

Tetley, Brian

From: Johnson, Derek
Sent: Tuesday, June 15, 2010 8:18 AM
To: Parker, Vicki; Tetley, Brian; Lackie, David
Subject: FW: LUDC Certification before the California Coastal Commission

FYI

From: Roger Himovitz [mailto:roger@himovitz.com]
Sent: Monday, June 14, 2010 9:03 PM
To: Kim Kimbell
Cc: Johnson, Derek; Farr, Doreen
Subject: LUDC Certification before the California Coastal Commission

Re: *LUDC Certification before the California Coastal Commission*

Dear Kim,

I have reviewed the draft letter to the Board of Supervisors the GavPAC will consider at its June 16, 2010 meeting, and I support your committee's statement of concerns. As the only privately managed, public recreational accommodation on the Gaviota Coast, El Capitan Canyon has engaged in ongoing *voluntary* programs for the last decade to assure that expansion of coastal/ recreational opportunities are not only sensitive to their natural setting, [RSOS-3] but also enhance and restore coastal resources damaged or destroyed under the previous ownership by Texaco. For example, since our purchase of our 3200 acre property in 2000, we have:

- ✓ Transferred over 2500 acres to the State of California for future park use
- ✓ Dedicated conservation easements to the Santa Barbara Land Trust for the balance of the property, subject to continuing recreational, campground and equestrian uses, with two residential development envelopes outside of the Coastal Zone
- ✓ Established voluntary buffers for structural development away from El Capitan Creek, where no buffers were required under our original permit
- ✓ Engaged in cooperative programs to restore the riparian corridor, including removal of the Arizona crossing over El Capitan Creek as an element of a long term goal of re-introducing steelhead to the creek
- ✓ Applied additional non-disturbance areas to avoid development of slope areas within the CUP boundary

- ✓ Established a native plant nursery for propagation of plants used in ongoing restoration of ESH on the property
- ✓ Restored and maintained agricultural uses where not required to do so, to encourage local agriculture.
- ✓ Engaged in various cooperative programs with State Parks to allow public access to informal trails on the property, and to facilitate visitor access to the beach, and have taken on responsibility for maintenance of those trails pending the State's financial ability to embark on a formal program

In all of these activities, and in developing our current proposal to improve and implement our vested entitlements (included in your committee's Administrative Briefing Agenda Item #3) we believe we have maintained an unusually transparent and cooperative relationship with the identified public interest groups on the Gaviota Coast.

We have been unable to discern exactly the impact of the Coastal Commission's proposed modifications on the implementation of our approved CUP, but it appears clear that the pervasive additional permit requirements and expansion of review authority in the Coastal Commission will be of no benefit to the continuation of our voluntary programs. In fact, we are deeply concerned that our past and ongoing *voluntary* efforts at conservation and restoration will be used against us.

In addition, we are deeply concerned that, as we recover from this recession, the imposition of broader permit requirements and additional layers of review for minor changes and addition of ancillary structures to our existing operation will further burden our ability to provide a range of accommodations to all economic segments of the population. We provide camping opportunities which include the full range available in the industry: the only new bike camping on the coast, tent and car camping, drive through RV, and owner provided tent and RV cabin. We intend to maintain that proportionality as we implement our remaining entitlements under our CUP.

As but one example of concern, we recently spent many months and thousands of dollars to obtain CDP for enclosure of an existing storage area attached to our existing store/café in the Canyon, which was first approved in 1969 and incorporated in our revised 2004 CUP. These costs and delays occurred under the existing system, with no requirement of a public hearing, and no appeal to the Coastal Commission. From our perspective, the permit system is quite rigorous enough, even for non-controversial, simple applications.

Therefore we strongly support your Committee's goals of:

1. Streamlining the permit process for beneficial projects (*and would suggest adding expanded recreational opportunities which are sensitive to the natural setting to this list*)

2. Protecting landowners who restore environmentally sensitive habitat (“ESH”) from being prevented in the future from development in the restored area or from changing its uses to a different agricultural purpose.

3. Permitting additional uses, beyond those normally permitted, in exchange for an enhanced level of protection of a property most likely through a permanent conservation easement.

4. Enabling the continuation of an agricultural landscape free of oppressive regulation.

We therefore agree that the Board should ask for more time to negotiate and refine the CCC modifications, and further request that affected stakeholders, including representatives from the GavPAC be included in any such discussion.

Best regards,

Roger Himovitz

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