

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



W10a

A-4-STB-21-0040 (HUGHES)

JULY 22, 2021

EXHIBITS

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EXHIBIT 1
Vicinity Map
Appeal No. A-4-STB-21-0040

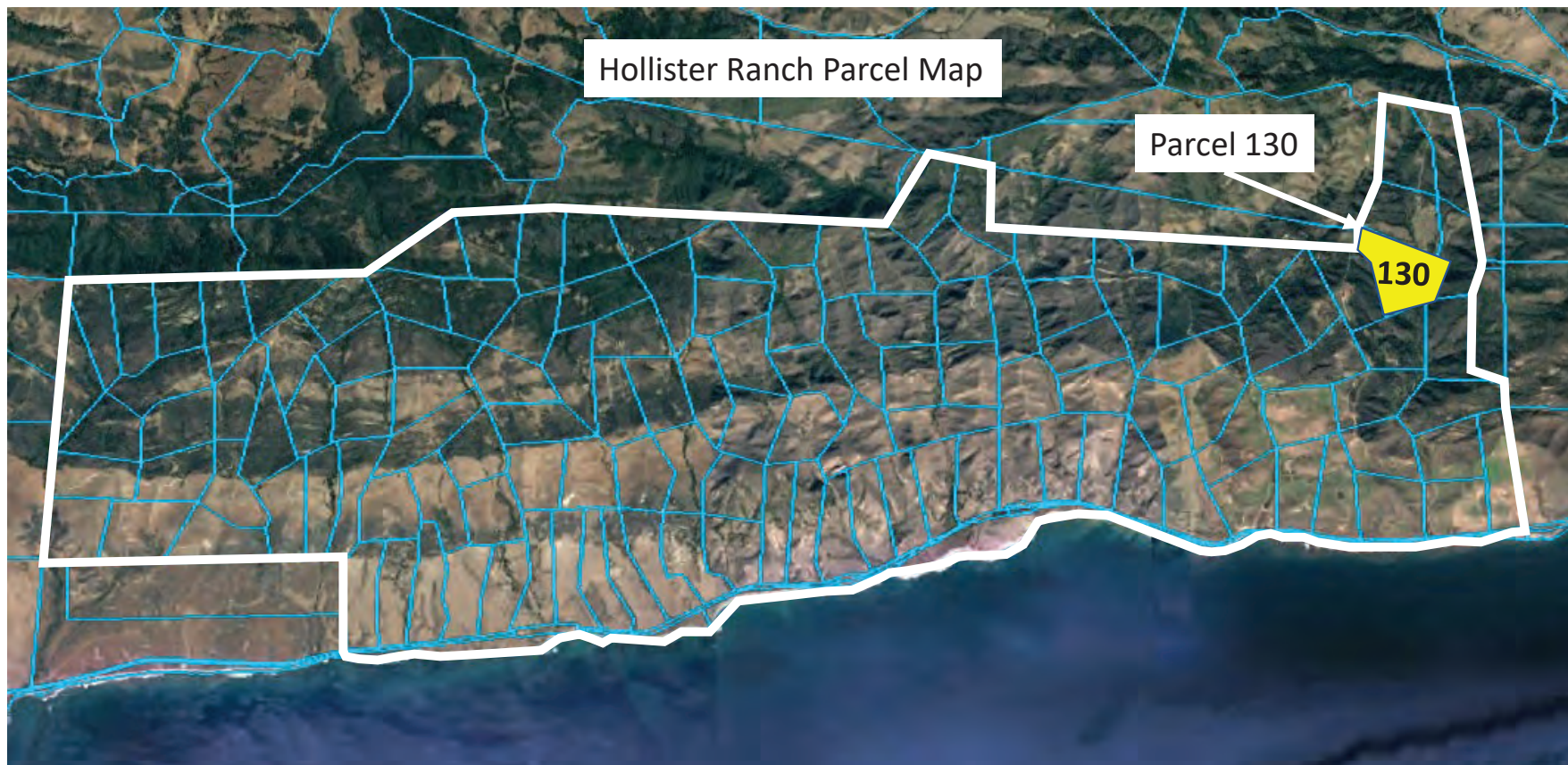
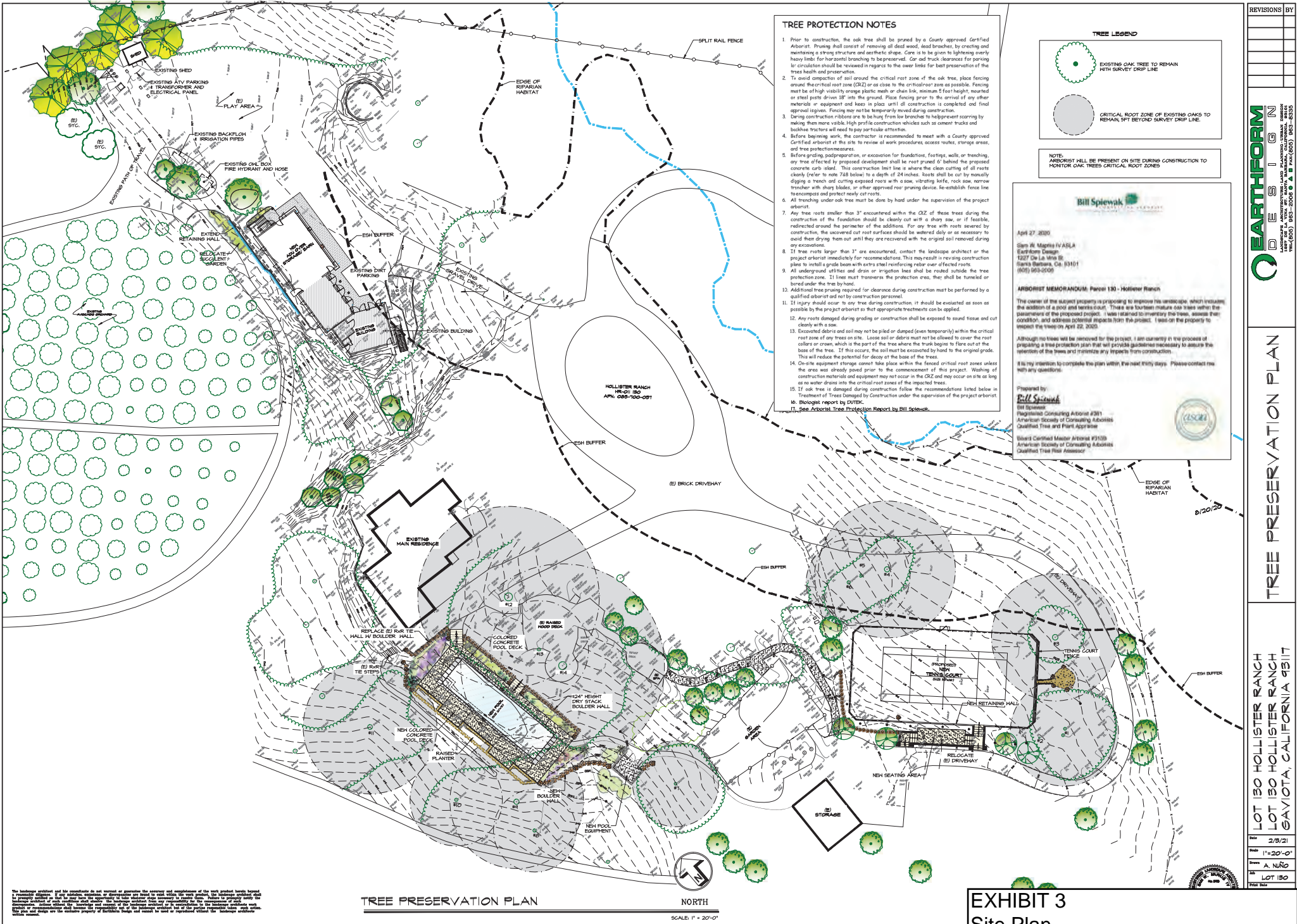
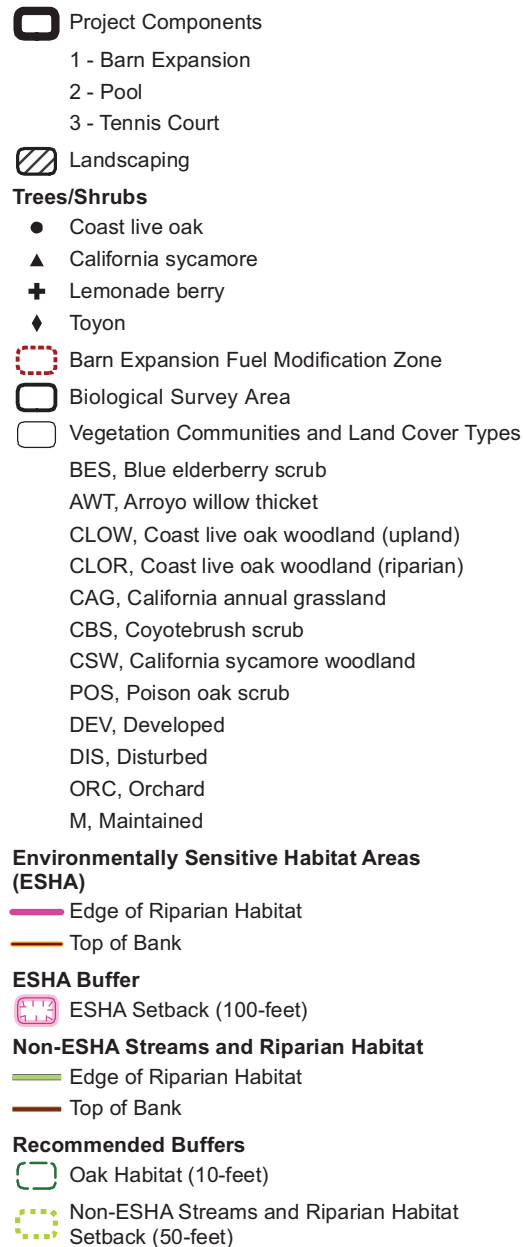


EXHIBIT 2
Parcel Map
Appeal No. A-4-STB-21-0040





SOURCE: BING

DUDEK



0 100 200 Feet

FIGURE 4

Impacts to Biological Resources

Biological Assessment Report for the Hollister Ranch Parcel 130 Site Improvements Project



County of Santa Barbara Planning and Development

Lisa Plowman, Director

Jeff Wilson, Assistant Director

Steve Mason, Assistant Director

NOTICE OF FINAL ACTION

June 3, 2021

California Coastal Commission
Steve Hudson, District Manager
89 South California Street, Suite 200
Ventura, California 93001

Dear Mr. Hudson,

On June 3, 2021 Santa Barbara County took final action on the development described below:

X Appealable Coastal Development Permit 19CDH-00000-00035

Project Applicant:

Jock Sewall
768 Ayala Lane
Santa Barbara, CA 93108

Property Owner:

B. Wayne Hughes
P.O. Box 12649
Jackson, KY 83002

Project Description: The project is for a Coastal Development Permit to allow for a new 20' x 75' pool, a new 58' by 116' tennis court along with a 10' wood ranch style fence surrounding the tennis court, a 1,535 square foot expansion of the existing barn area on the first floor, removal of an unpermitted skate ramp, conversion of the existing guest house into an accessory structure with a half-bath, and 1,000 square feet of renovated landscaping. Grading will include 500 cubic yards of cut and 500 cubic yards of fill, and no tree removal is proposed. The subject parcel is currently under Agricultural Preserve Contract 72-AP-137 and is served by a private well, private septic, and the Santa Barbara County Fire Department. Access is provided off Hollister Ranch Road. The property is a 117.3 acre parcel zoned AG-II-320 and shown as Assessor's Parcel Number 083-700-037, located at 130 Hollister Ranch Road in the Gaviota Coast Plan, Third Supervisorial District.

Location: The project involves APN 083-700-037, located at 130 Hollister Ranch Road in the Gaviota Coast Plan area, Santa Barbara County, California.

The receipt of this letter and the attached materials start the 10 working day Coastal Commission appeal period during which the County's final action on this Coastal Development Permit may be appealed to the Coastal Commission. Appeals must be in writing and must be submitted to the appropriate Coastal Commission district office on the appropriate form and with the required filing fee. See the following for further information: <http://www.coastal.ca.gov/cdp/cdp-forms.html>

Please contact Willow Brown at (805) 568-2040 or wbrown@co.santa-barbara.ca.us, if you have any questions regarding the County's action or this notice.

Received

JUN 07 2021-DG

California Coastal Commission
South Central Coast District

EXHIBIT 5
Final Local Action Notice
Appeal No. A-4-STB-21-0040

Willow Brown

6/3/21

Willow Brown, Project Planner

June 3, 2021

Attachments:

Staff Report dated April 30, 2021 (including Findings and conditions of approval)

Action Letter dated May 25, 2021

cc: 19CDH-00000-00035

Jock Sewall, 768 Ayala Lane, Santa Barbara, CA 93108



COURT HOUSE

COUNTY OF SANTA BARBARA CALIFORNIA

ZONING ADMINISTRATOR

COUNTY ENGINEERING BUILDING
123 E. ANAPAMU STREET
SANTA BARBARA, CALIFORNIA 93101-2058
PHONE: (805) 568-2000

May 25, 2021

Jock Sewall
768 Ayala Lane
Santa Barbara, CA 93108

ZONING ADMINISTRATOR
HEARING OF MAY 17, 2021

RE: HR 2011 LLC, New Pool, Tennis Court & Barn Expansion, 19CDH-00000-00035

Hearing on the request of B. Wayne Hughes, property owner, to consider Case No. 19CDH-00000-00035, [application filed on November 26, 2019] for a Coastal Development Permit (CDH) in compliance with Article II, Section 35-169.4.2 on property zoned AG-I-320, to allow for the construction of a new pool, tennis court, and barn expansion in the Coastal Commission Appeals Jurisdiction; and to determine that no subsequent Environmental Impact Report or Negative Declaration shall be prepared for the project pursuant to CEQA Guidelines Section 15164, as specified in Attachment C of this staff report. The application involves Assessor's Parcel Number 083-700-037, located at 130 Hollister Ranch Road in the Gaviota Community Plan area, Third Supervisorial District.

Dear Mr. Sewall:

At the regular hearing of the Santa Barbara County Zoning Administrator on May 17, 2021, Case No. 19CDH-00000-00035 marked "Officially Accepted, County of Santa Barbara May 17, 2021, Zoning Administrator Attachments A-D" was conditionally approved, based upon the project's consistency with the Comprehensive Plan including the Coastal Land Use Plan and based on the ability to make the required findings. The Zoning Administrator also took the following action:

1. Made the required findings for approval of the project as specified in Attachment A of the Zoning Administrator Staff Report dated April 30, 2021, including CEQA findings;
2. After considering the environmental review documents included as Attachment C [Addendum dated April 30, 2021 together with the previously adopted Negative Declaration 92-ND-23] determined that as reflected in the CEQA findings, no subsequent Environmental Impact Report or Negative Declaration shall be prepared for this project; and
3. Approved the project, Case No. 19CDH-00000-00035, subject to the Conditions of Approval included as Attachment B of the staff report dated April 30, 2021 and as revised at the hearing of May 17, 2021.

***REVISION TO CONDITIONS OF APPROVAL OF COASTAL DEVELOPMENT PERMIT
(19CDH-00000-00035)***

The following change has been made to the Conditions of Approval

CONDITIONS BY ISSUE AREA

~~Note that the following conditions relate specifically to construction-related activities associated with 19CDH 00000 00035. Mitigation measures of the active ND, 92 ND 23, remain in force throughout the life of the project, including during construction, but are not included in this Land Use Permit.~~

The following conditions from the previously adopted Negative Declaration (92-ND-23) have been added as follows:

12. A grading plan shall be designed to minimize erosion and shall include the following:
- a. Grading and trenching shall be prohibited within 25 feet of the top of bank of Canada del Agua Caliente creek.
 - b. Methods such as retention basins, drainage diversion structures and spot grading shall be used to reduce siltation into adjacent streams during grading and construction activities.
 - c. Graded areas shall be revegetated within three weeks of completion of grading activities with deep rooted, native, drought-tolerant species to minimize slope failure and erosion potential. Geotextile binding fabrics shall be used if necessary to hold slope soils until vegetation is established.
 - d. Grading on slopes shall be designed to minimize surface water runoff.
 - e. A detailed geologic and soils engineering study addressing structure sites and the access road shall be prepared to determine structural design criteria, as recommended by the County Public Works Department. The study shall be submitted for review and approval by Public Works.
 - f. Temporary storage of construction equipment shall be limited to a 50 by 50 foot area at the end of the existing dirt access road and shall be located 6 feet outside the driplines of all oak trees.
 - g. If the construction site is graded and left undeveloped for over three weeks, the following methods shall be employed immediately to inhibit dust generation:
 1. seeding and watering to revegetate graded areas; and/or
 2. spreading of soil binders; and/or
 3. any other methods deemed appropriate by County APCD.

Plan Requirements: If grading activities are discontinued for over three weeks, applicant shall contact both Permit Compliance Staff and Grading Inspector to site inspect revegetation/soil binding. The grading plan shall be submitted for review and approved by P&D prior to issuance of the CDP. The applicant shall notify Permit Compliance prior to commencement of grading. These requirements shall be noted on all grading plans.

Timing: Plans are required prior to issuance of the CDP.

Monitoring: Grading Inspector shall perform periodic site inspections. Permit Compliance will photo document revegetation and ensure compliance with plan.

13. Drainage shall be consistent with approved drainage plans. All runoff water from impervious areas shall be conveyed by impervious conduits to existing drainage canyons.

Plan Requirements: Prior to issuance of the CDP, a drainage plan shall be submitted to P&D, FCD, and public works for review and approval. The plan shall include the location(s) of all proposed pipelines, the entire length of all proposed pipelines, trees located within 15 feet of the pipeline (each side), grading figures for pipe installations, pipe diameters, and locations

where the pipe(s) would surface in the creek, and amount of water that would flow from each pipeline.

Timing: *The components of the drainage plan shall be implemented prior to occupancy clearance.*

Monitoring: *The Building Department shall site inspect prior to occupancy.*

14. *The applicant shall limit excavation, deposition of fill for equipment access and grading to the period of July 1 to November 1, to ensure work occurs in the dry season of the year and avoids the bird breeding and nesting season. In addition, to reduce the effects of dust generation resulting from grading, the soil shall be kept damp during grading activities. All exposed graded surfaces shall be reseeded with native ground cover if left undeveloped for three weeks to minimize erosion.*

Plan Requirements: *This requirement shall be noted on grading and building plans.*

Timing: *Graded surfaces shall be reseeded within three weeks of grading completion.*

Monitoring: *Permit Compliance shall site inspect during grading to monitor dust generation and 30 days after grading to verify reseeding.*

15. *Erosion control measure, such as sandbags shall be in place to avoid unnecessary siltation into local streams during construction activities.*

Plan Requirements: *A site investigation shall confirm installation of erosion control measures, and/or photos showing erosion control measures shall be provided to P&D prior to issuance of the CDP for grading.*

Timing: *Erosion control measures shall be in place prior to grading permit issuance.*

Monitoring: *PMC staff shall ensure measures are in place throughout construction activities.*

16. *The minimum distance from ground level to any permanent fence's first rung shall be 18 inches to allow passage of wildlife. Plan Requirements: All perimeter fences to exclude cattle from sensitive habitat areas shall be shown on plans prior to issuance of the CDP.*

Timing: *Fencing shall be installed prior to the occupancy clearance with Permit Compliance.*

Monitoring: *PMC staff shall site inspect prior to occupancy clearance.*

17. *Excavation work within or adjacent to sensitive habitats (i.e. Canada del Agua Caliente, all secondary drainages, and oak woodland) including native trees shall be avoided to the maximum extent feasible. Where excavation must be performed within sensitive areas (as determined by P&D) it shall be performed with hand tools only. If the use of hand tools is deemed infeasible by P&D, excavation work may be authorized by P&D to be completed with rubber-tired construction equipment weighing 5 tons or less. If significant large rocks are present, or if spoil placement will impact surrounding trees, then a small tracked excavator (i.e., 215 or smaller track hoe) may be used as determined by DER staff. In any event, excavation and construction within or adjacent to sensitive habitat areas shall be monitored by a DER qualified biologist paid by the applicant. Plan requirements: The above measure shall be noted on all grading and construction plans.*

Monitoring: *PMC staff shall ensure compliance on site during construction.*

18. *Erosion control measures shall be implemented to prevent runoff into creek bottom. Silt fencing, jute netting, or sand bags shall be used in conjunction with other methods to prevent erosion and siltation of the stream channel.*

***Plan Requirements:** An erosion control plan shall be submitted to and approved by P&D, Public Works Grading Division and Flood Control prior to issuance of the CDP.*

***Timing:** The plan shall be implemented prior to the pre-construction meeting with Permit Compliance.*

***Monitoring:** PMC and Grading staff shall perform site inspections throughout the construction phase.*

19. Drainage shall be designed to have the exiting flow of water enter subparallel (60 degrees or less) to the existing stream flow in order to avoid eddy currents that would cause opposite bank erosion.

***Plan Requirements:** Design shall be shown on final plans for review and approval by P&D.*

***Timing:** Plans shall be submitted prior to issuance of the CDP.*

***Monitoring:** Grading Inspectors shall field check.*

20. All proposed drainage devices shall be placed in the least environmentally damaging locations. The least environmentally damaging locations shall be identified in a report prepared by a P&D-approved biologist.

***Plan Requirements:** The applicant shall submit an engineering study which describes impacts expected from additional flood waters introduced into the existing stream channel, and shall suggest mitigation measures for flood control downstream from proposed project.*

***Timing:** The study shall be submitted to Flood Control and P&D staff for review and approval prior to issuance of the CDP and devices shall be installed prior to occupancy clearance.*

***Monitoring:** Permit Compliance shall site inspect prior to occupancy clearance.*

21. The landscaping plan shall utilize fire resistant native species near structures.

***Plan Requirements:** Prior to issuance of the CDP the applicant shall submit landscape plans to P&D and the County Fire Department for review and approval.*

***Monitoring:** Permit Compliance shall site inspect prior to occupancy to verify landscape installation and once each year to monitor landscape maintenance.*

22. Adequate structural access shall be provided.

***Plan Requirements:** Individual lot access and secondary emergency access routes shall be submitted by the applicant for review and approval by the County Fire Department prior to issuance of the CDP.*

***Timing:** Access shall be installed prior to occupancy.*

***Monitoring:** Access shall be reviewed and approved by County Fire Department prior to issuance of the CDP. The Fire Department and Permit Compliance shall ensure compliance through site inspections.*

The Findings, Coastal Development Permit, and the Conditions of Approval reflect the action of the Zoning Administrator and are included in this letter as Attachment A and Attachment B.

- The action of the Zoning Administrator to approve, conditionally approve, or deny the project may be appealed to the Planning Commission by the applicant, or an aggrieved person, as defined under Section 35-58 of the Coastal Zoning Ordinance, adversely affected by the decision within the 10 calendar days following the date of action by the Zoning Administrator.

- The action of the Zoning Administrator to approve, conditionally approve, or deny the project may be appealed to the Planning Commission by the applicant, or an aggrieved person, as defined under Section 35-58 of the Coastal Zoning Ordinance, adversely affected by the decision within the 10 calendar days following the date of action by the Zoning Administrator.
- An appeal, which shall be in writing, shall be filed with the Planning and Development Department located at 123 East Anapamu Street, Santa Barbara, or 624 West Foster Road, Suite C, Santa Maria, prior to expiration of the appeal period specified above.
- This project is defined as development that may be appealed to the Coastal Commission in compliance with Public Resources Code Section 30603(a), therefore a fee is not required to file the appeal.
- Please be advised that if a local appeal is filed, the final action on the appeal by the Board of Supervisors to approve or conditionally approve the project may be appealed to the California Coastal Commission.
- **Local appeal period expires on Thursday, May 27, 2021 at 5:00 P.M.**

Sincerely,



Linda Liu
Zoning Administrator

xc: Case File: 19CDH-00000-00035
Hearing Support Zoning Administrator File
Owner: Wayne Hughes, P.O. Box 12649, Jackson, KY, 83002
Steve Hudson, California Coastal Commission, 89 South California St., Ste 200, Ventura, CA 93001
County Surveyor's Office
Supervisor: Joan Hartmann, Third District Supervisor
Planner: Willow Brown

Attachments: **Attachment A – Findings**
 Attachment B – Conditions of Approval

LL:sf

ATTACHMENT A: FINDINGS OF APPROVAL

1.0 CEQA FINDINGS – ADDENDUM TO NEGATIVE DECLARATION

1.1 CONSIDERATION OF THE ADDENDUM AND FULL DISCLOSURE

The Zoning Administrator has considered the Addendum dated April 30, 2021 together with the previously certified MND 92-ND-23 for the HR-2011 LLC – New Pool, Tennis Court, and Barn Expansion project. The Addendum reflects the independent judgment of the Zoning Administrator and has been completed in compliance with CEQA. The Addendum, together with 92-ND-23, is adequate for this proposal. On the basis of the whole record, including the Addendum, the previously certified CEQA document, and any public comments received, the Zoning Administrator finds that the project changes described in the Addendum will not create any new significant effects or a substantial increase in the severity of previously identified significant effects on the environment.

1.2 LOCATION OF DOCUMENTS

The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Secretary of the Zoning Administrator of the Planning and Development Department located at 123 East Anapamu Street, Santa Barbara, CA 93101.

1.3 ENVIRONMENTAL REPORTING AND MONITORING PROGRAM

Public Resources Code Section 21081.6 and CEQA Guidelines Section 15091(d) require the County to adopt a reporting or monitoring program for the changes to the project that it has adopted or made a condition of approval in order to avoid or substantially lessen significant effects on the environment. The approved project description and conditions of approval, with their corresponding permit monitoring requirements, are hereby adopted as the reporting and monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.

1.4 FINDINGS ADDRESSING ADDENDUM ISSUE AREAS

The Addendum prepared for the project addressed the following issues: Biological Resources, Cultural Resources, and Noise.

2.0 ADMINISTRATIVE FINDINGS

2.1 Findings required for all Coastal Development Permits. In compliance with Section 35-60.5 of the Article II Coastal Zoning Ordinance, prior to issuance of a Coastal Development Permit, the County shall make the finding, based on information

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

The Zoning Administrator finds that the project is consistent with the finding that adequate services are available to serve the proposed development because the parcel is served by a private water well, a private septic system, and the County Fire Department. As discussed in Section 5.0 of the staff report, dated April 30, 2021, and incorporated herein by reference, adequate services will continue to serve the project. Environmental Health Services reviewed the project and requested a septic evaluation/building site clearance permit, which was approved on March 15, 2021. The County Fire Department reviewed the project at the SDRC meeting on January 21, 2021 and had no comments or conditions.

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

2.2.1 The proposed development conforms:

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

The Zoning Administrator finds that, as discussed in Section 5.0 of the staff report dated April 30, 2021 and incorporated herein by reference, the proposed project conforms to all applicable policies of the Comprehensive Plan, including the Coastal Land Use Plan, and with all of the applicable provisions of Article II. There are adequate services on the subject parcel because the parcel is served by a private septic system, private water well, and the County Fire Department. Environmental Health Services reviewed the project and approved a septic evaluation/building site clearance permit on March 15, 2021. The development is in conformance with the existing community because the proposed development will be located within the same general footprint as the existing residential development and within the designated two-acre residential envelope, and will not be visible to the public. The development complies with the noise policies in the Comprehensive Plan because no long-term noise generation is expected in excess of existing ambient levels with continued residential and agricultural use of this parcel. The project is consistent with the purpose and intent of the zone because the new pool, tennis court, and barn expansion will not affect the agricultural use on the parcel, which

consists of grazing and an avocado orchard. The project is consistent with setback regulations because the proposed development will be over 150 feet from the nearest property line.

2.2.2 The proposed development is located on a legally created lot.

The Zoning Administrator finds that the proposed development is located on a legally created lot created by a Lot Line Adjustment of Lots 130 and 131 of the Hollister Ranch Phase III, as shown in the Record of Surveys Book 142, Page 91.

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

The Zoning Administrator finds that the subject property and development is in compliance with all applicable provisions of Article II because the proposed project is consistent with the purpose and intent of the AG-II-320 zone and meets the setback requirements for the zone. There are no violations on the parcel, and all processing fees have been paid to date.

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

The Zoning Administrator finds that the subject property is located approximately 1.5-miles inland from the coast, and therefore, the project will not obstruct any views to, from, or along the coast or any public recreation area. The project will not result in the obstruction of views from any public road since roads in Hollister Ranch are private. In addition, Highway 1, the nearest public road, is approximately eight miles east of the parcel.

2.2.5 The development is compatible with the established physical scale of the area.

The Zoning Administrator finds that the proposed development includes the construction of a new pool, tennis court, and barn expansion. The size, bulk, scale, and design of the development is compatible with and similar to the surrounding area. Hollister Ranch is characterized by clusters of residential, accessory, and agricultural structures on approximately 100-acre parcels. The proposed development will be within the two-acre non-agricultural development envelope on the parcel and will not affect the primary agricultural use of the parcel of grazing and avocado orchards.

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

The Zoning Administrator finds that no public access or recreation opportunities exist or are proposed on the subject property. The California Coastal Act was amended to require a \$5,000 fee to be assessed with the development of each parcel in Hollister Ranch in lieu of granting public access to the beach [Public Resources Code Section 30610.8(b)]. This fee was paid when the primary residence was constructed on the parcel. The construction of the pool, barn expansion, and tennis court will not further affect any public access or recreation, and therefore the development will comply with the public access policies of Article II and the Comprehensive Plan, including the Coastal Land Use Plan.

ATTACHMENT B: CONDITIONS OF APPROVAL

PROJECT DESCRIPTION

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

The project is for a Coastal Development Permit to allow for a new 20' x 75' pool, a new 58' by 116' tennis court along with a 10' wood ranch style fence surrounding the tennis court, a 1,535 square foot expansion of the existing barn area on the first floor, removal of an unpermitted skate ramp, conversion of the existing guest house into an accessory structure with a half-bath, and 1,000 square feet of renovated landscaping. Grading will include 500 cubic yards of cut and 500 cubic yards of fill, and no tree removal is proposed. The subject parcel is currently under Agricultural Preserve Contract 72-AP-137 and is served by a private well, private septic, and the Santa Barbara County Fire Department. Access is provided off Hollister Ranch Road. The property is a 117.3 acre parcel zoned AG-II-320 and shown as Assessor's Parcel Number 083-700-037, located at 130 Hollister Ranch Road in the Gaviota Coast Plan, Third Supervisorial District.

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

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

CONDITIONS BY ISSUE AREA

3. **Aest-10 Lighting.** The Owner/Applicant shall ensure any exterior night lighting installed on the project site is of low intensity, low glare design, minimum height, and shall be hooded to direct light downward onto the subject lot and prevent spill-over onto adjacent lots. The Owner/Applicant shall install timers or otherwise ensure lights are dimmed after 10 p.m. **PLAN REQUIREMENTS:** The Owner/Applicant shall develop a Lighting Plan for Permit Compliance Staff approval incorporating these requirements and showing

locations and height of all exterior lighting fixtures with arrows showing the direction of light being cast by each fixture. **TIMING:** Lighting shall be installed in compliance with this measure prior to Final Building Inspection Clearance. **MONITORING:** P&D shall review a Lighting Plan for compliance with this measure prior to approval of a Coastal Development Permit for structures. P&D Permit Compliance staff shall inspect structures upon completion to ensure that exterior lighting fixtures have been installed consistent with their depiction on the final Lighting Plan.

4. **Air-01 Dust Control.** The Owner/Applicant shall comply with the following dust control components at all times including weekends and holidays:
- a. Dust generated by the development activities shall be kept to a minimum with a goal of retaining dust on the site.
 - b. During clearing, grading, earth moving, excavation, or transportation of cut or fill materials, use water trucks or sprinkler systems to prevent dust from leaving the site and to create a crust after each day's activities cease.
 - c. During construction, use water trucks or sprinkler systems to keep all areas of vehicle movement damp enough to prevent dust from leaving the site.
 - d. Wet down the construction area after work is completed for the day and whenever wind exceeds 15 mph.
 - e. When wind exceeds 15 mph, have site watered at least once each day including weekends and/or holidays.
 - f. Order increased watering as necessary to prevent transport of dust off-site.
 - g. Cover soil stockpiled for more than two days or treat with soil binders to prevent dust generation. Reapply as needed.
 - h. If the site is graded and left undeveloped for over four weeks, the Owner/Applicant shall immediately: (i) Seed and water to re-vegetate graded areas; and/or (ii) Spread soil binders; and/or; (iii) Employ any other method(s) deemed appropriate by P&D or APCD.

PLAN REQUIREMENTS: These dust control requirements shall be noted on all grading and building plans. **PRE-CONSTRUCTION REQUIREMENTS:** The contractor or builder shall provide P&D monitoring staff and APCD with the name and contact information for an assigned onsite dust control monitor(s) who has the responsibility to:

- a. Assure all dust control requirements are complied with including those covering weekends and holidays.
- b. Order increased watering as necessary to prevent transport of dust offsite.
- c. Attend the pre-construction meeting.

TIMING: The dust monitor shall be designated prior to first Building permit. The dust control components apply from the beginning of any grading or construction throughout all development activities until Final Building Inspection Clearance is issued and landscaping is successfully installed. **MONITORING:** P&D processing planner shall ensure measures are on plans. P&D grading and building inspectors shall spot check; Grading and Building shall ensure compliance onsite. APCD inspectors shall respond to nuisance complaints.

5. **Bio-20 Equipment Storage-Construction.** The Owner/Applicant shall designate one or more construction equipment filling and storage areas to contain spills, facilitate clean-up and proper disposal and prevent contamination from discharging to the storm drains, street, drainage ditches, creeks, or wetlands. The areas shall be no larger than 50 x 50 foot unless otherwise approved by P&D and shall be located at least 100 feet from any storm drain, waterbody or sensitive biological resources. **PLAN REQUIREMENTS:** The Owner/Applicant shall designate the P&D approved location on all Coastal Development and Building permits. **TIMING:** The Owner/Applicant shall install the area prior to commencement of construction. **MONITORING:** P&D compliance monitoring staff shall ensure compliance prior to and throughout construction.
6. **Bio-20a Equipment Washout-Construction.** The Owner/Applicant shall designate one or more washout areas for the washing of concrete trucks, paint, equipment, or similar activities to prevent wash water from discharging to the storm drains, street, drainage ditches, creeks, or wetlands. Note that polluted water and materials shall be contained in these areas and removed from the site as needed. The areas shall be located at least 100 feet from any storm drain, waterbody or sensitive biological resources. **PLAN REQUIREMENTS:** The Owner/Applicant shall designate the P&D approved location on all Coastal Development and Building permits. **TIMING:** The Owner/Applicant shall install the area prior to commencement of construction. **MONITORING:** P&D compliance monitoring staff shall ensure compliance prior to and throughout construction.
7. **CulRes-09 Stop Work at Encounter.** The Owner/Applicant and/or their agents, representatives or contractors shall stop or redirect work immediately in the event archaeological remains are encountered during grading, construction, landscaping or other construction-related activity. The Owner/Applicant shall immediately contact P&D staff, and retain a P&D approved archaeologist and Native American representative to evaluate the significance of the find in compliance with the provisions of the County Archaeological Guidelines and conduct appropriate mitigation funded by the Owner/Applicant. **PLAN REQUIREMENTS:** This condition shall be printed on all building and grading plans. **MONITORING:** P&D permit processing planner shall check plans prior to issuance of Coastal Development Permit and P&D compliance monitoring staff shall spot check in the field throughout grading and construction.
8. **Noise-02 Construction Hours.** The Owner /Applicant, including all contractors and subcontractors shall limit construction activity, including equipment maintenance and site preparation, to the hours between 7:00 a.m. and 4:00 p.m. Monday through Friday. No construction shall occur on weekends or State holidays. Non-noise generating interior construction activities such as plumbing, electrical, drywall and painting (which does not include the use of compressors, tile saws, or other noise-generating equipment) are not subject to these restrictions.
Any subsequent amendment to the Comprehensive General Plan, applicable Community or Specific Plan, or Zoning Code noise standard upon which these construction hours are based shall supersede the hours stated herein. **PLAN REQUIREMENTS:** The

Owner/Applicant shall provide and post a sign stating these restrictions at all construction site entries. **TIMING:** Signs shall be posted prior to commencement of construction and maintained throughout construction. **MONITORING:** The Owner/Applicant shall demonstrate that required signs are posted prior to grading/building permit issuance and pre-construction meeting. Building inspectors and permit compliance staff shall spot check and respond to complaints.

9. **Parking-02 Onsite Construction Parking.** All construction-related vehicles, equipment staging and storage areas shall be located onsite and outside of the road and highway right of way. The Owner/Applicant shall provide all construction personnel with a written notice of this requirement and a description of approved parking, staging and storage areas. The notice shall also include the name and phone number of the Owner/Applicant's designee responsible for enforcement of this restriction. **PLAN REQUIREMENTS:** Designated construction personnel parking, equipment staging and storage areas shall be depicted on project plans submitted for Coastal Development Permit. **TIMING:** A copy of the written notice shall be submitted to P&D permit processing staff prior to issuance of Coastal Development Permit. This restriction shall be maintained throughout construction. **MONITORING:** P&D permit compliance and Building and Safety shall confirm the availability of designated onsite areas during construction, and as required, shall require re-distribution of updated notices and/or refer complaints regarding offsite parking to appropriate agencies.
10. **SolidW-03 Solid Waste-Construction Site.** The Owner/Applicant shall provide an adequate number of covered receptacles for construction and employee trash to prevent trash & debris from blowing offsite, shall ensure waste is picked up weekly or more frequently as needed, and shall ensure site is free of trash and debris when construction is complete. **PLAN REQUIREMENTS:** All plans shall contain notes that the site is to remain trash-free throughout construction. **TIMING:** Prior to building permit issuance, the Owner/Applicant shall designate and provide P&D with the name and phone number of a contact person(s) responsible for trash prevention and site clean-up. Additional covered receptacles shall be provided as determined necessary by P&D. **MONITORING:** Permit compliance monitoring staff shall inspect periodically throughout grading and construction activities and prior to Final Building Inspection Clearance to ensure the construction site is free of all trash and debris.
11. **WatCons-03 Water Conservation in Landscaping.** The project is subject to the California Water Conservation in Landscaping requirements. Prior to issuance of the CDP, the Owner/Applicant shall fill out, obtain the stamp of the appropriate licensed professional, sign, and submit to P&D a Water Efficient Landscape Ordinance Supplemental application. **TIMING:** The supplemental application shall be completed, stamped, signed, and submitted to P&D prior to issuance of the CDP. The landscape and irrigation shall be installed per plan prior to Final Building Inspection Clearance. **MONITORING:** Permit Compliance shall check in the field prior to Final Building Inspection Clearance. **PLAN**

REQUIREMENTS: The Owner/Applicant shall depict the California Water Conservation in Landscaping supplemental application landscape plans on building plans.

CONDITIONS FROM PREVIOUS NEGATIVE DECLARATION (92-ND-23)

12. A grading plan shall be designed to minimize erosion and shall include the following:
- a. Grading and trenching shall be prohibited within 25 feet of the top of bank of Canada del Agua Caliente creek.
 - b. Methods such as retention basins, drainage diversion structures and spot grading shall be used to reduce siltation into adjacent streams during grading and construction activities.
 - c. Graded areas shall be revegetated within three weeks of completion of grading activities with deep rooted, native, drought-tolerant species to minimize slope failure and erosion potential. Geotextile binding fabrics shall be used if necessary to hold slope soils until vegetation is established.
 - d. Grading on slopes shall be designed to minimize surface water runoff.
 - e. A detailed geologic and soils engineering study addressing structure sites and the access road shall be prepared to determine structural design criteria, as recommended by the County Public Works Department. The study shall be submitted for review and approval by Public Works.
 - f. Temporary storage of construction equipment shall be limited to a 50 by 50 foot area at the end of the existing dirt access road and shall be located 6 feet outside the driplines of all oak trees.
 - g. If the construction site is graded and left undeveloped for over three weeks, the following methods shall be employed immediately to inhibit dust generation:
 1. seeding and watering to revegetate graded areas; and/or
 2. spreading of soil binders; and/or
 3. any other methods deemed appropriate by County APCD.

Plan Requirements: If grading activities are discontinued for over three weeks, applicant shall contact both Permit Compliance Staff and Grading Inspector to site inspect revegetation/soil binding. The grading plan shall be submitted for review and approved by P&D prior to issuance of the CDP. The applicant shall notify Permit Compliance prior to commencement of grading. These requirements shall be noted on all grading plans.

Timing: Plans are required prior to issuance of the CDP.

Monitoring: Grading Inspector shall perform periodic site inspections. Permit Compliance will photo document revegetation and ensure compliance with plan.

13. Drainage shall be consistent with approved drainage plans. All runoff water from impervious areas shall be conveyed by impervious conduits to existing drainage canyons.
- Plan Requirements:** Prior to issuance of the CDP, a drainage plan shall be submitted to P&D, FCD, and public works for review and approval. The plan shall include the location(s) of all proposed pipelines, the entire length of all proposed pipelines, trees located within 15 feet of the pipeline (each side), grading figures for pipe installations, pipe diameters,

and locations where the pipe(s) would surface in the creek, and amount of water that would flow from each pipeline.

Timing: The components of the drainage plan shall be implemented prior to occupancy clearance.

Monitoring: The Building Department shall site inspect prior to occupancy.

14. The applicant shall limit excavation, deposition of fill for equipment access and grading to the period of July 1 to November 1, to ensure work occurs in the dry season of the year and avoids the bird breeding and nesting season. In addition, to reduce the effects of dust generation resulting from grading, the soil shall be kept damp during grading activities. All exposed graded surfaces shall be reseeded with native ground cover if left undeveloped for three weeks to minimize erosion.

Plan Requirements: This requirement shall be noted on grading and building plans.

Timing: Graded surfaces shall be reseeded within three weeks of grading completion.

Monitoring: Permit Compliance shall site inspect during grading to monitor dust generation and 30 days after grading to verify reseeded.

15. Erosion control measure, such as sandbags shall be in place to avoid unnecessary siltation into local streams during construction activities.

Plan Requirements: A site investigation shall confirm installation of erosion control measures, and/or photos showing erosion control measures shall be provided to P&D prior to issuance of the CDP for grading.

Timing: Erosion control measures shall be in place prior to grading permit issuance.

Monitoring: PMC staff shall ensure measures are in place throughout construction activities.

16. The minimum distance from ground level to any permanent fence's first rung shall be 18 inches to allow passage of wildlife. **Plan Requirements:** All perimeter fences to exclude cattle from sensitive habitat areas shall be shown on plans prior to issuance of the CDP.

Timing: Fencing shall be installed prior to the occupancy clearance with Permit Compliance.

Monitoring: PMC staff shall site inspect prior to occupancy clearance.

17. Excavation work within or adjacent to sensitive habitats (i.e. Canada del Agua Caliente, all secondary drainages, and oak woodland) including native trees shall be avoided to the maximum extent feasible. Where excavation must be performed within sensitive areas (as determined by P&D) it shall be performed with hand tools only. If the use of hand tools is deemed infeasible by P&D, excavation work may be authorized by P&D to be completed with rubber-tired construction equipment weighing 5 tons or less. If significant large rocks are present, or if spoil placement will impact surrounding trees, then a small tracked excavator (i.e., 215 or smaller track hoe) may be used as determined by DER staff. In any event, excavation and construction within or adjacent to sensitive habitat areas shall be monitored by a DER qualified biologist paid by the applicant. **Plan requirements:** The above measure shall be noted on all grading and construction plans.

Monitoring: PMC staff shall ensure compliance on site during construction.

18. Erosion control measures shall be implemented to prevent runoff into creek bottom. Silt fencing, jute netting, or sand bags shall be used in conjunction with other methods to prevent erosion and siltation of the stream channel.

Plan Requirements: An erosion control plan shall be submitted to and approved by P&D, Public Works Grading Division and Flood Control prior to issuance of the CDP.

Timing: The plan shall be implemented prior to the pre-construction meeting with Permit Compliance.

Monitoring: PMC and Grading staff shall perform site inspections throughout the construction phase.

19. Drainage shall be designed to have the exiting flow of water enter subparallel (60 degrees or less) to the existing stream flow in order to avoid eddy currents that would cause opposite bank erosion.

Plan Requirements: Design shall be shown on final plans for review and approval by P&D.

Timing: Plans shall be submitted prior to issuance of the CDP.

Monitoring: Grading Inspectors shall field check.

20. All proposed drainage devices shall be placed in the least environmentally damaging locations. The least environmentally damaging locations shall be identified in a report prepared by a P&D-approved biologist.

Plan Requirements: The applicant shall submit an engineering study which describes impacts expected from additional flood waters introduced into the existing stream channel, and shall suggest mitigation measures for flood control downstream from proposed project.

Timing: The study shall be submitted to Flood Control and P&D staff for review and approval prior to issuance of the CDP and devices shall be installed prior to occupancy clearance.

Monitoring: Permit Compliance shall site inspect prior to occupancy clearance.

21. The landscaping plan shall utilize fire resistant native species near structures.

Plan Requirements: Prior to issuance of the CDP the applicant shall submit landscape plans to P&D and the County Fire Department for review and approval.

Monitoring: Permit Compliance shall site inspect prior to occupancy to verify landscape installation and once each year to monitor landscape maintenance.

22. Adequate structural access shall be provided.

Plan Requirements: Individual lot access and secondary emergency access routes shall be submitted by the applicant for review and approval by the County Fire Department prior to issuance of the CDP.

Timing: Access shall be installed prior to occupancy.

Monitoring: Access shall be reviewed and approved by County Fire Department prior to issuance of the CDP. The Fire Department and Permit Compliance shall ensure compliance through site inspections.

RULES AND REGULATIONS

23. **Rules-02 Effective Date-Appealable to CCC.** This Coastal Development Permit shall become effective upon the expiration of the applicable appeal period provided an appeal has not been filed. If an appeal has been filed, the planning permit shall not be deemed effective until final action by the review authority on the appeal, including action by the California Coastal Commission if the planning permit is appealed to the Coastal Commission. [ARTICLE II § 35-169].
24. **Rules-05 Acceptance of Conditions.** The Owner/Applicant's acceptance of this permit and/or commencement of use, construction and/or operations under this permit shall be deemed acceptance of all conditions of this permit by the Owner/Applicant.
25. **Rules-10 CDP Expiration-No CUP or DVP.** The approval or conditional approval of a Coastal Development Permit shall be valid for one year from the date of action by the Zoning Administrator. Prior to the expiration of the approval, the review authority who approved the Coastal Development Permit may extend the approval one time for one year if good cause is shown and the applicable findings for the approval required in compliance with Section 35-169.5 can still be made. A Coastal Development Permit shall expire two years from the date of issuance if the use, building or structure for which the permit was issued has not been established or commenced in conformance with the effective permit. Prior to the expiration of such two year period the Director may extend such period one time for one year for good cause shown, provided that the findings for approval required in compliance with Section 35-169.5, as applicable, can still be made.
26. **Rules-23 Processing Fees Required.** Prior to issuance of Conditional Use Permit, the Owner/Applicant shall pay all applicable P&D permit processing fees in full as required by County ordinances and resolutions.
27. **Rules-30 Plans Requirements.** The Owner/Applicant shall ensure all applicable final conditions of approval are printed in their entirety on applicable pages of grading/construction or building plans submitted to P&D or Building and Safety Division. These shall be graphically illustrated where feasible.
28. **Rules-31 Mitigation Monitoring Required.** The Owner/Applicant shall ensure that the project complies with all approved plans and all project conditions including those which must be monitored after the project is built and occupied. To accomplish this, the Owner/Applicant shall:

- a. Contact P&D compliance staff as soon as possible after project approval to provide the name and phone number of the future contact person for the project and give estimated dates for future project activities;
- b. Sign a separate Agreement to Pay for compliance monitoring costs and remit a security deposit prior to issuance of Coastal Development Permit as authorized by ordinance and fee schedules. Compliance monitoring costs will be invoiced monthly and may include costs for P&D to hire and manage outside consultants when deemed necessary by P&D staff (e.g. non-compliance situations, special monitoring needed for sensitive areas including but not limited to biologists, archaeologists) to assess damage and/or ensure compliance. In such cases, the Owner/Applicant shall comply with P&D recommendations to bring the project into compliance. The decision of the Director of P&D shall be final in the event of a dispute. Monthly invoices shall be paid by the due date noted on the invoice;
- c. Note the following on each page of grading and building plans "This project is subject to Condition Compliance Monitoring and Reporting. All aspects of project construction shall adhere to the approved plans, notes, and conditions of approval, and mitigation measures from Negative Declaration No. 92-ND-23";
- d. Contact P&D compliance staff at least two weeks prior to commencement of construction activities to schedule an on-site pre-construction meeting to be led by P&D Compliance Monitoring staff and attended by all parties deemed necessary by P&D, including the permit issuing planner, grading and/or building inspectors, other agency staff, and key construction personnel: contractors, sub-contractors and contracted monitors among others.

29. Rules-33 Indemnity and Separation. The Owner/Applicant shall defend, indemnify and hold harmless the County or its agents or officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of this project. In the event that the County fails promptly to notify the Owner / Applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.

30. Rules-35 Limits-Except DPs. This approval does not confer legal status on any existing structures(s) or use(s) on the property unless specifically authorized by this approval.

31. Rules-37 Time Extensions-All Projects. The Owner / Applicant may request a time extension prior to the expiration of the permit or entitlement for development. The review authority with jurisdiction over the project may, upon good cause shown, grant a time extension in compliance with County rules and regulations, which include reflecting changed circumstances and ensuring compliance with CEQA. If the Owner / Applicant requests a time extension for this permit, the permit may be revised to include updated language to standard conditions and/or mitigation measures and additional conditions and/or mitigation measures which reflect changed circumstances or additional identified project impacts.

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST DISTRICT OFFICE
89 SOUTH CALIFORNIA STREET, SUITE 200
VENTURA, CA 93001-4508
VOICE (805) 585-1800 FAX (805) 641-1732

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

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

SECTION I. Appellant(s)

Name:

Mailing Address: 89 S. California St. Ste. 200

City: Ventura

Zip Code: 93001

Phone: (805) 585-1800

SECTION II. Decision Being Appealed

1. Name of local/port government:

County of Santa Barbara

2. Brief description of development being appealed:

Construction of a 1,500 sq. ft. pool, a 6,728 sq. ft. tennis court, a 1,535 sq. ft. expansion of an existing barn, conversion of a guest house to an accessory dwelling unit, and renovation of 1,000 sq. ft. of landscaping. The permit approval also includes excavation of 500 cu. yds. of cut and 500 cu. yds. of fill.

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

130 Hollister Ranch Road, Gaviota, Santa Barbara County (APN 083-700-037)

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

- ☐ Approval; no special conditions
☒ Approval with special conditions:
☐ Denial

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

TO BE COMPLETED BY COMMISSION:

APPEAL NO:

A-4-STB-21-0040

DATE FILED:

June 15, 2021

DISTRICT:

South Central Coast

EXHIBIT 6
Appeal Form
Appeal No. A-4-STB-21-0040

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

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

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

6. Date of local government's decision: May 17, 2021

7. Local government's file number (if any): 19CDH-00000-00035

SECTION III. Identification of Other Interested Persons

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

a. Name and mailing address of permit applicant:

B. Wayne Hughes
P.O. Box 12649
Jackson, KY 83002

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

Jock Sewall
768 Ayala Lane
Santa Barbara, CA 93108

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

SECTION IV. Reasons Supporting This Appeal

PLEASE NOTE:

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

See Attached

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

SECTION V. Certification

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

DocuSigned by:

Dayna Boelico

Signature of Appellant(s) or Authorized Agent

Date: 06/10/2021

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

Section VI. Agent Authorization

I/We hereby
authorize

to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date:

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

SECTION V. Certification

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

DocuSigned by:

Steve Padilla

Signature of Appellant(s) or Authorized Agent

Date: 06/15/2021

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

Section VI. Agent Authorization

I/We hereby
authorize _____

to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date: _____

Hughes - Hollister Ranch Parcel No. 130 (APN 083-700-037) (Gaviota Area, Santa Barbara County)

Section IV. Reasons Supporting The Appeal

This is an appeal of a decision by Santa Barbara County approving (with conditions) a Coastal Development Permit for the construction of a 1,500 sq. ft. pool, a 6,728 sq. ft. tennis court, a 1,535 sq. ft. expansion of an existing barn, conversion of a guest house to an accessory dwelling unit, and renovation of 1,000 sq. ft. of landscaping. The permit approval also includes excavation of 500 cu. yds. of cut and 500 cu. yds. of fill. The subject Coastal Development Permit authorizes development proposed to be located on Hollister Ranch Parcel No. 130 (APN 083-700-037) in the Gaviota area of Santa Barbara County. This appeal is based on the grounds that the development is inconsistent with the County of Santa Barbara's Local Coastal Program (LCP) policies regarding the provision of public access and the protection of environmentally sensitive habitat areas.

Land Use Plan Policy 1-1 states that all Chapter 3 policies of the Coastal Act have been incorporated in their entirety into the certified County Land Use Plan as guiding policies.

In addition to the public access and recreation policies of the Coastal Act that have been incorporated as part of the certified LCP, Land Use Plan Policy 2-15 specifically states:

The County shall not issue 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.

Further, Gaviota Coast Plan Development Standard REC-3 states:

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.

In addition, Section 30610.3 of the Coastal Act states, in part:

- (a) Whenever the commission determines (1) that public access opportunities through an existing subdivided area, which has less than 75 percent of the subdivided lots built upon, or an area proposed to be subdivided are not adequate to meet the public access requirements of this division and (2) that individual owners of vacant lots in those areas do not have the legal authority to comply with public access requirements as a condition of**

securing a coastal development permit for the reason that some other person or persons has legal authority, the commission shall implement public access requirements as provided in this section....

Section 30610.8 of the Coastal Act states, in part:

- (a) ...The Legislature further finds and declares that public access should be provided in a timely manner and that in order to achieve this goal, while permitting property owners to commence construction, the provisions of this section are necessary to promote the public's welfare.**
- (b) For purposes of Section 30610.3 and with respect to the Hollister Ranch public access program, the in-lieu fee shall be thirty-three thousand dollars (\$33,000) for each permit, adjusted annually for inflation pursuant to the consumer price index...**

Section 30240 of the Coastal Act states:

- (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those 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 those areas, and shall be compatible with the continuance of those habitat and recreation areas.**

Land Use Plan Policy 9-35 states:

Oak trees, because they are particularly sensitive to environmental conditions, shall be protected. All land use activities, including cultivated agriculture and grazing, should be carried out in such a manner as to avoid damage to native oak trees. Regeneration of oak trees on grazing land should be encouraged.

Land Use Plan Policy 9-36 states, in part:

When sites are graded or developed, areas with significant amounts of native vegetation shall be preserved. All development shall be sited, designed, and constructed to minimize impacts of grading, paving, construction of roads or structures, runoff, and erosion on native vegetation. In particular, grading and paving shall not adversely affect root zone aeration and stability of native trees.

Gaviota Coast Plan Policy NS-2 states, in part:

Environmentally Sensitive Habitat (ESH) areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources

shall be allowed within those areas....Non-resource dependent development, including fuel modification and agricultural uses, shall be sited and designed to avoid ESH and ESH buffer areas. If avoidance is infeasible and would preclude reasonable use of a parcel or is a public works project necessary to repair and maintain an existing public road or existing public utility, then the alternative that would result in the fewest or least significant impacts shall be selected and impacts shall be mitigation. Development in areas adjacent to ESH areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

Gaviota Coast Plan Policy NS-4 states:

Environmentally sensitive habitat (ESH) means any area in which plant or animal life or their habitats are either (A) rare or (B) especially valuable because of their special nature or role in an ecosystem. The present and extent of ESH shall be identified on a case-by-case basis based upon site-specific evidence provided by a biological report prepared by a qualified biologist. Although a site-specific analysis will form the basis for ESH determinations, the following types of habitat are considered rare or especially valuable, and therefore ESH, unless a particular habitat area is so small and isolated or degraded that it is no longer sustainable.

- A. Rare Species or Habitats.** Areas with plant or animal life or their habitats included in the following lists and categories are considered "rare" for the purposes of this policy:
- Federal and State listed Rare, Threatened, and Endangered Species.
 - Plants, Animals, and Natural Communities ranked as Global or State G1 or S1 (critically imperiled), G2 or S2 (imperiled), or G3 or S3 (vulnerable to extirpation or extinction).
 - California Fully Protected Species, California Species of Special Concern, and their habitats.
 - California Rare Plant Ranking System plant species designated 1B (rare, threatened, or endangered in California and elsewhere) and 2B (rare, threatened, or endangered in California but more common elsewhere).
 - Federal and State Plants, Animals, and Natural Communities that are candidates for listing.
- B. Especially Valuable Species or Habitats.** Areas with plant or animal life or their habitats may be especially valuable because of their "special nature," such as being an unusually pristine example of a habitat type, containing an unusual mix of species, supporting species at the edge of their range, or

containing species with extreme variation. Areas may be especially valuable because of the special "role in the ecosystem," such as providing habitat for endangered species, protecting water quality, providing essential corridors linking one sensitive habitat to another, or providing critical ecological linkages such as the provision of pollinators or crucial trophic connections. Examples of species or habitat types that are especially valuable include, but are not limited to:

- Unique, rare, or fragile communities which should be preserved to ensure their survival in the future, e.g., dune vegetation, native grasslands;
- Plant community ranges that are of significant scientific interest because of extensions of range, or unusual hybrid, disjunct, and relict species;
- Outstanding representative natural communities that have values ranging from a particularly rich flora and fauna to an unusual diversity of species;
- Areas with outstanding educational values that should be protected for scientific research and educational uses now and in the future, e.g., Gaviota Coast tanoak forests.

Specific biological habitats that are considered environmentally sensitive because they are rare and/or especially valuable because of their special nature or role in an ecosystem shall be protected and preserved through provisions of the ESH Overlay. These include, but are not limited to, the following:

- 1) Native Forests and Woodlands including, but not limited to: madrone forest, tanoak forest, black cottonwood forest, Bishop pine forest, California sycamore woodlands, coast live oak woodland, Valley oak, red willow thickets, and California bay forest;
- 2) Native Chaparral and Coastal Scrub Habitats that are part of a large, contiguous area of native habitat, or rare Native Chaparral, Coastal Bluff Scrub, and Coastal Scrub Habitats, including, but not limited to: Burton Mesa shrubland chaparral, central maritime chaparral, wart leaf Ceanothus chaparral, giant Coreopsis scrub, bush monkeyflower scrub, California brittle bush scrub, sawtooth goldenbush scrub, silver dune lupine-mock heather scrub, lemonade berry scrub, and white sage scrub;
- 3) Native Grassland and rare herbaceous vegetation, including, but not limited to: Dune mats, Western rush marshes, meadow barley patches, giant wildrye

grassland, creeping ryegrass turfs, foothill needlegrass grasslands, purple needlegrass grasslands;

- 4) Creeks, Streams, and Coastal Wetlands, including, but not limited to: estuarine, riverine, riparian habitats, and vernal pools;**
- 5) Marine mammal haulouts;**
- 6) Monarch butterfly habitat;**
- 7) Raptor nesting, roosting, and breeding areas and white-tailed kite foraging areas; and**
- 8) Special status species habitats**

...

In this case, the approved project is inconsistent with the public access and recreation policies of Chapter 3 of the Coastal Act and the County's certified LCP. Gaviota Coast Plan Development Standard REC-3 of the County's certified Land Use Plan specifically requires that a fee consistent with Coastal Act Section 30610.8, which is \$33,000 adjusted annually for inflation pursuant to the consumer price index, is required as a condition of each permit issued for development at Hollister Ranch. The County of Santa Barbara did not properly require the in-lieu fee as a condition of the subject coastal development permit pursuant to Gaviota Coast Plan Development Standard REC-3 and Coastal Act Section 30610.8. Instead, the County determined that the in-lieu fee was not required because a \$5,000 fee was paid when the primary residence on the property was constructed. Therefore, the approved project is inconsistent with Gaviota Coast Plan Development Standard REC-3 and Coastal Act Section 30610.8.

Further, Coastal Act Section 30610.8 specifically provides that public access should be provided in a timely manner. However, to date, no public coastal access at Hollister Ranch has been provided pursuant to any permit action by the County, including the subject permit application, within a timely manner. Finally, Policy 2-15 of the County's certified Land Use Plan specifically states that the County shall not issue permits for non-exempt development on Hollister Ranch, such as the subject application, 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. In this case, the Commission has not taken any action to determine that the approved development is consistent with the public access policies of the Coastal Act, and the approved development would not provide adequate access consistent with the public access and recreation requirements of the Coastal Act and the public access and recreation policies of the County's LCP.

In addition, the County's action does not adequately address the issue of environmentally sensitive habitat (ESH) areas and feasible alternatives to avoid ESH and native vegetation. Section 30240 of the Coastal Act and Gaviota Coast Plan Policy NS-2 require that ESH areas shall be protected against any significant disruption of habitat values and that new development, including fuel modification, shall be sited and designed in a manner that avoids ESH and ESH buffer area. The approved project is sited within the critical root zone of several native oak trees; however, the County's findings did not make a determination as to whether or not the native oak trees are ESH pursuant to Gaviota Coast Plan Policy NS-4.

Further, Land Use Plan (LUP) Policy 9-35 requires oak trees to be protected and requires development to be carried out in a manner that avoids damage to native oak trees. LUP Policy 9-36 requires development to preserve significant amounts of native vegetation on site and minimize impacts on native vegetation through siting, design, and construction, and in particular, requires grading and paving to not adversely affect root zone aeration and the stability of native trees. The County's findings did not analyze whether there were feasible siting and design alternatives that would avoid impacts to native oak trees or whether the approved development would require fuel modification that would extend into ESH and ESH buffer.

For these reasons, issues are raised regarding the approved development's consistency with the above cited policies and provisions of the County's LCP.