

SANTA BARBARA COUNTY BOARD AGENDA LETTER



Clerk of the Board of Supervisors
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Agenda Number:
Prepared On: May 4, 2006
Department Name: Planning and Development
Department No.: 053
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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: REQUEST FOR FINAL ACTION – Gaviota Coast Conservancy's Appeal of the Planning Commission's Approval of the Bean Blossom (Lot H) Residence and Accessory Structures on a 106.5-Acre Parcel on the Gaviota Coast

Recommendation:

As a result of a facilitated resolution of the appeal, staff recommends that the Board modify the decision of the Planning Commission by approving a revised project (Consensus Project).¹ The Board's motion should include the following:

1. Adopt the required findings of approval for Coastal Development Permit Case No. 02CDP-00000-00022 as specified in Attachment A of the staff's February 16, 2006 Board Agenda Letter;
2. 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 revised conditions of approval specified in Attachment A of this memorandum, and granting *de novo* approval of the Coastal Development Permit Case No. 02CDP-00000-00022. (The revised conditions of approval in Attachment A supersede Attachment B of staff's February 16, 2006 Board Agenda Letter.)

Discussion:

The table on page 4 of staff's February 16, 2006 Board Agenda Letter compares the Approved Project to the Consensus Project. Staff revised the height statistics as shown in Attachment B of this

¹ On March 21, 2006, the Board received and filed the staff's dated February 16, 2006 Board Agenda Letter for this matter and continued the matter to allow the Central Board of Architecture (CBAR) to render its advice on the Consensus Project.

memorandum. These minor changes ensure that the height statistics in the table match those in the project description in Condition No. 1 in Attachment A of this memorandum. Please note that the maximum and absolute building heights for the Consensus Project are set forth in the Elevations, Bean Blossom Ranch Lot H (Jock M. Sewall, Architect, one sheet dated May 2, 2006).

The changes to the original conditions of approval are as follows:

Advice from CBAR

CBAR discussed the Consensus Project on April 7, 2006. It fully supported the revised siting and design. CBAR also appreciated that the residence will now be minimally visible from Highway 101.

CBAR suggested a darker exterior color. Accordingly, staff added a new condition of approval regarding exterior colors and materials (see new Condition No. 2 in Attachment A). The subsequent conditions of approval have been renumbered.

Project Description—List of Plans

Condition No. 1 in the original conditions of approval included a list of plans for the Consensus Project. We have updated this list to reflect the final title and date of each plan (see Condition No. 1 in Attachment A).

Landscaping Plan

The original Condition No. 3 (now Condition No. 4) assumed that the Applicants would submit a landscape plan after permit issuance. In fact, the landscape plan was completed and presented to CBAR on April 7, 2006. Staff revised Condition No. 4 to reflect this change (see Attachment A).

Lighting Plan

The Applicants are now in the process of preparing a final lighting plan. As a result, staff deleted the lighting plan from the list of completed plans in Condition No. 1 and revised original Condition No. 5 (now Condition No. 6) to require the Applicants to submit the final lighting plan to P&D for review and approval prior to permit issuance (see Attachment A).

Attachments: Attachment A, Coastal Development Permit and Revised Conditions of Approval
Attachment B, Revised Table for Staff's February 16, 2006 Board Agenda Letter

Prepared by: Allen Bell, Planner III, Development Review Division
June Pujo, Supervision Planner, Development Review Division

REVISED CONDITIONS OF APPROVAL

[**Bold/Underlined** = New text. ~~Strikethrough~~ = Deleted text.]

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, Lot H - Bean Blossom Ranch," dated May 2, 2002).

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 **May 2, 2006**)

Site Plan 02CDP-00000-00022, Lot H - Bean Blossom Ranch (L&P Consultants, one sheet dated **May 2, 2002**)

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

Elevations, Bean Blossom Ranch Lot H (Jock M. Sewall, Architect, one sheet dated **May 2, 2006**)

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

Landscape Plan, **Lot H – Bean Blossom Ranch (Castleberg Associates, one sheet dated May 2, 2006)**

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 exterior colors and materials of the structures shall be compatible with the surrounding landforms and shall match those shown in the Applicant's color/building materials board dated February 14, 2006 (J.M. Sewall & Associates) that was reviewed by CBAR and is on file with P&D, except that the exterior color of the body of the structures shall be no lighter than LaHabra Exterior Stucco Color X-830 Clay (Base 200).**
23. 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.

- ~~34.~~ 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~~ and the **Landscape Plan, Lot H – Bean Blossom Ranch (Castleberg Associates, dated May 2, 2006)**. **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 **as shown in the Landscape Plan, Lot H – Bean Blossom Ranch (Castleberg Associates, dated May 2, 2006)** 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.

- ~~45.~~ 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:

- (a) 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.

- ~~56.~~ Exterior night lighting shall comply with **a P&D approved** ~~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 **to P&D**. ~~P&D BAR shall review~~ **and approve** the lighting plan **prior to issuance of any CDP** ~~at the same time it renders advice on the exterior architecture of the Consensus Project.~~

- ~~67.~~ 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~~8. 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~~9. The cabana shall not be used as temporary sleeping quarters, a guest house, or as a dwelling unit.
- ~~9~~10. 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~~11. 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~~12. 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~~13. Prior to issuance of the Coastal Development Permit, the applicant shall pay the applicable Transportation Impact Mitigation fee with the Public Works Department.
- ~~13~~14. 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~~15. Prior to issuance of the Coastal Development Permit, the applicant shall pay all applicable P&D permit processing fees in full.

- ~~45~~16. 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.
- ~~46~~17. 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.
- ~~47~~18. 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.

ATTACHMENT B:

REVISED TABLE FOR STAFF'S FEBRUARY 16, 2006 BOARD AGENDA LETTER

[**Bold/Underlined** = New text. ~~Strikethrough~~ = Deleted text.]

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 (<u>average/mean using BAR building height calculation</u>)	Residence and Garage: 24½ feet Guest House: 16 feet Cabana: 12 feet Barn: 16 feet	Residence and Garage : 15 feet, 8 inches Guest House/ <u>Garage</u> : 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