



Santa Barbara County Planning and Development Department

Appeal Application

County Use Only	Appeal Case No.:
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STEP 1: SUBJECT PROPERTY

005-040-025
 ASSESSOR'S PARCEL NUMBER(S)
 2929 East Valley Road
 PROPERTY ADDRESS (IF APPLICABLE)
 Santa Barbara, CA 93108
 BUSINESS/ESTABLISHMENT NAME (IF APPLICABLE)

STEP 2: PROJECT DETAILS

Resolution to Designate the Chaffee Residence and Attached Garage with Landscape Features as Historic Landmark
 PROJECT TITLE
 HLAC Resolution No. 2024-56
 CASE NO(S).
 Select HLAC 10/14/2024
 DECISION MAKER DATE OF ACTION

Is the appeal related to cannabis activities? Yes No

STEP 3: APPEAL CONTACTS

APPELLANT

2929 E Valley Road LLC
 NAME (if LLC or other legal entity, must provide documentation)
 PO Box 352
 STREET ADDRESS
 Manahawkin NJ 08050
 CITY, STATE ZIP
 732-682-5045 team@ymfamilyoffice.com
 PHONE EMAIL

AGENT

Steve Fort
 NAME (if LLC or other legal entity, must provide documentation)
 1625 State Street, Suite #1
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ATTORNEY

Amy Steinfeld
 NAME (if LLC or other legal entity, must provide documentation)
 1021 Anacapa Street, 2nd Floor
 STREET ADDRESS
 Santa Barbara CA 93101
 CITY, STATE ZIP
 805-882-1409 asteinfeld@bhfs.com
 PHONE EMAIL

STEP 4: APPEAL DETAILS

Is the Appellant the project Applicant? Yes No

If not, please provide an explanation of how you are an "aggrieved party", as defined in Step 5 on page 2 of this application form:

See attachment A.

Please provide a clear, complete, and concise statement of the reasons or ground for appeal:

- Why the decision or determination is consistent/inconsistent with the provisions and purposes of the County's Zoning Ordinances or other applicable law;
- There was error or abuse of discretion;
- The decision is not supported by the evidence presented for consideration;
- There was a lack of a fair and impartial hearing; or
- There is significant new evidence relevant to the decision which could not have been presented at the time the decision was made.
- Coastal Zone – Accessory Dwelling Unit appeals: Appellant must demonstrate that the project is inconsistent with the applicable provisions and policies of the certified Local Coastal Program or that the development does not conform to the public access policies set forth in the Coastal Act.

See Attachment B.

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 2024 OCT 21 P 3:27
 PLANNING AND DEVELOPMENT DEPARTMENT
 COUNTY OF SANTA BARBARA

Attachment A

We represent the owners of 2929 East Valley Road ("Property"). The Historic Landmarks Advisory Commission ("HLAC") nominated the Property for designation of a historic landmark, which the owners continue to oppose.

On July 8, 2024, after two contested hearings, HLAC voted 6/8 to designate the Property's Residence and Attached Garage with Sandstone Landscape Features, including the sandstone terrace and outdoor barbecue off the west side of the residence and the plinth and entry gate posts on East Valley Road, despite opposition from Property owners.

On October 14, 2024, HLAC voted to re-designate the Property, which the owners continued to oppose.

Attachment B

HLAC designated the Property as a Historic Landmark despite continued opposition of the owners. We appeal for the following reasons:

1. The owners oppose designation and it is atypical for structures to be designated as landmarks without owner support.
2. Designation will disincentivize other potential home buyers from restoring historic homes if private homes can be designated without the homeowner's consent at any time.
3. There is no imminent threat to the Property. The owners have complied with all County and state rules and are committed to protecting the Property's historic values.
4. Designation will cause undue delays and expenses for the owners as it relates to any future projects (none are planned at this time).
5. HLAC review would be duplicative of the County's extensive review process for any future alterations, repairs, additions or changes to the Property, which already require SBAR review and for the County to find consistency with state historical policies, the County's Historical Policies and the historic preservation policies included in the El Toro Canyon Community Plan.
6. The potential incentives for designation either do not apply or are unwanted by the owners.
7. The Property includes a remote private residence that cannot be viewed from any public road, and no public elements or access.
8. Designation will increase illegal trespass onto the Property and create public confusion because this private home is not a museum nor is it open to tours or public access.
9. Designation is contrary to HLAC's mission.

See also attached letter submitted to HLAC in October which set forth additional reasons for appeal. Note: the wrong resolution was initially uploaded prior to the October hearing, so the concerns about the changes were resolved.



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October 9, 2024

Amy Steinfeld
Attorney at Law
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asteinfeld@bhfs.com

VIA E-MAIL

Keith Coffman-Grey, Chair
Santa Barbara County
Historic Landmark Advisory Commission
Delivered via email to martinj@countyofsb.org, cfmngrey@cox.net

RE: 2929 East Valley Road Potential Designation, October 14, 2024 HLAC Meeting

Dear Chairman Coffman-Grey and Historic Landmark Advisory Commissioners:

On behalf of Mr. Mark Armenante and Mrs. Young Sohn, the owners (“homeowners”) of 2929 East Valley Road (“Property”), we submit this letter in advance of Santa Barbara County Historic Landmark Advisory Commission’s (“HLAC”) October 14 hearing to express our continued opposition to a historical re-designation of their private Property. We have reviewed the draft resolution and are opposed both to the changes from the prior resolution and to the re-designation of the Property. It is unfortunate that HLAC is proposing to re-designate private Property yet again due solely to County delays in setting a Board of Supervisors (“Board”) hearing, unrelated to any actions taken by the homeowners.

Significant changes have been made to the July 8, 2024 Resolution designating the Property. The prior designation included explicit exemptions for the current, permitted projects for the interior of the Property (County Building Permit 22BDP-OOOOO-01449 and 24REV-00185 as well as Coastal Development Permit application number 23-CDP-00094). The current designation states that the interior of the Property is not subject to the resolution; however, it does not state explicitly that the current projects are exempted. The homeowners oppose this hinderance to their current permitted work. Additionally, the new resolution includes “attached garage” inconsistently in the resolution, at times also referring to the “attached residence” instead.

HLAC promised the homeowners at the July 2024 hearing that their current projects, already approved, would not be delayed or postponed. Despite this promise, these protections were removed. If HLAC chooses to re-designate the Property against the homeowners’ wishes, of which we are adamant, we respectfully request that the current resolution be identical to the prior resolution, with the carveouts for the current projects and consistency in the buildings being designated. In addition, Section 2.3 of the resolution appears to grant access to the private Property with permission,

which is absolutely not the case. This is a private residence. The language must be changed as follows for accuracy: "This property is privately-owned and public access is not permitted."

The homeowners oppose this designation and still are not interested in the exemptions provided by the Historic Building Code. They are already applying the utmost care to the Property and have complied with all necessary County and state requirements. Additionally, the homeowners do not qualify for any tax benefits.

For all the reasons set forth in this letter, and the prior letters and arguments made at the prior HLAC hearings on June 10 and July 8, 2024 which are incorporated herein (see Attachment), the homeowners refuse to sign the draft resolution. Without signatures by the landowner, the resolution is null and void because as written, the resolution requires approval and consent to designate the Property.¹ This language is included in every resolution to require owner consent. We have found no prior situation where the County has proceeded with designation of a private property, not accessible to the public, without the owner's consent.

In summary, we continue to oppose designation for the following reasons:

- When the homeowners purchased this private Property in 2022, the Property was not designated and they had no expectation that it would be designated against their will by HLAC.
- The homeowners are opposed to designation—it is atypical for structures to receive designation without owner support.
- There is no imminent threat to the Property—the homeowners have complied with all County and state rules at every stage, and are committed to protecting the Property's historical value, like they have with their homes in other jurisdictions. The current projects will preserve the historical eligibility of the Property.
- The homeowners have spent years diligently studying the Property to ensure it is properly rehabilitated. They have hired a talented team of historians, engineers, designers, architects, planners, landscape architects, and contractors to ensure the Property is carefully restored and that they can reside on the Property once the upgrades are completed. In addition, HLAC does not offer expertise beyond what is being offered by the homeowner's historic consultants who have a deep understanding of the Property and who are County-recognized historians.

¹ The Resolution includes signature lines for owners after this language: "I hereby APPROVE AND CONSENT to designation of the CHAFFEE RESIDENCE AND ATTACHED GARAGE WITH SANDSTONE LANDSCAPE FEATURES as a County of Santa Barbara Historic Landmark pursuant to County Code, Chapter 18A."

- The homeowners are opposed to the changes made in the draft October resolution that differ from the July 8 Resolution, which the owners also opposed, but was less harmful to their plans to restore the Property based on review and guidance by county-recognized historians. This sleight of hand has caused the homeowners to further lose trust in HLAC because they have received their CDP but have not received building permits; yet another necessary step in the process. The homeowners fear HLAC's amendments to the resolution will further delay the existing planned projects.
- Designation will cause undue delays and expenses for the homeowners as it relates to any future projects (none of which are planned at this time). Just like the existing projects, any future projects will have to go through the extensive County-planning process and receive confirmation that any proposed changes will not impact the historic resource. This County is already one of the most difficult jurisdictions in which to obtain land use and building permits, and now HLAC is proposing yet another layer of review. The homeowners have retained their own historic experts and are not looking for additional, potentially contradictory opinions from up to 11 HLAC members in the event they choose to undertake future home restoration projects.
- This process has created a major disincentive for prospective buyers to purchase and restore old, deteriorating homes in this County. Without homeowners willing to spend time (years!) and a profusion of resources restoring old homes (millions of dollars), these homes will decay.
- The potential incentives for designation either do not apply or are unwanted by the homeowners.
- The Property is located in a rural area of the County, with the home setback on the 10-acre Property and shrouded by oaks. The home is not visible from East Valley Road.
- Any signage applied to the private property indicating it is a historic landmark and with the address documented in public documents will attract people to the private residence, causing safety and security concerns for the homeowners and public confusion.
- This unwanted designation has created a situation where the homeowners are being forced to incur time and resources to oppose the designation, including appealing the designation not once, but twice. Now, the homeowners are being forced to appear before the Board, which takes time and resources away from the Board's consideration of numerous important issues facing the County, such as the dire housing crisis and preparation for floods and fires. Instead of addressing housing and emergency preparedness due to a changing climate, the Board is forced to spend time on this private matter, which could have been avoided if HLAC had

acknowledged that the historic integrity of this private property is not in jeopardy and had they listened to the homeowners' wishes.

- At the Board hearing, the Board will be forced to choose between HLAC and homeowners who have been coordinating with County Planning and Development Staff for years and who received accolades from the County's South Board of Architectural Review at two separate hearings for their thoughtful design and diligent rehabilitation of the Property. Truly, no good deed goes unpunished.

In short, the homeowners adamantly oppose designation. If you are inclined to re-designate the Property against the homeowner's wishes you must revise the pending resolution to include the exemptions from the prior designation, allowing the existing projects to proceed without delay and exclude language suggesting the public may visit this private home.

Our team is available to answer any questions in advance of the October 14, 2024 hearing.

Sincerely,



Amy Steinfeld