



Notice of Appeal to the Board of Supervisors
REQUEST FOR FACILITATION

DATE: APRIL 28, 2017
 TO: RACHEL VAN MULLEM, County Counsel
 FROM: David Villalobos, PC Hearing Support
 Case Name: Hair/Sturgess Appeal of MBAR's Approval of Olsten Trust
 Case Number: 16APL-00000-00026, 14BAR-00000-000082
 PC Hearing: April 18, 2017
 Appeal Date: April 28, 2017
 Appellant: Michael Hair

An appeal to the Board of Supervisors of the Planning Commission's decision on the above case has been filed and will be scheduled for hearing before the Board of Supervisors. A copy of the appeal is attached and a list of the names and addresses of the affected parties are shown below.

Please consult with the case planner in setting facilitation meeting date. Please send a copy of the meeting notification letter to Hearing Support staff of Planning & Development, Attn: David Villalobos at ext. 2058.

- ↓ **Attachments:**
- Appeal to the Board of Supervisors dated April 28, 2017
 - Planning Commission Action Letter dated April 26, 2017
 - Planning Commission Staff Report dated March 30, 2017

Names/Addresses of affected parties:

Appellant: Michael Hair, 6501 Fruitvale Avenue, Bakersfield, CA 93308; (661) 399-9000
Owner: Olsten Montecito Trust, 6520 Meetinghouse Road, New Hope, PA 18938; (215) 579-6005
Agent: Kelly Teich, Warner Group Architects, Inc., 1250 Coast Village Road #J, Santa Barbara, CA 93108; (805) 969-5074
Attorney: Derek Westen, 1800 Jelinda Drive, Santa Barbara, CA 93108; (805) 963-7130

NOTE TO PLANNERS: County of Santa Barbara procedures provide for an informal consultation meeting among parties involved in land use permit appeals. The consultation meeting occurs after an appeal is filed, and prior to the Board appeal hearing. County Counsel's office will arrange for the meeting.

The purpose of the meeting is to clarify issues pertaining to the appeal, to identify possible solutions, and to notify parties in dispute of available mediation services which may assist in resolving disagreements. An experienced County meeting facilitator will conduct the meeting, and will prepare a report for meeting participants and the County decision-maker on issues and options identified which may assist resolution of the appeal.

cc: Case File: 16APL-00000-00026, 14BAR-00000-00082
Glenn Russell, Director, Planning and Development
Dianne M. Black, Assistant Director
Alex Tuttle, Supervising Planner
J. Ritterbeck, Planner
Records Management
David Villalobos, Hearing Support

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**MONTECITO PLANNING COMMISSION DECISION
 APPEALED TO THE BOARD OF SUPERVISORS
 April 28, 2017**

Case Numbers: 16APL-00000-00026	Title: Appeal of Olsten Montecito Trust Project		
APN: 009-352-019	Applicant: Olsten Montecito Trust		
Area: Montecito	Appealed by: Derek A. Westen		
District: First	Date appealed: April 28, 2017; 10:12 A.M.		
	Planner: J. Ritterbeck x3509		
	Supervising Planner: Alex Tuttle x6844		
	Planning Commission		Board of Supervisors
Hearing Dates:	April 18, 2017	Approved the Project with Revisions to the Conditions of Approval	
Fee Paid:			\$659.92
APPELLANTS REASON FOR APPEAL: See attached appeal letter			
FACILITATION: N/A			
OUTCOME OF BOS HEARING:			

cc: Glenn Russell, Director
 Dianne M. Black, Assistant Director
 Jeff Wilson, Deputy Director
 Alex Tuttle, Supervising Planner
 J. Ritterbeck, Planner
 Records Management
 Heather Bowling, Accounting
 Petra Leyva, Building & Safety
 David Villalobos, Hearing Support

APPEAL TO THE BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA

Submit to: Clerk of the Board
County Administration Building
105 E. Anapamu Sreet, Suite 407
Santa Barbara, CA 93101

2017 APR 28 AM 10:12

COUNTY OF SANTA BARBARA

RE: Project Title Olsten Montecito Trust

Case Number 16APL-00000-00026 & 14BAR-00000-00082

Tract/ APN Number 009-352-019

Date of action taken by Planning Commission, or Surveyor April 18, 2017

I hereby appeal the ^{APPROVAL} ~~denial~~ w/ conditions of the Montecito Planning Commission**
(approval/ approval with conditions/ or denial) (Planning Commission or County Surveyor)

Please state specifically wherein the decision of the Planning Commission or Surveyor is not in accord with the purposes of the appropriate ordinance (one of either Article II Coastal Zoning Ordinance, County Land Use and Development Code, Montecito Land Use and Development Code or Chapter 21, Land Division) or other applicable law, or wherein it is claimed that there was an error or an abuse of discretion by the Planning Commission or Surveyor, or that there was a lack of a fair and impartial hearing, or that the decision is not supported by the evidence presented for consideration leading to the making of the decision or determination that is being appealed, or that there is significant new evidence relevant to the decision which could not have been presented at the time the decision was made. {References: Article II Section 35-182.2.C; County Land Use and Development Code Section 35.102.020.C; Montecito Land Use and Development Code Section 35-492.020.C, Chapter 21 Section 21-71.4.2.C.2}

Attach additional documentation, or state below the reason(s) for this appeal.

See attached

Specific conditions being appealed are:

See attached

Name of Appellant (please print): Derek A. Westen, Esq.

Address: 1800 Jelinda Drive

(Street, Apt #)
Santa Barbara, CA 93108
(City/ State/ Zip Code) 805-963-7130
(Telephone)

Appellant is (check one): Applicant Agent for Applicant Third Party Agent for Third Party

Fee \$ 699.92 {Fees are set annually by the Board of Supervisors. For current fees or breakdown, contact Planning & Development or Clerk of the Board. Check should be made payable "County of Santa Barbara".}

Signature: [Signature] Date: April 27, 2017

FOR OFFICE USE ONLY

Hearing set for: _____ Date Received: 4/28/2017 By: Julia Rutherford Daily File No. _____

STATEMENT OF GROUNDS FOR APPEAL
OLSTEN MONTECITO TRUST SINGLE FAMILY HOME

This small single family home is in full compliance with all County zoning and planning policies and guidelines and has an approved Coastal Development Plan that is final. The Board of Supervisors returned the project to the Montecito Board of Architectural Review ("MBAR") for preliminary project approval, which MBAR granted. Two neighbors appealed.

The Montecito Planning Commission ("MPC"), sitting only as MBAR and not in the capacity of a planning commission, denied the appeal, but nevertheless imposed conditions that conflict with the recommendations of MBAR (1) with respect to external shutters, (2) with respect to a rear balcony, and (3) with respect to front landscaping.

1. CONDITIONS APPEALED

Appellant/applicant appeals only three (3) conditions recommended by the Montecito Planning Commission ("MPC") that are all contrary to the recommendations of MBAR:

- 1.1 The condition that the south facing second floor have external shutters;
- 1.2 The condition that there be no balcony at the second floor north-facing bedroom; and
- 1.3 The condition that the applicant plant two (2) small trees, such as dwarf citrus, in the front yard.

2. GROUNDS FOR APPEAL

The Board of Supervisors referred this matter to MBAR for preliminary approval, staff found the project in substantial conformity with the Board-approved project, and MBAR issued preliminary approval. MBAR's approval only dealt with small, non-substantive design matters. The members of the MPC, none of whom are design professionals, should not micromanage MBAR. The appellants and the MPC should not consume valuable County time and resources by involving the MPC in minor design matters that should be left to the MBAR.

2.1 MBAR disfavored *external* shutters on aesthetic and architectural grounds and approved the applicant's proposal for *internal* second floor shutters. The proposed internal shutters will be effective and are architecturally appropriate for the design. MBAR's approval of internal shutters does not conflict with any condition imposed by the Board of Supervisors. There is no legitimate basis for the MPC to overturn MBAR's recommendations regarding shutters.

2.2 MBAR concluded that a small redesigned optional balcony at the rear was appropriate for the architectural design, an improvement to the project, in full compliance with design guidelines, and that it had no adverse impact on neighbors. The proposed optional balcony does not conflict with any condition imposed by the Board of Supervisors. It will not be materially visible from neighbors and is over 100' from the nearest neighbor. There is no legitimate basis for the MPC to overturn MBAR's recommendations regarding the optional rear balcony.

2.3 MPC, which earlier insisted that two large trees be planted in the front yard, now requires that they be replaced with small trees, such as dwarf citrus. Trees of any size were not a condition imposed by the Board of Supervisors. The applicant does not want dwarf trees in the front yard. The proposed small trees are inconsistent with the design of other properties in the area, are inconsistent with the landscaping scheme of the project, and provide no useful purpose. There is no legitimate basis for the MPC to overturn MBAR's approval of the landscaping or even to require front landscaping trees at all.

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