SANTA BARBARA COUNTY PLANNING COMMISSION
Staff Report for Myers Bridge Appeal

Hearing Date: August 10, 2016
Staff Report Date: July 21, 2016
Case Nos.: 16APL-00000-00012 & 16LUP-00000-00109
Environmental Document: Notice of Exemption - CEQA Exemption §15270

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This site is identified as Assessor Parcel Number 155-020-004, located at 949 Toro Canyon Road in the Toro Canyon Community Plan area, First Supervisorial District.

Land Use Permit application filed:	March 15, 2016
Land Use Permit denial:	April 13, 2016
Appeal filed:	April 21, 2016

1.0 REQUEST

Hearing on the request of Derek Westen, agent for the property owners Barton and Victoria Myers, to consider Case No. 16APL-00000-00012 [application filed on April 21, 2016] to appeal the Planning and Development Department's denial of a Land Use Permit to allow construction of a secondary access road and new bridge (Case No. 16LUP-00000-00108), in compliance with

Section 35.102 [Appeals] of the County Land Use and Development Code, on property zoned MT-TORO-100.

The application involves Assessor's Parcel No. 155-020-004, located at 949 Toro Canyon Road in the Toro Canyon Community Plan area, First Supervisorial District.

2.0 RECOMMENDATION AND PROCEDURES

Follow the procedures outlined below and deny the appeal, Case No. 16APL-00000-000012, and deny *de novo* Case No. 16LUP-00000-00109, based upon the project's inconsistency with the Comprehensive Plan, including the Toro Canyon Community Plan, and based on the inability to make the required findings for approval.

Your Commission's motion should include the following:

1. Deny the appeal, Case No. 16APL-00000-00012;

2. Make the required findings for denial of the project (Case No. 16LUP-00000-00109) in Attachment A of this staff report, including CEQA findings;

3. Determine the denial of the project is exempt from CEQA, pursuant to CEQA Guidelines Section 15270, included as Attachment B; and

4. Deny *de novo*, the project, Case No. 16LUP-00000-00109, thereby affirming the decision of the Planning & Development Director.

Refer back to staff if the County Planning Commission takes other than the recommended action for appropriate findings and conditions.

3.0 JURISDICTION

This project is being considered by the County Planning Commission based on Section 35.102.040.A.3 of the County Land Use and Development Code (LUDC), which states that any decision of the Director to deny a Land Use Permit is appealable to the County Planning Commission.

4.0 ISSUE SUMMARY

The subject property is a 38.68-acre parcel zoned MT-TORO-100 and located at 949 Toro Canyon Road. Access to the property owners' residence is from Toro Canyon Road via an access easement across the properties located at 925 Toro Canyon Road (APN 155-240-020) and 930 Toro Canyon Road (APN 155-240-021). Planning & Development staff received reports that at some point around May 2015, the property owners began construction of a secondary access road on their property to Toro Canyon Road through designated and mapped Environmentally Sensitive Habitat without obtaining the necessary zoning and grading permits. As a result, the County opened building and zoning violation cases in June 2015. To date, these cases are still active violations. On March 15, 2016, the owners submitted a Land Use Permit application to permit a secondary access road and associated bridge (Case No. 16LUP-00000-00109) on their property through designated Environmentally Sensitive Habitat. The owners claim that secondary access is required for health and safety issues in the event of a wildfire, and is also required to support agricultural activities on the property. However, officials from the Carpinteria/Summerland Fire Protection District and the Santa Barbara County Fire Department have confirmed with staff that a secondary access road is not required and access requirements are already met. The appellants have also not provided any substantial evidence that supports their contention that the secondary access road is necessary to support agricultural uses on the subject property, nor any information that indicates the existing legal access is insufficient to support their agricultural operation. The Director of Planning & Development denied the Land Use Permit on April 13, 2016. The denial was based on the conclusion that a secondary access road and associated bridge are not necessary to provide adequate access to the subject property, and that there is therefore no justification to allow construction of a bridge and road in designated Environmentally Sensitive Habitat in conflict with numerous policies and development standards in the Toro Canyon Community Plan, as discussed in Section 6.3 of this staff report. A copy of the Letter of Denial is included as Attachment D. The owners appealed this denial, which is hence the subject of this staff report.

5.0 PROJECT INFORMATION

5.1 Site Information

Site Information	
Comprehensive Plan Designation	Rural, Inland, MA-100 (Mountainous Area, 100-acre minimum lot size)
Ordinance, Zone	County Land Use & Development Code, MT-TORO-100 (Mountainous Toro Canyon, 100-acre minimum lot size),

Site Information	
	Environmentally Sensitive Habitat Overlay, Design Control Overlay
Site Size	38.68 acres
Present Use & Development	Residential, currently developed with a single family dwelling and home office building
Surrounding Uses/Zone(s)	North: Residential, AG-II-100 (Agricultural, 100-acre minimum lot size) South: Residential, RR-20 (Rural Residential, 20-acre minimum lot size) East: Vacant, MT-TORO-100 (Mountainous Toro Canyon, 100-acre minimum lot size) West: Vacant, MT-TORO-100 (Mountainous Toro Canyon, 100-acre minimum lot size)
Access	Toro Canyon Road via an access easement across 925 Toro Canyon Road (APN 155-240-020) and 930 Toro Canyon Road (APN 155-240-021)
Public Services	Water Supply: Montecito Water District and a private well Sewage: Private septic system Fire: Carpinteria/Summerland Fire Protection District Police Services: Santa Barbara County Sheriff

5.2 Project Description

The project (Case No. 16LUP-00000-00109) is for the construction of a new approximately 10'-0" wide by 60'-0" long bridge supported by two precast concrete abutments, permitting an existing unpermitted approximately 10'-0" wide and 450 foot long road, and improvements to the road (paving with compacted shale, installing a stone lined road gutter, and constructing a 3'-0" high stone wall at various locations along the road) to provide secondary access to an existing residence and residential second unit. An unknown number of native trees were removed during construction of the existing unpermitted access road. One additional sycamore tree is proposed for removal. The parcel will continue to be served by the Montecito Water District and a private well, a private septic system, and the Carpinteria/Summerland Fire Protection District. Primary access would continue to be provided off of Toro Canyon Road via an access easement across 925 Toro Canyon Road (APN 155-240-020) and 930 Toro Canyon Road (APN 155-240-021). The property is a 36.68-acre parcel zoned MT-TORO-100 and shown as Assessor's Parcel Number 155-020-004, located at 949 Toro Canyon Road in the Toro Canyon Community Plan Area, First Supervisorial District.

5.3 Background

The subject property is currently developed with a single family dwelling, residential second unit, detached garage, ground mounted solar panels, and orchards. Staff received reports that at some point around May 2015, the property owners began construction of a secondary access road on their property to Toro Canyon Road through designated and mapped Environmentally Sensitive Habitat[1]within the Toro Canyon Community Plan area, including a creek (Toro Canyon Creek) and riparian habitat, without obtaining the necessary zoning and grading permits from Planning & Development. As a result, the County opened building and zoning violation cases (Case Nos. 15BDV-00000-00080 and 15ZEV-00000-00244) in June 2015. To date, these cases are still active violations. The grading, tree and native vegetation removal, and general disturbance to riparian vegetation also requires permits from the California Department of Fish and Wildlife, Central Coast Regional Water Quality Control Board, and potentially the Army Corps of Engineers due to its location within a creek. However, based on communication with these agencies, the owners also did not submit for permits or consult with any of these departments or agencies prior to constructing the secondary access road.

On September 23, 2015, the owners submitted an application for a Land Use Permit (Case No. 15LUP-00000-00380) to remove large boulders they had placed within the creek on their property and to install erosion control measures along the unpermitted secondary access road that had been created. During the Land Use Permit intake meeting, staff reiterated to the applicant that Planning and Development would not be able to approve the Land Use Permit without a restoration component to restore the site to pre-violation conditions, as required to address the grading and building violations. Such restoration would be required whether or not the Land Use Permit for the bridge and road were approved. Due to imminent concerns that the large boulders in the creek channel would cause flooding hazards in the event of a storm, Planning and Development issued an Emergency Permit (Case No. 15EMP-00000-00012) on January 11, 2016 to authorize and expedite removal of the boulders. The boulders were removed in January 2016. Per Section 35-171.5.3 of the County LUDC, a Land Use Permit is still required as a follow-up to the Emergency permit.

On October 9, 2015, staff sent the owners/appellants a letter requesting an arborist report detailing the potential impact caused by the unpermitted grading on all protected trees. The letter also requested a biological assessment/restoration plan detailing the impact caused by the unpermitted grading, assessing the potential impact a road in the proposed location would have

[1] As defined by Action BIO-TC-7.1 of the Toro Canyon Community Plan.

on any sensitive habitat and species located within or near the area of the proposed development, and restoration measures required to restore the disturbed area to pre-violation conditions.

Staff later received an arborist report by Kenneth Knight dated January 4, 2016 that assessed the potential impacts of installing a bridge, but the report did not address the impacts of the unpermitted grading that had already taken place. Staff also received a biological assessment by Jackie Worden dated February 2016 that consists of a summary of biological conditions at the site and potential for on-site habitats to support special-status species. However, the biological assessment does not detail the impact caused by the unpermitted grading, assess the potential impact the proposed bridge and access road would have on any sensitive habitat and species located within or near the area of the proposed development, or identify restoration measures required to restore the disturbed area to pre-violation conditions. To date, staff has not received an arborist report or biological assessment that respond to the information requested in the letter sent on October 9, 2015.

Staff conducted site visits on October 19, 2015 and February 18, 2016. It was apparent that the unpermitted grading required the removal of native trees and disturbed the creek and riparian vegetation, in conflict with policies in the Toro Canyon Community Plan that are discussed in Section 6.3 of this staff report. Site visit photos are included as Attachment H. On November 6, 2015, staff emailed a list of relevant policies and development standards in the Toro Canyon Community Plan to the appellants' former agent to highlight reasons why Planning and Development would have difficulty approving a Land Use Permit for a secondary access road in the proposed location, and followed this up with an in-person meeting on December 22, 2015. Furthermore, staff has not received any information from the Carpinteria/Summerland Fire Protection District or the Santa Barbara County Fire Department that there are compelling health and safety issues to justify a secondary access road, or that a secondary means of ingress/egress is required, as indicated by the appellants**.**

6.0 PROJECT ANALYSIS

6.1 Appeal Issues and Staff Response

The appellants, property owners Barton and Victoria Myers, submitted a list of issues with their appeal application (included as Attachment E) that identifies and explains their grounds for disputing the Director of Planning and Development's denial of their application for a new bridge and secondary access road on their property. Those issues have been included below and are followed by staff's response.

Appeal Issue #1: Need for Secondary Access. The appellants state that they believe there is an urgent and compelling justification for the proposed access road and bridge due to high fire hazards in the area, there are compelling health and safety issues, and there is no evidentiary basis for P&D staff to have denied the permit.

Staff Response: Staff defers decisions on matters concerning health and safety issues pertaining to fire hazards to local Fire Department officials. Furthermore, there is no inherent right to a secondary access road, and approval of a secondary access road requires consistency with policies and development standards. On March 3, 2016, staff met with Fred Tan from the Santa Barbara County Fire Department to discuss fire access issues at the site. During the meeting, Mr. Tan notified staff that Ed Foster, Fire Marshal for the Carpinteria/Summerland Fire Protection District, and Steve Oaks, Fire Marshal for the Santa Barbara County Fire Department, had both conducted site visits and concluded that a secondary access road is not necessary. Furthermore, in an email from Ed Foster to staff on April 12, 2016, Mr. Foster states that *the Fire Code does not mandate a secondary means of access or egress for this property and the Fire District does not mandate a secondary means of access or egress*. Mr. Foster also noted that any new bridge or driveway must meet the requirements of all Local, County, and State requirements. The proposed secondary access is also in close proximity to the existing access and its route would not differ substantially from the existing access. The proposed new access road would terminate at Toro Canyon Road approximately 350 feet north of where the existing access road terminates at Toro Canyon Road. As such, the proposed secondary access would not be very effective. Mr. Oaks confirmed via email on March 3, 2016 that fire officials would access the residence from the main driveway, not the proposed access road, in the event of a fire. Copies of the emails from Steve Oaks and Ed Foster are included as Attachment K. Lastly, the Carpinteria/Summerland Fire Protection District concluded that fire access was adequate at the time the single family residence and accessory structures were permitted. To date, staff has not received any direction from the Carpinteria/Summerland Fire Protection District or the Santa Barbara County Fire Department that there are compelling health and safety issues to justify a secondary access road, or that a secondary means of ingress/egress is required.

Appeal Issue #2: Improper Interpretation of Development Standard Fire-TC-2.4. Toro Canyon Community Plan Development Standard DevStd Fire-TC-2.4 states that *two routes of ingress and egress shall be required for discretionary permits for subdivisions involving five or more lots to provide emergency access unless the applicable fire district waives/modifies the requirement and documents finding(s) for the waiver/modification with the County. For discretionary permits for subdivisions involving fewer than five lots, the permit application shall identify a secondary ingress and egress route for review by appropriate P&D decision maker. This secondary route may be a consideration in the siting and design of the new development.* Staff notified the appellants that this development standard does not apply to their project in the

Letter of Denial since this development standard only applies to subdivisions. The appellants state that staff's interpretation of this development standard is technical and legalistic, ignoring the underlying policy that not only supports, but mandates secondary access precisely because of overriding life and safety considerations both for residents and fire suppression personnel themselves. According to the appellants, if the subdivision were being approved today, the secondary access would be very strongly encouraged, if not mandatory.

Staff Response: Staff notified the appellants in the Letter of Denial that this development standard only applies to discretionary projects for subdivisions, and that their property is already established as a legal lot with a principal dwelling. Since the proposed project involves one lot, this development standard does not apply. Staff has conferred with the Carpinteria/Summerland Fire Protection District and Santa Barbara County Fire Department and confirmed that this development standard solely applies to subdivisions involving five or more lots and is therefore not applicable to the proposed development. Even if this policy were applicable, it requires secondary access to the *subdivision*, not for each individual lot within the subdivision. As previously discussed in the response to Appeal Issue #1, the Carpinteria/Summerland Fire Protection District has confirmed that the Fire Code does not mandate a secondary means of access or egress for this property, and the Fire District does not mandate a secondary means of access or egress.

Appeal Issue #3: Other Relevant Fire Development Standards. The appellants state that staff's interpretation of Development Standard Fire-TC-2.4 ignores Santa Barbara County Fire Department's Development Standard #1 (II)(E) for Private Road and Driveway Standards, which provides "Two separate and approved access roads (not alternate access) shall be provided when it is determined by the Fire Chief that access by a single road, in excess of 600 feet, might be impaired by vehicle congestion, condition of terrain, climatic conditions, or other factors that could limit access (CFC [California Fire Code] Appendix D107.1 & 503.1.2)".

Staff Response: As previously discussed in staff's response to Appeal Issue #1 above, the Carpinteria/Summerland Fire Protection District has confirmed that the Fire Code does not mandate a secondary means of access or egress for this property, and the Fire District does not mandate a secondary means of access or egress. The Fire Chief has not made the determination discussed in Development Standard #1 (II)(E) for Private Road and Driveway Standards so as to mandate a second access road. Therefore, Planning and Development can conclude that the Fire Chief has determined a separate access road is not required.

Appeal Issue #4: Insufficient Existing Access. The appellants state that staff's finding in the Letter of Denial that "existing access on the subject property meets access requirements" is not

supported by evidence that the access is frequently blocked and by the evidence from Fire Department officials strongly supporting secondary access.

Staff Response: Please refer to the response to Appeal Issue #1 for staff's response about the sufficiency of the existing access and the Fire Department's position that they would access the residence from the main driveway, not the proposed access, in the event of a fire.

Appeal Issue #5: Carpinteria/Summerland Fire Protection District Support for Secondary Access. The appellants state that staff's statement that the Carpinteria/Summerland Fire Protection District is not "requiring" the secondary access ignores the fact that the District Fire Chief states that the secondary access is "prudent" and "fully supports" the secondary access.

Staff Response: Please refer to the response to Appeal Issue #1 for staff's response about the Carpinteria/Summerland Fire Protection District's determination that secondary access is not required and that the secondary access would not be relied upon in the event of a wildfire event.

Appeal Issue #6: Mandate for Secondary Access and Fire Code Jurisdiction. The appellants state that Santa Barbara County Fire Department Standards mandate secondary access where the governing Fire Chief determines that "access by a single road…might be impaired by the vehicle congestion, condition of terrain…or other factors that could limit access…" (CFC [California Fire Code] Appendix D107.1 & 503.1.2). The appellants also state that Cal Fire, of the California Department of Forestry and Fire Protection, has responsibility for fire suppression in the area and has delegated the responsibility to the Santa Barbara Fire Department (not the Carpinteria/Summerland Fire Protection District), and that County standards therefore should apply.

Staff Response: On March 3, 2016, staff received an email from Steve Oaks, Fire Marshal for the Santa Barbara County Fire Department, that confirmed approvals of development on the subject lot are within the jurisdiction of the Carpinteria/Summerland Fire Protection District. Please refer to the responses to Appeal Issues #1-3 for staff's response about secondary access not being a mandatory requirement on the subject property. As discussed above, the Fire Chief has not made the determination discussed in CPC Appendix D107.1 & 503.1.2 so as to mandate a second access road.

Appeal Issue #7: Agriculture Permit Requirements. The appellants state that staff's contention that agricultural uses on the property are not "principally permitted," and that a Conditional Use Permit is required for new agricultural uses is not relevant. The property has existing agricultural uses permitted as prior non-conforming uses that do not require a Conditional Use Permit.

Staff Response: Agriculture on properties in the MT-TORO-100 zone district is not a principally permitted use and requires a Conditional Use Permit per Table 2-4 in Section 35.22.030 (Resource Protection Zones Allowable Land Uses) of the County Land Use and Development Code. County records show that no Conditional Use Permit has been issued for agriculture on the subject property. In addition, historical aerial imagery shows that agriculture on the property did not begin until the single family residence was constructed in 1999. Staff has confirmed that the Conditional Use Permit requirement for agriculture existed at the time the single family dwelling was constructed. As a result, the agricultural operation is not legal non-conforming and the requirement for a Conditional Use Permit would apply. Regardless, agriculture on the property does not justify a secondary means of access, whether or not legally established. In addition, Policy BIO TC-8 in the Toro Canyon Community Plan states that *new or expanded cultivated agricultural uses shall be prohibited within ESH areas and avoided to the maximum extent feasible in ESH buffer areas, except on agriculturally zoned parcels (i.e., AG-I or AG-II) subject to Policy BIO-TC-9.* The access road is within designated Environmentally Sensitive Habitat (ESH) and the subject property is not agriculturally zoned. Since the new road would be to support an agricultural use, this policy also applies.

Appeal Issue #8: Secondary Access Required for Agricultural Uses. The appellants state that staff's conclusion that agricultural uses do not support the need for the proposed secondary access is not supported by evidence, and also ignores the fact that health and safety considerations also support the secondary access. The appellants also state that staff's conclusion that the proposed secondary access road would only serve a *new* agricultural use is not supported by evidence.

Staff Response: The appellants have not provided any substantial evidence that supports their contention that the secondary access road is necessary to support agricultural uses on the subject property, nor any information that indicates the existing legal access is insufficient to support their agricultural operation. As discussed in Sections 5.3 and 6.1, all correspondence staff has had with Fire Department officials has indicated that existing access is sufficient, and staff relayed this information in the Letter of Denial and email correspondences with the appellants. Regardless, agricultural uses are not exempt from policies and development standards in the Toro Canyon Community Plan that protect Environmentally Sensitive Habitat and native/specimen trees, which are discussed in Section 6.3.

The Letter of Denial (included as Attachment D) does not conclude that the secondary access road would only serve a new agricultural use; the letter refers to a policy in the Toro Canyon Community Plan that prohibits *new or expanded* cultivated uses within designated Environmentally Sensitive Habitat. The letter also states that existing access is adequate and

discusses conflicts with policies and development standards pertaining to Environmentally Sensitive Habitat and protection of native and specimen trees. As discussed in the response to Appeal Issue #1, the Carpinteria/Summerland Fire Protection district has informed Planning and Development that the Fire Code does not mandate a secondary means of access or egress for this property, and the Fire District does not mandate a secondary means of access or egress.

Appeal Issue #9: Exemption from Zoning Permit Requirements. The appellants state that staff's conclusion that the proposed secondary access road would only serve agriculture ignores the facts that the access road would serve additional water exploration for a water well by the East Montecito Mutual Water Company. The appellants also state that such a road is exempt from Land Use Permit requirements. Lastly, the appellants state that a road for agricultural support is not "development" but an "improvement," and that "improvements" are specifically supported by County agricultural policies.

Staff Response: The Letter of Denial does not conclude that the secondary access road would only serve agriculture. The letter also states that existing access is adequate and discusses conflicts with policies and development standards pertaining to Environmentally Sensitive Habitat and native/specimen tree protection. To date, the appellants have not submitted any documents confirming that a new well is proposed on the subject property, or provided any evidence that the proposed road is required to serve the well. Section 35.20.040 of the County Land Use and Development Code lists activities and structures exempt from planning permit requirements and the proposed bridge/grading would not be included in any of the exempt categories. Therefore, the proposed road and bridge would require a permit.

Appeal Issue #10: Compliance with Environmentally Sensitive Habitat Protection Policies. The appellants assert that staff's conclusion that the proposed secondary access is inconsistent with the policies and development standards in the Letter of Denial (and discussed in Section 6.3 of this staff report) pertaining to Environmentally Sensitive Habitat is unsupported by evidence in the record, and directly contrary to the biologist's, wildlife biologist's, and arborist's reports filed in support of the application. The appellants also state that the proposed development is consistent with the cited policies because it complies "to the maximum extent feasible."

Staff Response: Since the owner graded the area and removed the trees prior to any zoning or building permit submittals, no review of the previous habitat conditions was conducted. As discussed in Section 5.3, staff has not received an arborist report or biological assessment that identify and evaluate the impacts on Environmentally Sensitive Habitat and protected tree species that occurred during the unpermitted grading of the secondary access road through the creek corridor. Therefore, it is not possible to know the full extent of impacts on riparian habitat and sensitive species. However, it was apparent during site visits conducted by Planning and

Development and California Department of Fish and Wildlife staff that numerous protected native trees and vegetation were removed during construction of the unpermitted road. In addition, a comparison of aerial imagery from before and after the unpermitted grading took place clearly shows that trees and other vegetation was removed in designated Environmentally Sensitive Habitat. Site visit photos and aerial imagery comparisons are included in Attachment H. The arborist report submitted by the applicants/appellants simply assessed the potential impacts of installing a bridge and improving the access road, and the biological assessment consists of a summary of biological conditions at the site and potential for on-site habitats to support special-status species; neither of these reports provide evidence to support a finding of consistency with applicable policies, as indicated by the appellants.

Furthermore, adjacent trees and other native vegetation would likely need to be removed or would otherwise be impacted by the proposed bridge and permanent access road. Specifically, the arborist report submitted by the appellants states that the proposed development would impact over 20% (the County's significance threshold) of the critical root zones of at least an additional 28 native oak and sycamore trees, and one additional sycamore tree would be removed. Staff has determined that a secondary access road and associated bridge are not necessary to meet access requirements for the subject property since the Carpinteria/Summerland Fire Protection District has explicitly stated a secondary access road is not required. Therefore, there is no justification to forgo restoration of the degraded area and to allow construction of a bridge and road in conflict with the Environmentally Sensitive Habitat/tree protection policies and development standards discussed in Section 6.3. Thus, constructing the proposed road and bridge would not comply with the applicable policies to the "maximum extent feasible," as indicated by the appellants.

Appeal Issue #11: Compliance with Native and Specimen Tree Protection Policies. The appellants assert that staff's conclusion that the proposed secondary access is inconsistent with the policies and development standards in the Letter of Denial (discussed in Section 6.3 of this staff report) pertaining to native and specimen tree protection is unsupported by evidence and contrary to the arborist report filed with the application.

Staff Response: Please refer to the response to Appeal Issue #10 for staff's response regarding non-compliance with native and specimen tree protection policies.

Appeal Issue #12: Required Habitat Restoration. The appellants contend that the Letter of Denial appears to impose the requirement that before the proposed secondary access road and bridge can be approved, the site must be restored to its pre-violation condition even though construction of the road and bridge would necessitate removal of the restoration, and that such a

requirement would cause unnecessary environmental impacts that cannot be justified by any applicable policies or rational considerations.

Staff Response: It is standard for Planning and Development to require that environmental degradation resulting from unpermitted activities be restored. Onsite restoration would be required whether or not the secondary access road and bridge were approved. Furthermore, staff has determined that a secondary access road and associated bridge are not necessary to provide adequate access to the subject property since access requirements are already met, and that there is therefore no justification to allow construction of a bridge and road in designated Environmentally Sensitive Habitat in conflict with the policies and development standards discussed in Section 6.3.

The Central Coast Regional Water Quality Control Board and California Department of Fish and Wildlife are also requiring restoration. The Central Coast Regional Water Quality Control Board issued a Notice of Violation on May 18, 2016 (included as Attachment F) for failure to obtain a Clean Water Act Section 401 Water Quality Certification prior to excavation, grading, and discharge of fill into Toro Canyon Creek. The Central Coast Regional Water Quality Control Board is also requiring that the site be restored to pre-violation conditions to address this violation. The California Department of Fish and Wildlife previously issued a Streambed Alteration Agreement for the access road, but suspended the agreement on May 9, 2016 (included as Attachment G) since the owners failed to submit a mitigation plan or fully mitigate the impacts from the unpermitted grading.

Appeal Issue #13: Consideration of Supporting Materials. The appellants assert that staff repeatedly advised the property owners that P&D would never approve the proposed secondary access, and that staff came to this conclusion having never seen or considered recommendations by the Fire Department, biologist's analysis, wildlife biologist's recommendations, or the arborist's recommendations. The appellants also state that staff denied the application just weeks after it was filed and assigned to a planner. Lastly, the appellants state that the evidence supports the conclusion that staff made its decision without due consideration of the documentation filed with the application.

Staff Response: As discussed in Section 5.3, staff requested the required information in October 2015, made two site visits, and had been in contact with other departments/agencies with jurisdiction for approximately 7 months prior to sending the Letter of Denial in April 2016. Correspondence with Fire Department officials from the Santa Barbara County Fire Department and Carpinteria/Summerland Fire Protection District confirming a secondary access road is not required occurred prior to sending the Letter of Denial. The arborist report and biological assessment submitted by the appellants do not analyze the impacts caused by the unpermitted

grading, vegetation removal, and other damage to riparian habitat, as requested in letters sent by Planning and Development on October 9, 2015 and again as a reminder on March 2, 2016. Lastly, the appellants refer to a biologist and wildlife biologist, but only one biological assessment has been submitted to Planning and Development.

6.2 Environmental Review

The *de novo* denial of the appeal (Case No. 16APL-00000-00012) and Land Use Permit (Case Number 16LUP-00000-00109) is exempt from environmental review based upon Section 15270 [Projects Which are Disapproved] of the California Environmental Quality Act (CEQA) Guidelines. See Attachment B (Notice of Exemption) for a more detailed discussion of the CEQA exemption.

6.3 Comprehensive Plan Consistency

The project has been evaluated for consistency with applicable policies of the Comprehensive Plan, including the Toro Canyon Community Plan. The following analysis focuses on the policies for which the project is inconsistent.

REQUIREMENT	DISCUSSION
Toro Canyon Community Plan Environmentally Sensitive Habitat Policies and Development Standards	
Policy BIO-TC-1: *Environmentally Sensitive Habitat (ESH) areas shall be protected and, where appropriate, enhanced.* ***DevStd BIO-TC-1.4:*** *(INLAND) Development shall be required to include the following buffer areas from the boundaries of Environmentally Sensitive Habitat (ESH): Coast Live Oak Forests - 25 feet from edge of canopy; Southern Coast Live Oak Riparian Forest corridors - 100 feet in Rural areas and 50 feet in Urban, Inner-Rural areas, and Existing Developed Rural Neighborhoods (EDRNs), as measured from the top of creek bank. When this habitat extends beyond the top of creek bank, the buffer shall extend an*	**Inconsistent:** The proposed bridge and new access road are located in a rural area and entirely within designated Environmentally Sensitive Habitat and adjacent buffer areas that include a creek, Coast Live Oak Forests and Southern Coast Live Oak Riparian Forests; therefore, these policies and development standards apply. After reviewing submitted materials, conferring with CA Department of Fish and Wildlife and Central Coast Regional Water Quality Control Board staff, and conducting two separate site visits, P&D staff concluded that the access road and bridge would disrupt and fragment the biological corridor and damage the riparian habitat and creek. After conferring with the Santa Barbara

additional 50 feet in Rural areas and 25 feet in Urban, Inner-Rural areas, and EDRNs from the outside edge of the Southern Coast Live Oak Riparian Forest canopy. ***Policy BIO-TC-7:*** *(INLAND) Development shall avoid ESH and ESH buffer areas to the maximum extent feasible.*	County Fire Department and Carpinteria/Summerland Fire Protection District, staff has also determined that a secondary access road and associated bridge are not necessary to provide adequate access to the subject property since access requirements are already met, and that there is therefore no justification to allow construction of a bridge and road in designated Environmentally Sensitive Habitat. Given the lack of necessity, the project would not protect or enhance the Environmentally Sensitive Habitat and would not avoid the ESH buffer areas to the maximum extent feasible. The project would therefore be inconsistent with these policies and development standards.
DevStd BIO-TC-7.4: *(INLAND) Development shall be sited and designed at an appropriate scale (size of main structure footprint, size and number of accessory structures/uses, and total areas of paving, motorcourts and landscaping) to avoid disruption and fragmentation of biological resources in ESH areas, avoid or minimize removal of significant native vegetation and trees, preserve wildlife corridors, minimize fugitive lighting into ESH areas, and redirect development runoff/drainage away from ESH. Where appropriate, development envelopes and/or other mapping tools shall be used to protect the resource.* ***DevStd BIO-TC-12.1:*** *Development shall not interrupt major wildlife travel corridors. Typical wildlife corridors include oak riparian forest and other natural areas that provide connections between communities.*	**Inconsistent:** The proposed development would be located directly within designated Environmentally Sensitive Habitat that consists of a creek and riparian corridor. As evident during two site visits conducted by staff, the area was apparently relatively undisturbed prior to the unpermitted grading. Adjacent areas were densely vegetated and undeveloped. Furthermore, staff documented piles of stacked branches and other plant debris on the sides of the unpermitted road. Staff also confirmed via historical aerial imagery that the area with the secondary access road was densely vegetated prior to the unpermitted grading taking place. After reviewing submitted materials, conferring with CA Department of Fish and Wildlife and Central Coast Regional Water Quality Control Board staff, and conducting the site visits, P&D staff also concluded that the access road and bridge would disrupt and fragment biological resources in the ESH areas,

	including a riparian wildlife corridor. Numerous native trees and other vegetation were already removed during construction of the road, and additional native trees and vegetation would likely be significantly impacted by the additional development proposed, as noted in the arborist report submitted by the appellants, which identified up to 25 native trees that would be significantly encroached upon by the project. The proposed development would also increase vehicular and pedestrian traffic through the area. Erosion and sedimentation would also likely increase in the area due to the removal of trees and other vegetation on both sides of the creek. As previously discussed in Sections 5.3 and 6.1, staff has determined that a secondary access road and associated bridge are not necessary to provide adequate access to the subject property since access requirements are already met, and that there is therefore no justification to allow construction of a bridge and road in designated Environmentally Sensitive Habitat. The project would therefore be inconsistent with these development standards.
DevStd BIO-TC-7.8: *(INLAND) All construction activity, including but not limited to staging areas, storage of equipment and building materials, and employee vehicles, shall avoid disturbance to the ESH and ESH buffer areas to the maximum extent feasible.*	**Inconsistent:** Due to the location of the proposed development within and adjacent to a densely vegetated creek channel, it would likely not be feasible for all staging areas, equipment storage, and employee vehicles to avoid disturbance to Environmentally Sensitive Habitat and buffer areas. As previously discussed in Sections 5.3 and 6.1, staff has determined that a secondary access road and associated bridge are not necessary to provide adequate access to the subject property since access requirements are already

	met, and thus there is no justification to allow construction of a bridge and road in designated Environmentally Sensitive Habitat. The project would therefore be inconsistent with this development standard.
Policy BIO-TC-11: *(INLAND) Natural stream channels shall be maintained in an undisturbed state to the maximum extent feasible in order to protect banks from erosion, enhance wildlife passageways, and provide natural greenbelts. "Hardbank" channelization (e.g., use of concrete, riprap, gabion baskets) of stream channels shall be prohibited, except where needed to protect existing structures. Where hardbank channelization is required, the material and design used shall be the least environmentally damaging alternative and site restoration on or adjacent to the stream channel shall be required, subject to a Restoration Plan.*	**Inconsistent:** The proposed bridge would span Toro Canyon Creek and be supported by two precast concrete abutments on each side of the creek's banks. As previously discussed in Sections 5.3 and 6.1, staff has determined that a secondary access road and associated bridge are not necessary to provide adequate access to the subject property since access requirements are already met, and thus there is no justification to allow construction of a bridge and road across a natural stream channel. The project would therefore be inconsistent with this policy.
Toro Canyon Community Plan Native and Specimen Tree Policies and Development Standards	
Policy BIO-TC-13: *Native protected trees and non-native protected trees shall be preserved to the maximum extent feasible.* ***DevStd BIO-TC-13.1:*** *(INLAND) A "native protected tree" is at least six inches in diameter (largest diameter for non-round trunks) as measured 4.5 feet above level ground (or as measured on the uphill side where sloped), and a "nonnative protected tree" is at least 25 inches in diameter at this height. Areas to be protected from grading, paving, and other disturbances shall generally include the area six feet outside of tree driplines.*	Since the owner removed the trees prior to any zoning or building permit submittals, no review of the previous existing trees was conducted. In addition, the arborist and biologist did not visit the site until December 2015, over 6 months after the road was created. Therefore, it is not possible to know the full extent of the number of trees removed. However, it was apparent that numerous protected native trees were removed during construction of the unpermitted road during site visits conducted by Planning and Development and California Department of Fish and Wildlife staff. Site visit photos are included as Attachment H.

DevStd BIO-TC-13.2: *(INLAND) Development shall be sited and designed at an appropriate scale (size of main structure footprint, size and number of accessory structures/uses, and total areas of paving, motorcourts and landscaping) to avoid damage to native protected trees (e.g., oaks), non-native roosting and nesting trees, and non-native protected trees by incorporating buffer areas, clustering, or other appropriate measures. Mature protected trees that have grown into the natural stature particular to the species should receive priority for preservation over other immature, protected trees. Where native protected trees are removed, they shall be replaced in a manner consistent with County standard conditions for tree replacement. Native trees shall be incorporated into site landscaping plans.*	Furthermore, the arborist report submitted by the appellants states that the proposed development would impact over 20% (the County's significance threshold) of the critical root zones of at least an additional 28 native oak and sycamore trees, and one additional sycamore tree is proposed for removal. As previously stated in Sections 5.3 and 6.1, staff has determined that a secondary access road and associated bridge are not necessary to meet access requirements for the subject property, and thus there is no justification to remove and damage protected trees in conflict with this policy and development standards. The project would therefore be inconsistent with this policy and these development standards.

6.4 Zoning: Land Use and Development Code Compliance

The proposed project would not be consistent with Sections 35.82.110.E.1.a and 35.82.110.E.3 (Findings Required for all Land Use Permits) of the County LUDC, which state: *prior to the approval or conditional approval of an application for a Land Use Permit the review authority shall first make all of the following findings:*

1.a. The proposed development conforms to the applicable provisions of the Comprehensive Plan, including any applicable community or area plan.

3. The subject property is in compliance with all laws, regulations, and rules pertaining to 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. This Subsection shall not be interpreted to impose new requirements on legal nonconforming uses and structures in compliance with Chapter 35.101 (Nonconforming Uses, Structures, and Lots).

As discussed in Section 6.3 of this staff report, the project would not conform to the following policies and development standards in the Toro Canyon Community Plan: Policy BIO-TC-1, DevStd BIO-TC-1.4, Policy BIO-TC-7, DevStd BIO-TC-7.4, DevStd BIO-TC-7.8, Policy BIO-TC-11, DevStd BIO-TC-12.1, Policy BIO-TC-13, DevStd BIO-TC-13.1, and DevStd BIO-TC-13.2. Therefore, the proposed project would not be consistent with Section 35.82.110.E.1.a of the LUDC.

The subject property is not in compliance with all laws, regulations, and rules pertaining to permitting requirements in the LUDC since the property owner began construction of the secondary access road without obtaining the necessary permits from Planning & Development. As a result, building and zoning violation cases (Case Nos. 15BDV-00000-00080 and 15ZEV-00000-00244) were opened in June 2015. To date, these cases are still active violations. In order to abate the building and zoning violations, the property owner is required to submit additional materials required for Case No. 15LUP-00000-00380 that were outlined in an updated feedback letter sent to the owner on March 2, 2016, and to restore the area to pre-violation conditions. Therefore, the proposed project would not be consistent with Section 35.82.110.E.3 of the LUDC.

7.0 APPEALS PROCEDURE

The action of the Planning Commission may be appealed to the Board of Supervisors within 10 calendar days of said action. The appeal fee to the Board of Supervisors is $659.92.

8.0 ATTACHMENTS

A. Findings for Denial [Case No. 16LUP-00000-00109)
B. CEQA Notice of Exemption
C. Site Plans
D. Denial Letter dated April 13, 2016
E. Appeal Application and Letter submitted April 21, 2016 with supporting documents
F. Central Coast Regional Water Quality Control Board Notice of Violation dated May 18, 2016
G. California Department of Fish and Wildlife Suspension of Notification of Lake or Streambed Alteration dated May 9, 2016
H. Site Visit Photos from October 19, 2015 and Aerial Imagery Comparison
I. APN Sheet
K. Emails from Steve Oaks dated March 3, 2016 and Ed Foster dated April 12, 2016

ATTACHMENT A: FINDINGS FOR DENIAL

1.0 CEQA FINDINGS

The County Planning Commission finds that CEQA does not apply to the denial of the appeal pursuant to CEQA Guidelines Section 15270 [Projects Which are Disapproved]. See Attachment B, CEQA Notice of Exemption.

2.0 ADMINISTRATIVE FINDINGS

In order for a Land Use Permit for new development to be approved, the proposed development must comply with all applicable requirements of the County Land Use and Development Code and policies of the County Comprehensive Plan. As proposed, the following required findings in the County LUDC cannot be made. Only findings that cannot be made are discussed below:

2.1 LAND USE PERMIT FINDINGS

A. Findings required for all Land Use Permits. In compliance with Subsection 35.82.110.E.1.1.a of the County Land Use and Development Code, prior to the approval or conditional approval of an application for a Land Use Permit the review authority shall first make all of the following findings:

1. The proposed development conforms to the applicable provisions of the Comprehensive Plan, including any applicable community or area plan.

As discussed in Sections 6.1, 6.2, 6.3, and 6.4 of this staff report dated July 21, 2016 and incorporated by reference herein by reference, the proposed project is not consistent with the applicable policies of the Comprehensive Plan, including the Toro Canyon Community Plan. The proposed project does not conform to the following policies and development standards of the Toro Canyon Community Plan: Policy BIO-TC-1, DevStd BIO-TC-1.4, Policy BIO-TC-7, DevStd BIO-TC-7.4, DevStd BIO-TC-7.8, Policy BIO-TC-11, DevStd BIO-TC-12.1, Policy BIO-TC-13, DevStd BIO-TC-13.1, and DevStd BIO-TC-13.2. Therefore, this required finding cannot be made and the proposed development associated with Land Use Permit 16LUP-00000-00109 cannot be approved.

2. The subject property is in compliance with all laws, regulations, and rules pertaining to 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. This Subsection shall not be interpreted to impose

new requirements on legal nonconforming uses and structures in compliance with Chapter 35.101 (Nonconforming Uses, Structures, and Lots).

As discussed in Sections 5.3, 6.1, and 6.4 of this staff report dated July 21, 2016 and incorporated herein by reference, the subject property is not in compliance with all laws, regulations, and rules pertaining to permitting requirements in the LUDC since the property owner began construction of the secondary access road without obtaining the necessary permits from Planning & Development. As a result, building and zoning violation cases (Case Nos. 15BDV-00000-00080 and 15ZEV-00000-00244) were opened in June 2015. To date, these cases are still active violations. Therefore, this required finding cannot be made and the proposed development associated with Land Use Permit 16LUP-00000-00109 cannot be approved.

B. Additional findings required for sites zoned Environmentally Sensitive Habitat Area Overlay - Toro Canyon (ESH-TCP).

1. **All projects.** In compliance with Subsection 35.28.100.E.3 of the County Land Use and Development Code, prior to the approval or conditional approval of an application for a Land Use Permit the review authority shall first find that the proposed project complies with all applicable biological resource policies and development standards in the Toro Canyon Plan.

   As discussed in Sections 6.1, 6.2, 6.3, and 6.4 of this staff report dated July 21, 2016 and incorporated herein by reference, the proposed project does not comply with the following biological resource policies and development standards in the Toro Canyon Community Plan: Policy BIO-TC-1, DevStd BIO-TC-1.4, Policy BIO-TC-7, DevStd BIO-TC-7.4, DevStd BIO-TC-7.8, Policy BIO-TC-11, DevStd BIO-TC-12.1, Policy BIO-TC-13, DevStd BIO-TC-13.1, and DevStd BIO-TC-13.2. Therefore, this required finding cannot be made and the proposed development associated with Land Use Permit 16LUP-00000-00109 cannot be approved.

ATTACHMENT B: CEQA NOTICE OF EXEMPTION

TO: Santa Barbara County Clerk of the Board of Supervisors

FROM: Sean Herron, Planner

The project or activity identified below 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: 155-020-004 **Case No.:** 16LUP-00000-00109 (Denial)

Location: 949 Toro Canyon Road

Project Title: Myers Bridge

Project Applicant: Barton Myers

Project Description: The project (Case No. 16LUP-00000-00109) is for the construction of a new approximately 10'-0" wide by 60'-0" long bridge supported by two precast concrete abutments, permitting an existing unpermitted approximately 10'-0" wide and 450 foot long road, and improvements to the road (paving with compacted shale, installing a stone lined road gutter, and constructing a 3'-0" high stone wall at various locations along the road) to provide secondary access to an existing residence and residential second unit. An unknown amount of native trees were removed during construction of the unpermitted existing access road. One additional sycamore tree is proposed for removal. The parcel will continue to be served by the Montecito Water District and a private well, a private septic system, and the Carpinteria/Summerland Fire Protection District. Primary access would continue to be provided off of Toro Canyon Road via an access easement across 925 Toro Canyon Road (APN 155-240-020) and 930 Toro Canyon Road (APN 155-240-021). The property is a 36.68-acre parcel zoned MT-TORO-100 and shown as Assessor's Parcel Number 155-020-004, located at 949 Toro Canyon Road in the Toro Canyon Community Plan Area, First Supervisorial District.

Name of Public Agency DENYING the Project: County of Santa Barbara

Name of Person or Agency Carrying Out Project: Barton Myers

Exempt Status:

____	Ministerial
X	Statutory Exemption
____	Categorical Exemption
____	Emergency Project
____	Declared Emergency

Cite specific CEQA and/or CEQA Guideline Section: 15270 [Projects Which are Disapproved]

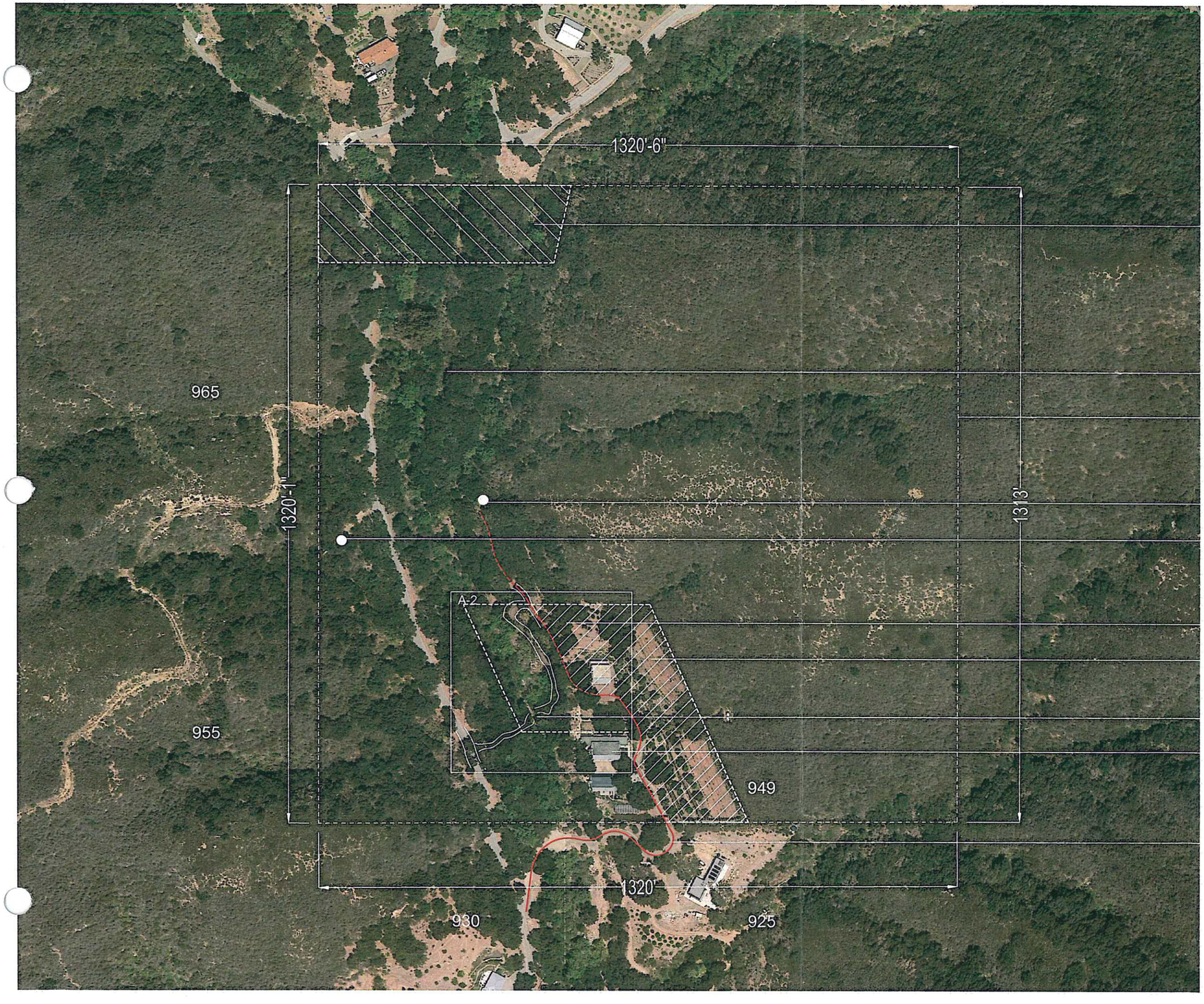
Reasons to support exemption findings: The County of Santa Barbara is denying the project. CEQA does not apply to projects that a public agency disapproves.

Lead Agency Contact Person: Sean Herron Phone #: 805-568-3510

Department/Division Representative: _____ Date: _____

Acceptance Date: _____

Distribution: Hearing Support Staff Date Filed by County Clerk: _____.



Area of possible Conservation Easement

Toro Canyon Creek

Property Line

Proposed Well #4

Existing Well #3

Existing Dirt Service Road

Existing AG

Location of Proposed Bridge

Existing Residence (4 Buildings @ 6,000SF)

Existing Driveway

N

APN# - 155-020-004

Parcel Size Gross - 38.68AC
Net - 40AC

Toro Canyon Bridge

949 Toro Canyon Rd
Santa Barabara, CA 93108

PROJECT TEAM

Barton Myers Associates, Inc. Architect
310 208 2227

Harry P. Fowler P.E.
Civil Engineer
765 Oak Grove Dr.
Santa Barbara, CA 93108
805.252.3183

Davis Land Surveying
Surveyor
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Santa Barbara, CA 93101
805.564.8756

Suzanne Elledge Planning Permitting Services
Expeditor
1029 Santa Barbara St,
Santa Barbara, CA 93101
805.966.2758

PLAN

REVISIONS

SHEET TITLE

Site Aerial

SCALE
200'

DATE
16 February 2016

ISSUED FOR

DRAWN BY

A-1

Existing Shale Service Road

Toro Canyon Road

Toro Canyon Creek

Calculated 100 year Flood Zone

Existing Residence

N

Note : this survey shows pro forma, artistic-rendered tree canopies, per surveyor standards; the actual tree canopies will be reflected on an Arborist Report submitted January 2016.

Toro Canyon Bridge

949 Toro Canyon Rd
Santa Barabara, CA 93108

PROJECT TEAM

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805.966.2758

PLAN

REVISIONS

SHEET TITLE
Road Survey

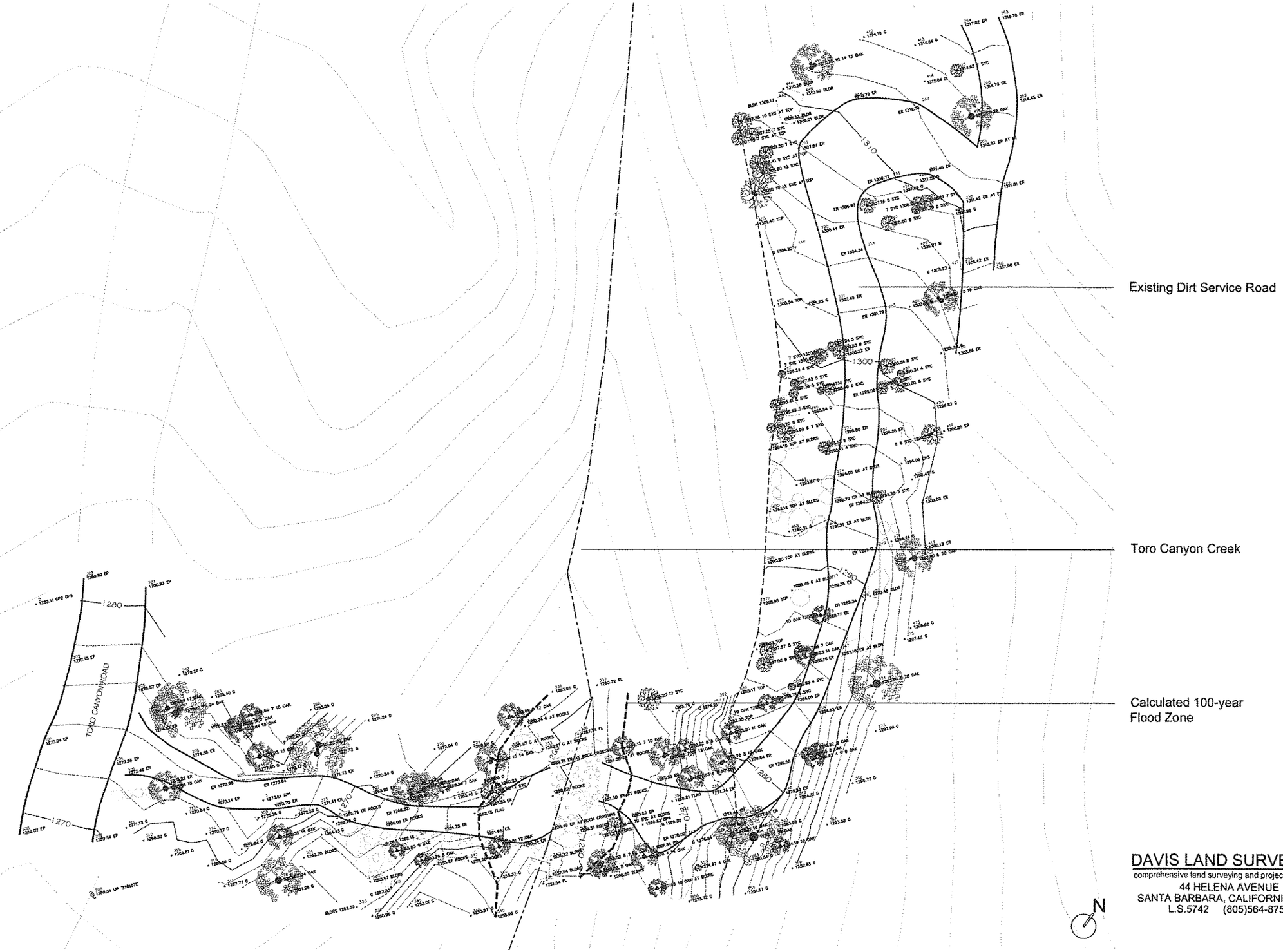
SCALE
30'"

DATE
16 February 2016

ISSUED FOR

DRAWN BY

A-2



Toro Canyon Bridge

949 Toro Canyon Rd
Santa Barabara, CA 93108

PROJECT TEAM

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PLAN

REVISIONS

SHEET TITLE
Site Survey

SCALE

DATE
16 February 2016
ISSUED FOR

DRAWN BY

DAVIS LAND SURVEYING
comprehensive land surveying and project consulting
44 HELENA AVENUE
SANTA BARBARA, CALIFORNIA 93101
L.S.5742 (805)564-8756

N

Note : this survey shows pro forma, artistic-rendered tree canopies, per surveyor standards; the actual tree canopies will be reflected on an Arborist Report submitted January 2016.

A-3

Existing Dirt Service Road

Toro Canyon Creek

Calculated 100-year Flood Zone

25' ESH Zone @1036sf

Riparian Zone @1345sf

N

Note : this survey shows pro forma, artistic-rendered tree canopies, per surveyor standards; the actual tree canopies will be reflected on an Arborist Report submitted January 2016.

Toro Canyon Bridge

949 Toro Canyon Rd
Santa Barabara, CA 93108

PROJECT TEAM

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PLAN

REVISIONS

SHEET TITLE
Raparian/ESH Zone Plan

SCALE
20"

DATE
16 February 2016

ISSUED FOR

DRAWN BY

A-4

Existing Dirt Service Road

Toro Canyon Creek

Calculated 100-year Flood Zone

50' ESH Zone @1968sf

Riparian Zone @1345sf

N

Note : this survey shows pro forma, artistic-rendered tree canopies, per surveyor standards; the actual tree canopies will be reflected on an Arborist Report submitted January 2016.

Toro Canyon Bridge

949 Toro Canyon Rd
Santa Barabara, CA 93108

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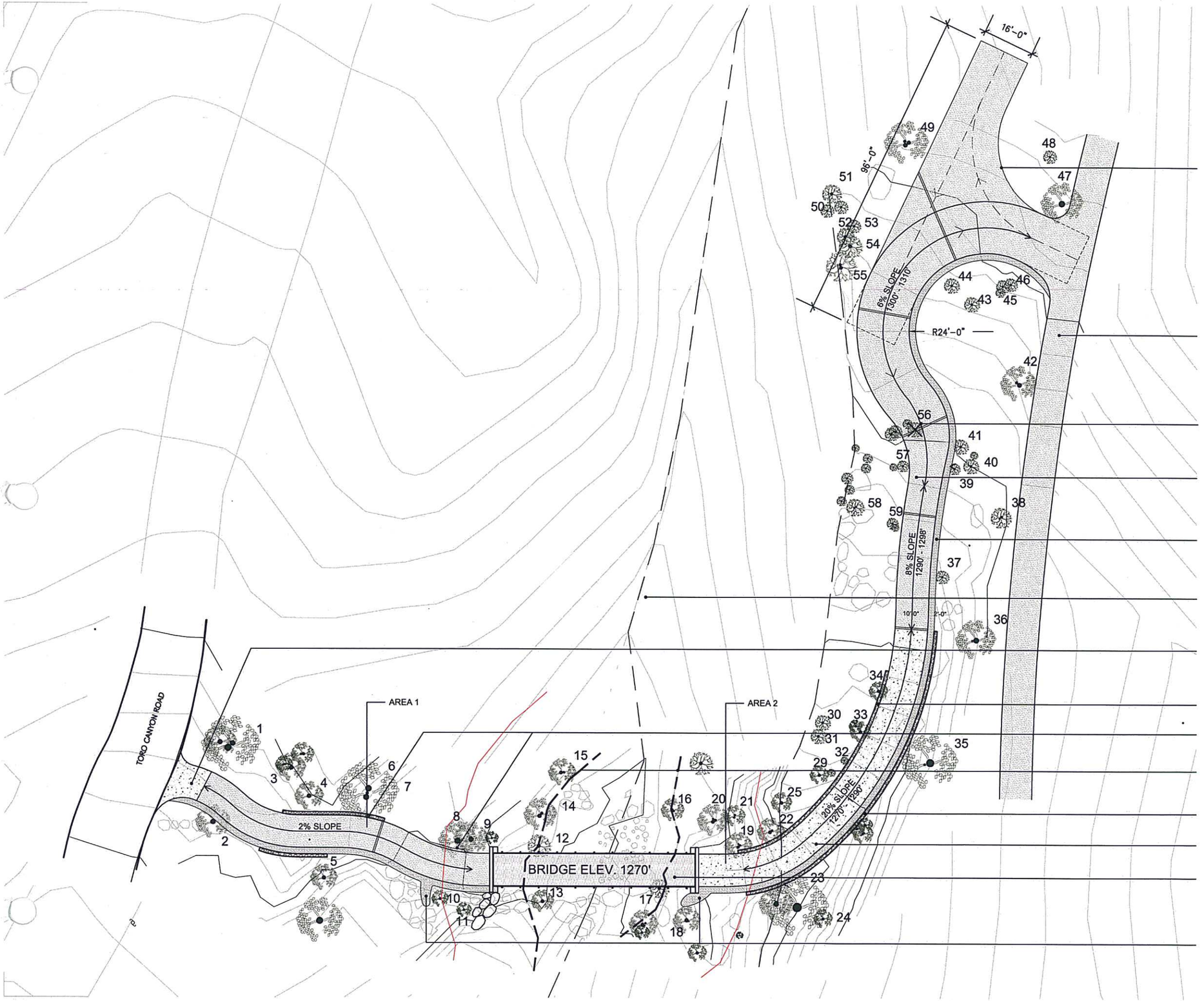
PLAN

REVISIONS

SHEET TITLE
Raparian/ESH
Zone Plan
SCALE
20"
DATE
16 February 2016
ISSUED FOR

DRAWN BY



Toro Canyon Bridge

949 Toro Canyon Rd
Santa Barabara, CA 93108

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PLAN

REVISIONS

NOTE:
SEE P.147
FOR CUT AND FILL
CALCULATIONS

SHEET TITLE
Road Plan

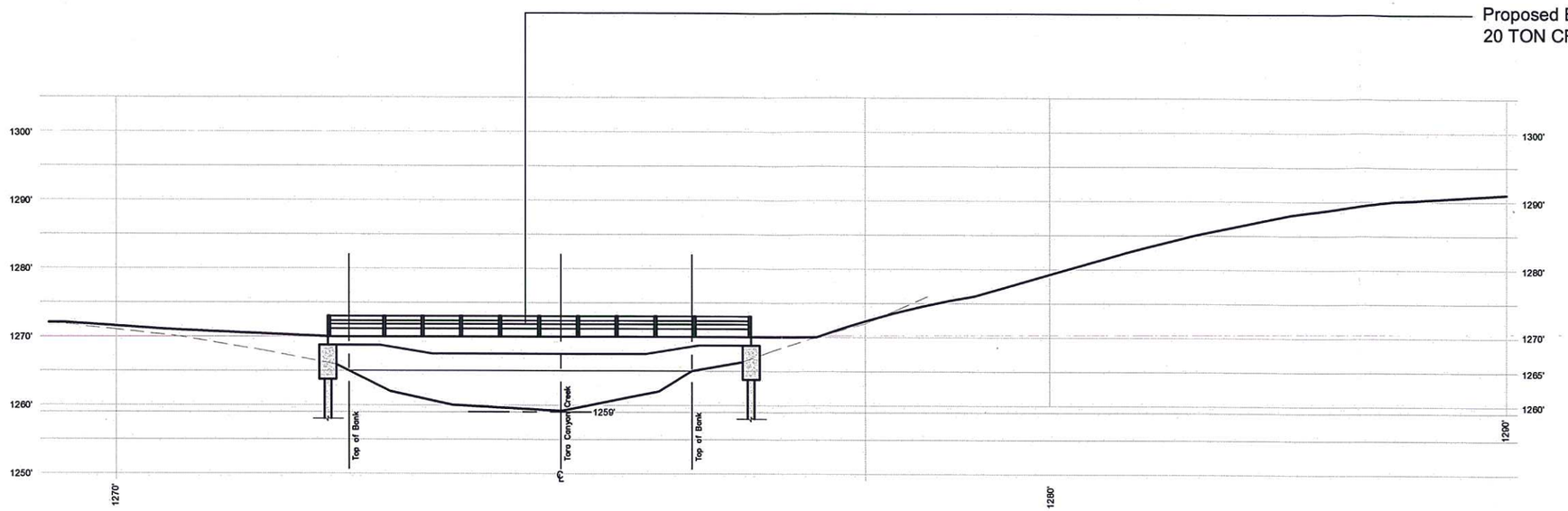
SCALE
30'

DATE
16 February 2016

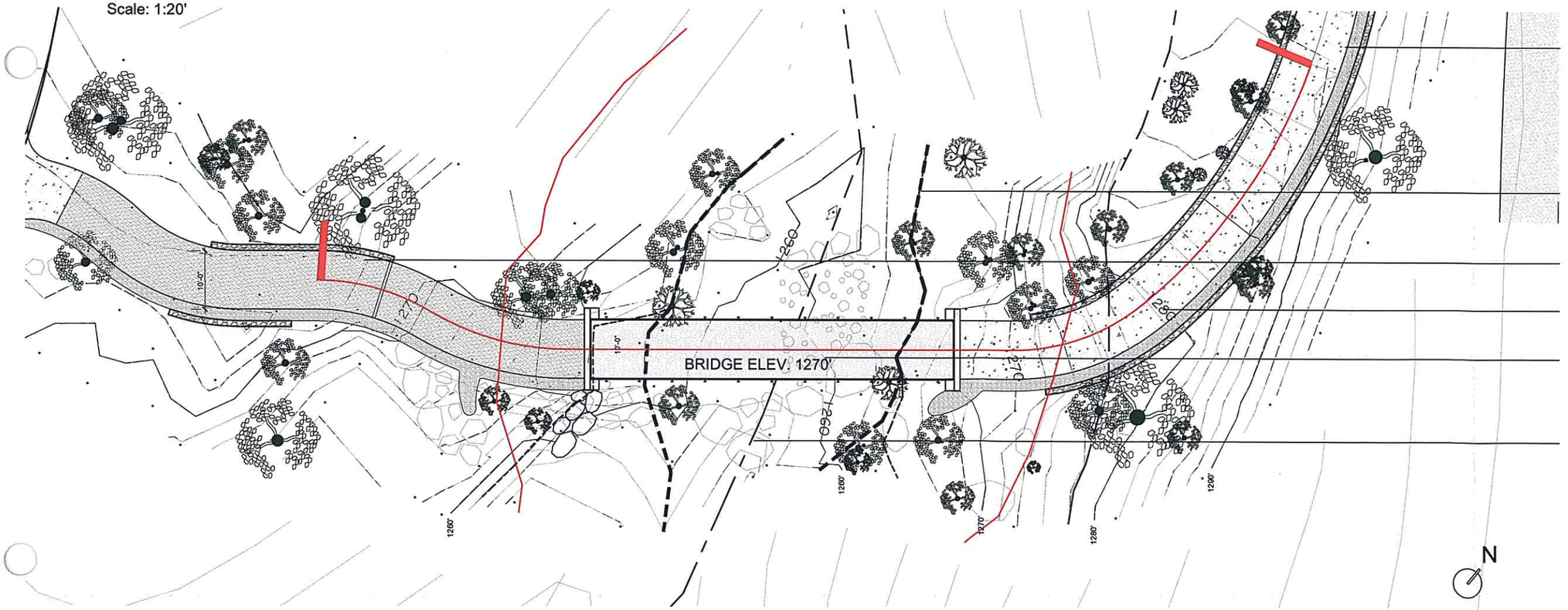
ISSUED FOR

DRAWN BY

N



Road Section
Scale: 1:20'



Road Plan
Scale: 1:20'

Note : this survey shows pro forma, artistic-rendered tree canopies, per surveyor standards; the actual tree canopies will be reflected on an Arborist Report submitted January 2016.

Toro Canyon Bridge

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Santa Barabara, CA 93108

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PLAN

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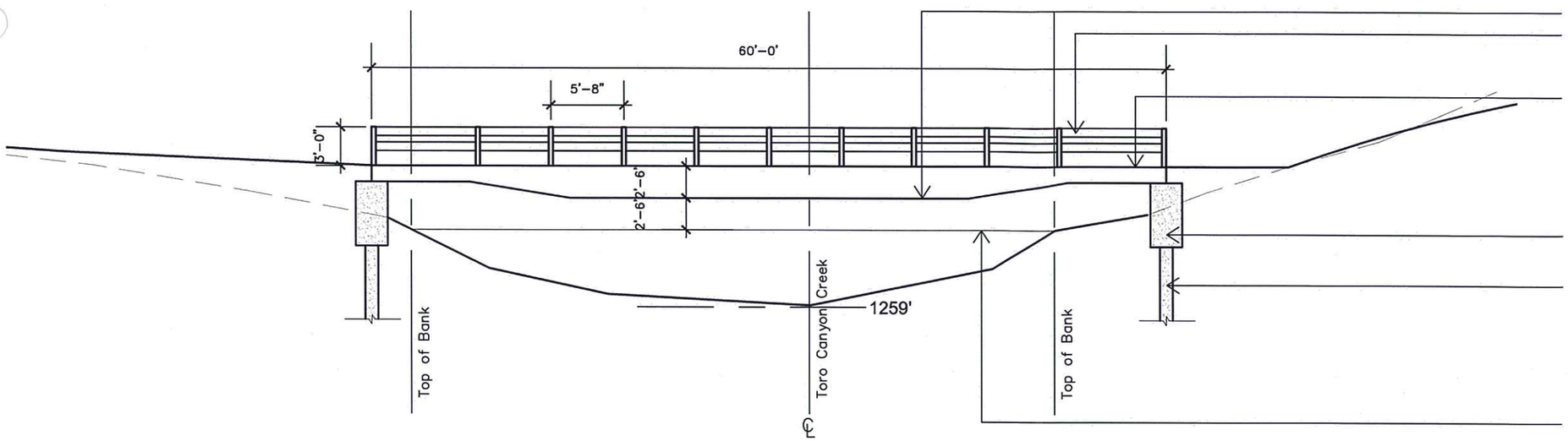
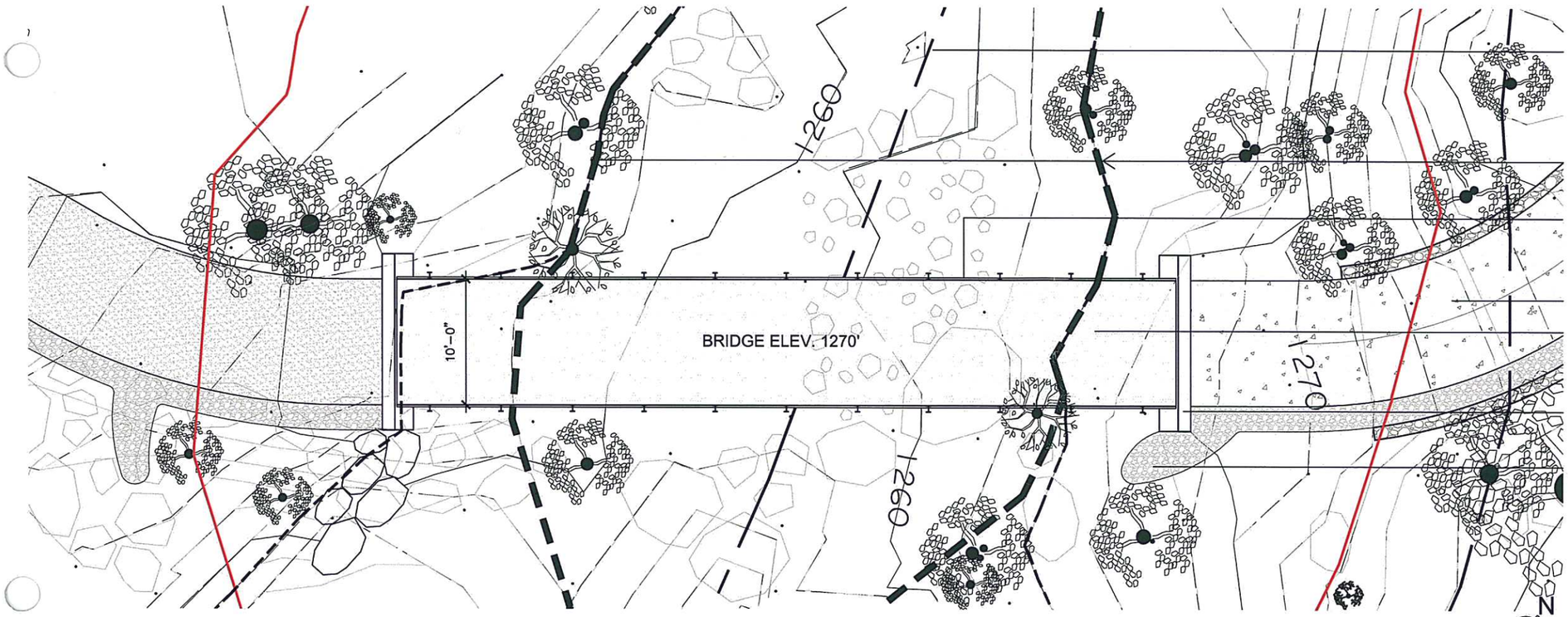
SHEET TITLE

SCALE
20'
DATE
16 February 2016
ISSUED FOR

DRAWN BY



Bridge Section
Scale: 1:10'



Bridge Plan
Scale: 1:10'

Note : this survey shows pro forma, artistic-rendered tree canopies, per surveyor standards; the actual tree canopies will be reflected on an Arborist Report submitted January 2016.

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Santa Barabara, CA 93108

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Santa Barbara, CA 93101
805.966.2758

PLAN

REVISIONS

SHEET TITLE

SCALE
10'
DATE
16 February 2016
ISSUED FOR

DRAWN BY

County of Santa Barbara
Planning and Development
Glenn S. Russell, Ph.D., Director
Dianne Black, Assistant Director

April 13, 2016

Barton Myers
949 Toro Canyon Road
Santa Barbara, CA 93108

RE: DENIAL LETTER
Myers Bridge
949 Toro Canyon Road
Case No. 16LUP-00000-00109; APN 155-020-004

Dear Mr. Myers,

Thank you for the March 15, 2016 application submittal for a Land Use Permit to allow construction of a new bridge and access road at the 949 Toro Canyon Drive site.

The purpose of this letter is to formally inform you that your application for 16LUP-00000-00109 was denied by the Director on April 13, 2016. This denial is based upon the proposed project's inconsistency with the following policies and development standards in the Toro Canyon Community Plan and County Land Use & Development Code:

1. **Fire and Agricultural Access.** You have referenced Toro Canyon Development Standard FIRE-TC-2.4 in your application, which states the following:

   DevStd FIRE-TC-2.4: *Two routes of ingress and egress shall be required for discretionary permits for subdivisions involving five or more lots to provide emergency access unless the applicable fire district waives/modifies the requirement and documents finding(s) for the waiver/modification with the County. For discretionary permits for subdivisions involving fewer than five lots, the permit application shall identify a secondary ingress and egress route for review by appropriate P&D decision maker. This secondary route may be a consideration in the siting and design of the new development.*

   This development standard applies to discretionary projects for subdivisions. Your property is already established as a legal lot with a principal dwelling. The proposed project is a ministerial project involving one lot; therefore, this development standard does not apply. P&D has determined that existing access on the subject property meets access requirements. P&D has conferred with the Carpinteria-Summerland Fire Protection District and confirmed that they are not requiring a secondary access to serve the lot.

   Furthermore, your application indicates that the secondary access is also necessary to serve agriculture on the property. However, please be advised that agriculture on properties in the MT-TORO-100 zone district is not a principally permitted use and requires a Conditional Use Permit per Table 2-4 in Section 35.22.030 (Resource Protection Zones Allowable Land

Uses) of the County Land Use & Development Code. County records show that no Conditional Use Permit has been issued for agriculture on your property. Regardless, agriculture on the property does not justify a secondary means of access, whether or not legally established. In addition, Policy BIO TC-8 in the Toro Canyon Community Plan states that *new or expanded cultivated agricultural uses shall be prohibited within ESH areas and avoided to the maximum extent feasible in ESH buffer areas, except on agriculturally zoned parcels (i.e., AG-I or AG-II) subject to Policy BIO-TC-9.* The access road is within designated Environmentally Sensitive Habitat (ESH), your property is not agriculturally zoned, and the new road would constitute a new agricultural use if its purpose were to serve existing agriculture on the property. Therefore, this policy also applies.

2. **Environmentally Sensitive Habitat.** The following policies protecting Environmentally Sensitive Habitat apply to the subject parcel, as specified in the Toro Canyon Community Plan:

Policy BIO-TC-1: *Environmentally Sensitive Habitat (ESH) areas shall be protected and, where appropriate, enhanced.*

DevStd BIO-TC-1.4: *(INLAND) Development shall be required to include the following buffer areas from the boundaries of Environmentally Sensitive Habitat (ESH): Coast Live Oak Forests - 25 feet from edge of canopy; Southern Coast Live Oak Riparian Forest corridors - 100 feet in Rural areas and 50 feet in Urban, Inner-Rural areas, and Existing Developed Rural Neighborhoods (EDRNs), as measured from the top of creek bank. When this habitat extends beyond the top of creek bank, the buffer shall extend an additional 50 feet in Rural areas and 25 feet in Urban, Inner-Rural areas, and EDRNs from the outside edge of the Southern Coast Live Oak Riparian Forest canopy.*

Policy BIO-TC-7: *(INLAND) Development shall avoid ESH and ESH buffer areas to the maximum extent feasible.*

DevStd BIO-TC-7.4: *(INLAND) Development shall be sited and designed at an appropriate scale (size of main structure footprint, size and number of accessory structures/uses, and total areas of paving, motorcourts and landscaping) to avoid disruption and fragmentation of biological resources in ESH areas, avoid or minimize removal of significant native vegetation and trees, preserve wildlife corridors, minimize fugitive lighting into ESH areas, and redirect development runoff/drainage away from ESH. Where appropriate, development envelopes and/or other mapping tools shall be used to protect the resource.*

DevStd BIO-TC-7.8: *(INLAND) All construction activity, including but not limited to staging areas, storage of equipment and building materials, and employee vehicles, shall avoid disturbance to the ESH and ESH buffer areas to the maximum extent feasible.*

Policy BIO-TC-11: *(INLAND) Natural stream channels shall be maintained in an undisturbed state to the maximum extent feasible in order to protect banks from erosion,*

enhance wildlife passageways, and provide natural greenbelts. "Hardbank" channelization (e.g., use of concrete, riprap, gabion baskets) of stream channels shall be prohibited, except where needed to protect existing structures. Where hardbank channelization is required, the material and design used shall be the least environmentally damaging alternative and site restoration on or adjacent to the stream channel shall be required, subject to a Restoration Plan.

DevStd BIO-TC-12.1: *Development shall not interrupt major wildlife travel corridors. Typical wildlife corridors include oak riparian forest and other natural areas that provide connections between communities.*

The proposed bridge and new access road are located within designated Environmentally Sensitive Habitat; therefore, these policies and development standards apply. After reviewing submitted materials, conferring with CA Department of Fish and Wildlife and Central Coast Regional Water Quality Control Board staff, and conducting two separate site visits, P&D has concluded that the access road and bridge would disrupt and fragment the biological corridor and damage the riparian habitat and creek. P&D has also determined that a secondary access road and associated bridge are not necessary to provide adequate access to the subject property since access requirements are already met, and that there is therefore no justification to allow construction of a bridge and road in designated Environmentally Sensitive Habitat in conflict with these policies.

3. **Native and Specimen Tree Protection.** The Toro Canyon Community Plan contains several policies providing protection for both native and specimen trees, including the following:

Policy BIO-TC-13: *Native protected trees and non-native protected trees shall be preserved to the maximum extent feasible.*

DevStd BIO-TC-13.1: *(INLAND) A "native protected tree" is at least six inches in diameter (largest diameter for non-round trunks) as measured 4.5 feet above level ground (or as measured on the uphill side where sloped), and a "nonnative protected tree" is at least 25 inches in diameter at this height. Areas to be protected from grading, paving, and other disturbances shall generally include the area six feet outside of tree driplines.*

DevStd BIO-TC-13.2: *(INLAND) Development shall be sited and designed at an appropriate scale (size of main structure footprint, size and number of accessory structures/uses, and total areas of paving, motorcourts and landscaping) to avoid damage to native protected trees (e.g., oaks), non-native roosting and nesting trees, and non-native protected trees by incorporating buffer areas, clustering, or other appropriate measures. Mature protected trees that have grown into the natural stature particular to the species should receive priority for preservation over other immature, protected trees. Where native protected trees are removed, they shall be replaced in a manner consistent with County standard conditions for tree replacement. Native trees shall be incorporated into site landscaping plans.*

During site visits by P&D and CDFW staff, it was apparent that several protected native trees were removed during construction of the unpermitted road. Furthermore, adjacent trees will likely need to be removed or will otherwise be impacted by the proposed development. As previously stated, P&D has determined that a secondary access road and associated bridge are not necessary to meet access requirements for the subject property, and that there is therefore no justification to allow construction of a bridge and road in conflict with these policies and development standards.

ADVISORY INFORMATION

Based on our review of your application, we offer the following advisory:

Active Violation on the Subject Property. The existing unpaved access road proposed to be a permanent road was constructed without permits or consultation with any agencies having jurisdiction, including but not limited to Santa Barbara County Planning and Development, California Department of Fish and Wildlife, and the Central Coast Regional Water Quality Control Board. Since the unpermitted road and associated degradation of Environmentally Sensitive Habitat has not been abated, building and zoning violations exist on the subject property. The following development standards therefore apply:

Toro Canyon Community Plan DevStd BIO-TC-1.5: *Where documented zoning violations result in the degradation of an ESH the applicant shall be required to prepare and implement a habitat restoration plan. In Inland areas, this regulation shall apply to violations that occur after Plan adoption. However, in Coastal areas this development standard shall apply to ESH degraded in violation of the Local Coastal Program.*

DevStd BIO-TC-2.1: *Development requiring habitat enhancement in ESH and habitat protection in ESH buffer areas shall include preparation and implementation of a Restoration Plan limited to native plants. Local seed stock or cuttings propagated from the Toro Canyon region shall be used if available.*

County LUDC Section 35.82.110.E (Findings required for all Land Use Permits): *In compliance with Subsection 35.82.110.E.1 of the County Land Use and Development Code, prior to the approval or conditional approval of an application for a Land Use Permit the review authority shall first make all of the following findings:*

1.a. The proposed development conforms to the applicable provisions of the Comprehensive Plan, including any applicable community or area plan.

3. The subject property is in compliance with all laws, regulations, and rules pertaining to 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. This Subsection shall not be interpreted to impose new requirements on legal nonconforming uses and structures in compliance with Chapter 35.101 (Nonconforming Uses, Structures, and Lots).

As a reminder, you are required to submit the remaining items required for Case No. 15LUP-00000-00380 that were outlined in the updated feedback letter dated March 2, 2016 and restore the area to pre-violation conditions in order to abate the building and zoning violations.

The action of the Director to deny Case No. 16LUP-00000-00109 may be appealed to the County Planning Commission within ten (10) calendar days following the date of the Director's decision by the applicant. The appeal fee is $608.26.

Sincerely,

Alex Tuttle, Supervising Planner
123 E. Anapamu Street
Santa Barbara, CA 93101

Cc: Dr. Glenn Russell, Planning Director
Dianne Black, Assistant Director
Sean Herron, Planner

PLANNING & DEVELOPMENT
APPEAL FORM

SITE ADDRESS: 949 Toro Canyon Road, Santa Barbara, CA 93108

ASSESSOR PARCEL NUMBER: 155-020-004

Are there previous permits/applications? ☐no ☒yes numbers: 15LUP-00380 (boulder and debris removal; 15EMP-00000-00012 (include permit# & lot # if tract)

Are there previous environmental (CEQA) documents? ☐no ☐yes numbers: _____

1. **Appellant:** Barton and Vicki Myers Phone: (805) 565-1827 FAX: NA
   Mailing Address: 949 Toro Canyon Road, Santa Barbara, CA 93108 E-mail: b_myerssb@bartonmyers.com
   (Street City State Zip)
2. **Owner:** Barton and Vicki Myers Phone: (805) 565-1827 FAX: NA
   Mailing Address: 949 Toro Canyon Road, Santa Barbara, CA 93108 E-mail: b_myerssb@bartonmyers.com
   (Street City State Zip)
3. **Agent:** Derek A. Westen, Esq. Phone: (805) 963-7130 FAX: 805-456-0409
   Mailing Address: 1800 Jelinda Drive, Santa Barbara, CA 93108 E-mail: derek@westenlaw.com
   (Street City State Zip)
4. **Attorney:** Derek A. Westen, Esq. Phone: (805) 963-7130 FAX: 805-456-0409
   Mailing Address: 1800 Jelinda Drive, Santa Barbara, CA 93108 E-mail: derek@westenlaw.com
   (Street City State Zip)

16APL-00000-00012 **OUNTY USE ONLY**

Case Numb	MYERS TRUST - GRADING APPEAL		_____ *Companion Case Number:* _____
Supervisor	949 TORO CANYON RD	4/21/16	_____ *Submittal Date:* _____
Applicable			_____ *Receipt Number:* _____
Project Pla			_____ *Accepted for Processing* _____
Zoning Des	SANTA BARBARA	155-020-004	_____ *Comp. Plan Designation* _____

COUNTY OF SANTA BARBARA APPEAL TO THE:

_____ BOARD OF SUPERVISORS

__X__ PLANNING COMMISSION: __X__ COUNTY _____ MONTECITO

RE: Project Title Myers Bridge

Case No. 16LUP-00000-00109

Date of Action April 13, 2016

I hereby appeal the _____approval _____approval w/conditions __X__denial of the:

_____Board of Architectural Review – Which Board? _____

_____Coastal Development Permit decision

__X__Land Use Permit decision

_____Planning Commission decision – Which Commission? _____

__X__Planning & Development Director decision

_____Zoning Administrator decision

Is the appellant the applicant or an aggrieved party?

__X__ Applicant

_____ Aggrieved party – if you are not the applicant, provide an explanation of how you are and "aggrieved party" as defined on page two of this appeal form:

Reason of grounds for the appeal – Write the reason for the appeal below or submit 8 copies of your appeal letter that addresses the appeal requirements listed on page two of this appeal form:

- A clear, complete and concise statement of the reasons why the decision or determination is inconsistent with the provisions and purposes of the County's Zoning Ordinances or other applicable law; and
- Grounds shall be specifically stated if it is claimed that there was error or abuse of discretion, or lack of a fair and impartial hearing, or that the decision is not supported by the evidence presented for consideration, or that there is significant new evidence relevant to the decision which could not have been presented at the time the decision was made.

See attached Statement of Grounds for Appeal

Specific conditions imposed which I wish to appeal are (if applicable):

a. _____

b. _____

c. _____

d. _____

Please include any other information you feel is relevant to this application.

CERTIFICATION OF ACCURACY AND COMPLETENESS Signatures must be completed for each line. If one or more of the parties are the same, please re-sign the applicable line.

Applicant's signature authorizes County staff to enter the property described above for the purposes of inspection.

I hereby declare under penalty of perjury that the information contained in this application and all attached materials are correct, true and complete. I acknowledge and agree that the County of Santa Barbara is relying on the accuracy of this information and my representations in order to process this application and that any permits issued by the County may be rescinded if it is determined that the information and materials submitted are not true and correct. I further acknowledge that I may be liable for any costs associated with rescission of such permits.

	Barton Myers	April 18, 2015
Print name and sign – Firm		Date
	Derek A. Westen, Esq.	April 18, 2015
Print name and sign - Preparer of this form		Date
	Barton Myers	April 18, 2015
Print name and sign - Applicant		Date
	Derek A. Westen, Esq.	April 18, 2015
Print name and sign - Agent		Date
	Barton Myers	April 18, 2015
Print name and sign - Landowner		Date

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STATEMENT OF GROUNDS FOR APPEAL

MYERS BRIDGE

16LUP-00000-00109

1. Barton and Vicki Myers own the 40-acre parcel at 949 Toro Canyon Road. On March 15, 2016, the Applicant and Appellant filed an application for construction of an access road and bridge across Toro Canyon Creek, that would provide a secondary means of ingress and egress, facilitate access to and service of existing agricultural development on the parcel. Concurrently, the Applicant provided:

a. Information about the current extreme fire dangers present in upper Toro Canyon Road;

b. Supporting letters from Jim Rampton, Interim Fire Chief of the Carpinteria-Summerland Fire Department, from Scott Coffman, Battalion Chief (Ret); and Al Meskimen, Fire Captain (Ret), all documenting the urgent importance of the secondary access from a life-safety perspective, both for residents and for fire suppression personnel themselves;

c. Documentation that the California Department of Fish and Wildlife ("CDFW") accepted as complete the application for CDFW Streambed Alteration for Bridge and Road dated February 17, 2016;

d. A Biological Assessment by Jackie Worden of Impact Sciences, Inc., documenting that the proposed access road and bridge will have no significant impact on biological resources;

e. An Arborist's Report by Kenneth A. Knight, documenting that the proposed access road and bridge will have no significant impact on arboreal resources; and

f. Civil engineers' reports documenting top of bank and the 100-year flood.

The Applicant believes that there is an urgent and compelling justification for the proposed access road and bridge, that upper Toro Canyon has not experienced a wildfire for 50 years and is now in a period of extreme drought exceedingly at risk for a wild fire of catastrophic proportions, that there are compelling health and life/safety justifications for the proposal, and that there is no evidentiary basis on which Staff could have denied the application.

2. DevSTd FIRE-TC-2.4, provides that "[t]wo routes of ingress and egress ***shall be required*** for discretionary permits for subdivision involving five or more lots to provide emergency access unless the applicable fire district waives/modifies the requirement and documents finding(s) for the waiver/modification with the County. ***For discretionary permits for subdivisions involving fewer than five lots, the permit application shall identify a secondary ingress and egress route for review by appropriate P&D decision maker. ...***"" (*Emphasis added.*) Staff's determination that the development standard is completely inapplicable is incorrect because:

a. The interpretation is technical and legalistic, ignoring the underlying policy that not only supports, but mandates secondary access precisely because of overriding life/safety considerations both for residents and fire suppression personnel themselves. If the

subdivision were being approved today, the secondary access would be very strongly encouraged, if not mandatory;

b. The interpretation ignores Santa Barbara Development Standard #1.E. for Private Road and Driveway Standards which provides, "Two separate and approved access roads (not alternate access) ***shall be provided*** when it is determined by the Fire Chief that access by a single road, in excess of 600 ft, might be impaired by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit access (CFC [California Fire Code] Appendix D107.1 & 503.1.2) (*Emphasis added.*);

c. The finding that "existing access on the subject property meets access requirements" is not supported by the evidence that the access is frequently blocked and by the evidence from fire department officials strongly supporting secondary access;

d. Staff's statement that Carpinteria-Summerland Fire Protection District is not "requiring" the secondary access ignores the fact that the District Fire Chief states that the secondary access is "prudent" and "fully supports" the secondary access;

e. Santa Barbara County Fire Department Standards mandate secondary access where the governing Fire Chief determines that "access by a single road ... might be impaired by vehicle congestion, condition of terrain ... or other factors that could limit access. ..." In fact, Cal Fire, of the California Department of Forestry and Fire Protection, has responsibility for fire suppression in the area and has delegated the responsibility to Santa Barbara Fire Department (not to Carpinteria-Summerland). County standards should apply;

f. The contentions that the agricultural uses are not "principally permitted," and that a CUP would be required for ***new*** agricultural uses, are not relevant. In fact, the property has existing agricultural uses permitted as prior non-conforming uses that do not require a CUP or new permit;

g. The conclusion that the agricultural uses do not support the proposed secondary access is not supported by the evidence, and also ignores the fact that health and safety considerations also strongly support the secondary access;

h. The conclusion that the secondary access road would only serve a *new* agricultural use is not supported by the evidence and ignores the fact that the secondary access is also necessary for health and safety considerations; and

i. The conclusion that the access road would only serve agriculture ignores the facts that the access road would serve additional water exploration for Well #4 by the East Montecito Mutual Water Company, and that such a road is exempt from LUP requirements, and also because such a road for agricultural support is not a "development," but an "improvement," and that "improvements" are specifically supported by County agricultural policies.

3. The conclusory finding that the proposed secondary access is inconsistent with seven different environmental policies because it would "disrupt and fragment the biological corridor and damage the riparian habitat and creek" is unsupported by evidence in the record, and directly contrary to the biologist's, wildlife biologist's, and arborist's reports filed in support of the application. In fact, the

proposed development is consistent with all of the cited policies because it complies with them "to the maximum extent feasible."

4. The conclusory finding that the proposed secondary access is inconsistent with the tree protection policies on the grounds that "several protected native trees were [previously] removed" is unsupported by the evidence and is contrary to the arborist's report filed in support of the application.

5. The determination appears to impose the requirement that before the proposed road and bridge can be approved, the site must be restored to its prior condition, even though, if the road and bridge are approved, the "restoration" itself would itself be removed. Such a requirement would cause completely unnecessary environmental impacts that cannot be justified by any applicable policies or rational considerations.

6. In late 2015 and again in early 2016, without ever having seen the fire department recommendations, the biologist's analysis, the wildlife biologist's recommendations, or the arborist's recommendations, Staff repeatedly advised the Applicant that it would never approve the proposed secondary access. Staff denied the complete application just weeks after it was filed and assigned to a planner in 2016. The evidence supports the conclusion that Staff made its decision without due consideration of the documentation actually filed concurrently with the application.

* * *

CARPINTERIA~SUMMERLAND FIRE PROTECTION DISTRICT

January 27, 2016

Barton Myers
949 Toro Canyon Road
Santa Barbara, California 93108

Dear Mr. Myers,

Thank you for inviting myself and Fire Marshall Ed Foster to tour your property to listen to your proposal for a second means of egress from your property. During our visit it was noticed that there was construction occurring on the properties next to your property, which made the long driveway congested. It is true that your 40-acre site that is covered with chaparral has not burned in many years and given the extreme wildfire conditions has the potential for a devastating wildfire.

Given those extreme wildfire condition it is prudent to have a second means of egress. A second means of egress has the potential to enhance firefighting and improve firefighter and occupant safety. If this road is constructed and it is expected that our firefighting apparatus are to use this road, it must be constructed in a way that meets all Local, State and Federal rules for a driveway of this type.

Thank you again for your time and I appreciate your concern for our safety as well as your own during a wildfire. I fully support your concept of having a second means of egress from your property.

Respectfully,

Jim Rampton
Interim Fire Chief

January 9, 2016

Chief Jim Rampton

Carpinteria Summerland Fire Protection District

1140 Eugenia Place, Ste A

Carpinteria, Ca. 93013

Re: Barton Myers Access Driveway, 949 Toro Canyon Road

Chief Rampton,

Hope the new year is treating you well. Good seeing everyone over lunch this last Christmas. It reminded me of the good work we did together. This correspondence concerns fire related issues at Barton Myers property located at 949 Toro Canyon Road.

Mr. Myers is interested in putting in a secondary means of access including a rated bridge. It has always been my understanding the District has been urging and very appreciative of private - public partnership in fire protection. This enhancement seems to me to be no exception. Ed Foster and I have spent long hours looking for secondary means of egress especially for life safety concerns. When areas come available we normally jumped on any means to protect our community and firefighters.

In this case, the property is in Toro Canyon, CWPP Hazard Zone 3. This in an area arguably the most hazardous zone in our District and at a pinch-point as well. Getting residents evacuated out of upper Toro could be challenging. Additionally, firefighter safety in the area is critical in a conflagration fire. I believe a rated driveway and bridge specifically in this area is of great importance and helpful to our District.

First priority is to get residents evacuated from the area. However, as we saw in the Jesusita Fire secondary access points and safe refuge areas are vital if not lifesaving. Obtaining both of these in a situation such as Mr. Myers is presenting without a discretionary permit application for an additional structure. This is unheard of normally.

Having this secondary means of access could be used as a safe refuge area for firefighters or residents on Mr. Myers cleared areas as well as safeguarding the escape

of residents from multiple properties in the 900 block of Toro Canyon. Having additional options at this location is critical if residents and firefighters are cut off from escaping the area. Sheltering in Place is a viable option. Having a secondary access road to the property helps meet that objective. Secondary access roadway to escape the area is also viable especially when everyone wants to leave at the same time.

I believe it is important that the driveway, bridge, turn arounds, and fuel reduction related to the project be rated per Fire District Regulations. Having these requirements in place will stand the test of time when it might be needed. Either leaving the property or entering in a time of need should be accomplished with all the requirements met. Additionally, having a second access driveway during times of El Nino, road washout, with potential medical emergencies or vehicle accident may well prove to be life-saving.

Meeting with Ed Foster and our engine companies on understanding the dynamics and uses of the secondary access are important. Getting the County Planning and Development to approve this project are found in the following:

1) Toro Canyon Plan – Development Standard TC-2.4 "Two separate and approved access roads (not alternate access) shall be provided when it is determined by the Fire Chief that access by a single road, in excess of 600ft (access road for 949 Toro Canyon Road is approximately 1,000ft),
2) Carpinteria-Summerland Fire Protection District CWPP pp. 23 – 25.
3) Private Road and Driveway Standards, Development Standard #1 section IIE PRIVATE ROAD page 3 of 18: "Two separate and approved access roads (not alternate access) shall be provided when it is determined by the Fire Chief that access by a single road, in excess of 600ft (access road for 949 Toro Canyon Road is approximately 1,000ft), might be impaired by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit access." (Santa Barbara County Fire Department Fire Prevention Division – Rev 1/25/10).

Jim, again it was good seeing you this last holiday. It is encouraging and important to fight the good fight in protecting our community from the threat of wildland fire. This is an example of a private/public partnership that enhances safety in probably the most extreme threat in our District.

Respectfully Yours,

Scott Coffman

Battalion Chief (retired)

Florian & Associates Inc.
fire protection & sustainability thru design
Florian & Associates Inc.
845 W
Santa

Fire Chief Jim Rampton
Carpinteria-Summerland Fire District
140 Eugenia Pl, Carpinteria, CA 93013

December 22, 2015

Dear Chief Rampton

I would like to recommend the additional of a second means of access/egress to Barton Myers property locate at 949 Torro Canyon on the basis of enhanced firefighting ability and improved life safety.

The current environmental conditions that support this recommendation are that the current ingress/egress is shared by three properties, and is many times congested. The surrounding vegetation is composed of highly flammable chaparral and oak lands that have not burned since the Coyote Fire of 1964.

The physical layout of the driveway is approximately 1,000 feet with a dead end.
I have been at the property when the access/egress is impaired by vehicle congestion, construction. I understand that this experience happens far too often.

The current driveway serves three parcels, four dwelling units, and two home based offices. Productive agriculture and landscaping occur on this property. There can be as many as 50 persons using this access on any given day.

In the event of an emergency whether it is medical, law enforcement or fire the emergency response would be hampered with current egress conditions, especially with a fire or obstruction on the existing access to the south.

Given the extreme danger of a wildfire it is prudent to have a second means of egress, increased firefighter and occupant safety, and improved firefighting ability. Smoke generates visibility problems with accidents.

Further evidence of the need for secondary access in covered in the Santa Barbara County Fire Department Fire Prevention Division – Rev 1/25/10 under Private Road and Driveway Standards, Development Standard #1 section IIE PRIVATE ROAD page 3 of 18: "Two separate and approved access roads (not alternate access) shall be provided when it is determined by the Fire Chief that access by a single road, in excess of 600ft (access road for 949 Toro Canyon Road is approximately 1,000ft), might be impaired by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit access."

My appreciation for your immediate attention to this important matter.

Respectfully yours,

Al MesKimen

Kenneth A. Knight Consulting LLC
Registered Consulting Arborist #507
69 Calaveras Avenue Goleta, CA 93117
H (805) 968-8523 W (805)252-1952
kennethknight@cox.net www.goletaarborists.com

949 Toro Canyon RD
Montecito, CA 93108
January 4, 2016

RE: Arborist Report for 949 Toro Canyon Rd

Assignment
This report was prepared at the request of Aaron Spell, Associate with Barton Myers Associates, Inc. in response to County of Santa Barbara Planning Department Arborist Report requirements for proposed improvements at 949 Toro Canyon Road. The proposed project involves improvements to an existing dirt road serving as an alternate access to 949 Toro Canyon Road. The project will include converting an existing 10' service road to a compacted shale service, installation of a stone lined road gutter, construction of a 2' high stone wall at two locations along the road, installation of a 10' x 60' railroad flatcar bridge over Toro Canyon Creek supported by two precast concrete abutments, and a 10' stone apron along Toro Canyon Road.

An Arborist Report is required by the County to establish tree protection measures to be implemented during construction, the general health of protected Coast Live Oak and California Sycamore trees on site, potential effects of the project on the trees, and proposed mitigation measures to minimize disturbance to the tree during construction.

The plan reviewed for this report is the Surveyor's Map dated December 23, 2015 prepared by Davis Land Surveying, 44 Helena Ave., Santa Barbara CA 93101. The observations and recommendations are based on the proposed improvement plans. Any changes to the plans as proposed require additional review to insure consistency with the standards used in this report. I visited the site on December 23, 2015 with Barton Myers and Aaron Spell present.

Summary
There are 59 protected trees (including 37 Coast Live Oak-*Quercus agrifolia* and 22 California Sycamore-*Platanus racemosa*) with varying levels of potential impact by the proposed construction. The trees are likely to continue to grow and thrive after the construction is complete if mitigation measures suggested below are followed.

General Observations
1.. A visual assessment of the tree health and structural integrity was part of this assignment. Foliage health assessment reviewing live crown ratio, opacity, vitality, growth, vitality and quality is based on a rating system developed by Jerry Bond in his book "Urban Tree Health". My visual examination of the crown, trunk and root crown indicates two of the protected trees are in excellent health, 51 are in good health and 6 are in fair health. Individual tree assessments are included in the spreadsheet attached to this report. During my site visit,

the other trees in the area appeared to be in good condition, although all trees in this area have been stressed by the four-year drought. There was one non protected tree failure in the area of review that appeared to be from drought related reasons.

2. I measured the trees for its diameter at breast height (DBH) 54" above grade level. A standard for calculating the optimal tree protection zone can be found on page 74 of "Trees and Development-A Technical Guide to Preservation of Trees During Land Development", Nelda Matheny and James R. Clark, 1998, International Society of Arboriculture. This calculation uses a 1" DBH = 1' of critical root zone, with modifications for age of tree and species tolerance to root disturbance. The 1" DBH to 1' of critical root zone method is used as the County CRZ impact area definition, with no modifications.

3. I also measured the drip line for each tree using the average of the shortest and longest distances under the canopy, and taking into account variances due to tree lean and canopy loss caused by shading from adjacent trees. In many cases this distance exceeded the DBH measurement.

4. I reviewed all protected trees measuring 6" DBH or greater.

5. Based on the proposed improvement plan and the DBH of the protected trees, I estimated the amount of CRZ impacted. A list of the impact to each individual tree is included in the spreadsheet attached to this report.

A summary of the impacts is as follows;

Trees	% Impact
3	46 to 50%
11	36 to 45%
14	26 to 35%
12	11 to 25%
19	0 to 10%
59	Total

Recommendations

The following mitigation suggestions are intended to reduce the extent of construction damage to acceptable levels, so that the existing trees can be reasonably assured of survival without decline.

General Recommendations

1. FENCING-In order to avoid compaction of soil around the tree protection zone of the oak trees, the trees should have fencing placed around the critical root zones, with the exceptions as noted below. Fencing can be of high visibility plastic mesh or chain link a minimum height of 5 feet, mounted on steel posts driven 18" into the ground. Fencing must be in place prior to the arrival of any other materials or equipment and must remain in place until all construction is completed and final approval is given. Fencing must not be temporarily moved during construction. Fencing should have signage in

English and Spanish 'Tree Protection Zone-No entry". This requirement does not apply to any surface currently covered with impermeable material.

2. UNDERGROUND UTILITIES AND LINES - All underground utilities and drain or irrigation lines shall be routed outside the tree protection zone. If lines must transverse the protection area, they shall be tunneled/bored under the tree, or lay on top of an existing traveled surface and buried at grade with a pervious cover. Underground utility line changes are not indicated on the proposed site map included in this report.

3. LANDSCAPE SCREENING - Landscape screening should preferably be located outside of the tree protection zone. Typical screening shrubs such as Pittosporum, Oleander, Eugenia, and Ficus are not recommended as they all have irrigation and root space requirements that compete directly with protected trees. No landscape screening is proposed as part of this project.

4. CLEARANCE PRUNING - Additional tree pruning required for clearance during construction must be performed under the supervision of a Certified Arborist and not by construction personnel.

5. ABOVE GROUND TREE DAMAGE DURING CONSTRUCTION - If injury should occur to any tree during construction, it should be evaluated as soon as possible by a Certified Arborist so that appropriate treatments can be applied.

6. COMPATIBLE LANDSCAPING - Any proposed landscaping should be compatible with the watering and root requirements of the protected trees. Landscape screening shrubs/trees with large root systems (ex Ficus, Pittosporum) should be avoided within the root protection zone.

   For Coast Live Oak trees, any plants or lawns that require ongoing overhead irrigation should be avoided within the tree protection zone. There is no proposed landscaping with this project.

7. ROOT DAMAGE DURING CONSTRUCTION - Any protected tree roots within the tree protection zone that are damaged during grading or construction shall be exposed to sound tissue and cut cleanly with a sharp saw or if feasible, redirected around the perimeter of the additions.

   For any protected tree with roots severed by construction, the uncovered cut root surfaces should be watered daily or as necessary to avoid them drying them out until they are recovered with the original soil removed during any excavations.

8. NO DUMPING OR STORAGE WITHIN TREE PROTECTION ZONE –Construction materials, equipment, excavated debris and soil may not be piled or dumped (even temporarily) within the tree protection zone of any trees on site.

9. ROOT COLLARS MUST BE CLEAR - Loose soil, debris, vegetation (ivy shrubs) must not be allowed to cover the trunk or the root collar (i.e. the part of the oak where the trunk begins to flare out at the base of the tree. If this occurs, the debris, soil, or

vegetation must be excavated and removed by hand to the original grade. This will allow for air circulation and to reduce the potential for decay at the base of the trees.

10. CONSTRUCTION WASH AREA- Washing of equipment should be located in parking areas adjacent to buildings at 949 Toro Canyon Road.i

Site specific recommendations

11. Construction of the shale road would have less impact to the critical root zones if constructed on top of the existing road surface, including the gutter.

12. All stone gutters, walls and abutments should not touch the truck of any tree, and preferably be placed at least one foot from the trunk, and preferably more.

13. The 2' retaining walls should be increased to 3'.

14. A retaining wall should be added on the northeast side of the road at the base of trees 8 and 9.

15. Realign rip rap northwest of tree 11 to avoid impact.

16. Stop installation of rip rap 20' north of tree 18 trunk, as opposed to 10' on the plans.

17. Add a 3' retaining wall around the base of trees 23 and 24.

18. Shift road alignment 2' southeast away from trunk of trees 32, 33, and 34.

19. Shift road alignment 3' west away from trunk of trees 37, 39, and 41.

20. Shift road alignment 4' northwest from trunk of tree 44.

21. A consulting arborist should be on site to review vertical and ground clearances of protected trees during the transportation and installation of the railroad flat car bridge.

Sincerely,

Ken Knight

Ken Knight, Registered Consulting Arborist #507
Attachments
- Spreadsheet with list of trees and comments
- Tree inventory 1 through 59 with photos
- Surveyors Map of Myers Property – November 2015
- Enlarged Surveyor's Map (4) with numbers of protected trees reviewed

ID	Urban Species Common n	Latitude	Longitu de	Height	DBH	CRZ Drip line	DBH CRZ	Growth	Opacity	Quality	Ratio	Vitality	Total	Diff	Notes
1	Coast Live Oak Quercus agrifolia	34.451282	-119.560533	40	16.5+20.5+24+61	48	61	3	2	3	3	3	2.8		good health. 9' from Toro canyon, 9' from road with 10' stone apron, 35% impact
2	Coast Live Oak Quercus agrifolia	34.451248	-119.560592	25	19	39	19	3	2	2	2	2	2.2		fair health. 1' from road 60% impact. Rec moving alignment north west two feet for a total of 3' from trunk
3	Coast Live Oak Quercus agrifolia	34.451335	-119.560607	40	15.5+7.5+15=28	27	28	3	3	3	3	3	3		good health, 11' from road, 20% impact
4	Coast Live Oak Quercus agrifolia	34.451320	-119.560592	30	16.5	24	16.5	2	2	2	2	2	2		fair health. trunk curved 90 degrees over road. trunk 6' from 4' tall excavated drop to road. deep cavities in trunk. 2' retaining wall proposed. 35% impacted
5	Coast Live Oak Quercus agrifolia	34.451228	-119.560490	25	15	22	15	2	2	2	2	2	2		fair health. 12' from road 10' below on 45 degree slope.. trunk leaning away from road at 45 degree angle.. 5% impact
6	Coast Live Oak Quercus agrifolia	34.451228	-119.560490	35	20+22=42	44	42	3	3	3	3	3	3		fair health. 7' from road, lower canopies extensive cavities and leaning over road at 45 degree angle.. 25% impact w/retaining w
7	Coast Live Oak Quercus agrifolia	34.451343	-119.560318	35	25	47	25	3	3	3	3	3	3		fair health. 2' from road on excavated hill 6' above road.. trunk leaning over road at 25% angle.. 40% impact w/retaining wall
8	Coast Live Oak Quercus agrifolia	34.451343	-119.560318	35	20.5	38	20.5	3	3	3	3	3	3		good health. Trunk has extensively cavities.. trunk 3' from road on 4' tall excavated hill.. 40% impact with retaining wall
9	Coast Live Oak Quercus agrifolia	34.451360	-119.560335	15	6	11	8	3	3	3	3	3	3		good health. 5' from road 7' above.. 20% impact w/retaining wall
10	Coast Live Oak Quercus agrifolia	34.451290	-119.560342	20	10	16	10	2	3	2	3	3	2.5		good health.. rocks at base.. 8' from road. 20% impact.. remove rocks against trunk
11	Coast Live Oak Quercus agrifolia	34.451255	-119.560322	20	8	16	8	3	2	3	2	3	2.6		good health. 11' from road on 45 degree slope 10' below road.. no impact if rip rap realigned to the northwest
12	California Sycamore Platanus racemosa	34.451390	-119.560287	35	12	30	12	3	3	3	3	3	3		good health. 3' from road/bridge.. No impact as bridge spans CRZ
13	Coast Live Oak Quercus agrifolia	34.451292	-119.560245	35	13	20	13	3	4	4	4	4	3.6		good health. 2' from road/ bridge... adjacent to creek, bridge spans CRZ no impact
14	Coast Live Oak Quercus agrifolia	34.451393	-119.560287	40	11+14=25	32	25	3	3	3	3	3	3		good health. 6' from road/bridge on slope towards creek.. no impact
15	Coast Live Oak Quercus agrifolia	34.451362	-119.560318	35	8+13=21	34	21	3	3	3	4	4	3.2		good health. 21' from road.. no impact
16	Coast Live Oak Quercus agrifolia	34.451460	-119.560240	25	7+10	21	17	3	3	3	3	3	3		good health.. 3' from road/bridge. roots exposed 1' from tree on creek side.. no impact, bridge spans crz
17	California Sycamore Platanus racemosa	34.451437	-119.560213	40	11	20	11	3	3	3	3	3	3		good health. 8' from road bridge.. Bridge spans crz, no impact
18	Coast Live Oak Quercus agrifolia	34.451355	-119.560207	30	5+14=19	25	19	3	3	3	2	3	2.8		good health.. 5' from road.. 35% impact
19	Coast Live Oak Quercus agrifolia	34.451922	-119.560232	30	7+10+11=28	22	28	3	3	2	2	3	2.6		good health. 2' from road, 45% impact.. one trunk damaged from scraping.. rec remove rocks on trunk
20	Coast Live Oak Quercus agrifolia	34.451173	-119.560697	30	7+10+12.5=28.5	27	29.5	3	3	3	3	3	2.8		good health. 6' from road.. trunk on slope partially buried.. 35% impact
21	Coast Live Oak Quercus agrifolia	34.451437	-119.560188	25	9+8=17	18	17	3	3	3	2	3	2.6		good health. 10' from road. 15% impact
22	Coast Live Oak Quercus agrifolia	34.451537	-119.560230	25	14+8.5=22.5	27	22.5	3	3	3	3	3	2.8		good health.. 3' from road surrounded by rocks.. 35% impact
23	Coast Live Oak Quercus agrifolia	34.451490	-119.560077	25	19	25	19	3	2	2	2	2	2.4		good health.. scaffolds have extensive cavities.. 1 scaffold leaning over road.. 4' from road on a 4' excavated hill.. 40% impact rec retaining wall in addition to rip rap
24	Coast Live Oak Quercus agrifolia	34.451498	-119.560152	40	32	39	32	2	3	2	2	2	2.2		fair health. Extensive cavities in trunk and scaffolds.. 9' from road on hill.. 35% impact with retaining wall
25	Coast Live Oak Quercus agrifolia	34.451582	-119.560187	25	11	19	11	3	3	3	3	3	3		good health. 8' from road, 3' above leaning away from road.. 15% impact
26	Coast Live Oak Quercus agrifolia	34.451582	-119.560130	25	9	18	9	3	3	3	3	3	3		good health. 1' from road 2' above grade.. 40% impact with retaining wall
27	Coast Live Oak Quercus agrifolia	34.451582	-119.560130	25	5+6+9=20	21	20	3	3	3	3	3	3		good health. 3' from road 3' above grade.. 30% impact with retaining wall
28	Coast Live Oak Quercus agrifolia	34.451677	-119.560093	25	8.5	17	8.5	3	3	3	3	3	3		good health. 3' from road 4' above grade.. 30% impact with retaining wall
29	Coast Live Oak Quercus agrifolia	34.451540	-119.560212	25	9.5	18	9.5	3	3	3	3	3	3		good health. intertwined with 4" sycamore.. 4' from road 3' above grade.25% impact
30	California Sycamore Platanus racemosa	34.451740	-119.560409	30	9	15	9	3	3	3	3	3	3		good health. 11' from road.. no impact
31	Coast Live Oak Quercus agrifolia	34.451715	-119.560335	25	9	19	9	3	3	3	3	3	3		good health 11' from road no impact
32	Coast Live Oak Quercus agrifolia	34.451690	-119.560208	30	11.5	18	11.5	3	3	3	3	3	3		good health. 1' from road.. 50% impact. Rec. moving alignment 2' southeast away from trunk
33	Coast Live Oak Quercus agrifolia	34.451705	-119.560227	20	6.5	8	6.5	2	2	2	2	2	2		fair health.. trunk leaning away from road.. 2' from road, 40% impact.. Rec. moving road alignment southeast 2' away from trun
34	Coast Live Oak Quercus agrifolia	34.451648	-119.560193	25	9.5	15	9.5	3	3	3	3	3	3		good health.. 1' from road, 50% impact.. Rec moving road alignment southeast 2' away from trunk
35	Coast Live Oak Quercus agrifolia	34.451693	-119.560127	45	28+10=38	40	38	4	3	4	3	4	3.6		excellent condition.. 11' from road, 10' above grade.. 25% impact
36	Coast Live Oak Quercus agrifolia	34.451825	-119.560162	45	9+4=12	25	41	3	3	3	3	3	3		good health 8' from road 10' above grade.. 25% impact
37	California Sycamore Platanus racemosa	34.451800	-119.560200	35	7.5	16	7.5	3	3	3	3	3	3		good health.. 1' from road 45% impact.. Rec shifting road alignment west 3' from trunk
38	Coast Live Oak Quercus agrifolia	34.451910	-119.560238	35	7+9=16	26	16	3	3	3	3	3	3		good health. 14' from road, 15% impact
39	California Sycamore Platanus racemosa	34.451823	-119.560280	35	6.5	13	6.5	3	3	3	3	3	3		good health. 1' from road., 45% impact. Rec shifting alignment 3' west of trunk
40	California Sycamore Platanus racemosa	34.451567	-119.560302	35	8	17	8	3	3	3	3	3	3		good health. 4' from road. 25% impact
41	California Sycamore Platanus racemosa	34.451877	-119.560208	35	8	15	8	3	3	3	3	3	3		good health. 1' from road. 45% impact Rec shifting road alignment 3' west of trunk
42	Coast Live Oak Quercus agrifolia	34.451953	-119.560297	30	10+16=26	24	26	4	4	4	4	4	4		excellent health.. 14' from road. 20% impact
43	California Sycamore Platanus racemosa	34.451997	-119.560358	35	8	15	8	3	3	3	3	3	3		good health. 7' from road. 10% impact
44	California Sycamore Platanus racemosa	34.451892	-119.560383	35	8	16	8	3	3	3	3	3	3		good health. 2' from road. 35% impact Rec. shifting road alignment 4' northwest of trunk
45	California Sycamore Platanus racemosa	34.451982	-119.560333	35	6.5+5=11.5	24	11.5	3	3	3	3	3	3		good health. 6' from road. 35% impact
46	California Sycamore Platanus racemosa	34.452115	-119.560230	35	6.5+3.5=10	18	10	3	3	3	3	3	3		good health. 4' from road, 2' below grade.. rocks piled around base. 30% impact
47	Coast Live Oak Quercus agrifolia	34.452127	-119.560420	35	23	41	23	3	4	3	4	4	3.6		good health. scaffold cavities not sealed.. 4' from road intersection.. 40% impact.. Keep alignment of road at least 4' from trunk
48	California Sycamore Platanus racemosa	34.452130	-119.560413	25	6.5	20	6.5	3	3	3	3	3	3		good health, subscribate to adjacent oak tree number=47.. 14' from road. 5% impact
49	Coast Live Oak Quercus agrifolia	34.452073	-119.560513	30	14.5+14+10=38.5	48	38.5	3	3	3	3	3	3		good health. 13' from road, 30% impact
50	California Sycamore Platanus racemosa	34.451962	-119.560570	25	6.5	15	6.5	3	3	3	3	3	3		good health. 9' from road, no impact
51	California Sycamore Platanus racemosa	34.452035	-119.560483	30	9.5	14	9.5	3	3	3	3	3	3		good health. edge of canyon cliff.. 15' from road.. no impact
52	California Sycamore Platanus racemosa	34.451930	-119.560493	30	6	11	6	3	3	3	3	3	3		good health. root collar buried.. 8' from road.. no impact
53	California Sycamore Platanus racemosa	34.451993	-119.560538	30	8	14	8	3	3	3	3	3	3		good health. 12' from road no impact
54	California Sycamore Platanus racemosa	34.451948	-119.560493	35	12.5	22	12.5	3	3	3	3	3	3		good health. 10' from road. 10% impact
55	California Sycamore Platanus racemosa	34.451905	-119.560513	35	10+9=19	19	19	3	3	3	3	3	3		good health. 14' from road. 10% impact
56	California Sycamore Platanus racemosa	34.451853	-119.560552	30	8	12	8	3	3	3	3	3	3		good health. 1' from road. 45% impact
57	California Sycamore Platanus racemosa	34.451853	-119.560345	25	6.5+7=13.5	21	13.5	3	3	3	3	3	3		good health. 6' from road. 30% impact
58	California Sycamore Platanus racemosa	34.451830	-119.560307	25	7+6=13	18	13	3	3	3	3	3	3		good health. 11' from road. 10% impact
59	California Sycamore Platanus racemosa	34.451820	-119.560307	30	6+5=11	19	11	3	3	3	3	3	3		good health.2' from road. 35% impact

Tree Inventory

Existing Trees on Site

Location 0

Tree#

Tree#	Species	DBH	Radius	Height	S-CRZ
1	Coast Live Oak Quercus agrifolia		61	40	48

Ratio 3

Opacity 2

Vitality 3

Growth 3

Quality 3

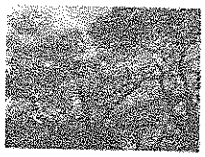
Notes

health good. 9' from toro canyon, 9' from road, 35% impact

Ave.

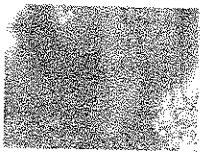
2.8

Crown



Trunk

Roots



Setting

Tree#	Species	DBH	Radius	Height	S-CRZ
2	Coast Live Oak Quercus agrifolia	19	19	25	39

Ratio 2

Opacity 2

Vitality 2

Growth 3

Quality 2

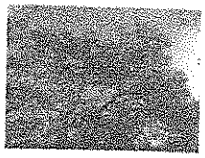
Notes

health fair. 1' from road 50% impact

Ave.

2.2

Crown



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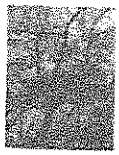

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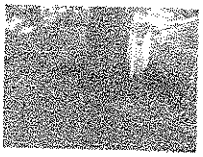

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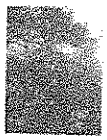


Tree Inventory

Existing Trees on Site

Tree#	Species	DBH	Radius	Height	S-CRZ
3	Coast Live Oak Quercus agrifolia		28	40	27

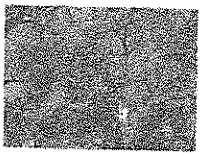
Ratio	3
Opacity	3
Vitality	3
Growth	3
Quality	3

Notes

health good. 11' from road, 20% impact

Ave. 3

Crown



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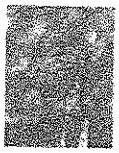
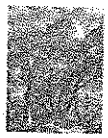


Roots

Setting



Tree#	Species	DBH	Radius	Height	S-CRZ
4	Coast Live Oak Quercus agrifolia	16.5	16.5	30	24

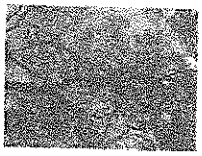
Ratio	2
Opacity	2
Vitality	2
Growth	2
Quality	2

Notes

health fair. trunk curved 90 degrees over road. trunk 6' from 4' tall excavated drop to road. deep cavities in trunk. retaining wall advised. 35% impacted

Ave. 2

Crown



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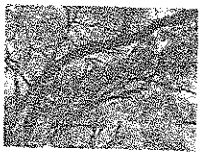

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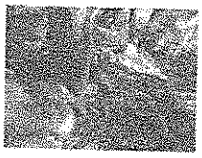

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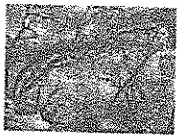


Tree#	Species	DBH	Radius	Height	S-CRZ
5	Coast Live Oak Quercus agrifolia	15	15	25	22

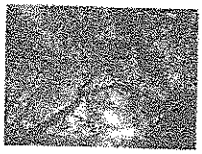
Ratio	2
Opacity	2
Vitality	2
Growth	2
Quality	2

Notes

health fair. 12' from road 10' below on 45 degree slope. trunk leaning away from road at 45 degree angle. 5% impact

Ave. 2

Crown



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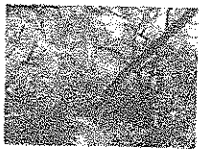

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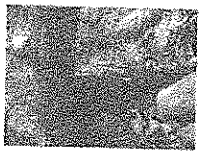


Setting

Tree Inventory

Existing Trees on Site

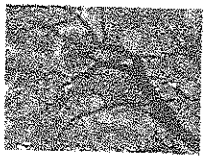
Tree#	Species	DBH	Radius	Height	S-CRZ
6	Coast Live Oak Quercus agrifolia		42	35	44

Ratio	3
Opacity	3
Vitality	3
Growth	3
Quality	3

Ave. 3

Notes: health fair. 7' from road, lower canopies heavily cavitied and leaning over road at 45 degree angle. 25% impact

Crown



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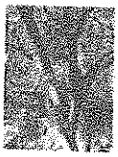


Roots

Setting

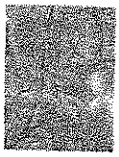
Tree#	Species	DBH	Radius	Height	S-CRZ
7	Coast Live Oak Quercus agrifolia	25	25	35	47

Ratio	3
Opacity	3
Vitality	3
Growth	3
Quality	3

Ave. 3

Notes: good health. 3' from road on excavated hill 6' above road. trunk leaning over road at 25% angle. 40% impact. retaining wall rec

Crown



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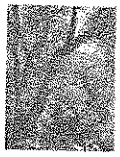
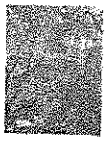


Roots

Setting



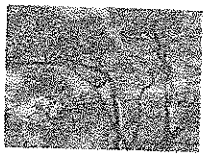
Tree#	Species	DBH	Radius	Height	S-CRZ
8	Coast Live Oak Quercus agrifolia	20.5	20.5	35	38

Ratio	3
Opacity	3
Vitality	3
Growth	3
Quality	3

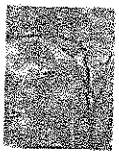
Ave. 3

Notes: Google health. trunk heavily cavtied. trunk 3' from road on 4' tall excavated hill. retaining wall rec

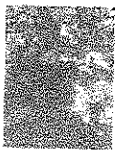
Crown



Trunk



Roots



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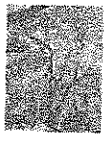


Tree Inventory

Existing Trees on Site

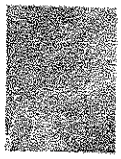
Tree#	Species	DBH	Radius	Height	S-CRZ
9	Coast Live Oak Quercus agrifolia	8	8	15	11

Ratio	3
Opacity	3
Vitality	3
Growth	3
Quality	3

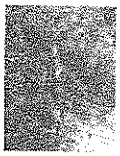
Ave. 3

Notes: health good. 5' from road 2' above . 20% impact. retaining wall rec

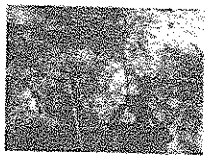
Crown



Trunk



Roots



Setting

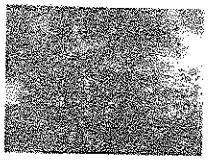
Tree#	Species	DBH	Radius	Height	S-CRZ
10	Coast Live Oak Quercus agrifolia	10	10	20	16

Ratio	2
Opacity	3
Vitality	3
Growth	2
Quality	3

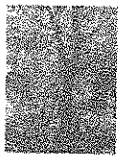
Ave. 2.6

Notes: good health. rocks at base. 8' from road. 20% impact. remove rocks against trunk

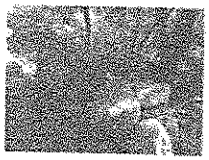
Crown



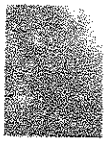
Trunk



Roots



Setting



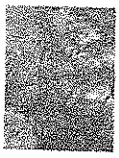
Tree#	Species	DBH	Radius	Height	S-CRZ
11	Coast Live Oak Quercus agrifolia	8	8	20	16

Ratio	2
Opacity	2
Vitality	3
Growth	3
Quality	3

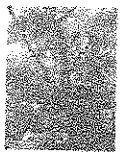
Ave. 2.6

Notes: good health. 11' from road on 45 degree slope 10' below road. no impact

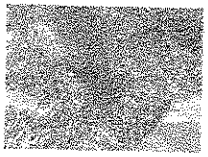
Crown



Trunk



Roots



Setting

Tree Inventory

Existing Trees on Site

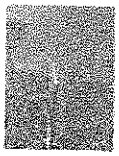
Tree#	Species	DBH	Radius	Height	S-CRZ
12	California Sycamore Platanus racemosa	12	12	35	30

Ratio 3
Opacity 3
Vitality 3
Growth 3
Quality 3

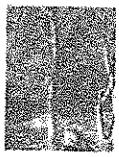
Notes: good health. 3' from road/bridge. 45% impact. rec retaining wall

Ave. 3

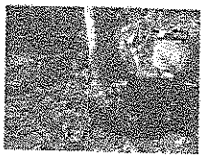
Crown



Trunk



Roots



Setting

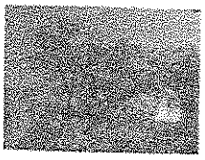
Tree#	Species	DBH	Radius	Height	S-CRZ
13	Coast Live Oak Quercus agrifolia	13	13	35	20

Ratio 4
Opacity 3
Vitality 4
Growth 3
Quality 4

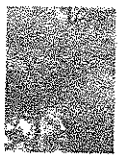
Notes: good health. 2' from road/ bridge. rec retaining g wall . 45% impact. adjacent to creek

Ave. 3.6

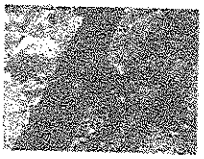
Crown



Trunk



Roots



Setting

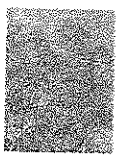
Tree#	Species	DBH	Radius	Height	S-CRZ
14	Coast Live Oak Quercus agrifolia		25	40	32

Ratio 3
Opacity 3
Vitality 3
Growth 3
Quality 3

Notes: good health. 8' from road/bridge on slope towards. creek. 30% impact depending upon bridge design

Ave. 3

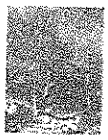
Crown



Trunk

Roots

Setting



Tree Inventory

Existing Trees on Site

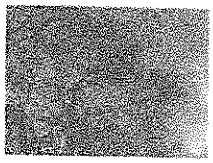
Tree#	Species	DBH	Radius	Height	S-CRZ
15	Coast Live Oak Quercus agrifolia		21	35	34

Ratio	3
Opacity	3
Vitality	4
Growth	3
Quality	3

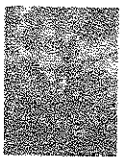
Ave. 3.2

Notes: good health. 21' from road. no impact depending on bridge dsign

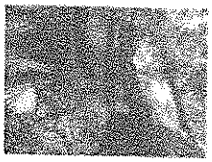
Crown



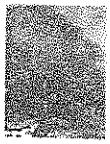
Trunk



Roots



Setting



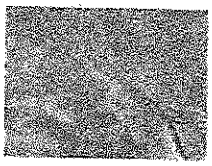
Tree#	Species	DBH	Radius	Height	S-CRZ
16	Coast Live Oak Quercus agrifolia		17	25	21

Ratio	3
Opacity	3
Vitality	3
Growth	3
Quality	3

Ave. 3

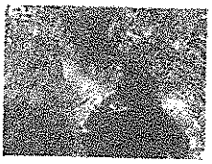
Notes: good health . 3' from road/bridge. roots exposed 1 ' from tree on creek side 45% impact. rec retaining wall

Crown

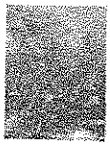


Trunk

Roots



Setting



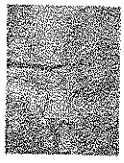
Tree#	Species	DBH	Radius	Height	S-CRZ
17	California Sycamore Platanus racemosa	11	11	40	20

Ratio	3
Opacity	3
Vitality	3
Growth	3
Quality	3

Ave. 3

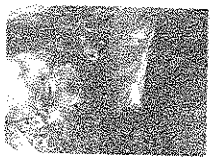
Notes: good health. 3' from road bridge. 45% impact pending final bridge design.

Crown



Trunk

Roots



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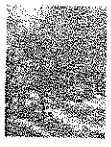


Tree Inventory

Existing Trees on Site

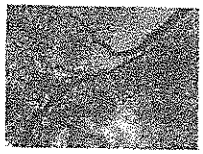
Tree#	Species	DBH	Radius	Height	S-CRZ
18	Coast Live Oak Quercus agrifolia		19	30	25

Ratio 3
Opacity 3
Vitality 2
Growth 3
Quality 3

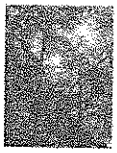
Ave. 2.8

Notes: good health. 5' from road. 35% impact

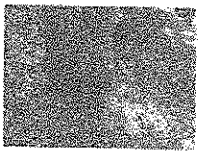
Crown



Trunk



Roots



Setting

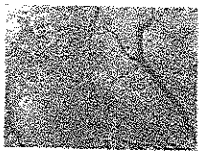
Tree#	Species	DBH	Radius	Height	S-CRZ
19	Coast Live Oak Quercus agrifolia		28	30	22

Ratio 2
Opacity 3
Vitality 3
Growth 3
Quality 2

Ave. 2.6

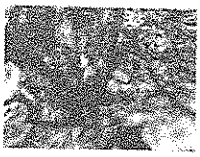
Notes: good health. 2' from road. 45% impact rec remove rocks on trunk. one trunk damaged from scraping. bridge impact unknown

Crown



Trunk

Roots



Setting

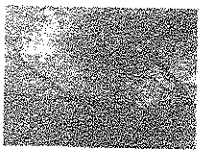
Tree#	Species	DBH	Radius	Height	S-CRZ
20	Coast Live Oak Quercus agrifolia		29.5	30	27

Ratio 3
Opacity 2
Vitality 3
Growth 3
Quality 3

Ave. 2.8

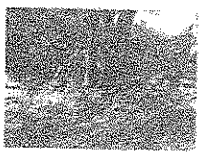
Notes: good health. 6' from road 35% impact. trunk on slope partially buried. bridge impact unknown

Crown



Trunk

Roots



Setting

Tree Inventory

Existing Trees on Site

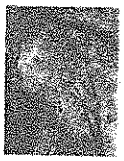
Tree#	Species	DBH	Radius	Height	S-CRZ
21	Coast Live Oak Quercus agrifolia		17	25	18

Ratio	3
Opacity	2
Vitality	2
Growth	3
Quality	3

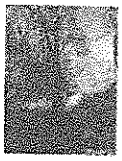
Ave. 2.6

Notes: good health. 10' from road. 15% impact

Crown



Trunk



Roots

Setting

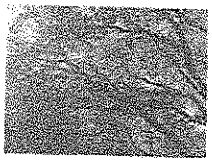
Tree#	Species	DBH	Radius	Height	S-CRZ
22	Coast Live Oak Quercus agrifolia		22.5	25	27

Ratio	3
Opacity	3
Vitality	3
Growth	2
Quality	3

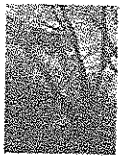
Ave. 2.8

Notes: good health . 3' from road surrounded by rocks.

Crown



Trunk



Roots

Setting

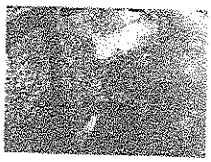
Tree#	Species	DBH	Radius	Height	S-CRZ
23	Coast Live Oak Quercus agrifolia	19	19	25	25

Ratio	3
Opacity	2
Vitality	2
Growth	3
Quality	2

Ave. 2.4

Notes: good health. scaffolds heavily cavitied. and one scaffold leaning over road. 4' from road on a 4' excavated hill. rec retaining wall

Crown



Trunk

Roots

Setting

Tree Inventory

Existing Trees on Site

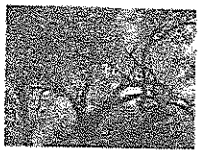
Tree#	Species	DBH	Radius	Height	S-CRZ
24	Coast Live Oak Quercus agrifolia	32	32.	40	39

Ratio	2
Opacity	3
Vitality	2
Growth	2
Quality	2

Ave. 2.2

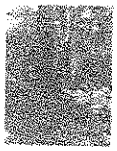
Notes: fair health. significant cavtied in trunk and scaffolds. 9' from road on hill. rec retaining wall. 35% impact

Crown



Trunk

Roots



Setting

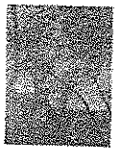
Tree#	Species	DBH	Radius	Height	S-CRZ
25	Coast Live Oak Quercus agrifolia	11	11	25	19

Ratio	3
Opacity	3
Vitality	3
Growth	3
Quality	3

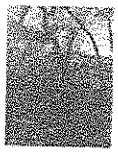
Ave. 3

Notes: good health. 8' from road, 3' above leaning away from road. 15% impact

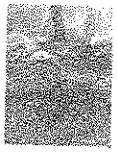
Crown



Trunk



Roots



Setting

Tree#	Species	DBH	Radius	Height	S-CRZ
26	Coast Live Oak Quercus agrifolia	9	9	25	18

Ratio	3
Opacity	3
Vitality	3
Growth	3
Quality	3

Ave. 3

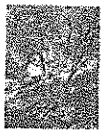
Notes: good health. 1' from road 2' above gade. 40% impact

Crown

Trunk

Roots

Setting



Tree Inventory

Existing Trees on Site

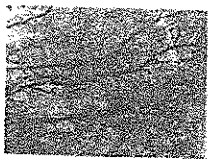
Tree#	Species	DBH	Radius	Height	S-CRZ
27	Coast Live Oak Quercus agrifolia		20	25	21

Ratio 3
Opacity 3
Vitality 3
Growth 3
Quality 3

Ave. 3

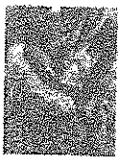
Notes: good health. 3' from road 3' above grade. 30% impact

Crown



Trunk

Roots



Setting

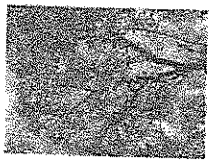
Tree#	Species	DBH	Radius	Height	S-CRZ
28	Coast Live Oak Quercus agrifolia	8.5	8.5	25	17

Ratio 3
Opacity 3
Vitality 3
Growth 3
Quality 3

Ave. 3

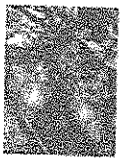
Notes: good health. 3' from road 4' above grade. 30% impact

Crown

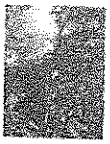


Trunk

Roots



Setting



Tree#	Species	DBH	Radius	Height	S-CRZ
29	Coast Live Oak Quercus agrifolia	9.5	9.5	25	18

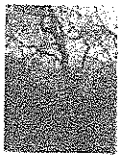
Ratio 3
Opacity 3
Vitality 3
Growth 3
Quality 3

Ave. 3

Notes: good health. intertwined with 4" sycamore. 4' from road 3' above grade.25% impact

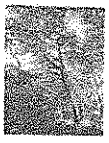
Crown

Trunk



Roots

Setting



Tree Inventory

Existing Trees on Site

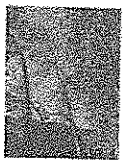
Tree#	Species	DBH	Radius	Height	S-CRZ
30	California Sycamore Platanus racemosa	30	9	30	15

Ratio 3
Opacity 3
Vitality 3
Growth 3
Quality 3

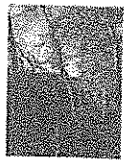
Notes: good health. 11' from road. no impact

Ave. 3

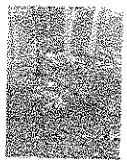
Crown



Trunk



Roots



Setting

Tree#	Species	DBH	Radius	Height	S-CRZ
31	Coast Live Oak Quercus agrifolia	9	9	25	19

Ratio 3
Opacity 3
Vitality 3
Growth 3
Quality 3

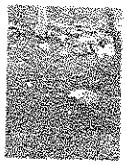
Notes: good health. 11' from road. no impact

Ave. 3

Crown

Trunk

Roots



Setting

Tree#	Species	DBH	Radius	Height	S-CRZ
32	Coast Live Oak Quercus agrifolia	11.5	11.5	30	18

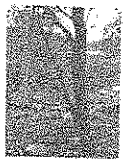
Ratio 3
Opacity 3
Vitality 3
Growth 3
Quality 3

Notes: good health. 1' from road. 50% impact

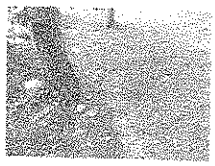
Ave. 3

Crown

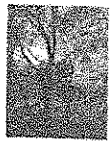
Trunk



Roots



Setting



Tree Inventory

Existing Trees on Site

Tree#	Species	DBH	Radius	Height	S-CRZ
33	Coast Live Oak Quercus agrifolia	6.5	6.5	20	8

Ratio	2
Opacity	2
Vitality	2
Growth	2
Quality	2

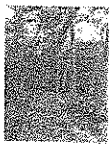
Notes

fair condition. trunk leaning away from road . 2' from road, 40% impact

Ave.
2

Crown

Trunk



Roots

Setting

Tree#	Species	DBH	Radius	Height	S-CRZ
34	Coast Live Oak Quercus agrifolia	9.5	9.5	25	15

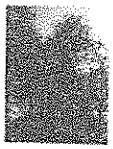
Ratio	3
Opacity	3
Vitality	3
Growth	3
Quality	3

Notes

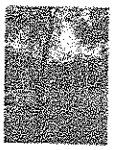
good health. 1' from road, 50% impact

Ave.
3

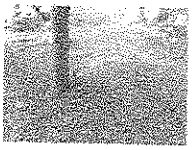
Crown



Trunk



Roots



Setting

Tree#	Species	DBH	Radius	Height	S-CRZ
35	Coast Live Oak Quercus agrifolia		38	45	40

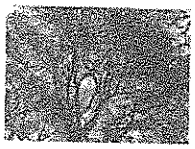
Ratio	3
Opacity	3
Vitality	4
Growth	4
Quality	4

Notes

excellent condition. 11' from road, 10' above grade. 25% impact

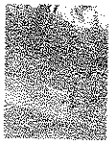
Ave.
3.6

Crown

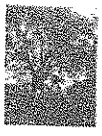


Trunk

Roots



Setting



Tree Inventory

Existing Trees on Site

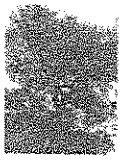
Tree#	Species	DBH	Radius	Height	S-CRZ
36	Coast Live Oak Quercus agrifolia		41	45	25

Ratio	3
Opacity	3
Vitality	3
Growth	3
Quality	3

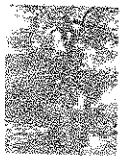
Notes: good health 8' from road 10' above grade. 25% impact

Ave. 3

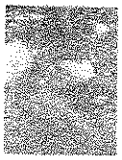
Crown



Trunk



Roots



Setting

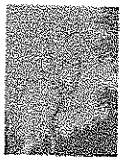
Tree#	Species	DBH	Radius	Height	S-CRZ
37	California Sycamore Platanus racemosa	7.5	7.5	35	16

Ratio	3
Opacity	3
Vitality	3
Growth	3
Quality	3

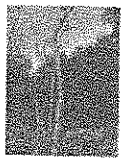
Notes: good health. 1' from road 45% impact

Ave. 3

Crown



Trunk



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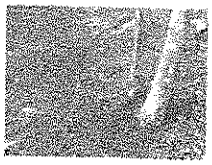

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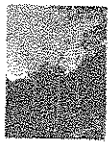


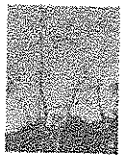
Tree#	Species	DBH	Radius	Height	S-CRZ
38	Coast Live Oak Quercus agrifolia		16	35	26

Ratio	3
Opacity	3
Vitality	3
Growth	3
Quality	3

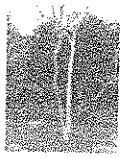
Notes: good health. 14' from road, 15% impact

Ave. 3

Crown



Trunk



Roots

Setting

Tree Inventory

Existing Trees on Site

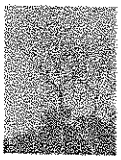
Tree#	Species	DBH	Radius	Height	S-CRZ
39	Coast Live Oak Quercus agrifolia	6.5	6.5	35	13

Ratio 3
Opacity 3
Vitality 3
Growth 3
Quality 3

Notes: good health. 1' from road , 45% impact

Ave. 3

Crown



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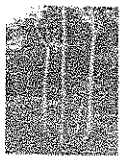
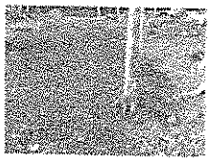


Roots



Setting

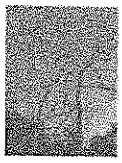
Tree#	Species	DBH	Radius	Height	S-CRZ
40	California Sycamore Platanus racemosa	8	8	35	17

Ratio 3
Opacity 3
Vitality 3
Growth 3
Quality 3

Notes: good health. 4' from road. 25% impact

Ave. 3

Crown



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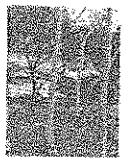
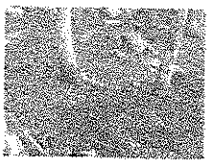
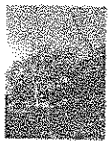


Roots



Setting



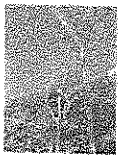
Tree#	Species	DBH	Radius	Height	S-CRZ
41	California Sycamore Platanus racemosa	8	8	35	15

Ratio 3
Opacity 3
Vitality 3
Growth 3
Quality 3

Notes: good health. 1' from road. 45% impact

Ave. 3

Crown



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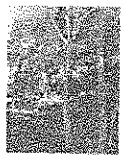
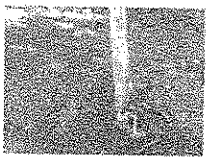
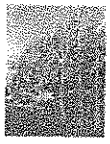


Roots



Setting



Tree Inventory

Existing Trees on Site

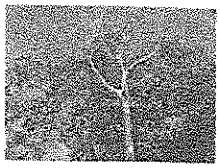
Tree#	Species	DBH	Radius	Height	S-CRZ
42	Coast Live Oak Quercus agrifolia		26	30	24

Ratio 4
Opacity 4
Vitality 4
Growth 4
Quality 4

Notes: excellent health. 14' from road. 20% impact

Ave. 4

Crown



Trunk

Roots

Setting

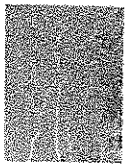
Tree#	Species	DBH	Radius	Height	S-CRZ
43	California Sycamore Platanus racemosa	8	8	35	15

Ratio 3
Opacity 3
Vitality 3
Growth 3
Quality 3

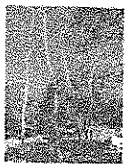
Notes: good health. 7' from road. 10% impact

Ave. 3

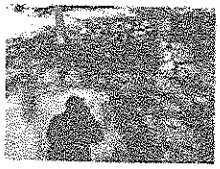
Crown



Trunk



Roots



Setting

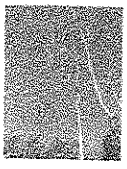
Tree#	Species	DBH	Radius	Height	S-CRZ
44	California Sycamore Platanus racemosa	8	8	35	16

Ratio 3
Opacity 3
Vitality 3
Growth 3
Quality 3

Notes: good health. 2' from road. 35% impact

Ave. 3

Crown



Trunk

Roots

Setting

Tree Inventory

Existing Trees on Site

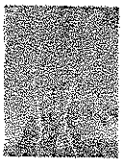
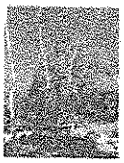
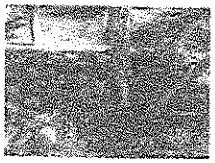
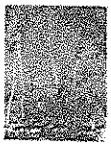
Tree#	Species	DBH	Radius	Height	S-CRZ
45	California Sycamore Platanus racemosa		11.5	35	24

Ratio 3
Opacity 3
Vitality 3
Growth 3
Quality 3

Ave. 3

Notes: good health. 6' from road. 35% impact

Crown | Trunk | Roots | Setting

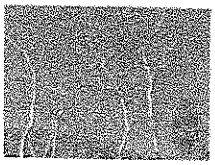
Tree#	Species	DBH	Radius	Height	S-CRZ
46	California Sycamore Platanus racemosa		10	35	18

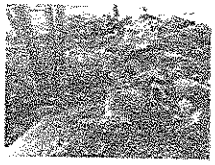
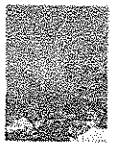
Ratio 3
Opacity 3
Vitality 3
Growth 3
Quality 3

Ave. 3

Notes: good health. 4' from road, 2' below grade. rocks piled around base. 30% impact

Crown | Trunk | Roots | Setting



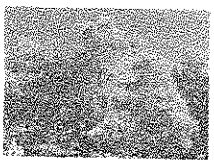
Tree#	Species	DBH	Radius	Height	S-CRZ
47	Coast Live Oak Quercus agrifolia	23	23	35	41

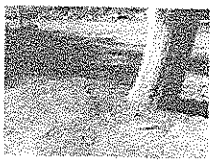
Ratio 4
Opacity 4
Vitality 4
Growth 3
Quality 3

Ave. 3.6

Notes: good health. scaffold cavities not sealed. 4' from road intersection. 40% impact

Crown | Trunk | Roots | Setting






Tree Inventory

Existing Trees on Site

Tree#	Species	DBH	Radius	Height	S-CRZ
48	California Sycamore Platanus racemosa	6.5	6.5	25	20

Ratio	3
Opacity	3
Vitality	3
Growth	3
Quality	3

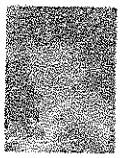
Notes

good health, subordinate to adjacent oak tree number47. 14' from road. 5% impact

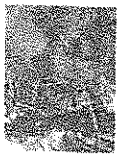
Ave.

3

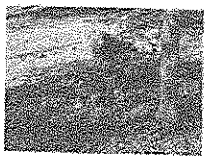
Crown



Trunk



Roots



Setting

Tree#	Species	DBH	Radius	Height	S-CRZ
49	Coast Live Oak Quercus agrifolia		38.5	30	48

Ratio	3
Opacity	3
Vitality	3
Growth	3
Quality	3

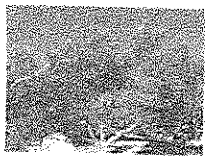
Notes

good health. 11' from road. 30% impact

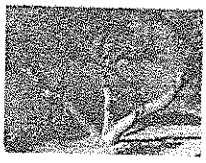
Ave.

3

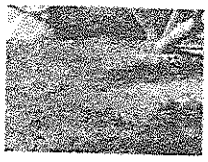
Crown



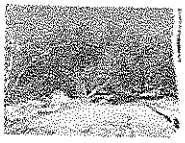
Trunk



Roots



Setting



Tree#	Species	DBH	Radius	Height	S-CRZ
50	California Sycamore Platanus racemosa	6.5	6.5	25	15

Ratio	3
Opacity	3
Vitality	3
Growth	3
Quality	3

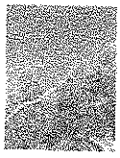
Notes

good health. 9' from road. no impact

Ave.

3

Crown



Trunk

Roots

Setting

Tree Inventory

Existing Trees on Site

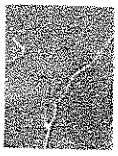
Tree#	Species	DBH	Radius	Height	S-CRZ
51	California Sycamore Platanus racemosa	9.5	9.5	30	14

Ratio 3
Opacity 3
Vitality 3
Growth 3
Quality 3

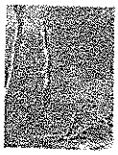
Ave. 3

Notes: good health. edge of canyon cliff. 15' from toad. no impact

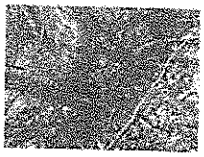
Crown



Trunk



Roots



Setting

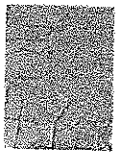
Tree#	Species	DBH	Radius	Height	S-CRZ
52	California Sycamore Platanus racemosa	6	6	30	11

Ratio 3
Opacity 3
Vitality 3
Growth 3
Quality 3

Ave. 3

Notes: good health. root collar buried. 8' from road. no impact

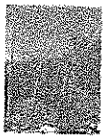
Crown



Trunk

Roots

Setting



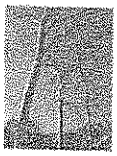
Tree#	Species	DBH	Radius	Height	S-CRZ
53	California Sycamore Platanus racemosa	8	8	30	14

Ratio 3
Opacity 3
Vitality 3
Growth 3
Quality 3

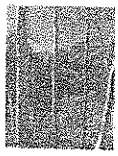
Ave. 3

Notes: good health. 12' from road no impact

Crown



Trunk



Roots

Setting

Tree Inventory

Existing Trees on Site

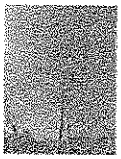
Tree#	Species	DBH	Radius	Height	S-CRZ
54	California Sycamore Platanus racemosa	12.5	12.5	35	22

Ratio 3
Opacity 3
Vitality 3
Growth 3
Quality 3

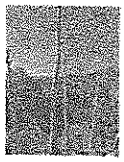
Ave. 3

Notes: good health 10' from road. 10% impact

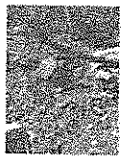
Crown



Trunk



Roots



Setting

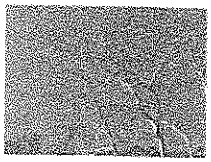
Tree#	Species	DBH	Radius	Height	S-CRZ
55	California Sycamore Platanus racemosa		19	35	19

Ratio 3
Opacity 3
Vitality 3
Growth 3
Quality 3

Ave. 3

Notes: good health. 14' from road. 10% impact

Crown



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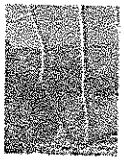

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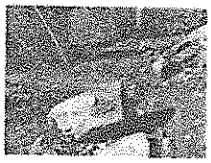

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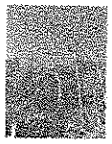


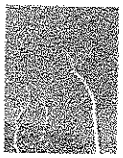
Tree#	Species	DBH	Radius	Height	S-CRZ
56	California Sycamore Platanus racemosa	8	8	30	12

Ratio 3
Opacity 3
Vitality 3
Growth 3
Quality 3

Ave. 3

Notes: good health. 1' from road. 45% impact

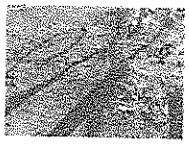
Crown



Trunk

Roots

Setting



Tree Inventory

Existing Trees on Site

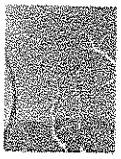
Tree#	Species	DBH	Radius	Height	S-CRZ
57	California Sycamore Platanus racemosa		13.5	25	21

Ratio	3
Opacity	3
Vitality	3
Growth	3
Quality	3

Notes: good health, 6' from road. 30% impact

Ave. 3

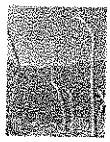
Crown



Trunk

Roots

Setting



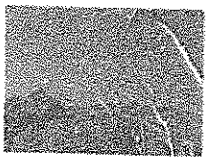
Tree#	Species	DBH	Radius	Height	S-CRZ
58	California Sycamore Platanus racemosa		13	25	18

Ratio	3
Opacity	3
Vitality	3
Growth	3
Quality	3

Notes: good health. 11' from road. 10% impact

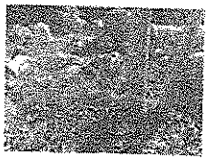
Ave. 3

Crown



Trunk

Roots



Setting

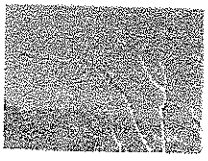
Tree#	Species	DBH	Radius	Height	S-CRZ
59	California Sycamore Platanus racemosa		11	30	19

Ratio	3
Opacity	3
Vitality	3
Growth	3
Quality	3

Notes: good health.2' from road. 35% impact

Ave. 3

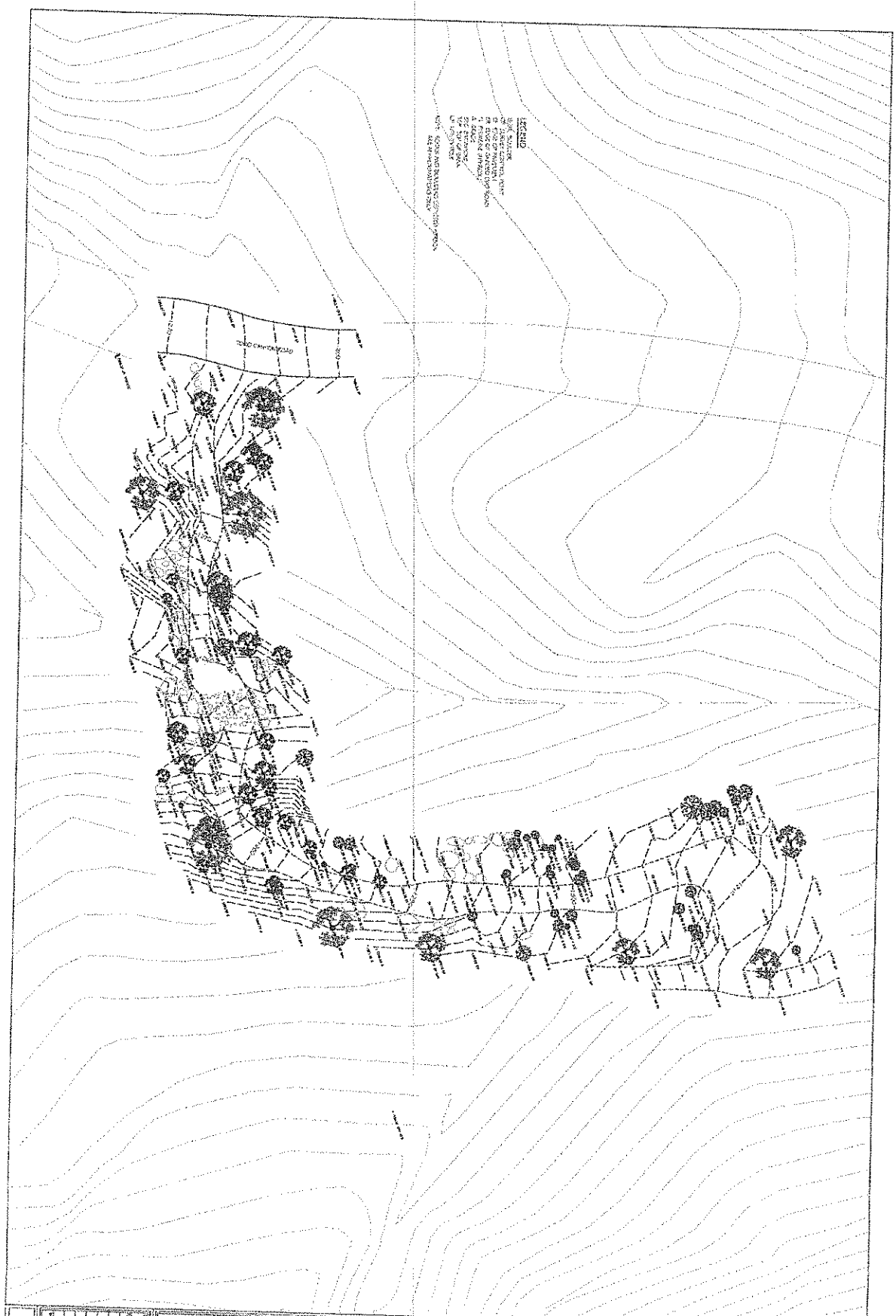
Crown



Trunk

Roots

Setting

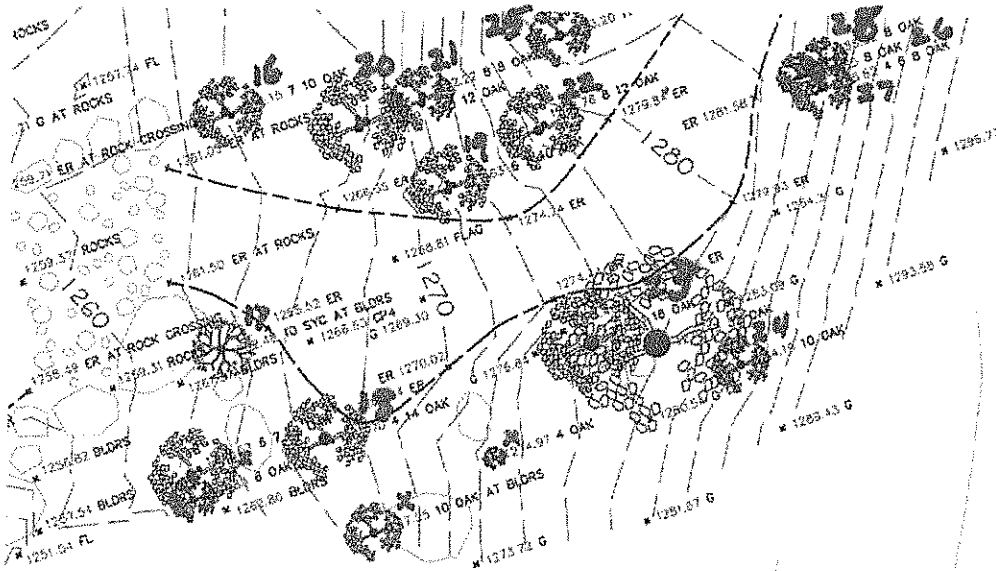


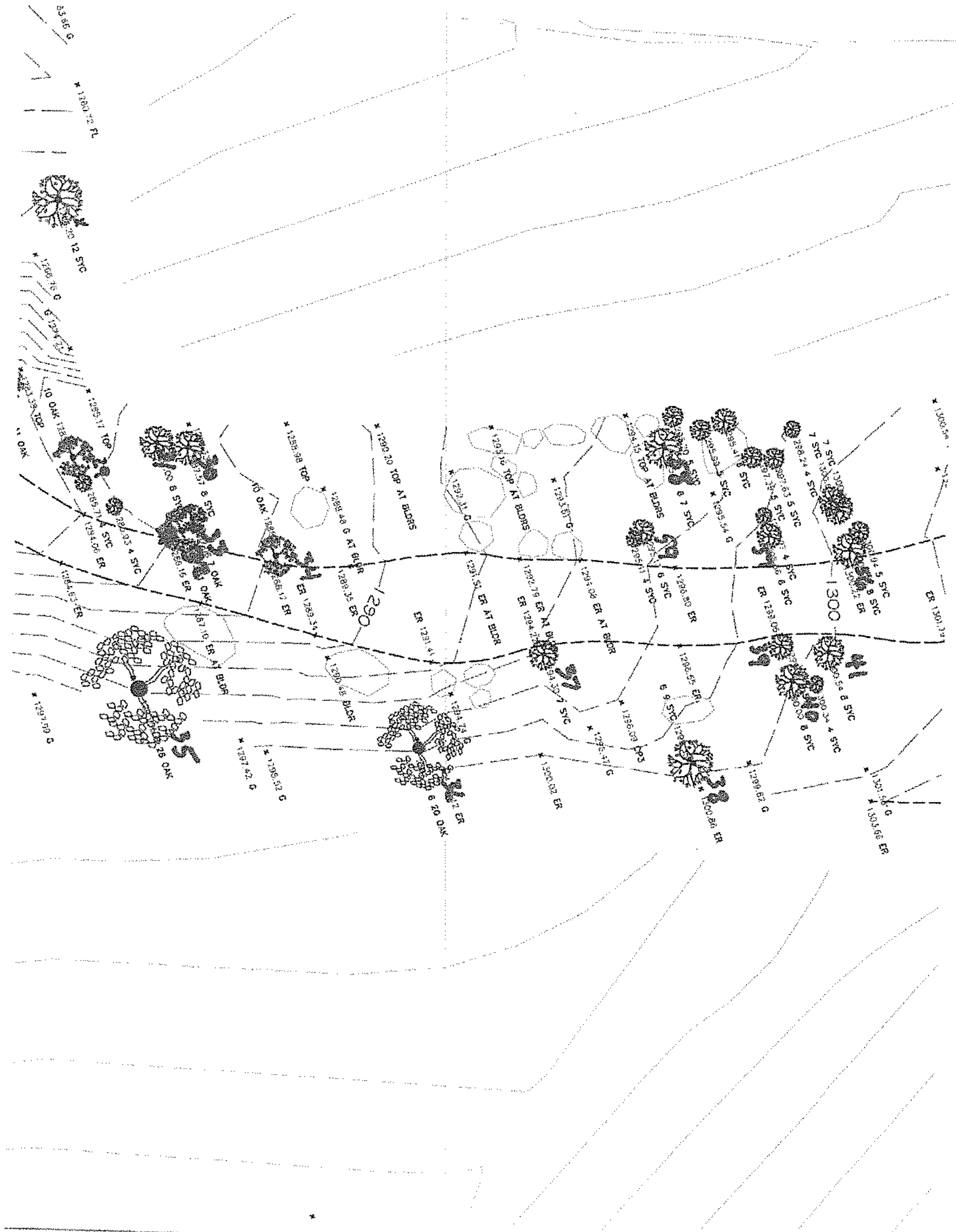
MYERS PROPERTY

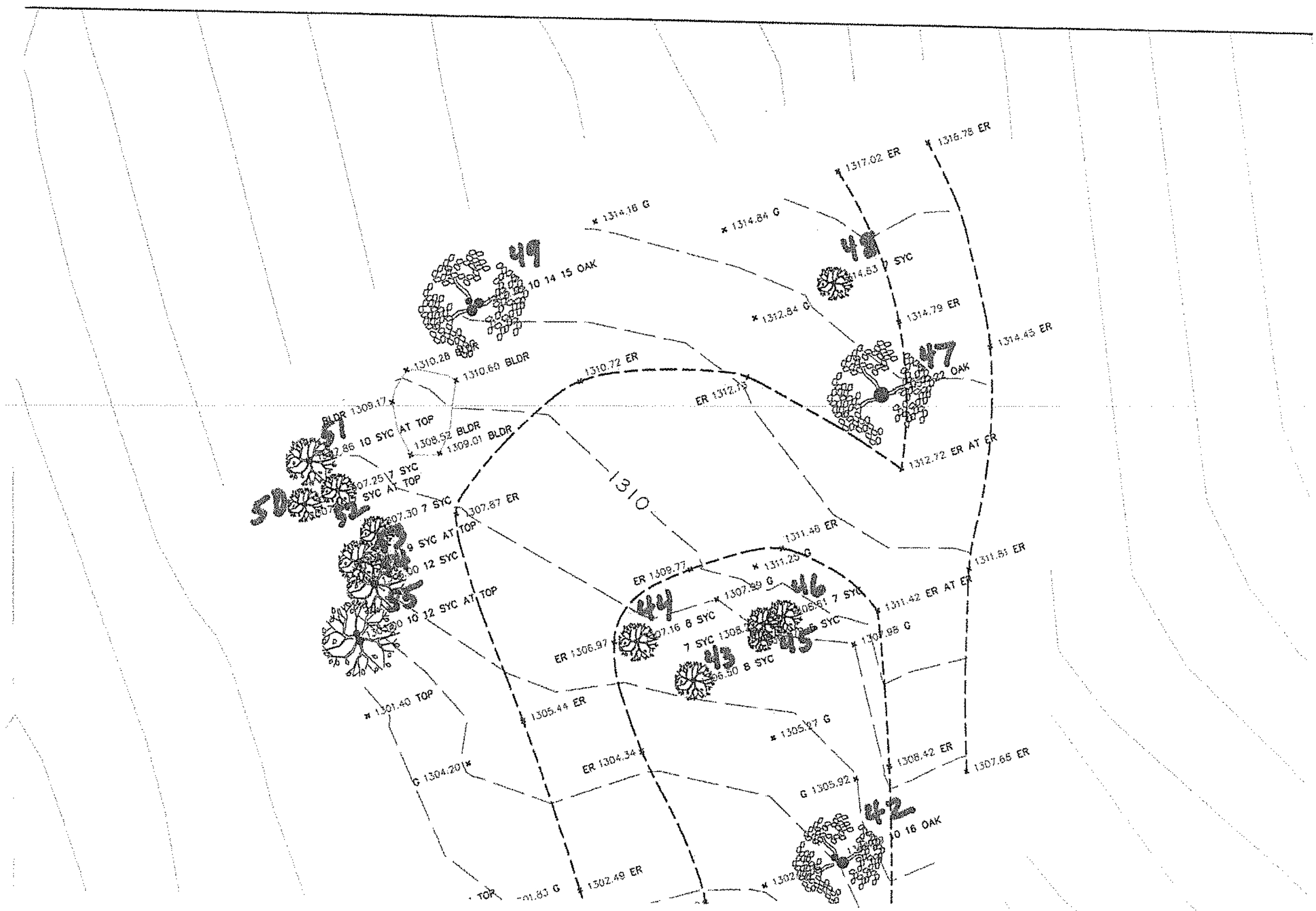
649 TORO CANYON ROAD · SANTA BARBARA, CALIFORNIA

DAVIS LAND SURVEYING

TORO CANYON ROAD
270
260


ROCKS
1257.74 FL
21 G AT ROCKS
ER AT ROCK CROSSING
1259.57 ROCKS
1256.49 ER AT ROCK CROSSING
1250.82 BLDRS
1257.54 BLDRS
1251.94 FL
1261.50 ER AT ROCKS
1255.42 ER
1266.53 CP4
1269.10
1270.02
1274.97 4 OAK
1275.72 G
1276.85
1280.58 G
1285.43 G
1291.87 G
1279.83 ER
1281.54
1295.77 G
1293.59 G
1274.34 ER
1268.81 FLAG
260
270
280


1290
1300
1290.20 TOP AT BLDRS
1255.98 TOP
26 OAK
6 20 OAK
10 OAK
12 SYC



1317.02 ER
1316.78 ER
1314.16 G
1314.84 G
49
10 14 15 OAK
48
SYC
1312.84 G
1314.79 ER
1314.45 ER
47
OAK
1310.28
BLDR
1310.60 BLDR
1310.72 ER
ER 1312.73
BLDR 1309.17
10 SYC AT TOP
1308.52 BLDR
1309.01 BLDR
1312.72 ER AT ER
7 SYC
SYC AT TOP
1310
7 SYC
1307.87 ER
9 SYC AT TOP
12 SYC
10 12 SYC AT TOP
1311.46 ER
ER 1309.77
1311.25 G
1311.61 ER
44
8 SYC
46
7 SYC
1311.42 ER AT ER
ER 1306.97
7 SYC
SYC
8 SYC
1307.98 G
1301.40 TOP
1305.44 ER
1305.27 G
ER 1304.34
G 1304.20
G 1305.92
1308.42 ER
1307.65 ER
42
10 16 OAK
1302.49 ER
TOP

Biological Assessment

Toro Creek Low-Water Crossing Area

949 Toro Canyon Road

Santa Barbara County, California

(APN 155020004)

Prepared for:

Mr. Barton Myers
949 Toro Canyon Road
Montecito, CA 93108

Prepared by:

Impact Sciences, Inc.
803 Camarillo Springs Road, Suite C
Camarillo, California 93012
ATTN: Jacqueline Bowland Worden

February 2016

PURPOSE & SCOPE

This report provides a summary of biological conditions present in December 2015 and January 2016 at the location of a low-water crossing constructed over short segment of Toro Creek, and discusses the potential for on-site habitats to support special-status flora and fauna.

Background

In June 2015, the property owner of 949 Toro Canyon Road, Barton Myers, created a low-water crossing in a segment of Toro Canyon Creek within his property, unaware of the necessity for prior authorization from the California Department of Fish & Wildlife (CDFW) and the County of Santa Barbara. Subsequent to stop-work notifications from these two agencies received in June of 2015, the property owner ceased work on the low-water crossing and began seeking remedies.

Location & Description

The Myers property totals approximately 40 acres, and includes about 1,500 linear feet of Toro Creek. An eight-acre Environmentally Sensitive Habitat (ESH) overlay defined by the County of Santa Barbara extends along both sides of Toro Creek on the property.

The study area is a short segment of Toro Creek located immediately east of Toro Canyon Road, and north of the driveway access to the Myers' property (refer to the figure at the end of this document). This approximately 12-15 foot-wide segment of Toro Creek was impacted during construction of the low-water crossing and comprises about 255 square feet.[1] This work entailed placement of approximately eight large boulders in a portion of the creek where a natural dam was already present. There was no water present in the creek while this work was done, as Toro Creek is an ephemeral drainage and there had been no rain. A dirt access road from Toro Canyon Road to the creek was graded using small Bobcat-type equipment. A dirt access road on the east side of the creek was graded and connected to an existing dirt ranch road, topographically above the creek. These roadways range in width from about 8-10 feet, averaging about 10 feet in width. The total estimated disturbance area is less than 2,000 square feet, measured from Toro Canyon Road, across Toro Creek and east of the creek up the east side of the canyon about 43 linear feet to the existing dirt ranch road.

METHODOLOGY

Field Survey

Field surveys were conducted on December 16, 2015 and January 26, 2016 by Jacqueline Bowland Worden, Associate Principal Biologist of Impact Sciences, Inc. The flora, fauna, plant communities, and

1 This disturbance estimate is based on field measurements collected on January 26, 2016 by J. Worden.

wildlife habitats of the site were assessed. The potential for the occurrence of special-status species as reported in the literature search was also evaluated based on the presence and condition of on-site habitats.

It should be noted that this field work was conducted after the area had been disturbed in June 2015.

RESULTS

Site Characteristics

The study area was restricted to the disturbance area and the immediately surrounding areas. Toro Creek is an ephemeral drainage that roughly bisects the study area, running generally southerly through Toro Canyon.

A separate tree report was prepared by Kenneth Knight, Consulting Arborist, which catalogs and maps the oak and sycamore trees, and provides an assessment of their health.[2]

Toro Creek is an ephemeral drainage characterized by large to very large boulders and a well-defined bed, bank and narrow channel. Vegetation dependent on aquatic and/or mesic conditions is generally lacking, in part due to the ephemeral nature of the creek and the time of year. The distribution of riverine-dependent plant species was limited to the margins of the creek invert.

According to the property owner, the location where the low water crossing was constructed was an existing natural bridge in the creek, comprised of very large boulders and forming a distinct vertical drop-off.[3]

Flora

Table 1 lists all plants species found during the December 2015 and January 2016 site visits. Specific components of the study area flora is describe below.

Toro Creek

Toro Creek supports little to no vegetation in the creek bed, with a few arroyo willow trees (*Salix lasiolepis*) occurring immediately upstream and downstream of the low water crossing. Above the invert, native species encountered were canyon sunflower (*Venegasia carpesioides*) and giant wild rye (*Elymus condensatus*), along with non-native and invasive Pampas grass (*Cortaderia selloana*), fountain grass (*Pennisetum setaceum*) and sweet fennel (*Foeniculum vulgare*).

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2 Arborist Report for 949 Toro Canyon Road. January 4, 2016. Kenneth A. Knight Consulting, LLC.

3 Pers. comm. Barton Myers with J. Worden, December 16, 2015.

Table 1. Toro Creek Low Water Crossing Flora

FAMILY/ SCIENTIFIC NAME	VERNACULAR NAME	ORIGIN
Anacardiaceae - Sumac Family		
Malosma laurina	Laurel sumac	N
Toxicodendron diversilobum	Poison oak	N
Apiaceae - Carrot Family		
Foeniculum vulgare	Sweet fennel	I
Asteraceae - Sunflower Family		
Artemisia californica	California sagebrush	N
Artemisia douglasiana	Mugwort	N
Venegasia carpesioides	Canyon sunflower	N
Boraginaceae - Waterleaf Family		
Echium candicans	Pride of Madeira	I
Phacelia sp.	Phacelia species	N
Caprifoliaceae - Honeysuckle Family		
Lonicera subspicata var. *denudata*	Chaparral honeysuckle	N
Convolvulaceae - Morning Glory Family		
Convolvulus arvensis	Bindweed	I
Cucurbitaceae - Gourd Family		
Marah macrocarpa	Manroot; Chilicothe	N
Fabaceae - Pea Family		
Lathyrus vestitus	Wild sweetpea	N
Fagaceae - Oak & Beech Family		
Quercus agrifolia var. agrifolia	Coast live oak	N
Lamiaceae - Mint Family		
Salvia spathacea	Hummingbird sage	N
Plantaginaceae - Plantain Family		
Keckiella cordifolia	Heartleaf/climbing penstemon	N
Platanaceae - Plane Tree Family		
Platanus racemosa	Western (California) sycamore	N
Poaceae - Grass Family		
Avena sp.	Wild oats	I
Cortaderia selloana	Pampas grass	I
Elymus [Leymus] condensatus	Giant rye	N
Pennisetum setaceum	Fountain grass	I
Polypodiaceae - Fern Family		
Pteridium aquilinum	Western bracken fern	N
Rhamnaceae - Buckthorn Family		
Ceanothus megacarpus	Big-pod ceanothus	N
Ceanothus spinosus	Greenbark ceanothus	N
Rosaceae - Rose Family		
Heteromeles arbutifolia	Toyon	N
Prunus ilicifolia	Hollyleaf cherry	N
Rubus ursinus	California wild blackberry	N
Salicaceae - Willow Family		
Salix lasiolepis	Arroyo willow	N

Sycamore Trees

Scattered sycamore (*Platanus racemosa*) trees dot the study area, with two near the bottom of the creek and the majority on an upper terrace east of the creek bed, approximately 30-40 feet vertically above the creek.

According to professional arborist Ken Knight, the majority of the sycamore trees in the study area are supported by runoff from areas outside of the creek corridor (refer to Attachment A of this report).[4] These trees therefore should not be used to determine the boundaries of the riparian corridor.

Oak Woodland

Coast live oak woodland (*Quercus agrifolia*) dominates this portion of Toro Canyon. Native vegetation is sparse in the oak woodland understory, likely due to the dense canopy which blocks sunlight from reaching the ground and the dense leaf litter. Sparsely scattered throughout the understory were heartleaf/climbing penstemon (*Keckiella cordifolia*), hummingbird sage (*Salvia spathacea*), western bracken fern (*Pteridium aquilinum*), and California lilac, including bigpod (*Ceanothus megacarpus*) and greenbark ceanothus (*C. spinosus*).

The current vegetation classification system used by the State of California is the 2009 *Manual of California Vegetation*.[5] This manual describes the *Quercus agrifolia* Woodland Alliance (coast live oak woodland) (page 245) as occurring in:

> *"Alluvial terraces, canyon bottom, stream banks, slopes, flats. Soils are deep, sandy or loamy with high organic matter.*
>
> *"Stands of this extensive alliance vary from upland savannas and woodlands to bottomland, riparian forest with closed tree canopies."*

Given the ephemeral nature of Toro Creek and the resultant lack of perennial surface water, this oak woodland appears to be an upland woodland. The following statement from professional arborist Ken Knight supports this conclusion (full text included as attachment):[6]

> *"Coast Live Oak (Quercus agrifolia) is generally on the upper edges and outside of a riparian area. While oaks grow well with access to water, their long term root health is compromised by fungal growth when too much water is present. Oaks are adapted to our summers with 6 months of no rain, so while oaks could be found in riparian areas, they will generally thrive for longer periods outside of riparian areas."*

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4 February 11, 2016 email re Barton Myers Tree Report to J. Worden from Ken Knight, Registered Consulting Arborist #507

5 *Manual of California Vegetation*. Sawyer, J.T. Keeler-Wolf and J. Evens. 2009. Second edition. California Native Plant Society, Sacramento, CA.

6 February 11, 2016 email re Barton Myers Tree Report to J. Worden from Ken Knight, Registered Consulting Arborist #507

Fauna

Wildlife activity noted during the December 2015 and January 2016 field surveys was limited by the winter timing. Avian species observed or detected included common species such as rock dove (*Columba livia*), black phoebe (*Sayornis nigricans*), American crow (*Corvus brachyrhynchos*), Anna's hummingbird (*Calypte anna*), western scrub jay (*Aphelocoma californica*), and yellow-rumped warbler (*Setophaga coronata*).

Western side-blotched lizard was the only reptile seen. Baja California treefrog (*Pseudacris hypochondriaca*) were heard calling in the canyon. It should be noted that the developed portions of the property have standing water in many areas, as well as irrigated orchards crops.

Additional vertebrate species would be expected to occur seasonally, although habitat is generally lacking to support a diverse vertebrate community.

Special-Status Resources

Special-status species include plants and animals listed as endangered, threatened, or candidate for listing as endangered or threatened under the federal Endangered Species Act, the California Endangered Species Act, or both. This term also includes all plant species listed by the state as rare and those species listed by the California Native Plant Society (CNPS)[7] with a Rare Plant Rank of 1, 2 or 3, and wildlife species designated by the California Department of Fish and Wildlife (CDFW) as Fully Protected, Species of Special Concern, Watch List species, and other wildlife included in the most current CDFW "Special Animals" list.[8]

Special-Status Plants

No special-status plant species have been recorded from the site and none was directly observed during site surveys, though focused rare plant surveys were not conducted and the timing of the site survey was not conducive to identifying several of the rare plants known from the region.

Oaks and sycamores are protected species under the County of Santa Barbara. An inventory of these trees and discussion of impacts is provided in the separate arborist tree report.[9]

According to the property owner, no native trees were removed during this work.[10] A few native California lilac shrubs (*Ceanothus* species) were removed. An arborist report prepared in January 2016

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7 California Native Plant Society. Inventory of Rare, Threatened, and Endangered Plants of California, 8th edition. Online database available at: http://www.rareplants.cnps.org/

8 Department of Fish and Wildlife. Special Animals. January 2016. The Natural Resources Agency, Biogeographic Data Branch, California Natural Diversity Database. State of California.

9 Arborist Report for 949 Toro Canyon Road. January 4, 2016. Kenneth A. Knight Consulting, LLC.

10 Pers. comm. Barton Myers with J. Worden, December 16, 2015.

found 37 coast live oak (*Quercus* agrifolia) and 22 western (California) sycamore (*Platanus racemosa*) trees in the area of concern, with the following estimated potential impacts to the Critical Root Zone (CRZ):[11]

TREES	Percent Impact	Impact by Species
3	46-50%	3 oak
11	36-45%	7 oak; 4 sycamore
14	26-35%	9 oak; 5 sycamore
12	11-25%	11 oak; 1 sycamore
19	0-10%	7 oak; 12 sycamore
59	**Totals**	**37 oak; 22 sycamore**

Special-Status Wildlife

No special-status wildlife has been recorded specifically from the site. The November 16, 2015 Streambed Alteration Agreement for boulder removal lists the special status species contained in Table 2 as potentially affected by the unpermitted work conducted in Toro Creek.[12]

Table 2. Special Status Species noted in SAA

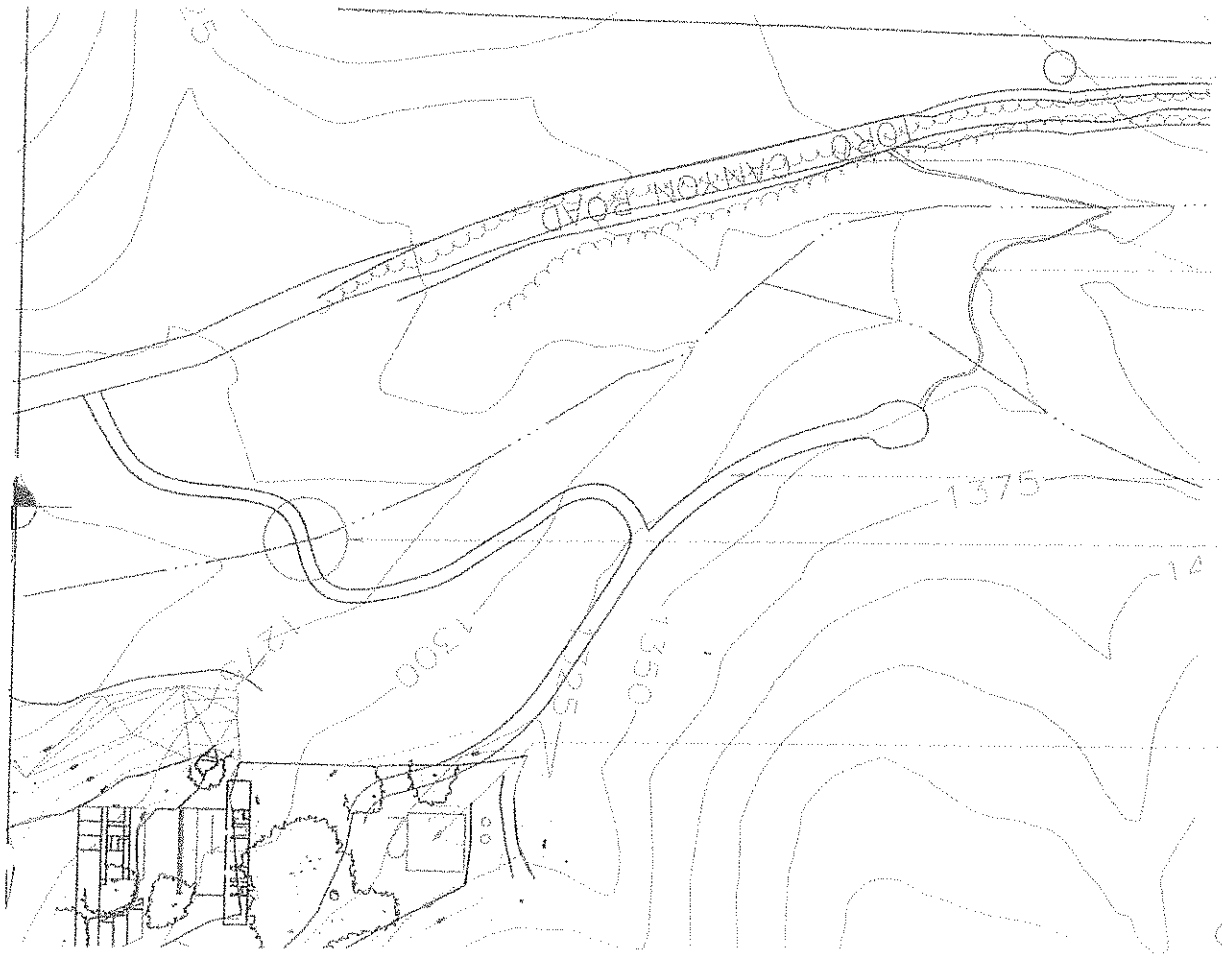
COMMON/SCIENTIFIC NAME	LISTING STATUS	HABITAT REQUIREMENTS OCCURRENCE POTENTIAL
Southern California steelhead trout DPS *Oncorhynchus mykiss*	Federal: Endangered State: No listing status	Requires well-oxygenated, clean fresh water, with a temperature of around 12°C is preferred, although a range from 10°C to 24°C is tolerated. Tend to thrive better in lakes than in streams or rivers, although large fish are often present in remote headwaters. **No suitable habitat on-site:** The study area does not provide the required aquatic resources, since Toro Creek is an ephemeral drainage. Additionally, there are significant barriers to fish passage downstream of this site in Toro Creek which would prevent steelhead from reaching the site.
Southern western (western) pond turtle *Actinemys pallida*	Federal: No listing status State: No listing status (*Actinemys* [*Emys*] *marmorata* = state Species of Special Concern	Streams, ponds, freshwater marshes, and lakes with growth of aquatic vegetation. **No suitable habitat on-site:** The study area does not provide the required aquatic resources.
Yellow warbler (nesting) *Setophaga petechia*	Federal: No listing status State: Species of Special Concern (nesting)	Well-developed riparian woodlands in close proximity to water. **No suitable habitat on-site:** The study area does not provide riparian woodland habitat required for nesting, nor is water typically present in this ephemeral system.
Yellow-breasted chat (nesting) *Icteria virens*	Federal: No listing status State: Species of Special Concern (nesting)	Breeds in well-developed riparian thickets and along the edges of wetlands and ponds; requires open canopy with tall trees. **No suitable habitat on-site:** The study area does not provide riparian thicket habitat required for nesting.

11 *Arborist Report for 949 Toro Canyon Road*. January 4, 2016. Kenneth A. Knight Consulting, LLC.

12 Notification No. 1600-2015-0148-R5. 949 Toro Canyon Creek Streambed Restoration

The information provided in this report is accurate and complete to the best of my knowledge.

Jacqueline Bowland Worden
Associate Principal Biologist
Impact Sciences, Inc.



10A-3

949 Toro Canyon Rd

Drawing of Maintenance Road

3 June 2015

ATTACMENT A

February 11, 2016 Email Re Barton Myers Tree Report to J. Worden from Ken Knight

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From: Ken Knight [mailto:kennethknight@cox.net]
Sent: Thursday, February 11, 2016 10:54 AM
To: Jackie Worden
Subject: RE: Barton Myers Tree Report

Jackie,

As we discussed on the phone, while sycamores (Platanus racemosa) generally thrive in a riparian habitat, the sycamores number 50 through 59 in my 12-30-15 report for 949 Toro Canyon Road are not likely benefiting from the adjacent riparian area. The location of the trees next to a steep embankment where the drop in elevation to the bottom of the creek is over 25 to 30 feet precludes most of the sycamore tree roots from benefitting from the riparian area below. Most of the roots of the sycamores are in the first 3 to 5 feet, and while there may be some deeper roots, the majority of the roots sustaining the trees are located above the riparian area, most likely from runoff from higher areas surrounding the trees.

Also, the Coast Live Oak (Quercus agrifolia) is generally on the upper edges and outside of a riparian area. While oaks grow well with access to water, their long term root health is compromised by fungal growth when too much water is present. Oaks are adapted to our summers with 6 months of no rain, so while oaks could be found in riparian areas, they will generally thrive for longer periods outside of riparian areas.

I have extensive experience with the planting and care of Coast Live Oaks in urban and restoration settings. Please check my website at www.goletaarborists.com for additional references.

If you have further questions about this, please contact me.

Ken Knight
Registered Consulting Arborist #507
ISA Risk Assessment Qualified
ISA Certified Arborist/Municipal Specialist
69 Calaveras Avenue
Goleta CA 93117
(805) 252-1952 (cell)
kennethknight@cox.net
www.goletaarborists.com

May 18, 2016

Barton and Vicki Myers
959 Toro Canyon Road
Santa Barbara, CA 93108
Email: b_myerssb@bartonmyers.com

VIA ELECTRONIC AND CERTIFIED MAIL
Certified Mail No. 7015 0640 0001 9863 2710

Dear Mr. and Mrs. Myers:

NOTICE OF VIOLATION FOR EXCAVATION AND GRADING ACTIVITIES AND THE DISCHARGE OF FILL MATERIAL WITHOUT A PERMIT, TORO CANYON CREEK, SANTA BARBARA COUNTY

You are in violation of California Water Code (CWC) section 13376 for failure to obtain a Clean Water Action section 401 Water Quality Certification (Certification) prior to the excavation, grading, and discharge of fill material at Toro Canyon Creek as part of a road building project.

Violation Description

On or about January 26, 2016, California Department of Fish and Wildlife staff notified the Central Coast Regional Water Quality Control Board (Central Coast Water Board) that during or about May of 2015, you initiated activities that resulted in, and continue to result in, unauthorized excavation and grading activities and the discharge of fill material to Toro Canyon Creek. Grading, excavation, and the discharge of fill material to Toro Canyon Creek requires Certification from the Central Coast Water Board. You did not submit an application for Certification and proceeded with the unauthorized installation of a road and at-grade crossing.

Construction included grading, vegetation trimming and removal activities to construct the road, placement of several medium to large size boulders within the channel of the streambed, and placement of a fill pad within the channel for the at-grade crossing. Medium boulders were also placed along a partial perimeter of the newly constructed road. Adjacent riparian vegetation was damaged by equipment used to complete the construction. The County of Santa Barbara issued an Emergency Permit on January 11, 2016 to allow for the removal of the boulders from the at-grade crossing. This work has been completed. However, a rock fill pad remains in the creek bed at the at-grade crossing.

Excavation and grading activities and the discharge of fill to waters of the United States without a Certification are violations of CWC section 13376.

Action Required

You must take action to come into compliance with CWC section 13376 as soon as possible. You can achieve compliance by (1) implementing an effective combination of erosion and sediment control to prevent further discharges at the site, (2) submitting a complete Certification

application to restore the site to pre-existing conditions, and (3) restoring the site to pre-existing conditions upon Certification.

A complete application for Certification will include the following:

a. The name, address, and telephone number of:
    1. the applicant, and
    2. the applicant's agent (if an agent is submitting the application).
b. A full, technically accurate description, including the purpose and final goal, of the entire activity.
c. Complete identification of all federal licenses/permits being sought for or applying to the proposed activity, including the:
    1. federal agency;
    2. type (e.g., individual license, regional general permit, nationwide permit, etc.);
    3. license/permit number(s) (e.g., nationwide permit number), if applicable; and
    4. file number(s) assigned by the federal agency(ies), if available.
d. Complete copies of either:
    1. the application(s) for federal license(s)/permit(s) being sought for the activity, or,
    2. if no federal applications are required, any notification(s) concerning the proposed activity issued by the federal agency(ies), or,
    3. if no federal notifications are issued, any correspondence between the applicant and the federal agency(ies) describing or discussing the proposed activity.

    If no application, notification, correspondence or other document must be exchanged between the applicant and federal agency(ies) prior to the start of the activity, the application shall include a written statement to this effect.
e. Copies of any final and signed federal, state, and local licenses, permits, and agreements (or copies of the draft documents, if not finalized) that will be required for any construction, operation, maintenance, or other actions associated with the activity. If no final or draft document is available, a list of all remaining agency regulatory approvals being sought shall be included.
f. A copy of any draft or final CEQA document(s), if available, prepared for the activity. Although CEQA documentation is not required for a complete application, the certifying agency shall be provided with and have ample time to properly review a final copy of valid CEQA documentation before taking a certification action.
g. The correct fee deposit, as identified in the Dredge and Fill Fee Calculator.
h. A complete project description, including:
    1. Name(s) of any receiving water body(ies) that may be adversely impacted.
    2. Type(s) of receiving water body(ies) (e.g., at a minimum: river/streambed, lake/reservoir, ocean/estuary/bay, riparian area, or wetland type).
    3. Location of the activity area in latitude and longitude, in township/range, or clearly indicated on a published map of suitable detail, quality, and scale to allow the certifying agency to easily identify the area and water body(ies) receiving any discharge.
    4. For each water body type reported under Subsection (h)(2) of this Section, the total estimated quantity of waters of the State that may be adversely impacted temporarily or permanently by a discharge of fill or by excavation and/or grading. The estimated quantity of waters adversely impacted by any grading and/or discharge of fill shall be reported in acres and (for channels, shorelines, riparian corridors, and other linear habitat) linear feet, except that excavation estimates shall be reported in cubic yards.

5. The total estimated quantity (in acres and, where appropriate, linear feet) of waters of State, by type (see Subsection (h)(2) of this Section) proposed to be created, restored, enhanced, purchased from a mitigation or conservation bank, set aside for protection, or otherwise identified as compensatory mitigation for any and all adverse impacts. If compensatory mitigation is to be provided in some other form, that shall be explained.
6. A description of any other steps that have been or will be taken to avoid, minimize, or compensate for loss of or significant adverse impacts to beneficial uses of waters of the state.
7. The total size (in acres), length (in feet) where appropriate, type, and description of the entire project area, including areas outside of jurisdictional waters of the State.
8. A brief list/description, including estimated adverse impacts of any projects implemented by the applicant within the last five years or planned for implementation by the applicant within the next five years that are in any way related to the proposed activity or that may impact the same receiving water body(ies) as the proposed activity. For purposes of this item, the water body extends to a named source or stream segment identified in the relevant basin plan.

Items h.5 and h.6 above necessitate development of a Restoration and Mitigation Plan. An adequate Restoration and Mitigation Plan will include the following:

a. Identification of party(ies) responsible for the restoration and other mitigation.
b. A detailed description of the site impacted by the at-grade crossing and road that includes:
    1. Identification of the location and size of the jurisdictional areas and waters of the State (including riparian areas) that were directly and indirectly impacted.
    2. A description of the jurisdictional areas and waters of the State (including riparian areas) that were directly and indirectly impacted, by habitat type.
    3. Identification and description of the functions and values of the jurisdictional areas and waters of the State (including riparian areas) that were directly and indirectly impacted.
c. A detailed description of the goals of the restoration and other mitigation, including, but not limited to:
    1. Identification of the type(s) of habitat(s) (waterbody type and plant community(ies)) that will be restored, and for other mitigation, identification of the habitats that will be established, restored, enhanced, or preserved.
    2. Description of the functions and values of the restoration and other mitigation habitat and how it will replace lost or otherwise impacted beneficial uses and functions, including temporal loss of beneficial uses and functions.
    3. Identification of when implementation of the restoration and other mitigation will begin and be completed.
d. A detailed description of the restoration and other mitigation site(s), including, but not limited to:
    1. Location and size (acres and linear feet) of the restoration and other mitigation area(s).
    2. Identification of the size of area(s) to be planted.
    3. Ownership status of the restoration and other mitigation site(s).

4. Present and proposed uses of all adjacent areas for the restoration and other mitigation site(s).
5. Existing functions and values of the restoration and other mitigation site(s).
6. Existing soil conditions of the restoration and other mitigation site(s).
7. Existing surface water and groundwater conditions of the restoration and other mitigation site(s) (in terms of riparian and wetland habitat, explain the hydrology of the site(s), including how and when the site(s) will draw and hold water, and identify the depth to groundwater).
8. Hydrologic connectivity to a permanent water source for the restoration and other mitigation site(s).
9. Jurisdictional delineation of the restoration and other mitigation site(s).
10. Present and proposed uses of the restoration and other mitigation site(s).

e. A detailed restoration and other mitigation implementation plan that (1) describes the restoration of the area where the at-grade crossing and road have been removed, and (2) describes the other mitigation to be implemented to account for the temporal loss of habitat associated with the installation and removal of the at-grade crossing and road. The plan shall include, but not be limited to:
   1. Identification of the time schedule for restoration and other mitigation activities, including initial planting, submittal of "as-built" documents, monitoring, maintenance, and reporting.
   2. A detailed description of proposed methods to be used for the restoration and other mitigation site(s), including, but not limited to:
      a) A detailed description of the steps that will be taken to restore Toro Canyon Creek to its original contour and a figure showing the contours of the Toro Canyon Creek before impact and after restoration.
      b) A detailed description of the steps that will be taken to implement the restoration and other mitigation.
      c) A figure showing the planting palettes for the restoration and other mitigation site(s).
      d) Identification of success criteria for the restoration and other mitigation site(s), including functional assessment criteria.
      e) A detailed description of how the restoration and other mitigation site(s) will receive supplemental water.
   3. A detailed description of erosion control measures to be implemented at the restoration and other mitigation site(s).
   4. Identification of maintenance and monitoring activities and duration for the restoration and other mitigation site(s).
   5. Forbiddance of pruning, trimming or cutting of native plants in the restoration and other mitigation site(s), or buffer areas, except to control non-native and/or invasive plant species.
   6. Forbiddance of herbicide use in the restoration and other mitigation site(s), or buffer areas, except to control non-native and/or invasive plant species.

In accordance with CWC section 13385(a), your violation of CWC section 13376 subjects you to civil liability. Pursuant to CWC section 13385(c), the Central Coast Water Board may impose civil liability for up to $10,000 per day for each violation. If the Central Coast Water Board elects to refer the matter to the Attorney General, the superior court may impose civil liability for up to $25,000 per day for each violation, and up to $25 per gallon of waste discharged in excess of 1,000 gallons and not cleaned up (CWC 13385(b)). **Days of**

violation and the associated potential civil liability continue to accrue for each day of non-compliance.

Central Coast Water Board staff's recommendations for further enforcement will depend on your response to this Notice of Violation. The Central Coast Water Board may also issue a Cleanup and Abatement Order to require cleanup or abatement of the effects of the unauthorized activities pursuant to section 13304 of the CWC. The Central Coast Water Board reserves its right to take any enforcement action authorized by law.

If you have questions please contact **Paula Richter** at Paula.Richter@waterboards.ca.gov, or Phil Hammer at Phillip.Hammer@waterboards.ca.gov.

Sincerely,

Michael J. Thomas
Assistant Executive Officer

cc:

Sean Herron
County of Santa Barbara
E-mail: sherron@co.santa-barbara.ca.us

Crystal Huerta
U.S. Army Corps of Engineers
Email: Crystal.Huerta@usace.army.mil

Sarah Rains
California Department of Fish and Wildlife
Email: Sarah.Rains@wildlife.ca.gov

401 Program Manager
State Water Resources Control Board
Email: Stateboard401@waterboards.ca.gov

Todd Stanley
Central Coast Water Board
Email: todd.stanley@waterboards.ca.gov

Thea Tryon
Central Coast Water Board
Email: thea.tryon@waterboards.ca.gov

Elizabeth Goldmann
U.S. Environmental Protection Agency
Region 9
Email: Goldmann.elizabeth@epa.gov

Shea Oades
Central Coast Water Board
Email: Shea.Oades@waterboards.ca.gov

Paula Richter
Central Coast Water Board
Email: Paula.Richter@waterboards.ca.gov

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California Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
South Coast Region 5
3883 Ruffin Rd.
San Diego, CA 92123
(858) 467-4201
www.wildlife.ca.gov

EDMUND G. BROWN, Jr., Governor
CHARLTON H. BONHAM, Director

May 9, 2016

Barton Myers FAIA Architect/Planner
Barton Myers Associates Inc.
949 Toro Canyon Road
Santa Barbara, CA 93108
b_myerssb@bartonmyers.com

Subject: Suspension of Notification of Lake or Streambed Alteration Notification No. 1600-2016-0048-R5 Bridge and Road/ Toro Canyon Creek

Dear Mr. Myers:

The purpose of this letter is to inform you that the Department of Fish and Wildlife (Department) is suspending its processing of the above-referenced notification pursuant to Fish and Game Code section 1613.

On February 19th, 2016 the Department received your notification that describes work to improve a previously constructed maintenance road and install a flatcar bridge to span over Toro Canyon Creek. The road would accommodate: 1) fire and emergency services egress, 2) an agricultural support road, 3) well water exploration, and 4) forest maintenance activities. However, the Department has determined that Fish and Game Code section 1602 (a)(4)(B) has been violated because you have not addressed the requirement to either submit a mitigation plan by December 31, 2015, or fully mitigate for impacts from construction of the project as outlined in Streambed Alteration Agreement 1600-2015-0148-R5. Hence, pursuant to Fish and Game Code section 1613, the Department will not process the notification for your project until the mitigation requirements of Agreement 1600-2015-0148-R5 are addressed and fulfilled.

If you have any questions regarding this matter, please contact Sarah Rains, Environmental Scientist at (805) 498-2385 or by email at sarah.rains@wildlife.ca.gov. Thank you for your anticipated cooperation.

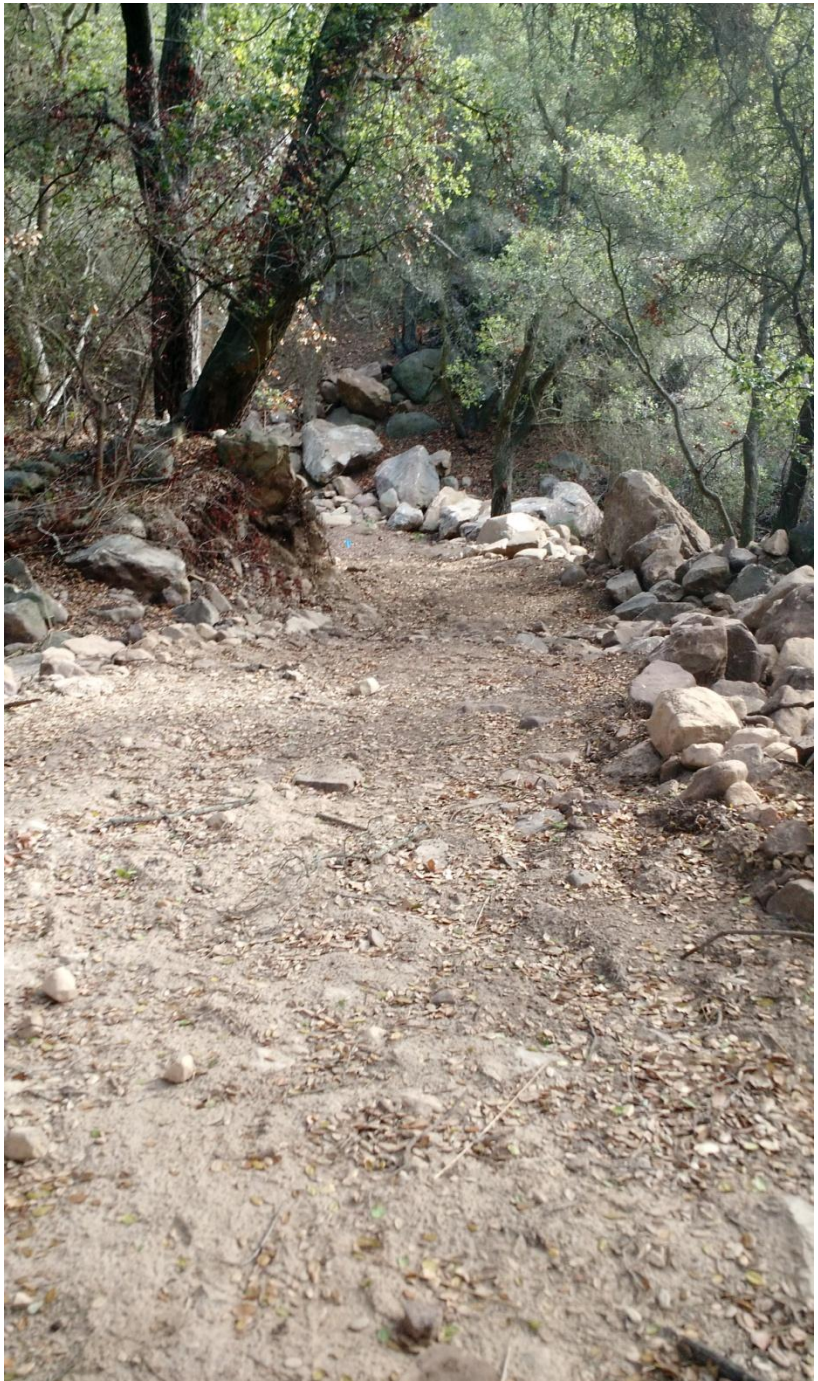
Sincerely,

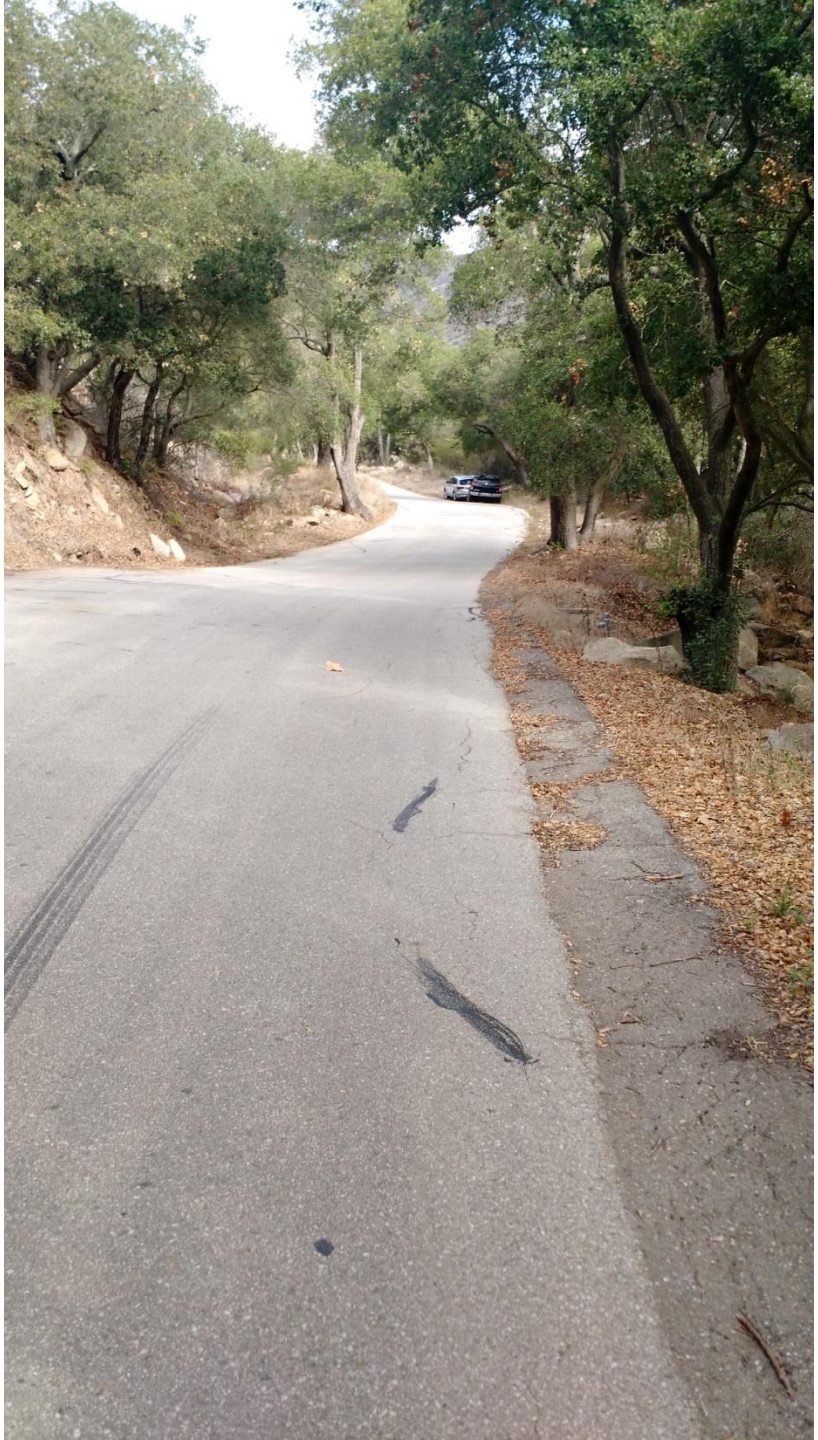
Edmund Pert
Regional Manager
South Coast Region

ec: Sarah Rains, CDFW, sarah.rains@wildlife.ca.gov
Christine Found-Jackson, CDFW, christine.found-jackson@wildlife.ca.gov

April 2013

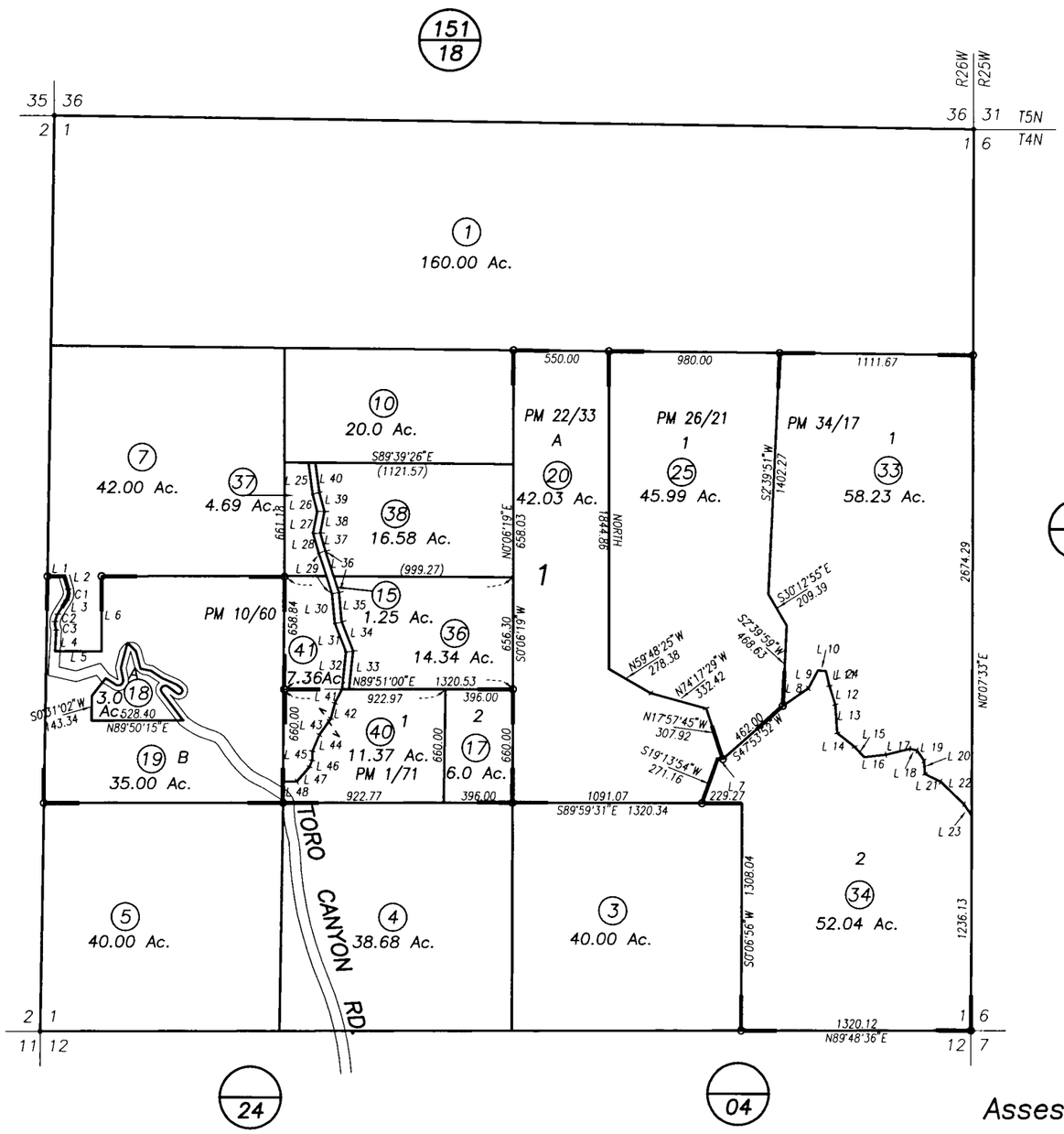
February 2016





SEC. 1 T4N R26W SBB&M

155–02



1" = 800'
scale

CURVE TABLE		
NO.	RADIUS	LENGTH
C1	80	67.02
C2	100	46.02
C3	100.00	49.89

LINE TABLE		
NO.	BEARING	DISTANCE
L 1	S89°51'00"W	96.66
L 2	S15°53'38"E	78.61
L 3	S32°06'22"W	95.97
L 4	S3°31'15"W	123.93
L 5	EAST	268.84
L 6	NORTH	400.00
L 7	N89°11'52"W	30.00
L 8	N54°58'05"E	179.71
L 9	N27°38'46"E	118.53
L 10	S83°39'35"E	45.28
L 11	S13°14'26"E	87.32
L 12	S17°39'00"E	115.43
L 13	S3°28'06"E	165.30
L 14	S51°20'25"E	128.06
L 15	S42°30'38"E	81.39
L 16	N83°09'26"E	125.90
L 17	N75°57'50"E	144.31
L 18	S75°57'50"E	41.23
L 19	S3°41'24"E	72.11
L 20	S3°48'51"E	75.17
L 21	S63°26'06"E	100.62
L 22	S46°04'51"E	187.42
L 23	S34°02'48"E	80.78
L 24	S89°39'26"E	131.24
L 25	N7°37'53"W	188.61
L 26	N14°34'22"W	107.14
L 27	N10°47'08"E	127.40
L 28	N15°40'16"W	118.84
L 29	N17°57'43"W	249.95
L 30	N5°11'15"W	172.26
L 31	N21°05'44"W	178.10
L 32	N6°03'38"E	218.89
L 33	N6°03'38"E	224.20
L 34	N21°05'44"W	182.17
L 35	N5°11'15"W	171.15
L 36	N17°57'43"W	253.63
L 37	N15°40'16"W	108.64
L 38	N10°47'08"E	127.00
L 39	N14°34'22"W	113.71
L 40	N7°37'53"W	181.00
L 41	S25°46'05"W	90.22
L 42	S14°51'42"W	91.48
L 43	S34°29'35"W	116.37
L 44	S22°52'20"W	103.41
L 45	S2°01'17"W	53.37
L 46	S21°35'16"W	39.52
L 47	S40°00'28"W	112.57
L 48	N89°54'35"W	(122.45)

Property Lines denoted by calls L25 through L40 are taken from RS 85/ 94. The 40' strip as shown on this RS map are the parcel boundaries used on the APN map to construct APNs 37,38,40,41. The M&Bs on the LLA and CofCs were not used to construct this map.

N O T I C E

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

Assessor's Map Bk, 155–Pg, 02
County of Santa Barbara, Calif.

12/01 — 12 into 37 & 38
16 & 35 into 40 & 41

Herron, Sean

Subject: FW: Question about 949 Toro Canyon Road Fire Access

From: Foster, Ed [mailto:e.foster@csfd.net]
Sent: Tuesday, April 12, 2016 5:02 PM
To: Herron, Sean
Subject: RE: Question about 949 Toro Canyon Road Fire Access

Sean,

1. Please note that the letter from Interim Fire Chief should also contain a statement to the effect that any bridge or driveway must meet the requirement of all other local, county, and state requirements. In answer to your question the Fire Code does not mandate a secondary means of access or egress for this property and the Fire District does not mandate a secondary means of access or egress.

2. The "Preliminary Approval" was specifically to address the bridge structure, width, and weight carrying capacity. Yes, the ten feet of width is sufficient. Since this proposed bridge is not required by the Fire Code it does not have to meet the Code requirements for an emergency access or egress route.

Ed Foster
Fire Marshal
Fire Prevention Bureau

Herron, Sean

Subject: FW: Definition of secondary access

From: Oaks, Steve
Sent: Thursday, March 03, 2016 2:25 PM
To: Herron, Sean
Cc: Heckman, Rob; Tuttle, Alex; Russell, Glenn; Tan, Fred; Foster, Ed
Subject: Re: Definition of secondary access

Hello Sean,
I made a site visit yesterday in an effort to become more familiar with the issues. The question was raised regarding whether or not the secondary egress increases safety. As a general rule, greater access does equate to an increase in safety. The opportunity for the occupant to egress and the responding resources to ingress could be enhanced by providing alternate means of access. That being said, the responding fire department resources would access this property through the main driveway not one located further up the canyon. In addition, my Planning and Engineering folks have made contact with Ed Foster (Carpinteria Fire Marshal) and he is aware of the project. The development on this parcel has gone through the Carpinteria/Summerland Fire Protection District for Fire Department approvals, not through our department. I hope this helps. If I can be of further assistance please don't hesitate to contact Captain Fred Tan (Planning & Engineering Captain), or myself.

Regards,

Steve Oaks, Battalion Chief
Deputy Fire Marshal
Santa Barbara County Fire Department
166 W. Hwy 246, Buellton, CA 93427
office: (805) 686-5066
cell: (805) 896-6420
email: steve.oaks@sbcfire.com

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