

CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE (415) 904- 5200
FAX (415) 904- 5400
TDD (415) 597-5885



January 21, 2010

W19a

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 the Offers to Dedicate (OTDs) easements required as mitigation through past Commission permit actions and conditions. This report summarizes the progress made by staff during calendar years 2008 and 2009 in achieving permanent protection of coastal resources through the acceptance of these conservation/open space OTDs.



Figure 1: Riparian corridor open space easement, Half Moon Bay. Photo courtesy of Coastside Land Trust, 2009.

Acceptances Achieved in 2008 and 2009

In 2008 staff **successfully negotiated acceptance of 39 OTDs covering over 260 acres of sensitive lands.** In 2009, **30 OTDs covering over 170 acres were accepted.** Some of the key lands protected by these acceptances include 66 acres of marsh area in Humboldt County, dune habitat in Pacific Grove, oak woodlands in the Santa Monica Mountains and native coastal sage scrub chaparral habitat in San Diego.

In both years slightly over half (22 and 16 OTDs, respectively) were accepted by the Mountains Recreation and Conservation Authority (MRCA) in the Santa Monica Mountains, many of these

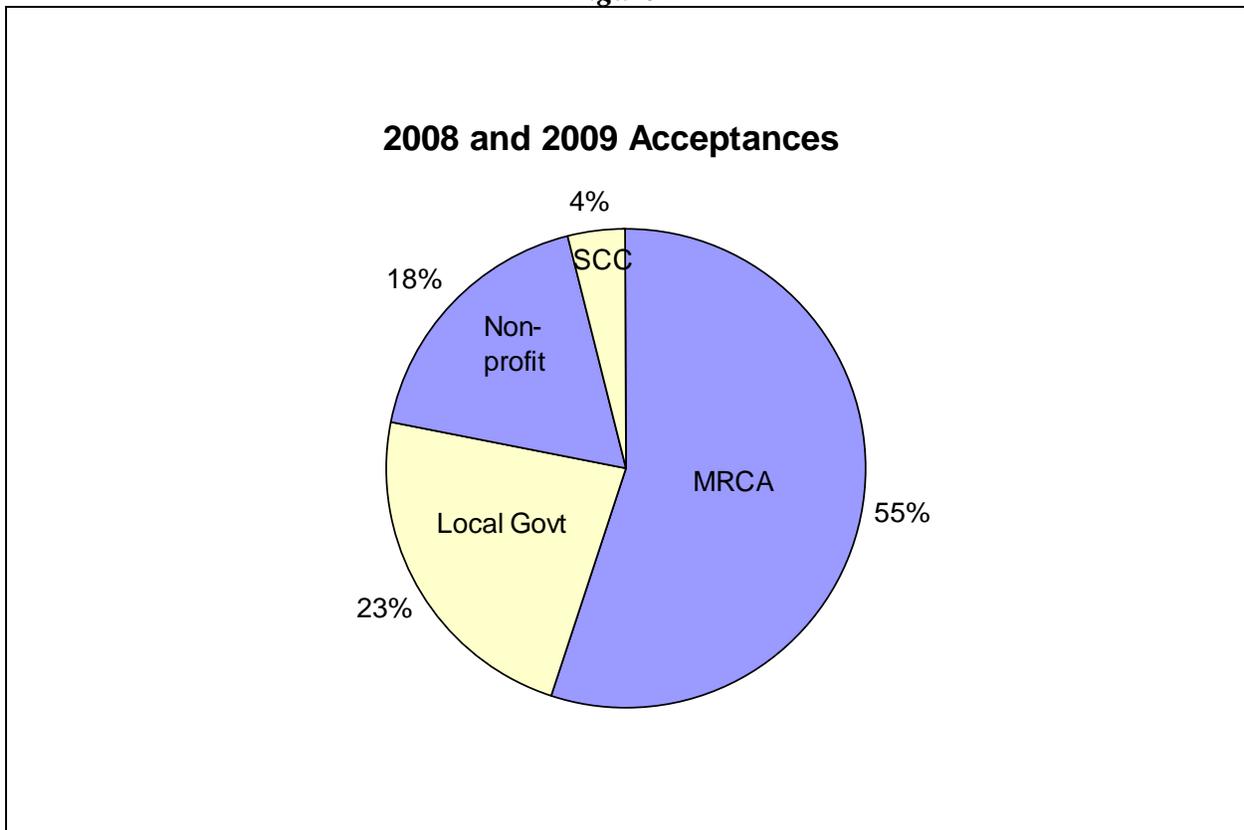
retiring lots in the small lot subdivisions in the mountains, under the Commission's Transfer of Development Credit (TDC) Program.

Sixteen OTDs were accepted by local governments: Monterey County (9), City of Pacific Grove (4), City of Newport Beach (2) and the San Dieguito River Valley Regional Open Space Park Joint Powers Authority (1).

Twelve OTDs were accepted by nonprofit entities, including the Elkhorn Slough Foundation, Coastal Land Trust (operating in Mendocino County), Coastside Land Trust (San Mateo), and Friends of Los Penasquitos Canyon Preserve (FLPCP). Notably, FLPCP accepted all of the outstanding OTDs (6) within its geographic area of concern, which is Los Penasquitos Canyon in San Diego County. These acceptances by FLPCP account for nearly 70 acres of protected open space.

The State Coastal Conservancy also accepted three OTDs for which staff was unable to find a local government or nonprofit entity willing to hold the easement.

Figure 2



Attachment A illustrates some of the variety of resources protected through acceptance of these easements. **Attachments B and C** include the entire list of 2008 and 2009 acceptances.

In 2008 one offer was allowed to expire since the underlying property was already owned by MRCA and thus, effectively protected. In 2009 four offers expired. One of these OTDs had a duplicative easement which had already been accepted by the San Elijo Lagoon Conservancy in 2005. In another, the OTD required maintenance of drainage facilities which presented major obstacles to acceptance by any entity willing to take on management responsibilities, including the Coastal Conservancy. The remaining two expired offers were small acreages (< 3 acres) in Laguna Beach that the City and non-profits declined to accept. They also did not meet criteria for acceptance by the State Coastal Conservancy.

Total Acceptances to Date

Despite the Commission’s continuing limited resources to implement the Conservation/Open Space Program, staff has negotiated the acceptance of 59% of the current outstanding OSE OTDS required by the Commission since 1974. These easements protect over 2,781 acres of wetlands, ESHA, viewsheds, and agricultural and archaeological resources.¹

Figure 3

	Total Number by End of 2008	Total Percent by End of 2008	Total Number by End of 2009	Total Percent by End of 2009
Accepted	490	56%	520	59%
Expired/Allowed to Lapse	28	3%	32	4%
To Be Accepted	360	41%	330	37%
TOTAL	878	100%	882	100%

Attachment D includes a complete list of accepting entities. Public agencies have accepted 433, or 83% of the total conservation/open space OTDs accepted to date, while non-profit entities have accepted 87, or 17%.

Progress in the last seven years since annual reports began is shown below in **Chart 1**. **Chart 2** illustrates the cumulative number of OTDs accepted for each year, 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.

Chart 1 illustrates the cumulative acceptances in the past seven years²:

¹ This number significantly undercounts the actual acreage protected by Commission actions because currently acreage is reported for only approximately 28% of OTDs accepted to date.

² The overall total number of OTDs changes each year (from 1073 in 2003, to 850 in 2009). Staff initially began this project with a written log of OTDs. However, as staff commenced in-depth research of the legal files containing OTDs it was found that not each record in the log necessarily corresponded to a recorded OTD. In many cases, the log noted that an OTD was required for a permit condition, but for

CHART 1

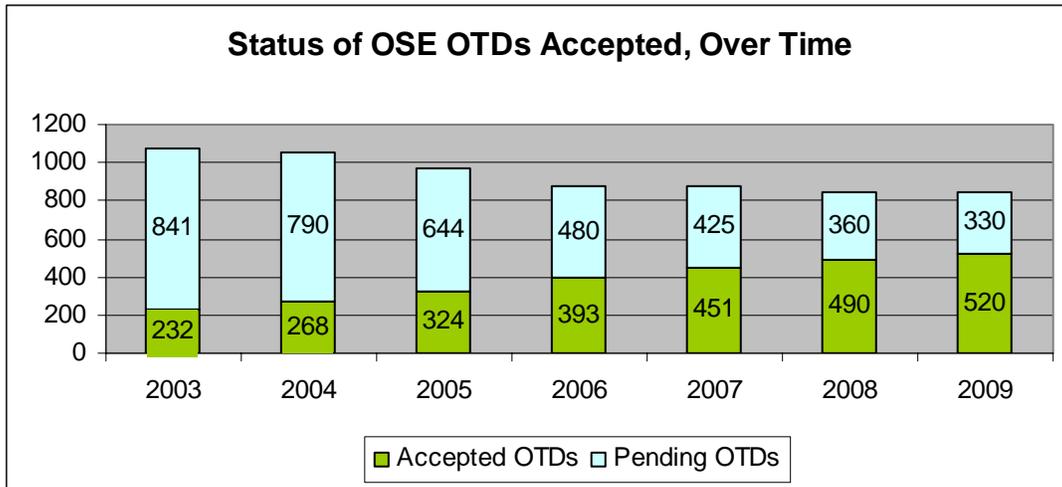
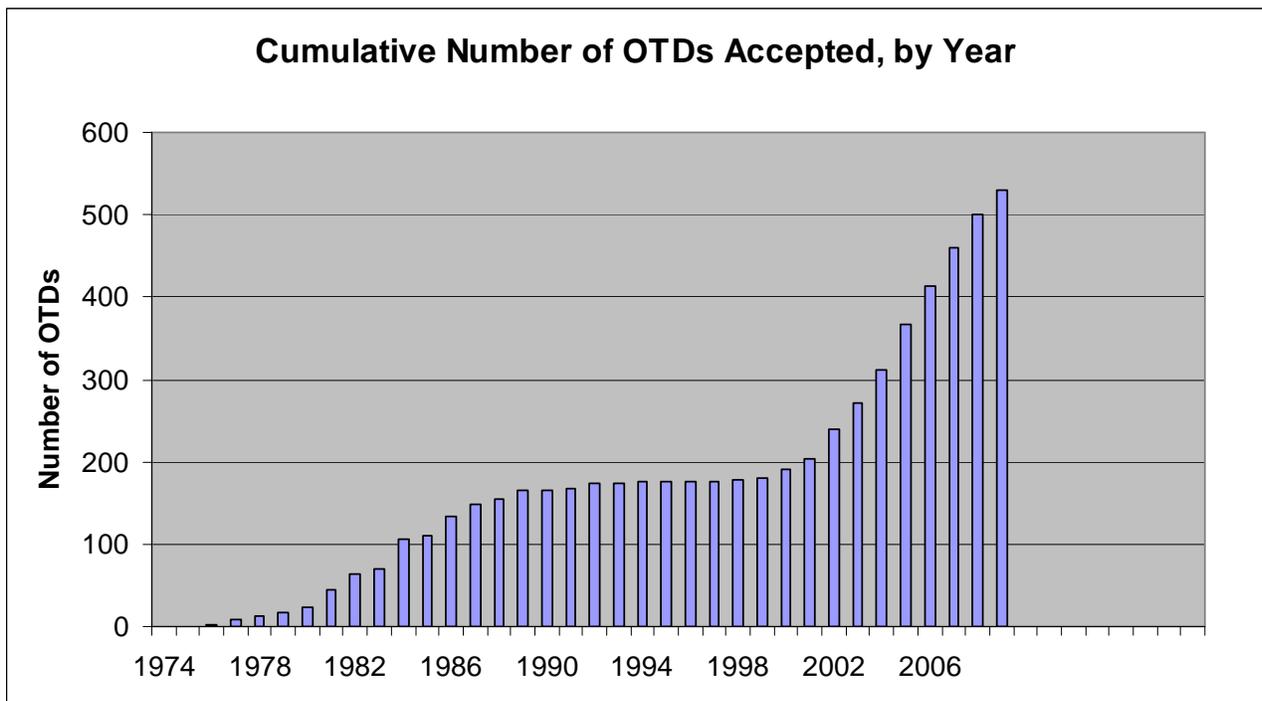


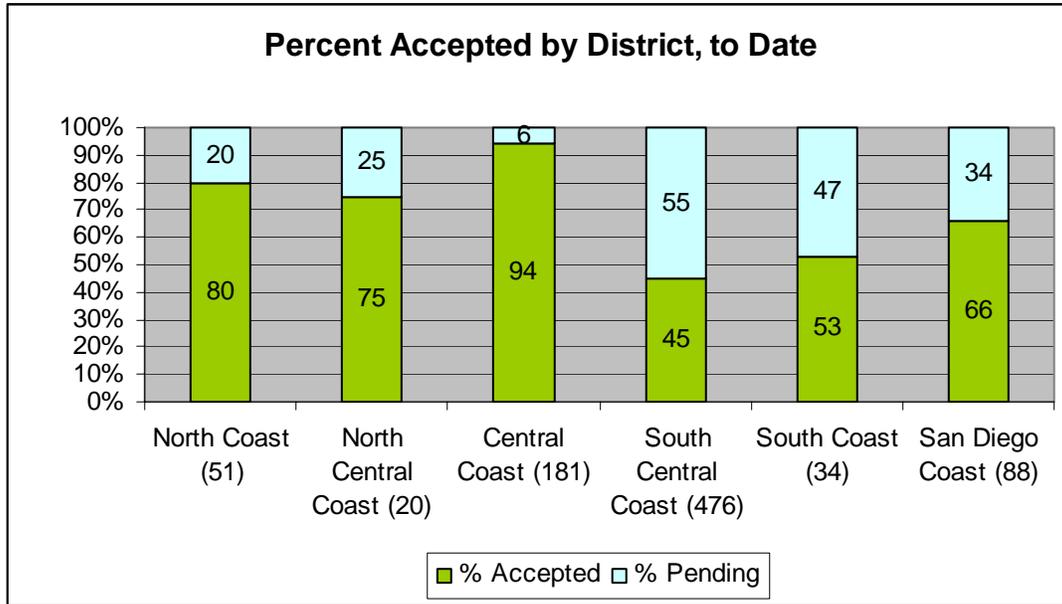
CHART 2



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. Research on files is only initiated as staff begins to work on acceptances; thus the database does not have a final number of total OTDs.

Chart 3 indicates acceptance rates by district:

CHART 3



Only 6% of current OTDs in the Central Coast District are unaccepted. This is largely due to the fact that in 2008-09, Monterey County and the City of Pacific Grove accepted the majority of OTDs in their respective jurisdictions.

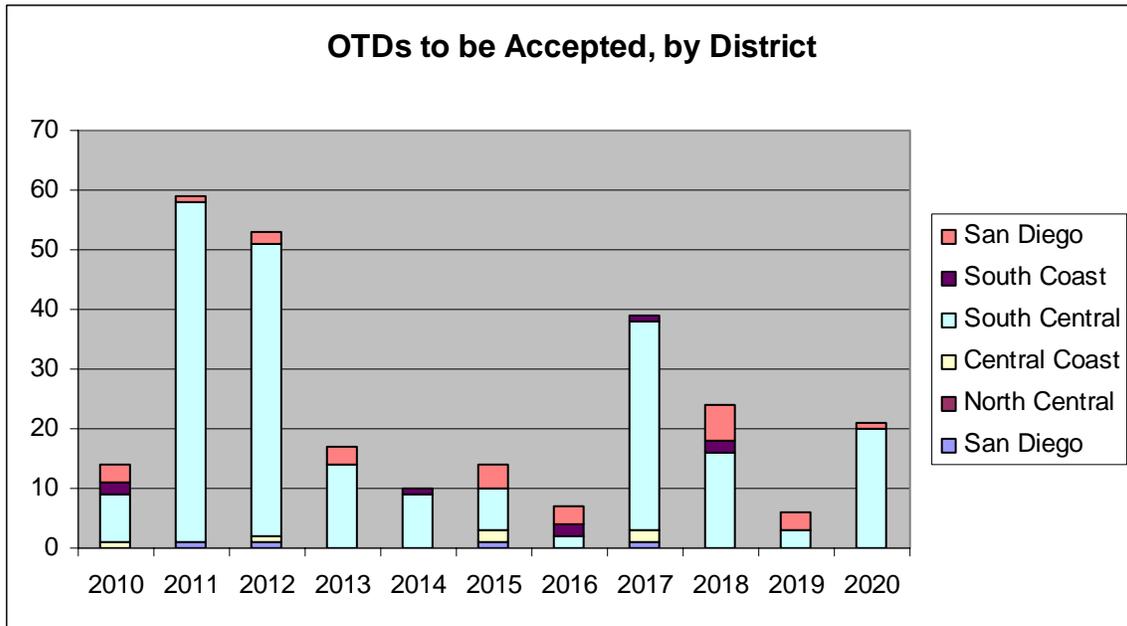
The South Central Coast District area has the highest percentage of unaccepted OTDs (55%), but all of these lie within the jurisdiction of the Mountains Recreation and Conservation Authority (MRCA), with which the Coastal Commission retains a strong working relationship.

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 will increase in the next three years. There are **more than 300 OSE OTDs remaining to be accepted, with over 100 of them expiring in 2011 and 2012.** As shown in **Chart 4**, below, the bulk of the outstanding OTDs for each year are in the South Central Coast District. Staff has commenced work on the research and documentation needed to achieve permanent protection of the land offered by these OTDs.

CHART 4



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 2009 staff created a GIS data layer and a series of maps of all conservation OTDs in San Diego County. This work was done in conjunction with Commission staff analysis of a major CalTrans project. In order to benefit staff and local planners in permit and LCP work, staff continues to seek more resources to further develop the data on 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 may run the risk of being lost.

Attachment A

Highlights of 2008-09 Open Space OTD Acceptances

Eureka Humboldt County

Protection of 66 acres of **marsh and habitat restoration area** adjacent to the Elk River

Accepted by the State Coastal Conservancy



1-82-139-A2, City of Eureka

Big Sur Monterey County

Protection of **views from Highway One** on 63-acre parcel, south of Lime Creek

Accepted by Monterey County

Photo © 2005 California Coastal Records Project,
www.californiacoastline.org



3-82-001, Santa Lucia Company

Malibu Los Angeles County

Protection of 105 acres of steep slopes for **view preservation and habitat protection** inland of Pacific Coast Highway

Accepted by the Mountains Recreation and Conservation Authority



5-86-293-A, Rancho Topanga Development

Lopez Canyon Los Penasquitos Canyon Area, City of San Diego

Protection of 6.4 acres of **steep slopes** adjacent to Lopez Canyon

Accepted by Friends of Los Penasquitos Canyon Preserve



5-82-106, Fieldstone Company

Photo © 2005 California Coastal Records Project,
www.californiacoastline.org

2008 Conservation OTD Acceptances

CDP#	Applicant	Purpose	Accepting Entity	acres	OTD Location	County
North Coast						
1-82-139-A2	City of Eureka	OSE	Coastal Conservancy	66	Adjacent to Elk River, end of Hilfiker Ln., Eureka	Humboldt
1-86-138	Robert, Vera & Bill Zimmer	floodplain	Coastal Land Trust	0.06	Little River	Mendocino
Central Coast						
3-87-062	Gerald & Constance Steele	habitat protection	Elkhorn Slough Foundation		Willow Road, Prunedale	Monterey
3-87-232	Evelyn & Hartsell Barb	OSE	Elkhorn Slough Foundation		Prunedale	Monterey
3-85-056	Bruce & Jennie McKaig	dune habitat	City of Pacific Grove		Asilomar Dunes adjacent to Asilomar State Beach and Conference Grounds	Monterey
3-86-231	Ponchero Properties	scenic	Monterey County	2.38	Highway 1 critical viewshed between Graves and Castro Canyons, Big Sur	Monterey
3-87-022	Greg Vita	habitat protection	Monterey County	0.8	Palo Colorado Canyon Rd. and Highway 1, Big Sur	Monterey
3-86-124	James Colo	OSE	Monterey County		Carmel Highlands	Monterey
3-86-009	Lamar & Helena Blair	scenic	Monterey County	0.18	area within public view corridor, Malpasos beach, Carmel Riviera area	Monterey
3-87-236	Eileen Barnes	open space	Monterey County	3	Highway 1 critical viewshed, Partington Ridge, Big Sur	Monterey
3-85-190	Richard Clements	scenic	Monterey County	6.39	Highway One critical viewshed; Partington Point near Julia Pfeiffer SP, Big Sur	Monterey
3-81-165	Jeremy Wilson	viewshed	Monterey County	9	Highway One scenic viewshed, Big Sur	Monterey
3-82-001	Santa Lucia Company	scenic	Monterey County		Big Sur	Monterey
3-83-095	Douglas Madsen/Etienne	scenic	Monterey County		Big Sur	Monterey
South Central Coast						
5-84-789	Thomas MILLER	TDC	MRCA		Santa Monica Mountains	Los Angeles
5-86-293	Sheldon Gordon	TDC	MRCA	0.81	Santa Monica Mountains	Los Angeles
5-86-830	Denise Toberman	TDC	MRCA		Santa Monica Mountains	Los Angeles
5-87-340	Ronald Forde	OSE	MRCA	0.3	Disturbed Sensitive Resources, Santa Monica Mountains	Los Angeles
5-85-503	Allen Darbonne	TDC	MRCA		El Nido SLS, Santa Monica Mountains	Los Angeles
5-84-137	J.D. Stout Company	TDC	MRCA		Santa Monica Mountains	Los Angeles
5-87-875	TALBOT PARTNERS	TDC	MRCA		Santa Monica Mountains	Los Angeles

2008 Conservation OTD Acceptances

CDP#	Applicant	Purpose	Accepting Entity	acres	OTD Location	County
5-87-740	John Fletcher	OSE	MRCA		Santa Monica Mountains	Los Angeles
5-84-147-A	Mark West	OSE	MRCA		Santa Monica Mountains	Los Angeles
5-87-930	Jay & Debra Barnett	OSE	MRCA	0.26	oak woodland and riparian, Santa Monica Mountains	Los Angeles
5-87-893	Peter & Karen Snyder	OSE	MRCA	0.34	steep slopes, Santa Monica Mountains	Los Angeles
5-88-040	Marc Winnikoff	TDC	MRCA		Santa Monica Mountains	Los Angeles
5-87-914	Keith Omata	OSE	MRCA		Santa Monica Mountains	Los Angeles
5-88-056	Jack & Annie Moses	OSE	MRCA		Santa Monica Mountains	Los Angeles
5-88-017	David & Mary Isaacs Menken	open space	MRCA		Santa Monica Mountains	Los Angeles
5-87-875	TALBOT PARTNERS	open space	MRCA		Santa Monica Mountains	Los Angeles
5-86-293-A	Topanga Pacific Land Co Rancho Topanga Development	open space	MRCA	105.8	Santa Monica Mountains	Los Angeles
4-04-103	Wave Enterprises	open space	MRCA	8	chaparral ESHA, Santa Monica Mountains	Los Angeles
4-05-201	Malibu Ocean Ranches, LLC	open space	MRCA	24.2	Santa Monica Mountains	Los Angeles
4-05-144	Sharma, Anil	open space	MRCA		Santa Monica Mountains	Los Angeles
4-05-149	Hooshang Ghaffari	open space	MRCA	1.6	Cold Creek Significant Watershed Area, Santa Monica Mountains	Los Angeles
4-07-099	Searidge Development, LLC	open space	MRCA	13	Santa Monica Mountains	Los Angeles
South Coast						
5-86-612	James Beauchamp	OSE	City of Newport Beach		China Cove, Corona del Mar	Orange
5-86-613	Ernest Schroeder	OSE	City of Newport Beach		China Cove, Corona del Mar	Orange
San Diego Coast						
F7453(A1)	Cameron Moshtaghi	OSE	San Dieguito River Valley Regional Open Space Park JPA	18	Del Mar	San Diego

2009 Conservation OTD Acceptances

CDP#	Applicant	Purpose	Accepting Entity	acres	OTD Location	County
North Coast						
1-88-101	Richard & Betty O'Neil	archeology (cemetery)	Coastal Land Trust	0.13	Hwy 1 and Glennen Dr, 1 mile north of Gualala	Mendocino
North Central Coast						
3-90-090	Cypress Greens, Inc.	OSE	Coastside Land Trust	0.7	riparian area along Arroyo Leon Creek, Half Moon Bay	San Mateo
Central Coast						
3-86-239	Ignasio & Esperanza Placencia	habitat protection	Coastal Conservancy	0.6	slopes; oak woodland, Prunedale	Monterey
3-87-288	Don & Gay Lyne Avila	OSE	Elkhorn Slough Foundation	0.6	Moro Cojo Slough floodplain, Prunedale	Monterey
3-93-064	Robert & Ann Kenedy	open space	City of Pacific Grove	1	Asilomar Blvd, Pacific Grove	Monterey
3-88-062	Jim Corning	habitat protection	City of Pacific Grove	0.2	dune ESHA, Asilomar area, Pacific Grove	Monterey
3-94-024	James & Catherine McCulloch	open space	City of Pacific Grove	0.4	Pacific Grove	Monterey
3-85-035-A	C.T. Hill/Lee Brandenburg	open space	Coastal Conservancy	4.8	Pescadero Point, south side of 17 Mile Drive	Monterey
South Central Coast						
5-84-137	J.D. Stout Company	TDC	MRCA		Santa Monica Mountains	Los Angeles
5-84-137	J.D. Stout Company	TDC	MRCA		Santa Monica Mountains	Los Angeles
5-84-137	J.D. Stout Company	TDC	MRCA		Santa Monica Mountains	Los Angeles
5-84-137	J.D. Stout Company	TDC	MRCA		Santa Monica Mountains	Los Angeles
5-84-137	J.D. Stout Company	TDC	MRCA		Santa Monica Mountains	Los Angeles
5-88-191	John Kilbane & Assoc	OSE	MRCA	0.2	ESHA on bluff face, Birdview Avenue, Malibu	Los Angeles
5-85-799	Gilbert Anyon	TDC	MRCA		Santa Monica Mountains	Los Angeles
5-91-754	Trancas Town Ltd	open space	MRCA	15	Santa Monica Mountains	Los Angeles
5-83-591-A	Caldwell, Leon	TDC	MRCA		131 lots in Tract 9524, Santa Monica Mountains	Los Angeles
4-08-012	Charles Weber	open space	MRCA		Santa Monica Mountains	Los Angeles
4-08-091	Jared Cook	open space	MRCA	2.9	Santa Monica Mountains	Los Angeles
P-81-7701	Ben Johnson's Western Estates	open space	MRCA	57.8	Cold Canyon, Santa Monica Mountains	Los Angeles
5-88-148	Dr. James Sternberg	OSE	MRCA	10	Santa Monica Mountains	Los Angeles
5-87-197	Mr. & Mrs. Sisson	OSE	MRCA	4.5	Santa Monica Mountains	Los Angeles
4-07-144	Dominguez, Dan & Diane	open space	MRCA		Santa Monica Mountains	Los Angeles

2009 Conservation OTD Acceptances

CDP#	Applicant	Purpose	Accepting Entity	acres	OTD Location	County
4-05-132	Rein, Robert	open space	MRCA		Santa Monica Mountains	Los Angeles
San Diego Coast						
6-89-153	William Wood	open space	Friends of Los Penasquitos Canyon Preserve	3.2	Los Penasquitos Canyon area	San Diego
6-86-621	Sunland Sorrento	OSE- steep slopes	Friends of Los Penasquitos Canyon Preserve	0.7	Los Penasquitos Canyon area	San Diego
6-85-459-A	Roadrunner Ridge Inc.	OSE	Friends of Los Penasquitos Canyon Preserve	8.2	steep slopes; native coastal sage scrub chaparral, Lopez Canyon near Los Penasquitos Canyon	San Diego
6-84-251-A3	Lusk/Smith Mira Mesa North	open space	Friends of Los Penasquitos Canyon Preserve	46.9	Los Penasquitos Canyon area	San Diego
6-82-106	Fieldstone Company	open space	Friends of Los Penasquitos Canyon Preserve	6.4	Los Penasquitos Canyon area	San Diego
6-90-197	Jerome Shaw	OSE	Friends of Los Penasquitos Canyon Preserve	3.1	Lopez Canyon, near Los Penasquitos Canyon	San Diego

Attachment D

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	179
	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	3
	City of Imperial Beach	1
Statewide	Coastal Conservancy	71
	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	Mountains Restoration Trust	15
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.	7
	Batiquitos Lagoon Foundation	2
Statewide	Sierra Club	2
	The Nature Conservancy	1
	Total	520