

**Attachment-9:**

**Memo to the Planning Commission, dated March 19, 2013**



**COUNTY OF SANTA BARBARA  
PLANNING AND DEVELOPMENT**

**MEMORANDUM**

TO: Santa Barbara County Planning Commission

FROM: Alice McCurdy, 568-2518  
Deputy Director, Development Review Division

DATE: March 19, 2013

RE: Paradiso del Mare Ocean and Inland Estates, Case No. 06CDH-00000-00038,  
06CDH-00000-00038, 07CUP-00000-00065, 09CDP-00000-00045  
10CUP-00000-00039, 10CDP-00000-00094

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This memorandum provides updated information pertaining to the proposed open space and public access offers, recent review of the project by the Central Board of Architectural Review (CBAR) and minor revisions to the Final Environmental Impact Report (FEIR, 09EIR-00000-00003) for the project.

**Open Space and Public Access Offers**

The location of the offer to dedicate (OTD) proposed easements for public trails and beach access has been revised in order to further specify the potential location of future public access improvements. Please refer to Attachment-A of this memorandum for the currently proposed location of the offer to dedicate (OTD) easements for public trails and beach access. Please refer to Attachment-B of this memo for an exhibit showing the more generally defined OTD previously proposed. The current OTD continues to provide all items previously proposed and discussed in the February 21, 2013 staff report and FEIR, including:

1. A Coastal Trail along the length of the ocean lot including a loop trail and lookout points. Portions of the Coastal Trail are defined as "Floating Trail" to allow the trail to shift over time in order to account for future bluff erosion. Approximately 1,600 linear feet of the total length, approximately 2.4 miles, of Coastal Trail on-site would be constructed by the property owner;
2. Vertical access to the beach at one of seven potential vertical beach access trail locations;
3. An access road from the existing site entry from Highway 101 to a parking lot (via one of two potential locations);
4. Pedestrian access from a parking lot and over the Union Pacific Railroad tracks from the inland lot to the Coastal Trail (via one of two potential locations); and,

5. Access along the length of the property on the beach from the base of the bluffs to the mean high tide line.

Conditions which provide for the transfer, use, and management of the open space areas and the public access OTD, as currently proposed, are being developed and will be available at the next hearing for the project, to be held in April 2013. Staff recommends that approval of the project include the open space and public access OTD as illustrated in Attachment-A to this memo, subject to the forthcoming conditions pertaining to the open space areas and public access OTD.

### **Central Board of Architectural Review**

Plans for both the Ocean and Inland Estate received review by the Central Board of Architectural Review (CBAR) on March 8, 2013. CBAR comments were supportive of the design and draft CBAR minutes from that hearing are included at Attachment-D to this memo.

### **Final EIR Revision Letter**

In order to: 1) address changes to the proposed open space and OTD areas with regard to biological resource impacts; 2) clarify that coastal sage scrub is considered a sensitive plant community, and modify mitigation measure accordingly; and, 2) make minor corrections to the Final EIR, a Final EIR Revision Letter was prepared and is included as Attachment-E to this memo.

### **Revised Findings**

Findings of approval no.1.1, 1.2, 1.4, 1.5, 1.7, and 3.2 are hereby revised to include the Final EIR Revision Letter (RV1) dated March 19, 2013 and the contents of that revision letter by reference.

### **Revised Conditions**

Santa Barbara County Parks submitted a condition letter dated March 19, 2013 (included at Attachment-C to this memorandum). As a result, condition no. 86 is revised as follows:

**86. Rules-29 Other Dept Conditions.** *Compliance with Departmental/Division letters required as follows:*

1. *Air Pollution Control District dated February 1, 2013*
2. *Goleta Water District dated September 15, 2004 and December 3, 1998*
3. *Flood Control dated August 16, 2006*
4. *Environmental Health Services Division dated February 23, 2012*
5. *Fire Department dated February 14, 2013 and December 2, 2010*
6. *Public Works Transportation dated February 22, 2013*
7. *Santa Barbara County Parks dated March 19, 2013*

In order to address night-lighting concerns, staff recommends the addition of the following condition:

**90. Lighting.** *In order to minimize lighting of the night sky, the project shall be subject to the following lighting requirements:*

- 1. All exterior lighting be limited to a height of 18” (less any building lighting needed per building code.*
- 2. Lighting of swimming pools shall be turned off by 10pm.*
- 3. The applicant shall prepare photo-simulations of night-time lighting from the house and exterior lighting for Central Board of Architectural Review (CBAR) review prior to final approval by the CBAR.*
- 4. There shall be no uplighting of landscape or structures*

**Plan requirements and Timing:***Llighting plans shall be submitted for review and approval by County Planning and Development and the Board of Architectural Review (BAR) prior to Coastal Development Permit issuance and prior to final BAR approval. Monitoring: Building and Safety and Permit Compliance staff shall ensure that lighting is installed in accordance with approved lighting plans.*

### **Revised Recommendation and Procedures**

As a result of the Recommendation and Procedures portion of the staff report is revised as follows:

*Follow the procedures outlined below and conditionally approve Case Numbers 06CDH-00000-00038, 06CDH-00000-00039, 09CDP-00000-00045, 07CUP-00000-00065, and 10CUP-00000-00039, 10CDP-00000-00094 marked "Officially Accepted, County of Santa Barbara (March 20, 2013) Planning Commission Attachment's G-H," based upon the project's consistency with the Comprehensive Plan, including the Coastal Land Use Plan, and based on the ability to make the required findings.*

*Your Commission's motion should include the following:*

- 1. Make the required findings for approval of the project specified in Attachment-A of the staff report dated February 21, 2013, and as revised in the Memorandum to the Planning Commission, dated March 19, 2013, including CEQA findings;*
- 2. Certify the Environmental Impact Report (09EIR-00000-00003, EIR Executive Summary included as Attachment-C to the staff report dated February 21, 2013) as modified by the EIR Revision Letter dated March 19, 2013, and adopt the mitigation monitoring program contained in the conditions of approval; and,*

3. *Approve the project, Case Numbers 06CDH-00000-00038, 06CDH-00000-00039, 09CDP-00000-00045, 07CUP-00000-00065, 10CUP-00000-00039, and 10CDP-00000-00094 subject to the conditions included as Attachment-B to the staff report dated February 21, 2013, as modified by the Memorandum to the Planning Commission, dated March 19, 2013.*

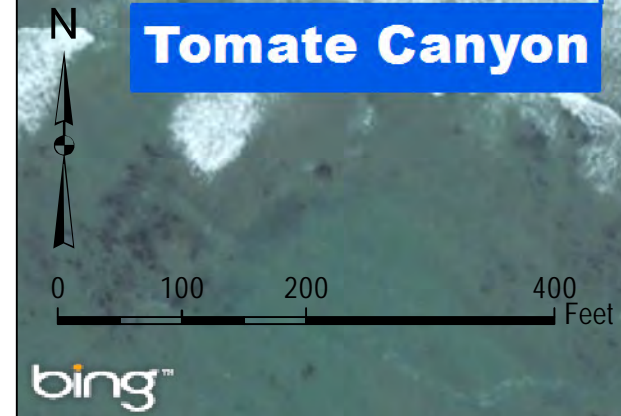
### **Recommended Action for March 20, 2013**

Staff recommends that your Commission continue the proposed project to a second hearing in April to allow for finalization of conditions for the transfer, use, and management of the currently proposed public access OTD.

#### Attachments:

- A. Proposed Open Space Easement and OTD Map
- B. Previously Proposed Open Space Easement and OTD Map
- C. Santa Barbara County Parks letter, dated March 19, 2013
- D. Draft CBAR Minutes from March 8, 2013
- E. EIR Revision Letter RV1





**Inland Lot (Between Drainage 4 & Tomate)**

- Proposed Development Envelope (2.5 Acres)
- Structure (0.2 Acres)
- Driveway (0.3 Acres)
- Residence Access Road (1.6 Acres)
- Proposed Agricultural Envelope (16.3 Acres)
- Agricultural Planting Areas (5.1 Acres)

**Coastal Lot (Between Drainage 6 & Tomate)**

- Proposed Development Envelope (1.9 Acres)
- Structure (0.2 Acres)
- Driveway (0.2 Acres)
- Proposed Agricultural Envelope (0.5 Acres)
- Agricultural Planting Areas (0.2 Acres)

}] [ Bridge     — Utility Corridor

**Mitigation/Restoration Area**

- Arroyo Willow Thicket (0.11 Acres)
- Coastal Sage Scrub (4.56 Acres)
- Purple Needle Grass Grassland (5.92 Acres)
- Exotic Free Buffer Zone (12.97 Acres)

**Public Access - Offer to Dedicate (OTD)**

- Public Parking (20 Spaces)
- Public Parking Access Road
- Public Access Trail
- California Coastal Trail
- Coastal Loop Trail
- Lateral Beach Access Trail Corridor
- Vertical Beach Access Trail Corridor Options
- Coastal Overlook

Open Space Conservation Easement (106.5 Acres)

**Public Access Floating Easements**

- Access Trail Floating Easement
- California Coastal Trail Floating Easement
- Vertical Beach Access Floating Easement Options

ENGINEERING: Penfield and Smith 2012  
LANDSCAPE PLAN: Arcadia Studio 2012

**DUDEK**

**Proposed Project with Mitigation, Conservation Easement, and Public Access - Offer to Dedicate**

Paradiso del Mare Residential Project





- Inland Lot (Between Drainage 4 & Tomate)**
- Proposed Development Envelope (2.5 Acres)
  - Structure (0.2 Acres)
  - Driveway (0.3 Acres)
  - Residence Access Road (1.6 Acres)
  - Proposed Agricultural Envelope (16.3 Acres)
  - Agricultural Planting Areas (5.1 Acres)

- Coastal Lot (Between Drainage 6 & Tomate)**
- Proposed Development Envelope (1.9 Acres)
  - Structure (0.2 Acres)
  - Driveway (0.2 Acres)
  - Proposed Agricultural Envelope (0.5 Acres)
  - Agricultural Planting Areas (0.2 Acres)

- Public Access - Offer to Dedicate (OTD)**
- Public Access Floating Easement OTD
  - Public Parking (20 Spaces)
  - Public Parking Access Road
  - Public Access Trail
  - Coastal Trail
  - Lateral Beach Access Trail Corridor
  - Vertical Beach Access Trail Corridor
  - Coastal Overlook

- Mitigation/Restoration Area**
- Open Space Conservation Easement (106.5 Acres)
  - Arroyo Willow Thicket (0.11 Acres)
  - Coastal Sage Scrub (4.56 Acres)
  - Purple Needle Grass Grassland (5.92 Acres)
  - Exotic Free Buffer Zone (12.97 Acres)

Bridge Utility Corridor

ENGINEERING: Penfield and Smith 2012  
LANDSCAPE PLAN: Arcadia Studio 2012

**DUDEK**

**Proposed Project and Open Space Conservation Easement with Mitigation**

Paradiso del Mare Residential Project





March 19, 2013

**Supersedes Condition Letter**  
**Dated March 6, 2013**

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Chief Financial Officer  
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TO: Nicole Lieu, Planner  
Planning & Development

FROM: Claude Garciacelay, Park Planner 

RE: **06CDH-038 & 039 / 10CUP-039 / 10CDP-094**  
**Paradiso del Mare APN 079-200-004, -008**

Community Services Department – Parks Division recommends the following condition(s) to the approval of the above referenced project:

1) Pursuant to the provisions of Ordinance 4348 and the appurtenant fee resolutions adopted by the Board of Supervisors, the applicant will be required to pay a development mitigation fee for new dwelling unit(s) to offset the project's potential impact on the County's park system. Said fee will be used in conjunction with other similar fees collected in the area to provide park and recreational facilities in the Regional Demand Area. A protest of mitigation fees imposed may be filed pursuant to Government Code Section 66020(a). The protest shall be filed at the time of approval or conditional approval of the development or within 90 days after the date of the imposition of the fees, dedications, reservations, or other exactions to be imposed on a development project. The Applicant is hereby notified that the 90-day approval period in which the Applicant may protest has begun.

The current applicable fee in the demand area for single family unit is \$10,751 per unit. The total fee for the project would be **\$21,502.00** (\$10,751 x 2 unit(s)). Fees are payable prior to final inspection, and shall be based on the fee schedule in effect when paid. Fee schedules are subject to yearly adjustments in July/August of every year. This office will not accept or process a check received prior to project permit approval by the decision maker.

The check must be made out to COUNTY OF SANTA BARBARA, and can be paid in person or mailed to: Santa Barbara County Parks, Rocky Nook Park, 610 Mission Canyon Road, Santa Barbara, CA 93105.

2) In conformity with the Parks, Recreation and Trails map of the Comprehensive Plan for the Gaviota Area (PRT-2) and requirements for beach access, the applicant shall dedicate the Public Access Floating Easement to the County of Santa Barbara for both vertical and lateral public access, the multi-use Coastal Trail and recreation facilities, contingent on approval of the proposed project as depicted on the Proposed Project and Open Space Conservation Easement with Mitigation site plan.



Proposed easements on the ocean lot include: an easement for a trail network including a loop trail and a portion of the multi-use California Coastal Trail bounded by the UPRR on the north, the coastal bluff on the south, Eagle Canyon on the east, and the property line on the west; an easement for an ocean overlook; vertical access to the beach within a "floating" easement extending along the bluff from Drainage 5 to Eagle Canyon; and a lateral easement along the beach as measured from the base of the bluff to the mean high tide line for the entirety of the property's ocean frontage. Proposed easements on the inland lot include: an easement area that would allow for vertical vehicular access from the existing site entrance at Highway 101 to a future public parking lot (up to 20 spaces); multi-use trail access from the future parking lot and over the UPRR tracks to the loop and California Coastal Trails on the Coastal Lot. In addition, the project would include the construction of 1,600 lineal feet of Coastal Trail. This trail would be located within a 20 foot easement and would be a multi-use trail consisting of a 6 foot wide decomposed granite path with two foot shoulders and low native vegetation plantings. Construction of this portion of the Coastal Trail would be completed concurrently with the installation of utility lines and would be fully completed prior to final occupancy of the first residence constructed.

With the exception of 1,600 feet of Coastal Trail, which is proposed to be constructed by the applicant, the exact location of future trails, parking, vertical beach access and access over the UPRR tracks (including UPRR and PUC [Public Utilities Commission] easement and design approval) will be determined at a future date based upon the mutual agreement of the landowner, the County of Santa Barbara, and the eventual easement holder of the Conservation Easement Area. Upon completion of the additional improvements stated in this paragraph above (not including the 1,600 feet of Coastal Trail), the County shall quitclaim back to property owners that easement area outside of the footprint of the improvements and any additional area necessary for maintenance of the improvements.

The Public Access Floating Easement shall be dedicated to County of Santa Barbara according to the legal form adopted and approved by County Parks and County Counsel and shall be presented for recordation.

Agent:  
Howard Zelefsky, Brooks Street  
1300 Quail Street, Suite 100  
Newport Beach, CA 92660



**ATTACHMENT-D**  
**CENTRAL BAR MEETING OF MARCH 8, 2013**  
**DRAFT COMMENTS**

**4. Paradiso del Mare Inland Estate and**  
**5. Paradiso del Mare Ocean Estate**

PUBLIC COMMENT: None

CBAR COMMENTS:

a. The CBAR appreciates the nice presentation of a handsome, well-integrated project. Note that both the Inland and Ocean items are considered together, except as specified in comments f. and g. below.

Architecture:

b. All architectural issues have been adequately addressed. The applicant's response to previous comments is appreciated.

c. The effective use of materials will be key to the success of the project.

d. Consider further study of roofing material, either standing seam Core-ten or Zinc.

e. If stone is to be used, consider an approach that fits with the exposed natural stone of the coastal bluffs (i.e., stratified limestone) onsite.

f. **Inland House.** Re-examine the horizontal and vertical elements of the Northwest elevation; they seem to be fighting each other.

g. **Ocean House.** The pool and surrounding patios should be adequately shielded so that the visibility of night-time glow of pool and deck lighting is minimized.

Landscaping:

h. The Landscape Plan is tasteful, concerns are limited to the treescape. *Pinus radiata* and *Deodor* cedar should be omitted from the Preliminary Tree List.



## **ATTACHMENT E: EIR REVISION LETTER RV1**

TO: County Planning Commission

FROM: Nicole Lieu, Planner  
Planning and Development, Development Review Division

DATE: March 19, 2013

RE: Revisions to 09EIR-00000-00003, the proposed Final EIR for the Paradiso Del Mare Ocean and Inland Estates (Case Nos.: 06CDH-00000-00038 and 06CDH-00000-00039, 07CUP-00000-00065, 09CDP-00000-00045, 10CUP-00000-00039, 10CDP-00000-00094) to make two clarifications in the FEIR and to reflect revisions proposed subsequent to completion of the proposed Final EIR and prior to decision-maker action (including potential certification of the FEIR).

### **I. LOCATION**

The project site is identified as Assessor Parcel Numbers 079-200-004 and 079-200-008, located south of Highway 101 approximately one mile west of the City of Goleta in the Gaviota area, Third Supervisorial District.

### **II. BACKGROUND**

On July 28, 2006, the property owner submitted Coastal Development Permit (CDH) applications for two single family dwellings with guest houses. That project was analyzed under a Draft Environmental Impact Report (DEIR), 09EIR-00000-00003, which was published in September 2009 and circulated for public comment. Subsequently, in 2011, the applicant modified the project design to relocate the development on the lots to the currently proposed locations, to add the proposed public access and open space dedications to the project, and to add the proposed habitat restoration. The currently proposed project includes the development of two residences with guesthouses and appurtenant structures, an access driveway and bridge, extension of Goleta Water District water lines to serve the proposed residences, public access offers-to-dedicate (OTD), construction of a portion of the California Coastal Trail, dedication of an open space area, and on-site habitat restoration.

A revised Environmental Impact Report, 09EIR-00000-00003, was prepared for this revised project to evaluate potentially significant impacts under CEQA and to identify mitigation measures to reduce impacts and identify alternatives to the proposed project that would avoid or substantially lessen significant impacts. The Draft Revised EIR was released for a 45-day public comment period on September 12, 2012. This EIR studied an alignment of the offer to dedicate the Coastal Trail across the ocean lot and reuse of the existing wooden access bridge across



UPRR between the two lots for public pedestrian access. A public workshop to introduce the project was held on September 20, 2012. A public hearing was held on October 18, 2012 to receive oral comments on the adequacy of the Draft EIR.

Following the close of the public comment period and in response to comments, the applicant made a revision to the project to specify floating easements rather than specific locations for all of the public access components of the project (please see Attachment-B of the Memo to the Planning Commission, dated March 18, 2013). The floating easement on the Ocean lot extended from the UPRR on the north to the Pacific Ocean on the south, and from Eagle Canyon on the east to the Ocean Estate development envelope on the west. The floating easement on the Inland lot covered the existing wooden bridge and proposed parking lot location and extended west approximately 745 feet at its widest point. In making these changes, the applicant indicated that the intent of these expansive floating easements was to allow for flexibility in future trail and bridge siting.

On March 13, 2013, subsequent to publication of the FEIR, the applicant narrowed the scope of the floating easements for the public access components of the project (please see Attachment-A of the Memo to the Planning Commission, dated March 18, 2013). The purpose of narrowing the easements is to focus future selection of an ultimate trail corridor alignment while still allowing flexibility for resource protection. As currently proposed:

- The Coastal Trail would start on the Ocean lot at Eagle Canyon and follow the alignment of the utility corridor westerly for 1,600 lineal feet. As proposed since the outset, this portion of the trail would be constructed by the applicant concurrent with the extension of utilities and would be located over the utilities within a 20 foot wide easement. Consistent with the vision for the entire California Coastal Trail, the constructed portion would be a multi-use trail consisting of a six foot wide decomposed granite path with two foot wide shoulders and low native vegetation plantings.
- The floating easement would begin at the terminus of the portion of the trail to be constructed as part of the project and would be centered on the previously proposed California Coastal Trail alignment analyzed in the DEIR; the floating easement would measure a total of 150 feet in width.
- Provision is made for a new loop trail with bluff top overlook, also located within a 150 foot wide floating easement, between Drainages 4 and 5.
- Provision is also made for vertical connectors from the California Coastal Trail to each of the seven on site drainages to allow for beach access. Only one vertical access point would ultimately be developed.
- The floating easement on the Inland lot would cover the alignment of the existing bridge and proposed parking area as analyzed in the DEIR and would also include an



approximately 150 foot wide corridor located outside of and to the west of the riparian buffers of Drainage 1.

### III. CLARIFICATIONS

#### Executive Summary

In the FEIR, Aesthetics Impact AES-5 was erroneously stricken in Table ES-1 (Summary of Impacts and Mitigation Measures) of the Executive Summary. The FEIR is revised herein to include AES-5 in the Executive Summary as a Class I Impact, as it was in the DEIR, as follows:

*Table ES-1 Summary of Impacts and Mitigation Measures*

<i>Description of Impact</i>	<i>Proposed Mitigation Measures</i>	<i>Significance After Mitigation</i>
<b>CLASS I IMPACTS</b>		
<b><i>Aesthetics</i></b>		
<i>Impact AES-5 The proposed project together with the adjacent Naples Townsite development and other development in the surrounding area would result in a cumulatively considerable aesthetic and visual impact.</i>	<i>Implement project mitigation measures as feasible.</i>	<i>Significant and unavoidable</i>

No additional revisions are necessary to the FEIR in regard to this issue as it was correctly identified in the document text as a Class I significant and unavoidable cumulative impact, consistent with the analysis in the Revised DEIR.

#### **Section 3.16 Effects Found Not To Be Significant**

While this section was included in the DEIR, it was inadvertently omitted from the FEIR. The FEIR is revised herein to include Section 3.16, Effects Found Not To Be Significant, below:

#### **3.16 EFFECTS FOUND NOT TO BE SIGNIFICANT**

##### **3.16.1 INTRODUCTION**

*In the course of this evaluation, certain types of impacts of the proposed project were found to be less than significant because a project of this scope could not generate such impacts, or the project has no characteristics producing effects of this type. The effects determined not to be significant are not required to be included in primary analysis sections of the Draft EIR rather, California Environmental Quality*



*Act (CEQA) Guidelines Section 15128 states that the EIR shall contain a statement briefly indicating the reasons that various potentially significant effects of a project were determined not to be significant and therefore not discussed in detail in the EIR. In accordance with Section 15128, the following section provides a brief description of potential impacts found to be less than significant. Some topic areas, such as Energy, were found to be less than significant in the previous Draft EIR (09EIR-00000-00003), but have been reassessed in this EIR, and further analysis resulted in mitigation measures provided as appropriate. The results of the environmental analyses are either presented in **Section 3.0, Environmental Analysis**, or discussed below.*

### **3.16.2 MINERAL RESOURCES**

*The Santa Barbara County Environmental Thresholds and Guidelines Manual does not contain thresholds of significance for mineral resources, but according to Appendix G of the State CEQA Guidelines under Mineral Resources, a project would have a significant impact if it would:*

- *Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state; or*
- *Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general, specific plan, or other land use plan.*

*There are no active mining operations on or adjacent to the site. In addition, although the site was previously used for oil production in the past, these facilities have been abandoned, the applicant has no plans to resume operations, and the remaining buried infrastructure and contaminated soils are being evaluated and permitted for removal and remediation under a separate action which is described in **Section 3.9, Hazardous Materials**. Nonetheless, in **Section 6.0, Alternatives**, under the No Project alternative, a brief discussion of the potential to resume oil production on site is provided.*

### **3.16.3 POPULATION AND HOUSING**

*The Santa Barbara County Environmental Thresholds and Guidelines Manual does not contain thresholds of significance for population and housing, but according to Appendix G of the State CEQA Guidelines, a project would have a significant impact if it would:*

- *Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure);*
- *Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere; or*



- *Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere.*

*The proposed project would add two homes to the housing stock in the South Coast Housing Market Area and thus result in a small increase in population on the project site. No homes currently exist on the project site and thus no homes would be displaced due to the construction of the project. Homes such as those proposed have been identified by the County to incrementally contribute to the demand for service workers with a subsequent potential increase in secondary demand for affordable housing. However, because the project would only include a total of two homes, impacts would be less than significant. Indirect impacts associated with growth inducement are addressed in **Section 5.0, Other CEQA Sections**.*

No additional revisions are necessary to the FEIR in regard to this issue.

#### **IV. MINOR REVISIONS TO THE PROJECT**

##### **Offers to Dedicate Public Access**

The Arco Dos Pueblos Golf Course project included requirements to record OTD public access easements across the lots and also included easements off site and located west of the lots in the Naples townsite, providing access to the beach. These irrevocable OTD public access easements were recorded on November 12, 1998. Realization of the trails within the public access easements was however, conditional upon issuance of a Coastal Development Permit to allow construction of the golf course.

The FEIR, 09EIR-00000-00003, analyzes the biological impacts associated with future development of the currently proposed public access easements across the lot and concludes that these elements of the project would have potentially significant but mitigable impacts to special status vegetation including Southern Tarplant (BIO-2), coastal wetlands (BIO-5), and riparian vegetation (BIO-6). The FEIR also finds that the offers to dedicate public access through the project site would result in potentially significant but mitigable impacts to monarch butterflies (BIO-8), white tailed kite (BIO-10, BIO-14, BIO-18), harbor seals (BIO-12) and Naples Reef (BIO-13). If considered in its entirety, the easement throughout the two lots, including floating easement areas of up to 200 feet wide, would constitute approximately 32 acres, including a mosaic of areas containing Creeping Spike Rush Marsh (coastal wetland species; total of 0.0125 acres), Arroyo Willow Thicket (riparian species; total of 0.0179 acres), California Sagebrush (total 1.3476 acres) and Purple Needle Grass Grassland (total 0.2492 acres). However, the actual trail alignment would impact far less acreage given that it would be located in a specifically dedicated 20 foot wide easement where the trail itself would measure six feet in width with two foot wide shoulders on either side. Therefore, biological resource impacts would be similar to or less than those analyzed in the Final EIR. The width of the floating easement in association with the patchy occurrences of these plant communities throughout the easement provides the opportunity for avoidance, to the maximum extent feasible, of these species during the on the ground design of the alignment of the public access easements, with modification to MM BIO-2, as follows:



MM BIO-2 Southern Tarplant and other Special Status Plant Communities Avoidance or Restoration. The utility corridor locations shall utilize existing roads and disturbed areas to the maximum extent feasible. Trenching shall be accomplished by hand tools when working near sensitive plants. Prior to construction, the applicant shall survey and flag by a qualified biologist the alignment of the water lines. Where determined to be feasible by the project biologist, the utility corridor will be realigned ~~the corridor~~ to avoid impacts to sensitive plant species. Similarly, the public access easements throughout the site shall be surveyed for special status plant species and aligned specifically to avoid impacts, to the maximum extent feasible, to these special species. Special status plant species and communities to be avoided include Southern Tarplant, Creeping Spike Rush Marsh, Arroyo Willow Thicket, California Sagebrush Scrub, and Purple Needle Grass Grasslands. Any field revisions shall be plotted on a revised site plan submitted to Santa Barbara County Planning and Development (P&D) for review and approval. [...]

**Plan Requirements and Timing.** Pre-construction surveys for the presence of any sensitive plant species must be completed, along with plans if necessary for the collection of seed from any individuals discovered, prior to ground disturbance. The revised plans depicting relocated water lines and the exact alignment of the proposed trails and other access improvements throughout the site shall be submitted to P&D for review and approval prior to issuance of grading permit. Individual sensitive species shall be indicated on the Map and on grading plans.

Additionally, relocation of the pedestrian bridge to within the floating easement west of Drainage One would remove that feature from proximity to a wetland and monarch butterfly roosting area and would locate it instead in a 2.4 acre area populated by mustard grass with some Italian Rye Grass. Therefore the potential relocation of the bridge and parking area to within the floating easement would result in lesser impacts than those identified in conjunction with refurbishment and reuse of the existing wooden bridge for public pedestrian access between the two lots.

The FEIR discussion of BIO-3 is revised below to clarify that Coastal Sagebrush Scrub is not a non-sensitive plant community:

**BIO-3 The proposed project would result in the loss of non-sensitive plant communities: 11.59 acres of annual brome grassland, 1.74 acre of coyote brush scrub, ~~0.95 acre of California sagebrush scrub~~, 2.42 acres of developed areas [...]**

The impact analysis for BIO-2 is modified herein to discuss impacts to California sagebrush scrub (i.e. coastal sage scrub) from fire clearance around the Ocean Estate development:

*[...]Cliff aster grows mostly restricted to the face of the ocean bluff and the proposed project design incorporates a minimum 100-foot setback from the edge of the bluff. Fuel*



clearance around the Ocean Estate would impact 0.46 acres of coastal sage scrub. The fire clearance zone in which the coastal sage scrub is located mandates a minimum of five foot on center spacings for the plants for fire clearance. Given the small area of habitat affected, as well as the continued provision for numerous plants within the mosaic zone, impacts to coastal sage scrub are considered less than significant. Potential loss of southern tarplant can be mitigated through restoration of the habitats in which the species occurs.

Modifications to the offers to dedicate public access easements across the project site and clarification that California Sagebrush Scrub is a sensitive plant community do not alter the conclusions of the FEIR that the residual impacts of the project on biological resources would be less than significant after mitigation, as presented in the FEIR and herein in this revision letter.