

1. Coastal Trail - Horizontal trail siting of dirt pedestrian trail

Normally Coastal access and connection to the California Coastal Trail would be required for any major coastal project. Unlike other LCP policies, which once approved, apply to development to the exclusion of Coastal Act requirements, the Coastal Act's access provisions apply to all developments.

Coastal Trail background is at <http://www.californiacoastaltrail.info/cms/pages/main/index.html>. One criteria is that "the Coastal Trail should be within sight, sound, or at least the scent of the sea." Another is that "the trail must be located and designed with a healthy regard for the protection of natural habitats, cultural and archaeological features, private property rights, neighborhoods, and agricultural operations along the way."

The applicant has refused to offer horizontal trail access along the coastal bluff, instead offering trails along the freeway. SBR claims DPR's unwillingness to allow the western end of the Coastal trail on their property to cross DP-19, and cultural resources on Lot 12, prevent the Coastal trail from going across the blufftop. They claim hikers would try to use the railroad trestle. EDC proposed a blufftop trail that avoids sensitive resources.

First, the Coastal trail should run the entire length of the blufftop regardless of whether it dead ends or connects. The LCP locates a vertical access (see below) in Dos Pueblos Canyon, and if acquired, the blufftop Coastal trail could be made to connect there as part of the network.

Second, the developer's offered "Freeway trail," which should be retained as a surfaced multi-purpose trail (for bikes, strollers, horses, etc), is patently inappropriate as a Coastal Trail and does not meet the first and most important criteria - "within sight, sound, or at least the scent of the sea."

2. Vertical Access to the Beach should be provided in Dos Pueblos Canyon

SBR offered a blocky staircase that was ill-suited for the site and was rejected by the PC. The location was near the seal haul-out area and subject to seasonal closures, was visually intrusive and grossly incompatible with the area. The PC noted that other proposed nearby residential development on either side (Makar and Las Varas) include vertical access, so required Osgood to put up in lieu funds, to be held until those other projects are processed.

The absence of coastal access is a red flag for the Coastal Commission. Community groups don't support the staircase structure, but believe there should be vertical access provided by a new trail down Dos Pueblos Canyon. DPR has stated this is a dealbreaker, and withdrew the beachfront lot - DP-19 - from the project for the exclusive purpose of keeping the public away from what they want to be their private beach.

The LCP identifies Dos Pueblos Canyon as the proper location for a vertical (to the beach) access corridor, (LAP Policy 7-18, Implementing Action (a)(2)). The LCP language states that vertical easements connecting the proposed coastal bicycle trail to the beach "shall be acquired by a public agency". If DPR will not grant an access down Dos Pueblos Canyon as part of the substantial benefits they get from the project, the County could use SBR's in lieu access fees to condemn access.

FOR NOW, the coastal beach access and coastal trail alignment elements of the project are woefully inadequate. These are important public issues, as well as critical issues in any future California Coastal Commission review. We need an unsurfaced coastal bluff trail the length of SBR's ownership, and Dos Pueblos Canyon serving as the vertical accessway.

## Coastal Public Access -- LCP and Coastal Act Policy Implications

September 25, 2008

Removal of beach access from the Alt. 1B project creates conflicts with applicable public access policies including Coastal Act § 30212 and LCP Policy 7-2.

**Coastal Act § 30212:** “(a) Public access from the nearest public roadway to the shoreline land along the coast shall be provided in new development projects except where (1) it is inconsistent with public safety, military security needs, or the protection [of] fragile coastal resources, (2) adequate access exists nearby, or (3) agriculture would be adversely affected...

**LCP Policy 7-2:** For all development between the first public road and the ocean, granting of an easement to allow vertical access to the mean high tide line shall be mandatory unless: (a) another more suitable public access corridor is available or proposed by the land use plan within a reasonable distance of the site...or (b) access at the site would result in an unmitigable adverse impact on areas designated as “habitat areas” by the land use plan...

Due to these conflicts, the Board cannot make the required finding under LCP Policy 1-4, that the Project is consistent with all applicable policies.

Further, these conflicts constitute significant new environmental impacts<sup>1</sup> that require recirculation of the EIR pursuant to CEQA Guidelines § 15088.5 (a) (1).

These conflicts and environmental impacts can be avoided if the Board followed the directive in LCP Policy 7-18 (a) acquired an easement for public access at Dos Pueblos Canyon.

**LCP Policy 7-18:** ...in order to maximize access to the beaches, vertical easements connecting the proposed bicycle trail (linking Santa Barbara and Gaviota) to the beach shall be acquired by a public agency at the following locations:...(2) Dos Pueblos Canyon.

Condemning an easement for beach access at Dos Pueblos Canyon is feasible because it could be funded using the fees the applicant is required to provide for access infrastructure.

---

<sup>1</sup> CEQA Guidelines Appendix G (IX)(b); *Pocket Protectors v. City of Sacramento* (2004) 124 Cal. App. 4<sup>th</sup> 903, 934, 936