

LAW OFFICE OF MARC CHYTILO

ENVIRONMENTAL LAW

July 2, 2010

Santa Barbara County
Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101

By email to sbcob@co.santa-barbara.ca.us
and by hand delivery

RE: California Coastal Commission (CCC) Suggested Modifications to County Land Use and Development Codes (LUDC)

Dear Chair Wolf and Honorable Members of the Board,

This letter is submitted on behalf of the Naples Coalition, a non-profit community organization dedicated to the preservation of the rural character of the Naples property on the Gaviota coast. The Coalition supports the CCC's recommendations, and in particular changes that identify Principal Permitted Uses in agricultural zones. Limiting principal permitted dwellings to 3,000 square feet in gross floor area and a building envelope of 10,000 square feet ensures that McMansions unrelated to bona fide agricultural uses are appealable to the CCC. The Coalition is concerned however that Staff has taken a position on several key issues that is at odds with the CCC's recommendations on the LUDC. For the reasons discussed herein, we urge the Board to follow the CCC's recommendations on these issues because they are more protective of coastal resources, more consistent with the Coastal Act and sound coastal planning principles, and because the Santa Barbara Ranch Project and other Gaviota Coast projects demonstrate the need for the CCC's recommended changes.

1. Designating Subdivisions, LLAs, and Voluntary Mergers as Land Uses that Require the Approval of a CDP: Suggested Modifications 9, 13, and 14

Section 30106 of the Coastal Act and the certified LCP define "development" as any "change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act . . . and any other division of land." Accordingly, the CCC reasons that subdivisions, lot line adjustments (LLAs) and lot mergers require a Coastal Development Permit (CDP) pursuant to the Coastal Act and LCP. (CCC Staff Report, p. 12). County Staff disagrees with respect to lot mergers, stating that a CDP is inappropriate because voluntary mergers are not governed by the LUDC, are strictly ministerial, do not require public hearing, are processed by the County Surveyor. (Board Letter, p. 3).

The CCC also clarifies that because neither subdivisions, lot line adjustments (LLAs), nor lot mergers are identified in the LCP as a principal permitted use in any zone, they would all be appealable to the CCC. (CCC Staff Report, p. 12). The County acknowledges that LLAs and subdivisions are

development requiring a CDP however does not agree that these actions are appealable on the basis of not being the principal permitted use. (See Board Letter, p. 3).

Appealable CDPs for Subdivision, LLA and merger are necessary to ensure the division of land and changes in lot density do not adversely impact coastal resources. Subdivision, LLA and merger are frequently employed in order to effectuate coastal development, as evidenced by the current and pending projects on the Gaviota Coast, including the controversial Santa Barbara Ranch Project, Projects on the Makar property (Arco Dos Pueblos Golf Links Project, Dos Pueblos Naples Residential Development Project), Eagle Canyon Ranch Lot Line Adjustment Project, and Las Varas/Edwards Ranch Tentative Parcel Map, LLA, Water System and Consistency Rezone Project. (Exhibit 1, County Gaviota Coast Projects (May 2010)). In the context of the Santa Barbara Ranch Project, the merger of multiple substandard, non-conforming and unbuildable lots enabled the developer to fashion a potentially viable development project for the property that included large homes with large building envelopes. Merger of these substandard lots also enabled the transfer of development potential to valuable agricultural lands and lands with high biological value.

It is imperative that Subdivision, LLA and merger, which open the door to new development and shape the future landscape of our coast, be reviewed for consistency with the LCP and Coastal Act by the County during CDP application review, and if necessary by the CCC on appeal. Staff's concerns essentially amount to procedural inconveniences that can and should be overcome. Accordingly we urge the Board to approve the CCC's recommendations on these issues.

2. Restricting Stairways on Coastal Bluffs to those that Provide Public Access: Suggested Modification 21

The CCC is concerned with the County's interpretation of the existing LCP language "no development shall be permitted on the bluff face except for engineered staircases or accessways to provide beach access . . ." as allowing the construction of private stairways on bluff slopes to provide individual homeowners access to the beach from bluff-top properties. (CCC Staff Report, p. 9). The CCC reasons that due to their unique instability, any development on the bluff face must be limited to the maximum extent while still being consistent with the Coastal Act's mandate of maximizing public access to the sea.¹ The CCC explains the suggested modification "is necessary to clarify the intent of this section and ensure that new development on bluff slopes will be limited to the maximum extent feasible, consistent with the provision of public access." (*Id.*).

The County admits that the "County has always interpreted this section to allow for private staircases to provide individual homeowners access to the beach from bluff-top properties (e.g., those located in

¹ Coastal Act § 30210 "In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse."

Hope Ranch), and has issued Coastal Development Permits allowing for the construction and repair of such staircases.” (Board Letter, p. 4). County Staff articulates the concern that the modification “would not allow the construction of new private access stairways, and would make all the existing, permitted private staircases nonconforming, thus precluding them from being structurally repaired should the need arise.” (*Id.*).

The CCC’s position is more protective of coastal resources than County Staff’s position, while also allowing for the continued construction and refurbishing of bluff-top public access stairways. The Coastal Act requires that public access be maximized, consistent with the protection of natural resources and rights of private property owners. (*See* fn. 1). The CCC’s recommended modification appears to allow private homeowners to build or refurbish bluff-top stairways, provided they open the stairway for public use. In this respect the CCC’s position encourages private landowners to allow public access across their property down to the beach, a much needed incentive in areas like Hope Ranch with steep bluff-faces and contiguous private development where the public is effectively precluded from accessing the *public* beach because vertical access points are exclusively private.

The modification is relevant to Naples because of the steep bluff-face along much of the Naples property and the ongoing efforts to develop individual homes outside the scope of the approved project both on the Santa Barbara Ranch, Dos Pueblos Ranch, and Makar properties (*see* e.g. Exhibit 3, CBAR Application (since withdrawn) for a SFR on Naples and associated Parcel Map). The CCC’s modification is necessary to ensure that private development at Naples does not jeopardize coastal resources for private beach access.

We urge the Board to follow the CCC’s recommendation with respect to the public access limitation on bluff-top beach access stairways. The modification is required for the County’s LCP to be consistent with the public access provisions of the Coastal Act and moreover would provide a significant benefit to the public by incentivising the expansion of public beach access points throughout the County.

3. Requiring that CDPs following Amendments to CUPs and Appealable Development Plans Are Subject to a Public Hearing: Suggested Modifications 3 & 4

The CCC’s recommended modifications include re-inserting previously approved language and making additional clarifications to the County’s CDPs processing procedures. The recommended changes would require a public hearing on any CDPs following a substantial (as opposed to minor) amendment to a Conditional Use Permit (CUP) or appealable Development Plan. (Board Letter, pp. 4-5; CCC Staff Report, p. 45). The changes would also eliminate the practice of issuing “follow-up” CDPs subsequent to the approval of a CUP or Development Plan that are insulated from public and CCC scrutiny. (CCC Staff Report, pp. 5-6; 32-35).

The County's practice of approving amendments to CUPs or appealable Development Plans and associated CDPs with no public hearing deprives the public of the ability to review potentially substantial changes to a project for consistency with the Coastal Act and LCP. County Staff disagrees with the CCC's recommendation that a public hearing must be held for these amendments, objecting to the potential for multiple public hearings on 'essentially the same project' and the associated increases in processing time costs. (Board Letter, p. 5). County Staff's assertion that the changes would require multiple hearings on 'essentially the same project' is unfounded because the CCC recommends a hearing only where changes are by definition *not minor*. Specifically, amendments to CUPs and Development Plans would still be processed by the Zoning Administrator without hearing and without the opportunity for appeal, *unless* the amendment includes a substantial change such as a change in use or scope of development, a change that requires design review, or a change that otherwise fails to meet the criteria for approval as a minor change. (See LUDC §§35.84.040.C and D, CCC Staff Report pp. 43-45). Additional public process is critical to ensure the change in use or scope of development, new structures, or other substantial changes are consistent with the LCP and Coastal Act.

The County's past practice issuing "follow-up" CDPs after approval of a CUP or Development Plan (see Board Letter pp. 4-5) deprives the public and the CCC of the ability to evaluate the specific components of the development and assess their impacts on coastal resources. Moreover the "follow-up" CDP practice hinders the CCC appeal process, as witnessed with the Santa Barbara Ranch Project where the CCC twice rejected the County's Notice of Final Action as incomplete, in part because the County failed to describe the individual actions and coastal development permits for each component of the project. The CCC found that

[w]ithout this basic project-level information, it is not possible to determine the scope of the approved development and; thus, whether specific factual findings have been included that support the legal conclusions of the notice that the development is in conformity with the certified LCP. Deficiencies include, but are not limited to, failure to describe the actual sizes and locations of residences, guest units, garages, grading, and infrastructure improvements associated with individual coastal permits . . .

(Exhibit 2, CCC Deficiency Notice, Santa Barbara Ranch Project (October 31, 2008)). In this deficiency notice the CCC noted that the development specifics must be known to assess not only the relationship between the development and coastal resources, but also to understand which specific project components are in fact appealable to the CCC (e.g. whether it is within 300 feet of a wetland, see Coastal Act § 30603 (a)(2)). (See Exhibit 2, p. 2). Processing CDPs concurrently with the underlying CUPs and Development Plans as recommended by the CCC would ensure that meaningful detail regarding the specific development components is evaluated upfront as part of the project and transmitted to the CCC in the County's notices of final action. This would allow for comprehensive review of the project's impacts on coastal resources and consistency with the Coastal Act and LCP.

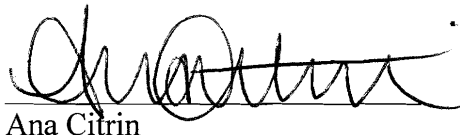
The CCC's recommendations effectuate much needed changes in the County's CDP processing procedures and we urge the Board to incorporate the previously approved language and suggested clarifications recommended by the CCC.

4. Conclusion

In the three areas of disagreement between County Staff and the CCC, the CCC's recommendations are more protective of coastal resources, expand opportunities for public beach access, and add transparency and cohesion to the disjointed process of approving "follow-up" CDPs, and CDPs following substantial changes to the underlying entitlement without public hearing. Accordingly, and for reasons discussed above, we urge the Board to adopt the CCC's recommendations in these three areas.

Sincerely,

LAW OFFICE OF MARC CHYTILO



Ana Citrin

Exhibits:

Exhibit 1, County Gaviota Coast Projects (May 2010).

Exhibit 2, CCC Deficiency Notice, Santa Barbara Ranch Project (October 31, 2008)

Exhibit 3, CBAR Application (since withdrawn) for a SFR on Naples and associated Parcel Map (May 19, 2010)



GAVIOTA COAST PROJECTS

PLANNING AND DEVELOPMENT DEPARTMENT

MAY 2010

Project Planner	District Location	APN(s)	Acreage Project Description	Status
1 Allen Bell Discretionary Action	Third Supervisorial District 500 Farren Road, one mile west of Goleta and one- third mile north of Hwy 101	079-090-036	Approximately 17 acres 13,333 sq. ft. dwelling (includes 2,112 sq. ft. basement and 1,798 sq. ft. garage), 800 sq. ft. guest house with 568 sq. ft. attached garage, 1,200 sq. ft. barn, municipal water line and accessory structures Case Nos. 05LUP-00000-00611, 06APL-00000-00045, 08CDP-00000-00006 (water line) and 08NGD-00000-00014 (Mitigated Negative Declaration)	In process P&D staff denied the project in June 2006; project does not comply with visual resources and ridgeline/hillside policies. Applicant appealed decision. Planning Commission approved the project in November 2006. Gaviota Coast Conservancy (GCC) appealed decision. Board of Supervisors (BOS) approved the project in July 2008. GCC challenged the decision in Superior Court. In April 2009, Superior Court ordered the County to rescind and vacate its approval and prepare a focused Environmental Impact Report on visual impacts. The Court also enjoined further development pending final approval of the project by the BOS. In December 2009, Court of Appeal upheld this decision. Staff is waiting for direction from the applicant.

* Project subject to review and approval by the Board of Architectural Review
 Project received final action from the County (e.g., approved, denied, completed)

Exhibit 1

GAVIOTA COAST PROJECTS

	Project Planner	District Location	APN(s)	Acreage Project Description	Status
2	Bean Blossom Lot H Single Family Residence Allen Bell Ministerial Action*	Third Supervisorial District 14200 Calle Real, one mile west of Refugio State Beach and north of and adjacent to Hwy 101	081-200-032	Approximately 106 acres 13,844 sq. ft. dwelling (includes 1,012 sq. ft. garage), 866 sq. ft. guest house, 582 sq. ft. cabana and accessory structures including a pool. (Statistics are gross floor area.) Case Nos. 02CDP-00000-00022, 04APL-00000-00005 and 05APL-00000-00014	Approved (July 2006) Grading permit issued in July 2009. Building and Safety Division is reviewing application for building permit.
3	Bean Blossom Lot X Single Family Residence Allen Bell Ministerial Action*	Third Supervisorial District 14000 Calle Real, one mile west of Refugio State Beach and north of and adjacent to Hwy 101	081-210-047	Approximately 287 acres 17,605 sq. ft. dwelling (includes 4,895 sq. ft. basement and underground garage), 1,339 sq. ft. guest house and accessory structures including pool and driveway of approximately 4,200 linear feet. (Statistics are gross floor area.) 56,000 cubic yards of cut and fill. Case No. 02CDP-00000-00023, 08APL-00000-00040 (appeal of Planning Commission denial) and 08APL-00000-00041 (appeal of CBAR denial)	In process Board of Architectural Review (BAR) and P&D staff denied the project in September 2008; the project did not minimize grading or fully comply with visual resources policies. Applicant appealed. Planning Commission (PC) denied the project in November 2008. Applicant appealed and then proposed a modified project with a smaller dwelling and less grading. In December 2009, the Board of Supervisors (BOS) directed staff and BAR to review the modified project and return with a recommendation. BOS is expected to consider the modified project by late June 2010.


* Project subject to approval by Board of Architectural Review

Project received final action from County (e.g., approved, denied, completed)

GAVIOTA COAST PROJECTS

	Project Planner	District Location	APN(s)	Acreage Project Description	Status
4	Dos Pueblos Naples Residential Development Pre-Application (Makar) Allen Bell Discretionary Action*	Third Supervisorial District Within Naples Townsite, south of Hwy 101 on the western edge of Santa Barbara Ranch Project	079-180-010, -048, -049, -050, -052, -053, -058, -059, -060, -061, -062, -063, -064, -068, -071 and -072	Approximately 63 acres Pre-application to merge 25 antiquated lots into 10 new lots and construct a single-family dwelling on each lot Case No. 05PRE-00000-00004	Complete (September 2005) Pre-application meeting and follow-up letter complete. No pending application.
5	Eagle Canyon Ranch Lot Line Adjustment (Parsons) Allen Bell Discretionary Action	Third Supervisorial District North of Hwy 101, approximately one-half mile west of Bacara Resort	079-060-062 079-060-063 079-090-003 079-090-005 079-090-032 079-090-033 079-090-034 079-090-037	Approximately 1,060 acres Merge seven existing lots into four new lots and establish a building envelope for a new dwelling on each lot Case No. 05LLA-00000-00007	Pending Application incomplete since March 2005. Resubmittal filed September 2009. Resubmittal deemed incomplete October 2009.
6	El Capitan Canyon Campground Relocation and Development (Area F) Errin Briggs Discretionary Action	Third Supervisorial District Eight miles west of Goleta, immediately north of Hwy 101 and El Capitan State Beach	081-250-014	Approximately 196 acres Application for a Substantial Conformity Determination to relocate and develop entitlements to 40 campsites to an area approximately 2,000 feet east of the existing campground (Area F) based on approved Conditional Use Permit (01CUP-00000-00096). The project would also include conversion of an existing 5,716 square-foot service building into general mercantile, food service, comfort station, laundry and other incidental uses for the guests. Case No. 07SCD-00000-00050	Complete (March 2009) Staff determined project would not be in substantial conformity with the approved Conditional Use Permit. Applicant is now preparing an application for a modified project with approximately 35 RV cabins, pool and ancillary facilities in the area east of the existing campground (Area F).

* Project subject to approval by Board of Architectural Review

 Project received final action from County (e.g., approved, denied, completed)

GAVIOTA COAST PROJECTS

Project Number	Project Planner	District Location	APN(s)	Acreage Project Description	Status
7	Gaviota Holdings Habitat Restoration Allen Bell Discretionary Action	Third Supervisorial District South of and adjacent to Hwy 101, west of and adjacent to Bacara Resort	079-200-002 079-200-005	Approximately 60 acres Application for a Coastal Development Permit to implement a habitat restoration plan. Application submitted to help mitigate the impacts of unpermitted removal of 7.45 acres of eucalyptus trees, coastal sage shrub, native grass and nonnative vegetation. Case Nos. 07CDH-00000-00037 and 07ZEV-00000-00204	In process Application incomplete since December 2007. Staff sent applicant sixth incompleteness letter in November 2008 and follow-up letters in January, April, May and July 2009. Applicant is conducting resource surveys and expects to submit information required for a complete application by June 2010.
8	Gaviota Marine and Oil Storage Terminal Demolition and Rezone Kevin Drude Discretionary Action	Third Supervisorial District 16899 Hwy 101, approximately one mile east of Gaviota State Park	081-130-060 081-130-019	Approximately 42 acres Operations ceased permanently in fall 2004. Application for demolition and reclamation Permit for oil facilities. County-initiated revision to land use and zone district designations from Coastal-Dependent Industry to Recreation Case Nos. 06DRP-00000-00004 and 04RZN-00000-00008	Approved (July 2008)/ In process Director of P&D approved demolition and reclamation permit in July 2008. Above-ground facility demolition began in October 2008. Tanks and other above-ground facilities were removed in September 2009. Soil investigation to identify remediation options began in December 2009. Revision to land use and zone district designations suspended pending additional information.


* Project subject to approval by Board of Architectural Review

Project received final action from County (e.g., approved, denied, completed)

GAVIOTA COAST PROJECTS

	Project Planner	District Location	APN(s)	Acreage Project Description	Status
9	Gaviota State Park Backcountry Roads Repair Julie Harris Discretionary Action	Third Supervisorial District Within Gaviota State Park west of Hwy 101	083-590-003 083-590-007 083-590-009 083-590-011 083-590-016 083-650-008 083-650-009	Approximately 1,235 acres Regrade and repair approximately 2.5 to 3.7 miles of existing backcountry dirt roads with seven stream crossings. Case Nos. 08DVP-00000-00026 and 08CDP-00000-00184	In process Application incomplete since August 2008. Staff is waiting for applicant to submit information required for a complete application.
10	Hart Farm Employee Dwelling Errin Briggs Discretionary Action*	Third Supervisorial District 14610 Terra Vista Drive, immediately south of Tajiguas Landfill	081-150-033	Approximately 20 acres 1,600 sq. ft. farm employee dwelling Case Nos. 06CUP-00000-00030 and 07CDP-00000-00087	Approved (June 2007) Construction in process.
11	Hart Single Family Residence Errin Briggs Ministerial Action*	Third Supervisorial District 14640 Terra Vista Drive, immediately south of Tajiguas Landfill	081-150-034	Approximately 24 acres 4,885 sq. ft. dwelling (includes 840 sq. ft. attached garage) and 797 sq. ft. guest house Case No. 02CDP-00000-00109	Approved (April 2005) Construction in process.
12	Larralde Single Family Residence Allen Bell Ministerial Action*	Third Supervisorial District 2169 Refugio Road, 4 miles north of Hwy 101 and Refugio State Beach	081-040-028	Approximately 22 acres 2,914 sq. ft. dwelling, cabana, pool, guesthouse/recreation area/carport and accessory structures totaling approximately 6,700 sq. ft. of development Case No. 05LUP-00000-00988	Approved (August 2007) Grading permit issued in December 2008; grading in process.

* Project subject to approval by Board of Architectural Review

 Project received final action from County (e.g., approved, denied, completed)

GAVIOTA COAST PROJECTS

	Project Planner	District Location	APN(s)	Acreage Project Description	Status
13	Kong Lot Line Adjustment and Consistency Rezone Allen Bell Discretionary Action	Third Supervisorial District North of Hwy 101 and Refugio State Beach, 11 miles west of Goleta	081-040-012 081-040-052	Approximately 108 acres Reconfigure two existing lots (41 and 67 acres). One lot includes a dwelling. Applicant proposed a building envelope for one new dwelling on the second lot. Consistency rezone from Ordinance 661 to Land Use and Development Code. Case Nos. 08LLA-00000-00011 and 08RZN-00000-00008	In process Applications incomplete since September 2008. Staff is waiting for applicant to submit information required for complete applications. Applicant is preparing studies and other information. Applicant expects to submit information required for a complete application by June 2010.

* Project subject to approval by Board of Architectural Review

Project received final action from County (e.g., approved, denied, completed)

GAVIOTA COAST PROJECTS

Project Planner	District Location	APN(s)	Acreage Project Description	Status	
14	Las Varas/ Edwards Ranch Tentative Parcel Map, Lot Line Adjustments, Water System and Consistency Rezone (Doheny) Alex Tuttle Discretionary Action	Third Supervisorial District North and south of Hwy 101, immediately west of Naples Townsite	079-080-009 079-080-022 079-080-012 079-080-013 079-080-014 079-080-001 079-080-002 081-240-003 081-240-014	Approximately 1,800 acres North of 101 Merge three existing lots into two new lots and establish a building envelope for a future residence on each lot. Consistency rezone from Ordinance 661 to Land Use and Development Code. Case Nos. 05LLA-00000-00006, 07RZN-00000-00006, 07CUP-00000-00057 (water system) South of 101 (Between the railroad and 101) Merge two existing lots, subdivide into three new lots and establish a building envelope for a future residence on each lot. Consistency rezone from Ordinance 661 to Land Use and Development Code. Case Nos. 05TPM-00000-00002, 07RZN-00000-00007, 07CUP-00000-00057 (water system) South of 101 (Between the railroad and ocean) Merge three existing lots into two new lots and establish a building envelope for a new dwelling on each lot. Case Nos. 05LLA-00000-00005 and 07CUP-00000-00057 (water system)	In process Applications deemed complete in March and April 2008. Environmental Impact Report in process.
15	Melliar- Smith/Moser Lot Line Adjustment and Consistency Rezone Nicole Mashore Discretionary Action	Third Supervisorial District North of Hwy 101 and Refugio State Beach, 11 miles west of Goleta	081-040-047 081-040-049	Approximately 64 acres Reconfigure two existing lots (20 and 44 acres). One lot includes a dwelling. Applicant proposed a building envelope for one new dwelling on the second lot. Consistency rezone from Ordinance 661 to Land Use and Development Code. Case Nos. 05LLA-00000-00009 and 07RZN-00000-00008	Approved (July 2008) Final Map Clearance completed in September 2008.

* Project subject to approval by Board of Architectural Review

Project received final action from County (e.g., approved, denied, completed)

GAVIOTA COAST PROJECTS

Project Number	Project Planner	District Location	APN(s)	Acreage Project Description	Status
16	Paradiso del Mare Inland Estate (Makar) Allen Bell Discretionary Action	Third Supervisorial District South of and adjacent to Hwy 101, one-half mile west of Bacara Resort	079-200-008	Approximately 78 acres 12,413 sq. ft. dwelling (including 1,271 sq. ft. basement), 1,303 sq. ft. garage with studio, 282 sq. ft. cabana and 843 sq. ft. guest house with garage Case Nos. 06CDH-00000-00039 and 07CUP-00000-00065 (water line)	In process Application deemed complete in August 2007. Environmental Impact Report (EIR) in process. Comment period on Draft EIR closed November 3, 2009. Staff is preparing the Final EIR.
17	Paradiso del Mare Ocean Estate (Makar) Allen Bell Discretionary Action*	Third Supervisorial District South of Hwy 101 and Union Pacific Railroad, one-half mile west of Bacara Resort	079-200-004	Approximately 65 acres 8,042 sq. ft. dwelling (including 671 sq. ft. basement, 703 sq. ft. garage and 286 sq. ft. gym), 784 sq. ft. guest house and 462 sq. ft. garage Case Nos. 06CDH-00000-00038 and 07CUP-00000-00065 (water line)	In process Application deemed complete August 2007. Environmental Impact Report (EIR) in process. Comment period on Draft EIR closed November 3, 2009. Staff is preparing the Final EIR.

* Project subject to approval by Board of Architectural Review
 Project received final action from County (e.g., approved, denied, completed)

GAVIOTA COAST PROJECTS

Project Planner	District Location	APN(s)	Acreage Project Description	Status
18	Santa Barbara Ranch Project Tom Figg Discretionary Action*	Third Supervisorial District Santa Barbara and Dos Pueblos Ranches, north and south of Hwy 101, two miles west of Goleta	079-140-012 plus over 185 other APNs Project entails an array of legislative and quasi-judicial actions including: (1) text and map amendments to the Comprehensive Plan, Coastal Land Use Plan and Coastal Zoning Ordinance; (2) subdivision applications including Vesting Tentative Tract Map, Lot Mergers, Lot Line Adjustments and Conditional Certificates of Compliance; (3) cancellation, modification and re-issuance of Williamson Act contracts; (4) new agricultural conservation and open space Easements; (5) zoning applications including Development Plans, Conditional Use Permits and Minor Conditional Use Permits, Land Use Permits and Coastal Development Permits; and (6) miscellaneous actions including development agreements. Overall project includes 71 new residences, equestrian center, agricultural support facilities, a worker duplex, public amenities (e.g., access road, parking, restroom, coastal access trails), and creation of conservation easements for permanent protection of open space and agriculture. The project is divided into two components: Inland Area component including 50 new residences and Coastal component including 21 residences. Portions of the Inland Area component may proceed in advance of the Coastal Zone component provided applicant satisfies various conditions.	Approved; Board of Supervisors approved overall project on October 21, 2008, and made further modifications in December 2008, January 2009, March 2009 and October 2009. Amendments to the Coastal Land Use Plan, along with Final Notice of Approval for appealable actions within the Coastal Zone, were submitted to the California Coastal Commission (CCC). CCC requested additional information. County expects to respond and submit additional information to the CCC by June 2010.
Case No. 03DVP-00000-00041				


* Project subject to approval by Board of Architectural Review

Project received final action from County (e.g., approved, denied, completed)

GAVIOTA COAST PROJECTS

	Project Planner	District Location	APN(s)	Acreage Project Description	Status
19	Shell/Hercules Remediation and Slope Stabilization	Third Supervisorial District 14730 Calle Real, west of and adjacent to Tajiguas Landfill and north of and adjacent to Hwy 101	081-150-041	Approximately 69 acres Remediation of former gas plant site, including excavation of contaminated soil and related grading and drainage work. Project will require approximately 10,000 cubic yards or cut and fill. This is the first step in the on-going remediation and cleanup of the site. The project is overseen by an interagency team headed by the California Department of Toxic Substances Control. Case No. 09CDH-00000-00002	Approved (September 2009) Limited tasks completed in October 2009. Project will resume in May 2010.
20	Schulte/Dos Pueblos Ranch Lot Line Adjustment	Third Supervisorial District Portion of Santa Barbara and Dos Pueblos Ranches, north of Hwy 101, two miles west of Goleta	Portion of 079-060-066 and all of 079-080-021, 079-090-030 and 081-240-018	Approximately 2,053 acres Lot Line Adjustment (LLA) to adjust the lot lines between a 1,977.50-acre parcel (Parcel A) and an adjacent 76-acre parcel (Parcel B). LLA would result in a 1,693.50-acre parcel (Parcel 1) and a 360-acre parcel (Parcel 2). LLA would help reconfigure a parcel that would be subdivided and developed under a Vesting Tentative Parcel Map approved as part of Santa Barbara Ranch Project.	In process Application deemed incomplete on April 9, 2010.
21	Simon Single Family Residence Allen Bell Ministerial Action*	Third Supervisorial District 15000 Calle Real, one mile west of the Tajiguas Landfill and immediately north of and adjacent to Hwy 101	081-150-028	Approximately 47 acres 4,448 sq. ft. dwelling (includes 410 sq. ft. garage), 460 sq. ft. garage, 783 sq. ft. guest house and accessory structures including an access road/driveway of approximately 950 linear feet. (Statistics are gross floor area.) Case No. 05CDP-0000-00148	Approved (February 2009) Building and grading permits not issued; no construction to date.


* Project subject to approval by Board of Architectural Review

 Project received final action from County (e.g., approved, denied, completed)

GAVIOTA COAST PROJECTS

	Project Planner	District Location	APN(s)	Acreage Project Description	Status
22	Stoltman Single Family Residence Ministerial Action	Third Supervisorial District 420 Calle Lippizana, approximately one mile west of El Capitan State Beach and north of Hwy 101 within El Capitan Ranch	081-260-004	Approximately 10 acres 5,598 sq. ft. dwelling (includes 600 sq. ft. attached garage and 644 sq. ft. covered porch) Case No. 06LUP-00000-00840	Approved (November 2006) Construction completed in January 2008.
23	Tajiguas Landfill Reconfiguration and Baron Ranch Restoration Project Joddi Leipner Discretionary Action	Third Supervisorial District North of and adjacent to Hwy 101, approximately 6 miles west of Refugio State Beach	Tajiguas Landfill: 081-150-019 081-150-026 081-150-042. Reconfiguration project is on 081-150-026. Baron Ranch: 081-150-032 081-100-005 081-090-009 Restoration activities on 081-150-032.	Tajiguas Landfill totals approximately 464 acres. Project involves approximately 12 acres of 118-acre permitted landfill footprint. Baron Ranch totals 1,083 acres. Restoration area totals 38 acres. Reconfiguration of a portion of the permitted landfill footprint at the Tajiguas Landfill and restoration of riparian, upland and California red-legged frog habitat on adjacent Baron Ranch. Reconfiguration would not modify any operational parameters (e.g., refuse capacity, hours of operation, personnel requirements, waste handling procedures, etc.). Case No. Not Applicable	Approved (May 2009) Project also required permits/approvals from California Department of Fish and Game, California Regional Water Quality Control Board, California Integrated Waste Management Board, U.S. Army Corps of Engineers and U.S. Fish and Wildlife Service. Restoration and construction activities in process.


* Project subject to approval by Board of Architectural Review

 Project received final action from County (e.g., approved, denied, completed)

GAVIOTA COAST PROJECTS

	Project Planner	District Location	APN(s)	Acreage Project Description	Status
24	Zacara Ranch Alex Tuttle Discretionary Action	Third Supervisorial District North of and adjacent to Hwy 101, one mile east of El Capitan State Beach	081-250-016	Approximately 202 acres Planner consultation for an upcoming Development Plan to legalize unpermitted development, including conversion of portions of three buildings into offices, conversion of portions of a stable into dwelling units, grading and other site improvements. Case No. 10CNS-00000-00004	In process Application completeness review in process. An approved Conditional Use Permit allows a horse breeding and boarding operation on the property. The owner intends to use the ranch for private polo training.

* Project subject to approval by Board of Architectural Review

 Project received final action from County (e.g., approved, denied, completed)

GAVIOTA COAST PROJECTS

The area covered by the preceding list and colored on the accompanying map are generally bounded by the Gaviota State Park to the west, the Pacific Ocean to the south, the City of Goleta to the east and the Los Padres National Forest to the north, except a few projects north of the boundary of the Los Padres National Forest (e.g., Kong Lot Line Adjustment, Larralde Single Family Residence and Melliar-Smith Lot Line Adjustment). The area encompasses approximately 30,116 acres.

Land Categories	New Single-Family Residences**	Acreage	Percent of Total Acreage
Private Property with Residential Projects	100	7,274	24%
Other Private Property	NA	9,622	32%
Private Property with Conservation Easements	NA	3,466	12%
State, County and Conservancy Property	NA	7,842	26%
Oil and Gas Property	NA	1,912	6%

**Does not include agricultural employee housing.

G:\GROUP\Dev_Rev\Gaviota Coast Development Monitoring\Gaviota Coast Projects List 05.03.10.doc

* Project subject to approval by Board of Architectural Review

Project received final action from County (e.g., approved, denied, completed)

CALIFORNIA COASTAL COMMISSION

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



DEFICIENCY NOTICE

DATE: October 31, 2008

TO: Tom Figg
Santa Barbara County, Planning and Development
123 E. Anapamu Street
Santa Barbara, CA 93101

FROM: Steve Hudson; District Manager

RE: Notice of Final Action for "Santa Barbara Ranch Project" (*including all separate permits, actions, and other discretionary approvals as described in your cover letter dated October 27, 2008, and the attachments thereto, including, but not limited to, the document titled "Attachment C-1, Conditions of Approval, Final Adopted Santa Barbara County Santa Barbara Ranch Project", "Attachment C-2, Conditions of Approval, Preliminary Draft Santa Barbara County Santa Barbara Ranch Project Tables" and "Attachment C-3, Exhibit 13 (Project Scope)"*)

Pursuant to California Code of Regulations, Title 14 (14 CCR), section 13572 and 13572(b), please be advised of the following deficiencies in the above-referenced Notice of Final Approval/Action, which was received by our office on October 27, 2008, and which addresses multiple separate permits, actions, and other discretionary approvals collectively described in the notice as the "Santa Barbara Ranch Project" (hereinafter sometimes referred to simply as the "project").

Applicant(s): Santa Barbara Ranch, LLC

Description: The project entails the development of 71 new residential dwellings, an equestrian center, agricultural support facilities, a worker duplex, public amenities (including access roads, parking and restrooms, and coastal access trails), and creation of conservation easements for permanent protection of open space and agriculture. The project also includes: (i) text and map amendments to Comprehensive Plan, Coastal Land Use Plan, and Zoning Ordinance; (ii) subdivision approvals consisting of a vesting tentative tract map, lot mergers, lotline adjustments and conditional certificates of compliance; (iii) cancellation, modification and re-issuance of Williamson Act contracts; (iv) creation of new Agricultural Conservation and Open Space easements; (v) discretionary permit approvals encompassing development plans, conditional use permits and minor conditional use permits, land use permits and coastal development permits; and (vi) miscellaneous actions including approval of development agreements and removal of the Special Problems Area designation currently applicable to Naples.

Location: The project site encompasses the Santa Barbara Ranch and Dos Pueblos Ranch totaling approximately 3,249 acres and 85% of the lots comprising the Official Map of the Naples Townsite at Dos Pueblos Canyon Road, Santa Barbara County.

Exhibit 2

Deficiency Notice (Santa Barbara Ranch Project)
Page 2 of 3

Deficiencies noted below:

1. X Local action is not complete as described under 14 CCR Section 13570. That section states that a local decision on an application for development shall not be deemed complete until the local decision on the application has been made and all required findings have been adopted, including specific factual findings supporting the legal conclusions that the proposed development is, or is not, in conformity with the certified LCP. In this case, the final local action notice was submitted as a combined notice for multiple separate permits, actions, and other discretionary approvals generally described as the "Santa Barbara Ranch Project". However, the project descriptions for the individual actions on each component of the project, including a variety of different types of permits, coastal development permits, and other discretionary approvals did not contain adequate specificity to describe the development approved pursuant to each separate action. Without this basic project-level information, it is not possible to determine the scope of the approved development and; thus, whether specific factual findings have been included that support the legal conclusions of the notice that the development is in conformity with the certified LCP. Deficiencies include, but are not limited to, failure to describe the actual sizes and locations of residences, guest units, garages, grading, and infrastructure improvements associated with individual coastal permits (particularly in regard to several of the coastal permits approved for the portion of the project located in Santa Barbara Ranch, which describe only general ranges or maximum sizes allowable for structures and fail to describe or quantify grading amounts). In addition, the project descriptions do not describe the size (sq. ft. and height) and capacity of the water treatment facilities. Further, based on the attached exhibits, it is not clear based on the included project descriptions whether an appealable coastal permit was required for all wastewater treatment facilities, infrastructure improvements and subdivisions/mergers/lot line adjustments, or other redivisions of land approved within, or partially within, the Coastal Zone.
2. X Procedures for appeal of the decision to the Coastal Commission not included and/or inaccurate. The cover letter for your submittal included the statement "[p]lease be advised that portions of the Project are appealable to the Coastal Commission and applicable regulations setting forth the appeals process are also enclosed" and a photocopy of Chapter 35.102 (Appeals) of the County's LCP describing the appeals process in general terms. Although the submitted notice of final local action was intended as a combined notice for multiple separate permits, actions, and approvals generally described in the notice as the "Santa Barbara Ranch Project", no description was included describing which individual permits, actions, and approvals are appealable to the Commission. In order to provide adequate notice regarding "the procedures for appeal," pursuant to 14 CCR section 13571, such notice must explain which of the actions and permits included in the notice of final local action are subject to those appeals procedures. Specifically, it is necessary to provide adequate detail of which individual permits, actions, and approvals are appealable or not appealable for each separate, individual action or permit included as part of the notice including, but not limited to, subdivisions, vesting tentative tract maps, lot mergers, lot line adjustments, conditional certificates of compliance; development plans, conditional use permits, minor conditional use permits, land use permits, coastal development permits and development agreements which have been included as part of the "combined final local action notice" for this project.
3. _____ Final Local Action Notice was not received by the Coastal Commission consistent with 14 CCR Section 13571, which states that the local government shall notify the

Deficiency Notice (Santa Barbara Ranch Project)
Page 3 of 3

Commission, and any persons who specifically requested notice of such action, by first class mail.

4. ___ Written findings and conditions of Approval not included.
5. ___ Notice not given to those who requested it.

As a result of the deficiencies noted above:

Post-Certification LCP

XX The effective date of the local government action has been suspended, and the 10 working day Commission appeal period will not commence until a sufficient notice of action is received in this office. (14 CCR Sections 13570, 13572).

Post-Certification LUP

___ The effective date of the local government action has been suspended, and the 20 working day Commission appeal period will not commence until a sufficient notice of action is received in this office. (14 Cal. Admin. Code Sections 13330, 13332).

In addition, as previously discussed with County staff, the appealable coastal permits and any other appealable actions or approvals associated with this project do not appear to be consistent with the policies, provisions, land use plan designations, and zoning of the currently certified LCP. Although the Notice of Final Action submitted on October 27 included several references (including in the general project description) to a new proposed amendment to both the County's certified Coastal Land Use Plan and Zoning Ordinance, no information regarding proposed changes to the text, figures, or maps of the certified LCP was submitted (nor any of the other required items for submittal of an LCP Amendment pursuant 14 CCR Section 13552). Please note that a request by the County for an amendment to its LCP must be submitted to the Commission consistent with Section 13552 of the Commission's regulations and may not be included as part of a final local action notice for appealable development. It is our understanding that the County intends to submit a request for an amendment to the LCP related to this project; however, we have still not received any such submittal.

For the reasons discussed above, please submit a new revised Notice of Final Local Action for this project by first class mail, pursuant to the requirements of 14 CCR Section 13571. Commission staff is available to meet with County staff to discuss any of the issues raised in this letter. Please feel free to contact Amber Tysor or Steve Hudson at the South Central Coast Area office with any questions regarding this matter.

BOARD OF ARCHITECTURAL REVIEW

Application Information

PROJECT:

1. Approval Request (circle): Conceptual Revised Conceptual Preliminary Revised Preliminary
Discussion Item Final Revised Final Final on Consent

2. Description: X Residential Garage Guest House Commercial Industrial
X New Addition Remodel/Alteration Lighting Landscape Only

3. Lot Size (sq. ft./acre): Lot 3.7 acres

4. Grading (cu. yds.): Cut tbd Fill tbd

5. Assessor's Parcel Number: 079-160-045

6. Project Address: Lot 66 at Naples, Gaviota Coast, Goleta
(street, town/area)

7. Zoning: AG-II-100 8. Architect's FAX #:

CONTACTS:

9. Owner Santa Barbara Land and Ranching Company, LLC Phone: 808-497-9265
Mailing Address: 822 Bishop St. Floor 3, Honolulu, HI 96813 E-mail _____
(street, city, state, zip)

10. Applicant/Agent: Brent Daniels, L&P Consultants Phone: 805-962-4611 x204
Mailing Address: 3 West Carrillo Street, Suite #205, SB, CA 93101 E-mail bdaniels@landpconsultants.net
(street, city, state, zip)

11. Engineer/Surveyor/Architect: Shubin & Donaldson Phone: 805-966-2802
Mailing Address: 1 North Calle Cesar Chavez, SB, CA 93103
(street, city, state, zip)

12. Appearance By: Brent Daniels Phone: 805-962-4611 x204
Mailing Address: 3 West Carrillo Street, Suite #205, Santa Barbara, CA 93101
(street, city, state, zip) Fax: _____

I hereby certify that this is a complete application, and that the statistics and calculations included herein are accurate to the best of my knowledge. I also understand that a County Board of Architectural Review approval does not guarantee me a land use clearance.

SIGNED: Brent Daniels DATED: May 19, 2010

FOR COUNTY USE ONLY

Case No. 10-BAR-00000-0087 SUPERVISORIAL DISTRICT _____
South County BAR _____ Montecito BAR _____ Central County BAR _____ North County
BAR _____
MISSION CANYON _____ ISLA VISTA _____ HOPE RANCH _____ GOLETA _____ HOLLISTER RANCH _____
SUMMERLAND _____ CARPINTERIA _____ TORO CANYON _____
Ridgeline: Applicable _____ Not Applicable X AREA: Urban _____ Rural _____
For larger projects, such as subdivisions or commercial projects, how much hearing time is requested? _____
Related case No. _____ Case Planner _____
Date Received 5/21/10 By [Signature] County Receipt No. _____
BAR Meeting Date _____ Noticing Required: Yes X No _____
Photos must be submitted at this time: _____ (initialed by intake staff) Zoning Violation: Yes _____ No X

Exhibit 3

PROJECT INFORMATION

This section to be filled out by the applicant. Please print and fill in all the blank spaces.

Request of Brent Daniels, agent for Santa Barbara Land and Ranching Company, LLC
(agent or architect) (circle one) (owner's name)

to consider Case No. 10 BAR-00000-00087 for conceptual
(Counter Staff enters BAR case #) (conceptual, preliminary, final)

review of a new single family dwelling, with a guest house, garage and associated improvements
(new residence, condominium, garage, guesthouse, addition to a...)

of approximately Main House Interior Living Space - 4690 sf;
Main House Outdoor Space- 280 sf;
Garage- 875 sf;
Main House Total - 5,845 sf
Guest House- 520 sf,
Total Net SF at Grade = 6,365 sf
Basement (Below Grade)- 505 sf
(square footage of each structure)

The parcel is currently: vacant and used for grazing
(list structures, i.e., residence, garage, barn, guest house)

N/A
(also give approximate square footage of each structure)

The proposed project will require approximately tbd cubic yards of cut and
(give quantity or write None)

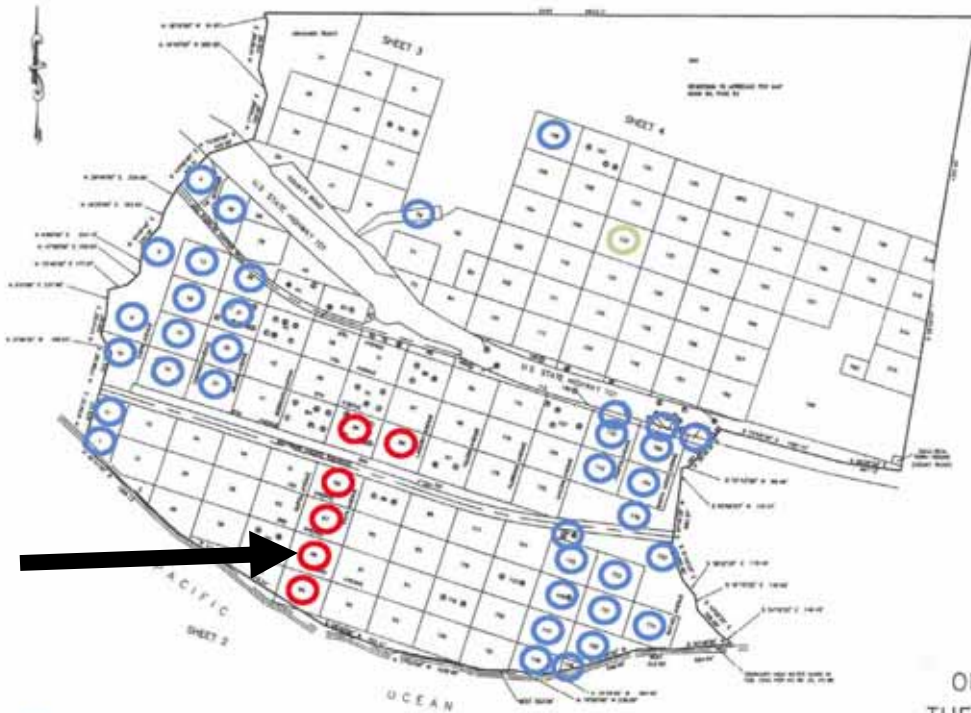
approximately tbd cubic yards of fill. The property is a nearly flat 3.7 acres parcel
(give quantity or write None) (give sq. footage if under an acre; give acreage if 1 acre or more--circle one)

zoned Ag - II - 100 and shown as APN 079-160-045
(zoning) (list APN # and use all 9 digits)

located at the south side of Highway 101, access if off Dos Pueblos Canyon Road, at Naples,
(address, road name and number only)

in the Goleta / Gaviota area, 3rd Supervisorial District,
(list area; i.e., Santa Ynez, Montecito, Goleta, etc.) (list district: 1st, 2nd, etc.)

Central BAR District.
(list district: Mont., South, Central or North)



STATEMENT OF PURPOSE
 THE PART OF THIS MAP, MAP 6, IS
 THAT OF THE TOWN OF NAPLES,
 COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA,
 DATED 10/3/89.

BOUNDARIES
 THE BOUNDARIES OF THE TOWN OF NAPLES,
 COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA,
 ARE SHOWN ON THIS MAP AS FOLLOWS:

BOUNDARY OF MAPSHEET
 THE BOUNDARY OF MAPSHEET NO. 1 IS
 AS SHOWN ON THIS MAP AS FOLLOWS:

NOTES
 1. THE BOUNDARIES ARE SHOWN ON THIS MAP
 AS SHOWN ON THIS MAP AS FOLLOWS:

SURVEYOR'S CERTIFICATE
 I, THE SURVEYOR, HAVE CAUSED TO BE
 SURVEYED AND PLATTED THE TOWN OF NAPLES,
 COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA,
 AS SHOWN ON THIS MAP AS FOLLOWS:
 JOHN J. O'NEILL
 10/3/89

COUNTY SURVEYOR'S CERTIFICATE
 I, THE COUNTY SURVEYOR, HAVE CAUSED TO BE
 SURVEYED AND PLATTED THE TOWN OF NAPLES,
 COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA,
 AS SHOWN ON THIS MAP AS FOLLOWS:
 JOHN J. O'NEILL
 10/3/89

RECORDER'S STATEMENT
 I, THE COUNTY RECORDER, HAVE CAUSED TO BE
 SURVEYED AND PLATTED THE TOWN OF NAPLES,
 COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA,
 AS SHOWN ON THIS MAP AS FOLLOWS:
 JOHN J. O'NEILL
 10/3/89

BOARD OF SUPERVISORS CERTIFICATION
 THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA BARBARA,
 STATE OF CALIFORNIA, HAS CAUSED TO BE
 SURVEYED AND PLATTED THE TOWN OF NAPLES,
 COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA,
 AS SHOWN ON THIS MAP AS FOLLOWS:
 JOHN J. O'NEILL
 10/3/89

OFFICIAL MAP OF THE TOWN OF NAPLES
 BEING A PORTION OF THE RANCHO LOS DOS PUEBLOS
 AS PER BOOK A, PAGE 334 OF PATENTS
 FILED IN THE OFFICE OF THE COUNTY RECORDER
 COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA
 OCTOBER 3, 1895

- Parcels Not Part of Santa Barbara Ranch and Not Included in Trustee Sale Legal
- Matt Osgood Residence (Not Included in Trustee Sale Legal Description)
- Santa Barbara Ranch Parcels Not Included in Trustee Sale Legal Description

