

COUNTY OF SANTA BARBARA CALIFORNIA

PLANNING COMMISSION

COUNTY ENGINEERING BUILDING
123 E. ANAPAMU ST.
SANTA BARBARA, CALIF. 93101-2058
PHONE: (805) 568-2000
FAX: (805) 568-2030

November 10, 2008

Christopher Jacobs
Brownstein Hyatt Farber Schreck, LLP
21 East Carrillo Street
Santa Barbara, CA 93101

PLANNING COMMISSION
HEARING OF NOVEMBER 5, 2008

RE: *Appeals of Central Board of Architectural Review and Planning and Development Department Denials of Bean Blossom Lot X New Residence, Guest House and Accessory Structures; 08APL-00000-00031, 08APL-00000-00032*

Hearing on the request of Christopher Jacobs, agent for Bean Blossom, LLC, to consider the appeals, Case Nos. 08APL-00000-00031 and 08APL-00000-00032 [appeals filed September 17 and September 18, 2008, respectively], of the Central Board of Architectural Review's decision to deny preliminary approval of the project, Case No. 03BAR-00000-00164, and the Planning and Development Department's decision to deny the Coastal Development Permit for the new single-family residence, guest house, driveway and other accessory structures, Case No. 02CDP-00000-00023, 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.

Dear Mr. Jacobs:

At the Planning Commission hearing of November 5, 2008, Commissioner Jackson moved, seconded by Commissioner Brown and carried by a vote of 3-2 (Blough/Valencia no) to:

1. Adopt the required findings for denial of the project, Case Numbers 02CDP-00000-00023 and 03BAR-00000-00164, specified in Attachment A of the staff report, dated October 17, 2008;
2. Deny the appeals, Case Numbers 08APL-00000-00031 and 08APL-00000-00032; and
3. Deny the project, Case Numbers 02CDP-00000-00023 and 03BAR-00000-00164.

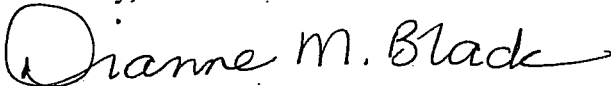
The attached findings reflect the Planning Commission's actions of November 5, 2008.

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

Appeal applications may be obtained at the Clerk of the Board's office. The appeal form must be filed along with any attachments to the Clerk of the Board. In addition to the appeal form a concise summary of fifty words or less, stating the reasons for the appeal, must be submitted with the appeal. The summary statement will be used for public noticing of your appeal before the Board of Supervisors. The appeal, which shall be in writing together with the accompanying applicable fee, must be filed with the Clerk of the Board of Supervisors within the 10 calendar days following the date of the Planning Commission's decision. In the event that the last day for filing an appeal falls on a non-business of the County, the appeal may be timely filed on the next business day. This letter or a copy should be taken to the Clerk of the Board of Supervisors in order to determine that the appeal is filed within the allowed appeal period. **The appeal period for this project ends on Monday, November 17, 2008 at 5:00 p.m.**

If this decision is appealed, the filing fee for both non-applicant and applicant is \$443 and must be delivered to the Clerk of the Board Office at 105 East Anapamu Street, Room 407, Santa Barbara, CA at the same time the appeal is filed.

Sincerely,



Dianne M. Black
Secretary to the Planning Commission

cc: Case Files: 08APL-00000-00031, 08APL-00000-00032
Planning Commission File
Applicant: Bean Blossom LLC, c/o John E. Vallance, Vice President, MAZ Properties, Inc., P.O. Box 1984, Santa Monica, CA 90406
County Chief Appraiser
County Surveyor
Fire Department
Flood Control
Park Department
Public Works
Environmental Health Services
APCD
Brooks Firestone, Third District Supervisor
C.J. Jackson, Third District Commissioner
Rachel Van Mullem, Deputy County Counsel
Allen Bell, Senior Planner

Attachment: Attachment A – Findings for Denial

DMB/jao

ATTACHMENT A: FINDINGS FOR DENIAL

Coastal Development Permit

A Coastal Development Permit shall only be issued if the review authority can make all three findings in Section 35-169.5 of the Coastal Zoning Ordinance. The first finding required for approval cannot be made for the proposed project:

Finding #1 *“The proposed development conforms: (1) To the applicable policies of the Comprehensive Plan, including the Coastal Land Use Plan; (2) With the applicable provisions of this Article . . .”*

Hillside and Watershed Protection and Visual Resources

The proposed project must conform to the following policies and standards for Hillside and Watershed Protection and Visual Resources:

Coastal Act Policy 30251: *“ . . . development shall be sited and designed . . . to minimize the alteration of natural land forms . . .”*

Coastal Land Use Plan Hillside and Watershed Protection Policy 3-13/Comprehensive Plan Hillside and Watershed Policy 1: *“Plans for development shall minimize cut and fill operations. Plans requiring excessive cutting and filling may be denied if it is determined that the development could be carried out with less alteration of the natural terrain.”*

Coastal Land Use Plan Policy 3-14/Comprehensive Plan Hillside and Watershed Policy 2: *“All development shall be designed to fit the site topography . . . and be oriented so that grading and other site preparation is kept to an absolute minimum. Natural features, landforms . . . shall be preserved to the maximum extent feasible . . .”*

Coastal Land Use Plan Policy 4-3/Comprehensive Plan Visual Resources Policy 2/Zoning Development Standard 35-59.1: *“ . . . Structures shall be subordinate in appearance to natural landforms; shall be designed to follow the natural contours of the landscape . . .”*

As discussed in Sections 6.3 and 6.4 of the October 17, 2008 staff report (Appeal Issues and Coastal Zoning Ordinance Consistency, respectively), the project does not conform to several of these policies and standards. The proposed residence and adjoining structures and features were designed for a level building site. However, the proposed 2-acre development area has moderate slopes. As a result, the applicant is proposing to alter the natural topography to fit the project rather than proposing a project designed to fit the natural topography. Contrary to the policies and standards cited above, this design results in excessive grading and alteration of the natural terrain.

The residence is a large, elongated structure with a uniform finished floor elevation. The existing grade of the areas around the residence and the sites of the motor court and pool would be cut and/or filled to create a nearly level building site that has approximately the same elevation and finished grade as the residence. Contrary to the policies and standards cited above, the proposed siting and design do not reflect the natural topography, minimize grading or preserve the natural terrain. The project includes a significant amount of development spread out over a relatively large area with moderate slopes. The combination of a large residence and motor court, dispersed accessory structures and extensive yard and landscaping results in a large building site and, contrary to the policies and standards cited above, excessive cutting and filling.

Coastal Land Use Plan Hillside and Watershed Protection Policy 3-13/Comprehensive Plan Hillside and Watershed Policy 1 state, *“ . . . Plans requiring excessive cutting and filling may be denied if it is determined that the development could be carried out with less alteration of the natural terrain.”* In part, the project is denied because it would require less grading and alteration of the natural terrain if the

applicant revised the scale, siting and design of the project. The possible revisions include reducing the size of the residence; designing a compact project; reducing cut operations by eliminating the circular motor court; constructing a retaining wall immediately north of the residence and eliminating most cut operations north of the residence; and developing an alternative site and design that fits the topography of the site.

Visual Resources

The project must conform to the following policy/standard for Visual Resources:

Coastal Land Use Plan Policy 4-3/Comprehensive Plan Visual Resources Policy 2/Zoning Development Standard 35-59.1: *“In areas designated as rural . . . Structures shall be sited so as not to intrude into the skyline as seen from public viewing places.”*

As discussed in Section 6.3.3 of the October 17, 2008 staff report (Intrusion into Skyline), the subject parcel is in a designated Rural Area and the west elevation of the proposed residence intrudes into the skyline as seen from Highway 101. The applicant proposes constructing a berm to screen the residence from Highway 101. This approach does not conform to the standard cited above because it proposes a berm rather than siting to ensure that the proposed residence does not intrude into the skyline. Constructing the berm also requires additional cut and fill operations and, therefore, does not conform to the provisions cited above that require projects to minimize grading and the alteration of natural landforms. Shifting the location and, perhaps, altering the design of the residence would result in a project that complies with the applicable siting and grading policies and standards.

Adequate Services

The proposed project must conform to the following policy for development in the Coastal Land Use Plan:

Coastal Land Use Plan Policy 2-6: *“Prior to issuance of a development 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. The applicant shall assume full responsibility for costs incurred in service extensions or improvements that are required as a result of the proposed project. Lack of available public or private services or resources shall be grounds for denial of the project or reduction in the density otherwise indicated in the land use plan . . .”*

As discussed in Section 6.2 of the October 17, 2008 staff report (Comprehensive Plan Consistency), the applicant has not provided sufficient information for the County to make a finding that adequate water and wastewater treatment services would be available to serve the proposed project. In part, this would require the applicant to obtain the required water and wastewater treatment permits from Environmental Health Services and the required zoning permit from P&D for the portion of the water system located in the Inland Area.

Design Review/Board of Architectural Review

The proposed project is subject to the Ridgeline and Hillside Development Guidelines in Section 35-144 of the Coastal Zoning Ordinance and, therefore, review and approval by the Board of Architectural Review (BAR). BAR can only approve the project if it determines that the proposed structures and other features conform to the applicable guidelines of the Ridgelines and Hillside Guidelines in Section 35-144.3 of the Coastal Zoning Ordinance and the findings of the Board of Architectural Review in Section 35-184.6 of the Coastal Zoning Ordinance, including the following guidelines and findings:

Ridgeline and Hillside Development Guideline, Section 35-144.3.2.g: *“Grading shall be minimized, in accordance with the Comprehensive Plan goals.”*

BAR Findings Required for Approval, Section 35-184.6.1: *“. . . the height, scale, and design of structures shall be compatible with the character of the surrounding natural environment . . . Structures shall be subordinate in appearance to natural landforms; shall be designed to follow the natural contours of the landscape . . .”*

BAR Findings Required for Approval, Section 35-184.6.8: *“Site layout, orientation, and location of structures . . . are in an appropriate and well designed relationship to one another, respecting . . . topography . . .”*

Ridgeline and Hillside Development Guideline, Section 35-144.3.2.f: *“Landscaping should be used to integrate the structure into the hillside, and shall be compatible with the adjacent vegetation.”*

As discussed in Section 6.5 of the October 17, 2008 staff report (Design Review), the project as currently proposed does not minimize grading or fully conform to these guidelines and findings. The 2-acre development area is a south-facing hillside with moderate slopes. The project would transform the existing hillside into a relatively flat site with an expansive yard and landscaping. The large amount of grading is also the result of the expansive nature of the project. The motor court, guest house and pool are sited away from the residence. Additional revisions and site planning would minimize grading, preserve natural features and landforms and otherwise result in a project that conforms to the guidelines and findings in Sections 35-144.3.2.g, 35-184.6.1 and 35-184.6.8. In part, the applicant needs to reduce the yard areas and pull the motor court, guest house and pool closer to the residence. The proposed landscaping does not conform to Section 35-144.3.2.f. The subject parcel is predominantly open grassland and coastal sage shrub. The proposed landscaping includes trees and shrubs that are out of character with the adjacent vegetation. The landscaping needs further development. In part, the applicant needs to soften the landscaping to be compatible with the adjacent grassland and coastal sage shrub.

