

# LAW OFFICE OF MARC CHYTILO

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ENVIRONMENTAL LAW

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March 28, 2014

COUNTY OF SANTA BARBARA  
CLERK OF THE  
BOARD OF SUPERVISORS  
*By hand delivery*

County of Santa Barbara  
Board of Supervisors  
105 E. Anapamu Street, Suite 407  
Santa Barbara, CA 93101

RE: Summerland Citizens' Association Appeal of the Beach Club Project, Tuesday April 1  
Agenda Item 8

Dear Chair Lavagnino and Members of the Board of Supervisors,

This office represents appellants Summerland Citizens' Association ("SCA"), Reeve Woolpert, and Tom Evans ("Appellants") in this matter. This letter supplements our 12/16/13 appeal of the Planning Commission's 12/4/13 approval of the Beach Club Lot Split, Gabion Wall and Grading, and New Single Family Residence Project ("Project") and adoption of the Mitigated Negative Declaration ("MND") for the Project, and responds specifically to the Board Letter dated 2/18/14.

The Project parcel is identified on County maps as the location of a proposed trail and a proposed park along the western bank of Toro Creek. The public has historically traversed the "Toro Creek" trail and used the Project parcel for beach access and recreation. Because of a rocky point (*see* Exhibit 1) located between the "Loon Point" trail<sup>1</sup> and the Project site, the "Loon Point" trail does not actually provide access to Loon Point during medium and high tide conditions. Lateral access in the area, including access from down coast, as well as the ability of the public to every use the Toro Creek area shoreline in the future without entering the water to get there will be further diminished by the impacts of sea-level rise. Loon Point and the beaches to the east are popular destinations for surfers and beachgoers, and the current lack of vertical access at Toro Creek creates a safety hazard as people become stranded at high tide with no authorized means to access Padaro Lane or are required to pass over an extensive boulder field beneath high, unstable, erosive bluffs at Loon Point (*see* Exhibit 1.) Accordingly, the County's trail maps identify a trail along Toro Creek *in addition* to the existing "Loon Point" trail.

Several County policies require the dedication of a trail easement as part of this Project. Historic public access along Toro Creek is well documented and has given rise to a public prescriptive right of access, that was substantially reduced by the erection of an apparently unpermitted gate across Toro Creek (*see* Exhibit 3). The increased security presence that is likely to accompany the construction and occupation of new residences on the site by a celebrity and his

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<sup>1</sup> The "Loon Point" trail easement located to the west of Toro Creek was exacted from a neighboring landowner in 1986 (*see* Exhibit 2), and opened for public use thereafter.

family, will further reduce public access to the shore, and will compromise if not doom any future effort to restore rightful public access along Toro Creek.

Unfortunately, the Planning Commission declined to require dedication of a trail easement as part of the Project. At a minimum the evidence described herein of historic public use gives rise to a fair argument of a potentially significant Project impact, necessitating preparation of a focused EIR. These and other legal flaws in the Planning Commission's approval of the Project are detailed below.

### **1. Existing Apparently Unpermitted Development Not Addressed By Project**

The findings required for the Project CDP include that the subject property and development on the property is in compliance with all laws, rules and regulations pertaining to zoning uses, subdivisions, setbacks and any other applicable provisions of Article II, and any applicable violation enforcement fees and processing fees have been paid. (Article II § 35-169.5.1; PC Finding 2.4.2.3.)

There is an existing gate that is partially located on the Project lot crossing Toro Creek adjacent to Padaro Ln. (*See Exhibit 3*), constructed in the late 1980's. It appears that this gate was constructed without required permits.

This apparently unpermitted gate blocked off the historically used public trail down Toro Creek, and interfered with the public's ability to access the coast at this location. (*See Santa Barbara County Coastal Access Implementation Plan, dated March 29, 1991 (Spectra Inc. and EIP Associates), "Historic vertical access along Toro Creek has occurred, but has been recently gated off."*) This issue was not addressed in any of the Project documents, and must be adequately addressed before the Board may lawfully approve the Project.

### **2. The Project Is Inconsistent with Applicable General and Specific Plans**

Pursuant to Government Code § 66474, the Board shall deny approval of a tentative map if it finds that the proposed map is not consistent with applicable general and specific plans. (*See PC Finding 2.2.3.1.*) Moreover, pursuant to Article II § 35-169.4.1 the Board must find that the development conforms to the applicable policies of the Comprehensive Plan, including the Coastal Land Use Plan ("CLUP"). (*See PC Findings 2.4.2.1.a and 2.5.2.1.a.*) Additionally, Article II § 35-169.4.2 requires that the Board find that the development complies with the public access and recreation policies of Article II, the Comprehensive Plan, and the CLUP. (*See PC Findings 2.4.3.3 and 2.5.3.3.*) For reasons discussed below and in our appeal letter, the Project fails to comply with applicable policies in the Comprehensive Plan, CLUP, and Summerland Community Plan, precluding the Board from making these required findings.

#### **a. Conflicts with County Trails Policy**

Summerland Community Plan's Trail, Open Space and Vista map (Figure 15; see Exhibit 4) identifies a trail along Toro Creek between Padaro Lane and the beach. There appears to be some confusion, as reflected in the Board Letter, regarding whether this map is a "Parks, Recreation and Trails Map", and whether it was incorporated into the Comprehensive Plan Parks, Recreation and Trails Map for the Summerland Area. After communicating with knowledgeable County staff from both Planning and Development and County Parks<sup>2</sup>, it is clear that SCP Figure 15 is indeed a "Parks, Recreation and Trails Map", and that for all intents and purposes it is regarded as a subset of the Comprehensive Plan PRT-2 map (Exhibit 7). Indeed, the Summerland Community Plan specifically identifies Figure 15 as the "Parks, Recreation and Trails Map" in five different locations (List of Figures, pp. 53, 56, 78, 79.)

Accordingly, at a bare minimum Summerland Community Plan (SCP) Policy PRT-S-2 requires that the Project provide for the Toro Creek trail. Specifically, SCP Policy PRT-S-2 provides:

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,

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<sup>2</sup> Per personal communication, Reeve Woolpert with Claude Garciacelay: The community recreation and trails map found within the community plans are considered to be a part of the PRT-2 map itself; "a subset of the map." There is a tiered relationship between them. Community plan maps are a component of Comp Plan maps. Trails, etc. outside the boundary of community plan areas are shown on the old original PRT-2 map. "The community plan maps are just as valid."

Santa Barbara County Parks Department letter, Claude Garciacelay, April 22, 1998 (*see* Exhibit 5):

With regard to the trails and trails planning issues within the vicinity of this area [Padaro Lane area trails], the trails map contained within the adopted Summerland Community Plan is our guide for future trails planning and acquisition, provides a framework for funding (when available) based on existing easements and usable segments of trail, and provides us the mechanism to require dedications as part of subdivision and developments.

Per email communication, Reeve Woolpert with David Lackie, February 25, 2014 (*see* Exhibit 6):

Figure 15 in the Summerland Community Plan represents the PRT map adopted for the Summerland Community Plan Area. Existing SCP Policy PRT-S-2 and Action PRT-S-2.2 provide policy guidance to pursue opportunities for public recreational trails and Action PRT-S-2.2 provides specific reference to Figure 15 as the PRT map for Summerland. Proposed trails depicted on the adopted PRT map for Summerland Community Plan (Figure 15) are not reflected on the larger PRT-2 map. This is not uncommon for community plan areas where the PRT maps are more detailed and the information would not translate well at the larger scale regional PRT-2 map.

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. (emphasis added).

This policy clearly applies to the Project, given its broad applicability to approval of any development, subdivision and/or discretionary permit.<sup>3</sup>

In addition, because the SCP PRT (Figure 15) map is in fact a subset of Comprehensive Plan PRT-2 map (*see* footnote 2, above and Exhibits 5 and 6), CLUP Policy 7-25 and CZO § 35-63 further provide that the Toro Creek trail be required as a condition of project approval. Specifically, these LCP provisions state:

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.

These LCP provisions also clearly apply to the Project, as all or at least a portion of the Toro Creek trail crosses the parcel on which the Project is proposed. Unlike CLUP Policy 7-2, the above policies *do not* qualify the easement requirement based on unavailability of more suitable public access corridors, the absence of unmitigable adverse impacts on habitat areas, or the absence of adverse effects on property owner privacy. Nonetheless, as discussed above, the existing Loon Point Trail does not allow for access to Loon Point and beaches to the east during medium or high tides, and exposes the public heading east to perilous conditions. The trail easement located 1 mile east of Toro Canyon Creek mentioned in the Negative Declaration has not been accepted by the County, also does not provide access to Loon Point and adjacent beaches during medium and high tides, and presents additional logistical hurdles. With respect to impacts on habitat areas, the Coastal Act

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<sup>3</sup> The County's failure to require dedication of a trail easement associated with development along the east bank of Toro Creek is not significant, because the environmental setting clearly demonstrates that the western bank is the intended location for the trail. Specifically the western bank is wide, open and rambling, in contrast to the constrained, more developed eastern bank. Moreover, the east side was historically developed and the west side was largely undeveloped. Additionally, the County PRT map identifies only the western bank and the Project lot as the location for a proposed park, further demonstrating the intent to utilize the western bank of Toro Creek and lands to the west for future recreational purposes rather than the eastern bank and neighboring property to the east.

allows uses dependent on sensitive habitat areas, including trails, to be located within such areas. (Coastal Act § 30240 (a)). Additionally, it appears that any adverse impacts could be mitigated to insignificance through proper trail siting and design. With respect to cultural resources, it is worth noting that the instant Project seeks to correct substantial violations that exist on the property, that exposed and damaged cultural resources. It appears that any additional impacts to cultural resources associated with a Toro Creek trail could be mitigated to insignificance. All these issues merit analysis in a focused EIR.

The fact that the Project includes no easement for the Toro Creek trail, demonstrates that the Project fails to conform with SCP Policy PRT-S-2, CLUP Policy 7-25, and CZO § 35-63. Discussed further below, at a minimum, these conflicts constitute substantial evidence supporting a fair argument that the Project may significantly impact the environment, and accordingly that a focused EIR must be prepared. (*Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903, 930; CEQA Guidelines App. G § IX (b).) Additionally, discussed further below, the fact that the Project will interfere with historic public access along Toro Creek provides a clear nexus and as well as rough proportionality to support the County's exaction of a trail easement pursuant to these policies.

In addition, the County has failed to comply with CLUP Policy 7-1, in failing to investigate, much less protect and defend the public's right to access the beach and ocean. CLUP Policy 7-1 provides as follows:

CLUP Policy 7-1: The County shall take all necessary steps to protect and defend the public's constitutionally guaranteed rights of access to and along the shoreline. At a minimum, County actions shall include:

- a) Initiating legal action to acquire easements to beaches and access corridors for which prescriptive rights exist consistent with the availability of staff and funds.
- b) Accepting offers of dedication which will increase opportunities for public access and recreation consistent with the County's ability to assume liability and maintenance costs.
- c) Actively seeking other public or private agencies to accept offers of dedications, having them assume liability and maintenance responsibilities, and allowing such agencies to initiate legal action to pursue beach access.

California's Constitution declares "access to the navigable waters of this State shall always be attainable for the people thereof" and that no one "shall be permitted to exclude the right of way to such water whenever it is required for any public purpose." (Art. X, § 4.) The California Supreme Court has expressly recognized that the public purposes protected by the Constitution include recreation. (*Gion-Dietz* (1970) 2 Cal. 3d 29, 42.) Rather than take all necessary steps to protect and defend the public's constitutional right to access the ocean at Toro Canyon, which provides the only safe route to Loon Point area beaches east of Loon Point during higher tides, the County turned a blind eye to this issue. Moreover, as explained below, there is substantial evidence not only of historical public use of Toro Creek but also of public prescriptive rights. Accordingly, pursuant to

subsection (a) of CLUP Policy 7-1, the County should initiate legal action to acquire easements that would memorialize the public's right to access the beach, or demonstrate their inability to do so.

In light of the foregoing policy conflicts, the Board cannot make findings for approval required by Government Code § 66474, and Article II §§ 35-169.4.1 and 35-169.4.2.

**3. There Is Substantial Evidence of Historic Public Use and Prescriptive Rights along the Toro Creek Trail**

There is ample evidence demonstrating that the public has historically used the Toro Creek trail to access the beach and ocean from Padaro Lane. As the Board Letter makes clear, County Staff assigned to this Project has not done any investigation regarding this historic use. The below evidence of historic public use was not considered in the Negative Declaration or by the Planning Commission, although Appellants did raise the issue and the record before the Planning Commission included testimony of public use of the Toro Creek trail. The below evidence provides an essential nexus and rough proportionality warranting exaction of a trail easement along the western bank of Toro Creek. Moreover, at a minimum this evidence gives rise to a fair argument of potentially significant project impacts that must be analyzed in a focused EIR.

a. Evidence of Historic Public Use in the County Coastal Access Implementation Plan

The Santa Barbara County Coastal Access Implementation Plan, dated March 29, 1991 (Spectra Inc. and EIP Associates) (Exhibit 8) describes the area as follows (on page 32):

The area between Beach Club Road and Loon Point is a popular surfing spot. However, the continuous stretch of beach, residential development and rock seawalls at either end of the cove have significantly limited public access. Surfers were previously able to use vacant lots between Loon Point and Beach Club Road to access the immediately adjacent surfing areas. Vertical access along Toro Canyon Creek has also been used but this has been recently fenced off.

The Plan goes on to describe, parcel by parcel, the local conditions between Loon Point and Serena Cove, noting the difficulty of lateral access and need for vertical access at Toro Creek. Parcel 005-260-009 (the ancestor parcel to the Project parcel, see County Permit History for Parcel 005-260-018), includes the following information:

DESCRIPTION:

Vertical access has also occurred on this parcel along Toro Canyon Creek from Padaro Lane.

Type of Use - surfing re/pass, jogging

Possibility of Prescriptive Rights – yes

Documentation – historic vertical at Toro Creek

ACCESS NEEDS:

Vertical access along Toro Canyon Creek should be considered if it is consistent with protection of creek habitat.

RECOMMENDATION:

Lateral access has been accepted by Santa Barbara County. Historic vertical access along Toro Creek has occurred, but has been recently gated off. Surfing is popular in this stretch of beach from Loon Point to Beach Club Road and Toro Creek provided the only close vertical access for surfers. The County should investigate the prescriptive rights (and acquisition of easement) for this access way since it provides needed access to a popular and established surfing beach.

This information contained in the Santa Barbara County Coastal Access Implementation Plan clearly demonstrates that Toro Creek has been used historically by the public for beach access, and that public prescriptive rights likely exist along this corridor.

b. Declarations of Public Use of the Toro Creek Trail

To further document the historic use of Toro Creek, since filing our appeal to the Board of Supervisors, SCA has undertaken an effort to gather Declarations of Use of Toro Creek. The fifteen declarations collected thus far and attached hereto (*see* Exhibit 9) are the result of a preliminary effort, and represents a small fraction of the actual number of individuals who have used the Toro Creek historically for public recreational and beach access purposes. The declarations gathered thus far document substantial public use of Toro Creek dating from the 1960's to the early 2000's and beyond for beach access and other recreational purposes. This evidence further establishes the existence of historic use of the Toro Creek trail and provides substantial evidence that in fact prescriptive rights of access exist across the Project parcel.

c. The Existence of Public Prescriptive Rights

A common law dedication of private property for public purposes is effectuated by substantial public use for the prescriptive period of five years. (*McKinney v. Ruderman* (1962) 203 Cal.App.3d 109, 115-116; *Biagini v. Beckham* (2008) 163 Cal.App.4<sup>th</sup> 1000, 1009, *Gion-Dietz*, 2 Cal. 3d 29 at 38.) The above evidence demonstrates substantial public use of the Toro Creek trail for over five years, before the apparently unpermitted gate partially interfered with public access. Accordingly, the public has already acquired a public prescriptive right of continued access by implied dedication. (*Id.*) Adjudication of that right must be accomplished by a court of law, however the absence of a court adjudication does not negate the existence of the public right, which must be considered by the Board in several different contexts.

First, pursuant to Government Code § 66474, the Board shall deny approval of a tentative map if it finds that the subdivision or improvements will conflict with easements acquired by the

public at large for access through or use of the property within the proposed subdivision. (See PC Finding 2.2.3.7.) Because the public has acquired an easement for continued public use by dedication, and as discussed below, the Project will conflict with that easement, this provision of the Subdivision Map Act requires that the Board deny the tentative map.

Second, discussed above, the County is bound by CLUP Policy 7-1 to take all necessary steps to protect and defend this public right including by initiating legal action to acquire the easement for which prescriptive rights exist. Unfortunately the County has not fulfilled this obligation.

Finally, with or without an adjudicated right, the Negative Declaration must disclose the existence of substantial evidence of historic public use and prescriptive rights to accurately reflect the environmental setting. (See *Citizens' Committee to Save our Village v. Pomona College* (1995) 37 Cal.App.4<sup>th</sup> 1157, 1163-1164, 1167). Moreover, discussed below, the substantial evidence of historic public use and prescriptive rights constitutes substantial evidence supporting a fair argument of potentially significant Project impacts, necessitating preparation of a focused EIR.

#### **4. The Project Will Directly and Indirectly Interfere with Historic Public Access and Public Prescriptive Rights Along Toro Creek**

The Project will subdivide and increase development on the Project site, intensifying development in a relatively undeveloped area of Summerland's coast that is identified as a proposed park on the County's PRT-2 map. Moreover, the Applicant is a celebrity, and plans to reside on the property with his family and young children once the Project residence(s) are constructed. Celebrity property owners are notorious for seeking to exclude the public to preempt access by paparazzi and overzealous fans, and indeed Brad Pitt has vigorously opposed a public trail on land adjacent to his Gaviota Coast parcel for expressly that purpose. Accordingly, heightened security is the reasonably foreseeable consequence of the Project, and will significantly and adversely effect the public's right of continued access down Toro Creek. These circumstances provide both a nexus and rough proportionality to support exaction of a trail down Toro Creek as provided for in the above County policies.

While members of the public do still utilize the Toro Creek trail today, public access along Toro Creek was substantially obstructed by the installation of an apparently unpermitted gate across the Creek near Padaro Lane in around the late 1980's. This gate appears to be located at least partially on the Applicant's property, with the remainder of the gate located on the neighboring parcel to the east, with the posts appearing to be partially within the County right of way. Discussed above, it appears that the gate is unpermitted development and an outstanding violation of the County's LCP and the Coastal Act. If indeed the gate is unpermitted, Appellants intend to file a notice of violation, seeking to have the gate removed. Additionally, or alternatively, Appellants may file a prescriptive rights lawsuit, to adjudicate the public's right to access Toro Creek and reestablish unimpeded access through the creek corridor.

The new development and heightened security that will accompany construction and occupation of the Project residence(s) will chill the public's ability to utilize the Toro Creek corridor for public access.

##### **5. Preparation of an EIR under CEQA's Fair Argument Test**

Pursuant to CEQA's "fair argument" test, an agency is required to prepare an EIR instead of a negative declaration if the record contains substantial evidence supporting a fair argument that the project *may* have a significant effect on the environment. (*League for Protection*, 52 Cal. App. 4<sup>th</sup> at 904.) The "fair argument" test derives from Public Resources Code section 21151, which "creates a low threshold requirement for initial preparation of an EIR and reflects a preference for resolving doubts in favor of environmental review when the question is whether any such review is warranted." (*League for Protection*, 52 Cal. App. 4<sup>th</sup> at 904-905.) This test does not require that the evidence received by the agency affirmatively prove that significant environmental impacts *will* occur, only that there is a *reasonably possibility* that they will occur. (*Sundstrom v. County of Mendocino* (1988) 202 Cal. App. 3d 296, 309.) Moreover, "[i]f there was substantial evidence that the proposed project might have a significant environmental impact, evidence to the contrary is not sufficient to support a decision to dispense with preparation of an EIR and adopt a negative declaration." (*Id.* at 310 (quoting *Friends of "B" Street v. City of Hayward* (1980) 106 Cal.App.3d 988, 1002).)

In the instant case, substantial evidence supports a fair argument that the Project may significantly impact public access and recreation. One source of this evidence is the above conflicts with County public access and recreation policies. (*See Pocket Protectors*, 124 Cal. App. 4<sup>th</sup> at 930; (conflicts with policies adopted for the purpose of avoiding or mitigating an environmental effect constitutes substantial evidence supporting a fair argument of potentially significant impacts); *see also* CEQA Guidelines App. G § IX (b).) A second source is the Coastal Access Implementation Plan and Declarations of Use of Toro Creek, revealing that historic public access and prescriptive rights exist on the property and may be significantly adversely affected by the Project. (*C.f. Citizens' Committee to Save our Village v. Pomona College*, 37 Cal.App.4<sup>th</sup> at 1163-1164, 1167 (determining that public access and recreation issues were adequately addressed and mitigated in the MND where the MND described how the project was designed to preserve public access and included mitigation measures requiring that pedestrian paths remain open and unobstructed except during construction); *Baldwin v. City of Los Angeles* (1999) 70 Cal.App.4<sup>th</sup> 818, 829 (finding that there was no substantial evidence in the record that the project would have a significant effect on established recreational uses, in part because long use of the property as a park was sufficient to create a prescriptive right for continued public use.) Our appeal letter also describes several visual resource protection policies that the Project fails to comply with, providing substantial evidence supporting a fair argument of significant visual/aesthetic impacts particularly when coupled with the existence of the view corridor discussed in our appeal and below. (*Pocket Protectors*, 124 Cal. App. 4<sup>th</sup> at 930 and CEQA Guidelines App. G § IX (b).)

Additionally, “[i]f the local agency has failed to study an area of possible environmental impact, a fair argument may be based on the limited facts in the record. Deficiencies in the record may actually enlarge the scope of fair argument by lending a logical plausibility to a wider range of inferences” (*Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 311.) Here, the Negative Declaration overlooked two key elements of the environmental setting that should have been used to establish the baseline from which the Project’s impacts were assessed. First, the Negative Declaration failed to disclose that the Project site is the location of a proposed park, designated on the County’s PRT-2 map. The property’s designation as a proposed park provides additional substantial evidence regarding the Project’s impacts to public access and recreation. Second, the Negative Declaration failed to disclose the fact that a view corridor exists across the property, as described in the Summerland Community Plan (Summerland Community Plan p. 137, “[f]rom the Padaro Lane area, a view corridor exists of the foothills to the north and of the ocean and Loon Point to the south and west”), and accordingly did not evaluate whether development proposed on the property may further compromise this view corridor by the obstruction and degradation of remaining views of the ocean across the property.<sup>4</sup> The various observations from Summerland residents regarding the value of this view corridor and the view obstruction and degradation that may be caused by the Project constitutes substantial evidence supporting a fair argument of potentially significant visual impacts. (*Ocean View Estates Homeowners Ass’n Inc. v. Montecito Water District* (2004) 116 Cal.App.4th 396, 402 (relevant personal observations of area residents on nontechnical subjects such as visual impacts found to constitute substantial evidence supporting a fair argument.)

Finally, the above defects in the environmental setting/baseline with respect to the park designation and view corridor, as well as the failure to recognize substantial evidence of historic public use and prescriptive rights across the property, provide an independent basis for the legal inadequacy of the MND. (*See San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal. App. 4th 713, 722 (determining that inadequate consideration and documentation of existing environmental conditions rendered it impossible for the EIR to accurately assess the impacts of the project); *see also Save Our Peninsula Committee v. County of Monterey* (2001) 87 Cal.App.4<sup>th</sup> 99 (invalidating an EIR due to inadequacies in the environmental setting/baseline).

For the foregoing reasons, a focused EIR is required and the Board will violate CEQA if it adopts the MND.

## **6. Conclusion**

Described above, the Project violates numerous County policies, precluding the Board from making required findings of approval. The MND’s failure to include adequate baseline information regarding historic public use and prescriptive rights, and the existence of a proposed park designation and view corridor on the Project site, render the MND’s impact analysis inadequate. Finally there is

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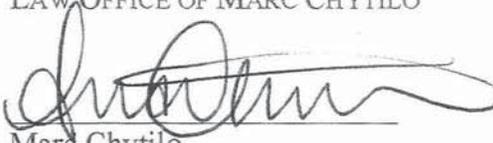
<sup>4</sup> Note, a view corridor was required across the adjacent parcel to the west.

substantial evidence in the record that the Project may significantly impact the environment. For all these reasons, the Board may not lawfully approve this Project.

We respectfully request that the Board direct Staff to commence preparation of a focused EIR that accurately characterizes the environmental setting, evaluates the Project's impacts to public access and recreation, visual resources, and land use impacts associated with conflicts with applicable policies against that environmental setting, and includes mitigation measures including dedication of a trail easement down Toro Creek to address any identified significant effects of the Project.

Sincerely,

LAW OFFICE OF MARC CHYTILO



Marc Chytilo  
Ana Citrin  
For Summerland Citizens Association

Exhibits:

- Exhibit 1: Photo of rocky point between Loon Point Trail and Loon Point (credit: Reeve Woolpert)
- Exhibit 2: Irrevocable Offer to Dedicate Easement – Loon Point Trail
- Exhibit 3: Photos and map of gate across Toro Creek
- Exhibit 4: Summerland Community Plan's Trail, Open Space and Vista map
- Exhibit 5: Santa Barbara County Parks Department letter, Claude Garciacelay, April 22, 1998
- Exhibit 6: Email communication, Reeve Woolpert with David Lackie, February 25, 2014
- Exhibit 7: Comprehensive Plan PRT-2 Map (cropped to show relevant area in more detail)
- Exhibit 8: The Santa Barbara County Coastal Access Implementation Plan, March 29, 1991  
(Spectra Inc. and EIP Associates)
- Exhibit 9: Declarations of Public Use of the Toro Creek Trail

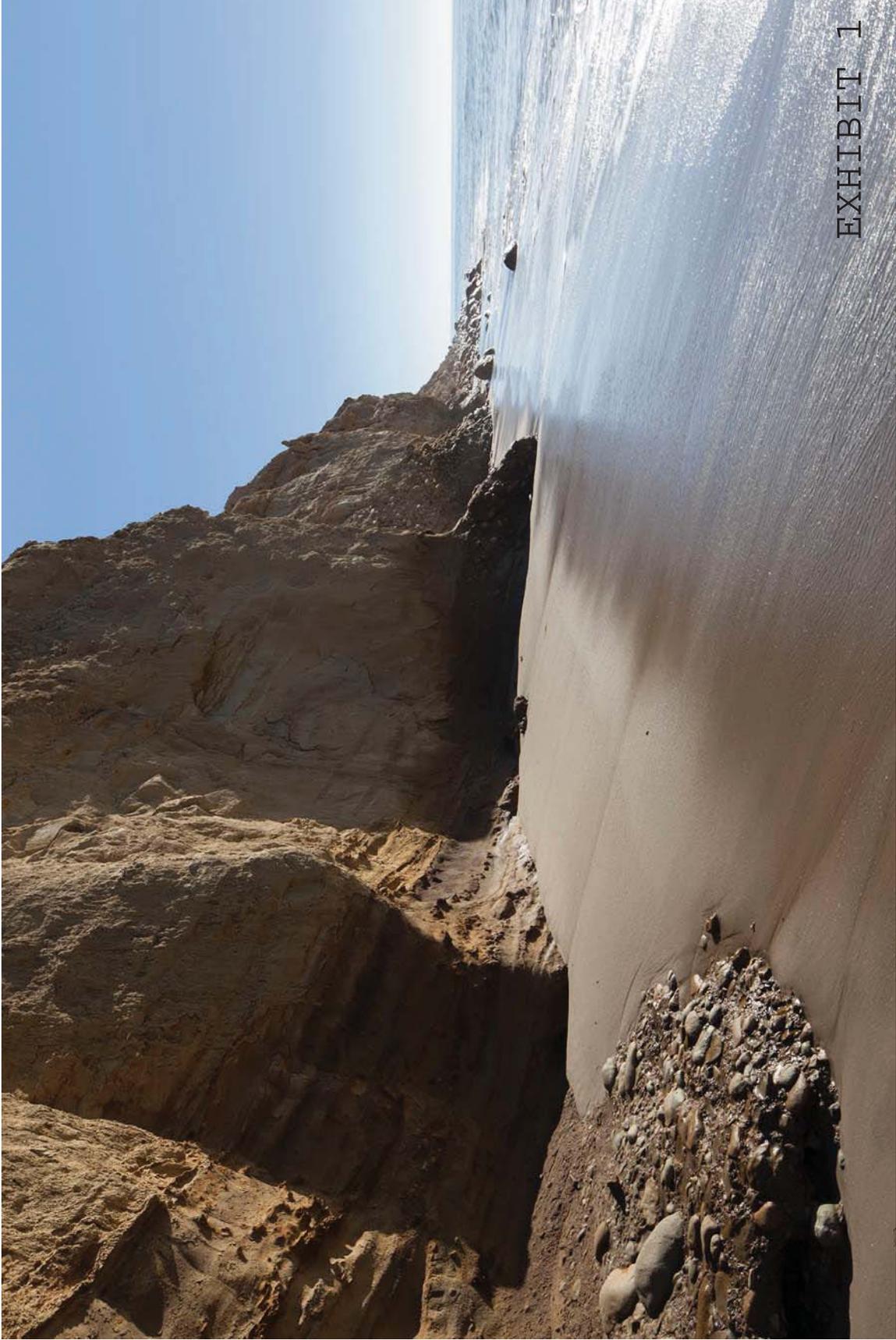


EXHIBIT 1

1986-065212

1985 OCT - 3 PM 3:46

CLERK OF THE BOARD OF SUPERVISORS  
COUNTY OF SANTA BARBARA  
ROOM 407, COUNTY ADMINISTRATION BLDG.  
765 E ADAMSON STREET  
SANTA BARBARA, CALIFORNIA 93102

Date: Oct 7th, 1986

Recording requested by and  
when recorded return to

Re: Parcel Map - 13,698

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CLERK OF THE BOARD  
Kenneth Condit

When Recorded, Mail Tax Statements to:

10/08/86

00NSTI

IRREVOCABLE OFFER TO DEDICATE EASEMENT  
(Coastal Access)

This IRREVOCABLE OFFER to dedicate a public access easement on, along, over and upon the real property described on the Attached Exhibit "A" is made by SOUTHERN CALIFORNIA UNIQUE INVESTMENTS, INC., a California corporation (hereinafter referred to as "Grantor") to the COUNTY OF SANTA BARBARA (hereinafter referred to as "Grantee" and as "County").

WHEREAS, Grantor is the owner in fee simple of certain real property described on the attached Exhibit "A"; and

WHEREAS, approvals made by the County of Santa Barbara in accordance with the provisions of the Local Coastal Plan of the County of Santa Barbara, require public access to and/or along the shoreline in connection with the approval of projects located between the first public road and the ocean, as required in said Local Coastal Plan; and

WHEREAS, it has been determined that the approvals made could not be found consistent with the policies of the Santa Barbara County General Plan or County ordinances applicable to the development in absence of an irrevocable offer to dedicate such public access; and

WHEREAS, it is intended that this offer is irrevocable and shall constitute enforceable restrictions within the meaning of Article XIII, Section 8 of the California Constitution, and that the Offer, when accepted, shall thereby qualify as enforceable restrictions under the California Revenue and Taxation Code Section 402.1; and

WHEREAS, the location and configuration of the accessway which is the subject of this offer is such that abuse or misuse thereof has occurred in the past, and, if allowed to occur in the future, could result in a threat to the health, safety and welfare of the neighborhood and the community, a result which both Grantor and Grantee seek to avoid.

NOW, THEREFORE, in consideration of the granting of approval for the project, now hereby acknowledged, the undersigned Grantor offers to dedicate to the County of Santa Barbara, or to its designee, an easement in perpetuity for the purpose of providing public access to and/or along the shoreline (hereinafter referred to as "the accessway") located on the property as described on the attached Exhibit "B" which is hereby incorporated by reference.

This offer shall run with and burden the real property, and all obligations, terms, conditions and restrictions hereby imposed shall be deemed to be covenants and restrictions running with the land and shall be effective limitations on the use of the property from the date of recordation of this document and shall bind the Grantor and all heirs, representatives, successors and assigns. This offer shall benefit the County of Santa Barbara.

This offer may only be accepted by the execution and recordation of a Notice of Acceptance by the County of Santa Barbara after a hearing following a reasonable notice of intent to accept this offer given to the

owners of the real property identified on the attached Exhibit A, as shown on the latest Assessor's records.

Grantor shall not charge a fee or require consideration for the use of the premises conveyed under the provisions of this offer in a manner which will limit the protections to Grantor provided by Cal. Civil Code § 846.

This offer does not require the opening of an accessway until the County of Santa Barbara agrees to accept the responsibility for the maintenance and liability associated with the accessway.

Prior to the opening of the accessway, Grantee, in consultation with Grantor, may record additional reasonable terms, conditions and limitations on the use of the easement in order to assure a useable, convenient and safe public accessway.

Grantor may erect and maintain fences and gates as necessary and appropriate to provide security for Grantor's property, but shall not erect any obstruction of the accessway without the prior written approval of the Director of Parks of the County of Santa Barbara based upon an appropriate agreement for the maintenance and removal thereof. This restriction shall be applicable only after Grantee has accepted this offer.

The easement described herein is for the sole purpose of providing safe, non-motorized, public access to and along the beach. This offer is made upon the condition that the easement described shall be used and maintained solely for that purpose. Grantor shall be permitted to plant drought resistant landscaping in the easement subject to the prior approval of the County Park Department. Glass, litter and trash shall be cleaned from the easement area by Grantee on a regular basis so that the premises will be maintained to the level of cleanliness and order achieved for ~~Rincon~~ and Lookout Park. The easement shall be used solely for passive recreation during the daylight hours (dawn to dusk). No motorized vehicles, except for those of Grantor and those used by Grantee for security purposes, shall be permitted on the easement. Grantee shall provide a regular patrol upon the easement to enforce limitations on use by motorized vehicles and to enforce limitations on illegal and unsafe activities in the easement area (including without limitation, nudity, sexual activities, vandalism and trespass to Grantor's property). The accessway shall be maintained in a safe and useable condition at all times during which it is open to the public. These provisions shall be operative and apply only after Grantee's acceptance of the Offer as herein provided. If Grantee at any time shall fail to comply with any of the provisions of this paragraph, or shall cease to use the easement as herein described, the easement herein described shall, immediately upon the happening of said failure or cessation, revert to the Grantor and to Grantor's heirs, representatives, successors in interest or assigns. P.R.

Grantor covenants and agrees that Grantor, Grantor's successors in interest and assigns, shall provide minor grading of the trail to make it passable and shall relocate any fences on Grantor's land to remove any blockage of the trail, all to be accomplished within six (6) months after the date upon which the County duly records said Notice of Acceptance of this Offer.

If any provision of this offer is held to be unenforceable or invalid, the remaining provisions shall, nevertheless, continue to be fully valid and enforceable except to the extent that they may be rendered impossible by the holding.

The provisions hereof shall inure to the benefit of and be binding upon the heirs, executors, personal representatives, successors and assigns of the respective parties hereto.

Grantors believe that this accessway is required pursuant to existing law. Grantors do not hereby accept responsibility for maintenance or liability for personal injury or property damage arising out of its use.

This irrevocable offer of dedication shall be binding for a period of Twenty one (21) years. Upon recordation of an acceptance of this offer by

the Grantor, under the terms, conditions and restrictions hereof, the dedication shall be an access easement in gross and in perpetuity affecting the land and binding on the parties, their heirs, executors, personal representatives, successors and assigns, subject to the conditions and reverter herein described.

Date: Sept 22, 1986.

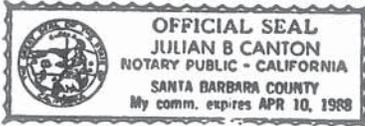
SOUTHERN CALIFORNIA UNIQUE INVESTMENTS, INC.

Ray P. [Signature] - Pres.

State of California )  
County of Santa Barbara )ss

On September 22 1986 before me, the undersigned, a Notary Public, personally appeared Ray P. [Signature]

Ray P. [Signature], personally known to me (or ~~proved to me on the basis of satisfactory evidence~~), to be the the person who executed the instrument on behalf of the Corporation therein named, and acknowledged to me that the Corporation executed it.



Julian B. Canton  
Notary Public

5030 Carpinteria Avenue, Carpinteria, CA 93013

ACKNOWLEDGEMENT BY COUNTY OF SANTA BARBARA

This irrevocable offer to dedicate public access easement is acknowledged by the Chairman of the Board of Supervisors of the County of Santa Barbara. This acknowledgment is not and shall not be construed as an acceptance of this offer to dedicate. The County of Santa Barbara does not and will not accept responsibility for maintenance or liability for personal injury or property damage arising out of any use of the accessway until and unless an acceptance of the offer to dedicate is executed and recorded as provided therein.

Dated: Sept 22 1986

Attest: Howard C. Menzel  
COUNTY CLERK-RECORDER

[Signature]  
Chairman, Board of Supervisors

By: [Signature]  
Deputy Clerk-Recorder

APPROVED AS TO FORM  
KENNETH L. NELSON  
COUNTY COUNSEL

By: [Signature]  
Robert W. Pike  
Deputy County Counsel

RWP:lc  
0706B  
9/9/86

EXHIBIT "A"

That parcel of land outside the pueblo lands of the City of Santa Barbara, County of Santa Barbara, as shown on Record of Survey recorded in Book 116, Page 9 in the Recorder's Office of said county.

EXHIBIT "B"

Those portions of the outside pueblo lands of the city of Santa Barbara, County of Santa Barbara, as shown on Record of Survey recorded in Book 116, Page 9 in the Recorder's Office of said county described as follows:

PARCEL 1, trail access easement

An easement 10 feet in width, lying 10 feet left of the following described line:

Beginning at a point on the easterly terminus of the Southern Pacific Railroad Company right-of-way as shown on said Record of Survey, said point being South 79°21'10" East, 769.22 feet from the northwest corner of said property thence North 79°21'10" West, along said Southern Pacific Railroad southerly right-of-way line 229.23 feet to Point A.

Thence from Point A, leaving said Southern Pacific railroad right-of-way an easement 10 feet in width, lying 5 feet on both sides of the following described centerline:

South 53°27'21" West 33.23 feet; thence  
South 57°15'20" West 88.66 feet; thence  
South 57°14'29" West 69.92 feet; thence  
South 57°14'29" West 69.92 feet; thence  
South 59°00'09" West 62.69 feet to intersect the

present toe of bluff on the Pacific Ocean.

PARCEL 2, beach access easement

Beginning at the most southeasterly corner of said record of survey, said point being the mean high tide line of the Pacific Ocean, thence northwesterly along the mean high tide line of the Pacific Ocean and southwesterly boundary of said property the following courses and distances:

North 74°24'27" West 281.88 feet; thence  
North 58°02'23" West 296.74 feet; thence  
North 54°14'55" West 228.73 feet; thence  
North 58°47'05" West 280.10 feet; thence  
North 59°22'35" West 278.84 feet; thence  
North 60°42'10" West 280.61 feet

thence leaving said mean high tide line of the Pacific Ocean, North 00°45'54" east along the west boundary line of said property 88.05 feet; thence leaving said west boundary line along the present toe of bluff the following courses and distances:

South 59°52'00" East 82.38 feet; thence  
South 64°22'39" East 97.49 feet; thence  
South 64°01'58" East 112.55 feet; thence  
South 64°49'05" East 89.22 feet; thence  
South 65°02'06" East 47.20 feet; thence  
South 45°42'12" East 70.66 feet; thence  
South 45°42'12" East 70.66 feet; thence  
South 44°44'41" East 75.34 feet; thence  
South 56°33'04" East 105.97 feet; thence  
South 61°33'45" East 82.15 feet; thence  
South 53°40'33" East 96.41 feet; thence  
South 53°40'33" East 96.41 feet; thence  
South 56°21'17" East 94.25 feet; thence  
South 56°21'17" East 94.25 feet; thence  
South 57°42'00" East 85.12 feet; thence  
South 57°42'00" East 85.12 feet; thence  
South 61°55'54" East 82.19 feet; thence  
South 71°43'41" East 75.08 feet; thence  
South 73°04'36" East 72.10 feet; thence  
South 73°04'36" East 72.10 feet to intersect the

easterly boundary of said property. Thence leaving said toe of bluff South 10°43'31" West along the easterly boundary of said property 25.27 feet to the point of beginning.

CERTIFICATE OF ACCEPTANCE

STATE OF CALIFORNIA        )  
                                  ) ss.  
COUNTY OF SANTA BARBARA    )

THIS IS TO CERTIFY that the interest in real property conveyed by the Irrevocable offer to dedicate Easement dated September 22, 1986 from Southern California Unique Investments, to the County of Santa Barbara, State of California, a political corporation and/or governmental agency, is hereby accepted by order of the Board of Supervisors of the County of Santa Barbara on September 22, 1983 and the grantee consents to recordation thereof by its duly authorized officer.

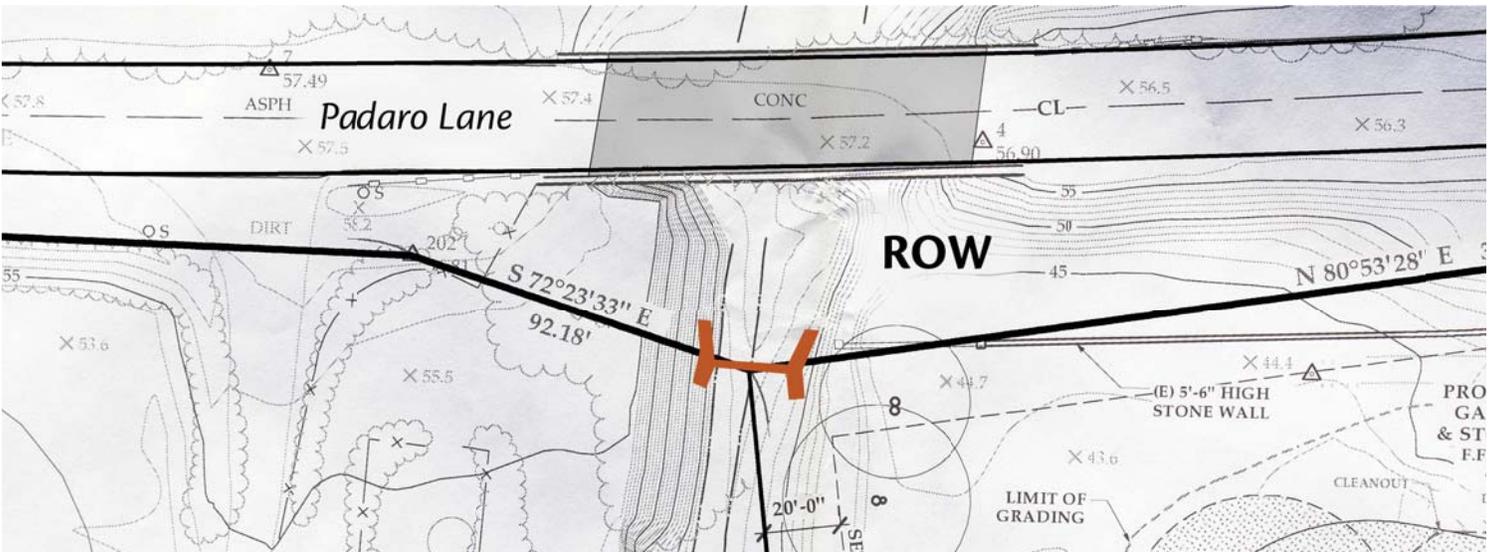
WITNESS my hand and official seal of said Board this 22nd day of September, 1986.

HOWARD C. MENZEL  
County Clerk-Recorder and  
Ex Officio Clerk of the Board  
of Supervisors, County of  
Santa Barbara, State of California

By *Howard C. Menzel*  
Deputy Clerk-Recorder in and  
for said County and State



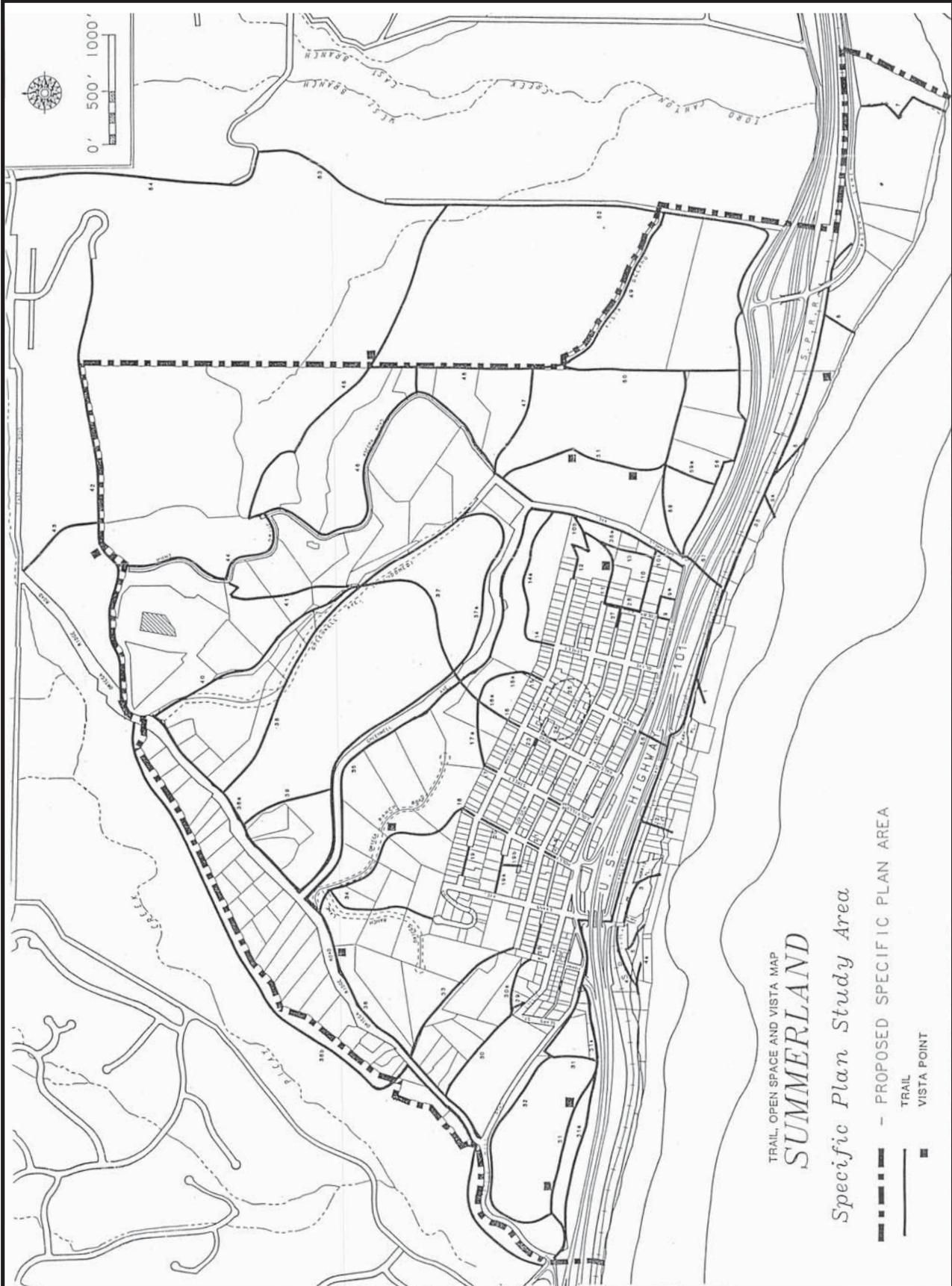
*[Faint, illegible text and stamps at the bottom of the page, possibly including a date stamp like 'SEP 22 1983']*



# Toro Canyon Creek Gate

The gate was built just south of Padaro Lane across the creek, bank to bank, in the late 1980s, and is topped with razor wire.

*Note: the map is simply an illustration to show the gate's approximate location*



**TRAILS AND OPEN SPACE INDEX**  
9/5/93 Draft

- | N°  | Name   |
|-----|--|
| 1   | Wallace Ave beach ramp                           |
| 2   | Cary Place                                       |
| 3   | Lookout Park horse trail                         |
| 4   | Lookout Park sawmill trail to beach              |
| 5   | Lookout Park beach ramp                          |
| 6   | Loon Point                                       |
| 7   | Tono Canyon Creek                                |
| 8   | Beach access from bluff                          |
| 8a  | Additional beach access                          |
| 9   | Coby St. to Little Av.                           |
| 9a  | Little Av. to Greenwell Park                     |
| 10  | Banner Av. to Greenwell Park                     |
| 10a | Greenwell Park connector over creek              |
| 10b | Greenwell Park connector                         |
| 11  | Golden Gate Av. to Greenwell Park                |
| 12  | Whitney Av. to Greenwell Park                    |
| 13  | Greenwell Park                                   |
| 14  | Chive St. extension                              |
| 14a | Chive St. extension                              |
| 15  | Temple St.                                       |
| 15a | Temple St. extension                             |
| 16  | Vaencia Rd.                                      |
| 16a | Vaencia Rd. extension                            |
| 17  | Coville St.                                      |
| 17a | Coville St. extension                            |
| 18  | Whitney Branch                                   |
| 18a | Whitney Av. to Evans Av.                         |
| 18b | Golden Gate to Evans Av.                         |
| 19  | Shelby St. to Evans Av.                          |
| 20  | Hollister St./Whitney to Golden Gate             |
| 21  | Hollister St./Shelby to Banner                   |
| 21a | Hollister St./Banner to Valley                   |
| 22  | Coville St./Shelby to Banner                     |
| 23  | Golden Gate to Vaencia Relocement                |
| 25  | Golden Gate to Vaencia Relocement                |
| 25  | Temple St. replacement/Whitney to Shelby         |
| 26  | Coby St.   |
| 27  | Shelby St.                                       |
| 28  | Vainy St. to Pierpont                            |
| 29  | Little Ave. to trail 30                          |
| 30  | Omega Ridge Rd. to Little Ave. trail             |
| 30  | Trail 30, Pierpont                               |
| 31  | Ortega Hill loop trail                           |
| 31a | Ortega Hill class 1 bikeway (preferred location) |
| 32  | Ortega Hill loop trail                           |
| 33  | Banner to Ortega Ridge                           |
| 34  | Calle Culbrena to Ortega Ridge                   |
| 35  | Greenwell Ave. to Greenwell Park                 |
| 35a | Greenwell Ave./Road Vd. to Little Ave.           |
| 36  | Ortega Ridge Rd. lower                           |
| 36a | Ortega Ridge Rd. upper                           |
| 36b | Ortega Ridge hillside (Ketchum trail)            |
| 37  | Greenwell Av. to Ames trail                      |
| 37a | Greenwell Av. to Ames trail/ ag. all.            |
| 38  | Old Greenwell Av.                                |
| 39  | Old Edison Rd.                                   |
| 40  | Old Edison Rd.                                   |
| 41  | James Ames trail                                 |
| 42  | East Valley ridge                                |
| 43  | East Valley ridge to East Valley Rd.             |
| 44  | Hunt Dr.   |
| 45  | Camaron property trail                           |
| 47  | Vista Ocasano to Greenwell Ave.                  |
| 48  | Vista Ocasano                                    |
| 49  | Vista Ocasano                                    |
| 50  | Vista Ocasano to Via Real                        |
| 51  | Sereva property                                  |
| 52  | Lambert Rd.                                      |
| 53  | Lambert Rd. to East Valley Rd. (lower)           |
| 54  | Lambert Rd. to East Valley Rd. (upper)           |
| 55  | Wallace Ave. bike path                           |
| 56  | Via Real   |
| 56  | Via Real   |
| 57  | Beach access over/under freeway (East)           |
| 58  | Beach access over/under freeway (Middle)         |
| 59  | Careaga trail                                    |
| 59a | Careaga trail alternate                          |
- F Indicates possible future trail  
O Indicates open space

TRAIL, OPEN SPACE AND VISTA MAP  
**SUMMERLAND**  
*Specific Plan Study Area*

- PROPOSED SPECIFIC PLAN AREA
- TRAIL
- VISTA POINT

Figure 15

JENNIFER BRIGGS  
DIRECTOR OF PARKS  
(805) 568-2461

MICHAEL GIBSON  
Business Manager  
(805) 568-2477



RICK WHEELER  
South County Deputy Director  
(805) 681-5653

JEFF STONE  
North County Deputy Director  
(805) 934-6145

April 22, 1998

Reeve Wolpert  
Carole Iverson  
P.O. Box 312  
Summerland, CA 93067

RE: Padaro Lane Area Trails

Dear Mr. Wolpert & Ms. Iverson:

First District Supervisor Naomi Schwartz's office has asked Parks to respond to your letter of April 14, 1998 with regard to the Padaro Lane Area Trails.

The County maintains the beach parking lot at Loon Point off of Padaro Lane and the beach access trail to the west which begins at the west end of the parking lot and continues down to the beach. A ten (10) foot wide public trail easement is dedicated on the private property beginning just west of the Padaro Lane undercrossing, paralleling the railroad and continuing down the small canyon to the beach. County Parks performed major maintenance on this access way last year to repair erosion damage from previous storms and provided drainage structures to divert storm water runoff to avert the kind of erosion which was prevalent in the past. Parks will proceed with the installation of trail marker signs along the beach access way so that there is no confusion on the part of the public that this is indeed a public access way.

Some time ago the underlying private property owner, where the trail is located, approached Parks concerning what he considered continued trespass by the public on his property and informed Parks that he would be fencing his property. Parks requested a survey to be performed by the owner to ascertain the location of the public trail easement and to safeguard the public's beach access at that location. The signage located on the fence represents the disposition of access as relates to his property and does not impede the public's access to the beach.

With regard to the trails and trails planning issues within the vicinity of this area, the trails map contained within the adopted Summerland Community Plan is our guide for future trails planning and aquisition, provides a framework for funding (when available) based on existing easements and useable segments of trail, and provides us the mechanism to require dedications as part of subdivisions and developments. The community plan trails map provides a plan for a series of vertical access ways from

*Providing Places for People and Nature* **EXHIBIT 5**

Reeve Wolpert & Carole Iverson

April 22, 1998

Page 2

the bluff top connecting to a continuous lateral access at the beach. Though the public has used the bluff top area as a lateral trail over private properties and along the railroad right-of-way transportation corridor, this use was not recommended through the community plan process. Furthermore, our attempts to obtain use of active railroad right-of ways for trail purposes has met with opposition from the railroad companies who consider this type of use a safety risk. Though the railroad does not actively discourage use of the track side for trail purposes, they will not support this use on their right-of-way.

The property adjacent to the Loon Point vertical beach access trail consists of parcels on the east side of the vertical access way and one parcel on the west side. At some point in the future when the western parcel applies for development, Parks will again negotiate with the property owner to make sure that the public's access remains unimpeded. The parcel west of the Loon Point trail is zoned for a single family residence. There is no designation of this parcel within the Comprehensive Plan or the Summerland Community Plan for open space purposes. Since the recent community plan process did not identify this parcel for open space and no surplus funding is available for acquisition, no such action is contemplated.

I hope this provides you with some clarification of the issues surrounding coastal access in the east end of Summerland. Please feel free to contact me at 568-2469 should wish to discuss this further.

Sincerely,

A handwritten signature in cursive script, appearing to read "Claude Garciacelay". The signature is fluid and includes a large, sweeping loop at the end.

Claude Garciacelay  
Park Planner

cc: Naomi Schwartz, 1st District Supervisor

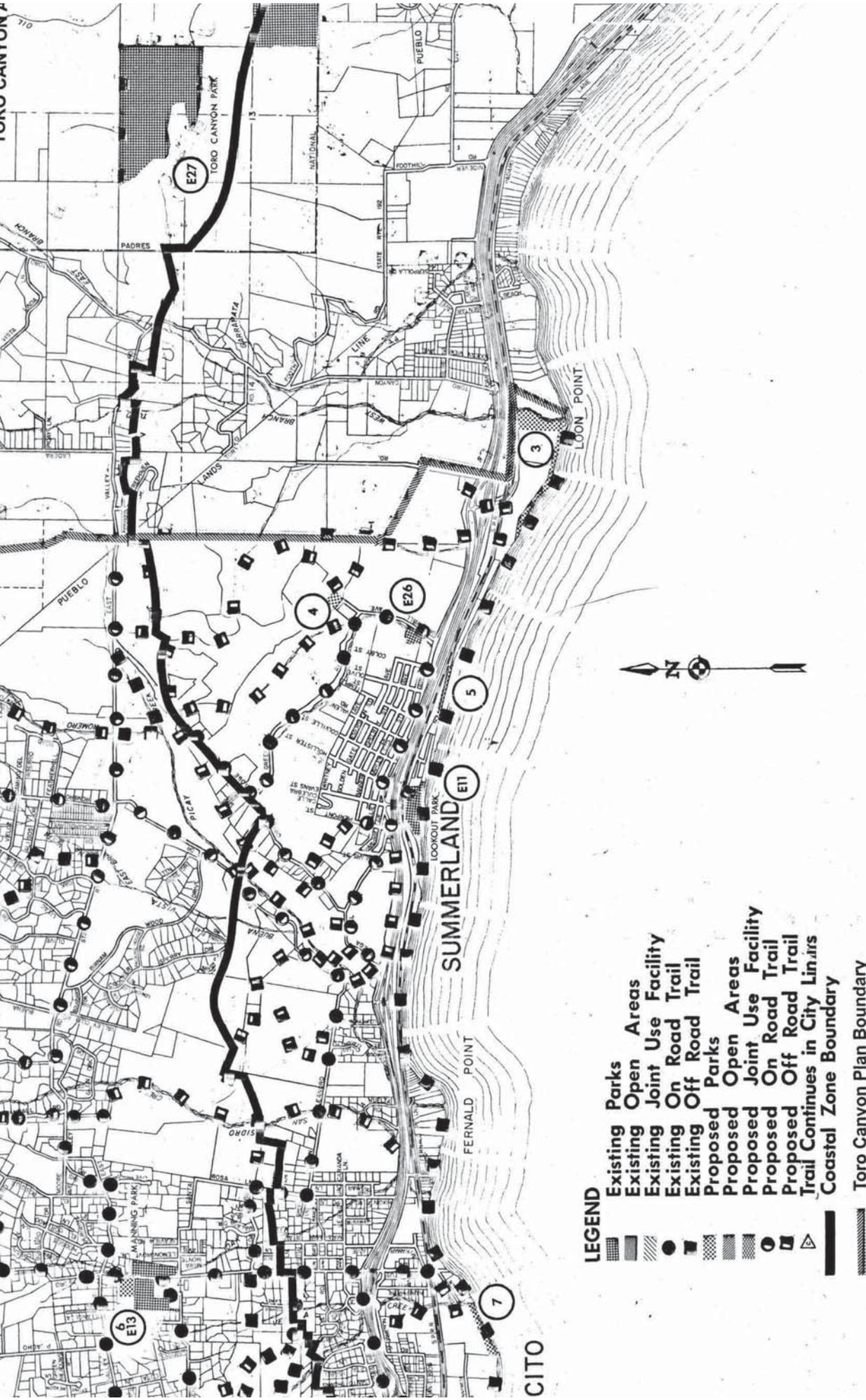
From: Lackie, David <Dlackie@co.santa-barbara.ca.us>  
Date: Tuesday, February 25, 2014 2:28 PM  
CC: Hunt, Jeff <jhunt@co.santa-barbara.ca.us>, Garciacelay, Claude  
<CGarcia@sbparks.org>

Subj: SCP Trails and PRT Map

Hello Reeve,

Figure 15 in the Summerland Community Plan represents the PRT map adopted for the Summerland Community Plan Area. Existing SCP Policy PRT-S-2 and Action PRT-S-2.2 provide policy guidance to pursue opportunities for public recreational trails and Action PRT-S-2.2 provides specific reference to Figure 15 as the PRT map for Summerland. Proposed trails depicted on the adopted PRT map for Summerland Community Plan (Figure 15) are not reflected on the larger PRT-2 map. This is not uncommon for community plan areas where the PRT maps are more detailed and the information would not translate well at the larger scale regional PRT-2 map. For example, PRT-2 map includes a notation redirecting viewers to see the Toro Canyon Plan for existing and proposed trails. Let me know if you have additional questions.

David Lackie  
Supervising Planner - Long Range Planning, County of Santa Barbara



# SANTA BARBARA COUNTY COMPREHENSIVE PLAN PARKS, RECREATION & TRAILS [Non-motorized] CARPINTERIA - MONTECITO - SUMMERLAND AREA

PRT - 2

**Santa Barbara County  
Coastal Access Implementation Plan**

**March 29, 1991**

**For**

Santa Barbara County  
Resource Management Department  
Comprehensive Planning Division  
123 E. Anapamu Street  
Santa Barbara, Ca. 93101 (805) 568-2000

**Prepared by**

Spectra Information and Communication, Inc.  
3081 Calle Mariposa  
Santa Barbara, Ca. 93105 (805) 687 2277

**In Association With**

EIP Associates  
150 Spear Street  
San Francisco, Ca. 94105 (415) 564-0600

Michael Hitchcock & Associates  
2137 Steward Avenue  
Walnut Creek, Ca. 94596 (415) 935-1531

Shute, Mihaly & Weinberger  
396 Hayes Street  
San Francisco, Ca. 94102 (415) 552-7272

**EXHIBIT 8**



### Padaro Lane

**Priority 1** - Accept vertical access offer for Beach Club Road (C-55-V) and 3443 Padaro Lane (C-44-V). Upon acceptance, access signs along Padaro Lane noting the location of these accessways should be installed, in addition to bike racks and, if feasible, limited parking (3-5 spaces). Acceptance of these offers is of the highest priority since these accessways are already constructed and represent the only potentially available public vertical access to the Padaro Lane Beaches. The Beach Club Road offer is of particular importance since it may be close to expiring.

**Priority 2** - Accept all lateral offers for this stretch of coastline.

#### Consistency With LCP and Other County Plans

LCP Policy 7-8 (a) states that:

*The County shall accept and open for use the vertical easements offered in connection with developments on Padaro Lane (APN 5-400-35) and Beach Club Drive (APN 5-390-23). A footpath from the public road to the beach, bike racks, and trash cans shall be provided and maintained.*

The easement required for acceptance on APN 5-400-35 is the Carl Johnston offer (C-44-V), which is completely developed as a vertical easement and open, but is not generally known to the public due to the lack of signing. The offer on APN 5-390-23 (C-55-V) is also constructed, but gated and locked. Neither of these offers have been accepted by the County as required under their Land Use Plan. Expiration of the Beach Club Road offer may occur shortly; more research is needed to locate the legally recorded documents.

#### Access Recommendations

Vertical access to this stretch of coastline is presently unavailable. Vertical access (accepted and developed) exists to the

west of Loon Point (S-02-V,L) and at Santa Claus Lane (C-27-V,L - not offered). However, both of these vertical accessways lie outside of rock rip-rap structures which prevent public access except at low tides. Furthermore, with only the Loon Point vertical accessway being an officially accepted and developed accessway, the 3.8 miles of beach between the mouth of the Carpinteria Salt Marsh and the Loon Point vertical accessway are without an accepted vertical accessway. With acceptance of the Beach Club Road, Padaro Lane and Santa Claus Lane Beach vertical accessway, vertical access would be provided at intervals of approximately .9, .4 and .5 miles.

One of the major drawbacks to providing public vertical access to this stretch of coastline is the lack of area for public parking. Padaro Lane is very narrow and generally without sufficient area for parking. However, there is adequate room for bike racks. This beach resource should be considered a low intensity recreational resource; bicycle use is compatible with this level of use. Further, the County should research the possibility of acquiring land to provide limited public parking, approximately 5 to 10 spaces at the two vertical offers along this stretch. Additionally, adequate signing of the vertical accessways is necessary, given their hidden nature.

## SUMMERLAND UNIT

The Summerland beaches extend from approximately the Loon Point vertical accessway to the bluffs just west of Lookout Park. The moderately wide to narrow sandy beach runs for almost 1.2 miles before ending at the seawalls just west of Lookout Park; the beach is narrowest at its western end, widening towards the eastern or downcoast end. The Summerland beaches are flanked by steep, high bluffs that are significantly eroded. The eastern .7 miles is undeveloped, except for public parking along Wallace Avenue and a paved access ramp. To the west of Wallace Avenue is the Summerland sewer plant, a short 850 feet of exclusive residential development and finally Lookout Park. Immediately to the north or inland of the bluff-top is the Southern Pacific railway, frontage road, U.S. 101 and the town of Summerland.

A small population of *Anemopsis californica* exists at a drainage outlet behind a concrete seawall on S-03-L,T. There are no exceptional terrestrial or marine biological resources along this stretch of beach except for two very short barrancas leading to the beach which contain riparian species. Views from the blufftop are particularly scenic, making Lookout Park a very popular public picnic area.

Recreational opportunities have been maximized for the western end of the Summerland beach. Vertical access at Wallace Avenue and Lookout Park, .4 mile apart, is relatively easy, but parking is limited. Due to the limited amount of blufftop land additional area for parking will be very difficult to acquire. The seawalls immediately west of Lookout Park have historically served as a platform from which surf fishermen have fished. Vertical access to the seawalls is gained via a County Park and private drive running northwest of Lookout Park.

Potential expansion of recreation is greater at the eastern end of Summerland beaches, where approximately .5 mile of undeveloped blufftop property could be acquired and developed with a coastal hiking and biking trail connecting with the County's vertical access at Loon Point (S-03-L). The vertical access at Loon Point includes a 60 space parking lot on the western end of Padaro Lane, with planned improvements to the existing dirt beach access trail.

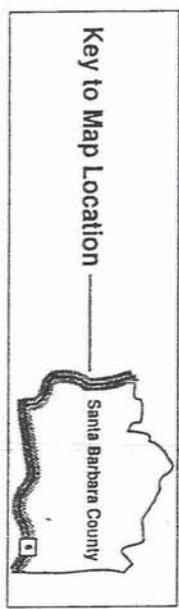
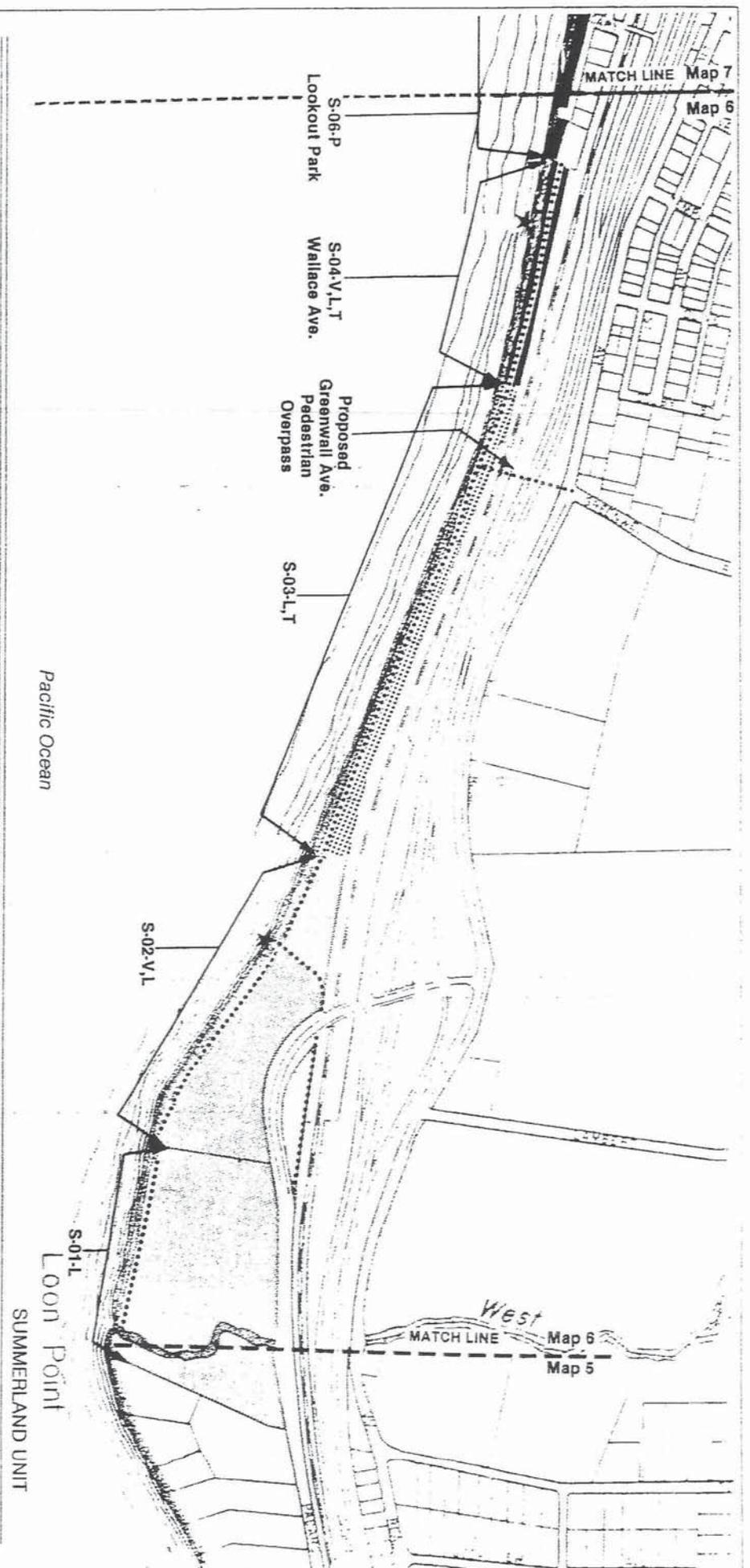
The provision of a pedestrian overpass or underpass at Greenwell Avenue connecting with the blufftop trail, would greatly enhance the access from the town of Summerland to the Summerland beach. These improvements would serve to both increase use of the eastern end of Summerland, which is presently under used, and relieve the excess demand at the western end.

### Physical Impediments to Lateral Access

Lateral access along Summerland's moderately wide sandy beach is relatively unimpeded, except for a large rock rip-rap seawall, located approximately halfway along the length of the Beach. At high tides, access around this seawall is difficult. A combination of Southern Pacific seawalls and lack of sandy beach at the western end of the Summerland beach, restrict access during all but the lowest tides.

### Consistency With LCP and Other County Plans

The County's Coastal Land Use Plan contains policy 7-9 and several implementing actions for improving access in the Summerland area, including purchase of additional beach area at Wallace Avenue and eastward to the Loon Point vertical access.



- Legend**
- Public Ownership/Recreation
  - Access Accepted
  - Access: Offered/Not Accepted; Not Offered/Proposed;
  - Access Not in Public Ownership
  - Military, Institution, Habitat
  - Proposed Coastal Trail
  - Legal Status Uncertain
  - Existing Public Access

**MAP 6**  
**FIGURE 8**

FOOT 0 250 500

SOURCE: SANTA BARBARA COUNTY, SPECIAL AND SIP ASSOCIATES



Policy 7-9 states that:

*Additional opportunities for coastal access and recreation shall be provided in the Summerland planning area. Parking, picnic tables, bike racks, and restrooms shall be provided where appropriate.*

*Implementing Actions:*

- a) *The County shall acquire the beach and bluff area south of Wallace Avenue. The parking area along Wallace Avenue shall be landscaped, and measures taken to minimize further erosion along the bluffs and railroad embankment. Paths to connect the parking area to the beach shall be well-defined.*
- b) *The County shall acquire all dry sandy beach area, seaward of the toe of the bluff, from the Baka property (APN 5-250-7). Limited offstreet parking shall be provided on the County owned parcel (APN 5-260-8) which lies between Padaro Lane and Highway 101.*
- c) *The County shall acquire an easement along the footpath that currently connects Padaro Lane to the beach area west of Loon Point (APN 5-260-7). Limited offstreet parking shall be provided on the County-owned parcel (APN 5-260-8) which lies between Padaro Lane and Highway 101.*
- d) *Morris Place shall be managed as part of Lookout Park. The area shall be kept in its natural state as much as possible. A footpath from the parking area in Lookout Park to the beach shall be provided.*

The County has acquired a portion of the bluff area at Wallace Avenue and installed a parking ramp and striped parking. Additional measures need to be undertaken to control erosion on the bluff face, especially around the access ramp where foot traffic off portions of the path

has resulted in increased erosion. The County is generally in conformity with policy 7-9 (a).

For policy 7-9(b), the County has not acquired the sandy beach area from Wallace Avenue to Loon Point, and is inconsistent, therefore, with this policy.

Because the County has installed a 60 space parking lot along the western end of Padaro Lane and acquired a vertical beach access easement at Loon point S-02-V,L), it is fully consistent with policy 7-9 (c). The County must continue to monitor the level of demand at the Loon Point Parking lot and adjust it accordingly, the existing level of parking may not be sufficient.

Morris Place is a "paper street" which contains a small coastal barranca that comprises the eastern end of Lookout Park. An access pathway on the northeastern end of the park connects via a small wooden bridge to a vertical access trail in the barranca. Therefore County LCP policy 7-9(d) has been met by the County.

The *County Parks, Recreation and Trails Maps (PRT-2)* show the eastern half of APN 5-260-9 (Access Inventory S-01-L) and a bluff-top strip along APN 5-260-7 (Access Inventory S-02-V,L) as a proposed park. The Local Coastal Plan designates and zones these two parcels as residential, 3-E-1 with a vertical access point on parcel 5-250-7 (S-02-V,L). Since adoption of the LCP, the County has acquired a vertical easement to the beach across S-02-V,L. Considering that neither of these park designations are consistent with the LCP or the access needs in the area, they should be deleted from the PRT-2 maps.

The PRT-2 maps presently show that there is an existing offroad blufftop trail extending from Loon Point to Lookout Park. This trail may exist in sections, as a



Santa Barbara County  
Coastal Access Data Base

Accessor Parcel Number - 5-380-25  
Geographical Code - C-60-L  
Parcel Ownership - Private  
Parcel Address - 3055 Padaro Lane  
Vertical/Lateral Access - L  
Length of Lateral (feet)- 175  
Status of Access - Open, Accepted?  
Type of Coastline - Narrow sandy to rocky cobble beach  
Is Access Offered - Yes  
3rd Party Acceptance - No  
Priority - N/A  
Date Offer Recorded - September 19, 1985  
Expiration of Offer - September 19, 2006  
Name of Manager -

DESCRIPTION :

Park in dirt lot on north side Padaro Lane immediately next to U.S. 101 overcrossing for Padaro Lane. At northeast corner of lot a sign marks eroding, beaten trail to beach. This parcel is 3300' east of the trail. This parcel is 2200' west of the Beach Club Road vertical offer. The beach is narrow and reaches far in both directions if Loon Point is passable. The bluff decreases to a moderate height from the vertical access to this parcel. Access to this parcel is very difficult due to long distances and point passable at low tides only. However, this established surfing area is still very popular and the beach offers a range of recreational experiences.

County Permit - 85-CDP-95  
CA Coastal Commission -  
Type of Use - surfing, passive, re/pass

Type of Facilities Present :

None; Facilities at Loon Point include a dirt parking for 60 cars, signed trail to beach, and trash cans.

Ease of Access - 3 Vertical access is >2500' from subject parcel, beach is impassable at high tides.  
Public Safety - 5 Loss of beach at high tide is potential public safety issue.  
Amount of Use - MOD Access and signage are limiting  
Potential for Expansion - LOW Limited by narrow beach and lack of vertical access  
Environmental Impact - 2 No significant environmental impact  
Potential for Mitigating - 2  
Policy 7-2 Exemption - No  
Funding - Offshore oil revenue  
Type of Exemption - None  
Poss. Prescriptive Rights- Yes  
Documentation - Ongoing and historic public use

Level of Isolation - HIGH

ACCESS NEEDS :

Vertical access is needed at Beach Club Road and/or along Toro Creek to make this lateral useable. See recommended improvements in Needs for vertical accessways at Loon Point (APN 5-260-7), 3260 Beach Club Road (APN 5-390-23) and Toro Creek (APN 5-260-9).

RECOMMENDATIONS :

Inadequate legal documentation to verify status of offer. Lateral accessway appears to have been accepted. Further research is required.

Santa Barbara County  
Coastal Access Data Base

Accessor Parcel Number - 5-380-33  
Geographical Code - C-61-L  
Parcel Ownership - Private  
Parcel Address - 3003 Padaro Lane  
Vertical/Lateral Access - L  
Length of Lateral (feet) - 440  
Status of Access - Open, Not accepted  
Type of Coastline - Sandy beach with bluff  
Is Access Offered - Yes  
3rd Party Acceptance - No  
Priority - HIGH  
Date Offer Recorded - July 26, 1982  
Expiration of Offer - July 26, 2003  
Name of Manager -

DESCRIPTION :

Take Padaro Lane offramp from U.S. 101 and head eastward on Padaro Lane. Park in the dirt lot on the north side of the road immediately next to the Padaro Lane overcrossing. At the northeast corner of the lot is the signed trail leading to the beach (known as the Loon Point accessway). Subject parcel is 2500' from the Loon Point vertical accessway. The beach is narrow but reaches for a considerable distance in both directions at low tide. Surfing is popular from Loon Point eastward to Beach Club Road. However the lack of vertical access makes public access difficult. Vertical access has occurred recently through Toro Creek adjacent to this parcel but it is presently fenced off.

County Permit - 4-82-233  
CA Coastal Commission -  
Type of Use - passive, surfing, walking

Type of Facilities Present :

None; Facilities at Loon Point include dirt parking lot for 60 cars, signed trail leading to beach, and trash cans. The Beach Club Road offer (closed) has an improved, gated (locked) path to beach.

Ease of Access - 3 Vertical access is >2500' from subject parcel. Beach is impassable at high tide.  
Public Safety - 5 Loss of beach at high tide is potential public safety issue.  
Amount of Use - LOW See "Public Safety" above. - difficult to access  
Potential for Expansion - LOW Lack of access and narrow sandy/cobble beach limit expansion  
Environmental Impact - 2 No significant environmental impact.  
Potential for Mitigating - 2  
Policy 7-2 Exemption - No  
Funding - Offshore oil revenue  
Type of Exemption - None  
Poss. Prescriptive Rights - Yes  
Documentation - Ongoing and historic public use  
Level of Isolation - HIGH

ACCESS NEEDS :

Vertical access is needed at 3260 Beach Club Road and/or along Toro Creek at Loon Point in order to make this lateral offer useable. See recommended Needs for 3260 Beach Club Road (APN 5-390-23) for vertical access improvements.

RECOMMENDATIONS :

Acceptance of this offer is a high priority. The area between Loon Point and Beach Club Road, which includes this parcel, is an established surfing area. Additionally, this undeveloped beach property offers high value coastal recreation experiences. However, accepted vertical access is unavailable in this stretch and access is difficult from beyond Loon Point (impassable point) and from 3443 Padaro Lane (prohibitive distance). Therefore, vertical accessways should be accepted at Beach Club Road (APN 5-390-23) and acquired at Toro Creek (APN5-260-9) to provide public with adequate beach access. All lateral offers, including subject parcel, should be accepted along this stretch of beach.

Santa Barbara County  
Coastal Access Data Base

Accessor Parcel Number - 5-260-09  
Geographical Code - S-01-L  
Parcel Ownership - Private  
Parcel Address - 2825 Padaro Lane  
Vertical/Lateral Access - L  
Length of Lateral (feet)- 947  
Status of Access - Open, Accepted 5/87  
Type of Coastline - Sandy beach  
Is Access Offered - Yes  
3rd Party Acceptance - Yes  
Priority - N/A  
Date Offer Recorded - August 5, 1980  
Expiration of Offer -  
Name of Manager - SB County Parks

DESCRIPTION :

Turn south on Padaro Lane from U.S. 101. A dirt parking area for 60 cars is at the west end of Padaro Lane on the north side. A sign marks the start of the beaten trail leading from the northwest corner of the lot to the beach. The path leads down the tall bluff to the narrow beach which extends in both directions. The vertical access is located on parcel 5-260-07. From the access path exit onto the beach the lateral access for this parcel is located 1500' to the east. Vertical access has also occurred on this parcel along Toro Canyon Creek from Padaro Lane.

County Permit -  
CA Coastal Commission - 201-30  
Type of Use - surfing, re/pass, jogging

Type of Facilities Present :

Facilities at Loon Point include dirt parking lot for 60 cars (APN 5-260-8), path down Toro Creek (fenced), sign marking trail at APN 5-260-7 to beach, and trash cans at parking lot.

Ease of Access - 5 Long distance from parking, eroding trail and rocky point all impeded ease of access.  
Public Safety - 5 Sign posted warning public of erodable bluff and narrow beach, high tides can block access.  
Amount of Use - MOD Beach is far from Loon Point parking  
Potential for Expansion - LOW Narrow beach  
Environmental Impact - 3 No significant environmental impact.  
Potential for Mitigating - 3  
Policy 7-2 Exemption - No  
Funding - Offshore oil revenue  
Type of Exemption - None  
Poss. Prescriptive Rights - Yes  
Documentation - historic vertical at Toro Creek

Level of Isolation - HIGH

ACCESS NEEDS :

Vertical access along Toro Canyon Creek should be considered if it is consistent with protection of creek habitat.

RECOMMENDATIONS :

Lateral access has been accepted by Santa Barbara County. Historic vertical access along Toro Creek has occurred, but has been recently gated off. Surfing is popular in this stretch of beach from Loon Point to Beach Club Road and Toro Creek provided the only close vertical access for surfers. The County should investigate the prescriptive rights (and acquisition of easement) for this accessway since it provides needed access to a popular and established surfing beach.

Santa Barbara County  
Coastal Access Data Base

Accessor Parcel Number - 5-260-7,8  
Geographical Code - S-02-V,L  
Parcel Ownership - Priv.& Cnty.  
Parcel Address - Padaro Lane  
Vertical/Lateral Access - V,L  
Length of Lateral (feet)- 1666  
Status of Access - Open, Accepted 9/86  
Type of Coastline - Narrow beach with rocky point to east & tall bluff  
Is Access Offered - Yes  
3rd Party Acceptance - Yes  
Priority - LOW  
Date Offer Recorded - October 8, 1986  
Expiration of Offer -  
Name of Manager -

DESCRIPTION :

Head south east on Padaro Lane from U.S. 101. A dirt parking lot (County-owned) is at the west end of the road (APN 5-260-8) immediately on the north of the ocean fronting parcel 5-260-7. A sign at the northwest corner of the lot marks the beaten trail leading to the beach which crosses the western end of parcel 5-260-7. Tall bluffs back this narrow beach. A rocky point is to the east and is passable at lower tides. The west is passable for quite a distance.

County Permit - 86-CDP-130  
CA Coastal Commission -  
Type of Use - hiking,surfing,scuba dive

Type of Facilities Present :

Facilities at adjacent dirt lot (5-260-8) include dirt parking lot for 60 cars, trail sign, trash cans, and beaten dirt trail across subject parcel to beach.

Ease of Access - 7 The unimproved path to beach is long. Few signs mark access on highway or trail.  
Public Safety - 7 Moderate bluff erosion along narrow has warning sign posted.  
Amount of Use - MOD Lack of improved parking and bad reputation restricts public use.  
Potential for Expansion - HIGH Narrow to moderately wide sandy beach, heavy erosion on path, distance to parking lot  
Environmental Impact - 4 Erosion control  
Potential for Mitigating - 4  
Policy 7-2 Exemption - No  
Funding - Offshore oil revenue  
Type of Exemption - None  
Poss. Prescriptive Rights- Yes  
Documentation - existing,beaten path;Ongoing and historic use

Level of Isolation - LOW

ACCESS NEEDS :

Highway and parking signs are needed. Bike racks would discourage riding on the path down to the beach. The path needs improvements to stop erosion. A security attendant at the park would increase public safety and improve the beach's image. Paving of the parking lot should be considered in order to minimize erosion. Additional parking is required.

RECOMMENDATIONS :

This vertical and lateral offer has been accepted by Santa Barbara County. The major improvements required are listed under the "needs" field and include paving of the parking lot, measures to reduce erosion on the pathway, the presence of a lifeguard or Park Ranger and access signs. Presently, this beach is not used extensively by families, because of its isolation and lack of security. By making the access appear more as an official County park, similiar to Lookout Park, this access would be used by a wider range of individuals. The existing 60 space parking lot is inadequate and should be expanded. Additionally, the County should provide for a blufftop Coastal Trail connecting with the City of Summerland as set forth in the Summerland specific plan.

Santa Barbara County  
Coastal Access Data Base

Accessor Parcel Number - 5-??  
Geographical Code - S-03-L,T  
Parcel Ownership - Private  
Parcel Address - East of Summerland  
Vertical/Lateral Access - T  
Length of Lateral (feet)- 2550  
Status of Access - Open, Proposed  
Type of Coastline - High bluff, sandy beach  
Is Access Offered - No  
3rd Party Acceptance - No  
Priority - HIGH  
Date Offer Recorded -  
Expiration of Offer -  
Name of Manager -

DESCRIPTION :

Take Padaro Lane offramp from U.S 101 and head east on Padaro Lane. Immediately east of overpass, park at public parking lot (dirt) on north side of the road. Walk down vertical access path. Before path reaches beach walk west along established trail on blufftop. Trail is intermittent approaching Wallace Avenue.

County Permit - Not Through Permit  
CA Coastal Commission -  
Type of Use - Coastal Trail

Type of Facilities Present :

Partial blufftop trail exists.

Ease of Access - 8 Lack of signss distance  
Public Safety - 7 High unstable bluff, blufftop trail not complete  
Amount of Use - LOW No access signs, trail not complete  
Potential for Expansion - HIGH Wide beach and blufftop trail would be well used.  
Environmental Impact - 7 Blufftop erosion  
Potential for Mitigating - 7 erosion control, signing  
Policy 7-2 Exemption - No  
Funding -  
Type of Exemption - None  
Poss. Prescriptive Rights- Yes  
Documentation - Existing trail - ongoing use

Level of Isolation - LOW  
ACCESS NEEDS :

Complete blufftop trail from Wallace Avenue to Loon Point vertical access needs to be properly installed with erosion control measures and blufftop fencing and/or hazard signs.

RECOMMENDATIONS :

This is a high priority for acquisition. The Summerland Specific Plan proposes a blufftop Coastal Trail from Wallace Ave. to Loon Point. This Trail segment would complete a critical link between the El Estero Marsh and Summerland. The Coastal Trail here would improve the level and pattern of use of the Loon Point Beach and provide greater recreational opportunities. Additionally, the Specific Plan proposes a pedestrian under or overpass from Greenwall Avenue north of the freeway southward to this stretch of coastal parcels. LCP policy 7-9(b) requires the County to acquire all dry sandy beach from APN 5-250-1 (adjacent to Wallace Avenue) eastward to Loon Point.

Santa Barbara County  
Coastal Access Data Base

Accessor Parcel Number - 5-010-14 + 5-240-12  
Geographical Code - S-04-VLT  
Parcel Ownership - County  
Parcel Address - Wallace Avenue  
Vertical/Lateral Access - V,L  
Length of Lateral (feet)- 1050  
Status of Access - Open, Public Land?  
Type of Coastline - Moderate to narrow sandy beach with bluff  
Is Access Offered - No  
3rd Party Acceptance - No  
Priority - LOW  
Date Offer Recorded -  
Expiration of Offer -  
Name of Manager - County Parks

DESCRIPTION :

Take Summerland Offramp from U.S. 101 and head directly east. Turn right (south) at Sewer Plant onto Wallace Avenue. Park along avenue. Paved access ramp to beach is located approximately 550 feet east of the sewer plant. Beach is moderately wide and sandy and runs from Lookout Park to rocky point at Loon Point.

County Permit -  
CA Coastal Commission -  
Type of Use - passive, walking, jogging

Type of Facilities Present :

Facilities at Wallace Avenue include parking for approximately 50 cars, ramp (wheelchair access) to beach, and trash cans.

Ease of Access - 7 Difficult, steep ramp for wheelchair access, no access signs on highway or Wallace Avenue.  
Public Safety - 9 Dirt ramp to beach is steep and without handrails.  
Amount of Use - HIGH No access signs and relatively limited parking  
Potential for Expansion - MOD Due to steep bluff, limited room for additional parking or facilities.  
Environmental Impact - 6 Some blufftop erosion due to foot traffic  
Potential for Mitigating - 6  
Policy 7-2 Exemption - No  
Funding -  
Type of Exemption - None  
Poss. Prescriptive Rights- Yes  
Documentation - Historic and Ongoing public use.

Level of Isolation - LOW

ACCESS NEEDS :

Additional fencing to eliminate foot traffic over lower and upper portion of the bluff face. Signs noting location of access on U.S. 101 and access road parallel to freeway would be helpful. A portable toilet and trash cans should be installed.

RECOMMENDATIONS :

This accessway is under the ownership and management of County Parks. Only minor additional improvements are necessary. Note part of this access appears to be on land owned by Southern Pacific Railroad, APN 5-010-14. Further research is recommended.