



Santa Barbara County Planning and Development Department

Appeal Application

RECEIVED

2024 MAY 28 P 4: 58

County Use Only

Appeal Case No.:

STEP 1: SUBJECT PROPERTY

011-150-019

ASSESSOR'S PARCEL NUMBER(S)

665 Juan Crespi Lane, Montecito, CA 93108

PROPERTY ADDRESS (IF APPLICABLE)

BUSINESS/ESTABLISHMENT NAME (IF APPLICABLE)

STEP 2: PROJECT DETAILS

Tait Family Trust Addition and Garage

PROJECT TITLE

24APL-00003

CASE NO(S).

Montecito Planning Com ☒ May 15, 2024

DECISION MAKER

DATE OF ACTION

Is the appeal related to cannabis activities?

☐ Yes

☒ No

STEP 3: APPEAL CONTACTS

APPELLANT

Leonard and Melanie Judson

NAME (if LLC or other legal entity, must provide documentation)

655 Juan Crespi Lane

STREET ADDRESS

Montecito

CA

93108

CITY,

STATE

ZIP

805 570 8498 KLJ@cycadvoc.com

PHONE

EMAIL

AGENT

NAME (if LLC or other legal entity, must provide documentation)

STREET ADDRESS

CA

CITY,

STATE

ZIP

PHONE

EMAIL

ATTORNEY

Christopher E. Hahn, Allen + Kimbell

NAME (if LLC or other legal entity, must provide documentation)

317 East Carrillo

STREET ADDRESS

Santa Barbara

CA

93101

CITY,

STATE

ZIP

805 450 9377 chahn@ahk.law.net

PHONE

EMAIL

STEP 4: APPEAL DETAILS

Is the Appellant the project Applicant? ☐ Yes ☒ No

If not, please provide an explanation of how you are an "aggrieved party", as defined in Step 5 on page 2 of this application form:

Adjacent neighbor who filed opposition with MBAR

Please provide a clear, complete, and concise statement of the reasons or ground for appeal:

- Why the decision or determination is consistent/inconsistent with the provisions and purposes of the County's Zoning Ordinances or other applicable law;
- There was error or abuse of discretion;
- The decision is not supported by the evidence presented for consideration;
- There is a lack of a fair and impartial hearing; or
- There is significant new evidence relevant to the decision which could not have been presented at the time the decision was made.
- Coastal Zone – Accessory Dwelling Unit appeals: Appellant must demonstrate that the project is inconsistent with the applicable provisions and policies of the certified Local Coastal Program or that the development does not conform to the public access policies set forth in the Coastal Act.

The decision of the MPC, to allow the west facing window of the garage to proceed as designed, as long as it is "frosted" will not meet the MPC's intent of providing privacy to the private areas of the Judsons' property. Therefore, it is inconsistent with the Montecito Land Use and Development Code, specifically Montecito Architectural Guidelines and Development Standards III.C.3.g. See attached letter and exhibits.


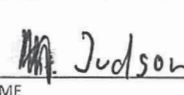
STEP 5: APPELLANT, AGENT, AND ATTORNEY ACKNOWLEDGEMENTS

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

1. I have carefully reviewed and prepared the appeal application in accordance with the instructions; and
2. I provided information in this appeal application, including all attachments, which are accurate and correct; and
3. I understand that the submittal of inaccurate or incomplete information or plans, or failure to comply with the instructions may result in processing delays and/or denial of my application; and
4. I understand that it is the responsibility of the applicant/appellant to substantiate the request through the requirements of the appeal application; and
5. I understand that upon further evaluation, additional information/documents/reports/entitlements may be required; and
6. I understand that all materials submitted in connection with this appeal application shall become public record subject to inspection by the public. I acknowledge and understand that the public may inspect these materials and that some or all of the materials may be posted on the Department's website; and
7. I understand that denials will result in no refunds; and
8. I understand that Department staff is not permitted to assist the applicant, appellant, or proponents and opponents of a project in preparing arguments for or against the project; and
9. I understand that there is no guarantee – expressed or implied – that an approval will be granted. I understand that such application must be carefully evaluated and after the evaluation has been conducted, that staff's recommendation or decision may change during the course of the review based on the information presented; and
10. I understand an aggrieved party is defined as any person who in person, or through a representative, appears at a public hearing in connection with the decision or action appealed, or who, by the other nature of his concerns or who for good cause was unable to do either; and
11. Pursuant to California Civil Code Section 1633.5(b), the parties hereby agree that where this Agreement requires a party signature, an electronic signature, as that term is defined at California Civil Code Section 1633.2(h), shall have the full force and effect of an original ("wet") signature. A responsible officer of each party has read and understands the contents of this Agreement and is empowered and duly authorized on behalf of that party to execute it; and
12. I understand that applicants, appellants, contractors, agents or any financially interested participant who actively oppose this project who have made campaign contributions totaling more than \$250 to a member of the Planning Commission or Board of Supervisors since January 1, 2023, are required to disclose that fact for the official record of the subject proceeding. Disclosures must include the amount and date of the campaign contribution and identify the recipient Board member and may be made either in writing as part of this appeal, in writing to the Clerk of the legislative body before the hearing, or by verbal disclosure at the time of the hearing; and
13. If the approval of a Land Use Permit required by a previously approved discretionary permit is appealed, the applicant shall identify:
 - How the Land Use Permit is inconsistent with the previously approved discretionary permit;
 - How the discretionary permit's conditions of approval that are required to be completed prior to the approval of a Land Use Permit have not been completed;
 - How the approval is inconsistent with Section 35.106 (Noticing).

REQUIRED SIGNATURES: All aggrieved parties must sign the appeal application prior to the appeal deadline in order to be considered an aggrieved party. Please attach additional signature pages, as needed.

I have read and understand the above acknowledgements and consent to the submittal of this application.

 K. Leonard  M. Judson

SIGNATURE – APPELLANT

PRINT NAME

DATE

SIGNATURE – AGENT

PRINT NAME

DATE

 Christopher E. Hahn

SIGNATURE – ATTORNEY

PRINT NAME

DATE

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

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

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

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

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Board of Legal Specialization

Email: chahn@aklaw.net

May 28, 2024

Santa Barbara County Board of Supervisors

Re: Appeal of MPC 24APL-00003: Tait Family Trust Addition and Garage, 665 Juan Crespi Lane, Montecito

Honorable Board Members,

By this appeal, the Judsons – the neighbors directly adjacent to the proposed project – seek to protect their family’s privacy. The Montecito Architectural Guidelines and Development Standards (“MAGDS”) specifically require protection of this valuable right. And the Judsons’ privacy issues can be fully addressed merely by insignificant modifications to the design of the proposed project. The Montecito Planning Commission decision actually *intended* to protect this right as required by the MAGDS. It is only due to a practical oversight that the MPC’s decision fails to do so. Thus, the Judsons bring this appeal merely to request you to exercise your authority to correct this practical oversight and protect the Judsons’ privacy as required by the Montecito Architectural Guidelines and Development Standards.

Leonard and Melanie Judson live at 655 Juan Crespi Lane, directly west of and downslope from applicants’ proposed project. The proposed project includes a new detached garage on the far west side of applicants’ property. This proposed garage includes a very large three-pane window, over six feet in width, facing west. This extravagant window, in a garage, would provide very little utility to the applicants. But it would needlessly infringe the Judsons’ privacy, as it would look directly down onto a bedroom and the private areas of their back yard, including their outdoor dining area and fire pit that they enjoy with their family, and the raised-bed gardening area which Melanie uses daily to produce kitchen vegetables and herbs for the family’s meals.

Not only is re-designing the window so as to protect the Judson family’s privacy reasonable and a matter of good-neighborliness, it is REQUIRED by the Montecito Land Use and Development Code:

All projects approved in the Montecito Planning Area must be consistent with the guidelines set forth in the Montecito Architectural Guidelines and Development

Standards. MLUDC Section 35.472.070 and Coastal Zoning Ordinance Article II Section 35-184; Montecito Architectural Guidelines and Development Standards (“MAGDS”), I.A., p. 1.

“The goal of the [MAGDS] Guidelines is to ensure that every residential development will ... have a compatible relationship to neighboring properties” MAGDS, I.C., p. 2.

“The following goals shall guide the planning, design and approval of all new ... structures...: 5. To ensure that architecture and landscaping respect the privacy of immediate neighbors.” MAGDS, I.C., p. 2.

In fact, the MAGDS makes clear that “Residential privacy is a key ingredient in the quality of life in Montecito....” MAGDS, III.C.2, p. 14.

For this reason, the MAGDS explicitly requires that “Structures should be ...designed to avoid placement of windows ... which look directly onto private areas of adjacent properties.” MAGDS, III.C.3.g.

The placement of the large, west-facing garage window looking directly onto private areas of the Judsons’ adjacent property thus violates the MAGDS. The attached surveys and photos on which the MPC based its decision prove this:

Exhibits 1, 2 and 3 demonstrate that the proposed west-facing garage window would loom at least fifteen feet over private areas of the Judsons’ backyard.¹

The Judsons own a landscaping easement extending east toward the proposed garage onto the Taits’ property. On the border of this easement sits a five-foot chain link fence, currently covered in places by ivy. The MPC correctly dismissed this “ivy hedge” as an adequate protection of the Judsons’ privacy. First, the express language of the MAGDS requires protection of privacy through “avoid[ing] placement of windows”; the MAGDS do not speak of vegetative barriers to protect privacy. Vegetation can die or be removed; here in particular the ivy, after a Spring of heavy rains, is much more full than it is for most of the rest of the year. Second, the ivy on the fence does not in fact provide a visual barrier. The view from the garage window would loom approximately seven feet over the top of the fence², and in any case there are large gaps in the ivy.

Exhibit 4 is a photo taken from the Judson’s outdoor dining area. It looks east, over the five-foot fence into applicants’ yard, where a trailer is located *behind* (east of) where the

¹ A survey of the Judson’s property is attached hereto as Exhibit 1. It shows that the Judson’s “Garden Boxes” are at 279’, and the rest of the Judson’s backyard is even lower than that. Applicant’s Site Plan is attached hereto as Exhibit 2. The Site Plan indicates that the elevation of the new garage pad and the existing residence are the same, and the topo lines indicate that this elevation is approximately 290’. The view from a person standing at the garage window would be approximately five feet higher than that, approximately 295’, over fifteen feet above the Judsons’ garden boxes and other private areas of their backyard.

² See Applicant’s Site Plan attached hereto as Exhibit 2. The five-foot ivy-covered fence sits on the blue-dashed “Easement” line, and the topo lines indicate that, west of the garage, the base of this fence is at only 283’. See also Judsons’ photograph attached hereto as Exhibit 3, taken from the fence line and showing the steep immediate incline up to the proposed garage location (in front of the existing trailer).

garage will be sited. Even the wheel-well of the trailer in applicant's yard is clearly visible over the fence.

Exhibit 5 is a photo taken from the fence, right in front of the trailer wheel well shown in Exhibit 4, of the Judson's back yard. This photo demonstrates the view of the Judson's back yard private areas that will be visible from the proposed garage window.

Exhibit 6 is a photo taken from the location of the Judsons' bedroom window looking directly at the location of the Taits' proposed garage window.

Based on this evidence, and a site visit by one member, the MPC correctly recognized that the proposed design failed to protect the Judsons' privacy as required by the MAGDS. Prior to denying the project outright, the MPC gave the applicants the opportunity to propose a design revision to remedy this failure. The applicants proposed that the garage window would be "frosted" so as to be opaque, and with this condition a majority of the MPC accepted the applicants' design. May 15, 2024, MPC Hearing, <https://www.youtube.com/watch?v=xULEeWx4OQM> ("MPC Hearing") at 3:57:20-4:06:00. While the intent of this design revision – and of the MPC's approval of the project conditioned on it – was clearly to protect the Judsons' privacy, as applied the "frosted" window condition is ineffective in several important respects.

First, the applicants have indicated that of the three "sections" comprising the window, two of them are intended to open. MPC Hearing at 3:16:00. A "frosted" window does not provide privacy when it is open. Second, mere "frothing" of window glass is an uncertain and unreliable way to ensure privacy. In the future, a frosted window pane can easily be replaced with clear glass, without obtaining a permit, leaving the Judsons with another costly and hostile enforcement battle. To avoid such uncertainty and instead impose a much more permanent and enforceable solution, the MAGDS – as discussed above – require privacy to be protected through "placement of windows." (For this reason, one of the three MPC members found the frosted window solution inadequate [MPC Hearing at 4:08:34-4:08:48] and voted to deny the project [MPC Hearing at 4:17:08].)

Indeed, through proper "placement" of the proposed window, the Judsons' privacy could be protected, without any loss of the utility to the Taits of the window in the uninhabitable garage. A window placed so as not to extend below eye level (six feet from grade) would look out, not down, and would still receive all the light, air and outward view of the proposed window. Only the downward view onto the Judsons' back yard would be eliminated. This could easily be accomplished with a horizontal window, and windows on the other sides of the garage could be designed to match, if desired.

The applicants have thus far refused to agree to this simple design revision, or any others, which *would* actually protect the Judsons' privacy as intended by the MPC decision. Thus, the Judsons are forced to file this appeal. We request you to exercise your authority to correct the practical oversight in the MPC decision, and protect the Judsons' privacy as required by the Montecito Architectural Guidelines and Development Standards through proper "placement" of the proposed window. With such minimal redesign, the Judsons' valuable privacy can be protected,

Santa Barbara County Board of Supervisors
May 28, 2024
Page 4

and compliance with the requirements of Montecito's Architectural Guidelines and Development Standards can be preserved.

Sincerely,

ALLEN & KIMBELL, LLP

A handwritten signature in black ink, appearing to read "Christopher E. Hahn". The signature is fluid and cursive, with the first name "Christopher" being more prominent than the last name "Hahn".

By

Christopher E. Hahn, Esq.

CEH
Attachments

DATE: 6/2/2013 10:03:33 AM FILE PATH: \\C:\Users\JW\Documents\20972.TPO.DWG



CONTROL POINT LISTING

POINT	NORTHING	EASTING	ELEVATION	DESCRIPTION
1	1000.000	1000.000	276.13	SET 600 NAIL
2	942.406	877.234	268.15	SET 600 NAIL
3	947.443	1109.186	277.06	SET 600 NAIL
4	1046.528	1112.468	284.35	SET 600 NAIL
5	825.747	1034.268	274.46	SET MAG/TIN
6	830.162	1085.704	277.00	SET MAG/TIN
200	1029.525	899.567	269.17	FOUND 1/2" IRON PIPE TAG RE7704
201	1057.672	1135.539	287.30	FOUND 3" BRASS CAP F.F. FLOWING
202	1058.187	1079.813	282.03	FOUND 1/2" IRON PIPE TAG LS 2786
203	998.807	899.966	270.75	FOUND 1/2" IRON PIPE TAG LS 7704
204	809.953	1004.953	271.85	FOUND 1/2" IRON PIPE OPEN

EASEMENT NOTES

(NUMBER CORRESPONDS TO ITEM NUMBER IN PRELIMINARY TITLE REPORT. NOT ALL EXCEPTION ITEMS ARE NOTED.)

- AN EASEMENT FOR PUBLIC UTILITIES; ANCHORS AND INCIDENTAL PURPOSES, RECORDED FEBRUARY 08, 1968 AS INSTRUMENT NO. 5333 IN BOOK 2221, PAGE 768 OF OFFICIAL RECORDS.
- AN EASEMENT FOR ANCHOR AND INCIDENTAL PURPOSES, RECORDED AUGUST 22, 1956 AS INSTRUMENT NO. 16476 IN BOOK 1397, PAGE 264 OF OFFICIAL RECORDS.
- AN EASEMENT FOR POLES AND INCIDENTAL PURPOSES, RECORDED SEPTEMBER 21, 1956 AS INSTRUMENT NO. 18681 IN BOOK 1403, PAGE 506 OF OFFICIAL RECORDS.
- AN EASEMENT FOR SEWER PIPE LINE AND INCIDENTAL PURPOSES, RECORDED FEBRUARY 20, 1961 AS INSTRUMENT NO. 5824 IN BOOK 1808, PAGE 256 OF OFFICIAL RECORDS.
- AN EASEMENT FOR SEWER PIPE LINE AND INCIDENTAL PURPOSES, RECORDED APRIL 17, 1981 AS INSTRUMENT NO. 13295 IN BOOK 1841, PAGE 560 OF OFFICIAL RECORDS.

NO.	DATE	REVISIONS	APPRO.

Pentfield & Smith
Engineering • Surveying • Planning
Construction Management
111 East Victoria Street, Santa Barbara, CA 93101
Phone: (805) 963-9532 Fax: (805) 966-9801

MAPPING LEGEND

ABBREVIATIONS
AC ASPHALT CONCRETE
CONC CONCRETE
FF FINISHED FLOOR
GD GROUND
OAK OAK TREE
TW TOP OF WALL

SYMBOLS
○ DV - GAS VALVE
○ WM - WATER METER
○ SMH - SEWER MANHOLE
● CP1 - CONTROL POINT
● - FOUND MONUMENT AS NOTED
○ - LEASED SPOT ELEVATION
■ - CONCRETE SURFACE
□ KCV - IRRIGATION CONTROL VALVE

LINE TYPES
--- - BOUNDARY LINE
--- - EASEMENT LINE
--- - RIGHT OF WAY LINE
--- - FLOWLINE
--- - GROUND BREAKLINE
--- - CONTOUR LINE
--- - BUILDING OVERHANG
--- - CENTERLINE
--- - EDGE OF PAVEMENT
--- - CHARLIE/BARBWIRE FENCE
--- - POST FENCE
--- - WOOD FENCE
--- - WALL

FIELD CREW: HMG/ADF
SURVEY COMPLETED: MAY 8, 2013
OFFICE TECH: HMG/ARG
COMPILED COMPLETED: JUNE 4, 2013

TOPOGRAPHIC MAP
655 JUAN CRESPI LANE
SANTA BARBARA, CALIFORNIA
JUNE 2013

WORK ORDER
20972.01
SHEET
1 OF 1
DWG
20972.TPO.DWG

VICINITY MAP



SURVEYOR'S NOTES

1. MAPPING

TOPOGRAPHIC MAPPING WAS COMPILED AT A SCALE OF 1"=20', WITH A 1 FOOT CONTOUR INTERVAL, FROM DATA COLLECTED IN A FIELD SURVEY PERFORMED USING CONVENTIONAL EQUIPMENT AND PROCEDURES IN MAY, 2013, AT THE REQUEST OF K. LEONARD JUDSON.

2. BOUNDARY AND EASEMENT INFORMATION

THE BOUNDARY INFORMATION SHOWN HEREON IS BASED ON THE LEGAL DESCRIPTION GIVEN IN THE PRELIMINARY TITLE REPORT PROVIDED BY CLIENT AS POLICY NO. 14316RGM DATED SEPT. 16, 1998 PREPARED BY FIRST AMERICAN TITLE COMPANY. THE BOUNDARY WAS COMPILED FROM THE MAP(S) FILED IN BOOK 37, PAGE 84 OF PARCEL MAPS AND IS FOR INFORMATIONAL PURPOSES ONLY. THIS SURVEY TIED TO SEVERAL MONUMENTS OF RECORD IN ORDER TO ORIENT THE TOPOGRAPHIC AND PLANNING MAPPING TO THE COMPILED BOUNDARY. THIS MAP DOES NOT REPRESENT A BOUNDARY ESTABLISHMENT SURVEY.

3. BASIS OF BEARINGS AND COORDINATES

THE BEARING OF N 8°33'00" W FOR THE LINE OF BACK OF LOT 3, AS SHOWN ON THE MAP OF RECORD MAP FILED IN BOOK 37 PAGE 84, WAS USED AS THE BASIS OF BEARINGS FOR THIS MAP.

4. ELEVATIONS

ELEVATIONS SHOWN HEREON ARE EXPRESSED IN U.S. SURVEY FEET AND ARE REFERENCED TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD83) USING GPS TIES & GROUND MODELING (GMD 09) TO CIPR. ORTHOMETRIC ELEVATION OF CIPR 45.35FT.

SEE CONTROL POINT LISTING

SURVEYOR'S STATEMENT

THIS MAP, AND THE SURVEY IT REPRESENTS, WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION.

Kenneth J. Wilson
KENNETH J. WILSON

DATE: JUNE 4, 2013



EX. 7

EXISTING "V" DITCH

EXISTING "V" DITCH

DOWNSPROUTS TO LEAD TO 4" ABS/FRIGHT LINE DRAIN CONTAINED SYSTEM DAYLIGHTS AT "V" DITCH

POOL 648 S.F.

HOUSE ADDITION 2 172 S.F.

NEW COVERED PORCH 2 307 S.F.

HOUSE ADDITION 3 429 S.F.

DETACHED GARAGE 731 S.F.

PAD OF DETACHED GARAGE AND RESIDENCE ARE THE SAME

EXISTING GARAGE 591 S.F.

HOUSE ADDITION 1 55 S.F.

EXISTING 1 STORY RESIDENCE 3,209 S.F. +/-

1.015 acres

GARAGE ADDITION 1 46 S.F.

NEW COVERED PORCH 1 119 S.F.

665 JUAN CRESPI LANE

VICINITY MAP

PROJECT LOCATION

SCOPE OF WORK STATEMENT
THE PROJECT SHALL INCLUDE A ONE-STORY DETACHED GARAGE & A ONE-STORY ADDITION AND REMODEL THE EXISTING ONE-STORY RESIDENCE.

RESIDENCE
EXISTING 1 STORY RESIDENCE 3,209 S.F.
RESIDENCE ADDITION 708 S.F.
NEW TOTAL RESIDENCE 3,917 S.F.

EXISTING ATTACHED GARAGE 591 S.F.
ATTACHED GARAGE ADDITION 46 S.F.
NEW ATTACHED GARAGE TOTAL 637 S.F.

TOTAL COVERED PORCHES 427 S.F.

DETACHED GARAGE
NEW DETACHED GARAGE 731 S.F.

SITE DATA
LOT AREA 43,720 S.F.
FLOOR AREA RATIO 3,917 S.F. / 43,720 S.F. = 11.9 %

CONSTRUCTION: VN
OCC. PANCA: R/A
FIRE SPRINKLERS: NO

IMPERVIOUS SURFACE EXISTING 7,430 S.F.
IMPERVIOUS SURFACE NEW 0 S.F.

SHEET INDEX
CS: COVER SHEET
NC: NEIGHBORHOOD CONTEXT
A/E: EXISTING SITE PLAN
A/N: NEW SITE PLAN & VICINITY MAP
A/E: EXISTING RESIDENCE FLOOR PLAN
A3: EXISTING RESIDENCE ELEVATIONS
A4: NEW RESIDENCE FLOOR PLAN
A5: NEW RESIDENCE ELEVATIONS
A6: NEW DETACHED GARAGE FLOOR PLAN & ELEVATIONS

SITE PLAN
1/16" = 1'-0"

A1-N	Job 2207	Drawn DJH	Date 10/5/22	A REMODEL AND ADDITION FOR: MARTIN AND JANE TAIT 605 JUAN CRUZEIRANI AUSTIN, TEXAS	VICINITY MAP NEW SITE PLAN	DOUGLAS J. HARWOOD CLASSIC HOME DESIGN LIVERMORE, CA 94551	REVISIONS



III x 4







Ex 6