

APPEAL TO THE BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA

Submit to: Clerk of the Board
County Administration Building
105 E. Anapamu Sreet, Suite 407
Santa Barbara, CA 93101

RE: Project Title Bean Blossom Lot X

Case Number 08APL-00000-00031; 08APL-00000-00032

Tract/ APN Number 081-210-047

Date of action taken by Planning Commission, Zoning Administrator, or Surveyor 11/05/2008

I hereby appeal the denial of the ~~XXXXXXXXXXXX~~ Zoning Administrator Planning Commission
(approval/ approval with conditions/ or denial) (Planning Commission/ Zoning Administrator/ or County Surveyor)

Please state specifically wherein the decision of the Planning Commission, Zoning Administrator, or Surveyor is not in accord with the purposes of the appropriate zoning ordinance (one of either Articles I, II, III, or IV), or wherein it is claimed that there was an error or an abuse of discretion by the Planning Commission, Zoning Administrator, or Surveyor. {References: Article I, 21-71.4; Article II 35-182.3, 2; Article III 25-327.2, 2; Article IV 35-475.3, 2}

Attach additional documentation, or state below the reason(s) for this appeal.

See attached letter.

Specific conditions being appealed are:

See attached letter

Name of Appellant (please print): Bean Blossom, LLC, Attn: John E. Vallence

Address: P.O. Box 1984

(Street, Apt #)

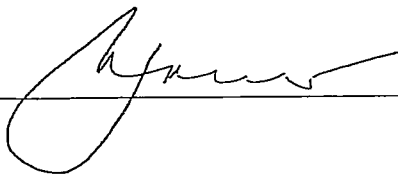
Santa Monica, CA 90406

(City/ State/ Zip Code)

(Telephone)

Appellant is (check one): Applicant Agent for Applicant Third Party Agent for Third Party

Fee \$ 443.00 {Fees are set annually by the Board of Supervisors. For current fees or breakdown, contact Planning & Development or Clerk of the Board. Check should be made payable "County of Santa Barbara".}

Signature: 

Date: 05 NOV 08

FOR OFFICE USE ONLY

Hearing set for: _____ Date Received: _____ By: _____ File No. _____

November 6, 2008

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. We are submitting this appeal of the Commission's decision to the Board of Supervisors (**Board**). A brief statement of our grounds for appeal is provided in this letter. ~~Additional supporting arguments and evidence for this appeal will be provided to the Board of Supervisors prior to the appeal hearing.~~

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**).

Owner's appeal is based on the Project's compliance with the County policies named above. It is our position that the 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 Coastal Zoning Ordinance (Article II). The 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. Further, the Project is statutorily exempt from CEQA. Per Section 35-169 of the County's Coastal Zoning Ordinance (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)).

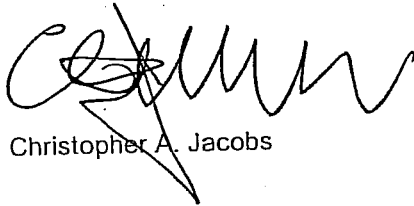
November 6, 2008
Page 2

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 Bean Blossom Lot X Project.

As noted above, additional support and materials for this appeal will be provided to your Board prior to the appeal hearing to assist you with your decision.

Thank you in advance for your time and consideration of this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "C. Jacobs", with a large, sweeping flourish extending to the right.

Christopher A. Jacobs

Cc: David P. Trezise, Esq.
John Vallance
Mark Lloyd
Jock Sewall
Grant Castleberg

SB 489113 v1:006094.0014