

Press Release  
LAW OFFICE OF MARC CHYTILO  
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### **Lawsuit Filed On San Antonio Subdivision**

Today the California Native Plant Society, San Antonio Creek Home Owner Association and Friends of Saspili filed a lawsuit challenging the County's approval of a 16 unit subdivision in the foothills of Santa Barbara County's south coast. The lawsuit names Santa Barbara County and the Santa Barbara County Board of Supervisors as Respondents and developer Jeff Nelson and the Oak Creek Company as the Real Parties in Interest.

The Project is located on San Antonio Creek Road on a flat ridge between the San Antonio and Marie Ignacio Creeks. The site has over 3 acres of native grasslands, contains a prehistoric bedrock mortar site amid an unusual and rare geological formation (fanglomerate boulderfield) in a designated high fire hazard area. The County approved the project using an abbreviated environmental impact disclosure document known as a Negative Declaration. The lawsuit seeks to overturn the project approval and require preparation of an environmental impact report to more fully evaluate these impacts and consider alternatives that would lessen Project impacts.

"The County ignored its own guidance and allowed inadequate and incomplete surveys for rare and sensitive plants on the property" explained CNPS representative David Magney. "This site has important biological resources that were not studied, and inadequate mitigation." Rather than providing compensating native grasslands habitat onsite as favored by County policy, the developer has applied to use UCSB lands in the coastal area as the restoration site.

Representing the cultural heritage of the site, Friends of Saspili submitted comments establishing that the County had failed to properly consult with interested Native American groups and recognize the cultural significance of the site. Frank Arredondo, Friends of Saspili spokesperson stated: "The County's analysis of this Project's impacts to cultural resources was woefully inadequate. The site is surrounded by 16 known cultural sites and has known sensitive and important resources, yet the County's analysis found there was no impact whatsoever." Friends of Saspili has advocated to protect other important cultural sites in the region, most notably the site affected by the then-proposed Marriott project on Robin Hill Road in Goleta, where the developer recognized that a ND was similarly determined to be inadequate after Friends of Saspili filed legal action.

Located in a designated high fire hazard area, fire safety expert Scott Franklin testified to the Board of Supervisors that the Project's fire hazard and public safety analysis was inadequate, that the site was particularly prone to ferocious wildfire (such as was experienced in 1990 when the Painted Cave Fire burned through the Project site), and that the proposed evacuation route

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could lure panicked residents into a very unsafe situation. He noted that the San Antonio Road area has limited emergency evacuation capacity, narrow, steep and windy roads, and only a single evacuation route for hundreds of homes during typical wildfire conditions.

Residents of the area, organized as the San Antonio Creek Home Owner Association, have sought to protect themselves and the project's new residents from substantially increased public safety risks.

Noting that the County has prepared an evacuation capacity analysis for other foothill communities, Marc Chytilo, attorney for the Petitioners, argued that the Board of Supervisors should request a similar evacuation analysis in the San Antonio Road area as well.

“Unfortunately, the County did not properly consider this Project’s potential impacts, necessitating this lawsuit” explained the Petitioners’ lawyer Marc Chytilo. “The site is very constrained, and simply cannot carry this intensity of development without causing significant impacts.”

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