



Appeal Application

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

ASSESSOR'S PARCEL NUMBER(S)
Highway 101 segment 4D
 PROPERTY ADDRESS (IF APPLICABLE)
 BUSINESS/ESTABLISHMENT NAME (IF APPLICABLE)

STEP 2: PROJECT DETAILS

PROJECT TITLE
Highway 101 segment 4D
 CASE NO(S)
2106P-00006-00022
 Select SB PLANNING COM. 12/14/22
 DECISION MAKER DATE OF ACTION

Is the appeal related to cannabis activities? Yes No

STEP 3: APPEAL CONTACTS

APPELLANT
SCOTT SMIGEL
 NAME (if LLC or other legal entity, must provide documentation)
115 HIXON ROAD
 STREET ADDRESS
SANTA BARBARA, CA 93108
 CITY STATE ZIP
805-846-5212 SCOTTSMIGEL@GMAIL.COM
 PHONE EMAIL

AGENT
 NAME (if LLC or other legal entity, must provide documentation)
 STREET ADDRESS
 CITY, STATE ZIP
 PHONE EMAIL

ATTORNEY
 NAME (if LLC or other legal entity, must provide documentation)
 STREET ADDRESS
 CITY, STATE ZIP
 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:

APPEARED AT COUNTY PLANNING COMMISSION HEARING OPPOSING APPROVAL OF PROJECT, RESIDENT ADJACENT TO PROJECT

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.

DEIR IS INSUFFICIENT TO ADDRESS REMOVAL OF SOUNDWALL
(2) PLANNING COMMISSION REBANK and FLOOD CONTROL'S INTERPRETATION OF RECOVERY MAPPING WAS ERROR
(3) TIMING OF CONDITION REQUIRING LATER ADDITION OF SOUND WALLS IS ERROR
(4) RECOVERY MAPPING SHOULD NOT BE RELIED ON FOR PRESENT PROJECT AND IS APPLIED INCONSISTENTLY.

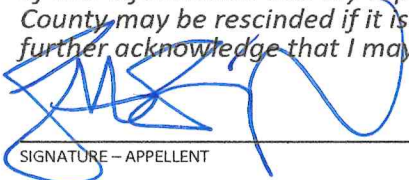
STEP 5: APPELLANT ACKNOWLEDGEMENTS

I hereby certify under penalty of perjury that I have read the information below and that:

1. I have carefully reviewed and prepared the appeal application in accordance with the instructions; and
2. I provided information in this appeal application, including all attachments, which are accurate and correct; and
3. I understand that the submittal of inaccurate or incomplete information or plans, or failure to comply with the instructions may result in processing delays and/or denial of my application; and
4. I understand that it is the responsibility of the applicant/appellant to substantiate the request through the requirements of the appeal application; and
5. I understand that upon further evaluation, additional information/documents/reports/entitlements may be required; and
6. I understand that all materials submitted in connection with this appeal application shall become public record subject to inspection by the public. I acknowledge and understand that the public may inspect these materials and that some or all of the materials may be posted on the Department’s website; and
7. I understand that denials will result in no refunds; and
8. I understand that Department staff is not permitted to assist the applicant, appellant, or proponents and opponents of a project in preparing arguments for or against the project; and
9. I understand that there is no guarantee – expressed or implied – that an approval will be granted. I understand that such application must be carefully evaluated and after the evaluation has been conducted, that staff’s recommendation or decision may change during the course of the review based on the information presented; and
10. I understand an aggrieved party is defined as any person who in person, or through a representative, appears at a public hearing in connection with the decision or action appealed, or who, by the other nature of his concerns or who for good cause was unable to do either; and
11. If the approval of a Land Use Permit required by a previously approved discretionary permit is appealed, the applicant shall identify:
 - How the Land Use Permit is inconsistent with the previously approved discretionary permit;
 - How the discretionary permit’s conditions of approval that are required to be completed prior to the approval of a Land Use Permit have not been completed;
 - How the approval is inconsistent with Section 35.106 (Noticing).

REQUIRED SIGNATURES

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.

 SCOTT SMIGEL 1.3.23
 SIGNATURE – APPELLANT PRINT NAME DATE

 SIGNATURE – AGENT PRINT NAME DATE

 SIGNATURE – ATTORNEY PRINT NAME DATE

Appeals to the Planning Commission. Appeals to the Planning Commission must be filed with Planning and Development no later than 10 days following the date of the decision, along with the appropriate fees. Please contact P&D staff below for submittal instructions and to determine the appropriate fee.

South County projects: front@countyofsb.org or (805) 568-2090

North County projects: nczoning@countyofsb.org or (805) 934-6251

Appeals to the Board of Supervisors. Appeals to the Board of Supervisors must be filed with the Clerk of the Board and must be filed no later than 10 days following the date of the decision, along with the appropriate fees. Appeal instructions are located online at the Clerk of the Board website: <https://www.countyofsb.org/2837/Filing-Land-Use-Appeals-Claims>