

# W14d&e

STATE OF CALIFORNIA - THE RESOURCES AGENCY

## CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA  
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Staff: SLG-V *SMH*  
Staff Report: 12/20/04  
Hearing Date: 1/12/05



## RECORD PACKET COPY

### STAFF REPORT: REGULAR CALENDAR

**APPLICATION NO. / APPLICANT:** 4-04-084 City of Goleta

**APPLICATION NO. / APPLICANT:** 4-04-085 Comstock Homes

**PROJECT LOCATION:** Santa Barbara Shores Park and Ellwood Mesa, City of Goleta, Santa Barbara County

**PROJECT DESCRIPTIONS:** These applications implement a coordinated effort between the City of Goleta and Comstock Homes to retire development on the privately-owned Ellwood Mesa parcels through buyout and transfer of development to a portion of the City-owned Santa Barbara Shores property adjacent to Hollister Avenue in the City of Goleta.

#### CDP Application 4-04-084 (City of Goleta):

The City is proposing subdivision of a 116.16-acre parcel into a 36-acre parcel (Parcel #1) and a 80.16-acre parcel (Parcel #2) and development of Parcel #2 for recreation, including construction of a public parking lot for up to 45 vehicles (or 33 spaces for standard vehicles and 3 spaces for horse trailers), landscaping, educational signage, mutt mitts, trash receptacles, 800 cu. yds. (400 cu. cut, 400 cu. yds fill) of grading; construction of two new trail segments; frontage improvements on Hollister Avenue including sidewalk, landscaping, and a bus turnout with a shelter; and designation of a pedestrian-only trail from Hollister Avenue to the coastal bluff. The project includes closure of the parking lot from 10 a.m. to 4 a.m. each night and installation of a gate arm and turnaround for controlled access.

<b>Lot Area:</b>	Parcel #2: 3,490,898 s.f. (80.14 acre)
<b>Building Coverage:</b>	N/A
<b>Pavement Coverage:</b>	45,177 s.f. (1 acre)
<b>Landscaped Area:</b>	3,445,721 (79.1 acre)
<b>Parking Spaces:</b>	45 spaces

#### CDP Application 4-04-085 (Comstock Homes):

Comstock Homes is proposing subdivision of the 36-acre Parcel #1 into 69 lots: 62 residential lots ranging from 8,400 sq. ft. to 16,300 sq. ft; 4 subdivision improvement lots such as landscaping and detention basins; and 3 open space lots ranging from 1.27 to 7.96 acres. Construction of 25 single-story single family residences, maximum

19.5 feet in height and 37 two-story residences, maximum 25 feet in height, with five separate floor plans ranging from 2,871 sq. ft. to 4,141 sq. ft., garages, decks, courtyards, sidewalks, utilities, entry gate, perimeter fence, soundwall, removal of 70 eucalyptus trees, vegetated detention basin, demolition of existing 15-space public parking area and 90,000 cu. yds. of grading (45,000 cu. yds. cut, 45,000 cu. yds. fill). Additionally, pursuant to an existing contract, the project includes the sale of the 137-acre Ellwood Mesa property to the Trust for Public Land at the time the City's parcel map is issued creating Parcel #1. Pursuant to an existing Memorandum of Understanding, the Trust for Public Land will then transfer the Ellwood Mesa property to the City of Goleta for habitat protection and parkland.

**LOCAL APPROVALS RECEIVED:** City of Goleta Conceptual Approval, July 19, 2004 (City Counsel Resolution 04-36; Case No. 67-SB-TM).

**MOTIONS AND RESOLUTIONS:** Page 7.

**SUMMARY OF STAFF RECOMMENDATIONS:**

The subject applications implement a land exchange that would result in the transfer of title to the City of Goleta of the 137-acre privately owned Ellwood Mesa property. In exchange for the 137-acre Ellwood Mesa property, the City of Goleta would deed a 36-acre portion of the 116 acre Santa Barbara Shores Park to Comstock Homes for the proposed residential development. Comstock Homes would also receive \$20.4 million, the amount of an Ellwood Mesa fund-raising effort led by the Trust for Public Lands, as compensation for the difference in value of the 137-acre and 36-acre properties. The Ellwood Mesa properties would be rezoned to Recreation from Planned Residential Development (maximum 162 units) and used for open space and passive recreation activities. The remaining 80 acres of Santa Barbara Shores Park including the bluff portion would also be added to the 137 acre Ellwood Mesa as public open space.

The development envelope for Comstock Homes would be 21.5 acres, and the Developer proposes to deed the approximately 14.5 acres of the 36-acre property outside of the development envelope back to the City for open space and habitat restoration purposes. The total acreage of City-owned coastal open space would increase from 116.2 to 231.7 acres, for a net gain of public land of 115.5 acres. The City is also proposing public amenities, primary of which is a 45-space public parking lot on the Santa Barbara Shores property adjacent to Hollister Avenue. This will facilitate the use of the City's open space area including bluff top trails and beach accessways.

**CDP 4-04-084:** The City's project includes the division of Santa Barbara Shore Park into two lots and the construction of a maximum 45-space public parking lot. Staff recommends **approval** of the proposed project with nine special conditions regarding: (1) construction timing and responsibilities; (2) raptor survey; (3) construction monitoring; (4) drainage and polluted runoff control plans; (5) landscape plans; (6) erosion control plans; (7) signage program; (8) archaeological resources and monitoring; and (9) revised project and project plans. The above special conditions are necessary to bring the project into conformance with the Chapter Three policies of the

Coastal Act in order to ensure protection of public access, recreation, water quality, archaeological resources, and sensitive habitat areas.

The proposed 45-space parking lot would replace an existing 15-space facility located on the 36-acre parcel, which would be removed in conjunction with the Comstock Homes residential development. The entrance to the parking lot would be aligned with the existing three-way signalized intersection of Hollister Avenue and the entrance to the Ellwood Elementary School, and the signal would be modified to a four-way traffic control. Due to its proximity to sensitive monarch habitat and riparian drainages, special conditions have been recommended by staff regarding construction timing and monitoring, surveys, water quality, and erosion control in order to ensure that construction will not have any adverse impacts to sensitive resources.

Additionally, the City is proposing to close the parking lot nightly from 10 p.m. to 4 a.m. as a result of concerns over potentially disruptive late-night activities or overnight parking. Staff notes that there are other available measures such as police patrols to enforce rules against public disturbance, drunkenness, and/or the overnight camping prohibition, rather than strict nightly closures. As a result staff recommends Special Condition Nine to eliminate the gate and ensure that the parking lot is open 24 hours per day, 7 days per week to maximize public access consistent with Coastal Act Sections 30210 and 30214. Special Condition 9 does not inhibit the applicant's ability to apply for an amendment or separate coastal development permit at some point in the future to place restrictions on the hours of operation of the parking lot if and when there is adequate evidence to indicate a need for closures.

**CDP 4-04-085:** The Comstock Homes project includes a 69-lot subdivision (62 residential lots) on 36 acres of Santa Barbara Shores Park and the retirement of any and all future development rights on the 137-acre Ellwood Mesa property. Staff recommends **approval** of the proposed project with twenty-six special conditions necessary to bring the project into conformance with the Chapter Three policies of the Coastal Act for protection of public access, recreation, visual resources, water quality, archaeological resources, and sensitive habitat areas.

CDP 4-04-085 can only be approved in conjunction with the "balancing" provisions of Coastal Act Section 30007.5. In this case, the Comstock Homes project is inconsistent with the ESHA protection policies in Section 30240 because it would authorize subdivision of land and the construction of single-family residences on land containing scattered patches of native grassland (totaling 0.3 acres) that qualify as ESHA. Also, this development may necessitate some form of fuel modification within another 0.6 acres of grassland ESHA in order to address fire hazards. The Comstock Homes project would also locate residential lots in the vicinity of: (1) known kite nests (the residential lots will have a 200 foot buffer from known nests, rather than the optimal 300 foot buffer); (2) monarch butterfly habitat (a portion of which will have a 50 foot buffer from the eucalyptus grove, rather than the optimal 100 foot buffer); and (3) riparian drainages (which would have a 50-foot buffer from the outer edge of riparian vegetation, rather than the optimal 100 foot buffer). Thus, the proposed Comstock

Homes project is inconsistent with Section 30240 of the Coastal Act. However, to deny the project based on these inconsistencies with Coastal Act Section 30240 would result in adverse impacts inconsistent with other Chapter 3 policies.

If the Comstock Homes project is denied, it would reduce the ability to concentrate proposed development contiguous with existing urban development, and away from the most sensitive habitat areas, as required by Section 30250. The project clusters residential development on approximately 21.5 acres adjacent to existing developed areas and existing infrastructure, while preserving 217 acres of high quality habitat in the Ellwood Mesa Open Space area (137 acres of privately-owned Ellwood Mesa property and an 80 acre portion of the City's current Santa Barbara Shores Park), thereby preserving significant coastal resources. The project also provides approximately 15 additional acres of the Comstock Homes subdivision that will be protected for open space, habitat protection, and recreation. Therefore, a total of 232 acres will be protected for open space, habitat protection, and recreation. The project would provide for the continued use of the Ellwood Mesa area for public access and recreation. In addition, the proposed project would also serve to maximize the preservation of open space and ESHA resources. The proposed project allows for continued public use of areas that are presently private properties, maximizing public access by establishing permanent public access rights and preserving passive recreational opportunities.

It is unknown what level of development could occur on the Ellwood Mesa property in the future, but it is reasonable to assume that some further subdivision and residential development, as contemplated by the previous approvals of up to 162 residential units and the Planned Residential Development zoning designation, would be approved which would have greater adverse impacts on these sensitive habitat areas. Though the exact number of units and total project development footprint that would have occurred under the previously approved LCP amendments for Santa Barbara County is not known, given the significance of coastal resources on the Ellwood Mesa, any residential development would severely impact sensitive habitat, public access, and open space recreation. Even if residential development (and associated access roads) was limited to the five existing Ellwood Mesa parcels, it would cause significant adverse impacts on public access and require removal and fragmentation of the largest areas of remaining native grasslands and vernal pools found in this area. This type of development would be inconsistent with Sections 30240 and 30250 of the Coastal Act as it would negatively impact sensitive habitat and lead to a configuration that does not concentrate development adjacent to existing developed areas.

Consequently, denial of the Comstock Homes project would prevent maximum protection of coastal resources, the intent of the Chapter 3 Coastal Act policies. As a result of these unique circumstances, it is more protective of all significant coastal resources, including sensitive habitat, visual resources, and public access, to allow some encroachment within identified environmentally sensitive habitat areas in exchange for clustering development in a manner that results in permanently preserved habitat, retention of scenic character, and significant coastal access amenities. Therefore, approving the proposed project is, on balance, most protective of coastal resources and is consistent with Section 30007.5 of the Coastal Act.

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**EXHIBITS**

- Exhibit 1. Vicinity Map
- Exhibit 2. Parcel Map
- Exhibit 3. Project Location
- Exhibit 4. Land Exchange
- Exhibit 5. City Lot Split, Parcel Map Case No. 67-SB-PM
- Exhibit 6. Proposed Trail Segments
- Exhibit 7. City Parking Lot Site Plan
- Exhibit 8. Comstock Homes Tract Map 32008 (Local Case No. 67-SB-TM)
- Exhibit 9. Comstock Homes Lot Plan
- Exhibit 10. Proposed Public Access Easement
- Exhibit 11. Model Numbers and Maximum Height of Residences
- Exhibit 12. ESHA Map
- Exhibit 13. Ellwood Mesa Open Space Plan Area
- Exhibit 14. Comstock Homes Residences Floor Plans
- Exhibit 15. Comstock Homes Residences Elevations

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**SUBSTANTIVE FILE DOCUMENTS:** Final Environmental Impact Report, Comstock Homes Development and Ellwood Mesa Open Space Plan (June 2004); Resolution No. **04-27** of the City Council of the City of Goleta Certifying the Final EIR for the Comstock Homes Development and Ellwood-Devereux Coast Open Space and Habitat Management Plan (June 21, 2004); Resolution No. **04-31** of the City Council of the City of Goleta Approving the Addendum to the Final EIR and Adopting CEQA Findings, and A Statement of Overriding Considerations (June 24, 2004); Resolution No. **04-32** of the

City Council of the City of Goleta Repealing the Ellwood Beach-Santa Barbara Shores Specific Plan (July 6, 2004); Ordinance **04-06** of the City of Goleta Amending the Official Zoning Map to Change the Zoning Districts Applicable to Various Parcels of Land Located Within the Ellwood-Devereux Open Space Plan Area and Santa Barbara Shores Park (July 6, 2004); Resolution **04-35** of the City of Goleta Approving [67-SB-PM], Authorizing a Parcel Map to Subdivide the Santa Barbara Shores Park Parcel into Two Lots, Consisting of 36 and 80.16 acres, and Related Development Plan for the 80.16-acre Lot to Construct a 45-Space Parking Lot and Planned Trail Network (July 19, 2004); Ellwood-Devereux Coast Open Space and Habitat Management Plan and Resolution **04-37** of the City of Goleta Adopting the Plan.

## **I. STAFF RECOMMENDATION**

### **A. APPROVAL WITH CONDITIONS 4-04-084 (CITY OF GOLETA)**

**MOTION I:** *I move that the Commission approve Coastal Development Permits 4-04-084 pursuant to the staff recommendation.*

#### **STAFF RECOMMENDATION OF APPROVAL:**

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

#### **RESOLUTION TO APPROVE THE PERMIT:**

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

### **B. APPROVAL WITH CONDITIONS 4-04-085 (COMSTOCK HOMES)**

**MOTION II:** *I move that the Commission approve Coastal Development Permit 4-04-085 pursuant to the staff recommendation.*

**STAFF RECOMMENDATION OF APPROVAL:**

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

**RESOLUTION TO APPROVE THE PERMIT:**

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

**II. STANDARD CONDITIONS FOR 4-04-084 & 4-04-085**

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any term or condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.



### III. SPECIAL CONDITIONS 4-04-084 (CITY OF GOLETA)

#### 1. Construction Timing and Responsibilities

- A. Except as provided in item (1) below, all project construction, including grading and installation of the parking lot and driveway, shall occur between March 1 and October 1, outside of the over-wintering season for monarch butterflies.
- (1) Any work proposed during the monarch butterfly over-wintering season referenced above shall be subject to the review and approval of the Executive Director prior to commencement. Where the Executive Director concurs that construction may occur between October and March, prior to said construction, a biologist with appropriate qualifications acceptable to the Executive Director, shall survey all eucalyptus trees within 200 feet of the development area to determine the extent and location of monarch habitation. If butterfly aggregations are found within 200 feet of the work area, construction activities within the 200-foot buffer area shall be halted until monarchs have left the site and the consulting biologist has determined that resumption of construction shall not adversely impact the butterfly habitat.
- B. Temporary construction fencing shall be installed to indicate the grading limits of the parking lot in the field in order to minimize disturbance adjacent to butterfly, raptor, and grassland habitats. Fencing shall be shown on the project grading plans and shall remain in place throughout all grading and construction activities until perimeter fencing or other similar structure is in place.

#### 2. Raptor Survey

The permittee shall retain the services of a qualified biologist or environmental resources specialist with appropriate qualifications acceptable to the Executive Director to conduct a biological survey of raptor habitat. The permittee shall provide the biological monitor's qualifications for the review and approval of the Executive Director at least two (2) weeks prior to commencement of the raptor survey. A survey by a qualified biologist shall be conducted no more than 7 days prior to construction in order to determine whether active nests are present within 500 feet of the area to be disturbed by grading and construction. If raptor nests are present within the 500-foot zone, recommendations regarding minimizing impacts during construction shall be provided, including but not limited to, setbacks, fence protection, restrictions on construction scheduling, etc. Said recommendations shall be subject to the review and approval of the Executive Director prior to commencement of construction. Should the Executive Director determine that impacts on survival of young cannot be eliminated by the proposed recommendations, construction within 500-feet of active nests shall be suspended until the young have fledged.

### **3. Construction Monitoring**

The permittee shall retain the services of a qualified biologist or environmental resources specialist with appropriate qualifications acceptable to the Executive Director to serve as the biological monitor. The permittee shall provide the biological monitor's qualifications for the review and approval of the Executive Director at least two (2) weeks prior to commencement of project activities. The biological monitor shall be present during all construction activities related to the access driveway, within 200 feet of eucalyptus monarch habitat. The permittee shall cease work should any sensitive species be identified anywhere within the construction area, if a breach in permit compliance occurs, if work outside the scope of the permit occurs, or if any unforeseen sensitive habitat issues arise. In such event, the biological monitor(s) shall direct the permittee to cease work and shall immediately notify the Executive Director. Project activities shall resume only upon written approval of the Executive Director. If significant impacts or damage occur to sensitive species, the permittee shall be required to submit a revised, or supplemental program to adequately mitigate such impacts. The revised, or supplemental, program shall be processed as an amendment to this coastal development permit.

### **4. Drainage and Polluted Runoff Control Plans**

- A. Prior to issuance of the coastal development permit, the permittee shall submit to the Executive Director for review and written approval, two (2) sets of final drainage and runoff control plans, including supporting calculations. The plan shall be prepared by a licensed engineer and shall incorporate structural and non-structural Best Management Practices (BMPs) designed to control the volume, velocity and pollutant load of stormwater leaving the developed site. The plan shall be reviewed and approved by the consulting engineering geologist to ensure the plan is in conformance with geologist's recommendations. In addition to the specifications above, the plan shall be in substantial conformance with the following requirements:
- (1) Runoff from areas subject to automobile use shall be treated and/or filtered prior to discharge from the site. The system of BMPs used shall be specifically designed to trap sediment, particulates and other solids and remove vehicular contaminants (such as petroleum hydrocarbons, heavy metals, and other particulates) through infiltration, filtration and/or biological uptake;
  - (2) Selected BMPs (or suites of BMPs) shall be designed to treat, infiltrate or filter the amount of stormwater runoff produced by all storms up to and including the 85<sup>th</sup> percentile, 24-hour runoff event for volume-based BMPs, and/or the 85th percentile, 1-hour runoff event, with an appropriate safety factor (i.e., 2 or greater), for flow-based BMPs.
  - (3) Runoff shall be conveyed off site in a non-erosive manner.
  - (4) Energy dissipating measures shall be installed at the terminus of outflow drains.
  - (5) The plan shall include provisions for maintaining the drainage system, including structural BMPs, in a functional condition throughout the life of the approved development. Such maintenance shall include the following: (1) BMPs shall be

inspected, cleaned and repaired when necessary prior to the onset of the storm season, no later than September 30<sup>th</sup> each year and (2) should any of the project's surface or subsurface drainage/filtration structures or other BMPs fail or result in increased erosion, the permittee/landowner or successor-in-interest shall be responsible for any necessary repairs to the drainage/filtration system or BMPs and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the permittee shall submit a repair and restoration plan to the Executive Director to determine if an amendment or new coastal development permit is required to authorize such work.

- (6) All parking lot areas, driveways, and other vehicular traffic areas on site shall be swept and/or vacuumed at regular intervals. Any oily spots shall be cleaned with appropriate absorbent materials. All debris, trash and soiled absorbent materials shall be disposed of in a proper manner. If wet cleanup of any of these areas is absolutely necessary, all debris shall first be removed by sweeping and/or vacuuming, all storm drains inlets shall be sealed, and wash water pumped to a holding tank to be disposed of properly and/or into a sanitary sewer system;
- (7) All trash enclosures and receptacles shall be covered and/or sealed to prevent off-site transport of trash.

#### **5. Landscape Plan**

- A. Prior to start of construction, the permittee shall submit two (2) sets of final landscape plans in substantial conformance with the landscape plan prepared by Van Atta Associates, dated September 20, 2004 and consistent with the following:
  - (1) All areas disturbed by the development shall be re-vegetated and maintained, to protect habitat and to prevent erosion into habitat areas, wetlands, and coastal waters, within (60) days of completion of the parking lot. Landscaping shall consist primarily of native plant species that are appropriate to the surrounding grassland and riparian habitat and region and that are grown from seeds or vegetative materials obtained from local natural habitats so as to protect the genetic makeup of natural populations. Invasive, non-indigenous plant species, which tend to supplant native species shall not be used.
  - (2) Trees may be planted only where line-of-sight assessments, subject to review and approval of the Executive Director, indicate that there will be no adverse impact to public views from Hollister Avenue or the public trails.
  - (3) Plantings will be maintained in good growing condition throughout the life of the project and, whenever necessary, shall be replaced with new native plant materials to ensure continued compliance with applicable landscape requirements;
- B. The Permittee shall undertake development in accordance with the final approved plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a

Coastal Commission - approved amendment to the coastal development permit, unless the Executive Director determines that no amendment is required.

- C. Five years from the date of the installation of the parking lot the permittee shall submit for the review and approval of the Executive Director, a landscape monitoring report, prepared by a qualified Resource Specialist, that certifies the on-site landscaping is in conformance with the landscape plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plan approved pursuant to this permit, the permittee, or successors in interest, shall submit a revised or supplemental landscape plan for the review and approval of the Executive Director. The revised landscaping plan must be prepared by a qualified Resource Specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

## **6. Erosion Control Plans**

- A. Prior to issuance of a coastal development permit, the permittee shall submit two (2) sets of erosion control plans, prepared by a qualified engineer, for review and approval by the Executive Director. The plan shall incorporate the following criteria:
- (1) The plan shall delineate the areas to be disturbed by grading or construction activities and shall include any temporary access roads, staging areas and stockpile areas. The natural areas on the site shall be clearly delineated on the project site with fencing or survey flags.
  - (2) The plan shall specify that should grading take place during the rainy season (November 1 – March 31) the permittee shall install or construct temporary sediment basins (including debris basins, desilting basins or silt traps), temporary drains and swales, sand bag barriers, silt fencing, stabilize any stockpiled fill with geofabric covers or other appropriate cover, install geotextiles or mats on all cut or fill slopes and close and stabilize open trenches as soon as possible. These erosion measures shall be required on the project site prior to or concurrent with the initial grading operations and maintained through out the development process to minimize erosion and sediment from runoff waters during construction. All sediment should be retained on-site unless removed to an appropriate approved dumping location either outside the coastal zone or to a site within the coastal zone permitted to receive fill.
  - (3) The plan shall also include temporary erosion control measures should grading or site preparation cease for a period of more than 30 days, including but not limited to: stabilization of all stockpiled fill, access roads, disturbed soils and cut and fill slopes with geotextiles and/or mats, sand bag barriers, silt fencing; temporary drains and swales and sediment basins. The plans shall also specify that all disturbed areas shall be seeded with native grass species and include

the technical specifications for seeding the disturbed areas. These temporary erosion control measures shall be monitored and maintained until grading or construction operations resume.

**7. Equestrian Access Restrictions and Signage Program**

- A. Horses are not allowed on the beach east of Access Point F. Horses are not allowed to access the beach at Access Points E and F.
- B. Prior to commencement of grading, the permittee shall submit, for the review and approval of the Executive Director, plans showing the location, design, and content of all proposed interpretive and instructional signage on site. The signage plans shall reflect the following:
  - (1) The permittee shall install signage at Coastal Access Point F on the Ellwood Mesa property, as shown on Exhibit 13, notifying the sensitive nature of the snowy plover habitat, identifying that equestrian use of the beach further downcoast in snowy plover critical habitat is prohibited, and directing equestrian access to locations outside of the snowy plover critical habitat.
  - (2) The permittee shall install two temporary signs at the property boundary where the Ellwood Mesa property intersects with Trail No. 22 and Trail No. 6, as shown in Exhibit 13. Said temporary signs shall state that equestrian access to the beach is prohibited at Access Point D. Such signage may not be removed until and unless: an alternative location for the signage is permitted and installed closer to Access Point D which clearly states the prohibition of equestrian access to the beach; or a separate coastal development permit is obtained to allow equestrian access to the beach at Access Point D pursuant to a detailed management plan that protects snowy plover critical habitat.
  - (3) The permittee shall install two temporary signs at the point where the blufftop trail intersects with Access Point E, as shown in Exhibit 13. Such temporary signs shall state that equestrian access to the beach is prohibited at Access Point E. Such signage may not be removed unless a separate coastal development permit is obtained to allow equestrian access to the beach at Access Point E pursuant to a detailed management plan that protects snowy plover critical habitat.
  - (4) Signage shall not be placed in or around the parking lot which restricts the hours of operation of said parking lot. Signage may be installed which states that overnight parking/camping is prohibited. Any proposed changes to hours of operation shall not occur without a Commission amendment to this coastal development permit.
- C. Signage shall be installed within thirty (30) days of completion of the parking lot. Signage shall be maintained in good condition and replaced when necessary.

## **8. Archaeological Resources and Monitoring**

By acceptance of this permit, if project activities are undertaken within an area known to have cultural deposits, including but not limited to skeletal remains and grave-related artifacts, traditional cultural sites, religious or spiritual sites, paleontological artifacts or other artifacts, the permittee agrees to have a qualified archaeologist(s) and appropriate Native American consultant(s) present on-site during all construction activities which occur within or adjacent to cultural deposits in the project area. Specifically, if required as described above, the construction on the project site shall be controlled and monitored by the archaeologist(s) with the purpose of locating, recording and collecting any cultural materials. Alternately, under the direction of a qualified archaeologist and/or appropriate Native American consultant, the permittee may implement alternative techniques designed to temporarily protect such resources (e.g., placing temporary cap material in accordance with accepted protocols for archaeological resource protection). In the event that any significant archaeological resources are discovered during operations, all work in this area shall be halted and an appropriate data recovery strategy be developed, subject to review and approval of the Executive Director, by the permittee's archaeologist and the native American consultant consistent with CEQA guidelines.

## **9. Revised Project and Project Plans**

- A. Prior to issuance of the coastal development permit, the permittee shall submit, for the review and approval of the Executive Director, two (2) sets of final revised project plans and project description. The revised final project plans and project description shall reflect the following:
- (1) The entry gate shall be eliminated from the project.
  - (2) The proposed parking lot shall be available for use 24 hours per day, 7 days per week. However, signage may be installed which prohibits overnight parking/camping within the proposed parking lot. Any proposed changes to hours of operation shall not occur without a Commission amendment to this coastal development permit or as authorized under a separate coastal development permit.

# **IV. SPECIAL CONDITIONS 4-04-085 (COMSTOCK HOMES)**

## **1. Revised Project and Project Plans**

- A. Prior to issuance of the coastal development permit, the permittee shall submit, for the review and approval of the Executive Director, two (2) sets of final revised project plans. The revised final project plans and project description shall reflect the following:
- (1) All residential lots shall be prohibited within 200 feet of the white-tailed kite nests that are shown on the Environmentally Sensitive Habitat Area Map

(ESHA), dated July 2004. The revised plans shall show that residential lots are not located within this 200-foot buffer, which is approximately delineated on Exhibit 12.

**2. Ellwood Mesa Land Exchange**

- A. Prior to issuance of the coastal development permit, the permittee shall submit to the Executive Director, for review and approval, evidence that ownership has been transferred for the 36 acres of real property located in the City of Goleta (Exhibit 5), a portion of the 116-acre parcel commonly known as Santa Barbara Shores Park (APN 079-210-067), to Comstock Homes in fee title.
- B. Prior to recordation of the final Tract Map 32008 (Local Case No. 67-SB-TM), the permittee shall submit to the Executive Director, for review and approval, evidence that ownership has been transferred for the approximately 137 acres of real property located in the City of Goleta, commonly known as Ellwood Mesa (Assessor Parcel Nos. 079-210-013, -014, -015, -024 and -051), to the Trust for Public Land, a California nonprofit public benefit corporation ("TPL"), and then to the City of Goleta as detailed in the February 21, 2003 Memorandum of Understanding between Santa Barbara Development Partnership; Comstock, Crosser & Associates Development Company, Inc. and the City of Goleta. The dedication of the Ellwood Mesa property shall be in fee simple and free and clear of all liens and encumbrances. A copy of a recorded deed conveying title to the property and a recorded deed restriction restricting the parcels to use for public access, open space, and habitat restoration purposes shall be submitted to the Executive Director as required in **Special Condition Twenty-four**.

**3. Dedication of Three Open Space Areas to the City of Goleta**

Simultaneously with the recordation of the final Tract Map 32008 (Local Case No. 67-SB-TM), the applicant shall submit to the Executive Director, for review and approval, evidence that the applicant has granted to the City of Goleta, the three open space parcels (Parcel 65, Parcel 67, and Parcel 69 as proposed on the Vesting Tentative Map (Local Case No. 67-SB-TM) dated September 19, 2002 and Revised July 2, 2004). The ownership of the parcels shall be granted in fee simple and free and clear of all liens and encumbrances. Copies of the recorded deeds conveying title to the parcels and deed restriction restricting the parcels for public access, open space, and habitat restoration purposes shall be submitted to the Executive Director pursuant to **Special Condition Twenty-five**.

**4. Offer to Dedicate Public Access Easement**

- A. Prior to issuance of the coastal development permit, the permittee shall execute and record document(s) in a form and content acceptable to the Executive Director, irrevocably offering to dedicate to a public agency or private association approved by the Executive Director an easement for public pedestrian and bicycle access through the subdivision, as shown on Exhibit 10. The recorded document(s) shall

include legal descriptions and graphic depictions of the permittee's entire parcel(s) and the easement area. The offer shall be recorded free of prior liens and encumbrances that the Executive Director determines may affect the interest being conveyed. The offer shall run with the land in favor of the People of the State of California, binding all successors and assignees, and shall be irrevocable for a period of 21 years, such period running from the date of recording. The lands to be offered for public pedestrian and bicycle access are depicted on Exhibit 10 of this staff report, entitled Ali D'Oro Public Access Easement, dated November 9, 2004 submitted by the permittee.

- B. No development, including signage, as defined in Section 30106 of the Coastal Act, shall occur within the above-identified access corridor, which will prohibit or otherwise restrict public pedestrian or bicycle access along the identified public access corridor, except where an approved coastal development permit is issued for necessary temporary disruptions such as: construction, reconstruction, or maintenance of the road or sidewalks; maintenance of underground utilities, drainage devices, erosion control and repair, maintenance and repair activities.

**5. Covenants, Conditions, and Restrictions (CC&R's)**

- A. Prior to issuance of the coastal development permit, and prior to recordation of any covenants, conditions and restrictions (CC&R's) associated with the subdivision approved by this Permit, said CC&R's shall be submitted to the Executive Director for review and approval. The Executive Director's review shall be for the purpose of insuring compliance with the standard and special conditions of this coastal development permit. The CC&R's shall include the following:
- (1) The permittee shall establish covenants, conditions and restrictions (CC&R's) for the proposed residential lots located within the subdivision. The CC&R's shall reflect the requirements of this coastal development permit.
  - (2) The CC&R's for the proposed subdivision shall indicate that the open space lots within the subdivision shall be maintained by a common entity (e.g. master homeowner's association) in accordance with the special conditions of this permit. The CC&R's shall designate responsibility for the maintenance of the property subject to Special Condition Four of this permit to the Homeowner's Association.
- B. Prior to issuance of the Certificate of Occupancy for the first residence, the permittee shall record the covenants, conditions and restrictions approved by the Executive Director, against the property.

**6. Construction Phasing**

- A. Prior to issuance of the coastal development permit, the permittee shall submit a revised, final construction phasing plan for review and approval by the Executive Director which shall conform with the following:



- (1) Prior to closure of any of the existing 15 parking spaces in the gravel parking lot on the subject parcel, the replacement parking lot approved pursuant to CDP 4-04-084 must be completed and open for use. Construction on the subject parcel shall not inhibit access from Hollister Avenue to the bluff top trails. Should construction on the subject parcel commence while the 15-space parking lot is in use, the permittee shall provide clear and noticeable signage from Hollister Avenue indicating that the public parking area is available. Further, the permittee shall demark the trailhead and limits of the designated route from the gravel parking area to the bluff top trails with appropriate temporary fencing and signage as deemed necessary by the Executive Director. The route shall be maintained safe and passable, and free from construction debris for pedestrian, bicycle, and equestrian use. All 15 spaces must be fully available to the public and may not be used for staging or construction purposes until and unless the replacement parking lot is in full effect. Temporary closure of the route from Hollister Avenue to the bluff top trails is not authorized in this permit.
- B. The permittee shall undertake development in accordance with the approved final construction phasing plans. Any proposed changes to the approved final construction phasing plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

## **7. Construction Staging Area and Fencing**

- A. All construction plans and specifications for the project shall indicate that impacts to wetlands and environmentally sensitive habitat areas (ESHA) shall be avoided and that the California Coastal Commission has not authorized any development in wetlands or other environmentally sensitive habitat, except for the limited removal of native grasslands as approved through this coastal development permit. Said plans shall clearly identify all wetlands and ESHA and their associated buffers in and around the construction zone. Prior to issuance of the coastal development permit, the permittee shall submit a final construction staging and fencing plan for the review and approval of the Executive Director which indicates that the construction in the construction zone, construction staging area(s) and construction corridor(s) shall avoid impacts to wetlands and other sensitive habitat consistent with this approval. The plan shall include the following requirements and elements:
- (1) Construction equipment, materials, or activity shall not be placed in any location which would result in impacts to wetlands or other sensitive habitat.
  - (2) No grading, stockpiling or earth moving with heavy equipment shall occur within ESHA, wetlands or their designated buffers.
  - (3) No construction materials, debris, or waste shall be placed or stored where it may enter sensitive upland habitat or wetlands, storm drain, receiving waters, or be subject to wind erosion and dispersion;

- (4) No construction equipment shall be stored within any ESHA, wetlands or their buffers.
  - (5) The plan shall include, at a minimum, a site plan that depicts the following components: limits of the staging area(s); construction corridor(s); construction site; location of construction fencing and temporary job trailers with respect to existing wetlands and sensitive habitat; and public access route through/around the site while gravel parking lot is active.
  - (6) The plan shall indicate that construction equipment, materials or activity shall not occur outside the designated staging area(s) and construction zone and corridors identified on the site plan required by this condition.
- B. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

## **8. Construction Timing**

- A. Except as provided in item (1) below, all project construction shall occur between March 1 and October 1, outside of the over-wintering season for monarch butterflies.
- (1) Any work proposed during the monarch butterfly over-wintering season referenced above shall be subject to the review and approval of the Executive Director prior to commencement. Where the Executive Director concurs that construction may occur between October and March, prior to said construction, a biologist with appropriate qualifications acceptable to the Executive Director, shall survey all eucalyptus trees within 200 feet of the development area to determine the extent and location of monarch habitation. If butterfly aggregations are found within 200 feet of the work area, construction activities within 200 feet of the aggregation(s) shall be halted until monarchs have left the site and the consulting biologist has determined that resumption of construction shall not adversely impact the butterfly habitat.

## **9. Raptor Survey**

The permittee shall retain the services, or fund the City's retainer, of a qualified biologist or environmental resources specialist with appropriate qualifications acceptable to the Executive Director to conduct a biological survey of raptor habitat. The permittee shall provide the biological monitor's qualifications for the review and approval of the Executive Director at least two (2) weeks prior to commencement of the raptor survey. A survey by a qualified biologist shall be conducted no more than 7 days prior to construction in order to determine whether active nests are present within 500 feet of the area to be disturbed by grading and construction. If raptor nests are present within the

500-foot zone, recommendations regarding minimizing impacts during construction shall be provided, including but not limited to, setbacks, fence protection, restrictions on construction scheduling, etc. Said recommendations shall be subject to the review and approval of the Executive Director prior to commencement of construction. Should the Executive Director determine that impacts on survival of young cannot be eliminated by the proposed recommendations, construction within 500-feet of active nests shall be suspended until the young have fledged.

#### **10. Construction Monitoring**

The permittee shall retain the services, or fund the City's retainer, of a qualified biologist or environmental resources specialist with appropriate qualifications acceptable to the Executive Director to serve as the biological monitor. The permittee shall provide the biological monitor's qualifications for the review and approval of the Executive Director at least two (2) weeks prior to commencement of project activities. The biological monitor shall be present during grading, excavation, demolition, and all construction activities. The permittee shall cease work should any sensitive species be identified anywhere within the construction area, if a breach in permit compliance occurs, if work outside the scope of the permit occurs, or if any unforeseen sensitive habitat issues arise. In such event, the biological monitor(s) shall direct the permittee to cease work and shall immediately notify the Executive Director. Project activities shall resume only upon written approval of the Executive Director. If significant impacts or damage occur to sensitive habitat or species, the permittee shall be required to submit a revised, or supplemental program to adequately mitigate such impacts. The revised, or supplemental, program shall be processed as an amendment to this coastal development permit.

#### **11. Native Grassland Mitigation**

- A. Prior to issuance of the coastal development permit, the permittee shall submit, for the review and approval of the Executive Director, a Grassland Restoration and Enhancement Plan subject to the following provisions. Said plans shall be prepared by a qualified biologist, ecologist, or resource specialist with experience in the field of restoration ecology, and with a background knowledge of native grasslands. The permittee shall provide the resource specialist's qualifications, for the review and approval of the Executive Director, prior to plan development. The Restoration and Enhancement Plan shall include, at a minimum, the following information:
- (1) Identification of the area(s) of disturbed or degraded grassland habitat and/or proposed new areas of grassland habitat adjacent to existing native grassland of equivalent type on the Ellwood Mesa or adjacent open space parcels (APN 079-210-067; or the open space parcels to be transferred in fee title to City of Goleta and/or other entity: Parcel 65, Parcel 67, and Parcel 69 as proposed on the Vesting Tentative Map (Local Case No. 67-SB-TM) dated September 19, 2002 and Revised July 2, 2004) that shall be restored sufficient to provide mitigation of the long-term impacts to native grassland at a ratio of 3:1 for the approximately 0.3 acres of grassland habitat on the site. The total area of

created or restored native grassland habitat required is 0.9-acres. Additionally, the applicant shall restore area(s) sufficient to mitigate approximately 0.6 acres of grassland habitat adjacent to the Comstock Homes development site that would be impacted as a result of fuel modification / mowing required by the Fire Department. The total area of created or restored native grassland habitat to offset the loss of grassland as a result of fuel modification / mowing requirements is 1.8-acres. The 1.8-acre requirement may be reduced where evidence is provided that such areas will not be impacted, pursuant to a vegetation management plan approved by the fire department, as described in **4-04-085 Special Condition Fifteen (15)**.

- (2) A baseline assessment, including photographs, of the current physical and ecological condition of the proposed restoration site, including, a biological survey, a description and map showing the area and distribution of existing vegetation types, and a map showing the distribution and abundance of any sensitive species.
- (3) A description of the goals of the restoration plan, including, as appropriate, topography, hydrology, vegetation types, sensitive species, and wildlife usage.
- (4) Documentation of performance standards, which provide a mechanism for making adjustments to the mitigation site when it is determined, through monitoring, or other means that the restoration techniques are not working.
- (5) Documentation of the necessary management and maintenance requirements, and provisions for timely remediation should the need arise.
- (6) A planting palette (seed mix and container plants), planting design, source of plant material, and plant installation. The planting palette shall be made up exclusively of native plants that are appropriate to the habitat and region and that are grown from seeds or vegetative materials obtained from local natural habitats so as to protect the genetic makeup of natural populations. Horticultural varieties shall not be used. Plantings shall be maintained in good growing condition throughout the life of the project and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with the revegetation requirements.
- (7) Sufficient technical detail on the restoration design including, at a minimum, a planting program including a description of planned site preparation, method and location of exotic species removal, timing of planting, plant locations and elevations on the baseline map, and maintenance timing and techniques.
- (8) A plan for documenting and reporting the physical and biological "as built" condition of the site within 30 days of completion of the initial restoration activities. The report shall describe the field implementation of the approved restoration program in narrative and photographs, and report any problems in the implementation and their resolution.
- (9) Documentation that the project will continue to function as viable native grassland habitat, as applicable, over the long term.

- (10) Documentation that the permittee has obtained all necessary rights from the property owner to access, use and maintain the mitigation site in compliance with all requirements of the restoration plan.
- (11) A Monitoring Program to monitor the Grassland Restoration and Enhancement. Said monitoring program shall set forth the guidelines, criteria and performance standards by which the success of the enhancement and restoration shall be determined. The monitoring programs shall include but not be limited to the following:
  - (a) Interim and Final Success Criteria. Interim and final success criteria shall include, as appropriate: species diversity, total ground cover of vegetation, vegetative cover of dominant species and definition of dominants, wildlife usage, hydrology, and presence and abundance of sensitive species or other individual "target" species.
  - (b) Interim Monitoring Reports. The permittee shall submit, for the review and approval of the Executive Director, on an annual basis, for a period of five (5) years, a written monitoring report, prepared by a monitoring resource specialist indicating the progress and relative success or failure of the enhancement on the site. This report shall also include further recommendations and requirements for additional enhancement/restoration activities in order for the project to meet the criteria and performance standards. This report shall also include photographs taken from predesignated sites (annotated to a copy of the site plans) indicating the progress of recovery at each of the sites. Each report shall be cumulative and shall summarize all previous results. Each report shall also include a "Performance Evaluation" section where information and results from the monitoring program are used to evaluate the status of the enhancement/restoration project in relation to the interim performance standards and final success criteria.
  - (c) Final Report. At the end of the five-year period, a final detailed report on the restoration shall be submitted for the review and approval of the Executive Director. If this report indicates that the enhancement/restoration project has, in part, or in whole, been unsuccessful, based on the performance standards specified in the restoration plan, the applicant(s) shall submit within 90 days a revised or supplemental restoration program to compensate for those portions of the original program which did not meet the approved success criteria. The revised or supplemental program shall be processed as an amendment to this permit.
  - (d) Monitoring Period and Mid-Course Corrections. During the five-year monitoring period, all artificial inputs (e.g., irrigation, soil amendments, plantings) shall be removed except for the purposes of providing mid-course corrections or maintenance to insure the survival of the enhancement/restoration site. If these inputs are required beyond the first two years, then the monitoring program shall be extended for every

additional year that such inputs are required, so that the success and sustainability of the enhancement/restoration is insured. The enhancement/restoration site shall not be considered successful until it is able to survive without artificial inputs.

- B. The Restoration and Enhancement activities shall be implemented by qualified biologists, ecologists, or resource specialists who are experienced in the field of restoration ecology within 60 days after the completion of construction of the last residence. The Executive Director may grant additional time for good cause. The monitoring plan shall be implemented immediately following the enhancement/restoration. The permittee shall provide the resource specialist's qualifications, for the review and approval of the Executive Director, at least two weeks prior to the start of such activities.
- C. The permittee shall undertake development in accordance with the final approved plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Coastal Commission - approved amendment to the coastal development permit, unless the Executive Director determines that no amendment is legally required.

## 12. Landscape Plans

- A. Prior to commencement of grading, the permittee shall submit two (2) sets of final landscaping plans for all landscape areas to be installed by the permittee and landscape guidelines prepared by a landscape architect or other qualified specialist for review and approval by the Executive Director. The plans shall incorporate the following criteria:
  - (1) All areas disturbed and/or denuded by the development shall be re-vegetated and maintained to protect habitat and to prevent erosion into habitat areas, wetlands, and coastal waters. To minimize the need for irrigation all landscaping shall consist primarily of native/drought resistant plants. Irrigated lawn may be planted within the individual residential lots. Such lawn shall be selected from the most drought tolerant species or subspecies.
  - (2) The proposed detention basin (a portion of Parcel 64 as proposed on the Vesting Tentative Map (Local Case No. 67-SB-TM) dated September 19, 2002 and Revised July 2, 2004) shall be planted with appropriate native landscape materials. The floor of the detention basin shall be vegetated with native, locally occurring wetland plants that will filter and process runoff and pollutants. The sides of the basin shall be vegetated with native, locally occurring grasses, forbs, and shrubs.
  - (3) No plant species listed as problematic and/or invasive by the California Native Plant Society, California Exotic Pest Plant Council, or as may be identified from time to time by the State of California shall be utilized anywhere within the proposed development area, including the landscaping within the private residential lots. No plant species listed as a 'noxious weed'

by the State of California or the U.S. Federal Government shall be utilized anywhere within the proposed development area, including the private residential lots.

- (4) Plantings will be maintained in good growing condition throughout the life of the project and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape requirements;
  - (5) Final landscaping guidelines for residential lots shall be completed and submitted for review and approval by the Executive Director prior to the issuance of the coastal development permit. The guidelines shall state that landscaping shall be installed by the landowner consistent with the guidelines within 180 days of initial occupancy of each residence approved by this permit. The guidelines shall be consistent with the requirements of this coastal development permit.
- B. Prior to commencement of grading, the permittee shall submit landscape palette lists to be incorporated into the landscaping guidelines, subject to the review and approval of the Executive Director, that identify: 1) the native plant species that may be planted in the development; 2) a representative list of the non-native, non-invasive common garden plant species that may be planted in the residential lots; and 3) the invasive plant species that are prohibited from use anywhere within the development. The landscape palette for the development shall be consistent with the lists of approved plants as reviewed and approved by the Executive Director. These lists shall remain available for public consultation at the California Coastal Commission, the City of Goleta, and the homeowners association established for the development. No deviations from the list shall occur in the plantings on the site without an amendment to this permit or a new coastal development permit unless the Executive Director determines that no amendment or new permit is required.
- C. Prior to commencement of grading, the permittee shall submit for review and approval by the Executive Director final landscaping plans for all common areas of the residential development area. The plans shall be modified in accordance with the requirements of the special conditions of this permit. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.
- D. The applicable covenants, conditions and restrictions (CC&R's) required by Special Condition 5 shall require that all landscaping be consistent with the landscaping guidelines approved by the Executive Director. The landscape requirements of this special condition shall be incorporated directly into the CC&R's.

### **13. Erosion Control Plans**

- A. Prior to issuance of a coastal development permit, the permittee shall submit two (2) sets of erosion control plans, prepared by a qualified engineer, for review and approval by the Executive Director. The plan shall incorporate the following criteria:
- (1) The plan shall delineate the areas to be disturbed by grading or construction activities and shall include any temporary access roads, staging areas and stockpile areas. The natural areas on the site shall be clearly delineated on the project site with fencing or survey flags.
  - (2) The plan shall specify that should grading take place during the rainy season (November 1 – April 15) the permittee shall install or construct temporary sediment basins (including debris basins, desilting basins or silt traps), temporary drains and swales, sand bag barriers, silt fencing, stabilize any stockpiled fill with geofabric covers or other appropriate cover, install geotextiles or mats on all cut or fill slopes and close and stabilize open trenches as soon as possible. These erosion measures shall be required on the project site prior to or concurrent with the initial grading operations and maintained throughout the development process to minimize erosion and sediment from runoff waters during construction. All sediment should be retained on-site unless removed to an appropriate approved dumping location either outside the coastal zone or to a site within the coastal zone permitted to receive fill.
  - (3) The plan shall also include temporary erosion control measures should grading or site preparation cease for a period of more than 30 days, including but not limited to: stabilization of all stockpiled fill, access roads, disturbed soils and cut and fill slopes with geotextiles and/or mats, sand bag barriers, silt fencing; temporary drains and swales and sediment basins. The plans shall also specify that all disturbed areas shall be seeded with native grass species and include the technical specifications for seeding the disturbed areas. These temporary erosion control measures shall be monitored and maintained until grading or construction operations resume.

### **14. Water Quality Management Plan (WQMP)**

- A. Prior to issuance of the coastal development permit, the permittee shall submit for the review and approval of the Executive Director, two (2) copies of a Final Water Quality Management Plan (WQMP) for the post-construction project site, prepared by a licensed water quality professional, and shall include plans, descriptions, and supporting calculations. The WQMP shall incorporate structural and non-structural Best Management Practices (BMPs) designed to reduce, to the maximum extent practicable, the volume, velocity and pollutant load of stormwater and dry weather flows leaving the developed site. In addition to the specifications above, the plan shall be in substantial conformance with the following requirements:
- (1) Post-development peak runoff rates and average volumes shall not exceed pre-development conditions;



- (2) Appropriate structural and non-structural BMPs (site design, source control and treatment control) shall be designed and implemented to minimize water quality impacts to surrounding coastal waters;
  - (3) Impervious surfaces, especially directly connected impervious areas, shall be minimized, and alternative types of pervious pavement shall be used where feasible;
  - (4) Irrigation and the use of fertilizers and other landscaping chemicals shall be minimized;
  - (5) Trash, recycling and other waste containers, as necessary, shall be provided at the permanent trailhead at the southern end of the development. All waste containers anywhere within the development shall be covered, watertight, and designed to resist scavenging animals.
  - (6) Runoff from all roofs, roads and parking areas shall be collected and directed through a system of structural BMPs including vegetated areas and/or gravel filter strips or other vegetated or media filter devices. The system of BMPs shall be designed to 1) trap sediment, particulates and other solids and 2) remove or mitigate contaminants through infiltration, filtration and/or biological uptake. The drainage system shall also be designed to convey and discharge runoff from the developed site in a non-erosive manner;
  - (7) Post-construction structural BMPs (or suites of BMPs) shall be designed to treat, infiltrate or filter the amount of stormwater runoff produced by all storms up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, and/or the 85th percentile, 1-hour storm event, with an appropriate safety factor (i.e., 2 or greater), for flow-based BMPs;
  - (8) All BMPs shall be operated, monitored, and maintained for the life of the project and at a minimum, all structural BMPs shall be inspected, cleaned-out, and where necessary, repaired at the following minimum frequencies: (1) prior to October 15th each year; (2) during each month between October 15<sup>th</sup> and April 15<sup>th</sup> of each year and, (3) at least twice during the dry season;
  - (9) Debris and other water pollutants removed from structural BMP(s) during clean-out shall be contained and disposed of in a proper manner;
- B. It is the permittee's responsibility to maintain the drainage system and the associated structures and BMPs according to manufacturer's specifications. As soon as a homeowner's association (HOA) or similar entity comprised of the individual owners of the 62 proposed residential lots is created, responsibility to maintain the drainage system and the associated structures and BMPs according to manufacturer's specifications shall be transferred to the HOA.
- C. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

- D. The applicable covenants, conditions and restrictions (CC&R's) required by Special Condition 5 shall require that all development be carried out in accordance with the Water Quality Management Plan approved by the Executive Director.

**15. Fuel Modification Program and Vegetation Management Plan**

- A. All fuel modification shall be consistent with the requirements of this permit and the final vegetation management plan submitted for review and approval of the Executive Director pursuant to subpart B of this condition, consistent with the following:
- (1) The permittee shall submit a final vegetation management plan approved by the Fire Department that identifies landscape that can be planted that would minimize or eliminate the need for annual mowing and/or vegetation clearance within the habitat buffers shown on Exhibit 12. The final vegetation management plan shall identify the locations where a 30-foot wide swath of mowing is required from the perimeter of the development.
  - (2) Backyard fencing/enclosure shall consist of six-foot, solid walls in order to reduce the need for and extent of perimeter mowing. Alternatively, the backyard perimeter wall may consist of a 6-foot fencing/enclosure comprised of a 2.5-foot in height wrought iron fence with a 3.5-foot high solid wall base, only where the permittee submits documentation, for the review and approval of the Executive Director, which evidences that this design of the enclosure will not result in additional fuel modification or mowing requirements by the fire department.
- B. Prior to commencement of construction, the permittee shall submit a final vegetation management plan for the development for review and approval by the Executive Director which shall be consistent with the requirements outlined above. The final vegetation management plan and relevant development plans shall have received final approval from the relevant fire authority and the submittal shall include written evidence of said approval. The vegetation management plan shall include a statement which states that any changes to the plan, including any changes required by the relevant fire authority or other resource agencies, shall be reported to the Executive Director of the Coastal Commission, and shall require an amendment to this permit or a new coastal development permit prior to implementation of changes unless the Executive Director of the Coastal Commission determines that no amendment or new permit is required.
- C. The permittee shall undertake development in accordance with the approved final plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

**16. Signage & Education Program**

- A. Prior to the issuance of the Certificate of Occupancy for the first residence, the permittee shall submit, for the review and approval of the Executive Director, plans showing the location, size, design, and content of all signs to be installed.
- B. Within thirty (30) days of issuance of the certificate of occupancy for the first residence by the City of Goleta, the permittee shall install permanent signage that notifies the public's right for pedestrian and bicycle access through the new subdivision as shown in Exhibit 10.
- C. Animal waste control measures (e.g., mutt-mitt dispensers) shall be implemented. Mutt-mitt dispensers shall be installed and maintained by the Developer/Homeowner's Association at the Open Space access point trailhead within the development. Educational displays/signs and a trash receptacle shall be installed at the trailhead to provide information about water quality in Devereux Creek watershed, and appropriate education materials shall be incorporated into the Homeowners' Association CC&Rs. The displays and/or signs shall include information pertaining to animal waste and surface water pollution prevention.
- D. The required signs shall be maintained in good condition and replaced when necessary.

**17. Lighting Restriction**

- A. Prior to commencement of grading, the permittee(s) shall submit two (2) sets of Lighting Plans, for review and approval by the Executive Director, incorporating the following requirements:
  - (1) Any exterior night lighting installed on the project site shall be of low intensity, low glare design, and shall be shielded to direct light downward onto the subject parcel(s) and prevent spill-over onto adjacent parcels, including all public open space areas. Furthermore, no skyward-casting lighting shall be used. The lowest intensity lighting shall be used that is appropriate to the intended use of the lighting.
  - (2) The lighting plan shall show the locations of all exterior lighting fixtures and an arrow showing the direction of light being cast by each fixture, the lighting specifications, and the height of the fixtures. The plan shall be designed in particular to avoid lighting impacts to the open spaces and wetland habitat. All outdoor lighting on the parcel(s) shall comply with the approved Lighting Plans.
  - (3) The lighting plan to be submitted to the Executive Director shall be accompanied by an analysis of the lighting plan prepared by a qualified biologist which documents that the lighting plan is effective at preventing lighting impacts upon adjacent environmentally sensitive habitat.
- B. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the

Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

- C. The covenants, conditions and restrictions (CC&R's) required by Special Condition 5 shall require that all lighting be consistent with the lighting plans approved by the Executive Director. The lighting requirements of this special condition shall be incorporated directly into the CC&R's.

#### **18. Perimeter Walls**

- A. Where the backyards of residences abut open space and habitat areas, the backyard fencing/enclosure shall consist of six-foot, solid walls in order to reduce perimeter mowing to meet fire department requirements and to help contain domestic animals within the residential area and exclude such animals from sensitive habitat areas. Alternatively, the backyard perimeter wall may consist of a 6-foot fencing/enclosure comprised of a 2.5-foot in height wrought iron fence with a 3.5-foot high solid wall base, only where the permittee submits documentation, for the review and approval of the Executive Director, which evidences that this design of the enclosure will not result in additional fuel modification or mowing requirements by the fire department. *Prior to issuance of the coastal development permit*, the permittee shall submit final revised plans showing the location, design, height and materials of all such walls for the review and approval of the Executive Director.
- B. The permittee shall undertake development in accordance with the approval final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.
- C. The covenants, conditions and restrictions (CC&R's) required by Special Condition 5 shall require that backyard enclosure/fencing shall consist of six-foot solid wall or partial solid wall as approved by the Executive Director. The wall enclosure requirements of this special condition shall be incorporated directly into the CC&R's.

#### **19. Structural Appearance – Exterior Building Materials**

All walls and building exteriors shall be limited to colors compatible with the surrounding environment (earth tones) including shades of green, brown and gray with no white or light shades and no bright tones. All windows shall be comprised of non-glare glass. The color shall be maintained throughout the life of the structure(s).

#### **20. Residential Area Height Restrictions**

The heights of residential structures and appurtenances shall be as identified in the final plans approved by the Executive Director consistent with the following maximum heights shown in Exhibit 11: 19.5 feet for the 25 single story residences and 25 feet for the 37 two story residences. Future development shall conform with these maximum

heights unless such heights are changed by an amendment to this permit, unless the Executive Director determines that no amendment to this permit is required.

**21. Woodburning Fireplace Restriction**

- A. Fireplaces, stoves, and firepits permitted hereby shall be restricted to non-woodburning types.
- B. The above restriction shall be incorporated directly into the covenants, conditions and restrictions (CC&R's) required by Special Condition 5.

**22. Archaeological Resources and Monitoring**

By acceptance of this permit, if project activities are undertaken within an area known to have cultural deposits, including but not limited to skeletal remains and grave-related artifacts, traditional cultural sites, religious or spiritual sites, paleontological artifacts or other artifacts, the permittee agrees to have an archaeologist(s) and appropriate Native American consultant(s), with qualifications acceptable to the Executive Director, present on-site during all construction activities which occur within or adjacent to cultural deposits in the project area. Specifically, if required as described above, the construction on the project site shall be controlled and monitored by the archaeologist(s) with the purpose of locating, recording and collecting any cultural materials. Alternately, under the direction of a qualified archaeologist and/or appropriate Native American consultant, the permittee may implement alternative techniques designed to temporarily protect such resources (e.g., placing temporary cap material in accordance with accepted protocols for archaeological resource protection). In the event that any significant archaeological resources are discovered during operations, all work in this area shall be halted and an appropriate data recovery strategy be developed, subject to review and approval of the Executive Director, by the permittee's archaeologist and the native American consultant consistent with CEQA guidelines.

**23. Buyer'(s) Acknowledgment**

- A. Prior to issuance of this coastal development permit, the owner(s) of the property that is the subject of this permit shall agree that before any sale or transfer of any of that property or any interest in that property that occurs before completion of all public amenities required in this permit ("Improvements"), the owner-seller shall secure a letter from the buyer of the property (1) acknowledging (a) that the conditions imposed by this permit, as amended, run with the land, (b) that the use and/or development of the land is restricted by the special conditions of the permit and restrictions recorded on the property pursuant thereto, and development of the property is contingent on the opening to the public of public trails and other public access and recreation amenities, (c) that pursuant to the special conditions of the permit and the special offers and/or grant deeds recorded pursuant thereto or otherwise required in this coastal development permit, the public has certain rights with respect to future use of project streets and trails; and (2) agreeing that, prior to any further sale or transfer of any of the property or any interest in the property that

occurs before completion of the Improvements, that that buyer-turned-seller shall secure from its buyer a letter to the same effect.

- B. Subsequent to the issuance of this coastal development permit, and prior to the sale or transfer of any of the property or any interest in the property that is the subject of this permit that occurs before completion of all of the Improvements, the owner of the property being sold shall secure a letter from the buyer (1) acknowledging (a) that the conditions imposed by this permit, as amended, run with the land, (b) that the use and/or development of the land is therefore restricted by the special conditions of this permit and restrictions recorded on the property pursuant thereto, and development of the property is contingent on the opening to the public of public trails and other public access and recreation amenities, and furthermore, (c) that pursuant to the special conditions of the permit and the special offers and/or grant deeds recorded pursuant thereto or otherwise required in this coastal development permit, the public has certain rights with respect to future use of project streets and trails; and (2) agreeing that, prior to close of escrow on any further sale or transfer of any of the property or any interest in the property that occurs before completion of the Improvements, that that buyer-turned-seller shall secure from its buyer a letter to the same effect.
- C. A copy of such letter(s) shall be provided to the Executive Director of the Commission and the Planning Director of the City of Goleta before close of escrow.

#### **24. Ellwood Mesa Open Space Deed Restriction**

- A. Prior to issuance of the coastal development permit, the permittee shall submit to the Executive Director, for review and approval, documentation demonstrating that a deed restriction has been executed and recorded against the Ellwood Mesa property (APNs 079-210-013, -014, -015, -024 and -051) as shown in Exhibit 2 to this staff report, in a form and content acceptable to the Executive Director indicating that no development, as defined in Section 30106 of the Coastal Act shall occur within the Ellwood Mesa property (APNs 079-210-013, -014, -015, -024 and -051) except where an approved Coastal Development Permit is issued for the following types of activities: habitat restoration; installation, repair or upgrading of utilities; construction of water quality management structures; erosion control management; public access trails and associated appurtenances; signage; re-construction of existing drains; or maintenance and repair activities pursuant to an approved management and maintenance program. The deed restriction shall include a legal description of the entire parcels that comprise the 137-acre Ellwood Mesa property governed by this Special Condition. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.
- B. Prior to issuance by the Executive Director of the Notice of Intent (NOI) for this permit, the permittee shall submit for the review and approval of the Executive

Director, and upon such approval, for attachment as Exhibit One to the NOI, formal legal descriptions and graphic depictions of the entire Ellwood Mesa property (APNs 079-210-013, -014, -015, -024 and -051).

**25. Deed Restriction for Three Open Space Areas**

- A. Prior to issuance of the coastal development permit, the permittee shall submit to the Executive Director, for review and approval, documentation demonstrating that a deed restriction has been executed and recorded against the three open space parcels (Parcel 65, Parcel 67, and Parcel 69 as proposed on the Vesting Tentative Map (Local Case No. 67-SB-TM) dated September 19, 2002 and Revised July 2, 2004), in a form and content acceptable to the Executive Director indicating that (1) the open space areas shall be held in perpetuity for public access, open space, trails, and habitat restoration purposes and (2) that no development, as defined in Section 30106 of the Coastal Act shall occur within the areas of the proposed open space lots identified above, except for the following activities, if approved through a separate coastal development permit: habitat restoration; installation, repair or upgrading of utilities; construction of water quality management structures; erosion control management; public access trails and associated appurtenances; reconstruction of existing drains; or maintenance and repair activities pursuant to an approved management and maintenance program.
- B. Prior to issuance by the Executive Director of the Notice of Intent (NOI) for this permit, the permittee shall submit for the review and approval of the Executive Director, and upon such approval, for attachment as Exhibit Two to the NOI, formal legal descriptions and graphic depictions of the subject property affected by this condition, as generally described above.

**26. General Deed Restriction**

Prior to issuance of the coastal development permit, the permittee shall submit to the Executive Director for review and approval documentation demonstrating that the landowners have executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

## V. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

### A. PROJECT DESCRIPTION AND BACKGROUND

These applications implement a coordinated effort between the City of Goleta and Comstock Homes to retire development on the privately-owned Ellwood Mesa parcels through buyout and transfer of development to a portion of the City-owned Santa Barbara Shores property adjacent to Hollister Avenue in the City of Goleta.

#### 1. Terminology

The following terms are used to describe the various project areas in this report:

- “Ellwood Mesa” or “Ellwood Mesa property” refers to the 137-acre private lands presently owned by Santa Barbara Development Partnership with option agreement to sell to Comstock, Crosser, and Associates Development Company Inc., a holding company for Comstock Homes. This area is comprised of Assessor Parcel Numbers 079-210-013, -014, -015, -024 and -051 (Exhibit 2).
- “Santa Barbara Shores” or “Santa Barbara Shores Park” refers to the 116-acre Assessor Parcel Number 079-210-067 presently owned by the City of Goleta (Exhibit 2).
- “Comstock Homes Development Area” refers to the 36-acre portion of the Santa Barbara Shores Park parcel (APN 079-210-067) that would be created as a result of CDP 4-04-084 and then transferred to Comstock Homes in exchange for the Ellwood Mesa properties.
- “Project Area” refers to the combined Ellwood Mesa and Santa Barbara Shore Park properties.
- “Ellwood Mesa Open Space” or “Ellwood Mesa Open Space Plan Area” or “Open Space Plan Area” refers to approximately 230-acres of open space within the City of Goleta’s jurisdiction, including the Ellwood Mesa property, Santa Barbara Shores Park and other adjacent open space areas.
- “Ellwood-Devereux Open Space” or “Ellwood-Devereux Open Space Plan Area” refers to the 652-acres of continuous open space and natural reserves planned for public access and natural resource protection on the Ellwood-Devereux Coast under the jurisdiction of the City of Goleta, County of Santa Barbara, and University of California, pursuant to the Ellwood-Devereux Coast Open Space and Habitat Management Plan adopted by the three parties.

#### 2. Project Location and Setting

The Santa Barbara Shores Park property consists of 116-acres located south of Hollister Avenue in the City of Goleta, County of Santa Barbara (Exhibits 1-2). The property is developed with a 15-space gravel public parking lot with multi-use trails to and along the bluff. The proposed Comstock Homes Development is located on a 36-



acre portion of the existing Santa Barbara Shores Park. The area that is proposed to be developed by both applicants is vacant undeveloped, public open space. The proposed Comstock development footprint encompasses approximately 21.5 acres and the City of Goleta's replacement parking lot encompasses approximately 1 acre, with all remaining areas to remain public open space. Sandpiper Golf Course is located on the adjacent property to the west, and the Venoco Ellwood Onshore Facility is located west of Sandpiper Golf Course approximately 0.8 miles from the Comstock Homes development site. The Santa Barbara Shores residential development adjoins the eastern property boundary of Santa Barbara Shores Park. Ellwood School is located to the north across Hollister Avenue.

The project area is located within the Devereux Creek Watershed which is bounded by the foothills of the Santa Ynez Mountains to the north, Storke Road and Isla Vista to the east, the Pacific Ocean to the south, and Ellwood Canyon to the west. Within the watershed, stormwater runoff drains from the foothill area downstream towards U.S. Highway 101 via natural tributaries of Devereux Creek. Storm drains convey water under U.S. Highway 101 and the Southern Pacific Railroad tracks through culverts. South of Hollister Avenue, storm flows pass through Sandpiper Golf Course and residential development via natural drainage channels that flow to the main east-west branch of Devereux Creek. Devereux Creek runs through Santa Barbara Shores, Ellwood Mesa, Ocean Meadows Golf Course, and the Coal Oil Point Reserve. South of Ocean Meadows Golf Course, Devereux Creek empties into Devereux Slough.

The project area includes native and non-native habitat resources. Non-native annual grassland is the most abundant habitat in this area. Soil compaction and accelerated soil erosion are widely evident through the southern half of the Santa Barbara Shores parcel and western half of the Ellwood Mesa parcel, due in part to previous land uses, including oil development, farming, livestock grazing, and contaminated soil remediation, and current land use for outdoor recreation activities. Vegetation on the Comstock Homes site is predominantly non-native grasslands with intermittent clumps of native grassland, riparian tributaries to Devereux Creek, a wetland, and eucalyptus groves.

The Comstock project would be set back approximately ¼ mile from the bluff edge and the City's replacement parking lot would be approximately ½ mile from the bluff edge. Public utilizing the City's replacement parking lot would travel ½ to ¾ of a mile of designated access routes to reach Beach Access Point F (Exhibit 13).

### **3. Project Description**

#### *CDP Application 4-04-084 (City of Goleta)*

The City's project includes two components: (1) subdivision of the Santa Barbara Shores Park property into two lots and (2) construction of public parking and trail facilities to serve the Ellwood-Devereux open space area. The proposed subdivision of the 116.16-acre Santa Barbara Shores parcel would result in a 36-acre parcel to be

transferred to Comstock Homes for residential development and an 80.16-acre parcel to be retained by the City as part of a larger open space area (See Section A.7 below).

The proposed 45-space parking lot would replace an existing 15-space facility located on the 36-acre parcel, which would be removed in conjunction with the Comstock Homes residential development. The replacement parking lot would accommodate 37 to 45 vehicles, depending on the number of horse-trailers and other over-sized vehicles using the parking lot. Three handicapped parking spaces are included and up to three horse trailers would be accommodated in the new parking lot. The parking lot would be paved with a permeable surface and a surface color designed to blend with the natural appearance of the site. Construction of the parking lot includes approximately 800 cu. yds. (400 cu. cut, 400 cu. yds fill) of grading. The entrance to the parking lot would be aligned with the existing three-way signalized intersection of Hollister Avenue and the entrance to the Ellwood Elementary School, and the signal would be modified to a four-way traffic control. The project includes closure of the parking lot from 10 a.m. to 4 a.m. and installation of a gate arm and turnaround for controlled access.

A wood post and rail fence would be constructed around the perimeter of the parking lot. A gate providing access into the open space area for fire and other emergency responders would be located near the southeast corner of the lot, and an entry gate would be located along the entrance drive. Landscape planting materials would be drought tolerant.

The project further includes the construction of two new trail connector segments. The first trail connector would run southward approximately 260 feet from the southeast corner of the parking lot to existing trails in the open space area (Exhibit 6). The second trail segment would run generally southeast for approximately 140 feet from the end of the public access easement through the Comstock Homes development to an existing open space area trail (Exhibit 6). These trail segments have been aligned to avoid native grasslands and other sensitive resources, and are proposed to be developed in ruderal and non-native grassland areas. Educational signage, mutt mitt stations, and trash receptacles are proposed at the parking lot trailhead. Signage and mutt mitts are also proposed at the trailhead leading from the Comstock Homes development. A trail extending from Hollister Avenue to the coastal bluff top is proposed to be limited to pedestrians only.

#### ***CDP Application 4-04-085 (Comstock Homes)***

Comstock Homes is proposing subdivision of the newly created 36-acre parcel into 69 lots: 62 residential lots ranging from 8,400 sq. ft. to 16,300 sq. ft.; 4 subdivision improvement lots such as landscaping and a detention basin; and 3 open space lots ranging from 1.27 to 7.96 acres. Construction of 25 single-story single family residences, maximum 19.5 feet in height and 37 two-story residences, maximum 25 feet in height, with five separate floor plans ranging from 2,871 sq. ft. to 4,141 sq. ft., garages, decks, courtyards, sidewalks, utilities, entry gate, perimeter fence, a six-foot high privacy/soundwall, removal of 70 eucalyptus trees, vegetated detention basin,

demolition of existing 15-space public parking area and 90,000 cu. yds. of grading (45,000 cu. yds. cut, 45,000 cu. yds. fill).

The applicant is proposing Tuscan-themed residences designed in five different floor plans available in three fairly similar exterior styles: Rustic, Villa, and Farmhouse. The colors are muted, varying shades of earth tones ranging from off-white to beige. The exterior walls would be primarily constructed of colored stucco with decorative stone used in most of the styles for accent. All three styles include tiled roofs in shades of terra cotta, brown, and tan. In addition to choosing the exterior styles, the project description allows for the exchange of: a two-story floor plan to another two-story floor plan; a one-story floor plan to a different one-story floor plan; or a two-story floor plan to a one-story floor plan. However, the 25 lots designated for one-story floor plans cannot, under any circumstances, be exchanged for a two-story floor plan. The maximum heights, 19.5 feet or 25 feet, specifically designated for each lot shall not change.

The applicant proposes construction of 3,556 lineal feet of new 40-foot wide (50-foot wide at the entrance of the development) privately-maintained subdivision streets to serve the residences in the development including rolled curbs, gutters and 4-foot wide sidewalks on one side of the street. Other improvements include frontage improvements along approximately 750 feet of Hollister Avenue including roadway improvements, bus stop relocation and associated improvements including a bus turnout, sidewalk improvements, landscaping, and undergrounding of utilities.

Educational signage would be included at the trailhead within the development leading from the subdivision to east-west trending Trail 24.

The Comstock Homes project would result in the removal of 70 eucalyptus trees along the northern and northwestern windrows. The trees to be removed are not part of the designated monarch ESHA because they function as a windrow of screening from the road and golf course, and are not extensive enough to provide a functioning habitat for monarchs or raptors.

Pursuant to an existing contract, the project includes the sale of the 137-acre Ellwood Mesa property to the Trust for Public Land at the time the City's parcel map is issued creating the 36-acre Comstock Homes Development area. Pursuant to an existing Memorandum of Understanding, the Trust for Public Land will then transfer the Ellwood Mesa property to the City of Goleta.

Additionally, the project includes the dedication of three parcels for public access, open space, and habitat restoration: the 1.27-acre Lot 67, the 5.3-acre Lot 69, and the 7.96-acre Lot 65 as proposed on the Vesting Tentative Map (Local Case No. 67-SB-TM) dated September 19, 2002 and Revised July 2, 2004, submitted by the applicant, and as shown in Exhibit 8 to this staff report. Lot 67 is located at the south end of the subdivision and extends toward the center of the development envelope and is intended to protect a drainage and coyote-brush scrub habitat. Lot 69 is located along the western portion of the development and is intended to protect the delineated

wetland and eucalyptus windrow and preserve the existing western perimeter trail. Lot 65 is located along the northeastern and eastern portion of the development and is intended for long-term protection of the drainages.

### *Land Exchange*

The above projects implement a land exchange that would result in the transfer of title to the City of Goleta of the 137-acre Ellwood Mesa property. In exchange for the 137-acre Ellwood Mesa property, the City of Goleta would deed a 36-acre portion of Santa Barbara Shores Park to Comstock Homes for the proposed residential development. Comstock Homes would also receive \$20.4 million, the amount of an Ellwood Mesa fund-raising effort led by the Trust for Public Lands, as compensation for the difference in value of the 137-acre and 36-acre properties. The Ellwood Mesa property would be rezoned to Recreation from Planned Residential Development (maximum 162 units) and used for open space and passive recreation activities.

The development envelope for Comstock Homes would be 21.5 acres, and the Developer has proposed to deed portions of the 36-acre property outside of the development envelope back to the City to be incorporated into the City's Ellwood Mesa Open Space Plan. The total acreage of City-owned coastal open space would increase from 116.2 to 231.7 acres, for a net gain of public land of 115.5 acres. Ample recreational uses, including a public parking lot, trails, and beach accessways would be provided in the City-owned property, which would be referred to as the Ellwood Mesa Open Space Area and would be managed by the City of Goleta.

#### **4. Ellwood-Devereux Coast Open Space and Habitat Management Plan**

The City of Goleta is one of three participants in the Ellwood-Devereux Coast Open Space and Habitat Management Plan (Ellwood-Devereux Open Space Plan). The Open Space Plan is a collaboration between the City of Goleta, University of California at Santa Barbara, and County of Santa Barbara to comprehensively plan the land use of the Ellwood-Devereux Coast to reduce the amount of residential development, relocate development to inland locations away from sensitive coastal resources, and establish a 652-acre contiguous area along the coast that includes open space and natural reserves managed for public access and natural resource protection.

The stated goal of the Ellwood-Devereux Open Space Plan is to protect and enhance the Ellwood-Devereux Open Space Plan Area and provide for public access compatible with the conservation of its regionally significant coastal resources. The Open Space Plan describes management goals, policies, and actions to guide management of public access and habitat protection. The primary elements of the Open Space Plan are a trail system and a framework of opportunities to restore sensitive coastal habitats.

The management actions developed in the Ellwood-Devereux Open Space Plan are intended to respect the area's undeveloped and ecological character, disperse recreation across the entire open space area (except in restricted portion of the Coal Oil Point Reserve), and maintain the diverse and informal character of existing recreation

activities while protecting, restoring, and enhancing important habitats and ecological relationships in the area.

The Ellwood-Devereux Open Space Area is undeveloped open space that is used extensively for passive recreational use and coastal access. There are numerous dirt trails, a paved creek crossing road and culvert (located south of Santa Barbara Shores Drive), eucalyptus windrows, open grasslands, and three coastal access trails on the bluffs.

Under existing plans and regulations, there is the potential for future development to occur in sensitive habitat areas and the most valued recreational lands, while less valuable lands for both habitat and public access could remain vacant or undeveloped. If development proceeds under existing plans, islands of development could fragment open space and disrupt coastal access, recreational use, and the overall ecosystem in the area. The Ellwood-Devereux Open Space Plan proposes to protect the resources in the area by relocating development away from coastal areas to the northern perimeter of the area where it would be clustered contiguous to existing development, roads, and services. Through the transfer of development rights from the Ellwood Mesa and the South Parcel of the University's North Campus, to the areas on the north side of Santa Barbara Shores Park and north of Ocean Meadows Golf Course, a 652-acre area would be permanently designated as open space and natural reserve. Such a plan requires extensive coordination by the three participating jurisdictions and cooperation of private property owners to achieve this level of preservation.

The intent is for the sponsoring agencies to implement the Ellwood-Devereux Open Space Plan through their individual jurisdictional approvals of the proposed residential developments and the creation of the open space. The agencies would cooperate and work together while maintaining separate authorities to plan, design, fund, permit, and construct public access, habitat, and other improvements described in the Plan.

Portions of the Ellwood-Devereux Open Space Plan will require amending the University's Long Range Development Plan and the County's LCP to adopt the open space plan, which must be certified by the Commission. The City of Goleta does not have a certified LCP in place and will rely on individual permit approvals from the Commission until such time as the City of Goleta has an LCP certified by the Commission. As a result, the coastal development permit applications which are the subject to this report, implement a portion of the Ellwood-Devereux Open Space Plan to relocate development in a location that will preserve open space and habitat resources. Trail alignments and improvements on Ellwood Mesa are not a part of the subject applications.

##### **5. City of Goleta Incorporation**

Prior to the City of Goleta's incorporation in 2002, the area within what is now the City's coastal zone was subject to the County of Santa Barbara's Local Coastal Program (LCP). The County's LCP was certified in 1982 and amended in 1994 to certify the

Goleta Community Plan, including all areas that now comprise the City of Goleta within the coastal zone.

Though the City of Goleta has adopted the applicable planning documents for the purposes of municipal incorporation, the City has not submitted Land Use Plan (LUP) or Implementation (IP) documents for certification since the time of incorporation. Therefore there is no effective LCP for the coastal zone portion of the City of Goleta. The subject applications are located within the City of Goleta and have been submitted as Coastal Development Permits directly to the Commission.

## **6. Past Commission Action**

In 1993, the County submitted LCP amendment 2-93 which included the *Santa Barbara Shores – Ellwood Beach Specific Plan* (referred to as the "Specific Plan" in the following discussion; Note, the Ellwood Beach property is the equivalent of the Ellwood Mesa property). The Specific Plan would have allowed for development of public recreational facilities on the Santa Barbara Shores portion and a private residential development with an approximate 40-acre development envelope on the Ellwood Mesa property. On August 10, 1994, the Commission approved the proposed amendment with the following suggested modifications: (1) revised the development area from 40 to 38 acres and relocated 4 lots on Ellwood Mesa property; (2) prohibited the use of a private desalination facility; (3) provided for the transfer of development between the Ellwood Mesa and the Santa Barbara Shores property; (4) required the County to make a finding that public access to and along the beach would not be adversely affected by a gated community if one is proposed on the Ellwood Mesa property; (5) identified the coastal bluff trail route as the preferred location of the Coastal Trail; and (6) required the coordinated development between the Ellwood Mesa – Santa Barbara Shores properties and the West Devereux property to the east.

The County did not initially accept the suggested modifications; instead, it submitted a revised Specific Plan in October 1994. The Commission filed this as a resubmittal. The County subsequently withdrew the resubmittal prior to the February 1995 scheduled hearing, and accepted the August 1994 suggested modifications for LCP amendment 2-93.

In 1994, the Coastal Commission also certified the Goleta Community Plan as part of the County of Santa Barbara's Local Coastal Program (LCP) with suggested modifications. The certification included an updated Environmentally Sensitive Habitat Map for the Goleta Community Plan area and policies and development standards relating to community development, public services, and resource constraints (including policies relating to native grasslands). Specific development standards were also included for the Ellwood Mesa and Santa Barbara Shores properties addressed in the Specific Plan, but the designation of 38 acres on the Ellwood Mesa property for residential development was not changed.

On April 7, 1995, two non-profit organizations, Save Ellwood Shores and the League for Coastal Protection, filed suit against the Commission and the County of Santa Barbara

for its approval of the Specific Plan. The suit was based principally upon the approval of a developable area for the Ellwood Mesa property - including vernal pools and native grasslands - which were designated as ESHA within the Goleta Community Plan.

On June 15, 1995, the Commission effectively certified the *Ellwood Beach - Santa Barbara Shores Specific Plan* (LCP Amendment 2-93-C) approved by the County Board of Supervisors in its February 7, 1995 action. The LCP amendment was determined to be legally adequate and the certification became effective.

On March 18, 1997, Santa Barbara County Board of Supervisors authorized the execution of a Settlement Agreement between the County, the developer, and the two non-profit organizations. The Settlement Agreement provided for the processing of a revised Specific Plan, changes to the Goleta Community Plan, and related development permit applications. Changes to the Specific Plan included a slight reduction in the developable area on the Ellwood Mesa portion of the Specific Plan from 38 to approximately 36 acres to reduce impacts on the Environmentally Sensitive Habitat designated in the certified Goleta Community Plan portion of the County LCP Land Use Plan. The Specific Plan was also modified to allow solely detached residential units rather than a mix of attached and detached units. The changes also maintained all of the suggested modifications identified in the Coastal Commission's August 10, 1994 action approving the Specific Plan.

On August 19, 1997, the Santa Barbara County Board of Supervisors adopted two resolutions approving these changes to the LCP and submitted them to the Commission as LCP Amendment 2-97-C. The principal changes to the Specific Plan previously certified by the Commission in its August 10, 1994 and June 15, 1995 action was to (1) reconfigure and reduce the development envelope on the Ellwood Mesa portion of the Specific Plan from 38 to 36 acres to reduce impacts to the ESHA identified in the Goleta Community Plan; (2) reconfigure the main lateral (east-west) access trail on the northern boundary of the Ellwood Mesa portion of the Specific Plan Area to relocate the proposed trail to the existing trail alignment immediately north and off-site of the Specific Plan Area, and add an additional lateral access trail immediately behind the Ellwood Mesa development envelope; (3) reconfigure the vertical (north-south) access trails to avoid ESHA; (4) increase the number of public parking spaces from 10 to 20 on the Ellwood Mesa portion of the Specific Plan Area; (5) modify the residential development mix on the Ellwood Mesa portion of the Specific Plan area to allow solely detached residential units, rather than a mix of detached and attached units, with a mix of building sizes heights to be used if it is developed exclusively with detached single family housing. However, the proposed changes to the LCP still allowed residential development on the Ellwood Mesa property that would eliminate extensive areas of native grasslands and pockets of vernal pools.

On April 9, 1998, the Commission approved LCP amendment 2-97-C with suggested modifications dealing with the protection of Monarch butterfly habitat, coastal access, and scenic and visual resources, but maintaining the 36 acre residential development

area on the Ellwood Mesa property. The County of Santa Barbara did not accept these modifications and the approval expired.

## **B. ENVIRONMENTALLY SENSITIVE HABITAT AREA (ESHA)**

Section 30230 of the Coastal Act states:

*Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.*

Section 30231 of the Coastal Act states that:

*The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*

Coastal Act Section 30240 affords protection of environmentally sensitive habitat areas as follows:

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

*(b) Development in areas adjacent to environmentally sensitive habitat areas 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.*

Section 30250 of the Coastal Act states, in relevant part:

*(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.*



Sections 30230 and 30231 of the Coastal Act mandate that marine resources and coastal water quality shall be maintained and where feasible restored, protection shall be given to areas and species of special significance, and that uses of the marine environment shall be carried out in a manner that will sustain biological productivity of coastal waters. Section 30240 of the Coastal Act states that environmentally sensitive habitat areas shall be protected and that development within or adjacent to such areas must be designed to prevent impacts which could degrade those resources.

As stated previously, the applicants are proposing to subdivide the Santa Barbara Shores Park property to allow the Comstock Homes residential project to be developed on a 36-acre parcel adjacent to Sandpiper Golf Course and Hollister Avenue, in exchange for retiring development potential on the Ellwood Mesa parcels. The City of Goleta is proposing a 45-space parking lot to replace the existing approximately 15-space parking lot to be removed, signage, construction of two trail segments, landscaping, and frontage improvements along Hollister Avenue. Comstock Homes is proposing subdivision of the 36-acre parcel into 69 lots: 62 residential lots; four subdivision improvement lots; and three open space lots. Additionally, the Comstock Homes project includes construction of 25 single-story and 37 two-story single-family residences, maximum 19.5 feet and 25 feet in height, respectively. Residences would range from 2,871 sq. ft. to 4,141 sq. ft. with garages, decks, and courtyards. Other subdivision improvements include sidewalks, utilities, entry gate, perimeter fence, limited soundwall, and detention basin. The Comstock Homes project would require a total of and 90,000 cu. yds. of grading (45,000 cu. yds. cut, 45,000 cu. yds. fill).

In addition to non-native annual grassland, the project area contains extensive stands of native grasses, particularly in the eastern portion of the Ellwood Mesa property. Over 40 vernal pools occur in grasslands in these areas. Eucalyptus woodlands align the project area to the north, west, and east. Three small patches of eucalyptus woodland occur along the top of the bluff above the Pacific Ocean. With the exception of the eucalyptus woodland along the coastal bluff, the stands of eucalyptus within the Ellwood Mesa Open Space form a dense canopy with an understory of eucalyptus leaf and bark litter. Devereux Creek and tributaries bisect the Ellwood Mesa Open Space from west to east and are vegetated by the following habitats: freshwater marsh, riparian scrub, and a small patch of riparian forest. Steep, eroded coast bluffs form a barrier between the beach and the mesa. The coastal bluffs are vegetated with moderately dense growth of coastal bluff scrub, foredune, and dune scrub habitats. Small patches of ornamental plantings are present within the coastal scrub habitat. A stand of riparian forest, which includes stands of giant reed (*Arundo donax*), an invasive non-native species, forms a dense canopy in an eroded drainage at the base of the bluff.

The proposed Ellwood Mesa Open Space Plan area includes the Ellwood North Grove, Ellwood West, and Ellwood Main Grove monarch butterfly overwintering populations and the Sandpiper monarch butterfly roost. The Ocean Meadows autumnal roost occurs along the eucalyptus windrow on the eastern boundary of Ellwood Mesa. Numerous raptor roosts and nests occur within the eucalyptus woodlands. Southern

tarplant likely occurs within the vernal pools on the mesa and the grasslands likely support foraging habitat for special-status bats and birds. The coastal bluff habitats near the southeastern boundary of the site support special-status invertebrates, such as the globose dune beetle and sandy tiger beetle. The western snowy plover breeds and winters on beaches immediately southeast of the Ellwood Mesa Open Space and likely forages in the intertidal areas within the open space.

The project area for the proposed Comstock Homes development site as well as the Ellwood Mesa property consist of gently sloping coastal terraces. Grassland, both native and non-native, and eucalyptus woodland are the dominant habitat types found in the project area.

### 1. Protection of ESHA

The Coastal Act requires the protection of environmentally sensitive habitat areas against any significant disruption of habitat values. No development may be permitted within ESHA, except for uses that are dependent on the resource. In addition to protecting the ESHA itself, Section 30240 of the Coastal Act requires that development adjacent to ESHA be sited and designed to prevent impacts that would significantly degrade those areas, and shall be compatible with the continuance of those habitat areas. Section 30240 of the Coastal Act also requires that development adjacent to parks and recreation areas be sited and designed to prevent impacts.

#### *ESHA Buffers*

Development adjacent to an ESHA must be sited to prevent impacts to the ESHA that would significantly degrade those areas, in part through the provision of a setback or buffer between the ESHA and the development. The buffer must be of an adequate size to prevent impacts that would degrade the resources. The width of such buffers varies depending on the type of ESHA and on the type of development, topography of the site, and the sensitivity of the resources to the particular kind of disturbance. Buffers and development setbacks protect biological productivity by providing the horizontal spatial separation necessary to preserve habitat values and transitional terrestrial habitat area. Furthermore, buffers may sometimes allow limited human use such as low-impact recreation, and minor development such as trails, fences and similar recreational appurtenances when it will not significantly affect resource values. Buffer areas are not in themselves a part of the environmentally sensitive habitat area to be protected. Spatial separation minimizes the adverse effects of human use and urban development on wildlife habitat value through physical partitioning. The greater the spatial separation, the greater the protection afforded the biological values that are at risk. Buffers may also provide ecological functions essential for species in the ESHA. The applicant is proposing 50 to 100 foot wide buffers for the protection of terrestrial ESHA. However, in order to protect these habitat areas, in past Commission actions, the Commission has typically required that terrestrial ESHA have 100-foot wide buffers.

The Comstock Homes site plan contains a 50-foot to 100-foot wide buffer along the environmentally sensitive habitat area in the southwestern portion of the subdivision.

The ESHA runs along the southern portion of the western eucalyptus windrow and then protrudes eastward parallel to Devereux Creek south of the proposed subdivision. The eucalyptus grove and windrow are designated ESHA because they comprise habitat contiguous to a documented Monarch butterfly roosting habitat and for roosting and nesting raptors. However, the narrow windrow itself is not identified as a monarch butterfly aggregation site. The Sandpiper Monarch Butterfly Aggregation Site is located in the eucalyptus grove on the north side of Devereux Creek, and is closest to lots 34 and 35. In this case, the applicants propose a 50-foot buffer, rather than the typically required 100-foot ESHA buffer, from the narrow windrow located north of the identified aggregation site because the portion of the eucalyptus ESHA with the 50-foot setback is not part of the aggregation site but instead is used by the monarchs for occasional basking or patrolling purposes. However, the project will maintain a 100-foot setback from the actual aggregation site. The applicant's consultant, Dr. Daniel Meade, believes that the 50-foot setback from the western stretch of eucalyptus trees is adequate to avoid any adverse impacts to monarch butterflies.

The Commission's biologist has reviewed the ESHA buffer in this location and has determined that the 50-foot buffer is inadequate as a result of: the nature and intensity of the proposed subdivision; the anticipated complete-development of the lots for residential structures, landscaping, and other activities or accessories typically associated with single-family residential uses; the presence of domesticated animals anticipated within the residential lots; the fire department's requirement for fuel modification (i.e., mowing) of native grasses along a 30-foot wide perimeter from the subdivision; and the potential for noise and lighting to interfere with raptor or monarch activities. The Commission finds that due to the intensity of the proposed subdivision and residential use, a 100-foot buffer from the outer edge of the monarch trees is appropriate. The applicant has noted that a 100-foot setback from these western eucalyptus trees would require a significant redesign of the subdivision resulting in the elimination of several of the residential lots.

However, as discussed in Section I, Coastal Act Policy Conflict, the Commission finds that the proposed land exchange and relocation of residential development to the 36-acre portion of Santa Barbara Shores Park will concentrate development in a location that would avoid significant adverse effects on coastal resources. Specifically, the land exchange will result in greater protection of all sensitive habitats in the project area including native grasslands, eucalyptus groves utilized by monarchs and raptors, and wetlands. It is unknown what level of development would be the minimum amount that the Commission must approve on the Ellwood Mesa since the City of Goleta does not have a certified LCP and the previous certified Santa Barbara County LCP Specific Plan for the area is no longer applicable. The Commission's prior (effectively certified) approval under the County's LCP allowed for 38 acres of sprawling residential subdivision development, zoned as Planned Residential Development (PRD) with a maximum of 162 units in the Goleta Community Plan and the Specific Plan. However, as contemplated under previous approvals and litigation of the site, it is reasonable to assume that a residential subdivision would move forward and negatively impact these sensitive habitat areas, resulting in the direct loss of ESHA and significantly greater

impacts to both ESHA and public access resources in comparison with the proposed project. Therefore, the Commission finds that a reduced buffer of 50 feet, rather than 100 feet, from the outer edge of the monarch butterfly habitat shall apply in this case because the project, with the reduced buffer, is on balance the alternative that is most protective of resources.

The applicant is proposing a 50-foot buffer from the stream/riparian ESHA identified as Drainage A1 and A2 on the project plans. The typical buffer applied by the Commission to avoid adverse impacts to riparian areas is 100 feet from the outer edge of the vegetation or streambank, whichever is greater. Drainage B is not identified as ESHA in the project EIR, although it is acknowledged that small patches of coyote brush and native grass are found within the drainage. The Commission's biologist concurred with the determination that Drainage B is not ESHA. Applying a 100-foot buffer from Drainage A1 and A2 would result in the elimination of approximately five residential lots. The applicant has indicated that the loss of this number of residential lots would make the project economically infeasible, and it would not be able to proceed with the exchange of the Ellwood Mesa property to the City. In light of this, as discussed in Section I, Coastal Act Policy Conflict, the Commission finds that the proposed land exchange and relocation of residential development to the 36-acre portion of Santa Barbara Shores Park will concentrate development in a location that would avoid significant adverse effects on coastal resources. Specifically, the land exchange will result in greater protection of all sensitive habitats in the project area including native grasslands, eucalyptus groves utilized by monarchs and raptors, and wetlands. Therefore, the Commission finds that a reduced buffer of 50 feet, rather than 100 feet, from the riparian drainage shall apply in this case because the project, with the reduced buffer, is on balance the alternative that is most protective of resources.

Additionally, the Commission finds that potential impacts as a result of a reduction in the riparian buffer can be mitigated by ensuring that the water quality management plan is implemented pursuant to **4-04-085 Special Condition Fourteen (14)** and that parcel 65 is kept in open space as required under **4-04-085 Special Condition Three (3)** and **4-04-085 Special Condition Twenty-five (25)**.

The applicant has also identified historic use of the project area by nesting raptors, including white-tailed kites. White-tailed kites are designated by Fish and Game Code section 3511 as a fully protected species and as such they cannot be taken at any time by permit or otherwise except for scientific research or to protect livestock.

The white-tailed kite primarily preys on diurnally (daytime) active small rodents, with peak foraging in the morning hours. The meadow vole provides the principal component of the white-tailed kite diet. Nest-building occurs January through August, with pair bonding and initial tree selection in the earliest phase, followed by nest construction. This species has been observed to nest in a variety of native and non-native trees, including live oaks, Monterey pines, cypress, and Eucalyptus. The nests are generally 20 to 50 feet or so from the ground. Groups of trees are much preferred over isolated trees. The surrounding trees not only place the nests out of direct view, but also provide

perching opportunities for courtship and sentinel activities. Although white-tailed kites range widely for prey, during nesting, adequate prey must be present close enough to the nest to supply not only sufficient food to raise their chicks, but also to allow the parents to remain nearby to guard the nest against predators--which include crows and other raptors. Nesting behavior, especially in the early stages, is most susceptible to disturbance.

The issue of buffers from habitat areas harboring white-tailed kite nests has been the recent subject of debate, particularly at two notable sites in southern California, the Arco Dos Pueblos site located on the Gaviota Coast upcoast of the Ellwood Mesa area and the Bolsa Chica site located in Orange County. In Bolsa Chica, the Commission required a 100-meter setback from stands of eucalyptus trees which were known to have kite use. At Arco Dos Pueblos, the Commission required a 200-foot setback from trees with documented kite use. However, the 200-foot setback was only permissible because the proposed project at the Arco site was the construction of a golf course which was determined to have much less potential for human presence and disturbance in contrast with residential development. Though the legal and planning aspects of each of these cases varies, in both cases, it was clear that the typical 100-foot buffer from environmentally sensitive habitat areas was insufficient due to the species' sensitivity to human presence and disturbance.

In this case, the project provides a 100-foot buffer from the canopy of trees with documented kite nests. This is approximately equivalent to a 200-foot buffer from the documented kite nests themselves. This 200-foot buffer is inadequate as a result of: the nature and intensity of the proposed subdivision; the anticipated complete-development of the lots for residential structures, landscaping, and other activities or accessories typically associated with single-family residential uses; the presence of domesticated animals anticipated within the residential lots; the fire department's requirement for fuel modification (i.e., mowing) of native grasses along a 30-foot wide perimeter from the subdivision; and the potential for noise and lighting to interfere with raptor activities. The Commission finds that due to the intensity of the proposed subdivision and residential use, a 100-meter buffer from the areas with documented white-tailed kite nests is appropriate. The application of a 100-meter setback requirement in this case would require a redesign of the subdivision resulting in the elimination of approximately five or more residential lots. The applicant has indicated that loss of this number of residential lots would make the project economically infeasible, and it would not be able to proceed with the exchange of the Ellwood Mesa property with the City.

However, as discussed in Section I, Coastal Act Policy Conflict, the Commission finds that the proposed land exchange and relocation of residential development to the 36-acre portion of Santa Barbara Shores Park will concentrate development in a location that would avoid significant adverse effects on coastal resources. Specifically, the land exchange will result in greater protection of all sensitive habitats in the project area including native grasslands, eucalyptus groves utilized by monarchs and raptors, and wetlands. Additionally, the proposed project will result in an expansive contiguous grassland open space area that will support foraging raptors, including white-tailed

kites. It is unknown what level of development would be the minimum amount that the Commission must approve on the Ellwood Mesa since the City of Goleta does not have a certified LCP and the previous certified Santa Barbara County LCP Specific Plan for the area is no longer applicable. The Commission's prior (effectively certified) approval under the County's LCP allowed for 38 acres of sprawling residential subdivision development, zoned as Planned Residential Development (PRD) with a maximum of 162 units in the Goleta Community Plan and the Specific Plan. However, as contemplated under previous approvals and litigation of the site, it is reasonable to assume that a residential subdivision would move forward and negatively impact these sensitive habitat areas, resulting in the direct loss of ESHA and significantly greater impacts to both ESHA and public access resources in comparison with the proposed project. Therefore, the Commission finds that a reduced buffer of 200 feet, rather than 100 meters, from the identified kite nest(s) shall apply in this case because the project, with the reduced buffer, is on balance the alternative that is most protective of resources.

To ensure that the modified buffer is provided from the kite habitat as discussed above, the Commission requires the applicant to provide revised plans, pursuant to **4-04-085 Special Condition One (1)** which illustrate that any and all portions of residential lots that are located within 200-feet of the identified kite nests (Exhibit 12) on the southeast perimeter of the Comstock Homes 36-acre parcel, shall be eliminated. To address this issue, the applicant reports that the biological consultants have recently conducted a site-specific survey which indicates that all residential lots are more than 200 feet away as presently designed. The documentation regarding the results of this survey have not yet been submitted to Commission staff for verification.

### *Landscaping*

The proposed project includes landscaping of the common areas and the designated detention basin. The use of non-native and invasive plant species within new development can cause adverse on-site and off-site impacts upon natural habitat areas. Non-native and invasive plant species can directly colonize adjacent natural habitat areas. In addition, the seeds from non-native and invasive plant species can be spread from the developed area into natural habitat areas via natural dispersal mechanisms such as wind or water runoff and animal consumption and dispersal. These non-native and invasive plants can displace native plant species and the wildlife which depends upon the native plants. Non-native and invasive plants often can also reduce the biodiversity of natural areas because, absent the natural controls which may have existed in the plant's native habitat, non-native plants can spread quickly and create a monoculture in place of a diverse collection of plant species.

The applicant's proposed landscape plan and landscape guidelines for the Comstock Homes development is substantially comprised of native plant species, however, non-native ornamental plants would be planted in some areas such as within the residential lots and as screening along roads and the perimeter of the development. Additionally, the City's landscape plan indicates that the parking lot landscaping would consist almost entire of native plants; however, non-native dwarf street trees may be necessary

for additional screening purposes where line-of-sight analyses indicate public views will not be adversely impacted.

The placement of any non-native invasive plant species within the development (which could potentially spread to the natural habitat areas) is a threat to the biological productivity of adjacent natural habitat and would not be compatible with the continuance of those habitat areas. Therefore, the Commission must ensure conformance with the applicants' commitment to use native plants to the maximum extent feasible and to avoid any and all invasive plant species, and must place strict controls on the use of vegetation within the development. The controls must apply to present and future landscaping associated with the development.

The proposed project involves new development within a previously undeveloped area. Under these circumstances it is possible to minimize impacts related to the spread of non-native and invasive plant species. One method of minimizing impacts is to require that any landscaping within common area lots, open space lots, and vegetated buffer areas consist of plants native to the watershed and that are appropriate to the natural habitat type. Strict use of regionally native plants within the common areas lots, open space lots, and vegetated buffer areas is particularly important due to the proximity of these areas to sensitive habitat areas and the potential for these plants to disperse into the sensitive habitat areas. Therefore, the Commission imposes **4-04-084 Special Condition Five (5)** and **4-04-085 Special Condition Twelve (12)** which require the use of plants that are grown from seeds or vegetative materials obtained from local natural habitats, appropriate to the habitat type, with certain exceptions. Special provisions are made for landscaping within the individual residential lots to consist primarily of native/drought resistant plants, including irrigated lawn that must be selected from the most drought tolerant species. However, use of invasive species anywhere within the development, including individual residential lots is strictly prohibited. Avoiding the use of invasive species within the residential lots reduces the risk that adjacent habitat areas would be overtaken by non-native plants. However, the Commission recognizes that landscaping within the individual residential lots tends to change continuously as individual property owners tailor their property in accordance with their preferences.

Therefore, prior to issuance of the coastal development permit, Comstock Homes shall submit landscape palette lists to be incorporated into the landscaping guidelines, subject to the review and approval of the Executive Director, that identify: 1) the native plant species that may be planted in the development; 2) a representative list of the non-native, non-invasive common garden plant species that may be planted in the residential lots; and 3) the invasive plant species that are prohibited from use anywhere within the development. The landscape palette for the development shall be consistent with the lists of approved plants as reviewed and approved by the Executive Director. These lists and landscaping requirements shall be incorporated into the covenants, conditions and restrictions (CC&R's) pursuant to **4-04-085 Special Condition Five (5)**. No deviations from the list shall occur in the plantings on the site without an

amendment to this permit or a new coastal development permit unless the Executive Director determines that no amendment or new permit is required.

Furthermore, interim erosion control measures implemented during construction and post construction landscaping will serve to minimize the potential for adverse impacts to adjacent environmentally sensitive habitat from drainage runoff during construction and in the post-development stage. Therefore, the Commission finds that **4-04-084 Special Conditions Five (5) and Six (6) and 4-04-085 Special Conditions Twelve (12) and Thirteen (13)** are necessary to ensure the proposed developments will not adversely impact sensitive habitats.

#### *Fuel Modification*

The subject site is not considered a high fire hazard area according to the Goleta Fire Department. As a result, the fire department did not require a vegetative management plan. The typical extent of fuel modification and/or brushing in the area is 100 feet from combustible structures. However in this case, upon further discussions with the local fire department, the 100-foot requirement may be reduced to 30-feet from the perimeter of the subdivision where it backs up to open space and grassland, only if a block wall is substituted for traditional backyard wood fencing. The 30 feet swath, as measured from the backyard wall of the residences, would have to be mowed unless appropriate ground cover or trees are planted which inhibit the travel of fire from open space areas to the residential areas. As currently proposed, a majority of the area that would require mowing would be City-owned open space.

Given the proximity of the surrounding ESHA to the Comstock Homes subdivision, the implementation of fuel modification requirements may have direct or indirect impacts to sensitive habitats. To ensure that the minimal amount of fuel modification/brushing occurs in the area, the Commission requires **4-04-085 Special Conditions Fifteen (15) and Eighteen (18)** which require the applicant to construct a solid perimeter wall to reduce the extent of fuel modification/brushing necessary and to develop a vegetation management plan in consultation with the fire department to plant areas that may eliminate or minimize the need for fuel modification/brushing. The applicant shall submit a final vegetation management plan approved by the Fire Department that identifies landscape that can be planted that would minimize or eliminate the need for annual mowing and/or vegetation clearance within the habitat buffers shown on Exhibit 12. The final vegetation management plan shall identify the locations where a 30-foot wide swath of mowing is required from the perimeter of the development. Additionally, the backyard perimeter wall may consist of a 6-foot fencing/enclosure comprised of an approximately 2.5-foot in height wrought iron fence with a 3.5-foot high solid wall base, this type of design of the enclosure will not result in additional fuel modification or mowing requirements by the fire department. That is, if the alternate design requires greater than 30-foot clearance for fuel modification/mowing, the applicant shall be required to implement a solid wall design.

Further, the development may necessitate some form of fuel modification within another 0.6 acres of grassland ESHA in order to address fire hazards. The applicant must



mitigate for the loss of such habitat, as required by **4-04-085 Special Condition Eleven (11)**, unless the above required vegetation fuel modification plan indicates that no native grassland habitat will be modified as a result of fuel modification or mowing required by the Fire Department. See Grassland Section below for detailed description of restoration requirements.

### *Lighting*

Currently, nighttime conditions on the undeveloped Comstock Homes Development site are minimally affected by surrounding lighting. Ellwood School and the industrial area north of Hollister Avenue cause minor intrusion on the site. Lighting from the adjacent Santa Barbara Shores neighborhood and Sandpiper Golf Course is predominantly screened by the eucalyptus windrows. In past actions, the Commission has found that night lighting of open space areas creates a visual impact to nearby scenic roads and trails. In addition, night lighting may alter or disrupt feeding, nesting, and roosting activities of native wildlife species. In this case, the subject site is adjacent to wetlands and environmentally sensitive habitat areas. The proposed Comstock Homes project would introduce new artificial lighting to the project area. This impact can be minimized by directing lighting away from sensitive habitat area. Therefore, **4-04-085 Special Condition Seventeen (17)** outlines lighting restrictions both within the developed residential lots as well as general subdivision improvements. 4-04-085 Special Condition 17 requires the applicant to submit final light plans prior to issuance of the coastal development permit that evidence that all exterior night lighting installed on the project site shall be of low intensity, low glare design, and shall be shielded to direct light downward onto the subject parcel(s) and prevent spill-over onto adjacent parcels, including all public open space areas. Furthermore, no skyward-casting lighting shall be used. The lowest intensity lighting shall be used that is appropriate to the intended use of the lighting. The lighting plan shall show the locations of all exterior lighting fixtures and an arrow showing the direction of light being cast by each fixture, the lighting specifications, and the height of the fixtures. The plan shall be designed in particular to avoid lighting impacts to the open spaces and wetland habitat. The restriction on night lighting is necessary to protect the nighttime rural character and open space of this portion of the bluffs consistent with the scenic and visual qualities of this coastal area.

## **2. Sensitive Species and Habitats**

Sensitive species and habitats are protected under Coastal Action Section 30240. Several sensitive species and habitat types are known to occur within the project area.

### *Monarch Habitat*

Monarch butterflies are migratory, appearing along the California Coast in early October, when the fall weather and decline in nectar signal the need to migrate south. Their wintering grounds are areas within a coastal strip extending from Los Angeles to Monterey. Monarch butterflies seek shelter in groves of trees, usually *Eucalyptus* species, that provide a suitable microclimate by influencing conditions such as the degree of protection from wind, humidity, amount of sunlight, time of day sunlight

penetrates, and temperature. Butterflies will form dense clusters on the trees, each individual hanging with its wings down over the one below it. These winter clusters represent the most sensitive part of the Monarch's life cycle. Repopulation of the species depends upon the mating phase which occurs in these specialized habitats. Monarchs will leave these clusters to search for food on warm, calm winter days, regrouping as the day cools. The extensive stands of eucalyptus trees on Ellwood Mesa have served as important monarch overwintering habitat. Therefore the Commission recognizes the eucalyptus groves at this site, with the exception of portions of the windrows along Hollister Avenue and the western perimeter, as a unique and sensitive habitat area.

The Monarch butterfly is considered a state "sensitive animal" and wintering sites for this species are considered sensitive resources by the California Department of Fish and Game. Though the Monarch butterfly is not endangered, its overwintering sites and annual migration are threatened by human activity. In 1984, the International Union for Conservation of Nature and Natural Resources classified the migration and overwintering behavior of the monarch butterfly as a "threatened phenomenon." Many scientists agree that if overwintering sites are not protected, especially in Mexico, the migration and overwintering phenomenon could disappear in as little as 20 years (Marriott, in *Outdoor California*, February 2002).

Monarch butterflies are known to be extremely sensitive to changes in environmental factors which may change the overwintering habits of the monarchs. The precise location of aggregations can change from year to year. Monarch butterflies can be disturbed and flushed from their aggregations by people coming too near a butterfly cluster. This depends on the time of day and the topography of the aggregation site. Monarch butterflies are susceptible to pesticides, both airborne and on the ground.

Although the proposed projects are not expected to directly impact the monarch butterfly habitat, noise and air pollution associated with construction activities do have the potential to adversely impact monarch butterflies. In order to avoid any adverse impacts to monarch butterfly aggregation sites, the Commission requires the applicants, as provided in **4-04-084 Special Condition One (1)** and **4-04-085 Special Condition Eight (8)**, to restrict all project activities during the monarch overwintering season from October 1 to March 1. Any work proposed during the monarch butterfly overwintering season referenced above shall be subject to the review and approval of the Executive Director prior to commencement. Where the Executive Director concurs that construction may occur between October and March, prior to said construction, a biologist with appropriate qualifications acceptable to the Executive Director, shall survey all eucalyptus trees within 200 feet of the development area to determine the extent and location of monarch habitation. If butterfly aggregations are found within 200 feet of the work area, construction activities shall be halted until monarchs have left the site and the consulting biologist has determined that resumption of construction shall not adversely impact the butterfly habitat.

The Commission recognizes that emissions from fireplace chimneys (smoke, heat, burning embers, and carbon dioxide) in the vicinity of roosting monarchs can cause disturbance to the butterflies. This may lead to increased flight activity, emigration, mortality, and reduced colony stability. Therefore, the project has the potential to adversely impact the monarch aggregations. To ensure that adverse impacts to these sensitive environmental resources as a result of chimney emissions are avoided, the Commission imposes **4-04-085 Special Condition Twenty-one (21)** requiring any fireplaces, stoves, or firepits on the site to be non-woodburning.

### Raptors

Several special-status raptor species routinely use the Santa Barbara Shores Park and Ellwood Mesa parcels, including white-tailed kite (nesting, roosting, and foraging year-around), turkey vulture (roosting and foraging year-around), sharp-shinned hawk (roosting and foraging in winter), Cooper's hawk (nesting, roosting, and foraging year-around), northern harrier (roosting and foraging in winter), and burrowing owl (roosting and foraging in winter). The area is also used by several common raptors such as red-tailed hawk, red-shouldered hawk, barn owls, and great horned owls.

These eucalyptus groves have been identified as important winter habitat for migratory birds and nesting habitat for raptors. The Comstock Homes project would result in the removal of 70 eucalyptus trees along the northern and northwestern windrows. The trees to be removed are not part of the designated monarch ESHA because they function as a windrow of screening from the road and golf course, and are not extensive enough to provide a functioning habitat for monarchs or raptors. There are known kite nesting sites in eucalyptus trees located at the southeast corner of the Comstock Homes project site.

Construction of the project area is anticipated to occur over the course of approximately 3 years. Such construction during the breeding season may cause these species to abandon nests. To ensure that the impact to nesting raptors is minimized and that no breeding/nesting activity is present in the vicinity, **4-04-084 Special Condition Two (2)** and **4-04-085 Special Condition Nine (9)** require that a qualified biologist or environmental resources specialist conduct a biological survey of raptor habitat. A survey by the biologist shall be conducted no more than 7 days prior to construction in order to determine whether active nests are present within 500 feet of the area to be disturbed by grading and construction. If raptor nests are present within the 500-foot zone, recommendations regarding minimizing impacts during construction shall be provided, including but not limited to, setbacks, fence protection, restrictions on construction scheduling, etc. Said recommendations shall be subject to the review and approval of the Executive Director prior to commencement of construction. Should the Executive Director determine that impacts on survival of young cannot be eliminated by the proposed recommendations, construction within 500-feet of active nests shall be suspended until the young have fledged.

The Comstock Homes site is presently vacant open space land suitable for raptor foraging. The Comstock Homes project will result in the removal of a large portion of the

grassland foraging habitat. However, the remaining adjacent open space, including the 137-acre Ellwood Mesa acquisition and its permanent dedication to open space, will offset the loss. In addition, as discussed below, the applicant will be required to mitigate for the loss of approximately 0.3 acres of native grassland habitat by restoring and/or creating up to 1.8 acres of native grassland habitat on the Ellwood Mesa or adjacent open space parcels.

#### *Western Snowy Plover*

The western snowy plover was listed as threatened by the U.S. Fish and Wildlife Service in 1993 and critical habitat was designated in 1999. Snowy plovers have declined as a nesting species throughout California, in part due to human disturbance of sandy beaches typically used for nesting and roosting. Snowy plovers use sandy beaches for nesting and roosting from southern Washington to Baja California. The snowy plover forages on invertebrates in the wet sand; amongst surf-cast kelp; on dry sandy areas above the high tide; on salt pans; on spoil sites; and along the edges of salt marshes, salt ponds, and lagoons (USFWS 20001). Plovers breed primarily above the high tideline on coastal beaches, sand spits, dune-backed beaches, sparsely-vegetated dunes, beaches at creek and river mouths, and salt pans at lagoons and estuaries. They tend to be site faithful, with the majority of birds returning to the same nesting location in subsequent years (USFWS 2001 citing Warriner et al. 1986). The breeding season for snowy plovers along the Pacific coast extends from early March to mid-September. The majority of California's wintering plovers roost and forage in loose flocks on sand spits and dune-backed beaches, with some occurring on urban and bluff-backed beaches, which are rarely used for nesting (USFWS 2001). Roosting plovers usually sit in small depressions in the sand, or in the lee of kelp, other debris, or small dunes (USFWS 2001 citing Page et al 1995).

Critical habitat and one of the largest breeding populations in the state occurs along the beaches and dunes adjacent to the West Campus Bluffs, Coal Oil Point, and the Coal Oil Point Reserve. The mouth of Devereux Slough and adjacent beaches to the west are major wintering localities and nesting sites for this species. This species occurs immediately southeast of the project area and forages along the beaches and intertidal areas at Santa Barbara Shores and Ellwood Mesa.

In recent years, the nesting and overwintering populations have increased due, at least in part, to plover management conducted by the Coal Oil Point Reserve (COPR) staff. Pursuant to CDP 4-01-139, the COPR staff has implemented a plover management program that includes fencing around nesting habitat, docent programs, and public education.

The proposed replacement project and the Comstock Homes subdivision would not directly impact the snowy plover habitat; however, the projects are anticipated to indirectly impact snowy plover as a result of the increase in intensity of use. The City's replacement parking lot allows for additional public parking spaces, including specific areas for horse trailers, as well as the development of two connector trail segments. Additionally, the proposed Comstock Homes subdivision would increase the permanent

human population on Ellwood Mesa by approximately 200 or more people living within 1.5 miles of snowy plover critical habitat and a major plover breeding colony on the beach at COPR. Increased beach use around Coal Oil Point by humans and their pets could potentially harm nests and/or plover young.

Three critical habitat areas have been delineated within Santa Barbara County, which have been further categorized into six units, including the Devereux Beach unit which comprises the coastline along Coal Oil Point Reserve. The Recovery Plan identifies Devereux Beach as one of twelve breeding and/or wintering sites located in Santa Barbara County targeted for management. In this case, approximately 1.9 miles have been identified as critical habitat. As a result, the area requires special management consideration and protection. Use of the area even in non-breeding season may ultimately impact reproduction and survivorship by increasing the level of disturbance and physiological stress to plovers that would contribute to a loss of energy that would adversely impact reproduction or survivorship, as would be anticipated from repeated disturbances.

Section 30210 and 30214 policies of the Coastal Act require maximum public use consistent with resource protection. The public access policies of the Coastal Act allow for the manner of public access to be managed, as appropriate, in cases where fragile natural resources are impacted. Further, Section 30240 requires that projects be carried out in a manner that does not significantly degrade habitat values.

Given the anticipated intensification of use by public visitors and formalized use by horses, the Commission finds it necessary to impose restrictions that would allow continued public access to the coast but also implement all feasible measures to minimize adverse impacts to sensitive habitat. Additional human, canine, and equestrian traffic has the potential to flush out and disturb plovers and other species, reducing their ability to nest, rest, or forage. Consequently, the Commission finds it necessary to eliminate the equestrian use and access to the beach by horses within the area of critical habitat (illustrated on Exhibit 13). Equestrian use of the sandy beach would continue to be available immediately upcoast of the delineated snowy plover critical habitat area. The parking lot and beach would remain available for other passive recreational use year around. The Commission finds that access and use restrictions are necessary given the sensitivity of the resources. Therefore to ensure adequate protection of sensitive species known to occur in the project vicinity, pursuant to **4-04-084 Special Condition Seven (7)** horses are not allowed on the beach east of Access Point F, and are not allowed to use Access Points E and D. In addition, signage is required to inform visitors of these restrictions and redirect horses away from areas of the beach that are critical habitat of the snowy plover.

The signage plans, required pursuant to 4-04-084 Special Condition 7, require signs that specifically prohibit equestrian access through designated critical habitat of the western snowy plover. The signage shall be installed at Coastal Access Point F, as shown on Exhibit 13, notifying trail users of the sensitive nature of the snowy plover habitat, identifying that equestrian use of the beach further downcoast (east) in snowy

plover critical habitat is prohibited, and directing equestrian access to locations outside of the snowy plover critical habitat. (Note, although Exhibit 13, from the City's adopted Open Space Plan, indicates that equestrian use of Access Point D is for equestrian use, the Commission is not approving that use through this permit.) Additionally, the City shall install two temporary signs at the City's property boundary where it intersects with Trail No. 22 and Trail No. 6, as shown in Exhibit 13. Said temporary signs shall state that equestrian access to the beach is prohibited at Access Point D. Signs shall also be installed that state that equestrian access to the beach is prohibited at Access Point E. Such signage may not be removed until and unless: an alternative location for the signage is permitted and installed closer to Access Point D which clearly states the prohibition of equestrian access to the beach; or a separate coastal development permit is obtained to allow equestrian use of the beach pursuant to a detailed management plan that protects snowy plover critical habitat.

Furthermore, the proposed project includes the placement of signage on the sites to inform the public about the sensitive areas and direct visitors to the designated trails and open space areas. The Commission finds that adequate noticing of the restricted area is essential to protect environmentally sensitive resources, such as monarch aggregation sites and snowy plover critical habitat, and to inform the public of appropriate use and access. Such signs are typically beneficial in nature by providing adequate notification prior to implementing enforcement actions and by discouraging uses incompatible with the environmentally sensitive habitat areas. However, in this case, final information regarding the location, size, design, and language to be used has not been submitted. Therefore, in order to ensure that the proposed signage is consistent not only with habitat protection, but also with the continued provision of public access and recreational opportunities, **4-04-084 Special Condition Seven (7) and 4-04-085 Special Condition Sixteen (16)** requires that prior to the installation of signage, that the applicant submit, for the review and approval of the Executive Director, plans adequate to show the location, design, and language to be used for all signs to be installed. Further, education and instructional signage at the trailhead leading from the Comstock Homes subdivision must also be reviewed by the Executive Director pursuant to 4-04-085 Special Condition Sixteen (16) prior to the installation.

### *Grasslands*

Native grassland habitat is a mid-height (to 2 feet) grassland dominated by perennial, tussock-forming purple needlegrass (Holland, 1986). Native and introduced annuals occur between the perennials, often actually exceeding the perennial bunchgrass in cover. Native grasslands usually occur on fine-textured soils, moist or even waterlogged during the winter, but very dry in the summer. Historically, native grasslands were much more widespread throughout California than today. The introduction of non-native grasses and forbs, livestock grazing, and alteration of the community's natural fire regime are factors that result in the displacement of native bunchgrass, other native grasses, and forbs by introduced species.

According to the assessment of native grasses prepared by SAIC in 2000, three native grass species occur in and around the Comstock Homes site, including alkali rye,

purple needlegrass, and meadow barley. SAIC mapped patches of native grasses in which native grasses make up at least 10 percent cover. Purple needlegrass is the most common native grass and generally grows in relatively pure stands, occasionally intermixing with other native grass species, particularly meadow barley. A particularly extensive stand occurs along the eastern one-third of the Ellwood Mesa property. Meadow barley occurs as small clumps, and other species (including non-native grasses) are frequently mixed in the meadow barley stands. Alkali rye grows in dense patches in areas with moist soils. A total of 33.5 acres of native grassland habitat have been mapped on the Santa Barbara Shore Park, the Ellwood Mesa properties, and the remainder of the City's portion of the Ellwood Mesa Open Space Plan area.

None of the species comprising the native grassland are considered rare. However, the habitat type itself is considered rare. Odion (1992) provided a previous analysis of native grassland in the Ellwood vicinity. The Odion (1992) reported:

*Based on personal observation, and data collected for the previous report (Odion 1989), native grassland areas are exceedingly rare in the County, except on the Channel Islands (Philbrick 1978) and inside Gaviota State Park. Considering that the former extent of native grasslands it thought to correspond to the present introduced grassland (Barry 1972), a widespread and abundant vegetation type in the county, the remaining native grassland areas represent an infinitesimal fraction of the original biological resource. The Conservation Element of Santa Barbara County's Comprehensive Plan recommends the preservation of areas where native grasses occur (Santa Barbara County 1980).*

*All native grasslands known to 14 local experts and the author were visited and described by Odion (1989). Native grasslands that appear relictual presently occur at a number of locations in the county where livestock grazing ceased in the distant past. Stipa [purple needlegrass] is also abundant in some present and former rangeland areas that have much potential for regenerating into native grasslands. All these known sites in the county were evaluated, and ranked according to their value as potential preserve sites. The Ellwood Beach site is the fourth highest-ranking site in the County (Odion 1989).*

The criteria used in the FEIR to determine whether native grasslands in the project area were considered ESHA hinged on whether the grassland areas exhibited a predominance of native species, appeared to be self-sustaining and viable, and were not isolated or fragmented but comprised part of a larger native grass complex. Native grasslands qualifying as ESHA are located on the Ellwood Mesa property and include the dense stands of grasslands as well as smaller patches. Small, scattered patches of native grasslands are located within the boundary of the Comstock Homes development site. The FEIR reports that these grassland patches (totaling 0.3 acres) have not been designated ESHA due to the fact that they are fragmented, isolated, small, and relatively disturbed by adjacent recreational uses and the dominance of non-native upland species in adjacent surrounding areas.

The Commission has found in past actions that native grasslands are a rare and sensitive habitat type that must be protected under Section 30240, even where degraded. Furthermore, it appears that many other smaller grassland patches south of the Comstock site that meet the same standards as the grasslands on the Comstock site, including the minimum 10 percent cover, have been designated as ESHA in the FEIR (Exhibit 13). For the above reasons, the Commission recognizes the native grasslands at this site as a unique and sensitive habitat area.

As discussed above, Coastal Act Section 30240 prohibits development within ESHA, except for uses that are dependent on the resource. In this case, the Comstock Homes project will eliminate several small, scattered patches of native grassland totaling approximately 0.3 acres. Furthermore, this development may necessitate some form of fuel modification within another 0.6 acres of grassland ESHA in order to address fire hazards. Subdivision of property and residential uses do not qualify as resource dependent uses. However, as discussed in Section I, Coastal Act Policy Conflict, the Commission finds that the proposed land exchange and relocation of residential development to the 36-acre portion of Santa Barbara Shores Park will concentrate development in a location that would avoid significant adverse effects on coastal resources. Although approval of the project would result in the removal of approximately 0.3 acres of sensitive grassland, the project would also serve to provide permanent protection of approximately 32 acres of existing sensitive grassland on the Ellwood Mesa property. Additionally, approximately 137 acres (or net 115 acres) of prime open space, including extensive contiguous native grasslands and monarch habitat would be dedicated permanent open space owned by the City of Goleta for access, passive recreation, and habitat restoration purposes. Specifically, the land exchange will result in greater protection of all sensitive habitats in the project area including an extensive contiguous area of native grasslands on the eastern portion of the Ellwood Mesa property.

It is unknown what level of development would be the minimum amount that the Commission must approve on the Ellwood Mesa since the City of Goleta does not have a certified LCP and the previous certified Santa Barbara County LCP Specific Plan for the area is no longer applicable. The Commission's prior (effectively certified) approval allowed for 38 acres of sprawling residential subdivision development, zoned as Planned Residential Development (PRD) with a maximum of 162 units in the Goleta Community Plan and the Specific Plan. However, as contemplated under the previous approvals and litigation of the site, it is reasonable to assume that a residential subdivision would move forward and negatively impact these sensitive habitat areas, resulting in the direct loss of ESHA and significantly greater impacts to both ESHA and public access resources in comparison with the proposed project. As a result of the above considerations, and as detailed in Section I of this report, the Commission finds that the removal of patches of native grassland in this location represents the best feasible alternative that is, on balance, the most protective of grassland resources as well as all other ESHA resources in the project area.



However, the balancing provisions of the Coastal Act do not relieve the responsibility of implementing the other requirements of Coastal Act Section 30240. Therefore, any feasible mitigation measures must be applied to the project to lessen any impacts to coastal resources to the maximum extent feasible. Therefore, when considering the project as a whole, including the land exchange, the Commission finds that the applicant's proposed location for the Comstock Homes residential subdivision is the most protective of coastal resources and will not adversely effect or significantly degrade the sensitive habitats on the subject site. However, in this case the proposed project would result in the removal of native grassland environmentally sensitive habitat area.

The sporadic location and size of the grassland habitats makes it impossible to avoid the native grasslands completely and still accommodate the residential subdivision. Where impacts to ESHA cannot be avoided, as in this project, the Commission finds that mitigation is necessary to offset the impacts. Therefore the Commission requires 3:1 mitigation for the loss of native grasslands, as described in **4-04-085 Special Condition Eleven (11)**. 4-04-085 Special Condition 11 requires that a Grassland Restoration and Enhancement Plan be prepared by a qualified biologist or resource specialist and submitted to the Executive Director for review and approval. The plan must include but not be limited to baseline conditions of the proposed restoration area(s), documentation of performance standards, technical details on restoration methods, and provisions for maintenance and five years of monitoring.

Pursuant to **4-04-085 Special Condition 11**, the applicant shall provide mitigation through the restoration of area(s) of disturbed or degraded grassland habitat and/or proposed new areas of grassland habitat adjacent to existing native grassland of equivalent type on the Ellwood Mesa or adjacent open space parcels (APN 079-210-067; or the open space parcels to be transferred in fee title to City of Goleta and/or other entity: Parcel 65, Parcel 67, and Parcel 69 as proposed on the Vesting Tentative Map (Local Case No. 67-SB-TM) dated September 19, 2002 and Revised July 2, 2004). The extent of restored area shall be sufficient to provide mitigation of the long-term impacts to native grassland at a ratio of 3:1 for the approximately 0.3 acres of grassland habitat on the site. The total area of created or restored native grassland habitat required is 0.9-acres. Furthermore, the applicant shall restore area(s) sufficient to mitigate approximately 0.6 acres of grassland habitat adjacent to the Comstock Homes development site that would be impacted as a result of fuel modification / mowing required by the Fire Department. The total area of created or restored native grassland habitat to offset the loss of grassland as a result of fuel modification / mowing requirements is 1.8-acres. The 1.8-acre requirement may be reduced where evidence is provided that such areas will not be mowed, pursuant to a vegetation management plan approved by the fire department, as described in **4-04-085 Special Condition Fifteen (15)**.

Furthermore, to ensure that the development potential on the Ellwood Mesa property is extinguished in perpetuity, consistent with the applicant's proposal, **4-04-085 Special Condition Twenty-four (24)** requires an open space deed restriction on the five

Ellwood Mesa parcel to ensure that only minor development could occur consistent with habitat restoration and access purposes. Additionally **4-04-085 Special Condition Two (2)** requires the transfer of title to the 36-acre parcel to have occurred prior to issuance of the Comstock Homes coastal development permit, and prior to recordation of the Tract Map, the Ellwood Mesa property must be within the ownership of the City of Goleta. Additionally, to ensure that sensitive habitats are preserved on the 36-acre Comstock Homes site, the Commission imposes **4-04-085 Special Condition Three (3)** to require the applicant to dedicate in fee title the three open space parcels to the City. Additionally, **4-04-085 Special Condition Twenty-five (25)** also requires that deed restrictions be recorded on the three open space parcels prior to issuance of the Comstock Homes coastal development to ensure that only minor development could occur consistent with habitat restoration and access purposes in perpetuity.

Additionally, in order to ensure implementation of the land transfer, OTDs, and conditions of this permit consistent with Section 30240 of the Coastal Act, **4-04-085 Special Condition Twenty-six (26)** requires the applicant to record a deed restriction that imposes the terms and conditions of this permit as restrictions on use and enjoyment of the subject property and provides any prospective purchaser with recorded notice that the restrictions are imposed on the subject property. To further ensure that all future buyers are aware of the restrictions on use and/or development of their property, **4-04-085 Special Condition Twenty-three (23)** requires a written acknowledgement from the buyer of the restriction on the property, pursuant to the special conditions of the permit and the special offers recorded pursuant thereto or otherwise required in this coastal development permit.

Furthermore, to ensure compliance with the ESHA protection requirements set forth in this permit, the Commission finds that all such requirements, including the obligation for buyer's agreements, shall be incorporated into the covenants, conditions and restrictions (CC&R's) pursuant to **4-04-085 Special Condition Five (5)**.

### **3. Construction Impacts**

Construction is anticipated on the Comstock parcel to take 2½ to 3 years to complete. The proximity of sensitive habitats as well as the extensive nature of the project may result in impacts to sensitive biological resources in the project vicinity unless adequately monitored. Therefore, **4-04-085 Special Condition Ten (10)** requires the applicant to retain a qualified biologist or environmental resource specialist to be present during construction. The biological monitor shall be present during grading, excavation, demolition, and all construction activities. The builder shall cease work should any sensitive species be identified anywhere within the construction area, if a breach in permit compliance occurs, if work outside the scope of the permit occurs, or if any unforeseen sensitive habitat issues arise. In such event, the biological monitor(s) shall direct the applicant to cease work and shall immediately notify the Executive Director. Project activities shall resume only upon written approval of the Executive Director. If significant impacts or damage occur to sensitive habitat or species, the applicant shall be required to submit a revised, or supplemental program to adequately

mitigate such impacts. The revised, or supplemental, program shall be processed as an amendment to this coastal development permit.

Similarly, construction of the public parking lot may have adverse impacts to sensitive habitats as a result of its proximity to the monarch grove. However, the majority of the project is setback a sufficient distance from the grove and only a portion of the driveway would be within 100 feet of the trees, where it is contiguous with Hollister Avenue. To insure that the project is implemented in a manner that does not inadvertently impact the nearby monarch habitat, the Commission requires the presence of a construction monitor as detailed in **4-04-084 Special Condition Three (3)**. A qualified biologist or environmental resources specialist with appropriate qualifications acceptable to the Executive Director shall be present during all construction activities related to the access driveway, within 200 feet of eucalyptus monarch habitat. The applicant shall cease work should any sensitive species be identified anywhere within the construction area, if a breach in permit compliance occurs, if work outside the scope of the permit occurs, or if any unforeseen sensitive habitat issues arise. In such event, the biological monitor(s) shall direct the permittee to cease work and shall immediately notify the Executive Director. Project activities shall resume only upon written approval of the Executive Director. If significant impacts or damage occur to sensitive species, the permittee shall be required to submit a revised, or supplemental program to adequately mitigate such impacts. The revised, or supplemental, program shall be processed as an amendment to this coastal development permit.

In conjunction with the presence of the biological monitor, the City shall be responsible for installing temporary construction fencing along the approved limits of grading prior to the development of the parking lot, as required in **4-04-084 Special Condition One (1)**. Temporary construction fencing shall be installed to indicate the grading limits of the parking lot in the field in order to minimize disturbance adjacent to butterfly, raptor, and grassland habitats. Fencing shall be shown on the project grading plans and shall remain in place throughout all grading and construction activities until perimeter fencing or other similar structure is in place.

Project staging, including the equipment access corridors, may impact environmentally sensitive resources. To ensure that project staging is minimized and resource issues are addressed, the Commission requires the applicant to submit a final construction staging and fencing plan, pursuant to **4-04-085 Special Condition Seven (7)**, to the Executive Director for review and approval. All construction plans and specifications for the project shall indicate that impacts to wetlands and environmentally sensitive habitat areas (ESHA) shall be avoided and that the California Coastal Commission has not authorized any impact to wetlands or other environmentally sensitive habitat, except for the limited removal of native grasslands as approved through this coastal development permit. Said plans shall clearly identify all wetlands and ESHA and their associated buffers in and around the construction zone. Prior to issuance of the coastal development permit, the applicant shall submit a final construction staging and fencing plan for the review and approval of the Executive Director which indicates that the construction in the construction zone, construction staging area(s) and construction

corridor(s) shall avoid impacts to wetlands and other sensitive habitat consistent with this approval.

Further, stockpiling of excavated soil and use of equipment storage and staging areas could result in erosion and sedimentation impacts to the surrounding sensitive habitat. Ground disturbance associated with overexcavation, stockpiling of the excavated material, construction staging areas, and grading associated with the proposed projects each have the potential to result in erosion and sedimentation impacts. To ensure that erosion and sedimentation are minimized consistent with Coastal Act policies, the Commission finds it necessary to require an interim erosion control plan be submitted to the Executive Director for review and approval as provided in **4-04-084 Special Condition Six (6)** and **4-04-085 Special Condition Thirteen (13)**. The Commission further finds that the interim erosion control plan shall include protective fencing to delineate the construction zone and that silt fencing, straw bales, and/or sandbags are necessary during both the rainy season and the dry season.

Therefore, as required under the Coastal Act, the proposed project as modified, is most protective of coastal resources including sensitive habitats. For the above reasons, the Commission finds that project, as conditioned, is consistent with the ESHA protection requirements of Sections 30230, 30231, and 30240 of the Coastal Act.

### **C. PUBLIC ACCESS AND RECREATION**

Coastal Act Section 30001.5 states in part:

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

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

Coastal Act Sections 30210 through 30214 and 30221 specifically protect public access and recreation, as follows:

***Section 30210: In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.***

***Section 30211: Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.***

**Section 30212 (a): Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects....**

**Section 30213: Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.**

**Section 30214 (a): The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case....**

**Section 30221: Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.**

Likewise, Coastal Act Section 30240 (b) also requires that development not interfere with recreational areas and states:

**(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 those areas, and shall be compatible with the continuance of those habitat and recreation areas.**

Coastal Act Sections 30210, 30211, and 30212 mandate that maximum public access and recreational opportunities be provided to allow use of dry sand and rocky coastal beaches and that development not interfere with the public's right to access the sea, consistent with the need to protect public safety, private property and natural resources. All projects requiring a coastal development permit must be reviewed for compliance with the public access provisions of Chapter 3 of the Coastal Act.

Although most of the area within the Ellwood Mesa Open Space Plan area is currently privately owned and public recreational use is not formally authorized on those private lands, recreational activities are considered established because they have historically been part of the existing physical setting and land use. The FEIR reports that historical photos showing trails are evidence of long-term informal recreational use on the Ellwood Mesa. As stated previously, the subject applications are intended to facilitate the transfer of development rights from the privately owned Ellwood Mesa property to a modified location on the Santa Barbara Shores Park property. The Ellwood Mesa property will be transferred through the Trust for Public Land to the City of Goleta to be retained as open space for public access and passive recreational uses. This transfer will ensure that a majority of the open space presently used shall remain permanently available to the public. This represents a net benefit to public recreation and access in the vicinity. Additionally, the City's public parking lot will generate a net increase in parking spaces and the Comstock Homes project has been developed to maintain

public pedestrian and bicycle access through and around the subdivision as discussed in more detail below.

Santa Barbara Shores Park and the Ellwood Mesa property are part of a large, undeveloped open space that is used extensively for passive recreational use and coastal access which extends to the beaches and downcoast areas. The primary recreational activities within the Ellwood open space areas under the City's jurisdiction include walking, jogging, hiking, biking, picnicking, wildlife viewing, public trail use, glider flying, sun bathing, swimming, horseback riding, surf fishing, dog walking, and photography.

The proposed Comstock Homes development is located on the northwest portion of the existing Santa Barbara Shores Park (Exhibit 5). The Santa Barbara Shores Park currently offers 15 off-street parking places, as well as additional parking on a 10- to 15-foot wide dirt shoulder along Hollister Avenue. The FEIR for the project states that the Hollister Avenue frontage is typically used by up to 3-6 equestrian trailers on any given day.

The Santa Barbara Shores Park is a dedicated natural area without any structural developments, other than the parking area. Activities include hiking, biking, and equestrian use within an informal network of trails. Several major north-south and east-west facing trails currently exist on this 116-acre property. The property is bounded on the north by Hollister Avenue, to the south by the Pacific Ocean, Sandpiper Golf Course to the west, and residential development and Ellwood Mesa to the east. Within the proposed new 36-acre parcel, there are three footpaths that run for a total of approximately 0.87 miles. These paths include the major coastal access trail that runs southeasterly to the southwest corner of the subdivision; the Western Perimeter Trail that runs north-south adjacent to Sandpiper Golf Course; and a minor east-west trail that crosses the northern portion of the subdivision.

The network of trails crosses Devereux Creek or tributaries to the creek at different locations. The major southeasterly trending trail which crosses the creek in the eastern portion of Santa Barbara Shores Park is the most extensively used trail segment in this part of the property. The Western Perimeter Trail crosses Devereux Creek adjacent to the eucalyptus windrow located along the west perimeter of the golf course. The small east-west footpath crosses tributaries to Devereux Creek, referred to as Drainages A1 and A2.

Trail markers are installed at the existing 15-space gravel parking lot trail entry point as well as throughout the Santa Barbara Shores property. In addition, the main access point and parking lot contain a dog "pick up mitt station," trash receptacles, signage, and a brochure box. The parking area is surrounded by a split-wood fence and a gate with hours posted at the entrance. Signage denotes prohibited motorcycle and motorized vehicle uses on the property. Signs are also in place to identify priority public uses of the area, (i.e., which trails are appropriate for equestrian use and/or hiking).

Public access and recreation are high priority land uses under the Coastal Act. Section 30001.5 sets forth the goal of maximizing public access, consistent with sound resource conservation principles. Section 30221 establishes the priority of recreational land use at the project site's ocean front location. In addition, given the historical use of the site and its designation as a public beach park, public access and recreation must be considered a high priority land use for the project site.

The project would rezone the 36-acre northwestern portion of the existing Santa Barbara Shores Park and convert the site to residential use, displacing approximately 4,600 feet of existing trails and displacing the existing 15-space off-street parking area and informal on-street parking.

The project site currently provides public access and passive recreational opportunities, at no cost, for members of the public. Under the proposed project, such public access and recreational opportunities would remain. As discussed previously, the City of Goleta proposes to construct a 45-space parking lot on the Santa Barbara Shores Park property just east of the existing 15-space parking lot. The proposed parking lot includes a total of 45 standard spaces, or depending on use patterns, 33 spaces for standard vehicles (3 of which will be designated for handicapped visitors) and 3 spaces for horse trailers. The parking lot would be open daily from 4 a.m. to 10 p.m. The City's project further includes signage, construction of two trail segments, landscaping, and frontage improvements along Hollister Avenue.

The Comstock Homes development would allow for continued access through and around the subdivision. The Western Perimeter Trail would be fully retained as a result of the applicant's conveyance, in fee title, of Parcel 69 of the proposed Tract Map to the City of Goleta as open space. To ensure that the western perimeter route remains open as proposed by the applicant, **4-04-085 Special Condition Twenty-five (25)** requires that the permittee submit to the Executive Director, for review and approval, documentation demonstrating that a deed restriction has been executed and recorded against the three open space parcels (Parcel 65, Parcel 67, and Parcel 69 as proposed on the Vesting Tentative Map (Local Case No. 67-SB-TM) dated September 19, 2002 and Revised July 2, 2004), in a form and content acceptable to the Executive Director indicating that no development, as defined in Section 30106 of the Coastal Act shall occur within the areas of the proposed open space lots, except for allowable uses such as trails access, maintenance, and habitat restoration. Additionally **4-04-085 Special Condition Three (3)** requires that prior to recordation of the final Tract Map 32008 (Local Case No. 67-SB-TM), the permittee shall submit to the Executive Director, for review and approval, evidence that the applicant has dedicated to the City of Goleta, or its appropriate public agency, the three open space parcels (Parcel 65, Parcel 67, and Parcel 69 as proposed on the Vesting Tentative Map (Local Case No. 67-SB-TM) dated September 19, 2002 and Revised July 2, 2004) to be held in perpetuity for public access, passive recreational use, habitat enhancement, and trails.

In addition to retaining the western perimeter trail, Comstock Homes has offered to dedicate an easement through the subdivision (Exhibit 10) from Hollister Avenue

trending southeast to a trailhead that connects with Trail 24 (see Exhibits 12 and 13) of the proposed open space trail network. Though the subdivision will be gated to vehicle access, the easement through the subdivision will provide an opening along Hollister Avenue for pedestrian and bicycle access. To ensure that this easement is implemented and maintained for continued public access as proposed by the applicant, **4-04-085 Special Condition Four (4)** requires the applicant to execute and record document(s) in a form and content acceptable to the Executive Director, irrevocably offering to dedicate to a public agency or private association approved by the Executive Director an easement for public pedestrian and bicycle access through the subdivision, as shown on Exhibit 10. The offer shall be recorded free of prior liens and encumbrances that the Executive Director determines may affect the interest being conveyed. The offer shall run with the land in favor of the People of the State of California, binding all successors and assignees, and shall be irrevocable for a period of 21 years, such period running from the date of recording. Additionally, 4-04-085 Special Condition 4 prohibits any development that would inhibit public use of the established pedestrian and bicycle route. Further, **4-04-085 Special Condition Twenty-six (26)** requires the applicant to record a deed restriction that imposes the terms and conditions of this permit as restrictions on use and enjoyment of the subject property and provides any prospective purchaser with recorded notice that the restrictions are imposed on the subject property.

Further to ensure that public access is maintained during the construction process, the Commission imposes **4-04-085 Special Condition Six (6)** requiring the applicant to submit a revised, final construction phasing plan for review and approval by the Executive Director which guarantees that a safe route is maintained from Hollister Avenue to the bluff top trails at all times. 4-04-085 Special Condition 6 requires that prior to closure of any of the existing 15 parking spaces in the gravel parking lot on the subject parcel, the replacement parking lot approved pursuant to CDP 4-04-084 must be completed and open for use. Construction on the subject parcel shall not inhibit access from Hollister Avenue to the bluff top trails. Should construction on the subject parcel commence while the 15-space parking lot is in use, the applicant shall provide clear and noticeable signage from Hollister Avenue indicating that the public parking area is available. Further, the applicant shall demarcate the trailhead and limits of the designated route from the gravel parking area to the bluff top trails with appropriate temporary fencing and signage as deemed necessary by the Executive Director. The route shall be maintained safe and passable, and free from construction debris for pedestrian, bicycle, and equestrian use. All 15 spaces must be fully available to the public and may not be used for staging or construction purposes until and unless the replacement parking lot is in full effect. Temporary closure of the route from Hollister Avenue to the bluff top trails is not authorized in this permit.

Coastal Act Sections 30210 and 30214 require maximum public access and recreational opportunities to be implemented in a manner consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse, and taking into account the need to regulate the time, place, and manner of public access depending on the facts and the



circumstances of each case. The City has stated that overnight parking/camping would be prohibited and has included an entry gate in the project plans in order to close off the parking lot each night. The City is proposing signage that would provide a list of rules and the designated hours of operation of the replacement parking area. The City is proposing to close the parking lot nightly from 10 p.m. to 4 a.m. to discourage overnight parking and potentially disruptive late night gatherings.

The Commission finds that although overnight parking/camping may be prohibited, the parking lot must remain open 24 hours per day, 7 days per week to maximize public access consistent with Coastal Act Sections 30210 and 30214. Therefore the Commission requires the City to revise all project plans to eliminate the entry gate and state that the parking lot shall be available for use twenty-four hours per day, pursuant to **4-04-084 Special Condition Nine (9)**. In addition to the issue of overnight parking/camping, the City staff has expressed concerns that the parking lot would become a location for disorderly late-night gatherings that would create a source of noise disturbance for the neighborhoods to the east. However, staff notes that there are other available measures such as police patrols to enforce rules against public disturbance, drunkenness, and/or the overnight camping prohibition. CDP 4-04-084 Special Condition 9 does not inhibit the applicant's ability to apply for an amendment or separate coastal development permit at some point in the future to place restrictions on the hours of operation of the parking lot. However, in such cases the burden lies with the applicant to provide evidence of a minimum of the following: there is a pattern of significant issues (not merely one instance) which require management as allowed under Section 30210 and 30214; the City and/or authorities have made every effort to use alternative methods to control or manage the situation; and there are no alternatives that would reduce the issue to a manageable level without the need for closures.

Additionally the Commission finds that the rule against overnight parking/camping is not contrary to the goal of providing maximum public access, therefore the City may have signage stating that overnight camping is prohibited, pursuant to **4-04-084 Special Condition Seven (7)**. To ensure that the signage does not indicate limited hours of operation, the Commission requires 4-04-084 Special Condition 7 in which the City shall submit final signage plans for the review and approval of the Executive Director. The plans shall show the location, design, and content of all proposed interpretive and instructional signage on site. All project signage shall be installed within thirty (30) days of completion of the parking lot.

The signage plans, required pursuant to 4-04-084 Special Condition 7, further require signs that modify equestrian access through designated critical habitat of the western snowy plover. This requirement is discussed in more detail in Section VB, Environmentally Sensitive Habitat Areas. The signage shall be installed at Coastal Access Point F, as shown on Exhibit 13, notifying the sensitive nature of the snowy plover habitat, identifying that equestrian use of the beach further downcoast in snowy plover critical habitat is prohibited, and directing equestrian access to locations outside of the snowy plover critical habitat. Additionally, the City shall install two temporary

signs at the City's property boundary where it intersects with Trail No. 22 and Trail No. 6, as shown in Exhibit 13. Said temporary signs shall state that equestrian access to the beach is prohibited at Access Point D. Such signage may not be removed until and unless: an alternative location for the signage is permitted and installed closer to Access Point D which clearly states the prohibition of equestrian access to the beach; or a separate coastal development permit is obtained to allow equestrian uses in snowy plover critical habitat pursuant to a detailed management plan.

Similarly, the Comstock Homes project includes directional and interpretive signage. To ensure that all signage does not discourage use of the western perimeter trail or the designated public access easement through the subdivision due to the location, size, or content of said signage, the Commission requires the applicant to submit signage plans prior to issuance, pursuant to **4-04-085 Special Condition Sixteen (16)**. Within thirty (30) days of issuance of the certificate of occupancy for the first residence by the City of Goleta, the applicant must install permanent signage that notifies the public's right for pedestrian and bicycle access through the new subdivision as shown in Exhibit 10. Furthermore, 4-04-085 Special Condition 16 requires mutt-mitt dispensers, or other alternative to be installed and maintained by the Developer/Homeowner's Association at the Open Space access point trailhead within the development. Educational displays/signs and a trash receptacle shall be installed at the trailhead to provide information about water quality in Devereux Creek watershed, and appropriate education materials shall be incorporated into the Homeowners' Association covenants, conditions and restrictions (CC&R's). The displays and/or signs shall include information pertaining to animal waste and surface water pollution prevention. The requirement for the public access easement, signage, animal waste dispensers shall be maintained for the life of the project. These requirements shall be incorporated into the CC&R's pursuant to **4-04-085 Special Condition Five (5)**.

As discussed above, the proposed project would facilitate improved public access in the Ellwood Mesa Open Space area and would further priority land uses under the Coastal Act. As a result of the above findings, the Commission finds that the proposed project, as conditioned, is consistent with Coastal Act Sections 30001.5, 30210 through 30214 and 30221.

## **D. SCENIC AND VISUAL RESOURCES**

Section 30251 of the Coastal Act states:

*The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the*

***Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.***

Section 30251 of the Coastal Act requires scenic and visual qualities to be considered and preserved. Section 30251 also requires that development be sited and designed to protect views of scenic areas, minimize alteration of landforms, and be visually compatible with the surrounding area. The Commission is required to review the publicly accessible locations where the proposed development is visible to assess potential visual impacts to the public.

As stated previously, the applicants are proposing to subdivide Santa Barbara Shores Park property to allow the Comstock Homes residential project to be developed on a 36-acre parcel adjacent to Sandpiper Golf Course and Hollister Avenue, in exchange for retiring development potential on the Ellwood Mesa parcels. The City of Goleta is proposing a 45-space parking lot to replace the approximately 15-space parking, signage, construction of two trail segments, landscaping, and frontage improvements along Hollister Avenue. Comstock Homes is proposing subdivision of the 36-acre parcel into 69 lots: 62 residential lots; four subdivision improvement lots; and three open space lots. Additionally, the Comstock Homes project includes construction of 25 single-story and 37 two-story single-family residences, maximum 19.5 feet and 25 feet in height, respectively. Residences would range from 2,871 sq. ft. to 4,141 sq. ft. with garages, decks, and courtyards. Other subdivision improvements include sidewalks, utilities, entry gate, perimeter fence, limited soundwall, and a detention basin. The Comstock Homes project would require a total of and 90,000 cu. yds. of grading (45,000 cu. yds. cut, 45,000 cu. yds. fill).

The project area is currently vacant, undeveloped land with an existing trail system that is visible from many areas of the remaining Santa Barbara Shores Park, as well as the surrounding open space trails in and along the Ellwood Mesa. Views of the Pacific Ocean are available from many locations on the 116-acre Santa Barbara Shores Park property except at the lowest points. On the northern edge of the Comstock Homes site, views of the Pacific Ocean are distant. On a clear day the Channel Islands are also visible in the distance from most locations on the site. Scenic views of the open space and ocean from Hollister Avenue are partially blocked by the existing eucalyptus windrow along the south side of Hollister Avenue. However, views of the project sites may be glimpsed through the windrow as foreground and midground views, with the ocean in the background. Views toward the site from Sandpiper Golf Course and the Santa Barbara Shores neighborhood are limited by the dense eucalyptus windrows to the east and west of the Santa Barbara Shores Park property.

The proposed Comstock Homes development and the City of Goleta parking lot will necessarily change the visual character of the present Santa Barbara Shores Park property. The FEIR for the project found that "the only way to avoid the loss of open space (i.e., conversion to residential) would be to not build the project. If the proposed project is not approved and built, it is expected that the land swap would not occur and the long-term preservation of Ellwood Mesa would not be assured. The possible

development of Ellwood Mesa would be expected to result in equal or greater visual impacts than the applicant's revised site plan."

As stated previously, the subject applications are intended to facilitate the transfer of development rights from the privately owned Ellwood Mesa parcels to a modified location on the Santa Barbara Shores property. The 137-acre Ellwood Mesa parcels will be transferred through the Trust for Public Land to the City of Goleta to be retained as open space for public access and passive recreational uses. This transfer will ensure that a majority of the open space presently used shall remain permanently available to the public. The transfer of development potential from the 137 acres of bluff top property to the 36-acre parcel results in the clustering of visual impacts away from the open space bluffs to an area with some existing development, adjacent to the Hollister Avenue and the Sandpiper Golf Course.

As discussed in Section I, Coastal Act Policy Conflict, the Commission finds that the proposed land exchange and relocation of residential development to the 36-acre portion of Santa Barbara Shores Park will concentrate development in a location that would avoid significant adverse effects on coastal resources. As a result of the transaction, 137 acres (or net 115 acres) would be dedicated permanent open space owned by the City of Goleta for access, passive recreation, and habitat restoration purposes. The land exchange will result in greater protection of public views and scenic character overall. As a result the proposed location of the residential subdivision represents the best feasible alternative that is the most protective of scenic and visual resources in the project area.

In addition, the Comstock Homes project has been designed to mitigate visual impacts. Comstock Homes is proposing Tuscan-themed residences designed in five different floor plans available in three fairly similar exterior styles: Rustic, Villa, and Farmhouse. The colors are muted, varying shades of earth tones ranging from off-white to beige. The exterior walls would be primarily constructed of colored stucco with decorative stone used in most of the styles for accent. All three styles include tiled roofs in shades of terra cotta, brown, and tan. The project includes a six-foot high block privacy soundwall along Hollister Avenue and the west boundary of the site, a private gated access road, onsite drainage and open space. To ensure that the proposed project's impacts on public views is mitigated to the maximum extent feasible, and consistent with the applicant's proposal, the Commission finds it necessary to require that residences and retaining walls to be finished in a non-obtrusive manner (i.e.: in a color compatible with the surrounding natural landscape and with non-reflective windows). The Commission therefore finds it necessary to minimize the visual impact of the project by requiring the applicant to use colors compatible with the surrounding environment and non-glare glass, as required by **4-04-085 Special Condition Nineteen (19)**.

Furthermore, the applicant is proposing both two-story and one-story single-family residences within the subdivision. The proposed one-story residences line the south and southeast portion of the subdivision to minimize bulk closest to the open space

trails along the bluffs. The single-story residences are proposed at a maximum of 19.5 feet in height and the two-story residences are proposed at a maximum 25 feet in height. To ensure that the maximum heights proposed for each of the lots, as shown in Exhibit 11, are not exceeded **4-04-085 Special Condition Twenty (20)** requires that the heights of all residential structures and appurtenances be identified in the final plans approved by the Executive Director consistent with the maximum heights delineated on the plans entitled "Site Plan Denoting Lot Number, Model Number, Peak Height and Maximum Habitable Floor Area," dated July 2, 2004. Future development shall conform with these maximum heights unless such heights are changed by an amendment to this permit, unless the Executive Director determines that no amendment to this permit is required.

Visual impacts associated with proposed grading, and the structures themselves, including the City's proposed parking area, can be further reduced by the use of appropriate and adequate landscaping. Therefore, **4-04-084 Special Condition Five (5)** and **4-04-085 Special Condition Twelve (12)** require the applicant to prepare a landscape plan relying mostly on native, noninvasive plant species to ensure that the vegetation on site remains visually compatible with the native flora of surrounding areas. Implementation of Special Condition 12 will soften the visual impact of the development from public view areas. To ensure that the final approved landscaping plans are successfully implemented, Special Condition 12 also requires the applicant to revegetate all disturbed areas in a timely manner and includes a monitoring component to ensure the successful establishment of all newly planted and landscaped areas over time.

Currently, nighttime conditions on the undeveloped Comstock Homes Development site are minimally affected by surrounding lighting. Ellwood School and the industrial area north of Hollister Avenue cause minor intrusion on the site. Lighting from the adjacent Santa Barbara Shores neighborhood and Sandpiper Golf Course is predominantly screened by the eucalyptus windrows. In past actions, the Commission has found that night lighting of open space areas creates a visual impact to nearby scenic roads and trails. In addition, night lighting may alter or disrupt feeding, nesting, and roosting activities of native wildlife species. Therefore, **4-04-085 Special Condition Seventeen (17)** outlines lighting restrictions both within the developed residential lots as well as general subdivision improvements. 4-04-085 Special Condition 17 requires the applicant to submit final light plans prior to issuance of the coastal development permit that evidence that all exterior night lighting installed on the project site shall be of low intensity, low glare design, and shall be shielded to direct light downward onto the subject parcel(s) and prevent spill-over onto adjacent parcels, including all public open space areas. Furthermore, no skyward-casting lighting shall be used. The lowest intensity lighting shall be used that is appropriate to the intended use of the lighting. The lighting plan shall show the locations of all exterior lighting fixtures and an arrow showing the direction of light being cast by each fixture, the lighting specifications, and the height of the fixtures. The plan shall be designed in particular to avoid lighting impacts to the open spaces and wetland habitat. The restriction on night lighting is

necessary to protect the nighttime rural character and open space of this portion of the bluffs consistent with the scenic and visual qualities of this coastal area.

In order to ensure implementation and enforceable visual restrictions, **4-04-085 Special Condition Twenty-six (26)** requires the applicant to record a deed restriction that imposes the terms and conditions of this permit as restrictions on use and enjoyment of the subject property and provides any prospective purchaser with recorded notice that the restrictions are imposed on the subject property. Furthermore, to ensure compliance with the visual mitigation requirements set forth in this permit, the Commission finds that all such requirements, including lighting restrictions, shall be incorporated into the covenants, conditions and restrictions (CC&R's) pursuant to **4-04-085 Special Condition Five (5)**.

As discussed above the proposed project, including the transfer of development potential from the Ellwood Mesa to a location nearer existing development and away from the bluff top, would concentrate development in a manner that is most protective of visual and scenic resources. There are no alternative building sites on the property that would further minimize visual impacts while allowing for the transfer of development to occur. The proposed project, as conditioned, will not result in a significant adverse impact to scenic public views or character of the surrounding area. Therefore the Commission finds that, as conditioned, the proposed development is consistent with section 30251 of the Coastal Act.

## **E. WATER QUALITY**

Section 30230 of the Coastal Act states:

*Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.*

Section 30231 of the Coastal Act states that:

*The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*

Sections 30230 and 30231 of the Coastal Act require that the biological productivity and the quality of coastal waters and streams be maintained and, where feasible, restored through among other means, minimizing adverse effects of waste water discharge and entrainment, controlling runoff, preventing substantial interference with surface water flows, maintaining natural buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

As stated previously, the applicants are proposing to subdivide Santa Barbara Shores Park property to allow the Comstock Homes residential project to be developed on a 36-acre parcel adjacent to Sandpiper Golf Course and Hollister Avenue, in exchange for retiring development potential on the Ellwood Mesa parcels. The City of Goleta is proposing a 45-space parking lot to replace the approximately 15-space parking, signage, construction of two trail segments, landscaping, and frontage improvements along Hollister Avenue. Comstock Homes is proposing subdivision of the 36-acre parcel into 69 lots: 62 residential lots; four subdivision improvement lots; and three open space lots. Additionally, the Comstock Homes project includes construction of 25 single-story and 37 two-story single-family residences, maximum 19.5 feet and 25 feet in height, respectively. Residences would range from 2,871 sq. ft. to 4,141 sq. ft. with garages, decks, and courtyards. Other subdivision improvements include sidewalks, utilities, entry gate, perimeter fence, limited soundwall, and detention basin. The Comstock Homes project would require a total of and 90,000 cu. yds. of grading (45,000 cu. yds. cut, 45,000 cu. yds. fill).

The Commission recognizes that new development has the potential to adversely impact coastal water quality and biological productivity through the removal of native vegetation, increase of impervious surfaces, increase of runoff, erosion, and sedimentation, introduction of pollutants such as petroleum, cleaning products, pesticides, and other pollutant sources.

The proposed development will result in an increase in impervious surface at the subject sites, which in turn decreases the infiltrative function and capacity of existing permeable land on site. Reduction in permeable space therefore leads to an increase in the volume and velocity of stormwater runoff that can be expected to leave the site. Further, pollutants commonly found in runoff associated with residential use include petroleum hydrocarbons including oil and grease from vehicles; heavy metals; synthetic organic chemicals including paint and household cleaners; soap and dirt from washing vehicles; dirt and vegetation from yard maintenance; litter; fertilizers, herbicides, and pesticides; and bacteria and pathogens from animal waste. The discharge of these pollutants to coastal waters can cause cumulative impacts such as: eutrophication and anoxic conditions resulting in fish kills and diseases and the alteration of aquatic habitat, including adverse changes to species composition and size; excess nutrients causing algae blooms and sedimentation increasing turbidity which both reduce the penetration of sunlight needed by aquatic vegetation which provide food and cover for aquatic species; disruptions to the reproductive cycle of aquatic species; and acute and sublethal toxicity in marine organisms leading to adverse changes in reproduction and feeding behavior. These impacts reduce the biological productivity and the quality of

coastal waters, streams, wetlands, estuaries, and lakes and reduce optimum populations of marine organisms and have adverse impacts on human health.

Therefore, in order to find the proposed project consistent with the water and marine resource policies of the Coastal Act, the Commission finds it necessary to require the incorporation of Best Management Practices designed to control the volume, velocity and pollutant load of stormwater leaving the developed sites. Critical to the successful function of post-construction structural BMPs in removing pollutants in stormwater to the Maximum Extent Practicable (MEP), is the application of appropriate design standards for sizing BMPs. The majority of runoff is generated from small storms because most storms are small. Additionally, storm water runoff typically conveys a disproportionate amount of pollutants in the initial period that runoff is generated during a storm event. Designing BMPs for the small, more frequent storms, rather than for the large infrequent storms, results in improved BMP performance at lower cost.

For design purposes, with case-by-case considerations, post-construction structural BMPs (or suites of BMPs) should be designed to treat, infiltrate or filter the amount of stormwater runoff produced by all storms up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, and/or the 85th percentile, 1-hour storm event, with an appropriate safety factor (i.e., 2 or greater), for flow-based BMPs. The Commission finds that sizing post-construction structural BMPs to accommodate (infiltrate, filter or treat) the runoff from the 85<sup>th</sup> percentile storm runoff event, in this case, is equivalent to sizing BMPs based on the point of diminishing returns (i.e. the BMP capacity beyond which, insignificant increases in pollutants removal (and hence water quality protection) will occur, relative to the additional costs. Therefore, the Commission requires the selected post-construction structural BMPs be sized based on design criteria specified in **4-04-084 Special Condition Four (4)** and **4-04-085 Special Condition Fourteen (14)**, and finds this will ensure the proposed developments will be designed to minimize adverse impacts to coastal resources, in a manner consistent with the water and marine policies of the Coastal Act.

Additionally, 4-04-084 Special Condition 4 requires that runoff from areas subject to automobile use be treated and/or filtered prior to discharge from the site; that all drainage elements be properly maintained at the replacement parking lot; that parking lot areas, driveways, and other vehicular traffic areas on site shall be swept and/or vacuumed at regular intervals; any oily spots shall be cleaned with appropriate absorbent materials; all debris, trash and soiled absorbent materials shall be disposed of in a proper manner; and that all trash enclosures and receptacles shall be covered and/or sealed to prevent off-site transport of trash.

CDP 4-04-085 Special Condition 14 specifically requires that a water quality management plan be submitted for the review and approval of the Executive Director which incorporates structural and non-structural Best Management Practices (BMPs) designed to reduce, to the maximum extent practicable, the volume, velocity and pollutant load of stormwater and dry weather flows leaving the developed Comstock Homes subdivision site. The plans shall illustrate that post-development peak runoff



rates and average volumes shall not exceed pre-development conditions; Impervious surfaces, especially directly connected impervious areas, shall be minimized, and alternative types of pervious pavement shall be used where feasible; Irrigation and the use of fertilizers and other landscaping chemicals shall be minimized; that trash, recycling and other waste containers shall be provided at the permanent trailhead at the southern end of the development; all waste containers anywhere within the development shall be covered, watertight, and designed to resist scavenging animals; runoff must be cleaned to remove or mitigate to the maximum extent feasible all contaminants through infiltration, filtration and/or biological uptake; and the drainage must be adequately maintained. The builder shall be responsible for constructing and maintaining the drainage facilities until such time as a homeowner's association (HOA) or similar entity comprised of the individual owners of the 62 proposed residential lots is created. At that time, responsibility to maintain the drainage system and the associated structures and BMPs according to manufacturer's specifications shall be transferred to the HOA. The responsibility and maintenance requirements of the drainage system shall be outlined in the HOA's covenants, conditions and restrictions (CC&R's) as required by **4-04-085 Special Condition Five (5)** shall require that all development be carried out in accordance with the Water Quality Management Plan approved by the Executive Director.

Furthermore, interim erosion control measures implemented during construction and post construction landscaping will serve to minimize the potential for adverse impacts to water quality resulting from drainage runoff during construction and in the post-development stage. Therefore, the Commission finds that **4-04-084 Special Conditions Five (5) and Six (6) and 4-04-085 Special Conditions Twelve (12) and Thirteen (13)** are necessary to ensure the proposed developments will not adversely impact water quality or coastal resources.

Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Coastal Act Sections 30230 and 30231.

## **F. ARCHAEOLOGICAL/CULTURAL RESOURCES**

Coastal Act Section 30244 of the Coastal Act states that:

***Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.***

The project site is largely undeveloped and due to its favorable location along the coast, may have been the site of pre-European occupation by Native Americans. Accordingly, it is possible that archaeological/cultural deposits may exist on the site such as skeletal remains and grave-related artifacts, traditional cultural sites, religious or spiritual sites, paleontological artifacts, or other artifacts.

According to the FEIR for development of the project site, there are a number of remains of pre-European human occupation present in the general region. The areas

proposed for residential development and open space under the City of Goleta's jurisdiction have experienced long and significant occupation by humans going back at least 8,000 years.

One archaeological site, originally recorded in 1974, has been reported within the City's open space area. A survey of the entire 238 acres within the City's limits was surveyed in 1991, but no further sites were recorded. The City and Comstock Homes development is not anticipated to impact this known site. However, given the history of use of the site, the discovery of other cultural deposits is possible during grading activities.

Archaeological resources are significant to an understanding of cultural, environmental, biological, and geological history. The Coastal Act requires the protection of such resources to reduce the potential adverse impacts through the use of reasonable mitigation measures. Degradation of archaeological or cultural deposits can occur if a project is not properly monitored and managed during earth moving activities and construction. Site preparation can disturb and/or obliterate materials to such an extent that the information that could have been derived would be permanently lost. In the past, numerous archaeological / cultural sites have been destroyed or damaged as a result of development. As a result, the remaining sites, even though often less rich in materials, have become increasingly valuable as a resource. Further, because archaeological sites, if studied collectively, may provide information on subsistence and settlement patterns, the loss of individual sites can reduce the scientific value of the sites which remain intact.

The Commission notes that potential adverse effects to archaeological/cultural resources may occur due to inadvertent disturbance during project activities. To ensure that impacts to cultural resources are minimized consistent with Coastal Act Section 30244, **4-04-084 Special Condition Eight (8)** and **4-04-085 Special Condition Twenty-two (22)** requires that if project activities are undertaken within an area known to have cultural deposits, including but not limited to skeletal remains and grave-related artifacts, traditional cultural sites, religious or spiritual sites, paleontological artifacts or other artifacts, the applicants agree to have a qualified archaeologist(s) and appropriate Native American consultant(s) present on-site during all project which occur within or adjacent to the identified site(s) in the project area. Specifically, if required as described above, the project operations on site shall be controlled and monitored by the archaeologist(s) with the purpose of locating, recording and collecting any archaeological/cultural materials. Alternately, under the direction of a qualified archaeologist and/or appropriate Native American consultant, the applicants may implement alternative techniques designed to temporarily protect such resources (e.g., placing temporary cap material in accordance with accepted protocols for archaeological resource protection). In the event that any significant archaeological resources are discovered during operations, all work in this area shall be halted and an appropriate data recovery strategy be developed, subject to review and approval of the Executive Director, by the applicants' archaeologist and the native American consultant consistent with CEQA guidelines.

Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Section 30244 of the Coastal Act.

## G. LOCAL COASTAL PROGRAM

Section 30604(a) of the Coastal Act states that:

*Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a local program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200).*

Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal development permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. The preceding sections provide findings that the proposed project will be in conformity with the provisions of Chapter 3 if certain conditions are incorporated into the project and accepted by the permittee. As conditioned, the proposed development will not create adverse impacts and is found to be consistent with the applicable policies contained in Chapter 3. Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the City's ability to prepare a Local Coastal Program for Goleta which is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

## H. CEQA

Section 13096(a) of the Commission's administrative regulations requires Commission approval of Coastal Development Permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect, which the activity may have on the environment.

The Commission finds that, the proposed project, as conditioned will not have significant adverse effects on the environment, within the meaning of the California Environmental Quality Act of 1970. Therefore, the proposed project, as conditioned, has been adequately mitigated and is determined to be consistent with CEQA and the policies of the Coastal Act.

## I. COASTAL ACT POLICY CONFLICT

With modifications, the proposed coastal development permit is approvable by invoking the balancing approach to conflict resolution. Section 30007.5 of the Coastal Act provides the Commission with the ability to resolve conflicts between Coastal Act policies. This section provides that:

*The Legislature further finds and recognizes that conflicts may occur between one or more policies of the division. The Legislature therefore declares that in carrying out the provisions of this division such conflicts be resolved in a manner that on balance is the most protective of significant coastal resources. In this context, the Legislature declares that broader policies which, for example, serve to concentrate development in close proximity to urban and employment centers may be more protective, overall, than specific wildlife habitat and other similar resource policies.*

To meet the standard of review, the proposed project must fulfill the requirements of, and be in conformity with, "the policies of Chapter 3" (meaning California Public Resources Code ("PRC") sections 30200 - 30265.5). In general, a proposal must be consistent with all relevant policies in order to be approved. Thus, if a proposal is inconsistent with one or more policies, it must normally be denied, or conditioned to make it consistent with all relevant policies.

However, the Legislature also recognized that conflicts can occur among those policies. It therefore declared that, when the Commission identifies a conflict between the policies in Chapter 3, such conflicts are to be resolved "in a manner which on balance is the most protective of significant coastal resources" (PRC § 30007.5 and 30200(b)). That approach is generally referred to as the "balancing approach to conflict resolution." Balancing allows the Commission to approve proposals that conflict with one or more Chapter 3 policies, based on a conflict between the Chapter 3 policies as applied to the proposal before the Commission. Thus, the first step in invoking the balancing approach is to identify a conflict between the Chapter 3 policies.

In order for the Commission to utilize the conflict resolution provision of Section 30007.5, the Commission must first establish that the proposal presents a substantial conflict between two statutory directives contained in Chapter 3 of the Coastal Act. The fact that a proposal is consistent with one policy of Chapter 3 and inconsistent with another policy does not necessarily result in a conflict. Rather, the Commission must find that to deny the proposal based on the inconsistency with one policy will result in coastal zone effects that are inconsistent with another policy.

In this case, as described above, the Comstock Homes project described under coastal development permit application 4-04-085 is inconsistent with the ESHA protection policies in Section 30240 because it would authorize subdivision of land and the construction of single family residences in scattered areas of approximately 0.3 acres of native grassland that qualify as ESHA. Furthermore, this development may necessitate some form of fuel modification within another 0.6 acres of grassland ESHA in order to

address fire hazards. This development would significantly disrupt the habitat values of the ESHA and would not constitute uses dependent on the resource. The Comstock Homes project also would locate residential lots in the vicinity of: (1) known kite nests (the residential lots will have a 200 foot buffer from known nests, rather than the optimal 300 foot buffer); (2) monarch butterfly habitat (a portion of which will have a 50 foot buffer from the eucalyptus grove, rather than the optimal 100 foot buffer); and (3) riparian drainages (which would have a 50-foot buffer from the outer edge of riparian vegetation, rather than the optimal 100 foot buffer). Thus, the proposed Comstock Homes project is inconsistent with Section 30240 of the Coastal Act. However, to deny the project based on these inconsistencies with Coastal Act Section 30240 would result in adverse impacts inconsistent with other Chapter 3 policies.

Another policy conflict results from the fact that if the Comstock Homes project is denied, it would reduce the ability to concentrate proposed development contiguous with existing urban development, and away from the most sensitive habitat areas, as required by Section 30250. If the project is not approved, dispersed patterns of development would occur that are inconsistent with Section 30250. The project clusters development adjacent to existing developed areas and existing infrastructure, while preserving high quality habitat in the Ellwood Mesa Open Space area, thereby preserving significant coastal resources.

Although approval of the project would result in the removal of approximately 0.3 acres of sensitive grassland, the project would also serve to provide permanent protection of approximately 32 acres of existing sensitive grassland on the Ellwood Mesa. Further, approval of the project would also serve to provide permanent protection of open space and public recreation that would otherwise not be provided. As such, the proposed project allows for continued public use of trails across areas that are presently private properties, maximizing public access by establishing permanent public access rights and preserving passive recreational opportunities.

After establishing a conflict among Coastal Act policies, Section 30007.5 mandates that the Commission resolve the conflict in a manner that is on balance most protective of coastal resources. To do this, it is essential to understand the contentious history of planning and litigation on the Ellwood Mesa property (see Section A). As noted previously, the City of Goleta does not have a certified LCP. As a result, there is no longer a certified standard dictating the level of development in the project area. However, previous Commission approvals of certified Santa Barbara County LCP amendments authorized specific development parameters under the approved *Ellwood Beach – Santa Barbara Shores Specific Plan* ("Specific Plan" 1995; Note Ellwood Beach in the Specific Plan is equivalent to the Ellwood Mesa property). The Commission's prior (effectively certified) approval allowed for 38 acres of sprawling residential subdivision development, zoned as Planned Residential Development (PRD), with up to a maximum of 162 residential units in the Goleta Community Plan and the Specific Plan. Though the exact number of units and total project development footprint that would have occurred under the previously authorized LCP amendments is not known, given the significance of coastal resources on the Ellwood Mesa, any

residential development would severely impact sensitive habitat, public access, and open space recreation. Even if residential development (and associated access roads) was limited to the five existing Ellwood Mesa parcels, it would cause significant adverse impacts on public access and require removal and fragmentation of the largest areas of remaining native grasslands and vernal pools found in this area.

It is unknown what level of development could occur on the Ellwood Mesa property in the future, but it is reasonable to assume that some further subdivision and residential development, as contemplated by the previous approvals of up to 162 residential units and the Planned Residential Development zoning designation, may move forward and negatively impact these sensitive habitat areas. This type of development would be inconsistent with Sections 30240 and 30250 of the Coastal Act as it would negatively impact sensitive habitat and lead to a configuration that does not concentrate development adjacent to existing developed areas. On the other hand, while allowing development in a relatively small area containing sensitive habitat, and clustering development on 21.5 acres near Hollister Road, the proposed Comstock Homes project would assure the long-term protection of a significantly greater amount of sensitive areas. Thus, the existing status quo leaves open the potential for development that would have far more serious consequences for the environment than the proposed project.

ESHA covers a majority of the Ellwood Mesa property, with a large expanse of monarch / raptor habitat along the northern portion of the property and extensive grassland habitat along the eastern portion of the property (Exhibit 13). In addition, patches of native grasslands and vernal pools are scattered throughout the remaining areas of the property. As a result, approval of development consistent with Goleta Community Plan and the Specific Plan would allow for significant removal of sensitive habitat and resources. In contrast, the proposed project would preserve all of the ESHA and open space on the Ellwood Mesa property (137 privately-owned acres, plus 80 acres of the current Santa Barbara Shores Park) and would concentrate residential development on 21.5 acres on the Santa Barbara Shores property, including removal of 0.3 acres of native grasslands.

In terms of ESHA protection, the proposed Comstock Homes project includes the dedication of the Ellwood Mesa property and three other open space areas (Lots 65, 67 & 69; Exhibit 8) to be held in perpetuity for public access, passive recreation, habitat enhancement, and trails, enhancing and maintaining the biological values of the open space areas. In addition, the City would maintain approximately 80 acres of Santa Barbara Shores Park for open space, habitat protection and recreation. The proposed project, as conditioned, protects 232 acres where only recreation and passive conservation uses, consistent with the preservation of these areas, will be implemented. The proposed project also creates an area of contiguous, blufftop open space and protected habitat from the Sandpiper Golf Course on the west, along Ellwood Mesa, to blufftop open space to the east owned by the County of Santa Barbara and University of California. If residential development occurred on the existing privately-owned Ellwood Mesa parcels, it would separate the blufftop open space/ habitat on the Santa

Barbara Shores Park property from the open space/habitat areas further down the coast.

Consequently, denial of the Comstock Homes project would prevent maximum protection of coastal resources, the intent of the Chapter 3 Coastal Act policies. However, an application does not present a conflict among Chapter 3 policies if there are feasible alternatives that would achieve the proposal's essential goals without violating any Chapter 3 policy. Thus, an alternatives analysis is a critical condition precedent to conflict identification, and thus, to invocation of the balancing approach. In this case, however, there are no feasible alternatives that would achieve all of the goals of the project without violating a Chapter 3 policy. In this case the applicant, with extensive coordination with the local governments, environmental and community groups, and neighbors, is proposing to relocate and cluster the residential development from the Ellwood Mesa parcels to a portion of the existing Santa Barbara Shores Park. The applicant's proposed location is a better location for several reasons: it is located adjacent to existing development - Hollister Avenue and Sandpiper Golf Course; access to the site can be gained directly off of Hollister Avenue, eliminating the need to remove ESHA; the site does not require direct removal of ESHA except for limited areas of native grassland; the most valuable habitat on the Ellwood Mesa (large areas of grasslands and several vernal pools) will not be removed or adversely impacted by residential development; blufftop open space/habitat areas will remain continuous and will not be separated by residential development; the project is designed to maintain public access through and around the subdivision; public access and recreation are maximized by retaining a majority of the bluff top in open space; and the residential subdivision was redesigned to dedicate three open space areas (totaling approximately 15 acres) within the 36-acre parcel back to the City for habitat and access preservation purposes. No other location on the Ellwood Mesa would be able to match these parameters and limit the impacts to coastal resources to this extent.

Additionally, the City of Goleta's found, as reported in their general Statement of Overriding Considerations for the project:

***The overarching public benefit of the project is the completion of a land exchange between Santa Barbara Development Partnership (SBDP) / Comstock Homes and the City of Goleta, whereby SBDP/Comstock Homes will transfer title to the environmentally-sensitive Ellwood Mesa property to the City in exchange for the 36-acre site for the residential development in the existing City-owned Santa Barbara Shores Park property plus additional monetary compensation. This acquisition will result in the Ellwood Mesa being permanently protected as public open space. Completion of the land exchange will create a contiguous public open space area of more than 250 acres within the City of Goleta that will be adjacent to another 400 acres of open space located within the jurisdictions of the University of California, Santa Barbara, and the County of Santa Barbara. Public ownership of the Ellwood Mesa will preserve numerous sensitive coastal resources, including coastal bluffs and beaches, monarch butterfly aggregation sites and related habitat areas, raptor nesting and foraging habitats, vernal pools and other wetland areas, riparian habitats and native grassland habitats.***

**The Comstock Homes Development has offered to donate to the City of Goleta approximately 12.8 acres of the 36-acre portion Santa Barbara Shores Park that Comstock Homes will receive in the land exchange. This 12.8 acres of land includes sensitive habitat areas and related buffer zones, including the eucalyptus windrow adjacent to Sandpiper Golf Course, the habitat within Drainage B, and the habitat within Drainages A1 and A2. This donation will result in public benefit in that these resource areas will be permanently preserved as public open space.**

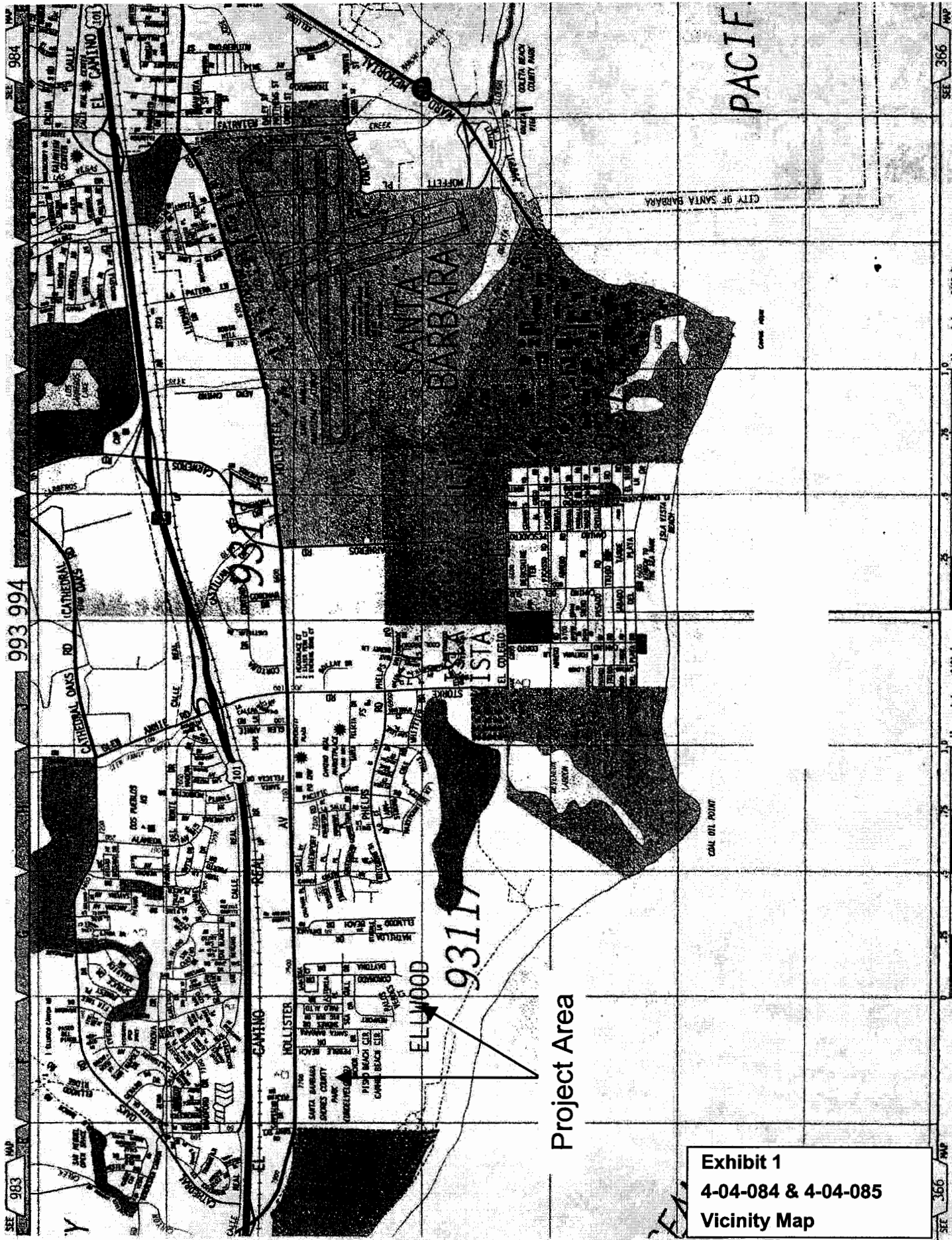
Furthermore, the applicant has indicated that the proposed residential development is clustered to the maximum extent feasible and further reducing the size of the residential development is not economically feasible and would not allow the applicant to proceed with the transfer of the Ellwood Mesa parcels to the City. Therefore, further reducing the size of the proposed 21.5 acre residential development is not a feasible alternative.

Due to the conflicts listed above, and the resource impacts that would result from a denial, the Commission concludes that it would be most protective of coastal resources and provide most public benefits to approve the Comstock Homes project. Thus, the Commission finds that there are unique circumstances that require it to allow some impact to ESHA at Santa Barbara Shores Park in order to concentrate development in the area most able to accommodate it, and thereby protect a substantial extent of the ESHA on Ellwood Mesa that is presently threatened by impacts from development and to preserve public access and open space.

The proposed Comstock Homes project has significantly reduced both the scale and density of possible development, thereby protecting and preserving public access and the scenic qualities of the coast. The proposed project concentrates development, which serves to improve the scenic and visual qualities of the project area overall, and facilitates permanent public access on the Ellwood Mesa property.

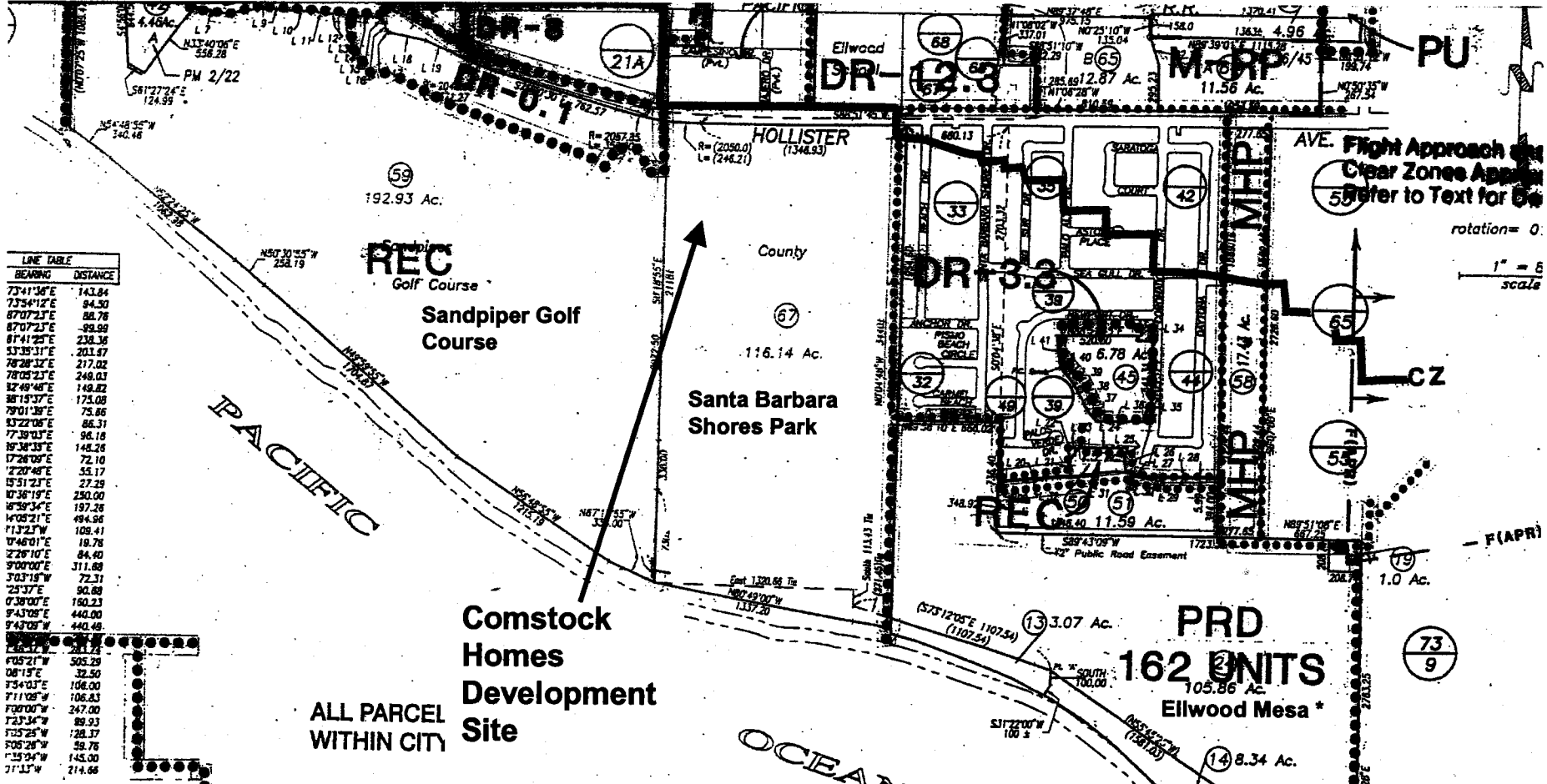
Therefore, the Commission finds, pursuant to the balancing provision of the Coastal Act, that in this case, it is more protective of all significant coastal resources, including sensitive habitat, visual resources, and public access, to allow some encroachment within identified environmentally sensitive habitat areas in order to obtain substantial resource benefits from clustering of the development in a manner that results in permanently protecting the most valuable habitat, retention of scenic character of the blufftop, and significant coastal access amenities. Therefore, the Commission finds that approving the proposed project is, on balance, most protective of coastal resources and is consistent with Section 30007.5 of the Coastal Act.





Project Area

**Exhibit 1**  
**4-04-084 & 4-04-085**  
**Vicinity Map**



BEARING	DISTANCE
73°41'36"E	143.84
73°54'12"E	84.50
87°07'23"E	88.78
87°07'23"E	93.99
87°41'28"E	231.39
53°35'31"E	201.67
78°28'32"E	217.02
78°05'23"E	249.03
82°49'48"E	149.82
88°15'37"E	173.08
79°01'38"E	75.86
53°22'08"E	86.31
77°39'03"E	96.18
89°38'33"E	148.26
17°20'05"E	72.10
12°20'48"E	55.17
05°51'23"E	27.29
07°36'19"E	250.00
46°39'34"E	197.28
46°05'21"E	494.94
71°32'27"W	109.41
07°46'01"E	19.78
32°26'10"E	84.40
9°00'00"E	311.08
3°03'18"W	72.31
25°37'E	90.89
03°38'00"E	160.23
9°43'05"E	440.00
9°43'05"W	440.48
128°31'W	281.74
6°05'21"W	505.29
08°11'E	32.50
3°40'3"E	106.00
7°11'05"W	106.43
0°00'00"W	247.00
12°34'W	89.93
1°05'25"W	128.37
9°05'26"W	39.76
1°35'34"W	145.00
71°13'W	214.86

**NOTICE**  
 Assessor Parcels are for tax assessment purposes only and do not indicate either parcel legality or a valid building site.

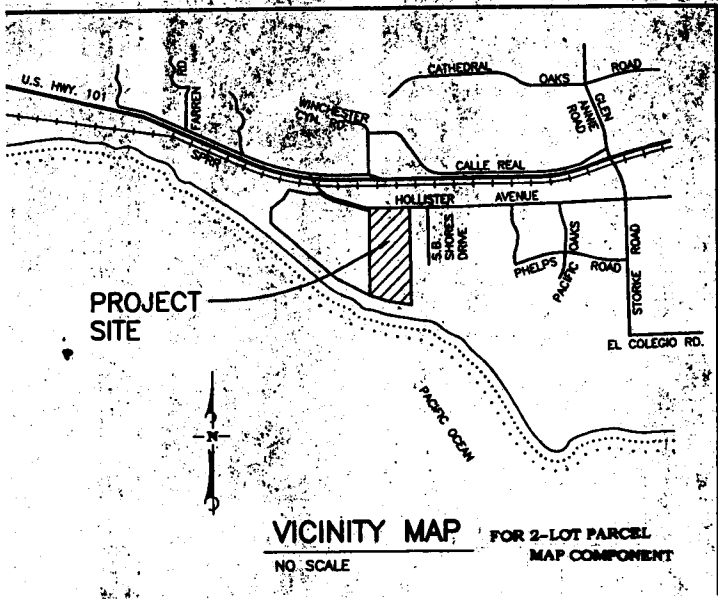
**All Parcels Within Restricted Resources Overlay District and -GOL Overlay District**

Assessor's Map Bk, 079-Pg, 21  
 County of Santa Barbara, Calif.

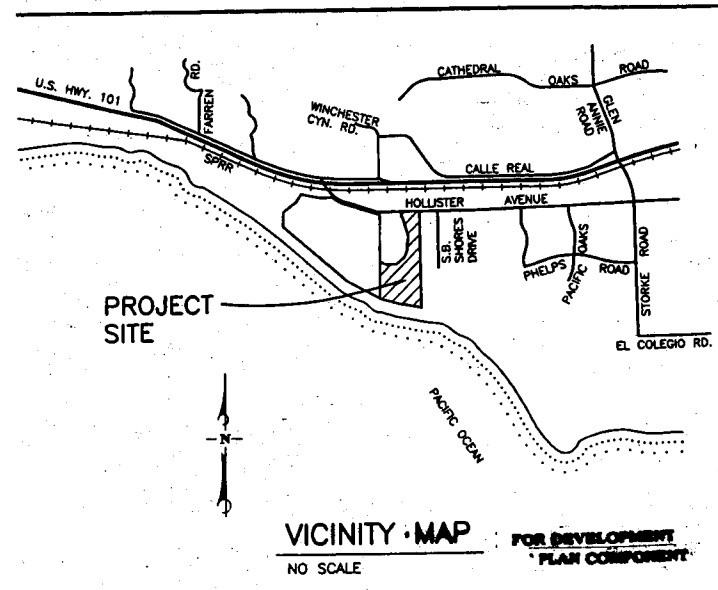
\* Note, Ellwood Mesa Property for Exchange includes APNs: 079-210-013, -014, -015, -024, and -051

Exhibit 2  
 4-04-084 & 4-04-085  
 Parcel Map

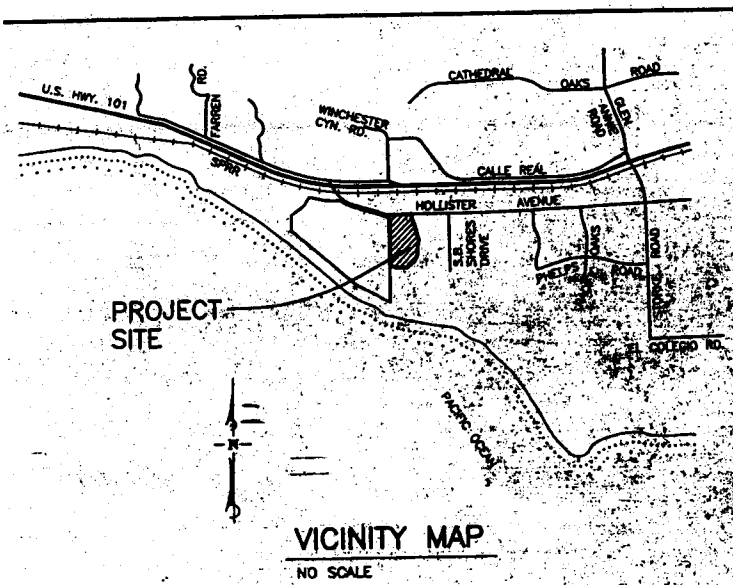
Flight Approach and Clear Zones Apply Refer to Text for Details  
 rotation = 0  
 1" = 6 scales



**Parcel Owned by City of Goleta to Be Split into Two Lots**

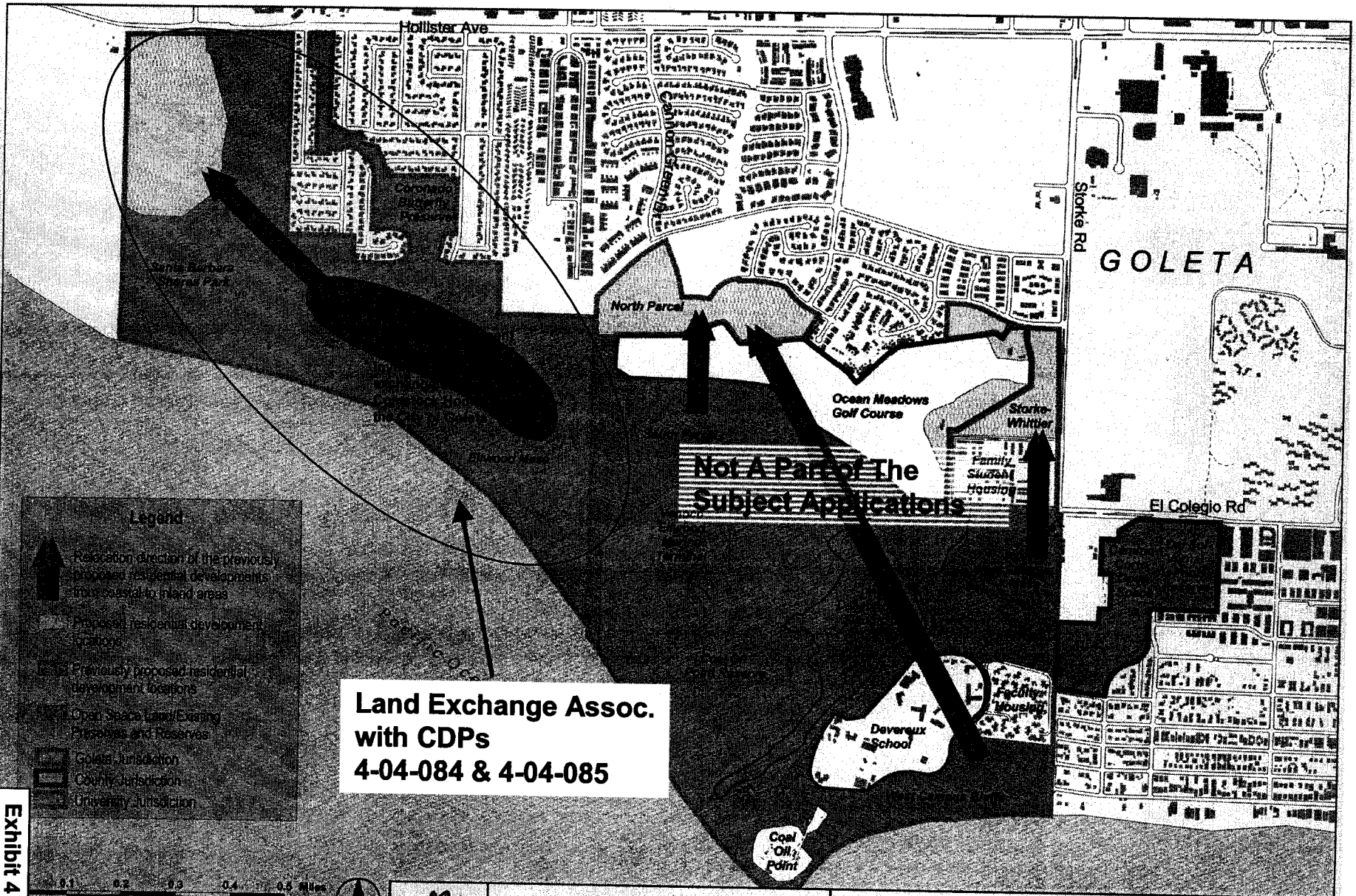


**Portion of Lot to be Retained by the City**



**Portion of Lot to be Developed by Comstock Homes**

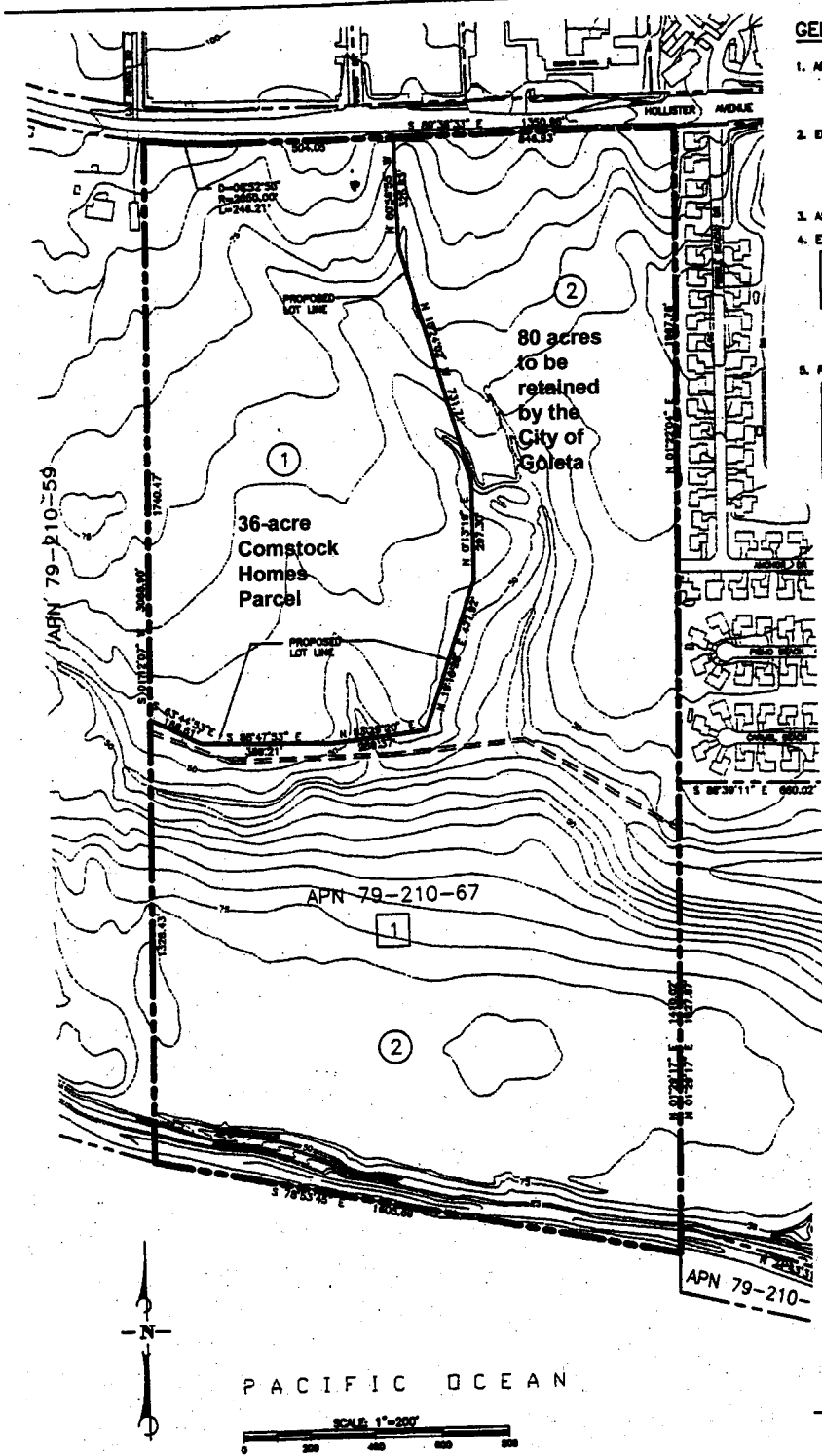
**Exhibit 3  
4-04-084 & 4-04-085  
Project Location**



**Exhibit 4  
4-04-084 & 4-04-085  
Land Exchange**



<p>City of GOLETA</p>	<p>Comstock Homes Development and Ellwood Mesa Open Space Plan EIR</p>	<p>Figure 1-2. Proposed Development Relocations and Land Exchange</p>	<p>March 2004</p>
	<p>City of Goleta</p>		



**GENERAL NOTES**

1. APPLICANT: CITY OF GOLETA  
6300 HOLLISTER AVENUE  
SUITE 120  
GOLETA, CA 93117  
(805) 961-7900
2. ENGINEER: MAC DESIGN ASSOCIATES  
1833 CLIFF DRIVE, SUITE 6  
SANTA BARBARA, CA 93108  
PH. (805) 957-4748  
FAX (805) 957-4748

3. ASSESSOR'S PARCEL NO: 079-210-67

4. EXISTING LOT STATISTICS :

LOT NO.	ASSESSOR'S PARCEL NO.	EXIST. GROSS AREA (S.F.)	EXIST. NET AREA (S.F.)	EXISTING ZONE DISTRICT	EXISTING GENERAL PLAN DESIGNATION
1	079-210-67	3,059,058	3,059,058	REC	RECREATION

5. PROPOSED LOT STATISTICS :

LOT NO.	PROPOSED GROSS LOT AREA (S.F.)	PROPOSED NET LOT AREA (S.F.)	PROPOSED ZONE DISTRICT	PROPOSED GENERAL PLAN DESIGNATION
1	1,568,180	1,568,180	7-R-1	RESIDENTIAL (4.5/ACRE)
2	3,490,898	3,490,898	REC	RECREATION
TOTAL	5,059,058	5,059,058		

**LEGEND**

- 1 EXISTING LOT
- 1 PROPOSED LOT
- — — — — EXISTING LOT LINE
- — — — — PROPOSED LOT LINE

PARCEL MAP  
**67-SB-PM**

ASSESSOR'S PARCEL NO. 79-210-67  
CITY OF GOLETA, CALIFORNIA  
OCTOBER 29, 2003 REVISED JUNE 16, 2004

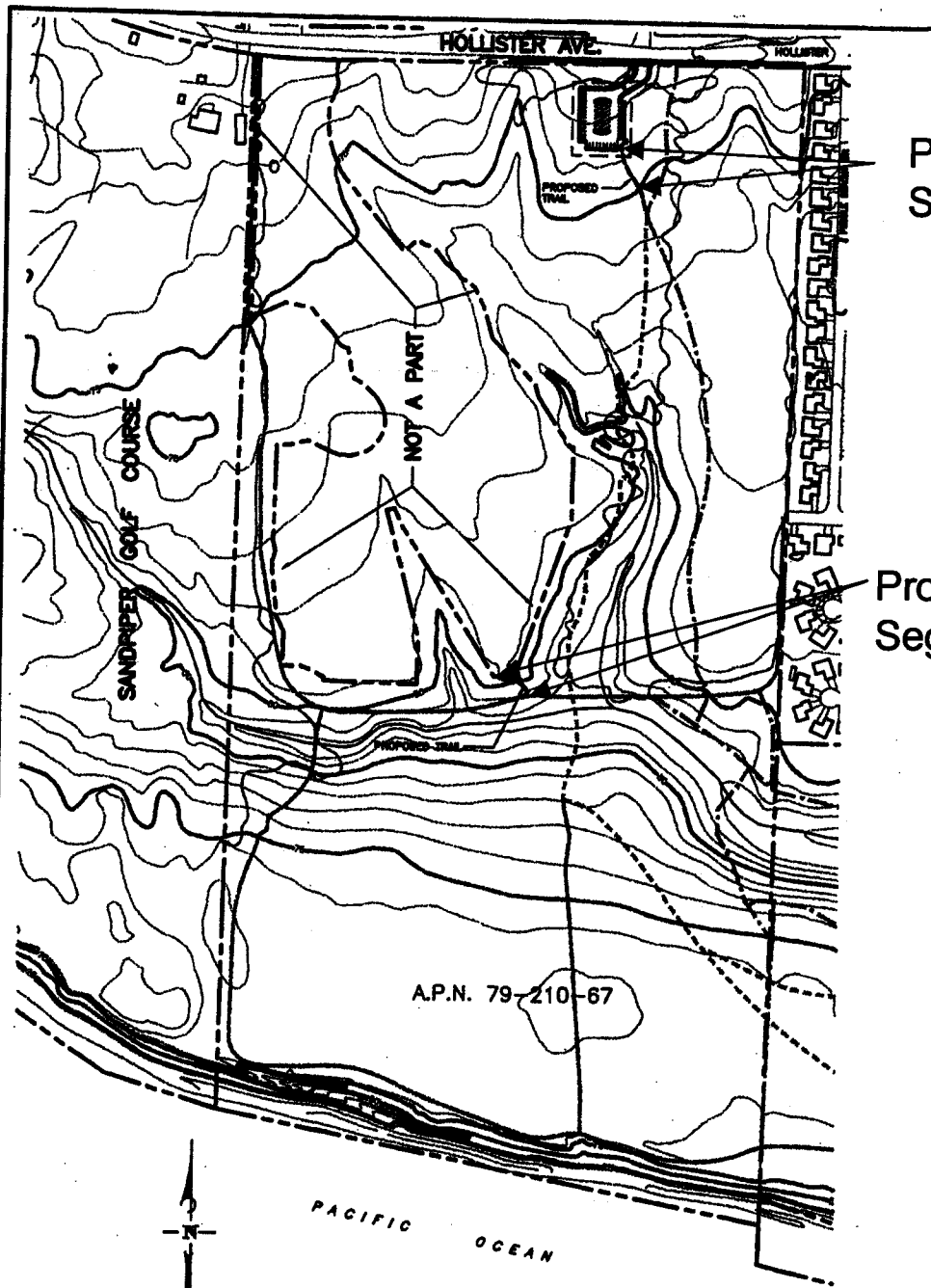
**MAC Design Associates**

CIVIL ENGINEERING • LAND PLANNING • BRIDGE DESIGN  
1000 CLIFF DRIVE, SUITE 4, SANTA BARBARA, CALIF. 93108 (805) 967-4748

MICHAEL A. CHAZENE  
PROJECT ENGINEER

R.C.E. 26,987  
(EXP. 3-31-06)  
SHEET 1 OF 1

**Exhibit 5**  
**4-04-084 & 4-04-085**  
**City's Proposed**  
**Parcel Map Case**  
**No. 67-SB-PM**



Proposed Trail Segment 1

Proposed Trail Segment 2

A.P.N. 79-210-67

PACIFIC OCEAN

**LEGEND**

——— LIMITS OF EUCALYPTUS GROVE

**PROPOSED NEW TRAIL SEGMENTS**

————— MULTI-USE (PEDESTRIAN, BICYCLIST & EQUESTRIAN)

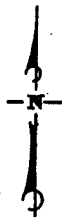
————— PEDESTRIAN & BICYCLIST

**EXISTING TRAIL SEGMENTS**

————— MULTI-USE (PEDESTRIAN, BICYCLIST & EQUESTRIAN)

————— PEDESTRIAN & BICYCLIST

————— PEDESTRIAN ONLY

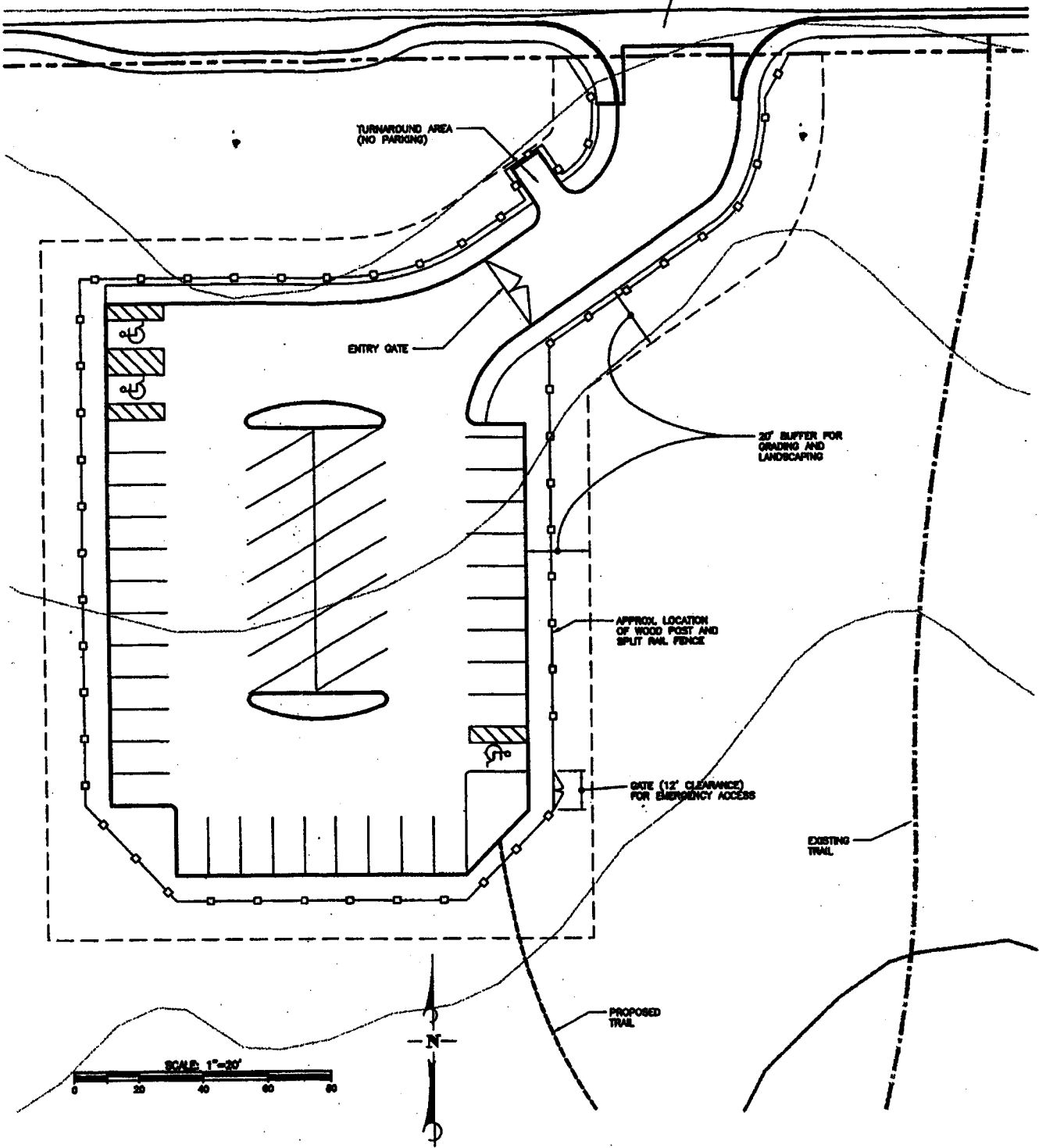


12/20/21 PM POST

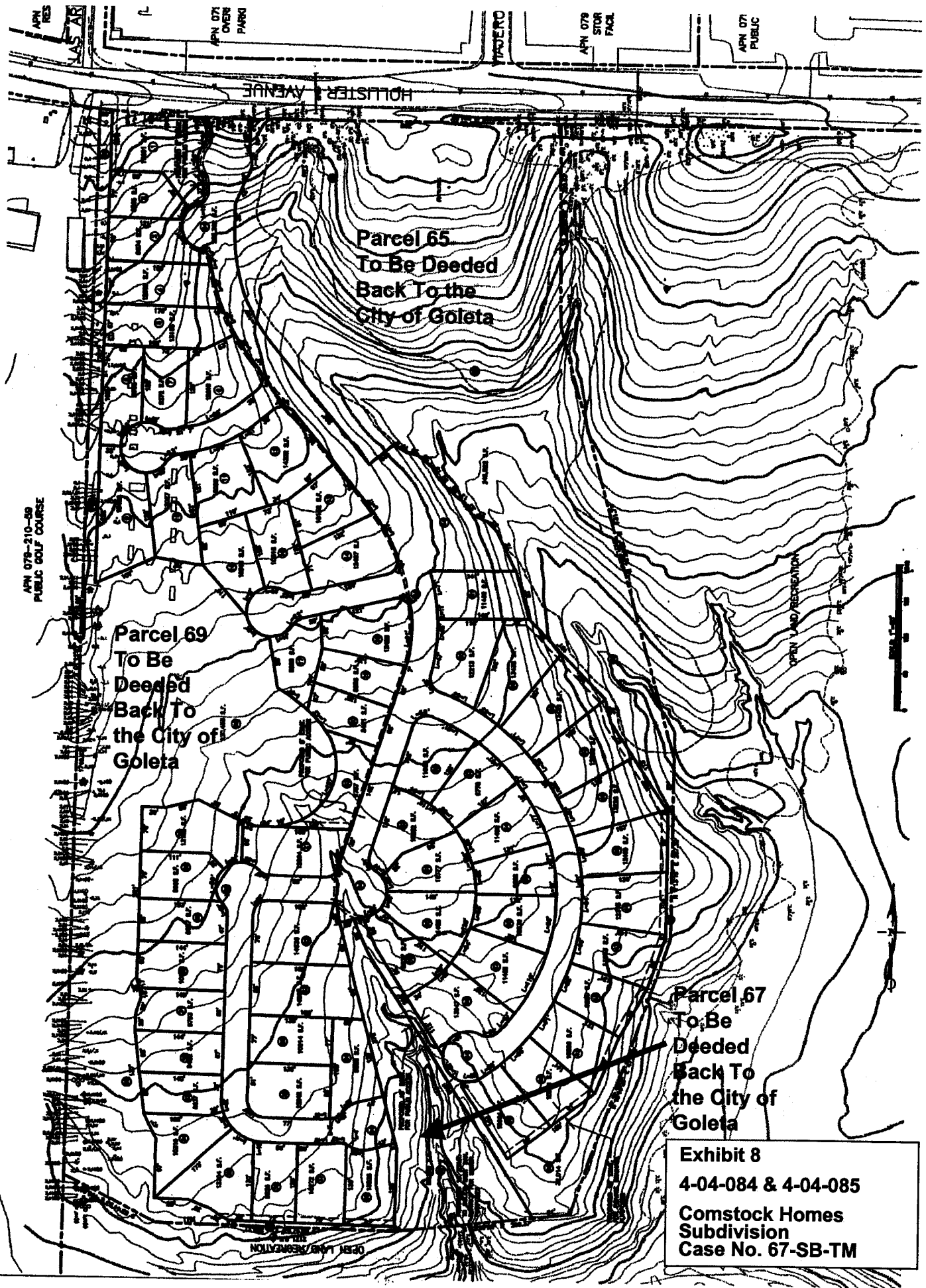
**Exhibit 6**  
**4-04-084 & 4-04-085**  
**Proposed Trail**  
**Segments**

HOLLISTER AVENUE

P.C. COND. CROSS GUTTER  
AND SPANDREL



**Exhibit 7**  
**4-04-084 & 4-04-085**  
**Parking Lot Site Plan**



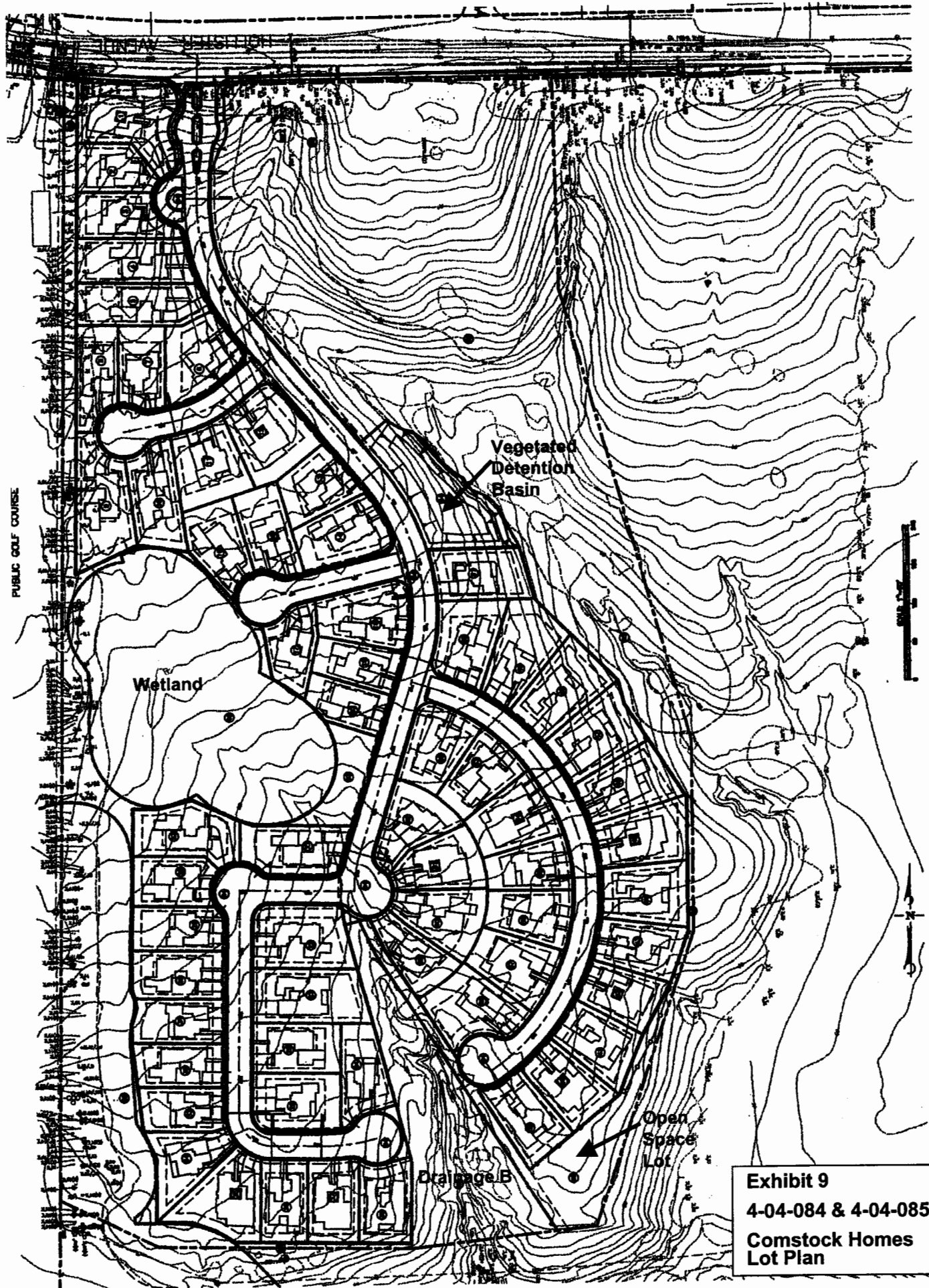
**Parcel 65  
To Be Deeded  
Back To the  
City of Goleta**

**Parcel 69  
To Be  
Deeded  
Back To  
the City of  
Goleta**

**Parcel 67  
To Be  
Deeded  
Back To  
the City of  
Goleta**

**Exhibit 8  
4-04-084 & 4-04-085  
Comstock Homes  
Subdivision  
Case No. 67-SB-TM**





**Exhibit 9**  
**4-04-084 & 4-04-085**  
**Comstock Homes**  
**Lot Plan**

HOLLISTER AVENUE

Parcel 65  
To Be  
Deded  
Back To  
the City of  
Goleta

Parcel 69  
To Be  
Deded  
Back To  
the City of  
Goleta

Parcel 67  
To Be  
Deded  
Back To  
the City  
of Goleta

ALI D'ORO  
PUBLIC ACCESS EASEMENT

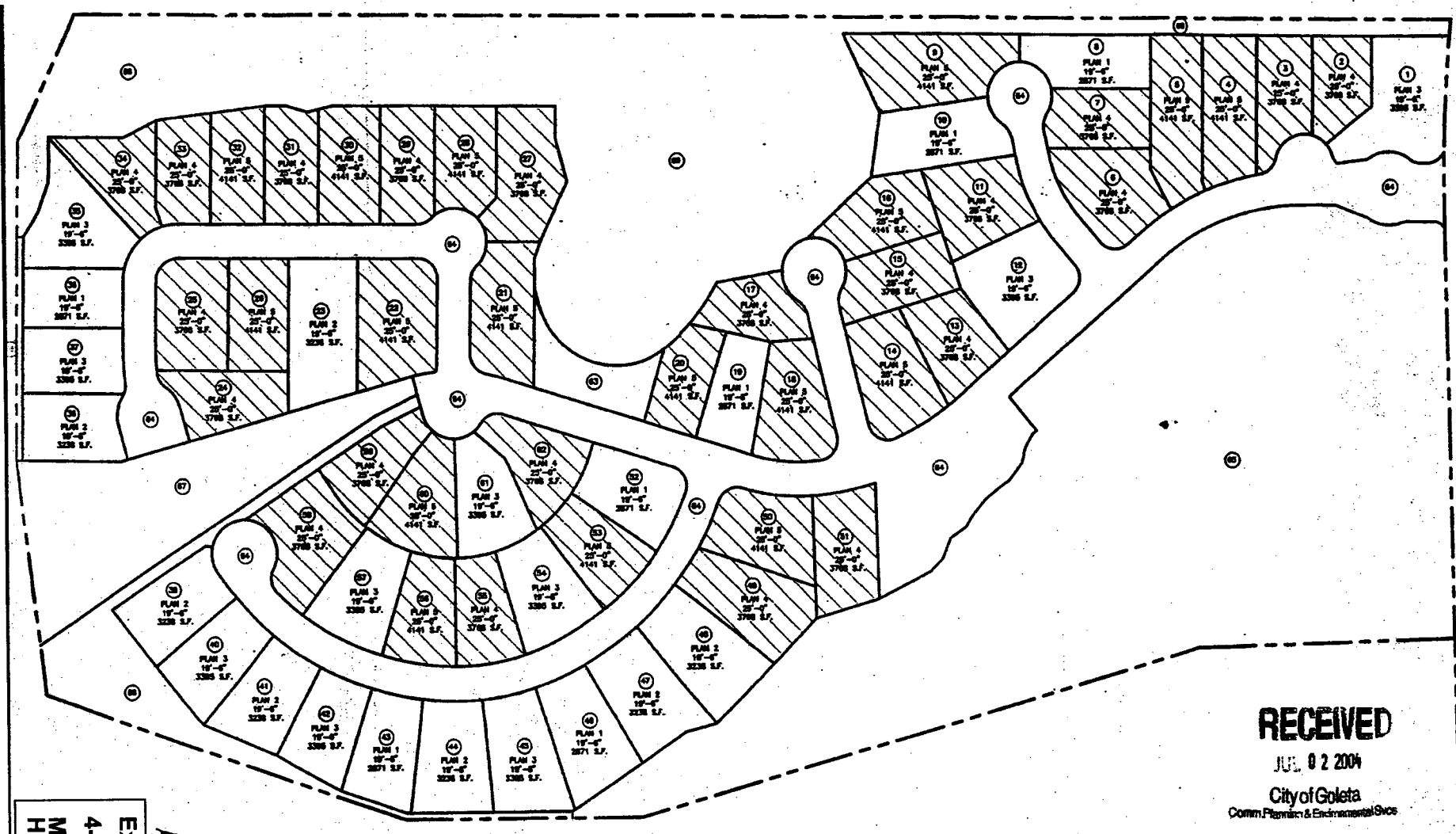
NO SCALE

NOVEMBER 9, 2004

**LEGEND**

— PUBLIC ACCESS EASEMENT

Exhibit 10  
4-04-084 & 4-04-085  
Proposed Public Access  
Through the Comstock  
Homes Subdivision



HOLLISTER AVENUE

**RECEIVED**

JUL 02 2004

City of Goleta  
Comm Planning & Environmental Svcs

SITE PLAN DENOTING LOT NUMBER  
MODEL NUMBER, PEAK HEIGHT &  
MAXIMUM HABITABLE FLOOR AREA

NO SCALE

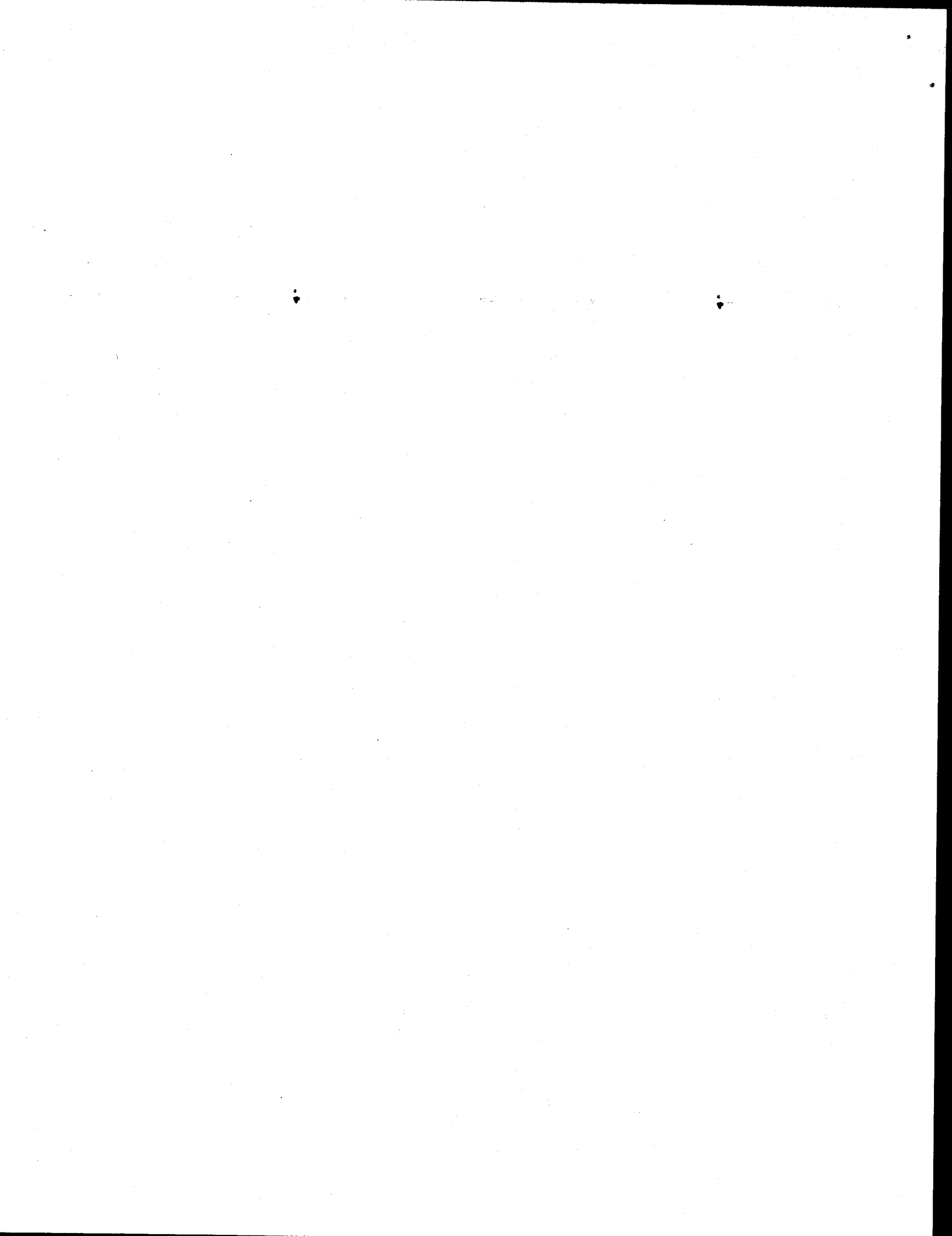
JULY 2, 2004

NOTE: 2 STORY HOME SITES ARE HATCHED

2-story structures may be a maximum of 25 feet in height  
single-story structures may be a maximum of 19.5 feet in height

Exhibit 11  
4-04-084 & 4-04-085  
Model Nos & Maximum  
Height of Residences

SB-TM



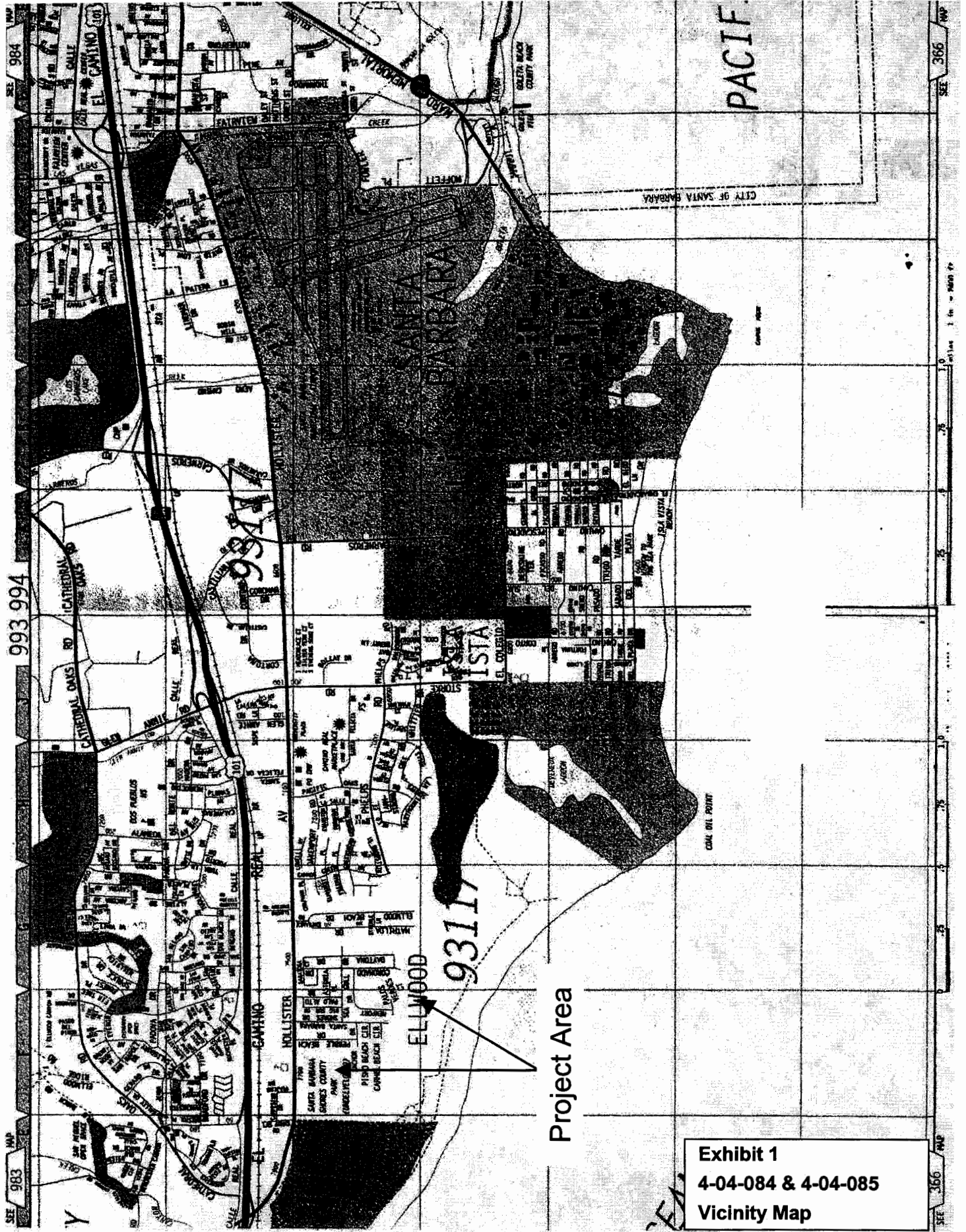


Exhibit 1  
 4-04-084 & 4-04-085  
 Vicinity Map

Project Area

PACIFIC

ELWOOD

9317

9314

993 994

984

983

366

366

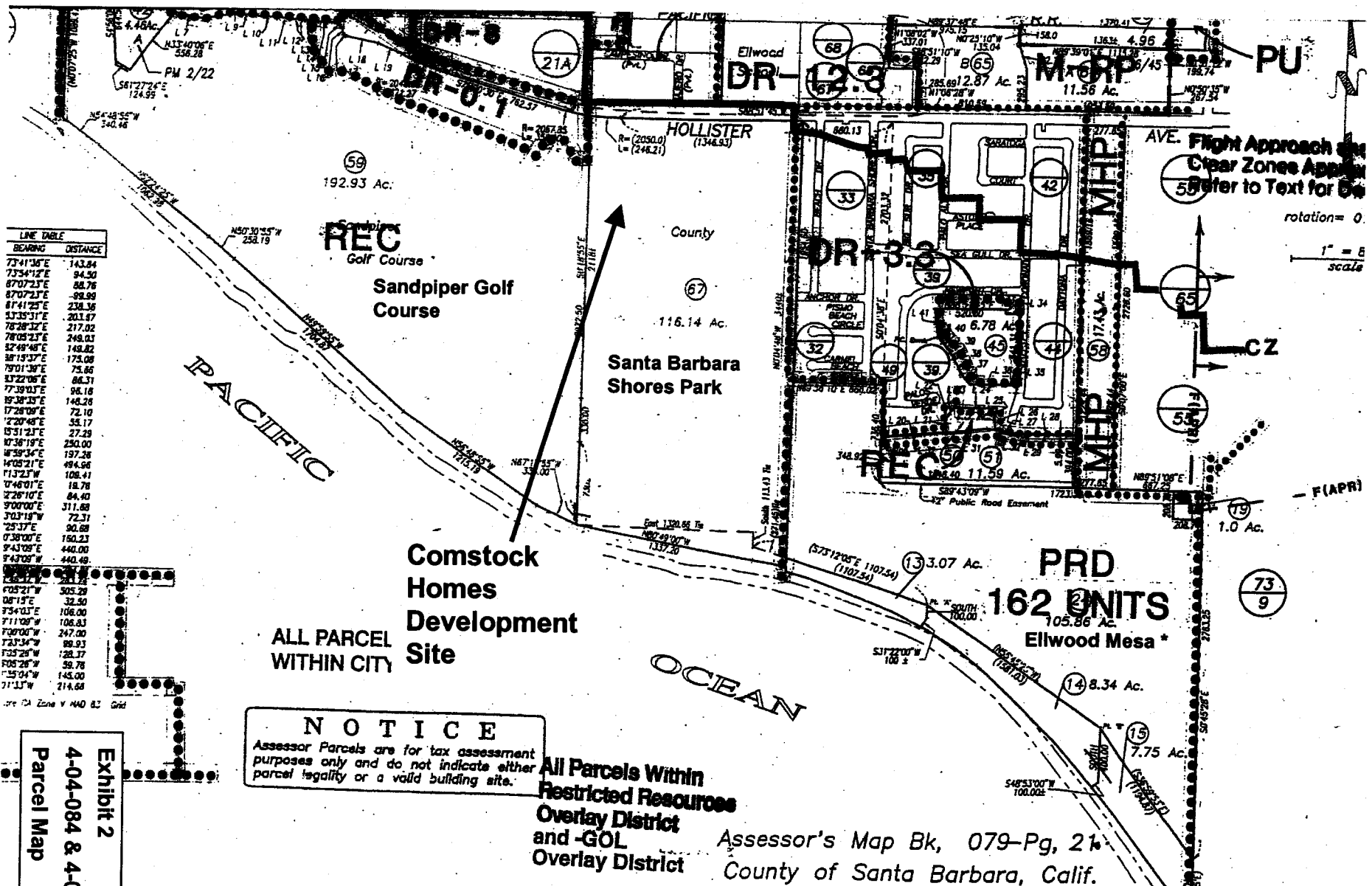
1 in = 1000 ft

0 25 50 75 100

0 25 50 75 100

0 25 50 75 100

0 25 50 75 100



BEARING	DISTANCE
73°41'35"E	143.84
73°54'12"E	94.50
87°07'23"E	88.76
87°07'23"E	88.99
81°41'25"E	238.36
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78°28'32"E	217.02
78°05'23"E	248.01
52°49'48"E	148.82
38°15'37"E	175.08
79°01'38"E	73.66
53°22'08"E	86.31
77°39'03"E	98.18
19°38'35"E	148.28
17°28'09"E	72.10
2°20'48"E	53.17
53°12'23"E	27.29
07°38'19"E	250.00
07°38'19"E	197.28
14°05'21"E	89.56
113°21'W	108.41
0°46'01"E	18.78
2°28'10"E	84.40
9°00'00"E	311.88
3°03'18"W	72.31
25°37'E	90.89
0°38'00"E	180.23
9°43'00"E	440.00
9°43'00"W	440.00
0°52'21"W	505.29
08°15'E	32.50
75°40'3"E	106.00
7°11'08"W	108.83
7°00'00"W	247.00
7°33'34"W	99.93
1°25'29"W	128.37
8°05'28"W	58.78
1°25'04"W	145.00
71°13'W	218.68

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**All Parcels Within Restricted Resources Overlay District and -GOL Overlay District**

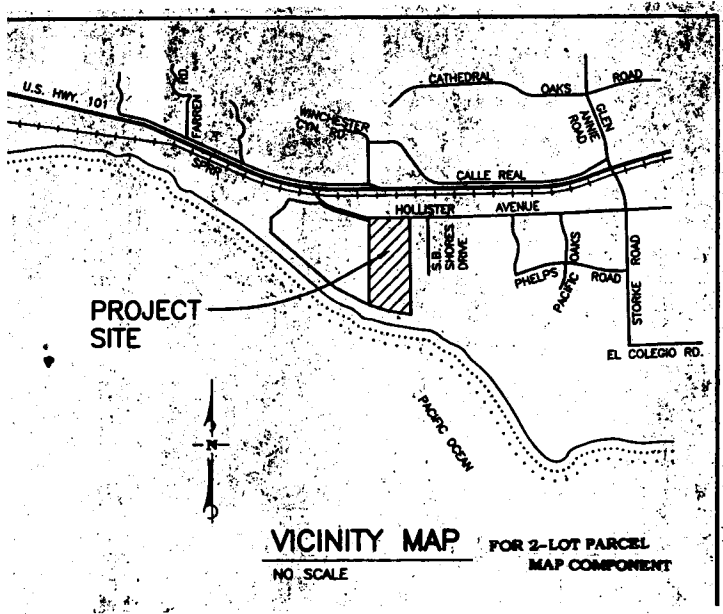
Assessor's Map Bk, 079-Pg, 21  
 County of Santa Barbara, Calif.

\* Note, Ellwood Mesa Property for Exchange includes APNs: 079-210-013, -014, -015, -024, and -051

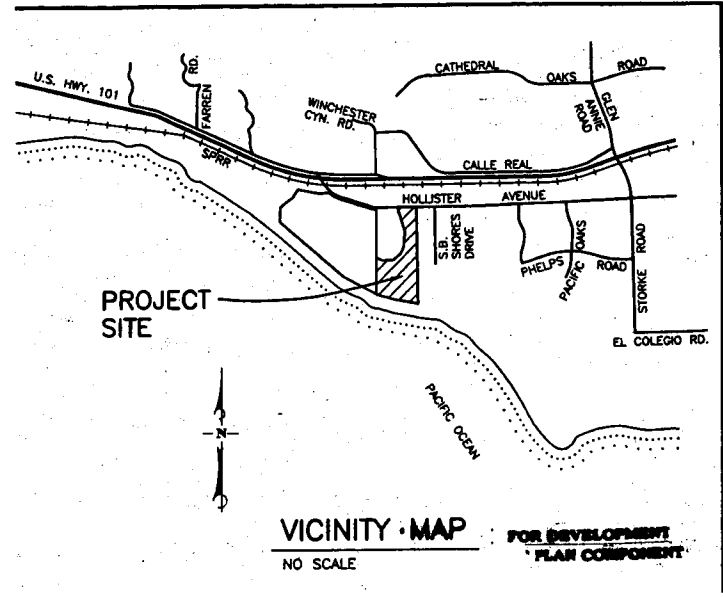
Exhibit 2  
 4-04-084 & 4-04-085  
 Parcel Map

rotation = 0

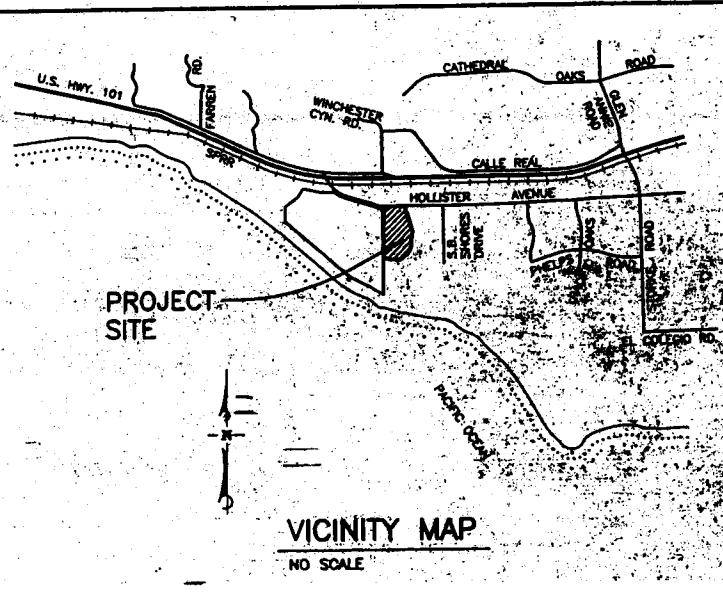
1" = 8' scale



**Parcel Owned by City of Goleta to Be Split into Two Lots**



**Portion of Lot to be Retained by the City**



**Portion of Lot to be Developed by Comstock Homes**

**Exhibit 3  
4-04-084 & 4-04-085  
Project Location**

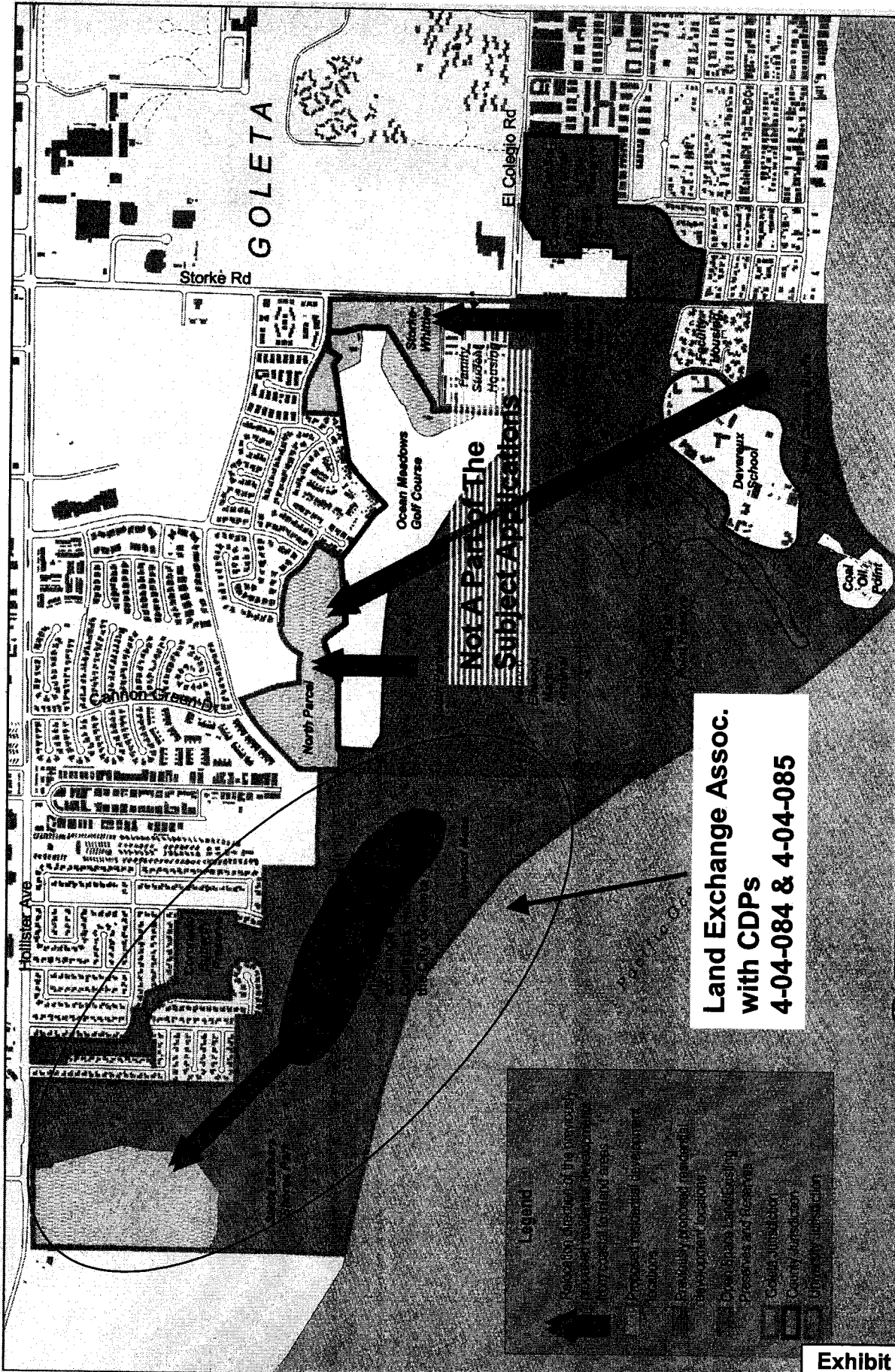
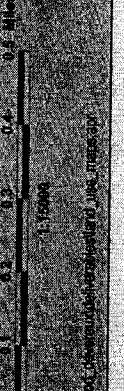


Figure 1-2. Proposed Development Relocations and Land Exchange

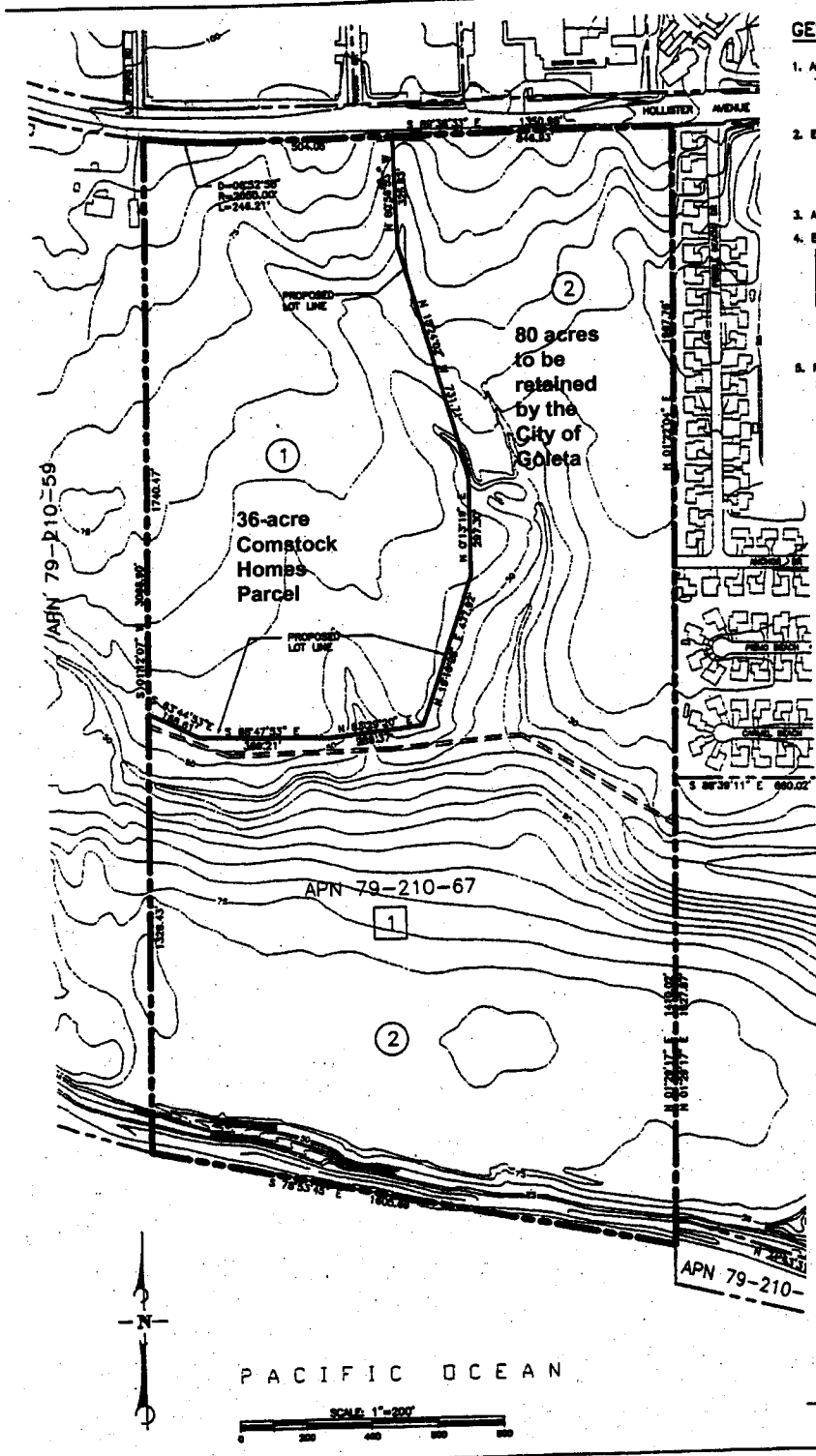
Comstock Homes Development and Ellwood Mesa Open Space Plan EIR



March 2004

**Exhibit 4**  
**4-04-084 & 4-04-085**  
**Land Exchange**





**GENERAL NOTES**

1. APPLICANT: CITY OF GOLETA  
6500 HOLLISTER AVENUE  
SUITE 120 93117  
GOLETA, CA (805) 981-7500
2. ENGINEER: MAC DESIGN ASSOCIATES  
1833 CLIFF DRIVE, SUITE 5  
SANTA BARBARA, CA 93108  
PH. (805) 987-4748  
FAX (805) 987-4748
3. ASSESSOR'S PARCEL NO: 079-210-67

4. EXISTING LOT STATISTICS :

LOT NO.	ASSESSOR'S PARCEL NO.	EXIST. GROSS AREA (S.F.)	EXIST. NET AREA (S.F.)	EXISTING ZONE DISTRICT	EXISTING GENERAL PLAN DESIGNATION
1	079-210-67	5,058,058	5,058,058	REC	RECREATION

5. PROPOSED LOT STATISTICS :

LOT NO.	PROPOSED GROSS LOT AREA (S.F.)	PROPOSED NET LOT AREA (S.F.)	PROPOSED ZONE DISTRICT	PROPOSED GENERAL PLAN DESIGNATION
1	1,568,180	1,568,180	7-R-1	RESIDENTIAL (4.4/ACRE)
2	3,490,898	3,490,898	REC	RECREATION
TOTAL	5,059,078	5,059,078		

**LEGEND**

- ① EXISTING LOT
- ② PROPOSED LOT
- EXISTING LOT LINE
- PROPOSED LOT LINE

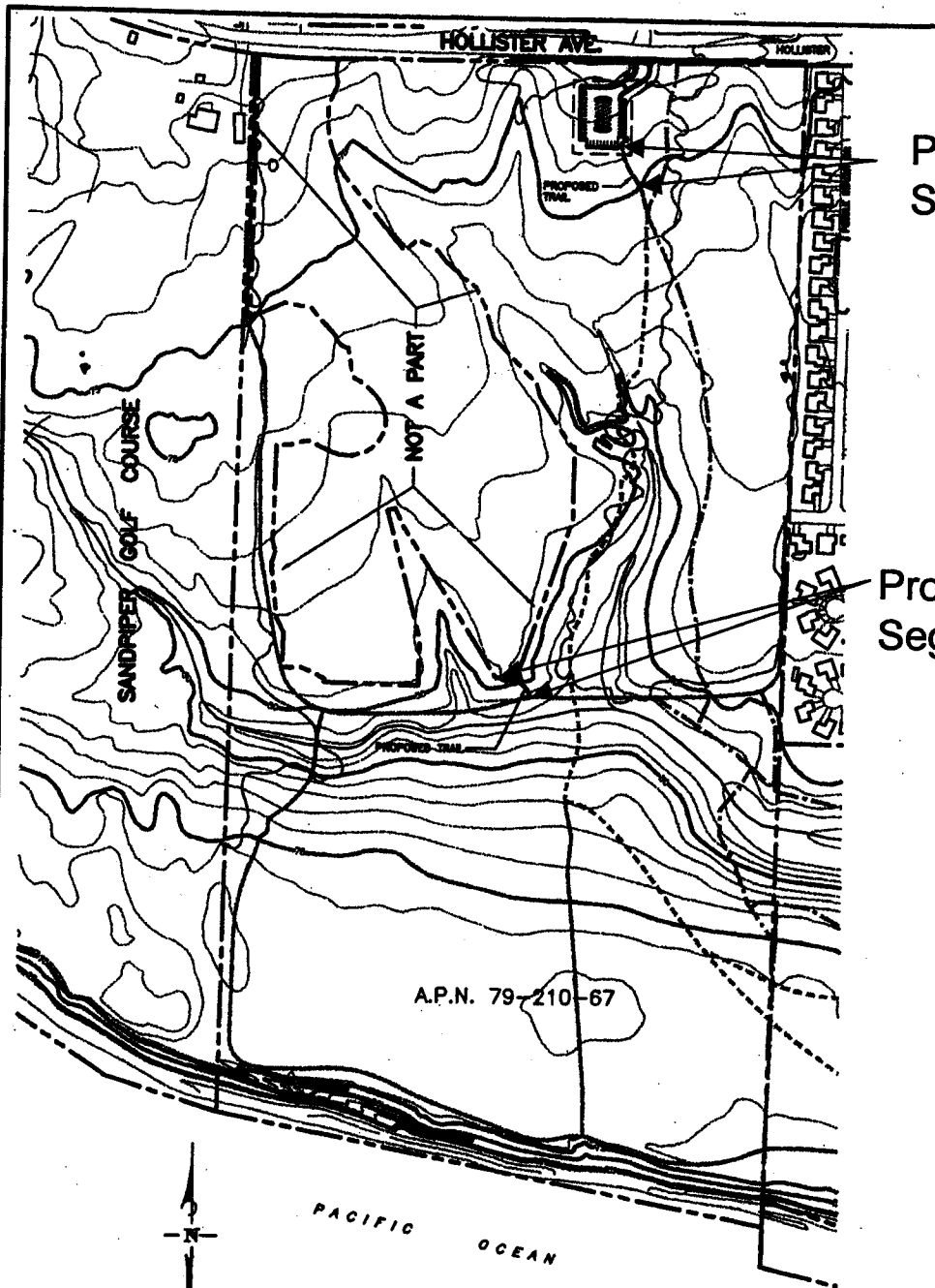
**PARCEL MAP  
67-SB-PM**

ASSESSOR'S PARCEL NO. 79-210-67  
CITY OF GOLETA, CALIFORNIA  
OCTOBER 29, 2003 REVISED JUNE 16, 2004

**MAC Design Associates**

CIVIL ENGINEERING • LAND PLANNING • BRIDGE DESIGN  
1833 CLIFF DRIVE, SUITE 5, SANTA BARBARA, CALIF. 93108 (805) 987-4748  
MICHAEL A. CACCONE PROJECT ENGINEER R.C.E. 36,887 (EXP. 3-31-08)  
SHEET 1 OF 1

**Exhibit 5  
4-04-084 & 4-04-085  
City's Proposed  
Parcel Map Case  
No. 67-SB-PM**



Proposed Trail Segment 1

Proposed Trail Segment 2

**LEGEND**

- LIMITS OF EUCALYPTUS GROVE
- PROPOSED NEW TRAIL SEGMENTS**
- MULTI-USE (PEDESTRIAN, BICYCLIST & EQUESTRIAN)
- PEDESTRIAN & BICYCLIST
- EXISTING TRAIL SEGMENTS**
- MULTI-USE (PEDESTRIAN, BICYCLIST & EQUESTRIAN)
- PEDESTRIAN & BICYCLIST
- PEDESTRIAN ONLY

**Exhibit 6**  
**4-04-084 & 4-04-085**  
**Proposed Trail**  
**Segments**

HOLLISTER AVENUE

P.C. COND. CROSS GUTTER  
AND SPANREL

TURNAROUND AREA  
(NO PARKING)

ENTRY GATE

20' BUFFER FOR  
GRADING AND  
LANDSCAPING

APPROX. LOCATION  
OF WOOD POST AND  
SPLIT RAIL FENCE

GATE (12' CLEARANCE)  
FOR EMERGENCY ACCESS

EXISTING  
TRAIL

PROPOSED  
TRAIL

SCALE 1"=20'

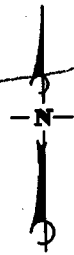
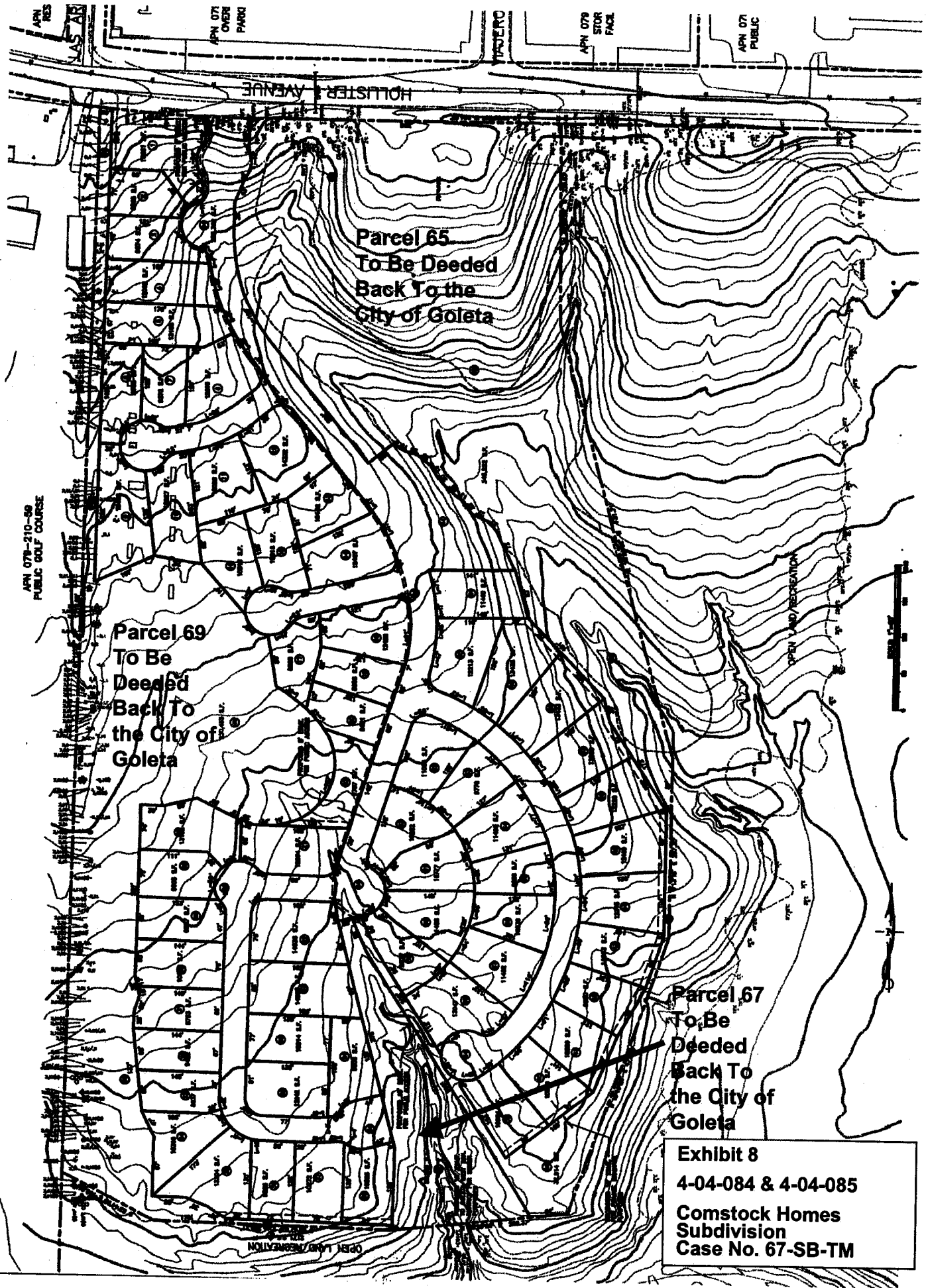


Exhibit 7  
4-04-084 & 4-04-085  
Parking Lot Site Plan



**Parcel 65  
To Be Deeded  
Back To the  
City of Goleta**

**Parcel 69  
To Be Deeded  
Back To  
the City of  
Goleta**

**Parcel 67  
To Be  
Deeded  
Back To  
the City of  
Goleta**

**Exhibit 8  
4-04-084 & 4-04-085  
Comstock Homes  
Subdivision  
Case No. 67-SB-TM**

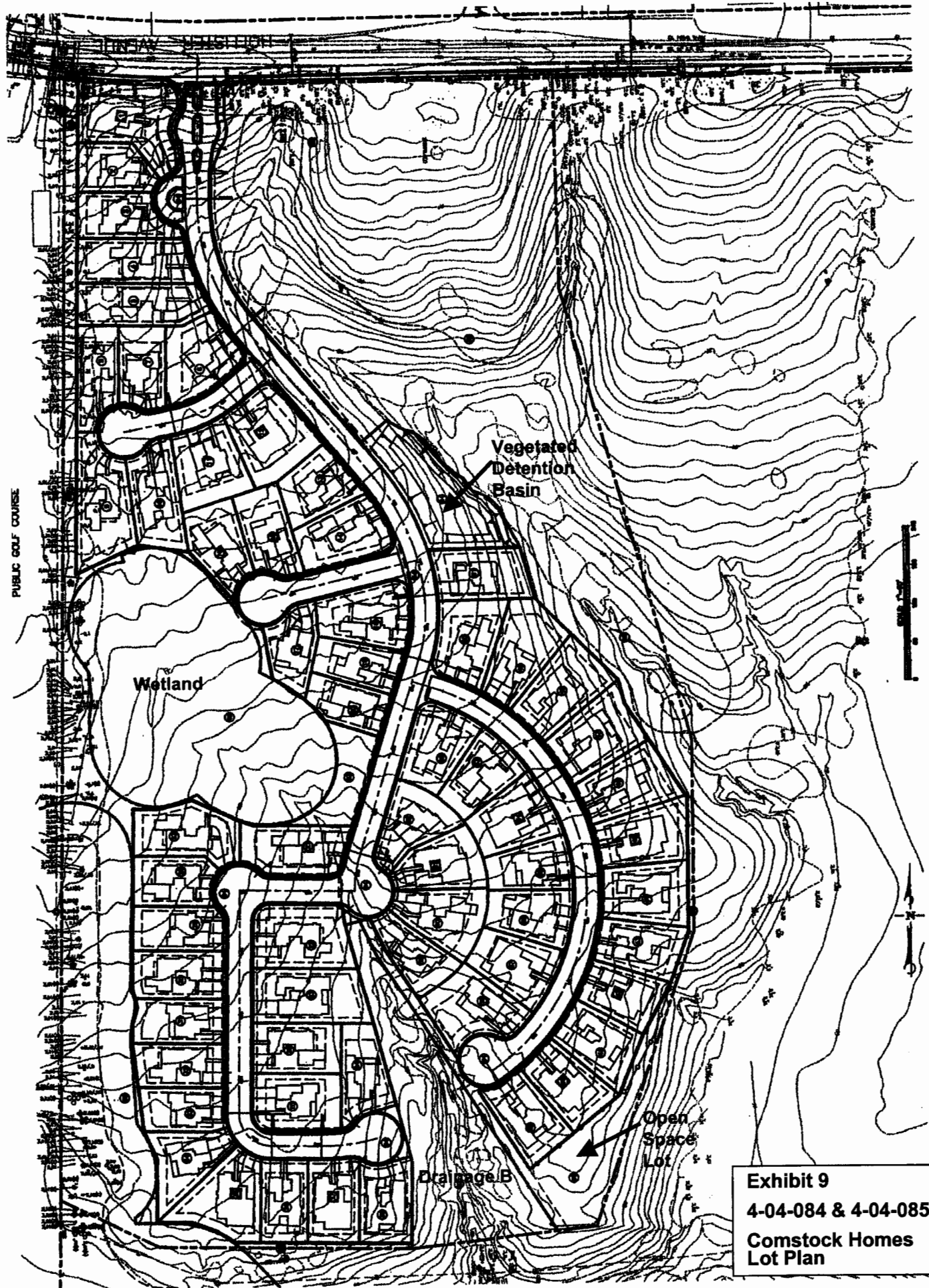


Exhibit 9  
4-04-084 & 4-04-085  
Comstock Homes  
Lot Plan

HOLLISTER AVENUE

Parcel 65  
To Be  
Deded  
Back To  
the City of  
Goleta

Parcel 69  
To Be  
Deded  
Back To  
the City of  
Goleta

Parcel 67  
To Be  
Deded  
Back To  
the City  
of Goleta

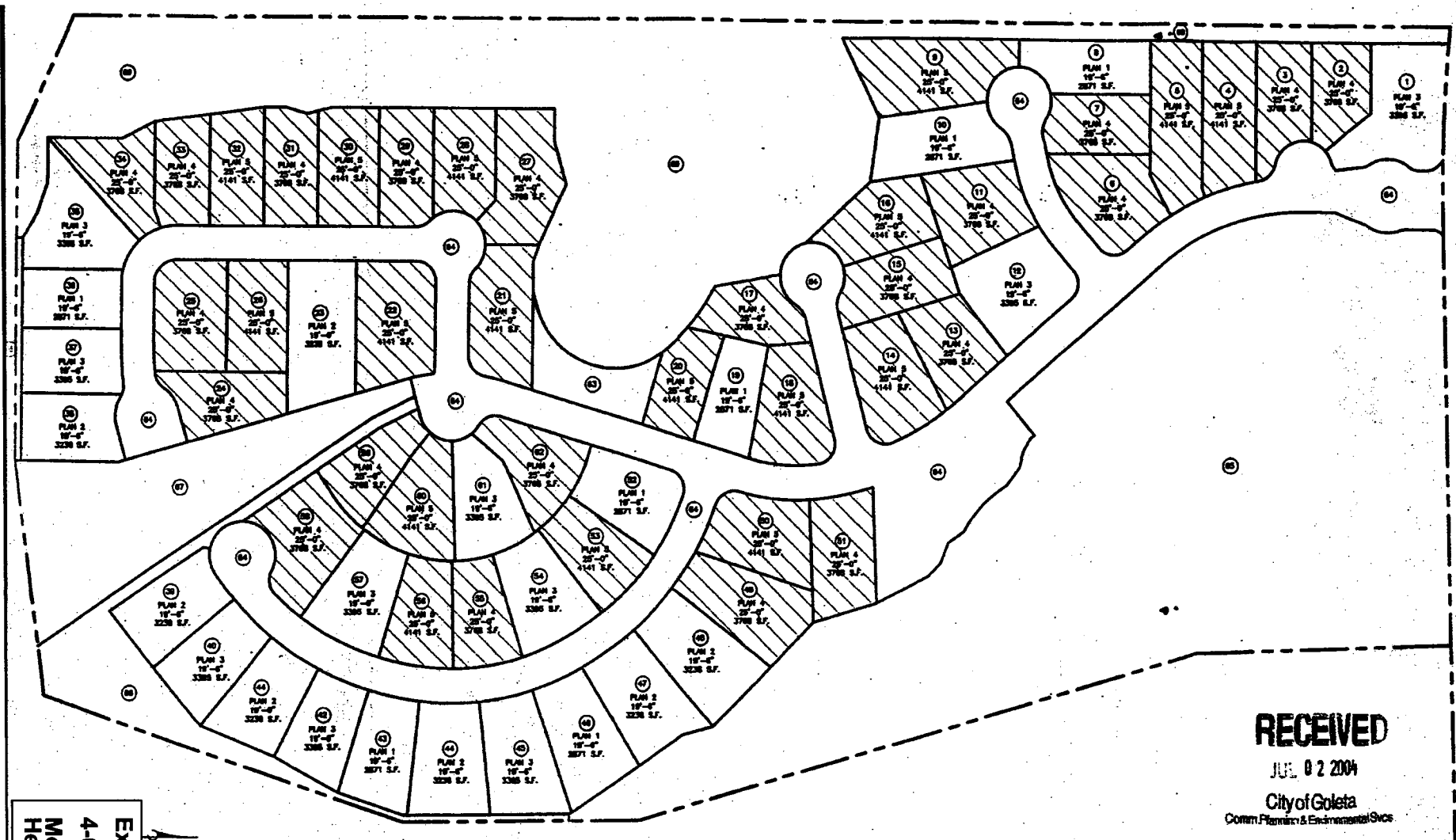
ALI D'ORO  
PUBLIC ACCESS EASEMENT

NO SCALE  
NOVEMBER 9, 2004

**LEGEND**

— PUBLIC ACCESS EASEMENT

Exhibit 10  
4-04-084 & 4-04-085  
Proposed Public Access  
Through the Comstock  
Homes Subdivision



HOLLISTER AVENUE

**RECEIVED**

JUL 02 2004

City of Goleta  
Comm Planning & Environmental Svcs

SITE PLAN DENOTING LOT NUMBER  
MODEL NUMBER, PEAK HEIGHT &  
MAXIMUM HABITABLE FLOOR AREA

NO SCALE

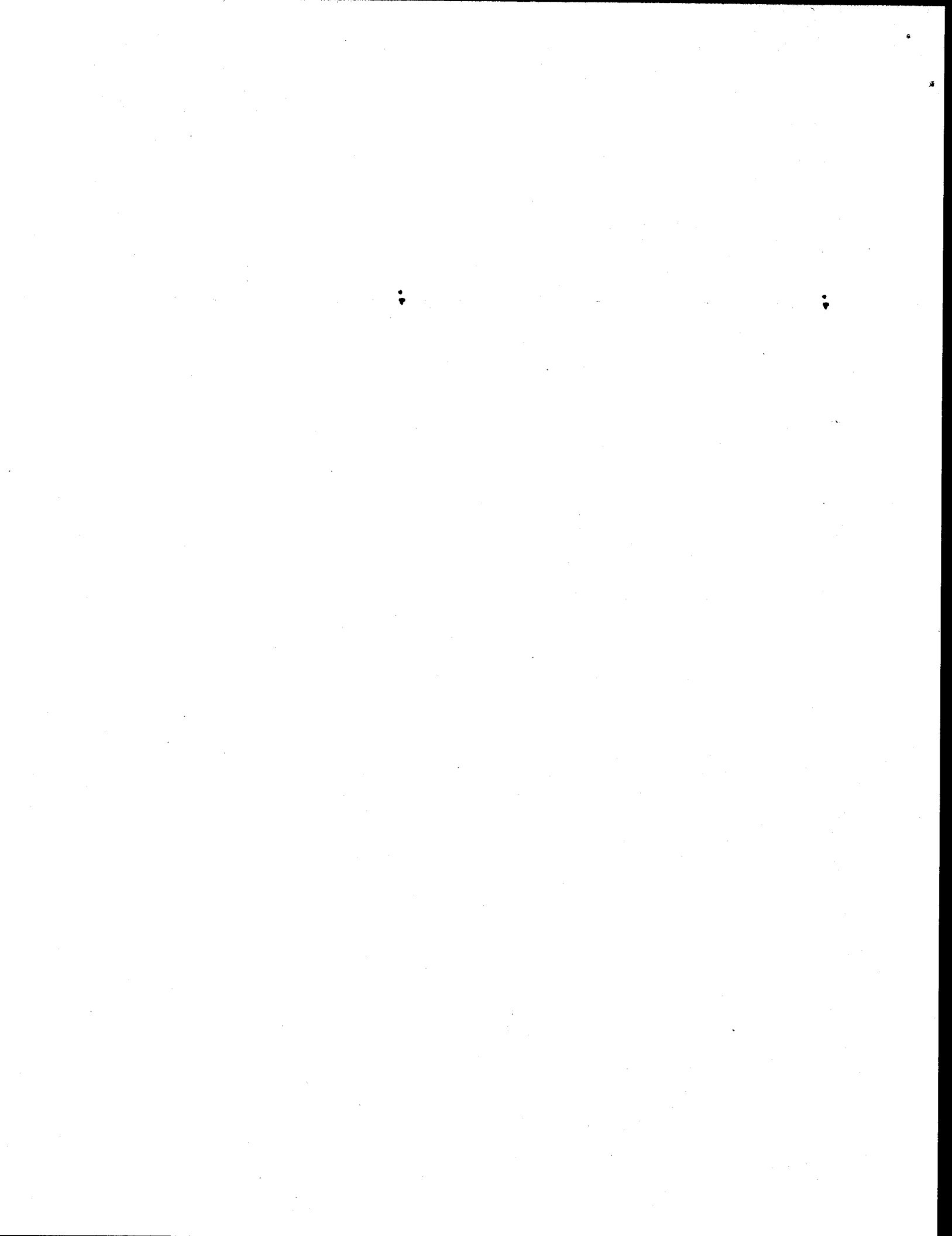
JULY 2, 2004

NOTE: 2 STORY HOME SITES ARE HATCHED

**2-story structures may be a maximum of 25 feet in height  
single-story structures may be a maximum of 19.5 feet in height**

Exhibit 11  
4-04-084 & 4-04-085  
Model Nos & Maximum  
Height of Residences

SB-TM





**Legend**

- Existing Trails with Proposed Designated Uses**
- Pedestrian Trails
  - Pedestrian and Bicycle Trails
  - Pedestrian and Equestrian Trails
  - Pedestrian, Bicycle, and Equestrian Trails
  - Potential Future Bridge or Culvert
  - Pedestrian Boardwalks
  - Pedestrian and Bicycle Boardwalks
- (23) Proposed Trail Identification Code

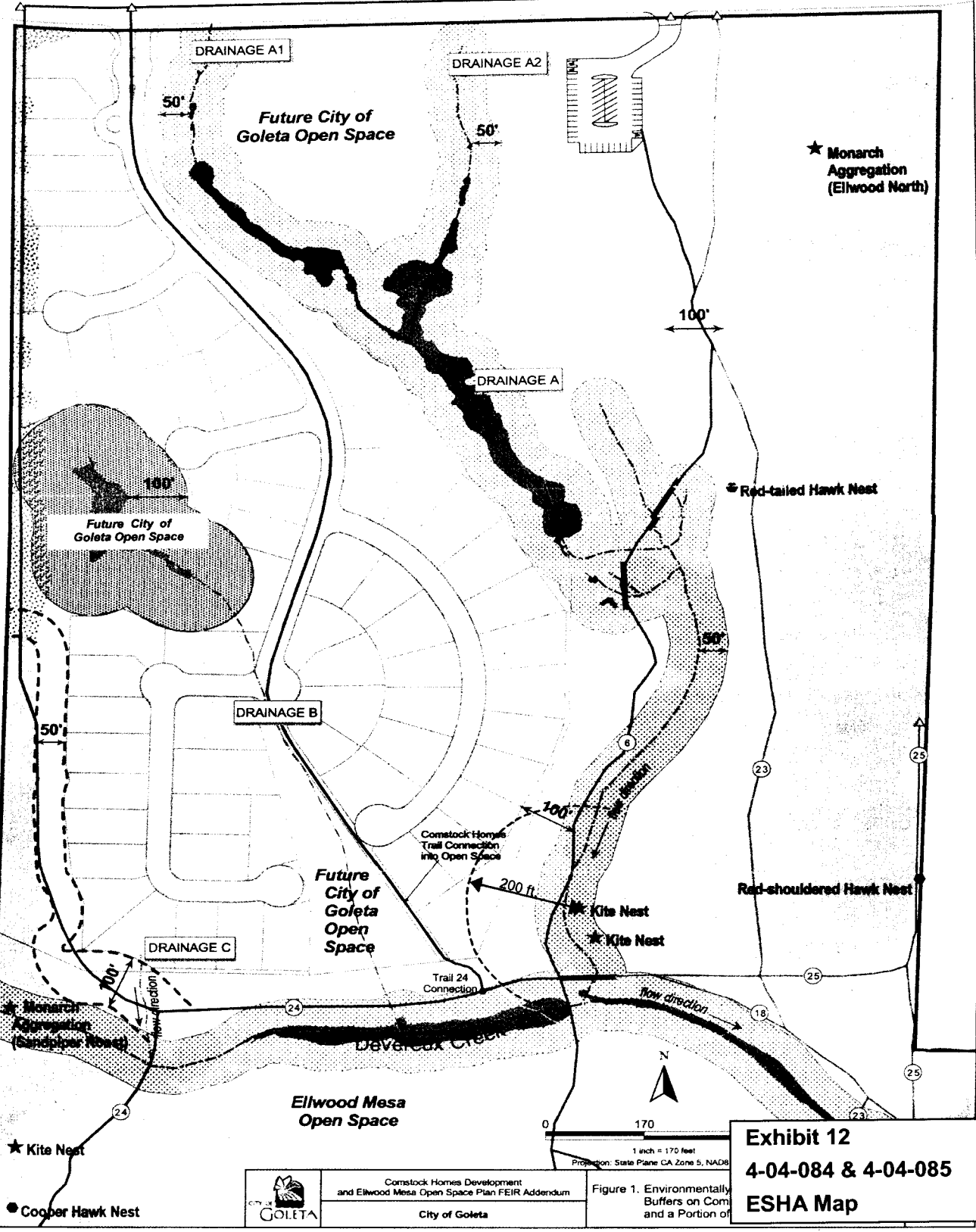
- Existing or Proposed Trail Features**
- ⊛ Existing Beach Access Points to be Maintained
  - △ Existing and New Public Coastal Access Points (Trailheads)
- Special Status Species**
- Hawk Nest
  - ★ Kite Nest
  - ★ Monarch Butterfly Aggregation
- Streams and Swales**
- Drainage Swale
  - Stream Channel

- Environmentally Sensitive Habitat (ESH)**
- ▨ CDFG/CCC Wetland
  - ▨ Stream/Riparian ESH
  - ▨ Raptor Nest and Butterfly Aggregation (Eucalyptus Woodland)
- ESH Buffers**
- ▨ Applicant's ESH Buffer
  - ▨ Stream/Riparian Buffer (50ft)
  - ▨ Wetland Buffer (100ft)
  - ▨ Raptor Nest and Butterfly Aggregation (50-100 ft)

- Other Non-ESH**
- ▨ Eucalyptus Windrow
  - ▨ Native Grassland
- Project Components**
- ▨ Proposed Parking
  - ▨ Detention Basin
  - ▨ Proposed Comstock Homes
  - ▨ Residential Development

Note: Location of eucalyptus woodland/ raptor ESHA, stream/riparian areas, and native grasslands as per CAD files provided by MAC Design Associates in December 2003 and May 2004.

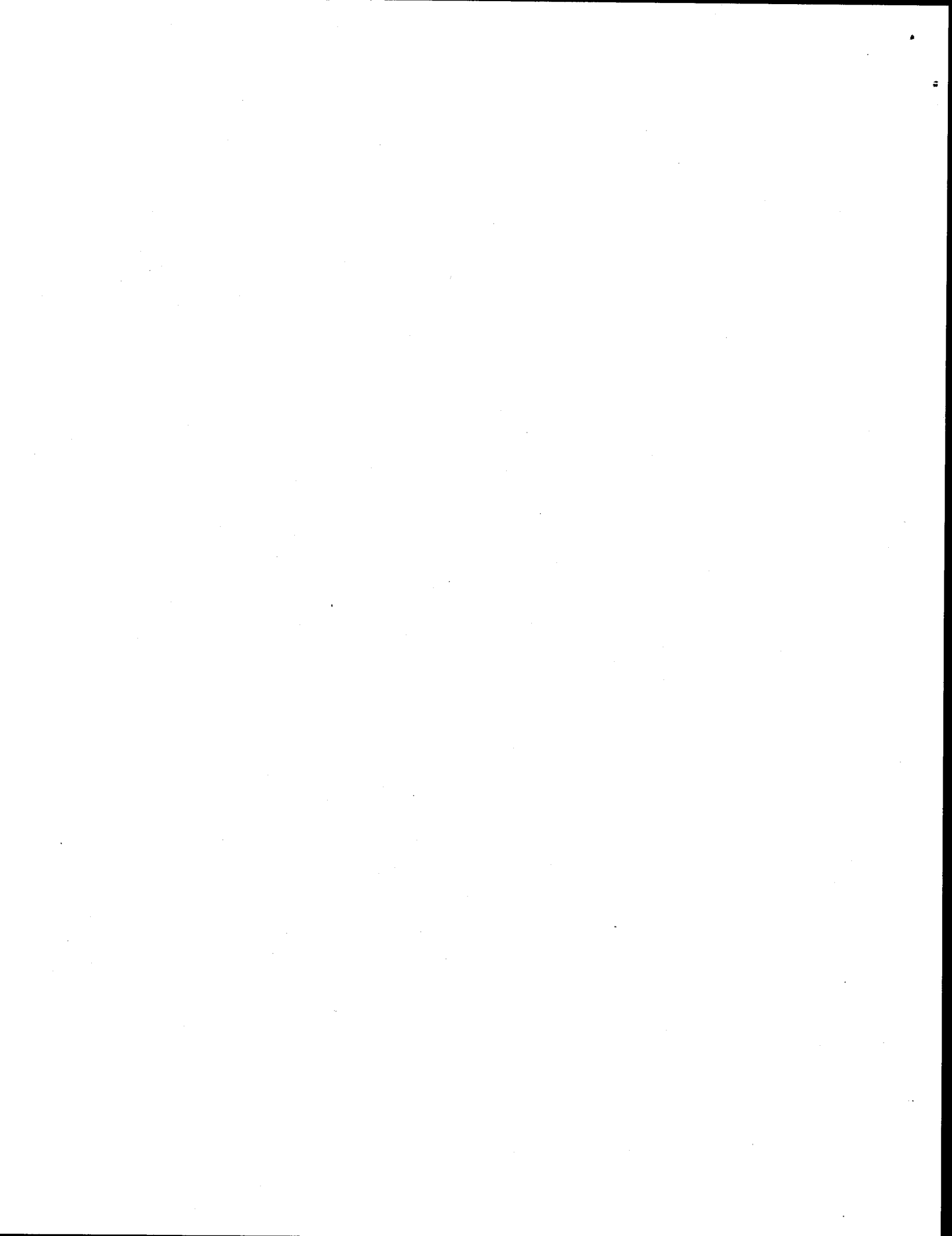
\*The City of Goleta requires a 100-foot setback (buffer) for wetlands and a 50-foot setback (buffer) for streams or riparian corridors. The stream/riparian buffer may be adjusted upwards or downwards to reflect the quality of the habitat. In the case of Drainages A, A1, and A2, a 50-foot buffer has been applied. The 50-foot buffer starts from the outer edge of the wetland feature or the stream bank, whichever is greater.



**Exhibit 12**  
**4-04-084 & 4-04-085**  
**ESHA Map**

Figure 1. Environmentally Sensitive Habitat Buffers on Comstock Homes and a Portion of Ellwood Mesa Open Space

Prepared by: [unreadable] for the City of Goleta, California. All rights reserved.



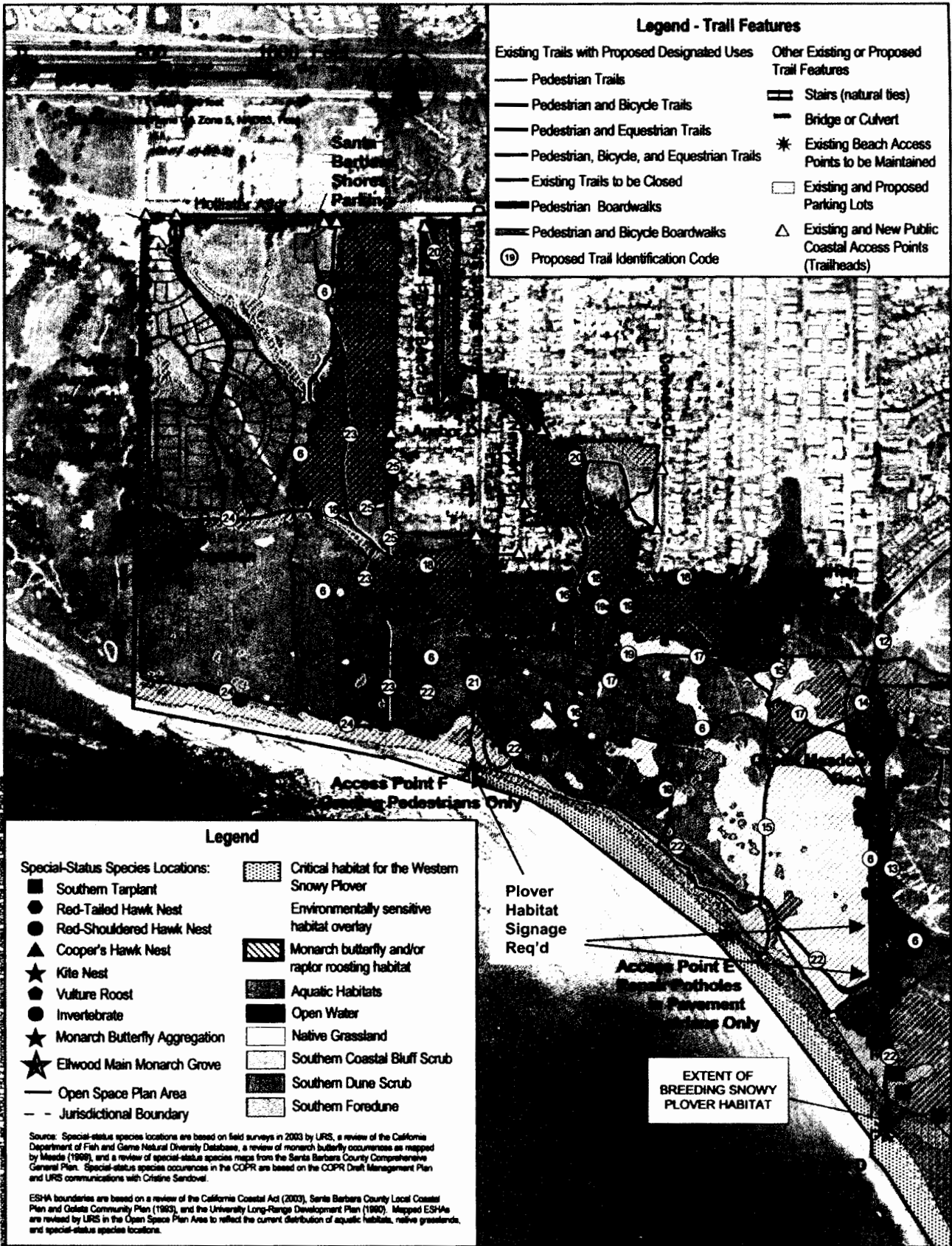
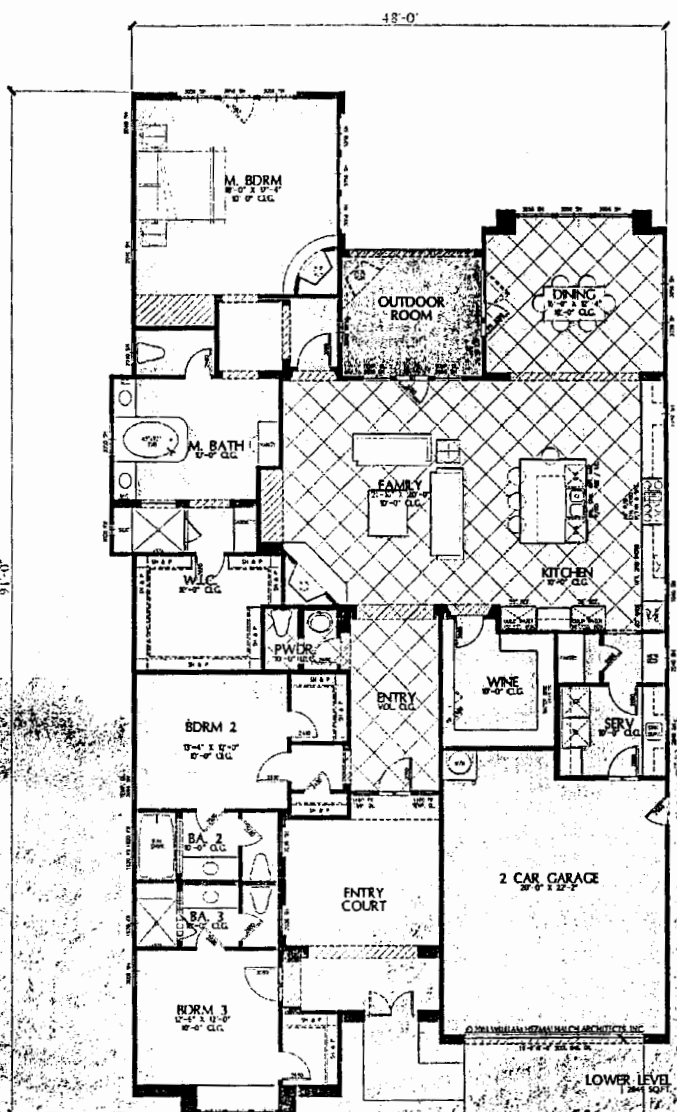
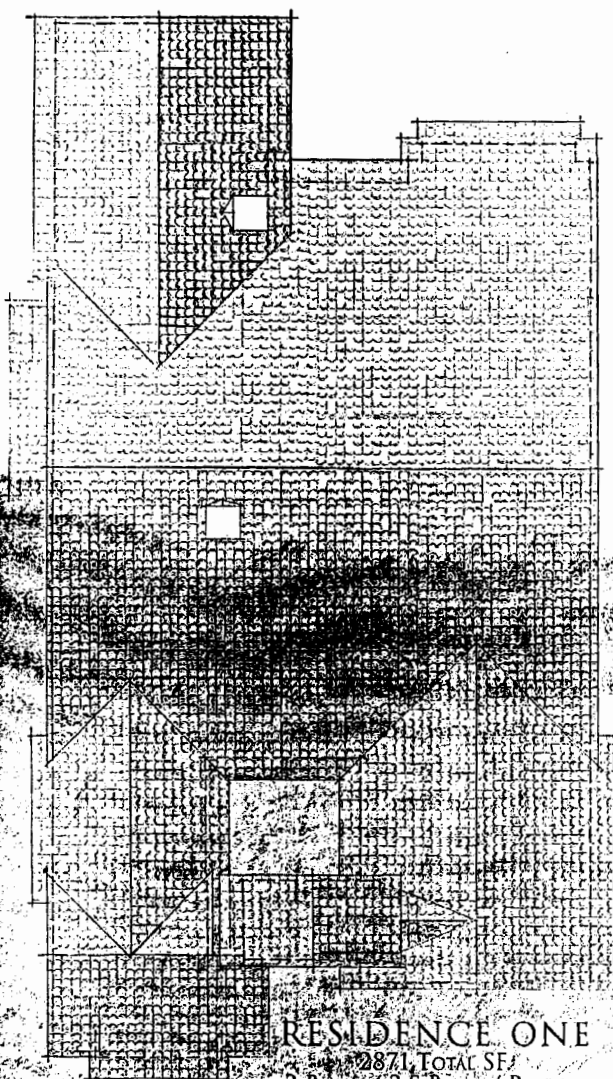


Figure 2. Proposed Trails and Environmental Sensitive Habitat Areas Within the Elwood Open Space Plan

**Exhibit 13**  
 4-04-084 & 4-04-085  
 Future Planned Open Space Program





**RESIDENCE ONE**  
 2871 TOTAL SF  
 3 BDRM / 3.5 BATH / RETREAT  
 2 CAR TANDEM  
 PLAN LOT 7 DEPTH OF HILL ELEV. FROM GP  
 30' 3' 0" 65.00' FG  
 62.00' EX

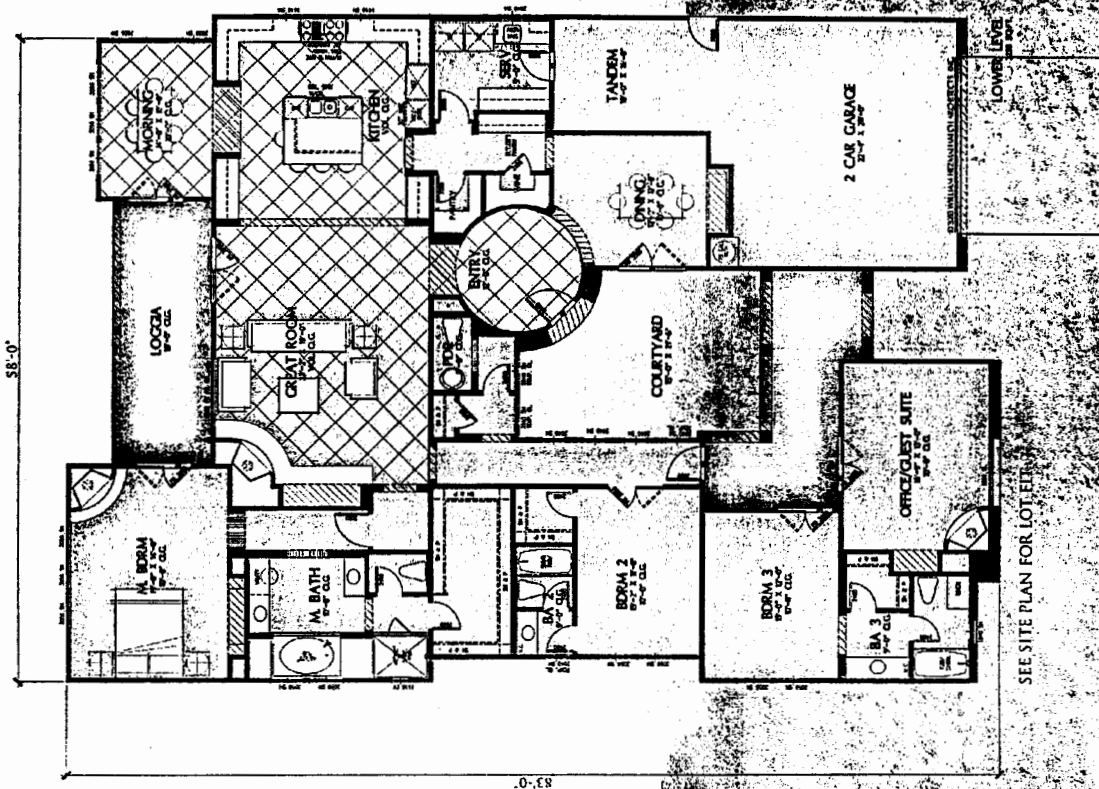
SEE SITE PLAN FOR LOT FIT

**EXHIBIT 14a**  
 4-04-084 & 4-04-085  
 Model #1 Floor Plan

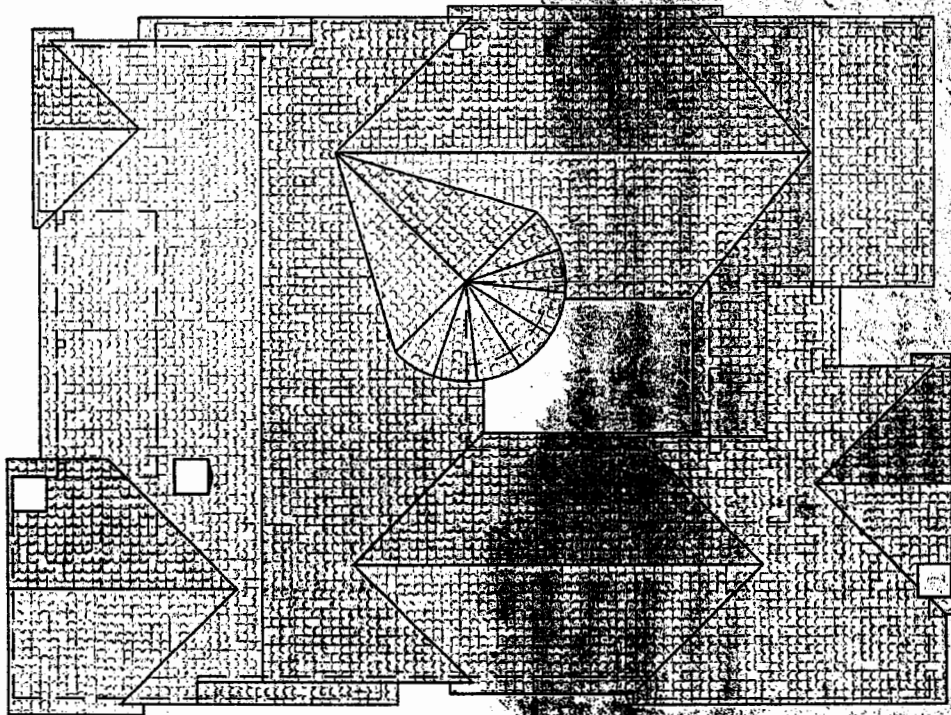
# ALI D'ORO

GOLETA, CALIFORNIA

COMSTOCK HOMES WILLIAM HEZMALHALGH ARCHITECTS, INC.



SEE SITE PLAN FOR LOT ETC.

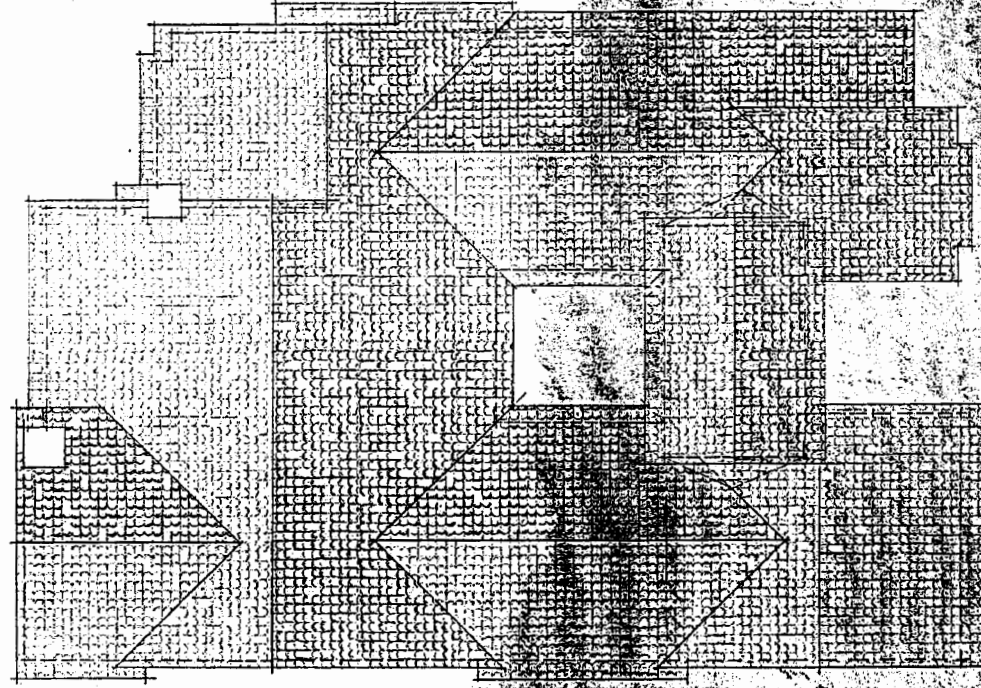
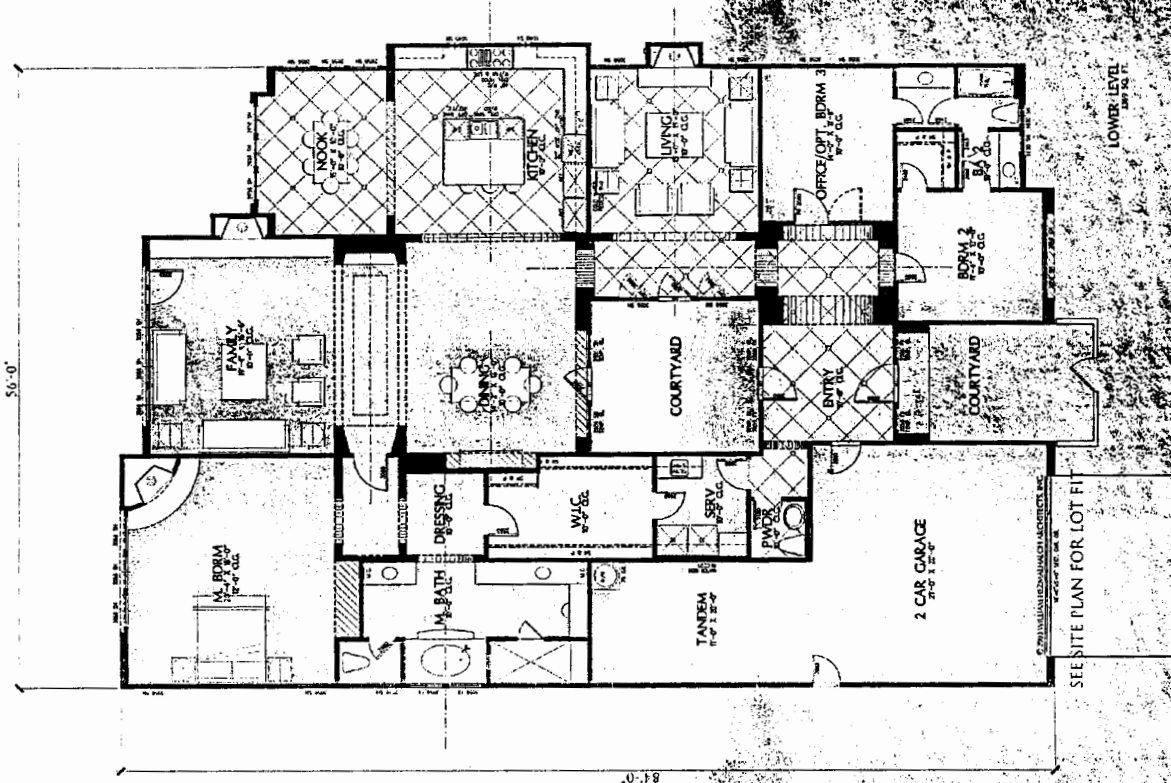


**RESIDENCE TWO**

3,238 TOTAL SF.  
 3 BDRM / 3 1/2 BATH / OFFICE / GUEST SUITE  
 2 CAR GARAGE / STORAGE  
 PLAN NO. 4-04-084 & 4-04-085  
 ELEV. FROM GP. 62.80 FT.  
 60.00 FT.

**EXHIBIT 14b**  
**4-04-084 & 4-04-085**  
**Model #2 Floor Plan**

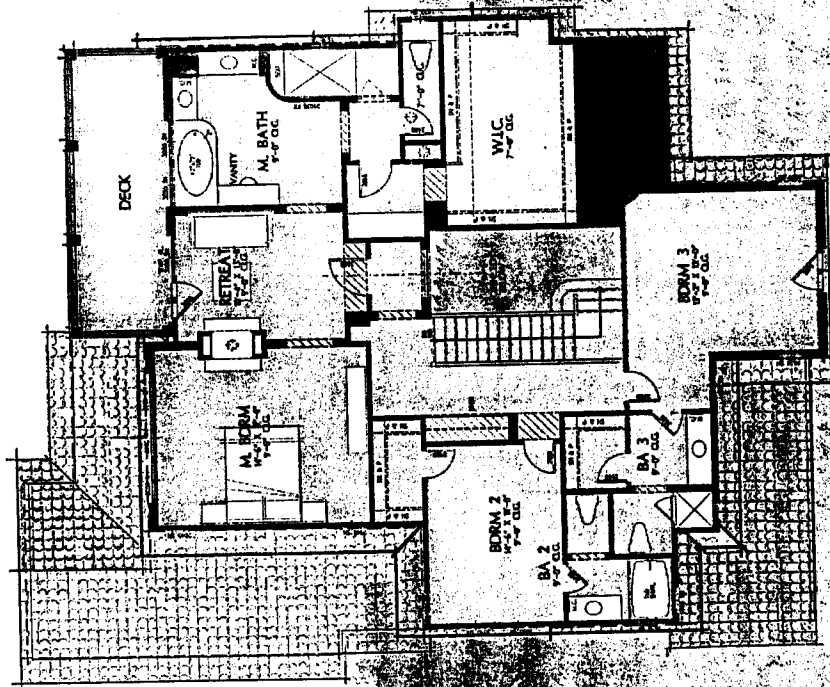
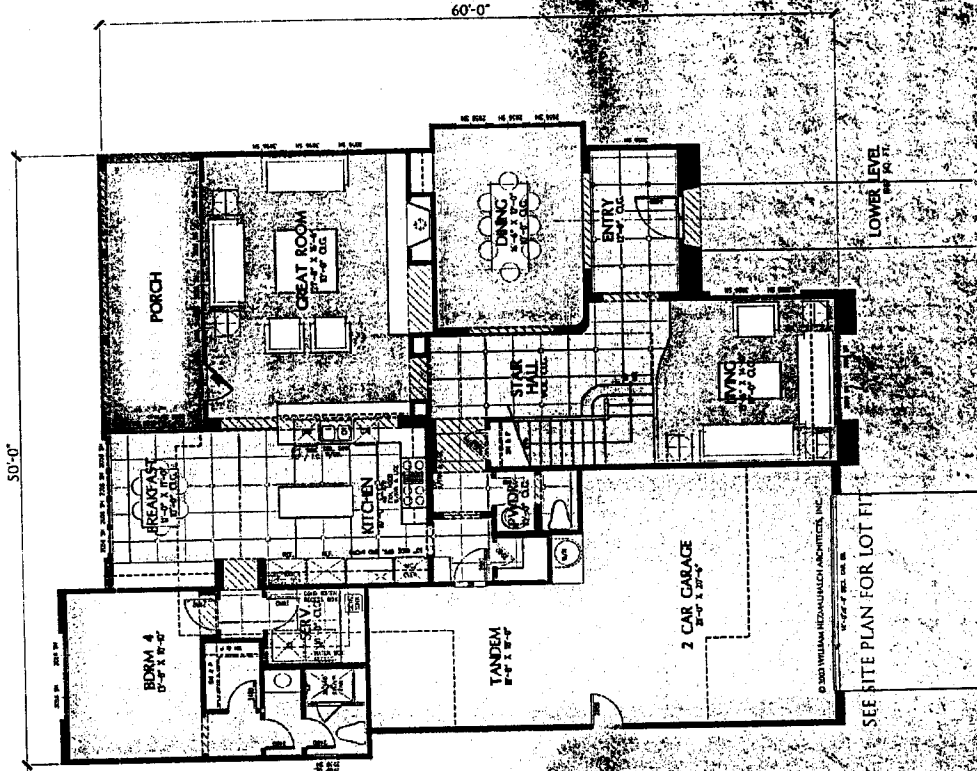
**ALLI D'ORO**  
 A CALIFORNIA ARCHITECTS, INC.  
 COMSTOCK HOMES WILLIAM HEZMELT ARCHITECTS, INC.



RESIDENCE THREE  
 3395 TOTAL SF.  
 2 BDRM / 2 S. BATH / OPT. BDRM 3 / OFFICE  
 3 CAR TANDEN  
 PLAN 3-0111 DEPTH OF ELL 67.80'  
 ELEV. FROM GE 60.00'

EXHIBIT 14c  
 4-04-084 & 4-04-085  
 Model #3 Floor Plan

ALI D'ORO  
 GOLETA CALIFORNIA  
 COMSTOCK HOMES  
 WILLIAM HEZMA HATCH ARCHITECTS, INC.  
 2001324.00 FEBRUARY 17, 2004



**RESIDENCE FOUR**

3768 TOTAL SF

4 BRM 4 S BATH / RETREAT

3 CAR 2 TANDM

ELV. FROM GP

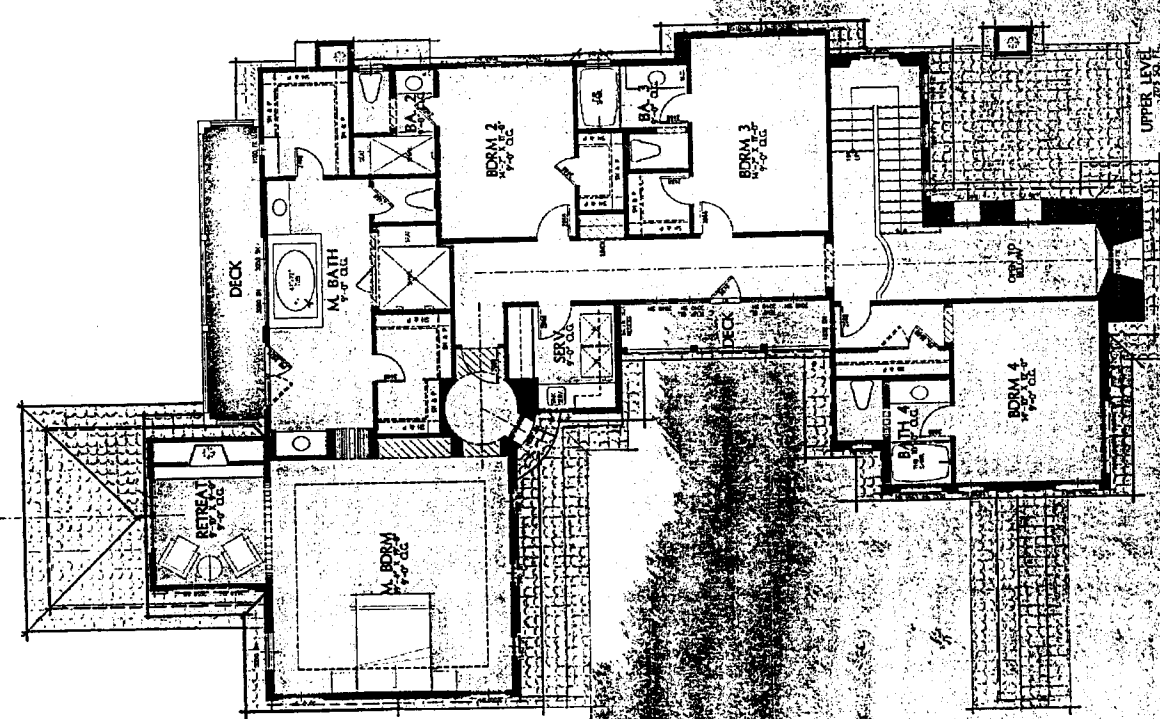
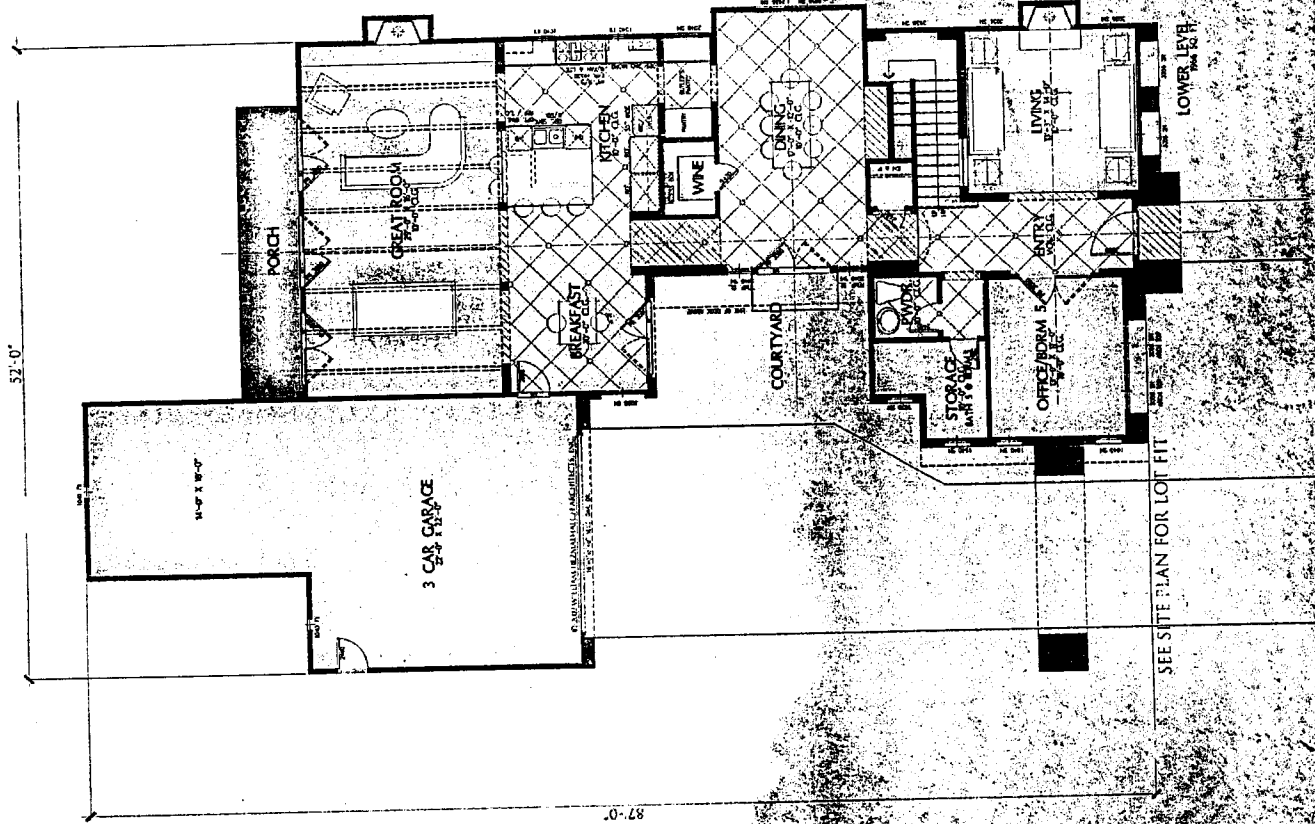
6' 30" FC

PLAN

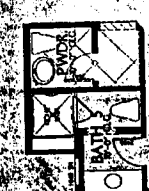
LOT 4 DEPT OF ELL

**EXHIBIT 14d**  
**4-04-084 & 4-04-085**  
**Model #4 Floor Plan**





**RESIDENCE FIVE**  
 4141 TOTAL SF  
 4 BDRM / 4.5 BATH / OFFICE / OT / BDRM 5 & BATH 5  
 3 CARS / 3 CARS / 3 CARS / 3 CARS  
 1 PLAN LOT 100' x 100' ELEV. SKOM GP 60'60' FG 58'00' BK



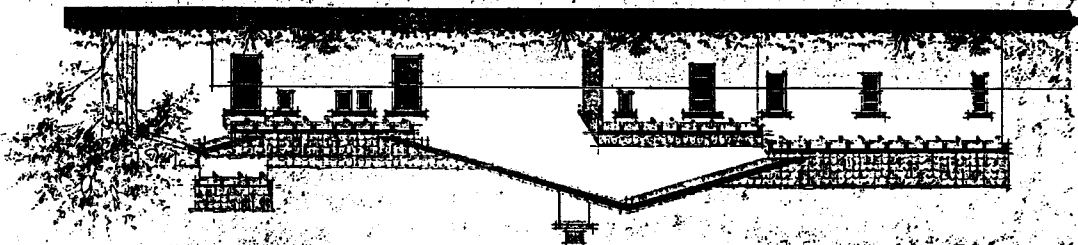
**EXHIBIT 14e**  
**4-04-084 & 4-04-085**  
**Model #5 Floor Plan**

ALL INFORMATION IS UNCLASSIFIED

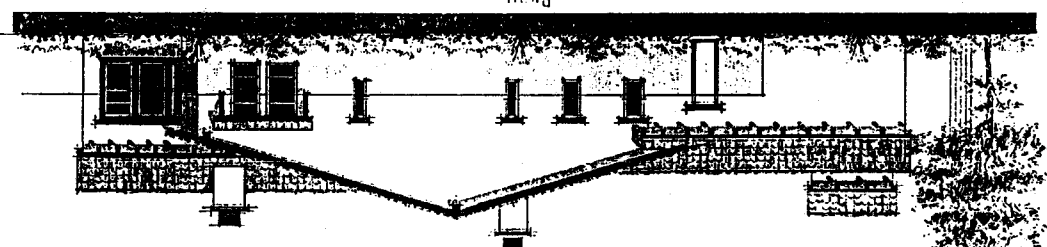
EXTENSION, RUSTIC ELEVATIONS  
RESIDENCE ONE



ROOF PLAN  
1/8" = 1'-0"

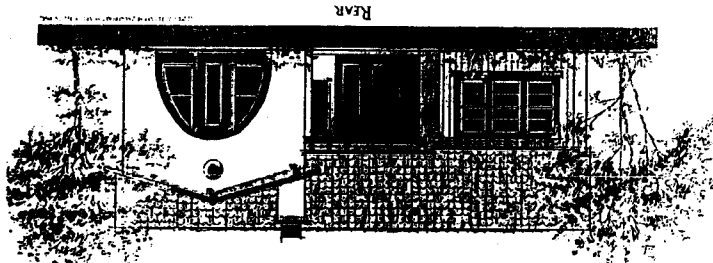


Left

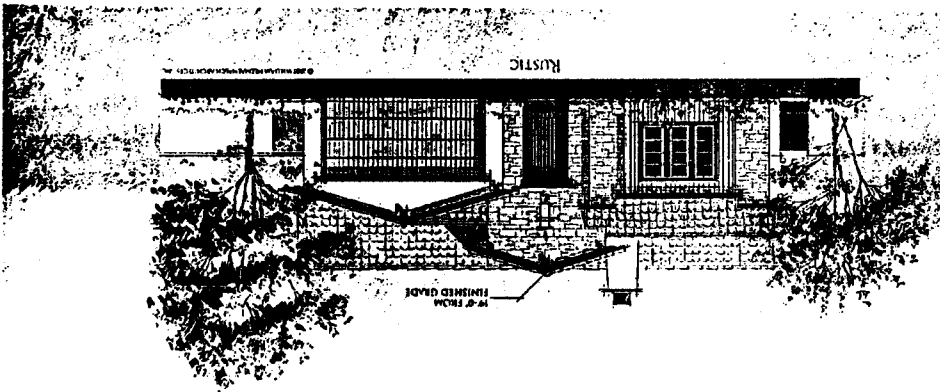


Right

25' 0" FROM  
FINISHED GRADE

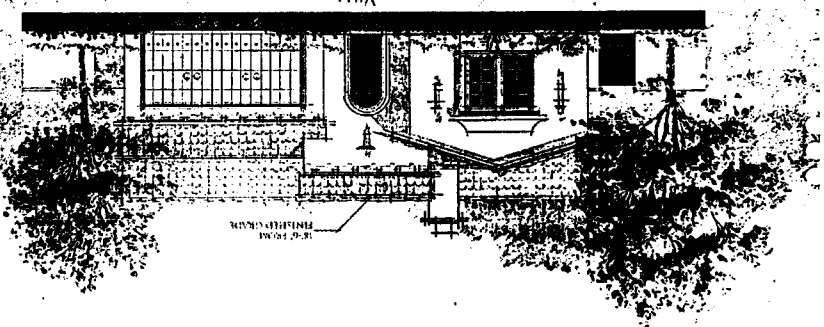


Rear



Rustic

14' 0" FROM  
FINISHED GRADE



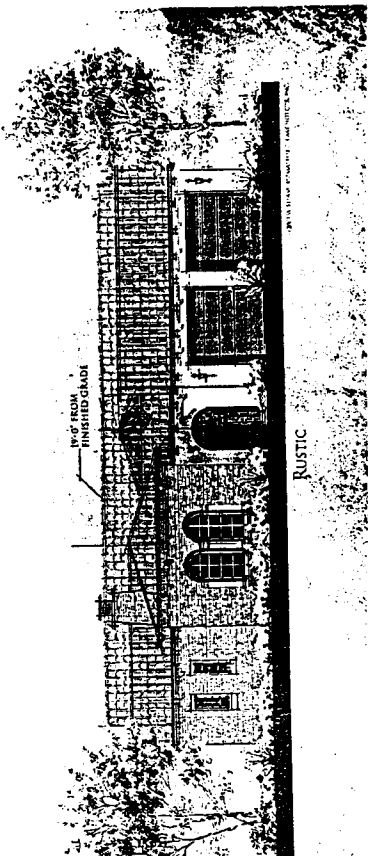
Villa

16' 0" FROM  
FINISHED GRADE

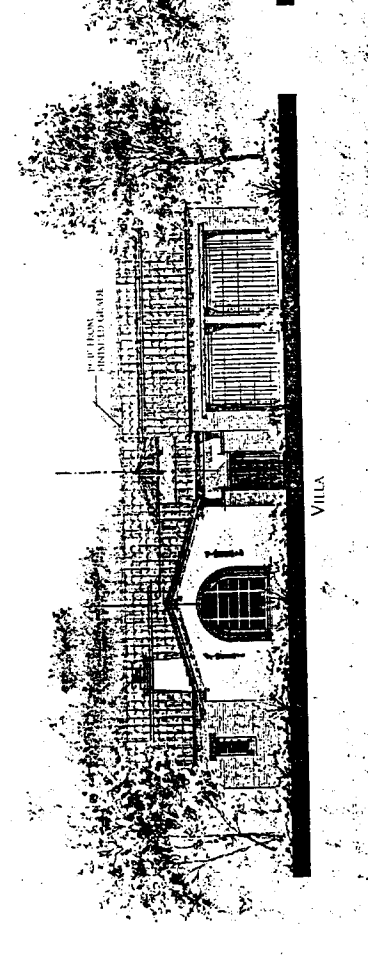
EXHIBIT 15a

4-04-084 & 4-04-085

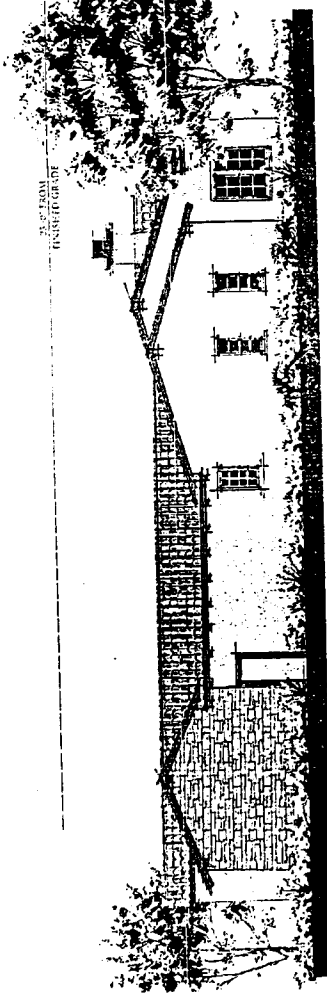
Model #1 Elevations



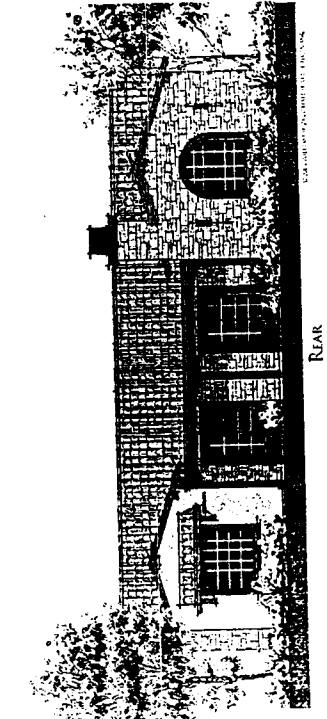
VILLA



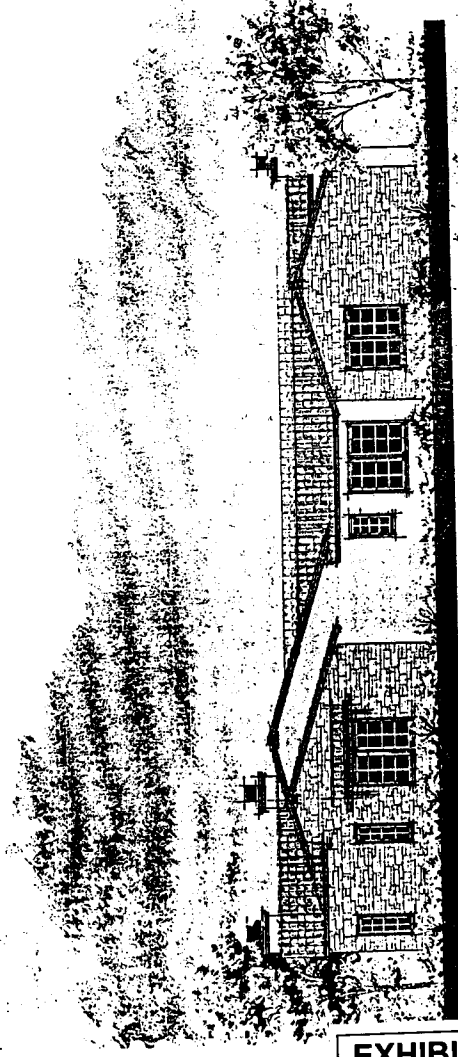
RUSTIC



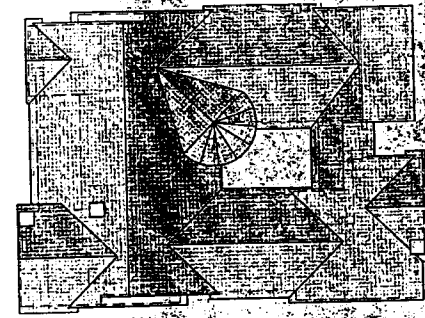
RIGHT



REAR



LEFT



ROOF PLAN

EXTERIOR VILLA ELEVATIONS  
RESIDENCE TWO

ALLI D'ORO

EXHIBIT 15b  
4-04-084 & 4-04-085  
Model #2 Elevations

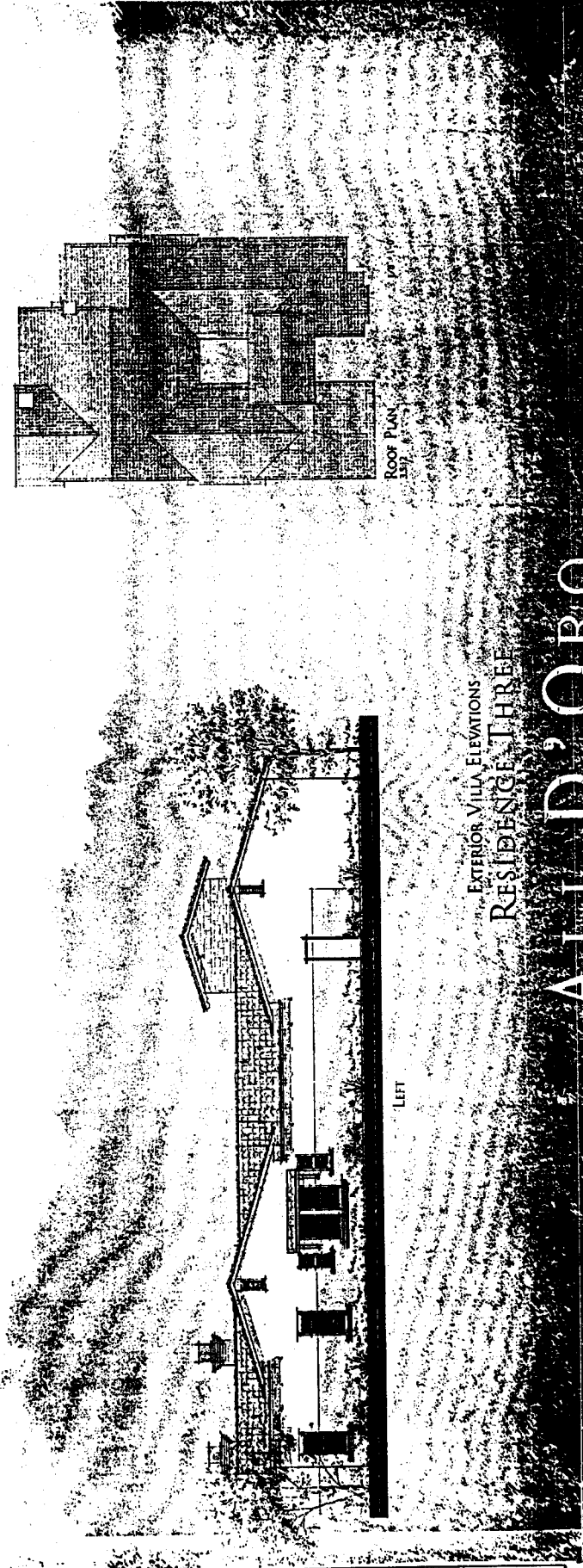
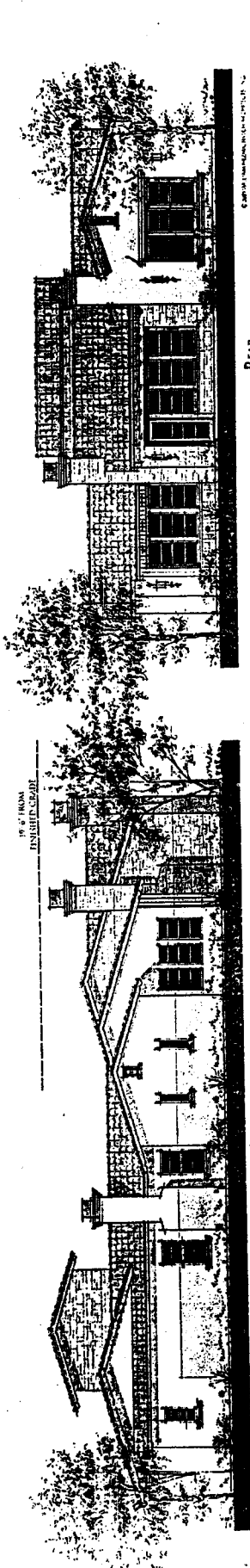
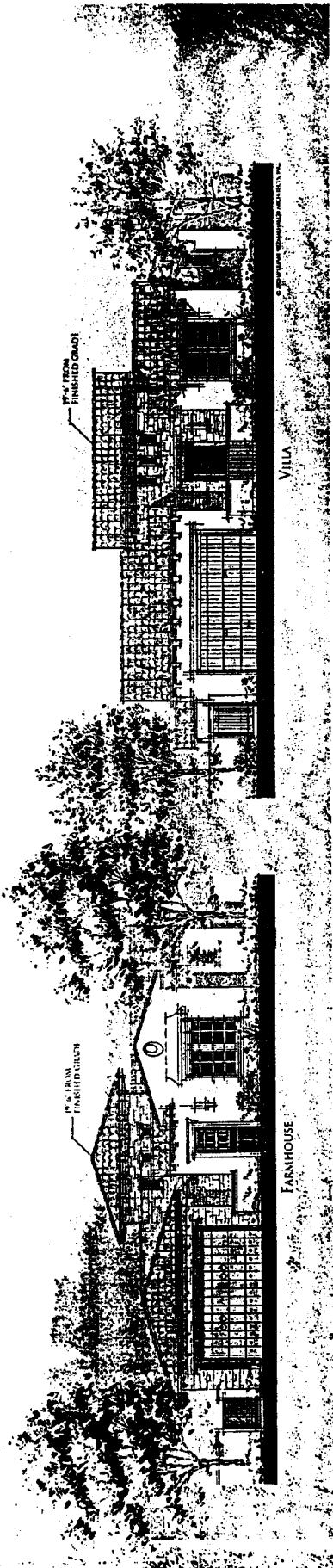


EXHIBIT 15c  
 4-04-084 & 4-04-085  
 Model #3 Elevations

EXTERIOR VILLA ELEVATIONS  
 RESIDENCE THREE  
 ALFRED O'RO

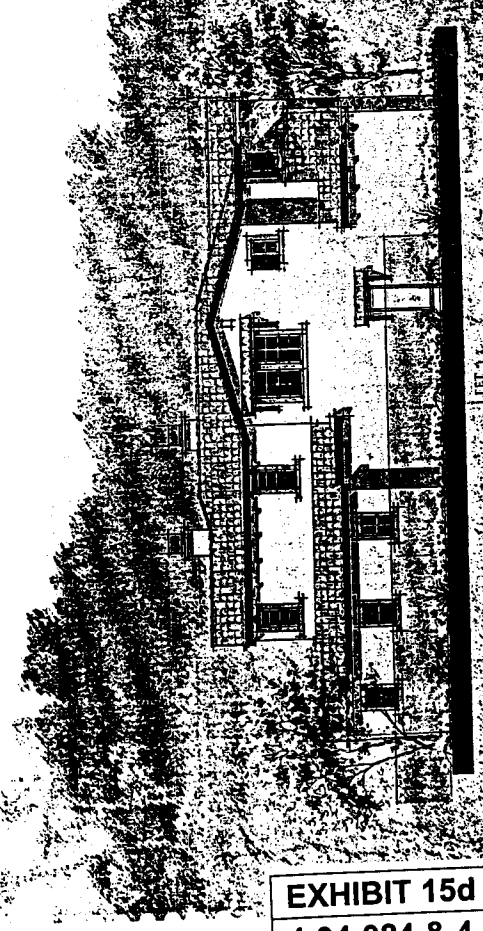
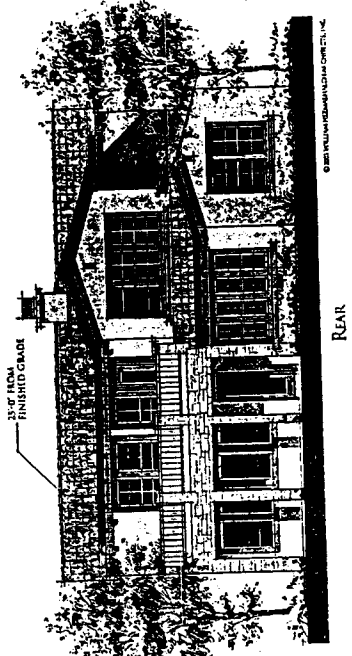
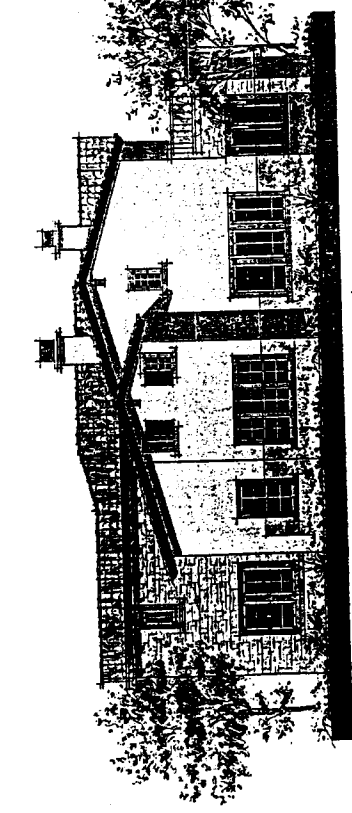
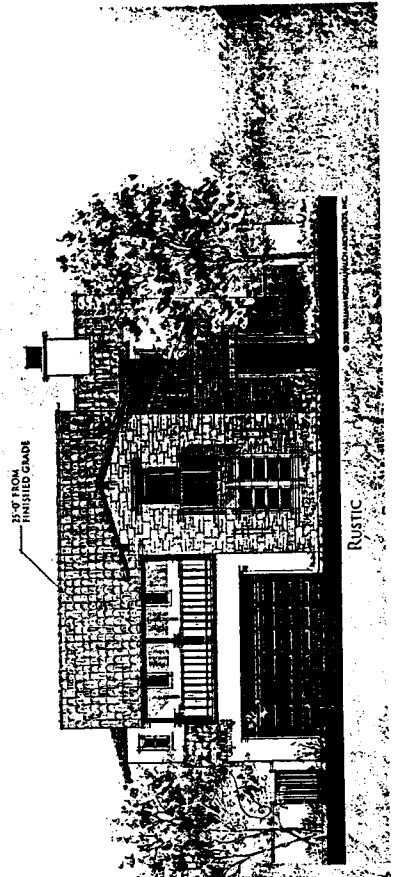
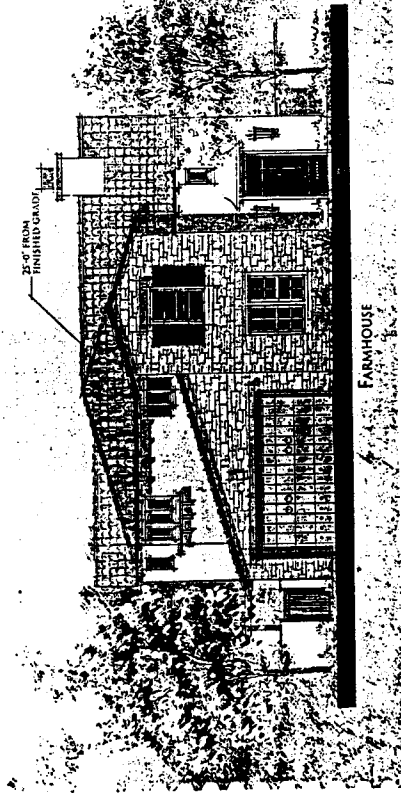
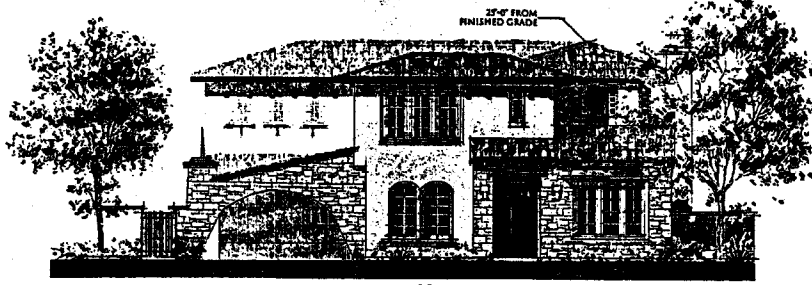


EXHIBIT 15d  
 4-04-084 & 4-04-085  
 Model #4 Elevations

EXTERIOR FARMHOUSE ELEVATIONS  
 RESTRICTIONS FROM



VILLA



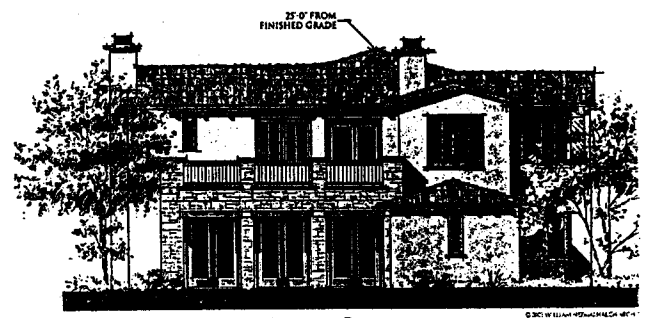
RUSTIC



FARMHOUSE



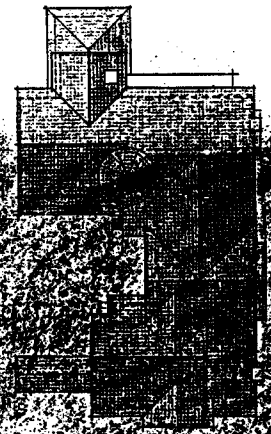
RIGHT



REAR



LEFT



LOOK DOWN

EXTERIOR FARMHOUSE ELEVATION  
RESIDENTIAL PLAN

# ALI D'ORO

GOLETA, CALIFORNIA

CONSTOCK HOMES WILLIAM HEZMALHALCH ARCHITECT

EXHIBIT 15e  
4-04-084 & 4-04-085  
Model #5 Elevations