



**RICHARDS | WATSON | GERSHON**

ATTORNEYS AT LAW - A PROFESSIONAL CORPORATION

355 South Grand Avenue, 40th Floor, Los Angeles, California 90071-3101  
Telephone 213.626.8484 Facsimile 213.626.0078

RICHARD RICHARDS  
(1916-1988)

GLENN R. WATSON  
(1917-2010)

HARRY L. GERSHON  
(1922-2007)

STEVEN L. DORSEY  
WILLIAM L. STRAUSS  
MITCHELL E. ABBOTT  
GREGORY W. STEPANICICH  
QUINN M. BARROW  
CAROL W. LYNCH  
GREGORY M. KUNERT  
THOMAS M. JIMBO  
ROBERT C. CECCON  
STEVEN H. KAUFMANN  
KEVIN G. ENNIS  
ROBIN D. HARRIS  
MICHAEL ESTRADA  
LAURENCE S. WIENER  
B. TILDEN KIM  
SASKIA T. ASAMURA  
KAYSER O. SUME  
PETER M. THORSON  
JAMES L. MARKMAN  
CRAIG A. STEELE  
T. PETER PIERCE  
TERENCE R. BOGA  
LISA BOND  
ROXANNE M. DIAZ  
JIM G. GRAYSON  
ROY A. CLARKE  
MICHAEL F. YOSHIBA  
REGINA N. DANNER  
PAULA GUTIERREZ BAEZA  
BRUCE W. GALLOWAY  
DIANA K. CHUANG  
PATRICK K. BOBKO  
NORMAN A. DUPONT  
DAVID M. SNOW  
LOLLY A. ENRIQUEZ  
GINETTA L. GIOVINCO  
TRISHA ORTIZ  
CANDICE K. LEE  
JENNIFER PETRUSIS  
STEVEN L. FLOWER  
TOUSSAINT S. BAILEY  
AMY GREYSON  
DEBORAH R. HAKMAN  
D. CRAIG FOX  
MARICELA E. MARROQUÍN  
SERITA R. YOUNG  
SEAN B. GIBBONS  
AARON C. O'DELL  
AMANDA L. CHARNE  
STEPHANIE CAO  
PATRICK D. SKAHAN  
STEPHEN D. LEE  
YOUSFINA N. AZIZ  
BRENDAN KEARNS  
KYLE H. BROCHARD  
NICHOLAS R. GHIRELLI  
ISRA SHAH  
CHRISTINA L. BROWNING  
ISAAC M. ROSEN  
ROMTIN PARVARESH

OF COUNSEL  
ROCHELLE BROWNE  
TERESA HO-URANO  
GENA M. STINNETT

SAN FRANCISCO OFFICE  
TELEPHONE 415.421.8484

ORANGE COUNTY OFFICE  
TELEPHONE 714.990.0901

TEMECULA OFFICE  
TELEPHONE 951.695.2373

October 22, 2015

**VIA ELECTRONIC MAIL**

Ariel Pierre Calonne, Esq.  
City Attorney  
City of Santa Barbara  
740 State Street, Suite 201  
Santa Barbara, California 93101

**Re: 1925 El Camino De La Luz, Santa Barbara**

Dear Mr. Calonne:

We, the undersigned, jointly represent the Emprise Trust ("Trust" or "Client"), owner of the nearly one-half acre parcel on the West Mesa shoreline. Our Client and his architect, AB Design Group, Inc., have submitted a comprehensive application packet to the City Planning Division for redevelopment of that parcel with a single-family residence and associated substantial public benefits.

We previously wrote you on September 21, 2015 regarding the threshold determination for the project, which involves the location and extent of the "coastal bluff" on the parcel. It has subsequently come to our attention that City staff, in its preliminary review comments on the project (2013), considered the extensive biological, civil engineering, coastal, geological/geotechnical, and visual quality technical analysis to substantially document the environmental compliance of the project (the coastal bluff location matter aside), but that staff raised the question of whether the geology of the site and its previous anthropogenically reactivated 1978 landslide raised a potentially significant project impact pursuant to the California Environmental Quality Act (CEQA, Division 13, Public Resources Code).

The purpose of this letter is to request your Office's consideration that for the following specific reasons, the site geology (geologic conditions) in relation to the proposed project do not rise to the level of a potentially significant impact pursuant to CEQA, and are already adequately addressed through project incorporation of the applicable substantive mitigations recommended by the project consulting geologist/geotechnical engineers, Cotton, Shires & Associates, Inc. We would appreciate an opportunity to confer with you, or your assistant Mr. Scott Vincent, on these matters prior to City staff's making its determinations with regard to them during the currently pending CEQA pre-application filing period.

Ariel Pierre Calonne, Esq.  
October 22, 2015  
Page 2

It may also have come to your Office's attention (e.g., from Cotton, Shires' thorough analysis in its 2012 Geological and Geotechnical Investigation Report, 2015 Supplement, and 2015 Hydrologic Analysis, and sources cited therein) that the site was impacted by a landslide prior to the start of United States topographic mapping at Santa Barbara in the 1850's. During the 1940's-1960's, the City developed the Mesa Trunk Line Sewer and El Camino de la Luz as a combined public street and municipal storm drain, and approved single family residential development on shallow foundations and with grading and hydromodification in the area and at the project site. Between December, 1977 and February 11, 1978, the City received a considerable amount of rain, runoff from which, in association with water from other sources, discharged from the street and storm drain to the downward sloping private driveways between 2001 El Camino de la Luz and 1909/1903 El Camino de la Luz, including to the subject site, and hence to the terrain of the pre-historic landslide. That flood water contributed to saturation of the oxidized Monterey Formation, which mobilized over a three-day period along seaward-dipping bedding planes, catastrophically failed on February 14, 1978, and in the process destroyed the previous house on the subject site. Importantly, the slide was not caused by undermining of the coastal bluff by ocean wave run up or other natural forces, but rather from the City's activities and flooding from upslope/upgradient areas.

The City responded to the 1978 landslide by installing berms at the head of the driveways, as well as impoundments and drain lines, in an effort to keep water from further discharging to the landslide terrain. The City thereafter allowed the landslide terrain to dry out, received an administrative permit limited to removal of landslide debris from the Regional Coastal Commission, attempted to do so by manual laborers. It ultimately utilized a local grading contractor to excavate parts of the site to obtain borrow material to construct an earthen buttress (albeit without a keyway, subdrains, or evident grading plan, soils/geotechnical report, or permits) for the Mesa Trunk Line Sewer, and to place a shallow fill cover over bulldozed landslide debris, between elevations 60-130 feet (MLLW).

Our Client has retained Cotton Shires, recognized experts in landslide analysis and remediation, to perform a topographical survey pursuant to the criteria established by Title 14, Cal. Code of Regulations section 13577(h), and to conduct a geological and geotechnical investigation (including of the deep sub-surface stratigraphy) of the site and adjacent areas. Cotton Shires invited both the City and Coastal Commission to send their respective geologists/geotechnical engineers, or consultants, to also inspect the geological investigation boreholes while they were

Ariel Pierre Calonne, Esq.  
October 22, 2015  
Page 3

open; both, unfortunately, declined. Cotton Shires' analysis indicates that the City's grading envelope has a Factor of Safety slightly above FS 1.0, whereas the City's requirement for new construction under MC Title 22 (same requirement as for the Commission) is FS 1.5 (static) and FS 1.2 (seismic). On the basis of its extensive analysis, augmented by a detailed comprehensive analysis of surface and subsurface stormwater hydrology at the site, Cotton Shires has recommended a suite of mitigation measures to establish the required Factors of Safety, including through installation of deep shear-pins and tiebacks, subdrains, keyways, and surface stormwater controls (with recommended beneficial reuse of collected water by the Trust and by the City, at its discretion).

The proposed replacement house is roughly the same size as the pre-landslide house (2,100 vs. 3,100 square feet) and is located below the proposed restored public view from El Camino de la Luz to the Santa Barbara Channel. The project, in addition to the public view corridor easement, proposes a lateral public access easement along the back beach area of the parcel, an open space/conservation easement to protect the surveyed distinct coastal bluff and adjacent contiguous lemonade berry vegetation, and on-site mitigation for shrubs planted by unknown third parties in the proposed development envelope. The technical experts are unanimous that with the incorporated impact avoidance or mitigation, the project will have no potential for any significant effect on the environment, and instead will provide significant public benefits, as well as enhance landform stability for adjoining parcels. With the incorporated mitigation and proposed monitoring, reporting, and adaptive management, the project has no remaining potentially significant adverse effects on the environment, and therefore qualifies for a Mitigated Negative Declaration (MND) pursuant to CEQA. Since the project will have no unmitigated significant impacts, but instead will remediate existing conditions that the City created or contributed to establish the requirement that an EIR be prepared, with attendant delays to the project and site remediation, would likely require City funding for such - unnecessary - additional analysis, and any resultant delays in our client's economic use of the property.

By engineering deep shear pins 40' to 60' into the ground and installing tie backs – Cotton Shires recommendation – you achieve a factor of safety of 1.6 to 2.2 Cotton Shires' recommendations have now been incorporated into the project description, and that has been verified by them. Therefore, the proposed location of house, which again is roughly the same size as the house previously there, is stable. Moreover, and importantly as far as the City is concerned, the benefit of the deep

Ariel Pierre Calonne, Esq.  
October 22, 2015  
Page 4

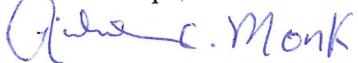
shear pins and tie backs is that this part of the regional sewer line is stabilized and that benefits the adjoining property owner. In essence, it corrects the problem created by the City's prior activities relating to the flooding and its subsequent activities in conducting unpermitted, unengineered development in altering bluff.

Again, the Project has incorporated all of Cotton Shires' recommendations. There is a letter in the application package from Cotton Shires stating that it has reviewed the application and architect's plans and they fully carry out Cotton Shires' recommendations for landform stability. Cotton Shires opined that in its expertise, there are no remaining significant impacts relating to geology from the Project.

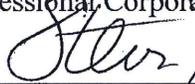
Accordingly, based upon the foregoing, an EIR is not necessary. In fact, if required, it would unnecessarily expose all of the City's activities relating to flooding and unpermitted development. Again, the proposed Project would correct all prior activities relating to the regional sewer line and bluff stability.

We look forward to conferring with you about this further issue as soon as possible since City staff is about to make critical decisions relating to the level of environmental review and/or regulatory permit processing of our Client's application. We very much would appreciate it if you (or your Assistant City Attorney, Scott Vincent) would call both Richard and me to discuss these matters. Alternatively, if you could provide us with a good time to call you any time after 11 tomorrow, we would be happy to do that.

HOLLISTER & BRACE  
A Profession Corporation

By   
Richard C. Monk

RICHARDS, WATSON & GERSHON  
A Professional Corporation

By   
Steven H. Kaufmann

cc: Emprise Trust  
N. Scott Vincent, Esq.