

**CALIFORNIA COASTAL COMMISSION**

SOUTH CENTRAL COAST AREA  
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Appeal Filed: 9/6/2012  
49<sup>th</sup> Day: 10/25/2012  
Staff: A.G.  
Staff Report: 9/20/2012  
Hearing Date: 10/11/2012



# Th 16a

**STAFF REPORT: APPEAL SUBSTANTIAL ISSUE**

**LOCAL GOVERNMENT:** County of Santa Barbara

**LOCAL DECISION:** Approval with Conditions

**APPEAL NO.:** A-4-STB-12-061

**APPLICANTS:** Trust for Public Land and Devereux Creek Properties

**APPELLANT:** John Olson

**PROJECT LOCATION:** 6925 Whittier Drive, Goleta, Santa Barbara County (APN 073-090-062)

**PROJECT DESCRIPTION:** Subdivision of one 70.32 acre lot into three separate lots pursuant to a Tentative Parcel Map. The three resulting lots would be 63.93, 5.89, and 0.5 acres in size. In addition, the project includes demolition of an existing unpermitted employee dwelling on Lot 2. No structures, grading, or tree removal is proposed.

**MOTION & RESOLUTION: Pages 5 & 6**

**SUMMARY OF STAFF RECOMMENDATION: NO SUBSTANTIAL ISSUE EXISTS**

Staff recommends that the Commission determine that **no substantial issue** exists with respect to the grounds on which the appeal has been filed. The **motion** and **resolution** for a “no substantial issue” finding are found on **pages 5 & 6**. The appeal submitted on September 6, 2012, takes issue with the County’s approval of this project based on various perceived issues, including: the potential for the project to reduce property values in the adjacent neighborhood, the alleged “gifting of public funds” to the University of California, Santa Barbara (UCSB), the assertion that the lot split will free the land from local regulation by facilitating its transfer to UCSB, whose development is exempt from all local government control, the assertion that the City of Goleta has not reviewed the proposed project and has ignored its sphere of influence policies, concern that “no consideration has been given to” impacts on habitats and impacts of grading and dredging, the concern of increased potential for tsunami run up and expansion of the seasonal mud flat, flaws in the process at the local level in failing to consider the lot split as a development project, issues regarding CEQA review/environmental review inadequacies, concerns that future development plans will not receive adequate environmental review, concerns over the future loss of the golf course as a recreational facility, concerns that any

habitat restoration on the site would not be effective, concerns regarding land use changes, concerns about piecemealing, and general concerns about procedural irregularities.

However, the appellant fails to cite any specific policies from the County's Local Coastal Program (LCP) or public access policies of the Coastal Act relative to any of the above referenced issues. The standard of review at this stage of an appeal requires the Commission to determine whether the appeal of the project, as approved by the local government, raises a substantial issue with respect to its conformity to the standards set forth in the certified LCP or the public access policies of the Coastal Act. Moreover, although some of the issues raised do relate to LCP and Coastal Act policies, the appeal only suggests that those policies are implicated by future plans for the site and not by the project presently before this Commission on appeal.

In this case, the proposed project is limited to the subdivision of one 70.32-acre lot owned by Devereux Creek Properties into three lots pursuant to a Tentative Parcel Map and the demolition of an existing unpermitted residential trailer. No structural development, no grading and no tree removal were proposed or approved as part of the project. As such, the approved project does not raise a substantial issue regarding the project's conformance with any of the relevant LCP policies.

The Trust for Public Land has entered into a private agreement with the property owner to purchase the resulting 63.93 acre "Parcel 1". The Trust for Public Lands has indicated that its purchase of Lot 1 is intended to allow for the restoration and preservation of the entire 63.93 acre site in the future. However, this restoration will require a separate coastal development permit since the County's approval did not approve any restoration, or other new development, on the site at this time. Thus, the appellant's concerns regarding potential habitat impacts from future habitat restoration activities, the potential loss of a recreational facility due to closure of the golf course and implementation of habitat restoration on site, geologic hazards and other related issues are premature because no specific development has been approved by the County. New development on the subject property would be required to receive approvals from the Coastal Commission, the County, or both, and would need to meet all applicable Coastal Act and LCP standards, including those associated with environmentally sensitive habitat, wetland setbacks, geologic and flooding hazards, as well as public access and recreation policies. Conversely, the issues raised by the appeal that do relate to the current project, such as the concerns over piecemealing, procedure, and alleged irregularities, are not related to any applicable LCP or Coastal Act policies.

Although the appellant does not make the argument, it is true that any proposed land division may have inherent implications for additional development simply by creating additional lots. However, to the extent the appeal could be construed to raise this argument, it still has not demonstrated how those limited and unspecified changes would necessarily result in violations of any LCP policies. Finally, even if the subdivision were found to have significant impacts of this sort, no such impacts would follow from the approved project because of the fact that the County's approval is expressly conditioned on the Coastal Commission providing a separate CDP approval for the subdivision.

As described in detail in the findings below (Section III.), the County’s record adequately supports its position that the proposed project is consistent with all potentially applicable LCP policies related to habitat protection, public access and recreation, geologic and flooding hazards, open space requirements, and landform alteration. In addition, the proposed development does not have a significant adverse effect on coastal resources, has little precedential value, and does not raise issues of regional or statewide significance. Therefore, the staff recommendation herein is to find that **no substantial issue** is raised with regard to the grounds of appeal.

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### **APPENDIX A: Substantive File Documents**

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## **EXHIBITS**

- Exhibit 1.** Vicinity Map
  - Exhibit 2.** Parcel Map
  - Exhibit 3.** Project Site
  - Exhibit 4.** Project Plans
  - Exhibit 5.** Appeal
  - Exhibit 6.** Final Local Action Notice
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## **I. APPEAL JURISDICTION AND PROCEDURES**

### **A. APPEAL PROCEDURES**

The Coastal Act provides that after certification of Local Coastal Programs (LCPs), certain local government actions on Coastal Development Permit applications for development in certain areas and for certain types of development may be appealed to the Coastal Commission. Local governments must provide notice to the Commission of their coastal development permit actions. During a period of ten working days following Commission receipt of a notice of local permit action for an appealable development, an appeal of the action may be filed with the Commission.

#### **1. Appeal Areas**

Approvals of CDPs by cities or counties may be appealed if the development authorized will be located within the appealable areas, which include the areas between the sea and the first public road paralleling the sea, within 300 feet of the inland extent of any beach or of the mean high-tide line of the sea where there is no beach, whichever is greater, on state tidelands, or along or within 100 feet of natural watercourses and lands within 300 feet of the top of the seaward face of a coastal bluff. (Coastal Act Section 30603[a]). Any development approved by a County that is not designated as a principal permitted use within a zoning district may also be appealed to the Commission irrespective of its geographic location within the Coastal Zone. (Coastal Act Section 30603[a][4]). Finally, any action on an application for development that constitutes a major public works project or a major energy facility may be appealed to the Commission. (Coastal Act Section 30603[a][5]).

The project site for the project at issue in this appeal is located at 6925 Whittier Drive, in the Goleta Community within unincorporated Santa Barbara County. (Exhibit 1). In this case, the project site is located between the first public road and the sea and within 100 ft. of Devereux Creek and its tributaries, and it is therefore within the geographic appeals area of the County's permit jurisdiction as shown on the Post-LCP Certification Permit and Appeal Jurisdiction map (Santa Barbara County Coastal Zone Map Sheets 123-124) certified for the County of Santa Barbara. Thus, the County's approval is appealable to the Commission.

It is also important to note that portions of the parcel proposed to be subdivided are within the Commission's original permit jurisdiction, so the applicant will need to obtain a Coastal Development Permit from the Coastal Commission for the proposed lot split as well. The applicants submitted a Coastal Development Permit application to the Commission (CDP 4-12-044) on July 3, 2012.

#### **2. Grounds for Appeal**

The grounds for appeal of a local government approval of development shall be limited to an allegation that the development does not conform to the standards set forth in the certified Local Coastal Program or the public access policies set forth in Division 20 of the Public Resources Code. (Coastal Act Section 30603[b][1])

### **3. Substantial Issue Determination**

Section 30625(b) of the Coastal Act requires the Commission to hear an appeal unless the Commission determines that no substantial issue exists with respect to the grounds on which the appeal was filed. When Commission staff recommends that no substantial issue exists with respect to the grounds of the appeal, the Commission will hear arguments and vote on the “substantial issue” question. A majority vote of the Commissioners present is required to determine that an appeal raises no substantial issues, so the Commission will not hear the appeal. If the Commission determines that no substantial issue exists, then the local government’s coastal development permit action will be considered final.

### **4. De Novo Permit Hearing**

Should the Commission determine that a substantial issue does exist, the Commission will consider the CDP application de novo. The applicable test for the Commission to consider in a de novo review of the project is whether the entire proposed development is in conformity with the certified Local Coastal Program and, for projects between the sea and the first public road paralleling the sea, the public access and recreation policies of Chapter 3 of the Coastal Act. Thus, the Commission’s review at the de novo stage of the hearing is *not* limited to the appealable development as defined in Section I.A.1.

## **B. LOCAL GOVERNMENT ACTION AND FILING OF APPEAL**

On May 7, 2012, the project that is the subject of this appeal was approved by the Santa Barbara County Zoning Administrator. John Olson appealed the Zoning Administrator’s approval, and the appeal was heard by the County Planning Commission on June 20, 2012. The County Planning Commission denied the appeal and upheld the project approval. John Olson then appealed that action to the County Board of Supervisors. The County Board of Supervisors denied the appeal (Case No. 12APL-00000-00014) at a public hearing on August 21, 2012, thereby upholding approval of the County Planning Commission’s approval of the project (Case Nos. 11TPM-00000-00007 and 12CDH-00000-00009).

The Notice of Final Action for the project was received by Commission staff on August 27, 2012. Commission staff provided notice of the ten working day appeal period, which began on August 28, 2012, and ended on September 11, 2012.

John Olson then filed the subject appeal on September 6, 2012. Commission staff notified the County, the applicant, and all interested parties that were listed on the appeal and requested that the County provide its administrative record for the permit. The administrative record was received on September 13, 2012.

## **II. STAFF RECOMMENDATION ON SUBSTANTIAL ISSUE**

**MOTION:**      *I move that the Commission determine that Appeal No. A-4-STB-12-061 raises NO substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act.*

**STAFF RECOMMENDATION:**

Staff recommends a **YES** vote. Following the staff recommendation will result in passage of this motion, a finding of No Substantial Issue and adoption of the following resolution and findings. If the Commission finds **No Substantial Issue**, the Commission will not hear the application de novo, and the local action will become final and effective. The motion passes only by an affirmative vote by a majority of the Commissioners present.

**RESOLUTION TO FIND NO SUBSTANTIAL ISSUE:**

The Commission hereby finds that Appeal No. A-4-STB-12-061 raises **No Substantial Issue** with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act regarding consistency with the Certified LCP and/or the public access and recreation policies of the Coastal Act.

### **III.FINDINGS AND DECLARATIONS FOR NO SUBSTANTIAL ISSUE**

The Commission hereby finds and declares:

#### **A. PROJECT DESCRIPTION AND BACKGROUND**

The County of Santa Barbara approved development characterized by the following project description:

*Tentative Parcel Map (TPM 14,784) to divide one 70.32-acre lot (net and gross) into three lots. Proposed Lot 1 would be 63.93 acres (net and gross) and is currently developed with the Ocean Meadows Golf Course, clubhouse, restaurant, golf cart storage building, parking lot and remote restroom. Proposed Lot 2 would be 5.89 acres (net and gross) and is currently developed with an employee dwelling (trailer) and maintenance building. Proposed Lot 3 would be 0.50 acres (net and gross) and is currently developed with a parking lot that serves the golf course. No structural development, no grading and no tree removal are proposed.*

*The property is zoned Planned Residential Development (PRD-58) with a maximum base density of 58 residential units. The purpose of the zone is to plan development of the site as a whole, ensuring clustering of residential development and requiring the provision of open space; however, no residential development is currently proposed as a part of this lot split. The proposal includes assignment of 30 of the base density residential units to proposed Lot 1 with the remaining 28 base density residential units to be split between proposed Lots 2 and 3 upon future development applications provided proposed development on Lots 2 and 3 is processed under one Development Plan application. In the event Lots 2 and 3 come under separate*

*ownership and/or proposals to develop the lots are processed under separate Development Plan applications, the 28 residential units shall be allocated as follows, based on lot size: Lot 2 shall be assigned 26 base density residential units and Lot 3 shall be assigned two base density residential units.*

*Upon recordation of the lot split, Lot 1 would be sold to The Trust for Public Land. Immediately following the land acquisition by The Trust for Public Land, Lot 1 would be deed restricted such that no residential development could occur on that property in the future, consistent with the requirements of funding grantors. The Trust for Public Land would then convey the property to a long-term term steward for conservation and restoration, anticipated to be the University of California at Santa Barbara (UCSB). The PRD zone requires at least 40% of the gross acreage be maintained in open space and the Goleta Community Plan requires at least 60% open space. These public and common open space requirements (found in Article II, Sec. 35-75.16 and Goleta Community Plan DevStd LUDS-GV.2.1), which require a minimum of 42.19 acres, will be satisfied on proposed Lot 1 for all three lots. Therefore, future development projects on proposed Lots 2 and 3 will already have met the open space requirements referenced above per this map.*

*An existing employee dwelling is located on proposed Lot 2. The Conditional Use Permit for the dwelling expired in 1990 without renewal and currently the dwelling is unpermitted. The applicant proposes to remove/demolish the dwelling prior to recordation of the Tentative Parcel Map. The application includes a Coastal Development Permit (Case No. 12CDH-00000-00009) to demolish the dwelling.*

*Existing access to the site is provided by an existing easement from Whittier Drive across a small triangular parcel just north of the golf course parking lot (the entire parcel is the easement) and by an existing 20-foot wide easement across UCSB property from Storke Road. Access to Proposed Lots 1 and 3 would continue to be from Whittier Drive via the easement from Whittier Drive. Access to Proposed Lot 2 would continue to be from Storke Road via the existing 20-foot wide easement across the adjacent UCSB property.*

*Proposed Lot 1 is currently served and would continue to be served by the Goleta Water District and Goleta West Sanitary District. A separate reclaimed water system, which irrigates the golf course, is also located on the lot. Proposed Lot 2 is currently served and would continue to be served by the Goleta Water District and would also receive reclaimed water after the lot split. Proposed Lot 2 is currently served by an onsite septic disposal system that will remain to serve the maintenance building. This system would be abandoned in the future upon demolition of the building and connection of new development to the Goleta West Sanitary District. Proposed Lot 3 would be served by the Goleta Water District and the Goleta West Sanitary District. The County Fire Department serves the entire property and would continue to serve the three proposed lots.*

## **B. SITE DESCRIPTION AND BACKGROUND**

The existing 70.32 acre property (APN 073-090-062) is developed with the Ocean Meadows Golf Course, which has been in operation since the 1960s, prior the effective date of the Coastal Act. The property is located just west of Storke Road in the Goleta Community Plan area of unincorporated Santa Barbara County. The site is adjacent to property owned by the University of California, Santa Barbara to the south and east (with some residential development), residentially developed property to the north, and open space to the south and west. The on-site vegetation consists primarily of golf course turf grass and related ornamental plantings. Annual grassland occurs along the margins of the turf grass and in disturbed, unmaintained areas, and ornamental plantings border the golf course from the adjacent University-owned properties. The habitat associated with three creek drainages that cross through the golf course are designated ESHA in the Goleta Community Plan. These include Devereux Creek from the west, Phelps Ditch from the north, and an unnamed eastern tributary of Devereux Creek that drains the eastern arm of the golf course. The three drainages total approximately 1,700 feet in length.

Wetland/freshwater marsh and riparian scrub form dense cover with small ponded water areas within the drainages. Some coastal salt marsh plant species are present due to the high salinity that remains in the soil from when the slough was drained and filled to create the golf course in the 1960s, prior to the effective date of the Coastal Act. Additionally, under Coastal Development Permit (CDP) 4-02-176, the wetland marsh habitat along the lower portion of Devereux Creek was expanded as mitigation for implementation of a ten-year Santa Barbara County flood control maintenance program.

A Tentative Tract Map, Development Plan, Rezone and Local Coastal Program Amendment were processed by the County in the early-mid 2000's to facilitate development of 56 residences (known as "Ocean Meadows Residences") on the site, as well as retention of the golf course use. The Commission approved LCP Amendment STB-MAJ-2-04-C on March 7, 2006 for modification of land use and zoning designations on a portion of the site (APN 073-090-062) from Planned Residential Development to Recreation. The amendment to rezone the golf course property was an essential part of the Ocean Meadows Residence Project, which would have clustered residential development potential on the approximately 70 acre Ocean Meadows Golf Course parcel by limiting residential development to a 6.5-acre portion of the parcel and allowing the existing golf course to continue operation on the remaining 63.5 acre portion of the property. The redesignation/rezoning of the active golf course from residential to open space and recreation would have eliminated all future residential development potential on the majority of the property and would have allowed the existing golf course to remain. That amendment would have brought the non-conforming use (golf course) into conformance. The Commission found that redesignation/rezoning of the parcel to recreation would not adversely impact coastal resources and was consistent with the Chapter Three policies of the Coastal Act and approved the amendment with two suggested modifications, including a provision that would specifically allow habitat restoration activities as a permitted use on Recreation-zoned properties, such as the golf course, consistent with the intent of the zone district. The approved amendment did not authorize any new development, but was focused solely on the redesignation/rezone of 63.5 acres of property from Planned Residential Development to Recreation.



However, the project applicants withdrew their application at the County. Therefore, the Santa Barbara County Board of Supervisors took no final action to accept the CCC approved LCPA modifications or to approve the subdivision and development project. Subsequently, the LCPA approval expired and the project was closed at the County level.

In addition, the proposed project is subject to separate review by the Coastal Commission because portions of the existing parent parcel are within the Commission's original permit jurisdiction. A Coastal Development Permit application (CDP 4-12-044) has been submitted for the same project approved by the County of Santa Barbara, with the exception of a request for approval of the demolition of the unpermitted employee dwelling because that development does not fall within the Commission's retained permit jurisdiction. The application for CDP 4-12-044 is currently incomplete and has not yet been scheduled for Commission action. Further, any future development on the property other than the proposed lot split and removal of residential trailer would be subject to review by the County and the Coastal Commission.

## **C. LOCAL PERMIT HISTORY**

On May 7, 2012, the project that is the subject of this appeal was approved by the Santa Barbara County Zoning Administrator. John Olson appealed the Zoning Administrator's approval, and the appeal was heard by the County Planning Commission on June 20, 2012. The County Planning Commission denied the appeal and upheld the project approval. John Olson then appealed that action to the County Board of Supervisors. The County Board of Supervisors denied the appeal (Case No. 12APL-00000-00014) at a public hearing on August 21, 2012, thereby upholding approval of the County Planning Commission's approval of the project (Case Nos. 11TPM-00000-00007 and 12CDH-00000-00009).

The Notice of Final Action for the project was received by Commission staff on August 27, 2012. Commission staff provided notice of the ten working day appeal period, which began on August 28, 2012, and ended on September 11, 2012.

John Olson then filed the subject appeal on September 6, 2012. Commission staff notified the County, the applicant, and all interested parties that were listed on the appeal and requested that the County provide its administrative record for the permit. The administrative record was received on September 13, 2012.

## **D. APPELLANT'S CONTENTIONS**

The County's action was appealed by John Olson. The appeal was filed on September 6, 2012, attached as **Exhibit 5**. The appeal submitted on September 6, 2012, takes issue with the County's approval of this project based on various perceived issues, including: the potential for the project to reduce property values in the adjacent neighborhood, the alleged "gifting of public funds" to the University of California, Santa Barbara (UCSB), the assertion that the lot split will free the land from local regulation by facilitating its transfer to UCSB, whose development is exempt from all local government control, the assertion that the City of Goleta has not reviewed the proposed project and has ignored its sphere of influence policies, concern that "no consideration has been given to" impacts on habitats and impacts of grading and dredging, the

concern of increased potential for tsunami run up and expansion of the seasonal mud flat, flaws in the process at the local level in failing to consider the lot split as a development project, issues regarding CEQA review/environmental review inadequacies, concerns that future development plans will not receive adequate environmental review, concerns over the future loss of the golf course as a recreational facility, concerns that any habitat restoration on the site would not be effective, concerns regarding land use changes, concerns about piecemealing, and general concerns about procedural irregularities.

Pursuant to Coastal Act Section 30603 (b)(1) stated above, the grounds for appeal are limited to an allegation that the development does not conform to the standards set forth in the certified Local Coastal Program (LCP) or the public access policies set forth in Coastal Act. In this case, the September 6, 2012 appeal fails to raise any specific policies of the LCP or public access policies of the Coastal Act. Nevertheless, any potentially applicable Santa Barbara County LCP policy or public access policy of the Coastal Act raised by issues mentioned in the appeal are analyzed below.

## **E. ANALYSIS OF SUBSTANTIAL ISSUE**

Pursuant to Sections 30603 and 30625 of the Coastal Act, the appropriate standard of review for the subject appeal is whether a substantial issue exists with respect to the grounds raised by the appellant relative to the locally-approved project's conformity to the policies contained in the certified LCP or the public access policies of the Coastal Act. In this case, the appellant did not raise any specific policies contained in the certified LCP or the public access policies of the Coastal Act as grounds for appeal. Nevertheless, the appellant did raise concerns related to habitat protection, public access and recreation, geologic and flooding hazards, CEQA review issues, open space requirements, and various other issues unrelated to Coastal Act or LCP standards.

The term "substantial issue" is not defined in the Coastal Act or its implementing regulations. The Commission's regulations indicate simply that the Commission will hear an appeal unless it "finds that the appeal raises no significant question." (Cal. Code Regs., Title 14, Section 13115(b).) In previous decisions on appeals, the Commission has been guided by the following factors:

1. The degree of factual and legal support for the local government's decision that the development is consistent or inconsistent with the certified LCP or with the public access policies of the Coastal Act;
2. The extent and scope of the development as approved or denied by the local government;
3. The significance of coastal resources affected by the decision;
4. The precedential value of the local government's decision for future interpretation of its LCP; and
5. Whether the appeal raises only local issues, or those of regional or statewide significance.

In this case, for the reasons discussed below, the Commission determines that the appeal raises no substantial issue with regard to the grounds on which the appeal has been filed, as discussed below.

**1. Analysis of County's Approval**

**a. Habitat Protection**

The appellant does not reference any specific LCP policies related to habitat protection but does mention concerns regarding protection of existing golf course habitat on the subject property. The appellant asserts that “[n]o consideration has been given to the existing irrigated habitats or the long term impacts of massive grading and dredging,” that the plans will “expand the seasonal ‘mud flat’,” and that “the stated environmental goals will fail.”

The County's LCP Land Use Plan and Goleta Community Plan (GCP) contain numerous policies related to habitat protection that would apply to the project site, including but not limited to:

**LUP Policy 2-11**

*All development, including agriculture, adjacent to areas designated on the land use plan or resource maps as environmentally sensitive habitat areas, shall be regulated to avoid adverse impacts on habitat resources. Regulatory measures include, but are not limited to, setbacks, buffer zones, grading controls, noise restrictions, maintenance of natural vegetation, and control of runoff.*

**LUP Policy 9-1**

*Prior to the issuance of a development permit, all projects on parcels shown on the land use plan and/or resource maps with a Habitat Area overlay designation or within 250 feet of such designation or projects affecting an environmentally sensitive habitat area shall be found to be in conformity with the applicable habitat protection policies of the land use plan. All development plans, grading plans, etc., shall show the precise location of the habitat(s) potentially affected by the proposed project. . . .*

**LUP Policy 9-9**

*A buffer strip, a minimum of 100 feet in width, shall be maintained in natural condition along the periphery of all wetlands. No permanent structures shall be permitted within the wetland or buffer area except structures of a minor nature, i.e. fences, or structures necessary to support the uses in Policy 9-10...*

**LUP Policy 9-37**

*The minimum buffer strip for major streams in rural areas, as defined by the land use plan, shall be presumptively 100 feet, and for streams in urban areas, 50 feet. These minimum buffers may be adjusted upward or downward on a case-by-case basis. The buffer shall be established based on an investigation of the following factors and after consultation with the Department of Fish and Game and Regional Water Quality Control Board in order to protect the biological productivity and water quality of streams:*

- a. soil type and stability of stream corridors;*
- b. how surface water filters into the ground;*
- c. slope of the land on either side of the stream; and*
- d. location of the 100-year flood plain boundary.*

*Riparian vegetation shall be protected and shall be included in the buffer. Where riparian vegetation has previously been removed, except for channelization, the buffer shall allow for the reestablishment of riparian vegetation to its prior extent to the greatest degree possible.*

#### **LUP Policy BIO-GV-2**

*Environmentally Sensitive Habitat (ESH) areas and Riparian Corridors within the Goleta Planning Area shall be protected and, where feasible and appropriate, enhanced.*

#### **GCP DevStd BIO-GV-2.2**

*New development within 100 feet of an Environmentally Sensitive Habitat (ESH), shall be required to include setbacks or undeveloped buffer zones from these habitats consistent with those detailed in specific habitat protection policies as part of the proposed development except where setbacks or buffer zones would preclude reasonable use of the parcel. In determining the location, width and extent of setbacks and buffer zones, the Goleta Biological Resources Map and other available data shall be used (e.g., maps, studies, or observations). If the project would result in potential disturbance to the habitat, a restoration plan shall be required. When restoration is not feasible onsite, offsite restoration may be considered.*

#### **GCP Policy BIO-GV-3**

*Development within areas designated as ESH or Riparian Corridor shall comply with the applicable habitat protection policies.*

#### **GCP Policy BIO-GV-8**

*The minimum buffer strip and setbacks from streams and creeks for new development and actions within the ESH overlay that are regulated by the County Zoning Ordinances shall be as follows:*

*a) ESH areas within urban, inner rural and existing developed rural neighborhoods: a setback of 50 feet from either side of top-of-bank of creeks or existing edge of riparian vegetation, whichever is further...*

**GCP Policy BIO-GV-15**

*Significant biological communities shall not be fragmented into small non-viable pocket areas by development.*

**GCP DevStd BIO-GV-15.2**

*The County shall require appropriate protective measures (e.g., fencing) where necessary to protect sensitive biological resources during construction.*

The County's June 20, 2012 staff report contains an analysis of the project in relation to Local Coastal Plan Land Use Plan policies and Goleta Community Plan development standards and policies, cited above. The County's staff report notes that Environmentally Sensitive Habitat Areas are designated onsite as both wetland and riparian habitat associated with Devereux Creek and states that no development is proposed with the lot split with the exception of the demolition of the employee dwelling. The County's staff report (p.10) explains that if or when any future development occurs on the subject lots "it will be located further away from the sensitive habitats than required by the minimum buffers of [the LCP] policies." The staff report further correctly notes that habitat restoration on Lot 1 at some time in the future would expand environmentally sensitive habitat areas (ESHA) adjacent to Lots 2 and 3; thus the future habitat restoration and enhancement activities would be consistent with all habitat protection policies of the LCP. Moreover, any potential adverse impacts from future development would be assessed at the time of a future development application for restoration/enhancement.

In this case, the scope of the approved project is limited to the Tentative Parcel Map for the lot split and demolition of the existing unpermitted residential trailer. The approved project does not include "grading and dredging" as asserted by the appellant, nor any proposal to develop the subject site. The subject site is developed with a golf course and although the site does contain Devereux Creek and related tributaries, as well as wetland areas, the approved project did not include any development plans that would affect the on site resources. If and when further development proposals do come forward in the future, there is no evidence to suggest that – or any logical reason why it would be the case that – the lot split would preclude the reviewing agencies from ensuring that the development proposed at that time is consistent with those policies. The unpermitted employee dwelling to be demolished is not located within any environmentally sensitive habitat areas and it is located more than 300 feet from Devereux Creek. In addition, the Lots 2 and 3, where future residential development may occur, have been appropriately configured in a manner to provide an adequate 100 ft. buffer for future new residential development from the existing delineated wetlands and riparian habitat on site in order to avoid, or minimize, impacts to these resources.

Thus, a review of the record shows that the approved project complies with LCP policies regarding ESHA and habitat protection policies of the County's LCP and the Goleta Community Plan and will not limit or prejudice the ability to ensure that future development does the same. Therefore, the Commission finds that the County addressed the above referenced issues and the appeal raises no substantial issue regarding habitat protection.

**b. Public Access and Recreation**

The appellant does not cite any specific LCP policies, but raises general issues related to preserving existing recreational opportunities at the subject site. The appellant asserts that "(f)uture plans for the properties are expressed in the report and clearly represent a major project that kills a recreational facility that is a community asset."

All Chapter 3 policies of the Coastal Act regarding public access and recreation have been incorporated in their entirety in the certified County LUP as guiding policies pursuant to Policy 1-1 of the LUP.

Coastal Act Section 30210 states that:

*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.*

Coastal Act Section 30211 states:

*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.*

Coastal Act Section 30212(a) states:

*Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:*

- (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources.*
- (2) adequate access exists nearby, or,*
- (3) agriculture would be adversely affected. Dedicated access shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.*

Coastal Act Section 30212.5 states:

*Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the*

*impacts, social and otherwise, of overcrowding or overuse by the public of any single area.*

Coastal Act Section 30213 states:

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

Coastal Act Section 30214 states:

*(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 including, but not limited to, the following:*

*(1) Topographic and geologic site characteristics.*

*(2) The capacity of the site to sustain use and at what level of intensity.*

*(3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses.*

*(4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.*

*(b) It is the intent of the Legislature that the public access policies of this article be carried out in a reasonable manner that considers the equities and that balances the rights of the individual property owner with the public's constitutional right of access pursuant to Section 4 of Article X of the California Constitution. Nothing in this section or any amendment thereto shall be construed as a limitation on the rights guaranteed to the public under Section 4 of Article X of the California Constitution.*

*(c) In carrying out the public access policies of this article, the commission and any other responsible public agency shall consider and encourage the utilization of innovative access management techniques, including, but not limited to, agreements with private organizations which would minimize management costs and encourage the use of volunteer programs.*

Section 30223 of the Coastal Act states:

*Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.*

Section 30252 of the Coastal Act states:

*The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.*

Finally, Policy 7-1 of the LUP states, in relevant part, that:

*The County shall take all necessary steps to protect and defend the public's constitutionally guaranteed rights of access to and along the shoreline.*

The above policies require maximum access and recreational opportunities be provided in coastal areas. In this case, the scope of the approved project is limited to the subdivision of the parcel pursuant to a Tentative Parcel Map and demolition of the existing unpermitted residential trailer. The Commission finds that the change in use of the site from a privately-owned golf course to public open space/habitat restoration with public hiking/bicycle trails would require a coastal development permit. However, in this case, the approved project does not include any proposal to restore or develop the subject site or remove the existing golf course use at this time. Therefore, the approved project will not have any impacts to public access and recreation. And again, if and when a proposal comes forward in the future to do so, there is no evidence to suggest that – or any logical reason why it would be the case that – the lot split that is the subject of the current appeal would preclude the reviewing agencies from ensuring that any such proposed changes would be consistent with those policies. Regardless, although the future intended change in use to convert the site from a privately owned golf course to a public open space area providing public trails may result in a change in public access and recreation, these changes has not yet been analyzed and will be reviewed in relation to any future application for development of the subject property. Therefore, the Commission finds that this appeal raises no substantial issue regarding public access and recreation.

**c.     Hazards**

The appellant has appealed the County's final action citing a general concern of the potential for future hazards, specifically the concern of potential tsunami risk. The appeal raises the concern



that the project will: “increase the threat of tsunami run-up and expand the seasonal ‘mud flat’ that only collect water during the winter from storm run-off.”

The County’s LCP Land Use Plan and Goleta Community Plan contain policies related geologic or flood hazards that would apply to development on the subject site, including:

**LCP Policy 3-8**

*Applications for grading and building permits, and applications for subdivision shall be reviewed for adjacency to, threats from, and impacts on geologic hazards arising from seismic events, tsunami runup, landslides, beach erosion, or other geologic hazards such as expansive soils or subsidence areas. In areas of known geologic hazards, a geologic report shall be required. Mitigation measures shall be required where necessary.*

**GCP Policy FLD-GV-1**

*The number of persons and amount of property exposed to flood hazard shall be minimized through requiring adequate setbacks from the floodway and/or other appropriate means.*

The County’s June 20, 2012 staff report contains an analysis of the project in relation to Coastal Plan Policies and the Goleta Community Plan development standards and policies, cited above. The staff report explains that any future residential development would be analyzed in relation to these policies.

In this case, the scope of the approved project is limited to subdivision of the parcel pursuant to the Tentative Parcel Map and demolition of the existing unpermitted residential trailer. The approved project does not include any proposal to develop the subject site and, therefore, any geologic or flooding hazards impacts have not yet been analyzed and will be reviewed in relation to any future application for development of the subject property. And again, if and when a proposal for further development comes forward in the future, there is no evidence to suggest that – or any logical reason why it would be the case that – the currently proposed lot split in and of itself would preclude the reviewing agencies from ensuring that any such development would be consistent with those policies. Therefore, the Commission finds that the appeal raises no substantial issue regarding geologic or flooding hazards.

**d. California Environmental Quality Act**

The appellant raises concerns regarding issues that the environmental review performed pursuant to the California Environmental Quality Act (CEQA) was inadequate and raises concerns that future development plans will not receive adequate environmental review. Specifically, the appeal states: “EIR and CEQA requirements are required for developments,” “the staff report submitted is an abuse of discretion because the report presented avoided CEQA and EIR

requirements with exemption statements that were false and misleading.” and “Findings that CEQA exemptions apply also fail to consider the existing habitat the golf course provides.”

An appeal to the Coastal Commission challenging a local agency’s approval of a coastal development permit is limited to an allegation that the development does not conform to the standards set forth in a certified LCP. As a result, the Coastal Commission is not the appropriate appeals forum for the appellant’s argument that the County did not comply with CEQA requirements by issuing an exemption for the proposed development nor does this assertion constitute grounds for an appeal of a coastal permit.

Regardless, the County did respond to the appellant’s CEQA arguments in its own response to the earlier appeals and found that the County complied with all CEQA requirements. Specifically, the County issued a CEQA Notice of Exemption for the approved project. In this case, the County’s June 20, 2012 staff report explained that the demolition of the employee dwelling was found to be categorically exempt pursuant to CEQA Guidelines Section 15201(1)(1), which exempts the demolition and removal of individual small structures from further environmental review. Additionally, the County found that the lot split met the criteria for a categorical exemption pursuant to CEQA Guidelines Section 15315, which exempts minor land divisions in urbanized areas, zoned for residential use, into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in the division of a larger parcel within two years, and the parcel does not have an average slope greater than 20 percent.

Further, the County’s June 20, 2012 staff report (p. 13) specifically explains that determining the specific location, design, size and scale of any future development, including habitat restoration with its associated grading, would be speculative and that, given the processing requirements for the PRD zone district, any future development on the lots would require processing of applications for Development Plans. The County notes that a Development Plan is a discretionary permit action that requires environmental review to assess the physical impacts of such development and that, although wetland habitat restoration is contemplated for the future on proposed Lot 1 and residential development may be proposed for Lots 2 and/or 3, at this time no proposal for development or restoration has been submitted and no environmental review beyond the exemptions is warranted.

Therefore, the Commission finds that the appellant’s arguments with respect to CEQA raise no substantial issue.

**e. LCP development standards related to open space requirements**

The appellant did not state any specific LCP policy related to the subject site but did cite concerns regarding the preservation of open space on the project site.

The applicable LCP Policy is Goleta Community Plan Development Standard LUDS-GV-2.1, which requires that a minimum of 60% open space be retained over the whole of the “golf course site” (the subject 70.32 acre lot).

The County's June 20, 2012 staff report (p.14) responds to the appellant's concern regarding open space requirements and explains that the purpose of the lot split is to allow The Trust for Public Land to purchase one lot of 63.93 acres to facilitate the future preservation and restoration of the property. The County found that, given the future deed restrictions for open space uses and restoration that are anticipated to be placed on the 63.93 acre lot, Lot 1 will meet more than the 60% open space requirement for the parcel as a whole and would meet the intent of the LCP standard. In addition, even if that specific transaction were not to come to fruition, there is, again, nothing inherent in the currently proposed lot split that would preclude the relevant agencies from ensuring that the area required to be preserved as open space would be so preserved in the context of any future development.

Thus, the Commission finds that the County has addressed the issue related to open space requirements and no substantial issue exists with respect to the LCP development standards for the property.

**f. Miscellaneous Additional Arguments**

The appellant raises several other arguments, but these arguments have no apparent relationship to any LCP or Coastal Act policy. These include the following:

- that the proposed project is the "beginning of a major project" (§ 1) and that the fact that no residential development is requested at this time "skirt[s] the transparency the written laws and citizens expect and deserve" (§ 6), perhaps suggesting a piecemealing concern.
- That the proposed project "will lower neighboring property values" (§ 1)
- That it will constitute or at least facilitate a gift of public funds (§§ 2, 8, respectively)
- That it will free the land from local regulation by facilitating a transfer to UCSB, which can develop property exempt from local control (§ 2)
- That there were suspicious procedural irregularities, described variously as "back room deals" (§ 2), "misleading and biased methods" used to avoid proper review (§ 5), "insider influence" and "gaming" the system (§ 9)

None of these claims involves any clear relationship to any Coastal Act or LCP policy, and the appeal does not draw any such connections. Accordingly, these are not property grounds for an appeal and cannot be considered by this Commission.

Finally, the appellant claims that the "major flaw in the [Zoning Administrator's] hearing was [it] did not consider this Lot Split as a 'development' when it clearly is" (§ 5). This, too, is not related to a Coastal Act policy. In addition, regardless of whether the lot split was expressly designated as "development," the parcel map authorizing the lot split was listed as appealable and is the subject of this appeal. Thus, the approval of the lot split is before this Commission as the subject of this appeal.

**2. Substantial Issue Factors Considered by the Commission**

The term “substantial issue” is not defined in the Coastal Act or its implementing regulations. The Commission’s regulations indicate simply that the Commission will hear an appeal unless it “finds that the appeal raises no significant question” (Cal. Code Regs., Title 14, Section 13115(b)).

In evaluating the issue of whether the appeals raise a substantial issue, the Commission considers the following factors:

1. The degree of factual and legal support for the local government’s decision that the development is consistent or inconsistent with the certified LCP;
2. The extent and scope of the development as approved or denied by the local government;
3. The significance of coastal resources affected by the decision;
4. The precedential value of the local government’s decision for future interpretation of its LCP; and
5. Whether the appeal raises only local issues, or those of regional or statewide significance.

In this case, based on the analysis above, the County has provided a high degree of factual and legal support for the decision that the proposed development is consistent with the certified LCP policies related to habitat protection, public access and recreation, geologic and flooding hazards, and open space requirements.

The second factor in evaluating the issue of whether the appeal raises a substantial issue is the extent and scope of the development as approved by the County. In this case, the scope of the approved project is limited to the Tentative Parcel Map for the lot split and demolition of the existing unpermitted residential trailer. Any future development plans on any of the parcels created by the approved lot split would be subject to coastal development permitting requirements and applicable LCP policies and implementation measures. Thus, in analyzing the factors relevant to the issue of whether this appeal raises a substantial issue, the Commission finds that the extent and scope of the lot split and removal of unpermitted residential trailer is relatively minor.

The third factor in evaluating the issue of whether the appeal raises a substantial issue is the significance of coastal resources affected by the decision. In this case, there would be no significant coastal resources affected by the decision. As previously discussed, any future development on the project site would be subject to coastal development permit requirements and must comply with applicable LCP policies and the lot split will not necessarily lead to any significant additional impacts on coastal resources. This is even more true because the County’s approval is expressly conditioned on the Coastal Commission providing a separate CDP approval for the subdivision. Thus, no significant coastal resources are affected by the decision to approve the lot split and removal of unpermitted residential trailer.

The fourth factor in evaluating the issue of whether the appeal raises a substantial issue is the precedential value of the local government’s decision for future interpretation of its LCP. In this

case, as described above, the Commission finds that the project is consistent with the policies of the LCP with respect to the grounds of appeal. As such, the County's decision will have no adverse precedential value for future CDP decisions.

The final factor in evaluating the issue of whether the appeal raises a substantial issue is whether the appeal raises only local issues, or those of regional or statewide significance. In this case, the appeal for the lot split appears to raise only local issues, and there has been no demonstration that it implicates issues of regional or state wide significance.

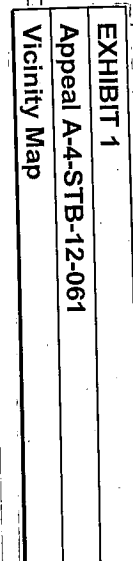
In conclusion, the Commission finds that the approved project conforms to the policies and provisions of the LCP related to habitat protection, public access and recreation, geologic and flooding hazards, and open space requirements, that the extent and scope of the subject project is minor, and that no significant coastal resources would be affected. The project approval will not be a precedent for a lot splits and the issues raised by the appeal relate only to local issues. Therefore, the Commission finds that the assertions of the appeal do not raise a substantial issue.

## **F. CONCLUSION**

For the reasons discussed above, no substantial issue is raised with respect to the consistency of the approved development with the policies of the County's certified LCP or the public access policies in Chapter 3 of the Coastal Act. Applying the five factors identified above, the Commission finds the County's record adequately supports its position that the proposed project is consistent with the applicable LCP policies. In addition, the development doesn't have a significant adverse effect on significant coastal resources, has little precedential value, and doesn't raise issues of regional or statewide significance. Therefore, the Commission finds that the appeal does not raise a substantial issue with respect to the grounds on which it was filed.

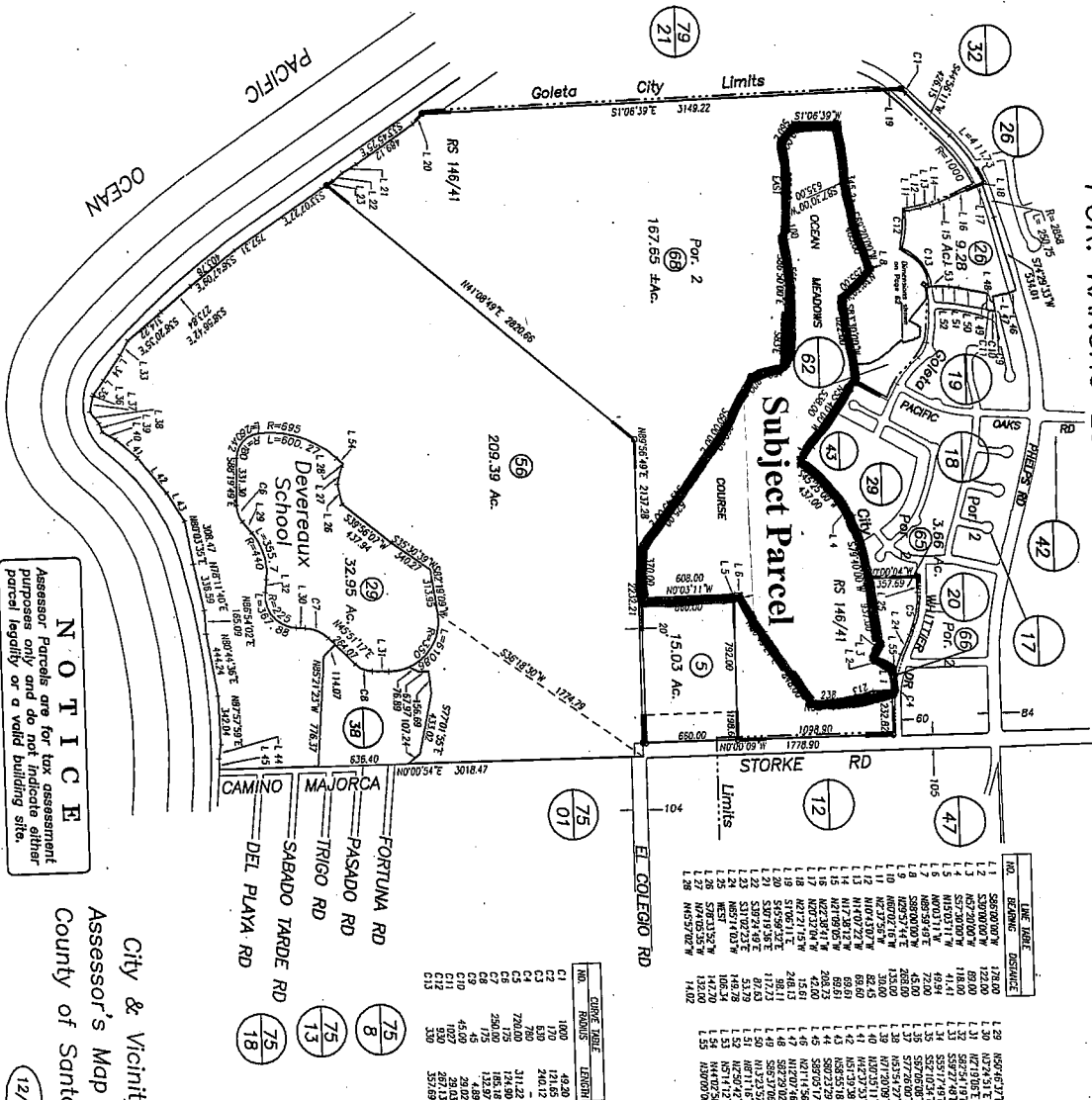
## **APPENDIX A**

**SUBSTANTIVE FILE DOCUMENTS:** Santa Barbara County Staff Report to the Zoning Administrator for Case No. 11TPM-00000-00007 and 12CDH-00000-00009, dated April 19, 2012; Santa Barbara County Staff Report to the County Planning Commission for Case Nos. 12APL-00000-00007, 11TPM-00000-00007 and 12CDH-00000-00009, dated June 1, 2012; County Planning Commission Action Letter, dated June 22, 2012; Santa Barbara County Board of Supervisors Agenda Letter for the hearing of August 21, 2012; Santa Barbara County Board of Supervisors Action Letter, dated August 22, 2012; Santa Barbara County Staff Report Olson Appeal (12APL-00000-00007) dated June 1, 2012; CEQA Notice of Exemption, dated June 20, 2012.



POR. RANCHO LOS DOS PUEBLOS

073-09



NO.	LINE	TYPE	DISTANCE
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3	S15°00'00"W		122.00
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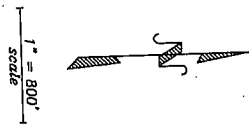
NO.	CURVE	TYPE	LENGTH
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C2	170.00		112.12
C3	780.00		240.12
C4	780.00		114.22
C5	720.00		114.44
C6	250.00		185.18
C7	175.00		123.87
C8	45.00		28.02
C9	100.00		29.03
C10	900.00		57.13
C11	300.00		59.68

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

City & Vicinity of Goleta  
Assessor's Map Bk, 073-Pg, 09  
County of Santa Barbara, Calif.

12/11 67 info 68 & new pg 62

**EXHIBIT 2**  
**Appeal A-4-STB-12-061**  
**Parcel Map**





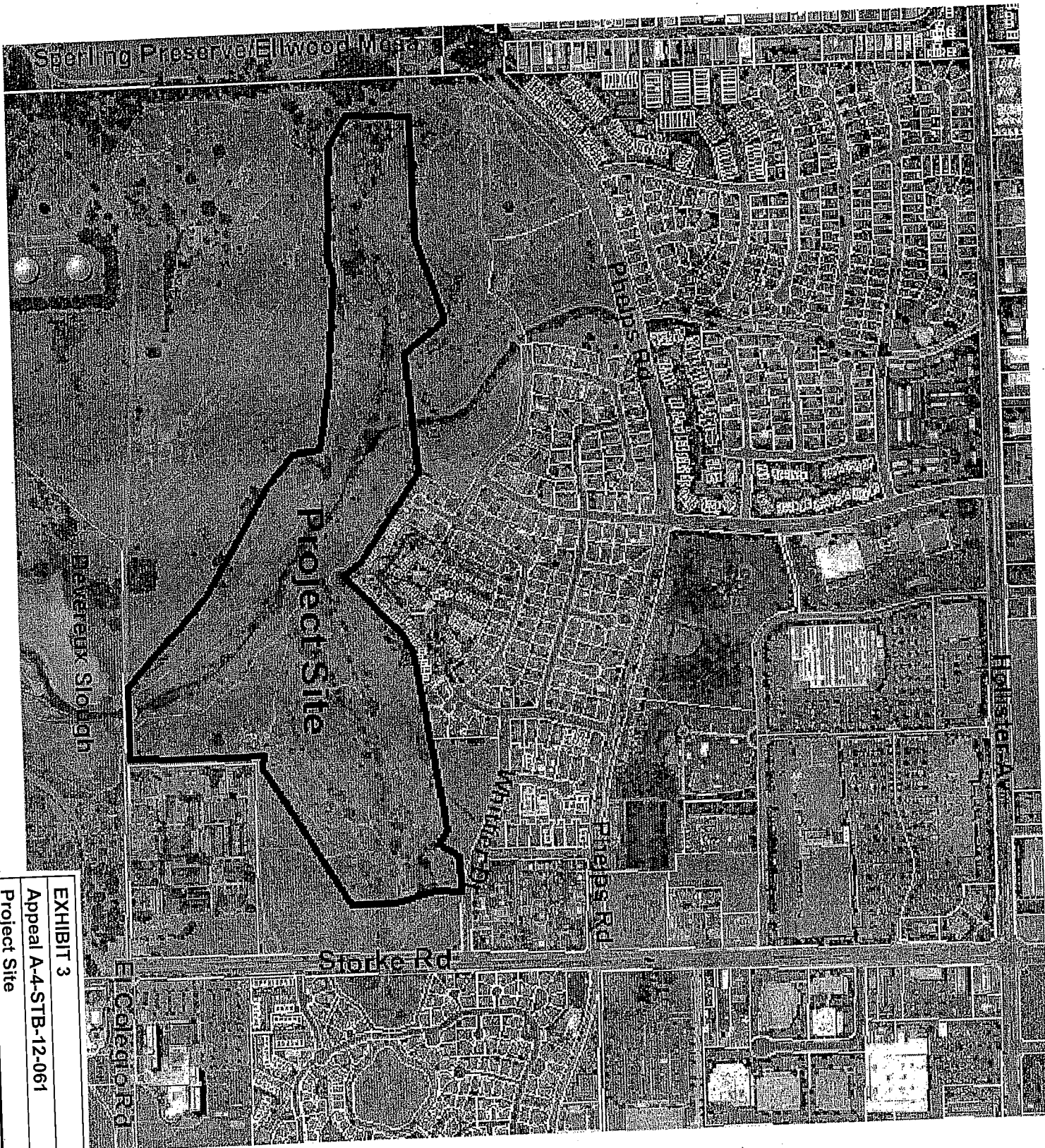
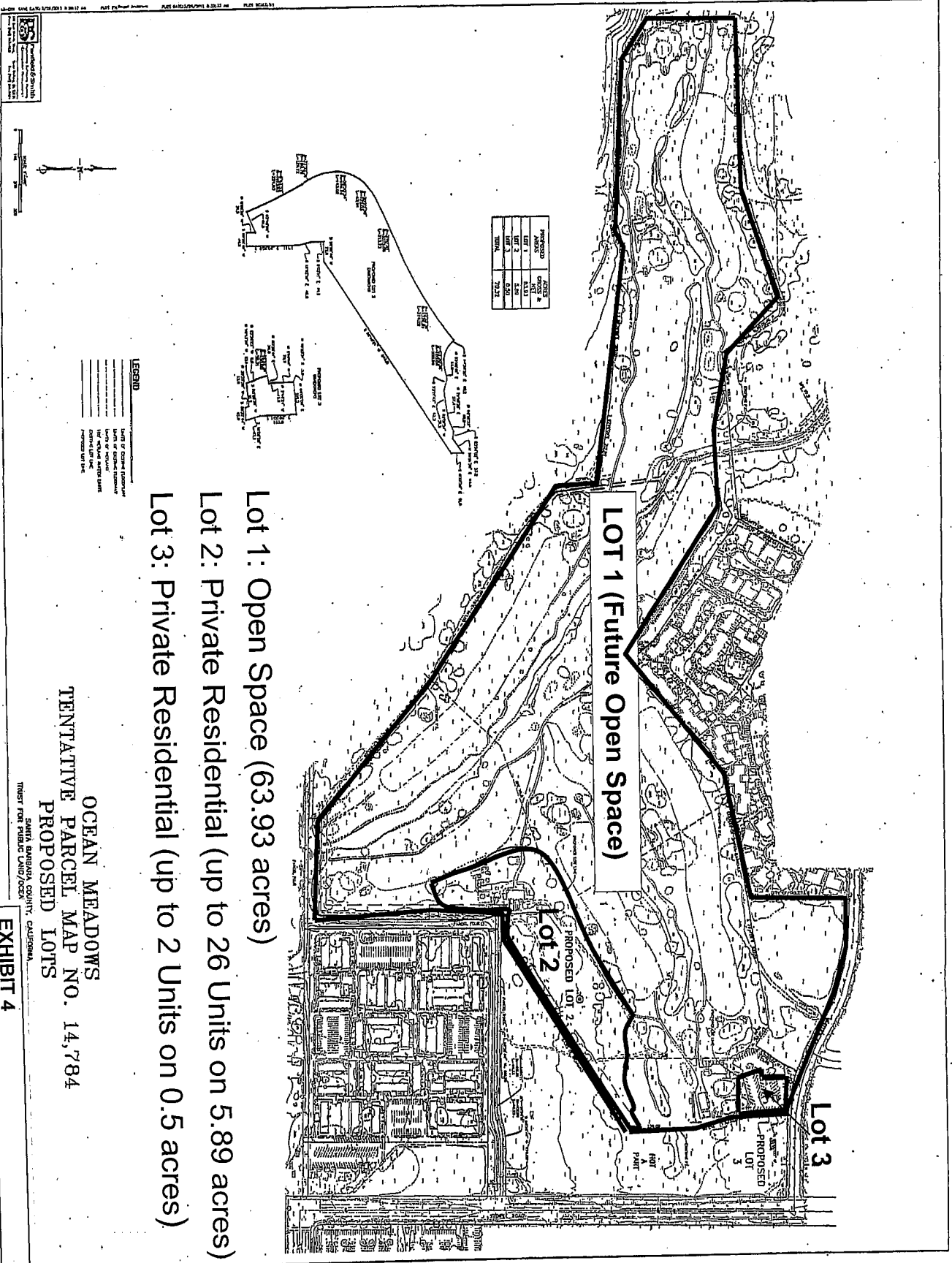


EXHIBIT 3  
Appeal A-4-STB-12-061  
Project Site



**LEGEND**

- Lot 1: Open Space (63.93 acres)
- Lot 2: Private Residential (up to 26 Units on 5.89 acres)
- Lot 3: Private Residential (up to 2 Units on 0.5 acres)

OCEAN MEADOWS  
TENTATIVE PARCEL MAP NO. 14,784  
PROPOSED LOTS

SANTA BARBARA COUNTY, CALIFORNIA  
TRUST FOR PUBLIC LAND/DOCK

**EXHIBIT 4**  
Appeal A-4-STB-12-061  
Project Plans

CALIFORNIA COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT OFFICE  
89 SOUTH CALIFORNIA STREET, SUITE 200  
VENTURA, CA 93001-4508  
VOICE (805) 585-1801 FAX (805) 641-1732

Received

SEP 06 2012

California Coastal Commission  
South Central Coast District

Received

SEP 06 2012

California Coastal Commission  
South Central Coast District

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT**

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

**SECTION I. Appellant(s)**

Name: John Olson

Mailing Address: 7041 Marymount Way

City: Goleta

Zip Code: 93117

Phone: 805-685-5761

**SECTION II. Decision Being Appealed**

1. Name of local/port government:

Santa Barbara County

2. Brief description of development being appealed:

Lot split to facilitate the purchase of 63 acres of a 70 acre active golf course by the Trust for Public Lands.

3. Development's location (street address, assessor's parcel no., cross street, etc.):

6925 Whittier Drive, Goleta CA 93111, AP No. 073-090-062, Cross St. Storke Road

4. Description of decision being appealed (check one.):

☒ Approval; no special conditions

☒ Approval with special conditions:

☐ Denial

**Note:** For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

**TO BE COMPLETED BY COMMISSION:**

APPEAL NO: A-4-STB-12-061

DATE FILED: 9/6/12

DISTRICT: So. Central Coast

**EXHIBIT 5**

Appeal A-4-STB-12-061

Appeal (9 pages)

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)**

5. Decision being appealed was made by (check one):

- ☐ Planning Director/Zoning Administrator  
☒ City Council/Board of Supervisors  
☐ Planning Commission  
☐ Other

6. Date of local government's decision: August 21, 2012

7. Local government's file number (if any): 12APL-00000-00007

**SECTION III. Identification of Other Interested Persons**

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

The Trust for Public Land  
c/o Tily Shu  
101 Montgomery St., Suite 900  
San Francisco, CA 94194

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) Mary Jo Farrington  
7054 Marymount Way  
Goleta, CA 93117

(2)

(3)

(4)

## APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

### **SECTION IV. Reasons Supporting This Appeal**

#### **PLEASE NOTE:**

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal**. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

This lot split is the beginning of a major project that will lower neighboring property value and greatly alter the environment that I call home. The purchase is a bad idea!

I am forced to object for many reasons: The 63 acre purchase is a gifting of public funds including CREF monies and collected mitigation fees. The planned gifting of more property to UCSB is inappropriate as well since UCSB development is unfortunately exempt from all local government control. Further, Goleta City Council has not examined the proposal which has ignored sphere of influence policies. This County island has never been offered for sale and this fact makes the back room deal being put forth very suspect.

No consideration has been given to the existing irrigated habitats or the long term impacts of massive grading and dredging. The vague plans presented will increase the threat of tsunami run-up and expand the seasonal "mud flat" that only collects water during the winter from storm run-off. Devereux Creek is a dry creek and there is no open connection with ocean water as with most wetland estuaries. The stated environmental goals will fail!

Hopefully this \$7,000,000+ gifting is brought forward with the best intentions but the development needs reconsideration by the County with expert environmental review being part of the process. Restoring wetlands requires more than lobbying and wishful thinking.

The major flaw in the May 7 hearing was the staff presentation and associated documents did not consider this Lot Split as a "development" when it clearly is. This grievance simply points out the obvious misleading and biased methods being used by the Land Owner and the Trust to slide this project through the planning process avoiding proper, reasonable review. EIR and CEQA requirements are required for developments.

The staff report submitted is an abuse of discretion because the report presented avoided CEQA and EIR requirements with exemption statements that were false and misleading. Findings that the lot split action is not a "development" but rather a lot split to facilitate the purchase and stating that no "new residential development is requested at this time" clearly skirt the transparency the written laws and citizens expect and deserve. Future plans for the properties are expressed in the report and clearly represent a major project that kills a recreational facility that is a community asset. The interesting history of this parcel was not mentioned in the report and it should be noted that in 2005 a development proposal was processed up to final BOS approval and withdrawn. Findings that CEQA exemptions apply also fail to consider the existing habitat the golf course provides.

An EIR should be required to determine if a "reasonable foreseeable indirect physical change in the environment" is positive or negative. No expert analysis has been presented. To me the 63 acres are too high above sea level to create a viable wetland.

Allowing this lot split is unlawful because it will allow/support the "gifting of public funds" and more importantly will be irreversible. Treating the entire parcel as a whole is mentioned to exempt the owner from open space requirements on his future development projects on the high ground land he retains. The "whole parcel" concept is then cleverly avoided by planners supporting an exempt lot split that is clearly the first step in a major development but asks for no new "residential" development at this time.

Planners must avoid even the perception of insider influence and this simple lot split fails the smell test. I feel strongly that "gaming" the system should be discouraged at all levels of the planning and land use processes.

I assure you it is not easy for me to conflict with the powerful, established environmental folks but the expansion of the Devereux Slough vision being sought is unrealistic. The Trust does not generally purchase developed property and then restore it to nature but rather purchases open land that might be developed and protects it.

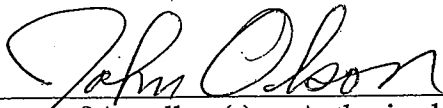
Returning property to a natural state is commendable so I attached a photo of the area taken about 1960. The photo looks north from over the ocean south of Storke Road. The expansive mud flat was the natural state mainly because there is no natural water source in the local creeks. Silting over time raised the mud flat until the ocean connection closed. The current land use is best left as is. Good buffer, good habitat, and good for people. I suggest the Trust enhance the Creeks and a new owner operate the golf course properly.

Please support this appeal and guide this application back to the drawing board.

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)**

**SECTION V. Certification**

The information and facts stated above are correct to the best of my/our knowledge.

  
\_\_\_\_\_  
Signature of Appellant(s) or Authorized Agent

Date: September 4, 2012

**Note:** If signed by agent, appellant(s) must also sign below.

**Section VI. Agent Authorization**

I/We hereby authorize N/A  
to act as my/our representative and to bind me/us in all matters concerning this appeal.

  
\_\_\_\_\_  
Signature of Appellant(s)

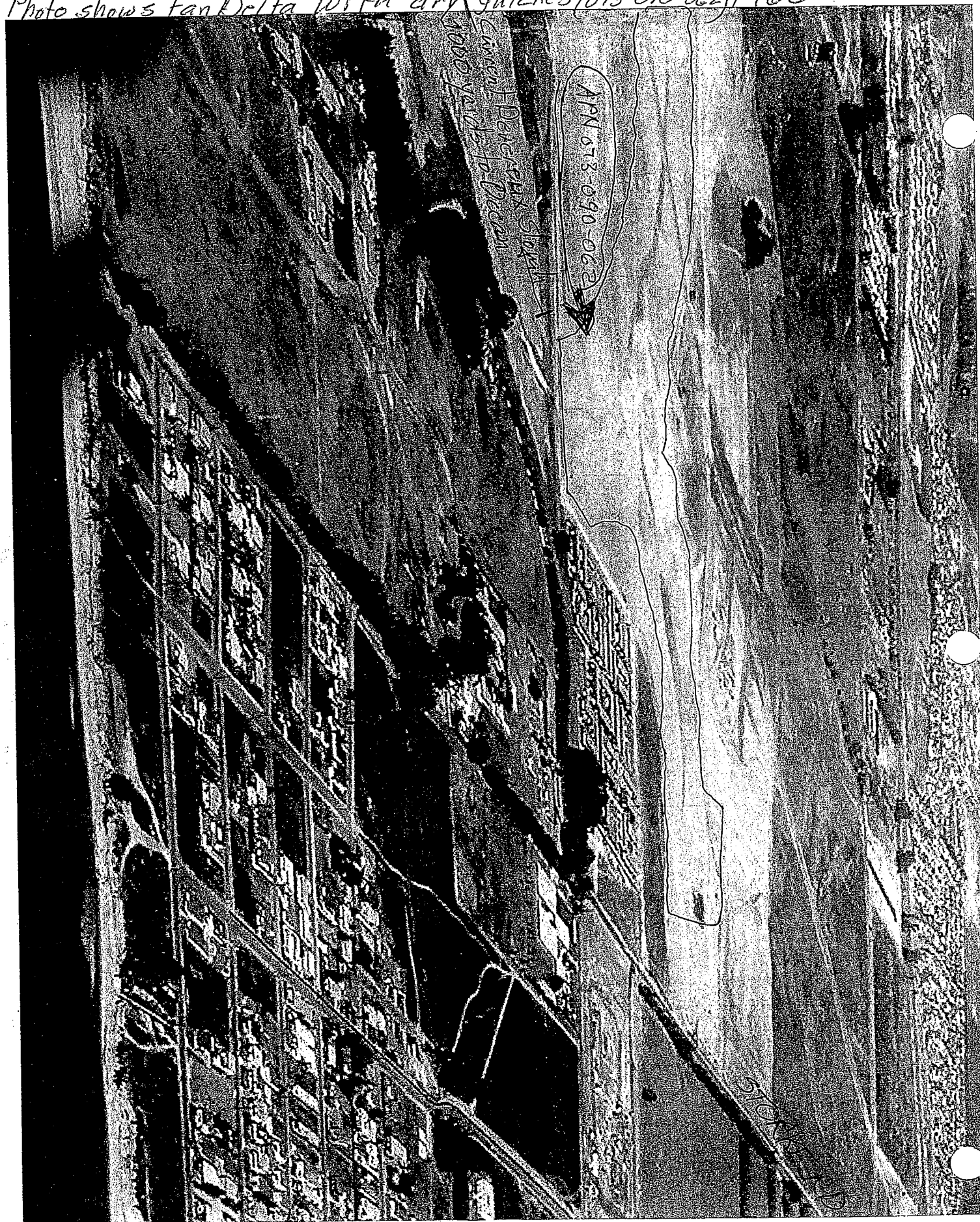
Date: 9/4/2012



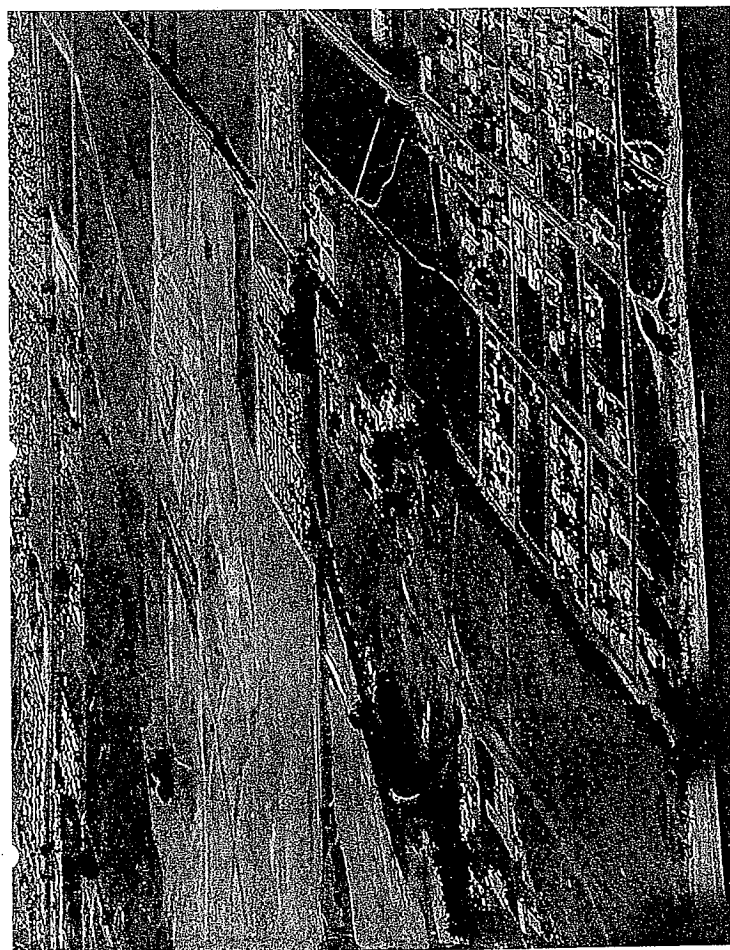


Restoration?

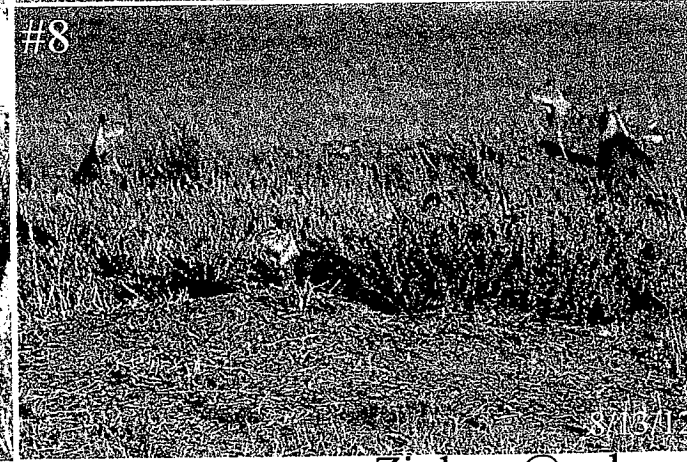
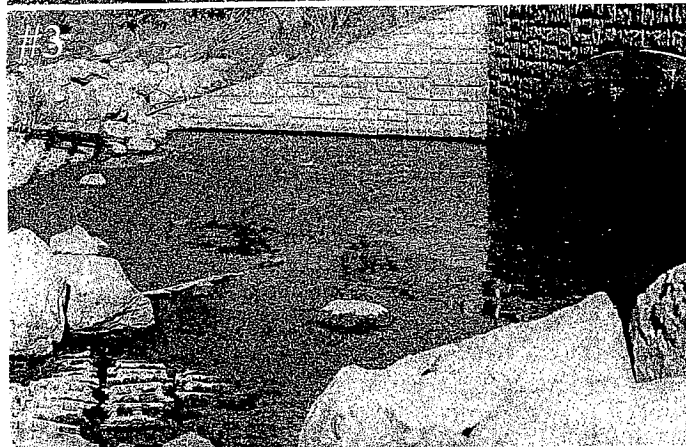
Photo shows "Fan Delta" with dry gulches (073-090-062) 1960~







# John Olson Appeal



Zjolson@aol.com

## Ocean Meadow appeal text by John Olson Dated May 16, 2012

This lot split is the beginning of a major project that will lower neighboring property value and greatly alter the environment that I call home. The purchase is a bad idea!

I am forced to object for many reasons: The 63 acre purchase is a gifting of public funds including CREF monies and collected mitigation fees. The planned gifting of more property to UCSB is inappropriate as well since UCSB development is unfortunately exempt from all local government control. Further, Goleta City Council has not examined the proposal which has ignored sphere of influence policies. This County island has never been offered for sale and this fact makes the back room deal being put forth very suspect.

No consideration has been given to the existing irrigated habitats or the long term impacts of massive grading and dredging. The vague plans presented will increase the threat of tsunami run-up and expand the seasonal "mud flat" that only collects water during the winter from storm run-off. Devereux Creek is a dry creek and there is no open connection with ocean water as with most wetland estuaries. The stated environmental goals will fail!

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Please support this appeal and guide this application back to the drawing board.



451010 110  
**County of Santa Barbara**  
**Planning and Development**

Glenn S. Russell, Ph.D., Director

Dianne Black, Assistant Director

**Received**

**AUG 27 2012**

**NOTICE OF FINAL ACTION**

August 22, 2012

California Coastal Commission  
South Central Coast District

On August 21, 2012 Santa Barbara County took final action on the appealable development described below:

- ☒ Appealable Coastal Development Permit [12CDH-00000-00009]
- ☒ Discretionary action on a [11TPM-00000-00007]

**Project Applicant:**

The Trust for Public Land  
c/o Tily Shue  
101 Montgomery St., Suite 900  
San Francisco, CA 94194  
(415) 800-5296

**Property Owner:**

Devereux Creek Properties  
c/o Mark Green  
6925 Whittier Drive  
Goleta, CA 93111  
(310) 864-2222

**Project Description:** Request of Ginger Andersen, Penfield & Smith, on behalf of The Trust for Public Land and Devereux Creek Properties, to consider:

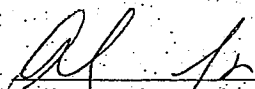
- a) 11TPM-00000-00007 [application filed on December 12, 2011], for approval of a Tentative Parcel Map in compliance with County Code Chapter 21 to divide 70.32 acres into three lots of 63.93 acres, 5.89 acres, and 0.50 acres, on property zoned PRD-58;
- b) 12CDH-00000-00009 [application filed on March 1, 2012], for a Coastal Development Permit in compliance with Section 35-169 of Article II, the Coastal Zoning Ordinance, on property zoned PRD-58 to allow the removal and demolition of an employee dwelling;

and to determine the project is exempt pursuant to sections 15315 and 15301(l)(1), respectively, of the State Guidelines for Implementation of the California Environmental Quality Act.

**Location:** The project involves AP No. 073-090-062, located at 6925 Whittier Drive, in the Goleta area, Santa Barbara County, California.

The receipt of this letter and the attached materials start the 10 working day appeal period during which the County's decision may be appealed to the Coastal Commission. Appeals must be in writing to the appropriate Coastal Commission district office.

Please contact Julie Harris, the case planner at (805) 568-3518 if you have any questions regarding the County's action or this notice.

  
Julie Harris, Project Planner

8/22/12  
Date

Attachments:

Final Action Letter dated August 22, 2012

cc: The Trust for Public Land, c/o Tily Shue, 101 Montgomery St., Ste. 900, San Francisco, CA 94194  
Devereux Creek Properties, c/o Mark Green, 6925 Whittier Drive, Goleta, CA 93111  
Ginger Andersen, Penfield & Smith, 111 E. Victoria Street, Santa Barbara, CA 93101  
John Olson, 7041 Marymount Way, Goleta, CA 93117



# County of Santa Barbara Planning and Development

Glenn S. Russell, Ph.D., Director

Dianne Black, Assistant Director

## Received

AUG 27 2012

August 22, 2012

California Coastal Commission  
South Central Coast District

John Olson  
7041 Marymount Way  
Goleta, CA 93117

BOARD OF SUPERVISORS  
HEARING OF AUGUST 21, 2012

**RE: *Olson Appeal of the Trust for Public Land/Devereux Creek Properties Lot Split;***  
***12APL-00000-00014***

Hearing to consider the appeal filed by John Olson of the County Planning Commission's June 20, 2012 approval of the Trust for Public Land/Devereux Creek Properties Lot Split. The project involves AP No. 073-090-062, located at 6925 Whitter Drive, in the Goleta area, Third Supervisorial District.

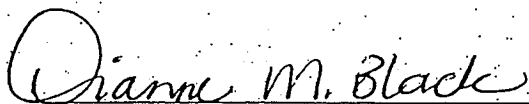
Dear Mr. Olson:

At the Board of Supervisors' hearing of August 21, 2012, Supervisor Farr moved, seconded by Supervisor Wolf and carried by a vote of 5 to 0 to:

1. Deny the appeal, Case No. 12APL-00000-00014, thereby upholding the County Planning Commission's approval of the project;
2. Make the required findings for approval of the project specified in Attachment 1 of the Board Letter, dated August 14, 2012, including CEQA findings;
3. Determine the project is exempt from CEQA pursuant to Sections 15315 and 15301(l)(1) of the State Guidelines for the Implementation of the California Environmental Quality Act, as specified in Attachment 4 of the Board Letter, dated August 14, 2012;
4. Approve *de novo* the lot split, Case No. 11TPM-00000-00007, subject to the conditions included as Attachment 2 of the Board Letter, dated August 14, 2012; and
5. Approve *de novo* the Coastal Development Permit for demolition of an employee dwelling, Case No. 12CDH-00000-00009, subject to the conditions included in Attachment 3 of the Board Letter, dated August 14, 2012.

A protest of mitigation fees imposed may be filed pursuant to Government Code Section 66020(a). The protest shall be filed at the time of approval or conditional approval of the development or within 90 days after the date of the imposition of the fees, dedications, reservations, or other exactions to be imposed on a development project. The Applicant is hereby notified that the 90-day approval period in which the Applicant may protest has begun.

Sincerely,



DIANNE M. BLACK  
ASSISTANT DIRECTOR

cc: Case File: 12APL-00000-00014  
Clerk of the Board  
Owner: Devereux Creek Properties, c/o Mark Green, 6925 Whittier Drive, Goleta, CA 93111  
Applicant: The Trust for Public Land, c/o Tily Shue, 101 Montgomery Street, Suite 900, San Francisco, CA 94194  
Agent: Ginger Andersen, Penfield & Smith, 111 E. Victoria Street, Santa Barbara, CA 93101  
California Coastal Commission, 89 S. California Street, Suite 200, Ventura, CA 93001  
County Chief Appraiser  
County Surveyor  
Fire Department  
Flood Control  
Community Services Department  
Public Works  
Environmental Health Services  
APCD  
Rachel Van Mullem, Senior Deputy County Counsel  
Julie Harris, Planner

**Attachments:** Findings  
Conditions of Approval, 11TPM-00000-00007  
Coastal Development Permit  
Board of Supervisors' Minute Order dated August 21, 2012

DB:dmv

G:\GROUP\PERMITTING\CASE FILES\APL\2000s\12 CASES\12APL-00000-00014 OLSON-TPL BOS\08-21-12ACTLTR.DOC



## FINDINGS OF APPROVAL

Case Nos. 11TPM-00000-00007 (TPM 14,784) and 12CDH-00000-00009

### 1.0 CEQA FINDINGS

#### 1.1 CEQA Exemption

The Board of Supervisors finds that the proposed project is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15315 (Tentative Parcel Map) and 15301(l)(1) (Employee Dwelling Demolition). Please see Attachment 4 of the Board Agenda Letter for August 21, 2012, Notice of Exemption, incorporated herein by reference.

### 2.0 SUBDIVISION MAP ACT FINDINGS

**2.A. Findings for all Tentative Maps.** *In compliance with the Subdivision Map Act, the review authority shall make the following findings for The Trust for Public Land/Devereux Creek Properties Lot Split, Case No. 11TPM-00000-00007 (TPM 14,784):*

**2.A.1. State Government Code §66473.1.** *The design of the subdivision for which a tentative map is required pursuant to §66426 shall provide, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision.*

The proposed lot split is a simple three lot subdivision that does not include any new residential development. As a part of the subdivision, 30 of the allowed base density units are assigned to Lot 1 and 28 are assigned to Lots 2 and 3. Upon recordation of the Parcel Map, Lot 1 will be sold to The Trust for Public Land. Immediately following the land acquisition by The Trust for Public Land, Lot 1 would be deed restricted such that no residential development could occur on that property in the future, consistent with the requirements of funding grantors. Lots 2 and 3, which will accommodate some residential development in the future, are located on relatively level to gently sloping terrain which would allow for future passive or natural heating or cooling opportunities. Any future activity to develop 28 units on these two lots would require a subsequent subdivision and a Development Plan at which time detailed opportunities for passive or natural heating or cooling could be designed. Therefore, this finding can be made.

**2.A.2. State Government Code §66473.5.** *No local agency shall approve a tentative map, or a parcel map for which a tentative map was not required, unless the legislative body finds that the proposed subdivision, together with the provisions for its design and improvement is consistent with the general plan required by Article 5 (commencing with §65300) of Chapter 3 of Division 1 or any specific plan adopted pursuant to Article 8 (commencing with §65450) of Chapter 3 of Division 1.*

As discussed in section 5.4 of the staff report to the Zoning Administrator dated April 19, 2012, and section 5.1 of the staff report to the Planning Commission dated June 1, 2012, both incorporated herein by reference, the design of the subdivision is consistent with the County's General Plan, including the Coastal Land Use Plan and the Goleta Community Plan. Therefore, this finding can be made.

**2.A.3. State Government Code §66474.** *The Board of Supervisors shall deny approval of a Tentative Parcel Map/Tract Map if it makes any of the following findings:*

*a. The proposed map is not consistent with applicable general and specific plans as specified in §65451.*

As discussed in section 5.4 of the staff report to the Zoning Administrator dated April 19, 2012, and section 5.1 of the staff report to the Planning Commission dated June 1, 2012, both incorporated herein by reference, the proposed map is consistent with the County's General



Plan, including the Coastal Land Use Plan and the Goleta Community Plan.

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

As discussed in section 5.4 of the staff report to the Zoning Administrator dated April 19, 2012, and section 5.1 of the staff report to the Planning Commission dated June 1, 2012, both incorporated herein by reference, the design of the subdivision is consistent with the County's General Plan, including the Coastal Land Use Plan and the Goleta Community Plan.

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

No new development is proposed with this Tentative Parcel Map. However, the site is physically suited for the design and layout of the three resulting lots. Residential development on Lots 2 and 3 would require subsequent discretionary review via a Development Plan.

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

No new development is proposed with this Tentative Parcel Map. However, the site is physically suited for the density allowed by existing land use and zoning designations as discussed in section 5.4 of the staff report to the Zoning Administrator dated April 19, 2012, and section 5.1 of the staff report to the Planning Commission dated June 1, 2012, both incorporated herein by reference.

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

As discussed in section 5.1 of the staff report to the Planning Commission dated June 1, 2012, and Attachment 4 of the Board Agenda Letter for August 21, 2012, both incorporated herein by reference, there is no new development proposed with the project. The design of the subdivision will not cause environmental damage and will not injure fish or wildlife or their habitat. Upon recordation of the Parcel Map, Lot 1 will be sold to The Trust for Public Land. Immediately following the land acquisition by The Trust for Public Land, Lot 1 would be deed restricted such that no residential development could occur on that property in the future, consistent with the requirements of funding grantors.

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

There is no new development proposed with this project. The design of this three lot subdivision will not cause serious public health problems.

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

There are no public easements for access through, or use of, the property, so no conflicts will occur.

**2.A.4. State Government Code §66474.4.** *The legislative body of a county shall deny approval of a tentative map or parcel map if it finds that the land is subject to a contract entered into pursuant to the California Land Conservation Act of 1965 and that either the resulting parcels following a subdivision of that land would be too small to sustain their agricultural use or the subdivision will result in residential development not incidental to the commercial agricultural use of the land, is subject to an open space easement entered into pursuant to the Open Space Easement Act of 1974, is subject to an agricultural conservation easement entered into pursuant to Chapter 4 of Division 10.2 of the Public Resources Code, or is subject to a conservation easement entered into pursuant to Chapter 4 of part 2 of division 2 of the Civil Code.*

The land is not zoned or used for agriculture and is not subject to a contract pursuant to the California Land Conservation Act of 1965 or an agricultural conservation easement. The property is also not subject to an open space easement or a conservation easement. Therefore, this finding can be made.

*2.A.5. State Government Code §66474.6. The governing body of any local agency shall determine whether discharge of waste from the proposed subdivision into an existing community sewer system would result in violation of existing requirements prescribed by a California Regional Water Quality Control Board pursuant to Division 7 (commencing with §13000) of the Water Code.*

No new development is proposed with this project. As discussed in Section 5.1 of the staff report to the Planning Commission dated June 1, 2012, incorporated herein by reference, the Goleta West Sanitary District confirmed that it will continue to serve proposed Lot 1 through the existing infrastructure and connections, and that it has sufficient capacity to serve proposed Lots 2 and 3 (letter from Mark Nation, Goleta West Sanitary District dated February 1, 2012). Thus, discharge into an existing community sewer system from this lot split would not result in a violation of requirements of the Regional Water Quality Control Board, and this finding can be made.

**In addition to the findings above, the following findings apply to subdivisions in the Coastal Zone per Article II, Section 35-130:**

*2.B In order to obtain approval for a division of land, the subdivider shall demonstrate that adequate water is available to serve the newly created lots except for lots to be designated as "Not a Building Site" on the recorded subdivision or parcel map.*

As discussed in Section 5.1 of the staff report to the Planning Commission dated June 1, 2012, incorporated herein by reference, the Goleta Water District has indicated its intent to serve the three lots through a reallocation of the existing water meters that serve the existing property. Lots 1 and 2 are currently served and will continue to be served. In addition, a Can and Will Serve letter for Lot 3 is required by County Environmental Health Services prior to recordation of the final Parcel Map, pursuant to its condition letter dated April 16, 2012. Therefore, adequate water is available to serve the new lots and this finding can be made.

*2.C As a requirement for approval of any proposed land division of agricultural land designated as AG-I or AG-II, the County shall make a finding that the long-term agricultural productivity of the land will not be diminished by the proposed division.*

The project site is not designated or used for agriculture. Therefore, this finding does not apply.

### **3.0 CHAPTER 21 TENTATIVE PARCEL MAP FINDINGS**

*3.A The following, among others, shall be cause for disapproval of a tentative map including tentative parcel maps, but the tentative map may nevertheless be approved in spite of the existence of such conditions where circumstances warrant:*

*3.A.1. Easements or rights-of-way along or across proposed county streets which are not expressly subordinated to street widening, realignment, or change of grade by an instrument in writing recorded, or capable of being recorded, in the Office of the County Recorder, provided, however, that the Director of Public Works may approve such easements or rights-of-way*

*without such subordinations. Easements or rights-of-way shall not be granted along or across proposed county streets before filing for record of the final subdivision map by the County Recorder, unless the Director of Public Works shall approve such grants. If the Director of Public Works does not grant such approvals within fourteen days from the date they were requested, they shall be deemed to have been refused. Appeal from refusal of the Director of Public Works to grant such approvals may be made in writing to the Board of Supervisors, which may overrule the Director of Public Works and grant such requested approvals in whole or in part.*

This Tentative Parcel Map includes no easements or rights-of-way along or across existing or proposed county streets. Thus, there is no cause for disapproval of this map.

*3.A.2. Lack of adequate width or improvement of access roads to the property; creation of a landlocked lot or parcel without frontage on a street or other approved ingress and egress from the street;*

Section 5.1 of the staff report to the Planning Commission dated June 1, 2012, incorporated herein by reference, demonstrates that the lots created by this Tentative Parcel Map have existing access roads and access easements of adequate width to access each proposed lot. Therefore, there is no cause for disapproval of this map.

*3.A.3. Cuts or fills having such steep slopes or great heights as to be unsafe under the circumstances or unattractive to view;*

There is no grading associated with this project. The lots created by the map do not have steep slopes or slopes of great heights. Any future development would not result in grading that would be unsafe or unattractive; all future grading greater than 50 cubic yards would require permits and additional review. Therefore, there is no cause for disapproval of this map.

*3.A.4. Grading or construction work on any proposed street or lot. Grading or construction work shall not be commenced prior to recordation of the final or parcel map without specific authority granted by and subject to conditions approved by the Board of Supervisors;*

There is no grading associated with this project. Therefore, there is no cause for disapproval of this map.

*3.A.5. Potential creation of hazard to life or property from floods, fire, or other catastrophe;*

There is no new development associated with this map. As discussed in section 5.4 of the staff report to the Zoning Administrator dated April 19, 2012, and Section 5.1 of the staff report to the Planning Commission dated June 1, 2012, both incorporated herein by reference, the design of the subdivision will not result in any future development being located in areas that would create hazard to life or property. Therefore, there is no cause for disapproval of this map.

*3.A.6. Nonconformance with the County's Comprehensive Plan or with any alignment of a state highway officially approved or adopted by the state department of transportation;*

As discussed in section 5.4 of the staff report to the Zoning Administrator dated April 19, 2012, and Section 5.1 of the staff report to the Planning Commission dated June 1, 2012, both

incorporated herein by reference, the Tentative Parcel map conforms to the County's Comprehensive Plan, including the Coastal Land Use Plan and the Goleta Community Plan. The project site is not located near any existing or proposed state highway alignment. Therefore, there is no cause for disapproval of this map.

*3.A.7. Creation of a lot or lots which have a ratio of depth to width in excess of 3 to 1;*

The Tentative Parcel Map would create three lots from a 70.32-acre parcel. Lots 2 and 3 would be relatively small consisting of only 9% (combined) of the total area of the original parcel. Lot 1 would be 63.93 acres. The existing 70.32-acre parcel is of an irregular shape with a depth to width ratio much greater than 3 to 1. Lots 1 and 2 will continue to have irregular shapes with depth to width ratios greater than 3 to 1. Upon completion of the project (recordation of the parcel map and transfer of title to The Trust for Public Land), consistent with the limitations placed on the grant funds used by the Trust to purchase the property, Lot 1 uses will be restricted to various open space, habitat, restoration, recreation and educational uses; it will not be used for residential development. Therefore, lot geometry and creation of a lot with a depth to width ratio of 3 to 1 is not necessary for this parcel. No development is currently proposed for Lot 2 and any future development would require the processing of a Development Plan. The purpose of the PRD zone is to provide flexibility in planning and site design and also to allow for the development of other types of residential structures such as townhomes, condominiums and apartments, which allows development to be appropriately designed to fit lot irregularities. Lot 3 will have a depth to width ratio less than 3 to 1. Therefore, given the unique characteristics of the site, the project, and the PRD zone, the fact that two of the lots would not meet the 3 to 1 depth to width ratio is not a cause for disapproval of this map.

*3.A.8. Subdivision designs with lots backing up to watercourses.*

The design of the subdivision does not back up onto a water course. The water courses that cross the property (Devereux Creek and one tributary) would be located central to Lot 1 and none of the new lots would back up to these creeks. Therefore, this finding can be made.

*3.B. A tentative map including tentative parcel map shall not be approved if the decision-maker finds that the map design or improvement of the proposed subdivision is not consistent with this Chapter, the requirements of the State Subdivision Map Act, California Government Code Section 66410 et seq., the County's Comprehensive Plan, the applicable zoning ordinance, or other applicable County regulations.*

As discussed in section 5.4 of the staff report to the Zoning Administrator dated April 19, 2012, and section 5.1 of the staff report to the Planning Commission dated June 1, 2012, both incorporated herein by reference, the design of the subdivision is consistent with "this chapter" (i.e., Chapter 21), the County's Comprehensive Plan, including the Coastal Land Use Plan and the Goleta Community Plan, and the applicable Coastal Zoning Ordinance. As discussed in Section 2 of the Findings above (herein incorporated by reference), the tentative parcel map design is consistent with the findings of the State Subdivision Map Act. Therefore, this finding can be made.

**4.0 COASTAL DEVELOPMENT PERMIT FINDINGS**

*4.A. Finding required for all Coastal Development Permits. In compliance with Section 35-60.5 of the Article II Zoning Ordinance, prior to the issuance of a Coastal Development Permit the review authority shall first find, based on information provided by environmental documents,*

*staff analysis, and/or the applicant, that adequate public or private services and resources (i.e., water, sewer, roads, etc.) are available to serve the proposed development.*

The Coastal Development Permit would allow the demolition of an existing employee dwelling trailer, for which its permit expired in 1990. No services are required to demolish a structure; therefore, this finding can be made.

**4.B. Findings required for Coastal Development Permit applications subject to Section 35-169.4.2. In compliance with Section 35-169.5.2 of the Article II Zoning Ordinance, prior to the approval or conditional approval of an application for a Coastal Development Permit subject to Section 35-169.4.2 the review authority shall first make all of the following findings:**

**4.B.1. The proposed development conforms:**

**a. To the applicable policies of the Comprehensive Plan, including the Coastal Land Use Plan;**

As discussed in section 5.1 of the staff report to the Planning Commission dated June 1, 2012, incorporated herein by reference, the demolition conforms to the applicable policies of the Comprehensive Plan, including the Coastal Land Use Plan and the employee dwelling is not located in an environmentally sensitive area. Only Coastal Plan Policy 3-19, which requires protection of water quality of nearby streams and wetlands, is applicable to the demolition of the dwelling. The dwelling is located 300+ feet from Devereux Creek and its associated wetland, and the Coastal Development Permit is conditioned to require use of water quality protection measures during demolition. Therefore, this finding can be made.

**b. With the applicable provisions of this Article or the project falls within the limited exceptions allowed in compliance with Section 35-161 (Nonconforming Use of Land, Buildings and Structures).**

As discussed in section 5.4 of the staff report to the Zoning Administrator dated April 19, 2012, incorporated herein by reference, demolition of the employee dwelling will bring the property into full compliance with this Article (i.e., the Coastal Zoning Ordinance). Therefore, this finding can be made.

**4.B.2. The proposed development is located on a legally created lot.**

The lot was created on August 9, 1994 as Lot 1 of a Lot Line Adjustment as filed in Book 146 of Record of Surveys, Pages 41 and 42. Therefore, this finding can be made.

**4.B.3. The subject property and development on the property is in compliance with all laws, rules and regulations pertaining to zoning uses, subdivisions, setbacks and any other applicable provisions of this Article, and any applicable zoning violation enforcement fees and processing fees have been paid. This subsection shall not be interpreted to impose new requirements on legal nonconforming uses and structures in compliance with Division 10 (Nonconforming Structures and Uses).**

As discussed in section 5.4 of the staff report to the Zoning Administrator dated April 19, 2012, incorporated herein by reference, demolition of the employee dwelling will bring the property into full compliance with this Article (i.e., the Coastal Zoning Ordinance). Therefore, this finding can be made. Demolition of the dwelling is conditioned to occur prior to map recordation.

**4.B.4. The development will not significantly obstruct public views from any public road or from a public recreation area to, and along the coast.**

The development would demolish an existing employee dwelling. Removal of the structure would not obstruct any public views from any public road or public recreation area. Therefore, this finding can be made.

**4.B.5. The development is compatible with the established physical scale of the area.**

The development would demolish an existing employee dwelling. Thus, removal of the structure would not conflict with the established physical scale of the area. Therefore, this finding can be made.

*4.B.6. The development will comply with the public access and recreation policies of this Article and the Comprehensive Plan including the Coastal Land Use Plan.*

The development would demolish an existing employee dwelling. Thus, removal of the structure would not affect any public access and recreation policies of this Article (i.e., Coastal Zoning Ordinance) or the Comprehensive Plan, including the Coastal Land Use Plan and the Goleta Community Plan. Therefore, this finding can be made.

*4.C. In addition to the findings that are required for approval of a development project (as development is defined in this Article), as identified in each section of Division 11 (Permit Procedures) of Article II, a finding shall also be made that the project meets all the applicable development standards included in the Goleta Community Plan of the Land Use Element of the Comprehensive Plan.*

As discussed in section 5.1 of the staff report to the Planning Commission dated June 1, 2012, incorporated herein by reference, the project meets all the applicable development standards included in the Goleta Community Plan of the Land Use Element of the Comprehensive Plan. Therefore, this finding can be made.

## CONDITIONS OF APPROVAL

Case No. 11TPM-00000-00007 (TPM 14,784)

1. **Proj Des-01 Project Description.** This Tentative Parcel Map is based upon and limited to compliance with the project description, the hearing exhibits marked "Zoning Administrator Exhibit 1, dated May 7, 2012, and Planning Commission Exhibit 1, dated June 20, 2012" and all conditions of approval set forth below, including mitigation measures and specified plans and agreements included by reference, as well as all applicable County rules and regulations. The project description is as follows:

The request is for a Tentative Parcel Map (TPM 14,784) to divide one 70.32-acre lot (net and gross) into three lots. Proposed Lot 1 would be 63.93 acres (net and gross) and is currently developed with the Ocean Meadows Golf Course, clubhouse, restaurant, golf cart storage building, parking lot and remote restroom. Proposed Lot 2 would be 5.89 acres (net and gross) and is currently developed with an employee dwelling (trailer) and maintenance building. Proposed Lot 3 would be 0.50 acres (net and gross) and is currently developed with a parking lot that serves the golf course. No structural development, no grading and no tree removal are proposed.

The property is zoned Planned Residential Development (PRD-58) with a maximum base density of 58 residential units. The purpose of the zone is to plan development of the site as a whole, ensuring clustering of residential development and requiring the provision of open space; however, no residential development is currently proposed as a part of this lot split. The proposal includes assignment of 30 of the base density residential units to proposed Lot 1 with the remaining 28 base density residential units to be split between proposed Lots 2 and 3 upon future development applications provided proposed development on Lots 2 and 3 is processed under one Development Plan application. In the event Lots 2 and 3 come under separate ownership and/or proposals to develop the lots are processed under separate Development Plan applications, the 28 residential units shall be allocated as follows, based on lot size: Lot 2 shall be assigned 26 base density residential units and Lot 3 shall be assigned two base density residential units.

Upon recordation of the lot split, Lot 1 would be sold to The Trust for Public Land. Immediately following the land acquisition by The Trust for Public Land, Lot 1 would be deed restricted such that no residential development could occur on that property in the future, consistent with the requirements of funding grantors. The Trust for Public Land would then convey the property to a long-term term steward for conservation and restoration, anticipated to be the University of California at Santa Barbara (UCSB). The PRD zone requires at least 40% of the gross acreage be maintained in open space and the Goleta Community Plan requires at least 60% open space. These public and common open space requirements (found in Article II, Sec. 35-75.16 and Goleta Community Plan DevStd LUDS-GV.2.1), which require a minimum of 42.19 acres, will be satisfied on proposed Lot 1 for all three lots. Therefore, future development projects on proposed Lots 2 and 3 will already have met the open space requirements referenced above per this map.

An existing employee dwelling is located on proposed Lot 2. The Conditional Use Permit for the dwelling expired in 1990 without renewal and currently the dwelling is unpermitted. The applicant proposes to remove/demolish the dwelling prior to recordation of the Tentative Parcel Map. The application includes a Coastal Development Permit (Case No. 12CDH-00000-00009) to demolish the dwelling.

Existing access to the site is provided by an existing easement from Whittier Drive across a small triangular parcel just north of the golf course parking lot (the entire parcel is the easement) and by an existing 20-foot wide easement across UCSB property from Storke Road. Access to Proposed Lots 1 and 3 would continue to be from Whittier Drive via the easement from Whittier Drive. Access to Proposed Lot 2 would continue to be from Storke Road via the existing 20-foot wide easement across the adjacent UCSB property.



Proposed Lot 1 is currently served and would continue to be served by the Goleta Water District and Goleta West Sanitary District. A separate reclaimed water system, which irrigates the golf course, is also located on the lot. Proposed Lot 2 is currently served and would continue to be served by the Goleta Water District and would also receive reclaimed water after the lot split. Proposed Lot 2 is currently served by an onsite septic disposal system that will remain to serve the maintenance building. This system would be abandoned in the future upon demolition of the building and connection of new development to the Goleta West Sanitary District. Proposed Lot 3 would be served by the Goleta Water District and the Goleta West Sanitary District. The County Fire Department serves the entire property and would continue to serve the three proposed lots.

Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

2. **Proj Des-02 Project Conformity.** The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of the structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval thereto. All plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

#### PROJECT SPECIFIC CONDITIONS

3. **Special Condition-01.** Prior to recordation of the Parcel Map the applicant shall demolish the existing employee dwelling located on proposed Lot 2. **Plan Requirements and Timing:** Prior to recordation of the Parcel Map, the applicant shall obtain issuance of the Coastal Development Permit for demolition and a Demolition Permit from Building and Safety. Demolition of the employee dwelling must be completed prior to recordation of the Parcel Map. **Monitoring:** Applicant shall submit photos to P&D after demolition and P&D shall inspect in the field.

#### TENTATIVE PARCEL MAP CONDITIONS

4. **Map-01 Maps-Info.** Prior to recordation of the tentative parcel map and subject to P&D approval as to form and content, the Owner/Applicant shall include all of the mitigation measures, conditions, agreements and specific plans associated with or required by this project approval on a separate informational sheet(s) to be recorded with the Parcel Map. All applicable conditions and mitigation measures of the project shall be printed on grading and/or building plans and shall be graphically illustrated where feasible.
5. **Map-01a Maps-Future Lots.** Any lot created by the recordation of this Tentative Map is subject to the conditions of this Tentative Map during any future grading or construction activities and during any subsequent development on any lot created by the recordation of this Tentative Map, each set of plans accompanying any permit for development shall contain the conditions of this Tentative Map.
6. **Map-04 TPM, TM, LLA Submittals.** Prior to recordation of the Parcel Map, the Owner/Applicant shall submit a Parcel Map prepared by a licensed land surveyor or Registered Civil Engineer to the County Surveyor. The Map shall conform to all approved exhibits, the project description and conditions of approval as well as all applicable Chapter 21-Land Division



requirements, as well as applicable project components required as part of recorded project conditions.

7. **Map-08 Water and Sewer Connections.** If, prior to the Board action to approve the recording of the Final Map, the water or sewer entities in which the proposed subdivision is located declares its inability to permit new water or sewer connections and has so notified the County or is operating under a connection ban by the California Water Quality Control Board Central Coast Region, the subdivider shall submit to the County Surveyor an "exemption letter" from the appropriate water or sewer entity stating that the lots in the subdivision have been granted or qualify for an exemption from the entity's or Water Board's prohibition on new service connections, subject to the rules, regulations, resolutions, and ordinances of the entity under which the exemption was granted, or letters from the County Health Department and P&D Building & Safety stating that the lots in the subdivision will be served by an approved potable source of water and an approved private sewage disposal system.

#### COUNTY RULES AND REGULATIONS

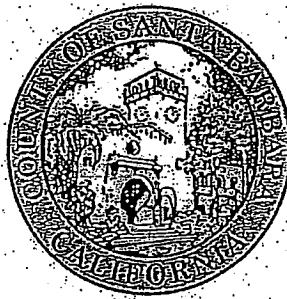
8. **Rules-02 Effective Date-Appealable to CCC.** This Tentative Parcel Map shall become effective upon the expiration of the applicable appeal period provided an appeal has not been filed. If an appeal has been filed, the planning permit shall not be deemed effective until final action by the review authority on the appeal, including action by the California Coastal Commission if the planning permit is appealed to the Coastal Commission. [ARTICLE II § 35-169].
9. **Rules-04 Additional Approvals Required.** Approval of this Tentative Parcel Map is subject to the Coastal Commission approving the required Coastal Development Permit because a portion of the site is located within the Coastal Zone Appeal Jurisdiction. The Coastal Development Permit is required prior to recordation of the Parcel Map.
10. **Rules-05 Acceptance of Conditions.** The Owner/Applicant's acceptance of this permit and/or commencement of use, construction and/or operations under this permit shall be deemed acceptance of all conditions of this permit by the Owner/Applicant.
11. **Rules-07 DP Conformance - Special.** No permits for new development, including grading, shall be issued except in conformance with an approved Final Development Plan.
12. **Rules-08 Sale of Site.** The project site and any portions thereof shall be sold, leased or financed in compliance with the exhibit(s), project description and the conditions of approval including all related covenants and agreements.
13. **Rules-19 Maps/LLA Revisions.** If the unrecorded Tentative Parcel Map is proposed to be revised, including revisions to the conditions of approval, the revisions shall be approved in the same manner as the originally approved Tentative Parcel Map.
14. **Rules-23 Processing Fees Required.** Prior to issuance of recordation of the Parcel Map, the Owner/Applicant shall pay all applicable P&D permit processing fees in full as required by County ordinances and resolutions.
15. **DIMF-24g DIMF Fees-Transportation.** In compliance with the provisions of ordinances and resolutions adopted by the County, the Owner/Applicant shall be required to pay development impact mitigation fees to finance the development of facilities for transportation. Required mitigation fees shall be as determined by adopted mitigation fee resolutions and ordinances and applicable law at the time of payment. The total DIMF amount for Transportation is currently

assessed currently at \$27,822. This is based on a project type of a three-lot subdivision resulting in two net new lots.

**TIMING:** Transportation DIMFs shall be paid to the County Public Works Department-Transportation Division prior to recordation of the Parcel Map.

16. **Rules-29 Other Dept Conditions.** Compliance with Departmental/Division letters required as follows:
  - a. County Surveyor dated January 3, 2012;
  - b. Environmental Health Services Division dated April 16, 2012;
  - c. Fire Department dated April 13, 2012;
  - d. Flood Control District dated January 4, 2012;
  - f. Transportation Division dated April 18, 2012.
17. **Rules-33 Indemnity and Separation.** The Owner/Applicant shall defend, indemnify and hold harmless the County or its agents or officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of this project. In the event that the County fails promptly to notify the Owner / Applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.
18. **Rules-36 Map/LLA Expiration.** This Tentative Parcel Map shall expire three years after approval by the final county review authority unless otherwise provided in the Subdivision Map Act and Chapter 21 of the Santa Barbara County Code.
19. **Rules-37 Time Extensions-All Projects.** The Owner / Applicant may request a time extension prior to the expiration of the permit or entitlement for development. The review authority with jurisdiction over the project may, upon good cause shown, grant a time extension in compliance with County rules and regulations, which include reflecting changed circumstances and ensuring compliance with CEQA. If the Owner / Applicant requests a time extension for this permit, the permit may be revised to include updated language to standard conditions and/or mitigation measures and additional conditions and/or mitigation measures which reflect changed circumstances or additional identified project impacts.

COUNTY OF SANTA BARBARA  
PUBLIC WORKS DEPARTMENT  
East Anapamu Street  
Santa Barbara, CA 93101  
568-3000 FAX 805/568-3019



SCOTT D. MCGOLPIN  
Director

January 3, 2012

County Subdivision Committee  
123 East Anapamu Street  
Santa Barbara, CA 93101

RE: Tentative Parcel Map No. 14,784 (11TPM-00000-00007)  
Deveraux Creek Properties/ Trust for Public Land Split  
6925 Whittier Drive, Goleta Area  
APN 073-090-062

Owner : Deveraux Creek Properties, Inc.

Agent: Ginger Anderson  
Penfield and Smith  
111 East Victoria Street  
Santa Barbara, CA 93101

Requirements of the County Surveyor's Office:

Pursuant to Section 66448 of the State Subdivision Map Act and County Subdivision Regulations Chapter 21, Section 21-9, the Parcel Map shall be based upon a field survey made in conformity with the Professional Land Surveyors Act. Furthermore, property lines shall be monumented in accordance with Section 21-16 of said County Code.

Very truly yours,

A handwritten signature in black ink, appearing to read "Michael B. Emmons", is written over a horizontal line.

FOR: Michael B. Emmons  
County Surveyor

TPM14784\_subreview.doc

AA/EEO Employer

Scott D. Fayram, Deputy Director

Dacé B. Morgan, Deputy Director

Mark A. Schleich, Deputy Director

Rochelle Camozzi, Chief Financial Officer

Michael B. Emmons, County Surveyor

[www.publicworkssb.org](http://www.publicworkssb.org)

**PUBLIC Health**  
DEPARTMENT

**Environmental Health Services**

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

TO: Julie Harris, Planner  
Planning & Development Department  
Development Review Division

FROM: Paul E. Jenzen  
Environmental Health Services

DATE: April 16, 2012

SUBJECT: Case No. 11TPM-00000-00007, TPM14,784/12CDH-00000-00009      Goleta Area

Applicant: Trust for Public Land  
101 Montgomery St., Suite 900  
San Francisco, CA. 94104

Assessor's Parcel No. 073-090-062, zoned PRD-58, located at 6925 Whittier Drive.

This is a revised letter based on information received by Environmental Health Services subsequent to the writing of the letter dated 4/4/12. 11TPM-00000-00007/12CDH-00000-00009 represents a request to divide one 70.32-acre lot into three lots. Proposed Lot 1 would be 63.93 acres and is currently developed with the Ocean Meadows Golf Course, clubhouse, restaurant, golf cart storage building, parking lot and remote restroom. Proposed Lot 2 would be 5.89 acres and is currently developed with an employee dwelling and maintenance building. Proposed Lot 3 would be 0.50 acres and is currently developed with a parking lot that serves the golf course. No structural development is proposed.

An existing employee dwelling is located on proposed Lot 2. The permit for the dwelling expired in 1990 without renewal and currently the dwelling is unpermitted. The applicant proposes to remove the dwelling prior to recordation of the Tentative Parcel Map.

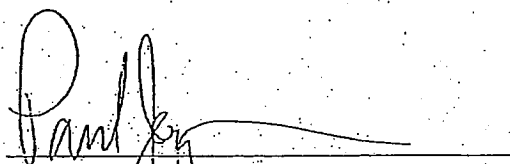
Domestic water supply is proposed to be provided by the Goleta Water District. Proposed Lot 1 is currently served and would continue to be served by the Goleta Water District. A separate reclaimed water system is also located on the lot, which irrigates the golf course. Proposed Lot 2 is currently served and would continue to be served by the Goleta Water District and would also receive reclaimed water after the lot split. Proposed Lot 3 would be served by the Goleta Water District.

Correspondence from the Goleta Water District indicates that adequate meters exist to serve the entire project but will need to be repurposed to serve each lot. This will need to be accomplished prior to recordation otherwise a "can and will serve" letter will be required.

Sewage disposal is proposed to be provided by the Goleta West Sanitary District. Proposed Lot 1 is currently served and would continue to be served by the Goleta West Sanitary District. Proposed Lot 2 is currently served by an onsite wastewater treatment system connected to the workshop and an employee trailer. The onsite wastewater treatment system will be abandoned when the lot is connected to the sewer. Proposed Lot 3 is proposed to be served by the Goleta West Sanitary District.

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

1. Prior to Recordation, Environmental Health Services shall receive and approve written notice from the Goleta Water District indicating that said district can and will provide domestic water service upon demand and without exception for proposed lots 2 & 3. If the existing water meters are to be repurposed then that shall be accomplished prior to recordation.
2. Prior to Recordation, Environmental Health Services shall receive a guarantee of service, typically a "can and will serve" letter or a connection permit from the Goleta West Sanitary District for sewage collection and disposal for proposed lots 2 & 3.
3. Concurrent to Connection to the Sewer, the existing onsite wastewater treatment system shall be abandoned under permit and inspection from Environmental Health Services.
4. Prior to Recordation, the applicant shall submit a copy of the final map to Environmental Health Services.

  
Paul E. Jensen, REHS  
Senior Environmental Health Specialist

cc: Applicant  
Agent, Ginger Anderson, Penfield & Smith  
Goleta Water District  
Goleta West Sanitary District  
Office of the County Surveyor  
Marilyn Merrifield, Environmental Health Services  
Norman Fujimoto, Environmental Health Services

LU-5116

RECEIVED

APR 16 2012

S.B. COUNTY  
PLANNING & DEVELOPMENT



# Memorandum

DATE: April 13, 2012

TO: Julie Harris  
Planning and Development  
Santa Barbara

FROM: Eric Peterson, Fire Marshal *ELP*  
Fire Department

SUBJECT: APN: 073-090-062; Permit: 11TPM-00007, TPM 14,784  
Site: 6923 Whittier Drive, Goleta  
Project: Lot Split

*This Condition Memorandum Supersedes the Previous Condition Memorandum  
Dated January 13, 2012*

Fire Department staff has reviewed the above referenced project and has no development conditions to place on the project as presented at this time.

## MAP RECORDATION

- The fire department has no objection to the map recordation of Tract 14,784
- The following information shall be recorded with the map.

In the event proposed Lot 2 (073-090-062, 00TPM-00007) is subdivided in the future, the owner/applicant of proposed Lot 2 shall obtain an access easement over "Venoco Road" as it runs east-west from Storke Road to proposed Lot 2, or other access way suitable to and approved by the County Fire Department. The access easement shall be a minimum of 30 feet in width and conform to the most current Fire Department Development Standards. The access easement shall be obtained prior to development on proposed Lot 2.

## THE FOLLOWING IS ADVISORY ONLY

- It is understood by all parties that this departure from the current Fire Department Standards is based on the establishment of an acceptable access by UCSB for this project and does not set a precedent or set a direction for applying conditions to future development(s).

As always, if you have any questions or require further information, please call 805-681-5523 or 805-681-5500.

DP:mkb

Goleta Water District, 4699 Hollister Av, Goleta 93110



Santa Barbara County Public Works Department  
Flood Control & Water Agency

January 4, 2012

RECEIVED

Julie Harris, Planner  
County of Santa Barbara  
Planning & Development Department  
123 E. Anapamu St.  
Santa Barbara, CA 93101

JAN 06 2012  
S.B. COUNTY  
PLANNING & DEVELOPMENT

Re: 11TPM-00000-00007; Devereaux Creek Properties/Trust  
APN: 073-090-062; Goleta

Dear Ms. Harris:

The District has no formal conditions prior to Map Recordation for the above referenced project. However, the project is located within a special flood hazard area and contains a Flood Control District access and maintenance easement. Therefore, the District wishes to use this letter to document the following advisories:

1. Prior to any future development

- a. The applicant shall comply with the Santa Barbara County Flood Control District Standard Conditions of Approval dated January 2011 (<http://www.countyofsb.org/uploadedFiles/pwd/Water/Development/StdConditionsJan2011.pdf>)
- b. The applicant shall provide a site plan of the proposed development following the guidelines provided in the Standard Conditions of Approval.
- c. The applicant shall submit all Maps, improvement plans, grading and drainage plans, drainage studies, and landscape plans to the District for review and approval.
- d. Any development within a Special Flood Hazard Area will be subject to the requirements of Chapter 15A (Floodplain Management) of the County Ordinance.
- e. Any development near a watercourse will be subject to the requirements of Chapter 15B (Development Along Watercourses) of the County Ordinance.
- f. The applicant shall acquire and submit all required data, forms and certifications as described in the Standard Conditions of Approval.

G:\WaterResources\Flood-Control\Engineering\Development\DEV\CND\11TPM0000000007cnd.doc

Thomas D. McGolpin  
Public Works Director

123 East Anapamu Street, Santa Barbara, California 93101  
PH: 805 568-3440 FAX: 805 568-3434 [www.countyofsb.org/pwd/water](http://www.countyofsb.org/pwd/water)

Thomas D. Fayram  
Deputy Public Works Director

Sincerely,

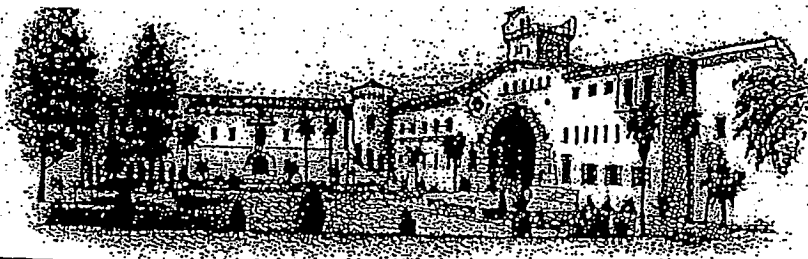
SANTA BARBARA COUNTY FLOOD CONTROL & WATER CONSERVATION  
DISTRICT

By: 

Nick Bruckbauer  
Development Review Engineer

Cc: Devereaux Creek Properties c/o Mark Gree, 6925 Whittier Dr., Goleta, CA 93111  
Ginger Anderson, Penfield & Smith, 111 E. Victoria St., Santa Barbara, CA 93101





April 18, 2012

TO: Julie Harris, Planner  
Development Review

FROM: William Robertson, Transportation Planner  
Public Works, Transportation Division

SUBJECT: Conditions of Approval (1 page)  
Devereaux Creek Properties Tentative Parcel Map  
11TPM-00000-00007; TPM 14,784  
APN: 073-090-062/ Goleta

Traffic Mitigation Fees

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

Based on the current fee schedule, the total estimated fee for the proposed project is \$27,134 (2 new developable residential lots x \$13,567/lot). The Transportation Impact Mitigation Fee Program is designed to collect fees from any project that generates more than one additional peak hour trip. Fees are due prior to map recordation and shall be based on the fee schedule in effect when paid. This office will not accept payment or process a check received prior to project approval.

Fees are payable to the County of Santa Barbara, and may be paid in person or mailed to: Santa Barbara County Transportation Division, 123 E. Anapamu St., 2<sup>nd</sup> Floor, Santa Barbara, CA 93101 or Santa Barbara County Transportation Division North, 620 West Foster Road, Santa Maria, CA 93455. Please phone this office prior to payment if unsure as to the final fee required.

If you have any questions, please contact me at 739-8785.

Sincerely,

 04/18/2012

William T. Robertson

Date

cc: 11TPM-00000-00007, TPM 14,784  
Chris Sneddon, Transportation Manager, County of Santa Barbara, Public Works Department  
F:\Group\Transportation\Traffic\Transportation Planning\Development Review\Goleta\Devereaux Creek Properties Tentative Parcel Map 11TPM-Cond.doc



COUNTY OF SANTA BARBARA

## Planning and Development

### COASTAL DEVELOPMENT PERMIT

Case No.: 12CDH-00000-00009

Project Name: Employee Dwelling Demolition

Project Address: 6925 Whittier Drive

Assessor's Parcel No.: 073-090-062

Applicant Name: The Trust for Public Land/Devereux Creek Properties

The Board of Supervisors hereby approves this Coastal Development Permit for the development described below, based upon the required findings and subject to the attached terms and conditions.

Associated Case Number(s): 11TPM-00000-00007

Project Description Summary: Demolition of an employee dwelling.

Project Specific Conditions: See Attachment A.

Permit Compliance Case: ☐ Yes ☒ No

Permit Compliance Case No.: \_\_\_\_\_

**Appeals:** The approval of this Coastal Development Permit may be appealed to the California Coastal Commission by the applicant or an aggrieved person within ten working days of receipt by the Coastal Commission of the County's notice of final action.

#### Terms of Permit Issuance:

- 1. Work Prohibited Prior to Permit Issuance.** No work, development, or use intended to be authorized pursuant to this approval shall commence prior to issuance of this Coastal Development Permit and/or any other required permit (e.g., Building Permit). **Warning! This is not a Building/Grading Permit.**
- 2. Date of Permit Issuance.** This permit shall not issue prior to the expiration of the appeal period, or if appealed, prior to the final action on the appeal by the decision-maker; nor shall this permit be issued until all prior-to-issuance conditions have been satisfied or any other necessary approvals have been obtained. This Permit shall be deemed effective and issued on the date signed and indicated below.
- 3. Time Limit.** The approval of this Coastal Development Permit shall be valid for one year from the date of approval. Failure to obtain a required construction, demolition, or grading permit and to lawfully commence development within two years of permit issuance shall render this Coastal Development Permit null and void.

**NOTE:** Approval and issuance of a Coastal Development Permit for this project does not allow construction or use outside of the project description, terms or conditions; nor shall it be construed to be an approval of a violation of any provision of any County Policy, Ordinance or other governmental regulation.

**Owner/Applicant Acknowledgement:** Undersigned permittee acknowledges receipt of this pending approval and agrees to abide by all terms and conditions thereof.

\_\_\_\_\_/\_\_\_\_\_  
Print Name                      Signature                      Date

**Date of Board of Supervisors Approval:** August 21, 2012

**Planning and Development Department Issuance by:**

\_\_\_\_\_/\_\_\_\_\_  
Print Name                      Signature                      Date

## ATTACHMENT A: PROJECT SPECIFIC CONDITIONS

1. **Proj Des-01 Project Description.** This Coastal Development Permit is based upon and limited to compliance with the project description and all conditions of approval set forth below, including mitigation measures and specified plans and agreements included by reference, as well as all applicable County rules and regulations. The project description is as follows:

The project is the demolition of an existing employee dwelling. Access to the project site is provided by an existing 20-foot wide easement across UCSB property from Storke Road. The site is currently served by the Goleta Water District, an onsite septic disposal system and the County Fire Department. The property is addressed as 6925 Whittier Drive, APN 073-090-062, Goleta, Third Supervisorial District.

Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

2. **Proj Des-02 Project Conformity.** The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of the structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval thereto. All plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

## CONDITIONS BY ISSUE AREA

3. **SolidW-02 Solid Waste-Recycle.** The Owner/Applicant and their contractors and subcontractors shall separate demolition and excess construction materials onsite for reuse/recycling or proper disposal (e.g., concrete, asphalt, wood, brush). The Owner/Applicant shall provide separate onsite bins as needed for recycling. **PLAN REQUIREMENTS:** The Owner/Applicant shall print this requirement on all demolition plans. **TIMING:** Materials shall be recycled as necessary throughout demolition. All materials shall be recycled prior to Final Building Inspection Clearance.
4. **WatConv-01 Sediment and Contamination Containment - Special.** The Owner/Applicant shall prevent water contamination during demolition by implementing Best Management Practices (BMP) designed to protect natural watercourses/creeks, prevent erosion, and convey clean storm water runoff to existing drainages while keeping contaminants and sediments onsite. Such measures may include but not be limited to:
  - a. Use of silt fences, coir rolls or other similar devised to prevent the migration of polluted storm water from the demolition area to the creek.
  - b. Stabilization of entrances/exits to the demolition site shall be stabilized using methods designed to reduce transport of sediment off site.
  - c. Cover storm drains and manholes within the demolition area.
  - d. Store, handle and dispose of construction materials and waste such as paint, mortar, concrete slurry, fuels, etc. in a manner which minimizes the potential for storm water contamination.

**PLAN REQUIREMENTS:** The Owner/Applicant shall ensure all above construction site measures are printed as notes on demolition plans.

**TIMING:** Stabilizing measures shall be in place prior to commencement of construction. Other measures shall be in place throughout construction.

#### COUNTY RULES AND REGULATIONS

5. **Rules-02 Effective Date-Appealable to CCC.** This Coastal Development Permit shall become effective upon the expiration of the applicable appeal period provided an appeal has not been filed. If an appeal has been filed, the planning permit shall not be deemed effective until final action by the review authority on the appeal, including action by the California Coastal Commission if the planning permit is appealed to the Coastal Commission. [ARTICLE II § 35-169].
6. **Rules-03 Additional Permits Required.** The demolition of any structures authorized by this approval shall not commence until the all necessary planning and demolition permits are obtained. Before any Permit will be issued by Planning and Development, the Owner/Applicant must obtain written clearance from all departments having conditions; such clearance shall indicate that the Owner/Applicant has satisfied all pre-construction conditions. A form for such clearance is available from Planning and Development.
7. **Rules-05 Acceptance of Conditions.** The Owner/Applicant's acceptance of this permit and/or commencement of use, construction and/or operations under this permit shall be deemed acceptance of all conditions of this permit by the Owner/Applicant.
8. **Rules-10 CDP Expiration-No CUP or DVP.** The approval or conditional approval of a Coastal Development Permit shall be valid for one year from the date of action by the Board of Supervisors. Prior to the expiration of the approval, the review authority who approved the Coastal Development Permit may extend the approval one time for one year if good cause is shown and the applicable findings for the approval required in compliance with Section 35-169.5 can still be made. A Coastal Development Permit shall expire two years from the date of issuance if the use, building or structure for which the permit was issued has not been established or commenced in conformance with the effective permit. Prior to the expiration of such two year period the Director may extend such period one time for one year for good cause shown, provided that the findings for approval required in compliance with Section 35-169.5, as applicable, can still be made.
9. **Rules-23 Processing Fees Required.** Prior to issuance of the Coastal Development Permit, the Owner/Applicant shall pay all applicable P&D permit processing fees in full as required by County ordinances and resolutions.
10. **Rules-29 Other Dept Conditions.** Compliance with Departmental/Division letters required as follows:
  - a. Air Pollution Control District dated April 16, 2012;
  - b. Environmental Health Services Division dated April 16, 2012.
11. **Rules-30 Plans Requirements.** The Owner/Applicant shall ensure all applicable final conditions of approval are printed in their entirety on applicable pages of grading/construction or building

plans submitted to P&D or Building and Safety Division. These shall be graphically illustrated where feasible.

12. **Rules-32 Contractor and Subcontractor Notification.** The Owner/Applicant shall ensure that potential contractors are aware of County requirements. Owner / Applicant shall notify all contractors and subcontractors in writing of the site rules, restrictions, and Conditions of Approval and submit a copy of the notice to P&D compliance monitoring staff.
13. **Rules-33 Indemnity and Separation.** The Owner/Applicant shall defend, indemnify and hold harmless the County or its agents or officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of this project. In the event that the County fails promptly to notify the Owner / Applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.
14. **Rules-37 Time Extensions-All Projects.** The Owner / Applicant may request a time extension prior to the expiration of the permit or entitlement for development. The review authority with jurisdiction over the project may, upon good cause shown, grant a time extension in compliance with County rules and regulations, which include reflecting changed circumstances and ensuring compliance with CEQA. If the Owner / Applicant requests a time extension for this permit, the permit may be revised to include updated language to standard conditions and/or mitigation measures and additional conditions and/or mitigation measures which reflect changed circumstances or additional identified project impacts.



**Santa Barbara County  
Air Pollution Control District**

Vision of Clean Air

April 16, 2012

Julie Harris  
Santa Barbara County  
Planning and Development  
123 E. Anapamu Street  
Santa Barbara, CA 93101

**RECEIVED**

APR 17 2012

S.B. COUNTY  
PLANNING & DEVELOPMENT

Re: APCD Comments on Devereaux Creek Properties  
TPM, 11TPM-00000-00007, 12CDH-00000-00009

Dear Ms. Harris:

This comment letter supersedes the APCD comment letter dated January 9, 2012. Since the time of the last review the project has been revised to include the demolition of an existing employee dwelling. The Air Pollution Control District (APCD) has reviewed the referenced case, which consists of dividing an existing 70-acre parcel into three lots of approximately 63 acres, 5.89 acres, and 0.5 acres. No other development is proposed. The subject property is zoned PRD-58 and is identified in the Assessor Parcel Map Book as APN.073-090-062. The parcel is located at 6925 Whittier Drive in the unincorporated Goleta area.

Air Pollution Control District staff offers the following suggested conditions:

1. APCD Rule 345, *Control of Fugitive Dust from Construction and Demolition Activities* establishes limits on the generation of visible fugitive dust emissions at demolition and construction sites. The rule includes measures for minimizing fugitive dust from on-site activities and from trucks moving on- and off-site. The text of the rule can be viewed on the APCD website at [www.sbapcd.org/rules/download/rule345.pdf](http://www.sbapcd.org/rules/download/rule345.pdf).
2. The applicant is required to complete and submit an Asbestos Demolition/Renovation Notification (APCD Form ENF-28 which can be downloaded at [www.sbapcd.org/eng/dl/dl08.htm](http://www.sbapcd.org/eng/dl/dl08.htm)) for each regulated structure to be demolished or renovated. Demolition notifications are required regardless of whether asbestos is present or not. The completed notification should be presented or mailed to the Santa Barbara County Air Pollution Control District with a minimum of 10 working days advance notice prior to disturbing asbestos in a renovation or starting work on a demolition. For additional information regarding asbestos notification requirements, please visit our website at [www.sbapcd.org/biz/asbestos.htm](http://www.sbapcd.org/biz/asbestos.htm) or contact APCD's Engineering and Compliance Division at (805) 961-8800.


If you or the project applicant have any questions regarding these comments, please feel free to contact me at (805) 961-8893 or via email at [edg@sbapcd.org](mailto:edg@sbapcd.org).

Louis D. Van Mullem, Jr. • Air Pollution Control Officer  
North San Antonio Road, Suite A • Santa Barbara, CA • 93110 • [www.sbapcd.org](http://www.sbapcd.org) • 805.961.8800 • 805.961.8800

April 16, 2012

Page 2

Sincerely,

A handwritten signature in black ink, appearing to read "Eric Gage".

Eric Gage,

Air Quality Specialist

Technology and Environmental Assessment Division

cc: Ginger Anderson  
Project File  
TEA Chron File



# PUBLIC Health

DEPARTMENT

## Environmental Health Services

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

TO: Julie Harris, Planner  
Planning & Development Department  
Development Review Division

FROM: Paul E. Jenzen  
Environmental Health Services

DATE: April 16, 2012

SUBJECT: Case No. 11TPM-00000-00007, TPM14,784/12CDH-00000-00009 Goleta Area

Applicant: Trust for Public Land  
101 Montgomery St., Suite 900  
San Francisco, CA. 94104

Assessor's Parcel No. 073-090-062, zoned PRD-58, located at 6925 Whittier Drive.

This is a revised letter based on information received by Environmental Health Services subsequent to the writing of the letter dated 4/4/12. 11TPM-00000-00007/12CDH-00000-00009 represents a request to divide one 70.32-acre lot into three lots. Proposed Lot 1 would be 63.93 acres and is currently developed with the Ocean Meadows Golf Course, clubhouse, restaurant, golf cart storage building, parking lot and remote restroom. Proposed Lot 2 would be 5.89 acres and is currently developed with an employee dwelling and maintenance building. Proposed Lot 3 would be 0.50 acres and is currently developed with a parking lot that serves the golf course. No structural development is proposed.

An existing employee dwelling is located on proposed Lot 2. The permit for the dwelling expired in 1990 without renewal and currently the dwelling is unpermitted. The applicant proposes to remove the dwelling prior to recordation of the Tentative Parcel Map.

Domestic water supply is proposed to be provided by the Goleta Water District. Proposed Lot 1 is currently served and would continue to be served by the Goleta Water District. A separate reclaimed water system is also located on the lot, which irrigates the golf course. Proposed Lot 2 is currently served and would continue to be served by the Goleta Water District and would also receive reclaimed water after the lot split. Proposed Lot 3 would be served by the Goleta Water District.

Correspondence from the Goleta Water District indicates that adequate meters exist to serve the entire project but will need to be repurposed to serve each lot. This will need to be accomplished prior to recordation otherwise a "can and will serve" letter will be required.

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APR 19 2012

S.B. COUNTY  
PLANNING & DEVELOPMENT

Sewage disposal is proposed to be provided by the Goleta West Sanitary District. Proposed Lot 1 is currently served and would continue to be served by the Goleta West Sanitary District. Proposed Lot 2 is currently served by an onsite wastewater treatment system connected to the workshop and an employee trailer. The onsite wastewater treatment system will be abandoned when the lot is connected to the sewer. Proposed Lot 3 is proposed to be served by the Goleta West Sanitary District.

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

1. Prior to Recordation, Environmental Health Services shall receive and approve written notice from the Goleta Water District indicating that said district can and will provide domestic water service upon demand and without exception for proposed lots 2 & 3. If the existing water meters are to be repurposed then that shall be accomplished prior to recordation.
2. Prior to Recordation, Environmental Health Services shall receive a guarantee of service, typically a "can and will serve" letter or a connection permit from the Goleta West Sanitary District for sewage collection and disposal for proposed lots 2 & 3.
3. Concurrent to Connection to the Sewer, the existing onsite wastewater treatment system shall be abandoned under permit and inspection from Environmental Health Services.
4. Prior to Recordation, the applicant shall submit a copy of the final map to Environmental Health Services.



Paul E. Jensen, REHS  
Senior Environmental Health Specialist

cc: Applicant  
Agent, Ginger Anderson, Penfield & Smith  
Goleta Water District  
Goleta West Sanitary District  
Office of the County Surveyor  
Marilyn Merrifield, Environmental Health Services  
Norman Fujimoto, Environmental Health Services

LU-5116



# County of Santa Barbara

## BOARD OF SUPERVISORS

### Minute Order

August 21, 2012

Present: 5 - Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, Supervisor Gray, and Supervisor Lavagnino

#### PLANNING AND DEVELOPMENT

File Reference No. 12-00653

RE: HEARING - Consider recommendations regarding the Olson Appeal, Case No. 12APL-00000-00014, of Planning Commission Approval of the Trust for Public Land/Devereux Creek Properties Lot Split, Case Nos. 11TPM-00000-00007 and 12CDH-00000-00009, located at 6925 Whittier Drive, in the Goleta area, APN 073-090-062, Third District, as follows: (EST. TIME: 1 HR.)

- a) Deny the appeal, Case No. 12APL-00000-00014, thereby upholding the County Planning Commission's approval of the project;
- b) Make the required findings for approval of the project specified including CEQA findings;
- c) Determine the project is exempt from CEQA pursuant to Sections 15315 and 15301(l)(1) of the State Guidelines for the Implementation of the California Environmental Quality Act;
- d) Approve de novo the lot split, Case No. 11TPM-00000-00007, subject to the conditions; and
- e) Approve de novo the Coastal Development Permit for demolition of an employee dwelling, Case No. 12CDH-00000-00009, subject to the conditions; and
- f) Refer back to staff if the Board takes an action other than the recommended action for appropriate findings and conditions.

#### COUNTY EXECUTIVE OFFICER'S RECOMMENDATION: POLICY

Received and filed staff presentation and conducted public hearing.

A motion was made by Supervisor Farr, seconded by Supervisor Wolf, that this matter be acted on as follows:

- a) Denied the appeal (Case No. 12APL-00000-00014).
- b) Adopted required findings for approval of project including CEQA findings.
- c) Approved.
- d) Approved de novo lot split (Case No. 11TPM-00000-00007).
- e) Approved de novo Coastal Development Permit (Case No. 12CDH-00000-00009).
- f) No further action taken.

The motion carried by the following vote:

Ayes: 5 - Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, Supervisor Gray, and Supervisor Lavagnino