

CALIFORNIA COASTAL COMMISSION

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November 24, 2010

TO: Coastal Commissioners and Interested Parties

FROM: Charles Lester, Senior Deputy Director
Elizabeth A. Fuchs, AICP, Manager, Statewide Planning Unit
Allyson C. Hitt, Statewide Planning Analyst

RE: Annual Report on Protecting Conservation/Open Space OTDs

The Commission's Conservation/Open-Space Easement Program continues to research, document and negotiate acceptance of conservation and open space Offers to Dedicate (OTDs) easements required as mitigation through past Commission permit actions. This report summarizes the progress made in 2010 to achieve permanent protection of coastal resources through the acceptance of these OTDs.



Figure 1: Wetland open space easement, Moro Cojo Slough, Moss Landing, Monterey County. 2003.

Acceptances Achieved in 2010

Staff successfully negotiated acceptance of 40 OTDs covering over 670 acres of sensitive lands. Resources protected by these acceptances include 150 acres in the Malibu Canyon Significant Watershed, wetlands in Monterey and San Diego Counties, and riparian ESHA and butterfly habitat in the Santa Monica Mountains.

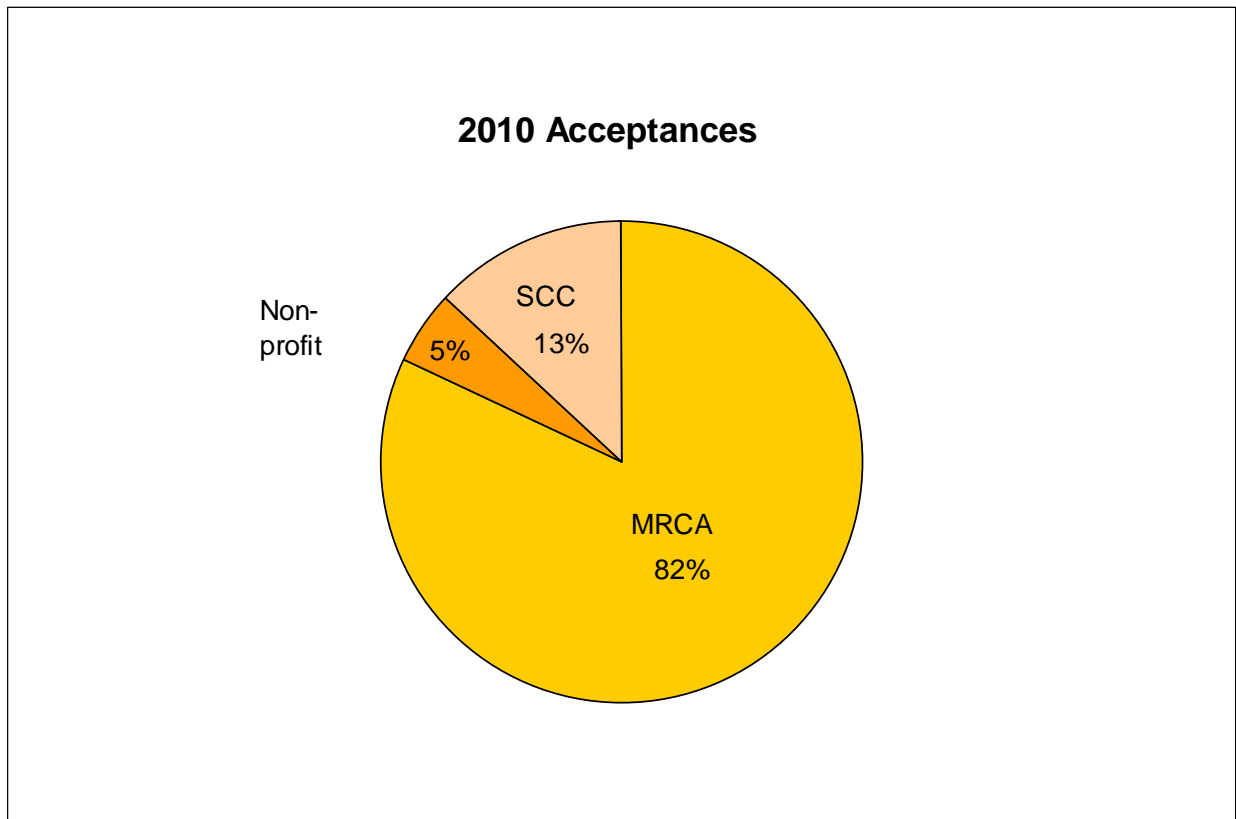
Over 80% (33 of 40) of the conservation OTDs were accepted by the Mountains Recreation and Conservation Authority (MRCA) in the Santa Monica Mountains. Close to half of these easements retire lots in the small lot subdivisions in the mountains, under the Commission's Transfer of Development Credit (TDC) Program.

Friends of Los Penasquitos Canyon Preserve accepted another OTD in San Diego, bringing their total number of Coastal Commission easements to eight. The Land Trust for Santa Barbara County accepted management responsibility for their first Coastal Commission easement, which consists of 68 acres slated for habitat restoration adjacent to Devereux Slough.

The State Coastal Conservancy also accepted five OTDs for which staff was unable to find a local government or nonprofit entity currently willing to hold the easement. One of these is at Moro Cojo Slough in northern Monterey County, where it was discovered that development was encroaching into the easement area. The Commission's Enforcement Unit is working to resolve the violation and the Conservancy will hold the easement until the matter is resolved. The easement will then be transferred to the Elkhorn Slough Foundation, which maintains eight other Commission easements in the area.

No offers expired in 2010.

Figure 2



Attachment A illustrates some of the resources protected through acceptance of these easements. **Attachment B** includes the entire list of 2010 acceptances.

Total Acceptances to Date

Despite the Commission's continuing limited resources to implement the Conservation/Open Space Program, staff has been able to negotiate the acceptance of 63% of the current outstanding OSE OTDs required by the Commission since 1974. These easements protect over 5,580 acres of wetlands, ESHA, viewsheds, and agricultural and archaeological resources. This number undercounts the actual acreage protected by Commission actions because currently acreage is reported for only 60% of OTDs accepted to date. Last year's report cited total acreage for only 28% of easements; however, this year staff devoted time to collect more of this information from paper copy easement files.

Figure 3

Overall Status of OTDs

	Total Number by End of 2010	Total Percent by End of 2010
Accepted	565	63%
Expired/Allowed to Lapse	32	4%
Remaining To Be Accepted	294	33%
TOTAL	891	100%

Attachment C includes a complete list of accepting entities. Public agencies have accepted 474, or 84% of the total conservation/open space OTDs accepted to date, while non-profit entities have accepted 91, or 16%.

Progress in the last eight years since annual reports began is shown below in Figure 4¹.

Figure 4

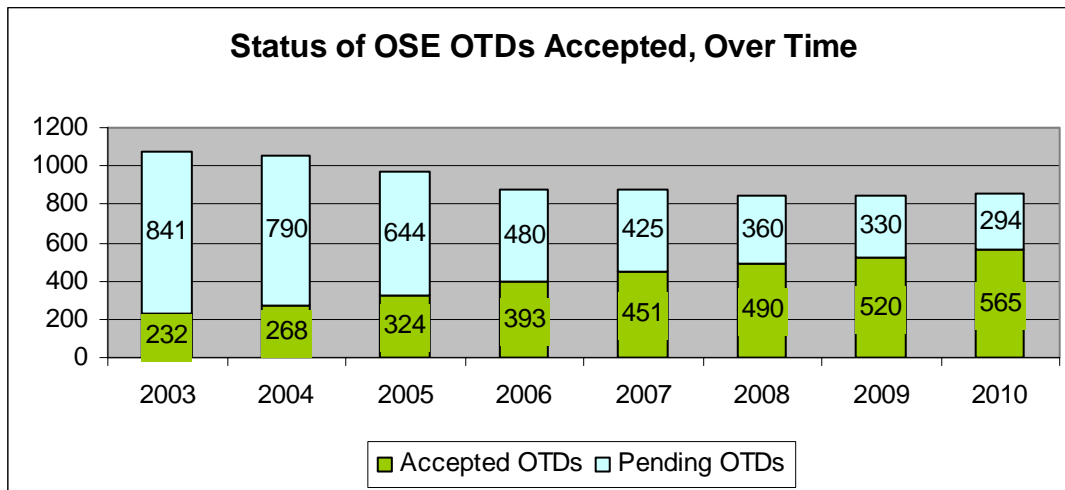


Figure 5 illustrates the cumulative number of OTDs accepted as time progresses, starting in 1974, when the first easement was recorded. A core commitment of staff time will continue to be needed to assure that current and future OSE OTDs are accepted so that the public benefit and development mitigation that they represent is fully realized in perpetuity.

¹ The overall total number of OTDs changes each year (from 1073 in 2003, to 891 in 2010). Staff initially began this project with a written log of OTDs. However, as staff commenced in-depth research of the files containing OTDs it was found that each record in the log did not necessarily correspond to a recorded OTD. In many cases, the log noted that an OTD was required for a permit condition, but for various reasons, the permit was not issued and the OTD was never recorded. Additionally, the log did not reflect if a recorded OTD had been superseded or extinguished. Also, new OTDs are recorded and added to the total each year. Given limited staff resources, research on files is only initiated as staff begins to work on acceptances; thus the database does not have a real-time current number of total OTDs.

Figure 5

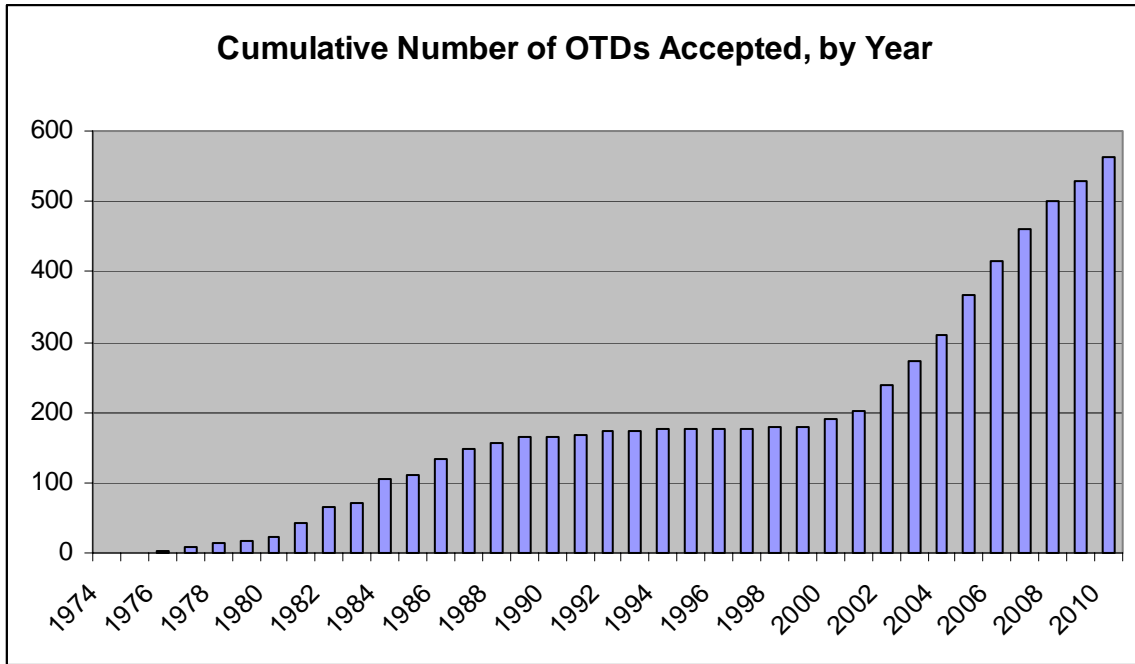
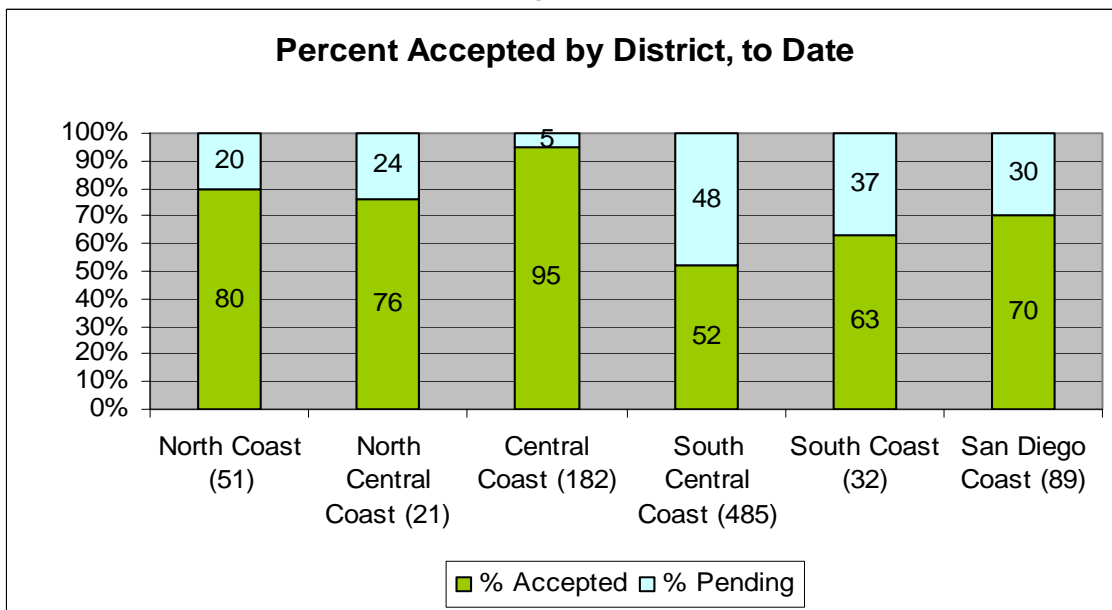


Figure 6 indicates acceptance rates by district:

Figure 6



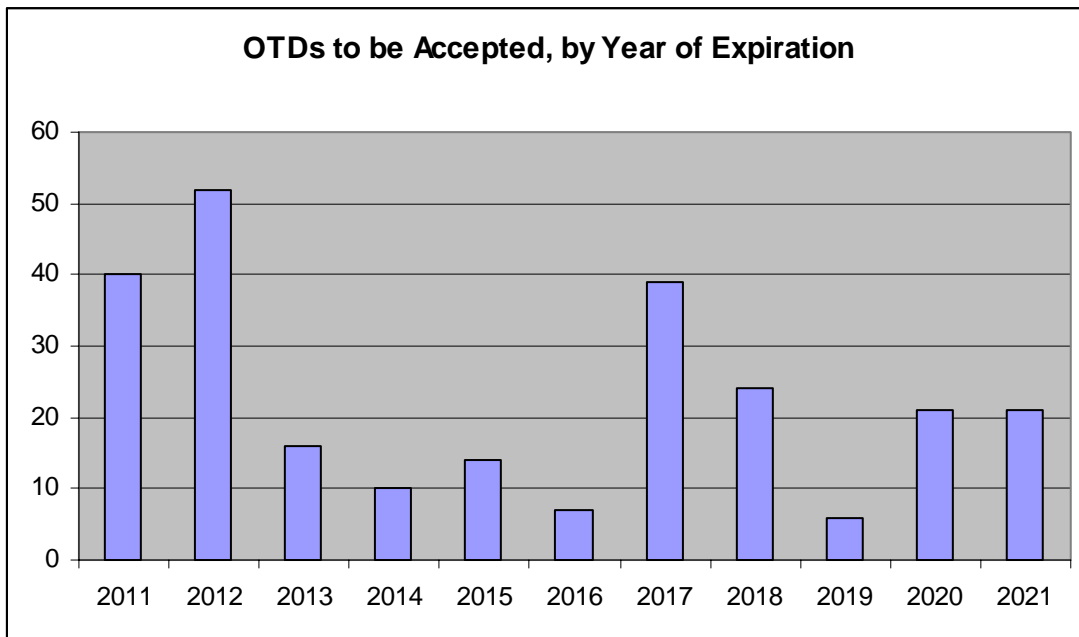
It is worth noting that acceptances of South Central Coast OTDs have finally surpassed 50%.

Future Projections

Staff resources for the conservation OTD program are now very limited. In the past, through federal grant funds and allocation of 2 PY in the FY 06-07 budget, four staff persons were funded for this work, but these resources are no longer available. Due to limitations on grant funds and cutbacks to staffing, only one staff person is currently assigned to the program.

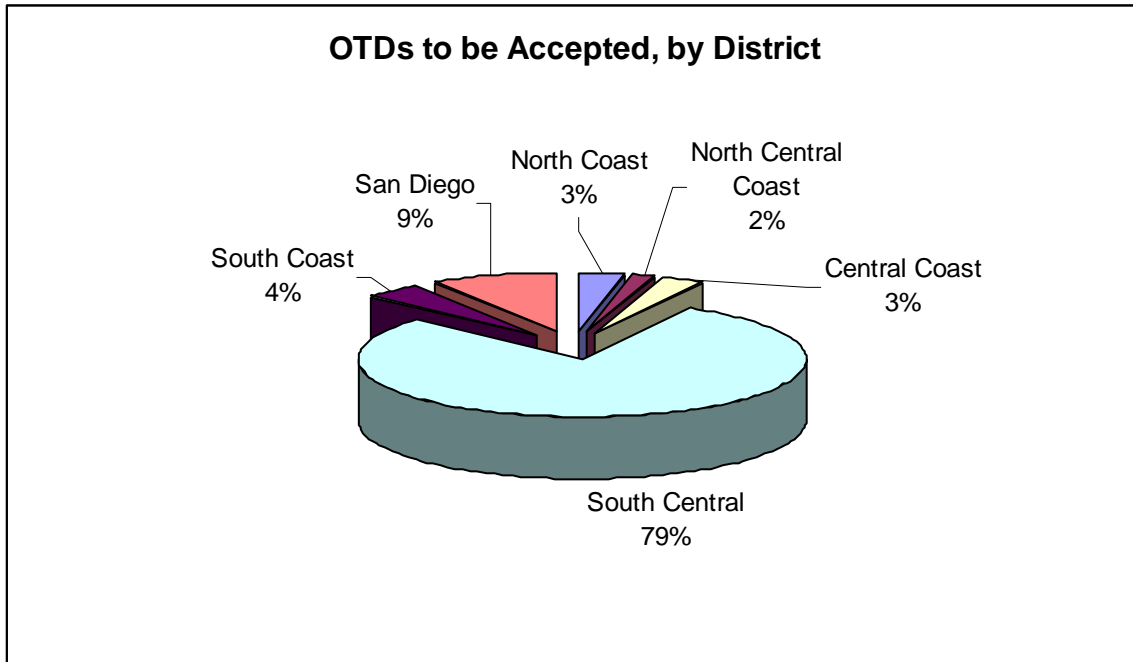
However, workload has begun to increase and will continue to do so over the next two years. Of the almost 300 OSE OTDs remaining to be accepted, 90 of them expire in 2011 and 2012, as shown in **Figure 7** below. Since 2010 had a lighter than average workload in terms of OTD expiration date, staff was able to gain ground on OTDs expiring in 2011; half of the OTDs accepted this year had expiration dates in 2011.

Figure 7



As shown in **Figure 8**, below, the bulk of the outstanding OTDs are in the South Central Coast District.

Figure 8



Staff has commenced work on the research and documentation needed to ensure these acceptances.

Despite limited resources, staff continues to find ways to not only protect this mitigation but to develop methods to make this resource data available to enhance coastal management. In order to benefit staff and local planners in permit and LCP work, staff continues to seek more resources to further develop the attribute data describing the lands protected by OTDs. In addition, staff is beginning to work with nonprofits in order to enable them to carryout monitoring of the easements to assure ongoing protection. Without such capacities, coastal resources previously protected through Commission regulatory actions are at risk of being lost.

Attachment A

Highlights of 2010 Open Space OTD Acceptances

Goleta Santa Barbara County

Protection of 68 acres for **habitat restoration**, adjacent to Devereux Slough

Accepted by the Land Trust for Santa Barbara County

Photo © 2002 California Coastal Records Project, www.californiacoastline.org



4-96-097/NOID 1-06, UC Santa Barbara

Malibu Los Angeles County

Protection of 150 acres of the **Malibu Canyon Significant Watershed** at Pepperdine University

Accepted by the Mountains Recreation and Conservation Authority

Photo © 2002 California Coastal Records Project, www.californiacoastline.org



5-88-659, Pepperdine University

Laguna Beach Orange County

Protection of **riparian area** (Rim Rock Stream in front of houses) and **steep hillside** behind houses

Accepted by the Coastal Conservancy



5-88-350, Westerdale

Buena Vista Lagoon Carlsbad, San Diego County

Protection of wetlands at Buena Vista Lagoon

Accepted by the Coastal Conservancy

Photo provided by Coastal Conservancy, 2010



6-89-190, Levy

2010 Conservation OTD Acceptances

CDP#	Applicant	Purpose	Accepting Entity	Acres	OTD Location	County
Central Coast District						
3-87-096	Ray Retez & Louise Rubis	OSE	Coastal Conservancy	6	Moro Cojo Slough, Moss Landing	Monterey
South Central Coast District						
4-06-097/NOID 1-06	UC Santa Barbara	open space	The Land Trust for Santa Barbara County	68.03	riparian and wetland ESHA	Santa Barbara
4-07-028	Early, Johnson, and Gray	open space	MRCA	2.97	native chaparral ESHA, near Mulholland Hwy	Los Angeles
4-07-028	Early, Johnson, and Gray	open space	MRCA	2.07	native chaparral ESHA, near Mulholland Hwy	Los Angeles
4-07-028	Early, Johnson, and Gray	open space	MRCA	2.73	native chaparral ESHA, near Mulholland Hwy	Los Angeles
5-90-158	ABRISHAMI	TDC	MRCA	0.4	3 Lots in Topanga Oaks SLS	Los Angeles
5-84-810-A2	Arnold Steinberg	OSE	MRCA	3.59	Cold Creek Significant Ecological Area, Stunt Road	Los Angeles
5-89-1022	G.A. WILLIAMS CONST.	TDC	MRCA	0.48	3 Lots in Topanga Cyn SLS	Los Angeles
5-89-1062	Mark Cirlin	TDC	MRCA	0.12	2 Lots in Old Topanga SLS	Los Angeles
5-89-925	ROBERTS, EDWARD J.	TDC	MRCA	0.25	2 Lots in Topanga Oaks SLS	Los Angeles
5-90-158	ABRISHAMI	TDC	MRCA	0.11	1 Lot in Fernwood SLS	Los Angeles
5-90-446	HARGES, KEN	TDC	MRCA	0.06	1 Lot in Old Topanga SLS	Los Angeles
5-88-659	Pepperdine University	open space	MRCA	150	Malibu Canyon Significant Watershed; ESHA	Los Angeles
4-07-101	Smith, Dennis	open space	MRCA	13	chaparral ESHA	Los Angeles
5-87-461	Adriana & W. Gayle Daniel	open space	MRCA	1	Santa Monica Mountains	Los Angeles
5-89-145	John De Joria	open space	MRCA	3.43	Santa Monica Mountains	Los Angeles
5-90-058	Richard Williams	TDC	MRCA	0.06	1 Lot in Old Topanga SLS	Los Angeles
5-89-971	Spencer Lehman	open space	MRCA	0.65	stream; Disturbed Sensitive Resources	Los Angeles
5-89-745	Jack & Pearl Brodie	TDC	MRCA	0.34	2 Lots in Vera Canyon SLS	Los Angeles
5-88-582	Alan Newman	OSE	MRCA	1.88	habitat conservation and protection of watershed cover w/in western tributary of Walnut Cyn.	Los Angeles
5-89-844	BENNETT, JEFF & DAWN	TDC	MRCA	1.1	7 Lots in Malibu Vista SLS	Los Angeles

2010 Conservation OTD Acceptances

CDP#	Applicant	Purpose	Accepting Entity	Acres	OTD Location	County
5-85-214	GHOSN, MICHAEL	OSE	MRCA	65	steep slopes, viewshed from Mulholland Drive, Cold Canyon	Los Angeles
5-81-011	JACK MARTIN, CO.	TDC	MRCA	40	Santa Monica Mountains	Los Angeles
5-81-011	JACK MARTIN, CO.	TDC	MRCA	20	Santa Monica Mountains	Los Angeles
5-88-821	JOHNSON, ELMER	TDC	MRCA	11	Santa Monica Mountains	Los Angeles
5-89-745	Jack & Pearl Brodie	TDC	MRCA	0.13	1 Lot in Topanga Woods SLS	Los Angeles
5-88-636	Richard Johnson	OSE	MRCA	1	riparian, watershed, Walnut Creek	Los Angeles
5-82-106	IDLER, RICHARD	TDC	MRCA	120	part of 652-acre recombination; adjacent to Topanga SP and Stunt Ranch Reserve	Los Angeles
5-89-025	Tiger Andrews	open space	MRCA	64	all ungraded areas of subdivision; "locally disturbed ESHA"	Los Angeles
5-88-175	Sunset Partnership	OSE	MRCA	0.33	ESHA: butterfly habitat in a ravine	Los Angeles
5-89-235	Wing Chan	TDC	MRCA	0.5	3 Lots in El Nido SLS	Los Angeles
5-88-732	Jens Nowak & Anita Mitchell	OSE	MRCA	4.97	Solstice Canyon Significant Watershed, Dry Creek Watershed	Los Angeles
5-88-939	Don Mellein	OSE	MRCA	0.13	steep slopes, El Nido SLS	Los Angeles
5-89-532	Jack & Melanie Leland	open space	MRCA	2.6	riparian ESHA, Greenleaf Creek	Los Angeles
4-07-001	Hoang, Bao Q.	open space	MRCA	7.51	native chaparral ESHA	Los Angeles
South Coast District						
5-88-350	Don Westerdale	OSE	Coastal Conservancy	1.2	Rim Rock stream and adjacent hillside, Laguna Beach	Orange
5-88-706	Boys Club of Laguna Beach	OSE	Coastal Conservancy	2.75	steep hillside, Laguna Beach	Orange
San Diego Coast District						
6-89-190	John Levy	fee title-wetlands	Coastal Conservancy	0.12	Buena Vista Lagoon, Carlsbad	San Diego
6-89-171	Westana Viewport	open space	Coastal Conservancy	14.5	hillside; coastal sage scrub, chaparral, oak woodlands, Carlsbad	San Diego
6-88-504	Chevron Land & Development Co	open space	Friends of Los Penasquitos Canyon Preserve	56	NE corner of Johns Hopkins and Genesee, San Diego	San Diego

Attachment C

Management Entities Accepting OSE OTDs

	Managing Entity	OSE OTDs
	<i>Government Agencies</i>	
North Coast	Del Norte County	13
	Humboldt County	5
	City of Eureka	1
	City of Point Arena	1
North Central	Sonoma County Open Space District	1
	Marin County	2
	San Mateo County	1
Central Coast	Santa Cruz County	13
	City of Santa Cruz	1
	City of Capitola	1
	Monterey County	37
	City of Marina	3
	City of Monterey	2
	City of Pacific Grove	4
	City of Carmel-by-the-Sea	1
	San Luis Obispo County	10
	City of Morro Bay	2
South Central	Santa Barbara County	1
	City of Oxnard	1
	Los Angeles County Flood Control District	1
	Mountains Recreation and Conservation Authority	214
	Santa Monica Mountains Conservancy	4
South Coast	City of Los Angeles	1
	Orange County	4
	City of Huntington Beach	1
	City of Newport Beach	2
	City of Laguna Beach	1
San Diego Coast	San Diego County	5
	San Dieguito River Valley Reg OS Park JPA	2
	City of Carlsbad	8
	City of Encinitas	6
	City of San Diego	4
	City of Imperial Beach	1
Statewide	Coastal Conservancy	78
	Dept of Fish and Game	37
	Dept of Parks and Recreation	4
	State Lands Commission	1
Federal	U.S. Army Corps of Engineers	1
	<i>Non-Profit Entities</i>	
North Coast	Coastal Land Trust	2
	North Coast Land Trust	1
	Jacoby Creek Land Trust	1
	<i>table continued on next page</i>	

	Managing Entity	OSE OTDs
	<i>table continued from previous page</i>	
	<i>Non-Profit Entities (cont.)</i>	
North Central	Marin Agricultural Land Trust	1
	Coastside Land Trust (formerly Half Moon Bay Open Space Trust)	4
Central Coast	Land Trust of Santa Cruz County	4
	Monterey County Agricultural & Historical Land Conservancy	2
	Elkhorn Slough Foundation	8
	Monterey Peninsula Foundation	1
	Del Monte Forest Foundation	22
	Big Sur Land Trust	3
	Santa Lucia Conservancy	1
	Environmental Center of SLO County	1
	San Luis Obispo Land Conservancy	1
	Greenspace Cambria	1
South Central	The Land Trust of Santa Barbara County	1
	Mountains Restoration Trust	17
South Coast	Laguna Greenbelt	2
San Diego Coast	San Elijo Lagoon Conservancy	4
	Los Penasquitos Lagoon Foundation	1
	Friends of Los Penasquitos Canyon Preserve, Inc.	8
	Batiquitos Lagoon Foundation	2
Statewide	Sierra Club	2
	The Nature Conservancy	1
	Total	565