

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
 89 SOUTH CALIFORNIA ST., SUITE 200
 VENTURA, CA 93001
 (805) 585-1800



Th14a

ADDENDUM

DATE: January 8, 2013

TO: Commissioners and Interested Parties

FROM: South Central Coast District Staff

SUBJECT: Agenda Item Th14a, Application No. 4-12-044 (Trust for Public Land and Devereaux Creek Properties, Inc.), Thursday, January 10, 2013

The purpose of this addendum is to modify Special Condition 1 to clarify deed restriction requirements and to attach letters from interested parties. This addendum includes five letters received from interested parties (attached). Four letters were received in support of the staff recommendation and one letter was received in opposition. The letter received in opposition was submitted by John Olson, the party who appealed Santa Barbara County's final action for this project. At the October 11, 2012 hearing, the Commission determined that John Olson's appeal (A-4-STB-12-061) raised no substantial issue. John Olson's opposition letter raises the same issues raised in the previous appeal where no substantial issue found.

Note: ~~Strikethrough~~ indicates text to be deleted from the December 20, 2012 staff report and underline indicates text to be added to the December 20, 2012 staff report.

1.) Special Condition 1 (Deed Restriction) on Page 7 of the report shall be modified as follows:

1. Deed Restriction

- A. Prior to the issuance of the coastal development permit, the applicants shall submit to the Executive Director, for review and approval, proposed deed restriction language to be recorded as part of the escrow process against the 63.93 acre portion of the 70.32 acre parcel currently known as APN 073-090-062 shown generally in Exhibit 7 to this staff report as Proposed Lot 1 (herein after "Proposed Lot 1"), in a form and content acceptable to the Executive Director. The deed restriction shall include a formal legal description of Proposed Lot 1 and the deed restriction shall reflect that no development shall occur on Proposed Lot 1 except as otherwise set forth in this permit condition. The applicants shall also submit a map of Proposed Lot 1 overlain with a depiction of the location of all existing easements or other encumbrances, whether or not of record. The deed restriction shall be recorded free of prior liens and free of encumbrances (~~other than existing easements for roads, trails, and utilities~~) that the Executive Director determines may affect the enforceability of the restriction, binding all successors and assigns. Once the Executive Director has approved the deed restriction language, the applicants shall place the executed deed restriction ("Deed Restriction") into escrow. The applicant shall

cause the Deed Restriction to be recorded through the escrow process described in paragraph D., below.

...

- D. Prior to issuance of the Coastal Development Permit, the applicants shall submit proposed escrow instructions, for the Executive Director's review and approval. The proposed escrow instructions shall indicate that the escrow agent shall finalize the escrow process by taking the following steps in the following order, with no intervening steps: (1) present the Coastal Development Permit to the County as evidence of Coastal Act authorization for the subdivision; (2) obtain final County approval of the parcel map approved by the Executive Director pursuant to Special Condition 2 ("Final Parcel Map"); (3) record the Final Parcel Map in the Santa Barbara County Recorder's Office, subdividing the property; (4) record the Grant Deed (as approved by the Executive Director pursuant to Paragraph C above) in the Santa Barbara County Recorder's Office, thereby transferring fee title to Proposed Lot 1 to The Trust for Public Land, pursuant to the terms of the Grant Deed ~~and not subject to any liens or encumbrances~~; and (5) record the Deed Restriction, along with any completed subordination agreements required by the Executive Director, in the Santa Barbara County Recorder's Office against Proposed Lot 1.

After all of the following occur, the Executive Director will place the Coastal Development Permit and any completed subordination agreements that the Executive Director has required into escrow, to be issued pursuant to the approved escrow instructions ~~provided that~~:

- (1) The Executive Director is satisfied with the escrow instructions;
- (2) The Executive Director determines that all prior to issuance conditions have been satisfied;
- (3) The Executive Director has received evidence, to his satisfaction, including a preliminary report, demonstrating that there are no prior liens or encumbrances on the property that may affect the enforceability of the Deed Restriction (which may, at the Executive Director's discretion, require the securing of subordination agreements if there are existing liens or encumbrances on the property), and
- (4) The Executive Director has received notice from the escrow company that escrow is ready to close and is only awaiting the Executive Director's submittal of the Coastal Development Permit, and that no new liens or encumbrances have been placed on Proposed Lot 1 since the Executive Director's determination pursuant to the prior paragraph (Section D.3.).

2.) The following changes to Section IV. Findings and Declarations of the staff report shall be made:

-Pages 14-16, Section C. of the staff report, Pages 21-22, Section D. of the staff report, and Pages 24-25, Section E. of the staff report:

Special Condition One (1) requires, prior to the issuance of the coastal development permit, the applicants to submit to the Executive Director, for review and approval, proposed deed restriction language to be recorded as part of the escrow process against the 63.93 acre portion of the 70.32 acre parcel currently known as APN 073-090-062 shown generally in Exhibit 7 to this staff report as

Proposed Lot 1 (herein after “Proposed Lot 1”), in a form and content acceptable to the Executive Director. The deed restriction is required to include a formal legal description of Proposed Lot 1 and the deed restriction shall reflect that no development shall occur on Proposed Lot 1 except as otherwise set forth in this permit condition. The applicants shall also submit a map of Proposed Lot 1 overlain with a depiction of the location of all existing easements or other encumbrances, whether or not of record. The deed restriction is required to be recorded free of prior liens and free of encumbrances (~~other than existing easements for roads, trails, and utilities~~) that the Executive Director determines may affect the enforceability of the restriction, binding all successors and assigns. Once the Executive Director has approved the deed restriction language, the applicants are required to place the executed deed restriction (“Deed Restriction”) into escrow. The applicant is required cause the Deed Restriction to be recorded through the escrow process.

Further, **Special Condition One (1)** requires the deed restriction language to indicate that no development, as defined in Section 30106 of the Coastal Act, shall occur on Proposed Lot 1 except the following activities, and then only if approved pursuant to a new Coastal Development Permit: (1) demolition and removal of existing structures, and rehabilitation of the existing clubhouse and storage structure, provided it is limited to approximately the same size, footprint, and development area; (2) habitat restoration and enhancement, including associated grading and drainage improvements for such purposes; (3) installation repair or upgrading of utilities, including sewer lines, storm drains, water lines, irrigation lines, and similar facilities; (4) construction of water quality management structures, erosion control and flood control management activities; (5) improvements for public access, recreation, and/or environmental education and research including, but not limited to trails, public parking facilities, public bathrooms, fencing to indicate designated pathways, and associated appurtenances and necessary signage; and, (6) reconstruction of existing drains or maintenance and repair activities pursuant to an approved management and maintenance program. **Special Condition One (1)** also requires, prior to issuance of the Coastal Development Permit, the applicants to submit the proposed grant deed to be used for the transfer of Proposed Lot 1 to The Trust for Public Land, for the Executive Director’s review and approval (“Grant Deed”). The proposed Grant Deed is required to be drafted to effectuate transfer of fee title of Proposed Lot 1 to The Trust for Public Land without reserving any rights or creating any liens or encumbrances that the Executive Director determines could impair the functioning of the Deed Restriction.

Further, **Special Condition One (1)** requires, prior to issuance of the Coastal Development Permit, the applicants to submit proposed escrow instructions, for the Executive Director’s review and approval. The proposed escrow instructions are required to indicate that the escrow agent shall finalize the escrow process by taking the following steps in the following order, with no intervening steps: (1) present the Coastal Development Permit to the County as evidence of Coastal Act authorization for the subdivision; (2) obtain final County approval of the parcel map approved by the Executive Director pursuant to Special Condition Two (“Final Parcel Map”); (3) record the Final Parcel Map in the Santa Barbara County Recorder’s Office, subdividing the property; (4) record the Grant Deed (as approved by the Executive Director pursuant to Paragraph C above) in the Santa Barbara County Recorder’s Office, thereby transferring fee title to Proposed Lot 1 to The Trust for Public Land, pursuant to the terms of the Grant Deed ~~and not subject to any liens or encumbrances~~; and (5) record the Deed Restriction, along with any completed subordination agreements required by the Executive Director, in the Santa Barbara County Recorder’s Office against Proposed Lot 1.

In addition, **Special Condition One (1)** further provides that, after all of the following occur, the Coastal Development Permit and any subordination agreements that the Executive Director has

required will be placed into escrow, to be issued pursuant to the approved escrow instructions ~~provided that~~: (1) the Executive Director is satisfied with the escrow instructions; (2) the Executive Director determines that all prior to issuance conditions have been satisfied; (3) the Executive Director has received evidence, to his satisfaction, including a preliminary report, demonstrating that there are no prior liens or encumbrances on the property that may affect the enforceability of the Deed Restriction (which may, at the Executive Director's discretion, require the securing of subordination agreements if there are existing liens or encumbrances on the property), and (4) the Executive Director has received notice from the escrow company that escrow is ready to close and is only awaiting the Executive Director's submittal of the Coastal Development Permit, and that no new liens or encumbrances have been placed on Proposed Lot 1 since the Executive Director's determination pursuant to the prior paragraph. Within 14 days of the close of escrow, the applicants are required to provide evidence to the Executive Director that escrow has been completed pursuant to the approved escrow instructions. If, for any reason, the transfer of Proposed Lot 1 and recordation of the Deed Restriction do not occur pursuant to paragraph D of Special Condition One, but the property is nevertheless treated as subdivided, the applicant shall record the Deed Restriction against Proposed Lot 1: (1) as indicated in the third sentence of paragraph A of Special Condition One; (2) prior to selling, conveying, leasing, developing, financing, or encumbering Proposed Lot 1; and (3) within 90 days of issuance of this CDP, unless the Executive Director grants additional time.

Attachments:

- 1.) Letter from John Olson to Commissioners, received on January 2, 2013 (3 pages)
- 2.) Letter from the Environmental Defense Center to Chair Shallenberger and Commissioners, dated January 3, 2013 (2 pages)
- 3.) Letter from Santa Barbara Audubon Society, Inc. to Chair Shallenberger and Commissioners, dated January 4, 2013 (1 page)
- 4.) Letter from Friends of Ocean Meadows/Upper Devereaux Slough to Chair Shallenberger, Staff and Commissioners, received on January 7, 2013 (2 pages)
- 5.) Letter from Santa Barbara County Supervisor Doreen Farr to Chair Shallenberger and Commissioners, received on January 7, 2013 (2 pages).

~~Agenda~~ Th 14a on 1/10/13

Please distribute these two pages.

Thank you,

John Olson
zjolson@aol.com
805-685-5761

Received
JAN 02 2013 As
California
Coastal Commission

To: California Coastal Commissioners c/o South Central Coast Office, 89 South California St.
#200. Ventura, CA 93001

From: John Olson, 7041 Marymount Way, Goleta, CA 93117

Regarding: Agenda item # Th14a, Pismo Beach, CA, 1/10/2013

Dear Commissioners:

\$7,200,000 can enhance a lot of coastline. Goleta Beach and More Mesa are two nearby examples that cry-out for funding. **Why should we bless the collection of public funds and use the money to kill a golf course?**

From the first public notice of the Trust's plan to purchase the Ocean Meadows Golf Course I questioned the motives and became involved. My learning experience has not been a positive citizen involvement in an important governmental decision but rather a lesson in how to "game" the system. The attached opinion piece (printed in our local paper) is my attempt to shed light on a very dark subject.

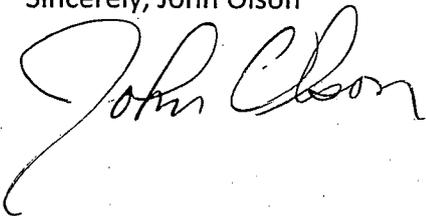
I expect government decision making officials to see through the haze of boiler plate rhetoric such as "No structural development, grading, or vegetation removal is proposed" and ask the question: **Should we participate in the transfer of \$7,200,000 (public funds) to turn a working golf course brown?**

If its not broke.....Currently golfers enjoy a sport happily paying for the reclaimed water that supports an existing environmental habitat. To proclaim that the lot split and planned associated events will not harm the environment is a false premise. **I only ask for expert opinion but somehow the EIR is being avoided. Please protect the animals, frogs, and birds with at least a condition to maintain the watering system.**

- So, the CEQA and EIR exclusions are inappropriate, unlawful decisions.
- The project's funding represents the corrupt mining of public funds for private gain.
- Some commissioners and staff are facilitating "gaming" not in the public interest.
- The property will never support a "wetland" because it is too high and too dry.
- The Trust/UCSB/Goleta could own a public golf course and improve the creek's habitat.

Please read the published opinion piece attached and do not rubber stamp this scheme.

Sincerely, John Olson



Th 14a
1/10/13

Voices

DECEMBER 30, 2012

The history of Ocean Meadows

Fifty years ago in the Good Land of Goleta, the Bishop Ranch property stretched to the ocean. Southwest of the intersection of Storke and Hollister was a 640-acre plot of grassy fields criss-crossed by gulches and a few agricultural access roads. Geologically, the area was a "fan delta" created by repeated erosion of the hills to the north, resulting in seasonal mud flows toward the ocean. The gulches had water flow in the winter, but in the summer generally were dry. In 1960, a proposal was put forth and accepted by the Santa Barbara County Board of Supervisors to allow the landowners to design a community and sell parcels for development. Maps were drawn, road easements were created and a community was put on paper. To allow home building, massive grading was undertaken to straighten the gulches and create storm drainage from Hollister Avenue to the ocean. Part of this flood-control grading was the creation of a 63-acre flood plain we now know as the Ocean Meadows Golf Course. The civil engineers wisely found a dual pur-

pose for this flood water collection area: It was first a collector for storm runoff, and secondly, a golf course that could accept the annual flooding. Ocean Meadows Golf Course was conceived.

John Olson
The author lives in Goleta.

Following the accepted community plan, a golf course was built around 1966. Further grading was minimal, with mounding for greens and tees and some improvements to area drainage. Culvert crossings and bridges were installed to facilitate golf. Two gulches were named Devereux Creek and the Phelps Ditch.

To control the silting of the existing semi-wetland toward the ocean, a low dam called a weir was installed. The weir helped reduce the silting of the slough to the south by slowing flood runoff, allowing the silt to drop out of the storm runoff. This weir saved what is now known as the Devereux Slough from filling with seasonal silt.

In the 40-year history of the Devereux Creek, at least six times the golf course has received more than four inches of silling across more than 30 percent of the total area. While

these natural events caused headaches for the golf course crews, the dual function of the course property worked beautifully.

The occasional storm runoff on the golf course is a sight worth seeing. Water moving at 15 mph completely overwhelms the small creek and stretches to a width of more than 100 yards, four to six feet deep. The dish-shaped golf course becomes a flood plain.

Great wealth is created by land-use changes, and those 640 acres are no exception. Documents identify the University Exchange Corporation, Devereux Creek Properties and the Bishop Ranch as participants (although Internet searches fail to identify individuals involved).

In 1995-99, Mark Green, a golf course owner from Los Angeles, engaged Bermant Development's Vice President John Campanella to process proposals to build houses on the higher ground of a 72-acre property. The Planned Residential Development proposal was processed, and 50-59 units were approved along with rebuilding the golf course clubhouse and

Please see **OLSON** on G4

FULLIASE OF LAND WILL NOT benefit the general public

OLSON
Continued from Page G1

and creek setbacks that would be required. Even the vision of creating a wetland will not be possible because the elevation is too high and there is no natural source of moisture in the summer. Neighboring property values will not be enhanced. The Trust for Public Lands should investigate and reconsider. Furthermore, the golf course has never been offered for sale on the open market to determine its true value.

If the purchase is allowed, the golf course will quickly go dry and dusty due to the lack of irrigation. A beautiful existing habitat will be destroyed for the benefit of a few insiders. No engineering studies, EIRs or CEQA will have been required to confirm the vague visions presented by the advocates of this misguided and undocumented plan.

The lot-split that facilitates the purchase has been appealed through the county's process and was approved by the Coastal Commission on Oct. 21. During appeals, both planning agencies inappropriately blocked CEQA, EIR and necessary expert opinion regarding the concepts presented.

To be clear, the purpose of this letter is not to advocate maintaining a golf course, but rather to point out how public funds are manipulated for the benefit of a few. The public should have a voice in what grant and mitigation funds are used for, and sadly, our County Supervisors and Goleta Council have not considered uses for this land that would benefit the majority of citizens. The proposal now under consideration will greatly benefit Mark Green, Carla Frisk and John Campanella, and will further UCSB's invasion of the Good Land of Goleta.

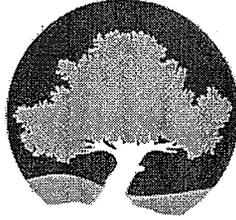
Raising awareness in this matter is not easy, but citizens should speak up when a deal doesn't pass the smell test.

adding workforce housing. For unknown reasons, the last step, final approval before the Board of Supervisors, was withdrawn in 2007. The clear land-use plan was to converge with planning processes being proposed by UCSB as part of the Long Range Development planning to take advantage of UCSB's likely success and influence with the California Coastal Commission. Why the project was abandoned is a good question, but the crash of the housing bubble is probably related.

An interesting part of this story is the involvement of Carla Frisk, who was working as a Santa Barbara County planner during this application period. Mrs. Frisk is currently employed by the Trust for Public Lands. She advocated diligently and successfully, obtaining \$7.2 million of public funds to purchase 63 acres of the golf course flood plain. The public funds include environmental mitigation fees collected by various public agencies, including Coastal Resource Enhancement funds distributed by our local governments. The Trust for Public Lands routinely seeks these funds using their grant request expertise.

Mrs. Frisk, inappropriately using her current employment, the Trust's website and her environmental organizational connections, lobbied to gain support for obtaining the grants that are being used to fund this insider transaction. She continues to promote the purchase vigorously.

Specific Trust misstatements: The Devereux Creek was not filled to create the golf course. The often-stated protection of the 63-acre flood plane from housing development is a false, unrealistic statement given the lack of access



environmental
DEFENSE CENTER

January 3, 2013

Ms. Mary Shallenberger, Chair
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

**RE: Support for The Trust for Public Land/Devereux Creek Properties
Lot Split (Th14a)**

Dear Honorable Chair Shallenberger and Commissioners:

The Environmental Defense Center (EDC) submits this letter of support for the Ocean Meadows acquisition project and Devereux Creek Properties Lot Split. The EDC is a public interest law firm headquartered in Santa Barbara that represents a variety of community organizations dedicated to a wide variety of environmental causes. Since 1997, the EDC has been proud to advance environmental protection efforts in Santa Barbara, Ventura, and San Luis Obispo Counties.

It has been EDC's pleasure to support the Ocean Meadows acquisition project on which The Trust for Public Land (TPL) has been working for the past several years. This residentially zoned property is currently being used as a golf course but, due to its zoning, could be converted to residential use. A far better use of the land would be to return the property to its historic wetland status which is TPL's vision in acquiring the property. This project will result in habitat restoration, public access, reduced flooding in the area and will join several hundred acres of protected lands adjacent to the property. The restoration of this wetland area will enhance our past work to restore the Devereux Creek ecosystem, especially our recent efforts to protect the land and habitats immediately south of Ocean Meadows on UC Santa Barbara property.

In order to acquire the property and convey it to a long term steward, expected to be UC Santa Barbara, TPL needs to create a legal parcel. Since this lot split allows for the acquisition and permanent protection of the property, EDC supports this land division.

January 4, 2013
The Trust for Public Land-Devereux Creek Properties
Page 2

EDC, therefore, urges you to support this application for the Devereux Creek land division. Please feel free to contact me at (805) 963-1622 should you have any questions about this letter. Thank you for your consideration.

Sincerely,

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

Linda Krop
Chief Counsel



Santa Barbara Audubon Society, Inc.

A Chapter of the National Audubon Society

5679 Hollister Avenue, Suite 5B, Goleta, CA 93117

(805) 964-1468

January 4, 2013

ITEM 14a

Mary K. Shallenberger, Chair
California Coastal Commission
89 S. California Street, Ste. 200
Ventura, CA 93001

RE: Support for item 14a, Ocean Meadows tentative parcel map

Dear Chair Shallenberger and Commissioners:

On behalf of the Santa Barbara Chapter of the National Audubon Society, I am pleased to submit this letter to you in support of The Trust for Public Land's application for a parcel map so that 63 acres of the Ocean Meadows property can be acquired and returned to its historic wetland status.

Founded in 1963, the mission of the Santa Barbara Audubon Society (Audubon) is to conserve and restore natural ecosystems, focusing on birds and other wildlife, for the benefit of humanity and biodiversity. Audubon is active in education, science and conservation and sponsors numerous field trips and public educational programs.

The Santa Barbara Audubon Society supports this application for a number of reasons, but primarily because it will effectuate a once in a lifetime opportunity to permanently protect existing habitat on this site and to allow for future restoration of its coastal riparian and wetland habitat values. The acquisition and restoration of this site represent the largest available wetland and upland protection and restoration opportunity in this biologically diverse and ecologically significant stretch of the Ellwood-Devereux Coast. Furthermore, the project will also provide an important public access and educational opportunity by placing trails and boardwalks that connect to the California Coastal Trail and an existing trail network on protected properties to the west and south. Audubon has advocated for conservation purchase and restoration of this property since 1998 (see attachment), but our small organization has not had the capacity for such a project. We have a long-term partnership with the adjacent Coal Oil Point Reserve, implementing habitat restoration and assisting with the Plover Education program.

Finally, as stated in the Commission's staff report, this parcel map will serve to ensure the clustering of any future residential development proposals on the remaining two lots, which are located adjacent to other urban, residentially developed areas. All proposals for such development will be required to receive permits from the County of Santa Barbara and/or the Commission. The parcel map will reduce the development potential of this environmentally sensitive area.

The Trust for Public Land has been a great partner in multiple conservation efforts throughout Santa Barbara County. We are, therefore, pleased to support approval of this project, as recommended by staff, so that the Ocean Meadows property can be acquired, thus allowing the plans to restore the wetland, riparian and upland habitat in the Upper Devereux Slough to move forward.

Should you have any questions about our support for this permit, please feel free to contact me at (805) 692-2008. Thank you for your consideration.

Sincerely,

Darlene Chirman, President

APPROVAL OF APPLICANT Trust for Public Land's
Mary K. Shallenberger, Chairwoman
California Coastal Commission
89 S. California St.
Ventura, CA 93001

Dear Ms. Shellenberger, Staff and Commissioners,
Recommendation: Approve the Trust for Public Land's (TPL) Application for a Coastal Permit for subdivision of Devereaux Creek Properties APN 073-090--62. Approval of this permit will enable TPL to continue the process of purchase of this property.

Discussion:

Last year the people living in the neighborhood adjacent to Ocean Meadows Golf Course (Devereaux Properties) formed a working committee to explore TPL's process of acquisition of the property. We worked closely with TPL and University of California Santa Barbara staff and have had extraordinary cooperation. After 2 small and 2 large open meetings during the past year, the plans for the preserve and our concerns were thoroughly discussed.

Our group has endorsed TPL's efforts to acquire the golf course for the purposes of a public access nature preserve. Approximately 50 people attended these meetings and many more were notified of the meetings. This was an open community based planning process, as were the meetings with the Santa Barbara County Planning Commission and Board of Supervisors, which many of us attended to provide our support for TPL's acquisition efforts.

There are a few individuals who oppose public acquisition of the golf course for the purposes of a preserve. They expressed their opinions during these meetings, representing a minority within the neighborhood.

Please facilitate the efforts of TPL and approve the project application enabling the property acquisition, which has widespread support of the community.

Thank you.

Sincerely,

Anne Linn

Friends of Ocean Meadows/Upper Devereaux Slough

7017 Marymount Way

Goleta, California 93117

Received

JAN 07 2013

California Coastal Commission
South Central Coast District

Environmental group expresses interest in buying Ocean Meadows

By Gary A. Schlueter
Special to the Voice

Ocean Meadows Golf Course, once part of the Devereux Slough, might again become part of the Goleta wetland if a prominent environmental group has its way.

"We've been talking to the Coastal Conservancy, and we are interested in possibly buying the golf course," said David Wass of the Santa Barbara Audubon Society.

The idea is to have the Coastal Conservancy utilize its expertise in finding funding sources and writing grants to make this ambitious notion a reality. Teresa Stevens of the US Army Corps of Engineers, the group which OKs permits for wetland development on a national level, said, "The idea of acquiring the land [the Ocean Meadows Golf Course] is a good one because it is historically part of the Devereux slough."

Devereux Creek runs through the golf course, explained Stevens, and during the rainy season—especially one like 1997-98—the creek floods the golf course.

Steve Downarowicz, pro-shop



Photo by Frank LaFleur

Members of the Santa Barbara Audubon Society have high hopes of purchasing the Ocean Meadows Golf Course and returning the land to its original form.

manager at Ocean Meadows, echoed Stevens' comments, adding, "Being a low point in the land, every year when it rains we get flooded."

He said a normal wet season may close the course for about a week, but that this year it was shut down for a month.

Ocean Meadows—a nine-hole, par 36 course at 6925 Whittier Drive—is owned by a group called Devereux Creek Properties. While Downarowicz is not privy to all of Devereux Creek Properties' business, he said he had not been notified of any group or organization making an offer to purchase Ocean Meadows.

"At this point we're working with the Coastal Conservancy," said Wass. "They

have talked with us and asked us to submit an application."

But the application has yet to be turned in, according to Stevens.

The Audubon Society is interested in buying the land in order to expand the Devereux slough and to protect it from the official guardian of the slough—UC Santa Barbara. UCSB has plans to build about 515 homes on land in the west campus area. More than 200 of those residences would "severely impact" the ecosystem of Devereux slough, local biologist David Kisner has said.

The Santa Barbara Audubon Soci-

See **Golf**, page 10

Audubon Society wants Ocean Meadows

GOLF

Continued from page 3

ety is interested in Ocean Meadows because it was part of Devereux Slough which Wass described as, "probably the richest bird habitat in Santa Barbara County."

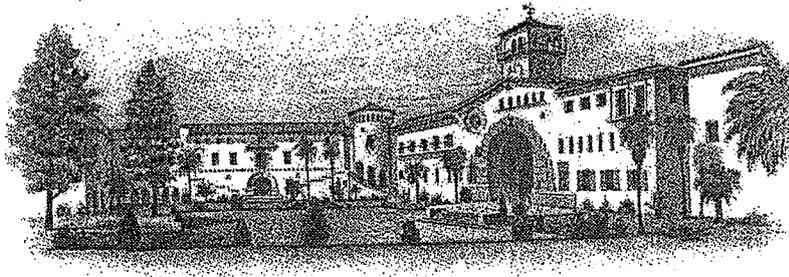
He estimated that 100 native bird species and another 200 species migrate through the slough each year.

"The idea [of buying the golf course] is if we bought it that would be a bargaining chip," said Wass. "We could possibly get the university to move its faculty housing back and we could give them or

sell them part of the golf course to do that."

Wass views this as a benefit for the university because he believes the Coastal Commission, which needs to OK any new housing plans in that area, would not approve UCSB's project as is.

DOREEN FARR
Third District Supervisor



OFFICE OF THE
THIRD DISTRICT SUPERVISOR
County Administration Building
105 East Anapamu Street
Santa Barbara, California 93101
Telephone: (805) 568-2191
Fax: (805) 568-2883
www.countyofsb.org

COUNTY OF SANTA BARBARA

Received

JAN 07 2013 AG

California
Coastal Commission
ITEM 14a

January 4, 2013

Mary K. Shallenberger, Chair
California Coastal Commission
89 S. California Street, Ste. 200
Ventura, CA 93001

RE: Support for Item 14a, Ocean Meadows tentative parcel map.

Dear Chair Shallenberger and Commissioners:

It has come to my attention that on January 10th your Commission will vote on the tentative parcel map for the 70-acre Ocean Meadows property. Since I will be unable to attend that hearing in person, I want to take this opportunity to express my strong support for The Trust for Public Land's proposal.

As you may know, this project falls in the County's Third Supervisorial District, which I represent. I whole-heartedly supported this application when it came before the Board of Supervisors on August 21, 2012. For the past four years, The Trust for Public Land has worked closely with the County of Santa Barbara, as well as various state and federal agencies and private foundations to raise the funds needed to acquire this property so that it can be restored to its historic wetland condition. The funds needed have all been raised, leaving approval of this parcel map as the last key action needed to effectuate this critical acquisition. As noted in your staff report, this property is located very strategically, adjacent to several hundred acres of existing protected lands.

Consistent with both Coastal Act and County Local Coastal Plan policies, this parcel map will serve to ensure the clustering of any future residential development proposals on the remaining two lots which are located adjacent to other urban, residentially developed areas. All proposals for such development will be required to receive permits from the County of Santa Barbara and/or the Commission.

Again, I urge you to approve your staff recommendation in favor of this parcel map so that this critical acquisition can occur, thus opening the door to the dream of restoring 63 acres of coastal wetland, riparian and upland habitat, while providing for public access, passive recreation and education adjacent to Devereux Slough.

Chris Henson
Chief of Staff
chenson@countyofsb.org

Esther Aguilera
District Representative
eaguilera@countyofsb.org

Elizabeth Farnum
District Representative
efarnum@countyofsb.org

Stephanie Langsdorf
District Representative
slangsdorf@countyofsb.org

Should you have any questions about my support for this permit request, please feel free to contact me at (805) 568-2192. I look forward to seeing this unique project completed.

Sincerely,

A handwritten signature in cursive script that reads "Doreen Farr". The signature is written in dark ink and is positioned above the typed name.

Doreen Farr
Third District Supervisor
DF:ch

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
 89 SOUTH CALIFORNIA ST., SUITE 200
 VENTURA, CA 93001
 (805) 585-1800



Th14a

Filed: 10/11/12
 180th Day: 4/9/13
 Staff: A.G.
 Staff Report: 12/20/12
 Hearing Date: 1/10/13

STAFF REPORT: REGULAR CALENDAR

Application No.: 4-12-044

Applicants: Trust for Public Land and Devereaux Creek Properties, Inc.

Agent: Penfield & Smith Engineers, Inc.

Project Location: 6925 Whittier Drive, Goleta, Santa Barbara County

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. No structural development, grading, or vegetation removal is proposed.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends **approval** of the proposed project **with two (2) special conditions** regarding (1) recordation of an open space deed restriction over the resulting 63.93 acre lot, and (2) recordation of a final parcel map. The standard of review for the proposed project is the Chapter Three policies of the Coastal Act. In addition, the policies of the certified Santa Barbara County Local Coastal Plan (LCP) serve as guidance. The project includes the subdivision of one 70.32-acre lot, currently developed with an existing golf course constructed in the 1960's, into three lots pursuant to a tentative parcel map. The three resulting lots would be 63.93, 5.89, and 0.5 acres in size. No structural development, grading, vegetation removal or any other development is proposed as part of the subject permit application.

The proposed land division inherently raises Coastal Act issues related to cumulative impacts of new development by creating additional lots, issues related to environmentally sensitive habitat, including the riparian areas of Devereux Creek and associated tributaries, and public access and recreation issues. The applicants' stated intention for this project is to facilitate the purchase of the 63.93 acre resulting parcel ("Proposed Parcel 1") by The Trust for Public Land for future removal of the golf course and implementation of riparian, wetland, and upland habitat

restoration on the site, while allowing for public access, public recreation, and nature study uses on the site. To ensure that an open space deed restriction is effectuated, Special Condition One requires a deed restriction to be recorded, at the time of the map recordation, that limits uses on Proposed Lot 1 (63.93 acres) to specified uses such as habitat restoration and enhancement of public access, recreation, environmental education and research and related uses. Special Condition Two (2) requires revisions to the parcel map to ensure that it accurately describes the parcels.

Although this proposed land division will create additional parcels, this division will serve to ensure the clustering of residential development for any future residential development proposals on Proposed Lot 2 (5.89 acres) and Proposed Lot 3 (0.5 acres) (both of which would be located outside of the Coastal Commission's original jurisdiction) and would ensure that the majority (more than 90%) of the existing 70.32-acre parcel is maintained as open space. The new 63.93 acres of open space will connect with and form part of a much larger contiguous open space area of the Devereux Slough coastal ecosystem, including the UCSB-owned "South Parcel," the Ellwood bluffs area, and Coal Oil Point Reserve, and would serve to connect approximately 800 acres containing environmentally sensitive habitat areas and a network of trails.

No development is proposed at this time, nor included as part of this application on Lot 2 and Lot 3. However, based on the biological analyses provided by the applicants, including a wetland delineation of the entire 70.32 acre site, Proposed Lots 2 and 3 are the most appropriate areas of the 70.32 acre parcel for residential development to occur and will serve to cluster any future residential development on these lots adjacent to neighboring residentially developed properties. Proposed Lot 3 (0.5 acres) is currently developed with an existing paved parking lot and contains no known environmentally sensitive habitat area. Additionally, proposed Lot 2 (5.80 acres) is currently developed with golf course improvements, does not contain known environmentally sensitive habitat or wetland resources, and is located adjacent to the approved location for a new University student housing project on the adjacent property. However, since no residential development is proposed as part of this application, a detailed and project level analysis of all potential biological site constraints for Lot 2 has not been completed as part of this application and would be required as part of any future application for residential development of that property. Finally, the creation of two residentially developable lots from one lot will not inappropriately increase the potential density of development, as the area is zoned for planned residential development requiring 60% open space (more than 90% is now proposed). Any future habitat restoration, enhancement, or improvements for public access, recreation, or environmental education on Proposed Lot 1, or any future residential development on Proposed Lot 2 (5.89 acres) and Proposed Lot 3 (0.5 acres), would be required to receive all necessary approvals from the Coastal Commission, the County, or both, and would need to meet all applicable Coastal Act and LCP standards.

PROCEDURAL NOTE: PROJECT JURISDICTION

The proposed subdivision includes land located within the historic tidelands/submerged lands of Devereux Slough and its related stream courses. Although the Commission has previously certified a Local Coastal Program (LCP) for Santa Barbara County, including the surrounding area, because of the historic nature of this area, the proposed subdivision includes land located within a portion of the Coastal Zone subject to the Commission's retained permit issuance

jurisdiction and, therefore, requires a coastal development permit issued by the Commission. The standard of review for this project is the Chapter 3 policies of the Coastal Act, with the Santa Barbara County certified LCP serving as guidance. Additionally, the County of Santa Barbara has jurisdiction over the upland areas of the project area within its LCP jurisdiction. The County has issued a coastal development permit (12CDH-00000-00009) and approved a parcel map for the subdivision (11TPM-00000-00007) for the same project that is the subject of this permit application, with the exception that the County's permit also included approval to demolish an unpermitted employee dwelling on a portion of the property that is not within the Commission's retained permit jurisdiction. That permit was appealed to the Commission in September 2012, but in October 2012, the Commission found the appeal to raise no substantial issues, and the local permit became final. Pursuant to Section 30601.3(a)(2), the applicant, appropriate local government, and the Commission may agree to consolidate a permit action for a project that spans local and state jurisdictions. However, no request for a consolidated permit action was received from the County of Santa Barbara and the applicants for this project.

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APPENDICES

Appendix 1 Substantive File Documents

EXHIBITS

- Exhibit 1. Vicinity Map
 - Exhibit 2. Project Location
 - Exhibit 3. Assessor's Parcel Map
 - Exhibit 4. Proposed Lots
 - Exhibit 5. Existing Parcel Configuration
 - Exhibit 6. Existing Constraints Map
 - Exhibit 7. Proposed Tentative Parcel Map
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I. MOTION AND RESOLUTION

The staff recommends that the Commission adopt the following resolution:

Motion:

I move that the Commission approve Coastal Development Permit No. 4-12-044 pursuant to the staff recommendation.

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

Resolution:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS

- 1. Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

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

III. SPECIAL CONDITIONS

1. Deed Restriction

- A. Prior to the issuance of the coastal development permit, the applicants shall submit to the Executive Director, for review and approval, proposed deed restriction language to be recorded as part of the escrow process against the 63.93 acre portion of the 70.32 acre parcel currently known as APN 073-090-062 shown generally in Exhibit 7 to this staff report as Proposed Lot 1 (herein after "Proposed Lot 1"), in a form and content acceptable to the Executive Director. The deed restriction shall include a formal legal description of Proposed Lot 1 and the deed restriction shall reflect that no development shall occur on Proposed Lot 1 except as otherwise set forth in this permit condition. The deed restriction shall be recorded free of prior liens and free of encumbrances (other than existing easements for roads, trails, and utilities) that the Executive Director determines may affect the enforceability of the restriction, binding all successors and assigns. Once the Executive Director has approved the deed restriction language, the applicants shall place the executed deed restriction ("Deed Restriction") into escrow. The applicant shall cause the Deed Restriction to be recorded through the escrow process described in paragraph D., below.
- B. The deed restriction language shall indicate that no development, as defined in Section 30106 of the Coastal Act, shall occur on Proposed Lot 1 except the following activities, and then only if approved pursuant to a new Coastal Development Permit:
 - (1) demolition and removal of existing structures, and rehabilitation of the existing clubhouse and storage structure provided it is limited to approximately the same size, footprint, and development area;
 - (2) habitat restoration and enhancement, including associated grading and drainage improvements for such purposes;
 - (3) installation, repair or upgrading of utilities, including sewer lines, storm drains, water lines, irrigation lines, and similar facilities;

- (4) construction of water quality management structures, erosion control and flood control management activities;
 - (5) improvements for public access, recreation, and/or environmental education and research including, but not limited to, trails, public parking facilities, public bathrooms, fencing along designated pathways, and associated appurtenances and necessary signage; and
 - (6) reconstruction of existing drains or maintenance and repair activities pursuant to an approved management and maintenance program.
- C. Prior to issuance of the Coastal Development Permit, the applicants shall submit the proposed grant deed to be used for the transfer of Proposed Lot 1 to The Trust for Public Land, for the Executive Director's review and approval ("Grant Deed"). The proposed Grant Deed shall be drafted to effectuate transfer of fee title of Proposed Lot 1 to The Trust for Public Land without reserving any rights or creating any liens or encumbrances that the Executive Director determines could impair the functioning of the Deed Restriction.
- D. Prior to issuance of the Coastal Development Permit, the applicants shall submit proposed escrow instructions, for the Executive Director's review and approval. The proposed escrow instructions shall indicate that the escrow agent shall finalize the escrow process by taking the following steps in the following order, with no intervening steps: (1) present the Coastal Development Permit to the County as evidence of Coastal Act authorization for the subdivision; (2) obtain final County approval of the parcel map approved by the Executive Director pursuant to Special Condition 2 ("Final Parcel Map"); (3) record the Final Parcel Map in the Santa Barbara County Recorder's Office, subdividing the property; (4) record the Grant Deed (as approved by the Executive Director pursuant to Paragraph C above) in the Santa Barbara County Recorder's Office, thereby transferring fee title to Proposed Lot 1 to The Trust for Public Land, pursuant to the terms of the Grant Deed and not subject to any liens or encumbrances; and (5) record the Deed Restriction in the Santa Barbara County Recorder's Office against Proposed Lot 1.

After all of the following occur, the Executive Director will place the Coastal Development Permit into escrow, to be issued pursuant to the approved escrow instructions provided that:

- (1) The Executive Director is satisfied with the escrow instructions;
- (2) The Executive Director determines that all prior to issuance conditions have been satisfied;
- (3) The Executive Director has received evidence, to his satisfaction, including a preliminary report, demonstrating that there are no prior liens or encumbrances on the property that may affect the enforceability of the Deed Restriction, and
- (4) The Executive Director has received notice from the escrow company that escrow is ready to close and is only awaiting the Executive Director's submittal of the Coastal Development Permit, and that no new liens or encumbrances have been placed on

Proposed Lot 1 since the Executive Director's determination pursuant to the prior paragraph (Section D.3.).

- E. Within 14 days of the close of escrow, the applicants shall provide evidence to the Executive Director that escrow has been completed pursuant to the approved escrow instructions.
- F. If, for any reason, the transfer of Proposed Lot 1 and recordation of the Deed Restriction do not occur pursuant to paragraph D, but the property is nevertheless treated as subdivided, the applicant shall record the Deed Restriction against Proposed Lot 1: (1) as indicated in the third sentence of paragraph A; (2) prior to selling, conveying, leasing, developing, financing, or encumbering Proposed Lot 1; and (3) within 90 days of issuance of this CDP, unless the Executive Director grants additional time.

2. Final Parcel Map

- A. Prior to the issuance of the Coastal Development Permit, and therefore prior to recordation of any parcel map to divide the parcel currently known as APN 073-090-062, a revised parcel map shall be submitted to the Executive Director for review and approval. The revised map shall match Exhibit 7, except that it shall also include a metes and bounds description of what is shown thereon as Proposed Lot 1. The Executive Director's review shall be for the purpose of ensuring that an adequate legal description of Proposed Lot 1 is consistent with the other documents and approvals. Any aspect of the parcel map that the Executive Director determines is not consistent with any of the special conditions of this permit shall be modified to be consistent with the special conditions of this permit before recordation.
- B. Within 60 days of permit issuance, the applicant shall submit a copy of the final recorded parcel map for the Executive Director's review and approval, to ensure compliance with the standard and special conditions of this coastal development permit.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. PROJECT DESCRIPTION AND BACKGROUND

The applicants request approval of a Tentative Parcel Map (TPM 14,784) to divide one 70.32-acre lot (net and gross) into three lots. See Exhibit 7. Proposed Lot 1 would be 63.93 acres in size (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 in size (net and gross) and is currently developed with an employee dwelling trailer and maintenance building. Proposed Lot 3 would be 0.50 acres in size (net and gross) and is currently developed with a parking lot that serves the golf course. No structural development, no grading and no tree/vegetation removal are proposed as part of this land division.

The applicants' stated intention for this project is to facilitate the purchase of the 63.93 acre resulting parcel ("Proposed Parcel 1") by The Trust for Public Land for future removal of the golf course and implementation of riparian, wetland, and upland habitat restoration on the site, while allowing for public access, public recreation, and nature study uses on the site. After Proposed Lot 1 has been purchased by TPL and an open space deed restriction has been executed on Proposed Lot 1, TPL then intends to convey the property to a long-term term steward for conservation and restoration, anticipated by TPL to potentially be the University of California at Santa Barbara (UCSB).

The existing 70.32 acre parcel (APN 073-090-062) is developed with the Ocean Meadows Golf Course, which was developed in the 1960s, prior the effective date of the Coastal Act (Exhibit 3). The property is located just west of Storke Road in the Goleta Community Plan area of unincorporated Santa Barbara County. (Exhibits 1-3) 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. Existing access to the subject parcel is provided by an easement across a parcel of land owned by UCSB from Whittier Drive just north of the golf course parking lot. 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 an existing 20-foot wide easement across the adjacent UCSB property.

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 is designated as environmentally sensitive habitat in the Goleta Community Plan, a certified portion of the Santa Barbara County LCP and contain a mix of disturbed wetland and riparian habitat. The drainages include Devereux Creek from the west, Phelps Creek from the north, and an unnamed eastern tributary of Devereux Creek that drains the eastern arm of the golf course. (Exhibit 6) 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.

The proposed subdivision includes land located within the historic tidelands/submerged lands of Devereux Slough and its related stream courses. Although the Commission has previously certified a Local Coastal Program (LCP) for Santa Barbara County, including the surrounding area, because of the historic nature of this area, the proposed subdivision includes land located within a portion of the Coastal Zone subject to the Commission's retained permit issuance jurisdiction and, therefore, requires a coastal development permit issued by the Commission. The standard of review for this project is the Chapter 3 policies of the Coastal Act, with the Santa Barbara County certified LCP serving as guidance. Additionally, the County of Santa Barbara has jurisdiction over the upland areas of the project area within its LCP jurisdiction. The County has issued a coastal development permit (12CDH-00000-00009) and approved a parcel map for the subdivision (11TPM-00000-00007) for the same project that is the subject of this permit application, with the exception that the County's permit also included approval to demolish an unpermitted employee dwelling on a portion of the property that is not within the Commission's

retained permit jurisdiction. That permit was appealed to the Commission in September 2012, but in October 2012, the Commission found the appeal to raise no substantial issues, and the local permit became final. Pursuant to Section 30601.3(a)(2), the applicant, appropriate local government, and the Commission may agree to consolidate a permit action for a project that spans local and state jurisdictions. However, no request for a consolidated permit action was received from the County of Santa Barbara and the applicants for this project.

The existing 70.32 acre parcel 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 over a minimum of 60% of the site; however, no residential development is currently proposed as a part of this lot split and residential uses will be restricted on Proposed Lot 1 (63.93 acres) pursuant to a proposed deed restriction which would provide for the provision of open space over more than 90% of the lot. As explained below, in the future, any residential development proposed on Proposed Lot 2 (5.89 acres) and 3 (0.5 acres), outside of the Coastal Commission's original jurisdiction, would need to receive all applicable approvals and permits from Santa Barbara County, and would need to meet all applicable LCP and Coastal Act standards.

B. PAST COMMISSION ACTION

On August 27, 2012, the Commission received a notice of final action from Santa Barbara County for the same project that is the subject of this coastal development permit application for subdivision of the 70.32 acre parcel into three lots (with the exception that the County's approval included approval to demolish an employee dwelling not located within the Commission's retained jurisdiction) (4-STB-12-118). A member of the public filed an appeal of the County's approval on September 6, 2012 (A-4-STB-12-061). On October 11, 2012, the Commission found that the appeal raised no substantial issue with regard to the grounds of appeal. The Commission found that the County's record adequately supported its position that the proposed project would be 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.

Additionally, in 2004, Santa Barbara County processed a Tentative Tract Map, Development Plan, Rezone and Local Coastal Program Amendment to facilitate development of 56 residences (known as "Ocean Meadows Residences") on the 70.32 acre subject site and to retain 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 (in approximately the same location as the proposed Lot 1 that will result from the proposed subdivision that is the subject of this application). The amendment to rezone the golf course property was part of the Ocean Meadows Residences 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 (in approximately the same location as the proposed Lots 2 and 3 that will result from the proposed subdivision that is the subject of this application) 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.

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 did not take 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.

Additionally, in 2002, pursuant to 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.

C. CUMULATIVE IMPACTS

Sections 30250 and 30252 of the Coastal Act address the cumulative impacts of new development.

Section 30250(a) of the Coastal Act states:

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

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 non-automobile 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.

Section 30105.5 of the Coastal Act defines the term "cumulatively," as it is used in Section 30250(a), to mean that:

the incremental effects of an individual project shall be reviewed in conjunction with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

Goleta Community Plan Policy LUDS-GV-2 and associated development standards address the West Devereux Area specifically as follows:

DevStd LUDS-GV-2.1: The County prefers that the golf course retain its existing use, with allowed units transferred as density credits off-site through the County TDR program. If the owner of the remainder of the site wishes to purchase the golf course's units for development on its own property, the County shall consider applications for redesignation and rezone to allow for such a transfer, up to a maximum designation/zoning of 409 units total. Upon the property-owner's request, the County shall consider waiving fees for such applications to facilitate the transfer. If any of the units assigned to the golf course are constructed on the golf course site, at least 60% of the golf course site shall be retained in open space. The County's preferred option for such open space would be habitat restoration and other passive public open space uses.

Coastal Zoning Ordinance, Art. II, Sec. 35-75.16.1 states:

Amount. The County shall specify the required amount of public and common (private) open space in a planned residential development at the time of approval of the Preliminary Development Plan but in no case shall the total amount of public and common open space be less than 40 percent of the gross acreage...

The Coastal Act requires a coastal development permit prior to undertaking "development", which includes: "...change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits..." (Coastal Act Section 30106). The Subdivision Map Act (SMA) [Cal. Gov't Code §§ 66410 et seq.] is a state law that sets statewide standards for the division of land that are implemented by local governments through their ordinances. Among other requirements, the SMA currently requires that all divisions of land must be approved by the local government through a parcel map (for the division of four or fewer parcels) or a tract map (for the division of five or more parcels). In this case, the County of Santa Barbara took final action to approve the subject tentative parcel map (Exhibit 7) on August 21, 2012 (11TPM-00000-00007).

Here, the applicants request the additional approval required by the Coastal Act of that same tentative parcel map to divide one 70.32-acre lot (net and gross) into three lots. Proposed Lot 1

would be 63.93 acres in size (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 in size (net and gross) and is currently developed with an employee dwelling trailer and maintenance building. Proposed Lot 3 would be 0.50 acres in size (net and gross) and is currently developed with a parking lot that serves the golf course.

The 70.32 acre parcel was developed as a golf course in the 1960's in the northern portion of Devereux Slough. The existing 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 as environmentally sensitive habitat in the Goleta Community Plan, a certified portion of the Santa Barbara County LCP. The drainages include Devereux Creek from the west, Phelps Creek 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.

Subdivisions have the potential to result in cumulative adverse impacts to coastal resources because the creation of new lots allows for greater density of development. Future potential development of the new undeveloped parcels, in conjunction with any potential for increased density, may result in increases in demands on road capacity, public services and utilities, recreational facilities, and associated impacts to water quality, geologic stability and hazards, and community character. In addition, the creation of new parcels located in or near environmentally sensitive habitat areas may create adverse cumulative impacts.

In the subject case, the existing 70.32 acre parcel is zoned Planned Residential Development (PRD-58) with a maximum base density of 58 residential units. Although the PRD zone only requires at least 40% of the gross acreage to be maintained in open space, the Goleta Community Plan requires at least 60% of the gross acreage on site to be maintained in open space. These public and common open space requirements, thus, require a minimum of 42.19 acres of the site to be set aside. (Article II, Sec. 35-75.16 and Goleta Community Plan DevStd LUDS-GV 2.1). As proposed, the applicant intends to restrict the 63.93-acre Lot 1 as open space, which would effectively set aside more than 90% of the currently existing 70.32 acre parcel as open space which would exceed the requirements of both the County's certified Goleta Community Plan and the certified Zoning Ordinance which designates the site as a "PRD" zone. Moreover, the purpose of the "PRD" zone is to allow for planned development of the site as a whole, ensuring clustering of residential development and requiring the provision of open space. Here, no residential development is currently proposed as a part of this lot split and The Trust for Public Land 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. Immediately following the land acquisition by TPL, TPL has proposed to place a deed restriction on Proposed Lot 1 to ensure that that no residential development could occur on that property in the future. TPL then intends to convey the property to a long-term term steward for conservation and restoration, anticipated by TPL to be the University of California at Santa Barbara (UCSB).

Thus, although this proposed land division will create additional parcels, this division will serve to ensure the clustering of residential development for any future residential development proposals on Proposed Lot 2 (5.89 acres) or Proposed Lot 3 (0.5 acres) (both of which would be located outside of the Coastal Commission's original jurisdiction). These two lots are located adjacent to other urban or residentially developed areas. Although staff has not reviewed all potential site specific constraints for development on Proposed Lot 2 and Lot 3, based on information provided by the applicant, Proposed Lots 2 and 3 are generally the more appropriate areas of the 70.32 acre parcel for residential development to occur. Proposed Lot 3 (0.5 acres) is an existing paved parking lot and contains no known environmentally sensitive habitat area. Additionally, proposed Lot 2 (5.80 acres) is currently developed as a golf course, and based on the information submitted by the applicants, does not contain environmentally sensitive habitat or wetland resources. No development is proposed at this time, nor included as part of this application on Lot 2 and Lot 3. However, based on the biological analyses provided by the applicant, including a wetland delineation of the entire 70.32 acre site, Proposed Lots 2 and 3 are the most appropriate areas of the 70.32 acre parcel for residential development to occur and will serve to cluster any future residential development on these lots adjacent to neighboring residentially developed properties. However, since no residential development is proposed as part of this application, a detailed and project level analysis of all potential biological site constraints for Lot 2 has not been completed as part of this application and would be required as part of any future application for residential development of that property. Moreover, the land division would ensure that more than 90% of the existing parcel is maintained as open space. The new 63.93 acres of open space will connect with and form part of a much larger contiguous open space area of the Devereux Slough coastal ecosystem, including the UCSB-owned "South Parcel," the Ellwood bluffs area, and Coal Oil Point Reserve, and would serve to connect approximately 800 acres containing environmentally sensitive habitat areas and a network of trails.

The proposed project is limited to the subdivision of one parcel into three parcels. The approval of this project would not in any way approve, or imply approval, of any future restoration or residential development activities. Any future development on any of the three proposed new lots would be required to receive all necessary approvals (such as Coastal Development Permits) 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.

Therefore, to minimize the potential of for adverse cumulative impacts to coastal resources, such environmentally sensitive habitat area on the subject site, due to the proposed division of land, and to implement and effectuate the applicant's proposal to restrict future development on the 63.93 acre Proposed Lot 1, the Commission requires the applicant to take steps to ensure the recordation of a deed restriction against Proposed Lot 1 that imposes restrictions on use and enjoyment of the property and provides any prospective purchaser of the site with recorded notice that the restrictions are imposed on the subject property. **Special Condition One (1)** requires, prior to the issuance of the coastal development permit, the applicants to submit to the Executive Director, for review and approval, proposed deed restriction language to be recorded as part of the escrow process against the 63.93 acre portion of the 70.32 acre parcel currently known as APN 073-090-062 shown generally in Exhibit 7 to this staff report as Proposed Lot 1 (herein after "Proposed Lot 1"), in a form and content acceptable to the Executive Director. The

deed restriction is required to include a formal legal description of Proposed Lot 1 and the deed restriction shall reflect that no development shall occur on Proposed Lot 1 except as otherwise set forth in this permit condition. The deed restriction is required to be recorded free of prior liens and free of encumbrances (other than existing easements for roads, trails, and utilities) that the Executive Director determines may affect the enforceability of the restriction, binding all successors and assigns. Once the Executive Director has approved the deed restriction language, the applicants are required to place the executed deed restriction (“Deed Restriction”) into escrow. The applicant is required cause the Deed Restriction to be recorded through the escrow process.

Further, **Special Condition One (1)** requires the deed restriction language to indicate that no development, as defined in Section 30106 of the Coastal Act, shall occur on Proposed Lot 1 except the following activities, and then only if approved pursuant to a new Coastal Development Permit: (1) demolition and removal of existing structures, and rehabilitation of the existing clubhouse and storage structure, provided it is limited to approximately the same size, footprint, and development area; (2) habitat restoration and enhancement, including associated grading and drainage improvements for such purposes; (3) installation repair or upgrading of utilities, including sewer lines, storm drains, water lines, irrigation lines, and similar facilities; (4) construction of water quality management structures, erosion control and flood control management activities; (5) improvements for public access, recreation, and/or environmental education and research including, but not limited to trails, public parking facilities, public bathrooms, fencing to indicate designated pathways, and associated appurtenances and necessary signage; and, (6) reconstruction of existing drains or maintenance and repair activities pursuant to an approved management and maintenance program. **Special Condition One (1)** also requires, prior to issuance of the Coastal Development Permit, the applicants to submit the proposed grant deed to be used for the transfer of Proposed Lot 1 to The Trust for Public Land, for the Executive Director’s review and approval (“Grant Deed”). The proposed Grant Deed is required to be drafted to effectuate transfer of fee title of Proposed Lot 1 to The Trust for Public Land without reserving any rights or creating any liens or encumbrances that the Executive Director determines could impair the functioning of the Deed Restriction.

Further, **Special Condition One (1)** requires, prior to issuance of the Coastal Development Permit, the applicants to submit proposed escrow instructions, for the Executive Director’s review and approval. The proposed escrow instructions are required to indicate that the escrow agent shall finalize the escrow process by taking the following steps in the following order, with no intervening steps: (1) present the Coastal Development Permit to the County as evidence of Coastal Act authorization for the subdivision; (2) obtain final County approval of the parcel map approved by the Executive Director pursuant to Special Condition Two (“Final Parcel Map”); (3) record the Final Parcel Map in the Santa Barbara County Recorder’s Office, subdividing the property; (4) record the Grant Deed (as approved by the Executive Director pursuant to Paragraph C above) in the Santa Barbara County Recorder’s Office, thereby transferring fee title to Proposed Lot 1 to The Trust for Public Land, pursuant to the terms of the Grant Deed and not subject to any liens or encumbrances; and (5) record the Deed Restriction in the Santa Barbara County Recorder’s Office against Proposed Lot 1.

In addition, **Special Condition One (1)** further provides that, after all of the following occur, the Coastal Development Permit will be placed into escrow, to be issued pursuant to the approved escrow instructions provided that: (1) the Executive Director is satisfied with the escrow

instructions; (2) the Executive Director determines that all prior to issuance conditions have been satisfied; (3) the Executive Director has received evidence, to his satisfaction, including a preliminary report, demonstrating that there are no prior liens or encumbrances on the property that may affect the enforceability of the Deed Restriction, and (4) the Executive Director has received notice from the escrow company that escrow is ready to close and is only awaiting the Executive Director's submittal of the Coastal Development Permit, and that no new liens or encumbrances have been placed on Proposed Lot 1 since the Executive Director's determination pursuant to the prior paragraph. Within 14 days of the close of escrow, the applicants are required to provide evidence to the Executive Director that escrow has been completed pursuant to the approved escrow instructions. If, for any reason, the transfer of Proposed Lot 1 and recordation of the Deed Restriction do not occur pursuant to paragraph D of Special Condition One, but the property is nevertheless treated as subdivided, the applicant shall record the Deed Restriction against Proposed Lot 1: (1) as indicated in the third sentence of paragraph A of Special Condition One; (2) prior to selling, conveying, leasing, developing, financing, or encumbering Proposed Lot 1; and (3) within 90 days of issuance of this CDP, unless the Executive Director grants additional time.

Lastly, **Special Condition Two (2)** requires the applicants to submit, prior to the issuance of the Coastal Development Permit, and therefore prior to recordation of any parcel map to divide the parcel, currently known as APN 073-090-062, a revised final parcel map to the Executive Director for review and approval. The revised map shall match Exhibit 7, except that it shall also include a metes and bounds description of what is shown thereon as Proposed Lot 1. The Executive Director's review shall be for the purpose of ensuring that an adequate legal description of Proposed Lot 1 is consistent with the other documents and approvals. Any aspect of the parcel map that the Executive Director determines is not consistent with any of the special conditions of this permit shall be modified to be consistent with the special conditions of this permit before recordation. **Special Condition Two (2)** further requires the applicants to submit, within 60 days of permit issuance, the a copy of the final recorded parcel map for the Executive Director's review and approval, to ensure compliance with the standard and special conditions of this coastal development permit.

In conclusion, the Commission finds that, as conditioned, the proposed development will not result in significant adverse cumulative impacts to coastal resources and is consistent with applicable Santa Barbara LCP policies, as well as Sections 30250 and 30252 of the Coastal Act.

D. ENVIRONMENTALLY SENSITIVE HABITAT AREA AND WATER QUALITY

Section 30240 of the Coastal Act protects environmentally sensitive habitat areas (ESHA) by restricting development in and adjacent to ESHA. Section 30240 states:

- (a) *Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.*
- (b) *Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.*

Section 30107.5 of the Coastal Act, defines an environmentally sensitive area as:

"Environmentally sensitive area" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

Additionally, Sections 30230 and 30231 of the Coastal Act mandate that marine resources and coastal water quality shall be maintained and where feasible restored.

Section 30230 of the Coastal Act states:

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

Section 30231 of the Coastal Act states that:

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

All Chapter 3 policies of the Coastal Act, including the policies of the Coastal Act cited above regarding cumulative impacts from new development and ESHA, have been incorporated in their entirety in the certified County LUP as guiding policies pursuant to Policy 1-1 of the LUP. Additionally, the County's LCP Land Use Plan and Goleta Community Plan (GCP) contain numerous policies related to habitat protection, 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.

In the case of the proposed project, the applicants request approval of a subdivision to divide one 70.32-acre lot (net and gross) into three lots. Proposed Lot 1 would be 63.93 acres in size (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 in size (net and gross) and is currently developed with an employee dwelling trailer and maintenance building. Proposed Lot 3 would be 0.50 acres in size (net and gross) and is currently developed with a parking lot that serves the golf course.

The 70.32 acre parcel was developed as a golf course in the 1960's in the northern portion of Devereux Slough. The existing 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 as environmentally sensitive habitat in the Goleta Community Plan, a certified portion of the Santa Barbara County LCP. The drainages include Devereux Creek from the west, Phelps Creek 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.

The Trust for Public Land has entered into a private agreement with the property owner, Devereaux Creek Properties, Inc., to purchase the resulting 63.93 acre "Parcel 1". The Trust for Public Land 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. Immediately following the land acquisition by TPL, TPL has proposed to place a deed restriction on Proposed Lot 1 to ensure that that no residential development could occur on that property in the future. TPL then intends to convey the property to a long-term term steward for conservation and restoration, anticipated by TPL to be the University of California at Santa Barbara (UCSB).

The Devereux Slough is unique among three major estuaries on the South Coast of Santa Barbara in that a large portion of its watershed in the areas immediately adjacent to the Slough are part of a continuum of undeveloped coastal habitat. The new 63.93 acres of open space will connect with and form part of a much larger contiguous open space area of the Devereux Slough coastal ecosystem, including the UCSB-owned "South Parcel," the Ellwood bluffs area, and Coal Oil Point Reserve, and would serve to connect approximately 800 acres containing environmentally sensitive habitat areas and a network of trails. Any future development on the 63.93 acre site, including restoration, 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. Additionally, any future residential development on Proposed Lot 2 (5.89 acres in size) and Proposed Lot 3 (0.50 acres in size) would also need to receive applicable approvals from the County of Santa Barbara (such as a Development Plan and Coastal Development Permit) and would need to comply Santa Barbara County LCP policies.

Although staff has not reviewed any specific development proposal for development on Proposed Lot 2 and Lot 3, based on information provided by the applicant, Proposed Lots 2 and 3 are generally the more appropriate areas of the 70.32 acre parcel for residential development to occur. Proposed Lot 3 (0.5 acres) is an existing paved parking lot and contains no known environmentally sensitive habitat area. Additionally, proposed Lot 2 (5.80 acres) is currently developed as a golf course, and based on the information submitted by the applicants, does not contain environmentally sensitive habitat or wetland resources. However, since no residential development is proposed as part of this application, a detailed and project level analysis of all potential biological site constraints for Lot 2 has not been completed as part of this application and would be required as part of any future application for residential development of that property. Any future habitat restoration, enhancement, or improvements for public access, recreation, or environmental education on Proposed Lot 1, or any future residential development on Proposed Lot 2 (5.89 acres) and Proposed Lot 3 (0.5 acres), would be required to receive all necessary approvals from the Coastal Commission, the County, or both, and would need to meet all applicable Coastal Act and LCP standards.

To minimize the potential of for adverse impacts to environmentally sensitive habitat area on Proposed Lot 1, including the identified wetland, riparian, and upland habitat areas, due to the proposed division of land, and to implement and effectuate the applicant's proposal to restrict future residential development on the 63.93 acre Proposed Lot 1, the Commission requires the

applicant to record a deed restriction against Proposed Lot 1 that imposes the terms and conditions of this permit as restrictions on use and enjoyment of the property and provides any prospective purchaser of the site with recorded notice that the restrictions are imposed on the subject property. **Special Condition One (1)** requires, prior to the issuance of the coastal development permit, the applicants to submit to the Executive Director, for review and approval, proposed deed restriction language to be recorded as part of the escrow process against the 63.93 acre portion of the 70.32 acre parcel currently known as APN 073-090-062 shown generally in Exhibit 7 to this staff report as Proposed Lot 1 (herein after “Proposed Lot 1”), in a form and content acceptable to the Executive Director. The deed restriction is required to include a formal legal description of Proposed Lot 1 and the deed restriction shall reflect that no development shall occur on Proposed Lot 1 except as otherwise set forth in this permit condition. The deed restriction is required to be recorded free of prior liens and free of encumbrances (other than existing easements for roads, trails, and utilities) that the Executive Director determines may affect the enforceability of the restriction, binding all successors and assigns. Once the Executive Director has approved the deed restriction language, the applicants are required to place the executed deed restriction (“Deed Restriction”) into escrow. The applicant is required cause the Deed Restriction to be recorded through the escrow process.

Further, **Special Condition One (1)** requires the deed restriction language to indicate that no development, as defined in Section 30106 of the Coastal Act, shall occur on Proposed Lot 1 except the following activities, and then only if approved pursuant to a new Coastal Development Permit: (1) demolition and removal of existing structures, and rehabilitation of the existing clubhouse and storage structure, provided it is limited to approximately the same size, footprint, and development area; (2) habitat restoration and enhancement, including associated grading and drainage improvements for such purposes; (3) installation repair or upgrading of utilities, including sewer lines, storm drains, water lines, irrigation lines, and similar facilities; (4) construction of water quality management structures, erosion control and flood control management activities; (5) improvements for public access, recreation, and/or environmental education and research including, but not limited to trails, public parking facilities, public bathrooms, fencing to indicate designated pathways, and associated appurtenances and necessary signage; and, (6) reconstruction of existing drains or maintenance and repair activities pursuant to an approved management and maintenance program. **Special Condition One (1)** also requires, prior to issuance of the Coastal Development Permit, the applicants to submit the proposed grant deed to be used for the transfer of Proposed Lot 1 to The Trust for Public Land, for the Executive Director’s review and approval (“Grant Deed”). The proposed Grant Deed is required to be drafted to effectuate transfer of fee title of Proposed Lot 1 to The Trust for Public Land without reserving any rights or creating any liens or encumbrances that the Executive Director determines could impair the functioning of the Deed Restriction.

Further, **Special Condition One (1)** requires, prior to issuance of the Coastal Development Permit, the applicants to submit proposed escrow instructions, for the Executive Director’s review and approval. The proposed escrow instructions are required to indicate that the escrow agent shall finalize the escrow process by taking the following steps in the following order, with no intervening steps: (1) present the Coastal Development Permit to the County as evidence of Coastal Act authorization for the subdivision; (2) obtain final County approval of the parcel map approved by the Executive Director pursuant to Special Condition Two (“Final Parcel Map”); (3) record the Final Parcel Map in the Santa Barbara County Recorder’s Office, subdividing the property; (4) record the Grant Deed (as approved by the Executive Director pursuant to

Paragraph C above) in the Santa Barbara County Recorder's Office, thereby transferring fee title to Proposed Lot 1 to The Trust for Public Land, pursuant to the terms of the Grant Deed and not subject to any liens or encumbrances; and (5) record the Deed Restriction in the Santa Barbara County Recorder's Office against Proposed Lot 1.

In addition, **Special Condition One (1)** further provides that, after all of the following occur, the Coastal Development Permit will be placed into escrow, to be issued pursuant to the approved escrow instructions provided that: (1) the Executive Director is satisfied with the escrow instructions; (2) the Executive Director determines that all prior to issuance conditions have been satisfied; (3) the Executive Director has received evidence, to his satisfaction, including a preliminary report, demonstrating that there are no prior liens or encumbrances on the property that may affect the enforceability of the Deed Restriction, and (4) the Executive Director has received notice from the escrow company that escrow is ready to close and is only awaiting the Executive Director's submittal of the Coastal Development Permit, and that no new liens or encumbrances have been placed on Proposed Lot 1 since the Executive Director's determination pursuant to the prior paragraph. Within 14 days of the close of escrow, the applicants are required to provide evidence to the Executive Director that escrow has been completed pursuant to the approved escrow instructions. If, for any reason, the transfer of Proposed Lot 1 and recordation of the Deed Restriction do not occur pursuant to paragraph D of Special Condition One, but the property is nevertheless treated as subdivided, the applicant shall record the Deed Restriction against Proposed Lot 1: (1) as indicated in the third sentence of paragraph A of Special Condition One; (2) prior to selling, conveying, leasing, developing, financing, or encumbering Proposed Lot 1; and (3) within 90 days of issuance of this CDP, unless the Executive Director grants additional time.

Lastly, **Special Condition Two (2)** requires the applicants to submit, prior to the issuance of the Coastal Development Permit, and therefore prior to recordation of any parcel map to divide the parcel, currently known as APN 073-090-062, a revised final parcel map to the Executive Director for review and approval. The revised map shall match Exhibit 7, except that it shall also include a metes and bounds description of what is shown thereon as Proposed Lot 1. The Executive Director's review shall be for the purpose of ensuring that an adequate legal description of Proposed Lot 1 is consistent with the other documents and approvals. Any aspect of the parcel map that the Executive Director determines is not consistent with any of the special conditions of this permit shall be modified to be consistent with the special conditions of this permit before recordation. **Special Condition Two (2)** further requires the applicants to submit, within 60 days of permit issuance, the a copy of the final recorded parcel map for the Executive Director's review and approval, to ensure compliance with the standard and special conditions of this coastal development permit.

In conclusion, the Commission finds that, as conditioned, the proposed development will not result in significant adverse impacts to ESHA or water quality, and is consistent with applicable Santa Barbara LCP policies, as well as Sections 30240, 30230 and 30231 of the Coastal Act.

E. PUBLIC ACCESS AND RECREATION

Coastal Act Section 30210 states:

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 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 30223 states:

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

Coastal Act Section 30252 states:

The location and amount of new development should maintain and enhance public access to the coast 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.

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

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 Coastal Act mandates that lower cost visitor and recreational facilities, such as public hiking and equestrian trails, shall be protected, encouraged, and provided, where feasible. The above policies also require maximum access and recreational opportunities be provided in coastal areas.

In the case of the proposed project, the applicants request approval of a tentative parcel map to divide one 70.32-acre lot (net and gross) into three lots. Proposed Lot 1 would be 63.93 acres in size (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 in size (net and gross) and is currently developed with an employee dwelling trailer and maintenance building. Proposed Lot 3 would be 0.50 acres in size (net and gross) and is currently developed with a parking lot that serves the golf course.

Although the proposed project is for the subdivision of land only and does not directly relate to the operation of the existing golf course, the proposed project would facilitate the clustering of residential development potential to 6.39 acres of the site while allowing for habitat restoration on the remaining 63.93 acres of the site. Although the golf course currently constitutes an important public recreational benefit, The Trust for Public Land has indicated that its purchase of Lot 1 is intended to allow for removal of the golf course in the future and restoration of the site, uses on the site are intended to also include passive recreational uses, such as public hiking and biking trails, public restrooms, etc. (which would be allowable uses per the deed restriction). The new 63.93 acres of open space will connect with and form part of a much larger contiguous open space area of the Devereux Slough coastal ecosystem, including the UCSB-owned “South Parcel,” the Ellwood bluffs area, and Coal Oil Point Reserve, and would serve to connect approximately 800 acres containing environmentally sensitive habitat areas and a network of trails. Any future development or change in use of the site from a privately-owned golf course to public open space/habitat restoration with public hiking/bicycle trails 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

To ensure that public access and future recreational opportunities will be protected on the subject property consistent with the applicant’s intentions, the Commission requires the applicant to record a deed restriction against Proposed Lot 1 that imposes the terms and conditions of this permit as restrictions on use and enjoyment of the property and provides any prospective purchaser of the site with recorded notice that the restrictions are imposed on the subject property. **Special Condition One (1)** requires, prior to the issuance of the coastal development permit, the applicants to submit to the Executive Director, for review and approval, proposed deed restriction language to be recorded as part of the escrow process against the 63.93 acre portion of the 70.32 acre parcel currently known as APN 073-090-062 shown generally in Exhibit 7 to this staff report as Proposed Lot 1 (herein after “Proposed Lot 1”), in a form and content acceptable to the Executive Director. The deed restriction is required to include a formal legal description of Proposed Lot 1 and the deed restriction shall reflect that no development shall occur on Proposed Lot 1 except as otherwise set forth in this permit condition. The deed restriction is required to be recorded free of prior liens and free of encumbrances (other than existing easements for roads, trails, and utilities) that the Executive Director determines may affect the enforceability of the restriction, binding all successors and assigns. Once the Executive Director has approved the deed restriction language, the applicants are required to place the executed deed restriction (“Deed Restriction”) into escrow. The applicant is required cause the Deed Restriction to be recorded through the escrow process.

Further, **Special Condition One (1)** requires the deed restriction language to indicate that no development, as defined in Section 30106 of the Coastal Act, shall occur on Proposed Lot 1 except the following activities, and then only if approved pursuant to a new Coastal Development Permit: (1) demolition and removal of existing structures, and rehabilitation of the existing clubhouse and storage structure, provided it is limited to approximately the same size, footprint, and development area; (2) habitat restoration and enhancement, including associated grading and drainage improvements for such purposes; (3) installation repair or upgrading of utilities, including sewer lines, storm drains, water lines, irrigation lines, and similar facilities; (4) construction of water quality management structures, erosion control and flood control management activities; (5) improvements for public access, recreation, and/or environmental education and research including, but not limited to trails, public parking facilities, public bathrooms, fencing to indicate designated pathways, and associated appurtenances and necessary signage; and, (6) reconstruction of existing drains or maintenance and repair activities pursuant to an approved management and maintenance program. **Special Condition One (1)** also requires, prior to issuance of the Coastal Development Permit, the applicants to submit the proposed grant deed to be used for the transfer of Proposed Lot 1 to The Trust for Public Land, for the Executive Director's review and approval ("Grant Deed"). The proposed Grant Deed is required to be drafted to effectuate transfer of fee title of Proposed Lot 1 to The Trust for Public Land without reserving any rights or creating any liens or encumbrances that the Executive Director determines could impair the functioning of the Deed Restriction.

Further, **Special Condition One (1)** requires, prior to issuance of the Coastal Development Permit, the applicants to submit proposed escrow instructions, for the Executive Director's review and approval. The proposed escrow instructions are required to indicate that the escrow agent shall finalize the escrow process by taking the following steps in the following order, with no intervening steps: (1) present the Coastal Development Permit to the County as evidence of Coastal Act authorization for the subdivision; (2) obtain final County approval of the parcel map approved by the Executive Director pursuant to Special Condition Two ("Final Parcel Map"); (3) record the Final Parcel Map in the Santa Barbara County Recorder's Office, subdividing the property; (4) record the Grant Deed (as approved by the Executive Director pursuant to Paragraph C above) in the Santa Barbara County Recorder's Office, thereby transferring fee title to Proposed Lot 1 to The Trust for Public Land, pursuant to the terms of the Grant Deed and not subject to any liens or encumbrances; and (5) record the Deed Restriction in the Santa Barbara County Recorder's Office against Proposed Lot 1.

In addition, **Special Condition One (1)** further provides that, after all of the following occur, the Coastal Development Permit will be placed into escrow, to be issued pursuant to the approved escrow instructions provided that: (1) the Executive Director is satisfied with the escrow instructions; (2) the Executive Director determines that all prior to issuance conditions have been satisfied; (3) the Executive Director has received evidence, to his satisfaction, including a preliminary report, demonstrating that there are no prior liens or encumbrances on the property that may affect the enforceability of the Deed Restriction, and (4) the Executive Director has received notice from the escrow company that escrow is ready to close and is only awaiting the Executive Director's submittal of the Coastal Development Permit, and that no new liens or encumbrances have been placed on Proposed Lot 1 since the Executive Director's determination pursuant to the prior paragraph. Within 14 days of the close of escrow, the applicants are required to provide evidence to the Executive Director that escrow has been completed pursuant to the approved escrow instructions. If, for any reason, the transfer of Proposed Lot 1 and

recordation of the Deed Restriction do not occur pursuant to paragraph D of Special Condition One, but the property is nevertheless treated as subdivided, the applicant shall record the Deed Restriction against Proposed Lot 1: (1) as indicated in the third sentence of paragraph A of Special Condition One; (2) prior to selling, conveying, leasing, developing, financing, or encumbering Proposed Lot 1; and (3) within 90 days of issuance of this CDP, unless the Executive Director grants additional time.

Lastly, **Special Condition Two (2)** requires the applicants to submit, prior to the issuance of the Coastal Development Permit, and therefore prior to recordation of any parcel map to divide the parcel, currently known as APN 073-090-062, a revised final parcel map to the Executive Director for review and approval. The revised map shall match Exhibit 7, except that it shall also include a metes and bounds description of what is shown thereon as Proposed Lot 1. The Executive Director's review shall be for the purpose of ensuring that an adequate legal description of Proposed Lot 1 is consistent with the other documents and approvals. Any aspect of the parcel map that the Executive Director determines is not consistent with any of the special conditions of this permit shall be modified to be consistent with the special conditions of this permit before recordation. **Special Condition Two (2)** further requires the applicants to submit, within 60 days of permit issuance, the a copy of the final recorded parcel map for the Executive Director's review and approval, to ensure compliance with the standard and special conditions of this coastal development permit.

In conclusion, the Commission finds that the proposed project, as conditioned, is consistent with applicable Santa Barbara LCP policies, as well as Sections 30210, 30212.5, 30213, 30223, and 30252 of the Coastal Act.

F. CALIFORNIA ENVIRONMENTAL QUALITY ACT

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

The Commission incorporates its findings on Coastal Act consistency at this point as if set forth in full. These findings address and respond to all public comments regarding potential significant adverse environmental effects of the project that were received prior to preparation of the staff report. As discussed above, the proposed development, as conditioned, is consistent with the policies of the Coastal Act. Feasible mitigation measures, which will minimize all adverse environmental effects, have been required as special conditions. The following special conditions are required to assure the project's consistency with Section 13096 of the California Code of Regulations:

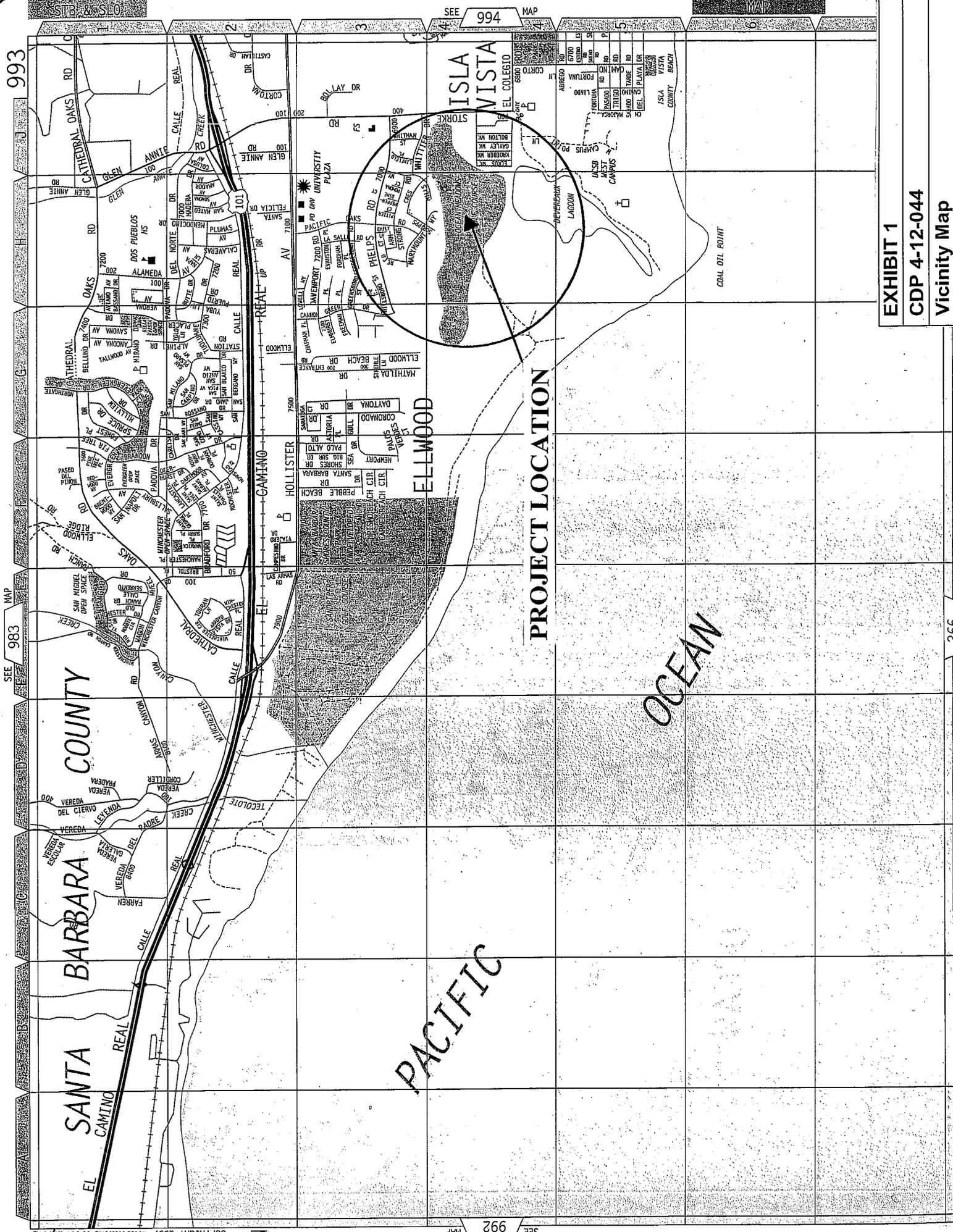
Special Conditions 1 and 2

As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impact that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, can be found to be consistent with the requirements of the Coastal Act to conform to CEQA.

APPENDIX 1

Substantive File Documents

Santa Barbara County Notice of Final Action 4-STB-12-118, received August 27, 2012; Coastal Commission Staff Report and Recommendation A-4-STB-12-061, dated 9/20/2012; 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; CEQA Notice of Exemption, dated June 20, 2012.



SEE 983 MAP

SEE 994 MAP

EXHIBIT 1
CDP 4-12-044
Vicinity Map

SEE 366 MAP

SEE 992 MAP
© 1997 Thomas Cook Maps



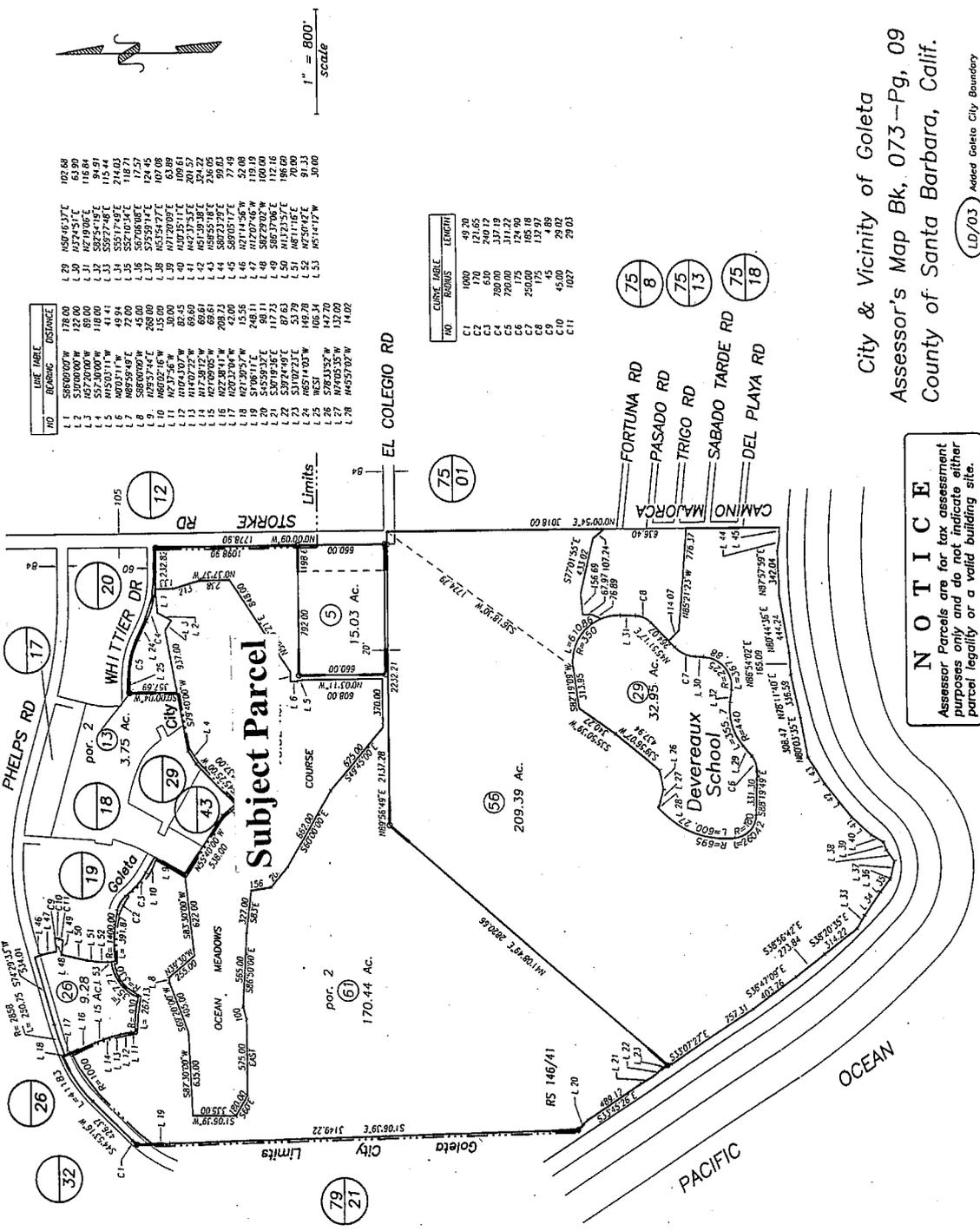
Project Location
6925 Whittier Dr.
Goleta (Santa Barbara
County)

UCSB

Exhibit 2

POR. RANCHO LOS DOS PUEBLOS

073-09



NO.	BEARING	DISTANCE
L 1	S86°00'00"W	178.00
L 2	S30°00'00"W	122.00
L 3	S52°00'00"W	118.00
L 4	S52°00'00"W	118.00
L 5	N15°00'11"W	41.41
L 6	N03°11'17"W	49.94
L 7	S89°00'00"W	45.00
L 8	S89°00'00"W	45.00
L 9	N28°57'44"E	268.00
L 10	N60°02'16"W	135.00
L 11	N11°02'22"W	66.61
L 12	N11°02'22"W	66.61
L 13	N11°02'22"W	66.61
L 14	N17°38'12"W	66.61
L 15	N11°02'22"W	66.61
L 16	N22°38'11"W	208.71
L 17	N22°38'11"W	208.71
L 18	N22°38'11"W	208.71
L 19	N22°38'11"W	208.71
L 20	S30°18'35"E	81.11
L 21	S30°18'35"E	81.11
L 22	S30°18'35"E	81.11
L 23	S30°18'35"E	81.11
L 24	N65°14'02"W	145.78
L 25	N65°14'02"W	145.78
L 26	S78°33'52"W	147.70
L 27	N74°02'33"W	131.00
L 28	N45°37'36"W	116.8

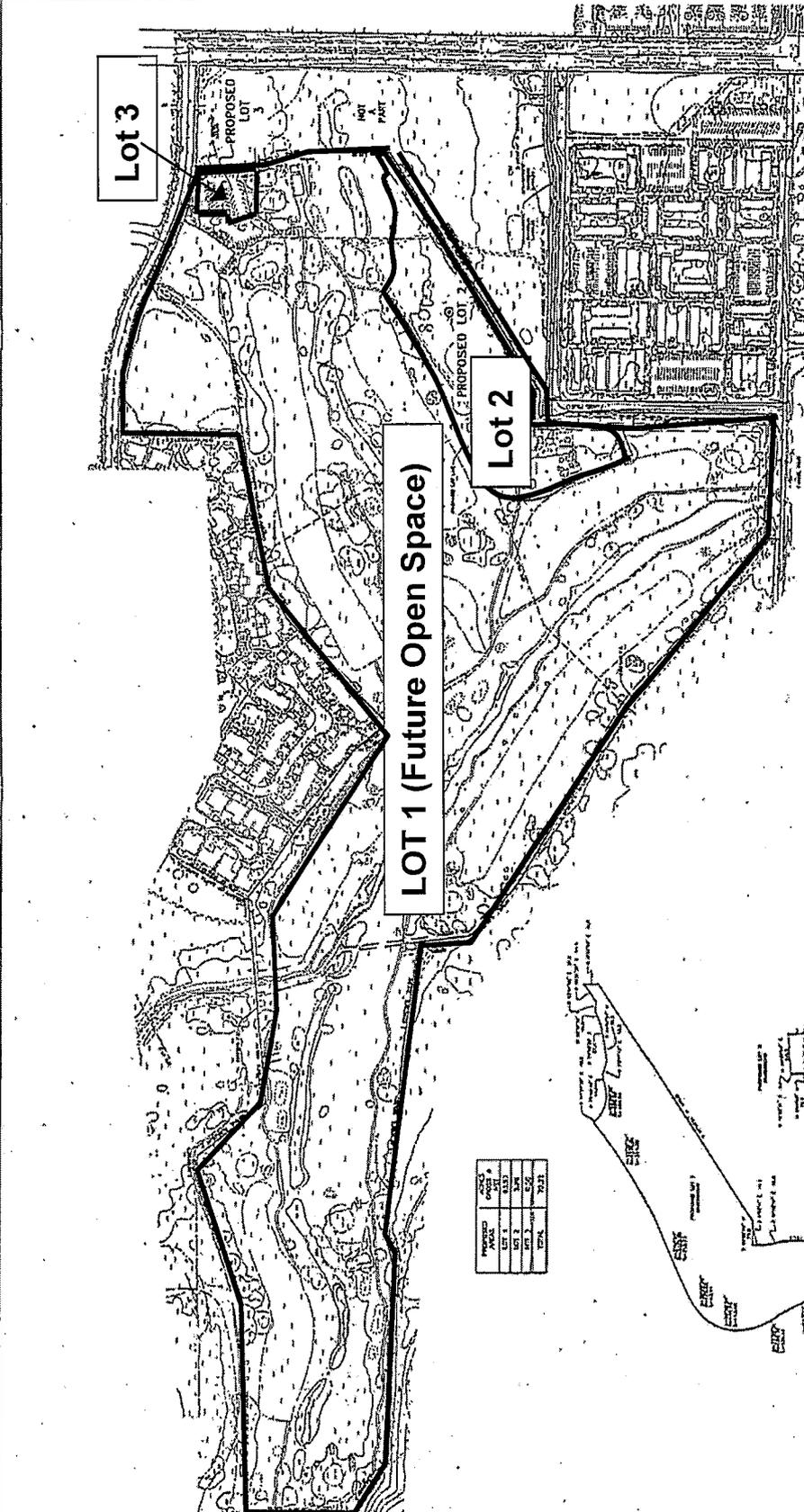
NO.	CURVE TABLE	LENGTH
C 1	1000	49.20
C 2	170	21.65
C 3	170	21.65
C 4	780.00	317.19
C 5	720.00	311.22
C 6	720.00	311.22
C 7	250	124.90
C 8	175	119.97
C 9	45	4.89
C 10	45.00	49.02
C 11	1007	29.00

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.

LD/03 Added Goleta City Boundary

EXHIBIT 3
CDP 4-12-044
Parcel Map



Lot 3

LOT 1 (Future Open Space)

Lot 2

PROPOSED PARCEL	ACRES
LOT 1	63.93
LOT 2	5.89
LOT 3	0.5
TOTAL	70.32

- Lot 1: Future Open Space (63.93 acres)
- Lot 2: Future Private Residential (5.89 acres)
- Lot 3: Future Private Residential (0.5 acres)

OCEAN MEADOWS
 TENTATIVE PARCEL MAP NO. 14,784
 PROPOSED LOTS
SANTA BARBARA COUNTY, CALIFORNIA
 TRUST FOR PUBLIC LANDS/AGENCY REPRESENTATIVE

LEGEND

- Proposed Lots
- Proposed Open Space
- Proposed Private Residential
- Proposed Public Open Space

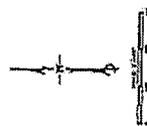
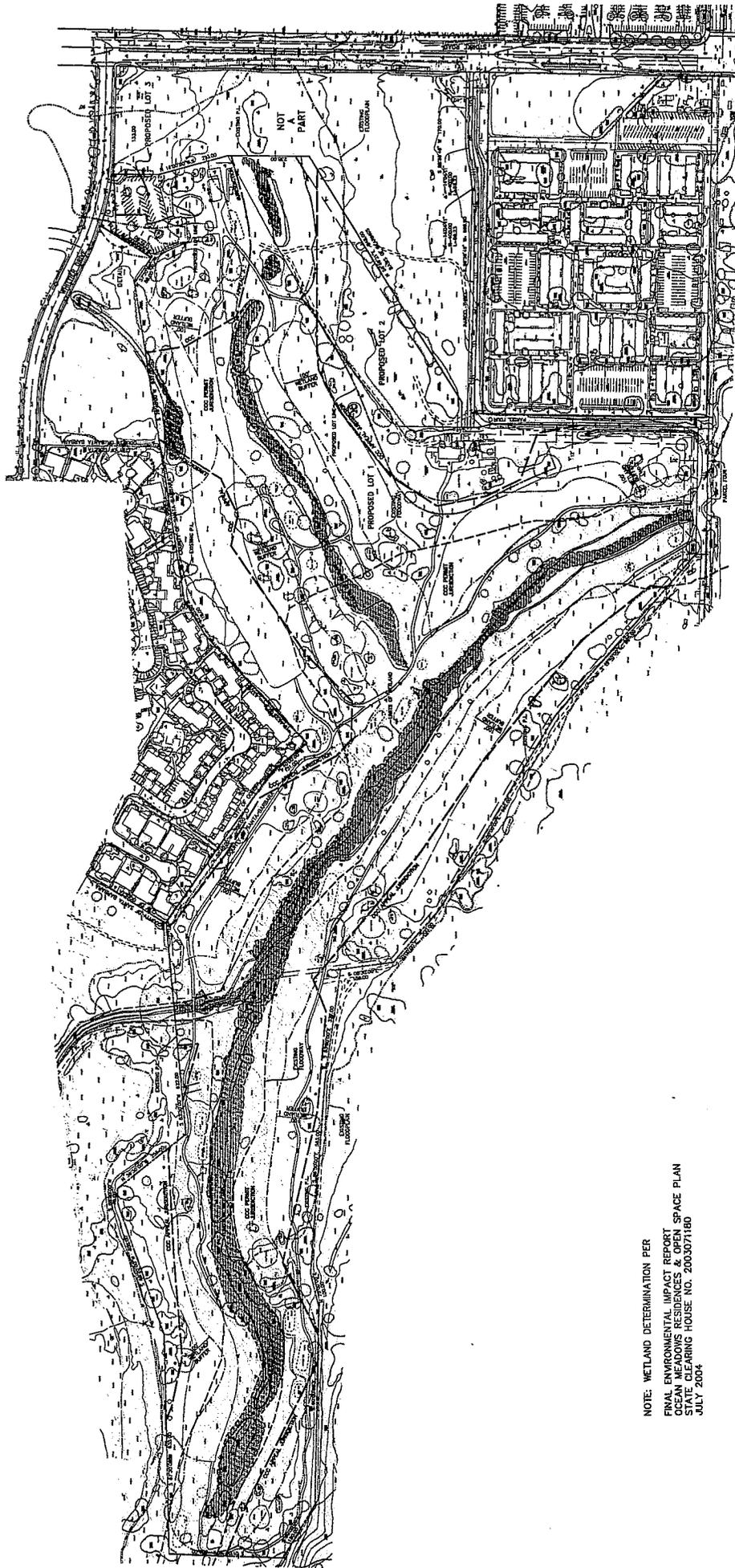


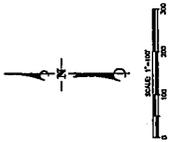
EXHIBIT 4
CDP 4-12-044
Proposed Lots



NOTE: WETLAND DETERMINATION PER
 FINAL ENVIRONMENTAL IMPACT REPORT
 OCEAN MEADOWS RESIDENCES
 CARRING HOUSE NO. 200307180
 JULY 2004

NOTE:
 CCC JURISDICTIONAL BOUNDARY OBTAINED FROM
 COUNTY OF SANTA BARBARA P&D GIS DATA MAP
 DVD VERSION WITH TOPO - JUNE 2009.

- LEGEND**
- LIMITS OF EXISTING FLOODPLAIN
 - LIMITS OF PROPOSED FLOODPLAIN
 - LIMITS OF WETLANDS
 - LOT WETLAND ENTER LINES
 - EXISTING LOT LINE
 - PROPOSED LOT LINE
 - CCC JURISDICTION BOUNDARY



OCEAN MEADOWS
 TENTATIVE PARCEL MAP NO. 14.784

CONSTRAINTS
 EXHIBIT 6

SANTA BARBARA COUNTY, CA
 TRUST FOR PUBLIC LAND/OCEAN MEADOWS

CDP 4-12-044

Constraints/Known Wetlands

