

SANTA BARBARA COUNTY PLANNING COMMISSION
Staff Report for Appeals of CBAR and P&D Denials of
Bean Blossom Lot X New Residence, Guest House and Accessory Structures

Hearing Date: November 5, 2008
Staff Report Date: October 17, 2008
Case Nos.: 08APL-00000-00031 (03BAR-00000-00164) and
08APL-00000-00032 (02CDP-00000-00023)
Environmental Document: CEQA Exempt § 15270

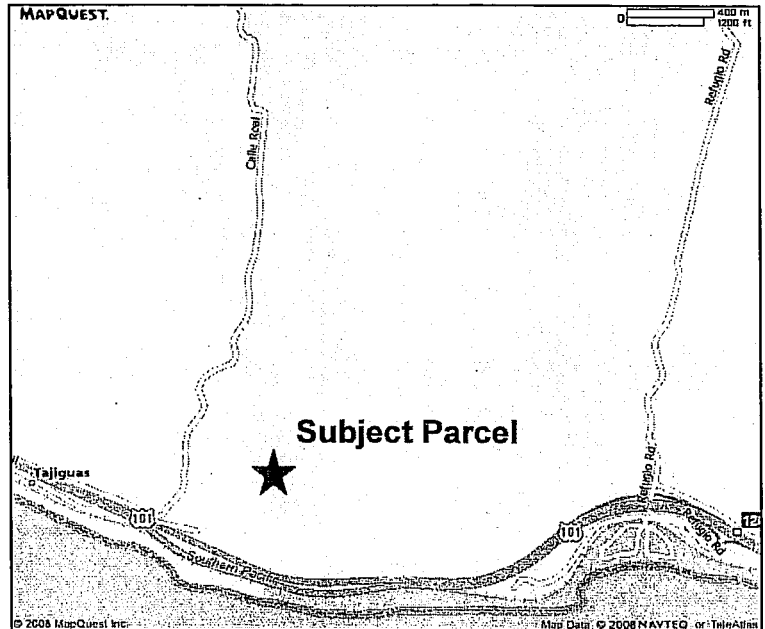
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Applicant/Owner/Appellant:

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The project site is identified as Assessor Parcel Number 081-210-047, located north of and adjacent to Highway 101 approximately one mile north of Refugio State Beach, 14000 Calle Real, Gaviota Area, Third Supervisorial District.

Application Filed:	February 26, 2002
Application On-Hold	Spring 2003 through Spring 2007
CBAR Denial:	September 12, 2008
Appeal of CBAR Denial:	September 17, 2008
P&D Denial:	September 17, 2008
Appeal of P&D Denial:	September 18, 2008

1.0 REQUEST

Hearing on the request of Christopher Jacobs, agent for Bean Blossom LLC, to consider the appeals, Case Numbers 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 Number 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 Number

02CDP-00000-0023, 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.

2.0 RECOMMENDATION AND PROCEDURES

Follow the procedures outlined below and deny Case Numbers 08APL-00000-00031 and 08APL-00000-00032 based upon the project's inconsistency with the Comprehensive Plan, including the Coastal Land Use Plan, and Coastal Zoning Ordinance, and based on the inability to make the required findings.

Your motion should include the following:

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

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

3.0 JURISDICTION

The Planning Commission is considering the applicant's appeals based on Sections 35-182.4.A.1 and 35-182.4.A.2 of the Coastal Zoning Ordinance. Section 35-182.4.A.1 states, "The following decisions of the Board of Architectural Review may be appealed to the Planning Commission . . . Any decision of the Board of Architectural Review to grant or deny preliminary approval." Section 35-182.4.A.2 states, "The following decisions of the Director may be appealed to the Planning Commission . . . Any decision of the Director to approve, conditionally approve, or deny an application for a Coastal Development Permit . . ."

4.0 ISSUE SUMMARY

The applicant applied for a Coastal Development Permit for a residence, guest house and accessory structures on a 287.36-acre parcel on the Gaviota Coast. The proposed residence and guest house are located near the crest of a moderate to steep south-facing ridge. These two structures total approximately 18,944 square feet (gross area). The project requires 56,000 cubic yards of cut and fill.

The Central Board of Architectural Review (CBAR) denied the project on September 12, 2008. (See meeting minutes in Attachment B of this staff report.) The majority of the CBAR members

said the height, scale, and architectural design of the proposed residence and guest house were acceptable. However, they denied preliminary approval because the project does not conform to guidelines and findings in the Comprehensive Plan and Coastal Zoning Ordinance that require development to minimize grading, preserve natural landforms and use landscaping that is compatible with the adjacent vegetation. The majority concluded that the project involves excessive grading and recommended additional revisions and site planning to minimize grading. For instance, CBAR recommended reducing the yard and landscaping and pulling the motor court, guest house and pool closer to the residence. CBAR also concluded that the proposed landscaping is out of character with the setting and recommended that the applicant soften the landscaping to be compatible with the adjacent vegetation.

The Planning and Development Department (P&D) denied the Coastal Development Permit for the proposed project on September 17, 2008. Staff concluded that the project does not conform to policies and standards of the Comprehensive Plan and Coastal Zoning Ordinance that state development shall minimize grading, preserve natural terrain and protect visual resources. Staff's primary concern is that the applicant is proposing to substantially alter the natural topography to fit the project rather than proposing a project designed to fit the natural topography. Consequently, the project requires excessive grading and alteration of the natural landforms. Coastal Land Use Plan Hillside and Watershed Protection Policy 3-13 states, "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." P&D recommended options to minimize grading, such as reducing the size of the residence, motor court and yard. The applicant decided not to make any additional changes to the project.

P&D also denied the project because it does not conform to Coastal Land Use Plan Policy 4-3 that states, ". . . Structures . . . shall be sited so as not to intrude into the skyline as seen from public viewing places." The west elevation of the residence would intrude into the skyline as seen from Highway 101. The applicant proposes to address this issue by constructing a berm to screen the residence rather than siting the residence so it would not intrude into the skyline consistent with Coastal Land Use Plan Policy 4-3. Constructing the berm conflicts with other applicable policies and standards because it would require additional grading and alter the natural terrain.

5.0 PROJECT INFORMATION

5.1 Site Information

The boundary of the Coastal Zone crosses the northern tip of the subject parcel. The portion of the parcel north of this boundary totals approximately 6.5 acres and is located within the Inland Area. The balance of the parcel south of this boundary is located within the Coastal Zone. The only features of the project located within the Inland Area are the proposed water line and 30,000 gallon water storage cistern. These features are subject to the provisions of the Comprehensive Plan and Land Use and Development Code. The proposed residence, guest house, driveway and all other features of the project are located within the Coastal Zone and subject to the provisions of the Comprehensive Plan, including the Coastal Land Use Plan, and the Coastal Zoning Ordinance (Article II).

Site Information	
Comprehensive Plan/Coastal Land Use Plan Designation	<u>Coastal Zone:</u> Agriculture II with 320-acre minimum parcel size (A-II-320) <u>Inland Area:</u> Agricultural Commercial (AC)
Zoning	<u>Coastal Zone:</u> Agriculture II with 320-acre minimum parcel size (AG-II-320) <u>Inland Area:</u> Agriculture II with 100-acre minimum parcel size (AG-II-100)
Site Size	287.36 acres (net and gross)
Present Use and Development	Agriculture, grazing
Surrounding Uses/Zoning	North: Agriculture; grazing, orchard. Agriculture II (AG-II-100) South: Highway 101. Transportation Corridor (TC) East: Agriculture; grazing, crops. Agriculture (AG-II-320 and AG-II-100) West: Agriculture; grazing, crops. Agriculture II (AG-II-320 and AG-II-100)
Access	Highway 101, Calle Real (frontage road)
Public Services	Water Supply: No existing; proposed off-site water well Sewage: No existing; proposed on-site septic system Fire: County Fire Department (Fire Station 18, Gaviota)

5.2 Setting

The subject parcel is 287.36 acres in size. It is located within the central portion of the Gaviota Coast Planning Area, north of and adjacent to Highway 101 and approximately three-quarters of a mile west of Refugio State Beach. The subject parcel is in a Rural Area and zoned Agriculture II (AG-II-320; Coastal Zone) and Agricultural Commercial (AC; Inland Area).

The subject parcel is a moderate to steep south-facing hillside that is dissected by four arroyos and associated intermittent creeks. It is undeveloped except for several dirt roads. The parcel ranges in elevation from approximately 90 feet above sea level in the southeast portion of the parcel along Highway 101 to approximately 670 feet above sea level in the northern tip of the parcel. The proposed residence and guest house are sited in the northwest portion of the subject parcel at an elevation of approximately 635 feet above sea level.

The subject parcel and the surrounding parcels to the west, north and east are designed, zoned and used for agriculture. The south property line of the subject parcel adjoins Highway 101. The subject parcel is currently used for cattle grazing. The adjacent lands are typically large parcels that range from several hundred to nearly 1,000 acres-in size. They are typically used for cattle grazing and orchards (e.g., avocados, lemons).

The subject parcel is part of a larger 3,370-acre land holding containing at least 24 parcels under common ownership known as Rancho Tajiguas. The subject parcel and many of these other parcels are currently subject to agricultural preserve contracts under the Williamson Act.

5.3 Statistics

Statistics			
Item	Proposed	Ordinance Standard	
Structures (gross floor area)	Residence	Article II, Section 35-59.1 (General Development Standards): “. . . 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 . . .”	
	First Floor		10,341
	Basement/Garage		4,895
	Roofed Verandas		<u>2,369</u>
	Total		17,605
	Guest House		
	Interior		924
Roofed Porches	<u>415</u>		
Total	1,339		
	Total		18,944
Height Limit of Structures	Consistent	Article II, Section 35-144.3.2.a (Ridgeline and Hillside Development Guidelines): 16 feet (imaginary surface 16 feet above and parallel to existing grade).	
Maximum Height of Structures	18 feet	Article II, Section 35-127.A.3 (Height): 32 feet (highest part of the structure to the lowest point of the structure where an exterior wall intersects the finished grade or the existing grade, whichever is lower).	
Building Coverage (footprint)	18,944 square feet (gross)	None	
Roads	12-foot wide, 4,200-foot long access driveway	Article II, Section 35-108.1 (Parking): Two spaces per dwelling unit.	
Parking	Five covered spaces (garage) Turnaround (fire truck)		
Open Space	None	None	
Number of Dwelling Units	One single-family dwelling	Article II, Section 35-69.3.5 (Permitted Uses): One single-family dwelling unit per legal lot.	
Project Density	One unit/parcel	One unit/320 acres	
Grading (cubic yards)	Cut	30,000 CY	Article II, Section 35-144.3.2.g (Ridgeline and Hillside Development Guidelines): Grading shall be minimized.
	Fill	<u>26,000 CY</u>	
	Total	56,000 CY	

5.4 Description

The proposed project is a single-family residence of approximately 17,605 square feet (includes basement and underground garage of approximately 4,895 square feet), guest house of approximately 1,339 square feet and accessory structures including a pool, septic system, 30,000 gallon water storage cistern, motor court and driveway. (Statistics are gross floor area.) The subject property is 287.36 acres in size. The proposed residence and guest house would be sited within a 2-acre development area on a south-facing hillside in the northwest portion of the subject property. The proposed driveway would be approximately 4,200 feet in length and 12 feet in width. The project would require approximately 56,000 cubic yards of cut and fill. Specifically, the building site would require approximately 22,000 cubic yards of cut and 10,000 cubic yards of fill. The driveway would require approximately 8,000 cubic yards of cut and 16,000 cubic yards of fill. Cut and fill would be balanced on-site; no material would be imported or exported. The project includes new landscaping. No existing trees would be removed. Sewage disposal service would be provided by an on-site septic system that includes a septic tank and leech field. Water service would be provided through a private well on an adjacent parcel and a 30,000 gallon water storage cistern and water filtration and treatment facility on the subject parcel.

Floor Area (Square Feet)

	Gross Area	Net Area
Residence		
First Floor	10,341	9,696
Basement and Garage	4,895	4,469
Roofed Verandas	<u>2,369</u>	<u>N/A</u>
Total	17,605	14,165
Guest House		
Interior	924	800
Roofed Porches	<u>415</u>	<u>NA</u>
Total	1,339	800
Total	18,944	14,965

This project description was based on the following plans:

- Site Plan & Preliminary Grading Plan, Sheet 1 (L&P Consultants, July 29, 2008)
- Site Plan & Preliminary Grading Plan, Sheet 2 (L&P Consultants, July 29, 2008)
- Site Plan & Preliminary Grading Plan, Sheet 3 (L&P Consultants, July 29, 2008)
- Site Plan (Jock Sewall, July 29, 2008)
- Floor Plans, Main House and Guest House (First Floor) (Jock Sewall, July 29, 2008)
- Floor Plans, Parking/Basement Level (Jock Sewall, July 29, 2008)
- Building Elevations, Main Residence and Guest House (Jock Sewall, July 29, 2008)

Sections (Jock Sewall, July 29, 2008)

Architectural Details for Construction, Sheet A (J.M. Sewall & Associates, August 2006)

Architectural Details for Construction, Sheet B (J.M. Sewall & Associates, August 2006)

Preliminary Landscape Plan (Castleberg Associates, September 4, 2008)

Lighting Plan, Sheet 1 (L&P Consultants, July 29, 2008)

Lighting Plan, Sheet 2 (L&P Consultants, July 29, 2008)

Viewshed Site Section (L&P Consultants, August 11, 2008)

5.5 Background Information

The applicant applied for a Coastal Development Permit for a residence and accessory structures on the subject parcel in February 2002 (Bean Blossom Lot X, APN 081-210-047, Case Number 02CDP-00000-00023). P&D's preliminary review indicated that the project may not conform to the applicable policies and standards in the Comprehensive Plan and Coastal Zoning Ordinance that minimize grading, preserve natural terrain and protect visual resources. For example, P&D's August 28, 2002 letter to the applicant stated, "... the proposed building area would include substantial grading . . . by clustering the proposed development, limiting the amount of disturbed area, and reducing the overall extent of development grading may be reduced . . . it appears from the proposed site plan . . . that the proposed development would not follow natural contours, requiring excessive amounts of grading . . ." P&D expressed similar concerns in a March 3, 2003 letter to the applicant regarding revised plans submitted in February 2003. A few months later the applicant placed the application on hold while P&D processed his other application for a similar development on a nearby parcel (Bean Blossom Lot H). The applicant requested P&D to continue processing the application in 2007.

6.0 PROJECT ANALYSIS

6.1 Environmental Review

Section 21080(b)(5) of the Public Resources Code and Section 15270 of the *Guidelines for the Implementation of the California Environmental Quality Act* statutorily exempt "projects which a public agency rejects or disapproves" from the requirements of the California Environmental Quality Act (CEQA). CBAR and P&D determined that the proposed project is inconsistent with applicable plan policies and/or zoning standards and denied the project on September 12, 2008 and September 17, 2008, respectively. Based on Sections 21080(b)(5) and 15270, CEQA does not apply to the proposed project.

6.2 Comprehensive Plan Consistency

P&D's September 17, 2008 denial letter to the applicant explains why staff could not approve the proposed project (Attachment C of this staff report). In part, staff determined that the project does not conform to the following policies of the Coastal Act and Comprehensive Plan, including the

Coastal Land Use Plan, and standards of the Coastal Zoning Ordinance that require development to minimize grading, minimize alteration of natural landforms and protect visual resources.

Coastal Act Policy 30251: “. . . Permitted development shall be sited and designed . . . to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas . . .”

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, 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 the maximum extent feasible . . .”

Coastal Land Use Plan Policy 4-3/Comprehensive Plan Visual Resources Policy 2/Zoning Development Standard 35-59.1: “In areas designated as rural on the land use plan maps, the height, scale, and design of structures shall be compatible with the character of the surrounding natural environment, except where technical requirements dictate otherwise. Structures shall be subordinate in appearance to natural landforms; shall be designed to follow the natural contours of the landscape; and shall be sited so as not to intrude into the skyline as seen from public viewing places.”

Staff also determined that the applicant has not provided sufficient information to date for the County to find that adequate water and wastewater treatment services would be available to serve the proposed project. According to Coastal Land Use Plan Policy 2-6, the applicant would need to demonstrate that adequate water and wastewater treatment services would be available in order to move the project forward. In part, this requires 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.

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 . . .”

6.3 Appeal Issues

The applicant's September 17, 2008 appeal letter to the Planning Commission describes why the applicant disagrees with CBAR's and P&D's denials of the proposed project (Attachment D of this staff report). The following section summarizes the applicant's issues and P&D's responses.

6.3.1 Design and Natural Topography

Applicant's Issue: The applicant contends, "... Owner's Project design revisions have been driven by the prioritization of visual policies . . . The Project as redesigned has no visibility or blue sky impacts from this public viewing areas [Highway 101] . . . estimates are commensurate with the grading quantities approved for Bean Blossom Lot H . . . the County does not have any standards or limits dictating or defining 'excessive' grading. Grading is a transitory impact which when done properly becomes invisible after the area of the grading is revegetated . . . grading would not be 'excessive' if the house design were not driven by visual policies . . ."

P&D's Response: Staff appreciates the applicant's efforts to move closer to compliance with the visual resource policies in Coastal Land Use Plan Policy 4-3. However, the proposed project must fully comply with visual resources policies and other applicable policies.

The proposed residence and adjoining structures and features were designed for a level building site. The proposed 2-acre development area has moderate slopes. (See site plan in Attachment E of this staff report.) Contrary to the policies cited in Section 6.2 above, the applicant is proposing to alter the natural topography to fit the project rather than proposing a project designed to fit the natural topography. This results in excessive grading and alteration of the natural terrain.

The residence is a large, elongated structure with a uniform finished floor elevation. (See building elevations in Attachment F of this staff report.) 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. Grading for the building site requires approximately 22,000 cubic yards of cut and 10,000 cubic yards of fill. The associated driveway would require approximately 8,000 cubic yards of cut and 16,000 cubic yards of fill. An alternative design for the residence and adjoining features that reflects the natural topography would require less grading and preserve the natural terrain consistent with the applicable policies.

P&D's August 21, 2008 letter to the applicant encouraged him to reconsider the scale, siting and design of the project in order to minimize grading, preserve landforms and conform to the applicable visual resources policies and standards. Some revisions could have included (1) reducing the size of the residence; (2) designing a compact project; for example, site the pool, guest house and other accessory structures close to the residence; (3) reducing cut operations by eliminating the circular motor court; (4) constructing a retaining wall immediately north of the residence and eliminate most cut operations north of the residence; and (5) developing an alternative site and design that fits the topography of the site and, therefore, minimizes grading and the alternation of the natural terrain. The applicant did not choose to pursue these or other options that would bring the project into conformance with the applicable policies. The fundamental architectural design of the residence has not changed since the applicant submitted revised plans in February 2004.

On the same day that the applicant submitted an application to P&D for the proposed project the applicant also submitted an application for a Coastal Development Permit for a new residence and accessory structures on a 109.6-acre parcel located approximately 1,800 feet west of the subject parcel (Bean Blossom Lot H, APN 081-200-032, Case Number 02CDP-00000-00022). The applicant's appeal letter states that the grading for the proposed project is "... commensurate with the grading quantities for Bean Blossom Lot H..." This is not correct. The proposed project requires more than twice as much cut and fill compared to Bean Blossom Lot H. Bean Blossom Lot X involves 56,000 cubic yards of cut and fill while Bean Blossom Lot H involves 27,600 cubic yards of cut and fill. Moreover, Blossom Lot H involves significantly more grading than six other recently approved and pending residential projects on the Gaviota Coast. The grading for these projects ranges from approximately 500 to 17,000 cubic yards of cut and fill.

6.3.2 Development Area

Applicant's Issue: The applicant's appeal letter states, "The scale of the Project is not inappropriate for a parcel of this size . . . The project has been relocated and reoriented six times to follow the contours of the natural terrain and it includes additional square footage through a basement addition that includes 'tuck under' parking . . . the garage tucked under the main residence also creates a more compact proposed residence and eliminates cut into the natural contours located northerly of the main residence . . . the size and scale of the project is commensurate to the approved residence on Lot H . . ."

P&D's Response: 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 development area and, consequently, excessive cutting and filling. The residence and guest house total approximately 18,944 square feet (gross area). The residence is approximately 220 feet in length. The motor court is approximately 70 feet in diameter and requires more than 6,000 square feet. The motor court and associated retaining walls extend almost 100 feet north of the residence. The pool and guest house are located approximately 60 feet south and east, respectively, of the residence. Substantial yard and landscaping are proposed in and around these accessory structures.

The proposed development area encompasses 1.98 acres. The proposed grading would extend beyond the boundary of the development area. Siting development north (upslope) of the residence requires significant cutting of the existing hillside. For example, the vertical distance between natural grade and finished grade is up to approximately 22 feet within the footprint of the motor court. Siting development south (down slope) of the residence requires significant filling of the existing slopes. For instance, the pool and yard south of the residence require up to approximately 10 feet of fill on top of the natural grade. Staff concluded that a smaller and more compact project with a smaller yard and less landscaping would be more consistent with the applicable policies. These changes would significantly reduce cut and fill operations, minimize alteration of the natural terrain and result in a project that is compatible with the character of the surrounding natural environment.

The applicant's appeal letter states, "The project is not out of scale with approved Lot H [Bean Blossom] or other projects approved/pending on the Gaviota Coast." This comparison is not

accurate. Based on the statistics in the applicant's appeal letter, the proposed project includes almost 20 percent more floor area than Bean Blossom Lot H. Bean Blossom Lot X includes 17,749 square feet of floor area whereas Bean Blossom Lot H includes 14,515 square feet of floor area. In addition, Blossom Lot X would result in significantly more development than six other recently approved and pending residential projects on the Gaviota Coast. The development for these projects ranges from approximately 3,500 to 14,800 square feet of floor area.

6.3.3 Intrusion into Skyline

Applicant's Issue: The applicant's appeal letter states, "The Project as redesigned has no visibility or blue sky impacts from this public viewing area [Highway 101] . . . This was achieved through a variety of architectural design revisions to the residence, in addition to a revised grading proposal. The revised site grading utilizes a natural appearing 'reverse berm' which, with the surficial placement of approximately 36 inches of fill, eliminates all visibility from public viewing areas . . ."

P&D's Response: Coastal Land Use Plan Policy 4-3/Zoning Development Standard 35-59.1 state, ". . . Structures . . . shall be sited so as not to intrude into the skyline as seen from public viewing places." The west elevation of the residence would intrude into the skyline as seen from Highway 101. Contrary to Policy 4-3/Standard 35-59.1, the applicant proposes constructing a berm to screen the residence from Highway 101 rather than siting the residence so it would not intrude into the skyline. The berm includes approximately 36 inches of fill and would be approximately 35 feet in length. This approach is also inconsistent with the applicable policies that require development to minimize cut and fill operations. Shifting the location and, perhaps, altering the design of the residence would result in a project that complies with the siting and grading requirements in the provisions in Policy 4-3 and Standard 35-59.1.

6.3.4 Siting

Applicant's Issue: The applicant's appeal letter states, "P&D Planner Allen Bell . . . visited and reviewed all areas of the Property and determined that the proposed Project development area was the most viable site for development on the Property . . . Other potential locations would be closer to the highway and therefore potentially (i) more visible from public viewing places, and (ii) adversely impacted by traffic noise . . ."

P&D's Response: The applicant proposed a residence, guest house and accessory structures in the upper northwest portion of the subject parcel. Staff's role is to determine whether the project conforms to the applicable policies of the Comprehensive Plan and Coastal Zoning Ordinance. Staff did not analyze the feasibility of alternative building sites.

Staff visited the subject parcel several times. A potential alternative building site for the residence exists on a terrace located between Highway 101 and the toe of the slope in the southeast portion of the subject parcel. This site is screened from Highway 101 and could be developed with less overall grading because it is relatively level. Nonetheless, staff's review is currently limited to determining whether the proposed project is consistent with the applicable plan policies and zoning ordinance standards. Staff is not reviewing or making determinations regarding alternative building sites.

6.3.5 Fire Department Development Standards for Private Roads and Driveways

Applicant's Issue: The applicant's appeal letter states, "The proposed conjunctive use roadway . . . requires 8,000 cubic yard of cut and 16,000 cubic yards of fill. This grading is primarily driven by County Fire Department requirements for gradual slopes . . . The road grading plan has been sensitively designed to meet County Fire requirements . . ."

P&D's Response: The Santa Barbara County Fire Department's Private Roads and Driveway Standards (Development Standard #1) contains standards for fire apparatus access. Standard III.J.1 of Development Standard #1 states, "The furthest projection of the exterior wall of a building shall be accessible from within 150 feet of a public or private road or private driveway as measured by an unobstructed route around the exterior of the building." On August 8, 2008, the Fire Department determined that the proposed project does not comply with this standard because the proposed residence is very long and the distance between the easternmost points of the motor court and driveway is greater than 150 feet. (See "Site Plan & Preliminary Grading Plan" (Sheet 1, L&P Consultants, July 29, 2008) stamped "Not Approved" by the Santa Barbara County Fire Department.) The Fire Department recommended extending the motor court approximately 90 feet to address this issue.

6.4 Coastal Zoning Ordinance Consistency (Article II)

Coastal Land Use Plan Policy 4-3, Comprehensive Plan Visual Resources Policy 2 and Zoning Development Standard 35-59.1 all contain the same provisions regarding the protection of visual resources. As discussed in Section 6.3 above, P&D determined that the proposed project is inconsistent with several of these provisions and denied the Coastal Development Permit. For example, the proposed residence has not been designed to follow the natural contours of the landscape and has not been sited so as not to intrude into the skyline as seen from public viewing places (i.e., Highway 101).

6.5 Design Review

The proposed project is subject to the Ridgeline and Hillside Development Guidelines in Section 35-144 of the Coastal Zoning Ordinance because there is a 16-foot drop in elevation within 100 feet of the proposed residence. Section 35-144.1 of the Coastal Zoning Ordinance states, "The purpose of this section is to provide for the visual protection of the County's ridgelines and hillsides by requiring the Board of Architectural Review (BAR) to review all proposed structures . . . The intent of this section is to encourage architectural designs and landscaping which conform to the natural topography on hillsides and ridgelines."

Since the applicant requested the application to be reactivated in 2007, the Central Board of Architectural Review (CBAR) conducted three site visits and reviewed various versions of the project seven times between February 16, 2007 and September 12, 2008. CBAR can only approve the project if it determines that the proposed structures and other features conform to various standards, including the following guidelines and findings from Section 35-144.3 (Ridgeline and Hillside Development Guidelines) and Section 35-184.6 (Board of Architectural Review) of the Coastal Zoning Ordinance:

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.”*

CBAR reviewed the current version of the proposed project on September 12, 2008. Three of the four CBAR members present stated that the height, scale, and architectural design of the proposed residence and guest house were appropriate for this site. However, they agreed that additional revisions and site planning were necessary to minimize grading and otherwise conform to the applicable guidelines and findings. Specifically, these three members recommended reducing the yard areas and pulling the motor court, guest house and pool closer to the residence. They also said the proposed landscaping was out of character with the setting and recommended that the applicant soften the landscaping to be compatible with the adjacent vegetation. The fourth CBAR member said the project was too large and not subordinate to the site and, therefore, recommended that the applicant reduce and redesign the project to fit the site and minimize grading.

Three members suggested that the applicant revise the project to reduce grading around the residence and return for further review. The applicant requested CBAR to grant preliminary approval contingent upon certain revisions to the yard and landscaping. Alternatively, the applicant also requested CBAR to deny the project. CBAR concluded that the project presented to date does not fully comply with the applicable guidelines and findings and voted 3-0-1 to deny preliminary approval of the project (three members voted to deny, one member abstained from the vote).

6.6 Agricultural Preserve Advisory Committee

The subject parcel is currently subject to an agricultural preserve contract under the Williamson Act (82-AP-015). The owner noticed the agricultural preserve contract for non-renewal in 2001. The agricultural preserve contract will expire on December 31, 2009.

New development on the subject parcel must comply with the Uniform Rules for Agricultural Preserves until agricultural preserve contract expires. Section 1-4.1.C.3 (Principal Dwelling) of Uniform Rule 1 states, “In the case of a single principal dwelling on the premises, the dwelling and all accessory structures (including Residential Agricultural Units), landscaping, and non-agricultural roads serving the dwelling shall occupy no more than 2 acres or 3% of the parcel, whichever is smaller.”

The Agricultural Preserve Advisory Committee reviewed the proposed project on May 9, 2008 and voted unanimously “. . . to find this item [Bean Blossom Lot X] consistent with the Uniform Rules, contingent on planner verification of 2 acre envelope, closure and revegetation of the existing road. The new road will be considered dual use (agricultural and personal) up to the split going directly to the residence.” The proposed development area does not fully comply with all of these requirements. The applicant’s most recent Site Plan (Sheet 2, L&P Consultants, July 29, 2008) states that the development area is 1.98 acres in size. However, the development area excludes an approximately 35-foot segment of the proposed driveway located beyond (northeast) the split leading directly to the proposed residence. To be consistent with Section 1-4.1.C.3 of Uniform Rule 1, the applicant needs to revise the boundary of the development area to include this segment of the proposed driveway. This should only require minor revisions to the existing boundary of the development area. Nonetheless, the revised development area must remain 2 acres or less in size.

6.7 Development Impact Mitigation Fees

A series of ordinances and resolutions adopted by the Board of Supervisors require the payment various development impact mitigation fees for projects that result in a new single-family residence on an undeveloped parcel. The proposed project includes a new residence on an undeveloped parcel. However, development impact mitigation fees were not calculated or applied since CBAR and P&D denied the project.

7.0 APPEALS PROCEDURE

The applicant or any aggrieved person may appeal the decision of the Planning Commission to the Board of Supervisors. Any appeal shall be filed within the 10 calendar days following the decision that is the subject of the appeal. Please refer to Section 35-182 of the Coastal Zoning Ordinance for additional information regarding the procedures for the acceptance and processing of appeals to the Board of Supervisors.

ATTACHMENTS

- A. Findings for Denial
- B. Central Board of Architectural Review, Approved Minutes, September 12, 2008
- C. Planning and Development Department’s Denial Letter; letter from Dave Ward with Planning and Development Department to Christopher Jacobs with Brownstein Hyatt Farber Schreck, LLP, dated September 17, 2008
- D. Applicant’s Appeal Letter; letter from Christopher Jacobs with Brownstein Hyatt Farber Schreck, LLP to County Planning Commission, dated September 17, 2008
- E. Site Plan
- F. Building Elevations

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 this 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 eliminate 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 this 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 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 this staff report (Comprehensive Plan Consistency), the applicant has not provided sufficient information to date 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 this 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 v grassland and coastal sage shrub.

Bean Blossom Lot X Appeals

Case Numbers: 08APL-00000-00031, 08APL-00000-00032

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ATTACHMENT B: CENTRAL BOARD OF ARCHITECTURAL REVIEW
APPROVED MINUTES, SEPTEMBER 12, 2008

COUNTY OF SANTA BARBARA



**CENTRAL
BOARD OF ARCHITECTURAL REVIEW
APPROVED MINUTES
Meeting Date: September 12, 2008**

Solvang Municipal Court
1745 Mission Drive, Suite C
Solvang, CA 93463
(805) 934-6250

Bethany Clough, **Chair**
C. Puck Erickson-Lohnas **Vice-Chair**
Kris Miller Fisher,
Evans Jones
Robin Brady

Erich Brown, **Alternate**
Lowell Lash, **Alternate**
Gary Kaiser, **Supervising Planner**
Leticia I. Rodriguez, **CBAR Secretary**

The regular meeting of the Santa Barbara County Central Board of Architectural Review was called to order by the Chair Erickson-Lohnas, at 9:05A.M., in the Solvang Municipal Court, 1745 Mission Drive, Suite C, Solvang, California.

BOARD MEMBERS PRESENT:

C. Puck Erickson-Lohnas - Vice Chair
Kris Miller Fisher
Evans Jones
Robin Brady

STAFF MEMBERS PRESENT:

Leticia I. Rodriguez - Board Assistant
Gary Kaiser - Supervising Planner, Development Review North
Allen Bell - Planner, Development Review South
Tammy Weber - Planner, Development Review North

BOARD MEMBERS ABSENT:

Bethany Clough - Chair
Erich Brown
Lowell Lash

REPORTERS: None in attendance.

NUMBER OF INTERESTED PERSONS: Approximately 2

ADMINISTRATIVE AGENDA:

- I. **PUBLIC COMMENTS:** None.
- II. **AGENDA STATUS REPORT:** No changes were made to the agenda.
- III. **MINUTES:** Jones moved, seconded by Miller-Fisher and carried by a vote of 3 to 0 (Erickson-Lohnas abstained) (Clough, Brown, and Lash absent) to approve the Minutes of August 22, 2008, -as revised.

The minutes of June 17, 2008 will be continued to the CBAR meeting of October 03, 2008, no motion was made.

IV. CBAR MEMBERS INFORMATIONAL BRIEFINGS: None.

V. STAFF UPDATE: None.

VI. STANDARD AGENDA:

1. 03BAR-00000-00164 Bean Blossom Lot X Single-Family Residence, Garage and Guest House Gaviota
02CDP-00000-00023 (Allen Bell, Planner) Jurisdiction: Ridgeline: Rural

Request of Christopher Jacobs, agent for the owner, Bean Blossom LLC, to consider Case No. 03BAR-00000-00164 for preliminary approval of a single-family residence of approximately 17,605 square feet (includes basement and underground garage of approximately 4,895 square feet), guest house of approximately 1,339 square feet and accessory structures including a pool, motor court and driveway of approximately 4,200 linear feet. (Statistics are gross floor area.) No structures currently exist on the parcel. The proposed project would require approximately 30,000 cubic yards of cut and approximately 26,000 cubic yards of fill. The property is a 287.36 acre parcel zoned AG-II-320 and shown as Assessor's Parcel Number 081-210-047, located at 14000 Calle Real, in the Gaviota Area, Third Supervisorial District. (Continued from 2/13/04, 8/13/04 2/16/07, 3/9/07, 08/03/07, 02/15/08, 06/20/08, and 08/22/08)

PUBLIC COMMENT:

- Ed Easton – Spoke on behalf of the Gaviota Coast Conservancy.
- Mike Lundsford – Spoke on behalf of the Gaviota Coast Conservancy.

CBAR COMMENTS:

- 3 foot retaining wall in rear yard (ocean facing elevation) could be reduced or broken-up and landscaped to minimize visual impacts.
- CBAR notes that grading plan includes no 1.5:1 slopes. Most slopes are at 2.5:1 or 3:1.
- Building is in scale with this expansive site.
- While much of the grading is required to meet fire department access requirements, grading should be reduced by reducing large flat yard areas.
- Reverse berm concept to preclude protruding into skyline is appropriate.
- Grading figures are exaggerated because of basement, which really should not be counted in terms of visual impacts.
- House is beautifully designed architecturally.
- Reducing relative flat yard in the pool area would also reduce grading.
- Project is not ready for preliminary approval in terms of site planning around the house (suggesting that motorcourt and rear yard areas could be more compact) but the siting, size, height and scale of the structures are appropriate and are approvable.
- Landscaping needs to be more developed.
- Applicant requested denial in order to minimize the number of appeals, even though a majority of the board was satisfied with the architecture (including bulk and scale) with remaining concerns focused on the grading.

ACTION: Jones moved, seconded by Brady, and carried by a vote of 3-0-1 (Clough, Brown and Lash absent)(Miller-Fisher abstained) to deny preliminary approval of 03BAR-00000-00164.

2. 08BAR-00000-00200 Seretan Single Family Dwelling Addition Santa Ynez
08LUP-00000-00500 (Tammy Weber, Planner) Jurisdiction: Ridgeline-Rural

Bean Blossom Lot X Appeals

Case Numbers: 08APL-00000-00031, 08APL-00000-00032

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**ATTACHMENT C: PLANNING AND DEVELOPMENT DEPARTMENT'S
DENIAL LETTER**



County of Santa Barbara Planning and Development

John Baker, Director

Dianne Black, Director Development Services

John McInnes, Director Long Range Planning

September 17, 2008

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

John E. Vallance, Vice President
MAZ Properties, Inc.
P.O. Box 1984
Santa Monica, CA 90406

P&D Denial Date: September 17, 2008

CBAR Denial Date: September 12, 2008

Appeal Deadline: September 29, 2008

Appeal Deadline: September 22, 2008

RE: Denial of Coastal Development Permit
Bean Blossom Lot X Single-Family Residence, Guest House and Accessory Structures
Case Number: 02CDP-00000-00023
Assessor's Parcel Number: 081-210-047; 14000 Calle Real, Gaviota Area

Dear Mr. Jacobs and Mr. Vallance:

Thank you for submitting revised plans for Bean Blossom Lot X to the Planning and Development Department (P&D) and Central Board of Architectural Review (CBAR). These plans are listed below and dated August 2006, July 29, 2008 and September 4, 2008. We appreciate the time and effort that you and your team have taken to help us evaluate this and previous versions of the project.

P&D's most recent letter to you, dated August 21, 2008, outlined our concerns about the project and provided recommendations for developing a project that conforms to the applicable policies and standards of the Coastal Act, Comprehensive Plan and Coastal Zoning Ordinance. The applicant decided not to make any additional changes to the project.

CBAR reviewed the project on September 12, 2008. It voted to deny Preliminary Approval of the project. In part, CBAR concluded that grading could be minimized by reducing the area within the development envelope for the yard, motor court, pool and guest house.

Section 35-169.5 of the Coastal Zoning Ordinance contains the findings required for approval of a Coastal Development Permit. P&D carefully reviewed your revised plans and determined that the project

Development Review
Building & Safety
Energy, Administration
123 E. Anapamu Street
Santa Barbara, CA 93101
Phone: (805) 568-2000
FAX: (805) 568-2030

Long Range Planning
30 E. Figueroa St, 2nd Floor
Santa Barbara, CA 93101
Phone: (805) 568-3380
FAX: (805) 568-2076

Building & Safety
185 West Hwy 246, Ste 101
Buellton, CA 93427
Phone: (805) 686-5020
FAX: (805) 686-5028

Development Review
Building & Safety
Agricultural Planning
624 W. Foster Road
Santa Maria, CA 93455
Phone: (805) 934-6250
FAX: (805) 934-6258

does not conform to policies and standards of the Coastal Act, Comprehensive Plan and Coastal Zoning Ordinance that require development to minimize grading, preserve natural terrain and protect visual resources. In summary, the project has not been designed to fit the natural topography. Rather, the project would alter the natural topography to fit the proposed residence and other key aspects of the development resulting in excessive grading. Consequently, P&D must deny your application for a Coastal Development Permit. To help you understand our decision, we have outlined the key policies, standards and issues below.

Project Summary and Plans

The proposed project is a single-family residence of approximately 17,605 square feet (includes basement and underground garage of approximately 4,895 square feet), guest house of approximately 1,339 square feet and accessory structures including a pool, septic system, motor court and driveway. (Statistics are gross floor area.) The subject property is 287.36 acres in size. The proposed residence and guest house would be sited within a two-acre development envelope on a south-facing hillside in the northwest portion of the subject property. The proposed driveway would be approximately 4,200 feet in length and 12 feet in width. The project would require approximately 56,000 cubic yards of cut and fill. Specifically, the building site would require approximately 22,000 cubic yards of cut and 10,000 cubic yards of fill. The driveway would require approximately 8,000 cubic yards of cut and 16,000 cubic yards of fill. Cut and fill would be balanced on-site; no material would be imported or exported. The project includes new landscaping.

Proposed Floor Area (Square Feet)

	Gross Area	Net Area
Residence		
First Floor	10,341	9,696
Basement and Garage	4,895	4,469
Roofed Verandas	<u>2,369</u>	<u>N/A</u>
Total	17,605	14,165
Guest House		
Interior	924	800
Roofed Porches	<u>415</u>	<u>NA</u>
Total	1,339	800
Total	18,944	14,965

This project description was based on the following plans:

Site Plan & Preliminary Grading Plan, Sheet 1 (L&P Consultants, July 29, 2008)

Site Plan & Preliminary Grading Plan, Sheet 2 (L&P Consultants, July 29, 2008)

Site Plan & Preliminary Grading Plan, Sheet 3 (L&P Consultants, July 29, 2008)

Site Plan (Jock Sewall, July 29, 2008)

Floor Plans, Main House and Guest House (First Floor) (Jock Sewall, July 29, 2008)

Floor Plans, Parking/Basement Level (Jock Sewall, July 29, 2008)

Building Elevations, Main Residence and Guest House (Jock Sewall, July 29, 2008)

Sections (Jock Sewall, July 29, 2008)

Architectural Details for Construction, Sheet A (J.M. Sewall & Associates, August 2006)

Architectural Details for Construction, Sheet B (J.M. Sewall & Associates, August 2006)

Preliminary Landscape Plan (Castleberg Associates, September 4, 2008)

Lighting Plan, Sheet 1 (L&P Consultants, July 29, 2008)

Lighting Plan, Sheet 2 (L&P Consultants, July 29, 2008)

Plan Policies and Zoning Standards

P&D concluded that the project does not conform to the following policies of the Coastal Act and Comprehensive Plan, including the Coastal Land Use Plan, and standards of the Coastal Zoning Ordinance:

Coastal Act Policy 30251: “. . . Permitted development shall be sited and designed . . . to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas . . .”

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, 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 the maximum extent feasible . . .”

Coastal Land Use Plan Policy 4-3/Comprehensive Plan Visual Resources Policy 2/Zoning Development Standard 35-59.1: “In areas designated as rural on the land use plan maps, the height, scale, and design of structures shall be compatible with the character of the surrounding natural environment, except where technical requirements dictate otherwise. Structures shall be subordinate in appearance to natural landforms; shall be designed to follow the natural contours of the landscape; and shall be sited so as not to intrude into the skyline as seen from public viewing places.”

Consistency Analysis

Design and Natural Topography. The proposed residence and adjoining features are designed for a level building site. However, the proposed two-acre development envelope has moderate slopes. Contrary to the policies cited above, the applicant is proposing to alter the natural topography to fit the

project rather than proposing a project designed to fit the natural topography. This 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. Grading for the building site requires approximately 32,000 cubic yards of cut and fill. The associated driveway would require approximately 24,000 cubic yards of cut and fill. An alternative design for the residence and adjoining features that reflects the natural topography would require less grading and preserve the natural terrain consistent with the applicable policies.

Building Site Area. 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, consequently, excessive cutting and filling. The residence and guest house total approximately 18,944 square feet (gross area). The residence is approximately 220 feet in length. The motor court is approximately 70 feet in diameter and requires more than 6,000 square feet. The motor court and associated retaining walls extend almost 100 feet north of the residence. The pool and guest house are located approximately 60 feet south and east, respectively, of the residence. Substantial yard and landscaping are proposed in and around these accessory structures.

The proposed development envelope covers approximately two acres. Proposed grading would extend beyond the development envelope. Siting development north (upslope) of the residence requires significant cutting. For example, the vertical distance between natural grade and finished grade is up to approximately 22 feet within the footprint of the motor court. Siting development south (down slope) of the residence requires significant filling, as illustrated by the pool and yard south of the residence which require up to approximately 10 feet of fill on top of the natural grade. Consequently, staff concluded that a smaller and more compact project with less yard and landscaping would significantly reduce cut and fill operations and minimize alteration of the natural terrain.

Siting and Intrusion into Skyline. The west elevation of the residence would intrude into the skyline as seen from Highway 101. Contrary to Section 35-59.1 of the Coastal Zoning Ordinance, the project proposes constructing a berm to screen the residence from Highway 101 rather than siting the residence so it would not intrude into the skyline. The berm includes approximately 36 inches of fill and would be approximately 35 feet in length. This approach is also inconsistent with the applicable policies that require development to minimize cut and fill operations. Shifting the location and, perhaps, altering the design of the residence could result in a project that complies with the siting and grading requirements in Section 35-59.1 and the applicable policies.

Conclusion

P&D has determined that your project is inconsistent with policies and standards of the Coastal Act, Comprehensive Plan and Coastal Zoning Ordinance and, therefore, cannot make the findings required for approval of the project. Accordingly, we must deny your application for a Coastal Development Permit for Bean Blossom Lot X.

Christopher Jacobs and John Vallance

September 17, 2008

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Section 35-182 of the Coastal Zoning Ordinance allows you to appeal P&D's decision to the Planning Commission. An appeal must be filed within 10 calendar days following this decision, which is Monday, September 29, 2008. You must submit P&D's appeal form in addition to any other supporting materials that you may wish to furnish explaining the reasons for the appeal. Please see Section 35-182 of the Coastal Zoning Ordinance for additional details and requirements.

Again, thank you for your time and assistance. Please contact us if you have any questions or need additional information.

Sincerely,



Dave Ward, Deputy Director
Development Review Division

cc Case File (Allen Bell, Planner)
John Baker, Director
Dianne Black, Director, Development Services
June Pujo, Supervising Planner, Development Review Division

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Bean Blossom Lot X Appeals
Case Numbers: 08APL-00000-00031, 08APL-00000-00032
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ATTACHMENT D: APPLICANT'S APPEAL LETTER

Brownstein Hyatt
Farber Schreck

September 17, 2008

VIA HAND DELIVERY

The Honorable Planning Commission
County of Santa Barbara
123 E. Anapamu Street
Santa Barbara, California 93101

Christopher A. Jacobs
805.882.1412 tel
805.965.4333 fax
cjacobs@bhfs.com

RE: Appeal of P&D/CBAR Denial of Bean Blossom Lot X Proposed Single-Family Residence
Permit Nos. 02CDP-00000-00023; 03BAR-00000-00164
APN 081-210-047 (1400 Calle Real, Gaviota)

Dear Members of the Commission:

Our office represents Bean Blossom, LLC (**Owner**), appellant and owner of the above-referenced property (**Property**). This letter serves as a written explanation for Owner's appeal of Planning & Development's (**P&D**) denial of a Coastal Development Permit (**CDP**) and the Central County Board of Architectural Review's (**CBAR**) denial of a request for preliminary approval of a proposed single-family residence (**Project**) on the Property.

The Property is a legal parcel located on Rancho Tajiguas on the Gaviota Coast and is approximately 287 acres in size. Proposed development for the Property consists of a 9,696 square foot (net) one-story main residence with basement and below grade garage of 4,469 square feet, an auto court, 800 square foot guest house and pool/lawn area. The Property is currently in Agricultural Preserve and the area of proposed residential development is less than two acres, consistent with the Uniform Rules for Williamson Act Agricultural Preserves. This area of proposed Project development represents less than 1% of the entire Property which we believe to be an acceptable amount of development for a property of this size.

The size, bulk, scale, design and siting of the Project has received extensive review from both P&D and CBAR over the last two years. Review of the Project initially began in 2004 but was put on hold while the Owner worked with P&D and CBAR on the processing of Bean Blossom Lot H (located westerly from Lot X on Rancho Tajiguas). The Project processing began again in 2007 and has since undergone review at five CBAR hearings, including the following hearing dates: February 16, 2007, March 9, 2007, August 3, 2007, February 15, 2008 and June 20, 2008. Site visits with the CBAR, interested community members and P&D Staff occurred on March 9, 2007, August 3, 2007 and June 20, 2008. An additional site visit occurred on June 28, 2007 with P&D Planner Allen Bell.

During this time the Project has been redesigned several times with the actual siting having been relocated six times, including the current configuration. The overall Project size has remained generally consistent throughout the revisions however the grading quantities have shifted up and down as the Project design has been reconfigured in response to direction from P&D and CBAR to make the proposed improvements invisible from public viewing places and to eliminate any potential for blue sky impacts. The most recent Project revisions, presented to P&D Staff and CBAR for review at the September 12, 2008 CBAR hearing, reduced the total amount of proposed grading significantly and also eliminated any visibility of the Project and/or blue sky exposure from public viewing places. This was achieved through the addition of a small scale "reverse berm" grading feature on the westernmost

end of the main structure where visibility and blue sky impacts were noted as a potential concern. It is our opinion that the inclusion of this revised grading strategy into the Project plans, combined with revisions made to the layout of the Project and adjustments to the plate height, base floor elevations and roof pitch, provides consistency with all applicable County and Coastal policies.

A hearing for CBAR preliminary review of the most recent Project revisions was held on September 12, 2008. At this hearing, P&D Staff's recommendation was for denial based primarily on grading and terrain alteration policies relating to development on hillsides in the Coastal Zone, discussed further below. The CBAR, however, provided favorable comments in support of the Project and expressly stated their disagreement with the policy determinations made by P&D Staff. The CBAR wanted to continue the Project which may have provided the Owner with an approval at a subsequent meeting, but upon request of the Owner, a majority¹ voted in favor of denial based on lack of information (a revised landscape plan with minor revisions to the auto court and lawn/pool area) and not due to a dislike or disapproval of the design of the Project itself. The CBAR had no issues relating to the proposed size, scale and architectural design of the Project. The CBAR also had no objection to the basement element of the Project improvements. These supportive comments built upon the CBAR's earlier direction provided at the hearing of June 20, 2008 when the CBAR members indicated that it was not necessary or appropriate to burrow the Project into the ground and that visibility of portions of the roof and upper wall components would be acceptable.

In its recommended denial of the Owner's CDP application, P&D Staff stated that the revised Project does not conform to Coastal Act Policy 30251, Coastal Plan Policy 3-13, Coastal Plan Policy 3-14 and Coastal Plan Policy 4-3/Coastal Zoning Ordinance Development Standard 35-59.1. In summary, these provisions require development to minimize grading and protect visual resources.

A principal concern noted by P&D in their recommendation for denial to the CBAR was that the Project does not minimize grading or the alteration of the natural terrain and that the large amount of grading is the result of several related factors, including design, scale and siting. We provide the following comments to address these issues raised by P&D Staff.

Design. As noted above, Owner's Project design revisions have been driven by the prioritization of visual policies – the goal being to eliminate adverse visual and blue sky impacts from public viewing places. For this Property, and with the grading strategies incorporated into the most recent Project redesign, no portion of the proposed structure is visible from public viewing points on the shoulders of Highway 101 several miles away from the Property. The Project as redesigned has no visibility or blue sky impacts from this public viewing area with the potential exception of several chimneys. This was achieved through a variety of architectural design revisions to the residence, in addition to a revised grading proposal. The revised site grading utilizes a natural appearing "reverse berm" which, with the surficial placement of approximately 36 inches of fill, eliminates all visibility from public viewing areas. Due to the relatively small scope and natural contouring of this proposed grading feature, we do not agree with P&D Staff that this is inconsistent with County and Coastal policy relating to project design and grading. The Project location has been manipulated numerous times on the Property, and CBAR has confirmed through its review that the current location and design takes into account the natural landforms and existing terrain of the Property. The most recent grading revision together with the extensive siting work completed for this Property fully mitigates all potential adverse visual impacts.

The current Project redesign also significantly reduced grading quantities. Current grading estimates include 22,000 cubic yards of cut and 10,000 cubic yard of fill for the residential improvements. These estimates are commensurate with the grading quantities approved for Bean Blossom Lot H, as shown

¹ One CBAR member, Kris Miller Fisher, was very frustrated with the situation, thought our project was very close to being approvable and did not want to vote for denial. She ultimately abstained.

in the table below. In reviewing these quantities, it should be noted that the County does not have any standards or limits dictating or defining "excessive" grading. Grading is a transitory impact which when done properly becomes invisible after the area of the grading is revegetated. The grading for the Property and Project will not be visible when the Project is completed and after revegetation. The grading plan has been sensitively designed to blend alterations with the natural terrain and vegetation.

Finally, Staff notes the siting and design of the Project is not in conformance with the natural contours and landforms of the site, which further contributes to "excessive" grading. It is our opinion, however that the grading would not be "excessive" if the house design were not driven by visual policies. A house of the proposed size could be achieved with significantly less grading if not required to be 100% invisible from public viewing places per strict application of the County and Coastal visual policies. The CBAR agrees that there should be a balance between visibility and grading policies as summarized above and stated in the June 20, 2008 CBAR minutes.

Lot X and Lot H – Comparison of Grading Calculations

	Lot X	Lot H
House Cut	22,000	12,000
House Fill	10,000	8,400
Driveway Cut	8,000	6,000
Driveway Fill	16,000	1,000
<i>Total Cut</i>	<i>30,000</i>	<i>18,000</i>
<i>Total Fill</i>	<i>26,000</i>	<i>9,600</i>

Scale. The scale of the Project is not inappropriate for a parcel of this size, as confirmed by CBAR. Further, the two acre development area is consistent with the Uniform Rules for Williamson Act Agricultural Preserves, as confirmed by the Agricultural Preserve Advisory Committee. The Project has been relocated and reoriented six times to follow the contours of the natural terrain and it includes additional square footage through a basement addition that includes "tuck under" parking rather than through additional at grade square footage. This is in effect bonus square footage that is entirely invisible since located under the house. Since the basement area serves as the foundation to the primary residence, which must be over excavated for engineering purposes, the additional grading associated with this improvement is negligible. Having the garage tucked under the main residence also creates a more compact proposed residence and eliminates cut into the natural contours located northerly of the main residence. While the size and layout of the proposed residential improvements require some grading due to existing slopes and terrain, it is the directive of visual policies which push the grading quantities to potentially be "excessive," as noted above. As shown in the table below, the size and scale of the Project is commensurate to the approved residence on Lot H. The Project is not out of scale with approved Lot H or other projects approved/pending on the Gaviota Coast.

Lot X and Lot H – Comparison of Net Square Footage

	Lot X	Lot H
Main Residence	9,696	8,761
<i>Main Residence Covered Patio</i>	2,369	3,288
Basement/Garage	4,469	n/a
Detached Garage	n/a	870
Cabana	n/a	434
Guest House	800	794

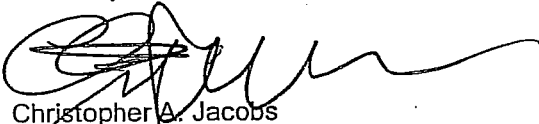
<i>Guest House Covered</i>	415	368
<i>Patio</i>		

Siting. A site visit was conducted with P&D Planner Allen Bell on June 28, 2007 along with Mark Lloyd, L&P Consultants, and Alicia Harrison, Brownstein Hyatt Farber Schreck, LLP. At this time, Mr. Bell visited and reviewed all areas of the Property and determined that the proposed Project development area was the most viable site for development on the Property. Other potential locations would be closer to the highway and therefore potentially (i) more visible from public viewing places, and (ii) adversely impacted by traffic noise. In addition, other locations required potentially longer access routes (even if less steep) and potential creek crossings. The proposed conjunctive use roadway is approximately 4,200 feet long and requires 8,000 cubic yards of cut and 16,000 cubic yards of fill. This grading is primarily driven by County Fire Department requirements for gradual slopes. The road grading plan has been sensitively designed to meet County Fire requirements while also providing a feathered and naturally contouring road alignment. Excess cut material from the main house will be used to recontour the graded areas of both the existing and realigned roadway so as to appear consistent with the surrounding terrain. The graded areas will also be revegetated with the native plants.

The Owner has spent a great deal of time and money patiently going through the review process, presenting all the above information to P&D Staff and CBAR. For the reasons set forth above, among others, P&D's denial of the required CDP was inconsistent with the Comprehensive Plan and Zoning Ordinance and constituted an error or abuse of discretion. Staff improperly ignored the physical context of this Property in reaching its determination; and the decisions of the CBAR and P&D Staff were not supported or based on the evidence presented to them.

We will provide other materials demonstrating the Project's compliance with County policies at your Commission's hearing on this matter. Thank you for your consideration.

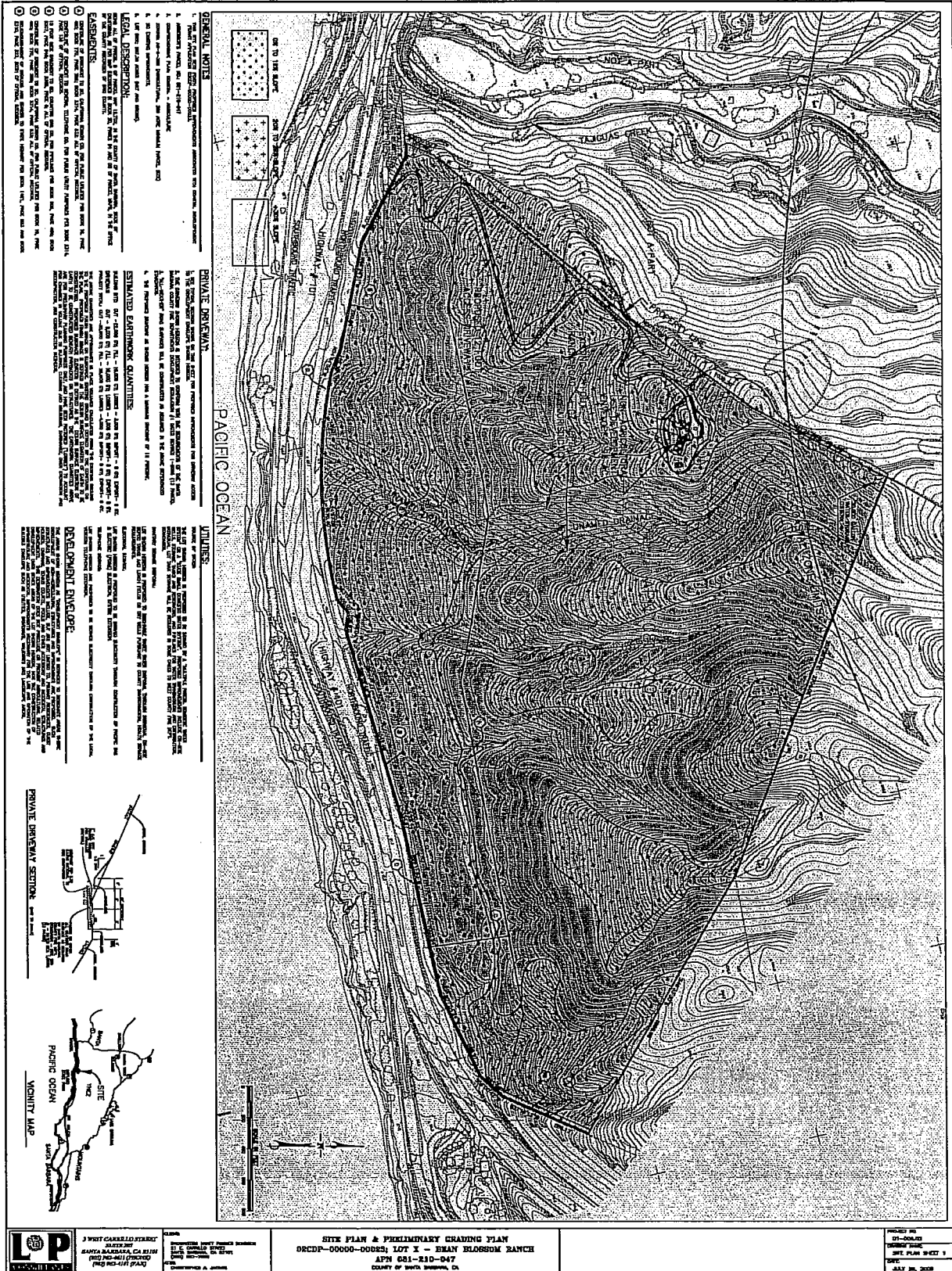
Sincerely,



Christopher A. Jacobs

CC: Mr. David P. Tresize, Esq.
Mr. John E. Vallance
Mr. Jock Sewall, AIA
Mr. Mark Lloyd, L&P Consultants
Mr. Allen Bell, Planning and Development

ATTACHMENT E: SITE PLAN



GENERAL NOTES

1. THE PROPOSED DEVELOPMENT AND GRADING SHALL BE IN ACCORDANCE WITH THE CITY OF SANTA MONICA DEVELOPMENT ORDINANCE (D.O.) AND THE SANTA MONICA MUNICIPAL CODE (M.C.).
2. THE PROPOSED DEVELOPMENT AND GRADING SHALL BE IN ACCORDANCE WITH THE CITY OF SANTA MONICA DEVELOPMENT ORDINANCE (D.O.) AND THE SANTA MONICA MUNICIPAL CODE (M.C.).
3. THE PROPOSED DEVELOPMENT AND GRADING SHALL BE IN ACCORDANCE WITH THE CITY OF SANTA MONICA DEVELOPMENT ORDINANCE (D.O.) AND THE SANTA MONICA MUNICIPAL CODE (M.C.).

LEGAL DESCRIPTION

THE PROPOSED DEVELOPMENT AND GRADING SHALL BE IN ACCORDANCE WITH THE CITY OF SANTA MONICA DEVELOPMENT ORDINANCE (D.O.) AND THE SANTA MONICA MUNICIPAL CODE (M.C.).

ESTIMATED EARTHWORK QUANTITIES

THE PROPOSED DEVELOPMENT AND GRADING SHALL BE IN ACCORDANCE WITH THE CITY OF SANTA MONICA DEVELOPMENT ORDINANCE (D.O.) AND THE SANTA MONICA MUNICIPAL CODE (M.C.).

UTILITIES

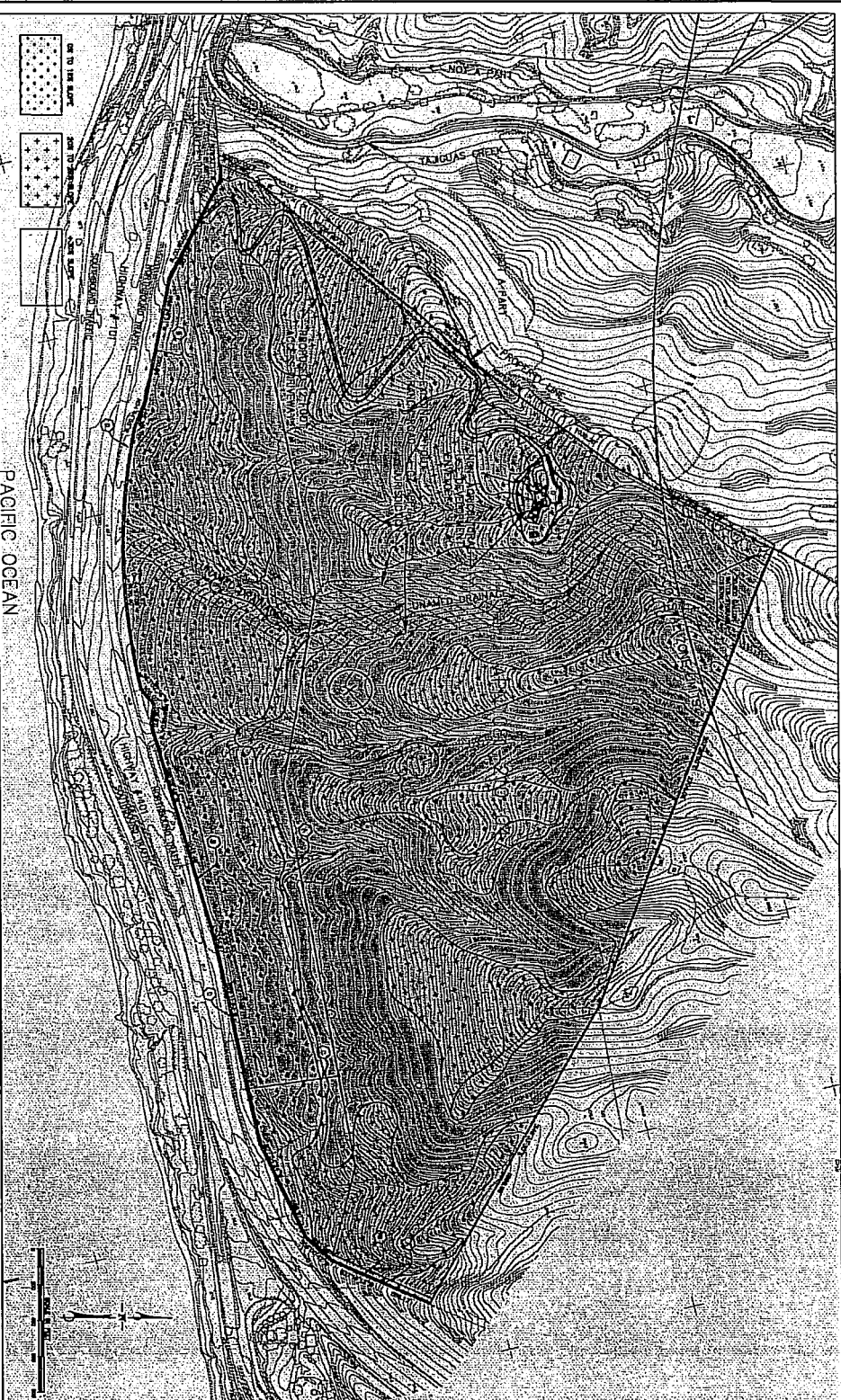
THE PROPOSED DEVELOPMENT AND GRADING SHALL BE IN ACCORDANCE WITH THE CITY OF SANTA MONICA DEVELOPMENT ORDINANCE (D.O.) AND THE SANTA MONICA MUNICIPAL CODE (M.C.).

DEVELOPMENT ENVELOPE

THE PROPOSED DEVELOPMENT AND GRADING SHALL BE IN ACCORDANCE WITH THE CITY OF SANTA MONICA DEVELOPMENT ORDINANCE (D.O.) AND THE SANTA MONICA MUNICIPAL CODE (M.C.).

PRIVATE DRAINAGE SYSTEM

THE PROPOSED DEVELOPMENT AND GRADING SHALL BE IN ACCORDANCE WITH THE CITY OF SANTA MONICA DEVELOPMENT ORDINANCE (D.O.) AND THE SANTA MONICA MUNICIPAL CODE (M.C.).



SITE PLAN & PRELIMINARY GRADING PLAN
 DRCDP-00000-00031, LOT X - BEAN BLOSSOM RANCH
 APN 081-210-047
 COUNTY OF SANTA MONICA, CA

DRAWN BY: [Name]
 CHECKED BY: [Name]
 DATE: JULY 26, 2008

ATTACHMENT F: BUILDING ELEVATIONS

