

CALIFORNIA COASTAL COMMISSION

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Th8a

**APPLICATION NO. 4-16-0479
(WATERMARK LODGING TRUST, INC.)**

October 22, 2020

**CORRESPONDENCE
(Received as of 5:00pm on Tuesday, November 3, 2020)**

Kubran, Michelle@Coastal

From: Carey, Barbara@Coastal
Sent: Tuesday, October 20, 2020 1:23 PM
To: Kubran, Michelle@Coastal
Cc: Phelps, Jacqueline@Coastal
Subject: Fw: Public Comment on November 2020 Agenda Item Thursday 8a - Application No. 4-16-0479 (Ritz-Carlton Bacara Resort)

From: Mark Massara <markmassara@coastaladvocates.com>
Sent: Tuesday, October 20, 2020 12:14 PM
To: SouthCentralCoast@Coastal <SouthCentralCoast@coastal.ca.gov>
Subject: Public Comment on November 2020 Agenda Item Thursday 8a - Application No. 4-16-0479 (Ritz-Carlton Bacara Resort)

Re: **8 Coastal Permit Applications**

- a.
- a.

Application No. 4-16-0479 (Ritz-Carlton Bacara Resort & Spa, Goleta)

Happy to see this item moving forward. This is a very popular beach for local residents as well as visiting tourists. Please email an electronic version of the staff report when available.

Mark Massara
Attorney at Law
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SF CA 94122
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markmassara@coastaladvocates.com

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Kubran, Michelle@Coastal

From: Aaron & Emily Kreisberg <aekreisberg@gmail.com>
Sent: Monday, November 02, 2020 9:19 AM
To: SouthCentralCoast@Coastal
Subject: Public Comment on November 2020 Agenda Item Thursday 8a - Application No. 4-16-0479 (Ritz-Carlton Bacara Resort)

Commissioners,

I am writing to provide public comment regarding the demolition of the Beach House at Haskell's beach and the building of a new bathroom/shower building.

This is an excellent example of managed retreat and the sooner the current Beach House building is removed the better. In addition to storm surge, sea level rise would impact the present building. The erosion of the foundation, even with the partially permitted seawall, is obvious and it mars the beach. In line with previous restoration efforts, impacts should be mitigated and habitat and cultural resources should be protected and maintained at this ESHA. Please hold the developer to the highest standards over the course of this process.

I'm not sure about the food truck, but done well it could work. It would need to work for whoever operates the food truck beyond just being a good idea on paper, as it seems to be right now.

While there is signage, there are definitely problems at this beach with dog owners recreating with their dogs off-leash. Any way the commission could increase leash law compliance would be of benefit to the beach and its larger body of users. Probably more a City of Goleta enforcement issue rather than a commission issue.

Thank you for the oversight of this project, ensuring that the owners of the resort meet their obligations under the Coastal Act, and maintaining coastal access at this gem along the South coast.

Aaron Kreisberg
Goleta, CA

LAW OFFICE OF MARC CHYTILO, APC

ENVIRONMENTAL LAW

November 3, 2020

California Coastal Commission
45 Fremont Street
San Francisco, CA 94105

Th8a-11-2020

RE: Bacara Beach House Replacement; Thursday Agenda Item 8.a

Dear Chair Padilla and Honorable Coastal Commissioners,

This letter is submitted on behalf of the Gaviota Coast Conservancy (GCC), a California public benefit organization dedicated to protecting the rural character and environmental integrity of the Gaviota Coast for present and future generations. Along with rural character and environmental integrity, public access and recreational opportunities is the “third pillar” that together fulfills GCC’s mission. Haskell’s Beach is a critically important recreational resource, both as the only easily accessible public beach in the City of Goleta, and the entry point to the Gaviota Coast’s coastal trail network.

The seawall installed to fortify the existing beach house has been in place for *four years* without Coastal Act authorization. (Staff Report, p. 34.) During this period the unauthorized seawall has significantly impacted the quantity and quality of beach access and recreational opportunities at Haskell’s Beach. The Staff Report refers to “a suite of additional measures to address these losses and impacts . . . [which] will result in a great benefit to both the public and to coastal ecology of the area.” (Staff Report, p. 35.) Unfortunately, the \$45k penalty for creek restoration, and dedications are wholly insufficient to address the violation and mitigate its impacts. For comparison, the prior owners agreed to pay \$575,000.00 for prior violations on the property addressed in Consent Cease and Desist Order CCC-13-CD-03, in addition to \$1,000 per day per violation for additional violations. (CCC-13-CD-03 §§ 13.1, 13.3). Four years’ of unpermitted development assessed with a \$1,000 daily penalty would equate to a penalty of \$1.46M. The \$45k pales in comparison, and more importantly is patently insufficient to accomplish or even meaningfully advance any creek restoration project. In addition to changing the entity receiving the funds from the City of Goleta to South Coast Habitat Restoration, last-minute changes reflected in the 11/2 Addendum inappropriately allow the funds to be used for creek restoration anywhere in the Goleta/Gaviota region when on-site mitigation is needed and feasible. To achieve the intended benefit to creek and nearshore ecosystems (*see* Staff Report, p. 36), the Applicant should be required to fund and complete all steps (planning, permitting, environmental review and construction) for the needed restoration including invasive plant species removal at Tecolote Creek.

The new deed restriction proposed for the picnic area, beach house area, and trail segment, cover areas that have been used by the public for generations to access and enjoy Haskell’s Beach, and for which substantial evidence of prescriptive rights exist. While we support the clarification

and enunciation of public access rights, and recognize their usefulness in avoiding disputes over access restrictions that may arise in the future, additional public access improvements are necessary and should be required as a condition of this CDP application to tangibly improve the public's ability to access Haskell's Beach and compensate for lost recreational opportunities and degraded experience from the ugly, unpermitted seawall and perpetually closed beach food service, which was supposed to benefit the public along with hotel guests and visitors. Specifically, access improvements are necessary to facilitate pedestrian access to the beach. From the nearest intersection and bus stop at Winchester Canyon, Hollister Avenue has no sidewalks to safely access Haskell's Beach on foot. A narrow striped bike lane is the only location a pedestrian can reasonably walk, and given the narrow path, proximity of vehicles, and lack of shoulders, the public is discouraged from taking public transit and walking to Haskell's Beach. This disproportionately impedes coastal access for low income visitors. Residents of West Goleta, including the recently developed Hideaway and Bluffs developments, by and large drive the short 0.8 mile distance rather than walk. This in turn contributes to the overcrowding of the Haskell's beach access parking lot that occurs very frequently including most weekends and nearly every day during the summer.

The Applicant could facilitate safe pedestrian access from local neighborhoods and via public transit by adding a sidewalk along its Hollister Avenue frontage, which can be extended to Winchester Canyon in association with the decommissioning of the Ellwood Onshore Facility, or independently pursued by the City in the future. In addition, the fire access road previously provided more direct and convenient public access to Haskell's Beach for generations of beachgoers before the Bacara was developed and the project realigned the public access trail further west and made the beach less accessible for persons with disabilities and recreationalists with diving gear and kayaks. In addition to the trail segment proposed for dedication, the fire access road should also be dedicated for public beach access, and improved (if necessary) to safely accommodate pedestrian traffic, disabled access and beach drop-off consistent with the emergency use. These actions should be included as additional conditions to meaningfully improve pedestrian access to this important public beach. Moreover, improving, maintaining, and adding signage to the trail segment that begins just west of Bell Canyon south of Hollister Avenue and connects to the loop trail and easternmost beach access point, would provide an additional access route for pedestrians to access the eastern portion of Haskell's Beach. Wayfinding signs for this trail segment at Hollister Avenue should already be required per Special Condition 1.b.2, but it is important to ensure the Applicant follows through as to this particular signage location. Coastal access must be available 24/7.

Furthermore, the Commission must find that the Project, as conditioned, is consistent with the California Environmental Quality Act (CEQA) including that any significant adverse impacts are mitigated to the maximum extent feasible. (Pub. Res. Code § 21080.5 (d)(2)(A), 14 CCR 13096). The Staff Report takes the position that "[a]s conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impacts that the activity may have on the environment." (Staff Report, p. 36.) In addition to impacts associated with removal and construction of the beach house, the Project also resulted in temporal impacts to the coastal environment from the unauthorized sea wall

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including biological resource impacts and impacts to public access and recreation from loss of accessible beach area, visual degradation of public use areas, and loss of beach access points that allowed individuals with mobility challenges to access the sandy beach. Discussed above, the proposed special conditions including the \$45k creek restoration contribution and proposed dedications are insufficient to adequately mitigate the Project's adverse impacts including those associated with unauthorized seawall. Additional feasible mitigation measures can substantially reduce the Project's adverse environmental impacts, specifically those described above.

For these reasons we respectfully request that the Commission: modify Special Condition No. 12 (Monetary Payments to South Coast Habitat Restoration) to instead require that the Applicant fund and complete the restoration and enhancement of Tecolote Creek; modify Special Condition No. 2 (Public Access Deed Restriction) to include a trail along the emergency access road and to require improvement of the new trail segment described in 2.A.1.a; and add a new Special Condition requiring that the Applicant submit an application for and complete construction of a new sidewalk segment along its Hollister Avenue frontage.

Sincerely,

LAW OFFICE OF MARC CHYTILO, APC

A handwritten signature in black ink, appearing to read 'Ana Citrin', written over a horizontal line.

Ana Citrin
Marc Chytilo
For the Gaviota Coast Conservancy

CC: Michelle Kubran, Coastal Program Analyst