

Katherine Douglas

From: Marc Chytilo <marc@lomcsb.com>
Sent: Friday, May 31, 2024 10:31 AM
To: sbcob
Subject: Item # 82, June 4, 2024
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Clerk

Please find a letter for the Board's next hearing

Marc

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LAW OFFICE OF MARC CHYTILO, APC

ENVIRONMENTAL LAW

May 31, 2024

Chairperson Steve Lavagnino
Santa Barbara County Board of Supervisors
105 E. Anapamu Street, Fourth Floor
Santa Barbara, California 93101

Re: Set Hearing for the Babbitt Appeal of the Montecito Planning Commission Approval of the Scibold Residential Alterations, Case Nos. 24APL-00008 of 21LUP-00000-00292 & 22BAR-00000-00187, First Supervisorial District

Chair Lavagnino and Honorable Supervisors:

This office represents Bill Babbitt, Appellant in this matter.

This appeal involves the unpermitted and knowing destruction of several Character Defining Features of a Moody Cottage at 539 Periwinkle Lane in Montecito ("Project"). The Moody Cottage has been recognized as a significant historical resource under the County's Historic Preservation Ordinance and CEQA.

The Project has been the subject of hearings before the Montecito Board of Architectural Review, Historic Landmarks Advisory Committee and the Montecito Planning Commission. The issues are technical, with no less than five historians participating.

This Set Hearing was included on your June 4 agenda with no staff notification, communication or consultation with appellant or counsel regarding suitable hearing dates. Customarily, County staff will alert and confer with all parties regarding to an appeal hearing, as a courtesy and to avoid congesting your hearings with procedural objections and scheduling from the dais. This is the first time in 25 years that my office was not notified and input considered regarding scheduling the parties' and counsel's availability for a Board hearing.

My office is counsel to Keep the Funk, one of four appellants in an appeal of a major development project in the City of Santa Barbara that will be heard by Council on June 25, the same date that staff has proposed to schedule this hearing. That appeal is even more complex, with multiple technical experts and co-appellants, and will require my engagement for the entire day of June 25. There are various other activities involved in preparing for hearings that make it impracticable to have two major contested land use matters heard by different jurisdictions on the same day.

We have reached out to Planning staff, who were unavailable on the day the matter was posted, as well as the applicants to try to identify a mutually acceptable substitute hearing date. As of the time this letter was submitted, I have received no substantive response from either group. Hopefully by the hearing on the 4th we'll have a mutually suitable date to propose to your Board.

LAW OFFICE OF MARC CHYTILO
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I have conferred with my client and the Board's calendar, and Appellants offer the following as acceptable dates for this hearing:

- July 16
- August 20, 27
- September 10, 17
- October 1, 8
- December 3, 10

We ask that your Board schedule this hearing on one of those dates.

Thank you for your understanding.

Respectfully submitted,

LAW OFFICE OF MARC CHYTILO

A handwritten signature in black ink, appearing to read 'M. Chytilo', with a stylized flourish at the end.

Marc Chytilo
For Appellant Bill Babbitt