

# **SANTA BARBARA RANCH**

**OCTOBER 21, 2008**

**BOARD OF SUPERVISORS PRESENTATION**

# **HOW WE GOT TO ALT 1B**

# MOU PROJECT



# ALTERNATIVE 1 A



# ALTERNATIVE 1 B



# **TRAILS & BEACH ACCESS**

# **CAN'T APPLY THE COASTAL** **ACT TO EFFECT A TAKING**

- Pub Res. Code § 30010

“...this division is not intended, and shall not be construed as authorizing the commission...to exercise their power to grant or deny a permit in a manner which will take or damage private property for public use without payment of compensation therefor.”

# **Nollan v. California** **Coastal Commission**

- Requires an essential nexus between the burden created by the project and the dedication requirement
- The County cannot require public access when the project is not interfering with existing public access



# ***Dolan v. City of Tigard***

- Government cannot require public access simply to advance a statutory policy
  - In other words, the County cannot require access in the name of plan consistency, unless there is an essential nexus

# **NO NEXUS HERE**

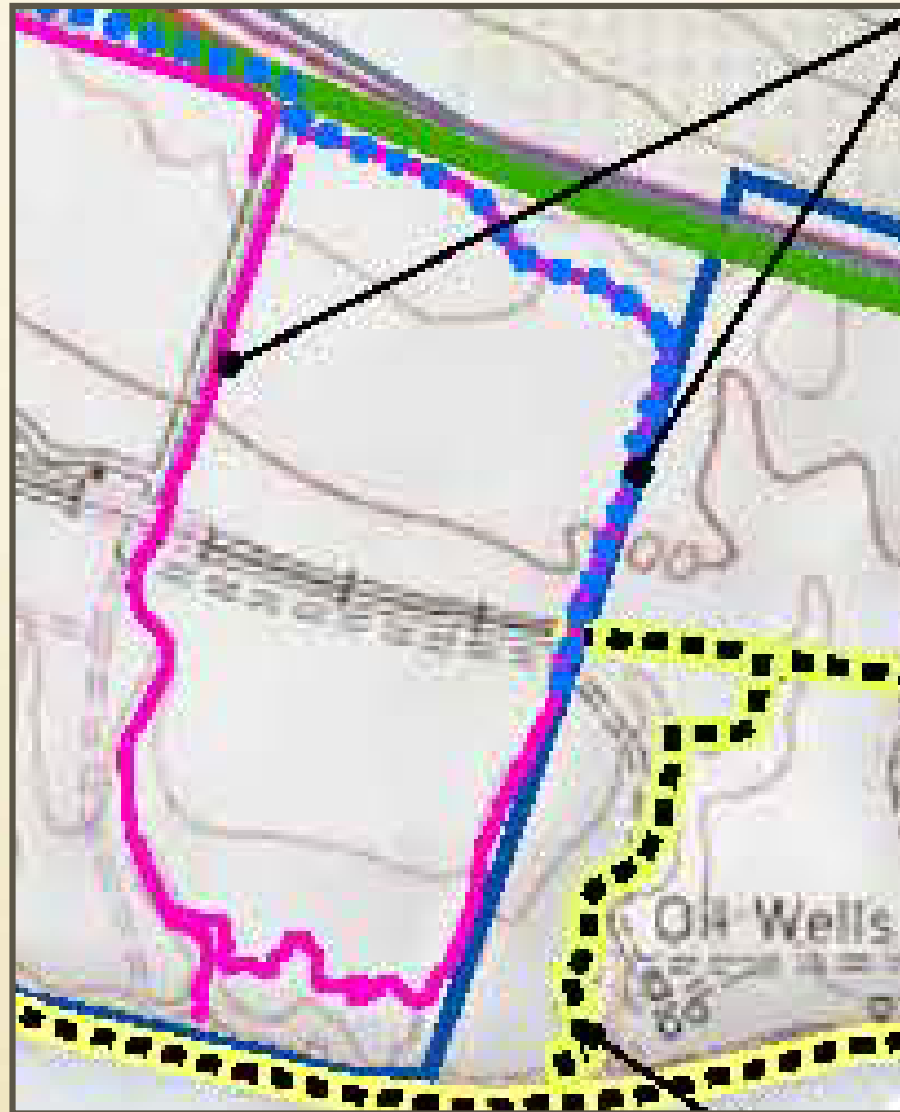
- There is no existing public access on Santa Barbara Ranch
- There is no existing public access on Dos Pueblos Ranch

**LCP POLICY 7-18**  
**DOES NOT MANDATE**  
**ACCESS ON DPR**

“Implementation Action (b): In order to Increase Opportunities for Coastal Dependent and Related Recreational Uses...[Dos Pueblos]...**Should be Acquired by a Public Agency**”

**SANTA BARBARA RANCH**  
**PROPOSED ACCESS**

# LOOP TRAIL



# BEACH ACCESS



# **IMPACTS TO NAPLES REEF**

“The presence of [sensitive] coastal dependent species is primarily located along the beach and intertidal areas of the southeast portion of the Naples project area. **This is an inappropriate area for a proposed major public access point** and stairway...” *Dr. Michael McGinnis* (Jan. 23, 2008)

“The current **proposed staircase** would put the public to the immediate west of the protected seal haul out area...since the proposed staircase would result in ESHA, visual and erosion impacts, it **should be abandoned at this location.**” *EDC* (Jan. 23, 2008)

# ELIMINATING THE STAIRWAY WAS NOT ENOUGH



- Public access could still occur
- Without a stairway there are safety issues
- So the Planning Commission modified the loop trail



# **CONSISTENT WITH POLICY**

- Policy 7-2 exception

“Policy 7-2..shall not apply to development excluded from the public access requirements of Coastal Act § 30212.”

- Coastal Act §30212

Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects **except** where (1) it is **inconsistent with public safety**...or the **protection of fragile coastal resources**

# **PLANNING COMMISSION**

## **RESPONSE**

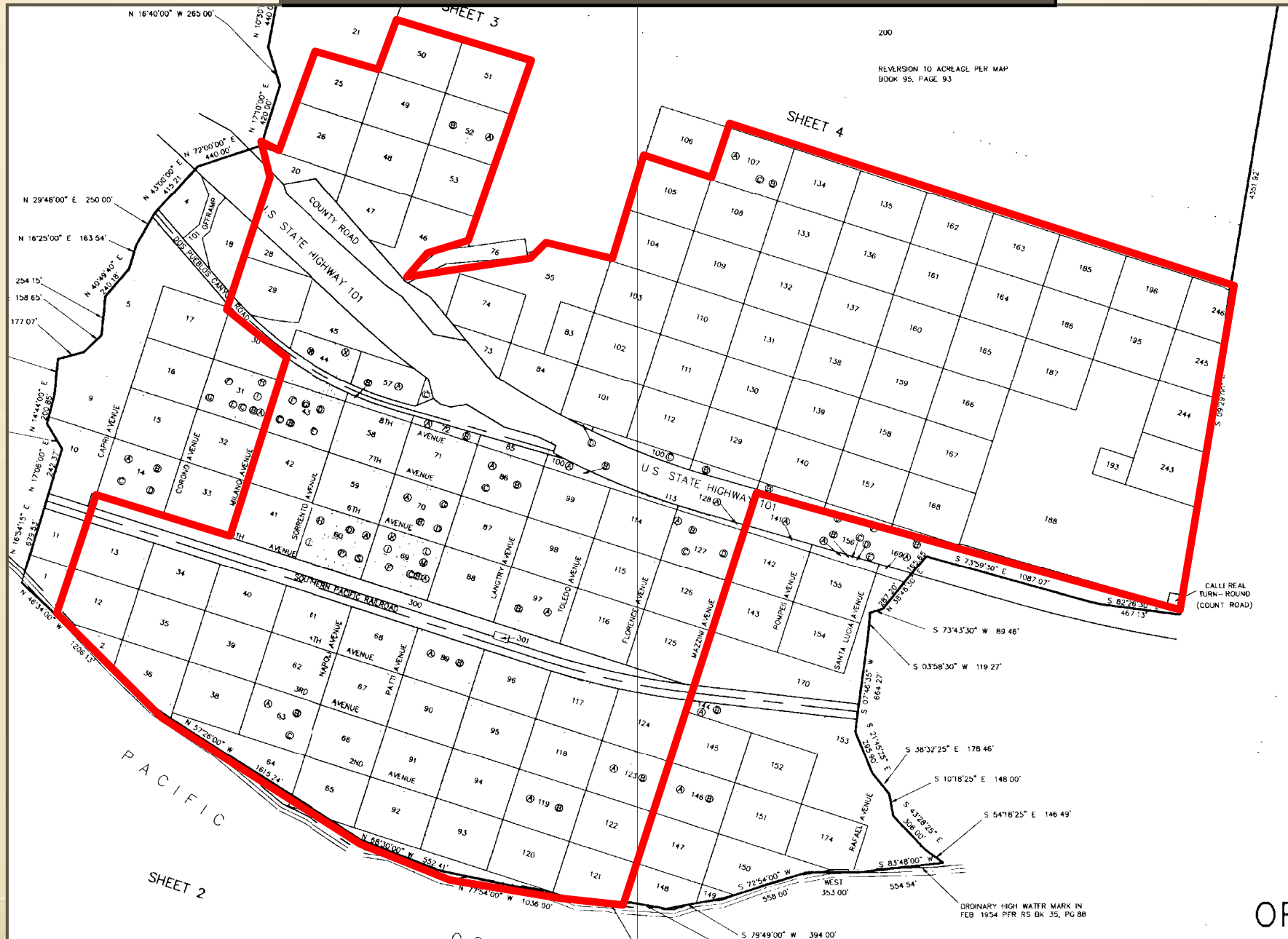
- The Commission could not require access through DP Ranch
- Potential future access points
  - Makar (down coast)
  - Las Varas (up coast)
- Trails designed to connect to potential future access points

# **ALTERNATIVES**

# ALTERNATIVES NEEDED TO ACHIEVE PROJECT OBJECTIVES

- “Provide for a project that would result in fewer environmental impacts that would otherwise result from development of the existing [lots].”
- “Achieve a long-term solution to the potential development of the existing [lots]...that would resolve future disputes over the potential development...”
- Achieve a comprehensive development concept...that would not leave the County to address development...on an ad hoc, fragmented basis.”

# SOMETHING SBR WOULD WANT TO DO IN LIEU OF THIS



OF

# ECONOMIC INFEASIBILITY IN THIS CASE

- Is about whether SBR would give up the value of what it already has for the alternative
  - It is not about rates of return
- An alternative SBR would never accept
  - Doesn't meet the objectives
  - And is not feasible.

# GOING BACK TO THE GRID

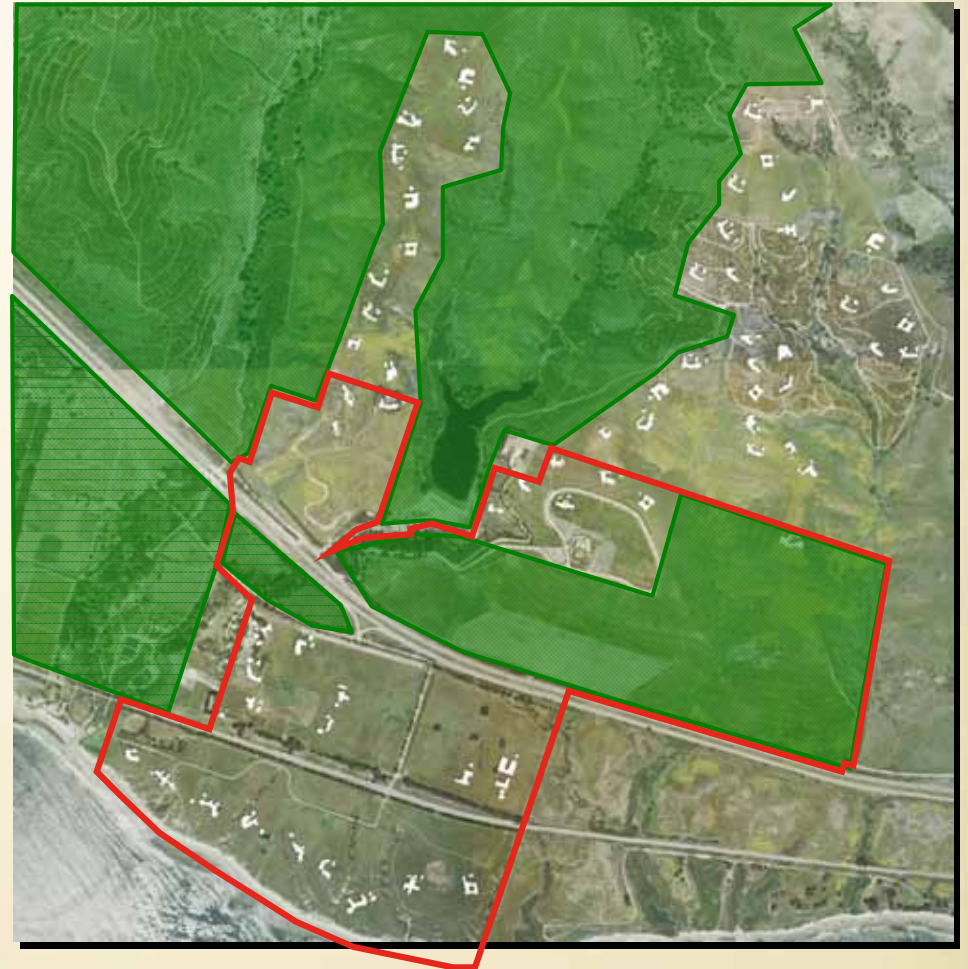


# THE GRID RESULTS IN...

- More Density
  - A grid layout promotes more density
- Less Resource Management
  - Review limited to individual lots
  - No regulation of the site as a whole



# **THIS IS THE CHOICE**



END OF PRESENTATION.....