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August 10, 2011

City of Santa Barbara Planning Division, Single Family Design Board
City Council Liaison: Dale Francisco
Planning Commission Liaison: Michael Jordan

Board Members:

Glen Deisler, Chair
Denise Woolery, Vice-Chair
Berni Berbstein
Brian Miller
Jim Zimmerman
Fred Sweeney

Regarding: Review and Approval for 1359 Santa Teresita and 1383 Santa Teresita Drive
Application Number: MST2011-00283 Assessor's Parcel Numbers: 055-141-053 & 055-141-045
August 1, 2011

On August 1st you heard a proposal by the applicant Mark Lloyd to do grading, drainage, and paving work on this easement that is located between two residential lots on Santa Teresita Drive. You approved the work, based on the information provided to you by Mr. Lloyd. Mr. Tim Foley and Mr. Ken Aiello the owners of the two residential lots both spoke in opposition of the project, yet the board voted to approve.

We felt it was important that you recognize the damaged already caused by the work that has occurred on this easement over the past 6 years, and that will continue to occur if this plan is allowed to proceed. We hold the board and the owners of the property, as well as the designers and contractors responsible for conducting work on our property without our approval that will cause us damage and distress to the value of our land and homes and more importantly may cause severe injury.

This is not the first time we have been at this crossroad on this project. In June of 2006 we appeared at another City Planning Meeting, and presented the following data and asked the members at that time to please look into the permit and file history of this project. They did, and the project was denied. Unfortunately, the owner continued to do work without permits and the City continued to look the other way. In the mean time, our property suffers tremendous erosion every time it rains. (Below is the letter presented in 2006 along with images of the work as it has progressed-**please note most of this work was done without permits, and this easement has never been paved!**)

June 15, 2006

We would like to thank you for the opportunity to speak today.

I am Debbie Foley, this is my husband Tim we live at 1383 Santa Teresita, our neighbors Ken and Catherine Aiello, at 1359 Santa Teresita could not be here today because of a high school graduation but have assisted in the drafting of this statement. Our homes are in an area of adobe clay type soil in the SB foothills known to be prone to slide and soil movement.

My husband and I are here to bring to the attention of this board a situation that has been on going on our properties for a number of years which resulted in a series of events that took place last Thursday, June 8th. Our properties which lie side by side on Santa Teresita Drive

are within City boundaries. Behind us is a large agricultural ranch, over several hundred acres owned by Mr. and Mrs. Michael Klein, which is primarily in the County, with an address of 1575 N. Ontare.

In recent years, the Klein's submitted and was granted approval by the City Building and Permit Department to do grading work over a portion of our properties to which they have an easement for road and utilities, but not for drainage. The submissions of Mr. Klein's applications have always listed his own property address of 1575 N. Ontare Road as the project work site, instead of our properties address. It is also important to consider that there has never been a legal City driveway or improved road across our properties with access onto Santa Teresita Drive, there is no curb cut.

The first of such work, took place in 2001 when the City issued a permit to the Klein's to install a trench and hookup for utilities, which included gas, water and sewer. Upon arriving home and seeing bulldozers on our properties without notification, both the Aiello's and we went down to the Building Department to see if this was standard procedure. Mr. Aiello informed the City that the trench and pipes were routing to building sites in the County and not the City and questioned the City's normal policy not to allow a hook up to City utilities without annexation. Indeed this was true. And so, with this new insight to their mistake the Building Department issued the Klein's a letter stating they could not hook up to City utilities without annexations. Ultimately, the pipes were not connected into Santa Teresita and the trench was buried without proper compaction, leaving the dirt path of a bulldozers' blade across the hillside. Our properties were forever changed.

The Building Department responded to us that the issuance of a permit was an oversight. We were informed by City officials that our names would be entered in the data base and noted in the files and that no additional permits would be issued without full notification to us, the true property owners whenever a Master Application for a permit was initiated and applied for.

Relying on the integrity of the Building Department, we went on our way. Unhappy about now having a graded 6ft dirt road, where there once was a nice terraced hillside, but fully aware that the Klein's had a right for ingress and egress and relied on the Building Department to ensure that correct measure were taken when issuing the grading permit that it would be done to plans, codes and structural correctness, including a proper drainage system.

The newly created dirt road was used by the Klein's employees' trucks and 4-wheel drive vehicles, which traversed the City easement and subsequently jumped the curb onto Santa Teresita. Over time we noticed that the terrain around, above and below the terraces was changing and this concerned us. So on more than one occasion calls were made to the Klein's manager that water was beginning to damage the area that they had graded and that excessive amounts of runoff were coming on to our property outside of the easement.

In January of 2005 the path, gave way, and the hillside had some terrible slides, I have photos with me. I wrote letters to the City as well as the Klein's but received very little if any response. At this same time, we learned that the City Building Department had issued another permit to do a curb cut to allow for a driveway across our properties. Again this permit was issued without any notification to us the property owners. We questioned the validity of a curb cut when there was no associated driveway or road permit. Didn't the installation of a 100-

yard driveway on the side of a hillside require some kind of review? How could a permit be issued again without our knowledge?

We made calls, and had meetings. We were assured that this would not happen again. We believe in the City's integrity and that one of its primary responsibilities is to ensure that safety and standards are adhered to when reviewing all plans. We believed that there was a review process. That someone would look in the computer system and in the property files and do a review before issuance of a permit.

And so for the 2nd time the Building Department after realizing their mistake revoked the permit, since no plans had ever been submitted for the installation of a driveway, and work was stopped.

*In June of 2005 the Klein's again went in for a permit to do re-paving and re-grading of an existing road/driveway. **Thereafter, on June 21st Chris Hansen of the Building Department denied this requests, stating that the City does not recognize the dirt road as a legal driveway. Any work would require soil, engineering, erosion control, drainage and foundation wall plans to be submitted and as of that date none had been submitted. The only work that could be done was weed abatement.***

Our faith is restored. But it is short lived, for just 2 months later the Klein's applied for and received a permit for repaving and re-grading an existing driveway. Documenting only their address, property parcel number and their ranch A1 zoning. There was no mention of our property parcel numbers. The Klein's received a permit again with no plans attached

Please note the language; re-paving, re-grading, and existing driveway. There is no record at the Building Department of approved plans for the development of a driveway or road. This was simply a dirt terrace that the Klein's have an easement across to install a road and have gradually enlarged under fraudulent representation. *The City Building Department by aiding in this process, gives the public the impression that one does not need to adhere to the Building Department recommendations.*

Well, needless to say, once it came to our attention we headed back to the Building Department, lucky for us the permit had expired. Again we were assured it would not be renewed without proper review and proper notification to us, the property owners.

Last Thursday morning, on June 8th we heard the rumble of bulldozers moving across our properties. We immediately made calls to the City pleading for someone to come and put a stop to this before the entire hillside is changed yet again. We are told to call the police. Believing that there is no way they could have a permit to do any work on our properties, we do so.

The police came; the Bulldozer driver shows the officer what appears to be a permit with attached plans. We couldn't believe this. We made more calls, only to get answering machines. For several hours we wait for someone from the City to appear, while the bulldozers continue to operate. Finally, at approximately 10:00am a City official Planner appears, clearly unaware of the magnitude of the scope of work taking place. He informs us that there is a permit, but he will stop the work until he can look into the matter and find out why this scope of work was allowed to happen without 1) the notification to the property owners and 2)

without review. By this point our properties are severely damaged. The grading cut up to the curb on Santa Teresita. See the photos.

The next day Tim and I go to the City Building Department to get a copy of the permit. Only to learn that this was not a new permit, but a granting of an extension of an expired permit, one we were told would not be renewed.

Today we have been informed that that permit has been suspended and the project has been sent to ABR. We are somewhat grateful and hopeful that maybe in ABR someone will actually listen to us. But in truth, we are not relying on it. We have lost faith in the City Building Department. We have little expectation that our concerns will be addressed.....

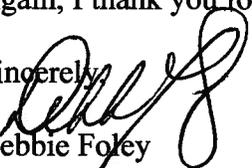
This process of doing work bit by bit in order to avoid proper design and review of this "driveway" continued through 2008. Sadly, the owner of the easement passed away at the end of 2008. His father took over managing the property. We came to an understanding and for the past several years very little work has been done. The road has continued to degenerate making it difficult and dangerous to pass. We understand his need to repair the easement at this point, however, you cannot accept this new proposal of simply catching his water run-off and focusing it on one point on our hillside to disseminate as a good, viable drainage plan that will stop the erosion and create a safe condition on our property. We strongly insist that this project must go through all review and planning stages especially Environmental Review, Hillside, and ABR as has been recommended by personal from your own departments for years running, and that the slope and drainage issue be engineered so that the water is either taken all the way out to Santa Teresita Drive or kept on 1590 San Roque's properties and carried away in some other manner. It cannot be allowed to continue to be dumped onto our property simply because it is the easiest and most feasible for the easement holder.

There have been several plans developed over the years by past owners to develop this into a paved road, structurally sound driveway; all have been scratched because of the expense of putting in a proper drain system and erosion control in this very volatile expansive soil. Most homes, including ours have caissons. This is not a simple driveway project and this proposal is a band aid fix that may cause more instability and damage.

This board has an obligation to research all aspects of these projects and its implications prior to approval. I do not believe that you have done this. I am happy to send you copies of the City and County files regarding the history of pulled and cancelled permits and the remarks of City employees regarding the need for strict guidelines on this easement. I have attached documents and photos for your review.

Again, I thank you for your time and truly hope that you will give it your time and consideration.

Sincerely,


Debbie Foley

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2nd 2005

first sign of work pre-2005 1



after trenching for util trucks use rd 1



city is called damages begin 2005 1



more damages 2005-2006 1



2006 larry cassidy stops work 1



2006 work cont without permit 1



2006 work by hand to avoid permit 1



2011 damages continue 1