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COUNTY OF SANTA BARBARA
PLANNING
BOARD OF SUPERVISORS

Appeal to the Board of Supervisors or Planning Commission (County or Montecito)

APPEAL TO THE BOARD OF SUPERVISORS OR PLANNING COMMISSION (APL) on the issuance, revocation, or modification of:

- All Discretionary projects heard by one of the Planning Commissions
- Board of Architectural Review decisions
- Coastal Development Permit decisions
- Land Use Permit decisions
- Planning & Development Director's decisions
- Zoning Administrator's decisions

THIS PACKAGE CONTAINS

✓ APPLICATION FORM

✓ SUBMITTAL REQUIREMENTS

AND, IF ✓'D, ALSO CONTAINS

South County Office 123 E. Anapamu Street Santa Barbara, CA 93101 Phone: (805) 568-2000 Fax: (805) 568-2030	North County Office 624 W. Foster Road, Suite C Santa Maria, CA 93455 Phone: (805) 934-6250 Fax: (805) 934-6258	Clerk of the Board 105 E. Anapamu Street Santa Barbara, CA 93101 Phone: (805) 568-2240 Fax: (805) 568-2249
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SUBMITTAL REQUIREMENTS

- ✓ 8 Copies of the attached application.
- ✓ 8 Copies of a written explanation of the appeal including:
 - If you are not the applicant, an explanation of how you are an “**aggrieved party**” (“Any person who in person, or through a representative, appeared 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.”);
 - A clear, complete and concise statement of the **reasons or grounds for appeal**:
 - Why the decision or determination is consistent with the provisions and purposes of the County’s Zoning Ordinances or other applicable law; or
 - 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.
- ✓ 1 Check payable to County of Santa Barbara.

Note: There are additional requirements for certain appeals including:

- a. **Appeals regarding a previously approved discretionary permit** – If the approval of a Land use permit required by a previously approved discretionary permit is appealed, the applicant shall identify: 1) How the Land Use Permit is inconsistent with the previously approved discretionary permit; 2) 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; 3) How the approval is inconsistent with Section 35.106 (Noticing).
- b. **Appeals regarding Residential Second Units (RSUs)** – The grounds for an appeal of the approval of a Land Use Permit for a RSU in compliance with Section 35.42.230 (Residential Second Units) shall be limited to whether the approved project is in compliance with development standards for RSUs provided in Section 35.42.230.F (Development Standards).



PLANNING & DEVELOPMENT
APPEAL FORM

SITE ADDRESS: 2632 Montrose Place, Santa Barbara, CA 93105

ASSESSOR PARCEL NUMBER: 023-112-030

Are there previous permits/applications? [X]no []yes numbers: (include permit# & lot # if tract)

Is this appeal (potentially) related to cannabis activities? [X]no []yes

Are there previous environmental (CEQA) documents? [X]no []yes numbers:

1. Appellant: Ian Noyes, Mindy Noyes and Sena Woodall Phone: 434.284.0029 FAX:

Mailing Address: 2634 Montrose Place, Santa Barbara, CA 93105 E-mail: belovedlily@gmail.com
Street City State Zip

2. Owner: Nancy Law and Robert Aker Phone: FAX:

Mailing Address: 214 E. Victoria, Santa Barbara, CA 93101 E-mail: NancyLaw@gmail.com
Street City State Zip

3. Agent: Phone: FAX:

Mailing Address: E-mail:
Street City State Zip

4. Attorney: Maribel Aguilera Phone: 805-714-2750 FAX:

Mailing Address: 211 E. Fesler Santa Maria, CA 93454 E-mail: maribel@mhernandezlaw.com
Street City State Zip

COUNTY USE ONLY

Case Number: Companion Case Number:
Supervisory District: Submittal Date:
Applicable Zoning Ordinance: Receipt Number:
Project Planner: Accepted for Processing
Zoning Designation: Comp. Plan Designation

COUNTY OF SANTA BARBARA APPEAL TO THE:

BOARD OF SUPERVISORS

PLANNING COMMISSION: COUNTY MONTECITO

RE: Project Title Law Single-Family Dwelling with detached studio and 2 car garage

Case No. 21LUP-00000-00401

Date of Action 03/06/2024

I hereby appeal the approval approval w/conditions denial of the:

Board of Architectural Review – Which Board? _____

Coastal Development Permit decision

Land Use Permit decision

Planning Commission decision – Which Commission? Santa Barbara County Planning Commission

Planning & Development Director decision

Zoning Administrator decision

Is the appellant the applicant or an aggrieved party?

Applicant

Aggrieved party – if you are not the applicant, provide an explanation of how you are and “aggrieved party” as defined on page two of this appeal form:

We are the aggrieved parties because we appeared in person at the public hearing to oppose the approval of the project to construct a new 2,296 sq ft single family home, 882 sq ft detached structure consisting of 441 sq. ft 2 car garage on the top floor and a 441 sq ft detached studio on the lower level because the applicant has informed us she will tear down our permitted retaining wall, permitted fire deck and remove our personal property without recording the new survey that has been prepared already for the applicant.

Reason of grounds for the appeal – Write the reason for the appeal below or submit 8 copies of your appeal letter that addresses the appeal requirements listed on page two of this appeal form:

- A clear, complete and concise statement of the reasons why the decision or determination is inconsistent with the provisions and purposes of the County's Zoning Ordinances or other applicable law; and
- Grounds shall be specifically stated if it is claimed that there was error or abuse of discretion, or lack of a fair and impartial hearing, or that the decision is not supported by the evidence presented for consideration, or that there is significant new evidence relevant to the decision which could not have been presented at the time the decision was made.

See Attachment- Reason of grounds for the appeal.

Specific conditions imposed which I wish to appeal are (if applicable):

- a.

- b.

- c.

- d.

Please include any other information you feel is relevant to this application.

CERTIFICATION OF ACCURACY AND COMPLETENESS Signatures must be completed for each line. If one or more of the parties are the same, please re-sign the applicable line.

Applicant's signature authorizes County staff to enter the property described above for the purposes of inspection.

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.

Print name and sign – Firm Date

Print name and sign – Preparer of this form Date

Iron Noyes Mindy Noyes Mindy A. Noyes SENA WOODRILL 3/15/24
Print name and sign – Applicant Date

Print name and sign – Agent Date

Iron Noyes Mindy Noyes Mindy A. Noyes SENA WOODRILL 3/15/24
Print name and sign – Landowner Date

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ATTACHMENT A- REASON OF GROUNDS FOR THE APPEAL

Case No. 21LUP-00000-00401

1. There was an error in the decision made by the Planning Commission because they relied on misinformation regarding the survey.

A survey for the Law property (Applicant, Nancy Law) was conducted in 1929, 95 years ago. The surveyor at the time set iron pipes to mark the 4 corners of the Law Property. The survey paper map shows the bearings and distances of the property lines. The relationship between the paper map and the ground is the survey markers which are set in the ground. It is common to lose corner markers over time. Unfortunately, the 4 corner iron pipes that the 1929 survey relies on are no longer in the ground today and therefore the 1929 survey cannot be relied on. It is inoperative because it has no practical value to physically mark the boundary lines. I have attached the actual 1929 survey, recorded in the Record of Survey Book 20 Page 42 (See **Exhibit A**).

Through two different licensed surveyors we hired, one being Marshall Fargen, we learned that the old 1929 survey map is inoperative because when they went to mark the boundary lines using the 1929 survey, the iron pipe markers were gone. You cannot mark the boundary lines just using the actual 1929 survey. Due to the inutility of the 1929 survey, two years ago, the applicant hired surveyor Steve Davis, to retrace and recreate the survey, essentially creating a new survey. The new survey was not submitted with the plans and has not been provided to the County Surveyor for review or recording.

Therefore, an error was made when the Land Use Permit was approved by the Director based on plans that rely on a document labeled "Survey and Site Photo Key" and **not on an actual operational survey**. See **Page 7 of the Staff Report** where the planner states the "**Plans submitted for the proposed project include a site survey** (Sheet A1.1 of Attachment I) delineating the parcel boundaries (See **Exhibit B**).

The architect, Jeff Shelton did not submit the actual 1929 survey with the plans. You will note that Jeff Shelton submitted the plans with a document labeled "Survey and Site Photo Key" in sheet A1.1 that was created by Davis Land Surveying. In the Survey notes in small print, it says "Boundary shown per Record of Survey Book 20 Page 42". However, we know that the 1929 Survey in Book 20 Page 42 cannot be used to physically mark the boundary lines because the original iron pipes are missing. Therefore, the assembled document included in the plans is misleading. It is likely Davis Land Survey used other monuments, markers or documents located outside of the Law Property, but they never noted the supporting data in the plan submittal or note it in the "Survey and Site Photo Key". Therefore, the staff comment in Page 7 of staff report that says, "The site plan for the project (Sheet A1.0 of Attachment I), prepared by a licensed architect, shows all proposed development within the parcel boundaries..." is wrong. We cannot determine boundary lines with the information Jeff Shelton submitted.

The Applicant and hired professionals should have submitted the new survey by Davis to the County Surveyor. Marshall Fargen, a California licensed surveyor, informs that when markers are missing the surveyors look for evidence of other monuments past the parcels. This evidence along with the maps of record, are used to recreate the lots to match as close as possible the intent of the original surveyor, and **then place new monuments in the ground to define the property lines**. (See **Exhibit C**). New monuments have not been placed in the ground on the Law property, even after two years.

ATTACHMENT A- REASON OF GROUNDS FOR THE APPEAL

Case No. 21LUP-00000-00401

Davis Land Survey provided Marshall Fargen with the new survey data. Marshall reviewed the data and contacted Santa Barbara County Surveyor's office to inquire if the new survey had been submitted to Santa Barbara County Surveyor for the technical review process that is required per the Professional Land Surveyor Act § 8762. The new survey has not been submitted to Santa Barbara County surveyor's office as of March 12, 2024 (See **Exhibit D**) for review and recording. There is serious ambiguity as to where the boundary line is located. We would like the County Surveyor to be provided with the survey information and to be allowed to do its job and review the new survey.

Mr. Fargen provided a letter where he personally explains the county process to get a new survey processed, approved, and recorded by Santa Barbara County (See **Exhibit E**). The county Surveyor provides a guide to the processing of a Record of Survey that was adopted by the Record of Survey Process Improvement Committee in 2010 (See **Exhibit F**). The county process requires the record of survey be filed within **90 days after the setting of the boundary monuments or the completion of a field survey pursuant to Professional Land Surveyors Act § 8762.**

The Director made an error when he approved the LUP on a Survey and Site photo Key that relies on the inoperative 1929 survey that cannot be used to physically mark boundary lines because the iron pipe corner markets are missing on the Law property. As a condition of approval, it should be required that a new survey is provided to the county Surveyor for review, processing and recording prior to allowing any construction on the Law property because there is a valid dispute regarding 10ft in between the properties.

2. There was an error in the decision made by the Planning Commission because the planning staff failed to address the issues raised by the Noyes in the amended appeal regarding the existing permits for the retaining wall and fire deck or Mr. Afifi's January 2024 and March 4, 2024 communications regarding the issues with the misrepresentation with the survey.

We filed a timely appeal of the Director's approval of the LUP. Our initial documents raised issues related to drainage, site constraints, and neighborhood compatibility. We then supplemented our appeal with concerns regarding the 1929 survey, new survey, fire safety and the permits that were granted by SB County to build the retaining wall and fire deck. The Staff's response to the appeal issues were only to the drainage, site constraints, view and privacy. If you review the Staff report you will see that they never addressed the issues raised before the hearing that dealt with the 1929 inoperable survey, unrecorded new survey, fire safety, and permits granted by the county. There is nothing in the staff report that addresses those issues. The issues were completely ignored by county staff.

In January 2024, the neighbor, Walid Afifi's raised the issue with the 1929 survey and the fact that the plans submitted relied on it. The planner stated the site survey was used to delineate the parcel boundaries. This is erroneous for the reasons previously explained in No.1. The 1929 survey alone cannot be used to find and physically delineate the parcel boundaries because the markers do not exist in the ground on the Law property.

On March 4, 2024, before the planning commission hearing, Mr. Afifi once again raised the issue via email regarding the 1929 survey and the fact that at the first SBAR meeting Steve

ATTACHMENT A- REASON OF GROUNDS FOR THE APPEAL

Case No. 21LUP-00000-00401

Davis who was hired by the Laws had promised to submit the new survey for evaluation by county experts. That was 2 years ago (See **Exhibit G**).

The staff failed to take the time to understand and address the issue with the assembled “Survey and Site Photo Key” submitted by the Applicant. Staff did not acknowledge or take Mr. Afifi’s concerns seriously and proceeded to recommend approval of the LUP to the planning commission even after being told the 1929 survey was inoperative. The surveyors know the 1929 survey cannot be used to physically delineate the parcel boundaries and that is why Davis retraced and recreated a new survey. The “Survey and Site Photo Key” is a assembled document that the architect used to mislead the staff to get the LUP approval.

We obtained a copy of permits through the Santa Barbara County Portal that were granted for our property located at 2634 Montrose Place. The Building Permit issued on 11/10/2003 by Santa Barbara County was for the 202sq ft Deck (See **Exhibit H**). Permit No. 246961 issued 6/10/1993 is for the 534 sq ft of retaining wall (See **Exhibit I**). We provided a copy of both permits to the planner Tatiana Cruz prior to the hearing. At the hearing, Ms. Cruz stated that they were unable to find permits on our parcel because she was unable to determine what the permits were for. It is unfortunate that the planner failed to acknowledge and discuss the existing permits of record to inform the planning commission of the structures that exist today, simply because she could not tell what the permits were for (See timestamp 4:47:32 at the March 6, 2024, Planning Commission Hearing).

The permits are clear on their face. Santa Barbara County granted permits to build the retaining wall and the deck structure that have existed since 1993 and 2003. Ms. Cruz ignored the permits on file with Santa Barbara County for our property and misled the commission when she said they were unable to find any permits simply because they did not take the time to review the county files for the permits and confirm the utility of the permits. Further, Ms. Cruz failed to amend the appeal form to add the additional issues even after we specifically sent her an email requesting that she amend the form to note our concerns regarding 1) issues with the survey 2) the need to keep the existing stairs for fire escape 3) the existing retaining wall and fire deck.

3. Lack of Fair and Impartial Hearing.

There was also a lack of a fair and impartial hearing. At minute 4:59:22 of the planning commission hearing, Commissioner John Parke stated on the record that he was "biased" towards the applicant due to the architect Jeff Shelton’s brother Ron having coached his “peewee league baseball team to the Santa Barbara City championship” ... further stating it was “the highpoint of my life”.

At minute 4:55:51 of the meeting, Commissioner Parke refers to the testimony we provided regarding the two hired surveyors inability to use the 1929 survey to physically mark the boundary lines and lack of recording of the new survey as "the rankest hearsay" but believed everything Mr. Shelton said.

Commissioner Parke went on to reference the applicant’s surveyor, Steve Davis, and stated that when he “was in junior high, he was the first person to take my sister out, so I’ve known Steve for a while...and he has good taste of course”. Clearly showing bias towards the professionals hired by the applicant, even though his comments had nothing to do with the concerns we raised

ATTACHMENT A- REASON OF GROUNDS FOR THE APPEAL

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at the hearing. Commissioner Parke statements show he was unable to be an impartial due to his deep connections and personal relationships with the applicant's agents.

4. Mr. Shelton misled the planning commission regarding communications with neighbors

Mr. Shelton misled the planning commission when he stated the applicant had extensive communications with the neighbors. As an example, Mr. Shelton stated at the hearing during minute 4:45:27, that there had been continuous communication with us, the aggrieved parties.

Sena Woodall then got up and stated Mr. Shelton had failed to provide notice of the last two SBAR hearings, and that he had also never talked to her about the project. Sena Woodall is an owner listed on the Grant Deed and she lives in the home. In response Mr. Jeff Shelton doubled down on his dishonesty and said he was not aware Sena Woodall was an owner.

The Applicant refused to have a phone conference or meeting to discuss resolution of the issues prior to the hearing and wanted to only discuss the matter via email. It was clear during the hearing that the applicant had failed to have constructive communications with the neighbors in the last two years after changing the plans from those originally presented to the neighbors.

5. The decision to approve the project was not supported by the evidence presented at the hearing.

The applicant's agent made multiple false statements without proof or evidence, yet the planning commission accepted the comments as truth without asking for any evidence. When we provided statements, we were asked for proof and held to a legal standard used in a court of law which is unsuitable for a public hearing.

When we provided testimony that we had hired two separate surveyors who could not find the boundary markers based on the 1929 survey, we were told that was "hearsay" by Planning Commissioner Parke. Commissioner Parke abused his discretion and applied inappropriate legal standards to the public hearing. He also considered his personal relationships when making his decision. He placed a legal burden of proof upon us without allowing us sufficient time to respond.

Commissioner Parke stated that there was a civil case, mentioned statute of limitations, and said he wished we would have hired a lawyer a year ago. Commissioner Parke's statement assumed we could afford to hire a lawyer a year ago, which is not helpful. Two other planning commissioners are also lawyers, so they focused on the civil issue rather than focusing on technical matters that we put before them. The other commissioners who are not lawyers stated they were deferring to the lawyers on the commission. The issues we raised were purely technical matters having to do relying on the inoperable 1929 survey to erroneously approve the LUP. The issues with fire safety and preventing erosion on the property with the retaining wall are also technical engineering issues. The planning commission failed to address the issues raised with the old inoperative 1929 survey. The commission should have required the Applicant to provide evidence to prove the 1929 survey corner markers existed on the ground, that they had submitted and recorded the new survey as they had promised, and they had addressed the fire safety concern with the neighbors. No evidence was presented that addressed the issues raised to the planning commission for approval of the project.

ATTACHMENT A- REASON OF GROUNDS FOR THE APPEAL

Case No. 21LUP-00000-00401

The county process is designed to welcome a normal resident of Santa Barbara County to bring concerns before the commissions and the board. A year ago, we did not believe the planning and development department was going to ignore our concerns when we engaged in the county process designed specifically for the purpose of notice and opportunity to be heard.

There was no evidence presented that negated the fact that the stairs are necessary as a fire escape route. There was no evidence presented to negate the fact that the deck was put in place as a fire escape route due to the high fire zone we live in. The stairs were built in 2003 and can be seen on google earth maps in 2010, 2011, 2012 and 2016 (See **Exhibits J, K, L, M**).

6. There is significant new evidence relevant to the decision which could not have been presented at the time the decision was made.

The new evidence is that we have written proof to show the new survey has not been submitted to the Santa Barbara County Surveyor for review and recording. The planning commission failed to understand the distinction between the 1929 inoperable survey and the new survey created by Davis Land Survey. The planning commission was not provided with accurate facts regarding the two surveys and was misled to believe the new survey had been recorded. Therefore, the planning commission made an error in reaching its decision.

7. Request to the Santa Barbara County Board of Supervisors

We request that you deny the approval of the LUP because it is based on an outdated 1929 survey that is not suitable to physically mark property boundaries. We request that the Board requires the applicant to submit the new survey and complies with the Santa Barbara County Surveyor process as a condition of approval. We request that you revise the project to require the applicant to build their driveway 10ft to the north of its current location to allow the outdoor stairs built as a fire escape to remain intact and keep the retaining wall built to prevent erosion.



March 8, 2024

Maribel Aguilera
211 E. Fesler Street
Santa Maria, CA 93454

Subject: Record of Survey Process

Dear Maribel,

What follows is a summary of the process of producing and recording a Record of Survey in the County of Santa Barbara (County Code Chapter 21, Land Division Ordinance), and governed by the Professional Land Surveyors Act, California Business and Professions Code 8700-8805:

When Required:

A record of survey is required for the following reasons:

- 1) When a material evidence or physical change, which in whole or in part does not appear on any previously recorded subdivision map, official map, record of survey, or any map or survey record maintained by the Bureau of Land Management. PLS Act 8762(b)(1)
- 2) A material discrepancy with the information contained in any previously recorded subdivision map, official map, record of survey, or any map or survey record maintained by the Bureau of Land Management. Material discrepancy is limited to the position of points or in lines, or in dimensions. PLS Act 8762(b)(2)
- 3) Evidence that, by reasonable analysis, might result in materially alternate positions of points or lines shown on any previously recorded subdivision map, official map, record of survey, or any map or survey record maintained by the Bureau of Land Management. PLS Act 8762(b)(3)
- 4) The location, relocation, establishment, reestablishment, or retracement of one or more points or lines not shown on previously recorded subdivision map, official map, record of survey, the positions of which are not ascertainable from an inspection of said maps or record of survey. PLS Act 8762(b)(4)
- 5) The points or lines set during the performance of a field survey of any parcel described in any deed or other instrument of title not shown on any previously recorded subdivision map, official map, or record of survey. PLS Act 8762(b)(5)

Research and Prep:

Once approval to begin work is authorized by the property owner, the process begins with the research of title documents for the property in question, together with the recorded mapping that shows the property in question, and any other maps in the area that are recorded with the

County Recorder. This information is used to retrace the lines as shown on the map of Record and described in the deeds of the property, and to calculate search coordinates for the property corner locations.

Property Corner/Survey Monument Search:

With that information in hand, a survey crew would then go out to the property with the necessary survey equipment. They would begin searching with the stakeout coordinates, and using metal detectors to search for the survey markers that are supposed to be at each corner. Markers can be iron pipes, rebar, cotton spindles, or any other durable item surveyors of the past have set. The marker locations that are found will be recorded with the surveying equipment and used as evidence for use in retracing the property boundary lines.

The search will start on the property in question. If corners are not found, the search will move outward to surrounding locations in each direction of the property.

Drafting of Record of Survey:

Once the search has been completed for all survey markers, that information is brought back into the office to reduce the data with computer aided drafting software. Using the record maps, deed information, and location of found monumentation, the survey will use a few industry standard methods to re-establish any missing corners and lines.

This information will be added to a Record of Survey map to be reviewed and recorded in the County. The technical requirements from PLS Act 8764 are listed below. Once the record of survey has been drafted, final corners will be set (per the requirements below, PLS Act 8771).

When drafting the survey, a legal description of the property needs to be shown, along with the date or time period the survey was completed. Also, the relationship to those portions of adjacent tract, streets, or senior conveyances that have common lines with the survey should be shown as well (PLS Act 8764(a). Technical requirements described in more detail below.

Record of Survey Technical Requirements (From PLS Act 8764)

(a) The record of survey shall show the applicable provisions of the following consistent with the purpose of the survey:

(1) All monuments found, set, reset, replaced, or removed, describing their kind, size, and location, and giving other data relating thereto.

(2) Bearing or witness monuments, basis of bearings, bearing and length of lines, scale of map, and north arrow.

(3) Name and legal designation of the property in which the survey is located, and the date or time period of the survey.

(4) The relationship to those portions of adjacent tracts, streets, or senior conveyances that have common lines with the survey.

(5) Memorandum of oaths.

(6) Statements required by Section 8764.5.

(7) Any other data, in graphic or narrative form, necessary for the intelligent interpretation of the various items and locations of the points, lines, and areas shown, or convenient for the identification of the survey or surveyor, as may be determined by the civil engineer or land surveyor preparing the record of survey.

(b) The record of survey shall also show, either graphically or by note, the reason or reasons, if any why the mandatory filing provisions of paragraphs (1) to (5), inclusive, of subdivision (b) of Section 8762 apply.

(c) The record of survey need not consist of a survey of an entire property

Setting of Monuments (Property Corners) (PLS Act 8771)

(a) Monuments set shall be sufficient in number and durability and efficiently placed so as not to be readily disturbed, to ensure, together with monuments already existing, the perpetuation or facile reestablishment of any point or line of the survey.

(b) When monuments exist that control the location of subdivisions, tracts, boundaries, roads, streets, or highways, or provide horizontal or vertical survey control, the monuments shall be located and referenced by or under the direction of a licensed land surveyor or licensed civil engineer legally authorized to practice land surveying prior to the time when any streets, highways, other rights-of-way, or easements are improved, constructed, reconstructed, maintained, resurfaced, or relocated, and a corner record or record of survey of the references shall be filed with the county surveyor.

(c) A permanent monument shall be reset in the surface of the new construction or a witness monument or monuments set to perpetuate the location if any monument could be destroyed, damaged, covered, disturbed, or otherwise obliterated, and a corner record or record of survey shall be filed with the county surveyor prior to the recording of a certificate of completion for the project. Sufficient controlling monuments shall be retained or replaced in their original positions to enable property, right-of-way and easement lines, property corners, and subdivision and tract boundaries to be reestablished without devious surveys necessarily originating on monuments differing from those that currently control the area.

(d) The governmental agency performing or permitting construction or maintenance work is responsible for ensuring that either the governmental agency or landowner performing the construction or maintenance work provides for monument perpetuation required by this section.

(e) It shall be the duty of every licensed land surveyor or licensed civil engineer legally authorized to practice land surveying to assist the governmental agency in matters of maps, field notes, and other pertinent records. Monuments set to mark the limiting lines of highways, roads, streets or right-of-way or easement lines shall not be deemed adequate for this purpose unless specifically noted on the corner record or record of survey of the improvement works with direct ties in bearing or azimuth and distance between these and other monuments of record.

(f) The decision to file either a corner record or a record of survey as required by subdivision (b) or (c) shall be at the election of the licensed land surveyor or licensed civil engineer legally authorized to practice land surveying submitting the document.

Methods And Reasoning Statement:

A method and reasoning statement is not required by the PLS Act, a statement which describes the establishment methods employed and the reasons by which the surveyor made his or her decisions would be considered a useful addition to the map and may help to expedite the review. Records of Survey maps that are clearly detailed with such statements create a legacy of important historical value.

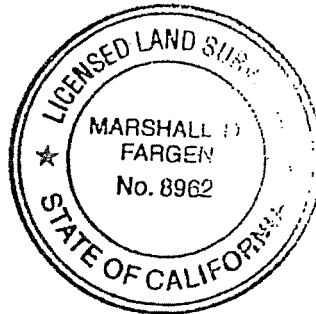
Timing:

The record of survey shall be filed within 90 days after the setting of the boundary monuments of the completion of a field survey. If this time limit cannot be complied with, a letter, submitted to the County Surveyor's Office within the 90-day limit, will state the reasons for no-compliance, and estimated time of completion, the general location of the survey, and the assessor's parcel numbers. (PLS Act 8762)

Sincerely,



Marshall D. Fargen, PLS



Record of Surveys

*Prepared by the County of Santa Barbara
Office of the County Surveyor*

*Aleksandar Jevremovic
County Surveyor*

*Adopted by the Record of Survey Process Improvement Committee in 2010
Updated for Changes of the County Surveyor Name
and
Updated for Changes in the Public Resources Code Requirements Related
to the Use of the California Coordinate System and Basis of Bearings*

Guide to processing a Record of Survey

When Required

- 1) When a material evidence or physical change, which in whole or in part does not appear on any previously recorded subdivision map, official map, record of survey, or any map or survey record maintained by the Bureau of Land Management. PLS Act 8762(b)(1)
- 2) A material discrepancy with the information contained in any previously recorded subdivision map, official map, record of survey, or any map or survey record maintained by the Bureau of Land Management. **Material discrepancy** is limited to the position of points or in lines, or in dimensions. PLS Act 8762(b)(2)
- 3) Evidence that, by reasonable analysis, might result in materially alternate positions of points or lines shown on any previously recorded subdivision map, official map, record of survey, or any map or survey record maintained by the Bureau of Land Management. PLS Act 8762(b)(3)
- 4) The location, relocation, establishment, reestablishment, or retracement of one or more points or lines not shown on previously recorded subdivision map, official map, record of survey, the positions of which are not ascertainable from an inspection of said maps or record of survey. PLS Act 8762(b)(4)
- 5) The points or lines set during the performance of a field survey of any parcel described in any deed or other instrument of title not shown on any previously recorded subdivision map, official map, or record of survey. PLS Act 8762(b)(5)

Time Limit

The record of survey shall be filed within 90 days after the setting of the boundary monuments or the completion of a field survey. If this time limit cannot be complied with, a letter, submitted to the County Surveyor's Office within the 90 day limit, will state the reasons for non-compliance, and estimated time of completion, the general location of the survey, and the assessor's parcel number(s). PLS Act 8762

Exemption from filing a Record of Survey

- 1) When it has been made by a public officer in his or her official capacity and a reproducible copy is filed with the County Surveyor. The Recorder's Statement will be omitted. PLS Act 8765(a)
- 2) When made by the Bureau of Land Management. PLS Act 8765(b)
- 3) When a Tract or Parcel map is in preparation under the provisions of the Subdivision Map Act. PLS Act 8765(c)
- 4) When the survey is a retracement of lines shown on a previously recorded subdivision map, official map, or record of survey, where no material discrepancies with those records are found and sufficient monuments are found to establish the precise location of property corners thereon, provided that a **Corner Record** is filed for any property corners which are set or reset or found to be of a different character. PLS Act 8765(d)

5) When the survey is a survey of a mobilehome park interior lot as defined in Section 18210 of the Health and Safety Code, provided that no subdivision map, official map, or record of survey has been previously filed for the interior lot or no conversion to residential ownership has occurred pursuant to Section 66428.1 of the Government Code. PLS Act 8765(e)

Examination Time Limit and Fee

1) The record of survey shall be examined within 20 working days after receipt thereof, or within a mutually agreed upon time extension between the surveyor and the County Surveyor, it shall be examined with respect to: PLS Act 8766

- a) Its accuracy of mathematical data and substantial compliance with Section 8764 of the PLS Act. PLS Act 8766(a)(1)
- b) Its compliance with Sections 8762.5, 8763, 8764.5, 8771.5 and 8772 of the PLS Act. PLS Act 8766(a)(2)

2) Once the County Surveyor has reviewed the record of survey and returned it to the surveyor, the surveyor may make the changes requested (if any) and must resubmit the record of survey to the County Surveyor for review/filing within 60 days. PLS Act 8767

3) If matters cannot be agreed upon between the surveyor and the County Surveyor within 10 working days after submittal and request for recordation without further changes, an explanation of the differences shall be noted on the map and filed with the County Recorder. PLS Act 8768

4) Nothing shall limit the County Surveyor from including notes expressing opinions regarding methods or procedures utilized in the performance of the survey. PLS Act 8766

5) The examination of the record of survey shall be performed by or under the supervision of a Licensed Land Surveyor. PLS Act 8766

6) The Santa Barbara County Board of Supervisors sets this fee. Please see current fee schedule on the Public Works/County Surveyor website at www.countyofsb.org/pwd for details. PLS Act 8766.5

Sheet Requirements

1) The map shall be legibly drawn, printed, or reproduced by a process guaranteeing a permanent record in black on tracing cloth, or polyester base film, 18 x 26 inches. A 1 inch margin line shall be drawn completely around each sheet, leaving a blank 1 inch margin. PLS Act 8763

Technical Requirements

Monuments

All monuments found, set, reset, replaced, or removed, describing their kind, size, and location, and giving other data relating thereto. PLS Act 8764(a)(1)

Found - All monuments “found” shall be described as to size, type, material, height relative to the ground surface, stamping/tagging with markings, with a reference to a record map. Monuments “found” and accepted will be labeled as “Accepted as”. Monuments “found” with no previous record shall be labeled as “No Record”. Monuments “found” and not accepted will be labeled with bearing and distance from true corner. Licensed surveyors/engineers accepting “found” open pipes will be encouraged to tag them with their tags.

Set - All set monuments will be described as to size, type, material, height relative to the ground surface, and stamping/tagging with markings. Use of plastic caps or plugs is discouraged due to the lack of durability with regards to fire.

Bearing or Witness - All monuments found, set, reset, replaced, or removed, describing their kind, size, and location, and giving other data relating thereto. PLS Act 8764(a)(2)

Basis of Bearings

The basis of bearing shall be labeled on the record of survey. PLS Act 8764(a)(2)

There are 5 accepted methods for establishing a basis of bearing:

- 1) By astronomic observation, stating the date of the observation.
- 2) Between 2 found and accepted monuments of record preferably from the same reference source (i.e. map, deed).
- 3) A calculated basis of bearings from two separate sources must be made to monuments of sufficient character and location so that misinterpretation is eliminated.
- 4) Based on CCS83 monumentation in compliance with Sections 8801-8819 of the Public Resources Code.
- 5) Coordinates derived by GPS observations must state the datum, epoch date, coordinate values, conversion factors, and CGPS identification (if applicable).

Bearing and Distance

The bearing and length of lines, including the measured data and the record data of the lines, will be shown on the record of survey. Record data calculated from record maps or documents will be labeled as “calculated from”. Lines where no record information is available will be labeled “No Record”. Actual field measurements will be labeled as “measured”. Preference is that bearings be labeled in a consistent direction, preferably clockwise. PLS Act 8764(a)(2) and 8771.5

Scale of Map

The scale of the map shall be labeled. Graphic scales will be encouraged, as reduced copies of the record of survey are stored on microfiche. PLS Act 8764(a)(2)

North Arrow

A North arrow shall appear on the record of survey. PLS Act 8764(a)(2)

Legal Designation and/or Description

Name and legal designation and/or description of the property in which the survey is located, and the date or time period of the survey, is required. Sectionalized descriptions shall include the area of the section(s), township(s), range(s) and base and meridian. All designations and/or descriptions shall include reference to deeds or to maps which have been recorded or to official United States Surveys. PLS Act 8764(a)(3)

Adjacent Property

Relationship to those portions of adjacent tracts, streets, or senior conveyances that have common lines with the survey. PLS Act 8764(a)(4)

Memorandum of Oaths

In compliance with section 8760 of the Land Surveyors Act, a memorandum of oaths shall be made on the record of survey. PLS Act 8764(a)(5)

Statements

For a listing of the statements required on the record of survey and their terminology, refer to the end of this chapter or the County of Santa Barbara Standard Statements and Certificates booklet. PLS Act 8764(a)(6)

Pertinent Data

Data, in graphic or narrative form, necessary for the intelligent interpretation of the various items and locations of the points, lines and areas shown, or convenient for the identification of the survey or surveyor, as may be determined by the civil engineer or land surveyor preparing the record of survey. PLS Act 8764(a)(7)

Purpose of Survey

Either graphically or by note, note preferred, the reason why the mandatory filing of the record of survey is required, subject to the provisions of sections 8762 and 8764 of the Land Surveyors Act. PLS Act 8764(a)(8)

Methods and Reasonings Statement

Although not required by the PLS Act, a statement which describes the establishment methods employed and the reasons by which the surveyor made his or her decisions would be considered a useful addition to the map and may help to expedite the review. Record of survey maps that are clearly detailed with such statements create a legacy of important historical value.

Corrections Allowed

Amendments to show any course or distance that was omitted, or to correct any error in:

- 1) course or distance
- 2) the description
- 3) lot numbers
- 4) street names
- 5) acreages
- 6) identification of adjacent record maps
- 7) character of monuments being set
- 8) minor errors as approved by the County Surveyor amended under the provisions of the Subdivision Map Act, Division 2

Vicinity Map

A vicinity map, though not required by the PLS Act, is requested to aide in identifying the location of the subject property for indexing purposes.

Submittal Requirements

The following items are required to deem a record of survey submittal as complete for review purposes:

- 1) 2 full-size prints of the record of survey
- 2) Methods and reasonings statement
- 3) Legible copy of all documents used with labeled reference numbers (if applicable)
- 4) Legible copy of all maps with labeled reference numbers (if applicable)
- 5) Closure calculations of measured data shown on record of survey
- 6) Other pertinent information as to facilitate the review of the record of survey
- 7) Review fee as determined by the Board of Supervisors of Santa Barbara County

Check List

RECORD OF SURVEY REVIEW CHECK SHEET

Each review will be charged a fee per the fee schedule
Review No. _____ Fee Paid \$ _____ Date Paid _____
Surveyor _____
Survey Requested By _____

File No. _____
Date _____
Reviewed By _____
Location of Survey _____

Circle (o) indicates deficiency Check (✓) indicates no deficiency Dash (-) indicates not applicable

Business and Professions Code, Chapter 15, Division 3, Section 8700 et seq.

_____ Map appears to create a division of land; Subdivision or Parcel Map required. (8762.5)

MAP TITLE

_____ Name of City, if applicable
_____ Name of County, California
_____ "RECORD OF SURVEY,"
_____ General description of land surveyed. (8764)
_____ Date of survey.
_____ Sheet number, when two or more sheets.

CERTIFICATES

_____ County Recorder's Certificate or space for same (8764.5)
_____ Surveyor's Statement (8764.5)
_____ Signed, dated and sealed (8764.5 & 411(h))
_____ County Surveyor's Statement (8764.5)
_____ Certificate per Sec. 8762.5, if applicable.
_____ Memorandum of oaths, if applicable (8760)
_____ No nontechnical certificates or statements on map. (8764.5)

SURVEYOR'S NOTES

_____ Basis of Bearings: map of record, celestial observation, State Plane Coordinates, or County Surveyor's Records.
_____ Found or Set monuments should be shown with distinguishing symbols and include type, size, LS or RCE No. (8764)
_____ Symbols and nonstandard abbreviations defined. (8764)

MATHEMATICAL ACCURACY

_____ Map loop closures less than 0.02 ft*
_____ Bearings shown (8764)
_____ Distances shown. (8764)*
_____ Overall bearings shown
_____ Sum of parts equal total distance or delta.*
_____ Curve data shown. (Minimum = Delta, Radius, Arc length).
_____ radial bearings shown where appropriate.
_____ Areas shown if required for survey
_____ Others _____

* Allowable tolerances for rounding are to be expected.

MAP BODY

_____ Map material; tracing cloth or polyester base film; black ink. (8763)
_____ Map size: 18" x 26" or 460 x 660 mm (8763)
_____ Margin: 1" or 025 mm all around. (8763)
_____ Map orientation, title and map body to read from bottom or right side of sheet when north arrow points away from reader where practicable.
_____ North arrow. (8764)
_____ Scale. (8764)
_____ City, County or State boundary lines as required.
_____ Relationship to adjacent tracts, streets, or senior conveyances. (8764(a)(4))
_____ Legibility of map data. (8763)
_____ Street names and widths shown.
_____ Reference for all found monuments or statement of acceptance if used as a control monument (8764)
_____ Reference to deeds or official records if necessary for the establishment of lines or points (8764).
_____ Record measurements in parenthesis to be shown when beneficial to the interpretation of lines or points or substantially different from measured.
_____ Purpose indicated for all easements shown.
_____ Detail required for clarity.
_____ Arrows needed to clarify dimensions.
_____ No ditto marks.
_____ Spelling

SURVEY PROCEDURES

_____ Survey based upon sufficient control.
_____ Additional survey information required (8762)
_____ Prorations correct.
_____ Sectional breakdowns correct.
_____ Deed interpretations correct.
_____ Durable monuments sufficient in number. (8771)
_____ Monuments tagged. (8772)
_____ Relationship to adjacent lines of record when pertinent. (8764)
_____ Methods of establishment of lines or points shown where necessary. (8764)
_____ Other _____

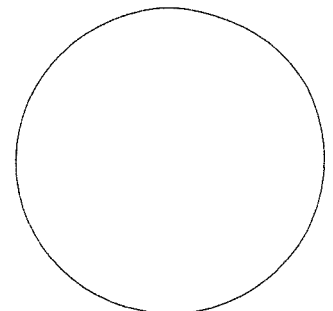
To the Surveyor:

Pursuant to Section 8767 of the land Surveyor's Act, the deficient items signified by a Circle (o) as indicated on the above check list and / or check print shall be addressed and returned to this office with:

- Corrected Prints (2 each) or Digital Copy Additional fee per fee schedule for Subsequent Review
- The original (mylar to record) Corrected original (corrected mylar to record)

Aleksandar Jevremovic, County Surveyor

Date



RECORD OF SURVEY REVIEW CHECK SHEET

Inside City - Deposit Based

Review No. _____ Dep. Paid \$ _____ Date Paid _____
Surveyor _____
Survey Requested By _____

File No. _____
Date _____
Reviewed By _____
Location of Survey _____

Circle (o) indicates deficiency Check (✓) indicates no deficiency Dash (-) indicates not applicable

Business and Professions Code, Chapter 15, Division 3, Section 8700 et seq.

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_____ "RECORD OF SURVEY,"
_____ General description of land surveyed. (8764)
_____ Date of survey.
_____ Sheet number, when two or more sheets.

CERTIFICATES

_____ County Recorder's Certificate or space for same (8764.5)
_____ Surveyor's Statement (8764.5)
_____ Signed, dated and sealed (8764.5 & 411(h))
_____ County Surveyor's Statement (8764.5)
_____ Certificate per Sec. 8762.5, if applicable.
_____ Memorandum of oaths, if applicable (8760)
_____ No nontechnical certificates or statements on map. (8764.5)

SURVEYOR'S NOTES

_____ Basis of Bearings: map of record, celestial observation, State Plane Coordinates, or County Surveyor's Records.
_____ Found or Set monuments should be shown with distinguishing symbols and include type, size, LS or RCE No. (8764)
_____ Symbols and nonstandard abbreviations defined. (8764)

MATHEMATICAL ACCURACY

_____ Map loop closures less than 0.02 ft*
_____ Bearings shown (8764)
_____ Distances shown. (8764)*
_____ Overall bearings shown
_____ Sum of parts equal total distance or delta.*
_____ Curve data shown. (Minimum = Delta, Radius, Arc length).*
_____ radial bearings shown where appropriate.
_____ Areas shown if required for survey
_____ Others _____

* Allowable tolerances for rounding are to be expected.

MAP BODY

_____ Map material; tracing cloth or polyester base film; black ink. (8763)
_____ Map size: 18" x 26" or 460 x 660 mm (8763)
_____ Margin: 1" or 025 mm all around. (8763)
_____ Map orientation, title and map body to read from bottom or right side of sheet when north arrow points away from reader where practicable.
_____ North arrow. (8764)
_____ Scale. (8764)
_____ City, County or State boundary lines as required.
_____ Relationship to adjacent tracts, streets, or senior conveyances. (8764(a)(4))
_____ Legibility of map data. (8763)
_____ Street names and widths shown.
_____ Reference for all found monuments or statement of acceptance if used as a control monument (8764)
_____ Reference to deeds or official records if necessary for the establishment of lines or points (8764).
_____ Record measurements in parenthesis to be shown when beneficial to the interpretation of lines or points or substantially different from measured.
_____ Purpose indicated for all easements shown.
_____ Detail required for clarity.
_____ Arrows needed to clarify dimensions.
_____ No ditto marks.
_____ Spelling

SURVEY PROCEDURES

_____ Survey based upon sufficient control.
_____ Additional survey information required (8762)
_____ Prorations correct.
_____ Sectional breakdowns correct.
_____ Deed interpretations correct.
_____ Durable monuments sufficient in number. (8771)
_____ Monuments tagged. (8772)
_____ Relationship to adjacent lines of record when pertinent. (8764)
_____ Methods of establishment of lines or points shown where necessary. (8764)
_____ Other _____

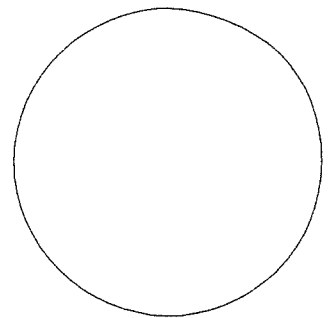
To the Surveyor:

Pursuant to Section 8767 of the land Surveyor's Act, the deficient items signified by a Circle (o) as indicated on the above check list and / or check print shall be addressed and returned to this office with:

- Corrected Prints (2 each) or Digital Copy Additional fee per fee schedule for Subsequent Review
- The original (mylar to record) Corrected original (corrected mylar to record)

Aleksandar Jevremovic, County Surveyor

Date



EXAMPLES

Standard Statements and Certificates

Surveyor's/Engineer's Statement *(on face of map per PLS 8764.5)*

This map correctly represents a survey made by me or under my direction in conformance with the requirements of the Professional Land Surveyors' Act at the request of (Name of person authorizing survey) in (Month), 20__.

Name Printed
P.L.S. (or R.C.E.) No. _____

SEAL

County Surveyor's Statement *(on face of map per PLS 8764.5)*

This map has been examined in accordance with Section 8766 of the Professional Land Surveyors' Act this (Day) day of (Month), 20__.

Aleksandar Jevremovic
P.L.S. 8378

SEAL

Recorder's Statement *(on face of map per PLS 8764.5)*

Filed this _____ day of _____, 20__, at _____ m. in book _____ of Records of Surveys at page(s) _____, at the request of _____ (Land Surveyor).

Fee: _____

Joseph E. Holland
County Clerk – Recorder - Assessor

By: _____
Deputy

For use when land conveyed to a governmental agency is not shown on the latest Assessor roll lying within a City

City Engineer's Certificate or **County Surveyor's Certificate** (on face of map or by separate document per PLS 8762.5)

I hereby certify that this map is in compliance with the provisions of the Subdivision Map Act, Division 2, (commencing with section 66410) of Title 7 of the Government Code and any applicable local ordinance enacted pursuant thereto.

Name Printed

City Engineer R.C.E No. / County Surveyor P.L.S. No.

SEAL

For use when an Amending Record of Survey is submitted

County Surveyor's Statement (Amending Record of Survey per 8770.5)

This amended map has been examined for conformance with the requirements of Section 8770.5 of the Professional Land Surveyors' Act.

Aleksandar Jevremovic

P.L.S. 8378

SEAL

Surveyor's /Engineer's Statement (Amending Maps) (PLS 8770.5)

I hereby state that I have prepared this amending map or it was prepared under my direction on _____ (Date) _____, _____ (Year) _____, and the changes shown hereon are as provided for in Section 8770.5 of the Professional Land Surveyors' Act.

Name Printed

P.L.S. No. _____

SEAL

RECORDING REQUESTED BY:

(Land Surveying/Engineering Firm Name)

(Mailing Address)

(City)(St)(Zip)

WHEN RECORDED RETURN TO:

County Surveyor's Office

123 East Anapamu Street

Santa Barbara, Ca. 93101

Certificate of Correction

COUNTY OF SANTA BARBARA
STATE OF CALIFORNIA

The following corrections or additions are hereby made to the Record of Survey filed in Book _____, Page(s) _____ of Records of Survey in the office of the Recorder of Santa Barbara County, State of California.

(List owners or requesting party/surveyor)

Insert description corrections

Surveyor's/Engineer's Statement

I hereby state that I prepared this Certificate of Correction or it was prepared under my direction on ____ *(Day/Month)* ____, 20____, and the changes shown hereon are as provided for in Section 8770.5 of the Professional Land Surveyors' Act.

Name Printed
P.L.S. (or R.C.E.) No. _____

SEAL

County Surveyor's Statement

I hereby state that I have examined this certificate of correction and the only changes made are those set forth in Section 8770.5 of the Professional Land Surveyors' Act.

Aleksandar Jevremovic
County Surveyor
P.L.S. 8378

SEAL

Page 1 of ____

Page 10 of 10

FILED
 9119
 THE OFFICE OF
 THE COUNTY CLERK
 COUNTY OF SANTA BARBARA
 CALIFORNIA
 JUNE 12 1929



SURVEY

IN
 SECTIONS 9 AND 9
 T. 4 N. R. 27 W. S. B. M.

COUNTY OF SANTA BARBARA
 CALIFORNIA

MISSION CANYON HEIGHTS
 NO. II.

SURVEYED BY
 GEO. D. MORRISON
 1928 - 1929



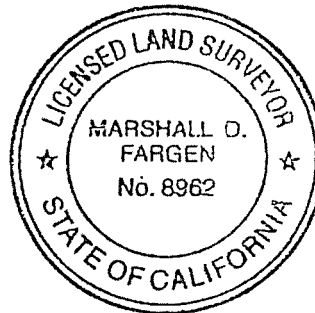
March 12, 2024

Subject: Review of Survey Data for 2632 Montrose Place

I, Marshall Fargen, Professional Land Surveyor License Number 8962, reviewed the survey data provided by Davis Land Surveys. In conversations with Mr. Davis, he stated he was filing a record of survey with the County of Santa Barbara soon. I personally emailed the Santa Barbara County Surveyor and inquired whether Mr. Davis had submitted or filed a Record of Survey as of March 11, 2024. I was informed by the Santa Barbara County Surveyor's Office that a Record of Survey has not been submitted or filed for the property located at 2632 Montrose Place.

Sincerely,

Marshall D. Fargen, PLS





March 13, 2024.

Subject: Reason for New Survey Map

When conducting a survey of a property, a Land Surveyor uses any recorded information they can find as evidence, or the basis of where to get started. That includes any deeds that describe the property, and survey maps that show the bearings and distances of the property lines. Once a survey map has been recorded, any surveyor that surveys that property again will try to follow in the footsteps of the previous surveyor.

The purpose of a new survey is to relate the information shown and described in the recorded documents to points and lines on the ground. The relationship between the paper map and the ground is usually by what are called survey markers, or monuments, which are set in the ground and shown on the map.

2632 Montrose Place (APN 023-112-030) is shown on a map as Lot 561, a Record of Survey from 1928 by Geo. D. Morrison, recorded in Book 20, Page 35 to 42 of Maps, in Santa Barbara County. This survey is used as the basis when trying to determine property lines on the ground. The map showed iron pipes being set at all corners. The surveyor will go onsite and search for the iron pipes that were supposed to be set at each corner as per the map.

If the surveyor is unable to find those corners, the search will continue in an outward direction until evidence of other monuments are found. This evidence, along with the maps of record, are used to recreate the lots to match as close as possible to the intent of the original surveyor, and then place new monuments in the ground to define the property lines. Thus, relating the map on paper, to the property lines on the ground.

Sincerely,

Marshall D. Fargen, PLS



Staff Response to Issue #8: The approved project plans do not show the proposed development encroaching onto the neighboring property. Plans submitted for the proposed project include a site survey (Sheet A1.1 of Attachment I) delineating the parcel boundaries. The site plan for the project (Sheet A1.0 of Attachment I), prepared by a licensed architect, shows all proposed development within the parcel boundaries and in compliance with applicable setback requirements. Any dispute between the adjacent property owners regarding the existing improvements on the Applicant's property is a private matter.

Appeal Issue #9: The appellant questions what the plan is for irrigation that will protect their property.

Staff Response to Issue #9: The appellant has not provided evidence to indicate that irrigation of the subject property would result in damage to their property. As shown on the project landscape plans (Attachment I), the proposed landscaping and irrigation is located entirely within the applicant's legal property boundaries.

Appeal Issue #10: The appellant questions how they will be guaranteed privacy.

Staff Response to Issue #10: As discussed in Appeal Issues 1, 2, 3, and 4, above, and incorporated herein by reference, while private views are not protected, the project complies with setback requirements and the project architect has oriented and designed the proposed residence and garage with consideration given to neighbor privacy. While not required by any applicable policy, the project architect prepared neighbor view studies to address privacy concerns and incorporated the view study into the project plans (Sheet A1.5 & A1.5.1 of Attachment I). The number, size, and placement of windows and the orientation of the deck have been designed in consideration of the neighbor's privacy. In addition, in their final project approval, the Board of Architectural Review (BAR) commented, "Good project - all issues have been addressed," and "additional screening is adequate. Plant palette is acceptable." BAR gave final approval on December 15, 2023.

Case No. 24APL-00000-00002 (Noyes/Woodall) Appeal Issues and Responses

Appeal Issue #11: The appellant asserts that the proposed development is inconsistent with the previously approved discretionary permit.

Staff Response to Issue #11: The subject property is a vacant lot and the Land Use Permit application is not related to any previously approved discretionary permit for the property, nor has the appellant submitted information to support this claim.

Villalobos, David

From: Walid Afifi <w-afifi@ucsb.edu>
Sent: Monday, March 4, 2024 8:02 AM
To: Cruz, Tatiana
Cc: Tamara Afifi; Lieu, Nicole; Villalobos, David
Subject: Re: FW: Re: Appeal Hearing March 6 information, Law SFD appeal, 2632 Montrose Pl

Categories: Purple Category

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 Tatiana,

Sorry for the delay in responding and thanks for the information. I understand that we (the Afifis) have 10 minutes to make a presentation, then another 5 minute response. I plan to be there in person.

I don't believe you ever responded to the question of a deadline for amendments to the appeal. Please consider the below as an amendment:

In our appeal, we note that the PN 023-112-022 was retired in 1990. We have since gathered additional documents tied to the lot split that resulted and the history of the lot and related parcel numbers, which led us to more closely examine county approvals of the lot on which our home was constructed, specifically as it relates to our current fence line (it fits almost exactly along the lines approved during construction of the home) and the 1929 map of record. We will present some of this evidence.

In the first SBAR meeting, we noted for the record that the surveyor that the Laws hired had promised to submit the survey for evaluation by county experts and that such action had not yet been done. That was 2+ years ago, and, to our knowledge, that has yet to be done. We were relying on that for evidence that the methodology met scientific standards for determining lot lines. Recently, we have learned that the submitted survey on which Law plans were developed is far short of what is expected from surveys that serve as official records of property lines. We remain frustrated by what we believed to be a process in which the county ensures the protection of land and property owners from violations of process or potentially poor practice or methodologies. Perhaps that was naive or misinformed since that has not been our experience with SBAR's process in this case. We remain concerned with the accuracy of the property lines laid out by that survey.

Please confirm receipt, or let me know if I need to present this addendum in some other format.

Also, I would like to use a ppt during my presentation. Is that possible? I plan to bring my laptop to do so, but let me know if there is some other preferred method.

Walid

On Fri, Mar 1, 2024 at 4:36 PM Cruz, Tatiana <cruzt@countyofsb.org> wrote:

Good Afternoon,

Checking back on my message below. Please let us know how if you need links to attend the meeting virtually.

Have a great weekend.

Thank you,

Tatiana



Tatiana Cruz

Planner

Planning & Development

123 E. Anapamu St.

Santa Barbara, CA 93101

cruzt@countyofsb.org

[805-568-2082](tel:805-568-2082)

*** Planning and Development has implemented online permitting. You will need to be a registered user in order to submit new applications, and Accela is our primary project communication portal. You can register now – please visit the link below to learn how!

<https://www.countyofsb.org/asset/691df04a-6e8f-4dcf-8fd2-68f969895afd>

From: Cruz, Tatiana

Sent: Tuesday, February 27, 2024 11:21 AM

To: Walid Afifi <w-afifi@ucsb.edu>; Tamara Afifi <tafifi@ucsb.edu>

Cc: Lieu, Nicole <nmashore@countyofsb.org>

Subject: Re: Appeal Hearing March 6 information, Law SFD appeal, 2632 Montrose Pl

Dear Walid and Tamara,

I wanted to check back in with some logistics of the scheduled appeal hearing on March 6th at 9am. You can attend in person or on Zoom. Let me know as soon as possible if you will need Zoom links to join the meeting or if you plan to attend in person. In person will be at 123 E. Anapamu St. in the planning commission hearing room, 1st floor.

At the hearing, you can expect to have 10 minutes (total, not each) to address the Planning Commission with your concerns and an additional 5 minutes for "rebuttal" to respond to anything else after we take turns speaking. Please let me know if you have any questions.

Thank you,

Tatiana



Tatiana Cruz

Planner

Planning & Development

123 E. Anapamu St.

Santa Barbara, CA 93101

cruzt@countyofsb.org

[805-568-2082](tel:805-568-2082)

*** Planning and Development has implemented online permitting. You will need to be a registered user in order to submit new applications, and Accela is our primary project communication portal. You can register now – please visit the link below to learn how!

<https://www.countyofsb.org/asset/691df04a-6e8f-4dcf-8fd2-68f969895afd>

--

Walid Afifi (he/him/his)
Professor, Dept. of Communication
Associate Dean and Director of Community Engagement Initiatives,
Division of Social Sciences
University of California at Santa Barbara

Immediate Past President, National Communication Association
Fellow, International Communication Association



PUBLIC WORKS BUILDING AND SAFETY DIVISION
 COUNTY OF SANTA BARBARA PERMIT NO. 246961

SANTA BARBARA 568/3030 SANTA YNEZ VALLEY 686 5020 LOMPOC/SANTA MARIA 934 6230

VALIDATION

DATE APPLIED 6-9-93	PROJECT ADDRESS 2634 Montrose Place	ASSESSOR'S PARCEL NO 023-112-021-6
------------------------	--	---------------------------------------

APPLICANT OWNER CONTRACTOR AUTHORIZED AGENT LEASEE

OWNER'S NAME Daniel F Modisette	ADDRESS P O Box 1197
------------------------------------	-------------------------

CITY Summerland	STATE Ca	ZIP CODE 93067	PHONE # 969-6470
--------------------	-------------	-------------------	---------------------

CONTRACTOR'S NAME Owner/Builder	ADDRESS
------------------------------------	---------

CITY	STATE	ZIP CODE	STATE LIC NO	PHONE #
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ARCHITECT/DESIGNER OR ENG	ADDRESS
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CITY	STATE	ZIP CODE	STATE LIC NO	PHONE #
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TYPE OF WORK
 NEW ALTERATION ADDITION GRADING BRUSHING RETAINING WALL
 MOVE DEMOLITION REPAIR HAULING EROSION CONTROL
 Dwelling • Re-instatement of permit 128866

HIGH FIRE AREA <input type="checkbox"/>	FIRE SPRINKLER REQUIRED YES <input type="checkbox"/> NO <input type="checkbox"/>	TYPE OF CONSTRUCTION	OCCUP GROUP	NO OF BEDROOMS	NO OF STORIES	NO OF UNITS	TOTAL BUILDING AREA	TOTAL VALUATION \$ 196,300
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ELECTRICAL <input checked="" type="checkbox"/> TEMP SERVICE <input checked="" type="checkbox"/> SERVICE <input type="checkbox"/> FIXTURES <input type="checkbox"/> MOTORS <input type="checkbox"/> TRANSFORM <input checked="" type="checkbox"/> SubPanel	PLUMBING <u>13</u> TRAPS <u>1</u> WATER HEATER <u>1</u> WATER PIPING <input type="checkbox"/> GAS OUTLETS <input checked="" type="checkbox"/> Septic SEWER CONN <input checked="" type="checkbox"/> Yes SEPTIC SYSTEM	MECHANICAL <u>3148</u> CIRC SYST <u>1</u> HEATING APPL <input type="checkbox"/> APPL VENTS <input type="checkbox"/> COOLING APPL <input type="checkbox"/> INCID GAS <u>5</u> EXHAUST FANS	GRADING <input type="checkbox"/> CUBIC YARDS EARTH <input type="checkbox"/> FILL <input type="checkbox"/> EXCAVATION <input type="checkbox"/> GRADING
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BOND \$ #
 * taken from permit 128866

INSPECTION REQUEST LINE 568-3118

REMARKS Re-instatement of Voided Permit 128866 (Time Limitation)

AREA	VALUATION
3148 Sq ft	Building
484 Sq ft	Garage
1034 Sq ft	Porch
534 Sq ft	Retaining Wall

NOTICE (Please check appropriate box in each paragraph)

THIS PERMIT BECOMES NULL AND VOID if work or construction authorized is not commenced within 180 days from date of issuance or work is suspended or abandoned for a period of 180 days any time after work is commenced

- (1a) I certify that I am licensed under the State Contractor's License Law and my contractor's license is in full force and effect or
- (1b) I certify that I am exempt from Business and Professions Code #7031.5 under #7044 Owner/Builder #7048 Price of labor and material less than \$200 or Other _____

AND

- (2a) I certify that I have on file with the County of Santa Barbara Building & Safety a certificate of workers compensation insurance Insurer OWNER Policy # _____ Expiration date _____ or a Certificate of Consent to self insure by the Director of Industrial Relations or
- (2b) I certify that I am exempt under Labor Code #3800 because the permit is for work of \$100 or less or that in the performance of the work for which this permit is issued I shall not employ any person in any manner so as to become subject to the workers compensation laws of California
- (3a) Must comply with H S C Sec 25505 25533 25534 and A P C D permit requirements for asbestos

AND

I certify that I have read this application and declare under penalty of perjury that the information contained herein is true correct and complete I agree to comply with all county ordinances and state laws relating to building development construction and hereby authorize representatives of this county to enter with the owner's full knowledge and consent

Executed at County of Santa Barbara on 6-10-93 Daniel F Modisette
 DATE OWNER OR CONTRACTOR




County of Santa Barbara Planning and Development Building and Safety Division

Santa Barbara 568-3030 Fax 568-3103/Santa Maria 934-6230 Fax 934-6258/Santa Ynez 686-5020 Fax 686-5028

Building Permit
03BDP-00000-01324

Application Date: 08/15/2003

Issuance Date: 11/10/2003

Issued By: 

Project Details

Site Information:	2634 MONTROSE PL SANTA BARBARA 93105		
Acreage:	Zoning:	Assessor Parcel: 023-112-021	
Work Description:			
511 sf Addition.(Enclosure)145 sf Remodel, 202 sf Deck.			

Owner, Agent, Contractor, Architect, Engineer

Owner:	CALIN COSTEA		
Architect	MIKE GONES CIVIL ENGINERRING	1518 BATH ST	
License# rce38166	MIKE GONES	SANTA BARBARA	93101 (805) 966-6787
Owner-Builder	OWNER / BUILDER		
License#			

Additional Information

ADDITIONAL OR REMODELED RESIDENTIAL SQ FT	498
BUILDING - NUMBER OF NEW BEDROOMS	1
BUILDING - OCCUPANCY GROUP	R-3
TYPE OF CONSTRUCTION	V-N
ADDITIONAL OR REMODELED RESIDENTIAL SQ FT	511
ADDITIONAL OR REMODELED RESIDENTIAL SQ FT	145
NEW/ADDTL RESID. NON-HABITABLE SQ FT (GAR/STRG)	202

Valuation Detail

Description	Units	Factor	Value
Additions	511.00	99.00	50,589.00
Alteration of Living areas	145.00	58.00	8,410.00
Wood	202.00	30.00	6,060.00
Total Value:			65,059.00

Required Clearances/Conditions

See following Page for legal declarations

copy.

0313DT-0000-01527



Proj 898-9091

DAILY FIELD REPORT

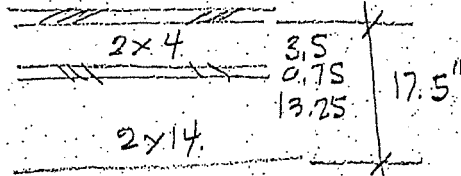
JOB NO. 01838 OBSERV. BY M. Gones REPORT NO 1

JOB LOCATION: 2634 Montrose PL DATE: 11/25/03

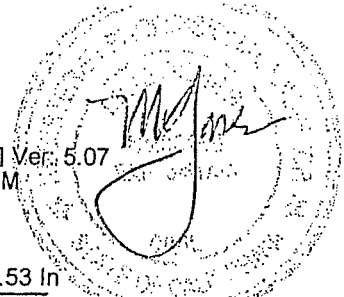
CONTRACTOR: OWNER/Builder WEATHER: clear 60

CONTRACTORS WORK demo WORKING PERIOD _____

parapet, parapet roof tile, deck tile, stucco removed.
inspection hole in floor framing revealed actual floor
system depth built is 17.5"



Therefore FB1/SH A5
only needs to be trimmed
to 17.5". As per the attached revised calculation,
the existing 8.75 x 19.5" x 32' L beam needs to be trimmed
only 2" not 4" (as anticipated) and will support the
proposed addition without installing beam FB2.
new plywood floor diaphragm to go over top of FB1.



Project: Costea - Location: Ex'g lvg room beam
 Summary:

8.75 IN x 18.0 IN x 32.0 FT / 24F-V4 - Visually Graded Western Species - Dry Use
 Section Adequate By: 8.2% Controlling Factor: Moment of Inertia / Depth Required 17.53 In

Deflections:

Dead Load: DLD= 0.49 IN
 Live Load: LLD= 0.99 IN = L/389
 Total Load: TLD= 1.47 IN = L/261

Reactions (Each End):

Live Load: LL-Rxn= 5120 LB
 Dead Load: DL-Rxn= 2533 LB
 Total Load: TL-Rxn= 7652 LB
 Bearing Length Required (Beam only, Support capacity not checked): BL= 1.35 IN
 Camber Req'd.: C= 0.73 IN

Beam Data:

Span: L= 32.0 FT
 Unbraced Length-Top of Beam: Lu= 0.0 FT
 Live Load Deflect. Criteria: L/360
 Total Load Deflect. Criteria: L/240
 Camber Adjustment Factor: CAF= 1.5 X DLD

Floor Loading:

Floor Live Load-Side One: LL1= 40.0 PSF
 Floor Dead Load-Side One: DL1= 15.0 PSF
 Tributary Width-Side One: TW1= 5.0 FT
 Floor Live Load-Side Two: LL2= 40.0 PSF
 Floor Dead Load-Side Two: DL2= 15.0 PSF
 Tributary Width-Side Two: TW2= 3.0 FT
 Live Load Duration Factor: Cd= 1.00
 Wall Load: WALL= 0 PLF

Beam Loading:

Beam Total Live Load: wL= 320 PLF
 Beam Self Weight: BSW= 38 PLF
 Beam Total Dead Load: wD= 158 PLF
 Total Maximum Load: wT= 478 PLF

Properties For: 24F-V4- Visually Graded Western Species

Bending Stress: Fb= 2400 PSI
 Shear Stress: Fv= 190 PSI
 Modulus of Elasticity: Ex= 1800000 PSI
 Ey= 1600000 PSI
 Stress Perpendicular to Grain: Fc perp= 650 PSI
 Bending Stress of Comp. Face in Tension: Fb_cpr= 1200 PSI

Adjusted Properties

Fb' (Tension): Fb'= 2094 PSI
 Adjustment Factors: Cd=1.00 Cv=0.87
 Fv': Fv'= 190 PSI
 Adjustment Factors: Cd=1.00

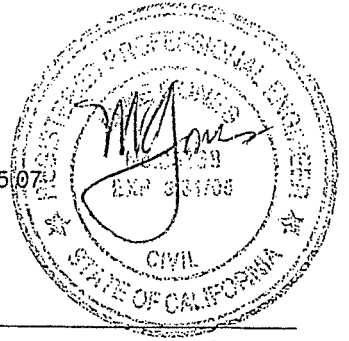
Design Requirements:

Controlling Moment: M= 61220 FT-LB
 16.0 ft from left support
 Critical moment created by combining all dead and live loads.
 Controlling Shear: V= 7653 LB
 At support.
 Critical shear created by combining all dead and live loads.

Comparisons With Required Sections:

Section Modulus (Moment): Sreq= 350.75 IN3
 S= 472.50 IN3
 Area (Shear): Areq= 60.41 IN2
 A= 157.50 IN2
 Moment of Inertia (Deflection): Ireq= 3931.53 IN4
 I= 4252.50 IN4

Uniformly Loaded Floor Beam [97 Uniform Building Code (91 NDS)] Ver: 5/07
 By: Mike Gones Civil Engineer, on: 11-19-2003



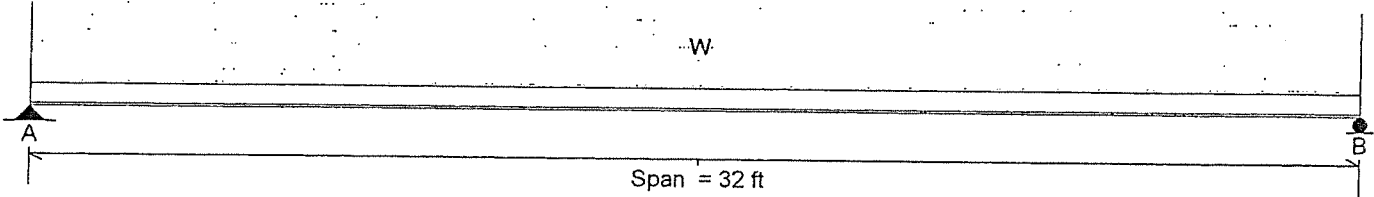
Project: Costea - Location: EX'g lvg room beam

Summary:

8.75 IN x 18.0 IN x 32.0 FT / 24F-V4 - Visually Graded Western Species - Dry Use

Section Adequate By: 8.2% Controlling Factor: Moment of Inertia / Depth Required 17.53 In

LOADING DIAGRAM



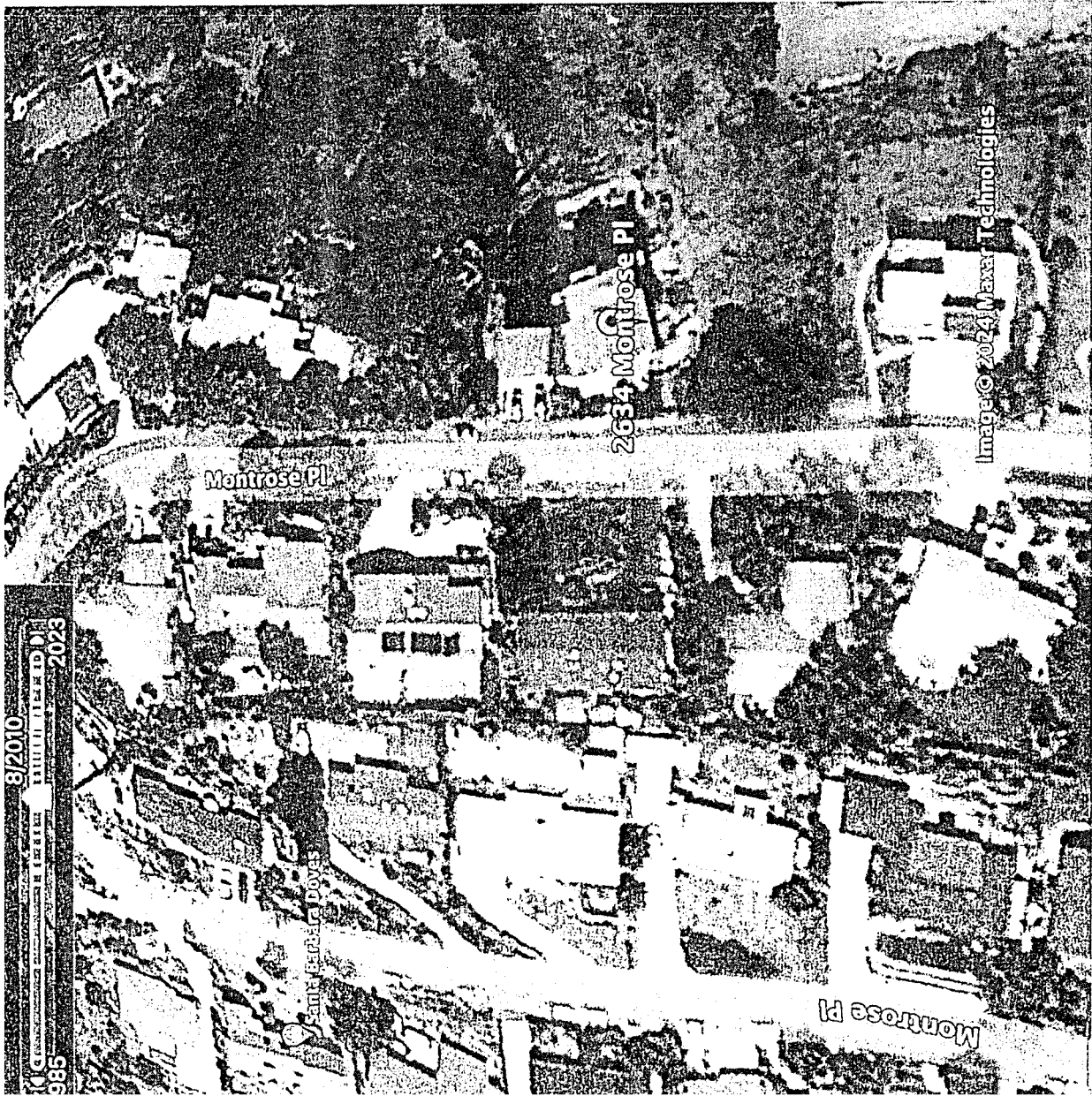
Reactions

	<u>Live Load</u>	<u>Dead Load</u>	<u>Total Load</u>	<u>Uplift Load</u>
A	5120 Lb	2533 Lb	7652 Lb	0 Lb
B	5120 Lb	2533 Lb	7652 Lb	0 Lb

Span

Uniform Loading

	<u>Live Load</u>	<u>Dead Load</u>	<u>Self Weight</u>	<u>Total Load</u>
W	320 Plf	120 Plf	38 Plf	478 Plf



8/2010
Aerial
IMMEDIATE ID
2023

Image © 2024 Maxar Technologies

Mantrose Pl

2634 Mantrose Pl

Montrose Pl

SANTA FE PLACE DRIVE



4/2011

1985

2023

2634 Montrose Pl

Montrose Pl

Imagery Date: 4/26/2011 36°27'09.40"N 119°42'54.50"W

1985

2/2016
285



Imagery Date: 2/19/2016 31°27'06.3" N 119°42'54.04" W elev: 691ft

1985

