

de la Guerra, Sheila

Public Comment

#3

From: Scott Soulages <ssoulages@rogerssheffield.com>
Sent: Thursday, August 25, 2022 2:41 PM
To: sbcob
Subject: Letter re August 30, 2022 Hearing - Agenda Item 22-00791
Attachments: 2022.08.25 Ltr to Bd of Supervisors re Matkins Project.pdf



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Dear Santa Barbara County Board of Supervisors:

Attached please find a letter on behalf of Casey and Melissa McCann regarding Item 22-00791 on the Agenda for the Board's August 30, 2022 meeting. Hard copy to follow via mail.

Best regards,

Scott Soulages

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ROGERS, SHEFFIELD & CAMPBELL, LLP



SENDER'S EMAIL: ssoulages@rogerssheffield.com

August 25, 2022

VIA U.S. MAIL AND EMAIL

Santa Barbara County Board of Supervisors
105 E. Anapamu St.
Santa Barbara, CA 93101
sbcob@countyofsb.org

**RE: Agenda Item 22-00791 at August 30, 2022, Hearing
Case Nos. 19TPM-00000-00004, 19RZN-00000-00001, & 19GPA-00000-00001**

Dear Santa Barbara County Board of Supervisors:

Our firm represents Casey and Melissa McCann, Trustees of the Casey and Melissa McCann Revocable Trust dated October 5, 2015. The McCanns own and reside at the real property located at 520 Paso Robles Drive, Santa Barbara, CA 93108 (the "McCann Property") with their young children. As can be seen on the aerial photo enclosed as **Photo #1**, the McCann Property backs up to a small access road off Stoddard Lane (the "Access Road"). As nearby residents, the McCanns received a Notice of Public Hearing informing them of the Board of Supervisors' hearing on the above-referenced Cases involving 651 Stoddard Lane. The McCanns believe that in light of the changes in land use and overall development as proposed by the applicant, it would be consistent with the Montecito Community Plan ("MCP") and general safety, welfare and aesthetics of the area to bury all existing and future above-ground utilities running along the Access Road.

The McCanns were born and raised in Santa Barbara, and run a local business. They acquired the McCann Property in 2016, largely because of the semi-rural character of the neighborhood, an element of which is the large (3+ acres) undeveloped lot to the northwest. With a proposed split of that lot into three lots, the entire character of the neighborhood will be changed. With three lots, there will be at least three primary residences, not to mention the possibility of auxiliary dwelling units. The population of the area and proximity to Cold Spring School increases the likelihood that families will occupy the lots. Accordingly, there will be an unforeseen level of traffic, whether vehicular or pedestrian, just over the McCanns' fence along the narrow Access Road. To offset this increased urbanization of the area, burying the lines would improve the rural character and open up sightlines to the mountains. This will benefit the property values for the entire neighborhood.

With the proposed zoning changes and later development, there will be increased noise and pollution due to children playing, riding bikes and walking to Cold Spring School, workmen and landscapers traversing back and forth, delivery trucks attempting to turn around and beeping while backing up, and the residents themselves accessing their properties. Considering the Access Road is so narrow, this increased usage during and after construction means that space is a premium. Burying the lines eliminates the risk that construction vehicles, delivery trucks, firetrucks, and other vehicles will damage or destroy them.

The McCanns' house is built toward the back of their lot, as was the case with most houses on their street, because the Access Road lead to mostly undeveloped land (see **Photo #1**). Due to the location of the residence toward the back of the property and closer to the Access Road, the McCanns will be impacted by increased use of it for all manner of activities, whether they are indoors or in their yard. Such an impact on the area appears to be inconsistent with MCP Policy N-M-1.1, which provides that "Noise-sensitive uses (i.e., residential and lodging facilities, educational facilities, public meeting places and others specified in the Noise Element) shall be protected from significant noise impacts."

The power lines along the Access Road are wedged in a narrow unpaved area between Stoddard Lane and the back fences of properties on Paso Robles Drive (See **Photos #2 and #3**). With the lines in their current location, there is hardly any space for pedestrians, which is contrary to the MCP. MCP Policy CIRC-M-2.1 provides:

In order to provide for the safety of pedestrians, informal unpaved pathways (rather than paved sidewalks) shall- be encouraged within the County road right-of-ways. Priority shall be given to providing and protecting pedestrian pathways when the County grants encroachment permits along County roadways to private land owners. In keeping with past plans, curbs and sidewalks shall not be constructed except in neighborhood commercial zones and multifamily residential zones.

Thus, it is consistent with the MCP to create pedestrian access via unpaved pathways. Burying the power lines along the Access Road would accomplish this, while also providing a more rural character to the area.

The power lines, which include an old transformer, are old and inextricably intertwined with various trees, including native live oak trees (see **Photos #4 and #5**). The serious danger of this condition was made clear on January 26, 2021, when a large tree branch snapped in a windstorm and took down a power line. A live wire was twirling around in front of Paso Robles Drive, and it took most of the night to fix the issue. Fortunately, the downed line didn't cause a fire, but the area is extremely susceptible to fires and buried power lines would essentially eliminate the risk of a downed line, or blown transformer, starting a fire.

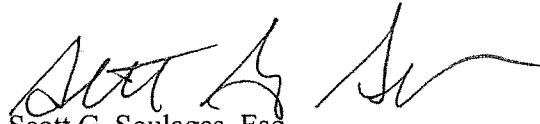
With the ever-present danger of fire in the Montecito foothills, the MCP provides that development in the foothills should be minimized by appropriate lowering of density in

recognition of the fire risk (*See* MCP Policy F-M-1.1). The applicant's proposal involves increasing density and flammable material, and thus burying the power lines provides some offset to the increased fire risk.

In addition to the threat to citizens and their homes, native trees such as coast live oaks are threatened by their proximity to the lines. MCP Policy BIO-M-1.16 provides that "All existing native trees regardless of size that have biological value shall be preserved to the maximum extent feasible." MCP Policy BIO-M-1.17 provides that "Oak tree, because they are particularly sensitive to environmental conditions, shall be protected to the maximum extent possible. All land use activities . . . shall be carried out in a manner to avoid damage to native oak trees . . ." Burying the lines eliminates the substantial risk of damage to the native trees from downed lines or a blown transformer, and thus consistent with these MCP policies.

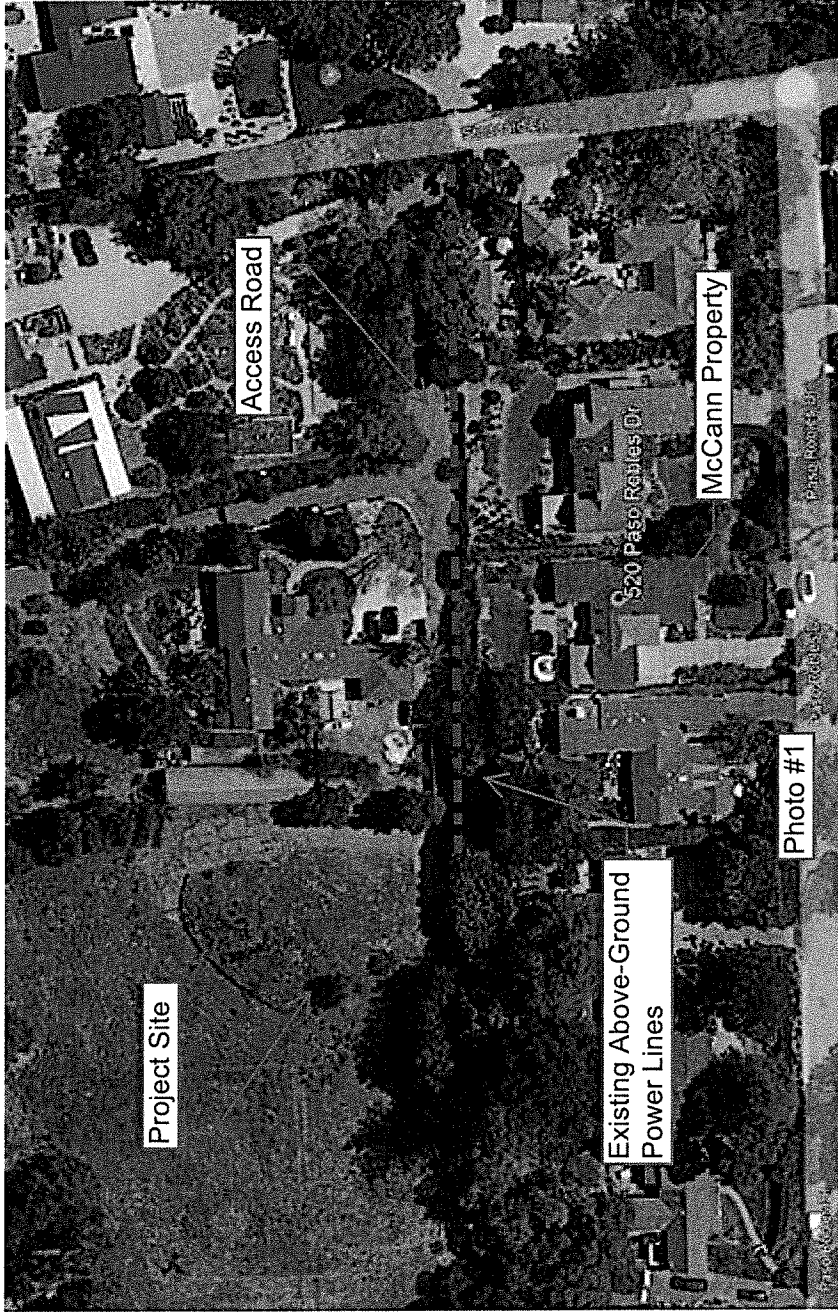
In light of the enormous change to the neighborhood proposed by the above-referenced Cases and future development, the McCanns urge the Board of Supervisors to require the applicant to bury all above-ground utilities. Doing so will offset some of the impact of the project, and improve the overall safety, aesthetics and value of the community consistent with the foundational policies of the MCP.

Sincerely,
ROGERS, SHEFFIELD & CAMPBELL, LLP



Scott G. Soulages, Esq.

Encl.: Photos #1-5
cc: Casey and Melissa McCann (via email)



Project Site

Access Road

Existing Above-Ground
Power Lines

S20 Paso Realtes Dr

McCann Property

Photo #1

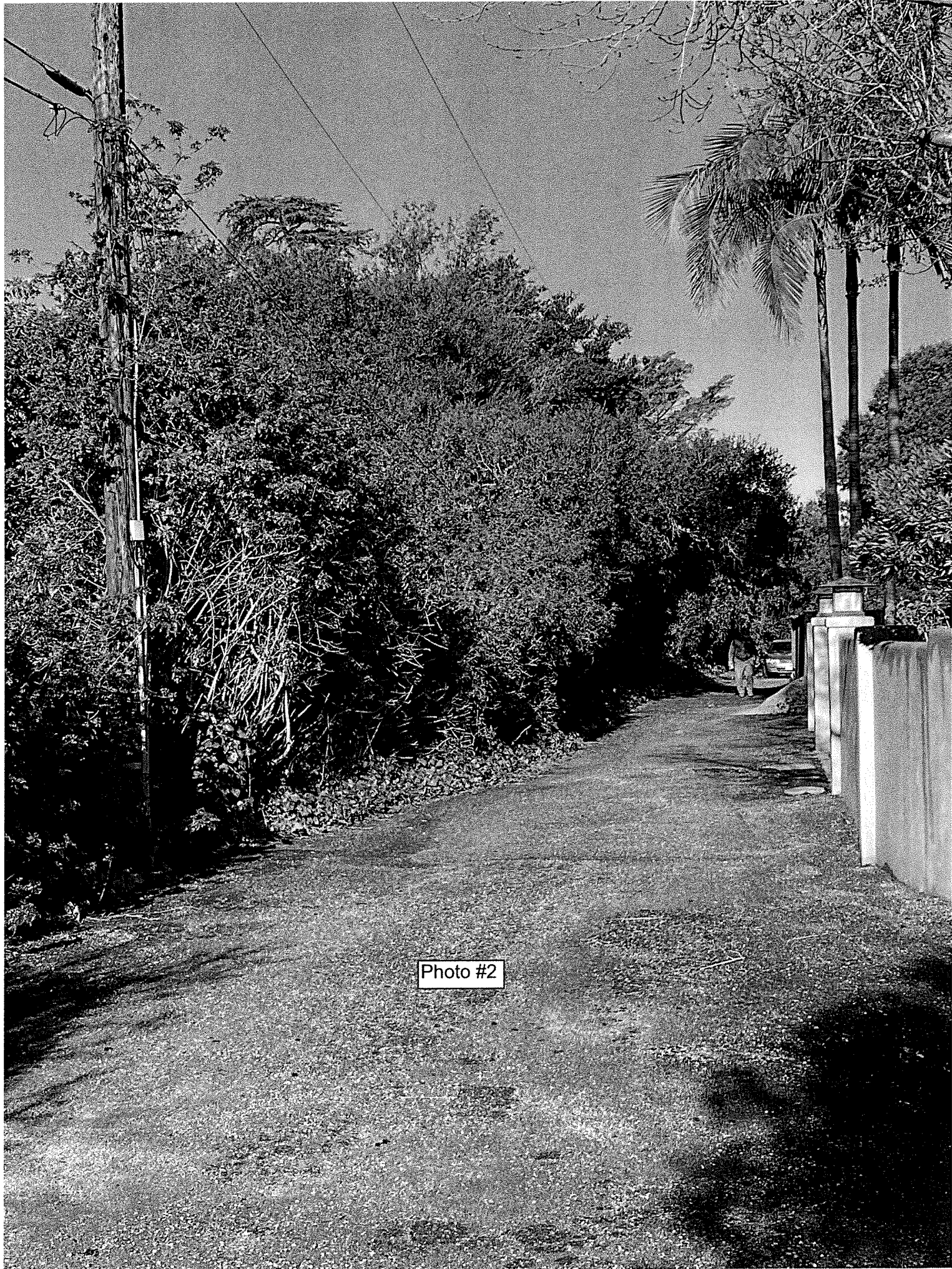


Photo #2



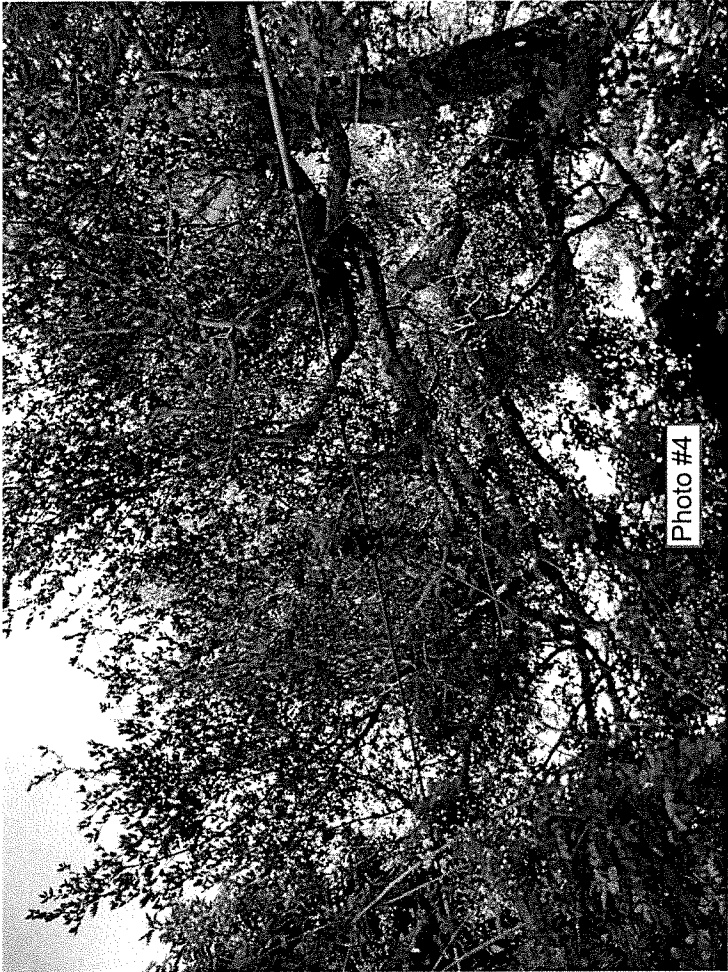




Photo #5