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May 22, 2012

Chair Farr and Supervisors
County of Santa Barbara
123 E. Anapamu St.
Santa Barbara, CA 93101

Via E-mail

Re: Park Hill Estates v.2
Additional Proposal

Dear Chair Farr and Supervisors:

Late yesterday, P&D staff contacted me about perhaps the project adding additional upgrades to lower San Antonio Creek Road as a part of the project.

County Roads and Fire have already identified there is no nexus between that road status and the project. This would be essentially a gift or other inducement to the County to finally approve the project. In no respect is this proposal a concession that the Tuckers Grove road connection is an issue that should impact this project. That road status and condition is solely a product of County decisions.

The project has been in process for over 2 years now and each iteration has been 100% consistent with the County rules, including the Land Use Element and Housing Element. State Law provides protections for Bonus Density Projects and also has time limits for processing of Tract Maps. Those are one year for a project requiring an EIR, plus an additional 50 days, or 180 days if it is an ND or MND plus an additional 50 days. At this point, the County has taken more time than if it had done both an EIR and an ND. All delays have been in furtherance of neighbors' efforts to force project changes that would make it as consistent with *exclusionary zoning* as possible. We have made all of those changes.

Delays to date have been unlawful and unwarranted but we are willing to make this concession if the project is approved today. As a De Novo hearing, the Supervisors have the right to take any action and the Planning Commission action has no continuing underlying effect.

Attached are specifics of additional action we will take above and beyond County requirements, if Park Hill Estates v.2 is approved today.

Thank you.
Jeff Nelson

Jeffrey C. Nelson

Park Hill Estates v.2
May 22, 2012

AGREEMENT TO UNDERTAKE FURTHER PUBLIC IMPROVEMENTS

If Park Hill Estates v.2 is approved today, the project agrees to undertake the following additional improvements.

There is a stretch of San Antonio Creek Road south of the fire hydrant located near the northeasterly end that is not as wide as the lower stretch that is bounded by retaining walls in which the road width is approximately 20 feet wide.

For this approximate 300 foot stretch, there is an opportunity to make the road wider by having the upslope side widened by moving the northerly edge of the road towards the slope above it, through a combination of retaining walls and boulder walls that are stacked or laid in to the slope.

The project agrees to widen the road to between 16 to 18 feet, as measured from edge of pavement, as much as is possible with the topography and pre-existing utilities. Additionally, this work shall not require retaining walls higher than 3 ft. 6 in. nor special efforts to deal with any underground utilities.

This offer is based on the assumption that the improvement area is in the County Road right-of-way, so that the only permit necessary would be an Encroachment Permit issued by the County. Also included in the Encroachment Permit and work would be trimming or removing vegetation that conflicts with this widening goal, including Pepper tree(s). No widening on the southern or downslope side shall be required.

All of the above shall be subject to a not to exceed cost of \$120,000 (Public Works estimate), as a private (not a Public Works) project.

Timing of the work shall be before the occurrence of the eighth land use clearance for home construction in the Park Hill Estates project.



Jeffrey C. Nelson
The Oak Creek Company

May 22, 2012
Date