

## Planning Commission Concerns Word Cloud

### Commissioner Cooney

- "Troubling application and appeal"
- "Damage of lack of communication"
- "Should have been a permit obtained before county issued stop work order"
- "This is worrisome and aware of damage for excessive runoff"
- "Remind anyone else in the same situation as neighbor. If they prepare projects with their neighbors' consent in mind they will be here."

2019 SEP 25 PM 3:14

COUNTY OF SANTA CRUZ  
PLANNING COMMISSION  
BOARD OF SUPERVISORS

### Commissioner Bridley

- "Just looking at the map, it kinds of concerns me"
- "The whole property has been reshaped for this tennis court"
- "My concern is the wall sufficient for a huge rain event"
- "Good thing they live far up, cause I don't have a lot of confidence that wall and area 2:1 slope looks like"
- "In principle I can't support"

### Commissioner Chair Parke

- "Big change is 1,100 cy was to make 2 to 2.5 higher"
- "Make path lower grade pick up by"
- "Little distributed with no communication with neighbors what you want to do"
- "Wasn't communication with neighbors and such a bad and disappoint point of decision making"
- "Join with neighbors this is a bit haphazard"
- "Don't like how this came to us"
- "Don't like lack of communication"
- "Don't want to encourage retroactive application as built to this degree"

### Commissioner Ferini

- "Out of sync there and cause problems"

### Commissioner Blough

- "This is not a minor thing got exacerbated by stop order"
- "What you have here is an approved plan, then build it and deviated by a great deal"
- "1,100 CY of work was not contemplated when the works started and an issue with me"
- "Find out of grading bond and penalty of going forward if not completed correctly"
- "Changed without someone looking at it"
- "Have little history of no complying with original plan and criteria"

September 16, 2019

The Honorable Board of Supervisors  
County of Santa Barbara  
105 East Anapamu Street  
Santa Barbara, CA 93101

RE: 19CDP-00000-00062

Dear Board of Supervisors,

This letter is from the affected and aggrieved neighbors of the Lomita Lane community in Carpinteria. We respectfully ask you to approve this appeal of the narrow 3-2 decision made by the Planning Commission on case # 19-00000-00025.

Mr. Ni violated the original permit approved by the Santa Barbara Building and Safety Department based on the County's codes and ordinances to build a tennis court on his hillside property. After his work was stopped and cited, Mr. Ni is now requesting *retroactive* approval for significant deviations outlined in his original permit. We, the concerned neighbors, have gathered to ask the Board of Supervisors the fundamental purpose of applying for a building permit if the applicant has no intention of abiding by and violation.

If you examine carefully the deviations he has made, no reasonable person would attribute the mistakes to mere oversight. Given his past construction experiences, Mr. Ni must have been advised the necessary procedures and requirements needed prior to making any changes. In this particular incident, Mr. Ni decided to make the changes first by increasing the height of his tennis court and brought in truckload after truckload of dirt up our hill to his black tarped, fenced-off property. This consisted of up to twenty trips a day for weeks. What used to be a gently sloped hillside property became a high, flat-top mesa about 10 feet straight up from his neighbors' property lines. It was Po Wang, the neighbor directly below him, who contacted the County grading inspector out of concern of suspicious work being carried out. Once the inspector came out and saw the work being done, Mr. Ni was ordered to stop the construction. As you can see in appendix 1, it was not a simple mistake or minor change.

Unfortunately, this is not the first time Mr. Ni had been ordered to stop work on one of his construction projects. In 2012, shortly before the rainy season, Mr. Ni decided to take the same liberty with excessive soil movement in an area with no sewer drainage systems. As a result, so much water came down due to the lack of a grading plan and basin control system, the soil erosion pushed over the Wang's retaining wall and ran through to the Wang's property and subsequently into the Gaskin's property below. Please see appendix 2 for previous stop order by the same grading inspector.

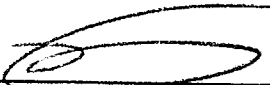
This time around, all the neighbors surrounding Mr. Ni's property are concerned about the topographic impact these deviations from the original plan will bring. In addition, we live on a single private road which provides the neighborhood a lone means of ingress and egress. Mr. Ni's property is located near the top of the neighborhood which means virtually everyone must see his court while entering and exiting the neighborhood. From the road you will see among the decades old eucalyptus, oak, avocado and palm trees, a tall chain-link fence on top of a concrete block wall covered in a solid black material rising up from the proposed 10 feet to between 12 - 12.5 feet high. The proposed changes are not compatible within the neighborhood. Unfortunately, Mr. Ni's property will stick out like a sore thumb.

Mr. Ni never gave his neighbors a chance to review the proposed deviations or ways to express and address our concerns. Moreover, he declined to participate in a mediation meeting proposed by the Board of Supervisors as a possible resolution to this hearing. The inability to communicate with us was the reason Commissioners Brown and Blough agreed and voted *against* the proposed plan.

We, the neighbors, believe Mrs. Ni's deviations will dramatically change the neighborhood's beauty, natural landscape, and charm. The very reasons why we have lived on Lomita Lane for decades and would like to preserve and respect the natural habitat of what used to be the part of the Chumash land.

In light of the above, we respectfully request that the Board of Supervisors reverse the Planning Commission's June 26, 2019 decision. A reversal will protect our small community and ensure ordinances are meant to be respected and adhered to. Thank you in advance for your time and consideration.

Respectfully,



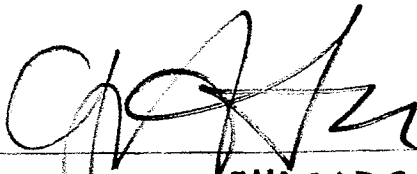
Po Wang  
1217 Lomita Lane, Carpinteria, CA 93013



Michele Caswell (for Gina Prather)  
1225 Lomita Lane, Carpinteria, CA 93013



Jim Gaskin  
1205 Lomita Lane, Carpinteria, CA 93013



COURTNEY REYNOLDS  
1233 LOMITA LANE CARPINTERIA, CA 93013

## **Appendix 1**

- ✓ Moved/imported an estimated 1,100 cyd of soil
- ✓ Raising his tennis court and platform an additional 2 to 2.5 ft higher
- ✓ Raising his 10 feet chain link fence surrounding the tennis court the property by an additional 2 to 2.5 ft as well
- ✓ North wall potential exposure (Michele's parent's house) has been lowered from 6 to 4 ft
- ✓ South wall hardscape (Wang property) has been extended extra 25 ft
- ✓ South side planter (Wang property) added between 1 to 4 ft high
- ✓ Two basins were moved from the middle of their property along the West side (McIntyre) fence
- ✓ 15.9 feet extension grading slope from driveway towards Wang property

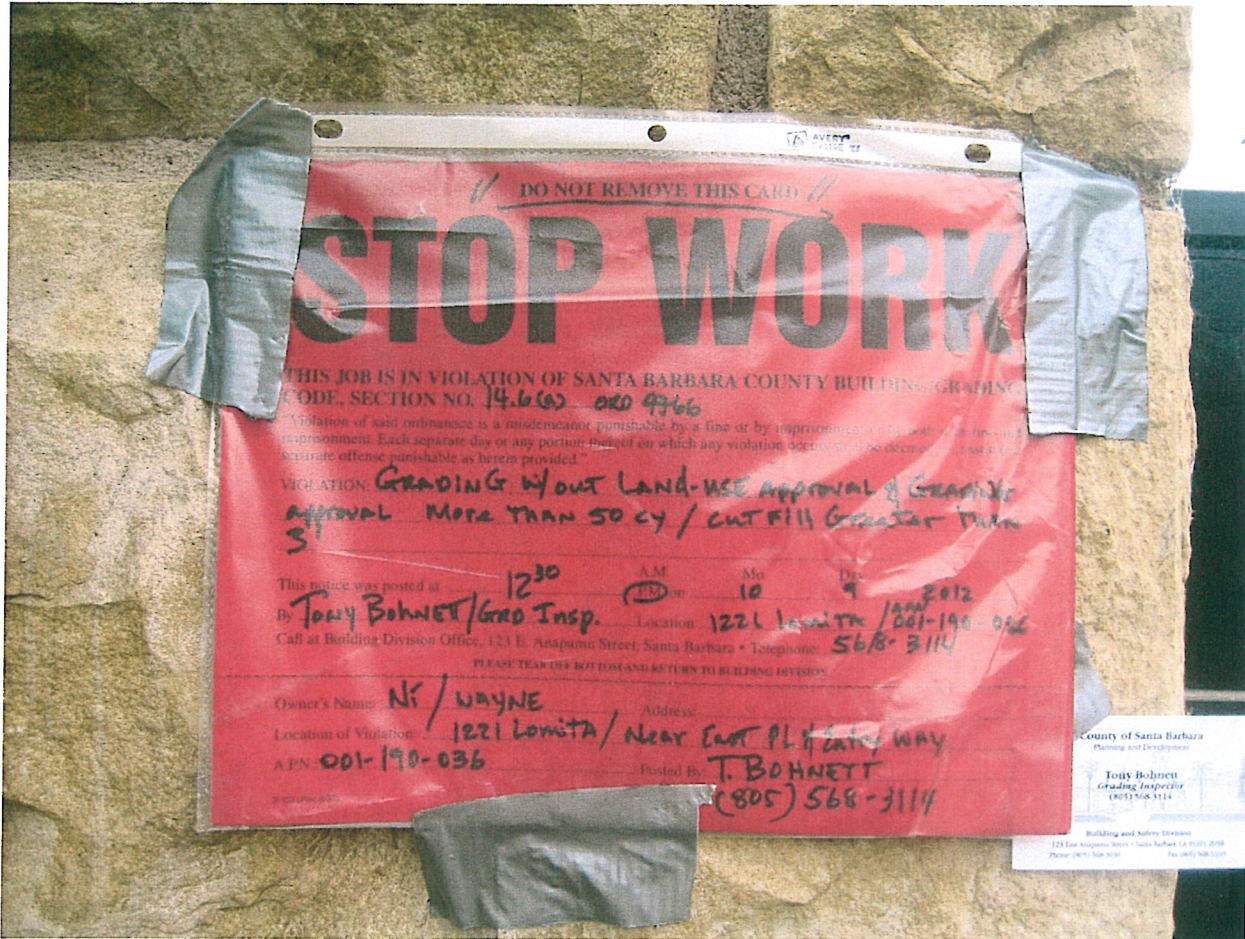
Original Slope



New Slope (Fence is 6 ft high)



**Appendix 2**



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**Letter to accompany appeal**

2 messages

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**Scott McIntyre** <scott.mcintyre93@gmail.com>

Sun, Apr 14, 2019 at 4:02 PM

To: Po Wang <powang17@gmail.com>

Dear Board of Supervisors and/or Planning Commission Members,

My wife and I own the home at 1211 Lomita Lane. Our property is immediately to the west of the Ni's sharing a common fence-line. We live out of state, due to a work-related relocation I experienced in 2013.

We visited Carpinteria in early February and spent some time at our property and inspected its condition. Rains had occurred in the days immediately prior to our arrival. We found that significant mud-flows from the Ni property ran across the lower part of our property, flowing through over a service cover (I think it might be the cable service to the property), through a planting of avocado trees, then across the bottom part of our driveway then flowing down (south) the easement we share with another neighbor.

I've attached a series of photos we took at the time, to document what we observed.

During the 26+ years we've owned this property, we have not once observed such mud-flow and runoff from the parcel the Ni's currently own. Significant soil import, grading and increase in pad height appears to have been performed on the Ni property without adequate retention systems in place to prevent water and mud-flow to neighboring parcels such as ours.

We request that the County review the related conditions of the Ni permit to assure requirements regarding soil brought in to the site as well as the amount of soil moved and pad height are not exceeded. In addition, to assure that proper retention mechanisms are put into place to prevent run-off of excess water or soil/mud to neighboring parcels, including ours.

Sincerely,  
Scott & Sherrie McIntyre









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**Po Wang** <powang17@gmail.com>  
To: Scott McIntyre <scott.mcintyre93@gmail.com>

Sun, Apr 14, 2019 at 9:07 PM

Good evening Scott:

Thanks for the letter. I'll put it as part of the filing this week. Still haven't received the actual mail of the permit.

Po  
[Quoted text hidden]

Santa Barbara County Board of Supervisors  
RE: Ni Tennis Court Appeal, Case No. 19APL-00000-00025

September 16, 2019

We are writing regarding the Ni Tennis Court Appeal (Case No. 19 APL-00000-00025) filed by Po Wang.

Mr. Ni, 1221 Lomita Lane, Carpinteria, has made significant grading, elevation, drainage and construction deviations in violation of the original permit (Case No. 18CDP-00000-00009) he was issued. His work was stopped and cited, and instead of fixing the violations, Mr. Ni asked for retroactive approval of them.

We do not approve of building whatever you want first, in violation of the permit issued, and then seeking retroactive approval for illegal changes. We therefore disagree with the County Planning Commission's June 26, 2019 (Case No. 18CDP-00000-00062) decision to allow for these "as-built modifications" that are far beyond the scope of the original permit. It's not good planning; it's not good policy.

Sincerely,  
Art & Heather Tiddens  
1222 Lomita Lane  
Carpinteria, CA 93013

September 21, 2019

Board of Supervisors  
County of Santa Barbara

Re. Coastal Development Permit  
#18CDF-00000-00009

This letter is in SUPPORT of the referenced appeal of the unapproved site work at 1202 Lomita Ln. Carpinteria, CA.

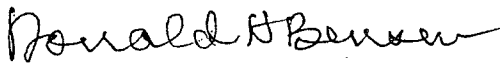
Our property is at 1202 Lomita Ln., one of the 17 one acre properties on this sloping rural hillside. Our entire community is negatively affected by the non-conforming grading of this property. This could set a precedent for future non-conforming projects.

The initial property was reviewed and supported by the neighboring properties. Due to the subsequent excessive grading (1,100cy), higher court level, higher retaining walls and fences – we cannot support the modified project. We support returning to the original County Permitted Project.

The project as modified is a huge mistake. It is not in keeping with the sloping natural terrain, the rural character of the hill and is subject to flooding during major rain events.

Another major concern is the failure of adhering to the County's processes and the County's approved permitted building and grading plans.

Regards,



Donald H Bensen



Vera Bensen

1202 Lomita Ln.  
Carpinteria, CA 93013  
Cell: (805) 689-2907

RE: 19CDP-00000-00062

The Honorable Board of Supervisors  
County of Santa Barbara  
105 East Anapamu Street  
Santa Barbara, CA 93101

RE: 19CDP-00000-00062

Dear Board of Supervisors,

The purpose of this appeal hearing is about the permitting and construction processes that Mr. and Mrs. Ni failed to abide due to their lack of respect for the County codes and ordinances. This hearing should never be a platform where my wife and I have to use to defend ourselves against all the false allegations and personal attacks that Mr. and Mrs. Ni presented during the Commissioner's hearing as a distraction method from the real issues to discredit our character, integrity, and credibility, which have now become part of public record. Not only were the accusations false and fabricated, they are also without merit or evidence. If what Mr. and Mrs. Ni claimed were true and tried, we would not be here to defend ourselves. Moreover, if Mr. and Mrs. Ni believe that credibility and character are paramount to assist anyone in making the appeal decision process easier, then we are more than happy to oblige to set the records straight.

My wife and I are both children of immigrant parents who sacrificed a lot to provide us with a better future. I grew up in Carpinteria and graduated from Santa Barbara High. My father is a respected doctor in Santa Barbara. Currently, I work for a successful corporate company in Goleta. I am the President of the Board for the City Center to assist homeless transitional living facilities in Ventura. I am also a proud Rotarian Board Member and a past Troop 50 Boy Scout Leader. My wife and I have 2 kids who are both attending schools in Santa Barbara. My wife has a degree from USC and a graduate degrees from the UK, and has served on the school auxiliary Board of Summerland School and our daughter's Girl Scout troop. My wife is also a proud local business owner in Santa Barbara County. We are both law-abiding citizens who work very hard to provide for our family.

We agree with the Ni's statement: "The Truth Shall Set You Free". It is, indeed, important to set the record straight from slanders and mudslingers since these are public documents. More importantly, we decided to add some factual items that Mr. Ni conveniently omitted just to complete the honest story. Please see our responses in **bold**

The Ni started their harassment ever since we moved into our property.

**WANG Reply: March 25, 2008, the Blatz Law Firm wrote a letter to Mr. Ni, appendix 1 asking him to stop his false accusations and trying to anonymously send false facsimiles. Through subpoenaed footage from FedEx Ventura, it was proven they were both at the FedEx where**

**the anonymous tip about me came in. He decided to send a false fax to my work, fabricating stories about me in order to get me fired.**

**In addition, they decided to put their compost illegally on the property line by my four-year-old daughters window where she could not open due to the fruit flies. Again in appendix 1, it shows we sent an email to Brad Spencer, which called the Ni's to have their compost immediately covered and removed with legal setback.**

**NI Accusation:** Mr. and Mrs. Wang moved to our neighborhood in 2008, and my family's life has never been the same! For years, Mr. Wang harassed my minor son in the neighborhood by staring him down whenever he can. Mr. Wang also repeatedly yelled at him at the Carpinteria High School tennis court where he practices: "Your Dad is a jailbird!"

**WANG Reply:** I think Mr. Ni has to ask his conscience and his kids if indeed the incidents took place. Mr. Ni used to swear at me, makes false accusations and statements about us to the neighbors, and cops all the time. Even his son who was the minor at the time would yell obscenity at my family whenever we were out in the yard. Attached, appendix 1 please see a picture of a stone that was placed on our property line written in Chinese characters that translated into "there's nothing here except for a bastard".

**NI Accusation:** In 2009, Mrs. Wang intentionally collided into my wife's vehicle while Ella has stopped on the private road, hitting her driver side mirror and drove away. See Exhibit 1: Police Rep01i.

**WANG Reply:** Intentionally is a strong word. My wife had our toddler daughter in the car while taking our pre-school son to school that morning. My wife vividly remembered slowing down and passing each other on the narrow easement. Mrs. Ni kept driving while my wife stopped to pull her driver-side mirror out. After dropping our son at Howard School, she stopped by the police department to report the incident. Why would she go to the police station if she intended to commit hit and run and have the sheriff number 3740? Please see the ticket in appendix 2.

**NI Accusation:** In 2012, Mrs. Wang threatened to sue us when she claimed that our fire wood touched the property line fences.

**WANG Reply:** Just to refresh your memory Mr. Ni, when you accused us of cutting down an aloe vera bush that was clearly on our side of property, you called the sheriffs and gathered many neighbors to

witness your accusation. The sheriff suggested that we get the property line surveyed. Our Neighbor, Mr. Peter McKee at the time offered to help us find a land surveyor which we later settled on Dodson Land Surveying company in Goleta. After the survey, the bush was clearly on our side. In order to avoid any more of your false trespassing accusations, we decided to build a chain-link fence with at least 6 inch set back from the property line. Please see the fence and property line stakes. After the fence was built, you took the liberty of leaning and piling all your building, garden, cinder block against our fence. Legally, it was within my right to ask you to remove your stuff and stop encroaching onto my property, and damaging the fence that we paid for. See appendix 4

**WANG Reply:** On October 12, 2012, my wife filed a police report when Mr. Ni drove down the easement in excessive speed as she and our son came up the hill near our driveway with their bikes. She had to push our son to the side and yelled for him to go up the driveway. When she turned around, she saw Mr. Ni parked the car right next to her with the passenger window rolled down. Mr. Ni flipped her off at least 2 times while his minor son tried to take picture of her with his phone. My wife knew it was a tactic to get her upset especially this reckless behavior almost ran her and our son off the road. She looked at them squared in the eyes and waved at them. After they took off, she was all shaken and called the sheriff to report the incident. Please see appendix 4 (Deputy Mendez filed complaint number # 4622).

**NI Accusation:** In 2017, Mrs. Wang once again attempted to run my minor son over on the private road leading to our neighborhood with her vehicle. She never stopped harassing our family to this date.

**WANG Reply:** After 19 years and now that your son is no longer a minor, you have to seriously stop making those false allegations or at least provide some evidences. In all the years I have known my wife, she had never had to suffer and endure as many false accusations and character attacks as from your family.

**NI Accusation:** Mr. & Mrs. Wang hypocritically violates County Codes by hiring only moonlighters to work on various projects strictly over Saturdays and Sundays to save money at neighbors' expense. In bad faith, Mr. and Mrs. Wang purposefully placed old toilets and other large construction demolition debris adjacent to our property line and directly in the center of our view corridor for several years. See Exhibit 2: pictures.

**WANG Reply:** Friends came by to assist including my self so as far as I know there are no ordinances working on personal property. Taking pictures is great but it is hard to dispose of demo and old materials when pick up was not done.

**NI Accusation:** What's more, Mr. and Mrs. Wang put his 150' long masonry wall and gate structures along with his large concrete footings right on top of the neighborhood gas main line, which endangers the entire neighborhood. This is not only a code violation but also a time bomb ready to go off during any earthquake. See Exhibit 3: pictures.

From 2013, Carpinteria Valley Water District sued Mr. & Mrs. Wang for the violation of utility easement. Once CVWD notified us, we relocated our gates and chain link fences outside of our easement area. However, Mr. & Mrs. Wang refused to correct the violation. See Exhibit 4: Water District Minutes.

**WANG Reply:** Refer to Mr. Ni's opinion letter to Santa Barbara News Press lumping and Gaskin with his direct issue with the CWPD in Appendix 5. Moreover, he knowingly covered CPWD property, water pipes and gauges behind his fence, where the tree and our fence did not obstruct their property. Please refer pictures of the buried CPWD pipes which he claimed it did not know about. He decided to take on the water department and lost! Gaskin and us settled with CWPD and amicably agreed to our easement agreement. As a result, we did not have to move our gate and Gaskin did not have to their trees.

**NI Accusation:** When he built the masonry walls, gate pilasters and steel gates, Mr. Wang made the gates 9' tall (3' over what's allowed) and also violated gatepost height of 8' by installing top of them. Mr. Wang reluctantly cut down his gate height and removed his lanterns after SB County ordered him to do so.

**WANG Reply:** Please see the attached letter from the county confirming we conformed when the Ni's decided to call the county to falsely claim height variance in Appendix 6. No work has ever been done to adjust. I am sure you would have a picture. Please show how we don't comply after 8 years after the original work has been done.

**NI Accusation:** In 2019, Mr. Wang, the master of manipulation, furthers his malicious agenda and design by making false accusations, and frivolously abusing Santa Barbara County Planning Commission's public resources.

**WANG Reply:** Please see the support letter from our neighbors and findings from the planning department of 1,100 cy change.

In closing, we do not enjoy being bullied and having our reputation tarnished after all these years. Pictures accompanying evidence is a lot more power than just words. We offered evidence for all his bullying false and unsupported accusations about our family. Our neighbors and community leaders have continued to support us after all these years because we are an honest and fore right community members.



We ask you to reach out to Carpinteria Community Leaders such as to understand our character:

Andy Schieffer, Head of Carpinteria School Department

Roy Lee, City Council

Art Fisher, Rotarian

Pastor Jarrett Johnson, Troop 50 Church Sponsor

Lou Panizzon, Principal, Championship coach, and math teacher

Coach Charles Bryant, Carpinteria High Tennis Coach

Ty Wilson, Past Principal of Carpinteria Middle School

## **Appendix 1 (Harassments)**

Wayne and Ella Ni  
6344 Via Real  
Carpinteria, CA 93013

March 25, 2008

Dear Mr. and Mrs. Ni,

The Blatz Law Firm has been retained by Mr. Po Wang to investigate four defamatory facsimiles sent to Mr. Wang's employer (see attached exhibit "A"). Our preliminary investigation has revealed that the information contained in those facsimiles is private to Mr. Wang and statements made in those facsimiles are false.

In addition, we have obtained video evidence that depicts Mr. Wayne Ni and Mrs. Ella Ni as the persons who caused these facsimiles to be sent (See attached exhibit "B").

The tort of defamation involves the following elements:

- (1) A publication that is,
- (2) false,
- (3) defamatory, and
- (4) unprivileged, and that
- (5) has a natural tendency to injure or that causes special damage.

We have *indisputable* evidence that Mr. and Mrs. Ni were both present at the time the facsimiles in question were published to Mr. Wang's employer, and therefore are both equally liable for defamatory communication. The information contained in those facsimiles was false on the one hand and private to Mr. Wang on the other hand. The content of the facsimiles was 'defamatory per se' because it pertains to Mr. Wang's honesty, integrity and ability to perform his job. These facsimiles were undoubtedly intended to gain advantage for Mr. and Mrs. Ni at the expense of Mr. and Mrs. Wang's privacy and reputation. The content of the facsimiles was clearly unprivileged communication and was intended specifically to injure Mr. Wang thus causing damage to the reputation and character of both Mr. and Mrs. Wang.

**The purpose of this letter is to provide you with notice of our investigation and the means for avoiding further legal involvement. In order to avoid further repercussions, you must immediately submit to the following demands or Mr. and Mrs. Wang will be advised of their rights to take every available legal action permitted under the law:**

- 1) You **MUST** immediately write a formal letter of apology addressed to Mr. and Mrs. Wang for your despicable and underhanded actions.
- 2) You **MUST** immediately retract your defamatory allegations against Mr. Wang by submitting to our office a signed letter of apology to each of Mr. Wang's employers whom you sent the letter to. You must do this in the same manner in which you published the original defamatory statement and you must also confess that your purpose was to

intentionally harm Mr. Wang's reputation in order to advance you own position and fully describing why you would take such actions;

3) You MUST immediately pay Mr. and Mrs. Wang's legal fees, which currently amount to approximately \$2,500. This amount will also compensate Mr. and Mrs. Wang for the time taken out of their lives to deal with your despicable actions;

4) Refrain from any further similar conduct and never again communicate with any employer, or potential future employer, of Mr. Wang regarding this matter or any other.

If you fail to provided our firm with proof of compliance with these four demands by close of business on Friday, March 28, 2008, Mr. and Mrs. Wang will be advised of all their legal options, including their right to file a lawsuit, and will proceed accordingly. Mr. and Mrs. Wang will not tolerate this type of character assassination without defending themselves publicly and in accordance with the law.

Sincerely Yours,

Thomas F. Brooks

TFB:rb



# Reported health and inappropriate composting near our 4 year-old daughter's window

From: Yachen Wang [redacted]  
Sent: Monday, April 4, 2011 7:07 AM  
To: Brad Spencer <bspencer@cosbow.net>  
Subject: Compost

Dear Brad,

This is Yachen Wang from Carpinteria. We've met a couple of times and I hope you still remember me. The reason why I'm contacting you is because our neighbors with the address 6344 Via Real has placed a compost bin just a couple of inches from our fence and a few yards from our kids bedrooms since last October before the rainy season. About 90% of the time they've left the compost lid either completely or partially uncovered (pictures attached). Over time, the stench from the stale water and the rotten vegetables has become unbearable for us to be out watering the plants or keeping our kids windows open. Furthermore, our workers who have been working on our property have complained about the smell. We've tried to put up with the neighbors' insensitive or intentional action considering they have a whole acre to dispose of their waste. However, the last straw came when I found hundreds of fruit flies hovering over our daughter's window both inside and outside this weekend. I've attached pictures of what it looks like now which is not nearly half of what it was since I sprayed the window with bleach. I would like to respectfully ask you to request them to move their compost bin somewhere else to spare us of any health hazard and grotesque sight/smell. Thank you and please do not hesitate to contact me if you have any question.

Sincerely,

Yachen Wang  
805-320-7124

6 Attachments

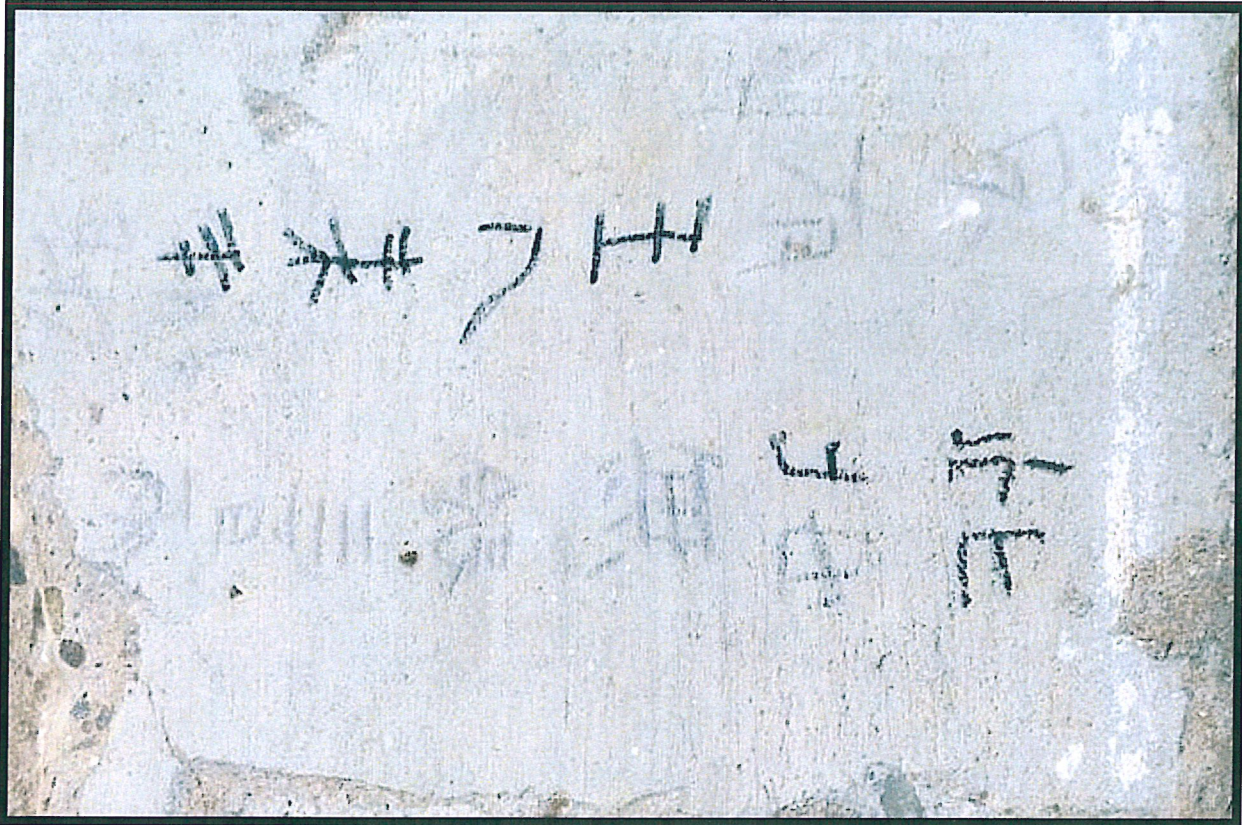


# Dumping Trash near the property line





Racist comments in Chinese




**Appendix 2 (Police Report for Accident)**

STATE OF CALIFORNIA  
DEPARTMENT OF CALIFORNIA HIGHWAY PATROL  
**TRAFFIC COLLISION REPORT - Property Damage Only**  
CHP 555-03 (Rev. 7-03) OPI 061

Original to Officer, copy(ies) to involved party(ies)

SPECIAL CONDITIONS PRIVATE PROPERTY		HT & RUN	CITY CARPINTERIA	JUDICIAL DISTRICT SANTA BARBARA	NUMBER 01-1146
COUNTY SANTA BARBARA		REPORTING DISTRICT CARPINTERIA		BEAT 30	REPORTING OFFICER D. MAUPIN
COLLISION OCCURRED ON 6300 BLACK VIA REAL / PRIVATE RD		MO 3	DAY 17	YEAR 2007	TIME (2400) 0821
AT INTERSECTION WITH		DAY OF WEEK MONDAY		TOW AWAY <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Or: Feet/Miles OF		STATE HIGHWAY RELATED <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
<b>PARTY 1</b>	DRIVERS LICENSE NUMBER	STATE	CLASS	AR BAG	SAFETY EQUIPMENT
<input checked="" type="checkbox"/> DRIVER	NAME (FIRST, MIDDLE, LAST) YACHEM WYANE	CA	C		
<input type="checkbox"/> PED	STREET ADDRESS 6344 VIA REAL	(City)	(State)	(Zip Code)	TELEPHONE NUMBER
<input type="checkbox"/> PK VEH	SEX RACE BIRTHDATE	INSURANCE CARRIER	POLICY NUMBER		
<input type="checkbox"/> BICYCLE	DIR. TRAVEL	ON STREET OR HIGHWAY		SPEED LIMIT	
<input type="checkbox"/> OTHER	VEH. YEAR	MAKE / MODEL / COLOR	LICENSE NUMBER	STATE	VEH. TYPE
<b>PARTY 2</b>	DRIVERS LICENSE NUMBER	STATE	CLASS	AR BAG	SAFETY EQUIPMENT
<input checked="" type="checkbox"/> DRIVER	NAME (FIRST, MIDDLE, LAST) ELLA ALBONDA MI	CA	C		
<input type="checkbox"/> PED	STREET ADDRESS 6344 VIA REAL	(City)	(State)	(Zip Code)	TELEPHONE NUMBER
<input type="checkbox"/> PK VEH	SEX RACE BIRTHDATE	INSURANCE CARRIER	POLICY NUMBER		
<input type="checkbox"/> BICYCLE	DIR. TRAVEL	ON STREET OR HIGHWAY		SPEED LIMIT	
<input type="checkbox"/> OTHER	VEH. YEAR	MAKE / MODEL / COLOR	LICENSE NUMBER	STATE	VEH. TYPE
<input type="checkbox"/> WIT.	AGE	SEX	NAME	ADDRESS	
<input checked="" type="checkbox"/>	34	M	PD WYANE	6344 VIA REAL CARPINTERIA CA 93013	
<input type="checkbox"/>	47	M	WYANE MI	6344 VIA REAL CARPINTERIA CA 93013	
PROP.	NAME	ADDRESS			DAMAGED PROPERTY



**Office of the Sheriff**  
County of Santa Barbara  
5775 CARPINTERIA AVE. CARPINTERIA, CA 93013  
**David Maupin #3740**  
DEPUTY SHERIFF  
(805) 684-4561 PHONE

**IMPORTANT - READ CAREFULLY**

**Appendix 3 (Property Line)**

We paid our portion.

<b>Dodson Land Surveying Inc.</b> P.O. Box 3720 Santa Barbara, CA 93130-3720		805-680-4781		<b>INVOICE</b> Invoice Number: 3412 Invoice Date: Jun 5, 2008 Page: 1	
Voice: 805 681-1615 Fax: 805 681-1614					
<b>Bill To:</b> Yachen Wang 6346 Via Real Carpinteria, CA 93013		<b>Ship to:</b>			
<b>Customer ID</b>	<b>Customer PO</b>	<b>Payment Terms</b>			
WAN01		Net 10 Days			
<b>Sales Rep ID</b>	<b>Shipping Method</b>	<b>Ship Date</b>	<b>Due Date</b>		
	Courier		6/15/08		
<b>Quantity</b>	<b>Item</b>	<b>Description</b>	<b>Unit Price</b>	<b>Amount</b>	

From: [dodsonls@silcom.com](mailto:dodsonls@silcom.com)  
To: [yachenwang@silcom.com](mailto:yachenwang@silcom.com)  
Subject: Re: RE:  
Date: Thu, 11 Oct 2012 08:30:20 -0700

YOU ABSOLUTELY HAVE THE RIGHT TO TELL NI TO GET HIS STUFF OFF OF YOU FENCE  
I'LL BE IN MY OFFICE TOMORROW IF YOU WANT TO CALL ME  
IF HE'S PILING DIRT UP YOU CAN CALL THE COUNTY AND REPORT HIM

| ----- Original Message -----



## Appendix 4

Wednesday, October 10, 2012

I want to report an incident that happened yesterday with my neighbor, Wayne Ni. It left me feeling threatened, harassed, and intimidated. I also felt unsafe for my kids. It was not the first time they've tried to run us off the street.

I was coming home around 5 from a walk with my kids. The driver, Wayne Ni, sped down the hill when he saw us walking up. My son (8) was on his bike and my daughter (3) was walking next to me. I quickly asked my son to go up the driveway and I barely had enough time to reach the driveway with my daughter when he pulled up next to us with his son in the passenger seat. He revved up his car, mouthed something to us, and flipped us off multiple times while his son took pictures of us with his cell phone. I think he expected me to act like a tiger mom ready to attack him or break his window. Instead, I looked straight at them, smiled and waved back. I didn't want to show fear in front of my kids. My son turned around in the middle of the driveway and stood next to me to make sure I was ok. I assured him I was fine because I don't want my kids to feel unsafe and threatened every time they go outside knowing that they are our neighbors.

Over the long weekend, they brought in a heavy earth moving equipment and started moving soil at 7. On Sunday, one of our neighbors called the police department and they sent out an officer to stop their work. The construction people came back on Monday and by the time they removed the equipment around noon, they have back-filled the entire front side of their property and spilled soil into our property down below. I called the county to figure out what they were doing and if they had a permit. The inspector came out on Tuesday and issued them a stop work order and a violation correction notice.

*went to police station but was closed  
call from City Hall & 2 officers  
were dispatched Deputy Mendez # 4622*



Office of the Sheriff  
County of Santa Barbara  
5775 CARPINTERIA AVE. CARPINTERIA, CA 93013

PRESENTED BY:

*Deputy Mendez  
# 4622*

(805) 568-3399 PHONE  
(805) 684-4561 PHONE

## Appendix 5 (Carpinteria Water District)

10/10/12

Santa Barbara News-Press : Daily newspaper since 1855

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Wednesday, October 10, 2012

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# SANTA BARBARA NEWS-PRESS

Weather Forecast



Great Incentives for Home Upgrades YOU may be eligible for up to \$4000 in utility rebates and low-cost, long term financing



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## Opinions and Letters

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### Letters : Opinion: Carpinteria district's leaky policies don't hold water

Wayne N., the author lives in Carpinteria  
October 7, 2012 12:32 AM

My two neighbors and I received a notice to remove our masonry walls and 6-year-old palm and liquid amber trees for alleged easement encroachment, while other neighbors/neighborhoods with similar problems received no such notice.

Our permitted and approved fence and trees were created three years ago. Throughout that process, Carpinteria Valley Water District employees visited our property at least once a month reading meters or to check for leaks, and even replacing the meter box itself after the project was initially completed. Yet, there was no stop order or any suggestion of any kind that the fence or the trees were in violation.

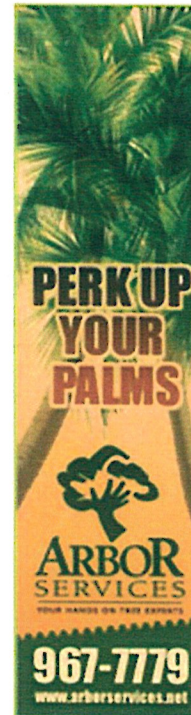
There are many places in Carpinteria with the same easement "problems" of which homeowners have never been notified. Since the water district has never broadly applied its regulation, I think it should strongly consider the prevailing community standard and not be discriminatory in its enforcements.

For 20 years under his reign, while Carpinteria households and population have grown tremendously, why has District General Manager Charles Hamilton never addressed, educated or notified any of these owners until now?


In light of the negative impact of the botched Ortega Reservoir, the negative environmental impact of removing our trees, fences, pillars and gates with a jackhammer now is much greater than leaving them alone.

Neither we nor the water district have ever had any problems with ingress or egress to my easement, so why create one now?

Fixing the Ortega Reservoir aggravated the leaks from 2 gallons per minute to 76 gallons per minute and has led to a district lawsuit. Similarly, easement lawsuits from the community will drain the public resources, resulting in another hike in water rates. Interested readers can email me at WaterTyranny@cox.net.



**PERK UP  
YOUR  
PALMS**



**ARBOR  
SERVICES**  
YOUR HANDS ON TREE EXPERTS

**967-7779**  
www.arborservices.net

Ni's knowingly buried CPWD water pipes hence the requirement to move his fence and unbury the pipes.



Begin forwarded message:

**From:** Bensen Vera [REDACTED]  
**Subject:** Fw: Who's responsible?  
**Date:** April 2, 2012 3:49:13 PM PDT  
**To:** Peter McKee [REDACTED]  
**Reply-To:** Bensen Vera [REDACTED]

----- Forwarded Message -----

**From:** "Friedman, Eric" <[efried@co.santa-barbara.ca.us](mailto:efried@co.santa-barbara.ca.us)>  
**To:** "Bensen Vera" [REDACTED]; SupervisorCarbajal <[SupervisorCarbajal@co.santa-barbara.ca.us](mailto:SupervisorCarbajal@co.santa-barbara.ca.us)>; "Tittle, Jeremy" <[jtittle@co.santa-barbara.ca.us](mailto:jtittle@co.santa-barbara.ca.us)>  
**Sent:** Monday, April 2, 2012 3:46 PM  
**Subject:** RE: Who's responsible?

Vera,

Our office was recently apprised of this matter and we are currently looking into the facts of this case and what options are available to address it.  
Eric

---

**From:** Bensen Vera [REDACTED]  
**Sent:** Monday, April 02, 2012 3:29 PM  
**To:** SupervisorCarbajal; Tittle, Jeremy; Friedman, Eric  
**Subject:** Who's responsible?

I watched the CVWD waterboard meeting last wed. and saw a neighbor of ours complain about the waterboard saying that he put his huge front fence over the waterline that serves our neighborhood. He was suppose to set it back about 20 feet (I believe). Is it the county that should have stopped the fench being built in this spot? His neighbor below him put in a fence also at about the same setback.  
Vera

From: PeterM [REDACTED]

Sent: Thursday, April 5, 2012 11:52 PM

To: [SupervisorCarbajal@co.santa-barbara.ca.us](mailto:SupervisorCarbajal@co.santa-barbara.ca.us) <[SupervisorCarbajal@co.santa-barbara.ca.us](mailto:SupervisorCarbajal@co.santa-barbara.ca.us)>; [tittle@co.santa-barbara.ca.us](mailto:tittle@co.santa-barbara.ca.us) <[tittle@co.santa-barbara.ca.us](mailto:tittle@co.santa-barbara.ca.us)>; [efried@co.santa-barbara.ca.us](mailto:efried@co.santa-barbara.ca.us) <[efried@co.santa-barbara.ca.us](mailto:efried@co.santa-barbara.ca.us)>

Subject: Fwd: Who's responsible?

I thought it might help if I sent you a copy of the email a neighbor wrote back in 2009, explaining very nicely but accurately what he thought about the fence.


Hi Wayne.





I have nothing against you doing most anything you want with your property. Quite honestly I find that the black chain link fence so high and so close to the road (with the black plastic) is not visually pleasing to the point of taking away greatly from the beauty of the neighborhood. Nor will any vegetation ever grow on the fence. Instead, we will all be forced to drive out of our homes with a beautiful sunset and expansive views and see black plastic forever. I don't believe you are winning any points with any of your neighbors for these "improvements." I also am upset about you projecting your grading and curb out into what has always been our private road. This will make it difficult for deliveries and emergency vehicles to service our homes.

I have not been enjoying the back and forth emails between neighbors. As I said before, I am all about love-thy-neighbor. I cannot find it believable that Peter would video your son and put it on youtube. So let's have the link. If that were true, it would indeed be a crime and you could easily have Peter arrested. To my knowledge, our neighborhood has been blessed with no crimes and we really don't need cameras or fences. What we do need is mutual respect and to be friendly and courteous to one another.

I do like the masonry work on your gate and I wish you had continued that motif lower and away from the road. It is my understanding that when a proposed fence is to be constructed less than 20-feet from the road, that there needs to be a Coastal Development Permit and that the fence cannot be greater than 6-feet in height. That one cannot grade the property to get more height. <http://www.sbcountyplanning.org/PDF/A/Article%20II.pdf>

If this has not yet been applied for, then there should be an application filed and a hearing so that any concerned neighbors can express their opinion. Why? Because we have property rights as protected by the laws of Santa Barbara County. Moreover, one cannot just extend one's property out into a public right-of-way street. It looks like you have done this as well. Grading also requires a special permit. I did see an application that you made for a what I recall was a "retaining wall." I didn't pay much attention to it respecting the fact that maybe you needed soil retention. But if I had seen an application for a 6 to 10 foot black chain link fence with black plastic, grading, and an extension of your landscape into our existing public right-of-way lines into the street, then I would most definitely would have taken notice and expressed my opinion before your work commenced.

Yachen Wang 

 Oct 10, 2012, 6:13 PM   

to v2bensen, art-proteus, Chris, kenniferschmidt, lalafferty, huntabel, sandy, comscool, jminehan, June, Don, Peter, me, mckee, satyahouse, onami86

Dear Neighbors,

You might have already received a copy of this email. I apologize because I was having some troubles with my internet. The reason why I'm sending you this lengthy, mass email is due to the recent activities which took place in our neighborhood during this past week. It's no news to most of you that the Ni's have repeatedly harassed us since we moved here 5 years ago. In fact, as I was coming in through our gate after a walk with my children this afternoon, Wayne Ni pulled up his car next to us with his son in the passenger seat. The senior flipped us off while the junior took pictures of us with his cell phone. He probably thought I was going to attack him or break his window. Instead, I just smiled and waved at them. In the past, Po and I have tried to deal with these type issues privately without involving your precious time. Our family has given them the benefit of the doubt and tried to co-exist with them. However, it hasn't ceased to amaze us their disregard for our rights to live peacefully and to enjoy the home that we have painstakingly made our own. During the last 5 years, we have had to endure insults, bullying, and numerous soil erosion disasters as results of their grading and lack of drainage system. We've had to use our resources to build drainage and retaining wall to redirect the water away from our property, the Gaskin's property, and the road. The intention of this email is not to mud-sling the Ni's, however, we feel that it's our responsibility to update you on the Ni's latest blatant and inconsiderate act toward our neighborhood in general and our family in particular. It is our hope that after you read this email and saw the pictures, you will lend us your support in stopping the Ni's from wiping out our property and destroying our neighborhood through their illegal grading and back-filling.

For the last week and weekend some of you might have heard or seen construction activities coming from the Ni's compound. According to the County Planning and Development, the Ni's applied for a permit to relocate their gate and fence on 9/20/12. As you can see from the attached pictures, they have gone above and beyond the scope of their permit. Over the weekend, I got woken up at 7 by the sound of a heavy earth moving equipment carrying dirt to and fro from the back of the Ni's property to back-fill the space between their existing fence and a new retaining wall they had just built last week. I don't know how many cubic yards of dirt they must have removed from the back of their property because it went down by about 4 feet while his front driveway and gate/fence went up by 10 feet. It does not take a rocket scientist to show the Ni's where all the loose soil and sediment will eventually wash off to. They will all flood down to ours and Gaskin's property in the front and the McIntyre's and Lafferty's in the back.

Attached please find some photos to show you an chronological understanding to the amount of changes in the Ni's topography over the past two years. The most recent earth moving incident took place this past long weekend. Each time they moved soil and elevated their ground level, it has had an adverse impact on the amount of soil which washes down onto our property and the property below us. Some of the details of the photos are as follow:

- 1) The first photos indicate their property before their initial gate was installed (Beforegate photos)
- 2) The size of the earth moving equipment and the amount of soil they put in on this past Saturday, Oct. 6.
- 3) The retaining wall was built just last week to hold all the soil he had planned to back-fill between the fence and wall.
- 4) The soil on Monday afternoon after the earth moving equipment has been removed.
- 5) The soil is pressing against his black tarp fence. In addition, he has added one row of cinder blocks on our property (6 inches beyond our chain link fence) to hold back the amount of soil they have filled.

To give you an understanding of how much soil he has moved. The earth moving equipment started Saturday morning at 7 am, and left mid-day Monday. One of our neighbors had to call the police department to halt the noise and disturbance of the heavy equipment on Sunday. The soil that they just back-filled seems very loose and unstable. We are very concerned that all the soil they graded and back-filled will wash down our property and beyond when tomorrow's thunderstorm hits.

The Grading Inspector came out yesterday and found them to be in violation of grading and moving earth without obtaining a proper permit. The Ni's also failed to provide a drainage system as well as soil erosion and sediment control. Right now the only thing holding all the soil they dumped and our road is their black tarp fence. The inspector posted a stop work notice and a correction notice on their gate post. Based on the notices, the Ni's have to stop all work until they apply for a coastal development permit. When they do so, they will have to send out notices to the entire neighborhood. It's our hope that you will support us in voicing our concerns for the safety of our neighborhood. Thank you for your time. Please do not hesitate to contact me if you have any question or concern.

Best regards,

Yachen

**From:** Art [REDACTED]

**Sent:** Thursday, October 11, 2012 5:05 PM

**To:** 'Yachen Wang' <[REDACTED]>

**Subject:** RE: Neighborhood

Hi Yachen,

Yes, you have our backing if need be on this. Wayne seems to continually defy any rules, good sense, or consideration for his neighbors, and all that grading without permits is yet another example.

Art

...

**From:** Peter McKee [REDACTED]

**Sent:** Thursday, October 11, 2012 12:46 AM

**To:** [voices@newspress.com](mailto:voices@newspress.com) <[voices@newspress.com](mailto:voices@newspress.com)>

**Cc:** Charles Hamilton <[Charles@cvwd.net](mailto:Charles@cvwd.net)>

**Subject:** Letters: Opinion: Carpinteria districts leaky policies don't hold water

Regarding what Wayne Ni. wrote on Oct. 7 2012. in your Opinions and Letters section.

I am a neighbor of this family and we are above them, and we could be seriously impacted if the CVWD had not insisted that they move their gate pillars that were erected on top of the main water and gas line supplying all of the residents above them. They not only built on top of the water and gas lines they buried them in concrete, which you don't have to be a rocket science to know that when an earthquake happens and we do have them here, those pipes will fracture and could possibly cause a massive explosion that could also result in serious injuries or deaths. These are not false claims or attacks against this neighbor, and I have plenty of documentation and evidence to prove that this neighbor is a prolific liar and a bully. I realize that you will probably not be able to publish this email, but I thought you should know that it's not very fair to have someone like them be able to make claims in your newspaper against certain elected officials but they are not able to defend themselves because of the policies and other bureaucratic rules governing them.

Thank you

**Appendix 6 (County Letter for Posts)**



**County of Santa Barbara  
Planning and Development**  
Glenn S. Russell, Ph.D., Director  
Dianne Black, Director of Development Services  
Jeffrey S. Hunt, Director of Long Range Planning

June 22, 2011

Po Wang  
6346 Via Real  
Carpinteria, CA 93013

**RE: Resolution of Case #: 11ZEV-00000-00125  
APN: 001-190-035  
Address: 6346 Via Real, Carpinteria**

Dear Property Owner:

As you are aware, Planning & Development received a complaint on June 13, 2011 regarding a possible violation of Chapter 35 of the Santa Barbara County Code on the above referenced property. The reporting party alleged that:

Gateposts on the property were greater than 8 feet high without the necessary Minor Conditional Use Permit.

Enforcement staff has conducted a site investigation and has determined that the alleged violation does not presently exist on the above referenced property. The zoning enforcement case is now closed.

Thank you for working with Planning & Development in resolving your case in a cooperative manner. Please contact me if you have any further questions regarding this case.

Sincerely,

Eric Graham  
Building & Safety Division  
(805) 568-2073  
egraham@co.santa-barbara.ca.us

cc: 11ZEV-00000-00125 case file

*Para informacion en espanol por favor llamar a los siguientes telefonos:  
En Santa Barbara (805)568-2000 y en Santa Maria (805)934-6250.*