



**PLANNING & DEVELOPMENT  
APPEAL FORM**

SITE ADDRESS: State Highway 192, post mile 15.4/15.6. – Foothill Rd. about ½ mile west of Cravens Lane, Carpinteria \_\_\_\_\_

PARCEL NUMBER: 005-310-007,008,012,021,025,026; 005-320-025,042. \_\_\_\_\_

PARCEL SIZE (acres/sq.ft.): Gross 5,000 sq/ft \_\_\_\_\_ Net \_\_\_\_\_

COMPREHENSIVE/COASTAL PLAN DESIGNATION: \_\_\_\_\_ ZONING: Transportation Corridor \_\_\_\_\_

Are there previous permits/applications? no yes numbers: 10CUP-00000-00020  
(include permit# & lot # if tract)

Are there previous environmental (CEQA) documents? no yes numbers: SCH#2003011041

1. Appellant: California Dept. of Transportation \_\_\_\_\_ Phone: 805-549-3127 \_\_\_\_\_

Mailing Address: 50 Higuera Street, San Luis Obispo, CA 93401 \_\_\_\_\_ E-mail: \_\_\_\_\_  
Street City State Zip

2. Owner: Tim Gubbins, District Director \_\_\_\_\_ Phone: 805-549-3127 \_\_\_\_\_

Mailing Address: same as appellant \_\_\_\_\_ E-mail: tim.gubbins@dot.ca.gov \_\_\_\_\_  
Street City State Zip

3. Agent: Amy Donatello, Project Manager \_\_\_\_\_ Phone: 805-549-3014 \_\_\_\_\_

Mailing Address: same as appellant \_\_\_\_\_ E-mail: amy.donatello@dot.ca.gov \_\_\_\_\_  
Street City State Zip

4. Attorney: \_\_\_\_\_ Phone: \_\_\_\_\_ FAX: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ E-mail \_\_\_\_\_  
Street City State Zip

**14APL-00000-00004**

Case CALTRANS BRIDGE APPEAL  
Supe  
Appli SANTA BARBARA, CA 2/18/14  
Proje  
Zonir SANTA BARBARA 111-111-111

**COUNTY USE ONLY**

Companion Case Number: \_\_\_\_\_  
Submittal Date: \_\_\_\_\_  
Receipt Number: \_\_\_\_\_  
Accepted for Processing \_\_\_\_\_  
Comp. Plan Designation \_\_\_\_\_

# COUNTY OF SANTA BARBARA APPEAL TO THE :

BOARD OF SUPERVISORS

PLANNING COMMISSION:  COUNTY  MONTECITO

RE: Project Title Arroyo Parida Bridge Replacement

Case No. 12BAR-00000-00096 \_\_\_\_\_

Date of Action 02/07/2014 \_\_\_\_\_

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

Board of Architectural Review – Which Board? South County \_\_\_\_\_

Coastal Development Permit decision

Land Use Permit decision

Planning Commission decision – Which 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:

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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.

The findings the BAR did not make were:

*Finding #1 - In areas designated as rural on the land use plan maps, the height, scale, and design of structures shall be compatible with the character of the surrounding natural environment, except where technical requirements dictate otherwise. Structures shall be subordinate in appearance to natural landforms; shall be designed to follow the natural contours of the landscape; and shall be sited so as not to intrude into the skyline as seen from public viewing places.*

The project footprint has been reduced to the minimum allowed by State safety standards. The 4-foot shoulders on the roadway will provide much needed safety for bicyclists. Extra shoulder width on the bridge is desired as there is no unpaved shoulder to provide an additional margin of safety, as on the adjacent roadway. This clearly falls within the "technical requirements" exception allowed under Finding #1 (California Government Code Section 14030 (d) Planning, designing, constructing, operating, and maintaining those transportation systems that the Legislature has made, or may make, the responsibility of the department. California Government Code Section 14030 (d) Planning, designing, constructing, operating, and maintaining those transportation systems that the Legislature has made, or may make, the responsibility of the department.). The BAR is an architectural review board, not a team of design or highway safety engineers. This decision was an error in the discretion of the board's purview and is not supported by the evidence presented for consideration.

*Finding #8 - Site layout, orientation, and location of structures, buildings and signs are in appropriate and well designed relationship to one another, and to the environmental qualities, open spaces, and topography of the property.*

The project involves the upgrading of an existing highway, it is not a new site development as envisioned in Finding #8. The bridge location cannot be changed without extraordinary impact to the surrounding environment.

The BAR was allowed to select its preferred options regarding every possible design element (bridge rails, concrete finish, end block and curb materials, etc.). The roadway shoulder width was reduced from the 8-foot standard in accordance with the BAR's desire. No hillside views will be obstructed. The vertical profile will be raised to correct a sight distance deficiency at the westerly bridge approach; the average fill depth will be about 2.5 feet with a maximum depth of 5 feet at the low point in the roadway. The bridge will remain at the current elevation. The highway's horizontal alignment is essentially the same. This was an inappropriate application of the Finding as this is not a new site development.

*Finding #9 - Adequate landscaping is provided in proportion to the project and the site with due regard to preservation of specimen and landmark trees, existing vegetation, selection of planting which will be appropriate to the project, and adequate provision of maintenance of all planting.*

Adequate replacement landscaping is being provided. The replacement planting plan was based upon the BAR's wishes for a variety of replacement plant sizes and designed in accordance with the replacement ratios furnished by County Planning staff. The replacement plants are all native species indigenous to the

local area and they will be maintained until established as a three year plant establishment contract is a feature of the project. During that time any plant that is damaged or fails to thrive will be replaced. The plants will be fully established at that point.

The only vegetation slated for removal is within the cut and fill limits of the proposed project, as detailed in the 3-20-2013 and 10-13-2013 tree removal and replacement reports prepared by Caltrans staff. The BAR is justifiably concerned about the large group of sycamore trees at the northeast corner of the bridge. As detailed in the tree reports, every effort will be made to preserve these trees and we do believe approximately 50% of the 11 trees can be saved. Nevertheless, we have provided for replacement plants in our restoration plan, these plants will be planted even if the sycamores are preserved. The BAR's decision is not supported by the evidence presented for consideration.

**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
Chuck Cesena <i>Chuck Cesena</i>	2-14-2014
Print name and sign - Preparer of this form	Date

Print name and sign - Applicant	Date
for Amy Donatello <i>David Beard</i>	2-14-2014
Print name and sign - Agent	Date

Print name and sign - Landowner	Date
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