



City of Santa Barbara California

PLANNING COMMISSION STAFF REPORT

REPORT DATE: May 14, 2008
AGENDA DATE: May 22, 2008
PROJECT ADDRESS: 1837 ½ El Camino de la Luz (MST2002-00214/CDP2002-0008)
TO: Planning Commission
FROM: Planning Division, (805) 564-5470
 Jan Hubbell, AICP, Senior Planner *JH*
 Dan Gullett, Associate Planner *DG*

I. SUBJECT

The purpose of the Planning Commission hearing is to consider certification of the proposed Final Environmental Impact Report (EIR) and approval of the requested discretionary applications for a proposed single-family residence at 1837½ El Camino de la Luz.

II. PROJECT DESCRIPTION

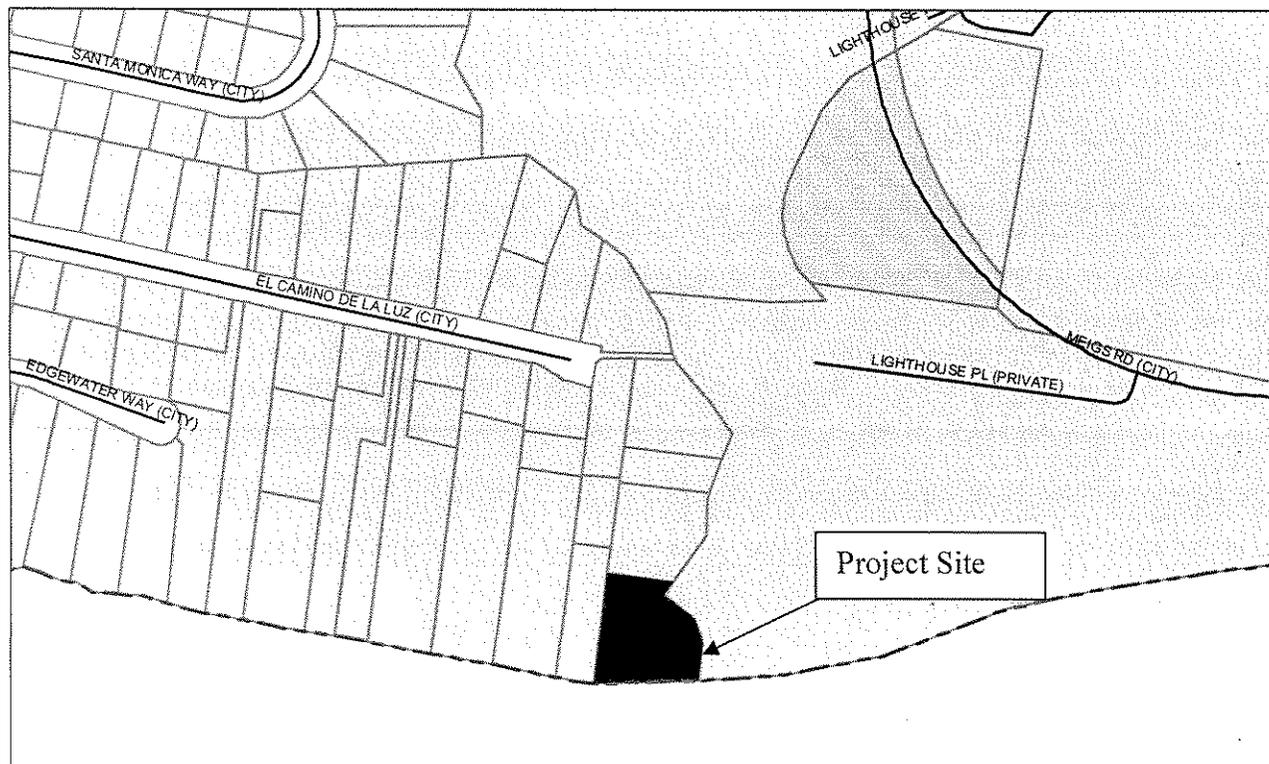
The project is a proposal to construct an approximately 1,505 square foot, two-story single family residence with an attached approximately 429 square foot garage, retaining walls, paved driveway, and drainage elements on a 23,885 square foot vacant bluff-top lot. Grading quantities total approximately 288 cubic yards of cut and 21 cubic yards of fill. Access to the site would be provided along private easements on an existing driveway extending south from the terminus of the paved public road (El Camino de la Luz). The project applicant's letter is included as Exhibit B of this report.

The proposed development would require the following discretionary applications:

1. A Coastal Development Permit for the construction of a new residence in the Appeals Jurisdiction of the Coastal Zone (SBMC §28.44.060); and
2. A Modification to allow construction of a new residence on a lot without the required 60-feet of frontage on a public street (SBMC §28.15.080 and §28.92.110).

III. RECOMMENDATION

1. Certify the Final EIR, making the findings outlined in Section VIII of this report.
2. With approval of the requested modification, staff believes the project is consistent with the City's Local Coastal Program and the California Coastal Act. Therefore, staff recommends that the Planning Commission approve the project, making the findings outlined in Section VIII of this report, and subject to the Conditions of Approval in Exhibit A.



Vicinity Map – 1837½ El Camino de la Luz

IV. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

| | |
|--|---|
| Applicant: Brent Daniels | Property Owner: Dr. Herb Barthels |
| Parcel Number: 045-100-065 | Lot Area: 23,885 sf |
| General Plan: Residential, 5 units/acre | Zoning: E-3/SD-3 |
| Existing Use: Vacant | Topography: Average slope is 49.75% Varies from flat pad to steep slopes |
| Adjacent Land Uses: North – Residential South – Pacific Ocean East – Lighthouse Creek West – Residential | |

B. PROJECT STATISTICS

| | Existing | Proposed |
|-------------------|----------|----------------|
| Living Area | - | 1,505 sf |
| Garage | - | 429 sf |
| Accessory Space | - | 0 |
| Total Development | - | 1,934 sf (net) |

V. ZONING ORDINANCE CONSISTENCY

| Standard | Requirement/ Allowance | Existing | Proposed |
|-----------------|------------------------|----------------|---------------|
| Street Frontage | 60 ft | - | - |
| Setbacks | | | |
| -Front | 20 ft | N/A | N/A |
| -Interior | 6 ft | N/A | 6 ft |
| Building Height | 30 ft' | N/A | 25 ft |
| Parking | 2 | - | 2 covered |
| Open Yard | 1,250 sf | N/A | > 1,250 sf |
| Lot Coverage | | | |
| -Building | N/A | - 0% | 1,409 sf 6% |
| -Driveway | N/A | - 0% | 793 sf 3% |
| -Open Space | N/A | 23,885 sf 100% | 21,683 sf 91% |

The proposed project would meet the requirements of the E-3 Zone, with the exception of the required 60-foot frontage on a public street (SBMC §28.15.080).

VI. ENVIRONMENTAL REVIEW

A. BACKGROUND AND EIR PROCESS

Upon receipt of a complete permit application in 2004, an Initial Study was prepared by staff to analyze the potential environmental impacts of the proposed project. A Draft Mitigated Negative Declaration (MND) was subsequently prepared. At the environmental hearing for the Draft MND, the public and Planning Commission noted potentially significant visual impacts and requested further analysis in an Environmental Impact Report (EIR). The Commission also requested that the geological information in the Draft MND be incorporated in the EIR for comment purposes. A revised Initial Study was prepared and on September 22, 2005, the Planning Commission held an environmental scoping hearing for the EIR, as required by the California Environmental Quality Act (CEQA).

A Draft EIR was prepared and released for public review and comments from November 27, 2006 through January 12, 2007. On January 11, 2007, the Planning Commission held an environmental hearing on the Draft EIR.

A proposed Final EIR has been prepared with consideration of comments received on the Draft EIR. Written responses to comments that raised significant environmental points are provided in the document beginning on page 10- 5. As appropriate, changes to the text of the EIR were also made.

After the proposed Final EIR was released in May 2007, project opponents submitted additional comments and a report prepared by a registered geologist and geotechnical engineer (Reinhard Knur of Geotechnologies, Inc.), that raised questions about the analysis included in the Proposed Final EIR. Although not required to respond to these late comments, staff chose to supplement the EIR with additional response by Dr. William Anikouchine, the geologist hired by the City to perform the peer analysis of the 17 prior geologic analyses performed on

the subject property. Additionally, City staff and Dr. Anikouchine were prepared to perform the Building Pad Investigation defined in Mitigation Measure GEO-3a. However, access to the site was denied by Mr. Rafael Franco, a fee owner of a portion of the access easement, unless a different geologist was hired by the City to carry out the analysis. Mr. Franco asserted that Dr. Anikouchine is not qualified to carry out the testing and analysis. Based on review of Dr. Anikouchine's qualifications by Building & Safety staff, City staff declined to hire another geologist and concluded that Dr. Anikouchine is qualified. Thus, the proposed Final EIR includes the responses to Reinhard Knur's report, but no additional testing. Mr. Franco's letter is included as Exhibit H of this report. Mr. Knur's report is included as Exhibit H and Dr. Anikouchine's response is included as Exhibit J.

An EIR is intended by CEQA to be an informational document that is considered in conjunction with other planning documents and project analysis as part of the overall permitting process. The CEQA environmental review process has two overall purposes: first, to fully disclose potential environmental impacts so that the public and decision-makers consider the environmental consequences of a project before it is approved, and second, to enable decision-makers to condition the approval in order to avoid or reduce potentially significant environmental effects to the extent feasible. Feasibility is defined in CEQA and the CEQA Guidelines as meaning capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors. Mitigation measures applied to a project to reduce environmental impacts must also meet the constitutional tests of nexus and reasonable proportionality to project impacts.

An EIR analysis is not required to be exhaustive, and is based on reasonably available information. Conclusions about the significance of environmental impacts utilize City guidelines and practices and need to be based on substantial evidence within the entire record. Substantial evidence is defined in CEQA and the CEQA Guidelines to mean enough relevant information and reasonable inferences from this information to support a conclusion, even though other conclusions might also be reached. *Argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate, or evidence of social or economic impacts which do not contribute to or are not caused by physical impacts on the environment does not constitute substantial evidence. Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts* (CEQA Guideline Section 15064(f)(5)). Because the analysis involves predicting future effects, an EIR necessarily only provides a best estimate of environmental impacts based on numerous assumptions. Where there are disagreements among experts over the significance of impacts, it is not required that an EIR resolve these differences but only summarize them. As noted in the CEQA Guidelines Section 15151, *...the courts have not looked for perfection but for adequacy, completeness, and a good faith effort at full disclosure.*

As required under the California Environmental Quality Act (CEQA), an Environmental Impact Report (EIR) has been prepared to evaluate the potential environmental effects resulting from the project.

The Final EIR includes an evaluation of the visual and geologic impacts of the proposed project and of two alternative house designs intended to minimize the aesthetic impacts of the project. One alternative provides for a residence of similar size to the proposed residence but with a lower visual profile. The other alternative is for a house of reduced size and visual profile.

B. SUMMARY OF IMPACTS

1. Significant, Unavoidable Impacts

The Final EIR does not identify any significant, unavoidable impacts.

2. Significant, But Mitigable Impacts

Aesthetics: The Final EIR identifies a potentially significant adverse aesthetic impact from the proposed project because it could substantially block existing public scenic views of the ocean from La Mesa Park. The Final EIR concludes that this impact can be reduced to a less than significant level with a substantial redesign of the residence to lower the visual profile of the structure. Redesign Alternative 2 (evaluated in Section 8.3 of the Final EIR) substantially implements the design changes required to reduce aesthetic impacts to a less than significant level.

Geologic Hazards: The Final EIR identifies potentially significant adverse geologic impacts associated with the project and the two design alternatives relative to inadequate drainage and potential geologic features resulting in slope instability and failure, and subsidence and expansive soil impacts. These geologic hazards are evaluated in the Final EIR and determined to be less than significant with the implementation of appropriate mitigation measures.

Biological Resources; Hazards (Fire Safety), Transportation (Legal Access); and, Water Resources (Water Quality): These issue areas are evaluated in the project Initial Study and mitigation measures have been identified where appropriate to reduce potentially significant impacts to less than significant levels. The Initial Study is incorporated in the Final EIR.

3. Less Than Significant Impacts

Air Quality; Cultural Resources; Noise; Public Services; Short-term Construction Related Traffic and Parking; Water Resources (Drainage and Water Quality): These issue areas are evaluated in the project Initial Study and recommended mitigation measures have been identified where appropriate to further reduce less than significant impacts. The Initial Study is incorporated in the Final EIR.

VII. ISSUES

A. PARCEL HISTORY/ACCESS

The subject property was originally formed in its current configuration as part of a lot split conditionally approved by City Council on May 29, 1958, which included the adjacent parcel to the north (1837 El Camino de la Luz). The minutes of the approval hearing state that City Council approved the project *as submitted by the applicant*. A plan in the records represents the City's best understanding of what was approved since it has a Planning Commission receipt date stamp and an unsigned and undated City Council approved stamp. That plan indicates a 15-foot easement serving the 1837 El Camino de la Luz parcel connecting to a 10-foot easement serving the 1837.5 El Camino de la Luz parcel. The minutes from the City Council hearing and the two preceding Planning Commission hearings refer to a minimum 15 foot wide easement for access to the parcel.

At the time of the lot split approval, the City required recordation of a written instrument to validate the subdivision within one year of approval. Because an instrument was not recorded, the lot split was invalidated. In 1963, a grant deed conveyed the subject parcel to a separate property owner. The City determined that the conveyance of the land was in violation of the Subdivision Map Act. In 1999, the City issued a Conditional Certificate of Compliance for the subject parcel as required by the Subdivision Map Act to allow the property to be legally sold, leased, or financed. The condition on the Conditional Certificate of Compliance reads as follows:

Provide evidence, satisfactory to the City Engineer that the owner of the parcel described herein substantially possesses the required amount of legal access that formed the basis of the originally approved lot split.

Any City permits or other grants of approval are subject to a condition of approval requiring the provision of access to the parcel.

City staff has reviewed the City Construction Standard Details, which calls for a minimum of a 10-foot wide curb-cut for single-family residential driveways. The City's practice is to require 10-foot wide driveways to match the curb-cut, although there is no specific width requirement. Ten feet allows for vehicle maneuvering and door opening without hitting other driveway users or structures. However, Transportation staff does consider specific situations and conditions and does allow reduced driveway widths where there is limited maneuvering area, the length of the encumbrance is short, when grading creates problems or there are no visibility issues. Transportation staff reviewed the easements. Approximately 45 feet of the access length is limited to nine feet in width and seven feet of the easement is 7.5 feet wide. The remainder of the driveway meets or exceeds 10 feet in width. Transportation staff has accepted the width of the driveway as shown by the applicant in Exhibit D. However, confirmation that the owner has rights to the easements shown will still be required prior to building permit issuance. It should also be noted that large construction equipment and trash haulers' standard vehicles would be too wide to use the easement. Also, the easements shown on the plans do not match Exhibit D, which accurately shows the easements. If approved by the Planning Commission, the satisfaction

of the condition requiring the applicant to provide access as represented in Exhibit D will satisfy the access condition found in the Conditional Certificate of Compliance.

B. DESIGN REVIEW

The project received four concept reviews by the Architectural Board of Review (ABR) (meeting minutes are attached as Exhibit F). The first three reviews at the ABR focused principally on massing and minimizing impacts to public views. At the most recent ABR review (May 21, 2007), following the preparation of the Draft EIR and its consideration at the Planning Commission environmental hearing, the applicant presented a redesign of the project in an attempt to address the aesthetic design mitigations outlined in the EIR. ABR minutes for this item from the May 21, 2007 hearing are as follows:

- 1) Overall, the applicant has accomplished the changes requested in the Environmental Impact Report, and returned with a better project including: reduced height, better integrated with the hillside, better materials, green roof, photovoltaic panels, limited grading, minimizing impact to view from the park, and landscaping.*
- 2) The reduced grading is beneficial to the bluff.*
- 3) Limit night glow on the ocean side with glazing, reflectivity, and tinting*
- 4) Study less reflective stone work, and use of vernacular materials that blend into the landscape. One Board member suggested using a darker wood siding in lieu of the light stone.*
- 5) Limit the amount of glazing on the north elevation.*
- 6) Correct the sections. The Board reserves the right to withdraw the stated opinions if the sections indicate adverse findings.*
- 7) There is concern with the amount of grading down the slope.*

As currently designed, portions of the proposed residence are outside the building envelope defined in EIR Figure 5.1-10. The current design slightly breaks the height plane on the east end of the entry. The southwestern deck on the current design is cantilevered over the 75-year retreat line, crossing the southern plane of the building envelope; and the eastern deck and patio are located outside the eastern plane of the building envelope. Staff recommends that the building be redesigned to be sited wholly within the building envelope. The proposed conditions of approval include Condition C-1 which requires structures to be located within the building envelope depicted in Figure 5.1-10.

C. COMPLIANCE WITH THE GENERAL PLAN/LOCAL COASTAL PROGRAM

The subject project site is located within the General Plan, Land Use Element's West Mesa neighborhood. The dominant land use in this neighborhood is single-family residential use with a density classification of five dwelling units per acre.

The subject project site is also located in Component 2 of the City's Coastal Plan. Major Coastal issues identified in the Coastal Plan that are applicable to the subject

project site include: hazards of seacliff retreat and flooding; protection of archaeological resources; and maintenance of existing coastal views and open space.

Further analysis of consistency with applicable General Plan and LCP, and California Coastal Act policies is provided in Exhibit E. Those policies address protection of certain visual resources, restrictions on bluff top and hillside development, protection of biological resources, promotion of neighborhood compatibility, and provision of a seacliff retreat setback. The conclusion of the project policy analysis is that the proposed project creates no changes in the residential land use allowed for the site and, due to the minimal development proposed, the proposed project is potentially consistent with all applicable policies.

D. CONCLUSION

Staff believes that the project's environmental impacts will be mitigated and that the project, as conditioned, is consistent with the City's General Plan and Local Coastal Program goals and policies. If the owner is unable to demonstrate access as provided in the conditions of approval to the satisfaction to the City Engineer and the City Attorney, project approvals will expire, necessitating a new application for any proposed development on the lot.

VIII. FINDINGS

The Planning Commission finds the following:

A. FINDINGS FOR CERTIFICATION OF THE FINAL ENVIRONMENTAL IMPACT REPORT (PER PUBLIC RESOURCES CODE (PRC) SECTION 21082.1 AND CALIFORNIA CODE OF REGULATIONS (CCR) SECTION 15090).

The Planning Commission certifies the Final Environmental Impact Report for 1837 ½ El Camino de la Luz, finding that:

1. The Final Environmental Impact Report for 1837 ½ El Camino de la Luz was presented to the Planning Commission of the City of Santa Barbara. The Planning Commission reviewed and considered the information contained in the proposed Final Environmental Impact Report, along with public comment and responses to comments, the additional comments and analysis dated September 10, 2007, and Dr. William Anikouchine's responses, dated February 25, 2008.
2. The proposed Final Environmental Impact Report for 1837 ½ El Camino De La Luz has been completed in compliance with the California Environmental Quality Act and Guidelines, reflects the City of Santa Barbara Planning Commission's independent judgment and analysis, and constitutes adequate environmental analysis and documentation for 1837 ½ El Camino de la Luz.

3. The location and custodian of documents and materials that constitute the record of proceedings upon which this decision is based is the City of Santa Barbara Community Development Department, Planning Division, 630 Garden Street, Santa Barbara, CA, which is also the Lead Agency.

B. FINDINGS OF REDUCTION OF POTENTIALLY SIGNIFICANT AND AVOIDABLE (CLASS II) IMPACTS (PER PRC SECTION 21081 AND CCR SECTION 15091)

The Planning Commission finds that changes and/or alterations have been required in, or incorporated into, the proposed project that would avoid or reduce potentially significant impacts to adverse, but less than significant levels (Class II impacts), as identified in the Final EIR.

1. **Visual Aesthetics Class II Impacts**

Long-Term Visual Impacts. With implementation of identified mitigation measures, potentially significant long-term view impacts of the project would be reduced to less than significant levels.

The EIR identifies project effects on ocean views provided from important view points as potentially significant, but substantially reduced with implementation of mitigation measures AES-1a, requiring a revised project design; AES 2a, requiring ABR approvals for color and materials, and AES-3a requiring ABR landscape plan review.

2. **Biological Resources Class II Impacts**

Temporary Construction-Related Biological Impacts. With implementation of identified mitigation measures, potentially significant construction-related impacts of the project would be reduced to less than significant levels.

Potential construction effects on vegetation within and adjacent to Lighthouse Creek would be substantially reduced with implementation of mitigation measures BIO-1, requiring habitat restoration; BIO-2, requiring appropriate hardscape and landscaping, BIO-3 providing irrigation system requirements; BIO-4 requiring an Erosion Control/Water Quality Plan; and BIO-5, requiring a Streambed Alteration Agreement.

3. **Geologic Hazards Class II Impacts**

Long-term Geologic Hazard Impacts. With implementation of identified mitigation measures, potentially significant long-term impacts of the project would be reduced to less than significant levels.

Potential project effects on slope stability would be substantially reduced with implementation of mitigation measures GEO-1a, requiring conveyance of surface drainage to Lighthouse Creek; GEO-3a, requiring inspection of the

suspected geologic feature and additional slope stability analysis and implementation of design measures, as warranted; and GEO-4 requiring weight estimates of excavated foundation material and additional slope stability analysis as necessary.

Potential project effects from subsidence and expansive soil would be substantially reduced with implementation of mitigation measure GEO-2a, requiring approval of the structural foundations by a licensed Engineering Geologist or Geotechnical Engineer.

4. **Hazards Class II Impacts**

Long-term Hazard Impacts. With implementation of identified mitigation measures, potentially significant long-term impacts of the project would be reduced to less than significant levels.

Potential project effects on fire safety would be substantially reduced with implementation of mitigation measures H-1, requiring automatic fire sprinklers; H-2 requiring a monitored fire alarm system; H-3 requiring compliance with high fire construction requirements; and H-4 requiring an agreement continual maintenance of the fire sprinkler and fire alarm systems.

5. **Transportation Class II Impacts**

Short-term and Long-term Transportation Impacts. With implementation of identified mitigation measures, potentially significant short-term and long-term impacts of the project would be reduced to less than significant levels.

Potential project effects on site ingress and egress would be substantially reduced with implementation of mitigation measure T-1, requiring the provision of sufficient access to the project site.

6. **Water Resources Class II Impacts**

Short-term and Long-term Water Resources Impacts. With implementation of identified mitigation measures, potentially significant short-term and long-term impacts of the project would be reduced to less than significant levels.

Potential project effects on drainage and water quality would be substantially reduced with implementation of mitigation measure W-1, requiring City review of project plans for grading, drainage, stormwater facilities and project development.

C. COASTAL DEVELOPMENT PERMIT (SBMC §28.44.150)

1. The project is consistent with the policies of the California Coastal Act, as outlined in the Policy Consistency Analysis in Exhibit E.
2. The project is consistent with all applicable policies of the City's Local Coastal Plan, all applicable implementing guidelines, and all applicable provisions of the Code, as outlined in the Policy Consistency Analysis in Exhibit E.

D. STREET FRONTAGE MODIFICATION (SBMC §28.92.110)

The standard for the E-3 Zone is 60 feet of frontage on a public street for each single family dwelling and its accessory buildings. Due to the existence of surrounding development and infeasibility of City acquisition of right-of-way at this location, the requested street frontage modification is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot and prevent unreasonable hardship.

Exhibits:

- A. Project Conditions
- B. Letter from the Applicant, dated October 18, 2007
- C. Reduced Site Plan, Floor Plan, Elevations, EIR Photo Comparison
- D. Legal Access Exhibit Map
- E. Policy Consistency Analysis
- F. ABR minutes
- G. Proposed Final Environmental Impact Report - under separate cover (previously distributed to the Planning Commission). The Proposed Final EIR is available at the Community Development Department, 630 Garden Street, the Main Library and online at http://www.santabarbaraca.gov/Resident/Environmental_Documents/
- H. Letter from Rafael Franco dated August 27, 2007
- I. Geotechnical Engineering Commentary prepared by Geotechnologies, Inc. dated September 5, 2007
- J. Response letter prepared by Dr. William Anikouchine dated February 25, 2008

PLANNING COMMISSION CONDITIONS OF APPROVAL

1837 1/2 EL CAMINO DE LA LUZ
COASTAL DEVELOPMENT PERMIT / MODIFICATION
MAY 22, 2008

[Mitigation Measure Numbers are shown in parentheses at the end of conditions imposed to reduce environmental impacts; those from the Initial Study are shown in italics (AQ-1); those from the EIR in standard font (AQ-1).]

In consideration of the project approval granted by the Planning Commission and for the benefit of the owner(s) and occupant(s) of the Real Property, the owners and occupants of adjacent real property and the public generally, the following terms and conditions are imposed on the use, possession, and enjoyment of the Real Property:

- A. **Recorded Agreement.** Prior to the issuance of any Public Works permit or Building permit for the project on the Real Property, the Owner shall execute a written instrument, which shall be reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder, and shall include the following:
1. **Approved Development.** The development of the Real Property approved by the Planning Commission on May 22, 2008, is limited to construction of an approximately 1,505 square foot, two-story single family residence with an attached approximately 429 square foot garage, retaining walls, paved driveway, and drainage elements on a 23,885 square foot vacant bluff-top lot. Grading quantities total approximately 288 cubic yards of cut and 21 cubic yards of fill signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.
 2. **Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water through the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
 3. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan 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. If said landscaping is removed for any reason without approval by the ABR, the owner is responsible for its immediate replacement.
 4. **Recreational Vehicle Storage Limitation.** No recreational vehicles, boats, or trailers shall be stored on the Real Property unless enclosed or concealed from view as approved by the Architectural Board of Review (ABR).
 5. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices intended to intercept siltation and other potential pollutants (including, but not limited to, hydrocarbons, fecal bacteria, herbicides, fertilizers, etc.) in a functioning state (and in accordance with the Operations and Maintenance Procedure Plan approved by the Building Official). Should any of the project's surface or subsurface drainage structures or storm water pollution control methods fail to capture, infiltrate, and/or treat, or result

EXHIBIT A

in increased erosion, the Owner shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Coastal Development Permit is required to authorize such work. 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.

6. **Fire Protection System Maintenance.** The property owner shall enter into a written agreement, binding on the owner and all successors, that requires continual maintenance of the automatic fire sprinkler system and monitoring of the fire alarm system (*H-4*).
7. **Coastal Bluff Liability Limitation.** The Owner understands and is advised that the site may be subject to extraordinary hazards from waves during storms and erosion, retreat, settlement, or subsidence and assumes liability for such hazards. The Owner unconditionally waives any present, future, and unforeseen claims of liability on the part of the City arising from the aforementioned or other natural hazards and relating to this permit approval, as a condition of this approval. Further, the Owner agrees to indemnify and hold harmless the City and its employees for any alleged or proven acts or omissions and related cost of defense, related to the City's approval of this permit and arising from the aforementioned or other natural hazards whether such claims should be stated by the Owner's successor-in-interest or third parties.
8. **Geotechnical Liability Limitation.** The Owner understands and is advised that the site may be subject to extraordinary hazards from landslides, erosion, retreat, settlement, or subsidence and assumes liability for such hazards. The Owner unconditionally waives any present, future, and unforeseen claims of liability on the part of the City arising from the aforementioned or other natural hazards and relating to this permit approval, as a condition of this approval. Further, the Owner agrees to indemnify and hold harmless the City and its employees for any alleged or proven acts or omissions and related cost of defense, related to the City's approval of this permit and arising from the aforementioned or other natural hazards whether such claims should be stated by the Owner's successor-in-interest or third parties.

- B. **California Department of Fish and Game Fees Required.** Pursuant to Section 21089(b) of the California Public Resources Code and Section 711.4 et. seq. of the California Fish and Game Code, the approval of this permit/project shall not be considered final unless the specified Department of Fish and Game fees are paid and filed with the California Department of Fish and Game within five days of the project approval. The fee required is \$2,606.75 for projects with an Environmental Impact Reports. Without the appropriate fee, the Notice of Determination cannot be filed and the project approval is not operative, vested, or final. The fee shall be delivered to the Planning Division immediately upon project approval in the form of a check payable to the California Department of Fish and Game.

C. **Design Review.** The following items are subject to the review and approval of the Architectural Board of Review (ABR). ABR shall not grant preliminary approval of the project until the following conditions have been satisfied.

1. **Revised Project Design.** Any structure developed on the project site shall be located within the building envelope depicted on Figure 5.1-10 of the Final EIR.

The envelope generally extends:

- South of the six-foot setback line along the project site's northern property line depicted on Figure 5.1-10 of the Final EIR.
- West of the of the 86-foot contour depicted on Figure 5.1-10 of the Final EIR.
- North of the of the 25-foot top of bluff setback line depicted on Figure 5.1-10 of the Final EIR.
- East of the proposed 26-foot building setback from the project site's western property line, as depicted on Figure 5.1-10 of the Final EIR (AES-1a).

The revised project plans shall implement the following design measures:

- a. The maximum height of the structure's east elevation shall not exceed 25 feet, as measured from existing grade (Figure 5.1-10) (AES-1a.1).
 - b. The maximum height of the structure's west elevation shall not exceed 15 feet measured from existing grade (Figure 5.1-10) (AES-1a.2).
 - c. The maximum building elevations for the structure's east and west elevations shall form a plane above the existing grade of the project site. The height of any structure located on the project site must be located within the building envelope and may not extend above the plane (Figure 5.1-10) (AES-1a.3).
 - d. The proposed residence design shall be revised to substantially reduce or eliminate the use of understory walls (AES-1a.4).
2. **Color Approval.** Building colors shall consist of neutral or earth-tone colors. Subsequent color changes proposed for the residence shall be approved by the ABR or the Single Family Design Board (SFDB) (AES-2a).
3. **Landscape Plan Review.** Proposed landscaping trees and shrubs shall consist of drought-tolerant species that when mature, will not attain a height that exceeds the height of the residence (AES-3a).
4. **Habitat Restoration.** Areas between the proposed building site and Lighthouse Creek disturbed by project grading and construction of the drainage system shall be replanted with native plants appropriate to coastal riparian and upland areas. Iceplant, oleander, yucca, castor bean, English ivy, German ivy, and other invasive, non-native species shall be removed from this area using hand and chemical methods. Vegetation removal shall be by hand and dragged upslope to the building pad. All vegetation removal and initial site grading shall be under the supervision of a qualified habitat restoration

biologist. Removed material shall be disposed of in a manner that will not result in further spread of these species. Native material used for replanting may include, encelia, California blackberry, California sage, California fuchsia, saltbush, coast goldenbush, elderberry, and lemonadeberry. Plans shall include the use of erosion control blankets and seeding of bare slopes to prevent short-term erosion. The replanting plan shall be developed by a qualified botanist or landscape architect and shall include provisions for installation and maintenance until plantings are established. The plan shall be implemented prior to issuance of the Certificate of Occupancy and plantings maintained for the life of the project (*BIO-1*).

5. **Appropriate Plants/Hardscape on Bluff.** Special attention shall be paid to the appropriateness of the existing and proposed plant material, and to the sloped areas. All existing succulent plants that add weight to the bluff and/or contribute to erosion shall be removed in a manner that does not disturb the root system and replaced with appropriate plant material in a manner that does not increase the rate of erosion. Plant material to be removed shall be replaced with native, drought tolerant, low water using vegetation that requires only a temporary irrigation system to establish the plantings. Replacement vegetation shall be consistent with the recommendations of the biologist's report, dated January-February 2006. The plan shall be implemented prior to issuance of the Certificate of Occupancy and plantings maintained for the life of the project (*BIO-2*).
6. **Irrigation System.** The irrigation system shall be designed and maintained with the most current technology to prevent a system failure, and watering of vegetation on the bluff edge shall be kept to the minimum necessary for plant survival. The drip system along the bluff edge shall be removed after two full seasons of plant growth (*BIO-3*).
7. **Screened Check Valve/Backflow and Utility Transformers.** The check valve or anti-backflow devices for fire sprinkler and/or irrigation systems and any required utility transformers shall be provided in a location screened from public view or included in the exterior wall of the building.

D. **Public Works Requirements Prior to Building Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following to the Public Works Department for review and approval, prior to the issuance of a Building Permit for the project.

1. **Water Rights Assignment Agreement.** The Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property in an "Agreement Assigning Water Extraction Rights." Engineering Division Staff will prepare said agreement for the Owner's signature.
2. **Public Improvements.** The Owner shall submit building plans for construction of improvements along the subject property road frontage on El Camino de la Luz. As determined by the Public Works Department, the improvements shall include driveway apron modified to meet Title 24 requirements, preserve and/or reset contractor stamp and/or survey monuments, and provide adequate positive drainage. The building plans

shall be prepared by a registered civil engineer or licensed architect and reviewed by the City Engineer.

3. **Approved Public Improvement Plans and Concurrent Issuance of Public Works Permit.** Upon acceptance of the approved public improvement plans, a Public Works permit shall be issued concurrently with a Building permit.
4. **Encroachment Permits.** Any encroachment or other permits from the City or other jurisdictions (State, Flood Control, County, etc.) for the construction of improvements (including any required appurtenances) within their rights of way (easement).

E. **Community Development Requirements Prior to Building or Public Works Permit Application/Issuance.** The following shall be finalized prior to, and/or submitted with, the application for any Building or Public Works permit:

1. **Evidence of Adequate Access.** Provide evidence, satisfactory to the City Engineer and City Attorney, that the owner of the subject parcel has access from El Camino de la Luz to the subject parcel of a minimum width of 9 feet for 45 linear feet, 7.5 feet for seven linear feet and 10 feet for the remainder of the access, as shown in Exhibit D, Legal Access Exhibit Map, of the Planning Commission Staff Report, dated May 22, 2008. (T-1).
2. **Project Environmental Coordinator Required.** Submit to the Planning Division a contract with a qualified representative for the Owner, subject to approval of the contract and the representative by the Planning Division, to act as the Project Environmental Coordinator (PEC). The PEC shall be responsible for assuring full compliance with the provisions of the Mitigation Monitoring and Reporting Program (MMRP) and Conditions of Approval to the City. The contract shall include the following, at a minimum:
 - a. The frequency and/or schedule of the monitoring of the mitigation measures.
 - b. A method for monitoring the mitigation measures.
 - c. A list of reporting procedures, including the responsible party, and frequency.
 - d. A list of other monitors to be hired, if applicable, and their qualifications.
 - e. Submittal of weekly reports during demolition, excavation, grading and footing installation and biweekly reports on all other construction activity regarding MMRP and condition compliance by the PEC to the Community Development Department.
 - f. The PEC shall have authority over all other monitors/specialists, the contractor, and all construction personnel for those actions that relate to the items listed in the MMRP and conditions of approval, including the authority to stop work, if necessary, to achieve compliance with mitigation measures.
3. **Streambed Alteration Agreement.** The applicant shall obtain a Streambed Alteration Agreement from the Department of Fish and Game, prior to submittal of a building

permit, for grading and installation of drainage devices within the banks of Lighthouse Creek (*BIO-5*).

4. **Surface Drainage.** All surface drainage from the site shall be intercepted as soon as possible, collected, and conveyed (using impervious facilities designed to minimize infiltration into site soils) to the ravine east of the parcel or the beach. Landscaping shall be designed to use native species that do not require irrigation except for their propagation. Limited areas of non-native plants may be used if long-term irrigation is not required (*GEO-1a*).
5. **Foundation Design Approval.** The location and design of structural foundations on the site shall be approved by a licensed Engineering Geologist or Geotechnical Engineer (*GEO-2a*).
6. **Building Pad Inspection.** Prior to the issuance of a grading permit, ground cover vegetation in the area of the proposed building pad shall be removed to facilitate the observation of the suspected asphaltum bed/bedding plane fracture. If vegetation removal does not allow adequate evaluation of the feature, a trench to bedrock shall be constructed across the proposed building site to facilitate additional evaluation of the feature. Based on the results of the visual inspection, additional slope stability analysis may also be required. Should the additional analysis determine that the proposed project has the potential to result in a significant slope stability impact, project design recommendations to reduce potential impacts to a less than significant level shall be prepared by a structural engineer and be submitted to the City for review and approval. Approved measures to reduce potential slope stability impacts shall be incorporated into the project's final grading and building plans prior to the issuance of a grading and/or building permit (*GEO-3a*).
7. **Slope Stability Analysis.** Proposed grading and building plans shall include estimates of the weight of excavated foundation material and the weight of the proposed structure. If the alternative design building would weigh more than the excavated material, a supplemental slope stability evaluation shall be prepared that evaluates post-development conditions. If necessary, building and grading plans shall be revised to reduce potential slope stability impacts to a less than significant level (*GEO-4a*).
8. **Contract with Qualified Biologist.** Submit a signed contract with a qualified biologist to carry out and monitor conditions C-3 through C-6 through Certificate of Occupancy.
9. **Neighborhood Notification Prior to Construction.** At least 20 days prior to commencement of construction, the contractor shall provide written notice to all property owners, businesses, and residents within 300 feet of the project area. The notice shall contain a description of the project, the construction schedule, including days and hours of construction, the name and phone number of the (Project Environmental Coordinator (PEC) and Contractor(s), site rules and Conditions of Approval pertaining to construction activities and any additional information that will assist the Building Inspectors, Police Officers and the public in addressing problems that may arise during construction. The language of the notice and the mailing list shall

be reviewed and approved by the Planning Division prior to being distributed. An affidavit signed by the person(s) who compiled the mailing list shall be submitted to the Planning Division.

10. **Contractor and Subcontractor Notification.** The Owner shall notify in writing all contractors and subcontractors of the site rules, restrictions, and Conditions of Approval. Submit a copy of the notice to the Planning Division.
11. **Letter of Commitment for Pre-Construction Conference.** The Owner shall submit to the Planning Division a letter of commitment that states that, prior to disturbing any part of the project site for any reason and after the Building permit has been issued, the General Contractor shall schedule a conference to review site conditions, construction schedule, construction conditions, and environmental monitoring requirements. The conference shall include representatives from the Public Works Department Engineering and Transportation Divisions, the assigned Building Inspector, the Planning Division, the Property Owner, Architect, Landscape Architect, Geologist, Project Engineer, Project Environmental Coordinator, the Contractor and each subcontractor.

F. **Building Permit Plan Requirements.** The following requirements/notes shall be incorporated into the construction plans submitted to the Building and Safety Division for Building permits.

1. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the Architectural Board of Review outlined in Section C above.
2. **Drainage and Water Quality.** Project plans for grading, drainage, stormwater facilities, and project development shall be subject to review and approval by City Building Division and Public Works Department per City regulations. Sufficient engineered design and adequate measures shall be employed to ensure that no significant construction-related or long-term effects from increased runoff, erosion and sedimentation, urban water quality pollutants, or groundwater pollutants would result from the project (*W-1*).
3. **Drainage System Maintenance.** The Owner shall maintain the drainage system consistent with an approved maintenance plan. The maintenance plan shall include periodic clean-out of inlets and filters and filter replacement as necessary. This plan shall be provided with the building plan submittal for review and approval by Community Development prior to approval of building permits (*W-2*).
4. **Erosion Control/Water Quality Plan.** An Erosion Control/Water Quality Plan shall be developed for construction activities to maintain all sediment on-site and out of the drainage system. The plan shall include Best Management Practices approved by the City and Regional Water Quality Control Board, and shall include, at a minimum, the following:
 - a. Minimize the area of bare soil exposed at one time (phased grading).

- b. Install silt fence, sand bag, hay bale or silt devices where necessary around the project site to prevent offsite transport of sediment.
 - c. Bare soils shall be protected from erosion by applying heavy seeding, within five days of clearing or inactivity in construction.
 - d. Construction entrances should be stabilized immediately after grading and frequently maintained to prevent erosion and control dust.
 - e. During construction of the homes, the contractor and/or property owner shall protect the storm drain inlets from sediment-laden runoff.
 - f. Erosion control materials (i.e. sandbags, strawbales, and silt fencing) shall be used to trap and filter sediment before entering the storm drain.
 - g. Establish fuel and vehicle maintenance staging areas located away from all drainage courses, and design these areas to control runoff.
 - h. Maintain and wash equipment and machinery in confined areas specifically designed to control runoff. Thinners or solvents should not be discharged into sanitary or storm sewer systems. Washout from concrete trucks should be disposed of at a location not subject to runoff and more than 50 feet away from a storm drain, open ditch or surface water (*BIO-4*).
5. **Automatic Fire Sprinklers.** New structures shall be equipped with an automatic fire sprinkler system in accordance with NFPA 13D. The automatic fire sprinkler system shall be submitted to the City Fire Department for review and approval under separate permit (*H-1*).
 6. **Monitored Fire Alarm System.** A monitored fire alarm system shall be designed and installed throughout the new structure as approved by the Fire Department. The fire alarm system shall be submitted under separate permit (*H-2*).
 7. **Compliance with High Fire Construction Requirements.** The new residence shall be build in accordance with the City's High Fire Construction requirements (*H-3*).
 8. **Trash Enclosure Provision.** A trash enclosure with adequate area for recycling containers (an area that allows for a minimum of 50 percent of the total capacity for recycling containers) shall be provided on the Real Property and screened from view from surrounding properties and the street.
 9. **Pre-Construction Conference.** Not less than 10 days or more than 20 days prior to commencement of construction, a conference to review site conditions, construction schedule, construction conditions, and environmental monitoring requirements, shall be held by the General Contractor. The conference shall include representatives from the Public Works Department Engineering and Transportation Divisions, Building Division, Planning Division, the Property Owner, Architect, Landscape Architect, Geologist, Project Engineer, Project Environmental Coordinator, Contractor and each Subcontractor.

10. **Mitigation Monitoring and Reporting Requirement.** Note on the plans that the Owner shall implement the Mitigation Monitoring and Reporting Program (MMRP) for the project's mitigation measures, as stated in the Environmental Impact Report for the project.
11. **Grading Plan Requirement for Archaeological Resources.** The following information shall be printed on the grading plans:

If archaeological resources are encountered or suspected, work shall be halted or redirected immediately and the Planning Division shall be notified. The archaeologist shall assess the nature, extent, and significance of any discoveries and 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 Planning Division 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 Planning Division grants authorization.

12. **Conditions on Plans/Signatures.** The final Planning Commission Resolution shall be provided on a full size drawing sheet as part of the drawing sets. Each condition shall have a sheet and/or note reference to verify condition compliance. If the condition relates to a document submittal, indicate the status of the submittal (e.g., Final Map submitted to Public Works Department for review). 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:

| | | |
|----------------|------|-------------|
| _____ | | _____ |
| Property Owner | | Date |
| _____ | | |
| Contractor | Date | License No. |
| _____ | | |
| Architect | Date | License No. |
| _____ | | |
| Engineer | Date | License No. |

- G. **Construction Implementation Requirements.** All of these construction requirements shall be carried out in the field by the Owner and/or Contractor for the duration of the project construction.

1. **Construction Notice.** At least 20 days prior to commencement of construction, the contractor shall provide written notice to all property owners and residents within 450 feet of the project area. The notice shall contain a description of the proposed project, a construction schedule including days and hours of construction, the name and phone number of the Project Environmental Coordinator (PEC) who can answer questions, and provide additional information or address problems that may arise during construction. A 24-hour construction hot line shall be provided. Informational signs with the PEC's name and telephone number shall also be posted at the site (*N-I*).
2. **Construction Dust Control - Watering.** 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 (*AQ-I*).

3. **Construction Dust Control – Tarping.** Trucks transporting fill material to and from the site shall be covered from the point of origin (AQ-2).
4. **Construction Dust Control – Gravel Pads.** Gravel pads shall be installed at all access points to prevent tracking of mud on to public roads (AQ-3).
5. **Construction Dust Control – Disturbed Area Treatment.** After clearing, grading, earth moving 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;
 - d. Other methods approved in advance by the Air Pollution Control District (AQ-4).
6. **Construction Dust Control – Paving.** All roadways, driveways, sidewalks, etc., should be paved as soon as possible. Additionally, building pads should be laid as soon as possible after grading unless seeding or soil binders are used (AQ-5).
7. **Construction Equipment Requirements.** The following shall be adhered to during project grading and construction to reduce NOx and particulate emissions from construction equipment:
 - a. Heavy-duty diesel-powered construction equipment manufactured after 1996 (with federally mandated "clean" diesel engines) shall be utilized wherever feasible.
 - b. Clean diesel fuel (Ultra-Low Sulfur Diesel) fuel shall be used.
 - c. The engine size of construction equipment shall be the minimum practical size.
 - d. The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time.
 - e. Construction equipment shall be maintained in tune per the manufacturer specifications.
 - f. Construction equipment operating onsite shall be equipped with two to four degree engine timing retard or precombustion chamber engines.
 - g. Catalytic converters shall be installed on gasoline-powered equipment, if feasible.
 - h. Diesel catalytic converters, diesel oxidation catalysts and diesel particulate filters as certified and/or verified by EPA or California shall be installed, if available.

- i. Diesel powered equipment shall be replaced by electric equipment whenever feasible.
 - j. Construction worker trips shall be minimized by requiring carpooling and by providing for lunch onsite (*AQ-6*).
8. **Construction Materials Recycling.** Construction-related solid waste shall be minimized through source reduction, re-use and recycling. Collection bins for these materials shall be provided on the site (*PS-1*).
9. **Demolition/Construction Materials Recycling.** Recycling and/or reuse of demolition/construction materials shall be carried out to the extent feasible, and containers shall be provided on site for that purpose, in order to minimize construction-generated waste conveyed to the landfill. Indicate on the plans the location of a container of sufficient size to handle the materials, subject to review and approval by the City Solid Waste Specialist, for collection of demolition/construction materials. A minimum of 90% of demolition and construction materials shall be recycled or reused. Evidence shall be submitted at each inspection to show that recycling and/or reuse goals are being met.
10. **Construction Traffic.** The haul routes for all construction related trucks, three tons or more, entering or exiting the site, shall be approved by the Transportation Engineer. 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 and noise on adjacent streets and roadways. The route of construction-related traffic shall be established to minimize trips through surrounding residential neighborhoods (*T-2*).
11. **Construction Hours.** Noise-generating construction activities (which may include preparation for construction work) shall be permitted weekdays between the hours of 8:00 a.m. and 5:00 p.m., excluding holidays observed by the City as legal holidays: New Year's Day (January 1st); Martin Luther King Jr.'s Birthday (3rd Monday in January); President's Day (3rd Monday in February); Memorial Day (Last Monday in May); Independence Day (July 4th); Labor Day (1st Monday in September); Thanksgiving Day (4th Thursday in November); Day Following Thanksgiving Day (Friday following Thanksgiving); Christmas Day (December 25th). *When a holiday falls on a Saturday or Sunday, the preceding Friday or following Monday respectively shall be observed as a legal holiday.
- Occasional night work may be approved for the hours between 5 p.m. and 8 a.m. by the Chief of Building and Zoning (per Section 9.16.015 of the Municipal Code) between the hours of 5 p.m. and 8 a.m. weekdays. In the event of such night work approval, the applicant shall provide written notice to all property owners and residents within 450 feet of the project property boundary and the City Planning and Building Divisions at least 48 hours prior to commencement of any. Night work shall not be permitted on weekends and holidays (*N-2*).
12. **Construction Parking.** Construction parking and vehicle/equipment/materials storage shall be provided as follows:

- a. During construction, free parking spaces for construction workers shall be provided on-site or off-site in a location subject to the approval of the Transportation and Parking Manager.
 - b. On-site or off-site storage shall be provided for construction materials, equipment, and vehicles. Storage of construction materials within the public right-of-way is prohibited (T-3).
13. **Street Sweeping.** The property frontage and adjacent property frontages, and parking and staging areas at the construction site shall be swept daily to decrease sediment transport and dust.
 14. **Construction Best Management Practices (BMPs).** Construction activities shall address water quality through the use of BMPs, as approved by the Building and Safety Division.
 15. **Mitigation Monitoring Compliance Reports.** The PEC shall submit weekly reports during demolition, excavation, grading and footing installation and biweekly reports on all other construction activity regarding MMRP compliance to the Community Development Department.
 16. **Construction Contact Sign.** Immediately after Building permit issuance, signage shall be posted at the point of entry to the site that lists the contractor(s) and Project Environmental Coordinator's (PEC) name, contractor(s) and PEC's telephone number(s), work hours, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval. The font size shall be a minimum of 0.5 inches in height.
 17. **Construction Equipment Sound Control.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices (N-3).
 18. **Graffiti Abatement Required.** Owner and Contractor shall be responsible for removal of all graffiti as quickly as possible. Graffiti not removed within 24 hours of notice by the Building and Safety Division may result in a Stop Work order being issued, or may be removed by the City, at the Owner's expense, as provided in SBMC Chapter 9.66.
 19. **Discovery Procedures and Mitigation.** Standard discovery measures shall be implemented per the City Master Environmental Assessment throughout grading and construction:

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.

If during any grading or construction on the site such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and a City-approved archaeologist shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate

management recommendations for archaeological resource treatment, including but not limited to redirection of grading and/or excavation activities. If the findings are potentially significant, further analysis and/or other mitigation shall be prepared and accepted by the Environmental Analyst and the Historic Landmarks Commission, and implemented by the project. Work in the area may only proceed after the Environmental Analyst grants authorization.

If prehistoric or other Native American remains are encountered, a Native American representative shall be consulted, and the archaeologist and Native American representative shall monitor all further subsurface disturbances in the area of the find.

If the discovery consists of potentially human remains, the Santa Barbara County Coroner and the California Native American Heritage Commission must also be contacted.

A final report on the results of the archaeological monitoring shall be submitted by the City-approved archaeologist to the Environmental Analyst within 180 days of completion of the monitoring and prior to the issuance of final City permits (*CR-1*).

H. **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, roadways, etc.) subject to the review and approval of the Public Works Department per SBMC §22.60.090.
2. **Complete Public Improvements.** Public improvements, as shown in the improvement/building plans, including utility service undergrounding and installation of street trees.
3. **Cross Connection Inspection.** An approved backflow device shall be required if any irrigation and/or fire service lines serve the property, or if a spa is on the property. The Owner shall request a cross connection inspection by the Public Works Water Reclamation/Cross Connection Specialist.
4. **New Construction Photographs.** Photographs of the new construction, taken from the same locations as those taken of the story poles prior to project approval, shall be taken, attached to 8 ½ x 11" board and submitted to the Planning Division.
5. **Mitigation Monitoring Report.** Submit a final construction report for mitigation monitoring.
6. **Evidence of Private CC&Rs Recordation.** Evidence shall be provided that the private CC&Rs required in Section A have been recorded.

I. **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 COASTAL DEVELOPMENT PERMIT TIME LIMITS:

The Planning Commission's action approving the Coastal Development Permit shall expire two years from the date of final action upon the application, per Santa Barbara Municipal Code §28.44.230, unless:

1. Otherwise explicitly modified by conditions of approval of the Coastal Development Permit.
2. Construction or use of the development has commenced.
3. A Building Permit for the work authorized by the Coastal Development Permit is issued prior to the expiration date of the approval, and such Building Permit remains valid.
4. A time extension is granted prior to Coastal Development Permit expiration. A one year time extension may be granted by the Community Development Director upon findings provided in Santa Barbara Municipal Code §28.44.230.B. Time extension applications must be submitted to the Community Development Director for consideration prior to Coastal Development Permit expiration. Not more than three time extensions may be granted.





3 West Carrillo Street, Suite 205 Santa Barbara, CA 93101
ph: 805.962.4611 fax: 805.962.4161

RECEIVED
OCT 18 2007

CITY OF SANTA BARBARA
PLANNING DIVISION

October 18, 2007

[L&P P.N. 01-041.01]

Ms. Debra Andaloro, Senior Planner
City of Santa Barbara
Department of Community Development
630 Garden Street
Santa Barbara, CA 93101

**Subject: Revised House Plan Submittal Package
Barthel SFR; 1837.5 El Camino De La Luz; APN 045-100-065
Coastal Development Permit; MST2002-00214**

Dear Ms. Andaloro:

Enclosed herewith please find our most recently revised house plan application package for Planning Commission review of a proposed new single family dwelling within the subject property. This package is comprised of the following items:

- Ten (10) prints of the Architectural Map Package including:
 - Site Plan
 - Floor Plans
 - Elevations, and
 - EIR Photo Sim Comparisons; and
- ABR Minutes dated May 21, 2007.

Purpose of Application Request

The applicant requests approval of a Coastal Development Permit (CDP) in order to construct a new single family dwelling on a vacant parcel located on a coastal bluff at the most southeasterly portion of El Camino De La Luz.

Project Site Location and Conditions

The project site is a 23,885 square foot property located at the most southeasterly parcel of El Camino De La Luz, in the West Mesa neighborhood of the City of Santa Barbara, on a bluff top above the Pacific Ocean. The property landform consists of a small flat area at the northwest quadrant of the property with an ocean bluff of about 90 feet in height to the south. The property slopes steeply to the east to an old unimproved accessway, which has been covered over time by vegetation. Below the old access is the Lighthouse Creek corridor. The property is unimproved for structures. Surrounding land uses include residential lots to the north, and west, the lighthouse property on the opposite side of the

Ms. Debra Andaloro
1837.5 EL CAMINO DE LA LUZ
October 18, 2007
Page 2 of 9

creek corridor to the east, and the Pacific Ocean to the south. No rare, threatened or endangered species are known to inhabit the site.

The property is within the Coastal Zone, and is subject to provision of the City's Local Coastal Plan. Zoning of the parcel is E-3 (Single Family Residence) and the General Plan designation is Residential, five units per acre.

The project site has the potential to be fully served by underground utilities for sewer, water, electrical, CATV, telephone and natural gas located at the terminus of El Camino De La Luz and in the existing road and utility easements to the property.

Project Description

The Project is a request for approval of a Coastal Development Permit to construct a new home on a vacant bluff top property in the coastal zone. This new house design consists of a 2-story, 2-bedroom, 2½ -bath home with an attached 429 square foot 2-car garage. The main floor is 787 square feet and includes a half bath, kitchen and living area, and outdoor deck. The lower floor is 718 square feet and includes the two bedrooms, two full bathrooms, laundry and an outdoor deck. The proposal meets all required zoning setbacks, required on-site parking spaces, minimum open space requirements, and height regulations.

The new house design is in direct response to the Environmental Impact Report's evaluation of the previously submitted home. The applicant has decided to completely rethink the design from the ground up. Instead of merely modifying the traditional vernacular shingle style design, we sought to design a home that is fundamentally integrated into the ecology of the site. We use natural time-honored materials, as well as progressive technology to find the most compatible fit with the site and minimize the impact to the environment, especially the much debated visual concerns.

As recommended by the Environmental Impact Report, we have made the following changes to the design. The overall height has been reduced from 20' maximum to 15' maximum on the west side of the house, and from the previous height of approx. 30' to 25' maximum on the east side. The dwelling has remained essential the same size and is now at 1,505 square feet of habitable space. The building is carefully designed to be well-integrated with the hillside, appearing more as natural rock outcroppings and chaparral rather than a structure. The material has changed from wood shakes to stone, to blend in with the cliffs and rock formations. Subtle wood accents provide interest while keeping with the feeling of natural materials.

The home now incorporates a flat green roof (planted) to minimize the visual impact from La Mesa Park. Park goers will observe vegetation and stone, making the building barely perceivable from all public access points. The incorporation of this green roof also aids in slowing of storm water runoff while providing for natural onsite filtration.

Ms. Debra Andaloro
1837.5 EL CAMINO DE LA LUZ
October 18, 2007
Page 3 of 9

The design incorporates passive solar via the use of a large expanse of south-facing glazing, allowing the winter sun in during cold months and deep overhangs to block the sun during summer months. Photovoltaic panels integrated into the overhangs provide energy to offset the structure's draw on the public utility. The revised design has some limited grading due to dropping the lower floor in order to minimize visual concerns from La Mesa Park. Landscape further protects the view from La Mesa Park and provides natural erosion control and privacy.

The Architectural Board of Review was notably pleased with the new design and offered a few minor comments (Previously Submitted Minutes), which have been addressed accordingly. The initial light-colored stone material has been changed to a medium-color stone which blends nicely with the landscape and still provides a handsome contrast to the dark wood accents. The amount of glazing and therefore night glow has been significantly reduced by the removal of the clerestory windows along the northwest façade.

These minor changes have been incorporated into the plan sets attached to this submittal (dated 10/01/07). We feel these measures, encouraged by the ABR and the planning process, have vastly improved the design and made it an exemplary project for dwellings in our region.

Further, all necessary utilities will be underground to the site within the utility and road easements which exist from the terminus of El Camino De La Luz to the subject property.

Parcel Validity, Access and Easement History

Extensive discussions have occurred with the City Attorney's office, the Public Works Department and Planning Department staff, over the past two years with respect to the history of the subject parcel. L & P Consultants have made a thorough investigation and review of the history of the property, and is present as follows:

Property History - A Record of Survey, Book 28, Page 124, dated September 1947, filed December 16, 1947, established the easterly line of El Camino de Luz (Previously Submitted). This easterly line would be used in subsequent surveys and deeds to establish the then-yet-to-be centerline of the 15-foot easement to the parent parcel of the property in question.

A Record of Survey, Book 29, Page 25, dated July 1948, filed October 18, 1948, established the location and dimension of a 15-foot wide easement (Previously Submitted). This easement utilized the easterly line of El Camino de Luz as the centerline of the easement, and demonstrated that there was 7.5 feet easement width on either side of the centerline. The easement became operative 13 months later when a Grant Deed was recorded from A.L. Kienzle to Fred Eaton. The Grant Deed conveyed certain property (the parent parcel, 1837 El Camino de la Luz) and road and utility easements in favor of the Eaton's. As stated in the Grant Deed, an easement and right of way for road and public utility purposes was conveyed, over a strip of land 15 feet in width, the centerline of which was described as the same line from the Record of Survey in Book 28, Page 124.

Ms. Debra Andaloro
1837.5 EL CAMINO DE LA LUZ
October 18, 2007
Page 4 of 9

On May 29, 1958 City Council reviewed a request from Mrs. Fred Eaton to divide into two parcels the property at 1837 El Camino de la Luz. The City Planning Commission had recommended denial of the request to Council. After the request was debated, City Council minutes (Previously Submitted) clearly demonstrate that Council approved the lot split, **as submitted by the applicant** (emphasis added). The attached Proposed Division of Property map, a copy of which was initially obtained from City Property Records Files, demonstrates the previously presented 15-foot easement, and further graphically demonstrates and dimensions a new 10-foot easement for the benefit of Parcel 2 (the southern parcel of the proposed lot split). Given that both "City Planning Commission Received" stamp and "Lot Split Approved by City Council" stamp are on this plan, it is presumed that this is the plan "as submitted by the applicant."

Subsequent to Council approval, a Record of Survey was filed with the County Recorder on December 2, 1958 (Previously Submitted R/S Book 43, Pg 84). This Record of Survey identifies the exact same 15-foot easement and 10-foot easement as was included on the Proposed Division of Property map as submitted by the applicant, and approved by City Council.

The 10-foot easement became operative April 9, 1963 when a Grant Deed was recorded by Gertrude E. Eaton to Ed. R. and Joanne F. Brewer (Previously Submitted). The Grant Deed conveyed certain property (the southern split parcel, 1837.5 El Camino de la Luz) and road and utility easements in favor of the Brewers. Specifically, the 10-foot easement identified on the plans approved by Council, and in the Record of Survey, was supposed to have been conveyed as two separate easements of 7.5-feet and 2.5-feet in width, both for road and public utility purposes. As stated in the Grant Deed, the same easement and right of way for road and public utility purposes was conveyed, over a strip of land 15 feet in width, the centerline of which was described as the same line from the Record of Survey in Book 28, Page 124. However, that 15-foot easement was erroneously conveyed to the subject parcel. What was supposed to have been a 7.5 foot wide easement over the Eaton property, was erroneously described as 15-feet (7.5 feet on the Eaton property and 7.5 feet on the property to the west of Eaton). Clearly, Eaton had no ability to grant an easement to Brewer over property that she did not own (that being the westerly 7.5 feet of the described centerline of the fifteen foot easement).

In order to remedy the erroneous description, Grant Deed Instrument Number 37841 of Official Records, Book 2173, Page 765, dated November 29, 1966 (Previously Submitted), re-recorded Instrument Number 15214 for the purpose of correcting the description shown in Parcel 3 of Inst. No. 15214 (a 15-foot easement for road and utility purposes), and correctly describing Parcel 3 and Parcel 3½ (the 7.5-foot easement now correctly described). This Grant Deed, 37841, now correctly made operative the 10-foot wide road easement approved by City Council in 1958, which was graphically demonstrated and dimensioned on the Proposed Division of Property map, "as submitted by the applicant."

Ms. Debra Andaloro
1837.5 EL CAMINO DE LA LUZ
October 18, 2007
Page 5 of 9

In 1958 the City required the recordation of a written instrument to evidence a lot split within one year of approval. This never occurred in the instant case. Hence, the 1963 deed from the owner at the time of the lot split (Eaton) to a successor owner (Brewer) was illegal. In order to remedy this delayed conveyance of property the Subdivision Map Act allows for a Certificate or Conditional Certificate of Compliance. A Conditional Certificate of Compliance (CCC; Previously Submitted) was recorded on the property December 8, 1999. This CCC allows for the property to be legally sold, leased or financed, pursuant to the State Subdivision Map Act, however if development is proposed for the property, the following condition must be satisfied:

“Provide evidence, satisfactory to the City Engineer that the owner of the parcel described herein substantially possesses the required amount of legal access that formed the basis of the original lot split.”

As evidenced by the attached exhibits and the preceding discussion, the required amount of legal access that formed the basis of the original lot split continues to exist, and therefore is in substantial conformity with the width of the road access shown on the 1958 Lot Split Map approved by the City Council, and the 1958 Record of Survey map filed with the County Recorder.

Additionally, we have reviewed attorney Richard C. Monk’s letter to the Planning Commission dated July 22, 2002 (Previously Submitted Hollister & Brace letter) and concur with the conclusion set forth therein. Based upon the foregoing, it is our opinion that the subject Property is a legal parcel, has legal access and that such access substantially conforms to the access approved on the 1958 Lot Split Map.

Furthermore, the attached Preliminary Title Report, prepared by Fidelity National Title Company, dated February 25, 2002, describes the same insurable appurtenant parcels (road and utility access easements) for the benefit of the subject property.

Environmental Setting and Impacts

The project site is situated within the residential urban area of the City of Santa Barbara. All necessary public utility services exist to the property or within the public street frontage and utility and road easements. As indicated in the project description the proposal is a modest dwelling unit on a vacant bluff top property. The property is a previously disturbed parcel that currently consists of an asphalted overlay and berm creating what appears to be open parking and storage area. An access road down slope to the east of the property terminates at the southern portion of the property to remnants of an older concrete and brick planter, outdoor barbeque and sink area, and what was once a cabana structure from the 1950’s. These disturbed areas have been covered over time with invasive non-native vegetation.

Ms. Debra Andaloro
1837.5 EL CAMINO DE LA LUZ
October 18, 2007
Page 6 of 9

Flora and Fauna

A Biological Assessment (previously submitted) was performed for the property by Rachel Tierney Consulting. Ms. Tierney conducted site visits in September 2001 and again in July 2002. The entire site was walked on foot, including the steep south and east facing slopes. The Assessment concludes that the majority of the flora at the project site consists of non-native ornamental species and common garden escapees or remnants from previous use of the parcel. Native plants were identified on the steep slopes facing the ocean and approaching the creek, however are not in proximity and would not be affected by the proposed home site. The fauna observed or expected to frequent the property are composed of species which are typically found in urbanized settings. The diversity of amphibians, reptiles and land mammals known or expected to inhabit the site is low.

Given that the property abuts a creek corridor to the east, Ms. Tierney was requested to study the creek. The Assessment states that Lighthouse Creek is an unusually short stream. The portion adjacent to the property is particularly steep due to a raised culvert upstream and a beach bluff retreat at the ocean. Habitat value of the stream adjacent to the site is limited and contains little native vegetation.

In response to the City DART letter of September 25, 2002, a revised Biological Assessment had been included with this resubmittal. The Assessment continues to conclude that no significant biological impacts are expected from the proposed development, and with the inclusion of appropriate erosion control measures during construction potential short-term impacts from construction activities can be mitigated.

Geology and Soils

Due to the location of the property next to the coastal bluff, a significant amount of review and study has occurred with respect to an appropriate location for development. Jim Fisher of Fisher Geologic had originally studied the property in 1996, and was again retained to complete an updated study of the property (previously submitted).

In order to determine an appropriate 75-year structural setback, Mr. Fisher's study was based on geological conditions of the property, aerial photographic analysis from 1928 to the present, and documented and published retreat rates of nearby survey control stations. The Geologic Update Report concludes that an appropriate annual rate of retreat factor to determine the 75-year geological setback on the property is four (4) inches per year. This factor equates to a 25 foot setback from top of the coastal bluff and top of bank from the creek corridor. The Geologic Update Report contains a map (Plate 1) which identifies the 75-year setback and this mapping has also been overlaid onto the architectural site plan, with the proposed structure respecting this demarcation.

Additionally, Mr. Fisher compiled a supplemental review of information (attached) for the property. The supplemental information that Mr. Fisher reviewed had been obtained from neighbors and interested parties who had submitted various forms of documentation to the City of Santa Barbara as recent as April and June of 2002 regarding the geology of the

Ms. Debra Andaloro
1837.5 EL CAMINO DE LA LUZ
October 18, 2007
Page 7 of 9

property. Mr. Fisher reviewed the supplemental information and concluded that the findings of the December 2001 Geologic Update Report remain valid, including the location of the top of the sea cliff on the Barthel property.

In response to the City DART letter of September 25, 2002, a response to City Review Team Comments from Fisher Geologic had been included with this resubmittal. The Fisher letter serves to clarify City staff questions regarding apparent differences in earlier studies of the subject property. Fisher's recommended "75-year" geological setback line correctly defines the bluff edge as outlined by the Coastal Commission, and continues to be more restrictive geographically than the previous sited studies.

In order to mitigate impacts from future construction, our project proposes installation of a storm drain collection system to capture run-off and concentrate flows to a drain system to the east of the project site and outlet into an appropriate drain dissipater into the creek corridor. This system will eliminate bluff erosion from runoff and maintain bluff stability.

Archaeological Resources

The project site was involved in a previous application by the current owner, and during that process a Phase I Archaeological Resource Evaluation was conducted by Larry Wilcoxon and a report prepared dated February 13, 1996. Mr. Wilcoxon concluded that his intensive archaeological survey did not identify any potentially significant prehistoric or historic resources. Given his findings, he concludes that future construction should be allowed to proceed. The Historic Landmarks Commission reviewed the Phase I on May 8, 1996 and the minutes reflect that the HLC accepted the report on a 5-0 vote (previously submitted HLC Minutes).

Coastal Plan / General Plan Policy Consistency

In preparing the project application, we reviewed and considered various Coastal Plan and General Plan policies that appeared to be relevant to the proposed project. We believe that policy consistency is evidenced as follows:

Coastal Development Policies

The policy mandates that new residential development be located within or in close proximity to existing development and that adequate public services exist. The project is located within an urban area of the City and the surrounding properties are developed, and adequate public services are available to serve the subject parcel.

Coastal Hazards Policy (Seacliff Retreat/Drainage)

Policy I.1 of the LCP (pg 3-112) required that new development on the top of the cliff shall be placed at such distance away from the edge of the cliff that normal rates of erosion and cliff material loss will not seriously affect the structure during its expected lifetime. As discussed in the Geology and Soils section above, a seacliff retreat rate and corresponding

Ms. Debra Andaloro
1837.5 EL CAMINO DE LA LUZ
October 18, 2007
Page 8 of 9

structural setback has been established for the subject property by a certified engineering geologist, and that setback has been respected by the proposed home.

Policy 8.1 of the LCP (pg 3-119) requires all new development of bluff top land to have drainage systems carrying run-off away from the bluff to the nearest public street. Or, in areas where the landform makes landward conveyance of drainage impossible, private bluff drainage systems are permitted if they are:

- (a) sized to accommodate run-off from all similar drained parcels bordering the subject parcel's property lines;
- (b) the owner of the property allows for the permanent drainage of those parcels through his property; and
- (c) the drainage system is designed to be minimally visible on the bluff face.

As earlier described, our proposal is designed to outflow into a dissipater near the eastern edge of the property line continuous to the creek corridor. The proposal can meet all three of the criteria listed in Policy 8-1 for private systems and direct surface waters away from the bluff top.

Coastal Visual Quality

Visuals and aesthetics are considered an important element to the design team. The need to balance the owners desires for development with the neighbors aesthetic issues, combined with the public view corridor from La Mesa Park have all been taken into account in order to identify a design which can harmonize and be compatible with this property.

Policy 9.1 (pg 3-132) states that the existing views to, from, and along the ocean and scenic coastal areas shall be protected, preserved, and enhanced. This may be accomplished by one or more of the following:

- (a) Acquisition of land for parks and open space;
- (b) Requiring view easements of corridors in new developments;
- (c) Specific development restrictions such as additional height limits, building orientation, and setback requirements for new development; and
- (d) Developing a system to evaluate view impairment of new development in the review process.

We believe that the height restrictions suggested in the EIR, and the revised building orientation, that have both been integration into the current design of the proposed house meet the intent of this policy.

Policy 9.3 (pg 3-133) requires that all new development in the coastal zone provide for the undergrounding of utilities and the undergrounding of existing overhead utilities shall be considered high priority. Our proposal includes the provision for the undergrounding of all utilities to the site.

Ms. Debra Andaloro
1837.5 EL CAMINO DE LA LUZ
October 18, 2007
Page 9 of 9

Locating New Development

The LCP Component 2 (pg 4-4) identifies the potential for development in the area of the subject property as containing only scattered vacant parcels. No major constraints to development are identified in Component 2 that would affect the subject property. The one significant property that was identified in Component 2 was the Wilcox property, which is now parkland known as the Douglas Family Preserve. The subject property is one of very few vacant coastal parcels which remain and is characterized in this section of the LCP which anticipated "only sporadic small lot developments in-fill."

Conservation Element/Visual Resources

Policy 1.0 (pg 51) of the Visual Resources section states that development adjacent to creeks shall not degrade the creek or riparian environments. As discussed in the Biological Assessment the proposed home will have no impacts associated with the creek corridor.

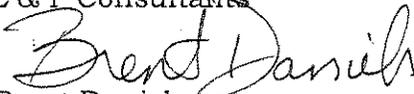
Policy 2.0 (pg 52) states that development on hillsides shall not significantly modify the natural topography and vegetation. Our proposed design conforms to the existing topography and removes predominately non-native vegetation to be replaced with appropriate creek corridor native vegetation.

Policy 3.0 (pg 52) states that new development shall not obstruct scenic view corridors, including those of the ocean and lower elevations of the City viewed respectively from the shoreline and upper foothills, and of the upper foothills and mountains viewed respectively from the beach and lower elevations. As described above, the proposed home is located on the west side of the Lighthouse Creek corridor as viewed from La Mesa Park. We believe that the development of this home is not expected to substantially degrade, block or impair the public scenic view as experienced from La Mesa Park.

Summary

We have proposed a substantially revised project that attempts to avoid, to the maximum extent feasible, impacts to environmental resources that will be fully consistent with surrounding uses that is consistent with Zoning Ordinance requirements, and that is consistent with City policies. We believe that an objective analysis and review will confirm this perspective. If you have any questions regarding this application package, please do not hesitate to contact me. Thank you for your consideration.

Very truly yours,
L & P Consultants

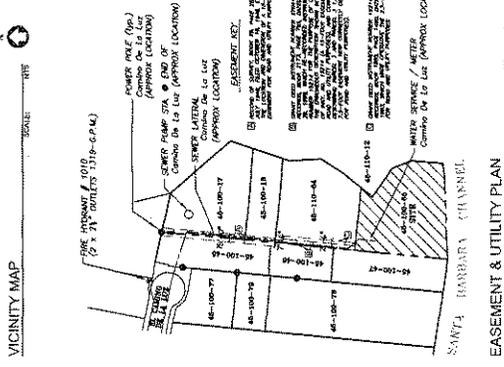
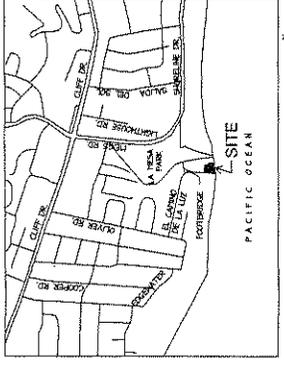

Brent Daniels

Project Manager

cc: Herb Barthels
Richard Monk

L & P File G:\2001\01-041.01 Barthels\word\L&P BKD-CDP-Appl-ltr5.doc





SITE DATA

OWNER: HERB AND CELIA
 1837 1/2 EL CAMINO DE LA LUZ
 SANTA BARBARA, CA 93103

LAND USE ZONE: FA - SPECIAL DISTRICT LOCAL OVERLAY ZONE
 ALPHA: 08-0337-01

APPROXIMATE SITE AREA: 49,324 SQ. FT.
 EXISTING AREA: 49,324 SQ. FT.

PLANNING COMM. CASE NO.: 08-0337-01

PERMITS: 1. EXISTING UTILITY SPACES PROPOSED TO BE MAINTAINED.
 2. NEW UTILITY SPACES TO BE INSTALLED.
 3. EXISTING UTILITY SPACES TO BE REMOVED.
 4. NEW UTILITY SPACES TO BE REMOVED.

PERMITS: 1. EXISTING UTILITY SPACES PROPOSED TO BE MAINTAINED.
 2. NEW UTILITY SPACES TO BE INSTALLED.
 3. EXISTING UTILITY SPACES TO BE REMOVED.
 4. NEW UTILITY SPACES TO BE REMOVED.

PERMITS: 1. EXISTING UTILITY SPACES PROPOSED TO BE MAINTAINED.
 2. NEW UTILITY SPACES TO BE INSTALLED.
 3. EXISTING UTILITY SPACES TO BE REMOVED.
 4. NEW UTILITY SPACES TO BE REMOVED.

NOTES:

1. ALL UTILITIES AND EASEMENTS SHALL BE COLLECTED, PLACED AND NOTED INTO LIGHTWEIGHT CHANNELS. ALL DISCHARGE INTO CHANNELS SHALL BE THROUGH A 1/2" DIA. CAST IRON MANHOLE. SEE PER-SITE DISSEMINATOR FOR DETAIL.

2. ALL UTILITY CONDUITS INCLUDING ELECTRICAL SERVICE, TELEPHONE SERVICE AND CABLE TELEVISION SERVICE SHALL BE INSTALLED IN A 12" DIA. CONCRETE CHANNEL AT THE UTILITY POLE TO THE SERVICE METER OR TERMINATION POINT AT THE STRUCTURE.

3. SOME REMOVAL OF NON-LIVABLE LARGE BRUSH IS ANTICIPATED, AND REMOVAL OF SIGNIFICANT PLANTINGS IS ANTICIPATED. ALL PLANTINGS AT SOUTHWEST SIDE OF STRUCTURE.

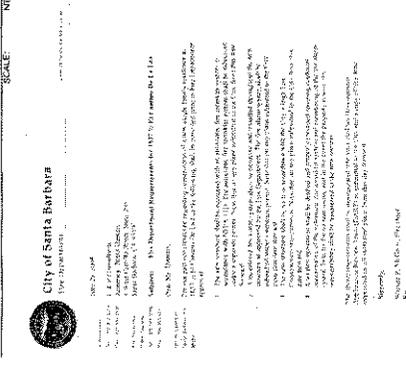


EXHIBIT C

DATE: 02/27/07

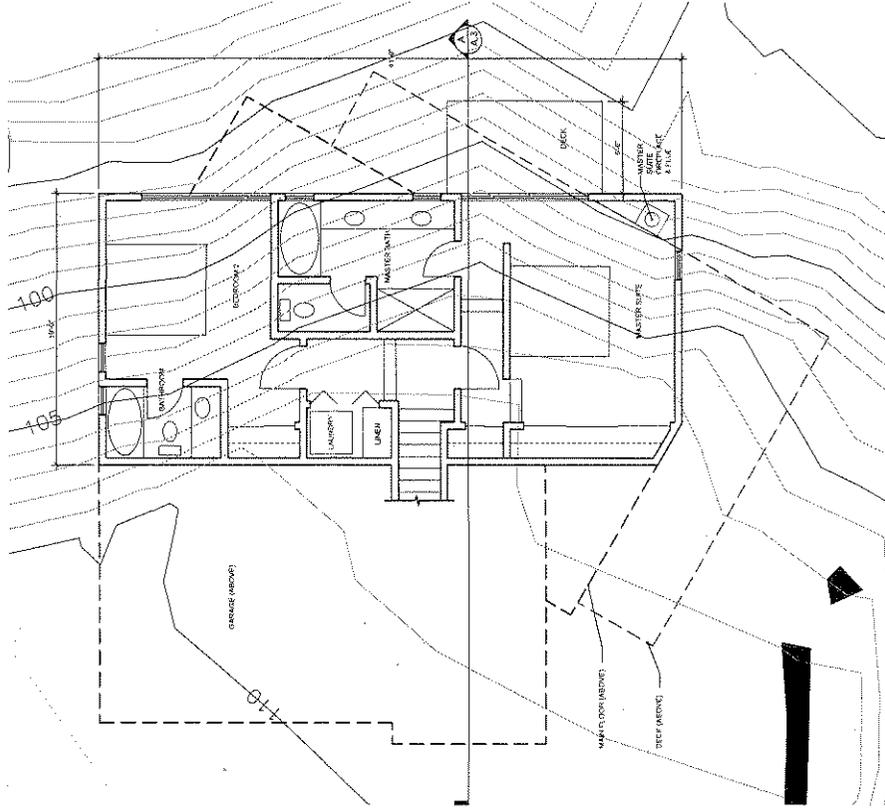
REVISIONS:
 NO. DATE
 4/18/07
 4/20/07
 07/30/07 Planning Comm.
 10/01/07 Planning Comm.

PGA Architects, LLP
 15 East Foothill Blvd., Suite 200, San Dimas, CA 91768
 Phone: 909.392.4283 Fax: 909.392.4282
 www.pgaarchitects.com

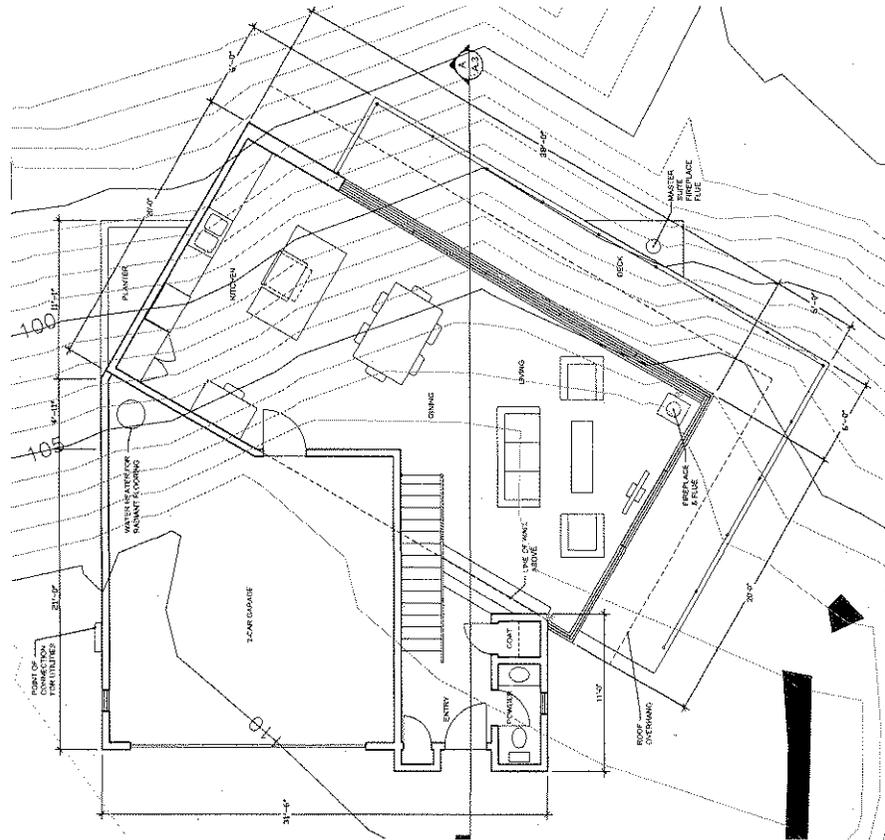
DESCRIPTION: FLOOR PLANS
 PROJECT: Residence
 1837 1/2 El Camino De La Luz
 Santa Barbara, California



SHEET A.2



LOWER FLOOR PLAN
 SCALE: 1/4" = 1'-0"



MAIN FLOOR PLAN
 SCALE: 1/4" = 1'-0"

| | |
|-------|----------|
| DATE: | 09/27/07 |
|-------|----------|

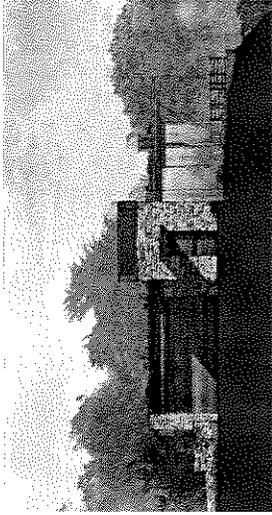
| | |
|------------|-----------------------------|
| REVISIONS: | 1/15/07 |
| NO. DATE: | 1/15/07 |
| PROJECT: | 1837 12 El Camino De La Luz |
| CLIENT: | Santa Barbara, California |

Perker Architects, LLP
 10 West Avenida De Santa Barbara, CA 93101
 Phone: (805) 963-5253 Fax: (805) 963-2283
 www.perkerarchitects.com

| | |
|--------------|------------|
| DESCRIPTION: | ELEVATIONS |
|--------------|------------|

| | |
|------------|-----------------------------|
| DATE: | 09/27/07 |
| NO. CHECK: | 09/27/07 |
| PROJECT: | 1837 12 El Camino De La Luz |
| CLIENT: | Santa Barbara, California |

| | |
|-------|-----|
| SHEET | A.3 |
|-------|-----|



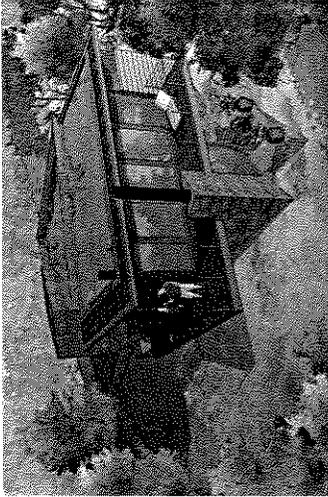
WEST ELEVATION

SCALE: 1/8" = 1'-0"

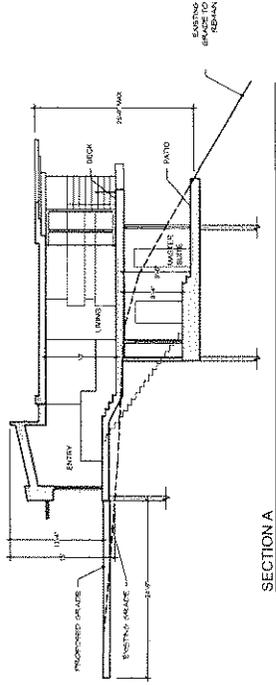


NORTH ELEVATION WITH LANDSCAPING

SCALE: 1/8" = 1'-0"

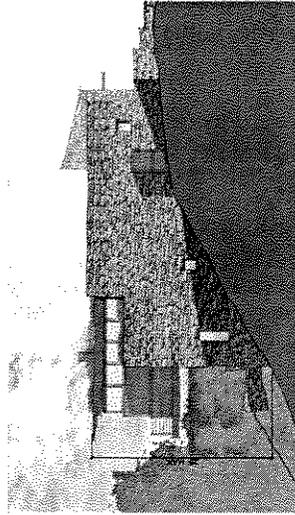


PERSPECTIVE



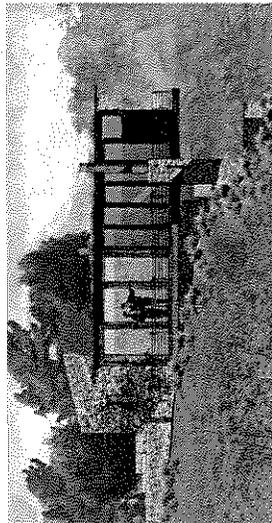
SECTION A

SCALE: 1/8" = 1'-0"



NORTH ELEVATION WITHOUT LANDSCAPING

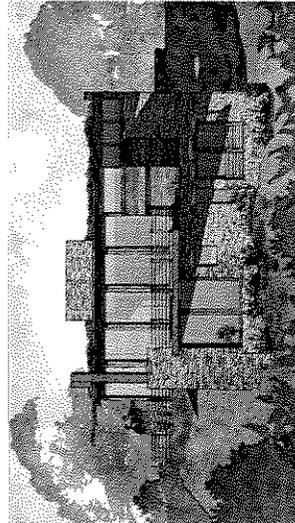
SCALE: 1/8" = 1'-0"



SOUTH ELEVATION

SCALE: 1/8" = 1'-0"

MATERIALS
 VIRGINIA LEBANONSTONE
 WASHINGTON, WOOD SHINGLES
 2x4 JOIST ROOFING
 SOUTHERN CALIF. GUTTS



EAST ELEVATION

SCALE: 1/8" = 1'-0"

DATE: 5/2/07 ABR

REVISIONS:
NO. DATE
P.15107 Planning Comm.
P.15107 Planning Comm.

P&A
Architects, LLP
11111 Wilshire Blvd., Suite 1000
Beverly Hills, CA 90210
Phone: 310.274.8877 Fax: 310.274.8878

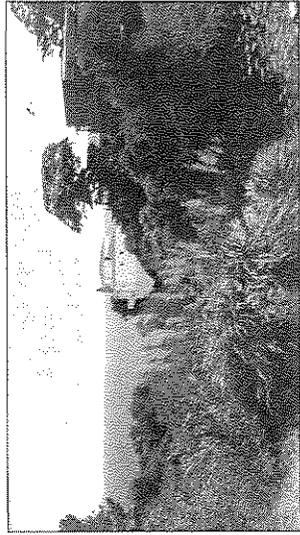
DESCRIPTION: E.I.R. PHOTO COMPARISON
PROJECT: 1837 1/2 El Camino De La Luz
CLIENT: Santa Barbara, California



SHEET
A.4



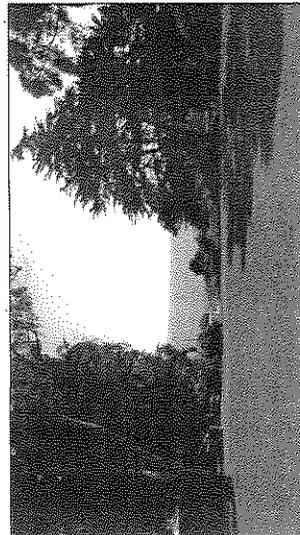
EXISTING CONDITION: EASTERN END OF THE LIGHTHOUSE CREEK BRIDGE
[Figure 5.1-8 in EIR]



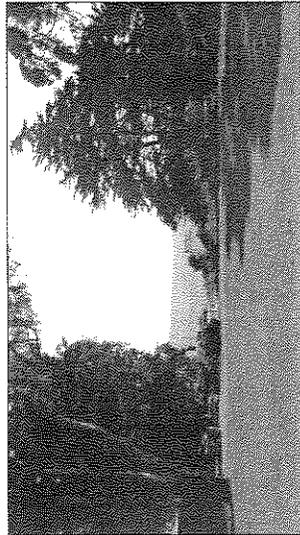
EASTERN END OF THE LIGHTHOUSE CREEK BRIDGE
[Figure 5.1-9 in EIR]



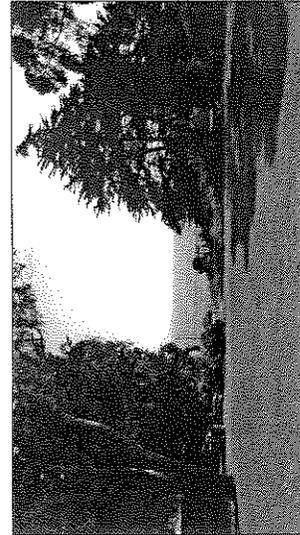
EASTERN END OF THE LIGHTHOUSE CREEK BRIDGE
[some view as Figures 5.1-8 & 5.1-9 in EIR]



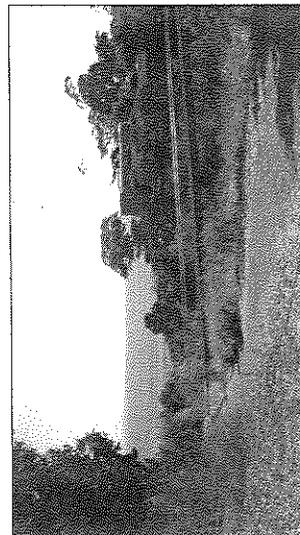
EXISTING CONDITION: LA MESA PARK SOUTHERN LAWN AREA
[Figure 5.1-6 in EIR]



LA MESA PARK SOUTHERN LAWN AREA
[Figure 5.1-7 in EIR]



LA MESA PARK SOUTHERN LAWN AREA
[some view as Figures 5.1-6& 5.1-7 in EIR]



EXISTING CONDITION: LA MESA PARK BENCHES AREA
[Figure 5.1-4 in EIR]



LA MESA PARK BENCHES AREA
[Figure 5.1-5 in EIR]



LA MESA PARK BENCHES AREA
[some view as Figures 5.1-4 & 5.1-5 in EIR]

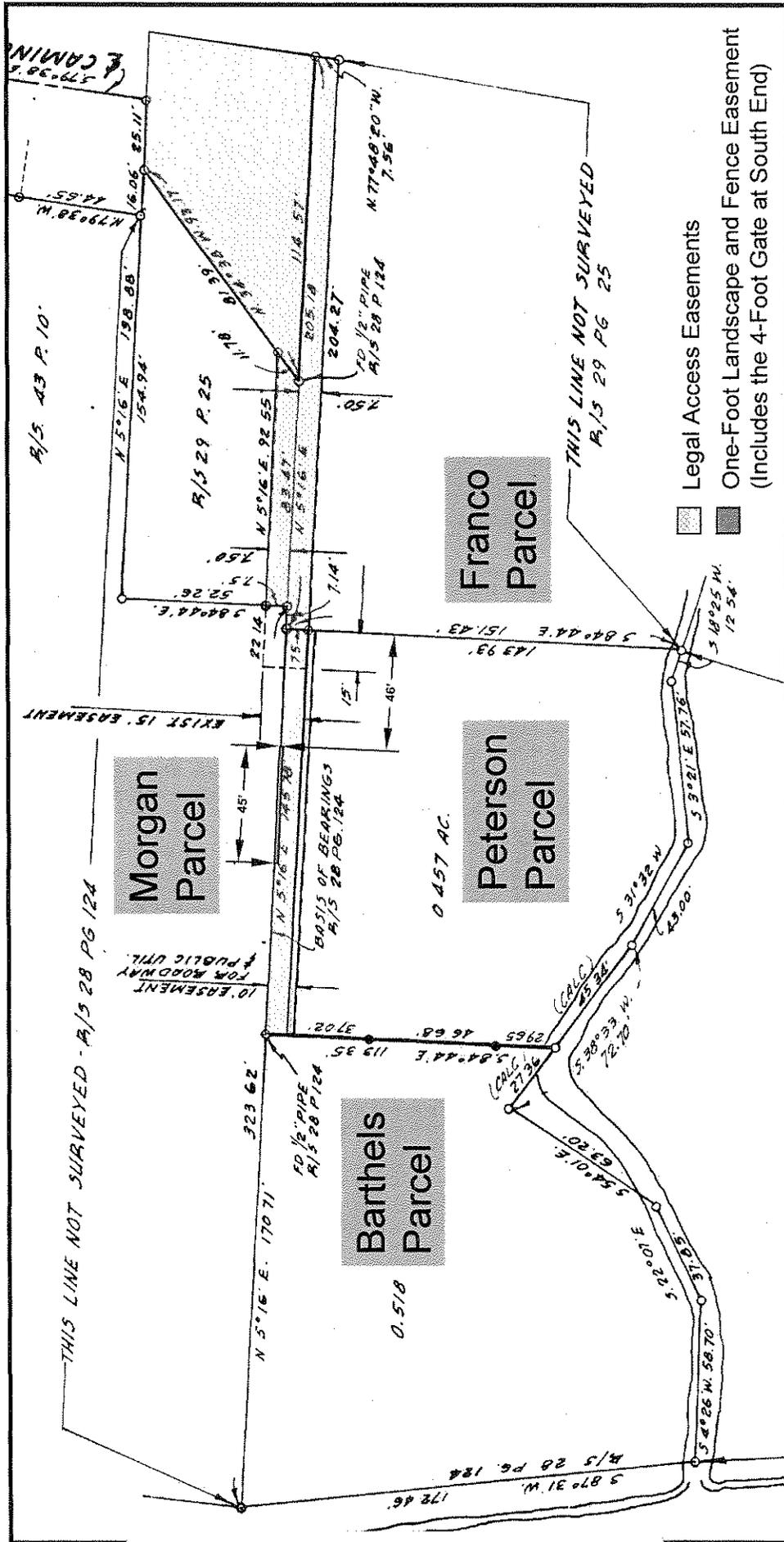


EXHIBIT D

CONSERVATION ELEMENT

Cultural And Historic Resources

- 1.0 *Activities and development which could damage or destroy archaeological, historic, or architectural resources are to be avoided.*

No historic or architectural resources exist at the project site. A Phase 1 Archaeological Resources Report was prepared and accepted by the Historic Landmarks Commission. The Report concluded that no important or unique archaeological resources exist on the property. The proposed project is potentially consistent with this policy.

Visual Resources

- 1.0 *Development adjacent to creeks shall not degrade the creeks or their riparian environments.*

The proposed project includes drainpipes and a dissipater in Lighthouse Creek, the installation of which would result in land disturbance and vegetation removal on the hillside and within the creek bed. Project construction and residential use could also result in the introduction of sediment and pollutants into the creek. The proposed project is potentially consistent with this policy as conditioned with implementation of EIR mitigations for habitat restoration and erosion control measures.

- 2.0 *Development on hillsides shall not significantly modify the natural topography and vegetation.*

The proposed modification of topography includes approximately 288 cubic yards of cut and 21 cubic yards of fill, which is not considered a significant amount. Additionally, most of the grading would occur under the footprint of the proposed house, consistent with the direction provided by the Single Family Design Guidelines. Some vegetation removal would be required for construction and installation of drainage elements. However, habitat restoration is required as mitigation for the project. Thus, as conditioned, the proposed project is potentially consistent with this policy.

- 3.0 *New development shall not obstruct scenic view corridors, including those of the ocean and lower elevations of the City viewed respectively from the shoreline and upper foothills, and of the upper foothills and mountains viewed respectively from the beach and lower elevations of the City.*

The proposed development would be visible on the bluff-top as viewed from the sandy beach below. The view from the beach is currently comprised of natural bluff faces but also includes development on the property immediately west of the site. While the proposed residence would be partially visible from the beach below, it would not block views of the upper foothills and

mountains and it would not result in a significant change to that public view since other development is currently visible from the beach in the immediate vicinity. The proposed project would also be visible from public scenic view points in La Mesa Park and block a portion of the scenic public view corridor from La Mesa Park to the ocean. However, as conditioned with visual impact mitigation measures defined in the proposed Final EIR, the project is potentially consistent with this policy.

Biological Resources

5.0 *The habitats of rare and endangered species shall be preserved.*

A Biological Assessment was prepared for the project applicant by Rachel Tierney and is included in the Environmental Impact Report. The biological assessment did not identify any endangered, threatened or rare species or habitats that would be impacted by the proposed project. The proposed project is potentially consistent with this policy.

SEISMIC SAFETY / SAFETY ELEMENT

Seacliff Retreat

New development on the top of the cliff shall be placed at such distance away from the edge of the cliff that normal rates of erosion and cliff material loss will not seriously affect the structure during its expected lifetime.

The proposed project includes a 75-year seacliff retreat setback line calculated with site specific analysis by a registered geologist. That line is incorporated in the project design mitigation that defines the building envelope. As currently proposed, the structure is cantilevered over the 75-year seacliff retreat line. That cantilevering is potentially consistent with this policy, as the cantilevered portion of the structure theoretically would not be affected by cliff material loss until the cliff reaches the setback line. Additionally, some drainage elements are located within the 75-year setback area. The location of the proposed drainage elements within the setback area is consistent with the provisions for bluff drainage systems contained in LCP Policy 8.1 (below). The proposed project is therefore potentially consistent with this policy.

HOUSING ELEMENT

2.8 *New development in and/or adjacent to existing residential neighborhoods must be compatible in terms of scale, size, and design with the prevailing character of the established neighborhood. New development which would result in an overburdening of public circulation and/or on street parking resources of existing residential neighborhoods shall not be permitted, unless findings of overriding*

consideration can be made.

The scale and design of the proposed development is generally compatible with existing single family residential development in the immediate area. The design concept for the house has been considered by the Architectural Board of Review (ABR) on four occasions. At the most recent review ABR expressed that the applicant accomplished the changes requested in the EIR and returned with a better project. Final architectural plans would be subject to review and approval by ABR. The project is also conditioned to require that the owner demonstrate sufficient access rights to the property. The proposed project is potentially consistent with this policy.

LOCAL COASTAL PLAN

Policy 2.1 – Public access in the coastal bluff areas of the City shall be maximized consistent with the protection of natural resources, public safety, and private property rights.

Although an existing beach access path extends down the bluff face to the beach, it does not provide public access. No alterations to the existing beach access are currently proposed.

Policy 5.3 - New development in and/or adjacent to existing residential neighborhoods must be compatible in terms of scale, size, and design with the prevailing character of the established neighborhood. New development which would result in an overburdening of public circulation and/or on-street parking resources of existing residential neighborhoods shall not be permitted.

The scale and design of the proposed development is generally compatible with existing single family residential development in the immediate area. The design concept for the house has been considered by the Architectural Board of Review (ABR) on several occasions, most recently on May 21, 2007, at which time the ABR found the project to be consistent with the design changes requested in the project's EIR.

Final architectural plans would be subject to review and approval by ABR. With the exception of adverse effects on public views, the proposed design would be compatible with and would not adversely affect surrounding land uses or structures. The construction of one single family residence on the site would not overburden public circulation of on-street parking. The proposed project is thus potentially consistent with this policy.

Policy 6.8 – The riparian resources, biological productivity, and water quality of the City's coastal zone creeks shall be maintained, preserved, enhanced, and, where feasible, restored.

As designed, the proposed project would provide a 25-foot setback from the

top of bank for Lighthouse Creek and, as conditioned, the project includes habitat restoration of Lighthouse Creek. With implementation of adopted City standards and construction site requirements, such as the City's Erosion/Sedimentation Control Policy, the potential for project-related erosion, sedimentation and other discharges to the creek would be reduced. Therefore, the project is potentially consistent with this policy.

Policy 8.1 - All new development of bluff top land shall be required to have drainage systems carrying run-off away from the bluff to the nearest public street or, in areas where the landform makes landward conveyance of drainage impossible, and where additional fill or grading is inappropriate or cannot accomplish landward drainage, private bluff drainage systems are permitted if they are:

- (1) sized to accommodate run-off from all similarly drained parcels bordering the subject parcel's property lines;*
- (2) the owner of the subject property allows for the permanent drainage of those parcels through his/her property;*
- (3) the drainage system is designed to be minimally visible on the bluff face.*

Project site runoff, as well as water that flows onto the project site from adjacent lots, would be collected by a series of on-site catch basins and would be conveyed to a dissipater located within the Lighthouse Creek corridor. The water would then flow a short distance to the creek's terminus and discharge to the ocean. Due to topography of the project site, directing runoff to El Camino de la Luz would be difficult and, even if the drainage were directed toward El Camino de la Luz, it would flow toward Lighthouse Creek. Off site drainage currently flows down the private driveway, across the site, to the ocean bluff. The proposed drainage system would accommodate flows from offsite (north of the subject lot) and drainage from the proposed residence and paved areas. The project also includes a condition that requires the owner to permanently maintain the drainage system. The proposed project would not result in any drainage structures or improvements on the coastal bluff face. Therefore, the project is potentially consistent with this policy.

Policy 8.2 - With the exception of drainage systems identified in Policy 8.1, no development shall be permitted on the bluff face except for engineered staircases or accessways to provide public beach access...

No development is proposed on the bluff face.

Policy 9.1 - The existing views to, from, and along the ocean and scenic coastal areas shall be protected, preserved, and enhanced. This may be accomplished by:

- (1) *Acquisition of land for parks and open space;*
- (2) *Requiring view easements or corridors in new development;*
- (3) *Specific development restrictions such as additional height limits, building orientation, and setback requirements for new development;*
- (4) *Developing a system to evaluate view impairment of new development in the review process.*

As the project is conditioned with specific restrictions on height and building location informed by an evaluation of view impairment, some existing views to the ocean from La Mesa Park and the surrounding area are protected and preserved. The proposed project is therefore potentially consistent with this policy.

Policy 9.3 - All new development in the coastal zone shall provide underground utilities and the undergrounding of existing overhead utilities shall be considered high priority.

All utilities to the proposed project would be undergrounded. Therefore, the proposed project is consistent with this policy.

COASTAL ACT

30231. The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface waterflow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

As conditioned, the project includes habitat restoration on Lighthouse Creek and implementation of erosion control measures. A natural vegetation buffer of 25 feet from the creek top of bank would also be maintained with the project. Thus, the proposed project is potentially consistent with this policy.

- 30240. (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.*
- (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which*

would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

No areas designated as Environmentally Sensitive Habitat Areas are in the vicinity of the project site. The site is located adjacent to the public beach and in an area proximate to La Mesa Park. The proposed single-family dwelling would not significantly degrade the park and recreation areas and would be compatible with the continuance of those areas. Therefore, the proposed project is potentially consistent with this policy.

30251. The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

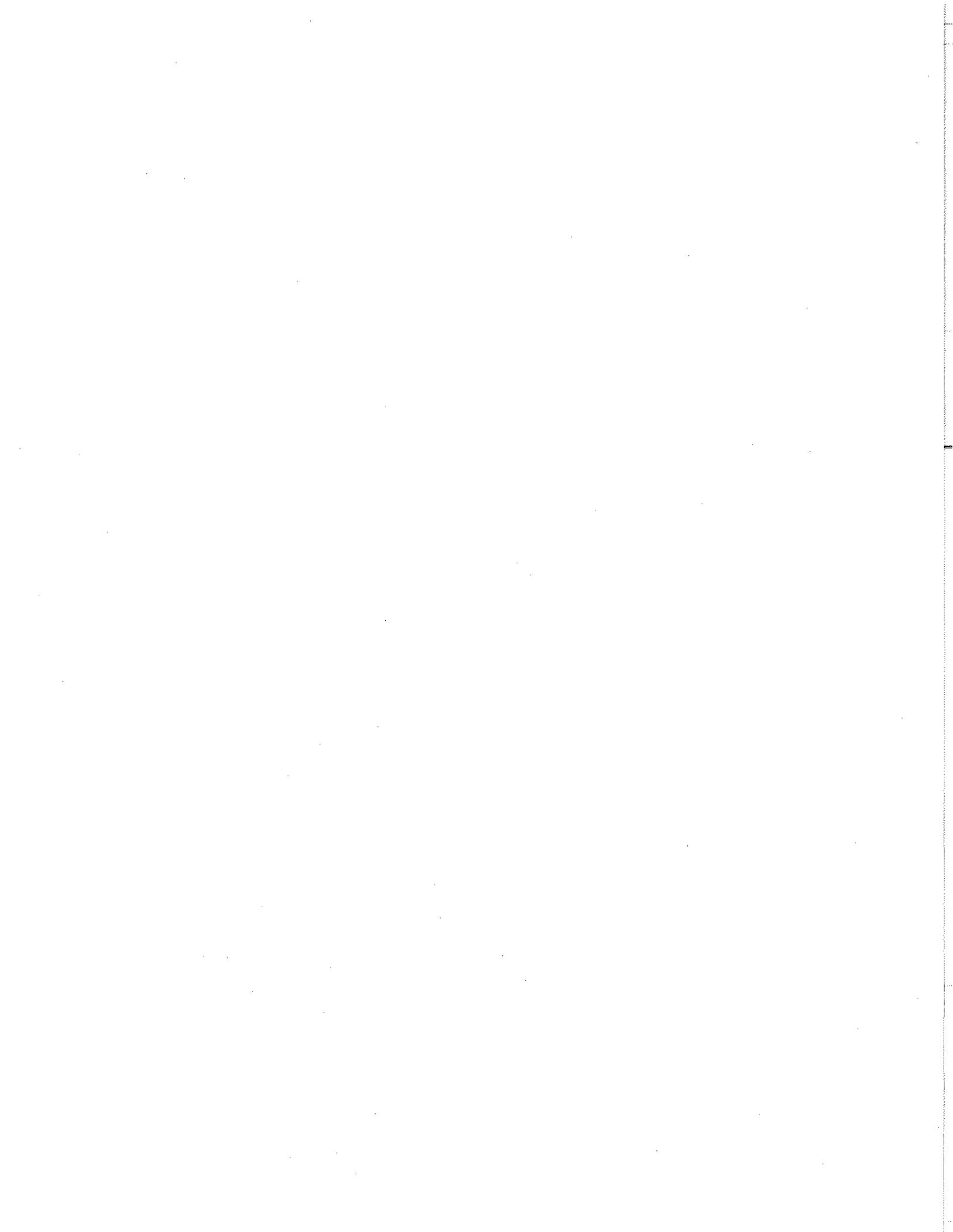
As conditioned, the proposed development is subject to specific height restrictions and building siting to protect public views to the ocean. The proposed project requires a minimal amount of land form alteration to reduce overall building height and sink the project into the hillside. The proposed residence would be compatible with the character of the adjacent development along the private driveway accessed by El Camino de la Luz. Therefore, the proposed project is potentially consistent with this policy.

30253. New development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*
- (3) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development.*
- (4) Minimize energy consumption and vehicle miles traveled.*
- (5) Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.*

The proposed project, as conditioned with a building envelope located outside the 75-year bluff retreat setback line; the storm drain collection system; the

requirement for approval of the structural foundation location and design by a Geologist or Geotechnical Engineer; and required investigation of the suspected asphaltum bed/bedding plane fracture minimizes risks to life and property related to geologic hazards, assures stability and structural integrity and would not create or contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area and does not require the construction of protective devices that would substantially alter landforms. Therefore, the proposed project is potentially consistent with this policy.



May 21, 2007

1837 1/2 EL CAMINO DE LA LUZ

Assessor's Parcel Number: 045-100-065

Application Number: MST2002-00214

Owner: Herbert Barthels Trustee

Agent: Brent Daniels

Architect: Peikert Group Architects

(Proposal to construct a 1,942 square foot two-story residence with an attached two-car garage on a vacant 23,885 square foot lot located in the Hillside Design District and the Appealable Jurisdiction of the Coastal Zone. Planning Commission approval for a Coastal Development Permit is required. Building permit issuance is subject to the condition that legal lot access be acquired as outlined in the Certificate of Compliance on record.)

(Fifth Concept Review.)

(COMMENTS ONLY; PROJECT REQUIRES ENVIRONMENTAL ASSESSMENT, NEIGHBORHOOD PRESERVATION ORDINANCE FINDINGS, AND PLANNING COMMISSION APPROVAL FOR A COASTAL DEVELOPMENT PERMIT.)

(5:57)

Present: Brent Daniels, Agent; Detlev Peikert, Architect; and April Palencia, Designer.

Public comment opened at 6:18 p.m. The following people spoke with concerns about the project:

Jim Brooke: loss of 50 foot setback; house located near creek.

Stan Krome: bluff location.

Joanna Morgan: loss of views, 75 year setback.

Public comment closed at 6:28 p.m.

Motion: Continued indefinitely to the Full Board with the following comments:

- 1) Overall, the applicant has accomplished the changes requested in the Environmental Impact Report, and returned with a better project including: reduced height, better integrated with the hillside, better materials, green roof, photovoltaic panels, limited grading, minimizing impact to view from the park, and landscaping.
- 2) The reduced grading is beneficial to the bluff.
- 3) Limit night glow on the ocean side with glazing, reflectivity,

- and tinting
- 4) Study less reflective stone work, and use of vernacular materials that blend into the landscape. One Board member suggested using a darker wood siding in lieu of the light stone.
 - 5) Limit the amount of glazing on the north elevation.
 - 6) Correct the sections. The Board reserves the right to withdraw the stated opinions if the sections indicate adverse findings.
 - 7) There is concern with the amount of grading down the slope.

Action: Zink/Mosel, 7/1/0. Motion carried. (Mudge opposed.)

November 24, 2003

1837 1/2 EL CAMINO DE LA LUZ

Assessor's Parcel Number: 045-100-065
Application Number: MST2002-00214
Owner: Herbert Barthels Trustee
Agent: Brent Daniels
Architect: Detlev Peikert

(Proposal to construct a 1,942 square foot two-story residence with an attached two-car garage on a vacant 23,885 square foot lot located in the Hillside Design District and the Appealable Jurisdiction of the Coastal Zone. Planning Commission approval for a Coastal Development Permit is required. Building permit issuance is subject to the condition that legal lot access be acquired as outlined in the Certificate of Compliance on record.)

(Fourth Concept Review.)

(COMMENTS ONLY; PROJECT REQUIRES ENVIRONMENTAL ASSESSMENT, NEIGHBORHOOD PRESERVATION ORDINANCE COMPLIANCE, AND PLANNING COMMISSION APPROVAL FOR A COASTAL DEVELOPMENT PERMIT.)

(4:19)

Detlev Peikert, Architect; and Brent Daniels, Consultant, present.

Public comment opened at 4:26 p.m.

Stan Krome was concerned about the legality of the access, location of the top of the bluff shown on the site plan, placement of the proposed residence, encroachment into the

75-year geologic setback, erosion of the bluff, drainage into the creek and ocean, and view obstruction from Mesa Park.

Linda Franco was concerned about the impact on ocean view from the park's benches and inconsistency of the residence's placement with the neighborhood standards.

Bruce Peterson agreed with what the previous speaker had said and was concerned about the setback between the residences, erosion of the cliff, and location of the bluff as shown on the site plan.

Public comment closed at 4:34 p.m.

Staff comment: Renee Brooke, Associate Planner, stated that Staff had raised the question concerning the exact location of the top of bluff at the project's last review, which was over a year ago. She received the new submitted plans a few days ago and did not have an opportunity to review them. The correct location for the top of bluff needs to be established before the shown 75-year geologic setback line can be verified. Ms. Brooke stated that Staff has had many discussions with the applicant about the legality of the access and hopes to resolve this issue at some point in front of the Planning Commission or City Council. Staff would like to move this project along despite the pending issues and receive comments from the Board.

- Motion: Continued indefinitely to the Planning Commission with the following comments:
- 1) The main concern of the Board is the impact of the proposed house in relation to public views from the park.
 - 2) Study reducing the detriment to the public views from the park.
 - 3) Study reducing the apparent mass of the second floor.
 - 4) Study lowering the project into the site.
 - 5) Correct the topography as shown on the elevations.
 - 6) There is an opportunity to lower some of the heights at the first floor.
 - 7) It would be an improvement to the site plan if the first floor of the residence could be pushed or a portion of the first floor could be moved towards the west.
 - 8) The Board would like to be notified about the story pole installation.

Action: Gradin/Christoff, 7/0/0.

June 17, 2002

1837 1/2 EL CAMINO DE LA LUZ

Assessor's Parcel Number: 045-100-065
Application Number: MST2002-00214
Owner: Herbert Barthels, Trustee
Agent: Brent Daniels
Architect: Detlev Peikert

(Proposal to construct a 2,086 square foot, two-story residence with an attached two-car garage on a vacant 23,885 square foot lot located in the Hillside Design District. Building permit issuance is subject to the condition that legal lot access be acquired as outlined in the Certificate of Compliance on record.)

(Third Concept Review)

(COMMENTS ONLY, PROJECT REQUIRES ENVIRONMENTAL ASSESSMENT, PLANNING COMMISSION APPROVAL FOR THE COASTAL DEVELOPMENT PERMIT, AND NEIGHBORHOOD PRESERVATION ORDINANCE COMPLIANCE FINDINGS.)

(3:40)

Detlev Peikert and Patrick Hausch, Architects, and Brent Daniels, agent, present.

Public comment opened at 3:42 p.m.

Stan Krome, 1843 El Camino de la Luz, was concerned about the representation of the bluff top on the plans and the setback from the bluff top. He thought that the top of the bluff is closer to the proposed structure than shown on the drawings.

Joanna Morgan, 1843 El Camino de la Luz, was concerned about the legal access to the proposed property, severe landslide area, and creek.

Public comment closed at 3:46 p.m.

Staff Comment: Susan McLaughlin, Planning Technician I, stated that the Planning Commission would review this project. The project is in a conceptual stage in terms of its design. The Environmental Assessment has not taken place yet. The geologic setback and other issues regarding the landslide potential will be analyzed during the Planning Commission review process.

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

- 1) The Board is comfortable with the architectural style and design of the house, but not with its massing.
- 2) The applicant should look into ways to significantly mitigate the impact of the project on public views and in relation to the

- bluff.
- 3) Minimize the second story and understory by pushing the mass further to the west and reducing the overall footage.
 - 4) The Board is looking forward to the direction from the Planning Commission on all the environmental issues.

Action: Christoff/Pierron, 5/0/0.

June 3, 2002

1837 1/2 EL CAMINO DE LA LUZ

Assessor's Parcel Number: 045-100-065
Application Number: MST2002-00214
Owner: Herbert Barthels, Trustee
Agent: Brent Daniels
Architect: Detlev Peikert

(Proposal to construct a 2,086 square, foot two-story residence with an attached two-car garage on a vacant 23,885 square foot lot located in the Hillside Design District. Building permit issuance is subject to the condition that legal lot access be acquired as outlined in the Certificate of Compliance on record.)

(Second Concept Review)

(COMMENTS ONLY, PROJECT REQUIRES ENVIRONMENTAL ASSESSMENT, PLANNING COMMISSION APPROVAL FOR THE COASTAL DEVELOPMENT PERMIT, NEIGHBORHOOD PRESERVATION ORDINANCE COMPLIANCE FINDINGS.)

(5:12)

Detlev Peikert and Patrick Hausch, Architects, and Brent Daniels, agent, present.

Public comment opened at 5:20 p.m.

Stan Krome, 1843 El Camino De La Luz, was opposed to the project for several reasons enumerated in the submitted package. Mr. Krome was concerned about landslides, legal access to the residence, setback from the bluff, views from Mesa Park, fresh water pond, and historical beach access to the property.

Jerry Lu Wright, 1833 El Camino De La Luz, questioned if a house could be build on this parcel and the access to the residence.

Bruce Peterson, 1837 El Camino De La Luz, was concerned about the documentation of

the slope, setbacks from the cliff edge, and cliff erosion.

Public comment closed 5:28 p.m.

A letter was read into the record from Rafael Franco, 12345 Ventura Boulevard, Studio City, noting that he was concerned about the legal access, significant environmental impacts, impact on public views, setbacks, geological substructures, landslides, and pool.

Staff Comment: Jaime Limón, Design Review Supervisor, stated that the Environmental Review has to be completed in order to ascertain whether a site is buildable or not. This is done in combination with the Planning Commission when an application requires a Coastal Development permit. Mr. Limón encouraged the Board to conduct a site visit and make comments regarding the constraints of the site, appropriateness of the size of the structure, and the neighborhood compatibility of the proposal. It would be appropriate to ask the applicant to erect story poles to see where the development is going to occur.

Motion: Continued two weeks for the applicant to erect story poles and the Board to conduct an organized site visit.

Action: Gorrell/Christoff, 7/0/0.

April 15, 2002

1837 EL CAMINO DE LA LUZ

Assessor's Parcel Number: 045-100-065
Application Number: MST2002-00214
Owner: Herbert Barthels Trustee
Agent: Brent Daniels
Architect: Detlev Peikert

(Proposal to construct a 2,086 square foot two-story residence with an attached two-car garage on a vacant 23,885 square foot lot located in the Hillside Design District.)

(COMMENTS ONLY, PROJECT REQUIRES ENVIRONMENTAL ASSESSMENT, PLANNING COMMISSION APPROVAL FOR THE COASTAL DEVELOPMENT PERMIT, AND NEIGHBORHOOD PRESERVATION ORDINANCE COMPLIANCE FINDINGS.)

Postponed indefinitely at Staff's request.

Rafael Franco
1835 El Camino de la Luz
Santa Barbara, CA 93109

August 27, 2007

Planning Commission
City of Santa Barbara
Community Development Department
630 Garden St.
Santa Barbara, CA 93102

Re: **Proposed Environmental Impact Report**
1837.5 El Camino de l Luz
SCH No. 2005041031
May 2007

Honorable Commissioners:

Eighteen years ago, the owner of the subject property started the process to develop a single family residence on this parcel. Despite legal setbacks and settlements, the owner continued to pursue the development. Two years ago, this Planning Commission acknowledged the significant aesthetic impact to the public views and required a focused EIR to study these impacts and as required by CEQA, alternative projects that could result in reduced impacts or no impact. Although this was to be a focused EIR on the view issues, those studies could not be conclusive without considering other impacts resulting from the study of alternatives. Most important among these were the geophysical impacts on this and adjoining properties.

You are being asked to certify this EIR; that is, **to attest this document as being true, accurate and complete.** The following comments and exhibits will clearly show that after two years of preparation, **this proposed EIR is still inaccurate and incomplete, and thus not certifiable by this Commission.**

SIGNIFICANT AESTHETIC IMPACTS

The aesthetic impacts are correctly identified. These are impacts to public ocean views, violations of the Local Coastal Plan and City policies. The EIR concludes that by lowering the East elevation by 10 ft and the west elevation by 5 ft (error in the EIR, see Fig.3.3-2), a building envelope can be created that would reduce the impact to less than significant. The EIR admits that this is a subjective viewpoint, and we believe that this is a judgment to be made by the Commission and not biased by the opinion of the author.

Alternatives 1 and 2 clearly have lesser impacts, and the owner has since submitted other plans to ABR for review; yet, this document ignores the lesser impact alternatives. The EIR further deletes the requirement to reduce the height of the building by using a flat roof, even though the applicant has done this in his most current design. This design is not considered in this EIR. Why was this condition deleted? We believe that CEQA requires the study of the project; the way the EIR is drafted, a box could be built as long as it fit within the building envelope described in Figure 5.1-10. This figure identifies the "**Permitted Building Envelope**". We believe that the word "**Permitted**" is erroneous and prejudicial; this building envelope has not been permitted by anyone.

Needless to say, we believe that the proposed building envelope is still a significant aesthetic impact that will reduce public views in violation of the Local Coastal Plan and City policies.

GEOPHYSICAL IMPACTS

The EIR relies on a report by Dr. Anikouchine, which reviewed 17 previous geotechnical reports or letters of opinion. Dr. Anikouchine's report contains a number of errors and omissions significant to the final location of the project and its impact on public views.

1. The report reads "*The building envelope chosen by (Dr.) Smith is just east of the paved area (cross-hatched on Fig. 1). He declared that the paved area was unsuitable as a building site because of an open fissure that he observed from the beach and which projected northward*". The cross-hatched area drawn by Dr. Anikouchine is clearly in the wrong place. Dr. Anikouchine has drawn this suitable building pad on top of the existing paved area. The proposed house and building envelope straddle the paved area and the incorrectly plotted pad by Dr. Smith. See our Figure A.
2. Figure 1 omits a line indicating a "**Boundary of 'Zone of Potential Failure'**" in the Pacific Materials Lab report prepared for the City of Santa Barbara following the 1978 landslide of over 1 million cubic yards just east of the subject parcel. This line coincided with Dr. Smith's observance of an open fissure in the bedrock. See our exhibits B and C.
3. Dr. Anikouchine minimizes the impact of the landslide at the southeast corner of the subject parcel by stopping the designation of the slide at the southerly property line. In fact, the slide extends to the ocean. When projected on his Figure 1, the impact of the slide is significantly greater than implied by Dr. Anikouchine. See our Figure B.
4. Figure 1 also omits the designation of the two previous landslides Q10 (older) and Q15 (1978). This is relevant to the analysis of potential failure of the subject parcel. The 1978 landslide was a translational failure along a bedding plane surface. (Weaver 1982). Dr. Anikouchine performed slope stability calculations

for a rotational failure contending that this was justifiable by the nature of the slide at the southeast corner of the property. This does not obviate the requirement to comply with code and complete slope stability calculations for planar failure along the lowest unsupported bedding plane. The site is underlain by massive unsupported bedding planes of Monterey shale, next to a creek (lubricant source), and within one half mile of the La Vigia Fault. **To ignore these factors is a significant omission.** Our Figure D superimposes the unsupported landmass on Dr. Anikouchine's Figure 3 of the report.

CONFLICTING PARAMETERS

Our Figure E superimposes conflicting parameters over the proposed building envelope.

1. The "**Zone of Potential Failure**" runs right under the proposed envelope. This is a conclusion of the Pacific Materials Lab study completed for the City of Santa Barbara (Weaver 1978).
2. Dr. Anikouchine incorrectly cross hatches the permissible building pad.
3. Dr. Smith (1980) recommended a building pad east of the paved area. The proposed building envelope straddles the paved area, the "**Zone of Potential Failure**", and the incorrect cross-hatched pad.
4. When extended to the ocean, the existing southeast slide suggest a much greater impact and exposed bedding planes directly below the proposed pad.

CORRECTIONS AND RESPOSE COMMENTS

1. Sec. 1.3 refers to the Initial Study as Appendix A. This is incorrect, Appendix A is limited to Special Biological Resources. The Initial Study follows the "Planning Commission Minutes of Jan 11, 2007.
2. Page 2-5, 1a.1 is crossed out. Why?
3. Page 2-8, GEO-3a notes mitigation with the condition "*Prior to the issuance of a grading permit, ground cover vegetation in the area of the proposed building shall be removed to facilitate the observation of the suspected asphaltum bed/bedding plane fractureBased on the visual inspection, additional slope stability analysis may be required.*" This is a postpartum resolution inconsistent with normal geotechnical studies and practices. Does the report avoid exploration and analysis because a few bushes are in the way?
4. Page 2-10, T-1. After 31 years of ownership and 18 years of trying, the owner has yet to produce evidence of adequate access to the site. Legal decisions of the

California Court of Appeals have been submitted to the Planning Department on several occasions. We were recently surprised that staff was unaware of this and other records previously submitted. Understandably, the project is now managed by the sixth City Planner assigned to this case, but these items should not be ignored as part of the record. A copy of this decision is attached.

5. Figure 3.3.1 shows a plan different that the most recent plan submitted to the ABR for review. The square footages shown on 3-5 are wrong.
6. Figure 3.3.2 shows an East elevation of 35 ft and a West elevation of 21 ft. The "*Permitted Building Envelope*" indicates comparable elevations of 25 ft and 15 ft. Does the building envelope slope from 15 ft down to the 25 ft West elevation? On page 5.1-23 of the report, reference is made to a mitigating 5 ft. reduction in height along the West elevation. This should be corrected; $21 - 15 = 6$ ft.
7. Page 4-5 Omits the proposed project at 1921 El Camino de la Luz, the site of the 1978 landslide.
8. Page 5.1-15 concludes that the proposed house would not be out of character with the surrounding neighborhood. As we have pointed out before, the existing houses were sited in a stair stepped fashion with eight foot set backs to protect the views of all the neighbors and to maximize the views from the park. The location of this house ignores that precedent.
9. Page 5.1-17 "*A determination whether a 10% loss of existing ocean views would result in a 'substantial' view reduction is subject to personal interpretation. However due to the view angle provided from the benches area towards the project site, the proposed residence would be seen as a prominent visual feature within the existing view corridor.*" We agree with this statement and conclude that this is an aesthetic impact that cannot be mitigated, even with the reduced height of the proposed building envelope. It is not just the height, it is the intrusion into the creek area that reduces the view corridor. A red pimple on one's face is less than 1% of the view; however, millions of dollars are spent annually to cover blemishes.
10. PAGE 5.1-17 The recommendation for a flat roof is deleted. Why?
11. PAGE 5.1-36 The recommendation for a flat roof is deleted. Why?
12. Page 6-1 Sec. 6.2 quotes California Coastal Act Section 30251 and concludes that "*As presently designed, the proposed project would be inconsistent with the requirements of this policy that new development be sited and designed to protect views to the ocean*". The paragraph suggests that the project should be redesigned and reduced. The redesigned project should be the subject of the EIR, otherwise the EIR is incomplete.

13. Page 10-14, Answer 3-1. states that Dr. Anikouchine was given all the information needed to complete his report. The fact is that only two of the firms, whose 17 reports were reviewed, did any borings, those were limited in depth and scope, and none of the test data was provided to the reviewer. Dr. Anikouchine had no independent personal data. Data used for his analysis was generic data for the Monterey shale, not site-specific data. This is unacceptable by reviewing agencies in California.
14. Page 10-14, Answer 3-2a states that "*the setback line depicted in Dr. Anikouchine's report provides an accurate representation of the location of the proposed setback line from the top of bluff given the size and scale of the figure*". This is incorrect; see our Figure F. We disagree with Fisher's definition of top of bluff because it is inconsistent with the Coastal Commission's definition and methodology for determination, and uses the lower previously graded artificial edge as the top of bluff as opposed to following the natural contour initially established.
15. Page 10-15, Answer 3-2c disputes Penfield and Smith's survey of the top of bluff because the contours did not extend down to the ocean. A complete survey down to the ocean floor has been submitted to the Planning Department indicating the same conclusions. The main objection to the Fisher definition of top of bluff is that it starts at the edge of the existing paved pad and then dives steeply across grades to grab a lower ledge to define the top of bluff. This is inconsistent with the Coastal Commission's directive to follow the top contours.
16. Page 10-16 Answer 3-3 We partially agree with the comment "*the landslide at the SE corner of the subject parcel indicates that the mode of sliding was not a block slide down a weak dip surface, but instead followed a failure plane that transected the rock mass across the bedding.*" The use of a rotational slide surface in the slope stability may have been justified for this slide, but it ignores a potential block slide in a SW direction with unsupported bedding planes dipping at a generally agree angle of 26 degrees. The 1978 slide was such a block slide (Weaver 1982).

Dr. Anikouchine performed a slope stability analysis , but he used the wrong method. See our previously submitted summary of Methods of Analysis (Appendix D of the EIR). The Bishops Method used by Dr. Anikouchine is used for circular failures. Jambu's Method is one of three methods used for non-circular failures. Our Figure D shows the extensive landmass of exposed Monterey shale bedding planes along Dr. Anikouchine's profile.

His conclusion that this slide took place at one time is questionable. The rubble mass is a series of surficial cumulative slides. Having observed the process at this particular location over twenty-five years, I can describe the erosion as follows. A surficial slide takes place, the bedrock is exposed, new vegetation takes hold on the face of the rock and its roots begin to break down the edge of the rock, rains

saturate the vegetation and the broken down rock, when saturation and weight exceed the resistive strength of the rock, a surficial slide takes off, it exposes a new face of the rock, and the process starts all over again.

For the record, twenty-five years ago, we used to be able to walk up the cliff that now slopes at 75 degrees. The drainage concrete swale from the westerly property used to extend all the way across to the creek.

17. Page 10-16 Answer 3-4 Dr. Anikouchine drew two profiles along which his slope stability analysis was calculated. Dr. Anikouchine's two profiles do not accurately depict the location of the parcel. The profiles shown on Figure 3, page 9 of his report indicate a horizontal dimension of 294 ft along the N 16 E axis. The actual dimension of the subject parcel is 170.71 ft along the West property line, and 175 ft along N 16 W. The section does not indicate the location of the proposed project and therefore leads to the wrong conclusion that the project is located safely atop an expansive terrace. Our Figure D correctly shows the location of the subject property line.
18. Page 10-16 Answer 3-5 To assert that "*laboratory test samples are notoriously inaccurate and tend to overestimate the strength of rock masses in situ*", is absurd. **Laboratory tests are required by code and are normal practice.** The assumed and resultant values derived by Dr. Anikouchine are significantly more benign than comparable laboratory test values determined for Monterey shale.
19. Page 10-17 Answer 3-6 We agree that the marine erosion at the base of the coastal bluff is greater than the top of bluff. The more significant issue is that this erosion exposes more bedding planes and increases the probability of block failure.
20. Page 10-25 Answer 4-3 No photo simulation is provided for the project recently submitted to the ABR. The author states we have not provided a basis or justification to support the suggested conclusion that the visual impacts cannot be mitigated. The basis is very clear and visible. The report agrees that the proposed project is a significant aesthetic impact. The fact that the proposed mitigation is to lower the height of the building offers no better basis or justification to conclude that this is sufficient mitigation. The height of the project is one impact, the location of the project is overwhelmingly a more serious contributor to the aesthetic impact.
21. Page 10-25 Answer 4-4a This issue is not about "*disagreement among experts*", this is about errors and omissions previously described in this letter.
22. Page 10-26 Answer 4-4b The comment that only two geologists did any borings was made to illustrate the incomplete investigation of the site and resolution of conflicting reports presented by the developer. None of these consultants performed slope stability calculations in their reports. The reports were mostly

cursory and often conflicting opinions. The developer kept asking the question from different consultants until he got an answer he liked. The reviewer did the slope stability calculation. This is highly unusual since it now places the liability of this conclusion on the City. The response "no comment is required" ignores the issue.

23. Page 10-26 Answer 4-4d "A substantial amount of information about the geological conditions that exist at the project site is provided by the 17 previous investigations that have been prepared for the site." This information should be included in the EIR, there is no reason to exclude it. Furthermore one must ask, why would 17 reports be required for such a simple project and why didn't any geologist or engineer do a slope stability analysis?

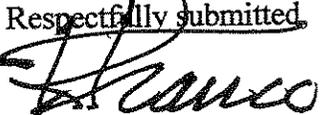
24. Page 10-27 Answer 4-4f "the description of project site containing terrace sand soils is from the assessment of project site conditions provided by CFG Consultants (1996)". How id they know that? They did no borings or excavation of the site. The two firms that did actual borings or site excavations were Buena (1971) from which no geologic logs or analyses of samples were provided in their report, and Pacific Geosciences whose log information is similarly not available. Conflicting conclusion of consultants who have not dug below the asphalt is further proof of the necessity for additional investigation.

25. Page 10-27 The answers listed on this page end with 4-5. The next page starts with 5a. What happened to 4-6, through 4-9?

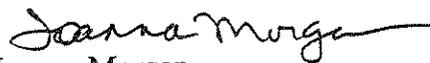
26. Page 10-28 Answer 6 states that "the proposed project would not require the exportation of soil from the project site". This statement is false and patently ignorant of the construction process.

For all of the above reasons, we feel that the proposed final EIR is incomplete and inconclusive and should not be certified by the Santa Barbara Planning Commission. Thank you for your consideration.

Respectfully submitted,


Rafael Franco
1835 El Camino de la Luz


Linda L. Franco
1835 El Camino de la Luz


Joanna Morgan
1843 El Camino de la Luz


Stan Krome
1843 El Camino de la Luz

Bruce Peterson
1837 El Camino de la Luz


Grace Peterson
1837 El Camino de la Luz





Tom Sloan
1841 El Camino de la Luz

Tom C. Sloan

Peter Miller
1839 El Camino de la Luz

Peter Miller

Jerry Lou Wright
Geri Lou Wright

1833 El Camino de la Luz

Jerry Lou Wright

Tina Sloan
1841 El Camino de la Luz

Tina Sloan

Jennifer Miller
1839 El Camino de la Luz

Jennifer Miller

Sketes (Horace) WRIGHT
1833 El Camino de la Luz

Horace L. Wright by Jerry Lou Wright

Attachments:

Figure A Comment and depiction of incorrect plotting of Dr. Smith's building pad

Figure B Information omitted in Dr. Anikouchine's Figure 1

Figure C Plot of the 1978 slide and Zone of Potential Failure

Figure D Location of subject parcel and area of exposed bedding planes

Figure E Superimposed Conflicting Parameters

Figure F Corrected setback line on Dr. Anikouchine's plan

Weaver report, May 1982 changing his conclusions of the nature of the 1978 slide.

Daily Appellate Report Tuesday, September 27, 1994, Herbert E. Barthels v. Santa Barbara Title Company.

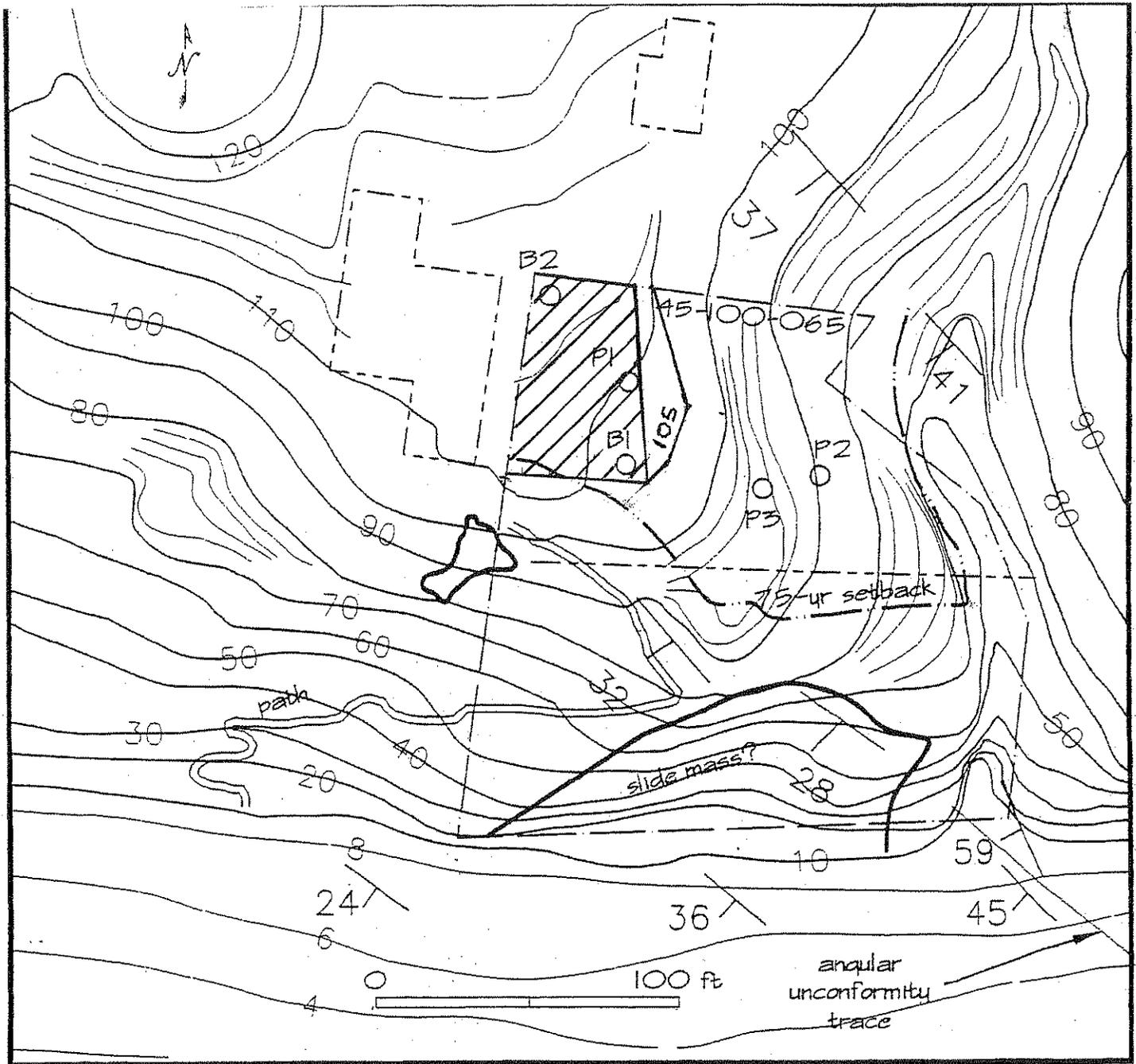


Figure 1. Geologic and topographic map of the subject site and vicinity. Information gleaned from the materials reviewed have been placed on this map. The map includes the reviewer's field observations as well. Buena Engineers soil borings are labeled B1 & B2. Pacific Geoscience borings are P1, P2 & P3.

“ The building envelope chosen by Smith is just east of the paved area (cross-hatched on Fig. 1). He declared that the paved area was unsuitable as a building site because of an open bedding fissure that he observed from the beach and which projected northward”. Anikouchine report March 2005.

Note that the cross-hatched area on Figure 1 is the major part of the paved area. The paved area is outlined by the 105 ft contour. The drawing and the text are contradictory.

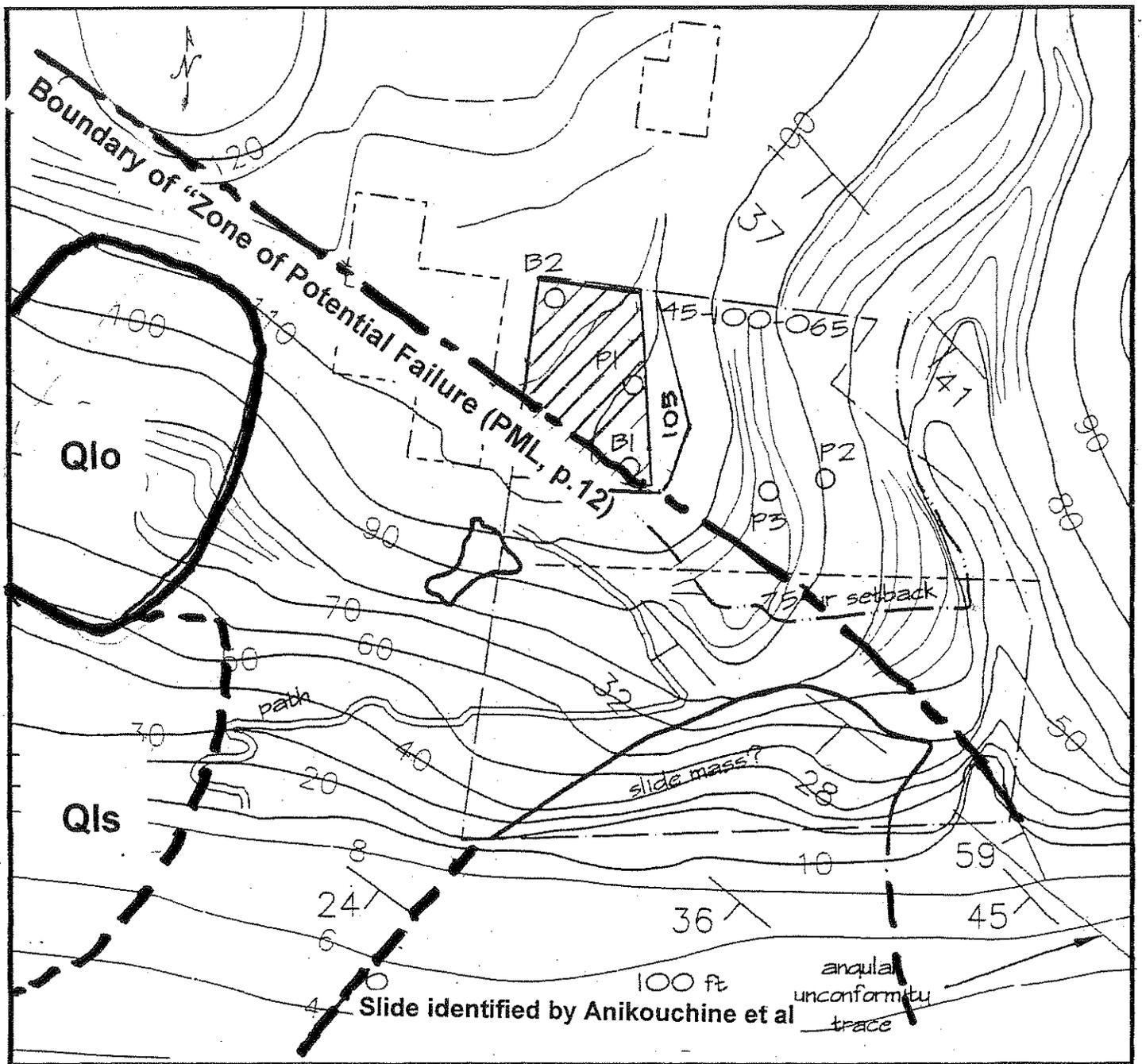
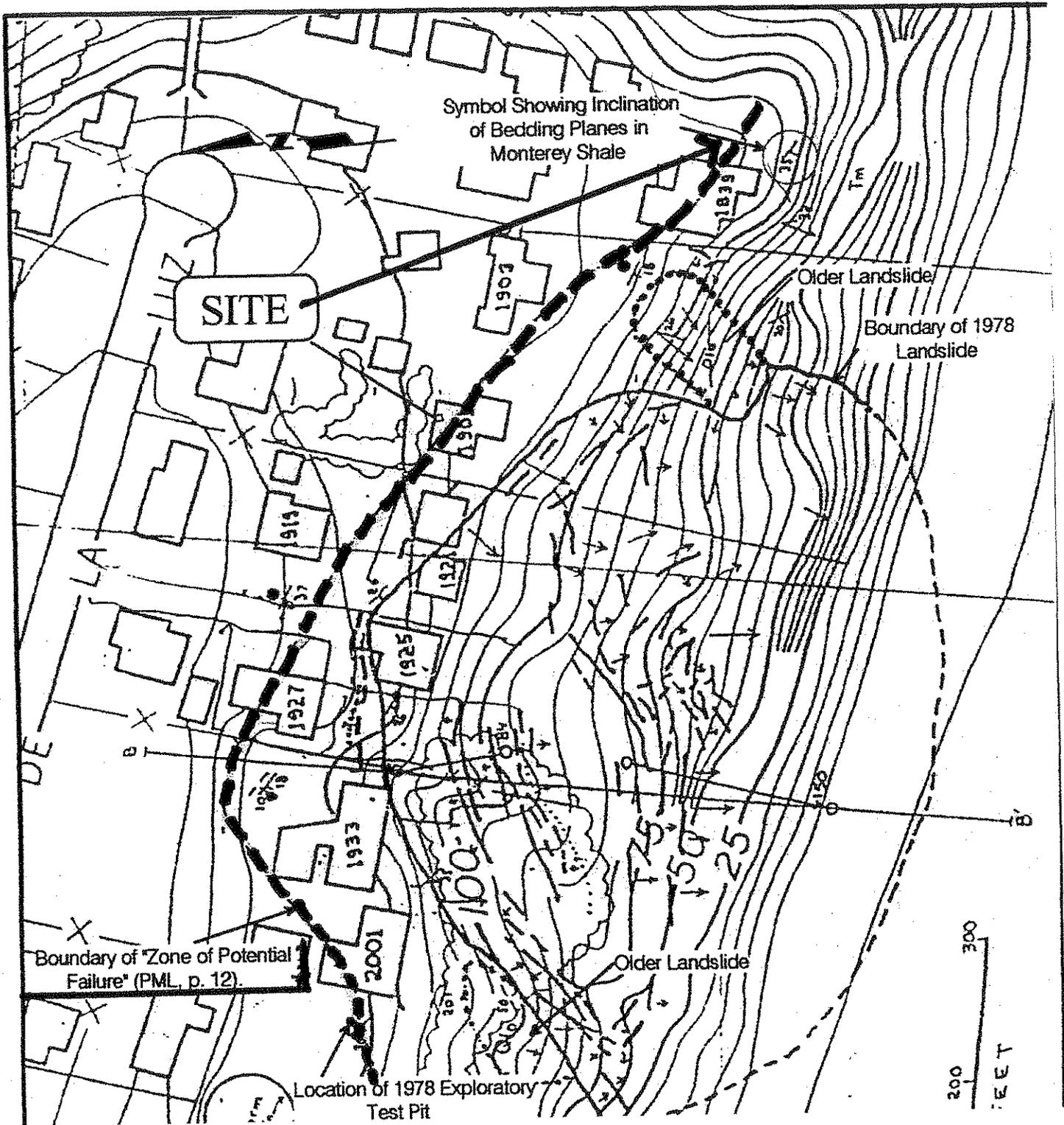


Figure 1. Geologic and topographic map of the subject site and vicinity. Information gleaned from the materials reviewed have been placed on this map. The map includes the reviewer's field observations as well. Buena Engineers soil borings are labeled B1 & B2. Pacific Geoscience borings are P1, P2 & P3.

Qlo Quotenary Landslide: older

Qls Quotenary Landslide: Feb., 1978



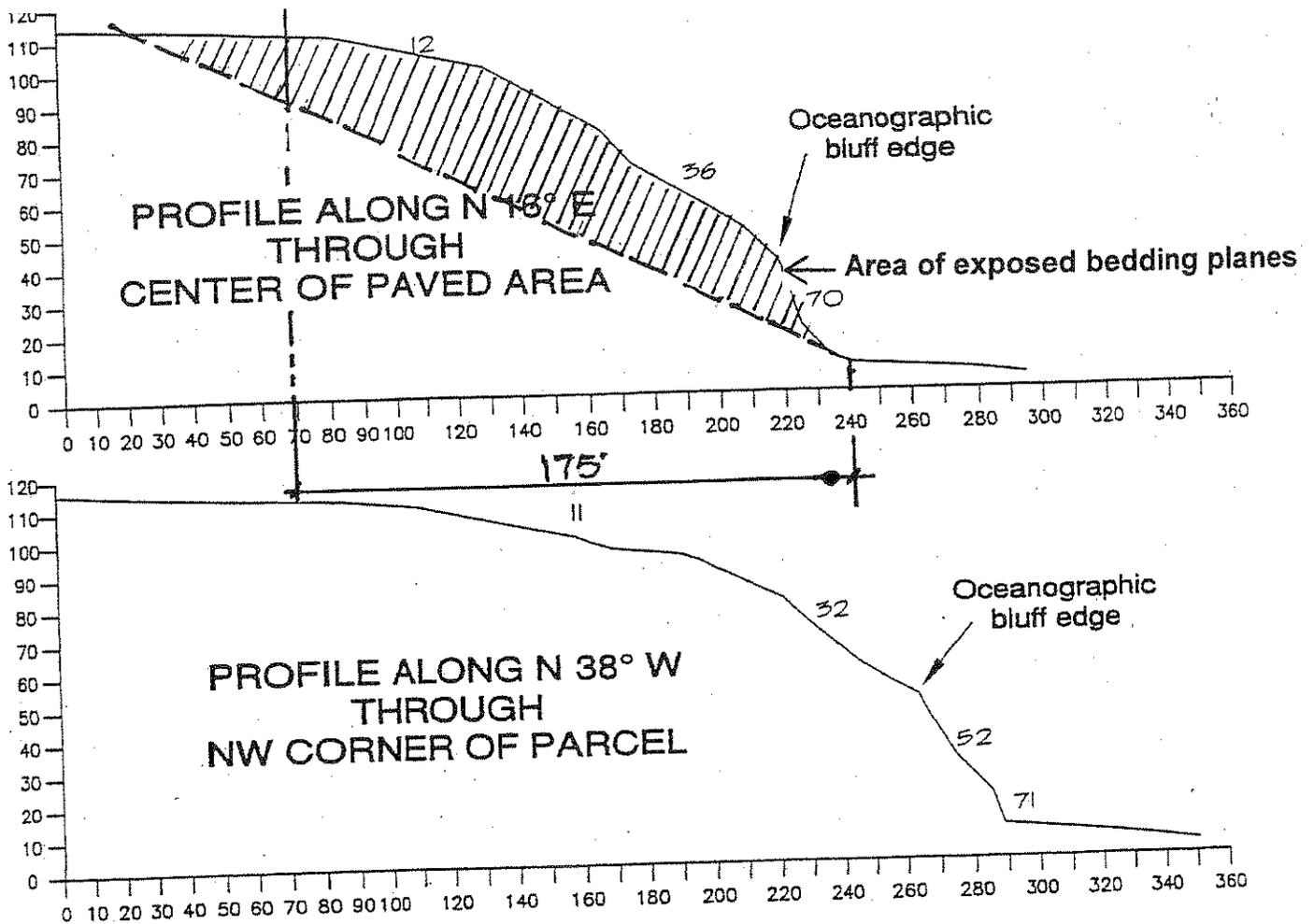
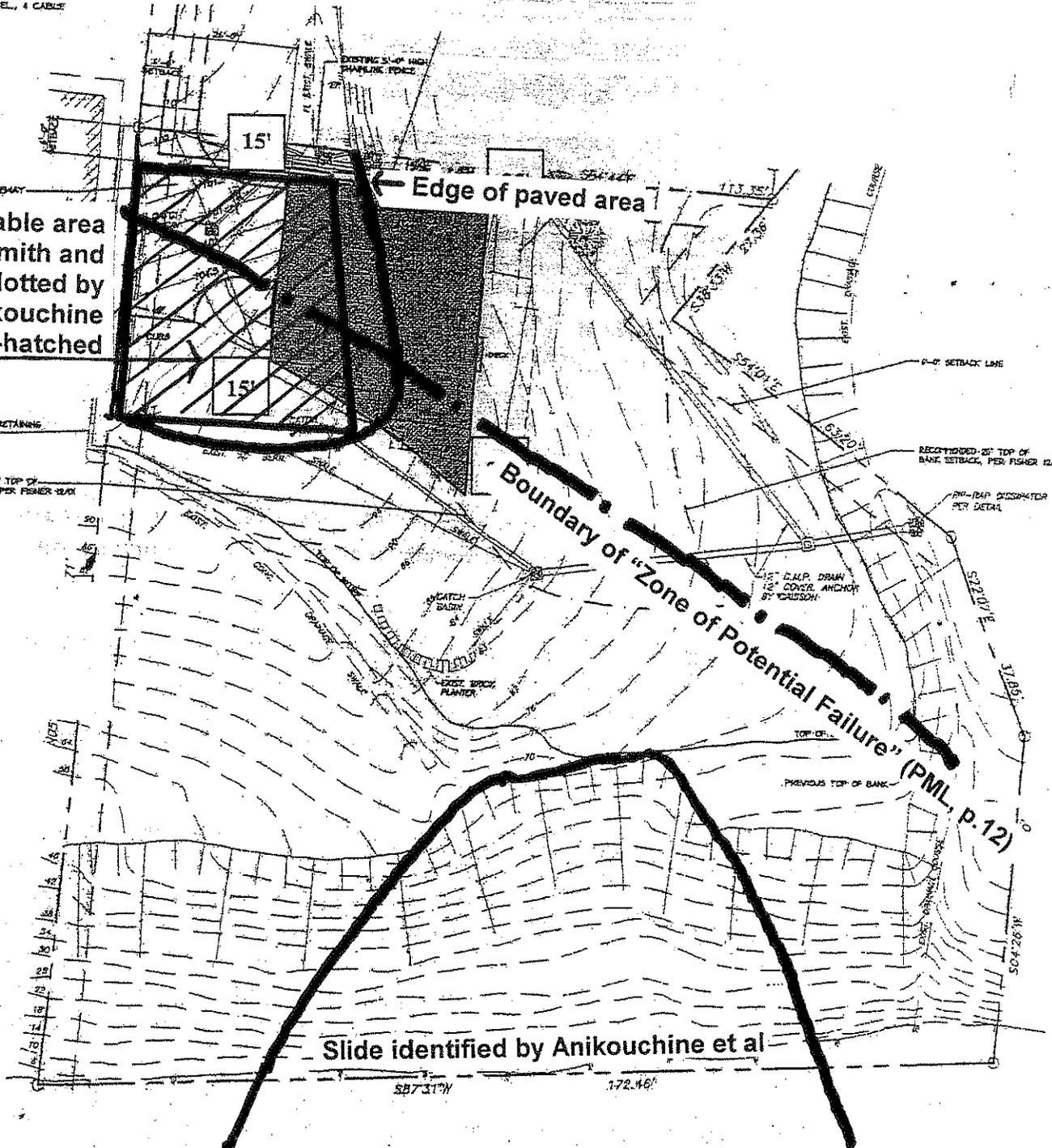


Figure 3. Topographic profiles through the subject parcel. The numbers indicate the local slope in degrees. Note the rounded, convex-upward shape of the the area above the sea cliff in both profiles.

Note: Crosshatched area represents the land mass above the lowest unsupported bedding plane susceptible to sliding.

The subject property along N 16 E is only 175 ft deep.

Unbuildable area per Smith and incorrectly plotted by Anikouchine
Cross-hatched



 Permitted Building Envelope

 25' Maximum Building Elevation (feet) Above Existing Grade*

* The four maximum building elevation points form a plane above the existing grade of the project site. The height of any structure located on the project site must be located within the building envelope and may not extend above the plane.

Not to Scale

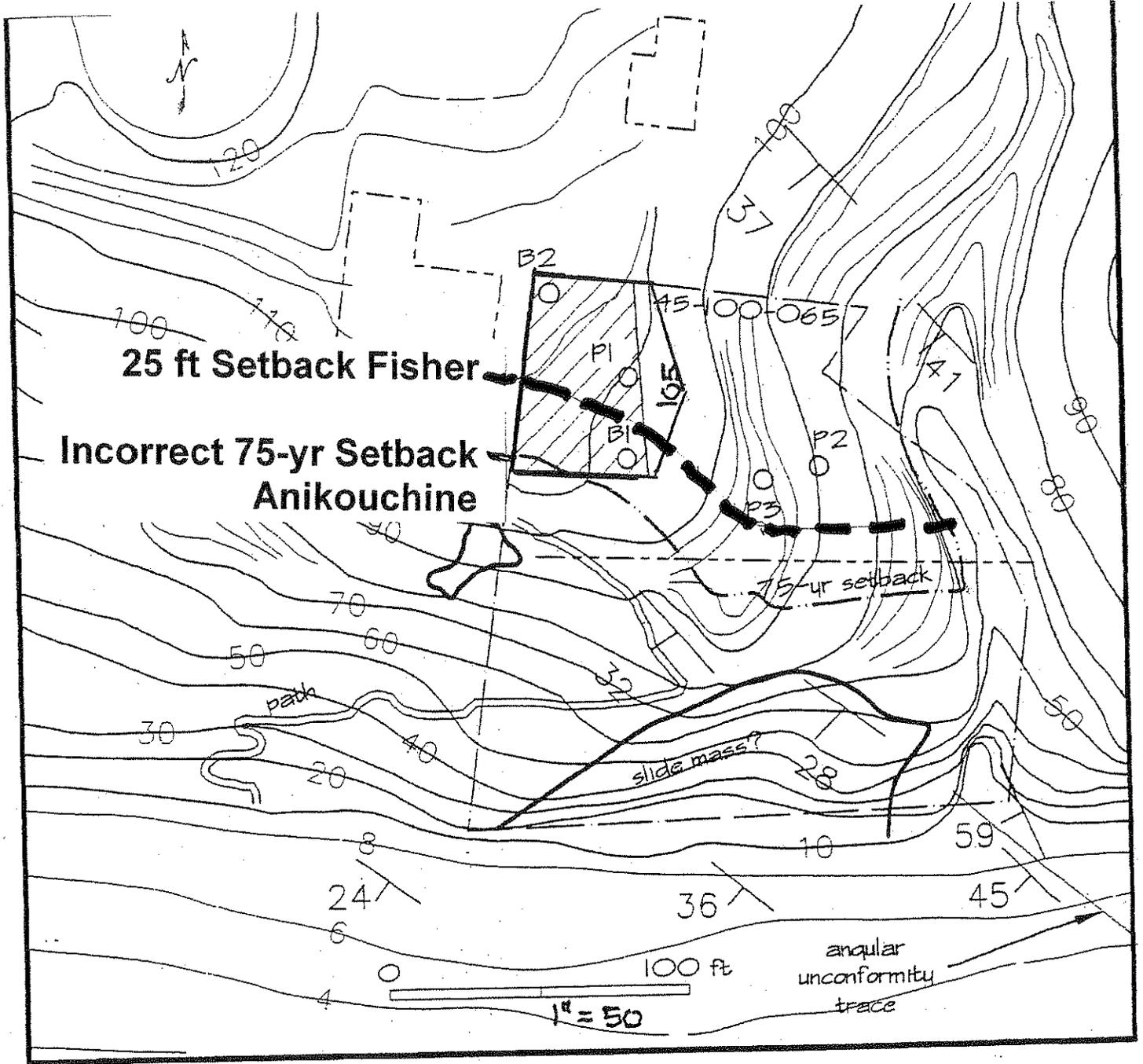


Figure 1. Geologic and topographic map of the subject site and vicinity. Information gleaned from the materials reviewed have been placed on this map. The map includes the reviewer's field observations as well. Buena Engineers soil borings are labeled B1 & B2. Pacific Geoscience borings are P1, P2 & P3.

Note: Anikouchine incorrectly plotted the top of bluff as defined by Fisher. He calls it "75-yr setback".



DONALD W. WEAVER & ASSOCIATES

Consulting Geologist

May 6, 1982

Mr. Robert Doolittle
1933 El Camino De La Luz
Santa Barbara, California 93109

Dear Mr. Doolittle:

Pursuant to your request, we submit herewith our evaluation and recommendations concerning mitigation of the existing landslide hazards on your property at 1933 Camino De La Luz. This report is intended to serve as a guideline for partial alleviation of the landsliding potential on your property and the immediately adjacent area. It must be understood that the slide hazard will not be eliminated by adhering to the following recommendations, but only that the usable life of the structure may be extended. Indeed, it is our opinion that it is not economically feasible to stabilize the slide mass and the relatively undisturbed bedrock immediately in back of the slide scarp. Thus, this report is not intended to provide recommendations for slide or bedrock stabilization. This report is prepared solely for your own use and information and is based upon conditions as they exist on this date.

Geology and Structure of the Area

In the vicinity of your property, an approximately 10 foot thick cover of loosely cemented sand, known as Pleistocene Older Alluvium, overlies the siliceous, low density, organic rich shale of the Miocene Monterey Formation. The contact between these two formations is discordant and is inclined southward towards the sea.

Mr. Robert Doolittle

May 6, 1982

Page Two

Structurally, the Monterey beds trend in a northwesterly direction, oblique to the sea cliff, and are inclined to the southwest at angles of 10 to 35 degrees. No major faults are present in the immediate area of the slide, although the shales are extensively fractured and distorted. These fractures act as planes of weakness in the Monterey Formation, as demonstrated by the approximate coincidence of the headwall scarp of the landslide and several fracture zones.

Description and Causes of the Landslide

The El Camino De La Luz landslide took place on February 14, 1978, destroying the residences at 1921 and 1925 El Camino De La Luz (Pacific Materials Lab. File No. 8-4859-2). Landsliding occurred on a southwest dipping bedding plane within the Monterey Formation which served as the basal detachment surface of the slide. This surface is exposed in several of the test pits which you have excavated on the slide as a part of your own continued investigation. Demonstration of the existence of this continuous planar detachment surface coincident with local bedding in the Monterey Formation, has caused us to alter our previous interpretations concerning the types of movement which took place during sliding. It is now our belief that there were only minor amounts of rotational movement involved and that the major sense of movement was translational along the bedding plane surface. Location of the detachment surface relative to the strand line at the toe of the landslide has not been determined, and determination of its location is beyond the scope of this report. *

Exceptionally heavy rainfall during the 1977-78 winter months in combination with uncontrolled drainage of water from the adjacent properties into the slide mass, served as the main cause of the landslide. Percolation of large amounts of water into fractures and along bedding planes in the Monterey Formation resulted in increased loading of the

Mr. Robert Doolittle

May 6, 1982

Page Three

slide mass and a decrease in the factors resisting slide motion. These factors in conjunction with undercutting of the prehistoric slide mass by wave action, daylighted bedding plane surfaces, and the presence of expansive bentonitic clay layers, all contributed to the detachment and sliding of the fractured block.

Over and above the natural causes of rock failure as they apply to the El Camino De La Luz landslide are those factors that were man induced. In our opinion, the triggering mechanism that provided the most significant influence to reinitiate movement in the old landslide body was the uncontrolled drainage involving large areas of land adjacent to the landslide mass and south of El Camino De La Luz. Virtually every household surrounding this mass contributed to its failure. This was done simply by not controlling the waters that ran down the drives, off rooftops and yards.

Conclusions and Preliminary Remedial Actions

As we concluded in our earlier report, the El Camino De La Luz landslide was a predictable event that could possibly have been avoided if reasonable care and attention had been given to the control of surface waters.

The slide was translational in nature and sliding took place on a southwest dipping planar bedding surface in the Monterey Formation. Significant amounts of water in the slide mass in conjunction with the other factors cited above triggered the landslide.

In accordance with our earlier recommendations, partial mitigation of the landslide hazard has been achieved by capturing all surface waters and conducting them to the base of the slide. In addition, it appears that the majority of the open surface cracks and fissures have been filled in order to reduce the infiltration of the surface water into the slide mass and adjacent area at the head of the slide.

Mr. Robert Doolittle

May 6, 1982

Page Four

Recommendations

Although the enactment of the above remedial measures has somewhat mitigated the landslide hazard, the potential for future mass wasting is still very high. Elimination of the landslide hazard through stabilization of the slide and buttressing of the head wall scarp of the slide is not economically feasible due to the high costs associated with retaining structures and the inadequate footing at the base of the slide. It is our opinion, however, that mitigative measures can be taken which may prolong the usable lifetime of the threatened structures.

Based on our reinterpretation of the nature of movement as translational, we suggest that the following steps be followed to help mitigate the potential for future sliding:

1. All existing fractures and fissures should be filled with fine-grained, nonexpansive material and tamped by hand. Filling of these cracks will reduce percolation of water into the slide mass.
2. A series of 14 foot wide benches should be cut into the stable bedrock material beneath the slide so that they slope away from the slide and drain along their length to the west. These benches will act to key the overlying fill material into the bedrock; the fill will thereby act as a buttress against the head wall scarp (see Figure 1). During the preliminary grading of these benches, we suggest that the local top soils be stored and preserved so that they can be restored during the final grading and enhance revegetation of the graded surface.
3. A continuous series of 4" diameter perforated Orangeburg pipe should be installed at the rear of each of the benches. These pipes should be packed in gravel of greater diameter than the perforations, and the perforations should be placed facing downward to prevent clogging

Mr. Robert Doolittle

May 6, 1982

Page Five

of the pipes with fill material. All percolating waters captured in these pipes should be channeled into a sealed drain which will carry the water out of the slide mass and onto the beach below. Coordination of the subsurface drainage with control of surface waters will reduce the risk of the slide mass becoming oversaturated in the future.

4. Backfilling and compaction of fill material derived from the slide mass itself should follow emplacement of the subsurface drainage system. The contact between the fill and the backtilted benches should be cleared of any organic materials. Furthermore, we recommend that the slope angle extending from the top of the head wall scarp to the top of the sea cliff not exceed a 2:1 slope. We recognize however, that the supply of local fill material may preclude development of a 2:1 slope. If this is the case, it is our opinion that a 1.5:1 slope represents the steepest advisable final slope angle.

5. Prompt revegetation of the final graded surface using the preserved local soils as a seed bed is strongly recommended. We suggest that seeding of a grass such as soft chest or barley and vetch be undertaken in early November with germination initiated by moderate amounts of irrigation. Permanent revegetation of the surface should utilize low water demand plants with extensive root systems. We suggest planting of native brush species with vigorous root systems, such as Ceanothus, to reduce erosion of the surface. We specifically do not recommend the use of ice plant as a ground cover.

6. Surface waters from all properties adjacent to the landslide area must continue to be captured and channeled to the base of the slide mass.

7. We also suggest that during the grading, if access to the beach is available, that any large boulders present on the beach be concentrated at the base of the slide to act as a partial barrier to wave action.

Mr. Robert Doolittle

May 6, 1982

Page Six

Summary

The above recommendations are designed to partially mitigate the future landslide potential on your property. Application of these procedures may increase the usable life of the structures currently threatened by the landslide.

We would like to reiterate that complete stabilization of the head wall scarp is not economically feasible relative to the value of the structure which you wish to protect. Therefore, continued mass wasting of the toe of the slide by wave action is inevitable. In addition, the undetermined location of the basal detachment surface relative to the beach precludes final evaluation of the inherent instability of the slide block. If, however, the detachment surface extends below the strand line the potential for future mass wasting, although still pronounced, is considerably lower.

While the procedures outlined herein may well increase the usable life expectancy of structures currently threatened by landslides, no representation as to the duration of such usable lives is made herein.

If we can be of any further assistance to you concerning this matter, please do not hesitate to call upon us.

Sincerely,


Donald W. Weaver

Engineering Geologist

State of California EG#917


John O.D. Byrd

Project Geologist

DWW:pb

13440

Daily Appellate Report Tuesday, September 27, 1994

ORDER

Cite as 94 Daily Journal D.A.R. 13440

HERBERT E. BARTHEL'S,
Plaintiff and Appellant,

v.

SANTA BARBARA TITLE COMPANY
et al.,
Defendants and Respondents.2d Civil No. B076806
(Super. Ct. No. 182179)
(Santa Barbara County)
California Court of Appeal
Second Appellate District
Division Six
Filed September 23, 1994

THE COURT:

IT APPEARING that the opinion filed August 24, 1994, in the above matter meets the standard for publication pursuant to California Rules of Court, rule 976(b).

IT IS HEREBY ORDERED that the same is certified for publication.

REAL PROPERTY

Title Abstractor's Negligence in Failing to Discover Easement's Insufficiency Didn't Cause Loss of Property Value.

Cite as 94 Daily Journal D.A.R. 13440

HERBERT E. BARTHEL'S,
Plaintiff and Appellant,

v.

SANTA BARBARA TITLE COMPANY
et al.,
Defendants and Respondents.2d Civil No. B076806
(Super. Ct. No. 182179)
(Santa Barbara County)
California Court of Appeal
Second Appellate District
Division Six
Filed August 24, 1994

In this action for title abstractor's negligence, we hold that the negligence of the abstractor did not cause the property to lose value. Therefore, the property owner is not entitled to damages measured by the loss in value of the property. We also hold the trial court correctly determined other aspects of the award of damages. We affirm.

FACTS

In 1976, Herbert Barthels purchased the last beach front parcel of property in the City of Santa Barbara (the City). He paid \$24,500 for the unimproved lot. Escrow was through the Santa Barbara Title Company (Title Company) which also issued a policy of title insurance. The policy insured title to the lot and an appurtenant easement for access 15 feet wide.

Barthels, a local dentist, planned to build his residence on the parcel. In June of 1989, during the permitting process, he learned that the access easement was only seven and a half feet wide, and not 15 feet as represented by the Title Company. The City refused to issue a building permit without a 15 foot wide easement. The Title Company tendered \$42,875, representing the purchase price as increased by the title insurance policy inflation endorsement.

Barthels sued the Title Company alleging abstractor's negligence in determining that Barthels had a 15 foot wide easement. Barthels prayed for damages for loss of value of his property, money spent on construction plans and expenses incidental to processing permit applications. The Title Company did not deny it was negligent. The only question, therefore, was the amount of damages.

At trial Barthels testified that in 1989 when he learned of the defect in title, the property was worth \$800,000 with the 15 foot easement and nothing without the easement. Barthels claimed that through 1992 he had out of pocket expenses for such items as property taxes and architectural and engineering fees in the amount of \$27,381.25. The Title Company agreed that Barthels expenses were \$21,524.40 through 1989, the year Barthels discovered the defect in title.

Barthels also claimed \$280,000 as compensation for his own time devoted to development of the parcel. He testified he spent 1400 hours and was claiming \$200 per hour as the value of his time.

The trial court found that the measure of damages for the Title Company's negligence was not the \$800,000 loss in economic value of the property, but the \$42,875 offered by the Title Company. The court told Barthels he could cash the Title Company's previously tendered check in that amount.

The trial court also awarded Barthels \$21,524.40 for out of pocket costs expended until the defect in title was discovered. As to compensation for Barthels' time, the court found 150 hours represented the time Barthels expended that avoided the need to hire others. The court stated Barthels was not entitled to compensation at his billable rate as a dentist. Although he rescheduled

patients, he did not lose any. The trial court found that a fair rate would be \$66.66 per hour. It awarded Barthels \$10,000 as compensation for his time. The trial court found no basis for awarding Barthels attorney's fees for prosecuting the negligence action. It therefore awarded a total of \$31,524.40 in addition to the amount already tendered by the Title Company.

DISCUSSION

I

Barthels contends the trial court erred in failing to award him \$800,000 for loss of economic value of his property. We disagree.

The measure of damages for negligence is ". . . the amount which will compensate for all the detriment proximately caused thereby . . ." (Civ. Code, § 3333.) The question here is whether the negligence of the Title Company caused the property to lose economic value. Barthels testified the property had no economic value because it lacked a sufficient easement for access. Nothing the Title Company did or did not do caused the property to lack a sufficient access easement. A sufficient easement simply never existed. Thus, the Title Company cannot be liable for any loss of economic value of the property caused by the lack of the easement.

Garton v. Title Ins. Trust Co. (1980) 106 Cal.App.3d 365 illustrates the role of causation in assessing damages for abstractor's negligence. There the abstractor failed to disclose that the plaintiffs' parcel was subject to a mineral interest in a third party. Plaintiffs sought an order requiring the abstractor to obtain a release of the mineral interest. In upholding the sustaining of a demurrer the court stated: "The first element of proximate cause is cause in fact. [Citations.] Nothing defendants did or did not do in any way caused the land to be subject to the Archibalds' mineral interest. . . . Since the acts or omissions of the defendants did not cause the land to be subject to the Archibalds' interest the cost of removing that interest is not a proper measure of plaintiffs' damages, nor are plaintiffs entitled to an order requiring the defendants to obtain a release of that interest." (Id. at pp. 382-383.)

Here the Title Company's negligence caused Barthels to spend \$24,500 on a valueless parcel of property. Damages in the amount of \$24,500 plus interest are adequate to compensate Barthels for the loss of that money. The trial court apparently believed Barthels was adequately compensated for the loss of his purchase money by payment of the \$42,875 policy limits. That amount represents the purchase price plus an inflation factor specified in the policy. Although interest and not a title policy inflation factor is ordinarily used to measure damages in tort (see 6 Witkin, Summary of Cal. Law (9th ed. 1988) Torts, § 1397, p. 868), Barthels does not complain on appeal that the trial court erred in substituting the inflation factor for interest.

Barthels' reliance on Overholzer v. Northern Counties Title Ins. Company (1953) 116 Cal.App.2d 113 is misplaced. There in discussing liability under a policy of title insurance the court stated, "It seems quite apparent to us that liability

should be measured by diminution in the value of the property caused by the defect in title as of the date of the discovery of the defect, measured by the use to which the property is then being devoted." (Id. at p. 130.)

But liability under a policy of title insurance, as discussed in Overholzer, is determined according to the provisions of the insurance contract. The Overholzer's action was brought on the contract of title insurance. Here, the measure of a title insurer's liability under contract is not relevant. Instead, the instant case is based on negligence. Under the circumstances presented here, holding the Title Company liable for loss of value on a theory of negligence would violate Civil Code 3333. That section limits damages for negligence to the detriment proximately caused by the Title Company's act or omission.

II

Barthels also contends the trial court erred in awarding other damages.

Barthels argues that the trial court should not have stopped at the end of 1989 in calculating damages for his out of pocket expenses. But 1989 is the year Barthels discovered the defect in title. The City refused to issue a building permit, and he knew the land had no value. The trial court did not err in refusing to award damages for expenses made on land after Barthels learned it was worthless.

Barthels argues he should have been awarded damages for loss of income. But the trial court found no credible evidence Barthels lost any income. The trial court did award Barthels \$10,000 for the time he spent that avoided the need to hire someone else.

Barthels complains the trial court awarded damages for some of the time he spent, but not all. The trial court was not convinced that all the time Barthels said he spent was reasonably necessary for the development of the parcel. The trial court committed no error. Barthels simply failed to carry his burden of proof. We must treat all evidence unfavorable to the judgment as not having sufficient verity to be accepted by the trier of fact. (CHK Associates v. Mayer Group, Inc. (1990) 224 Cal.App.3d 856, 872.) We have no power on appeal to consider the credibility of a witness or to weigh the evidence. (Kumble v. Board of Education (1987) 192 Cal.App.3d 1423, 1427.)

Barthels also complains that the amount awarded was calculated at \$66.66 per hour, rather than the \$200 hourly fee of a dentist. But in developing his property, Barthels was not performing the work of a dentist. Instead of compensating Barthels at the hourly rate of a dentist, the trial court properly measured compensation by the reasonable hourly rate for a person doing the type of work Barthels performed in developing his property. There was no credible evidence of the reasonable hourly rate for such work. But because Barthels had the burden of proof, if the trial court erred at all, it erred in awarding Barthels anything for his work. Thus there was no prejudice to Barthels in measuring compensation by \$66.66. No reversal is

warranted. (See *People v. Watson* (1956) 46 Cal.2d 818, 836.)

Finally, Barthels claims the court erred in failing to award attorney's fees. Code of Civil Procedure section 1021 provides in part, "Except as attorney's fees are specifically provided for by statute, the measure and mode of compensation of attorneys and counselors at law is left to the agreement, express or implied, of the parties . . ." There being no statute or agreement providing for attorney's fees in this matter, the trial court was correct in refusing to award them.

The judgment is affirmed. Costs are awarded to respondents.

GILBERT, J.

We concur:

STONE, P. J.
YEGAN, J.

Patrick L. McMahon, Judge
Superior Court County of Santa Barbara

James T. Lindsey for Plaintiff and Appellant.
Gibbs, Giden, Locher, Fleming & Acret, Joseph M. Giden, Lawrence B. Parker, and Michael I. Giden for Defendants and Respondents.

CIVIL PROCEDURE

Plaintiff in Intervention Isn't Liable for Prevailing Defendant's Costs Dating From Filing of Original Complaint.

Cite as 94 Daily Journal D.A.R. 13442

GERALD GARCIA, JR, et al.,
Plaintiffs,

v.

HYSTER COMPANY,
Defendant and Respondent;

TRAVELERS INSURANCE COMPANY,
Intervener and Appellant.

No. F019160
(Super. Ct. No. 212196)
California Court of Appeal
Fifth Appellate District
Filed September 23, 1994

APPEAL from a judgment of the Superior Court

of Kern County. Rebecca A. Wiseman, Judge.

Mullen & Filippi, Pamela L. Goe, Yohman and Jensen, and Rick Jensen for Intervener and Appellant.

Marrone, Robinson, Frederick & Foster and J. Alan Frederick for Defendant and Respondent.

PROCEDURAL HISTORY

On October 1, 1990, plaintiffs Gerald Garcia, Jr. and Laura Garcia filed a complaint against defendant/respondent Hyster Company. The complaint charged that, while operating an "order picker" designed and manufactured by Hyster Company, Gerald Garcia was crushed between the order picker and a cross-beam. The complaint sought damages for Gerald Garcia's physical and mental injuries and medical expenses, his lost earnings, and Laura Garcia's loss of consortium.

Hyster Company answered with a general denial and various affirmative defenses, among which were the allegations that Gerald Garcia's employer, North American Phillips Lighting Corporation, had workers' compensation insurance and that said insurance had "expended certain sums" toward Gerald Garcia's medical care and disability payments. Consequently, Hyster Company sought a reduction of any damages awarded by the amount of medical care, treatment, and disability payments made by the workers' compensation carrier.

On the same day it answered the complaint, Hyster Company cross-complained against North American Phillips Lighting Corporation, again seeking a set-off against any award on the complaint of the workers' compensation benefits, if any, paid to Gerald Garcia.

The matter was set for a mandatory settlement conference on May 1, 1992, with trial set for May 26. The settlement conference was continued to May 22. During the intervening period, plaintiff in intervention/appellant Travelers Insurance Company, with the court's permission, filed its complaint in intervention against Hyster Company. Travelers alleged that, as a proximate result of Hyster's negligence, it had been compelled to pay workers' compensation benefits to Gerald Garcia in an undetermined amount; the complaint sought reimbursement for sums expended in paying workers' compensation benefits to Gerald Garcia, and "[r]easonable litigation expenses and reasonable attorney's fees incurred in preparation and prosecution of this action pursuant to Labor Code Section 3856"

On May 28, 1992, Hyster Company made a statutory compromise offer to Travelers of \$5,001, pursuant to Code of Civil Procedure section 998. The offer was not accepted by Travelers.

On May 29, 1992, the Garcias' suit against Hyster Company settled for \$62,500; one term of the settlement was that each party bear its own fees and costs.²

On June 5, 1992, Hyster Company answered the complaint in intervention with a general denial.

The complaint in intervention against Hyster Company came on for trial on September 29, 1992. During the course of the trial, intervener Travelers



Geotechnologies, Inc.
Consulting Geotechnical Engineers

439 Western Avenue
Glendale, California 91201-2837
818.240.9600 • Fax 818.240.9675

September 5, 2007
File Number 19515

Franco and Associates, Inc.
12345 Ventura Boulevard
Studio City, California 91309

Attention: Mr. Ray Franco

Subject: Geotechnical Engineering Commentary
Proposed Single Family Residence
1837½ El Camino De La Luz
Santa Barbara, California

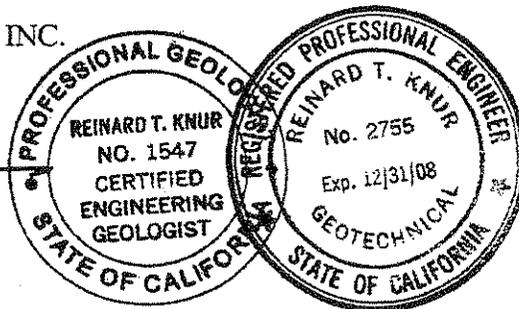
Dear Mr Franco:

This letter transmits the Geotechnical Engineering commentary regarding proposed development for the subject site. This letter was prepared to provide a third party evaluation regarding the geotechnical issues regarding the development of an appropriate geology-based building setback for the proposed residence. No subsurface exploration was performed by this firm, although a site reconnaissance and limited geologic mapping were done. Previous geotechnical engineering reports, aerial photographs and documents relating to the proposed development were reviewed.

Should you have any questions please contact this office.

Respectfully submitted,
GEOTECHNOLOGIES, INC.

REINARD T. KNUR
C.E.G. 1547, G.E. 2755



RTK:km

Distribution: (6) Addressee

GEOTECHNICAL ENGINEERING COMMENTARY

PROPOSED SINGLE FAMILY RESIDENCE

1837 ½ EI CAMINO DE LA LUZ

SANTA BARBARA, CALIFORNIA

INTRODUCTION

This firm has been retained to provide an evaluation of the issues in deriving a geology-based building setback for the proposed single family development. There is concern that the project as presented to date may adversely impact the coastal bluff and nearby existing development. The building setback as presented on available plans, appears to be have been based on a topographically derived "Top of Bluff". However, there is little agreement with the position between two recent surveys of the existing "Top of Bluff". It is the finding of this firm however, that the geologic aspects of the site have greater impact on the development of a reasonable building setback than the application of the "Top of Bluff". It is not the intent of this firm to establish such a line, but to instead identify the geologic issues that should be considered to develop such a setback line. Previous work by others does not appear to consider the geologic issues in preparation of such a line. The following commentary is primarily focused primarily on slope stability and the necessity to establish a realistic setback from the top of the coastal bluff.



This letter is not intended to evaluate all of the geologic issues confronting development of the site, but is intended to bring attention to the available resources for the establishment of a building setback line. The greater purpose of such a line to minimize degradation to the coastal bluffs and to not contribute to the instability to adjacent properties. As stated in the California Coastal Act (California Public Resources Code, Section 30253):

“New development shall:

- (1) minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural land forms along bluffs and cliffs. “

The central issue addressed in this letter is development of a reasonable building setback in keeping with the California Coastal Act and the minimum requirements of the building practice as outlined in the Uniform Building Code. The development of a setback in the should consider the following steps:

- a) Complete an accurate assessment of the geologic materials comprising the slope,
- b) Representation of the of the geologic conditions on a geologic map of suitable accuracy and coverage,
- c) Preparation of Cross Section(s) drawn through the slope that represent the most critical direction in terms of slope stability,
- d) Analysis of the stability of the slope using data, assumptions and methods consistent with the illustrated geologic framework. The stability analysis should identify the potential failure plane with a factor of safety of 1.5 or greater for static analyses. A separate calculation should be performed to identify the potential failure plane with a factor of safety of 1.1 for pseudostatic conditions (earthquake loading),



- e) Applying a sea cliff erosion rate for the design life of the structure to the potential failure planes determined above and reevaluation of the slope stability analysis with consideration of the new slope profile. The intersection of the top of the potential failure plane and the ground surface will provide a single point on the building setback line setback line.
- f) The steps c through e should be repeated as necessary to establish a setback line across the site. The judicious section of Cross Sections can minimize the number of analyses needed.

These steps take into consideration items outlined in the "Recommended Procedures for Implementation of DMG Special Publication 117, Guidelines for Analyzing and Mitigating Landslide Hazards In California (Blake, T. F., Hollingsworth, R.A., and Stewart, J.P., 2002) and "Establishing Development Setbacks from Coastal Bluffs" (Johnsson, M.J., 2005).

This report provide a background of the general site conditions and local geology. The following commentary provides addition clarification to the steps a) through f) outlined above. The scope of work included review of available geotechnical engineering reports regarding the site and vicinity. In addition, available published information regarding the geology of the site vicinity, City of Santa Barbara permit files were also reviewed. A site visit to visually inspect the exposed geologic materials comprising the sea cliff was performed on August 6, 2007. Lastly, personnel of the California Coastal Commission were contacted. No subsurface investigation or testing of the engineering properties of the geologic materials was performed.



SITE CONDITIONS

The site is located in the Mesa area of the City of Santa Barbara at the terminus of El Camino De La Luz. The site is irregular in shape and approximately 0.52 acres in area. A small, relatively flat area near the northwest corner of the site descends to the south ending at a beach and to the east ending at a perennial creek. The flat portion of the site is up to elevation 112 feet and has a slight southeast surface gradient. The toe of the slope and the southern limit of the property nearly coincide at elevation 10 feet. Therefore, the maximum total relief across the site is nearly 110 feet. The perennial creek bottom ranges in elevation from 70 to 40 feet before cascading in a waterfall to the beach elevation near 10 feet. The site is shown relative to nearby topographic features on the attached Local Geologic Map.

A terrace (or topographic bench) is located southeast of the main, flat area of the site. The terrace is nearly flat at an elevation of 95 feet. This area appears to have been used as a picnic location as a firepit and walls were found during the site reconnaissance. Review of an aerial photograph of this area dated 1965, shows a small structure on this terrace. The site topography is shown on the attached Site Survey by Penfield and Smith (2006).



This site is vegetated with coastal brush and annual grasses. A trail leads from the flat portion of the site across the bluff face to the beach below. The trail appears to have been improved in the past, but is currently in disrepair. The neighboring development consists of single family residences.

PROPOSED DEVELOPMENT

The subject site is proposed to be developed with a single family residence. The residence will be two levels in height. The second story will have a finish floor elevation near elevation 110 feet. The first story will be excavated into the slope, and will have a finished floor elevation approximately 10 feet below the existing site elevation. Grading will consist of excavation for the lower floor elevation.

LOCAL GEOLOGY

The local geology consists of late Pleistocene older marine terrace deposits consisting of sandy silt, sand, and clay with a basal gravel or cobble layer. These poorly cemented materials range in thickness from 5 to 60 feet thick and extend inland as a broad sheet several hundreds of feet, (Minor, S.A. et al, 2003). The basal surface of the marine terrace descends to the south at a gentle gradient as shown on the attached Local Geologic Map. The older marine terrace represents remnants of a prehistoric sea level position.



Underlying the marine terrace material is bedrock consisting of interbedded claystone and siltstone with lesser quantities of chert or siliceous siltstone, limestone and dolomitic siltstone. The beds range in thickness from 1/16 inch to several feet thick. Tar was observed in fractures found in the hard, but brittle layers in the formation. Individual beds in the Monterey Formation range in consistency from soft to very hard. The range in hardness results in a very uneven slope profile, where the hard, cherty beds are resistant to wave and water runoff erosion, forming prominent ridges and vertical cliff faces. The soft beds are generally not visible, due to the presence of vegetation and providing a plane of weakness for sloughing, or other mechanism of slope instability.

Bedding in the Monterey Formation is easily visible from the beach and appears to generally dip to the southwest at moderate angles from 24 to 55 degrees. In certain areas, the bedding is slightly to moderately folded due to either deformation simultaneous with deposition or due to tectonic activity from such sources as the Lavigia Fault. Folding in the bedrock has led to small synclines and anticlines that dip to the south and have been daylighted due to coastal erosion.

Cross Section A-A' was drawn in the down dip direction of bedding planes that are exposed on the cliff face. The cross section shows bedding dipping 35 degrees in a southwest direction and is relatively planar. The available data suggests that no folds occur across the site, however, this representation should be verified with deep, downhole logged borings.



EL CAMINO DE LA LUZ LANDSLIDE

A prominent geologic feature in the site vicinity is the El Camino De La Luz Landslide. Significant movement of this slide occurred on February 14, 1978 whereby two homes located at the edge of the slide were destroyed several others were damaged or threatened. The slide was described in a report by Pacific Materials Laboratory, Inc. dated March 6, 1978. The slide is shown relative to the subject site on the attached Landslide Location Map. The location of the landslide was superimposed from the work by Pacific Materials. The site is located approximately 130 feet east of the slide. The slide measured 550 along the coast and 400 feet perpendicular to the coast. The slide moved as much as 150 feet. The toe of the slide extended as much as 80 feet beyond the current sea cliff edge. The loss of material is due to erosion of the soft, disturbed materials from wave action.

Limited subsurface work was performed at the time, however, it was concluded that failure occurred along a bedding plane or planes and a curved surface that cut across bedding planes. The slide was triggered by water from heavy rainfall that preceded the date of failure and from disposal of water to the ground surface from nearby homes.

The potential for further movement of the slide and environs was also discussed in the report. Based on the orientation of daylighted (unsupported) bedding planes the area considered as a zone of potential failure was indicated on their geologic map as a line "Potential Short Term Plane of Failure".



The line has been transferred to the Landslide Location Map and to the Site Survey. It should be noted that the line nearly coincides with the proposed structure.

It was noted in the report that the El Camino De La Luz landslide has moved in the past. The presence of a landslide scarp predating the 1978 event is evident in aerial photographs. However, based on the available information, only minimal geotechnical investigation has been performed on the El Camino De La Luz landslide to characterize the potential for future failure or mitigate against such failure.

INTERPRETATION OF TOP OF BLUFF

In order to avoid the potential damage that may occur due to hazards such as the nearby landslide, a building setback is commonly established from a position referred to as the "Top of Bluff". Due to the irregular topography of the site vicinity and the irregular profile that the bluff presents, the position of this line has been interpreted by two different surveyors with different results. One interpretation was developed by the Peikert Group Architects (dated October 23, 2003, revised on December 30, 2005). Another interpretation is shown on the Site Survey and was developed by Penfield and Smith in a survey dated June 29, 2006. The two "Top of Bluff" lines are nearly coincident at the west property line, however they diverge markedly to the east. It appears the difference in interpretation is based on the presence of topographic bench located southeast of the



level pad area. It is not the intent of this report to judge the accuracy of either survey, however the basis for the "Top of Bluff" definitions is rooted in the California Coastal Act. A diagrammatic representation of three different slope conditions is presented for clarification, Figures 1, 2, and 3. Each of the definitions is determined purely by topographic features and not the underlying geologic structure. As is discussed below, the geologic structure, not the topographic features, impacts the development of a building setback line for the site. Therefore, the interpretation of "Top of Bluff" is not considered further in this text.

GEOLOGIC COMMENTARY

The following items described below represent standard, state of the practice procedures that should be followed for development of a building setback. The lettering sequence follows that presented in the earlier in this report.

a) **Complete and accurate assessment of the geologic materials comprising the slope.**

The subsurface work performed on the subject site consists of two borings drilled by Buena Engineers in 1971 to a depth of 14 ½ feet and three borings drilled by Pacific Geoscience in 1987 to a maximum depth of 13 feet. Given the relief is over 100 feet, borings should be drilled and logged by



a geologist to a point below the lowest unsupported (current and future) bedding plane to identify geologic structure.

The engineering properties of the onsite geologic materials require adequate evaluation. The most recent geotechnical engineering report where field work was performed (Pacific Geoscience, 1987) did not provide the results of such testing. Guidelines for the selection and evaluation of geologic materials for slope stability analyses are presented in the report "Recommended Procedures for Implementation of DMG Special Publication 117, Guidelines for Analyzing and Mitigation Landslide Hazards in California" (Blake Hollingsworth, and Stewart, et. al, 2002).

b) Representation of the of the geologic conditions on a geologic map of suitable accuracy and coverage.

Any geologic map used for the analysis should show the limits of the property, and the topography of salient features nearby, such as the toe of the ocean bluff and the creek bottom. In addition, due to the presence of large landslide to the east, the map should show the relationship of the site relative to the landslide. Two maps were available to this firm that provide reasonable coverage and are presented for illustration purposes. The attached Landslide Location Map shows the site relative to the El Camino Del La Luz Landslide and the Site Survey shows the proposed structure relative to nearby topographic features. No attempt was made to show the detailed geology of the site for purposes of this letter.



September 5, 2007

File No. 19515

Page 12

c) Preparation of Cross Section(s) drawn through the drawn though the dimension that represents the most critical direction in terms of potential failure.

Two schematic Cross Sections were drawn through the site and presented in a letter by William Anakouchine, Ph. D. dated March 16, 2005. The presented cross sections need to illustrate the subsurface geology to provide the parameters for proper stability analysis of the slope.

Based on the topography shown on the Site Survey, Cross Section A-A' was prepared by this firm. With limited subsurface information available, the cross section represents a best estimate of the bedrock orientation. The bedrock inclination is based on measurements of bedrock exposures by Pacific Materials (1978) and this firm.

The cross section does not show the individual beds of siltstone, claystone, and chert that appear in the slope as would be the case in an appropriate analysis. The cross section schematically shows the location of the first daylighted bedding plane. This plane represents an unsupported bedding surface and is considered at the cusp of failure in slope stability analysis. The surface manifestation of the daylighted plane is located several feet further landward of the location of the "Top of Bluff" as presented by the surveyors which is based solely on topographic features.

d) Analysis of the slope stability using methods, data, and assumptions consistent with the illustrated geologic framework.



Stability analysis should focus on the orientation of the bedding planes, along which is the weakest direction of rock strength. The nearby landslide likely occurred along a such bedding plane (Pacific Materials, 1978). In a rigorous analysis, both circular shaped failure surfaces, planar failure surfaces or a combination of both should be analyzed. The analysis method or failure surface slope that yields the lowest factor of safety for any potential failure surface should be used as the basis for development of the building setback. The objective of the analysis should be to identify the position of a surface where the stability of the slope has a factor of safety of 1.5 or greater. The analysis should also use bedrock strengths that are representative of the on-site materials and with properties that are likely to occur during the life of the structure, such as a saturated condition.

The analysis should also consider the effects of pseudostatic loads (earthquake loading). The procedure described in the referenced Guidelines described in (Blake, Hollingsworth, and Stewart, 2002) is rigorous, however, parameters commonly accepted by reviewing agencies are a seismic coefficient of 0.15 and a minimum factor of safety of 1.1.

The daylighted bedding planes shown on the attached Cross Section A-A' do not reflect existing bedding planes with analyzed factors of safety as described above. Analysis will likely yield positions still further inland from those shown.



- e) **Applying a cliff erosion rate for the design life of the structure to the profile determined above and reevaluation of the slope stability analysis with consideration of the new slope profile.**

The stability of the slope should be consider not only the conditions that occur during the design phase of the project but also during the design life of the project. Sea cliff erosion rates for the site vicinity have been estimated to range from 4 to 8 inches per year (Norris, 1988, CFG Consultants, 1996, Fisher, 2001). Using the daylighted bedding plane as a point of reference and assuming the bedrock structure is fairly uniform through the site in an inland direction, the future daylighted plane is shown. The portion of this plane is based on a 75-year design life and the minimum and maximum erosion rates.

Based on the minimum erosion rate cited, a 25-foot offset to the daylighted bedding plane is calculated. This position is well within the building footprint as shown on Cross Section A-A'. If the highest erosion rate is used, a 50 feet setback is calculated and the entire structure is within the setback zone. Again, these building setback positions do no consider the set backs based on a factor of safety.

- f) **The steps c through e should be repeated as necessary to establish a setback line across the site.**



Due to the complex shape of the site and likely variations in bedrock structure, the 75 year setback line should be determined at several positions around the site. Additional consideration should be given to the creek located on the east side of the site.

CONCLUSIONS AND RECOMMENDATIONS

Based on review of available documentation, a building setback line has been established by others based on a topographic interpretation of the "Top of Bluff" with a setback based on the conservative sea cliff erosion estimate of 25 feet. It is the finding of this firm that the geologic structure has not been considered in establishing the building setback. Since a relatively simplistic approach yields a position further inland from those shown by the surveyors. Slope stability analysis considering the geologic structure and utilizing representative geologic materials strengths should be performed. The procedures for such analysis are readily available and should be followed as part of the establishment of the setback line.

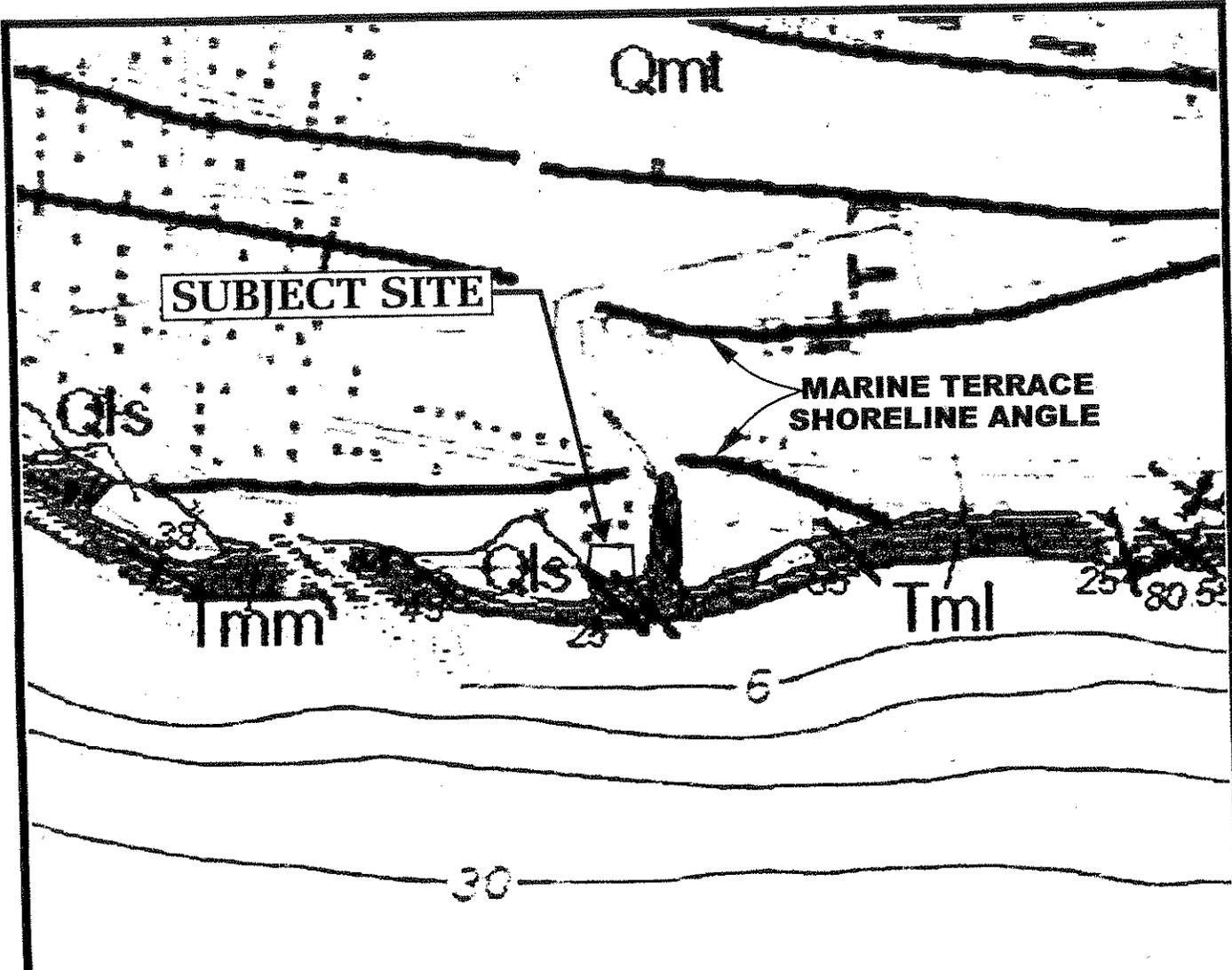
Enclosures: References
 Local Geologic Map
 Site Survey
 Landslide Location Map
 Figure 1, Top of Bluff- Definition 1
 Figure 2, Top of Bluff - Definition 2
 Figure 3, Top of Bluff - Definition 3
 Cross Section A-A'



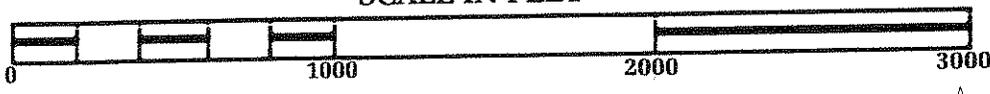
REFERENCES

- Anakouchine, William, Ph.D., March 16, 2005, Peer Review of Geologic Analysis for a Project at 1837½ El Camino De La Luz, No Job Number.
- Blake, T.F., Hollingsworth, R.A., and Stewart, J.P., eds., 2002, Recommended Procedures for Implementation of DMG Special Publication 117 Guidelines for Analyzing and Mitigating Landslide Hazards In California, Southern California Earthquake Center.
- Buena Engineers, May 17, 1971, Preliminary Soil Investigation and Engineering Geology Report for a Single Family Residence on El Camino De La Luz in the La Mesa Area, Santa Barbara, California, no job number.
- Fisher Geologic, December 2, 2001, Engineering Geologic Update Report, 1837½ El Camino De La Luz Santa Barbara, no job number.
- Johnsson, M.J., 2005, Establishing Development setbacks from Coastal Bluffs, in Magoon, O.T., Converse, H. Baird, B., Jines, B. and Miller-Henson, M., eds, California and the World Ocean, -02, Revisiting and revising California Ocean Agenda: Reston Virginia, American Society of Civil Engineers, p. 396-416.
- Minor, S.A., Kellogg, K.S., et. al, 2003, Preliminary Geologic Map of the Santa Barbara Coastal Plain Area, Santa Barbar County, California, U.S. Geologic Survey, Open File Report 02-136, Version 1.1, map scale 1:24,000.
- Norris, Ph. D, R.M., November 8, 1988, Untitled report,
- Pacific Geoscience, April 9, 1987, Soils Engineering Investigation of 1857 El Camino De La Luz, Santa Barbara, California, No job number.
- Pacific Materials Laboratory, Inc., March 6, 1978, Preliminary Landslide Investigation, Sea Cliff Property, El Camino De La Luz, Santa Barbara, California, Lab no. 2993-G2, File No 8-4859-2.
- Penfield and Smith, July 2007, Topographic Map, work order 17383.01, Map Scale 1:120.
- State of California, 2007, Public Resources Code, Division 20, California Coastal Act, <http://www.coastal.ca.gov/coastact.pdf>.





SCALE IN FEET



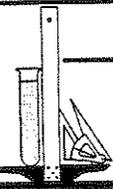
LEGEND

- Qmt: Marine Terrace Deposits
- Tmm - Monterey Formation (middle shale unit)
- Tml - Monterey Formation (lower calcareous unit)



REFERENCE: Preliminary Geologic Map of the Santa Barbara Coastal Plain Area
 Minor, S.A., Kellogg, K.S., et al 2003

LOCAL GEOLOGIC MAP

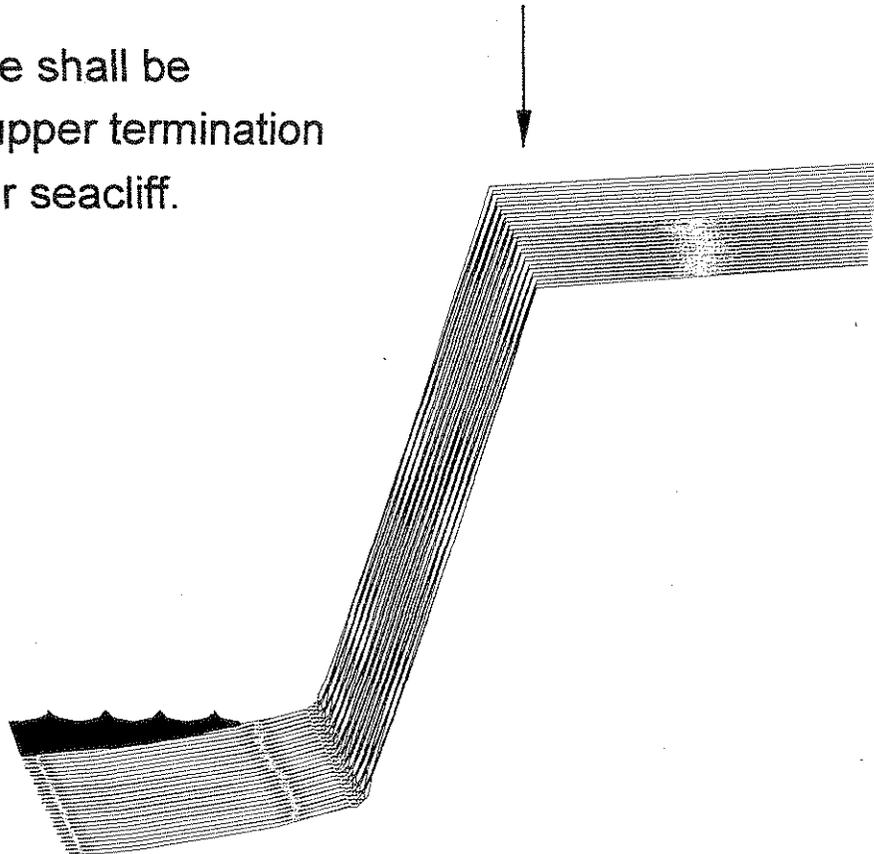


Geotechnologies, Inc.
 Consulting Geotechnical Engineers

1837½ EL CAMINO DE LA LUZ
 SANTA BARBARA

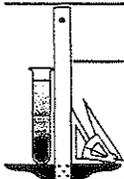
FILE NO. 19515

Bluff line or edge shall be defined as the upper termination of a bluff, cliff, or seacliff.



REFERENCE: CALIFORNIA COASTAL ACT, CALIFORNIA CODE OF REGULATIONS, TITLE 14, §13577 (h)(2)
REPRINTED FROM CALIFORNIA COASTAL COMMISSION STAFF PRESENTATION

TOP OF BLUFF - DEFINITION 1



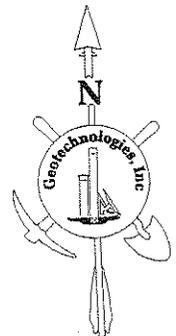
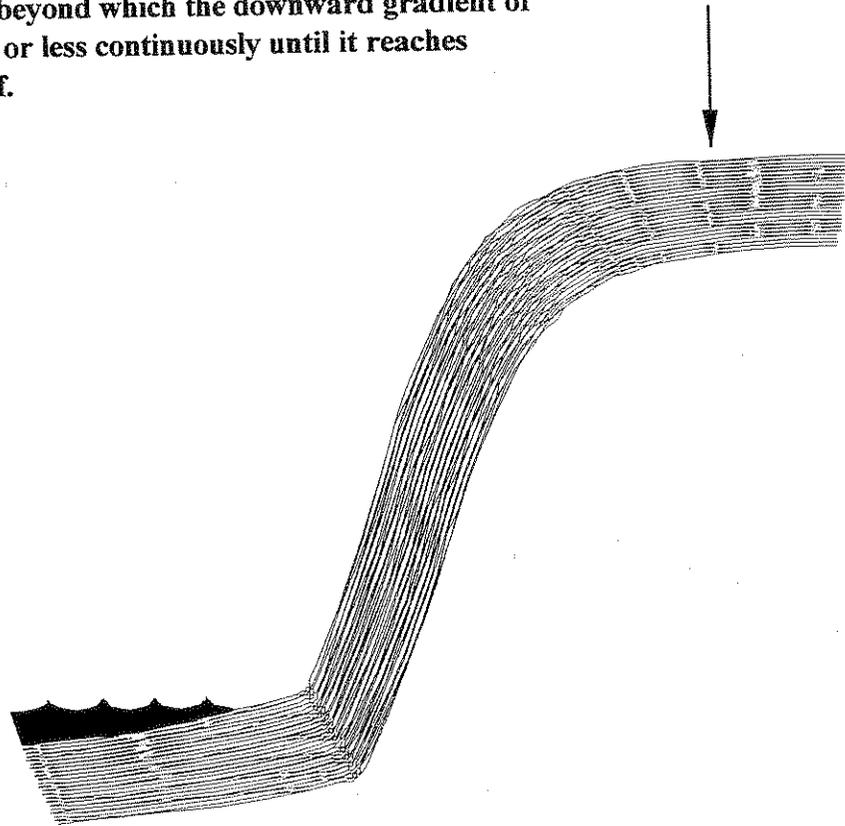
Geotechnologies, Inc.
Consulting Geotechnical Engineers

1837½ EL CAMINO DE LA LUZ
SANTA BARBARA

FILE NO. 19515

FIGURE I

In cases where the top edge of the cliff is rounded away from the face of the cliff as a result of erosional processes related to the presence of the steep cliff, the bluff line or edge shall be defined as that point nearest the cliff beyond which the downward gradient of the surface increases more or less continuously until it reaches general gradient of the cliff.



REFERENCE: CALIFORNIA COASTAL ACT, CALIFORNIA CODE OF REGULATIONS, TITLE 14, §13577 (b)(2)
REPRINTED FROM CALIFORNIA COASTAL COMMISSION STAFF PRESENTATION

TOP OF BLUFF - DEFINITION 2

Geotechnologies, Inc.
Consulting Geotechnical Engineers

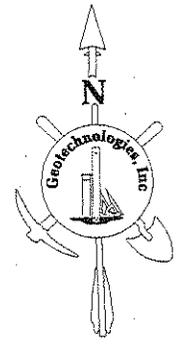
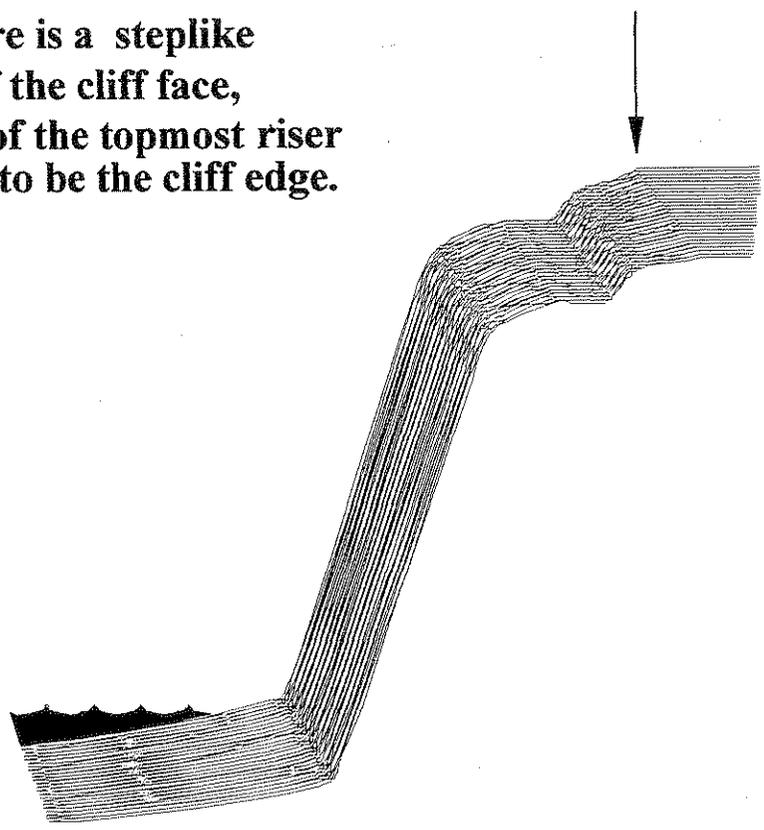
1837½ EL CAMINO DE LA LUZ
SANTA BARBARA

FILE NO. 19515

FIGURE II

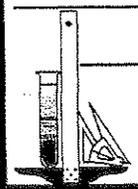


In a case where there is a steplike feature at the top of the cliff face, the landward edge of the topmost riser shall be taken to be the cliff edge.



REFERENCE: CALIFORNIA COASTAL ACT, CALIFORNIA CODE OF REGULATIONS, TITLE 14, §13577 (h)(2)
REPRINTED FROM CALIFORNIA COASTAL COMMISSION STAFF PRESENTATION

TOP OF BLUFF - DEFINITION 3

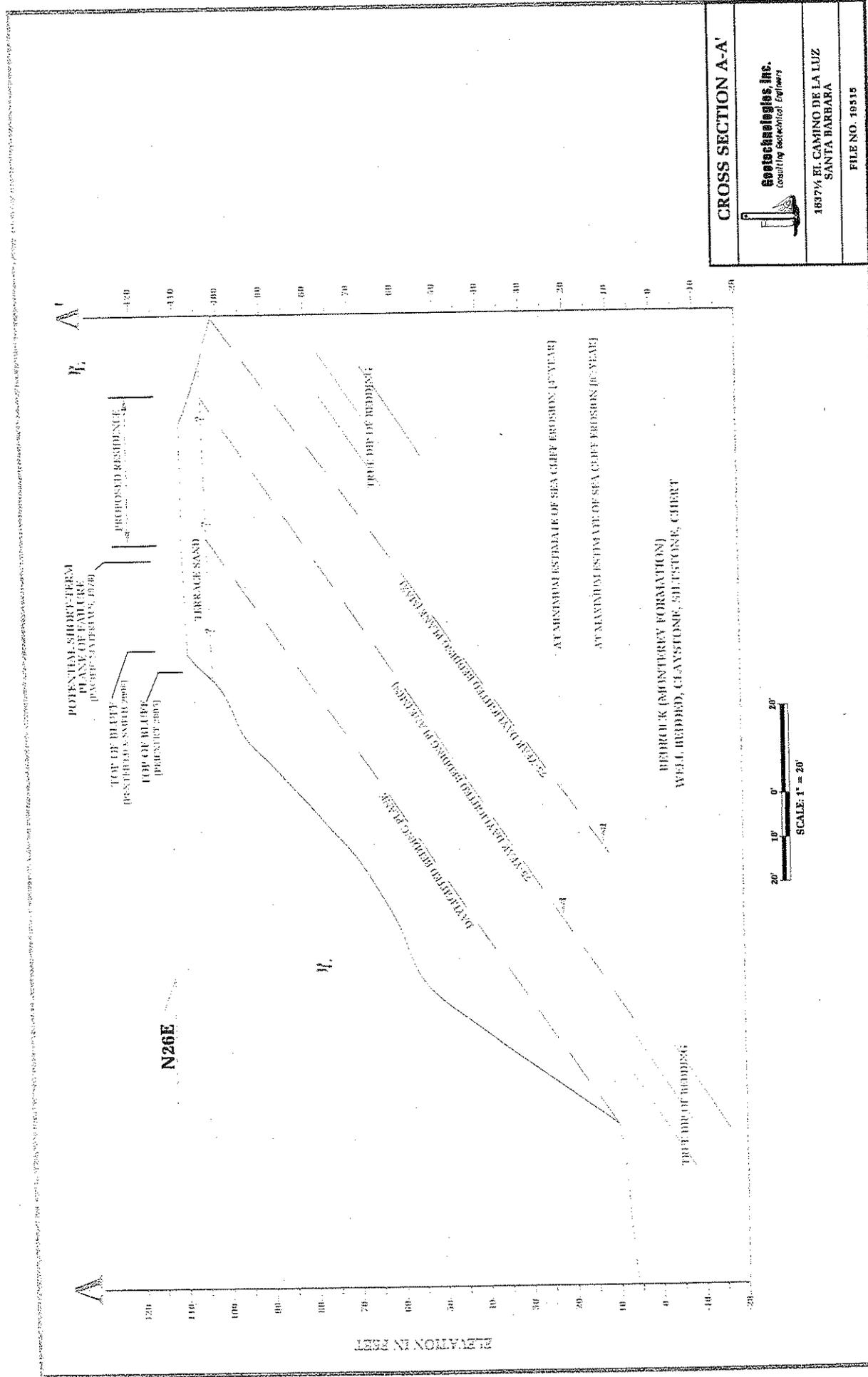


Geotechnologies, Inc.
Consulting Geotechnical Engineers

1837½ EL CAMINO DE LA LUZ
SANTA BARBARA

FILE NO. 19515

FIGURE III





Mr. Daniel Gullett
City of Santa Barbara Planning Division
P.O. Box 1990
Santa Barbara CA 93102

25 February 2008

This is my report concerning work I was requested to perform as per the stated scope of work given in my letter to you of 7 December 2007. The reported tasks are listed below:

1. GEO-3a Building Pad Inspection – The objective of this task was to complete the geologic investigation of the proposed building site as required by EIR mitigation measure GEO-3. This measure requires an evaluation of the building pad area to determine if a reported “bedding plane fissure” is located on the proposed building site. This investigation is required to include a visual inspection of the project site to determine if the fissure can be adequately evaluated by removing vegetation that may be obscuring its location. If it is determined that a visual inspection would not be adequate to locate or assess the fissure, the mitigation measure requires that a trench to bedrock be constructed in an attempt to locate the fissure and evaluate the potential for it to result in slope stability impacts.

In preparing to execute this task an inquiry was made of Dr. Barthels regarding the Plate II map missing from my copy of the Smith 1980 geologic report. Dr. Barthels provided me with his files and in them I was able to find the missing map and also the missing Plate 3 Geologic map for the CFG report of 19 June 1996 to Dr. Barthels. An extract of each of these maps is given in Figure 1.

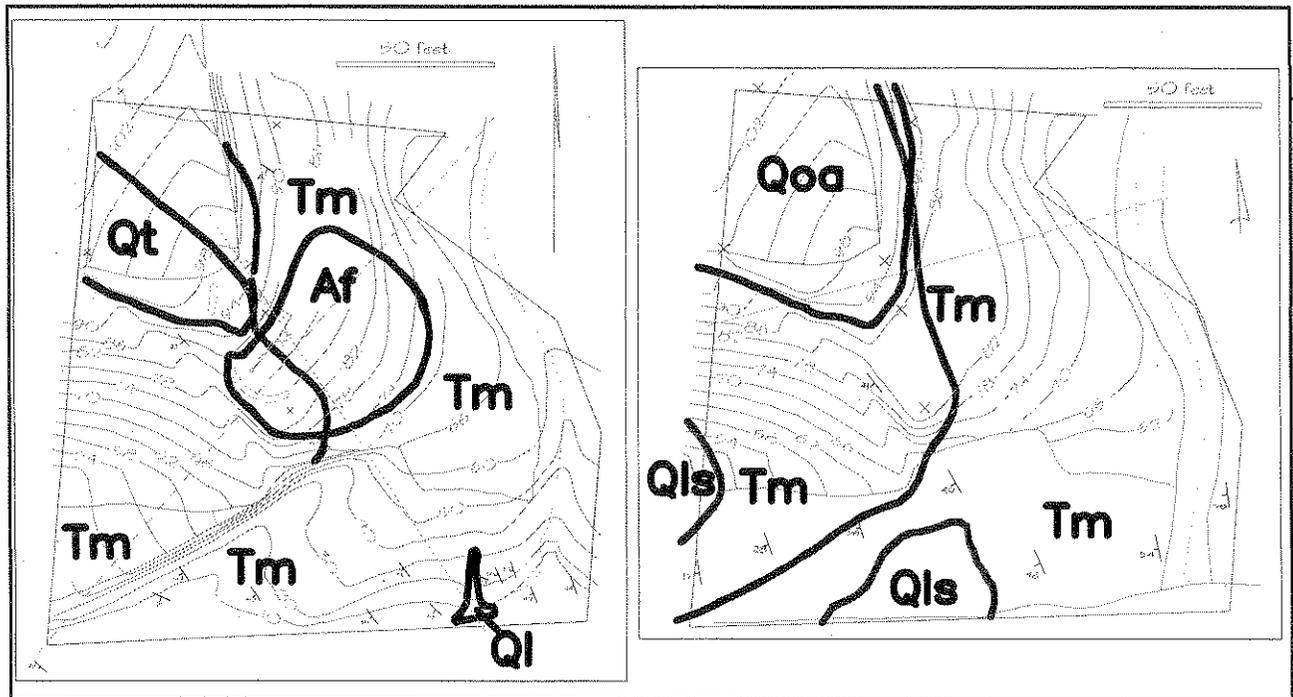


Figure 1. Excerpts from geologic maps by CGF (on left) and Smith (on right). Topographic contours are brown. Geologic contacts are heavy black lines. The formation symbols are Qt = Quaternary terrace materials, Af = Atrificial fill, Tm = Monterey formation, Ql or Qls = Quaternary (Recent) landslide debris, and Qoa = Quaternary older alluvium. The attitude of the Monterey strata is shown by the strike and dip symbols. The light green line indicates the paved area. Magenta lines indicate the oceanographic verge of the bluff and the break in slope along the creek. The creek is shown as a cyan line. Note that its lower reach is deflected eastward. Pale blue lines are the trace of cross-sections prepared by the authors of the maps. Small blue X's are the writer's GPS control points. The heavy blue lines represent the calculated position of the putative "open bedding plane fissure" derived from data on each map.

The maps in Figure 1 provide information for estimating where the feature Dr. Smith called a "continuously open bedding plane fissure of slide potential" is located on Dr. Barthels' property. A technique wherein the intersection between a dipping stratum and the surface topography can be determined was applied to each map by the writer to verify Dr. Smith's and CFG's results. Their results presumably were obtained using the same technique.

A comparison of the lines of the putative "bedding plane fissure" on both maps shows considerable differences in position near the paved area. It is evident that the exact position of the fissure, if it indeed exists needs to be determined by visual inspection of a trench or pit transecting the vicinity of the paved area.

Using the maps in Figure 1 an initial inspection of the Barthels parcel was made to ascertain where vegetation could be removed to allow an inspection excavation to be made. It was determined that a "weedwacker" could not remove the vegetation. Rather, a backhoe that would dig the inspection trench was to have cleared obscuring vegetation in the process of digging the trench.

The writer arranged to have the backhoe excavate the required inspection trench on 14 January 2008. On that date Mr. Rodriguez and the backhoe operator reported to me that two automobiles had been parked in a manner to block access to the Barthels parcel. I notified Mr. Gullett of the City of Santa Barbara Planning Division and Dr. Barthels to see if the blocking vehicles could be removed or some other means of access used. Neither of these options was successful so the trench excavation and inspection was cancelled after 2 hours of effort. As a result, the project applicant's request to comply with the requirements of mitigation measure GEO-3 could not be conducted.

2. Mr. Franco's has submitted comments regarding geology in his 9-6-07 document. Here is my response to his comments (in red where cited). The document is not paginated so my comments are keyed to the headings and paragraph numbers used in Mr. Franco's document.

GEOLOGICAL IMPACTS

1. Mr. Franco is mistaken about what the hachuring on the map in Figure 1 of my report represents. My report indicates that the cross-hatched area is the paved parking area, not the proposed building envelope.
2. The line Mr. Franco refers to is identified in the Weaver report in the 6 March 1978 Pacific Materials Laboratory, Inc. document as a "Potential short term plain (sic) of failure" (see legend of cross section A-A'). Weaver refers to a "Zone of Potential Failure" in the text of his report. A short term failure along the indicated plane has not occurred for 30 years. Apparently Dr. Weaver's surmise regarding the likelihood of imminent failure along the plane was in error. Furthermore, the dot-dash line Weaver put on his map to represent the failure plane does not extend as far to the east as Mr. Franco's annotated exhibits (his Figures B and F) indicate.
3. Mr. Franco modified Figure 1 of my report to show landslide boundaries extending seaward in his Figures B and F. The modified figures are incorrect. Figure 2 in my report is a photograph of the wave-cut platform offshore of the slide at low tide. Figure 2 shows clearly that none of the present platform was involved in the slide.

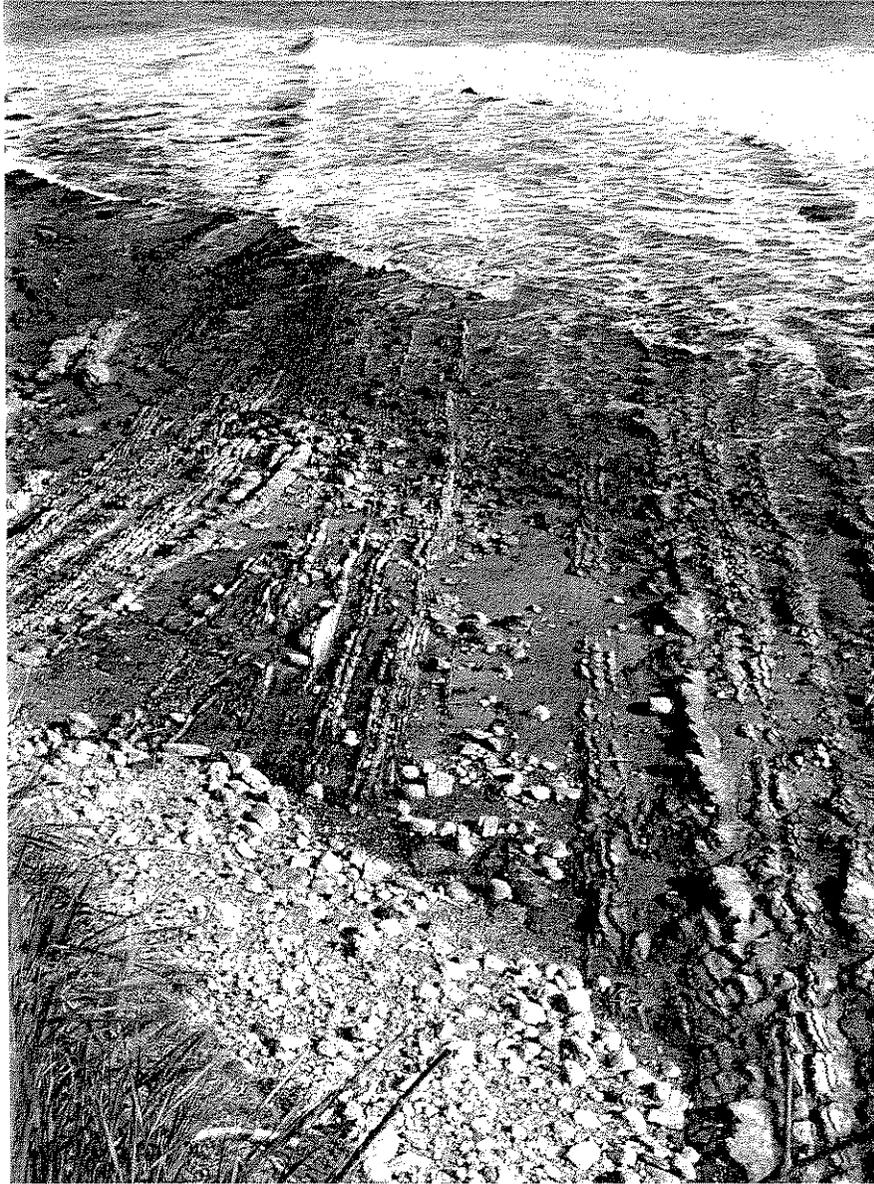


Figure 2. View downward and to the SE from the Barthels parcel at low tide. Monterey strata can be seen extending to the toe of the coastal bluff below the landslide at the SE corner of the parcel. The boulders at the toe are winnowed from landslide debris by wave action. Note the large angle between the strike of the strata and the trend of the bluff face.

For a close-up look at this condition, visit the recent (late January 2008) slide at Shoreline Park. Steps lead to the beach where one can inspect the toe of the slide and ascertain that, here also, the wave cut platform under the beach sand was not involved in the slide.

4. Figure 1 in my report was intended, as is stated in its caption, to show information gleaned from the reports that I reviewed as well as my own observations in the field. The extent of the Camino de la Luz landslide of Feb 1978 and mapped surface features are indicated on my Figure 2. The map in this figure was taken

from Weaver's report; it shows the relationship to the Barthels parcel and indicates older Quaternary landslides in the area by the symbol Qlo. The symbol Qls is used to represent the February 1978 landslide material in Cross Section B-B' in Weaver's report, but this symbol is not used on his map.

The purpose of my report was to perform a peer review of the work of others. I performed slope stability analyses to evaluate whether landslides should have been considered an issue. This effort was not intended to be engineering design work which is guided by the Uniform Building Code.

Pronouncements by Mr. Franco regarding factors to be included in my report are without merit because he is not qualified (and prohibited by law) to assess the nature of the bedrock under the parcel, how the adjacent creek might act as a lubricant, and the proximity of the La Vigia fault.

CONFLICTING PARAMETERS

1 through 4. These are reiterations of Mr. Franco's assertions in the previous section of his document. They have been addressed above.

CORRECTIONS AND RESPONSE COMMENTS

13. Abundant data can be found in the technical literature for estimating of the shear strength of lithologic units such as the Monterey marl. Such data are appropriate for the purpose intended in the stability analysis performed for my peer review.
14. The setback line shown on Figure 1 in my report is to illustrate that marine erosion rates do not apply at verges not being actively attacked by waves. Such verges are attacked by terrestrial and/or bluff failure. Terrestrial erosion proceeds at markedly slow rates. Bluff failure proceeds episodically such that a characteristic rate of bluff retreat is probabilistic and should be considered accordingly. Nonetheless, the method of evaluating historical shoreline retreat includes inescapably the effects of bluff failure.
16. I use a slope stability analysis program that performs the analysis by several methods. The Spencer method is superior to the Janbu method for circular and non-circular failure plane analysis, but neither is as conservative as the simplified Bishop's method that I used after performing preliminary block slide analysis and random-shaped surface analyses. It should be noted that Mr. Franco is not qualified to evaluate the applicability of the method of analysis.
17. The profiles are intended to show the shape of the topographic surface, not the location of the Barthels parcel.
18. This comment inappropriately characterizes general rock mass strength and geologic principles.

3. Analysis of Reinhard Knur's "Geotechnical Engineering Commentary" (5 September 2007).

I have read Mr. Knur's commentary and have the following remarks to offer. They are keyed to the page and headings (in red) used in Mr. Knur's commentary.

INTRODUCTION

Page 3. Third line from bottom – The usual procedure for slope stability analysis is to search for critical failure planes with factors of safety less than 1.5. These would indicate a hazard of low stability requiring further analysis and the inclusion of a landslide setback in the overall setback distance. The method that Mr. Knur seems to be citing requires an *a priori* knowledge of the shape and general position of a potential failure plane having a factor of safety of 1.5 under static conditions. One seldom has this information available initially.

LOCAL GEOLOGY

Page 6. Last line – The older marine terrace represents an elevated littoral zone. Given the tectonics of this region, it is not possible to determine the former eustatic position of the sea level at the subject site.

Page 7. Last two lines of the first paragraph – How does Mr. Knur know that soft beds are present in the Monterey formation at the site when he states that they "generally are not visible"?

Next to the last line – This sentence contradicts the assertion made in the previous paragraph. Small, probably syngenetic folds have been noted on the subject parcel by Smith (1980), CFG (1996), Fisher (2001) and the writer (see Figure 2). These folds are extremely important because they represent asperities in bedding planes which strongly impede bedding plane slippage.



Figure 1. Photo to the NW from the beach toward the Barthel's parcel. Note that the bedding is interrupted by small folds and undulations (see also Figure 3). Note also that no soft beds appear in the outcrops. The bluff in the right half of the photo is a landslide scarp. The material at the right edge of the figure is a landslide block that has broken away from the rock mass on the left side of the figure along that scarp. Movement of the slide was toward the right and not down dip toward the viewer. (Photo by the writer, 10 March 2005)

EL CAMINO DE LA LUZ LANDSLIDE

Page 8. Last paragraph – Dr. Weaver (1978) does not state the basis or method for determining the shape and location of the “Potential Short Term Plane of Failure.” Mr. Knur’s does not either.

Page 9. First two lines – The “potential short term failure plane” shown on Mr. Knur’s map passes through, or is adjacent to every one of the ten coastal homes between 1839 and 2001 Camino de la Luz and also 2007 and 2011 Edgewater Way. These houses are still here 30 years after this line was drawn on Dr. Weaver’s (1978) map. Perhaps it is time to rename the line to something that more accurately describes what it represents.

GEOLOGIC COMMENTARY

Page 10. a) The section underlying the subject parcel is exposed in the coastal bluff. It hardly seems necessary to drill a hole over 100 ft deep to examine the rocks comprising the bluff that is 150 ft away. Geologic structure could not be ascertained by just one drill hole in any case. Further, it would be necessary to drill only 40 ft to intersect all the strata that would be unbuttressed in 75 years of a hypothetical 8 in/yr of erosion as Mr. Knur indicates in his cross-section A-A’.

Page 11. First complete paragraph – The cited reference, Blake Hollingsworth & Stewart (2002) is an excellent guide for the analysis of soils. However the

authors hardly consider rocks in anything but general terms. Rocks at and near the earth's surface are inevitably broken to various degrees (see Figure 2) so the analysis of strength parameters of rocks as if they were homogeneous or even anisotropic soils is misleading. The literature of rock mechanics should be cited here instead.

Page 12. Second paragraph – The Cross-Section A-A' is not the best estimate of bedrock orientation in the Barthels' parcel. The lines drawn on Mr. Knur's cross-section are trigonometric constructions that identify the strata above a certain bedding plane that are not buttressed laterally.

Figure 2 shows that the bedding planes of the Monterey strata at the site are not smooth planes as suggested by Mr. Knur, but are planes disrupted by the asperities of folds. The geologic maps of Smith (1980) and CFG (1996) both show folds in the Monterey strata. They also show that the dip of the strata is not uniformly 35°, but is variable from 17° to 25° at the beach, from 50° to 40° on the bluff and from 20° to 25° at the verge and bluff-top. Such small folds and homoclinal variation in dip in the true character of the orientation of the Monterey strata at the site. This character plus the obvious fractured nature of the strata should instruct one to expect a mode of failure other than a simple block slide down dip. This is further borne out by the nature of the block slide shown in Figure 2. That failure took place across the dip of the strata and the direction of motion appears not to have been down dip.

Page 12. Third paragraph – As above, the bedding should not be shown as a straight line (suggesting smooth bedding) in the cross-section. Unsupported (unbuttressed) strata exist in the face of the bluff, but the actual geologic conditions there indicate that slope failure is more likely to occur in a different mode than bedding plane slippage.

It is not clear what the cited surface manifestation is and what topographical feature is being used for the analysis.

Page 13. First paragraph – My slope stability analyses included considerations of both block sliding and circular failure.

My report was not intended to determine a setback, but rather to perform a peer review of the setback determined by previous workers.

Second paragraph – A seismic coefficient of 0.5 was used in my pseudo-static analyses. This value was suggested by the Santa Barbara Department of Building and Safety as used by them. This probably put more conservatism in the method than is actually necessary to depict a typical case. Such acceleration, if prolonged, would cause widespread

destruction of structures and produce conditions far more serious than local slope failure.

Third paragraph – This assertion is speculation only.

Page 14. First paragraph – Mr. Knur makes an assumption of “fairly uniform” bedrock “structure”. This is not warranted as shown in the items above and by the appearance of the strata in Figures 2 and 3.

Second paragraph – This calculation follows a method advocated by Johnsson (2003) for calculating a coastal setback by considering the rate of marine erosion and the stability of the present coastal bluff. His method of determining the coastal setback consists of deciding upon a project life (75 years in the present case) and applying a rate of bluff retreat to that interval. If the bluff is shown to be stable, no slope stability setback need be added. An arbitrary buffer zone setback of 10 feet is then to be added to obtain the design setback. Such a buffer is unwarranted because the aleatory aspect of slope failure is already accommodated by stipulating a minimum factor of safety.

My slope stability analyses indicate that the bluff is stable and only marine erosion need be considered in deriving a coastal setback.

Page 15. Second paragraph – Second sentence – This is not true. The attitudes of the strata have been measured by Smith (1980), CFG (1996), Fisher (2001) and the writer. The structures distorting the planar bedding were considered at length.

The words starting with “Since a relatively...” do not form a sentence. The meaning of this fragment is not clear. The sentence following the fragment mentioned above is a general truism. Such a slope stability analysis has been performed by the writer to augment my peer review. Block sliding along unbuttressed bedding planes is probably not as likely as failure along fracture surfaces in the Monterey strata inasmuch as the latter has occurred at the SE corner of the Barthels parcel.

Of course, uncertainty exists in trying to determine future landslide events at the subject parcel. It is the task of engineering and architectural designers to take such uncertainty into account.

SUMMARY AND CONCLUSIONS

The Knur report appears to be a general treatment of geotechnics and slope setback methodology. In this sense the report is accurate, but his application of the general principles of slope stability to the Barthels site omits important details that cause his statements and conclusions to be inappropriate.

Mr. Knur describes the mode of failure of smooth, regularly-bedded strata that strike parallel to the trend of the bluff face. This mechanism is valid, but is not applicable at the Barthels site. The few attitude measurements shown on the "Site Survey" map in Mr. Knur's report illustrate that the Monterey strata strike at an angle to the trend of the bluff face (see also Figure 2). This means that the strata are buttressed on their western extent. The only way a block slide could occur is if a nearly vertical failure plane develops so as to cause detachment of a block which then would rotate downward along a bedding plane (see Figure 4). The failure would be controlled more by the lateral strength of the strata sequence than by the shear strength of a weak interbedded stratum which at this site would be controlled by the presence of fold asperities on the bedding plane.

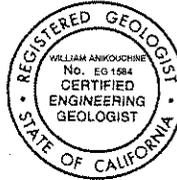
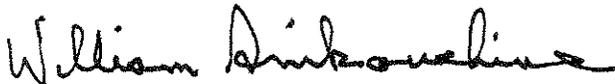
The coastal setback determined by Mr. Knur is excessive and is based upon faulty methodology. He applies the marine erosion rate to his cartoons of the "top of bluff" as if that feature eroded at such a rate. It doesn't. It erodes at a much slower rate determined by terrestrial processes. The rate of marine bluff erosion is measured by the retreat with time of the toe of the bluff because the toe is the most recognizable reference in historical aerial photographs and topographic maps. This method of determining the erosion rate includes the episodic and highly erratic incidence in time and space of bluff failure by landslides so there is no justification for considering slope failure by landslides separately



Figure 2. Monterey strata exposed in the bluff at the Barthels parcel. View is NW toward the Barthels parcel. The failure plane is delimited in red. The white ledge in the landslide block detached from the layer seen at the left side of the scene. Rotational motion toward the channel of the creek (off the view to the right) explains the configuration of the strata in this scene.

as if the probability of the occurrence of a landslide at the site in the next 75 years is 1. It certainly isn't.

I trust that this response is suitable for your purposes. Please contact me if you have any questions or comments.



William Anikouchine PhD

REFERENCES

Pacific Materials Laboratory 1978 – “Preliminary Landslide Investigation, Sea Cliff Property, El Camino de la Luz, Santa Barbara, California for City of Santa Barbara” by D. W. Weaver & D. F. Hoffman for Pacific Materials Laboratory 6 March 1978.

Smith 1980 - “Feasibility of Site Development 1837 ½ El Camino de la Luz” by R. J. Smith 29 October 1980.

CFG 1996 – “Proposed Building Site 1837½ El Camino de la Luz, Santa Barbara, California” CFG Consultants 19 June 1996.

Fisher 2001 – Letter titled “Engineering Geologic Update Report, 1837 ½ El Camino de la Luz, Santa Barbara” Fisher Geologic 2 December 2001.

Blake, T. F., Hollingsworth, R. A. and Stewart, J. P. editors (2002) - “Recommended Procedures for Implementation of DMG Special Publication 117 Guidelines for Analyzing and Mitigating Landslide Hazards in California”, SCEC/ASCE – L.A. Section.

Johnson, M. (2003) - “Memorandum to Coastal Commission and Interested Parties, Establishing Development Setbacks from Coastal Bluffs” 16 January 2003.

Minor et al (2006) - “Preliminary Geologic Map of the Santa Barbara Coastal Plain Area, Santa Barbara County, California” U.S. Geologic Survey Open File Report 02-136 (version 1.2).

Knur, R. T (2007) – “Geotechnical Engineering Commentary, Proposed Single-Family Residence, 1837 ½ El Camino De La Luz, Santa Barbara, California” Geotechnologies, Inc. 5 September, 2007.