



BOARD OF SUPERVISORS  
AGENDA LETTER

Agenda Number:

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

Department Name: Planning and Development  
Department No.: 053  
For Agenda Of: July 8, 2014  
Placement: Departmental  
Estimated Time: 10 min (5 min staff presentation)  
Continued Item: No  
If Yes, date from:  
Vote Required: Majority

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TO: Board of Supervisors  
FROM: Department Glenn Russell, Ph.D. Director, Planning and Development  
(805) 568-2085  
Contact Info: Alice McCurdy, Deputy Director, Development Review  
(805) 568-2518  
SUBJECT: **Kasztelan Single-Family Dwelling Appeal (Case Nos. 12LUP-00000-00387 and 12BAR-00000-00128), First Supervisorial District**

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**County Counsel Concurrence**

As to form: Yes

**Auditor-Controller Concurrence**

As to form: N/A

**Other Concurrence:** N/A

**Recommended Actions:**

Consider Case No. 14APL-00000-00011, the Kasztelan Appeal of the Montecito Planning Commission's April 16, 2014 denial of the Kasztelan Single Family Dwelling project, Case Nos. 12BAR-00000-00128 and 12LUP-00000-00387.

On July 8, 2014, staff recommends that your Board take the following actions:

1. Uphold the appeal, Case No. 14APL-00000-00011;
2. Make the required findings for approval of Design Review Case No. 12BAR-00000-00128 and Land Use Permit No. 12LUP-00000-00387, as revised subsequent to the Montecito Planning Commission's action through successful negotiations between the applicant and interested party, included as Attachment 1 to this Board letter, including CEQA findings;
3. Determine the project is exempt from the provisions of CEQA pursuant to State CEQA Guidelines Section 15301 (Notice of Exemption, included as Attachment 3 to this Board Letter); and
4. Approve, *de novo*, Design Review Case No. 12BAR-00000-00128 and Land Use Permit No. 12LUP-00000-00387, as revised subsequent to the Montecito Planning Commission's action through successful negotiations between the applicant and interested party, subject to the Conditions of Approval included in Attachment 2.

Alternatively, refer back to staff if your Board takes other than the recommended action for appropriate findings and, if necessary, conditions of approval.

**Summary Text:**

On April 28, 2014, Brian and Jessica Kasztelan, owners of 137 Sierra Vista Road, timely filed an appeal of the Montecito Planning Commission's *de novo* denial on appeal of their Montecito Board of Architectural Review (MBAR) and Land Use Permit (LUP) approvals, 12BAR-00000-00128 and 12LUP-00000-00387 respectively, for their proposed new single family dwelling and attached garage.

**Background:**

On August 26, 2013, the MBAR granted preliminary approval to a design for a new single-family dwelling (SFD) with attached garage to replace the existing home located at 137 Sierra Vista Road, APN 013-166-006. This approval was appealed by the neighbors, Paul and Virginia Nolan ("interested party"), on September 5, 2013 (13APL-00000-00018). On November 4, 2013, P&D approved the associated LUP. This approval was appealed by the interested party on November 14, 2013 (13APL-00000-00026).

The appeals were brought before the Montecito Planning Commission on February 19, 2014 and again on February 26, 2014. At both hearings, the appeals were continued. On April 16, 2014, the Montecito Planning Commission (MPC) heard the appeals. Due to concerns with neighborhood compatibility, on April 16, 2014, the MPC acted to uphold both appeals, thereby denying *de novo* 12BAR-00000-00128 and 12LUP-00000-00387.

As noted above, the property owners timely filed an appeal of the MPC denials. Since filing their appeal, the property owners have negotiated in good faith with the interested party to resolve their differences. On June 5, 2014, Mr. Derek Weston, attorney to the interested party, confirmed that the parties had reached a settlement that included a revised SFD design that reduced the square footage of the house and lowered the height of the rooflines. The first three changes were offered at the Montecito Planning Commission hearing. Specifically, the revised design includes the following:

1. The kitchen will be lowered 1 ½ feet, with steps from the kitchen to the adjacent dining area to the west;
2. The lowering of the kitchen will render the 501 sq. ft. area below as non-habitable storage space;
3. Reduce the net floor area of the home to 3,933 sq. ft. and the attached garage to 481 sq. ft.;
4. The east wall of the garage will be moved 2 feet to the west (at the same elevation);
5. The roof pitch will be changed to 3:12;
6. The owners have agreed to pursue in good faith the possibility that the new upgraded septic system can be constructed near the west side of their property, rather than the east; however, it is not practical for them to make that determination prior to commencement of construction; and
7. The fin wall on the east side of the deck off the kitchen is to be removed.

Taken together, these design revisions reduce the structure's size, bulk and scale, address the MPC's concerns regarding the structure's compatibility with the Sierra Vista neighborhood, and address the concerns of the interested party. Reduced plans for this revised design are attached to this Board Letter in Attachment 9.

While the design has been modified to the satisfaction of the interested party, design modifications do not change the Comprehensive Plan policy consistency analysis included in the January 30, 2014 staff report: the project remains an addition to the existing single-family dwelling with a new attached garage served by the Montecito Water District, existing septic (or a system revised pursuant to Environmental Health Services (EHS) approval), and existing roadways; the design of the dwelling remains two-stories with a

one-story street-front presentation that minimizes impacts to public views; and grading is minimized to the maximum extent feasible.

Because the parties have negotiated an agreeable solution and that solution reduces the home in size, bulk and scale, such that it is compatible with the neighborhood, staff recommends that your Board approve *de novo* the applications 12BAR-00000-00128 and 12LUP-0000-00387, as revised.

**Fiscal and Facilities Impacts:**

The costs for processing appeals are typically provided through a fixed appeal fee and funds in P&D's adopted budget. In regards to this appeal, the appellant paid an appeal fee of \$648.26. P&D will absorb the costs beyond that fee, estimated at approximately \$500.00. These funds are budgeted in the Permitting and Compliance Program of the Development Review South Division, as shown on page D-168 of the adopted 2013-2015 fiscal year budget.

**Special Instructions:**

Planning and Development shall publish a legal notice at least 10 days prior to the hearing on July 8, 2014. The notice shall appear in the Santa Barbara News-Press. Planning and Development shall fulfill noticing requirements. A minute order of the hearing shall be returned to Planning and Development, attention David Villalobos.

**Attachments:**

1. Findings for Approval
2. Draft Land Use Permit, w/ Conditions of Approval
3. Environmental Document: Notice of Exemption
4. Kasztelan Appeal Application
5. Montecito Planning Commission Action Letter dated April 18, 2014
6. Montecito Planning Commission memo dated April 8, 2014
7. Montecito Planning Commission Memo dated February 24, 2014
8. Montecito Planning Commission staff report dated January 30, 2014
9. Reduced revised project plans dated June 12, 2014

**Authored by:**

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