

further away. In addition, since the two homes proposed on the project site would not generate a substantial increase in population, there would be no resulting substantial increase in the use of nearby recreational facilities.

Mitigation Measures: No mitigation is required.

Residual Impact: Class III Impact.

REC-2 Development of the proposed project would block access to the primary existing (unauthorized) trail used to access Burmah Beach and the Naples Reef surf break (Class III).

Impact Analysis:

Changes from the 2008 Draft EIR to the 2011 Revised Draft EIR

The 2009~~8~~ Draft EIR prepared by AMEC concluded that the impact to the existing unauthorized trail was a Class I impact. In this Revised Draft EIR, the conclusion is that the impact is a Class III, less than significant, impact. This changed conclusion is based upon the revised project description and that the Draft EIR did not consider or address some issues, as discussed below.

The project description changed as follows:

- The project now includes all the items in the Draft EIR **Mitigation Measure REC-2a**, including a conditional~~a~~ easement dedication for a 20 vehicle parking lot (**Mitigation Measure MM REC-2a** required and 18 vehicle lot), extension of the applicant-proposed lateral Coastal Trail for an additional 150 feet, and access from the parking area to the lateral Coastal Trail over the UPRR tracks;
- The project now includes a floating easement between Drainage #5 and Eagle Canyon, which allows flexibility in vertical access to the beach; and
- The project now includes a ~~91~~106.8-acre conservation easement, which will ensure long-term uninterrupted mountain views from the Coastal Trail over the property.

The 2008 Draft EIR did not consider or address the following:

- That the existing unauthorized access could be taken away at any time by the current property owner, without the proposed project;

- That the existing unauthorized access is limited to access for able-bodied;
- That the existing parking is off-site and on the North side of US Highway 101, and trail users must run across US Highway 101 to access the site;
- The proposed project does not impact the existing parking;
- That the proposed project provides legal, authorized access to the public whereas the current access is not formally authorized;
- That the County's stated policy with respect to the Naples Surf break is to limit recreation use at the site. Coastal Policy 7-19 states, "In order to protect the marine resources of Naples Reef and the adjacent beach as a hauling out area for harbor seals, intensive recreational use shall not be encouraged. Access to the site should continue to be by way of boats;"
- That the existing trails are unimproved and unauthorized and there is no on-site parking; and
- That there is presently no public easement over the railroad tracks.

Impact Discussion

Upon build out, the proposed project would eliminate one of the most heavily used existing unauthorized trails on the project site. The trail is used by surfers and other recreationists to access to the shoreline, specifically at Burmah Beach and the Naples surf break in the location of the seal haul-out. As discussed in **Subsection 3.13.2.5** (Existing Unauthorized Access and Recreational Uses) the existing unauthorized trail and vertical access to the beach are documented as existing on site from at least 1983 to the present. Unauthorized public use of the trail and vertical beach access (primarily by surfers) has been documented online, in published surf guides, as a part of the ~~Area~~ ARCO Delos Pueblos Golf Links project, through communications with the California Coastal Commission (CCC), and directly by County of Santa Barbara staff. Other evidence, however, has been presented to the CCC and the County, which documents the property owner's continuous effort over the years to exclude unauthorized trail users from the site, through installation of fences, posted signs against trespass, and use of security guards to removed unauthorized trail users from the site. The proposed Ocean Estate would be constructed on the unauthorized trail, thereby eliminating the primary vertical beach access used by the public to reach Burmah Beach and the Naples Reef surf break. However, the proposed project includes conditional dedication of a number of easements for public access improvements which would, when complete,

provide a higher level of public access that would be safer, legal, and more consistent with habitat protection policies than the existing, informal trails. The existing unauthorized trail entails pedestrian crossing of US Highway 101 (due to the lack of an on-site parking lot) and unauthorized crossing of the UPRR tracks. The existing unauthorized vertical access to the beach is located directly adjacent to a seal haul-out and contributes to bluff erosion due to lack of a stairway. Additionally, other on-site and off-site trails used to access the shoreline would not be eliminated by the proposed project. Those access points include one unauthorized access located in the middle of the site, the unauthorized off-site Naples and Eagle Canyon access points, and legal access at Haskells Beach (during low tides). Haskells Beach is located approximately 1.25 miles from Naples Reef/Burmah Beach.

As part of the proposed project, the applicant has offered to dedicate a number of formal public access easements to the County or other appropriate implementing entity. These dedications (illustrated in **Figure 3.13-1, Existing Recreational Uses and Proposed Recreational Easements**~~Location of Proposed Trails~~ and described in detail in **Section 2.0, Project Description**), ~~are offered only in conjunction with the proposed project and would not be offered in conjunction with any of the project alternatives. The public access dedications include:~~

The project includes a number of offers to dedicate (OTD) easements for both vertical and lateral public access and recreation facilities, contingent on approval of the proposed project, including:

1. On the Ocean Lot:

- a. An easement for a trail network including a loop trail and a portion of the California Coastal Trail bounded by the UPRR on the north, the coastal bluff on the south, Eagle Canyon on the east, and the Coastal Estate on the west
- b. An easement for an ocean overlook
- c. Vertical access to the beach within a "floating" easement extending along the bluff from Drainage 5 to Eagle Canyon
- d. A lateral easement along the beach as measured from the base of the bluff to the mean high tide line

2. On the Inland Lot:

a. An easement area that would allow for vertical vehicular access from the existing site entrance at Highway 101 to a future public parking lot (up to 20 spaces)

b. Pedestrian access from the future parking lot and over the UPRR tracks to the loop and California Coastal Trails on the Coastal Lot

The exact location for the physical construction of future trails, parking, vertical beach access and access over the UPRR tracks will be determined at a future date based upon the mutual agreement of the landowner, the County of Santa Barbara, and the eventual easement holder.

~~1. Lateral access along the beach measured from the base of the bluff to the mean high tide line~~

~~2. Approximately 7,500 linear feet (2.70 acres) of the lateral Coastal Trail on the oceanfront parcel~~

~~3. A 0.02-acre bluff top lookout area;~~

~~4. 0.13-acre on the inland parcel for future development of a 20-space parking lot~~

~~5. A public trail extending from the parking lot, across a bridge over the UPRR tracks, to the proposed Coastal Trail~~

~~6. Vertical access corridor (0.17 acre) at Eagle Canyon~~

~~7. Vertical access to the beach within a "floating" easement extending along the coastal bluff from Drainage 5 to Eagle Canyon (proposed in lieu of the Eagle Canyon vertical access should access within the floating easement be deemed preferable by the implementing entity)~~

The "floating" easement provides flexibility for the exact siting of the vertical beach access in order to facilitate optimal design options and minimization of potential environmental impacts. Specifically, the floating easement would provide design flexibility to locate the potential future stairway further from the seal haul-out near the existing unauthorized vertical access and outside of the Environmentally Sensitive Habitat at Eagle Canyon, where impacts to red-legged frog and southwestern pond turtle could occur. In addition, as discussed below, the floating easement would allow the most cost-effective stairway location to be chosen. The easements would be dedicated to an implementing entity (possibly a non-profit organization or the County).

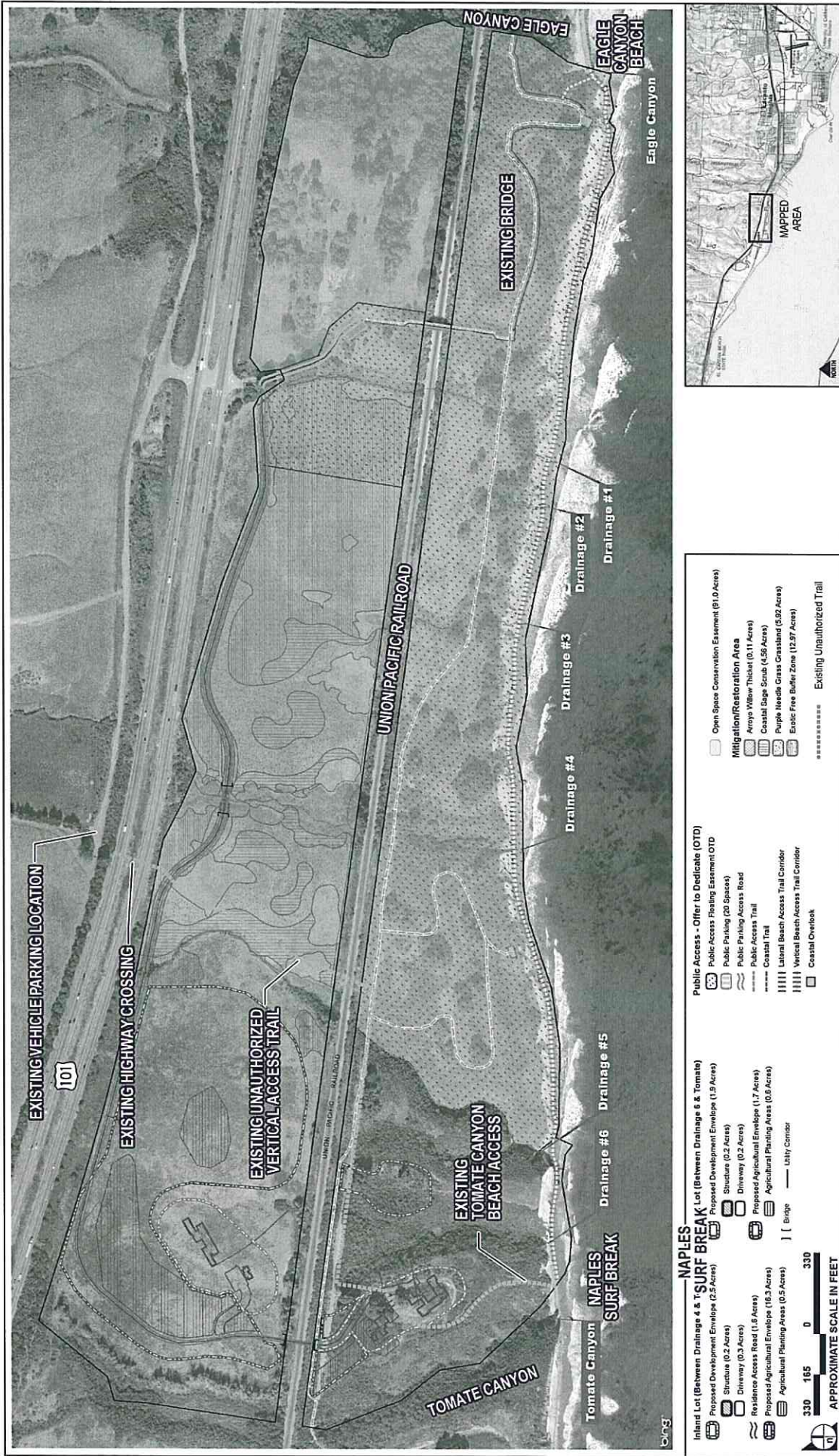


FIGURE 3.13-1

Existing Recreational Uses and Proposed Recreational Easements

Appendix 3.13 of the Draft EIR, includes a memorandum analyzing possible constraints and access issues with regard to vertical access. A summary of these findings are as follows:

"The bluff from Eagle Canyon to Drainage #4 is approximately 70-foot tall. The rock material of the bluff face varies from more solid to very weathered in appearance and often has a thick layer of soil at the top. Vertical access along this stretch of beach and between the three locations described below would be difficult.

Drainage #4 is a deep, narrow, incised channel with little horizontal protection at the bluff face along the beach. The vertical difference is much less than the adjacent bluffs; however, it will be difficult to locate a structure outside of the drainage flow path.

There is an unnumbered local drainage between #4 and #5 that has greater potential than drainage #4 since it is not a major drainage course; the face material seems solid; and there is bedrock at the beach that may provide some protection to the structure's foundation. However, this face is still rather tall (over 30-feet) and would require at least three flights of stairs to reach the beach.

Drainage #5 presents the best alternative out of the three alternatives identified herein for a vertical beach access as the mouth of the drainage is very near beach level and in a natural cove that provides horizontal protection of a structure's foundation. With some grading, access could come down the eastern side of the drainage and land on the east side of the drainage flow path.

The last three locations above are the apparent viable alternatives for a future vertical access. All three are within close proximity to old roads on the property along which public trail access to the top of the bluffs could be provided. Based upon visual observations, vertical access at Drainage #5 would be the first choice as an alternative to vertical access at Eagle Canyon. The un-named drainage between Drainage #4 and #5 would be the second choice and Drainage #4 would be the third choice. Although not apparently ideal, a fourth choice, any other location along the bluff between Eagle Canyon and Drainage #5 could be considered, if so desired."

At this time, the UPRR has not yet agreed to grant public access across UPRR tracks as proposed in dedication no. 5, above. Existing easements specifically allow private access. A new agreement with the UPRR, as well as approval by the California Public Utilities Commission (CPUC), would be required for the easement to specifically allow

1 public access over the UPRR tracks. Between the years of 2005 and 2007, the Project
 2 Team made several unsuccessful attempts to coordinate with UPRR on securing
 3 potential encroachment permits for installing both parallel (within UPRR ROW) and
 4 perpendicular (crossing UPRR ROW) utility corridors to serve the Proposed Project,
 5 including submittal to UPRR of several project plans to secure a conceptual approval
 6 from UPRR for the necessary encroachment permits. UPRR previously provided
 7 feedback denying several conceptual plans for the proposed utility corridor within the
 8 UPRR ROW, thereby indicating the design and approval of a privately owned utility
 9 crossing along alignment options within the UPRR is infeasible/not possible. The
 10 applicant has within the past several years, begun negotiations with the UPRR to secure
 11 public access over the UPRR tracks and has committed to continue these negotiations
 12 along with their negotiations to obtain private access over the tracks to the Ocean
 13 Estate. The applicant has further confirmed that negotiations for private access over the
 14 UPRR tracks will support, and in no way undermine or usurp, receipt of an easement
 15 for public access over the UPRR tracks. If the project is ultimately approved with the
 16 proposed access dedications, it is anticipated that the County would assist the applicant
 17 and implementing entity in negotiations with the UPRR and CPUC.

18 In discussions with the applicant and County staff, UPRR staff indicated that approval
 19 of an at-grade public crossing would be unlikely if not impossible due to UPRR design
 20 requirements and safety concerns. Access over the UPRR tracks via a new bridge in the
 21 location of the existing bridge was discussed as a more viable option. The discussions
 22 with UPRR staff also made it clear that the existing bridge would most likely need to be
 23 replaced with a new bridge that would meet UPRR design standards. Because the
 24 bridge would provide public access, the design and construction of the bridge would
 25 also require approval by the CPUC.

26 The cost for construction of the public access improvements would be borne by the
 27 implementing entity. Based upon estimates for the cost of construction of the bridge
 28 that would connect the Ocean and Inland Estates, the cost for construction of the public
 29 access bridge is estimated at around \$1,533,000 to \$1,674,000. In 2010, the applicant
 30 prepared engineered drawings for a stairway located within the Eagle Canyon
 31 drainage. Design and construction of the stairway within Eagle Canyon is anticipated to
 32 cost around \$1.9 million dollars. Additionally, construction within the drainage was
 33 anticipated to have impacts to sensitive species such as California red-legged frog and
 34 southwestern pond turtle. Therefore, the applicant has proposed a floating easement

1 between Eagle Canyon and drainage #5. Construction of a stairway within the floating
2 easement could be pursued as an alternative to the proposed access within Eagle
3 Canyon if deemed preferable from a feasibility and environmental impact perspective.

4 The applicant also provided a memorandum¹¹ assessing potential vertical access points
5 within the proposed floating easement, and a cost estimate for the design, engineering,
6 permitting, and construction of the potential stairway locations. The memorandum is
7 provided in **Appendix 3.13**. Estimated costs ranged from \$768,860 to \$943,100. Costs for
8 completion of the trails and lookout are estimated at approximately, \$15,000 per linear
9 mile. Lateral access along the beach as measured from the base of the bluff to the mean
10 high tide line would require no construction and therefore that easement would become
11 immediately available for public use.

12 The timing for acquisition and completion of the proposed access improvements is
13 unknown. The implementing entity would be responsible for designing, constructing,
14 and operating the trails and any associated facilities and as such would need to raise the
15 funds to complete these improvements. Funding could potentially be provided through
16 CREF funds, California Coastal Conservancy grants, etc. The public has shown strong
17 support for establishing additional recreational facilities along the Gaviota Coast, as
18 evidenced by comments received by Planning and Development during outreach
19 meetings and hearings for Gaviota Coast projects such as Las Varas, Santa Barbara
20 Ranch, and the Gaviota Coast Plan. In addition, the applicant has begun outreach
21 efforts to a number of non-profit groups regarding acquisition of the proposed
22 dedications. Completion of the public access improvements may or may not occur prior
23 to, or concurrent with, construction of the proposed homes. However, as discussed
24 above, a number of other on- and off-site access points would remain available while
25 completion of the public access improvements took place.

26 Once implemented, the proposed access dedications would provide greater and safer
27 recreational access to the public than the current unauthorized access. Currently, users
28 of the unauthorized trail park north of US Highway 101, cross the highway on foot,
29 cross the railroad tracks at grade, and access the beach via unimproved steep access
30 points. The specific access point that would be eliminated by the proposed project
31 consists of winding unimproved trails extending down a 54-foot-tall bluff with slopes of
32 42 percent to the beach. Upon completion of the access improvements, users would

¹¹ Michael Osborn, P.E., Penfield and Smith, June 25, 2012

1 have access to a parking lot located on the inland parcel and would no longer need to
 2 cross US Highway 101 on foot. Safe access would be provided over the UPRR tracks via
 3 a pedestrian bridge and an engineered stairway would provide safe access to the beach.
 4 Formal recreational opportunities would be further expanded by a 7,500-foot improved
 5 trail along the coastal bluff and a 0.02-acre lookout point. Due to the physical difficulty
 6 and safety issues associated with accessing the current unauthorized trail and vertical
 7 access to the beach, the type of users that benefit from the current access is limited. With
 8 a parking lot, bridge, improved trail, and stairway, recreational use of this portion of
 9 the Gaviota Coast would be open to a greater variety of users such as families with
 10 children, the elderly, those deterred by the unauthorized nature of the existing access,
 11 and those deterred by safety concerns. Therefore, the ultimate potential recreational
 12 benefit to the public would be greater than that provided under the existing conditions.

13 Compared to the current unauthorized access, the proposed project creates the
 14 opportunity to provide safe, legal, environmentally beneficial, and lasting public access
 15 to the shore and coastal recreational opportunities. With the proposed access
 16 dedications, the public would enjoy legal access to the site in perpetuity, whereas
 17 increased security measures could be implemented at any time under current
 18 conditions, thereby eliminating the existing informal access. As proposed, the project
 19 would ultimately result in safer access to the shoreline, would make the area available
 20 to a greater variety of recreational users, and would secure the legal right for the public
 21 to access the property. Additionally, other existing off-site and on-site unauthorized
 22 access points and legal access at Haskells Beach would remain. As discussed in
 23 **Section 3.4 Biological Resources**, construction of the proposed dedications would have
 24 a beneficial effect by re-directing public access away from the seal haulout near Naples
 25 Reef. Finally, acquisition and development of a segment of the California Coastal Trail
 26 is an important step toward achieving State and County public recreation and coastal
 27 access goals for the Gaviota Coast. Therefore, the project's adverse impact on
 28 recreational values, considered in its entirety, is less than significant.

29 **Mitigation Measures:** Impacts would be adverse but less than significant.
 30 Therefore, no mitigation measures are required.

31 **Residual Impact:** Class III Impact.