

SANTA BARBARA COUNTY BOARD AGENDA LETTER



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

Agenda Number:

Prepared on: September 28, 2006
Department Name: Planning & Development
Department No.: 053
Agenda Date: October 10, 2006
Placement: Administrative
Estimate Time: N/A
Continued Item: NO
If Yes, date from:
Document File Name: G:\GROUP\PERMITTING\CASE FILES\TRM\03 CASES\03TRM-00000-00003\06MPC-00000-00020\APPLICANT REQUEST FOR GRADING PRIOR TO RECORDATION\BOS LETTER REVISED 09-28-06.DOC

TO: Board of Supervisors

FROM: John Baker, Director
Planning & Development

STAFF

CONTACT: Zoraida Abresch, Deputy Director (934-6585)
North County Development Review Division

SUBJECT: **Clubhouse Estates Approved Vesting Tentative Tract Map: Request for Approval of Rough Tract Grading Prior to Final Map Recordation**

Recommendation:

Authorize Planning and Development to approve and issue Land Use Permit No. 06LUP-00000-00649, and associated Grading Permit No. 06GRD-00000-00051 for rough tract grading of the approved development area of the Clubhouse Estates Vesting Tentative Tract Map No. 03TRM-00000-00003/TM 14,629 contingent upon satisfaction of all pre-grading conditions of approval. This request concerns Assessor's Parcel Number 097-371-008, located at the NE and NW intersection of Burton Mesa Boulevard and Clubhouse Road, Vandenberg Village area, Third Supervisorial District.

Alignment with the Board Strategic Plan:

The recommendation is primarily aligned with actions required by law and by routine business necessity.

Executive Summary & Discussion:

The Clubhouse Estates Vesting Tentative Tract Map No. 03TRM-00000-00003/TM 14,629 was approved by the Planning Commission on August 3, 2005. On July 13, 2006, the applicant applied for rough tract grading Land Use and Grading permits, as described in the landowner's letter dated August 22, 2006 (Attached). The landowner's stated bases for this request are to: 1) demonstrate project implementation milestones to maintain financing, and 2) to avoid erosion impacts due to forthcoming rainy season.

County Subdivision Regulations allow for the issuance of a grading permit prior to recordation of a Final Vesting Tract Map pursuant to County Code Chapter 21, Section 21-8(c)(4). This allowance may be granted provided that: 1) the grading plan is approved, 2) all conditions of approval requiring satisfaction prior to grading activities are satisfied, 3) grading fees and bonds are in place, 4) the applicant waives any claim to vested rights, and 5) authorization is granted by the Board of Supervisors.

P&D recommends approval contingent on applicant satisfaction of all pre-grading requirements as required by the Conditions of Approval. In the interest of full disclosure, the following information is provided as background context to the granting of approval for grading prior to Final Vesting Map Clearance.

Changes to Grading Plan: The proposed final grading plan dated 06/08/06 differs in a number of ways from the preliminary grading plan approved by the Planning Commission on 08/03/05. In addition to normal variances due to elevation inaccuracies expected for sites with significant slopes, the applicant is proposing reducing pad elevations between six and nine feet for proposed lots adjacent to existing homes to the north. This change would reduce visual obstruction for existing homes. However, this change significantly increases the overall project raw grading cut from approximately 110,000 yd³ to 170,000 yd³, an increase of approximately 54%.

Other changes to the grading plan include: 1) increasing exported soils from a balanced situation to the exportation of approximately 124,000 yd³ from the site, and 2) additional retaining wall height on the perimeter lots of the property from a maximum 4-foot height to 6-feet or more. However, due to the setting of the project site with significant surrounding native vegetation and significant lateral and elevation differential between the site and local public roads, staff believes that the visual impact of the grading changes would be minimal as perceived from public vantage points. Since the requested grading plan can be found to be in substantial conformity with the preliminary grading plan previously approved by the Planning Commission, the applicant is not required to return to the Planning Commission for revised approvals and/or environmental review.

Mandates & Service Level:

No change in programs or service levels would result.

Fiscal and Facilities Impacts:

All costs of permit processing are reimbursed by the project applicant. Costs to process this application are fully reimbursed by the applicant per the department's adopted fee schedule. Permit revenues are budgeted in the Permitting and Compliance Division of the Development Review North Division, on page D-294 of the adopted 2006-07 fiscal year budget. There are no facilities impacts.

Special Instructions:

The Clerk of the Board shall forward a copy of the Minute Order to Planning & Development, Attention: Cintia Mendoza, Hearing Support.

Concurrence:

N/A

Attachment:

Landowner letter dated August 22, 2006.

Report Preparer: Brian A. Tetley, Planner III, Development Review - North Division (934-6589)

August 22, 2006

Santa Barbara County Board of Supervisors
C/O Santa Barbara County Planning and Development
624 W. Foster Rd.
Santa Maria, CA 93455

RE: Request for Land Use Permit for Rough Grading
Clubhouse Estates, TM 14.629
APN 097-371-008

Pursuant to Sec. 21-8(c)(4) of the County Code, which permits the Santa Barbara County Board of Supervisors to authorize grading operations prior to recordation of a final map, Falconcrest Builders hereby requests such authorization to conduct rough grading operations for the Clubhouse Estates project, TM 14,629 as detailed in the application for Land Use Permit and Grading Permit submitted to Planning and Development on July 13, 2006.

Falconcrest Builders applied for Tentative Tract Map approval on July 2, 2003. After extensive environmental review, the Planning Commission approved the project on August 3, 2005. Development of the final map required adherence to 99 conditions of approval to be met and extensive work was required to prepare the project for adherence to the conditions. Improvements Plans were first submitted to respective County agencies in February 2006 and have been through numerous renditions in the process of approval. The Final Map Application was submitted in June 2006 and is currently being reviewed by County staff.

Clubhouse Estates requires continued high carrying costs to hold the property while processing occurs. In order to maintain necessary contracts and financial obligations, milestones towards project implementation must be met. Delays in multiple series of plan reviews by County Departments and a lengthy recordation process has created a situation where demonstration of project progress has not been made. The Building and Safety Division has approved the Grading and Drainage Plans and permitting rough grading on the site will provide ample due diligence of project progress while the recordation process completes its course.

Also of concern is the approaching rainy season and the realization that the map recordation process may delay grading operations into the winter potentially increasing erosion and sedimentation impacts. By permitting rough grading activities at this time, sufficient time can be provided to minimize erosion associated impacts.

All pertinent materials have been provided to the County as part of the Map application process. We request that the Board of Supervisors permit the rough grading on the Clubhouse Estates site under full review and inspection of the County as part of the Grading Permit process. We appreciate your assistance in this matter and are available for any questions.

Sincerely,



Shawn Russ
President, Falconcrest Builders