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18 NAPLES COALITION

19 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
20 IN AND FOR THE COUNTY OF SANTA BARBARA
21 ANACAPA DIVISION

22 NAPLES COALITION,
23 a California Public Benefit Corporation,
24 ENVIRONMENTAL DEFENSE CENTER,
25 a California Public Benefit Corporation, and
26 SURFRIDER FOUNDATION, a Public Benefit
27 Corporation,

28 Petitioners,

v.

COUNTY OF SANTA BARBARA, BOARD
OF SUPERVISORS OF THE COUNTY OF
SANTA BARBARA, DOES 1-15,

Respondents,

SANTA BARBARA RANCH, LLC, VINTAGE
COMMUNITIES, INC, VINTAGE
VINEYARDS, LLC, OSGOOD FARMS, LLC,
MATTHEW K. OSGOOD, DLC RANCH, LLC,

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA BARBARA

NOV 20 2008

GARY M. BLAIR, Executive Officer
BY Merilee A. Jay
Merilee A. Jay, Deputy Clerk

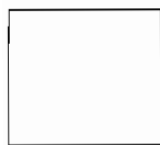
Civil No. 1304044

**VERIFIED PETITION FOR
WRIT OF MANDAMUS**

CAL. ENVIRONMENTAL
QUALITY ACT ("CEQA")
[CAL. PUBLIC RESOURCES
CODE §§21000 et seq.], CAL.
COASTAL ACT [CAL. PUBLIC
RESOURCES CODE §§30000 et
seq.]; CAL. PLANNING AND
ZONING LAW [CAL. GOVT.
CODE §§65000 et seq.], CAL.
LAND CONSERVATION ACT
[CAL. GOVT. CODE §§51200
et seq.], CODE OF CIVIL
PROCEDURE §§1085, 1094.5

1 TW FAMILY FARM, LLC, SANTA BARBARA)
LAND & RANCHING COMPANY, LLC,)
2 OSGOOD FAMILY TRUST, DAVID CHANG,)
JERRI A. OSGOOD, TRUSTEE, MATTHEW K.)
3 OSGOOD, TRUSTEE, MARIANITA)
4 WILLMON, MARCIA A. BOTTOMS, DOS)
PUEBLOS RANCH, SCHULTE FAMILY)
5 TRUST, HENRY SCHULTE, DP SUNRISE,)
6 LLC, DP SUNSET, LLC, MOUNTAIN MIST,)
LLC, MAJESTIC VIEW, LLC, SCHULTE 1991)
7 TRUST 3/22/91, MOONLIGHT REFLECTIONS,)
8 LLC, DOES 16-30,)
9 Real Parties in Interest.)
_____)

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1 **INTRODUCTION**

2 1. Petitioners NAPLES COALITION, ENVIRONMENTAL DEFENSE CENTER and
3 SURFRIDER FOUNDATION (“Petitioners”) challenge the County of Santa Barbara’s
4 approval of the Santa Barbara Ranch Project (the “Project”) and certification of an
5 Environmental Impact Report (“EIR”) for the Project. The Project is located on California’s
6 rural Gaviota Coast, far from urban development, and in an area of unique and national
7 significance which warrants the highest level of protection possible for its natural, scenic,
8 cultural and agricultural qualities. The County acted inappropriately in constraining its
9 discretion and allowing the Project applicants to dictate its application of the California
10 Environmental Quality Act (“CEQA”), Pub. Res. Code §§ 21000 *et seq.*, in preparing an EIR
11 that provided a deficient disclosure of the Project’s environmental effects, and in failing to
12 identify, consider, and adopt feasible alternatives and mitigation measures that would avoid or
13 lessen the significant effects. In addition, Respondents failed to comply with the applicable
14 requirements of the California Coastal Act, Planning and Zoning Law, California Land
15 Conservation Act (otherwise known as the “Williamson Act”), and other applicable plans,
16 policies and ordinances, and failed to adopt findings for the Project supported by substantial
17 evidence. Finally, Respondents failed to ensure that the Project was consistent with applicable
18 policies of the County’s Local Coastal Plan and Comprehensive Plan (the County’s general
19 plan), and otherwise failed to follow the procedures mandated by law.

20 2. Petitioners bring this Petition for Writ of Mandamus on their behalf, on behalf of their
21 members, and on behalf of the general public under California Code of Civil Procedure §§
22 1085 and 1094.5 and allege as follows:

23
24 **PARTIES**

25 3. Petitioners hereby incorporate by reference paragraphs 1 through 2 herein as if fully set
26 forth herein.

27 4. Petitioner NAPLES COALITION is a California public benefit corporation operating in
28 Santa Barbara County, California. The Naples Coalition works to protect and preserve the rural

1 nature of the Naples area. Naples Coalition members use and enjoy Naples and the
2 surrounding area for recreational, spiritual and scientific purposes, including surfing, hiking
3 and bike riding; meditation, worship and ritual; and wildlife observation, bird watching, flower
4 collecting and study of ecological relationships. Naples Coalition members travel through the
5 Project area by motorized vehicle, railroad, airplane, boat, bicycle and on foot, and they enjoy
6 the scenic attributes of the site and the area generally. The undertaking and enjoyment of each
7 of these uses is jeopardized by Respondents' approval of the Project, and the Naples Coalition,
8 through and on behalf of its members, will suffer direct personal and organizational injury from
9 Respondents' approval of the Project. The Naples Coalition and its members will also be
10 personally and directly injured by Respondents' failure to comply with the California Coastal
11 Act, CEQA, Planning and Zoning Law, and the Williamson Act. The Naples Coalition,
12 through its members and representatives, has participated at public processes concerning this
13 Project, including public hearings before the County Board of Supervisors, and has submitted
14 written comments to the County with respect to the Project.

15 5. Petitioner ENVIRONMENTAL DEFENSE CENTER ("EDC") is a California public
16 benefit, non-profit corporation headquartered in Santa Barbara, California. EDC protects and
17 enhances the local environment through education, advocacy, and legal action. EDC represents
18 itself and other organizations in protecting coast and ocean resources, open spaces and wildlife,
19 and human and environmental health. Members of EDC reside in and near Santa Barbara
20 County and value the scenic, biological, agricultural, recreational and cultural qualities of the
21 Gaviota Coast in general and the Naples area in particular. EDC was a co-founder of the
22 Gaviota Coast Conservancy and has represented itself and the Surfrider Foundation in efforts to
23 protect Naples since at least 1999. EDC members use and enjoy Naples and the surrounding
24 area for recreational, spiritual and scientific purposes, including: surfing, hiking and bike
25 riding; meditation, worship and ritual; wildlife observation, bird watching, flower collecting
26 and study of ecological relationships. EDC members travel through the Project area by
27 motorized vehicle, railroad, airplane, boat and bicycle and on foot, and they enjoy the scenic
28 attributes of the site and the area generally. The undertaking and enjoyment of each of these

1 uses is jeopardized by Respondents' approval of the Project, and EDC, through and on behalf
2 of its members, will suffer direct personal and organizational injury from Respondents'
3 approval of the Project. The EDC and its members will also be personally and directly injured
4 by Respondents' failure to comply with the California Coastal Act, CEQA, Planning and
5 Zoning Law, and the Williamson Act. The EDC, through its members and representatives, has
6 participated at public processes concerning this Project, including public hearings before the
7 County Board of Supervisors, and has submitted written comments to the County with respect
8 to the Project.

9 6. Petitioner SURFRIDER FOUNDATION is a public benefit corporation registered in
10 California and dedicated to the protection and enjoyment of the oceans, waves and beaches for
11 all people, through conservation, activism, research and education. Surfrider Foundation has
12 55,000 members worldwide and more than 30,000 members in California. The Santa Barbara
13 Chapter of the Surfrider Foundation has more than 700 members and was founded in 1990 to
14 protect local beaches, coastal areas and water quality. Members of Surfrider reside in Santa
15 Barbara County and currently use and enjoy the ocean and beaches of Santa Barbara County,
16 including the Project site, for a variety of recreational, aesthetic and other purposes. Members
17 of Surfrider routinely view the scenic nature and aesthetic qualities of the Project site and have
18 enjoyed the ecological, cultural and spiritual resources on the Project site. Surfrider and its
19 members will be personally and directly affected by Respondents' failure to comply with
20 CEQA and its obligation to analyze and mitigate the substantial and irreversible harm to the
21 Gaviota Coast that will be caused by the Project. Surfrider and its members will also be
22 personally and directly injured by Respondents' failure to comply with the Coastal Act, CEQA,
23 Planning and Zoning Law, and the Williamson Act, including but not limited to the loss of
24 access to and across Project lands to access the beach and coastal areas for surfing and other
25 coastal recreational pursuits. SURFRIDER FOUNDATION, through its members and
26 representatives, has participated at public hearings before the County Board of Supervisors and
27 submitted written comments to the County with respect to the Project.

1 7. Respondent COUNTY OF SANTA BARBARA (“COUNTY”) is a local subdivision of
2 the State of California charged with the authority to regulate and administer land use and
3 development within its territory in compliance with the duly adopted provisions of its zoning
4 ordinances, general plan, and all applicable provisions of State law, including the California
5 Environmental Quality Act, Planning and Zoning Law, and the Williamson Act. Pursuant to
6 the California Coastal Act, the County has also been delegated the authority to implement and
7 enforce the County's certified Local Coastal Plan in conformance with the mandates and
8 policies of the Coastal Act.

9 8. Respondent BOARD OF SUPERVISORS OF THE COUNTY OF SANTA BARBARA
10 (“BOARD”) is the legislative body and highest administrative body of the COUNTY.

11 9. Petitioners are informed and believe that at all times herein alleged, Respondents, and
12 each of them, were the agents and employees of the remaining Respondents and while doing
13 the things herein alleged, were acting within the course and scope of such agency and
14 employment.

15 10. The true names and capacities, whether individual, corporate or otherwise, of Does 1 –
16 15, are unknown to Petitioners who therefore sue said Respondents by such fictitious names
17 and will seek leave to amend this Petition for Writ of Mandamus when they have been
18 ascertained.

19 11. Real Party in Interest SANTA BARBARA RANCH, LLC is the applicant for the Santa
20 Barbara Ranch Project.

21 12. Real Parties in Interest VINTAGE COMMUNITIES, INC; SANTA BARBARA
22 RANCH, LLC; VINTAGE VINEYARDS, LLC; OSGOOD FARMS, LLC; MATTHEW K.
23 OSGOOD; DLC RANCH, LLC; TW FAMILY FARM, LLC; SANTA BARBARA LAND &
24 RANCHING COMPANY, LLC; OSGOOD FAMILY TRUST; DAVID CHANG; JERRI A.
25 OSGOOD, TRUSTEE; MATTHEW K. OSGOOD, TRUSTEE; MARIANITA WILLMON;
26 and MARCIA A. BOTTOMS have a legal interest in the Santa Barbara Ranch and are the
27 recipients of the County’s approval of the Santa Barbara Ranch Project.
28

1 13. Real Parties in Interest DOS PUEBLOS RANCH; SCHULTE FAMILY TRUST;
2 HENRY SCHULTE; DP SUNRISE, LLC; DP SUNSET, LLC; MOUNTAIN MIST, LLC;
3 MAJESTIC VIEW, LLC; SCHULTE 1991 TRUST 3/22/91; MOONLIGHT REFLECTIONS,
4 LLC, have a legal interest in the Santa Barbara Ranch Project and are the recipients of the
5 County's approval of the Santa Barbara Ranch Project.

6 14. Petitioners are informed and believe that at all times herein alleged, Real Parties, and
7 each of them, were the agents and employees of the remaining Real Parties and while doing the
8 things herein alleged, were acting within the course and scope of such agency and employment.

9 15. The true names and capacities, whether individual, corporate or otherwise, of Does 16 –
10 30, are unknown to Petitioners who therefore sue said Real Parties by such fictitious names and
11 will seek leave to amend this Petition for Writ of Mandamus when they have been ascertained.

12
13 **JURISDICTION AND VENUE**

14 16. Petitioners hereby incorporate by reference paragraphs 1 through 15 herein as if fully
15 set forth herein.

16 17. Jurisdiction of this court is invoked pursuant to California Code of Civil Procedure §§
17 1085 and 1094.5; California Public Resources Code § 21167, 21168, 21168.5 and § 30802; and
18 California Constitution, Article VI, Section 10.

19 18. Venue is proper in this Court pursuant to Code of Civil Procedure §§ 393 and 394,
20 because Respondents are located within the County of Santa Barbara.

21 19. Petitioners have provided written notice to Respondents of their intention to file this
22 Petition, in compliance with Public Resources Code § 21167.5. See Exhibit 1.

23
24 **GENERAL ALLEGATIONS**

25 20. Petitioners hereby incorporate by reference paragraphs 1 through 19 herein as if fully
26 set forth herein.

27 21. **Project Site and Location:** The Santa Barbara Ranch Project is located within the
28 Naples Townsite on the Gaviota Coast in Santa Barbara County. The Gaviota Coast is largely

1 undeveloped rural coastline, unique to southern California and extremely important to the
2 community and local ecology for its unparalleled beauty, biological diversity, agricultural
3 resources, and cultural history. The entire Naples Townsite encompasses an 806-acre area. A
4 crude subdivision map was recorded in 1888 by unsuccessful railroad speculators. The
5 underlying lots were ignored for nearly a century. The property is zoned AG-II-100
6 (agriculture, minimum 100-acre parcel size) for the Coastal Zone and Unlimited Agriculture for
7 the Inland Zone. The Santa Barbara Ranch Project, as approved by Respondents, includes the
8 485-acre Santa Barbara Ranch and the 2752-acre Dos Pueblos Ranch. The Project area hosts
9 numerous environmentally sensitive habitats, including coast live oak riparian woodland,
10 coastal live oak woodland, coast live oak-sycamore woodland, southern willow scrub, coastal
11 scrub, coastal bluff scrub, wetlands, and native grassland. These habitats support
12 approximately 80 special status bird and wildlife species, such as White Tailed Kites,
13 California Red-Legged Frogs, American Badgers and more. The Project area is adjacent to
14 Naples Reef, an eighteen square mile intertidal wetlands area of extremely high ecological
15 value, unsurpassed in southern California. Santa Barbara Ranch is located on the western end
16 of a nearly flat coastal marine terrace that provides geological conditions for rare biological
17 communities, including vernal pools, native grasslands and coastal bluffs. The biodiversity in
18 and around the Project area is recognized as having global significance. The Project area has
19 been occupied by humans for at least 8,000 years, and is a site of extraordinary cultural and
20 spiritual significance. Two Chumash villages were oriented on either side of Dos Pueblos
21 Creek (the "Dos Pueblos") and involved extensive prehistoric activity throughout all of Santa
22 Barbara Ranch's lands, much of Dos Pueblos Ranch and surrounding areas. Finally, the scenic
23 and recreational value of this stretch of the California coast has regional and statewide
24 significance. Even the National Park Service has stated that the area would be suitable for
25 inclusion in the National Park System. Naples Reef is a popular surfing location, as are several
26 beaches to the east. The Project area has been extensively used by the public for recreational
27 purposes for decades.

28 22. **Project Description:** The approved Project consists of the conversion of two large,

1 working ranches on the Gaviota Coast into a gated large-lot subdivision with main houses of
2 approximately 7,500 to 10,000 square feet and accessory buildings such as barns, cabanas and
3 guest houses. Project development includes 71 houses, an equestrian center, agricultural
4 support facilities, a worker duplex, water supply facilities, wastewater treatment facilities, other
5 related and necessary infrastructure and certain public amenities. The Project requires the
6 immediate cancellation of Williamson Act contracts over 576 acres of agricultural lands,
7 including 105 acres of prime agricultural lands, and would result in the permanent conversion
8 of 59 acres of prime agricultural land and more than 200 acres of environmentally sensitive
9 habitat to urban development, and would require approximately 480,000 cubic yards of
10 grading. Project approval entails rezoning, Comprehensive Plan and Local Coastal Plan
11 changes, development agreements, lot mergers, lot line adjustments, a vesting tentative tract
12 map, development plans and approximately 100 Coastal Development Permits, major and
13 minor conditional use permits, certificates of compliance, land use permits and the cancellation
14 of a Williamson Act contract and partial replacement with an Agricultural Conservation
15 Easement. Portions of the Project and its approvals are subject to original and/or appellate
16 administrative review by the California Coastal Commission.

17 23. **Procedural History and County Review Process:** The Naples site has been afforded
18 special attention in the County's planning process over the years, due to the significant natural,
19 cultural and scenic attributes of the site. All lands involved in the Project have been zoned
20 agricultural for decades. When the County adopted its Local Coastal Plan ("LCP"; also
21 referred to as the Coastal Land Use Plan or "CLUP") in 1982, the County again designated the
22 coastal portion of the property for agricultural use. The County recognized the disparity in land
23 uses between the underlying map and overlying zoning, and surrounding land uses, and
24 included a specific policy directed at the Naples townsite, Local Coastal Plan Policy 2-13.
25 Policy 2-13 reflected the County's strategy for preserving the rural quality of Naples and
26 provided:

27 The existing townsite of Naples is within a designated rural area and is remote
28 from urban services. The County shall discourage residential development of

1 existing lots. The County shall encourage and assist the property owner(s) in
2 transferring development rights from the Naples townsite to an appropriate site
3 within a designated urban area which is suitable for residential development. If
4 the County determines that transferring development rights is not feasible, the
5 land use designation of AG-II-100 should be re-evaluated.

6 The County's efforts included adoption of ordinances limiting development potential at
7 Naples based on the inability of local soils to support septic systems, and requiring
8 merger of substandard lots as a condition of development. These efforts led to
9 litigation, including one case reaching the California Supreme Court in 1994, whereby
10 the merger requirement was struck on the basis of preemption by the Subdivision Map
11 Act. Subsequently, the County adopted the Official Map of Naples on October 3, 1995,
12 recognizing 274 legal lots while acknowledging that the development potential for these
13 lots could not be determined until the completion of environmental and policy
14 consistency review for the property.

15 24. The County and the owners of Santa Barbara Ranch executed an initial Memorandum
16 of Understanding ("MOU") on January 24, 2000 for processing proposals for development at
17 Naples. Pursuant to the 2000 MOU, the County agreed to concurrently review and process
18 applications to rezone Naples and construct up to 88 single family residences north of Highway
19 101 in return for the landowners' commitment to sell all or a portion of the property south of
20 Highway 101 to a land trust or public agency for public use or conservation. The 2000 MOU
21 terminated when the landowners failed to identify an entity that was qualified to receive the
22 land south of Highway 101. On December 3, 2002, the County executed a new MOU with the
23 Naples property owners. In the 2002 MOU, the County agreed to process an application for up
24 to 55 homes (39 in the Coastal Zone and 16 in the Inland Zone). In executing the 2002 MOU,
25 the County expressly reserved its police power to act on the application and refrained from
26 prejudging or making any commitments regarding ultimate approval of a project. At the time
27 of the 2002 MOU, Santa Barbara Ranch, LLC had option agreements with the then-landowners
28 for the phased acquisition of 485 Naples Townsite acres, including 219 antiquated lots. The

1 2002 MOU addressed Naples Townsite acreage owned by Santa Barbara Ranch and did not
2 include Dos Pueblos Ranch. Based on the 2002 MOU, Santa Barbara Ranch, LLC filed an
3 application with the County on November 4, 2003. The application was deemed complete on
4 September 3, 2004. The initial application was limited to the 485 acre Santa Barbara Ranch
5 property and proposed the construction of 54 homes (the “MOU Project”). The County
6 initiated the environmental review process in January 2005 by issuing a Notice of Preparation.
7 In June, 2006, the Project application was modified to add “Alternative 1,” which expanded the
8 Project site to include a single 200-acre Naples lot that was part of the adjacent Dos Pueblos
9 Ranch and added a 123-acre area in Dos Pueblos Ranch north of the single 200-acre lot,
10 increasing the number of homes to 72. The new Project proposal involved merging lots on
11 Santa Barbara Ranch and subdividing lots on Dos Pueblos Ranch. The applicants directed that
12 the County’s EIR give project level analysis of Alternative 1’s environmental impacts. Prior to
13 circulation of the Draft EIR, the owners of Santa Barbara Ranch secured an option from the
14 adjacent Dos Pueblos Ranch for purchase of a 200-acre parcel (“200 Acre Option Parcel”)
15 within the Naples Townsite boundaries.

16 25. The County released the Draft EIR on June 30, 2006. The Draft EIR purported to
17 analyze both the MOU Project and the Alternative 1 Project at a project-specific level of
18 review, although many details about the Alternative 1 Project were vague and incomplete.
19 Project alternatives included Alternative 2 (Offsite Dos Pueblos Ranch Alternative),
20 Alternative 3 (Grid Development Alternative – purportedly based on development potentially
21 allowable under the Naples Townsite map), Alternative 4 (Reduced Development Alternative),
22 Alternative 5 (Clustered Development Alternative), Alternative 6 (Transfer of Development
23 Alternative), and Alternative 7 (No Project Alternative). Extensive comments were submitted
24 to the County by Petitioners and others, outlining a myriad of defects including: a vague and
25 incomplete Project Description; inadequate baseline studies; incomplete and misleading impact
26 assessment; inadequate policy consistency analysis; a flawed alternatives analysis; and other
27 legal, technical and policy concerns. After receipt of these comments, the County decided to
28 revise and recirculate the Draft EIR.

1 26. A Revised Draft EIR was released on November 13, 2007. In the subsequent public
2 review process, the County received more than 1,000 comments on the Revised Draft EIR;
3 many of these comments were similar to comments made on the Draft EIR, although new
4 problems were also identified. The County received 13 comment letters from state and
5 regional agencies and 2 letters from federal resource agencies; these letters raised specific
6 technical, biological, scientific and legal objections to aspects of the Revised Draft EIR and
7 proposed Project.

8 27. The County Planning Commission held a series of public “workshops” on the Project
9 from April to June 2008. At the May 29 workshop, the applicants proposed yet another revised
10 Project, identified and described as Alternative 1B. This new Project decreased lot sizes in the
11 123-acre subdivided area on Dos Pueblos Ranch from parcels with a minimum size of 10 acres
12 to parcels with a minimum size of 5 acres, and moved 14 new proposed parcels outside of the
13 Coastal Zone. These Project modifications: further increased the amount and quality of lands
14 in agricultural production that will be lost to development and intensified residential
15 development adjacent to productive agricultural lands; increased the Project’s footprint,
16 necessary vegetation clearing and impacts to biological resources; altered the Project’s view
17 profile; and substantially increased the amount of Project-associated grading. The new Project
18 configuration was reportedly made possible by an undisclosed agreement between the
19 principals of Santa Barbara Ranch and Dos Pueblos Ranch.

20 28. The Proposed Final EIR was made available on June 13, 2008. On June 16, 2008, the
21 owners of Dos Pueblos Ranch transmitted a letter to the County, describing the conditions of
22 their necessary participation in Alternative 1B. The letter indicates, *inter alia*, that Dos Pueblos
23 Ranch reserved its right to withdraw from the Project, including withdrawal of those lands
24 offered for the proposed Agricultural Conservation Easement (“ACE”) and for public trails, if
25 the County or Coastal Commission impose specific conditions on Dos Pueblos Ranch,
26 including: “any condition for public access” on Dos Pueblos Ranch’s coastal lands, or “any
27 obligation to restore, enhance or rehabilitate Dos Pueblos Creek or its riparian habitat.”

28 29. The Proposed Final EIR and Alternative 1B were presented to the County Planning

1 Commission at a series of public hearings from June to August 2008. Despite the significant
2 changes in the Project associated with Alternative 1B, including increased impacts and the new
3 potential for alternatives and mitigation measures, the County declined Petitioners' request to
4 recirculate the EIR to fully consider these Project modifications. Instead, a "confirming
5 analysis" regarding the project changes described in Alternative 1B was prepared and presented
6 to the Commission on August 20, 2008. No further environmental review was prepared to
7 analyze Alternative 1B. On August 20, the Planning Commission voted 4-1 to recommend that
8 the Board of Supervisors certify the Final EIR and approve Alternative 1B. The Planning
9 Commission also voted 3-2 to separate the inland portion of the Project from the coastal portion
10 of the Project so that the applicants could process the inland portion of the Project through the
11 County separately without approval from the Coastal Commission. One Planning
12 Commissioner noted that, had these votes been taken in reverse order, he would not have voted
13 to certify the EIR or approve the Project, and it would have been approved 3-2.

14 30. On October 7, 2008, in closed session, the Board of Supervisors voted 3-2 to amend the
15 MOU to delete the requirement that the rezone for the inland portion of the property would not
16 become effective unless and until the coastal portion of the Project received final approvals
17 from both the County and the Coastal Commission.

18 31. On October 8, 2008, Real Parties and the County revealed yet another modification to
19 the Project: "Staged Alternative 1B," which would allow portions of the development to occur
20 without required mitigation measures previously attributed to the entire Project and before
21 Coastal Commission review of the LCP Amendment, rezone and Coastal Development
22 Permits. The plan was released to the public on October 9, only 1 business day before the
23 Board of Supervisors hearing on October 13. At the hearing, the Board received presentations
24 by County staff and the applicants, and then opened the hearing for more than four hours of
25 public testimony. Not a single member of the public that was not associated with the
26 applicants' team spoke in favor of the Project. In fact, it was overwhelmingly apparent that the
27 public was in favor of enhanced coastal resources protection and against the proposed
28 residential development at Naples. Individuals spoke about the rural character of the Gaviota

1 Coast, the importance of local agricultural lands, the sensitivity and uniqueness of the Naples
2 Reef, and the overall importance of maintaining an open space buffer against suburban sprawl
3 on the south coast. Specifically, members of the public objected to the applicants'
4 unwillingness to participate in the Transfer of Development Rights program, the applicants'
5 refusal to support or meaningfully consider feasible alternatives with lesser impacts, the
6 limitations placed on the County's discretion by the owners of Dos Pueblos Ranch, and the
7 major and last minute changes to the Project that precluded informed participation. At the
8 conclusion of public testimony, the hearing was continued to October 21, 2008. On that date,
9 the Board heard rebuttal testimony from the applicants and then deliberated for less than 2
10 hours before voting 3-2 to certify the EIR and approve the Staged Alternative 1B Project.

11 32. **Standing:** Petitioners have standing to bring this action, because approval of the
12 Project will directly and indirectly injure the interests of Petitioners and their members. Said
13 organizations are public benefit corporations dedicated and organized to preserving the
14 environment as set forth *supra*, and are concerned with maintaining the environmental integrity
15 of the County of Santa Barbara and preserving the rural character of the Gaviota Coast.
16 Approval of the Project and certification of the EIR adversely affected these interests of
17 Petitioners and their members. Members or representatives of Petitioners, on behalf thereof,
18 have submitted comments on and objections to the Project and certification of the EIR and have
19 participated at public hearings before the Board of Supervisors. Accordingly, Petitioners are
20 "aggrieved persons" within the meaning of Public Resources Code §§ 21177 and 30802 and
21 other applicable laws. The claims asserted and the relief requested are broad-based, so that
22 participation in the litigation by individual members is not required.

23 33. **Exhaustion of Administrative Remedies:** Petitioners have exhausted all administrative
24 remedies prior to bringing this action. Petitioners, by and through their representatives and
25 members, registered their objections to the Project to Respondents orally and in writing. All
26 issues raised in this Petition were timely raised before Respondents by Petitioners or by other
27 members of the public.

28 34. **Circumstances Authorizing Issuance of Writ:** Petitioners do not have a plain, speedy

1 and adequate remedy, in the ordinary course of law.

2 35. Respondents have abused their discretion and have failed to comply with the law in the
3 following ways:

4
5 **FIRST CAUSE OF ACTION**

6 **VIOLATIONS OF CEQA**

7 36. Petitioners hereby incorporate by reference paragraphs 1 through 35 herein as if fully
8 set forth herein.

9 37. **Respondents failed to proceed in the manner required by law by failing to include**
10 **an accurate, stable and finite project description in the EIR.** An accurate, stable and finite
11 project description is the *sine qua non* of an informative and legally sufficient EIR. The Santa
12 Barbara Ranch Project Description is inaccurate, *inter alia*, for its failure to describe water and
13 wastewater treatment operations, for its failure to describe water diversions from Dos Pueblos
14 Creek, for its failure to provide accurate grading diagrams, and for its failure to describe an
15 accurate baseline or environmental setting, particularly on Dos Pueblos Ranch. The EIR's
16 Project Description was not stable or finite as required by CEQA; major Project revisions, such
17 as the changes from the MOU Project to the first, 200 acre Alternative 1 to the second, 323 acre
18 Alternative 1 to Alternative 1B to Staged Alternative 1B, and numerous other Project changes
19 occurred frequently and without adequate notice or analysis. The unstable nature of the Project
20 Description precluded informed decision-making and public participation.

21 38. **Respondents failed to proceed in the manner required by law by failing to include**
22 **relevant information and an adequate description of the existing environmental setting in**
23 **the EIR.** An EIR must demonstrate that the significant environmental impacts of a proposed
24 project were adequately investigated and discussed, and the environmental setting must be
25 described in sufficient detail to inform readers of the nature of the resources affected by a
26 proposed project. An adequate description of the environmental setting is necessary to permit
27 the lead agency to accurately assess the effects of the project on the environment.

28 Respondents' failure to proceed in the manner required by law has precluded informed

1 decision-making and informed public participation, and has thereby thwarted the statutory
2 goals of the CEQA process. For example, many necessary baseline surveys and studies were
3 not completed for the EIR and were instead deferred to a later date or ignored altogether,
4 including: investigation of contaminated soils on site; surveys of wetlands and grasslands on
5 Dos Pueblos Ranch; surveys of cultural resources; investigation of site geology, specifically
6 landslides and unstable soil conditions; and analysis of water diversions and limitations on
7 future use of Dos Pueblos Creek water on Dos Pueblos Ranch. Because this information was
8 excluded from the EIR or inaccurate, decision-makers and the public have been deprived of a
9 meaningful investigation of the proposed Project's environmental impacts and any mitigation
10 measures and/or alternatives that may be necessary to avoid or lessen significant effects.

11 39. **Respondents failed to proceed in the manner required by law by failing to include**
12 **an adequate analysis of project impacts in the EIR.** An EIR must include a detailed
13 statement setting forth all the significant effects of the proposed project on the environment.
14 All phases of a project must be considered when evaluating its impact on the environment.

- 15 A. The EIR failed to identify and analyze the impacts from proposed sewage
16 treatment plants ("STP"s), sewage lift stations and wastewater seepage pits;
17 these impacts include damage to archaeological sites, conversion of habitat,
18 increased energy consumption and water quality impacts related to the
19 conveyance of discharged water through the permeable soil or fractured
20 bedrock.
- 21 B. The EIR failed to follow accepted scientific protocol and to adequately identify
22 native grasslands and environmentally sensitive habitat areas ("ESHA") that
23 would be affected by the proposed Project.
- 24 C. The EIR failed to adequately analyze the Project's impacts on climate change.
25 State law (AB 32, the California Global Warming Solutions Act of 2006)
26 requires California to reduce greenhouse gas emissions to 1990 levels by 2020.
27 Executive Order S-3-05 requires the State to meet this level and to further
28 reduce greenhouse gas emission levels to 80 percent below 1990 levels by 2050.

1 To meet these targets, impacts must be reduced from existing sources and
2 minimized from new projects. The EIR excuses its failure to analyze the
3 impacts caused by the greenhouse gas emissions from the Project by citing the
4 lack of established thresholds. CEQA requires a detailed impact analysis, even
5 in the absence of thresholds. The EIR also ignores the impacts associated with
6 the greenhouse emissions of the Project by stating that such emissions would
7 occur whether or not the Project is approved. In making this claim, the EIR fails
8 to analyze the Project's impacts in relation to the existing environmental setting
9 and understates the effects of the emissions from the Project. The EIR also fails
10 to consider emissions from certain aspects of the Project (for example, waste
11 disposal, wastewater treatment, water supply). The EIR concludes that the
12 effect of the Project's greenhouse gas emissions is less than significant by
13 relying on the lack of thresholds, ignoring certain emission sources, and failing
14 to identify and analyze the impacts that would be caused by the Project's
15 contribution to cumulative greenhouse gas emissions. As a result, the EIR also
16 fails to analyze mitigation measures or alternatives that could avoid or
17 substantially lessen the greenhouse gas emissions from the Project. The EIR's
18 analysis of climate change impacts from the proposed Project is severely lacking
19 and does not provide decision-makers and the public with useful information or
20 otherwise fulfill CEQA's requirements.

21 **40. Respondents failed to proceed in the manner required by law by failing to analyze**
22 **the Project's consistency with applicable land use and planning policies adopted to avoid**
23 **or mitigate environmental impacts.** CEQA requires that an EIR identify and analyze
24 conflicts with any applicable land use plan, policy, or regulation of an agency with jurisdiction
25 over the project (including, but not limited to the general plan, specific plan, local coastal
26 program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an
27 environmental effect. In this case, the EIR failed to analyze the Project's consistency with
28 several applicable land use plans, policies or regulations, including the Comprehensive Plan's

1 Conservation Element. In addition, the EIR improperly based its policy analysis on a
2 comparison between the proposed Project and the “Grid Alternative” rather than the
3 environmental setting, as required by CEQA. Furthermore, the EIR failed to identify land use
4 and planning conflicts as significant effects; for example, the Project is inconsistent with
5 Hillside and Watershed Protection Policies 1, 2 and 7, because grading and alteration of the
6 natural terrain are not minimized, and this constitutes a significant impact. Finally, the Project
7 is inconsistent with numerous LCP policies, including: Policy 8-2 (agricultural land
8 conversion), 2-12 (increase density despite constraints), 2-11 (developments adversely effect
9 ESHA), 3-13 and 3-14 (failure to minimize cut and fill associated with the Tomate Canada
10 Creek Bridge), 3-19 (degrades water quality), 4-3 (structures intrude into public skyline views),
11 7-3 (failure to provide access to and along the coast during high tides), 9-18 (failure to protect
12 all native grasslands), and 9-29 (failure to protect maximum possible area for white-tailed kite
13 feeding habitat).

14 41. **Respondents failed to proceed in the manner required by law by deferring the**
15 **formulation of and by failing to analyze mitigation measures.** An EIR must describe
16 feasible measures which would minimize significant adverse impacts. Formulation of
17 mitigation measures may not be deferred until some future time, unless the EIR includes
18 specific performance standards for development of the measures. The Santa Barbara Ranch
19 Project EIR defers the formulation of required mitigation measures pending the results of future
20 studies, but without performance standards to guide those studies, in violation of CEQA. For
21 example, the EIR defers the formulation of mitigation measures required to avoid or minimize
22 significant impacts caused by potential landslides and by unstable soils; and mitigation
23 measures required to avoid or minimize impacts from polluted runoff and the disturbance of
24 contaminated soils are similarly deferred without performance standards.

25 42. **Respondents failed to proceed in the manner required by law by failing to analyze**
26 **a reasonable range of alternatives.** CEQA states that an EIR must describe a reasonable
27 range of alternatives to a proposed project. Alternatives must feasibly attain most (but not all)
28 project objectives and must avoid or substantially lessen any significant effects of the proposed

1 project. The Santa Barbara Ranch Project Final EIR unreasonably restricts the range of
2 alternatives considered. Inappropriate emphasis is placed on Project Objective (b), which states
3 an intention to resolve “pending litigation and future dispute over the potential development of
4 the property between the landowners and the County.” Alternatives that the County claims do
5 not meet this Project Objective, but which feasibly attain other Project Objectives and which
6 avoid or lessen significant effects of the proposed Project, are rejected summarily. The County
7 also failed to proceed in the manner required by law, because it has allowed Project applicants
8 to dictate the range of alternatives considered in the EIR. The owners of Dos Pueblos Ranch
9 unilaterally withdrew a portion of their property (lot DP-19) from inclusion in the Project; this
10 precludes development of a Project alternative that provides vertical beach access at Dos
11 Pueblos Creek. Similarly, the Dos Pueblos Ranch owners transferred a 40-acre parcel (known
12 as the “Orchid Company Property”) out of their direct control, despite its potential utility as an
13 alternative location for portions of this multi-site Project. The inclusion of these lots is not
14 merely an alternative to one Project element; rather, these lots have unique characteristics such
15 that removing them from consideration constrains the overall alternatives analysis.
16 Furthermore, the owners of Dos Pueblos Ranch have stated that their participation in the
17 Project is conditioned on a list of demands that preclude the County from feasible alternatives
18 and mitigation measures and from complying with County policies. The County acquiesced to
19 these demands and inappropriately constrained the range of alternatives available to the MOU
20 Project and Alternative 1B Project.

21 **43. Respondents failed to proceed in the manner required by law by failing to provide**
22 **adequate responses to comments on the Revised Draft EIR.** Responses to comments under
23 CEQA must describe the disposition of the significant environmental issues raised in
24 comments. When the Lead Agency’s position on an issue is at variance with recommendations
25 and objections made in public comment, the Lead Agency’s position must be addressed in
26 detail giving reasons why specific comments and suggestions were rejected. The Lead
27 Agency’s response must be a good faith, reasoned analysis. Conclusory statements
28 unsupported by evidence in the record will not suffice for the purposes of CEQA. The EIR’s

1 Response to Comments section lacked detail, reasoned analysis and supporting evidence. For
2 example, Response G-2-181 to a comment regarding the inadequate environmental baseline for
3 impact analyses is merely reference to two other Responses: G-2-275 and S-2-62. G-2-275
4 does not address environmental baseline issues, and S-2-62 states that the EIR provides
5 baseline information; the first Response is inapposite, and the latter is entirely conclusory.
6 These problems are endemic throughout the Response to Comments section of the EIR.

7 **44. Respondents abused their discretion by finding that certain Project impacts were**
8 **not significant, without substantial supporting evidence in the record.** For example, the
9 EIR failed to describe and consider the effects of the large increase in grading volumes for the
10 Alternative 1B Project that was disclosed in the period between publication of the Revised
11 Draft EIR and the Final EIR. The volume of cut and fill quadrupled, but the Final EIR contains
12 no other description or analysis of the impacts associated with this amount of grading as
13 compared to the initial amount of grading described in the Draft EIR. The increased grading
14 would cause potentially significant impacts, including but not limited to: altering the visual
15 character of the scenic Gaviota Coast area through modification of natural topographical
16 contours, including a linear stair-stepping of home pads on exposed and visible slopes;
17 increased erosion, loss of soil and sedimentation of receiving waters including Dos Pueblos
18 Creek and the Pacific Ocean, with attendant adverse impacts to aquatic and marine habitat and
19 wildlife; increased particulate matter air pollution from exposed soils, grading operations, and
20 soil transport and storage; increased emissions of criteria and hazardous air pollutants and
21 circulation impacts from the approximately 12,000 truck trips of an unknown length associated
22 with the removal of 120,000 cubic yards of excess cut soil generated from site preparation, in
23 addition to the air pollution emissions from the cutting and filling of 175,000 cubic yards of
24 soil that will be balanced on site; impacts to present and future agricultural viability from the
25 loss, burial and export of prime topsoils; and the disturbance and destruction of sacred sites,
26 artifacts and remains from previous civilizations existing on and throughout the Project site.
27 The EIR makes conclusions that these impacts can be mitigated to levels below significance
28 without substantial evidence in the record responding to the increased grading volumes.

1 45. **Respondents failed to proceed in the manner required by law by approving a**
2 **project where there are feasible alternatives or feasible mitigation measures that would**
3 **avoid or substantially lessen significant impacts.** CEQA forbids public agencies from
4 approving projects as proposed if there are feasible alternatives or feasible mitigation measures
5 available that would substantially lessen the significant environmental effects of such project.
6 The EIR and the public identified several feasible alternatives and mitigation measures that
7 would substantially lessen the significant environmental effects of the Project, and Respondents
8 abused their discretion by rejecting these feasible alternatives and mitigation measures.

9 A. Respondents failed to proceed in the manner required by law by rejecting
10 alternatives on the basis of the applicants' preferences; this is a legally
11 insufficient basis for rejecting an alternative under CEQA. Numerous feasible
12 alternatives and mitigation measures are effectively precluded by the conditional
13 participation of Dos Pueblos Ranch in the Project. For example, the preferred
14 route for vertical access to the beach, on lot DP-19 as identified in the LCP, is
15 within the boundaries of Dos Pueblos Ranch; however, the Dos Pueblos Ranch
16 owners have stated that they will pull out of the Project entirely if this vertical
17 access is required across their land. Similarly, the EIR rejects some feasible
18 alternatives, including Alternative 2, because Dos Pueblos Ranch would not
19 consent to that particular alternative Project configuration. The EIR offers no
20 other evidence that Alternative 2 is infeasible, other than the legally insufficient
21 basis of Dos Pueblos Ranch's desires.

22 B. Respondents abused their discretion by arbitrarily finding that economic and
23 other considerations make infeasible the project alternatives identified in the
24 Final EIR, including alternatives that would avoid or substantially lessen project
25 impacts, including the Offsite Dos Pueblos Ranch Alternative 2, the Reduced
26 Development Alternative 4, the Clustered Development Alternative 5, the
27 Transfer of Development Rights Alternative 6, and a reasonable hybrid
28 Alternative, combining Transfer of Development Rights with Reduced

1 Development and/or Clustered Development. The findings include:

2 With a [significant reduction in development and] in the level of
3 economic return, the Project Applicants would no longer reasonably be
4 able to forgo proceeding with the full development of the existing Naples
5 Town site lots. Thus, [alternatives do not] meet Project Objective (h),
6 which calls for a project that achieves a CLUP reducing the potential
7 density that would result from the development of the Naples Townsite
8 lots through a reduced density project landowners are willing to develop
9 in lieu of development of the Naples Townsite lots.

10 CEQA charges the agency, not the applicants, with the task of determining
11 whether alternatives are feasible. The lead agency must independently
12 participate, review, analyze and discuss the alternatives in good faith. The fact
13 that an alternative may be more expensive or less profitable is not sufficient to
14 show that the alternative is economically infeasible. What is required is
15 evidence that the additional costs or lost profitability are sufficiently severe as to
16 render it impractical to proceed with the project. Failure to examine this
17 cost/revenue balance is a failure to proceed in the manner required by law.

18 C. Respondents abused their discretion by finding that mitigation measures which
19 would avoid or substantially lessen project impacts are infeasible. Various
20 mitigation measures were proposed and identified as both feasible and necessary
21 to reduce potentially significant Project impacts, but were not adopted.

22 Examples include: failure to restrict all horse operations on agricultural lands to
23 the central horse boarding and equestrian facility as described in proposed
24 mitigation measure AG-1; failure to delete or reconfigure lots where units would
25 intrude into the skyline and contribute to Class I Impact Vis-0; failure to site
26 residential development away from known Chumash village site areas; and
27 failure to adopt mitigation measures Bio-1a, Bio-1b, Bio-2a, Bio-2b and Bio-6
28 as originally proposed, thereby rejecting performance standards for restored

1 grasslands and coastal scrub habitats and reducing the frequency of required
2 monitoring.

3 46. **Respondents failed to proceed in the manner required by law by finding that**
4 **Alternative 1B was the environmentally superior alternative.** Pursuant to CEQA, if the “no
5 project” alternative is identified as the environmentally superior alternative, the EIR shall also
6 identify an environmentally superior alternative from among the other alternatives. In this
7 case, the “no project” alternative (no development) was not identified as environmentally
8 superior, although it clearly is. Rather, the EIR immediately identified Alternative 1 as
9 environmentally superior; and this is an egregious abuse of Respondents’ discretion, because
10 Alternative 1 (or Alternative 1B) would result in greater and more numerous impacts than
11 several other feasible alternatives. The EIR itself discloses that other feasible project
12 alternatives would further avoid or lessen significant impacts, as compared to Alternative 1B,
13 in the following areas: geology and geologic hazard, hydrology and water quality, traffic and
14 transportation, air quality and public services. In addition, an adequate EIR, with a proper
15 baseline environmental setting and proper impact analysis, would likely conclude that other
16 impacts, such as those to biological resources, are also greater under the Alternative 1B project
17 than under other alternatives.

18 47. **Respondents failed to proceed in the manner required by law by failing to**
19 **recirculate the EIR.** CEQA requires that a lead agency must recirculate an EIR when
20 significant new information is added to the EIR or becomes apparent, prior to certification of
21 the EIR. “Significant new information” is defined as including: (1) a disclosure of a new
22 significant environmental impact; or (2) a disclosure showing a substantial increase in the
23 severity of an environmental impact; or (3) when a project alternative or mitigation measure
24 becomes feasible and would clearly lessen the environmental impacts of the project (and when
25 the new feasible alternative or mitigation measure is not adopted). An EIR must also be
26 recirculated when it is so fundamentally inadequate and conclusory in nature that meaningful
27 public review and comment are precluded. According to the forgoing standards, the Santa
28 Barbara Ranch project EIR must be recirculated, and Respondents’ failure to do so constitutes

1 an abuse of discretion. For example, the EIR should be recirculated for the following reasons:

2 A. Alternative 1B, which was introduced by the project applicants late in the EIR
3 process and subsequently approved by the County, would introduce new
4 significant impacts by removing beach access from the Project. Removing
5 beach access creates new conflicts with the policies of the County's LCP and
6 with the California Coastal Act, including LCP Policy 7-3, which requires beach
7 access for all new development between the first public road and the Pacific
8 Ocean. Moreover, this change further interferes with and effectively bars the
9 public's right of access to the sea, acquired through the decades-long public use
10 of the Project site to access the beach at Naples, generating a patent conflict with
11 LCP Policy 7-2. Conflicts with applicable policies which are designed, at least
12 in part, to reduce the impacts of a proposed project are considered significant
13 environmental impacts under CEQA. This disclosure of this new significant
14 environmental impact compels recirculation of the EIR.

15 B. Alternative 1B would also substantially increase the severity of impacts to the
16 environment over the proposed project and other alternatives. Increased impacts
17 include those to biological resources, hydrology and water quality, agricultural
18 resources, visual resources and impacts from grading and alteration of the
19 surrounding environment. For example, 35 more acres of grassland habitat are
20 converted under Alternative 1B than under Alternative 1. Total project grading
21 apparently associated with Alternative 1B Project changes increased from
22 117,000 cubic yards to 480,000 cubic yards, increasing the area of grading and
23 substantially increasing visual and topographical changes, increasing erosion
24 and sedimentation of creeks and the Pacific Ocean, and causing undisclosed and
25 unmitigated transportation effects from off-site export of up to 120,000 cubic
26 yards. These increases in the severity of environmental impacts compel
27 recirculation of the EIR.

28 C. The further addition and adoption of a staged development approach to

1 Alternative 1B would substantially increase the severity of project impacts by
2 allowing a portion of the development at Santa Barbara Ranch to occur without
3 mitigation that was considered in the Final EIR to be necessary for the Project as
4 a whole, such as the preservation of agricultural lands through the Agricultural
5 Conservation Easement and the creation of public trails through Project lands
6 along Highway 101. Staged development as approved creates a high probability
7 that the applicants will gain final approval and begin construction in the short
8 term of the first stage, including up to ten residences causing significant grading,
9 site modification and introducing structures visible from Highway 101 and
10 intruding into the skyline in violation of applicable policy and without
11 mitigation. Mitigation tied to the Coastal Commission's approval of future
12 development stages is speculative, because the owners of Dos Pueblos Ranch –
13 the site of the ACE and public trails – have already stated their intention to
14 withdraw Dos Pueblos Ranch from the Project if the Coastal Commission
15 imposes conditions not to their liking. Therefore, Staged Alternative 1B will
16 result in unmitigated and thus increased impacts.

17 D. New information submitted by the California Department of Fish and Game,
18 disclosing a reduction in water supply to support existing productive agriculture
19 protected by the ACE, demonstrates a substantial increase in the severity of
20 impacts to the environment and agricultural resources. This is significant new
21 information compelling recirculation of the EIR.

22 E. Santa Barbara Ranch's acquisition of an option to buy approximately 360 acres
23 of Dos Pueblos Ranch lands renders an additional range of alternatives feasible
24 and which would clearly lessen the environmental impacts of the Project by
25 providing inland, less constrained areas for development. Previously,
26 alternatives that eliminated coastal bluff development and included increased
27 levels of development on these inland lots were declared infeasible by the
28 applicants and/or Respondents because they were controlled by outside interests.

1 Now that the owners of Santa Barbara Ranch control these inland acres,
2 previously rejected alternatives have been rendered feasible. These feasible
3 alternatives would avoid significant impacts such as those to biological,
4 agricultural, coastal and visual resources, and to cultural resources on Dos
5 Pueblos Ranch south of Highway 101, as well as avoiding substantial policy
6 inconsistencies and the significant environmental impacts related thereto. Under
7 CEQA, this new ownership scenario constitutes significant new information
8 disclosing a feasible project alternative that clearly would lessen the
9 environmental impacts of the Project and yet which has been rejected by the
10 Project proponents, thereby necessitating recirculation of the EIR.

11 F. Respondents' actions and analyses described in paragraphs 1 through 47 above
12 render the EIR so fundamentally and basically inadequate that meaningful
13 public review and comment were precluded. The Project Description for
14 Alternative I constantly changed, but with limited public notification of the
15 specific changes. Constraints on mitigation measures and alternatives were
16 never clearly articulated and remained highly subjective. The role and status of
17 Dos Pueblos Ranch remained vague and unspecified throughout the process,
18 without clearly identifying whether they were in fact an applicant or what their
19 application was for.

21 SECOND CAUSE OF ACTION

22 VIOLATIONS OF THE CALIFORNIA COASTAL ACT

23 48. Petitioners hereby incorporate by reference paragraphs 1 through 47 herein as if fully
24 set forth herein.

25 49. **Respondents failed to proceed in the manner required by law in approving an**
26 **amendment to the County's LCP that is inconsistent with the Coastal Act.** LCP
27 amendments must be consistent with the California Coastal Act and certified by the California
28 Coastal Commission. Pub. Res. Code § 30514. The County abused its discretion and violated

1 the Coastal Act by approving an LCP amendment that is inconsistent with the Coastal Act and
2 for the following reasons:

- 3 A. The LCP amendment violates Coastal Act § 30250, because it allows for new
4 residential development outside of existing developed areas, in a rural area
5 without adequate public services and where it will have significant adverse
6 effects on coastal resources.
- 7 B. The LCP amendment allows the conversion of prime agricultural lands to non
8 agricultural use in violation of Coastal Act § 30241. Specifically, the
9 amendment allows for the conversion of at least 59 acres of prime agricultural
10 lands located outside the urban boundary to residential use, jeopardizing the
11 County's agricultural economy by introducing conflicts between residential and
12 agricultural uses, and destroying the County's ability to maintain a stable
13 urban/rural boundary.
- 14 C. The LCP amendment allows a substantial amount of development on or adjacent
15 to ESHA without adequate identification or protection of sensitive habitats in
16 violation of Coastal Act § 30240. Specifically, the amendment would harm or
17 destroy native grasslands, wetlands and white-tailed kite habitat.
- 18 D. The LCP amendment violates Coastal Act § 30251, because it fails to protect
19 views to and along the ocean and scenic coastal areas, and fails to insure visual
20 compatibility with the character of surrounding areas, by allowing two-story
21 residences on the coastal bluff that are incompatible with the surrounding highly
22 scenic rural environment. The coastal bluff residences would be highly visible
23 to public trail users and railroad passengers, would intrude into public skyline
24 views, and would block and otherwise spoil views to and along the ocean from
25 public viewing locations.
- 26 E. The LCP amendment further allows construction of residential development on
27 and near highly significant cultural sites without requiring adequate avoidance
28 or adequate mitigation as required by Coastal Act § 30244. For example, the

1 amendment fails to require avoidance of Chumash village sites where feasible,
2 as in the case of DP Lots-15, -16 and -20. Respondents failed to consider
3 whether deleting Lot DP-20 or other lots within cultural sites was a feasible way
4 to avoid the Chumash villages. Respondents abused their discretion by failing
5 to move Lot DP-20's development envelope to lessen cultural impacts, citing to
6 adverse impacts to private views from Dos Pueblos Ranch's Casa Grande.

7 F. The LCP amendment does not provide maximum public access and recreation
8 opportunities, in violation of Coastal Act § 30210, because it provides no trail
9 along the coast, and no access down to the beach. Respondents deleted vertical
10 beach access and relied on speculative future development to provide beach
11 access, and did not require access at Dos Pueblos Canyon or elsewhere where
12 access would avoid impacts to the coastal bluff and seal haul out. In addition,
13 the LCP amendment would interfere with the public's right of access to the sea,
14 in violation of Coastal Act § 30211, because the new development will preclude
15 the public from accessing the beach at Naples as it has for generations. Finally,
16 the LCP amendment violates Coastal Act § 30212 because it fails to provide
17 adequate public access from the nearest public roadway (Highway 101) to the
18 shoreline and along the coast, and because the "Coastal" Trail would be located
19 inland along Highway 101 rather than along the coast.

20 50. **Respondents failed to proceed in the manner required by law in approving non-**
21 **appealable Coastal Development Permits ("CDP"s) that are inconsistent with the**
22 **County's certified LCP and the public access provisions of the California Coastal Act.**

23 Pursuant to Coastal Act § 30600(a), Respondents must issue a CDP for any development (as
24 defined in § 30106) proposed within the coastal zone. A CDP must conform to the standards
25 set forth in the County's certified LCP and the public access policies set forth in the Coastal
26 Act (Coastal Act § 30503(b)). In this case, Project CDPs are inconsistent with the County's
27 existing certified LCP (in particular, the agricultural land use designation) and Coastal Act
28 public access policies (as described above). The County attempted to get around these

1 inconsistencies by conditioning its approval of the CDPs on approval of the new LCP
2 amendment. However, this approach is contrary to the Coastal Act's mandate that CDPs be
3 consistent with the County's *existing* certified LCP.

4 51. Even with the amendment, however, the CDPs violate key policies in the County's
5 certified LCP. Respondents abused their discretion and violated the Coastal Act in issuing
6 CDPs for the Project that are inconsistent with the County's certified LCP. For example,
7 Respondents approved CDPs for utilities and infrastructure to serve residences, which are
8 configured at a density that is inconsistent with the underlying agricultural land use designation
9 in the LCP, thereby violating LCP development Policy 2-12 and agricultural protection Policy
10 8-2. Respondents also approved CDPs for utilities serving residences without adequate public
11 or private services to serve the Project, and allowed the extension of urban services to serve the
12 residences by approving a CDP for utilities including package treatment plants and water
13 treatment/reclamation facilities in violation of LCP development Policies 2-6 and 2-10.
14 Respondents approved a rezone for the entire Naples Townsite on Santa Barbara Ranch in
15 violation of LCP Policy 2-13, which requires that the County shall discourage residential
16 development at Naples and shall encourage and assist in the transfer of development rights
17 from Naples to an appropriate site within an urban area. The CDP for the sewage package
18 treatment plants also violates LCP ESHA and water quality Policies 9-11 and 3-19 because
19 reclaimed water from the plants may be discharged into wetlands and because one plant is
20 located along Tomate Creek's sensitive habitat. Respondents also approved CDPs that will
21 have adverse impacts on ESHA, including development that is insufficiently set back from
22 ESHA in violation of LCP development Policy 2-11 and ESHA Policies 9-1, 9-9, 9-11, 9-14, 9-
23 16, 9-17, 9-18, 9-29, 9-37, and 9-38. Respondents also approved CDPs for development that is
24 incompatible with LCP Visual Policy 4-3 because it is not compatible with the surrounding
25 natural environment, and because it does not follow natural contours, and it alters the natural
26 character of the area and dominates natural landforms. Respondents approved CDPs for
27 development that would endanger significant cultural resources, in violation of the LCP
28 cultural resource protection Policies 10-1, 10-2 and 10-3. Moreover, the CDPs for public

1 access improvements approved by Respondents improperly limit public access opportunities
2 and fail to provide coastal access as required by LCP coastal access and recreation Policies 7-1,
3 7-2 and 7-3 and sections 30210 and 30211 of the Coastal Act. Finally, Respondents have not
4 prepared a carrying capacity study to determine whether proposed recreational improvements
5 are compatible with coastal resources and sensitive habitats at Naples as required by LCP
6 Policy 7-4.

7 **52. Respondents failed to proceed in the manner required by law by approving**
8 **development without requiring or issuing CDPs or Conditional Use Permits (“CUP”s).**

9 Section 30600(a) of the Coastal Act requires CDPs for all development in the coastal zone.
10 Coastal Act § 30106 defines development broadly to include activities such as grading,
11 discharge of waste material, as well as any change in the density or intensity of use of land or
12 water. Respondents violated the Coastal Act by failing to issue a CDP for infrastructure in the
13 coastal zone, including storm drain facilities along the road to Lot 132. Previously constructed
14 utility lines to serve the Project also lack permits. Respondents also failed to issue CDPs for
15 domestic water distribution lines within the coastal zone, for operation of the wastewater
16 treatment plant within the coastal zone, for drying and/or transport of sewage sludge from three
17 treatment plants, for construction and operation of sewage lift stations, and for construction and
18 operation of treated wastewater seepage pits. Respondents also failed to issue CDPs for
19 ongoing removal of vegetation pursuant to fire protection measures, for operation and
20 maintenance of storm drains, storm water detention and sediment basins, and water quality
21 protection measures, and for correcting coastal zoning violations. Finally, Respondents failed
22 to issue CDPs for mergers and lot line adjustments within the coastal zone, wastewater
23 discharges in the coastal zone, for intensification of water use in the coastal zone and for the
24 Vesting Tentative Map and Final Development Plan. Similarly, Respondents failed to require
25 CUPs for development not identified as principally permitted uses in the County’s zoning
26 ordinances.

1 **THIRD CAUSE OF ACTION**

2 **VIOLATIONS OF CALIFORNIA PLANNING AND ZONING LAW**

3 53. Petitioners hereby incorporate by reference paragraphs 1 through 52 herein as if fully
4 set forth herein.

5 54. **Respondents failed to proceed in the manner required by law by failing to evaluate**
6 **the Project's consistency with applicable policies in the County's Comprehensive Plan.**

7 For example, Respondents ignored a section of the Conservation Element which states that "the
8 biological makeup of rocky points should be maintained to ensure [their] protection." The
9 Project's default public access configuration includes a bluff-facing staircase access structure,
10 which could cause deleterious impacts to the biological makeup of protected rocky points.

11 Respondents also failed to consider the Project's consistency with other relevant
12 Comprehensive Plan policies, including Comprehensive Plan Goals for the Goleta Valley Area
13 – Land Use (minimize grading).

14 55. **Respondents failed to proceed in the manner required by law by approving a**
15 **project that is inconsistent with applicable policies in the County's Comprehensive Plan.**

16 Respondents' policy consistency analysis is fundamentally flawed, because it relies on a
17 comparison to the speculative "grid" development scenario rather than the existing
18 environmental setting.

19 56. In addition, Respondents' findings of policy consistency are not supported by
20 substantial evidence, as follows:

21 A. Land Use Development Policy 2 states that "density may be increased only
22 under the programs of the Housing Element and the Residential Agricultural
23 Unit (RAU) program." The Project violates Policy 2, because it increases
24 residential density and has not been approved under either the Housing Element
25 or RAU programs.

26 B. Land Use Development Policy 3 states that "no urban development shall be
27 permitted beyond boundaries of land designated for urban uses except in
28 neighborhoods in rural areas." The Project violates this policy, because it

1 includes residential development on urban density lots beyond the urban limit
2 line (defined by the County LUDC as any residential structure on a lot of less
3 than 5 acres) including: Lot 50 (3.8 acres); Lot 104 (3.8 acres); Lot 105 (3.8
4 acres); Lot 107 A (3.8 acres); Lot 134 (3.8 acres); Lot 205 (3.18 acres); Lot 206
5 (3.11 acres); Lot 207 (3.29 acres); Lot 208 (4.71 acres); Lot 213 (4.02 acres);
6 Lot 215 (4.12 acres); Lot 216 (4.67 acres); Lot DP-05C (3.67 acres); Lot 43
7 (4.69 acres).

8 C. The Project violates Land Use Development Policy 4, because adequate public
9 and/or private services are not available to serve the proposed development. For
10 example, the Project lacks adequate solid waste disposal capacity, adequate fire
11 protection services and adequate water supply.

12 D. The Project violates Hillside and Watershed Protection Policy 1, because there is
13 no evidence in the record to demonstrate that cut and fill operations have been
14 minimized, and there is evidence in the record that the proposed development
15 could be carried out with less alteration of the natural terrain.

16 E. The Project violates Hillside and Watershed Protection Policy 2, because there is
17 no evidence in the record to demonstrate that grading and other site preparation
18 is kept to an absolute minimum.

19 F. The Project violates Hillside and Watershed Protection Policy 7, because there is
20 no evidence to support the conclusion that water quality will not be degraded.

21 G. The Project violates Visual Resources Policy 2, which states that “the height,
22 scale and design of structures shall be compatible with the character of the
23 surrounding natural environment ... and shall be sited so as not to intrude into
24 the skyline as seen from public viewing places.” There is no evidence in the
25 record to demonstrate that the project will be compatible with the character of its
26 surrounding natural environment and that project components have been sited so
27 as to not intrude into the skyline as seen from public viewing places.

28 H. The Project violates Agriculture Element Goal II, which states that agricultural

1 lands shall be protected from adverse urban influence, including conversion of
2 agricultural lands to non-agricultural uses. Evidence in the record indicates that
3 at least 59 acres of prime agricultural lands will be converted under the proposed
4 project.

- 5 I. The Project violates Agriculture Element Policy III.A, which states that
6 expansion of development into agricultural areas outside of urban limits is to be
7 discouraged as long as infill development is available. There is no evidence in
8 the record to demonstrate that infill development within or adjacent to urban
9 boundaries in the area is unavailable.

10 **57. Respondents failed to proceed in the manner required by law by approving a**
11 **project that is inconsistent with the County's Land Use and Development Code**

12 **("LUDC")**. The County's LUDC requires that all adverse impacts emanating from a project be
13 mitigated to the maximum extent feasible. While the Project EIR purports to describe
14 mitigation of all *significant* impacts to the maximum extent feasible, the EIR fails to describe
15 mitigation for all *adverse* impacts to the maximum extent feasible. For example, Alternative
16 1B's potential impacts wildlife and wildlife movements through conversion of habitat to the
17 ACE is considered "adverse but less than significant;" however, no mitigation measures are
18 identified to avoid or reduce these impacts to the maximum extent feasible.

19
20 **FOURTH CAUSE OF ACTION**

21 **VIOLATIONS OF THE WILLIAMSON ACT**

22 58. Petitioners hereby incorporate by reference paragraphs 1 through 57 herein as if fully
23 set forth herein.

24 59. The Williamson Act has been the most successful agricultural land preservation
25 program in the State of California. A Williamson Act contract establishes an obligation to
26 maintain those lands in agricultural production for a minimum 10 year period. Contracts
27 automatically renew each year, so that they remain in effect for 10 years, unless they are non-
28 renewed, cancelled or rescinded. Lands under Williamson Act contract are subject to state and

1 local regulations, including the Santa Barbara County Uniform Rules, that substantially limit
2 the amount of non-agricultural development permissible and prohibiting non-agricultural uses
3 and activities that are not compatible with the agricultural production and uses of such lands
4 (including residential development with a developed area in excess of 2 acres or 1% of the
5 parcel, whichever is less). In exchange, landowners receive a reduction in property taxes
6 during the period that the agricultural land remains under contract. The reduction in tax is
7 authorized under the state Constitution, art. XIII, § 8. A landowner may terminate his or her
8 Williamson Act contract by providing the County a notice of nonrenewal, triggering a 10 year
9 period before the contract restrictions are released. A contract may also be cancelled or
10 rescinded if specific criteria are met.

11 **60. Respondents failed to proceed in the manner required by law by approving the**
12 **cancellation of Williamson Act Contract No. 77AP14 when there is proximate**

13 **noncontracted land which is both available and suitable for the proposed use.** Dos
14 Pueblos Ranch owns 2,566 acres of agricultural lands subject to Santa Barbara County
15 Williamson Act Contract No. 77AP14. As part of the approved Project, this contract will be
16 cancelled to allow for non-agricultural development. The Williamson Act authorizes the
17 cancellation of a Williamson Act contract only under certain narrow and extraordinary
18 circumstances. Cancellation is permitted only upon the County making certain statutory
19 findings based on substantial evidence that cancellation is in the public interest. To support a
20 finding that cancellation is in the public interest, the County must find that there is no
21 proximate noncontracted land which is both available and suitable for the use to which it is
22 proposed the contracted land be put.

23 61. Respondents failed to proceed in the manner required by law by failing to define “use”
24 in the context of the Williamson Act cancellation alternatives analysis. Respondents found a
25 need to transfer 40 units proposed on Dos Pueblos Ranch contracted lands, and based on such
26 need, found that proximate non-contracted lands were not available to accommodate such
27 development. Under the Williamson Act, however, Respondents may not rely on a
28 developer’s narrow description of the proposed use. Respondents failed to proceed in the

1 manner required by law by failing to define “use” and improperly restricting their consideration
2 of alternative sites.

3 62. Respondents failed to proceed in accordance with law by ignoring the standards
4 imposed by the Williamson Act in defining “suitable” and “proximate, noncontracted land” in
5 approving the Williamson Act contract cancellation and in making factual findings supporting
6 such cancellation. Specifically, while Respondents acknowledged that development on Santa
7 Barbara Ranch’s noncontracted lands could be used to avoid the Williamson Act contract
8 cancellation, they concluded that such development “defeats the very premise of Alt. 1B” and
9 “would conflict with other community policies and goals; namely, protection and enhancement
10 of agricultural uses.” Respondents improperly relied on the applicants’ “premise” that they
11 needed to develop on Williamson Act contracted lands without performing the independent
12 analysis required by the Williamson Act’s cancellation provisions. Respondents improperly
13 relied on a non-existent conflict to justify cancellation. The EIR found that development on
14 Santa Barbara Ranch’s 485 acres, as proposed in the MOU Project, has no Class 1 significant
15 impacts to agricultural resources and preserves 163 acres of land under an Agricultural
16 Conservation Easement, including 24 acres of prime agricultural lands, constituting protection
17 and enhancement of agriculture and thereby advancing the stated goals of agricultural land
18 preservation without involving the cancellation of a Williamson Act contract. Respondents’
19 flawed policy justification does not constitute compliance with their duty to determine if there
20 were practical alternatives available that would avoid Williamson Act contract cancellation.
21 Respondents failed to proceed in the manner required by law when they ignored the
22 Williamson Act’s definitions of “proximate” and “use” in the cancellation alternatives analysis
23 and summarily rejected Santa Barbara Ranch’s proximate, suitable and available noncontracted
24 land.

25 63. Respondents failed to proceed in the manner required by law by defining “proximate”
26 too narrowly. Only those lands that abut either Santa Barbara Ranch or Dos Pueblos Ranch
27 were considered as “proximate.” However, in so doing, Respondents improperly and
28 unreasonably excluded other proximate, available and suitable sites on noncontracted land,

1 including lands located within several or more miles and such as lands within the City of
2 Goleta's Sphere of Influence, lands subject to the County's Transfer of Development Rights
3 program throughout the South Coast, and lands identified on the County's Gaviota Coast
4 Project list. There are numerous other properties close enough to the contracted lands that
5 could serve as practical alternatives for the proposed use.

6 64. In addition, Respondents' finding regarding land alternatives is conclusory, is not
7 supported by substantial evidence, and fails to bridge the analytical gap between the raw
8 evidence and ultimate decision.

9
10 **FIFTH CAUSE OF ACTION**

11 **STAY AND INJUNCTIVE RELIEF – CCP §§ 526, 1094.5(g); COASTAL ACT §30803**

12 65. Petitioners hereby incorporate by reference paragraphs 1 through 64 herein as if fully
13 set forth herein.

14 66. If Respondents are allowed to continue the processing of the Project and Real Parties
15 are permitted to pursue development of said Project, Petitioners and the community at large
16 will suffer great and irreparable environmental damage as described herein.

17 67. Public Resources Code § 30803 permits any person to maintain an action for equitable
18 relief to restrain any violation of the California Coastal Act. Petitioners bring this action to
19 restrain Respondents from violating the Coastal Act by approving an LCP amendment that is
20 inconsistent with the Coastal Act, and by approving CDPs that are inconsistent with the
21 County's certified LCP and the public access provisions of the Coastal Act. If Respondents are
22 not enjoined or restrained from implementation of the Project as approved by the County,
23 Petitioners and the public will suffer irreparable harm, in that valuable coastal resources will be
24 permanently lost or damaged.

25
26 **PRAYER FOR RELIEF**

27 WHEREFORE, Petitioners pray for judgment as set for below:

28 A. For Alternative and Peremptory Writs of Mandate ordering Respondents to

1 vacate and set aside their approval of each and every element and aspect of the
2 entitlement and authorization of the Project and certification of the Santa
3 Barbara Ranch Project EIR, and to follow California statutes and regulations in
4 complying with CEQA, the Coastal Act, Planning and Zoning Law and the
5 Williamson Act;

6 B. For an order staying the approval and prohibiting Respondents and Real Parties
7 in interest from engaging in any activity pursuant to the Santa Barbara Ranch
8 Project approvals until such time that Respondents have complied with CEQA,
9 the Coastal Act, Planning and Zoning Law, the Williamson Act, and all other
10 applicable state and local laws, policies, ordinances and regulations as are
11 directed by this Court;

12 C. For an order granting an injunction prohibiting Respondents and Real Parties in
13 interest from engaging in any activity pursuant to the Santa Barbara Ranch
14 Project approvals until such time that Respondents have complied with CEQA,
15 the Coastal Act, Planning and Zoning Law, the Williamson Act, and all other
16 applicable state and local laws, policies, ordinances and regulations as are
17 directed by this Court;

18 D. For reasonable attorneys' fees associated with bringing this suit, as authorized
19 under California Code of Civil Procedure § 1021.5 and any other applicable
20 provisions of law;

21 E. For costs of suit; and

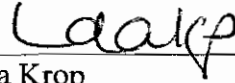
22 F. For such other and further relief as this Court deems proper.
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Respectfully submitted,

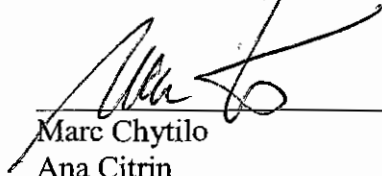
Dated: November 20, 2008

ENVIRONMENTAL DEFENSE CENTER



Linda Krop
Nathan G. Alley
Attorneys for Petitioners
ENVIRONMENTAL DEFENSE CENTER,
SURFRIDER FOUNDATION

LAW OFFICE OF MARC CHYTILO



Marc Chytilo
Ana Citrin
Attorneys for Petitioner
NAPLES COALITION

Dated: November 20, 2008

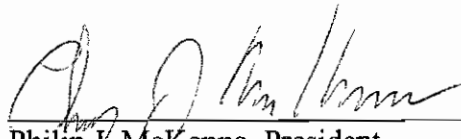
Exhibit 1: Notice of Intention to file suit under CEQA

1
2 **Verification**

3 I, Philip J. McKenna, declare that I have read the attached Petition and know its
4 contents, which are true of my own knowledge except as to those matters stated on my
5 information and belief, and as to those matters I believe the Petition to be true.

6 I declare under penalty of perjury under the laws of the State of California that the
7 foregoing is true and correct.
8

9 Executed on November 20, 2008, at Santa Barbara, California.

10 

11 _____
12 Philip J. McKenna, President
13 Naples Coalition, Petitioner
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1 Linda Krop (State Bar No. 118773)
2 Nathan G. Alley (State Bar No. 237306)
3 ENVIRONMENTAL DEFENSE CENTER
4 906 Garden Street
5 Santa Barbara, CA 93101
6 Telephone: 805-963-1622; Fax: 805-962-3152
7 Email: LKrop@edcnet.org, Nathanalley@edcnet.org

8 Attorneys for Petitioners ENVIRONMENTAL
9 DEFENSE CENTER, SURFRIDER FOUNDATION

10 Marc Chytilo (State Bar No. 132742)
11 Ana Citrin (State Bar No. 255587)
12 LAW OFFICE OF MARC CHYTILO
13 P.O. Box 92233
14 Santa Barbara, CA 93190
15 Telephone: 805-682-0585; Fax: 805-682-2379
16 Email: airlaw5@cox.net; anacitrin@cox.net

17 Attorneys for Petitioner
18 NAPLES COALITION

19 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
20 **FOR THE COUNTY OF SANTA BARBARA**
21 **ANACAPA DIVISION**

22 NAPLES COALITION, a California Public
23 Benefit Corporation; ENVIRONMENTAL
24 DEFENSE CENTER, a California Public
25 Benefit Corporation, and SURFRIDER
26 FOUNDATION, a California Public Benefit
27 Corporation,

28 Petitioners,

29 vs.

30 COUNTY OF SANTA BARBARA; BOARD
31 OF SUPERVISORS OF THE COUNTY OF
32 SANTA BARBARA; and DOES 1-15,

33 Respondents,

34 SANTA BARBARA RANCH, LLC;
35 VINTAGE COMMUNITIES, INC;
36 VINTAGE VINEYARDS, LLC; OSGOOD
37 FARMS, LLC; MATTHEW K. OSGOOD;
38 DLC RANCH, LLC; TW FAMILY FARM,

) **Case No.**

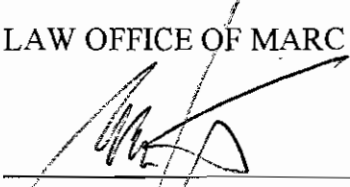
) **NOTICE OF INTENT TO COMMENCE**
) **LITIGATION PURSUANT TO THE**
) **CALIFORNIA ENVIRONMENTAL**
) **QUALITY ACT (CEQA)**

1 LLC; SANTA BARBARA LAND &)
2 RANCHING COMPANY, LLC; OSGOOD)
3 FAMILY TRUST; DAVID CHANG; JERRI)
4 A. OSGOOD, TRUSTEE; MATTHEW K.)
5 OSGOOD, TRUSTEE; MARIANITA)
6 WILLMON; MARCIA A. BOTTOMS; DOS)
7 PUEBLOS RANCH; SCHULTE FAMILY)
8 TRUST; HENRY SCHULTE; DP SUNRISE,)
9 LLC; DP SUNSET, LLC; MOUNTAIN)
10 MIST, LLC; MAJESTIC VIEW, LLC;)
11 SCHULTE 1991 TRUST 3/22/91;)
12 MOONLIGHT REFLECTIONS, LLC; and)
13 DOES 16-30,)
14
15 Real Parties in Interest.

16 PLEASE TAKE NOTICE, pursuant to the requirements of Public Resources Code
17 Section 21167.5, this will serve as notice of the commencement of litigation against the County
18 of Santa Barbara and the Board of Supervisors of the County of Santa Barbara, by the Naples
19 Coalition, the Environmental Defense Center, and Surfrider Foundation, for approval of the
20 Santa Barbara Ranch Project and related actions. This litigation is being commenced, *inter alia*,
21 because the County has not complied with the California Environmental Quality Act (Public
22 Resources Code Section 21000, et seq.).

23 Respectfully Submitted,

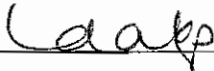
24 Dated: November 20, 2008

25 LAW OFFICE OF MARC CHYTILO
26 
27 Marc Chytilo
28 Ana Citrin
Attorneys for Petitioners
NAPLES COALITION

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ENVIRONMENTAL DEFENSE CENTER

Dated: November 20, 2008



Linda Krop
Nathan G. Alley
Attorneys for Petitioners
ENVIRONMENTAL DEFENSE CENTER and
SURFRIDER FOUNDATION

1 **PROOF OF SERVICE BY MAIL**

2 I certify and declare as follows:

3 I am over the age of 18, and not a party to this action. My business address is Law
4 Office of Marc Chytilo, Post Office Box 92233, Santa Barbara, California 93190, which is
5 located in Santa Barbara County where the mailing described below took place.

6 I am familiar with the business practice at my place of business for the collection and
7 processing of correspondence for mailing with the United States Postal Service.

8 Correspondence so collected and processed is deposited with the United States Postal Service
9 that same day in the ordinary course of business.

10 On November 20, 2008 the following document(s):

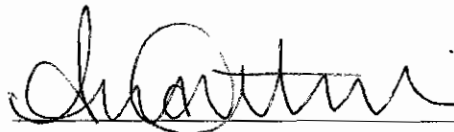
- 11 1. Notice of Intent to Commence Litigation Pursuant to the California
12 Environmental Quality Act

13 was placed for deposit in the United States Postal Service in a sealed envelope, with postage
14 fully paid to:

15 Santa Barbara County
16 Clerk of the Board
17 105 East Anapamu Street, Room 407
18 Santa Barbara, CA 93101

19 I certify and declare under penalty of perjury that the forgoing is true and correct.

20 Dated: November 20, 2008



21 Ana Citrin
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