



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

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

Department Name: Planning and
Development
Department No.: 053
For Agenda Of: December 1, 2009
Placement: Departmental Agenda
Estimated Time: 1 hour
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Glenn Russell, Ph.D., Director, (805) 568-2085
Director Planning and Development
Contact Info: Dave Ward, Deputy Director, (805) 568-2520
Development Review Division – South County
SUBJECT: Hearing to consider applicant’s appeal of Planning Commission’s decision to uphold BAR’s denial of Preliminary Review and P&D’s denial of a Coastal Development Permit for Bean Blossom Lot X single-family residence

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: N/A

Other Concurrence

As to form: N/A

Recommended Actions:

Hearing on the request of Christopher Jacobs, agent for Bean Blossom LLC, to consider the appeals, Case Nos. 08APL-00000-00040 and 08APL-00000-00041 [appeals filed November 6, 2008], of the Planning Commission’s decision to uphold the Board of Architectural Review’s denial of Preliminary Review, Case No. 03BAR-00000-00164, and the Planning and Development Department’s denial of a Coastal Development Permit, Case No. 02CDP-00000-00023, for the Bean Blossom Lot X single-family residence and accessory structures, in compliance with Section 35-182 of the Article II Coastal Zoning Ordinance, on property located in the AG-II-100 and AG-II-320 zones. The application involves AP No. 081-210-047, located at 14000 Calle Real in the Gaviota Area, Third Supervisorial District.

Staff recommends that your Board take the following action:

1. Make the findings for denial of the project, Case Numbers 03BAR-00000-00164 and 02CDP-00000-00023, specified in Attachment A of the Planning Commission’s action letter dated November 10, 2008 and included as Attachment 1 of this Board Agenda Letter.
2. Determine disapproval of the project is exempt from CEQA pursuant to Section 15270 of the CEQA Guidelines.
3. Deny the appeals, Case Numbers 08APL-00000-00040 and 08APL-00000-00041.
4. Deny the project, Case Numbers 03BAR-00000-00164 and 02CDP-00000-00023.

The applicant's agents have stated they will request that your Board consider and approve a modified project in lieu of the original project. The proposed modified project is described below.

Refer back to staff if your Board takes other than the recommended action for appropriate findings and conditions.

Summary Text:

Applicant's Original Project

The Planning and Development Department's (P&D) staff report to the Planning Commission dated October 17, 2008 (Attachment 2) contains a complete project description. In summary, the applicant applied for a 17,605 square-foot residence, 1,339 square-foot guest house, 4,200 foot-long driveway and other accessory structures on a 287-acre parcel on the Gaviota Coast. (Statistics are gross floor area.). The residence and guest house would be sited within a 2-acre development area on a south-facing hillside. The project would require approximately 56,000 cubic yards of cut and fill. The project includes the planting of trees, shrubs and other landscaping.

Background

On September 12, 2008, the Central Board of Architectural Review (CBAR) concluded that the project would not conform to the Ridgeline and Hillside Development Guidelines in Section 35-144.3 of the Coastal Zoning Ordinance. Specifically, CBAR concluded that the project would not minimize grading or preserve natural landforms. CBAR also concluded that the proposed landscaping would not be compatible with the adjacent vegetation, which is predominantly grassland and coastal sage shrub (see P&D's staff report to the Planning Commission for findings for denial and other details; Attachment 2). As a result, CBAR could not make the findings required for Board of Architectural Review pursuant to Section 35-184.6 of the Coastal Zoning Ordinance and, therefore, denied preliminary review.

On September 17, 2008, staff also denied the project. Staff concluded that the project would not conform to Hillside and Watershed Protection Policies 3-13 and 3-14 and Visual Resources Policy 4-3 of the Coastal Land Use Plan. A primary concern was that the proposed residence and adjoining structures require a level building site. However, the proposed 2-acre development area has moderate slopes. As a result, the applicant proposed to substantially alter the natural topography to fit the project rather than proposing a project designed to fit the natural topography. Contrary to the policies and guidelines cited above, the project would result in excessive grading and alteration of the natural terrain. In addition, the proposed landscaping includes trees and shrubs that would not be compatible with the surrounding natural vegetation. The applicant appealed this decision to the Planning Commission.

On November 5, 2008, the Planning Commission (by a vote of 3-2) upheld CBAR's and P&D's decisions and also denied the project. According to the Planning Commission's action letter dated November 10, 2008 (Attachment 1) and P&D's staff report to the Planning Commission dated October 17, 2008 (Attachment 2), the project would not conform to plan policies and zoning provisions that require development to minimize grading, preserve natural terrain and protect visual resources. In part, the Planning Commission determined that the project would include excessive grading and alteration of the natural terrain. The applicant appealed this decision to your Board.

Appeal Issues

The applicant asserts that the project denied by CBAR, P&D and the Planning Commission would be sited and designed in conformance with all applicable policies of the Comprehensive Plan and provisions of the Coastal Zoning Ordinance. These policies and provisions include those relating to visual resources, preservation of natural landforms and minimization of grading (see applicant's appeal application for additional details; Attachment 3). These appeal issues generally match those that the applicant raised in his appeal to the Planning Commission. These issues and P&D's responses are included in Section 6.3 ("Appeal Issues") of P&D's staff report to the Planning Commission (Attachment 2).

Applicant's Proposed Modified Project

After the Planning Commission denied the project, the applicant and the Gaviota Coast Conservancy reached consensus on a modified project. The applicant presented the modified project to P&D staff at a meeting facilitated by County Counsel on November 21, 2008 (see County Counsel's facilitation report; Attachment 4). Staff suggested that the applicant apply for a separate Coastal Development Permit to enable the modified project to undergo the full development review process. The applicant declined to apply for separate permit.

The applicant submitted proposed findings, conditions and a letter that compares the original project to the modified project (Attachment 5) and intends to request that your Board approve the modified project. The modified project would include a smaller residence, smaller pool/lawn area and less grading. For example, the size of the residence would be reduced from approximately 17,605 to 16,330 square feet (gross area) and the amount of grading would be reduced from approximately 56,000 to 28,900 cubic yards of cut and fill.¹

A residence specifically designed to fit the natural topography of the proposed development area would reduce cut and fill operations and keep site preparation to an absolute minimum. The applicant has indicated that this alternative would not meet his objectives. Given the proposed size and layout of the modified project, the applicant has made about as many changes as possible to comply with the policies and provisions of the Comprehensive Plan and Coastal Zoning Ordinance that require projects to minimize cut and fill operations, fit the site topography and minimize the alteration of natural land forms. Nonetheless, the overall design of the residence would not change and the modified project would still require a significant amount of grading. The modified project would require significantly more grading² and would result in significantly more development³ than most other recently approved and pending residential projects on the Gaviota Coast.

¹ The amount of fill was reduced by 6,500 cubic yards because the modified project would export 6,500 cubic yards of excess cut material from the subject parcel. In contrast, the original project would spread excess cut material on the subject parcel; no excess cut material would be exported from the subject parcel.

² The modified project would require approximately 28,900 cubic yards of cut and fill, and would require significantly more grading than seven of eight other recently approved and pending residential projects on the Gaviota Coast. The grading for these seven projects ranges from approximately 500 to 17,000 cubic yards of cut and fill. The eighth project, Bean Blossom Lot H (approved July 11, 2006), requires approximately 27,400 cubic yards of cut and fill.

³ The modified project would include approximately 17,669 square feet of floor area, and would result in significantly more development than eight other recently approved and pending residential projects on the Gaviota Coast. The development for these eight projects ranges from approximately 3,500 to 14,515 square feet of floor area. Bean Blossom Lot H (included in the eight projects) includes approximately 14,515 square feet of floor area.

Fiscal Impacts:

Budgeted: Yes

The applicant paid \$300.00 to file this appeal pursuant to P&D's fee schedule (Resolution No. 09-005, Land Development Fees for Planning and Development). The County's 2009-2010 fiscal year budget (Permitting and Compliance Division of the Development Review South Division, page D-308) includes funds for processing appeals. Processing this appeal will require approximately 100 planner hours, starting when the applicant filed the appeal on November 6, 2008 and ending when the County makes a final decision, for an estimated cost of \$15,225.00.

Staffing Impacts:

None

Special Instructions:

The Clerk of the Board shall publish a legal notice at least 10 days prior to the hearing on December 1, 2009. The notice shall appear in the Santa Barbara Daily Sound. The Clerk of the Board shall fulfill the noticing requirements. Mailing labels for the mailed notice are attached. The Clerk of the Board shall provide a copy of the notice, proof of publication and minute order to P&D, attention David Villalobos.

Attachments:

- Attachment 1: Planning Commission's Action Letter, dated November 10, 2008
- Attachment 2: P&D's Staff Report to Planning Commission, dated October 17, 2008
- Attachment 3: Applicant's Appeal Application, received November 6, 2008
- Attachment 4: County Counsel Facilitation Report, dated October 12, 2009
- Attachment 5: Letter from Christopher Jacobs to Facilitation Participants, dated November 21, 2008

Authored by:

Allen Bell, Senior Planner, Development Review Division, P&D, (805) 568-2033

cc:

John Vallance, MAZ Properties, Inc. (P.O. Box 1984, Santa Monica, CA 90406)
Christopher Jacobs, Brownstein Hyatt Farber Schreck (21 E. Carrillo Street, Santa Barbara, CA 93101)
Michael Lunsford, Gaviota Coast Conservancy (P.O. Box 1099, Goleta, CA 93116)
Marc Chytilo, Law Office of Marc Chytilo (P.O. Box 92233, Santa Barbara, CA 93190)

ATTACHMENT 1

Planning Commission's Action Letter

Bean Blossom Lot X Appeals

Case Numbers 08APL-00000-00031 and 08APL-00000-00032

November 10, 2008

ATTACHMENT 2

Planning and Development Department's Staff Report to Planning Commission

Bean Blossom Lot X Appeals

Case Numbers 08APL-00000-00031 and 08APL-00000-00032

October 17, 2008

ATTACHMENT 3

Applicant's Appeal Application

Bean Blossom Lot X Appeals

Case Numbers 08APL-00000-00040 and 08APL-00000-00041

November 6, 2008

ATTACHMENT 4

County Counsel Facilitation Report

Bean Blossom Lot X Appeals

Case Numbers 08APL-00000-00040 and 08APL-00000-00041

October 12, 2009

ATTACHMENT 5

Letter from Christopher Jacobs to County Facilitation Participants

Bean Blossom Lot X Appeals

Case Numbers 08APL-00000-00040 and 08APL-00000-00041

November 21, 2008