

SANTA BARBARA COUNTY BOARD AGENDA LETTER



Clerk of the Board of Supervisors
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00000-00014 Bean Blossom Lot
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TO: Board of Supervisors

FROM: Dianne Meester, Assistant Director
Planning and Development

STAFF CONTACT: Steve Chase, Deputy Director
Development Review (568-2520)

SUBJECT: Hearing on the Gaviota Coast Conservancy's Appeal of the Planning Commission's Approval of the Bean Blossom (Lot H) Single-Family Residence, Attached Garage, Guest House, Cabana and Barn on a 106.5-Acre Parcel on the Gaviota Coast, Assessor's Parcel No. 081-200-032, Coastal Development Permit Case No. 02CDP-00000-00022 and Appeal Case No. 05APL-00000-00014

Recommendation:

As a result of a facilitated resolution of the appeal, staff recommends that the Board of Supervisors modify the decision of the Planning Commission by approving a revised project (Consensus Project).

The Board of Supervisor's motion should include the following:

1. Conceptually adopt the required findings of approval for Coastal Development Permit Case No. 02CDP-00000-00022, as revised and specified in Attachment A of this board letter;
2. Conceptually modify the decision of the Planning Commission, Appeal Case No. 04APL-00000-00005, pursuant to a facilitated resolution of the appeal, approving the Consensus Project and conditions of approval specified in Attachment B of this board letter and granting *de novo* approval of the Coastal Development Permit Case No. 02CDP-00000-00022, as revised; and

3. Continue the hearing and defer final action to April 4, 2006 to allow the Board of Architectural Review to render its advice on the exterior architecture of the Consensus Project.

The Board of Supervisors should refer the matter back to staff for appropriate findings and conditions of approval if it takes other than the recommended action.

Alignment with Board Strategic Plan:

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

Executive Summary and Discussion:

On February 26, 2002, Bean Blossom, LLC (Applicant), submitted an application for a Coastal Development Permit (CDP) [Case No. 02CDP-00000-00022] for a 10,366 square-foot, two-story residence, 1,150 square-foot attached garage, 800 square-foot guest house, 800 square-foot cabana and 2,480 square-foot barn (Approved Project) on a 106.5-acre parcel on the rural Gaviota Coast.

The Planning and Development Department (P&D) approved the CDP for the Approved Project on February 17, 2004. The Gaviota Coast Conservancy (Appellant) appealed this decision to the Planning Commission. It contends that the Approved Project is inconsistent with the Coastal Act, Comprehensive Plan and Coastal Zoning Ordinance (Article II). The issues raised by the appeal focus on potential impacts to visual resources and agricultural land. The Appellant also asserts that P&D erred when it exempted the project from the California Environmental Quality Act (CEQA).

On May 25, 2005, the Planning Commission upheld P&D's approval of the CDP. The Appellant appealed this decision to the Board of Supervisors. With assistance from County Counsel, the Applicant and Appellant subsequently agreed to facilitation and reached consensus on a revised project (Consensus Project). The Appellant has agreed that its appeal would be resolved if the Board of Supervisors approves the Consensus Project.

Setting and Description of Consensus Project:

Setting

The subject parcel is located adjacent to and north of Highway 101 and Calle Real approximately 2 miles west of Refugio State Park. The parcel is steeply sloped and is presently in agricultural use for cattle grazing. It is undeveloped except for livestock fencing and an unpaved agricultural road.

The Coastal Zone boundary bisects the subject parcel. The inland portion of the parcel is zoned AG-II-100; the coastal portion of the parcel is zoned AG-II-320. The proposed development would be located entirely within the Coastal Zone.

Project Description

In formulating the following project description for the Consensus Project, the Applicant and the Appellant utilized a set of design precepts and construction protocols from both siting, design and construction standpoints. The project description and site, grading, floor and other project plans reflect these precepts and protocols. The Consensus Project would be constructed in strict conformity to the project description, design precepts and construction protocols. Accordingly, the design precepts and construction protocols are included as part of the project description in the conditions of approval for the Consensus Project (Attachment B, Conditions of Approval for Consensus Project).

The following is the project description for the Consensus Project:

The Consensus Project consists of an approximately 8,761 square-foot single-family residence, an approximately 870 square-foot attached garage, an approximately 794 square-foot guest house, an approximately 434 square-foot cabana, pool, access driveway, water well, septic system and utilities. Except for the water well and portions of the access driveway and septic system, the proposed project would be located within the 2-acre development envelope delineated on the site plan.

The residence would have an average height of 15 feet, 8 inches and the cabana would have an average height of 14 feet. The garage is situated below the guest house and is partially below grade, with the garage/guest house attached to the main residence by a breezeway. The garage/guest house would have an average height of 14 feet 7 inches. All building heights are average mean heights based upon the current BAR building height calculations.

The entire roof structure would be covered with clay tiles of a mottled earth tone and exposed chimney elements would be covered with natural sandstone with spark arresters painted to match.

An existing unpaved road would be widened to approximately 16 feet and the gradient lowered to no more than 16 percent in order to provide access to the proposed development from Calle Real. A new residential driveway would be extended from the end of the existing ranch road to the development envelope.

The Consensus Project includes approximately 12,000 cubic yards of cut and 8,400 cubic yards of fill to prepare the project site for development. A five-foot stone retaining wall would be located to the west of the residence at the toe of the cut slope of the westerly ridge that provides visual screening. Additional grading of approximately 6,000 cubic yards of cut and 1,000 cubic yards of fill would be required to render the existing unpaved road conforming to current County Fire Department development standards.

Native and locally indigenous plant materials that are compatible with existing landforms would be used for screening and other landscaping outside of the residential development envelope. No

native trees or vegetation would be removed. (The Applicant will submit a landscape plan that reflects these and other landscaping specifications.)

An on-site private well would provide water and a private septic system would provide sewage disposal services. Utilities (e.g., electricity, telephone, cable) would be located within the access driveway and would be installed underground. Low intensity, hooded exterior lights would be used to help ensure that the proposed development would not be visible at night. (The Applicant will submit a lighting plan that incorporates these and other exterior light specifications.)

Analysis of Consensus Project:

Statistics for Consensus Project

The height, scale and design of the Consensus Project are notably different from the Approved Project. The key differences between the two projects are presented in the following table.

Statistics		
Item	Approved Project	Consensus Project
Buildings (floor area)	Residence: 10,366 square feet Attached Garage: 1,150 square feet Guest House: 800 square feet Cabana: 800 square feet Barn: 2,480 square feet	Residence: 8,761 square feet Subsurface Garage: 870 square feet Guest House: 794 square feet Cabana: 434 square feet N/A
Maximum Height of Structures	Residence and Garage: 24½ feet Guest House: 16 feet Cabana: 12 feet Barn: 16 feet	Residence and Garage: 15 feet, 8 inches Guest House: 14 feet, 7 inches Cabana: 14 feet N/A
Building Coverage (footprint)	15,596 square feet	11,316 square feet
Roads Parking	14-foot access driveway Four spaces, covered	16-foot access driveway Three spaces, covered
Grading , Except Road/Driveway	3,000 cubic yards cut; 2,200 cubic yards fill	12,000 cubic yards cut; 8,400 cubic yards fill
Grading for Road/Driveway	2,500 cubic yards cut; 400 cubic yards fill	6,000 cubic yards cut; 1,000 cubic yards fill

In summary, the project site was shifted approximately 200 feet to the east and set behind a natural ridge. The second story of the residence was eliminated and the total square footage of the residence was reduced by approximately 1,600 square feet. The cabana was reduced in size from 800 to 434 square feet. The garage was reduced in size by approximately 280 square feet and set below the guest house to reduce the overall building footprint. Additionally, the barn and related equestrian facilities were omitted from the Consensus Project.

The Consensus Project requires much more grading than the Approved Project. The additional grading for the residence and associated buildings would allow these structures to be nestled into the hillside so they would not be visible from public viewing places. In large part, the additional

grading for access driveway is required to comply with the County Fire Department's new development standards for private roads and driveways.

Comprehensive Plan Consistency

The Planning Commission staff report analyzes the consistency of the Approved Project with the applicable policies in the Comprehensive Plan (see Section 6.3 of the Planning Commission staff report, Attachment E). That analysis and the accompanying conclusions also apply to the Consensus Project. As with the Approved Project, the Consensus Project would conform to the applicable policies of the Comprehensive Plan, including the policies in the Coastal Act that are incorporated verbatim in the Coastal Land Use Plan (CLUP).

The principal policy issues raised by the pending appeal concern CLUP Policy 3-13 and 3-14 (Minimization of Grading), CLUP Policy 4-3 (Height/Scale/Design and Visual Resources), Coastal Act Sections 30241 and 30242 (Prime and Non-Prime Agricultural Land) and CLUP 8-2 (Agricultural Land Protection). These policy issues are addressed below.

***CLUP Policy 3-13:** Plans for development shall minimize cut and fill operations. Plans for 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.*

***CLUP Policy 3-14:** 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. Areas of the site which are not suited for development because of known soils, geologic, flood, erosion, or other hazards shall remain in open space.*

The Consensus Project includes approximately 12,000 cubic yards of cut and 8,400 cubic yards of fill for all proposed development except the access driveway. An additional 6,000 cubic yards of cut and 1,000 cubic yards of fill are needed to construct an access driveway that meets the current County Fire Department's development standards.

The visual resources and grading policies were considered and balanced when the Consensus Project was sited and designed. While the grading quantities for the Consensus Project are considerably greater than those of the Approved Project, the additional grading allows the proposed residence and associated buildings to be nestled into the hillside so they will not be visible from Highway 101, Calle Real and other public viewing places.

Nonetheless, the Consensus Project conforms to the CLUP Policy 3-13 and 3-14. Given the size of the proposed residence and associated buildings, grading and site preparation have been kept to a minimum. The residence and other buildings have been sited and designed to fit the topography and other existing conditions. For instance, the proposed residence is a multi-level structure that would follow the natural slope. Retaining walls and "reverse berms" would be used to preserve natural landforms. The size of the development envelope and yard have been kept to a minimum. As shown

in the Preliminary Grading Plan (January 16, 2006), cut and fill areas would blend with the existing terrain and landforms.

CLUP Policy 4-3: *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.*

The Consensus Project has been sited and designed consistent with CLUP Policy 4-3. The proposed residence and accessory structures would be sited at the easterly terminus of the ridgeline so they would be screened by topography and not visible from Highway 101 or Calle Real.

The residence is a low, multi-level structure that steps down the existing slope. Recesses, projections and varied rooflines would break up the mass of the residence and garage/guest house. The Applicant's color/building materials board shows that the proposed buildings would feature exterior materials that would be compatible with the surrounding landforms. A lighting plan and conditions of approval that require low intensity, hooded exterior lights would help avoid light pollution and minimize the visibility of the proposed project at night. Landscaping outside the yard would consist of native and locally indigenous plant materials that would be compatible with existing landforms and natural vegetation. Additionally, the proposed buildings have been sited and designed so they would not intrude into the skyline as seen from Highway 101 and other public viewing places.

Coastal Act § 30241: *The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas' agricultural economy, and conflicts shall be minimized between agricultural and urban land uses . . .*

Coastal Act § 30242: *All other lands suitable for agricultural use shall not be converted to non-agricultural uses unless: (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands.*

CLUP Policy 8-2: *If a parcel is designated for agricultural use and is located in a rural area not contiguous with the urban/rural boundary, conversion to non-agricultural use shall not be permitted unless such conversion of the entire parcel would allow for another priority use under the Coastal Act, e.g., coastal dependent industry, recreation and access, or protection of an environmentally sensitive habitat. Such conversion shall not be in conflict with contiguous agricultural operations in the area, and shall be consistent with Section 30241 and 30242 of the Coastal Act.*

Based on soils, the proposed development envelope is not prime agricultural land. The parcel is primarily suitable for use as pasture and grazing land and constitutes non-prime agricultural land.

A single-family dwelling and accessory structures are permitted uses within the existing agricultural land use designation and AG-II-320 zoning district. No land divisions or other changes of use are proposed at this time. The development envelope would be approximately 2 acres, which represents approximately 2 percent of the area of the existing 106.5-acre parcel. Consistent with the policies cited above, the majority of the parcel (approximately 98 percent) would remain undeveloped and available for agricultural use.

Ordinance Compliance

The Consensus Project complies with the applicable zoning regulations in the AG-II-320 zone district. In particular, Section 35-69.3 of Article II allows one single-family residence and accessory structures on property in the AG-II-320 zone district. The subject parcel is zoned AG-II-320 and the Consensus Project includes a single-family residence, cabana and garage/guest house.

Article II also contains development standards that apply to certain aspects of the Consensus Project, such as exterior lighting and use of the cabana and guest house. Conditions of approval have been included to ensure that the project would comply with these standards.

Board of Architectural Review

The Approved Project was subject to Board of Architectural Review (BAR) jurisdiction under the Ridgeline and Hillside Development Guidelines (Section 35-144 of Article II) for rural areas. On January 16, 2004, BAR granted final approval of the Approved Project.

Section 35-184.5.1 of Article II states:

The Board of Architectural Review shall review and approve, disapprove, or conditionally approve the application submittal. In addition, the B.A.R. shall render its advice on exterior architecture of buildings, structures, and signs to the Planning Commission or Board of Supervisors when requested by such bodies.

The Applicant and Appellant would like BAR to provide professional advice on the exterior architecture of the proposed residence, garage/guest house and cabana for the Consensus Project. If the Board of Supervisors grants this request, it should postpone final action on the appeal until after BAR has provided advice on the Consensus Project. Before taking final action, the Board of Supervisors may choose to impose additional conditions of approval to reflect BAR's advice on the Consensus Project.

Agricultural Preserve Committee

The subject parcel is currently protected by an agricultural preserve contract under the Williamson Act. This contract was noticed for non-renewal in 2001 and is set to expire in 2011.

On February 6, 2004, the Agricultural Preserve Committee (APAC) found the Approved Project consistent with the Uniform Rules and Williamson Act. The Consensus Project would result in the same type of residential development that APAC already reviewed. The development envelopes for both projects would be in nearly the same location; the envelope for the Consensus Project is located approximately 200 feet east of the envelope for the Approved Project.

Discussion of Appeal Issues:

The Appellant's appeal to the Board of Supervisors cites grounds for appealing the Planning Commission's approval of the Approved Project (Attachment C). Those issues are summarized and discussed below.

Visual Resource Impacts

Issue: In contrast to the visual resource provisions in CLUP Policy 4-3, the Appellant contends that the two-story, 10,366 square-foot residence in the Approved Project would be visible and would intrude into the skyline as seen from Highway 101. The Appellant also asserts that the mass of the residence would be incompatible with the surrounding rural, agricultural setting.

Response: The Planning Commission concluded that the Approved Project was consistent with CLUP Policy 4-3. In part, it based this conclusion on the fact that the residence would be seen at long distances from Highway 101, and that distance would greatly attenuate the size and visibility of the residence. Additionally, the residence would be oriented so the width, rather than length, of the building would be seen from Highway 101. Exterior building materials and new landscaping would also serve to blend the residence into the landscape.

The Consensus Project has also been designed and sited to comply with CLUP Policy 4-3. For instance, the development envelope was shifted to the east and set behind a ridge. The residence would be one story, which reduces the height of the residence by more than 8 feet, and would not be visible from Highway 101 or Calle Real. The residence and associated buildings would not intrude into the skyline as seen from public viewing places.

Minimization of Grading

Issue: The Appellant contends that the Approved Project is inconsistent with the grading provisions in CLUP Policy 3-13 and 3-14 because it would not protect natural landforms or minimize grading. The Appellant believes the size of the residence should be reduced to avoid excessive grading.

Response: The Approved Project would involve a considerable amount of cut and fill. (See the table in "Analysis of Consensus Project" above for grading statistics.) The Planning Commission found that this amount of grading is not excessive, given the size of the residence and accessory structures.

In regards to the Consensus Project, grading and visual resources issues should be considered at the same time. The Consensus Project has been sited to minimize visibility from public viewing places and comply with the visual resources policies. As a result, the Consensus Project requires

considerably more grading than the Approved Project. Regardless, the Consensus Project has been designed to fit the topography of the new development envelope, minimize grading and otherwise comply with CLUP Policy 3-13 and 3-14. For instance, the total square footage of the residence and associated buildings was reduced and the proposed residence is a multi-level structure that follows the slope. (See “Comprehensive Plan Consistency, Analysis of Consensus Project” above for more details.)

Agricultural Land Protection

Issue: Policies in the Coastal Act and Comprehensive Plan protect agricultural use on prime and non-prime agricultural lands. In essence, the Appellant contends that the Approved Project involves large-scale luxury residential development that limits continued agricultural use and promotes similar residential development on surrounding parcels.

Response: The Coastal Commission has certified the agricultural land use designations and zoning districts in Article II as consistent with the goals and policies of the Coastal Act. The Planning Commission found that the proposed residence and other structures in the Approved Project are permitted uses on the subject parcel and consistent with the applicable A-II-320 land use designation and AG-II-320 zoning district.

The Approved Project and the Consensus Project consist of permitted uses: a residence and accessory structures. The proposed development would only occupy a small area; the vast majority of the parcel would remain undeveloped and available for agricultural use. Consistent with the goals and priorities of the Coastal Act and CLUP, the limited amount of development allowed under the permit would result in the protection of most of the parcel.

Environmental Review

Issue: The Planning Commission determined that the Approved Project was a ministerial project and, therefore, was statutorily exempt from the requirements of CEQA. The Appellant contends that Section 15165 of the CEQA Guidelines (Multiple and Phased Projects) supersedes the statutory exemption and requires preparation of an EIR for the Approved Project. In particular, the Appellant asserts that the Applicant is using a piecemeal approach to developing property in order to avoid CEQA and an analysis of potential cumulative impacts.

Response: Based on Section 15300.2(b) of the CEQA Guidelines, the Planning Commission concluded that the Appellant’s argument that cumulative impacts may overcome a CEQA exemption only applies to categorical exemptions, not statutory exemptions. Thus, the Approved Project as well as the revisions shown in the Consensus Project are not subject to CEQA.

Board of Architectural Review Findings

Issue: The Appellant asserts that BAR abused its discretion when it allowed the residence in the Approved Project to exceed the 16-foot height guideline in the Ridgeline and Hillside Development Guidelines. The approved residence would have an average roof height of 22½ feet.

Response: The minutes of the November 14, 2003 BAR meeting, at which the Approved Project received BAR preliminary approval, make it clear that BAR allowed a taller building based on “very, very site specific conditions that reduce overall impacts . . .” Additionally, BAR noted that the project was not originally subject to the Ridgeline and Hillside Development Guidelines and that only the re-siting of the project by the Applicant to a less visually prominent location at the request of BAR subjected the project to the 16-foot height guideline.

In regards to the Consensus Project, the Applicant reduced the height of the residence and garage/guest house to comply with the 16-foot rural/ridgeline height guideline. (See the table in “Analysis of Consensus Project” above for height statistics.)

Mandates and Service Levels:

Pursuant to Section 35-182.3 of Article II, the decisions of the Planning Commission may be appealed to the Board of Supervisors by the applicant or an aggrieved person.

As cited in the set hearing letter dated December 15, 2005 and pursuant to Section 35-181.2 of Article II, notice of the time and place of the public hearing on the appeal shall be published in at least one newspaper of general circulation, at least 10 calendar days prior to the hearing, and shall be mailed to the Applicant, persons who have filed a written request for the notice, property owners within 300 feet of the exterior boundaries of the affected property and residents within 100 feet of the affected property.

Fiscal and Facilities Impacts:

The costs for processing appeals are typically provided through a fixed appeal fee and funds in P&D’s adopted budget. In regards to this appeal, the appellant paid an appeal fee of \$435. P&D will absorb the costs beyond that fee. These funds are budgeted in the Permitting and Compliance Program of the Development Review South Division, as shown on page D-294 of the adopted 2005/2006 fiscal year budget.

Attachments:

- A. Draft Findings for Consensus Project
- B. Draft Conditions of Approval for Consensus Project
- C. Gaviota Coast Conservancy Appeal Letter to the Board of Supervisors, dated June 3, 2005
- D. Planning Commission Action Letter, dated May 26, 2005
- E. Planning Commission Staff Report, dated May 13, 2005
- F. Public Comment Letters

ATTACHMENT A:
FINDINGS FOR CONSENSUS PROJECT

**Findings Required for Approval of a Coastal Development Permit
Section 35-169.6, Coastal Zoning Ordinance (Article II)**

- 1. A Coastal Development Permit, not subject to Section 35-169.5 [Coastal Development Permits within a Geographic Appeals Area], shall be issued only if all of the following findings are made:**
 - a. That the proposed development conforms to 1) the applicable policies of the Comprehensive Plan, including the Coastal Land Use Plan, and 2) with the applicable provisions of this Article and/or the project falls within the limited exception allowed under Section 35-161.7.**

As discussed above in “Analysis of Consensus Project” of this board agenda letter dated February 16, 2006, the proposed Consensus Project conforms to the applicable policies of the Comprehensive Plan, including Coastal Land Use Plan, and with the applicable provisions of the Coastal Zoning Ordinance (Article II). Therefore, this finding can be made.

- b. That the proposed development is located on a legally created lot.**

A certificate of compliance certifying that subject parcel is a legal lot was recorded by the County Surveyor’s Office on October 25, 1991 as Instrument No. 91-072075. Therefore, this finding can be made.

- c. That the subject property is in compliance with all laws, rules and regulations pertaining to zoning uses, subdivisions, setbacks and any other applicable provisions of this Article, and such zoning violation enforcement fees as established from time to time by the Board of Supervisors have been paid. This subsection shall not be interpreted to impose new requirements on legal non-conforming uses and structures under Section 35-160 *et seq.***

As discussed in “Analysis of Consensus Project” of this board agenda letter dated February 16, 2006, the proposed Consensus Project is in compliance with all the applicable provisions of the Coastal Zoning Ordinance (Article II). No outstanding zoning violation exists on the property and no enforcement fees are owed. Therefore, this finding can be made.

ATTACHMENT B:

CONDITIONS OF APPROVAL FOR CONSENSUS PROJECT

1. This Coastal Development Permit is based upon and limited to compliance with the project description, plans and conditions of approval set forth below. Any deviations from the project description or conditions of approval must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

The Consensus Project consists of an approximately 8,761 square-foot single-family residence, an approximately 870 square-foot attached garage, an approximately 794 square-foot guest house, an approximately 434 square-foot cabana, pool, access driveway, water well, septic system and utilities. Except for the water well and portions of the access driveway and septic system, the proposed project would be located within the 2-acre development envelope delineated on the site plan (see "Site Plan 02CDP-00000-00022," dated January 16, 2006).

The residence would have an average height of 15 feet, 8 inches and the cabana would have an average height of 14 feet. The garage is situated below the guest house and is partially below grade, with the garage/guest house attached to the main residence by a breezeway. The garage/guest house would have an average height of 14 feet 7 inches. All building heights are average mean heights based upon the current BAR building height calculations.

The entire roof structure would be covered with clay tiles of a mottled earth tone and exposed chimney elements would be covered with natural sandstone with spark arresters painted to match.

An existing unpaved road would be widened to approximately 16 feet and the gradient lowered to no more than 16 percent in order to provide access to the proposed development from Calle Real. A new residential driveway would be extended from the end of the existing ranch road to the development envelope.

The project includes approximately 12,000 cubic yards of cut and 8,400 cubic yards of fill to prepare the project site for development. A five-foot stone retaining wall would be located to the west of the residence at the toe of the cut slope of the westerly ridge that provides visual screening. Additional grading of approximately 6,000 cubic yards of cut and 1,000 cubic yards of fill would be required to render the existing unpaved road conforming to current County Fire Department development standards.

Native and locally indigenous plant materials that are compatible with existing landforms would be used for screening and other landscaping outside of the residential development envelope. No native trees or vegetation would be removed. (The Applicant will submit a landscape plan that reflects these and other landscaping specifications.)

An on-site private well would provide water and a private septic system would provide sewage disposal services. Utilities (e.g., electricity, telephone, cable) would be located within the access driveway and would be installed underground. Low intensity, hooded exterior lights would be used to help ensure that the proposed development would not be visible at night. (The Applicant will submit a lighting plan that reflects these and other exterior light specifications.)

The project description for the Consensus Project, and the conditions of approval have incorporated the following design precepts and construction protocols, to the greatest extent feasible and practical, from both siting, design and construction standpoints:

- All residential development shall be limited to the residential development envelope shown on the site plan for the Consensus Project;
- No artificial berming for purposes of blocking sight lines from typical views from the public viewing place;
- All surficial recontouring of the project site as necessary to minimize visibility shall not involve the placement of fill having an average depth of greater than 18 inches and a maximum depth of greater than 36 inches. The recontouring shall follow and extend the natural, underlying topography and upon completion, result in slopes that have a natural appearance and generally blend with the existing topographic landforms;
- The use of retaining walls that are visible from public viewing places shall be avoided where possible, and where not, shall be minimized;
- No blue sky protrusions of residential improvements from reasonable views from public viewing places;
- No formal and linear landscaping outside of the residential yard area and no tall, exotic trees (such as palm trees) within the residential yard area that would draw visual attention;
- Native and locally indigenous plant material that are compatible with existing landforms and natural vegetation and installed in natural appearing clusters shall be used for screening and other landscaping outside of the residential yard area;

- All cut slopes excavated to reconstruct the existing access roadway to County Fire Department standards shall be landscaped pursuant to specifications contained in the landscape plan with the goal of reducing the visibility and prominence of any exposed slopes and soils through the mimicking of native habitat forms on and around such slopes. Straight line edges are to be avoided in all revegetated areas. The planting edges of all revegetated slopes shall undulate into the existing vegetation patterns in a manner that maintains the current overall landscape appearance. Native topsoil shall be preserved and reused on site where feasible. Exposed slopes and soils shall be coconut mat covered and hydroseeded with a native plant seed mix as necessary to minimize visibility and the potential for erosion;
- Structural improvements, including but not limited to future agricultural/equestrian structures, are to be sited, designed and constructed so as to not be visually prominent from public viewing places in the same manner as the proposed Consensus Project residence;
- So as to minimize visibility, no direct exterior lighting shall be permitted on the exterior of the residential structures or direct illumination of vegetation or structures in the associated yard areas to the extent such lighting would be visible from any public viewing places;
- No fencing other than barb wire cattle or natural resource enclosures outside of the residential building envelope with the exception of equestrian fencing and other fencing that is constructed of natural wood that are not visibly prominent from public viewing places;
- The driveway and any driveway curbing serving the project site shall be constructed of concrete having an irregular surface texture and natural, mottled earth tone color. The driveway lighting shall be low intensity and indirect with on-demand switching to minimize nighttime light visibility from public viewing places;
- All exterior construction materials visible from public viewing places shall be natural or natural appearing and in mottled earth tones so as to blend with natural landscape. Exterior construction materials that do not blend with the natural environment, are brightly colored or unnatural in appearance shall not be used; and
- As the plans and specifications are essential to implementation of the precepts incorporated into the Consensus Project which led to dismissal of the appeal, the project shall be constructed in strict conformity to the plans and specifications. The plans, specifications, precepts and project descriptions are to be incorporated by reference as conditions of approval for the Consensus Project.

For verification purposes, Applicant has agreed to (i) provide P&D and the Appellant with three-dimensional coordinates for the residence and residential building envelope, (ii) notify the Appellant of any material changes made to the exterior of the Consensus Project after the Board's approval, and (iii) provide the Appellant with 10 calendar days within which to review the final construction drawings (Building Set) for modifications that are potentially inconsistent with the Consensus Project as approved by the Board. Following completion of construction, the Consensus Project shall be maintained in substantial conformity with the project description (including the design precepts), plans, and specifications. The owner of the subject property shall provide the Appellant with notice of any desired modification at least ten (10) days prior to filing its application for the modification with P&D.

The project shall be constructed in strict conformity with the following plans and specifications:

Preliminary Grading Plan, 02CDP-00000-00022, Lot H – Bean Blossom Ranch (L&P Consultants, Sheets 1 through 3, dated January 16, 2006)

Site Plan 02CDP-00000-00022, Bean Blossom Ranch (L&P Consultants, dated January 16, 2002)

Floor Plan – Residence, Bean Blossom Ranch Lot H (Jock M. Sewall, Architect, dated January 24, 2006)

Elevations, Bean Blossom Ranch Lot H (Jock M. Sewall, Architect, dated January 24, 2006)

Site Sections, Bean Blossom Ranch Lot H (Jock M. Sewall, Architect, dated January 24, 2006)

Landscape Plan (to be submitted by the Applicant)

Lighting Plan (to be submitted by the Applicant)

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the conditions of approval hereto. All plans (such as Landscape Plans) must be submitted for review and approval and shall be implemented as approved by the County.

2. The applicant shall limit excavation and grading to the dry season of the year (i.e. April 15 to November 1) unless a Building & Safety approved erosion and sediment control plan is in place and all measures therein are in effect. All exposed graded surfaces shall be reseeded with ground cover vegetation to minimize erosion. **Plan Requirements:** This requirement

shall be noted on all grading and building plans. **Timing:** Graded surfaces shall be reseeded within 4 weeks of grading completion, with the exception of surfaces graded for the placement of structures. These surfaces shall be reseeded if construction of structures does not commence within 4 weeks of grading completion.

3. The project landscaping shall be compatible with the surrounding natural environment and shall comply with the project description, including the design precepts and construction protocols. **Plan Requirements/Timing:** The Applicant shall prepare and submit a landscape plan. BAR shall review the landscape plan at the same time it renders advice on the exterior architecture of the Consensus Project. Prior to final inspection, the applicant/owner shall install the required landscaping and any irrigation system and maintain the landscaping for the life of the project.

MONITORING: Prior to occupancy clearance, Permit Compliance staff shall photo document installation. Permit Compliance staff shall check maintenance as needed. Release of any performance security requires Permit Compliance signature.

4. Two performance securities shall be provided by the Applicant prior to approval of the Coastal Development Permit, one equal to the value of installation of all items listed in section (a) below (labor and materials) and one equal to the value of maintenance and/or replacement of the items listed in section (a) for three years of maintenance of the items. The amounts shall be agreed to by P&D. Changes to the approved landscape plan may require a formal modification to the plan. The installation security shall be released upon satisfactory installation of all items in section (a). If plants and irrigation (and/or any items listed in section (a) below) have been established and maintained, P&D may release the maintenance security three years after installation. If such maintenance has not occurred, the plants or improvements shall be replaced and the security held for another year. If the Applicant fails to either install or maintain according to the approved plan, P&D may collect security and complete work on property. The installation security shall guarantee compliance with the following provision:

Installation of the landscaping plan and any irrigation system required in Condition of Approval No. 3, above, prior to final inspection.

MONITORING: P&D shall inspect landscaping and improvements for compliance with approved plans prior to authorizing release of both installation and maintenance securities.

5. Exterior night lighting shall comply with the Applicant's proposed lighting plan and shall be of low intensity, low glare design, minimum height, and shall be hooded to direct light downward onto the subject parcel. **Plan Requirements:** The Applicant shall prepare and submit a lighting plan. BAR shall review the lighting plan at the same time it renders advice on the exterior architecture of the Consensus Project.

6. There shall be no kitchen or cooking facilities within the guest house or cabana. However, a wet bar may be provided, limited to the following features:
 - a. A counter area with a maximum length of 7 feet.
 - b. The counter area may include a bar sink and an under counter refrigerator.
 - c. The counter area may include an overhead cupboard area not to exceed 7 feet in length.
 - d. The counter area shall be located against a wall or, if removed from the wall, it shall not create a space more than 4 feet in depth. The 7 foot counter shall be in one unit. The intent of this provision is to avoid creation of a kitchen room.
 - e. No cooking facilities shall be included in the wet bar area.
7. The guest house shall be used on a temporary basis only by the occupants of the main residence or their non-paying guests or servants and is not intended to be rented or let out, whether the compensation is paid directly or indirectly in money, goods, wares, merchandise, or services. Temporary is defined as occupying the premises for no more than one hundred twenty (120) days in any twelve (12) month period.
8. The cabana shall not be used as temporary sleeping quarters, a guest house, or as a dwelling unit.
9. A recorded Notice To Property Owners document is necessary to notify future owners of the property that (1) the structure approved as a guest house shall not contain a kitchen or cooking facilities or be rented as a separate unit and shall be used on a temporary basis only by the occupants of the main dwelling or their non-paying guests and (2) the structure approved as a cabana shall not contain a kitchen or cooking facilities or be rented as a separate unit and shall not be used as temporary sleeping quarters, guest house or a dwelling unit.
Timing: The Notice to Property Owner document shall be recorded by the property owner prior to issuance of the Coastal Development Permit.
10. The applicant's acceptance of this permit and/or commencement of construction and/or operations under this permit shall be deemed acceptance of all conditions of this permit by the permittee.
11. The use and construction of the building or structure, authorized by this approval cannot commence until this Coastal Development Permit has been issued. Prior to the issuance of the Coastal Development Permit, all of the project conditions that are required to be satisfied prior to issuance of the Coastal Development Permit must be satisfied. Plans accompanying this Coastal Development Permit shall contain all project conditions.
12. Prior to issuance of the Coastal Development Permit, the applicant shall pay the applicable Transportation Impact Mitigation fee with the Public Works Department.

13. Prior to final building permit inspection, all development impact mitigation fees shall be paid in accordance with the ordinances and resolutions in effect when paid.
14. Prior to issuance of the Coastal Development Permit, the applicant shall pay all applicable P&D permit processing fees in full.
15. Developer shall defend, indemnify and hold harmless the County or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of this Coastal Development Permit. In the event that the County fails promptly to notify the applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.
16. In the event that any condition imposing a fee, exaction, dedication or other mitigation measure is challenged by the project sponsors in an action filed in a court of law or threatened to be filed therein which action is brought within the time period provided for by law, this approval shall be suspended pending dismissal of such action, the expiration of the limitation period applicable to such action, or final resolution of such action. If any condition is invalidated by a court of law, the entire project shall be reviewed by the County and substitute conditions may be imposed.
17. If the applicant requests a time extension for this permit, the permit may be revised to include updated language to these conditions, as well as additional conditions which reflect changed circumstances or additional identified project impacts.