

# SANTA BARBARA COUNTY BOARD AGENDA LETTER



Clerk of the Board of Supervisors  
105 E. Anapamu Street, Suite 407  
Santa Barbara, CA 93101  
(805) 568-2240

**Agenda Number:**  
**Prepared on:** 10/11/06  
**Department Name:** Planning & Development  
**Department No.:** 053  
**Agenda Date:** 10/17/06  
**Placement:** Administrative  
**Estimate Time:** 5 minutes  
**Continued Item:** NO  
**If Yes, date from:**

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**TO:** Board of Supervisors

**FROM:** John Baker, Director  
Planning & Development

**STAFF** Errin Briggs, Planner, 568-2047  
**CONTACT:** Anne Almy, Supervising Planner, 568-2053

**SUBJECT:** Gluck Appeals of Berkoff New Single-Family Residence

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## **Recommendation(s):**

That the Board of Supervisors acknowledge the subject appeals, Case Nos. 06APL-00000-00010 & 06APL-00000-00013 have been withdrawn by the appellant per the attached letter by Derek Westen dated August 24, 2006.

## **Alignment with Board Strategic Plan:**

The recommendation(s) are primarily aligned with Goal No. 1. An Efficient Government Able to Respond Effectively to the Needs of the Community.

## **Executive Summary and Discussion:**

On August 10, 2005 the Berkoff Trust filed an application for a Land Use Permit (Case No. 05LUP-00000-00952) to authorize the construction of a new single-family dwelling, accessory structures, a pool and a tennis court.

On March 20, 2006 the project received preliminary approval from the Montecito Board of Architectural Review. Planning and Development approved Land Use Permit Case No. 05LUP-00000-00952 on March 28, 2006.

On March 29, 2006, Derek Westen, Esq., filed an appeal of the March 20, 2006 Montecito Board of Architectural Review preliminary approval (05BAR-00000-00172) on behalf of Fred and Linda Gluck. Mr. Westen then filed an appeal of P&D's approval of Case No. 05LUP-00000-00952 on April 7, 2006.

On June 21, the Montecito Planning Commission voted 3 to 2 to deny the appeal and uphold the approvals of Case Nos. 05LUP-00000-00952 and 05BAR-00000-00172.

Derek Westen then filed an appeal of the Montecito Planning Commission decision to approve Case Nos. 05LUP-00000-00952 and 05BAR-00000-00172 to the Board of Supervisors on July 3, 2006.

On August 22, 2006 in facilitation, the parties came to a private agreement to settle the appeal issues outside the public forum. In a letter dated August 24, 2006, the appellant subsequently withdrew the subject appeals, Case Nos. 06APL-00000-00010 & 06APL-00000-00013.

**Mandates and Service Levels:**

Pursuant to Section 35-489.5 of Article IV, the decisions of the Planning Commission may be appealed to the Board of Supervisors by the applicant or an aggrieved person.

Notice shall be posted 72 hours in advance of the hearing consistent with requirements of the Ralph M. Brown Act.

**Fiscal and Facilities Impacts:**

N/A

**Special Instructions:**

N/A

**Concurrence:**

N/A

**Attachments:**

- A. Withdrawal Letter dated August 24, 2006



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2006 SEP 14 11:14 AM  
COUNTY OF SANTA BARBARA  
CLERK OF THE  
BOARD OF SUPERVISORS

August 24, 2006

By Hand Delivery

Clerk of the Board  
Board of Supervisors  
Figueroa and Anacapa Streets  
Santa Barbara, CA 93101

Re: Berkoff Trust Single Family Residence; Appeal Case Nos.: 06APL-00000-00010  
and 06APL-00000-00013 (Appeals of 05BAR-00000-00172 & 05LUP-00000-00952)

Dear Clerk of the Board:

This letter is to advise you that the appellants, Fred and Linda Gluck, have resolved their differences with the applications in the captioned appeal, and hereby formally withdraw both of the captioned appeals.

Thank you for your assistance.

Sincerely,

Derek A. Westen  
Attorney at Law

cc. C. Michael Cooney, Esq.  
Christopher A. Jacobs, Esq.  
Fred and Linda Gluck

**06APL-00000-00010**  
BERKOFF NEW SFD: APPEAL BY GLUCK  
700 PICACHO LN

SANTA BARBARA 011-140-024

**06APL-00000-00013**  
BERKOFF SFD: APPEAL BY GLUCK  
700 PICACHO LN

SANTA BARBARA 011-140-024