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Stanley W. Lamport
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September 25, 2008

File No. 36550

VIA E-MAIL AND U.S. MAIL

Mr. Tom Figg, Planner
Santa Barbara County Planning and Development
Administration Building
123 Anapamu Street
Santa Barbara, CA 93101

Re: Complaint Concerning APN 079-790-023; 079-023; 079-790-021 – Naples
Town Site Lot 43

Dear Tom:

I write in reference to Mr. Marc Chytilo's letter of August 19, 2008, which alleges that there are unpermitted structures located at APN 079-790-023, APN 079-023 and APN 079-790-021, all parts of Lot 43 of the Office Map of the Town of Naples. Mr. Chytilo requests that the County take action to abate the alleged violations.

By this letter I wish to confirm to you that the development proposed by Santa Barbara Ranch LLC as Alternative 1B to the Santa Barbara Ranch Project includes the demolition of any existing structures on Lot 43 in order to facilitate the construction of the proposed residence, guest house, garage and accessory structures on the lot. Further, we would be happy to subject Alternative 1B to a condition of approval which explicitly requires the demolition of any existing structures on Lot 43.

Accordingly, the development of Alternative 1B will address any perceived permitting violations alleged by Mr. Chytilo with respect to Lot 43.

Sincerely,

Stanley W. Lamport

Attorneys
At Law



PAUL A. GRAZIANO*†
CHARLES D. KIMBELL
JOHN H. PARKE
BRADLEY E. LUNDGREN
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GEORGE H. ALLEN
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OF COUNSEL

*Certified Specialist: Estate Planning,
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†Certified Specialist: Taxation Law
The State Bar of California
Board of Legal Specialization

RECEIVED

SEP 19 2008

S.B. COUNTY
PLANNING & DEVELOPMENT

September 19, 2008

HAND DELIVER

Ms. Kimberly McCarthy
Planning & Development Dept.
County of Santa Barbara
123 East Anapamu Street
Santa Barbara, CA 93101

**Re: APN # 079-080-020; Response of Property Owner
To Marc Chyttilo's Zoning Complaint (Dated Aug. 19, 2008)**

Dear Ms. McCarthy:

This firm represents the owner of APN #079-080-020 (the "Property"). The Property is commonly referred to as the Dos Pueblos Ranch beach, and is located between the railroad tracks (owned in fee by the railroad) and the Pacific Ocean.

By letter to you, dated August 19, 2008, Marc Chyttilo has lodged a complaint concerning alleged zoning violations on the Property. This letter responds to the specific allegations of Mr. Chyttilo's complaint. Mr. Chyttilo did not provide me with a copy of his letter, although he well knows that I represent Dos Pueblos Ranch – thereby, somewhat delaying my receipt of his letter and this response. To save you the trouble and as a courtesy to Mr. Chyttilo, I am mailing a copy of this letter to him.

Summary of Mr. Chyttilo's Zoning Complaint

Mr. Chyttilo has complained that there are zoning violations on the Property and demanded that "you take immediate action to abate these violations and appropriately sanction those persons responsible for flaunting County zoning requirements and state laws protecting the coastal environment."

Mr. Chyttilo further states: "This Landowner's defiance of regulations for the protection of sensitive environmental resources endangers important public resources"

The specific alleged violations, in the order mentioned in Mr. Chyttilo's letter, are:

1. a "sea wall,"
2. "trailer(s),"
3. a "paved driveway and parking area,"
4. "additional structures partially visible behind vegetation located immediately North of the paved area," and
5. a "lagoon in the central portion of the parcel ... [that] has [been] filled in [since 1989] ... by human activities."

Mr. Chyttilo asserts that permits were/are required for these items, and he includes three photographs as exhibits. Exhibit 2 is a photograph which is referred-to as reflecting the current condition of the Property (and which, in fact, is a 2006 photograph, available online), while Exhibits 2 and 3 are photographs from 1972 and 1989 (also available online).

Introductory Comments Concerning Mr. Chyttilo's Zoning Complaint

Before addressing the specific alleged zoning violations identified above, we offer the following introductory comments:

1. *There has been essentially no change in the condition of the Property over the last 50 years*, as will be demonstrated in photographs from 1943, the 1950s, 1972, 1989, 2002, 2006, and today. Thus, Mr. Chyttilo's exaggerated innuendo -- to the effect that there is significant recent activity on the Property which constitutes new development, subject to permitting under the California Coastal Act (now barely 30 years old) and the Local Coastal Program (now barely 25 years old) -- is without merit.
2. *For clarity, we will refer to the small pond on the Property as the pond*. Mr. Chyttilo's characterization of the pond as a "lagoon" suggests a connection between the pond and the ocean, with the pond perhaps even being subject to tidal influences, which is not the case.
3. *The pond has not filled-in*. Mr. Chyttilo has mischaracterized the growth-of-vegetation-in-the-pond as a "lagoon [that] has [been] filled in ... by human activity." This charge is flatly denied, and periodic maintenance of the pond is discussed further below.
4. Since Mr. Chyttilo has mentioned "trailer(s)" as an alleged zoning violation, we do acknowledge that a travel trailer has been parked in recent years on an area of the Property paved since the 1950s. No-one lives in this trailer, but it has been used by Schulte family members over the past several years for storage, as a place for changing into beach attire, etc. as part of their use and enjoyment of Dos Pueblos Ranch beach.

Review of Photographs from 1943 to Present

At my request, Brent Daniels of L&P Consulting reviewed the aerial photograph library at UCSB and was able to locate four photographs which depict the Property as of September 1943, June 1954, November 1955, and November 1959. A scan was made of a portion of each of these old photographs, such that the Property can be shown in approximately the same scale – with the railroad tracks at the top of the photograph and the ocean at the bottom.

At my request, Mr. Daniels has accessed the photographs from 2006, 1972 and 1989 online (Exhibits 2, 3 and 4 to Mr. Chyttilo's letter), and similarly prepared excerpts of the photos such that they also are to approximately the same scale, with the railroad tracks at the top of the photograph and the ocean at the bottom. Similarly, Mr. Daniels has similarly prepared an excerpt of a photograph from 2002, also available online.

These photographs are attached as Exhibits A through H. Due to the differences in scale of the aerial photographs, some photos are clearer than others. Since about 10% of the resolution is lost in each reproduction/copy on some of these older photographs, Mr. Daniels has included identifying information based on what can be seen in the photographs themselves.

The following summarizes the history of the Property, relating to the specific complaints by Mr. Chyttilo, as is demonstrated by the photographs (Exhibits A-H):

<u>Exh.</u>	<u>Date</u>	<u>Discussion</u>
A	Sept. 22, 1943	The pond is visible*, as are various roads. There is an outflow from the pond to the beach – i.e., the mouth of Dos Pueblos Creek.
B	June 1, 1954	Rerouting of Dos Pueblos Creek, via excavation of a channel, east of the pond, has begun. Also, the initiation of construction activity for the seawall can be seen, although it not clear if only excavation for the seawall has been completed or a seawall substructure is in place; what is visible is along the alignment of the seawall, as constructed. The pond* and the roads are the same as in the 1943 photo.
C	Nov. 19, 1955	The seawall (with ramp), the concrete channel for the rerouted Dos Pueblos Creek and a new road between the pond and the rerouted Dos Pueblos Creek are visible. The pond* and other roads are the same as in prior photos.

* Reeds growing in pond are discussed below.

- D Nov. 23, 1959 Paved parking and roads and a lawn area are visible west of the seawall ramp, and a barbecue pit and paved area are visible east of the seawall ramp.
A small rectangular structure is visible amid landscaping between the pond and concrete channel. Presumably, this is what Mr. Chyttilo referred to as the "additional structures partially visible behind vegetation located immediately North of the paved area."
The pond* and other roads are as shown in prior photos.
- E 1972 Essentially unchanged from 1959.*
- F January 1989 Essentially unchanged from 1959.*
- G Sept. 23, 2002 Essentially unchanged from 1959.* A travel trailer has been parked on the western paved parking area.
- H Sept. 16, 2006 Essentially unchanged from 1959.* The travel trailer is in more or less the same place as 2002.

* Reeds growing in pond are discussed below.

Reeds Growing in Pond

In each of the photographs, a different amount of vegetation growing in the pond can be observed. Depending when a photograph has been taken over time, the vegetation growing in the pond obscures from view more or less of the water surface of the pond, depending on how recently the reeds have been cut back.

On maintenance of the pond, I have spoken with Henry Schulte. Since the purchase of Dos Pueblos Ranch by Rudi Schulte in the 1970s, maintenance activity for the pond has involved cutting the reeds periodically (e.g., every two to five years). Some sort of maintenance to control vegetation growing in the pond dates back to the 1940s, during the period of ownership prior to Schulte family ownership, as is apparent from the photographs.

Attached Exhibit I includes multiple photos, taken earlier today by Mr. Daniels, showing the pond from various views, as it appears today. As can be seen, contrary to Mr. Chyttilo's mischaracterizations, the pond has not filled-in – which, of course, means that it has not been filled-in as a result of human activities.

Ms. Kimberly McCarthy
Planning & Development Dept.
County of Santa Barbara
September 19, 2008
Page 5 of 6

In fact, as all the photos taken together demonstrate, the pond remains the same shape as it has been since the 1940s, and is unchanged since 1954 (when the creek was rerouted around the pond and through the concrete channel to the beach).

Trailer(s)

It is acknowledged that there is one travel trailer that has remained parked in more or less the same spot for a period of approximately ten years. As noted above, it is used by family members in conjunction with beach use, and no-one lives in it.

It is also acknowledged that on some occasions over the years, more than one travel trailer has been parked on the parking lot at the Property. This occurs from time to time when family members visit their relatives living at Dos Pueblos Ranch, bring a trailer and park it on the Property. [Mr. Chyttilo suggests that there are multiple trailers on the Property in his "current condition" exhibit – a 2006 photo. Mr. Chyttilo mistakenly characterizes a tent as a trailer.]

The presence of one (or more) travel trailers on a paved parking area of the Property is *not* a zoning violation.

Response to Mr. Chyttilo's Claimed Zoning Violations on the Property

A. Pond. By 1943, there was a pond at the mouth of Dos Pueblos Creek, which pond remains today in essentially the same shape and size. Over the years, the pond has been maintained by the cutting of vegetation. The pond has not been filled-in, contrary to Mr. Chyttilo's suggestion.

B. Improvements. Prior to June 1, 1954, the then-owner of Dos Pueblos Ranch undertook a series of improvements on the Property. At this late date, it is not possible to know precisely when such improvements were completed – but the main improvements (seawall and ramp, creek channelization, new road) were under construction as of June 1, 1954 and these particular improvements likely were completed within months of the June 1 aerial photo – since completion of these improvements involved pouring concrete and such improvements typically were and are completed before the rainfall and tidal conditions of Fall and Winter.

Paving of roads and parking areas, construction of the barbecue pit near the seawall ramp, and construction of the small structure (between the pond and the channelized creek) occurred between 1955 and 1959 – apparently closer in time to 1955 because, by 1959, the small structure is largely obscured from view by landscaping that has grown up around it.

Over the years there has been virtually no change between the condition of the Property as it existed in the 1950s (twenty years, more or less, prior to the Coastal Act), and as it existed

Ms. Kimberly McCarthy
Planning & Development Dept.
County of Santa Barbara
September 19, 2008
Page 6 of 6

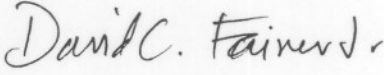
in 1972 (several years prior to the Coastal Act) – although there clearly there has been periodic maintenance of the Property such that it has remained in virtually the same condition. Mr. Chyttilo's suggestion – i.e., these 50-year-old improvements are recent development activity requiring permits under the Coastal Act and Local Coastal Program -- is far-fetched.

C. Trailer. In more recent years, a travel trailer was parked on an area that has been paved since the 1950s, for the convenience of Schulte family members when using the beach. No-one lives in this trailer, and it could be moved. Parking a travel trailer on a paved surface is not a zoning violation.

D. Conclusion. For the reasons discussed above, we respectfully submit that Mr. Chyttilo's claims are without merit. I will be on vacation for two weeks, starting tomorrow, and will return to the office on Monday, October 6. I look forward to talking with you when I return. If you have any questions, then I will address them when I return.

Very truly yours,

ALLEN & KIMBELL, LLP

By 
David C. Fainer, Jr.
Of Counsel

DCF/
Enclosures: Exhibits A- I

cc: Henry Schulte, Dos Pueblos Ranch
James Franzen, DP Sunrise, LLC
Petra Leyva, County Planning & Development
Pat Veesart, California Coastal Commission
Tom Figg, County Planning & Development
Mark Chyttilo, Esq.
Brent Daniels, L&P Consultants

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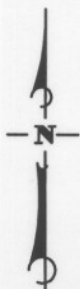


POND



3 WEST CARRILLO STREET
SUITE 205
SANTA BARBARA, CA 93101
(805) 962-4611

P.N. 01-003.03



No Scale

DOS PUEBLOS RANCH BEACH PROPERTY
SEPTEMBER 22, 1943 AERIAL

EXHIBIT A

COUNTY OF SANTA BARBARA, CA
HISTORIC AERIAL EXH DPR.DWG



ACTIVITY ALONG
SEAWALL
ALIGNMENT

CREEK
RE-ROUTE



3 WEST CARRILLO STREET
SUITE 205
SANTA BARBARA, CA 93101
(805) 962-4611

P.N. 01-003.03

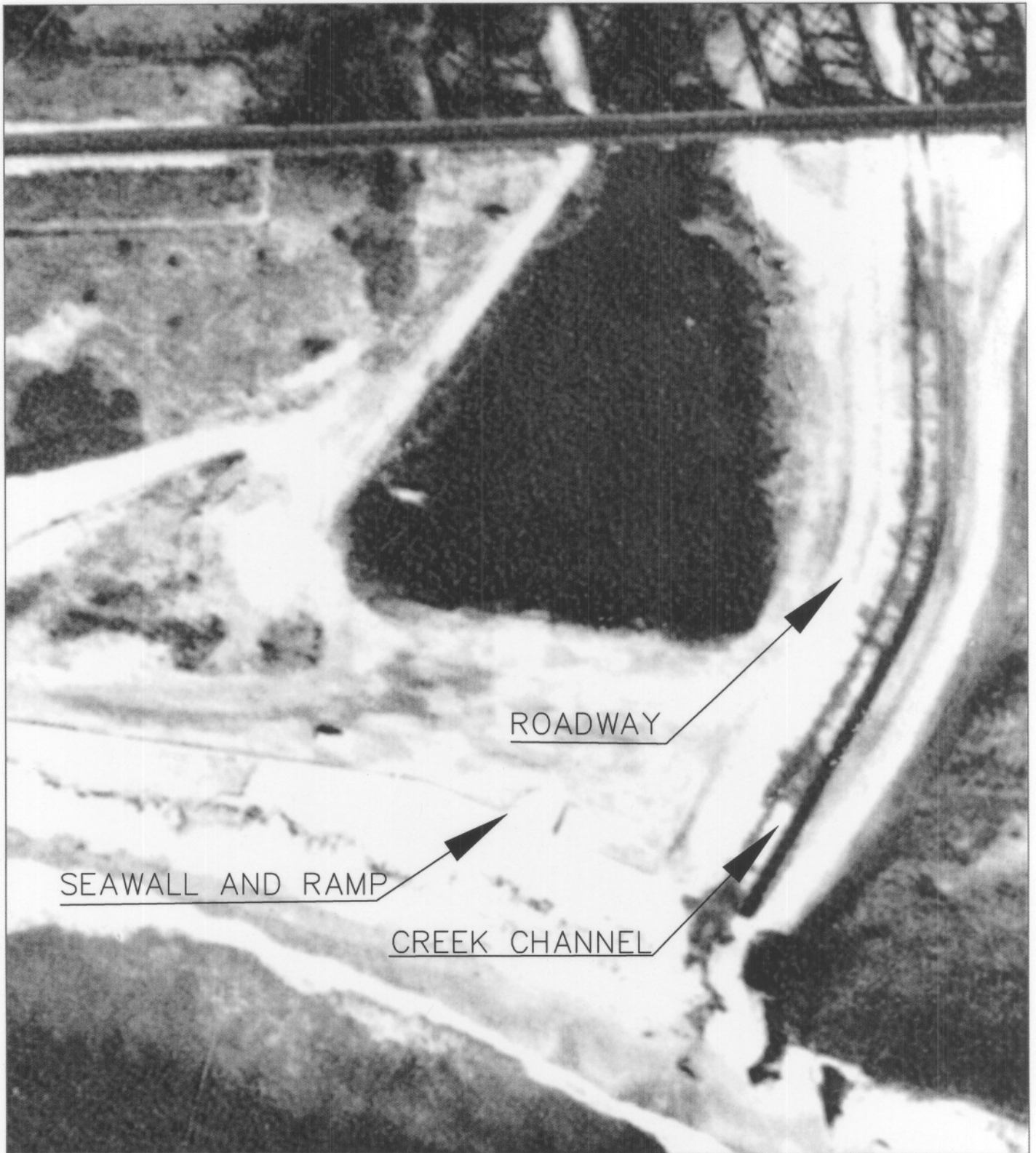


No Scale

DOS PUEBLOS RANCH BEACH PROPERTY
JUNE 1, 1954 AERIAL

EXHIBIT B

COUNTY OF SANTA BARBARA, CA
HISTORIC AERIAL EXH DPR.DWG



3 WEST CARRILLO STREET
SUITE 205
SANTA BARBARA, CA 93101
(805) 962-4611

P.N. 01-003.03



No Scale

DOS PUEBLOS RANCH BEACH PROPERTY NOVEMBER 19, 1955 AERIAL

EXHIBIT C

COUNTY OF SANTA BARBARA, CA
HISTORIC AERIAL EXH DPR.DWG



PAVED AREAS

BAR-B-QUE

SMALL
STRUCTURE



3 WEST CARRILLO STREET
SUITE 205
SANTA BARBARA, CA 93101
(805) 962-4611

P.N. 01-003.03



No Scale

DOS PUEBLOS RANCH BEACH PROPERTY NOVEMBER 23, 1959 AERIAL

EXHIBIT D

COUNTY OF SANTA BARBARA, CA
HISTORIC AERIAL EXH DPR.DWG



3 WEST CARRILLO STREET
SUITE 205
SANTA BARBARA, CA 93101
(805) 962-4611

P.N. 01-003.03



No Scale

DOS PUEBLOS RANCH BEACH PROPERTY 1972 AERIAL

EXHIBIT E

COUNTY OF SANTA BARBARA, CA
HISTORIC AERIAL EXH DPR.DWG



3 WEST CARRILLO STREET
SUITE 205
SANTA BARBARA, CA 93101
(805) 962-4611

P.N. 01-003.03



No Scale

DOS PUEBLOS RANCH BEACH PROPERTY JANUARY 1989 AERIAL

EXHIBIT F

COUNTY OF SANTA BARBARA, CA
HISTORIC AERIAL EXH DPR.DWG



3 WEST CARRILLO STREET
SUITE 205
SANTA BARBARA, CA 93101
(805) 962-4611

P.N. 01-003.03



No Scale

DOS PUEBLOS RANCH BEACH PROPERTY SEPTEMBER 23, 2002 AERIAL

EXHIBIT G

COUNTY OF SANTA BARBARA, CA
HISTORIC AERIAL EXH DPR.DWG



3 WEST CARRILLO STREET
SUITE 205
SANTA BARBARA, CA 93101
(805) 962-4611

P.N. 01-003.03

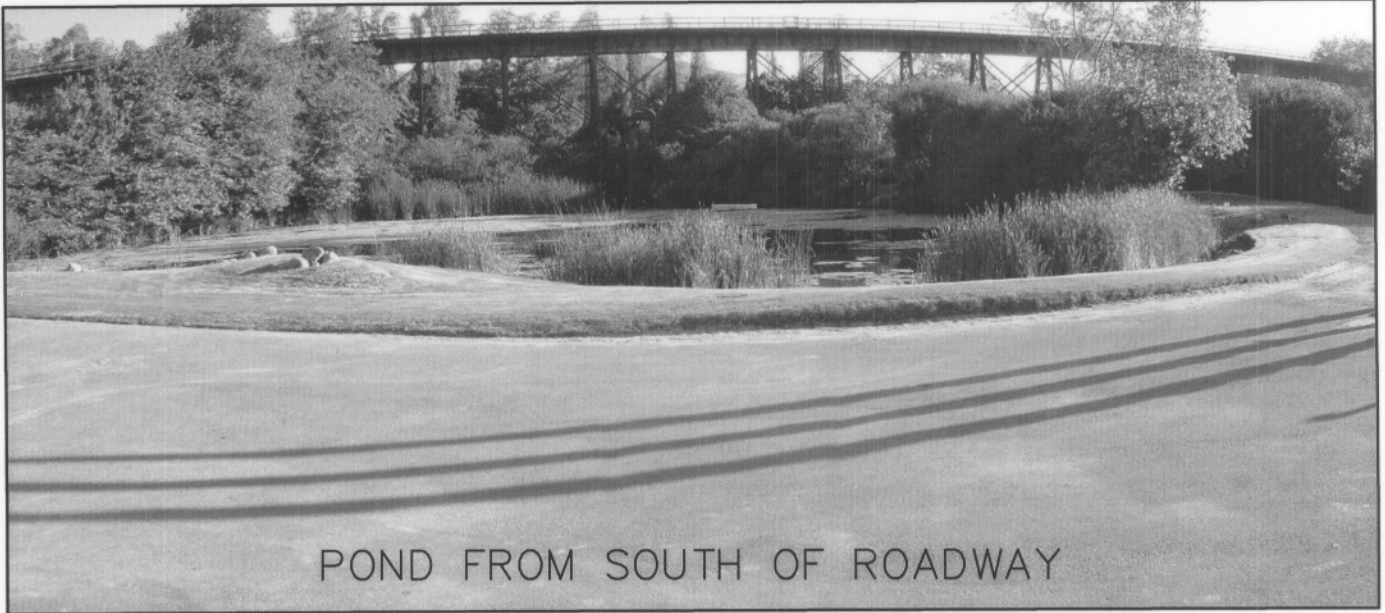


No Scale

DOS PUEBLOS RANCH BEACH PROPERTY SEPTEMBER 16, 2006 AERIAL

EXHIBIT H

COUNTY OF SANTA BARBARA, CA
HISTORIC AERIAL EXH DPR.DWG



POND FROM SOUTH OF ROADWAY



CLOSEUP FROM SOUTHSIDE OF POND



CLOSEUP FROM EASTSIDE OF POND



3 WEST CARRILLO STREET
SUITE 205
SANTA BARBARA, CA 93101
(805) 962-4611

P.N. 01-003.03

No Scale

DOS PUEBLOS RANCH BEACH PROPERTY
SEPTEMBER 19, 2008

VIEWS OF POND

COUNTY OF SANTA BARBARA, CA

HISTORIC AERIAL EXH DPR.DWG

EXHIBIT I

LAW OFFICE OF MARC CHYTILO

ENVIRONMENTAL LAW

RECEIVED
AUG 20 2008
S.B. COUNTY
PLANNING & DEVELOPMENT

August 19, 2008

Kimberly McCarthy
Santa Barbara County
Planning and Development
123 East Anapamu
Santa Barbara, CA 93101

RE: Complaint of Zoning Violations at Dos Pueblos Ranch

Dear Ms. McCarthy,

It has come to our attention that there may be unpermitted structures and/or development located in the Coastal Zone, south of the UPRR tracks on certain property in Santa Barbara County known as Dos Pueblos Ranch. Specifically the unpermitted structures and/or development are located on APN# 079-080-020, which fronts the Pacific at the mouth of Dos Pueblos Creek (see APN Map 079-08, attached hereto as Exhibit 1). The County Assessor lists this parcel as under the ownership of DP Sunrise, LLC which we believe to be affiliated with the Schulte family. According to the County Assessor's records, Rudolf Schulte for the Schulte Trust conveyed this parcel to DP Sunrise LLC in 2005.

Structures and/or development visible on this parcel include 1) a sea wall, 2) trailer(s), and 3) paved driveway and parking area (see Exhibit 2). Additional structures and/or development is partially visible behind the vegetation located immediately North of the paved area. It appears that much of this development occurred since 1989 (see Exhibit 3). Moreover, photographs from 1972 and 1989 show a lagoon in the central portion of the parcel (see Exhibits 3 and 4). Contemporary photographs show that the lagoon has filled in, possibly by human activities (see Exhibit 2). It is our understanding that these structures and/or development require a Coastal Development Permit pursuant to County Land Use and Development Code §§ 35.82.050 (B), which has not, to our knowledge, been sought or obtained. The permit history for APN# 079-080-020 does not show permits for any of this development (see Permit History for Parcel 079-080-020, attached hereto as Exhibit 5). Similarly a search through the County's street files revealed no indication of previous permitting.

Further, a large portion of the property is designated as an Environmentally Sensitive Habitat Area (ESHA) in the LCP (Gaviota Zoning Overlay Map¹). As such, activities on this site including the potential filling of the lagoon may violate section 30240 of the Coastal Act, which

¹ available at

http://www.sbcountyplanning.org/PDF/maps/Coastal%20Plan%20Maps/CP_GaviotaCoast_ZoningOvy.pdf

MARC CHYTILO

P. O. Box 92233 • Santa Barbara, California 93190

Phone: (805) 682-0585 • FAX: (805) 682-2379

Email: airlaw5@cox.net

Kimberly McCarthy

August 19, 2008

Page 2

major development entitlements, including tract maps, LCP amendments, CDPs and other significant land use entitlement. In the absence of timely action by the County, the Coastal Act authorizes private enforcement action against the violator (Public Resources Code § 30803).

We ask that you take immediate action to abate these violations and appropriately sanction those persons responsible for flaunting County zoning requirements and state laws protecting the coastal environment. We ask that the County immediately suspend processing of any and all applications for development on these lands in accordance with LUDP section 35.82.050(F) (requiring, as a finding for Coastal Development Permit approval, that property subject to an application for development conforms to "all laws, regulations, and rules pertaining to zoning uses, subdivisions, setbacks, and any other applicable provisions of this Development Code, and any applicable zoning violation enforcement fees and processing fees have been paid") until such time as the applications are revised to include all past development and appropriate remedial and restoration actions.

The County's past practice has been to require that projects proposed on lands that contain unpermitted development include all actions necessary to bring all of the unpermitted development to legal status, including any necessary site and habitat restoration. The SBR Project EIR Project Description does not include a complete recitation, analysis or consideration of this element of the project. It is essential that all lands that are a portion of the project must be included in the violation and unpermitted development analysis.

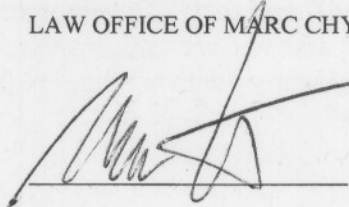
Therefore, we request that the County undertake a comprehensive investigation of all Vintage Communities' Santa Barbara Ranch land holdings, developing an inventory of all development, structures and buildings for comparison with the street and planning files. We have determined that other lands associated with the Santa Barbara Ranch project, including the Dos Pueblos Ranch, are also the site of various unpermitted and illegal structures and development. We are filing similar notices on such lands.

By this letter, we place the County and landowners on notice of these claims and of our intention to ensure that the CCA and LCP are fully respected. We demand your prompt action to suspend and abate these violations. This Landowner's defiance of regulations for the protection of sensitive environmental resources endangers important public resources and reflects an apparent pattern and practice of the County in ignoring willful zoning violations observed by County staff and in improperly processing applications for development that fail to meet the plain requirements of the County zoning ordinance. Please copy this office in all correspondence regarding this issue, and keep us apprised of progress in your investigation and prosecution of these violations.

Kimberly McCarthy
August 19, 2008
Page 3

Sincerely,

LAW OFFICE OF MARC CHYTILO

A handwritten signature in black ink, appearing to read 'Marc Chytilo', written over a horizontal line.

Marc Chytilo

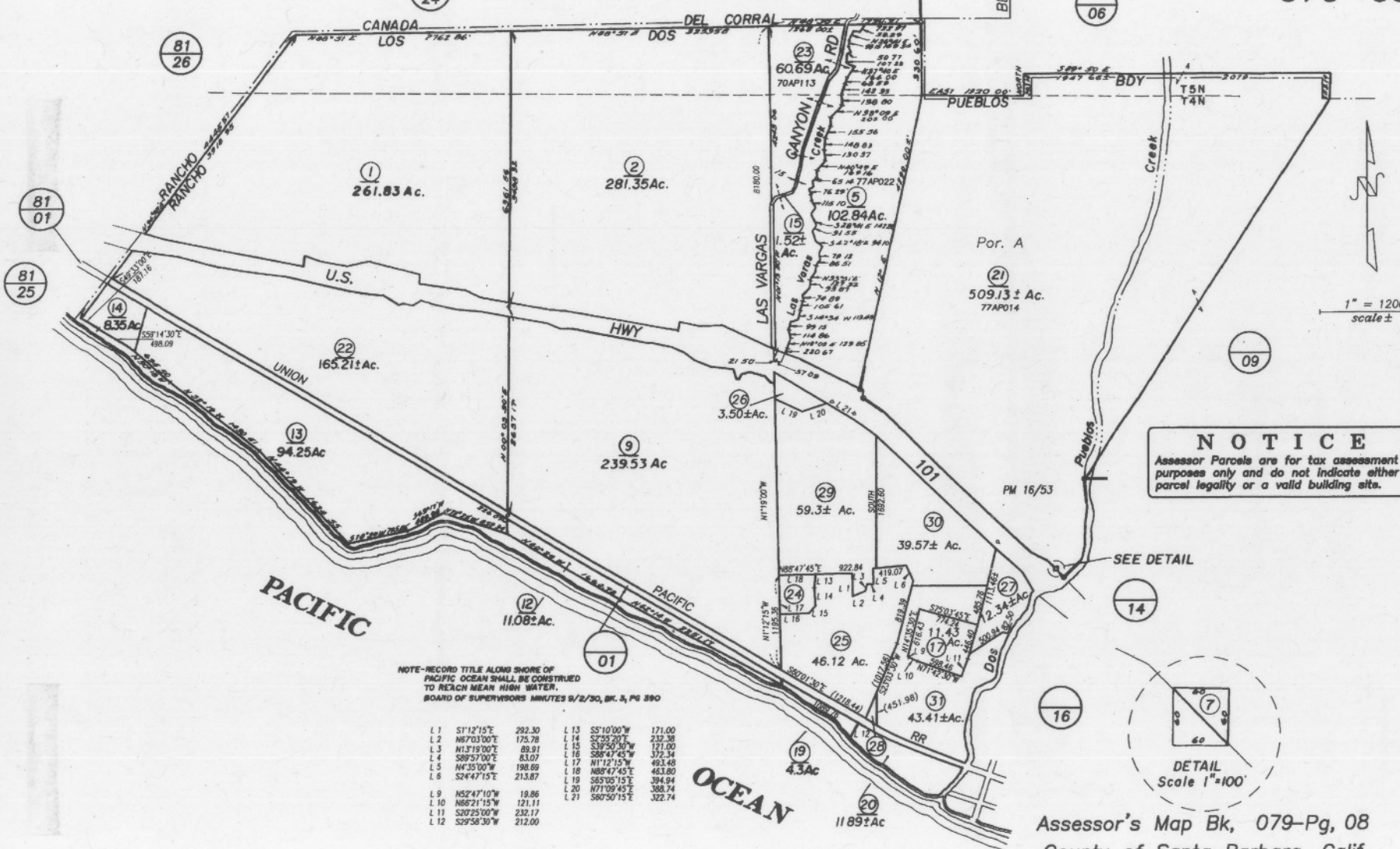
- Exhibit 1: APN Map 079-08
- Exhibit 2: Arial Photograph, California Coastal Records Project, 2006
- Exhibit 3: Arial Photograph, California Coastal Records Project, 1989
- Exhibit 4: Arial Photograph, California Coastal Records Project, 1972
- Exhibit 5: Permit History for Parcel 079-080-020

CC: Petra Leyva, Santa Barbara County Planning and Development
James Franzen, DP Sunrise, LLC
Pat Veesart, California Coastal Commission
✓ Tom Figg, Santa Barbara County Planning and Development

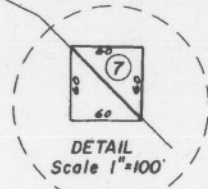
81
24

POR. RANCHO LOS DOS PUEBLOS

079-08



NOTICE
 Assessor Parcels are for tax assessment purposes only and do not indicate either parcel legality or a valid building site.



NOTE-RECORD TITLE ALONG SHORE OF PACIFIC OCEAN SHALL BE CONSTRUED TO REACH MEAN HIGH WATER.
 BOARD OF SUPERVISORS MINUTES 5/2/30, BK. 5, PG 280

L 1	S1°12'15"E	292.30	L 13	S5°10'00"W	171.00
L 2	N6°03'00"E	175.78	L 14	S2°55'20"E	232.38
L 3	N13°19'00"E	89.91	L 15	S3°50'30"W	171.00
L 4	S8°57'00"E	83.07	L 16	S8°47'45"W	372.34
L 5	N1°35'00"W	198.69	L 17	N1°12'15"W	493.48
L 6	S2°47'15"E	213.87	L 18	N8°47'45"E	463.80
L 9	N5°24'10"W	19.86	L 19	S5°05'15"E	394.94
L 10	N8°21'15"W	121.11	L 20	N7°19'45"E	388.24
L 11	S2°25'00"W	232.17	L 21	S8°50'15"E	322.74
L 12	S2°58'30"W	212.00			

Assessor's Map Bk, 079-Pg, 08
 County of Santa Barbara, Calif.

LD/06 correct bdy between 30 & 31

EXHIBIT 1

POR. RANCHO LOS DOS PUEBLOS

079-16

LINE TABLE		
NO.	BEARING	DISTANCE
L1	N20°23'12"W	140.89
L2	N18°52'27"E	207.58
L3	N50°17'58"E	144.64
L4	S18°59'30"E	203.30
L5	N50°46'01"E	67.48
L6	N18°52'50"E	172.24
L7	N41°03'33"E	79.10

NOTE: The calls along the State Hwy are notated in NAD 83 projection and rotated to true North.

NOTE: All public roads north of State Hwy were abandoned by the board of Supervisors SBCO July 1921. Recorded in Misc Book "S" pg 65. All roads north of the State Hwy and Dos Pueblos Canyon Rd. are not shown on the Official Map. Although there is no abandonment of the roads south of the State Hwy, undesignated (Private/Public) remaining roads shown on the Official Map (south of the State Hwy & Dos Pueblos Canyon Rd) are shown hereon as private streets.

NOTES: The Official Map of the Town of Naples (and this Map) is based upon historical records and limited survey data. A reference note on the official map states, "ALL DATA SHOWN HEREON IS PER RS BOOK 20, PAGE 68 & 69 UNLESS OTHERWISE NOTED". No dimensions are given on Official Map nor RS 20/67-72 for lettered divisions of the blocks. No Acreage is calculated on this Assessor Map for parcels created along lettered subdivisions.

NOTE: Block dimensions, ties and all dimensions shown are from RS Book 20, Page 68-69 unless otherwise noted.

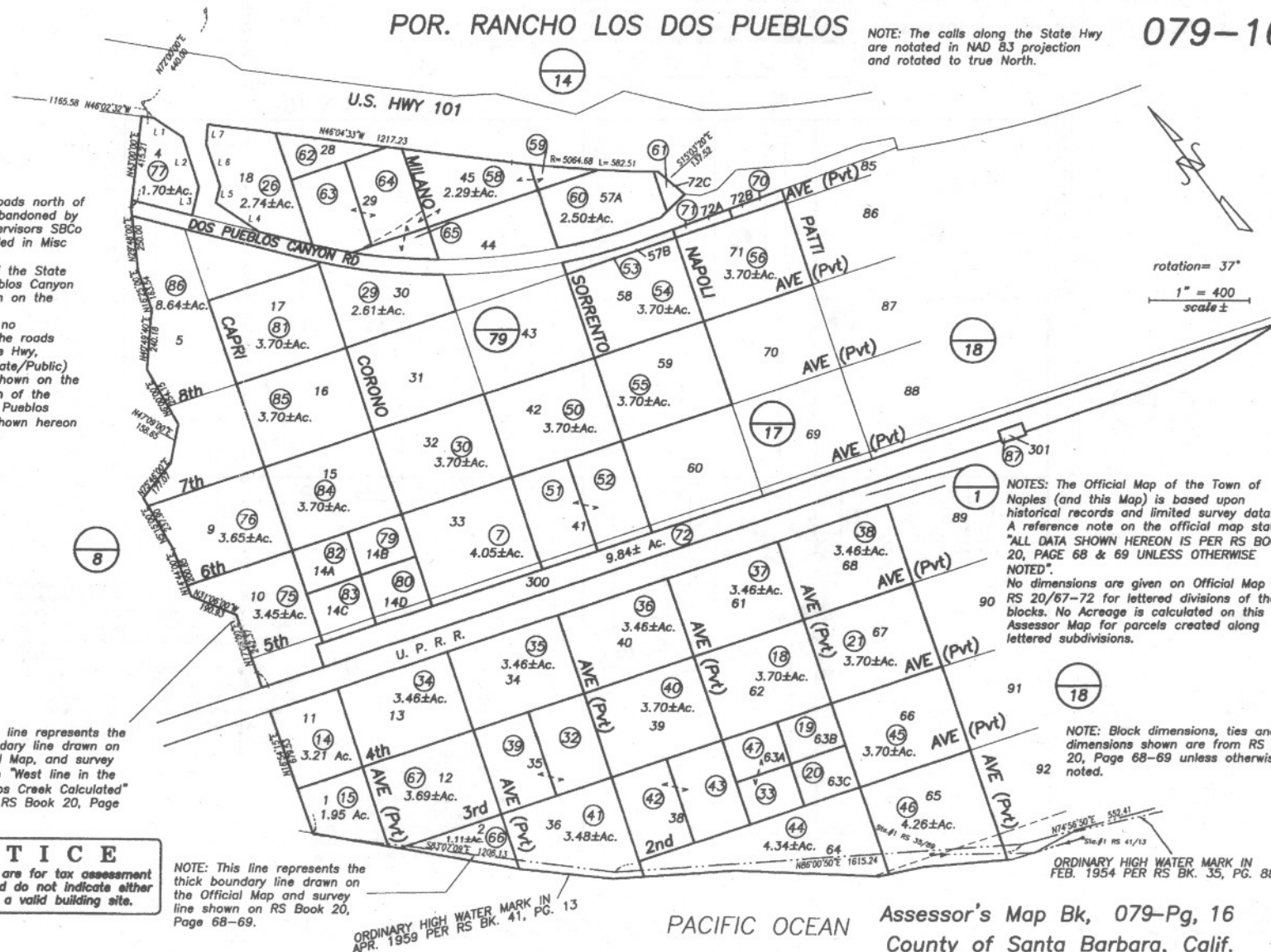
NOTE: This line represents the thick boundary line drawn on the Official Map, and survey line of the "West line in the Dos Pueblos Creek Calculated" shown on RS Book 20, Page 68-69.

NOTICE
Assessor Parcels are for tax assessment purposes only and do not indicate either parcel legality or a valid building site.

NOTE: This line represents the thick boundary line drawn on the Official Map and survey line shown on RS Book 20, Page 68-69.

ORDINARY HIGH WATER MARK IN APR. 1959 PER RS BK. 41, PG. 13

ORDINARY HIGH WATER MARK IN FEB. 1954 PER RS BK. 35, PG. 88



rotation= 37°
1" = 400'
scale ±

PACIFIC OCEAN

Assessor's Map Bk, 079-Pg, 16
County of Santa Barbara, Calif.





EXHIBIT 3



Permit History for Parcel 079-790-020

Parcel Information

Reference Address:	Not Available
Legal Description:	Not Available
Acreage:	8.00
Supervisorial District:	3

Parcel Geographical Data

Regional Board of Architectural Review:	All or portion within Central BAR
Coastal Comm Jurisdiction:	All or part within Appeal or Permit Jurisdiction
Coastal Zone:	All or portion Within Coastal Zone
High Fire Hazard Area:	Check Fire Hazard Maps
Rural:	All or portion Within Rural Area
Special Problems Area:	A part of Naples Special Problems Area
Tax Rate Area:	066072
Zoning:	AG-II-100

Special Districts and Other Information of Interest (*derived from the Tax Rate Area number*)

GOLETA UNION ELEM. SCHOOL
SANTA BARBARA HIGH SCHOOL
SANTA BARBARA COUNTY FIRE PROTECTION
SANTA BARBARA COUNTY WATER AGENCY

Parcel Holds

NO HOLDS

Permit History

There are no Accela Cases for this Parcel.

Building Cases

No LIX Building Cases for this Parcel

Planning Cases

No LIX Planning Cases for this Parcel



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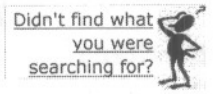
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Related Links

Permit History for Parcel 079-790-022



Parcel Information	
Reference Address:	Not Available
Legal Description:	Not Available
Acreage:	0.52
Supervisory District:	3

Parcel Geographical Data	
Regional Board of Architectural Review:	All or portion within Central BAR
Coastal Comm Jurisdiction:	All or part within Appeal or Permit Jurisdiction
High Fire Hazard Area:	Check Fire Hazard Maps
Rural:	All or portion Within Rural Area
Special Problems Area:	A part of Naples Special Problems Area
Tax Rate Area:	066072
Zoning:	AG-II-100

Special Districts and Other Information of Interest *(derived from the Tax Rate Area number)*

Parcel Holds
NO HOLDS

Permit History
There are no Accela Cases for this Parcel.

Building Cases
No LIX Building Cases for this Parcel

Planning Cases
No LIX Planning Cases for this Parcel

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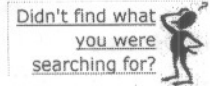
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Related Links

Permit History for Parcel 079-790-024

Parcel Information

Reference Address:	Not Available
Legal Description:	Not Available
Acreage:	0.26
Supervisorial District:	3

Parcel Geographical Data

Regional Board of Architectural Review:	All or portion within Central BAR
Coastal Comm Jurisdiction:	All or part within Appeal or Permit Jurisdiction
High Fire Hazard Area:	Check Fire Hazard Maps
Rural:	All or portion Within Rural Area
Special Problems Area:	A part of Naples Special Problems Area
Tax Rate Area:	066072
Zoning:	AG-II-100

Special Districts and Other Information of Interest *(derived from the Tax Rate Area number)*

Parcel Holds
NO HOLDS

Permit History
There are no Accela Cases for this Parcel.

Building Cases
No LIX Building Cases for this Parcel

Planning Cases
No LIX Planning Cases for this Parcel

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EXHIBIT 8



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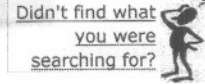
[Building & Safety](#)

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Related Links

Permit History for Parcel 079-790-026



Parcel Information

Reference Address:

Not Available

Legal Description:

Not Available

Acreage:

0.92

Supervisorial District:

3

Parcel Geographical Data

Regional Board of Architectural Review: All or portion within Central BAR

Coastal Comm Jurisdiction: All or part within Appeal or Permit Jurisdiction

High Fire Hazard Area: Check Fire Hazard Maps

Rural: All or portion Within Rural Area

Special Problems Area: A part of Naples Special Problems Area

Tax Rate Area: 066072

Zoning: AG-II-100

Special Districts and Other Information of Interest *(derived from the Tax Rate Area number)*

Parcel Holds

NO HOLDS

Permit History

There are no Accela Cases for this Parcel.

Building Cases

No LIX Building Cases for this Parcel

Planning Cases

No LIX Planning Cases for this Parcel

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LAW OFFICE OF MARC CHYTILO

ENVIRONMENTAL LAW

RECEIVED
AUG 20 2008
S.B. COUNTY
PLANNING & DEVELOPMENT

August 19, 2008

Kimberly McCarthy
Santa Barbara County
Planning and Development
123 East Anapamu
Santa Barbara, CA 93101

RE: Complaint of Zoning Violations at Santa Barbara Ranch

Dear Ms. McCarthy,

It has come to our attention that there are unpermitted structures and/or development located in the Coastal Zone, between Highway 101 and the UPRR tracks on certain property in Santa Barbara County known as Santa Barbara Ranch. The specific unpermitted structures and/or development are located on APN 079-790-023 and APN 079-790-022 and possibly APN 079-790-021, all parts of lot 43 of the Official Map of the Town of Naples (see APN Map 079-79 and 079-160, attached hereto as Exhibits 1 and 2). The County Assessor lists parcels 079-790-023 and 079-790-021 as under the ownership of TW Family Farm, LLC, and Parcel # 079-790-022 under the ownership of DLC Ranch, LLC, both being business entities associated with Matt Osgood and Vintage Communities, developers of the Santa Barbara Ranch. According to the County Assessor's records, Morehart Land Co. conveyed the parcels to TW Family Farm, LLC and DLC Ranch, LLC on May 19, 2005.

Structures and/or development visible on this parcel include a large barn-like building, slightly smaller building, and numerous trailers (see Exhibit 3). It appears that the structures were constructed after November 29, 2006 (see Exhibit 4). None of the current structures on this parcel pre-dated the Coastal Act. It is our understanding that these structures and/or development require a Coastal Development Permit pursuant to County Land Use and Development Code §§ 35.82.050 (B), which has not, to our knowledge, been sought or obtained based on the lack of any permit history whatsoever for APN 079-790-023, APN 079-790-022, or APN 079-790-021 (see Exhibits 5-7). Similarly there is no permit history for the other APNs comprising lot 43 of the Official Map of the Town of Naples (see Exhibits 8-11).

We are unaware of any enforcement efforts currently underway regarding these apparent violations. This is particularly troubling given that the County is currently processing the Santa Barbara Ranch Project, which includes these parcels, and when staff and County officials have made numerous visits to the property in question. It is, in our opinion, a breach of the County's responsibility to enforce violations of the Coastal Act and Local Coastal Plan when County planning staff turns a blind eye towards obvious unpermitted development on parcels seeking

MARC CHYTILO

P. O. Box 92233 • Santa Barbara, California 93190

Phone: (805) 682-0585 • FAX: (805) 682-2379

Email: airlaw5@cox.net

Kimberly McCarthy

August 19, 2008

Page 2

provides that “[e]nvironmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas (emphasis added)” and that “[d]evelopment in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.” Development adjacent to ESHA is also regulated by the Santa Barbara Local Coastal Plan. Specifically, Policy 2-11 states that “[a]ll development, including agriculture, adjacent to areas designated on the land use plan or resource maps as environmentally sensitive habitat areas, shall be regulated to avoid adverse impacts on habitat resources. Regulatory measures include, but are not limited to, setbacks, buffer zones, grading controls, noise restrictions, maintenance of natural vegetation, and control of runoff.” LCP p. 18.

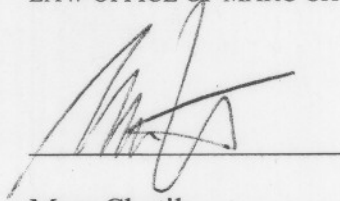
We are unaware of any enforcement efforts currently underway regarding these apparent violations. This is particularly troubling given that the County is currently processing the Santa Barbara Ranch Project which includes portions of Dos Pueblos Ranch including parcels adjacent to APN# 079-080-020, and presumably has made numerous visits to the property in question. It is, in our opinion, a breach of the County’s responsibility to enforce violations of the Coastal Act and Local Coastal Plan when County planning staff turns a blind eye towards obvious unpermitted development on parcels seeking major development entitlements, including tract maps, LCP amendments, CDPs and other significant land use entitlement. In the absence of timely action by the County, the Coastal Act authorizes private enforcement action against the violator (Public Resources Code § 30803). Further, the Coastal Act authorizes private enforcement action against the County to enforce the duties specifically imposed by the Coastal Act (Public Resources Code § 30804), including the affirmative mandate in section 30240 to protect ESHA.

We ask that you take immediate action to abate these violations and appropriately sanction those persons responsible for flaunting County zoning requirements and state laws protecting the coastal environment. By this letter, we place the County and landowners on notice of these claims and of our intention to ensure that the CCA and LCP are fully respected. We demand your prompt action to suspend and abate these violations. This Landowner’s defiance of regulations for the protection of sensitive environmental resources endangers important public resources and reflects an apparent pattern and practice of the County in ignoring willful zoning violations observed by County staff. Please copy this office in all correspondence regarding this issue, and keep us apprised of progress in your investigation and prosecution of these violations.

Kimberly McCarthy
August 19, 2008
Page 3

Sincerely,

LAW OFFICE OF MARC CHYTILO

A handwritten signature in black ink, appearing to read 'Marc Chytilo', is written over a horizontal line.

Marc Chytilo

- Exhibit 1: APN Map 079-79
- Exhibit 2: APN Map 079-160
- Exhibit 3: Arial Photograph, AirPhoto USA (obtained from SB County Zoning Desk 6/08)
- Exhibit 4: Arial Photograph, Google Earth, November 29, 2006
- Exhibit 5: Permit History for Parcel APN 079-790-023
- Exhibit 6: Permit History for Parcel APN 079-790-022
- Exhibit 7: Permit History for Parcel APN 079-790-021
- Exhibit 8: Permit History for Parcel APN 079-790-024
- Exhibit 9: Permit History for Parcel APN 079-790-025
- Exhibit 10: Permit History for Parcel APN 079-790-026
- Exhibit 11: Permit History for Parcel APN 079-790-020

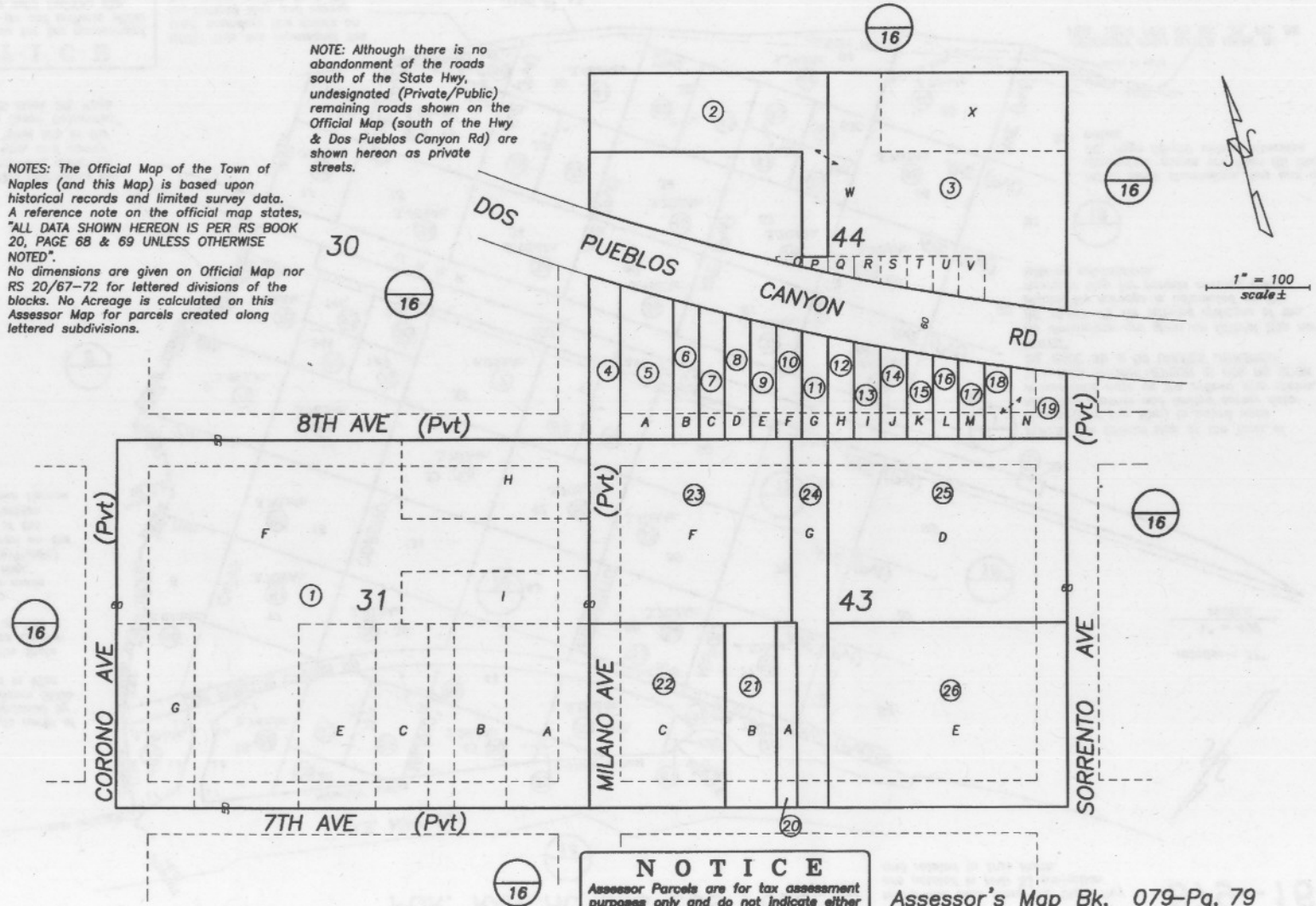
CC: Petra Leyva, Santa Barbara County Planning and Development
Matt Osgood, Vintage Communities, Santa Barbara Ranch
Pat Veesart, California Coastal Commission
✓ Tom Figg, Santa Barbara County Planning and Development

POR. RANCHO LOS DOS PUEBLOS

079-79

NOTES: The Official Map of the Town of Naples (and this Map) is based upon historical records and limited survey data. A reference note on the official map states, "ALL DATA SHOWN HEREON IS PER RS BOOK 20, PAGE 68 & 69 UNLESS OTHERWISE NOTED".
No dimensions are given on Official Map nor RS 20/67-72 for lettered divisions of the blocks. No Acreage is calculated on this Assessor Map for parcels created along lettered subdivisions.

NOTE: Although there is no abandonment of the roads south of the State Hwy, undesignated (Private/Public) remaining roads shown on the Official Map (south of the Hwy & Dos Pueblos Canyon Rd) are shown hereon as private streets.



NOTICE
Assessor Parcels are for tax assessment purposes only and do not indicate either parcel legality or a valid building site.

Assessor's Map Bk, 079-Pg, 79
County of Santa Barbara, Calif.

EXHIBIT 1



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EXHIBIT 3

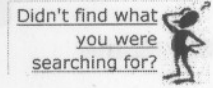


EXHIBIT 4



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Permit History for Parcel 079-790-021

Parcel Information	
Reference Address:	Not Available
Legal Description:	Not Available
Acreage:	0.20
Supervisorial District:	3

P&D Divisions

- Agricultural Land Use Planning
- Building & Safety
- Energy
- Long Range Planning

Parcel Geographical Data	
Regional Board of Architectural Review:	All or portion within Central BAR
Coastal Comm Jurisdiction:	All or part within Appeal or Permit Jurisdiction
High Fire Hazard Area:	Check Fire Hazard Maps
Rural:	All or portion Within Rural Area
Special Problems Area:	A part of Naples Special Problems Area
Tax Rate Area:	066072
Zoning:	AG-II-100

Related Links

Special Districts and Other Information of Interest *(derived from the Tax Rate Area number)*

Parcel Holds
NO HOLDS

Permit History
There are no Accela Cases for this Parcel.

Building Cases
No LIX Building Cases for this Parcel

Planning Cases
No LIX Planning Cases for this Parcel

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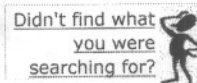
Building & Safety

Energy

Long Range Planning

Related Links

Permit History for Parcel 079-790-023



Parcel Information

Reference Address:	Not Available
Legal Description:	Not Available
Acreage:	0.78
Supervisorial District:	3

Parcel Geographical Data

Regional Board of Architectural Review:	All or portion within Central BAR
Coastal Comm Jurisdiction:	All or part within Appeal or Permit Jurisdiction
High Fire Hazard Area:	Check Fire Hazard Maps
Rural:	All or portion Within Rural Area
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Zoning:	AG-II-100

Special Districts and Other Information of Interest *(derived from the Tax Rate Area number)*

Parcel Holds
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Permit History
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Building Cases
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Planning Cases
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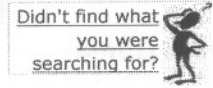
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Related Links

Permit History for Parcel 079-790-025



Parcel Information	
Reference Address:	Not Available
Legal Description:	Not Available
Acreage:	1.85
Supervisorial District:	3

Parcel Geographical Data

Regional Board of Architectural Review:	All or portion within Central BAR
Coastal Comm Jurisdiction:	All or part within Appeal or Permit Jurisdiction
High Fire Hazard Area:	Check Fire Hazard Maps
Rural:	All or portion Within Rural Area
Special Problems Area:	A part of Naples Special Problems Area
Tax Rate Area:	066072
Zoning:	AG-II-100

Special Districts and Other Information of Interest *(derived from the Tax Rate Area number)*

Parcel Holds
NO HOLDS

Permit History
There are no Accela Cases for this Parcel.

Building Cases
No LIX Building Cases for this Parcel

Planning Cases
No LIX Planning Cases for this Parcel

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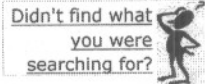
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Permit History for Parcel 079-790-020

Parcel Information

Reference Address:

Not Available

Legal Description:

Not Available

Acreage:

8.00

Supervisorial District:

3

Parcel Geographical Data

Regional Board of Architectural Review: All or portion within Central BAR

Coastal Comm Jurisdiction: All or part within Appeal or Permit Jurisdiction

High Fire Hazard Area: Check Fire Hazard Maps

Rural: All or portion Within Rural Area

Special Problems Area: A part of Naples Special Problems Area

Tax Rate Area: 066072

Zoning: AG-II-100

Special Districts and Other Information of Interest *(derived from the Tax Rate Area number)*

Parcel Holds

NO HOLDS

Permit History

There are no Accela Cases for this Parcel.

Building Cases

No LIX Building Cases for this Parcel

Planning Cases

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