CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: January 29, 2008

TO: Mayor and Councilmembers

FROM: Planning Division, Community Development Department

SUBJECT: Appeal Of Architectural Board Of Review's Decision To Approve Landscaping Improvements Located At 601 E. Anapamu Street

RECOMMENDATION:

That Council deny the appeal of Cheri Rae McKinney on behalf of La Muralla Owners Association, thereby upholding the decision of the Architectural Board of Review to approve Review After Final landscape plan revisions.

DISCUSSION:

The appellant has filed an appeal of an October 22, 2007, Architectural Board of Review (ABR) "After Final" approval decision involving proposed trees and landscape plan improvements which are part of ongoing exterior renovation work to an existing apartment complex located at 601 East Anapamu Street. The property management company (Meridian Group, formerly BDC Management, Inc) is representing the new property owners of the existing Villa Flores (99 unit) apartment complex.

The appeal was filed by Cheri Rae McKinney with her letter (see Attachment 1) who says she is representing area neighbors regarding the ABR decision. The ABR decision being appealed was made as part of the Consent agenda and involved minor revisions to the approved ABR landscape plan for the site. The appellant states she was unaware of the status of approvals, was not advised of the appropriate appeal procedures, and therefore, did not file an appeal of the Preliminary or Final ABR approval decisions which occurred in May and August of 2007.

Since the landscaping work began, Ms. McKinney and other neighbors have communicated to staff, ABR, and Councilmembers the numerous objections to the manner by which the applicant commenced removal of trees, repaired sandstone walls, and relocated historic hitching posts at the site. Ms. McKinney also believes "the approved landscape plan does not have adequate size, scale or amount of vegetation or trees to replace what was cut down." She also asserts that "the approved landscape plan

REVIEWED BY: _____Attorney

Agenda Item No._____

approved on the Consent Calendar fails to comply with previous ABR direction for the buildings to be shielded with adequate vegetation."

Project Description

The project site is located on the east side of the City on East Anapamu Street directly across the street from Santa Barbara High School. The site complex consists of multiple three-story buildings containing 99 residential apartment units and includes several detached carport structures on the 2.3 acre site. The five apartment buildings are situated around an interior courtyard that includes a swimming pool; new lawn area, walkways and interior yard area (see Attachment 2). According to City records, the original construction was approved by the ABR in 1963 and was designed to preserve and avoid injuring the 16 mature trees shown on the site plan. Only nine (9) of those original mature trees remain; however, additional trees have since been planted.

The renovation project involves the removal and replacement of several trees, new landscaping changes, repair of several dry-stack sandstone retaining walls and swimming pool area repairs. Some of the landscaping work, including rock wall repairs, hitching post alterations, tree removals and the removal of overgrown vegetation, were commenced prior to the required City design review approvals. The applicants did, however, obtain City Park Commission approval for the removal of three Brazilian Pepper trees within the front yard setback. The final approved landscape plan involved the removal of approximately 57 trees and 8 palms. A total of 67 new trees of various species and sizes along with 51 large shrubs/small trees are proposed to be planted as part of the renovation project scope. As a result of the tree and vegetation removals, the apartment buildings and center pool areas currently appear more visible from the street and neighboring properties. Although the approved landscape plan proposes a significant amount of new replacement trees, the applicant has also indicated they would be prepared to add more trees to the project scope if desired by the City.

The subject appeal involves the ABR Consent agenda "After Final" revisions to the landscape plan that were reviewed at three separate Consent Calendar hearings in September and October 2007. The ABR Consent reviewer (Randy Mudge) reviewed a request for minor plant size changes and relocations including a proposal to reduce two proposed Floss Silk trees from 36 inch box to 24 inch box size. As part of this ABR plan revision review, additional trees were required to be added to the project plans.

Appellant's Position

Ms. McKinney is of the opinion that the ABR failed to provide sufficient size mature replacement trees to adequately re-screen the large apartment buildings and center swimming pool courtyard from public views. She is also concerned with the historic and cultural resources that she asserts have been damaged or removed.

Ms. McKinney cites the City's failure to notice the project's ABR review hearings to the neighborhood and the applicant's failure to properly inform the ABR regarding the scope of un-permitted work. She further states the City's enforcement process did not adequately penalize the property owner for the illegal removal of trees that occurred without first obtaining ABR approvals.

Ms. McKinney is of the opinion that the City review process was also flawed, as no disclosure of enforcement violations were presented at the first ABR Concept review hearing and that the project's scope of un-permitted work was not fully disclosed. Several neighbors' also submitted letters to the ABR and Planning staff expressing similar concerns regarding the landscaping changes to the exterior appearance of the apartment site (see letters, Attachment 3).

Staff's Responses

City Enforcement Actions:

Staff understands the neighbor's concerns regarding work commenced without City design review and the unauthorized removal of trees from the site. The City responded to complaints in a timely manner, first in February 2007, when enforcement staff advised the property management company that they needed to prepare a proposed landscape plan for review by the ABR and obtain design approvals. The City responded again to a new complaint on June 18, 2007 when the City's Urban Historian, Jake Jacobus, conducted a site visit and confirmed that un-permitted repairs were underway to the exterior sandstone walls and hitching posts. Another enforcement case was commenced, and a Stop Work Order was issued by the building inspector. The property management company was once again contacted and advised to obtain final landscape plan approvals by the ABR for these revisions to the project. The applicant was under the mistaken understanding that some of the landscape work had previously been approved and that some of the repairs to the site did not require City approvals.

On June 22, 2007, in response to inquiries to the Mayor and Council questions regarding the status of the enforcement case, Bettie Weiss, City Planner prepared an e-mail response memorandum report explaining the City's investigations of the matter to that date. This memorandum report was subsequently distributed to the ABR on August 13, 2007 (see Attachment 4).

Additional concerns expressed by Ms. McKinney regarding the City's "failures" to require mailed noticing of neighbors for significant tree removals and the establishment of new zoning enforcement fines is outside the scope of the subject appeal. The Municipal Code does not currently require such noticing. In general, Staff is comfortable with the type of noticing done for multi-family and commercial projects.

ABR Review:

Staff understands Ms. McKinney's desire to return the apartment site back to its original landscaped screened appearance. However, Staff is of the opinion that the ABR fully considered the loss of landscaping, species and size of removed trees from the site and after several hearings adequately mitigated the tree removals as part of the final plan approvals (see Attachment 5). The ABR listened to the neighbor's public comments and reviewed letters that sought larger specimen trees but ultimately determined the tree replacement plan prepared by the project's landscape architect was fully acceptable. In addition, at the request of several neighbors, the ABR's landscape architect, Randy Mudge, revisited the amount of approved replacement trees as part of the Review After Final decision and directed that a few additional trees be planted on the perimeter of the site.

Staff believes that the ABR considered the input of several professional opinions, including the arborist letters submitted for the project, to evaluate the types and placement of replacement trees. The project arborist prepared a tree inventory and assessment report in order to provide recommendations on which trees should be retained or removed (see Attachment 6). In this particular case, the ABR also relied on the experience and professional opinions of the project Landscape Architect (Katie O'Reilly) and its own Landscape Architect ABR member to make decisions on tree selections. These licensed professionals understand the appropriate tree species for locations, spacing distances, and expected growth patterns that are necessary to maintain healthy trees and prevent damage to property. Furthermore, Staff understands that the landscape tree replacement plan should consider how the trees will mature over time and that larger specimen trees placed too closely together may not survive and could therefore negatively impact the site.

During review of the project, the ABR also considered the changes proposed for the existing sandstone walls along Salsipuedes Street. The ABR recognized the historic preservation value of the sandstone walls that were in need of repair and required that the existing dry-stacked wall be rebuilt with the salvaged stones from the site. Staff has determined that, based on the applicant's approved plans, the exterior appearance of these sandstone walls would not significantly change as a result of the repairs. The ABR considered the safety and structural problems with some of the large palm trees that were perched above the stone walls. They indicated that the stone wall thickness could be reduced to 4 to 6 inches of veneer at these locations in order to make more room for these palm trees. A Historic Structures Report did not appear to be necessary and was not required based on a limited staff review. The project approval was conditioned by the ABR to have the applicant coordinate with the City's Urban Historian to verify that the historic hitching posts and parkway were restored to their original condition. Staff believes adverse impacts to these historic walls have been and will be minimized since the sandstone materials will remain.

Timing and Scope of Appeal Issues:

Staff has concerns regarding the late filing of the appeal. As indicated earlier, no appeals were filed of the ABR's Preliminary or Final approval decisions regarding this project and such approvals are considered by the City to be the "substantive" phase of design review and approval. It is staff's understanding that the applicant requested a meeting with Ms. McKinney in an attempt to resolve the appeal and was willing to consider proposals to add more trees to the site. The applicant informed staff that the meeting was cancelled by Ms. McKinney with no explanation. Staff believes it would be inappropriate to open up the entire scope of the original project work and recommends Council limit the appeal issue to those project changes which occurred as part of the Review After Final landscape plan approved by ABR.

RECOMMENDATION

Staff recommends that Council deny the appeal and uphold the decision of the Architectural Board of Review. In addition, staff recommends that, if Council suggests any additional landscape plan changes, such revisions be approved on the ABR Consent Calendar by the ABR Landscape Architect.

NOTE: A set of the project plans is on file in the Mayor and Council Office.

ATTACHMENTS:

1. Appellant's letter dated October 29, 2007
2. Reduced Site Plan, photographs of site
3. Several letters from neighbors
4. City enforcement memorandum dated August 13, 2007
5. Summary of ABR Minutes
6. Arborist letters dated January 19, 2007 and August 11, 2007

PREPARED BY: Jaime Limon, Senior Planner II

SUBMITTED BY: Dave Gustafson, Acting Community Development Director

APPROVED BY: City Administrator's Office

RECEIVED
1:30pm YAC
OCT 2 9 2007

CITY CLERK'S OFFICE
SANTA BARBARA, CA

October 29, 2007

La Muralla Owners Association
1219 A N. Salsipuedes Street
Santa Barbara, CA 93103

To the City Clerk of the City of Santa Barbara: for 601 E. Anapamu Street

The La Muralla Owners Association, joined by the Salsipuedes Street neighbors, hereby file an appeal to the landscape plan that was approved by the Architectural Board of Review at Consent on Monday, October 22, 2007.

This appeal is filed because the approved landscape plan does not provide adequate size, scale or amount of vegetation or trees to replace what was cut down without proper permits in place. This action has resulted in hardships to the neighbors and their environment for now and into the foreseeable future, including:
--severe loss of aesthetic qualities of neighborhood (loss of privacy, loss of views, loss of noise and light buffers);
--loss of habitat for birds and other creatures that are now displaced;
--loss of property values for nearby neighbors;
--removal of and damage to City cultural resources (including historic hitching post that was moved onto private property).

Additionally, the approved landscape plan at Consent fails to comply with previous ABR direction at the full hearings that occurred on July 23rd and August 6th. At those meetings, commissioners clearly directed that the buildings should be shielded with adequate vegetation to maintain the aesthetic qualities expected in the Santa Barbara style and tradition.

We include the remittance of $360 for filing the appeal.

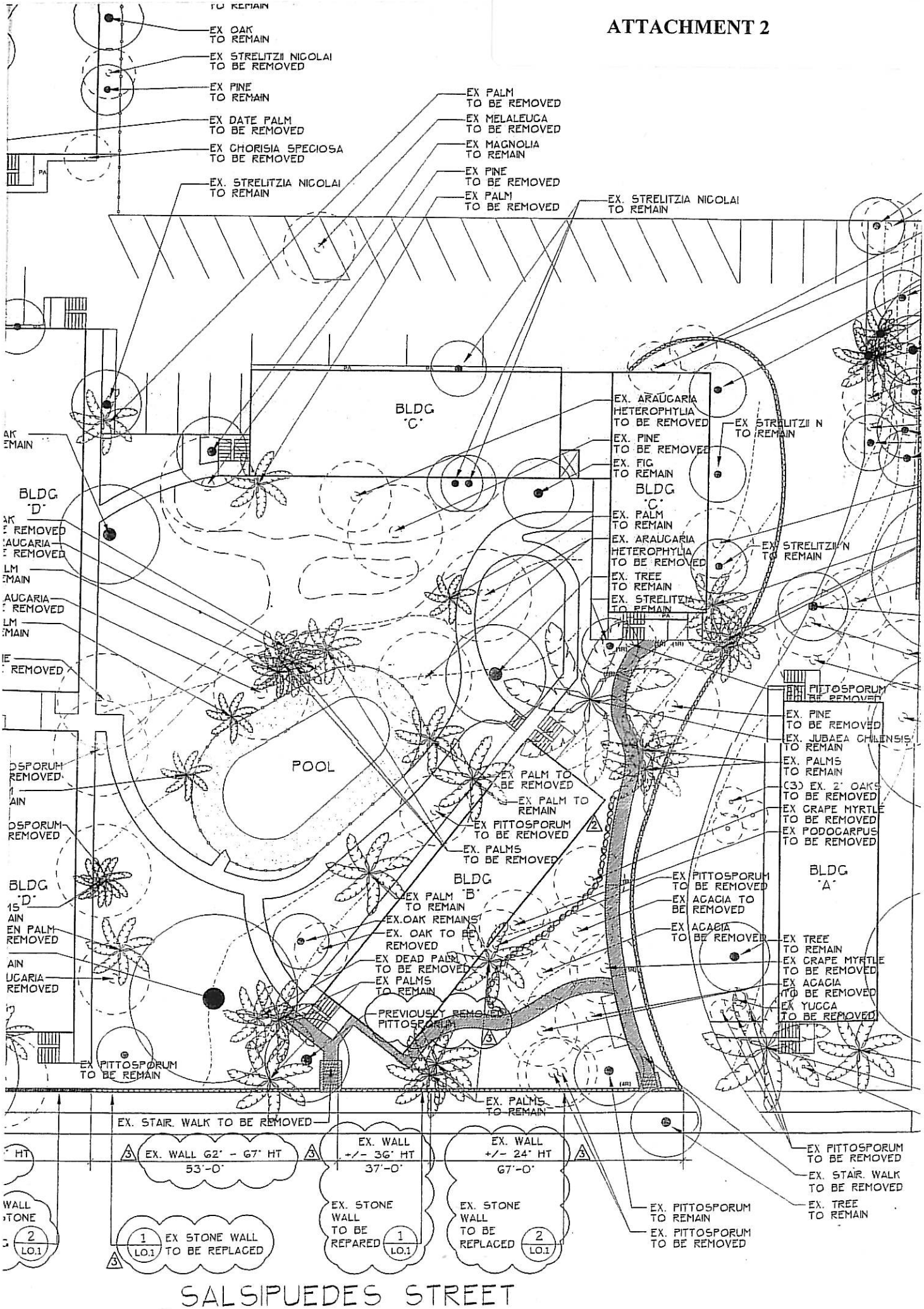
Sincerely,

Cheri Rae McKinney

On behalf of La Muralla Owners Association
and
Salsipuedes Street Neighbors

963-7037

ATTACHMENT 2



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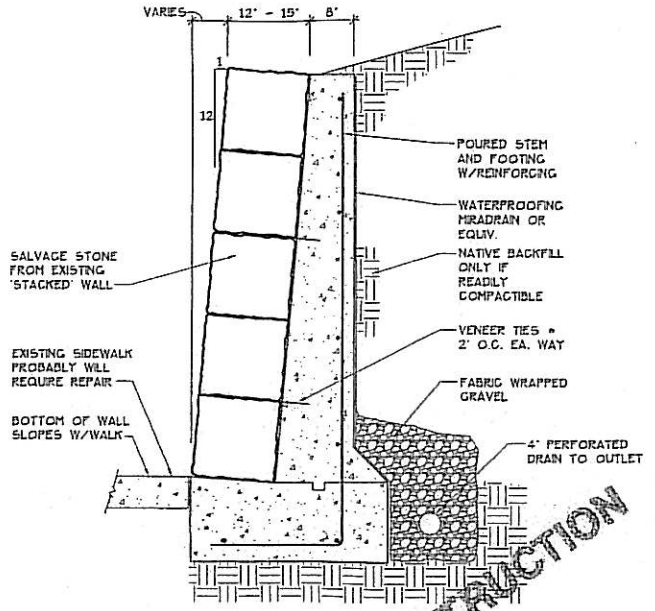


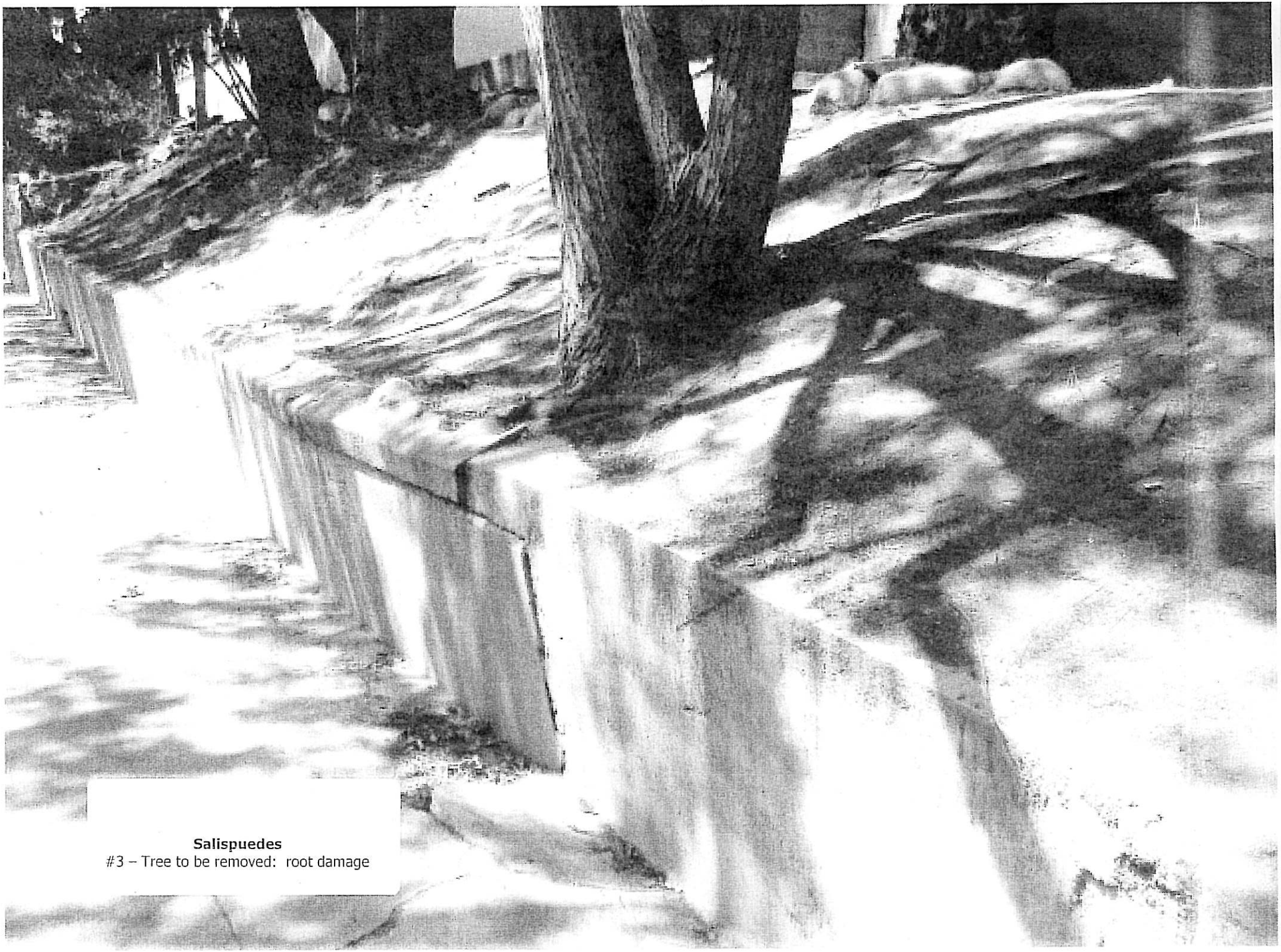
1 / LO.1 BATTERED STONE WALL (NOT FOR CONSTRUCTION)
SCALE: NTS

NOT FOR CONSTRUCTION

Main Entrance on Salispuedes

Courtyard / Pool Area

Courtyard / Pool Area
Chilean Palm!



Salispuedes
#3 – Tree to be removed: root damage

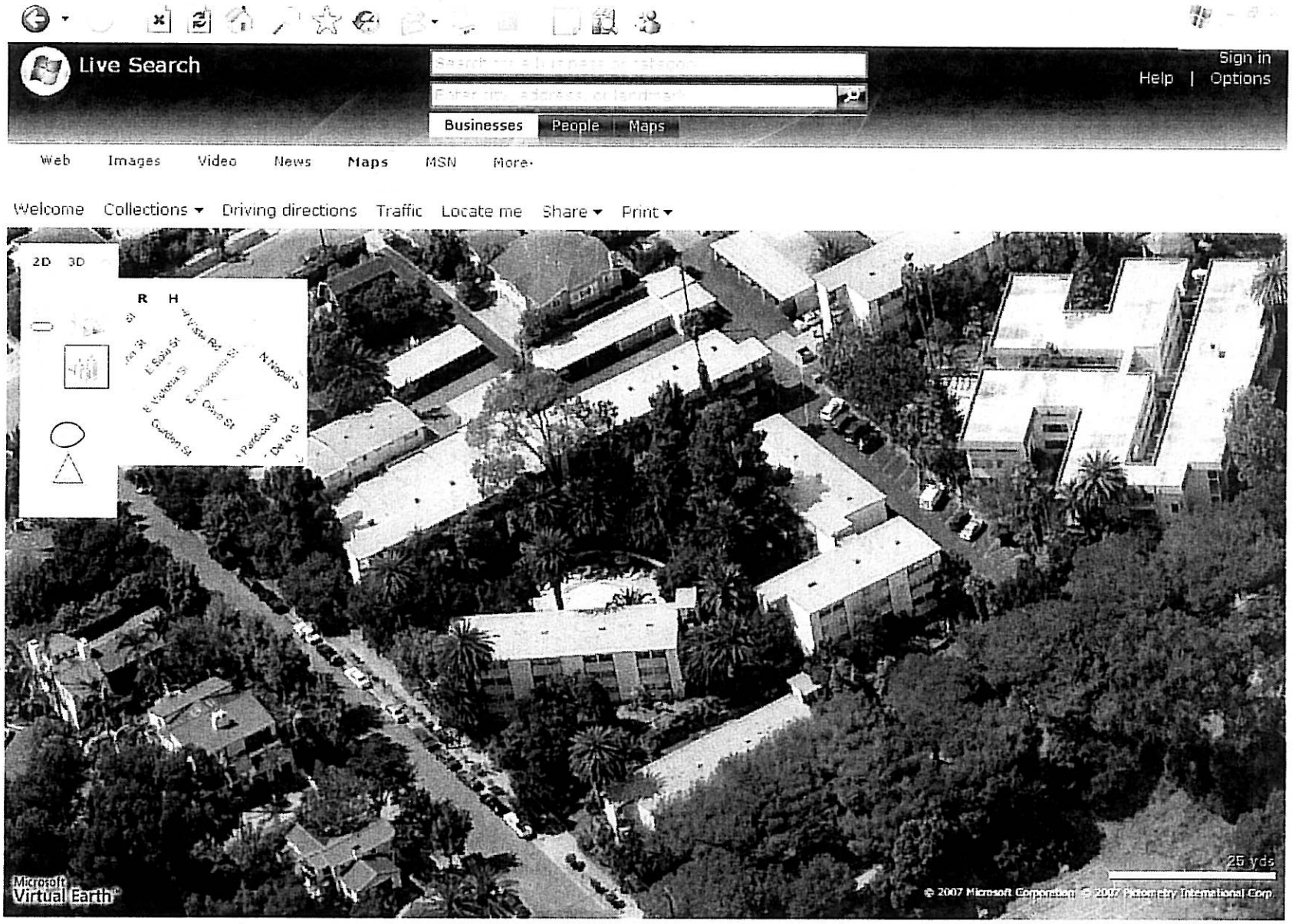
Salispuedes
#4 – Tree to be removed: walkway
move/expansion – will enhance Oak Tree

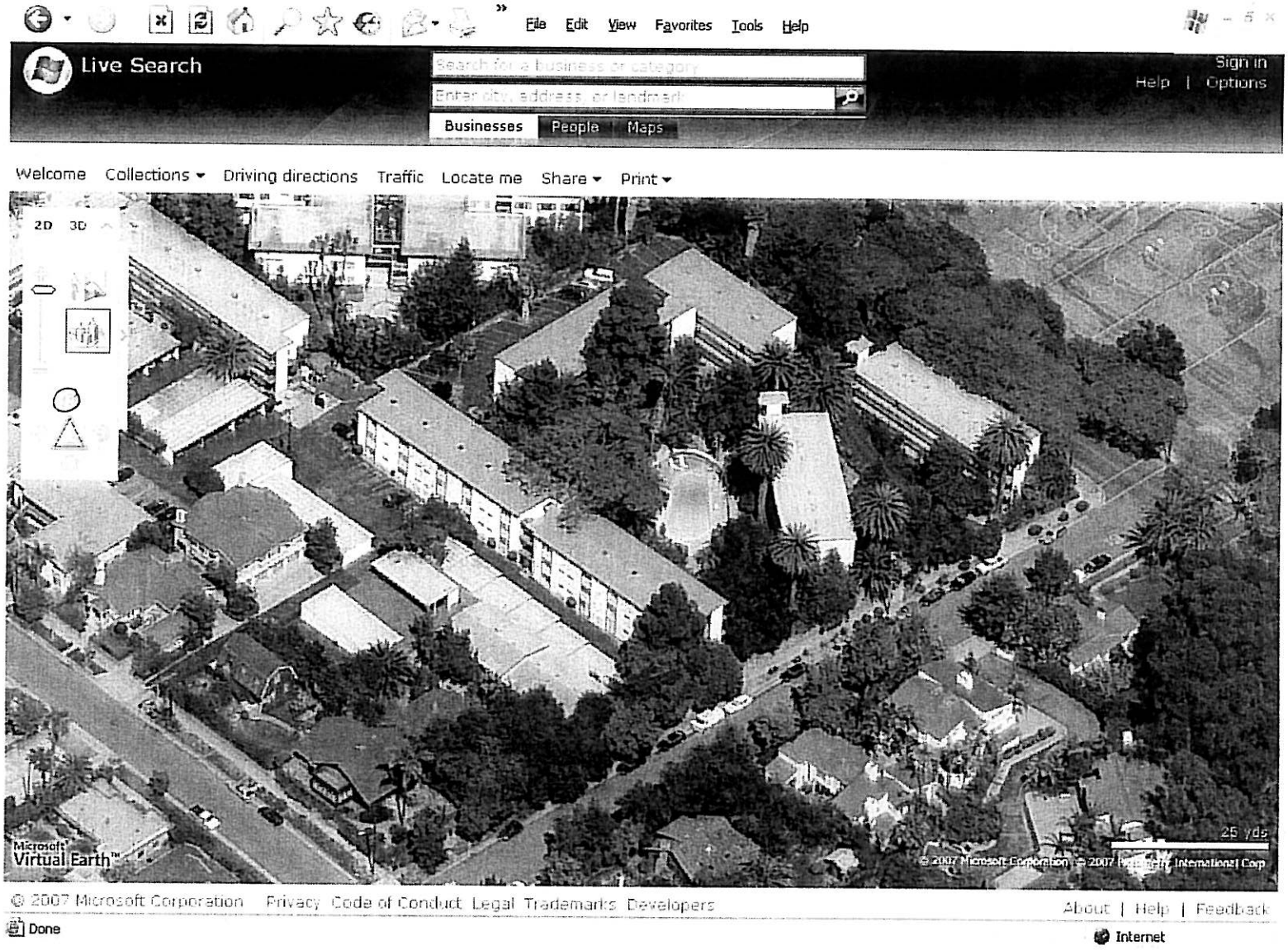
Salispuedes
#5 – Tree to be removed: inhibits landscaping to main entrance

Salispuedes
#6 – Tree to be removed: in middle of parking lot and is unsightly

Salispuedes
#7 – Tree to be removed: close proximity to building (courtyard interior)

601 E. Anapamu.




File Edit View Favorites Tools Help
Live Search
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Sign in
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Welcome Collections Driving directions Traffic Locate me Share Print
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© 2007 Microsoft Corporation Privacy Code of Conduct Legal Trademarks Developers
About | Help | Feedback
Done
Internet

ATTACHMENT 3

REC'D SEP 27 2007

Warren and Julie Wood
1225 North Salsipuedes Street
Santa Barbara, CA 93103
(805) 966-7344
thewoods@sbceo.org

September 26, 2007

Mr. Randall Mudge
Landscape Architect
Architectural Board of Review
c/o City of Santa Barbara
Community Development Department
P.O. Box 1990
Santa Barbara, CA 93102

Dear Mr. Mudge:

Thank you very much for looking again at the landscaping plans for 601 E. Anapamu Street. I know I speak for many in our neighborhood when I say *we are relieved – and grateful – to have attention paid to the sudden loss of so many mature trees.*

We are asking that a sufficient number of mature, specimen trees be planted along the Salispuedes side so the massive apartment buildings there are hidden once again.

What was cut down illegally (and irresponsibly, if one takes an interest in trees and the wildlife they support) cannot be put back. The loss to our neighborhood is huge; however, we do want to look forward and ask what can be done now. To that end, I attended an ABR meeting at which the four members present called for the buildings to be shielded from the street. As you can see on the videotape of that meeting, the ABR members were very interested when the neighbors spoke and showed photos that exposed what the applicant was covering up.

While the neighborhood has lost confidence in the veracity of the applicant, we are learning that the ABR – a volunteer group of experts – could require what SHOULD be restored. So the beauty of our neighborhood is in your hands (sorry, but it is!).

Jaime Limón told me that there are currently only six (6) large trees planned for the Salsipuedes side, trees that don't approach the height of the buildings. This won't begin to cover the massive apartment buildings. We leave the type and number of trees up to your expertise, but ask that they *do indeed cover the buildings.*

Since we have lost confidence in the applicant, we wonder *what would ensure that they do what is approved? Is there a good procedure for oversight?*

For your reference, I have attached some photos of the property. The stumps of the large trees that were cut down were immediately ground up, but I've included photos of a few remaining stumps.

Sincerely,

Julie Alpert Wood

Attachments: photos

Cc: Mr. Clay Aurell, ABR
Mr. Jim Blakeley, ABR
Mr. Christopher Manson-Hing, ABR
Mr. Gary Mosel, ABR
Ms. Dawn Sherry, ABR
Mr. Mark Wienke, ABR
Mr. Paul Zink, ABR

Mr. Jaime Limón, Planning Department
Neighbors of 601 E. Anapamu Street

This building on Salsipuedes was <u>not</u> visible until the massive cutting.

The stump that was not ground up. These were not small trees.

The last tree... The garages were not visible before the cutting. Taken from window across the street.

The applicant asked to keep these walls. Neighbors request that they be replaced.

Karen Quinn of BDC told neighbors that the bulldozing was permitted. We learned later when a stop-work order was made that it was not permitted (approved by ABR).

This woman tried to leave the complex but, unlike the other residents, could not walk down the dirt exit.

This is the hitching post that neighbors want put back in the Parkway. Katie O'Reilly Rogers told ABR that it had been put back. It sits there today.

This building seems to be slumping. It's along Salsipuedes St.

Re: 601 E. Anapamu Street
Dear Members of the ABR:

First, thank you for listening to us – the public – at the July 24, 2007 meeting and agreeing to take another look at this project.

The minutes of July 24th do NOT reflect accurately what I saw, heard, and wrote down at that meeting. The inaccuracy most damaging to those who spoke is the omission of any mention of MATURE SPECIMEN TREES. Every citizen who spoke requested that these be planted along Salsipuedes Street. I said that I'd spoken to Mr. Castellanos, the landscape architect, who verified that there is space to plant them and that they would give the best result. They would screen the edifices from view – screening was a point that both Mr. Manson-Hing and Mr. Aurell addressed -, restoring the streetscape, the beauty of the neighborhood, and our property values.

Board Members stated a need for the applicant to address the public concern about the project. Those concerns, they said, included screening of the buildings, replacement of an historical hitching post, safety, and better communication. For the record, since the initial misleading information that Ms. Quinn gave the neighbors, there has been no communication.

Ms. O'Reilly, speaking for the applicant, said that the hitching post had been replaced, but I walked by the next day and it had NOT been replaced. Ms. O'Reilly also represented the wall as 4 feet high. It's over five feet. Ms. O'Reilly said the rock wall had been left as it was, but a bulldozer had created a huge gaping hole in it. Ms. O'Reilly did not mention that work had been done without permits and a stop-work order had been issued. We sat behind the applicant stunned by all this.

I've never been to an ABR meeting, so I left wondering how the ABR can know what it is recommending when it is given such misleading information? The applicant's reputation for truthfulness in our neighborhood has been seriously compromised by untruths told directly to neighbors as well as to the ABR.

How will the ABR verify that the applicant continues the work legally, following a plan approved by the ABR?

I am sorry not to attend this meeting, but we are on vacation. I am asking Cheri Rae to bring you this letter.

Thank you,

Julie A. Wood
(805) 966-7344
1225 N. Salsipuedes St.
Santa Barbara, CA 93103
thewoods@sbceo.org

REC'D AUG 13 2007

-----Original Message-----
From: Sharon Summer [mailto:sdsummer@yahoo.com]
Sent: Thursday, August 09, 2007 5:52 PM
To: Cheri; 'Julie Wood'
Subject: RE: July_24_2007_Draft Minutes

Hello Cheri,

I would much appreciate it if you could send my message to whoever is in charge of accuracy of the Minutes of the meeting of July 24, 2007 of the ABR.

You, Cheri, were the one who voiced the request of all of us: We, the neighbors, as for SPECIMEN TREES to be planted to cover the now bare, exposed buildings of 601 E. Anapamu, on the Salsipuedes side.

In the comments part of the meeting the leader, CHRISTOPHER MANSON-HING, addressed the bare buildings. He asked the owners, "to address the public (concern), given the visibility of the buildings that screening elements be added" to the owners plan "to shield the buildings on Salsipuedes." He was unhappy that many trees had ben removed without permit. He also added that, "there is nothing to be gained by contentious relationships with the neighbors."

Another Board member, CLAY AURELL, said he had lived at the corner of Salsipuedes and Anapamu at one time and regretted "the lose of shielding foliage." He also asked the owners to shield the apartments to be make them less visible from the street."

The request was for the owners to, "SCREEN THE PARKING AREA, AND SCREEN THE BUILDING." Specimen trees were discussed because the owner's landscape architect suggested planting such trees as being the only good solution.

The Board was concerned about a large palm tree at the wall along the isdedwalk, shown in my photo at the meeting, with many of its roots exposed, be protected from exposure. Everyone is afraid that the mature tree may die if left the way it is.

The Board said they are NOT ready for approval of the 601 E. Anapamu project - suggested indefinite continuance. Further, they asked that this matter "come before the full Board due to neighborhood interest"

These comments are from my notes of that evening (I attended and spoke.) I regret I will be out of town next week, but look forward to seeing the Minutes amended to reflect the above words regarding screening

REC'D AUG 13 2007

of the apartments and garage by planting trees.

Thank you for your attention to this important matter,
Sharon Summer
1215-A Salsipuedes St. SB
957-4812

REC'D AUG 13 2007

ABR Item #2 SR

REC'D AUG 13 2007

(not read - arrived late)

TM / parcel

Charles S. Leonard, D.D.S.

Cosmetic & General Dentistry

1805 State Street, Suite A
Santa Barbara, California 93101-8416
Telephone (805) 898-0257
Fax (805) 898-0430

July 24, 2007

Mr. Boughman:

We live across the street from the apartment buildings under discussion. Words cannot express how utterly dumbfounded we were to witness the destruction of the corner of Salsipuedes and Anapamu streets. It's unbelievable that in the city of Santa Barbara, who's middle name is "Beauty", no one on the planning and zoning commissions were paying attention to the project of BDC Management Company. We are positive you would not have allowed your neighborhood to be demolished as ours was.

The project at 601 East Anapamu is an eyesore and a blight on our neighborhood. Something must be done quickly to repair the destruction of foliage and the walls that once hid the barracks-like apartment buildings. They were so well hidden for so long, we hardly knew they were there. Please help to restore our ruined neighborhood to its former beauty.

Sincerely,

C Leonard Linda Leonard

Dr. & Mrs. Charles Leonard

ABR Item # 2
3c

REC'D AUG 13 2007

TMV Parcel

To the City of Santa Barbara Architectural Board of Review:

My name is Raymond F. Choiniere, Ph.D.
I live at 1215-A North Salsipuedes, Santa Barbara

My home is directly across Salsipuedes from the apartment project at 601 E. Anapamu.

Like my neighbors, I am very distressed at the way BDC has conducted its work on the apartment complex. It has ripped away large amounts of covering foliage and destroyed a number of mature trees which front Salsipuedes, and has undertaken to destroy the sandstone wall along Salsipuedes.

This is in direct contradiction to what we in the neighborhood were told: that mature trees would be left standing. Further, I understand that the destruction has been carried out even though no permit was in granted for this destruction.

Since the trees have already been destroyed, I urgently request that they be replaced by a like number of large specimen trees, to be planted along the property above the stone wall. This will help restore the natural beauty which has been destroyed, and will help to remove from view those unsightly apartment structures. (These resemble more than anything else a collection of three-story military barracks.

Also, one concerned neighbor, Harold Bussell, suggests that a fast-growing pittisporum hedge such as can be found in Montecito be planted to grow a visual barrier until the trees are mature.

I would like to know what the City does in cases where a property owner removes mature trees without permit. I also request to be notified what the City intends to do about BDC's misrepresentations to the City and to the apartment complex's neighbors. Especially, if for some reason no fines or other penalties are to be levied, then may we confidently assume that, at a minimum, damaged or destroyed property, including trees will be replaced? And may we also confidently assume that the sandstone walls will be rebuilt or replaced in exact kind?

Of course, "replacement" of trees cannot in good conscience be accomplished by 5- or 10- or 20-gallon trees, or other devices that only trivialize the losses to our

neighborhood and community. This is why I hope that the recommendation for large specimen trees will be given a top priority.

Since I have no reason to expect that the owner will voluntarily comply with the letter and spirit of the ARB's directives, I would like to know what sort of oversight this project will receive in the future.

Finally, and in relation to the preceding question, I gather that there has been a nearly complete disconnect between the ABR and those people who are charged with keeping the Board informed. I wonder what is being done to see to it that such disconnects do not occur in the future — especially with respect to this project.

Thank you for your attention.

Raymond F. Choiniere, Ph.D
1215-A North Salsipuedes
Santa Barbara CA 93103

ATTACHMENT 4

City of Santa Barbara
Planning Division

Memorandum

ABR
Reviewed
8/13/07

DATE: August 13, 2007

TO: Architectural Board of Review

FROM: Jake Jacobus, Urban Historian

SUBJECT: 601 E. Anapamu Street

The attached document is a copy of Bettie Weiss's report to City Council regarding the situation at 601 E. Anapamu Street. The document includes the associated e-mail chain, which led up to Ms. Weiss's report. I am providing this information at the request of Paul Zink, who requested to view the background information.

The dry stacked stone retaining wall dates to the construction of the complex in the early 1960's and is therefore not considered to be historically significant. It is not known if the stone hitching post was original to the site or not. There were several houses on the site prior to the construction of the modern apartment complex and the post may, or may not, have been associated with one of the former houses. It is my recommendation that it be replaced as close to its previous location as possible.

Attachment: Report to Council

Jacobus, Jake

From: Weiss, Bettie
Sent: Friday, June 22, 2007 1:51 PM
To: Mayor & City Council; 'cheri@thetrailmaster.com'; 'karenq@bdcmanagement.com'
Cc: Armstrong, Jim; Casey, Paul; Cassidy, Larry; Limon, Jaime; Boughman, Tony; Jacobus, Jake
Subject: FW: unpermitted streetscape destruction

Hello all - I have been asked to summarize the situation involving the property at 601 E. Anapamu Street, as there has been a fair amount of correspondence and activity this past week. I will try and keep this brief, yet hopefully achieve my intent of bringing us all up to speed on what the the matter and what responses the City has taken.

I realize that there are other individual involved that I have not included in this email. So, I would appreciate it if the message is passed along as needed (Cheri - to your neighbors, Karen Q. - other agents for the property owner).

The project is an apartment building and a number of changes have been proposed and are underway. City staff has been in contact with BDC Management since March of this year. The basic project description consists of painting the exterior and landscape plan changes including tree removal and alterations to retaining walls.

The status of the project in terms of ABR is that the full review process and final approvals have not yet been granted,as the ABR requested that the plan return with more tree mitigation.

The status of enforcement on the property is active - a stop work order was issued on Monday with the following corrections required:
Stop Work CN given to Hugo Garcia 895-6106. 1) Stop all work-construction and landscaping. 2) Open sidewalk and remove all sidewalk obstructions. 3) Obtain Public Works permit for sidewalk closures.4) Obtain Planning approval for final landscaping plan. 5) Obtain building permit for retaining wall repair and replacement of lower balcony on rear building. A follow-up inspection set for the 18th of July.

As is evidenced by the stop work notice being issued on Monday, City staff has been working on this matter diligently. Below are a few of the emails generated this week regarding this matter.

The applicant has been advised that all proposed changes (including what has been initiated) must be included in the plans for ABR (stairs, hitching post replacement, etc.). The applicant is also aware that the Parks Dept. also (along with ABR) has authority on the front yard trees and we have a letter from Parks. A 10 day standard notice is not required for this project (SBMC 22.68.065). Staff will send an agenda to the "interested parties" we have added this week to the project file. Because there will likely be at least 1 week from application to agenda, it would be good for the neighbors to be in contact with staff &/or the applicant to have a heads up on the ABR meeting, and to come in and review the plan.

Again - my role has been to share basic info so as to convey to Council and the neighbors that this matter is well understood and being addressed appropriately. For more info - see emails below.

Thanks,
Bettie Weiss
City Planner

From: Jacobus, Jake **Sent:** Friday, June 22, 2007 10:09 AM**To:** Weiss, Bettie**Cc:** Limon, Jaime**Subject:** 601 East Anapamu Street - Landscape/Hardscape Alterations

Bettie,

I received two phone calls on June 18, 2007 (at approximately 2:00 p.m.) while I was attending a meeting. The first call was from Cheri Rae McKinney a neighbor of the above mentioned apartment complex, and the second call was from Debra Bush at the Mayor's Office, who requested that I contact Cheri Rae. I called Cheri Rae about 3:00 p.m. and she informed that she believed that there was un-permitted work going on at the Villa Flores Apartments. She indicated to me that workers were demolishing a stone retaining wall and had removed an historic sandstone hitching-post. I told her that I would look into the situation.

I checked the permit records and found that the proposed landscape plan had only received "Preliminary" approval from the ABR and that there were no permits issued for the removal of the retaining wall.

Around 3:30 p.m. I decided that I should conduct a site visit to see exactly what was taking place on the property. I observed that virtually all of the landscape material had been removed from the Anapamu Street side of the complex, and observed workman demolishing the sandstone retaining wall along Salsipuedes Street. The wall they were demolishing was about 5-feet high from the sidewalk level (therefore greater then 4-feet from the top of the footing), which means that a building permit is required for the removal of the wall. I returned to the office and double checked the records and found no building permit on file for the removal of the retaining wall.

I then spoke with Lauren Mocis, Building Inspector, regarding this situation and she agreed to conduct a site visit. She found several life-safety issues with the way the demolition was being carried out and confirmed that no permit had been issued. She issued a stop work order.

I called Cheri Rae to inform her the City has issued a stop-work order and that the applicant would need to apply for the appropriate permits. I also informed her that the is an active ABR application in the process for the landscape improvements. I indicated that if she had further questions, that she should contact Tony Boughman, ABR staff and case planner for this project.

Cheri Rae called my at around 9:40 a.m. on June 19th to inform me that an historic hitching post had been removed. I indicated that the City was aware of it and that the applicant would be required to put it back because it was located on the City right-of-way. Cheri Rae indicated that she left a message yesterday for Tony and that he had not responded. I stated that Monday was and ABR hearing and that Tony is very busy on Mondays.

Beginning on Wednesday, June 20th, I saw a flurry of e-mail messages that I was copied on (beginning with Tony's response to an e-mail that Cheri Rae had sent to him). By this time, a number of neighbors had become involved and I also saw an e-mail from Kellam DeForest of the Pearl Chase Society.

At about 2:30 p.m. on Wednesday, I received a call from Cheri Rae and she was un happy with the City's response to this situation. She indicated to me that there was a life-safety issue because of the potential for someone getting hurt by falling debris and that there was a large tree with its root exposed, which she believes could fall. She asked me who she could all about this potential danger, and I responded that George Estrella, Chief Building Official, would be able to make the determination as to whether there

actually is a life-safety issue that should be addressed immediately.

Cheri Rae stated that she felt that the City was not doing anything about the situation. I basically explained to her that we were, and that it would take some time for all the appropriate parties to address the situation. When she explained that the removal of landscape on the apartment site was having a negative impact on her property, I explained to her that she and other members of the public may attend the upcoming ABR hearing to address their concerns. I feel comfortable that the ABR will guide this proposal to an acceptable solution.

I know that this was a bit long, but I thought that you should be aware of the full situation. Jaime Limon can also provide additional information that may be important to this issue.

Jake Jacobus, Urban Historian

Community Development Department,

Design Review and Historic Preservation Section

From: Cheri [mailto:cheri@thetrailmaster.com]
Sent: Wednesday, June 20, 2007 10:23 AM
To: Boughman, Tony; 'Monie'; 'Susan Petty'; 'Julie Wood'
Cc: Williams, Das; Jacobus, Jake; Limon, Jaime; Blum, Marty
Subject: unpermitted streetscape destruction

Mr, Boughman,
Thank you for your reply.
I have contacted you for the City's official information about this project and you have responded with the applicant's version. Our neighborhood's experience with this applicant is far less than acceptable, and I expect a detailed and official explanation from you based on the City's requirements and the applicant's actions. If you cannot provide it, then please direct me to the City official who will.

I am still unclear about what work has been officially permitted and what has not. You mention that the landscaping plan received preliminary approval. Has it received final approval? From my experience with ABR, I would be more than surprised that the City would allow the destruction of virtually every mature plant and tree on the site without a final approval for the landscape plan. Isn't final approval required before removal commences?

The unpermitted destruction of the rock wall has left it in a highly unsafe condition and has destabilized both rocks and trees above it. Further, in doing so, the new ownership is attempting to create a major new entryway from Salsipuedes, something that has never been a part of the streetscape. This unpermitted entryway will not only give easy access to the swimming pool creating an enticing danger to our children, it also creates a passageway for anyone passing through, particularly the local high school students. With the rise in gang activity and street crime in our area—just look at the graffiti that has recently exploded onto the scene--this does not appear to be a safe or wise measure, especially when done without official permission.

I am also puzzled about the requirements for neighborhood notification when an entire city block is so profoundly altered. Would you please refer me to the proper resource so that I might better understand what neighborhood alterations require advance notification and which do not. From the outcry of citizens who have been negatively affected—not only by the removal of vegetation, but the callous disregard for its cultural resources—I suggest that it is time for the city to rethink its notification policies, as well as the penalties for those who would ignore the City's requirements and proceed with un-permitted work, resulting in great community disruption and a stop work order.

It is essential that this situation be remedied as soon as possible, and that your work on this issue extend far beyond conversations with the applicant. We neighbors are extremely unrepresented right now, and we need some strong leadership and immediate action that results in a much improved situation—both on the ground and

at the highest levels of City government.

I look forward to your reply.
All best,

Cheri Rae

(805) 963-7037
cheri@thetrailmaster.com
www.thetrailmaster.com

-----Original Message-----
From: Boughman, Tony [mailto:ABoughman@SantaBarbaraCA.gov]
Sent: Wednesday, June 20, 2007 9:36 AM
To: Cheri; Monie; Susan Petty; Julie Wood
Cc: Williams, Das; Jacobus, Jake; Limon, Jaime
Subject: RE: situation at 601 E. Anapamu

I spoke to the applicant for this project. Preliminary approval was given by ABR on 5/7 for a new landscape plan. As I understand it, there has been some additional work commenced that was outside the scope of work of the ABR reviews on 4/23 and 5/7. I believe they are removing and replacing a retaining wall, doing some minor swimming pool changes, and repairing the sidewalk where trees were removed. The applicant told me a street tree inspection was done on 4/25 and approval was given to remove trees as requested except for one. I told the applicant to add the additional work (any exterior changes on site) to the project's scope of work for the next ABR review. This project was not one that required neighbors to be notified. We have the preliminary landscape plan here at the Planning and Zoning counter at 630 Garden St. if you would like to see it, and we expect revised plans soon.

Tony Boughman
564-5470

From: Cheri [mailto:cheri@thetrailmaster.com]
Sent: Tuesday, June 19, 2007 9:57 PM
To: Boughman, Tony
Cc: Williams, Das
Subject: situation at 601 E. Anapamu

Mr. Boughman:
Perhaps you have not received my phone messages from Monday and Tuesday, so I will attempt to reach you this way instead.
I am most concerned about the situation that has been thrust upon my neighborhood by the new ownership and management company of the property at 601 E. Anapamu, and I need information that apparently only you have.
According to my conversations with Mr. Jake Jacobus, our City Historian, an official for whom I have the utmost regard, the proper permits for landscape removal and an approved landscape plan are not in place. Ms. Karen Quinn of BDC management company insists, however, that the permits are in place.
Throughout this unpleasant process, neighbors have received absolutely no notification from the City, the ABR or the management company about the work planned, and despite numerous requests, no attempt was ever made for any kind of good neighbor notification on the days of greatest noise and disturbance. If you're at all familiar with the Bungalow Haven neighborhood you would know that we do get involved in the process—and we surely would have gotten involved in this one!.
That's all now a moot point: The fact that the historic stone wall has been bulldozed, the historic hitching post removed and that a very unsafe situation now exists with the now highly unstable rock wall—and large trees perched precariously with huge root balls exposed—is of great concern to many of us who walk regularly in the neighborhood. With the SB Bowl season opening on Friday night, it really ought to be of equal priority to City officials as well.

There is an additional quite serious question about the landscaping requirements, since the streetscape has been changed so profoundly. So many mature trees have been removed, the unsightly buildings now loom ominously above the sidewalks and loom into view from nearby properties; the birds now have no place to roost and have left the neighborhood; the sounds are magnified, and any sense of privacy residents of the property and we neighbors once enjoyed has now vanished. We fully expect that the new landscaping plan require the placement of mature specimen trees on the site to restore some sort of ambience now long gone from our once-graceful neighborhood.
I am no arborist, but even a casual gardener like me must question the wisdom of scheduling the planting of trees in about two months time—the middle of summer, our hottest, driest time of the year, which will surely strain whatever plants are placed and require more water than usual.
I hope that you will find time in your busy schedule to communicate with me about this very important matter as soon as possible.

Cheri Rae
(805) 963-7037
cheri@thetrailmaster.com
www.thetrailmaster.com

Background info of disc with applicant (BLW)

From: Gustafson, David

Sent: Tuesday, May 22, 2007 4:51 PM

To: 'robk@bdcmanagement.com'

Cc: Limon, Jaime

Subject: 601 E. Anapamu Street

Hi, Rob. I am getting back to you regarding your frustration with your experience with our design review process. I have been away on vacation for a couple of weeks, so sorry for the delay.

I checked with Jaime Limon who manages the Architectural Board of Review process to try to better understand the experience you had. Here is written information I got from Jaime:

> There is sometimes confusion regarding projects involving color changes to multi-residential buildings. The color change can be exempted from ABR and from obtaining a building permit.- If the painting is the only work being proposed.
>
> The ABR ordinance specifically requires ABR when other work is being done in conjunction with the paint color change. The ABR was unawdre of the fact that additional construction work and extensive landscaping/site wall improvements are being proposed by others separately. (Including the removal of several large trees in the front yard setback). So the ABR Consent reviewer may have said something about possibly being exempt. Staff makes the final determination, which was correct to require ABR review.

I don't know how this coincides with your understanding of the experience. I do seem to recall you telling me that other work, including the tree work, was proposed. Let me know if we are overlooking or misunderstanding something. I hope all your future experiences with design review are positive.

ALL ACTIVITIES SUMMARY

MST2007-00190 **LANDSCAPING**

Proposal for a new landscape plan to include walkways, retaining walls, stairs, minor pool work, and removal of trees in the front setback.

Activities:	Disp	Date 1	Date 2	Date 3

Proposal for a new landscape plan to include walkways, retaining walls, stairs, minor pool work, and removal of trees in the front setback.

Status: Building Permit Issued	DISP	Date 1	Date 2	Date 3
Application Received				**04/18/07**
ABR-FYI/Research	**FEES**			**04/18/07**

Fees were paid under review after final for MST2007-00119, we subsequently created a new case for this landscaping proposal.
Tony Boughman 564-5470 x 4539.

ABR-Consent (New)	**CONT**			**04/23/07**

(COMMENTS ONLY; PROJECT REQUIRES ENVIRONMENTAL ASSESSMENT.)

Continued one week with the following comments: 1) provide mitigation for tree removal; 2) provide landscape improvements appropriate to site improvement.

** MEETING ADJOURNED AT 7:13 P.M. **

ENV-MEA Prep-NO action req	**DONE**			**04/23/07**
ABR-Consent (Continued)	**APVD**			**05/07/07**

(Action may be taken if sufficient information is provided.)

Preliminary Approval with the following conditions: 1) Provide complete landscape plan; 2) Screen the parking lot at Salsipuedes Street.

** MEETING ADJOURNED AT 8:45 P.M. **

ABR-Prelim Approval - Project	**APVD**			**05/07/07**
ABR-Resubmittal Received	**RECD**			**06/21/07**

Landscape plan received with park letter.

ABR-Resubmittal Received	**RECD**			**07/09/07**

Tree preservation plan, wall details, planting details, revised landscape plan.

ABR-Final Review Hearing	**CONT**			**07/24/07**

(Project was given Preliminary Approval at Consent Calendar.)

Activities:	Disp	Date 1	Date 2	Date 3

(7:47)

Present: Karen Quinn, Applicant; Randy Castillanos; Katy Rogers O'Riley, Office of Katy O'Riley Rogers.

Public comment opened at 8:04 p.m. The following individuals spoke with concerns:

Cheri Rae McKinney: No mention of a Stop Work Order or enforcement actions, rock wall had been bulldozed, presented photographs of actual field conditions. Concerns regarding misrepresentations by the applicant, work without permits, removal of landscaping, unsafe conditions; relocation of hitching post; requested site visit. Questioned why no staff report was being presented.

Julie Wood: Concerns regarding omission of any mention of mature specimen trees, requested mature specimen trees be added for screening, misleading information given to neighbors by applicant. block-wall in disrepair; lack of pedestrian access; loss of park-like atmosphere. Indicated she had spoken to Mr. Castillanos who confirmed that mature trees could fit at site.

Sharon Summer: requested screening elements and mature trees be added, had concerns on exposed roots of palm tree; unsafe tree condition; destruction of the corner of Anapamu and Salsipuedes. Presented photographs of the true height of the retaining wall.

Public comment closed at 8:18 p.m.

Motion: Continued indefinitely to the Full Board with the following comments:
1) Applicant to complete the working drawings as required for Final Approval.
2) Applicant to provide working drawings, and keying of working drawings to the locations on the plan for retaining wall along Salsipuedes and, if required, along Anapamu.
3) Replace existing falling down concrete and/or stacked block sandstone, with appropriately designed retaining wall system in that location. Drawing should show heights of wall above sidewalk at each location.
4) Verify the historic location of the hitching post, provide details for returning the post to the historic location, and improving that area of the easement.
5) Provide parkway planting and trees. Verify with City Arborist the official tree and number of trees required.
6) Applicant to verify that all roof drainage and site drainage is properly handled on and off site per City standards.
7) Applicant to verify and possibly relocate the stairs off Salsipuedes, and the location of the existing large palm tree.
8) The Board appreciates the landscaping on the internal part of site. The relocation of fencing into the garden along the pool is a nice attribute. The stairway from Salsipuedes as a new entry point is a nice feature. The location of pathways, new picnic benches, and the introduction of small amounts of lawn are good features.
9) At this time the Board can not comment on the appropriateness of the landscaping plan due to the absence of the landscape architect. The previous preliminary plan was approved by the landscape architect for the planting.
10) Any modifications or changes of the location of the driveway off Salsipuedes also should conform to the retaining wall comment, #2 above.
11) The Board expects that the design as shown, notwithstanding the comments made previously in the motion about the street trees and planting on Salsipuedes, is a design that shall in many ways help to mitigate the size, bulk, and scale of the existing architecture, especially along Salsipuedes Street and covered parking area at the rear of building D.
12) Coordinate with the Building department temporary root protection for the palm tree.
13) Include all of the above on the working drawings.
Action: Aurell/Zink, 4/0/0. Motion carried. (Blakeley, Mosel, Mudge, and Sherry absent.)

ABR-Resubmittal Received **RECD** **08/06/07**

Received 3 sets of plans per the request of the ABr on July 24, 2007 - detailed reference plans for the planting and tree preservation and wall replacement.

ABR-Final Review Hearing **APVD** **08/13/07**

(Project Received Preliminary Approval on 5/7/2007. Final Approval is Requested.)

Time: 5:01

Activities:	Disp	Date 1	Date 2	Date 3

Present: Karen Quinn, Applicant; Katy Rogers O'Riley, Landscaped Architect; Rob Kooyman, BDC Management.

Staff comments: Jaime Limon provided the Board with background information clarifying that there was a stop work order, he stated that there was some confusion on the part of the property owner as to whether the work needed ABR review.

Tim Downey, City Urban Forest Superintendent, reported that he has been in discussion with applicant, and will work with the applicant and the Street Tree Advisory Committee for mitigation of the additional tree removal.

Mr. Downey stated that his jurisdiction only applies to the setback and parkway trees, and the proposed tree mitigation in the parkway is acceptable, although the species is yet to be determined.

Public comment opened at 5:19 p.m. The following individuals spoke in favor or opposition:
Cheri Rae McKinney: opposed. Documents entered: correspondence and e-mails from neighbors.

Ray Choiniere: opposed; documents submitted: his public comment letter (also submitted comment letter from Dr. and Mrs. Leonard after public comment had closed).

Public comment closed at 5:27 p.m.

Motion: Final Approval of the project, as noted on plans, with the following conditions:
Applicant shall design and repair the entire length of the existing wall and new wall on Salsipuedes Street, against the sidewalk, as per their structural detail submitted with the following changes:
1) The block stone can be reduced to 4 to 6 inches of veneer, hopefully reutilizing existing wall, and potentially move the structural vertical battered foundation wall closer to the sidewalk, allowing more room for the palm tree in that location, and having a top stone cap covering both the concrete retaining wall and the veneer. Top of footing is not to be higher than the sidewalk at any location (detail 1, page LO-1).
2) Parkway hitching post and stonework: repair and relocate the hitching post back to its original condition and location. Coordinate location with the City Historian.
3) Restore the stonework at the parkway to its original condition.
4) Remove any high water use plants per City requirements for zero scape water usage.
Action: Mosel/Manson-Hing, 7/0/1. Motion (Blakeley abstained.)

ABR-Final Approval - Project	**APVD**	**08/13/07**
ABR-Resubmittal Received	**RECD**	**08/30/07**

stamped landscape plans per J. Limons request...?

ABR-Resubmittal Received	**RECD**	**09/18/07**

One set of plans for review after final, minor changes to landscape plan.

ABR-Consent (After Final)	**CONT**	**09/24/07**

(Landscaping Review.)

Continued two weeks to the Consent Calendar, with the following comments: a) the change in location of the jacaranda is acceptable; b) down sizing silkfloss trees is not acceptable; c) provide a specimen street tree; d) return with disposition of palm trees at wall (of street frontage); e) return with finalized front yard setback plans for Salsipuedes Street.

ABR-Correspondence/Contact	**NOTE**	**10/04/07**

Meeting with Jaime, Randy, and Michelle on 10/04/07 to review plans dated 8/13/07 which received final approval with conditions and compared to plan submitted for Review After Final reviewed on 9/24/07. The purpose of the meeting was to determine the approximation of original landscaping, with tree removal, and the proposed mediation of landscaping. The following are Randy's comments:
Applicant is requested to provide an updated tree disposition plan to accurately show current status of existing vegetation and removed vegetation.

Activities:	Disp	Date 1	Date 2	Date 3

Numbers below will reference numbers on plans dated 9/24/07.
1) one new Fire Wheel Spp at the South Corner of Bldg C
(30' typical height).
2) Verify species and dispositioon of existing tree. The four proposed Jacarandas are adequate.
3) Northeast of Bldg A - add tree and shrubs.
4) Confirm whether the existing bottle tree indicated to remain (as indicated on the 8/13/07 plans) is still there or whether it was removed. If it was removed replace with a significant evergreen canopy tree.
5) West end of building B and D - Replace with tall evergreen species. Plans indicated new tree to be suggested by City Arborist. City Arborist does not have purvue over this location.
6) Westside of building C - left wing / interior court yard area - add one small to medium canopy tree - either evergreen or deciduous species.
7) Provide sufficient landscaping to shield carport.
8) Confirm the status of the palms which indicate to be relocate and confirm the proposed relocation position.
9) Verify disposition of two palms at southwest corner of building D - remain in existing location or relocated?

ABR-Consent (After Final) **CONT** **10/08/07**

(Landscaping review continued.)

Continued two weeks to Consent Calendar with the following comments: 1) Add tall screen trees or Palms between buildings B and C. 2) Olive trees are not acceptable for substitutes to silk floss trees. 3) Corrections as noted per Board member Mudge's comments dated October 4, 2007 [see MST case activity].

Building Permit Issued **I** **10/17/07**

BLD2007-02126

ABR-Resubmittal Received **RECD** **10/18/07**

One set received for Review After Final on Consent.

ABR-Consent (After Final) **APVD** **10/22/07**

(Landscaping Review Continued.)

Final Approval as noted.

ABR-Final Approval - Project **APVD** **10/22/07**

Final Approval as noted on plans with notes to be verified by staff.

(F) Print ALL Actions of Case **01/07/08**

(F) Print A B R Activities **01/09/08**

(F) Print ALL Actions of Case **01/15/08**

Bill Spiewak
CONSULTING ARBORIST
Registered Consulting Arborist #381 • American Society of Consulting Arborists

January 19, 2007

Office of Katie O'Reilly Rogers
114 East De La Guerra St.
Santa Barbara, CA 93101

963-2857
katie@kor-inc.com

Tree Inventory and Assessment: Villa Flores Apartments 601 East Anapamu St., Santa Barbara

BACKGROUND

I met with Katie O'Reilly Rogers on January 4, 2007, to look at the grounds within the parameters of Villa Flores Apartments at 601 East Anapamu Street. Her client was interested in improving the landscape that was installed years ago. Many of the trees and shrubs had grown to the point where they were large, leggy and conflicted with each other, competing for light thus limiting sunshine to the complex. Katie requested that I look at the trees and make recommendations for removal and retention in an effort to assist in her in design of a new and improved landscape.

ASSIGNMENT

I have been assigned to inspect the landscape and make recommendation to remove or retain trees within the property. My findings were to be compiled in a report.

SCOPE OF PROJECT

- I assessed trees on the property that were identified on a site plan provided by the office of Katie O'Reilly Rogers. I added tree numbers to the plan and prepared a corresponding table with the tree inventory (see page 4).
- Small shrubs, shrub-sized trees, and birds of paradise have not been included in this report.

GENERAL OBSERVATIONS

1. I looked at 89 items on the property, although several items represent more than one tree and approximately 100 trees are represented.
2. Aside from several oaks and a toyon, most of the trees are non-native.
3. The canopy density on the property has adversely affected the form of many trees by limiting light to one side of the crown, and in many instances, causing dieback of lower limbs. Many trees are poorly defined due to overgrowth of conflicting limbs.

4. There is an assortment of palms on the property that have been minimally to harshly pruned. Spike marks are visible on some stems and chain saws have cut too far into several tender trunks.
5. A large stone pine is in decline and causing damage to the sidewalk and side of the building.
6. Other trees are also growing too close to walkways and structures, and roots are causing damage.
7. Although the grounds are tidy, soil biology has been impacted, largely due to removal of organic material from raking.

DISCUSSION

Landscapes are often installed with good intentions. However, more frequent than less, as property ownership changes along with priorities, plants often grow beyond the plan for which they were intended. Thus the result is an overgrown landscape or groups of plants that have been maintained with goals of tidiness rather than ideal health and structure.

As I look over this property, it is obvious that more trees are growing where less were intended, or at least the mature sizes and placement requirements were overlooked. In my assessment itemized below, I have considered size, density, health, and structure of each tree and whether or not removal or retention is in the best interest of the property and landscape. Some of the larger trees need to be removed due to their poor health, structure and/or damage they are causing to the infrastructure of the property.

CONCLUSIONS

- Based on my assessment, forty-five of the one hundred trees and shrubs listed should be removed. Although most are tree-like shrubs, ten are medium to large palms, three are medium sized black acacia, three are medium sized pines in poor condition either biologically or structurally and one large tree is a stone pine in poor condition that is causing damage. This will allow remaining trees to become well defined in the landscape and encourage growth into spaces that will enhance their health and structure.
- Removing the designated plants will also allow more sunlight to residents and property, and support an improved under-story landscaping.
- Removing designated trees will reduce further damage to the infrastructure from trunks and tree roots.

RECOMMENDATIONS

1. Remove trees as designated in the report.
2. Prune trees as recommended. A competent tree service that is supervised by a qualified Certified Arborist should perform the work.
3. When pruning palms, avoid climbing spikes and chain saws on trunks. Use climbing ropes, saddles, ladders, bucket trucks, and handsaws where necessary. Chain saws may be used to cut fronds and frond bases but not shave the trunks.
4. Other trees should be crown cleaned and crown thinned as recommended in the plan. Crown thinning is removing deadwood, diseased and non-contributing interior branches. Crown thinning is reducing density and weight of the crown with thinning cuts as opposed to heading cuts (appropriate for hedges and fruit trees)
5. Pruning of trees should be done in accordance with *ANSI A300 Pruning Standards* and *ISA Best Management Practices*.

ARBORIST DISCLOSURE STATEMENT AND CERTIFICATION OF PERFORMANCE

Arborists are tree specialists who use their education, knowledge, training and experience to examine trees, recommend measures to enhance the beauty and health of trees, and attempt to reduce the risk of living near trees. Clients may choose to accept or disregard the recommendations of the arborist, or to seek additional advice.

Arborists cannot detect every condition that could possibly lead to structural failure of a tree. Trees are living organisms that fail in ways we do not fully understand. Conditions are often hidden within trees and below ground. Arborists cannot guarantee that a tree will be healthy or safe under all circumstances, or for a specified period of time. Likewise, remedial treatments, like any medicine, cannot be guaranteed.

Treatment, pruning and removal of trees may involve considerations beyond the scope of the arborists services such as property boundaries, property ownership, site lines, disputes between neighbors, and other issues. Arborists cannot take such considerations into account unless complete and accurate information is disclosed to the arborist. An arborist should then be expected to reasonably rely upon the completeness and accuracy of the information provided.

Trees can be managed, but they cannot be controlled. To live near a tree is to accept some degree of risk. The only way to eliminate all risk associated with trees is to eliminate all trees.

I Bill Spiewak, certify:

That I have personally inspected the trees on the property referred to in this report and have stated my findings accurately.
The analysis, opinions and conclusions stated herein are my own and are based on current scientific procedures and commonly accepted arboricultural practices.

Signed: _____

Bill Spiewak
Registered Consulting Arborist #381
American Society of Consulting Arborists

Board Certified Master Arborist #310B
International Society of Arboriculture

Bill Spiewak
CONSULTING ARBORIST
Registered Consulting Arborist #381 • American Society of Consulting Arborists

August 11, 2007

Office of Katie O'Reilly Rogers
114 East De La Guerra St.
Santa Barbara, CA 93101

963-2857
katie@kor-inc.com

RE: Villa Flores

BACKGROUND
The Villa Flores apartment complex is at 601 East Anapamu in Santa Barbara. Recently, a grounds crew removed a stairway and a large section of a stonewall along the east sidewalk of Salsipuedes Street, the western border of the property. According to Katie O'Reilly Rogers, the landscape architect representing the property owner, the Santa Barbara Architectural Review Board has required the owner to rebuild the entire wall. Katie was concerned about potential damage to two date palms along the wall and also the best location to replace the stairway. I went to the site on 8/9/07.

ASSIGNMENT
I have been assigned to assess the condition of the two date palms and recommend a location for the stairway leading from the sidewalk on Salsipuedes street to the west side of the apartment complex.

LIMITS OF THE ASSIGNMENT
My opinions of potential damages in this report are based on experience with trees and knowledge about soil interaction with tree roots. I do not claim to be an expert in soil physics.

USE OF THIS REPORT
I intend for this report to offer an opinion on potential damages from restoring the entire wall and lead to a reassessment by the ABR requiring restoration of smaller sections.

OBSERVATIONS
1. There is a rock wall along Salsipuedes street that retains the upper soil level at least 5' higher than the sidewalk.
2. At that upper level and alongside the wall are two large and healthy date palms *(Phoenix canariensis)*. One palm more to the center section of the wall has a 36" DBH (diameter at breast height measured at 54" above ground). The second palm has a 20" DBH and is at the south end of the wall.
3. The center of the trunk of the larger palm is 4' from the inside edge of the wall. However, its massive root ball easily spreads at least 6' on all sides except on the

west side where it grows into the wall. Roots are visible through the spaces between stones in the wall.

4. The second palm is closer to the wall with roots that also grow through the spaces between stones.
5. The larger tree (approximately 75' tall) is taller than the adjacent high voltage wires and is precariously close.
6. The second palm is shorter (approximately 35' tall) but has palm fronds that grow into the low voltage electrical, telephone and cable TV wires.
7. A grounds crew removed a significant section of the rock wall and stairway, thus exposing the large root mass of the larger palm. It has since been watered and covered with carpet to resist water loss.
8. There is a 28" DBH oak near the larger palm but much further back from the center section of the wall.
9. According to Katie O'Reilly Rogers, the Architectural Review Board of the City of Santa Barbara has required restoration of the entire wall. This will require disassembling the existing wall and rebuilding it. In the process, roots of both trees will be cut and the retained soil will become exposed and unsupported.

DISCUSSION

Date palms can often withstand root loss as often noticed by the commonly successful relocation of this tree species. This is largely due to the fibrous root system and resilience of the tree. It is also commonly recognized that these date palms are extremely heavy and require large cranes and flatbed trucks when they are moved.

My concern lies with disassembly of the existing stonewall that supports these massive palms so close to the sidewalk, street and high voltage wires. There is a high potential for movement of the root ball during the restoration of the wall and the consequences could be tragic. When unsupported, the weight of the tree and root ball could cause shearing of underlying soil, resulting in sliding or possibly toppling to the west into the high voltage wires and road.

CONCLUSION

- Restore the wall as necessary but without incorporating the sections near the palm trees.
- When restoring a stairway from the sidewalk to the complex, place it to the north end of the wall as far from the oak tree as possible.

Prepared by:

Bill Spiewak
Registered Consulting Arborist #381
American Society of Consulting Arborists

Board Certified Master Arborist #310-B
International Society of Arboriculture

Photo 1: View of the larger palm. Arrows point to high voltage wires. The lower wires are low voltage electrical, telephone and cable TV. Carpet covers a portion of the exposed root ball. The smaller palm is at the upper right edge of the photo by the pole.

Photo 2: The smaller palm. Note its location next to the wires and pole.

Photo 3: A close up of the removed section of the wall and the exposed massive root ball.

Photo 4: Note the proximity of the root mass to the wall.

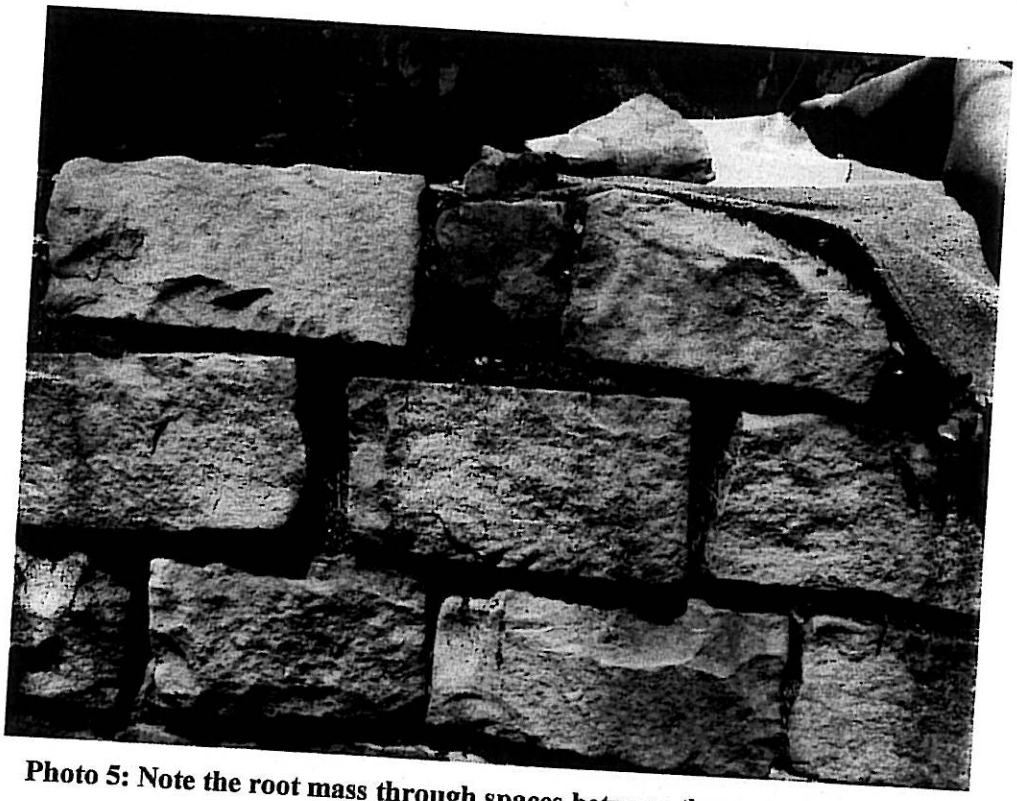

Photo 5: Note the root mass through spaces between the stones in the wall.

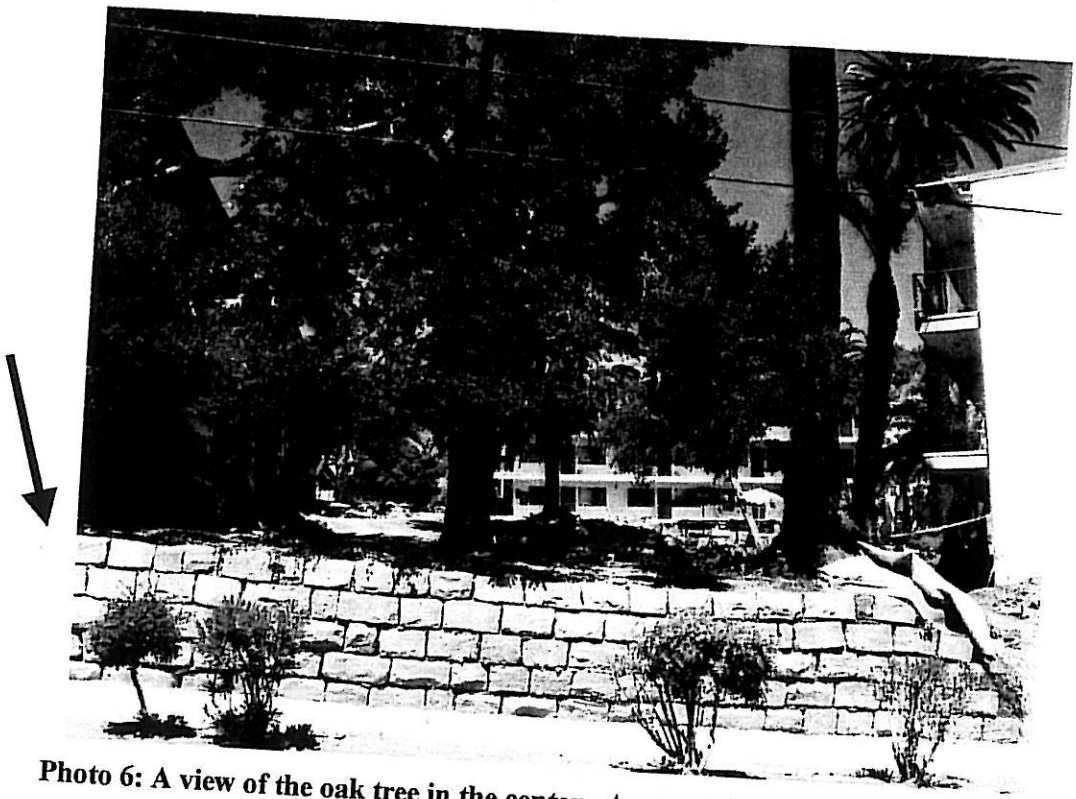

Photo 6: A view of the oak tree in the center. A new stairway should be located to the left (north end) of the wall. Arrow

January 16, 2008

RECEIVED

JAN 2 3 2008

CITY CLERK'S OFFICE
SANTA BARBARA, CA

TO: Mayor Blum, Members of City Council

FROM: Cheri Rae McKinney, on behalf of the La Muralla Owners Association and Salsipuedes Street Neighbors

RE: The Appeal of the ABR Landscape Plan for 601East Anapamu Street by the LaMuralla Owners Association and Salsipuedes Street Neighbors

ACTION REQUESTED: Support the Appeal on January 29, 2008, and consider the suggestions delineated below to remedy this situation and make institutional changes to prevent the loss of additional community resources.

EXECUTIVE SUMMARY

For several months, during the spring of 2007, individual citizens attempted repeatedly to work with the management company (BDC) represented the new property owner, local investor Hank Hurst and his partner Los Angeles attorney Richard Rosin (H & R Investments) to comprehend the extent of the tree-cutting that occurred at the 2.3-acre property known as Villa Flores Apartments. Each citizen was told by representatives of BDC speaking for the property owner that the work was fully permitted and approved by the City; each was surprised, but trusted and expected they were being told the truth. (See attachment 1 for information about the sale of the property.)

On June 18, 2007, a team of workers began demolishing the historic rock wall on Salsipuedes Street—and nearly crashed the bulldozer into a neighbor who had to swerve to avoid the machine, citizens had no recourse other than to contact city officials to intervene. By that time, up to 100 trees on the property had been cut down and ground into dust by Action Tree Service. The citizens finally became united in their efforts when they summoned the City Historian to the scene; when he observed the damage, he had a Stop Work order issued, and informed the citizens that none of the tree-cutting of up to 100 trees on the property, or the rock wall demolition, or the removal of an historic hitching post—had been officially permitted and that no landscape plan had ever been approved.

Until the Stop Work Order was issued, the ABR review of the extensive landscape changes and alterations to the stone walls was limited to review at consent only by the sole landscape architect on the ABR, and no notification of the public. The citizens discovered they had been repeatedly mislead and uninformed about the ongoing approval process and the extent of the alterations planned for the project.

JAN 29 2008 # 19

Only then did citizens become drawn into the ABR approval process, which has been lengthy, difficult, and frustrating—complicated by inaccurate information, lack of properly thorough oversight, and communication difficulties over timing, procedures, and the public's right to participate in the process.

Through much time-consuming research, citizens have finally untangled this complicated matter, and learned that IF a few procedural matters been appropriately followed at the outset—with particular sensitivity to the property's location within the Lower Riviera Special Design District—this entire situation would likely have been avoided.

Now we have no choice but to request your assistance in restoring tranquility to the neighborhood, with the aesthetic ambiance of placing far more, bigger, leafy trees similar to the mature specimen, historically significant ones that have served as softeners to the apartment buildings, as well as habitat for the creatures that once lived here.

Importantly, however, no one in the entire Community Development Department—from planning technician level, up to and including senior staff and even the then-Director (and the current acting Director)—ever took the time to fully, or even partially, investigate the neighbors' concerns, yet they continued to accept the applicants' version, and even after they made several misrepresentations (on the record at the ABR meeting of July 24 and strongly protested by citizens). They also continued to defend their own actions and repeated erroneous information to Council, ABR members as well as citizens, rather than seriously investigate the concerns raised.

Upholding the appeal and requiring enforceable repair, reconciliation and resolution of this matter to all who have participated in the improper reviews and distribution of erroneous information is essential to restore equilibrium in this neighborhood and the greater community. Although the loss of these specimen trees cannot be fully mitigated, it must be addressed.

Other communities have dealt quite harshly with scofflaw behavior when it comes to trees: the city of Glendale, CA recently levied a fine of nearly $350, 000 to a couple who inappropriately cut a mature tree on their property, and a judge in Las Vegas recently sentenced a man to five years in prison for the cutting of 500 trees in the city. We do not advocate such measures—but surely there must be a clear message sent that the ends do not justify the means; this not the way we do things in Santa Barbara. The current low-level of doubling the $125 permit fee as a fine is an insult to the public. This behavior must be sanctioned and stopped and an example set for any others who might contemplate similar action.

AFTER UPHOLDING APPEAL, SUGGESTIONS FOR RESOLUTION OF THIS ISSUE

WE SUGGEST AND STRONGLY URGE the creation of an ad-hoc committee to focus on this particular property and how best to restore with respect to its history, architecture, landscaping and environmental importance to the neighborhood. It could be created much like the successful committee that was recently created to restore the Wine Cask to its 1925 grandeur after a similar situation of tree and cultural destruction occurred there under the direction of its over-eager new owner. The myriad issues involved here—from aesthetic concerns to restoration of habitat for birds accustomed to nesting in tall trees, as well as shielding noise and light, and suggestion of the creation of an historic plaque or display—cannot be dealt with completely with just the expertise of the ABR. Members might be selected from HLC, the parks department, the ABR and knowledgeable stakeholders willing to work toward a positive and fair resolution of this complex injury to our community.

SUGGESTIONS FOR THE PREVENTION OF FUTURE INCIDENTS

MAKE INSTITUTIONAL CHANGES—The complete failure of those charged with the protection and preservation of our community's resources requires swift and sure institutional changes. Your action to address this issue head-on will be welcomed by the citizenry who all-too-often observes and believes that development runs this city.

It's clear that the history of this property was not considered, and no one bothered to investigate it, even though there was clear information available on the original landscape plans, in the Zoning Information Report and embedded in the computer that the property was subject to historical review. The zeitgeist of the Planning department in this case (and others with which we are familiar) reveals that historical concerns were not of importance—even when required.

It makes little sense for the City Historian to be under the supervision of that department—the two are inherently in conflict. We strongly suggest the establishment of a fully staffed Office of Historical Preservation (similar to the ones in Pasadena and Houston, Texas) with competent researchers who have time to investigate before destruction occurs—and powers of enforcement if it does. This office should be independent of the Community Development Department and be expected to fully and completely disclose historic value, as well as possible conflicts that might occur on the site. The protection of our community's historical, cultural, and environmental resources is more critical today than ever, and if we're to have anything left to protect in the future, we must act boldly now.

INFORMATION AND EDUCATION PROGRAM: Clearly far too many individuals charged with protection of our community's resources do not understand their significance. We must do better to inform—and continually educate City employees and contractors, with particular emphasis on the issues, individuals,

addresses and neighborhoods of particular historical, cultural and environmental sensitivity throughout the city. The publication and distribution of a reference handbook, and possibly development of curriculum for specific training are two ways this could be handled. (Financing these projects is a way for the hasty developer to repay the community for the vast amount of unpermitted work.)

ENFORCEMENT OF CONSEQUENCES: Put on notice to developers, management companies and their agents, as well as, but not limited to, landscaping and tree-cutting companies that if they should skirt the rules and/or conduct unpermitted work it will not be tolerated, and will have serious consequences—and then follow through with appropriate penalties and mitigations

NOTIFICATION OF NEIGHBORS: Reevaluate the need for proper proactive notification of members of the neighborhood when a project of this size and magnitude—2.3 acres—nearly an entire city block, and the clear-cutting of 100 trees—is under review. Common sense alone reveals that had the citizens in the surrounding neighborhood received advance notification about the extensive plans for the property—and the received none—they would have pointed out the historic significance of the property, and this controversy would have likely been avoided.

QUESTION CONSENT: Reevaluate how a project is allowed to be reviewed solely at consent, particularly when there is only a single landscape architect on the ABR. This review by only one member of ABR created an unnecessary burden on that sole member, prevent other members from offering their expertise, and there were too many meetings held without benefit of public review, minutes, or record of the proceedings.

HISTORY OF THE PROPERTY

Dr. Doremus: The original building at 601 East Anapamu Street was the expansive home constructed for Dr. A. Boyd Doremus, "The Father of Santa Barbara's Parks" in 1893. "...using exotic seeds brought with him from Europe, and exchanging seeds with neighbor Dr. Francesco Francheschi, Dr. Doremus soon had a garden which was the envy of everyone in Santa Barbara." (Source: Walker A. Tompkins, "Santa Barbara History Makers," 1983, pp. 224-227) The garden was regularly featured in the pages of "Santa Barbara Gardener," edited by Lockwood and Elizabeth de Forest (parents of Kellam de Forest) and published by the Plans and Planting Committee of Santa Barbara. It was regularly the site of grand parties, weddings and gala events that attracted luminaries from around the world.

After serving as the President of the Park Board from 1902 to 1920, and cultivating and transplanting trees from his property to park and street sites all over Santa Barbara, Dr. Doremus died in 1937. His passing was mourned by the city and the larger horticultural community. The "Santa Barbara Gardener" noted (in part) in its last issue, "His friends might well honor his memory by planting in their gardens some rarity and thinking of it as his tree....he created the parks of Santa

Barbara and left to all the people a heritage that will ever keep his memory green."

As recorded in "Noticias," Spring, 1981, p. 16:

"With fifty-five of his ninety-five years devoted to Santa Barbara, he is remembered as one of the city's foremost benefactors through his work in behalf of the parks and street tree plantings. Those who know the story can scarcely go anywhere in Santa Barbara without being reminded of Dr. A. Boyd Doremus.

"Anita [his daughter] continued to live at home in the unusual garden setting until her death in 1955. Now the residents of **those apartment houses, later built so skillfully amidst the trees, enjoy those forty-some species planted so long ago."**

The Approvals for the Apartment Complex: In the early 1960s the Doremus property was subdivided, and readied for development into three apartment complexes—but the trees on the property continued to be preserved. The Hill (Koonce) family applied for and received a setback variance (opposed by several citizens) to accommodate the trees on the property when they submitted plans for the apartment complex. As contained in the letter to the Planning Commission by their attorney, John J. Bugay, Jr.:

"The whole project is designed to face into the center of the block which is beautifully landscaped. The building in question [for the variance], Building A, cannot be moved because the topography does not permit it. This entire project has been designed so that not one single tree on the property has to be removed. Some of the trees have been appraised at $9,000.00. The include some of the largest specimens of their kind in California."

Even the parking was sited to accommodate trees on the property. As contained in the June 19, 1963 letter from the ABR to Mr. And Mrs. Hill:

"Final plans for changing the parking to accommodate some trees on the property located at 601 East Anapamu Street were reviewed by the Architectural Board of Review on June 17, 1963. After review and discussion, the revision of the parking plans was approved as presented."

The resulting apartment complex set amongst the trees was considered so attractive that a picture-postcard was actually issued to commemorate the property. (You will see a copy of this postcard at the Appeal hearing on January 29.)

The original 1962 plans for the apartment complex show clearly that the ABR required the addition of at least two trees to a total of 18 on the landscape plans, as well as to retain the original stone walls along the driveway and along Salsipuedes Street. (You will see this original plan, as well as evidence of the demolition of these stone walls at the Appeal hearing).

In short, this entire very large, 3-story, architecturally undistinguished apartment complex was carefully designed, constructed and permitted only if it were to be hidden amongst

the trees. From the time the buildings were constructed in late 1963 until 2007, they were they were partially hidden by, and softened by large trees. Never have they been fully exposed until the clear-cutting of 2007. And the current landscape plan will take ten more years to hide them once again. This was clearly not the intent of the original builders not the 1960s decision-makers and it is not appropriate today, either.

THE 2007 SALE OF THE PROPERTY: In December 2006, prior to the sale of the property, the City of Santa Barbara issued a Zoning Information Report, which states on page 3 that the property is located in the Lower Riviera SD District: "Special Historic Compatibility Design Guidelines may apply to this property. Refer all building permit applications to Planning prior to building permit issuance."

There does not appear to be any historic review of the property conducted by anyone in the city until the citizens summoned the Urban Historian to the scene on June 18.

Although the property did not change hands from ownership by the Koonce Family Trust to Investor Hank Hurst (H & R Investments), until February 8, 2007, landscape architect Katie O'Reilly Rogers and consulting Arborist Bill Spiewak walked the property on January 4, 2007 for an inventory and assessment of the trees on the property. In that report, there is no mention of the history of the property, its relationship to Dr. Doremus, or the possibility of valuable mature specimen trees that may require a close look for preservation and protection.

Additionally, in view of the fact that existing trees had been appraised at up to $9,000 in 1962, a consultation with a qualified tree appraiser, complete with an inventory of photos of all trees evaluated before and after (as suggested in the City's brochure, "Trees and Views"), would have been prudent and responsible.

DEPARTMENTAL AND INDIVIDUAL LACK OF ATTENTION TO REQUIRED HISTORIC REVIEW: The Zoning Information Report issued in December, 2006, properly indicated to the new owner that the property may be subject to Lower Riviera District Special Design Guidelines. Unfortunately, the Urban Historian was not involved in the evaluation of the project until June when summoned to the scene when the trees had all been cut down and the bulldozer was actively demolishing the stone wall. He had the Stop Work order issued on June 18 for numerous health and safety violations. In an e-mail dated July 25, Paul Casey wrote, "In total, I think staff has been responding quickly and appropriately to this issue. As you are aware, Jake Jacobus pursued the issue and got a stop work order, despite the fact that this is not an historic building and not in HLC's purview." (While the building is not historic, the property is, and clearly the then-head of the department had no idea of its significance, nor the extent of the damage done to its resources—although its location, information in the computer and on the original plans should have informed him otherwise, had he looked.)

The original planner on the project, Mr. Tony Boughman, was asked by Cheri Rae at the Planning counter on January 15, 2008 at 4:20 p.m. to explain why the property

never received historic review, despite its listing (on the Zoning Report and indication on the computer) as part on the Lower Riviera Special Design District. He stated, "That district doesn't mean anything." And then went on to say, "I've never heard anything about it. It means nothing."

Clearly there is a serious problem when those who are entrusted with upholding our City's rules and ordinances so clearly reveals he has no knowledge, nor respect for them. We must seriously question the individual competence and larger culture of lack of accountability in a situation with such far-reaching consequences. Recent events at both the Wine Cask and this property might indicate a less than vigorous concern for historical values and need to seriously address this issue.

THE DESTRUCTION OF THE PROPERTY

TREES: The tree cutting on the property commenced in Spring 2007 without permits or an approved landscape plan in place. Although the management company continued to go through the motions at ABR (consent only), they were cutting down the trees throughout the evaluation process. While the neighbors continually inquired about the scope of the cutting, we were assured repeatedly by the management company every bit of the work had been permitted and was proceeding with the city's blessings. Examples:
"When the first set of trees was being removed, back about April 16, I and other of my neighbors were very upset but could not find out any information. I knew not of what to do, but was told by a very angry owner of Action Tree Service that they had permits to cut certain trees, and that no more trees would be cut down...Neither was true!" (Sharon Summer e-mail to Cheri Rae, June 18, 2007)
"I spoke to Karen Quinn of BDC Management who explained that the tree removal was approved by the city arborist and all changes have been permitted by the ABR. (Julie Wood e-mail to planner Tony Boughman, June 18, 2007)
"Per the city ordinance, the owners have the right to do what they choose on their private property, with the exception of removing oak trees" (Karen Quinn e-mail to neighbor Monie June 20, 2007)
"We had permits to cut down the trees. I would appreciate it if you would translate that to everyone."(Message left on answering machine of Julie Wood by Karen Quinn of BDC Management Co.)

In fact, not a single tree approved for removal by the Street Tree Committee was tagged with the required notice so that neighbors and citizens might register their comments or concerns. And without an approved landscape plan in place, not a single tree was supposed to be cut down.

Citizen concern about the loss of the trees includes aesthetic issues—which exposes boxy, huge and unattractive buildings for the first time ever—as well as one of environmental degradation, which has devastated, in particular, the bird habitat. In addition, the loss of sound absorption and deflection of sunlight has resulted in a stark, harsh environment that was once softened by a leafy ambience.

The current landscape plan, as finally approved on October 22, is wholly inadequate in addressing these concerns, and according to the ABR landscape architect, the property will not be once again shielded by trees for ten years. That is simply too much of a

burden to place on the surrounding property owners, particularly those of advanced age—and not the intent of the original decision-makers when the buildings were constructed.

The loss of the original specimen trees, most of which were healthy and vital, has resulted in damages that simply cannot be calculated—but must be considered within the historical context of Dr. A. Boyd Doremus, his good work and his legacy for this property and this city.

STONE WALLS: After an inquiry by a member of the ABR in August, our Urban Historian inaccurately assumed (but obviously did not research, as he freely admits) the wall was from the 1960s, and issued a statement containing that opinion at the request of a member of the ABR:

"The dry stacked stone retaining wall dates to the construction of the complex in the early 1960s and is therefore not considered to be historically significant. It is not known if the stone hitching post was original to the site or not. There were several houses on the site prior to the construction of the modern apartment complex..." (inaccurate memorandum from Jake Jacobus was distributed to ABR, Council, but not the citizens involved) Historic photographs obtained by neighbors from the Gledhill Library prove that both the sandstone wall along Salsipuedes and the driveway stonework were original to the 1893 property (and indicated on the 1962 plans as existing stonework that had to be saved). Mr. Jacobus said on January 9, 2008, outside the David Gebhard Room, that if the City Staff had followed proper procedures, he would have requested a study to determine the status of the wall—and presumably much of this destruction and upset would have been avoided. There is no mention of the historic nature of the property noted anywhere in the current file. In similar fashion, the historic sandstone hitching post was removed to make way for the bulldozer, and either placed on private property, or—as newly revealed—may have been destroyed by the bulldozer.

The landscape plan approved by the ABR requires the applicant to substantially repair the existing wall, but does not take into account its historical value—because it was never properly informed by anyone from the city. The plan must be reevaluated to properly repair and reconfigure the damage—and reconsider the addition of stone stairs built out of stones obtained from the wall.

INACCURATE REPRESENTATIONS TO ABR: When the Stop Work Order triggered noticing of neighbors and review by the entire ABR, rather than just at consent, the meeting was held on July 24, 2007. Citizens were shocked when the applicant, as represented by Karen Quinn, Richard Castillanos and Katie O'Reilly Rogers, presented the landscape plan as if no trees had been cut down and ground up. They failed to mention the unpermitted destruction of the historic rock wall, the removal of the historic hitching post, and the issuance of a Stop Work Order by the City. Citizens were even more surprised when the planner on the project did not indicate in any way that the representations of the applicant were erroneous and misleading. It was left to the citizens to explain the true situation

on the ground, and it was both disrespectful and unpleasant for them—and the ABR—to be placed in that position. PLEASE REVIEW THE TAPE TO WITNESS THE PROCEEDINGS FOR YOURSELF PRIOR TO THE HEARING OF THE APPEAL.

INACCURATE SUMMARY OF THE SITUATION: When Planner Bettie Weiss was asked to summarize the situation in her memo dated June 22, 2007, she mentioned the "alterations to retaining walls," and concluded, "My role has been to share basic info so as to convey to Council and the neighbors that his matter is well understood and being addressed appropriately." It was neither well understood, nor addressed appropriately. Unfortunately, this is yet another example of the staff's failure to grasp the significance of the historic property and the extent of the damage done to it—and a determination to soothe and quiet, rather that to seriously investigate what had happened.

This is a classic example of staff telling its version of the story, without properly researching it.

TIMING OF THE APPEAL: Mr. Limon is now claiming that the neighbors have raised a "late appeal," however the confusion about the proper time to appeal was largely of his own making. We neighbors have a long record of correspondence in attempting to understand when the Final Approval was actually final. Several inquiries to Mr. Limon, as well as Mr. Casey went unanswered, and we have record of those e-mails and phone calls as well The confusion extended to the members of the ABR, who, when contacted, advised we neighbors that they themselves weren't clear about when the approval would be final—and that further inquiry should be addressed to Mr. Limon. Alterations to the landscape plan continued at consent, with the participation of neighbors, until the Final Approval of October 22nd. The citizens, who had dutifully attended these consent meetings, were led to believe that the right to appeal extended up to ten days beyond the date of the final, final approval, which was finally granted by ABR Commissioner landscape architect Randy Mudge—but only after a meeting (on October 4, 2007) held between him and Mr. Limon—without the public having the opportunity to participate or observe. After the final approval on October 22, one ABR member termed the entirety of the project, "A horror," and another said that the landscape plan was the best that could be "negotiated."

PARKS DEPARTMENT/STREET TREES: The department's own brochure available online, is entitled "Trees and Views." It contains the following:

"Any discussion about trees and other vegetation with respect to the preservation of views from private property must begin with a realization that both views and vegetation have considerable value and can co-exist. While experts tell us that a scenic view adds value to our home, they also tell us that trees and landscaping can account for between five and ten percent of our property's worth. Santa Barbara residents enjoy their private views of the ocean,

mountains, and the city, but also realize that attractive landscapes, including skyline trees, are an essential part of a valued—and valuable—public or private view....Large trees add value to the owner's property, to the neighborhood, and to the whole community. Trees replenish oxygen, improve air quality, and provide wildlife habitat....The borrowed views of neighbors' trees can enhance the aesthetic qualities of your own landscape."

It's almost unthinkable that no one in the City Parks Department who inspected the property realized the historic significance of this property, particularly with their relationship with Dr. Doremus. A portrait of the First City Parks Superintendent, Dr. Doremus, actually hangs in the Park Office on Laguna Street. Just a couple of months ago, the current Park Superintendent who holds the office first established by Dr. Doremus himself, received the Santa Barbara Beautiful Award for the Italian Stone Pines planted by Dr. Doremus and his friend and partner, Dr. Franceschi. She even mentioned Dr. Doremus by name in her remarks just months after members of her staff allowed the property's botanical species—planted by him—to be destroyed. Clearly, this office needs to be better informed, and steps must be taken to restore the property to its former beauty—within the street setback and the courtyard area—which likely would have come under real scrutiny, had the evaluation been done properly.

MITIGATION ALONG PARKWAY: The neighbors agree that re-shielding the buildings is a prime consideration, and suggest that one way to handle it is to add large and leafy street trees to the parkway area along Salsipuedes. The current landscape plan calls for low-lying water-resistant plants. But additional large street trees would certainly help repair the aesthetic and environmental damage. In addition, trees should be replaced in the rear of the building as viewed from Victoria Street, near the alley, where they were cut down—and a trash enclosure now stands in their place.

SUMMARY: Citizens of this neighborhood have no agenda here other than to restore proper equilibrium to this neighborhood, its natural environment, aesthetic appeal and pay proper respect to its cultural and botanical history.

The record is very clear that when the tree-cutting began the neighbors tried time and again to resolve it with the property management company, and were repeatedly told on the phone and in e-mails that all work was permitted and approved by the city. For several months we asked questions, asked for advance notification to schedule our days around the disruption. At no time did anyone question the veracity of what we had been told, nor were we informed that the matter was being reviewed at ABR, and regularly continued at consent with requests for the addition of more mitigating trees.

It was only when one of our neighbors had to swerve to avoid the small bulldozer as it was in the process of demolishing the rock wall on Salsipuedes that neighbors finally placed a call to get the city involved.

This sad episode has resulted in the squandering of resources, as well as the time, energy and goodwill of far too many well-meaning citizens, and the expenditure of hundreds of hours of staff time that should be put to better use. It is our sincere hope that the matter can be resolved in a positive way with the appointment of an ad-hoc committee that can carefully and expertly come up with solutions that address and repair the myriad issues raised by this unfortunate circumstance. In addition, we hope our serious and thoughtful suggestions will be considered carefully and implemented.