



COUNTY OF SANTA BARBARA PLANNING AND DEVELOPMENT

MEMORANDUM

TO: Board of Supervisors

FROM: Travis Seawards, Deputy Director, Development Review Division

STAFF CONTACT: Steve Conner, Planner, (805) 568-2081

DATE: October 30, 2024

HEARING DATE: November 5, 2024

RE: Case No. 23APL-00021
Sanford Appeal of the Montecito Planning Commission Approval of the Music Academy of the West Revised Conditional Use Permit, Case Nos. 21RVP-00000-00109 and 21CDP-00000-00129
1070 Fairway Drive, Montecito

Planning and Development is aware that the Appellant has requested a continuance of the November 5, 2024, hearing (see Attachment 1, Appellant Request for Continuance) on the Appeal of the Montecito Planning Commission's approval of the Music Academy of the West Revised Conditional Use Permit. The Department does not support continuance of the item for the following reasons:

- Three facilitation meetings for the project were held in roughly the span of one year.
- The Applicant has not proposed any increase in the project scope. Applicants often reduce project scope while under appeal, and in this case, the Applicant removed their request to:
 - Increase the any-given-time attendance limits from 330 to 410
 - Eliminate seasonal attendance limits (22,000 summer and 25,000 non-summer)
 - Add 15 Significant Life Events to the annual allowance of 41 non-music events (meetings, seminars, non-profit events).
 - Increase non-music event attendance limit from 175 to 330)
 - Expand music instruction studio uses to include wellness programs such as yoga
- Contrary to the statements made by the Appellant's counsel, all noticing requirements have been met.

- The Board Agenda Letter (BAL) includes the current project scope proposed by the Applicant, and the BAL was posted online for public review on October 10, 2024 (26 days prior to the November 5th hearing).
- Planning and Development has a practice of giving each party (Applicant and Appellant) the ability to reject one hearing date. In this case, the Appellant rejected the offer of a hearing date of October 15, 2024. Planning and Development staff therefore proceeded to schedule the item for the November 5, 2024, Board of Supervisors hearing (see Attachment 2, Appellant email).
- County staff is fully prepared to present the project and appeal issues to the Board of Supervisors on the scheduled date of November 5, 2024.

There are no changes to staff's recommendation for denial of the appeal and approval of the project as reflected in the Board Letter for the project.

Attachments:

1. Email for October 15, 2024 hearing
2. Email from Appellant Counsel Sabrina Venskus

Conner, Steve

From: Conner, Steve
Sent: Wednesday, August 7, 2024 4:37 PM
To: john sanford
Cc: Sabrina Venskus; Jason Sanders; Dargel, Joseph
Subject: RE: Music Academy Appeal Hearing date

OK, thank you for your response Mr. Sanford. We will plan on setting the hearing for the next available date – which is November 5th.

Regards,



Steve Conner
Senior Planner
Development Review Division
County of Santa Barbara
123 E. Anapamu St.
Santa Barbara, CA 93101
805-568-2081
conners@countyofsb.org
<https://www.countyofsb.org/160/Planning-Development>

From: john sanford <jls3finance@gmail.com>
Sent: Tuesday, August 6, 2024 5:37 PM
To: Conner, Steve <conners@countyofsb.org>
Cc: Sabrina Venskus <venskus@lawsv.com>; Jason Sanders <jsanders@lawsv.com>; Dargel, Joseph <jdargel@countyofsb.org>
Subject: Re: Music Academy Appeal Hearing date

Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.

Steve,
I am scheduled to be out of town on Oct. 15.

On Tue, Aug 6, 2024 at 3:30 PM Conner, Steve <conners@countyofsb.org> wrote:

Mr. Sanford,

I hope your summer is going well. County staff is tentatively setting the Board of Supervisors Hearing date for the Music Academy Appeal for October 15th in Santa Barbara. Would you and your team be available to attend a hearing on that date?

Ms. Venskus or Mr. Sanders, would you be able to provide me with a digital copy of your letter to the Board of Supervisors, dated June 8, 2023? We did not receive a copy directly from you. We obtained the attached digital copy which referenced attachments, but it does not appear to include any attachments. Thanks.



Steve Conner

Senior Planner

Development Review Division

County of Santa Barbara

123 E. Anapamu St.

Santa Barbara, CA 93101

805-568-2081

conners@countyofsb.org

<https://www.countyofsb.org/160/Planning-Development>

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John Sanford



Venskus & Associates
A PROFESSIONAL CORPORATION

603 WEST OJAI AVE., SUITE F
OJAI, CALIFORNIA 93023
TEL: 805-272-8628

700 S. FLOWER STREET, SUITE 1000
LOS ANGELES, CALIFORNIA 90017
TEL: 213-482-4200

October 24, 2024

SENT VIA ELECTRONIC E-MAIL

Callie Patton Kim, Deputy County Counsel
Deputy County Counsel for Santa Barbara County
105 E Anapamu Street, Suite 201
Santa Barbara, CA 93101
Email: ckim@countyofsb.org

Santa Barbara County Board of Supervisors
105 E Anapamu Street
Board of Supervisors, 4th Floor
Santa Barbara, CA 93101
Email: SupervisorWilliams@countyofsb.org
Email: lcapps@countyofsb.org
Email: jhartmann@countyofsb.org
Email: Nelson@bos.countyofsb.org
Email: steve.lavagnino@countyofsb.org
Email: sbcob@countyofsb.org

Re: Request for Continuance of November 5, 2024 Board Meeting on Appeal of the Music Academy of the West Revised Conditional Use Permit (Case No. 23APL-00021)

Dear Deputy County Counsel Callie Patton Kim, and Supervisors Williams, Capps, Hartmann, Nelson and Lavagnino:

Appellant Butterfly Beach Association (“BBA” or “Appellant”) hereby requests under Board Resolution 91-333, Appendix A, Section XI (attached as Exhibit A) and constitutional due process that the Board set over its November 5, 2024 hearing on case number 23APL-00021 concerning BBA’s appeal of the Montecito Planning Commission’s (“MPC” or “Commission”) approval of Music Academy of the West’s (MAW) Revised CUP Application.

Good cause exists to set over the appeal to a later date. (Exh. A [Resolution 91-333, Appendix A, Section XI].) In the middle of an administrative appeal of the Commission’s decision to approve MAW’s CUP revision application, MAW changed its CUP Application/Project Description without the required notice to Appellant and the public. To proceed at the scheduled time of November 5, 2024 would cause undue hardship and create an injustice to Appellant because Appellant was in the process of completing an additional submittal with expert evidence based on the Application approved by the Commission and on appeal to the Board of Supervisors. Appellant requires more time to review the various amendments to the CUP, the Coastal Development Permit application, the various supporting documents amended by the County staff at this 11th hour, and evaluate what essentially appears to be a brand new project.

Specifically, it would cause undue hardship and an injustice to Appellant and the public to respond to an unnoticed new Application/Project Description and the 10 documents issued to the Board on or about October 11, 2024, which is less than 15 business days¹ prior to the deadline for submittal of comments and evidence to the Board (November 1, 2024). Moreover, Appellant’s experts had already been in the process of finalizing their analyses based on the proposed conditions and project description as they were stated in the Application approved by the Commission. Appellant requires more time to review the 10 newly issued documents and allow the experts to review the proposed changes to the Project prior to the Board’s hearing.

A. Background of Improper Procedure and Lack of Notice

Despite being a named appellant and despite having submitted to the County a written request for notification on the Project, Appellant received no notification by the County that a revised Application/Project Description was going to be proposed for the November 5, 2024 appeal hearing.

Appellant only inadvertently learned of the new proposed Project Description when Appellant’s counsel received an email from County Staff concerning Appellant’s outstanding California Public Records Act request for past documents contained in the County’s case file. (Exh. B [emails].)² This Staff email stated that an October 15, 2024 Board of Supervisors meeting was solely to set our client’s appeal for a November 5, 2024 hearing by the Board of Supervisors. The email also stated that County staff would be issuing case documents to the Board (hereinafter referred to as “Letter Materials”) which our office later discovered included an Agenda letter to the Board for the October 15, 2024 meeting. This Agenda Letter is dated October 15, 2024 and summarizes purported changes to the Project Description related to attendance limitations, one of the core source of contention in the present appeal. (Exh. B [emails].) October 16, 2024 was the first time Appellant learned that the Application/Project Description had changed.

¹ Appellant accessed the Agenda Letter on October 16, 2024, which is only 12 business days from the submission deadline of November 1, 2024 for public and appellant’s comment letters and evidence prior to the November 5th scheduled hearing date.

² In other words, but for Appellant’s counsel’s inadvertent discovery of the October 15, 2024 meeting and thereafter its review of the corresponding Letter materials on October 16, 2024, Appellant would have no notice of the change in the CUP Application/Project Description prior to its appeal hearing on November 5, 2024. (Exh. B [emails].)

The improper notice and procedure of which Appellant complains stems from an apparent misrepresentation by Applicant to County Staff pertaining to the outcome of the Facilitation Meetings held by County Counsel. Deputy County Counsel Callie Patton Kim attended the last facilitation meeting with Appellant and the Applicant, which was held on June 11, 2024. She issued a memorandum to the Board dated September 5, 2024 (Exhibit C) stating the facilitation meetings were not successful and that “This appeal is now scheduled to be heard by the Board on November 5, 2024.” Nevertheless, on October 17, 2024, our office learned that in July, 2024 (one month after the failed facilitation meeting), the Applicant telephoned County staff and gave County Staff the false impression that the Application/Project Description was changed in response to an agreement reached between Applicant and Appellant in facilitation meetings. (Exh B [emails].) It appears County staff, without requiring any documentation (such as an amended application), took the Applicant’s word over the phone that Applicant’s CUP and CDP Application had been changed by agreement with Appellant. (Exh. B [emails].) County Staff proceeded to incorporate changes to the Commission documents on behalf of Applicant and then compiled Letter Materials for the Board’s October 15, 2024 meeting, despite having County Counsel’s September 25, 2024 memorandum that *no such agreement was reached*. This improper procedure caused the County to fail to issue notice of the *verbal* application changes to Appellant, who has been preparing its appeal submittals based on the written Application that was appealed and based on the fact that no agreement was reached during the three Facilitation Meetings with the Applicant.

It is unclear precisely how the County’s Letter Materials supporting documents (such as the Addendum, staff report, etc.) were changed in response to the change in the Application/Project Description.³ From an initial review of the new Project Description there appears to be several discrepancies that are confusing as to what is actually being proposed by the Applicant. In addition, the October 15, 2024 letter to the Board does not divulge all changes to the Project Description and their import. Appellant thus needs time to review these documents carefully and bring discrepancies to the Commission and the Board.

Importantly, if the appeal hearing was already scheduled for the Board’s November 5, 2024 meeting (as evidenced by County Counsel’s September 25, 2024 memorandum), it is unclear why the matter was agendaized for an October 15, 2024 hearing without providing notice to Appellant or their counsel. It is also unclear why more than 10 supporting documents were submitted to the Board for the October 15, 2024 meeting when the purported agenda for the October 15, 2024 meeting was simply to set the matter on agenda for the November 5, 2024 meeting. Had Appellant been given proper notice of this October 15, 2024 meeting and the Letter Materials, Appellant would have had the opportunity to bring to the Board’s attention that in fact no agreement was reached between Appellant and Applicant as to a revised Application/Project Description and that the proposed changes must go through the Commission review and approval process.

B. The County’s Processing of the Appeal and Lack of Notice to Appellant Violates Due Process, the County’s Rules, and CEQA.

As an administrative appellant, BBA has a due process right to notice and a meaningful opportunity to be heard. (*Horn v. County of Ventura* (1979) 24 Cal.3d 605.) Changing the Project Description (on which many findings were made and environmental review was to be performed) less than 15 business days prior to when Appellant’s submittal is due to the Board and without notice to Appellant represents a due process violation and violates the purpose of Resolution 91-333 that the Board’s procedural rules ensure “fairness to the public and interested parties.” (Exh. A, Resolution 91-333, Section I.) The Board’s procedural rules are intended to provide uniformity to procedures before the Board and also to ensure compliance with legal requirements for land use decisions. (Exh. A, Resolution 91-333, Section I.) The Coastal Zone Ordinance, Santa Barbara County Ordinance, §35.496.080 requires that all notices regarding a project “shall” include a description of the project. Thus, Amendment to the CUP Application must follow procedures and submitted in writing with notice by the Applicant filing a revised application and project description, with notice to Appellant.

The lack of notice to Appellant and the public also runs afoul of the County’s responsibilities under CEQA. Appellant has asserted that subsequent environmental review in the form of a subsequent or supplemental EIR is required for this Project, and as such, the public is entitled to full disclosure of potential environmental impacts. An accurate project description is the *sine qua non* for CEQA compliance. (*Southwest Regional Council of Carpenters v. City of Los Angeles* (2022) 76 Cal. App. 5th 1154, 1173.) Because the question before the Board is whether circumstances have changed enough to justify repeating a substantial portion of the environmental review process, changing the proposed Project Description without proper notice violates CEQA’s requirement that a project description be finite, clear and stable and that the lead agency’s decision is supported by substantial evidence. (See, *American Canyon Community United for Responsible Growth v. City of American Canyon* (2006) 145 Cal. App. 4th 1062, 1073-1074 [noting that “the first step in determining whether supplemental environmental review is required under section 21166 is to identify the changes in the project that were not considered in the original environmental review document”]; *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 655 [denouncing an unstable project description]; Guidelines §15162; Pub. Res. Code §21166; Guidelines §15164(e) [explanation of the decision not to prepare a subsequent EIR must be supported by substantial evidence].)

C. Conclusion

Not only is the above-described process highly irregular and egregious, it is patently unfair to Appellant, violating its due process rights as an administrative appellant. Appellant respectfully requests that the Board take the November 5, 2024 meeting off the calendar and direct County Staff to require MAW to submit a new written CUP Revision Application evidencing the precise Project Description and proposed conditions MAW is requesting. In the alternative, Appellant respectfully requests that the Board set over the appeal hearing by at least 60 days to enable Appellant and its experts to have time to review, analyze, evaluate, and address the newly issued 10 Letter Materials and new Project Description.

Sincerely,

A handwritten signature in black ink, appearing to read 'Sabrina Venskus', with a stylized, cursive script.

Sabrina Venskus

Attorney for Appellant Butterfly Beach
Association

EXHIBIT A

COPY

BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA BARBARA

In the matter of:

PROCEDURAL RULES GOVERNING)
PLANNING, ZONING AND SUBDIVISION) RESOLUTION 91- 333
HEARINGS BEFORE THE BOARD OF)
SUPERVISORS AND PLANNING COMMISSION)

WHEREAS, it is desirable that rules be adopted for the conduct of hearings before the Board of Supervisors and Planning Commission on planning, zoning and subdivision matters to assure uniformity of procedure, public access to such hearings, and fairness to interested parties, in compliance with the applicable law.

NOW, THEREFORE BE IT RESOLVED that the following rules of procedure shall govern hearings before the Board of Supervisors and Planning Commission with respect to all designated planning, zoning, and subdivision matters. Such rules shall be provided at the office of the Clerk of the Board, shall be distributed to members of the public upon request, and shall be included with staff reports of the Resource Management Department which are distributed to applicants. Such rules shall be in the form set forth in Attachment A.

ATTACHMENT A

PROCEDURAL RULES GOVERNING HEARINGS BEFORE THE
SANTA BARBARA COUNTY BOARD OF SUPERVISORS AND
SANTA BARBARA COUNTY PLANNING COMMISSION

I. PURPOSE

It is the purpose and intent of these rules to insure uniformity of procedure, fairness to the public and interested parties, and compliance with legal requirements in all designated planning, zoning and subdivision matters heard by the Board of Supervisors and the Planning Commission.

II. APPLICATION

These rules shall apply to all planning, zoning and subdivision matters which are of a quasi-judicial nature and which are required to be heard before said Board or Commission upon prescribed public notice, upon which each side must be given an opportunity to be heard, upon which factual determinations must be made on evidence presented, and a decision made in accordance with prescribed legislative standards and subject to review by the courts. Such matters include, but are not limited to zoning variances, modifications, development plans, conditional use permits, special use permits, applications for subdivisions, including parcel maps, tentative tract maps, land use permits, and revocation of permits. These rules shall also apply to those quasi-legislative general plan and zoning reclassification proceedings which pertain to a limited area.

The rules shall not apply to matters for which noticed public hearings are not required, matters committed to the sound

discretion of the Board or Commission, including amendments to the text of the zoning ordinance, general plans or zoning classifications and other matters of policy which are purely legislative in nature.

III. RECORD

1. At least seven calendar days prior to any noticed public hearing, or at the deadline for submission of agenda items, whichever is sooner, the Resource Management Department (RMD) shall submit to the Secretary of the Commission, or the Clerk of the Board, as appropriate, the staff report and recommendation on the matter, accompanied with any exhibits or other documentation necessary for the decision-maker's review. RMD shall simultaneously provide copies of the staff report and recommendation to the applicant and any member of the public who has previously filed a written request.

2. On review by the Board of Supervisors of a Planning Commission decision or recommendation, staff shall also provide to the Clerk a copy of the Planning Commission's action and findings, together with any correspondence filed with the Secretary of the Commission by the applicant or interested parties.

3. The Secretary or the Clerk, as appropriate, shall insure that a record of all hearings be made and duly preserved, a copy of which shall be available at cost. An advance deposit of such costs shall be required by RMD of the person making the request.

4. Any and all written testimony, argument, evidence or

documentation more than one page in length shall be submitted to the Secretary or Clerk, as appropriate, within the time limits set forth in sections 4.1 and 4.2. Such submissions must include an original and seven copies for distribution to the decision-makers and the staff.

4.1 Submissions to the Board of Supervisors must be filed with the Clerk no later than 12:00 P.M. on the Friday before the Board hearing. The Board shall not consider or accept an untimely submission as part of the record, unless the Board by motion and 4/5 vote determines to accept the submission.

4.2 Submissions to the Planning Commission must be filed with the Secretary no later than 12:00 P.M. on the Monday before the Planning Commission hearing. The Commission shall not consider or accept an untimely submission as part of the record, unless the Commission by motion and 4/5 vote determines to accept the submission.

4.3 If a hearing is continued for any reason, the deadline for submission by the applicant or members of the public of additional materials shall be the Agenda deadline for the date of the continued hearing.

4.4. The Board or Commission may decline any request for continuance for submission of additional written evidence.

4.5 There shall be no incorporation by reference. Any person desiring the decision-maker to consider a written document must provide a copy of the entire document to the Clerk of the Board.

4.6 Slides, photographs, maps and other physical evidence shall be clearly labeled and identified, and shall become the property

of the County upon submission to the Clerk. In all feasible cases, such items shall be reproduced onto 8 1/2 x 11 sheets.

IV. ORDER OF EVIDENCE

1. Evidence at the hearing shall be presented in the following order unless the Chair for good cause, permits a departure therefrom:

1.1 Staff report, including prior Planning Commission action where appropriate.

1.2 Report of Commission or Board members as to site visitation, and ex parte receipt of any evidence from applicant or other interested party.

1.3 Testimony of applicant or appellant.

1.4 Testimony of members of the public.

1.5 Rebuttal testimony by applicant or appellant. No new matter not directly rebutting shall be admitted except that the Board, for good cause may allow a party to re-open, subject to rebuttal by the opposing side.

1.6 Questions by decision makers of staff.

1.7 Close of hearing by motion, after which no further evidence or argument may be received or questions asked, except that the Chair may authorize questions for the purpose of clarifying testimony, and no new issue may be injected thereby.

1.8 Discussion among members and decision.

1.9 Time limits on testimony may be established in the discretion of the Chair as necessary for the orderly and efficient conduct of the hearing.

V. RULES OF EVIDENCE

The following rules of evidence shall apply:

1. The hearing need not be conducted according to technical judicial rules of evidence.
2. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs. The decision-maker may, on motion decline to accept into the record any proffered evidence or argument which it finds to be redundant, unintelligible, or irrelevant to its decision.
3. Any questions from a party or member of the public to staff or an interested party shall be directed to the Chair, who may in turn ask the questions of the witnesses.

VI. VOTING

1. Any action taken by the Board of Supervisors must be by a majority of the Board of Supervisors. An abstention shall not be counted as an affirmative vote on the motion.
2. In the event the Board takes no action because a motion on the item failed to carry by the affirmative vote of a majority of the membership, the matter may be continued at the request of any party or any Board member.
3. Except as otherwise required by law, any action taken by the Planning Commission may be by a majority of a quorum.

VII. FINDINGS

1. Any final action taken by the decision-maker shall be accompanied by written findings. In the case of final action by the Board of Supervisors on a motion to affirm the Planning

Commission's action or recommendation, unless the Board directs any modifications thereto, the motion shall be deemed to include all proposed findings and execution of all actions recommended in the staff report.

VIII. RECONSIDERATION

1. Within five (5) calendar days of final action by the Board of Supervisors, any party may file a Petition for Reconsideration with the Clerk of the Board. The request shall be placed on the agenda for the Board's consideration at the earliest feasible time, subject to statutory notice requirements. The party requesting reconsideration shall submit a deposit to cover the costs of notice with its petition for reconsideration.

2. A request for reconsideration shall only be approved by a 4/5 vote, and only if the Board finds that the request is required to correct a procedural defect in its earlier action.

IX. SITE VISITATION

The following rules shall apply to the Commission or Board members visiting a site for which a matter is pending:

1. If the visit to the site is prior to the hearing, then at the appropriate time during the hearing, the member(s) making the visit shall publicly report such fact.

2. Upon a visit to the site by the Commission, Board, or individual members, they may be accompanied by a staff member for the purpose of pointing out material, physical characteristics only. No other evidence or argument shall be received.

X. DISCLOSURE

A member who has received evidence outside of a hearing or has

viewed the subject property, or is familiar with the subject property, shall fully disclose at the hearing such evidence and observations and familiarity with the property so that the applicant, opponent, interested persons and other members of the decision-making body may be aware of the facts or evidence upon which the member is relying and have an opportunity to controvert them. All written evidence received outside of the hearing shall be filed with the Clerk, distributed to the other members, and be included in the record.

XI. CONTINUANCES

The Commission or Board may grant a continuance for good cause upon request by an interested person showing that for reasons beyond that person's control, it would cause undue hardship or create an injustice to proceed at the scheduled time. Such requests for continuance should be made in advance of the hearing, and in writing, if feasible. The continuance, if granted will be ordered at the time scheduled for hearing and a new date fixed and publicly announced.

XII. REVISED AGENDA

On continued items, RMD shall, where necessary, prepare revised recommendations for inclusion on the Board Agenda in order to provide the public specific notice of items to be considered at the continued hearing.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California,

this 4th day of June 1991, by the following vote:

AYES: Gloria Megino Ochoa, Thomas A. Rogers, William B. Wallace, E. Dianne Owens, Mike Stoker

NOES: None

ABSTAIN: None

ABSENT: None

ATTEST:

E. Dianne Owens
Chair, Board of Supervisors

ZANDRA CHOLMONDELEY
CLERK OF THE BOARD

By Meredith M. Hall
Deputy


APPROVED AS TO FORM:

DAVID NAWI
COUNTY COUNSEL

By David Nawi
Deputy County Counsel

z\b-srule

EXHIBIT B

From: Conner, Steve conners@countyofsb.org 
Subject: RE: Withdraw of attendance modification request
Date: October 17, 2024 at 10:01 AM
To: Jason Sanders jsanders@lawsv.com
Cc: Villalobos, David dvillalo@countyofsb.org, Dargel, Joseph jdargel@countyofsb.org

SC

Jason,
Via telephone call.



Steve Conner
Senior Planner
Development Review Division
County of Santa Barbara
123 E. Anapamu St.
Santa Barbara, CA 93101
805-568-2081
conners@countyofsb.org
<https://www.countyofsb.org/160/Planning-Development>

From: Jason Sanders <jsanders@lawsv.com>
Sent: Thursday, October 17, 2024 9:58 AM
To: Conner, Steve <conners@countyofsb.org>
Cc: Villalobos, David <dvillalo@countyofsb.org>; Dargel, Joseph <jdargel@countyofsb.org>
Subject: Re: Withdraw of attendance modification request

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Steve,

So how was the County notified of the adjusted project description. Was it via telephone call? Or was via email?

Sincerely,

Jason R. Sanders | Attorney At Law
VENSKUS & ASSOCIATES, A.P.C.
LOS ANGELES | 700 South Flower Street, Suite 1000, Los Angeles, CA 90017
OJAI | 603 West Ojai Ave., Suite F, Ojai, CA 93023
Phone: (213) 482-4200 Email: jsanders@lawsv.com
Visit us online at: www.lawsv.com and housingrightslaw.com

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On Oct 17, 2024, at 9:54 AM, Conner, Steve <conners@countyofsb.org> wrote:

Hi Jason,
Yes, the Academy adjusted their project description in July to remove their requests for increases in attendance (any-given-time, seminar/meeting) and removal of seasonal caps. We were under the impression that this update to the project description was based on the multiple facilitation meetings that the applicant and appellant participated in. There was no letter or formal memo for the update. Either way, you'll have the opportunity to voice your

letter or formal memo for the update. Either way, you will have the opportunity to voice your feedback at the scheduled hearing at the Board.

Regards,

<image001.jpg>

Steve Conner

Senior Planner

Development Review Division

County of Santa Barbara

123 E. Anapamu St.

Santa Barbara, CA 93101

805-568-2081

conners@countyofsb.org

<https://www.countyofsb.org/160/Planning-Development>

From: Jason Sanders <jsanders@lawsv.com>

Sent: Wednesday, October 16, 2024 3:17 PM

To: Villalobos, David <dvillalo@countyofsb.org>

Cc: Conner, Steve <conners@countyofsb.org>

Subject: Re: Withdraw of attendance modification request

Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.

Thank you, David. Steve, I need an answer to my inquiry and any record reflecting the withdraw providing to me asap.

Sincerely,

Jason R. Sanders | Attorney At Law

VENSKUS & ASSOCIATES, A.P.C.

LOS ANGELES | 700 South Flower Street, Suite 1000, Los Angeles, CA 90017

OJAI | 603 West Ojai Ave., Suite F, Ojai, CA 93023

Phone: (213) 482-4200 Email: jsanders@lawsv.com

Visit us online at: www.lawsv.com and housingrightslaw.com

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On Oct 16, 2024, at 3:14 PM, Villalobos, David <dvillalo@countyofsb.org> wrote:

Hi Jason,

I stepped out of my office during that portion of the hearing stream, but I did check in with Clerk of the Board staff. They have confirmed that the BOS did set the departmental hearing for 11/5.

David

From: Jason Sanders <jsanders@lawsv.com>

Sent: Wednesday, October 16, 2024 3:00 PM

Sent: Wednesday, October 16, 2024 3:09 PM
To: Villalobos, David <dvillalo@countyofsb.org>
Cc: Conner, Steve <conners@countyofsb.org>
Subject: Re: Withdraw of attendance modification request

Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.

Thank you David. Can you advise if the appeal was set for hearing on November 5th? I looked through the video index for the hearing and did not see our agenda item (44) listed there...

Steve, I need a response to my inquiry regarding the withdrawal of the attendance cap increases/modifications asap, preferably by the end of the day today.

Sincerely,

Jason R. Sanders | Attorney At Law
VENSKUS & ASSOCIATES, A.P.C.
LOS ANGELES | 700 South Flower Street, Suite 1000, Los Angeles, CA 90017
OJAI | 603 West Ojai Ave., Suite F, Ojai, CA 93023
Phone: (213) 482-4200 Email: jsanders@lawsv.com
Visit us online at: www.lawsv.com and housingrightslaw.com

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On Oct 16, 2024, at 1:08 PM, Villalobos, David <dvillalo@countyofsb.org> wrote:

Good Afternoon Jason,

I'm not involved in the particulars of the project, and do not know the answer to your questions. I've copied the project planner Steve Conner so he can provide a response to you.

David

From: Jason Sanders <jsanders@lawsv.com>
Sent: Wednesday, October 16, 2024 12:41 PM
To: Villalobos, David <dvillalo@countyofsb.org>
Subject: Withdraw of attendance modification request

Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.

David,

I am reviewing the board letter for the October 15th meeting and on page 3 it mentions that

"the previous requests related to attendance caps have been withdrawn:

1. An increase any-given-time attendance from 330 to 410;
2. An increase the maximum participants at seminars/meetings from 175 to 350; and
3. Elimination of a summer attendance cap of 22,000 and non-summer cap of 25,000"

When were these withdrawn and why were we not notified of this?

Jason R. Sanders | Attorney At Law
VENSKUS & ASSOCIATES, A.P.C.
LOS ANGELES | 700 South Flower Street, Suite 1000, Los Angeles, CA 90017
OJAI | 603 West Ojai Ave., Suite F, Ojai, CA 93023
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On Sep 19, 2024, at 8:40 AM, Villalobos, David
<dvillalo@countyofsb.org> wrote:

Hi Jason,

I'm happy to take a look, but I'm pretty booked for the rest of the week, and I won't honor deadlines that I haven't agreed to.

David

From: Jason Sanders <jsanders@lawsv.com>
Sent: Thursday, September 19, 2024 8:35 AM
To: Villalobos, David <dvillalo@countyofsb.org>
Subject: Re: Negative Declaration

Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.

From: Villalobos, David dvillalo@countyofsb.org
Subject: RE: Withdraw of attendance modification request
Date: October 16, 2024 at 1:08 PM
To: Jason Sanders jsanders@lawsv.com
Cc: Conner, Steve conners@countyofsb.org



Good Afternoon Jason,

I'm not involved in the particulars of the project, and do not know the answer to your questions. I've copied the project planner Steve Conner so he can provide a response to you.

David

From: Jason Sanders <jsanders@lawsv.com>
Sent: Wednesday, October 16, 2024 12:41 PM
To: Villalobos, David <dvillalo@countyofsb.org>
Subject: Withdraw of attendance modification request

Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.

David,

I am reviewing the board letter for the October 15th meeting and on page 3 it mentions that

"the previous requests related to attendance caps have been withdrawn:

1. An increase any-given-time attendance from 330 to 410;
2. An increase the maximum participants at seminars/meetings from 175 to 350; and
3. Elimination of a summer attendance cap of 22,000 and non-summer cap of 25,000"

When were these withdrawn and why were we not notified of this?

Jason R. Sanders | Attorney At Law
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From: Villalobos, David dvillalo@countyofsb.org
Subject: RE: Negative Declaration
Date: October 3, 2024 at 4:39 PM
To: Jason Sanders jsanders@lawsv.com

DV

Hi Jason,

It's all substantive. It's the board letter (analysis), as well as the attachments. Here's a list of those attachments:

1. Findings
2. CUP with Conditions
3. Coastal Development Permit with Conditions
4. CEQA 15164 Letter
5. Appeal Application and Cover Sheet, dated April 14, 2023
6. Montecito Planning Commission Action Letter, dated April 7, 2023
7. Montecito Planning Commission Staff Report, dated March 7, 2023
8. Facilitation Memo, dated December 22, 2023
9. Project Description

From: Jason Sanders <jsanders@lawsv.com>
Sent: Thursday, October 3, 2024 4:24 PM
To: Villalobos, David <dvillalo@countyofsb.org>
Subject: Re: Negative Declaration

Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.

Hi David,

Question, does the hearing letter material just contain procedural items or are there substantive items in there? I think we will just access the hearing letter material when it gets posted within the required time frame before the October hearing.

Thank you,

Jason R. Sanders | Attorney At Law
VENSKUS & ASSOCIATES, A.P.C.
LOS ANGELES | 700 South Flower Street, Suite 1000, Los Angeles, CA 90017
OJAI | 603 West Ojai Ave., Suite F, Ojai, CA 93023
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On Oct 3, 2024, at 4:12 PM, Villalobos, David <dvillalo@countyofsb.org> wrote:

Ok, that's fine. Just let me know. Just got out of MBAR.

David

From: Jason Sanders <jsanders@lawsv.com>
Sent: Thursday, October 3, 2024 12:03 PM
To: Villalobos, David <dvillalo@countyofsb.org>
Subject: Re: Negative Declaration

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Hi David,

Let me talk to my team about this. We may just wait until the packets are distributed to board, but I will have a definitive answer for you later today.

Jason R. Sanders | Attorney At Law
VENSKUS & ASSOCIATES, A.P.C.
LOS ANGELES | 700 South Flower Street, Suite 1000, Los Angeles, CA 90017
OJAI | 603 West Ojai Ave., Suite F, Ojai, CA 93023
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On Oct 3, 2024, at 11:57 AM, Villalobos, David <dvillalo@countyofsb.org> wrote:

Hi Jason,

Other than yourself, do you have any other team members that you'd like me to copy on the email? Also, I think it's probably fair to give

this to the applicant team at the same time. I'll have to look up their contact information as well. I left a voicemail for the Chief Deputy Clerk of the Board on this matter in case she wants to give her board members the heads up on it. I'm going into a Montecito BAR meeting in a few minutes. Let me circle back later this afternoon once I have all the contact info together.

David

From: Jason Sanders <jsanders@lawsv.com>
Sent: Thursday, October 3, 2024 11:02 AM
To: Villalobos, David <dvillalo@countyofsb.org>
Subject: Re: Negative Declaration

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Yes, I am requesting that.

Thank you,

Jason R. Sanders | Attorney At Law
VENSKUS & ASSOCIATES, A.P.C.
LOS ANGELES | 700 South Flower Street, Suite 1000, Los Angeles, CA 90017
OJAI | 603 West Ojai Ave., Suite F, Ojai, CA 93023
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On Oct 3, 2024, at 10:53 AM, Villalobos, David <dvillalo@countyofsb.org> wrote:

Hi Jason,

Technically speaking, Clerk of the Board staff do not like us to distribute material before they give it to their Board members (packets get sent out next Thursday I believe). However, part of the code that governs their work does have a carve out that states that material for certain planning items should be provided upon request (you'd have to ask them for the code reference). So, just to be formal, are you requesting that of me?

David

From: Jason Sanders <jsanders@lawsv.com>
Sent: Thursday, October 3, 2024 10:38 AM
To: Villalobos, David <dvillalo@countyofsb.org>
Subject: Re: Negative Declaration

Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.

Hi David, Okay, is the set hearing letter material available for our review? Has MAW submitted any updated materials, reports?

Jason R. Sanders | Attorney At Law
VENSKUS & ASSOCIATES, A.P.C.
LOS ANGELES | 700 South Flower Street, Suite 1000, Los Angeles, CA 90017
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On Oct 3, 2024, at 10:00 AM, Villalobos, David <dvillalo@countyofsb.org> wrote:

Ok, great. I'll hold onto the files for the moment just in case. We docketed the set hearing letter material to the Clerk of the Board this morning for their October 15 hearing (to set for a November hearing).

David

From: Jason Sanders <jsanders@lawsv.com>
Sent: Thursday, October 3, 2024 9:32 AM
To: Villalobos, David <dvillalo@countyofsb.org>
Subject: Re: Negative Declaration

Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.

Hi David. I have reviewed the files. I think we are good. Thank you.

Jason R. Sanders | Attorney At Law
VENSKUS & ASSOCIATES, A.P.C.
LOS ANGELES | 700 South Flower Street, Suite 1000, Los Angeles, CA 90017
OJAI | 603 West Ojai Ave., Suite F, Ojai, CA 93023
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On Sep 30, 2024, at 4:48 PM, Villalobos, David <dvillalo@countyofsb.org> wrote:

Ok, I'll hold onto the boxes of material until I hear back from you.

David

From: Jason Sanders <jsanders@lawsv.com>
Sent: Monday, September 30, 2024 4:12 PM
To: Villalobos, David <dvillalo@countyofsb.org>
Subject: Re: Negative Declaration

Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.

Thank you David. I appreciate your efforts. Let me look this over and I will provide you with a reference doc for the June 16, 2004 MPC Final CEQA Revision Letter.

Sincerely,

Jason R. Sanders | Attorney At Law
VENSKUS & ASSOCIATES, A.P.C.
LOS ANGELES | 700 South Flower Street, Suite 1000, Los Angeles, CA 90017
OJAI | 603 West Ojai Ave., Suite F, Ojai, CA 93023
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On Sep 30, 2024, at 4:07 PM, Villalobos, David <dvillalo@countyofsb.org> wrote:

Good Afternoon Jason.

Happy Monday to you. I scanned the material I could find related to the 03/04 hearings. On your list, it does look like some of the items are referring to the same document (Items #1 and #2) for example. It was a little tricky matching the documents I found with those on your list, as you are reference the date of the document instead of the hearing date for example. Take a look and see what I've come up with and let me know if I missed anything. I was not 100% sure what you were referring to in Item #3 (June 16, 2004 MPC final ceqa revision letter). If you could provide me with the reference (or bad scan) of that document, that would be helpful. I've uploaded the files I've scanned into a BOX folder, which you can access here:

<https://cosantabarbara.box.com/s/027xfz7cl28irizsobuwvghk7zfu5c0g>

-David

From: Jason Sanders <jsanders@lawsv.com>
Sent: Monday, September 30, 2024 1:56 PM
To: Villalobos, David <dvillalo@countyofsb.org>
Subject: Re: Negative Declaration

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Good afternoon, David,

Please provide us with an update. It has been almost a week and half.

Sincerely,

Jason R. Sanders | Attorney At Law
VENSKUS & ASSOCIATES, A.P.C.
LOS ANGELES | 700 South Flower Street, Suite 1000, Los Angeles, CA 90017
OJAI | 603 West Ojai Ave., Suite F, Ojai, CA 93023
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On Sep 19, 2024, at 3:37 PM, Villalobos, David <dvillalo@countyofsb.org> wrote:

Hi Jason,

Unfortunately, we do not have dedicated staff who work on these requests. I made a request of our records management staff person to pull the files back out of storage, and I am awaiting for those files to arrive. I'll let you know how we progress.

David

From: Jason Sanders <jsanders@lawsv.com>
Sent: Thursday, September 19, 2024 8:59 AM
To: Villalobos, David <dvillalo@countyofsb.org>
Subject: Re: Negative Declaration

Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.

David,

I can appreciate that we can all be busy at times, but doesn't the County have staff that work on this? Can the staff member(s) that scanned the initial production simply go back and rescan these items and in sure that all pages (both even and odd) are attached? Given the specificity of the issue, 7 business days seems a reasonable request. We need these documents provided to us asap.

Sincerely,

Jason R. Sanders | Attorney At Law
VENSKUS & ASSOCIATES, A.P.C.
LOS ANGELES | 700 South Flower Street, Suite 1000, Los Angeles, CA 90017
OJAI | 603 West Ojai Ave., Suite F, Ojai, CA 93023
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On Sep 19, 2024, at 8:40 AM, Villalobos, David <dvillalo@countyofsb.org> wrote:

Hi Jason,

I'm happy to take a look, but I'm pretty backed for the rest of

I'm happy to take a look, but I'm pretty booked for the rest of the week, and I won't honor deadlines that I haven't agreed to.

David

From: Jason Sanders <jsanders@lawsv.com>
Sent: Thursday, September 19, 2024 8:35 AM
To: Villalobos, David <dvillalo@countyofsb.org>
Subject: Re: Negative Declaration

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Attachments available until Oct 19, 2024
this.

Hi David, circling
back around on

Just another heads up and as I have pointed out before the CPRA production was done in such a manner that some files contain only even number pages, while others contain only odd number pages. There are other files that are missing pages all together. Other files contain pages that were scanned upside down. This will lead to confusion as we upload documents for review.

In lieu of asking the county to rescan the entire hard file related to the MAW, we are requesting that the County simply rescan the MPC approvals and the Board approvals relating to the 2004 Permit?

Specifically, I am looking for complete copies (with attachments) of

1. June 7, 2004 County Planning Report (with any attachments)
2. June 7, 2004 CEQA Revision Report/Letter (with any attachments)
3. June 16, 2004 MPC Final CEQA Revision Report/Letter (with any attachments)
4. June 25, 2004 MPC Report (with any attachments)
5. October 14 or 11, 2004 BoS Letter (with any attachments)
6. October 26, 2004 BoS Approval (with any attachments)
7. December 17, 2004 County Planning Report (with any attachments)

See below for a few examples of how the documents produced are defective. Please make a renewed production no later than September 27th. I am available to discuss any issues by phone as well. (818) 732-6817.

Sincerely,

Jason R. Sanders | Attorney At Law
VENSUS & ASSOCIATES, A.P.C.
LOS ANGELES | 700 South Flower Street, Suite 1000, Los Angeles, CA 90017
OJAI | 603 West Ojai Ave., Suite F, Ojai, CA 93023
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[Click to Download](#)

December 17, 2004 BoS Report.pdf
7.1 MB

[Click to Download](#)

Incomplete June 25, 2004 MPC Report and Incomplete Attachments.pdf
8.3 MB

[Click to Download](#)

June 7 2004 MPC Staff Report.pdf
15.9 MB

[Click to Download](#)

June 7, 2004 CEQA Revision letter.pdf
5.5 MB

[Click to Download](#)

Complete June 25, 2004 Report but without attachments.PDF
7.7 MB

On Apr 17, 2024, at 2:25 PM, Villalobos, David
<dvillalo@countyofsb.org> wrote:

Mr. Sanders,

I found a copy of the Board letter online, but it didn't have the attachments posted (including the EIR revision letter you had requested). The CEOs office (Clerk of the Board) believe they located it, but (like us) are processing a lot of PRA requests. I'm confident that you'll hear back on that one officially soon.

David

From: Jason Sanders <jsanders@lawsv.com>
Sent: Wednesday, April 17, 2024 2:19 PM
To: Villalobos, David <dvillalo@countyofsb.org>
Subject: Re: Negative Declaration

Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.

Thank you, for the quick response David! Any luck on the October 11, 2004 Board Letter?

Sincerely,

Jason R. Sanders | Attorney At Law
VENSUS & ASSOCIATES, A.P.C.
LOS ANGELES | 700 South Flower Street, Suite 1000, Los Angeles, CA 90017
OJAI | 603 West Ojai Ave., Suite F, Ojai, CA 93023
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On Apr 17, 2024, at 2:11 PM,
Villalobos, David
<dvillalo@countyofsb.org> wrote:

Good Afternoon Mr. Sanders,

Apologies, there should have been a copy of that retained with the R.C.P.

copy of that started with the 00 of 111CZ case file, which I know you did come and reviewed along with other hard copy documents. Thankfully we do have a library of old NDs, and I was able to locate a copy there. See attached.

<image001.jpg>

David Villalobos, MPA
Hearing Support Supervisor
Planning & Development
County of Santa Barbara
123 E. Anapamu St.
Santa Barbara, CA 93101
805-568-2058
<https://www.countyofsb.org/plndev/home.sbc>

From: Jason Sanders
<jsanders@lawsv.com>
Sent: Wednesday, April 17, 2024
12:21 PM
To: Villalobos, David
<dvillalo@countyofsb.org>
Subject: Negative Declaration

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Hi David,

Is the MND 91-ND-54 for the Music Academy available online or in the permit database? I am not seeing it anywhere and it is not in the CPRA document production that we received. It is also not on ceqanet. Most likely too old. Thanks in advance.

Sincerely,

Jason R. Sanders | Attorney At Law
VENSKUS & ASSOCIATES, A.P.C.
LOS ANGELES1700
South Flower Street, Suite 1000, Los Angeles, CA 90017
OJAI | 603 West Ojai Ave., Suite F, Ojai, CA 93023
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<91-ND-54.pdf>

EXHIBIT C



COUNTY COUNSEL MEMORANDUM

RACHEL VAN MULLEM
COUNTY COUNSEL
805-568-2950

DATE: September 5, 2024

TO: Each Member of the Board of Supervisors
Mona Miyasato, County Executive Officer

FROM: Callie Patton Kim, Deputy County Counsel

RE: Facilitation Report—Appeal of the Music Academy of the West Revised Conditional Use Permit

In accordance with Resolution Number 95-462, the Office of County Counsel offered facilitation of the appeal filed by John Sanford of the Music Academy of the West Revised Conditional Use Permit. The parties participated in the County's facilitation on July 18, 2023 and April 25, 2024, but they were unable to reach an agreement.

This appeal is now scheduled to be heard by the Board on November 5, 2024.

Please contact me or Chief Assistant Amber Holderness with any questions.

Copy: Planning & Development