

**ATTACHMENT 5: APPEAL APPLICATION AND LETTER, DATED DECEMBER 9,
2021**



PLANNING & DEVELOPMENT
APPEAL FORM

SITE ADDRESS: 774 Main Street, Los Alamos 93440

ASSESSOR PARCEL NUMBER: 101-260-040

Are there previous permits/applications? no yes numbers: _____
(include permit# & lot # if tract)

Is this appeal (potentially) related to cannabis activities? no yes

Are there previous environmental (CEQA) documents? no yes numbers: _____

Shaw Street Maintenance

1. Appellant: Association Phone: 805/344-1828 FAX: same

Mailing Address: PO Box 396, Los Alamos, CA 93440 E-mail: WSA STEINER @gmail.com
Street City State Zip

2. Owner: _____ Phone: _____ FAX: _____

Mailing Address: _____ E-mail: _____
Street City State Zip

3. Agent: _____ Phone: _____ FAX: _____

Mailing Address: _____ E-mail: _____
Street City State Zip

4. Attorney: _____ Phone: _____ FAX: _____

Mailing Address: _____ E-mail: _____
Street City State Zip

COUNTY USE ONLY

Case Number: _____ Companion Case Number: _____
Supervisory District: _____ Submittal Date: _____
Applicable Zoning Ordinance: _____ Receipt Number: _____
Project Planner: _____ Accepted for Processing _____
Zoning Designation: _____ Comp. Plan Designation _____

COUNTY OF SANTA BARBARA APPEAL TO THE:

BOARD OF SUPERVISORS

PLANNING COMMISSION: COUNTY MONTECITO

RE: Project Title 20TPM-3 Ruffino Parcel Map; APN: 101-260-40

Case No. 20TPM-0003

Date of Action _____

I hereby appeal the approval approval w/conditions denial of the:

Board of Architectural Review – Which Board? _____

Coastal Development Permit decision

Land Use Permit decision

Planning Commission decision – Which Commission? County

Planning & Development Director decision

Zoning Administrator decision

Is the appellant the applicant or an aggrieved party?

Applicant

Aggrieved party – if you are not the applicant, provide an explanation of how you are and “aggrieved party” as defined on page two of this appeal form:

All 18 homeowner-members of Shaw Street Maintenance Assn. live along the Private Road section of Shaw Street extending from Foxen Lane to Wickenden Road. We all pay annual dues toward road maintenance. Our concerns are ① volume of new traffic and its effects on health + safety, especially at the 100'-one-lane section near Foxen Lane; ② impeded access of emergency vehicles at the bottleneck and by cars parked along the fire lane; ③ over 200 town residents signed a petition expressing their concern with these problems.

Grounds for Appeal

We believe we were not given a fair, impartial and fully-informed PC Hearing.

1- While Planners and Applicant's agent faulted the Appellant's traffic conclusions for not being study-based, County planners themselves offered no studies, only claims based on formulae in a manual. Further, while County planners acknowledged that as many as 6 ADUs (none with garages) are likely to be built, they avoided recognizing this significant reality when estimating increases in traffic volume, parking inadequacy and a potential hinderance to emergency vehicle flow along the narrow Fire Lane and its one-lane bottleneck.

2- The County's transportation planner has made statements that we believe do not sufficiently reflect realities or respect the sensibilities of Los Alamos residents:

- with respect to the one-lane Shaw Street intersection with Foxen Lane, the County's transportation planner maintains that "... no way this project could create an intersection impact."

- regarding increased hazard at or near the bottleneck (100-foot, one-lane section of Shaw at Foxen Lane), "Liability is covered by design immunity as long as we follow adopted County and Federal standards and guidelines." This defense would not prevent litigation against the County resulting from accident or injury.

3- New information relevant to the decision surfaced at the Planning Commission Hearing, while its relevance and critical significance did not become obvious until later.

- The Applicant's right to Shaw Street access based on BoS Resolution 04-222 made clear that this right only extends between Foxen Lane and the east side of Shaw Street "Circle" (as per text on page 2 and the Resolution's Exhibit A). As stated by County Counsel Callie Kim, "I believe it gives it [access]... all

the way to Foxen on one end, to the Circle on the other.” In practical terms, traffic associated with Applicant’s property would, therefore, be able to drive only between Foxen Lane and the Applicant’s planned driveway on Shaw Street because reaching the east side of the Circle allows no exit. **This less than complete legal access to all of our private section of Shaw Street, and therefore to an outlet on Wickenden Street, would be impossible to enforce and could lead to protracted conflict.**

4- At the PC Hearing, Applicant’s agent and County planners repeatedly stated that a partial widening of Shaw Street would result in safer conditions. Yes, of course, but this is a fatuous claim as it ignores the fact that Applicant’s project itself would result in increased traffic volume from as many as 12 dwellings, plus all the associated commercial and utilities-related traffic and an increase in unauthorized traffic due to the “magnet effect” of road widening making our Private Road more inviting to vehicles not authorized to use it. The end result would obviously be a less safe road, still with a one-lane bottleneck.

5- LAPAC was not required to convene on this matter because it involved a lot split into only 4, and not 5, parcels. However, it might still have chosen to explore the issues among community members. Commissioner Parke saw the wisdom in a 60-day continuance to allow time for a LAPAC review; Commissioner Cooney concurred, noting that LAPAC has historically had a say in all other projects that could have a significant impact on the town. Regrettably, there was confusion and misconception about LAPAC’s role and, ultimately, no continuance was called for.

6- Although perhaps not technically required to recuse on purely legal grounds, it would have been morally and ethically preferable if Commissioner Blough and Chair Ferini had done so; one admitted to years of financial connections with the Applicant, as recent as a year or so ago, and the other told of having a house

built by the Applicant. Their recusal would have been honorable and could only increase the public's belief that those entrusted with power care about the perception of personal financial interest and bias as it may affect decision-making.

Unchallenged by P&D, the developer's agent repeatedly claimed that this development would have larger parcels than required. However, if not revised for considerations of density and safety, it would not be in accord with the Los Alamos Community Plan and would jeopardize the charm and small-town character that encourages a vibrant commercial core and the ability of its residents to enjoy the peaceful existence they expect.

And, while all Commissioners had communications with and met the Applicant and/or his agent, some on multiple occasions, all but two had declined Appellant's invitation for a site visit and talk.

In conclusion, Supervisor Hartmann has been in the process of rechartering and staffing LAPAC and has been amenable to it convening on the Applicant's project. However, as a result of redistricting, our town will soon be in District 4; we hope and trust that Supervisor Bob Nelson will carry this effort forward in the best interest of his new constituents. We ask that Los Alamos be given the opportunity to meet, especially in-person, and deliberate on this important issue prior to a BoS Hearing. The Applicant's agent was dismissive and disdainful of the over 200 petition signatures of Los Alamos residents opposed to the current plans. Town residents deserve a chance to meet and discuss this issue and to have their voices heard through the local PAC, as they have for years.

Shaw Street Maintenance Association

Seth Steiner, president 750 Shaw Street, Los Alamos

Grace Morse, vice president 735 Shaw Street, Los Alamos

Sharon Tate-Kline, secretary/treasurer

Rancho San Lorenzo 3480 Highway 135, Los Alamos


owner of properties 745 & 747 Shaw Street, Los Alamos

Please include any other information you feel is relevant to this application.

CERTIFICATION OF ACCURACY AND COMPLETENESS Signatures must be completed for each line. If one or more of the parties are the same, please re-sign the applicable line.

Applicant's signature authorizes County staff to enter the property described above for the purposes of inspection.

I hereby declare under penalty of perjury that the information contained in this application and all attached materials are correct, true and complete. I acknowledge and agree that the County of Santa Barbara is relying on the accuracy of this information and my representations in order to process this application and that any permits issued by the County may be rescinded if it is determined that the information and materials submitted are not true and correct. I further acknowledge that I may be liable for any costs associated with rescission of such permits.

Print name and sign – Firm	Date
SETH STEINER 	12/9/21
Print name and sign – Preparer of this form	Date

Print name and sign – Applicant	Date
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Print name and sign – Agent	Date
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Print name and sign – Landowner	Date
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