



City of Santa Barbara

California

PLANNING COMMISSION STAFF REPORT

REPORT DATE: February 9, 2006
AGENDA DATE: February 16, 2006
PROJECT ADDRESS: 1425 Mission Ridge Road (MST2005-00098)
TO: Planning Commission
FROM: Planning Division, (805) 564-5470
 Jan Hubbell, AICP, Senior Planner *JH*
 Jo Anne La Conte, Assistant Planner *JAL*

I. PROJECT DESCRIPTION

The project consists of "as-built" construction of a 229 foot long concrete masonry unit retaining wall (which varies in height) at the front of the property to a maximum height not to exceed 9 feet, "as-built" cumulative grading in excess of 500 cubic yards, "as-built" demolition of an existing swimming pool, a proposal to construct 55 linear feet of retaining walls and iron entry gates to be a maximum height not to exceed eight feet at the driveway, and a landscaping plan to replace landscaping that was removed from the public right-of-way. Two options are shown on the current proposal. Option A proposes to leave the wall at its current "as built" maximum height not to exceed 9 feet. Option B proposes to reduce the height of the wall to a maximum height not to exceed 7 feet.

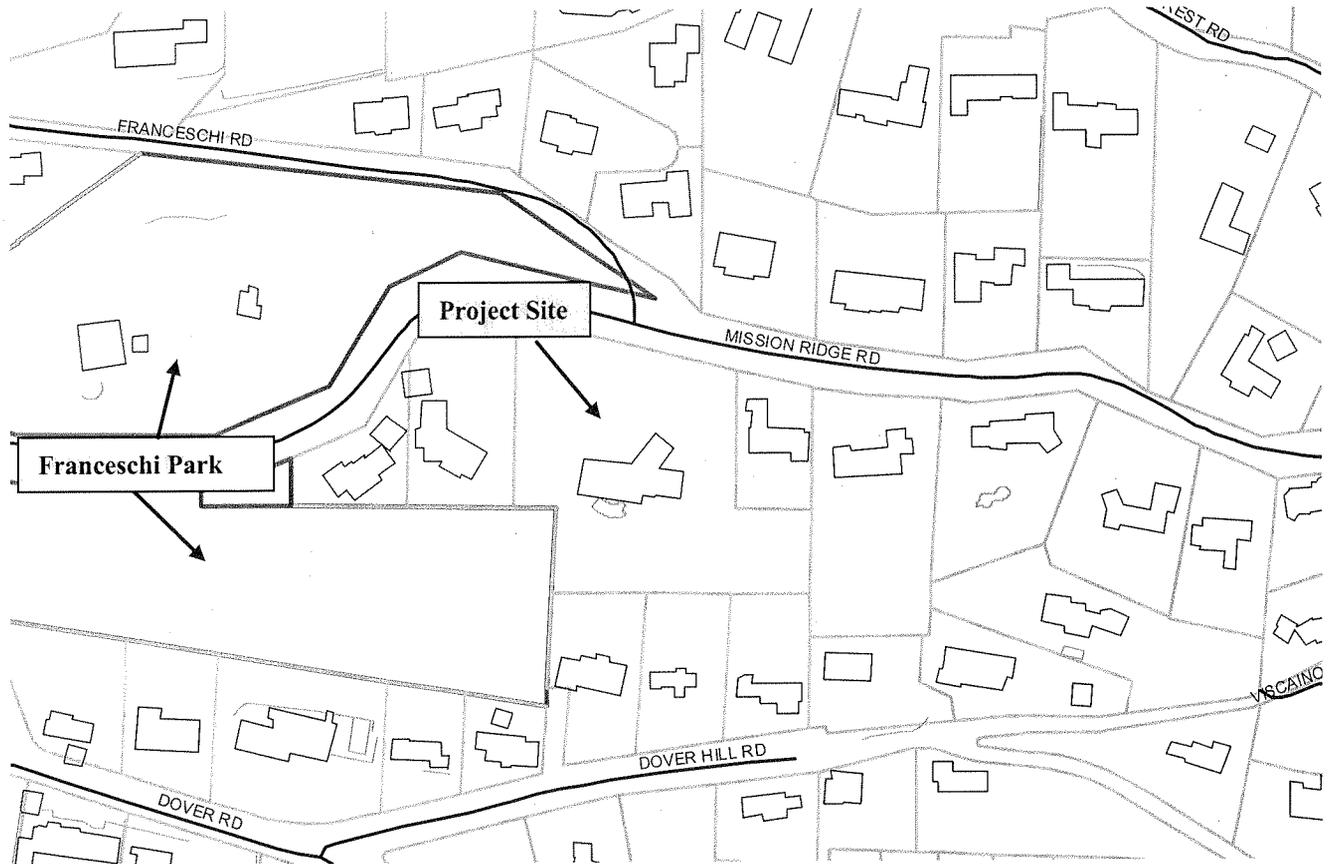
It should be noted that the cumulative grading in excess of 500 cubic yards in two years includes a prior application approved by the City. The prior application was submitted on May 19, 2003 for the construction of retaining walls that ranged in height from two to 11 feet to be located at the rear of lots 019-103-017 & 019-017-005. The proposal included 327 cubic yards of imported fill and the merger of the two lots. The project was finalized by Building and Safety on May 12, 2004.

II. REQUIRED APPLICATIONS

The discretionary applications required for this project are:

1. A Modification to allow a wall that exceeds 3½ feet in height to be located within 10 feet of the front lot line (see SBMC § 28.87.170);
2. Neighborhood Preservation Ordinance Findings for grading in excess of 500 cubic yards outside the building footprint (SBMC § 22.68.060).

III. VICINITY MAP



APPLICATION DEEMED COMPLETE:
DATE ACTION REQUIRED:

January 18, 2006
April 18, 2006

IV. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant: Philip Suding	Property Owner: Escalara Living Trust
Parcel Number: 019-103-023	Lot Area: 1.91 acres or 82,982 square feet
General Plan: Residential, Three Units Per Acre	Zoning: A-2 (Single Family Residential)
Existing Use: Single family dwelling	Topography: Average slope 22% toward the south
Adjacent Land Uses: North – Single Family Residential & Franceschi Park East – Single Family Residential & Franceschi Park South – Single Family Residential & Franceschi Park West – Single Family Residential	

B. PROJECT STATISTICS

	Existing	Proposed
Living Area	3,740 square feet	No Change
Garage	528 square feet	No Change
Accessory Space	None	None

V. ZONING ORDINANCE CONSISTENCY

Standard	Requirement/ Allowance	Existing	Proposed
Setbacks			
-Front	30'	30'	No Change
-Interior	10'	10'	
-Rear	10'	10'	
Building Height	30'	22'	No Change
Parking	2 (covered)	2 (covered)	No Change
Open Yard	1,250 sq. ft.	>1,250 sq. ft.	N/A
Lot Coverage			
-Building	N/A	4,268 sq.ft. 5.1%	No Change
-Paving/Driveway	N/A	10,000 sq.ft. 12.1%	No Change
-Landscaping	N/A	68,715 sq.ft. 82.8%	No Change

The proposed project would meet the requirements of the A-2 Zone, with the exception of the "as-built" wall located in the public right-of-way and at the front of the property. The applicant is requesting a modification to allow a wall that exceeds 3 ½ feet in height to be located within 10 feet of the front lot line.

VI. ISSUES

A. DESIGN REVIEW

This project was reviewed by the Architectural Board of Review (ABR) at three separate hearings (Exhibit D). The project was forwarded to the Planning Commission with the following comments: significant steps have been made to re-establish the original character of the right-of-way, provide additional landscaping on the west side of the driveway to create a balance of the landscaping palette, the Board supports the front wall with a maximum of five foot height from the original grade, the Board would support the modification request for the wall with the elimination of the cheek wall at the east side driveway, eliminate the tree well at the twelve inch Oak at the east side of the driveway, the Board supports a flattened slope adjacent to Mission Ridge of two and one-half feet as an alteration to the grading, the Board finds a sandstone faced wall would suit the character of the Riviera neighborhood.

The applicant has addressed some of the Architectural Board of Review's concerns in both Options A and B of the proposal. Specifically, Options A and B address the landscaping plan concerns regarding re-establishing the original character of the right-of-way street frontage and provide some additional landscaping along the West side of the driveway, eliminate the tree well on the east side of the driveway, and propose a sandstone faced wall.

Option B also reduces the height of the wall to a range of 3.5 to 6.42 feet in height, but not to the recommended maximum of 5 feet in height, proposes to lower the cheek wall but not to eliminate it and reduces the flattened slope.

B. CORRESPONDENCE TO THE PLANNING COMMISSION:

A letter to the Planning Commission dated October 25, 2005 from Raymond F. Sawyer (Exhibit E), questions the volume of fill used for the lower wall, the possible encroachment of the lower wall onto another property, the piecemeal approach to the application for permits, and safety concerns with the lower wall.

Staff has received the following information from the property owners: a calculation from M. L. Grant, Civil Engineer, confirming 327 cubic yards of fill for the grading associated with the rear retaining wall and a copy of a survey prepared by L. P. Cook & Company, Inc. indicating that the wall has been constructed on the property owner's property. In addition, structural information and a soils report were submitted to the Building Division prior to the construction of the rear wall. Upon the Planning Commission's finding of neighborhood compatibility, this application will address the cumulative grading in excess of 500 cubic yards of cut and fill on the property.

C. NEIGHBORHOOD PRESERVATION ORDINANCE COMPLIANCE/HILLSIDE

The Neighborhood Preservation Ordinance findings address public safety, minimizing grading, protection of trees, neighborhood compatibility and public views. The proposal

as submitted requires Planning Commission approval as the grading for the project exceeds 500 cubic yards of cut and fill within two years (327 cubic yards under prior case and this proposal of 509 cubic yards for a cumulative total of 836 cubic yards of cut and fill) and a modification for an over height wall located within ten feet of the front lot line and in the public right-of-way.

There is an existing single family residence with a two-car garage at the property. The grading for the rear wall has already taken place with permits and the grading for the demolition of the swimming pool and the construction of the front wall have already taken place without the benefit of permits. The "as-built" project does not comply with all of the techniques outlined in the Single Family Guidelines for Hillside grading. Techniques not considered include: minimizing the wall heights, breaking walls into low segments, stepping up or down the hill, minimizing the length of solid walls on hillsides, using open rather than solid fence design to reduce visual and structural bulk, integrating vegetation and landscaping with the wall design, preserving the natural vegetation and mature trees, minimizing the grading outside of the building footprint and minimizing the visibility of driveway cuts from off the property.

The ABR has tried to mitigate the problems by directing the applicant to make changes to the project to be more in keeping with the Hillside guidelines. Two options are proposed for consideration. It is staff's opinion that Option B is more consistent with the City's guidelines for Hillside Development, in that it takes into consideration some of the concerns raised by the Architectural Board of Review and is consistent with the Conservation Element of the General plan as the front wall does not interfere with the view, the wall height is minimal as viewed from the street and the property slopes downward.

The construction of the prior project for the rear wall received various complaints after construction due to its high visibility and the height of the wall as viewed from the City. The amount of landscaping cover to help screen out the rear wall appears to be inadequate at this time to screen the view of the wall and a condition of approval has been added to increase landscaping below the rear wall.

D. ENVIRONMENTAL REVIEW

The Guidelines of the California Environmental Quality Act (CEQA) include a number of types of projects that are generally exempt from environmental review. Staff has determined that the project qualifies for an exemption per Section 15301 (Existing Facilities) for the project. The project would not result in significant impacts on traffic, noise, air quality, water quality, biological resources or any other environmental resources or hazards.

VII. RECOMMENDATIONS/FINDINGS

In general, the size and massing of the project as proposed in Option B are consistent with the surrounding neighborhood, the project conforms to the City's Zoning and Building Ordinances and policies of the General Plan. Therefore, Staff recommends that the Planning Commission

approve the project as outlined in Option B subject to the conditions of approval included in Exhibit A and make the following findings:

A. MODIFICATION TO ALLOW A WALL THAT EXCEEDS 3½ FEET IN HEIGHT TO BE LOCATED WITHIN 10 FEET OF THE FRONT LOT LINE (SBMC §28.87.170)

In order to approve the requested Modification, the Planning Commission must be able to find that it meets the intent and purpose of the Ordinance and is necessary to: 1) secure an appropriate improvement to the lot; 2) prevent unreasonable hardship, or; 3) promote uniformity of improvement on the site. The required findings to allow a wall that exceeds 3½ feet in height to be constructed within 10 feet of the front lot line can be made because, the width of Mission Ridge Road is approximately 30 feet, there is landscaped right-of-way between the road and the property of approximately 30 feet, the visibility of the wall from Mission Ridge Road is minor as the property slopes downward from the road and the wall does not obstruct visibility of vehicular traffic.

B. NEIGHBORHOOD PRESERVATION ORDINANCE (SBMC §22.68.060)

The project's mass, bulk, and scale must be found compatible with the neighborhood, the project's grading must be found to be appropriate, and the project must protect, to the extent possible, mature or native trees and public views. Therefore, the project outlined in Option B can be found consistent with the following NPO Findings:

1. The public health, safety and welfare will be protected because the project will be designed structurally and with appropriate erosion control measures as required by the Building and Safety Division.
2. The grading and development will be appropriate to the site, have been designed to avoid visible scarring, and will not significantly modify the natural topography of the site or the natural appearance of any ridgeline or hillside. The area of grading for the rear wall that has been approved was on the south side of the site behind the dwelling and the area of grading for the demolition of the swimming pool is on the south side of the site behind the dwelling. To reduce the wall and visibility from below additional landscaping is required. The grading for the front wall is on the north side of the property abutting Mission Ridge Road. Landscaping is proposed to replace the landscaping removed from the public right-of-way to restore the consistency of the scenic character of the neighborhood and to help screen the wall from view. Option B also proposes grading to somewhat re-create the original condition of the topography on the street frontage side of the property
3. The project will, to the maximum extent feasible, preserve and protect any native or mature trees within a minimum trunk diameter of four inches measured four feet from the base of the trunk. No trees on the property are proposed to be removed as part of the project and oak tree and tree protection measures will be implemented as a condition of approval for the project. Landscaping that has

already been removed from the public right-of-way is to be replaced as shown on the proposed landscape plan for the project.

4. The development will be consistent with the scenic character of the City and will enhance the appearance of the neighborhood. The wall is of a high quality and the proposed landscaping will replace landscaping removed from the public right-of-way to restore the consistency of the scenic character of the neighborhood. Additionally, landscaping will be required below the rear wall.
5. The development will be compatible with the neighborhood, and its size, bulk, and scale will be appropriate to the site and neighborhood.
6. The development will preserve significant public scenic views of, and from, the hillside. The project will not have an adverse impact on any public views as the wall height from the Mission Ridge Road side is minimal and the property slopes downward away from the street.

Exhibits:

- A. Conditions of Approval
- B. Site Plan, Oak Protection, Drainage & Wall Plan, Walls Sections & Elevations
- C. Applicant's letter, dated September 13, 2005
- D. ABR Minutes
- E. Letter to the PC dated October 23, 2005 from Raymond F. Sawyer

PLANNING COMMISSION CONDITIONS OF APPROVAL

1425 MISSION RIDGE ROAD
MODIFICATION AND NEIGHBORHOOD PRESERVATION ORDINANCE
FEBRUARY 16, 2006

- A. **Recorded Agreement.** Prior to the issuance of any Public Works permit or building permit for the project on the Real Property, the following conditions shall be imposed on the use, possession and enjoyment of the Real Property and shall be memorialized in a written instrument which shall be reviewed as to form and content by the City Attorney, Community Development Director and/or Public Works Director, executed by Owner and recorded in the Office of the County Recorder by the City:
1. **Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water through the Real Property including, but not limited to, swales, natural water courses, conduits and any access road, as appropriate. The Owner is responsible for the adequacy of any project related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health or damage to the Real Property or any adjoining property.
 2. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan as approved by the Architectural Board of Review (ABR). Such plan shall not be modified unless prior written approval is obtained from the ABR. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan.
 3. **Allowed Development.** The development of the Real Property approved by the Planning Commission on _____ is limited to the improvements shown on the Development Plan signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.
 4. **Street Tree Protection.** The street trees within the City's right-of-way shall be preserved and protected.
- B. **Design Review.** The following is subject to the review and approval of the Architectural Board of Review (ABR):
1. **Tree Removal and Replacement.** All trees removed, except fruit trees and street trees approved for removal without replacement by the Parks Department, shall be replaced on a one-for-one basis with a minimum (24-inch box sized) (15 gal. size) tree of an appropriate species or like species.
 2. **Tree Protection Measures.** The landscape and grading plans shall include the following tree protection measures:
 - a. **Fencing.** Fencing or protective barriers around the tree(s) during construction.
 - b. **Landscaping Under Trees.** Landscaping under the tree(s) that is compatible with the preservation of the tree(s).
 - c. **Grading Plan Notes.** Notes on the plans that specify the following:

EXHIBIT A

- (1) No irrigation systems shall be installed under the driplines of trees.
 - (2) No grading shall occur under the driplines of the existing trees.
 - (3) A qualified Arborist shall be present during any excavation adjacent to or beneath the dripline of the trees which are required to be protected.
 - (4) All excavation within the dripline of the trees shall be done with hand tools.
 - (5) Any roots encountered shall be cleanly cut and sealed with a tree-seal compound.
 - (6) The trees shall be thinned as needed in accordance with recommendations of a qualified Arborist.
 - (7) No heavy equipment, storage of materials or parking shall take place under the dripline of the trees.
 - (8) Any root pruning and trimming shall be done under the direction of a qualified Arborist.
3. **Lighting.** Exterior lighting, where provided, shall be consistent with the City's Lighting Ordinance. No floodlights shall be allowed. Lighting shall be directed toward the ground.
 4. **Screened Check Valve/Backflow.** The check valve or anti-backflow devices for fire sprinkler (and irrigation) systems shall be provided in a location screened from public view or included in the exterior wall of the building.
 5. **Arborist Report.** The recommendations outlined in the arborist report prepared by Robert Muraoka, M.S., B.S. and dated October 31, 2005 shall be implemented.
 6. **Oak Tree Protection Measures.** The following provisions shall apply to oak trees on site:
 - a. Oak trees not indicated for removal on the site plan shall be preserved protected, and maintained.
 - b. During construction, fencing or protective barriers shall be placed around the driplines of all oak trees with driplines within 25 feet of development.
 - c. No grading shall occur under any oak tree dripline except as indicated on the drainage and grading plan for construction of the wall**. Grading within the dripline during construction of this area shall be minimized and shall be done with light (one ton or less) rubber-tired equipment or by hand. If use of larger equipment is necessary within the dripline of any oak, it shall only be operated under the supervision and direction of a qualified Arborist.
 - d. A qualified Arborist shall be present during any grading or excavation adjacent to or beneath the dripline of any oak tree. Any roots encountered

shall be cleanly cut and sealed with a tree-seal compound. Any thinning or root pruning and trimming shall be done under the direction of a qualified Arborist.

- e. No storage of heavy equipment or materials, or parking shall take place within five (5) feet of the dripline of any oak tree.
 - f. Landscaping provided under the oak trees shall be compatible with preservation of the trees as determined by the Architectural Board of Review (ABR). No irrigation system shall be installed under the dripline of any oak tree.
 - g. Oak trees greater than four inches (4") in diameter at four feet (4') above grade removed as a result of the project shall be replaced at a (three to one (3:1)) (five to one (5:1)) (ten to one (10:1)) ratio, at a minimum five (5) gallon size, from South Coastal Santa Barbara County Stock.
 - h. Oak seedlings and saplings less than four inches (4") at four feet (4') above the ground that are removed during construction shall be transplanted where feasible. If transplantation is not feasible, replacement trees shall be planted at a minimum one to one (1:1) ratio. Replacement trees shall be a minimum of one (1) gallon size derived from South Coastal Santa Barbara County stock.
7. **Additional Landscaping Below Rear Wall.** Substantial additional landscaping shall be planted below the rear wall to reduce its visibility, including fast-growing shrubs and cascading vines.
- C. **Public Works Submittal Prior to Building Permit Issuance.** The Owner shall submit the following or evidence of completion of the following to the Public Works Department prior to the issuance of a Building Permit for the project:
- 1. **Water Rights Assignment.** Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property. This assignment of rights shall not include a right of surface entry on or from the Real Property. Said assignment and any related agreements are subject to the review and approval of the City Attorney and the City Public Works Director. Said agreement shall be recorded in the Office of the County Recorder.
 - 2. **Public Improvement Plans:** Owner shall submit building plan for construction of repair of public improvements along the subject property road frontage on Mission Ridge Road. As determined by the Public Works Department, the improvements shall include new, and/or remove and replace to City standards portions of damaged curb along property frontage.
- D. **Building Permit Plan Requirements.** The following requirements shall be incorporated into the construction plans submitted to the Building and Safety Division with applications

for building permits. All of these construction requirements shall be carried out in the field and completed prior to the issuance of a Certificate of Occupancy:

1. **Contractor and Subcontractor Notification.** All contractors and subcontractors shall be notified in writing of site rules, restrictions and Conditions of Approval.
2. **Best Management Practices:** The Owner shall apply storm water quality control guidelines to the project per the Public works Department Construction Project Best Management Practices.
3. **Unanticipated Archaeological Resources Contractor Notification.** Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts associated with past human occupation of the parcel. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and an archaeologist from the most current City Qualified Archaeologists List shall be retained by the applicant. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City qualified Barbareño Chumash Site Monitors List, etc.

If the discovery consists of possible human remains, the Santa Barbara County Coroner shall be contacted immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. A Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

If the discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

4. **Soils Report.** A soils report shall be submitted to the Building Division.
5. **Engineered Drainage and Grading Plan.** An engineered drainage and grading plan shall be submitted to the Building Division.
6. **Geology Report.** A geology report prepared by a licensed engineer, geologist or equal and all recommendations incorporated into the construction plans.
7. **Structural Engineer Report.** A report prepared by a structural engineer as required by the Building Official for the wall.

8. **Construction-Related Truck Trips.** Construction-related truck trips shall not be scheduled during peak hours (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.) to help reduce truck traffic on adjacent streets and roadways.
9. **Construction Related Traffic Routes.** The route of construction-related traffic shall be established to minimize trips through surrounding residential neighborhoods, subject to approval by the Transportation Operations Manager.
10. **Haul Routes.** The haul route(s) for all construction-related trucks, three tons or more, entering or exiting the site, shall be approved by the Transportation Operations Manager.
11. **Construction Hours.** Construction (including preparation for construction work) is prohibited Monday through Friday before 8:00 a.m. and after 5:00 p.m., and all day on Saturdays, Sundays and holidays observed by the City of Santa Barbara as shown below:

New Year's Day	January 1 st *
Martin Luther King's Birthday	3 rd Monday in January
Presidents' Day	3 rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4 th *
Labor Day	1 st Monday in September
Thanksgiving Day	4 th Thursday in November
Following Thanksgiving Day	Friday following Thanksgiving Day
Christmas Day	December 25 th *

*When a holiday falls on a Saturday or Sunday, the preceding Friday or following Monday, respectively, shall be observed as a legal holiday.

When, based on required construction type or other appropriate reasons, it is necessary to do work at night, contractor shall contact the Chief of Building and Safety to request a waiver from the above construction hours, using the procedure outlined in SBMC §9.16.015 Construction Work at Night. Contractor shall notify all residents within 300 feet of the parcel of intent to carry out night construction a minimum of 48 hours prior to said construction. Said notification shall include what the work includes, the reason for the work, the duration of the proposed work and a contact number.

12. **Construction Parking/Storage.** Construction parking and storage shall be provided as follows:
 - a. During construction, free parking spaces for construction workers and construction shall be provided on-site or off-site in a location subject to the approval of the Streets, Parking, and Transportation Operations Manager.
 - b. Storage of construction materials within the public right-of-way is prohibited.

13. **Water Sprinkling During Grading.** During site grading and transportation of fill materials, regular water sprinkling shall occur using reclaimed water whenever the Public Works Director determines that it is reasonably available. During clearing, grading, earth moving or excavation, sufficient quantities of water, through use of either water trucks or sprinkler systems, shall be applied to prevent dust from leaving the site. Each day, after construction activities cease, the entire area of disturbed soil shall be sufficiently moistened to create a crust.

Throughout construction, water trucks or sprinkler systems shall also be used to keep all areas of vehicle movement damp enough to prevent dust raised from leaving the site. At a minimum, this will include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency will be required whenever the wind speed exceeds 15 mph.
14. **Covered Truck Loads.** Trucks transporting fill material to and from the site shall be covered from the point of origin.
15. **Disturbed Soil Stabilization.** After clearing, grading, earth moving and/or excavation is completed, the entire area of disturbed soil shall be treated to prevent wind pickup of soil. This may be accomplished by:
 - a. Seeding and watering until grass cover is grown;
 - b. Spreading soil binders;
 - c. Sufficiently wetting the area down to form a crust on the surface with repeated soakings as necessary to maintain the crust and prevent dust pickup by the wind; or
 - d. Other methods approved in advance by the Air Pollution Control District.
16. **Expeditious Paving.** All roadways, driveways, sidewalks, etc., shall be paved as soon as possible. Additionally, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
17. **Construction Contact Sign.** Immediately after building permit issuance, signage shall be posted at the points of entry to the site that list the contractor(s) (and Project Environmental Coordinator's (PEC)) name, contractor(s) (and PEC's) telephone number, work hours and site rules to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval.
18. **Tree Protection.** All trees not indicated for removal on the site plan shall be preserved, protected and maintained.
19. **Construction Equipment Maintenance.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices.
20. **Conditions on Plans/Signatures.** All Planning Commission Conditions of Approval shall be provided on a full size drawing sheet as part of the drawing sets. A statement shall also be placed on the above sheet as follows: The undersigned

have read and understand the above conditions, and agree to abide by any and all conditions which is their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

<hr/>		
Property Owner		Date
<hr/>		
Contractor	Date	License No.
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Architect	Date	License No.
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Engineer	Date	License No.

E. **Prior to Certificate of Occupancy.** Prior to issuance of the Certificate of Occupancy, the Owner of the Real Property shall complete the following:

1. **Repair Damaged Public Improvements.** Repair any damaged public improvements (curbs, gutters, sidewalks, etc.) subject to the review and approval of the Public Works Department. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified Arborist.
2. **New Street Trees.** Provide street trees as shown on the approved landscape plan.

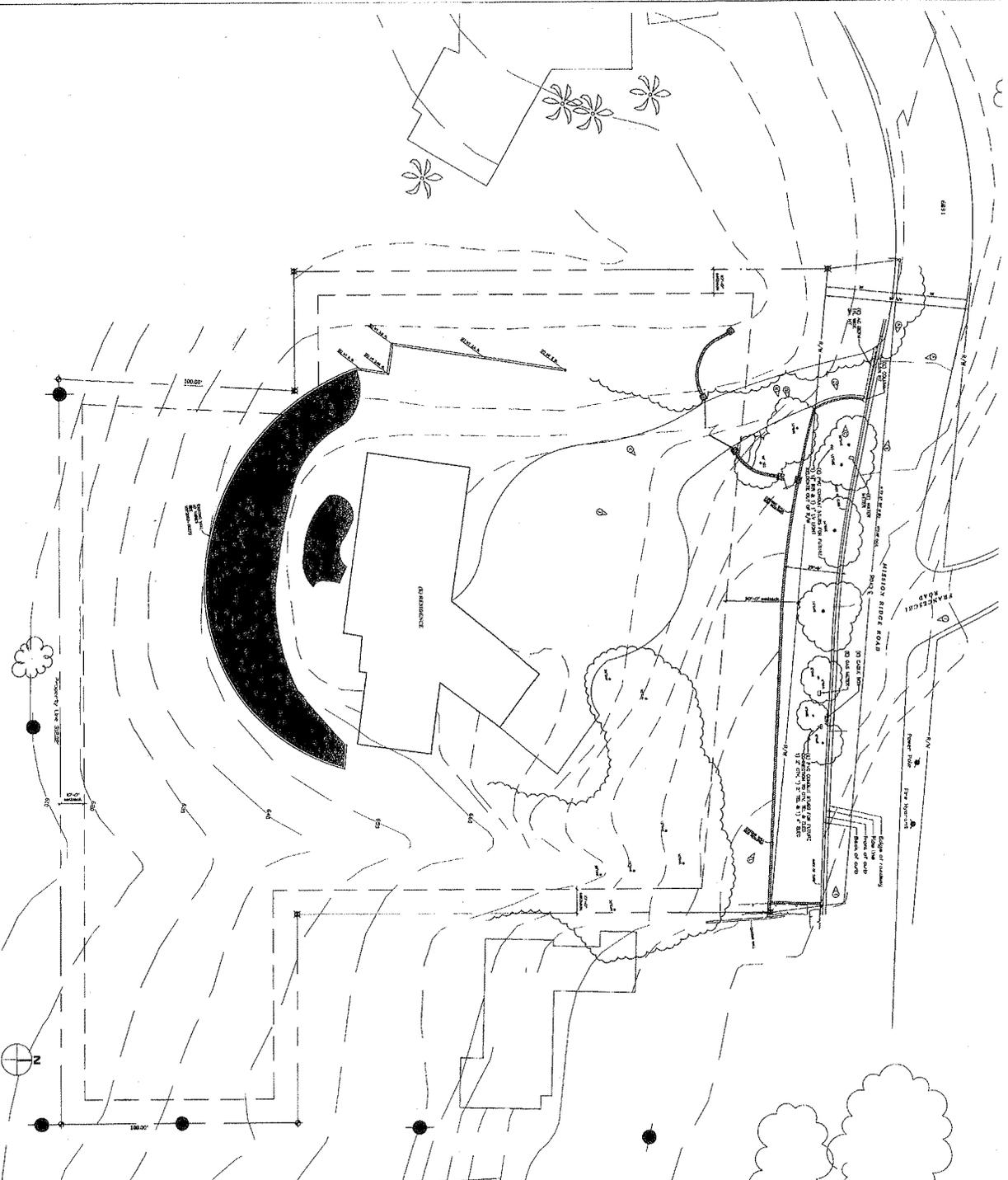
F. **Litigation Indemnification Agreement.** In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors ("City's Agents") from any third party legal challenge to the City Council's denial of the appeal and approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively "Claims"). Applicant/Owner further agrees to indemnify and hold harmless the City and the City's Agents from any award of attorney fees or court costs made in connection with any Claim.

Applicant/owner shall execute a written agreement, in a form approved by the City Attorney, evidencing the foregoing commitments of defense and indemnification within thirty (30) days of the City Council denial of the appeal and approval of the Project. These commitments of defense and indemnification are material conditions of the approval of the Project. If Applicant/Owner fails to execute the required defense and indemnification agreement within the time allotted, the Project approval shall become null and void absent subsequent acceptance of the agreement by the City, which acceptance shall be within the City's sole and absolute discretion. Nothing contained in this condition shall prevent the City or the City's Agents from independently defending any Claim. If the City or the City's Agents decide to independently defend a Claim, the City and the City's Agents shall bear their own attorney fees, expenses and costs of that independent defense.

NOTICE OF APPROVAL TIME LIMITS:

The Planning Commission's action approving the Conditional Use Permit, Modification or Variance shall terminate one (1) year from the date of the approval, per SBMC 28.87.360, unless:

1. A building permit for the use authorized by the approval is sought within twelve months of the approval. An extension may be granted by the Planning Commission if the construction authorized by the permit is being diligently pursued to completion and issuance of a Certificate of Occupancy.
2. The approval has not been discontinued, abandoned or unused for a period of six months following the earlier of (a) an Issuance of a Certificate of Occupancy for the use, or (b) one (1) year from granting the approval.
3. The project also includes Neighborhood Preservation Ordinance, in which case the longer approval period shall prevail.



Project Data

Owner: 1425 Mission Ridge Road
 Santa Barbara, CA 93101
 Project address: 1425 Mission Ridge Road
 Santa Barbara, CA 93101
 Parcel: 03-09-029
 Zone: A2
 Site Area: 82,364 sq. ft. (1.87 acres)
 Building coverage: 15,000 sq. ft. (13.1%)
 Landscaping: 68,715 sq. ft. (15.8%)

Existing	Abolish/Retain/Existing	Proposed
Asphalt/Concrete	100 sq. ft.	100 sq. ft.
Grass	400 sq. ft.	400 sq. ft.
Shrub	100 sq. ft.	100 sq. ft.
Tree	100 sq. ft.	100 sq. ft.
Pool	100 sq. ft.	100 sq. ft.
Driveway	100 sq. ft.	100 sq. ft.
Other	100 sq. ft.	100 sq. ft.
TOTALS	600 sq. ft.	600 sq. ft.

Scope of Work: New detached two-building, all-new single-story, custom, 15,000 sq. ft. and pool drive.

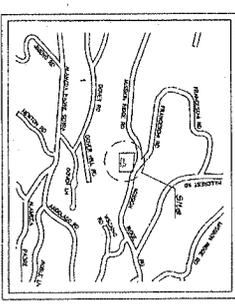
Regulation and Mitigation: Update Area, 2nd LULU, LULU, and Final Drive.

Average EOP: 21A Parcel

High Fire Area: 100 sq. ft.

Fire Department Mitigation: 100 sq. ft.

Other: 100 sq. ft.



Vicinity Map

Not to scale

TITLE SHEET & SITE PLAN

SHEDDING DESIGN
 LANDSCAPE ARCHITECT

10 East Islay Street
 Santa Barbara, CA 93101
 Telephone (805) 961-7445
 Facsimile (805) 961-7445

Date: 5-2-08 ABR
 5-16-08 ABR
 6-15-08 PC
 9-13-08 PC
 11-29-08 PC
 1-18-09 PC

EXHIBIT B

Escalera Residence
 1425 Mission Ridge Road
 Santa Barbara, California

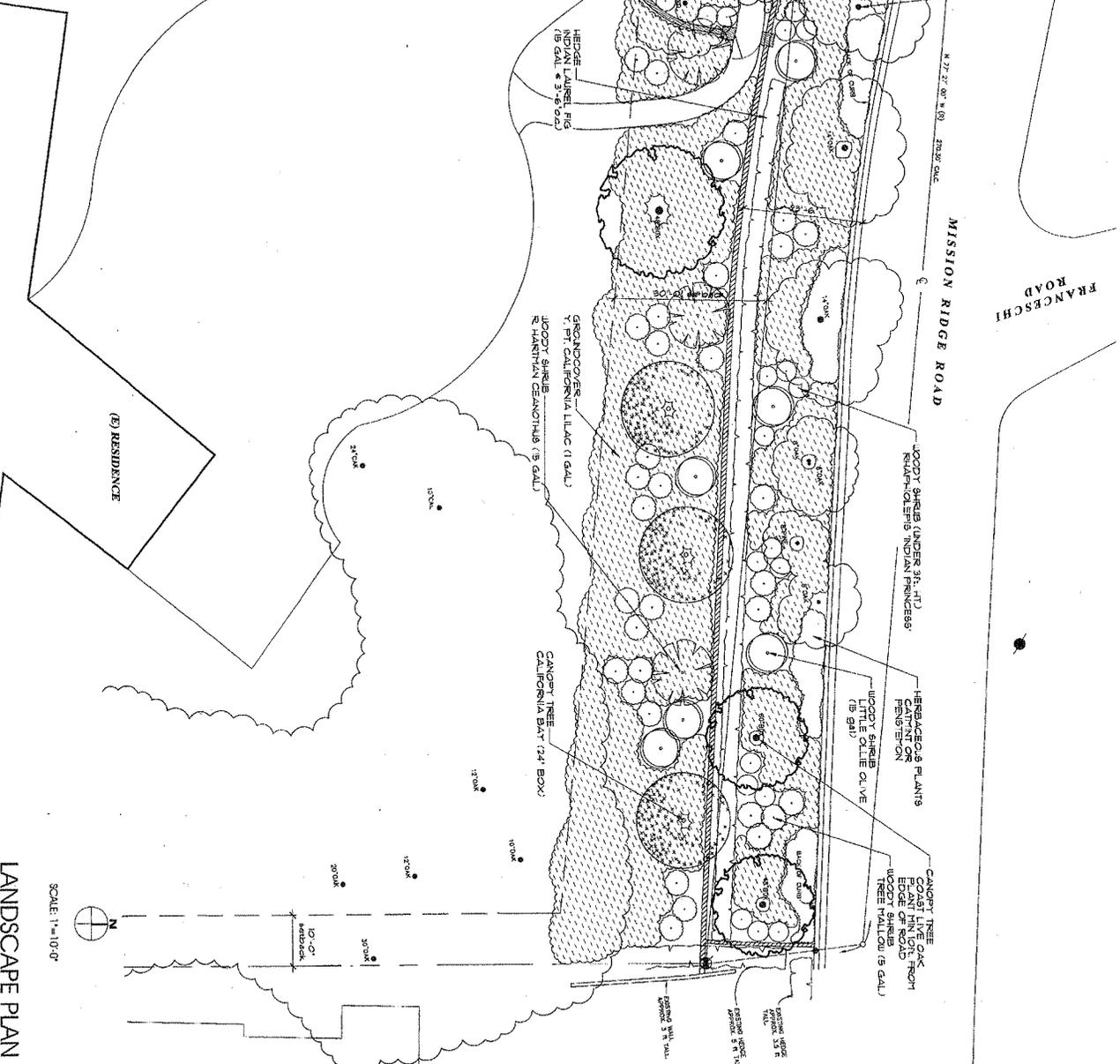
Drawn By: EBS
 Sheet: []

Of 4
 Job No. 0504

PLANT PALETTE

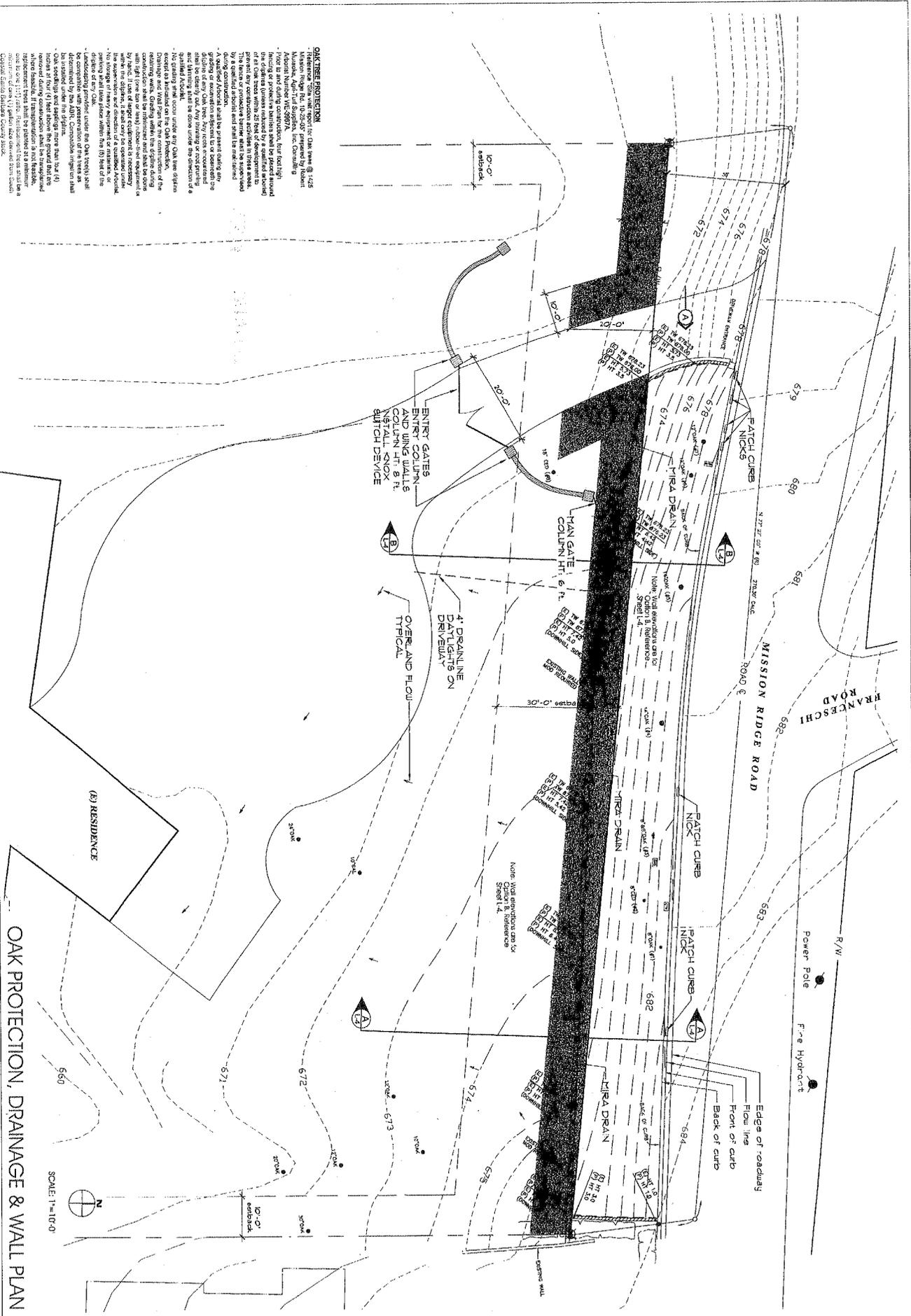
[Symbol]	GROUNDCOVER
[Symbol]	YANKEE PT. CALIFORNIA LILAC
[Symbol]	WOODY SHRUBS
[Symbol]	LITTLE OLIVE OLIVE
[Symbol]	RAUPH-OLEPIA
[Symbol]	TREE PALLOU
[Symbol]	R. HARTMAN CEMANTHUS
[Symbol]	HERACEDOUS PLANTS
[Symbol]	CANTIN
[Symbol]	PERIBENON
[Symbol]	HEDGE
[Symbol]	INDIAN LABEL FIG
[Symbol]	TREES
[Symbol]	CALIFORNIA LIVE OAK
[Symbol]	CALIFORNIA BAY

IRRIGATION NOTES:
 -INSTALL DEEP IRRIGATION TO ALL NEW PLANTING.
 -INSTALL VALVE(S) AND PRESSURE LINES OUTSIDE CURBER SHALL BE RESPONSIBLE FOR ALL IRRIGATION DEVICES WITHIN THE ROAD RIGHT OF WAY.



SCALE: 1"=10'-0"
 LANDSCAPE PLAN

Escalera Residence 1425 Mission Ridge Road Santa Barbara, California	DATE: 4/22/06 DRAWN BY: J. L. BROWN CHECKED BY: J. L. BROWN 9:13:05 PC 11:29:05 PC	10 East Lily Street Santa Barbara, CA 93101 Telephone (805) 487-9455 Facsimile (805) 487-9433
	SUDING DESIGN Landscape Architects	SHEET L-3 OF 4 105 No. 0504



OAK TREE PROTECTION
 Reference: See wall report for Oak trees 8/1/25
 Mendenhall, April 1997, Santa Barbara, California
 Arborescence Number W-59877A
 Note: The oak trees shown on this plan are to be protected from damage by a qualified arborist or other qualified person. The trees or protective barrier shall be supported by a special arborist and shall be supported by a special arborist.

- A qualified arborist shall be present during the grading of any Oak tree. Any root exposed shall be clearly cut, any pruning or root pruning shall be clearly cut, and any root pruning shall be clearly cut. The oak tree shall be supported by a special arborist and shall be supported by a special arborist.

- No grading shall occur under any Oak tree during the construction of the driveway. The oak tree shall be supported by a special arborist and shall be supported by a special arborist.

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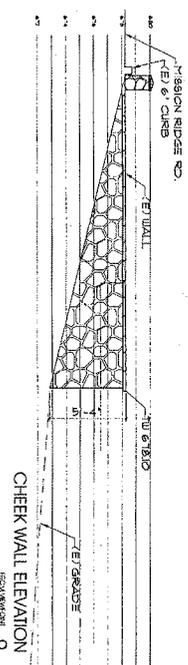
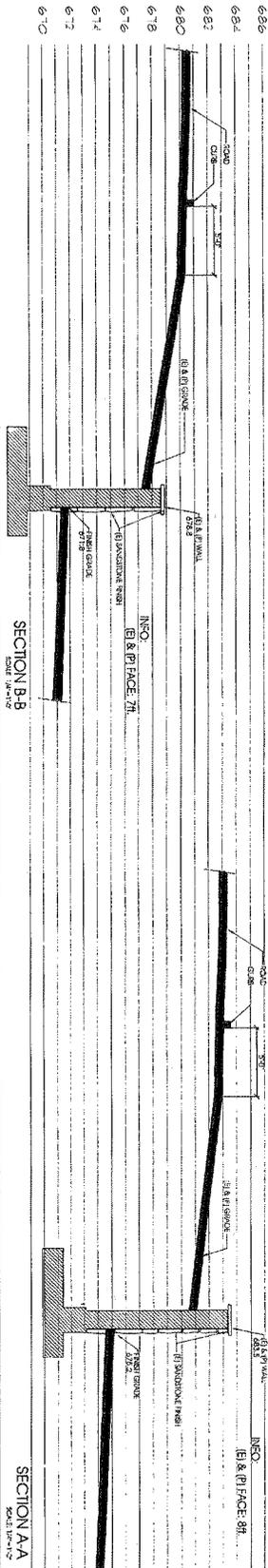
- No grading shall occur under any Oak tree during the construction of the driveway. The oak tree shall be supported by a special arborist and shall be supported by a special arborist.

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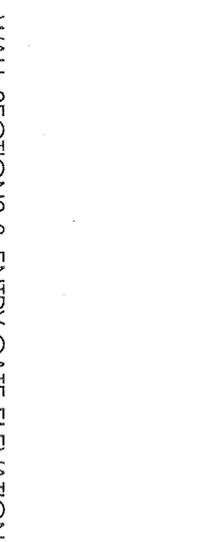
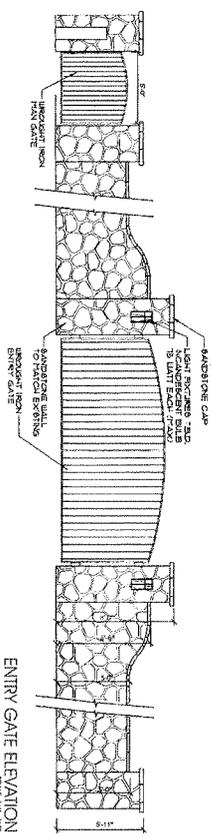
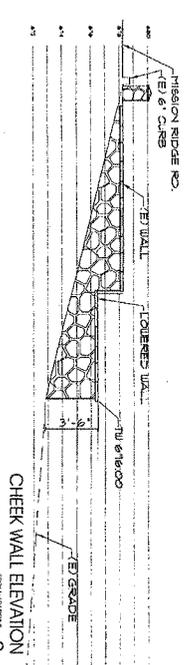
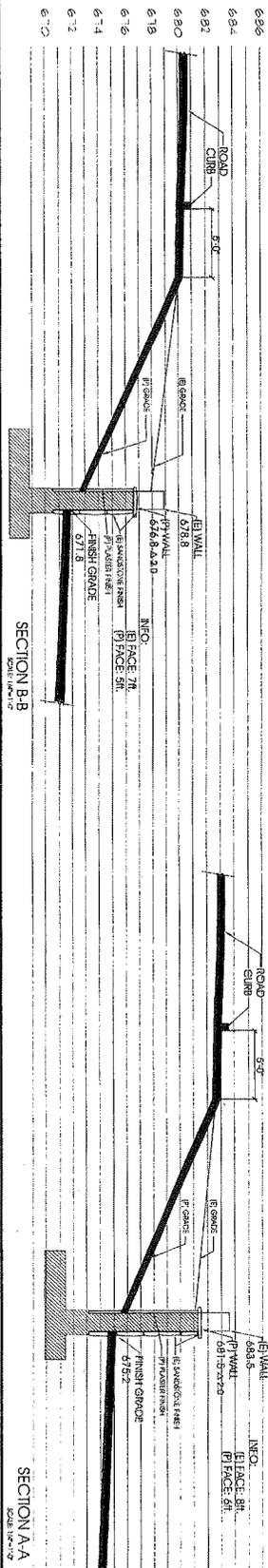
- No grading shall occur under any Oak tree during the construction of the driveway. The oak tree shall be supported by a special arborist and shall be supported by a special arborist.

Drawn by: JBS Sheet L-2 OF 4 JBS 10/15/04	Escalera Residence 1425 Mission Ridge Road Santa Barbara, California	DISE 4-6-05 5-2-05 ABR 5-1-05 ABR 6-1-05 PC 9-13-05 PC 11-29-05 PC	10 East 180th Street Santa Barbara, CA 93111 Telephone (805) 681-7425 Facsimile (805) 681-7428
		SUDING DESIGN Landscape Architects	

PROPOSED OPTION A



PROPOSED OPTION B



110 East High Street
Santa Barbara, CA 93101
Telephone (805) 967-7455
Facsimile (805) 967-7433

Done
5/2/08 AMR
6/1/08 PBC
6/1/08 PBC
9/13/08 PC

Escalera Residence
1425 Mission Ridge Road
Santa Barbara, California

Down By
Steel
L-4
CR 4
JOS NP 0504

September 13, 2005

Planning Commission
The City of Santa Barbara
630 Garden Street
Santa Barbara, CA 93101-1656

RECEIVED

SEP 13 2005

CITY OF SANTA BARBARA
PLANNING DIVISION

Re: 1425 Mission Ridge Road - MST2005-00098

Dear Planning Commission:

Please accept this letter as our request to be submitted to The City of Santa Barbara Planning Commission (PC) for the above referenced project.

This project requires PC review because the amount of cumulative grading within a two year period exceeded 500 cubic yards. The two year period ended on May 19, 2005. The project includes an as-built wall, a proposed wall and drive entry gate, as built pool demolition, and required modifications in the front yard setback for the as built wall that exceeds 3.5 feet. The modification is justified due to the fact that the as-built wall does not violate the intent of the ordinance because the majority of the wall is located more than 20 feet from the curb of Mission Ridge Road. The ordinance states no wall shall exceed 3 ½ feet within 10 feet of the front lot line. This property has a front lot line that is an average of more than 20 feet from the road. Additionally the wall is lower than the road and less than 2 feet of exposed wall is seen from the road (without landscaping).

The project does not include review of a previously built wall on the south side of the residential structure. That wall was reviewed and granted final approval in June of 2003. An existing pool was removed during construction of the south wall at the advice of the soils engineer to obtain proper compaction as the necessary compaction was not attainable due to significant cracks in the pool shell (letter previously submitted).

The project exists on a 2.1 acre parcel located in the Hillside Design District. An approximately 5,000 square foot, single family residence is existing. The parcel is surrounded by single family residences on the east, south, and west. Franceschi Park is to the north. Numerous *Quercus agrifolia* exist on the property and will be retained and maintained. Approximately twelve *Pittosporum undulatum* (Victorian Box) less than 4" diameter at breast height have been removed. Drainage is historical surface drainage into two existing ravines on the east and west sides. A new drain system was installed on the back side of the as-built wall. This system better controls the water flow from the property and there is no increase in flow. No record of drainage easements were found in the Preliminary Title Report. The amount of grading is as indicated on the plans, Sheet L-1. A geotechnical investigation had been executed before construction and the as-built wall was constructed following those recommendations. The as-built wall was also

EXHIBIT C

430 East Carrillo Street
Santa Barbara, CA 93101
805-965-3063

periodically inspected. The project does not include any of the following: exterior lighting; creation of smoke or odors; new noise sources; hazardous materials; or any existing designated recreational trails or easements. To my knowledge, no resource studies have been prepared.

The project is an as-built construction of a 220 linear foot sandstone wall with a proposal to add approximately 55 feet of sandstone wall with gates at the drive. Two options are shown on the enclosed plans (Sheet L-4 dated 9-13-05). Option A proposes to leave the wall at its current height. Option B is to reduce the height of the wall to a exposed height of 5 feet on the south (residence) side and an exposed height of under 4 feet on the north side per the request of the Architectural Board of Review (ABR).

The wall was built by the Owners to address erosion/drainage problems and to protect the road and curb along Mission Ridge Road which was and is exhibiting failure. The wall improves drainage and helps control erosion in a previously steep, unstable area. Additionally the flattened area along the back of the curb allows pedestrians a place to safely step off of the road in an area where there is no sidewalk.

The Owners, numerous neighbors and the many users of the neighborhood believe the wall to be a contribution to and compatible with the neighborhood. Additionally, many neighbors have indicated a positive reaction in writing (see letter in ABR file).

This project has not yet had a Pre-Application Review Team (PRT) review but has been Preliminarily Plan Check reviewed by Planning Staff on March 2, 2005. All comments on subject review have been addressed.

The ABR review dates are as follows:

ABR Concept Review (New)	April 25, 2005
ABR Concept Review (Continued)	May 2, 2005
ABR Concept Review (Continued)	May 16, 2005

A Case Summary is attached.

Significant issues include the current height of the wall, the amount of grading, and vegetation removal. As the wall exists now, present day, the top of the as-built wall does not exceed the existing top of curb elevation at the street. For this and other previously mentioned reasons (stabilization, improved drainage, positive neighborhood reactions, etc.), the Owners prefer Option A. Significant landscaping is proposed and will effectively screen the wall.

The ABR had issues with the removal of approximately twelve *Pittosporum undulatum* shrubs that were less than 4" in diameter at breast height. The landscape plan reflects significant new vegetation to be planted including installation of 2 *Quercus agrifolia* (Coast Live Oak) that are 48 inch box size and larger. The ABR and Planning Staff also have issues with the portion of wall

that encroaches into the right-of-way. Informal review by Public Works staff indicated support for this encroachment.

The Owners commenced work on the wall shortly after a major rain in late 2004. It was a reactionary project in an effort to stabilize the hillside and road. The project was completed before a permit was granted mainly because the Owners were concerned about the unstable hillside and the potential of additional rain. It was also their desire to start the landscape portion of the project as soon as possible.

Neighborhood Preservation Ordinance findings:

The public health, safety and welfare are protected and enhanced with the installation of the wall because the road and hillside are better stabilized in the public right of way and pedestrians are now provided with a place to step off of the road where none existed before.

The grading and development is appropriate to the site because it serves to stabilize the hillside and road. No visible scarring is present. The modification of the natural topography is not inconsistent with the neighborhood.

All mature and native trees have been preserved. Additional large specimen native Oaks are also proposed.

The development, with its sandstone finish, is consistent with and enhances the neighborhood and scenic character of the City.

The development is compatible with the existing walls in the neighborhood and is appropriate for the site.

The development cannot be seen from the public.

If you have any questions, please feel free to contact me.

Sincerely,

Suding Design Landscape Architects, Inc.



Philip Suding
Principal, Landscape Architect
CA License N° 3710



ARCHITECTURAL BOARD OF REVIEW
CASE SUMMARY

1425 MISSION RIDGE RD

MST2005-00098

R-RETAINING WALL

Page: 1

Project Description:

Proposal for "as-built" 404 cubic yards of grading, an "as-built" 220 linear foot concrete masonry unit (CMU) retaining walls with sandstone veneer at the front of the property which ranges in height from 3.73 feet to 8.42 feet, a proposal to add 55 linear feet of CMU retaining walls with sandstone veneer and iron entry gates to be a maximum of eight feet in height at the driveway, 105 cubic yards of fill for "as-built" demolition of an existing swimming pool, and a landscaping plan on a 1.2 acre lot located in the Hillside Design District. Planning Commission approval is requested for grading in excess of 500 cubic yards and a modification for an overheight wall within the required setbacks and the public right-of-way requiring an encroachment permit. The proposal includes 509 cubic yards of grading in addition to the previously approved and permitted 327 cubic yards of grading under MST2003-00373.

Activities:

5/16/2005

ABR-Concept Review (Continued)

(COMMENTS ONLY; PROJECT REQUIRES ENVIRONMENTAL ASSESSMENT, PLANNING COMMISSION APPROVAL FOR A MODIFICATION, NEIGHBORHOOD PRESERVATION ORDINANCE FINDINGS AND A PUBLIC WORKS ENCROACHMENT PERMIT.)

(3:16)

Phil Suding, Landscape Architect; and Brian Escalera, Owner; present.

Public comment opened at 3:21 p.m. Seeing no one wished to speak, it was closed.

Motion: Continued indefinitely to the Planning Commission with the following comments:

- 1) The Board finds the applicant has made significant steps in re-establishing the original character of the right-of-way and street frontage.*
- 2) Increase the landscaping (in amount and size) and provide additional landscaping on the west side of the driveway to create a balance of the landscaping palette.*
- 3) The Board supports the wall at the property line with a maximum of five foot height from the original re-created grade.*
- 4) Eliminate the cheek wall at the east side driveway. The Board would support the modification request for the entry wall with the elimination of the previously described wall section.*
- 5) The tree well at the twelve inch Oak, located at the east side of the driveway, is to be eliminated or significantly reduced to create a more rustic character, ideally using only the driveway edge.*
- 6) The Board supports a flattened slope adjacent to Mission Ridge of two and one-half feet as an alteration to the grading.*
- 7) The Board finds that the sandstone faced wall would better suit the character of the Riviera neighborhood.*
- 8) The*

Project Description:

Proposal for "as-built" 404 cubic yards of grading, an "as-built" 220 linear foot concrete masonry unit (CMU) retaining walls with sandstone veneer at the front of the property which ranges in height from 3.73 feet to 8.42 feet, a proposal to add 55 linear feet of CMU retaining walls with sandstone veneer and iron entry gates to be a maximum of eight feet in height at the driveway, 105 cubic yards of fill for "as-built" demolition of an existing swimming pool, and a landscaping plan on a 1.2 acre lot located in the Hillside Design District. Planning Commission approval is requested for grading in excess of 500 cubic yards and a modification for an overheight wall within the required setbacks and the public right-of-way requiring an encroachment permit. The proposal includes 509 cubic yards of grading in addition to the previously approved and permitted 327 cubic yards of grading under MST2003-00373.

Activities:

Board continues to support the grading to re-create the original condition, both on the right-of-way side and on the street frontage side, up to the 30 foot setback. 9) The proposal does not reflect the ultimate five-foot wall height from the existing original grade. The Board does not accept the existing top wall notations.

Action: Le Cron/Bartlett, 5/0/0. Eichelberger stepped down.

5/2/2005

ABR-Concept Review (Continued)

(COMMENTS ONLY; PROJECT REQUIRES ENVIRONMENTAL ASSESSMENT, PLANNING COMMISSION APPROVAL FOR A MODIFICATION, NEIGHBORHOOD PRESERVATION ORDINANCE FINDINGS AND A PUBLIC WORKS ENCROACHMENT PERMIT.)

3:50

Brian Escalera, Owner; and Phil Suding, Landscape Architect; present.

Chair Pierron read a letter submitted from Kilburn and Shirley Roby, neighbors, which stated that there was not a permit for the wall along Mission Ridge Road.

Motion: Continued two weeks with the following comments: 1) The Board does not find the proposal within the right-of-way (grading and landscaping) to be acceptable; it has negatively altered the scenic area of the neighborhood. 2) Bring the 30' front yard setback and the public right-of-way back to the original character of the street frontage (with some consideration to a retaining wall). 3) Return with additional documentation of the original topography; minimally using the City files. 4) To the extent feasible, document the removal of the trees. 5) The Board has concerns with the height of the walls. 6) Provide a full landscape plan for the 30' front yard setback and the public right-of-way to restore the compatibility of the neighborhood pattern of the landscape. 7) It is the applicant's responsibility to extend the landscape plan to it's original design.

Action: Manson-Hing/Bartlett, 5/0/0.

4/25/2005

ABR-Concept Review (New) - PH

(COMMENTS ONLY; PROJECT REQUIRES ENVIRONMENTAL ASSESSMENT, PLANNING COMMISSION APPROVAL, A MODIFICATION, NEIGHBORHOOD PRESERVATION ORDINANCE FINDINGS AND A PUBLIC WORKS ENCROACHMENT PERMIT.)

Project Description:

Proposal for "as-built" 404 cubic yards of grading, an "as-built" 220 linear foot concrete masonry unit (CMU) retaining walls with sandstone veneer at the front of the property which ranges in height from 3.73 feet to 8.42 feet, a proposal to add 55 linear feet of CMU retaining walls with sandstone veneer and iron entry gates to be a maximum of eight feet in height at the driveway, 105 cubic yards of fill for "as-built" demolition of an existing swimming pool, and a landscaping plan on a 1.2 acre lot located in the Hillside Design District. Planning Commission approval is requested for grading in excess of 500 cubic yards and a modification for an overheight wall within the required setbacks and the public right-of-way requiring an encroachment permit. The proposal includes 509 cubic yards of grading in addition to the previously approved and permitted 327 cubic yards of grading under MST2003-00373.

Activities:

4:00

Phil Suding, Landscape Architect, present.

JoAnne LaConte, Assistant Planner, stated that the project, as proposed, will require at least two modifications. 1) To construct a wall that exceeds 3 ½ feet within 10 feet of a front lot line and; 2) To construct a wall that exceeds 3 ½ feet within 10 feet of either side of a driveway for distance of twenty feet back from the front lot line.

Public comment opened at 4:07p.m.

Ray Sawyer, neighbor, submitted a letter which stated that his house is directly below the property and that his main concern is with the safety of the steep hillside. Mr. Sawyer has requested that no further grading or filling be allowed to continue and that the fill on the lower side of the house be removed.

W.C. Naylor, neighbor, stated that he lives below the property and that he is concerned with the stability of the wall in the event of an earthquake. The view of the wall is very intrusive and out of keeping with the neighborhood.

Chair Bartlett read a letter submitted by several neighbors, which stated that they feel the front wall is a benefit to the neighborhood.

Public comment closed at 4:12p.m.

Motion: Continued one week with the following comments: 1) The Board does not find the existing "as-built" wall to be in conformance with the Hillside Design Guidelines. 2) The height and location of the wall adjacent to the public-right-away is creating hazardous conditions. 3) Add on-site landscaping to restore character to the neighborhood.

4) Reduce the excess grading within the right-of-way to expose four to five feet of wall. 5) Line the street face of the unapproved wall with sandstone. 6) Restore the original grade to the unapproved wall within ten (10) feet of the driveway to eliminate the need for one of the modifications. 7) Provide a full landscape plan to help mitigate the quality of the scenic site and protect the privacy of the neighbors. 8) The Board could support a wall in excess of 3 1/2' in the front yard, as it is only visible from private property.

9) Provide two section drawings and elevations of the unapproved wall. 10) Lower the grade on the public side of the front wall. 11) The Board is concerned with the drainage and would like the applicant

Project Description:

Proposal for "as-built" 404 cubic yards of grading, an "as-built" 220 linear foot concrete masonry unit (CMU) retaining walls with sandstone veneer at the front of the property which ranges in height from 3.73 feet to 8.42 feet, a proposal to add 55 linear feet of CMU retaining walls with sandstone veneer and iron entry gates to be a maximum of eight feet in height at the driveway, 105 cubic yards of fill for "as-built" demolition of an existing swimming pool, and a landscaping plan on a 1.2 acre lot located in the Hillside Design District. Planning Commission approval is requested for grading in excess of 500 cubic yards and a modification for an overheight wall within the required setbacks and the public right-of-way requiring an encroachment permit. The proposal includes 509 cubic yards of grading in addition to the previously approved and permitted 327 cubic yards of grading under MST2003-00373.

Activities:

*to provide a drainage plan and generate drawings depicting prior topographic conditions.
Action: LeCron/Wienke, 5/0/0.*

4/25/2005 ***ABR-Optional Notice Prepared***

4/6/2005 ***ABR-Resubmittal Received***

3 sets of plans received addressed to Joanne.

3/9/2005 ***ABR-Correspondence/Contact***

Applicant picked up two sets of HALTED plans.

2/23/2005 ***ABR-Correspondence/Contact***

Phil Suding stopped by counter and asked that the project description be changed to a 220 linear foot wall, since the 250 linear foot original project description was the result of an incorrect measurement.

2/23/2005 ***ABR-Correspondence/Contact***

Owner/Authorization form turned in at counter by Phil Suding, date stamped and routed to Dave Sullivan.

1310 Dover Hill Rd.
Santa Barbara, 93103
Oct. 25, 2005

RECEIVED

OCT 25 2005

Santa Barbara City Planning Commission

Re: 1425 Mission Ridge Rd.
Application number: MST2005-00098

CITY OF SANTA BARBARA
PLANNING DIVISION

On the final page of this letter you will find the text of my statement to the ABR on Apr. 25. My expressed concerns, over safety and over the permitting process for the first part of this project, although directed toward subjects not on the agenda of the Board, were at least received politely by the Board. (As you undoubtedly know, the purpose of the whole project was to build a giant level pad on a steep hillside.)

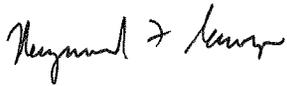
That said, the hearing did clarify for me some of the history of the project, and it raised some serious new questions as well. The questions are:

1. With respect to the first phase of the project, permitted some months ago, I question whether a city engineer has carefully checked to see if the actual volume of fill above the lower wall on the south side of the property is within the 433 cubic yards approved in the original application. A simple estimate, based on the area times the height of the wall times $\frac{1}{2}$, gives more than twice that number. At the meeting that I attended, the question was raised, in passing, but the developer's landscape architect was the one who replied.
2. One of the Board members remarked that the map indicated an encroachment by this lower wall, without saying whose property was encroached upon. The architect of the project said something like, "we don't think so." The City should at least check that there was no encroachment onto lower Francheschi Park. Perhaps I should explain that my house, directly downhill from the wall, is separated from the Escalera property by a narrow strip of Francheschi.
3. The piecemeal approach in the application for permits was clearly a deliberate maneuver to avoid notification of neighbors in the first, and most questionable phase of the project, namely the 11 foot wall on the south (downhill) side of the property. That is one reason why I believe my present representations are timely.
4. The developers, who presented the ABR with a done deed in the second phase of the permitting process will now, I gather, negotiate mitigations to atone for the mistakes with respect to this phase, probably minimal regrading on the Mission Ridge side, and landscaping all over the place to make up for the fifteen or so trees that were cut down. None of these address my safety concerns, which have to do with the lower wall and fill.

EXHIBIT E

If, after review, the City finds problems of encroachment by the lower wall, or that the amount of actual landfill put behind it in the first phase exceeds the amount of the permit, or that there was any slip-up in the permitting and notification process, due to the piecemealing of the applications for permits, then the appropriate mitigation is not landscaping. It is rather the complete undoing of the first phase of this project.

Sincerely,

A handwritten signature in cursive script, appearing to read "Raymond F. Sawyer".

Raymond F. Sawyer

Please also look at the next page, the letter which I had previously submitted to the ARB last spring.

1310 Dover Hill Rd.
Santa Barbara, CA 93103

Apr. 22, 2005

Architectural Board of Review

Re: 1425 Mission Ridge Rd.
Application number: MST2005-00098

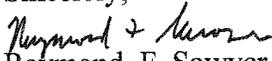
My wife and I have lived at the Dover Hill address since 1967. My house is directly below the property in question, on a steep hillside. Safety is my sole concern in this matter, rather than any consideration of codes or aesthetic values.

First some history: I would almost swear on the Bible that we received no notice of whatever considerations by ABR or the City Council preceded the construction of the wall on the lower (south) side of the property some months ago, or of the huge amount of fill that, I am now told, has been deposited on the upper side of this wall. Thus I don't know what input the City received, before the permit was granted, from experts on the safety of fills on steep hillsides.

Indeed, when my wife and I returned from a short trip, and saw this wall, all completed, we assumed it was for security purposes, rather than for retaining a huge amount of fill. But since being apprised of the fill, we live in a certain amount of terror during rainy periods; when they visit, our children and grandchild sleep in the most exposed end of the house.

My request is that no further grading or filling be permitted at the rear of the house. My wife and I have no concerns about the front side, ugly as it may be. Of course, if you research my contention that we were not properly notified before the earlier phase of this work and find that it is correct, then I would ask that all of the fill on the lower side of the house be removed.

Sincerely,


Raymond F. Sawyer

I will add one thing to the above letter. I would suppose that the standards of construction of the retaining wall are such that it can withstand many times the theoretical load resulting from the fill. But there is a possibility that the weight of the fill, combined with its ability to channel extra water into strata lower than the wall can destabilize these layers, causing the whole hillside to slip.

