

October 29, 2015

Susan F. Petrovich
Attorney at Law
805.882.1405 tel
805.965.4333 fax
SPetrovich@bhfs.com

Board of Supervisors
County of Santa Barbara
105 East Anapamu Street
Santa Barbara, CA 93101

RE: Applicant Response to Recommendation for Summary Denial of O'Neil
Residence – 2551 Wallace Avenue, APN 005-250-001

Dear Honorable Supervisors:

This letter provides a supplement to the applicant's appeal (filed before staff announced that they were going to proceed with a summary denial recommendation) and a response to the contentions in the staff report. Please note that this is simply an appeal from the County staff's conclusion that it could not deem the application complete because of the access issue. The applicant hereby objects to any other issue being raised in this summary proceeding.

The Planning Commission has never considered the full merits of this project because, pending appeal of the staff's refusal to deem the application complete, the Permit Streamlining Act caused the application to be deemed complete by operation of law. The BAR has not completed its conceptual review of the project, solely because of the access issue and the procedural glitch.

This is not an appeal from a full and fair hearing on the project merits, yet the staff presentation just posted online approaches this hearing as if complete project review had occurred. It has not. We are here to resolve the access issue, pure and simple. Until now, the applicant hasn't even had an opportunity to respond to the alleged geologic constraints, yet the staff presentation characterizes the riprap area between the ocean and the existing residence as a "Geologic Hazard Issue."

To date, the County has denied Jeff O'Neil substantive due process and we request that your Board remedy that by granting the appeal and directing the staff to process this application fairly and reasonably.

Issues Identified in Staff Report

The staff report raises the following issues in support of its recommendation that your Board deny Jeff O'Neil's appeal:

1. Lack of adequate public services, specifically sewer service.
2. Lack of legal access.
3. Geologic constraints and deficient expert report addressing same.
4. Inconsistency with County policies, specifically the lack of sewer and the impact on visual resources.

We address first the tangential allegations so we all can turn our attention to the only issue on appeal – the allegation that this property lacks legal access.

Regarding the lack of sewer service, we attach a letter from the Sanitary District confirming that it is prepared to provide sewer service to this property. Anticipating the staff's response that there's no legal way to site the sewer line to serve the O'Neil parcel, we suggest that this issue pertains to the road at issue and discussed in detail below.

We also ask you to review the attached Noel Langle memorandum dated 5/24/1996 regarding the proposed issuance of a CDP to restore a damaged waterline serving the O'Neil property and located in the same portion of Wallace Avenue that the sewer line would share. In prior years, County staff clearly viewed Wallace Avenue as being in existence and being a public right of way, yet today it does not. Mr. Langle explains that the REC zoning was "inadvertent" and "it would not be fair for the County to rigidly enforce the nonconforming restrictions." We concur.

Regarding the alleged geologic constraints and staff's position that the expert reports submitted by the applicant are deficient, we refer you to our letter to the County Planning Commission on 8/7/2015 (attached, see P. 4), that explains that the peer reviewer upon whose comments the staff bases its position failed to contact the geologist and ignored information in the Fugro report that is part of Attachment G to Attachment 3 of your staff report. The applicant was unaware of the communication breakdown and the resulting erroneous conclusion by the peer reviewer shortly before the Planning Commission hearing on summary denial, at which time access was the issue. You will note that the Planning Commission made no findings on geology. There was no time to have the geologist and engineer provide the clarification that the peer reviewer could have obtained through a simple telephone call. We enclose the engineer's report with stamp and signature and a supplemental report from geologist Michael Hoover, addressing all of the peer reviewer's issues and supporting the geologic stability of the O'Neil building site and the bluff setback. That is not an issue.

Regarding the visual resource issue, this is not an issue on summary denial. Nonetheless, your staff has made it an issue by including in the staff report an erroneous exhibit that purports to depict the difference between the existing and proposed O'Neil residences and the 15-foot height limit. The staff report also fails to acknowledge the reality that the mature eucalyptus trees have blocked the ocean view across this site from Highway 101, from the railroad, and from Summerland for decades, and the existing house has blocked it since the 1800's, long before view protection policies were adopted. The trees would block that view even if there were no house on this property. In any event, this issue is more appropriately addressed after the BAR has completed its process and the applicant has had an opportunity to be fully heard on the issue at the Planning Commission, after the application has been deemed complete.

Regarding the issue of consistency with County policies, raising this issue is inappropriate and premature. This, too, requires a full hearing before the Planning Commission on the project merits. **This is a summary proceeding to address the issue of access, which leads to a decision as to whether or not the staff has acted properly in refusing to further process the application because they believe the application remains incomplete due to lack of access.** To treat this as an appeal on the merits of the CDP would be a denial of substantive and procedural due process.

We turn now to the discussion of legal access. Our letters to the staff and Planning Commission address this issue with great detail, but we note that some of these letters have not been included in your record. We have reviewed historic documents that highlight the basis for our position, and include select documents as attachments for your review.

Important Gaps in History Presented by Staff Report

For the purpose of this analysis, we will refer to the map attached to the deed recorded 8/9/1890 from H.L. Williams to Balch, Barnett and Meginness as the Williams Map. By this deed, Williams created a trust to own the streets, parks, and other public places in Summerland so those public places would be held for the benefit of the public.

The staff fails to include in its chronology several important events and facts:

9/25/1890 – Ord. 125, whereby County accepted the offer of dedication from Williams, did not include the road now known as Wallace Avenue. As you can see from looking at the Williams Map and the map attached to Ord. 125 (Attachment 10 to staff report), the road that has provided access to the O'Neil parcel and residence since the 1800's had no name for the purposes of creating the Summerland public streets, so we will call it "Unnamed Access". The name "Wallace Avenue" has been used for this street from time to time, but not in the Williams Map and not by the County when it purported to accept dedication of the Summerland streets. Wallace Avenue in the Williams Map and on the Ord. 125 map was located entirely north of Railroad Avenue, with both Wallace Avenue

and Railroad Avenue running north of East End Park. Ord. 125 expressly exempts Unnamed Access from the acceptance of the offer of dedication, even in the final clean-up language (bottom of P. 3 to top of P. 4) that provides for inclusion of intersecting lines and alleys running through the center of Blocks 9 through 37 and Blocks 41 through 43, **but not through Block 39**. Jeff O'Neil's property comprises Lots 27, 28, and 29 of Block 39. Therefore, the County of Santa Barbara never accepted the offer of dedication of Unnamed Access. This road is and always has been the property of a trust, of which Balch, Barton and Meginness were the initial trustees, set up to hold fee simple ownership of all streets, roads, parks, and other public places within what the Williams maps call the City of Summerland.

1/91/1901 – Ord. 247 map – the line of demarcation, delineating the area being “quitclaimed” by the County to the railroad for relocation of the tracks, cuts through the middle of Unnamed Access and leaves an entire ½-width of Unnamed Access (called “County Road” on the railroad maps) intact along Jeff O'Neil's property frontage. The staff is incorrect in concluding that this road vanishes when it reaches the northwest corner of the O'Neil property. This same line appears on a blow-up of this area on the Lease Map that is Attachment 14 to your staff report. In fact, staff offers no evidence whatsoever to support its conclusion that the road ceased to exist.

9/23/1907 – attached Deed from Becker (as Administratrix of H.L. Williams Estate) to Southern Pacific Railroad Company recorded, conveying property on the north side of Unnamed Access **in Block 39** (in Attachment 16 and also an attachment to our appeal). We attach the Becker deed for land owned by the H.L. Williams Estate, **located in Block 39**, that identifies and uses the “County Road” through Block 39 – Unnamed Access -- as a reference point. In fact, the County Road is described as dividing Block 39 and as forming the south property line of the land being granted. This demonstrates that, in 1907, the representative of the Williams Estate knew that Unnamed Access still existed and regarded it as a County Road.

4/1920 – attached Survey Map of H.L. Williams Estate beachfront – this record of survey depicts the boundary of the land “quitclaimed” to SPRR by the County and demonstrates that the dedication **excluded** the road half-width along the frontage of the parcels now owned by Jeff O'Neil.

5/1927 – attached Petition for Appointment of Trustees and Order Appointing Trustees – attached. County staff incorrectly states that the Williams deed only conveyed the temple site to Balch, Barnett and Meginness in fee simple. As can be seen from the attached 1927 Petition and Order, the trustees (who presumably were in communication with, and friends of, H.L. Williams and would better know his intentions than we should presume to know today) understood that the deed conveyed the “fee simple estate of, in and to, the streets, lanes, alleys, parks and places, in the Town of Summerland, in said deed fully described, to have and to hold the same for the benefit of said Town of Summerland, to

be administered by said trustees, as in said Deed of Trust provided (a certified copy of the Williams Deed was filed with the court contemporaneously with the Petition), and to be held by them until said Town of Summerland should be incorporated under the laws of this State.”

11/12/1965 – attached County Road Commissioner letter, identifying the Ord. 247 and noting that the County may have released its rights in 1901 but is still maintaining a County Road “north of lots 27-39 in Block 39.”

2/24/1977 – attached County Counsel letter concerning Finney Street, contending that the County holds only an easement and not a fee simple ownership interest in Summerland streets.

6/20/1988 – attached County Resource Management Director letter to Board of Supervisors recommending a fee waiver to process a LCP amendment for the O’Neil property, to change from REC to Single Family Residential with Design Review Overlay. “his existing [Recreation] zoning appears to have been inadvertently assigned to this developed parcel.” “Since the Recreation zoning assigned to this parcel would not allow the owner to complete his plans to reconstruct a new dwelling, staff would support approval of a fee waiver to process the Local Coastal Plan Amendment.”

1996 – Union Pacific leases property on both sides of O’Neil parcel to Jeff O’Neil and attaches a plot plan. The attached plot plan shows the remaining half-width of County Road along the frontage of the O’Neil parcels.

4/1997 – County issues CDP for waterline replacement in Unnamed Access, calling it “Finney Street.” Attached CDP with site plan depicting the County road extending easterly along the frontage of Jeff O’Neil’s parcel, the roadway within which the proposed sewer line will lie. Please note the finding in the CDP that states that “It was not the intent and purpose of the rezoning to zone the parcel as REC.”

11/30/2007 – attached Deputy Director of Planning & Development letter advising that there is no “significant potential for a viable recreation use of this small lot,” and that the consensus of a meeting between County and Coastal Commission staff resulted in a consensus that “a rezone and Local Coastal Plan amendment, to change the designated use of this parcel from Recreation to Residential, is feasible. Coastal Commission staff indicated initial support of a potential rezone and LCP amendment for this unique parcel and situation.” Based on this letter, and earlier indications from staff to Jeff O’Neil that the Recreation zoning was a mistake for this privately owned, residentially developed parcel, Jeff O’Neil started this 8-year process.

Finally, we enclose the historical report on this property, prepared by Ronald L. Nye, Ph.D.

Zoning this Property Solely for Recreation Was an Error that the County Must Remedy

The record speaks for itself. For reasons unknown to the applicant, the County zoned Jeff O'Neil's property to the Recreation zone district, which allows for the following limited uses (none of which would allow Jeff to use his property or to realize his reasonable economic expectations for the property that is his home):

“The purpose of this district is to provide open space for various forms of outdoor recreation of either a public or private nature. The intent is to encourage outdoor recreational uses which will protect and enhance areas which have both active and passive recreation potential because of their beauty and natural features. Such development should offer recreational uses which compliment and are appropriate to the area because of these features.”

Permitted uses include “outdoor public and/or private recreational uses, e.g., parks, campgrounds, recreational vehicle accommodations, and riding, hiking, biking and walking trails, golf courses, structures and facilities required to support the recreational activities, e.g., parking areas, corrals and stabling areas, water and sanitary facilities, boat launching facilities, ranger stations, and limited concession facilities.”

The only residential structures allowed are for a caretaker and with a Minor CUP. Staff has taken the position that Jeff O'Neil's residence cannot qualify because the caretaker must be a person who is caretaking a legitimate recreational facility on the property.

The County Process Is Not Serving the Public and Is Mistreating Mr. O'Neil

Jeff O'Neil simply wants to rebuild his house so he can resume a normal life and enjoy his property.

The Recreation zoning rendered Jeff's then-existing residence non-conforming. When he tried to build a new residence, he was told that he could do so only via a rezone of his property. Now the staff contends, without demonstrating any evidence in support, that he doesn't have legal access so he can't even do that. And, staff contends, your Board should summarily deny his application because of potential blockage of the ocean view by a structure that is only slightly taller than the existing residence and located in a grove of towering eucalyptus trees.

The County Does Not Have Fee Simple Ownership of Summerland Roads and Has No Granted Easement Over the Unnamed Access Road Serving the O'Neil Parcel

The County staff position regarding legal access to the O'Neil parcel is incorrect. We have presented evidence of a trust that owns fee simple title to Unnamed Access, the

road that provides unimpeded access to and along the frontage of Jeff's parcel. In 1901, the County had no authority to give away any part of Unnamed Access. It held neither fee simple title nor an easement to that road.

The trust was in full operation from 1890 until at least through 1955, when the Santa Barbara Superior Court entered an Order in Case No. 10332, authorizing the trustees to execute an easement to the Summerland Sanitary District for the installation, construction, maintenance, repair and replacement of a sewer system in the public streets shown on the map of the "Town of Summerland recorded in the Office of the County Recorder of said County in Rack 1, as Map 2, and as offered for dedication for public use and as accepted for public use as shown by Ordinance of the County of Santa Barbara No. 125, dated October 16, 1890." Early in its ownership of the public streets and parks, the Trust collected rents from various utilities for their installation of pipes in Summerland streets, but by 1955 it is clear that the trust no longer was charging for that privilege and, instead, was granting easements for public service installations. The Superior Court order confirms the Court's conclusion that the trust was the fee owner of the Summerland streets and had the power to grant an easement beneath and through them for sewer lines.

We also have pointed out that Ordinance No. 125 explicitly excluded Unnamed Access, incorporating specific named street segments and referencing intersecting alleys, but excluding the access road through Block 39.

From those documents, it appears to be clear that the County has no granted right to Unnamed Access. But your Board doesn't have to make that finding to grant Jeff O'Neil justice. Even assuming, *arguendo*, that the County had some sort of ownership interest in Unnamed Access in 1890 when it adopted Ordinance No. 125, it only purported to give away the northerly half of Unnamed Access to the railroad. On the basis of the maps we have presented, particularly the 1920 Record of Survey, it should be obvious that the County **did not** quitclaim to the railroad the southerly half of Unnamed Access and later documents confirm that the public road along the frontage of Jeff's lot remains. The railroad's own map showing the land area leased to Jeff concurs – it shows the angled line running through Unnamed Access that delineates the portion of the former road retained by the County. Please compare it to the 1920 Record of Survey. It's the same line, except that the Record of Survey is more detailed and accurate.

Conclusion


This appeal was filed in response to staff's determination that, despite years of processing and hundreds of thousands of dollars in consulting and expert fees, Jeff O'Neil's application was incomplete and would never be complete because of the lack of legal access to his residence.

In its staff report and presentation, County staff has greatly extended the scope of the appeal. The applicant objects to that extension. The issue on appeal is not consistency with County policies. There has been no BAR input on that issue. Staff is only just receiving from the applicant additional geologic information in response to an eleventh-hour revelation from staff (just before the Planning Commission hearing) that the peer reviewer hired to review the reports submitted had "questions" and needed clarification. Your Board is not in a position to make any finding or take any position regarding geologic issues. The same is true for visual resources.

The sole issue at hand is that of legal access. We have provided overwhelming evidence that Jeff O'Neil does have legal access to his parcel. We urge your Board to direct staff that the evidence demonstrates that Jeff O'Neil has legal access to his parcel, including for the sewer line, and that staff should stop running him and his team in circles and process his application fairly and without any more delay.

Eight years is far too long for a property owner, whose property was mistakenly rezoned for a non-residential use, to have to wait for approval of a reconstruction of his home. The building site is not the lower Ninth Ward of New Orleans, but it certainly looks that way.

Sincerely,



Susan F. Petrovich

Enclosures: Summerland Sanitary District 7/29/2015 can & will serve letter

Langle Memo dated 5/24/1996 re waterline replacement

Brownstein Hyatt Farber Schreck letter to Planning Commission 8/7/2015
Petition and Order In the Matter of the Trust Created by H.L. Williams

Michael F. Hoover 10/23/2015 Letter

Hetherington Engineering, Inc. September 24, 2014 Review Response and Engineer's Stamp with Signature

1907 Deed from H.L. Williams Estate to SPRR, identifying County Road

1920 Survey Map of H.L. Williams Estate lands

1927 Petition and Order regarding Trust that owns streets, parks, etc.

1965 County Road Commissioner Letter

1977 County Counsel letter re County easement in Summerland streets

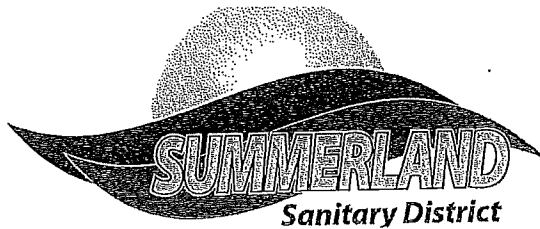
1988 Resource Management Director Guzman Letter

1996 Union Pacific lease plot plan

1997 County issued CDP for waterline in access road to O'Neil

2007 Deputy Director Ward Letter re no viable recreational use

2009 Ronald L. Nye, Ph.D., Historical Assessment



July 29, 2015

Subject: SEWER SERVICE AVAILABILITY LETTER

APN : 005-250-001
ADDRESS : 2551 Wallace Avenue

The property referenced above at 2551 Wallace Avenue, APN# (005-250-001), is within the boundaries of the Summerland Sanitary District (SSD).

Sewer capacity of one (1) Single Family Dwelling in District facilities is presently available to serve the property, and is expected to be available to serve the property if it is connected to the District sewer system pursuant to a District Sewer Service Connection Permit within one year from the date of this letter. The District makes no representation concerning sewer capacity beyond the period stated above.

In order to secure a District Sewer Service Connection Permit for the property, it will be necessary to comply with all District requirements for the issuance of a Connection Permit including payment of all required fees. In addition, sewer connection must comply with the District's standard specifications for sewer construction.

Please confirm your acceptance of the terms and conditions outlined herein by signing the statement below.

Sincerely,

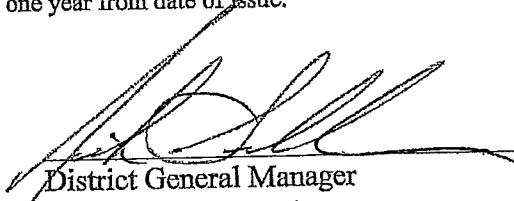
SUMMERLAND SANITARY DISTRICT

TO: SUMMERLAND SANITARY DISTRICT

RE: APN 005-210-001

We hereby confirm our acceptance of the terms and conditions outlined in this Sewer Availability Letter. This Sewer Service Availability Letter is valid for one year from date of issue.


Signature of Owner or their agent.


District General Manager

Date 7.29.15

Date 7/29/2015

Phone Number 969.1971

805.969.4344 • 805.969.5794 • P.O. Box 417 • Summerland, CA • 93067

Summerland Sanitary District

Sewer/Connection Permit

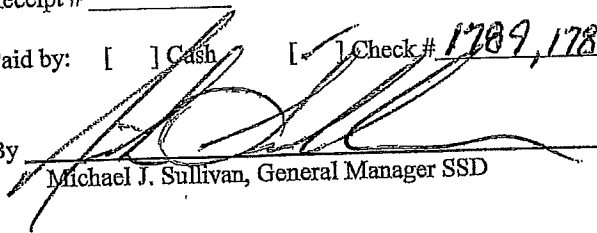
Date July 29, 2015
 Address 2551 Wallace Avenue
 Assessor's Parcel No 005-250-001
 Purpose of Permit _____
 ♦♦♦ (If septic to sewer -- see Note 4 on page 2.) ♦♦♦
 No. of Dwelling Units on Property 1 SFD
 Commercial _____
 Property Owner Jeff O'Neil
 Address 2551 Wallace Avenue, P.O. Box 508
Summerland, CA 93067
 Phone (805) 969-1971 _____
 Contractor _____
 Phone () _____

CONNECTION DATA

Line _____ Manhole # _____
 Other: _____

Plan Check Fee:	\$ _____
Sewer Availability/ Will Serve Letter:	\$ <u>25</u>
Connection Fee:	\$ <u>11,325.08</u>
Permit Fee:	\$ _____
Inspection Fee:	\$ <u>500</u>
Annexation Fee:	\$ _____
Other Fees:	\$ _____
Construction Inspection Fee:	\$ _____
SSD Standard Spec's Manual:	\$ _____
Other Fees:	\$ _____
TOTAL FEES	\$ <u>11,850.08</u>

Receipt # _____
 Paid by: Cash Check # 1789, 1788, 1790

By 
 Michael J. Sullivan, General Manager SSD

SEWER LATERAL INSPECTION REQUIREMENTS

Summerland Sanitary District has specific requirements for the installation of the sewer mains, laterals and building sewers. Refer to "Summerland Sanitary District Procedural and Standard Specifications for Construction of Sanitary Sewers" for requirements and construction details. District inspection is required for any installation or repair between the sewer main and the owner's property line clean-out. The County Building Department has inspection jurisdiction within the property.

The following inspections are mandatory to obtain occupancy:

- 1) Verify serviceable condition of existing wye or lateral.
- 2) Inspection of the connection to existing wye or lateral
- 3) Trench alignment, sand bedding and installed pipe.
(Note: Yellow sand is not District approved material for bedding or pipe zone.)
- 4) Final inspection of completed installation with concrete cleanout boxes with metal covers and back-flow prevention devices (if required) set to final grade.

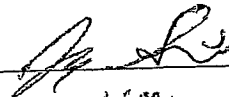
**24-HOUR ADVANCE NOTICE IS REQUIRED
 FOR MOST INSPECTIONS
 (805) 969-4344**

CERTIFICATION PERMIT IS VALID FOR ONE YEAR

I hereby certify that I am the owner, or the duly authorized agent of the owner, and I agree to comply with all Ordinances, Rules and Regulations of the Summerland Sanitary District, Santa Barbara County, and all laws of the State of California, as they affect the sewer service to be provided pursuant to this permit.

Failure to complete the work under this permit, following written notice to the Owner, the District will have the right to have the work completed at the owner's expense.

By signing below I have read and understand the requirements of this permit.

Signed 
 Name Printed Jeffrey S. O'Neil
 Company _____

Phone (805) 969-1971

NOTICE

KEEP THIS COPY OF THE PERMIT ON THE JOB SITE FOR SSD INSPECTION SIGN-OFF

- 1) The work authorized by this permit must **commence within one year** from the date of issuance, and be **completed within two years** from the date of issuance, or this permit becomes void.
- 2) A permit must be obtained from the agency having jurisdiction to excavate within any Private Roadway, County or State, Right of Way.
- 3) A permit must also be obtained by Santa Barbara County Building and Safety for the sewer lateral inspections from the property owner's residence and/or auxiliary unit(s) to property line.
(123 E. Anapamu Street, 2nd floor; 805-568-3030)
- 4) All septic tanks, cesspools or dry wells, must be abandoned under separate permit issued by Santa Barbara County Environmental Health Services. (225 Camino Del Remedio; 805-681-4900)
- 5) District inspection of the work is required. See Sewer Lateral Inspection Requirements on the front of this permit.
- 6) A clear zone must be maintained above the building sewer and service lateral. No other conduits, pipeline or utility, shall be placed above the sewer pipe or within a zone of 12" horizontally from the outside edges of the sewer pipe.

INSPECTION RECORD	DATE APPROVED	INSPECTED BY
Septic tank, drywell abandoned (See NOTE 4 above)		
Connection to existing wye or lateral		
New wye branch installed		
Trench alignment		
Pipe alignment, grade and joints		
New Grease Trap/ Interceptor		
Pipe bedding		
Pipe zone backfill		
Trench backfill		
Property Remodeling		
Surface restoration		
Cleanout boxes and metal covers		

Address: 2551 Wallace Ave, Summerland CA 93067

APN #: 005-250-001

Final Approval Inspector: _____
Summerland Sanitary District (805) 969 4344

Date _____

Memorandum

Date: May 24, 1996
To: Marta
From: Noel
Subject: 2551 Wallace Avenue, Summerland
CC: Anne



Please call Ben Weiner (965-1790) and inform him of the following:

1. I have looked into the situation regarding the REC zoning of the property and have decided since this action was apparently "inadvertent" (see letter from Dianne Guzman dated June 14, 1988) that it would not be fair for the County to rigidly enforce the nonconforming restrictions as they would apply to the existing residence (FYI, the matter of the fee waiver was dropped by the applicant on June 27, 1988).
2. Therefore, the applicant may apply for the necessary permits. The project involves development within the appeals jurisdiction of the Coastal Zone; this project does not qualify for any of the exemptions under Sec. 35-169.2. Thus, a CDP is required, and because of the location within the appeals jurisdiction, a SUP is also required.
3. If the residence is currently occupied, then we could process an application for an emergency permit, followed later by the SUP and CDP. This will cost the applicant additional fees, but will allow water service to be restored more quickly.

August 7, 2015

Susan F. Petrovich
Attorney at Law
805.882.1405 tel
805.965.4333 fax
SPetrovich@bhfs.com

VIA EMAIL TO DVILLALO@CO.SANTA-BARBARA.CA.US

Santa Barbara County Planning Commission
c/o David Villalobos, Secretary
123 East Anapamu Street
Santa Barbara, CA 93101

RE: O'Neil Residence -- Variance, General Plan Amendment and Rezone -- Item #1
on August 12, 2015 Agenda

Dear Honorable Commissioners:

Brownstein Hyatt Farber Schreck represents applicant Jeffery S. O'Neil, owner of the property known as 2551 Wallace Avenue (sometimes referred to as Finney Street), Summerland, California. We are grateful for the opportunity to present this project to your Commission so you can consider the propriety of the County's refusal to allow Mr. O'Neil to complete the partially-constructed residence on his property.

Our appeal letter, already included with the staff report, pretty much describes Mr. O'Neil's position, but the staff has raised additional issues for which clarification is in order.

This property has been under private ownership throughout recorded history. It is not and never has been property of the County of Santa Barbara or of the general public. To designate it as Recreational when it has no history of recreational use was absurd and unjustified legally or as sound land use planning. Please see the enclosed February 3, 2009 letter from historian Ron Nye, describing the residential use of the property since 1890, which was about the time that Williams filed the Rack Map for the City of Summerland.

Staff for the County and the Coastal Commission met with the appellant's representatives on November 27, 2007 and concurred.¹ The O'Neil parcel, which is very small (0.10

¹ See letter dated November 30, 2007 from Dave Ward to me, enclosed with our appeal, agreeing that "Taking the history of this specific property and all of the site constraints

1020 State Street
Santa Barbara, CA 93101-2711
main 805.963.7000

041049\0001\12571261.1

acres), is located at the end of a dead-end road that is narrow and has no cul-de-sac. There is no public recreational use to which this uniquely-site little parcel could be put. For this reason, the staff advised us during that meeting that a redesignation of the property to Residential was "feasible." The zoning of the parcel to Recreation clearly was the first in a line of consecutive steps that, with a decision to deny the applicant's appeal, will constitute an unconstitutional taking of this property without just compensation.

Incredibly, the staff's recommendation for denial is based upon a 2005 memorandum from an employee of the County Surveyor's Office, concluding that Wallace Avenue, aka Finney Street, was no longer a County road right of way by reason of a 1901 "quitclaim" to Southern Pacific Railroad Company "per Santa Barbara County Ordinance." Not having been written by an attorney, the memorandum fails to explain how an ordinance morphed into a quitclaim deed. The sole documentation upon which the memorandum is based is the 1901 ordinance, which references various points on an unreadable map that shows Wallace Avenue continuing to exist between the railroad and the O'Neil property, and the Rack Map for the City of Summerland that shows Wallace Avenue running along the northern boundary of the O'Neil parcels.

The O'Neil property has been developed with a single family residence for approximately 125 years, including the time period immediately before and after the County's adoption of the ordinance referenced in the 2005 memorandum. During this time, Wallace Avenue has crossed the railroad tracks at an at-grade crossing that now has the standard warning lights and cross-arms that you see within the City of Santa Barbara and elsewhere throughout the State. As you can see from our appeal letter and the many maps and diagrams accompanying the letter, Wallace Avenue has been recognized as still existing on (i) railroad maps; (ii) County maps, and (iii) legal descriptions in recorded deeds. We enclose a copy of the Rack Map for the City of Summerland for your reference. We also enclose our letter dated January 31, 2012, explaining the road access issue in detail. As of that date, we were unable to locate the exhibit map described in the ordinance in any County records. With additional research, we found a copy of the ordinance published in the newspaper, but the map is nearly illegible and still depicts Wallace Avenue in the location used by Mr. O'Neil to this day.

In short, this property has no history or suitability for public recreation. It is residential and not only has legal, but actual physical, access via Wallace Avenue/Finney Street.

into consideration, it seems unlikely that there is significant potential for a viable recreation use on this small lot."

The Staff Report Claim of Inconsistency with County Policies Requiring Adequate Access Is Unfounded Because Mr. O'Neil Has Access and Denying that Reality Is a Sham.

This property currently has, and always has had, unimpeded access. The access road is only partially paved, but it continues to exist and, as noted in our appeal letter, is used by law enforcement as well by Mr. O'Neil. Notwithstanding County Counsel's claim that Wallace Avenue mysteriously ends right at the O'Neil property line, Mr. O'Neil drives through his gate and into his property using Wallace Avenue. In fact, the County of Santa Barbara never had legal authority to cede the ownership and public use of any part of Wallace Avenue to the railroad company. Any attempt to do so would be ultra vires – beyond the County's powers. California Streets and Highways Code section 8330 prohibits a local agency from summarily vacating a street if it will cut off access to a person's real property.

If a city or county takes an action that has the effect of denying a person access to his or her property, it is a taking that requires compensation. That is a basic principle confirmed in countless California court decisions, including from the Supreme Court. Here, the County staff is asking you to take an action denying recognition of Mr. O'Neil's existing access for the purpose of preventing him from re-building his home – a fundamental property right. In so doing, staff is asking your Commission to be a party to an unconstitutional act. We ask that you think carefully before agreeing to participate in such an act.

We contend that the intent of the position espoused in the staff report IS to deny Mr. O'Neil his property and to prevent him from using it for the land use to which it historically has been put. In short, the purpose of the denial is to commit an act that purposely denies this man a fundamental right to use and enjoy his property.

The Staff Report Claim of Inconsistency with County Policies Requiring Adequate Sewer Service Ignores Mr. O'Neil's Sewer Service Availability Letter.

We enclose a copy of the letter, for which we retain the original in our files, dated July 29, 2015, proving that the Summerland Sanitary District is ready, willing, and able to provide Mr. O'Neil's property with sewer service upon submittal of an application for same.

We also draw your attention to the May 24, 1996 memorandum, attached to our appeal letter, from Noel Langle of what is now Planning & Development, discussing the issuance of a permit to restore a damaged water line, located in Wallace Avenue – the same portion of Wallace Avenue where the proposed sewer line would be sited. It is both strange and convenient that Wallace Avenue was sufficient to site a waterline in the mid-1990's but now it is unavailable to Mr. O'Neil to site his sewer line, which will run straight to the Summerland Sanitary District facility.

It is equally odd that County staff currently admits that Wallace Avenue, a public street, runs right to the corner of the O'Neil property but contends that he nonetheless cannot connect his sewer line to the public street at that corner. In short, we continue to believe that the staff's position lacks both legal and practical support.

Access and Sewer Are the only Bases for the Staff's Determination of Application Incompleteness and, by law, the Application Is Now Deemed Complete. The Staff's Attempt to Add Geologic Issues As a Basis for Denial Is Belated and a Last-Minute Attempt to Create New Grounds for Denial.

We enclose the staff's September 24, 2014 letter, stating the grounds for finding the application incomplete. Those grounds are lack of access to a public road and to sewer service. As explained above, neither of these grounds is valid.

To fortify staff's attempt to prevent Mr. O'Neil from re-building his home, the staff report now claims that a geologist has concluded that, from the geologic report submitted by Michael Hoover for Mr. O'Neil, it cannot be determined which setback standard should be used to minimize erosion and ensure that the structure is safe. The report in question is dated July 2, 2015 and the author never talked with or submitted questions to Michael Hoover. The reviewer also chose to ignore important components of the October 21, 2003 Fugro report referenced in the peer review.

When we submitted the supposed "peer review" upon which the staff relies to Mr. Hoover, his response was that, professionally and ethically, when one licensed geotech professional reviews the work of another, the reviewer makes contact with the author of the study being reviewed and asks any unresolved questions so issues can be clarified. He also said that he would have answered all of these questions if they had called. These peer reviewers chose to raise questions in their report rather than calling Mr. Hoover to ask them. Their conclusions regarding the impact of erosion and wave action on the O'Neil bluff are based upon the assumption that the bluff is of fill material that is "loose and easily erodible." That is not based on the peer reviewer's own study of the bluff and is directly refuted by Hoover, who indicates that the bluff is fortified by riprap. This is the same riprap described (with photographic support) in the 2003 Fugro report (e.g., Page 4 of the Fugro report states "riprap sloe protection was observed at the toe of the bluff . . . beneath the existing residence at the eastern end of Wallace Avenue"). Note that Fugro had no problem identifying and using Wallace Avenue when it conducted its field study.

The O'Neil house designs address erosion attributable to surface water runoff by capturing and controlled drainage. Section 35-67 of the Coastal Zoning Ordinance states: "In areas of new development, above-ground structures shall be set back a sufficient distance from the bluff edge to be safe from threat of bluff erosion for a minimum of 75 years, unless such standard will make the lot unbuildable, in which case a

standard of 50 years shall be used." This parcel is not an "area of new development" so the policy doesn't apply. Even if it did, it is clear which setback applies and that the policy does not intend to render a lot unbuildable. The staff's improper application of this policy to this project provides further evidence of the intent to deprive Mr. O'Neil of his constitutional right to build his home. By the way, the house has ample setback, particularly in light of the riprap at the bluff toe.

The Visual Impact of the Proposed O'Neil House Cannot Be the Basis for Refusing to Rezone the Property for Residential Use.

The staff report asks your Commission to conclude that the O'Neil property should not be zoned from recreation to residential because of generally worded visual resource policies. The staff report states that "conversion of the property from recreational to residential zoning in a highly visible area with the potential to block public views would not be consistent with sound planning practices or general community welfare." This sounds like a communist manifesto when applied to a property used for residential purposes before the community of Summerland was even constructed. Summerland was largely a tent camp when the O'Neil home was built!

More relevant, none of cited policies prohibit the construction of a residence on this property, which is what happens if Mr. O'Neil is denied the rezone.

Conclusion

Your Commission is being asked to adopt findings based upon a staff report that fails to explain how you, having sworn to uphold the Constitution of the United States of America, can take an action to deny a property owner the right to use his property for the same use to which it has been put for over 100 years and, instead, to impose a land use designation for which the property is unsuited and that makes the property unusable by its owner. We ask that you let your conscience be your guide.

Sincerely,



Susan F. Petrovich

MICHAEL F. HOOVER

Consulting Geologist • Hydrologist

P.O. BOX 30860 • SANTA BARBARA, CALIFORNIA 93130 • (805) 569-9670 - FAX (805) 569-9561
1309 RACCOON POINT ROAD • EASTSOUND, WA 98245 • (360) 376-4596 - FAX (360) 376-4592
mfhoover@hoovergeo.com mfhoover@hoovergeo-orcas.com

October 23, 2015

Ms. Susan Petrovich
Brownstein Farber Hyatt Schreck LLP
1020 State Street
Santa Barbara CA 93101

Re: Response to Comments
2551 Wallace Avenue
Summerland, California

Dear Ms. Petrovich:

This letter responds to comments received from Santa Barbara County's geologic/geotechnical reviewer, GeoDynamics, Inc., regarding the O'Neil project. GeoDynamics' comments refer to our report, "Evaluation of Bluff Stability and Sea Cliff Retreat, O'Neil Residence, dated January 6, 2012" and a subsequent transmittal from Hetherington Engineering, Inc. dated September 24, 2014. GeoDynamics' comments are presented below, followed by our responses.

COMMENT:

1. The consultant referenced some reports of geotechnical work performed at the site by other consultants. Pertinent geotechnical data from these reports should be incorporated/attached to the report to compose a stand-alone document. Logs should be provided for all exploratory excavations used in the site characterization. Alternatively, these reports should be submitted for review.

Note: The consultant should respond to the following items related to this comment:

- The consultant provided the referenced reports; however, did not provide copies of logs for Borings HB-1 and HB-2. These logs were not included in the original report. Copies of these logs should be provided.

Ms. Susan Petrovich
Brownstein Farber Hyatt Shreck LLP
Response to Comments – 2551 Wallace Avenue, Summerland CA
October 23, 2015
Page 2

- The consultant should provide a map with an appropriate legend that clearly delineates the origin of the various borings.
- CFG Boring 2 should be plotted on the map and cross section.

RESPONSE:

1. Our company policy is not to incorporate the contents of other investigators' reports into our report (unless our personnel witness the field work on which the report is based), since we have no way of verifying the accuracy of previous investigators' work. To present unverified work by third party investigators in our report gives such work veracity (and credibility) that may mislead the reader, in addition to creating potential liability issues for us. On page 2 of our January 6, 2012 report we presented all relevant references that we reviewed during the course of our work. In addition, it is our understanding that all of these reports have been provided to the County and are available to the reviewer and the general public.

The logs of Borings HB-1 and HB-2 were included in our January 6, 2012 report that was submitted to the County. Apparently the reviewer obtained an electronic copy of our report that was not complete. That was an oversight that has been corrected.

To aid other investigators that may be reviewing previous investigators' reports, the reported locations of soil borings reported by previous investigators are shown on the site map of our January 6, 2012 report (see Plate 3).

The boring locations shown on Plate 3 of our January 6, 2012 report are tied to the references section. For example, "CVT-2" refers to Coast Valley Testing. An amended Plate 3 is provided that contains a more detailed legend intended to provide the reviewer with more information. Boring CB-2 is also included on the revised Plate 3.

MICHAEL F. HOOVER
Consulting Geologist • Hydrologist

COMMENT:

2. The bluff below the proposed construction is underlain by a thick wedge of dumped fill that creates a southward prominence in an otherwise generally linear section of coastal bluff. CFG states that topographic maps prepared in 1901 indicate the prominence did not exist and that the bluff was relatively straight across the area. CFG (1995) and Fugro (2003) found the fill material to be loose and easily erodible. The consultant does not appear to attach any particular consideration to these unique conditions in assessing the retreat rate for the site (beyond complications imposed by periodic additions of fill), or to the possibility that it is only these periodic additions of fill that have allowed the prominence to remain. The consultant should consider the suitability of the fill material to provide realistic protection from beach erosion, and in particular the potential for catastrophic loss of the fill wedge due to failure, erosion and wave attack during large storm events. Please note that potential failure planes within the existing fill are expected to have factors of safety below the minimum requirements of 1.5 and 1.1 for static and pseudo-static loading, respectively.

RESPONSE:

2. This “loose and easily erodible” fill (as the reviewer describes it) was observed, mapped, and tested in detail during the course of our investigation. Boring HB-1 was drilled to specifically evaluate the properties of the fill material. The reviewer should also be aware that these fill materials actually contain concrete and boulders that protect the toe of the slope from wave attack to a greater degree than most undisturbed (natural) sea cliffs in this area. This “rip rap” is shown on our cross-section (Plate 4) and on Photos #1, #3, #4, and #5.

As to the “wedge failure” of the fill suggested by the reviewer, the slope stability analysis provided in the Hetherington Engineering, Inc. transmittal dated September 24, 2014 indicate that surfaces seaward of the dashed line on Plate 4 have factors of safety less than 1.5 (static), consequently we suggested a permanent shoring system on the bluff side of the structure for protection in the event of future bluff failures. Pseudo-static stability was not analyzed as part of the September 24, 2014 work.

COMMENT:

3. The consultant calculates retreat rates west of the property, within the property, and east of the property. The rates east and west of the property are calculated at 0.52ft/yr, and the rate within the property is calculated at 0.36ft/yr. The consultant calculates the rate on-site based on photography taken between 1928 and 1953 because it is known that fill was added to the downslope area in subsequent years, and in fact, the consultant documents that the blufftop actually moves southward (toward the ocean) during this period. The consultant should respond to the following comments relative to estimate the sea cliff retreat rate:

- The consultant appears to assume that no fill was added to the bluff face between the period 1928 to 1953. CFG (1995) indicates that a residence has been present at this location for nearly 100 years, and that a 1944 topographic map shows a residence at this location. The consultant should justify the assumption that fill was not being added to the bluff face between 1928 and 1953.
- The consultant indicates that the retreat rate of 0.52ft/yr measured east of the property was affected by headward erosion of a watercourse. However, the retreat rates west of the property is also reported to be 0.52ft/yr. This would seem to suggest an overall retreat rate of the natural bluff in the area 0.52ft/yr. It would seem to be reasonable to expect that the retreat rate in a prominence of loose fill would be higher than the adjacent natural bluffs underlain by consolidated bedrock and Older Alluvial deposits. Instead the consultant adopts the lower retreat rate of 0.36ft/yr estimated within the property where the likelihood seems to be that the bluff would have been periodically replenished to protect the structure. The consultant should justify adoption of the lower retreat rate.
- The consultant appears to measure the calculated setback distance from the top of the bluff to conclude that the proposed construction meets the bluff setback requirements. However, bluff setbacks need to be measured from the point where a setback line depicting a 1.5 FS intersects the pad grade. The Coastal Commission Memorandum of January 16, 2003, specifies a bluff retreat setback should be provided in addition to the distance required to obtain the prerequisite factors of safety (1.5 and 1.1 for static and pseudo-static loading conditions, respectively). The consultant should re-evaluate the setback distance based on this criterion.
- Fugro (2004) estimates retreat rates in the area of one to two feet per year. The consultant should discuss the difference between the two analyses and justify use of the lower retreat rates.

Ms. Susan Petrovich
Brownstein Farber Hyatt Shreck LLP
Response to Comments – 2551 Wallace Avenue, Summerland CA
October 23, 2015
Page 5

RESPONSE:

3. The reviewer alleges that fill may have been added to the slope during the base period we chose for the sea cliff retreat rate (1928-53). We reviewed aerial photos dated 1943 and 1953 and did not see any added fill materials. In all, 13 sets of aerial photographs were reviewed from 1928 to 2003, in addition to 5 sets of topographic maps. After reviewing those data, it appeared to us that the placement of fill materials did not occur until 1959; then on an irregular basis from 1959 until approximately 2001. In short, if soil were added to the bluff oceanward of the structure between 1928 and 1953, we believe we would have seen evidence of that. We do not.

The reviewer suggests that we “adopted” a retreat rate of 0.36 feet per year. Actually, we measured a retreat rate of 0.36 feet per year directly oceanward of the structure, over a 25-year timeframe. As stated on page 9 of our January 6, 2012 report “The higher retreat rate east of the O’Neil residence [.52 feet per year] results from headward erosion of a watercourse, and is not an appropriate rate of long term retreat for future development at the subject site”. The bluff toe in front of the subject residence is protected by rip-rap, which is likely why the retreat rate is lower than the area west of the subject site.

The reviewer suggests that we add the “stable bluff location” (the surface defined by a static factor of safety where it intersects the land surface adjacent to the structure), then add the 50-year retreat distance to that line to obtain the structure setback. The bluff location after 50 years of bluff retreat is shown by the dashed line on Plate 4 (attached). The dashed line on Plate 4 is the factor-of-safety of the 1.5 (static) surface. Everything seaward of that has a factor of safety less than 1.5 based on Hetherington’s September 24, 2014 analysis.

The reviewer suggests a retreat rate of “one to two feet per year” based on work by Fugro (2003) at a nearby site. It appears that Fugro reviewed many of the same

MICHAEL F. HOOVER
Consulting Geologist • Hydrologist

photographs that we reviewed, and determined approximately the same distances from the railroad tracks to the top of bluff that we determined on the 1928 photos. However, Fugro fails to adjust for the fact that the railroad tracks were moved 40 feet to the south between 1943 and 1953, thus Fugro greatly overestimates bluff retreat (by a factor of 2x) over their base period of 1928-69. Correcting for the relocation of the railroad tracks, Fugro's bluff retreat becomes 0.53 feet per year to 0.80 feet per year. Our study determined a rate of bluff retreat of 0.52 feet per year west of the residence using the base period 1928-53. As previously stated, the rate of bluff retreat is currently quite low due to the presence of concrete rip rap at the toe of the bluff.

COMMENT:

4. The consultant refers to discussions with and evaluations by the "geotechnical engineer". But the report is not signed by a geotechnical engineer (civil engineer practicing in the area of geotechnical engineering). The project geotechnical engineer should sign the report, or submit his analyses, findings, conclusions, and recommendations in a separate report. Please note that selection of shear strength parameters and performing slope stability analyses should be performed by a geotechnical engineer. Mitigation measures should be recommended as necessary.

Note: The consultant provides a set of slope stability calculations. The cover sheet for the calculations refers to an address on Summerland Avenue (rather than Wallace Avenue), the individual who prepared the calculations is not named, and the calculations are not signed and stamped. As requested previously, the project geotechnical engineer should sign the report, or submit his analyses, findings, conclusions, and recommendations in a separate report.

RESPONSE:

4. The slope stability analysis by Hetherington Engineering, Inc. dated September 24, 2014 is that separate report.

COMMENT:

5. The limits of the fill as depicted on Cross-Section A-A appear to be different than what is assumed in the slope stability analyses. The cross sections included in the slope stability analyses appear to depict a wedge of fill with a

Ms. Susan Petrovich
Brownstein Farber Hyatt Shreck LLP
Response to Comments – 2551 Wallace Avenue, Summerland CA
October 23, 2015
Page 7

daylight toe elevated about ten feet above the beach platform, which is not consistent with Geologic Cross Section A-A'. Similarly, the limits of the fill in the slope stability section, do not appear to match the geologic section configuration (particularly at the top where the fill should be closer to the residence.) The consultant should reconcile this apparent discrepancy and revise slope stability as necessary.

RESPONSE:

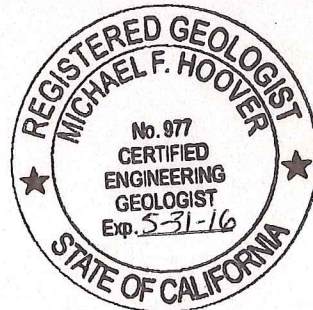
5. There is no discrepancy between the geologic cross-section and the pseudo-section. The critical section is A-A' (see Plate 4 of our report dated January 6, 2012). The pseudo-section presented in Hetherington's September 24, 2014 analysis depicts the bluff face after 50 years of retreat (approximately 18 feet from the current top of bluff). What the reviewer is looking at, and mistakes for a bluff face on Hetherington's section, is the contact between the fill and the Casitas formation. We have modified and annotated Plate 4 from our January 6, 2012 report (see attached). Hopefully, the attached illustration clarifies the issue.

We trust that the responses contained herein add clarity to the issues in question. If GeoDynamics or the County have further questions, please do not hesitate to contact us.

Sincerely,
MICHAEL F. HOOVER CONSULTING
GEOLOGIST-HYDROLOGIST

Michael F. Hoover
Principal Geologist

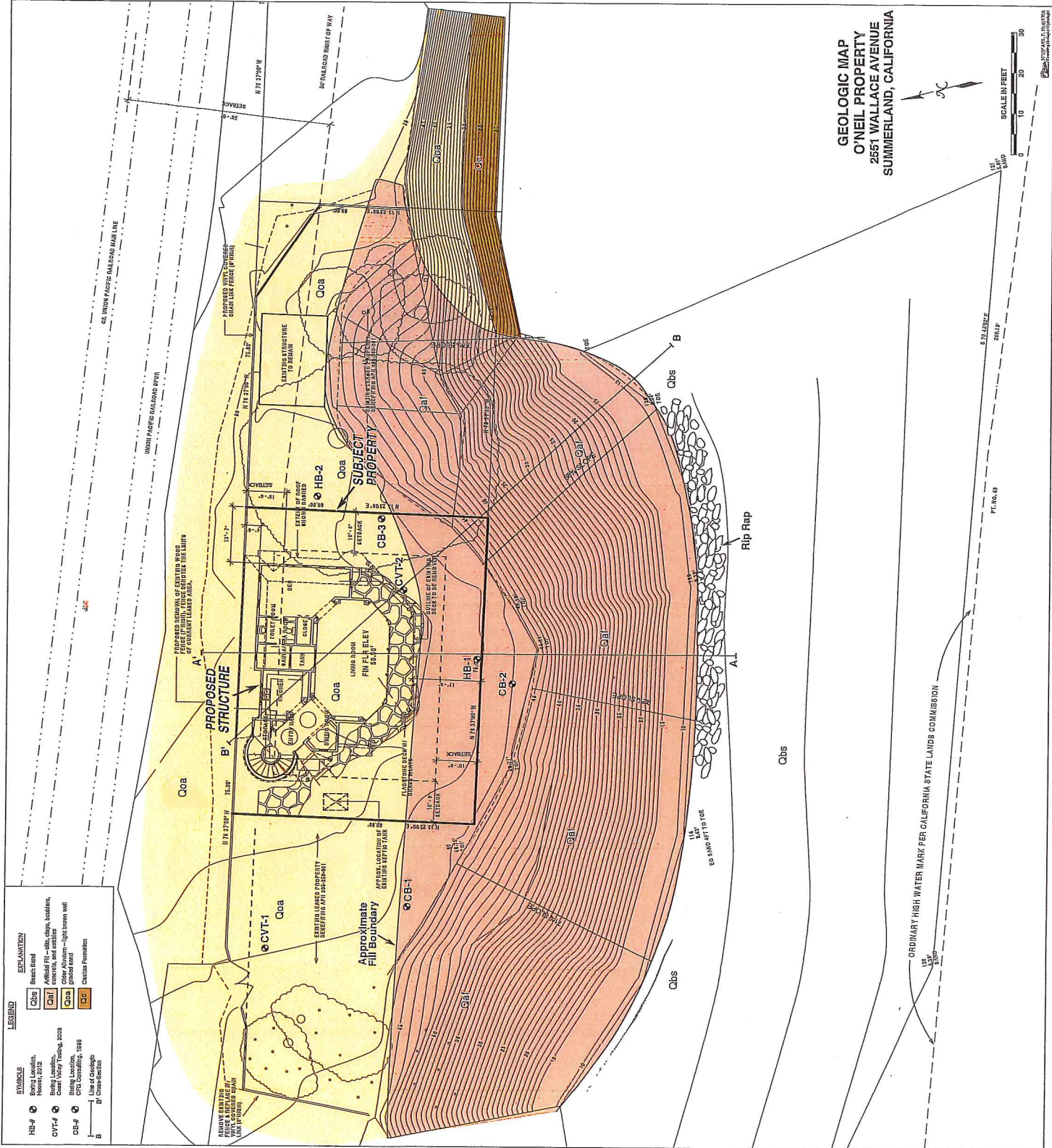
MFH/cm
Attachments



MICHAEL F. HOOVER
Consulting Geologist • Hydrologist

ATTACHMENTS

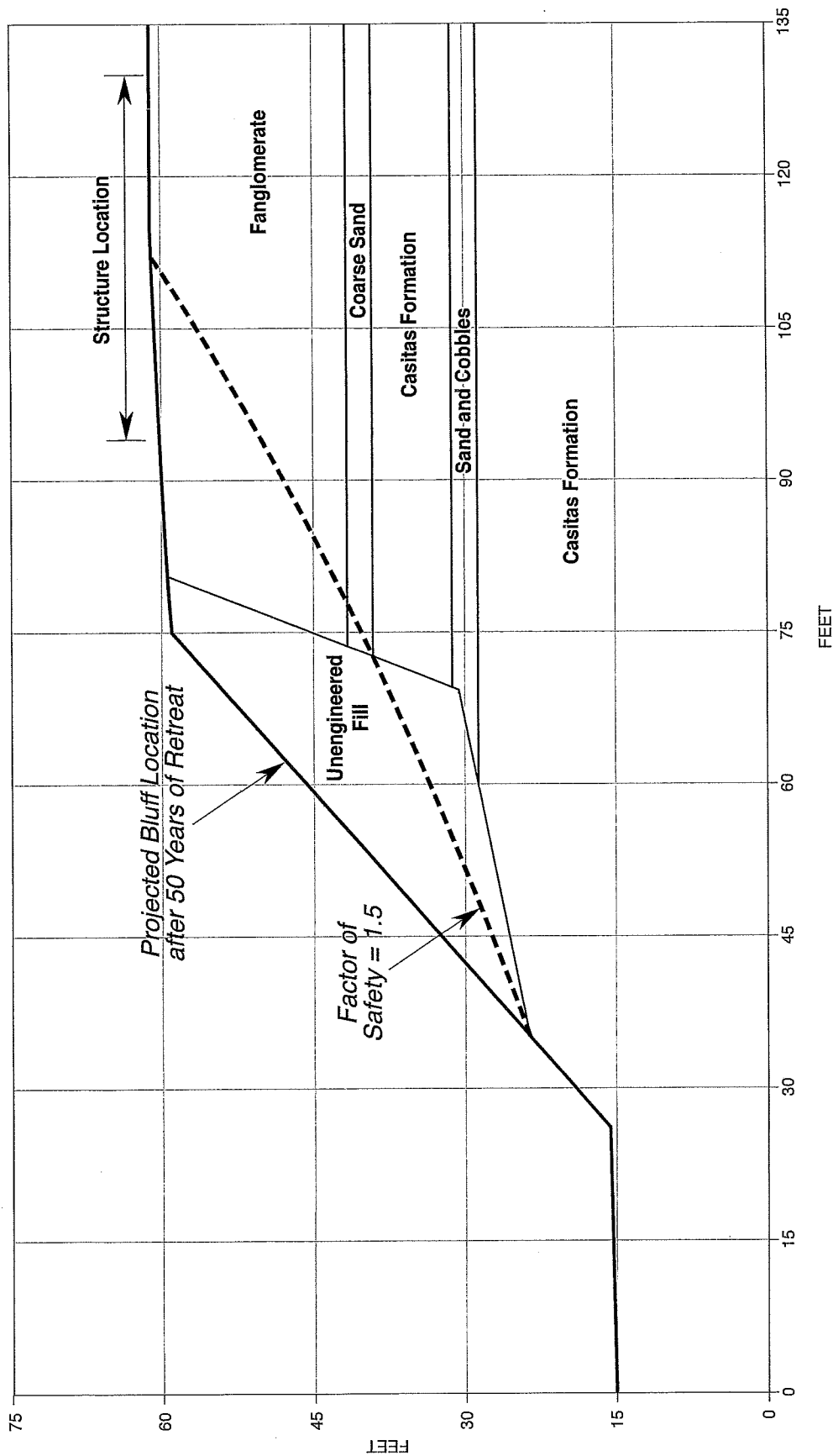
1. Updated Plate 3 – Geologic Map, O'Neil Property, 2551 Wallace Avenue, Summerland, California; from Hoover Consulting report dated January 6, 2012
2. Annotated Plate 4 – Pseudo-section Analysis of O'Neil Property, 2551 Wallace Avenue, Summerland, California



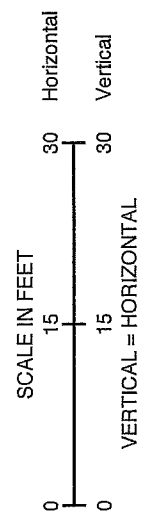
LEGEND	
SYMBOLS	EXPLANATION
HB-1	Existing Location
CVT-1	Proposed Location
CB-1	CPA Controlling, 1985
B	Line of Contingency
	B' - Cross-section
Qbs	Beach Sand
Gal	Artificial Fill - silts, clays, loess, etc.
Qoa	Quaternary Alluvium - light brown soil
Qoa	Quaternary Alluvium - light brown soil
Qoa	Quaternary Alluvium - light brown soil
Qoa	Quaternary Alluvium - light brown soil

GEOLOGIC MAP
O'NEIL PROPERTY
2551 WALLACE AVENUE
SUMMERLAND, CALIFORNIA





PSUEDOSTATIC ANALYSIS
O'NEIL RESIDENCE
2551 WALLACE AVENUE
SUMMERLAND, CALIFORNIA



MICHAEL F. HOOVER
 Consulting Geologist • Hydrologist



Hetherington Engineering, Inc.
5365 Avenida Encinas, Suite A
Carlsbad, California 92008

Telephone: (760) 931-1917 Fax: (760) 931-0545

Other offices:
327 Third Street
Laguna Beach, CA 92651
Telephone (949) 715-5440
Fax (949) 715-5442

Coastal Geotechnical
327 Third Street
Laguna Beach, CA 92651
Telephone (949) 494-4484
Fax (949) 497-1707

LETTER OF TRANSMITTAL

DATE: September 24, 2014

TO: Mike Hoover
via e-mail (mfhoover@hoovergeo.com)

PROJECT NO: 6448.1

PROJECT NAME: *Wallace (SIC)*
2551 Summerland Avenue

WE ARE SENDING: Suggested review response and backup

REMARKS:

BY: MDH



4. As suggested by the reviewer, we have expanded the search to include rotational failure through the existing fill. The potential failure surfaces with factors-of-safety of 1.5 (static) are shown on the attached slope stability analyses for both existing topographic conditions and following 18-feet of bluff retreat. To provide factors-of-safety of at least 1.5 (static) and 1.1 (seismic) for the structure following 18-feet of bluff retreat, we recommend the installation of a permanent drilled pier shoring system on the bluff side of the structure.

Drilled piers should be designed to resist lateral loads of 10 kips/foot (equivalent fluid pressure) to a depth of 20-feet for cantilevered shoring. The lateral loads should be applied to a continuous vertical plane and distributed to the piers in a tributary fashion. Drilled piers should have a minimum diameter of 24-inches and should be spaced at a distance no greater than three pier diameters.

Piers may resist lateral loads by a passive pressure of 400-pounds-per-square-foot per foot of depth below a depth of 20-feet and into undisturbed bedrock to a maximum value of 4000-pounds-per-square-foot. The passive resistance for piers may be calculated over two pier diameters.

The shoring system plans and specifications should be reviewed by the Geotechnical Consultant to confirm conformance with the recommendations provided herein or to modify the recommendations as necessary.

** PCSTABL6 **

by
Purdue University

1

--Slope Stability Analysis--
Simplified Janbu, Simplified Bishop
or Spencer's Method of Slices

Run Date: 9-18-14
Time of Run:
Run By: CH
Input Data Filename: aa.in
Output Filename: aa.ol
Unit: ENGLISH
Plotted Output Filename: aa.pl

PROBLEM DESCRIPTION O'Neil Residence; Section A-A'
Arcuate Failure search through fill
Location of Potential Failure Surface
With FS>1.5 (static)
Current bluff face

BOUNDARY COORDINATES

16 Top Boundaries
30 Total Boundaries

Boundary No.	X-Left (ft)	Y-Left (ft)	X-Right (ft)	Y-Right (ft)	Soil Type Below Bnd
1	0.00	15.00	3.00	15.00	1
2	3.00	15.00	5.50	16.00	1
3	5.50	16.00	9.00	17.50	5
4	9.00	17.50	14.00	20.50	5
5	14.00	20.50	18.00	24.50	5
6	18.00	24.50	21.50	28.00	5
7	21.50	28.00	27.00	32.00	5
8	27.00	32.00	32.00	36.50	5
9	32.00	36.50	40.00	43.00	5
10	40.00	43.00	50.00	51.00	5
11	50.00	51.00	54.00	54.00	5
12	54.00	54.00	58.00	56.00	5
13	58.00	56.00	77.00	58.00	5
14	77.00	58.00	80.50	58.50	5
15	80.50	58.50	85.00	59.00	4
16	85.00	59.00	120.00	60.00	4
17	5.50	16.00	8.00	16.00	1
18	8.00	16.00	19.00	20.00	1
19	19.00	20.00	24.00	21.00	1
20	24.00	21.00	54.00	27.00	1

21	54.00	27.00	59.00	28.00	1
22	59.00	28.00	69.00	30.00	2
23	69.00	30.00	69.20	30.50	2
24	69.20	30.50	72.40	38.50	1
25	72.40	38.50	73.40	41.00	3
26	73.40	41.00	80.50	58.50	4
27	73.40	41.00	120.00	41.00	3
28	72.40	38.50	120.00	38.50	1
29	69.20	30.50	120.00	30.50	2
30	59.00	28.00	120.00	28.00	1

1

ISOTROPIC SOIL PARAMETERS

5 Type(s) of Soil

Soil Type No.	Total Unit Wt. (pcf)	Saturated Unit Wt. (pcf)	Cohesion Intercept (psf)	Friction Angle (deg)	Pore Pressure Param.	Pressure Constant (psf)	Piez. Surface No.
1	129.0	130.0	1100.0	29.0	0.00	0.0	1
2	125.0	130.0	75.0	31.0	0.00	0.0	1
3	125.0	130.0	75.0	31.0	0.00	0.0	1
4	123.0	128.0	300.0	26.0	0.00	0.0	1
5	107.0	122.0	0.0	33.0	0.00	0.0	1

1

BOUNDARY LOAD(S)

1 Load(s) Specified

Load No.	X-Left (ft)	X-Right (ft)	Intensity (psf)	Deflection (deg)
1	89.00	110.00	200.0	0.0

NOTE - Intensity Is Specified As A Uniformly Distributed Force Acting On A Horizontally Projected Surface.

1

A Critical Failure Surface Searching Method, Using A Random Technique For Generating Circular Surfaces, Has Been Specified.

Janbus Empirical Coef. is being used for the case of c & ϕ both > 0
625 Trial Surfaces Have Been Generated.

25 Surfaces Initiate From Each Of 25 Points Equally Spaced

Along The Ground Surface Between X = 10.00 ft.
and X = 15.00 ft.

Each Surface Terminates Between X = 98.00 ft.
and X = 110.00 ft.

Unless Further Limitations Were Imposed, The Minimum Elevation
At Which A Surface Extends Is Y = 0.00 ft.

8.00 ft. Line Segments Define Each Trial Failure Surface.

Restrictions Have Been Imposed Upon The Angle Of Initiation.
The Angle Has Been Restricted Between The Angles Of 10.0
And 35.0 deg.

1

Following Are Displayed The Ten Most Critical Of The Trial
Failure Surfaces Examined. They Are Ordered - Most Critical
First.

* * Safety Factors Are Calculated By Spencer`s Method * *

Number of convergent trials 568
Number of non convergent trials 57

Failure Surface Specified By 14 Coordinate Points

Point No.	X-Surf (ft)	Y-Surf (ft)
1	11.04	18.73
2	18.70	21.05
3	26.29	23.57
4	33.82	26.28
5	41.27	29.18
6	48.65	32.28
7	55.95	35.56
8	63.16	39.02
9	70.28	42.67
10	77.30	46.50
11	84.22	50.51
12	91.04	54.69
13	97.75	59.04
14	98.24	59.38

*** Factor of Safety = 1.504 ***

Individual data on the 27 slices

Slice No.	Width (ft)	Weight (lbs)	Water Force		Force Norm (lbs)	Force Tan (lbs)	Earthquake Force		Surcharge Load (lbs)
			Top (lbs)	Bot (lbs)			Hor (lbs)	Ver (lbs)	
1	3.0	138.7	0.0	0.0	0.0	0.0	0.0	0.0	0.0
2	4.0	971.4	0.0	0.0	0.0	0.0	0.0	0.0	0.0
3	0.7	291.3	0.0	0.0	0.0	0.0	0.0	0.0	0.0
4	2.8	1524.8	0.0	0.0	0.0	0.0	0.0	0.0	0.0
5	4.8	3571.7	0.0	0.0	0.0	0.0	0.0	0.0	0.0
6	0.7	611.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
7	5.0	5096.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0
8	1.8	2193.6	0.0	0.0	0.0	0.0	0.0	0.0	0.0
9	6.2	8603.7	0.0	0.0	0.0	0.0	0.0	0.0	0.0
10	1.3	1982.3	0.0	0.0	0.0	0.0	0.0	0.0	0.0
11	7.4	12819.7	0.0	0.0	0.0	0.0	0.0	0.0	0.0
12	1.4	2584.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0
13	4.0	8011.3	0.0	0.0	0.0	0.0	0.0	0.0	0.0
14	1.9	4032.8	0.0	0.0	0.0	0.0	0.0	0.0	0.0
15	2.1	4271.9	0.0	0.0	0.0	0.0	0.0	0.0	0.0
16	5.2	10201.4	0.0	0.0	0.0	0.0	0.0	0.0	0.0
17	7.1	12243.9	0.0	0.0	0.0	0.0	0.0	0.0	0.0
18	4.9	7075.8	0.0	0.0	0.0	0.0	0.0	0.0	0.0
19	1.8	2432.9	0.0	0.0	0.0	0.0	0.0	0.0	0.0
20	0.3	391.3	0.0	0.0	0.0	0.0	0.0	0.0	0.0
21	3.2	4078.8	0.0	0.0	0.0	0.0	0.0	0.0	0.0
22	3.7	4250.7	0.0	0.0	0.0	0.0	0.0	0.0	0.0
23	0.8	783.6	0.0	0.0	0.0	0.0	0.0	0.0	0.0
24	4.0	3369.8	0.0	0.0	0.0	0.0	0.0	0.0	0.0
25	2.0	1277.6	0.0	0.0	0.0	0.0	0.0	0.0	408.8
26	6.7	1983.1	0.0	0.0	0.0	0.0	0.0	0.0	1342.1
27	0.5	9.6	0.0	0.0	0.0	0.0	0.0	0.0	97.6

Failure Surface Specified By 14 Coordinate Points

Point No.	X-Surf (ft)	Y-Surf (ft)
1	10.83	18.60
2	18.66	20.27
3	26.41	22.26
4	34.07	24.56
5	41.63	27.17
6	49.08	30.08
7	56.41	33.30
8	63.60	36.81
9	70.64	40.61
10	77.52	44.69
11	84.22	49.05
12	90.75	53.68
13	97.08	58.57

14 98.04 59.37

*** Factor of Safety = 1.506 ***

1

Failure Surface Specified By 14 Coordinate Points

Point No.	X-Surf (ft)	Y-Surf (ft)
1	10.42	18.35
2	18.10	20.59
3	25.72	23.03
4	33.27	25.68
5	40.74	28.52
6	48.14	31.57
7	55.45	34.82
8	62.67	38.26
9	69.80	41.89
10	76.83	45.71
11	83.75	49.72
12	90.56	53.92
13	97.26	58.29
14	98.86	59.40

*** Factor of Safety = 1.508 ***

Failure Surface Specified By 14 Coordinate Points

Point No.	X-Surf (ft)	Y-Surf (ft)
1	10.00	18.10
2	17.67	20.38
3	25.28	22.85
4	32.82	25.52
5	40.29	28.38
6	47.69	31.42
7	55.01	34.66
8	62.24	38.08
9	69.38	41.68
10	76.43	45.46
11	83.38	49.42
12	90.23	53.56
13	96.97	57.86
14	99.26	59.41

*** Factor of Safety = 1.510 ***

1

Failure Surface Specified By 14 Coordinate Points

Point No.	X-Surf (ft)	Y-Surf (ft)
1	10.42	18.35
2	18.21	20.14
3	25.94	22.22
4	33.58	24.59
5	41.13	27.23
6	48.58	30.14
7	55.92	33.33
8	63.13	36.79
9	70.22	40.51
10	77.16	44.49
11	83.95	48.72
12	90.58	53.19
13	97.04	57.91
14	98.93	59.40

*** Factor of Safety = 1.511 ***

Failure Surface Specified By 14 Coordinate Points

Point No.	X-Surf (ft)	Y-Surf (ft)
1	11.46	18.98
2	19.18	21.05
3	26.84	23.37
4	34.42	25.92
5	41.92	28.71
6	49.33	31.72
7	56.65	34.97
8	63.86	38.43
9	70.95	42.12
10	77.94	46.03
11	84.79	50.15
12	91.52	54.48
13	98.11	59.01
14	98.62	59.39

*** Factor of Safety = 1.514 ***

Failure Surface Specified By 14 Coordinate Points

Point No.	X-Surf (ft)	Y-Surf (ft)
1	10.63	18.48
2	18.47	20.03
3	26.25	21.92
4	33.93	24.14
5	41.52	26.68
6	48.99	29.53
7	56.34	32.70
8	63.54	36.18
9	70.60	39.95
10	77.48	44.02
11	84.19	48.38
12	90.71	53.02
13	97.03	57.93
14	98.76	59.39

*** Factor of Safety = 1.516 ***

Failure Surface Specified By 13 Coordinate Points

Point No.	X-Surf (ft)	Y-Surf (ft)
1	12.29	19.48
2	19.99	21.66
3	27.62	24.06
4	35.17	26.69
5	42.65	29.54
6	50.04	32.60
7	57.34	35.87
8	64.54	39.35
9	71.64	43.04
10	78.63	46.94
11	85.50	51.04
12	92.25	55.33
13	98.22	59.38

*** Factor of Safety = 1.516 ***

Failure Surface Specified By 14 Coordinate Points

Point No.	X-Surf (ft)	Y-Surf (ft)
1	10.21	18.23
2	18.05	19.82
3	25.81	21.74
4	33.50	23.97
5	41.08	26.51
6	48.56	29.36
7	55.91	32.51
8	63.13	35.96
9	70.20	39.70
10	77.12	43.72
11	83.87	48.02
12	90.43	52.59
13	96.80	57.43
14	99.20	59.41

*** Factor of Safety = 1.517 ***

Failure Surface Specified By 14 Coordinate Points

Point No.	X-Surf (ft)	Y-Surf (ft)
1	10.21	18.23
2	18.04	19.87
3	25.80	21.82
4	33.47	24.08
5	41.05	26.64
6	48.52	29.50
7	55.88	32.65
8	63.10	36.09
9	70.18	39.81
10	77.10	43.82
11	83.87	48.09
12	90.45	52.63
13	96.86	57.43
14	99.29	59.41

*** Factor of Safety = 1.517 ***

Y A X I S F T

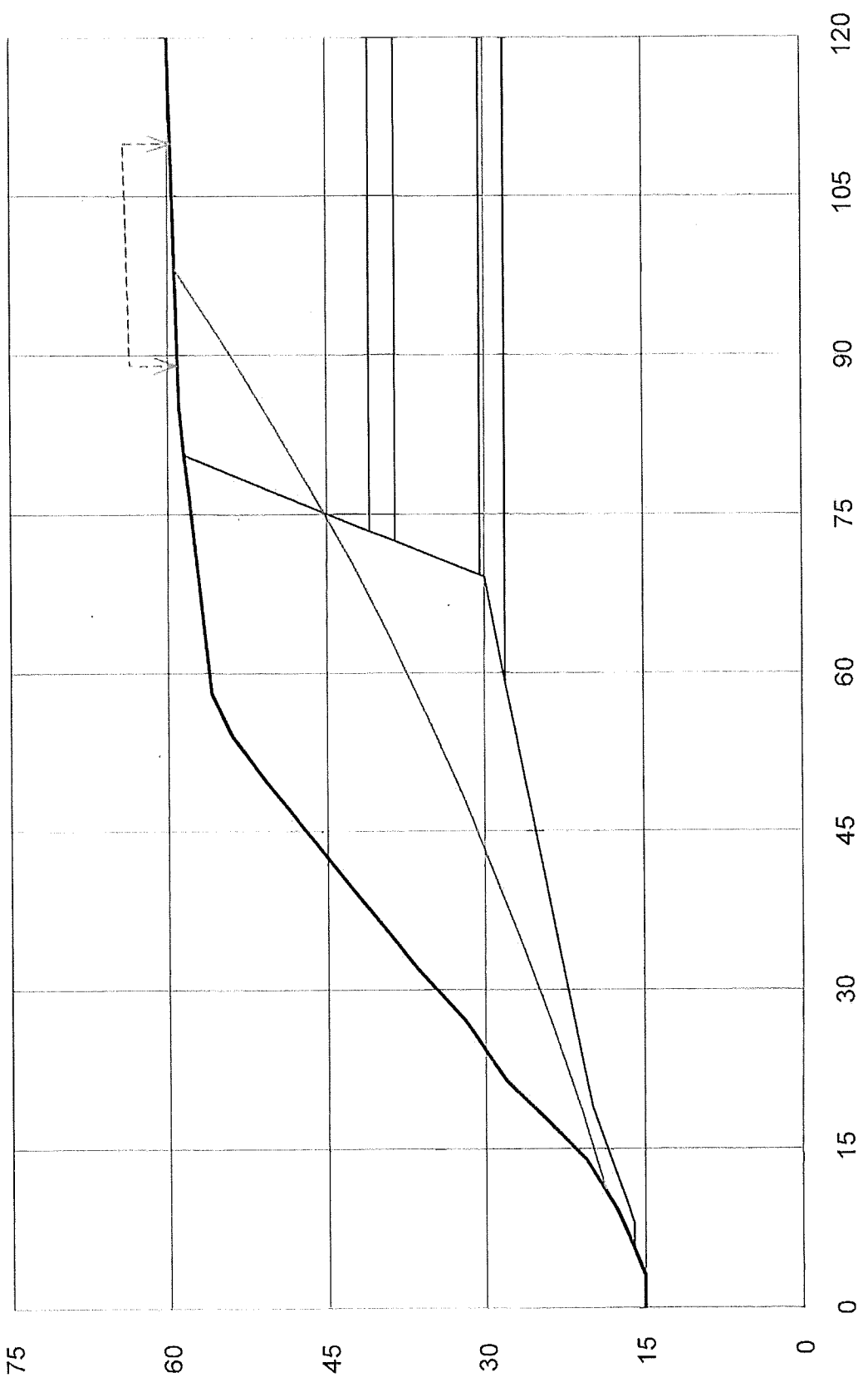
0.00 15.00 30.00 45.00 60.00 75.00

```

X   0.00 +-----*-----+-----+-----+-----+
      -
      - *
      - *
      - *
      - 6
15.00 +
      - *
      - 51.*
      - *6..
      - ... *
      - *3..
      - .21.. *
A   30.00 +
      - .....
      - .53... *
      - 261..
      - .....
      - .53... *
      - .218...
X   45.00 +
      - .....
      - .531..
      - .268... *
      - .....
      - * .531.. *
      - ..268... *
I   60.00 +
      - * .....
      - ..721...
      - ...6...
      - .....
      - * ..921...
      - ...*.8..
S   75.00 +
      - .....
      - ..721.. *
      - ..... *
      - .....4..
      - ...521.. *
      - .....
90.00 +
      - ....51. /1
      - ....68.
      - .....
      - ....911
      - .....3
      - .....
F   105.00 +
      - .....
      - .....
      - ..1/
      - .....
T   120.00 +
      - ** ** *

```

aa.p1



aa.p1



** PCSTABL6 **

by
Purdue University

1

--Slope Stability Analysis--
Simplified Janbu, Simplified Bishop
or Spencer's Method of Slices

Run Date: 9-8-14
Time of Run:
Run By: CH
Input Data Filename: 6448z.in
Output Filename: 6448z.o1
Unit: ENGLISH
Plotted Output Filename: 6448z.pl

PROBLEM DESCRIPTION O'Neil Residence; Section A-A'
Arcuate Failure search through fill
Location of Potential Failure Surface
With FS>1.5 (static)

Bluff face following 18' retreat

BOUNDARY COORDINATES

6 Top Boundaries
16 Total Boundaries

Boundary No.	X-Left (ft)	Y-Left (ft)	X-Right (ft)	Y-Right (ft)	Soil Type Below Bnd
1	0.00	15.00	26.00	15.50	1
2	26.00	15.50	34.50	23.00	1
3	34.50	23.00	75.00	58.00	5
4	75.00	58.00	80.50	58.50	5
5	80.50	58.50	85.00	59.00	4
6	85.00	59.00	120.00	60.00	4
7	34.50	23.00	59.00	28.00	1
8	59.00	28.00	69.00	30.00	2
9	69.00	30.00	69.20	30.50	2
10	69.20	30.50	72.40	38.50	1
11	72.40	38.50	73.40	41.00	3
12	73.40	41.00	80.50	58.50	4
13	73.40	41.00	120.00	41.00	3
14	72.40	38.50	120.00	38.50	1
15	69.20	30.50	120.00	30.50	2
16	59.00	28.00	120.00	28.00	1

1

ISOTROPIC SOIL PARAMETERS

5 Type(s) of Soil

Soil Type No.	Total Unit Wt. (pcf)	Saturated Unit Wt. (pcf)	Cohesion Intercept (psf)	Friction Angle (deg)	Pore Pressure Param.	Pressure Constant (psf)	Piez. Surface No.
1	129.0	130.0	1100.0	29.0	0.00	0.0	1
2	125.0	130.0	75.0	31.0	0.00	0.0	1
3	125.0	130.0	75.0	31.0	0.00	0.0	1
4	123.0	128.0	300.0	26.0	0.00	0.0	1
5	107.0	122.0	0.0	33.0	0.00	0.0	1

1

BOUNDARY LOAD(S)

1 Load(s) Specified

Load No.	X-Left (ft)	X-Right (ft)	Intensity (psf)	Deflection (deg)
1	89.00	110.00	200.0	0.0

NOTE - Intensity Is Specified As A Uniformly Distributed Force Acting On A Horizontally Projected Surface.

1

A Critical Failure Surface Searching Method, Using A Random Technique For Generating Circular Surfaces, Has Been Specified.

Janbus Empirical Coef. is being used for the case of c & ϕ both > 0
1100 Trial Surfaces Have Been Generated.

50 Surfaces Initiate From Each Of 22 Points Equally Spaced
Along The Ground Surface Between $X = 34.50$ ft.
and $X = 45.00$ ft.

Each Surface Terminates Between $X = 111.00$ ft.
and $X = 118.00$ ft.

Unless Further Limitations Were Imposed, The Minimum Elevation
At Which A Surface Extends Is $Y = 0.00$ ft.

8.00 ft. Line Segments Define Each Trial Failure Surface.

Restrictions Have Been Imposed Upon The Angle Of Initiation.
 The Angle Has Been Restricted Between The Angles Of 11.5
 And 25.0 deg.

1

Following Are Displayed The Ten Most Critical Of The Trial
 Failure Surfaces Examined. They Are Ordered - Most Critical
 First.

* * Safety Factors Are Calculated By Spencer`s Method * *

Number of convergent trials 999
 Number of non convergent trials 101

Failure Surface Specified By 12 Coordinate Points

Point No.	X-Surf (ft)	Y-Surf (ft)
1	34.50	23.00
2	42.03	25.71
3	49.50	28.57
4	56.91	31.57
5	64.27	34.72
6	71.56	38.02
7	78.78	41.45
8	85.94	45.03
9	93.02	48.75
10	100.03	52.61
11	106.96	56.61
12	112.21	59.78

*** Factor of Safety = 1.502 ***

Individual data on the 21 slices

Slice No.	Width (ft)	Weight (lbs)	Water		Force Norm (lbs)	Force Tan (lbs)	Earthquake		Surcharge Load (lbs)
			Force Top (lbs)	Force Bot (lbs)			Force Hor (lbs)	Force Ver (lbs)	
1	7.5	1528.5	0.0	0.0	0.0	0.0	0.0	0.0	0.0
2	7.5	4473.9	0.0	0.0	0.0	0.0	0.0	0.0	0.0
3	7.4	7217.3	0.0	0.0	0.0	0.0	0.0	0.0	0.0
4	7.4	9758.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0
5	7.3	12096.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
6	0.8	1470.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0

7	0.0	76.4	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
8	0.2	326.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
9	0.8	1569.3	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
10	1.6	3187.9	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
11	2.8	5757.7	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
12	1.0	1923.4	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
13	1.7	3438.6	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
14	4.5	8474.5	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
15	0.9	1637.3	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
16	3.1	4986.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
17	4.0	5671.7	0.0	0.0	0.0	0.0	0.0	0.0	0.0	803.8
18	7.0	7452.4	0.0	0.0	0.0	0.0	0.0	0.0	0.0	1401.5
19	6.9	4191.6	0.0	0.0	0.0	0.0	0.0	0.0	0.0	1386.0
20	3.0	802.3	0.0	0.0	0.0	0.0	0.0	0.0	0.0	608.7
21	2.2	172.3	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Failure Surface Specified By 12 Coordinate Points

Point No.	X-Surf (ft)	Y-Surf (ft)
1	34.50	23.00
2	41.94	25.95
3	49.33	29.00
4	56.69	32.15
5	64.00	35.40
6	71.26	38.75
7	78.48	42.20
8	85.65	45.75
9	92.77	49.39
10	99.84	53.14
11	106.86	56.98
12	111.78	59.77

*** Factor of Safety = 1.508 ***

1

Failure Surface Specified By 12 Coordinate Points

Point No.	X-Surf (ft)	Y-Surf (ft)
1	35.50	23.86
2	43.13	26.29
3	50.68	28.92
4	58.15	31.78
5	65.54	34.84
6	72.84	38.11
7	80.04	41.59
8	87.15	45.28
9	94.14	49.16

10	101.02	53.24
11	107.78	57.52
12	111.09	59.75

*** Factor of Safety = 1.522 ***

Failure Surface Specified By 12 Coordinate Points

Point No.	X-Surf (ft)	Y-Surf (ft)
1	34.50	23.00
2	41.96	25.90
3	49.38	28.89
4	56.75	31.98
5	64.09	35.17
6	71.39	38.46
7	78.64	41.83
8	85.84	45.31
9	93.01	48.88
10	100.12	52.54
11	107.18	56.29
12	113.62	59.82

*** Factor of Safety = 1.537 ***

1

Failure Surface Specified By 12 Coordinate Points

Point No.	X-Surf (ft)	Y-Surf (ft)
1	38.00	26.03
2	45.66	28.34
3	53.24	30.89
4	60.74	33.67
5	68.16	36.66
6	75.49	39.88
7	82.71	43.32
8	89.83	46.97
9	96.83	50.83
10	103.72	54.90
11	110.48	59.17
12	111.34	59.75

*** Factor of Safety = 1.541 ***

Failure Surface Specified By 12 Coordinate Points

Point No.	X-Surf (ft)	Y-Surf (ft)
1	38.00	26.03
2	45.63	28.45
3	53.18	31.07
4	60.66	33.90
5	68.07	36.93
6	75.39	40.16
7	82.62	43.59
8	89.75	47.20
9	96.79	51.01
10	103.72	55.01
11	110.54	59.19
12	111.40	59.75

*** Factor of Safety = 1.548 ***

1

Failure Surface Specified By 12 Coordinate Points

Point No.	X-Surf (ft)	Y-Surf (ft)
1	35.50	23.86
2	43.18	26.11
3	50.78	28.60
4	58.29	31.35
5	65.71	34.35
6	73.03	37.58
7	80.23	41.06
8	87.32	44.78
9	94.27	48.73
10	101.10	52.90
11	107.78	57.30
12	111.24	59.75

*** Factor of Safety = 1.556 ***

Failure Surface Specified By 12 Coordinate Points

Point No.	X-Surf (ft)	Y-Surf (ft)
1	36.00	24.30
2	43.40	27.35
3	50.76	30.47
4	58.10	33.67
5	65.40	36.93
6	72.67	40.27
7	79.91	43.68
8	87.11	47.15
9	94.28	50.70
10	101.42	54.32
11	108.52	58.01
12	111.83	59.77

*** Factor of Safety = 1.558 ***

1

Failure Surface Specified By 12 Coordinate Points

Point No.	X-Surf (ft)	Y-Surf (ft)
1	34.50	23.00
2	42.05	25.63
3	49.56	28.42
4	57.00	31.35
5	64.39	34.42
6	71.71	37.64
7	78.97	41.00
8	86.16	44.51
9	93.28	48.16
10	100.33	51.94
11	107.30	55.87
12	114.02	59.83

*** Factor of Safety = 1.562 ***

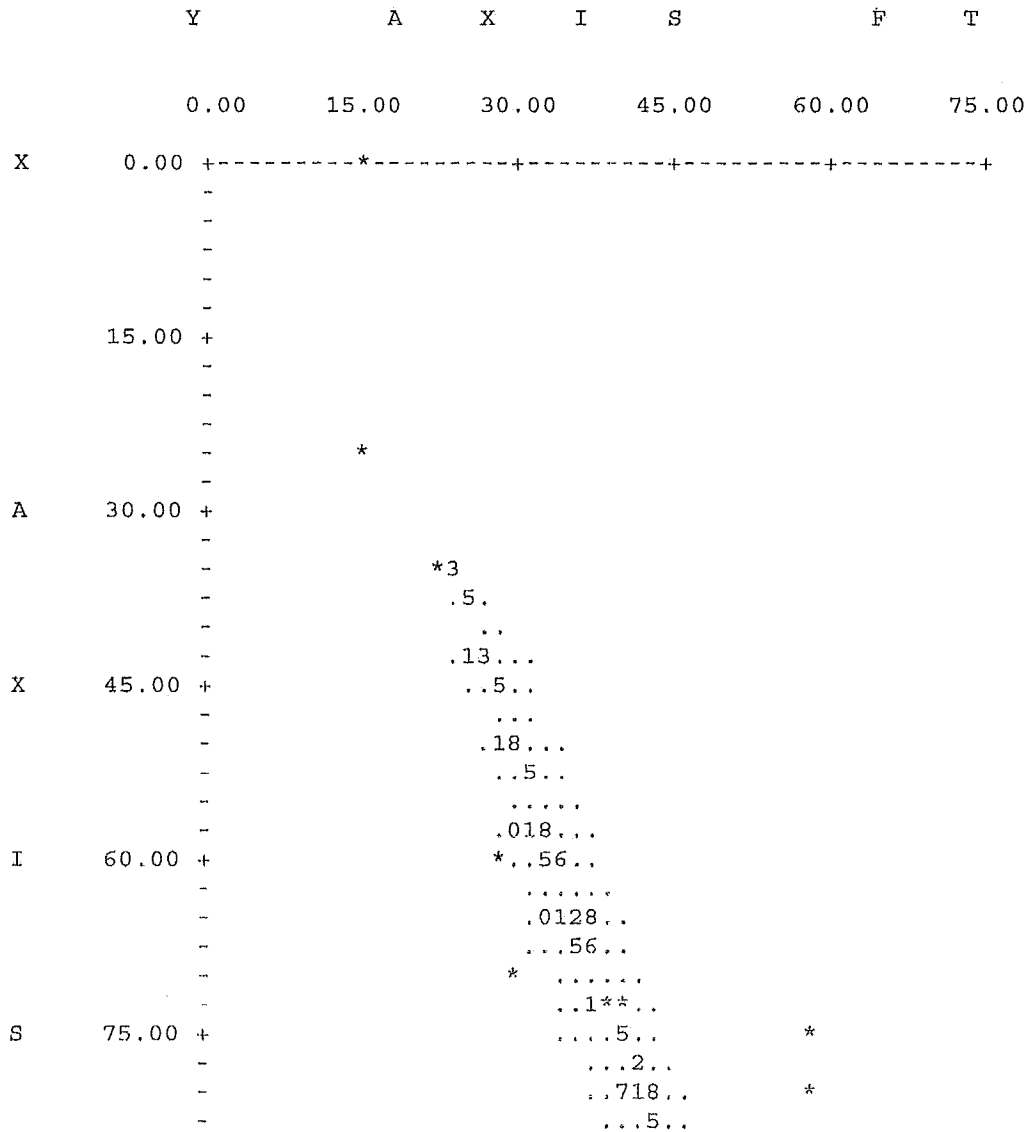
Failure Surface Specified By 12 Coordinate Points

Point No.	X-Surf (ft)	Y-Surf (ft)
1	34.50	23.00
2	42.16	25.32

3	49.74	27.88
4	57.24	30.66
5	64.65	33.66
6	71.97	36.89
7	79.19	40.34
8	86.30	44.01
9	93.30	47.89
10	100.17	51.97
11	106.92	56.27
12	112.09	59.77

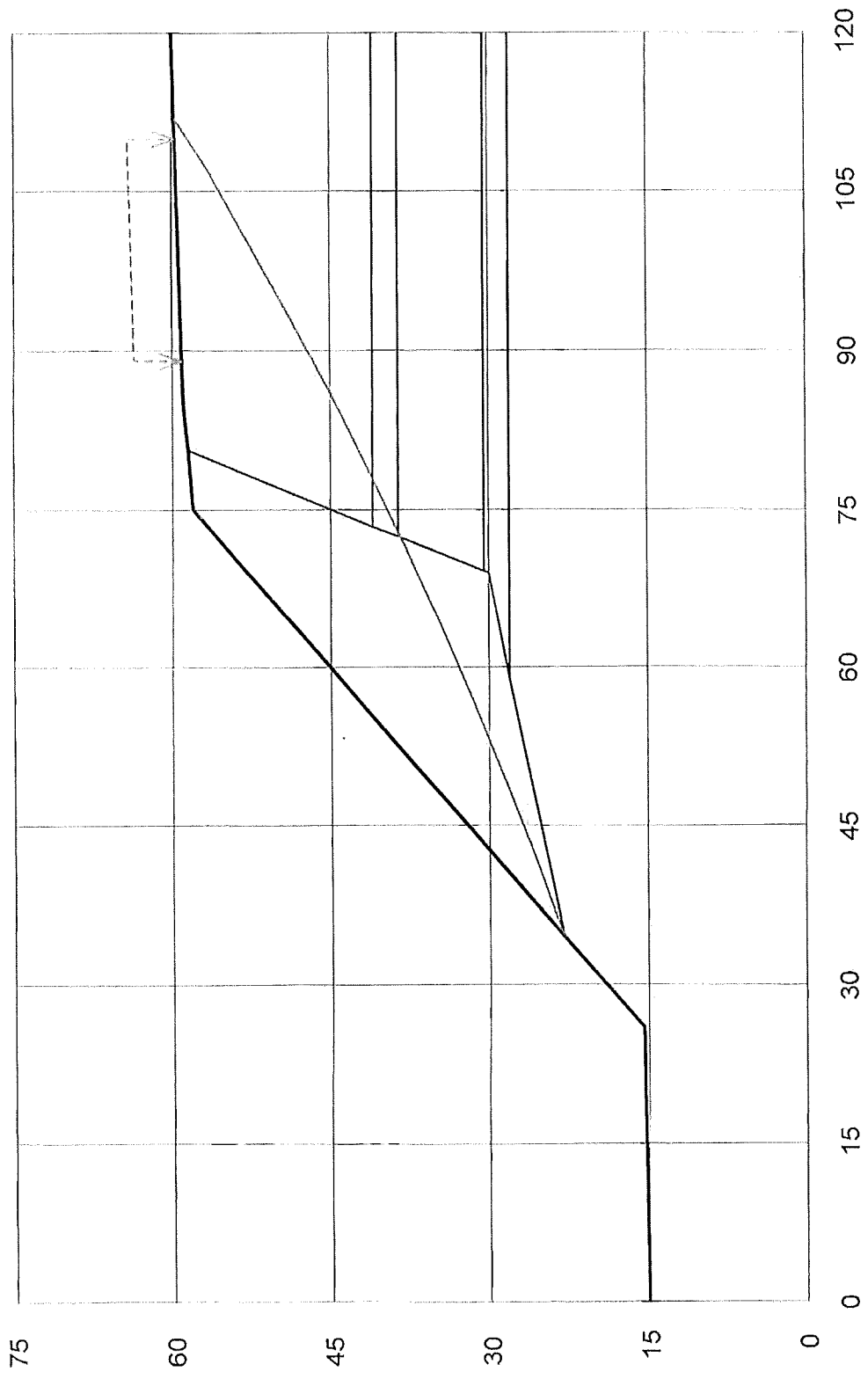
*** Factor of Safety = 1.563 ***

1



	-			...1..	*
	-			..038..	
	90.00	+		...5...	/1
	-			...91.	
	-			..738.	
	-			...5..	
	-			...1..	
	-			...85	
F	105.00	+		
	-			..918	
	-			...531/	
	-			...1	
	-			..9	
	-			..	
T	120.00	+	**	**	*

6448z.p1



** PCSTABL6 **

by
Purdue University

1

--Slope Stability Analysis--
Simplified Janbu, Simplified Bishop
or Spencer's Method of Slices

Run Date: 9-19-14
Time of Run:
Run By: CH
Input Data Filename: aapl.in
Output Filename: aapl.o1
Unit: ENGLISH
Plotted Output Filename: aapl.pl

PROBLEM DESCRIPTION O'Neil Residence; Section A-A'
Determination of Lateral Force on
Retaining Piers For FS>1.5

BOUNDARY COORDINATES

3 Top Boundaries
3 Total Boundaries

Boundary No.	X-Left (ft)	Y-Left (ft)	X-Right (ft)	Y-Right (ft)	Soil Type Below Bnd
1	80.40	41.00	80.50	58.50	4
2	80.50	58.50	85.00	59.00	4
3	85.00	59.00	120.00	60.00	4

1

ISOTROPIC SOIL PARAMETERS

5 Type(s) of Soil

Soil Type No.	Total Unit Wt. (pcf)	Saturated Unit Wt. (pcf)	Cohesion Intercept (psf)	Friction Angle (deg)	Pore Pressure Param.	Pressure Constant (psf)	Piez. Surface No.
1	129.0	130.0	1100.0	29.0	0.00	0.0	1
2	125.0	130.0	75.0	31.0	0.00	0.0	1
3	125.0	130.0	75.0	31.0	0.00	0.0	1
4	123.0	128.0	300.0	26.0	0.00	0.0	1

1 5 107.0 122.0 0.0 33.0 0.00 0.0 1

BOUNDARY LOAD(S)

1 Load(s) Specified

Load No.	X-Left (ft)	X-Right (ft)	Intensity (psf)	Deflection (deg)
1	89.00	110.00	200.0	0.0

NOTE - Intensity Is Specified As A Uniformly Distributed Force Acting On A Horizontally Projected Surface.

1

TIEBACK LOAD(S)

1 Tieback Load(s) Specified

Tieback No.	X-Pos (ft)	Y-Pos (ft)	Load (lbs)	Spacing (ft)	Inclination (deg)	Length (ft)	
						free	fixed
1	80.43	46.83	6000.0	1.0	0.00	0.0	0.0

NOTE - An Equivalent Line Load Is Calculated For Each Row Of Tiebacks Assuming A Uniform Distribution Of Load Horizontally Between Individual Tiebacks.

1

A Critical Failure Surface Searching Method, Using A Random Technique For Generating Circular Surfaces, Has Been Specified.

Janbus Empirical Coef. is being used for the case of c & ϕ both > 0
1000 Trial Surfaces Have Been Generated.

1000 Surfaces Initiate From Each Of 1 Points Equally Spaced
Along The Ground Surface Between $X = 80.40$ ft.
and $X = 80.40$ ft.

Each Surface Terminates Between $X = 90.00$ ft.
and $X = 110.00$ ft.

Unless Further Limitations Were Imposed, The Minimum Elevation
At Which A Surface Extends Is $Y = 0.00$ ft.

5.00 ft. Line Segments Define Each Trial Failure Surface.

Restrictions Have Been Imposed Upon The Angle Of Initiation.
The Angle Has Been Restricted Between The Angles Of 5.0
And 60.0 deg.

1

Following Are Displayed The Ten Most Critical Of The Trial
Failure Surfaces Examined. They Are Ordered - Most Critical
First.

* * Safety Factors Are Calculated By Spencer`s Method * *

Number of convergent trials 739
Number of non convergent trials 261

Failure Surface Specified By 6 Coordinate Points

Point No.	X-Surf (ft)	Y-Surf (ft)
1	80.40	41.09
2	83.98	44.58
3	87.36	48.26
4	90.53	52.13
5	93.47	56.17
6	95.49	59.30

*** Factor of Safety = 1.501 ***

Individual data on the 8 slices

Slice No.	Width (ft)	Weight (lbs)	Water		Force Norm (lbs)	Force Tan (lbs)	Earthquake		Surcharge Load (lbs)
			Force Top (lbs)	Force Bot (lbs)			Force Hor (lbs)	Force Ver (lbs)	
1	0.1	106.0	0.0	0.0	0.2	0.2	0.0	0.0	0.0
2	3.5	6770.5	0.0	0.0	1338.8	478.5	0.0	0.0	0.0
3	1.0	1730.5	0.0	0.0	907.8	327.3	0.0	0.0	0.0
4	2.4	3500.8	0.0	0.0	1333.7	1286.9	0.0	0.0	0.0
5	1.6	1981.6	0.0	0.0	508.8	776.0	0.0	0.0	0.0
6	1.5	1491.3	0.0	0.0	279.6	583.4	0.0	0.0	305.5
7	2.9	1828.4	0.0	0.0	346.3	875.7	0.0	0.0	589.0
8	2.0	381.4	0.0	0.0	166.8	476.2	0.0	0.0	404.1

Individual data on the 1 ties

No	Bnd	Slice	Head		End		T (lbs)	Length(ft)	
			Coordinates (ft)	Coordinates (ft)	Coordinates (ft)	Coordinates (ft)		free	fixed
1	1	7	80.4	46.8	0.0	0.0	6000.0	0.0	0.0

Failure Surface Specified By 6 Coordinate Points

Point No.	X-Surf (ft)	Y-Surf (ft)
1	80.40	41.09
2	83.97	44.59
3	87.35	48.28
4	90.52	52.14
5	93.49	56.16
6	95.56	59.30

*** Factor of Safety = 1.502 ***

1

Failure Surface Specified By 6 Coordinate Points

Point No.	X-Surf (ft)	Y-Surf (ft)
1	80.40	41.09
2	83.98	44.58
3	87.37	48.26
4	90.55	52.11
5	93.52	56.13
6	95.61	59.30

*** Factor of Safety = 1.502 ***

Failure Surface Specified By 6 Coordinate Points

Point No.	X-Surf (ft)	Y-Surf (ft)
1	80.40	41.09
2	83.93	44.63

3	87.29	48.33
4	90.48	52.18
5	93.49	56.18
6	95.63	59.30

*** Factor of Safety = 1.502 ***

1

Failure Surface Specified By 6 Coordinate Points

Point No.	X-Surf (ft)	Y-Surf (ft)
1	80.40	41.09
2	83.97	44.59
3	87.37	48.26
4	90.58	52.09
5	93.62	56.06
6	95.86	59.31

*** Factor of Safety = 1.503 ***

Failure Surface Specified By 6 Coordinate Points

Point No.	X-Surf (ft)	Y-Surf (ft)
1	80.40	41.09
2	83.95	44.61
3	87.24	48.37
4	90.27	52.35
5	93.01	56.53
6	94.55	59.27

*** Factor of Safety = 1.503 ***

1

Failure Surface Specified By 6 Coordinate Points

Point No.	X-Surf (ft)	Y-Surf (ft)
-----------	-------------	-------------

1	80.40	41.09
2	83.88	44.68
3	87.22	48.40
4	90.42	52.24
5	93.48	56.19
6	95.72	59.31

*** Factor of Safety = 1.504 ***

Failure Surface Specified By 6 Coordinate Points

Point No.	X-Surf (ft)	Y-Surf (ft)
1	80.40	41.09
2	83.83	44.73
3	87.07	48.53
4	90.12	52.50
5	92.98	56.60
6	94.65	59.28

*** Factor of Safety = 1.504 ***

1

Failure Surface Specified By 6 Coordinate Points

Point No.	X-Surf (ft)	Y-Surf (ft)
1	80.40	41.09
2	84.07	44.48
3	87.53	48.10
4	90.76	51.91
5	93.76	55.91
6	95.99	59.31

*** Factor of Safety = 1.504 ***

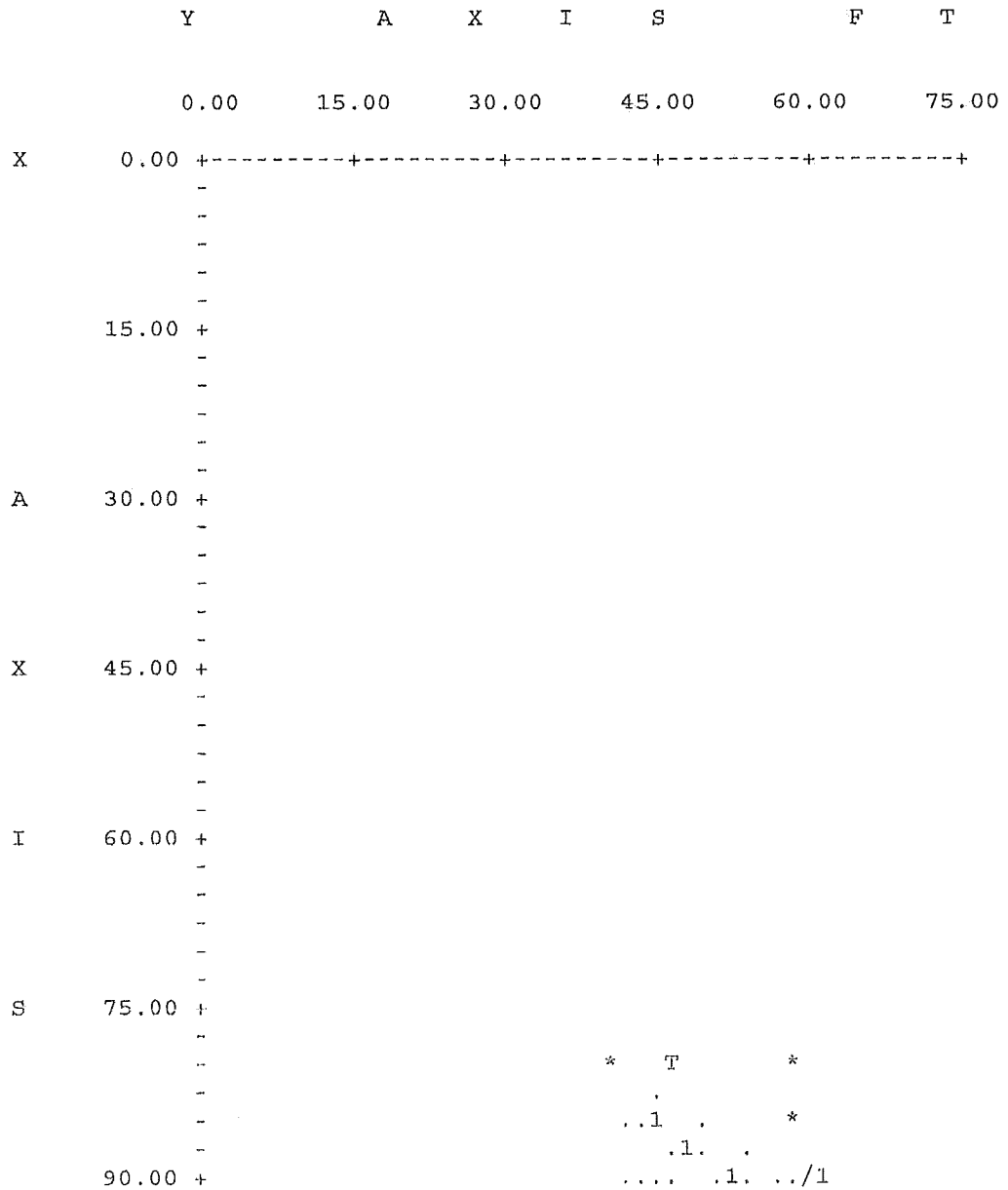
Failure Surface Specified By 6 Coordinate Points

Point No.	X-Surf (ft)	Y-Surf (ft)
-----------	-------------	-------------

1	80.40	41.09
2	84.06	44.50
3	87.52	48.11
4	90.77	51.91
5	93.80	55.88
6	96.12	59.32

*** Factor of Safety = 1.505 ***

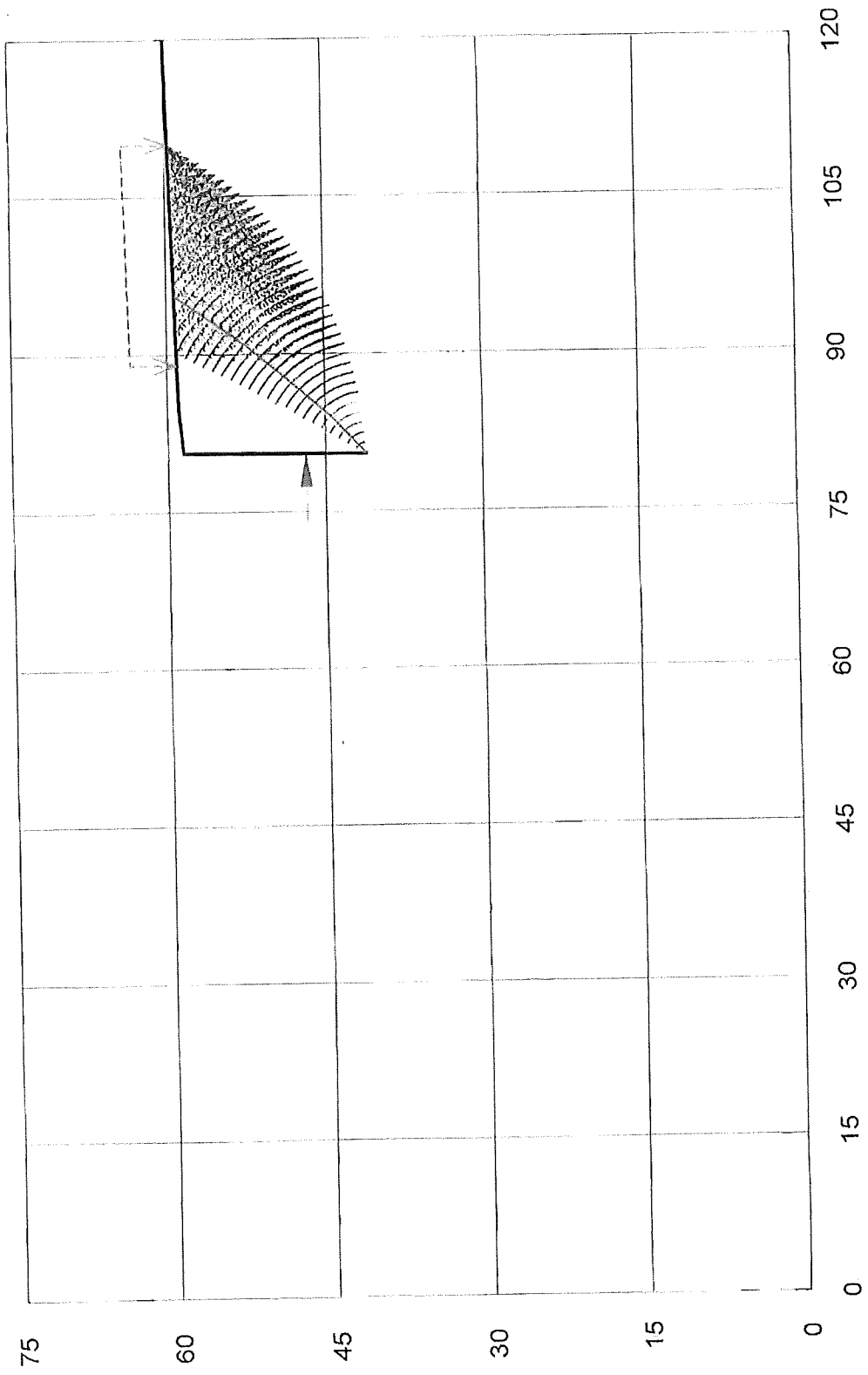
1



-
-
-
-
-
F 105.00 +
-
-
-
-
T 120.00 +

.... 16.
... ..9 .1
.....
.. ..
.....
.....
.. ..
...1/
*

aap1.p1



** PCSTABL6 **

by
Purdue University

1

--Slope Stability Analysis--
Simplified Janbu, Simplified Bishop
or Spencer's Method of Slices

Run Date: 9-22-14
Time of Run:
Run By: CH
Input Data Filename: aapl.in
Output Filename: aapl.o2
Unit: ENGLISH
Plotted Output Filename: aapl.p2

PROBLEM DESCRIPTION O'Neil Residence; Section A-A'
Proposed piers considered as retaining
Req'd force determined in file: aapl.o1
Horiz. seismic coeff. 0.15 added

BOUNDARY COORDINATES

3 Top Boundaries
3 Total Boundaries

Boundary No.	X-Left (ft)	Y-Left (ft)	X-Right (ft)	Y-Right (ft)	Soil Type Below Bnd
1	80.40	41.00	80.50	58.50	4
2	80.50	58.50	85.00	59.00	4
3	85.00	59.00	120.00	60.00	4

1

ISOTROPIC SOIL PARAMETERS

5 Type(s) of Soil

Soil Type No.	Total Unit Wt. (pcf)	Saturated Unit Wt. (pcf)	Cohesion Intercept (psf)	Friction Angle (deg)	Pore Pressure Param.	Pressure Constant (psf)	Piez. Surface No.
1	129.0	130.0	1100.0	29.0	0.00	0.0	1
2	125.0	130.0	75.0	31.0	0.00	0.0	1
3	125.0	130.0	75.0	31.0	0.00	0.0	1
4	123.0	128.0	300.0	26.0	0.00	0.0	1

1

5	107.0	122.0	0.0	33.0	0.00	0.0	1
---	-------	-------	-----	------	------	-----	---

BOUNDARY LOAD(S)

1 Load(s) Specified

Load No.	X-Left (ft)	X-Right (ft)	Intensity (psf)	Deflection (deg)
1	89.00	110.00	200.0	0.0

NOTE - Intensity Is Specified As A Uniformly Distributed Force Acting On A Horizontally Projected Surface.

1

TIEBACK LOAD(S)

1 Tieback Load(s) Specified

Tieback No.	X-Pos (ft)	Y-Pos (ft)	Load (lbs)	Spacing (ft)	Inclination (deg)	Length (ft)	
						free	fixed
1	80.43	46.83	6000.0	1.0	0.00	0.0	0.0

NOTE - An Equivalent Line Load Is Calculated For Each Row Of Tiebacks Assuming A Uniform Distribution Of Load Horizontally Between Individual Tiebacks.

A Horizontal Earthquake Loading Coefficient Of 0.150 Has Been Assigned

A Vertical Earthquake Loading Coefficient Of 0.000 Has Been Assigned

Cavitation Pressure = 0.0 (psf)

1

A Critical Failure Surface Searching Method, Using A Random Technique For Generating Circular Surfaces, Has Been Specified.

Janbus Empirical Coef. is being used for the case of c & ϕ both > 0
 1000 Trial Surfaces Have Been Generated.

1000 Surfaces Initiate From Each Of 1 Points Equally Spaced

Along The Ground Surface Between X = 80.40 ft.
and X = 80.40 ft.

Each Surface Terminates Between X = 90.00 ft.
and X = 110.00 ft.

Unless Further Limitations Were Imposed, The Minimum Elevation
At Which A Surface Extends Is Y = 0.00 ft.

5.00 ft. Line Segments Define Each Trial Failure Surface.

Restrictions Have Been Imposed Upon The Angle Of Initiation.
The Angle Has Been Restricted Between The Angles Of 5.0
And 60.0 deg.

1

Following Are Displayed The Ten Most Critical Of The Trial
Failure Surfaces Examined. They Are Ordered - Most Critical
First.

* * Safety Factors Are Calculated By Spencer's Method * *

Number of convergent trials 263
Number of non convergent trials 737

Failure Surface Specified By 6 Coordinate Points

Point No.	X-Surf (ft)	Y-Surf (ft)
1	80.40	41.09
2	84.01	44.55
3	87.49	48.14
4	90.84	51.85
5	94.06	55.67
6	96.93	59.34

*** Factor of Safety = 1.214 ***

Individual data on the 8 slices

Water	Water			Earthquake
Force	Force	Force	Force	Force
				Surcharge

Slice No.	Width (ft)	Weight (lbs)	Top (lbs)	Bot (lbs)	Norm (lbs)	Tan (lbs)	Hor (lbs)	Ver (lbs)	Load (lbs)
1	0.1	106.0	0.0	0.0	0.2	-0.1	15.9	0.0	0.0
2	3.5	6831.1	0.0	0.0	1317.3	-457.0	1024.7	0.0	0.0
3	1.0	1692.9	0.0	0.0	824.2	310.6	253.9	0.0	0.0
4	2.5	3732.8	0.0	0.0	1317.5	1289.5	559.9	0.0	0.0
5	1.5	1878.1	0.0	0.0	432.0	676.4	281.7	0.0	0.0
6	1.8	1885.4	0.0	0.0	312.2	668.0	282.8	0.0	368.7
7	3.2	2158.3	0.0	0.0	319.4	879.1	323.7	0.0	643.6
8	2.9	632.2	0.0	0.0	176.5	590.4	94.8	0.0	573.4

Individual data on the 1 ties

No	End	Slice	Head Coordinates (ft)	End Coordinates (ft)	T (lbs)	Length(ft) free	fixed		
1	1	8	80.4	46.8	0.0	0.0	6000.0	0.0	0.0

Failure Surface Specified By 6 Coordinate Points

Point No.	X-Surf (ft)	Y-Surf (ft)
1	80.40	41.09
2	84.09	44.46
3	87.64	47.99
4	91.02	51.67
5	94.23	55.50
6	97.17	59.35

*** Factor of Safety = 1.215 ***

1

Failure Surface Specified By 7 Coordinate Points

Point No.	X-Surf (ft)	Y-Surf (ft)
1	80.40	41.09
2	84.04	44.52
3	87.59	48.04
4	91.04	51.66
5	94.40	55.36
6	97.67	59.14
7	97.85	59.37

*** Factor of Safety = 1.216 ***

Failure Surface Specified By 6 Coordinate Points

Point No.	X-Surf (ft)	Y-Surf (ft)
1	80.40	41.09
2	83.89	44.67
3	87.32	48.31
4	90.69	52.00
5	94.01	55.74
6	97.10	59.35

*** Factor of Safety = 1.216 ***

1

Failure Surface Specified By 7 Coordinate Points

Point No.	X-Surf (ft)	Y-Surf (ft)
1	80.40	41.09
2	83.94	44.62
3	87.41	48.22
4	90.84	51.86
5	94.20	55.56
6	97.51	59.30
7	97.56	59.36

*** Factor of Safety = 1.216 ***

Failure Surface Specified By 6 Coordinate Points

Point No.	X-Surf (ft)	Y-Surf (ft)
1	80.40	41.09
2	83.95	44.61
3	87.35	48.28
4	90.58	52.10
5	93.63	56.05
6	95.93	59.31

*** Factor of Safety = 1.216 ***

1

Failure Surface Specified By 7 Coordinate Points

Point No.	X-Surf (ft)	Y-Surf (ft)
1	80.40	41.09
2	83.98	44.58
3	87.50	48.13
4	90.97	51.73
5	94.38	55.39
6	97.73	59.10
7	97.97	59.37

*** Factor of Safety = 1.217 ***

Failure Surface Specified By 6 Coordinate Points

Point No.	X-Surf (ft)	Y-Surf (ft)
1	80.40	41.09
2	83.86	44.69
3	87.29	48.33
4	90.69	52.00
5	94.06	55.70
6	97.32	59.35

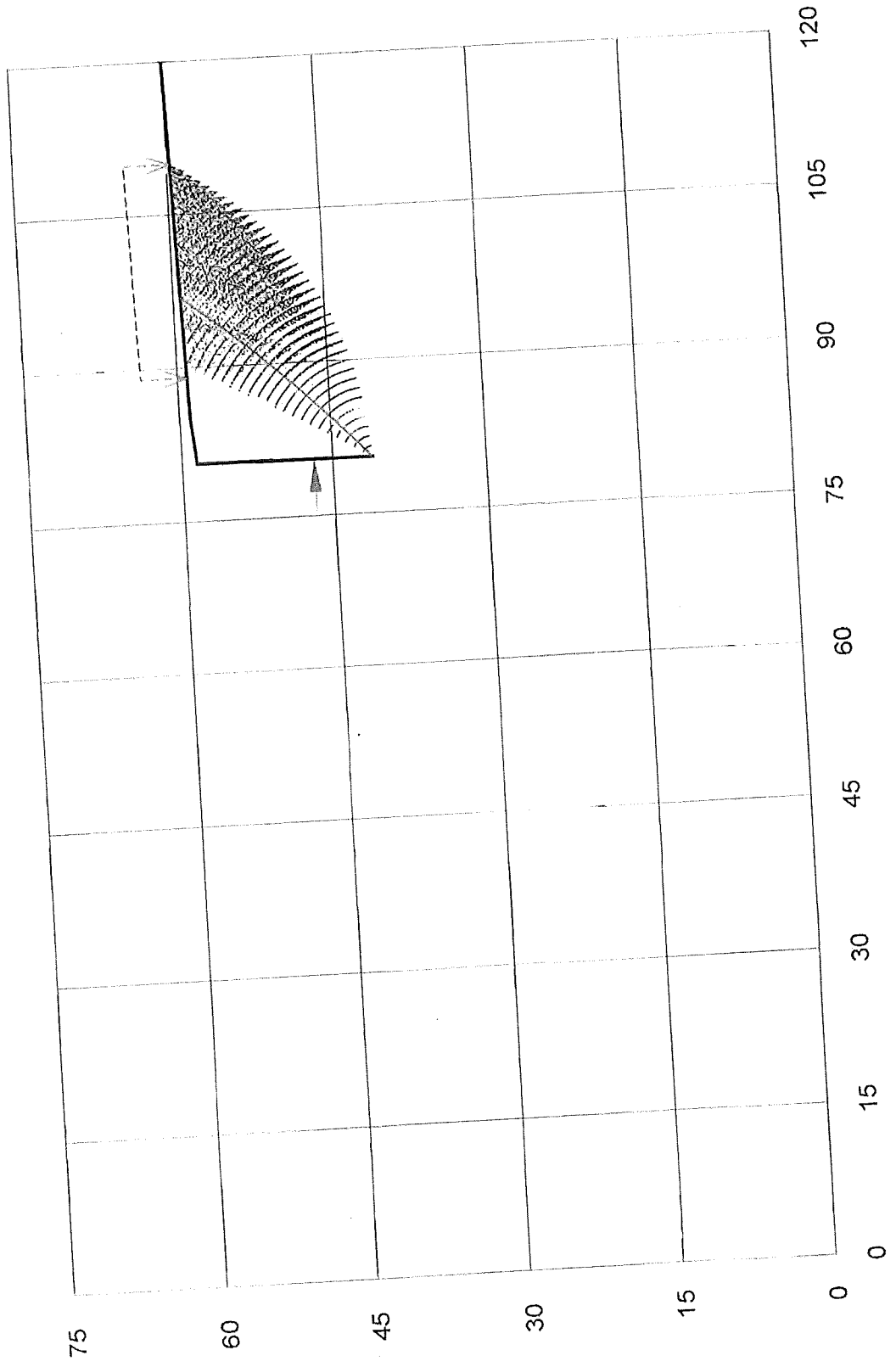
*** Factor of Safety = 1.217 ***

1

Failure Surface Specified By 6 Coordinate Points

Point No.	X-Surf (ft)	Y-Surf (ft)
1	80.40	41.09
2	83.99	44.57
3	87.40	48.23
4	90.60	52.07
5	93.59	56.07

aap1.p2



STATE OF CALIFORNIA }
 County of Los Angeles } ** On this 5th day of April in the year one thousand nine hundred and six, before me, C.E. Gilhousen, a Notary Public in and for said County, residing therein, duly commissioned and sworn, personally appeared Della D. Stevens (married) known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

Witness my hand and official seal.

(Notarial Seal.) C.E. Gilhousen, Notary Public
 in and for said County
 RECORDED at request of Pieters & Co., at 40 min past 11 o'clock, A.M., Sep 20 1907.
 MARK BRADLEY, County Recorder.
 By A.M. Kowalski
 Deputy Recorder.

118 / 107
 DDS

RR property
 Not
 Finney
 Wallace
 in Block 39

AGNES S. BECKER,
 as Administratrix }
 -to- }
 SOUTHERN PACIFIC RAILROAD }
 COMPANY, a corporation. }

THIS INDENTURE;--- Made the twenty-seventh day of August in the year one thousand nine hundred and seven, between Agnes S. Becker, as administratrix of the estate of Henry L. Williams, deceased, the party of the first part, and the Southern Pacific Railroad Company, a corporation, duly organized and existing under the laws of the state of California, the party of the second part.

WITNESSES:--- That, Whereas, the Superior Court of the county of Santa Barbara, state of California, did, on the 9th day of July, 1906, in the matter of the estate of Henry L. Williams, deceased, make an order authorizing and directing the party of the first part to sell at private sale the real property hereinafter particularly described; and

Whereas, thereafter and in conformity with the said order the party of the first part advertised the said property for sale in accordance with law and thereafter and on the 7th day of March, 1907, the party of the second part purchased from the party of the first part all of said property for the sum in the aggregate of four hundred dollars and has paid to the party of the second part said price therefor; and

Whereas, thereafter the party of the first part made a return of her proceedings upon said sale and thereupon and on the 29th day of July, 1907, the Superior Court of the county of Santa Barbara made its order in the matter of said estate, confirming said sale and authorizing and empowering the party of the first part to execute the proper conveyance therefor; a duly certified copy of which order of confirmation was duly recorded in the office of the County Recorder of Santa Barbara county on the 30th day of July, 1907; and

Whereas, in order to correct certain errors in description in said return and order of confirmation, the said court did, on the 19th day of August, 1907, make its amended decree confirming said sale, which amended decree was duly filed by the Clerk of said Court on the 19th day of August, 1907, nunc pro tunc as of July 29th, 1907, and a certified copy of said decree was duly recorded in the office of the County Recorder of Santa Barbara county on August 23rd, 1907, in Book 119 of Deeds, page 144, to which orders of confirmation so on file and of record reference is hereby made;

NOW, THEREFORE, in consideration of the premises and of the said sum of four hundred dollars paid by the party of the second part to the party of the first part, the receipt of which is hereby acknowledged, the party of the first part hereby grants, bargains, sells, conveys and confirms unto the party of the second part, its successors and assigns, all the right, title, interest and estate of the said Henry L. Williams at the time of his death and all the right, title, interest and estate of said decedent may have acquired by

4-23-1907

Northy County Road - Water East End Park

operation of law or otherwise, other than or in addition to that of the said decedent at the time of his death, in and to all those certain lots, pieces or parcels of land all situate, lying and being in the townsite of Summerland, in the county of Santa Barbara, in the state of California, as said townsite of Summerland is shown on that certain map entitled "City of Summerland, Santa Barbara Co., Cal., A.S. Cooper, Co. Surveyor", numbered two (2) and filed in rack one (1) in the office of the Recorder of said county, on the 18th day of December, 1888; said pieces of land being severally bounded and particularly described as follows, to-wit:

1. Commencing at the point where the center line of the new Southern Pacific Railroad as relocated and reconstructed in the year of our Lord 1901, and now operated, intersects the south boundary line of the former and original right of way of the Southern Pacific Railroad, said south boundary line of right of way being parallel with the center line of said railroad as constructed and operated prior to the year 1900, and distant fifty (50) feet at right angles southerly therefrom; thence running easterly along said south boundary line of right of way to a point distant fifty (50) feet at right angles, north-easterly, from said center line of new railroad; thence running south-easterly parallel with said center line of new railroad and at a uniform distance of fifty (50) feet at right angles north-easterly therefrom, to an intersection with the west boundary line of block number thirty nine (39) of said townsite of Summerland, as shown on said map; thence running southerly along the west boundary line of said block to an intersection with the north boundary line of the County road, which crosses said block and divides the same into two portions; thence running westerly along said north line of said County Road to an intersection with said center line of new railroad; thence continuing westerly along said north line of said County Road and following the angles thereof, to an intersection with the aforesaid south boundary line of original right of way of Southern Pacific Railroad, and thence running easterly along said south boundary line of right of way and following the curvatures thereof to said point of beginning, being a part of East End Park of said townsite of Summerland as shown on said map and containing an area of 1.41 acres of land, more or less.

2. Commencing at the point where the west boundary line of block number forty-two (42) of said townsite of Summerland, as shown on said map, intersects said south boundary line of original right of way of the Southern Pacific Railroad; thence running southerly along said west boundary line to a point distant fifty (50) feet at right angles, southerly, from said center line of new railroad; thence running westerly parallel with said center line and at a uniform distance of fifty (50) feet at right angles, southerly therefrom to an intersection with the north-east boundary line of block number forty-one (41) of said townsite of Summerland, as shown on said map; thence running north-westerly, along said north-east boundary line, to an intersection with said south boundary line of original right of way; and thence running easterly along said south boundary line of original right of way to said point of commencement, being a part of Morris Place in said townsite of Summerland, as shown on said map, and containing an area of one-tenth (1/10) of an acre of land, more or less.

3. Commencing at the point on the south-west boundary line of block number forty-one (41) of said townsite of Summerland, as shown on said map, distant fifty (50) feet at right angles southerly from the center line of said new railroad; thence running westerly, parallel with said center line and at a uniform distance of fifty (50) feet at right angles southerly therefrom, to an intersection with the aforesaid south boundary line of original right of way of Southern Pacific Railroad and thence running north-easterly along said south

Wallace Finney Farms
south
part of this grant

boundary line and following the curvature thereof to the intersection of said south boundary line with said south-west boundary line of said block number forty-one (41) and thence south-easterly along said south-west boundary line to said point of commencement, being a part of the north-easterly corner of Lookout Park of said townsite of Summerland, as shown on said map, and containing an area of eighteen one-hundredths (.18) of an acre of land, more or less.

Also, all that certain lot, piece or parcel of land situate, lying and being in the Ortega Rancho in the county of Santa Barbara, in the state of California, and bounded and particularly described as follows, to-wit:

*Early date of June 1st 1898
S. Beck 37*

Commencing at the point where the center line of the new Southern Pacific Railroad as relocated and reconstructed in the year 1901, and now operated, intersects the west boundary line of land claimed by the estate of Henry L. Williams, deceased, in said Ortega Rancho, said west line being also the east boundary line of the town of Summerland, thence southerly running along said west boundary line to a point distant fifty (50) feet at right angles, southerly from said center line; thence running easterly, parallel with said center line and at a uniform distance of fifty (50) feet at right angles therefrom, to an intersection with the east boundary line of said land of said Henry L. Williams' estate; thence running northerly along said east boundary line to an intersection with the south boundary line of the original right of way of the Southern Pacific Railroad, said south boundary of right of way being parallel with and fifty (50) feet at right angles southerly from the center line of said railroad as constructed and operated prior to the year 1900; thence running westerly along said south boundary line of right of way, crossing said center line of new and reconstructed railroad to a point distant fifty (50) feet at right angles northerly from said center line of new relocated railroad; thence running westerly, parallel with said center line of new railroad and at a uniform distance of fifty (50) feet at right angles therefrom to the aforesaid west boundary line of said land of Williams' estate; and thence running southerly along said west line to said point of commencement, containing an area of 1.54 acres of land, more or less.

TO HAVE AND TO HOLD, all and singular the above described premises unto the party of the second part, its successors and assigns forever.

IN WITNESS WHEREOF, the party of the first part has hereunto set her hand and seal, the day and year first above written.

AGNES S. BECKER, (Seal)
As administratrix of the estate of Henry L. Williams, deceased.

...STATE OF CALIFORNIA }
County of Santa Barbara }

On this 26th day of August, in the year nineteen hundred and seven, before me, Harry W. T. Rows, a Notary Public in and for the County of Santa Barbara, personally appeared Agnes S. Becker, administratrix of the estate of Henry L. Williams, deceased, known to me to be the person whose name is subscribed to the within instrument, and she acknowledged to me that she executed the same.

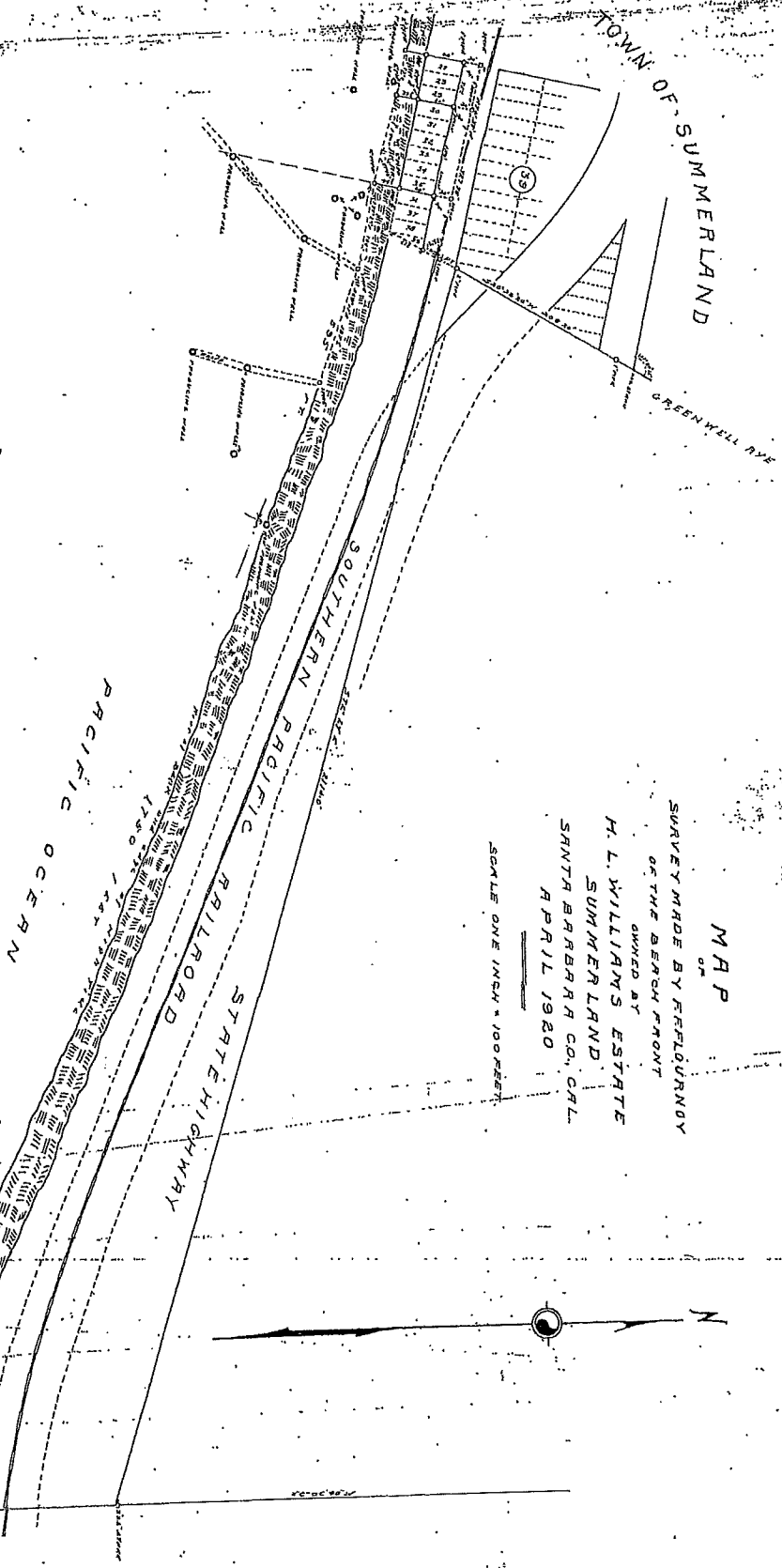
In witness whereof, I have hereunto set my hand and affixed my official seal, at my office in the County of Santa Barbara, the day and year in this certificate first above written.

(Notarial Seal.)

Harry W. T. Rows,
Notary Public
in and for the County of Santa
Barbara, State of California.

RECORDED at request of Canfield & Starbuck, at 55 min past 10 o'clock, A.M., Sep 23 1907.
MARK BRADLEY, County Recorder,
By *A. M. Rows* Deputy Recorder.

2011
 AT THE REQUEST OF
 H. L. WILLIAMS
 SANTA BARBARA CO., CALIF.
 APRIL 1920



MAP

SURVEY MADE BY EFFLORNOY
 OF THE BEACH FRONT
 OWNED BY
 H. L. WILLIAMS'S ESTATE
 SUMMERLAND
 SANTA BARBARA CO., CALIF.
 APRIL 1920

SCALE ONE INCH = 100 FEET

1 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA,
2 IN AND FOR THE COUNTY OF SANTA BARBARA,
3

4 IN THE MATTER OF THE TRUST
5 CREATED BY H. L. WILLIAMS,
6 FOR THE TOWN OF SUMMERLAND.
7

8 PETITION FOR APPOINTMENT
9 OF TRUSTEES, UNDER THE
10 PROVISIONS OF SECTION 2227
11 OF THE CIVIL CODE OF THE
12 STATE OF CALIFORNIA.

13 TO THE HONORABLE, THE SUPERIOR COURT AFORESAID;

14 Your petitioners, *R. J. Campbell, F. W. Rust*
15 *and J. W. Jones,* residents of Summerland, Santa Bar-
16 bara County, California, respectfully represent;

17 I.

18 That on the 8th day of August, 1890, H. L. Williams,
19 since deceased, executed a Deed of Trust to Edward J. Balch,
20 Joseph Barnett and W. H. Meginness, of Summerland, California,
21 which Deed is recorded in Book 27 of Deeds, page 815, County
22 Records of the County of Santa Barbara, State of California,
23 wherein he conveyed to them and the survivor or survivors of them
24 in trust
25 for the uses and purposes therein set forth, the fee simple
26 estate of, in and to, the streets, lanes, alleys, parks and
27 places, in the Town of Summerland, in said deed fully described,
28 to have and to hold the same for the benefit of the said Town
29 of Summerland, to be administered by said trustees, as in said
30 Deed of Trust provided, and to be held by them until said Town
31 of Summerland should be incorporated under the laws of this
32 State.

33 II.

34 That on, or about the 19th day of June, 1917,
35 all of said trustees named in said Deed of Trust, having died,
36 a petition was filed in this Court, by E. P. Stevens, C. E. Fisk
37 and W. G. Hendricks, in the above entitled matter and proceeding,
38

39 1.

1 and after notice given and proceedings had as provided by law,
2 said declaration of trust not providing any method for appoint-
3 ment of successors to said trustees, that this Court duly appoint-
4 ed the aforesaid E. P. Stevens, J. E. Fisk and W. G. Hendricks,
5 trustees, to have and to hold the public parks and places men-
6 tioned in said Deed, to the uses and upon the trusts therein
7 declared.

8
9 II.

10 That of the said trustees so appointed by the
11 Court as aforesaid, the said J. E. Fisk and W. G. Hendricks are
12 now deceased, and the said E. P. Stevens has tendered and filed
13 herein his resignation as such trustee, and that the appoint-
14 ment of trustees to fill the vacancy of said trustees is necess-
15 ary to prevent said trust from falling and defeat the benevolent
16 purposes of the trustor.

17
18 IV.

19 That said Deed of Trust aforesaid, does not
20 provide a practical or any method for the appointment of trustee
21 or trustees to fill said vacancy, and therefore, said duty devolv-
22 es upon this Court, under the provisions of section 2387 of the
23 Civil Code of California.

24
25 V.

26 That your petitioners are residents of the Town
27 of Summerland, in the County of Santa Barbara, State of Calif-
28 ornia, are fit and proper persons to be appointed trustees afores-
29 said and respectfully proffer their services in such capacity, in
30 behalf of said Town of Summerland, and each of them consent to
31 act as such trustee if appointed.

32 WHEREFORE, your petitioners pray that the Court
33 exercise the power conferred by Section 2387 of the Civil Code
34 of California, and appoint your petitioners as trustees to fill

1 the vacancies caused by death and resignation aforesaid; and
2 that said Court make such other and further order in the pre-
3 mises as may be necessary.

4
5 Dated, the 11th day of May, 1927.

6
7
8 R. B. Campbell
9 Arthur
10
11 J. W. James
12
13

14 STATE OF CALIFORNIA, }
15 COUNTY OF SANTA BARBARA. } ss.

16 the above named petitioners, being duly sworn, depose and say;
17
18 That they have read the foregoing petition and
19 that the same is true of their own knowledge.
20

21 R. B. Campbell
22 Arthur
23
24 J. W. James
25

26 Subscribed and sworn to before me
27 this 12th day of May, 1927.

28 W. C. T. [Signature]
29 Notary Public in and for the County
30 of Santa Barbara, State of California.
31
32

No. 10332.

Superior Court
COUNTY OF SANTA BARBARA
STATE OF CALIFORNIA

In the Matter of the ESTATE
TRUST CREATED BY H. L. WILL-
IAMS, FOR THE TOWN OF
SUMMERLAND.

Decree:

PETITION FOR APPOINTMENT
OF TRUSTEES, UNDER THE
PROVISIONS OF SECTION 2887
OF THE CIVIL CODE OF THE
STATE OF CALIFORNIA.

Filed May 16th 1927
W. C. Gammell
Clerk.

Deputy Clerk.

W. C. GAMMELL
Attorney for Petitioners.

Box No. _____

1 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA,
2 IN AND FOR THE COUNTY OF SANTA BARBARA.

3
4 IN THE MATTER OF THE TRUST
5 CREATED BY H. L. WILLIAMS,
6 FOR THE TOWN OF SUMMERLAND.

ORDER APPOINTING TRUSTEES.

7
8 The petition of R. V. Campbell, J. W. Rust and
9 J. W. Jones of Summerland, California, praying for an order
10 appointing them trustees, to hold the streets, lanes, alleys,
11 parks and places, in the Town of Summerland, under a Deed of
12 Trust made by H. L. Williams, on the 8th day of August, 1890,
13 and recorded in Book 27 of Deeds, page 81, County Records of
14 the County of Santa Barbara, State of California, coming on
15 regularly this day to be heard, and it appearing to the satis-
16 faction of the Court that notice of the time and place of
17 hearing said petition had been given by the clerk, for the
18 time and in the manner required by the order of said Court, and
19 it further duly appearing that the trustees heretofore appointed
20 by this Court, to administer said trust, have died or renounced
21 the said trust, and that the appointment of trustees to fill the
22 vacancy is necessary and proper, to prevent said trust from
23 falling;

24 That said Deed of Trust aforesaid, does not provide a
25 practical or any method for the appointment of trustees or
26 trustees to fill said vacancy, and that said duty devolves upon
27 this Court under the provisions of Section 3287 of the Code of
28 Civil Procedure;

29 It further duly appearing that said petitioners are
30 residents of the Town of Summerland, in the County of Santa
31 Barbara, State of California; that they are interested in said
32

1 Town and are in all respects fit and proper persons to be
2 appointed trustees under said Deed of Trust, and have consented
3 to act as such trustees if appointed.

4 It is therefore, ORDERED, ADJUDGED and DECREED,
5 that said R. J. Campbell, F. W. Rust and J. W. Jones, be, and
6 they are hereby appointed trustees, to have and to hold the
7 public streets, lanes, alleys, parks and places, in the Town
8 of Summerland, in trust for the benefit of said Town, under and
9 in conformity with the provisions of said Deed of Trust afore-
10 said, and until said Town of Summerland shall be incorporated
11 under the laws of this State, as in said Deed of Trust provided;

12 It is further ORDERED, that each of said trustees shall,
13 before entering upon their duties as such, execute to the State
14 of California, a bond with two sufficient sureties, to be
15 approved by this Court or a Judge thereof, in the sum of \$500⁰⁰.

16 Done in open court this 21st day of May, 1927.

17
18 N. E. Ford
19 Judge of the Superior Court.
20
21
22
23
24
25
26
27
28
29
30
31
32

No. 10332

Superior Court
COUNTY OF SANTA BARBARA
STATE OF CALIFORNIA

In the Matter of the ~~Trust~~
TRUST CREATED BY H. L. WILLIAMS
FOR THE TOWN OF SUTTERLAND

~~FILED~~

O. R. D. I. R.

APPOINTING TRUSTEES.

Filed May 31st 1987

D. F. Howard

Clerk

By *A. S. James*

Deputy Clerk

W. C. GAMMILL

Attorney for PETITIONERS.

Box No.

November 12, 1965

Universal Oil Corporation
11728 Wilshire Boulevard, Room 607
Los Angeles, California 90025

Attention: Mr. Harold Edelstein, President

Gentlemen:

This will acknowledge your letter of October 29, 1965, concerning access to your property in Block 39, Town of Summerland.

A review of the records indicates that the Board of Supervisors of Santa Barbara County by Ordinance No. 247 dated January 9, 1901, "remised, released, and quit-claimed" to the Southern Pacific Railroad Company all rights to Wallace Avenue in Block 39.

It is apparent, however, that subsequent to that action, the County has maintained a County road north of lots 27-39 in Block 39. It is identified as Finney Street in the Road Department's files. This has been a gravel road and lies within the area quit-claimed to the Railroad. It is possible that the County now holds only a prescriptive road right of way in Block 39.

It is presumed that you are cognizant that the California Highway Commission has budgeted for the development of the U. S. 101 highway through Summerland and to Carpinteria as a full freeway. This construction will cause the closing of the railroad crossing at Greenwell Avenue (being the east edge of Block 39).

Yours very truly,

Leland R. Steward
Road Commissioner

LRS:mt

cc: County Surveyor

OFFICE OF THE
COUNTY COUNSEL
SANTA BARBARA COUNTY

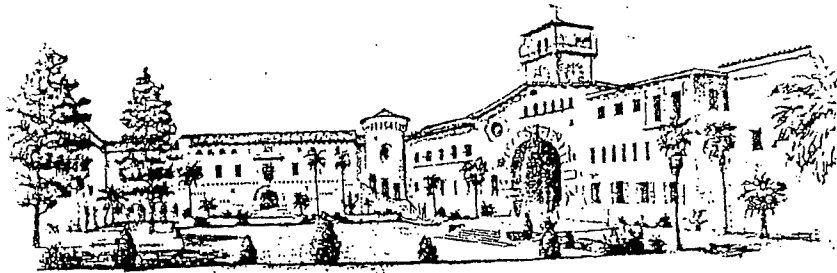
*E. J. ...
January 1977*

GEORGE P. KADING
County Counsel

105 E. Anapamu St.
Santa Barbara, Calif. 93101
Telephone 966-1611

ROBERT D. CURIEL
Chief Assistant

DANA D. SMITH
Assistant



DEPUTIES.

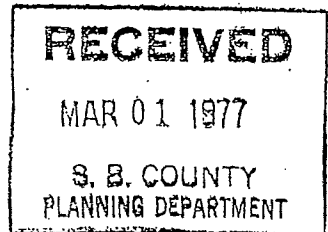
Susan Trescher
Marvin Levine
Don H. Vickers
Bruce Wm. Dodds
William R. Allen
C. William Altman
Melbourne B. Weddle

February 24, 1977

MEMO TO: Robert Scott
Planning Department

FROM: Dana D. Smith
Assistant County Counsel

RE: Status of Finney Street in Summerland



The facts concerning the above-referenced matter appear to be as follows:

The owner and subdivider of the Town of Summerland, Mr. H. L. Williams, offered to grant to the County of Santa Barbara all of the streets shown on a survey map of Summerland on June 20, 1888. Although this offer did not specifically name Finney Street, the language appears to have been broad enough to include it. The County Board of Supervisors, by Ordinance No. 125, filed September 25, 1890, accepted the offer of H. L. Williams, again without Finney Street, but with general language as to intersecting lanes, etc., which would include Finney Street.

At the time, Political Code Section 2631 was in effect. This section provided, in essence, that whenever a public entity took land for a highway, it acquired only an easement, regardless of the language used in the conveyance offer and acceptance thereof. Accordingly, as of 1890, the County had, in my opinion, an easement known as Finney Street, as shown on the original Record of Survey Map.

Subsequently, Finney Street was relocated southerly of its original location and the previously existing right of way for Finney Street was duly abandoned by the Board by Resolution No. 10226, dated April 2, 1951.

Accordingly, the presumptions of Civil Code Section 1112 and Code of Civil Procedure Section 2077, subsection five, would apply and each of the lots shown as bordering on the original right of way of Finney Street would have their boundary lines extended to the

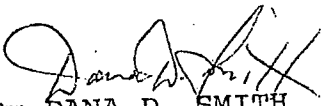
Memo to: Robert Scott
Planning Department
February 24, 1977
Page 2

center of the original right of way. It should be noted, however, that H. L. Williams reserved all mineral rights in the streets and the right to put up machinery to extract minerals in these streets. This is a matter of concern to the property owner only.

Political Code Section 2631 later became Section 905 of the Streets and Highways Code and was repealed in 1961. The repealing statute allowed agencies claiming any interest, other than an easement in streets, one year from the date of repeal to bring suit to establish such rights. If any such agency failed to bring such suit (and we did not as to Finney Street), then the agency was forever foreclosed from claiming any interest greater than an easement for public road purposes. Any possible private easement rights in lot owners would seem to have lapsed by the passage of time since 1951.

Since the new right of way for the relocated Finney Street was acquired prior to 1961, it would appear that this was necessarily an easement also under Streets and Highways Code Section 905 and the ownership of lots bordering on relocated Finney Street would accordingly extend to the center of the new right of way easement under the Civil Code and Code of Civil Procedure sections cited above.

GEORGE P. KADING
COUNTY COUNSEL


By DANA D. SMITH
ASSISTANT COUNTY COUNSEL

DDS:bc

AMENDMENT
Dianne Guzman, AICP, Director

Agenda date: June 20, 1988

June 14, 1988

1 week continuance

The Honorable Board of Supervisors
County of Santa Barbara
105 E. Anapamu St.
Santa Barbara, CA 93101

RE: Rezoning request, Fee Waiver for APN 5-250-01, L. Tom Jacobs
(continued from May 16 B/S agenda)

2551 Wallace Avenue

Dear Supervisors:

Recommendation:

That your board authorize a fee waiver to process a Local Coastal Plan Amendment for APN 5-250-01. This would entail a land use designation change and rezoning from Recreation [REC] to Single Family Residential, 7,000 sq. ft. minimum lot size with a Design Review overlay [7-R-1-D]. It is not recommended that your board approve the request to remove the View Corridor overlay for this parcel.

Discussion:

This parcel is currently developed with a single family home, and is presently zoned Recreation, with a View Corridor overlay. This existing zoning appears to have been inadvertently assigned to this developed parcel, and will have to be rezoned to a residential designation (7-R-1-D) before the property owner can complete his plans to demolish the existing house and construct a new one. Since the Recreation zoning assigned to this parcel would not allow the owner to reconstruct a new dwelling, staff would support approval of a fee waiver to process the Local Coastal Plan Amendment. These applications could be incorporated into the Coastal Special Use Permit process, so that one environmental document could be written for both the Local Coastal Plan Amendments and the proposed new dwelling. Therefore, the costs of the joint environmental review could be shared by the County and the property owner.

As an alternative to a blanket fee waiver for the Local Coastal Plan Amendments, the Board of Supervisors could waive only the RMD deposit, with fixed departmental fees (\$606) to be met by the applicant. Although the

123 E. Anapamu Street, Santa Barbara, CA 93101
PHONE (805) 568-2000 FAX (805) 568-2522

applicant has also requested a removal of the View Corridor overlay, staff believes that this overlay should remain intact, to restrict future building height on this highly visible parcel. New house construction immediately to the west of this parcel has a similar zoning restriction.

Fiscal Impact:

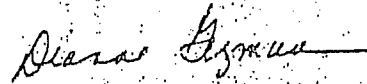
If your Board chooses to waive all fees for the processing of the Local Coastal Plan Amendments, the approximate County costs would be \$2,606. Of this cost, \$606 is fixed departmental fees and \$2000 is the costs incurred by the Resource Management Department for labor, noticing costs, administrative costs, etc. (RMD staff time for environmental review, staff reports, Coastal Commission procedures, etc. are included in the \$2000 estimate, and is an average amount based on processing minor Local Coastal Plan Amendments).

The Board may choose to waive only the RMD costs of \$2,000. Fees for the application to demolish the existing structure and construct a new dwelling would not be waived, and is not included in the above cost analysis.

Staff Contact:

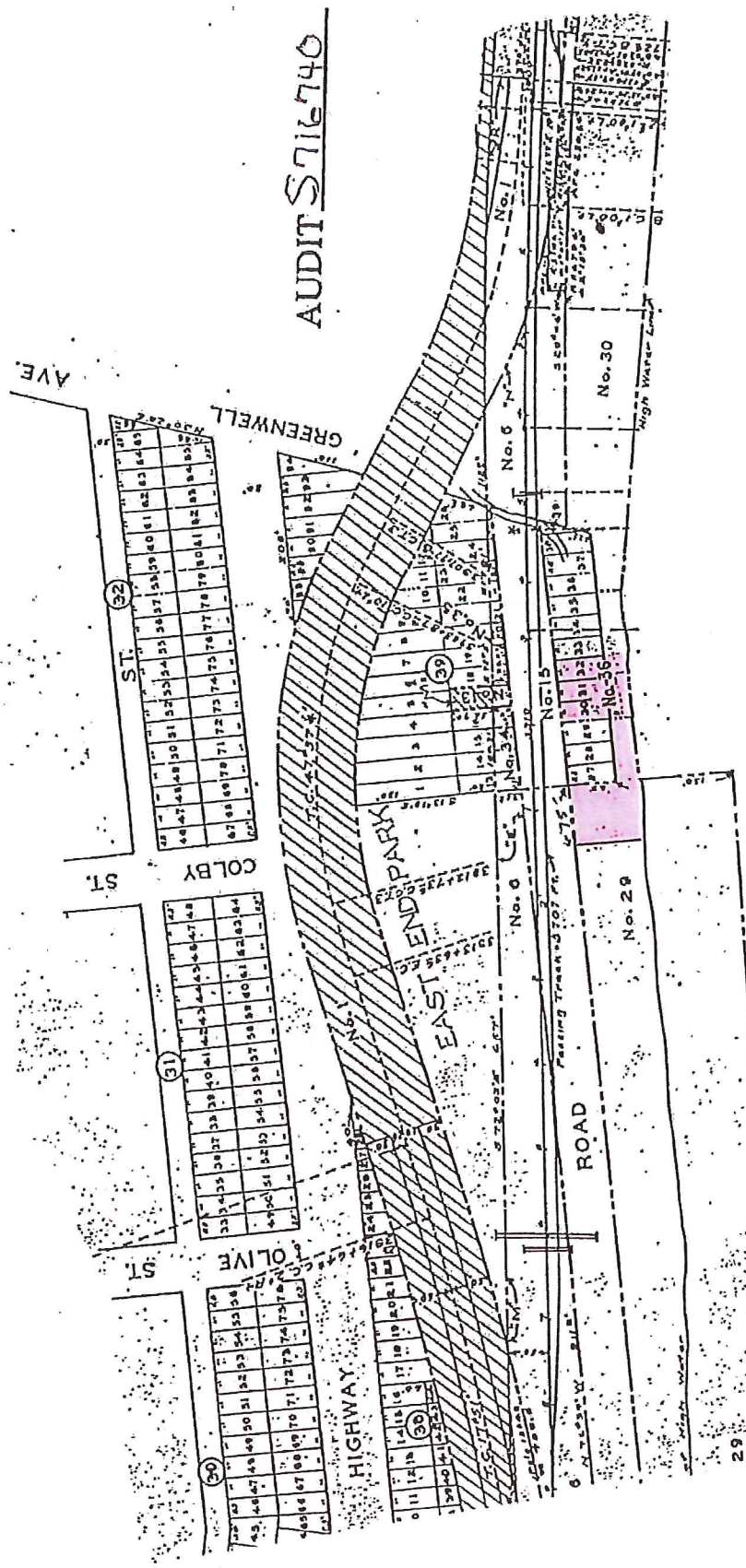
Suzanne Konchan, x2073

Respectfully submitted,



DIANNE GUZMAN, AICP
Director, Resource Management Department

DG:SSK:JEM:jem:3847P



AUDIT 5716740

Southern Pacific Lines

REAL ESTATE DEPT. - WESTERN REGION/SOUTH

Summer Road
LEASE TO

JEFFREY DINE. I

SCALE 1"=200'	DRAWN BY MJC	CHECKED BY
VAL. SEC. 47	SHEET 4	
ROUTE NO. E	M.P. 376.4	DRAWING NO. 951212
DATE 12-12-95	SHEET NO. 1	FILE DRAWER
REVISED TO		

— LEASE AREA

~~COASTAL DEVELOPMENT PERMIT~~

bdg permit = Emergency

**APPROVAL/INTENT TO ISSUE
A DISCRETIONARY APPEALABLE
COASTAL DEVELOPMENT PERMIT (CDP)**



Case No.: 97-CDP-013 Planner: Hollee King Brunsky
Project Name: O'Neil Grading for a Waterline
Project Address: 2551 Wallace Avenue
A.P.N.: 005-250-001

The Zoning Administrator *grants approval* of this Coastal Development Permit for the development described below, subject to the attached conditions and final issuance of the Coastal Development Permit.

APPROVAL DATE: April 16, 1997
COUNTY APPEAL PERIOD STARTS: April 17, 1997
COUNTY APPEAL PERIOD ENDS: April 28, 1997

If no local appeal is filed, the California Coastal Commission's **10 working day appeal period** shall commence following the County appeal period and upon receipt of the County's Final Action Notice.

DATE OF PERMIT ISSUANCE: May 12, 1997 (Must be issued one year after approval date)

PROJECT DESCRIPTION AND CONDITIONS: See Attached.

EXPIRATION:

Upon permit issuance, the permit shall be valid for two years. Failure to obtain a required construction or grading permit and to lawfully commence development within two (2) years of permit issuance, shall render this Coastal Development Permit null and void.

APPROVAL: NOEL LANGLE, ZONING ADMINISTRATOR

Noel Langle 4/16/97
Signature Date

ACKNOWLEDGMENT: Undersigned permittee acknowledges receipt of this permit and agrees to abide by all terms and conditions thereof.

~~Jeffrey S. O'Neil~~ *Jeffrey S. O'Neil* 5/12/97
Print Name Signature Date

Planning & Development Issuance by:

Hollie Brunsky 5/12/97 2551 Wallace Avenue
Name Date 16MM (41) Blue
35MM () Blue

PROJECT CONDITIONS

Case Number: 97-CDP-018 H
Project Name: O'Neil Grading for Waterline
Project Address: 2551 Wallace Avenue
APN: 005-25-001

This permit is subject to compliance with the following conditions:

1. This Coastal Development Permit (CDP) is based upon and limited to compliance with the project description, the Zoning Administrator Exhibit #1 dated April 16, 1997, and conditions of approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

This is a request for a Coastal Development Permit to validate the Emergency Permit (96-EMP-002) which was approved for grading of approximately 50 cubic yards for a 6 inch wide, 32 inch deep, 1,000 foot long trench to house a 1½ inch water line. As this is a follow-up permit to that emergency work and the project is now completed, no new grading or construction will take place as a result of this specific request. The installed waterline installed begins at a water meter located at approximately the northwestern property line of the Summerland Sanitary District, Finney Street and runs easterly, parallel to the northerly line of the Summerland Sanitary District property and under Finney Street, terminating at the north-easterly portion of the O'Neil property. A road encroachment permit for the waterline was issued by the County Roads Department at the time of the emergency permit grading.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

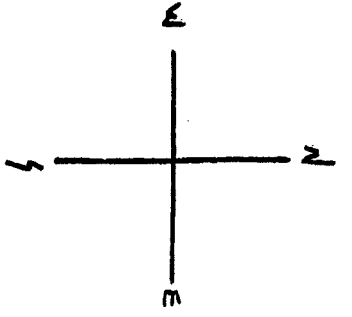
2. All previously graded areas shall be re-planted and maintained with native bunchgrass seed mix.
3. If the Zoning Administrator determines at a noticed public hearing that the permittee is not in compliance with any conditions of this permit pursuant to the provisions of Section 35-170.6 of Article II of the Santa Barbara County Code, the Zoning Administrator may, in addition to revoking the permit pursuant to said section, amend, alter, delete or add conditions to this permit.
4. The Zoning Administrator's approval of this Appealable CDP shall expire one year from the date of approval or, if appealed, the date of action by the Board of Supervisors or the California Coastal Commission on the appeal, if the use, building or structure permit has not been issued. Prior to the

expiration of such one year period, the Director of Planning and Development may grant one extension of one year for good cause shown.

Prior to issuance of the Coastal Development Permit, the applicant shall pay all applicable P&D permit processing fees in full.

5. Developer shall defend, indemnify and hold harmless the County or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of the Coastal Development Permit. In the event that the County fails promptly to notify the applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.
6. In the event that any condition imposing a fee, exaction, dedication or other mitigation measure is challenged by the project sponsors in an action filed in a court of law or threatened to be filed therein which action is brought within the time period provided for by law, this approval shall be suspended pending dismissal of such action, the expiration of the limitation period applicable to such action, or final resolution of such action. If any condition is invalidated by a court of law, the entire project shall be reviewed by the County and substitute conditions may be imposed.

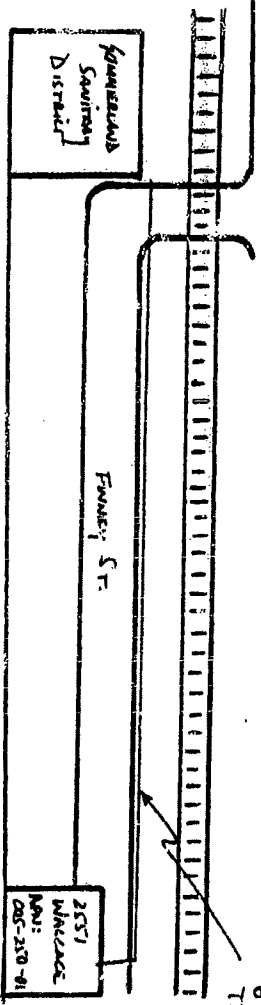
Fire Road



Avoy 101

SANTA BARBARA COUNTY COASTAL PERMIT AREA
NO. 97-CDB-021 H

Whitaker Ave.



Remediate Water Line
To be Reinstated To
6" White x 24" Deep
Trench At NE Corner Of
Pavement Of
Furness St.

ZONING
APPROVED

MAY 12 1997

PLANNER
[Signature]
S. B. COUNTY PLANNING & ZONING

OCEAN



County of Santa Barbara Planning and Development

John Patton, Director

ZONING ADMINISTRATOR

April 16, 1997

Jeffrey O'Neil
P.O. Box 1174
Summerland, CA 93067

RE: 97-CDP-013 H; O'Neil Grading for a Waterline, as follows:

Request of Ben Wiener, agent for Jeffrey O'Neil to consider Case Number 97-CDP-013 H [application filed on February 10, 1997] for a Coastal Development Permit under Section 35-169.5 in the REC Zone District of Article II to allow the construction of a new Single family Dwelling and accept CEQA Exemption pursuant Section 15302(c) of the Guidelines for Implementation of the California Environmental Quality Act. The property is identified as AP No. 005-250-001 located along Finney Street, south of Wallace Avenue, in the Summerland area, First Supervisorial District.

Dear Mr. Wiener:

On April 16, 1997, the Zoning Administrator conditionally approved 97-CDP-013 H marked "Officially Accepted, County of Santa Barbara April 16, 1997 Zoning Administrator Exhibit #1", based upon the project's consistency with the Comprehensive Plan including the Coastal Land Use Plan and based on the ability to make the required findings and took the following actions:

- A. Adopted the required findings for the project specified in Attachment A of staff's report for April 16, 1997, including CEQA findings, and adopted the CEQA exemption as specified in Attachment C of staff's report; and
- B. Approved the project, 97-CDP-013 H, subject to the conditions included as Attachment B of staff's report.

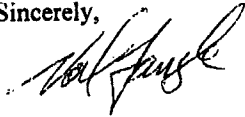
Procedure:

The Zoning Administrator's decision may be appealed locally by the applicant, an aggrieved person, as defined under Section 35-58, or any two members of the Coastal Commission within 10 calendar days of the date of the Administrator's decision.

123 East Anapamu Street • Santa Barbara CA • 93101-2058
Phone: (805) 568-2000 Fax: (805) 568-2030

- If a local appeal is filed, it shall be processed in accordance with all provisions of Section 35-182.3 of the Coastal Zoning Ordinance, and shall be submitted in writing to the County Board of Supervisors.
- If this decision is appealed, no filing fee is required since this project is also appealable to the Coastal Commission under Section 35-182.4.2, following expiration of the local appeal period described above.
- **Local appeal period expires on April 28, 1997 at 5:00 pm.**

Sincerely,



NOEL LANGLE
Zoning Administrator

xc: **Case File: 97-CDP-013 H**
Zoning Administrator File
Richard Corral
Lesli Taylor, Hearing Support Staff
Owner: Jeffrey O'Neil, PO Box 1174, Summerland, CA 93067
Planner: H. Brunsky

F:\GROUP\DEV_REV\WPCDP\7CDP013H\7CDP13.ACT

TO: Noel Langle
Zoning Administrator

FROM: Hollee King Brunsky
Planner

DATE: April 16, 1997

RE: 97-CDP-013 H ; O'Neil Grading for Water Line;
(2551 Wallace Avenue)



OWNER: Jeffrey O'Neil
P.O. Box 1174
Summerland, CA 93067

AGENT: Ben Wiener
814 Presidio Avenue
Santa Barbara, CA 93101

CASE NUMBER: 97-CDP-013 H

APN: 005-250-001 (2551 Wallace Ave.); 005-240-011 (Summerland Sanitary District); and County road right-of-way (Finney Street)

PROJECT TERMINUS ADDRESS: 2551 Wallace Avenue

LOCATION: Utility line located along Finney Street, south of Wallace Avenue, in the Summerland area, First Supervisorial District.

REQUEST:

A request of the owner's agent, Ben Wiener, to consider case number 97-CDP-013 H for a Coastal Development Permit under Section 35-169.5. in the REC Zone District under Article II to validate the grading of a trench for a 1½ inch water line permitted on an emergency basis under 96-EMP-002.

Application Filed:	February 10, 1997
Application Complete:	March 17, 1997
Notice of Intent to Waive Hearing:	March 24, 1997
ZA Decision Date Scheduled:	April 16, 1997
Processing Deadline:	3 months from the NOE

RECOMMENDATION AND PROCEDURES:

Follow the procedures outlined below and conditionally approve 97-CDP-013 H marked "Officially Accepted, County of Santa Barbara April 16, 1997 Zoning Administrator Exhibit #1", based upon the project's consistency with the Comprehensive Plan including the Coastal Land Use Plan and based on the ability to make the required findings.

The Zoning Administrator's motion should include the following:

1. Adopt the required findings for the project specified in Attachment A of this staff report, including CEQA findings, and adopt the CEQA exemption as specified in Attachment C of this staff report.
2. Approve 97-CDP-013 H and the Conditions of Approval as included in Attachment B.

Refer back to staff if the Zoning Administrator takes other than the recommended action for appropriate findings and conditions.

JURISDICTION:

The project is located within the County's Geographic Appeals Jurisdiction. Pursuant to Section 35-169.5, of the Coastal Zoning Ordinance, "*the Zoning Administrator, at a noticed public hearing, may either approve, conditionally approve, or deny the request.*" The requirement for a public hearing may be waived pursuant to Section 35-169.11. of the Coastal Zoning Ordinance, provided that the criteria for the waiver are met and no written request for a public hearing is requested.

The project was considered to be minor in nature and qualified for a hearing waiver. Notice to the affected neighbors was sent on March 24, 1997. No requests for a public hearing were received for this project within the 15 working-day notice period; therefore the public hearing may be waived. Additionally, no public comments were received for this project.

Under Article II, Section 35-171, Emergency Permits, when an emergency action is warranted and the requirements of a Coastal Development Permit may be deferred and the Director may grant an Emergency Permit. However, the issuance of the Emergency Permit does not constitute an entitlement to the erection of permanent structures. The request for a valid Coastal Development Permit for the erection of the permanent waterline is required for the Emergency Permit construction to be fully permitted.

PROJECT DESCRIPTION:

This is a request for a Coastal Development Permit to validate the Emergency Permit (96-EMP-002) which was approved for grading of approximately 50 cubic yards for a 6 inch wide, 32 inch deep, 1,000 foot long trench to house a 1½ inch water line. As this is a follow-up permit to that emergency work and the project is now completed, no new grading or construction will take place as a result of this specific request. The installed waterline installed begins at a water meter located at approximately the northwestern property line of the Summerland Sanitary District, Finney Street and runs easterly, parallel to the northerly line of the Summerland Sanitary District property and under Finney Street, terminating at the north-easterly portion of the O'Neil property. A road encroachment permit for the waterline was issued by the County Roads Department at the time of the emergency permit grading.

BACKGROUND INFORMATION:

The waterline permitted by 96-EMP-002 is located in a County road right-of-way along Finney Street. The construction of the waterline was an urgent matter as the residents required water service for the property at 2551 Wallace Avenue and the existing waterline had failed. The subject parcel is made up of three legal parcels from the Town of Summerland Land Division, Block 39, Lots 27, 28, and 29, recorded in the County Recorder's Office, Rack 1, Map 2.

PROJECT ANALYSIS:

Environmental Review

The project is recommended to be found exempt from environmental review pursuant to the California Environmental Quality Act Guidelines §15302(c) which exempts the replacement or reconstruction of existing utility systems.. See Attachment C, Notice of Exemption.

Consistency with Comprehensive/Coastal Plan

As discussed in the attached findings (Attachment A) of this staff report for April 16, 1997, and incorporated herein by reference, the proposed project has been found to be consistent with the Comprehensive including the all applicable Coastal Land Use Plan policies, and the Goleta Community Plan.

Consistency with Article II, Coastal Zoning Ordinance

As discussed in the attached findings (Attachment A) of this staff report for April 16, 1997, and incorporated herein by reference, the proposed project has been found to be consistent with the Article II, Coastal Zoning Ordinance, and is consistent with the requirements for the R-1 Zone District (see findings). Therefore, the project is consistent with this finding.

O'Neil Grading; 97-CDP-013 H
Zoning Administrator Decision Date: 4/16/97
Page 4

Subdivision/Development Review Committee

The proposed project was reviewed by the County Roads Department. A road encroachment permit was approved for the installation of the waterline along the County road right-of-way on Finney Street.

ATTACHMENTS:

- A. Findings**
 - B. Draft Coastal Development Permit with Conditions**
 - C. Exemption**
 - D. Site Plan**
- Emergency Permit, 96-EMP-002**

F:\GROUP\DEV_REV\WFCDP\7CDP013H\7CDP013.SR

ATTACHMENT A: FINDINGS

1.0 CEQA FINDINGS

Find that the project is exempt from CEQA pursuant to CEQA Guidelines Section 15302(c) which exempts the replacement or reconstruction of existing utility systems.

2.0 ADMINISTRATIVE FINDINGS

2.1. Pursuant to Section 35-169.6.2. of the Article II Zoning Ordinance, a Coastal Development Permit within a Geographic Appeals Area shall only be issued if all of the following findings are made:

2.1.1. *Those findings specified in Section 35-169.6.1.:*

2.1.1.1. *That the proposed developme: conforms to 1) the applicable policies of the Comprehensive Plan, including the Coastal Land Use Plan, and 2) with the applicable provisions of Article II and/or the project falls within the limited exception allowed under Section 35-161.7.*

The project is consistent with the applicable policies of the Comprehensive Plan, including the Coastal Land Use, and Summerland Community Plans. The existing residence has all existing services available now that the waterline has been reconstructed. The imposition of the standard condition to stop or redirect earthwork in the event any archeological resources are found was imposed on the emergency permit. No archeological artifacts or remains were found at the time of project construction. There was minor vegetation removal for this project, and native bunchgrass seed was used to replant the graded areas.

The project parcel is located in the REC Zone District of Article II, Coastal Zoning Ordinance. Prior to 1968, the parcel was previously zoned 7-R-1-D; however, a rezoning of the lot at that time inadvertently zoned the parcel to REC, requiring any type of construction to obtain an approved Development Plan prior to zoning clearance. As historical documents indicate, it was not the intent and purpose of the rezoning to zone the parcel as REC. Therefore, a determination was made by the Department that the parcel and the associated permitted uses should be consistent with the intent and purpose of the R-1 Zone District. The waterline is in the road right-of-way along Finney Street and is in the Transportation Corridor Overlay District. The underground waterline is consistent with the requirements of the Article II Zoning Ordinance.

2.1.1.2. That the proposed development is located on a legally created lot.

The project site is a legally created lot. The project site was created by the Town of Summerland Land Division, Block 39, Lots 27, 28, and 29 recorded in the County Recorder's Office, Rack 1, Map 2. Therefore, the project is consistent with this finding.

2.1.1.3. That the subject property is in compliance with all laws, rules, and regulations pertaining to zoning uses, subdivisions, setbacks, and any other applicable provisions of Article II, and such zoning enforcement fees as established from time to time by the Board of Supervisors have been paid. This subsection shall not be interpreted to impose new requirements on legal non-conforming uses and structures under Section 35-160 et seq.

The subject property is in compliance with the laws, regulations, and rules pertaining to zoning uses, subdivisions, setbacks, and all other applicable provisions of Article II. Therefore, the project is consistent with this finding.

2.1.2. That the development does not significantly obstruct public views from any public road or from a public recreation area to, and along the coast.

The waterline is underground and does not obstruct public views from any public road or from a public recreation area to and along the coast. Therefore, the project is consistent with this finding.

2.1.3. That the development is compatible with the established physical scale of the area.

Development of the waterline is underground, is minor in nature and does not alter the physical scale area. Therefore, the project is consistent with this finding.

2.1.4. The development is in conformance with the public access and recreation policies of Article II and the Coastal Land Use Plan.

The proposed waterline would not conflict or affect any public access or recreation policies. The waterline was installed in a trench and recovered with soil and re-seeded. Therefore, the project is consistent with this finding.

NOTICE OF EXEMPTION

TO: Santa Barbara County Clerk of the Board of Supervisors

FROM: Planning and Development Department, Division of Zoning Administration

Based on a preliminary review of the project the following activity is determined to be exempt from further environmental review requirements of the California Environmental Quality Act (CEQA) of 1970, as defined in the State and County Guidelines for the implementation of CEQA.

APN(s) 005-250-001

Case No.: 97-CDP-013 H

Location: **Utility line located along Finney Street, south of Wallace Avenue, in the Summerland area, First Supervisorial District.**

Project Title: **O'Neil Grading for a Waterline**

Project Description: **This is a request for a Coastal Development Permit to validate the Emergency Permit (96-EMP-002) which was approved for grading of approximately 50 cubic yards for a 6 inch wide, 32 inch deep, 1,000 foot long trench to house a 1½ inch water line. As this is a follow-up permit to that emergency work and the project is now completed, no new grading or construction will take place as a result of this specific request. The installed waterline installed begins at a water meter located at approximately the northwestern property line of the Summerland Sanitary District, Finney Street and runs easterly, parallel to the northerly line of the Summerland Sanitary District property and under Finney Street, terminating at the north-easterly portion of the O'Neil property. A road encroachment permit for the waterline was issued by the County Roads Department at the time of the emergency permit grading.**

Exempt Status:

Ministerial Statutory
 Categorical Exemption Emergency Project
 No Possibility of Significant Effect [Sec. 15061 (b,3)].

Cite specific CEQA Guideline Section: 15302(c) [Reconstruction of utility lines] The project is found to be exempt from environmental review pursuant to the California Environmental Quality Act Guidelines §15302(c) which exempts the reconstruction or replacement of utility lines. The emergency work completed prior to this review did not have a significant environmental impacts on biological, cultural, geological, or natural resources and was conditioned to stop or redirect earthwork if any archeological remains were found. No such remains were encountered and the graded areas to be re-seeded with native bunch grass seed mix. The construction of the waterline will require approximately 48 cubic yards total grading. Adequate services are currently in existence on the subject parcel. As the currently requested project does not involve additional grading or construction, and is consistent with requirements of the categorical exemption and does not have the potential to create a significant environmental impact, no further environmental review is required.

Department/Division Representative

Date

County Clerk of the Board

Date



County of Santa Barbara Planning and Development

John Patton, Director

Emergency Permit No.: 96-EMP-002

EMERGENCY PERMIT

This is to inform you that an Emergency Permit has been approved for the emergency work that you or your representatives feel is necessary at the location listed below. According to the information you have provided, there is no water available to the property as water pipe failure/damage has occurred and no water services would be available unless prompt action is taken. Therefore, this situation constitutes an emergency in accordance with Section 35-58 and 35-171 of the Coastal Zoning Ordinance and immediate action is warranted. The emergency work is hereby approved; however, it is to be accomplished subject to the enclosed conditions. Please sign and return the attached Acceptance Form.

Sincerely,

NOEL LANGLE,
Deputy Director for
JOHN PATTON
Director

APPLICANT: Barbara A. Smith, 2551 Wallace Ave. Summerland, CA 93067

APN: 005-250-001

PROJECT ADDRESS: Water line from the water meter at Lillie Avenue running parallel to Finney Street to the property at 2551 Wallace, Summerland.

DATE OF ISSUANCE: June 4, 1996

BACKGROUND: The waterline that is the link to existing water services to the above addressed was damaged and water is no longer available. The private water line runs from the existing water meter, under Lillie Avenue, under Highway 101, under the Southern Pacific Railroad tracks. and under Finney Street to the Smith property.

EMERGENCY WORK: Grading for a 6 inch wide, 32 inch deep, 1,000 foot long trench that will house a 1½ water line.

PROCEDURE FOR OBTAINING AN EMERGENCY PERMIT

1. Verbal or written notification of the type and location of the work undertaken must be given to this Department within a reasonable amount of time.
2. This Department approves and sends out an Emergency Permit with an attached Acceptance Form to the property owner or authorized agent.
3. The property owner or authorized agent shall sign and return the Acceptance Form within seven (7) working days to the Planning and Development Department, Zoning Administration

EMERGENCY PERMIT CONDITIONS OF APPROVAL

1. The applicant is required to apply for a Coastal Development Permit and Special Use Permit to validate the emergency work. An application for a Coastal Development Permit and Special Use Permit shall be made no later than 90 days following the granting of an Emergency Permit; any additional materials required for a completed application shall be submitted within 180 days after the issuance of the emergency permit, unless extended by the Director of the Planning and Development Department.
2. The enclosed Acceptance Form must be signed by the applicant and returned to Planning and Development within (7) working days.
3. Only that emergency work specifically requested and for the specific property mentioned is authorized. Any additional emergency work requires separate authorization from the Director of Planning and Development. The work authorized by this permit must be commenced within 120 days of the date of issuance of the permit and completed within 90 days after the beginning of construction. If construction activities are proposed by the applicant to commence after 120 days, separate authorization by the Director of Planning and Development is required. If said permits are not applied for within the amount of time specified, the property will be in violation of the zoning ordinance.
4. This permit does not preclude the necessity to obtain authorization and/or permits from other County Departments or other agencies.
5. By acceptance of this permit, the applicant understands and agrees that the County is not liable for any occurrence or event subsequent to, or as a result of, the applicant's actions in reliance on this emergency permit.
6. In the event archaeological remains are encountered during grading, work shall be stopped immediately or redirected until a P&D qualified archaeologist and Native American are retained by the applicant to evaluate the significance of the artifacts or remains.

Emergency Permit - 96-EMP-002
Page 3

2. in the event that public controversy arises, Planning and Development reserves the right to require the applicant to stop work immediately until P&D determines that the public has been sufficiently noticed and heard.

FINDINGS OF APPROVAL

1. The approval of this project shall not be held to permit or to be an approval of a violation of any provision of any County Ordinance or State Law.
2. Pursuant to Section 35-171.5 of Article II, an Emergency Permit may be granted if the Director of the Planning and Development Department makes the following findings:
 - a. *An emergency exists and requires action more quickly than provided for by the procedures for ordinary permits, and the action will be completed within 30 days unless otherwise specified by the terms of the permit.*

The water pipe for water services to the property has failed and there is an emergency for the placement of a new pipe to continue water services for the property. Grading of the trench for the water line would require a follow-up Special Use Permit and Coastal Development Permit. Permit conditions require that applications have to be submitted within 90 days of the approval of the emergency permit.

- b. *Public comment on the proposed emergency action has been reviewed if time allows.*

Because of the urgency for water services to the affected parcel, there is no time to solicit public comment on the emergency permit. Construction will begin the same date of the permit issuance, June 4, 1996. The follow-up Coastal Development Permit and Special Use Permit necessary to validate the issuance of the Emergency Permit will be publicly noticed, allowing sufficient time for public involvement in the approval process.

- c. *The action proposed is consistent with the requirements of the certified Local Coastal Plan and Coastal Zoning Ordinance.*

A primary goal of the Local Coastal Plan is to safely protect, maintain and restore the coastal zone environment, including both the natural and man-made environment. In order to ensure the protection of the health and safety of the public and the preservation of the coastal environment the Coastal Zoning Ordinance (Article II) was established to set standards for orderly development in the coastal zone that provide for the protection of the health and safety of the general population. The emergency action requested by the applicant is permitted under Section 35-171 of the Coastal Zoning Ordinance which recognizes that certain actions warrant immediate, special consideration in order to lessen or remediate an emergency. Section 35-171 also provides that the emergency action will be subject to the normal restrictions imposed under the ordinance within a reasonable amount of time. The replacement of the new water line is necessary to maintain the health and welfare of the residents at 2551 Wallace Avenue.

Emergency Permit - 96-EMP-002
Page 5

3. This action is exempt from the provisions of the California Environmental Quality Act, pursuant to State CEQA Guidelines Section 15269, statutory exemption for emergency projects.

Attachments:

Attachment A: Acceptance Form
Attachment B: Vicinity Map

cc: Barbara Smith, 2551 Wallace Avenue, Summerland, CA 93067
Mark Cappelli - California Coastal Commission

HKB:F:\GROUP\DEV_REV\WPEMP\6EMP002.PMT



County of Santa Barbara Planning and Development

John Baker, Director

Dianna Black, Director Development Services

John McInnes, Director Long Range Planning

November 30, 2007

Susan Petrovich
Hatch & Parent
21 E. Carrillo Street
Santa Barbara, CA 93101

RE: 2551 Wallace Avenue, Summerland
Assessor's Parcel Number 005-250-001

Dear Ms. Petrovich:

At a meeting with Coastal Commission staff and Santa Barbara County staff on November 27, 2007, the possibility of rezoning the parcel at 2551 Wallace Avenue was discussed. As you know, 2551 Wallace Avenue (Assessor's Parcel Number 005-250-001) is zoned REC (Recreation) and has a Coastal Land Use Plan designation of "Recreation/Open Space." A residence was constructed on the subject parcel several decades ago and was considered a legal non-conforming structure, until a Building Violation was opened on March 20, 2007 for demolition and work done without a permit by the owner, Jeff O'Neil. The parcel is small in size, approximately 4,356 square feet. The property is also constrained by the adjacent railroad and appurtenant easements, and Highway 101 to the north. Both are a constant source of noise and a potential safety hazard, since the property must be accessed from Wallace Avenue by crossing over a railroad easement. Taking the history of this specific property and all of the site constraints into consideration, it seems unlikely that there is significant potential for a viable recreation use on this small lot.

For these reasons, the consensus at the meeting was that a rezone and Local Coastal Plan amendment, to change the designated use of this parcel from Recreation to Residential, is feasible. Coastal Commission staff indicated initial support of a potential rezone and LCP amendment for this unique parcel and situation.

If the property owner decides to pursue residential development on this property, the next step is to submit applications for a Rezone and a General Plan Amendment, to change the designated use of the subject parcel from Recreation to Residential. Please note that one of the components of the submittal should be justification for and evidence supporting the lack of a viable recreation use on the parcel, based upon the regulations contained in the Coastal Land Use Plan (CLUP) and the implementing Coastal Zoning Ordinance (Article II). Alternatively, you may first submit for a Planner Consultation, to assist you in gathering information on the property, and answer any initial questions you may have. The necessary forms can be found at www.sbcountyplanning.org, or may be obtained at the Zoning Counter.

Development Review
Building & Safety
Energy, Administration
123 E. Anapamu Street
Santa Barbara, CA 93101
Phone: (805) 568-2000
FAX: (805) 568-2030

Long Range Planning
30 E. Figueroa St, 2nd Floor
Santa Barbara, CA 93101
Phone: (805) 568-3380
FAX: (805) 568-2076

Building & Safety
185 West Hwy 246, Ste 101
Buellton, CA 93427
Phone: (805) 686-5020
FAX: (805) 686-5028

Development Review
Building & Safety
Agricultural Planning
624 W. Foster Road
Santa Maria, CA 93455
Phone: (805) 934-6250
FAX: (805) 934-6258

Ms. Susan Petrovich
November 30, 2007
Page 2 of 2

If you have any questions regarding this unique situation and the available options, please contact me at (805) 568-2520. If you have any questions regarding the specific permit or consultation application requirements, please contact the Zoning Counter staff at (805) 568-2090. Thank you.

Sincerely,



Dave Ward
Deputy Director
Development Review, South
Planning & Development
County of Santa Barbara

cc: Jeffrey O'Neil, P.O. Box 1174, Summerland, CA 93067-1174
Coastal Commission Staff:
Shana Gray, 89 South California Street, Suite 200, Ventura, CA 93001
Gary Timm, 89 South California Street, Suite 200, Ventura, CA 93001
Steve Hudson, 89 South California Street, Suite 200, Ventura, CA 93001
John Baker, Director, Planning & Development
Dianne Black, Director of Development Services, Planning & Development
June Pujo, Supervising Planner, Planning & Development
Julie Harris, Planner III, Planning & Development
Selena Buoni, Planner II, Planning & Development
Records Management, P&D

G:\GROUP\PERMITTING\Case Files\CDH\06-cases\06CDH-00000-00020\11-30-07 Letter to S Petrovich.doc

Ronald L. Nye, Ph.D.
Historian

February 3, 2009

Mr. Jeffrey S. O'Neil
P.O. Box 1174
Summerland, CA 93067

**Re: Letter Report Historical Assessment: 2551 Wallace Avenue, Summerland,
CA - APN 005-250-001**

Dear Mr. O'Neil:

The purpose of this Letter Report Historical Assessment is to determine whether the residence that was nearly completely demolished in 2006 is historically or architecturally significant under Santa Barbara County guidelines, and if so, whether the proposed project would or already has caused any potentially significant impacts to a historic resource. The property owner has already demolished most of the original residence and proposes to demolish the rest of it and erect a new residence in the same location. The scope of work for this assessment encompassed a site visit, limited historical research, interviews, document analysis and the preparation of this report. Research included a review of County Planning and Development Department address files, local history materials located at the Gledhill Library and photographs provided by the property owner.

Field Inventory

Based on a review of photographs taken in 2006, the study residence, prior to its nearly complete demolition, was a small irregularly shaped building that had been thoroughly altered after it was built about 1890. The cottage could not be said to resemble any particular architectural style. All exterior building materials appeared to be approximately twenty to thirty years old. Its roof was cross-gabled with several shed roofed extensions and had composition shingle roofing material. The cottage featured horizontal wood plank siding and its south, west and north elevations were punctuated by large single-pane plate glass windows. Double single-pane glass doors with wood framing were located on the south and north elevations. A wood plank deck extended from the south elevation and wrapped to some extent around the southeast and southwest corners of the house. Presently only a portion of the north elevation wall and a smaller segment of the west elevation wall remain from the building that existed in 2006. Adjacent to these remnants, on their south side, is the property owner's partially-built new residence. A small garage converted to living quarters is located a few feet to the east of the new building. The garage appears to be about twenty to thirty years old.

Building History

The original small study house and an adjacent small building on its east side are visible in an early undated photograph of the Summerland coast. The photograph, however, does not show the numerous oil derricks and other industrial facilities that sprouted along the shore in the 1890s.¹ This would indicate that the study building was probably built about 1890, prior to the town's oil boom. The oil industry thrived until the mid-1920s and transformed Summerland from a small Spiritualist religious colony to a working class oil town. Local historians referred to the house as "Cliff Cottage" and stated that it was occupied by a Mr. Phelps and his family during the late 1890s and early 1900s. Mr. Phelps, according to these sources, was the first superintendent of the Duquesne Oil Company, which operated a wharf and oil wells in the shallow waters just south of the cottage. Information on the house's owners and occupants before and after the Phelps family is sketchy, but it is thought that the property was rented in the 1920s.² A more recent historian refers to the house as both "Cliff Cottage" and the B. M. Bussey house although the identity of Bussey is not revealed.³ The 1930 edition of the Sanborn Map of Summerland depicts the study cottage as a single-story, irregularly-shaped building with a large wrap-around porch on its west elevation. A smaller rectangular-shaped dwelling is located very close to it on its east side.⁴

According to the present property owner, Harold Sumida owned and occupied the former residence with his family from approximately 1947 to 1963. Albert and Elizabeth Baka owned it next, from about 1963 to 1981. The configuration of the former cottage in aerial photographs from 1973 and 1979 resembles the building as it appears in the 2006 photographs.⁵ In contrast, the shape and massing of the cottage depicted in the c.1890 photograph and the 1930 Sanborn Map are completely different from the building that appears in the aerial photographs from the 1970s. By 1930, it would appear, the original c.1890 building had been significantly altered, and by the 1970s, it had been radically changed again. The small dwelling adjacent to the cottage shown on the 1930 Sanborn Map is not visible in the aerial photographs. On the west side of the cottage, however, according to the same photographs, a small gable-roofed garage is shown. This garage no longer exists. Jeffery O'Neil, who purchased the study property about 1996, demolished all but portions of the north and west exterior walls of the cottage in 2006.

¹ David F. Myrick, "Summerland: The First Decade," *Noticias* (Winter 1988), 72.

² Opal Lambert, et al., "Historic Buildings of Summerland, Ca.," 1976, 11, 25 and map, on file at the Gledhill Library.

³ Myrick, 72.

⁴ Sanborn Fire Insurance Co., Summerland, California, 1930 edition, on file at the Santa Barbara Public Library.

⁵ Pacific Western Aerial Surveys, November 6, 1973 and January 27, 1979.

Significance Criteria

According to County of Santa Barbara guidelines⁶, to qualify as a significant historical resource, a property must:

- A) Possess integrity of location, design, workmanship, material, and/or setting.
- B) Generally, but not in all cases, be at least fifty years old.
- C) Demonstrate one or more of the following association-related criteria:
 - 1. Be associated with an event, movement, organization or person that/who has made an important contribution to the community, state or nation.
 - 2. Was designed or built by an architect, engineer, builder, artist or other designer who has made an important contribution to the community, state or nation.
 - 3. Is associated with a particular architectural style or building type important to the community, state or nation.
 - 4. Embodies elements demonstrating a) outstanding attention to design, detail, craftsmanship, or b) outstanding use of a particular structural material, surface materials or method of construction or technology.
 - 5. Is associated with a traditional way of life important to an ethnic, national, racial or social group, or to the community at large.
 - 6. Illustrates broad patterns of cultural, social, political, economic or industrial history.
 - 7. Is a feature (i.e., structure, building, structural element, object, tree, garden, etc.) or a cluster of features that convey a sense of time and place that is important to the community, state or nation.
 - 8. Is able to yield information important to the community or is relevant to the scholarly study of history, historical archaeology, ethnography, folklore or cultural geography.

To evaluate a resource, each of the above elements is assessed and given a significance ranking, from 1 through 3 and E, corresponding to the terms low (1), good (2), high (3), and exceptional (E). Each element is ranked separately. The overall level or threshold of significance is determined by the average of its individual rankings.

The resultant level of significance is used to determine what treatment a resource should be given within the planning process. An exceptional rating in any element indicates that the resource should receive special consideration, usually preservation, in the planning process. A good or high rating indicates that the resource is significant, and should be recognized, but not necessarily through preservation. A low rating indicates that the resource is not considered significant for planning purposes.

⁶ "County of Santa Barbara, Resource Management Department, Cultural Resource Guidelines, Historic Resources Element," Revised, January 1993.

Assessment of Historical Significance

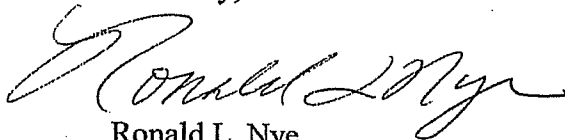
The County of Santa Barbara criteria for significance were applied to the former beach cottage on Wallace Avenue. The building, now almost completely demolished, was found to possess no historical or architectural significance. The following significance assessment of the former cottage was based on a review of several color photographs taken of it in 2006 prior to its demolition. The building rated low in historical integrity because its many alterations over the years resulted in its total transformation and destroyed its integrity of design, materials and workmanship. It earned a high score in age due to its approximate age of 100 years or older. The building rated low in the association with an event or person criterion. This is because none of its known owners or occupants is recognized as historically significant. The building also had a distant association with the noteworthy oil boom in Summerland because its significant alterations prevented it from conveying the historical period of c.1890-1925. The cottage rated a low in designer because its architect, if it had one, is unknown. Likewise, it scored low in architectural style because it did not have a discernable style and no longer possessed its original vernacular cottage style. It earned a low score in construction and materials because very little, if any, original construction methods or materials were evident in 2006. The cottage's alterations, which virtually eliminated its historical architectural elements, precluded its association with a broad historical theme and its ability to convey an historical time and place. It thus rated a low score in these two criteria. The criteria dealing with traditional lifeways and ability to yield important cultural information are not applicable to this property. In summary, the former cottage earned a low overall significance rating and was therefore not a historic resource under County guidelines.

Proposed Project Impact Assessment

The proposed project demolished nearly the entire former cottage in 2006 and would remove the few remaining remnants of it and erect a new residence on the site. This study has found that the former building did not qualify as historically or architecturally significant under County of Santa Barbara guidelines. Since neither the former cottage nor its remnants were or are historic resources, no potential impacts, as defined by CEQA, would occur as a result of the proposed project.

Thank you this opportunity, and please call if you have any questions.

Sincerely,



Ronald L. Nye

cc. Patsy Stadelman