

**Declaration of Lindsay G. Shinn**

1. I am an attorney at law duly licensed to practice in the State of California and an associate with Mullen & Henzell L.L.P., counsel for Appellants Margaret J. Dent, Trustee, etc., et al. ("Appellants"). I have personal knowledge of matters stated in this declaration and if called as a witness, I would and could competently testify thereto.

2. Appellants own 1711 Fernald Point Lane, Santa Barbara, California ("1711"), which is located directly adjacent to the subject property, 1717 Fernald Point Lane, Santa Barbara, California ("1717").

3. Attached as Exhibit A is a true and correct copy of Assessor's Map Book 007, Page 38, which I obtained from the County Assessor. 1711 (APN 007-380-023) is diagonally cross-hatched. 1717 (APN 007-380-021) is horizontally/vertically cross-hatched.

4. Attached as Exhibit B is a true and correct copy of the legal description for 1711 Fernald Point Lane, which was copied from Instrument Number 90-003709, recorded in Official Records County of Santa Barbara on January 18, 1990.

5. Attached as Exhibit C is a true and correct copy of the legal description for 1717 Fernald Point Lane, which was copied from Instrument Number 90-003709, recorded in Official Records County of Santa Barbara on January 18, 1990.

6. Attached as Exhibit D is a true and correct copy of Instrument No. 79-24202, recorded in Official Records Santa Barbara County on May 31, 1979.

7. Attached as Exhibit E are true and correct copies of pages from the Montecito Community Plan and Montecito Architectural Guidelines and Development Standards, which I obtained from the County's website.

8. Attached as Exhibit G is a true and correct copy of an A.L.T.A. Survey prepared by Waters Land Surveying Inc., dated February 2010, updated April 2011 (marked as Exhibit 224 in unrelated litigation).

9. Attached as Exhibit H is a true and correct copy of Instrument No. 24543, recorded in Official Records Santa Barbara County on July 17, 1975.

10. Attached as Exhibit J is a true and correct copy of Instrument Number 90-003709, recorded in Official Records County of Santa Barbara on January 18, 1990. Section 3.1 on page 4 contains the grant from 1717 to 1711 of "an exclusive easement...for the purpose of parking motor vehicles and other purposes reasonably related thereto...."

11. Attached as Exhibit L is a true and correct copy of the Planning and Development Department Agenda Letter to the Board of Supervisors received by my office on January 31, 2012.

12. Attached as Exhibit M is a true and correct copy of the Montecito Board of Architectural Review Agenda for Meeting on March 14, 2011, which I obtained from the County at [http://www.sbcountyplanning.org/boards/rbar/mbar\\_agenda\\_archive.cfm](http://www.sbcountyplanning.org/boards/rbar/mbar_agenda_archive.cfm).

13. Attached as Exhibit N is a true and correct copy of a Mullen & Henzell letter to the Montecito Board of Architectural Review dated March 14, 2011.

14. Attached as Exhibit O is a true and correct copy of the Montecito Board of Architectural Review Approved Minutes from Meeting of March 14, 2011, which I obtained from the County's website at [http://www.sbcountyplanning.org/boards/rbar/mbar\\_agenda\\_archive.cfm](http://www.sbcountyplanning.org/boards/rbar/mbar_agenda_archive.cfm).

15. Attached as Exhibit P is a true and correct copy of the Montecito Board of Architectural Review Agenda for Meeting on April 25, 2011 received by my office on April 21, 2011.

16. Attached as Exhibit Q is a true and correct copy of a Mullen & Henzell letter to the Montecito Board of Architectural Review dated April 25, 2011.

17. Attached as Exhibit R is a true and correct copy of the Montecito Board of Architectural Review Approved Minutes from Meeting of April 25, 2011, which I obtained from the County's website at [http://www.sbcountyplanning.org/boards/rbar/mbar\\_agenda\\_archive.cfm](http://www.sbcountyplanning.org/boards/rbar/mbar_agenda_archive.cfm).

18. Attached as Exhibit S is a true and correct copy of the Montecito Planning Commission Notice of Public Hearing received by my office on August 16, 2011.

19. Attached as Exhibit T is a true and correct copy of the Montecito Planning Commission Marked Agenda from Special Hearing of August 24, 2011, which I obtained from the County at [http://www.sbcountyplanning.org/boards/pc/mpc\\_archive.cfm](http://www.sbcountyplanning.org/boards/pc/mpc_archive.cfm).

20. Attached as Exhibit U is a true and correct copy of the Staff Report to Montecito Planning Commission dated August 5, 2011 received by my office from the County.

21. Attached as Exhibit V is a true and correct copy of a Mullen & Henzell letter to the Montecito Planning Commission dated August 19, 2011.

22. Attached as Exhibit W is a true and correct copy of a Staff Memorandum to Montecito Planning Commission dated August 23, 2011 received by my office from the County.

23. Attached as Exhibit X is a true and correct copy of a Montecito Planning Commission action letter to Jennifer Foster dated August 26, 2011 received by my office from the County.

24. Attached as Exhibit Y is a DVD containing true and correct copies of the following (1) audio recording from Montecito Board of Architectural Review hearing on March 14, 2011; (2) audio recording from Montecito Board of Architectural Review hearing on April 25, 2011; and (3) video recording from Montecito Planning Commission hearing on August 24, 2011. I obtained the audio recordings of the MBAR hearings from Sharon Foster, Santa Barbara County Planning & Development Hearing Support. I have been informed by Ms. Foster that these are the best available recordings. I obtained the video recording of the MPC hearing from David Villalobos, Santa Barbara County Planning & Development. Written transcriptions of the audio and video recordings will be made if needed.

25. Attached as Exhibit Z is a true and correct copy of Appellants' Appeal Form submitted September 6, 2011.

26. I reviewed the video from the August 24, 2011 Montecito Planning Commission hearing. The Van Vliets' agent, Jennifer Foster, stated in part "Construction

will not require trucks to be parked in the driveway... We will not park in Mrs. Dent's parking area nor will we block the driveway." (See Exhibit Y at 1:04:50 – 1:05:08.)

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on February 16, 2012, at Santa Barbara, California.

  
\_\_\_\_\_  
Lindsay G. Shinn