



Ni Tennis Court Appeal

1221 Lomita Lane, Carpinteria

October 1, 2019



Project Team

**Frances Romero, Land Use
Consultant, FORMA Companies**

**Jane Lewis Montague P.E., CFM,
Principal, Lewis Engineering**

Statement from Wayne & Ella Ni:

“Every single issue or complaint against the Project, whether bona fide or not by the Appellant, was thoroughly analyzed, explained and answered by County Staff in the Staff Report.

In a nutshell, this project is fine. The only thing that is not fine for Po Wang is his "relationship" with the Ni's.

It is hardly justified or fair for Po Wang to use our taxpayer's money - SB County's budget for this Appeal is over \$13,000 - to address his difference with the Ni's. “



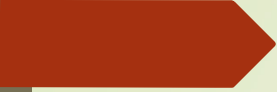
Google Earth

Edge of tennis court approximately 100' to edge of Wang home



Tennis Court Approval History

- ▶ **03/30/2018 – Director Approval**
- ▶ **October '18- Neighbor Complaint**
- ▶ **10/30/2018 – Stop Work Order**
- ▶ **04/22/2019 – Director Approval**
- ▶ **05/02/2019 – Wang appeal to PC**
- ▶ **06/26/2019 – Planning Commission upheld approval, denied appeal**
- ▶ **07/08/2019– Wang appeal to BOS**



Ni Project Components have been approved on three occasions

- Widen the parking/turnaround area in front of garage using pervious pavers, widening varies from 10'-12' (Driveway is a 14.3% slope)
- Tennis Court
- Basin System that is a landscaped rain garden consistent with existing drainage patterns
- Location for future sheds & garden

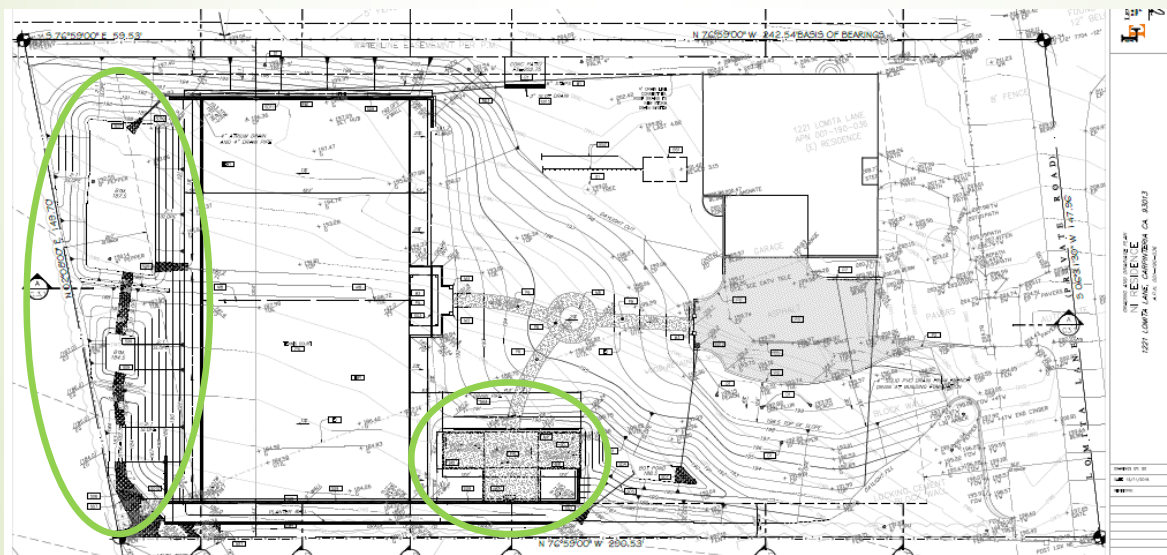
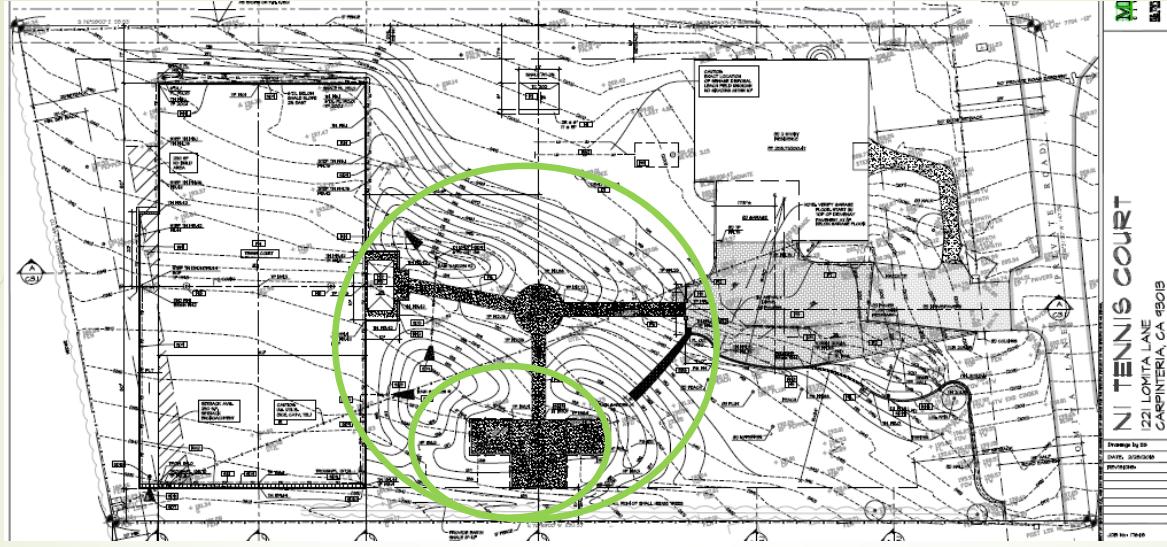
Original vs Current Approved Plans

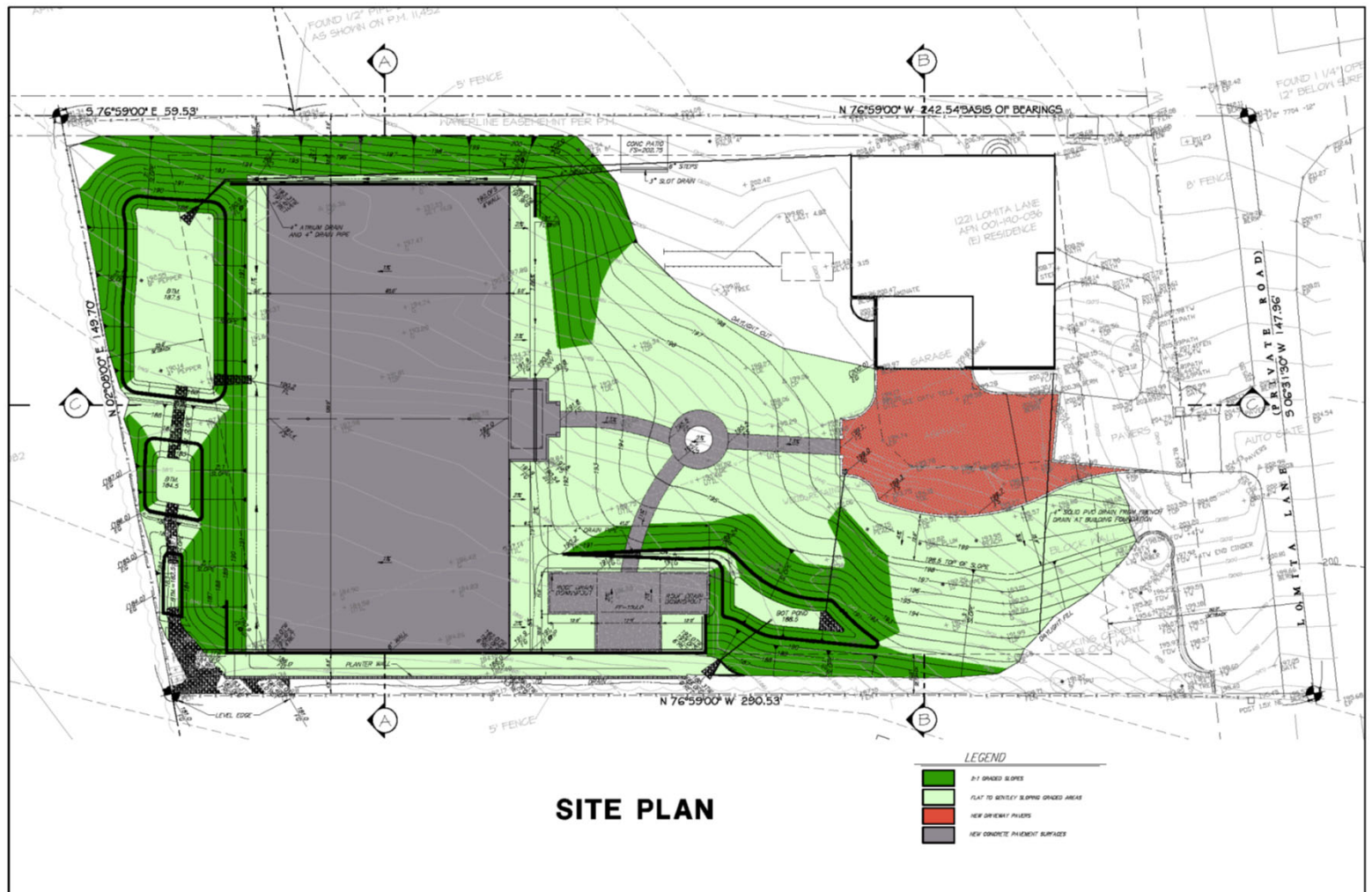
First Approval

- ▶ 1,050 cu yds cut/fill:
600 cu yds fill, 450 cu yds export
- ▶ 4 walls
- ▶ Basins in the middle of site
- ▶ No ADA access
- ▶ Widen area in front of garage by 10'-12' (existing driveway is at a 14.3% slope)

Second Approval

- ▶ 1,550 cu yds cut/fill:
1,050 cu yds cut, 500 cu yds import
- ▶ 2 walls
- ▶ Basins located at low point (historic drainage)
- ▶ ADA accessible, court raised 24- 30" west to east
- ▶ Widen area in front of garage by 10'-12'
Remove 220' linear feet of wall on east & west sides of court
- ▶ Addition of planter wall along the southern side of lot to work w/existing topography & soften appearance with landscaping
- ▶ Shed pad shifted 10' to the west (further away from Wang home)





SITE PLAN

LEGEND

	4:1 GRADED SLOPES
	FLAT TO GENTLY SLOPING GRADED AREAS
	NEW DRIVEWAY PAVEMENT
	NEW CONCRETE PAVEMENT SURFACES

**Views of existing driveway and landscape along Ni/Wang property line
Distance from edge of driveway to Wang residence is approximately 72'**





Tennis Court Components

The tennis court measures 120' x 62'

North (Prather): 4' retaining wall with a 6' chain link fence on top of wall

South (Wang): 1-4' retaining wall that follows original topography located 5' from the property line to create one side of **the planter wall that will include landscaping to soften the view of the concrete & provide screening.**

6' retaining wall placed 5' from the first retaining wall to complete the planter.

10' chain link fence is placed **NEXT** to the retaining wall **not on top of it as claimed in the appeal**

This plan eliminated approximately 150' of retaining wall along the Wang side of the property



Tennis Court Components

East: 4' chain link fence at grade & a "sun shelter"
West (McIntyre): 10' chain link fence

There may be wind screening on the south & west sides to help with the Santa Ana winds

While lighting was initially considered, it was dismissed as a courtesy to the neighbors prior to the first submittal for the initial approval.



Background

- 1999 Wayne & Ella Ni purchase home, home is fully ADA accessible
- 2007 – 2013: Permit history to be discussed
- 2008 Last reasonable communication between Ni & Wang
- 2009 – present, neighbors have not gotten along
- 2017 Hired Mike Gomes, Civil Engineer to produce a site plan for the project, permit obtained
- 2018 Hired Jane Lewis Montague, Lewis Engineering for construction documents & to achieve revisions to existing permit to allow ADA access
- 8/6-8/16: Multiple emails & phone calls w/County Grading Inspector to disclose/discuss desired revisions. Full text of these emails are available upon request of the Board

Response to Exhibits Provided by Mr. Wang

This photo is from 2008. Mr. Ni had asked Mr. Wang if he could put a cable in place at the property line after the Wangs had cut a couple of the Ni trees down.

Upon returning from a 2 week vacation, the Nis found dozens of pieces of cable in the center of their yard. Mr. Ni reported to the Sheriff. The Sheriff questioned Mr. Wang who admitted to cutting up the cable because it had touched his property & claimed that coyotes moved the pieces of cable to the Ni's yard.

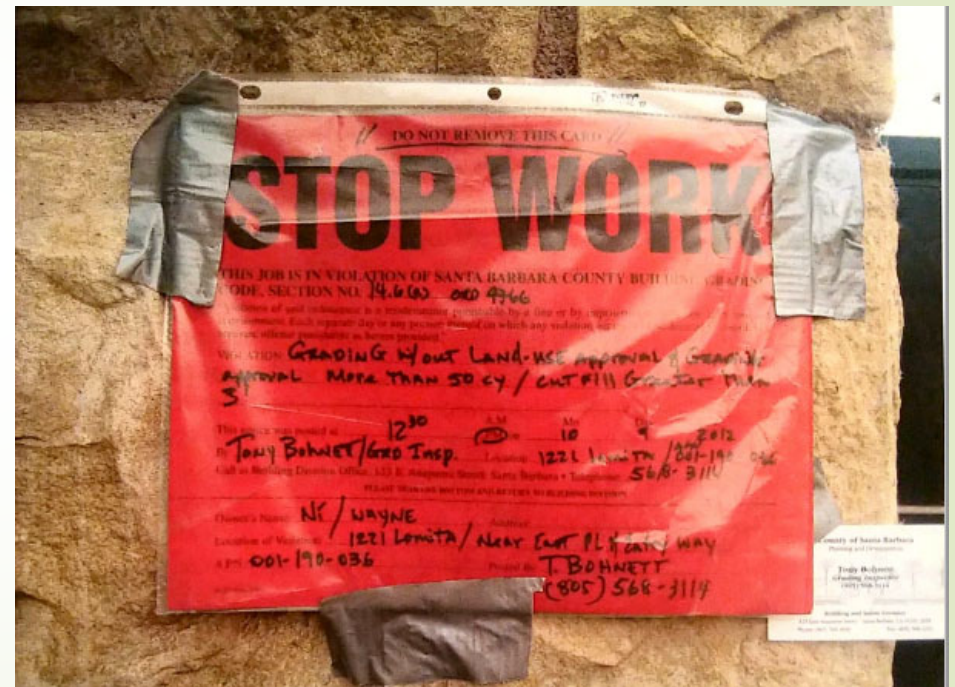


Response to Exhibits Provided by Mr. Wang

This Stop Work order is not part of this appeal

It was affixed to Mr. Ni's pilaster on 10/9/2012, **but Mr. Ni never saw or had possession of the notice**

Apparently after Mr. Wang photographed this sign, it was removed & another call from Mr. Wang was made to Tony Bohnett who then called Mr. Ni to inquire as to why he had removed the notice





For the Record

Mr. Wang incorrectly states that Commissioner Blough voted against the Ni project, when he actually voted to uphold the project & deny the appeal.

The quotes provided by Mr. Wang for each of the Planning Commissioners are not always in context & have been cherry picked. There was a discussion & deliberation based on the presentations provided & three (3) Planning Commissioner voted to deny the appeal.

Unfortunately, my client was not well-prepared for a presentation & did not fully explain the lengths to which his civil engineer had gone to in coordinating with the grading inspector. There were many emails in the period of 8/6/18-8/16/18 to discuss proposed project revisions & how those revisions could be accomplished in the confines of the existing permit. No one was trying to pull a fast one as asserted by Mr. Wang. The emails are available for your review.

Lastly, another claim by Mr. Wang is exaggerated. The truck traffic for import occurred as follows: During the last two weeks of October, minus rainy days when trucks were not allowed to go on the freeway there were approximately 5 to 6 trucks a day for a total of about 6 to 7 days, not, "...up to 20 trips a day for weeks" as stated.



For the Record

It should be noted that if the Ni family desired to build a 2nd structure or ADU on their lot instead of a tennis court that it would certainly be taller & larger than what has been proposed and permitted. A typical one-story home could be 15-20 feet high, and a two-story 25-30 feet high. It should also be noted that there are a variety of allowable residential uses such as a workshop, pool, pool house, etc., that would be less visually desirable.

Mr. Wang's second large driveway on the south side of his lot is only about 10' from his southerly neighbor; the Ni widened parking area is still over 60' from Mr. Wang.



Appeal Issue #1: Appellant

The property owner has shown a continued pattern of unauthorized construction, most recently the import of excess fill not consistent with the approved permit

Ni Permit History

- ▶ 5/26/06 Repaired wood rot without a permit - **Neighbor complaint**
06BVD-00089, obtained permit 06BVD-00732 on 6/1/06
- ▶ 7/19/06 Permit for addition 06BDP-00975 & 06CDP-00086
- ▶ 9/16/06 Permit electric for gates 09ELE-00407
- ▶ 9/16/06 Permit for fence & gates 09EXE-00300

Ni Permit History

5/24/12 Retaining wells for liquid amber trees – **Neighbor complaint** 12BDV-00074
Did not realize that footings counted toward 4' obtained 12GRD000175 on 12/3/12
for the retaining wall.

- ▶ 9/20/12 Permit for gate relocation 12CNP-00770 due to encroachment into easement & ROW granted to Carpinteria Valley Water District in 1973.
- ▶ 10/8/12 No permit needed for grading less than 50 cu. yds., Ni had a contractor receipt to prove less than 50 cu. yds. – **Neighbor complaint** 12BDV-00145, obtained Coastal Development permit 12CDP-00099 on 11/28/12 due to footings



10/8/12: Receipt for 25-30 cu yds not 600 cu yds as claimed by Wang

LASER LEVELING SERVICE, INC
600 MONTE VISTA DRIVE
SANTA PAULA, CA 93060
805-933-0874

Invoice

DATE	INVOICE #
10/8/2012	3418

BILL TO


WAYNE NI
1221 LOMITA LANE
CARPINTERIA, CA 93013

P.O. NO.	TERMS	DUE DATE	PROJECT/LOCATION
WAYNE	Due on receipt	10/8/2012	LOMITA LANE

ITEM	DESCRIPTION	HOURS	RATE	DATE	AMOUNT
66	LANDSCAPE GRADING		0.00		0.00
66	REMOVAL OF APPROX. 25 - 30 CUBIC YARDS OF DIRTY MOVING IRRIGATION LINES		0.00		0.00
M1	MOVE IN 210LE SKIPLoader		125.00	10/06/12	125.00
210LE	210LE SKIPLoader	6.5	124.61/336	10/06/12	810.00
O1	OPERATOR/LABOR...HAND LABOR	6.5	35.00	10/06/12	227.50
210LE	210LE SKIPLoader	1.5	125.00	10/07/12	187.50
O1	OPERATOR/LABOR...HAND LABOR (2 MEN)	6.5	35.00	10/07/12	227.50
210LE	210LE SKIPLoader	1.5	125.00	10/08/12	187.50
O1	OPERATOR/LABOR...HAND LABOR	1	35.00	10/08/12	35.00
Total					\$1,800.00

Paid
10-08-12
Ray Palom

Thank you for your business.



County of Santa Barbara
Planning and Development
Massoud Abolkoda, Building Official

12CNP-00000-00770
NIGATE RR LOCATION
6344 VIA REA. 9/20/12

CARPINTERIA 891-199-036

INSPECTION REQUEST VIA E-MAIL:
Inspection-Search@countyofsb.org e-mail MUST contain:
Address, Permit Number, Inspection Type, Contact Name,
Contact Phone number

Construction Bond
Yes/No
High Fire Area
Yes/No
Fire Sprinklers Required
Yes/No
Pest Compliance
Yes/No

INSPECTION REQUEST LINES

Santa Barbara 805-568-3118
Santa Maria 805-994-8232

THIS PERMIT BECOMES NULL AND VOID if the work or construction authorized is not commenced within ONE YEAR from date of issuance or subsequently if work is suspended or abandoned for a period of 180 days any time after work is commenced. SBCO Code 10-2.6(b).

DESCRIPTION OF WORK:
RELOCATE EXISTING GATE, POSTS AND FENCES 12' ONTO THE PROPERTY, KNOX BOX TO REMAIN IN EXISTING LOCATION

FINAL CLEARANCE: BUILDING

INSPECTION	DATE	INIT	INSPECTION	DATE	INIT	INSPECTION	DATE	INIT
Temp Electrical			T-bar Ceiling			Pool Setback		
Build Setback			Fire Sprinkler			Pool Steel		
Grd Electrode			Fire Alarm			Pool Steel Bonding		
Calssons			1 st Fireplace Lift			DO NOT GUNITE UNTIL ABOVE IS APPROVED		
Grade Beam			2 nd Fireplace Lift					
Foundation	10/12	BJ	3 rd Fireplace Lift			Pool Deck Bond		
DO NOT POUR FOUNDATION UNTIL ABOVE IS APPROVED			Rough Electrical			Pool Safety Req.		
1 st IIR CMU			Rough Mechanical			Building Gas Test		
2 nd IIR CMU			Rough Plumbing			Gas Meter		
3 rd IIR CMU			DO NOT CALL FOR FRAME UNTIL ABOVE IS APPROVED			Electrical Meter		
U/F Electrical			Framing			FINAL INSPECTIONS		
U/F Mechanical			Exterior Drywall					
U/F Plumbing			Insulation			POOL FINAL		
Floor Joist			DO NOT DRYWALL UNTIL ABOVE IS APPROVED			FIRE DEPT		
U/F Insulation			Exterior Lath			EHS		
Concrete Slab			Interior Drywall			SANITARY DIST		
DO NOT COVER FLOOR UNTIL ABOVE IS APPROVED			Shower Pan					
Floor Diaphragm			DO NOT STUCCO UNTIL ABOVE IS APPROVED			ROADS		
Pre Wrap/ Nail			Building Sewer			GRADING		
Shear Panel			U/G Electrical	10/12	BJ	PERMIT COMP		
Roof Nail			Water Service			PLANNING		
DO NOT COVER ROOF UNTIL ABOVE IS APPROVED			U/G Gas Line			ELECTRICAL		
			U/G Gas Test			MECHANICAL		
						PLUMBING		
						FINAL BUILDING	10/13	BJ



Appeal Issue #2: Appellant

“...the entire neighborhood is on septic system which raised concerns of soil erosion, soil retention, water run-offs, and drainage issues.”

- Professional certified engineers have been hired to develop both plans
- Ni project completely avoids Ni septic tank & leach field; there is no impact to any other parcel's septic system (Lewis Engineering 9/27/19)
- The project was reviewed and approved by the County of three occasions and there was no issue relating to septic system impacts
- The project will retain all soil on site once completed, silt run-off is to be expected with temporary measures and excessive rain
- Wang's driveway is built over his septic line



Appeal Issue #2: Appellant

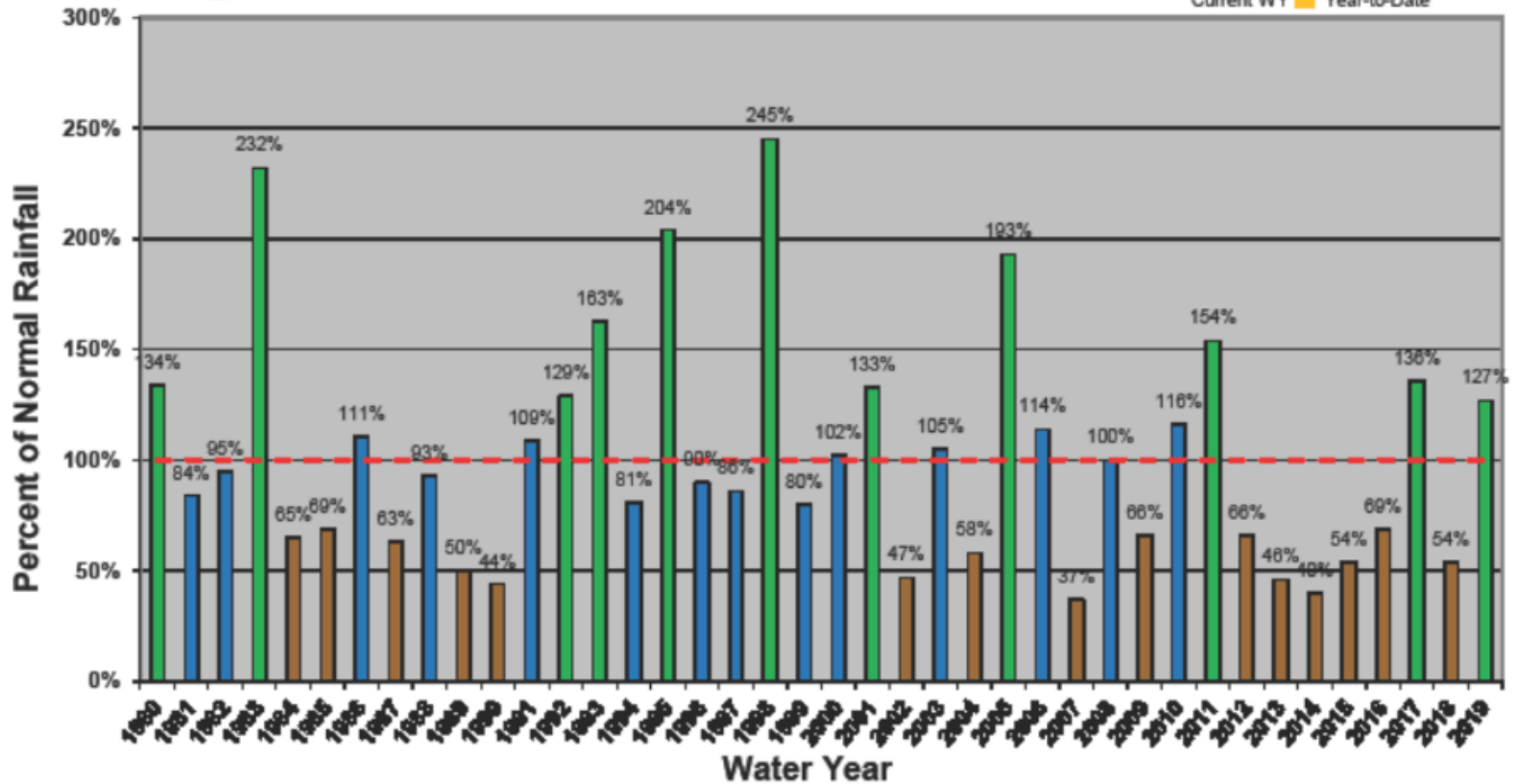
- ▶ 10/30/18 Stop Work Order Issued – project is not finished per plans. Temporary erosion control measures installed per Grading Inspector guidance over the two days following the stop work order.
- ▶ January 2019 adjustments made based on excessive rain
- ▶ March 2019 additional adjustments made due to excessive rain, 127% which is well above normal in only eight (8) months



County-Wide Percent-of-Normal Water-Year Rainfall

Updated through Sept. 1, 2019
(Rainfall as a percentage of an entire average water-year)

Wet Years ■ (>120% Normal Rain)
Dry Years ■ (< 80% Normal Rain)
Current WY ■ Year-to-Date



-----Original Message-----

From: Bohnett, Tony <Tbohnet@co.santa-barbara.ca.us>

To: 'wayneni@yahoo.com' <wayneni@yahoo.com>

Cc: 'Lewis Engineering' <lewisengineers@aol.com>

Sent: Mon, Mar 11, 2019 7:58 am

Subject: Soil Flow from 1221 LOMITA onto 1211 LOMITA / WEST property line to 1221 LOMITA

Good Morning Wayne

Her is a concern the Grading Section received recently. The attached photos show slit/sand that had transferred off site and to the west property owner's parcel and access drive. These photos were taken in February so it seems it was after the work the site did to improve the last breach that occurred in January. Please review and address. Steps should be taken immediately at the breach points and consideration in the overall design of the project. It might be a good idea to meet out at site with jane at some time to go over the drainage elements of the plan.

Thank You

Tony Bohnett, Grading

Four photos attached

Pictures provided by the County Grading Inspector do not rise to the level of a safety issue located in SW corner of site. Sediment runoff will be eliminated when engineered basin system fully installed.



Sample of Erosion Control Measures



Looking toward street



Corner of lot at low point of final basin



Appeal Issue #3: Appellant

Structures are inconsistent with the local landscape

- ▶ Wayne & Ella own a one (1) acre parcel with a difference in elevation at the NE corner of the parcel at 212' and the SW corner where the smallest, lowest basin is located is at 181' which is 31' of drop. Why would one cut & export & build four walls to create a tennis court?
- ▶ The import of soil for an engineered plan actually improves the "landscape" of their lot reducing the need for taller retaining walls and totally eliminating other retaining walls which was a challenge due to the 18' drop across the tennis court area topo from 200' to 182'
- ▶ The elevation at Mr. Wang's home is approximately 189' & the finished floor of the proposed tennis court is approximately 192'
- ▶ Planning Commissioner comments relating to how to grade a site are well-intended but are not based on licensing or a detail review of the site topography

- Mr. Wang has added significant plantings of bamboo & cypress trees along their common property line as screening as well as a second story to his home, both of which obscure the Ni's ocean view that they once enjoyed





What's Next?



We request that the approval be upheld & the appeal be denied