

Daly, Julia Rutherford

From: Malone, Caitlin K. <CMalone@BHFS.com>
Sent: Friday, November 04, 2016 11:49 AM
To: sbcob
Cc: McGlothlin, Russell
Subject: Gaviota Coast Plan - Briarcliff Trust comment letter
Attachments: Briarcliff Trust's Comment Letter on Draft Final Gaviota Coast Plan_(152....pdf

Please see attached comment letter applicable to the Gaviota Coast Plan.

Regards,

Caitlin K. Malone
Legal Secretary
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November 4, 2015

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VIA ELECTRONIC MAIL AND HAND DELIVERY

Peter Adam, Chair
Santa Barbara County Board of Supervisors
C/O Clerk of the Board
sbcob@co.santa-barbara.ca.us.
105 East Anapamu Street
Santa Barbara, CA 93101

RE: Briarcliff Trust's Comment Letter on Draft Final Gaviota Coast Plan

Dear Chair Adam and Honorable 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 ("Ranch"), we respectfully urge you to amend the Draft Final Gaviota Coast Plan ("Plan") with respect to principles applicable to Segment 2 of the California Coastal Trail: Las Varas Ranch to El Capitan, as discussed on pages 4-19 and 4-20. We request that the third principle be amended as follows:

3. Las Varas Ranch: The alignment for the proposed coastal trail primary route (across Las Varas Ranch) should balance the interest of aligning the trail be on the bluff tops as close to the ocean as possible with the PRT policy of avoiding unreasonable impact on agricultural operations, natural resources, cultural resources, private property and privacy.

The Plan, at page 4-7, explains the PRT policy intent "[t]o manage the human impact on agricultural operations, natural resources, cultural resources, private property and privacy." The Draft Trail Citing Guidelines at Appendix C, at Section IV.A explains that trails should be cited "in a manner that protects the privacy of residents and landowners, to the extent feasible." Amending the third principle for Segment 2 of the Coastal Trail as proposed above would render the principles balanced and consistent with this policy.

The requested amendments to the third principle for Segment 2 are also necessary because the proposed trail alignment at the west end of Las Varas Ranch, mapped as the primary route ("Primary Route") on Figure 4-6 on page 4-23 of the Plan would, if aligned as mapped, compromise the PRT policy and the trail citing guidelines, and pose other public and private concerns as follows:

1. **Privacy and Trespass.** The Primary Route would place the public in an elevated position overlooking the Briarcliff Trust's property. This would compromise the Trust's reasonable expectation of privacy for a significant portion of its living and recreation areas. As such, the trail would contravene state policy requiring avoidance of unreasonable intrusion of privacy by coastal trails. (Sen. Bill No. 908 (2001-2002 Reg. Sess.) § 1, subd. (b); see also Cal. Coastal Act, Pub. Res. Code §§ 3001.5(c), 30210.) The Primary Route alignment would also facilitate significant trespass onto the Trust's property.

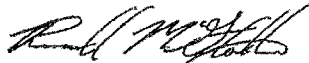
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2. **Sensitive Biological Habitat.** The Primary Route would traverse sensitive biological habitat in violation of state policy. (Sen. Bill No. 908 (2001-2002 Reg. Sess.) § 1, subd. (a)(3); *see also* Cal. Coastal Act, Pub. Res. Code §§ 30210, 30212(a).)
3. **Native American Archeological Site.** The Primary Route would pass directly through a significant Native American archeological site in disregard for County regulations. (County of Santa Barbara Land Use and Development Code, § 35.60.040; County of Santa Barbara Zoning Ordinance, Art. II, § 35-65.)
4. **Public Safety.** The Primary Route would present public safety risks because of the steep cliffs, a highly active railroad track, and a stream culvert adjacent to the proposed trail.
5. **Trail Construction.** The Primary Route would require technical and expensive construction of numerous bridges to span the railroad tracks and wetland areas, as well as the construction of retaining walls and other barriers for public safety. The railroad bridges would prominently impair scenic vistas from the highway and El Capitan State Park.

We appreciate that Policy REC-5 at page 4-35 of the Plan explains that suggested alignments should not be construed as final trail alignments and that precise trail alignments require detailed site review, balancing of public access requirements with protection and preservation of sensitive resources, the rights and privacy of private property owners, etc. However, we respectfully request that the third principle for Segment 2 of the Coastal Trail on page 4-19 of the Plan be amended as proposed above to ensure that competing policy interests are balanced.

Thank you for considering our requested amendment.

Sincerely,



Russell M. McGlothlin