

CALIFORNIA COASTAL COMMISSION

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



DEFICIENCY NOTICE

DATE: December 19, 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 December 12, 2008, and listed in the attached document titled "Table 4 - Inland and Coastal Approvals", Attachment C-2 of the Conditions of Approval and Exhibit 13 of the Conditions of Approval*).

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 Action, which was received by our office on December 15, 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 restroom, 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.

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

Deficiencies noted below:

1. 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.

2. X Procedures for appeal of the decision to the Coastal Commission not included and/or inaccurate. The submitted Notice of Final Action constitutes a combined notice for multiple separate permits, actions, and approvals. In order to provide adequate notice regarding “the procedures for appeal,” pursuant to 14 CCR section 13571, such notice must accurately describe which of the actions and different components included in the notice of final local action are subject to those appeals procedures. However, several of the appealable actions and approvals included in the combined Final Action Notice for this project were incorrectly described as not appealable, including:
 - Lot Mergers. The Final Action Notice incorrectly states that “Lot mergers...are ministerial actions under the County’s development and subdivision regulations; therefore are not appealable.” However, lot mergers constitute “development” that require a coastal development permit and are not exempt from permit requirements pursuant to either the California Coastal Act or the County’s certified Local Coastal Program, regardless of whether the action is characterized as a ministerial or discretionary decision. Although some of the individual appealable coastal permits approved for new residences correctly include lot mergers as part of their proposed project descriptions, the Notice of Final Action also identifies several other approved lot mergers (which have been authorized as part of this project as non-appealable actions) without the required appealable coastal permits.
 - Designation of “Development Envelope” areas. Grading and designation of “development envelope” areas within the Coastal Zone appear to have been approved on Lots 104, 108, and 185 without the required coastal permits. The designation of these development areas authorizing various non-principle permitted uses on each site (pursuant to the County’s currently certified Local Coastal Program) requires an appealable coastal permit for the portions of the designated development areas located within the Coastal Zone.
 - Subdivision of land. In addition, the combined Notice of Final Action also incorrectly indicates that the subdivision of a parcel which is partially bisected by the Coastal Zone Boundary (pursuant to Vesting Tentative Tract Map 08TRM-00000-00006) and the subdivision/redivision of land related to the after-the-fact approval of three parcels (pursuant to Conditional Certificates of Compliance 08COC-00000-00001 through 00003) are not actions requiring appealable coastal development permits. Pursuant to the California Coastal Act and the County’s certified Local Coastal Program, the subdivision of land constitutes “development” requiring a coastal development permit. In addition, the above referenced subdivisions of land constitute non-principle permitted uses and would, therefore, be appealable actions regardless of whether they are located within the Commission’s mapped Geographic Appeals jurisdiction. Therefore, the above referenced actions require appealable coastal development permits.

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

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 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).

Commission staff recommends the County identify the above referenced actions as requiring appealable coastal development permits by submitting a revised Notice of Final Local Action for this project by first class mail, pursuant to the requirements of 14 CCR Section 13571. However, if the County is not in agreement regarding the determination that the above development is appealable, then a dispute regarding the appealability of the County's action (or any components thereof) may be resolved by the Commission pursuant to CCR Title 14, Section 13569. 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.