



November 20, 2009

VIA HAND DELIVERY

Santa Barbara County Board of Supervisors
c/o Clerk of the Board
105 East Anapamu Street
Santa Barbara, CA 93101

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

RE: Appeal of the County Planning Commission's Decision to Deny a Coastal Development Permit for Bean Blossom Lot X Proposed Single-Family Residence
Appeal Nos. 08APL-00000-00031; 08APL-00000-00032
Permit Nos. 02CDP-00000-00023; 03BAR-00000-00164
APN 081-210-047 (14000 Calle Real, Gaviota)

Dear Honorable Supervisors:

Brownstein Hyatt Farber Schreck, LLP represents Bean Blossom, LLC (**Owner**), appellant and owner of the above-referenced Property. On November 5, 2008, the Santa Barbara County Planning Commission (**Commission**) heard Owner's appeals of (i) the denial of a Coastal Development Permit by the Planning & Development Department (**P&D**), and (ii) the denial of preliminary approval of a proposed single family residence (**Project**) by the Central County Board of Architectural Review (**CBAR**). At this hearing, the majority of the Commission commented favorably on potential approvability of the Project but acted to deny the appeals on a 3-2 vote. On November 6, 2008, Owner submitted an appeal of the Commission's decision to the Board of Supervisors (**Board**). This was followed by a November 21, 2008 facilitation meeting conducted by County Counsel and attended by representatives from P&D and the Gaviota Coast Conservancy (**GCC**), a sophisticated and influential environmental/conservation stakeholder group with a focused interest in preserving Gaviota Coast resources.

The facilitation session was productive. We felt that the process had accomplished the goal of resolving a contentious residential construction matter without the need of elevating it to highest level of County government. By the end of a long day with constructive participation by Owner and P&D and GCC representatives on a redesign of certain fundamental elements of the Project, the group achieved consensus. In a subsequent meeting on November 26, 2008, the specific redesign elements were formalized, including:

- The building site was made smaller, more compact by (i) reducing the size of the main residence by 1,021 square feet; (ii) relocating the guest house closer to the main residence; (iii) reducing the pool/lawn area by approximately 5,000 square feet; and (iv) eliminating the motor court area and relocating parking to a below grade garage within the proposed footprint of the main residence.
- Grading quantities were reduced significantly. The Project would entail moving approximately 28,900 cubic yards of earth (compared to 56,000 cubic yards for the Planning Commission reviewed plans). This includes 18,900 cubic yards of cut and 10,000 cubic yards of fill for the building site and driveway. Export of potentially excess soils is proposed for use by the County at the nearby Tajiguas Landfill.

Appeal Issues

At the November 5th hearing, three members of the Commission expressed their concern that the Project does not comply with applicable policies of the Coastal Act and Coastal Land Use Plan relating to the protection of visual resources, preservation of natural landforms and minimization of grading. Specifically, these policies include Coastal Act Policy 30251, Coastal Land Use Plan Policy 3-13, Coastal Land Use Plan Policy 3-14 and Coastal Land Use Plan Policy 4-3. One of the Commissioners also stated concern about whether or not approval of the Project is subject to environmental review per the California Environmental Quality Act (**CEQA**).

Policy Consistency

It is our position that the Consensus Project as currently sited and designed can be found to be in conformity with all applicable policies of the Coastal Act and Comprehensive Plan, including the Coastal Land Use Plan, and with the applicable provisions of the County's Coastal Zoning Ordinance (**Article II**). The Consensus Project has been designed to be consistent with appropriate application of relevant County policies and standards relating to visual resources, preservation of natural landforms and minimization of grading and also addresses these policies through the application of the County's standard conditions of approval. The proposed residential development area is consistent with the Williamson Act and was approved by the Agricultural Preserve Advisory Committee on May 9, 2008. Further, as with Lot H, the Consensus Project is statutorily exempt from CEQA. Per Section 35-169 of Article II and Appendix A of the County's Guidelines for the Implementation of CEQA, the approval of a single family residence is ministerial. Per CEQA Section 15268, ministerial projects are statutorily exempt from CEQA, and there are no exceptions to a statutory exemption under CEQA (See CEQA Section 15300.2(b)).

Requested Board Action

The Owner's continuing request is that the Board in acting on the appeal before it, consider the Consensus Project as an alternative to the Project on appeal, and grant an approval. The authority for such action is found in Section 35-182.5.D of Article II. It provides that when acting on an appeal, the Board "shall affirm, reverse, or modify the decision of the Planning Commission." Per Section 35-182.5.C, the hearing on the appeal shall also be de novo.

We believe that the Project is consistent with applicable County policies and standards, and we request that your Board consider (i) granting Owner's appeal by reversing the action of the Commission, (ii) finding the project statutorily exempt from CEQA, and (iii) approving the Coastal Development Permit for the Bean Blossom Lot X Consensus Project. While the Owner is eager to complete this permitting process, we appreciate that your Board may want input from P&D and the design professionals who comprise the CBAR. Section 35-184.5.1 of Article II allows your Board to request that a project return to the BAR, stating "The BAR shall review and approve, disapprove, or conditionally approve the [application submittal]". The CBAR is also directed to "render its advice on the exterior architecture of building, structure, and signs to the Planning Commission or Board of Supervisors when requested to do so." We would gladly accept direction from your Board to return to the CBAR for comments on the iterative design revisions that have amalgamated to yield the Consensus Project over the past twelve months. The Project has definitely benefited from the process.

**Brownstein | Hyatt
Farber | Schreck** *A Strategic
California Merger
with Hatch & Parent*

November 26, 2008

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

VIA HAND DELIVERY AND ELECTRONIC MAIL

John Baker, Director
Planning & Development Department
County of Santa Barbara
123 East Anapamu Street
Santa Barbara, CA 93101

RE: Notice of Achieving a Consensus Project Resulting from Facilitation of the Planning Commission's Denial of Preliminary Architectural Approval and Coastal Development Permit for the Bean Blossom New Single Family Residence, Guest House, Driveway and Accessory Structures. [Case Nos. 08APL-00000-00040 and 08APL-00000-00041] and Request for Docketing of Set Hearing to Consider Same

Dear Director Baker:

Following our telephone conference after the facilitation meeting with the County on November 21, 2008, Bean Blossom, LLC and the Gaviota Coast Conservancy (**GCC**) have reached an agreement in concept with respect to revisions to the Bean Blossom Lot X Project so that it can now proceed to the Board of Supervisors as a "**Consensus Project**." A project description for the Consensus Project is attached. As contemplated in the facilitation meeting, all revised Site and Architectural Plans for the Consensus Project will be submitted to County Planning & Development on December 1, 2008.

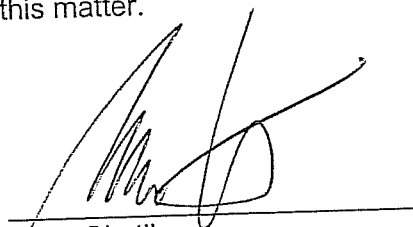
We request that you please schedule the Consensus Project for the Board of Supervisors hearing on January 20, 2009. The Consensus Project will return to the Central Board of Architectural Review (**CBAR**) following approval by the Board of Supervisors. If possible, the Consensus Project will be submitted to the CBAR for comments prior to being heard by the Board of Supervisors.

Thank you very much for your time and attention to this matter.

Sincerely,



Christopher A. Jacobs
Brownstein Hyatt Farber Schreck, LLP
For Bean Blossom, LLC



Marc Chytilo
Law Office of Marc Chytilo
For Gaviota Coast Conservancy

ATTACHMENT A

Bean Blossom Lot X Proposed Project Description

The project description is as follows:

The proposed project consists of an approximately 11,554 square foot (gross area, see below) single family residence with a 4,776 square foot basement and below grade garage, an approximately 924 square foot guest house, auto court, a pool/lawn area, access driveway, water system, septic system and utilities. The Project statistics are gross floor area and include all areas covered by roof and other areas as specified in Article II Sec. 35-58. (The definition of gross floor area includes open or roofed porches, balconies, porticos, arcades, plazas, courts, walkways and breezeways.) Except for the water system improvements, utility infrastructure and portions of the conjunctive use access driveway and private effluent disposal system, the proposed project would be located within the 2-acre development envelope delineated on the site plan (see Site & Grading Plan, L&P Consultants, dated November 26, 2008). This 2-acre development envelope is consistent with the Uniform Rules for Williamson Act Agricultural Preserves and was approved by the Agricultural Preserve Advisory Committee (APAC) on May 9, 2008. The subject property is 287.36 acres in size.

All building heights are based on the vertical distance between finished grade and the uppermost point of the structure directly above that grade. The residence is a low profile structure having a height of 18-6" and the guest house would have a height of 13-6". The garage is located below the main residence and is completely below grade.

The roof pitch is 3:12. All roof structures would be covered with clay tiles of mottled earth tone and exposed chimney elements would be covered with natural sandstone with spark arrester painted to match. The residence will be constructed of earth-tone colored materials compatible with the natural environment and landforms.

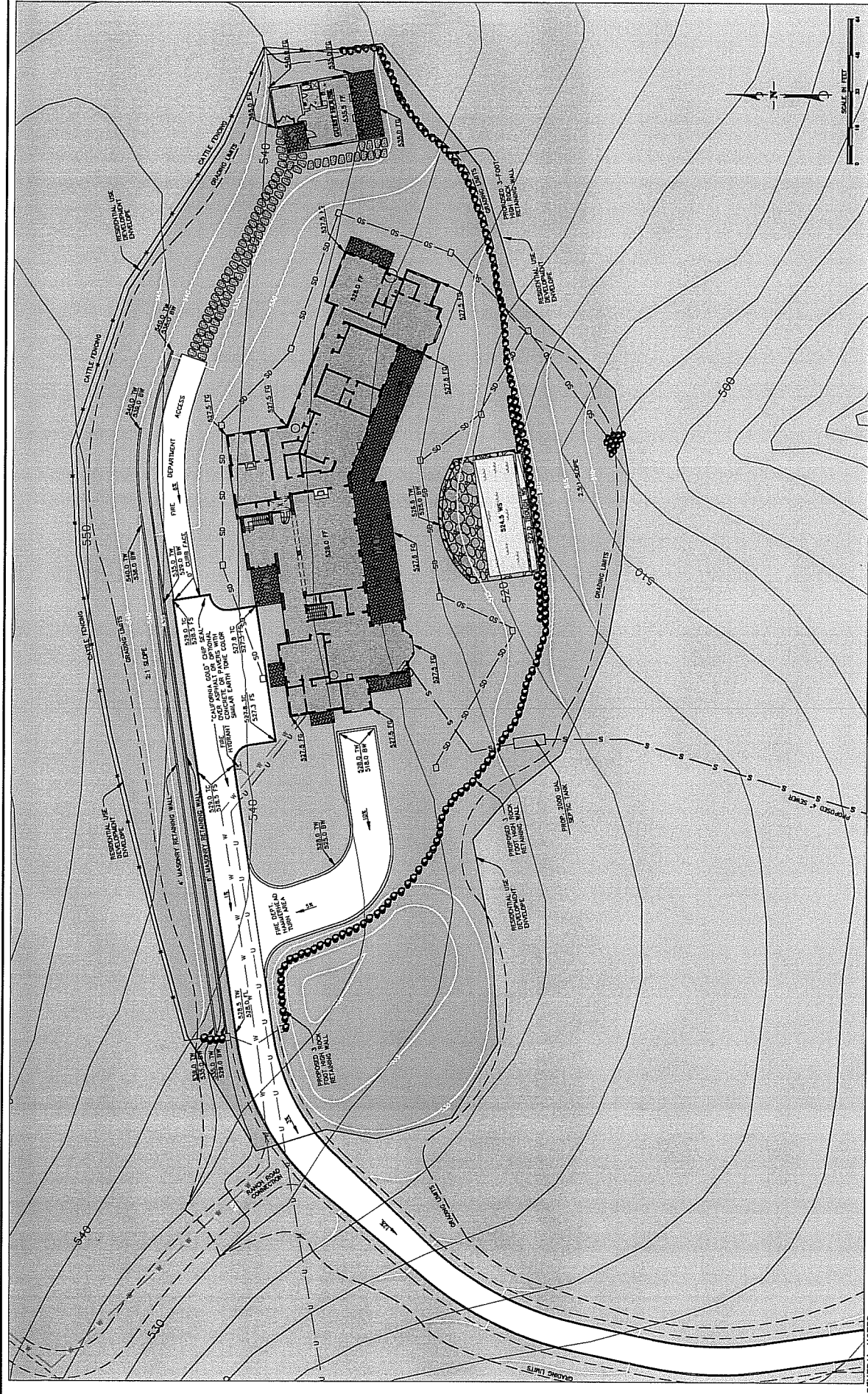
An existing 12 foot wide unpaved ranch road from Calle Real would be improved to provide a 12 foot wide surfaced access driveway and conjunctive use ranch road. The gradient would be lowered to not exceed more than 12 percent in order to meet County Fire Department requirements. A new residential driveway would be extended from the end of the existing ranch road to the development area. The entire length of the proposed conjunctive use driveway is approximately 4,200 feet. The driveway surface will be covered with an earth tone paving material compatible with the natural surrounding environment. Per County Fire Department requirements, the driveway has also been designed to address Fire Department requirements.

The Project is sited so as not to intrude into the skyline as seen from public viewing places. The Project would entail moving approximately 28,000 cubic yards of earth. Specifically the building site would require approximately 12,000 cubic yards of cut and

PROJECT NO. 01-0003
SHEET PLAN SHEET 3
DATE: APR 21, 2009

STR PLAN - GRADING & DRAINAGE PLAN
APN 001-21-0-47
02CDP-0000-00023 LOT X - BEAN BLOSSOM RANCH
COUNTY OF SANTA BARBARA

DESIGNED BY: J. CARROLL STRAIN
CHECKED BY: J. CARROLL STRAIN
DATE: APR 21, 2009



ESTIMATED EARTHWORK QUANTITIES:

BRASSING SITE: CUT - 15,000 CY; FILL - 2,500 CY; EXCESS - 3,000 CY; IMPORT - 0 CY; EXPORT - 6,500 CY.
 DRIVEWAY: CUT - 7,000 CY; FILL - 7,500 CY; EXCESS - 1,000 CY; IMPORT - 1,500 CY; EXPORT - 0 CY.
 PROJECT TOTAL: CUT - 18,000 CY; FILL - 10,000 CY; EXCESS - 3,500 CY; IMPORT - 0 CY; EXPORT - 6,500 CY.

IN THE FOREGOING ITEMS, QUANTITIES ARE LISTED IN CUBIC YARDS. QUANTITIES ARE LISTED IN CUBIC YARDS UNLESS OTHERWISE NOTED. QUANTITIES ARE FOR MAJOR EXPOSED AREAS AND HAVE BEEN FACTORED TO ACCOUNT FOR CANONICAL ALLOWANCES, AND CONSTRUCTION WASTES.

UTILITIES:

SOURCE OF WATER:
 THE DEVELOPER SHALL BE RESPONSIBLE FOR THE PROVISION OF WATER TO THE DEVELOPMENT THROUGH THE CITY WATER MAINS. THE DEVELOPER SHALL BE RESPONSIBLE FOR THE PROVISION OF WATER TO THE DEVELOPMENT THROUGH THE CITY WATER MAINS. THE DEVELOPER SHALL BE RESPONSIBLE FOR THE PROVISION OF WATER TO THE DEVELOPMENT THROUGH THE CITY WATER MAINS.

SEWERAGE:
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PRIVATE DRIVEWAY:

1. THE PROPOSED DRIVEWAY SHALL BE CONSTRUCTED AS SHOWN HEREON AND A MINIMUM WIDTH OF 12 FEET.
 2. THE DRIVEWAY SHALL BE CONSTRUCTED AS SHOWN HEREON AND A MINIMUM WIDTH OF 12 FEET.
 3. THE DRIVEWAY SHALL BE CONSTRUCTED AS SHOWN HEREON AND A MINIMUM WIDTH OF 12 FEET.
 4. THE DRIVEWAY SHALL BE CONSTRUCTED AS SHOWN HEREON AND A MINIMUM WIDTH OF 12 FEET.

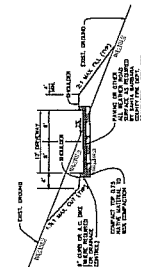
GENERAL NOTES:

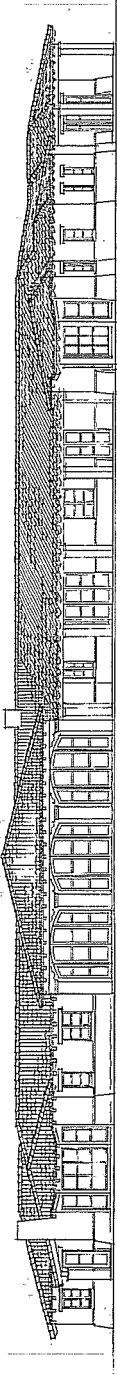
1. THIS SITE PLAN SETS FORTH PROPOSED IMPROVEMENTS ASSOCIATED WITH GENERAL DEVELOPMENT.
 2. THE DEVELOPER SHALL BE RESPONSIBLE FOR THE PROVISION OF WATER TO THE DEVELOPMENT THROUGH THE CITY WATER MAINS.
 3. THE DEVELOPER SHALL BE RESPONSIBLE FOR THE PROVISION OF SEWERAGE TO THE DEVELOPMENT THROUGH THE CITY SEWER MAINS.
 4. THE DEVELOPER SHALL BE RESPONSIBLE FOR THE PROVISION OF UTILITY THROUGH CONSTRUCTION OF PRIVATE USE UTILITY THROUGH THE CITY UTILITY MAINS.
 5. THE DEVELOPER SHALL BE RESPONSIBLE FOR THE PROVISION OF UTILITY THROUGH CONSTRUCTION OF PRIVATE USE UTILITY THROUGH THE CITY UTILITY MAINS.

DEVELOPMENT ENVELOPE:

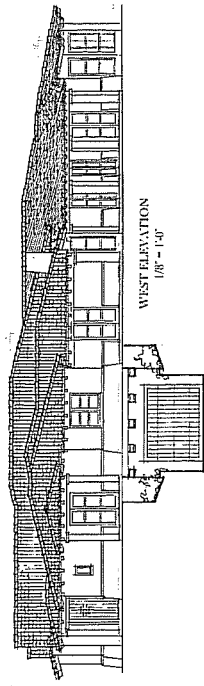
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PRIVATE DRIVEWAY SECTION: NOT TO SCALE

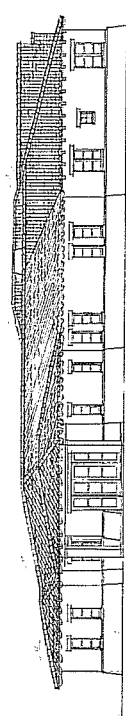




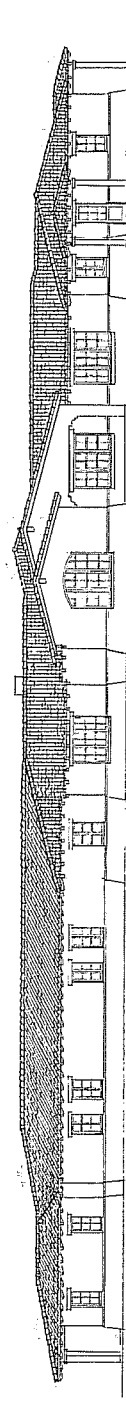
SOUTH ELEVATION
1/8" = 1'-0"



WEST ELEVATION
1/8" = 1'-0"

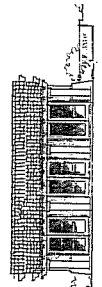


EAST ELEVATION
1/8" = 1'-0"

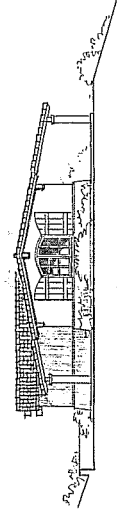


NORTH ELEVATION
1/8" = 1'-0"

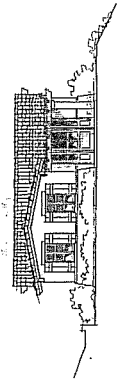
MAIN RESIDENCE
REDUCED FLOOR PLAN



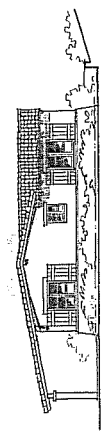
SOUTH ELEVATION
1/8" = 1'-0"



WEST ELEVATION
1/8" = 1'-0"



NORTH ELEVATION
1/8" = 1'-0"



EAST ELEVATION
1/8" = 1'-0"

GUEST HOUSE

BEAN BLOSSOM RANCH
LOT X
GAYOTA, CALIFORNIA
JACKIE SIVAK, AIA
ARCHITECT
29 February 2009

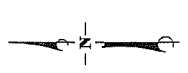


J WEST CARROLLI DESIGN
 10000 AVENUE 100
 SUITE 100
 SAN DIEGO, CA 92121
 (619) 441-1511 (LOCAL)
 (619) 441-1511 (TOLL FREE)

CLIENT
 NAME
 PROJECT NO.

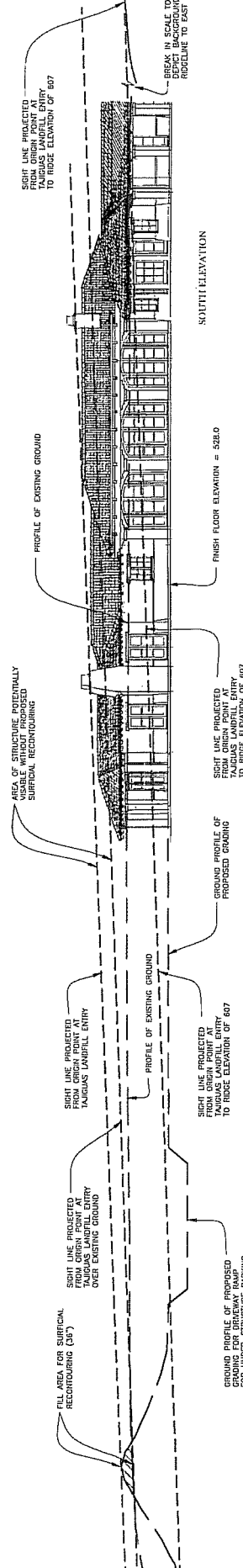
LOT X - BEAN BLOSSOM RANCH
 VIEWSHED SITE SECTION
 02CDP-00000-00023; APM 081-210-047
 COUNTY OF SANTA BARBARA, CALIFORNIA

PROJECT NO. 01-006.03
 DRAWING NAME: SIGHT LINES
 DATE: AUGUST 11, 2008

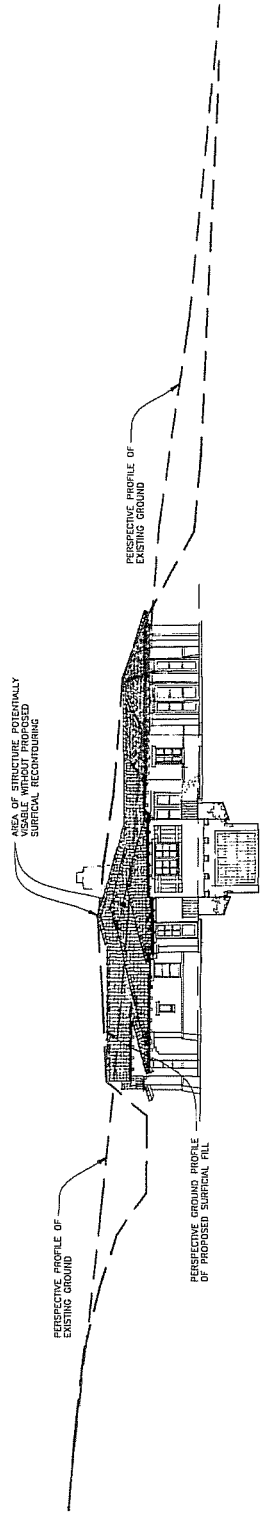


SCALE IN FEET
 0 600 1200

SIGHT LINE SECTION



NORTH ELEVATION PERSPECTIVE VIEW



SCALE: 1/4" = 1'-0" HORIZ. & VERT.