



February 13, 2015

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VIA ELECTRONIC MAIL AND HAND DELIVERY

Board of Supervisors
County of Santa Barbara
105 East Anapamu Street
Santa Barbara, CA 93101

RE: Las Varas Ranch Project
SUBJ: Briarcliff Trust's Support for Approval of Staff Recommended Trail

Dear Chair Wolf and Members of the Board of Supervisors:

On behalf of the Briarcliff Trust ("Trust"), owner of an 11.5 acre parcel ("Property") adjoining the western boundary of the Las Varas Ranch, we respectfully urge you to include, as a condition of project approval, the dedication of a public trail with the alignment recommended by County staff on the north and south sides of Highway 101 (Alternative 4-A in the Recirculated FEIR) ("Staff Recommended Trail") rather than the alignment along the coastal bluffs (Alternative 4-B in the Recirculated FEIR) ("Bluff Trail"). In prior letters to the Board of Supervisors and the Planning Commission we have explained the reasons why the Bluff Trail is impractical, illegal, and contravenes multiple state policies, and why the Staff Recommended Trail is a more practical and viable option. (See our letters on behalf of the Trust, dated November 27, 2013 and July 28, 2014.) These reasons include the following:

- 1. Staff Recommended Trail Will Likely be Implemented; Bluff Trail Will Not.** The applicant has indicated that it would accept the Staff Recommended Trail in conjunction with project approval and has repeatedly stated that it will not accept the Bluff Trail. Moreover, an exaction of the Bluff Trail would exceed the nexus and proportionality limits on exactions established by the U.S. Supreme Court. (*Dolan v. City of Tigard* (1994) 512 U.S. 374, 391; *Nolan v. California Coastal Commission* (1987) 483 U.S. 825, 836-37.) Thus, this Board is presented with a choice between a viable and acceptable trail that is likely to be constructed and an impractical trail and illegal exaction that has little chance of being implemented.
- 2. Privacy and Trespass.** The Bluff Trail would intrude on the privacy of the Trust's Property and facilitate trespassing in contravention of state policy. (Sen. Bill No. 908 (2001-2002 Reg. Sess.) § 1, subd. (b); see also Cal. Coastal Act, Pub. Res. Code §§ 3001.5(c), 30210.) The Staff Recommended Trail avoids such intrusions.
- 3. Sensitive Biological Habitat.** The Bluff Trail would traverse sensitive biological habitat in violation of state policy. (Sen. Bill No. 908 (2001-2002 Reg. Sess.) § 1, subd. (a)(3); see also Cal. Coastal Act, Pub. Res. Code §§ 30210, 30212(a).) The Staff Recommended Trail would result in far fewer biological impacts. (Las Varas Ranch Revised Final EIR, pp. 6-51 to 6-57.)
- 4. Native American Archeological Site.** The Bluff Trail would pass directly through a significant Native American archeological site in disregard for County regulations. (County of Santa

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Barbara Land Use and Development Code, § 35.60.040; County of Santa Barbara Zoning Ordinance, Art. II, § 35-65.) The Staff Recommended Trail avoids disruption of these areas. (Las Varas Ranch Revised Final EIR, p. 6-58.)

5. **Public Safety.** The Bluff Trail would present public safety risks because of the steep cliffs, a highly-active railroad track, and stream culvert adjacent to the proposed trail. The Staff Recommended Trail involves effectively none of these risks, and thus better aligns with State policy requiring consideration of public safety in the siting of coastal trails. (See Pub. Res. Code § 30212(a).)
6. **Trail Construction.** The Bluff Trail would require technical and expensive construction of bridges to span the railroad tracks and wetland areas on the north side of the tracks, as well as the construction of retaining walls and other barriers for public safety. The Staff Recommended Trail would not require construction of such expensive, technically challenging and visually intrusive facilities.

For these reasons, we urge you to approve the Staff Recommended Trail. Doing so would provide the public with the opportunity for significant new recreation on the Gaviota Coast while still respecting the privacy of neighboring property owners and preserving the area's unique biological and historical resources. Insisting on the Bluff Trail, on the other hand, will surely result in no trail being constructed.

Thank you for considering the Trust's views on this matter.

Sincerely,



Russell M. McGlothlin

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