



CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST DISTRICT
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A-4-STB-21-0040 (HUGHES)

AUGUST 9, 2021

CORRESPONDENCE

Gaviota Coastal Trail Alliance



July 28, 2021

California Coastal Commission
45 Fremont Street
San Francisco, CA 94105

Electronically delivered via the agenda

RE: Appeal No. A-4-STB-21-0040 (Hollister Ranch Parcel 130); Item 10a, August 11, 2021

Dear Chair Padilla and Honorable Coastal Commissioners,

This letter is submitted on behalf of the Gaviota Coastal Trail Alliance (GCTA or Alliance), an ad-hoc alliance of organizations committed to effectuating safe and appropriate public coastal access including establishment of a continuous Coastal Trail with vertical access to Hollister Ranch beaches. GCTA supports the appeal by Commissioner Bochco and Chair Padilla and urges the Commission to find that the appeal raises a substantial issue with respect to the development's consistency with the County of Santa Barbara's certified Local Coastal Plan (LCP) and the public access policies of the Coastal Act.

The public's right to access the ocean is guaranteed by the California Constitution (Art. X, § 4), and the California Coastal Commission is charged by the Coastal Act to maximize public access to and along the coast (Public Resources Code § 30001.5). However, Hollister Ranch has fought mightily since the subdivision's creation in 1971/72 to exclude the public from the 8.5 miles of state tidelands and beach fronting the Ranch. In part due to Hollister Ranch's intransigence, the Legislature adopted Coastal Act § 30610.3 in 1979, allowing landowners in qualifying subdivisions to proceed with residential development if they paid "in-lieu" fees to fund a public access plan approved by the Coastal Commission. The Coastal Commission approved the Coastal Access Program for the Hollister Ranch in 1981 (amended in 1982). In 1982, after Hollister Ranch continued to balk at complying with the requirements of Coastal Act § 30610.3, the Legislature added Coastal Act § 30610.8 that established an "in-lieu" fee of \$5,000 for *each* coastal development permit (CDP) at Hollister Ranch, for use in implementing "as expeditiously as possible" the public access program and public access policies of the Coastal Act. In 2019, the Legislature amended Coastal Act § 30610.8 to increase the in-lieu fee to \$33,000 for each permit, adjusted annually for inflation.

The language of Coastal Act sections 30610.3 and 30610.8 including recent amendments, the Commission's adoption of the Hollister Ranch Access Program, the collection of in-lieu fees at the time of Hollister Ranch developments, the adoption of Coastal Land Use Plan (CLUP) Policy 2-15 and early sustained efforts to gain access to state tidelands and beaches adjacent to Hollister Ranch reflect the obvious expectation that, although Hollister Ranch owners could pursue their developments, the public would in exchange gain access to their state tidelands and beaches. Regrettably, while Hollister Ranch's owners got rewarded with development, the public has been left outside the gate, unable to use public lands that have become Hollister Ranch residents' private playground.

The County of Santa Barbara has issued CDPs for development at Hollister Ranch for 38 years under the authority of its certified LCP. CLUP Policy 2-15 precludes the County from issuing "permits for non-exempt development on the Hollister Ranch unless the Coastal Commission certifies that the requirements of PRC Section 30610.3 have been met by each applicant or that the Commission finds that access is otherwise provided in a manner consistent with the access policies of the Coastal Act." Unfortunately, during this 36-year period the County has employed a pattern and practice of misapplying CLUP Policy 2-15, and PRC § 30610.8. Specifically, the County's practice had been to require payment of one \$5,000 fee per lot, whether the lot owner applies for one or multiple CDPs, which has resulted in far fewer in-lieu fees being collected than the legislature intended when it required the \$5,000 in-lieu fee be paid for "each permit" (PRC 30610.8 (b).) Some Hollister Ranch lots have multiple structures including a primary residence, guest house, and agricultural employee dwelling, commonly owned by separate entities or applied for at different times, and yet the County's practice was to collect only a one-time \$5,000 fee.

In 2018 the Coastal Commission certified an amendment to the County's LCP applicable to the Gaviota Coast where Hollister Ranch is located. The newly effective Gaviota Coast Plan (GCP) includes Development Standard (DevStd) Rec-3, which codifies the requirements of PRC § 30610.8 and makes clear that each coastal development permit must be conditioned on a current payment of \$33,461.92 in-lieu fee (adjusted for inflation) to the State Coastal Conservancy. Specifically, DevStd Rec-3 provides: *"In order to mitigate for the potential impacts to public access from the development of Hollister Ranch, a fee consistent with Section 30610.8 of the California Public Resources Code shall be required as a condition of each coastal development permit issued for development in Hollister Ranch."*

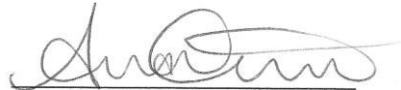
Despite the County's recent adoption of GCP DevStd Rec-3, the County approved the Hollister Ranch Parcel #130 CDP without requiring payment of the in-lieu fee as required by DevStd Rec-3 and PRC § 30610.8. The County also did not seek the Commission's certification of the applicant's compliance with PRC § 30610.3 or secure a Commission finding that access at Hollister Ranch has otherwise been provided in a manner consistent with the Coastal Act's access policies as required by CLUP Policy 2-15. The County's approach to the Hollister Ranch Parcel #130 CDP is patently inconsistent with the certified LCP and Coastal Act public access provisions, and adversely affects the Commission's and Conservancy's ability to effectuate the approved 1982 Public Access Program in the future.

In addition, a Substantial Issue determination is warranted because the County approved the Hollister Ranch Parcel #130 CDP without even acknowledging the application of GCP policies and development standards including DevStd Rec-3. Accordingly, there has been no analysis of the Project's consistency with the GCP, including policies and development standards protecting agriculture and biological resources including Agua Caliente Creek, a coast live oak woodland, and other native habitats present on Parcel #130. This demonstrates that de novo review at the Commission level is required to assure the Hollister Ranch Parcel #130 CDP is consistent with the remainder of the GCP, and to alert the County that all future CDP applications within the Gaviota Coast Plan Area must be scrutinized for their consistency with all applicable GCP provisions.

For these reasons we support a finding of Substantial Issue on Commissioner Bochco and Chair Padilla appeal.

Sincerely,

LAW OFFICE OF MARC CHYTILO, APC

A handwritten signature in black ink, appearing to read 'Ana Citrin', written over a horizontal line.

Ana Citrin

Marc Chytilo

For the Gaviota Coastal Trail Alliance