

CALIFORNIA COASTAL COMMISSION

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

NOV 04 2008
S.B. COUNTY
PLANNING & DEVELOPMENT
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, lot line 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.

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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

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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.