks or baffles shall be installed at the base end of drainpipe outlets to minimize erosion during storm events. Pipes shall be covered to prevent children from entering the storm drain.

f) Storm drains shall be designed to minimize environmental damage and shall be shown on drainage plans.

g) With the exception of limited ground disturbance in association with construction of the proposed bridge and adjoining walkway, grading shall be prohibited within 50 feet of the Devereux Creek top-of-bank. Where possible, hand equipment shall be utilized during ground disturbances adjacent to the proposed bridge.

h) The applicant shall limit excavation and grading to the dry season of the year (i.e., April 15 to November 1) unless a Building & Safety approved erosion control plan is in place and all measures therein are in effect.

i) Temporary siltation protection devices such as silt fencing, straw bales, and sand bags shall be placed at the base of all cut and fill slopes and soil stockpile areas where potential erosion may occur. P&D staff shall determine these locations.

Plan Requirements and Timing: Erosion control components shall be listed on the grading plan that shall be reviewed and approved by P&D prior to Coastal Development Permit (CDP) approval for grading. These measures shall be implemented prior to approval of CDPs for structural development.

Monitoring: P&D shall verify as to plan in the field.

24. All grading and earthwork recommendations by Padre Associates (1999) shall be incorporated into the final project design, including the Final Grading Plan. A Registered Civil Engineer or Certified Engineering Geologist shall supervise all grading activities. These recommendations would include, but not be limited, to the following:

a) Within the footprint of proposed buildings and foundations, and extending to a minimum distance of 5 feet beyond the foundation footprint, soils should be overexcavated to a depth of 3 feet below existing grade, or 1 foot below bottom of foundation, whichever is deeper.

b) Foundations shall be constructed to compensate for consolidation settlement of 1 inch.

c) Where feasible, building areas shall be backfilled with nonplastic, low expansion soils to mitigate the potential effects of expansive soils. If highly expansive soil is placed within the upper 3 feet below buildings, measures recommended in Padre Associates (1999), such as providing positive drainage away from slabs, presoaking soils prior to pouring slabs, and using post-tensioned slabs, perimeter moisture barriers, and grade beam foundation systems, shall be completed.

Plan Requirements and Timing: Earthwork components recommended by Padre Associates (1999) shall be listed on the grading plan to be reviewed and approved by P&D prior to approval of the Coastal Development Permit for grading. These measures shall be implemented during construction.

Monitoring: P&D shall verify as to plan in the field.

HAZARDOUS MATERIALS/RISK OF UPSET

25. The applicant shall provide an EMF Disclosure Statement and an EMF Information Package containing a balanced range of EMF educational and informational materials to potential buyers of units SF1 through SF12. **Plan Requirements**: The applicant shall provide this disclosure and Information Package as part of the project CCRs to County Counsel and P&D to verify the disclosure and Information Package is fair and adequate. **Timing**: The disclosure shall be reviewed and approved prior to recordation of the Final Map.

Monitoring: P&D shall verify that an adequate disclosure has been incorporated into the CCRs prior to sale of homes and that an adequate EMF Information Package has been assembled by the applicant and has been made easily available for review by prospective buyers. P&D shall review and approve the contents of the Package for objectivity, balance and completeness.

26. The applicant shall request that the California Department of Real Estate insert the following into the final Subdivision Public Report: "The subject property is located near power lines and a power substation. Purchasers should be aware that there is ongoing research on adverse health effects associated with long-term exposure to low-level magnetic fields. Although no causal link is established, there is sufficient evidence to require reasonable safety precautions. The buyer may wish to become informed on the issue before making a decision on a home purchase in this location." **Plan Requirement:** The applicant shall provide this disclosure request to the California Department of Real Estate for inclusion in the Subdivision Public Report. **Timing:** The disclosure shall be reviewed and approved prior to approval of a Coastal Development Permit.

    Monitoring: P&D shall verify that the California Department of Real Estate Subdivision Public Report contains this disclosure statement.

27. Applicant shall under ground all utility lines within the project site. **Plan Requirement:** Construction plans for these improvements shall be reviewed and approved by P&D prior to Coastal Development Permit approval. **Timing:** Improvements shall be implemented prior to occupancy.

    Monitoring: P&D shall verify that completion of these improvements in the field.

28. In the unlikely event that hazardous materials are encountered during grading, excavation shall be temporarily suspended or redirected. The applicant shall prepare and implement a soil remediation plan for these areas. **Plan Requirements and Timing:** The remediation plan shall be reviewed and approved by County Fire PSD prior to continuing excavation . The applicant must obtain a compliance letter from County Fire PSD prior to approval of the Final Grading Plan. The applicant shall obtain a compliance letter from County Fire PSD prior to continuing grading in the affected area. Approval and implementation of all required specifications shall be completed prior to grading in the affected area.

    Monitoring: County Fire PSD shall inspect remediation activities as to plan in the field.

NOISE

29. Construction activity for site preparation and for future development shall be limited to the hours between 7:00 A.M. and 4:00 P.M., Monday through Friday. No construction shall occur on State holidays (e.g., Thanksgiving, Labor Day). Construction equipment maintenance shall be limited to the same hours. Non-noise generating construction activities such as interior painting are not subject to these restrictions. Efforts shall be made to schedule construction during off-school (i.e., summer) months. **Plan Requirements and Timing:** Construction timing shall be included as a note on all grading and construction plans to Planning & Development for review and approval prior to final map recordation. Signs shall be in place prior to the beginning of and throughout grading and construction activities.

    Monitoring: Building Inspectors and Permit Compliance shall spot check and respond to complaints.

30. Stationary construction equipment that generates noise that exceeds 65 dBA at the project boundaries shall be shielded with the most modern and effective noise control devices, i.e., mufflers, lagging,

and/or motor enclosures to P&D's satisfaction and shall be located at a minimum of 200 feet from occupied residences and other noise sensitive uses as far as possible from the eastern property line of the project site. All equipment shall be properly maintained to ensure that no additional noise, due to worn or improperly maintained parts, would be generated. **Plan Requirements and Timing:** The equipment area with appropriate acoustic shielding shall be designated on building and grading plans. Equipment and shielding shall remain in the designated location throughout construction activities.

Monitoring: Permit Compliance and grading and/or building inspectors shall perform site inspections to ensure compliance.

31. Temporary noise barriers shall be used and relocated as needed to block line-of-sight between the construction equipment and the Ellwood Elementary School to reduce effects of construction noise on these sensitive receptors below 65 dBA CNEL. **Plan Requirements and Timing:** The sound walls shall be included on the grading plan, and reviewed and approved by P&D prior to approval of a Coastal Development Permit for grading. The measure shall be implemented during construction.

    Monitoring: P&D shall verify as to plan in the field during construction.

32. The project applicants shall notify the sensitive noise receptors in advance of any and all construction activities. The construction manager's (or representative's) telephone number shall also be provided with the notification so that community concerns can be communicated. **Plan Requirements:** This notification clause shall be included on the grading plan, and reviewed and approved by P&D prior to approval of a Coastal Development Permit for grading. **Timing:** The measure shall be implemented prior to and during construction.

    Monitoring: P&D shall verify as to plan in the field during construction.

33. All permanent exterior mechanical equipment shall be acoustically engineered, incorporating attenuating designs, mufflers, enclosures, parapets, etc., so that the noise generated by these operations would not exceed the 65 dBA CNEL at the Ellwood Elementary School sensitive receptor location. **Plan Requirements and Timing**: The final exterior mechanical equipment engineering designs and specifications shall be designated as a note on Final Development Plans and shall be developed by a County-qualified acoustic engineer. Noise-attenuation design shall be reviewed and approved by P&D prior to approval of a Coastal Development Permit for grading. The shielding mechanisms shall be constructed prior to occupancy.

    Monitoring: P&D shall verify as to plan in the field during construction.

34. An acoustical study and Acoustical Attenuation Plan shall be prepared associated with the probable future Cathedral Oaks Overpass project by a County-approved acoustical engineer that determines any characteristics of attenuation (i.e., potential sound wall height and extent) required to maintain exterior noise levels experienced on the western and northern boundaries of the Residences at Sandpiper project to 65 dBA CNEL or less, and the interior noise level of proposed project structures to 45 dBA CNEL or less. Any perimeter fencing along the northern boundary of the proposed project site shall provide for a 180-foot gap in the attenuation along the northern project boundary within the restoration and enhancement area of Devereux Creek. **Plan Requirements and Timing:** The Acoustical Attenuation Plan, including any required sound wall location, construction material, base elevation and overall height, shall be incorporated on building plans and reviewed and approved by a P&D and BAR prior to final map recordation. The sound wall shall be incorporated into the project plans during the FDP/TM stage.

Monitoring: Building Inspectors shall perform plan and site inspection to ensure compliance prior to occupancy clearance.

35. Second story structure windows adjacent to Hollister Avenue shall be double-glazed or incorporated with other suitable noise-attenuating design to reduce interior noise exposure to 45 dBA CNEL or below. **Plan Requirements and Timing:** Noise attenuation design for second-floor window designs for structures adjacent to Hollister Avenue shall be developed by a P&D approved acoustic engineer and designated on the building plan. P&D shall review and approve the building plan prior to land use clearance.

    Monitoring: Building Inspectors shall inspect in the field to ensure compliance prior to occupancy clearance.

PUBLIC FACILITIES

36. The applicant shall pay Goleta Development Impact Fees, including Schools and Sheriffs fees, prior to issuance of building permits. **Plan Requirement and Timing:** A copy of the payment shall be sent to P&D prior to final inspection.

    Monitoring: P&D shall ensure payment is made prior to issuing land use clearance.

37. The applicant shall notify GUSD and SBHSD of the expected buildout date of the project to allow the Districts to plan in advance for new students. **Plan Requirement and Timing:** A copy of the notice shall be sent to P&D prior to Coastal Development Permit approval

    Monitoring. P&D shall receive notification from GUSD and SBHSD of compliance with the measure.

38. The applicant shall request a letter from the GUSD and SBHSD, which states their ability to accommodate the expected number of new students. **Plan Requirements and Timing:** The applicant shall submit a copy of the letter to P&D prior to Coastal Development Permit approval.

    Monitoring: P&D shall receive notification from GUSD and SBHSD of compliance with the measure.

39. Demolition and/or excess construction materials shall be recycled where applicable (i.e., wood, cardboard, concrete, and asphalt). The applicant shall submit a Construction and Demolition Waste Management Plan. **Plan Requirements:** The plan shall be reviewed and approved by the County Solid Waste and Utilities Division of the Public Works Department prior to approval of Coastal Development Permit. Permittee shall provide P&D with receipts for recycled materials or for separate bins. **Timing:** Materials shall be recycled as necessary throughout construction. All materials shall be recycled prior to occupancy clearance.

    Monitoring: P&D shall review receipts prior to occupancy clearance.

40. Materials with recycled content shall be used in project construction. Chippers on site during construction shall be used to further reduce excess wood for landscaping cover.

    Plan Requirements: The applicant shall submit, along with the Solid Waste Management Program, a description of the amounts and types of recycled materials to be used in project construction to P&D and Public Works. The applicant shall submit, along with the Solid Waste Management Program, a description of the Monitoring program to P&D and Public Works. **Timing:** P&D shall approve documents prior to Coastal Development Permit approval.

Monitoring: P&D shall periodically inspect in the field for compliance.

41. The permittee shall develop and implement an Solid Waste Management Program. The program shall include one or more of the following measures, but is not limited to those measures:

    a) Provision of space and/or bins for storage of recyclable materials within the project site.

    b) Implementation of a curbside recycling and green waste program to serve the new development.

    c) Development of a plan accessible collection of materials on a regular basis.

    d) Regular composting of lawn clippings and other landscape materials.

    Plan Requirements: The applicant shall submit a Solid Waste Management Program to P&D and Solid Waste (Public Works) for review and approval prior to Coastal Development Permit approval. **Timing:** Program components shall be implemented prior to occupancy clearance.

    Monitoring: P&D shall periodically inspect in the field for compliance.

42. The applicant shall implement a Monitoring program (quarterly, semi-annually) to ensure a 35 percent to 50 percent participation in overall waste disposal, using source reduction, recycling, and/or composting programs. The Monitoring program shall include a detailed report on the programs implemented and documentation (i.e., receipts) of the amounts diverted where applicable or, in the case of source reduction programs, an estimate of the amounts diverted. **Plan Requirements:** The applicant shall submit a Monitoring Program to P&D and Solid Waste (Public Works) for review and approval prior to Coastal Development Permit approval. **Timing:** Program components shall be implemented prior to occupancy clearance.

    Monitoring: P&D shall periodically inspect in the field for compliance.

43. The applicant shall pay the statutory school fees in effect at the time of issuance of building permits to the appropriate school district. **Plan Requirements and Timing:** The applicant shall submit final square footage calculations and a copy of the fee payment to the school district prior to issuance of Building Permits.

    Monitoring: P&D shall receive notification from GUSD and SBHSD of compliance with the measure.

RECREATION

44. Recreational facilities such as play structures, ball fields, etc. shall be developed within the common open space areas. **Plan Requirements:** Design of the facilities shall be submitted for review and approval of the Park Department, Flood Control District, and P&D. Provisions for maintenance shall be discussed in the project CC&R's to be reviewed and approved by the Park Department and P&D. **Timing:** Plans shall be submitted prior to Coastal Development Permit approval. Recreational facilities shall be installed prior to occupancy clearance.

    Monitoring: Park Department, Flood Control and P&D shall review plans prior to Coastal Development approval. Permit Compliance shall ensure installation in the field.

TRANSPORTATION

45. The applicant shall prepare a Construction Transportation Plan that designates heavy equipment routes, schedules, and the need for any special flagpersons to direct traffic during peak volume periods, with special attention to Ellwood School drop-off and pick-up activity. **Plan Requirement and Timing:** The Construction Transportation Plan shall be reviewed and approved by P&D and Public Works Roads Division prior to Coastal Development Permit approval.

    Monitoring: Public Works Roads Division will monitor during construction for compliance with the approved plan.

46. The project shall pay traffic mitigation fees in accordance with County policies. These fees shall be used by the County to provide infrastructure improvements required to accommodate future and cumulative traffic volumes. **Plan Requirement and Timing:** Payment of traffic mitigation fees shall be verified by Public Works prior to Coastal Development Permit approval.

    Monitoring: P&D shall verify receipt of fees.

47. The street system shall be reviewed and approved by the Fire Department and designed to provide adequate access and circulation for emergency vehicles. No on-street parking shall be allowed in accordance with Fire Department conditions. **Plan Requirement and Timing:** Review by the Fire Department shall be verified by Public Works prior to Coastal Development Permit approval.

    Monitoring: Public Works Roads Division shall verify implementation of improvements pursuant to approved plans.

48. The project shall be responsible for widening Hollister Avenue adjacent to the site frontage to Public Works standards. The improvements shall provide the required sight distance for vehicles entering or exiting the site. Alternatively, with Public Works concurrence, the project shall be responsible for funding its proportionate share of the widening of Hollister Avenue adjacent to the site frontage where the widening would be completed in conjunction with the construction of the Hollister Avenue overpass. **Plan Requirement:** Construction plans for these improvements shall be reviewed and approved by the Public Works Department prior to Coastal Development Permit approval. **Timing:** Improvements shall be implemented prior to occupancy, or as directed by the Public Works Department.

    Monitoring: Public Works Roads Division shall verify implementation of improvements pursuant to approved plans.

49. The project shall construct half-street improvements on Las Armas Road from Hollister Avenue to Campasino Drive along the project frontage. The improvements shall provide the required sight distance for vehicles entering or exiting from the site. **Plan Requirement:** Construction plans for these improvements shall be reviewed and approved by the Public Works Department prior to Coastal Development Permit approval. **Timing:** Improvements shall be implemented prior to occupancy.

    Monitoring: Public Works Roads Division shall verify implementation of improvements pursuant to approved plans.

50. The project Homeowners' Association shall coordinate with the Metropolitan Transit District (MTD) to provide bus passes to all interested project residents. The applicant shall also post MTD bus route schedules and rideshare information in a central location on a covered message board. **Plan Requirement:** The Final Development Plan shall include the contract mechanisms to provide

resident bus passes. **Timing:** Copies of the contractual mechanism shall be reviewed and approved by P&D prior to occupancy clearance.

Monitoring: P&D shall verify receipt of evidence of contractual mechanisms to effectuate condition.

51. The project shall fund its proportionate share of a striped left-turn pocket at the Road A and Las Armas Road intersections with Hollister Avenue throughout the construction of probable future projects on the western Hollister Avenue corridor. **Plan Requirement:** A Hollister Avenue striping plan including this improvement shall be reviewed and approved by the Public Works Department prior to Coastal Development Permit approval. **Timing:** Improvements shall be implemented prior to occupancy.

    Monitoring: Public Works Roads Division shall verify implementation of improvements pursuant to approved plans.

WATER RESOURCES

52. The project landscape plan shall be revised to maximize the use of low-water demand species for ornamental purposes. Project CCRs shall include information and photographs about drought-tolerant plantings for individual private spaces (i.e., front and back yards) and encourage and facilitate owner use of these water-saving species. **Plan Requirements and Timing:** The final landscape plan shall define precisely high and lower demand species areas to allow for expedient review and approval by Planning and Development and the Board of Architectural Review prior to Coastal Development Permit approval. The CCRs shall incorporate language and illustrations such as those found in GWD and Santa Barbara Botanical Garden publications advocating low water use plantings. CCRs shall be reviewed prior to final map clearance; landscape plan components shall be reviewed prior to approval of Coastal Development Permit.

    Monitoring: P&D staff shall verify the installation of the required landscaping in the field.

53. The applicant shall, where feasible, utilize GWD reclaimed water for all common area exterior landscaping. Non-reclaimed water shall not be used to water exterior landscape. If not feasible, the applicant shall provide documentation as to the efforts made to procure reclaimed water from local water purveyors and the negative outcome. **Plan Requirements and Timing:** The final project plans shall include the necessary fixtures and separate plumbing systems to allow the use of reclaimed water, should such water become available. The project plans shall be reviewed and approved by P&D prior to Coastal Development Permit approval.

    Monitoring: P&D staff shall verify installation of the required facilities in the field.

54. Indoor water use in all proposed structures shall be limited through the following measures:

    a) Recirculating, point-of-use, or on-demand water heaters shall be installed.

    b) Low flow toilets shall be installed.

    Plan Requirements and Timing: Indoor water conserving measures shall be graphically depicted on building plans. The plans shall be reviewed and approved by P&D prior to Coastal Development Permit approval. Indoor water-conserving measures shall be implemented prior to occupancy clearance.

    Monitoring: P&D shall inspect for all requirements prior to occupancy clearance.

55. Surface water detention basins, outlet pipes, velocity reduction structures (e.g., rip-rap), and bioswales and/or improvement to wetland buffer areas shall be constructed, as necessary, to reduce off-site runoff velocities and to prevent off-site flooding and long-term erosion-induced sedimentation in Devereux Creek. These features shall be included on the drainage plan. **Plan Requirements and Timing:** The improvements shall be depicted on drainage plans. The plans shall be reviewed and approved by County Flood Control Division and P&D prior to Coastal Development Permit issuance.

    Monitoring: County Flood Control Division shall inspect implementation pursuant to approved plans prior to occupancy clearance.

56. Finish floor elevations shall be designed at a minimum of two feet above the 100-year flood level, as determined by the County Flood Control Department. **Plan Requirements and Timing:** The improvements shall be depicted on building plans. The plans shall be reviewed and approved by County Flood Control Division and P&D prior to Coastal Development Permit approval.

    Monitoring: P&D shall inspect implementation pursuant to approved plans prior to occupancy clearance.

57. Structures shall be prohibited within 50 feet of the Devereux Creek top-of-bank. A cross section shall be included on the drainage plan, which traverses the creek and adjacent residences to the west, demonstrating the setback and slope configuration. **Plan Requirements and Timing:** The final drainage plan shall be reviewed and approved by Santa Barbara County Flood Control Department. The final drainage plan shall be reviewed and approved by P&D prior Coastal Development Permit approval.

    Monitoring: County Flood Control District shall inspect for all requirements prior to occupancy clearance.

58. The drainage plan shall include Best Available Control Technology (BACT) filters installed in paved areas to reduce oil and grease pollution from entering Devereux Creek. The plan shall include specifications for the filters to be maintained in working order. **Plan Requirements and Timing:** Drainage plans shall contain specifications and maintenance procedures. The plan shall be reviewed and approved by P&D prior to Coastal Development Permit.

    Monitoring: Prior to construction, installation shall be photo-documented and submitted by the applicant to P&D. P&D shall site inspect and ensure filters are maintained and effectively mitigating impacts. P&D shall monitor mitigation implementation prior to, during, and after construction.

59. The drainage plan shall include bioswales to maximize contact time, minimize concentrated drainage, minimize erosion, and allow suspended solids to settle before entering Devereux Creek. The plan shall include specifications for any bioswales to be maintained in working order. CC&Rs shall assign responsibility for long-term maintenance of the bioswales to the Homeowner's Association. **Plan Requirements and Timing**: CC&Rs shall be reviewed and approved by County P&D prior to approval of final map clearance. Drainage plans shall contain specifications and maintenance procedures; the plan shall be reviewed and approved by Flood Control/Water Agency staff and P&D prior to approval of Coastal Development Permit.

    Monitoring: P&D shall site inspect and ensure bioswales are maintained and effectively mitigating impacts. P&D shall monitor mitigation implementation prior to, during, and after construction (i.e., throughout landscape establishment/maintenance period). P&D shall respond to complaints.

60. The drainage plan shall include separation of clean runoff (e.g., from roofs) from polluted runoff (i.e. from streets and driveways). The plan shall include specifications for the drains to be maintained in working order. The CC&Rs shall assign responsibility for long-term maintenance to the Home Owner's Association. **Plan Requirements and Timing**: CC&Rs shall be reviewed and approved by P&D and County Counsel prior to final map clearance. Drainage plans shall contain specifications and maintenance procedures; the plan shall be reviewed and approved by Flood Control/Water Agency staff and P&D prior to Coastal Development Permit approval.

    Monitoring: P&D shall site inspect and ensure drains are maintained and effectively mitigating impacts. P&D shall monitor mitigation implementation prior to, during, and after construction.

61. The drainage plan shall include biofiltration devices designed to capture runoff associated with a 5 year storm event. The detention basins (or equivalent) shall be placed immediately upstream of stormwater pollution source reduction and biological treatment systems, such as oil-water separators and bioswales, on both the west and east side of the creek. The plan shall include specifications for the basins to be maintained in working order. The CC&Rs shall assign responsibility for long-term maintenance to the Homeowner's Association. **Plan Requirements and Timing**: CC&Rs shall be reviewed and approved by P&D and County Counsel prior to approval of final map clearance. Drainage plans shall contain specifications and maintenance procedures; the plan shall be reviewed and approved by Flood Control/Water Agency staff and P&D prior to approval of Coastal Development Permit.

    Monitoring: P&D shall site inspect and ensure basins are maintained and effectively mitigating impacts. P&D shall monitor mitigation implementation prior to, during, and after construction.

62. The applicant shall prepare a Pesticide, Herbicide, and Fertilizer Maintenance Plan that minimizes their use in common areas and private landscape areas, particularly during the rainy season. Biodegradable pesticides and herbicides shall be maximized. Grasses not generally susceptible to pest disease, such as Bermuda grass, shall be planted in common area turf areas. **Plan Requirements and Timing:** The plan shall incorporate the types of chemicals to be used and a procedure for their application during the rainy season. Maintenance plan shall be reviewed and approved by P & D prior to Coastal Development Permit.

    Monitoring: County shall field check implementation by Homeowners Association during operation.

63. Dog waste pollution minimization shall be implemented in the vicinity of Devereux Creek. Mutt-mitt dispensers shall be installed on both sides of the creek. An educational display/sign shall be installed which provides information about Santa Barbara County Project Clean Water. The display shall include information pertaining to dog waste and surface water pollution prevention. **Plan Requirements and Timing:** Prior to approval of Coastal Development Permit Clearance, surface water pollution prevention measures shall be graphically depicted on the drainage plan, subject to P&D review and approval. Surface water pollution prevention measures shall be implemented prior to occupancy clearance.

    Monitoring: P&D shall inspect for all requirements prior to occupancy clearance.

64. The drainage plan shall include use of permeable surfaces, such as pavers in driveways, parking areas and gravels or decomposed granite on common area pathways, to increase infiltration of surface water at the site. The plan shall include specifications for these permeable surfaces to be maintained. The CC&Rs shall assign responsibility for long-term maintenance to the Homeowner's Association. **Plan Requirements and Timing**: CC&Rs shall be reviewed and approved by P&D and County Counsel prior to approval of Final Map Clearance. Drainage plans shall contain specifications and maintenance procedures; the plan shall be reviewed and approved by Flood Control/Water Agency staff and P&D prior to Coastal Development Permit approval.

Monitoring: P&D shall site inspect and e... ...d and effectively mitigating impacts. P&D shall monitor ... during, and by Homeowners Association during operation.

PROJECT SPECIFIC CONDITIONS

65. Title to the common open space shall be he... ...wners or by any other non-profit group on such reasonable ... Supervisors may prescribe. If the common open space is ...he homeowners association, the rights to develop such prop... ...noncommercial recreation shall be conveyed to the County ...

66. Prior to recordation, the applicant shall re... ...nsibility of site improvements by all owners. The own... ...bilities for the landscaping, revegetation, fencing and a... ...trol, P&D and County Counsel. The CC&R's shall also in... ...all owners to maintain property in compliance with all co... ...y amendments to the County required conditions shall be r... ...s requirement shall also be included in the CC&Rs.

67. Twenty-two dwelling units shall be provi... ...ix of low, lower moderate and upper moderate income house... ...sing Element and the Housing Element Implementation Guide...

DISTRIBUTION OF AFFORDABLE HOUSING WITHIN ...

AFFORDABLE LEVEL	STUDIO UNIT	ONE BE...	...HREE BEDROOM ...NIT
Lower	3		
Lower Mod.	3		
Upper Mod.		6	

Prior to final map clearance, the applicant ... ...eement to Provide Affordable Housing and shall record a Resi... ...ptive Right, based upon the County's model agreement and restri... ...bject to review and approval by Planning & Development, Treas... ...e documents shall specify affordability consistent with the terms ... ...ovisions describing marketing and lottery requirements for the in... ...ility of prospective purchasers shall be determined by the County ... ...e statement shall be required for potential owners of the affordable ... ...e for the affordable units shall not exceed the maximum levels es... ...rs, consistent with the provisions of the Housing Element. The a... ...y that the affordable units shall remain affordable for a period of 3... ...or federal programs and shall be sold to qualified households at p... ...upervisors.

68. Construction of the affordable units shall be co... ...e market rate units Occupancy clearance for no more than ... ...e allowed prior to occupancy clearance for all the affordable unit... ...ments & Timing: Prior to map recordation, this requirement ... Provide Affordable Housing" and shall be printed on all grading a...

Monitoring: Permit Compliance staff shall ...

69. Compliance with Departmental letters required as follow

    a) Air Pollution Control District dated October 16, 2001
    b) Environmental Health Services dated September 13, 2
    c) Fire Department dated October 24, 2001
    d) Flood Control dated September 17, 2001
    e) Road Division (Public Works) dated January 23, 200
    f) Park Department dated September 13, 2001

70. Prior to recordation, the map shall note that public em on all private roadways.

71. Official road names shall be reviewed and approved for to recordation of the final map.

TENTATIVE TRACT MAP CONDITIONS

72. No permits for development, including grading, shall b h the approved Final Development Plan [99-DP-051]. The siz n of buildings, walkways, parking areas and landscaped areas n the approved final development plan [99-DP-051].

73. Prior to recordation of the map and subject to P&D appr plicant shall include all of the mitigation measures, conditions. ociated with or required by this project approval on a separate in with the Final Map. All applicable conditions and mitigation m inted on grading and/or building plans and shall be graphically Coastal Development Permits are obtained prior to recordation, will not apply retroactively to the previously issued Coastal De bsequent development on any parcels created by the project, ea Coastal Development Permit shall contain these conditions.

74. If the proposed map is revised from the approved Tenta ions are sought, approval shall be in the same manner as for the or

75. Three copies of the map to finalize the final map and requi ne, shall be submitted to Planning and Development (P&D) fo conditions before P&D will issue final map clearance to the Count tatistics for net lot area (gross area less any public road right of wa

76. Prior to recordation, public utility easements shall be p f widths required by the serving utilities. The subdivider shall sub of prints of the parcel map accompanied by a letter from each utilit ving the property stating that the easements shown thereon are acc

77. The Tentative Tract Map shall expire three years after app the final decisionmaker unless otherwise provided in the Su nt Code §66452.6.

78. The applicant shall ensure that the project complies w project conditions including those which must be monitored d. To accomplish this the applicant agrees to:

a) Contact P&D compliance staff as soon as possible after project approval to provide the name and phone number of the future contact person for the project and give estimated dates for future project activities.

b) Contact P&D compliance staff at least two weeks prior to commencement of construction activities to schedule an on-site pre-construction meeting with the owner, compliance staff, other agency personnel and with key construction personnel.

c) Pay fees prior to approval of Coastal Development Permit as authorized under ordinance and fee schedules to cover full costs of monitoring as described above, including costs for P&D to hire and manage outside consultants when deemed necessary by P&D staff (e.g. non-compliance situations, special monitoring needed for sensitive areas including but not limited to biologists, archaeologists) to assess damage and/or ensure compliance. In such cases, the applicant shall comply with P&D recommendations to bring the project into compliance. The decision of the Director of P&D shall be final in the event of a dispute.

79. Prior to Recordation, the applicant shall pay all applicable P&D permit processing fees in full.

80. Developer shall defend, indemnify and hold harmless the County or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of the Tentative Tract Map. In the event that the County fails promptly to notify the applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.

81. In the event that any condition imposing a fee, exaction, dedication or other mitigation measure is challenged by the project sponsors in an action filed in a court of law or threatened to be filed therein which action is brought within the time period provided for by law, this approval shall be suspended pending dismissal of such action, the expiration of the limitation period applicable to such action, or final resolution of such action. If any condition is invalidated by a court of law, the entire project shall be reviewed by the County and substitute conditions may be imposed.

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

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

ATTACHMENT C

REVISED CONDITIONS OF APPROVAL
99-DP-051

PROJECT DESCRIPTION

1. This Final Development Plan is based upon and limited to compliance with the project description, Board of Supervisors' hearing exhibits 1-5 dated January 15, 2002 as revised by BOS exhibit dated December 4, 2001, and conditions of approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

   The project description is as follows:

   The proposed project comprises 109 new residential units, 20% (or 22) of which would be affordable to a mix of low, lower moderate and upper moderate income households consistent with the County's Housing Element Inclusionary Program.

Site Plan

The layout of the proposed new residential community provides for two distinct residential components on the site, one on the east side of the creek and the other on the west. Housing on the eastern portion would take access from Las Armas Road. Housing in the western portion of the site would be accessed directly from Hollister Avenue.

Proposed residential development on the western portion of the site would be organized around a loop road encircling a centrally located common open space (measuring ±0.4 acres) ringed with a mixture of affordable and market rate townhouses, including triplex and fourplex structures. Market rate single family dwellings (SFDs) would be aligned along the outside of the loop road throughout the eastern perimeter of this portion of the site (i.e., parallel with Devereux Creek). Five SFDs would align the eastern, and four, the western flanks of the Hollister Avenue frontage in this area of the project site; these housing units would be separated by a ±250 foot wide open space area (as measured along the Hollister Avenue frontage from proposed Road A to proposed unit SF 45). Additional townhouse units would be aligned along the outside of the loop road throughout the western perimeter of the area.

Proposed residential development on the eastern portion of the project site would be similarly organized with one internal block of multiplex and single family dwelling housing surrounding centrally located common open space area. The open space area would include a protected native grass area as well as areas for passive/active recreation. Market rate SFDs would ring the eastern, southern and western perimeters of this portion of the site. Internal common open space areas would measure ±0.80 acres.

Internal roadways would measure 28 feet in width, thereby satisfying fire department access standards. The 2 foot wide perimeter ribbons of decorative paving proposed on both sides of all roadways would, however, visually reduce the width of the roads to 24 feet in width. The roadway design, which includes borders and crosswalk areas of decorative paving within the primary 28-foot wide travelway, is proposed specifically to diminish the authority of the automobile throughout the site. To further underline dominance of the pedestrian within the proposed development, ordinance requirements for unit parking would be satisfied primarily through provision of garages, with the proposed short length of private driveways precluding their use as

informal uncovered parking spaces. Eighty-one (81) uncovered parking spaces would be scattered throughout the site with a maximum five parking spaces per pocket, where parking is arranged perpendicular to the internal roadways, and one off-street parallel parking area accommodating a total of eight vehicles; twelve of the total number of uncovered spaces would be designated for visitors only. No other parking would be allowed on site. Temporary stopping of service vehicles (e.g. moving vans) would be allowed subject to restrictions of the project CC&Rs.

The two residential components of the proposed project would be physically linked via a pre-fabricated clear-span steel or wood pedestrian bridge crossing Devereux Creek and connecting with a pedestrian path system designed to provide access throughout the site as well as along the creek, Hollister Avenue and Las Armas Road. The two residential areas would also be visually linked by the consistent architecture and landscape plantings proposed throughout the project. All of the single-family dwellings proposed to be located along Devereux Creek corridor would be oriented to face that open space element. The SFDs proposed along Hollister Avenue and Las Armas Road would be oriented to face the roadways unobstructed by sound or screen walls, consistent with the applicant's stated goal of integrating the project into the existing community.

Architecture

The architecture of the proposed residential units is intended to reflect the Spanish Colonial Revival architecture[1] of the historic Barnsdall-Rio Grande Gasoline Station (County Historic Landmark #29), the Bacara Resort and the proposed new clubhouse etc., associated with the current application by Sandpiper Golf Course for proposed renovations. The structures would have two stories and would consist of three types of housing: 22 affordable townhomes[2], 32 market rate townhomes[3] and 55 detached market rate single family dwellings[4]. All of the structures would have two stories (measuring approximately 24 feet maximum height) with the townhouses configured either as triplex (with 2 market rate units and one 2 or 3-bedroom affordable unit) or fourplex (with two market rate units and one affordable studio unit and one affordable one bedroom unit).

The project includes four floor plan options for the proposed affordable units. The unit designs would range from studio units (measuring ±600 s.f.) to three bedroom/two bath family units (measuring ± 1,460 s.f.). All units would be equipped with washer and dryer connections. The studio unit would include a walk-in closet. All units would include a balcony off of the livingroom With the exception of the studio units, each affordable unit would benefit from an attached single car garage. Garages would include electrical outlets appropriate for charging electrical vehicles.

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[1] Typified by white plaster walls, red roof tiles and covered porches. One unit design differs to incorporate shingle roofing and timbers.

[2] DISTRIBUTION OF AFFORDABLE HOUSING WITHIN TOWNHOME UNITS

AFFORDABILITY LEVEL	STUDIO UNIT	ONE BEDROOM UNIT	TWO BEDROOM UNIT	THREE BEDROOM UNIT
Lower	3			
Lower Mod.	3			
Upper Mod.		6	5	5

[3] For a total of 32 two or three-bedroom units.

[4] Including six detached townhome units. All units would have two, three or four bedrooms. -

The project includes two floor plan options for the proposed market rate townhomes with two or three bedrooms each. The units would range in size from 1,850 s.f. to 2,425 s.f.. Each market rate townhome unit would benefit from an attached two car garage. Garages would include electrical outlets appropriate for charging electrical vehicles.

The project includes four floor plan options for the detached market rate single family dwellings with two, three or four bedrooms each. The units would range in size from 1,850 s.f. to 2,800 s.f. and would benefit from an attached two car garage each. Garages would include electrical outlets appropriate for charging electrical vehicles.

Landscape

Proposed landscape would address restoration and enhancement of existing biological resources occurring within the proposed common open space, as well as beautification of the site as a whole. The common open space lot would be subject to an aggressive enhancement program including eradication of non-native plant material as well as installation of endemic plant species sustainable under the intermittent drainage flows currently typifying this upper portion of the Devereux Creek watershed. Strictly endemic plantings within the enhancement area would transition into more refined native and dry region gardens throughout the remainder of the site to achieve a cohesive landscape program founded on the aesthetic of native plant communities and associations. Common open space areas would be developed with fescue lawn and accent areas of decorative shrub and tree plantings. Decorative streetscape themes would be developed along the proposed internal roadways as well as along the site's Hollister Avenue and Las Armas Road frontages. Existing eucalyptus trees located within the creek could be subject to a 50% thinning to remove deadwood, etc., with the intent of improving the health of the stand and habitat overall. Tree removal would only occur under the direction of an arborist familiar with eucalyptus trees and associated habitats and after consultation with the appropriate regulatory agency. All other existing plant material on-site would be removed in association with proposed rough site grading

Site Engineering, Grading and Drainage

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

Proposed site drainage on both sides of the creek would comprise a combination of surface runoff and subsurface drainage facilities. Surface drainage from within and around all housing and landscape areas would be directed either 1) onto Hollister Avenue or 2) into the internal loop roads, where runoff would be captured in a continuous french drain located within the proposed swale in the center of all roadways and outlet directly into Devereux Creek.

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

MITIGATION MEASURES FROM 01-SD-02

AESTHETICS

2. To prevent construction and/or employee trash from blowing offsite, covered receptacles shall be provided onsite prior to commencement of grading or construction activities. **Plan Requirements and Timing**: Prior to Coastal Development Permit approval, the applicant shall designate and provide to Planning & Development the name and phone number of a contact person(s) to monitor trash/waste and organize a clean-up crew. Additional covered receptacles shall be provided as determined necessary by Permit Compliance staff. This requirement shall be noted on all plans. Trash control shall occur throughout all grading and construction activities.

   Monitoring: Permit Compliance staff shall inspect periodically throughout grading and construction activities.

3. The applicant or his designee shall retain a clean-up crew to ensure that trash and all excess debris is collected daily and placed in provided receptacles throughout construction. **Plan Requirement:** Prior to Coastal Development Permit approval, applicant shall designate and provide to Planning & Development the name and phone number of a contact person(s) to monitor trash/waste and organize a clean-up crew. This requirement shall be noted on final building plans. **Timing**: Final debris clearance shall occur prior to occupancy clearance.

   Monitoring: P&D shall site inspect throughout construction and immediately prior to occupancy clearance.

4. The design, scale and character of the project architecture shall be compatible with vicinity development. **Plan Requirement and Timing:** The applicant shall submit architectural drawings of the project for review and approval by BAR prior to Coastal Development Permit approval. Grading plans shall be submitted to P&D concurrent with BAR plan filing.

   Monitoring: BAR shall review final building plans to ensure compliance with approved plans.

5. Exterior night lighting installed on the project site shall be of low intensity, low glare design, and shall be hooded to direct light downward onto the subject parcel and prevent spill-over onto adjacent parcels. **Plan Requirements:** The applicant shall submit a Lighting Plan incorporating these requirements that demonstrates the use of hooded and, where possible, low-level lighting fixtures. The locations of all exterior lighting fixtures and an arrow showing the direction of light being cast by each fixture and the height of the fixtures shall be depicted on the Lighting Plan. **Timing** The plan shall be reviewed and approved by P&D and the BAR prior to Coastal Development Permit approval.

   Monitoring: P&D shall inspect structures upon completion to ensure compliance with the approved Lighting Plan.

AIR QUALITY

6. Dust generated by project construction activities shall be kept to a minimum and prevented from dispersing offsite by following the dust control measures listed below:

   a) Use water trucks or sprinkler systems during construction to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, wet down such areas in the late morning and after completion of work at the end of the day. Use reclaimed water whenever possible.

b) Increase the watering frequency when wind speeds exceed 15 miles per hour if soils are not completely wet. If wind speeds increase to the point that the dust control measures cannot prevent dust from leaving the site, suspend construction activities.

c) Install gravel pads at all access points to prevent tracking of mud onto public roads.

d) The applicant shall provide street cleaning along Hollister Avenue and Las Armas Road if soil track-out occurs on these streets.

e) If importation, exportation, or stockpiling of fill is involved, cover soil stockpiled for more than two days, and keep moist, or treat with soil binders to prevent dust generation. Trucks transporting fill material to and from the site shall be covered (tarped) from the point of origin.

f) After clearing, grading, earth moving, or excavation is completed, treat the disturbed area by watering, revegetating, or by spreading soil binders until the area is paved or otherwise developed so that dust generation will not occur.

g) The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to land use clearance for map recordation and land use clearance for finish grading for the structures.

Plan Requirement: The project applicant shall include these measures as notes on a separate sheet attached to the grading and building plans that shall be reviewed and approved prior to approval of a Coastal Development Permit for grading or structural development. **Timing:** These measures shall be implemented during and after project construction, as appropriate.

Monitoring: P&D shall ensure measures are on plans. P&D Building and Safety grading inspectors shall perform periodic site inspections. APCD inspectors shall respond to nuisance complaints.

7. ROC and NOx emissions generated by construction equipment shall be reduced by application of the following equipment control measures:

a) Heavy-duty diesel-powered construction equipment manufactured after 1996 (with federally mandated "clean" diesel engines) shall be utilized whenever feasible.

b) The engine size of construction equipment shall be the minimum practical size.

c) The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time.

d) Construction equipment shall be maintained in tune per the manufacturer's specifications.

e) Construction equipment operating onsite shall be equipped with two to four degree engine timing retard or pre-combustion chamber engines.

f) Catalytic converters shall be installed on gasoline-powered equipment, if feasible.

g) Diesel catalytic converters shall be installed, if available.

..red equipment shall be replaced by electric equipment whenever feasible.

..n employee trips shall be minimized by requiring carpooling and by providing for ..e.

..ent: The project applicant shall include these measures as notes on a separate sheet .. grading and building plans that shall be reviewed and approved prior to approval of ..lopment Permit for grading or structural development. **Timing:** These measures ..ented during and after project construction, as appropriate.

P&D shall ensure measures are on plans. P&D Building and Safety grading ..ll perform periodic site inspections. APCD inspectors shall perform periodic ..ections and respond to nuisance complaints.

..all coordinate with the Metropolitan Transit District (MTD) to provide a covered bus .. to the project site. The applicant shall also post MTD bus route schedules and ..tion in a central location on a covered message board. **Plan Requirement:** The ..t Plan application shall include the location and type of proposed transit ..ning: Copies of the information shall be reviewed and approved by P&D prior to ..ce.

P&D shall check for inclusion of MTD facilities on the Final Development Plan ..hall review and approve CC&Rs prior to approval of a Coastal Development Permit Permit Compliance shall spot check for posting of rideshare and MTD information ..ancy clearance.

.. shall incorporate the following energy conservation measures into project building the applicant proves that incorporation of a specific measure is infeasible:

.. transfer modules in furnaces and hot water heating insulation.

colored water based paint and roofing materials.

.. panels for water heating systems and water heater systems that heat water only on

..ve solar cooling/heating.

..te or other non-polluting materials for parking lots instead of asphalt.

..ment: Prior to approval of the Coastal Development Permit for Buildings, the P&D the project building plans and provide recommendations on increasing energy .. project design. **Timing:** The proposed energy conservation measures shall be into the project building plans prior to approval of the Coastal Development Permit ..

County building inspectors shall site inspect for inclusion of proposed energy ..easures during project construction.

..nificant daily ROC and NOx emissions during winter days from combined project ..nces shall be built without wood-burning fireplaces or only with natural gas-fired .. Plan **Requirement:** P&D shall check for the fireplace designs on the project

rior to land use clearance. **Timing:** The proposed fireplace designs shall be o the project building plans prior to approval of the Coastal Development Permit.

ounty building inspectors shall site inspect to check fireplace designs during project

daily ROC and NOx emissions from project mobile sources, the project applicant s part of the sale of each housing unit, an information packet on carpooling and bus schedules with routes most accessible to the development. The packet shall ormation to prospective homeowners on purchasing less polluting or alternatively- s (available from the APCD). **Plan Requirement:** The project applicant shall ith a signed statement from each new housing unit buyer that attests to the fact that packet prior to completion of their purchase. **Timing:** The signed statement all be submitted to P&D prior to completion of the housing unit sale.

D shall ensure that signed statements are submitted for each housing unit buyer.

S

l submit a [revised] Vegetation Enhancement Plan for Devereux Creek and and native grassland habitat. The Plan shall be prepared by a P&D-approved storation ecologist familiar with conditions at the site. The Plan shall include or habitat restoration and include performance criteria by which replanting success ny necessary stream channel and creek flow modifications to ensure restoration nting plan including an irrigation plan; an exotic vegetation management plan; tect the plantings until established; and a contingency plan in the event performance t met. The plan shall include provisions for maintaining and enhancing the native s onsite. In addition the plan shall specifically provide for prospective redirection of m its current course along the UPRR tracks back to the original Devereux Creek ing the property. This would potentially require excavation of the channel invert to mulated sediment and to restore appropriate elevations. It may also require o the design and construction of a structural solution to ensure continued flow across onto the project property in cooperation with UPRR. The plan shall include details d maintenance of barrier plantings identified below. **Plan Requirements**: The plan itted with the Final Development Plan and Tract Map and shall be reviewed and &D prior to Coastal Development Permit approval. The applicant shall also provide n of coordination efforts with UPRR in respect to UPRR's redirection of the Creek ent course along the UPRR tracks back to the Devereux Creek channel crossing the ing: Plantings shall be in place prior to occupancy.

Vegetation enhancement and restoration plans shall include monitoring by a County- gist or restoration specialist to determine the success of mitigation.

easement including the protected area and creek corridor of Devereux Creek as well d isolated wetland on the western portion of the site shall be offered to and approved of Supervisors, so that the restoration area would remain in perpetuity. Within the 3.07 acre area, riparian habitat and adjacent wetland, native grassland, and related shall be enhanced through eradication of invasive non-native plants and the planting ies, according to a plan developed by a P&D-approved biologist and approved by quirements: The terms and conditions of the easement to cover initial restoration ce costs (trail, planting, fencing, etc.), ongoing habitat restoration, and limited public approved by P&D. The Homeowners association will be the party responsible for ation and providing maintenance costs. **Timing**: These components shall be the Final Development Plan and Tract Map prior to recordation of final map and

prior to approval of a Coastal Development Permit for grading or construction. The applicant shall receive approval of the Board of Supervisors and shall record the easement.

Monitoring: The terms and conditions of the easement shall provide for P&D or third-party evaluation by a P&D-approved biologist or restoration specialist of riparian enhancement measures and the effectiveness of controlled public access.

14. The final grading plan shall identify measures to minimize sedimentation into the protected area adjacent to the creek channel, and protected wetlands and native grassland. Grading in these areas shall avoid the rainy season (November 1 to May 1) unless P&D and a P&D-qualified biologist or restoration specialist determine that erosion and sediment control measures are sufficient to avoid impacts during the rainy season. Sediment control structures (e.g., straw bales, silt curtains/fences, sediment basins, etc.) shall be placed between graded areas and the protected area to direct runoff and remove silt. The structures shall remain in place and be /regularly maintained until all disturbed soils are stabilized by structures or vegetation. **Plan Requirements**: The erosion and sediment control structures shall be indicated on the final grading plan. **Timing**: The erosion and sediment control plan shall be reviewed and approved by P&D and Building and Safety prior to Coastal Development Permit approval.

    Monitoring: The structures shall be monitored by P&D during construction, and recommendations for corrective actions reported to the P&D immediately when maintenance is needed.

15. The final landscape plan shall include barrier plantings of native riparian shrub and understory species (e.g., blackberry, California rose, and other thorny species) on the existing margin of the protected areas and the Devereux Creek channel combined with appropriate fencing to reduce encroachment into the area by humans and domestic pets. **Plan Requirements**: The vegetation barrier between the protected areas and the development shall be identified on the final landscape plan submitted with the Final Development Plan and Tract Map. Details of its planting and maintenance shall be included in the Vegetation Enhancement Plan. **Timing**: The final landscape plan shall be reviewed and approved by P&D and Flood Control during processing of the Final Development Plan and Tract Map prior to approval of Coastal Development Permit

    Monitoring: The performance of the barrier plantings shall be monitored by a County-approved biologist or restoration specialist to determine the success of mitigation (in conjunction with the monitoring of condition 12.

16. The applicant shall obtain all required federal, state or local permits or authorizations including but not limited to: a Streambed Alteration Agreement from the California Department of Fish and Game (CDFG), a Section 404 permit from the U.S. Army Corps of Engineers (USACE), a Section 401 Water Quality Certification or Waiver from the Regional Water Quality Control Board and a Section 7 Consultation from the Fish and Wildlife Service. Copies shall be submitted to P&D. **Plan Requirements**: Applicant shall submit necessary plans to CDFG, USF&W and USACE with copies to P&D. **Timing**: Prior to approval of Coastal Development Permit (CDP) for work associated with the coordinated offsite desiltation of the UPRR culvert and streambed alterations on the project site.

    Monitoring: P&D staff shall confirm receipt of permits and coordinate monitoring of permit compliance with CDFG and USACE.

17. Sedimentation, silt, and grease traps, or other storm water runoff treatment control measures shall be installed in paved areas to act as filters to minimize pollution reaching the Devereux Creek channel and downstream habitats. Appropriate measures shall address both short-term construction and long-term operational impacts of runoff from the site. The measures shall be maintained in

working order for the life of the project. Prior to receiving CDP approval for grading, the applicant shall submit grading and building plans that shown the detail of this requirement to P&D for review and approval. Prior to and during grading installation and maintenance of appropriate sediment control measures shall be photo-documented and submitted by the applicant to P&D. Similarly, prior to completion of the project, installation of the long term stormwater runoff treatment control measures shall be photo-documented and submitted by the applicant to P&D. The Homeowners association (HOA) will be responsible for long-term operation and maintenance of the filters in working order. The County shall inspect and ensure filters are maintained and effectively mitigating impact. **Plan Requirements**: Grading and building plans to contain specifications. The applicant may be required to record an agreement for long-term maintenance of storm water control measures per Santa Barbara County Water Agency and Flood Control District conditions to ensure maintenance is completed over the life of the project. **Timing**: Specifications submitted prior to CDP approval for grading, implemented during construction and thereafter.

Monitoring: County shall monitor mitigation implementation prior to and throughout the construction period as well as throughout a minimum 3 year landscape establishment period.

18. Non-invasive landscape plants to be included in the landscape plan for the site should be selected for their attractiveness to Monarch butterflies, and their capacity to provide nectar, basking and/or roosting habitat between the months of October and December. **Plan Requirements and Timing**: Landscape plan submitted prior to CDP approval for grading.

    Monitoring: County shall monitor mitigation implementation during landscape installation and throughout a minimum 3-year establishment period thereafter.

19. Night lighting in the vicinity and within the Devereux Creek channel and buffer area, including the native grassland, wetland, eucalyptus grove, and nature trail, shall be minimized. Lights on homes adjacent to the creek, and within the buffer, native grassland or wetland enhancement area shall be directed away from the protected area, be of low intensity, and shall be connected to timing devices that shut off after 10 PM. **Plan Requirements and Timing**: A lighting plan submitted prior to Coastal Development Permit approval for grading.

    Monitoring: County shall confirm installation and shall respond to complaints.

20. Improvements to the hydrology and water quality of Devereux Creek channel shall be effectuated. This shall be accomplished by grading and designing the site to facilitate runoff to riparian and wetland habitats rather than to the sewer system, as described below:

    a) Include sediment and erosion control measures in the grading/drainage plan, and maintain these measures throughout the construction period. Install and maintain erosion control measures (such as jute netting or coir fabric/rolls) along the creek channel and in protected areas until native plants or landscaping is established.

    b) Install native wetland plants (of known local geographic origin) that will filter or absorb runoff or pollutant materials that may enter the Devereux Creek channel.

    c) Include pervious surfaces in the project design in key areas (adjacent to concrete walkways and impervious roads) so that runoff percolates into the ground to the maximum extent feasible.

    d) Collect and filter all runoff prior to its discharge into the Devereux Creek channel.

e) Direct runoff from rooftops and large impervious areas to a filtering system and thence to the Devereux Creek channel to provide supplemental water to the riparian corridor and aquatic biota.

Plan Requirements and Timing: A revised grading and drainage plan, and water quality improvement plan shall submitted prior to CDP approval for grading.

Monitoring: County shall monitor mitigation implementation during construction.

21. The Enhancement Plan area shall contain indigenous native plant material only.

a) Where native plants are proposed in natural protected areas or in landscape plans, seed, cuttings or plants shall be obtained from known sources in the watershed or in the Goleta Valley. Local experts, Growing Solutions or the University of Santa Barbara Coal Oil Point Reserve, should be contacted to assist with verifying plant stock from appropriate geographic origins.

b) Invasive non-natives shall be eradicated from the site. Invasive ornamentals (such as periwinkle, fountain grass, cape ivy, English ivy, Algerian ivy, bamboo, etc.) shall not be included in the landscape plan. The California Exotic Plant Pest Council (CalEPPC) list of Exotic Invasive Species should also be consulted to ensure that species on this list are not introduced to the site.

Plan Requirements and Timing: The applicant shall verify the source of plant material prior to CDP approval for grading. Removal of exotic species from the Enhancement Plan area shall take place prior to implementation of the Enhancement Plan. Removal of exotic species shall be ongoing, as necessary.

Monitoring: County shall monitor mitigation implementation during construction and for the minimum three-year establishment period.

22. Sewer later extensions, or other utility connections that must cross the Devereux Creek channel shall avoid the creek and adjacent buffer and protected areas. This shall be accomplished by directional drilling/boring or other technology.

Plan Requirements and Timing: A revised grading and drainage plan, depicting construction methods for sewer and other utilities, shall be submitted prior to CDP approval for grading.

Monitoring: County shall monitor mitigation implementation during, and after construction.

GEOLOGY

23. The applicant shall submit grading and drainage plans with the Final Development Plan/Tract Map application and shall include, but not be limited to, the following:

a) Temporary berms and sedimentation traps shall be installed in association with project grading to minimize erosion of soils into Devereux Creek. The sedimentation basins shall be cleaned after large rain events, and as further directed by Permit Compliance staff, and the silt shall be removed and disposed of in a location approved by P&D.

b) Revegetation or restoration shall be completed, including measures to minimize erosion and to reestablish soil structure and fertility. Revegetation shall include native, fast-growing, vined plants that shall quickly cover drainage features. Local native species shall be emphasized. A landscape revegetation plan shall be included as part of the Final Redevelopment Plan.

c) Graded areas shall be revegetated within 4 weeks of grading activities with deep-rooted, native, drought-tolerant species, as specified in a landscape revegetation plan to minimize slope failure and erosion potential. Geotextile binding fabrics shall be used as necessary to hold soils until vegetation is established.

d) Drains shall be designed to cause exiting flow of water to enter sub-parallel downstream (60 degrees or less) to existing Devereux Creek stream flow to avoid eddy currents that would cause opposite bank erosion.

e) An energy dissipater or a similar device such as trash racks or baffles shall be installed at the base end of drainpipe outlets to minimize erosion during storm events. Pipes shall be covered to prevent children from entering the storm drain.

f) Storm drains shall be designed to minimize environmental damage and shall be shown on drainage plans.

g) With the exception of limited ground disturbance in association with construction of the proposed bridge and adjoining walkway, grading shall be prohibited within 50 feet of the Devereux Creek top-of-bank. Where possible, hand equipment shall be utilized during ground disturbances adjacent to the proposed bridge.

h) The applicant shall limit excavation and grading to the dry season of the year (i.e., April 15 to November 1) unless a Building & Safety approved erosion control plan is in place and all measures therein are in effect.

i) Temporary siltation protection devices such as silt fencing, straw bales, and sand bags shall be placed at the base of all cut and fill slopes and soil stockpile areas where potential erosion may occur. P&D staff shall determine these locations.

Plan Requirements and Timing: Erosion control components shall be listed on the grading plan that shall be reviewed and approved by P&D prior to Coastal Development Permit (CDP) approval for grading. These measures shall be implemented prior to approval of CDPs for structural development.

Monitoring: P&D shall verify as to plan in the field.

24. All grading and earthwork recommendations by Padre Associates (1999) shall be incorporated into the final project design, including the Final Grading Plan. A Registered Civil Engineer or Certified Engineering Geologist shall supervise all grading activities. These recommendations would include, but not be limited, to the following:

a) Within the footprint of proposed buildings and foundations, and extending to a minimum distance of 5 feet beyond the foundation footprint, soils should be overexcavated to a depth of 3 feet below existing grade, or 1 foot below bottom of foundation, whichever is deeper.

b) Foundations shall be constructed to compensate for consolidation settlement of 1 inch.

c) Where feasible, building areas shall be backfilled with nonplastic, low expansion soils to mitigate the potential effects of expansive soils. If highly expansive soil is placed within the upper 3 feet below buildings, measures recommended in Padre Associates (1999), such as providing positive drainage away from slabs, presoaking soils prior to pouring slabs, and using post-tensioned slabs, perimeter moisture barriers, and grade beam foundation systems, shall be completed.

Plan Requirements and Timing: Earthwork components recommended by Padre Associates (1999) shall be listed on the grading plan to be reviewed and approved by P&D prior to approval of the Coastal Development Permit for grading. These measures shall be implemented during construction.

Monitoring: P&D shall verify as to plan in the field.

HAZARDOUS MATERIALS/RISK OF UPSET

25. The applicant shall provide an EMF Disclosure Statement and an EMF Information Package containing a balanced range of EMF educational and informational materials to potential buyers of units SF1 through SF12. **Plan Requirements**: The applicant shall provide this disclosure and Information Package as part of the project CCRs to County Counsel and P&D to verify the disclosure and Information Package is fair and adequate. **Timing**: The disclosure shall be reviewed and approved prior to recordation of the Final Map.

    Monitoring: P&D shall verify that an adequate disclosure has been incorporated into the CCRs prior to sale of homes and that an adequate EMF Information Package has been assembled by the applicant and has been made easily available for review by prospective buyers. P&D shall review and approve the contents of the Package for objectivity, balance and completeness.

26. The applicant shall request that the California Department of Real Estate insert the following into the final Subdivision Public Report: "The subject property is located near power lines and a power substation. Purchasers should be aware that there is ongoing research on adverse health effects associated with long-term exposure to low-level magnetic fields. Although no causal link is established, there is sufficient evidence to require reasonable safety precautions. The buyer may wish to become informed on the issue before making a decision on a home purchase in this location." **Plan Requirement:** The applicant shall provide this disclosure request to the California Department of Real Estate for inclusion in the Subdivision Public Report. **Timing:** The disclosure shall be reviewed and approved prior to approval of a Coastal Development Permit.

    Monitoring: P&D shall verify that the California Department of Real Estate Subdivision Public Report contains this disclosure statement.

27. Applicant shall under ground all utility lines within the project site. **Plan Requirement:** Construction plans for these improvements shall be reviewed and approved by P&D prior to Coastal Development Permit approval. **Timing:** Improvements shall be implemented prior to occupancy.

    Monitoring: P&D shall verify that completion of these improvements in the field.

28. In the unlikely event that hazardous materials are encountered during grading, excavation shall be temporarily suspended or redirected. The applicant shall prepare and implement a soil remediation plan for these areas. **Plan Requirements and Timing:** The remediation plan shall be reviewed and approved by County Fire PSD prior to continuing excavation . The applicant must obtain a compliance letter from County Fire PSD prior to approval of the Final Grading Plan. The applicant shall obtain a compliance letter from County Fire PSD prior to continuing grading in the affected area. Approval and implementation of all required specifications shall be completed prior to grading in the affected area.

    Monitoring: County Fire PSD shall inspect remediation activities as to plan in the field.

NOISE

29. Construction activity for site preparation a... e limited to the hours between 7:00 A.M. and 4:00 P.M., Monday t... n shall occur on State holidays (e.g., Thanksgiving, Labor Day). C... nce shall be limited to the same hours. Non-noise generating co... or painting are not subject to these restrictions. Efforts shall b... uring off-school (i.e., summer) months. **Plan Requirements** an... all be included as a note on all grading and construction plans ... review and approval prior to final map recordation. Signs sha... g of and throughout grading and construction activities.

    Monitoring: Building Inspectors and P... ck and respond to complaints.

30. Stationary construction equipment that gene... the project boundaries shall be shielded with the most modern and ... e., mufflers, lagging, and/or motor enclosures to P&D's satisfacti... mum of 200 feet from occupied residences and other noise sensitiv... stern property line of the project site. All equipment shall be pro... dditional noise, due to worn or improperly maintained parts, w... ents **and Timing:** The equipment area with appropriate acous... uilding and grading plans. Equipment and shielding shall re... ughout construction activities.

    Monitoring: Permit Compliance and g... rs shall perform site inspections to ensure compliance.

31. Temporary noise barriers shall be used an... e-of-sight between the construction equipment and the Ellwood El... s of construction noise on these sensitive receptors below 65 dBA C... d **Timing:** The sound walls shall be included on the grading plan, a... D prior to approval of a Coastal Development Permit for grading. The ... ring construction.

    Monitoring: P&D shall verify as to plan in t...

32. The project applicants shall notify the se... ance of any and all construction activities. The construction m... elephone number shall also be provided with the notification so t... communicated. **Plan Requirements:** This notification clause sh... plan, and reviewed and approved by P&D prior to approval of a Coa... grading. **Timing:** The measure shall be implemented prior to and du...

    Monitoring: P&D shall verify as to plan in th...

33. All permanent exterior mechanical equipm... ineered, incorporating attenuating designs, mufflers, enclosures, p... se generated by these operations would not exceed the 65 dB... ntary School sensitive receptor location. **Plan Requirements** a... echanical equipment engineering designs and specifications shall ... Development Plans and shall be developed by a County-qualified ... ation design shall be reviewed and approved by P&D prior to app... Permit for grading. The shielding mechanisms shall be constructed ...

Monitoring: P&D shall verify as to plan in the field during construction.

34. An acoustical study and Acoustical Attenuation Plan shall be prepared associated with the probable future Cathedral Oaks Overpass project by a County-approved acoustical engineer that determines any characteristics of attenuation (i.e., potential sound wall height and extent) required to maintain exterior noise levels experienced on the western and northern boundaries of the Residences at Sandpiper project to 65 dBA CNEL or less, and the interior noise level of proposed project structures to 45 dBA CNEL or less. Any perimeter fencing along the northern boundary of the proposed project site shall provide for a 180-foot gap in the attenuation along the northern project boundary within the restoration and enhancement area of Devereux Creek. **Plan Requirements and Timing:** The Acoustical Attenuation Plan, including any required sound wall location, construction material, base elevation and overall height, shall be incorporated on building plans and reviewed and approved by a P&D and BAR prior to final map recordation. The sound wall shall be incorporated into the project plans during the FDP/TM stage.

    Monitoring: Building Inspectors shall perform plan and site inspection to ensure compliance prior to occupancy clearance.

35. Second story structure windows adjacent to Hollister Avenue shall be double-glazed or incorporated with other suitable noise-attenuating design to reduce interior noise exposure to 45 dBA CNEL or below. **Plan Requirements and Timing:** Noise attenuation design for second-floor window designs for structures adjacent to Hollister Avenue shall be developed by a P&D approved acoustic engineer and designated on the building plan. P&D shall review and approve the building plan prior to land use clearance.

    Monitoring: Building Inspectors shall inspect in the field to ensure compliance prior to occupancy clearance.

PUBLIC FACILITIES

36. The applicant shall pay Goleta Development Impact Fees, including Schools and Sheriffs fees, prior to issuance of building permits. **Plan Requirement and Timing:** A copy of the payment shall be sent to P&D prior to final inspection.

    Monitoring: P&D shall ensure payment is made prior to issuing land use clearance.

37. The applicant shall notify GUSD and SBHSD of the expected buildout date of the project to allow the Districts to plan in advance for new students. **Plan Requirement and Timing:** A copy of the notice shall be sent to P&D prior to Coastal Development Permit approval

    Monitoring. P&D shall receive notification from GUSD and SBHSD of compliance with the measure.

38. The applicant shall request a letter from the GUSD and SBHSD, which states their ability to accommodate the expected number of new students. **Plan Requirements and Timing:** The applicant shall submit a copy of the letter to P&D prior to Coastal Development Permit approval.

    Monitoring: P&D shall receive notification from GUSD and SBHSD of compliance with the measure.

39. Demolition and/or excess construction materials shall be recycled where applicable (i.e., wood, cardboard, concrete, and asphalt). The applicant shall submit a Construction and Demolition Waste Management Plan. **Plan Requirements:** The plan shall be reviewed and approved by the County

Solid Waste and Utilities Division of the Public Works Department prior to approval of Coastal Development Permit. Permittee shall provide P&D with receipts for recycled materials or for separate bins. **Timing:** Materials shall be recycled as necessary throughout construction. All materials shall be recycled prior to occupancy clearance.

Monitoring: P&D shall review receipts prior to occupancy clearance.

40. Materials with recycled content shall be used in project construction to the maximum extent feasible. Chippers on site during construction shall be used to further reduce excess wood for landscaping cover. **Plan Requirements:** The applicant shall submit, along with the Solid Waste Management Program, a description of the amounts and types of recycled materials to be used in project construction to P&D and Public Works. The applicant shall submit, along with the Solid Waste Management Program, a description of the Monitoring program to P&D and Public Works. **Timing:** P&D shall approve documents prior to Coastal Development Permit approval.

    Monitoring: P&D shall periodically inspect in the field for compliance.

41. The permittee shall develop and implement an Solid Waste Management Program. The program shall include one or more of the following measures, but is not limited to those measures:

    a) Provision of space and/or bins for storage of recyclable materials within the project site.

    b) Implementation of a curbside recycling and green waste program to serve the new development.

    c) Development of a plan accessible collection of materials on a regular basis.

    d) Regular composting of lawn clippings and other landscape materials.

    Plan Requirements: The applicant shall submit a Solid Waste Management Program to P&D and Solid Waste (Public Works) for review and approval prior to Coastal Development Permit approval. **Timing:** Program components shall be implemented prior to occupancy clearance.

    Monitoring: P&D shall periodically inspect in the field for compliance.

42. The applicant shall implement a Monitoring program (quarterly, semi-annually) to ensure a 35 percent to 50 percent participation in overall waste disposal, using source reduction, recycling, and/or composting programs. The Monitoring program shall include a detailed report on the programs implemented and documentation (i.e., receipts) of the amounts diverted where applicable or, in the case of source reduction programs, an estimate of the amounts diverted. **Plan Requirements:** The applicant shall submit a Monitoring Program to P&D and Solid Waste (Public Works) for review and approval prior to Coastal Development Permit approval. **Timing:** Program components shall be implemented prior to occupancy clearance.

    Monitoring: P&D shall periodically inspect in the field for compliance.

43. The applicant shall pay the statutory school fees in effect at the time of issuance of building permits to the appropriate school district. **Plan Requirements and Timing:** The applicant shall submit final square footage calculations and a copy of the fee payment to the school district prior to issuance of Building Permits.

    Monitoring: P&D shall receive notification from GUSD and SBHSD of compliance with the measure.

RECREATION

44. Recreational facilities such as play structures, ball fields, etc. shall be developed within the common open space areas. **Plan Requirements:** Design of the facilities shall be submitted for review and approval of the Park Department, Flood Control District, and P&D. Provisions for maintenance shall be discussed in the project CC&R's to be reviewed and approved by the Park Department and P&D. **Timing:** Plans shall be submitted prior to Coastal Development Permit approval. Recreational facilities shall be installed prior to occupancy clearance.

    Monitoring: Park Department, Flood Control and P&D shall review plans prior to Coastal Development approval. Permit Compliance shall ensure installation in the field.

TRANSPORTATION

45. The applicant shall prepare a Construction Transportation Plan that designates heavy equipment routes, schedules, and the need for any special flagpersons to direct traffic during peak volume periods, with special attention to Ellwood School drop-off and pick-up activity. **Plan Requirement and Timing:** The Construction Transportation Plan shall be reviewed and approved by P&D and Public Works Roads Division prior to Coastal Development Permit approval.

    Monitoring: Public Works Roads Division will monitor during construction for compliance with the approved plan.

46. The project shall pay traffic mitigation fees in accordance with County policies. These fees shall be used by the County to provide infrastructure improvements required to accommodate future and cumulative traffic volumes. **Plan Requirement and Timing:** Payment of traffic mitigation fees shall be verified by Public Works prior to Coastal Development Permit approval.

    Monitoring: P&D shall verify receipt of fees.

47. The street system shall be reviewed and approved by the Fire Department and designed to provide adequate access and circulation for emergency vehicles. No on-street parking shall be allowed in accordance with Fire Department conditions. **Plan Requirement and Timing:** Review by the Fire Department shall be verified by Public Works prior to Coastal Development Permit approval.

    Monitoring: Public Works Roads Division shall verify implementation of improvements pursuant to approved plans.

48. The project shall be responsible for widening Hollister Avenue adjacent to the site frontage to Public Works standards. The improvements shall provide the required sight distance for vehicles entering or exiting the site. Alternatively, with Public Works concurrence, the project shall be responsible for funding its proportionate share of the widening of Hollister Avenue adjacent to the site frontage where the widening would be completed in conjunction with the construction of the Hollister Avenue overpass. **Plan Requirement:** Construction plans for these improvements shall be reviewed and approved by the Public Works Department prior to Coastal Development Permit approval. **Timing:** Improvements shall be implemented prior to occupancy, or as directed by the Public Works Department.

    Monitoring: Public Works Roads Division shall verify implementation of improvements pursuant to approved plans.

49. The project shall construct half-street improvements on Las Armas Road from Hollister Avenue to Campasino Drive along the project frontage. The improvements shall provide the required sight

distance for vehicles entering or exiting from the site. **Plan Requirement:** Construction these improvements shall be reviewed and approved by the Public Works Department Coastal Development Permit approval. **Timing:** Improvements shall be implemented occupancy.

Monitoring: Public Works Roads Division shall verify implementation of improvements pu approved plans.

50. The project Homeowners' Association shall coordinate with the Metropolitan Transit Distric to provide bus passes to all interested project residents. The applicant shall also post MTD b schedules and rideshare information in a central location on a covered message boar **Requirement:** The Final Development Plan shall include the contract mechanisms to resident bus passes. **Timing:** Copies of the contractual mechanism shall be reviewed and by P&D prior to occupancy clearance.

Monitoring: P&D shall verify receipt of evidence of contractual mechanisms to e condition.

51. The project shall fund its proportionate share of a striped left-turn pocket at the Road A Armas Road intersections with Hollister Avenue throughout the construction of probab projects on the western Hollister Avenue corridor. **Plan Requirement:** A Hollister striping plan including this improvement shall be reviewed and approved by the Publi Department prior to Coastal Development Permit approval. **Timing:** Improvements implemented prior to occupancy.

Monitoring: Public Works Roads Division shall verify implementation of improvements pu approved plans.

WATER RESOURCES

52. The project landscape plan shall be revised to maximize the use of low-water demand sp ornamental purposes. Project CCRs shall include information and photographs about tolerant plantings for individual private spaces (i.e., front and back yards) and encour facilitate owner use of these water-saving species. **Plan Requirements and Timing:** T landscape plan shall define precisely high and lower demand species areas to allow for ex review and approval by Planning and Development and the Board of Architectural Review Coastal Development Permit approval. The CCRs shall incorporate language and illustratio as those found in GWD and Santa Barbara Botanical Garden publications advocating low plantings. CCRs shall be reviewed prior to final map clearance; landscape plan compone be reviewed prior to approval of Coastal Development Permit.

Monitoring: P&D staff shall verify the installation of the required landscaping in the field.

53. The applicant shall, where feasible, utilize GWD reclaimed water for all common area landscaping. Non-reclaimed water shall not be used to water exterior landscape. If not feas applicant shall provide documentation as to the efforts made to procure reclaimed water fro water purveyors and the negative outcome. **Plan Requirements and Timing:** The final plans shall include the necessary fixtures and separate plumbing systems to allow th reclaimed water, should such water become available. The project plans shall be revi approved by P&D prior to Coastal Development Permit approval.

Monitoring: P&D staff shall verify installation of the required facilities in the field.

54. Indoor water use in all proposed structures shall be limited through the following measures:

    a) Recirculating, point-of-use, or on-demand water heaters shall be installed.

    b) Low flow toilets shall be installed.

    Plan Requirements and Timing: Indoor water conserving measures shall be graphically depicted on building plans. The plans shall be reviewed and approved by P&D prior to Coastal Development Permit approval. Indoor water-conserving measures shall be implemented prior to occupancy clearance.

    Monitoring: P&D shall inspect for all requirements prior to occupancy clearance.

55. Surface water detention basins, outlet pipes, velocity reduction structures (e.g., rip-rap), and bioswales and/or improvement to wetland buffer areas shall be constructed, as necessary, to reduce off-site runoff velocities and to prevent off-site flooding and long-term erosion-induced sedimentation in Devereux Creek. These features shall be included on the drainage plan. **Plan Requirements and Timing:** The improvements shall be depicted on drainage plans. The plans shall be reviewed and approved by County Flood Control Division and P&D prior to Coastal Development Permit issuance.

    Monitoring: County Flood Control Division shall inspect implementation pursuant to approved plans prior to occupancy clearance.

56. Finish floor elevations shall be designed at a minimum of two feet above the 100-year flood level, as determined by the County Flood Control Department. **Plan Requirements and Timing:** The improvements shall be depicted on building plans. The plans shall be reviewed and approved by County Flood Control Division and P&D prior to Coastal Development Permit approval.

    Monitoring: P&D shall inspect implementation pursuant to approved plans prior to occupancy clearance.

57. Structures shall be prohibited within 50 feet of the Devereux Creek top-of-bank. A cross section shall be included on the drainage plan, which traverses the creek and adjacent residences to the west, demonstrating the setback and slope configuration. **Plan Requirements and Timing:** The final drainage plan shall be reviewed and approved by Santa Barbara County Flood Control Department. The final drainage plan shall be reviewed and approved by P&D prior Coastal Development Permit approval.

    Monitoring: County Flood Control District shall inspect for all requirements prior to occupancy clearance.

58. The drainage plan shall include Best Available Control Technology (BACT) filters installed in paved areas to reduce oil and grease pollution from entering Devereux Creek. The plan shall include specifications for the filters to be maintained in working order. **Plan Requirements and Timing:** Drainage plans shall contain specifications and maintenance procedures. The plan shall be reviewed and approved by P&D prior to Coastal Development Permit.

    Monitoring: Prior to construction, installation shall be photo-documented and submitted by the applicant to P&D. P&D shall site inspect and ensure filters are maintained and effectively mitigating impacts. P&D shall monitor mitigation implementation prior to, during, and after construction.

59. The drainage plan shall include bioswales to maximize contact time, minimize concentrated drainage, minimize erosion, and allow suspended solids to settle before entering Devereux Creek. The plan shall include specifications for any bioswales to be maintained in working order. CC&Rs shall assign responsibility for long-term maintenance of the bioswales to the Homeowner's Association. **Plan Requirements and Timing**: CC&Rs shall be reviewed and approved by County P&D prior to approval of final map clearance. Drainage plans shall contain specifications and maintenance procedures; the plan shall be reviewed and approved by Flood Control/Water Agency staff and P&D prior to approval of Coastal Development Permit.

    Monitoring: P&D shall site inspect and ensure bioswales are maintained and effectively mitigating impacts. P&D shall monitor mitigation implementation prior to, during, and after construction (i.e., throughout landscape establishment/maintenance period). P&D shall respond to complaints.

60. The drainage plan shall include separation of clean runoff (e.g., from roofs) from polluted runoff (i.e., from streets and driveways). The plan shall include specifications for the drains to be maintained in working order. The CC&Rs shall assign responsibility for long-term maintenance to the Home Owner's Association. **Plan Requirements and Timing**: CC&Rs shall be reviewed and approved by P&D and County Counsel prior to final map clearance. Drainage plans shall contain specifications and maintenance procedures; the plan shall be reviewed and approved by Flood Control/Water Agency staff and P&D prior to Coastal Development Permit approval.

    Monitoring: P&D shall site inspect and ensure drains are maintained and effectively mitigating impacts. P&D shall monitor mitigation implementation prior to, during, and after construction.

61. The drainage plan shall include biofiltration devices designed to capture runoff associated with a 2-year storm event. The detention basins (or equivalent) shall be placed immediately upstream of stormwater pollution source reduction and biological treatment systems, such as oil-water separators and bioswales, on both the west and east side of the creek. The plan shall include specifications for the basins to be maintained in working order. The CC&Rs shall assign responsibility for long-term maintenance to the Homeowner's Association. **Plan Requirements and Timing**: CC&Rs shall be reviewed and approved by P&D and County Counsel prior to approval of final map clearance. Drainage plans shall contain specifications and maintenance procedures; the plan shall be reviewed and approved by Flood Control/Water Agency staff and P&D prior to approval of Coastal Development Permit.

    Monitoring: P&D shall site inspect and ensure basins are maintained and effectively mitigating impacts. P&D shall monitor mitigation implementation prior to, during, and after construction.

62. The applicant shall prepare a Pesticide, Herbicide, and Fertilizer Maintenance Plan that minimizes their use in common areas and private landscape areas, particularly during the rainy season. Biodegradable pesticides and herbicides shall be maximized. Grasses not generally susceptible to pest disease, such as Bermuda grass, shall be planted in common area turf areas. **Plan Requirements and Timing:** The plan shall incorporate the types of chemicals to be used and a procedure for their application during the rainy season. Maintenance plan shall be reviewed and approved by P & D prior to Coastal Development Permit.

    Monitoring: County shall field check implementation by Homeowners Association during operation.

63. Dog waste pollution minimization shall be implemented in the vicinity of Devereux Creek. Mutt-mitt dispensers shall be installed on both sides of the creek. An educational display/sign shall be installed which provides information about Santa Barbara County Project Clean Water. The display shall include information pertaining to dog waste and surface water pollution prevention. **Plan Requirements and Timing:** Prior to approval of Coastal Development Permit Clearance, surface water pollution prevention measures shall be graphically depicted on the drainage plan, subject to

P&D review and approval. Surface water pollution prevention measures shall be implemented prior to occupancy clearance.

Monitoring: P&D shall inspect for all requirements prior to occupancy clearance.

64. The drainage plan shall include use of permeable surfaces, such as pavers in driveways, parking areas, and gravels or decomposed granite on common area pathways, to increase infiltration of surface water at the site. The plan shall include specifications for these permeable surfaces to be maintained. The CC&Rs shall assign responsibility for long-term maintenance to the Homeowner's Association. **Plan Requirements and Timing**: CC&Rs shall be reviewed and approved by P&D and County Counsel prior to approval of Final Map Clearance. Drainage plans shall contain specifications and maintenance procedures; the plan shall be reviewed and approved by Flood Control/Water Agency staff and P&D prior to Coastal Development Permit approval.

    Monitoring: P&D shall site inspect and ensure permeable surfaces are maintained and effectively mitigating impacts. P&D shall monitor mitigation implementation prior to, during, and by Homeowners Association during operation.

PROJECT SPECIFIC CONDITIONS

65. All potential perimeter walls shall incorporate textured materials and/or designs to produce a textured effect using natural muted colors (i.e., sandstone, buckskin, etc.). Landscape planters shall be installed outside and adjacent to all perimeter walls visible from public roadways. This landscaping shall be vertical, and densely planted with large plant specimens. **Plan Requirements:** A Perimeter Wall Plan shall incorporate color and design details, and screening landscape plantings. **Timing:** The plan shall be reviewed and approved by P&D and the BAR prior to Coastal Development Permit approval. Landscape planters shall be installed prior to occupancy clearance.

    Monitoring: P&D shall photodocument installation and maintenance of landscaping per plan. Permit Compliance signature shall be required for release of performance security.

66. The project applicant shall notify prospective housing unit buyers of the potential for exposure to objectionable odors from the Venoco oil and gas processing facility. **Plan Requirement:** A buyer notification shall be recorded on a separate information sheet with the final map that notifies potential buyers of potential odor problems in the project area. **Timing**: The notification shall be reviewed and approved by P&D prior to occupancy clearance.

    Monitoring: P&D shall review and approve the buyer information sheet prior to issuance of a Coastal Development Permit.

67. The project applicant shall notify prospective housing unit buyers of the potential for exposure to acute non-cancer airborne toxins from the Venoco Oil and Gas Processing Facility at a level greater than the APCD's significance criterion. **Plan Requirement**: The project applicant shall provide P&D with a signed statement from each new housing unit buyer that attests to the fact that they were notified of the potential for acute non-cancer toxin exposure prior to their purchase of a unit in the project area. **Timing**: The signed statement from the buyer shall be submitted to P&D prior to completion of the housing unit sale. This requirement for submittal of the statement shall apply to resales and rentals as well, but shall no longer apply after such time as the APCD determines that the Venoco facility has met the conditions of its' Risk Reduction Plan and the Hazard Index in the project area has been reduced to less than 1.0.

    Monitoring: P&D shall ensure that signed statements are submitted for each housing unit buyer.

68. In the event archaeological remains are encountered during grading, work shall be stopped immediately or redirected until a P&D qualified archaeologist and Native American representative are retained by the applicant to evaluate the significance of the find pursuant to Phase 2 investigations of the County Archaeological Guidelines. If remains are found to be significant, they shall be subject to a Phase 3 mitigation program consistent with County Archaeological Guidelines and funded by the applicant. **Plan Requirements/Timing:** This condition shall be printed on all building and grading plans.

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

69. The following energy-conserving techniques shall be incorporated into project design unless the applicant demonstrates their infeasibility to the satisfaction of P&D staff:

    a) installation of energy-efficient appliances; and
    b) installation of energy-efficient lighting.

    Requirements and Timing: The applicant shall incorporate the provisions in building and improvement plans or shall submit proof of infeasibility prior to approval of Coastal Development Permits.

    Monitoring: Building and Safety shall site inspect to ensure development is in accordance with approved plans prior to occupancy clearance. Planning staff shall verify landscape installation in accordance with approved landscape plans.

70. The applicant shall install exterior motion sensitive light switches on all homes adjacent to landscape preservation areas. **Plan Requirements:** Type of light switch shall be denoted on building plans. **Timing**: Motion sensitive light switches shall be installed prior to occupancy.

    Monitoring: P&D shall inspect prior to occupancy.

71. Landscaping in common areas shall be designed in a manner to shade buildings and vehicle parking areas to lessen demand for air conditioning. **Plan Requirements:** Landscaping plan and summer shade study shall be submitted for review and approval by P&D staff and the County BAR prior to approval of a Coastal Development Permit. **Timing:** Landscaping shall be planted prior to occupancy clearance.

    Monitoring: P&D shall inspect prior to occupancy.

72. Annual HOA meetings shall be held to distribute and update information on potential hazards associated with the Venoco facility as well as information on sirens and siren testing schedules. The HOA will coordinate with Venoco in this effort. The first of the annual meetings shall occur within one month of final occupancy clearance of the project. **Plan Requirements and Timing:** Project CC&Rs shall include this requirement. CC&Rs shall be reviewed and approved by P&D and Counsel prior to final map clearance.

    Monitoring: P&D shall receive confirmation of recordation of the CC&Rs.

73. The applicant should request that the California Department of Real Estate insert the following into the final Subdivision Public Report: "The subject property is located within the vicinity of the Veneco Oil and Gas Processing Facility. Potential risk of upset impacts on project residents have been determined by the County to be insignificant. The buyer however, may wish to become informed on the issue before making a decision on a home purchase in this location." **Plan**

Requirement: The applicant shall provide this disclosure request to the California Department of Real Estate for inclusion in the Subdivision Public Report. **Timing:** The disclosure shall be reviewed and approved prior to approval of a Coastal Development Permit.

Monitoring: P&D shall verify that the California Department of Real Estate Subdivision Public Report contains this disclosure statement or its equivalent.

74. Second story structure windows adjacent to Hollister Avenue shall be double-glazed or incorporated with other suitable noise-attenuating design to reduce interior noise exposure. **Plan Requirements and Timing:** Noise attenuation design for second-floor window designs for structures adjacent to Hollister Avenue shall be developed by a P&D approved acoustic engineer and designated on the building plan. P&D shall review and approve the building plan prior to land use clearance.

    Monitoring: Building Inspectors shall inspect in the field to ensure compliance prior to occupancy clearance.

75. During construction, washing of concrete, paint, or equipment shall occur only in areas where polluted water and materials can be contained for subsequent removal from the site. Washing shall not be allowed near sensitive biological resources. An area designated for washing functions shall be identified. **Plan Requirements:** The applicant shall designate a wash off area, acceptable to P&D, on the construction plans. **Timing**: The wash off area shall be designated on all plans prior to approval of Coastal Development Permits. The washoff area shall be in place throughout construction.

    Monitoring: P&D staff shall check plans prior to approval of Land Use Permits and compliance staff shall site inspect throughout the construction period to ensure proper use.

76. Construction of the affordable units shall be concurrent with the construction of the market rate units Occupancy clearance for no more than 80% of the market rate units shall be allowed prior to occupancy clearance for all the affordable units for the development. **Plan Requirements & Timing:** Prior to map recordation, this requirement shall be included in the "Agreement to Provide Affordable Housing" and shall be printed on all grading and building plans.

    Monitoring: Permit Compliance staff shall ensure compliance during construction

77. Compliance with Departmental letters required as follows:

    a) Air Pollution Control District dated October 16, 2001
    b) Environmental Health Services dated September 13, 2001
    c) Fire Department dated October 24, 2001
    d) Flood Control dated September 17, 2001
    e) Road Division (Public Works) dated January 23, 2002, and
    f) Park Department dated September 13, 2001

78. Two performance securities shall be provided by the applicant prior to approval of Coastal Development Permits, one equal to the value of installation of all items listed in section (a) below (labor and materials) and one equal to the value of maintenance and/or replacement of the items listed in section (a) for *three* years of maintenance of the items. The amounts shall be agreed to by P&D. Changes to approved landscape plans may require a substantial conformity determination or an approved change to the plan. The installation security shall be released upon satisfactory installation of all items in section (a). If plants and irrigation (and/or any items listed in section (a) below) have been established and maintained, P&D may release the maintenance security *two* years

after installation. If such maintenance has not occurred, the plants or improvements shall be replaced and the security held for another year. If the applicant fails to either install or maintain according to the approved plan, P&D may collect security and complete work on property. The installation security shall guarantee compliance with the provision below:

a) Installation of landscaping and irrigation, in accordance with the approved decorative landscape plan and installation of landscape preservation plan prior to occupancy clearance.

Monitoring: P&D shall inspect landscaping and improvements for compliance with approved plans prior to authorizing release of both installation and maintenance securities.

79. Landscaping shall be maintained for the life of the project.

80. A post occupancy evaluation shall be performed one year following the County's issuance of final occupancy clearance to the project to assess the adequacy of on-site parking. P&D shall determine the locations of additional parking, as necessary; required additional parking spaces, if any, shall be marked within one month of P&D's determination. **Plan Requirements and Timing:** The applicant shall submit proposed POE approach to permit compliance staff for their review and approval prior to approval of coastal development permits for buildings. The POE shall be submitted to Permit Compliance within 13 months of the County's issuance of final occupancy clearance to the project.

81. The applicant shall negotiate alternative access with the Goleta West Sanitary District to their mainline on the project site, avoiding the preservation area as much as feasible.

82. Before any construction activities begin on the project, a biologist shall conduct a training session for all construction personnel. At a minimum, the training shall include a description of the California red-legged frog and its habitat, the importance of the California red-legged frog and its habitat, the general measures that are being implemented to protect the California red-legged frog as they relate to the project, and the boundaries within which the project may be accomplished.

83. Immediately prior to project construction, areas to be impacted that day shall be surveyed for California red-legged frogs. Prior to each subsequent day of construction, all new construction areas as well as previously graded areas shall be surveyed for California red-legged frogs.

84. If a red-legged frog is encountered, all construction within 100-feet shall be stopped until U.S. Fish & Wildlife Service is contacted and the frog relocated to nearby suitable habitat in accordance with the Service's requirements.

85. A County approved biologist shall be on site throughout rough grading of all areas located within 200 feet of the landscape preservation area.

DEVELOPMENT PLAN CONDITIONS

86. No permits for development, including grading, shall be issued except in conformance with TM 14,541.

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

88. No permits for development, including grading, shall be issued except in conformance with the approved Final Development Plan [99-DP-051]. The size, shape, arrangement, use, and location of buildings, walkways, parking areas, and landscaped areas shall be developed in conformity with the approved development plan marked Exhibits 2, 3 and 4, dated December 4, 2001. Substantial conformity shall be determined by the Director of P&D.

89. On the date a subsequent Preliminary or Final Development Plan is approved for this site, any previously approved but unbuilt plans shall become null and void.

90. If the applicant requests a time extension for this permit/project, the permit/project may be revised to include updated language to standard conditions and/or mitigation measures and additional conditions and/or mitigation measures which reflect changed circumstances or additional identified project impacts. Mitigation fees shall be those in effect at the time of approval of a CDP.

91. No permits for development, including grading, shall be issued prior to recordation of TM 14,541.

92. Prior to approval of Coastal Development Permits, the applicant shall pay all applicable P&D processing fees in full.

93. The applicant shall ensure that the project complies with all approved plans and all project conditions including those which must be monitored after the project is built and occupied. To accomplish this the applicant agrees to:

    a. Contact P&D compliance staff as soon as possible after project approval to provide the name and phone number of the future contact person for the project and give estimated dates for future project activities.

    b. Contact P&D compliance staff at least two weeks prior to commencement of construction activities to schedule an on-site pre-construction meeting with the owner, compliance staff, other agency personnel and with key construction personnel.

    c. Pay fees prior to approval of Land Use Permits as authorized under ordinance and fee schedules to cover full costs of monitoring as described above, including costs for P&D to hire and manage outside consultants when deemed necessary by P&D staff (e.g. non-compliance situations, special monitoring needed for sensitive areas including but not limited to biologists, archaeologists) to assess damage and/or ensure compliance. In such cases, the applicant shall comply with P&D recommendations to bring the project into compliance. The decision of the Director of P&D shall be final in the event of a dispute.

94. Developer shall defend, indemnify and hold harmless the County or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of the Tentative Parcel Map. In the event that the County fails promptly to notify the applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.

95. In the event that any condition imposing a fee, exaction, dedication or other mitigation measure is challenged by the project sponsors in an action filed in a court of law or threatened to be filed therein which action is brought within the time period provided for by law, this approval shall be suspended pending dismissal of such action, the expiration of the limitation period applicable to such action, or final resolution of such action. If any condition is invalidated by a court of law, the entire project shall be reviewed by the County and substitute conditions may be imposed.

96. Structures shall be prohibited from within the 100 foot buffers of all wetland areas on site. **Requirements and Timing:** Prior to approval of CDP, wetland buffers shall be graphically indicated on all site, grading and landscape plans. Prior to commencement of grading or construction, all buffer areas (including those surrounding wetlands and grasses) shall be staked in the field.

    Monitoring: P&D shall inspect plans and shall perform site visits to ensure adherence to condition.

97. The pedestrian path proposed to cross the native grassland, designated ESH and located in landscape preservation area, shall be relocated to avoid ESH areas. **Plan Requirements and Timing:** Prior to approval of CDP, path shall be relocated.

    Monitoring: P&D shall inspect plans and shall perform site visits to ensure adherence to condition.

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

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

Santa Barbara County
Air Pollution Control District

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AGENDA ITEMS

ITEM #: 2

MEETING DATE: 10/17/01

October 16, 2001

Anne Almy, Project Planner
County of Santa Barbara, Planning and Development
123 East Anapamu Street
Santa Barbara, CA 93101-2058

RE: The Residences at Sandpiper (99-DP-051): Recommended Conditions of Approval.

Dear Anne,

The Santa Barbara County Air Pollution Control District (APCD) recommends that all conditions, implementing air quality mitigation measures required by the Goleta Community Plan, the final EIR and the final SEIR for this project (including the APCD comment letter dated August 7, 2001) be incorporated into the Land Use Permits for the above mentioned project.

Please contact me by phone at 961-8893, or by e-mail: *VLJ@sbcapcd.org* if you have questions.

Sincerely,

Vijaya Jammalamadaka

Vijaya Jammalamadaka, AICP
Air Quality Specialist
Technology and Environmental Assessment Division

cc: Project File
TEA Chron File

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OCT 16 2001
S.B. COUNTY
PLANNING & DEVELOPMENT

Douglas W. Allard — Air Pollution Control Officer
26 Castilian Drive B-23, Goleta, CA 93117 Fax: 805-961-8801 Phone: 805-961-8800

Santa Barbara County
PUBLIC Health
DEPARTMENT

Environmental Health Services

2125 S. Centerpointe Pkwy., #333 • Santa Maria, CA 93455-1340
805/346-8460 • FAX 805/346-8485

Roger Herrera, MPA Director
Tara Brown, MBA Assistant Director
Elliot Schulman, MD, MPH Health Officer/Medical Director

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AGENDA ITEMS

ITEM #: 1

MEETING DATE: 9/19/01

TO: Anne Almy, Planner
Planning & Development Department
Development Review Division

FROM: Paul E. Jenzen
Environmental Health Services

DATE: September 13, 2001

SUBJECT: Case No. TM 14,541, 99-DP-051 Goleta Area

Applicant: Oly Chadmar Sandpiper General Partnership
c/o Chadmar Group
1933 Cliff Drive Suite 6
Santa Barbara, CA. 93109

Property Location: Assessor's Parcel No. 079-210-049, zoned DR 8, located northwest of the intersection of Hollister Avenue and Las Armas Road.

TM 14,541 represents a request to divide a 14.46-acre parcel into ten lots including nine lots for condominium purposes and one open space lot. 99-DP-051 represents a request to construct 119 unit residential community with infrastructure and a swimming pool.

Domestic water supply is proposed to be provided by the Goleta Water District.

Sewage disposal is proposed to be provided by the Goleta West Sanitary District.

Providing the Planning Commission grants approval of the applicant's request, Environmental Health Services recommends the following be included as Conditions of Approval:

1. Prior to Recordation, Environmental Health Services shall receive and approve written notice from the Goleta Water District indicating that said district can and will provide domestic water service upon demand and without exception and that all financial arrangements guaranteeing extension of said service have been made to the satisfaction of the district and Environmental Health Services.

2. Prior to Recordation, Environmental Health Services shall approve written notice from the Goleta West Sanitary District indicating that said sanitary district can and will provided municipal sewage collection and disposal upon demand and without exception and that all financial

arrangements guaranteeing extension of such service have been made to the satisfaction of the sanitary district and Environmental Health Services.

3. Prior to the Issuance of a Building Permit plans for the swimming pool and related facilities shall be reviewed and approved by Environmental Health Services.

4. Prior to Recordation, the applicant shall submit a copy of the final map to Environmental Health Services

Paul E. Jenzen, REHS
Senior Environmental Health Specialist

cc: Applicant
Agent, Mary Reichel, Tynan Group, 2927 De La Vina Street, Santa Barbara, CA. 93105
Goleta Water District
Goleta West Sanitary District
Office of the County Surveyor
John Keairns, Planning & Development Building Div, Santa Barbara
Jennifer Bernstein, Environmental Health Services

LU-3984

AGENDA ITEMS

ITEM #: 1

MEETING DATE: 10/31

Memorandum

FILE COPY

Date: October 24, 2001

To: Anne Almy
Planning & Development
Santa Barbara

From: Maynard Yeaw, Captain
Fire Department

Subject: APN: 079-210-049; Case #: 99-DP051/TM 14541; Site: Hollister Avenue, Goleta

This Memorandum Supersedes the Previous Memorandum Dated November 30, 1999

The above project is located within the jurisdiction of the Santa Barbara County Fire Department. To comply with the established standards, we submit the following with the understanding that the Fire Protection Certificate application may involve modifications, which may determine additional conditions.

PRIOR TO MAP RECORDATION THE FOLLOWING CONDITION MUST BE MET:

1. Proposed road width of twenty-four (24) feet will preclude parking on either side of the roadway. Curbs will be required to be painted red on both sides and signage shall be posted every 150 feet to indicate no parking allowed. CC&Rs shall reflect this standard and make the Home Owners' Association responsible for parking enforcement for the life of the project.

PRIOR TO ERECTION OF COMBUSTIBLE BUILDING MATERIALS THE FOLLOWING CONDITIONS MUST BE MET:

2.. All access ways (public or private) shall be installed and made serviceable. Roadway plans, acceptable to the fire department, shall be submitted for approval prior to any work being undertaken.

   Access to this project shall conform to Santa Barbara County Private Road and Driveway Standard #1. Dead end access roads shall terminate with a fire department approved turnaround.

   Access ways shall be extended to within 150 feet of all portions of the exterior walls of the first story of any building.

A minimum of 13 feet 6 inches of vertical clearance shall be provided and maintained for the life of the project for emergency apparatus access.

Your road/driveway will need to be ≥ 24 feet wide.

3. **Eleven (11)** fire hydrant(s) shall be installed. The hydrants shall be located per fire department specifications and shall flow **1250** gallons per minute at a 20 psi residual pressure. Prior to installation, plans showing locations, size and type of hydrants, valves, main lines and lateral lines shall be approved by the fire department. The system shall be tested by the fire department to ensure compliance with recognized standards. See Standard #2-A.

PRIOR TO OCCUPANCY CLEARANCE THE FOLLOWING CONDITIONS MUST BE MET:

4. Fire or emergency alarm system plans for the day care structure shall be submitted to this office for review. The system shall be installed in conformance with Santa Barbara County Fire Department Standard #7 and all other applicable standards. Alarm panel location and annunciator graphics to be approved by fire department prior to installation

5. An automatic fire sprinkler system will need to be installed for all buildings over 5000 square feet. Fire sprinkler plans are required to be checked and approved by this department, prior to installation. Any system must be in compliance with Santa Barbara County Fire Department Standard #5. The fire department shall determine the location of any fire department connection (FDC) that may be required.

6. The applicant will be required to pay a new development impact fee. In accordance with Chapter 15 of the Santa Barbara County Code, the fee shall be computed per square foot on each new building, including non-habitable spaces, paid for the purpose of mitigating the incremental increase in needs for emergency services generated by the development.

   Checks shall be made payable to the Santa Barbara County Fire Department and shall be paid at the Building and Safety Division of the Planning and Development Department.

   Mitigation fees are subject to change prior to issuance of building permit.

   Estimated fees calculated as follows:

   Mitigation Fee at $.20 per square foot for non-sprinklered buildings
   Mitigation Fee at $.10 per square foot for sprinklered buildings
   Goleta Fees at **$566.00** per single family dwelling
   Goleta Fees at $420.00 per multifamily dwelling

Final occupancy clearance inspection will not be scheduled unless fees have been paid. If a project is denied on the initial inspection, then a second inspection will be arranged with the inspector assigned to the project. This could result in additional delays.

These conditions apply to the project as currently described. Future changes, including but not limited to further division, change of occupancy, intensification of use, or increase in hazard classification, may require additional mitigation to comply with applicable development standards in effect at the time of change.

The application for a new building permit or time extension for the project may require further review and the imposition of current development standards and fees.

Non-compliance with conditions placed on this project could result in the issuance of a stop work order by the fire department, which may require additional fees and a delay in final occupancy clearance.

As always, if you have any questions or require further information please call 681-5500.

MY:reb

c: APN/Chron

Attachments: Refer to #1, #2-A, #5, #7

Santa Barbara County Flood Control & Water Conservation District and Water Agency

123 E. Anapamu Street, Santa Barbara, California 93101
(805) 568-3440 Fax: (805) 568-3434
Web: http://www.publicworkssb.org/

Phillip M. Demery
Public Works Director

Thomas D. Fayram
Deputy Public Works Director

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September 17, 2001

AGENDA ITEMS

ITEM #: 1

MEETING DATE: 9/19/01

Planning Commission
Santa Barbara County Planning & Development
123 E. Anapamu Street
Santa Barbara, CA 93101

Reference: **TM 14,541/99-DP-051; The Residences at Sandpiper**
APN: 079-210-049/Goleta

Dear Commissioners:

This District recommends that approval of the above referenced project be subject to the following conditions.

1. Prior to recordation, the applicant shall comply with the Flood Control Standard Conditions of Approval.

2. Prior to recordation, the applicant shall submit a copy of the Map to the District for review and approval. Said map shall indicate a minimum 50-foot setback from the District approved top of bank of Devereaux Creek.

3. Prior to recordation, the applicant shall submit improvement plans, grading & drainage plans, a drainage study and landscape plans to the District for review. Said plans shall convey project drainage to Devereaux Creek in a non-erosive manner. Drainage plans shall include Clean Water Best Management Practices (BMP's) to the satisfaction of the District & Water Agency. The applicant shall enter into a Maintenance Agreement with the District to assure perpetual maintenance of the on-site drainage improvements by the Tract. The applicant shall submit a copy of the project CC & R's for District review. The CC & R's shall provide for the maintenance of the on-site drainage improvements.

4. Prior to issuance of Land ~~Use Clearance, the applicant shall submit final improvement~~ plans, grading & drainage plans and landscape plans for review and approval.

5. All drainage improvements required as part of the above conditions shall be constructed in accordance with approved plans and certified by a Registered Civil Engineer prior to issuance of occupancy clearance.

6. The applicant will be required to pay the current plan check fee deposit at the time the map and the improvement/grading & drainage plans are submitted for review and approval.

Sincerely,

Dale W. Weber, P.E.
Development Engineer

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cc: Anne Almy, Planning & Development
Chadmar Group, 1933 Cliff Drive, Suite 6, Santa Barbara, CA 93109
Tynan Group, 2927 De La Vina, Santa Barbara, CA 93105
Mac Design Assoc., 1933 Cliff Drive, Santa Barbara, CA 93109

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PUBLIC WORKS - Transportation Division

TO: Anne Almy, Development Review
Planning & Development

FROM: Court Eilertson, Traffic Section
Transportation Division

DATE: January 23, 2002

SUBJECT: **Revised Conditions for the Residences at Sandpiper Project; TM 14,541 (99-DP-051)**

Santa Barbara County Public Works' recommended conditions for the approval of the Residences at Sandpiper project are listed below.

1. Pursuant to Ordinance No. 4270 regarding Transportation Impact Fees, the applicant will be required to pay a fee for each new unit, for the purpose of funding transportation facilities within the Goleta Planning Area of the County.

   Based on the current fee schedule, the total estimated fee for the proposed project is $911,222 (56 single family units * $9,632 per unit, 40 condominiums * $5,150 per unit, and 23 condominiums * $5,150 – 60% reduction (affordable housing discount)). Fees are due prior to land use clearance and shall be based on the fee schedule in effect when paid. This office will not accept or process a check received prior to project approval.

Fees are payable to the COUNTY OF SANTA BARBARA, and may be paid in person or mailed to: Santa Barbara County Transportation Division, 123 E. Anapamu St., 2nd Floor, Santa Barbara, CA 93101. Please phone this office prior to payment if unsure as to the final fee required.

2. Sight distance requirements shall be to the satisfaction of the County Traffic Engineer.

3. An encroachment permit will be required for any work done in the public right-of-way. Include signage and landscaping in the encroachment permit. Sidewalk, landscaping and irrigation along the project frontage will require a long-term maintenance agreement as part of the permit.

4. Applicant must offer the right of way dedications described below as easements to the County, at no cost to the County. All project right-of-way dedications include five to ten-foot easements incorporating pedestrian pathways for public use as well as signs, utilities, etc. All road rights of way offered for dedication to the County must be free and clear of any easements prior to Land Use Clearance, unless otherwise approved by the Department of Public Works.

   <u>Las Armas Road</u>

   Prior to Final Map recordation, applicant shall engineer and post a security for the construction of frontage improvements along Las Armas Road to include curb, gutter, and sidewalk along the project frontage from Hollister Avenue to the proposed Road 'F." Las Armas Road shall be constructed to a

minimum of 30 feet in width from Hollister Avenue to the northern limits of the proposed project access at Road "F." The improvements shall transition into existing improvements in a manner acceptable to the County Traffic Engineer. Construction of these improvements shall be completed prior to occupancy.

a) Design and construct the driveway entrance along Las Armas Road to include a minimum of 15-foot radius curb returns.

Hollister Avenue

Prior to Final Map recordation, applicant shall engineer and post a security for the construction of frontage improvements along the project frontage on Hollister Avenue designed to the satisfaction of the County Traffic Engineer and County Counsel to include curb, gutter, and sidewalk. The improvements shall transition into existing improvements in a manner acceptable to the County Traffic Engineer. Construction of these improvements shall be completed prior to occupancy.

a) Design and construct the driveway entrance on Hollister Avenue to include a minimum of 15-foot radius curb returns.

5. Prior to occupancy, and prior to final acceptance, the County may require the developer to add traffic safety devices, such as signing and striping, the need for which are not apparent at time of plan approval but which are warranted due to actual field conditions. The developer shall install the traffic safety devices prior to final acceptance.

If you have any questions, please contact me at 568-3042.

G:\GROUP\TRAFFIC\WINWORD\PLANNING\Goleta\Sandpiper Revised Conditions.doc

Santa Barbara COUNTY PARKS

FILE COPY

AGENDA ITEMS

ITEM #: 1

MEETING DATE: 9/19/01

Jennifer Briggs
Director of Parks
(805) 568-2461

Michael Gibson
Business Manager
(805) 568-2477

Coleen Lund
Project Manager
(805) 568-2470

Rick Wheeler
South County Deputy Director
Tel: (805) 681-5653
Fax: (805) 681-5657

Jeff Stone
North County Deputy Director
Tel: (805) 934-6145
Fax: (805) 934-6213

610 Mission Canyon Road
Santa Barbara, CA 93105
Tel: (805) 568-2461
Fax: (805) 568-2459
administration@sbparks.org
www.sbparks.org
Reservations:
(805) 568-2460 Voice/TDD

Equal Opportunity Employer

September 13, 2001

TO: Anne Almy, Planner
Planning & Development

FROM: Claude Garciacelay, Park Planner

RE: **TM 14,541 / 99-DP-051 Residences at Sandpiper**
APN 079-210-049

County Parks recommends the following condition(s) to the approval of the above referenced project:

1) Pursuant to the provisions of Santa Barbara County Ordinance 4317 (Quimby Ordinance) and the appurtenant fee resolution for the recreational demand area, the applicant will be required to pay a fee for each newly generated lot or dwelling unit for the purpose of providing park and recreational facilities within the recreational demand area.

Based on the current fee schedule, the total fee for the proposed project would be **$908,922.00** ($7638 x 119 new lot(s)/dwelling unit(s)). Fees are due prior to land use clearance and shall be based on the fee schedule in effect when paid. Fee schedules are subject to adjustment on an annual basis. Please phone this office prior to payment if unsure as to the final fee required. This office will not accept or process a check received prior to project approval.

Fees are payable to the COUNTY OF SANTA BARBARA, and may be paid in person or mailed to: Santa Barbara County Parks, Rocky Nook Park, 610 Mission Canyon Road, Santa Barbara, CA 93105; or in the North County at Waller Park, 300 Goodwin Road, Santa Maria, CA 93455.

c: Owner:
Oly Chadmar Sandpiper General Partnership
c/o Chadmar Group, 1933 Cliff Dr., Suite 6, Santa Barbara CA 93109
Agent:
Mary Reichel, Tynan Group, 2927 De la Vina St., Santa Barbara CA 93105

U.P.R.R (formerly S.P.R.R.) per R2

PARCEL 1
(PER PM: BK.3,PG.96)

LOT 1
(FOR CONDOMINIUM PURPOSES - 109 UNITS)
Gross Area: 15.41 acres
Net Area: 14.46 acres

HOLLISTER AVENUE

LAS ARMAS ROAD

BASIS OF BEARINGS

GRAPHIC SCALE
(IN FEET)
1 inch = 80 ft.

MAP LEGEND:

O = FOUND 1/2" I.P. & TAG L.S. 3145 UNLESS OTHERWISE NOTED
⊕ = SET NAIL & TAG L.S. 3894
● = SET 1/2" I.P. w/TAG L.S. 3894
M = MEASURED
F1 = 149 R.S. 12 / BASIS OF BEARINGS

EASEMENT LEGEND:

5 = The right of S.P.R.R. to extend slopes, maintain culverts and ditches per Book 99, Page 34 of Deeds (Not Locatable)

6 = Easement to The Pacific Telephone and Telegraph Company for pole lines per Book 118, Page 424 of Deeds (Not Locatable)

11 = Easement to United States Coast Guard or successors for poles, wires and conduits abutting the public highway, per Book 632, Page 459 of Official Records (Not Locatable)

12 = 15' wide easement to Goleta County Water District for water pipelines, conduits and appurtenances per Book 1275, Page 359 of Official Records (Not Locatable)

14 = 4' wide easement to Southern California Edison Company for public utilities & incidental purposes per Book 2051, Page 321 of Official Records

16 = 2' wide public road easement to County of Santa Barbara per Book 2231, Page 528 of Official Records

17 = 10' wide joint 2' wide easement to Southern California Edison Company for public utilities per Book 2243, Page 674 of Official Records

20 = 15' wide easement to Goleta Sanitary District for sanitary district purposes per Book 2326, Page 687 of Official Records

BOUNDARY & EXISTING EASEMENTS

TRACT No. 14,541

BEING A ONE LOT SUBDIVISION OF A PORTION "CANADA DE LAS ARMAS TRACT" OF CATHERINE V. HELL PER 12 M&S 39 IN AN UNINCORPORATED PORTION OF THE COUNTY OF SANTA BARBARA ~ STATE OF CALIFORNIA

~ DECEMBER 2001 ~

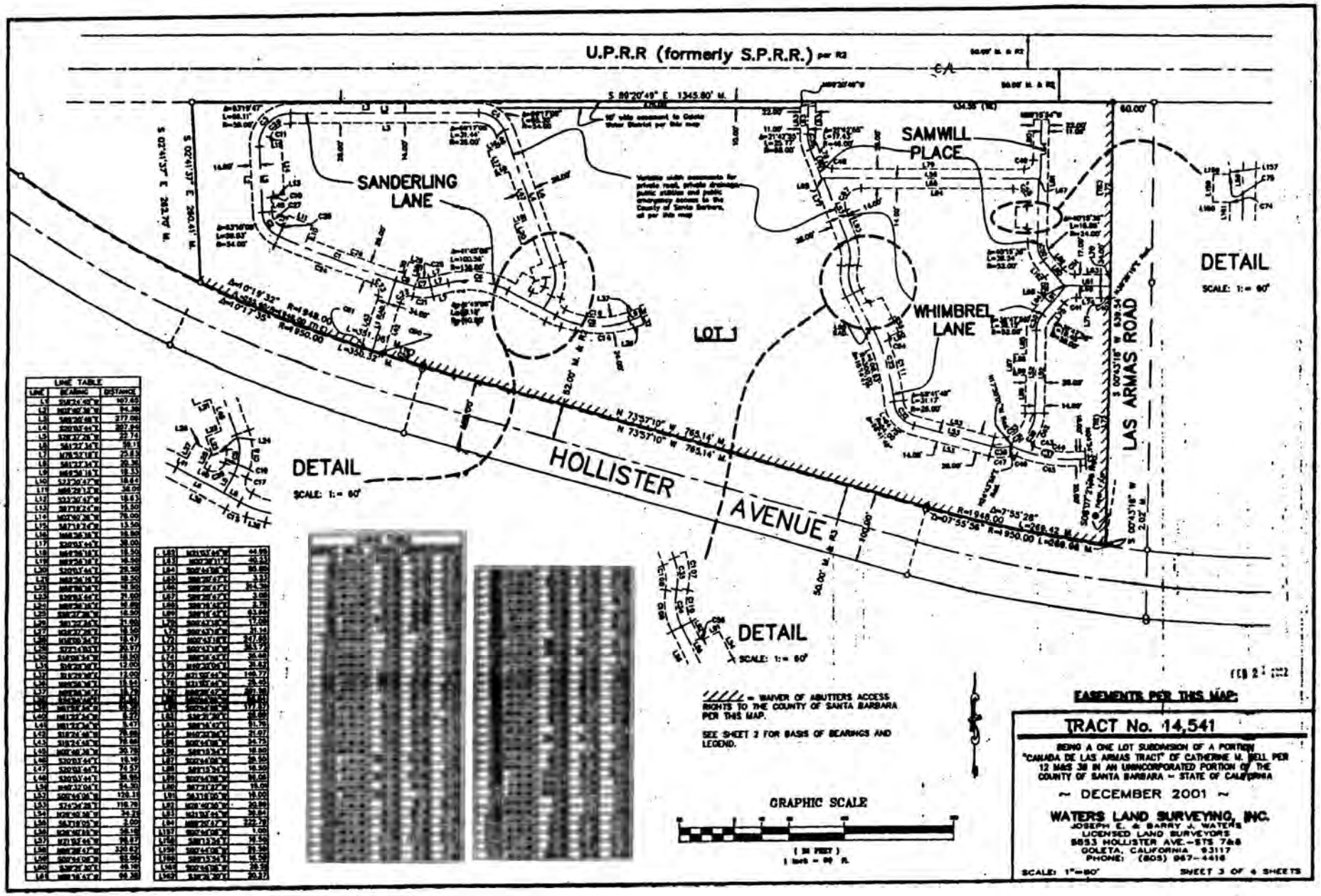
WATERS LAND SURVEYING, INC.

RECEIVED
JAN 18 2002
S.B. COUNTY PLANNING & DEVELOPMENT

FEB 13 2002
CALIFORNIA COASTAL COMMISSION SOUTH COAST DISTRICT

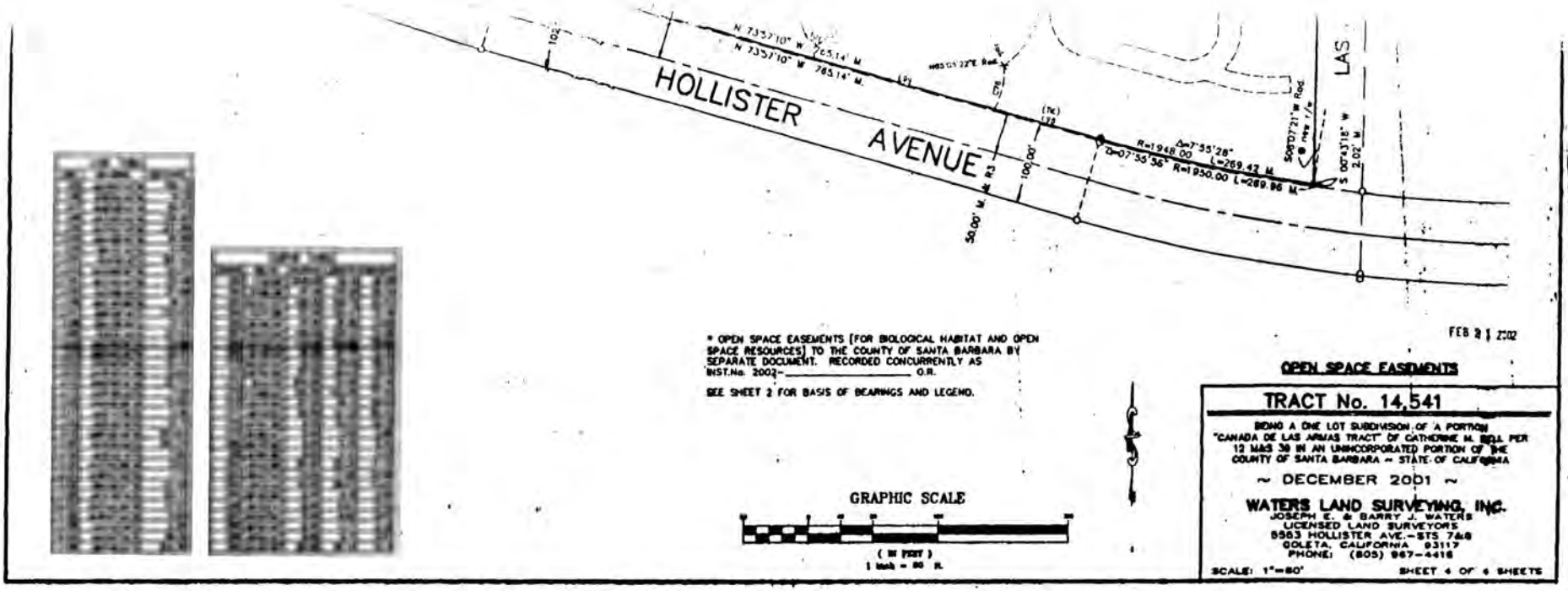
EXHIBIT 4
A-4-STB-02-145
Local Government Approved Tentative Map

1 of 3



LINE TABLE		
LINE	BEARING	DISTANCE
L1	S18°24'40"W	107.65
L2	N00°00'38"W	94.38
L3	S89°20'49"E	277.00
L4	S20°03'44"E	207.42
L5	S28°37'28"E	22.74
L6	S61°27'34"E	38.11
L7	N78°53'18"E	25.83
L8	S61°27'34"E	20.36
L9	N68°56'18"E	18.33
L10	S23°20'47"W	18.64
L11	N66°29'13"W	34.09
L12	S23°20'47"W	18.63
L13	N71°18'24"W	15.50
L14	N00°00'38"W	78.00
L15	S47°18'24"W	13.50
L16	N66°56'18"E	18.50
L17	S20°03'44"E	38.00
L18	N68°56'18"E	18.50
L19	N68°56'18"E	18.50
L20	S20°03'44"E	28.50
L21	N68°56'18"E	18.50
L22	N68°56'18"E	18.50
L23	S20°03'44"E	21.00
L24	N68°56'18"E	18.50
L25	S68°37'28"E	18.50
L26	S61°27'28"E	21.00
L27	N68°27'28"E	18.50
L28	N68°56'18"E	18.47
L29	S22°14'03"E	20.97
L30	S49°06'34"W	18.50
L31	N42°20'00"E	12.00
L32	S18°20'00"E	12.00
L33	S49°06'34"W	18.54
L34	N68°56'18"E	18.75
L35	S20°03'44"E	24.50
L36	N68°56'18"E	18.50
L37	N61°27'34"E	5.27
L38	N61°27'34"E	5.47
L39	S18°24'40"W	78.88
L40	S18°24'40"W	78.88
L41	N68°56'18"E	30.75
L42	S20°03'44"E	19.16
L43	S20°03'44"E	74.57
L44	S20°03'44"E	38.99
L45	N68°32'04"E	53.30
L46	S00°45'08"W	120.11
L47	S74°34'28"E	110.72
L48	N00°00'38"W	34.18
L49	S63°19'05"W	3.00
L50	N00°00'38"W	56.16
L51	N21°53'44"W	98.87
L52	N68°28'47"W	330.63
L53	S00°45'08"W	62.96
L54	S20°28'30"E	46.16
L55	N68°16'47"W	90.30
L56	S21°53'44"W	44.96
L57	N00°38'11"E	40.23
L58	S00°45'08"W	80.00
L59	S68°28'47"E	3.33
L60	S68°28'47"E	34.50
L61	S68°28'47"E	3.00
L62	S68°28'47"E	3.78
L63	S68°28'47"E	63.64
L64	N00°43'18"W	17.00
L65	N00°43'18"W	31.14
L66	N00°43'18"W	247.00
L67	N00°43'18"W	263.79
L68	N68°56'34"E	38.60
L69	N68°28'00"E	31.63
L70	N21°53'44"W	140.77
L71	N21°53'44"W	28.45
L72	N68°28'47"W	401.38
L73	N00°45'08"W	94.61
L74	N00°45'08"W	117.83
L75	S38°28'30"E	20.00
L76	S68°28'47"E	31.76
L77	N68°28'47"W	21.07
L78	N00°45'08"W	34.75
L79	S68°18'34"E	18.50
L80	N00°45'08"W	38.50
L81	S68°18'34"E	18.50
L82	N00°45'08"W	30.00
L83	N72°13'27"W	18.00
L84	S63°19'05"W	10.00
L85	N00°45'08"W	30.84
L86	N21°53'44"W	30.84
L87	N68°28'47"W	322.79
L88	N00°45'08"W	1.00
L89	S68°13'34"E	18.50
L90	N00°45'08"W	20.38
L91	S68°13'34"E	18.50
L92	N00°45'08"W	20.38
L93	S38°28'30"E	20.27

U.P.R.R (formerly S.P.R.R.) per R2



* OPEN SPACE EASEMENTS (FOR BIOLOGICAL HABITAT AND OPEN SPACE RESOURCES) TO THE COUNTY OF SANTA BARBARA BY SEPARATE DOCUMENT. RECORDED CONCURRENTLY AS INST.No. 2002-_____ O.R.

SEE SHEET 2 FOR BASIS OF BEARINGS AND LEGEND.

GRAPHIC SCALE

(IN FEET)
1 inch = 80 ft.

FEB 2 1 2002

OPEN SPACE EASEMENTS

TRACT No. 14,541

BEING A ONE LOT SUBDIVISION OF A PORTION "CANADA DE LAS ARMAS TRACT" OF CATHERINE M. BELL PER 12 MAS 38 IN AN UNINCORPORATED PORTION OF THE COUNTY OF SANTA BARBARA ~ STATE OF CALIFORNIA

~ DECEMBER 2001 ~

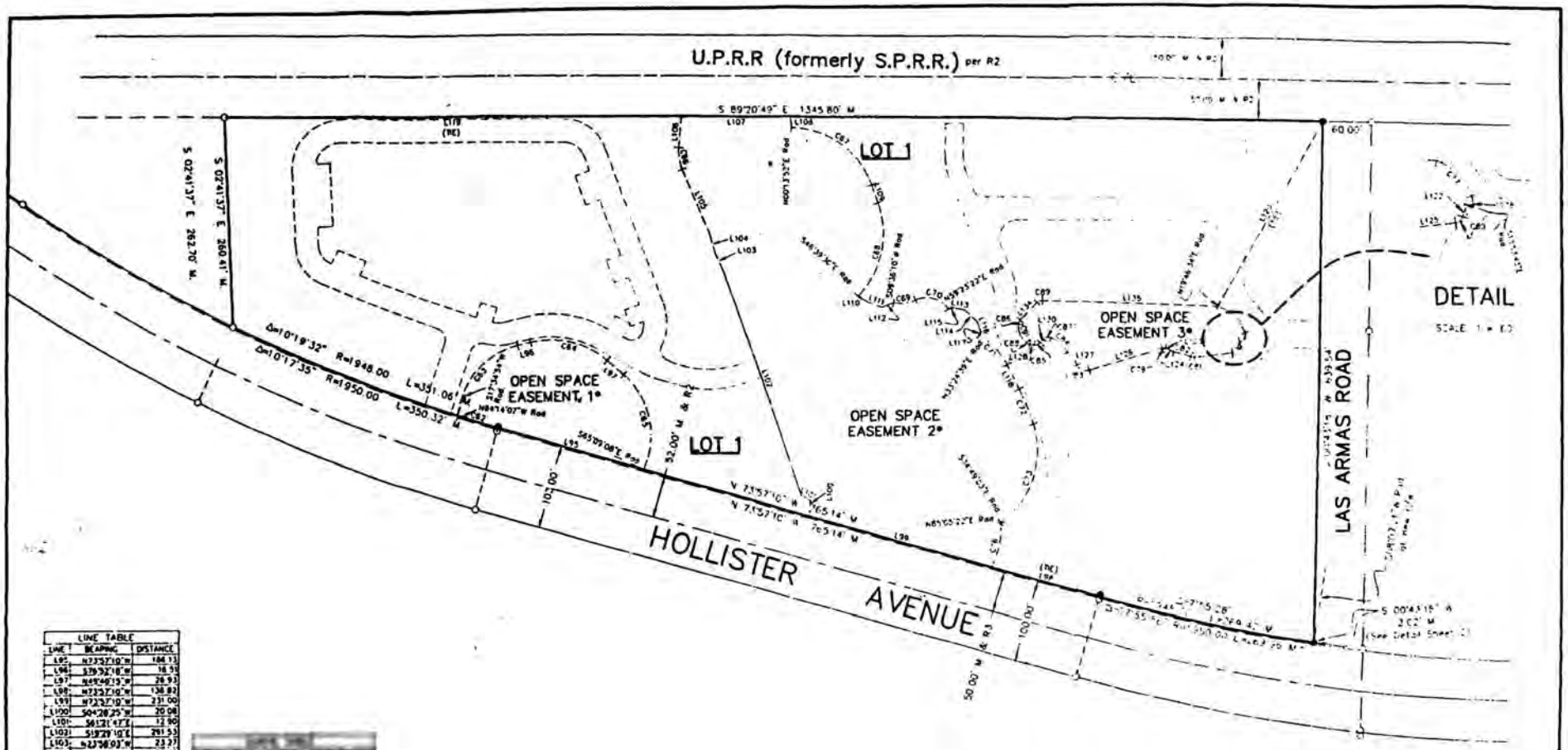
WATERS LAND SURVEYING, INC.
JOSEPH E. & BARRY J. WATERS
LICENSED LAND SURVEYORS
5563 HOLLISTER AVE.-STS 7&8
GOLETA, CALIFORNIA 93117
PHONE: (805) 967-4416

SCALE: 1"=80'

SHEET 4 OF 4 SHEETS

E:\Land projects\Tract No. 14541-Bauer-Hollister\dwg\wetset541.dwg Thu Feb 21 11:15:11 2002

3 of 3



LINE TABLE		
LINE	BEARING	DISTANCE
L95	N73°57'10"W	186.13
L96	S79°52'18"W	16.59
L97	N69°40'15"W	26.93
L98	N73°57'10"W	138.82
L99	N73°57'10"W	231.00
L100	S04°28'25"W	20.04
L101	S61°21'47"E	12.90
L102	S19°29'10"E	291.53
L103	S23°58'03"W	23.27
L104	N16°43'43"W	23.49
L105	S22°26'22"E	87.88
L106	S04°30'09"W	38.29
L107	S89°20'49"E	136.82
L108	S03°26'55"E	13.16
L109	S18°21'44"E	23.54
L110	N58°09'56"W	13.59
L111	N88°44'35"W	18.41
L112	S79°09'02"W	19.44
L113	N79°18'42"W	12.64
L114	N46°59'19"W	21.74
L115	N73°28'23"E	7.20
L116	N19°00'56"W	13.80
L117	N75°13'29"E	3.36
L118	S26°40'55"E	33.36
L119	N89°20'49"W	543.93
L120	N23°02'03"E	263.32
L122	N16°43'32"E	7.80
L123	N72°22'58"W	3.93
		3.73
		47.45
		93.16
		32.67
		5.53
		6.20
		30.10
		312.39

* OPEN SPACE EASEMENTS (FOR BIOLOGICAL HABITAT AND OPEN SPACE RESOURCES) TO THE CITY OF GOLETA BY SEPARATE DOCUMENT RECORDED CONCURRENTLY AS INST No 2002-_____ OR

SEE SHEET 2 FOR BASIS OF BEARINGS AND LEGEND

GRAPHIC SCALE

(IN FEET)
1 inch = 80 ft.

MAY 13 2002

OPEN SPACE EASEMENTS

TRACT No. 14,541

BEING A ONE LOT SUBDIVISION OF A PORTION "CANADA DE LAS ARMAS TRACT" OF CATHERINE M. BELL AS SHOWN IN BOOK 12, PAGE 39 OF MAPS AND SURVEYS IN THE CITY OF GOLETA COUNTY OF SANTA BARBARA ~ STATE OF CALIFORNIA

~ MAY 2002 ~

WATERS LAND SURVEYING, INC.

LICENSED LAND SURVEYOR
GOLETA, CALIFORNIA
PHONE (805) 967-4411

RECEIVED

EXHIBIT 5
A-4-STB-02-145
"Cleared" Tentative Tract Map

1 of 2

U.P.R.R (formerly S.P.R.R.) per R2

SANDERLING LANE

SAMWILL PLACE

WHIMBREL LANE

LOT 1

HOLLISTER AVENUE

LAS ARMAS ROAD

DETAIL

SCALE 1 = 60'

DETAIL

SCALE 1 = 60'

DETAIL

SCALE 1 = 60'

10' wide easement to Goleta Water District per this map

Variable width easements for private road, private drainage, public utilities and public emergency access to the County of Santa Barbara, as per this map

S 89°20'49" E 1345.80' M

N 23°57'10" W 765.14' M

MAY 13 2002

EASEMENTS PER THIS MAP:

= WAIVER OF ABUTTERS ACCESS RIGHTS TO THE COUNTY OF SANTA BARBARA PER THIS MAP

SEE SHEET 2 FOR BASIS OF BEARINGS AND LEGEND

GRAPHIC SCALE

(IN FEET)
1 inch = 80 ft

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 12°24'45" W	12.65
L2	N 62°46'35" W	94.55
L3	S 12°24'45" W	117.34
L4	S 12°24'45" W	117.34
L5	S 12°24'45" W	117.34
L6	S 12°24'45" W	117.34
L7	N 62°46'35" W	26.65
L8	S 12°24'45" W	26.17
L9	N 62°46'35" W	18.33
L10	S 12°24'45" W	13.36
L11	S 12°24'45" W	18.64
L12	N 62°46'35" W	38.07
L13	S 12°24'45" W	18.63
L14	S 12°24'45" W	18.63
L15	S 12°24'45" W	18.63
L16	N 62°46'35" W	18.50
L17	S 12°24'45" W	18.50
L18	N 62°46'35" W	18.50
L19	S 12°24'45" W	18.50
L20	S 12°24'45" W	29.53
L21	N 62°46'35" W	18.50
L22	N 62°46'35" W	18.50
L23	S 12°24'45" W	24.00
L24	N 62°46'35" W	18.80
L25	S 12°24'45" W	18.50
L26	S 12°24'45" W	21.30
L27	N 62°46'35" W	18.50
L28	N 18°04'54" E	18.47
L29	S 12°24'45" W	20.97
L30	S 18°04'54" W	18.50
L31	S 12°24'45" W	12.30
L32	S 12°24'45" W	12.00
L33	N 62°46'35" W	15.56
L34	N 62°46'35" W	15.78
L35	N 62°46'35" W	21.84
L36	N 62°22'34" W	89.36
L37	N 62°22'34" W	5.27
L38	N 62°22'34" W	5.47
L39	S 12°24'45" W	78.85
L40	S 12°24'45" W	78.86
L41	N 62°46'35" W	20.78
L42	S 20°24'44" E	19.16
L43	S 20°24'44" E	74.97
L44	S 20°24'44" E	36.95
L45	N 62°22'34" W	64.39
L46	S 00°44'06" W	120.3
L47	S 76°34'26" E	118.76
L48	N 26°40'55" W	34.23
L49	S 62°22'34" E	2.70
L50	N 26°40'55" W	68.17
L51	N 21°03'44" E	86.87
L52	N 19°23'47" W	329.62
L53	S 00°44'06" W	92.26
L54	S 39°31'20" E	83.18
L55	N 27°38'40" W	66.14
L56	N 21°03'44" E	44.95
L57	N 00°29'15" E	40.23
L58	S 00°44'06" W	85.80
L59	S 89°20'47" E	3.33
L60	S 89°20'47" E	314.39
L61	S 89°20'47" E	3.00
L62	S 89°20'47" E	2.78
L63	S 89°16'42" E	63.60
L64	S 00°43'18" W	17.00
L65	S 00°43'18" W	21.14
L66	N 00°43'18" E	247.65
L67	S 00°43'18" W	353.73
L68	S 89°16'42" E	35.80
L69	N 40°32'04" E	31.62
L70	N 21°03'44" W	145.77
L71	N 21°03'44" W	25.45
L72	N 89°20'47" W	281.98
L73	S 00°44'06" W	58.84
L74	S 00°44'06" W	177.87
L75	S 39°31'20" E	28.69
L76	S 89°16'42" E	51.76
L77	S 00°44'06" W	21.07
L78	S 00°44'06" W	36.75
L79	S 89°15'54" E	18.50
L80	S 00°44'06" W	29.50
L81	S 89°15'54" E	18.50
L82	S 00°44'06" W	154.66
L83	S 47°21'27" W	15.01
L84	S 47°39'06" W	19.00
L85	N 89°20'47" W	20.89
L86	N 21°03'44" E	39.84
L87	N 89°20'47" W	232.78
L88	S 00°44'06" W	4.50
L89	S 89°15'54" E	18.50
L90	S 00°44'06" W	18.50
L91	S 89°15'54" E	20.51
L92	S 39°31'20" E	20.27

CURVE TABLE				
CURVE	DELTA	RADIUS	LENGTH	TANGENT
C1	5°44'34"	1840.00	184.42	92.29
C2	6°30'00"	40.00	4.10	2.05
C3	9°13'47"	45.00	7.30	3.66
C4	69°17'05"	40.00	48.37	27.64
C5	48°41'10"	52.00	44.19	23.53
C6	41°45'08"	124.00	90.36	47.29
C7	30°26'37"	48.00	24.58	12.59
C8	0°55'50"	1840.00	29.88	14.94
C9	48°41'10"	130.00	110.47	58.81
C10	90°00'00"	3.00	4.71	3.00
C11	111°47'12"	3.00	5.85	4.43
C12	90°00'00"	12.00	18.85	12.00
C13	90°00'00"	12.00	18.85	12.00
C14	35°09'00"	142.00	87.11	44.98
C15	12°32'10"	102.00	24.10	12.11
C16	46°28'18"	118.00	94.92	50.20
C17	89°28'48"	13.00	20.29	12.87
C18	45°31'06"	66.00	52.43	27.69
C19	21°39'23"	38.00	14.36	7.27
C20	89°59'22"	15.00	23.55	15.00
C21	29°21'16"	60.00	30.74	15.72
C22	87°58'49"	15.00	22.98	14.44
C23	89°01'08"	15.00	23.31	14.79
C24	4°45'42"	1854.00	154.08	77.08
C25	28°14'15"	32.00	15.77	8.05
C26	4°49'32"	1826.00	153.85	76.87
C27	63°10'05"	26.00	28.66	15.89
C28	0°02'12"	1826.00	1.17	0.58
C29	71°32'36"	31.00	38.70	22.33
C30	39°47'56"	38.00	26.40	13.76
C31	64°41'28"	50.00	91.36	64.80
C32	48°41'49"	40.00	47.96	27.34
C33	20°48'18"	316.00	116.02	57.64
C34	37°47'29"	64.00	42.23	21.91
C35	32°10'18"	62.00	34.81	17.88

C36	21°42'55"	57.00	21.60	10.93
C37	29°28'31"	218.00	112.78	57.68
C38	32°55'35"	50.00	28.73	14.78
C39	71°45'53"	50.00	62.63	36.17
C40	34°55'58"	23.00	14.02	7.24
C41	50°11'14"	23.00	20.15	10.77
C42	43°02'05"	64.00	48.07	25.23
C43	11°22'31"	3.00	8.15	4.93
C44	21°18'13"	208.00	77.34	39.12
C45	26°23'05"	228.00	105.13	53.51
C46	37°24'03"	8.00	5.22	2.71
C47	31°39'05"	64.00	34.98	17.94
C48	88°32'03"	13.00	19.49	8.82
C49	69°35'07"	13.00	20.40	12.99
C50	60°15'36"	38.00	26.70	13.93
C51	49°45'12"	23.00	19.97	10.66
C52	80°03'34"	23.00	32.14	19.32
C53	104°41'28"	36.00	65.78	46.66
C54	89°28'51"	3.00	4.69	2.97
C55	04°02'22"	346.00	24.39	12.20
C56	90°00'00"	3.00	4.71	3.00
C57	111°42'57"	23.00	44.85	33.92
C58	90°04'55"	23.00	36.16	23.03
C59	1°48'42"	1948.00	61.66	30.84
C60	0°30'00"	1948.00	17.00	8.50
C61	0°30'00"	1948.00	17.00	8.50
C74	90°00'00"	2.00	3.14	2.00
C75	90°00'00"	2.00	3.14	2.00
C107	34°01'17"	32.00	42.88	22.10
C108	30°10'35"	52.00	27.39	14.02
C109	35°47'46"	76.00	47.48	24.54
C110	33°44'28"	52.00	36.03	18.79
C111	16°14'47"	328.00	93.01	46.82

TRACT No. 14,541

BEING A ONE LOT SUBDIVISION OF A PORTION
"CANADA DE LAS ARMAS TRACT" OF CATHERINE M. BELL
SHOWN IN BOOK 12, PAGE 39 OF MAPS AND SURVEYS
IN THE CITY OF GOLETA
COUNTY OF SANTA BARBARA ~ STATE OF CALIFORNIA

~ MAY 2002 ~

WATERS LAND SURVEYING, INC.
JOSEPH E. & BARBARA J. WATERS
LICENSED LAND SURVEYORS
6555 HOLLISTER AVE ~ STE. 7&8
GOLETA, CALIFORNIA 93117
PHONE (805) 967-4416

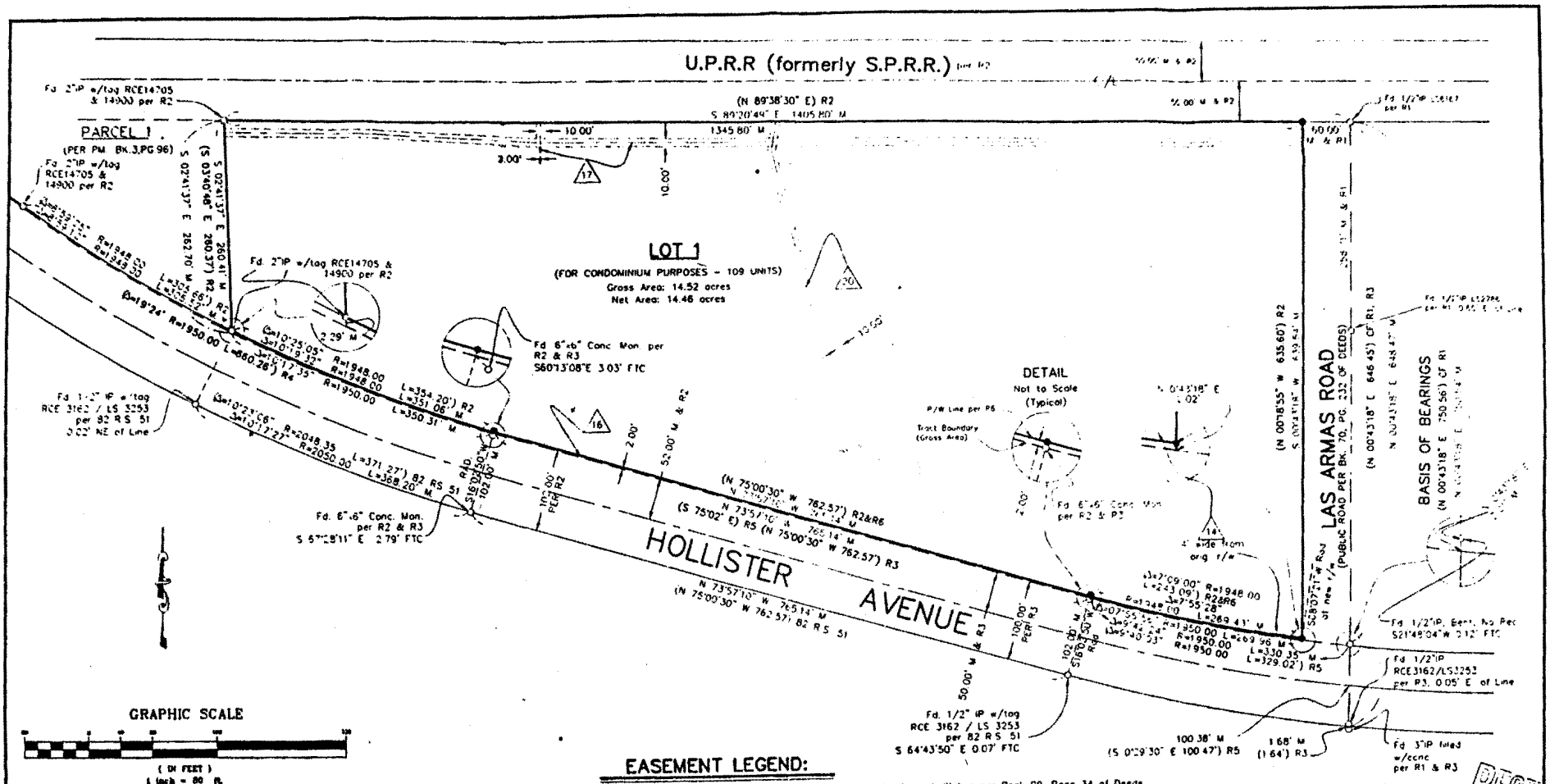
SCALE 1"=80' SHEET 3 OF 4 SHEETS

MAY 14 2002

CALIFORNIA COASTAL COMMISSION
CENTRAL COAST DISTRICT

RECEIVED
MAY 13 2002

Ex.5 2 of 3



EASEMENT LEGEND:

5 = The right of S.P.R.R. to extend slopes, maintain culverts and ditches per Book 99, Page 34 of Deeds (Not Locatable)

6 = Easement to The Pacific Telephone and Telegraph Company for pole lines per Book 118, Page 424 of Deeds (Not Locatable)

11 = Easement to United States Coast Guard or successors for poles, wires and conduits abutting the public highway per Book 632, Page 459 of Official Records (Not Locatable)

12 = 15' wide easement to Goleta County Water District for water pipelines, conduits and appurtenances per Book 1775, Page 359 of Official Records (Not Locatable)

△ = 4' wide easement to Southern California Edison Company for public utilities & incidental purposes per Book 2051, Page 321 of Official Records

△ = 2' wide public road easement to County of Santa Barbara per Book 2231, Page 528 of Official Records

△ = 10' wide and 2' wide easements to Southern California Edison Company for public utilities per Book 2243, Page 674 of Official Records

△ = 10' wide easement to Isla Vista Sanitary District for sanitary district purposes per Book 2326, Page 687 of Official Records

MAP LEGEND:

O = FOUND MONUMENT AS NOTED HEREON.

⊕ = SET NAIL & TAG L.S. 3804.

● = SET 1/2" I.P. w/TAG L.S. 3804.

M = MEASURED
R1 = 149 R.S. 12 / BASIS OF BEARINGS
R2 = 3 P.M. 96
R3 = 82 R.S. 43
R4 = 278 O.R. 423
R5 = 182 O.R. 43
R6 = 2231 O.R. 528

F.T.C. = FROM TRUE CORNER
T.C. = TRUE CORNER
CF = CALCULATED FROM

BOUNDARY & EXISTING EASEMENTS

TRACT No. 14,541

BEING A ONE LOT SUBDIVISION OF A PORTION "CANADA DE LAS ARMAS TRACT" OF CATHERINE M. BELL AS SHOWN IN BOOK 12, PAGE 39 OF MAPS AND SURVEYS IN THE CITY OF GOLETA
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SCALE 1"=80' SHEET 2 OF 4 SHEETS

RECEIVED MAY 13 2002

Ex. 5 3 of 3

A 3 06

Recording Requested By:

When Recorded Return To:
Clerk of the Board
County of Santa Barbara
105 East Anapamu Street
Santa Barbara, CA 93103

RECEIVED
JUN 2 1 2002
CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

SPACE ABOVE THIS LINE FOR RECORDER'S USE
NO FEE PER GOVERNMENT CODE §6103

IRREVOCABLE OFFER TO DEDICATE AN OPEN SPACE EASEMENT [FOR BIOLOGICAL HABITAT AND OPEN SPACE RESOURCES]

This IRREVOCABLE OFFER TO DEDICATE AN OPEN SPACE EASEMENT (the "Irrevocable Offer") is made this 17th day of January, 2002, by OLY CHADMAR SANDPIPER GENERAL PARTNERSHIP, a Delaware General Partnership (referred to as "GRANTOR").

RECITALS

1. WHEREAS, GRANTOR is the owner in fee simple of certain real property located in the unincorporated portion of the County of Santa Barbara, State of California, identified as Assessor's Parcel Number 079-210-049, and more particularly described in the legal description attached hereto, marked Exhibit "C" and incorporated herein by this reference ("Property"); and

2. WHEREAS, portions of the Property remain in a substantially undisturbed natural condition, and the Property possesses unique and significant natural, ~~open space,~~ riparian, wetland, native grassland and related upland habitats (collectively "Conservation Values") of great importance to GRANTOR, the people of Santa Barbara County and the people of the State of California; and

3. WHEREAS, GRANTOR has applied to GRANTEE for approval of, and GRANTEE gave approval of, Vesting Tentative Tract Map 14,541 to subdivide the project site into one lot for condominium purposes and 99-DP-051 for the development of a new 109 unit residential community, of which 22 would be affordable within or below the upper-moderate income range (the sales price of all affordable units must average no more than 110% of median income) (the "Project"); and

4. WHEREAS, the Environmental Document (Final Environmental Report (EIR), 94-EIR-9 and Supplemental Environmental Document, 01-SD-02, dated 9/11/2001) recognized that

Ex. 5a

the proposed easement area constitutes riparian habitat, adjacent wetland, native grassland, and related upland habitat; and

5. WHEREAS, the Environmental Document therefore concluded that any potential impacts the Project could have on the riparian, wetland, native grassland and related upland habitats could feasibly be mitigated, in whole or in part, through an open space easement which would cover initial restoration and maintenance costs (trail, planting, fencing, etc.), ongoing habitat restoration, and limited public access; and

6. WHEREAS, the portions of the Property in which these Conservation Values are concentrated are within those areas identified as Easement Areas in Exhibits "A" and "B" attached hereto and incorporated herein by reference; and

7. WHEREAS, GRANTOR intends that the Conservation Values of the Easement Areas shall be enhanced through eradication of invasive non-native plants, and the planting of native species, according to a vegetation enhancement plan developed by a County Planning and Development Department approved biologist and approved by County Planning and Development Department; and

8. WHEREAS, GRANTOR intends, as the owner of the Property, to convey to GRANTEE the right to preserve and protect the Conservation Values of the Easement Areas of the Property in perpetuity; and

9. WHEREAS, the Condition of Approval No. 13 of the Project (99-DP-051; VTM 14,541) requires GRANTOR to offer to dedicate an Open Space Easement over the Easement Areas identified in Exhibits "A" and "B" attached hereto and incorporated herein by reference; and

10. WHEREAS, it has been determined that the Project could not be found consistent with the policies of the Santa Barbara County Coastal Plan or County Ordinances applicable to the development in the absence of ~~an Irrevocable Offer to Dedicate such~~ Easement; and

11. WHEREAS, it is intended that this Irrevocable Offer is irrevocable and shall constitute an enforceable restriction within the meaning of Article XIII, Section 8 of the California Constitution, and this Irrevocable Offer, when accepted, shall thereby qualify as an enforceable restriction under the provision of California Revenue and Taxation Code Sections 402.1 and 421 through 423.3.

NOW THEREFORE, in consideration of the granting of the approval of the Project, now hereby acknowledged, the undersigned GRANTOR offers to dedicate to GRANTEE and its successors and assigns an Open Space Easement (the "Easement") pursuant to the laws of the State of California, including Sections 51070, et seq. of the California Government Code, over the Easement Areas identified in Exhibits "A" and "B" attached hereto and incorporated herein by reference.

1. COVENANT RUNNING WITH THE LAND. This Irrevocable Offer shall run with and burden the Property and all obligations, terms, conditions and restrictions hereby imposed shall be deemed to be covenants and restrictions running with the land and shall be effective limitations on the use of the Property from the date of recordation of this document and shall bind GRANTOR and all heirs, successors and assigns. This Irrevocable Offer shall benefit GRANTEE and its successors and assigns.

2. ACCEPTANCE. This Irrevocable Offer may only be accepted by the execution and recordation of a Notice of Acceptance by or through the local government in whose jurisdiction the subject Property lies. The acceptance of this Irrevocable Offer shall be contingent upon land use clearances having been issued for Final Map Recordation for the Project's vesting subdivision map (VTM 14,541).

3. PURPOSE AND SCOPE. The purpose of the Easement which is the subject of this Irrevocable Offer is to impose upon GRANTOR certain covenants, conditions and restrictions pertaining to the Easement Areas. It is GRANTOR's intention and objective that the Easement limit all activities within the Easement Areas to those which will not impair the viability of the Conservation Values, and that GRANTEE and its successors and assigns shall have the right to prevent the development of the Easement Areas for any purpose or in a manner that would conflict with the preservation of the Easement Areas except as specifically allowed herein.

The Easement includes the protected area and creek corridor of Devereux Creek as well as the protected isolated wetland on the western portion of the Property. Within the approximately 3.07 acre Easement Areas, riparian habitat and adjacent wetland, native grassland and related upland habitat shall be enhanced by GRANTOR through eradication of invasive non-native plants and the planting of native species according to a Vegetation Enhancement Plan developed by a Planning and Development Department-approved biologist and approved by County Planning and Development Department. GRANTOR shall, pursuant to the Easement and Vegetation Enhancement Plan, perform and provide, at its sole cost and expense, all costs of initial restoration and maintenance of the Easement Areas (trail, planting, fencing, etc.), and ongoing habitat restoration. GRANTOR shall, pursuant to the Easement and Vegetation Enhancement Plan, also be responsible, at its sole cost and expense, for paying the costs of annual monitoring of the Easement Areas by County Planning and Development Department and reporting to GRANTEE or its successors and assigns.

4. AFFIRMATIVE RIGHTS CONVEYED TO GRANTEE. To accomplish the purpose of this Easement, the following rights and interests are conveyed to GRANTEE by the Easement:

a. **Resources and Values.** To preserve and protect in perpetuity the Conservation Values of the Easement Areas.

b. **Monitor Uses and Practices.** To enter upon, inspect, observe, and study the Easement Areas for the purposes of monitoring the uses and practices regarding the Easement Areas

to determine whether they are consistent with the Easement. Such entry shall be permitted upon prior notice to GRANTOR, and shall be made in a manner that will not unreasonably interfere with GRANTOR's use and quiet enjoyment of the Easement Areas. GRANTOR further grants to GRANTEE the right to have County Planning and Development Department or a Planning and Development Department - approved biologist or restoration specialist evaluate the riparian enhancement measures and the effectiveness of controlled public access. GRANTOR further grants to GRANTEE a license to enter into any and all streets, roads, or sidewalks on the Property for the purpose of gaining access to the Easement Areas. GRANTOR shall be responsible for the costs and expenses of GRANTEE's monitoring activities.

c. **Prevent Inconsistent Uses.** To have the right to compel the restoration of that portion of the Easement Areas upon which any activity and violation of the Easement has occurred to the condition that existed prior to the undertaking of such unauthorized activity. In such case, the cost of such restoration and GRANTEE's expenses and costs of suit, including attorneys' fees, shall be borne by GRANTOR or those of its successors and assigns against whom judgment is entered or in the event that GRANTEE secures redress without a complete judicial hearing by GRANTOR or those of its successors and assigns who are otherwise determined to be responsible for the unauthorized activity.

d. **Removal of Structure.** To have the right to remove any building, structure, improvement or other things built, erected or placed in the Easement Areas contrary to the purposes of the Easement and the reservations of the Easement and to have the right to prevent or prohibit any activity which is contrary to the stated purposes, terms, conditions, restrictions and covenants of the Easement.

e. **Provide Signage.** To erect and maintain a sign or signs or other appropriate markers in prominent locations on the Easement Areas, visible from a public road, bearing information indicating that the Easement Areas are protected by GRANTOR and GRANTEE. The wording of the information shall be determined by GRANTOR and GRANTEE, but shall clearly indicate that the Easement Areas are privately owned and not open to the public. Further, the size and shape of such signage shall be mutually approved by GRANTOR and GRANTEE. GRANTEE shall be responsible for the costs of erecting and maintaining such signs or markers.

5. <u>PERMITTED USES AND PRACTICES</u>. GRANTOR and GRANTEE intend that the Easement shall confine the uses of the Easement Areas to open space, ongoing habitat restoration and maintenance, and limited passive public access, and such other related uses as are described herein. The following uses and practices, if in accordance with federal, state and city laws and ordinances, the conditions of approval of Vesting Tentative Tract Map 14,541 and 99-DP-051, and to the extent not inconsistent with the purposes of the Easement, are permitted.

a. **Vegetation Enhancement Plan.** GRANTOR has had a Vegetation Enhancement Plan prepared by a County Planning and Development Department-approved biologist which Plan must be approved by the County Planning and Development Department. The Vegetation Enhancement Plan sets forth the specific details of the proper means of managing the

Easement Areas and is an integral part of the Easement. GRANTOR and GRANTEE shall implement and abide by the terms of the Vegetation Enhancement Plan, as it may be amended from time to time with the consent of GRANTOR and GRANTEE and its successors and assigns.

b. **Maintenance and Repair.** To maintain, repair and replace fences, trails, barrier planting, and utility lines in the Easement Areas, and pick up trash and litter therein consistent with the limitations on ground disturbance set forth herein, and with the permitted uses as described in the Conditions, Covenants and Restrictions for the Property, and conditions of approval imposed in connection with Vesting Tentative Tract Map 14,541 and 99-DP-051.

c. **Use of Agrichemicals.** To use organic fertilizers, pesticides, herbicides and fungicides only in those amounts and with such frequency of application necessary to accomplish the goals of the Vegetation Enhancement Plan for the Easement Areas; provided that such use shall be in accordance with county, city, state and federal laws and regulations, and such use shall be carefully circumscribed near surface water.

d. **Vegetation Removal.** "Vegetation Removal" in the Easement Areas shall be limited in accordance with the Vegetation Enhancement Plan, and consistent with the following general restrictions and obligations:

1. The Easement Areas shall be maintained so as to eradicate invasive non-native plants and to plant native species consistent with the Vegetation Enhancement Plan.

2. The Easement Areas shall be maintained free of dead or diseased trees and native vegetation to the extent mandated for avoidance of severe flood or fire hazard, as required by applicable governmental authority. Clearing and/or removal of dead or diseased trees or native plants shall be undertaken as specified in the Vegetation Enhancement Plan and pursuant to the notice and approval requirements thereof, except, where a dead or diseased tree presents a hazard to life or property, it may be removed as necessary subject to telephone or fax notice to the holder of the Easement. Any vegetation inappropriately removed shall be replaced and maintained until established within the same area of the Easement.

e. **Passive Recreational Purposes.** To allow GRANTOR to use the Easement Areas for passive recreational purposes associated with the residential use of the balance of the Property, including, without limitation, the installation and maintenance of trails, a pedestrian bridge and utilities, subject to GRANTEE's right to have Planning and Development Department approve limited access within the Easement Areas and further to have Planning and Development Department or a Planning and Development Department - approved biologist or restoration specialist evaluate the effectiveness of controlled public access, at GRANTOR's sole cost and expense.

f. **Effect on Other Easements.** Notwithstanding any of the provisions of the Easement, nothing herein shall interfere with the rights of any party under existing private or public

easements located within the Easement Areas, including but not limited to Santa Barbara County Parks Department hiking, equestrian and trail easements, Santa Barbara County Flood Control District easements, or private access easements, as may be amended.

6. PROHIBITED USES. Any activity on or use of the Easement Areas that is inconsistent with the purpose of the Easement is prohibited. Without limiting the generality of the foregoing, the following activities and uses are inconsistent with the Conservation Values of the Easement and are expressly prohibited:

a. **Commercial or Industrial Uses.** The establishment of any commercial or industrial uses, including the construction, placement or erection of any commercial signs or billboards.

b. **Roads or Structures.** The construction, reconstruction, or replacement of any road or structure within the Easement Areas, except as provided in the Easement.

c. **Motorized Vehicles.** The use of motorized and/or off-road vehicles, provided that the use of motorized and/or off-road vehicles may be permitted within the Easement Areas when necessary for maintenance of utilities or for emergency purposes.

d. **Dumping or Disposal.** The dumping or other disposal of wastes, refuse or debris or manure on the Easement Areas, except as allowed in the Vegetation Enhancement Plan.

e. **Erosion.** Any use or activity which causes significant degradation of topsoil quality, significant pollution or a significant increase in the risk of erosion.

f. **Alteration of Topography.** Any alteration of the general topography or natural drainage of the Easement Areas, including, without limitation, the excavation or removal of soil, sand, gravel or rock except for access roads, utilities, etc., as specifically allowed herein.

7. RESERVED RIGHTS. GRANTOR reserves to itself, and to its personal representative, heirs, successors and assigns, all rights accruing from the ownership of the Easement Areas, including the right to engage in or permit or invite others to engage in all uses of the Easement Areas that are not expressly prohibited herein and are not inconsistent with the purpose of the Easement. Without limiting the generality of the foregoing, the following rights are expressly reserved:

a. **Water Rights.** All right, title, and interest in and to all tributary and non-tributary water, water rights, and related interest in, on, under or appurtenant to the Easement Areas; provided, however, that such water rights are used on the Easement Areas in a manner consistent with the purpose of the Easement, and consistent with the conditions of approval of Vesting Tentative Tract Map 14,541 and 99-DP-051.

b. **Mineral Rights.** All right, title, and interest in subsurface oil, gas, and minerals; provided, however, that the manner of exploration for, and extraction of any oil, gas or minerals shall be only by a subsurface method, shall not damage, impair or endanger the protected Conservation Values of the Easement Areas.

8. <u>NOTICE AND APPEAL</u>. The purpose of requiring GRANTOR to notify GRANTEE prior to undertaking certain permitted activities is to afford GRANTEE and its successors and assigns an adequate opportunity to monitor the activities in question to ensure that they are designed and carried out in a manner that is not inconsistent with the purpose of the Easement. Whenever notice is required, GRANTOR shall notify GRANTEE in writing not less than thirty (30) days prior to the date GRANTOR intends to undertake the activity in question. The notice shall describe the nature, scope, design, location and any other material aspect of the proposed activity in sufficient detail to permit GRANTEE to make an informed judgment as to its consistency with the purpose of the Easement. GRANTEE shall respond in writing within twenty (20) days of receipt of GRANTOR's written request. GRANTEE's approval may be withheld only upon a reasonable determination by GRANTEE that the action as proposed would be inconsistent with the purpose of the Easement. If any activity within the Easement Areas otherwise requires a permit under local, state or federal law, notice of any application for such permit shall be given by GRANTOR to GRANTEE.

9. <u>GRANTEE'S RIGHTS AND REMEDIES</u>.

a. GRANTOR grants to GRANTEE, its successors and assigns, in perpetuity, the right to enter on the Easement Areas on reasonable notice to GRANTOR, its successors and assigns, to observe and enforce compliance with the terms of this grant. The right to enter on the Easement Areas shall be exercised only by a biologist approved by the Santa Barbara County Planning and Development Department, or its successors and assigns. GRANTEE's entrance upon or use of the Easement Areas shall be used solely for the limited purpose of inspecting the Easement Areas to determine whether GRANTOR is complying with the Easement, and for enforcement of GRANTOR's rights described in the Easement.

b. GRANTOR further grants to GRANTEE a license to enter onto any and all streets, roads or sidewalks on the Property for the purpose of gaining access to the Easement Areas.

c. GRANTEE shall have the right to remove any building, structure, improvement or other things, built, erected or placed on the Easement Areas contrary to the purposes of the Easement and the reservations of the Easement, and shall have the right to prevent or prohibit any activity which is contrary to the stated purposes, terms, conditions, restrictions and covenants of the Easement that may impair or destroy the open space, natural habitat, aesthetic and ecological values and qualities of the Easement Areas.

d. Should GRANTOR, its successors and assigns, undertake any activity in violation of the Easement, GRANTEE and its successors and assigns shall have the right to compel the restoration of those portions of the Easement Areas affected by such activity to the condition that

existed prior to the undertaking of such unauthorized activity. In such case, the costs of such restoration and GRANTEE's expenses and costs of suit, including attorney's fees, shall be borne by GRANTOR or those of its successors and assigns against whom judgment is entered, or, in the event that GRANTEE secures redress without a completed judicial proceeding, by GRANTOR or those of its successors and assigns who are otherwise determined to be responsible for the unauthorized activity.

e. Any forbearance by GRANTEE to exercise any of GRANTEE's rights hereunder in the event of any breach hereof by GRANTOR, its successors and assigns shall not be deemed or construed to be a waiver of GRANTEE's rights hereunder.

f. GRANTEE may enforce the terms of the Easement by administrative proceedings or by proceedings in the Superior Court of the State of California, including injunctions, specific performance, and any other appropriate legal remedies. Any costs incurred by GRANTEE in enforcing the terms of the Easement against GRANTOR, including without limitation the costs stated above, shall be borne by GRANTOR. A violation of the Easement shall constitute a violation of Condition of Approval No. 13 of the Project (99-DP-051; VTM 14,541).

10. **ACTS BEYOND GRANTOR'S CONTROL.** Nothing contained in the Easement shall be construed to entitle GRANTEE to bring any action against GRANTOR for any injury to or change in the Easement Areas resulting from causes beyond GRANTOR's control, including, without limitation, fire, flood, storm and earth movement, or actions by persons outside the control and knowledge of GRANTOR, or from any prudent action by GRANTOR under emergency conditions, to prevent, abate or mitigate significant injury to the Easement Areas resulting from such causes.

11. **PUBLIC ACCESS.** No right of access by the general public to any portion of the Easement Areas is conveyed by the Easement.

12. **RIGHTS AND RESPONSIBILITIES OF GRANTOR.**

a. GRANTOR, its successors and assigns agree to bear all costs and liabilities of operation, upkeep and maintenance of the Easement Areas.

b. GRANTOR shall purchase general and property damage liability insurance, in an amount not to exceed $1,000,000.00, with GRANTEE named as an additional insured, and hereby agree to indemnify and hold harmless GRANTEE and its successors and assigns from any and all liability arising out of the use and ownership of the Easement Areas.

c. GRANTOR, its successors and assigns, further agree to pay any and all real property taxes and assessments levied by competent authority on the Easement Areas; reserving, however, to GRANTOR, its successors and assigns, the right to challenge the propriety of any property tax or assessment levied on the Easement Areas.

13. **INDEMNIFICATION.** GRANTOR shall release and hold harmless, indemnify, and defend GRANTEE and its trustees, officers, members, employees, agents and contractors and the heirs, personal representatives, successors, and assigns of each of them (collectively "Indemnified Parties") from and against any and all liabilities, penalties, fines, charges, costs, losses, damages, expenses, causes of action, claims, demands, orders, judgments or administrative actions, including, without limitation, reasonable attorneys' fees, arising from or in any way connected with (a) injury to or the death of any person, or physical damage to any Easement Areas, resulting from any act, omission, condition, or other matter related to or occurring on or about the Easement Areas, regardless of cause, except to the extent of the adjudicated proportionate fault of any of the Indemnified Parties; (b) the violation or alleged violation of, or other failure to comply with, any state, federal or local law, regulation or requirement, including, without limitation, environmental or hazardous waste provisions; and (c) the obligations and costs associated with GRANTOR's responsibilities specified in Paragraph 13.

14. **SUBSEQUENT TRANSFERS.** GRANTOR agrees to incorporate the terms of the Easement by reference in any deed or other legal instrument by which it divests itself of any interest in all or a portion of the Easement Areas, including, without limitation, any leasehold interest.

15. **EXTINGUISHMENT.** If circumstances arise in the future which render the purpose of the Easement impossible to accomplish, the Easement can only be terminated or extinguished, whether in whole or in part, by judicial proceedings in a court of competent jurisdiction.

16. **CONDEMNATION.** If all or any part of the Easement Areas is taken by exercise of the power of eminent domain, or acquired by purchase in lieu of condemnation, whether by public, corporate or other authority, so as to terminate the Easement, in whole or in part, GRANTOR and GRANTEE shall act jointly to recover the full value of the interests in the Easement Areas subject to the taking or in lieu purchase and all direct or incidental damages resulting therefrom. All expenses reasonably incurred by GRANTOR and GRANTEE in connection with the taking or in lieu purchase shall be paid out of the amount recovered. GRANTEE's share of the balance shall be determined by the ratio of the value of the Easement to the value of the Easement Areas unencumbered by the Easement.

17. **SUBORDINATION.** If at the time of acceptance of the Easement, the Easement Areas are subject to any mortgage of deed or trust encumbering the Easement Areas, GRANTOR shall obtain from the holder of any such mortgage or deed of trust an agreement to subordinate its rights in the Easement Areas to the Easement to the extent necessary for GRANTEE to enforce the purpose of the Easement in perpetuity and to prevent any modification or extinguishment of the Easement by the exercise of any rights of the mortgage or deed of trust holder.

18. **TERM.** This Irrevocable Offer shall be binding for a period of twenty-one (21) years. Upon recordation of an acceptance of this Irrevocable Offer by the GRANTEE, its successors and assigns, under the terms, conditions and restrictions hereof, this Irrevocable Offer shall be an Easement in perpetuity affecting the land and binding on the parties, their heirs, executors, personal representatives, successors and assigns.

19. CONDITION PRECEDENT TO IRREVOCABLE OFFER. This Irrevocable Offer shall not be effective unless the following condition precedent is satisfied: land use approval for recordation of Vesting Tentative Tract Map 14,541 has been granted.

20. ASSIGNMENT AND ASSUMPTION. GRANTOR shall assign its rights and obligations under the Easement which is the subject of this Irrevocable Offer to the Homeowners Association to be formed in connection with the Project, which Homeowners Association shall assume all of the obligations under the Easement, together with the open space purposes set forth in the Easement, including, without limitation, the obligations to provide for ongoing restoration and for providing maintenance costs of the Easement Areas. Upon such assignment and assumption, GRANTOR shall have no further liability to GRANTEE under the Easement.

21. GENERAL PROVISIONS.

a. **Controlling Law.** The interpretation and performance of the Easement shall be governed by the laws of the State of California.

b. **Liberal Construction.** Any general rule of construction to the contrary notwithstanding, the Easement shall be liberally construed in favor of the grant to effect the purpose of the Easement.

c. **Severability.** If any provision of the Easement, or the application thereof to any person or circumstance, is found to be invalid, the remainder of the provisions of the Easement, or the application of such provision to persons or circumstances other than those as to which it is found to be invalid, as the case may be, shall not be affected thereby.

d. **Entire Agreement.** This instrument sets forth the entire agreement of the parties with respect to the Irrevocable Offer and the Easement and supersedes all prior discussions, negotiations, understandings, or agreements relating to the Irrevocable Offer and the Easement, all of which are merged herein.

e. **No Forfeiture.** Nothing contained herein will result in a forfeiture or reversion of GRANTOR's title in any respect.

f. **Successors in Interest.** The covenants, terms, conditions, and restrictions of the Irrevocable Offer and the Easement shall be binding upon, and inure to the benefit of the parties hereto and their respective beneficiaries, personal representatives, heirs, successors, and assigns and shall continue as a servitude running in perpetuity with the Easement Areas.

g. **Notices.** Any notice, demand, request, consent, approval, or other communication that either party desires or is required to give to the other party shall be in writing and either delivered personally or sent by first class mail, postage prepaid, addressed to the appropriate party at such address as either party or successor-in-interest shall from time to time designate by written notice to the other.

IN WITNESS WHEREOF, GRANTOR has executed this Irrevocable Offer to Dedicate an Open Space Easement as of the date first written above.

GRANTOR:
OLY CHADMAR SANDPIPER GENERAL PARTNERSHIP
By: W/S Chadmar, LLC, a California limited liability company
Its: Authorized Representative

By: _____
Charles R. Lande
Its: Authorized Member

ACKNOWLEDGMENT BY COUNTY OF SANTA BARBARA

THIS IRREVOCABLE OFFER TO DEDICATE AN OPEN SPACE EASEMENT is acknowledged by the Chairperson of the Board of Supervisors of the County of Santa Barbara. This Acknowledgment is not and shall not be construed as an acceptance of this Irrevocable Offer to Dedicate an Open Space Easement. The County of Santa Barbara does not and will not accept responsibility for maintaining or liability for personal injury or property damage arising out of any use of said Easement or the Easement Areas until and unless acceptance of this Irrevocable Offer to Dedicate an Open Space Easement by the County of Santa Barbara is executed and recorded.

WITNESS my hand and official seal this 22nd day of January, 2002.

COUNTY OF SANTA BARBARA,
a Body Corporate and Politic

By: _____
Name:
Chair, Board of Supervisors

ATTEST:

Michael F. Brown
County Clerk of the Board

By: _____
Deputy Clerk

COUNTY OF SANTA BARBARA,
REAL PROPERTY

By: _____
Name

Approved as to form:

STEPHEN SHANE STARK
COUNTY COUNSEL

By: _____
Deputy

COUNTY OF SANTA BARBARA,
RISK MANAGEMENT

By: _____
Name

STATE OF CALIFORNIA)
) ss.
COUNTY OF SANTA BARBARA)

On Jan 17, 2002, before me, Brenda Duncan, personally appeared Charles R. Lamb, ☐ personally known to me OR ☒ proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

BRENDA DUNCAN
Commission # 1302053
Notary Public - California
Santa Barbara County
My Comm. Expires Apr 23, 2005

Brenda Duncan
(SIGNATURE OF NOTARY)

F:\MATTER\WK4\5884.001\IrrevOpenSpaceEsmt-0117.wpd
01/17/02

STATE OF CALIFORNIA)
) ss.
COUNTY OF SANTA BARBARA)

On _____, 2002, before me, _____, personally appeared _____, ☐ personally known to me OR ☐ proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

_____
(SIGNATURE OF NOTARY)

STATE OF CALIFORNIA)
) ss.
COUNTY OF SANTA BARBARA)

On _____, 2002, before me, _____, personally appeared _____, ☐ personally known to me OR ☐ proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

_____
(SIGNATURE OF NOTARY)

EXHIBIT "A"

OPEN SPACE EASEMENT

Description:
All those portions of Lot 1 of Tract No. 32,003 (Formerly known as Tract No. 14,541), in the City of Goleta, County of Santa Barbara, recorded _____ _____, 2002, in Book _____, Pages ____ through ____ of Maps, in the office of the County Recorder, County of Santa Barbara, State of California, tabled, plotted and labeled thereon as:

Open Space Easement Area 1*, Open Space Easement Area 2*, and
Open Space Easement Area 3*.

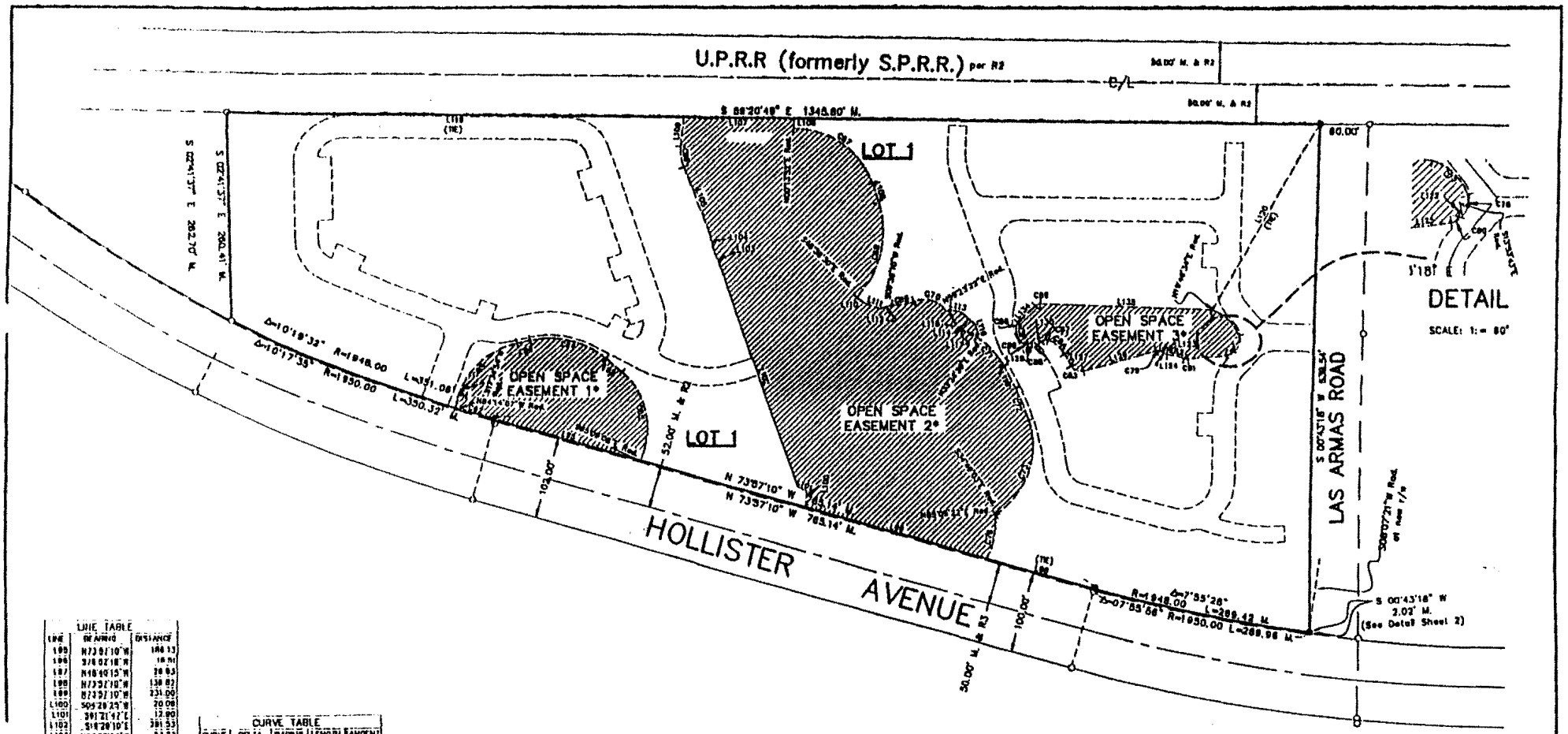
* Open Space Easements [For Biological Habitat and Open Space Resources] granted to the County of Santa Barbara.

-End of Description-

Prepared by: Joseph E. Waters, PLS
Joseph E. Waters, PLS 3804

Date: May 28, 2002

6/30/04



LINE TABLE		
LINE	BEARING	DISTANCE
L95	N73°37'10"W	186.13
L96	S16°02'18"W	18.01
L97	N48°49'15"W	28.63
L98	N73°37'10"W	138.82
L99	N73°37'10"W	231.00
L100	S05°28'25"W	20.08
L101	S91°21'42"E	12.90
L102	S19°29'10"E	381.53
L103	N23°58'03"W	23.37
L104	N14°53'43"W	23.49
L105	S22°26'25"E	87.88
L106	S04°30'06"W	38.21
L107	S88°20'48"E	134.82
L108	S03°26'55"E	13.18
L109	S19°21'44"E	23.54
L110	N50°20'56"W	13.98
L111	N88°55'35"W	18.47
L112	S70°09'02"W	19.14
L113	N29°16'42"W	13.84
L114	N44°56'15"W	31.74
L115	N73°28'23"E	7.20
L116	N18°00'56"W	13.80
L117	N33°13'20"E	3.36
L118	S28°59'05"E	33.31
L119	N89°20'49"W	583.83
L120	N28°02'03"E	263.23
L122	N16°43'12"E	7.00
L123	N77°22'56"W	3.03
L124	N54°07'28"W	7.73
L125	S63°18'57"W	47.95
L126	N73°36'35"E	93.14
L127	N27°42'35"W	17.97
L128	N70°37'41"W	5.53
L130	N41°57'18"E	8.20
L134	N51°07'51"E	30.10
L135	S87°49'27"E	212.38

CURVE TABLE				
CURVE	DELTA	RADIUS	LENGTH	TANGENT
C62	1°32'55"	1948.00	52.18	26.09
C63	71°00'28"	97.00	120.36	69.33
C64	54°27'27"	106.00	100.79	54.51
C65	73°31'08"	97.00	124.47	73.48
C66	26°36'34"	97.00	26.80	13.55
C67	70°21'26"	105.00	129.03	74.09
C68	87°32'15"	113.00	172.65	109.08
C69	31°38'32"	48.00	27.77	14.32
C70	84°28'14"	31.00	45.69	28.10
C71	28°34'26"	97.00	48.83	25.01
C72	83°53'10"	385.00	44.88	22.49
C73	23°49'53"	105.00	134.05	77.80
C76	33°16'03"	97.00	56.41	29.03
C77	50°18'01"	53.00	47.33	25.26
C78	92°01'30"	9.00	15.24	10.18
C79	29°06'57"	8.00	4.08	2.08
C80	60°35'55"	8.00	8.30	5.25
C81	31°09'03"	8.00	4.34	2.23
C82	18°23'00"	98.00	22.33	11.27
C83	78°17'10"	13.00	17.88	10.68
C84	40°32'13"	40.00	28.07	14.64
C85	56°36'08"	8.00	8.18	4.50
C86	40°73'11"	8.00	5.64	2.94
C87	70°21'04"	8.00	9.83	5.81
C88	20°32'33"	8.00	4.17	2.13
C89	40°02'41"	8.00	5.71	3.07
C91	53°29'50"	28.00	26.14	14.11

* OPEN SPACE EASEMENTS (FOR BIOLOGICAL HABITAT AND OPEN SPACE RESOURCES) TO THE CITY OF GOLETA BY SEPARATE DOCUMENT. RECORDED CONCURRENTLY AS INST.No. 2002-_____ O.R.

SEE SHEET 2 FOR BASIS OF BEARINGS AND LEGEND.

GRAPHIC SCALE

(IN FEET)
1 inch = 80 ft.

EXHIBIT "B"

OPEN SPACE EASEMENTS

TRACT No. 32,003
(Formerly known as County Tract No. 14,841)

BEING A ONE LOT SUBDIVISION OF A PORTION "CANADA DE LAS ARMAS TRACT" OF CATHERINE M. BELL AS SHOWN IN BOOK 12, PAGE 39 OF MAPS AND SURVEYS IN THE CITY OF GOLETA
COUNTY OF SANTA BARBARA – STATE OF CALIFORNIA
~ JUNE 2002 ~

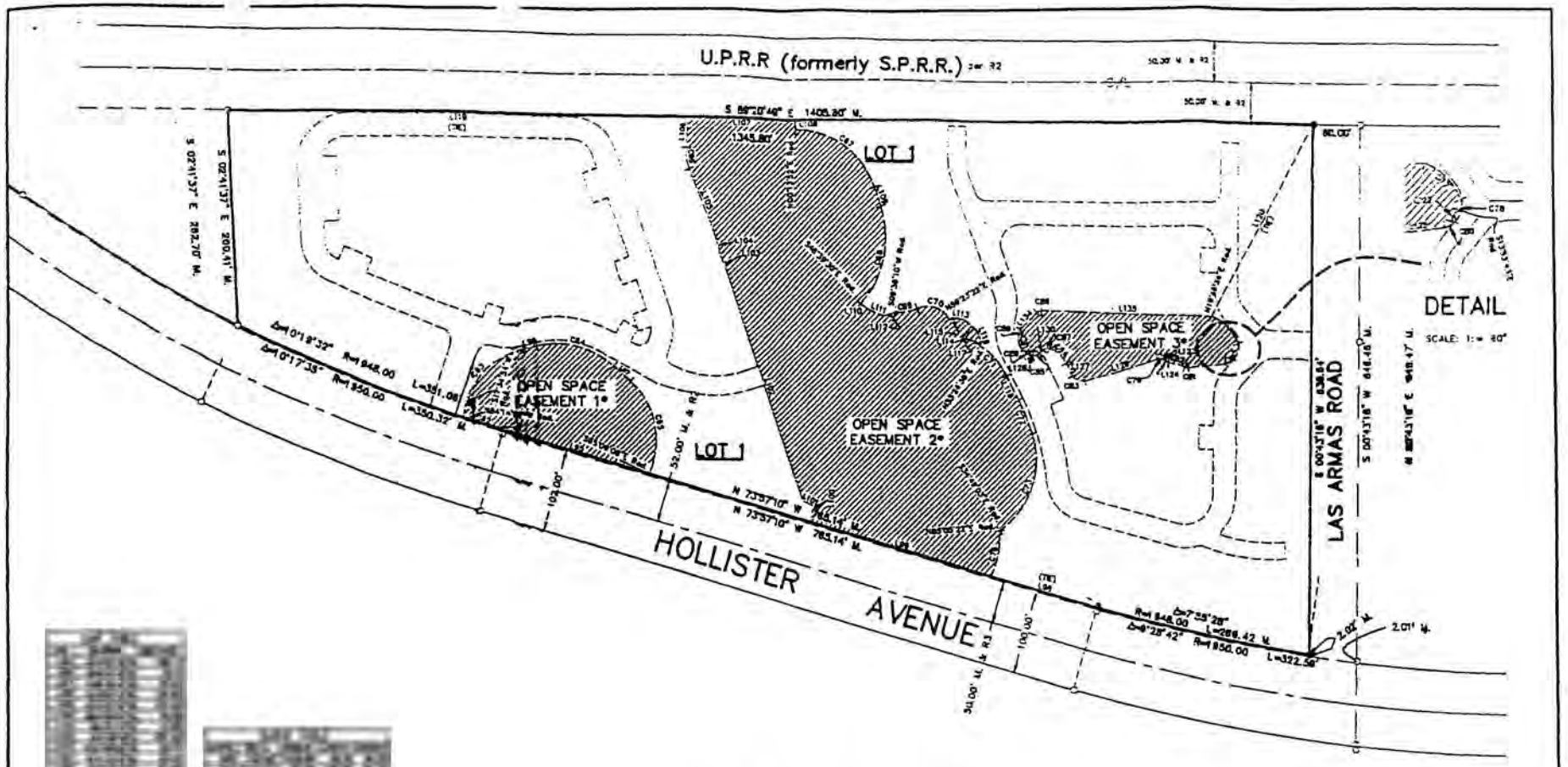
WATERS LAND SURVEYING, INC.
JOSEPH E. & BARRY J. WATERS
LICENSED LAND SURVEYORS
5553 HOLLISTER AVE.–STE 7&8
GOLETA, CALIFORNIA 93117
PHONE: (805) 967-4418

SCALE: 1"=80'

EXHIBIT "C"

LEGAL DESCRIPTION

All of Lot 1 of Tract No. 14,541, recorded February _____, 2002, in Book _____, Pages ____ through ____ of Maps, in the office of the County Recorder, County of Santa Barbara, State of California.



* OPEN SPACE EASEMENTS (FOR BIOLOGICAL HABITAT AND OPEN SPACE RESOURCES) TO THE COUNTY OF SANTA BARBARA BY SEPARATE DOCUMENT, RECORDED CONCURRENTLY AS INST.No. 2002-_____ O.R.

SEE SHEET 2 FOR BASIS OF BEARINGS AND LEGEND.

GRAPHIC SCALE

(IN FEET)
1 inch = 80 ft.

EXHIBIT "B"

OPEN SPACE EASEMENTS

TRACT No. 14,541

BEING A ONE LOT SUBDIVISION OF A PORTION "CANADA DE LAS ARMAS TRACT" OF CATHERINE M. BELL PER 12 MAS 39 IN AN UNINCORPORATED PORTION OF THE COUNTY OF SANTA BARBARA - STATE OF CALIFORNIA

~ DECEMBER 2001 ~

WATERS LAND SURVEYING, INC.
JOSEPH E. & BARRY J. WATERS
LICENSED LAND SURVEYORS
5553 HOLLISTER AVE.-STE 7&8
GOLETA, CALIFORNIA 93117
PHONE: (805) 967-4418

SCALE: 1"=80'

SHEET 4 OF 4 SHEETS

STATE OF CALIFORNIA—THE RESOURCES AGENCY

PETE WILSON, Governor

CALIFORNIA COASTAL COMMISSION

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

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

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

SECTION I. Appellant(s)

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

THE CITY OF GOLETA AND MARGARET CONNELL, JEAN BLOIS, CYNTHIA BROCK, JACK HAWXHURST AND JONNY WALLIS, AS INDIVIDUALS AND RESIDENTS OF THE CITY OF GOLETA; P.O. BOX 250, GOLETA, CA (805) 961-8951

Zip 93116 Area Code Phone No.

SECTION II. Decision Being Appealed

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

2. Brief description of development being appealed: 109-UNIT CONDOMINIUM PROJECT KNOWN AS "THE RESIDENCES AT SANDPIPER"

3. Development's location (street address, assessor's parcel no., cross street, etc.): NORTH SIDE OF HOLLISTER AVENUE AND WEST OF LAS ARMAS ROAD, GOLETA; APN: 079-210-049

4. Description of decision being appealed:

a. Approval; no special conditions: _____

b. Approval with special conditions: X

c. Denial: _____

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

TO BE COMPLETED BY COMMISSION:

APPEAL NO: _____

DATE FILED: _____

DISTRICT: _____

H5: 4/88

RECEIVED
JUN 10 2002
CALIFORNIA COASTAL COMMISSION
SOUTH CENTRAL

EXHIBIT 6
A-4-STB-02-145
Appeal

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

a. X Planning Director/Zoning Administrator

b. __City Council/Board of Supervisors

c. __Planning Commission

d. __Other_____

6. Date of local government's decision: May 23, 2002

7. Local government's file number (if any): 01CDP-00000-00150

SECTION III. Identification of Other Interested Persons

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

a. Name and mailing address of permit applicant:
OLY CHADMAR SANDPIPER GENERAL PARTNERSHIP
c/o THE CHADMAR GROUP; 1933 CLIFF DRIVE, SUITE 6
SANTA BARBARA, CA 93109

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

(1) (SEE ATTACHED LIST)

(2)

(3)

(4)

SECTION IV. Reasons Supporting This Appeal

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

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

(SEE ATTACHED APPEAL)

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

SECTION V. Certification

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

Donald M. Davis

Signature of Appellant(s) or Authorized Agent

Date June 7, 2002

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

Section VI. Agent Authorization

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

_____

Signature of Appellant(s)

Date _____

Service List of Interested Persons

Allied Protective & Improvement Association
Lee Moldaver, President
P.O. Box 22854
Santa Barbara, CA 93121

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

Bowie, Arneson, Kadi, Wiles & Giannone
William J. Kadi
Robert E. Anslow
4920 Campus Drive
Newport Beach, CA 92660

California Native Plant Society
Dave Magney
P.O. Box 1346
Ojai, CA 93024

California Environmental Protection Agency
Guenther W. Moskat, Chief
Planning & Environmental Analysis Section
1001 I Street, 25th Floor
Sacramento, CA 95812-0806

Caltrans
Lawrence Newland
50 Higuera Street
San Luis Obispo, CA 93401

Citizens for Goleta Valley
Mike Wondolowski
P.O. Box 1564
Goleta, CA 93116

Citizens Planning Association
Tim Allison
916 Anacapa Street
Santa Barbara, CA 93101

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

Community Environmental Council
Bud Laurent, Director
930 Miramonte Drive
Santa Barbara, CA 93109

Department of Fish & Game
Environmental Services
330 Golden Shore, Suite 50
Long Beach, CA 90802

Environmental Defense Center
906 Garden Street, Suite 2
Santa Barbara, CA 93101

Friends of Ellwood Coast
P.O. Box 80456
Goleta, CA 93117

Kathy Gebhardt
7650 Newport Drive
Goleta, CA 93117

Goleta Beautiful
Sam Alfano
P.O. Box 6756
Santa Barbara, CA 93160

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

Goleta Valley Chamber of Commerce
Bob Pool
P.O. Box 781
Goleta, CA 93116

Goleta Valley Community Center
Marge Deavers
5679 Hollister Avenue
Goleta, CA 93117

Jeff Haight
7635 Anchor Drive
Goleta, CA 93117

Heal the Ocean
P.O. Box 90106
Santa Barbara, CA 93190

Hollister & Brace
Richard Monk
1126 Santa Barbara Street
Santa Barbara, CA 93101

Land Trust for Santa Barbara County
Michael Feeney, Director
P.O. Box 91830
Santa Barbara, CA 93190

Chris Lange
209 W. Valerio, #1
Santa Barbara, CA 93101

League of Conservation Voters
Greg Helms
P.O. Box 702
Santa Barbara, CA 93102

League of Women Voters
Bev King
328 E. Carrillo Street, Suite A
Santa Barbara, CA 93101

David Marx
55 S. La Cumbre Road, #15
Santa Barbara, CA 93105

Barbara Massey
7912 Winchester Circle
Goleta, CA 93117

Office of Budget & Planning
Aeryn Richmonde
University of California
Santa Barbara, CA 93106

Public Utilities Commission
107 S. Broadway
Los Angeles, CA 90012

Reliant Resources
Brian McQuown
7251 Amigos Street, Suite 120
Las Vegas, NV 89119

Santa Barbara Association of Realtors
Zena Drewisch
Executive Officer
1415 Chapala Street
Santa Barbara, CA 93101

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

Santa Barbara Shores Homeowners Association
P.O. Box 8222
Goleta, CA 93118

Santa Barbara Urban Creeks Council
P.O. Box 1083
Carpinteria, CA 93014-1083

Santa Barbara Urban Creeks Council
Wanda Michalenko, President
751 Olive Avenue
Carpinteria, CA 93013

Save Ellwood Shores
Mike Wondolowski
P.O. Box 2414
Goleta, CA 93117

Southern Pacific Railroad
209 State Street
Santa Barbara, CA 93101

Mary Reichel
Tynan Group, Inc.
2927 De La Vina Street
Santa Barbara, CA 93105

UCSB Herbarium
Wayne Ferren
University of California
Santa Barbara, CA 93106

US Army Crops of Engineers
Ventura Field Office
2151 Alessandro Drive, Suite 255
Ventura, CA 93001

US Fish & Wildlife Service
2493 Portola Road, Suite B
Ventura, CA 93003

SELECTED PARCELS FROM CASE NO. 01CDP-00150

01CDP-00150 079-010-05
SOUTHERN PAC CO

01CDP-00150 079-010-06
SOUTHERN PAC CO

01CDP-00150 079-090-20
DEHLSEN JAMES G P/DEANNA C TRUSTE
DEHLSEN FAM TR 9/28/87
7985 ARMAS CANYON RD
GOLETA CA 93117

01CDP-00150 079-120-12
LOPEZ RODRIGO/ISABEL G TRUSTEES
LOPEZ FAM TR
PO BOX 481
MONTECITO CA 93108

01CDP-00150 079-120-63
HOOSH-LIN INVESTMENT COMPANY
930 CANON RD
SANTA BARBARA CA 93110

01CDP-00150 079-120-64
RDPH PROPERTIES INC
CO PHIL HOHNSTEIN
23704-5 EL TORO RD
LAKE FOREST CA 92630

01CDP-00150 079-120-71
PRICE TOM
42 N FAIRVIEW AVE
GOLETA CA 93117

01CDP-00150 079-120-72
PRICE TOM
42 N FAIRVIEW AVE
GOLETA CA 93117

01CDP-00150 079-210-03
RELIANT ENERGY ELLWOOD LLC
ATTN RICHARD STEVENS
PO BOX 1475
HOUSTON TX 77251

01CDP-00150 079-210-03
CURRENT OCCUPANT

01CDP-00150 079-210-48
S PIPER CORPORATION
CO SANDPIPER GTA DEVELOPMENT
14 N ADGERS WHARF
CHARLESTON SC 29401

01CDP-00150 079-210-48
CURRENT OCCUPANT
7952 HOLLISTER AVE
GOLETA CA 93117

01CDP-00150 079-210-49
OLY CHADMAR SANDPIPER GENERAL PAR
CO CHADMAR INC
2716 OCEAN PK BLVD # 30
SANTA MONICA CA 90405

01CDP-00150 079-210-49
CURRENT OCCUPANT
HOLLISTER AVE

SELECTED PARCELS FROM CASE NO. 01CDP-00150

01CDP-00150 079-210-53
RELIANT ENERGY ELLWOOD LLC
PO BX 800
ROSEMEAD CA 91770

01CDP-00150 079-210-54
DIXON H OLIVER
6021 HOLLISTER AVE
GOLETA CA 93117

01CDP-00150 079-210-56
DELWICHE FAMILY TRUST 12/30/99
DELWICHE, JOHN V
1114 STATE ST STE 256
SANTA BARBARA CA 93101

01CDP-00150 079-210-56
CURRENT OCCUPANT
7780 HOLLISTER AVE
GOLETA CA 93117

01CDP-00150 079-210-57
DIXON H OLIVER
6021 HOLLISTER AVE
GOLETA CA 93117

01CDP-00150 079-210-59
SANDPIPER-GOLF TRUST
ATTN SCOTT D PETERS
14 N ADGERS WHARF
CHARLESTON SC 29401

01CDP-00150 079-210-59
CURRENT OCCUPANT
7925 HOLLISTER AVE
GOLETA CA 93117

01CDP-00150 079-210-67
COUNTY OF SANTA BARBARA
CO REAL PROP DIVISION
123 E ANAPAMU ST
SANTA BARBARA CA 93101

01CDP-00150 079-210-67
CURRENT OCCUPANT

01CDP-00150 079-710-01
ZHANG JIN-PING/DE-JIE LI
7956 WINCHESTER CIR
GOLETA CA 93117

01CDP-00150 079-710-02
OCONNOR BRIAN/DONNA
7954 WINCHESTER CIR
GOLETA CA 93117

01CDP-00150 079-710-03
VANDERVORT KEVIN L/PAMELA J
7952 WINCHESTER CIR
GOLETA CA 93117

01CDP-00150 079-710-04
NORMAN MARVIN G/PATRICIA A
7950 WINCHESTER CIR
GOLETA CA 93117

01CDP-00150 079-710-05
MONROE, DANAE L
MONROE, JOHN J
7948 WINCHESTER CIR
GOLETA CA 93117

SELECTED PARCELS FROM CASE NO. 01CDP-00150

01CDP-00150 079-710-06
CREGAN J GERARD
7946 WINCHESTER CIR
GOLETA CA 93117

01CDP-00150 079-710-07
SCOTT FAMILY REVOCABLE TRUST
SCOTT, CYNTHIA MARIE TRUSTEE
7944 WINCHESTER CYN RD
GOLETA CA 93117

01CDP-00150 079-710-08
MATHIAS, ECKART
MATHIAS, MARY C
7942 WINCHESTER CIR
GOLETA CA 93117

01CDP-00150 079-710-09
THOMAS & ELIZABETH KOCH FAMILY TR
4/98
7940 WINCHESTER CIR
GOLETA CA 93117

01CDP-00150 079-710-10
SHERWOOD MILDRED JEANNETTE TRUSTE
LEVENSON JEANNETTE S GRANDCH
1197 EDWARD PL
GOLETA CA 93117

01CDP-00150 079-710-11
PARK FAMILY TRUST
PARK, ANTHONY J TRUSTEE
7936 WINCHESTER CIR
GOLETA CA 93117

01CDP-00150 079-710-12
BRUNNER DEAN R/PENNY S
6778 PASADO DR
GOLETA CA 93117

01CDP-00150 079-710-13
BERG JANET MARILYN
7930 WINCHESTER CIR
GOLETA CA 93117

01CDP-00150 079-710-14
NESBITT, FRANK & DOROTHY LIVING T
NESBITT, DOROTHY D TRUSTEE
7928 WINCHESTER CIRCLE
GOLETA CA 93117

01CDP-00150 079-710-15
CHAPMAN GEORGE B/CHERYL R
7926 WINCHESTER CIR
GOLETA CA 93117

01CDP-00150 079-710-16
ARROYO VISTA PARTNERS
CO BOB YARI
10850 WILSHIRE BLVD #750
LOS ANGELES CA 90024

01CDP-00150 079-710-20
HALIMI NAJIBULLAH/BIBI GULA
7925 WINCHESTER CIR
GOLETA CA 93117

01CDP-00150 079-710-21
KIMMEL PAUL/CYNTHIA
7929 WINCHESTER CIR
GOLETA CA 93117

01CDP-00150 079-710-22
SPIEGEL GARY/JANET K WILLIAMS
7933 WINCHESTER CIR
GOLETA CA 93117

SELECTED PARCELS FROM CASE NO. 01CDP-00150

01CDP-00150 079-710-23
ALPHIN G W MARVIN/CLAUDIA RAE
7945 WINCHESTER CIR
GOLETA CA 93117

01CDP-00150 079-710-24
KRESSIN ROBERT R/DOROTHY A
7949 WINCHESTER CIR
GOLETA CA 93117

01CDP-00150 079-710-25
CHAN FRANCIS K/VELMA S
7951 WINCHESTER CIR
GOLETA CA 93117

01CDP-00150 079-710-26
UYESAKA, DENISE
UYESAKA, JEFFREY
11 ARROYO VISTA DR
GOLETA CA 93117

01CDP-00150 079-710-27
SHAIKH AYESHA TRUSTEE
SHAIKH FAM TR 12/28/90
525 BROSIAN WAY
SANTA BARBARA CA 93109

01CDP-00150 079-710-28
LITTLEJOHN CHRISTOPHER/M MONIQUE
19 ARROYO VISTA DR
GOLETA CA 93117

01CDP-00150 079-710-29
CHRISTENSEN-CALHOUN FAMILY LIVING
CALHOUN, THOMAS C TRUSTEE
23 ARROYO VISTA DR
GOLETA CA 93117

01CDP-00150 079-710-30
GRANT NORMAN W/TEENA R TRUSTEES
GRANT FAM TR
27 ARROYO VISTA DR
GOLETA CA 93117

01CDP-00150 079-710-31
REID, MATT
REID, SANDY
31 ARROYO VISTA DR
GOLETA CA 93117

01CDP-00150 079-710-32
FENG YUE ZHONG/XUE HUA WU
35 ARROYO VISTA DR
GOLETA CA 93117

01CDP-00150 079-710-33
BIECK BRIAN D
39 ARROYO VISTA DR
GOLETA CA 93117

01CDP-00150 079-710-34
LIPP KIM
43 ARROYO VISTA DR
GOLETA CA 93117

01CDP-00150 079-710-35
GOMEZ GABRIELLA/JOSE LUIS
47 ARROYO VISTA DR
GOLETA CA 93117

01CDP-00150 079-710-36
SHANNON LEONARD/NETTA
46 ARROYO VISTA DR
GOLETA CA 93117

SELECTED PARCELS FROM CASE NO. 01CDP-00150

01CDP-00150 079-710-37
MIHALIC STEPHEN/MARGO
42 ARROYO VISTA DR
GOLETA CA 93117

01CDP-00150 079-710-38
SPINNER ROBERT W/SONJA L TRUSTEES
SPINNER FAM TR 10/25/96
36 ARROYO VISTA DR
GOLETA CA 93117

01CDP-00150 079-710-39
FRIED, DENNIS K
32 ARROYO VISTA DR
GOLETA CA 93117

01CDP-00150 079-710-40
CHAVARRIA JESSE EDDIE/ELYSSA RODR
28 ARROYO VISTA DR
GOLETA CA 93117

01CDP-00150 079-710-41
WELCH, HERBERT D
26 ARROYO VISTA DR
GOLETA CA 93117

01CDP-00150 079-710-42
SHELDON JOHN C
24 ARROYO VISTA DR
GOLETA CA 93117

01CDP-00150 079-710-43
SIEVER, BRYAN T
SIEVER, NORMA A
18 ARROYO VISTA DR
GOLETA CA 93117

01CDP-00150 079-710-44
MENDEZ HUGO F/CONCEPCION
75 TOURAN LN
GOLETA CA 93117

01CDP-00150 079-710-45
LOPEZ NICOLE A
77 TOURAN LN
GOLETA CA 93117

01CDP-00150 079-710-46
SCHULTZ TRENT M/SONIA
79 TOURAN LN
GOLETA CA 93117

01CDP-00150 079-710-47
MEEKS MITCHELL G
81 TOURAN LN
GOLETA CA 93117

01CDP-00150 079-710-48
LIN LORI
LIN SAM TA-CHUN
83 TOURAN LN
GOLETA CA 93117

01CDP-00150 079-710-53
WINCHESTER COMMONS HOMEOWNERS ASS
CO TOWN AND COUNRTY PROPERTY
5669 CALLE REAL
GOLETA CA 93117

01CDP-00150 079-710-54
WINCHESTER COMMONS HOMEOWNERS ASS
CO TOWN AND COUNRTY PROPERTY
5669 CALLE REAL
GOLETA CA 93117

SELECTED PARCELS FROM CASE NO. 01CDP-00150

01CDP-00150 079-710-55
WINCHESTER COMMONS HOMEOWNERS ASS
CO TOWN AND COUNRTY PROPERTY
5669 CALLE REAL
GOLETA CA 93117

01CDP-00150 079-730-07
ARROYO VISTA PARTNERS
CO BOB YARI
10850 WILSHIRE BLVD #750
LOS ANGELES CA 90024

01CDP-00150 079-730-08
SALKOLA MARKKU/MIMI
56 TOURAN LN
GOLETA CA 93117

01CDP-00150 079-730-09
KING FAMILY TRUST
KING, TERRI S TRUSTEE
1426 LAGUNA
SANTA BARBARA CA 93102

01CDP-00150 079-730-10
SULPIZIO THOMAS E
52 TOURAN LN
GOLETA CA 93117

01CDP-00150 079-730-11
JOHNSON, MICHAEL A
50 TOURAN LN
GOLETA CA 93117

01CDP-00150 079-730-12
FINK, PETER T
48 TOURAN LANE
GOLETA CA 93117

01CDP-00150 079-730-13
BUSTOS, REYNALDO
BUSTOS, GLORIA
46 TOURAN LN
GOLETA CA 93117

01CDP-00150 079-730-14
MANUEL, EDISON L
CADORNA-MANUEL, OLIVA C
44 TOURAN LN
GOLETA CA 93117

01CDP-00150 079-730-15
CLARK ANDY L/ANNE E
42 TOURAN LN
GOLETA CA 93117

01CDP-00150 079-730-16
WEG/FBG TRUST
GRAY, WALTER E TRUSTEE
40 TOURAN LN
GOLETA CA 93117

01CDP-00150 079-730-17
CARR EDWARD/ANDREA
38 TOURAN LN
GOLETA CA 93117

01CDP-00150 079-730-18
PUPPO, BRIAN JOSEPH
PUPPO, RICK JOSEPH
36 TOURAN LN
GOLETA CA 93117

01CDP-00150 079-730-19
CHO, YOON CHUL
LEE, CHI H
32 TOURAN LN
GOLETA CA 93117

SELECTED PARCELS FROM CASE NO. 01CDP-00150

01CDP-00150 079-730-20
LARAZOLO GASPAR G/DEBORAH N
28 TOURAN LN
GOLETA CA 93117

01CDP-00150 079-730-21
MILLIGIN JAMES EDWARD/JULIE
REGAN DANIEL
24 TOURAN LN
GOLETA CA 93117

01CDP-00150 079-730-22
RICHLI WILLIAM RUDOLPH
CLARK RAMONA RICHLI
1250 MESA RD
SANTA BARBARA CA 93108

01CDP-00150 079-730-23
TING TEI-YANG PETER/LI-CHUAN
142 AVALON DR
LOS ALTOS CA 94022

01CDP-00150 079-730-24
COOPER, ALAN B
COOPER, PATRICIA P
12 TOURAN LN
GOLETA CA 93117

01CDP-00150 079-730-25
DHILLON, HARINDER SINGH
94 SOMMER LN
GOLETA CA 93117

01CDP-00150 079-730-26
SHELDON JOHN G/JILL K
24 ARROYO VISTA DR
GOLETA CA 93117

01CDP-00150 079-730-27
SHAHEEN NAZEEH J/ROSARIO C
19 TOURAN LN
GOLETA CA 93117

01CDP-00150 079-730-28
PETERSON RICHARD ROSS/RACHEL
27102 BREAKERS COVE
VALENCIA CA 91355

01CDP-00150 079-730-29
DURBECK DANIEL E/SUZANNE S
PO BOX 62140
SANTA BARBARA CA 93160

01CDP-00150 079-730-30
DAVIS BRET E
49 TOURAN LN
GOLETA CA 93117

01CDP-00150 079-730-31
WELLS MARK E/JANE M
51 TOURAN LN
GOLETA CA 93117

01CDP-00150 079-730-32
SHERTZER AMY LYNN/SANFORD LEE
53 TOURAN LN
GOLETA CA 93117

01CDP-00150 079-730-33
STEWART STEVEN M/DEBRA S
55 TOURAN LN
GOLETA CA 93117

SELECTED PARCELS FROM CASE NO. 01CDP-00150

01CDP-00150 079-730-34
FOCHT, MARLIN W
FOCHT, DIANE M
57 TOURAN LN
GOLETA CA 93117

01CDP-00150 079-730-35
BRAID, JOHN
BRAID, JOVITA
59 TOURAN LN
GOLETA CA 93117

01CDP-00150 079-730-36
BRAGG, DAVID C
BRAGG, JULIE E
71 TOURAN LN
GOLETA CA 93117

01CDP-00150 079-730-37
HERRERA ORLANDO A/JANE K
73 TOURAN LN
GOLETA CA 93117

01CDP-00150 079-730-38
WINCHESTER COMMONS HOMEOWNERS ASS
5669 CALLE REAL
GOLETA CA 93117

01CDP-00150 079-730-39
WINCHESTER COMMONS HOMEOWNERS ASS
CO TOWN N COUNTRY PROP MGMT
5669 CALLE REAL
GOLETA CA 93117

01CDP-00150 579-120-01
PEREZ ALBERTO/LOURDES
30 WINCHESTER CYN 1
GOLETA CA 93117

01CDP-00150 579-120-02
MARCOZ DANA C
30 WINCHESTER CYN 2
GOLETA CA 93117

01CDP-00150 579-120-03
JOHNSON MARK H/JEANNE
30 WINCHESTER CYN 3
GOLETA CA 93117

01CDP-00150 579-120-04
GEHLE ADA BLOUD/EDWARD L
30 WINCHESTER CYN 4
GOLETA CA 93117

01CDP-00150 579-120-05
PICO HARRY B/MARY H J
30 WINCHESTER CYN 5
GOLETA CA 93117

01CDP-00150 579-120-56
CLANCY BERNARD A
30 WINCHESTER CYN 56
GOLETA CA 93117

01CDP-00150 579-120-57
PROCUNIER MICHAELA
30 WINCHESTER CYN 57
GOLETA CA 93117

01CDP-00150 579-120-58
ONEAL RUTH B/CHARLES
30 WINCHESTER CYN 58
GOLETA CA 93117

SELECTED PARCELS FROM CASE NO. 01CDP-00150

01CDP-00150 BRADLEY CARLTON A/R 30 WINCHESTER CYN 59 GOLETA CA 93117	579-120-59	01CDP-00150 UNRUH EDMUND/VALDA 30 WINCHESTER CYN 60 GOLETA CA 93117	579-120-60
01CDP-00150 RENNIE SYLVIA C 30 WINCHESTER CYN 61 GOLETA CA 93117	579-120-61	01CDP-00150 HATLER HURLBERT LEE HATLER SUE 30 WINCHESTER CYN RD GOLETA CA 93117	579-120-62
01CDP-00150 JARZMIK CHESTER J 30 WINCHESTER CYN 63 GOLETA CA 93117	579-120-63	01CDP-00150 WEBER CHARLES WILLIAM 30 WINCHESTER CYN 64 GOLETA CA 93117	579-120-64
01CDP-00150 LINDBERG DOVIE LOUISE 30 WINCHESTER CYN 65 GOLETA CA 93117	579-120-65	01CDP-00150 PESOLA FRED PAUL 30 WINCHESTER CYN 66 GOLETA CA 93117	579-120-66
01CDP-00150 STAGGS DEANNA 30 WINCHESTER CYN 67 GOLETA CA 93117	579-120-67	01CDP-00150 KELLY PAUL J/STAATS I CO KAY C KELLY 401 OCEAN VIEW AVE SANTA CRUZ CA 95062	579-120-68
01CDP-00150 ESCOVEDO LEOPOLD J 30 WINCHESTER CYN 69 GOLETA CA 93117	579-120-69	01CDP-00150 DEINES ROBERT E 30 WINCHESTER CYN 70 GOLETA CA 93117	579-120-70
01CDP-00150 HAVILL JOE JIM/SHARON 30 WINCHESTER CYN 71 GOLETA CA 93117	579-120-71	01CDP-00150 DEMILIO D C 30 WINCHESTER CYN 72 GOLETA CA 93117	579-120-72

SELECTED PARCELS FROM CASE NO. 01CDP-00150

01CDP-00150 NEILSON WILLIAM C 30 WINCHESTER CYN 73 GOLETA CA 93117	579-120-73	01CDP-00150 CROCKETT NEIL HUGH 30 WINCHESTER CYN 74 GOLETA CA 93117	579-120-74
01CDP-00150 PEACOCK DARLENE M 30 WINCHESTER CYN 75 GOLETA CA 93117	579-120-75	01CDP-00150 BERG DARLENE 30 WINCHESTER CYN 79 GOLETA CA 93117	579-120-79
01CDP-00150 SCANLAN NORMAN C 30 WINCHESTER CYN 80 GOLETA CA 93117	579-120-80	01CDP-00150 GODWIN BARBARA 30 WINCHESTER CYN 81 GOLETA CA 93117	579-120-81
01CDP-00150 ZAMOS SEYMOUR S 30 WINCHESTER CYN 84 GOLETA CA 93117	579-120-84	01CDP-00150 PETERSON RAYMOND W 30 WINCHESTER CYN 85 GOLETA CA 93117	579-120-85
01CDP-00150 JUDD DONALD K/JUDITH 30 WINCHESTER CYN 86 GOLETA CA 93117	579-120-86	01CDP-00150 ROSALES ROY 30 WINCHESTER CYN 91 GOLETA CA 93117	579-120-91

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CITY OF GOLETA
MARGARET CONNELL, JEAN BLOIS,
CYNTHIA BROCK, JACK HAWXHURST AND
JONNY WALLIS

APPEAL TO THE CALIFORNIA COASTAL COMMISSION

Re: Residences at Sandpiper, Goleta, California
Coastal Development Permit (01CDP-00000-00150)

I.

INTRODUCTION

The City of Goleta ("City") and Margaret Connell, Jean Blois,[1] Cynthia Brock, Jack Hawxhurst and Jonny Wallis as individuals and residents of the City of Goleta[2] hereby appeal to the California Coastal Commission ("Commission") the purported approval by the County of Santa Barbara ("County") of a Coastal Development Permit ("CDP") for a 109-unit condominium project known as the Residences at Sandpiper ("Sandpiper Project" or "Project") located entirely within the territorial boundaries of the City of Goleta. Appellants respectfully request that the Commission review the procedural history and administrative record regarding this Project and sustain this appeal on the grounds that (1) the County no longer has the authority to issue any coastal development permits within the jurisdiction of the City, and (2) the proposed CDP violates the California Coastal Act ("Coastal Act") and the County's Local Coastal Plan ("County LCP") that had previously been in effect prior to incorporation of the new City of Goleta.

[1] Jean Blois joins in this appeal solely with respect to the issue of whether the County has authority to issue a CDP within the territory of the City of Goleta, either independently or at the direction of the Commission, subsequent to the incorporation of the City.

[2] The five named individuals are also the duly elected members of the Goleta City Council.

II.

BACKGROUND

This appeal presents a textbook example of the negative environmental, jurisdictional, planning and policy consequences that arise when, after being put on notice that the residents of the community intend to create a new city, a developer proposes and attempts to expedite the processing of a large coastal development project in order to avoid discretionary review by the elected representatives of the people most directly affected by such project.

Proponents for the creation of the City of Goleta began circulating their incorporation petition on July 4, 1999. Five months later, on November 18, 1999, the developer filed an application for the Sandpiper Project. That application was not deemed complete by the County until January 7, 2000. The Project site is located at northern "gateway" of the City across from a City park and a private golf course with expansive coastal views. On October 31, 2001, one week prior to the Goleta incorporation election, the Santa Barbara County Planning Commission, approved, among other things, a vesting tentative map and development plan for the Project despite the request by Commission staff to delay processing due to the inadequate analysis of numerous potential environmental impacts along with concerns regarding the Project's inconsistency with County LCP policies.

These approvals did not take effect, however, because they were appealed to the County Board of Supervisors. On January 15, 2002, the Santa Barbara County Board of Supervisors, contrary to the specific request of the newly elected but still unofficial representatives of the new City of Goleta, denied the appeal and proceeded to approve the Project with some additional modifications to the terms and conditions of approval (collectively, the "Discretionary Approvals"). The Discretionary Approvals were appealed to the Commission by private citizens, but before the appeal could be heard by the Commission, the Project's developer and the appellants entered into a confidential settlement agreement and the appeal was withdrawn.

The effective date of incorporation for the City of Goleta was February 1, 2002. As required by law, one of the first acts of the City Council was to adopt all of the existing ordinances and resolutions of the County applicable within the jurisdiction of the

new City, including relevant portions of the County's General Plan and the County LCP. In response to a request for a written opinion from the City as to whether the applicable portions of the certified County LCP constituted a valid LCP for the City, Ralph Faust, the Commission's Chief Counsel, opined in a letter dated March 26, 2002 that:

> "When Goleta incorporated, the County ceased to have authority to approve development in the City. Therefore, the delegation of authority to the County to issue coastal development permits is no longer valid within the City limits. Similarly, within the City limits, the County LCP no longer applies. Because the delegation of permitting authority to the County is no longer valid for development within the City limits, the authority to issue coastal development permits in this area has reverted to the Coastal Commission."

On April 17, 2002, a County planner sent a letter to the Goleta City Attorney regarding final map clearance for the Project, which stated in part,

> "County Counsel has advised P&D staff that it is your office that must confirm compliance with conditions of approval wherever conditions require legal review."

The City Attorney was informed at a meeting with the County planning staff in early May 2002 that the County was nearing completion of its review of the Sandpiper Project and would be issuing a Notice of Intent to Issue a Final CDP ("Notice") very shortly. The Notice was issued and posted without review by the City Attorney's office or the City on May 14, 2002. The Notice stated that the County, acting independently as the County and not on behalf of the City, intended to approve a CDP for the Sandpiper Project. After extended discussions and correspondence among the City Attorney's office, County staff and counsel for the Commission, the County re-posted the Notice on May 24, 2002. In its corrected Notice ("Corrected Notice"), below the caption the County inserted the following language:

> "This notice is given and the CDP will be issued by the County of Santa Barbara acting on behalf of the City of Goleta and pursuant to direction from the California Coastal Commission."

III.

SUMMARY OF APPEAL

The purported attempt by the County to issue a CDP for this Project whether on behalf of the City of Goleta or independently of it, constitutes an *ultra vires* act. County employees, acting as City staff, have no power to issue a CDP because the Commission's Chief Counsel has determined that the City has no certified LCP and is therefore without power to issue a CDP. The County has no independent legal jurisdiction to issue a CDP within the City of Goleta predicated on the County's existing LCP, because such an act would be an improper usurpation of the City's police power to regulate land uses. Thus, the County cannot issue a CDP for property within the City, either independently or on behalf of the City, at the present time.

Because the Commission's Chief Counsel has opined that there is no certified LCP in effect within the City, no local governmental entity can issue a CDP. As such, under Public Resources Code section 30600(c), the only agency authorized to issue a CDP is the Commission.

Further, in addition to overstepping its police power authority by attempting to issue a CDP within the territorial jurisdiction of the City and later by purporting to issue it on behalf of the City, the County erred and abused its substantive discretion by determining that the Project conformed with the now de-certified portion of the County LCP and the Coastal Act.

Specifically, the Project is not compatible with the established physical scale of the area. The immediate vicinity of the Project site is characterized by open space, trees and fields and views of the mountains to the North and East and the ocean and Channel Islands to the West. The proposed Project would change the public view to rows of tightly spaced, two-story structures with the only buffer between such structures and the City' s primary thoroughfare, Hollister Avenue, being a short expanse of landscaping that will actually be planted, in part, within the City's right-of-way.

The Project does not maintain and enhance public access to the coast because it lacks sufficient on-site parking which may result in residents and visitors parking at other locations in the vicinity, including the parking lot of the City's Santa Barbara Shores Park, thereby interfering with public coastal access.

The Project fails to provide adequate active recreational areas within the Project site. The Project design is a dense urban form of development. The open spaces within the Project are virtually all designated wetland and ESHA areas or are buffers protecting such areas and therefore active recreation is prohibited in such areas. As a result, residents will most likely be forced to actively recreate off-site thereby negatively impacting coastal recreational areas such as the adjacent Santa Barbara Shores Park.

Finally, as the proposed Project contemplates development within wetland and ESHA areas or buffers for such areas, it violates other provisions of the Coastal Act and the County LCP that was formerly in effect for the site.

For the reasons set forth herein, appellants respectfully request that the Commission take the following actions: (1) void the County's approval of a CDP for the Sandpiper Project on the grounds that the County has no authority to issue a CDP within the territorial limits of the City; (2) determine that the County's previous Discretionary Approvals violate the Coastal Act and the County LCP formerly in effect, and overturn those approvals because the County's findings were not based on the evidence in the record; and (3) require the Project's developer to submit and process a CDP application with the Commission if such developer desires to continue to pursue the Project.

IV.

VIOLATIONS OF LOCAL POLICE POWER, THE COASTAL ACT AND THE DE-CERTIFIED LOCAL COASTAL PLAN

A. The County Is Not Authorized To Issue A Coastal Development Permit Within The City of Goleta.

In response to a request for a written opinion from the City as to whether the applicable portions of the certified County LCP constituted a valid LCP for the City, Ralph Faust, the Commission's Chief Counsel, opined in a letter dated March 26, 2002 that:

> "When Goleta incorporated, the County ceased to have authority to approve development in the City. Therefore, the delegation of authority to the County to issue coastal development permits is no longer valid within the City limits. Similarly, within the City limits, the County LCP no longer applies. Because the delegation of permitting authority to the County is no longer valid for development within the City limits, the authority to issue coastal development permits in this area has reverted to the Coastal Commission."[3]

In issuing this opinion, the Chief Counsel recognized that as a matter of law one of the consequences of the incorporation was that the power to control land use decisions within the territorial limits of the City was now vested in the City. Although the Legislature has authorized the Commission to delegate the authority to issue coastal development permits to the local government that has land use jurisdiction over areas within the coastal zone, according to the Chief Counsel's letter, it apparently has been a long-standing policy of the Commission to require that a newly incorporated city go through the regular LCP submittal process rather than automatically certifying the portion of a previously certified LCP as the LCP for the new jurisdiction. As such, the Commission has effectively determined that the City portion of the County LCP has been severed and is no longer certified. Consequently, the City is apparently unable to issue a CDP. Under the same reasoning, the "delegation of authority to the County to issue coastal development permits is no longer valid within the City limits." This is so because

[3] *See* Attachment 1.

to the extent that the City portion of the County LCP has been severed there can be no certified LCP under which the County has the authority to issue a CDP.[4]

Based on conversations with Commission counsel and County planning staff, some individuals appear to be of the opinion that because the County granted the Discretionary Approvals for the Project in January shortly before the City's incorporation, the County can continue to process the CDP because the issuance of such permit is somehow merely a ministerial act. Such interpretation is erroneous as a matter of law. First, the issuance of a coastal development permit is a discretionary action subject to administrative mandamus under Code of Civil Procedure section 1094.5.[5] Even assuming, *arguendo*, that the County's issuance of the CDP is a "ministerial" action (similar to final map approval, the issuance of the building permit or a grading permit), all ministerial land use actions are within the exclusive jurisdiction of the City at this time.[6]

Moreover, as noted above, the County, based on the advice of County Counsel, has conceded that such ministerial actions can only be taken by the City and that all determinations as to whether the Project has complied with its conditions of approval are vested solely with the City. As such, the actions of the County in attempting to issue the subject CDP not only violate well established legal principles, but appear to be contrary to the advice of its legal counsel.

In sum, because the Commission has taken the position that there is no certified LCP in effect within the City of Goleta, and that the County no longer has authority to issue CDPs within the City and the City has no authority in that regard as well, then under Public Resources Code section 30600(c), it would appear that the only agency authorized to issue a CDP for the Sandpiper Project is the Commission. Accordingly, the

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[4] *See also* Government Code section 56887, which indicates that upon the incorporation of new city, a county is required to have an amendment to its local coastal program eliminating the territory of such newly incorporated city certified by the Commission. ["Any change of organization or reorganization may be conditionally approved by a local agency formation commission subject to the certification by the California Coastal Commission of an amendment to the local coastal program of a city or a county."]

[5] *Patterson v. Central Coast Reg'l Comm'n* (1976) 58 Cal.App.3d 833, 840-41.

purported approval of a CDP by the County as stated in the Corrected Notice is beyond the power of the County whether acting on its own behalf, on behalf of the City or at the direction of the Commission. As such, the Commission must sustain this appeal and direct the Project's developer to submit and process a CDP application with the Commission if such developer desires to continue to pursue the Project.

B. Incompatibility With Established Physical Scale And Character Of The Area.

The immediate vicinity of the Project site is characterized by open space, trees and fields and views of the mountains to the North and East and the ocean and Channel Islands to the West. The proposed Project would change the public view to rows of tightly spaced, twenty-four (24) foot high structures with the only buffer between such structures and the City' s primary thoroughfare, Hollister Avenue, being a short expanse of landscaping that will actually be planted, in part, within the City's right-of-way. Siting the development in such a manner will transform the character of this portion of Hollister Avenue, the gateway to the City, into a dense urban environment.

One of the reasons for incorporation of the City was to further establish Goleta's distinctive identity from both the City and County of Santa Barbara. There is much enthusiasm within the City for maintaining this distinction, in part, through architecture. The form of architecture approved by the County for the Project, however, is the stark white, red-tiled roof, Spanish Colonial Revival style associated with the City of Santa Barbara. Given the coastal location of the Project site at the edge of the City's urban/rural boundary, the design and scale of the Project should blend into and enhance the natural environment and rural character of the area -- not compete with it. Accordingly, the Project violates Public Resources Code section 30251 and County LCP Policy 4-4.

C. Conflicts With Public Access To The Coast.

In keeping with the dense urban design of the Project, the County approved modifications to its setback requirements reducing its standard twenty (20) foot front yard

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[6] See *Devita v. County of Napa* (1995) 9 Cal.4th 763, 782 [a city's power to control its own land use decisions derives from its inherent police power pursuant to article XI, section 7 of the California

set back to five feet thereby eliminating all private driveway parking at the Project. In addition, parking is to be prohibited on all internal roadways except for eighty-one (81) uncovered spaces scattered throughout the site in groups of five. Only twelve (12) such parking spaces are reserved for visitors.

While the public safety problems associated with the substandard twenty-eight (28) foot street width are slightly mitigated by the restrictions on street parking (assuming such restrictions are actively enforced by the home owners association), the on-site parking available at the Project is clearly inadequate for a development that consists of nearly 100 multi-bedroom units and the multiple cars and visitors attendant with such population. As street parking is also prohibited along the stretch of Hollister Avenue fronting the Project, it is reasonable to expect that many visitors to as well as residents of the Project will take advantage of the parking area at the City 's nearby Santa Barbara Shores Park, thereby interfering with access to one of the City's premiere coastal locations.

Additionally, for a Project of this size and scale, an insignificant amount of land is reserved for active recreational use. The open spaces within the Project are virtually all designated wetland and ESHA areas or buffers supposedly protecting such areas (which conflicts with and violates other policies as noted below) and as such, active recreation within these open spaces is prohibited. As a result, residents will most likely be forced to actively recreate off-site thereby further impacting coastal recreational areas such as the adjacent Santa Barbara Shores Park.

In sum, the inadequate amount of on-site parking and active recreation areas for a Project this large violates Public Resources Code section 30252.

D. Failure To Protect Environmentally Sensitive Habitat Areas.

That the Project site contains wetland, grassland and riparian resources is undisputed. However, the extent of the areas that are designated ESH and the protections that should be appropriately accorded has never been adequately analyzed or addressed. Correspondence from Commission staff in the administrative record indicates that staff had similarly concerns that appear to have been ignored in the rush to process this Project

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Constitution].

prior to the City's incorporation. For example, the site is known to be used by Monarch butterflies as a gathering site for basking and foraging. There is no credible evidence in the record that the proposed removal and thinning of the Eucalyptus groves on the site will not impact the viability of this habitat. Moreover, pursuant to Condition No. 13 of the County's Conditions of Approval, the responsibility for the restoration and maintenance of the critical open space areas of the site described above is delegated not to an independent third party, but to the home owners association.

Accordingly, in addition to the aforementioned issues, appellants hereby incorporate by reference all of the violations of the Coastal Act and County LCP raised by the Environmental Defense Center on behalf of the Citizens of Goleta Valley in its appeal to the Commission dated February 13, 2002, which is attached hereto as Attachment 2. Most significantly, these additional violations include, but are not limited to, the location of development within ESHA and required buffer areas.

CONCLUSION

As the first major development to come before the City Council and citizens of the newly incorporated City of Goleta, it is critical that both the process of approving a CDP for the Sandpiper Project and the Project approvals themselves comply with all applicable laws. As set forth herein, this regrettably has not been case. In the rush to process this Project numerous policies of the Coastal Act and the County LCP formerly in effect within the boundaries of the City have been violated, ultimately culminating in the *ultra vires* issuance of a CDP by the County. As the Sandpiper Project has never been formally reviewed by the Commission, now is the appropriate time to do so. Accordingly, appellants respectfully request that the Commission uphold this appeal for all of the reasons stated and direct the Project's developer to submit and process an application for a CDP with the Commission.

Dated: June 7, 2002

Respectfully submitted,

BURKE, WILLIAMS & SORENSEN, LLP

Donald M. Davis

Donald M. Davis

ATTACHMENT 1

(Commission Chief Counsel's letter dated 3/26/02)

STATE OF CALIFORNIA—THE RESOURCES AGENCY GRAY DAVIS, GOVERNOR

CALIFORNIA COASTAL COMMISSION
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CITY OF GOLETA
CALIFORNIA
MAR 28 2002
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March 26, 2002

Ed Wohlenberg, Goleta City Manager
City of Goleta
P.O. Box 250
Goleta, CA 93116

RE: *Jurisdiction to Issue Coastal Development Permits in the City of Goleta*

Dear Mr. Wohlenberg:

I am writing in response to the letter from Doreen Farr to Gary Timm dated March 11, 2002. Ms. Farr requested a written answer from the Coastal Commission to the question of whether the new City of Goleta, which incorporated in February 2002, has a valid Local Coastal Program ("LCP") in place at this time. We understand her question to be whether the applicable portions of the LCP certified for the County of Santa Barbara constitute a valid LCP for the City of Goleta.

The Commission's Senior Deputy Director, Chuck Damm, previously discussed this with members of the Goleta City Council. As Mr. Damm stated, the County of Santa Barbara LCP is *not* at this time a valid LCP for the new City of Goleta. Until the Coastal Commission certifies an LCP submitted by the City of Goleta, the City does not have authority to issue permits for development in the coastal zone that are required under the California Coastal Act (Public Resources Code section 30000 et seq.). This is consistent with advice that Coastal Commission staff has previously provided to local governments. For example, the *Local Assistance Notes*, Number 3, November 1987 states: "There is however, no provision to allow newly incorporated jurisdictions to simply adopt an existing certified LCP as the LCP for the new jurisdiction without going through the regular LCP submittal process." (Copy enclosed).

The Coastal Commission has never expressly delegated authority to issue permits for development in the coastal zone to the City of Goleta. In 1982, the Commission certified an LCP for the County of Santa Barbara that includes the area that is now the City of Goleta. When the County's LCP was certified the Coastal Commission expressly delegated, pursuant to Public Resources Act section 30519, *to the County of Santa Barbara* the authority to issue permits authorizing development in the area that is now the City of Goleta. There is no provision in the law for the automatic transfer of this authority to the City. Therefore, the City does not, simply by virtue of its incorporation, acquire the authority to issue coastal development permits. This conclusion is not altered by the fact that Goleta has adopted the County's existing ordinances as City ordinances, as required by state law. An

express delegation of authority to issue coastal development permits from the Coastal Commission to the City of Goleta is required. This has not occurred.

When Goleta incorporated, the County ceased to have authority to approve development in the City. Therefore, the delegation of authority to the County to issue coastal development permits is no longer valid within the City limits. Similarly, within the City limits, the County LCP no longer applies. Because the delegation of permitting authority to the County is no longer valid for development within the City limits, the authority to issue coastal development permits in this area has reverted to the Coastal Commission. Accordingly, at the current time, applications for coastal development permits in the City's coastal zone must be submitted to the Coastal Commission.

The City may ~~seek authorization to issue permits~~ for development in the coastal zone, by following the public notice and hearing procedures required by the Coastal Act and the Commission's regulations (Public Resources Code sections 30503 and 30510(a); 14 Cal. Code of Regs. section 13500 et seq.) and then by taking action to approve the ~~proposed LCP~~. After the City approves the proposed LCP and submits it to the Coastal Commission, the Commission reviews the submittal in accordance with the Coastal Act and its regulations (Public Resources Code sections 30512 and 30513; 14 Cal. Code of Regs. Sections 13522 – 13546) and holds a hearing. After effective certification of ~~the LCP by the~~ Coastal Commission, the authority to issue coastal development permits is delegated to the City. The City may also, if it chooses, submit ~~the applicable portions of the County LCP~~ pursuant to the above-referenced procedures and seek certification from the Coastal Commission for this to serve as the LCP for the City of Goleta.

The Coastal Commission staff look forward to working with the staff of the City.

~~Sincerely,~~

RALPH FAUST
Chief Counsel

Enclosure

cc: Julie Hayward Biggs, Goleta City Attorney
Doreen Farr, Planning Liaison
Chuck Damm, Senior Deputy Director

LOCAL ASSISTANCE NOTES

NOVEMBER 1987 NUMBER 3

This edition of "Local Assistance Notes" contains a number of articles on recent actions pertinent to Local Coastal Program planning in California.

First is a supplement to our ongoing column, the "LCP Information Exchange," with questions and answers based on discussions which took place at the most recent LCP workshop for local governments held in Monterey in June, 1987.

This edition of the "Notes" also features an article that summarizes the U.S. Supreme Court decision in Nollan v. CCC. The article helps to clarify the ramifications of the decision for planning and evaluation of coastal development projects.

This issue also contains an article that discusses some recent administrative decisions affecting LCP administration. These changes affect all coastal jurisdictions and are presented here to disseminate this vital LCP information to all affected jurisdictions.

Finally, as requested in an earlier local government workshop, we are providing a review and summary of all post-certification appeals acted on by the Coastal Commission through June, 1987. Each summary includes a description of the appeal, the issue(s) at hand and the final decision, and also summarizes the basis for the Commission's decision. This review will be updated periodically, providing local government with a source of information on key policy issues in appeals brought before the Commission.

A quick thank you to all those who responded to our recent questionnaire. Your responses are helping to shape future issues of this newsletter to meet your informational needs. Whether you did or did not respond to the questionnaire, we encourage your continued feedback. When the need arises for specific types of LCP-related information, let us know what those needs are, so that we can continue to make relevant information available to all coastal planners statewide.

-Steve Scholl, Manager, Land Use and Local Assistance

COASTAL COMMISSION OFFICES

Office	Address	Phone
Headquarters	631 Howard Street, 4th Floor San Francisco, CA 94105-2773	(415) 543-8555
North Coast Area	631 Howard Street 4th Floor San Francisco, CA 94105-2773	(415) 543-8555
Central Coast Area	701 Ocean Street, Room 310 Santa Cruz, CA 95060	(408) 426-7390
South Central Coast Area	925 De La Vina Santa Barbara, CA 93101	(805) 963-6871
South Coast Area	P.O. Box 1450 245 West Broadway, Suite 380 Long Beach, CA 90802	(213) 590-5071
San Diego Coast Area	1333 Camino Del Rio South Suite 125 San Diego, CA 92108-3520	(619) 297-9708

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CALIFORNIA COASTAL COMMISSION
PETER M. DOUGLAS, EXECUTIVE DIRECTOR

Q: What procedures are necessary to comply with the Coastal Act if a new city is incorporated? If the new city's territory is covered by an existing certified county LCP, can it be "transferred" to the new city jurisdiction? Is recertification necessary?

A: Submittal and certification of an LCP for a newly incorporated jurisdiction is necessary. If a city is newly incorporated, the jurisdiction may elect to use the existing certified LCP or it may produce an entirely new LCP, often done concurrently with work on the new jurisdiction's General Plan. There is however, no provision to allow newly incorporated jurisdictions to simply adopt an existing certified LCP as the LCP for the new jurisdiction without going through the regular LCP submittal process. The LCP must be submitted to the Commission for certification before it can become effective in the new jurisdiction.

Q: If a city annexes an area previously covered by a county's LCP, is it necessary to amend the city's LCP, even if the designation and zoning for the property remains the same?

A: Yes, the city's LCP must be amended to include the newly annexed geographic area, even if the designations remain the same. However, Section 13554 of the Commission's Administrative Regulations specifies that if the zoning designations are equivalent, the annexed area may be approved by the Executive Director as a minor amendment, which would greatly streamline the approval process.

PERMIT ADMINISTRATION

Q: Are State Parks, Caltrans and other state property owners required to obtain coastal development permits (CDPs) from local government?

A: If a state agency proposes to undertake development on public property that is within a city or county with an effectively certified LCP, the state agency must seek a CDP from the local government unless 1) the proposed project is located within the Commission's original jurisdiction, in which case the Commission would receive the permit application, or 2) the agency has a certified Public Works Plan under the provisions of Coastal Act Section 30605.

Q: Where a proposed project straddles a jurisdictional boundary between two local governments with fully certified LCPs, must each jurisdiction issue a separate coastal permit? Is there a way for only one permit to cover the whole project? Can local governments ever waive the permit process and pass it on to the Commission for issuance?

A: If a project straddles the boundaries of two local governments, the applicant must obtain separate coastal permits. However, by coordinating their efforts, the local governments can help to streamline the approval process so that the applicant and governments duplicate as little of the permit process as possible.

There is no provision for local governments with certified LCPs to pass the permit process on to the Commission for issuance.

ATTACHMENT 2

(Appeal to Coastal Commission dated February 13, 2002)

STATE OF CALIFORNIA—THE RESOURCES AGENCY PETE WILSON, Governor

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., 2ND FLOOR
VENTURA, CA 93001
(805) ~~641-0142~~ 585-1800

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

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

SECTION I. Appellant(s)

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

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

SECTION II. Decision Being Appealed

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

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

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

4. Description of decision being appealed:

a. Approval; no special conditions: _____

b. Approval with special conditions: Y

c. Denial: _____

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

TO BE COMPLETED BY COMMISSION:

APPEAL NO: _____

DATE FILED: _____

DISTRICT: _____

H5: 4/88

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PLANNING & DEVELOPMENT

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

a. __Planning Director/Zoning Administrator

b. X City Council/Board of Supervisors

c. __Planning Commission

d. __Other_____

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

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

SECTION III. Identification of Other Interested Persons

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

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

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

(1) (see attached list)

(2)

(3)

(4)

SECTION IV. Reasons Supporting This Appeal

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

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

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

(see attached Appeal)

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

SECTION V. Certification

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

Signature of Appellant(s) or Authorized Agent

Date 2-13-02

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

Section VI. Agent Authorization

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

Signature of Appellant(s)

Date _____

February 13, 2002

APPEAL TO THE CALIFORNIA COASTAL COMMISSION

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

SUMMARY

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

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

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

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

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

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

VIOLATIONS OF THE COASTAL ACT AND LOCAL COASTAL PLAN

I. FAILURE TO PROTECT ESHA

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

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

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

A. *Native Grasslands*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

B. *Native Grassland Buffers*

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

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

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

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

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

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

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

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

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

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

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

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

C. *Devereux Creek*

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

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

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

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

E. *Development in Wetland Buffers*

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

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

F. *Red-legged Frogs*

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

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

II. FAILURE TO COMPLY WITH LCP POLICY 2-6

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

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

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

CONCLUSION

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

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

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

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

Thank you for your attention to these comments.

Sincerely,

Linda Krop,
Chief Counsel

Brian Trautwein,
Environmental Analyst

EXHIBIT A

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

November 29, 2001

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

Subject: Sandpiper Residential Project Native Grassland Mapping review

Dear Brian:

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

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

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

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

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

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

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

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

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

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

Sincerely,

Michael P. Williams, Ph.D.

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

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

EDUCATION

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

PROFESSIONAL HISTORY

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

EXPERIENCE

Wetland-Riparian Studies

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

Botany and Ecology Experience

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PROFESSIONAL MEMBERSHIPS AND CERTIFICATIONS

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

TECHNICAL REPORTS (most recent)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PRESENTATIONS (most recent)

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

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

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

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

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

EXHIBIT B

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CONCLUSIONS

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

MATERIALS CONSULTED:

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

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

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

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

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

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

CURRICULUM VITAE

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ACADEMIC BACKGROUND

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

PROFESSIONAL HISTORY

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

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

CONTRACTS AND CONSULTING

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

PUBLICATIONS

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

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

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

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

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

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

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

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

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

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

PROFESSIONAL REPORTS

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

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

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

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

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

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

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

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

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

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

POPULAR & SEMI-PROFESSIONAL LITERATURE

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

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

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

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

ABSTRACTS OF PROFESSIONAL PRESENTATIONS

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

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

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

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

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

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

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

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

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

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

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

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

INVITED SCIENTIFIC PRESENTATIONS and SEMINARS

1996 California State University-Northridge, Department of Biology

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

1994 University of California-Santa Barbara, Department of Biology

1992 University of California-Berkeley, Department of Integrative Biology

1991 University of California-Berkeley, Museum of Vertebrate Zoology

1987 Colorado State University, Department of Range Science

1984 Colorado State University, Department of Botany and Plant Pathology

1978 Colorado State University, Department of Botany and Plant Pathology

WORKSHOPS

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

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

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

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

PROFESSIONAL SERVICE ACTIVITIES

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

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

University of California-Santa Barbara, graduate seminar in systematics

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

University of California-Berkeley, graduate seminar on biological constraints

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

Reviewer:

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

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

POPULAR PRESENTATIONS

2001 *Management by Myth.* RangeNet 2001

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

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

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

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

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

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

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

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

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

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

OFFICES HELD WITH SERVICE SOCIETIES

1996–1999 Board of Directors, California Native Grass Association

1993 Board of Directors, Colorado Native Plant Society

1990–1991 Board of Directors, Colorado Native Plant Society

1989 Vice President, Colorado Native Plant Society

1982–1983 Board of Directors, Colorado Native Plant Society

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

SERVICE ACTIVITIES

2000- Advisory Board, Western Watersheds Project

1998 Botanical inventory, Santa Rosa Island. National Park Service

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

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

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

SOLICITED REVIEWS OF ENVIRONMENTAL DOCUMENTS

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

AWARDS & SCHOLARSHIPS

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

RESEARCH INTERESTS

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

PROFESSIONAL SOCIETIES

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

SERVICE ORGANIZATIONS

California Native Plant Society
Colorado Native Plant Society

EXHIBIT C

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

October 10, 2001

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

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

Dear Ms. Krop and Mr. Trautwein:

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

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

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

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

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

Summary

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Conclusion

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

Sincerely,

Cristina Sandoval

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

Materials Consulted:

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

October 2,000

Curriculum Vitae

Cristina Penteado Sandoval

NRS/Marine Science Institute, University of California
Santa Barbara, California 93106
Tel: (805) 893-5092, Fax: (805) 893-4127
Email: sandoval@lifesci.ucsb.edu

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

Education

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

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

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

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

Languages

Portuguese, Spanish, English.

Teaching experience

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

Undergraduate experience

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

Other professional experience

- Director, Coal Oil Point Reserve 1997-present.

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

Publications

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

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

Etsuko, Y. and Sandoval, C. P. 2000. Effects of mulch, water, and weeding on restoration of coastal dune plants. **Restoration and Management Notes** 18(1).

Sandoval, C. P., Carmean D. A. and Crespi, B. J. 1998. Molecular phylogenetics of sexual and parthenogenetic *Timema* walking-sticks. **Proceedings of the Royal Society. London B** 265:589-595.

Sandoval, C. P. and K. D. Lafferty 1995. Invertebrate communities. pp. 39-45 In R. F. Ambrose, editor, Coastal Wetland Resources: Santa Barbara County Mainland. Final Report to the County of Santa Barbara.

Sandoval, C.P. 1994. The effects of the relative scales of gene flow and selection on morph frequencies in the walking-stick *Timema cristinae*. **Evolution** 48:1866-1879.

Sandoval, C.P. 1994. Plasticity in web design in the spider *Parawixia bistriata* : a response to temporal variation in prey type. **Functional Ecology** 8:701-707.

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

Species descriptions

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

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

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

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

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

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

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

Presentations at scientific meetings

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

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

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

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

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

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

Sandoval, C.P. 1991. Crypsis and other factors affecting host plant utilization in the walking-stick, *Timema cristinae*. The Western Society of Naturalists. Santa Barbara, California.

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

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

Invited talks

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

1994. Geographic, ecological and behavioral factors affecting spatial variation in color morph frequency in the walking-stick, *Timema cristinae*.

- University of Florida, gainnesville, Florida.
- University of California, San Diego.

- University of Washington, Seattle.

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

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

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

Professional societies

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

Honors

-UCSB General Affiliates Graduate Fellowship.

Competitive fellowships and grants

For Research:

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

For UCCoal Oil Point Reserve:

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

Awards

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

Names of referees:

Dr. John Endler (Ph.D. advisor)
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phone 604 291-3533 (office) 291-5625 (lab) fax 604 291-3496

EXHIBIT D

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8) The 10-foot buffer offered for the native grassland area to be protected is inadequate to prevent long term significant impacts to and possible loss of the native grassland resources present onsite. An adequate buffer that will protect native grassland from significant disruption and allow it to persist into the future is required under §240(b) of the Coastal Act and the LCP. As noted in my previous report on this subject, a 50-foot buffer is necessary to adequately protect the native grassland resources present onsite.

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EXHIBIT E

From Cristina Sandoval, Ph.D. biologist

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

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

January 15, 2002

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

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

I agree that mowing may favor *Nassella pulchra* by decreasing competition with exotic European grasses. However, the patches of *Nassella* at the 14-acre site do not appear linearly distributed, particularly if unmapped patches were to be taken into account.

Additionally, the firebreaks do not appear linear, particularly in the 1983 photo. It seems that the entire field has been mowed and certain areas are barer than others.

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

The argument that [redacted] a native grassland because recent human [redacted] them is flawed. [redacted] one is to use historical presence as an argument, then by the same argument one could say that entire area was probably historically a native grassland and should not be developed.

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

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

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

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

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

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

EXHIBIT F

UNIVERSITY OF CALIFORNIA, BERKELEY

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Hastings Natural History Reservation
38601 E. Carmel Valley Road
Carmel Valley, CA 93924
Office: (831) 659-2664
Fax: (831) 659-0148

A Biological Field Research Station
Museum of Vertebrate Zoology

November 18, 2001

Dear Dr. Sandoval,

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

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

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

Best regards,

Mark R. Stromberg

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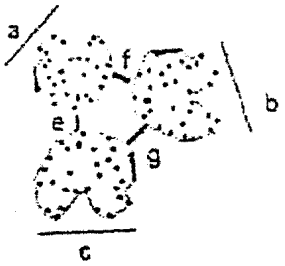
Mark R. Stromberg, Ph.D.
Resident Director
Hastings Natural History Reservation
University of California - Berkeley

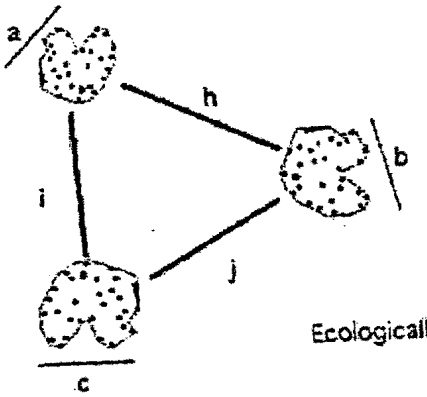


Average of a,b,c

is greater than

average of e, f, g.

Ecologicaly One Patch, Unit



Average of a, b, c

is smaller than

avearge of h, i, j.

Ecologically Three Patches, Units

EXHIBIT G

STATE OF CALIFORNIA—THE RESOURCES AGENCY

PETE WILSON, Governor

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

June 1, 1995

TH 12a

TO: Commissioners and Interested Parties

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

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

STAFF RECOMMENDATION FOR REVISED FINDINGS

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

COMMISSIONERS ELIGIBLE TO VOTE:

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

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

30315.1

Background

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

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

PRC Section 30240 provides that:

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

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

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

2. General Habitat Characteristics of the Specific Plan Area

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

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

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

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

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

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

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

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

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

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

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

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

3. Native Perennial Grassland Habitat on Ellwood Beach.

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

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

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

4. Alternative Development Envelopes for Ellwood Beach

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

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

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

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

Volume 1
FINAL

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

89 - SP - 2

91 - EIR - 3

September 1992

SCH # 890208003

ESA

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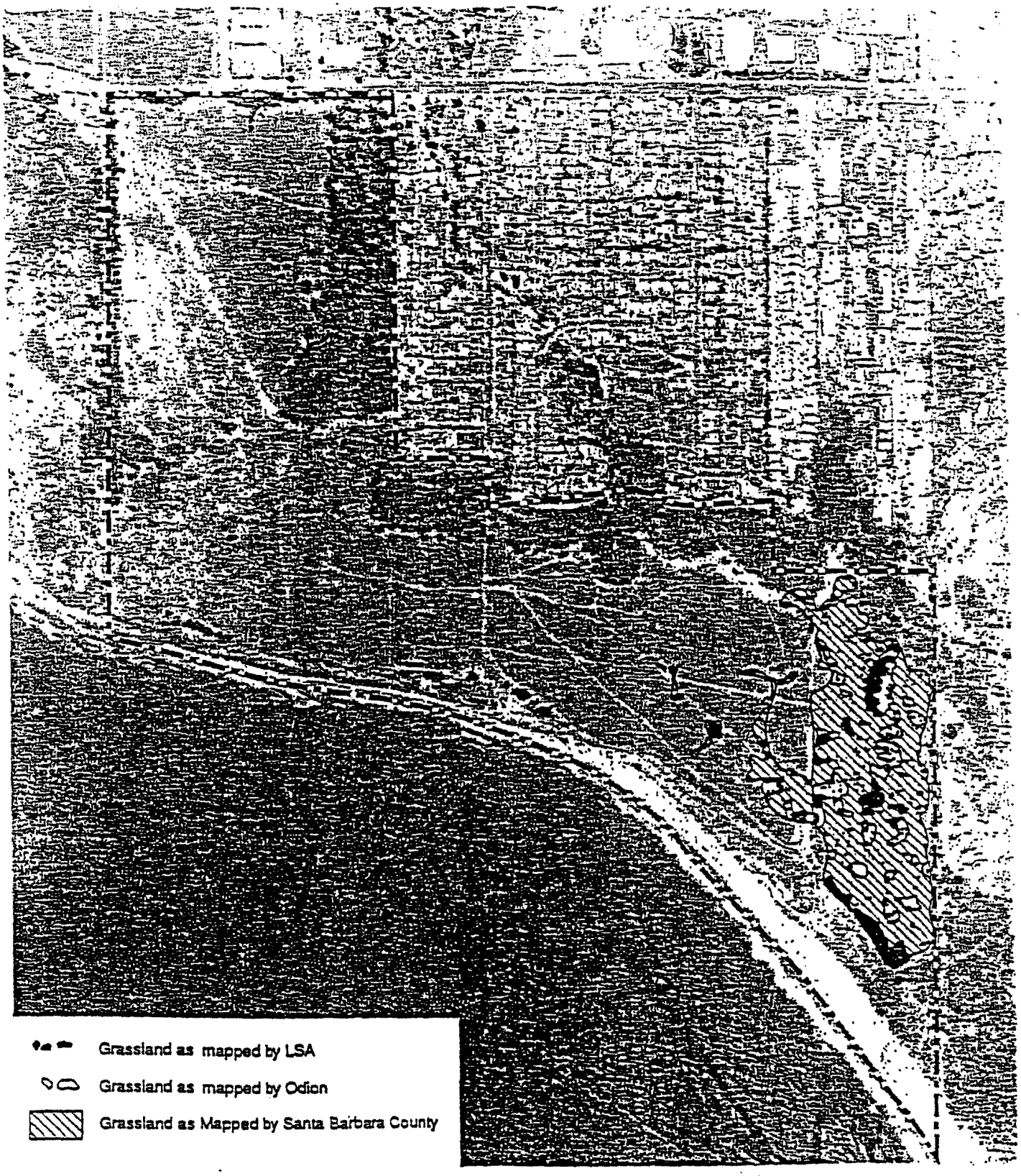

Ellwood Beach / 0211

SOURCE: Environmental Science Associates, Inc.

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

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

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

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

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

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

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

003299

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

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

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

SPECIFIC PLAN AREA IMPACTS AND MITIGATION MEASURES

Impacts

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

Direct Impacts

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

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

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

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

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

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

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

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

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

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

003317

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

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

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

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

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

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

003318

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

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

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

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

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

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

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

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

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

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

March 25, 1998

TO: Commissioners and Interested Parties

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

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

STAFF RECOMMENDATION FOR DENIAL AS SUBMITTED AND APPROVAL WITH SUGGESTED MODIFICATIONS

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

Background

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

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

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

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

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

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

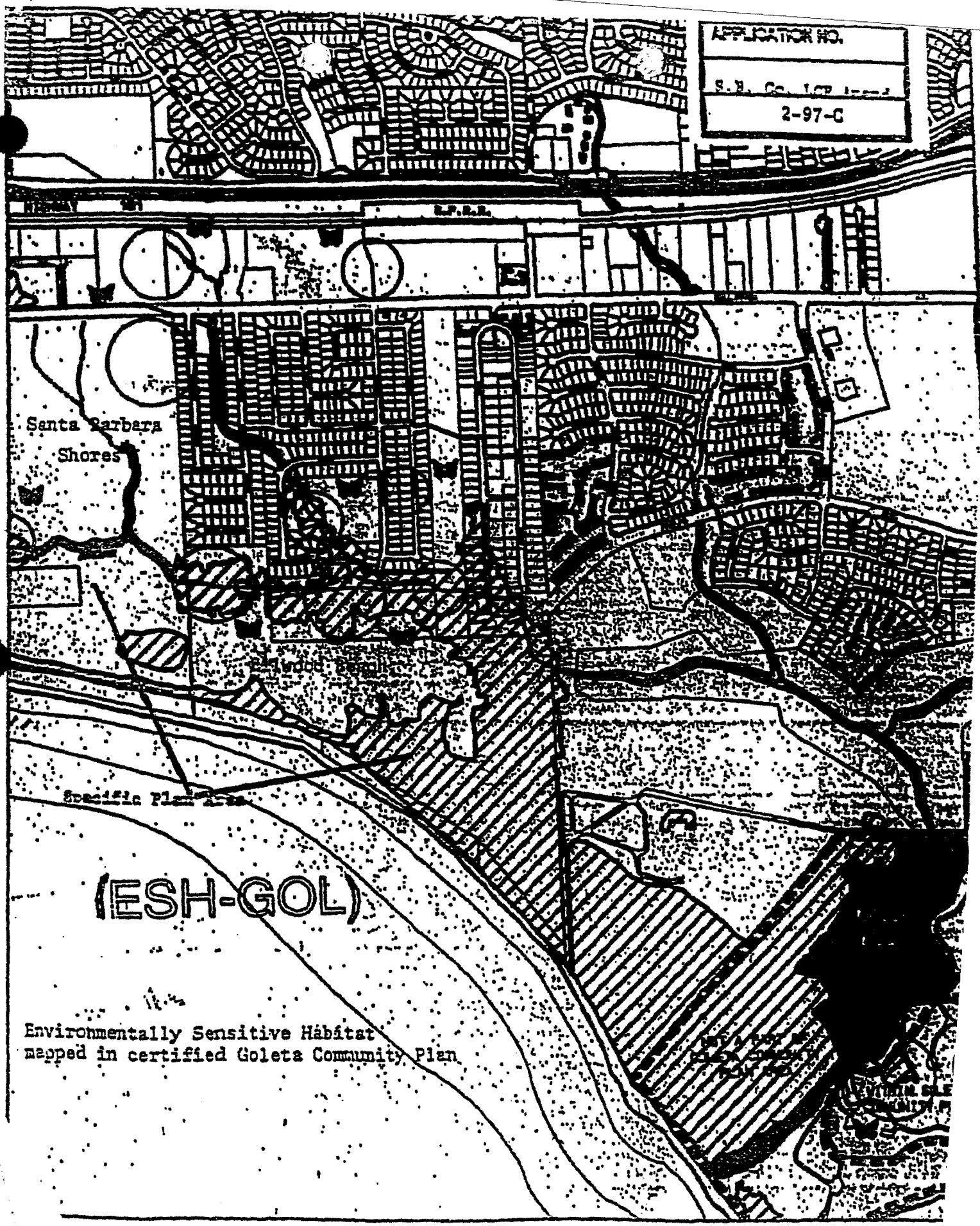
c. Eucalyptus Grove/Monarch Butterfly Habitat

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

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

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

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


APPLICATION NO.
2-97-C
Santa Barbara
Shores
Specific Plan Area
(ESH-GOL)
Environmentally Sensitive Habitat
mapped in certified Goleta Community Plan

County of Santa Barbara
Planning and Development

John Patton, Director
Dianne Meester, Assistant Director

February 11, 2002

Melanie Hale
California Coastal Commission
South Central Coast Area
89 South California Street, Suite 200
Ventura, CA 93001

Re: The Residences at Sandpiper

Dear Ms. Hale:

The following responds to issues raised during your February 4, 2002, telephone conversation with my supervisor, Jackie Campbell.

Coastal Resource Protections

A little over three acres of the ±14 acre project site supports environmentally sensitive habitats (ESH) and their buffers, including a segment of Devereux Creek, four wetlands and several patches of native grasslands. Biological and hydrological characteristics of these resources, as well as the sizes and adequacies of their proposed buffers, received intense scrutiny throughout the two and a half year discretionary permit process as well as during public hearings (please see attached administrative record). In their approval of the project, the Board of Supervisors (BOS) was explicit that the ESH areas and buffers occurring on-site were to be protected from active use, restored, and maintained in perpetuity (please refer to BOS findings of approval, attached), with responsibility delegated to the property owner subject to annual reporting and County oversight in perpetuity[1] (VTM condition 82). All ESH areas and ESH buffers, as well as two stands of purple needlegrass (*Nassella pulchra*), determined not to be ESH but protected by the applicant out of deference to appellant interests, are included within the boundaries of the Open Space Easement (OSE) described in the applicant's Irrevocable Offer to Dedicate an Open Space Easement for Biological Habitat and Open Space Resources, acknowledged by the County on January 22, 2002 (attached).

The Purpose and Scope of the applicant's Irrevocable Offer, shown in part below, confirms the applicant's understanding of and cooperation with the intent of resource protection underlying the County's approval of the project:

> *The purpose of the Easement which is the subject of this Irrevocable Offer is to impose upon GRANTOR certain covenants, conditions and restrictions pertaining to the Easement Areas. It is GRANTOR's intention and objective that the Easement limit all activities within the Easement Areas to those which will not impair the viability of the Conservation Values, and that GRANTEE and its successors and assigns shall have the right to prevent the development of the Easement Areas for any purpose or in a manner that would conflict with the preservation of the Easement Areas except as specifically allowed herein...*

[1] Costs associated with annual monitoring will be borne by the owner.

123 East Anapamu Street · Santa Barbara CA 93101-2058
Phone: (805) 568-2000 Fax: (805) 568-2030

County staff will implement conditions of approval consistent with the BOS' intent to protect on-site resources and provide for their enhancement throughout all aspects of zoning clearances (required prior to issuance of building permits), reviews for building permits, permit compliance monitoring (throughout construction) and zoning enforcement (for the life of the project). In the event that plans and/or materials submitted for zoning clearances do not further the BOS' intent, staff will require revisions (e.g., were grading for house pads proposed to extend into any portion of the OSE, including ESH buffers, staff would require modifications to remove grading from the OSE prior to approval of zoning clearances). Building division staff will ensure receipt of departmental clearances, as appropriate, consistency with those conditions of approval timed for compliance prior to building permit issuance, and consistency with the Uniform Building Code and all other applicable building standards. Permit compliance monitors will use their full authority to ensure compliance with all mitigation measures during construction. And, by virtue of the advisories staff will attach to parcel information in P&D's permit tracking system, zoning enforcement officers will know to place high priority on resolving complaints, if any, implicating the health of on-site coastal resources.

Specific protections afforded ESH and ESH buffers under the approved project include the following:

- Conditions of approval pertaining to protection of the ESH areas and their buffers require dedication to the County of an OSE to include all ESH and ESH buffer areas (VTM and DP condition 13).
- Conditions also require physical delineation of the OSE on site, through installation of continuous fencing and barrier shrubs along the edges of the OSE as well as along the edges of the designated pathway through the OSE; fencing and plants must be maintained in perpetuity (VTM and DP condition 15).
- Installation and perpetual maintenance of educational signage along the perimeter of the OSE is required (VTM and DP condition 15).
- Conditions require development of a Vegetation Enhancement Plan for the OSE; attached draft is currently under review (VTM and DP conditions 12 and 21).
- Installation of structures within the OSE is prohibited (VTM and DP condition 13, 15, 21, 57 and DP 96).
- No grading, except that necessary to enhance the flood control characteristics and water quality functions of on-site resources, will occur within the designated OSE (VTM and DP conditions 20, 22, 55 and 59).
- Rigorous erosion control measures will be implemented prior to and throughout construction to protect water quality as well as on-site biological resources (VTM and DP conditions14 and 23).
- Measures to address the quality of surface water runoff throughout the life of the project are required, with responsibility for maintenance of facilities in perpetuity assigned to the HOA through recorded agreements with County Flood Control (VTM and DP conditions 17, 58, 61 and 64).
- Active recreational facilities are prohibited from the within the OSE, but are required to be developed in the other common open space area on-site specifically reserved for more active use; please see attached highlighted site plan (VTM and DP condition 44 and 57).

Financial assurance for the protection and continued restoration and maintenance of on-site resources in perpetuity is made in the Draft[2] Declaration of Covenants, Conditions and Restrictions, The Residences at Sandpiper, Santa Barbara County, California, Tract Map Number 14,541, Sections 6.1(l) and 19.18(e), shown below, which establish and protect a Homeowner Association account for exclusive use in this regard.

[2] CCR's are currently under review by County staff in association with final map clearance applications.

§ 6.1(l) *Establish and maintain working capital, reserve and contingency funds in amounts determined as reasonable by the Board. The Association shall establish and maintain a separate account solely for the purpose of funding the anticipated requirements for the operation, maintenance and preservation of the Landscape Preservation Area (the "Landscape Preservation Area Account"). In no event shall any amounts deposited in the Landscape Preservation Area Account be withdrawn for any purpose other than to pay the costs associated with the operation, maintenance and preservation of the Landscape Preservation Area.*

§ 19.18(e): *Further, notwithstanding the foregoing, in no event shall the provisions set forth in Section 6.1(l) hereof regarding the establishment and maintenance of the Landscape Preservation Area Account for the costs associated with the operation, maintenance and preservation of the Landscape Preservation Area be deleted or amended without the prior written consent of the County and the City.*

Pedestrian Access through the Site

On-site ESH and ESH buffers effectively bisect the project site. The approved project is designed to avoid these resources entirely, resulting in a bifurcated design comprising two distinct residential components, one located on the east side of the creek and the other on the west. Defined pedestrian access providing physical connection between the two components of the project is essential to the health of the future residential community and is also critical to protecting on-site resources from undesirable pedestrian intrusion along informal paths.

The originally proposed project included sidewalk improvements along the site's Hollister Avenue frontage, intended for use primarily by the public, and a pathway through the landscape preservation area, intended to provide internal access through the project for future residents and their guests. The originally proposed public sidewalk along Hollister Avenue intruded into the buffer areas of two on-site wetlands. The originally proposed private internal pathway, too, was routed through ESH buffer areas. In light of controversy raised during public hearings over interpretation of coastal plan policies 9-9 and 9-10, the applicant eliminated proposed public sidewalks from the Hollister Avenue frontage, where they occurred within ESH buffers, and relocated the internal private path across the OSE to occur outside of any ESH and ESH buffers. Internal pedestrian access through the site will provide a safe route for resident children to the Ellwood Elementary School, located on the north side of Hollister Avenue, approximately 1,600 feet east of the project site.

Conditions of approval, applied to the project by the Public Works Transportation Division, include requirements of *the applicant to engineer and post a security for the construction of frontage improvements along the project frontage on Hollister Avenue designed to the satisfaction of the County Transportation Engineer and County Counsel to include curb, gutter and sidewalk.* Of note, in regard to ultimate Transportation Division exactions is the ongoing coordination and planning of transportation facilities (including vehicular, pedestrian, bicycle and equestrian) along the western Hollister Avenue corridor in the area of the project site. While the goal of comprehensive transportation planning efforts is to ensure vehicular, pedestrian, bicycle and equestrian connectivity between points east of the area, through the western Hollister Avenue area, and out to the Gaviota

Coast, it is unclear at present exactly where facilities would best be located. In the event that public sidewalks are required along the project site's Hollister Avenue frontage, requirements for appropriate construction techniques and materials would ensure consistency with Coastal Plan policies 9-9 and 9-10, which allow for development, with appropriate mitigation, of facilities for purposes of light recreation, including walking, through ESH buffers.

The fourth goal of the Coastal Act reads, *Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resources conservation principles and constitutionally protected rights of private property owners.* We understand that Coastal Commission (CCC) staff seek clarification regarding the project's furtherance of this goal. In response, it must first be noted that the project site is located approximately ½ mile north of the Ellwood Shores bluff on an uplifted marine terrace. The site is surrounded by urban infrastructure including the Union Pacific Railroad and US Highway 101 immediately to the north, Las Armas, the Ellwood Electrical Peaking station and the Bacara hotel parking lot to the east, Hollister Avenue (soon to be widened to a minimum of three lanes) to the south and the prospective Cathedral Oaks Overcrossing/ Overpass to the west. The project site lacks direct physical connectivity to the coast or to public recreational opportunities in the coastal zone; providing public access through the site would not further Coastal Act goals.

The eleventh item on page 8 of the Irrevocable Offer states that *no right of access by the general public to any portion of the Easement Areas is conveyed by the Easement.* Limiting access through the common open spaces on the project site, including the OSE, to prospective residents and their guests is consistent with the constitutionally protected rights of private property owners as well as with the intent and purpose of the DR zone district, applicable to the site, which encourages development of common open space areas for cooperative use by owners and/or residents of a given project. Approved private pedestrian access connecting the two residential components of the project comprises a decomposed granite or crushed shale pathway, routed through the OSE to avoid the ESH and their buffers, connecting to a prefabricated bridge spanning the creek along the northernmost edge of the OSE immediately south of and parallel to the Union Pacific Railroad right of way. The approved location of the bridge is driven by the constrained layout of pathways through the OSE and constitutes the only feasible location on-site for installation. Support structures for the prefabricated bridge will be located outside the critical habitat of Devereux Creek on site. The project's OSE restoration program will ensure revegetation with appropriate species. Hence, the approved project is consistent with Coastal Plan Policies 9-38 and 9-40 which allow for the location of a pedestrian trail, including bridge (with support structures located outside critical habitat), within a stream corridor when no alternative route/location is feasible, provided development incorporates best mitigation feasible.

Coastal Commission Appeal No. A-4-STB-02-030

We have reviewed the Reasons for Appeal, submitted to the CCC by Wanda Michelanko on behalf of Santa Barbara Urban Creeks Council (UCC) and note that the issues raised are very similar to those raised in the UCC appeal to the Santa Barbara County BOS of the County Planning Commission's approval of the project (attached). Attached please find copies of the Board Agenda Letters, prepared on 11/20/01 and 1/8/02, with discussions keyed to the seven Reasons for Appeal cited in the UCC appeal to the CCC.

Following review of the administrative record, upon consideration of testimony received during their two public hearings on the matter, and in light of project changes which removed structures from within ESH and ESH buffer areas, opened view corridors across the site, and reduced the total number of homes from 119 to 109 while maintaining a high level of affordability, the BOS found the project consistent with all applicable Comprehensive Plan policies including Coastal Plan policies. We hope that the information contained in this letter and in the administrative record answers the issues raised in the UCC appeal and substantiates the County's approval of the project.

If you have any questions about this letter, please do not hesitate to call me at 568-2053.

Sincerely,

Anne Almy,
Development Review South

Attachments: BOS Action Letter dated January 22, 2002
Site plan indicating common open space area designated for development of active use facilities
Irrevocable Offer to Dedicate
UCC appeal to BOS
UCC Reasons for Appeal with keyed BOS letters

xx: Case File: TM 14,541, 99-DP-051
Agent: Mary Meaney Reichel, Tynan Group, 2927 De La Vina Street, Santa Barbara, CA 93105
Owner/Applicant: Oly Chadmar General Partnership, 1933 Cliff Drive, Santa Barbara, CA 93109
Mary Anne Slutzky, Deputy County Counsel
Jackie Campbell, Supervising Planner

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FACSIMILE TRANSMITTAL COVER SHEET

Date: January 15, 2002

No. of Pages: 2 (including cover sheet)

To: Clerk of the Board of Supervisors

Fax No.: 568-2249

From:
John C. Allen, Staff Ecologist
CALIFORNIA COASTAL COMMISSION
South Central Coastal District Office
89 S. California Street
Ventura, CA 93001
(805) 585-1800

COMMENTS:

Please deliver the attached letter to Anne Almy, Planner, for the County Planning and Development, regarding the Sandpiper Residential Development project which is scheduled before the Board of Supervisors this afteroon.

STATE OF CALIFORNIA – THE RESOURCES AGENCY GRAY DAVIS, Governor

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

January 15, 2002

Anne Almy, Planner
Santa Barbara County
Planning and Development Department
123 East Anapamu Street
Santa Barbara, CA 93101

Regarding: Sandpiper Residential Development

Dear Ms. Almy:

You requested further comments this morning for use in this afternoon's hearing before the Board of Supervisors. At the applicants' request I attended a meeting at the County offices yesterday, with representatives of the project and with County staff. At the meeting, I was given a revised site plan (labeled "Revised November 27, 2001, sheet 2 of 4"). In addition, I was given a copy of a document entitled "Independent Analysis of Grasslands and California Red-Legged Frog," dated January 2002. As I received the site plan and aforementioned report only yesterday, I have not had time to review these materials. In addition, outstanding issues raised in the letter of Commission staff to County staff, dated September 18, 2001, remain unresolved. For example, a recent survey of the Sandpiper Golf Course, near the subject site, reported the presence of Red-Legged Frogs.

In sum, for these reasons I am unable to review the new materials in light of our previous comments in time for this afternoon's meeting. Thank you for the opportunity to comment, but in the time allowed it would be premature for me to form an opinion.

Regards,

Jon C. Allen, Ph.D.
Staff Ecologist

cc: Sabrina Haswell; Coastal Program Analyst

From Cristina Sandoval, Ph.D. biologist

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

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

January 15, 2002

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

LATE DIST

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

I agree that mowing may favor *Nassella pulchra* by decreasing competition with exotic European grasses. However, the patches of *Nassella* at the 14-acre site do not appear linearly distributed, particularly if unmapped patches were to be taken into account.

Additionally, the firebreaks do not appear linear, particularly in the 1983 photo. It seems that the entire field has been mowed and certain areas are barer than others.

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

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

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

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

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

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

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

SANTA BARBARA URBAN CREEKS COUNCIL

P.O. Box 1083, Carpinteria, CA 93014 (805) 684 6008

January 15 2002

via FAX

Board of Supervisors
Santa Barbara County
105 E. Anapamu Street
Santa Barbara CA 93101

RE: APPEAL OF THE RESIDENCES AT SANDPIPER
Case Nos. TM 14 541 & 99-DP-051

Agenda Item #5

Dear Supervisors:

I am unable to attend today's hearing and Urban Creeks Council has no other representatives who can attend.

Since the last hearing, there have been no further mediation sessions regarding this project, and and far as we can determine, none of the issues in our appeal have been resolved.

We ask you to uphold the appeal and deny the project as proposed and approved by the Planning Commission.

Sincerely,

Wanda Michalenko

Wanda Michalenko, President
Santa Barbara Urban
Creeks Council

cc: Environmental Defense Center

#3

January 11, 2002

ENVIRONMENTAL DEFENSE CENTER

2002 JAN 11 PM 12 03

COUNTY OF SANTA BARBARA
CLERK OF THE
BOARD OF SUPERVISORS

Gail Marshall, Chair
Santa Barbara County Board of Supervisors
105 E. Anapamu Street
Santa Barbara, CA 93101
[HAND DELIVERED]

LATE DIST

RE: **Citizens for Goleta Valley Appeal of Santa Barbara County Planning Commission approval of Sandpiper Residential Project and Certification of the Project's Supplemental Environmental Impact Report**

Dear Chairwoman Marshall and Supervisors:

The Environmental Defense Center (EDC), a non-profit, public interest environmental law firm, submits the following comments on behalf of our client Citizens for Goleta Valley (CGV). This letter is submitted in support of CGV's appeal of the Planning Commission approval of the Sandpiper Residential Project, Vesting Tentative Tract Map 14,541, and 99-DP-051 and the certification of the Supplemental Environmental Impact Report (SEIR).

Following the December 4, 2001 Board hearing on this appeal, the applicant acted in bad faith by failing to respond to appellants and by failing to coordinate with appellants and Coastal Commission regarding additional biological assessments and potential resolution of issues. Instead, the applicant embarked on a unilateral reassessment of the grassland mapping, without involving the appellants, and failed to provide appellants with the new information until January 7, 2002. In response to the applicant's January 7, 2002 submittal of new biological opinions, CGV requested its botanists and native grassland experts to review these opinions and offer a factually-based, independent analysis of the current native grassland ESHA mapping and the adequacy of purported avoidance and habitat buffering measures. CGV's experts conclude the native grassland ESHA has not been properly mapped and that the portion of native grassland to be avoided will not be afforded an adequate buffer to ensure the its persistence.

Therefore, the Board should uphold the CGV's appeal because the project includes urban development in ESHA and in ESHA buffers, because there is a feasible alternative proposed by EDC that avoids significant impacts to ESHA, and because new information regarding red-legged frogs increases impacts to that species. Alternately, the Board should continue the appeal hearing to enable the applicant to coordinate with the appellants and Coastal Commission in order to more fully understand and address their concerns.

02-00071

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I. Applicants failed to coordinate with Appellants and Coastal Commission to resolve issues as directed by the Board of Supervisors.

At the close of the last hearing, on December 4, 2001, the Board directed staff to work with the applicant, Coastal Commission, U.S. Fish and Wildlife Service (USFWS) and appellants, and requested the applicant to work with the appellants and agencies to resolve outstanding issues including issues related to native grassland habitat and red-legged frogs. Specifically, the Board members asked that the following issues be addressed prior to the January 15, 2002 hearing:

1. Adequacy of Native Grassland Habitat mapping.
2. The issues raised in the Coastal Commission's September 18, 2001 letter including the adequacy of SAIC's native grassland mapping, wetland buffers, red-legged frogs, monarch butterflies and raptors.
3. Habitat Management Plan implementation.
4. Construction of the curb, sidewalk and gutters in the wetland buffers.
5. EMF Standards.
6. Financial feasibility of smaller alternatives and comparative financial analysis.

Despite repeated attempts by CGV and the Third District Supervisor's staff to contact the applicant directly and arrange a site visit and discussions amongst the biologists and relevant agencies, the applicant failed to respond to CGV's calls and failed to coordinate with appellants and Coastal Commission or to attempt a resolution. Instead, the applicant elected to unilaterally undertake analysis of biological issues. As a result, the issues central to CGV's appeal remain unresolved in the eyes of appellants and Coastal Commission. (Attachment #1)

Beginning immediately after the Board's 12-4-01 hearing, CGV repeatedly informed the applicant by voice mail that our team was ready to meet. EDC and CGV notified the Third District that all members of our team were available through 12-17-01 and that two of our three local biologists were also available during the holidays. Diane Conn (CGV) spoke with Marc Chaconas and Anne Almy in the days following the hearing to coordinate future meetings, and she was told that Chuck Lande was making the arrangements and he would contact her. Neither she nor the EDC was contacted. The applicant's assertion that appellants were not included because Dr. Painter was not available until after the 27th is a ruse. While Dr. Painter was unavailable 12/17-12/27/01, that did not preclude other members of the team from participating in a discussion or evaluation. In addition, Dr. Painter was available on 12-13 and 12-14, when applicant conducted the first two site visits. As a matter of fact, we informed the applicant and County that we'd prefer to meet prior to the 17th so that all three of our biologists could participate in additional habitat mapping and/or analysis. However, as stated above, we were also available after the 17th.

On 12-13, 12-14 and 12-17, the applicant hosted site visits with its three biologists. **The appellants and experts were available** and had so informed the applicant, but the applicant unfortunately never responded to our calls nor contacted the Coastal Commission. Mr. Lande simply did not include us. The applicants did not make any attempt to resolve any of the issues; instead they have chosen to refute or ignore them. This is not acceptable to the appellants and should not be acceptable to the Board of Supervisors. This process deserves respect that the applicant fails to appreciate.

The applicant's new native grassland opinions are dated 1-4-02 and 1-3-02, two to three weeks after the site visits, and were delivered to the County on 1-7-02, the day the Board packets must be docketed. We did not learn of the new information or site visits until 1-7-02. Thus, CGV's experts were effectively precluded from peer collaboration, discussion and consensus building with the applicant's biologists. As a result of the applicant's apparent unwillingness to work with the Coastal Commission and appellants, the issues identified by the Board have not been resolved and CGV and its experts must respond after the fact with critiques the applicant's new biological opinions.

The Board Agenda Letter includes a list of all contact between the Planning and Development Staff and the Coastal Commission. From this list it is clear that there was no discussion of substantive issues between County planning staff and Commission staff after October 2, 2001. According to the Commission in Attachment #1, they were not contacted by the applicant regarding updated project information. It is therefore clear that **there was no attempt by the applicant to work with the Commission or appellants to resolve appeal issues**. To this date, the Commission's concerns remain unresolved. (Attachment #1.)

Despite the lack of coordination and communication, EDC offers the following response to the applicant's new information and the Board's direction from 12-4-01. EDC and its client are prejudiced by the late receipt of the applicant's new information and the lack of notice of the three site visits.

II. Native Grassland ESHA

A. The native grassland ESHA remains incompletely mapped and the project violates the LCP by including development in ESHA.

During the November 26, 2001 site visit, three CGV biologists documented additional areas of native grasses on the site that were not recorded on the SAIC map in the EIR, a map that alleges to depict all individual grass plants. (Attachments C, D and E to November 30, 2001 EDC letter to Board of Supervisors) Some of the unmapped areas containing native grasses are near the mapped grassland, and others are farther from the mapped grassland. The native grassland ESHA is larger than depicted on the SAIC map and development is proposed in the native grassland ESHA.

LCP Policy 9-18 requires that new development "shall be sited and designed to protect native grassland areas." The Coastal Act also requires that "environmentally sensitive

areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas." (Public Resources Code Section 30240(a).)

The LCP identifies native grasslands as a type of ESHA, and CGV's experts identify the native bunch grassland at the sandpiper site as a rare habitat and as ESHA. (Attachment #2, 1-10-02 Biological Report from Dr. Elizabeth Painter, Attachments C and E to November 30, 2001 EDC letter to Board of Supervisors) The incompletely mapped native grassland habitat at Sandpiper is in close proximity with and interacts with other habitats including Devereux Creek and wetlands, and this diversity and interaction adds to the environmentally sensitive nature of the grassland.

The SAIC maps only record the areas of relatively high native grass diversity, but the areas peripheral to these denser native grassland sections, where densities are lower, are still important components of the native grassland because this is where raptor foraging takes place and where native grass recruitment occurs. (Attachment #2) A native grassland habitat has both high and low- density areas and needs them to survived drought and climatic cycles according to Dr. Painter. Merely protecting the areas of highest density is fragmenting, not protecting, the entire native grassland habitat, an ESHA, as required by the LCP and Coastal Act. By failing to map the lower density areas, including areas between mapped patches, as portions of the native grassland habitat, SAIC did not demarcate the total extent of the ESHA. Applicant's mapping is also inconsistent with the mapping protocol required by the County and Coastal Commission for Ellwood, More Mesa, and other important properties.

Pending more complete mapping, it appears that **development of homes and roads was approved in areas of native grasses onsite that constitute important parts of the ESHA**. This violates the Coastal Act and LCP, and is reason for the Board to uphold the appeal.

B. <u>The approved native grassland buffer is inadequate to prevent significant disruption of habitat values.</u>

ESHA buffers must be large enough to prevent significant disruption of habitat values and allow for the continuance of the habitat, but the approved 10-foot buffers are inadequate. Section 30240(b) of the Coastal Act states that "development in areas adjacent to environmentally sensitive habitat areas … shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat … areas."

The approved and currently proposed 10-foot buffer for native grassland is inadequate to prevent the long-term significant degradation to, and potential loss of, the native grassland ESHA. According to the evidence in the record, the Commission's June 25, 1994 guidelines for ESHA buffers state that they should be a minimum of 100 feet for small projects and larger for bigger projects such as subdivisions. (Attachment #3) CGV's biologists have stated that a minimum 50-foot buffer is needed to prevent the

significant degradation and possible elimination of the yet-to-be fully mapped native grassland. (Attachment 2, Attachments C, D and E to November 30, 2001 EDC letter to Board of Supervisors) The proposed buffer of ten feet would not prevent substantial habitat impacts by adjacent human activities, seed drift from adjacent landscaped areas, noise, lighting, pets, children, etc., and the use of CC&Rs to control these impacts is an ineffective mitigation measure.

Additionally, the applicant has proposed a pedestrian path and emergency road through the native grassland and its currently inadequate proposed buffer. This path and road must be rerouted, or else this will add to the project's overall conflicts with the LCP's resource protection policies and to its avoidable impacts. Therefore, by including urban development within the areas of native grassland and within 50 feet of the grassland, the approved project violates the LCP and Act and the appeal should be upheld or the hearing continued to facilitate resolution of these issues.

III. Red-Legged Frog

A. Significant New information – Other Red-Legged Frogs discovered at Sandpiper Golf Course near project site.

A red-legged frog survey pertinent to the environmental impact analysis of the sandpiper Residential Project but previously unknown to this process, concludes that there are Red-legged frogs south of the project site at the Sandpiper Golf Course. (Attachment #4) In addition, other evidence illustrates that red-legged frogs use McCoy creek, a tributary to Glen Annie Creek 1.5 miles to the northeast. (Attachment #5) Previously, all other documented observations of this species were from areas to the west of the project site. This illustrates that the population is expanding from the west back into western Goleta to the east. It also suggests that red-legged frogs may be dispersing from Bell and Tecolote Creeks eastward to and through the Sandpiper project site to Glen Annie and McCoy Creeks. This new information is relevant to the potential project impacts on the frogs dispersal and potential recolonization processes in western Goleta.

B. No analysis of the impacts of redirecting Devereux Creek was undertaken.

The project conditions require the applicant to work with UPRR to correct the blocked culvert, which currently directs all flows from Devereux Creek north of the project site along the railroad tracks west into Bell Canyon. This is the nearest source of red-legged frogs and it is likely that the frog found just north of this project site dispersed from Bell. The blocked culvert created a new creek along the railroad tracks that flows into Bell Canyon. This creek would be dried up by the unblocking of the culvert, which was presented to the Planning Commission as a key biological benefit or mitigation measure of the project. While staff has more recently argued that this unblocking is not part of the project and is in fact a separate project, it has been married to this project through the conditions and is a reasonably foreseeable phase of this project. (See *Laurel Heights Improvement Assn. of San Francisco, Inc. v. Regents of the University of California* (1988) 47 Cal.3d 376, 393-399 [253 Cal.Rptr. 426].) There has not been any analysis in

the SEIR or since, including Dr. Rathbun's opinion, regarding this impact. Since red-legged frogs may now use this new creek, this species may be impacted by redirecting the flows out of it. Under CEQA, the lead agency must analyze the impacts of mitigation measures.

In addition, since the applicant failed to coordinate with the Coastal Commission, the applicant's entire team, including its biologists, was unaware of the presence of red-legged frogs at the Sandpiper Golf Course. This was apparent because Dr. Rathbun's opinion does not note the newly discovered presence of this species on the golf course south of the project. The applicant has not satisfied the concerns of the Coastal Commission regarding red-legged frogs or other issues raised in its September 18, 2001 letter to the County.

Therefore, the Board should uphold the appeal and deny the project for inadequately addressing impacts to red-legged frogs and for not addressing the remaining issues of concern of the Commission. Optionally, the Board should continue the appeal hearing to address these issues.

IV. Wetland Buffers

The County Roads conditions may require construction of a curb, sidewalk and gutter in the buffer of wetlands along Hollister Avenue. LCP Policy 9-9 prohibits development in wetland buffers, which must be a minimum of 100-feet. Section 30240(b) of the Coastal Act also requires buffers adequate in size to protect wetlands ESHA, and the Commission's June 15, 1994 Guidelines suggest buffers of at least 100 feet for small projects and larger buffer for larger projects. The Board should consider any development required in the buffer as a conflict with the LCP and Coastal Act, and should require that any pedestrian paths be located outside the ESHAs and buffers and/or not require development such as grading and be unpaved and permeable.

V. The Habitat Management Plan and CC&R's

Despite requests from the Board, there is no new information regarding implementation of the Management Plan. There is no incentive for a Homeowners Association to invest in maintenance of environmentally sensitive habitat. And while the CC&Rs are supposed to guarantee enforcement, we have not seen that mechanism used. Once the project is done, the county does not continue to monitor the site for compliance. There needs to be a mechanism in place, which guarantees that the EHSA will be protected, and the mitigation measures which have allowed the project to be permitted are maintained, for as long as the houses are there.

Many of this project's conditions will be monitored and enforced by the Homeowners Association through its CC&Rs. With all due respect to the future residents, this is allowing the fox to watch the hen house. There is no guarantee the association will be interested in enforcing provisions on its neighbors to protect this habitat forever. CC&R's are historically difficult to enforce. Associations do not have the biological

expertise needed to manage the habitats. There is no oversight with this type of monitoring, and the County is far removed from the loop. Thus, the mitigation measures, since they rely on the Homeowners Association and CC&Rs, are ineffective and unenforceable.

VI. Conclusion

CGV has steadfastly advocated for alternatives on this site that would reduce significant impacts while meeting the project objectives, and is therefore not an 'opponent,' but an appellant. EDC presented an alternative that would avoid the native grassland, cluster the homes better, include a similar number of homes and affordable homes, and include an adequate habitat setback. We believe this alternative is feasible. However, the County has not found this EDC alternative to be infeasible. It is not in the proposed findings and there is no evidence to support such a finding. There has been no comparative economic analysis of the EDC alternative and the project. Under CEQA, the County cannot approve a project if there are feasible alternatives or mitigation measures that substantially lessen or avoid significant impacts while meeting the project objectives.

The applicant has failed to work to resolve issues with the Coastal Commission and appellant. The native grassland ESHA is still incompletely mapped and development is proposed within it and within the 50 foot buffer deemed necessary to protect the habitat into the future. New information regarding red-legged frogs in the area and possible dispersal patterns that may be affected require additional attention prior to Board action. The mitigation measures are ineffective and unenforceable. Finally, a feasible alternative was presented to the County that would substantially lessen and avoid significant biological impacts, but the County proposes no findings regarding this alternative's feasibility. Therefore, the Board should uphold the appeal or should continue the appeal hearing to address the outstanding appeal issues.

Thank you for you attention to CGV's comments.

Sincerely,

Brian Trautwein,
Environmental Analyst

Linda Krop
Chief Counsel

atts

cc: Citizens for Goleta Valley
California Coastal Commission
U.S. Fish and Wildlife Service

Brain Trautwein

From: Sabrina Haswell <shaswell@coastal.ca.gov>
To: 'Brain Trautwein' <btraut@edcnet.org>
Sent: Wednesday, January 09, 2002 4:06 PM
Subject: RE: Sandpiper

Dear Brian:

Happy New Year to you, too.

Our office has not received any updated information from the applica Although I received a call from a staff person at one of the Supervisor offices requesting a joint site visit with the County, applicant, CCC, a USFWS, I did not hear back from them and no site visit was perform any CCC involvement.

Due to workload issues, we will not be able to write a follow up letter the SB County Board of Supervisors. However, the previous letter th office sent to the County raised a number of issues that have not been addressed to my knowledge. In addition, it is also my understanding Red Legged Frog (RLF) survey was recently performed for potential development across Hollister Avenue at the Sandpiper Golf Course. raises some additional concerns with respect to the need for additiona surveys/information on the subject site regarding the RLF, as it poten increases the use of the site as a dispersal corridor, breeding area, etc. As a result, I would refer back to our original letter that sets forth concerns regarding this project, as those concerns remain unaddresse

Please let me know if you have any further questions.

Sincerely,

Sabrina Haswell

Attachment #1

STATE OF CALIFORNIA – THE RESOURCES AGENCY

GRAY DAVIS, Governor

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

Via Facsimile and Regular Mail

September 18, 2001

Anne Almy
County of Santa Barbara
Planning and Development
123 East Anapamu Street
Santa Barbara, California 93101-2030

RE: Sandpiper Residential Development Project (119 units on 14.46 acre undeveloped parcel at Hollister Avenue and Las Armas Road, Goleta, Santa Barbara County)

Dear Ms. Almy:

The purpose of this letter is to provide written comments regarding the above referenced proposed development that is scheduled for a hearing tomorrow before the Santa Barbara County Planning Commission. These written comments are a follow up to oral comments that Commission staff has previously provided to both the applicant and County staff.

The EIR and SEIR prepared for the proposed development have not adequately evaluated potentially significant adverse biological impacts. In some cases, potentially significant impacts, discussed further below, have been dismissed without adequate review or documentation and adequate findings reviewing the impacts of the proposed development on biological resources have not been prepared. Furthermore, it appears that the proposed development, without adequate consideration of the impacts discussed more fully below or imposition of resultant conditions on the project to implement mitigation measures that may arise for adequate environmental analysis of these impacts, may also be inconsistent with numerous LCP policies.

Following receipt of the EIR and SEIR for the proposed development, Commission staff met with the applicant on August 16, 2001 at our Ventura office to discuss potential issues raised by the proposed development and the EIR and SEIR. In addition, Commission staff, including staff biologist, Dr. Jon Allen, met with the applicant at the subject site on September 5, 2001 to further discuss these issues.

Based on the preliminary review of the EIR, SEIR, and site visits by Commission staff and on the subsequent survey for the California red-legged frog, it appears that potentially adverse impacts to the red-legged frog have not been addressed nor is there any evidence in the record (to the knowledge of Commission staff) that the United States Fish and Wildlife Service (USFWS) has been contacted for comment regarding

the implications of the discovery of the red-legged frog immediately off site of the proposed project site.

As you know, the subject site supports a blue line stream, Devereux Creek, and numerous wetlands. Additionally, red-legged frogs and habitat areas have been previously identified in close proximity to the subject site. The SEIR also states that the wetlands on the site may provide "temporary breeding habitat for amphibians such as Pacific chorus frog and Western toad as well as a variety of aquatic insects." Although the SEIR states that "California red-legged frogs are known to use wetlands and riparian habitats along several of the southern Santa Barbara County coastal drainages, including Bell Canyon Creek, Eagle Creek, and Tecolote Creek to the west of the project site . . . [t]his species has not been reported from Devereux Creek either downstream or upstream from the project site where more favorable, wetter conditions exist." However, the presence of the red-legged frogs has been documented at other sites in the immediate vicinity. Further, the SEIR states that the subject site may provide amphibian breeding habitat. During the meeting August 16, 2001 meeting with Commission staff and the applicant, our office requested a copy of the biological survey that was prepared in order to conclude in the SEIR that there are no red-legged frogs on the site or downstream or upstream of the site. As a copy of this survey was not an appendix to the SEIR and had still not been received by our office by the time of our site visit on September 5, 2001. Therefore, we again raised this issue with the applicant on September 5, 2001. At that time, the applicant stated that a survey had never been performed for the red-legged frog. Our office stated that such a survey would provide essential baseline information necessary to adequately review the potential biological impacts of the proposed development.

It is our office's understanding that a biological survey for the red-legged frog was subsequently prepared by the applicant on September 6, 7, and 8, 2001, and that the survey located at least one red-legged frog immediately upstream on the adjacent property, just across the railroad tracks. It appears that this recent survey was then added as an appendix to the SEIR, but was not provided to Commission staff. It appears that the late inclusion of this biological survey without adequate public notice or circulation to responsible agencies (most notably the USFWS) has prevented important opportunities for public agencies and interested parties to consider the results of the latest biological survey. Commission staff notes that further environmental review and information must be provided on the presence of the red-legged frog on the subject site and of adjacent sites, the status of the subject site and adjacent sites as critical habitat for the red-legged frog, and potential impacts of the proposed development on the red-legged frog. In addition, it appears that the USFWS has not been consulted with respect to this project, or at least the results of the latest survey. As you know, the USFWS has regulatory authority over the project if there is an endangered or threatened species present, such as the red-legged frog.

In addition, there are numerous native grasslands that exist on the subject site. Although the applicant has stated in oral conversations with Commission staff that one area of native grassland will be preserved and incorporated into a restoration area, this

is not adequately reflect on the plans received to date by our office. Further, there are other areas of mapped native grasslands that the applicant is proposing to develop, rather than preserve, although the LCP calls for development to be sited and designed to protect native grassland areas. In addition, the delineation of the native grasslands on site may be outdated. The County's review of the project should be based on accurate, contemporary data that does not exclude fragmented populations of native grasses on the site as a whole.

In addition, the wetlands on the subject site also raise potential issues that have not been addressed with respect to the proposed development. These wetlands may serve as breeding habitat for the red-legged frog, particularly when ponding occurs between March and July. This potentially significant issue was not addressed in the EIR or SEIR. Furthermore, the applicant is proposing to fill one wetland that meets the County, California Coastal Commission, and California Department of Fish and Game definition of a wetland. This appears potentially inconsistent with the County's LCP policies pursuant to allowable development within wetlands.

Additionally, our office has not yet received adequate mapping of the topography, resources, and proposed development of the subject site that are of the same scale and size, to determine whether adequate setbacks have been established for those wetlands that the applicant is not proposing to fill. These plans would also seem to be important tools in the County review of the proposed development. Commission staff identified areas of the site with more extensive riparian and wetland indicator species than had previously been acknowledged by the applicant. The applicant conceptually agreed to update the vegetation maps requested by Commission staff to incorporate these resources. It seems that the EIR/SEIR should also incorporate these pending changes and that the County should also have the benefit of this information prior to rendering a decision on the proposed development.

As we have noted, Commission staff has requested but not yet received adequate mapping of the topography, resources, and proposed development of the subject site. Additionally, the resource map that was provided does not accurately delineate the extent and composition of riparian vegetation along this portion of Devereux Creek, nor do the maps delineate the banks of the stream. As a result, it is not possible with the information that has been submitted by the applicant to ensure that the setbacks and buffers proposed by this project are consistent with those required under the LCP. We note that although the LCP sets minimum standards for the protection of sensitive resources, it also requires that associated buffers be established based, in part, on consultation with the California Department of Fish and Game. The County's records do not indicate whether such consultation has occurred. Further, the LCP states that in order to protect the biological productivity and water quality of streams, factors such as the slope of the land on either side of the stream and location of the 100-year flood plain boundary shall be considered. Again, Commission staff can find no reference in the County's administrative record that these factors have been considered. Under the County's LCP policies, riparian vegetation shall be protected and included within the buffer and where riparian vegetation has previously been removed, the buffer shall

allow for the reestablishment of riparian vegetation. Without the mapping of the riparian vegetation on the resource map, it appears premature for the Planning Commission to form any conclusion as to the project's conformity with the policies of the LCP.

In addition, the subject site also contains a complex grove of eucalyptus trees. The site is in the proximity to Ellwood Shores and Monarch Point, which have been established as major wintering grounds for Monarch Butterflies. The County's LCP states, "Little is known about the behavior patterns and migration routes of the Monarch Butterfly; therefore, this habitat is of important scientific, educational, and general public interest." The SEIR prepared for the proposed development states that the "dense stand of blue gum eucalyptus that occupies the banks at the southern extent of the stream on-site is suitable for autumnal aggregations and patrolling individuals of Monarch butterflies (*Danaus plexippus*). The site is near to the Ellwood Main overwintering complex, which is the major monarch site in the region." There is no evidence that the eucalyptus trees on site are not utilized for some Monarch Butterfly activities, at least during portions of the year. Commission staff cannot conclude that an adequate analysis has been performed to dismiss any adverse impacts to Monarch Butterfly populations that may result from the proposed development, including removal of individual eucalyptus trees on the site and major thinning of the eucalyptus grove. Although the County's LCP sets forth specific policies relating to trees that may be used by Monarch Butterflies, including policies on removal, thinning, and setbacks for development, none of these policies appear to have been incorporated into the proposed development.

Lastly, the eucalyptus groves on the subject site and adjacent sites and native grasslands also serve as raptor roosting and foraging habitat. As a result, the effect on raptors of the cutting and thinning of the eucalyptus trees on site and the elimination of native grasslands should be specifically addressed. The analysis provided to date has not adequately addressed the potential impact to raptors by the proposed development and additional information and analysis should be provided to the County prior to a decision.

In summary, the proposed development raises numerous issues of significant concern. Additional information and analysis should be required to adequately review the project and the potential impacts that it may cause on biological resources on the subject site and adjacent sites. As a result, it would not seem prudent for the County to make a decision on this project at tomorrow's hearing. Thank you for allowing us the opportunity to provide our written comments. If you have any questions regarding the information our office has provided, do not hesitate to contact me. Please keep our office up to date on any action taken by the County pursuant to this project.

Sincerely,

Sabrina Haswell
Coastal Program Analyst

Attachment #2

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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The following list includes what species could be there, and states when they flower so as to indicate what time of year each should be surveyed for. This helps show an overall problem with the surveying and mapping. One, they did not look at the right times for all species and thus could have missed some. Two, they did not map all the individ
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uals and areas of grasses and thus do not depict the true extent of the native grasses including areas of lower density between denser patches which can be important components of the native grassland system.

Distributions and flowering periods (based on Smith 1998) of native plants included in V. L. Holland's Table 1, as expected in high diversity native grasslands.
Names in **bold** known to occur on Sandpiper site
US, California, CNPS, CEQA status in **bold**
Spp. indicates that more than one species expected, but not specified by Holland [no attempt to determine which might be at site, all mainland species in Smith 1998 listed below pink – appear unlikely, based on Smith 1998 distributions]
Distribution notes from Smith 1998 indicating plants as specifically found in grasslands and/or grass-rich areas are in blue

<u>Grasses</u>

Agrostis diegoensis [synonym of *Agrostis pallens* in Smith 1998]
cool, well-drained woodland/chaparal slopes, Bishop pine forest
Santa Ynez Mtns., west to San Julian area, Vandenberg AFB. north of Lompoc and Point Sal

Bromus carinatus
var. *carinatus* [flowering April-July]: coastal sage scrub, woodland, sandy fields, waste places, coniferous forest from coast to interior...to Mt. Pinos
var. *maritimus* [flowering April-July]: sandy slopes near the sea
Hollister Ranch? Morro Bay to Oregon

Deschampsia danthonioides [flowering July]
low places along coast, moist swales about grassland, creeks and meadows
Isla Vista Tract...to Big Pine Mtn., Cuddy Valley, Soda Lake

Hordeum brachyantherum* subsp. *brachyantherum [flowering March-July]
ocean bluffs, grassy mesas and hillsides in foggy coastal area
Isla Vista, Ellwood Mesa, inland to marsh near Los Alamos, Orcutt

Hordeum brachyantherum* subsp. *californicum [flowering April-June]
grassy mesas, bluffs along ocean, burns, to inland canyon woodland, moist meadows
Bluff Camp, potreros in Sierra Madre, upper Sespe Creek watershed, Lockwood Valley

Koeleria macrantha [flowering April-July].
woodland and in deeper openings in chaparral
Big Pine Mtn. And Mt Pinos

Leymus condensatus [flowering June-September]
riparian woodland, washes, potreros and canyons
ocean bluff to inland mountains of Cuyama Valley and Mt Pinos

Leymus triticoides [flowering May-August]
salt marshes, along ditches of roads, low ground meadows, creeks, steep hillsides, woodlands and fields from coast to interior canyons and mountain potreros, Mt. Pinos

Melica imperfecta [flowering March-July]
cool slopes
foothills of Santa Ynez Mtns., Oso Canyon, Figueroa Mtn., Lompoc, Sierra Madre, Madulce Peak ridge, Reyes Peak, upper Cuyama Valley, Lockwood Valley, Sespe Creek

Nassella lepida [flowering February-July]
ocean bluffs, grassland, open woodland/chaparral (burns) in deeper soils

Linanthus spp.

Linanthus aureus [flowering March-July]: pinyon-juniper woodland, gravelly desert country
Upper Sisquoc River, Ballinger and Apache canyons, Toad Spring and Valle Vista Campground, upper Cuyama Valley to Lockwood Valley

Linanthus bicolor [no flowering dates in Smith 1998]:
New Cuyama, Mt. Abel-Ballinger Canyon region

Linanthus bigelovii [flowering May]: desert
Ballinger Canyon, above Cuyama River above Ozena, Mt. Pinos, Elkhorn Plain

Linanthus ciliatus [flowering March-June]: coast live oak woodland, blue oak woodland, coniferous forest
Paradise County Park Road along upper Santa Ynez River, Cuyama River Canyon, from Colson Canyon to Sierra Madre Road and Bates Canyon Campground, San Rafael Mtn. to Big Pine Mtn., Reyes Peak ridge, Yellow Jacket Meadows, Ojai Valley

Linanthus dianthiflorus [flowering March-May]: foothills
coastal Santa Barbara area

Linanthus dichotomus [flowering March-June]: sandy slopes, burn
Purisima Hills, Graciosa Canyon, Nira Campground, La Brea Canyon, Hurricane Deck, Sierra Madre, Cuyama Valley, Lockwood Valley, Mt. Pinos, Sandstone Campground

Linanthus grandiflorus [no flowering dates in Smith 1998, **CNPS list 4**]: vernal flat
Los Alamos Valley, vicinity of Santa Maria, northwest of *Orcutt*

Linanthus liniflorus [flowering May-July]: woodland, sandy canyons and fields
From San Marcos and Refugio passes inland to upper Santa Ynez River, La Brea Canyon, upper Sisquoc River, Pine Corral Potrero, Cuyama Valley to Lockwood Valley

Linanthus parryae [flowering April]:
western margin of Carrizo Plain, Camatta Road in San Luis Obispo Co.

Linanthus parviflorus [flowering March-July]: sandy flats, canyons, stabilized dunes, mesas, serpentine, coniferous forest
coastal, Figueroa Mtn., San Rafael Mtns., Sierra Madre, upper Cuyama Valley, Mt. Abel, Sespe Creek watershed

Linanthus pygmaeus subsp. *continentalis* [flowering April-May]: sandy flats about open woodland/chaparral
foot of San Marcos Pass to Lompoc, La Brea Canyon, below White Oaks Guard Station, Bear Creek southwest of Ozena, Matilija Canyon, Dry Lakes ridge

Lupinus spp.

Lupinus benthamii [flowering April-May]: blue oak woodland/chaparral, sandy roadside, steep open gravelly hillsides and floodplains
Hwy 166 between Buckhorn Canyon and Cuyama Valley, north fork of La Brea Canyon, lower Cuyama Valley

Lupinus bicolor [no flowering dates in Smith 1998]: grassy fields, open woodland, sandy ocean bluffs to inland canyons, mountains, pinyon-juniper woodland
coast to Mt. Pinos

Lupinus concinnus [flowering March-June]: sandstone banks, sandy slopes, chaparral burns, fuelbreaks, woodland, coniferous forest, pinyon-juniper woodland
Upper Santa Ynez Mtns. to inland canyons, San Rafael Mtns, Pine Mtn., crests of Sierra Madre, upper Cuyama Valley, upper Sespe Creek watershed

Lupinus hirsutissiums [flowering February-May]: disturbed places along (sandy) banks of roads, trails, burns of woodland/chaparral
coastal, inland to Sierra Madre, Sespe Gorge

Lupinus lepidus var. *confertus* [flowering June-July] sandy flat, Jeffrey pine woodland
Big Pine Mtn., Grade Valley Road, Thorn Meadows, Mt. Pinos

Lupinus luteolus [flowering May-August]: dry, stony streambed, coniferous forest
Santa Ynez River, Big Pine Mtn., Santa Barbara Potrero, Potrero Seco, Hwy 33 along upper Sespe Creek, Ozena to Lockwood Valley, Thorn Meadows, Mt. Pinos

Lupinus microcarpus var. *microcarpus* [flowering April-June]: grassy openings, woodland/chaparral
From upper Santa Ynez River to Happy Canyon, Las Cruces, Hollister Ranch, Lompoc, Cuyama Valley Canyon, Figueroa Mtn., lower Sisquoc River, Sierra Madre, Cuyama and Lockwood valleys, Carrizo Plain, upper Sespe Creek watershed

Lupinus microcarpus var. *densiflorus* [flowering March-June]: grassland, banks of roads, open woodland/chaparral
from coastal area north of Gaviota Pass to inland canyons, Cuyama and Lockwood valleys

Lupinus microcarpus var. *horizontalis* [flowering April-June]: desert country in pinyon-juniper woodland

Upper Cuyama Valley

Lupinus nanus [flowering February-May]: (sandy) fields, shale
Immediate coast, mostly north of Point Conception to Point Sal, inland from upper Santa Ynez River to Figueroa Mtn. and Foxen Canyon, north and west of Buelton, Drum Canyon, Tepusquet Canyon, Santa Maria, Nipomo Mesa

Lupinus pachylobus [no flowering dates in Smith 1998]: grassy hill
Refugio Pass

Lupinus sparsiflorus [flowering March-June]: banks of roads, in burns about chaparral
Interior mountains from Blue Canyon to Figueroa Mtn., Cuyama River Canyon, Cuyama Valley, upper Sespe Creek watershed Ojai area

Lupinus succulentus [flowering February-May]: disturbed places about shoulders of roads, gravel piles, burns, fallow fields, dunes
coastal areas, inland to Cuyama Valley

Lupinus truncatus [flowering March-June]: sandy banks of roads, fields, about woodland/chaparral
Coastal area, inland to upper Santa Ynez River, lower Sisquoc River, Buckhorn Canyon

Madia spp.

Madia elegans subsp. *elegans* [no flowering dates in Smith 1998]: pinyon woodland
Mt. Pinos, Mt. Abel, Quatal Canyon, Dry Lakes Ridge

Madia elegans subsp. *densifolia* [flowering May-September]: woodland
Summits of mountains

Madia elegans subsp. *vernalis* [flowering May-June]: friable soils
Santa Barbara, Salisbury, and Montgomery potreros in Sierra Madre, Potrero Seco, Bates Canyon, Caliente Mtn, Mt. Abel

Madia elegans subsp. *wheeleri* [flowering June-October]: banks, sometimes sandy, in coniferous forest
Mission Pine Basin, Big Pine Mtn., Reyes Peak, Lockwood Valley, Mt. Pinos

Madia gracilis [flowering April-July]: grassy places of open woodland/chaparral, coniferous forest
coastal area, inland to Brig Pine Mtn, Sierra Madre

Madia minima [flowering May-June]: gravelly slopes, sandy places
Dry Lakes Ridge, Bear Creek southwest of Ozena, Big Pine Mtn., Lockwood Valley, Thorn Meadows, Mt. Pinos

Madia sativa [flowering]: sandy waste places of fields and woodland
coastal area, inland to higher? mountains

Mimulus spp.

Mimulus androsaceus [flowering April-August]: sandy damp meadows, vernal depression, vernal damp ground in openings in chaparral
Hurricane Deck, Mission Pine Basin, Big Pine Mtn., Lion-s Canyon, Rose Valley Lake, Sandstone Campground, between Lockwood Valley and Thorn Meadows

Mimulus bolanderi [no flowering dates in Smith 1998]: gravelly slope under brush, sandy bank
Figueroa Mtn., Madulce Peak, Mission Pine Basin

Mimulus brevipes [flowering March-June]: cool, disturbed places about trails, roads, burns in chaparral
Santa Ynez Mtns. to Burton Mesa, inland in canyons of upper Santa Ynez River watershed to Figueroa Mtn. and upper Sespe Creek

Mimulus breweri [flowering June-July]: creek bed
Summit of San Rafael Mtn., Mt Pinos

Mimulus congdonii [no flowering dates in Smith 1998]: disturbed places and damp grassy situations
Ojai Valley

Mimulus constrictus [flowering May-July (October)]: Jeffrey Pine association
Mt. Pinos to Frazier Mtn. and Tecuya Ridge

Mimulus floribundus [flowering April-July]: moist places about chaparral, after burn, borders of brooks in coniferous forest
Camino Cielo west of San Marcos Pass, Lake Cachuma, Mission La Purisima, Solomon Hills, Big Pine Mtn., Madulce Ranger Station, Salisbury Potrero, Mutau Flat, Mt. Pinos, Mirror Lake

Mimulus fremontii [flowering April-June]: sandy places, shale, sandy desert country, pinyon-juniper woodland, sandy slopes, woodland/chaparral
West of Buelton, La Brea Canyon, Sisquoc Ranch, Hurricane Deck, Lion's Canyon, Pine Corral Potrero, Mission Pine Basin, Big Pine Mtn., upper Cuyama Valley, Dry Lakes Ridge, upper Sespe Creek, Santa Lucia Canyon, near Vandenberg Village

Mimulus guttatus var. *guttatus* [flowering March-October, sometimes perennial]: marshy places, coniferous forest

along coast, inland to Big Pine Mtn., upper Cuyama Valley, Mt. Pinos

Mimulus johnstonii [flowering May-July]: banks, shale, talus slopes, sandy places about chaparral
Mission Canyon to Camino Cielo, upper Santa Ynez River, Little Pine Mtn. to Figueroa Mtn. area, Hurricane Deck, Cachuma Mtn. to McKinley Mtn., San Rafael Mtn. to Big Pine Mtn, Lockwood Valley, Ortega Hill Trail, Big Chief Peak, upper Sespe Creek

Mimulus pilosus [flowering May-June]: moist places, burns, about chaparral
Santa Ynez Mtns. east of Gaviota Pass, inland to upper Santa Ynez River watershed, San Rafael Mtn., Big Pine Mtn., Miranda Pine Mtn. area, Thorn Meadows, upper Sespe Creek, Iris meadows on Mt. Pinos, Sawmill Mtn.

Mimulus rattanii [no flowering dates in Smith 1998]: chaparral burns
Ortega Hill Trail at 4000 ft., upper Matilija Canyon

Mimulus rubellus [no flowering dates in Smith 1998]: dry sandy slope in pinyon-juniper woodland
Along Hwy 33 near south foot of Pine Mtn. grade about 4700 ft

Platystemon californicus [flowering February-June]
fields, open woodland, potreros
along coast, mainly north of Hollister Ranch, inland to Sierra Madre and Cuyama Valley

Trifolium spp.

Trifolium albopurpureum var. *albopurpureum* [flowering March-June] grassy woodland/chaparral, burns, potreros
mountainous areas from coast to Cuyama Valley

Trifolium albopurpureum var. *olivaceum* [no flowering dates in Smith 1998
Ojai Valley, Cuyama River Canyon

Trifolium barbigerum [flowering March-May]: edge of winter pond and about wash in fields
West of Buelton, Santa Rosa Ranch near Lompoc

Trifolium bifidum var. *bifidum* [flowering April-May]: ridge in chaparral
Fox Canyon, Santa Ynez Mtns. northeast of Point Conception

Trifolium bifidum var. *decipiens* [flowering April-May]: grassy woodland in coastal region
Refugio Pass, San Julian area, Los Alamos, Ojai, Red Mtn

Trifolium ciliolatum [flowering March-June]: grassy woodland
coast to Cuyama Valley

Trifolium cyathiferum [flowering June-July]: moist places in meadows along brooks
Mission Pine Basin, Big Pine Mtn., Lockwood Valley, Mt. Pinos

Trifolium depauperatum var. *truncatum* [flowering March-April]: grassy woodland
coastal areas from Ojai through Santa Ynez Mtns. to Point Sal, upper Santa Ynez River to Lompoc and Santa Maria

Trifolium fucatum var. *fucatum* [flowering] moister places about serpentine
Oso Canyon to upper Happy Canyon Road, Figueroa Mtn. Area

Trifolium gracilentum var. *gracilentum* [flowering March-June] disturbed ground to grassy woodland
widespread from coast to Cuyama Valley

Trifolium macraei [flowering March-April]: sandy opening of woodland
west of Buelton, Point Sal

Trifolium microcephalum [March-July]: chaparral burns, moist sandy places, open grassy areas
widespread, along coast, inland to Big Pine Mtn. and Sierra Madre

Trifolium microdon [flowering March-May]: woodland
Montecito near Santa Barbara, Cathedral Oaks Road, Refugio Pass, Point Sal, Red Mtn.

Trifolium obtusiflorum [flowering May-July]: moist places
Juncal Dam, Matilija and Sespe creeks

Trifolium oliganthum [no flowering dates in Smith 1998]: open woodland
Camino Cielo near Refugio Pass about 2250 ft, Vandenberg AFB

Trifolium variegatum [flowering April-July] moist places about meadows, creeks, in woodlands
coast, upper Santa Ynez River, Colson Canyon, Figueroa Mtn. to Madulce Peak, Hurricane Deck, upper Sisquoc River, Pine Corral Potrero, Cherry and Matilija creeks, Mirror Lake, Arroyo Grande marsh

Trifolium willdenovii [flowering March-August]: grassy woodland
widespread, coast and inland to Cuyama Valley

Attachment #3

California Coastal Commission

PROCEDURAL GUIDANCE FOR THE REVIEW OF WETLAND PROJECTS IN CALIFORNIA'S COASTAL ZONE

June 15, 1994

Financial assistance for preparation of this document was provided by the Coastal Zone Management Act of 1972, as amended, administered by the Office of Ocean and Coastal Resource Management, National Oceanic and Atmospheric Administration.

Accordingly, the Commission may set limits and conditions to development adjacent to environmentally sensitive habitat areas based upon any or all of the following sections of the Coastal Act: 30230; 30231; 30233; 30236; and 30240. The Commission has required the following types of mitigation measures: setbacks; buffer strips; noise barriers; landscape plans; pervious surfacing with drainage control measures to direct storm run-off away from environmentally sensitive habitat areas; buffer areas in permanent open space; land dedication for erosion control; and wetland restoration, including off-site drainage improvements. This section only discusses the requirements for establishing the width of buffer areas. It does not discuss any other measures as noted above which may also be necessary and more appropriate to ensure that the development is compatible with the continuance of the habitat area.

a. Criteria for Establishing Buffer Areas

A buffer area provides essential open space between the development and the environmentally sensitive habitat area. The existance of this open space ensures that the type and scale of development proposed will not significantly degrade the habitat area (as required by Section 30240). Therefore, development allowed in a buffer area is limited to access paths, fences necessary to protect the habitat area, and similar uses which have either beneficial effects or at least no significant adverse effects on the environmentally sensitive habitat area. A buffer area is not itself a part of the environmentaly sensitive habitat area, but a "buffer" or "screen" that protects the habitat area from adverse environmental impacts caused by the development.

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

For a wetland, the buffer area should be measured from the landward edge of the wetland (Appendix D). For a stream or river, the buffer area should be measured landward from the landward edge of riparian vegetation or from the top edge of the bank (e.g., in channalized streams). Maps and supplemental information may be required to determine these boundaries. Standards for determining the appropriate width of the buffer area are as follows:

1. Biological significance of adjacent lands. Lands adjacent to a wetland, stream, or riparian habitat area vary in the degree to which they are functionally related to these habitat areas. That is, functional relationships may exist if species associated with such areas spend a significant portion of their life cycle on adjacent lands. The degree of significance would depend upon the habitat requirements of the species in the habitat area (e.g., nesting,

feeding, breeding or resting). This determination requires the expertise of an ecologist, wildlife biologist, ornithologist or botanist who is familiar with the particular type of habitat involved. Where a significant functional relationship exists, the land supporting this relationship should also be considered to be part of the environmentally sensitive habitat area, and the buffer area should be measured from the edge of these lands and be sufficiently wide to protect these functional relationships. Where no significant functional relationships exist, the buffer should be extended from the edge of the wetland, stream or riparian habitat (for example) which is adjacent to the proposed development (as opposed to the adjacent area which is significantly related ecologically).

2. Sensitivity of species to disturbance. The width of the buffer area should be based, in part, on the distance necessary to ensure that the most sensitive species of plants and animals will not be disturbed significantly by the permittted development. Such a determination should be based on the following:

a. Nesting, feeding, breeding, resting or other habitat requirements of both resident and migratory fish and wildlife species.

b. An assessment of the short-term and long-term adaptibility of various species to human disturbance.

3. Susceptibility of parcel to erosion. The width of the buffer area should be based, in part, on an assessment of the slope, soils, impervious surface coverage, runoff characteristics, and vegetative cover of the parcel and to what degree the development will change the potential for erosion. A sufficient buffer to allow for the interception of any additional material eroded as a result of the proposed development should be provided.

4. Use of natural topographic features to locate development. Hills and bluffs adjacent to environmentally sensitive habitat areas should be used, where feasible, to buffer habitat areas. Where otherwise permitted, development should be located on the sides of hills away from environmentally sensitive habitat areas. Similarly, bluff faces should not be developed, but should be included in the buffer area.

5. Use of existing cultural features to locate buffer zones. Cultural features, (e.g., roads and dikes) should be used, where feasible, to buffer habitat areas. Where feasible, development should be located on the side of roads, dikes, irrigation canals, flood control channels, etc., away from the environmentally sensitive habitat area.

Appendix A

Statewide Interpretive Guidelines For Wetlands And Other Wet Environmental Sensitive Habitat Areas

Attachment #4

CALIFORNIA RED-LEGGED FROG SURVEY REPORT

SANDPIPER GOLF COURSE

Prepared by

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October 2001

SANDPIPER GOLF COURSE
CALIFORNIA RED-LEGGED FROG SURVEY REPORT

Introduction

The following report summarizes the California red-legged frog (*Rana aurora draytonii*) surveys conducted within and around the Sandpiper Golf Course in October, 2001. This report describes the survey methods and results and provides a habitat characterization in terms of California red-legged frog habitat in the survey area.

Methods

The USFWS has developed a specific protocol for biologists to accurately survey for California red-legged frogs. By using the methods described in USFWS protocols, the surveys could later be accepted as verifying the species' presence or absence. The protocol also includes methods for site assessment.

The site assessment included determining the known localities of California red-legged frogs within the vicinity of the project site and determining the habitat types within the project site. Known localities were obtained from records of previous surveys in the area. Habitat types at the site were determined from field surveys and personal knowledge of the SAIC biologists.

USFWS protocol surveys were conducted for California red-legged frogs by SAIC biologists Ted Mullen, M.S. and Rosemary Thompson, Ph.D., on October 22 and 23, 2001. Surveys consisted of two daytime and two nighttime surveys of all potential habitat within the golf course boundary. Potentially suitable habitat included the Devereux Creek drainage located along the eastern side of the golf course, an unnamed drainage near the 13th hole in the center of the property along the bluff, and the man-made pond near the golf course's club house. The USFWS protocol recommends that red-legged frog surveys be conducted between May 1 and November 1 to minimize disturbance to breeding, eggs, and tadpoles, and to be within the time of year when frogs can be reliably detected. Daytime and nighttime surveys were conducted on the same days.

Nighttime surveys consisted of the biologists walking within or around the periphery of suitable aquatic habitat using a flashlight to detect eye-shine from red-legged frogs. The field surveys focused on identifying the presence of California red-legged frogs or habitat that could be used by the species for breeding, summer refuge, or as migratory corridors.

Survey Results

California red-legged frog populations are known to exist and breed in Bell Canyon Creek, approximately one-quarter of a mile west of Sandpiper Golf Course, and in Tecolote Canyon Creek located about one-half mile west of the project site. This species is known to travel up to two miles away from breeding habitat.

At the time when the October surveys were undertaken, the Devereux Creek drainage within the golf course area was completely dry, except for one small pool described below. Similar

conditions were observed during site visits earlier in June, 2001. There were no California red-legged frogs observed in this drainage during any of the protocol surveys, or during previous site visits. The Devereux Creek drainage within the golf course includes several areas of riparian scrub vegetation dominated by willows and coyote brush, as well as intervening sections of planted grass that are mowed and maintained as part of the golf course playing area. Where a well-defined channel exists within the riparian scrub areas, the substrate consists of unvegetated sediment; no emergent marsh vegetation is present. The drainage does not appear to have a consistent water flow, except potentially during the rainy season. The single pool of water observed in the drainage during October was accumulated runoff from irrigation and was approximately one-inch deep and several feet wide. This pool had no aquatic vegetation growing in it.

Based on the observations during these biological surveys, the Devereux Creek channel within the Sandpiper Golf Course is not suitable for California red-legged frogs, except as a possible travel corridor during the rainy season. However, there are no known populations of California red-legged frogs or red-legged frog habitat downstream of the drainage. The unnamed drainage that extends from the edge of the 13th hole on the golf course down the bluff had several pools of standing water with small amounts of aquatic vegetation. The water source for this drainage is irrigation runoff from the golf course. Much of the drainage has large areas of asphalt paving which has created a berm that allows water to stand. Several of the pools were deep enough (over two feet deep) for red-legged frog use as summer refuge or breeding habitat. No California red-legged frogs were observed in this area during any of the protocol surveys.

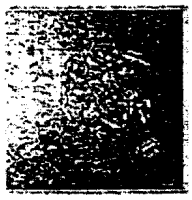
Two California red-legged frogs were positively identified in the man-made pond south of the club house. This pond contains deep water and a small amount of vegetative cover along the pond's edge. Vegetation includes two small (less than five feet in diameter) patches of bulrush and several non-native willow trees. A bridge leading to a man-made island in the pond also provides a limited amount of cover to amphibians inhabiting the pond. The habitat in this area is deep enough to support California red-legged frog breeding activities during the winter and the water persists long enough through the summer to provide adequate summer refuge. A sub-adult and an adult California red-legged frog were positively identified in the pond on the night of October 25, 2001. In addition, approximately eight to ten other individual frogs were observed, but not positively identified to species, in the pond during the two nights of surveys. There were no bullfrogs identified during the October protocol surveys. The presence of California red-legged frogs within the golf course pond indicates their dispersal to the pond from the known population of frogs in Bell Canyon, approximately 1,000 feet to the west. Breeding within the golf course pond cannot be confirmed at present, but is a possibility. Most of the migration of this species occurs during the rainy season and at night, and it would appear relatively easy for the species to move between Bell Canyon and the pond across frequently watered grassy areas.

Attachment #5

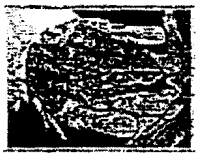
CRITTER CAM
Santa Barbara Earth First!
Mon Sep 25 '00

California Red Legged Frogs, Goleta. Calif., 9/25/00 CLICK TO ENLARGE

Photos A-I are of frog #1, the first frog that was seen. It was near a small pool that contained another smaller frog (frog #2), which eluded the camera. Photo A is frog #1 on the bottom of the pool. Photo H is a particularly nice shot.

A.  B. C.

D. E.

F. G. H.  I.

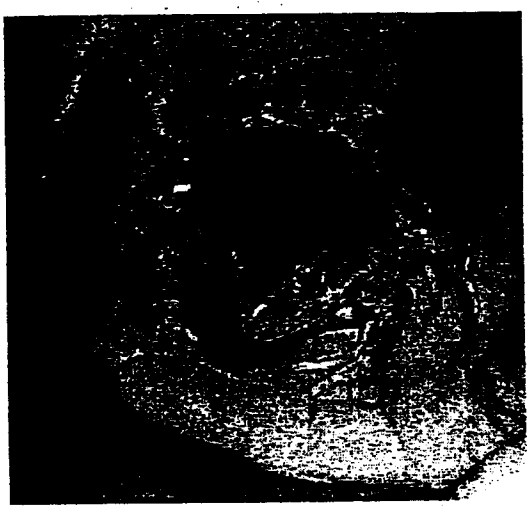
Photos J-N are at a larger pool. Photos J and K are of frog #3 (K is under water). Photo L is frog #4. Frog #5 was in the pool and eluded the camera. Photos M and N are frog #6.

J. K. L. M. N.

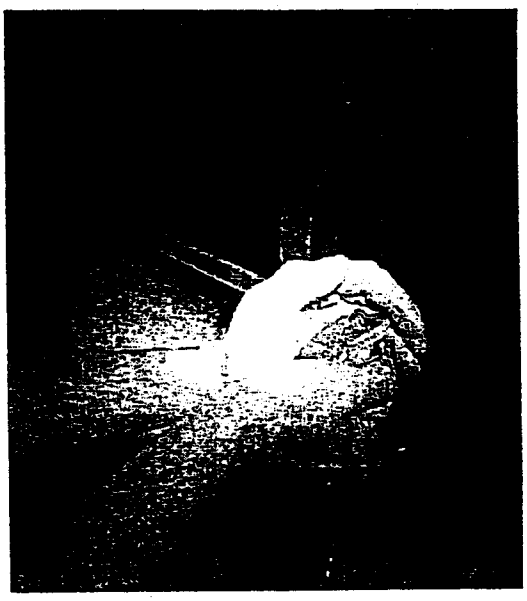
Red Legged Frogs 2/25/00 (c) SBEF!

Frog #1

Frog #1

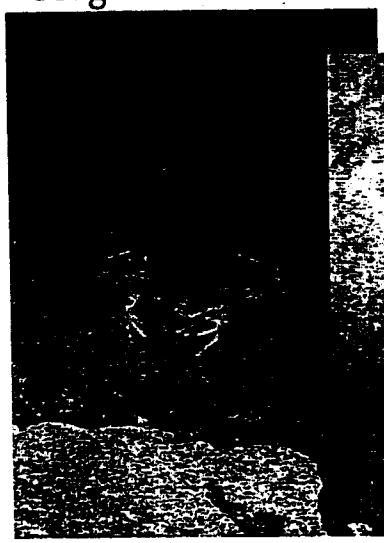


Frog #1



Frog #1

Frog #3



Frog #4

Frog #6

United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ventura Fish and Wildlife Office
2493 Portola Road, Suite B
Ventura, California 93003

January 3, 2002

Mary Meaney Reichel, Project Manager
Tynan Group, Inc.
2927 De la Vina Street
Santa Barbara, California 93105

Subject: Proposed Residences at Sandpiper Development, Santa Barbara County, California

Dear Ms. Reichel:

We have received your letter, dated December 19, 2001, and received by us on December 21, 2001, requesting our evaluation of the subject project. Your letter followed up on a site visit on December 18, 2001 that included you, Bridget Fahey of my staff, and Ted Mullen of Science Applications International Corporation to discuss the requirements of the project, if any, under the Endangered Species Act of 1973, as amended (Act). The Tynan Group proposes to develop 51 single-family homes, 40 townhouse units, and 20 affordable housing units on both sides of Devereux Creek on a 14.46 acre parcel, south of highway 101 and west of Goleta. At issue is the effect of the project on the federally threatened California red-legged frog (*Rana aurora draytonii*). During the site visit, you indicated that there was no federal nexus for the project.

The U.S. Fish and Wildlife Service's (Service) responsibilities include administering the Act, including sections 7, 9, and 10. Section 9 of the Act prohibits the taking of any federally listed endangered or threatened species. Section 3(18) of the Act defines take to mean to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. Service regulations (50 CFR 17.3) define harm to include significant habitat modification or degradation which actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering. Harassment is defined by the Service as an intentional or negligent action that creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavior patterns which include, but are not limited to, breeding, feeding, or sheltering. The Act provides for civil and criminal penalties for the unlawful taking of listed species. For projects such as yours, with no federal nexus, exemptions to the prohibitions against take may be obtained through the issuance of an incidental take permit under section 10(a)(1)(B) of the Act.

As was discussed during our December 18, 2001, site visit, we do not believe that an incidental take permit is necessary for your project, as the project is unlikely to result in take of the California red-legged frog. We base our finding on the following: 1) a report from Dr. Galen Rathbun, a recognized California red-legged frog expert, states that "there is no perennial or seasonal habitat on the property that is suitable for California red-legged frogs"; 2) no California red-legged frogs were found on the site during surveys conducted by Ted Mullen; and 3) the changes proposed for the project would not result in the creation of habitat that would attract California red-legged frogs and put them in a situation where they could be taken.

We are aware that a subadult California red-legged frog was found approximately 250 feet upstream of the project area in one of two plunge pools created by a culvert under Highway 101. We agree with Dr. Rathbun's conclusion that these plunge pools are unlikely to constitute California red-legged frog breeding habitat due to their small size the lack of emergent vegetation, and that the individual found likely represents a dispersing juvenile. Furthermore, due to the distance of the pools from other California red-legged frog potential breeding sites and the presence of California red-legged frog predators such as racoons, these pools constitute poor non-breeding habitat. We do not believe that these pools would act as a "source" for California red-legged frogs that could disperse into the project area during construction. Therefore, we believe that the project is unlikely to result in the death or injury of individual California red-legged frogs.

Please be aware that this letter does not authorize the take, in any manner, of California red-legged frogs. If a California red-legged frog is observed on the site prior to or during project activities, or if new occurrences of California red-legged frogs are reported within one mile of the site, all actions which could result in take should cease and the Service should be contacted.

If you have any questions regarding this matter, please contact Bridget Fahey of my staff at (805) 644-1766.

Sincerely,

Diane K. Noda

Diane K. Noda
Field Supervisor

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June 13, 2002

TO:	FAX NO:	PHONE NO:
Sandra Goldberg, Esq. California Coastal Commission - SF	(415) 904-5400	(415) 904-5200
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FROM:	FILE NO:	USER NO:
Steven H. Kaufmann	12302-0002	0112

DOCUMENT DESCRIPTION: Letter to Ralph Faust, dated June 13, 2002

REFERENCE: The Residences at Sandpiper – City of Goleta Appeal

NUMBER OF PAGES (INCLUDING COVER): 13

REMARKS: Sandy and Shana: We are hand delivering a copy of the letter (and the appeal) to Ralph this afternoon at the Commission meeting.

RECEIVED
JUN 13 2002
CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

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12302\0002\697585.1

EXHIBIT 7
A-4-STB-02-145
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June 13, 2002

Ralph Faust, Jr.
Chief Counsel
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 91405-2219

Via Hand Delivery and U.S. Mail

Reference: The Residences at Sandpiper – City of Goleta

Dear Ralph:

Attorney Richard Monk and I represent Oly Chadmar Sandpiper General Partnership, the developer of the Residences at Sandpiper Project.

We have reviewed a copy of the June 7, 2002 letter from Donald M. Davis at Burke, Williams & Sorenson, which purports to transmit an "appeal" by the City of Goleta from the May 2002 determination of County of Santa Barbara staff to approve a ministerial CDP for Final Map Clearance for the previously approved Sandpiper Project. We suggest that the City has misused the appeal process, and that the "appeal" is "patently frivolous" pursuant to Coastal Act section 30620(d) and should be rejected.

Background

The Residences at Sandpiper is a 109-unit residential project one-quarter mile south (seaward) of U.S. Highway 101 in the City of Goleta. The Project received considerable scrutiny during the discretionary review process before the County of Santa Barbara. It was reduced in scale (from 159 units to 109 units) and modified in other significant ways to protect all native grasslands, riparian areas and wetlands onsite. The County of Santa Barbara granted its final discretionary approval for the Project on January 15, 2002. Subsequently, appeals to the Commission were filed by the Santa Barbara Urban Creeks Council and the Environmental Defense Center on behalf of the Citizens for Goleta Valley. Staff recommended a finding of substantial issue on the appeals. However, the matter was settled with the appellants before the substantial issue hearing, and the appellants formally withdrew their appeals.

On March 26, 2002, you wrote the City of Goleta, advising that following incorporation, the County of Santa Barbara LCP no longer applies in the City of Goleta, and that the authority to issue CDPs in this area has reverted to the Commission. On May 2, 2002, you further clarified by e-mail that the March 26, 2002 letter did not apply to the Sandpiper project. With your permission, I circulated that e-mail to the Goleta City Attorney and County Chief Deputy County Counsel, although that e-mail is not referenced in the City's purported "appeal." As you put it:

> "You have asked me to confirm that the process for approval and condition compliance for the Sandpiper project can be completed at Santa Barbara County. It can. My letter of March 26 to the City of Goleta refers to new applications for the approval of development in the coastal zone subsequent to incorporation of the City of Goleta, and not to permits which had already received their discretionary approval by the County prior to that date. My understanding is that the County granted final discretionary approval for the project on January 15, prior to incorporation of the City of Goleta in February. So the County may continue and complete its processing of the project as approved on that date. If new or modified development not contemplated in that permit were to be proposed, that development would need to be processed pursuant to the guidance in my March 26 letter."

Thereafter, County staff completed its review of the tract map, cleared all conditions of approval, and approved the final map CDP for the project. This was followed by a Notice of Intent to Issue a Final CDP ("Notice") on May 14, 2002. The County issued a corrected Notice on May 24, 2002, stating in pertinent part:

> "This notice is given and the CDP will be issued by the County of Santa Barbara acting on behalf of the City of Goleta and pursuant to direction from the California Coastal Commission."

The City's "Appeal"

The City's "appeal" purports to raise two issues. First, the City contends that the County was not authorized to issue a CDP within the City of Goleta in light of your March 26, 2002 letter that the County's LCP is no longer valid within the City's limits. The City's position is that only the Commission has authority to issue a CDP for the Sandpiper project.[1] Second, the City asserts a variety of substantive arguments why it believes the project is inconsistent with specific Coastal Act policies and the County's LCP. In addition, it incorporates by reference other substantive arguments along the same lines that were raised in the now withdrawn appeal to the Commission filed by EDC on behalf of the Citizens of Goleta Valley.

We demonstrate below why these arguments are not properly raised by way of the June 7, 2002 "appeal," and should be rejected as patently frivolous. The "appeal" is not valid for four reasons. First, the City is not an "aggrieved person" within the meaning of Coastal Act section 30801entitled to file an appeal. Second, there is no right to appeal from the ministerial approval of a CDP following condition compliance, either under the Coastal Act or the County LCP. Third, even assuming an "appeal" could be filed, its scope at best would be very limited – namely, whether the final CDP approved conforms to the original discretionary approval, an issue not raised by the City's "appeal." Finally, the question of whether the County was legally authorized to approve the final CDP for the project does not constitute a valid grounds for appeal in any event. The City simply has no appeal remedy at this point.

---

[1] It is worth noting that the City's contention does not seem calculated to achieve anything, only redundant review by the Commission staff towards ministerial approval and issuance of the CDP. Even if this were the proper course, it does not raise a proper grounds for appeal, as discussed below.

I.

THE CITY IS NOT AN "AGGRIEVED PERSON" ENTITLED TO FILE AN APPEAL

Except for appeals by an applicant or two members of the Commission, Section 30625(a) of the Coastal Act permits an appeal only by an "aggrieved person." It states, in relevant part:

> ". . . [A]ny appealable action on a coastal development permit . . . for any development by a local government . . . may be appealed to the commission by an applicant, any aggrieved person, or any two members of the commission. The commission may approve, modify, or deny such proposed development . . . ." (Emphasis added.)

Section 30801 of the Act, in turn, defines "aggrieved person" in pertinent part as follows:

> "For purposes of this section and subdivision (c) of Section 30513 and Section 30625, an 'aggrieved person' means any person who, in person or through a representative, appeared at a public hearing of the commission, local government, or port governing body in connection with the decision or action appealed, or who, by other appropriate means prior to a hearing, informed the commission, local government, or portion governing body of the nature of his concerns or who for good cause was unable to do either . . . ."

Here, the City surfaced its substantive and procedural concerns regarding the County staff's approval of the final map CDP for the first time in its appeal and certainly not prior to the determination made by County staff. Nothing prevented the City from making its views known much earlier in the process. Accordingly, it does not qualify as an "aggrieved person" entitled to file an appeal.

II.

THERE IS NO RIGHT OF APPEAL FROM THE MINISTERIAL ISSUANCE OF A CDP, EITHER UNDER THE COASTAL ACT OR THE COUNTY LCP

Moreover, the City's "appeal" is not valid because there simply is no right of appeal from the County staff's ministerial decision to approve a final CDP for Final Map Clearance. This is clear from the appeal provisions set forth in the Coastal Act and the County's LCP. Both are separately discussed below.

A. There is no Right Under the Coastal Act to Appeal Ministerial Approval of a CDP.

The Coastal Act does not provide any right to an appeal from the ministerial issuance of a CDP following condition compliance. Section 30625(a) of the Act permits an appeal only as to an "appealable action." As noted above, Section 30625(a) states, in relevant part:

> ". . . [A]ny appealable action on a coastal development permit . . . for any development by a local government . . . may be appealed to the commission by an applicant, any aggrieved person, or any two members of the commission. The commission may approve, modify, or deny such proposed development . . . ." (Emphasis added.)

Section 30603(a) of the Act provides that an appeal is proper only with respect to "an action taken by a local government on a coastal development permit application." (Emphasis added.)

These provisions reinforce that the only appeal permitted under the Coastal Act is one taken from the local government discretionary action which actually approves the coastal development permit application. Condition compliance is not an "action" on a coastal development permit application.

Moreover, although the Commission on appeal is generally permitted to approve, modify or deny the development (Pub. Res. Code, § 30625(a)), this authority is not available to the Commission following the ministerial issuance of a CDP. That is, the Commission at that point could not modify or deny the development, further evidencing that the appeal provisions in the Coastal Act do not apply in the context of a ministerial approval.

Finally, an "aggrieved person" wishing to challenge the substantive basis for a local government's discretionary approval of a project must first timely appeal to the Commission, and thereafter timely file a lawsuit in administrative mandamus within 60 days. (Pub. Res. Code, §§ 30603, 30801-30802.) It is settled that the failure to timely seek judicial review of the discretionary administrative action renders that action "immune from collateral attack" as a matter of law. (Patrick Media Group, Inc. v. Cal. Coastal Com. (1992) 9 Cal.App.4th 592, 608; Rossco Holdings, Inc. v. State of California (1989) 212 Cal.App.3d 642, 660; Leimert v. Cal. Coastal Com. (1983) 149 Cal.App.3d 222, 233.)

The appealable action here was the County's discretionary approval in January 2002 to approve the Sandpiper project. That was the action taken by the local government on the CDP application. The County action was in fact appealed to the Commission, but the appeals were subsequently withdrawn by the appellants. No lawsuit was thereafter filed challenging the County's decision, leaving that decision "immune" from the type of collateral attack attempted by the City here. Further, the County's staff's approval of the ministerial CDP, following the applicant's compliance with all conditions precedent to permit issuance, is not "an action taken . . . on a coastal development permit application" under Section 30603(a). It should suffice to state, if that were the case, an applicant for a project in a jurisdiction with a certified LCP could be subject to multiple appeals – a "double jeopardy" not authorized or contemplated by the Coastal Act (e.g., an initial appeal to the Commission from the County's discretionary approval, and then a second appeal from the ministerial approval of the final CDP). That, in turn, could provoke an endless cycle of hearings, appeals, and condition compliance – an absurd result neither permitted nor contemplated by the appeal provisions of the Coastal Act.

B. <u>There is no Right Under the County's Coastal Zoning Ordinance to Appeal Ministerial Approval of a CDP</u>

The appeal provisions in the County's certified Coastal Zoning Ordinance (CZO) parallel the appeal provisions of the Coastal Act. To the extent the City purports to rely on these provisions (and it is not clear that the City does), the CZO also does not provide a right to appeal the ministerial approval of a CDP.

Section 35-182.4 deals with "Appeals to the Coastal Commission." This Section states, in relevant part:

1. "For developments which are subject to the appeals jurisdiction of the Coastal Commission under PRC § 30603, an action by the Board of Supervisors may be appealed to the California Coastal Commission within ten (10) working days from the date of receipt by the Commission of the County's notice of final action by the applicant, an aggrieved person, or any two members of the Coastal Commission. Appeals must be in writing to the appropriate Coastal Commission district office. No appeal may be filed with the Coastal Commission until local appeals have been exhausted on the project permit.

2. In accordance with Public Resources Code § 30603(a), an action taken by the County of Santa Barbara on a Coastal Development Permit application for any of the following may be appealed to the Coastal Commission:

   ... [a-d, repeating the types of appealable developments set forth in Section 30603(a) of the Coastal Act.]"

These provisions apply only to appeals "on an action by the Board of Supervisors," as was the case in January 2002, when the Board of Supervisors approved the Project and the matter was initially appealed to the Commission.

The City could argue that subparagraph 2, viewed in isolation, indiscriminately permits an appeal from any "action taken by the County of Santa Barbara on a Coastal Development Permit application." However, subparagraph 2 necessarily must be read in conjunction with subparagraph 1, which sets forth all of the specifics which govern appeals:

- "[A]n action by the Board of Supervisors."
- A 10 working day appeal period "from the date of receipt by the Commission of the County's notice of final action by the applicant."
- The right of appeal by "the applicant, an aggrieved persons any two members of the Coastal Commission."
- The requirement that "[a]ppeals must be in writing to the appropriate Coastal Commission district office."
- The prohibition against the filing of an appeal "until local appeals have been exhausted on the project permit."

Because subparagraph 2 does not provide a separate or independent right of appeal to the Commission, it does not contain any of the procedural requirements set forth in subparagraph 1 to guide an appeal from "an action by the Board of Supervisors." Further, subparagraph 2 merely repeats the types of developments which are appealable by, in essence, duplicating the provisions of Section 30603(a) of the Coastal Act. Lastly, subparagraphs 1 and 2 apply only to an action on an application. As noted, the action on the application was taken by the County in January 2002. It did not include the process of satisfying conditions which resulted in the "ministerial" approval of the permit.

In short, the County CZO also does not provide a right of appeal from the issuance of the "ministerial" CDP.

II.

EVEN ASSUMING AN APPEAL COULD BE FILED, ITS SCOPE WOULD BE VERY LIMITED AND WOULD NOT INCLUDE THE SUBSTANTIVE ISSUES RAISED BY THE CITY

Even assuming there was a right to appeal, it would be limited, at most, to the question of whether the final CDP conforms to the County's January 15, 2002 final discretionary approval of the project. The City's "appeal" renews substantive concerns about the conformity of the project with the Coastal Act and the County's LCP. However, it does not question that County staff properly determined that the final CDP approved conforms to the County's prior approval of the project, and this provides a further reason why the appeal is not valid.

The Commission has never entertained such a right of appeal, as attempted here by the City of Goleta. However, we note that Commission Staff did address the issue in the context of another Santa Barbara County project. In A-4-STB-98-332 (Dos Pueblos Associates), the staff recommendation of "no substantial issue" on an appeal filed following approval of a final ministerial CDP offered a narrow view of the scope of any further appeal to the Commission:

> "The appellant's specific contentions do not raise valid grounds for an appeal for the following reason: the locally issued Coastal Development Permit 98-CDP-274 is consistent with and conforms to the commission's prior approval of the proposed golf course and appurtenant facilities." (5/20/99 Staff Report, A-4-STB-98-332, p. 7.)

While the City's "appeal" attempts to raise substantive concerns, the City does not question County staff's determination that the final ministerial CDP is consistent with and conforms to the County's January 15, 2002 discretionary approval of the project. Thus, for this further reason, the "appeal" is not valid.

III.

THE QUESTION OF WHETHER THE COUNTY STAFF PROPERLY APPROVED THE MINISTERIAL CDP FOR FINAL MAP CLEARANCE IS NOT A PROPER GROUNDS FOR APPEAL

The City's "appeal" argues for a weird shell game as to which jurisdiction may properly issue a simple ministerial approval for this previously approved project. However, the City's dispute over which jurisdiction has authority to issue the final ministerial CDP is not a grounds for appeal to the Commission. This is clear from the stated grounds of appeal set forth in Section 30603 of the Coastal Act. The Commission is simply not the arbiter of such an issue.

Public Resources Code section 30603(b)(1) provides as follows:

> "The grounds for an appeal pursuant to subdivision (a) [of Section 30603] shall be limited to an allegation that the development does not conform to the standards set forth in the certified local coastal program or the public access policies set forth in this division." (Emphasis added.)

The plain language of Section 30603(b)(1) and the "limited" appeal grounds stated therein make clear that the City's complaint concerning the County's completion of the ministerial approval process is not a valid grounds for appeal under the Coastal Act.

County staff had the clear authority to approve the final ministerial CDP, either on the basis of the County's own jurisdiction or in effect as the City's agent. In the latter case, pursuant to Government Code section 57384, the County continues to furnish to the City of Goleta all services previously provided by the County to the Goleta area prior to its incorporation. This includes the services of the County's Planning and Development Department and the processing of condition clearance for the final map CDP. The County here did nothing more than continue to completion the process of condition clearance, as authorized in Section 57384.

Your May 2, 2002 e-mail clarified for the parties that "the process for approval and condition compliance for the Sandpiper project can be completed at Santa Barbara County." This e-mail was promptly provided to the Goleta City Attorney and the County. Neither the City Attorney nor the City itself quibbled with the advice given. Instead, the County proceeded to complete condition compliance and approved the CDP for Final Map Clearance. Indeed, the CDP was approved first on May 13, 2002 and then reapproved on May 23, 2002. At no time prior to that approval did the City modify the authority of the County to approve the CDP or otherwise instruct the County not to take that action. Consequently, it is too late to do so now, and certainly not appropriate to attempt to do so by way of an appeal.

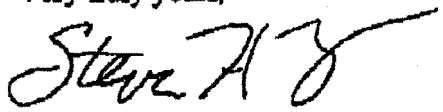
Thus, for these further reasons, the City's purported "appeal" is "patently frivolous" and not properly one which the Commission may entertain.

V.

CONCLUSION

The Sandpiper project already has been the subject of a lengthy review process before the County which culminated in a discretionary approval on January 15, 2002. Appeals filed to the Commission were subsequently withdrawn, drawing to a close the authority of the Commission to exercise its appellate jurisdiction in review of the project. The appeal process should not be misused to provide the City a "second bite at the apple." For all the foregoing reasons, Oly Chadmar Sandpiper General Partnership respectfully submits that the "appeal" filed by the City of Goleta is a textbook example of an appeal that is "patently frivolous" within the meaning of the Coastal Act, and it should be rejected.

Very truly yours,



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