

**MONTECITO PLANNING COMMISSION DECISION
 APPEALED TO THE BOARD OF SUPERVISORS
 April 28, 2017**

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|--|--|---|-----------------------------|
| Case Numbers: 16APL-00000-00026 | Title: Appeal of Olsten Montecito Trust Project | | |
| APN: 009-352-019 | Applicant: Olsten Montecito Trust | | |
| Area: Montectio | Appealed by: Michael Hair | | |
| District: First | Date appealed: April 28, 2017 | | |
| | Planner: J. Ritterbeck x3509 | | |
| | Supervising Planner: Alex Tuttle x6844 | | |
| | Planning Commission | | Board of Supervisors |
| Hearing Dates: | April 18, 2017 | Approved the Project with Revisions to the Conditions of Approval | |
| Fee Paid: | | | \$659.92 |
| APPELLANTS REASON FOR APPEAL: See attached appeal letter | | | |
| FACILITATION: N/A | | | |
| OUTCOME OF BOS HEARING: | | | |

- cc: Glenn Russell, Director
 Dianne M. Black, Assistant Director
 Jeff Wilson, Deputy Director
 Alex Tuttle, Supervising Planner
 J. Ritterbeck, Planner
 Records Management
 Heather Bowling, Accounting
 Petra Leyva, Building & Safety
 David Villalobos, Hearing Support



PLANNING & DEVELOPMENT
APPEAL FORM

SITE ADDRESS: 1154 Channel Drive

ASSESSOR PARCEL NUMBER: 009-352-019

Are there previous permits/applications? no yes numbers: 14CDH-00000-00014
(include permit# & lot # if tract)

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

1. **Appellant:** Michael Hair, Trustee of Olive Mill Trust, and Tom Sturgess Phone: 661-399-9000 (Hair)
805-770-7873 (Sturgess) Fax: 661-399-9191

Mailing Address: 6501 Fruitvale Ave., Bakersfield, CA 93308 (Hair); 1187 Coast Village Road, #419, Santa
Barbara, CA 93108 (Sturgess); E-mail: mh@yourvalleybuilder.com (Hair) tom.sturgess@lsf.co.nz (Sturgess)

2. **Owner:** Olsten Montecito Trust Phone 215-579-6005; FAX: 855-224-7801

Mailing Address: 6520 Meetinghouse Road, New Hope, PA 18938; E-mail: Steven.Grabowski@ubs.com
Street City State Zip

3. **Agent:** The Warner Group Architects; Phone: 805-969-5074; FAX: 805-565-3797

Mailing Address: 1250 Coast Village Road, Ste. J, Santa Barbara, CA 93108; E-mail: matt@wgarch.com
Street City State Zip

4. **Attorney:** Derek Westen; Phone: 805-963-7130; FAX: 805-963-7131

Mailing Address: 1800 Jelinda Drive, Santa Barbara, CA 93108; E-mail: Derek@westenlaw.com
Street City State Zip

COUNTY USE ONLY

Case Number: _____ Companion Case Number: _____
Supervisory District: _____ Submittal Date: _____
Applicable Zoning Ordinance: _____ Receipt Number: _____
Project Planner: _____ Accepted for Processing _____
Zoning Designation: _____ Comp. Plan Designation _____

COUNTY OF SANTA BARBARA APPEAL TO THE:

BOARD OF SUPERVISORS

PLANNING COMMISSION: COUNTY MONTECITO

RE: Project Title Olsten Montecito Trust, Demo, New Single Family Dwelling & Garage

Case No. Case No. 14 BAR-00000-00082

Date of Action 4/18/2016

I hereby appeal the approval approval w/conditions denial of the:

Board of Architectural Review – Which Board? _____

Coastal Development Permit decision

Land Use Permit decision

Planning Commission decision – Which Commission? Montecito

Planning & Development Director decision

Zoning Administrator decision

Is the appellant the applicant or an aggrieved party?

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:

Appellants each own property adjacent to and abutting the project site and have appeared, personally and/or through legal counsel, and have submitted written objections to the project throughout the processing of the land use permit and the Montecito board of Architectural Review, and appealed the MBAR decision to the MPC

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.

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.

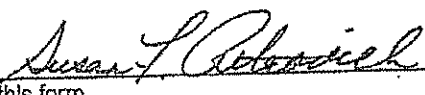
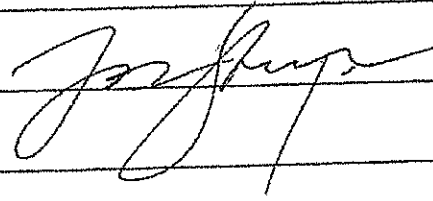
| | | |
|---|---------------------------|-----------|
| Print name and sign - Firm | | Date |
| Susan F. Petrovich | <i>Susan F. Petrovich</i> | 4/27/2017 |
| Print name and sign - Preparer of this form | | Date |
| Michael Hair | <i>Michael Hair</i> | 4/28/2017 |
| Print name and sign - Appellant | | Date |
| Print name and sign - Appellant | | Date |
| Tom Sturgess | | |
| Print name and sign - Landowner | | Date |

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

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| | | |
|---|---|-----------|
| Print name and sign - Firm | | Date |
| Susan F. Petrovich |  | 4/27/2017 |
| Print name and sign - Preparer of this form | | Date |
| Michael Hair | | Date |
| Print name and sign - Appellant | | 4-28-17 |
| Tom Sturgess |  | Date |
| Print name and sign - Appellant | | 4-28-17 |
| Tom Sturgess | | Date |
| Print name and sign - Landowner | | Date |

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**ATTACHMENT TO APPEAL TO BOARD OF SUPERVISORS
FROM MONTECITO PLANNING COMMISSION
DENIAL OF APPEAL
OLSTEN MONTECITO TRUST PROJECT
14BAR-00000-00082**

Grounds for Appeal:

Appellants Tom Sturgess and Michael Hair (Olive Mill Trust) own the properties abutting the Applicants' property and are the people most directly impacted by the proposed project. But Montecito residents and others who enjoy Channel Drive have a significant stake in the future of this project – they just don't yet know it.

Applicants are absentee landowners who live in Pennsylvania and claim that they plan to retire in the residence that they now propose. Appellants believe that this is a "spec home" the value of which will be enhanced by the inappropriate size, bulk and scale of the proposed project.

Applicants propose to demolish a house and garage constructed prior to implementation of the Montecito Community Plan and the Coastal Zoning Ordinance. The Community Plan and Coastal Zoning Ordinance, both incorporated into the Santa Barbara County Coastal Land Use Plan, include land use goals and policies and Architectural Guidelines that call for protection of public and private views of the ocean and mountains. The existing house could never be constructed today because of its disproportionate size and looming aspect. Yet, Applicants proposed to build an even more looming structure with far too much window space on the south elevation, facing Channel Drive. In response to their own desire for privacy and the community's (and MPC's) concern about glare and the lantern effect of so much glass on Channel Drive, the Applicants now propose tall, wide trees with heavy canopies to screen their ugly house and the light that will emanate from so many windows. These trees will have as much or more impact on the neighbors' ocean views as the over-sized second story.

On January 20 and February 17, 2016, the Montecito Planning Commission conducted hearings on the project, ultimately denying it on March 23, 2016. On July 19, 2016, the Board of Supervisors overturned that denial and approved the project, subject to several conditions, the most relevant of which are the following:

"The Owner/Applicant shall ensure any exterior night lighting installed on the project site is of low intensity, low glare design, minimum height, and shall be hooded to direct light downward onto the subject lot and prevent spill-over onto adjacent lots. The Owner/Applicant shall install timers or otherwise ensure lights are dimmed after 10:00 p.m."

"The MBAR shall verify that landscaping shall not impair existing private views of the neighbors to the ocean."

Appellants believe that the size, bulk and scale of the proposed project was misrepresented to the MPC and to your Board and request that your Board re-examine the project approval in its entirety. This may seem like a novel request, but the Applicants themselves have opened the door to this re-examination by proposing a project for preliminary approval that is **materially different** from the project that your Board approved. In addition, Appellants submit that Applicants' project team has misrepresented the impacts of the project through misleading photographs and renderings.

Appellants appealed the MBAR's December 19, 2016 preliminary approval of the project to the Montecito Planning Commission (MPC).

On April 18, 2017, the MPC **unanimously** voted to deny the appeal, but to modify the project in response to the issues raised by Appellants and send it to MBAR for final approval consistent with the MPC decision.

In addition to directing that the MBAR ensure that the vegetation planted on the site, because of its growing habits, would not be able to intrude into the view corridors identified by Appellants' surveyor and arborist, and that the MBAR determine the location and species of the plantings, the MPC ordered the following additional modifications:

1. The shutters, included in the project in response to MPC concerns about the excessive glazing on the proposed house, but deleted by Applicants AFTER the Board had approved the project WITH the shutters, must be restored so they reflect the project disapproved by the MPC and approved by the Board. On the current appeal, the MPC ordered that the shutters shall be restored, and that they shall be affixed to the exterior of the house and may slide across one glass panel or another but not slide entirely off the glass surfaces. Appellants request that the Board require the Applicants to restore these shutters in their entirety.

2. The Applicants proposed that the first floor roof "green roof" area become walkable garden area with raised **rusted** steel planters, paved walkways, and unidentified vegetation. The MPC removed the prohibition on interior access to the roof area but ordered that the floor to ceiling window proposed by Applicants be modified to convert it into a true window rather than a French door, that the facing on the roof decks be wood as depicted on the plans approved by the Board, that the pathway widths be reduced, and that the height of vegetation and planters combined could not exceed the elevation of the current first floor ridgeline. Appellants request that it be made crystal clear that the roof is not a deck for usage other than maintenance and repair – no umbrellas, deck chairs, chaises lounges, deck parties, etc. It is to be used only for a green roof as Applicants represented throughout the process – and that the vegetation be kept low (no higher than 12 inches) to preserve the Sturgesses' current ocean view.

3. The Applicants proposed revised plans with a reflective zinc roof and skylights on the cabana and northerly portion of the residence that will result in night glow affecting the Sturgess and Hair houses, which lie immediately upslope of these skylights, although the MBAR directed that these be screened with louvers to eliminate glare and night glow, no such screening appears for these two areas that will have the greatest impact on these neighbors. The MPC ordered that the zinc roof be restored to what the Board approved – gravel – and that the skylights include the louvers approved by the MBAR. Appellants ask that the Board support that order.

4. In response to negative feedback from the MPC when it reviewed the project originally, the Applicants revised their plans to remove the north-facing balcony that posed such a significant privacy concern for the Sturgess and Hair families. The Board approved the plans, on appeal, WITHOUT this balcony. Applicants simply added the balcony back it when they submitted their plans to the MBAR for preliminary approval. When it heard Appellants' appeal, the MPC ordered that the balcony be removed to conform to the Board's decision. Appellants ask that the balcony be rejected by the Board.

Appellants are extremely grateful that the MPC acknowledged that the project for which the MBAR gave preliminary approval was materially different from the project that your Board approved. Unfortunately, the project modifications proposed by the MPC to address the Board's condition, set forth above, requiring that the landscaping not block the neighbors' ocean view, are unclear as to Appellants' remedy if the MBAR fails to comply with the condition. In the Appellants' opinion, the MBAR failed to verify, in any sense of the word, that the landscaping would not impair Appellants' ocean view and underestimate the Applicants' disinterest in the impact of the project on their neighbors' view.

Appellants filed their appeal to the MPC because the MBAR not only failed to comply with the landscaping condition stated above, but also approved material changes in the project plans submitted to the MBAR by Applicants. Those MBAR-approved plans are not in substantial conformity with the plans approved by your Board. Furthermore, in the course of preparing for the MPC hearing, Appellants discovered what they long had suspected – exhibits submitted to the Board of Supervisors to gain project approval did not accurately reflect the actual project.

Appellants also contend that the MBAR had no authority to approve project plans that are inconsistent with the conditions imposed by the Board of Supervisors. Applicants, of course, contend that there is nothing inconsistent with: (a) adding a north-facing balcony that looks directly into the bedrooms and living areas of their neighbors' homes; (b) replacing a green roof that is accessible solely by exterior ladder (as approved by the Board) with a recreational deck that has 21" high rusted metal planters and is accessible from a master bedroom floor-to-ceiling door; (c) leaving the excessive glass intact but deleting the permanent shutters; and, (d) proposing landscaping that Applicants' arborists "don't expect" to exceed the height of the house but that Appellants' arborist found growing in the Santa Barbara and Carpinteria coastal areas at heights well in excess of the view corridors identified by the surveyor and arborist.

Appellants contend that the MBAR-approved plans that Applicants submitted to the MPC fail to comply with the Montecito Architectural Guidelines and Development Standards and with the Montecito Community Plan.

By this appeal, Appellants ask that the Board support its original decision to approve the plans WITHOUT the north-facing balcony, and WITH the first floor roof areas being used for nothing other than a green roof that is accessible solely by ladder, and WITHOUT the excessive glazed areas, and WITH the permanent exterior shutters that go some of the way (although not nearly enough) toward controlling the "lantern effect" that the excessive glazing will create, and WITH clear direction that provides objectively ascertainable standards to prevent the landscaping from impairing that part of the Appellants' ocean view that remains despite the enormous new second story.

By this appeal, Appellants also ask the Board to reconsider and modify the size, bulk, and scale of the second floor addition, based upon the prior misrepresentations of the magnitude of the project on the public's view of the mountains and the neighbors' view of the ocean.

Material Inconsistencies between Board-Approved Plans and the Applicants' Proposed Plan Revisions

The project plans proposed by the Applicants and approved by the MBAR fail to conform to the Plans approved by the Board as follows:

1. A balcony has been added to the second story on the north side of the house. In response to objections by Commissioners during the MPC hearings, the balcony was removed from the plans. The plans approved by the Board of Supervisors show no balcony on the north elevation; the plans for which the MBAR granted preliminary approval include a balcony on the north elevation. During the MBAR hearing, appellants' agent objected to the balcony, pointing out that it was contrary to the Board approval. The applicant's attorney, Derek Westen, stated to the MBAR that the applicant team had planned to remove this balcony, but when the appellants' counsel objected to it being added to the plans, they decided to not only leave it on the plans, but to enlarge it! Appellants pointed out to the MBAR that the balcony has no mountain view and its sole purpose is to allow someone to stand on the balcony and look directly into the homes of the Sturgess and Hair families, violating the Montecito Architectural Guidelines "Good Neighbor" policies and requirement that neighbors' privacy be respected. Despite a photograph showing a skewed and misleading photograph of the northerly view from the proposed balcony (taken by a County staff member sitting on the roof), the MPC ordered that the balcony be removed.
2. The plans approved by the Board of Supervisors showed a "green roof" on the roof of the first story element of the residence. Access to the "green roof" area was the subject of substantial comment because the Applicant originally had proposed a rooftop garden on this roof area, a proposal that was met with significant community opposition because of the potential for invading the privacy of neighboring properties, the noise, and the blockage of the ocean view for the

Sturgess and Hair families. The Board of Supervisors approved project plans that specifically had no roof access from the interior of the residence, to ensure that it would be a true green roof and not a recreational or entertainment area. The plans for which the MBAR granted preliminary approval show 2-foot wide meandering pathways on the roof, well in excess of what would be necessary for periodic maintenance of a green roof. These walkways encompass square footage comparable to the proposed planting area. Much of this roof area will lie directly in the ocean view of the Sturgess family. The applicant already has gotten Board approval of a second story element that is twice the size of the existing second story and that will extend westerly an additional 14 feet, blocking much of the Sturgesses' ocean view. The Sturgesses' remaining view primarily will be over this green roof area. The plans presented by Applicants (which differ from those shown to the Board of Supervisors) depict, in lieu of a green roof (which is planted on a relatively shallow soil layer directly on the roof and is low-growing because of the shallow root zone), large clusters of rusted steel pots that are 21 inches high. Regardless of what is planted in these pots – and we fear it will be hedges or small trees that will *really* block the ocean view, the Sturgesses will be looking at what, from their perspective, will resemble rusted HVAC equipment! Like the proposed new balcony, this is just another poke in the neighbors' eyes and is a substantial deviation from the Board-approved plans. The plans indicate that this area isn't for entertainment, but that isn't enough – the Board made it clear that this roof area was not to be used for any kind of human occupation, even by the residents. With the meandering pathway, proposed to be concrete covered by decomposed granite (DG), this area now looks more like a garden outdoor living space than an energy-conserving green roof. From the very beginning of project review, the Sturgess family has objected strenuously to this roof area being used as a deck to enlarge the living area of the residence, so the current proposal is of serious concern to them. The abuse inherent in this design is obvious and would significantly change the impacts of this project upon their quality of life. It is NOT what the Board of Supervisors approved.

3. Throughout the MPC and Board hearings, the Applicant team repeatedly claimed that the proposed house would have less glazing, particularly on the south elevation that faces Channel Drive, than the existing house. In so claiming, though, they continuously use the term "visible glazing." That is because they hope to convince the listener that if they place a planter, a 6-foot high perimeter privacy wall, or landscaping in front of a large window, the light emanating from that window will disappear and there will be no night glow or lantern effect. That isn't how night glow and the lantern effect work. The greater the glazed surface, the more light that escapes to the outside. The night sky in Montecito, and particularly along Channel Drive, is a precious resource, and houses with excessive glazing reduce the darkness of the night sky for everyone, not just for the residents of those houses. The fact remains that the Applicant team hasn't reduced glazing from what it is on the current residence – they have greatly increased it. Viewed from Channel Drive, the current residence has 370.00 square feet of glazing on its south elevation. The proposed house will have

596.50 square feet of glazing on the south elevation, a figure derived by using the window specifications on the revised plans. That is a 62% increase – not a decrease as the applicant team continues to claim. To reduce night glow along Channel Drive, the applicant included exterior shutters on the south-facing windows. The plans approved by the Board of Supervisors included these shutters. But the plans approved by the MBAR have no shutters, other than some interior ones that slide away into pockets on either side of two (2) of the windows and, as stated by the Applicant team, are intended solely to provide the residents more privacy, not to reduce night glare or glow. This is inconsistent with the Board of Supervisors' approval and completely inconsistent with representations made by the Applicant team repeatedly in support of their claim that they had reduced the visible glass significantly.

4. The revised plans now show skylights on the cabana and northerly portion of the residence. Although earlier plans showed dark shading on the roof, the plans and the Applicant team never identified this shading as representing skylights until the plans went to the MBAR for preliminary approval. The shading just as easily could have been a different roofing material and in no way resembled the representation of other glazing on the house. The MBAR directed that these be screened with louvers to eliminate glare and night glow. The plans show no screening on the most northerly skylight surfaces on the residence and the skylight on the cabana, the two areas that will have the greatest impact on the nearest neighbors (to the north).
5. The zinc roofing is reflective and will cause light to reflect directly at the Hair and Sturgess homes, which lie upslope of the project site. Any reflectivity on the roof will cause an impact, both day and night because moonlight on a reflective roof results in a night glow that has no impact on the applicants but a significant impact on the appellants. The proposed roofing materials must be called out without any room for ambiguity – no reflective roof surfaces should be allowed. The Applicants have walked back from the zinc roofing, not because of the impact on the neighbors but because the roof slope won't accommodate zinc. The MPC approval reflects the same roofing material as that approved by the Board.
6. The applicant team represented to the Board of Supervisors that interior lighting would be designed to have a minimum amount of glare. Instead, the lighting plan shows (in addition to recessed lighting that is precisely what is required to reduce glare) no less than 11 chandeliers (without detailing on the plans) in the residence and 2 in the cabana, as well as a plethora of wall sconces that have not been detailed. This is not a "minimum amount of glare." Chandeliers and wall sconces create a maximum amount of glare and provide the opportunity for this house to be lit up like a church anytime the occupants so desire. The MPC was of the opinion that it could not regulate interior lighting, but where an applicant represents that interior lighting will be subtle and indirect in order to gain approval of far too much glazed surface, your Board is entitled to hold them to

that representation or to direct them to replace glass with a wall or other non-glare surface.

Violation of Conditions Imposed by Board of Supervisors

The Board of Supervisors' first condition of approval quoted above requires that any exterior lighting be of minimum height and "hooded to direct light downward" and with timers or similar devices to ensure that lights are dimmed after 10:00 p.m. has not been met in these plans. The landscape lighting still shows lights in the trees (not of "minimum height") and extensive courtyard lights (including between the garage and cabana) that seem to serve no purpose other than to annoy the neighbors to the north. The MPC directed that the plans reflect the Board's condition.

The Board of Supervisors second condition of approval state that the MBAR "shall verify that landscaping shall not impair existing private views of the neighbors to the ocean." This the MBAR failed and refused to do. Instead, the MBAR decided that the Applicants' arborist could determine what vegetation would not impair existing ocean views for the Sturgess and Hair homes. Not surprisingly, Applicants obtained opinions from two arborists that were completely wrong. Those opinions also assumed that Applicants would keep the vegetation pruned to avoid impairing their neighbors' views. There is nothing in the record to support such an outrageous assumption. Neither were the arborists' views accurate as to what the maximum attainable height of the proposed vegetation was. Appellants' arborist Bill Spiewak presented to the MPC photographic evidence of trees in Santa Barbara and Carpinteria that he had photographed and measured that are far larger than the other arborists expected. His report is attached.

With the trees proposed, and the location of same, there is no way that this landscape plan meets the requirement that no new view blockage occur. The New Zealand Christmas trees at the east and west ends of the house are evergreens and will grow to about 30 feet tall with a 30-foot spread. This will create new view blockages for both the Hair and Sturgess homes. The evergreen Strawberry trees, proposed north of the residence, including at the east end of the cabana, grow to about 30 feet tall with a 30-foot spread, but can grow as high as 50 feet with a 40-foot spread. The grass palms (which are not palms at all) grow to up to 30 feet high with a width of 8-13 feet. They branch out at the top and are dense. These are proposed along the east property line and will block the view from the Hair and Sturgess homes. The only trees currently proposed that will not block views are the pineapple guava and the citrus, assuming that they are not placed in the sideyard setback areas because, when stacked from north to south, they WILL create a view impairment that is inconsistent with the Board of Supervisors' mandate.

Failure to Comply with Montecito Community Plan Architectural Guidelines and Development Standards

For reasons we cannot explain, the MBAR disregarded these fundamentals of planning for the Montecito community when reviewing the project:

Page 2 – GOALS

2. To enhance the quality of the built environment by encouraging high standards in architectural and landscape design.
3. ***To ensure the neighborhood compatibility of all projects.***
4. ***To respect public views of the hillsides and the ocean and to be considerate of private views.***
5. ***To ensure that architecture and landscaping respect the privacy of immediate neighbors.***

Page 3 – GOOD NEIGHBOR POLICIES

1. Consider proposed house design within the context of the neighborhood.
2. ***Consider mutual neighborhood privacy in all aspects of the house design and site layout, including noise and lighting.***
3. ***Consider your neighbors' views and privacy*** in the placement and architectural appearance of your house or addition.

Page 3 – REQUIRED FINDINGS

5. ***There shall be a harmonious relationship with existing developments in the surrounding neighborhood***

Page 10 – NEIGHBORHOOD COMPATIBILITY

1. Definition: ***“Neighborhood compatibility” is the relationship between the surrounding structures and their settings so that the effect of all structures taken together is aesthetically pleasing, keeping the neighborhood in harmony and balance.***

Pages 14-16 – VIEW AND PRIVACY PROTECTION

1. Definition – “View” shall mean the ability to see the ocean and/or mountains from a particular site, public roadway, public trail, or community area. “Privacy” is defined as the enjoyment of an individual property where visual intrusion has been minimized.
2. General Statement – the community of Montecito has a commitment to the ***protection of public views and consideration of private views, both from the hillsides to the ocean and from the lower elevations of the community to the hillsides. Residential privacy is a key ingredient in the quality of life in Montecito.***
3. Guidelines – b. ***The height and roof pitch of structures should take into account their impact upon views from neighboring sites; f. Structures should be located and designed to avoid obstructing views from living areas of adjacent properties; G. STRUCTURES SHOULD BE LOCATED AND DESIGNED TO AVOID***

PLACEMENT OF WINDOWS, DECKS AND BALCONIES WHICH LOOK DIRECTLY ONTO PRIVATE AREAS OF ADJACENT PROPERTIES.

Page 20 – ARCHITECTURAL FEATURES, MATERIALS AND COLORS

Guidelines – Building materials and colors should minimize the visual impact of the structure from public roads and lanes, blend with existing land forms and vegetative cover, be compatible with others in the neighborhood, **and not attract attention to themselves. . . ii. Materials with high reflectivity value (excluding windows) should be avoided.**

Applicants' plans fail to comply with the Architectural Guidelines and Development Standards. The plans also fails to comply with the following provisions of the Montecito Community Plan:

GOAL LU-M-1: In Order To Protect The Semi-Rural Quality Of Life, Encourage Excellence In Architectural And Landscape Design. Promote Area-Wide And Neighborhood Compatibility; Protect Residential Privacy, Public Views, And To The Maximum Extent Feasible, Private Views Of The Mountains And Ocean.

Policy LU-M-2.2: Lighting of structures, roads and properties shall be minimized to protect privacy, and to maintain the semi-rural, residential character of the community.

Conclusion

By this appeal, Appellants ask that the Board of Supervisors do the following:

1. Grant the appeal and reverse the MBAR and MPC preliminary approvals.
2. Find that the project as proposed must be modified to include the following:
 - a. Exterior shutters that precisely conform to the shutters on the plans that were disapproved by the MPC and sent to the Board of Supervisors on appeal.
 - b. The roof must be the gravel shown on the plans disapproved by the MPC and sent to the Board of Supervisors on appeal.
 - c. The skylights either must be removed and replaced with roofing of the same type as the remainder of the roof or ALL skylights must have louvers that run east-west and slant toward the south to direct light away from the neighbors. Louvers must be no less than 4 inches apart but may be closer together.
 - d. The exterior lighting shall have an automatic shutoff at 10 p.m. and the lights around the automobile court shall be no higher than 12 inches from the ground.
 - e. The first floor roof areas shall not be accessible from the interior, shall be planted with a green roof that comprises vegetation planted directly on the roof membrane in soil material, but no raised planters. It may have a planter edging that is no more than 12 inches high. The pathways shall be reduced to a width necessary for maintenance and repair activities to enhance the cooling properties of the green roof.

The perimeter facing of the first floor roof shall be wood to conform to the plan approved by the Board. The first floor roof area may not be used for any purpose other than a green roof and for repair and maintenance. No door or window from the house interior shall provide access onto the first floor roof. No entertainment or recreational activities shall occur on this roof. It is not an outdoor living area. In no event shall anything placed or grown on the roof exceed the elevation of the first floor ridgeline of the current residence on the site.

f. The north-facing balcony shall be deleted entirely to respect the neighbors' privacy.

g. The vegetation planted on the site shall be selected from plants that do not have growing habits that would allow the vegetation to intrude into the view corridors identified on the plan prepared by surveyor Joel Avakian and confirmed by arborist Bill Spiewak. If, despite good faith best efforts to select plantings that conform to these specifications, any vegetation should intrude into these view corridors, the property owner immediately shall prune the vegetation, and maintain it, so that it does not intrude into the view corridors.

3. Modify the Board's project approval to reduce the size of the second story and to significantly reduce the glass on the south elevation to minimize the potential glare and night glow or lantern effect.

4. Return the project to MBAR for further review and for a return to the Board to confirm that the plans conform to the Board's direction and for the Board's final decision on the preliminary approval of the plans.

ARBORIST FIELD REPORT: Tree Planting & View Obstruction at 1154 Channel Dr.

April 12, 2017

Montecito Planning Commission
 123 East Anapamu St.
 Santa Barbara, CA 93101 / dvillalo@co.santabarbara.ca.us

RE: 1154 Channel Dr.-14CDH-00000-00014-Olsten Trust

BACKGROUND & ASSIGNMENT

I was contacted by Susan Petrovich, representative of the Hair Estate on Hill Road, regarding the proposed landscape plan for 1154 Channel Drive. The owners of this 1154 Channel Drive property to the southwest, are proposing to install trees, some of which will eventually obstruct views from the Hair and Sturgess properties. I was retained to review the most recent landscape plan and provide information on the potential heights of these trees at maturity.

INVESTIGATION

I investigated the species of trees identified on the landscape plan in the following references:

1. *SelectTree Cal Poly* (on line reference) www.selecttree.calpoly.edu
2. *Sunset Western Garden Book*, Eight Edition, Menlo Park, Ca. 2014.
3. *Trees of Santa Barbara*, Muller, Robert N. and Haller, Robert J., Santa Barbara Botanic Gardens, 2005.
4. Obtain photos of some of the trees in local areas and measure heights.

| <i>Genus and Species</i> | Tree Common Name | Sunset Garden Book | Trees of Santa Barbara | Cal Poly SelectTree | Local Findings |
|--------------------------------------|-----------------------|--|--|--|-----------------------------------|
| <i>Arbutus marina</i> | Strawberry Tree | Up to 30' tall (usually less) and equally wide | Small evergreen to 20' [note: they only list the <i>unedo</i> species] | Up to to 50' tall x 40'. Seaside tolerance good in moderate zones in all soils. | Mostly around 20' with one at 43' |
| <i>Cordyline australis</i> | Cabbage Palm | 20'-30' tall x 6'-12' wide due to high branching | Single stemmed or branched tree to 25'. Native to coastal lowlands of New Zealand. | Up to 20'-35' tall. Seaside tolerance good in moderate zones in loam or sandy soils. | Mostly 20'-30'. |
| <i>Ligustrium japonica 'texanum'</i> | Wax leaf Privet | 8'-10' tall x 4'-6' wide | Tree to 40' tall but only list the <i>lucidum</i> species, Glossy Privet. | 10'-15' tall x 5'-8' wide. Seaside tolerance good in mild zones in all soils. | not observed |
| <i>Feijoa sellowiana</i> | Pineapple Guava | 18'-25' tall x 18'-25' wide | To 20' tall. | 18'-25' tall x 18'-25' wide. Seaside tolerance good in mild zones in all soils. | Mostly smaller trees found |
| <i>Metrosideros excelsa</i> | New Zealand Xmas Tree | To 30' tall or more spreading as wide as tall | Spreading evergreen to 60' | Up to 35' tall x 35' wide | 25'-40' |

DISCUSSION

There is some variability among resources. The maximum heights and spreads are listed to illustrate their potential sizes, although some of these trees could be smaller. This is largely due to influence of climate, soil, and care. Most of the trees represented in the photos are taken near or on the waterfront, and some at three miles inland.

All of the trees can be pruned to control size. However, there is no assurance that anyone will keep trees at the heights that do not block views. There are also potential consequences to health and structure of trees that are pruned to alter their form.

CONCLUSION

The trees identified in the landscape plan all have the potential to grow tall and wide and obstruct views from the neighboring properties depending on where they are planted in the landscape.

Please contact me with any questions.

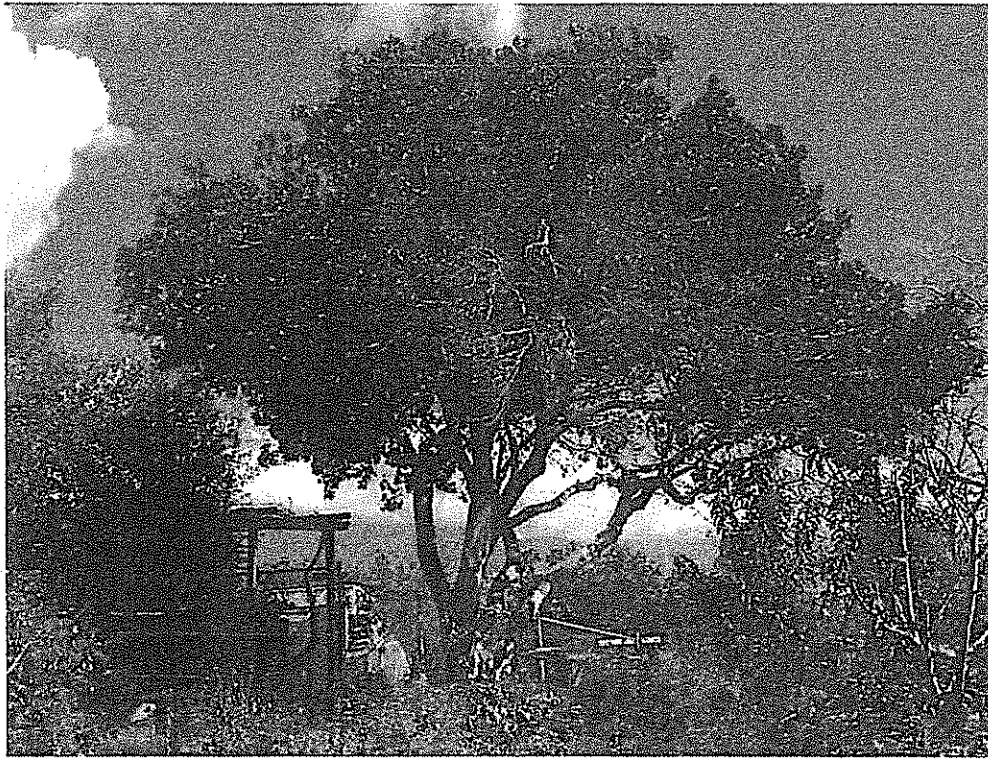
Prepared by:

Bill Spiewak

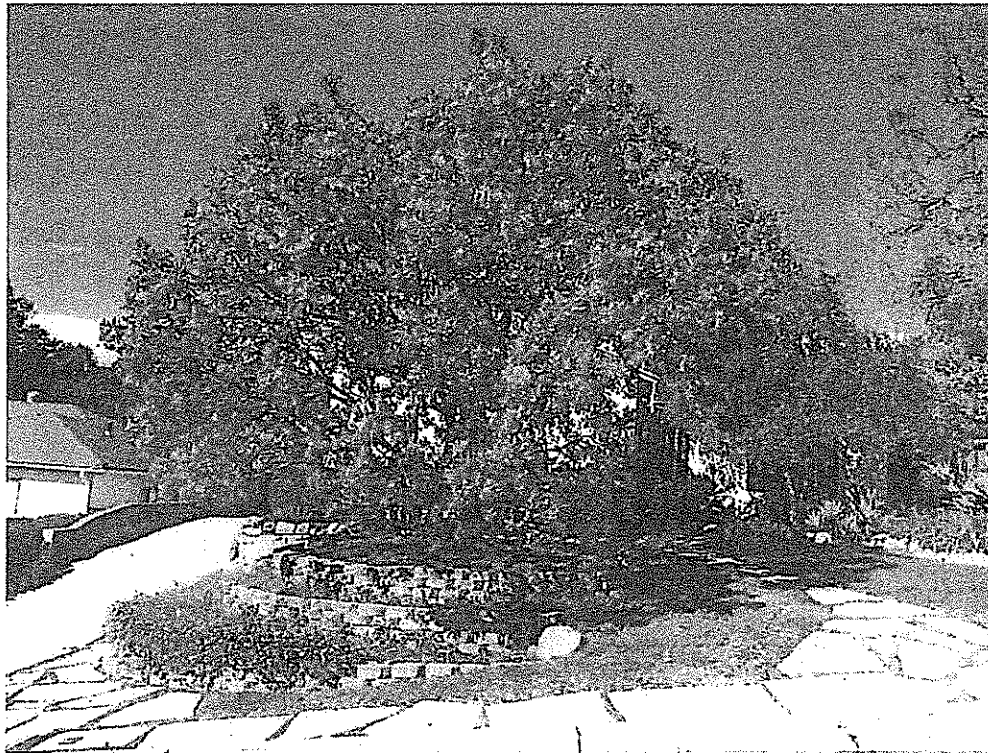
Bill Spiewak
Registered Consulting Arborist #381
American Society of Consulting Arborists

Board Certified Master Arborist #310B
American Society of Consulting Arborists



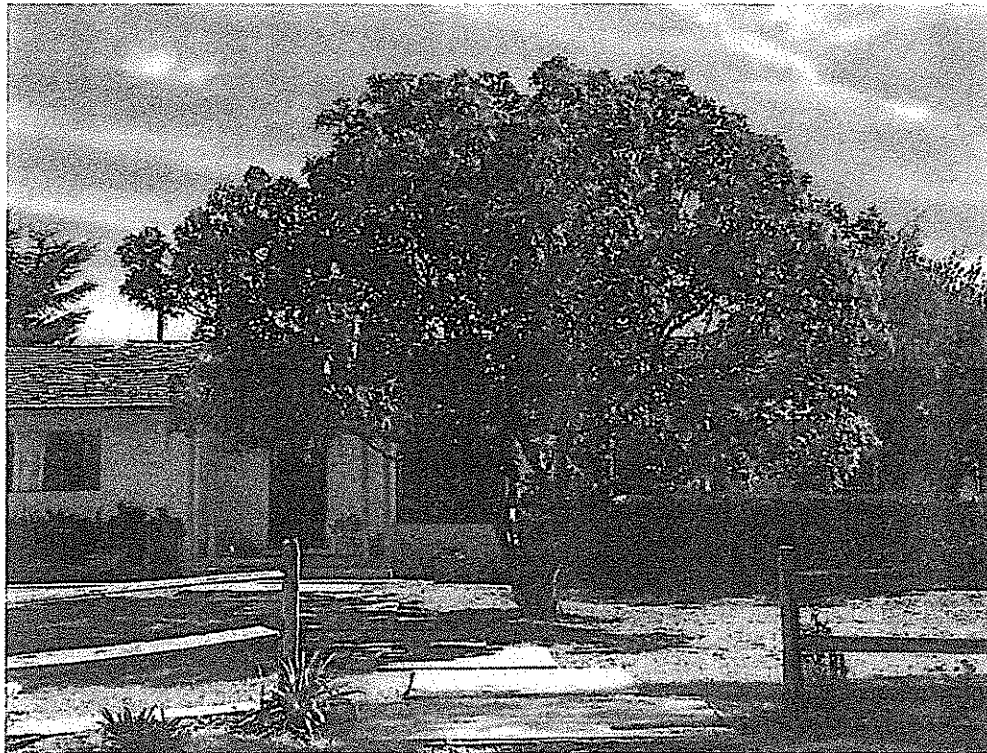


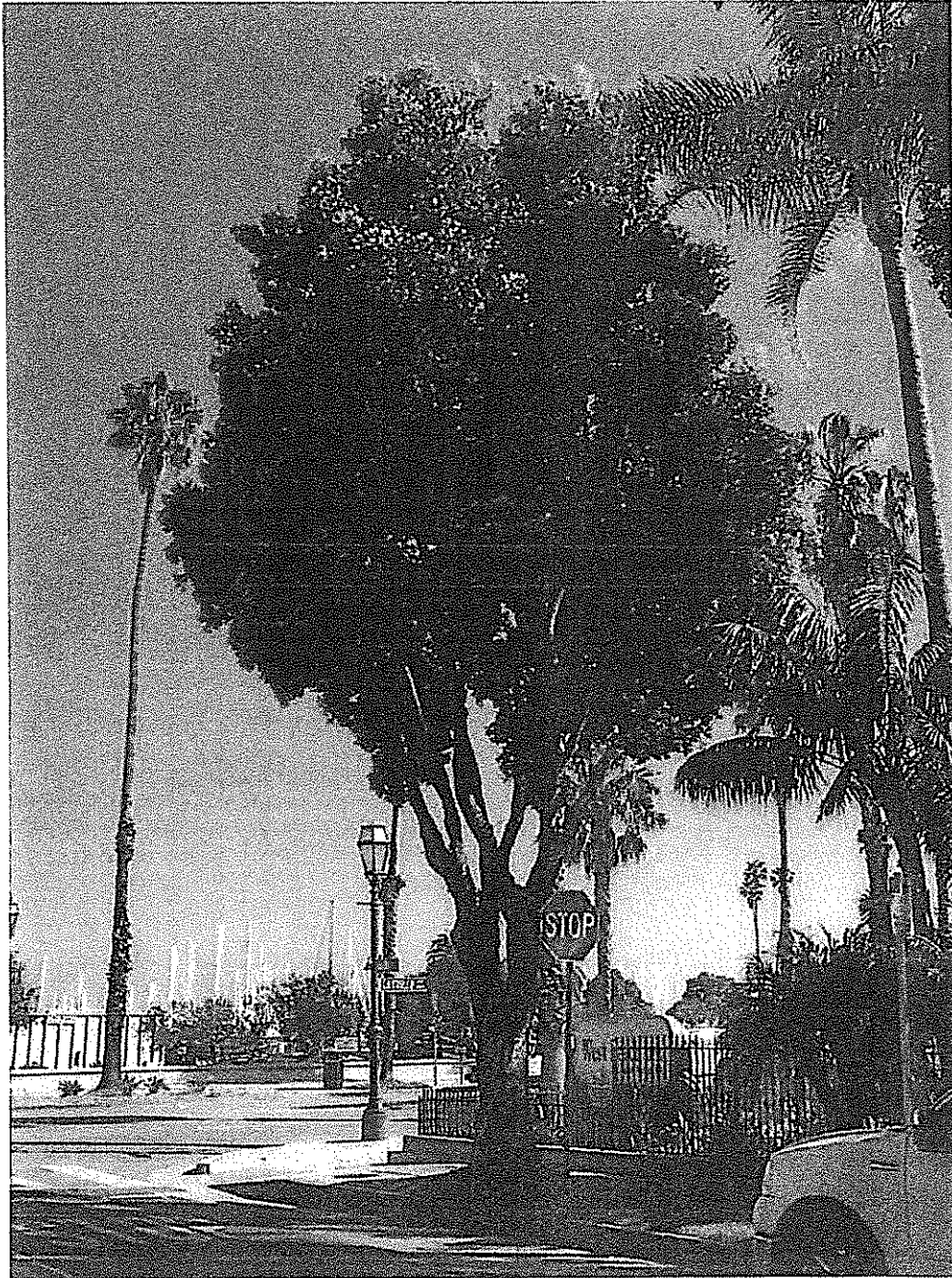
Above: *Arbutus unedo* - 20' at SBCC Lifescape Garden Santa Barbara
Below: *Arbutus marina* - 17' at 3644 San Gabriel Lane, Santa Barbara





Above: *Arbutus marina* - 44' at San Marcos Growers, Santa Barbara (tallest in CA)
Below: *Arbutus marina* - 17' at 312 Arbolado Rd., Santa Barbara

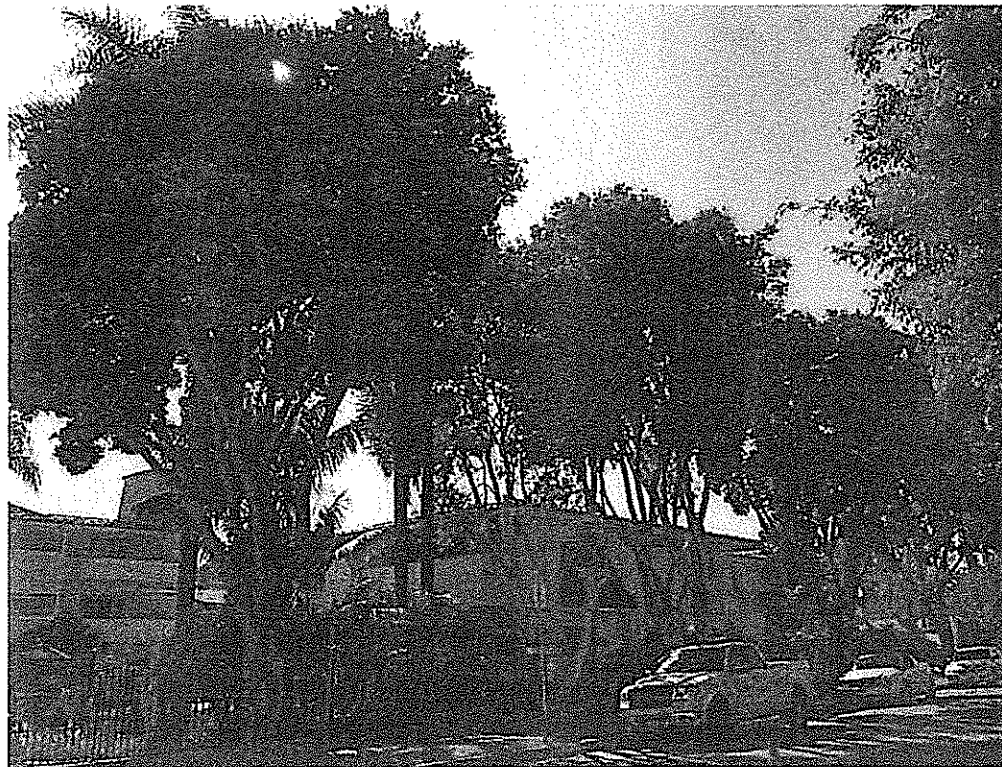


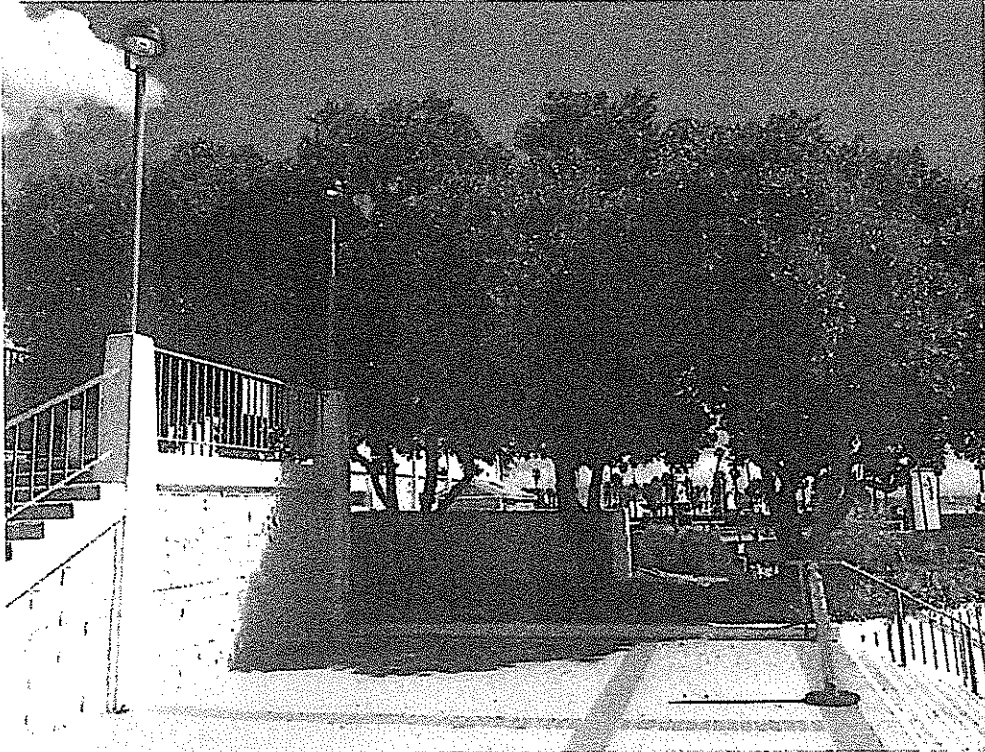


Metrosideros excelsa - 37' tall at corner of Cabrillo and Bath St (see next photos).

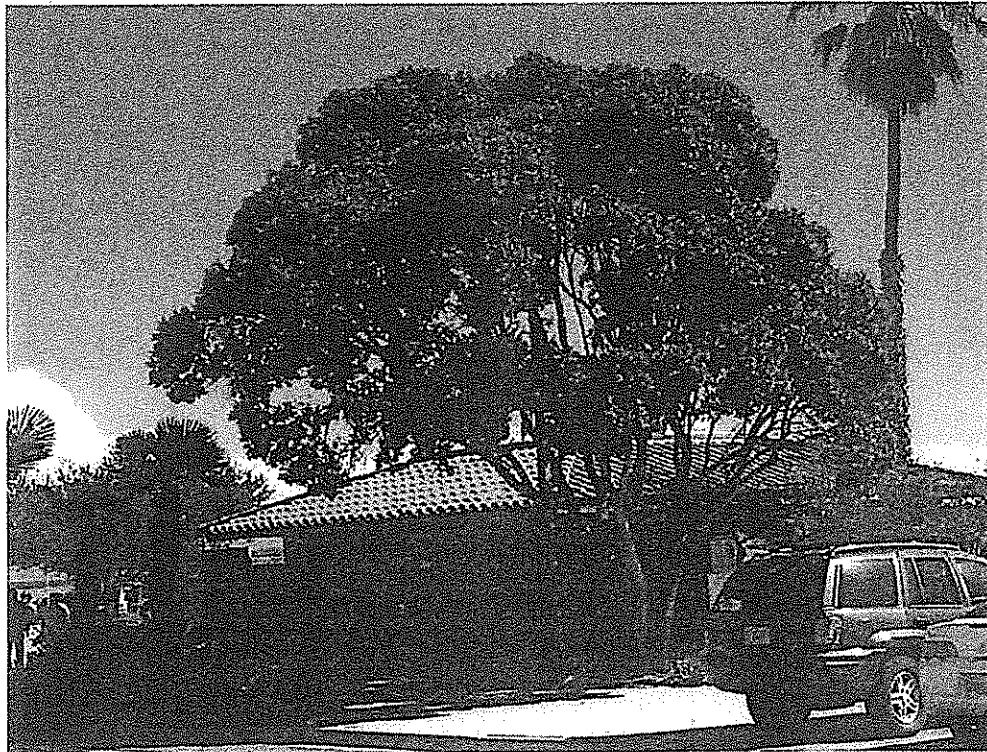


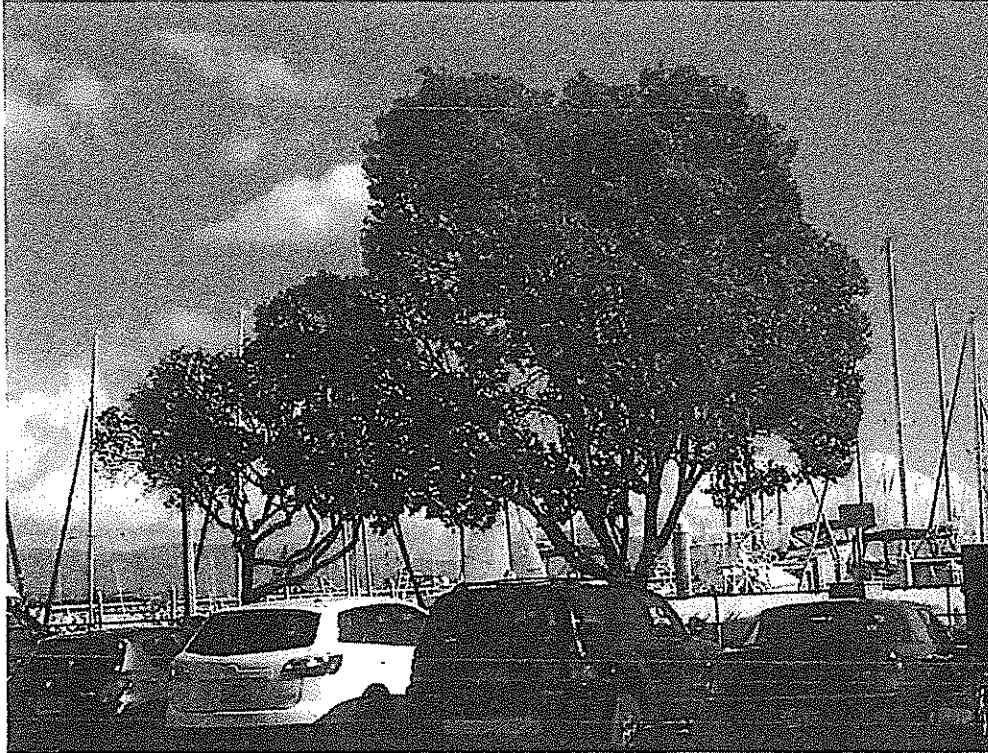
Above and below: A row of *Metrosideros excelsa* from 35'-40' along Bath St. at Cabrillo and Bath St. These are all street trees with limited root growth due to street and sidewalk over root zone.



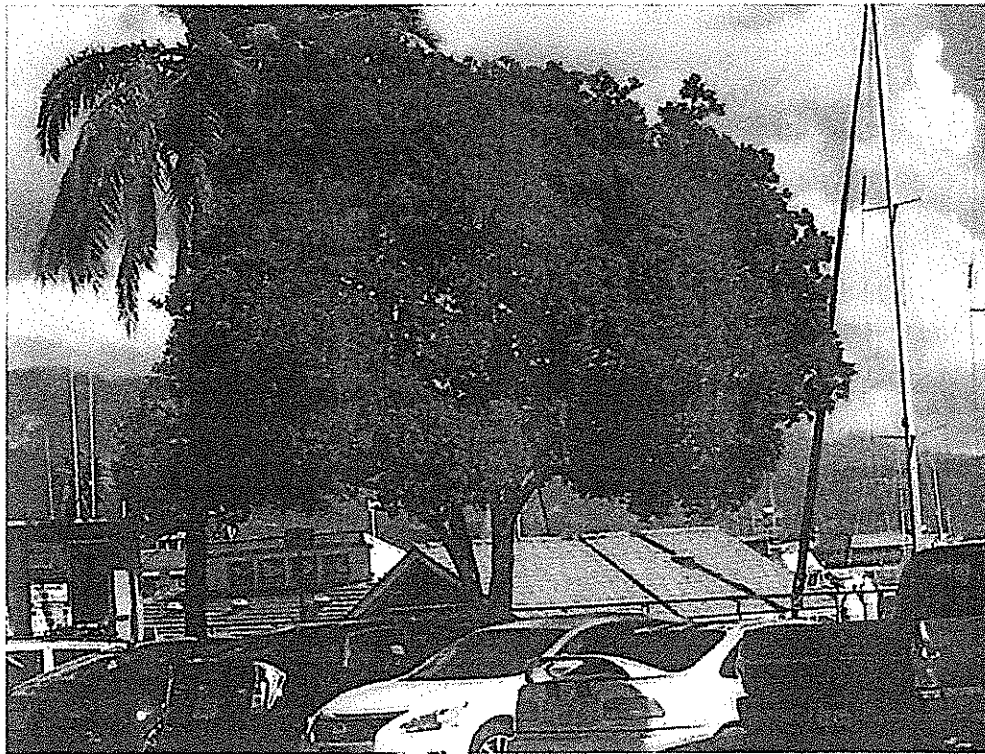


Above: *Metrosideros excelsa* - 24' at SBCC gymnasium Santa Barbara
Below: *Metrosideros excelsa* - 23' at Harbor West parking lot, Santa Barbara





Above: *Metrosideros excelsa* - 26' at marina parking, Santa Barbara
Below: *Metrosideros excelsa* - 27' at launch ramp, Santa Barbara



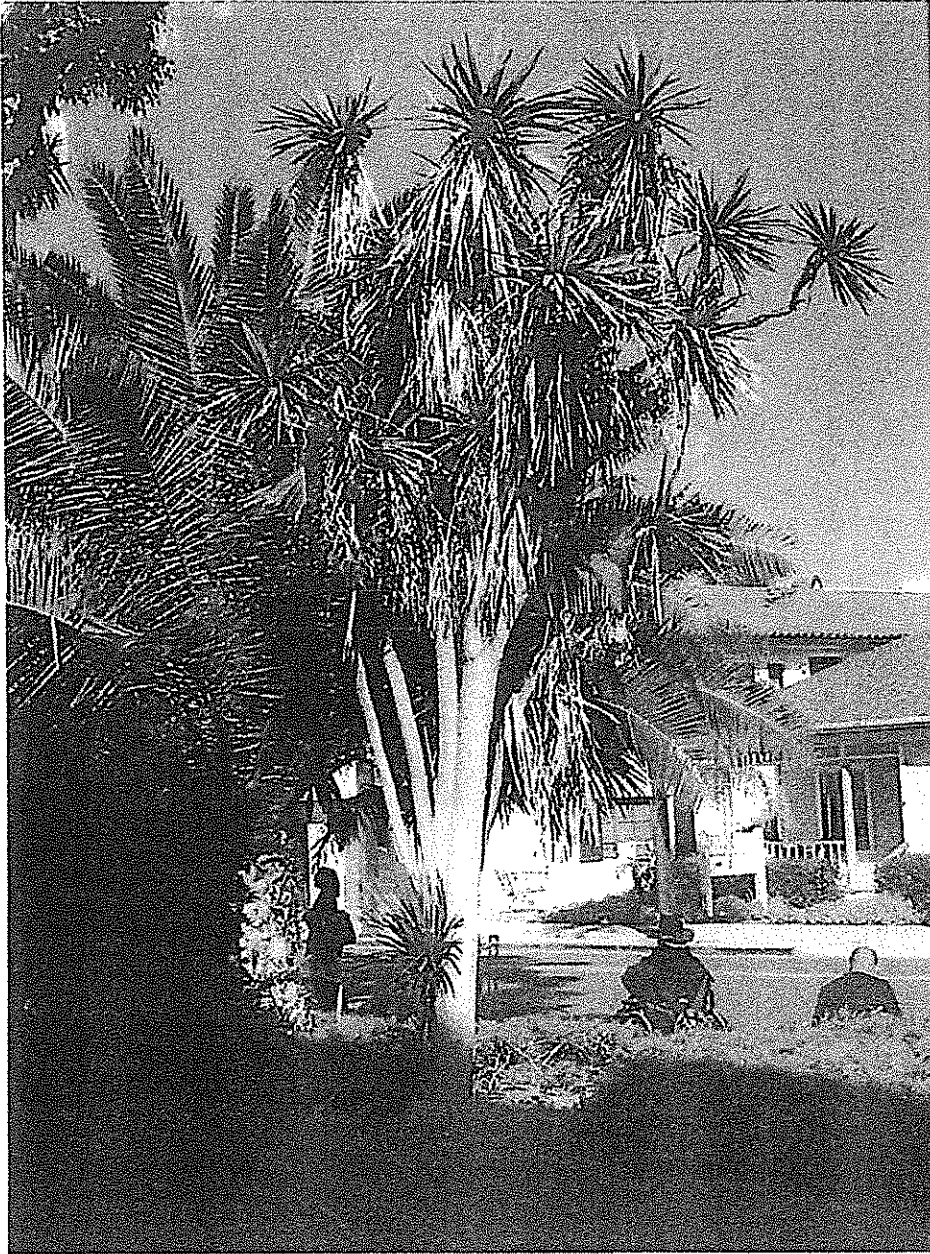


Above: *Metrosideros excelsa* - 24'-25' at marina parking, Santa Barbara
Below: *Metrosideros excelsa* - 25'-29' at Gran Vida, 5464 Carp Ave., Carp





Left: *Metrosideros excelsa* -
29' at' at Gran Vida, 5464
Carp Ave., Carp



Cabbage Palm (*Cordyline australis*) - 27' on south side of Courthouse, Santa Barbara.

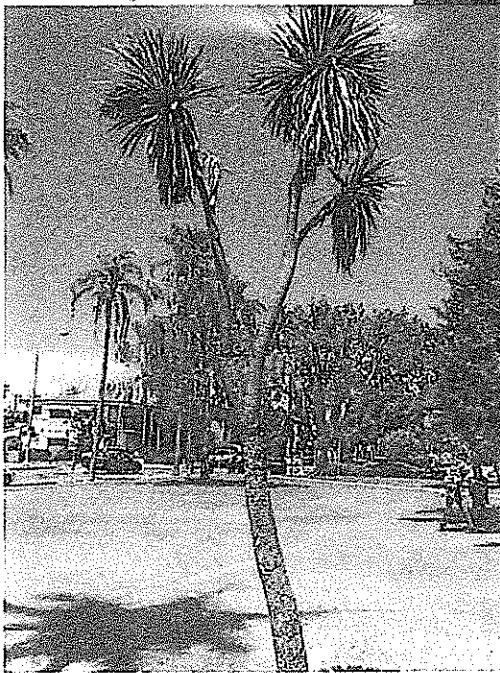


Cabbage Palm (*Cordyline australis*) - a second example that is 27' on south side of Courthouse, Santa Barbara. This is adjacent to a large Magnolia.



Cabbage Palm (*Cordyline australis*) - a third example that is 27' on south side of Courthouse, Santa Barbara. This tree is in decline.

Right: *Cordyline australis* - 18' at San Marcos Growers, Santa Barbara. Tree is in front of bamboo.



Left: *Cordyline australis* - 16' -Alameda Park, tree had been removed late 2014 for Well Relocation Project

Curriculum Vitae

Mission: To provide information and direction on the care and management of trees based on science, education, integrity, professional credibility, and over thirty years of practical experience.

Credentials

Registered Consulting Arborist #381 (American Society of Consulting Arborists)
Board Certified Master Arborist #WC 310B (International Society of Arboriculture)
Faculty Excellence Award Recipient at Santa Barbara City College 2014-2015
R.W. Harris Award for Excellence in Education with the Western Chapter International Society of Arboriculture-May 3, 2016

Experience

2006- present

Independent consulting arborist, President of Arboricultural Services, Inc., d.b.a. Bill Spiewak & Associates, Consulting Services. Expertise includes tree inventory and management programs, construction impact mitigation, tree preservation, diagnosis of tree, shrub and palm problems, environmental assessment, forensic consulting and expert witness testimony, risk assessment, appraisals, species selection monitoring, and small tree pruning programs. Consulted for major developers, homeowners, homeowners' associations, landscape architects, landscape contractors, property managers, insurance companies, attorneys and municipalities.

2012- 2015

Contract Arborist for City of Goleta

1979 – 2006

Owner/operator of Bill's Tree Care: Full service tree company

1996- present

Instructor of Arboriculture: The Care of Trees, Shrubs and Vines; 3 unit elective course in the Environmental Horticulture Department at Santa Barbara City College.

Education

1986 - present: Over 1000 continuing education credits in pursuit of specialized career in Arboriculture.

1997: Graduate of the Arboricultural Consulting Academy, American Society of Consulting Arborists

1990 - 1992: Associate of Arts Degree in Biology, Santa Barbara City College

1988 - 1990: Student of Landscape Horticulture, Ventura College

1974 - 1975: Student of Liberal Arts, Nassau County Community College

1972 -1974: Student of Biological Sciences, Northeastern University

Professional Affiliations

American Society of Consulting Arborists (ASCA), Registered Member
International Society of Arboriculture (ISA), Regular Member

References

See attached referral list.

Web Site: santabarbaraarborist.com

Treemendous Blog: santabarbaraarborist.wordpress.com, for articles and information

SITE SURVEY

of the center line of the 1189 sq. ft. parcel shown on
A.P.N. 009-351-019 Date: 6/19/17
FILE: 181 31-05
Prepared by: JOHN F. JARVIS LAND SURVEYOR, L.L.C.
208 FIVE RD. SUITE 101, COSTA MESA, CA 92626

UNITS LISTED:
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SITE SURVEY

OF THE CENTRAL SURVEYING 1174 Orange Drive, Santa Barbara, CA
APN: 009-361-022 Date: 01/19/77

Prepared By: JOHN P. PETERSON, LICENSED SURVEYOR, L.S. 1786
250 PLYMOUTH STREET, SANTA BARBARA, CALIF. 93101

NOTES:
1. The center line of the proposed driveway is shown in red.
2. The center line of the proposed driveway is shown in red.
3. The center line of the proposed driveway is shown in red.
4. The center line of the proposed driveway is shown in red.
5. The center line of the proposed driveway is shown in red.
6. The center line of the proposed driveway is shown in red.
7. The center line of the proposed driveway is shown in red.
8. The center line of the proposed driveway is shown in red.
9. The center line of the proposed driveway is shown in red.
10. The center line of the proposed driveway is shown in red.

