

**SANTA BARBARA MONTECITO PLANNING COMMISSION**  
**Staff Report for Appeal of Stone Revised Landscaping**

**Hearing Date:** May 27, 2009  
**Staff Report Date:** May 15, 2009  
**Case Nos.:** 09APL-00000-00013  
09APL-00000-00014

**Environmental Document:**  
**CEQA Exempt - Sections 15270 & 15304**

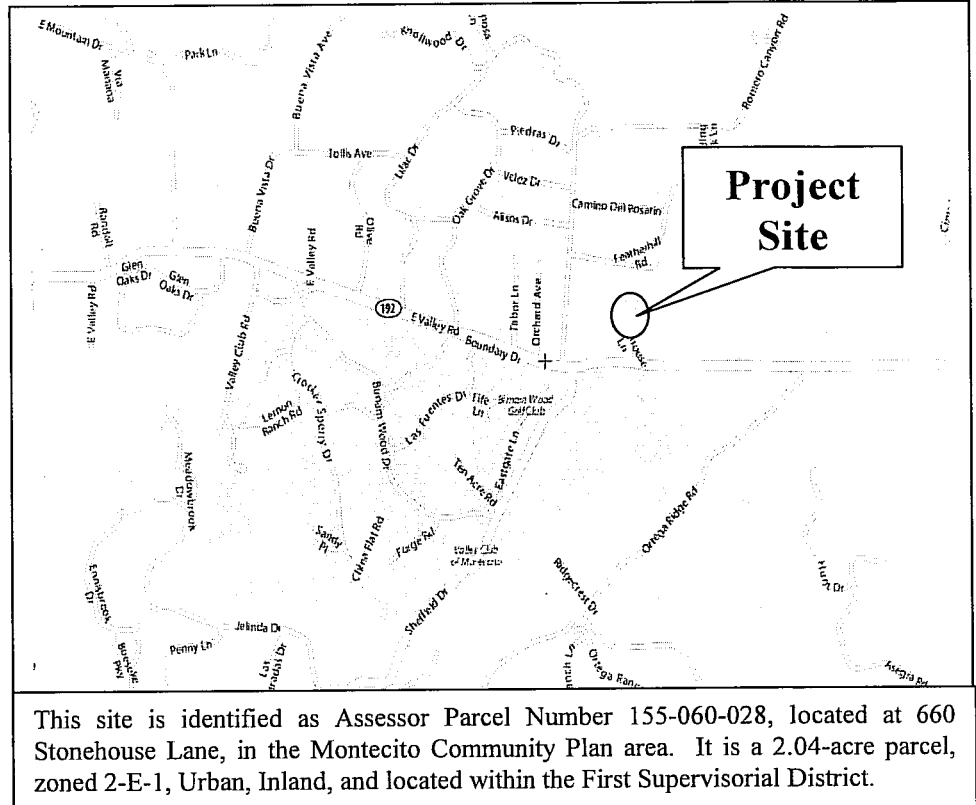
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**OWNER / APPLICANT:**  
Douglas and Fiona Stone  
9665 Wilshire Blvd. Ste. 500  
Beverly Hills, CA 90212

**AGENT / ENGINEER:**  
Bob Easton  
1486 E. Valley Road  
Santa Barbara, CA 93108

**APPELLANT:**  
Donald Sipple  
646 Romero Canyon Road  
Santa Barbara, CA

**AGENT FOR APPELLANT:**  
Susan Petrovich  
21 E. Carrillo Street  
Santa Barbara, CA 93101



**Application Complete:** April 29, 2009  
**Processing Deadline:** 60 days from NOE

## 1.0 REQUEST

Hearing on the request of Mr. Donald Sipple to consider Case Nos. 09APL-00000-00013 and 09APL-00000-00014, [applications filed on April 29, 2009] to appeal the Montecito Board of Architectural Review's approval of Case No. 06BAR-00000-00182, and to appeal of the Director's decision to approve Case No. 09LUP-00000-00166, respectively, in compliance with Chapter 35.492.040 of the Montecito Land Use and Development Code, on property located in the 2-E-1 zone district; and to accept the Exemption for disapproval of the appeals pursuant to Section 15270(a-b) and accept the Exemption for approval of the additional landscaping project pursuant to Section 15304(b) of the State Guidelines for Implementation of the California Environmental Quality Act. The application involves APN 155-060-028, located at 660 Stonehouse Lane in the Montecito area, First Supervisorial District.

## 2.0 RECOMMENDATION AND PROCEDURES

Follow the procedures outlined below and deny Case Nos. 09APL-00000-00013 and 09APL-00000-00014, marked "Officially Accepted, County of Santa Barbara (May 15, 2009), Montecito Planning Commission Exhibit 1", based upon the project's consistency with the Comprehensive Plan, including the Montecito Community Plan, and based on the ability to make the required findings.

Your Commission's motion should include the following:

1. Deny the appeal, Case No. 09APL-00000-00013, thereby upholding the Montecito Board of Architectural Review's revised final approval of 06BAR-0000-00182;
2. Deny the appeal, Case No. 09APL-00000-00014, thereby upholding the Planning and Development's approval of 09LUP-00000-00166;
3. Adopt the required findings for revised final approval of 06BAR-00000-00182 and for approval of Land Use Permit No. 09LUP-00000-00166, included as Attachment A,
4. Accept the exemption, included as Attachment B, pursuant to CEQA Sections 15270 and 15304; and
5. Grant *de novo* revised final approval of 06BAR-00000-000182 and *de novo* approval of Land Use Permit No. 09LUP-00000-00166, subject to the conditions included as Attachment C.

Alternatively, refer back to staff if the Montecito Planning Commission takes other than the recommended action for appropriate findings and conditions.

## 3.0 JURISDICTION

This project is being considered by the Montecito Planning Commission based on Section 35-492.040.A.2.d (Appeals to the Montecito Planning Commission) of the Montecito Land Use Development Code which states:

**Decisions appealed to the Montecito Commission.** The following decisions may be appealed to the Montecito Commission provided the appeal complies with the requirements of Subsection 35.492.020.C through Subsection 35.492.020.E:

1. Montecito Board of Architectural Review decisions to grant or deny preliminary approval or final approval, in compliance with Subsection 35.492.020.C.2.c
2. Director decisions to approve or deny an application for a Land Use Permit.

## 4.0 BACKGROUND AND APPEAL ISSUE SUMMARY

The appellant, Mr. Donald Sipple, is appealing both the Montecito Board of Architectural Review's (MBAR) April 20, 2009 decision to grant revised final approval of Case No. 06BAR-00000-00182, Revised Landscape Screening for the Stone SFD and ARSU, and P&D's subsequent April 24, 2009 approval of Land Use Permit number 09LUP-00000-00166 authorizing installation of the plant materials.

Following is a review of the permitting background on the Stone's lot:

- **06LUP-00000-00617** permitted the Stone's SFD and ARSU with annotation on the stamped approved plans dated April 27, 2007 that existing avocados were to remain along the western property line of the lot;
- **07LUP-00000-00453** is an active application, recently revised on April 24, 2009. to relocate the formerly proposed pool from the south west corner of the lot to the north west corner of the lot, entirely within the development envelope, and to eliminate the previously proposed cabana;
- **08ZEV-00000-00246** pertains to unpermitted removal of an unknown number of mature avocado trees. The applications on appeal before your Commission constitute the applicant's attempt to resolve this zoning violation.
- **08RMM-00000-00005** was a request to allow grading outside the building envelope designated on the subject lot via TPM 14,496 (Cross Creek Ranch II). This application was denied by your Commission on March 25, 2009

Following your Commission's denial of the RMM, the applicant submitted plans to resolve the zoning violation associated with the landscape screening along the western boundary of the lot. Given the landscape screening's association with an open and active permit of the Stone SFD and ARSU, P&D processed the additional screening through MBAR under case number 06BAR-00000-00182, agendizing the item for revised final approval.

At the MBAR hearing on April 20, 2009, the applicant presented his landscape solution which included the three newly installed 36" box avocados and a proposed informally arranged Pittosporum hedge along the western property line, between two existing mature oaks located on the Sipple's property immediately adjacent to the property line. Submitted materials from the applicant's consulting arborist, Duke McPherson, supported the project as designed, with five-gallon container (GC) plants within the critical root zones (CRZ) of the existing oak trees, to be drip irrigated until established.

Discussion at the MBAR led to two design changes to the landscape screening proposal. First, the Pittosporum to be planted outside the CRZ of the oaks were to be installed at 15 GC sizes and additional irrigation measures. Second, three additional 36" box avocado trees were to be added within the development envelope at the approximate finish grade of the SFD in a line parallel to the installed avocados and adjacent to the SFD and ARSU.

The MBAR approved the project design as revised with the understanding that the screening would take a few years to be fully effective. Following, P&D approved a new LUP for the installation of the landscape materials. Both permit approvals were timely appealed by Mr. Sipple.

Appeal issues and staff responses are outlined below, but for purposes of this issue summary, simply, the appellant would like your Commission to overturn the approvals in favor of a design which includes installation of large mature trees with the goal of immediately achieving the full screening that had been present before the zoning violation occurred and the mature avocado trees were removed.

## 4.1 Appeal Requirements

Under Section 35-492.020.C of the Montecito Land Use Development Code, appellants of Land Use Permits and MBAR decisions must specifically state in the appeal how:

1. The decision or determination is inconsistent with the provisions and purposes of this Development Code or other applicable law; or
2. There was an error or abuse of discretion on the part of the review authority, or other officer or authorized employee, or that there was a lack of a fair and impartial hearing, or that the decision is not supported by the evidence presented for consideration leading to the making of the decision or determination that is being appealed, or that there is significant new evidence relevant to the decision which could not have been presented at the time the decision was made.

## 4.2 Appellant Issue and Staff Response

The appellant, Mr. Sipple, submitted one letter (included as Attachment D) distilling both appeals into a single set of issues along with the April 29, 2009 appeal applications, including the following points as reason for his appeal. Staff responses are presented after appeal issues as appropriate, below:

**Issue #1:** The appellant states that the approval is inconsistent with the Montecito Community Plan policies and development standards included below.

- o *Policy BIO-M-1.15:* To the maximum extent feasible, specimen trees shall be preserved. Specimen trees are defined for the purposes of this policy as mature trees that are healthy and structurally sound and have grown into the natural stature particular to the species. Native or non-native trees that have unusual scenic or aesthetic quality, have important historical value, or are unique due to species type or location shall be preserved to the maximum extent feasible.
- o *Development Standard BIO-M-1.15.1:* All existing specimen trees shall be protected from damage or removal by development to the maximum extent feasible.

**Issue #2:** The appellant states that the approval is not consistent with the Montecito Architectural Guidelines and Development Standards included below.

- o *Section I.D,* Good Neighbor Policies states: 1) Consider proposed house design within the context of the neighborhood; 3) Consider mutual neighborhood privacy in all aspects of the house design and site layout, including noise and lighting; 4) Consider your neighbors' views and privacy in the placement and architectural appearance of your house or addition.
- o *Section I.E,* Required Findings, [in part] states that prior to approving any BAR application, the BAR shall make the following findings: 5) There shall be a harmonious relationship with existing developments in the surrounding neighborhood; 7) Adequate landscaping shall be provided in proportion to the project and the site with regard to preservation of specimen and landmark trees, existing vegetation, selection of plantings which will be appropriate to the project, and adequate provision for maintenance of all planting; and 10) The proposed development is consistent with any additional design standards as expressly adopted by the Board of Supervisors for a specific local community, area, or district.

- *Section III.A.1*, defines “neighborhood compatibility” as the relationship between surrounding structures and their setting so that the effect of all structures taken together is aesthetically pleasing, keeping the neighborhood in harmony and balance.
- *Section III.A.2*, states that the applicant should consider design methods that minimize the visual impacts of development from adjoining properties by providing landscaping to screen development.
- *Section III.C.1*, states that “Privacy” is defined as the enjoyment of an individual property where visual intrusion has been minimized.
- *Section III.C.2*, states that “Residential privacy is a key ingredient in the quality of life in Montecito.
- *Section III.C.3*, [in part] states: a) The siting of new structures in relationship to existing structures should take into account the impact upon views from neighboring sites; and g) Structures should be located and designed to avoid placement of windows, decks and balconies which look directly onto private areas of adjacent properties.
- *Section III.D.3*, [in part] states: (b) Residential projects should be designed to preserve significant and unique vegetation groupings which contribute to the character of the site and the neighborhood. Site plans should demonstrate a diligent effort to retain as many ‘significant trees’ as possible. “Significant Tree” means any tree which is in good health and is more than 12 inches in diameter as measured 4 feet 6 inches above the root crown. Any tree of the *Quercus* (oak) genus which is in good health and is more than 6 inches in diameter as measured 4 feet 6 inches above the root crown is considered a significant tree.
- *Section III.H*, [in part] states: 2) To maintain the semi-rural character of Montecito, the natural landscape must continue to be the dominant feature of the community; 3.e) Landscape plantings designs should reinforce the dominant vegetative patterns that define the natural oak woodland and ornamental urban forest that is characteristic of Montecito; 3.f) Plantings should be compatible with the character of the site, the project, and surrounding properties; 3.i) Significant trees are important aesthetic and ecological resources that contribute to Montecito’s distinctive character. Site development plans should demonstrate diligent effort to retain as many significant trees as possible.

**Issue #3:** The appellant states that the approval is inconsistent with the Montecito Board of Architectural Review Bylaws and Guidelines included below.

- *Section 7.1* [in part] states: The purpose of these guidelines is to assist the property owner, homeowner, architect, developer, and builder in designing projects that will be harmonious with the existing character of Montecito. The goal is to ensure that new development will carefully consider the community context in which it takes place and have a compatible relationship to neighboring properties and the community design goals.
- *Section 7.2* [in part] states: These Architectural Guidelines and Development Standards also serve as a guide for the Montecito Board of Architectural Review, County staff and the decision makers in the design review process.

**Staff Response to Issues #1 – #3:**

Appeal issues go to the original zoning violation: removal of mature avocado trees designated to remain. Neither the MBAR nor County P&D approved the removal of either specimen or

protected oak trees as a part of the original land use permit for the construction of the SFD or for the current projects on appeal before your Commission. The unpermitted removal of avocado trees, that were specifically labeled on the approved landscape plan “to remain” between the Stone and Sipple residences, was a violation of approved development. As such, zoning violation case number 08ZEV-00000-00246 was opened. The subsequent reviews and approvals by MBAR and P&D of additional landscaping were geared specifically to resolving this violation. The landscape design on appeal was found to be consistent with the Montecito Architectural Guidelines and Development Standards as well as applicable Montecito Community Plan policies and development standards. Furthermore, the approval of the additional landscaping was also consistent with all MBAR Bylaws and Guidelines, which guide the design review and decision-making process as all standards and guidelines for resource protection are considered before any decision is made.

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**Issue #4:** The appellant states that the approval is inconsistent with the Tentative Map and Land Use Permit requirements applicable to the Stone property.

- The Negative Declaration for the Cross Creek Ranch II project (the Stone Parcel is Lot #1 of that project), 99-ND-05, addressed the sensitivity of oak trees and the need to prevent ground disturbance within 6 feet of their driplines. 99-ND-05 [in part] states: “Direct impacts to onsite biological resources would occur as a result of additional grading and construction associated with further development of the proposed lots, primarily related to the loss of existing coast line oaks. Such impacts include both oak tree removal and ground disturbance within six (6) feet of the dripline of individual trees [and could involve more than 10% of the existing trees onsite].” “The most appropriate approach to limiting biological impacts associated with oak removal is probably to delineate development envelopes for each proposed lot [that to the greatest extent possible excludes these trees].
- The Mitigation Measures for approval of the tentative map include [measure] #9, which requires that building envelopes be established for the proposed lots and that “No ground disturbing activities outside of these envelopes shall be allowed with exception for drainage improvements required by the Santa Barbara County Flood Control & Water Conservation District within approved drainage easements, landscaping, and fencing consistent with any future drainage plan proposed for the lots in question.”

**Staff Response:** The Tentative Map and Land Use Permit requirements cited above are in the context of on-site oak trees only. The omitted sections of these conditions from the appellant’s letter are included within brackets above. Furthermore, and in context of the discussion within the Negative Declaration, the specific oak trees on the Stone property referred to are on the eastern property line along the driveway entrance (the Sipple residence is to the west) and the building envelope was designed to ensure that a maximum of only 6 oaks would be removed for utilities and access to the 3 lots that were a part of TM 14,496.

Regardless, two existing oak trees are situated on the Sipple’s property immediately adjacent to their shared property line with the Stones. Installation of the landscape screening on appeal would occur partially within the driplines of these two oaks. In his correspondences, dated January 22, 2009 and March 11, 2009 (Attachments E-F) Duke McPherson, arborist,

addressed the impacts to the oak trees from 1) removal of the avocados, and 2) proposed installation and establishment watering of the Pittosporum hedge. He found that the health of the oaks have not been, and would not be, adversely affected by the Stone's landscaping activities. Mr. McPherson also addressed the current health of the oak trees and confirmed their continued vigor. Mr. McPherson's credentials have been reviewed by P&D and he is on the County's list of previously authorized arborists. As such, staff concludes that the project on appeal complies with the intent of the originally approved map to ensure the protection of oak trees.

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**Issue #5:** The appellant states that the approval is inconsistent with the Land Use Permit 06LUP-00000-000617 because the revised main house and residential second unit received MBAR and County staff approval based upon a landscape plan that showed that the then-existing solid screen of avocado trees located outside the building envelope would remain. Additionally, the conditions of approval state [in part]:

*Condition #31:* "Landscaping shall be maintained for the life of the project."

*Condition #32:* "The project landscaping shall consist primarily of drought-tolerant and/or Mediterranean type species that adequately screen the project from surrounding land uses. Landscaping shall be compatible with the character of the surroundings and the architectural style of the structure."

**Staff Response:** County staff found that the removal of the avocado trees was inconsistent with the landscape plan approved as a part of 06LUP-00000-000617. For this reason, zoning violation case number 08ZEV-00000-00246 was opened. The projects on appeal seek to resolve the Zoning Violation through proposed installation of additional plantings. Such resolution is specifically allowed under the 06LUP-00000-000617 through Condition #30, which states that "[c]hanges to approved landscape plans may require a substantial conformity determination or an approved change to the plan."

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**Issue #6:** The appellant states that the approval is inconsistent with the MBAR's comments at their July 28, 2008, August 25, 2008, and February 23, [2009] hearings wherein the lost screening was a major issue.

*MBAR Comments on July 28, 2008:*

- Screening should be restored to original conditions.
- The avocado trees should be staggered, possibly in two rows, or offset the new ones inward.
- An avocado "hedge" treatment is not acceptable.
- Provide an arborist's report on the affected oak and show oak on the plans; avoid root structure of the oak with any new plantings.

*MBAR Comments on August 25, 2008:*

- MBAR does not support the property line wall or Pittosporum hedge.
- MBAR prefers a double row of staggered avocados for screening.

MBAR Comments on February 23, [2009]:

- MBAR does not believe the building envelope should be changed.
- Replanted avocados should be located as close as possible to the original location in rows.
- The site needs additional screening and privacy from the property to the west (e.g., supplement the hedge, Pittosporum, landscaping reminiscent of an old rural orchard, additional plantings on the other side of the property line).

**Staff Response:** In context, the July and August comments were reviewed in conjunction with a proposed pool and cabaña and a specific landscape plan in relation to those structures. As for the specific items requested, the final landscape plan, dated April 10, 2009, currently on appeal, that was approved and found to restore adequate screening by the MBAR on April 20, 2009, included the following:

1. Staggered avocado trees in two rows with the new ones offset inward,
2. A supporting arborist report by a County-qualified arborist, Duke McPherson (See Attachments E-H),
3. Adjacent oaks are shown on plans and oak root structure has been avoided,
4. No change in the building envelope,
5. Replanted avocados are located immediately adjacent to their original location and in rows.
6. Additional screening and privacy is provided by a supplemental Pittosporum hedge

Additionally, the MBAR made the following comments at the April 20, 2009 hearing during their review and subsequent approval of the landscape plan:

1. The intention of the revised landscape plan is privacy for the neighbors.
2. Screening will not be feasible instantaneously.
3. The solution requires a layering of vegetation: Oak tree line, new solid Pittosporum hedge, and additional avocado trees.
4. Increase the size of those Pittosporum plants to 15 GC plants that are located outside of the Critical Root Zone (CRZ) of the existing oaks. Pittosporum shrubs planted within a CRZ of any oak shall be 5 GC.
5. In addition to the avocados shown on the plan sheet L1, dated April 10, 2009, presented to MBAR, include three or more 36" box avocado trees on the upper bank, immediately inside the building envelope - one at the southeast corner and two more visually spaced between the Pittosporum plantings (See notations provided by MBAR on Sheet L1, dated 4/10/09).
6. Implement the irrigation recommendations of the arborist, outlined in the Duke McPherson, 3/11/09 letter.
7. Maintain consistency with the approved tree protection plan of 06LUP-00000-00617.
8. Revise plan sheet notations by deleting note #s 2 and 6 and revising note #3, described in staff's memo (4/14/09) as follows:



- Planting Note #2: deletion of the phrase “and landscape architect and owner to make final adjustments as necessary”
  - Planting Note #3: Add the Phrase “consistent with arborist direction”
  - Planting Note #6: Delete
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**Issue #7:** The appellant states that “[w]hen the Stones removed the avocado tree screening, in violation of the conditions of their LUP and contrary to the representations made to the MBAR that these trees would remain, the full visual impact of the Stones’ house became evident”[...] and the Sipples “lost all privacy.”

**Staff Response:** As previously discussed, the unpermitted removal of the avocado trees outside of the building envelope constitutes a zoning violation, which was pursued by planning staff. Standard administrative procedure for resolving violation cases is to first try to resolve the problem with the owner of the property in violation. Many times the resolution is found as a Director-level decision, however, in some cases, like the case currently before the Commission, staff determines that additional permits are needed in order to adequately resolve the violation. Only in extreme cases, where the property owner is less than willing to work with P&D to find a resolution, are fines or liens against the property administered by the County in response to a persistent violation. The permit for additional landscape screening plan currently on appeal before the Commission is the result of the property owner working with both P&D and MBAR, and is intended to resolve the zoning violation through provision of adequate plant materials to achieve complete screening upon establishment and maturity.

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**Issue #8:** The appellant states that “no one can dispute that the design of the Stone residence violates the policies, development standards, and design guidelines, as well as the LUP and Cross Creek Ranch map conditions cite[d] above, as it now looms over the Sipple property with a large window looking directly into the private areas of their home, including their bedroom.

**Staff Response:** After lengthy review by both the MBAR and P&D staff, the initial approval of 06LUP-00000-00617 found the project to be in full compliance with all policies, development standards, design guidelines, and conditions of the LUP and Tract Map. The subsequent approvals of 06BAR-00000-00182 and 09LUP-00000-00166 were intended to resolve an outstanding zoning violation that occurred when deviations from the previously approved landscape plan were reported. Approval of the additional landscaping project, as revised and finalized at the MBAR hearing of April 20, 2009, would bring the property back into full compliance with all applicable development standards and policies.

Additionally, upon further investigation into the appellant’s claim that the “large window look[s] directly into the private areas of their home, including their bedroom”, photos from the fence along the property line show that both the doorway and the window are significantly screened (Attachment I). Furthermore, a view from the “large window” (Attachment J) demonstrates that even without the entire 3 rows of new layered vegetation, the existing vegetation is providing adequate visual screening.

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- Issue #9:** The appellant states that the MBAR approval of the revised landscape plan was based upon the “mistaken belief” that the Pittosporum hedge and avocado trees will adequately replace the former screening and restore the appellant’s privacy within two years. The appellants give three points to explain MBAR’s mistake.
1. The Stone’s house has a finish floor height of 310’ above sea level and the [approved] landscaping starts at an elevation of 304’ and steps up from there, but does not even reach the 310’ elevation.
  2. According to [an unidentified] local avocado orchard operator, the trees that the Stones have planted, ranging from 6 feet in height to 11 feet in height, will suffer from transplant shock for the first year so their growth will slow [and] take well over 10 years to reach the height and fullness required to provide meaningful screening.
  3. Neither the avocado nor the Pittosporum is suitable for this drainage swale area and will die if inundated with flood water. The appellant also indicates that a local [unidentified] landscaper and nurseryman who has landscaped most of the major estates in Montecito and Hope Ranch advised that the Pittosporum undulatum proposed by the Stones is a “shrub that is from Australia and is not Mediterranean as required by LUP Condition #32, grows at an approximate rate of 12-16 [inches] per year but is highly sensitive to over-watering and requires excellent drainage.”

**Staff Response:** The MBAR approval was a decision based on all available factual information made available for their review. The appellant’s concerns and comments were presented and reviewed at each of the public hearings and all additional information and data presented by the Sipple’s were also considered by the MBAR prior to their approval of the project. The three items that are specifically mentioned above were also addressed at these hearings.

1. The approved landscaping includes a Pittosporum hedge to be planted along the property line between the Stone and Sipple property. This hedge would range from a planting elevation of 303’ to 308.5’ as it follows the property line. The approved Pittosporum hedge would have a total of [23] 5 GC plants, and [7] 15 GC plants (approximately 4’-5’ in height, see Attachment K), the latter to be located outside of the root zone of the oak trees on the Sipple property at the property line. The second layer of new vegetation is to be a row of 3 new 36”-box avocado trees planted at an elevation of approximately 305’. These 3 trees are currently planted on-site and range from 10.5’-12’ in height (see photos in Attachments L-N). The third layer of new vegetation is to be an additional row of 3 new 36”-box avocado trees planted at an elevation of approximately 308.5’. These trees will also range from 11’-12’ in height once planted (13.5’-15’ in box).
2. A site visit was conducted on May 6, 2009 in order to investigate the claims made by the unidentified avocado orchard operator and cited above by the appellant. The 3 new avocados currently planted on-site measured between 10.5’-12’ in height. As can be seen in Attachment L-N, these trees, planted

nearly a month prior to the photos being taken, show no signs of transplant shock, as asserted above, and actually exhibit clusters of new growth. Furthermore, the MBAR found that meaningful screening would be achieved by the layering of vegetation, not merely height.

3. On April 20, 2009, the MBAR found that the Pittosporum hedge is suitable for this drainage swale area. Furthermore, the term "Mediterranean", used in context, is a climate classification, within which various plant species, including Pittosporum, are typically found (see map, Attachment O).

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**Issue #10:** The appellant states that the approved landscape plan "does nothing to restore promptly the privacy and visual screening enjoyed prior to the unpermitted tree removal [and] that this plan will take approximately 10 years to restore privacy lost almost one year ago." The appellant asks the Commission to require that "mature oak trees" be added to this plan that are placed at the same elevation as the finish floor of the Stone's house and that the "Pittosporum hedge be deleted from the plans."

**Staff Response:** The MBAR found that the approved landscape plan adequately restored the visual screening of the Sipple residence from the new development on the Stone property. Furthermore, applicable policies and development standards do not provide a nexus for requiring oak trees as a replacement to avocado trees nor is it the County's standard practice to require installation of fully mature plant materials to replace those lost. Rather, standard planning principals for orderly growth and neighborhood compatibility assume installation of plant materials of appropriate size and age to sustain transplanting and to successfully mature into a "grown", built urban context.

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**Issue #11:** The appellant states that the unpermitted removal of the original avocado trees has damaged an oak tree on their property and ask that an additional condition be added to the Stone project stating "If within five (5) years after the MPC approval, a qualified arborist determines that the existing oak tree damaged by the Stones' improper earth disturbance and tree removal is dead or dying, the Stones shall remove and replace that tree in the same location with one of Comparable size and in good health and condition."

**Staff Response:** As previously stated, the unpermitted removal of the avocado trees constituted a zoning violation because it was not in conformance with the approved development and landscaping on the Stone property. Montecito development policies and regulation required that a revised landscape plan be reviewed and approved (09LUP-00000-00166) in order to abate that violation. Moreover, assessment by arborist Duke McPherson (Attachments E, G and H) contained in the record confirms the continued vigor of the oaks and does not substantiate claims that the Stones landscaping activities either have had or would have an adverse affect on the oak trees in question. If the appellant wishes to pursue damages to his personal property beyond the scope of the permitted development on the Stone property it would be a civil matter and not a County issue warranting additional punitive conditions of approval.

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### 4.3 Conclusion

Upon separate review by the MBAR and P&D staff, the project currently before the Planning Commission on appeal has received County support and approval. The project can be found compliant with all applicable development requirements of the Montecito LUDC and policies within the County Comprehensive Plan, including the Montecito Community Plan.

## 5.0 PROJECT INFORMATION

### 5.1 Site Information

Site Information	
Comprehensive Plan Designation	Urban, Single Family Residential
Ordinance, Zone	Montecito LUDC, 2-E-1 zone
Site Size	2.04-acres
Present Use & Development	Residential – SFD and ARSU currently under construction
Surrounding Uses/Zone(s)	<i>North:</i> 2-E-1; Developed Residential <i>South:</i> 2-E-1; Developed Residential <i>East:</i> 2-E-1; Developed Residential <i>West:</i> 2-E-1; Developed Residential
Access	Off of Stonehouse Lane
Other Site Information	Lot #1 of Tract Map 14,496 – Cross Creek Ranch, Phase II
Public Services	Water Supply: Montecito Water District Sewage: Montecito Sanitary Sewer Fire: Montecito Fire Department

### 5.2 Setting

The subject parcel, located at 660 Stonehouse Lane, is the northern lot at the end of the cul-de-sac approximately 600 feet from its intersection with East Valley Road. The subject parcel is a 2.04-acre lot located within Cross Creek Ranch and is within the urban-inland area of Montecito. A previously approved new 6,197 sq. ft. SFD, new 964 sq. ft. attached garage, 917 sq. ft. attached residential second unit and a new 800 sq. ft. artist studio are currently under construction on the subject parcel. An additional Land Use Permit application for a new swimming pool, to be located in the northwest corner of the rear yard and outside the patio area, is also currently being reviewed by the County and MBAR.

### 5.3 Project Descriptions:

#### **06BAR-00000-00182: Stone Revised Landscaping**

Request of Bob Easton, architect for the owner, Stone Family Trust, to consider Case No. 06BAR-00000-00182 for revised final approval of revised landscaping. The following structures currently exist or are under construction on the parcel: residence of approximately 6,197 square feet with attached garage of approximately 964 square feet, basement of approximately 3,579 square feet, and accessory structure of approximately 800 square feet. The revised landscaping will not require grading.

## **09LUP-00000-00166: Stone Additional Landscaping**

The project is for a Land Use Permit to allow the installation of additional landscaping in the rear of the property to provide immediate screening to and from the neighboring properties. Additional landscaping is to include the following:

- 1) Increase the size of 7 Pittosporum plants to 15 gallon plants that are located outside of the Critical Root Zone (CRZ) of the existing oaks.
- 2) Pittosporum shrubs planted within a CRZ of any oak shall be a 5 gallon size.
- 3) Three or more additional 36" box avocado trees are to be planted on the upper bank, immediately inside the building envelope-one at the southeast corner and two more visually spaced between the Pittosporum plantings (See notations provided by MBAR on Sheet L1, dated 4/13/09).
- 4) Implement the irrigation recommendations of the arborist, outlined in the Duke McPherson letter, dated 3/11/09.
- 5) Maintain consistency with the approved tree protection plan.
- 6) Revise plan sheet notations by deleting note #s 2 and 6 and revising note #3, described in staff's memo (4/14/09) as follows:
  - Planting Note #2: deletion of the phrase "and landscape architect and owner to make final adjustments as necessary"
  - Planting Note #3: Add the Phrase "consistent with arborist direction"
  - Planting Note #6: Delete

No trees will be removed as a part of this project and less than 50 cubic yards of grading will be required for the construction of a new 4-foot boulder wall approximately 140 feet in length along the southwestern corner of the building envelope. The parcel will continue to be served by the Montecito Water District, the Montecito Sanitary District and the Montecito Fire Department. Access will continue to be provided off of Stonehouse Lane.

## **6.0 PROJECT ANALYSIS**

### **6.1 Environmental Review**

The project, Case Nos. 09APL-00000-00013 and 09APL-00000-00014, can be found exempt from environmental review based upon Section 15270(a-b) of the California Environmental Quality Act (CEQA) Guidelines. Section 15270 exempts projects from further CEQA review if upon initial screening by the public agency the agency can determine that the project cannot be approved. Staff's recommendation is to deny the appeal. Additionally, Case No. 09LUP-00000-00166 can be found exempt from environmental review based upon Section 15304 [Minor Alterations to Land] of the California Environmental Quality Act (CEQA) guidelines. Section 15304(b) states that projects that consist of minor public or private alterations in the condition of land, water, and/or vegetation, including new gardening or landscaping, including the replacement of existing conventional landscaping with water efficient or fire resistant landscaping are exempt from the provisions of CEQA. Because the project constitutes new landscaping, the exemption is appropriate.

## 6.2 Comprehensive Plan Consistency

- **Land Use Element Development Policy #4:** *Prior to issuance of a land use permit, the County shall make the finding, based on information provided by environmental documents, staff analysis, and the applicant, that adequate public or private services and resources (i.e., water, sewer, roads, etc.) are available to serve the proposed development...*

**Consistent:** The project site currently enjoys adequate services and resources to serve the existing residence. The existing single-family dwelling and associated approved development as well as proposed landscaping would continue to be served by the Montecito Water District, the Montecito County Fire Department, and the Montecito Sanitation District. The proposed project would not generate new traffic and the surrounding roads are adequate to serve the existing development.

- **Montecito Community Plan Policy VIS-M-1.3:** *Development of property should minimize impacts to open space views as seen from public roads and viewpoints.*

**Consistent:** The approved project, currently on appeal, is not viewable from any public road or viewpoints. Therefore, the project is in conformance with this policy.

- **Land Use Element Hillside and Watershed Policy #2:** *All developments shall be designed to fit the site topography, soils, geology, hydrology, and any other existing conditions and be oriented so that grading and other site preparation is kept to an absolute minimum. Natural features, landforms, and native vegetation, such as trees, shall be preserved to the maximum extent feasible. Areas of the site which are not suited to development because of known soil, geologic, flood, erosion or other hazards shall remain in open space.*

**Consistent:** The approved project, currently on appeal, has been designed to fit the existing site conditions and does not include any additional grading or tree removal. Proposed landscaping would not adversely impact adjacent oak trees given size at installation, hand digging for installation and establishment drip irrigation. Therefore, the project is in conformance with this policy.

- **Montecito Community Plan Policy BIO-M-1.17:** *Oak trees, because they are particularly sensitive to environmental conditions, shall be protected to the maximum extent feasible. All land use activities, including agriculture shall be carried out in such a manner as to avoid damage to native oak trees. Regeneration of oak trees shall be encouraged.*

**Consistent:** No removal of native oaks or other protected trees is included as a part of the proposed project. Proposed landscaping would not adversely impact adjacent oak trees given size at installation, hand digging for installation and establishment drip irrigation. Therefore, the project is in conformance with this policy.

- **Montecito Community Plan Policy AQ-M-1.3:** *Air pollution emissions from new development and associated construction activities shall be minimized to the maximum extent feasible. These activities shall be consistent with the Air Quality Attainment Plan and Air Pollution Control District guidelines.*

- **Montecito Community Plan Policy AQ-M-1.4:** *The County shall, in its land use decisions, protect and enhance the air quality in Montecito consistent with California Ambient Air Quality Standards and National Ambient Air Quality Standards.*

**Consistent:** Dust mitigation conditions are applicable to the project.

### 6.3 Ordinance Compliance – Montecito L.U.D.C.

- **Section 35.423.020.A – Purpose of the E-1 Single-Family Residential zone states:**

*The E-1 zone is applied to areas appropriately located for family living at a reasonable range of population densities, consistent with sound standards of public health, safety, and welfare. This zone is intended to protect the residential characteristics of an area and to promote a suitable environment for family life.*

**Compliant:** The approved project, currently on appeal, is in conformance with the purpose and intent of the E-1 zone district of the Montecito LUDC. The project abates a current zoning violation and would restore adequate screening to the site. The landscape design was reviewed and approved by the MBAR on April 20, 2009. The overall design of the landscaping is consistent with sound standards of public health, safety and welfare as well as protecting the residential characteristics of the area and promoting a suitable and more secure environment for family life. Selected plant species both perpetuate the site's previous condition as an avocado orchard when the Tract Map 14,496 was created, and inclusion of hedge species is consistent with many surrounding estates typical to urban Montecito.

- **Section 35.472.110.A – Purpose and Intent [of Land Use Permits] in the Montecito LUDC states:**

*The Section is establishes procedures and findings for the approval, issuance of, and effective time periods for Land Use Permits. The intent of this Section is to ensure that development proposals are in conformity with the Comprehensive Plan including the Montecito Community Plan, the Montecito LUDC, and any conditions established by the County.*

**Compliant:** The previously approved landscaping, now on appeal, would be in conformance with the purpose and intent of a Land Use Permit as it would allow abatement of the existing zoning violation and permit the land owner to restore adequate screening consistent with the Comprehensive Plan including the Montecito Community Plan, and the Montecito LUDC, E-1 zoning district.

### 6.4 Design Review

The approved project, now on appeal before the Commission, went to the MBAR on three separate occasions for conceptual review (July 28, 2008, August 25, 2008 and February 23, 2009) in context of a pool and cabaña project before it received preliminary approval on April 20, 2009 for revised final of the landscape plan only. See Attachments P-S for approved minutes for each MBAR hearing.

## 7.0 APPEALS PROCEDURE

- The action of the Montecito Planning Commission may be appealed to the Board of Supervisors within 10 calendar days of said action: The appeal fee to the Board of Supervisors is \$443.
- The action of the Board of Supervisors is not appealable.

## 8.0 ATTACHMENTS

- A. Findings for Approval
- B. Environmental Document: Notice of Exemption
- C. Conditions of Approval
- D. Letter Attached to April 29, 2009 Appeal Application
- E. Arborist Report by Duke McPherson, dated January 22, 2009
- F. Letter by Duke McPherson, dated March 11, 2009
- G. Letter by Duke McPherson, dated March 25, 2009
- H. Email from Duke McPherson, dated April 29, 2009
- I. Photo: East-wing of Sipple residence facing Stone residence: Photo taken May 1, 2009
- J. Photo: View from Stone residence "large window" facing Sipple residence: Photo taken May 1, 2009
- K. Photo: 15-gallon Pittosporum Undulatum
- L. Photo: Southern new avocado – already planted: Photo taken May 1, 2009
- M. Photo: Middle new avocado – already planted: Photo taken May 1, 2009
- N. Photo: Northern new avocado – already planted: Photo taken May 1, 2009
- O. Map of Mediterranean Climate Zones
- P. MBAR comments: Conceptual Review, dated July 28, 2008
- Q. MBAR comments, Conceptual Review, dated August 25, 2008
- R. MBAR comments, Conceptual Review, dated February 23, 2009
- S. MBAR comments, Revised Final Approval, dated April 20, 2009
- T. Reduced Site Plan
- U. Aerial Map
- V. Photo: View from Sipple residence before avocado trees removed: Undated (Spring/Summer)
- W. Photo: View from Sipple residence after avocado trees removed: Undated (Fall/Winter)
- X. Photo: View from Sipple residence: Photo taken April 8, 2009



## ATTACHMENT A:

### FINDINGS FOR APPROVAL

#### 1.0 CEQA FINDINGS

The project, Case No. 09LUP-00000-00166 can be found exempt from environmental review based upon Section 15304 [Minor Alterations to Land] of the California Environmental Quality Act (CEQA) guidelines. Section 15304(b) states that projects that consist of minor public or private alterations in the condition of land, water, and/or vegetation, including new gardening or landscaping, including the replacement of existing conventional landscaping with water efficient or fire resistant landscaping are exempt from the provisions of CEQA. Because the project constitutes new landscaping, the exemption is appropriate.

#### 2.0 LAND USE PERMIT FINDINGS

**Pursuant to Section 35.472.110.E, a Land Use Permit application shall be approved or conditionally approved only if the decision-maker first makes all of the following findings:**

**2.1. *The proposed development conforms to the applicable provisions of the Comprehensive Plan, including the Montecito Community Plan and with the Montecito LUDC.***

The proposed project would be consistent with the Comprehensive Plan, including the Montecito Community Plan, as the project would abate a current zoning violation and bring the subject parcel into full compliance with all applicable land use development policies and zoning standards. Therefore this finding can be made.

**2.2. *That the proposed development is located on a legally created lot.***

The subject parcel (APN 115-060-028) is recorded in Book 185, page 94-98 as lot 1 of the Cross Creek Tract Map 14,496, Phase II, in the office of the County Clerk & Recorder and as such is deemed a legally created parcel. Therefore, this finding can be made.

**2.3. *The subject property is in compliance with all laws, regulations, and rules pertaining to uses, subdivisions, setbacks, and any other applicable provisions of this Development Code, and any applicable zoning violation enforcement and processing fees have been paid. This Subsection shall not be interpreted to impose new requirements on legal nonconforming uses and structures in compliance with Chapter 35.491 (Nonconforming Uses, Structures, and Lots).***

Installation of the approved additional landscaping will abate the existing zoning violation and would bring the subject property into compliance with all laws, rules, and regulations pertaining to zoning uses, height, setbacks and other applicable divisions of the Montecito Land Use Development Code. Therefore, this finding can be made.

#### 3.0 MBAR DESIGN REVIEW FINDINGS

**3.1. Design Review applications shall be approved or conditionally approved only if the Montecito Board of Architectural Review first makes all of the following findings:**

- a. ***Overall structure shapes, as well as parts of any structure (buildings, fences, screens, signs, towers, or walls) are in proportion to and in scale with other existing or permitted structures on the same site and in the area surrounding the property.***

No new structures are proposed as a component of the project before the Planning Commission. However, a boulder wall, up to approximately 4 feet in height and 140 feet in length, was approved for construction inside of and adjacent to the southwestern edge of the development envelope. The wall was found to be in proportion to and in scale with the other existing and permitted structures on the site and area surrounding the property. This wall also raises the base height of the third layer of vegetation screening (3 additional avocado trees) to approximately 308.5 feet, in order to facilitate adequate screening. Therefore, this finding can be made.

- b. ***Electrical and mechanical equipment will be well integrated into the total design concept.***

There are no electrical or mechanical equipment structures proposed as a part of the approved project on appeal. Therefore, this finding is not applicable.

- c. ***There will be harmony of color, composition, and material on all sides of a structure.***

There is no new structure proposed as a part of the approved project on appeal requiring design review of color, composition and material. Therefore, this finding is not applicable.

- d. ***There will be a limited number of materials on the exterior face of the structure.***

As stated above, there is no new structure proposed as a part of the approved project on appeal. Therefore, this finding is not applicable.

- e. ***There will be a harmonious relationship with existing and proposed adjoining developments, avoiding excessive variety and monotonous repetition, but allowing similarity of style, if warranted.***

As discussed above in Section 6.4 of this staff report, the approved project, now on appeal before the Commission, went to the MBAR on three separate occasions for conceptual review before it received preliminary approval on April 20, 2009 for revised final of only the landscape plan. The MBAR found that the additional landscaping (a new Pittosporum hedge and 6 new avocado trees) was harmonious with the existing development and landscaping in the area. Therefore, this finding can be made.

- f. ***Site layout, orientation and location of structures and signs will be in an appropriate and well designed relationship to one another, and to the environmental qualities, open spaces, and topography of the site with consideration for public views of the hillsides and the ocean and the semi-rural character of the community as viewed from scenic view corridors as shown on Figure 37, Visual Resources Map in the Montecito Community Plan EIR (92-EIR-03).***

With consideration for public views of the hillsides and the ocean and the semi-rural character of the community as viewed from scenic view corridors, the subject parcel is not viewable from any of these applicable public viewsheds. Therefore, this finding is not applicable.

- g. Adequate landscaping will be provided in proportion to the project and the site with due regard to preservation of specimen and landmark trees, existing vegetation, selection of plantings that are appropriate to the project and that adequate provisions have been made for the maintenance of all landscaping.**

All specimen and protected trees and other existing vegetation was reviewed and considered within the MBAR approval of the additional landscaping. Additionally, the project has received numerous reviews and comments from County-qualified arborist, Duke McPherson, dated January 22, 2009, March 11, 2009 and March 25, 2009 (See Attachments E-G) regarding the adequacy of preservation of existing trees and appropriateness of the plantings, irrigation schedule and maintenance of all new and existing landscaping. Therefore, this finding can be made.

- h. Grading and development is designed to avoid visible scarring and will be in an appropriate and well designed relationship to the natural topography with regard to maintaining the natural appearance of the ridgelines and hillsides.**

With regard to maintaining the natural appearance of ridgelines and hillsides, the subject parcel is a relatively flat lot, not subject to the ridgeline and hillside development policies. However, grading and development is appropriate and well designed with respect to the new garden wall inside the development envelope. Therefore, this finding can be made.

- i. Signs including associated lighting are well designed and will be appropriate in size and location.**

No signage or lighting is proposed as a part of the approved project on appeal. Therefore, this finding is not applicable.

- j. The proposed development will be consistent with any additional design standards expressly adopted by the Board for a specific local community, area or district in compliance with Local design standards.**

There are no additional design standards expressly adopted by the Board beyond those discussed in Section 2.1 above. Therefore, this finding is not applicable.

**ENVIRONMENTAL DOCUMENT**

**NOTICE OF EXEMPTION**

**TO:** Santa Barbara County Clerk of the Board of Supervisors

**FROM:** J. Ritterbeck, Planning & Development, South

The project or activity identified below is determined to be exempt from further environmental review requirements of the California Environmental Quality Act (CEQA) of 1970, as defined in the State and County Guidelines for the implementation of CEQA.

**APN:** 155-060-028

**Case Nos.:** 09LUP-00000-00166

**Location:** 660 Stonehouse Lane, Montecito, CA

**Project Title:** Stone Additional Landscaping

**Project Description:** The project is for the installation of additional landscaping to the southwestern corner of the parcel. New landscaping will resolve a current zoning violation and includes the following: 1) Increase the size of 7 Pittosporum plants to 15 gallon plants that are located outside of the Critical Root Zone (CRZ) of the existing oaks, 2) Pittosporum shrubs planted within a CRZ of any oak shall be a 5 gallon size, 3) Three or more additional 36" box avocado trees are to be planted on the upper bank, immediately inside the building envelope-one at the southeast corner and two more visually spaced between the Pittosporum plantings, 4) Implement the irrigation recommendations of the arborist, outlined in the Duke McPherson letter, dated 3/11/09, 5) Maintain consistency with the approved tree protection plan, and 6) No trees will be removed as a part of this project and less than 50 cubic yards of grading will be required for the construction of a new 4-foot boulder wall approximately 140 feet in length along the southwestern corner of the building envelope.

**Name of Public Agency Reviewing Project:** County of Santa Barbara, CA

**Name of Person or Agency Carrying Out Project:** Douglas Stone

**Exempt Status:** (Check one)

- Ministerial
- Statutory Exemption
- Categorical Exemption
- Emergency Project
- Declared Emergency

**Cite specific CEQA Guideline Section: §15304, Minor Alterations to Land**

**Reasons to support exemption findings:** The project can be found exempt from environmental review based upon Section 15304 [Minor Alterations to Land] of the California Environmental Quality Act (CEQA) guidelines. Section 15304(b) states that projects that consist of minor public or private alterations in the condition of land, water, and/or vegetation, including new gardening or landscaping, including the replacement of existing conventional landscaping with water efficient or fire resistant landscaping are exempt from the provisions of CEQA. Because the project constitutes new landscaping, the exemption is appropriate.

**Lead Agency Contact Person:** J. Ritterbeck, Planner II    **Phone #:** (805) 568-3509

**Department/Division Representative:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Acceptance Date:** \_\_\_\_\_

*Note: A copy of this form must be posted at P&D 6 days prior to a decision on the project. Upon project approval, this form must be filed with the County Clerk of the Board and posted by the Clerk of the Board for a period of 30 days to begin a 35 day statute of limitations on legal challenges.*

Distribution:    Hearing Support Staff  
  
                    Project file (when P&D permit is required)

Date Filed by County Clerk

\_\_\_\_\_ / \_\_\_\_\_ / 2009

## ATTACHMENT C: CONDITIONS OF APPROVAL

- 1. Project Description.** This Land Use Permit is based upon and limited to compliance with the project description, the exhibits, and the conditions of approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

**The project is for a Land Use Permit to allow the installation of additional landscaping in the rear of the property to provide immediate screening to and from the neighboring properties. Additional landscaping is to include the following:**

- 1) Increase the size of 7 Pittosporum plants to 15 gallon plants that are located outside of the Critical Root Zone (CRZ) of the existing oaks.**
- 2) Pittosporum shrubs planted within a CRZ of any oak shall be a 5 gallon size.**
- 3) Three or more additional 36" box avocado trees are to be planted on the upper bank, immediately inside the building envelope-one at the southeast corner and two more visually spaced between the Pittosporum plantings (See notations provided by MBAR on Sheet L1, dated 4/13/09).**
- 4) Implement the irrigation recommendations of the arborist, outlined in the Duke McPherson letter, dated 3/11/09.**
- 5) Maintain consistency with the approved tree protection plan.**
- 6) Revise plan sheet notations by deleting note #s 2 and 6 and revising note #3, described in staff's memo (4/14/09) as follows:**
  - Planting Note #2: deletion of the phrase "and landscape architect and owner to make final adjustments as necessary"**
  - Planting Note #3: Add the Phrase "consistent with arborist direction"**
  - Planting note #6: Delete**

**The parcel will continue to be served by the Montecito Water District, the Montecito Sanitary District, and the Montecito Fire District. Access will continue to be provided off of Stonehouse Lane. The property is a 2.04-acre parcel zoned 2-E-1 and shown as Assessor's Parcel Number 155-060-028, located at 660 Stonehouse Lane in the Montecito Community Plan Area, 1<sup>st</sup> Supervisorial District.**

### Standard Conditions

- 2. Plan Requirements.** All conditions shall be shown on grading and building plans.
- 3. Project Conformity.** The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas, and landscape areas, and the protection and preservation of resources shall strictly conform to the project description above and the conditions of approval below. The property and any portions thereof shall be sold, leased, or financed only in compliance with this project description and the conditions of approval hereto.
- 4. Montecito Board of Architectural Review.** Exterior elevations, colors, and materials to conform to that approved by the MBAR as part of 06BAR-00000-00182. Final MBAR review and approval

shall be obtained **prior to issuance** of the LUP. The project shall conform to final MBAR approval in all respects. The project shall be in strict conformance with MBAR approved colors and materials. The MBAR approved color and material board shall be kept on-site throughout construction and be available for Planning and Development staff. **Plan Requirement:** Materials shall be denoted on building plans.

5. **Night Lighting.** Any exterior night lighting installed on the project site shall be of low intensity, low glare design, minimum height, and shall be hooded to direct light downward onto the subject parcel and prevent spill-over onto adjacent parcels. **Plan Requirement and Timing:** The applicant shall submit architectural drawings of the project for review and approval by the Montecito Board of Architectural Review **prior to issuance** of the LUP.
6. **Storm Water Runoff.** Storm drain inlets shall be protected from sediment-laden waters by the use of inlet protection devices such as gravel bag barriers, filter fabric fences, block and gravel filters, and excavated inlet sediment traps. Best Management Practices (BMPs) shall be incorporated into the project and maintained throughout all construction and development associated with this LUP.
7. **Permit Acceptance.** The applicant's acceptance of this permit and/or commencement of construction and/or operations under this permit shall be deemed acceptance of all conditions of this permit by the permittee.
8. **Additional Permit Requirements.** The use and/or construction of the building or structure, authorized by this approval cannot commence until the LUP has been issued. Prior to the issuance of the LUP, all of the project conditions that are required to be satisfied prior to issuance of the LUP must be satisfied.
9. **Time Extension.** If the applicant requests a time extension for this permit, the permit may be revised to include updated language to standard conditions and/or mitigation measures and additional conditions and/or mitigation measures which reflect changed circumstances or additional identified project impacts.
10. **Construction Hours.** Construction activity for site preparation and for future development shall be limited to the hours between 7:00 a.m. and 4:30 p.m., Monday through Friday. No construction shall occur on State holidays (i.e., Thanksgiving, Labor Day). Construction equipment maintenance shall be limited to the same hours. Non-noise generating construction activities such as interior painting are not subject to these restrictions. **Plan Requirements:** *Three (3)* signs stating these restrictions shall be provided by the applicant and posted on site. **Timing:** Signs shall be in place prior to beginning of and throughout grading and construction activities. Violations may result in suspension of permits. **MONITORING:** Building & Safety shall respond to complaints.
11. **Off-street Construction Parking.** All construction-related vehicles, equipment staging and storage areas shall be located onsite and outside of the road and highway right of way. The applicant shall provide all construction personnel with a written notice of this requirement and a description of approved parking, staging and storage areas. The notice shall also include the name and phone number of the applicant's designee responsible for enforcement of this restriction. **Plan**

**Requirements:** Designated construction personnel parking, equipment staging and storage areas shall be depicted on project plans submitted for land use permit clearance. A copy of the written notice shall be submitted to P&D prior to permit clearance and at any time during construction, at P&D's request. **Timing:** This restriction shall be maintained throughout construction. **MONITORING:** Building & Safety shall confirm the availability of designated onsite areas during construction, and as required, shall require re-distribution of updated notices and/or refer complaints regarding offsite parking to appropriate agencies.

12. **Permit Expiration.** This LUP shall expire two years from the date of issuance or, if appealed, the date of action by the Board of Supervisors on the appeal, if the permit for use, building or structure permit has not been issued.
13. **Print & Illustrate Conditions on Plans.** All applicable final conditions of approval shall be printed in their entirety on applicable pages of grading/construction or building plans submitted to P&D or Building and Safety Division. These shall be graphically illustrated where feasible.
14. **Additional Permits Required.** Before using any land or structure, or commencing any work pertaining to the erection, moving, alteration, enlarging, or rebuilding of any building, structure, or improvement, the applicant shall obtain a Building Permit from P&D. This Permit is required by ordinance and is necessary to ensure implementation of the conditions required under the LUP.
15. **Indemnity and Separation Clauses.** Developer shall defend, indemnify and hold harmless the County or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of the LUP. In the event that the County fails promptly to notify the applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.
16. **Legal Challenge.** In the event that any condition imposing a fee, exaction, dedication or other mitigation measure is challenged by the project sponsors in an action filed in a court of law or threatened to be filed therein which action is brought within the time period provided for by law, this approval shall be suspended pending dismissal of such action, the expiration of the limitation period applicable to such action, or final resolution of such action. If any condition is invalidated by a court of law, the entire project shall be reviewed by the County and substitute conditions may be imposed.



ATTACHMENT TO SIPPLE APPEAL OF  
LAND USE PERMIT ISSUANCE FOR  
STONE REVISED LANDSCAPE PLAN

The Sipple Appeal of the issuance of Land Use Permit 09LUP-00000-00166 is based upon the same grounds as stated for their appeal of the Montecito Board of Architectural Review's approval of the Stones' revised landscape plan because the Land Use Permit simply implements the MBAR approval. The Sipples' appeal of the Land Use Permit are as follows:

1. The approval is inconsistent with the Montecito Community Plan policies and development standards.

*Policy BIO-M-1.15 states: To the maximum extent feasible, specimen trees shall be preserved. Specimen trees are defined for the purposes of this policy as mature trees that are healthy and structurally sound and have grown into the natural stature particular to the species. Native or non-native trees that have unusual scenic or aesthetic quality, have important historical value, or are unique due to species type or location shall be preserved to the maximum extent feasible.*

*Development Standard BIO-M-1.15.1 states: All existing specimen trees shall be protected from damage or removal by development to the maximum extent feasible.*

2. The approval is not consistent with the Montecito Architectural Guidelines and Development Standards.

*Section I.D. Good Neighbor Policies states: 1. Consider proposed house design within the context of the neighborhood. 3. Consider mutual neighborhood privacy in all aspects of the house design and site layout, including noise and lighting. 4. Consider your neighbors' views and privacy in the placement and architectural appearance of your house or addition.*

*Section I.E. **Required Findings** states that prior to approving any BAR application, the BAR shall make the following findings: 5. There shall be a harmonious relationship with existing developments in the surrounding neighborhood. 7. Adequate landscaping shall be provided in proportion to the project and the site with regard to preservation of specimen and landmark trees, existing vegetation, selection of planting which will be appropriate to the project, and adequate provision for maintenance of all planting. 10. The proposed development is consistent with any additional design standards as expressly adopted by the Board of Supervisors for a specific local community, area, or district. [NOTE: These also are required findings under County Zoning Ordinance Article II, Section 2-33.15.]*

*Section III.A.1 defines "neighborhood compatibility" as the relationship between surrounding structures and their settings so that the effect of all structures taken together is aesthetically pleasing, keeping the neighborhood in harmony and balance.*

*Section III.A.2 states that the applicant should consider design methods that minimize the*

visual impacts of development from adjoining properties by providing landscaping to screen development.

Section III.C.1 states that "Privacy" is defined as the enjoyment of an individual property where visual intrusion has been minimized.

Section III.C.2 states that "Residential privacy is a key ingredient in the quality of life in Montecito."

Section III.C.3 states: (a) "The siting of new structures in relationship to existing structures should take into account the impact upon views from neighboring sites." (g) Structures should be located and designed to avoid placement of windows, decks and balconies which look directly onto private areas of adjacent properties."

Section III.D.3 states: (b) "Residential projects should be designed to preserve significant and unique vegetation groupings which contribute to the character of the site and the neighborhood. Site plans should demonstrate a diligent effort to retain as many 'significant trees' as possible." "Significant Tree" means any tree which is in good health and is more than 12 inches in diameter as measured 4 feet 6 inches above the root crown. Any tree of the Quercus (oak) genus which is in good health and is more than 6 inches in diameter as measured 4 feet 6 inches above the root crown is considered a "significant tree."

Section III.H. states: 2. "To maintain the semi-rural character of Montecito, the natural landscape must continue to be the dominant feature of the community." 3.e. "Landscape planting designs should reinforce the dominant vegetative patterns that define the natural oak woodland and ornamental urban forest that is characteristic of Montecito." 3.f. "Plantings should be compatible with the character of the site, the project, and surrounding properties." 3.i. "Significant trees are important aesthetic and ecological resources that contribute to Montecito's distinctive character. Site development plans should demonstrate diligent effort to retain as many significant trees as possible."

2. The approval is inconsistent with the Montecito Board of Architectural Review Bylaws and Guidelines.

Section 7.1 states: "The purpose of these guidelines is to assist the property owner, homeowner, architect, developer, and builder in designing projects that will be harmonious with the existing character of Montecito. The goal is to ensure that new development will carefully consider the community context in which it takes place and have a compatible relationship to neighboring properties and the community design goals."

Section 7.2 states: "These Architectural Guidelines and Development Standards also serve as a guide for the Montecito Board of Architectural Review, County staff and the decision makers in the design review process."

3. The approval is inconsistent with the Tentative Map and Land Use Permit requirements applicable to the Stone property.

*The Negative Declaration for the Cross Creek Ranch II project (the Stone Parcel is Lot 1 of that project), 99-ND-05, addressed the sensitivity of oak trees and the need to prevent ground disturbance within 6 feet of their driplines. 99-ND-05 states: "Direct impacts to onsite biological resources would occur as a result of additional grading and construction associated with further development of the proposed lots, primarily related to the loss of existing coast live oaks. " "Such impacts include both oak tree removal and ground disturbance within six (6) feet of the dripline of individual trees." "The most appropriate approach to limiting biological impacts associated with oak removal is probably to delineate development envelopes for each proposed lot. . . . Such envelopes would define the possible scope of site disturbance activities."*

*The Mitigation Measures for approval of the tentative map include #9, which requires that building envelopes be established for the proposed lots and that "No ground disturbance activities outside these envelopes shall be allowed with exception for drainage improvements required by the Santa Barbara County Flood Control & Water Conservation District within approved drainage easements, landscaping, and fencing consistent with any future drainage plan proposed for the lots in question."*

*Land Use Permit 06LUP-00000-00617 for the revised main house and residential second unit received MBAR and County staff approval based upon a landscape plan that showed that the then-existing solid screen of avocado trees located outside the building envelope would remain. Condition #31 states: "Landscaping shall be maintained for the life of the project." Condition #32 states: "The project landscaping shall consist primarily of drought-tolerant and/or Mediterranean type species that adequately screen the project from surrounding land uses. Landscaping shall be compatible with the character of the surroundings and the architectural style of the structure."*

4. This approval is inconsistent with the MBAR's comments at their February 23, 2008, July 28, 2008, and August 25, 2008 hearings wherein the lost screening was a major issue.

**MBAR Comments on 2/23/08:**

- 2. MBAR does not believe the development envelope should be changed.*
- 3. Replanted avocados should be located as close as possible to the original location in rows.*
- 4. The site needs additional screening and privacy from the property to the west (e.g., supplement the hedge, Pittosporum, landscaping reminiscent of an old rural orchard, additional plantings on the other side of the property line).*

**MBAR Comments on 7/28/08.**

*Screening should be restored to original conditions.*

*The avocado trees should be staggered, possibly in two rows, or offset the new ones inward.*

*An avocado "hedge" treatment is not acceptable.*

*Provide an arborist's report on the affected oak and show oak on the plans; avoid root*

*structure of the oak with any new plantings.*

*MBAR Comments on 8/25/08.*

*MBAR does not support the property line wall or Pittosporum hedge.  
MBAR prefers a double row of staggered avocados for screening.*

Mr. and Mrs. Sipple did not oppose the Stone project, despite its bulk and scale, particularly at its southwest corner, for one reason – the Stones left the two rows of mature avocado trees in place until they had obtained County approval and had erected their home. The residential second unit has a large window that, were it not for the screening, looked right into the Stones' bedroom, living area, and outdoor living area. With the screening in place, the Sipples didn't object. When the Stones removed the avocado tree screening, in violation of the conditions on their LUP and contrary to the representations made to the MBAR that these trees would remain, the full visual impact of the Stones' house became evident. The Sipples lost all privacy. This one act – removing mature screening – has placed the entire Stone project in violation of all of the policies, development standards, required findings, mitigation measures, and conditions set forth above.

No one can dispute that the design of the Stone residence violates the policies, development standards, and design guidelines, as well as the LUP and Cross Creek Ranch map conditions cited above, as it now looms over the Sipple property with a large window looking directly into the private areas of their home, including their bedroom. The inappropriate design cannot be remedied, but the lack of adequate screening can be remedied without further delay.

In an effort to restore what it considered to be reasonable screening, the MBAR approved a landscape plan that relies heavily on a pittosporum hedge, planted in a Flood Control District flood swale. The MBAR also has relied on the mistaken belief that the proposed avocado trees, together with the pittosporum hedge, will adequately replace the former screening and restore the Sipples' privacy within two (2) years. The belief is mistaken for several reasons. First, the Stone house has been elevated to move it out of the flood plain. According to the landscape plan, the pad for the Stone house is 310 above sea level at its closest proximity to the west (Sipple) property line. The proposed landscaping starts at Elevation 304 and steps up from there, but doesn't even reach the 310 elevation.

Second, according to a local avocado orchard operator, the avocado trees that the Stones have planted, ranging from 6 feet in height to 11 feet, will suffer transplant shock for the first year so their growth will slow. Thereafter, they will grow at an annual rate of approximately 6-12 inches. They will fill out very gradually as they grow, but will take well over 10 years to reach the height and fullness required to provide meaningful screening for a house of this size, bulk and scale. Avocado trees (which originate in Mexico or Central/South America) require good drainage and will die if over-watered. A local landscaper and nurseryman who has landscaped most of the major estates in Montecito and Hope Ranch advises that the pittosporum undulatum proposed by the Stones (a shrub that is from Australia and is not Mediterranean as required by LUP Condition #32) grows at an approximate rate of 12-16" per year but is highly sensitive to over-watering and requires excellent drainage.

Third, as described above, neither the avocado nor the pittosporum is suitable for this drainage swale area and will die if inundated with flood water.

The MBAR's decision also relies upon the continued health of oak trees located on the Sipple property or on the shared property line. One of these trees is thriving. The other has been declining steadily and alarmingly ever since the Stones removed the avocado tree screening. The decline is unfortunate but not surprising, given the way that the avocados were removed. Heavy equipment was brought in, the operator ran the equipment back and forth over the Critical Root Zone of the oak, slamming into the avocado trees with the blade from various angles to loosen them, then dug down and ripped the intact trees from the ground. Because many of the avocado trees were located under and adjacent to the oak tree canopy, the oak tree roots were heavily impacted. The oak now has dead limbs showing and has not re-leafed this Spring as other oaks in the area have done. It appears to be dying and cannot be relied upon to provide any future screening.

In short, the landscape plan proposed by the Stones may be an inexpensive approach to replacing mature trees, but it does nothing to restore promptly the privacy and visual screening that the Sipples enjoyed prior to the unpermitted tree removal. With this plan, it will take approximately 10 years to restore privacy lost almost one year ago.

The Sipples ask that your Commission require that mature oak trees be added to this plan, oak trees that are placed at the same elevation as the finish floor of the Stone house. The avocado trees can fill in beneath the oaks and between the oaks and the Sipple property line. The Sipples request that the pittosporum hedge, which is out of place on this site and in the surrounding area where pittosporum is not the prevalent vegetative screening, be deleted from the plan. Consistent with Montecito Guidelines Section III.H. (which states: 2. "To maintain the semi-rural character of Montecito, the natural landscape must continue to be the dominant feature of the community." 3.e. "Landscape planting designs should reinforce the dominant vegetative patterns that define the natural oak woodland and ornamental urban forest that is characteristic of Montecito." 3.f. "Plantings should be compatible with the character of the site, the project, and surrounding properties."), oak and avocado trees represent the dominant vegetative patterns in Cross Creek Ranch and neighboring properties.

Because their damaged oak tree is meant to provide some of the screening, the Sipples ask that an additional condition be added to the Stone project: If, within five (5) years after the MPC approval, a qualified arborist determines that the existing oak tree damaged by the Stones' improper earth disturbance and tree removal is dead or dying, the Stones shall remove and replace that tree in the same location with one of comparable size and in good health and condition.

Issuance of this Land Use Permit is intended to resolve an outstanding zoning violation related to the Stones' improper removal of the avocado trees and improper earth disturbance within the restricted zone outside their building envelope. The Land Use Permit fails to restore to the Sipples, who are the only ones suffering from the impact of the zoning violation, their privacy and their view. To ask the Sipples to wait for 10-11 years for small trees and shrubs to grow, and submitting them to the risk that the trees and shrubs will be killed by flood waters and their screening snatched away again, is unreasonable and unfair. Their quality of life and their

property values have been severely damaged. They need immediate relief. The only suitable relief, and perhaps as a necessary deterrent to further improprieties on the Stone site and a warning to others considering the same gamble that the Stones ventured when they removed the screening as they planned to place their pool and entertainment center outside the building envelope in the location occupied by the trees, is to require mature plantings that will restore privacy and viewshed now, not far into the future.

## Duke McPherson, Arborist

201 East Mountain Drive  
Santa Barbara, CA 93108  
Phone 805 969-4676  
E-mail: treemanduke@cox.net

January 22, 2009

Bob Easton AIA Architect  
1505 East Valley Road  
Santa Barbara, California 93108

### Arborist Report Addendum

Dear Mr. Easton,

I have written this letter form arborist report as an addendum to a tree protection report written on October 26, 2008 concerning construction activities near three Coast Live Oak trees, *Quercus agrifolia*, on the property at 660 Stonehouse Lane, Santa Barbara, California. I was asked to write the present report as a response to questions regarding details of tree protection which were not covered in the previous one. A graphic of the area being addressed can be found on page 5 of that report.

The specific issue in question is whether the removal of any of the three Avocado trees, *Persea americana*, described disturbed the roots of nearby oak trees and as a result impacted their health. Referring to the site plan, the removal of only one Avocado tree, which was located at the outer edge of the Critical Root Zone of oak tree # 2 (with a CRZ of 19 1/2') appears to have had the potential for impacting tree health.

To obtain details of the removal and cleanup process, I interviewed the project contractor, Bill Sparrow, on January 21, 2009. He related that he used an excavator bucket to loosen the tree trunk from the soil and carry it away. A hole resulted from the extraction of the stump, however, no bucket excavation of the area had occurred. A tractor loader was then used to fill the hole and clean up the layer of leaves and mulch which had previously covered the orchard's soil surface.

I examined oak tree # 2 on the same day and observed that no significant changes in all over health and vigor had occurred since my first visit in August of 2008. A common pest of oak trees found throughout the area, the Two Horned Oak Gall Wasp, *Dryocosmus dubiosus*, has caused the browning of leaf edges in this and the other two Coast Live Oak trees nearby.

Even though there was soil disturbance at the outer margin of the CRZ of oak tree # 2, only a minor number of perimeter roots could have been encroached upon by the operation of avocado tree removal. I conclude that this tree's health has not been negatively affected.

Sincerely yours,

Duke McPherson  
Certified Arborist with the  
International Society of Arboriculture  
Certification Number WE-0690A



# Duke McPherson, Arborist

201 East Mountain Drive

Santa Barbara, CA 93108

Phone 805 705-9529

E-mail: treemanduke@cox.net

March 11, 2009

Bob Easton AIA Architect  
1505 East Valley Road  
Santa Barbara, CA 93108

Dear Bob,

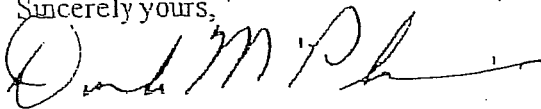
I was asked by your firm to comment on an element of landscaping procedure on the property at 660 Stonehouse Lane, Santa Barbara, California. The question was: "Can the Pittosporums, *Pittosporum undulatum*, proposed for planting as a hedge from 5 gallon size nursery stock along the western property line within the Critical Root Zones of Coast Live Oak trees, *Quercus agrifolia*, be irrigated by the drip method without harming the oaks?" The concern is the possibility that irrigation, applied during the warm growing season, may activate the native soil borne fungus, Oak Root Fungus, *Armillaria mellea*, and/or the water mold *Phytophthora cinnamomi* to attack oak roots and eventually cause decline in tree health.

Typically, tree decline from fungal or water mold activity is due to long term soil saturation throughout the root zone with consequent weakening of root function and providing the soil conditions for maximum fungal and water mold activity.

With proper irrigation application employing drip irrigation spot emitters, widespread soil saturation is affectively avoided. I recommend the following specifications:

1. Install no more than two one gallon per minute delivery emitters per plant for the first year.
2. Schedule the irrigation controller to release water no more frequently than at 3 day intervals.
3. Irrigate for no longer than 4 hours during each watering period.

Sincerely yours,



Duke McPherson

Certified Arborist with the  
International Society of Arboriculture  
Certification number WE-0690

## Duke McPherson, Arborist

201 East Mountain Drive  
Santa Barbara, CA 93108

Phone 805 969-4676

E-mail: treemanduke@cox.net

March 25, 2009

Bob Easton AIA Architect  
1505 East Valley Road  
Santa Barbara, CA 93108

Dear Bob,

In this letter I am responding to further questions regarding tree protection during construction on the property at 660 Stonehouse Lane, Santa Barbara, California. The present concerns are two areas of excavation which may potentially impact tree health:

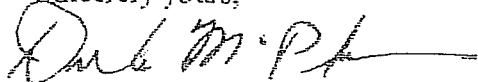
1. The over-excavation needed for swimming pool compaction may have encroached upon the Critical Root Zone (CRZ) of a mature Coast Live Oak tree, *Quercus agrifolia*.

2. The excavation for a pool cabana may involve massive root disturbance in an Avocado tree, *Persea americana*.

In the first instance, the line of over excavation does not extend into the CRZ of any oak tree as was recorded on page 3 in my January 20, 2009 arborist report entitled Tree Protection Plan, 660 Stonehouse Lane. Oak tree health will not be impacted in any way by the adjacent soil excavation and re-compaction.

A small area of an Avocado tree's root zone will be infringed upon during cabana excavation. Typically, Avocado tree root systems are composed of a multitude of tightly matted roots seldom reaching beyond the dripline as opposed to those of oak trees. Though a small fraction of an outer section of roots may be disturbed during construction, I feel that this is not an impact that will affect the health of this tree. I recommend that irrigation of the entire root zone be undertaken at this time.

Sincerely yours,



Duke McPherson  
Certified Arborist with the  
International Society of Arboriculture  
Certification number WE-0690-A

**Ward, Dave**

---

**From:** Duke McPherson [treemanduke@cox.net]  
**Sent:** Wednesday, April 29, 2009 5:56 PM  
**To:** Ward, Dave  
**Cc:** Bob Easton  
**Subject:** Don Sipple complaints

Greetings,

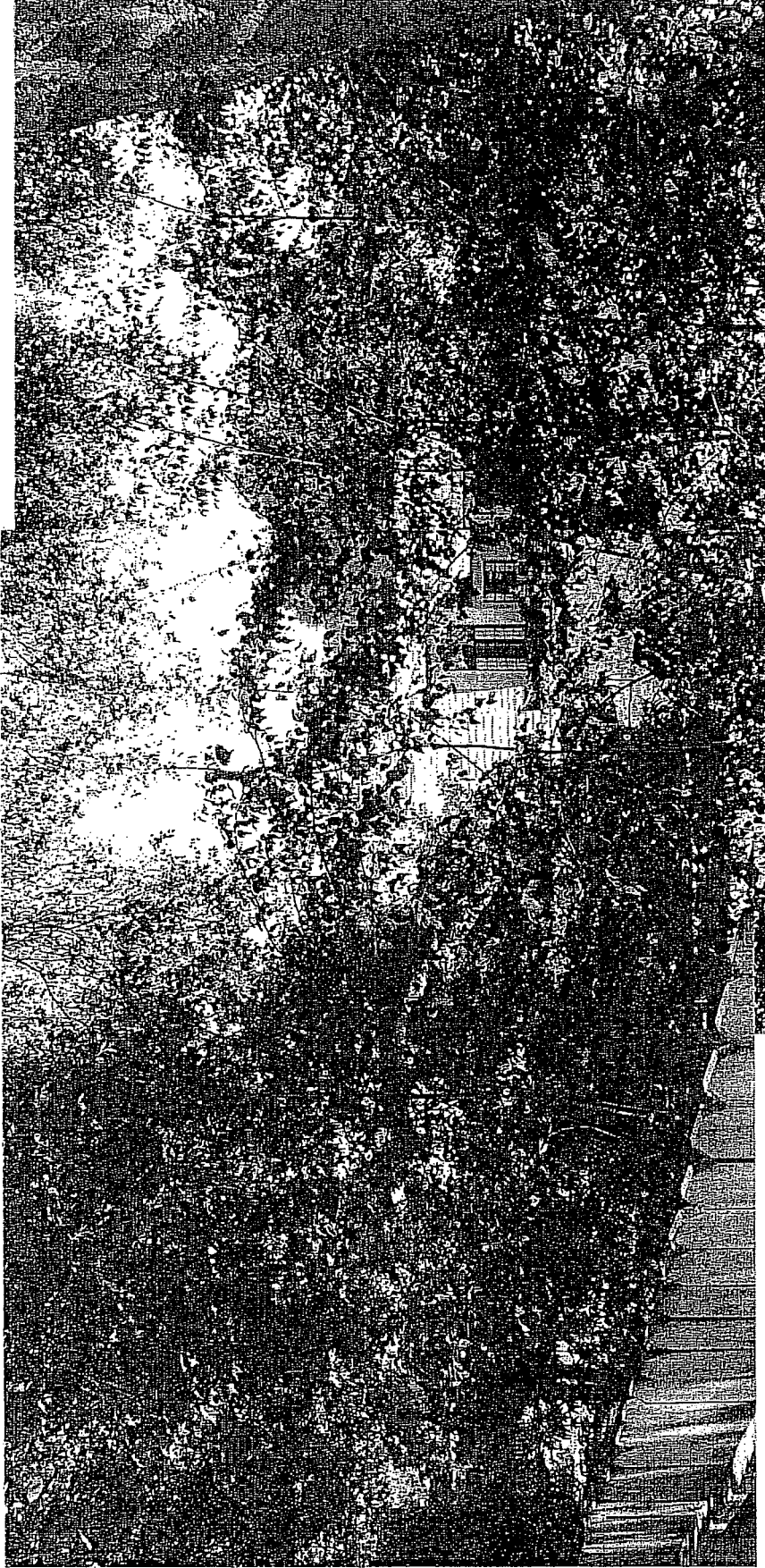
I am the project arborist for the owners of 660 Stonehouse Lane here in Santa Barbara. I have written extensively on the health of various trees, particularly Coast Live Oaks at the western property line for an extended period of time. I must respond to an email dated today by a neighbor, Mr. Don Sipple, who feels that the oak trees are in a state of decline due to construction activities. He sites three photographs that purport to show the current condition of the oak trees and makes other comments. My answers are:

1. The photographs were taken last year as evidenced by the dormant Liquidambar tree shown in two of the photos.
2. The Gall Wasp infestation he mentions was addressed in my August 20, 2008 arborist report:

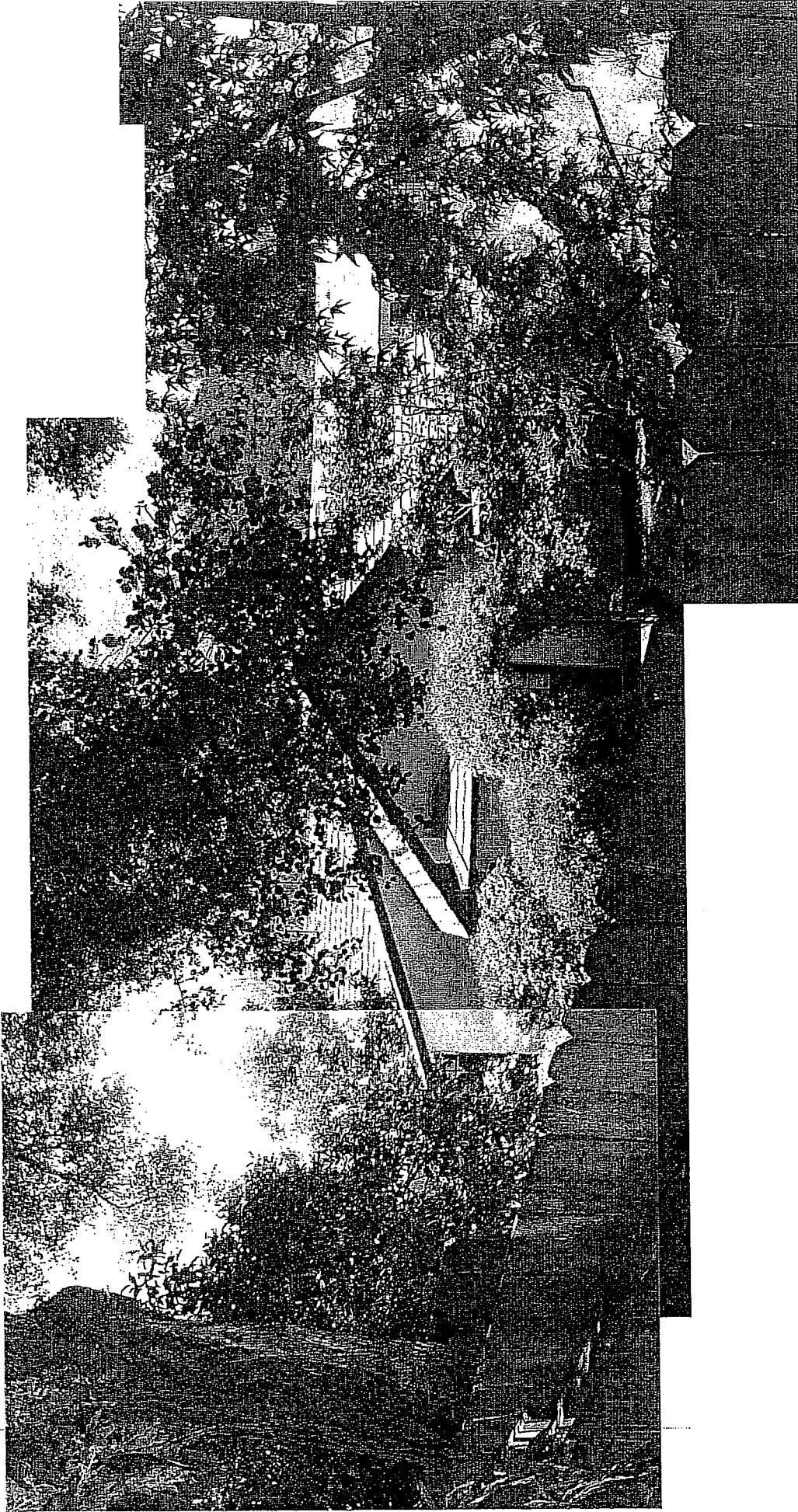
"This is a common insect of the oak forests of the Santa Barbara area and its affect is of a superficial nature." This insect attacks both healthy and unhealthy oak trees and cannot be used as an indicator of tree health.

Please email me ([treemanduke@cox.net](mailto:treemanduke@cox.net)) if I can help with further clarification on this issue or any others which may come up.

Best regards,  
Duke McPherson



East-wing of Sipple residence facing Stone residence



East-wing of Sipple residence facing Stone residence



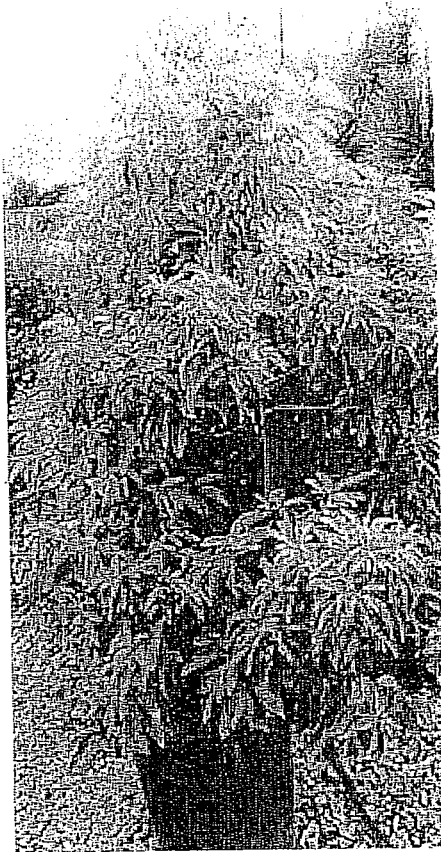
View from Stone residence "large window" facing Sipple residence

Go To: [Home Page](#) [15 Gallon Trees](#)

**Pittosporum Undulatum**

**Victorian Box**

**15 gallon**







Southern new avocado – already planted

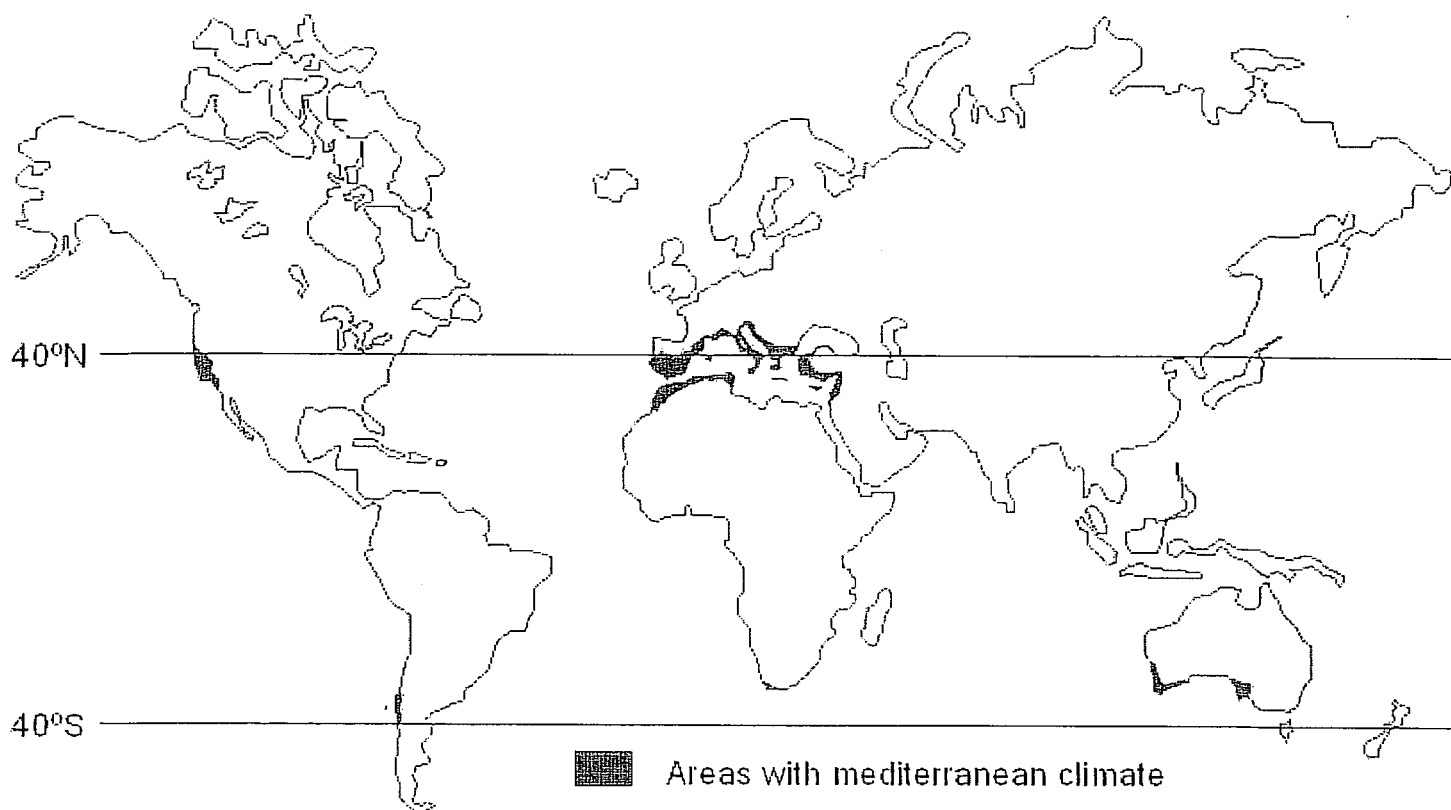




Middle new avocado – already planted



Northern new avocado – already planted



PRELIMINARY APPROVAL

07/28/08

1. **07BAR-00000-00166** **Stone Pool Cabana** **660 Stonehouse Lane**  
07LUP-00000-00453 (Holly Bradbury, Planner.568-3577) Ridgeline: N/A

Request of Bob Easton, architect for the owners, Fiona and Douglas Stone, to consider Case No. 07BAR-00000-00166 for **preliminary/final approval of a pool cabana of approximately 437 net square feet.** The following structures currently exist on the parcel: two-story residence of approximately 6,197 square feet with an attached garage of approximately 964 square feet and basement of approximately 3,579 square feet, detached artist studio of approximately 800 square feet, and attached residential second unit of approximately 917 square feet. The proposed project will require approximately 127 cubic yards of cut and approximately 17 cubic yards of fill. The property is a 2.04 acre parcel zoned 2-E-1 and shown as Assessor's Parcel Number 155-060-028, located at **660 Stonehouse Lane** in the Montecito area, First Supervisorial District. (Continued from 7/16/07.)

**PUBLIC COMMENT:**

- **Susan Petrovich, representing Sipple**
- **Joyce Sipple**
- **Bill Palladini**
- **Tony Harbour**

**MBAR COMMENTS:**

- **Screening should be restored to original conditions.**
- **The avocado trees should be staggered, possibly in two rows, or offset the new ones inward.**
- **An avocado "hedge" treatment is not acceptable.**
- **Provide an arborist's report on the affected oak and show oak on the plans; avoid root structure of the oak with any new plantings.**
- **No concern with the cabana.**
- **MBAR review is limited to the current project description and does not include items intended for future RMM.**
- **Continue to work with your planner.**

**ACTION:** Maphis moved, seconded by Edwards and carried by a vote of 6-0 (Ketzal absent) to continue 07BAR-00000-00166.

08/25/08

14. **07BAR-00000-00166** **Stone Pool Cabana** **660 Stonehouse Lane**  
07LUP-00000-00453 (Holly Bradbury, Planner 568-3577) Ridgeline: N/A

Request of Bob Easton, architect for the owners, Fiona and Douglas Stone, to consider Case No. 07BAR-00000-00166 for **further conceptual review of a pool, landscaping and a pool cabana of approximately 437 net square feet.** The following structures currently exist on the parcel: two-story residence of approximately 6,197 square feet with an attached garage of approximately 964 square feet and basement of approximately 3,579 square feet, detached artist studio of approximately 800 square feet, and attached residential second unit of approximately 917 square feet. The proposed project will require approximately 127 cubic yards of cut and approximately 17 cubic yards of fill. The property is a 2.04 acre parcel zoned 2-E-1 and shown as Assessor's Parcel Number 155-060-028, located at **660 Stonehouse Lane** in the Montecito area, First Supervisorial District. (Continued from 7/16/07 and 7/28/08.)

**PUBLIC COMMENT:**

- **Susan Petrovich**
- **Joyce Sipple**

**MBAR COMMENTS:**

- **Several members would like the cabana and pool reoriented with the back to the neighbors.**
- **MBAR does not support the property line wall or Pittosporum hedge.**
- **MBAR prefers a double row of staggered avocados for screening.**
- **Site visit required before returning.**
- **Stake or mark the cabana and pool location.**
- **Planner to review and advise on project conditions and building envelope.**

**Project received review only. No action taken.**

CONCEPTUAL REVIEW

02/23/09

2. 07BAR-00000-00166

Stone Pool Cabana

660 Stonehouse Lane

07LUP-00000-00453

(Holly Bradbury, Planner 568-3577)

Ridgeline: N/A

Request of Bob Easton, architect for the owners, Fiona and Douglas Stone, to consider Case No. 07BAR-00000-00166 for **further conceptual review of a pool, landscaping and a pool cabana of approximately 437 net square feet.** The following structures currently exist on the parcel: two-story residence of approximately 6,197 square feet with an attached garage of approximately 964 square feet and basement of approximately 3,579 square feet, detached artist studio of approximately 800 square feet, and attached residential second unit of approximately 917 square feet. The proposed project will require approximately 127 cubic yards of cut and approximately 17 cubic yards of fill. The property is a 2.04 acre parcel zoned 2-E-1 and shown as Assessor's Parcel Number 155-060-028, located at **660 Stonehouse Lane** in the Montecito area, First Supervisorial District. (Continued from 7/16/07, 7/28/08 and 8/25/08)

**Public Comment:**

**Susan Petrovich**

**Joyce Sipple**

**Tony Harbour**

**MBAR Comments:**

1. **Architecture is okay**
2. **MBAR does not believe the development envelope should be changed.**
3. **Replanted avocados should be located as close as possible to the original location in rows.**
4. **The site needs additional screening and privacy from the property to the west (e.g., supplement the hedge, Pittosporum, landscaping reminiscent of an old rural orchard, additional plantings on the other side of the property line).**
5. **All except one MBAR member could support relocation of the accessory structures to another portion of the building site.**
6. **MBAR cannot support the 2/23/09 plans as presented today. MBAR members could support the accessory structures in this location, if appropriately screened and if he concrete walkway outside of the building envelope was removed.**

**Project received conceptual review only. No action taken. Project scheduled to be heard at the March 25<sup>th</sup> Montecito Planning Commission Hearing.**



4.

06BAR-00000-00182

Stone Landscaping

660 Stonehouse Lane

06LUP-00002-00617

(Holly Bradbury, Planner 568-3577)

Ridgeline: N/A

Request of Bob Easton, architect for the owner, Stone Family Trust, to consider Case No. 06BAR-00000-00182 for **revised final approval of revised landscaping**. The following structures currently exist or are under construction on the parcel: residence of approximately 6,197 square feet with attached garage of approximately 964 square feet, basement of approximately 3,579 square feet, and accessory structure of approximately 800 square feet. The revised landscaping will not require grading. The property is a 2.04 acre parcel zoned 2-E-1 and shown as Assessor's Parcel Number 155-060-028, located at **660 Stonehouse Lane** in the Montecito area, First Supervisorial District. (Continued from 8/07/06 and 10/09/06)

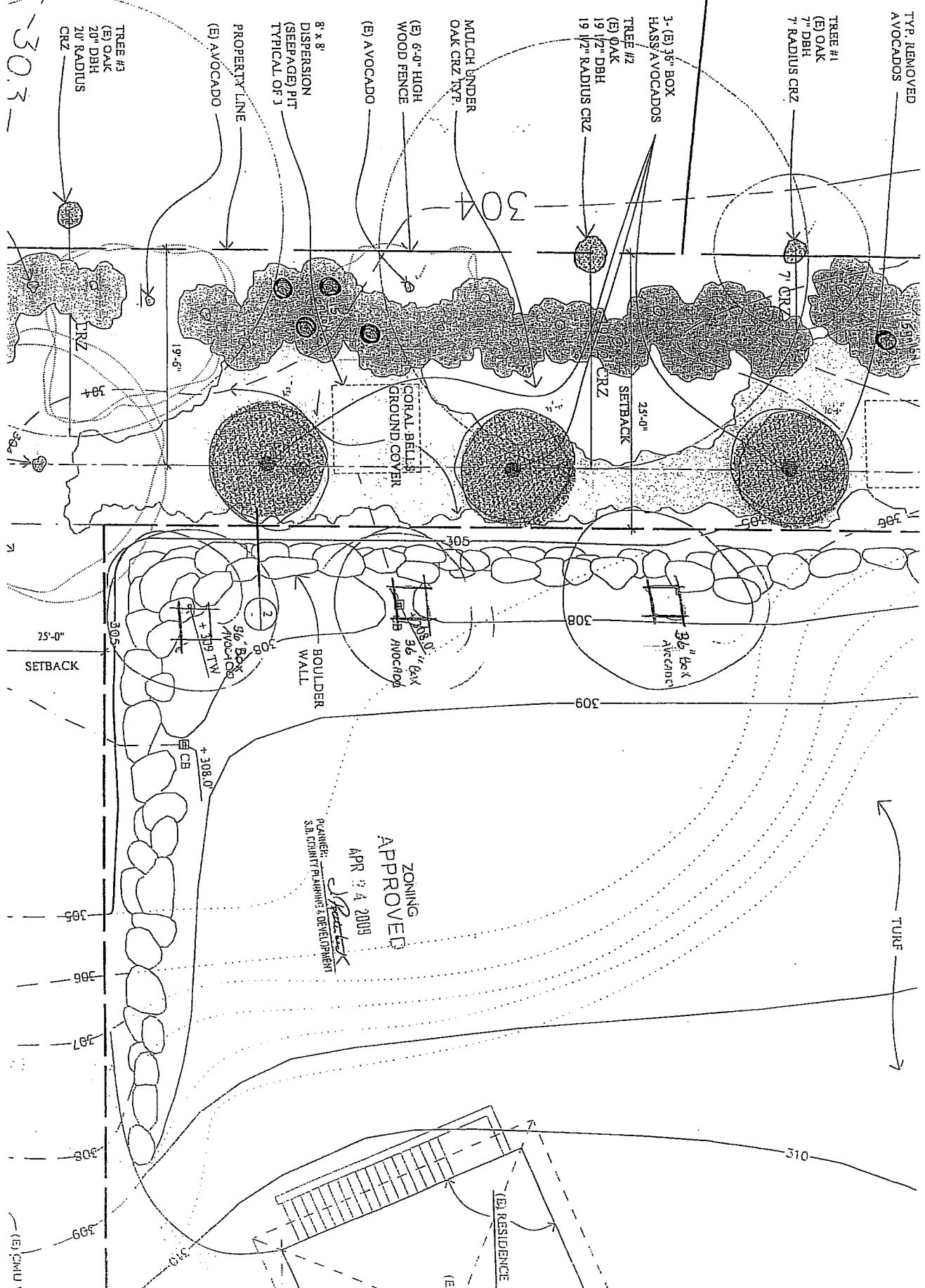
**Public Comment:**

Don Sipple  
Susan F. Petrovich

**MBAR Comments:**

- **The intention of the revised landscape plan is privacy for the neighbors.**
- **Screening will not be feasible instantaneously**
- **The solution requires a layering of vegetation: oak tree line, new solid hedge, avocados**
- **Increase the size of those Pittosporum plants to 15 gallon plants that are located outside of the Critical Root Zone (CRZ) of the existing oaks. Pittosporum shrubs planted within a CRZ of any oak shall be a 5 gallon size.**
- **In addition to the avocados shown on the plan presented to MBAR, include three or more 36" box avocado trees on the upper bank, immediately inside the building envelope-one at the southeast corner and two more visually spaced between the Pittosporum plantings (See notations provided by MBAR on Sheet L1, dated 4/13/09).**
- **Implement recommendations of the arborist, outlined in the Duke McPherson, 3/11/09 letter.**
- **Maintain consistency with the approved tree protection plan**
- **Revise plan sheet notations by deleting note #s 2 and 6 and revising note #3, described in staff's memo (4/14/09) as follows::**
  - **Planting Note #2: deletion of the phrase "and landscape architect and owner to make final adjustments as necessary"**
  - **Planting Note #3: Add the Phrase "consistent with arborist direction"**
  - **Planting note #6: Delete**

**ACTION:** Maphis moved, seconded by Edwards and carried by a vote of 4-2 (Nulty abstained, Michaelson & Zilles opposed) to grant revised final approval of 06BAR-00000-00182.

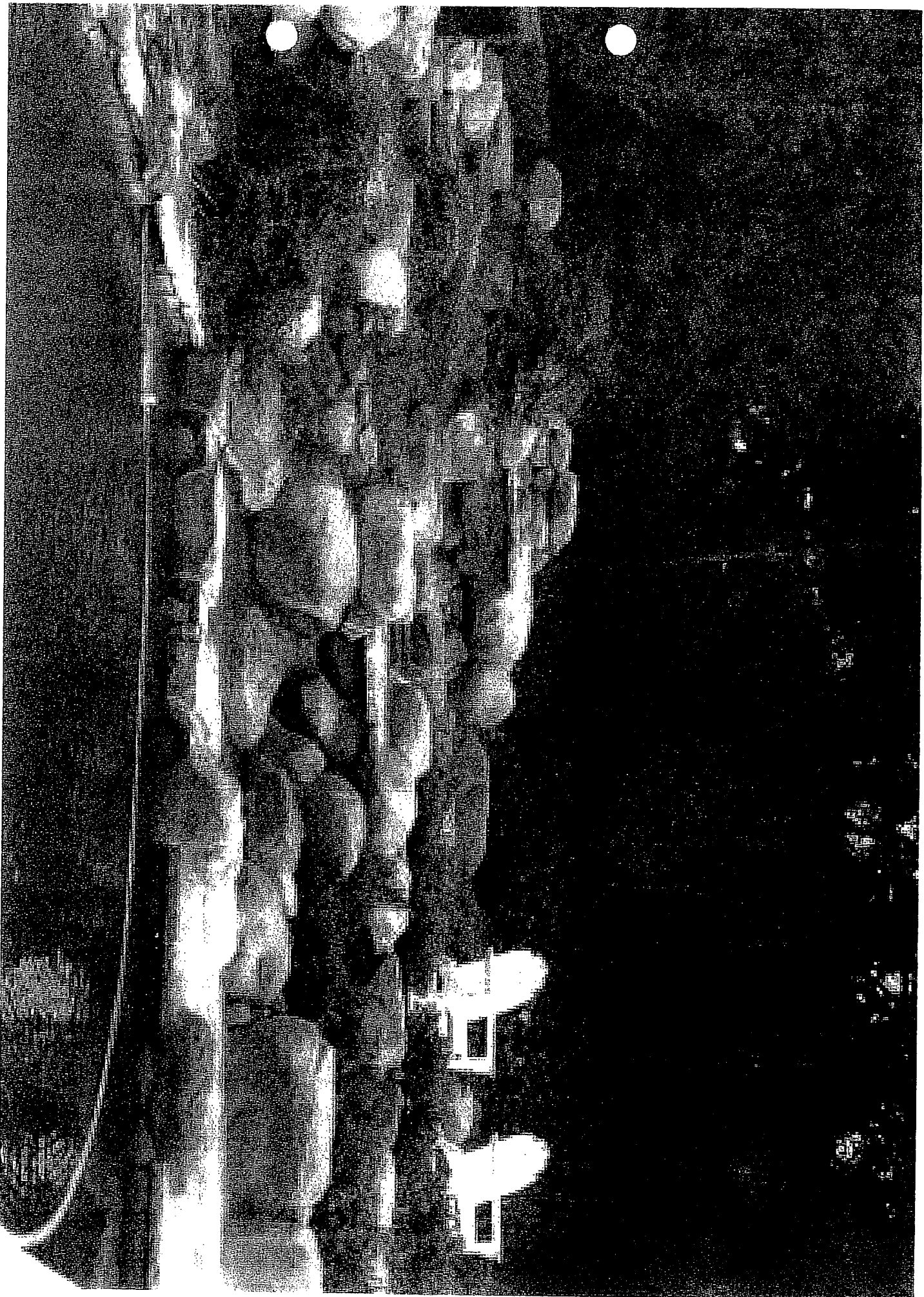


ZONING APPROVED  
 APR 24 2009  
 Planner: [Signature]  
 S.B. COUNTY PLANNING & DEVELOPMENT

Reduced Site Plan, dated April 10, 2009







View from Sipple residence before avocado trees removed. Undated (Spring/Summer)



View from Sipple residence after avoc. Jo trees removed. Undated (Fall/Winter)





View from Sipple residence: Photo taken April 8, 2009