

Makar Residential Project Scoping Fact sheet and Talking points

Background: Orange County developers Makar Properties owns 2 large lots on the Gaviota Coast, in addition to 25 Naples lots. Makar has applied for 2 large houses on the 2 large lots, and has stated an intent to pursue up to 10 houses on Naples. Many people currently use the Makar property to access Naples after crossing Highway 101 and following a creek named Canon Tomate. The lands are a part of the former Dos Pueblos Golf Links Project, rejected by the California Coastal Commission in 2002.

Makar has asked the County to prepare an EIR for the 2 lots, and the County is circulating a scoping document for the public and agencies to identify the issues that should be considered in the EIR. There will be a public hearing in the Planning Commission Hearing room on April 7, 6:30 PM. Written comments on the scoping document are due to County Planner Allen Bell by April 21. Email comments to: abell@co.santa-barbara.ca.us.

The large houses are proposed on extremely constrained parcels possessing important biological resources. The developer has proposed to use berms to screen the houses, in violation of County policy. The site has no water, although one lot is currently in the Goleta Water District boundaries. The developer has asked the Goleta Water District to annex the other parcel, but the District failed to perform CEQA review before initiating the annexation, prompting a lawsuit from Gaviota Coast Conservancy.

Scoping Issues: Public comment should be directed at achieving the most broad and comprehensive EIR possible. This is NOT the time to comment on the merits of the project – those arguments come in 1-2 years - after the EIR is completed and while the Planning Commission, Board of Supervisors and California Coastal Commission consider the project.

The scoping document identifies the obvious issue areas, which can be supported by public comment, but the more valuable public comment will address obscure and overlooked impact areas that you contend should be considered in the EIR.

Important Scoping Comment Issues:

Baseline Issues: The environment on the site, as it existed on the date of application, serves as the “baseline” from which the project’s impacts are measured. Land uses in effect at that time include public recreational access to Naples.

Project Description Issues: The Project Description suffers from flaws that should be corrected and the scoping document recirculated. For example, the proposed Goleta Water District water lines are 12”, ample to serve the Naples lots as well, and GWD documents indicate this is the plan. Yet the EIR states the water lines would only have the capacity to service the project. This

inconsistency makes public comment challenging. A stable and complete Project Description is essential for meaningful environmental review and public comment. The Project Description should include recreational facilities, not just offers to dedicate, including a coastal trail along the coast, not a highway trail. The developer's standstill agreement with the Coastal Commission allows processing of up to 10 homes on Naples lots and the 2 other lots anticipated a clustered development, as required by the LCP, the Coastal Act and its regulations. The project should be revised to encompass a clustered development configuration.

Policy Inconsistencies. Although the zoning ordinance allows a single family home on agriculturally zoned lands, there are numerous General Plan, Local Coastal Plan and California Coastal Act policies that require protection of agricultural, biological, visual, recreational and cultural resources on the site and in the area.

A critical policy issue involves compliance with Local Coastal Plan and zoning ordinance standards requiring the structures be sited to avoid intruding into the skyline and generally not being visible from public viewing places. Rather than design the house to avoid visual impacts, the applicant is proposing to use dirt berms to screen the Project. Berms are themselves not permitted and may not be used for policy compliance. The potential impacts from a precedent allowing such berms could be extensive berming up and down the Gaviota Coast, causing losses in views of the ocean and scenic lands and artificially re-contouring highly scenic and visually prominent lands.

Many applicable policies require clustering of development. The project is inconsistent with such policies and should not be processed as proposed.

Visual Impacts are an important impact area. Past public use of the site for access to the Ocean provides evidence that the trail corridor is subject to a public access easement gained through implied dedication. The public's trail corridor is a public viewing place and the EIR must examine compliance with visual policies from all points on that trail. Views from the Ocean – as viewed from passing boats and from the surf zone - must be evaluated in the EIR. The project and its berms will cause significant impacts by eclipsing public views of the ocean and Gaviota Coast. The applicant's visual simulations referenced in the scoping document and relied on by the County should be posted on the County website prior to scoping. Impacts to visual resources experienced by Amtrak passengers and others utilizing the railroad right of way corridor must be analyzed in the EIR. Story poles must depict each entire structure, not just a portion of some structure or some of the structures. The story-poles should remain in place during the entire EIR review period and during County and Coastal Commission consideration of the project.

Biological Issues. The scoping document does not identify the effect of habitation in a previously uninhabited area. Domestic animals and more continuous human presence will change the habitat values even in undisturbed areas. The effect of formalization of public access on near shore marine resources, in particular the pinneped rookery and haul-out areas and the

Naples reef, a large (18 square mile) wetlands area with substantial ecological significance. The grasshopper sparrow is a very important locally rare species whose use of this site must be examined and project impacts considered. The cumulative effects of regional losses of coastal marine terrace (on Gaviota Coast from Ellwood to Naples to Hollister Ranch to Bixby and in Goleta, including potential losses from development at More Mesa) and other grasslands habitat (San Marcos Foothills, other foothills development) for grasslands-foraging birds and animals must be examined (WTK, grasshopper sparrow, others) in the EIR.

Geological Issues: The EIR must quantify the rates of bluff retreat and the effect the development may be on acceleration of bluff retreat, in conjunction with sea-level rise and global climate change induced increases in weather severity. Historical bluff retreat rates are not indicative of future conditions. The potential for hurricane landfall in the future, as ocean temperatures rise, must be considered, and the substantial effect the introduction of such high-energy storms would have on bluff stability and geologic processes.

The suitability of soils to accept wastewater is a significant impact. Clay layers will tend to convey wastewater laterally to the ocean bluff, affecting bluff stability and retreat rates. Indirect discharge of wastewater to the Pacific Ocean and nearshore waters from subsurface and surfacing flows is a potential project consequence.

The location of the railroad under-crossing in an arroyo increases the probability of significant impacts to biological resources, erosion and loss of access in flood conditions.

Land Use Issues: the development envelopes and site infrastructure is too large given site sensitivity and location in the coastal zone. The EIR should consider a reduced project alternative with reductions in the amount of paving, the number and size of accessory structures and smaller house sizes. Clustering of development must be considered.

The extension of urban utilities to this site has significant policy conflicts and potential adverse environmental impacts that must be addressed by the EIR.

Recreational Issues: Recreational issues and project impacts are significant and the scope of the EIR should be expanded considerably. There is a history of extensive public use of this parcel, and there is ample evidence of a prescriptive easement across portions of the parcel. The EIR should examine the consistency of the proposed horizontal trail easement alignment with the California Coastal Trail Guidelines and County Coastal Trail objectives. The regional recreational infrastructure should be addressed, including the lateral coastal trail across properties from Bacara to Las Varas and a preferable vertical trail configuration with the Canada Tomato access point replacing the Santa Barbara Ranch proposed monolithic structure and locating another vertical access at Dos Pueblos Creek. The cumulative impacts of the close proximity of the Makar and Santa Barbara Ranch access points, each near sensitive marine resources and important pinned populations, are significant. The EIR should address the effect

of formalizing public access, including the provision of sanctioned parking, upon sensitive biological resources on site.

Circulation analysis must forecast the traffic effects of recreational users, including consideration of providing alternative transportation facilities for human powered travel and public transit, including the potential for locally-based commuter rail service.

Water Service: The scoping document incorrectly states that the Goleta Water District has agreed to provide water service. The District previously considered serving reclaimed water and a small amount of potable water for the previous project, the Dos Pueblos Golf Links Project. The District's ability to serve the Makar Residential Project under the contract between Makar and the District remains unclear, and the District has been sued for failure to comply with CEQA. EIR must perform analysis of the impacts of water line easement in culturally sensitive lands and near the railroad right of way. Union Pacific railroad reportedly has concerns and would object to use of railroad right of way for the water pipeline due to safety concerns. The precedential impact of exercise of eminent domain for private developer water service must be considered.

Cumulative impacts: Makar owns and plans to develop 10 or more homes on 25 Naples lots. Other lots on all sides have been proposed for development. There are over 100 other homes proposed on the Gaviota Coast. The City of Goleta is considering additional coastal development at the Bacara and on other lands owned by Bacara interests. CEQA requires evaluation of the cumulative effect of this project plus all other "reasonably foreseeable" projects. The EIR's cumulative impact analysis must employ an expansive cumulative impact analysis and, given the simultaneous review of many of these projects, develop cumulative mitigation measures and alternatives that avoid and reduce these impacts. The cumulative effect of illegal grading at McCaw must be considered in the EIR.

Although the scoping document references a pending project to remove (and/or abandon in place) a disused oil pipeline, the Energy division website shows this project as being located on the parcel to the east. The pipeline abandonment project on the subject parcel should be available to the public and responsible agencies. The cumulative effect of abandonment and/or removal of the oil pipeline with the Makar Residential Development Project must be addressed in the EIR.

Alternatives: the EIR should include a robust range of alternatives, including use of TDR to transfer this development off site; condemnation for use as public lands; various cluster alternatives, including: 1) the 2 Makar lots; 2) the 12 Makar homes (including 10 Naples homes plus this project); 3) clustering of all proposed and foreseeable residential development in the vicinity of the project (i.e., including all Naples lots, McCaw's lot, Las Varas Ranch and others).

EIR Public Review Period: a 90 day public review period for the Draft EIR is appropriate in light of the significance of the community's concern and interest, UCSB's academic schedule,

other related projects undergoing environmental review and entitlement (including Naples, Las Varas, Bacara, Ballantyne and others).