

## Lenzi, Chelsea

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**From:** Thomas Burt <tom@californiasolarelectric.com>  
**Sent:** Wednesday, November 01, 2017 9:09 AM  
**To:** sbcob  
**Subject:** Esatern Goleta Valley Community Plan

Hello,  
Please conserve open space in Goleta for critical habitats and environmental well being!  
Thank you,  
Tom

Thomas Burt  
[tom@californiasolarelectric.com](mailto:tom@californiasolarelectric.com)  
805 689-1479



[CSE Reviews on SolarReviews.com](#)

[CSE Reviews on Yelp!](#)

[CSE Reviews on Angie's List](#)

## Lenzi, Chelsea

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**From:** John Dutton <John.Dutton@patagonia.com>  
**Sent:** Wednesday, November 01, 2017 9:43 AM  
**To:** sbcob  
**Subject:** Protect open space, watersheds and wildlife habitats in Goleta

Dear Boards of Supervisors,

I live on the border between Santa Barbara and Goleta. I hike and bike More Mesa and San Marcos Foothills. I ride past the Goleta Slough going to Goleta Beach. I love all the open space in the area, and know that it is valuable for the biodiversity of our region. I don't want to be part of world where humans occupy every available space with no respect for the flora and fauna in the area.

When considering the Eastern Goleta Valley Community Plan, I urge you to increase buffers for environmentally sensitive habitats on More Mesa; to protect chaparral, birds of prey, creeks, and habitats in the Goleta Valley area, and prohibit coastal bluff development including private staircases that jeopardize our beaches, bluff stability, and habitats.

Sincerely  
John Dutton  
3919 La Colina Rd.  
Santa Barbara, Ca 93110  
805-682-8942

**Lenzi, Chelsea**

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**From:** Don & Sally Webb <sdwebb@cox.net>  
**Sent:** Wednesday, November 01, 2017 9:51 AM  
**To:** sbcob  
**Subject:** Esatern Goleta Valley Community Plan

**We urge the Board to accept the following recommendations from the California Coastal Commission for the Eastern Goleta Valley Community Plan:**

- Increased buffers for environmentally sensitive habitats on More Mesa;
- Protections for chaparral, birds of prey, creeks, and habitats in the Goleta Valley area; and
- Prohibitions on coastal bluff development, including private staircases that jeopardize our beaches, bluff stability, and habitats.

Sally and Don Webb  
621 Cowles Rd  
Santa Barbara, CA 93108

## Lenzi, Chelsea

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**From:** Frank Spada <fwspada@gmail.com>  
**Sent:** Wednesday, November 01, 2017 9:58 AM  
**To:** sbcob  
**Subject:** Eastern Goleta Valley Community Plan.

Dear County Board of Supervisors,

I urge you to protect the open spaces and watersheds of the Goleta Valley by accepting the following recommendations from the California Coastal Commission for the Eastern Goleta Valley Community Plan.

- Increased buffers for environmentally sensitive habitats on More Mesa;
- Protections for chaparral, birds of prey, creeks, and habitats in the Goleta Valley area; and
- Prohibitions on coastal bluff development, including private staircases that jeopardize our beaches, bluff stability, and habitats.

We are so fortunate to live in this beautiful area and it is up to all of us to protect the lands for future generations.

Thank you,

Frank Spada

**Lenzi, Chelsea**

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**From:** gene waller <walwalla@yahoo.com>  
**Sent:** Wednesday, November 01, 2017 10:28 AM  
**To:** sbcob  
**Subject:** Esatern Goleta Valley Community Plan

I support the Coastal Commission's position and EDC's ratification re environmental issues on More Mesa.

Gene Waller

**Lenzi, Chelsea**

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**From:** Gail Osherenko <gail.osherenko@gmail.com>  
**Sent:** Wednesday, November 01, 2017 10:46 AM  
**To:** sbcob  
**Subject:** Esatern Goleta Valley Community Plan

**Board of Supervisors,**

**Have you ever watched the white-tailed kites soar over Goleta's hillsides or spotted the nests where they raise their young?**

**More Mesa is one of the prime breeding habitats for these increasingly endangered birds.**

**I know you must have walked the beaches and seen the erosion of bluffs where humans have placed stairs. With rising storm surges and increasingly destructive storms, these areas are even more vulnerable. So the protections recommended by**

**the California Coastal Commission for the Eastern Goleta Valley Community Plan are vital. Please support the following:**

- Increased buffers for environmentally sensitive habitats on More Mesa;
- Protections for chaparral, birds of prey, creeks, and habitats in the Goleta Valley area; and
- Prohibitions on coastal bluff development including private staircases that jeopardize beaches, bluff stability and habitats.

**I can't be there at the Nov. 7 hearing, but wanted you to know how strongly I support these measures.**

**Thank you,**

**Gail**

**Gail Osherenko  
835 Via Granada  
Santa Barbara, CA 93103**

## Lenzi, Chelsea

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**From:** Dan Silver <dsilverla@me.com>  
**Sent:** Wednesday, November 01, 2017 10:58 AM  
**To:** sbcob  
**Subject:** Esatern Goleta Valley Community Plan

Honorable Chair and Members of the Board:

Endangered Habitats League, a regional conservation group, supports the Coastal Commission recommendations for the Eastern Goleta Valley Community Plan. Specifically, we urge:

- Increased buffers for environmentally sensitive habitats on More Mesa;
- Protections for chaparral, birds of prey, creeks, and habitats in the Goleta Valley area; and
- Prohibitions on coastal bluff development, including private staircases that jeopardize our beaches, bluff stability, and habitats.

Thank you for considering our views.

Dan Silver

Dan Silver, Executive Director  
Endangered Habitats League  
8424 Santa Monica Blvd., Suite A 592  
Los Angeles, CA 90069-4267

213-804-2750

[dsilverla@me.com](mailto:dsilverla@me.com)

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

**Lenzi, Chelsea**

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**From:** Kelsey Maloney <kelsey@thewriteteam.net>  
**Sent:** Wednesday, November 01, 2017 11:06 AM  
**To:** sbcob  
**Subject:** Eastern Goleta Valley Community Plan

To whom it may concern:

I'm writing because I would like to see increased protections for rare wildlife and sensitive coastal habitats, including More Mesa, one of the largest remaining undeveloped coastal parcels in our region.

**Please accept the recommendations from the California Coastal Commission for the Eastern Goleta Valley Community Plan:**

- Increased buffers for environmentally sensitive habitats on More Mesa;
- Protections for chaparral, birds of prey, creeks, and habitats in the Goleta Valley area; and
- Prohibitions on coastal bluff development, including private staircases that jeopardize our beaches, bluff stability, and habitats.

Thank you,  
Zip code: 93109

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Kelsey Maloney  
Grant Writer  
(310) 343-1939



## Lenzi, Chelsea

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**From:** Cameron Goodman <cgoodman@ppplaw.com>  
**Sent:** Wednesday, November 01, 2017 11:31 AM  
**To:** sbcob; Allen, Michael (COB)  
**Subject:** Letter for Board of Supervisors Packet - Nov. 7 hearing  
**Attachments:** Manion to BOS\_11-1-17.pdf

Dear Mr. Allen,

Please find attached correspondence from Mark Manion to the Board of Supervisors, to be included in the Board's packet for the November 7 hearing on the County's amended Local Coastal Program regarding the Eastern Goleta Valley Community Plan.

Let me know if you need any further information. A hard copy of this letter will be delivered to the Clerk's office this afternoon.

Thank you,  
Cameron Goodman



Cameron Goodman  
Price, Postel & Parma LLP  
200 E. Carrillo Street, Suite 400  
Santa Barbara, CA 93101  
T: 805-962-0011 x120  
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Eric P. Hvolbøll
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Steven K. McGuire

Our File Number:
23593-1

November 1, 2017

VIA E-MAIL AND HAND DELIVERY

Board of Supervisors
County of Santa Barbara
105 East Anapamu Street
Santa Barbara, CA 93101

Attn: Michael Allen
Chief Deputy Clerk of the Board

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jwolf@countyofsb.org
jhartmann@countyofsb.org
peter.adam@countyofsb.org
steve.lavagnino@countyofsb.org
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sbcob@co.santa-barbara.ca.us

2017 NOV - 1 PM 2:15
COUNTY OF SANTA BARBARA
CLERK OF SUPERVISORS

Re: California Coastal Commission Modification No. 9, Revised Policy GEO-EGV-1.1

Honorable Chair and Members of the Board of Supervisors:

This firm represents property owners that would be negatively impacted by the California Coastal Commission's ("Commission") proposed modifications to the County of Santa Barbara's ("County") amendment to its Local Coastal Program ("LCP") regarding the Eastern Goleta Valley Community Plan. We urge the Board of Supervisors to reject the Commission's Modification No. 9, revised Policy GEO-EGV-1.1, which would limit new development on coastal bluff faces solely to staircases or accessways allowing for public beach access. This attempt by the Commission to impose a public access exaction on beachfront property owners is an improper workaround of well-established coastal access and public dedication law, and is a clear effort to undermine the County's power to legislate coastal development policy within its own jurisdiction. In fact, as County staff notes, the County rejected the Commission's prior attempt to impose a similar modification to the County's Land Use and

Development Code in 2011. County staff has nonetheless recommended that the Board of Supervisors accept the Commission's modification based on the unsupported assumption that any private staircase or accessway without public access approved by the County would be appealed and denied by the Commission in the event the Commission's modification is rejected. This assumption is incorrect for the reasons set forth below, and the Board of Supervisors should reject the proposed modification because the Commission cannot force the County to impose unconstitutional exactions on its residents.

After an LCP has been certified and all implementing actions within the area affected have become effective, development review authority may no longer be exercised by the Commission, and such authority is delegated to the local government implementing the LCP. (Cal. Pub. Res. Code § 30519(a).) A development shall be permitted if the local government finds that it is in conformity with the certified LCP. (*Id.* § 30604(b); see also *Douda v. California Coastal Comm'n* (2008) 159 Cal. App. 4th 1181, 1188-89.)

The grounds for an appeal of a local government's development permit decision are limited to a claim that the development does not conform to the standards set forth in the certified LCP or the public access policies set forth in the California Coastal Act. (Cal. Pub. Res. Code § 30603(b); *Sec. Nat. Guar., Inc. v. California Coastal Comm'n* (2008) 159 Cal. App. 4th 402, 421.) For example, the Commission may not consider whether a proposed development impacts views of the coast from offshore vantage points when neither the Coastal Act nor the certified LCP refers to the protection of offshore views. (*Schneider v. California Coastal Com.* (2006) 140 Cal. App. 4th 1339, 1345-46.)

Similarly, **if the County rejects the Commission's modifications to the LCP and retains its existing policy in the certified LCP, the Commission will *not* have authority on appeal to deny any private staircase without public beach access approved by the County, solely based upon that policy.** Policy 3-7 of the County's Coastal Land Use Plan does not require public beach access, but rather limits development on the bluff face to "engineered staircases or accessways to provide beach access." This policy protects coastal bluff resources and ensures that such development is designed and constructed safely. Policy 3-7 was never intended to provide public access to the beach, nor has the County ever interpreted Policy 3-7 to do so. (*See* Planning & Development letter to Board of Supervisors, October 17, 2017, p. 2.)

Even if the Commission were to reject the County's amendment to the suggested modification and refuse to certify the County's proposed amended LCP, the current LCP (under the 1993 Goleta Community Plan) would continue to govern coastal development. Therefore on appeal the Commission would only be able to consider whether development permits for coastal bluff stairways or accessways comply with the LCP currently in effect—*i.e.*, whether the development is "engineered." As Commission staff admits, the current LCP is silent on public access requirements, and there has been "inconsistent interpretation of the existing certified

LCP” in this regard. **The Commission is now attempting to capitalize on an opportunity to inappropriately impose on the County its own incorrect and unconstitutional interpretation of County policies. Such acceptance by the County of this significant policy change, would impact not only the Eastern Goleta Valley Plan area, but would set a precedent for all future Local Coastal Plan Amendments within the entire County, and should not be accepted. Accordingly, the County should resist the Commission’s efforts to undermine the County’s current policy.**

A permitting entity *may* impose a public access exaction on development under the Coastal Act, but the exaction must have an essential nexus to any impact the development may have, and there must be a rough proportionality between the condition and the development’s impact. (*Nollan v. California Coastal Commission* (1987) 483 U.S. 825; *Doaln v. City of Tigard* (1994) 512 U.S. 374.) In this case, without any supporting evidence or legal analysis, the Commission comes to the conclusion that “the most logical interpretation of LUP Policy 3-7 is that it does not allow engineered staircases for all private residential properties [because] it would result in the continued proliferation of private stairways on coastal bluffs, and resulting significant cumulative adverse impacts to visual resources, habitat, shoreline processes, and erosion hazards as the bluff face is developed.” (Commission Staff Report, July 27, 2017, p. 4.) This conclusion-driven analysis completely ignores the fact that Policy 3-7 is designed specifically to protect these visual resources, habitat, shoreline processes, and erosion hazards by requiring that stairways be engineered prior to permitting. **To impose public access requirements on all coastal bluff development would provide no additional protections for the coastal resources cited by the Commission.**

This imposition of a public access exaction without any justification amounts to an improper prohibition on all future stairway and accessway development. The development at issue has absolutely no impact on public access, as public access to the beach is not inhibited by the construction of bluff face stairways, and a requirement that all staircases allow public access has no correlation—or “nexus”—to the impact of the development at issue. **The Commission cannot commandeer the County’s certified LCP to impose an unconstitutional exaction through a process that was never intended to ensure public access in the first place.** The County’s rejection of the Commission’s attempt to do the same thing in 2011 demonstrates the importance of rejecting this most recent effort to highjack the County’s policy regarding conditions for coastal bluff development.

As set forth in Planning and Development’s letter to the Board of Supervisors dated October 17, 2017, the County may adopt amendments to the Commission’s suggested modifications, and submit the amended Eastern Goleta Valley Community Plan (“EGVCP”) to the Commission for recertification. **It is not a foregone conclusion that the Commission will refuse to certify the re-submitted Plan, and the County—as the sole permitting authority for coastal zone development in the Plan area—should defend its coastal development**

Board of Supervisors  
County of Santa Barbara  
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**policy against the Commission's overreach.** If the Commission refuses to certify the LCP, the 1993 Goleta Community Plan ("GCP") will remain in effect in the coastal zone within the planning area, which covers Hope Ranch and More Mesa, and which has proven to provide ample protections regarding the development of More Mesa. Furthermore, there is reasonable hope that if County rejects the proposed modification to Policy GEO-EGV-1.1, the Commission will nonetheless certify the other provisions of the EGVCP.

**For these reasons, we urge the Board of Supervisors to reject the Commission's modification to Policy GEO-EGV-1.1:**

- The Commission's modification is overreaching, contrary to well-established County policy regarding coastal bluff development and private accessways, and is very clearly an unconstitutional exaction on coastal development rights.
- County staff's concern that the Commission will block future development absent a public access dedication is unwarranted.
- If the County rejects the modification, the Commission would be constrained to reviewing the permit under the current LCP, which very clearly allows engineered stairways and accessways to be constructed and maintained in this portion of the County of Santa Barbara.

Thank you for your consideration of our concerns, and please contact our office directly if you have any additional questions ahead of the November 7 hearing on this matter.

Very truly yours,



Mark S. Manion  
for PRICE, POSTEL & PARMA LLP

**cc:** **Darcel Elliott**, Chief of Staff for Supervisor Williams ([delliott@countyofsb.org](mailto:delliott@countyofsb.org))  
**Mary O'Gorman**, Chief of Staff for Supervisor Wolf ([mogorman@countyofsb.org](mailto:mogorman@countyofsb.org))  
**Jefferson Litten**, Chief of Staff for Supervisor Hartmann ([jlitten@countyofsb.org](mailto:jlitten@countyofsb.org))  
**Bob Nelson**, Chief of Staff for Supervisor Adam ([bob.nelson@countyofsb.org](mailto:bob.nelson@countyofsb.org))  
**Cory Bantilan**, Chief of Staff for Supervisor Lavagnino ([cory.bantilan@countyofsb.org](mailto:cory.bantilan@countyofsb.org))

## Lenzi, Chelsea

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**From:** Nancy Baron <nancy.baron@compassscicomm.org>  
**Sent:** Wednesday, November 01, 2017 11:41 AM  
**To:** sbcob  
**Subject:** Eastern Goleta Valley Community Plan

Dear Santa Barbara County Board of Supervisors,

I am writing to ask that you accept the following recommendations from the California Coastal Commission for the Eastern Goleta Valley Community Plan:

- Increased buffers for environmentally sensitive habitats on More Mesa;
- Protections for chaparral, birds of prey, creeks, and habitats in the Goleta Valley area; and
- Prohibitions on coastal bluff development, including private staircases that jeopardize our beaches, bluff stability, and habitats.

Development in Goleta has been rampant in recent years. Once these last parcels go we can never go back. Please protect Goleta's remaining natural and wildlife habitats. Animals need a place to survive and thrive too.

Thank you!

Respectfully,

Nancy Baron

Nancy Baron  
Science Outreach Director | COMPASS  
National Center for Ecological Analysis and Synthesis,  
Santa Barbara CA

Cell: 805-450-3158  
Skype: nancyebaron  
Twitter: @Nancy\_Baron  
Connect with COMPASS: [www.COMPASSscicomm.org](http://www.COMPASSscicomm.org)

## Lenzi, Chelsea

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**From:** Robert & Donna Moore <dl-remoore@cox.net>  
**Sent:** Wednesday, November 01, 2017 12:23 PM  
**To:** sbcob  
**Subject:** Esatern Goleta Valley Community Plan

Dear Santa Barbara County Board of Supervisors:

As I am unable to attend the board meeting scheduled for Tuesday, November 7th, please accepts my comments by email. It goes without saying that coastal lands should be protected at all costs. There are so few open spaces left, and open spaces are critical for human mental health, animal health, plant and insect health, all of which contribute to community and society's health.

These protections should include, increased buffers for sensitive habitats on More Mesa, protections for native habitats and the animals they serve throughout the Goleta Valley, as well as a variety of prohibitions on coastal and coastal bluff development.

Best regards,

Donna Moore  
Santa Barbara Unincorporated Area Resident Lover of the land and its creatures