



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: 8/3/10
Placement: Departmental Agenda
Estimated Time: 45 Minutes
Continued Item: Yes
If Yes, date from: 12/1/09
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Glenn S. Russell, Ph.D., Director, (805) 568-2085
Director Planning and Development Department *Gr Rhd*
Contact Info: Dave Ward, Deputy Director, (805) 568-2520
Development Review Division – South
**SUBJECT: Hearing on Appeals for Bean Blossom Lot X Single-Family Residence and
Accessory Structures**

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 Approval, 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 applications involve AP No. 081-210-047, located at 14000 Calle Real in the Gaviota Area, Third Supervisorial District.

That the Board of Supervisors take the following action:

1. Make the findings for approval of the modified project, Case Numbers 03BAR-00000-00164 and 02CDP-00000-00023, specified in Attachment A of this Board Agenda Letter, including the CEQA findings.

2. Determine the modified project is exempt from CEQA pursuant to Section 15303 of the CEQA Guidelines as set forth in the Notice of Exemption included as Attachment B of this Board Agenda Letter.
3. Uphold the appeals, Case Numbers 08APL-00000-00040 and 08APL-00000-00041, and approve the modified project, Case Numbers 03BAR-00000-00164 and 02CDP-00000-00023, subject to the Coastal Development Permit included as Attachment C of this Board Agenda Letter and the accompanying conditions of approval included as Attachment D of this Board Agenda Letter.

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

Summary Text:

On December 1, 2009, the Board of Supervisors moved, by a vote of 5 to 0, to refer the modified project back to staff and the Central Board of Architectural Review (CBAR) for analysis. These tasks have been completed.

Planning and Development Department

The modified project differs from the original project in several key aspects. The changes include the following:

- The residence has been reduced in size from approximately 17,605 to 16,330 square feet (gross area);
- The guest house and pool have been shifted closer to the residence;
- The pool/lawn area has been reduced size;
- The circular motor court has been eliminated; and
- The grading has been reduced from approximately 56,000 to 23,800 cubic yards of cut and fill.

The modified project can be found consistent with the applicable provisions of the Comprehensive Plan, including the Coastal Land Use Plan, and the Coastal Zoning Ordinance subject to certain conditions of approval. The findings for approval provide additional project details (Attachment A, Findings). Condition 1 includes a complete project description (Attachment D, Conditions of Approval).

Central Board of Architectural Review

On January 15, 2010, CBAR discussed the modified project. CBAR supported the project and appreciated that the applicant reduced the size of the residence and placed the garage below grade (Attachment E, Approved Minutes). CBAR also stated that the project achieved an appropriate balance between the policies requiring projects to minimize grading and preserve natural landforms and those requiring structures to be subordinate in appearance to natural landforms.

Background:

CBAR denied preliminary approval of the original project on September 12, 2008. At that time, CBAR concluded that the project would not minimize grading or preserve natural landforms. CBAR also found that the proposed landscaping would not be compatible with the surrounding non-native grassland and coastal sage shrub.

The Planning and Development Department (P&D) denied the original project on September 17, 2008. The building site has moderate slopes (10 to 20 percent) and the proposed residence, guest house and accessory structures would have required a large, level building site. A primary concern was that 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 applicable provisions of the Comprehensive Plan, the original project would have resulted in excessive grading and alteration of the natural landforms. In addition, the proposed landscaping included trees and shrubs that would have not been compatible with the surrounding natural vegetation. The applicant appealed CBAR's and P&D's decisions.

On November 5, 2008, the Planning Commission upheld CBAR's and P&D's decisions and also denied the original project. In part, the Planning Commission concluded that the project would not conform to plan policies and zoning provisions that require development to minimize grading, preserve natural landforms, and protect visual resources. The applicant appealed this decision to the Board of Supervisors.

From November 2008 through November 2009, the applicant worked with the Gaviota Coast Conservancy to consider and develop possible modifications to the original project. The applicant presented the modified project to the Board of Supervisors during an appeal hearing on December 1, 2009. The Board of Supervisors referred the modified project to staff and CBAR for analysis. Additional background information is available in the staff report to the Planning Commission dated October 17, 2008 and the Board Agenda Letter to the Board of Supervisors dated December 1, 2009. The Clerk of the Board distributed these two documents to the public and the Board of Supervisors for the appeal hearing on December 1, 2009. Copies are available from the Clerk of the Board.

Fiscal and Facilities 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). On December 1, 2009, the Board of Supervisors accepted the applicant's offer to pay continuing permit processing costs for the modified project. As a result, the applicant has paid for staff's time to review the modified project and process this appeal from December 1, 2009 to the present. The applicant's cost to process this appeal totals approximately 65 planner hours for time spent after December 1, 2009, at an estimated cost of approximately \$12,000. The County's cost to process this appeal totals approximately 120 planner hours for time spent before December 1, 2009, at an estimated cost of approximately \$17,000. As shown on page D-330 of the County of Santa Barbara Fiscal Year 2010 – 2011 Operating Plan, the cost of this and other appeals is budgeted in the in the Permitting and Compliance Program of Development Review Division South.

Staffing Impacts:

None

Attachments:

Attachment A: Findings

Attachment B: Notice of Exemption

Attachment C: Coastal Development Permit (02CDP-00000-00023)

Attachment D: Conditions of Approval for Coastal Development Permit

Attachment E: Approved Minutes, Central Board of Architectural Review (January 15, 2010)

Attachment G: Site Plan

Attachment F: Architectural Elevations

Authored by:

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cc:

Case File (Allen Bell, Senior Planner)

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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)

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