

A scenic view of a rocky coastline. On the left, a large, rugged rock formation rises from the beach. The beach is sandy and stretches towards the right, where the ocean waves are breaking. The sky is clear and blue.

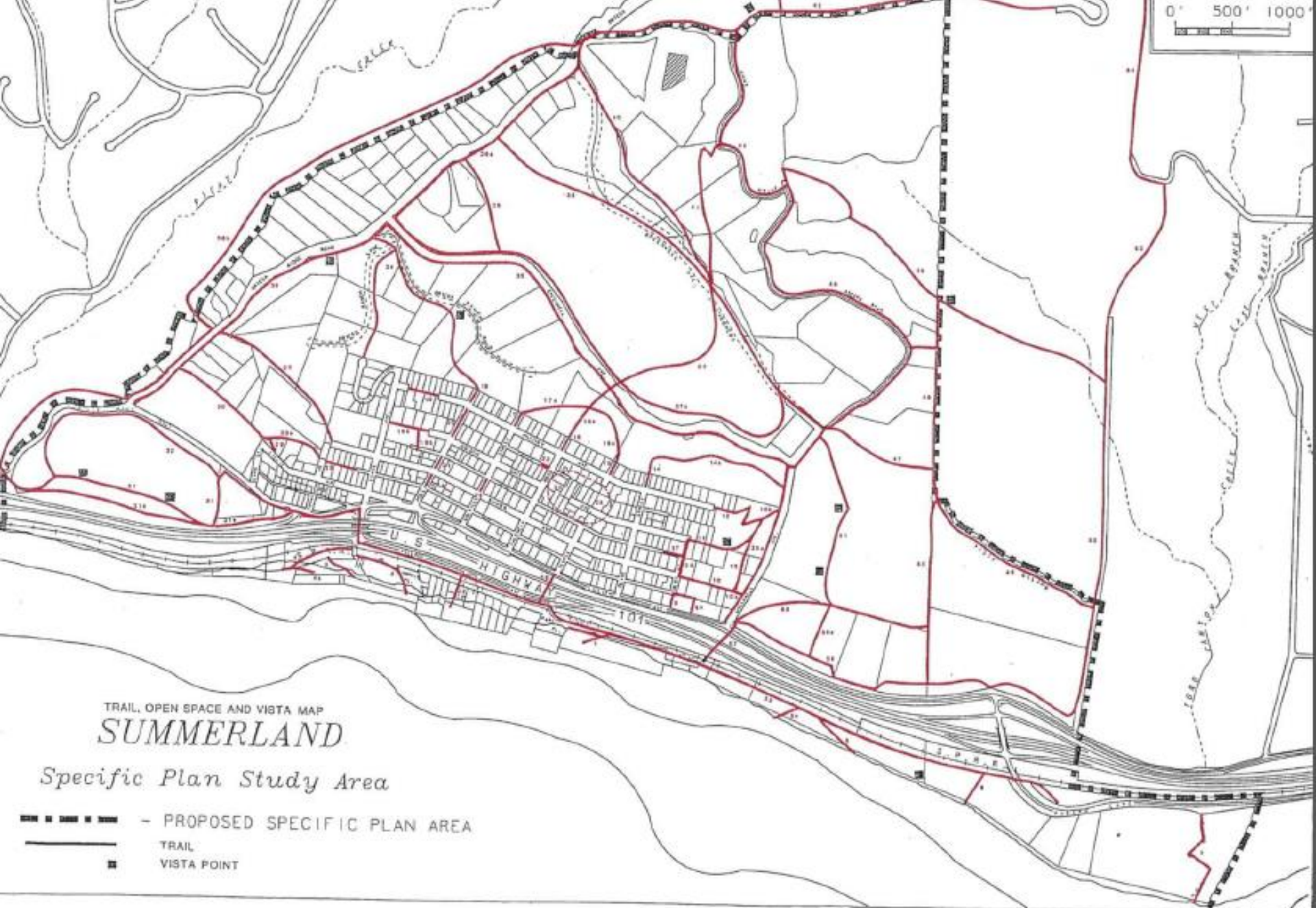
Appeal of the Beach Club Lot Split, Gabion Wall and Grading, and New Single Family Residence Project

Appellants:

**Summerland Citizens Association,
Reeve Woolpert & Tom Evans**

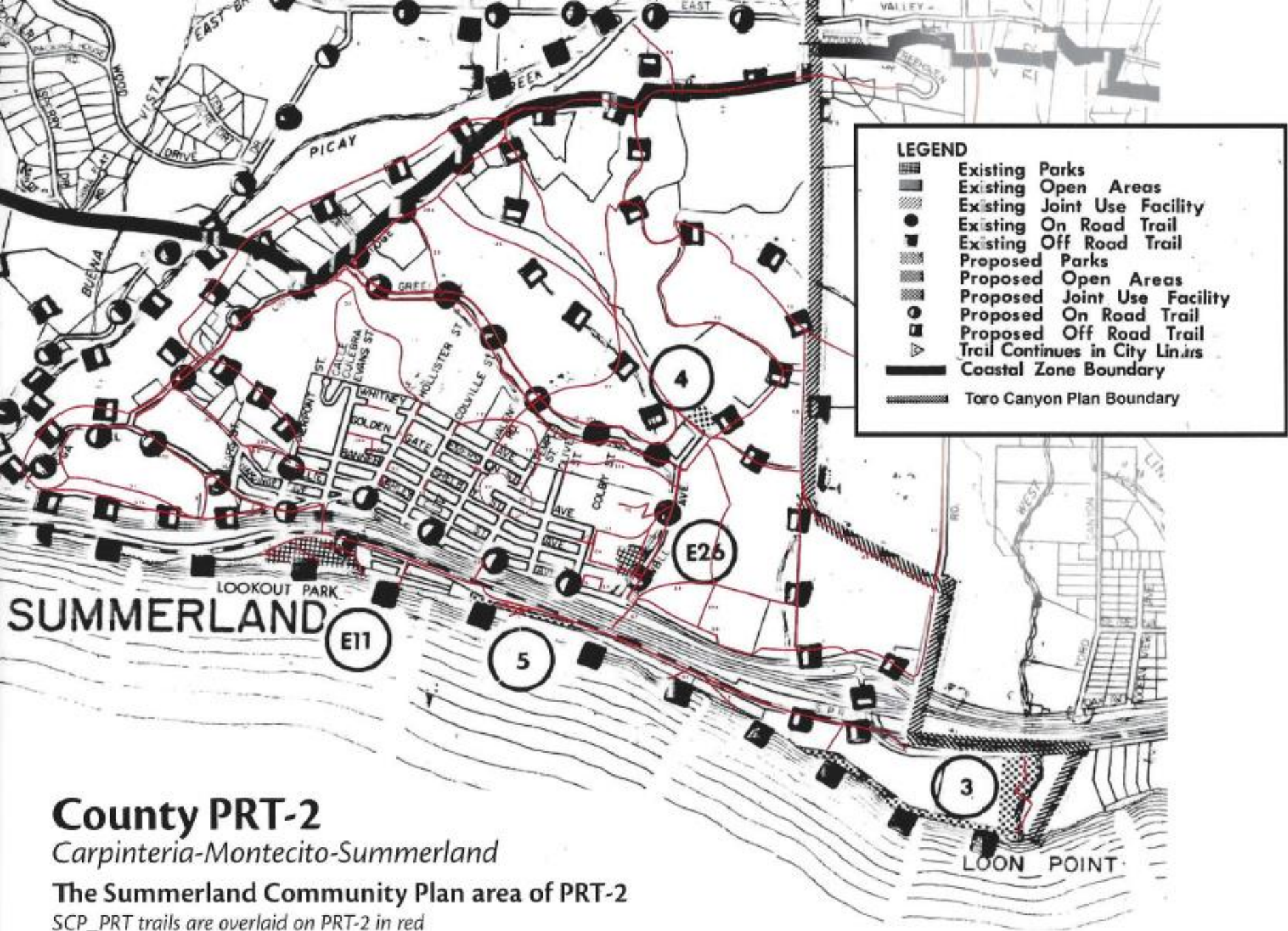
Issue Overview

- Vertical beach access at Toro Creek
 - Summerland Community Plan (SCP)
 - Existing and potential alternative beach access points inadequate
- Authority for requiring beach access easement
 - SCP, Local Coastal Plan (LCP), Coastal Zoning Ordinance (CZO)
 - Substantial evidence of historical public use and implied dedication
 - Biological and cultural resource impacts can be mitigated
- California Environmental Quality Act (CEQA)
 - Mitigated Negative Declaration (MND) inadequate
 - Focused Environmental Impact Report (EIR) required to analyze public access/recreation and visual impacts



SCP-PRT

Figure 15



County PRT-2

Carpinteria-Montecito-Summerland

The Summerland Community Plan area of PRT-2

SCP_PRT trails are overlaid on PRT-2 in red



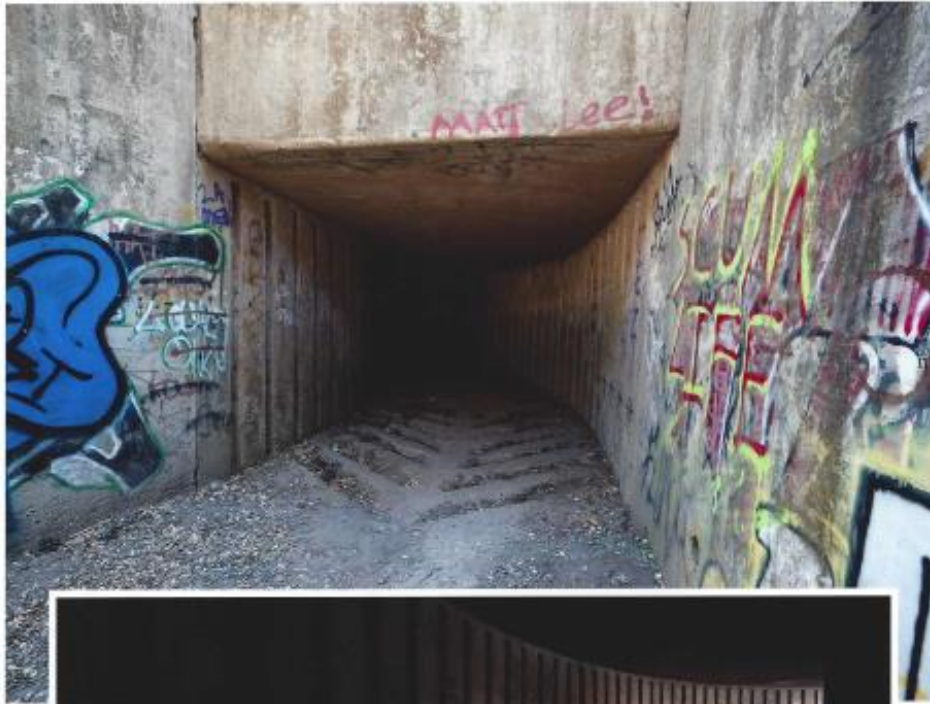
Summerland Beach Looking East

Note dangerous nature of bluffs.



Loon Point

Summerland Beach & the Loon Point Trail are around the corner



Padaro Lane Garrapata Creek Beach Access

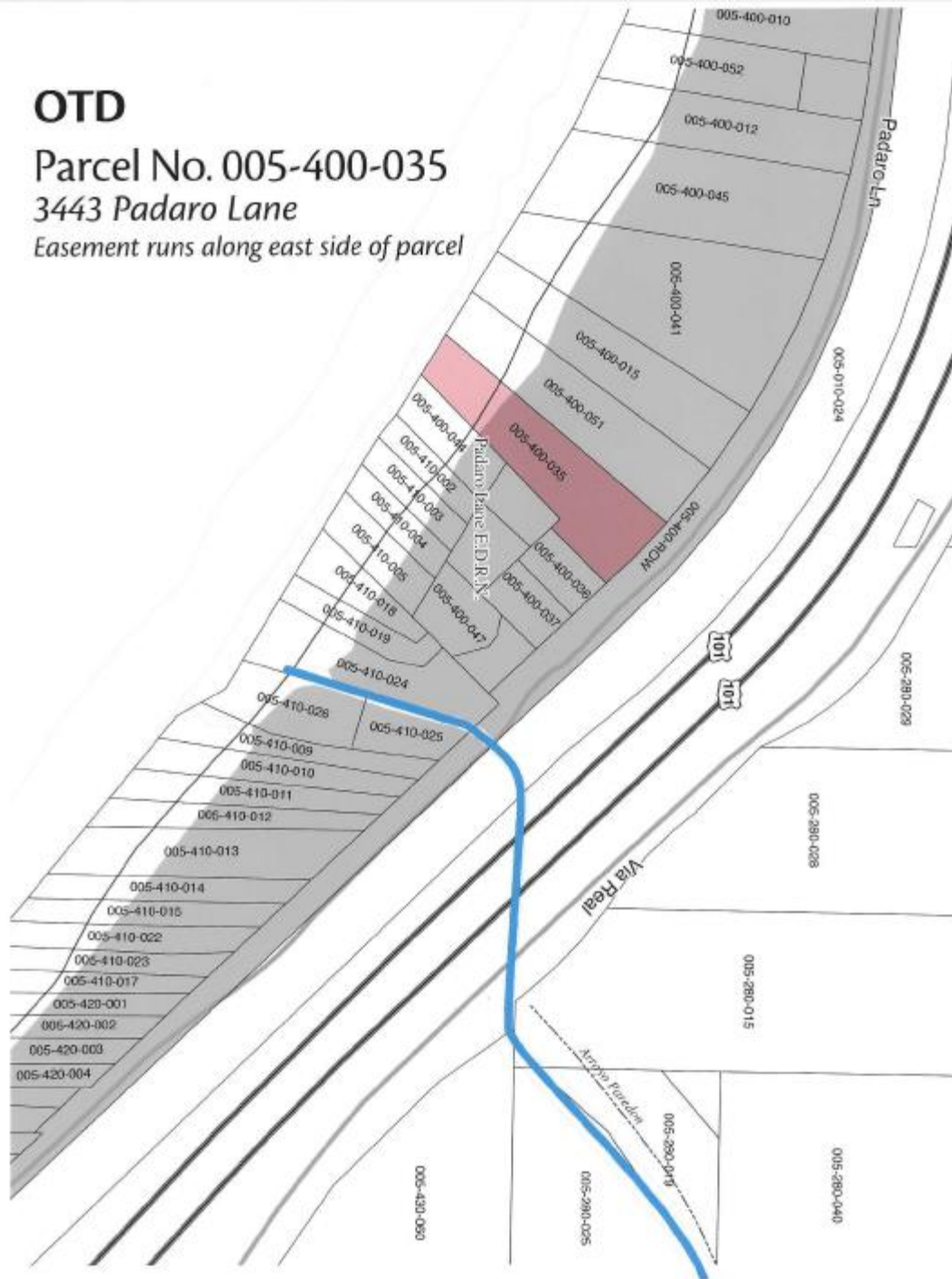
This is the public access to Serena Cove from Padaro Lane

OTD

Parcel No. 005-400-035

3443 Padaro Lane

Easement runs along east side of parcel



Applicable Policies Require Dedication of Beach Access Easement at Toro Creek

- **SCP Policy PRT-S-2:** In compliance with applicable legal requirements, all opportunities for public recreational trails within those general corridors adopted by the Board of Supervisors as part of the Parks, Recreation and Trails (PRT) maps of the County Comprehensive Plan (and this Community Plan) shall be protected, preserved and provided for during and upon the approval of any development, subdivision and/or permit requiring any discretionary review or approval.
- **CLUP Policy 7-25:** Easements for trails shall be required as a condition of project approval for that portion of the trail crossing the parcel upon which the project is proposed.
- **CZO § 35-63, Coastal Trails:** Easements for trails shown on the Santa Barbara County Comprehensive Plan Parks, Recreation and Trails (non-motorized) maps, shall be required as a condition of project approval for that portion of the trail crossing the lot upon which the project is proposed.

SCP-PRT

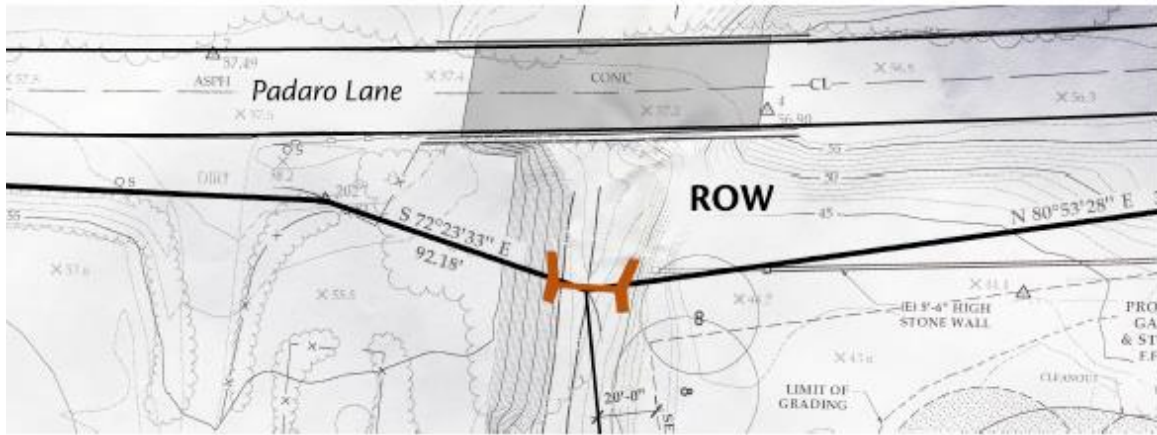
1992 Summerland Community Plan Figure 15

Trails have been highlighted in red

Figure 15

Substantial Evidence of Historical Public Use and Implied Dedication

- Santa Barbara County Coastal Access Implementation Plan recognizes historic use and potential prescriptive rights along Toro Creek Trail
- Appellants submitted 15 Declarations of Public Use of the Toro Creek Trail
- Gate across Toro Creek substantially obstructed public use beginning in late 1980's
- Implied dedication of Toro Creek Trail for public use effectuated prior to gate construction
- Project would will compromise if not doom any future effort to restore rightful public access along Toro Creek



Biological and Cultural Resource Issues

- The Coastal Act (section 30240a) allows uses dependent on sensitive habitat areas, including trails, to be located within such areas.
- Any adverse impacts to biological and cultural resources could be mitigated to insignificance through proper trail siting and design.
- These issues merit analysis in a focused EIR.

CEQA

- MND inadequate:
 - Environmental setting/baseline omitted proposed park designation, view corridor, and historic public use
- Focused EIR required to analyze public access/recreation and visual impacts due to the existence of substantial evidence supporting a fair argument of potentially significant impacts
 - Policy conflicts – access/rec and visual resource policies
 - Evidence of historic use and implied dedication

An aerial photograph of a coastal residential area. In the foreground, there is a sandy beach and the ocean with some waves. A prominent feature is a steep, light-colored cliffside that runs along the coast. On top of the cliff, there are several houses and buildings, some with swimming pools. The background shows more trees and a road. The text is overlaid on the image.

Appellants request that the Board:

- Grant the appeal
- Direct Staff to prepare a focused EIR that accurately characterizes the environmental setting, and evaluates the Project's impacts to public access and recreation and visual resources