



County of Santa Barbara Planning and Development

Glenn S. Russell, Ph.D., Director

Dianne Black, Assistant Director

April 18, 2014

Paul and Virginia Nolan
135 Sierra Vista Road
Santa Barbara, CA 93108

MONTECITO PLANNING COMMISSION
HEARING OF APRIL 16, 2014

RE: *Appeal of the Kasztelan Single-Family Dwelling; 13APL-00000-00018, 13APL-00000-00026*

Hearing on the request of Derek Westen, agent for Paul & Virginia Nolan, to consider Case Nos. 13APL-00000-00018 & 13APL-00000-00026, [applications filed on September 5, 2013 & November 14, 2013, respectively] to appeal the Montecito Board of Architectural Review's approval of Case No. 12BAR-00000-00128 and the Planning Department's approval of Case No. 12LUP-00000-00387, in compliance with Chapter 35.492.040 of the Montecito Land Use and Development Code, on property located in the 2-E-1 zone district; and to determine the project is exempt from the provisions of CEQA pursuant to State CEQA Guidelines Sections 15270 and 15301. The application involves APN 013-166-006, located at 137 Sierra Vista Road in the Montecito area, First Supervisorial District.
(Continued from 2/19/14 and 2/26/14)

Dear Mr. and Ms. Nolan:

At the Montecito Planning Commission hearing of April 16, 2014, Commissioner Burrows moved, seconded by Commissioner Eidelson and carried by a vote of 2 to 1 (Phillips no, Brown recused, Overall absent) to:

1. Approve the appeals, Case Nos. 13APL-00000-00018 and 13APL-00000-00026;
2. Make the required findings for denial of Design Review case number 12BAR-00000-00128 and Land Use Permit number 12LUP-00000-00387, included as Attachment A of the staff report, dated January 30, 2014;
3. Determine that the project is exempt from the provisions of CEQA pursuant to state CEQA Guidelines Section 15270, as specified in Attachment C of the staff report, dated January 30, 2014; and
4. Grant *de novo* denial of Design Review case no. 12BAR-00000-00128 and Land Use Permit 12LUP-00000-00387.

The following changes were made at the Montecito Planning Commission Hearing:

- 1) Attachment A [Findings for Approval] to the staff report, dated January 30, 2014 was replaced by Attachment A [Findings for Denial] presented to the Commission at the hearing of April 16, 2014;
- 2) Attachment B [Land Use Permit w/Conditions of Approval] to the staff report, dated January 30, 2014 was removed from the staff report; and
- 3) Attachment C [Environmental Document: Notice of Exemption-15301] to the staff report, dated February 13, 2014 was replaced by Attachment C [Environmental Document: Notice of Exemption-15270] presented to the Commission at the hearing and dated April 16, 2014;

The attached findings and conditions reflect the Montecito Planning Commission's actions of April 16, 2014.

The action of the Montecito Planning Commission on this project may be appealed to the Board of Supervisors by the applicant or any aggrieved person adversely affected by such decision. To qualify as an aggrieved persons the appellant, in person or through a representative, must have informed the Montecito Planning Commission by appropriate means prior to the decision on this project of the nature of their concerns, or, for good cause, was unable to do so.

Appeal applications may be obtained at the Clerk of the Board's office. The appeal form must be filed along with any attachments to the Clerk of the Board. In addition to the appeal form a concise summary of fifty words or less, stating the reasons for the appeal, must be submitted with the appeal. The summary statement will be used for public noticing of your appeal before the Board of Supervisors. The appeal, which shall be in writing together with the accompanying applicable fee must be filed with the Clerk of the Board of Supervisors within the 10 calendar days following the date of the Montecito Planning Commission's decision. In the event that the last day for filing an appeal falls on a non-business of the County, the appeal may be timely filed on the next business day. This letter or a copy should be taken to the Clerk of the Board of Supervisors in order to determine that the appeal is filed within the allowed appeal period. **The appeal period for this project ends on Monday, April 28, 2014 at 5:00 p.m.**

If this decision is appealed, the filing fee for both non-applicant and applicant is \$648.26 and must be delivered to the Clerk of the Board Office at 105 East Anapamu Street, Room 407, Santa Barbara, CA at the same time the appeal is filed.

Sincerely,

Dianne M. Black
Secretary to the Montecito Planning Commission

cc: Case File: 13APL-00000-00018, 13APL-00000-00026
Montecito Planning Commission File
Montecito Association, P.O. Box 5278, Montecito, CA 93150
Owner: Jessica Kasztlan, 2596 Seahorse Avenue, Ventura, CA 93001
Architect: Bob Easton, 1486 E. Valley Road, Santa Barbara, CA 93108
Appellant Agent: Derek Westen, 1800 Jelinda Drive, Santa Barbara, CA 93108
County Chief Appraiser
County Surveyor
Fire Department
Flood Control
Community Services Department

Public Works
Environmental Health Services
APCD
Supervisor Carbajal, First District
Commissioner Eidelson
Commissioner Burrows
Commissioner Phillips
Commissioner Overall
Commissioner Brown
Brian Pettit, Deputy County Counsel
J. Ritterbeck, Planner

Attachments: Attachment A – Findings for Denial

DMB/dmv

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ATTACHMENT A

Findings for Approval

1.0 CEQA FINDINGS

The project, Case Nos. 12LUP-00000-00387 and 12BAR-00000-00128, can be found exempt from environmental review based upon Section 15301 [Existing Facilities] of the California Environmental Quality Act (CEQA) guidelines. Section 15301(e) states that additions to existing structures are exempt from CEQA. See Attachment C for a detailed discussion of this exemption.

2.0 DESIGN REVIEW FINDINGS

In compliance with Subsection 35.472.070.F of the Montecito Land Use and Development Code, an application for Design Review can be approved only if the following required findings can be made:

- a. *Overall structure shapes, as well as parts of any structure (buildings, fences, screens, signs, towers, or walls) are in proportion to and in scale with other existing or permitted structures on the same site and in the area surrounding the property.*

The house is designed to present a modest single story street-front elevation for public view. The two-story nature of the house is primarily visible on the rear elevation, with grade dropping steeply along the side elevations changing the house from a single to a two-story presentation. Side elevations are well articulated with fenestration and wing walls and side views in are screened and softened by proposed landscape plantings. In sum, by design, the proposed project is visually compatible with other existing houses in the neighborhood as seen from public vantage points and in consideration of private neighbor views.

- b. *Electrical and mechanical equipment will be well integrated into the total design concept.*

All electrical and mechanical equipment for the project will be located in the basement area of the proposed dwelling. Therefore, this finding can be made.

- c. *There will be harmony of color, composition, and material on all sides of a structure.*

All sides of the home will be finished with colors, composition and materials consistent with the Spanish Revival style, including Redlands blend clay roof tiles; smooth, light, coffee colored stucco siding; wood clad windows and wood doors; and stone finishes. Therefore, this finding can be made.

- d. *There will be a limited number of materials on the exterior face of the structure.*

The materials to be used on the exterior face of the structure include only materials consistent with the Spanish Revival style. These limited materials include Redlands blend clay roof tiles; smooth, light, coffee colored stucco siding; wood clad windows and wood doors; and stone finishes. Therefore, this finding can be made.

- e. *There will be a harmonious relationship with existing and proposed adjoining developments, avoiding excessive variety and monotonous repetition, but allowing similarity of style, if warranted.*

The proposed project for a Spanish Revival style home will be in harmony with the other similarly styled homes throughout the existing developed neighborhood without creating monotonous repetition. Therefore, this finding can be made.

- f. *Site layout, orientation and location of structures and signs will be in an appropriate and well designed relationship to one another, and to the environmental qualities, open spaces, and topography of the site with consideration for public views of the hillsides and the ocean and the semi-rural character of the community as viewed from scenic view corridors as shown on Figure 37, Visual Resources Map in the Montecito Community Plan EIR (92-EIR-03).*

Based on the site's topography, the proposed two-story home reads as a one-story house to the public viewing it from Sierra Vista Road. The house is bunkered into the hillside efficiently expanding upon the footprint of the existing structure. The locations of the proposed additions allow for protection of the existing avocado orchard on the site. No trees are proposed to be removed. Therefore the site layout, orientation, and location of the proposed home and garage are appropriate to the site topography and environmental qualities of the site. Finally, the site is not visible from a designated scenic view corridor.

- g. *Adequate landscaping will be provided in proportion to the project and the site with due regard to preservation of specimen and landmark trees, existing vegetation, selection of plantings that are appropriate to the project and that adequate provisions have been made for the maintenance of all landscaping.*

The proposed project will not require the removal of any specimen or landmark trees. The approved landscape plan includes a selection of plantings that are appropriate for the site and are consistent with the landscape and maintenance requirements of this high-fire area of the County. Proposed side yard landscaping will soften and screen views in from both the east and west neighbors. Therefore, this finding can be made.

- h. *Grading and development is designed to avoid visible scarring and will be in an appropriate and well designed relationship to the natural topography with regard to maintaining the natural appearance of the ridgelines and hillsides.*

The proposed additions are designed to minimize grading. The house is bunkered into the hillside presenting a single story elevation to Sierra Vista Road, a public roadway. No visible scarring will result from the project. As designed, the proposed project will be in a well designed relationship to the natural appearance of the hillside and will not impact any ridgelines. Therefore, this finding can be made.

- i. *Signs including associated lighting are well designed and will be appropriate in size and location.*

No signage is proposed as a part of this project. Therefore, this finding is not applicable.

- j. *The proposed development will be consistent with any additional design standards expressly adopted by the Board for a specific local community, area or district in compliance with Subsection G. (Local design standards) below.*

No additional design standards beyond those previously enumerated and discussed above are applicable to this project. Therefore, this finding can be made.

3.0 LAND USE PERMIT FINDINGS

In compliance with Subsection 35.472.110.E of the Montecito Land Use and Development Code, a Land Use Permit can only be approved if the review authority can make all of the required findings.

- a. *The proposed development conforms to the applicable provisions of the Comprehensive Plan including the Montecito Community Plan and with the applicable provisions of this Development Code, or falls within the limited exception allowed in compliance with Chapter 35.491 (Nonconforming Uses, Structures, and Lots).*

As discussed in Sections 6.1, 6.3 and 6.4 of the staff report, dated January 30, 2014 and incorporated herein by reference, the proposed project is in compliance with all applicable provisions of the County Comprehensive Plan, including the Montecito Community Plan, and with applicable zoning requirements of the Montecito LUDC, respectively. Therefore, this finding can be made.

- b. *The proposed development is located on a legally created lot.*

The subject parcel is considered a legally created lot for planning purposes as it is currently developed with an existing single-family dwelling and attached carport and has been validated by prior issuance of County Building Permits. Therefore, this finding can be made.

- c. *The subject property is in compliance with all laws, regulations, and rules pertaining to uses, subdivisions, setbacks, and any other applicable provisions of this Development Code, and any applicable zoning violation enforcement and processing fees have been paid. This Subsection shall not be interpreted to impose new requirements on legal nonconforming uses and structures in compliance with Chapter 35.491 (Nonconforming Uses, Structures, and Lots).*

As discussed in Section 6.1 and 6.4 of the staff report, dated January 30, 2014 and incorporated herein by reference, the project will be in compliance with all requirements of the E-1 zone district. Furthermore, the subject lot is currently in compliance with all laws, rules and regulations pertaining to zoning uses, setbacks and other applicable provisions of the Montecito LUDC. Therefore, this finding can be made.