

# **SANTA BARBARA MONTECITO PLANNING COMMISSION**

## **Staff Report for Appeal of the Kasztelan Single-Family Dwelling**

**Hearing Date:** February 19, 2014  
**Staff Report Date:** January 30, 2014  
**Case Nos.:** 13APL-00000-00018, 13APL-00000-00026  
12BAR-00000-000128 & 12LUP-00000-00387  
**Environmental Document:**  
**Notice of Exemption - CEQA Section 15301**

**Deputy Director:** Alice McCurdy  
**Division:** Planning and Development  
**Supervising Planner:** Anne Almy  
**Supervising Planner Phone #:** 568-2053  
**Staff Contact:** J. Ritterbeck, Planner  
**Planner's Phone #:** 568-3509

### **OWNER / APPLICANT:**

Jessica Kasztelan  
2596 Seahorse Avenue  
Ventura, CA 93001  
(805) 620-0936

### **AGENT / ARCHITECT:**

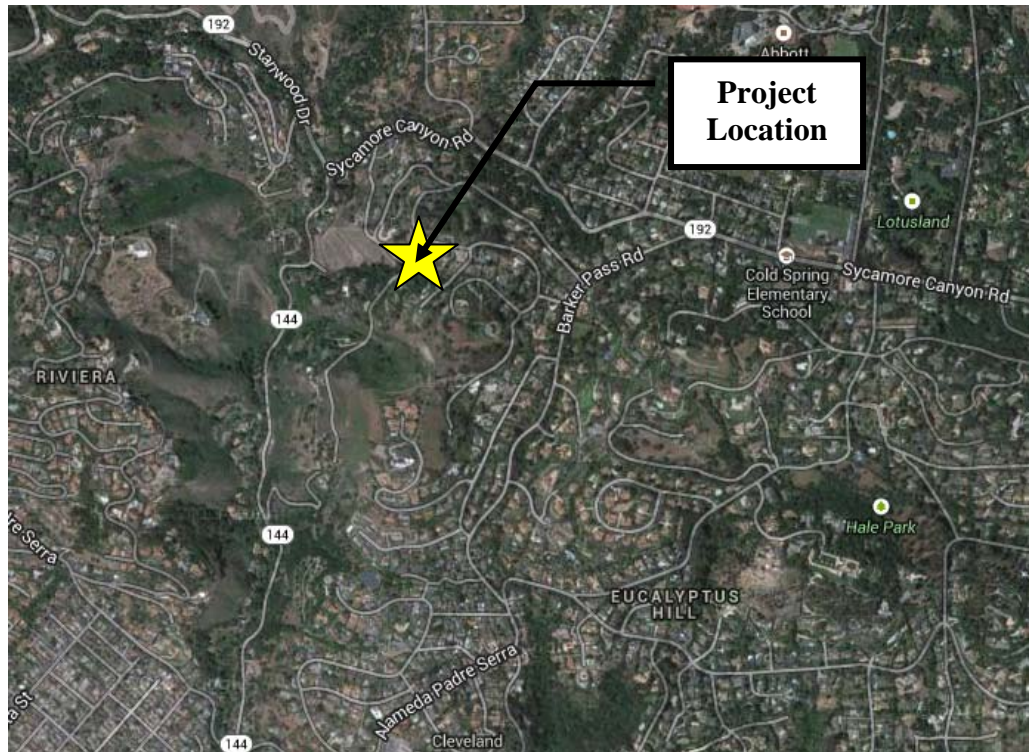
Bob Easton  
1486 E. Valley Road  
Santa Barbara, CA 93108  
(805) 969-5051

### **APPELLANT:**

Paul and Virginia Nolan  
135 Sierra Vista Road  
Santa Barbara, CA 93108  
(805) 565-4728

### **AGENT:**

Derek Westen  
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Santa Barbara, CA 93108  
(805) 963-7130



This site is identified as Assessor Parcel Number, located at 137 Sierra Vista Road, in the Montecito Community Plan area. It is a 1.09-acre parcel, zoned 2-E-1, Urban, Inland, and located within the First Supervisorial District.

Appeal 13APL-00000-00018 filed on September 5, 2013.  
Appeal 13APL-00000-00025 filed on October 14, 2013.

## **1.0 REQUEST**

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-00000-000128 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. The application involves APN 013-166-006, located at 137 Sierra Vista Road in the Montecito area, First Supervisorial District.

## **2.0 RECOMMENDATIONS AND PROCEDURES**

Follow the procedures outlined below and deny the appeals, Case Nos. 13APL-00000-00018 and 13APL-00000-00026, and affirm the decision of the Montecito Board of Architectural Review to grant preliminary design approval of Case No. 12BAR-00000-00128 and the decision of the Director to approve the Land Use Permit 12LUP-00000-00387 for the Kasztelan residence, based upon the project's consistency with the Comprehensive Plan, including the Montecito Community Plan, and based on the ability to make the required findings.

Your Commission's motion should include the following:

1. Deny the appeals, Case Nos. 13APL-00000-00018 and 13APL-00000-00026;
2. Make the required findings for approval of Design Review case number 12BAR-0000-00128 and Land Use Permit number 12LUP-00000-00387, included as Attachment A;
3. Determine that the project is exempt from the provisions of CEQA pursuant to state CEQA Guidelines Section 15301, as specified in Attachment C; and
4. Grant *de novo* approval of Design Review case no. 12BAR-00000-00128 and Land Use Permit 12LUP-00000-00387, subject to the conditions included as Attachment B.

Alternatively, refer back to staff if the Montecito Planning Commission takes other than the recommended action for appropriate findings and conditions.

## **3.0 JURISDICTION**

This project is being considered by the Montecito Planning Commission based on Section 35-492.040 (Appeals to the Montecito Planning Commission) of the Montecito Land Use Development Code (MLUDC) which states that any decision of the Montecito Board of Architectural Review (MBAR) to grant preliminary approval and any decision of the Director to approve a Land Use Permit is appealable to the Commission.

## **4.0 APPEAL ISSUE SUMMARY**

The appellants, Mr. and Mrs. Nolan, are appealing both the MBAR's August 26, 2013, decision to grant preliminary approval to Case No. 12BAR-00000-00128, and Planning and Development's (P&D's) subsequent approval of Land Use Permit number 12LUP-00000-00387 on November 4, 2013. The appellants assert that the MBAR erroneously assessed neighborhood compatibility on the basis of potential future redevelopment of homes, with the understanding that the neighborhood was in transition, with properties turning hands and redevelopment resulting in larger homes. The appellant claims that the MBAR erred when it assumed that future redevelopment projects would be constructed to the maximum floor area (FAR) allowed for any lot under the Montecito Architectural Guidelines and therefore worked with the applicant on the design of the structure despite its size. The appellants assert further that neighborhood compatibility should be assessed on the basis of the size, mass, bulk, scale and style of existing homes in a neighborhood. Finally, the appellants state that P&D erred in its assessment of the project's consistency with ordinance standards relating to height and setbacks.

## 5.0 PROJECT INFORMATION

### 5.1 Site Information

Comprehensive Plan Designation	Urban, Inland, Montecito Community Plan area, Single Family Residential
Ordinance, Zone	MLUDC, 2-E-1 zone
Site Size	1.09-acres
Present Use & Development	Residential – Existing single-family dwelling (SFD) and attached carport
Surrounding Uses/Zone(s)	<i>North:</i> 2-E-1; Developed Residential <i>South:</i> 2-E-1; Developed Residential <i>East:</i> 2-E-1; Developed Residential <i>West:</i> 2-E-1; Developed Residential
Access	Driveway entrance off of Sierra Vista Road
Other Site Information	Steeply sloped lot exceeding 20-25% grade
Services	Water Supply: Santa Barbara City Water District Sewage: Private Onsite Septic System Fire: Montecito Fire Department Police: Santa Barbara County Sheriff

### 5.2 Project Description:

The project is for a Land Use Permit to allow construction of a 2,824 [gross] sq.ft. addition to the existing dwelling and a new 625 sq.ft. garage. The resulting SFD would be approximately 4,930 sq.ft. in gross floor area [4,500 net sq.ft.] and would use a variable side setback allowance. Grading is proposed to be approximately 200 c.y. of cut and fill. No trees are proposed for removal as a part of this project. All necessary services are available for the parcel, which will continue to be served by the Santa Barbara City Water District, a private onsite septic system, the Montecito Fire Department and the Santa Barbara County Sheriff's Department. Access to the site will continue to be taken off of Sierra Vista Road. The property is a 1.09-acre parcel zoned 2-E-1 and shown as Assessor's Parcel Number 013-166-006, located at 137 Sierra Vista Road in the Montecito Community Plan Area, First Supervisorial District.

## 6.0 PROJECT ANALYSIS

### 6.1 Appeal Issue and Staff Response

The appellants, Mr. and Mrs. Nolan, submitted a letter (included in Attachment D) along with their appeal application of P&D's approval of Land Use Permit 12LUP-00000-00387 that distilled both appeals into a single set of issues. The following points were given as the reasons for the two appeals. Staff responses are presented after the summary of each appeal issue, below:

**Issue 1:** The appellants state that the proposed addition would result in the largest home in the neighborhood, which would be nearly twice the average size of homes in the existing neighborhood. As such, the appellants believe the resulting home would be incompatible with the surrounding homes and furthermore, was not designed to adequately address impacts to private views from surrounding properties.

**Staff Response:** The proposed home exceeds the square footage of the existing homes in the neighborhood. The neighborhood is composed of both single and two story homes ranging in size from 2,332 square feet (s.f.) to 3,800 s.f. The proposed home measures 4,930 s.f.. However, size is not the sole criterion for determining neighborhood compatibility. Rather, mass, bulk, scale and style come into play, as well as excellence in design. In the instant case, the home sits below Sierra Vista Road and presents a modest, one story street-front elevation to the neighborhood partly obscured by a 5'8" privacy wall. The lower floor of the proposed home is bunkered into the hill with the full two stories of the structure being visible primarily from the rear yard. Partial two story elevations face the neighboring parcels on either side of the lot. The elevations are articulated with fenestration and wing walls and are softened and screened by new plantings, including citrus trees along the east elevation and *Prunus ilicifolia* along the west elevation. The proposed home is consistent on all elevations in its Spanish Revival style and uses an appropriate palette of materials and colors, including smooth stucco siding in an off white coffee color, Redlands Spanish clay rustic blend roofing tiles, wood clad windows, wood doors, stone veneer and copper gutters and downspouts. In the instant case, the MBAR based its finding of neighborhood compatibility on the success of the design which allowed the proposed home to visually fit into the existing neighborhood.

While private views are taken into consideration by the MBAR during design review, they are not protected by policy or statute. Additionally, through the Design Review process the home was redesigned numerous times specifically to address the various comments and concerns from the MBAR and from the Nolan family, who reside on the lot to the east. Design modifications were made to the height of the structure, its side setback, and its size, bulk and scale. The final design approved by the MBAR had significant revisions from the original design that included elimination of an attached residential second unit, a lowered ridgeline of the garage by the requested 3'-0" and movement of the home an additional 8'-0" further from the required 10-foot setback from the western property line. These design concessions all contributed toward the MBAR's ability to make the finding of neighborhood compatibility.

**Issue 2:** The appellant opposes the idea that the Sierra Vista Road homes comprise what was at times identified as a "neighborhood in transition" at MBAR hearings.



**Staff Response:** Research of the permit history of the parcels surrounding the Kasztelan project site for the last decade shows that 6 of the 18 properties in the study area have received P&D approvals for SFD additions and other redevelopment projects. As the appellant states, it is true that there is no such governing principle or standard for the phrase “neighborhood in transition” in County ordinances or policy discussions. However, the concept of a neighborhood in transition is relevant for establishing the character of an area such as the Sierra Vista neighborhood where permitted redevelopment is occurring and that redevelopment is enlarging the generally smaller homes in the existing neighborhood.

**Issue 3:** The appellant states that the neighboring property owners who are opposed to the project are concerned about the precedent that would be set if a home of this size were approved within this specific neighborhood.

**Staff Response:** Each project application is reviewed on its own merits in the context of its site topography, neighborhood setting and applicable zoning requirements. While the subject home would be among the largest in the neighborhood, one other home in the neighborhood also already exceeds the recommended FAR for the size of its lot. During the design review process, the MBAR often approves homes that exceed the recommended FAR maximum by 10%, as the FAR is a guideline and not an absolute cap on size, pursuant to Section III.A of the Montecito Architectural Guidelines and Development Standards. As proposed, this home would be 1% over the FAR guideline applicable to the lot. But again, size is not necessarily determinative of neighborhood compatibility, which is defined as an aesthetic relationship in the Guidelines. Because the subject home is well-designed and presents a one story street-front elevation to the public and well landscaped side yards to its neighbors, it fits into the neighborhood visually and aesthetically. As such, the actual size of the house should not set any kind of adverse precedent for future redevelopment in the neighborhood.

**Issues 4 & 5:** The appellant states that the issued [*sic*] Land Use Permit does not comply with setback requirements, height limitations, or the applicable Hillside and Ridgeline requirements set forth within the Montecito Land Use Development Code.

**Staff Response:** As designed and conditioned, the approved LUP complies with all applicable provisions of the County Comprehensive Plan, including the Montecito Community Plan as well as with all applicable requirements of the MLUDC, as discussed below.

**FRONT SETBACK:** The standard front setback requirement for the E-1 zone is 20 feet from edge of right-of-way and 50 feet from road centerline. However, pursuant to MLUDC §35.430.150.C.1.c., on lots where the elevation of the ground at a point 50 feet from the centerline of the street is seven feet or more below or above the grade of the centerline, the front setback for the dwelling may be decreased by 20 percent, provided that the front face of the garage is no closer than 10 feet to the abutting street right-of-way.

**Compliant:** The subject parcel is a steeply sloped lot that, at 50 feet from centerline, is more than 20 feet below the elevation of Sierra Vista Road. Therefore, the front setback may be reduced by 20%. The resulting front setback for the lot is 16 feet from edge of right-of-way and 40 feet from centerline,

the more-restrictive being the latter. The proposed garage is the element of the project closest to the roadway and it is located approximately 41 feet from the centerline of Sierra Vista Road (27 feet from edge of road right-of-way). The project is therefore in compliance with the front setback requirement of the MLUDC.

*SIDE SETBACK:* The standard side setback for the E-1 zone district is 10 feet from the property line. However, pursuant to MLUDC §35.430.150.C.2.b., the required side setback for portions of a structure may be “varied” as long as 1) no portion of the structure is less than 5 feet from the side property line, 2) no windows or doors can open into the side setback on portions of the exterior wall that is located within the setback, 3) the area of the structure that encroaches into the side setback is compensated by an equal or greater area that is not covered by any of the structure’s footprint area, and 4) the side compensating area shall not be used to “vary” the rear setback.

Compliant: The approved project on appeal uses a ‘variable side setback’, as permitted within the MLUDC. The western side of the existing dwelling is located adjacent to and nearly parallel with the western side setback, with the southwestern corner of the structure terminating at the setback line. The proposed new addition would extend the western side of the house another five feet south, locating the structure approximately nine feet from the property line at its closest point. The total encroachment into the side setback measures approximately 20 square feet. The compensating area with no structural footprint would extend south from the home along the western side setback. No windows or doors would open from the intruding area into the western side setback and no rear setback variation is requested as a part of the project. Therefore, the proposed project would comply with the side setback requirements of the MLUDC.

*HEIGHT LIMITATIONS:* The maximum height for structures within the E-1 zone district is 35 feet (MLUDC §35.423.050), with a 25 foot height limitation for lots in urban, Ridgeline / Hillside locations (MLUDC §35.452.040.C.1). Additionally, MLUDC §35.430.090.D.2 states that portions of a structure may exceed the applicable height limit by no more than three feet where the roof exhibits a pitch of 4:12 (rise:run) or greater. This allowance extends to structures subject to the Ridgeline/Hillside development standards.

Compliant: The proposed project on appeal before the Commission for *de novo* review complies with the maximum allowable height under the applicable Ridgeline and Hillside Development Guidelines of 25 feet for urban area homes with an additional 3-foot height bonus for projects utilizing a 4:12 roof pitch. The proposed home has been designed to use a 4:12 pitch to have a maximum height of 28-feet, consistent with the Ridgeline and Hillside Development Guidelines for the maximum height allowed in the urban E-1 zone district (25’ + 3’ bonus).

## **6.2 Environmental Review**

The project, Case Nos. 12LUP-00000-00387 and 12BAR-00000-00128 can be found exempt from environmental review based upon Section 15301 of the California Environmental Quality Act (CEQA)

guidelines. Section 15301(e) allows exemption from CEQA for the construction of additions to existing single family dwellings (see attachment C).

### 6.3 Comprehensive Plan Consistency

REQUIREMENT	DISCUSSION
<p><b><i>Land Use Element Development Policy #4:</i></b>  <i>Prior to issuance of a land use permit, the County shall make the finding, based on information provided by environmental documents, staff analysis, and the applicant, that adequate public or private services and resources (i.e., water, sewer, roads, etc.) are available to serve the proposed development...</i></p>	<p><b>Consistent:</b> The project site currently enjoys adequate services and resources to serve the existing residence. The proposed single-family dwelling and associated approved development would continue to be served by the Santa Barbara City Water District, the Santa Barbara County Sheriff, Montecito County Fire Department and a private onsite septic system. The proposed project would not generate new traffic except for construction trips, and the surrounding roads are adequate to serve the proposed development, including construction related traffic. Therefore, the proposed project would be consistent with this policy.</p>
<p><b><i>Montecito Community Plan Policy VIS-M-1.3:</i></b>  <i>Development of property should minimize impacts to open space views as seen from public roads and viewpoints.</i></p> <p><b><i>Montecito Community Plan Policy LU-M-2.1:</i></b>  <i>New structures shall be designed, sited, graded, and landscaped in a manner which minimized their visibility from public roads.</i></p> <p><b><i>Montecito Community Plan Policy LU-M-2.2:</i></b>  <i>Lighting of structures, roads and properties shall be minimized to protect privacy, and to maintain the semi-rural residential character of the community</i></p>	<p><b>Consistent:</b> The project site currently supports an existing single-family dwelling. There are no open space views over or through the lot. The approved project, currently on appeal, would be visible from its driveway entrance off of Sierra Vista Road. As designed, from this vantage point, the structure would appear as a single-story home. The remainder of the property fronting on Sierra Vista currently has a 5'-8" wall, which would remain and would provide continued screening. Additionally, as conditioned in Attachment B (see Condition #3), as a part of the MBAR's final review all exterior elements of the project would be reviewed and require approval to minimize visual impacts. Therefore, the proposed project would be consistent with this policy.</p>
<p><b><i>Land Use Element Hillside and Watershed Policy #2:</i></b>  <i>All developments shall be designed to fit the site topography, soils, geology, hydrology, and any other existing conditions and be oriented so that grading and other site preparation is kept to an absolute minimum. Natural features, landforms, and native vegetation, such as trees, shall be preserved to</i></p>	<p><b>Consistent:</b> The proposed development minimizes site disturbance by adding to the existing dwelling, bunkering into the hillside as appropriate, and avoiding unnecessary site disturbance. No trees would be removed to accommodate the proposed project. Therefore, the proposed project would be consistent with this policy.</p>

REQUIREMENT	DISCUSSION
<p><i>the maximum extent feasible. Areas of the site which are not suited to development because of known soil, geologic, flood, erosion or other hazards shall remain in open space.</i></p> <p><b>Montecito Community Plan Policy GEO-M-1.2:</b>  <i>Grading from future ministerial and discretionary projects in Montecito shall be minimized to the extent feasible in order to prevent unsightly scars in the natural topography due to grading, and to minimize the potential for earth slippage, erosion, and other safety risks.</i></p>	
<p><b>Montecito Community Plan Policy N-M-1.1:</b>  <i>Noise-sensitive uses (i.e., residential and lodging facilities, educational facilities, public meeting places and others specified in the Noise Element) shall be protected from significant noise impacts.</i></p>	<p><b>Consistent:</b> Construction hour restrictions are applicable to the proposed project and have been included as a Condition of Approval (Condition #6, Attachment B). Therefore, the proposed project would be consistent with this policy.</p>
<p><b>Montecito Community Plan Policy BIO-M-1.17:</b>  <i>Oak trees, because they are particularly sensitive to environmental conditions, shall be protected to the maximum extent feasible. All land use activities, including agriculture shall be carried out in such a manner as to avoid damage to native oak trees. Regeneration of oak trees shall be encouraged.</i></p>	<p><b>Consistent:</b> No removal of native oaks or other protected trees is included as a part of the proposed project. Proposed landscaping would not adversely impact existing oak trees onsite. Therefore, the project is in conformance with this policy.</p>
<p><b>Montecito Community Plan Policy AQ-M-1.3:</b>  <i>Air pollution emissions from new development and associated construction activities shall be minimized to the maximum extent feasible. These activities shall be consistent with the Air Quality Attainment Plan and Air Pollution Control District guidelines.</i></p> <p><b>Montecito Community Plan Policy AQ-M-1.4:</b>  <i>The County shall, in its land use decisions, protect and enhance the air quality in Montecito consistent with California Ambient Air Quality Standards and National Ambient Air Quality Standards.</i></p>	<p><b>Consistent:</b> Dust mitigation conditions and monitoring are applicable to the proposed project and have been included as a Condition of Approval (Condition #4, Attachment B). Therefore, the proposed project would be consistent with this policy.</p>

## 6.4 Ordinance Compliance – Montecito Land Use & Development Code

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. Furthermore, the subject property is in compliance with all laws, regulations, and rules pertaining to uses, subdivisions, setbacks, and any other applicable provisions of the Montecito LUDC.

**Section 35.423.020.A – Purpose of the E-1 Single-Family Residential zone states:**

*The E-1 zone is applied to areas appropriately located for family living at a reasonable range of population densities, consistent with sound standards of public health, safety, and welfare. This zone is intended to protect the residential characteristics of an area and to promote a suitable environment for family life.*

**Compliant:** The proposed project on appeal is in conformance with the purpose and intent of the E-1 zone district of the Montecito LUDC. The overall design of the proposed development which adheres to all ordinance development standards would be consistent with sound standards of public health, safety and welfare as well as protecting the residential characteristics of the area and promoting a suitable and secure environment for family life. As discussed in detail in Section 6.1 (Issues 4 & 5), the project on appeal is consistent with all applicable ordinance standards including height and setbacks. Additionally, the project complies with all residential parking requirements for the E-1 zone.

## **6.5 Design Review**

The proposed project comprises an addition to an existing home in Montecito and was subject to review by the Montecito Board of Architectural Review (MBAR). The project was brought before the MBAR seven times over the course of 13 months. During this period, multiple design revisions were made to the proposed project ultimately allowing the MBAR to make the required findings for preliminary approval on August 26, 2013. Complete MBAR Approved Minutes are included as Attachment E

## **7.0 APPEALS PROCEDURE**

The action of the Montecito Planning Commission may be appealed to the Board of Supervisors within 10 calendar days of said action: The appeal fee to the Board of Supervisors is \$643.

## **8.0 ATTACHMENTS**

Nolan Appeal of Kasztelan SFD

Case Nos.: 13APL-00000-00018, 13APL-00000-00026, 12BAR-00000-00128 & 12LUP-00000-00387

Hearing Date: February 19, 2014

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- A. Findings for Approval
- B. [*de novo*] Land Use Permit w/Conditions of Approval
- C. Environmental Document: Notice of Exemption
- D. Appeal Applications
- E. Approved MBAR Minutes
- F. Reduced Plan Sheets
- G. Map of P&D Neighborhood FAR Study
- H. Graph of P&D Neighborhood FAR Study



# **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.



COUNTY OF SANTA BARBARA

## Planning and Development

www.sbcountyplanning.org

### LAND USE PERMIT NO: 12LUP-00000-00387

**Project Name:** KASZTELAN SFD ADDITION  
**Project Address:** 137 SIERRA VISTA RD, SANTA BARBARA, CA 93108  
**A.P.N.:** 013-166-006  
**Zone:** 2-E-1

The Montecito Planning Commission hereby approves and intends to issue this Land Use Permit for the development described below, based upon the required findings and subject to the attached terms and conditions.

**APPROVAL DATE:** 2/19/2014

**LOCAL APPEAL PERIOD BEGINS:** 2/20/2014

**LOCAL APPEAL PERIOD ENDS:** 3/3/2014

**DATE OF PERMIT ISSUANCE (if no appeal filed):** 3/4/2014

**NOTE:** This final approval may be appealed to the SB County Board of Supervisors by the applicant, owner, or any aggrieved person adversely affected by such decision. The appeal must be filed in writing and submitted with the appropriate appeal fees to the Planning and Development Department either at 123 East Anapamu Street, Santa Barbara or 624 West Foster Road, Suite C, Santa Maria, prior to 5:00 p.m. on 3/3/2014 (MLUDC Section 35.492 Appeals). If you have questions regarding this project please contact the planner, J. Ritterbeck at (805)568-3509.

**PROJECT DESCRIPTION SUMMARY:** NEW ADDITION AND ATTACHED GARAGE TO (E) SFD.

**PROJECT SPECIFIC CONDITIONS:** See Attachment "A"

**ASSOCIATED CASE NUMBERS:** 13APL-00000-00026

**PERMIT COMPLIANCE CASE:** Not Applicable

**BOARD OF ARCHITECTURAL REVIEW (BAR):** 12BAR-00000-00128

#### TERMS OF PERMIT ISSUANCE:

- 1. Posting of Notice.** Notice of the project shall be posted by the applicant utilizing the language and form of the notice provided by the Planning and Development Department. The notice shall remain posted continuously until at least 10 calendar days following action on the permit (MLUDC Section 35.496 Noticing and Public Hearings).
- 2. Work Prohibited Prior to Permit Issuance.** No work, development, or use intended to be authorized pursuant to this approval shall commence prior to issuance of this Land Use Permit and/or any other required permit (e.g., building permit).

**WARNING! THIS IS NOT A BUILDING/GRADING PERMIT.**

3. **Date of Permit Issuance.** This permit shall be issued and deemed effective on the **Date of Issuance** identified above, provided:
- All terms and conditions including the requirement to post notice have been met and this Permit has been signed;
  - The **Affidavit of Posting Notice** was returned to the Planning and Development Department prior to the issuance of the Land Use Permit; and
  - An appeal has not been filed.
4. **Time Limit.** The approval or conditional approval of this Land Use Permit shall be valid for twelve (12) months from the date of approval unless a time extension is approved. Failure to obtain a required construction, demolition, or grading permit and to lawfully commence development within two (2) years of permit issuance shall render this Land Use Permit null and void unless a time extension is approved (MLUDC Section 35.472.110 Land Use Permits).

**NOTE:** Issuance of a permit for this project does not allow construction or use outside of the project description, or terms or conditions; nor shall it be construed to be an approval of a violation of any provision of any County policy, ordinance or other governmental regulation.

**OWNER/APPLICANT ACKNOWLEDGMENT:** Undersigned permittee acknowledges receipt of this approval and agrees to abide by all terms and conditions thereof.

\_\_\_\_\_/\_\_\_\_\_  
Print Name Signature Date

**Planning and Development Department Approval by:**

\_\_\_\_\_/\_\_\_\_\_  
Planner Date

**Planning and Development Department Issuance by:**

\_\_\_\_\_/\_\_\_\_\_  
Planner Date



**ATTACHMENT A: CONDITIONS OF APPROVAL**

**Project Description**

1. **Proj Des-01 Project Description:** This Land Use Permit is based upon and limited to compliance with the project description and all conditions of approval set forth below, including mitigation measures and specified plans and agreements included by reference, as well as all applicable County rules and regulations.

The project description is as follows:

The project is for a Land Use Permit to allow construction of a 2,824 [gross] s.f. addition to the existing dwelling and a new 625 s.f. garage. The resulting SFD would be approximately 4,930 s.f. in gross floor area [4,500 net s.f.] and would use a variable side setback allowance. Grading is proposed to be approximately 200 c.y. of cut and fill. No trees are proposed for removal as a part of this project. All necessary services are available for the parcel, which will continue to be served by the Santa Barbara City Water District, a private onsite septic system, the Montecito Fire Department and the Santa Barbara County Sheriff's Department. Access to the site will continue to be taken off of Sierra Vista Road. The property is a 1.09-acre parcel zoned 2-E-1 and shown as Assessor's Parcel Number 013-166-006, located at 137 Sierra Vista Road in the Montecito Community Plan Area, First Supervisorial District.

Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

2. **Proj Des-02 Project Conformity:** The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of the structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval thereto. All plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

**Conditions By Issue Area**

3. **Aest-04 BAR Required:** The Owner/Applicant shall obtain Board of Architectural Review (BAR) approval for project design. All project elements (e.g., design, scale, character, colors, materials and landscaping shall be compatible with vicinity development and shall conform in all respects to the previous approval of BAR case no. 12BAR-00000-00128.  
TIMING: The Owner/Applicant shall submit architectural drawings of the project for review and shall obtain final BAR approval prior to issuance of this Land Use Permit. Grading plans, if required, shall be submitted to P&D concurrent with or prior to BAR plan filing.  
MONITORING: The Owner/Applicant shall demonstrate to B&S inspection staff that the project has been built consistent with approved BAR design and landscape plans prior to Final Building



Inspection Clearance.

4. **Air-01 Dust Control:** The Owner/Applicant shall comply with the following dust control components at all times including weekends and holidays:
- Dust generated by the development activities shall be kept to a minimum with a goal of retaining dust on the site.
  - During clearing, grading, earth moving, excavation, or transportation of cut or fill materials, use water trucks or sprinkler systems to prevent dust from leaving the site and to create a crust after each day's activities cease.
  - During construction, use water trucks or sprinkler systems to keep all areas of vehicle movement damp enough to prevent dust from leaving the site.
  - Wet down the construction area after work is completed for the day and whenever wind exceeds 15 mph.
  - When wind exceeds 15 mph, have site watered at least once each day including weekends and/or holidays.
  - Order increased watering as necessary to prevent transport of dust off-site.
  - Cover soil stockpiled for more than two days or treat with soil binders to prevent dust generation. Reapply as needed.
  - If the site is graded and left undeveloped for over four weeks, the Owner/Applicant shall immediately:
    - Seed and water to re-vegetate graded areas; and/or
    - Spread soil binders; and/or
    - Employ any other method(s) deemed appropriate by P&D or APCD.
- PLAN REQUIREMENTS: These dust control requirements shall be noted on all grading and building plans.
- PRE-CONSTRUCTION REQUIREMENTS: The contractor or builder shall provide P&D monitoring staff and APCD with the name and contact information for an assigned onsite dust control monitor(s) who has the responsibility to:
- Assure all dust control requirements are complied with including those covering weekends and holidays.
  - Order increased watering as necessary to prevent transport of dust offsite.
  - Attend the pre-construction meeting.
- TIMING: The dust monitor shall be designated prior to first Grading or Building Permit. The dust control components apply from the beginning of any grading or construction throughout all development activities until Final Building Inspection Clearance is issued.
- MONITORING: P&D processing planner shall ensure measures are on plans. P&D grading and building inspectors shall spot check; Grading and Building shall ensure compliance onsite. APCD inspectors shall respond to nuisance complaints.
5. **Bio-10 Storm Water BMPs:** To minimize pollutants impacting downstream waterbodies or habitat, the parking area and associated driveways shall be designed to minimize degradation of storm water quality. Best Management Practices (BMPs) such as landscaped areas for infiltration (vegetated filter strips, bioswales, or bioretention areas), designed in accordance with the California Stormwater BMP Handbook for New Development and Redevelopment (California Stormwater Quality Association) or other approved method shall be installed to intercept and remove pollutants prior to discharging to the storm drain system. The BMPs selected shall be maintained in working

order. The landowner is responsible for the maintenance and operation of all improvements. BMP maintenance is required for the life of the project and transfer of this responsibility is required for any subsequent sale of the property.

**PLAN REQUIREMENTS:** The BMPs shall be described and detailed on the site, grading and drainage and landscape plans, and depicted graphically. The location and type of BMP shall be shown on the site, building and grading plans.

**TIMING:** The plans and maintenance program shall be submitted to P&D for approval prior to approval of first Building /Grading Permit.

**MONITORING:** B&S inspection staff shall site inspect for installation prior to Final Building Inspection Clearance.

- 6. Noise-02 Construction Hours:** The Owner /Applicant, including all contractors and subcontractors shall limit construction activity, including equipment maintenance and site preparation, to the hours between 7:00 a.m. and 4:30 p.m., Monday through Friday. No construction shall occur on weekends or State holidays. Non-noise generating construction activities such as interior plumbing, electrical, drywall and painting (depending on compressor noise levels) are not subject to these restrictions. Any subsequent amendment to the Comprehensive General Plan, applicable Community or Specific Plan, or Zoning Code noise standard upon which these construction hours are based shall supersede the hours stated herein.

**PLAN REQUIREMENTS:** The Owner/Applicant shall provide and post a sign stating these restrictions at all construction site entries.

**TIMING:** Signs shall be posted prior to commencement of construction and maintained throughout construction.

**MONITORING:** The Owner/Applicant shall demonstrate that required signs are posted prior to grading/building permit issuance and pre-construction meeting. Building inspectors and permit compliance staff shall spot check and respond to complaints.

- 7. Parking-02 Onsite Construction Parking:** All construction-related vehicles, equipment staging and storage areas shall be located onsite and outside of the road and highway right of way. The Owner/Applicant shall provide all construction personnel with a written notice of this requirement and a description of approved parking, staging and storage areas. The notice shall also include the name and phone number of the Owner/Applicant's designee responsible for enforcement of this restriction.

**PLAN REQUIREMENTS:** Designated construction personnel parking, equipment staging and storage areas shall be depicted on project plans submitted for Plan Check.

**TIMING:** A copy of the written notice shall be submitted to B&S plan check staff prior to approval of Building Permits. This restriction shall be maintained throughout construction.

**MONITORING:** B&S inspection staff shall confirm the availability of designated onsite areas during construction, and as required, shall require re-distribution of updated notices and/or refer complaints regarding offsite parking to appropriate agencies.

### **County Rules and Regulations**

- 8. Rules-01 Effective Date:** This Land Use Permit shall become effective upon the date of the expiration of the applicable appeal period provided an appeal has not been filed. If an appeal has been filed, the planning permit shall not be deemed effective until final action by the final review



authority on the appeal. No entitlement for the use or development shall be granted before the effective date of the planning permit.

9. **Rules-03 Additional Permits Required:** The use and/or construction of any structures or improvements authorized by this approval shall not commence until the all necessary planning and building permits are obtained. Before any Permit will be issued by Planning and Development, the Owner/Applicant must obtain written clearance from all departments having conditions; such clearance shall indicate that the Owner/Applicant has satisfied all pre-construction conditions. A form for such clearance is available from Planning and Development.
10. **Rules-05 Acceptance of Conditions:** The Owner/Applicant's acceptance of this permit and/or commencement of use, construction and/or operations under this permit shall be deemed acceptance of all conditions of this permit by the Owner/Applicant.
11. **Rules-20 Revisions to Related Plans:** The Owner/Applicant shall request a revision for any proposed changes to approved plans. Substantial conformity shall be determined by the Director of P&D.
12. **Rules-23 Processing Fees Required:** Prior to issuance of Building Permits, the Owner/Applicant shall pay all applicable P&D permit processing fees in full as required by County ordinances and resolutions.
13. **Rules-30 Plans Requirements:** The Owner/Applicant shall ensure all applicable final conditions of approval are printed in their entirety on applicable pages of grading/construction or building plans submitted to P&D or Building and Safety Division. These shall be graphically illustrated where feasible.
14. **Rules-32 Contractor and Subcontractor Notification:** The Owner/Applicant shall ensure that potential contractors are aware of County requirements. Owner / Applicant shall notify all contractors and subcontractors in writing of the site rules, restrictions, and Conditions of Approval and submit a copy of the notice to P&D compliance monitoring staff.
15. **Rules-33 Indemnity and Separation:** The Owner/Applicant shall defend, indemnify and hold harmless the County or its agents or officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of this project. In the event that the County fails promptly to notify the Owner / Applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.
16. **Rules-35 Limits:** This approval does not confer legal status on any existing structures(s) or use(s) on the property unless specifically authorized by this approval.
17. **Rules-37 Time Extensions-All Projects:** The Owner / Applicant may request a time extension prior to the expiration of the permit or entitlement for development. The review authority with jurisdiction over the project may, upon good cause shown, grant a time extension in compliance with County rules and regulations, which include reflecting changed circumstances and ensuring compliance with CEQA. If the Owner / Applicant requests a time extension for this permit, the permit may be revised to include updated language to standard conditions and/or mitigation measures and additional conditions and/or mitigation measures which reflect changed circumstances or additional identified project impacts.

## **ATTACHMENT C**

### **ENVIRONMENTAL DOCUMENT - NOTICE OF EXEMPTION**

**TO:** Santa Barbara County Clerk of the Board of Supervisors

**FROM:** J. Ritterbeck, Planning & Development

The project or activity identified below is determined to be exempt from environmental review requirements of the California Environmental Quality Act (CEQA) of 1970, as defined in the State and County Guidelines for the implementation of CEQA.

**AP No.:** 013-166-006

**Case Nos.:** 12LUP-00000-00387 & 12BAR-00000-00128

**Location:** 137 Sierra Vista Road, Montecito, CA

**Project Title:** Kasztelan Single-Family Dwelling

**Project Description:** The project is for a Land Use Permit to allow construction of a 2,824 [gross] sq.ft. addition to the existing dwelling and a new 625 sq.ft. garage. The resulting SFD would be approximately 4,930 sq.ft. in gross floor area [4,500 net sq.ft.] and would use a variable side setback allowance. Grading is proposed to be approximately 200 c.y. of cut and fill. No trees are proposed for removal as a part of this project. All necessary services are available for the parcel, which will continue to be served by the Santa Barbara City Water District, a private onsite septic system, the Montecito Fire Department and the Santa Barbara County Sheriff's Department. Access to the site will continue to be taken off of Sierra Vista Road. The property is a 1.09-acre parcel zoned 2-E-1 and shown as Assessor's Parcel Number 013-166-006, located at 137 Sierra Vista Road in the Montecito Community Plan Area, First Supervisorial District.

Name of Public Agency Approving Project: County of Santa Barbara

Name of Person or Agency Carrying Out Project: Brian and Jessica Kasztelan, property owners

**Exempt Status:**

☐ Ministerial  
☐ Statutory Exemption  
☒ Categorical Exemption  
☐ Emergency Project  
☐ Declared Emergency

**CEQA Guideline Sections:** Section 15301 [Existing Facilities]

**Reasons to support exemption findings:**

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. The proposed project is for an addition of 2,824 gross sq.ft.

As proposed, the Categorical Exemption, §15301, is suitable and appropriate for the *de novo* approval of the proposed project.

There is no substantial evidence that there are unusual circumstances (including future activities) resulting in (or which might reasonably result in) significant impacts which threaten the environment. The exceptions to the Categorical Exemptions pursuant to Section 15300.2 of the State CEQA Guidelines are:

- (a) **Location.** Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located -- a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.

The project site does not constitute a particularly sensitive environment and would not impact an environmental resource of hazardous or critical concern. Therefore, this exception to the Categorical Exemptions does not apply.

- (b) **Cumulative Impact.** All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.

The proposed project is for proposed additions to an existing SFD and includes an attached garage. The project has been designed to be compatible with the existing neighborhood. Infill development in the surrounding residential neighborhood, developed in conformance with applicable ordinance and policy regulations for residentially zoned parcels, as in the instant case, would not result in a significant cumulative impact. Therefore, this exception to the Categorical Exemptions does not apply.

- (c) **Significant Effect.** A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

There is no reasonable possibility that the construction of additions to an existing SFD will have a significant effect on the environment due to unusual circumstances. Therefore, this exception to the Categorical Exemptions does not apply.

- (d) **Scenic Highways.** A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.

The project site is located over 1.3 miles from Highway 101 and is not visible from that highway. Furthermore, the proposed development would not damage any scenic resources. Therefore, this exception to the Categorical Exemptions does not apply.

- (e) **Hazardous Waste Sites.** A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.

The proposed project is not located on a site included on any list compiled pursuant to Section 65962.5 of the Government Code. Therefore, this exception to the Categorical Exemptions does not apply.

**(f) Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.**

The proposed development would have no impact on any historical resource. Therefore, this exception to the Categorical Exemptions does not apply.

Lead Agency Contact Person: J. Ritterbeck, Planner II Phone #: (805) 568-3509

Department/Division Representative: \_\_\_\_\_ Date: \_\_\_\_\_

Acceptance Date: \_\_\_\_\_





## PLANNING & DEVELOPMENT APPEAL FORM

SITE ADDRESS: 137 Sierra Vista Road, Santa Barbara, CA 93108

ASSESSOR PARCEL NUMBER: 013-166-006

PARCEL SIZE (acres/sq.ft.): Gross 1.09 Net Unknown

COMPREHENSIVE/COASTAL PLAN DESIGNATION: Unknown ZONING: Unknown (SFH residential)

Are there previous permits/applications? ☐ no ☒ yes numbers: Unknown  
(include permit# & lot # if tract)

Are there previous environmental (CEQA) documents? ☐ no ☐ yes numbers: Unknown

1. Appellant: Paul and Virginia Nolan Phone: 805-565-4728 FAX: na

Mailing Address: 135 Sierra Vista Road, Santa Barbara, CA 93108 E-mail: tyonolan@gmail.com  
Street City State Zip

2. Owner: \_\_\_\_\_ Phone: \_\_\_\_\_ FAX: \_\_\_\_\_

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

3. Agent: \_\_\_\_\_ Phone: \_\_\_\_\_ FAX: \_\_\_\_\_

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

4. Attorney: Derek A. Westen, Esq. Phone: 805-963-7130 FAX: 805-456-0409

Mailing Address: 1800 Jelinda Drive, Santa Barbara, CA 93108 E-mail: derek@westenlaw.com  
Street City State Zip

### 13APL-00000-00018

KASZTELAN ADDITION APPEAL

Case #  
Super  
Applica  
Project  
Zoning

137 SIERRA VISTA RD

9/5/13

SANTA BARBARA

013-166-006

### COUNTY USE ONLY

Companion Case Number: \_\_\_\_\_

Submittal Date: \_\_\_\_\_

Receipt Number: \_\_\_\_\_

Accepted for Processing \_\_\_\_\_

Comp. Plan Designation \_\_\_\_\_

**RECEIVED**  
**SEP 05 2013**  
**S.B. COUNTY**  
**PLANNING & DEVELOPMENT**

**COUNTY OF SANTA BARBARA APPEAL TO THE :****\_\_\_\_\_ BOARD OF SUPERVISORS****X PLANNING COMMISSION: \_\_\_\_\_ COUNTY X MONTECITO**RE: Project Title Kasztelan Addition, 137 Sierra Vista RoadCase No. 12LUP-00000-000387Date of Action August 26, 2013I hereby appeal the X approval X approval w/conditions \_\_\_\_\_ denial of the:X Board of Architectural Review – Which Board? Montecito

\_\_\_\_\_ Coastal Development Permit decision

\_\_\_\_\_ Land Use Permit decision

\_\_\_\_\_ Planning Commission decision – Which Commission? \_\_\_\_\_

\_\_\_\_\_ Planning &amp; Development Director decision

\_\_\_\_\_ Zoning Administrator decision

**Is the appellant the applicant or an aggrieved party?**

\_\_\_\_\_ Applicant

X 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:The appellants are Paul and Virginia Nolan, immediate neighbors to the proposed project. Both appeared at and provided testimony at the hearings of the MBAR.

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.

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PLEASE SEE ATTACHED EXPLANATION OF APPEAL

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**Specific conditions imposed which I wish to appeal are (if applicable):**

- a. 

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- b. 

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- c. 

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- d. 

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**Please include any other information you feel is relevant to this application.**

## EXPLANATION OF APPEAL


1. The proposed new home, on a parcel that everyone knows is severely constrained and problematic, would nevertheless have the largest FAR in the entire neighborhood, would have an FAR almost 200% of the average neighborhood FAR, would be of a size bulk and scale that is incompatible with the existing neighborhood, and is not designed to adequately take into account the impact upon views from neighboring sites.
2. Many members of the MBAR stated that the issue presented was *extremely* difficult. Ultimately, a number of the members improperly relied on the principle that Sierra Vista Road is a “neighborhood in transition.” First, it is *factually* incorrect to state that the Sierra Vista Road neighborhood is “in transition.” Second, there is no such governing principle or standard in the applicable Guidelines. Third, even if there were such a governing principal, it could not justify the proposed design.
3. The existing established neighborhood is overwhelmingly opposed to the proposed new home because of its impact on the neighbor to the east and the precedent it will establish for the future.




**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.*

 Derek A. Westen, Esq., attorney for appellants September 5, 2013  
Print name and sign – Firm Date

 Derek A. Westen, Esq., attorney for appellants September 5, 2013  
Print name and sign - Preparer of this form Date

NA  
Print name and sign - Applicant Date

 Derek A. Westen, Esq., attorney for appellants September 5, 2013  
Print name and sign - Agent Date

NA  
Print name and sign - Landowner Date

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## PLANNING & DEVELOPMENT APPEAL FORM

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**13APL-00000-00026**  
 KASZTELAN APPEAL OF LUP  
 11/14/13  
 013-166-006  
 Case Super 137 SIERRA VISTA RD  
 Applic. SANTA BARBARA  
 Project  
 Zoning

### COUNTY USE ONLY

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



## BOARD OF SUPERVISORS

RE: Project Title Kasztelan Addition, 137 Sierra Vista Road

Case No. 12LUP-00000-000387

Date of Action Nov 4 ~~August 26, 2013~~

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

\_\_\_\_ Board of Architectural Review – Which Board? Montecito

  X   Coastal Development Permit decision

Land Use Permit decision

\_\_\_\_\_ Planning Commission decision – Which Commission?

Planning &amp; Development Director decision

                     Zoning Administrator decision

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PLEASE SEE ATTACHED EXPLANATION OF APPEAL

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- b. 

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- c. 

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- d. 

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3. The existing established neighborhood is overwhelmingly opposed to the proposed new home because of its impact on the neighbor to the east and the precedent it will establish for the future.
4. The issued Land Use Permit does not comply with mandated setback requirements and height limitations.
5. The issued Land Use Permit does not comply with applicable Hillside and Ridgeline Ordinance Requirements.

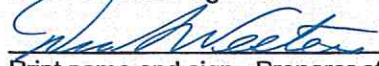


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**Applicant's signature authorizes County staff to enter the property described above for the purposes of inspection.**

*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.*

 Derek A. Westen, Esq., attorney for appellants November 14, 2013  
Print name and sign – Firm Date

 Derek A. Westen, Esq., attorney for appellants November 14, 2013  
Print name and sign - Preparer of this form Date

NA  
Print name and sign - Applicant Date

 Derek A. Westen, Esq., attorney for appellants November 14, 2013  
Print name and sign - Agent Date

NA  
Print name and sign - Landowner Date

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12.	<b>12BAR-00000-00122</b>	<b>Ogle Addition</b>	<b>1325 Schoolhouse Road</b>
		(No Planner Assigned)	Ridgeline: N/A

Request of Dennis Thompson, architect for the owner, Flint B. Ogle, to consider Case No. 12BAR-00000-00122 for conceptual review of an addition to an existing single family dwelling of approximately 317 square feet. The following structures currently exist on the parcel: a single family dwelling of 4,159 square feet, an attached garage of approximately 511 square feet a guesthouse of approximately 672 square feet and a carport of approximately 360 square feet. The proposed project will not require grading. The property is a 1.0 acre parcel zoned 2-E-1 and shown as Assessor's Parcel Number 009-070-018, located at 1325 Schoolhouse Road in the Montecito area, First Supervisorial District.(Appearance by Dennis Thompson)

**MBAR Comments:**

1. No problem with the project.

The project received comments only. (Mendro absent from the discussion). The project may return for preliminary/final on consent with the approval of the planner.

13.	<b>12BAR-00000-00128</b>	<b>Kasztelan Addition</b>	<b>137 Sierra Vista</b>
		(No Planner Assigned)	Ridgeline: N/A

Request of Jessica Kasztelan, the owner, to consider Case No. 12BAR-00000-00128 for **conceptual review of an addition to the first floor of the existing two story single family dwelling of approximately 1,276 square feet, an addition to the second floor of approximately 1,324 square feet and attached garage of approximately 602 square feet and attached residential second unit of approximately 650 square feet. The project will include a change to the roof and will increase the ridge to 295", an approximate 4 foot increase. The project would require an intrusion into the side setback.** The following structures currently exist on the parcel: a two story single family dwelling of approximately 2,147 square feet, an attached covered patio of approximately 360 square feet which will be reconstructed into a pergola. The proposed project will require approximately 75 cubic yards of cut and no fill. The property is a 1.09 acre parcel zoned 2-E-1 and shown as Assessor's Parcel Number 013-166-006, located at 137 Sierra Vista in the Montecito area, First Supervisorial District.(Appearance by Jessica & Brian Kasztelan)

**Public Comment:**

Virginia Nolan

**MBAR Comments:**

1. Project needs quite a bit of refinement and input from land use.
2. Very ambitious and very confusing.
3. In terms of a concept, the project is acceptable. It is however a big project. Consider scaling back program.
4. Show on drawings what is existing and what is new.
5. Will need details reflecting Spanish design.
6. Take the drawings to the next level for the LUP application.
7. Flow from upstairs to downstairs needs study.
8. Consider demolishing the house and starting from scratch. Basement as proposed will be dreary and dark.

The project received comments only. (Mendro absent from the discussion). The project may return for further conceptual review. A site visit requested.



removal is proposed. The following structures currently exist on the parcel: a two story single family dwelling of approximately 3,431 square feet, a detached studio of approximately 791 square feet, 2 cabana's of approximately 1,515 square feet total and an attached garage of approximately 658 square feet. The proposed project will not require grading. The property is a .65 acre parcel zoned 1-E-1 and shown as Assessor's Parcel Number 009-360-005, located at 1491 Edge Cliff Lane in the Montecito area, First Supervisorial District. (Appearance by James Macari, Nina Terzian)

**Public Comment:**  
Email from Jeffrey Hayden

**MBAR Comments:**

1. MBAR recommends that pine tree required pursuant to condition #18 be removed.
2. MBAR found the redesign to be in general conformance with the approved plans.

The project received comments only. (Maphis, Mendro and Palladini absent.)

<b>11. 12BAR-00000-00128</b>	<b>Kasztelan Addition</b>	<b>137 Sierra Vista</b>
12LUP-00000-00387	(J. Ritterbeck, Planner 568-3509)	Ridgeline: N/A

Request of Jessica Kasztelan, the owner, to consider Case No. 12BAR-00000-00128 for further conceptual review of an addition to the first floor of the existing two story single family dwelling of approximately 1,276 square feet, an addition to the second floor of approximately 1,324 square feet and attached garage of approximately 602 square feet and attached residential second unit of approximately 650 square feet. The project will include a change to the roof and will increase the ridge height by approximately 4 feet. The project would require an encroachment into the side setback, utilizing a variable side setback allowance. The following structures currently exist on the parcel: a two story single family dwelling of approximately 2,147 square feet, an attached covered patio of approximately 360 square feet which will be reconstructed into a pergola. The proposed project will require approximately 75 cubic yards of cut and no fill. The property is a 1.09 acre parcel zoned 2-E-1 and shown as Assessor's Parcel Number 013-166-006, located at 137 Sierra Vista in the Montecito area, First Supervisorial District. (Continued from 7/23/12)(Appearance by Jessica & Brian Kasztelan)

**Public Comments:**  
Virginia Nolan  
Paul Nolan

**MBAR Comments:**

1. Neighborhood compatibility issue
2. Site visit and story poles required.
3. Stake motor court.
4. Solar study required.

The project received comments only. (Maphis, Mendro and Palladini absent)

<b>12. 13BAR-00000-00006</b>	<b>Tobey New two Story Single Family Dwelling</b>	<b>658 Park Lane</b>
13LUP-00000-00068	(J. Ritterbeck, Planner 568-3509)	Ridgeline: N/A

Request of Ken Mineau, architect for the owner, Susanne Tobey, to consider Case No. 13BAR-00000-00006 for further conceptual review of a new two story single family dwelling with the first floor being approximately 7,570 square feet, the second floor being approximately 1,691 square feet, a basement of approximately 2,532, an attached garage of approximately 1,369

- |    |                          |                                   |                         |
|----|--------------------------|-----------------------------------|-------------------------|
| 7. | <b>12BAR-00000-00128</b> | <b>Kasztelan Addition</b>         | <b>137 Sierra Vista</b> |
|    | 12LUP-00000-00387        | (J. Ritterbeck, Planner 568-3509) | Ridgeline: N/A          |

Request of Jessica Kasztelan, the owner, to consider Case No. 12BAR-00000-00128 for further conceptual review of an addition to the first floor of the existing two story single family dwelling of approximately 1,276 square feet, an addition to the second floor of approximately 1,324 square feet and attached garage of approximately 602 square feet and attached residential second unit of approximately 650 square feet. The project will include a change to the roof and will increase the ridge height by approximately 4 feet. The project would require an encroachment into the side setback, utilizing a variable side setback allowance. The following structures currently exist on the parcel: a two story single family dwelling of approximately 2,147 square feet, an attached covered patio of approximately 360 square feet which will be reconstructed into a pergola. The proposed project will require approximately 75 cubic yards of cut and no fill. The property is a 1.09 acre parcel zoned 2-E-1 and shown as Assessor's Parcel Number 013-166-006, located at 137 Sierra Vista in the Montecito area, First Supervisorial District. (Continued from 7/23/12, 3/25/13)(Appearance by Jessica & Brian Kasztelan)

**Public Comment:**

Jennine Walters,  
 Cat Bartz  
 Paul Nolan, & letter from Rita Walters,  
 Robert Halstead  
 Harry Linden,  
 Mary Kirkland

**MBAR Comments:**

1. MBAR acknowledges that this is a very difficult site and challenging proposal
2. Architectural design is ok
3. Neighborhood compatibility issues, site constraints
4. Changing the character of the use of the site is a serious impact to the neighbors
5. Proposal is out of scale for the neighborhood
6. Reconsider a redesign which does not stack bulk of house on neighboring property line
7. Cannot support as presented

The project received comments only. (Spann absent) The project can return for further conceptual review.

- |    |                          |                                |                            |
|----|--------------------------|--------------------------------|----------------------------|
| 8. | <b>11BAR-00000-00007</b> | <b>Bruss Demo/New SFD</b>      | <b>645 San Ysidro Road</b> |
|    | 11BAR-00000-00038        | (Kimberley McCarthy, 568-2005) | Ridgeline: N/A             |

Request of Richard Starnes, architect for the owner, Wendy Bruss, to consider Case No. 11BAR-00000-00007 for final approval of new two story single family dwelling with the first floor being approximately 2,931 square feet, the second story being 1,766 square feet, a basement of approximately 1,105 square feet, an attached garage of approximately 882 square feet and a pool house of approximately 800 square feet. The following structures currently exist on the parcel: a single family dwelling of approximately 1,012 square feet and an attached carport of approximately 340 (all to be demolished). The proposed project will require approximately 200 cubic yards of cut and approximately 200 cubic yards of fill. The property is a .98 acre parcel zoned 2-E-1 and shown as Assessor's Parcel Number 011-140-009, located at 645 San Ysidro Road in the Montecito area, First Supervisorial District. (Continued from 2/7/11, 3/14/11)(Appearance by Richard Starnes)



6.	<b>12BAR-00000-00128</b> 12LUP-00000-00387	<b>Kasztelan Addition</b> (J. Ritterbeck, Planner 568-3509)	<b>137 Sierra Vista</b> Ridgeline: N/A
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Request of Bob Easton, architects for the owners, Brian & Jessica Kasztelan to consider Case No. 12BAR-00000-00128 for **conceptual review of an addition of approximately 2,313 square feet to the existing two-story single family dwelling, resulting in a 4,930 square feet dwelling, with a 625 square feet attached garage and a 825 square feet covered deck. The project will include a change to the roof and will raise the ridge height from 24-feet to 28-feet above grade.** The project would require an encroachment into the side setback, utilizing a variable side setback allowance. The following structures currently exist on the parcel: a two story single family dwelling of approximately 2,147 square feet, an attached covered patio of approximately 360 square feet which will be reconstructed into a pergola. The proposed project will require approximately 200 cubic yards grading and would include the construction of a new 50-foot retaining wall. The property is a 1.09 acre parcel zoned 2-E-1 and shown as Assessor's Parcel Number 013-166-006, located at 137 Sierra Vista in the Montecito area, First Supervisorial District. (Continued from 7/23/12, 3/25/13, 4/15/13)(Appearance by Bob Easton, Jessisca & Brian Kasztelan)

**Public Comments:**

Jay Nolan,  
Virginia Nolan,  
Pat Barts

**MBAR Comments:**

1. **Neighborhood compatibility continues to be an issue**
2. **Proposal would be larger than most structures on the street**
3. **The house would be too big for the site**
4. **MBAR would like to know why this proposal is not subject to the Hillside Ridgeline regs**
5. **MBAR is concerned with drainage issues**
6. **Current proposal is headed in the right direction**
7. **Return with sections, larger scale drawings**
8. **The redesign of the driveway is a huge improvement**
9. **Concerned about slope stability in this area**
10. **Very challenging site with serious planning questions regarding the caissons, ridgeline and building height**
11. **Concerned about the proposed side yard setbacks**

**The project received comments only. (Maphis & Palladini absent from the discussion)**  
**The project may return for further conceptual. Story poles were requested.**

7.	<b>13BAR-00000-00067</b> 13LUP-00000-00208	<b>Cold Spring RE, LLC New Single Family Dwelling</b> (Brian Banks, Planner 568-3559)	<b>900 Lilac</b> Ridgeline: N/A
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Request of Tom Meaney, architect for the owner, Cold Springs RE, LLC, to consider Case No. 13BAR-00000-00067 for further conceptual of a new two story single family dwelling, with the first floor being approximately 5,920 square feet, the second floor being approximately 3,510 square feet, a basement of approximately 800 square feet, an attached garage of approximately 1,600 square feet. The following structures currently exist on the parcel: a single family dwelling of approximately 3,300 square feet and a 480 square foot carport, to be demolished. The proposed project will require approximately 600 cubic yards of cut and approximately 600 cubic yards of fill. The property is a 2.94 acre foot parcel zoned 2-E-1 and shown as Assessor's Parcel Number 007-070-023, located at 900 Lilac in the Montecito area, First Supervisorial District.(Continued from 4/15/13)



5.	<b>12BAR-00000-00128</b>	<b>Kasztelan Addition</b>	<b>137 Sierra Vista</b>
	12LUP-00000-00387	(J. Ritterbeck, Planner 568-3509)	Ridgeline: N/A

Request of Bob Easton, architects for the owners, Brian & Jessica Kasztelan to consider Case No. 12BAR-00000-00128 for **further conceptual review of an addition of approximately 2,313 square feet to the existing two-story single family dwelling, resulting in a 4,930 square feet dwelling, with a 625 square feet attached garage and a 825 square feet covered deck. The project will include a change to the roof and will raise the ridge height from 24-feet to 28-feet above grade.** The project would require an encroachment into the side setback, utilizing a variable side setback allowance. The following structures currently exist on the parcel: a two story single family dwelling of approximately 2,147 square feet, an attached covered patio of approximately 360 square feet which will be reconstructed into a pergola. The proposed project will require approximately 200 cubic yards grading and would include the construction of a new 50-foot retaining wall. The property is a 1.09 acre parcel zoned 2-E-1 and shown as Assessor's Parcel Number 013-166-006, located at 137 **Sierra Vista** in the Montecito area, First Supervisorial District. (Continued from 7/23/12, 3/25/13, 4/15/13, 7/15/13)( Appearance by Bob Easton, Brian & Jessica Kasztelan)

**Public Comments:**

**Paul Nolan  
Virginia Nolan  
Pat Bart  
Guy Tarleton- Letter  
Vivian Alexander-Letter**

**MBAR Comments:**

- 1.Appreciate efforts on garage profile**
- 2.Any landscape in back area would be extremely critical from a visual impact.**
- 3.Profile has changed quite a bit and impressed w/amount of work and progress.**
- 4.Garage is still a major issue**
- 5.Would like to acknowledge number of changes**
- 6.Very nice, scale is lower, driveway & walls reduced**
- 7.Real concern-garage impact to neighbor**
- 8.3' lower would be significant**
- 9.Agree landscaping is key.**
- 10.MBAR needs to make Montecito guidelines findings**
- 11.Cannot make finding that overall shape and size is consistent w/bulk and scale in neighborhood**
- 12.Square footage will be the largest in neighborhood**
- 13.Square footage could be brought down and the home still be of a reasonable size**
- 14.Transitional neighborhood issue - conflicted about whether underlying conformity of general plan is the primary concern and is the need for a community to grow over time a determining factor**
- 15.Architect has done a great job considering the constraints and desire of clients**
- 16.Compliment for all movement owners have made to work w/in guidelines**
- 17.Original plan was much bigger**
- 18.Lowering building, increasing setback huge improvements**
- 19. 1% over FAR - 47 square ft over (4453 net)**
- 20. MBAR must consider site issues and compatibility from a site planning perspective and architectural perspective**

**The project received comments only. (Spann & Eichelberger absent from the discussion) The project may return for preliminary approval with planner approval.**

- |    |                          |                                   |                         |
|----|--------------------------|-----------------------------------|-------------------------|
| 5. | <b>12BAR-00000-00128</b> | <b>Kasztelan Addition</b>         | <b>137 Sierra Vista</b> |
|    | 12LUP-00000-00387        | (J. Ritterbeck, Planner 568-3509) | Ridgeline: N/A          |

Request of Bob Easton, architects for the owners, Brian & Jessica Kasztelan to consider Case No. 12BAR-00000-00128 for **preliminary approval of an addition of approximately 2,313 square feet to the existing two-story single family dwelling, resulting in a 4,930 square feet dwelling, with a 625 square feet attached garage and a 825 square feet covered deck. The project will include a change to the roof and will raise the ridge height from 24-feet to 28-feet above grade.** The project would require an encroachment into the side setback, utilizing a variable side setback allowance. The following structures currently exist on the parcel: a two story single family dwelling of approximately 2,147 square feet. The proposed project will require approximately 200 cubic yards grading and would include the construction of a new 50-foot retaining wall. The property is a 1.09 acre parcel zoned 2-E-1 and shown as Assessor's Parcel Number 013-166-006, located at 137 Sierra Vista in the Montecito area, First Supervisorial District. (Continued from 7/23/12, 3/25/13, 4/15/13, 7/15/13)(Appearance by Bob Easton, Brian & Jessica Kasztelan, Brian Broderson)

**Public Comments:**

Paul Nolan  
 Virginia Nolan  
 Pat Bart  
 Jeanine Waters  
 Derek Westen  
 Rita Walters  
 Michael Haggland

**ACTION:** Watson moved, seconded by Gottsdanker to deny the project the vote failed 2-0-2. Watson moved, seconded by Spann and carried by a vote of 4-0 (Palladini & Mendro & Eichelberger absent) to continued the project indefinitely.

**MBAR Comments:**

1. Applicant has responded to all MBAR requests; can support project
2. In looking at larger houses in the neighborhood see a qualitative difference in expression of side yard, mass, bulk and scale treatment; homes of this size in the area have greater open space areas between properties; not jammed in like these
3. Proposal is twice as big as average of other sfd's in the neighborhood
4. This is a very constrained parcel – long, thin with development all brought up to the top however, there are qualities on surrounding properties that are not the same – can not vote for this as shown based on policy
5. Cannot make findings; ultimately a policy decision
6. MBAR must consider mass, bulk and scale in relationship to surrounding open space and structures in the neighborhood in order to make a finding of compatibility
7. Can not approve this project due to impacts on neighbors and neighborhood
8. Neighborhood compatibility discussed is a larger issue; in looking at this project, and all its iterations, it has come along architecturally and is approaching quality that can work on a difficult site driven by topography
9. All zoning guidelines have been met; we are looking at guidelines as a basis for making a decision

- |    |                          |  |                       |
|----|--------------------------|--|-----------------------|
| 6. | <b>12BAR-00000-00210</b> | <b>Partridge Trust Demo<br/>New Single Family Dwelling</b> | <b>735 Via Manana</b> |
|    | 12LUP-00000-00409        | (Nicole Lieu Planner 884-8068)                             | Ridgeline: N/A        |



2.	<b>12BAR-00000-00128</b>	<b>Kasztelan Addition</b>	<b>137 Sierra Vista</b>
	12LUP-00000-00387	(J. Ritterbeck, Planner 568-3509)	Ridgeline: Yes

Request of Bob Easton, architects for the owners, Brian & Jessica Kasztelan to consider Case No. 12BAR-00000-00128 for **preliminary approval of an addition of approximately 2,824 [GROSS] square feet to the existing single story single family dwelling, resulting in a 4,930 [GROSS] square foot 2-story residence (4,500 [NET] square feet), and a new attached garage of 625 [GROSS] square feet. The project will include a change to the roof and will raise the ridge height from 24-feet to 28-feet above grade.** The project would include a variable side setback allowance for encroachment into the side setback. The following structures currently exist on the parcel: a single family dwelling of approximately 2,108 [GROSS] square feet and carport of 378 [GROSS] square feet. The proposed project will require approximately 200 cubic yards grading. The property is a 1.09 acre parcel zoned 2-E-1 and shown as Assessor's Parcel Number 013-166-006, located at **137 Sierra Vista** in the Montecito area, First Supervisorial District. (Continued from 7/23/12, 3/25/13, 4/15/13, 7/15/13, 8/12/13)(Appearance by Bob Easton, Brian & Jessica Kasztelan, Brian Broderson)

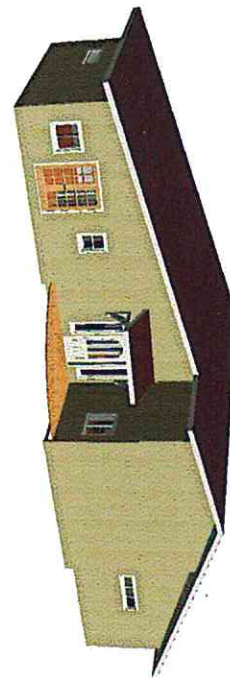
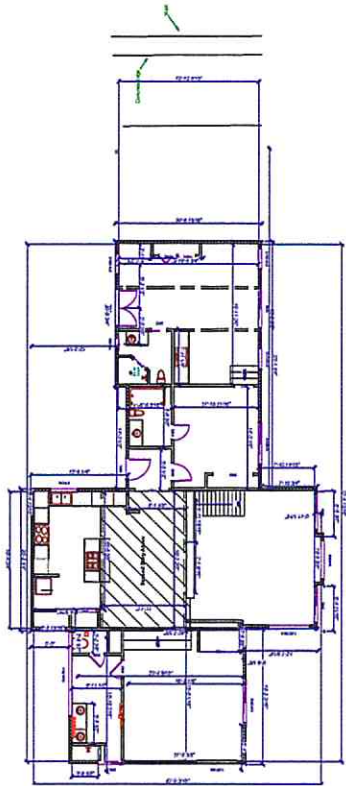
**Public Comments:**

Virginia Nolan	Rita Walters	Paul Nolan
Jeanine Walters	Mike Hageland	MaryJo Kirkland-Letter
Derek Westen	Pat Barts	

**MBAR Comments:**

1. Want to acknowledge that this is a very challenging project for all involved
2. Neighborhood is in transition and the site is steep and very constrained
3. Applicant has addressed all site, height, bulk and scale issues; additionally, setbacks and garage plate height have been reduced
4. It is now a much more cohesive design, more restrained; a vast improvement
5. The role of the Board is to find a balance between preserving the community and the rights of the individual; the process has worked in this case, can support the project
6. Original design was not approvable; the design has come a long way
7. Now it is a very good design considering the constraints of the site
8. The project has been before the MBAR seven times; this is not necessarily a bad thing, but often times a sign of letting go and showing recognition of things that have needed to be changed.
9. The project has gotten better with each visit.
10. It appears, on at least two sides, to be a fairly modest house; the south side is the largest and most pronounced but does not face any neighbors.
11. Encourage the applicants to work with the neighbors on abutting side towards mutually acceptable landscaping
12. If possible, a circular cutaway under stair would be more logical and cut down on the mass
13. Applicants have made many changes
14. MBAR is required to work with neighborhood compatibility definition in the guidelines; the definition is "the relationship between surrounding structures and their settings so that the effect of all structures taken together is aesthetically pleasing, keeping the neighborhood in harmony and balance."
15. The actual definition of compatibility is capable of existing in harmony
16. No problem with the house as presented if it was living in a vacuum; it is not, it lives in a neighborhood
17. Cannot make the compatibility finding
18. Preliminary approval with conditions that the applicant look at the stair at the east elevation regarding architectural shape and re-examine the landscaping plan.

**ACTION:** Spann moved, seconded by Eichelberger and Hearing Supervisor, David Villalobos, called roll and the motion was carried by a vote of 5-2 (Gottsdanker & Watson no) to grant preliminary approval of 13BAR-00000-00128. The project may return for final approval with planner approval.



A-7.01

PAGE #

SCALE:  
1/8" = 1'

DATE:  
8/6/2013

PROJECT CONTACT:

Owner:  
Brian & Jessica Kasztelan  
191 Sierra Vista Rd.  
Santa Barbara, CA 93105  
(805) 820-0136  
(810) 721-8185

**KASZTELAN RES.  
ADDITION & REMODEL  
191 SIERRA VISTA RD.**

SHEET TITLE:

**(E) Floor Plan  
(E) Floorplan & 3D**

NO.	DESCRIPTION	DATE
1	Initial Corrections	8/6/2013

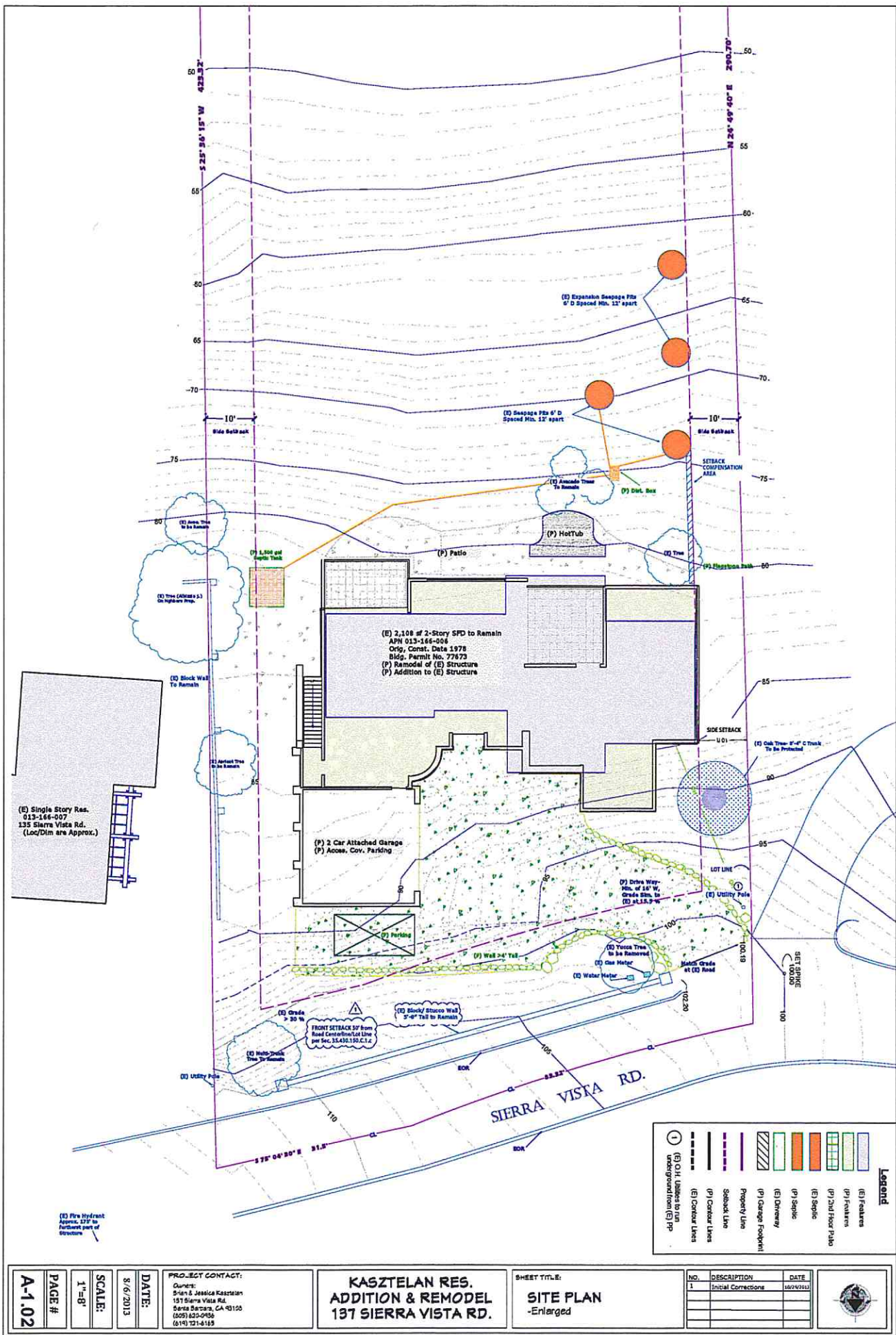














# LANDSCAPE PLAN

SCALE: 1/8" = 1'-0"

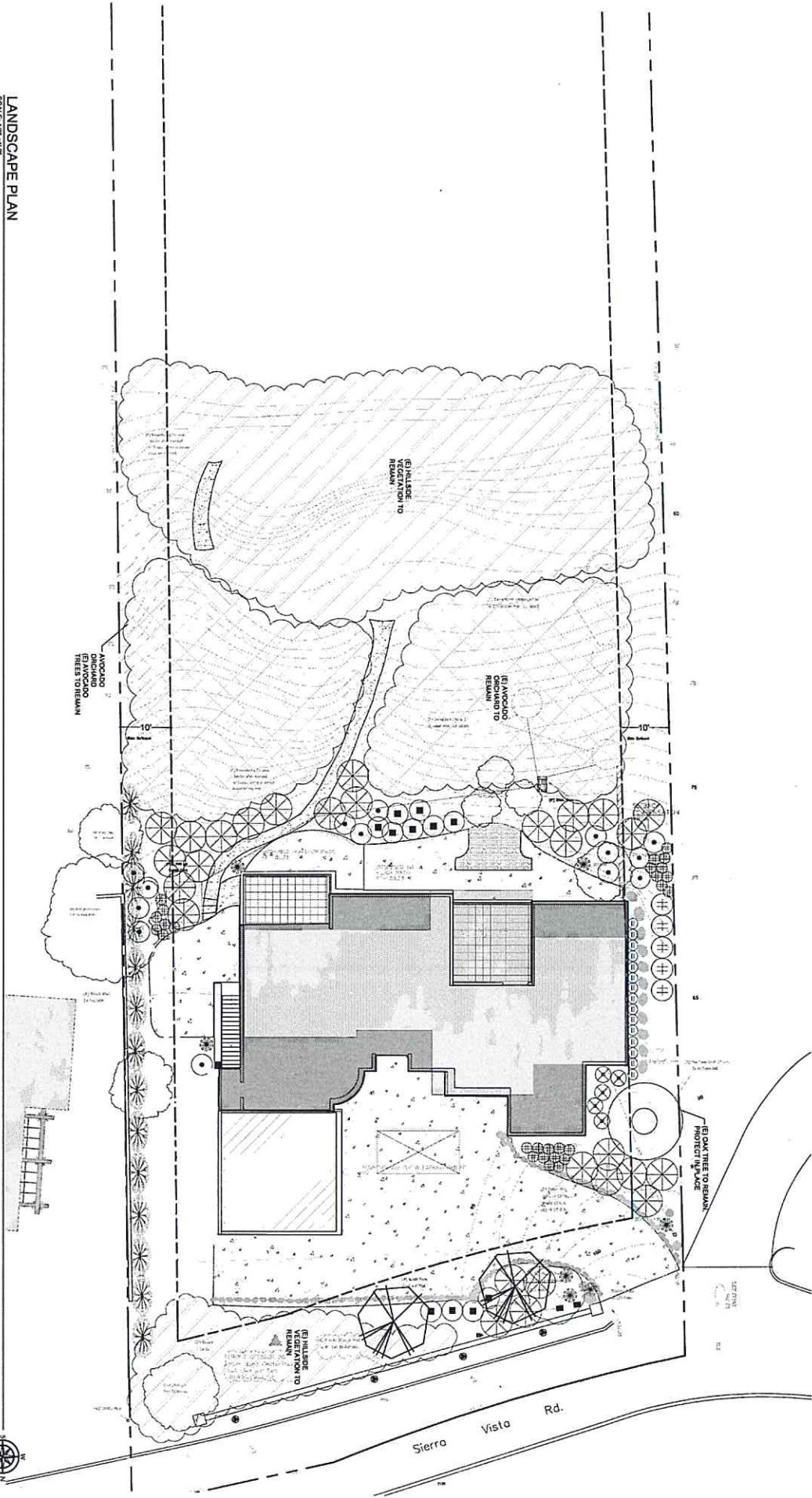
## EXISTING OAK TREE PROTECTION NOTES:

1. All work within the drip line of existing trees shall be by hand and performed only as approved or directed by the landscape architect or a registered arborist.
2. At root encroachment during trenching operations shall be clearly cut. Roots over two inches adjacent to existing trees shall be back filled with gravel topped from outside.
3. Where utility or service lines are to be installed within the drip line of any existing tree, a root barrier shall be installed to protect the tree from the utility or curb. Barrier shall extend from ground surface to bottom of new structure.
4. Any curb or wall adjacent to a tree shall be built with burlap spaced outward from the root zone.
5. A temporary fence of chain link or other approved fabric shall be erected around each tree or between the tree and the proposed construction as shown on the plan. The fence shall be a minimum height of eight feet.
6. Where construction is to occur within the drip line of a tree, the fence shall be erected outside the drip line of the tree and the fence shall be erected at the end of the work or the last outside the drip line.
7. At locations where fence does not surround trees, the fence must extend at least ten feet beyond the drip line, and a sign shall be placed at each end of the fence.
8. No chemicals or herbicides may be applied within the drip line of any tree without approval of the landscape architect or arborist.

## PLANTING NOTES:

8. No construction equipment, vehicles, or materials shall be parked or stored within 8 feet of any existing tree.
10. No sit or rocks shall be located within 3 feet of any existing tree.
11. Any alteration of grades shall result in positive drainage away from planted trees.
12. Planting shall be completed within 14 days of the end of construction.
13. Planting of trees shall be performed only under the direction of the landscape architect or arborist.
14. The irrigation system shall be installed within 14 days of the end of construction.
15. The contractor assumes responsibility for all existing trees shown on the plan. Any tree removed or irreparably damaged during construction must be replaced.
16. Protection fencing may not be removed until completion of grading and installation of the irrigation system.
17. All replacement trees shall be established and, if necessary, protected, during the three year bonding period. At the end of the bonding period, a minimum of 50% of the replacement trees must be established (ability to survive without supplemental irrigation). If 50% are not established, a new bonding period of two years will be required.

**DEFINITIONS:**  
 Drip Line - The point at which new grading meets existing grade.  
 Ditch - The outer edge of a tree's branching and foliage.



## PLANT LEGEND

SYMBOL		BOTANICAL NAME/COMMON NAME	SIZE	QUANTITY	NOTES	WUCOLS
	1	One required Street of 120m Size	30" DBH	3		1.0M
	2	One required	18" DBH	7	Requiring street of 120m	1.0M
<b>SHRUBS</b>						
	3	Approx. 10m Street of 120m	18" DBH	7		1.0M
	4	Approx. 10m Street of 120m	18" DBH	7		1.0M
	5	Approx. 10m Street of 120m	18" DBH	7		1.0M
	6	Approx. 10m Street of 120m	18" DBH	7		1.0M
	7	Approx. 10m Street of 120m	18" DBH	7		1.0M
	8	Approx. 10m Street of 120m	18" DBH	7		1.0M
	9	Approx. 10m Street of 120m	18" DBH	7		1.0M
	10	Approx. 10m Street of 120m	18" DBH	7		1.0M
	11	Approx. 10m Street of 120m	18" DBH	7		1.0M
	12	Approx. 10m Street of 120m	18" DBH	7		1.0M
	13	Approx. 10m Street of 120m	18" DBH	7		1.0M
	14	Approx. 10m Street of 120m	18" DBH	7		1.0M
	15	Approx. 10m Street of 120m	18" DBH	7		1.0M
	16	Approx. 10m Street of 120m	18" DBH	7		1.0M
	17	Approx. 10m Street of 120m	18" DBH	7		1.0M
	18	Approx. 10m Street of 120m	18" DBH	7		1.0M
	19	Approx. 10m Street of 120m	18" DBH	7		1.0M
	20	Approx. 10m Street of 120m	18" DBH	7		1.0M
	21	Approx. 10m Street of 120m	18" DBH	7		1.0M
	22	Approx. 10m Street of 120m	18" DBH	7		1.0M
	23	Approx. 10m Street of 120m	18" DBH	7		1.0M
	24	Approx. 10m Street of 120m	18" DBH	7		1.0M
	25	Approx. 10m Street of 120m	18" DBH	7		1.0M
	26	Approx. 10m Street of 120m	18" DBH	7		1.0M
	27	Approx. 10m Street of 120m	18" DBH	7		1.0M
	28	Approx. 10m Street of 120m	18" DBH	7		1.0M
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	177	Approx. 10m Street of 120m	18" DBH	7		1.0M
	178	Approx. 10m Street				

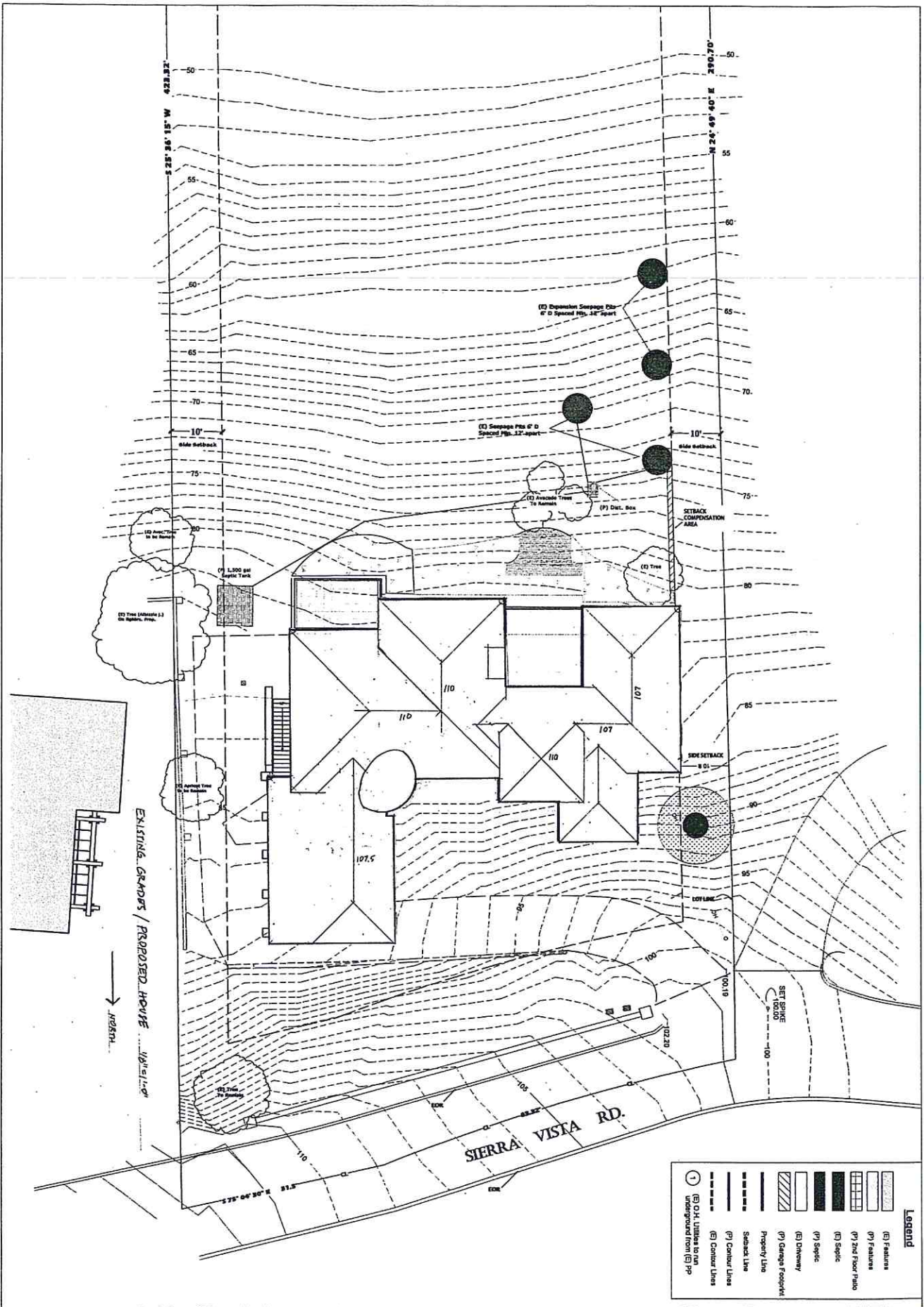










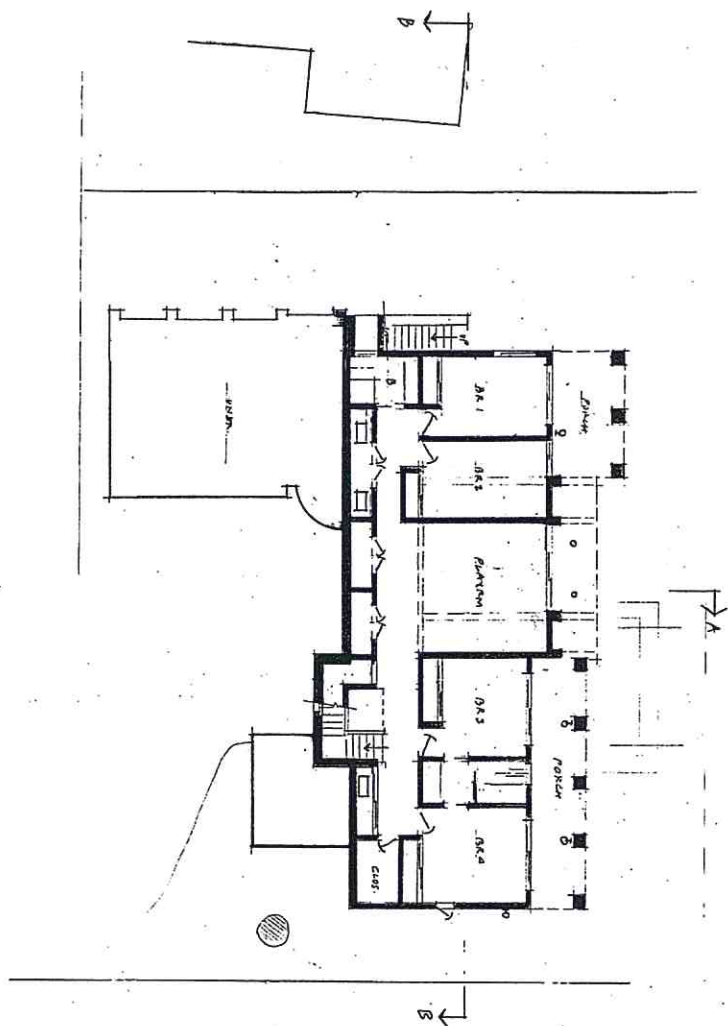


**Legend**

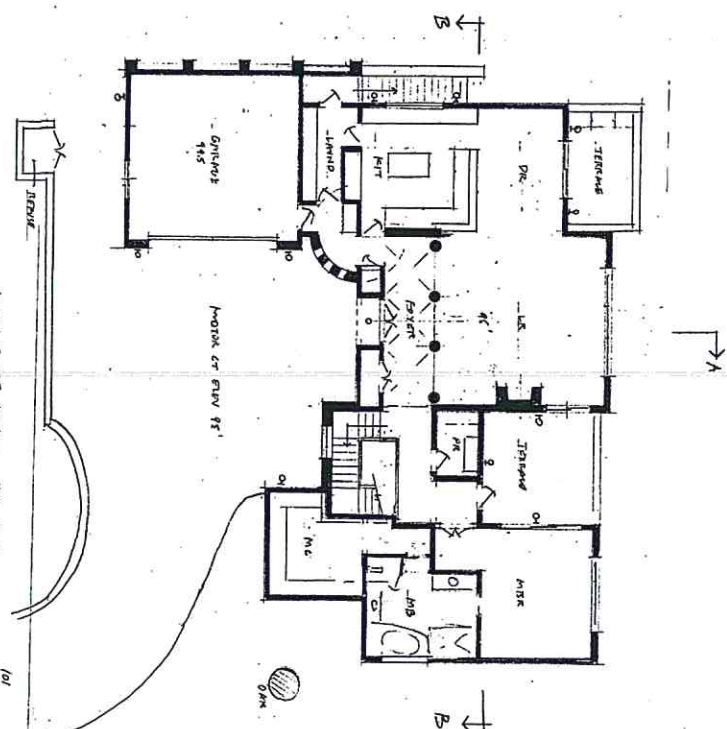
(E) Features	(P) 2nd Floor Patio
(E) Septic	(P) Septic
(E) Driveway	(P) Garage Footprint
(E) Contour Lines	Setback Line
Property Line	
Setback Line	
(E) Center Lines	
(E) D.H. Lines to run	
Interposed from (E) P	

A-4	SHEET NUMBER	Proposed New Residence for: Jessica and Brian KASZTELAN 137 Sierra Vista Rd. Santa Barbara, CA 93108	<b>BOB EASTON AIA ARCHITECT</b> 1505 EAST VALLEY ROAD, SUITE E MONTECITO, CA 93108 T. 805 949 3553 F. 805 949 3292 easton@bobai.net www.bobeaston.com
	JOB NUMBER		
	REVISIONS		
	DATE: 01/13		

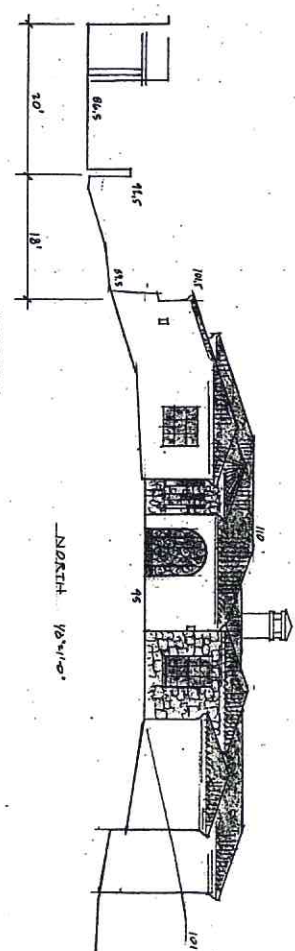
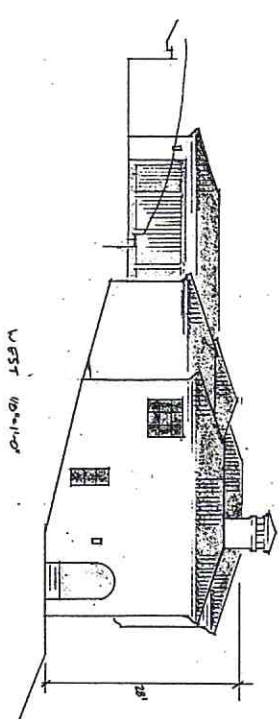
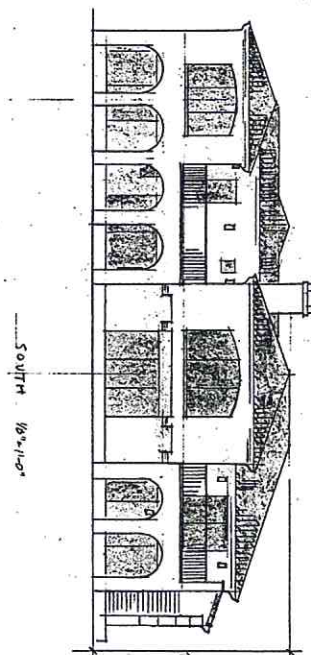
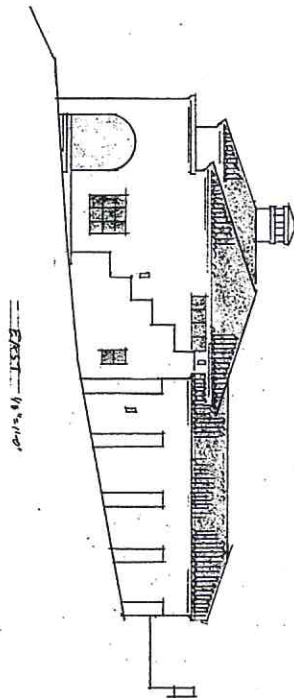




LOWER FLOOR PLAN 18'-11" x 18'-11"



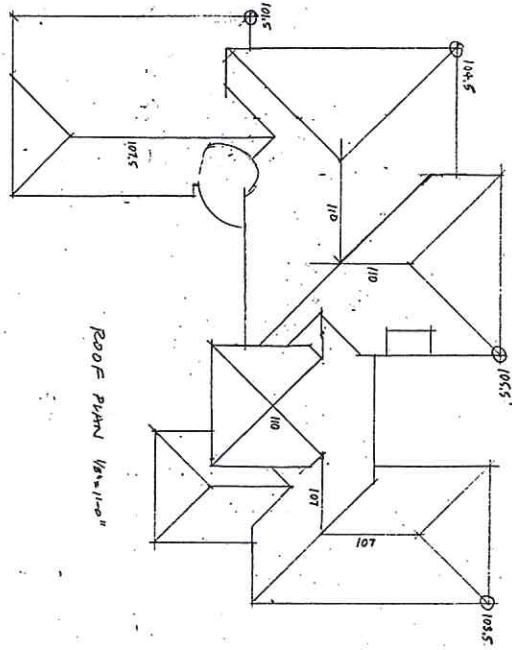
MAIN FLOOR PLAN 18'-11" x 18'-11"



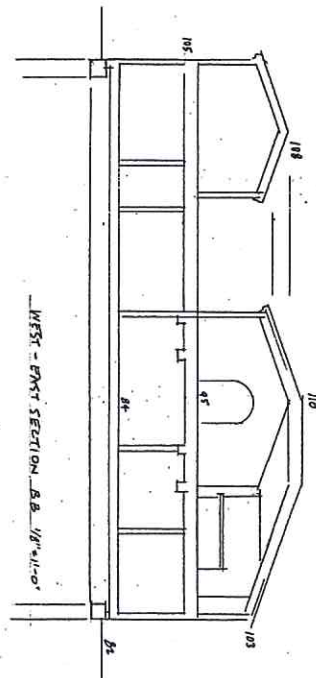
MATERIALS:  
 ROOFING: SHINGLES  
 WALLS: STUCCO  
 FLOORING: CARPET  
 DOORS: WOOD  
 WINDOWS: WOOD  
 STAIRS: WOOD  
 COUNTERS: GRANITE  
 SINKS: STAINLESS STEEL  
 APPLIANCES: STAINLESS STEEL  
 LIGHTING: RECESSED  
 FIXTURES: BRASS

A-6	SHEET NUMBER	DATE: 8/2/03	REVISIONS	PROPOSED NEW RESIDENCE FOR: JESSICA AND BRIAN KASZTELAN 137 SIERRA VISTA RD. SANTA BARBARA, CA 93108	BOB EASTON AIA ARCHITECT 1505 EAST VALLEY ROAD, SUITE B MONTECITO, CA 93108 T: 805 968 5051 F: 805 968 5292 easton@west.net www.bobeston.com
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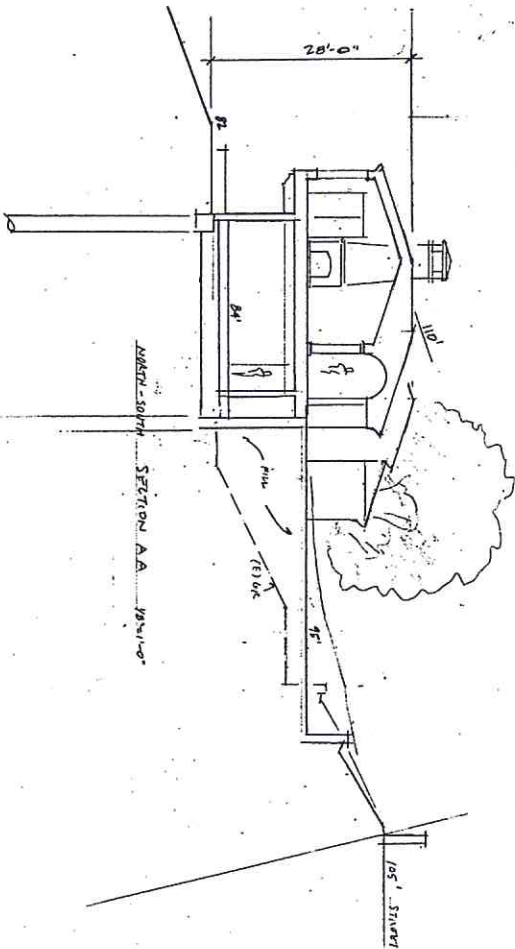




ROOF PLAN 1/8"=1'-0"



WEST - EAST SECTION A.A. 1/8"=1'-0"

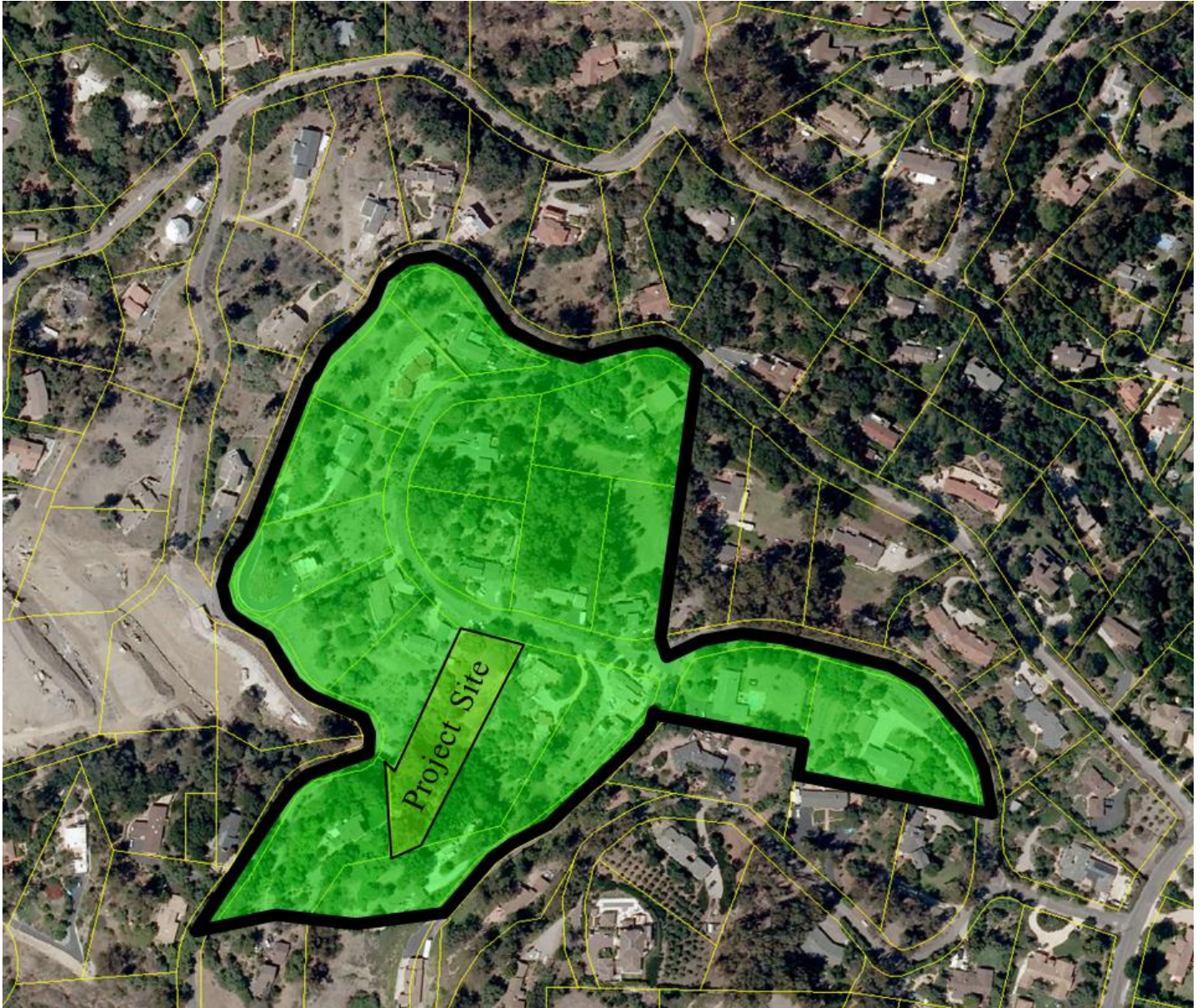


NORTH - SOUTH SECTION A.A. 1/8"=1'-0"

<p><b>A-7</b></p>	<p><b>BOB EASTON AIA ARCHITECT</b>          1505 EAST VALLEY ROAD, SUITE 8          MONTECITO, CA 93108          T. 805 949 3051          F. 805 949 3252          easton@west.net          www.bobeaston.com</p>	<p>Proposed New Residence for:          Jessica and Brian KASZTELAN          137 Sierra Vista Rd.          Santa Barbara, CA 93108</p>	<p><b>BOB EASTON AIA ARCHITECT</b>          1505 EAST VALLEY ROAD, SUITE 8          MONTECITO, CA 93108          T. 805 949 3051          F. 805 949 3252          easton@west.net          www.bobeaston.com</p>
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## **ATTACHMENT G**

### **MAP OF P&D NEIGHBORHOOD FAR STUDY**



# ATTACHMENT H

## GRAPH OF P&D NEIGHBORHOOD STUDY

