

Ramirez, Angelica

Public Comment

#3

**From:** Moore, Lyn <LMoore@bhfs.com>  
**Sent:** Friday, March 11, 2022 11:36 AM  
**To:** sbcob  
**Subject:** Hawker/Philippides Hearing March 15  
**Attachments:** HAWKER PHILIPPIDES LOTLINE ADJUSTMENT LETTER TO BOARD OF.pdf



Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.

Dear Clerk:

I am getting rejection notices for the letter and attachments when sending. So in order to get them over I am sending the correspondence first, followed by the attachments. Please acknowledge receipt of both. Thank you.

Lyn Moore  
Legal Practice Assistant  
Brownstein Hyatt Farber Schreck, LLP  
1021 Anacapa Street, 2nd Floor  
Santa Barbara, CA 93101  
805.882.1477 tel  
805.448.6625 cell  
LMoore@bhfs.com

Brownstein - we're all in.

STATEMENT OF CONFIDENTIALITY & DISCLAIMER: The information contained in this email message is attorney privileged and confidential, intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this email is strictly prohibited. If you have received this email in error, please notify us immediately by calling (303) 223-1300 and delete the message. Thank you.



March 10, 2022

Susan Petrovich  
Attorney at Law  
805.882.1405 direct  
spetrovich@bhfs.com

**VIA EMAIL TO BOARDLETTERS@CO.SANTA-BARBARA.CA.US AND  
SBCOB@CO.SANTA-BARBARA.CA.US**

Santa Barbara County Board of Supervisors  
c/o Clerk of the Board  
105 East Anapamu Street, 4th Floor  
Santa Barbara, CA 93101

RE: Hawker/Philippides Appeal from Montecito Planning Commission Denial of 16LLA-00000-00003

Dear Honorable Supervisors:

We submit this letter on behalf of Craig Hawker and Athena Philippides as a supplement to our Appeal submittal, requesting that your Board overturn the Montecito Planning Commission ("MPC") denial of this simple lotline adjustment.

### **INTRODUCTION AND BACKGROUND INFORMATION**

We first want to express our appreciation for the excellent Staff report and PowerPoint presentation prepared for this appeal. The Staff report identifies the issues, clarifies the facts, and bases its continued support of the lotline adjustment upon County ordinances and State law. We attach draft transcripts of both MPC hearings on the project – October 16, 2019 and January 15, 2020. Jeff Wilson and his staff did their best to inform the MPC that, based on State law and County ordinances, they had no grounds for denial.

What came through loud and clear – during the hearings and in the latest Staff report and PowerPoint – is that the Hawker/Philippides lots both are **legal** and are two separate, developable lots. Where the MPC seems to have gone astray is that they added to the required findings, in response to neighbor pressure, a requirement that the two lots be compatible with the lot sizes in the Knapp/Arcady subdivision.

In reality, there is no minimum lot size applicable to this lotline adjustment because these two parcels, like virtually every other lot in the area, are **LEGAL** non-conforming as to size. The lotline adjustment renders the two lots more consistent in size with one another and allows the existing house to conform to the setback requirements. As Staff's PowerPoint presentation reveals, without the lotline adjustment, the existing house could be moved enough to put it entirely on "Parcel 2" and make it consistent with the front and side yard setbacks, but moving

VIA EMAIL TO [BOARDLETTERS@CO.SANTA-BARBARA.CA.US](mailto:BOARDLETTERS@CO.SANTA-BARBARA.CA.US)  
AND [SBCOB@CO.SANTA-BARBARA.CA.US](mailto:SBCOB@CO.SANTA-BARBARA.CA.US)

Santa Barbara County Board of Supervisors  
c/o Clerk of the Board  
March 10, 2022  
Page 2

a house is extremely expensive and would put the house closer to Arcady Road. This is undesirable for the house occupant and for neighbors who use the roadway. It is also not legally required.

Craig and Athena are long-time Montecito residents and have been renting to the same tenant, whose young child attended Cold Springs School, throughout the 9-year County process. These tenants recently moved, but we raise this issue because Craig and Athena have not been using the home for short-term rentals. The same cannot be said for many of their neighbors.

### **THERE IS NO DISPUTE THAT THESE ARE TWO SEPARATE LEGAL LOTS**

The Board of Supervisors approved the two Certificates of Compliance on an appeal from the County Surveyor's denial. We retained researchers who located clear documentation, buried deep in old County records, that proved that these parcels were the result of a series of lot splits and were held under completely different ownership until Craig and Athena's seller acquired each of these two parcels separately. In 1985, the California legislature enacted a statute that affirmed existing law that ownership of two abutting parcels by the same person or entity did NOT merge the two parcels into one.

### **THE LOTLINE ADJUSTMENT PROPOSED**

Your staff has supported this lotline adjustment from the outset. The Board's order for recordation of the two attached Certificates of Compliance, clarified the legal status of the lots. Your staff concluded that Craig and Athena were entitled to adjust the lotline to make the parcel sizes more uniform and to eliminate the long-standing zoning issue resulting from the house straddling the shared lotline.

Short of trying to move, or wholly/partially demolish, the existing house and building a new one on "Parcel 2," the only recourse was a lotline adjustment.

Lotline adjustments are among the closest County actions to a ministerial decision. If an applicant meets the stated requirements, the lotline adjustment must be approved.

The MPC got off track because of a suggestion that this LLA was really a lot split in disguise, simply because the house straddles the lotline. Not only is that position inconsistent with County ordinances, but the County has a long history of approving lotline adjustments to cure houses and other structures straddling a shared boundary line.

VIA EMAIL TO [BOARDLETTERS@CO.SANTA-BARBARA.CA.US](mailto:BOARDLETTERS@CO.SANTA-BARBARA.CA.US)  
AND [SBCOB@CO.SANTA-BARBARA.CA.US](mailto:SBCOB@CO.SANTA-BARBARA.CA.US)

Santa Barbara County Board of Supervisors  
c/o Clerk of the Board  
March 10, 2022  
Page 3

We attach a table, listing 23 lotline adjustments on non-conforming lots, of approved lotline adjustments between 2005 and 2020 – many in Montecito. For example, in 2016, the County approved a lotline adjustment that cured 2 houses straddling a lotline on Humphrey Road (15LLA-00000-00001) and, in 2008, the County approved a lotline adjustment to resolve an unwanted encroachment of a tennis court and other improvements across the shared lotline (8LLA-00000-00006).

The MPC also became confused because neighbors argued that the lots were non-conforming. As you can see from the table, ten (10) of County-approved lotline adjustments were on non-conforming lots.

Neighbors also argued that these two parcels are part of a homeowner's association, and the association opposed the lotline adjustment. These statements were false. As you can see from the attached map of the Arcady Estates Subdivision, these parcels were not included in the subdivision and the claimed homeowner's association did not exist. There was a voluntary organization formed for street maintenance, but it was not a homeowner's association. The organization falsely held itself out as a charitable corporation; the State Attorney General intervened and the Secretary of State suspended it. The neighbors since have formed a new corporation to maintain the roads, but Craig Hawker and Athena Philippides have not joined that association. They were unaware of the law requiring a road easement holder to pay its fair share of easement maintenance costs and paid the invoices sent to them by the now-defunct association. As a result, they have paid far more than their fair share of road costs because the Arcady Road entrance to their property is only a couple of feet from the beginning of a very long roadway maintained by the association, but they were billed without regard to their legal obligation. See Secretary of State's suspension of the Arcady Estates Association, Inc., attached.

Finally, at the neighbors' urging, the MPC considered the potential development of "Parcel 1," the large lot fronting on Eucalyptus Hill and Sycamore Canyon Roads. Not only is future development NOT potential grounds for denying a lotline adjustment, it is unfounded. If the Arcady/Knapp residents are concerned about traffic from future development of the vacant lot, they need not be -- access to this parcel is from a public roadway, not Arcady Road.

## **CONCLUSION**

This lotline adjustment process has been grueling for Craig and Athena. They would greatly appreciate your approving their appeal.

VIA EMAIL TO [BOARDLETTERS@CO.SANTA-BARBARA.CA.US](mailto:BOARDLETTERS@CO.SANTA-BARBARA.CA.US)  
AND [SBCOB@CO.SANTA-BARBARA.CA.US](mailto:SBCOB@CO.SANTA-BARBARA.CA.US)

Santa Barbara County Board of Supervisors  
c/o Clerk of the Board  
March 10, 2022  
Page 4

Sincerely,



Susan F. Petrovich

ATTACHMENTS:

1. Montecito Planning Commission transcripts for October 16, 2019, and January 15, 2020
2. Certificates of Compliance for two legal parcels
3. Table of approved lotline adjustments
4. Map of Arcady Estates Subdivision
5. Secretary of State suspension of Arcady Estates Association, Inc.

HAWKER/PHILIPPIDES

MPC  
HEARING #1

**County of Santa Barbara Montecito Planning Commission Meeting of October 16, 2019**

Speaker 1: The following is hearing under the request of Brian Banks, agent for the owners Athena Philippides and Craig Hawker considered case number 16LLA3. Application filed on April 28, 2016 and to accept the SEQA exemption pursuant to section 15305(a) the state guidelines implementation of the California Environmental Quality Act.

Newman: Alright thank you, well ready to proceed with the staff presentation if you'll introduce yourself, we'd appreciate that.

Lehr: Good morning, Commissioners, my name is Katherine Lehr. I am the planner for this project, and I will be giving the presentation today and answering any questions you may have. So the project before the planning commission today is the Hawker/Philippides Lot Line Adjustment, case number 16LLA3. So the project is located south of Sycamore Canyon Rd. west, or east of Eucalyptus Hill Rd. south of Lotusland and Westmont College. So, the little squares here denote the two lots that are, that comprise the lot line adjustment. So, the existing lot 1 is located at 3140 Eucalyptus Hill rd. and is .99 acres, existing lot 2 is located at 740 Arcady Rd. and is .15 acres, there is also an existing dwelling that is currently located over the common lot line. So as discussed in section 5.3 of the staff report, in October November of 2014 the property owner submitted for a unconditional certificate of compliance to the county surveyors office for these two affected properties and although most parcels are typically created through a parcel or tract map, there are some that have been created by deed which requires a local agency to issue a certificate of compliance before any form of sale, lease, financing or development can occur. So in this case, the applicant submitted for a unconditional certificate of compliance and that's required when a subject lot was created by a deed prior to 1972. So, in January of 2015, upon their review the county surveyor determined that the parcels did not represent two separate legal lots and they issued a denial of their certificate of compliance the property owner subsequently appealed the surveyors denier, denial of their certificate to the board of supervisors and in June 2015, the board took action on the project and they upheld the appeal and their, their action thereby created two separate legal lots with the existing dwelling straddling the common lot line. So, in April 2016 the applicant submitted a new application for a lot line adjustment and in June of 2019, county staff deemed the application complete and we started processing the project. So, as I mentioned the request before the Montecito Planning Commissioners today is for a lot line adjustment to adjust the shared property boundary shown here in green that the existing dwelling currently straddles and to increase the size of the lot number 2 which is shown in the yellow by .31 acres so it will increase to about half an acre and then lot, proposed lot number 1 will decrease in size from .99 acres to .68 acres. So, the approval of the proposed lot line adjustment will adjust the rear property line of lot 2 and it will bring the existing dwelling into conformance with the Montecito Land Use Development Code, including setback requirements and the dwelling will continue to adhere to it permitted existence and no new structural development is proposed as part of

*different entrances*

*legal lots - include CC's*

the lot line adjustment. So, as proposed the project presents no significant planning related issues, the project is consistent with the County Comprehensive Plan, the Montecito Community Plans, Chapter 21 Subdivision Regulations and the Montecito Land Use and Development Code, there is no change in land use and there will be no greater number of residentially developable parcels once the lot line adjustment is approved. The project is exempt from CEQA pursuant to Section 15305(a) which allows for minor lot line adjustments in areas that have slopes of less than 20% and do not result in any changes the land use or density. So, as noted previously, the lot line adjustment would not have the potential to increase any subdivision or development potentials of either of the affected lots and the slopes on the two properties are less than 20%. So, in conclusion, staff recommends that the Montecito Planning Commission make the required findings for approval including the CEQA findings, determine the proposed project is exempt from CEQA pursuant to section 15305(a) and approve the proposed project, case number 16LLA3 subject the conditions of approval. So this concludes my very brief presentation and I'm happy to answer any questions the commissioners may have.

*I won't increase # of developable lots*

Newman: Okay thank you for that. Before we go to questions, I'm reminded but I've forgot again, to ask for any ex parte in site visit disclosures, so, anyone have any ex parte or any site visit disclosure? Alright, seeing none then we'll go to Commissioner request of staff, Commissioner Senauer, excuse me.

Senauer: Thank you for your presentation. Just a couple clarifying questions, one, there's no intensification of use, there's no proposed development etc., at this time, but, in the future if there was, they would have to go through the permitting, zoning clearance etc., etc., it does not preclude them from doing that, is that correct?

Lehr: Commissioner Senauer through the Chair, that is correct.

Senauer: And as far as services go, they have both water metered, the CWSA, and as far as the MSD they do have, is it existing sewer or did they add, did they have septic and add or

*both have water meters*

Lehr: Commissioner Senauer through the Chair, the Montecito Sanitary District issued a letter saying that they had the capacity to serve the project and if in the future development is proposed, they will extend a lateral to the main line and they're able to serve it.

Senauer: I see, so at this time, there is no, they have the ability to extend a lateral but at this time it's septic? No?

Lehr: At this time, proposed lot 1 is a vacant lot so there's no development, there's no septic, nothing.

Senauer: Thank you.

Newman: Alright, any other Commissioner questions? Commissioner Pulice.

Pulice: Yes, thank you for being here. As I look at this calendar of this background and I've, you know, I'm quite aware of the history of lot line adjustments in Montecito, do you see any way that this could've been streamlined by the original application compliance? 5 years is a long time for a little piece of property like this, I just wondered, do you have any thought about how we can improve this process, at least for us to know about?

Lehr: Commissioner Pulice through the Chair, that's a good question, unfortunately I was not around when the first application first came in, so I can't quite speak to that, I do know a little about the history here. But going forward we are doing our best to get projects like this before the Planning Commission, especially those that don't present any significant planning issues.

Pulice: I'm just curious the county surveyor's office, they issued the denial and was that reviewed afterwards by the, by the county board of supervisors? Was there some reason why we know it was denied that it, that it shouldn't have been denied? I mean, this process is just curious for me, I mean short, can you give me a short answer or is that before your time again?

Lehr: Commissioner Pulice through the Chair, I will do my best. So my understanding is that when the applicant originally submitted for a lot line adjustment, the county surveyor reviewed their records and said you know, these two lot, there's two APNs

Pulice: Right.

Lehr: But they comprised one legal lot so the applicant prior to doing a lot line adjustment needed to get a certificate of conformance when they submitted to the county surveyor's office, it appears they did not deem enough substantial evidence to show that the lots were indeed created as two separate legal parcels so they issued the denial and as noted in the staff report, the applicant appealed that to the board of supervisors who found otherwise.

Pulice: Okay. Thank you.

Newman: Commissioner Kupiec.

Kupiec: So just for clarity sake, lot 1, even though there was a building straddling the property line, could have been developed.

Lehr: Commissioner Kupiec, no, through the Chair excuse me, no the property would have to, we would have to make the determination that no violations or any issues exist prior to any development, those are the finding that staff is require to make so if a property had half of a home sitting on it prior to any development, there would have to be some sort of application to remedy.

Kupiec: So we are increasing usage, we're making two developable lots where there was only one.



Lehr: Commissioner Kupiec through the Chair, I may

Kupiec: Unless

Lehr: I may disagree with that

Kupiec: Unless my math is wrong

Lehr: I may disagree with that statement. So, the board of supervisors approved the condition the certificate of compliance, excuse me and that created the two separate legal lots so there was an issue because the house was straddling the common lot line and I don't know if the board was aware of that or not but those were two separate legal lots. Which essentially have the ability to be developed, so what this application here is to kind of correct that issue of the house being located on that adjacent lot but they will still result in two separate legal lots, there's no additional lots.

Kupiec: So, just one other question, in terms of that particular area of parcels that surround those properties, is a one, is a half-acre lot consistent with what's on are, on Arcady road?

Lehr: So

Kupiec: Or are these half acre lots going to be different than what most of the properties are surrounding them?

*lot sizes in the area*

Lehr: Commissioner Kupiec through the Chair, I'm not as well versed on the surrounding parcels here, so I can't quite speak to if one acre is the standard size or less, the proposed lot line adjustment though will adjust one of the very small lots existing lot 2 which is .15 acres I believe, or 19 excuse me, thank you and will increase it in size so it is of similar to surrounding parcels.

Kupiec: Okay, thank you

Newman: Commissioner Keller, do you have a question?

Keller: Well I'm just, I'm in the same camp as Commissioner Kupiec because I see now that before you had only one developable lot because you couldn't develop lot 2 because there was half a structure on it and now you have 2 developable lots and so there is an increase in development and I do have to wonder, why was the house built straddling the lot line, was this, and I see also this is several questions at once, but, previously when there was a request for a lot line adjustment in August of 2014, the proposed lot was going to be .46 acres rather than 5 and the larger lot was going to be .72, so there's been an adjustment in that, so, this history is very complicated and convoluted so my questions I guess are: was there a reason that, that initial adjustment amount was abandoned in favor of a new adjustment amount to make them both at least half an acre? Secondly, was there a reason or was it lack of awareness that the structure was built straddling

the lot line and if the board of supervisors agreed that it was 2 parcels, why were they not aware that there was a house straddling the property line such that one of the parcels was not developable and one was?

*board  
was  
aware  
that  
house  
straddles  
lotline*

Wilson: So, Chair Newman, Commissioner Keller, I'll start answering the five or six questions that you had and

Keller: Sorry I threw a lot at you.

Wilson: I'll let Ms. Lehr answer the rest of them, but if I may, I'm just going to refocus the Planning Commission on the action before you today, the action before you today is to hear information in regards to moving a line, all this other information is really tangential to whether or not we can make the findings to move a line, so what the board, what, what Ms. Lehr is talking about, the board of supervisors found enough evidence to say that there's substantial evidence that they could approve a certificate of compliance that created the line. Your action today is to hear a request to move a line, all that other information is really tangential to whether or not you can make the finding to move that line or not so, that's really what's before you, so we can't really answer some of the questions about why the house was built there, why the line was put there. The request is can you make the finding to move the line or not, so that's, I just wanted to help refocus the Commission today on the action that's before you.

Keller: Can I rephrase my question then since I asked so many. Since the previous request was for a different lot line adjustment, has this new lot line adjustment, does it bring it more into compliance with the surrounding neighborhood and to make it more consistent with the other lot sizes in the neighborhood, or will these two lots still be an anomaly and do you have that information?

Lehr: Commissioner Keller through the Chair, so I don't have too much information on the surrounding lots but the proposal today, with the proposal before the Montecito Planning Commission today, the properties will be of similar size, so previously the smaller lot 2 was going to, or lot 2 is going to be a little smaller, now it's going to be larger and kind of more similar in size to proposed lot 1 so I would say in a sense, yes it's going to be more conforming to some of the surrounding lots.

Keller: And then as you confirmed with Commissioner Senauer, that does mean that both parcels are completely developable. One would be new construction and the other one might be an expansion because now the lot is larger, they could build a larger structure. Is that correct?

Lehr: Commissioner Keller, that is correct.

Keller: Thank you.

Newman: Alright, no more.

Kupiec: Just, one more absolute clarification, if this lot line is

Newman: Commissioner Kupiec.

Kupiec: Sorry, if the lot line's not granted, then Parcel No. 1 is not developable. You've got a nonconforming use straddling a property line, and it renders Lot 1 undevelopable.

Briggs: Mr. Chair, Commissioner Kupiec, so, both lots are residentially developable.

Newman: Would you identify yourself for the record?

Briggs: Oh, I'm sorry. Aaron Briggs, I'm a supervising planner for Ms. Lehr. Both existing lots are currently residentially developable. Even though we have a house that straddles the property line, that house could be demolished, or pulled back to be in conformance with the setbacks required for the smaller lot. The house could be demolished and a very small residence could be built on that property that would be in conformance with the setback requirements for that property. So, both existing lots are residentially developable. We are not increasing the number of lots that are developable. We're simply adjusting a lot line between the two lots.

Kupiec: So, what you're saying is, that existing structure would have to be demolished in order to conform.

Briggs: I'm not 100% certain it would need to be demolished.

Kupiec: Because I'm just looking at that smaller footprint. And I don't think that smaller footprint could accommodate any setback requirements and be conforming.

Briggs: That may be true. The setbacks in this case for the existing Lot 2 would be very challenging.

Newman: Alright. That was the last Commissioner question. Thank you, staff, for your presentation. We'll now hear from the applicant, or the applicant's representative. If you'll come forward, please, and identify yourself, and also indicate to us how much time you would like for your presentation, that would be appreciated.

Banks: Chair Newman, my name is Brian Banks, agent for the owners. Three minutes would be all that we need.

Newman: Take five.

Banks: Thank you.

Newman: That's a great track.

Banks: We're on the right track. I just want to say that, thanks to Ms. Lehr. There was a lot of history. But I think that the decision before you today is pretty straightforward. And, just to go back, the 2013 solution, as it were, it was the same situation where here was a legal dwelling with a permit built across a property line. And through a confluence of events, we've ended up here these many years later at the same action. I would argue that the current proposal is better than the previous lot line adjustment proposal in that the adjusted parcels would be closer in size to each other and more conforming with the neighborhood. So, rather than be left a .2 of an acre legal single family residence that the MBAR and perhaps your Commission with the variance proposal in front of you, at some point in the future, would be a much more difficult development proposal. As well as the proposed Lot 1 would be of larger size, and then therefore more development could be proposed in compliance with the setbacks and floor area ratios and detached accessory structures and so forth. I'm not suggesting that all that thought processes necessarily went into creating this line, but in my experience, this is a much more common setback configuration. You have your traditional front, side and rear setbacks for each lot, which would be more in conformance with the neighborhood. And while I haven't done myself a survey on the property sizes, I would say that there are many that are over an acre and many that are under. These two would be of those that are under.

*current  
MA  
will  
equalize  
lot sizes*

Newman: Does that conclude your presentation?

Banks: It does indeed, unless there are any questions.

Newman: Okay. Are there any Commissioner questions of the applicant representative? Commissioner Kupiec.

Kupiec: Thank you. Am I clear that both properties are owned by the same owner?

Banks: Correct.

Kupiec: Thank you.

Newman: And also, if I may for myself, understanding it's not before us, but perhaps just as a point of information, when I look at the background slide, if we could pull that up, please. It's not numbered. Here we are. There's a five-year timeline here. Sixty percent of that time, or three years, were spent between April of '16 when the new application was submitted and the County staff determine it complete. Do you have any information that would inform us as to why it took three years and two months for that process between?

Banks: Commissioner Newman, it's not because of staff's effort. They've been great in trying to help us. The water moratorium was the primary consideration there. And, Commissioner Pulice asked the question if there could be anything that could be done. A simple changing a few sentences in the findings would solve that problem, in my opinion, in that, for a simple lot line adjustment, you would, now, as the findings are interpreted, you would need to have a water meter and

have an easement for the sanitary district. All of things that would set up and maybe cause concerns for neighbors or the Commission that the lots are now primed for development, when simply, it's moving a property line. So it's an interesting finding that needs to be made to move a property line. Now you have to show that you have adequate services for a lot that you don't intend to develop. So, that would have shaved off at least three years, if not more.

Newman: Alright. Well, thank you. That information is helpful to our understanding.

Banks: Thank you.

Newman: Any other questions of the applicant? Alright, if not, then we'll go to public comment. And I have one speaker slip from Mr. David Snyder. Would you come forward, please? And, Mr. Snyder, you didn't indicate whether you are in favor, in opposition, or have no position. Maybe you could start off by enlightening us in that regard, and also how long would you like to speak.

Snyder: I think five minutes or less.

Newman: Okay.

Snyder: My name is David Snyder. My wife and I live right next door to this property. And we have had minimal discussions with our neighbor about this, this issue. I think all of this goes back to the original determination that this was not two lots. A surveyor, a professional surveyor came and made that determination. And then when it was overruled by the County Board of you know the people who are not professional surveyors. They don't know. A professional surveyor ruled that this was one lot. When the Philippides bought this house, they knew that they had one lot. And when that matter went before the Board of County Supervisors, none of the neighbors were notified. I wasn't notified. My neighbor on the other side was never notified. So this whole thing as really been, although I do empathize with them that it's taken a long time. It's really been done in a very, very surreptitious way.

2 diff deeds

None the neighbors have been aware of it. And these issues of what the existing housing stock in the neighborhood are tangential. They're not tangential. They're very important. They're very important issues, because we have over an acre, and the neighbor next door to us has well over an acre. It's a substandard situation now. And now you're taking a substandard situation and making it further substandard. And I know that a lot of work has been done by the staff. I mean, for them to not know what the neighborhood, and even the applicant, doesn't know. They don't want you to know. The reality of it is, this is a way, way substandard situation from what's existing in the neighborhood in terms of lot size and in terms of home value. The home value that they have on there now is the least expensive home out of twenty-seven, I'll bet you, in Arcady. And now you're going to have two of the least expensive homes built on this, this the thing. It's a mess that I think should have been stopped a long time ago because a

professional surveyor said that these would, this was one lot. And they bought the house knowing that that was the situation.

So, I'm not in favor of it at all. None of the neighbors are either. But I can't you know they're not in favor of it either. It's just creating a super substandard lot. I don't, I think you should use your discretion to deny it. You have the discretion. I think at the very least you should hear from the surveyor who made the determination originally. I mean, the Board of Supervisors, they're not professional people. They don't understand these lot line things.

And so, I understand there's been an effective lobbying on the part of the applicant. They have the professionals, all of the best people in the business in all of this, but it positively will be the smallest lot, the now the two smallest lots in that area by 50%. And you do it, it's not tangential. It's very important, because once you give it to her, she's going to build another house, despite saying to all of the neighbors this was never going to happen. In addition, they have a history of noncompliance with the City. They tore down a garage, and then they didn't build a garage until they finally had to. They had someone living in the garage. So the whole situation has been substandard, and they have a history of non-compliance. And I think, once you grant this, they're going to build another house. And you're going to have two substandard houses. And I do, as much work as I understand the staff put in there, they really didn't do their homework here, because to not know what the other lots look like in the neighborhood is really, and to sort of just focus you back here to railroad you into saying, look, it's just a lot line. They are presenting it as such. But it really is much more than that. And I think you're going to do a disservice to Montecito. You're certainly going to do a disservice to Arcady, because you can't undo what you're going to do. And I think you have the discretion. It's in your power to deny this kind of thing. At the very least, you should listen, and have the professional surveyor who made the determination originally, have him come up here. And table this until you hear from the guy, because he'll tell you exactly why this thing was always one lot. This idea that it's two lots is malarkey. So.

*identify other small lots in area*

Newman: Okay.

Snyder: Was that under five minutes?

Newman: Well, your yellow light is on, so it's just under.

Snyder: Thank you.

Pulice: I have a question.

Newman: A question for Mr. Snyder?

Pulice: Yes. So, since you live there, the access, the infrastructure, the driveways for your house and the existing house and a potential new house, does that have any conflict with the infrastructure in the neighborhood?

Snyder: Can I show you?

Pulice: Sure.

Snyder: The house

Newman: Can we not see this? If you could, go back to the microphone and we'll give you a laser pointer.

Snyder: Oh, is this it?

Newman: Yes. There you go. Thank you.

Snyder: The house that's existing here. This is Arcady Road right here. The existing house has a driveway here. They have a little garage here that someone, that, that was lived in for a long, first, they tore it down. Then they finally decided to build it again after the City came after them and said you had promised to rebuild it. So they, they don't comply. And then, this lot here would, I mean, I'm assuming this lot would be accessed on Eucalyptus Hill. But what you're doing, I mean, my lot is over and well, I think my lot is one and a half acres. This guy, the next door neighbor's lot is about an acre. I mean, these are totally, totally substandard lots. If you could allow them to be now, what they could do, and the fact that they have to do this in order to comply says that they knew what they were doing originally when they bought it. They would come to the City for help. And the other thing that they could do, if they wanted to, they could expand this house. They have all the room they need to expand that house.

Pulice: Yeah, I as just asking about the driveway infrastructure. So, I understand it's going to be on the other side of your home?

Snyder: Yeah. I'm assuming, yes, I'm assuming that they're going to put the driveway over here.

Pulice: Okay, thank you.

Snyder: Sure.

Newman: Alright, Commissioner Senauer, you have a question for Mr. Snyder, or?

Senauer: Yes, it is for Ms. Lehr, a combined question between, do you have something you want to say?

Speaker: Sorry. Chair Newman, Commissioner Senauer, I'm sorry to interrupt. At the conclusions of this we, per the procedural manual, the appellant should be awarded some time for rebuttal, applicant, sorry. Got confused.

Senauer: Yes, it's sort of a combined question for both of you. You mentioned there was "no noticing". Is there any requirement for lot line adjustment noticing similar to

development within 300 feet, goes to property owners? Is here any such notification required?

Lehr: Commissioner Senauer, through the Chair, if I may ask Mr. Snyder a question. The noticing that you are referring to, oh, sorry, are you, about, today's meeting noticing was completed in accordance with all the requirements. I believe Mr. Snyder may be referencing the Board of Supervisors' noticing and that decision, and that's not something that I can speak to.

Senauer: Okay, so...

Newman: Counsel, you want to address that point?

Counsel: Mr. Chair, Commissioner Senauer, I was just going to clarify when this went to the Board, it was taken by the surveyor. So, the normal planning noticing wouldn't apply. I don't know if the surveyor has other noticing requirements.

Snyder: So, what happens is

Newman: Excuse me, Mr. Snyder.

Snyder: Sorry.

Newman: Thank you.

Senauer: So, the noticing requirement for the lot line adjustment that is before us today was sent to property owners within 300 feet. Is that correct?

Lehr: Commissioner Senauer, through the Chair, that is correct.

Senauer: And when was that?

Lehr: I believe approximately 10 days before the hearing – or longer.

Senauer: And, 300 feet was the acreage that's involved – have any idea how many that was? 300 feet is, yeah. I'm just curious because the comment was there was no – for this. There was no noticing received, or did you? Do I...

Snyder: No, I, I...

Newman: Mr. Snyder, excuse me, please. Wait until you're called upon to speak.

Senauer: I just did.

Snyder: I though she, I thought she asked me a question, I apologize.

Senauer: Yeah, I just asked him a question.

Newman: Sorry about that. I thought the question was to staff.



Senauer: No. asking him specifically if he received noticing for this meeting on this project.

Snyder: I received noticing, and I called a number of our neighbors, but I'm the only one that got a notice. But I think I was, if I may clarify, I was referring to the Board of Supervisors, but the surveyor said no, this is a single – this is one lot. And then they have a pro – like a meeting that has no public notice. So, again, I would ask you to use your discretion. It's a simple – I mean, all those houses around there have big lots. And to at least hear from the surveyor, if you don't think you should just deny it outright.

Newman: Alright. Thank you, Mr. Snyder. Appreciate your comments.

Snyder: Thank you for your time. I appreciate it.

Keller: May I ask a question.

Newman: Commissioner Keller.

Keller: I'm sorry, Mr. Snyder, you referred to forty

Newman: Excuse me, just a minute, if you'll let me go to the podium so

Keller: Go to the podium. Thank you. You referred to fourteen residents in Arcady? Is that

Snyder: No, no. There's 27, I think.

Keller: And is there a homeowner's association?

Snyder; Yes.

Keller: And is this something that has been brought before the homeowner's association?

Snyder: Yes. And the homeowner's association is against it. I mean, what happened is, this – if you would table this matter, the homeowner's association will show up. They didn't get notice. They'll show up. The gentleman who has been the head of the homeowner's association has been there the head for a long time.

Keller: Thank you. I didn't know. I just wanted to establish is there is a defined number of properties, there is a homeowner's association;

Snyder: Yes.

Keller: And you did not have notice. Thank you.

Newman: Okay, would the applicant care to address this in reply?

Banks: Thank you, Mr. Chair and Commissioners. A lot to unpack here. The noticing. It seems that most public hearings we have this question come up. I'm sure that staff and hearing support did the proper noticing on the project. In 2015 when the Board rendered their decision, that was a public hearing. It was my understanding that the neighborhood has known about it and has been involved and not all neighbors, true, have been in support of Ms. Philippides and Mr. Hawker to proceed with the certificate of compliance, etc.

But, again, I think it's really the matter today is pretty simple. I won't go back. I wasn't involved in the project in the garage conversion and all of those things. I can tell you that the applicants would rather not be here. The applicants purchased the property with the understanding that they had two lots, had no plans to develop them. Notice was provided to the applicants to abate a violation related to the garage that was demoed without a permit. That's when this all came up. Starting from that date in 2013 their agent at the time applied for a lot line adjustment to correct the encroachment, and there started this process. And so, again today, the decision before you is if the lot line adjustment and the configuration is appropriate and would be compatible with the neighborhood. We're still left with two legal lots in the matter your commission's decision today that will have to be addressed in some manner and the manner to address it is the lot line adjustment. So it's kind of a circle. We're going to get back to it if the neighbor decides to appeal to the Board. They'll go back and review the staff report and decisions they made in 2015, and we'll do it all over again. So, I don't have a lot more to add than, that has been the process. We're back at the same process we were in 2013 and then the Board didn't understand the history in 2015 as part of their decision to grant the certificate. So, that's all I have to add.

Newman: Alright, thank you, Mr. Banks. I do have one question before you sit down. If you know. Since the issue of notice has been raised, can you advise us whether your client, the applicant, posted the notice on their property of the action today and of this case.

Banks: Yes. The noticing placard that was signed and returned. It was my understanding that the applicant also contacted I believe nineteen of the neighbors just to advise them about a month ago that – just because of the level of interest over the last six years that this was happening and hopefully to win their support. But it's evident that we don't have 100% support.

Newman: Staff, you have some information to share on that topic?

Lehr: Chair Newman, if I may, to clarify. So, 27 properties were noticed. And notices were mailed on October 3<sup>rd</sup> for today's hearings. In addition, when the application was being was complete, staff and myself also sent out notices to these 27 surrounding properties within approximately 300 feet. And I also gave the property owner two noticing placards to post on both properties.

Newman: Alright. Thank you for that additional information. I think now we'll close to public hearing. We'll go to commission questions deliberation. I think we've had an abundance of questions, so maybe we can just go straight to deliberations. What's the sense of the Commission, your thoughts about this matter? Shall we start – Mr. Pulice, to my left.

Pulice: Just one more question for staff. So we had no comments from the association that's part of this subdivision. There's been no letter, no acknowledgment, so far.

Lehr: Commissioner Pulice, through the Chair, that is correct. I have received some calls from neighbors approximately maybe two or three years ago asking about the two lots, and I referred them to the surveyor's office and the Board of Supervisors their inquiries were pertaining to the Board's actions.

Pulice: One more question or one more comment I'll make. I'm always inclined to wish that we could make our own decisions without them being appealed to the Board. And so, I would hope that we would have enough information to make a consensus of opinion on what we agree on or not. But, do we have enough information? Are you convinced that we do, Chair?

Newman: Well, to the extent you're asking the Chair if we have enough information, I believe we do. I think to the extent there are issues regarding one lot, two lots, their survey and so on those issues have long preceded us, they have been resolved conclusively and binding on us by the Board of Supervisors, it is not our prerogative or so-on to revisit that. And so, I think the record before us, in my personal opinion, is adequate factually, given the comments of the applicant, also the public comment and so on, to reach a decision today. But that's my own personal opinion. Commissioner Senauer.

Senauer: Yes. A couple of questions. There were no comment letters regarding this. We have none presented, even last minute, to us, nor were there any letters that came before the cutoff date. Is that correct? There were no letters regarding this project. Is that correct?

Speaker: That is correct.

Senauer: Okay. There were no calls to the planner regarding this project that were transcribed or, regarding this particular project, the lot line adjustment.

Lehr: Commissioner Senauer, through the Chair, I received calls maybe about two years ago

Senauer: Right.

Lehr: asking about the decision of the Board and the creation of two lots. And those I referred to the surveyor and the Clerk of the board.

Senauer: Right, I'm referencing today's – today, not two years ago.

Lehr: I have not received any calls regarding today's decision.

Senauer: Okay, and – I guess right now, there's 27 notices that went out. There were two placards sent out.

Lehr: That's correct.

Senauer: And what's before us today is this lot line adjustment – just the lot line adjustment.

Lehr: That is correct.

Senauer: Thank you.

Newman: Commissioner Kupiec.

Kupiec: I think the absence of any information from the larger community would prevent me from voting to approve the lot line adjustment in this case. I think that neighborhood compatibility is an issue. I think hearing from the homeowner's association. I mean, I know Arcady Road. I think that the idea of people who bought one and a half, more than that, acre lots all of a sudden finding that they've got subdivision rights. I'm able to take my one + acre lot and turn it into two lots doesn't seem consistent with anything that I've heard here today. And I think that without having at least a larger response from the community, for me, I don't have enough information to vote to approve.

Newman: Commissioner Keller. Do you have any sense you want to share?

Keller: I have. I just – I tend to be in agreement with Commissioner Kupiec because I feel neighborhood compatibility is important. It does – but it doesn't surprise me that we only have one neighbor here. It takes a lot of effort to come, come to a meeting and speak up and to write a letter and to get involved. But still, I feel as though this would not be before us if it was not the intent of the owners to develop Lot 1 once the lot line adjustment is made. And that we are, in effect, creating two lots that are not considered compatible with the homeowners, the rest of the lots in Arcady. And I feel that we need to have a better representation of what the neighborhood, specifically the homeowners in that area, are comfortable with or our doing. And so it does come down to neighborhood compatibility, and the fact that there will be development on this lot that is not the size of others. And as Commissioner Kupiec point out, would not preclude other homeowners from requesting a lot line change. I actually live on a property that at one point was an acre and a half. And there was a division of the lot, and now there are two homes on that acre and a half property. So I know it has and can be done. And, I'm just uncomfortable with us making a – but I'd like to find if there's a middle road between denying the appeal, can we ask for a continuation so we can have evidence of the compatibility with the neighborhood. I'm not sure what our procedure can be at this point. And I request that of the chair.

Newman: Alright. Thank you, Commissioner Keller. For myself, there is ample evidence on the record to me that the notice requirements have been complied with. The placards were posted. Letters were sent. Mr. Snyder candidly, and thankfully, indicated that it was discussed at a homeowners meeting. Also, the applicant confirmed that this was discussed at a homeowners meeting. And, given that the notice was sent out to – was it 27 – of the property owners in the area, given that it was discussed at the homeowners meeting, given that it was – the placard was there, as the old saw goes, you can lead a horse to water but you can't make it drink. I also am not willing to indulge in presumptions of anything other than good faith on behalf of this applicant. I don't speculate as to what their intentions may be in the future, which are unannounced and are not before us.

I feel obligated and bound by the Board of Supervisors' findings, and I am very mindful of the long and torturous route that this has taken for five years to get here today. So, to delay it further or to deny it because of the inaction of those who could be affected by it after abundant full notice and apparently discussion, is, in my point of view, unfair to the applicant. So, I am inclined to grant it should a motion be made.

So having heard from Commissioners, what is your pleasure? We have before us

Senauer: You haven't heard from me.

Newman: I'm sorry. Commissioner Senauer. We have staff recommendation. Commissioner Senauer, you want to speak to that?

Senauer: I do. I concur with Chair Newman. Basically, regarding the findings in the project before us. I would like to offer a comment regarding neighborhood compatibility, which the Montecito community plan stresses over and over and over. What I see as far as neighborhood compatibility is, that has been breached time and time again with builds, with homes. They say as it gets permitted through the MBAR, et cetera, it's a neighborhood in transition. Well, there's one three down that is contemporary, and that even though immediate, it's sort of traditional, where the compatibility issue is, well, not so defined because it's a neighborhood in transition. And I find that argument as I walk through my neighborhood and others. I don't know if there's any neighborhood that basically can offer compatibility anymore. It's all eclectic, whether you term it neighborhood in transition or whatever you term it, I think that is – cannot be applied consistently, and yet have builds that we see and what is before us today. So I'd like to take that personally off the table as far as my discussion and comment, and simply go with the findings today. And I do believe they are supportive, and I will support staff's findings. Thank you.

Newman: So, colleagues, what's your pleasure? The Chair will entertain a motion to accept and approve the staff recommendations outlined in 2.0, Items 1, 2 and 3 if that is your pleasure. Or to disapprove, if that is your pleasure. So does anybody have a motion for us to consider? Commissioner Senauer.

Senauer: I move to approve staff's findings on Case No. 13LLA. I'll end it with 0002.

Lehr: Commissioner Senauer, through the Chair, if I may, the case before the Montecito Planning Commission today is 16LLA 3

Senauer: That's right. I'm sorry. I was referencing the – our – yes, thank you. Thank you for the correction.

Newman: Alright. A motion has been made. Is there a second to the motion? I'll second the motion. Okay. Further discussion?

Kupiec: Well, only in response to Commissioner Senauer's comment about.

Newman: Commissioner Kupiec.

Kupiec: Sorry Charles, Commissioner, Chair I mean, I agree there's a lot of flux about neighborhood compatibility. But acreage isn't one of them. It's easy to say that stylistically buildings change, and there are issues of compatibility having sat on MBAR for many years. But in terms of lot size, that's a measurable metric.

Newman: For myself on this issue of compatibility, there will come a time, if any, that will be before the Planning and Development Department should the applicant choose to want to develop this parcel, should the lot line adjustment be granted, that development will then come before Planning and Development authorities. They will have to comply then with all applicable requirements. It will be noticed. There will be opportunity for neighborhood input and so on. So, I think, frankly, the concerns I'm hearing about the compatibility or development consistent with the neighborhood all speaks to the future. And there will be an opportunity, and a meaningful one, for those who care to do so to speak to any proposed development of this parcel should the motion be granted. And I'm trusting enough of that process. I'm trusting enough of our staff. I'm trusting enough of whoever may be serving on the commission and on MBAR in the future to all be appropriate checks and balances against the concerns that are being voiced and about which we're all speculating today.

*I need  
Co.  
approval  
to develop  
vacant  
lot*

So, the reason I'm comfortable doing this is, I view this as a very narrow issue. I view it as an issue that has been outstanding in the annals of the county development for many years. And I view it as one to allow these people to address their lot line. I'm not speaking to, and none of us are, to the merits of what they may propose to do in the future. That will come, if at all, at another time. Commissioner Keller. I think you were next.

Keller: I just wanted to point out two things in Attachment A, the CQUA findings. The lot line adjustment is – this is what's required for the lot line adjustment. And it says, no parcel involved in a lot line adjustment that conforms to the minimum parcel size of the zone district in which it is located shall become non-conforming as to parcel size as a result of the lot line adjustment. And, as a result of this lot line adjustment, Lot 1, which is currently larger, is now becoming – we ended up

with two non-conforming lots, rather than just one non-conforming lot, it would appear to me. Secondly, it says, the lot line adjustment satisfies the requirement that the lot line adjustment shall not result in a greater number of residential developable parcels than existed prior to the adjustment. And we've been told by Mr. Briggs that Lot 2 would not be developable at this point, unless you tore down the existing property. So now we're creating two developable parcels. I just feel as though what we're asked to find today is not consistent with what's required under the lot line adjustment findings. So, if I'm incorrect in that assumption, would you clarify it please.

Newman: Staff, do you want to address Commissioner Keller's concerns?

Lehr: Commissioner Keller, through the Chair, thank you. So the two existing lots today are one acre or less. Those are considered non-conforming lots with the 2E1 Zone District. So, as is, those lots are considered nonstandard or non-conforming as to size. So they will not be in conflict with any of these findings. The lot line adjustment will bring them into more similar size, but even if the Planning Commission did not take action, you would still have two nonconforming lots, one at .19 acres and the other at .99 acres.

*lots already are legal non-conform*

Newman: Alright. Commission Pulice.

Pulice: I have two comments. One, Susan Keller, Mrs. Keller, would you consider a second option where we would come back later? Is that something you mentioned before to review this with more information?

Keller: I suggested a continuance. I would be more comfortable with, because I would like more evidence about the neighborhood and about the result

Pulice: The reason why I'm asking is if it was denied today by a vote, then it would take a few months to get back in front of the Board of Supervisors. And it might be shorter if we could just get a little bit more information and decide say in our December meeting, if in fact we're still agreeing with the county's desire to have this lot split occur, at least adjusted. Pardon me. So, what I'm - my problem is that there's 27 parcels. Do we know that they're mostly an acre, an acre and a quarter, less than an acre? What do we know? Because if this, in fact, makes the two smallest parcels of 27, that sort of changes the equation, for me. But, I don't want to preclude having a decision made by the Planning Commission. I'd rather it be done here, not in front of the Board. And I'm certainly on the fence. I guess that's my question here and my problem.

*What do you know about parcel size in area?*

Newman: Mr. Wilson.

Wilson: Mr. Chairman and Commissioner Pulice I appreciate the comments and the conversation today. But, as staff has indicated, and I will again repeat, there's existing two lots that are already existing below the standard. So, continuing it and getting the neighborhood the parcel size doesn't change the existing conditions. So, even if it was denied, it would continue to be nonconforming to

size of both parcels. So, the question today is whether or not the Commission can make the findings that staff has presented to move this line between two parcels that are considered already not conforming to size. So I'm struggling with it with what the Commission would ask us to come back with. Even if we came back with the parcel size analysis of the neighborhood, it doesn't change the existing configuration.

Pulice: True, but doesn't the house that exists now sit on both parcels? So, if you've got a problem, they have a problem. They do need this adjustment. And so, if we don't grant it, they can't build a second house. So I think it is critical that we make a determination whether or not it's what we want to do. And so, I'm sorry. I'm – well, I disagree with you, but I do.

Newman: From my own perspective, in considering Commissioner Pulice's points, what you have stated emphasizes the importance of this to the applicant, that they have in essence a factual situation that's very undesirable, that they have pursued for five years to try to change, that has been fully noticed for hearing today, and that has not yielded any written response or any response, other than Mr. Snyder, who we appreciate coming forward, among the 27 people who received written notice, and, additionally, the posted notice. So [interruption] no, I'm sorry, Mr. Snyder. Thank you. So it is not our job to make sure that those who were noticed come forward. It was their job to come forward to us, and we have the record that's before us. So if we were to table this, or postpone this, there would be no new notice that would be issued, because no new notice is required. There would be no further action taken by our staff, because no further action is appropriate or required, and the record would likely be the same. So I'm personally unwilling to be party to further delay when the record before us and the notice of procedures of our hearing and so on have been full and complete. The parcel is nonconforming now. Both of them, and combining them into one parcel, to me, relatively inconsequential to the current situation. So, given also if there's a check in the future, with respect to any prospective event in the future, I'm very content to move forward today.

Alright. Any further deliberations or comments? Commissioner Keller.

Keller: At the current time, we have yes they are supposedly two legal lots. But we have a piece of land that is 1.18 acres in size, which means that the appearance is that it is consistent with its neighbors. And what we would be doing is creating two small parcels. And, yes, you say it's conjecture, but the only reason to pursue a lot line adjustment at this point is in order to develop the other parcel. That's just logical and self-evident. And so, we would have two houses on two smaller lots. I believe our public comment when he says that he asked other neighbors, and they did not receive notice. I personally would like to hear from the homeowner's association since it does exist and does have a stake in this. And I would like to have more information about what the surrounding lot are like. If it turns out that the impression is incorrect and many of them are actually smaller, that would be



very helpful in making this determination for me. So my preference would be to continue this matter.

Newman: Let me perhaps suggest this. If we take a lunch break and trail this matter until after lunch, would staff following that break be able to present to the Commission information of record about the surrounding lots and their size so that we would have that information to at least satisfy one of Commissioner Keller's concerns?

Lehr: Chair Newman, that's something that we can do.

Newman: Alright. Well, I'm going to exercise the discretion of the Chair and declare a lunch break at this time. I'm going to ask staff if you will to obtain that information of record that should be factually undisputable. And we will reconvene. It is now 12:25. Why don't we come back at 1:30. And we'll resume with this matter at that time.

### Interruption

Newman: So, we'll stand adjourned.

Senauer: I just want to – this is trailing is appropriate. I just want to make sure the parameters are going to be acceptable to – are you thinking the 27 homes? I want to make sure staff doesn't do something, come back, and you say, well, no, I meant this.

Keller: I'm sorry. But it isn't only me. It seems to me that these same concerns were expressed by two other Commissioners.

Senauer: I understand.

Keller: So, if the Arcady is a homeowner's association, then it's clearly a defined area. Is there any way of finding out the lot size within the Arcady homeowners association? That would be fine.

*HOA members key*

Senauer: Okay. Great.

Newman: I don't know that we're going to have that information of record, so let me suggest that staff at least obtain the acreage information for the homeowners that received – the property owners – that received the written notice, because each one of those parcels will be identified. We'll be able to find out the size of those parcels. If by chance, which I doubt, that the homeowner's association identifies every parcel, and that's of record and can be readily ascertained, that additional information would be welcome. But I don't intend to hold up our deliberations for want of that information. I think we're going as far as we possibly and reasonably can with the lunch break to get the 27 parcels. And I think that's the best we can likely do. But, if you can do better, that's fine.

So, we will stand adjourned. We'll come back at 1:30 and resume this matter. Thank you.

**Lunch Break**

Newman: Gentlemen. Let me call the afternoon session of the Montecito Planning Commission to order for meeting of October 16, 2020. We're reconvening and we're hearing right now Case No. 16LLA-0000-0003. Mr. Wilson.

Wilson: Chair Newman, members of this Commission. We would respectfully like to request two more minutes while we are working through some technical difficulties.

Newman: Okay. That would be fine.

Wilson: Thank you.

**Silence**

Newman: We're ready to resume. Alright. So we took a lunch recess and, at the suggest of the Chair, requested that staff obtain some information. Before we can receive that information, though, we're going to need to reopen the record to receive it. So, Chair will entertain a motion to reopen the record to receive some additional information concerning this matter Commissioner Keller.

Keller: So moved.

Newman: Alright. It's been moved. Is there a second?

Mr. Kupiec: Second.

Newman: Mr. Kupiec didn't turn on his light, but shouted out impolitely. Commissioner Senauer was observing the courtesy to the Chair and about to turn on her light, but was verbally preempted, so I'm chastising Commissioner Kupiec and appreciate you, Commissioner Senauer. Alright, we'll deem it seconded by Commissioner Kupiec. Any discussion? Okay, I sense we're ready to vote, all in favor of the motion, please say Aye. Aye. I believe it's unanimous, so the record is now reopened.

Alright. So over the recess, we asked Ms. Briggs, if she would, to – I'm sorry. Excuse me. I'm sorry, Ms. Lehr, to obtain information regarding the lots surrounding the parcels before us today. We're looking at the screen, and, if you would, please tell us what we're seeing and what you have found.

Wilson: Gentlemen. Before Ms. Lehr, introduce information that we were tasked with at during the lunch break. Just as we – During the lunch break, we looked at the findings. And a review of the findings that were presented to the Planning Commission, it appears that there isn't a requirement for finding on area

compatibility to be made for this action before you. That would an action on subsequent permits that might – that would be related to construction or development on the property. So the action before you today doesn't require \_\_\_\_\_ area compatibility. I just want to put that on the record as you consider the information being provided and you continue with your deliberations.

Newman: Okay. Thank you for that additional information. Alright. Ms. Lehr.

Lehr: Chair Newman and the Commissioners, so as requested, we worked with our GIS and graphics guy to identify the parcels that – the 27 parcels that received written notice. We have highlighted the subject parcels in red. As you can see, Lot 1 is the larger one, and then Lot 2 is the smaller one. These are the lots in their existing configurations. And hopefully the Commissioners are able to see, but we had attempted to add on the parcel sizes below the APNs, and so while there are a number of parcels that are around an acre or over, there are also a number of parcels that are less than an acre. Some of the smaller ones are at .49 acres and .63 acres.

Keller: Could you point those out please, because it is difficult to see the acreage.

Newman: Excuse me. Pardon me, Commissioner Keller. If you would wait to be recognized by the Chair, it would be appreciated.

Keller: Please recognize me, Chair.

Newman: Yes. Commissioner Keller.

Keller: Would you mind either pointing those out with a pointer or is there any way to expand, because we cannot read the screen. Thank you.

Lehr: Commissioner Keller, through the Chair, are you guys able to see the mouse on the screen? Okay. So this is the property that's .49 acres. Here is another property that's .63 across Eucalyptus Hill Road. We have a property on the corner that's .82 acres. The one next to it here is .91. The one here that is a side lot is 1.01 acres. The one north of it is .93. And then the other two here are 1 and 1.5, respectively. As I move down in a clockwise motion here, this property here is 1.36. The property up here is 1.1. The property down here is .88. The property here on the corner is .77. The property down here is 1.19. The property up here is .8. The property right here is .99. Adjacent to it here on the corner is .91. Across Eucalyptus Hill Road is .77. Adjacent to it is 1.14, excuse me. North of it, we have a property here on the corner, .79. Adjacent to it is .87. To the far west of that is .11. Excuse me. I'm sorry. 1.1. Adjacent to that is 0.95. And then north is .93.

*lot sizes  
do  
already  
include  
many  
under  
an acre*

Newman: Additionally, we had requested, if possible, that you see if there was any record you could obtain of the homeowner's association. Did you have the time or opportunity to look for that? And if you did, what did your search yield?

Lehr: Chair Newman, we were not able to find any records that identify that specific area. The only one we had was very dated and it kind of showed just broader locales in the Montecito area. So that's not something we were able to obtain, unfortunately.

Newman: Okay. Thank you for that information.

Lehr: Excuse me. Chair Newman, before we continue, I just wanted to show the next slide. So this slide right here is the existing lot. And then with the proposed lot line adjustment, the lots would be a little more equivalent size. And this is the slide that shows the two lots as proposed.

Newman: Okay. Thank you for that.

Briggs: And, Chair Newman, one more thing that we looked at on the break, we took a look at existing Lot 2, which is the .2-acre lot, the smaller lot, and we were able to confirm that if you simply move the residence – relocate the residence south to kind of fit within the existing parcel, then it looks like, roughly, the existing residence would fit within the setbacks provided in that .2-acre lot. So the .2-acre lot is definitely residentially developable with a size comparable to the residence that's there now.

Newman: Okay. Thank you for that information. Any other information staff cares to share? Alright. Then we go to questions of staff regarding the additional information, if there are any.

Pulice: speaking off mic

Newman: Excuse me. Commissioner Kupiec.

Kupiec: Can you please tell me what the front yard setback is on Arcadia Road?

Lehr: Commissioner Kupiec, through the Chair, so our requirements are 20 feet from edge of right of way and 50 feet from center of right of way.

Newman: Any other questions? Commissioner Pulice.

Pulice: Did you say that the .19 lot, that you would possibly move the existing house to make it fit on there? Is that what you're saying?

Briggs: I'm not suggesting that that happen. I was just using that as a reference to demonstrate that the existing lot is developable, that you could develop a residence similar in size to what's already there now.

Pulice: Okay. On the existing .19.

Briggs: Correct.

Pulice: Okay.

Newman: Alright. Any more questions on this additional staff information? Okay, thank you for that. We have – then we'll open public comment on the additional information. I have a speaker slip. I'm sorry, Sir, I can't read your last name. Is it Wall?]

Wall: Wall.

Newman: Wall? Okay. Mr. Wall, would you come forward, please? We would like to hear from you.

Wall: My name is Tony Wall.

Newman: Just a second, if you will.

Wilson: On the additional information, just for the Chair to consider, is just to let the applicant also respond to the additional information. If there's any information contrary to the additional information, then allow the applicant time for rebuttal.

Newman: Alright. Do that now? Alright, if you would, Sir. Introduce yourself to us please

Wall: My name is Tony Wall.

Newman: And how much time would you like?

Wall: I would like 15 minutes. Is that okay? Give me a week and a half.

Newman: And you're appearing personally in your individual capacity?

Wall: Yes. I am in my own personal capacity. I am a neighbor.

Newman: Okay.

Wall: So, I live right there. And David Snyder is over here walking, lives right there. So this is -- what I'm going to talk about might not --.I'm not going to talk about community, because I understand that Montecito Planning Commission is about preserving communities. And that's your primary reason for existing. And there is a community here. This is not representative of that community because there's a gate entrance – We live in a place called Arcady. There's a gate entrance right here. And there is another gate entrance right there. It all used to be one large piece of land owned by Nap. And so there is a homeowner's association. I don't know why that was not recognized, but there's always been a homeowner's association. We attend it. The meetings. It's very active.

The issue here is that; I have lived in here twenty years. I've raised my children here. Most of the people in Arcady, which really extends this way, is this is not representative of the community, is consistently one acre lots. And we've all

been trying to preserve the community, its active, in regard to the landscaping we do, in regard to the people we know. We talk to each other about how to sharing about safety information in case of earthquakes, things like that, because preserving these communities is important. I now Mr. Pulice created Mad Academy. It's at the Santa Barbara High School. The nature of that is creating the community.

This community, the majority of people here are opposed to what is happening here. What has happened is, an outside real estate speculator has come in and purchased a property within our community. Everybody else lives there, raises their kids. This person has had an interest in doing this from the beginning, purely to make money, no regard for what the interest of the community is, because community, if you took a vote, it would lose. We don't have the right to vote, but that's what would happen. If you need me to have a, a petition signed by the majority of the people who live within the Arcady community, please give me an extension. I would be happy to do that.

But what's happening here, it that, these people who live here, they're largely retired people. The vast majority of their personal net worth is involved in their homes. And this is something that they are opposed to because they want to preserve. The main thing is the main asset in their lives, which is their homes. And this is a substandard house that is there right now. And we're going on a substandard lot, and now we're going to have two substandard houses in two substandard lots. And that will be something that the people in that community should be listened to, that did not have an opportunity to talk here. Many people such as myself. I couldn't come this morning. I have a 9 to 5 job. I have children that I have to support. I couldn't come. I could only come right now. And I'm playing hooky from work as I speak, because this is important. Other people are in a similar situation. And the reason why a lot of people aren't here today from the Arcady community is because they feel defeated by what has happened.

What is missing from this statement that was prepared was that earlier on this was supposed to – years ago, this was noticed for a hearing at the Montecito Planning Commission. There was so much opposition, written opposition, people going to the hearing, planning to go to the hearing before this Commission to oppose exactly this. It was cancelled because the owner knew that it would fail. That was then taken off. Everyone got notice of that. Then, however, Mr. Jeremovich, if I'm pronouncing his name correctly, got his ruling overruled by the Board of Supervisors. There was no notice of that hearing. Nobody had an opportunity to hear about it. Effectively was in dark of night. And I personally don't understand how supervisors can overrule a career surveyor, like Mr. Jeremovich, who I personally spoke to, in addition to speaking to Ms. Lehr, that their – how that could be overruled by going to the Board of Supervisors, with no hearing, no ability of anybody to have some input into that.

Now it's being noticed again. Everyone just feels it was ramrodded through. They don't have any voice. Mr. Snyder came here today and said, you know what, they're actually listening to their neighbors. Contrary to what everybody had experienced before. So I came down here right now, even though I'm supposed to be at work right now. Don't tell anybody.

And so this is something that is very important. If the community is something we want to preserve, then the voice of the community should be heard. And I'd be happy to bring you a petition signed by the majority of the community. So, do you have any questions for me?

Newman: Thank you for your comments. Your time is up now.

Wall: Okay. Appreciate that.

Newman: Are there any questions for Mr. Wall?

Keller: May I ask. May I be recognized, please.

Newman: Please.

Keller: Could you clarify

Newman: Commissioner Keller.

Keller: Where the gates are such that the area of Arcady is

Newman: So would you just go to the podium, and we'll provide you with a laser pointer or

Wall: So this is Eucalyptus Hill coming up this way. This is Arcady Road. Right there is one gate that was placed there by Mr. Napp when he – he built it. The other one was right off of Sycamore Canyon. And it's right there. Now, you may hear something about, oh, this property really isn't within Arcady, the subject property. Yes it is. It's – we paid – this road right here, Arcady Road and the other one coming down, we pay to have those preserved. The City doesn't do that. We are our own community. We pay for our roads. We pay for our security. We pay for the speed bumps. We take care of our community and we take care of our people there. And this property has always been part of Arcady. [Technical Issue]

Keller: I beg your pardon. So,

Newman: Any other, oh, do you have another question?

Keller: And you said, Arcady actually extends to the east from Eucalyptus Hill rather than extending on the other side where these other properties are.

Newman: Could you – excuse me. Would you go back to the microphone? We need to be able to hear you because this is being televised and we create a record.

Wall: Right. It does. However, it was shown there was helpful. Who is controlling the – thank you. Alright, so, you enter Arcady Road right here. It continues all the way up this way. There's a little bend right here. All of these homes in here are all within Arcady right now. And this is – yeah – Arcady comes around this way. This is a – this is a dated map. There's Napp Road, and there's Arcady Road. This road actually extends around. It doesn't dead end right there. That's Napp right there. So all of these homes over here are all within Arcady. And this is Arcady Road. And we are very much a community. We pay dues. We have meetings. We take care of each other. The only person who is an absentee owner is right here.

Newman: Commissioner Keller, your light is still on.

Keller: I beg your pardon.

Newman: Alright. Commissioner Pulice.

Pulice: Thank you. So how frequently – is there routine – regular meetings of your homeowner's association?

Wall: The entire association has an annual meeting. But the – there's a board of officers, of which I am on, that meets at least quarterly. But, as a practical matter, there are informal discussions amongst the board meetings almost weekly.

Pulice: Has there ever been a vote by the community pro or con on this development – or this lot line adjustment?

Wall: There has not been a vote on it. Just because there was a view that we didn't have legal power to do that.

Pulice: Right. So I

Wall: And, to be frank, the homeowner's association has a number of people who are afraid of being sued. And we thought that the owner might be litigious and sue the homeowner's association. But that was what some people voiced.

Pulice: And when is your annual meeting? End of the year? Or already happened, or

Wall: It already happened. It's in spring.

Pulice: Okay. Alright, thank you.

Newman: Commissioner Senauer.

Senauer: Thank you very much for coming before us. Just for clarification, are you representing yourself as an individual or the Arcady HOA?

Wall: I'm representing myself as an individual . . .



Senauer: Thank you.

Newman: Alright, any other Commissioner's questions? Alright, for the Chair, if I may. In the purple circle that's indicated on the map there, who is the president of your association?

Wall: Tim Patilla.

Newman: And is his property within the circle of properties that received notice?

Wall: No.

Newman: Okay, where is his property located?

Wall: It's at the far end over here. It's not quite on the map.

Newman: It's literally off the map.

Wall: It's literally off the map

Newman: Okay

Wall: just because you don't have all of Arcady Road there.

Newman: Yeah, but your property is on the map there. You did receive the notice, correct?

Wall: Yes.

Newman: And, as far as you know, did – was there any neighbor in that circle of properties that's a member of the homeowner's association, like yourself?

Wall: Excuse me. I'm sorry. What was the question?

Newman: The people within the homeowners of the properties within the circle. Are they all members of your homeowner's association, as well?

Wall: Well, within Arcady, the people who are fronting Arcady are within the homeowner's association within Arcady. So, for instance, these people down Sycamore Canyon are not part of Arcady because that was not part of the creation of Arcady.

Newman: How many parcels, as best you understand it, that are within the purple circle, are in your homeowner's association?

Wall: Sider, Wall, no, no. 1, 2, 3, 4, 5.

Newman: So, its

Wall: Uh, sorry. Yes.

Newman: Is it five?

Wall: I believe so. Sometimes it's hard to look at these – as I said, this is also a dated map. It shows – and so it's hard to look at some of these maps sometimes and you can say, Oh, that's Bill Gabriel's house. But, five or six. Well, it actually depends on how far you extend there a little bit. I would say seven there because the right side of the purple comes into a couple of extra.

Newman: Okay, and additionally, it's been

Wall: So I would say about 25, 24 people within Arcady didn't get notices.

Newman: Well, you can't, how do you know that? How do you know they didn't get notice?

Wall: Well, I thought you said you gave notice to the people here in grey.

Newman: Oh, I see, okay. Now, do you drive by the parcel that's before us on occasion?

Wall: Yes.

Newman: Okay and did you see the posters with the planning and development sign in red stripe boarding then?

Wall: I think you already know the answer to that, yes of course.

Newman: I'm sorry?

Wall: Yes, I did.

Newman: Okay, very good. Alright well thank you for that additional information. We appreciate you coming here, if there are no further Commissioner questions, you can be seated and we do thank you for your interest.

Wall: Thank you for letting me speak.

Newman: Of course. Alright, any other public comment, any slips?

Snyder: Am I allowed to speak again?

Newman: Can you hand me those slips?

Keller: Yes.

Newman: Okay. Mr. Snyder, do you want to be heard again?

Snyder: If I could, if I may please.

Newman: Alright, just a minute before you start, how much time would you like.

Snyder: 10 minutes, I think I'll be less than 10 minutes.

Newman: Alright. That's less is preferable but 10 is okay.

Snyder: Thank you.

Newman: You got it.

Snyder: You know, I've had some time to think about the, the discussion, itself, I think you know, there's no question that, you know this, this parcel, this part of the of the Arcady association, if you took all these, all these are over an acre, every single one of them. If you go along here, there may be some that are less than an acre but these are around it 9, you heard, .95 they're all over, and these ones here that are all part of Arcady are all way over an acre. And I think, it really is sort of a simple thing, it's sort of like if you are interest, if one is interested in creating additional substandard nonconforming lots then you should vote yes for this. If you're, if one is not interested in creating additional substandard nonconforming lots, it should be no, and I think that we, I echo Mr. Wall's sentiment that if, that if you were to, to, to poll all of the people in Arcady, I did forget about it, there was such a backlash the last time they tried this that they pulled it because they knew it would not, it would not, it would fail and they thought that would be a, they have very, very good counsel, clever counsel and they said let's pull it and let's try again. In addition, I don't know that it matters, I mean property rights are property rights but she rents this, she's never lived there. The owners have never lived there. It's just a rental property and I think that if you break down all of the things besides the fact that you may have not had a chance to hear from the professional surveyor who said this really isn't two lots, some people who were nonprofessionals overruled that. I think the bottom line, and the most important issues is, you're creating two substandard lots when there is one right now and I don't think that, that is in keeping with the standards of the community or I don't think it's in keeping with the maintaining of values, home values and housing stock in the area, it, it, it diminishes that and for that reason, I might, my hope is that you overrule, you would deny it and use your discretion to do so. So, thank you very much, that's it.

Newman: Thank you, appreciate your coming. Alright, I'm sorry, thank you. Alright, so we're going close public comment now, would the applicant care to address any points that have been raised this afternoon to the supplemental information. Mr. Bank?

Bank: Mr. Chair, thank you again, Brian Banks, agent for the owner. This morning and this afternoon, it, it's hard for me as a planner and land use consultant because most of these decisions are driven by findings, but I understand neighborhood capability after many years in front of the MBAR and so I understand the importance of that. So, that being said, just three points: HOA, I was not prepared today to go into HOA issues, that's typically not something I, as a non-attorney would get involved with and probably rightly so a lot of back and forth

on the HOA thing, I'm not quite sure how it relates to the decision before you today, but just a point of clarification, the, I think when people think of Arcady Estates, they think about the subdivision map that created it from you know Knapp and way back when, and a simple view of that map, of 28, page 66 shows that essentially, this, oops, essentially this whole area is not within the HOA including the two subject lots. So, the owners have paid their fair share of the maintenance, but they are not subject to CC&Rs or a formal HOA process. Understand neighbor capability, but that's different from HOA and like I said I typically don't want to even go there because of, it's a legal issue. So, just a point of clarification, the subject parcels are not and never were part of the Arcady Estates. One of the reason that the 2013 lot line adjustment didn't proceed is because it was determined that they need certificates of compliance which again embarked upon this process to that being rectified through ultimately the decision of the board. So, it wasn't the intent of the applicant at that time did not go through, they wanted to go through and it was found that they were not legal lots of record by the surveyor and they embarked upon that processed. And just, you know, in summary I guess from the practical perspective is it better to have, you know, a .19 and almost an acre, or is it better to have a .68 and a half an acre. So, you know, when I look at that diagram, it just, as a land use guy that looks better to me. And so, when I review the findings, the legal findings that need to be made one way or the other, you might decide that you don't want to make these findings and you want to have findings for denial. It's clear that we're going to be back at the board where we were in 2015. So, for the sake of the client I just want to make sure that we get those findings on record and they are very clear so that we have a possible option at the board to narrow this down to instead of HOAs and all of these, to a lot line adjustment. Is it good or is it bad, should it not be so we can kind of make it a simple again which I thought it was going to be at the beginning? So, I'm happy to answer any questions.

*Arcady  
Subdiv  
Map*

Newman: I have one question. You've referred to a map, but it's not in the record. Would you like it to be included in the record, and if so you need to give us a copy of that.

Bank: Mr. Chair, absolutely. Should I hand this over to Mrs. Lehr? It's a recorded map that's a county map, it's nothing proprietary or something that we've dug up.

Newman: Okay. And it's your understanding this map indicates those partials that are within the HOA?

Bank: Mr. Chair, the HOA I'm not sure of what other bylaws the CC&R, who's a part, but the Arcady Estates as it was subdivided, which is what I am assuming the HOA came from, from that original subdivision. The subject lots are not within that.

Newman: Okay. Alright, thank you for that. Alright, we'll go to commissioner's questions. Stay there if you will for a moment Mr. Banks. Commissioner Keller?

Keller: So the two gentlemen who've given public comment are just below and just adjacent to these two lots. One of them is an officer of the HOA. Why are these subject lots as you say excluded? Why were they never part? If the two adjoining lots are?

Banks: Mr. Chair, commissioner Keller. I, like I say, I have no idea. HOAs are not a legal requirement that I know of.

Keller: I see. So it was a matter of choice to opt in or opt out of it?

Banks: Commissioner Keller, I think it dates, my assumption, purely assumption is when the original subdivision of this neighborhood happened and they created, you know the Arcady Estates subdivision through that map. My assumption was the HOA would have followed that subdivision. So, these lots, the ones that we've pointed out were, they were parceled off separately which I think is one of the issues that relates all the way back to this original discussion of lot legality. Had these lots been part of Arcady estates, they would have been legal valid parcels by virtue of the recorded map and none of this would have happened. So, it's kind of like you're in it, but if we were in it then we wouldn't all be here, or we would have not been here five years ago. So, and again I just, I'm not attorney. So, I don't want to say anything more about HOAs.

Keller: Thank you. Chairman Newman, are we going to be seeing copies of the map?

Newman: Yes, they are being made. Alright, any other questions of applicant's representations? Alright thank you for that. So, we'll now close the public hearing on the supplemental information that has been presented, and we'll resume our deliberations and to remind everyone if my recollection serves me correctly where we are. A motion has been made and seconded to adopt the staff report and recommendations in total and we are deliberating now on that. Commissioner Keller had posed two questions before the lunch break. One, about the HOA, the second about the lots when we have the best information available to staff to supplement the record and we've also heard from members of the community. Why don't we just take a minute or so to look at this additional map and then we'll resume our deliberations.

#### **Pause**

Newman: Alright, and just for the record to identify what we have. We have what is been labeled, or is denominated as a record of survey map of Arcady Estates dated July 1947 and it bears the note both in writing and printing this appears in book 28, page 66. I presume the records of Santa Barbra County. Page two appears to be a plat map of the property in question. I don't know the source of this record. Alright, so back to deliberations on this matter. Commissioners, colleagues, what is your pleasure? Any additional thoughts with this information, if not then we could proceed to a vote on the pending motion. Anybody have any comments or further deliberations to share?

Pulice: You know I...

Newman: Commissioner Pulice.

Pulice: Thank you, you know there's a difference between a lot line adjustment and lot split, and I think we're kind of putting them both together here. Because this house is sitting on both lots. And, so we're now creating a lot originally, second lot. Now we need a lot line adjustment so that house fits the original lot that it sits on. So, I think it's somewhat convoluted but I now I think understand the facts but I think I'll wait and hear comments from the rest of the group. Thanks.

Newman: Alright, any other commissioners have thoughts? Commissioner Kupiec.

Kupiec: I agree I think that we're really looking at a lot split. You know, and I'm just kind of doing my own little diagram off of this secondary map that was here, and I think to take the existing building that is on that site and squeeze it into that lot. I mean, I'm only an architect but I'd have a tough time doing it. I mean, it's got a 25-foot front yard setback, it's got a 10 foot, I don't know in our neighborhood it's 25-foot rear yard setback which you can encroach, but I mean the saturation of that lot. It would be inconsistent with anything else that is in that neighborhood. So that lot's just not developable once by itself, and I think if I were the one-acre property surrounding this split as far as I would concern about my property value, I'd be pretty upset to have two half acre lots abutting the properties that I own.

Newman: Okay, thank you commissioner Kupiec. Any other commissioners care to comment? Alright for myself, the issue of notice and neighborhood awareness of today's proceedings in my mind is a resolved point. There's no doubt that notice was properly given, there's no doubt that notice was received. There's no doubt that this matter was discussed in the neighborhood and there's no doubt that neighbors, the HOA, whomever has had ample opportunity to weigh in here by comment, by appearance, or otherwise. It's additionally been shared today that the HOA had a meeting whether formal or informal or whatever. I know not and declined to take a position on this matter. Whatever reasons they chose to do that, I'm respectful of that decision as it's been represented to us. So, for myself all of the procedural I's have been dotted and the T's have been crossed to bring us today to a point of hearing and deliberation and decision. With respect to the one question that a couple of commissioners have had about this lot and its compatibility if relevant to our determination which I don't know that it is, but my own view is that this lot line adjustment creates a parcel which is more harmonious than the present circumstances potentially. But, I'm just unwilling to speculate on anybody's intentions in the future and as I said with respect to those intentions, plans, or otherwise that will be before the appropriate authorities in the county, both at the staff level MBAR and otherwise if and when that occurs. And, I trust those people and I trust that process and then applicable codes, requirements, and so on to be followed so that the neighbors have assurances that whatever development might occur in the future is fully in compliance with

county requirements, and fully meets with the approval of MBAR and if necessary of the Montecito planning commission in the future. So, I think we do have safeguards against the parade of horrors that some have speculated about. We do have a situation now where as everybody who's spoken in opposition to this said that this is a non-conforming sub-standard situation and that gives rise to perhaps a hope for the future that it will be a better situation and development in the future subject to all the requirements that I've outlined in my discussion. And, so, however one wants to speculate about who owns it, why they own it, and what they are going to do with it, I just don't want to go to that party and I'm willing to support the motion as made. Commissioner Keller did you?

Keller: Yes, thank you. I just want to make the distinction between this commission hearing and a court of law where you are not allowed to consider evidence that has not been properly introduced. I think here we are able to draw reasonable and logical conclusions and the reasonable and logical conclusion is that this lot adjustment would not have been pursued over five years and with many thousands of dollars if there were not an economic incentive to do it. The economic incentive being to develop the second lot as a buildable and salable lot. And, so that concerns me when I hear there are absentee owners. I am terribly and sympathetic and understanding of neighborhood burnout in our own neighborhood. There was a two story house that was proposed that was completely incompatible with the neighborhood, excuse me, and at meeting, after meeting people showed up and finally they just ran out of steam because it is a long and arduous process. I am also disturbed by the fact that the supervisor's meeting in which a very critical decision was made was not noticed, and there doesn't appear to have been any neighbor input in that meeting. So, I guess I'm just saying that this is all a process that just kind of leaves a bad taste in my mouth. And, it's been followed appropriately according to the letter of the law and if you only look at what is allowed and required those I's have been dotted and the T's have been crossed. But, I feel that this is something that goes against the grain of this particular neighborhood and goes against the grain of what I think a planning commission should be supporting.

Newman: Commissioner Senauer.

Senauer: Yeah, just a couple of comments to support my motion, or my second I guess. First or second? In any case, I think there's a couple of comments that I'd like to make. One, I think it's troubling to hear sort of ad hominem attacks on persons assuming, assuming intent. And I think if this, this Commission makes recommendations predicated on intent that they do not know it's assumptive that they are surmising this in fact to be true. I think any, any vote that we have could be basically challenged, etc. for assuming intent when in fact we have no idea, we can surmise etc., etc. But, I think that's an important clarification to make that we are here to review the project before us, to not make assumptive thoughts, comments about what intent may or may not be. So, I'd like, those are just a few of my thoughts and comments. Thank you.

Newman: Alright, unless counsel or staff has any guidance to give us, I think we're, I'll call the question and we'll proceed to a vote. So, Mr. Villalobos will you restate the motion please and call for the vote.

Villalobos: The motion was to follow staff recommendation; which staff could put that on the screen? To make the recommended findings for approval, determine the project is exempt from SEQA and to approve the proposed project in case number 16LLA3 subject to the conditions of approval.

Newman: Alright. Alright. Let's take the vote please. Commissioner Keller.

Keller: Abstained.

Newman: Commissioner Kupiec.

Kupiec: No.

Newman: Commissioner Senauer.

Senauer: Yes.

Pulice: Abstained.

Villalobos: And Chair Newman.

Newman: Yes.

Villalobos: So, let's think about what that means here for a second. That's 2 - 1 - 2.

Newman: Given the unusual nature of this vote, we're going to let counsel check our procedures as to the effect of the vote.

Counsel: Mr. Chair, Commissioners, I was just checking because in the event of a tie vote, it would be deemed a denial, but that doesn't appear to be what was reached so right now we have just a motion that failed for lack of a majority vote so the Commission could make another motion, the Commission could make another motion to continue it for denial or to continue to item for additional information.

Newman: Alright, has everybody heard from counsel and understand the advice there? Motion has failed, anybody care to make another motion? Commissioner Kupiec?

Kupiec: I would make a motion to continue this, to give the homeowner's association and other neighboring properties a chance to voice their opinion wither in written form or by appearing at our next hearing.

Newman: Okay. Alright, is there a seconded motion?

Keller: I second the motion.



Newman: Alright, if my recollection of procedures serves me correct, a motion to table is not debatable and there is no discussion on it but simply a vote after it's been made and seconded, is that correct counsel?

Counsel: Mr. Chair and Commissioners, a motion to continue I think can be discussed.

Newman: Okay, then we'll open it up to discussion.

Wilson: And Chair, just clarification on the motion is, the motion is just to continue it? For, for the noticing, we've already noticed it so I'm kind of confused on what the continuance is going to accomplish. Unless it's like a continuance to come back with findings for denial, we could do that. I mean, it's at the discretion of the board what are, the board, the Commission, if you want continue it, that's fine, you can debate whether or not, deliberate on whether or not to continue it, staff is just looking for direction on when we come back, what are we coming back to discuss?

Newman: Mr. Kupiec.

Kupiec: Well, I think we're coming back to discuss either approval or denial, I think there is an issue here of neighborhood compatibility and I would like to hear from the neighborhood, I think there were two energized participants in the audience who are going to make sure that there is either a voice of the homeowner's association or a voice of the neighbors who are energized to kind of, to make a statement.

Newman: Mr. Pulice.

Pulice: I would also like to see or hear from other neighbors who possibly are in support of this action and so, I know it's troublesome that you want to make a decision right now, planning, but I think that we just, it's just, there, it smells like Denmark here, I think we should wait and I agree so, I think there's a good enough reason to do that.

Newman: Commissioner Senauer.

Senauer: So, staff, for clarification, will this need to be noticed publically once again, the 300 feet, all that, no, no duplication of that, just noticing that it's going to be an agenda item.

Wilson: Chair Newman, Commissioner Senauer, a continuance to date specific does not require additional noticing, so we would not be noticing that, it would just be a continuance?

Newman: Alright, for myself, I'm against the motion, 2 bites of the grape is too much, due notice has been issued, the record has been made, or not made and if, I'm very concerned about the impact of this, not only on this project but on the precedent. If somebody feels that we need some more information from neighbors and the neighbors haven't come forward, when do we decide well we'll give them a

second bite of the apple to come forward if they haven't. In either support or opposition to something so to uphold the integrity of our processes to uphold the integrity of the notice and what's happened and given that the homeowner's uncontested that they did meet, that they chose not to come before us, I don't believe that any beneficial purpose is served and I think it's bad policy for us to continue us to enable those who chose to not come and chose not to voice an opinion another opportunity and I don't know when and then in the exercise of our discretion becomes fair to do this and unfair to not do it. So, I just want for the sake of policy and also for the applicants here, to move this project forward as I think they do feel generally incumbent to move every project and when I say forward I mean to a decision, I'm not necessarily saying every project should be approved of course. But I do believe that it's incumbent upon us when something's properly noticed when voices have been asked to participate and they are silent and choose not to come on either side or whatever the issue is, do we have to carry on our business for the sake of our community at large and for the sake of policy so I'm against the motion. Alright, anymore discussion on the motion, if not, we'll proceed to a vote on the motion to continue this to future meeting.

Wilson: Chair Newman, is that motion going to include carrying out findings for denial or is it just a continuance for increased public.

Newman: As I heard the motion, and I'll leave it to the maker and seconder, it is simply a motion to continue this to another meeting and there was no specification as to when.

Speaker: You better change that.

Kupiec: Well, I'd like the motion to read that it be continued to the next meeting.

Senauer: Yes. And it was...

Newman: Wait just a second. Commissioner Keller do you accept that as a friendly amendment?

Keller: I second the amended motion. Thank you.

Newman: Okay. Alright, so the motion that's before us is that this matter be continued to hearing at our next scheduled meeting.

Speaker: And for the record that's November 20<sup>th</sup>.

Newman: Understood. Alright, any other discussion on the motion? Commissioner Senauer?

Senauer: No, no discussion.

Wilson: So, so Chair, Chair Newman I know I've asked this three times so, just for clarification, we're continuing it only to come back for further public input or are we going to come back with direction to staff to prepare findings for denial so the commission can make, today, we don't have findings that would support a denial. So, if, if we can come back, if the motion is just strictly to come back for further discussion then that's within the discretion of the, the planning commission to continue with that motion but if the motion is to include to come back with findings for denial if the commission would want to take that action, do we need that specific instruction? And, it needs to be included in the motion.

Newman: The motion as I heard it, as revised, is that this matter be continued to our next scheduled meeting of November 20<sup>th</sup> at which time it will be heard and determined. And no decision either to, either to deny the application nor to grant it has been made that would be carried forward. That's my understanding.

Lehr: Mr. Chair, Commissioners, just to be clear, so at the, if this is continued to November 20<sup>th</sup> and if staff just came back with the current packet you would only have findings to approve it at that time, if you want to potentially be able to deny the project on November 20<sup>th</sup> the staff is asking for direction now on the basis and preferably which findings cannot be, potentially cannot be made.

Newman: I understand the desire for that guidance but it seems as if there's not a consensus of a majority of the board, of the commission to give you that guidance. So, I can only suggest that either you prepare in the alternative or as best you can.

Keller: May I ask, may I ask a question.

Newman: Alright it should be, Commissioner Senauer, you're next.

Senauer: Yes, my light's been on for a while. Thank you, Chair. To clarify, this our, our vote here today, was, was not to deny. It was, it basically, like, just tabled, basically, okay. As I understand, preparing findings for denial when you had findings for approval is predicated upon a vote that was denied, which we didn't do today.

Lehr: Mr. Chair, Commissioner Senauer, so, the Commission wouldn't be able to reach that vote today because you don't have findings to support...

Senauer: Correct, correct.

Lehr: ...it. So if you potentially want to deny a project, the standard procedure is to continue it for the appropriate findings and then you would take a formal vote at the next hearing.

Senauer: Right, right but, we, we haven't, there's no direction here, okay. My, my question, which I've asked staff many times before, is, why not in a project, have both. And that's where we're, this is about where we are, we have findings for approval, findings for denial and we can sort of, just, kind of, range around it. So,

I'm confused at what, the, the request of, do you want us to, to ask for staff to come back for findings of denial which I don't think is within staff's purview, according to our vote today.

Wilson: So, Chair Newman, Commissioner Senauer and counsel may jump in as well, today the packet of information provides only findings based on staff's analysis and review of information. There's findings, Attachment A for approval. So the action today that the Commission can make is either, you know, the motion that was already made to recommend following staff's recommendations, that motion, which was made and failed, or to continue it to another date. We don't have the information to support findings for denial today and that's why we keep asking that question. When we come back with a continuance, do you want to have those findings prepared and if so, what specific findings can the commission not make in order for us draft findings for denial. So that's the question we that we have to the Commission, that's what we keep asking. So, because, we don't prepare both findings because we don't know which findings that the Commission can't make because that's within your discretion for your review. So when we ask for a continuance our standard procedure is, we continue it to a date specific and with direction to staff on what specific findings can the Commission not make and we can prepare those findings for review and consideration at a subsequent hearing. So if the motion is just a continuance, just to come back for further discussion, then that's within the discretion of the commission. If you want to amend the motion and say come back with findings for denial, if you do that then we would ask that you specifically indicate which findings can you not make and then we will draft those findings to support that.

Senauer: That was my point. Is that, you need an indicator from us if you were charged to come back with findings of denial, you need direction from us to locate and reference those findings, correct?

Wilson: Chair Newman, Commission Senauer, that is correct.

Senauer: Thank you.

Newman: Alright. Commissioner Keller, I believe you're next.

Keller: I was just asking if, if we requested, so you're saying that in order to come back with findings for denial we would have to give you the ground, basis upon which we would like that, and we cannot rely upon you to find the alternative arguments. So, however, if you came back with findings for denial that doesn't mean we can't approve the project. We could still approve the project at the next meeting, correct?

Lehr: Mr. Chair, Commissioners, that's correct. You would just have it available as a potential action on the next meeting.

Newman: Alright. Was that, alright Commissioner Kupiec.

Kupiec: Then I would propose to amend my, my proposal to include findings for denial. Although I will tell you, I'm not, you know, Jeff, I'm like help me, you know, I understand what you're saying. I mean, I'm neither, I'm neither ready to deny this project or approve it but if that's the, if that's the procedural method that we have to apply then I'm going to ask for, that you prepare findings for denial.

Wilson: Yeah, Chair Newman, Commissioners and, I'm going to echo voices to my right. So, the Commission then, if you want us to with findings for denial then, looking at Attachment A we would ask the Commission to indicate which one of those findings listed in Attachment A can the Commission not make and then we would draft those findings to support that. Because at the next hearing you would have to look at those findings for denial and say, yes we concur with those findings for denial or we don't. But that's why we don't draft those ahead of time because we were looking for direction from the Commission on what findings specifically can you not make. Otherwise it's guesswork and then we'd come back and not get it.

*what's  
basis for  
findings  
for denial?*

Newman: Alright Commissioner Pulice.

Pulice: Sorry Charles. You know, I've not been on this side of the table but I've been on that side. And I've been through a lot of continuances many times at the Miramar Hotel and I, I know the reason behind the decision to wait, because we really don't want the board of supervisors to make a decision if we can make one for Montecito. Because there's only one supervisor from our area. So, I'm not certain that in the past, Jeff, I don't know whether this has been the case where you have to find denials now. Because what if we come back the next time and say we don't, we can't adhere to our own denial. Can't we just say we can continue this? Or do we, I mean...

Lehr: Mr. Chair, Commissioners, that is an option to just continue it. I just want the Commission to be aware if it's just continued then on November 20<sup>th</sup> the only action you'd be able to take would be to approve it or to continue it again for denial findings and that's fine for the Commission to do that I just want you to, not come on November 20<sup>th</sup> and be surprised that you couldn't deny it.

Pulice: I got it.

Newman: Alright. I think we're rapidly approaching the question as to how many angels can dance on the head of this pin. The motion has been made and seconded that we continue this matter generally without any further conditions to our next meeting on November 20<sup>th</sup>. There is no request in the record or otherwise to make any findings or to supplement the record in any way other than what is presently before us. I would ask one thing of both the maker and the seconder of the motion, to say, November 20<sup>th</sup> or the next possible date, so for instance, should our November 20<sup>th</sup> meeting be an evening meeting and the public meeting that we discussed earlier I would think it would be awkward and difficult to put this on that agenda. So, I would like to suggest as a favorable, a favor to the Chair, and to give us the most flexibility, that the motion be restated to be a

motion to continue this matter generally to November 20<sup>th</sup> or our next regular meeting.

Wilson: So Chair Newman, just, that's a great suggestion, if I could just jump in. I think procedurally we would want it to be continuation date specific in the event that November 20<sup>th</sup> is cancelled for whatever reason then on our side the item would be automatically continued to the next hearing and then we'd re-notice it. So what we would want it, the motion to be a date specific and then we have procedures to deal with if it, if that hearing does get cancelled.

Newman: I think we have ample time to decide whether it will work or not work on the 20<sup>th</sup> and if not then our December agenda. I appreciate the notice but we're certainly not anywhere near that problem. So, if the Chair's suggestion is acceptable let me first ask the maker of the motion, is that acceptable to you?

Kupiec: Actually, I think that in terms of making sure that everybody who's sitting here gets an expedited process, I would like to amend my motion to instruct you to prepare findings for denial based upon the fact that I think in the Attachment A, 2.1.2 and 2.1.3 are debatable as to whether this project meets those requirements and if my understanding is that we are also capable of voting to approve at the next meeting, I'm happy to have that meeting structured for that and as far as the date of the meeting is concerned I'm happy to create a date, or, you know, to, to amend that to reflect the Chair's recommendations for when that meeting should occur.

*findings for denial - 2.1.2 & 2.1.3*

Newman: And Commissioner Keller who was the seconder of the motion, is that an acceptable change?

Keller: I support and second the findings for denial based on 2.1.2 and 2.1.3 of the findings but I think that Mr. Wilson said that if we give a date of December 20<sup>th</sup> and that needs to be changed for any reason, it will be noticed and rescheduled, is that correct?

Newman: My direction as Chair would be that we would not notice it until we know for sure that we would hear it on that date. So, it may be that it will not be noticed for November 20<sup>th</sup> and then re-noticed for a later date. It'll either be noticed and heard on the 20<sup>th</sup> or it will be noticed and heard at our December meeting. We're not going to issue a notice for November 20<sup>th</sup> and then issue a second notice for December.

Keller: My understanding was that there would be no notice for the November 20<sup>th</sup> meeting, if we gave them a date specific now, is that correct? Yes, they're all nodding, so there is no notice for the November 20<sup>th</sup> meeting and then if it's cancelled they will notice the next meeting, which I think is a more equitable solution. Right now the parties that are here know it will be November 20<sup>th</sup>. If it is not November 20<sup>th</sup>, they will receive notice of when it will be.

Wilson: \_\_\_\_\_ Chair Newman that is a correct statement. If we, if the motion includes a date specific, November 20<sup>th</sup> or December 18<sup>th</sup>, as long as a motion has a date specific it won't be noticed again. In the event that either of those date specific continuances is cancelled, at that point it's re-noticed to whatever hearing it'll be heard on at that time.

Newman: Alright, thanks for that clarification. Alright, Commissioner Kupiec, do you have any, anybody have anything further? Alright, alright, let's call the roll and take a vote. Did you have a comment? Your light's on.

Senauer: No I was going to, for the vote.

Newman: Commissioner Keller.

Keller: So the motion is to prepare findings for denial and to schedule the hearing on November 20<sup>th</sup>?

Speaker: Right, the motion is to continue the hearing to November 20<sup>th</sup> and instruct staff to prepare findings for denial.

Keller: Thank you. Are we voting at this time?

Speaker: Yes.

Keller: I vote in favor, please.

Speaker: Commissioner Kupiec?

Kupiec: Aye.

Speaker: Commissioner Senauer?

Senauer: Nay.

Speaker: Commissioner Pulice?

Pulice: Aye.

Speaker: Chair Newman?

Newman: Nay.

Speaker: Motion passes, three to two.

Newman: Alright well thank you all for coming. We'll look forward to seeing you again at a date certain. Alright. Why don't we give staff a few moments to setup for our next item on the agenda?

HAWKER/PHILIPPIDES

MPC  
HEARING #2

**County of Santa Barbara Montecito Planning Commission Meeting of January 15, 2020**

Newman: Alright, we're ready to go back on the record. Before we proceed, we've been reminded, ex parte communications or site visits to be disclosed by any commissioners?

Villalobos: Mr. Chair, before we do that. Let me just read the item into the record.

Newman: Alright.

Villalobos: The following, on the hearing the request of Brian Banks, agent for owners Athena Philippides and Craig Hawker to consider Case No. 16LLA-00000-00003 application filed on April 28, 2016, and to determine the product is exempt pursuant to Section 15305(a) of the State Guidelines for Implementation of the California Environmental Quality Act.

Newman: Alright, ex parte or site visit disclosures by commissioners? Commissioner Kupiec?

Kupiec: I, both visited the site yesterday with Mrs. Philippides and I also had a meeting with Jim Pateo, a member of the Homeowners Association to discuss the Lot Line Adjustment.

Newman: Commissioner Senauer?

Senauer: Yes, and I met on Friday the 10<sup>th</sup> with the applicant, and spent at the site and spent about half hour at the site. Thank you.

Newman: Commissioner Pulice.

Pulice: I, likewise spent about a half hour on the site with the applicant last week. And, I took various calls I don't recall who they all were, opposing.

Newman: And for myself, I also visited the property, and met with the applicant on Friday the 10<sup>th</sup>. Alright, so, we'll proceed with the staff presentation please.

Lehr: Good morning Commissioners, happy New Year. My name is Kathryn Lehr. I am the case planner on this project and will continue to be. So, we put this presentation together as kind of an overview of what, what brought us here today, and we're happy to answer any questions after the presentation.

Newman: I think the short answer is we brought ourselves here today. This is a bit of a redo.

Lehr: So, the project site is located south of Sycamore Canyon Road and east of Eucalyptus Hill Road, near Lotusland and Westmont College. So, the background which is condensed specifically for today's hearing. As detailed in Section 5.3 of the staff report. In June of 2015, the board granted a Certificate of Compliance



demonstrating the existence of two separate legal lots with this action, the existing dwelling was found to be straddling those lot lines as existing. In 2016, the applicant submitted an application for a lot line adjustment to adjust a shared property line. In October of 2019, county staff presented the proposed lot line, the Montecito Planning Commission, and at that meeting, the commissioners requested that the item be continued, and that staff prepare for finding for denial that addressed lot size, neighborhood compatibility, and the development potential for the vacant lot, which is Lot 1.

So, just an overview of the project site. Lot 1 is .99 acres, Lot 2 is .19 acres. Lot 1 and 2 are separate, existing, and legal lots created as a result of the board's action in 2015. There is the existing dwelling straddling that lot line. So, a lot line adjustment as defined is the adjustment of lot lines between two or more adjacent parcels where land is taken from one parcel, and added to another adjacent parcel, and where no greater number of parcels will be created. So, basically you are just moving the property line, you come in with two parcels and you leave with two parcels albeit, different sizes and or shapes. So, the lot line adjustment today before the Commission is a request to adjust the shared property boundary shown here on this screen in green, between existing Lot 1 shown in blue, and existing Lot 2 shown in yellow. So, that the existing dwelling shown in purple will be located wholly on a single lot. The boundaries are proposed to be adjusted as follows. Lot 2, which is the yellow one will increase in size from .19 acre to half an acre, and Lot 1 will decrease in size from .99 acres to .68. The approval of the lot line adjustment will adjust the property lines, bringing the existing dwelling into conformance with the MLUDC setback requirements, and on approval of the lot line adjustment, the existing residence would meet the requirements of the two E1 zone district and will continue to adhere to its permitted existence. No development is proposed at this time, and this proposal item, lot line adjustment is an adjustment of the shared property boundary between two legal lots. This project, if approved, will not subdivide any lots or result in a lot split.

So, this is the same graphic provided an Attachment B of staff's memo. As noted, the surrounding parcel size average .96 acres. Both lots are currently non-conforming as to size for their respective zone district, which is in fact two acres, and the lot line adjustment as noted would merely adjust the shared property line. So, the existing Lot 1 is .99 acres, existing lot is .19 as shown on slide four. If the lot line adjustment would be approved, Lot 2 would increase in size, Lot 1 would decrease, but this action would bring both the parcels to more of that kind of mid range around half an acre or greater. Additionally, the approval of the lot line adjustment would address the issue of the existing dwelling that currently straddles the shared property line. Denial of the proposed project would perpetuate the existing issue with the dwelling and would prevent the properties from coming into conformance with the Montecito land use and development code. Denial of the project would not change the existing legal status of the two separate lots.

In conclusion, staff continues to recommend that the Montecito Planning Commission approve the proposed lot line adjustment, Case No. 16LLA-00000-00003, and make the required findings for approval including this CEQA findings in the staff report dated October 16, 2019. Determine the project as exempt from CEQA pursuant to CEQA guideline Sections 15305(a) as specified in Attachment C of the staff report, and approve the project Case No. 16LLA-00000-00003, subject to the conditions of approval included as Attachment B of the staff report dated October 16. Alternatively, if the Montecito Planning Commission decides to take a different direction and deny the project, the Commission should make the required findings for denial of the projects specified in Attachment A of staff's memorandum dated January 15, including the CEQA findings, and determine that denial of the project is exempt for CEQA pursuant to CEQA guidelines Section 15-270B included as Attachment B of staff's memo dated January 15, 2020 and deny the project Case No. 16LLA-00000-00003. Thank you that concludes my presentation.

Newman: Alright, thank you for that. Concludes the staff presentation. Are there questions of staff from any Commissioners? Commissioner Kupiec?

Kupiec: So, in light of the fact that these are two, currently two separate lots. Based on the fact that there's a non-conforming existing use straddling one of those lots. If the other lot were to be developed. What would, what zoning restrictions would there be on it? I mean, what's a rear yard? How far does a building have to be from another building that's already there in a non-conforming use. I just don't, I want to understand clearly how Lot A gets used in its current status. If the lot line adjustment were not there, how would I build on proposed Lot 1? It's a separate lot.

Lehr: Commissioner Kupiec, through the Chair. So in order to build on proposed Lot 1, shown in blue on the screen. The location of the existing dwelling would have to be addressed. The property owner has their own options. I don't want to speak on their behalf. But, the dwelling would either have to be moved, modified, or rebuilt to be solely on one of the parcels which would be Lot 2, shown in yellow and then another permit for...

Kupiec: Is an easement not a, not a vehicle that can be used?

Lehr: No, the lot line is the best solution. Because, a lot line would adjust the property line...

Kupiec: I'm not asking for the best solution. I am asking a question that says is Lot 1 developable in any way?

Lehr: Yes.

Kupiec: Without demolishing the existing structure?

Lehr: No, the violation would have to be addressed for Lot 1 to be developable. That being said, there are no other legal preclusions from developing that lot. It is merely the existence of this violation. Once that is remedied, Lot 1 is able to be developed.

Kupiec: Without remedying the lot line, Lot 1 is undevelopable?

Lehr: At this time.

Kupiec: Other than, because I just want to be clear about what impacts can happen. I mean, I can put an ADU on that, on that site. Well if I consider this one lot.

Lehr: So, this is not one lot. There are two separate legal lots.

Kupiec: Right. So, the truth of the matter is on Lot 1, in its current form, an accessory structure could not be built.

Lehr: That is correct.

Kupiec: Okay, thank you.

Newman: Alright, any other questions for staff. I have one from myself. Could we go to slide, I think it's seven. I'm sorry, excuse me it's not seven, its slide five. And, can you super impose the house, I'm sorry, it's the next one then, with the house on.

Lehr: It's greyed out. If you are able to see.

Newman: In this configuration, if the lot line adjustment were to occur as shown here. Would the existing home on proposed Lot 2 conform as to the setback requirements?

Lehr: Chair Newman, yes.

Newman: Alright, and can we go to the slide before this one. Is it correct, put the house on please, is it correct in the present configuration the house does not comply with the setback requirements?

Lehr: That is correct.

Newman: Okay. And then one other question. With respect to slide six, with the surrounding parcels? Did all of the parcels within this circle receive notice as to this application?

Lehr: Chair Newman, yes that is correct.

Newman: I have no further questions. Any other questions? Commissioner Senauer?

Senauer: Thank you for your presentation. I have a question about service, both sewer and water to each parcel. Could you please go into that please.

Lehr: Commissioner Senauer, through the Chair, so both parcels are required to have adequate services that includes access, water and sanitation. At this time, both parcels as part of staff's review do have these services and are able to be served separately.

Senauer: And on parcel one, it was the water moratorium that precluded the water meter installation, is that correct?

Lehr: That is correct. When this lot line application initially came in, there was a moratorium on water meters. Since that time, the moratorium has been lifted, and the applicant has worked with the Montecito Water District to provide us a letter of service.

Senauer: Thank you.

Newman: Any more questions...

Pulice: Alright, I have a question.

Newman: Thank you.

Pulice: As far as the, is there easements that go across Lot A to B for those services?

Lehr: There are currently easements on Lot 1 that go along the line right here, if you can see my cursor on the southern portion of Lot 1, and these easements include, I believe, sanitary. The water meter is closer to the front of the property on Eucalyptus.

Pulice: Thank you.

Newman: Commissioner Kupiec.

Kupiec: So, in terms of development, I just kind of want to be clear and for me, and for my fellow commissioners. One could also pursue eliminating a lot line, adjoining one and two and creating one single lot.

Lehr: Commissioner, Commissioner Kupiec, through the Chair. That is correct. It would be the applicant that would need to pursue that action.

Kupiec: But just to be clear so that we understand what development impact can be. If that were done, knowing a little bit about what the look, the new requirements are for overall site development. I could build an ADU, I could build a guest house, I could build a swimming pool, I could build a workshop and all fit that onto lots one and two legally.

Lehr: Commissioner Kupiec through the Chair, potentially we would have to evaluate the purposed development as it comes in because Montecito has a number of guidelines that...

Kupiec: No, no, no I know those guidelines, but you know, I mean, you know...

Lehr: Potentially.

Kupiec: ...us architects are here to skin the cat pretty deep so...

Lehr: Potentially yes.

Kupiec: I just want to, kind of set a tone that says this is a developable parcel in some way. I mean, if I own this parcel, I would be either developing it the way its proposed, or I would be increasing its value by creating other structures on Lot 1.

Lehr: Sure.

Kupiec: And those are all potentials for development.

Lehr: That's correct.

Kupiec: Thank you.

Newman: Alright, any other questions from Commissioners? Alright, thank you staff. We'll next hear from the applicant, and let me just state at the beginning before this matter goes any further. We appreciate that the interest in this matter is very keen and we welcome all the input, both in received written comment as well as people who are here today to participate. That said, I'd like to suggest that people focus their comments on the merits of the project, and not disparage the applicant or anybody else, speak to the merits alone, and then lastly I'll ask counsel to confirm but, I believe our Commission is bound by and must accept the determination of the board of supervisors with respect to the determination of the lots and we're not free to revisit that in any way today.

Counsel: Mr. Chair Commissioners that is correct is 2015 the Board and directed the county surveyor to issue the two certificates of compliance which resulted in the two lots so that's established.

Newman: Alright, thank you. So with that said we will first hear from the applicant if he would identify yourself for the record, and also indicate how much time you would like to present to us.

Carlson: Good Morning Chair, my name is Mack Carlson, I am an attorney with Brownstein Hyatt Farber Schreck that represents Doctors' Athena Philippides and Craig Hawker on this matter. We will look for about five minutes, but I would like to reserve some time at the end to come and answer any questions that your Commission may have.

Great, again we completely agree with staff's report. Before your Commission today is a simple lot line adjustment with admittedly complex history. Craig and Athena began this process seven years ago, at their request of the county to address the backyard set-back issue. There is additional background in the letter I submitted but we really just hope to address this lot line adjustment issue here today. Athena and their project planner Brian Banks are both here to answer any questions you may have.

My presentation further request of the Chair will focus on the matter again here today, the lot line adjustment. To supplement and to add to staff's great report, I just want to emphasize a few things: Athena and Craig own two separate legal parcels. The seller of the property to Athena and Craig own two separate legal parcels. They bought the property knowing that they were buying two separate legal parcels. The Certificates of Compliance reflect the fact that there are two separate legal parcels, as determined by the board. They have the right to develop both of these legal lots. This lot line adjustment is solely to eliminate the encroachment issue. No other development is proposed, no changes to the existing home are proposed, and no changes to the vacant lot are proposed. There's been a lot of comments regarding the decision associated with the legitimacy of this lot line adjustment based on lot size. Both of these parcels are non-conforming as to size, the county zoning requirements are two acres zoning requirements. Most of the neighborhood does not conform to this two acres zoning requirement, and even if these two parcels were combined they would not comply with the two acres zoning requirement. This is simply, about modifying the boundaries of the property to address the counties who request to deal with the backyard set-back issue, and realistically the two adjusted parcels will look more in line with community character and with essentially be unnoticeable from the street whether or not these two parcels once these two parcels are about a half an acre in size. Your Commission can easily make the findings for the lot line adjustment.

Next, I would like to refute the findings of denial in the staff report. This twisted findings of denial just cannot be made, they don't reflect the law and they don't reflect the facts of this situation here. The first determination is based on the fact the two parcels will be nonconforming following the lot line adjustment. However, the County Code states no parcel involved in a lot line adjustment, that conforms to the minimum size of the zone district which is located shall become nonconforming, that's the key. Conforming to nonconforming, we only have nonconforming parcels here. The size of the parcels in relation to the neighborhood has no relationship to this finding. Therefore, the Commission cannot legitimately base the size of the parcels on the neighborhood character to deny this project.

Second, staff had to assert that the parcels are not residentially developable, this is patently false, and there are two lots as reflected in the Certificates of Compliance. The applicant has a variety of approaches that he and she could employ to develop both parcels now, and that will not change regardless of the

decision here today. In fact, staffs only evidence that these parcels are not residentially developable. That the Arcady homes straddles the property boundary. This is the very reason we are here today. It just doesn't make sense it's the snake eating its tail. If the Commission is going to deny the applicant the right move the lot line to address at the request of the County to address this issue. To deny the lot line adjustment would be affectively to endorse the continued nonconformity with this backyard set-back requirement. Craig and Athena understand the neighbors' concerns expressed at the last hearing, and the comment letters, and they all reflect a deep desire to protect the neighborhood: the character of the neighborhood, the beautiful streets. Protecting neighborhood character is important in the Montecito development process. The place for that is during the development review of the development application. There is no bearing on neighborhood character in this finding requirement for a lot line adjustment. If Craig and Athena elect to develop these parcels and or when they do, they will follow the normal process going to the Montecito Board of Architectural Review and potentially even you're Planning Commission for that development.

Again, the issue before you today is only the whether the lot line adjustment complies with the requirements of the County Zoning Code. We agree with staff that it does. Approval of the lot line adjustment will end this long journey to bring the parcels into compliance. To that end we simply ask that you approve the lot line adjustment per staff's recommendation. Again, thank you for your consideration. Athena, Brian Banks and I are to address and questions you may have.

Newman: Okay, thank you.

Alright, next we'll proceed to public comment with respect to the proposal. We have a number of comment slips if anybody in the audience does want to participate in public comment and has not filled out a slip. Would you please get one in back of the room and return it to the box to my right.

Jeff: Chair Newman, if we could interject a quick request. I think there are a couple letters that came past the cutoff. If we could have a determination by the Commission on whether or not to vote those into record before public comment. It might assist to someone if they are wondering if they should make a public comment today or not.

Newman: I was going to hold that because, if the writers of the letters are here during public comment that might not be necessary.

Jeff: So Chairman, thank you. One reason by the request so that the members of the public know what's in the record or not. It might be good to make a decision on those, so that they know or not they need to speak.

Newman: Could you identify specifically those items and we'll decide what to do with them?

Villalobos: Mr. Chair and members of the Commission, so there were two submittals, one was the email with attachments from Tony Wall, from yesterday with the petition attached and there was also a submission that goes, it was a photobook by the applicant. Those were the two that were submitted after the deadline.

Newman: Alright. Commission Senauer, you wish to comment on this?

Senauer: It's just a question on criteria what is the cutoff for accepting more than one page? Thank you.

Villalobos: So, for the Montecito Planning Commission the deadline is Friday before the hearing at noon. So in this case it would have been on the 10th.

Newman: Alright, I would only add for our consideration that the agenda and materials were posted a bit later than usual so that may account for some delay here. So, what is the pleasure of the Commission with respect to the identified items would you like them included in the record or not. We'll entertain a motion. Commission Senauer?

Senauer: I move that these two items that are identified as the Tony Wall email and the photographs of the applicant be submitted into the record. Thank you.

Newman: Is there a second in the motion?

Kupiec: I second it. I second it.

Newman: Alright moved and seconded. Any discussion? All in favor? Aye. Alright. So we'll now proceed to public comment. And Mr. Villalobos has all of the public comment slips received and will call each of you to the podium. We'd like each of you, if possible please to limit your comments to three minutes. If you need more time, please advise us at the beginning and he will announce who is to come to the podium and who is on deck please.

Villalobos: Our first speaker will be Tracy Willfong to be followed by Bob Lewis.

Newman: Mr. Lewis if you want to come to the On Deck circle, its right by the podium please. Good Morning.

Willfong: Good Morning. My name is Tracy Willfong. The Arcady Estates is important to me. My parents lived here for sixteen years and restored two homes, plus the entry gates on Sycamore Canyon Road. I realize that you have already said, or explained how there are two lots here. But I do question how those two lots were created, each under one acre. Do not allow LLA that would further corrupt the integrity of this historic area. It is not fair to the other homeowners and it is a bad precedent. Thank you.



Newman: Thank you.

Villalobos: Next is Bob Lewis, to be followed by Pam Talbot.

B. Lewis: Thank you very much. I will only take a couple of minutes. I have, my wife and I both have moved here, lived here about seven years. About the same time as the applicant. And we have certainly people that are very closely affected by this that want to speak. I will let them speak, I would like to reserve the right to come back if I have additional comments because I think theirs would be much more steadied and learned. I do have a question, on the original purchase of the property by the applicant, I believe it was sold as a single property. And I understand that this decision was made in 2015. We were here in 2015 we live here all year round and we live in our house. We don't rent out or anything like that and the property was purchased by the applicant and has been a rental the entire time and I think that this decision that was made in 2015 is very interesting. Because it was purchased as a single lot and that lot was created in my knowledge, my limited but interested from a historical standpoint as that's one of the reasons why we chose the neighborhood. Was that it had to conform to Arcady standards, which was one acre or thereabouts. And for it to be separate legal lots now is very surprising. We were not notified of this action, this possibility. And so perhaps much of the comment you will hear today will be quite in surprise that this is now considered legal lots, we were not made aware of this. So, thank you very much.

Villalobos: Next speaker will be Pam Talbot, to be followed by Amy Lewis.

Talbot: Hi, I'm Pam Talbot, I live at ...

Newman: Could you put the microphone closer?

Talbot: Which is essentially across the street from this property. And as it exists now, it is already very much out of character with the rest of the neighborhood. By dividing this and developing both lots, it's going to be even more out of character. It doesn't seem as if it's going to continue the look, the feel, the tone of the neighborhood that we all came to live in and to purchase property in.

Newman: Thank you.

Villalobos: Our next speaker will be Amy Lewis to be followed by Patricia Jacamin.

A. Lewis: Hi I'm Amy Lewis. I have a couple of pages, a couple of notes. First of all, I noticed that the project lawyer at the beginning described this land as being close to Lotusland and to Westmont but failed to admit that the property is located in a small historic neighborhood within Nap estate. We are a smaller neighborhood of about thirty homes and it looks as if just about everybody who is able to be here is here today. The second lawyer mentioned that Athena and Craig bought two parcels, but they did not buy two lots. The builder of this house, originally built this house straddling both parcels with the intent that one house sit on the

property. Now Craig and Athena bought this property with the intent, from the get-go, to make this two rental units. They've been working on this for seven years said the lawyer, the second lawyer. I would like to say this is not about Arcady, this is really a broad issue. Here we are a community, we are a semi rural community. We have no water, we have an infrastructure that you know better than I do supports our small population in Montecito, and we are discussing a change in lot structure in a historical neighborhood to add two rental units. Now I know that lawyers can tell you the difference between units and houses, but neighbors don't know the difference between units and houses. If we decide to do this what is the message that we send the people in other neighborhoods. What is the message that we're sending those people that have properties in the red zones? I think this is very important. If we agree that an investor can stand up against her neighbors and the entirety of her neighborhood association and cut her property to add rental houses, rental units, um, then based on this decision here what can we say to other investors who would like to take advantage of the currently depressed properties all around here in Montecito and in the red zone. Are we saying that a person can come in and take a ten acre or five acre property and increase that now based on this decision here to a ten acre property? Is this going to be Montecito when we finish doing this? Is this the goal, to increase the density? Because this is where this decision is heading and I think it's important...

Newman: If you could wrap up please.

A. Lewis: This is where this decision is headed. To increase density. It's the first step, it's another step. We're saying it's okay? We need to keep Montecito, Montecito. This isn't Santa Barbara.

Newman: Thank you.

A. Lewis: Thank you.

Villalobos: After Ms. Jacamin, the next speaker will be James Pattillo.

Jacamin: I'm Patricia Jacamin, and I just want to say that I'm completely against the proposal by Athena and I think that Amy spoke very well and pretty much said what I feel. Thank you.

Villalobos: Our next speaker will be James Pattillo to be followed by Sheryl Doty.

Pattillo: Mr. Chairman, members of the commission. My name is James Pattillo. I'm an attorney, but I'm retired and I'm not here representing any client. I'm here as President of the Arcady Estates Association. An association of thirty homeowners owning properties which were once part of the original Nap estate. I personally live at 821 Nap Drive which is within the old Nap estate. The Board of Directors of the Association has unanimously adopted a resolution instructing me to appear here and to state the opposition of the association to the proposed lot line adjustment. Although there may already be two legal lots involved in this matter. One of them cannot be built on in its present configuration because of the

encroachment of the house at 740 Arcady Road onto it. Which means that you're granting the proposed adjustment is the moral equivalent of a lot split. Thus your decision should be made on the basis that the proposed action is, in effect, a lot split. I oppose the granting of the proposed lot line adjustment for two reasons. First granting the proposed lot line adjustment would effectively freeze the existing house at 740 Arcady Road in place forever, even after the lot line adjustment it would be non-conforming, so if it were torn down it could not be rebuilt. So, it never will be torn down. However, if the lot line adjustment is denied then as Commissioner Kupiec pointed out, in the future someone may purchase both lots, remove the house at 740 Arcady and build a single, larger house located more centrally on the property. From the standpoint of neighborhood property values, this would be more desirable. Second, because the existing dwelling straddles the property line between the two lots, no new dwelling can be built until the existing structure is entirely on one legal lot. This means that Lot 2 cannot presently be built on. So approval of the proposed lot line adjustment would allow Lot 2 to be built on which would increase the density of dwellings in the neighborhood. Thank you for your attention.

Newman: Thank you.

Villalobos: Our next speaker is Sheryl Doty to be followed by Tony Wall.

Doty: Hello my name is Sherly Doty and I have property at 818 Nap Drive. I've owned it for twenty years. I bought the property in a rural area. An estate property, a private road where I pay association fees. I believe Athena is a member of that association, so I'm just here to preserve. I spent \$12,000 for a historical report for my property years ago to preserve and I hope that this Board says no, opposes it. And lastly I have a question, if Montecito design review board denied this lot split, I think the county should.

Newman: Thank you.

Villalobos: The next speaker is Tony Wall to be followed by Gretchen Leaf.

Wall: Good morning, my name is Tony Wall and I live at 760 Arcady Road, and I've lived there for over twenty years and raised my family there. It was mentioned at the last hearing at this Commission that they were interested in hearing from the community, what the community thought, and we were asked to go out, Mr. Schneider and I, go out and hear from the community. The community has spoken and I thank you for agreeing to take into the record the petition I submitted after the Friday date. That was because, it was submitted a little late because it was a constant process of people updating. So twenty people in the community signed the petition, many of them are here today. No one in Arcady supports what Athena is doing today. Also the, if you could put up that screen. I guess do I have a pointer? That shows the circle with the other properties? So...how does the pointer work.

Villalobos: Just use the little red button in the center of that pointer.

Wall: So, this is the property this is opposed, outside of Arcady these people are opposed, these people are opposed, uh, these people are opposed, these people are opposed. They've all signed petitions. Ms. Hawker had a petition she submitted that showed three people supporting it. All three of those people have revoked. There is nobody in the surrounding area. Those people oppose what she is doing, people who were previously neutral have now signed a petition, no one is in support of her. Everybody here is opposed. The only people who are here on behalf of Ms. Philippides are those who are paid representatives to be here. In regard to what, I will also mention that I'm an attorney like Mr. Pattillo, but I'm not here representing anybody other than myself. The letter that was submitted by Mr. Carlson is very misleading. It presents this ideas that Ms. Philippides is doing this with no intent to increase her ability to develop the property, it was merely done for an encroachment but the encroachment was created by her. So when she went to the county, the surveyor Mr. Jeramovich said 'no, there are not two parcels' so if the parcels were creating the encroachment. If this is truthful what was said in the letter, then Ms. Philippides should have said thank you Mr. Jeramovich, thank you for saying that there is no encroachment. Thank you for saying that there is no lot line existing there. But instead of accepting that, which eliminated the encroachment problem, she went before the Board of Supervisors...

Newman: Excuse me if you could wrap up your comments.

Wall: So before this Board of Supervisors are the only reason that parcel was created. And there was no notice and nobody here had the opportunity to speak before the Board of Supervisors and to present to them the concern about the community. So, the community is opposed. Thank you.

Newman: Thank you.

Villalobos: Next speaker is Gretchen Leaf to be followed by David Schneider.

Leaf: Good morning, I live at 935 Arcady, I've been there for three years, it's a very special community and this is about community. I mean how often do you see a nearly unanimous outturn? I mean it makes me feel so good because Montecito we've been through hell for two years, from the ravages of Mother Nature and how unfortunate that something like this could happen to such a lovely special place as the Arcady Estates. I mean it's development, it's lawyers. These people don't live here and I just beg you guys to do the right thing for us as a community. I mean I don't know what your roles are specifically designated to do but this is about a little community in Montecito and I just hope you support the majority. Thank you very much.

Newman: Thank you.

Villalobos: Our next speaker is David Schneider to be followed by David Alexander and Mr. Alexander is our last speaker unless someone else wants to submit a speaker slip.

Schneider: Thank you, my name is David Schneider. I may need more than three minutes, um, so if you want to give me six minutes I hope to wrap up my comments...

Newman: If you could first move the microphone closer to your mouth and speak into it that would be a help and if you could, limit your comments, how much time did you say you want, six?

Schneider: Six, please.

Newman: Alright.

Schneider: I wanted to thank the Board for your thorough vetting of this information since we last met. I think that the matter as it came before you originally seemed rather clear cut that it was lot line adjustment and that it really wasn't that big a deal. So, I appreciate the efforts that the board members have made to try and acquaint themselves with the actual issues that are at stake here. And you've heard the very articulate comments of our neighbors who are really sort of fatigued with this matter. It's been going on a long time. The applicant has employed really the best that money can buy in terms of legal help and consultants. Which I don't bemoan that, but you know we're just regular folks who are trying to protect our neighborhood and trying to keep the integrity of the lot size and the feel and tenor of the area the same as which we purchased our homes. I too find exception with the letter from Brownstein, there's just a number of factual issues that they know are not correct and yet they try to make it seem as if, that this, that Mrs. Philippides has no intention of selling or developing the lot. Well since the applicant bought the property she has since that time gotten a water meter and a separate address. None of that ever existed. You know they say that they will not create a new buildable parcel. Well I think that the staff has indicated definitively and it has been reiterated a number of times here at this meeting that nothing can be done with that parcel because it is of legal non-conforming use until these setback issues and the non-conforming issues are done away with. The applicant themselves and the applicant's very good legal counsel has advised you that they have several options of what to do and they have a variety of options. I think what they are trying to do now is do, they're not tearing down the house because they don't like that option, it's not the most expedient or monetarily gratifying way to do it. So they're choosing a course of action that will negatively affect all of us. And you know you can talk about that we won't notice or people won't notice. But it's going to affect property values. Everybody around this whole area is over an acre and to put two half acre lots in there is just taking a substandard situation and doubling it for two substandard areas. The applicant could, as it was noted, tear down the house and build one house there that would be in conformity with the neighborhood. And I think the applicant very correctly pointed out that the City would then have a chance to review what they expect to

put there and make sure it was in conformity with the neighborhood. But we all know that this is not, if you agree with this, this is not in conformance with the neighborhood. It is an extra lot and to sort of try to suspend reality and say that its not to build, not to create an additional lot, it's not true. It's not right. This letter also says Arcadia estates has no Homeowners Association, well you just heard from the President of the Homeowners Association. This letter says that the Arcadia Association has not taken any action. You've heard from the President of the Association that they have taken action and they got unanimous support of the board that says that this should not take place. I think the bottom line. There's a number of bottom lines, I think there's so many reasons why you should not approve this. I don't even see one reason why you should, but um, you know we rely on you to protect us. We're just lay people. They have all these professionals who've been at it. They're very good at what they do, they're very clever and they've tried to portray this as just a simple lot line adjustment and it's really not. It's an undeniable fact that we will be left with two substandard situation if you do agree with it and you know the neighbors have spoken I think, rather clearly. I've read through every letter, that you've received, and then I've, you know I went around and talked with, not only people in Arcadia, but all around there and there wasn't one person who supports it. So I don't know of right now, one neighbor that supports it, whether they are a member of the Arcadia Association or not. And you know what is the reason to approve this? To benefit one real estate speculator who was...

Newman: Excuse me, if you could start wrapping up your comments please.

Schneider: Okay. I think to, to consider this, to approve it, is sort of taking at the expense of all the rest of the neighbors. Ramming this through, and we rely on you guys to exercise your authority to deny it and to protect a neighborhood and protect the historical nature of the area. So I would encourage you with this new information, I would encourage you to please deny this. Thanks very much.

Newman: Thank you.

Villalobos: And our last speaker is David Alexander.

Alexander: Hi, good morning.

Newman: Good Morning.

Alexander: I'm David Alexander, I live at 733 Nap Drive and I just wanted to go on record as opposing this along with the rest of my neighbors. Eight years ago, my wife and I bought a home in Arcady. We were snowbirds coming from Seattle and we would come down for half a year and then go back home to Seattle again. But I'd like to say a year and a half ago, we gave up our Seattle home and we became California residents. I've got that California driver's license in my pocket and we decided it was well worth it to pay the extra taxes and the extra money to be here in California because it is worth it. But frankly one of the things that was

important to us, we fell in love with the Arcady neighborhood, and we loved the look and the feel of it. And that's the reason we gave up living in Seattle, because we really found that we loved this home even more. And I just wanted to say, I recognize and appreciate the role that you all play in this. You're really our guardians, and as guardians we hope and trust that you'll look after us just like you look after the rest of Montecito and the things that you do here, leave footprints, not just for our community but for other communities like ours and I certainly hope that you take that into consideration and oppose this lot line adjustment. Thank you.

Newman: Thank you. So if there are no other members of the public who are here who have not yet spoken, we will close public comment. Is there anyone else who would like to be heard? Alright at this time we will close public comment. Uh, yeah, Mr. Carlson you wanted to reserve a few moments to respond?

Carlson: Chair, Commissioners, I'd first like to open this up to questions from you all so I can respond to those before I address any comments or clarification regarding public comment.

Newman: We'll do that in a moment.

Carlson: Okay.

Newman: We want to give you the opportunity to reply to anything that's been said.

Carlson: Absolutely. So first I would like to emphasize that Athena and the project planner hear these comments and recognize the value and the interest of the neighborhood in protecting the character of the neighborhood from future development. These comments are all appropriate comments, that should be made if and when Athena and Craig elect to develop these parcels. None of these comments change anything about the findings you need to make. There is no public opposition finding that is part of this lot line adjustment process. The lots are developable now. Just because the home straddles the lot line that doesn't preclude all future development on these lots. These lots are not going to remain idle forever. They're going to remain idle for the foreseeable future. The applicant could demolish her current, the current home on Arcadia Estates and build a home on Arcady Estates and a home on Eucalyptus Hill. In fact we ran the numbers last night and in the current configuration the construction of those homes would be larger than the construction following the lot split. It's about the same but it's comparable in terms of floor area for the total development. This is not create new developable parcels. The Certificates of Compliance merely recognize the lot split that occurred in 1950. It was not a change to the configuration of the lots, it's merely a recognition that the lot split occurred. Finally, I'd like to just a point of clarification. The Arcady Association, the property is not in the boundaries of the Arcady area. Athena and Craig pay into the Arcady Association, the Arcady Association is not a Homeowners Association. Homeowners Associations are different from the configuration of the Arcady Association. Arcady Association

is solely to pay for common space and road improvements to keep the area nice. Which, Athena and Craig intend to do from here on out and have done already. Again, I would like to open it up to any additional questions you may have.

Newman: Well, we'll close the hearing and we'll go to Commissioners' questions so. Just a second. Do you have anything else you'd like to? Alright fine. So we'll now close the public hearing and we'll go to Commissioner's questions and deliberations. Commissioner Kupiec.

Kupiec: I kind of want to settle this in my own mind, what is potential development? Without demolishing the existing structure, what development can occur on these two lots 'cause it seems like I'm hearing two different stories. What can I develop on Lot Number 1 without demolishing the building on Lot 2?

Lehr: Commissioner Kupiec through the Chair. Current conditions, you cannot put any new structures on Lots 1 or 2 because of current conditions. If those current conditions were altered, you can put structures on both Lots 1 and 2.

Kupiec: I guess I'm not understanding because there are two legal lots here. What precludes Lot 1 from being developed? In some way, either by easement, other than a lot line adjustment.

Carlson: An easement is not a viable approach. It conflicts with the County zoning ordinance. Lot 1 could not grant an easement to the home on Lot 2 in order to build on Lot 1, that's not part of the County code. The solution would be to submit an application, and to submit a new lot line adjustment with the development. They would be demolish the existing home on Lot 2, displace the current single mother and her son attending Cold Spring school and build a new home on that lot and then be able to build a home on Lot 1.

Kupiec: But we'd be still be, we'd be back her doing the same thing. In order to do that, one would have to demolish that lot, create some shape of a lot that would be legal conforming that a building could be built on and we'd still be doing a lot line adjustment.

Carlson: You could construct a home on...

Kupiec: On 2?

Carlson: On 2 as configured.

Kupiec: I could meet all the setback requirements on Lot 2 and construct a building? Front yard, rear yard, side yard I mean I'm just looking at that footprint and...

Lehr: Commissioner Kupiac, through the Chair. So we would have to see what the application would be proposing to develop on Lot 2 should that come before us. There may be some potential for some sort of modification or variance to address some of those setbacks. Depends on what's being proposed.



Kupiec: Okay. Thank you.

Newman: Alright. Any other Commissioner questions? Commissioner Senauer, oh I'm sorry Pulice.

Pulice: This is addressed to you I believe. Maybe I missed some history here but when that house was built, was it built on the confirmation of this Lot as it is now, or was it part of one parcel?

Lehr: Commissioner Pulice through the Chair. Unfortunately that's not something I'm able to speak to. The original house was permitted in the 1950s, a little bit before my time. And the Boards action in 2015 was prior to my involvement as well.

Pulice: So, you're telling me that this house was built not on the present parcel as it exists now. Lot 2, where the home is existing now, was built straddling two parcels at the time or was it one parcel when it was built. Do we not know that or? It's sort of relevant to my thinking to know that.

Carlson: Through the Chair Director Pulice, sorry, Lot 2 was actually subdivided from the neighboring parcel on this corner, I believe it's around 1955 or 1957. The owner that purchased the subdivided portion of Lot 2 also owned Lot 1. So there were two separate deeds, there have been two separate deeds throughout the chain of title and the certificate of common compliance recognizes those two separate deeds. Why the prior property owner elected to build a building straddling the two property lines that he had purchase, I can't speak to that.

*deeds +  
cc's*

Pulice: So he was permitted to build on both lots.

Carlson: It's an existing permitted dwelling.

Pulice: Thank you.

Newman: Alright, any other questions from Commissioners? I have a couple. Could I ask Mr. Pattillo please to come to the podium? Thank you sir, you introduced yourself as the President of the Homeowner's Association correct?

Pattillo: Of the Arcady Estates Association Inc.

Newman: Okay. Do you agree that Lot 1 and Lot 2 before us are not within the geographic boundaries of your association?

Pattillo: No, I do not agree. The Arcady Subdivision, as it was subdivided in 1948 does not include either of these lots or further lots that are in the corner between Eucalyptus Hill Road and Sycamore Canyon. However, the Arcady Estates Association was not create by that subdivision map or by the CCNR's which were recorded then. It's an organization which has grown up subsequent for the purpose of maintaining the roads, road signs, and neighborhood beautification.

Newman: Does the Association have geographic boundaries?

Pattillo: All of the, yes, there's a map I submitted with my letter that has it all in color. Essentially it's all the houses on Nap Drive, all the houses on Arcady Road and all the houses on Cottage Lane as those private roads presently exist.

Newman: And your best information is that both Lots 1 and 2 before us are within the geographic boundaries of the Arcady Association.

Pattillo: Lot 2, that whole southern line fronts on Arcady Road and uses Arcady Road for access.

Newman: I appreciate that, but that's not my question. Is Lot 2 within the geographic bounds of the Arcady Association?

Pattillo: We do not define ourselves by geographic boundaries, we define ourselves by do you use Arcady Road, Nap Drive, or Cottage Lane for access.

Newman: Okay, thank you for that. And then, while you're here, does Arcady Association have any legal documents of record that pertain to the development of properties in the Association?

Pattillo: No sir.

Newman: So it strictly is for the maintenance, I believe I read, of the roads and some common areas and so on. Well there's no common areas, rather for the roads and beautification, is that correct?

Pattillo: Yes, the original CCNR's say that any dwelling constructed must be approved by an architect appointed by the developer. That's never been done since 1948.

Newman: And, if we could, put up the project site proposal. At your meeting of the Association did you discuss if there's any lot line adjustment as between these two lots that would be acceptable?

Pattillo: My understanding, and I speak subject to correction, is that the existence of the house at 740 Arcady Road doesn't conform with the setbacks and so if you grant the lot line adjustment then you freeze that house forever because if anybody took it down then they wouldn't be able to put it back.

Newman: I'm trying, okay, alright thank you for that. And then Mr. Carlson if you could come up I have a question for you please.

Carlson: Yes Chair.

Newman: Your comments to us said that if your clients were granted the lot line adjustment and later seek to develop parcel Lot 1 that the process of application review and so on would then apply. Is that my understanding of your summary?

Carlson: Of course, the Counties development process would apply to any new application or any new or remodel development, applicable, any applicable.

Newman: So we then get this clarified for the record. Is it then your clients' desire if the lot line adjustment is granted, to develop proposed Lot 1, in the future, subject of course to the procedures and law of the county in its code?

Carlson: Of course. The client, as the client has tried to do throughout this entire process, follow the county's recommendation of getting a lot line adjustment to address a non-conformity, our client has the complete interest in hearing from the neighborhood in the eventual development of this parcel if that occurs, and would follow the process as they've done for the last seven years.

Newman: Okay, thank you for that. Alright, Commissioner Senauer.

Senauer: I would just like to make very clear that that, what was just commented on, the future development is not before us today. Okay, make that very clear. Thank you.

Newman: Commissioner Pulice.

Pulice: Staff, hearing these comments by the neighborhood would that have any bearing at all on this process, as to deciding on whether or not you approve a lot line adjustment is there? How do you put in the voice of the neighborhood when you make this call from by the staff to make this lot line adjustment?

Jeff: So, Commissioner Pulice through the Chair, that is up to the Planning Commission. It's in your discretion to review all the evidence on both that's been submitted by staff, public testimony and under deliberation to determine what findings can be supported. Staff has presented findings both for approval and denial and as Ms. Lehr indicated today, staff continues to support the recommendations for approval and those findings as based on the information and evidence that we have before us the staff is recommending approval based on the findings needed to be made for lot line adjustments. So that question is better asked by the Planning Commission

Pulice: Thanks Jeff.

Newman: Alright, Commissioner Pulice. Oh. And I have one other question. Perhaps of counsel and staff. Are there any other so to speak macro county policies with respect to development that we should be mindful of? As an example, the concept of affordable housing in our community.

Jeff: So Chair Newman I'm just going to echo what Commissioner Senauer indicated today. What's before you today is just an application for a lot line adjustment. No other future, speculative or other development is before you and it would be outside the scope of our review today to contemplate any other items that isn't before the Commission today.

Newman: Are there any other policies that we should be considering in our deliberation?

Jeff: Chair Newman and Commission, I believe staff has represented all relevant policies and ordinances that pertain to the request by the applicant today has been presented to you.

Newman: Alright, thank you. Alright, if there's no more questions or comments during deliberations we're ready to proceed to decision but I think before we do so I'd like to take a ten-minute recess. Commissioner Pulice you want to?

Pulice: I got one more question. I'm sorry for the. So we have two lots and we have a lot line adjustment. Now Lot 2 the present home that sits on it. Could that be removed and placed somewhere else? Or is it, does it make any difference? When we now change this, the configuration of the two lots and make them nearly equal. Does that change anything about the use of Lot 2?

Lehr: Commissioner Pulice through the Chair. It does not change anything about the use of proposed Lot 2, should the applicant want to remodel, demo rebuild the structure, they would have to come in for a permit application and we'd review it at that time.

Pulice: So that would not change the potential for, or will it change the potential to enlarge the home by virtue of a larger FAR due to the larger size of the house? The lot pardon me.

Lehr: There is potential for that. We'd have to review what they would be submitting but there's that potential.

Pulice: So what we're saying we could have two homes on these two parcels and the present home can be enlarged on that parcel and then the other parcel could be built however they want depending if it satisfies the county's FARs for that lot?

Lehr: That is correct.

Pulice: Okay, alright, thank you.

Jeff: So Chair Newman just to recap, those are great questions, I just want to advise the Commission that those are all speculations and not before the Commission today. So what's before the Commission is really narrow as far as whether or not the Commission can make the findings for the lot line adjustment.

Newman: Thank you for that. Alright, we'll be in recess for ten minutes and then we'll resume. Thank you.

*[1:55:28-2:02:30 Recess]*

Newman: Ah, there we go. Back on the record now, ready to reconvene the meeting. And we're not in deliberations with respect to the agenda item before us. Are there

any more comments, questions, whatever from Commissioners? Well for myself let me say this; first of all I appreciate the very much the community participation today and before we requested this at our meeting, we apologize to all of you for the delay in the consideration of this matter but we thank you for your interest. I'm conflicted about this and I want to share with you and my colleagues the basis for that. To me the lot line adjustment itself is not troublesome. If we look only at the issue of whether we should permit these two lots which are established and bound, binding upon us as two lots, if we look upon creating them in a different configuration that itself is not at all troublesome to me. I think in some though the community comments and the concerns, which are much appreciated, speak to a future time and possible future uses of what might occur particularly with respect to proposed Lot 1. And as has been mentioned by both staff and counsel for the applicant, the permitting process for land use, development, and so on is a robust one and is an opportunity at that time to speak to something specific. Something that is not hypothetical, something that is actually proposed by the lot owner, something that is tangible, and whether it complies with both county code regulations and is consistent with the neighborhood is an appropriate consideration at that time. I don't think however, it's an appropriate consideration right now as is been pointed out by counsel and staff. I will say that I think if and when there is an effort made to develop proposed Lot 1, there will be a high hurdle to gain community support for it but that's not our concern today. That is a time which is better left to the future determination and that in my view is a time for the community's concerns which are understood and appreciated to be heard. So those are, those are my thoughts with respect to the matter. Alright, any other Commission comments? Deliberations? Commissioner Senauer.

Senauer: Yes. I did extreme due diligence on this for the past couple of months. I even really went down the rabbit hole and viewed the June 2nd, 2015 Board of Supervisors hearing on this. It was about a nine hour hearing and this portion of the, of the consideration of the surveyor and the applicant here today regarding if it was two lots or one, which resulted after much discussion and evidence, then in fact two Certificates of Consistency were, were in fact given and a matter of record and determination was established. So, so this is a very serious consideration on my part, to do due diligence, to go down the rabbit hole, to talk to staff, to talk to the applicant. I understand community participation and concerns. I have been where all of you have been. I have been before the Board of Supervisors, I have been before the Montecito Planning Commission on various issues and I feel it's of great import to consider all public comment and concerns. And I have done so. I believe what before us, what is before us is very narrow and it is difficult to isolate projection, assumptions, speculation, but indeed that's what we have to do. And I feel I have done my part to remain unbiased and to follow the evidence. I just, I just wanted to make sure that that is understood. Thank you.

Newman: Alright, if there's no more comments and deliberations the Chair will entertain a motion to either approve the lot line adjustment, oh Commissioner Kupiec.

Kupiec: I too am very conflicted about the decision that has to be made here. You know on one hand there is very little that I could imagine being sensitive to the things that we have to be sensitive to these days to create a situation that would even suggest that somebody would want to tear down a building that's perfectly suitable in order to redevelop another lot. You know in terms of the decisions that got made in 2015, it's still very unclear to me what anyone could know when they decided to build that house straddling two property lines, you know, it's kind of unbelievable. But I also do believe that, you know, however we want to call this, because we must look into the future that a lot line adjustment in this case is a lot split. It frees both parcels to be developed, it frees that existing parcel to remain as it is and it frees the other parcel to be fully developed as another site. I mean it's a nice parcel. Thank you for the tour that I took yesterday, I think it's a pretty site but you know I'm also conflicted by the fact that if I look at the map, you know, these are all, you know, you had posted on your, on your map these are roughly .99 acre averages. An acre or more, you know, almost all parcels that surround these areas, a half acre parcel seems inconsistent with, you know, what's there. I mean, I like half acre parcels, I live on a half-acre parcel. But I knew it was a half-acre parcel when I bought it and I had every expectation that the community that I was buying into was what it was. And I think that the adjacent parcels that are here could be very disserved by the fact that they had an assumption about what the community they were buying into or lived in would be and that to increase the development capacity, you know, as I think there are other alternatives for this owner. I think, as I said I think, you know the other lot split is combine the two lots and create a completely different set of development opportunities that would probably be more consistent within the community.

Newman: Please, please.

Kupiec: That's all.

Newman: Alright, thank you. If there's no further comments and deliberations Chair will entertain a motion to either approve the lot line adjustment as in the findings as originally submitted at our last meeting as Attachment A if that's the pleasure. Or to deny the lot line adjustment per Attachment A in today's agenda packet. Does anybody care to make a motion? Commissioner Senauer.

Senauer: I so move that the recommendations for approval be made of the lot line adjustment as presented originally in the October 16 staff presentation. Should I read specifically? Recommendations and procedures, the motion should include the following: make the required findings for approval of the project specified in Attachment A of the staff report. October 16, determine the project is exempt from the CEQA and pursuant to CEQA guidelines 15305(a) as specified in Attachment C and approve the project Case 16LLA-00000-00003 subject to conditions of approval as Attachment B of this staff report dated October 16, 2019.

Newman: Alright thank you for that. Is there a second to the motion? I'll second the motion. Counsel?

Counsel: Mr. Chair, Commissioners I just want to offer since we have an even number if you'd like me to discuss the impact of a tie vote or we can wait to see what the vote is.

Pulice: Would you please tell us?

Counsel: Mr. Chair, Commissioners, so a two-two vote would mean the current motion would fail to pass and if there are no follow on motions then that would be deemed a denial of the project but if there was a two-two vote then the other options are make another motion and see if that garners a majority; or you could potentially continue it to a hearing with all five to see if that changes anything. And abstentions complicate the vote a little further. I can go into that or at the Chair's discretion.

Newman: Thank you. So the motion is...

Pulice: Wait one second, you said it complicates? What is that? Explain that.

Counsel: Mr. Chair, Commissioners, with the current four-four Commissioners if the current motions say for instance received two votes in support one against and one abstention that would carry. Even though it's only two votes in support. And also what would carry the motion would be two votes for it, none against it, and two abstentions would similarly carry the motion.

Newman: Thank you. Alright the motion has been made and seconded to adopt the staff recommendation for approval. Any discussion? Alright seeing none we'll proceed to our vote.

Villalobos: Commissioner Kupiec?

Kupiec: No.

Villalobos: Commissioner Senauer?

Senauer: Yes.

Villalobos: Commissioner Pulice?

Pulice: No.

Villalobos: Chair Newman.

Newman: Yes.

Villalobos: Motion is two-two, motion fails.

Newman: Okay. Alright. That concludes the matter. Thank you all for your participation today.

Speaker 2: Thank you very much.

Speaker 3: Thank you.

Speaker 4: Thank you.

Kupiec: \_\_\_\_\_, well it doesn't matter.

Newman: Okay, alright.





2015-0031985

Recorded  
Official Records  
County of  
Santa Barbara  
Joseph E. Kolland  
County Clerk Recorder

REC FEE 24.00

03:49PM 18-Jun-2015 DR Page 1 of 4

Recording Requested by and  
After Recording Return to:  
Athena Phillippides  
1420 Greenworth Place  
Santa Barbara, CA 93108

REC  
4  
FC

COUNTY OF SANTA BARBARA

CERTIFICATE OF COMPLIANCE ON

PORTION OF ASSESSOR'S PARCEL NO. 013-191-012

Notice is hereby filed, as a public record, that the real property described in Exhibit "A" and shown as the shaded parcel on the map marked Exhibit "B" attached hereto and made a part hereof, is incorporated herein by this reference, and that said real property and the division creating said real property comply with the applicable provisions of the State Subdivision Map Act and County Ordinances enacted pursuant thereto.

*This certificate relates only to issues of compliance or noncompliance with the Subdivision Map Act and local ordinances enacted pursuant thereto. The parcel described herein may be sold, leased, or financed without further compliance with the Subdivision Map Act or any local ordinance enacted pursuant thereto. Development of the parcel may require issuance of a permit or permits, or other grants of approval.*

Owner: -Craig Jon Hawker and Athena Philippides, husband and wife as community property - by Grant deed recorded November 14, 2012 as Instrument No. 2012-0076767 of Official Records in the County of Santa Barbara, State of California.

*AJevremovic*

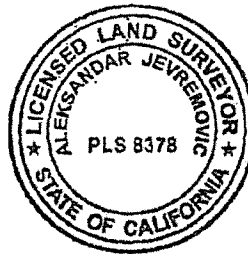
Aleksandar Jevremovic  
County Surveyor

*6/15/2015*

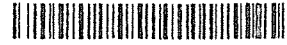
Date

APPROVED AS TO FORM:  
MICHAEL C. GHIZZONI  
COUNTY COUNSEL

By *[Signature]*  
Kevin E. Ready, Sr.  
Senior Deputy County Counsel



13CC29



2015-0031986

Recorded Official Records County of Santa Barbara Joseph E. Holland County Clerk Recorder REC FEE 24.00 03:49PM 18-Jun-2015 DR Page 1 of 4

Recording Requested by and After Recording Return to: Athena Phillippides 1420 Greenworth Place Santa Barbara, CA 93108

REC-4-FC

COUNTY OF SANTA BARBARA

CERTIFICATE OF COMPLIANCE ON

PORTION OF ASSESSOR'S PARCEL NO. 013-191-012

Notice is hereby filed, as a public record, that the real property described in Exhibit "A" and shown as the shaded parcel on the map marked Exhibit "B" attached hereto and made a part hereof, is incorporated herein by this reference, and that said real property and the division creating said real property comply with the applicable provisions of the State Subdivision Map Act and County Ordinances enacted pursuant thereto.

This certificate relates only to issues of compliance or noncompliance with the Subdivision Map Act and local ordinances enacted pursuant thereto. The parcel described herein may be sold, leased, or financed without further compliance with the Subdivision Map Act or any local ordinance enacted pursuant thereto. Development of the parcel may require issuance of a permit or permits, or other grants of approval.

Owner: Craig Jon Hawker and Athena Philippides, husband and wife as community property -- by Grant deed recorded November 14, 2012 as Instrument No. 2012-0076767 of Official Records in the County of Santa Barbara, State of California.

Alexander Jevremovic Aleksandar Jevremovic County Surveyor

6/15/2015 Date

APPROVED AS TO FORM: MICHAEL C. GHIZZONI COUNTY COUNSEL

By Kevin E. Ready, Sr. Senior Deputy County Counsel



14CC30

**Non-Conforming/Non-Conforming Cases (total – 10)**

| <u>Year</u> | <u>Case Number</u>       | <u>Address</u>                      | <u>Planning Commission</u> | <u>Approved</u> |
|-------------|--------------------------|-------------------------------------|----------------------------|-----------------|
| 2005        | 05LLA-00000-00003        | 450 & 438 TORO CANYON RD            | Santa Barbara              | Yes             |
| 2009        | 08LLA-00000-000013       | 1806 & 1812 SAN MARCOS PASS RD      | Santa Barbara              | Yes             |
| 2006        | 06LLA-00000-00007        | 1787 & 1795 FERNALD PT              | Montecito                  | Yes             |
| 2008*       | <b>08LLA-00000-00006</b> | <b>786 &amp; 740 HOT SPRINGS RD</b> | Montecito                  | Yes             |
| 2008*       | <b>08LLA-00000-00003</b> | <b>2024 SANDY PL</b>                | Montecito                  | Yes             |
| 2010        | 09LLA-00000-00010        | 602 PARA GRANDE LN                  | Montecito                  | Yes             |
| 2010        | 09LLA-00000-00005        | 435 & 445 NICHOLAS LN               | Montecito                  | Yes             |
| 2012        | 12LLA-00000-00003        | 1210 CHANNEL DR                     | Montecito                  | Yes             |
| 2016        | 15LLA-00000-00004        | 680 OLIVE RD & 675 LILAC DR         | Montecito                  | Yes             |
| 2016*       | <b>15LLA00000-00001</b>  | <b>59 &amp; 57 HUMPHREY RD</b>      | Montecito                  | Yes             |

\* Exemplary cases

**Non-Conforming/Conforming Combination Cases (total – 13)**

| <u>Year</u> | <u>Case Number</u> | <u>Address</u>                              | <u>Planning Commission</u> | <u>Approved</u> |
|-------------|--------------------|---|----------------------------|-----------------|
| 2006        | 05LLA-00000-000012 | Carpinteria                                 | Santa Barbara              | Yes             |
| 2007        | 06LLA-00000-000012 | 1361 DANIELSON RD                           | Montecito                  | Yes             |
| 2008        | 07LLA-00000-000014 | 1425 LOS POSITAS & 3666 CAMPANIL DR, GOLETA | Santa Barbara              | Yes             |
| 2008        | 08LLA-00000-000002 | 665& 663 BUENA VISTA RD                     | Montecito                  | Yes             |
| 2008        | 09LLA-00000-000010 | 6977 & 6953 SHEPARD MESA RD, CARPINTERIA    | Santa Barbara              | Yes             |
| 2009        | 08LLA00000-000005  | 4508, 4526, 4630 FOOTHILL RD, CARPINTERIA   | Santa Barbara              | Yes             |
| 2011        | 10LLA-00000-000009 | 1735 GLEN OAKS DR & 1819 EAST VALLEY RD     | Montecito                  | Yes             |
| 2012        | 12LLA-00000-000002 | 880 PICACHO LN                              | Montecito                  | Yes             |
| 2013        | 08LLA-00000-000018 | 1020 LADERA LN, TORO CANYON AREA            | Santa Barbara              | Yes             |
| 2014        | 13LLA-00000-000004 | 808 & 899 PARK LN                           | Montecito                  | Yes             |

|      |                    |                                      |               |     |
|------|--------------------|--------------------------------------|---------------|-----|
| 2017 | 12LLA-00000-000001 | MOUNTAIN DR                          | Montecito     | Yes |
| 2017 | 17LLA-00000-000003 | 1790 OCEAN OAKS RD & 1825 CRAVENS LN | Santa Barbara | Yes |
| 2020 | 19LLA-00000-000003 | 785 & 805 TORO CANYON RD             | Santa Barbara | Yes |

All cases were recommended for approval by the County of Santa Barbara Planning and Development staff, and *all* were approved by the respective commissions.



**State of California  
Secretary of State**

**N**

**Statement of Information**

(Domestic Nonprofit, Credit Union and General Cooperative Corporations)

Filing Fee: \$20.00. If this is an amendment, see instructions.  
IMPORTANT – READ INSTRUCTIONS BEFORE COMPLETING THIS FORM

**G405711**

**FILED**

In the office of the Secretary of State  
of the State of California

**FEB-12 2019**

This Space for Filing Use Only

**1. CORPORATE NAME**

THE ARCADY ESTATES ASSOCIATION, INC.

**2. CALIFORNIA CORPORATE NUMBER**

C2239693

**Complete Principal Office Address** (Do not abbreviate the name of the city. Item 3 cannot be a P.O. Box.)

|  |             |              |                 |
|--|-------------|--------------|-----------------|
| <b>3. STREET ADDRESS OF PRINCIPAL OFFICE IN CALIFORNIA, IF ANY</b> | <b>CITY</b> | <b>STATE</b> | <b>ZIP CODE</b> |
| 821 KNAPP DRIVE, SANTA BARBARA, CA 93108                           |             |              |                 |

|  |             |              |                 |
|--|-------------|--------------|-----------------|
| <b>4. MAILING ADDRESS OF THE CORPORATION</b> | <b>CITY</b> | <b>STATE</b> | <b>ZIP CODE</b> |
| 821 KNAPP DRIVE, SANTA BARBARA, CA 93108     |             |              |                 |

**Names and Complete Addresses of the Following Officers** (The corporation must list these three officers. A comparable title for the specific officer may be added; however, the preprinted titles on this form must not be altered.)

|                                    |  |             |              |                 |
|------------------------------------|--|-------------|--------------|-----------------|
| <b>5. CHIEF EXECUTIVE OFFICER/</b> | <b>ADDRESS</b>                           | <b>CITY</b> | <b>STATE</b> | <b>ZIP CODE</b> |
| JAMES G PATTILLO                   | 821 KNAPP DRIVE, SANTA BARBARA, CA 93108 |             |              |                 |

|                     |  |             |              |                 |
|---------------------|--|-------------|--------------|-----------------|
| <b>6. SECRETARY</b> | <b>ADDRESS</b>                           | <b>CITY</b> | <b>STATE</b> | <b>ZIP CODE</b> |
| PAMELA TALBOT       | 710 KNAPP DRIVE, SANTA BARBARA, CA 93108 |             |              |                 |

|                                    |  |             |              |                 |
|------------------------------------|--|-------------|--------------|-----------------|
| <b>7. CHIEF FINANCIAL OFFICER/</b> | <b>ADDRESS</b>                           | <b>CITY</b> | <b>STATE</b> | <b>ZIP CODE</b> |
| BEVERLY E LEWIS                    | 937 ARCADY ROAD, SANTA BARBARA, CA 93108 |             |              |                 |

**Agent for Service of Process** If the agent is an individual, the agent must reside in California and Item 9 must be completed with a California street address, a P.O. Box address is not acceptable. If the agent is another corporation, the agent must have on file with the California Secretary of State a certificate pursuant to California Corporations Code section 1505 and Item 9 must be left blank.

**8. NAME OF AGENT FOR SERVICE OF PROCESS**  
JAMES G PATTILLO

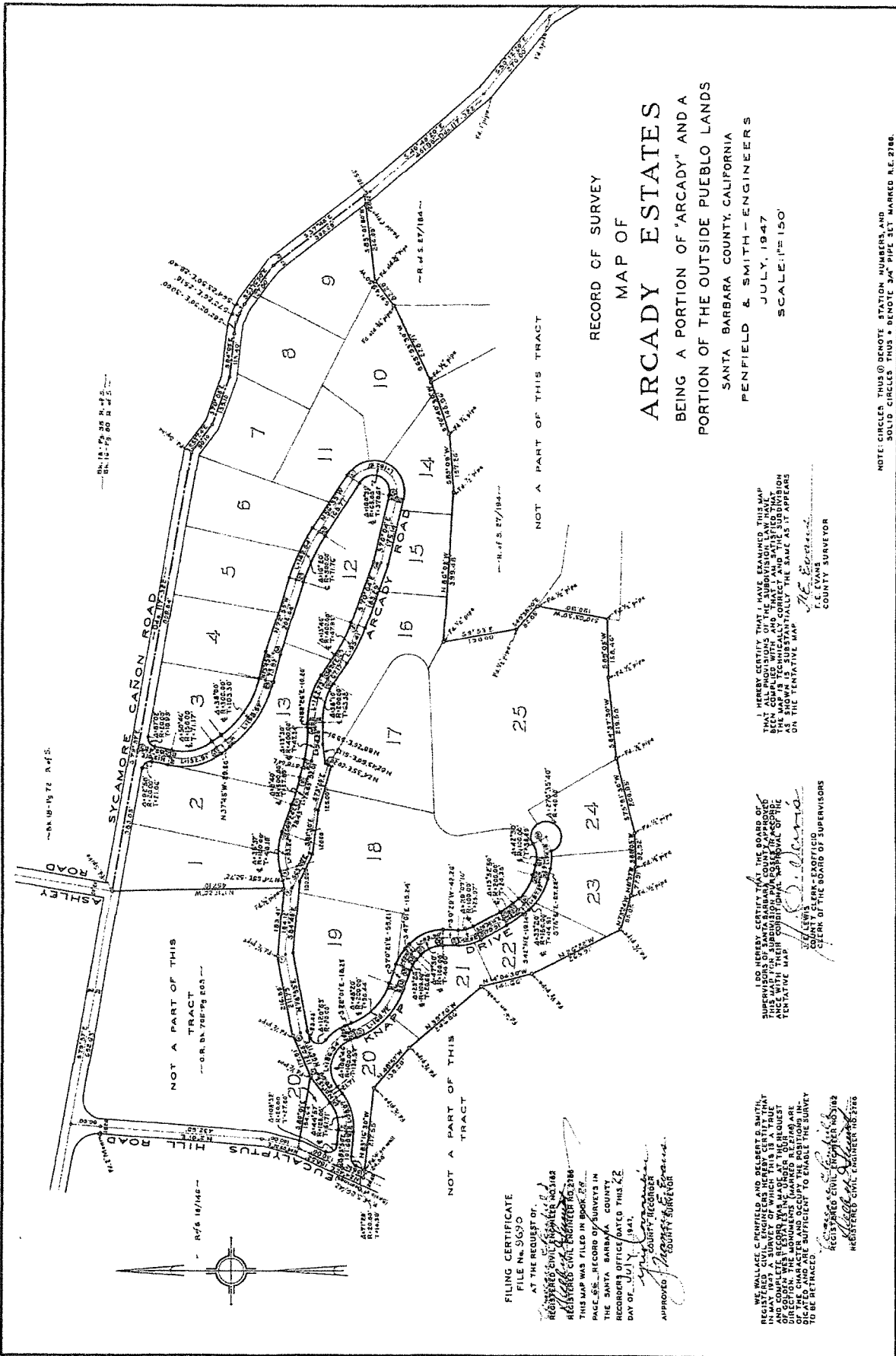
|  |             |              |                 |
|--|-------------|--------------|-----------------|
| <b>9. STREET ADDRESS OF AGENT FOR SERVICE OF PROCESS IN CALIFORNIA, IF AN INDIVIDUAL</b> | <b>CITY</b> | <b>STATE</b> | <b>ZIP CODE</b> |
| 821 KNAPP DRIVE, SANTA BARBARA, CA 93108   |             |              |                 |

**Common Interest Developments**

10.  Check here if the corporation is an association formed to manage a common interest development under the Davis-Stirling Common Interest Development Act, (California Civil Code section 4000, et seq.) or under the Commercial and Industrial Common Interest Development Act, (California Civil Code section 6500, et seq.). The corporation must file a Statement by Common Interest Development Association (Form SI-CID) as required by California Civil Code sections 5405(a) and 6760(a). Please see instructions on the reverse side of this form.

11. THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT.

|            |   |           |           |
|------------|---|-----------|-----------|
| 02/12/2019 | JAMES G PATTILLO                          | PRESIDENT |           |
| DATE       | TYPE/PRINT NAME OF PERSON COMPLETING FORM | TITLE     | SIGNATURE |



RECORD OF SURVEY  
 MAP OF  
**ARCADY ESTATES**  
 BEING A PORTION OF "ARCADY" AND A  
 PORTION OF THE OUTSIDE PUEBLO LANDS  
 SANTA BARBARA COUNTY, CALIFORNIA  
 PENFIELD & SMITH-ENGINEERS  
 JULY, 1947  
 SCALE: 1" = 150'

I HEREBY CERTIFY THAT I HAVE EXAMINED THIS MAP  
 AND THAT IT IS A TRUE AND CORRECT COPY OF THE  
 ORIGINAL SURVEY RECORDS AND THAT I AM A LICENSED  
 SURVEYOR IN THE STATE OF CALIFORNIA AND THAT THE  
 INFORMATION SHOWN IS SUBSTANTIALLY THE SAME AS IT APPEARS  
 ON THE TENTATIVE MAP

*T. C. Evans*  
 COUNTY SURVEYOR

I DO HEREBY CERTIFY THAT THE BOARD OF SUPERVISORS  
 HAS REVIEWED THIS MAP AND THAT IT IS A TRUE AND  
 CORRECT COPY OF THE ORIGINAL SURVEY RECORDS AND THAT  
 THE INFORMATION SHOWN IS SUBSTANTIALLY THE SAME AS IT APPEARS  
 ON THE TENTATIVE MAP

*W. J. ...*  
 COUNTY CLERK OF THE BOARD OF SUPERVISORS

REGISTERED CIVIL ENGINEER AND REGISTERED SURVEYOR  
 IN MAY 1937 A SURVEY OF WHICH THIS IS A TRUE  
 AND CORRECT COPY WAS MADE IN THE ORDER OF THE  
 BOARD OF SUPERVISORS OF SANTA BARBARA COUNTY  
 ON SOLE CONTRACT FOR THE PURPOSE OF DETERMINING  
 THE CHARACTER AND OCCUPY THE POSITION IN  
 THE CITY OF ...

*...*  
 REGISTERED CIVIL ENGINEER

FILING CERTIFICATE  
 FILE No. 9690  
 AT THE REQUEST OF  
 REGISTERED CIVIL ENGINEER NO. 10148  
 THIS MAP WAS FILED IN BOOK 22  
 PAGE 55. RECORD OF SURVEYS IN  
 THE SANTA BARBARA COUNTY  
 RECORDS OFFICE DATED THIS 22  
 DAY OF JULY 1947.  
 COUNTY RECORDER  
 APPROVED *...*  
 COUNTY SURVEYOR

NOTE: CIRCLES THUS @ DENOTE STATION NUMBERS, AND  
 SOLID CIRCLES THUS \* DENOTE 3/4" PIPE SET MARKED A.E. 2768.

Shirley N. Weber, Ph.D.  
California Secretary of State

## Business Search - Entity Detail

The California Business Search is updated daily and reflects work processed through Tuesday, March 8, 2022. Please refer to document [Processing Times](#) for the received dates of filings currently being processed. The data provided is not a complete or certified record of an entity. Not all images are available online.

### C2239693 THE ARCADY ESTATES ASSOCIATION, INC.

|                               |   |
|-------------------------------|---|
| Registration Date:            | 08/25/2000  |
| Jurisdiction:                 | CALIFORNIA  |
| Entity Type:                  | DOMESTIC NONPROFIT  |
| Status:                       | SOS SUSPENDED   |
| Agent for Service of Process: | JAMES G PATTILLO<br>821 KNAPP DRIVE<br>SANTA BARBARA CA 93108 |
| Entity Address:               | 821 KNAPP DRIVE<br>SANTA BARBARA CA 93108                     |
| Entity Mailing Address:       | 821 KNAPP DRIVE<br>SANTA BARBARA CA 93108                     |

*This entity is not eligible for online records requests. To order a Certificate of Status, please complete and return the [Business Entities Records Order Form](#)*

| Document Type | ↕ File Date | 📄 PDF |
|---------------|-------------|-------|
| SI-COMPLETE   | 02/12/2019  |       |
| SI-COMPLETE   | 06/27/2016  |       |
| REGISTRATION  | 08/25/2000  |       |

\* Indicates the information is not contained in the California Secretary of State's database.

- If the status of the corporation is "Surrender," the agent for service of process is automatically revoked. Please refer to California Corporations Code [section 2114](#) for information relating to service upon corporations that have surrendered.
- For information on checking or reserving a name, refer to [Name Availability](#).
- If the image is not available online, for information on ordering a copy refer to [Information Requests](#).
- For information on ordering certificates, status reports, certified copies of documents and copies of documents not currently available in the Business Search or to request a more extensive search for records, refer to [Information Requests](#).
- For help with searching an entity name, refer to [Search Tips](#).
- For descriptions of the various fields and status types, refer to [Frequently Asked Questions](#).

[Modify Search](#)

[New Search](#)

[Back to Search Results](#)