

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST DISTRICT OFFICE
89 S. CALIFORNIA STREET, SUITE 200
VENTURA, CA 93001
(805) 585-1800



F11a

A-4-STB-22-0027 (2305 Finney St)

November 17, 2023

CORRESPONDENCE



November 9, 2023

Via Electronic Mail

Sam.fearer@coastal.ca.gov

Deanna.Christensen@coastal.ca.gov

SouthCentralCoast@Coastal.ca.gov

California Coastal Commission
South Central Coast District Office
89 South California Street, Suite 200
Ventura, CA 93001-2801

Attn: Sam Fearer
Coastal Program Analyst

**Re: Response to Staff Report: Appeal—No Substantial Issue dated
October 26, 2023
Coastal Commission Appeal No. A4-STB-22-0027
Local Permit #21CDP-00000-00053
Accessory Dwelling Unit (ADU) at 2305 Finney Street in Santa
Barbara
My client: Lacerte Family Trust**

Dear Mr. Fearer:

The following constitutes written comment of Lacerte Family Trust, appellant in the above referenced matter, in response to Staff Report dated October 26, 2023, and in advance of the Commission's November 17, 2023 Hearing.

Staff's finding of "No Substantial Issue" is in error. Specifically, Staff erred in concluding that public access would not be impeded by project approval. Staff incorrectly concluded that the project complies with Section 35-108.1 of the Santa Barbara County Coastal Zoning Ordinance. The project does not meet the two parking spaces per dwelling unit requirement.

In its October 23 submission, appellant stated that in researching the 2305 Finney Street parcel history, it concluded that there is no evidence that the BMO parcel possesses or obtained an access easement across Finney Street as part of the LLA process.

Appellant requested that Staff conduct additional research to confirm whether BMO has the legal right to access its property.

Staff's October 26th Report is silent on this issue.

Attached as Exhibit A to this Submission is an email reflecting BMO's recognition back in July of 2018 that it was concerned that as part of its LLA, it did not obtain an access easement across Finney Street in order to access its property.

Appellant requests that the Commission ask Staff the following question: "Does the applicant have legal access across Finney Street to its property or not?"

If the answer is no, then this appeal must be granted. Alternatively, if the answer is no, this hearing should be held in abeyance until the applicant obtains those access rights, either by private agreement or by court order.

If Staff is unsure, this hearing should be held in abeyance until they can answer that question.

The 10 July 2023 submission in support of the project by Suzanne Elledge Planning and Permitting Services states at page 9 that "in practice, the subject site has three (3) parking spaces because of an additional informal space on the property." Not so. Ms. Elledge produces no proof of documentation of the BMO's legal right to have its vehicles access Finney Street. If Ms. Elledge has such proof, she needs to produce it—just as Appellant requested in its 23 October 2023 letter--before the Commission considers approving this Project.

If BMO has no legal easement across Finney, then BMO does not meet the "two spaces per dwelling unit" requirement of Section 35-108.1. BMO would possess no spaces, because any vehicles associated with its home would lack ingress and egress rights along the sole private road that affords them access.

Coastal resources would be significantly affected by applicant's inability to comply with Section 35-108.1. Finney Street is a private road. There is no parking allowed on either side of the street. We know that no construction parking is allowed in the

access easement. Three photographs of the severely impacted Street, the Lacerte home, and the BMO home are attached as Exhibit B. The first picture, “Exhibit 83”, depicts the end of Finney Street, with the Lacerte home at the top. A car and truck are seen illegally parked on the right side of the road. The second picture, “Exhibit 84”, shows the end of Finney Street where it makes a sharp 90 degree turn to the BMO property. The third picture, “Exhibit 79” depicts the area directly in front of the BMO home, where the applicant purports to park its construction vehicles.

Emergency and fire access along Finney Street is already severely impacted by way of illegal parking. Spillover construction parking resulting from lack of legal onsite BMO parking will only make the situation worse.

To the extent that construction parking abides by the Finney Street “no parking” requirement, that parking will by default spill out onto the point closest to the proposed project, which is *the parking lot located at Lookout Park in Summerland. That parking lot happens to be the main point of public access to Summerland Beach.*

As stated in the Park’s promotional materials:

Summerland Beach is one of the best on the South Coast and is located in the community of - you guessed it - Summerland, just a six-mile drive east along the coast from Santa Barbara. One might think that Summerland was named for the weather, but the name was actually taken from spiritualist literature, and named by spiritualists who occupied the area more than a century ago. This pretty stretch of coastline is well worth a look for anyone planning a beach outing - especially with a dog. This beach offers not only terrific views, but also an off leash experience and a for-pay self service dog wash... **Lookout Park is the main beachfront park in Summerland, located up on a bluff with a south-facing view. Summerland Beach is right below Lookout Park. The park is operated by Santa Barbara County parks and includes a free parking lot, a grass park, benches, picnic tables, BBQs, a kids playground, a volleyball court, restrooms, and the dog wash.** When you walk down the paved trail to Summerland Beach you will encounter a wide sandy beach (most of the time) but no more facilities. All the facilities are in the park. If you walk left/east you will encounter Loon Point Beach while Fernald Point Beach is to the right/west. (Emphasis added)

To the extent Staff concludes that project access is a private matter to either be resolved or litigated after the fact, this would be incorrect. This appeal raises a substantial issue as defined under Section 13115 (3)—the significance of the

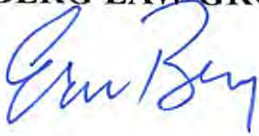
coastal resources affected by the decision. This Commission may not as a matter of law leave the issue open for private parties to sort out after the fact.

We look forward to receiving an answer to this critical question at the Hearing.

Thank you.

Sincerely,

BERG LAW GROUP

A handwritten signature in blue ink, appearing to read "Eric Berg", is written over the printed name.

Eric Berg

EB/encs

EXHIBIT A

REDACTED

From: LauraDrammer.com <laura@lauradrammer.com>
Sent: Thursday, July 19, 2018 7:29 AM
To: dominique.lacerte@gotoadvantage.com
Subject: Fwd: 2311 Finney Street

LAURA DRAMMER

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Begin forwarded message:

From: Jerry Adams <jerryadams4re@gmail.com>
Date: July 19, 2018 at 8:18:17 AM PDT
To: "LauraDrammer.com" <laura@lauradrammer.com>
Subject: Re: 2311 Finney Street

Dennis did call Bob Mecay last night. He asked if he knew anything about the access easements from the time of the land adjustment. He did not give a direct answer to that question. Dennis asked Bob if he had the phone number for Dr. Cohen next door so we could ask him to sign a grant of easement. Bob said he did not have the phone and immediately got very concerned and said if we get the easement, then he will never be able to get an easement and he will never be able to build a different house. Bob then said I have the cash and will buy your house! It was very clear that Bob and Dr. Mecay are at odds

with each other. It was very clear to Dennis that the conversation about homeless people and building a larger home that Bob had with Dominique was to discourage her from moving forward. (We have no idea why Bob never has said anything to us prior about buying the subject house??)

Now you know what we know. We do have a phone number for the first home near the railroad crossing and the fourth home owned by Dr. Cohen. Please get the easement deeds together and contact these two parties to learn if they will sign.

Nora (railroad crossing) 805.570-4587

Dr. Cohen 818.912-7336, bus 818.883-7374, beach 805.969-6371

(I am just guessing, but I think when you speak with Nora and especially Dr. Cohen that you should make clear that the easement deeds are just to get access on Finney for the Hotchkiss house, not the Mecay house. I would also guess that you should do your best to ask for an email address when you call so that you can email a copy of what you are asking them to sign for their review?)

Good luck.

On Thu, Jul 19, 2018 at 7:40 AM, [LauraDrammer.com](mailto:laura@lauradrammer.com) <laura@lauradrammer.com> wrote:

If you wouldn't mind to ask if the sellers have any contact information for the two property owners that I need to reach that would be great. Thanks again Jerry!

LAURA DRAMMER

Berkshire Hathaway Luxury Properties Specialist

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DRE #01209580

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On Jul 18, 2018, at 4:26 PM, Jerry Adams <jerryadams4re@gmail.com> wrote:

Thank you for your extra research. I did call Mr. Hotchkiss and he will contact Mr. Mecay to describe the issue we are confronted with for the access easement. It seems that the first home and the last home do need to sign an easement deed for the benefit of 2311 Finney. I can understand that the buyer would like to have the matter cleaned up. I asked Mr. Hotchkiss if he would have more pull getting the two easements signed. He said he would prefer that you contact the two owners for their signature. He said the first home is owned by a very accommodating person.

I will try to reach the engineer that did the lot line adjustment and ask if he can shed any light on the access easement issue.

I expect to have the termite report late Thursday.

On Wed, Jul 18, 2018 at 3:44 PM, jerry adams <jerryadams4re@gmail.com> wrote:

no report yet

Jerry Adams
cell 805.657-0102

On Jul 18, 2018, at 12:16 PM, LauraDrammer.com <laura@lauradrammer.com>
wrote:

Jerry,
Do you have the termite inspection report yet for our review?
And I will call you this afternoon to discuss my meeting yesterday with
title underwriter, Alan Martin, from Chicago Title.
Thank you.

LAURA DRAMMER

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EXHIBIT B



EXHIBIT 83
BMO015



ring

BM0073

EXHIBIT 79

