

CALIFORNIA COASTAL COMMISSION

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November 18, 2011

TO: Coastal Commissioners and Interested Parties

FROM: 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 and current Commission permit actions. This report summarizes the progress made in 2011 to achieve permanent protection of coastal resources through the acceptance of these OTDs.



California Gnatcatcher

Acceptances Achieved in 2011

Staff successfully negotiated acceptance of 50 OTDs covering almost 450 acres of sensitive lands. Resources protected by these acceptances include 15 acres of pygmy forest habitat in Mendocino County, almost 30 acres in the Solstice Canyon Significant Watershed of the Santa Monica Mountains, and in Laguna Beach, 75 acres of sensitive habitat for species such as the California gnatcatcher and big-leaved Crownbeard.

This year, 94% (47 of 50) of the conservation OTDs were accepted by the Mountains Recreation and Conservation Authority (MRCA) in the Santa Monica Mountains. Most of these easements retire lots in the small lot subdivisions in the mountains, under the Commission's Transfer of Development Credit (TDC) Program. The development potential of 67 small lots was permanently retired due to these acceptances.

Other accepting entities include the Coastal Land Trust, which accepted its third Coastal Commission easement (the pygmy forest OTD in Mendocino County). The State Coastal Conservancy accepted a 75-acre easement which was required as a condition for a Restoration Order in Orange County. The City of Goleta accepted its first Coastal Commission easement, consisting of 4 acres including a portion of Devereux Creek.

Attachment A includes the entire list of 2011 acceptances. No offers expired in 2011.

Total Acceptances to Date

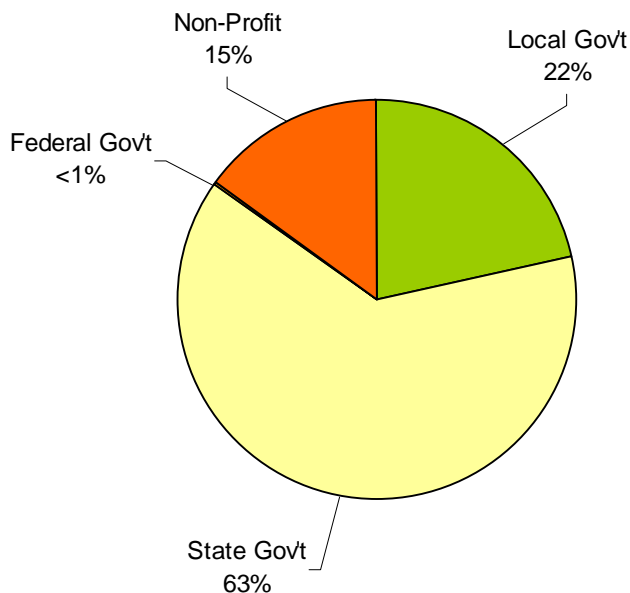
Despite the Commission’s continuing limited resources to implement the Conservation/Open Space Program, staff has been able to negotiate the acceptance of 71% of the current outstanding OSE OTDs required by the Commission since 1974. These easements protect over 6,400 acres of wetlands, ESHA, viewsheds, and agricultural and archaeological resources. This number undercounts the actual acreage protected by Commission actions because currently acreage is reported for only 70% of OTDs accepted to date. As time permits, staff will continue to determine acreage for past accepted OTDs.

Overall Status of OTDs

	Total Number by End of 2011	Total Percent by End of 2011
Accepted	631	71%
Expired/Allowed to Lapse	32	4%
Remaining To Be Accepted	225	25%
TOTAL	888	100%

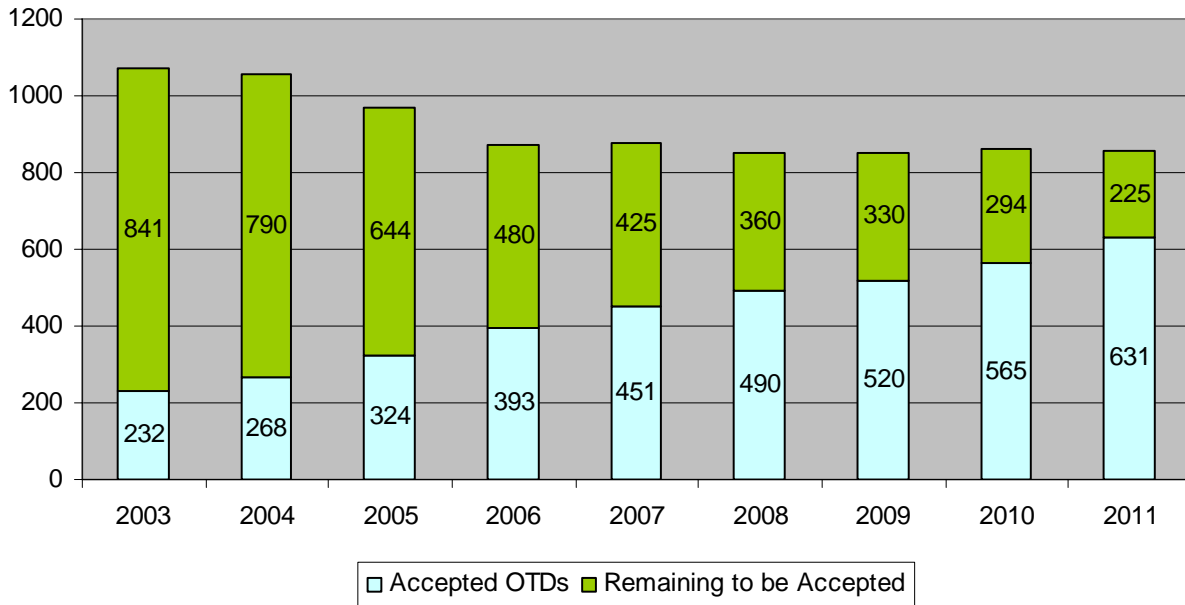
Attachment B includes a complete list of accepting entities. Public agencies have accepted 536, or 85% of the total conservation/open space OTDs accepted to date, while non-profit entities have accepted 95, or 15%. **Figure 1** depicts the distribution of accepting entities.

Figure 1: Accepting Entities



Progress in the last nine years since annual reports began is shown below in **Figure 2**¹.

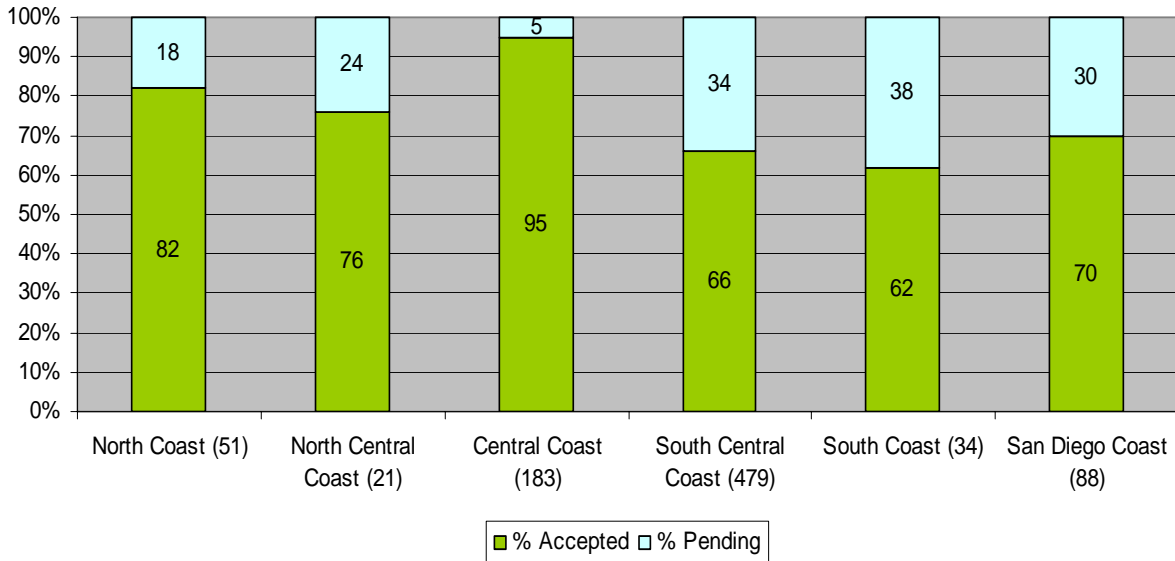
Figure 2: Status of OTDs Over Time



As shown in **Figure 3**, below, the Commission has achieved acceptance rates of over 60% in all districts. The acceptance rate in the Central Coast District in particular is of note. 95% of OTDs in this district have been accepted, primarily by the counties in this district (Santa Cruz, Monterey, and San Luis Obispo).

¹ The overall total number of OTDs changes each year (from 1073 in 2003, to 888 in 2011). 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 superceded 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 3: Percent Accepted by District, to Date

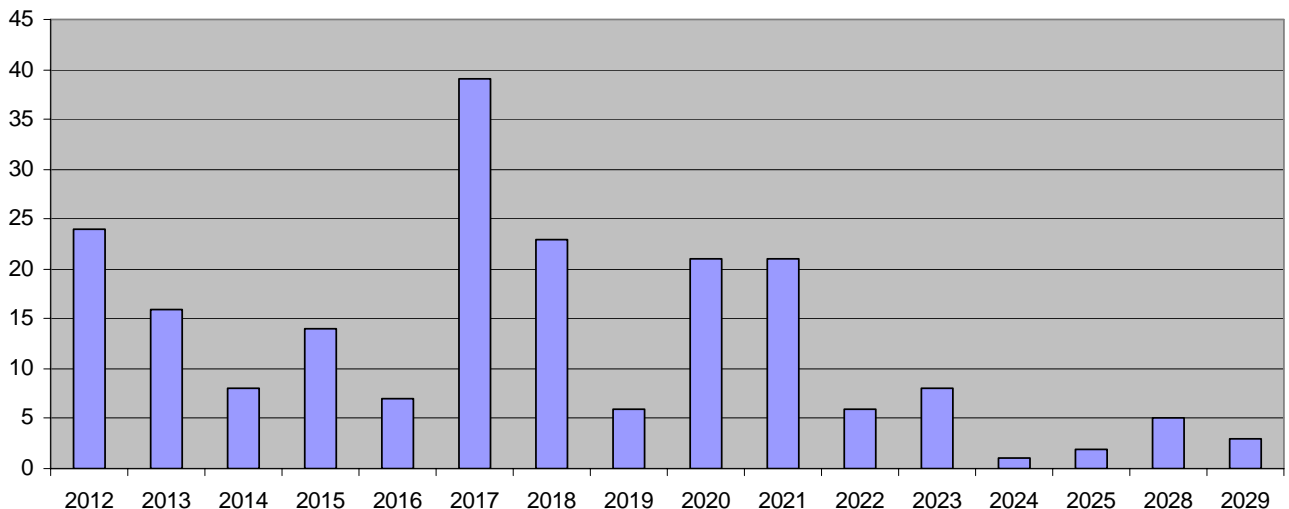


Future Projections

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. Priority continues to be on getting OTDs accepted.

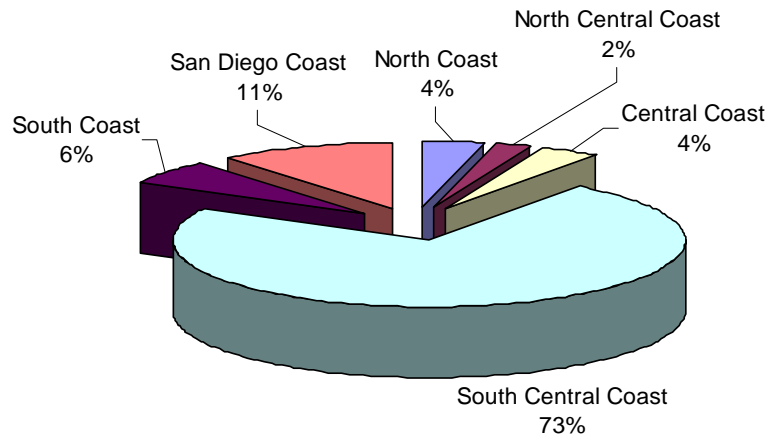
Workload has been heavy over the last two years and will continue to be throughout 2012 (see **Figure 4**, below). Fortunately, staff has already achieved acceptance of more than half (31 of 55) of the OTDs with a 2012 expiration date.

Figure 4: OTDs to be Accepted, by Year of Expiration



As shown in **Figure 5**, below, the bulk of the outstanding OTDs are in the South Central Coast District. Commission staff maintains a strong working relationship with MRCA staff, enabling an efficient acceptance process for these OTDs.

Figure 5: OTDs to be Accepted, by District



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

Other Protected Open Space Land

In addition to making use of Offers to Dedicate to ensure that adverse environmental impacts of development are avoided or minimized, the Commission has also utilized deed restrictions. Staff has tracked these recorded documents over the years and in 2008 produced a report detailing numbers of open space deed restrictions and need for further research and mapping of them. There are approximately 1,700 recorded deed restrictions protecting open space lands, but because of limited staff resources and the necessity for staff to focus on the time-sensitive nature of OTDs, staff has not had the opportunity to focus on development of deed restriction data. Hence, while approximately 1,700 open space deed restrictions have been identified, the number of acres protected, as well as specific locations and types of resources protected remains unknown.

Future Efforts

Staff is committed to finding 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 could be at risk of being lost.

Attachment A

2011 Acceptances

CDP#	Applicant	Purpose	Accepting Entity	Acres	Easement Resources and Location	County
North Coast District						
1-86-060	Dale Spring	habitat protection	Coastal Land Trust	15	pygmy forest vegetation, near Mendocino	Mendocino
South Central Coast District						
4-09-038	Oly Chadmar Gen. Part.	open space	City of Goleta	4.37	Devereux Creek	Santa Barbara
5-88-639	Barry Cappello	open space	MRCA	17.57	Mulholland Hwy	Los Angeles
5-90-103-A	SOLAR SYSTEMS SPEC.	TDC	MRCA	0.28	2 Lots in Fernwood SLS	Los Angeles
5-90-103-A	SOLAR SYSTEMS SPEC.	TDC	MRCA	0.18	1 Lot in Malibu Vista SLS	Los Angeles
5-90-103-A	SOLAR SYSTEMS SPEC.	TDC	MRCA	0.55	2 Lots in Old Post Office SLS	Los Angeles
5-90-103-A	SOLAR SYSTEMS SPEC.	TDC	MRCA	0.21	1 Lot in Topanga Oaks SLS	Los Angeles
5-90-103-A	SOLAR SYSTEMS SPEC.	TDC	MRCA	0.3	2 Lots in Fernwood SLS	Los Angeles
5-90-103-A	SOLAR SYSTEMS SPEC.	TDC	MRCA	0.12	2 Lots in Fernwood SLS	Los Angeles
5-90-103-A	SOLAR SYSTEMS SPEC.	TDC	MRCA	0.22	1 Lot in Fernwood SLS	Los Angeles
5-90-103-A	SOLAR SYSTEMS SPEC.	TDC	MRCA	0.66	3 Lots in Malibu Vista SLS	Los Angeles
5-90-103-A	SOLAR SYSTEMS SPEC.	TDC	MRCA	0.12	1 Lot in Fernwood SLS	Los Angeles
5-90-103-A	SOLAR SYSTEMS SPEC.	TDC	MRCA	0.83	6 Lots in Malibu Vista SLS	Los Angeles
5-90-103-A	SOLAR SYSTEMS SPEC.	TDC	MRCA	0.14	1 Lot in Fernwood SLS	Los Angeles
5-90-103-A	SOLAR SYSTEMS SPEC.	TDC	MRCA	0.24	2 Lots in Fernwood SLS	Los Angeles
5-90-103-A	SOLAR SYSTEMS SPEC.	TDC	MRCA	0.12	1 Lot in Fernwood SLS	Los Angeles
5-90-103-A	SOLAR SYSTEMS SPEC.	TDC	MRCA	0.26	2 Lots in Fernwood SLS	Los Angeles
5-90-103-A	SOLAR SYSTEMS SPEC.	TDC	MRCA	0.52	4 Lots in Fernwood SLS	Los Angeles
5-90-103-A	SOLAR SYSTEMS SPEC.	TDC	MRCA	0.15	1 Lot in Fernwood SLS	Los Angeles
5-90-103-A	SOLAR SYSTEMS SPEC.	TDC	MRCA	0.18	1 Lot in Fernwood SLS	Los Angeles
5-90-103-A	SOLAR SYSTEMS SPEC.	TDC	MRCA	0.25	2 Lots in Topanga Oaks SLS	Los Angeles
5-90-103-A	SOLAR SYSTEMS SPEC.	TDC	MRCA	0.14	1 Lot in Fernwood SLS	Los Angeles
5-90-103-A	SOLAR SYSTEMS SPEC.	TDC	MRCA	0.45	1 Lot in Malibu Vista SLS	Los Angeles
5-90-103-A	SOLAR SYSTEMS SPEC.	TDC	MRCA	0.3	1 Lot in Malibu Vista SLS	Los Angeles
5-90-103-A	SOLAR SYSTEMS SPEC.	TDC	MRCA	0.37	1 Lot in Topanga Oaks SLS	Los Angeles
5-90-103-A	SOLAR SYSTEMS SPEC.	TDC	MRCA	0.34	2 Lots in Fernwood SLS	Los Angeles
5-90-103-A	SOLAR SYSTEMS SPEC.	TDC	MRCA	0.27	1 Lot in Fernwood SLS	Los Angeles
5-90-103-A	SOLAR SYSTEMS SPEC.	TDC	MRCA	0.15	1 Lot in Fernwood SLS	Los Angeles
5-90-103-A	SOLAR SYSTEMS SPEC.	TDC	MRCA	0.12	1 Lot in Fernwood SLS	Los Angeles
5-90-103-A	SOLAR SYSTEMS SPEC.	TDC	MRCA	0.12	1 Lot in Fernwood SLS	Los Angeles

Attachment A

2011 Acceptances

CDP#	Applicant	Purpose	Accepting Entity	Acres	Easement Resources and Location	County
5-90-103-A	SOLAR SYSTEMS SPEC.	TDC	MRCA	0.25	2 Lots in Fernwood SLS	Los Angeles
5-90-103-A	SOLAR SYSTEMS SPEC.	TDC	MRCA	0.37	1 Lot in Fernwood SLS	Los Angeles
5-90-103-A	SOLAR SYSTEMS SPEC.	TDC	MRCA	0.21	1 Lot in Fernwood SLS	Los Angeles
5-90-103-A	SOLAR SYSTEMS SPEC.	TDC	MRCA	0.43	3 Lots in Topanga Oaks SLS	Los Angeles
5-90-246	Ray Bolton	open space	MRCA	28.52	Solstice Canyon Significant Watershed	Los Angeles
5-90-327	Javid Development	open space	MRCA	20.95	scenic, habitat protection	Los Angeles
5-89-960-A	MCCALLISTER, SCOTT	TDC	MRCA	0.13	1 Lot in Malibu Bowl SLS	Los Angeles
5-90-106	Jul Niemier	TDC	MRCA	3.12	1 Lot in Upper La Costa SLS	Los Angeles
5-90-265	NESSE, HOWARD	TDC	MRCA	0.82	4 Lots in Malibu Vista SLS	Los Angeles
5-90-265	NESSE, HOWARD	TDC	MRCA	2.06	Piuma Road	Los Angeles
5-90-265	NESSE, HOWARD	TDC	MRCA	0.35	2 Lots in Fernwood SLS	Los Angeles
5-90-265	NESSE, HOWARD	TDC	MRCA	0.33	5 Lots in Old Topanga SLS	Los Angeles
5-89-743	Fred Segal	ESHA	MRCA	48.39	ESHA/Significant Oak Woodland	Los Angeles
5-89-743	Fred Segal	protection of watershed and wildlife corridors	MRCA	182.49	watershed and wildlife corridor	Los Angeles
5-88-938	Ohanian (Bennet)	open space	MRCA	2.76	coastal sage scrub	Los Angeles
5-88-938	Ohanian (Bennet)	TDC	MRCA	0.18	1 Lot in Malibu Vista SLS	Los Angeles
5-88-938	Ohanian (Bennet)	TDC	MRCA	0.16	1 Lot in Old Post Office SLS	Los Angeles
5-90-265	NESSE, HOWARD	TDC	MRCA	40	Santa Monica Mountains	Los Angeles
5-88-938	Ohanian (Bennet)	TDC	MRCA	0.14	1 Lot in Fernwood SLS	Los Angeles
South Coast District						
CCC-10-RO-01	Driftwood Properties, LLC	conservation	Coastal Conservancy	74.8	steep slopes, southern maritime chaparral, coastal sage scrub, big leaved Crownbeard, CA gnatcatcher, rufous crowned sparrow, 4 separate watercourses, Laguna Beach	Orange

Attachment B

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 Goleta	1
	City of Oxnard	1
	Los Angeles County Flood Control District	1
	Mountains Recreation and Conservation Authority	272
	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	79
	Dept of Fish and Game	37
	Dept of Parks and Recreation	4
	State Lands Commission	1
Federal	U.S. Army Corps of Engineers	1
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	Non-Profit Entities	
North Coast	Coastal Land Trust	3
	North Coast Land Trust	1
	Jacoby Creek Land Trust	1
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	20
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	631