

## CALIFORNIA COASTAL COMMISSION

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## RECORD PACKET COPY

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Hearing Date: 08/10/01



### STAFF REPORT: APPEAL SUBSTANTIAL ISSUE

**LOCAL GOVERNMENT:** County of Santa Barbara

**LOCAL DECISION:** Approval with Conditions

**APPEAL NO.:** A-4-STB-01-120

**APPLICANT:** Chris and Alicia Lancashire

**AGENT:** Reetz, Fox & Bartlett, LLP

**APPELLANT:** Roni Capital, LLC

**PROJECT LOCATION:** 4385 Marina Drive in Hope Ranch, Santa Barbara County

**PROJECT DESCRIPTION:** Demolition of an existing guest house; construction of a new 1,700 square foot horse stable with an attached 624 square foot carport; construction of a new pergola and pool equipment storage area to be screened by a seven foot high wall, all within the bluff setback area; and performance of less than 50 cubic yards of grading on a bluff top lot.

**SUBSTANTIVE FILE DOCUMENTS:** County of Santa Barbara Local Coastal Program, Santa Barbara County Coastal Development Permits 99-CDP-188 H and 97-CDP-060H, California Coastal Commission Regulations, and California Coastal Act of 1976.

#### SUMMARY OF STAFF RECOMMENDATION: SUBSTANTIAL ISSUE DOES NOT EXIST

Staff recommends that the Commission determine that **no substantial issue** exists with respect to the grounds on which the appeal has been filed.

The appeal contends that the approved project is not consistent with policies and provisions of the certified Local Coastal Program with regard to bluff top development, front yard setbacks, and physical scale of development of the area.

## I. Appeal Jurisdiction

The project site is located on a bluff top lot on the seaward side of Marina Drive, in the community of Hope Ranch, Santa Barbara County. The Post Local Coastal Program (LCP) Certification Permit and Appeal Jurisdiction map certified for the County of Santa Barbara (adopted November 19, 1982) indicate that the appeal jurisdiction for this area extends 300 feet from the bluff. The map shows this 300 feet wide area extending to Marina Drive. As such, the subject project site is located within the appeal jurisdiction of the Commission.

### A. Appeal Procedure

The Coastal Act provides that after certification of an LCP, a local government's actions on Coastal Development Permits in certain areas and for certain types of development may be appealed to the Coastal Commission. Local governments must provide notice to the Commission of its coastal permit actions. During a period of 10 working days following Commission receipt of a notice of local permit action for an appealable development, an appeal of the action may be filed with the Commission.

#### 1. Appeal Area

Development approved by local government may be appealed to the Commission if they are located within the mapped appealable areas, such as those located between the sea and the first public road paralleling the sea; within 300 feet of the inland extent of any beach or of the mean high-tide line of the sea where there is no beach, whichever is greater; on state tidelands; or along or within 100 feet of natural watercourses, pursuant to Section 30603(a) of the Coastal Act. Any development approved by a coastal county that is not designated as a principal permitted use within a zoning district may also be appealed to the Commission irrespective of its geographic location within the Coastal Zone under Section 30603(a)(4) of the Coastal Act. Finally, development that constitutes major public works or major energy facilities may also be appealed to the Commission, as set forth in Section 30603(a)(5) of the Coastal Act.

#### 2. Grounds for Appeal

The grounds for appeal of development approved by a local government and subject to appeal to the Commission shall be limited to an allegation that the development does not conform to the standards set forth in the certified LCP or the public access policies set forth under Division 20 of the Public Resources Code and pursuant to Section 30603(a)(4) of the Coastal Act.

### **3. Substantial Issue Determination**

Section 30625(b) of the Coastal Act requires the Commission to hear an appeal, unless the Commission determines that no substantial issue exists with respect to the grounds on which the appeal was filed. When Commission staff recommends that a substantial issue exists with respect to the grounds of the appeal, substantial issue is deemed to exist unless three or more Commissioners wish to hear arguments and vote on substantial issue. If the Commission decides to hear arguments and vote on the substantial issue question, proponents and opponents will have three minutes per side to address whether the appeal raises a substantial issue. The only parties qualified to testify before the Commission at the substantial issue stage of the appeal process are the applicant, parties or their representatives who opposed the application before the local government, and the local government. Testimony from other persons must be submitted in writing. Further, it takes a majority of Commissioners present to find that substantial issue is raised by the appeal.

### **4. De Novo Permit Hearing**

If a substantial issue is found to exist, the Commission will consider the application de novo. The de novo permit may be considered by the Commission at the same time as the substantial issue hearing or at a later time. The applicable standard of review for the Commission to apply in a de novo review of the project is whether the proposed development is in conformity with the certified LCP and the public access and public recreation policies of the Coastal Act. If a de novo hearing is held, testimony may be taken from all interested persons.

In this case, if the Commission finds that substantial issue exists, staff will prepare the de novo permit staff report for the Commission's September, 2001 meeting.

## **B. Local Government Action and Filing of Appeal**

On February 5, 2001, the County of Santa Barbara Zoning Administrator approved a coastal development permit (99-CDP-188H) for the demolition of an existing guest house with an attached garage; construction of an approximately 1,700 square foot stable with three horse stalls, breeze ways, tack room, feed room, toilet room, and stairs leading up to a hay loft; an approximately 624 square foot garage attached to the stables; a pergola and pool equipment storage area screened with a seven foot high wall, both within the 75 year bluff setback area; and performance of less than 50 cubic yards of grading. The appellant, Roni Capital, LLC, owns the adjacent parcel to the east of the subject site (see Exhibit 10). Roni Capital, LLC appealed the Zoning Administrator's decision to the Board of Supervisors. The reasons for that appeal to the Board of Supervisors included that development was approved within the 75 year bluff

setback, accessory structures were approved within the front yard setback, and that cumulative impacts of the pergola and previously approved swimming pool and patio could exacerbate erosion of the bluff. At the May 22, 2001, hearing, the Board of Supervisors unanimously denied the appeal and approved the project with conditions (see Exhibit 5). Commission staff received the Notice of Final Action from the County for the project on June 14, 2001 (see Exhibit 4). A 10 working day appeal period was set and notice provided beginning June 15, 2001 and extending to June 28, 2001.

An appeal of the City's action to the Commission was filed on June 28, 2001, by the appellant, Roni Capital, LLC, during the appropriate appeal period (see Exhibit 6). Commission staff notified the County and the applicant of the appeal and requested that the County provide its administrative record for the permit. A portion of the administrative record from the County was received by Commission staff on July 5, 2001 with the remainder delivered on July 11, 2001.

## II. Staff Recommendation on Substantial Issue

**MOTION:** *I move that the Commission determine that Appeal No. A-4-STB-01-120 raises NO substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act.*

### **STAFF RECOMMENDATION:**

Staff recommends a **YES** vote. Passage of this motion will result in adoption of the following resolution and findings. Passage of this motion will result in a finding of no substantial issue and the local actions will become final and effective. Failure of this motion will result in a de novo hearing on the application. The motion passes only by an affirmative vote of the majority of the appointed Commissioners present.

### **RESOLUTION TO FIND NO SUBSTANTIAL ISSUE:**

The Commission hereby finds that Appeal No. A-4-STB-01-120 raises **no substantial issue** with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act regarding consistency with the Certified LCP and/or the public access and recreation policies of the Coastal Act.

## III. Findings and Declarations for Substantial Issue

The Commission hereby finds and declares:

## **A. Project Description and Background**

As stated previously, on February 5, 2001, the County of Santa Barbara Zoning Administrator approved a coastal development permit for the demolition of an existing guest house with an attached garage; construction of an approximately 1,700 square foot stable with three horse stalls, breeze ways, tack room, feed room, toilet room, and stairs leading up to a hay loft; an approximately 624 square foot garage attached to the stables; a pergola and pool equipment storage area screened with a seven foot high wall, both within the 75 year bluff setback area; and performance of less than 50 cubic yards of grading on a 2.91 acre bluff top parcel (see Exhibits 2 and 3). The stable is proposed to allow for three horses, although the County staff found that five would be allowed under the County's Zoning Ordinance. The stable and attached garage were approved with a height of 23 feet, while the pergola and pool equipment storage area were approved with a height of approximately eight and a half feet. The proposed stables and pergola are considered accessory structures to the existing single family residence under the County's LCP. The appellant, Roni Capital, LLC, owns the adjacent parcel to the east of the subject site. Roni Capital, LLC appealed the Zoning Administrator's decision to the Board of Supervisors. The appeal was heard at the May 22, 2001, Board of Supervisors' hearing, at which the appeal was unanimously denied and the project was approved with conditions. The appellant then appealed this decision to the Coastal Commission on June 28, 2001.

The subject site is a bluff top parcel located along Marina Drive, in the Hope Ranch community of Santa Barbara County (see Exhibit 1). The site is a 2.91 acre lot that is approximately 230 feet wide and 600 feet deep. The parcel is located on a steep, 125 foot high bluff. There was previously a single family residence on the site that was likely constructed between 1938 and 1943, although it has now been demolished in order to construct the current single family residence. The detached guest house, the demolition of which was approved by the current permit under consideration, is estimated to have been constructed between 1943 and 1956. Currently, the site maintains an 11,520 square foot single family residence, attached 1,780 square foot garage, swimming pool, and patio areas, which were previously approved by the County in 1998. Due to the steepness of the bluff, there is no vertical public or private access to the beach below. In addition, Marina Drive to the north of the subject site is a public road. Arroyo Burro County Beach Park, however, is located approximately 2.5 miles to the east of the subject site and provides public access to the beach area. Further, lateral access easements have been recorded along the beach below this bluff area.

In approving the proposed development, the County staff found that none of the approved structures would be visible from the beach below the site. The County staff found that the horse stables and attached garage structures would be substantially screened from public view by landscaping. Further, County staff also found that the proposed development would have no impact on public access. In addition, there are numerous mature trees existing on the site between the proposed development and Marina Drive, including oak, pine, eucalyptus, and palm trees. Furthermore, no oak

trees or native vegetation would be removed pursuant to the proposed development, with the exception of one diseased Monterey pine tree that a County arborist has recommended for removal as it is compromised by pitch canker and bark beetle infestation.

The pergola and pool equipment storage area were approved within the 75 year bluff setback area established by the applicants' geologist for the subject site. According to the County staff and the approved plans, the pergola and pool equipment storage area would be approximately 90 feet from the edge of the bluff top. The County's staff report erroneously listed the pergola as 35 feet from the bluff edge, which was, in fact, a misstatement of fact and not an accurate reflection of the proposed development. County staff has submitted a letter, dated June 27, 2001, to Commission staff to correct this error. The stables and garage would be located landward of the existing single family residence, between the residence and Marina Drive, and are not located within the 75 year bluff setback area.

In addition, when Commission staff performed a site visit at the subject property with the County staff geologist on June 28, 2001, construction had already begun on the proposed development without the benefit of the issuance of a coastal development permit. The existing guest house had already been demolished and removed and the concrete foundation was in the process of being installed for the pergola and pool equipment storage area at this time. Furthermore, there was also grading that had been recently performed in the area where the stables and attached garage are proposed. In addition, one condition of the County's approval of the proposed development was the implementation of a Tree Protection Plan. The Tree Protection Plan condition requires, in part, that no development shall occur within the driplines of oak trees, that all oak or specimen trees within 25 feet of proposed ground disturbances must be temporarily fenced with chain link or other satisfactory material during all grading and construction activities, that the required fencing must be installed six feet outside of the dripline of each oak or specimen tree and must be staked every six feet, and that no construction equipment shall be stored or operated within six feet of the dripline of any oak or specimen tree.

At the time that Commission staff visited the site, however, the protective fencing outside of the driplines of the oak trees on site had been removed and it was visibly apparent that grading had recently occurred. In addition, construction equipment was being stored within the driplines of the oak trees. When Commission staff asked one representative of the applicant that was overseeing construction activities to explain why this was occurring without the benefit of a permit, the representative stated that they had to remove the protective fencing in order to perform the grading. This representative also told Commission staff that grading had to be done under the oak trees, since the access road was located there. Further, this representative then stated that as soon as the grading was completed, they intended to put the protective fencing back up.

Due to concerns regarding resource damage by this unpermitted development, Commission staff contacted the County following this site visit and was told that a stop work order had been issued for the grading, stables, attached garage, pergola, and pool equipment storage area pending this appeal and the final issuance of a coastal development permit from the County. Further, County staff informed Commission staff that the applicant had been reminded about the need and requirement for protective fencing around the oak trees and the need to maintain that fencing during construction and grading and the requirement not to store equipment within those protected areas. In addition, a letter from the County staff to the applicant dated July 7, 2000, also expressed concern following a site visit on June 30, 2000, regarding the storage of construction materials under the dripline of oak trees and a failure to install temporary fencing around the oak trees during construction of the single family residence.

## **B. Appellant's Contentions**

The appeal filed by Roni Capital, LLC is attached as Exhibit 6. The appeal contends that the approved project is not consistent with the policies of the certified LCP with regard to bluff development, front yard setbacks, and physical scale of development in relation to the surrounding community and that the County improperly granted a California Environmental Quality Act (CEQA) exemption for the proposed development.

## **C. Analysis of Substantial Issue**

Pursuant to Sections 30603 and 30625 of the Coastal Act, the appropriate standard of review for the subject appeal is whether a substantial issue exists with respect to the grounds raised by the appellant relative to the project's conformity to the policies contained in the certified LCP or the public access policies of the Coastal Act. In this case, the appellant did not cite the public access policies of the Coastal Act as a ground for appeal. However, should the Commission find that a substantial issue exists based on the grounds that are cited, the public access policies of the Coastal Act could be addressed in the de novo review of the project.

Based on the findings presented below, however, the Commission finds that a substantial issue does not exist with respect to the grounds on which the appeal has been filed. The approved project is consistent with policies of the County of Santa Barbara LCP for the specific reasons discussed below.

### **1. Bluff Development**

The appellant contends that the project, as approved by the County, does not conform to the policies of the LCP with regard to bluff development. There are several policies in the County's LCP that relate to bluff development.

Policy 3-4 states:

***In areas of new development, above-ground structures shall be set back a sufficient distance from the bluff edge to be safe from the threat of bluff erosion for a minimum of 75 years, unless such a standard will make a lot unbuildable, in which case a standard of 50 years shall be used. The County shall determine the required setback. A geologic report shall be required by the County in order to make this determination. At a minimum, such geologic report shall be prepared in conformance with the Coastal Commission's adopted Statewide Interpretive Guidelines regarding "Geologic Stability of Blufftop Development". (See also Policy 4-5 regarding protection of visual resources.)***

Policy 3-5 states:

***Within the required blufftop setback, drought-tolerant vegetation shall be maintained. Grading, as may be required to establish proper drainage or to install landscaping, and minor improvements, i.e. patios and fences that do not impact bluff stability, may be permitted. Surface water shall be directed away from the top of the bluff or be handled in a manner satisfactory to prevent damage to the bluff by surface and percolating water.***

Policy 3-6 states:

***Development and activity of any kind beyond the required blufftop setback shall be constructed to insure that all surface and subsurface drainage shall not contribute to the erosion of the bluff face or the stability of the bluff itself.***

Furthermore, Section 35-67 of the County's Zoning Ordinance also sets forth requirements and standards for bluff top development. Section 35-67 of the Zoning Ordinance reiterates the standards set forth under Policies 3-4, 3-5, and 3-6 of the Land Use Plan (LUP), cited above.

In the appeal submitted to the Commission on June 28, 2001, however, the appellant raises a number of issues with regard to bluff development on the subject site. The appeal states that there is no rational basis for development within the 75 year bluff setback. The appeal also raises the concern that a lack of proper environmental review and appropriate conditions of approval increases the necessity for protective bluff devices to support the proposed development. Further, the appellant contends that the County and applicant relied on a geologic report that expired in 1998. In addition, the appellant argues that the County ignored testimony at the local Board of Supervisors hearing by another engineering geologist regarding unstable bluff conditions, potential aggravation of those conditions by the proposed development, and the applicants' alleged attempt to fortify an existing retaining wall on the subject site without a permit. The appellant states that the retaining wall is essential to the stability of the area of the site where an existing swimming pool and patio are located and where the pergola and pool equipment storage area are proposed. The appellant also argues that the stability of the retaining wall was not analyzed by the County and that failure of the retaining wall could result in severe negative impacts to public access on the beach below and to the neighboring site owned by the appellant. The appellant states that an updated geologic report addressing the proposed development and retaining wall fortification and stability



should be required in order to determine the impacts of the development on coastal resources, the subject site, the adjacent bluff top properties, and the potential need for bluff protection devices in the future. Finally, the appellant also asserts that there is a history of bluff failures on both sides of the project site.

Evidence has been submitted to support the County's finding that the bluff top setback established by the applicants' geologic consultant was consistent with the setback required by the County's LCP and that the proposed development would not contribute to bluff instability. The applicants' geologic consultant established a 140 foot setback for new development in order to meet a 75 year life requirement under the County's LCP. As stated previously, although the existing house is setback 140 feet from the bluff top edge, the proposed pergola and pool equipment storage area would be located approximately 90 feet from the bluff edge and, therefore, within the bluff setback area established by the applicants' geologic consultant. However, the County has stated that the applicants' geologic consultant established an extremely conservative bluff setback. In addition, the County, including the County staff geologist, found that the proposed pergola and pool equipment storage area are non-habitable structures that are not required to meet the 75 year bluff setback and would not contribute to bluff erosion in the proposed location.

Further, the County and County staff geologist determined that the geologic report submitted by the applicant was adequate. The County staff geologist is familiar with this area of the Santa Barbara County coastline. Further, the report submitted by the applicant dated December 1996 and prepared by CFG Consultants states:

***Based on measurements of the distance between the centerline of Marina Drive and the bluff top on the photos and in the field during this study, we determined that the seacliff had retreated a maximum of approximately 10 feet since 1928, for an annual rate of slightly less than 2-inches per year. . . .***

That report goes on to state:

***Examination of the seacliff today indicates it is congruent, insofar as can be determined, with conditions visible on aerial photographs extending back to 1928. This lends confidence to the measured rate and indicates that the seacliff on the subject property is one of relative stability. The applicant also submitted a geotechnical engineering report dated June 3, 1999, prepared by Pacific Materials Laboratory, Inc., that specifically addressed the existing retaining wall on the eastern property line and the proposed stable, swimming pool, and patio.***

In addition, CFG Consultants submitted another report, dated December 14, 1996, that states, in part:

***We have determined that bluff top retreat at the site over the past 68 years has been approximately 10 feet. Minor erosion and raveling are active on the seacliff and will continue. The low bluff top retreat figure is a tribute to the relative geologic stability of the seacliff in this stretch of coastline.***

To further clarify and explain the findings made by the County in approving the proposed development with respect to the bluff development policies of the LCP, the County's staff geologist also submitted a memorandum, dated July 18, 2001, to Commission staff with respect to the issue of bluff development on the subject site (see Exhibit 8). That memorandum states:

*The 75-year setback applied to the single family dwelling approved on the Lancashire property is located approximately 140 feet landward of the edge of the bluff. This setback was recommended in a December 14, 1996 report by the applicant's geologic consultant (J. Fischer, CEG). A 50-foot setback for accessory structures was also recommended in the 12-14-96 report.*

*The 140 foot setback distance was based on observed retreat of about 10 feet over a 68-year period (1928-1996) and the application of a methodology for determining seacliff setback that is not recognized by the County. This setback was accepted because it was consistent with (and greatly exceeded) the setback that would be required by the County. In this case, the retreat rate reported by Fischer (about 2 inches/year) would only require a setback of about 13 feet. Seacliff retreat rates of up to 8 inches per year have been reported for this section of the coast. At that rate, the required 75-year seacliff setback would be 50 feet.*

*Since the pergola and pool components of the residential development are more than 50 feet from the bluff edge, they would meet a 75-year setback required by the County. Such structures, however, have been routinely approved by the County within the 75-year setback zone as they can be found consistent with Coastal Land Use Plan policies 3-5 and 3-6. Note that bluff stability is not effected by the installation of an adequately engineered pool. First, the weight of the water in the pool is substantially less than the soil displaced. Second, with an engineered subdrain system, the potential for leakage is reduced to a minimal and acceptable level.*

As provided above, the County staff, including the County staff geologist, did analyze the proposed development with respect to the bluff development policies set forth under the LCP. In addition, the applicants' geologist illustrated an area on the adjacent site, which is owned by the appellant, as having an area of landslide mapped by another geologist (see Exhibit 10). There was evidence in the administrative record illustrating that the applicants' geologist and the County did consider geologic stability factors in the area adjacent to the proposed development. Further, the County staff geologist is also familiar with the geology of this area and submitted an opinion on the proposed development when the County approved this permit with conditions. Furthermore, the appellant raised these arguments in its appeal to the County Board of Supervisors. As a result, the County did consider this information submitted by the appellant in rendering its decision. In fact, as referenced previously, the County staff geologist has stated that the setback determined by the applicants' geologist was accepted because it was consistent with and greatly exceeded the setback that would be required by the County.

Further, in the above referenced memorandum, the County staff geologist states that based on the retreat rate submitted by the applicants' geologist, the required 75 year setback could have been set as close as 50 feet, rather than the 140 feet, recommended by the applicants' consultant. Based on the County staff geologist's

analysis and the information submitted, it appears that the pergola and pool equipment storage area could actually be outside of the 75 year setback, as measured by the County staff geologist, since they are located approximately 90 feet from the edge of the bluff top. In addition, Policy 3-5 of the County's LUP and Section 35-67 of the Zoning Ordinance, referenced above, state that "minor improvements, i.e., patios and fences that do not impact bluff stability, may be permitted." The County staff and County staff geologist have found that even if these accessory structures were located within the 75 year setback, they would not be a significant contributor to potential bluff erosion. Further, in the staff recommendation to the Board of Supervisors, the County stated that the applicants' geologic consultant found in his report that it would be "feasible to construct non-habitable structures, such as pools and patios, within the 140-foot bluff erosion setback up to 50 feet" from the edge of the bluff top. In addition, as stated previously, the County staff and County staff geologist reviewed the applicants' geologic report and project plans prior to concluding that the proposed development was sited properly and would not contribute to bluff erosion.

In addition, the retaining wall referenced in the appeal received by the Commission from Roni Capital, LLC appears to have been existing at the time the County approved the proposed development. The staff report prepared by the County for the proposed development states that there is an existing "six foot tall retaining wall running along the eastern property line." The appellant contends that the retaining wall has been fortified without the proper County permits and that the retaining wall is "essential to the stability of the area of the Lancashire site." Further, as the alleged fortification of the retaining wall is not part of the approval from the County, it is not part of the proposed development that may be appealed to the Coastal Commission. In addition, Commission staff contacted the County on July 24, 2001, and was informed that on January 2, 2001, the applicant did apply for an after the fact permit to install tie backs and grade beams to the existing retaining wall. However, the County staff person stated that the permit has not been issued, as the appellant has appealed that permit. As a result, this issue is still pending at local level.

As for the relationship between the retaining wall and the stability of the bluff, it appears that the retaining wall was existing at the time the proposed development was approved based on the County's staff report and that the effect of the retaining wall was, therefore, considered in approving the proposed development that is now the subject of this appeal. Furthermore, the geology reports submitted by the applicant do illustrate the retaining wall and the County was aware of the retaining wall when approving the proposed development (see Exhibit 10). Likewise, the appellant also states that photographs of the allegedly unpermitted fortification were presented at the Board of Supervisors hearing on May 22, 2001. The Board of Supervisors, however, did deny the appellant's local appeal and approved the proposed development based on the information presented at that time. In addition, the retaining wall fortification was not a part of the project approved by the County that is currently being appealed to the Coastal Commission. As such, the Commission finds that this issue does not raise a

substantial issue with respect to the development's conformance to the standards of the LCP.

Furthermore, the County's staff report also states that "no protective structures can be constructed and/or put in place to prevent the pergola from succumbing to bluff erosion in the future." In addition, the County approved the pergola with a special condition that states, "In the event that bluff erosion threatens the proposed pergola no erosion control devices shall be constructed or put in place without a new Coastal Development Permit." Further, in discussions with Commission staff, the County staff geologist has stated that a bluff protection device would not be permitted for an accessory structure, such as the pergola.

Policy 3-1 provides:

*Seawalls shall not be permitted unless the County has determined that there are no other less environmentally damaging alternatives reasonably available for protection of existing principal structures. The County prefers and encourages non-structural solutions to shoreline erosion problems, including beach replenishment, removal of endangered structures and prevention of land division on shorefront property subject to erosion; and, will seek solutions to shoreline hazards on a larger geographic basis than a single lot circumstance. Where permitted, seawall design and construction shall respect to the degree possible natural landforms. Adequate provision for lateral beach access shall be made and the project shall be designed to minimize visual impacts by the use of appropriate colors and materials.* (emphasis added)

The principal structure on the subject site would be the existing single family residence. As the pergola and pool equipment storage area are not the principal structures on the subject site, any future approval of a coastal development permit for a bluff protection device for the proposed development would not be consistent with the County's LCP. Due to these factors, prior analysis by the County staff and County staff geologist, the appellant's contention that an updated geologic report addressing the proposed development and the potential need for future coastal bluff protective devices should be submitted is unwarranted, as these issues have already been considered by the County in its approval with conditions.

Based on the above, the Commission finds that the proposed development conforms to the standards for bluff development set forth in the County's LCP. For all of these reasons stated above, the Commission finds that no substantial issue is raised with respect to the appellant's contention that the project does not meet the bluff development standards of the County's LCP.

## **2. California Environmental Quality Act and Impacts on Coastal Resources and Environmentally Sensitive Habitat Area**

The appellant argues that the County failed to consider potential environmental impacts of the proposed development in violation of the California Environmental Quality Act

(CEQA). The appellant also asserts that the County did not provide any cumulative impacts analysis of the proposed development in relation to the previous development approved on the subject site, also not in accordance with the policies of CEQA.

**a. California Environmental Quality Act**

The appellant argues that the County's granting of an exemption from the California Environmental Quality Act (CEQA) was contrary to CEQA principles and policies since the project site is a "sensitive coastal bluff with identified environmentally sensitive habitat" and the approval failed to consider the cumulative impacts of the proposed development when reviewed in conjunction with the successive projects on the applicants' property over the past three years. The appellant also argues that in granting a CEQA exemption, environmental impacts of the proposed development have not been fully examined. In addition, the appellant also asserts that there has been inadequate and inconsistent review of the proposed development, evidenced by mistakes and inconsistencies in the findings of the County's staff report. Due to these inaccuracies, the appellant argues that in granting the exemption from CEQA for the proposed development, potential significant adverse impacts to the environment have been ignored.

As the applicant stated in a letter to Commission staff dated July 19, 2001, however, an appeal to the Coastal Commission challenging a local agency's approval of a coastal development permit is limited to an allegation that the development does not conform to the standards set forth in a certified LCP (see Exhibit 7). As a result, the Coastal Commission is not the appropriate appeals forum for the appellant's argument that the County did not comply with CEQA requirements by issuing an exemption for the proposed development. Although the Commission is not the appropriate forum for an appeal of the County's granting of an exemption from CEQA, the appellant also raises issues with respect to impacts on coastal resources and environmentally sensitive habitat area within their argument with respect to CEQA. As those are issues that are addressed by the LCP, the Commission will review whether there is any substantial issue raised by this argument with respect to resource policies within the LCP.

**b. Impacts on Coastal Resources and Environmentally Sensitive Habitat Area**

The appellant argues that the County's mistakes and inconsistencies in the findings of the approval of the proposed development and failure to consider cumulative impacts may result in adverse effects to coastal resources and/or environmentally sensitive habitat area (ESHA) consisting of coastal sage scrub along the bluff edge and bluff face.

Policy 9-36 of the County's LCP states:

***When sites are graded or developed, areas with significant amounts of native vegetation shall be preserved. All development shall be sited, designed, and constructed to minimize impacts of grading, paving, construction of roads or structures, runoff, and erosion on native vegetation. . . .***

Although there were some misstatements made in the County's staff report, there was no error in the application of the policies of the LCP that would raise a substantial issue in this appeal. The County findings did state in one section of the staff report that the pergola would be located 35 feet from the edge of the bluff top and in another section that the pergola would be located 100 feet from the environmentally sensitive habitat area (ESHA) consisting of coastal sage scrub, located along the edge of the bluff and the bluff face. However, as evidenced by the memorandum submitted from County staff to Commission staff, dated June 27, 2001, the pergola was approved approximately 90 feet from the edge of the bluff top (see Exhibit 9). The County staff person stated that he attempted to clarify this matter during the hearing before the Zoning Administrator, but the staff report was not in fact changed to reflect this correction. However, as the County staff points out in the June 27, 2001, letter, the project plans illustrate that the proposed location of the pergola is approximately 90 feet from the top of bluff. Commission staff has also reviewed the project plans approved by the County and confirmed that the structures would, in fact, be set back approximately 90 feet from the bluff edge. While this error in the report may have caused confusion, the County at no point approved the pergola within 35 feet from the bluff edge and did consider the effect on coastal resources and ESHA in the review of the proposed development.

In the findings made by the County in approving the proposed development, the staff did review potential adverse impacts, including cumulative impacts, to bluff stability, coastal resources, and ESHA on subject site. The County determined that the proposed development was adequately setback from coastal resources and ESHA and that any potential negative effects were minimized. The stables and attached garage proposed would be situated in the area of the guest house that the applicant is proposing to demolish under this permit. In addition, the guest house that would be demolished under this permit is 2,170 square feet, while the new stable would be approximately 1,700 square feet and the attached garage would be approximately 624 square feet. Further, the County stated in its staff report that the existing single family residence was approved with a drainage system to minimize impacts to the bluff face, toe, and beach. The County states that the master drainage plan for the subject site was "engineered in a manner that prevented sheet flow from going over the bluff face." In addition, the County found that the previously proposed swimming pool was "designed with an impermeable plastic layer underneath its foundation to prevent leakage into the soil beneath it in the event that the concrete foundation cracked." Finally, the record from the County states that the County and County staff geologist reviewed the applicants' geology report and project plans and "concluded that the non-habitable structures would not exacerbate bluff erosion." In addition, the appellant argues that the County took a piecemeal approach in approving the single family

residence with a swimming pool and patio and the current proposed development under two separate permits. However, the County and the Commission recognizes that this is not uncommon for residential projects to be developed in phases. Further, the County reviewed the subject site as a whole in approving the proposed development. As a result, the Commission finds that the County did consider the cumulative effects of the development on the site and that no substantial issue is presented by this argument.

In approving the proposed development, the County relied upon the fact that no native vegetation removal is proposed (with the exception of one diseased Monterey Pine tree); that the ESHA is located approximately 90 feet from the pergola and pool equipment storage area and 350 feet from the stables and garage area; that the horses would not effect the ESHA, since the coastal sage scrub only exists at the edge of the bluff and on the bluff face where the County states the horses cannot tread; and that the total proposed grading for the project is less than 50 cubic yards. In addition, at the County's suggestion, the applicant deleted from the proposed plans and project description a riding ring. The County staff stated in a letter to the applicant that the formerly proposed riding ring appeared to encroach within six feet of the driplines of at least four oak trees, posing potential damage to the oak trees. The applicant had proposed to comprise the riding ring of grass, which the County staff informed the applicant would also cause damage to the oak trees due to increased water. As a result, the riding ring was officially deleted by the applicants' representative in a letter to the County dated June 6, 2000. In light of these considerations, it is evident that the County staff did consider potential negative effects to coastal resources and ESHA from the proposed development. Therefore, this portion of the appeal also fails to raise a substantial issue.

In addition, the County approved the development with conditions to mitigate potential negative environmental impacts. The County conditioned the approval to allow only three horses on site and required an animal waste management plan; landscape plan utilizing native vegetation and no irrigation within the bluff setback area; drainage plan; lighting of low intensity, hooded and unobtrusive to the surrounding area and not directed toward the bluff; and tree protection plan, among other conditions. Therefore, in approving the proposed development with conditions, the Commission finds that the County did adequately address the potential impacts on coastal resources and ESHA that were raised by the appellant. As a result, the Commission finds that this aspect of the appeal also fails to raise a substantial issue with respect to the County's application of the LCP.

**3. Community Character and Physical Scale of Development, Setbacks, and Public Visual Impact**

The appellant also argues in its appeal that the proposed development and project site is "out of scale with the surrounding ocean bluff neighborhood" and "surpasses the established physical scale of the area." The appellant also argues in the appeal that the

applicants' property is "so over developed that it has burst at the seams." The appellant also asserts that the County improperly delegated to the Hope Ranch Park Homes Association the review of the proposed development for consistency with the physical scale of the community. The appellant argues that this review by the Hope Ranch Park Homes Association is not authorized or permissible under the LCP, Coastal Act, or other legal authority. The appeal also states that the County has permitted development to "spill over into the front yard setback contrary to Section 35-119(3.4) of the Coastal Zoning Ordinance . . ." Further, the appeal argues that the County approved corrals and a trash enclosure area within the front yard setback and that these structures are part of the stable and that "[a]ll parts of all accessory structures must meet all setback requirements according to the Coastal Zoning Ordinance," Section 35-119(3.4). As a result, the appellant concludes that the County approved these "accessory structure elements" in violation of the applicable provisions of the LCP. Further, the appellant argues that the County also mistakenly identified Marina Drive, to the north of the subject site, as a private road in the staff report, when it is really a public road and thereby ignored potential impacts to public views.

**a. Community Character and Physical Scale of Development**

As stated above, the appellant asserts that the subject site, with the proposed development and previously approved development, would be out of scale with the surrounding bluff development. Policy 4-4 of the County's LCP addresses this issue and states:

***In areas designated as urban on the land use plan maps and in designated rural neighborhoods, new structures shall be in conformance with the scale and character of the existing community. Clustered development, varied circulation patterns, and diverse housing types shall be encouraged.***

Based on this policy, new structures must conform to the existing scale and character of the surrounding community. However, in its letter to Commission staff dated July 19, 2001, the applicant argues that Hope Ranch is an "equestrian dominated area just west of the Santa Barbara city limits." In that letter, the applicant also asserts that stables "are found throughout this community as are outdoor living areas which encourage property owners to enjoy the beauty of Santa Barbara." Furthermore, the County staff report states:

***The proposed project is consistent with the established physical scale of the Hope Ranch area. Many single family dwellings in the area enjoy similar accessory structures. Furthermore, the Hope Ranch Park Homes Committee approved this project on August 9, 2000 and reviewed the issue of community compatibility at that time.***

In addition, the County staff analyzed the proposed development in order to determine that it conforms with the requirements set forth under Section 35-73 of the Zoning Ordinance of the LCP, listing specific standards for the Hope Ranch area. The subject site is zoned as 1.5-EX-1, meaning that it is one family exclusive residential and that



one single family residence may be permitted on a parcel with a minimum gross lot area of 1.5 acres and a minimum gross lot width of 150 feet. The County found that the proposed development conforms to those standards. In addition, Commission staff also visited the site and confirms that the surrounding area is developed with similar single family residences and accessory structures. As a result, the County did adequately address this issue raised in the appeal and there is no substantial issue raised, as the subject site's development is consistent with the scale and character of other sites in the Hope Ranch area.

Further, the appellant argues that the County improperly delegated review of the proposed development to the Hope Ranch Park Homes Association. However, although the County did state that the Hope Ranch Homes Association approved the project in its staff report, the County still reviewed the proposed development and its conformance with the policies of the LCP independently and found that it did comply with those policies. In addition, Section 35-144A of the Zoning Ordinance of the LCP states:

***Local design standards for a particular community, area, or district may be developed as part of or independently of a County-processed Community/Area Plan. Such standards would serve to provide further guidance in the review of projects for said geographic area, beyond those standards of findings contained in Section 35-184 (Board of Architectural Review) of this Article.***

Therefore, the fact that a community association also approved the proposed development does not negate or render improper the County's approval of that project that complies with the LCP. The County made the proper findings and analysis with respect to the LCP requirements and, therefore, this additional review by a community association does not violate any LCP requirement. As a result, since the proposed development does meet the LCP requirements, the Commission finds that this argument also fails to raise a substantial issue with respect to the County's application of the LCP in approving the proposed development.

#### **b. Setbacks**

As stated above, the appellant also argues that the proposed development does not meet the front yard setback and bluff setback requirements under the County's LCP. As stated in the previous section on bluff development, the proposed development does comply with the LCP requirements for bluff development and bluff setbacks. With regard to the front yard setback, the stable and attached garage do comply with the 125 foot front yard setback set forth under Section 35-73.6 of the Zoning Ordinance of the LCP. Section 35.73.6 states that a 125 foot front yard setback shall be required "from the center line of any street having a right-of-way of 80 feet or more." Marina Drive, adjacent and to the north of the subject site does have a right-of-way of 80 feet or more. As a result, the County's required 125 foot front yard setback is appropriate under the LCP. Furthermore, Section 35-119 of the Zoning Ordinance of the LCP sets standards

for accessory structures, such as the horse stables with attached garage approved under the County's permit. Section 35-119 states:

***An accessory structure erected as an integral part of the principal structure shall comply in all respects with the use, yard, and height requirements applicable to the principal structure.***

Section 35-119 also states:

***Accessory structures shall conform to the height requirements and the front and side yard setback regulations of the district.***

In addition, Section 35-73.6 states, in part:

***Accessory buildings shall be located so as to conform to setback regulations of this district, except in the case of swimming pools and appurtenant structures wherein front, side, and rear setbacks may be decreased by 15 feet.***

In the letter to Commission staff from the applicant dated July 19, 2001, the applicant states:

***The proposed stable is setback 125 feet as required by County Zoning Ordinances ("CZO"), however, the associated corrals are located approximately 14 feet into this setback. These corrals consist of split rail fences less than 6 feet in height. Adjacent to the garage portion of the stable, a trash enclosure is also proposed. The trash enclosure consists of a 6 foot screening wall that is not attached to the garage or stable. The Zoning Administrator has treated the corrals and trash enclosure in a manner consistent with Article II of the CZO governing fences and walls (Section 35-123). . . .***

***The three horse corrals and the trash structure do encroach on this 125 foot setback. Yet, the corrals and trash enclosure are auxiliary structures . . . and are within the extra 15 feet permitted by the County's CZO.***

In addition, Section 35-123 states, in part, that fences and walls less than six feet and gate posts less than eight feet in height are exempt from coastal development permit requirements, even if they are located within the front yard setback.

The Commission finds that the proposed stables with an attached garage do meet the front yard setback requirements under the County's LCP. The County's approval of the corrals and trash enclosure area does not raise a substantial issue with the LCP regulations, as Section 35-73.6 allows the front yard setback to be reduced by 15 feet for accessory structures. Furthermore, the proposed fencing and walls for the corrals and trash enclosure area that extend less than 15 feet into the front yard setback are all six feet in height or less. The corrals consist of split rail fencing, while the trash enclosure consists of a six foot screening wall that is not physically attached to the main accessory structure. As a result, these structures could arguably also be exempt from coastal development permit requirements under Section 35-123, referenced above and be allowed within the front yard setback without a coastal development permit under the

LCP. Further, the County considered these factors in approving the proposed development. Therefore, due to these considerations, the Commission finds that the County did not improperly apply the setback requirements of the LCP in approving the proposed development and that no substantial issue exists.

**c. Public Visual Impact**

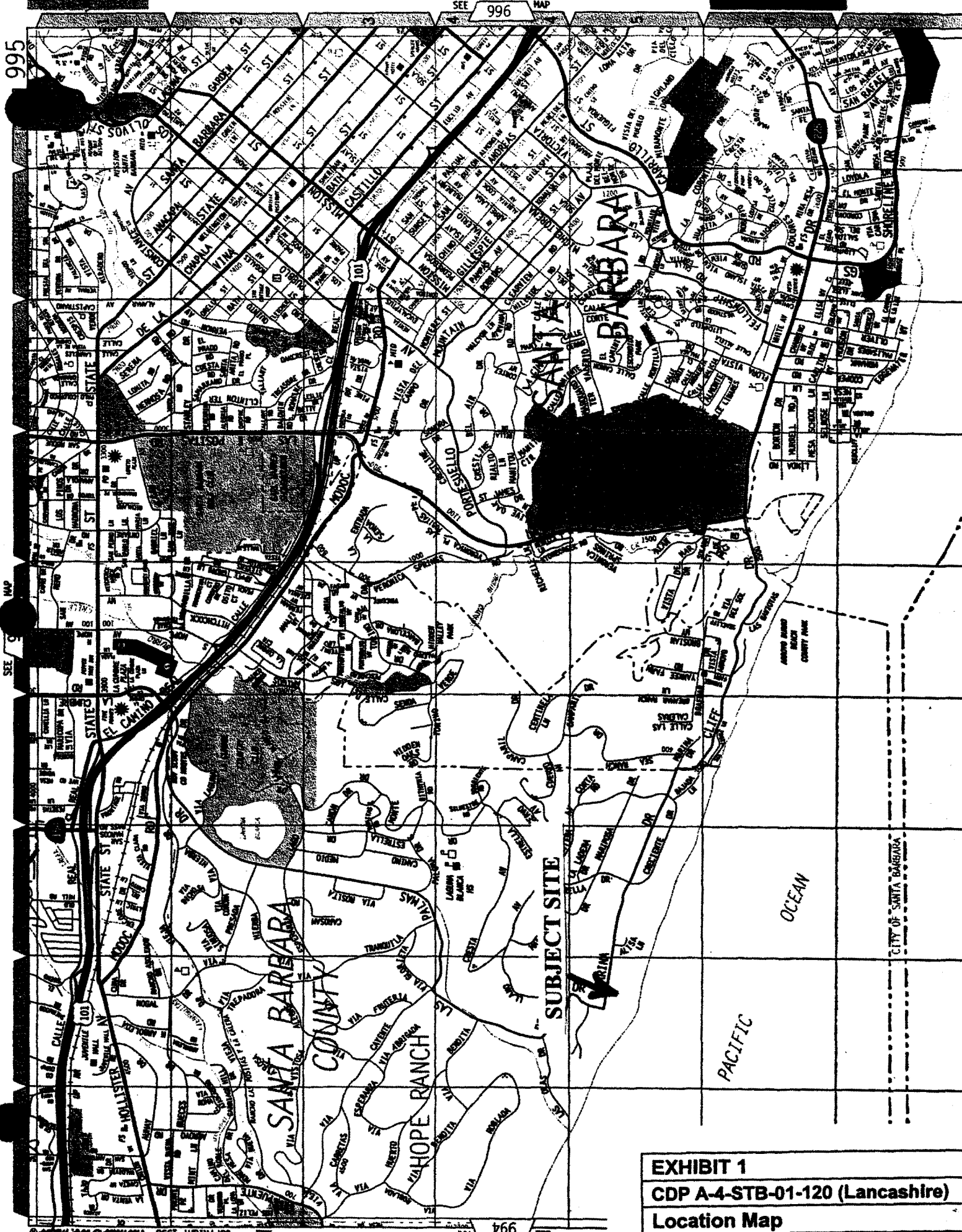
In addition, the appellant also argues that the County mistakenly identified Marina Drive (to the north of the subject site) as a private road in the staff report, although it is a public road. The appellant states that in doing so, the County ignored possible impacts to the public from the proposed development. The staff report did erroneously state that the project site is adjacent to a private road, as Marina Drive is, in fact, a public road. However, there is adequate landscaping and screening of the proposed development from the road and the project complies with the required height restrictions and setbacks that reduce any negative visual impact to the public. Further, the County staff report also stated that the proposed development would not be visible from the beach below the site. As a result, the County did analyze public visual impacts of the proposed development and no substantial issue is raised by this argument made by the appellant.

Therefore, the Commission finds that this portion of the appeal raises no substantial issue with regard to the consistency of the approved project with the community character, setback, or public visual resource provisions of the County's LCP.

**D. Conclusion**

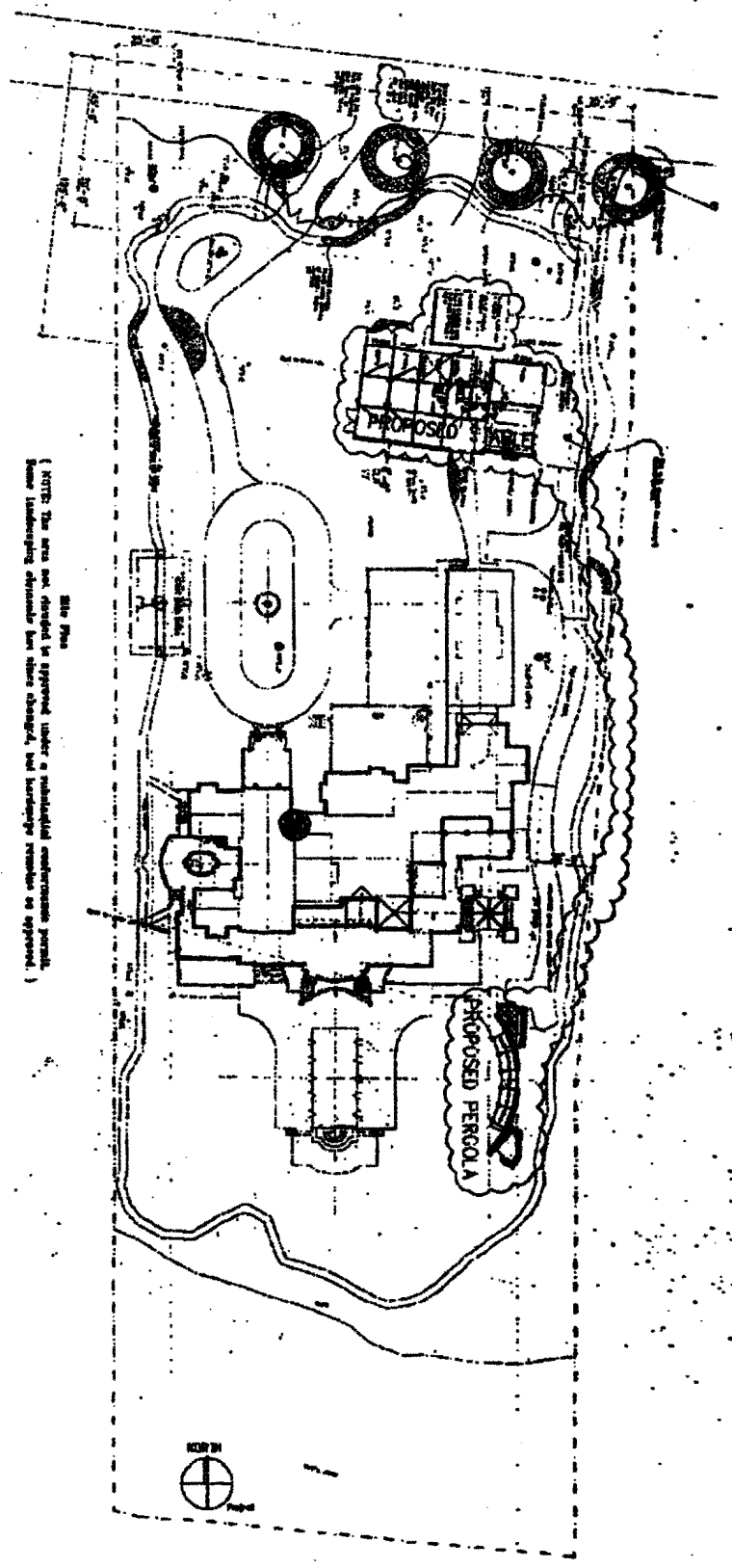
For the reasons discussed above, no substantial issue is raised with respect to the consistency of the approved development with the bluff development, coastal resources or environmentally sensitive habitat, front yard setback, physical scale of development in relation to the surrounding community, or public visual resource policies of the County's certified LCP. Therefore, the Commission finds that the appeal filed by Roni Capital, LLC, does not raise a substantial issue as to the County's application of the policies of the LCP in approving the proposed development.



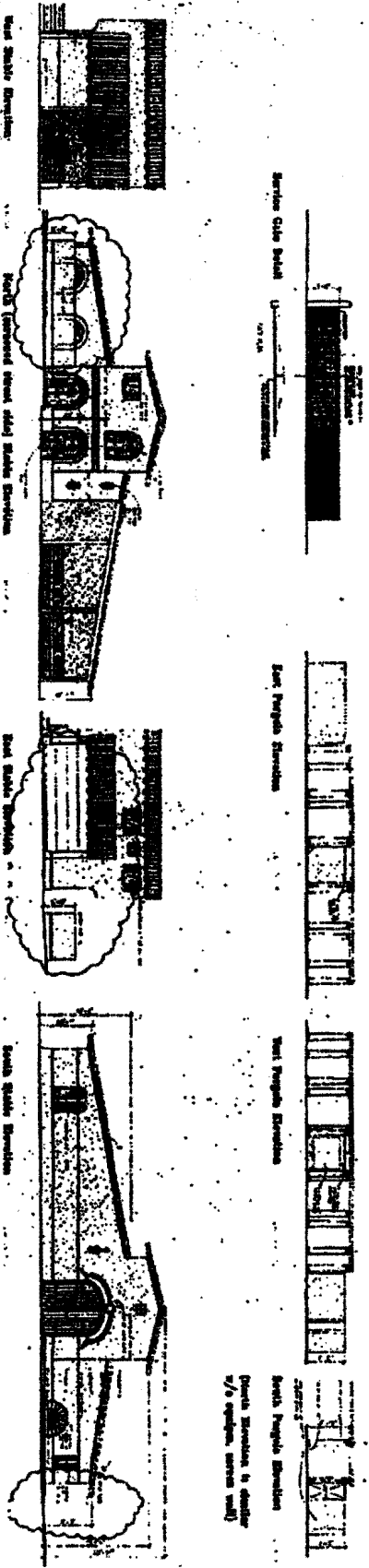


**EXHIBIT 1**  
**CDP A-4-STB-01-120 (Lancashire)**  
**Location Map**

**EXHIBIT 2**  
**CDP A-4-STB-01-120 (Lancashire)**  
**Site Plan and Elevations**



Site Plan  
 (NOTE: This area not depicted in approved under a residential construction permit. Some landscaping elements may differ slightly, but landscaping remains as approved.)



North Elevation  
 East Elevation  
 South Elevation  
 West Elevation

A-1





51B-01-0117  
**County of Santa Barbara**  
**Planning and Development**  
 John Patton, Director

**NOTICE OF FINAL ACTION**

**RECEIVED**

**JUN 14 2001**

**DATE:** June 8, 2001

**TO:** California Coastal Commission  
 Sabrina Haswell  
 89 South California Street, Suite 200  
 Ventura, California 93001

CALIFORNIA  
 COASTAL COMMISSION  
 SOUTH CENTRAL COAST DISTRICT

On May 22, 2001 Santa Barbara County took final action on the appealable development described below:

- Appealable Coastal Development Permit [99-CDP-188H]
- Appealable Coastal Development Permit [case number] following discretionary case [#]
- Discretionary action on a [case type, case#]

**APPEALABLE**

**Project Applicant:**  
 Monser Land Use & Planning  
 Leslie Monser  
 PO Box 3319  
 Paso Robles, CA 93447-3319

**Property Owners:**  
 Chris & Alicia Lancashire  
 1510 Princess Drive  
 Glendale, CA 91207

**Project Description:** Coastal Development Permit allowing the demolition of an existing guesthouse and the construction of new stables, a wall, and a pergola.

**Location:** The project involves APN 063-220-022 located at 4385 Marina Drive in the Hope Ranch area, Santa Barbara County, California.

The receipt of this letter and the attached materials start the 10 working day appeal period during which the County's decision may be appealed to the Coastal Commission. Appeals must be in writing to the appropriate Coastal Commission district office.

Please contact Winston Wright, the case planner at (805) 884-8055 if you have any questions regarding the County's action or this notice.

  
 Winston Wright, Project Planner

6/8/01  
 Date

**Attachments:**  
 Coastal Development Permit  
 Final Action Letter dated June 8, 2001

**cc:** Case File: 99-CDP-188H  
 Appellant: Mindy Wolfe, Esq.; 21 East Carrillo St. Santa Barbara, CA 93101

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**EXHIBIT 4**  
**CDP A-4-STB-01-120 (Lancashire)**  
**Notice of Final Action**





Case file  
County of Santa Barbara  
Planning and Development

John Patton, Director

BOARD OF SUPERVISORS'  
Hearing of May 22, 2001

June 8, 2001

Hatch & Parent  
Mindy Wolfe  
21 East Carrillo Street  
Santa Barbara, California 93101

RE: 99-CDP-188H; Lancashire Demo Guesthouse, New Stable, Wall, and Pergola, as follows:

Consider the appeal of Mindy A. Wolfe, Esq. of the Zoning Administrator's February 5, 2001 decision to approve Case No. 99-CDP-188H [application filed on September 15, 1999] for a Coastal Development Permit under Section 35-169.5 in the 1.5-EX-1 Zone District of Article II to allow the demolition of an existing guesthouse and the construction of new stables, a wall, and a pergola. The proposed project also includes a pergola and pool equipment screened by a 7 foot wall; and accept the Exemption pursuant to Sections 15301(l)(4) and 15303(e) of the State Guidelines for Implementation of the California Environmental Quality Act. The property is identified as AP No. 063-220-022, located at 4385 Marina Drive in the Hope Ranch area, Second Supervisorial District.

Dear Ms. Wolfe:

At the Board of Supervisors' hearing of May 22, 2001, the Board of Supervisors took the following action:

Supervisor Rose moved, seconded by Supervisor Marshall and carried by a vote of 5 to 0 to:

1. Deny the appeal of Mindy A. Wolfe, Esq. and approve the project, 99-CDP-188H.
2. Accept the environmental exemption, Section 15301(l)(4) and Section 15303(e) of State guidelines for implementation of CEQA.

*The attached Findings and Coastal Development Permit reflect the Board of Supervisors' action of May 22, 2001.*

The time within which judicial review of this decision must be sought is governed by Section 65009 (c) of the California Government Code and Section 1094.6 of the California Code of Civil Procedure. You are advised to consult an attorney immediately if you intend to seek judicial review of this decision.

  
Rita Bright  
Deputy Director, Development Review  
FOR JOHN PATTON, DIRECTOR

EXHIBIT 5 (page 1 of 11)  
CDP A-4-STB-01-120 (Lancashire)  
Decision by Board of Supervisors'

xc: Case File: 00-CDP-188H  
BOS/Zoning Administrator File  
Records Management: Lisa Martin  
Address File: 4385 Marina Drive  
Petra Leyva  
S.B. School District: Attn: William Hansult, Director of Planning & Operations Support;  
723 East Cota Street; Santa Barbara, CA 93103  
California Coastal Commission; 89 South California Street, Suite 200, Ventura, CA 93001  
Owners: Chris & Alicia Lancashire; 1510 Princes Drive; Glendale, CA 91207  
Hope Ranch Park Homes Association; 695 Via Tranquila; Santa Barbara, CA 93110  
Agent: Leslie Monser; PO Box 3319; Paso Robles, CA 93447-3319  
Deputy County Counsel  
Clerk of the Board: File #: 01-22,086  
Supervisor Rose; Second Supervisorial District  
Planner: Winston Wright

**Attachments: ATTACHMENT A: BOS Minute Order dated May 22, 2001**  
**ATTACHMENT B: Findings**  
**ATTACHMENT C: CDP with Conditions of Approval**

WW:ts

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<b>EXHIBIT 5 (page 2 of 11)</b>
<b>CDP A-4-STB-01-120 (Lancashire)</b>
<b>Decision by Board of Supervisors'</b>

ATTACHMENT A

BOARD OF SUPERVISORS OF THE COUNTY OF SANTA BARBARA  
STATE OF CALIFORNIA  
CLERK OF THE BOARD OF SUPERVISORS

\*\*\*\*\*

MINUTE ORDER

May 22, 2001, in the p. m.

Present: Supervisors Naomi Schwartz, Susan Rose, Gail Marshall,  
Joni Gray, and Thomas Urbanske

Michael F. Brown, Clerk (Ferry)

Supervisor Gray in the Chair

RE: PLANNING AND DEVELOPMENT HEARING - Consider the appeal of Mindy A. Wolfe, Esq., on behalf of Roni Capital, LLC, of the Zoning Administrator's February 5, 2001 decision to approve with conditions the request of Terry Bartlett, Esq., agent for Christopher and Alicia Lancashire, for the demolition of an existing guesthouse and the construction of new stables, a wall and a pergola located at 4385 Marina Drive, Hope Ranch area, in the 1.5-EX01 Zone District under article II, and to accept the environmental exemption § 15301(l)(4) and § 15303(e) of State guidelines for implementation of CEQA, Second District. (FROM MAY 1, 2001) (EST. TIME: 35 MIN.) (01-22,086)

COUNTY ADMINISTRATOR'S RECOMMENDATION: POLICY

Rose/Marshall

Denied appeal and approved project. Accepted environmental exemption § 15301(l)(4) and § 15303(e) of State guidelines for implementation of CEQA.

RECEIVED

EXHIBIT 5 (page 3 of 11)

CDP A-4-STB-01-120 (Lancashire)

Decision by Board of Supervisors'

## ATTACHMENT B: FINDINGS

### BOARD OF SUPERVISORS' FINDINGS FOR Lancashire Demo Guesthouse, New Stable, Wall & Pergola Case No. 99-CDP-188H

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#### 1.0 CEQA FINDINGS

Find that the project is categorically exempt from CEQA pursuant to CEQA Guidelines Section 15301(l)(4) which exempts the demolition of existing accessory (appurtenant) structures and Section 15303(a) which exempts small structures, including single family dwellings.

#### 2.0 ADMINISTRATIVE FINDINGS

2.1. Pursuant to Section 35-169.6.2. of the Article II Zoning Ordinance, a Coastal Development Permit within a Geographic Appeals Area shall only be issued if all of the following findings are made:

2.1.1. *Those findings specified in Section 35-169.6.1.:*

2.1.1.1. *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 Article II and/or the project falls within the limited exception allowed under Section 35-161.7.*

The project is consistent with the applicable policies of the Comprehensive Plan, including the Coastal Land Use Plan. The existing residence has all services available and the new stables and pergola will not affect these services. Total grading for the project will be less than 50 cubic yards. There is an Environmentally Sensitive Habitat overlay on the parcel, however, through field investigations, the coastal sage scrub is degraded and it is approximately 100 feet from the proposed pergola and 380 feet away from the stables. The horses themselves would not impact the coastal sage scrub because this Environmental Sensitive Habitat occurs at the edge and along the face of the bluff where the horses could not tread. There are oak trees and other specimen trees scattered throughout the property, however, only one diseased Monterey pine tree (*Pinus radiata*) is proposed to be removed. No other vegetation is proposed for removal for this project. The project parcel slopes towards the ocean and surface runoff cannot be redirected away from the bluff face. Consistent with Coastal Policy 3-7, a drainage system that includes drain pipes extending over the bluff face has already been approved along with the associated single family dwelling, Case No. 97-CDP-060 H, that will minimize impacts to the bluff face, toe, and beach. The drainpipes are painted a tan, natural color. All habitable development is setback from the 75-year setback (approximately 140 feet from top of bluff). Non-habitable structures, such as the pergola, may be located within the 75-year setback, subject to case-by-case circumstances and review by the County Geologist. The County Geologist, Brian Baca, has reviewed the pergola and approves of its location. The property is serviced by the La Cumbre Mutual Water Company. A new septic system has been constructed with a 100% expansion area and has been certified by Environmental Health Services.

**EXHIBIT 5 (page 4 of 11)**

**CDP A-4-STB-01-120 (Lancashire)**

**Decision by Board of Supervisors'**

The parcel is located in the 1.5-EX-1 Zone District of Article II, Coastal Zoning Ordinance and the project is consistent with the requirements and standards of the Article II Coastal Zoning Ordinance. The proposed stables and pergola are consistent with the permitted uses and development standards of the EX-1 Zone District in regards to setbacks, use, height, parking, and all other requirements. There is a recently permitted single family dwelling on the parcel that was approved under a previous permit, 97-CDP-060 H, and both the stables and pergola are accessory to the principal structure.

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

The existing legal parcel is Parcel A of Parcel Map 10,934 recorded in Parcel Map Book 5, Page 51. Therefore, the project is consistent with this finding.

**2.1.1.3. *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 Article II, and such zoning 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 Section 2.1.1.1. of the findings, above, the subject property is in compliance with the laws, regulations, and rules pertaining to zoning uses, subdivisions, setbacks, development standards and all other applicable provisions of Article II. Therefore, the project is consistent with this finding.

**2.1.2. *That the development does not significantly obstruct public views from any public road or from a public recreation area to, and along the coast.***

The new stables and pergola will be located on a parcel that is next to a private road in the Hope Ranch area and will not create any obstruction of public views from any public road or from a public recreation area to and along the coast. The pergola is proposed to be located approximately 35 feet from the edge of the bluff, however, it can not be seen from the beach below because of the height of the bluff face. Therefore, the project is consistent with this finding.

**2.1.3. *That the development is compatible with the established physical scale of the area.***

The proposed project is consistent with the established physical scale of the Hope Ranch area. Many single family dwellings in the area enjoy similar accessory structures. Furthermore, the Hope Ranch Park Homes Committee approved this project on August 9, 2000 and reviewed the issue of community compatibility at that time. As a parcel that is adjacent to the sea, the parcel requires final Board of Architectural review approval prior to the issuance of the Coastal Development Permit. On April 13, 2001 the BAR granted final approval for the design of the project. Therefore, the project is consistent with this finding.

**2.1.4.    *The development is in conformance with the public access and recreation policies of Article II and the Coastal Land Use Plan.***

The parcel is located on a bluff and there is no public or private vertical access to the coast. However, there is public access to the beach below approximately 2.5 miles to the east of the parcel at Arroyo Burro County Beach Park. Additionally, there is lateral access along the coastline south of the parcel at the bottom of the bluff-face. The proposed project would not conflict with the public access easement or affect any recreation policies. Therefore, the project is consistent with this finding.

ATTACHMENT C

**APPROVAL/INTENT TO ISSUE  
A DISCRETIONARY APPEALABLE  
COASTAL DEVELOPMENT PERMIT (CDP)**



Case No.: 99-CDP-188 H Planner: Winston Wright  
Project Name: Lancashire Demo Guesthouse/New Stable/Wall/Pergola  
Project Address: 4385 Marina Drive  
A.P.N.: 063-220-022

The Zoning Administrator *grants approval* of this discretionary Coastal Development Permit for the development described below, subject to the attached conditions and final issuance of the Coastal Development Permit.

APPROVAL DATE: 2/5/2001

COUNTY APPEAL PERIOD STARTS: February 6, 2001

COUNTY APPEAL PERIOD ENDS: February 15, 2001

**APPEALS:** The decision on this project may be appealed to the Board of Supervisors by the applicant, an aggrieved person, or any two members of the Coastal Commission. The written appeal must be filed with the Clerk of the Board at 105 East Anapamu Street, Santa Barbara, CA 93101 by 5:00 p.m. on or before the date the County Appeal Period Ends (Art. II Sec. 35-182). If a local appeal is filed, the Board of Supervisors' final decision on the appeal may be appealed to the a California Coastal Commission. If no local appeal is filed, the project may not be appealed to the California Coastal Commission.

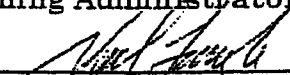
**DATE OF PERMIT ISSUANCE:**

**PROJECT DESCRIPTION AND CONDITIONS:** See Exhibit A, hereby incorporated by reference.

**EXPIRATION:**

Upon permit issuance, the permit shall be valid for two years. Failure to obtain a required construction or grading permit and to lawfully commence development within two (2) years of permit issuance, shall render this Coastal Development Permit null and void.

**Zoning Administrator Approval:**

  
Zoning Administrator Signature

2/5/2001  
Date

**ACKNOWLEDGMENT:** Undersigned permittee acknowledges receipt of this permit and agrees to abide by all terms and conditions thereof.

Print Name

Signature

Date

**Planning & Development Issuance by:**

Name

Date

**EXHIBIT 5 (page 7 of 11)  
CDP A-4-STB-01-120 (Lancashire)  
Decision by Board of Supervisors'**

**ATTACHMENT C  
(Exhibit A)**

**PROJECT DESCRIPTION and CONDITIONS**

**Case Number:** 99-CDP-188 H  
**Project Name:** Lancashire Demo Guest House/New Stable/Wall/Pergola  
**Project Address:** 4385 Marina Drive  
**APN:** 063-220-022

**This permit is subject to compliance with the following conditions:**

1. This Coastal Development Permit (CDP) is based upon and limited to compliance with the project description, the Zoning Administrator Exhibit #1 dated February 5, 2001, and conditions of approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

The applicant is requesting a Coastal Development permit for the demolition of an existing guesthouse with an attached garage and the construction of an approximately 1700 square foot (sq.ft.) stable (with 3 horse stalls, breeze ways, a tack room, a feed room, a toilet room and stairs leading up to a hay loft) and an approximately 624 sq.ft garage attached to the stables. The proposed project also includes a pergola and pool equipment screened with a 7-foot wall. The height of the stable/garage is approximately 23 feet while the pergola is approximately 8 1/2 feet. Less than fifty cubic yards of grading (cut and fill) would be required to prepare the proposed project site for development. No oak trees or native vegetation would be removed other than one diseased Monterey pine tree (*Pinus radiata*) that has been recommended to be removed by a County Approved Arborist because it has been compromised by pitch canker and subsequently infested by bark beetles. The proposed garage would provide two parking spaces in addition to the existing three-car garage. An existing, approximately 12-foot wide driveway provides access to the proposed stable/garage from Marina Drive. The La Cumbre Mutual Water Company would continue to provide water and a private septic system would continue to provide sewage disposal for the subject property.

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 hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

2. Prior to the issuance of the Coastal Development Permit, the project shall receive final BAR approval.
3. All lighting shall be low intensity, hooded, unobtrusive to the surrounding area, and shall not be directed towards neighboring residents or the bluff.

<b>EXHIBIT 5 (page 8 of 11)</b>
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<b>Decision by Board of Supervisors'</b>



4. 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 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.
  
5. The generation of fugitive dust during construction activities shall be minimized as follows:
  - a. Minimize the amount of disturbed area;
  - b. Utilize water and or dust palliatives; and
  - c. Revegetate/stabilize disturbed area as soon as possible.
  
6. A Tree Protection Plan shall be implemented:
  - a. No development shall occur within the driplines of oak trees that occur in the construction area.
  - b. All oak or specimen trees within 25 feet of proposed ground disturbances shall be temporarily fenced with chain-link or other material satisfactory to P&D throughout all grading and construction activities. The fencing shall be installed six feet outside the dripline of each oak or specimen tree, and shall be staked every six feet.
  - c. No construction equipment shall be parked, stored or operated within six feet of any oak or specimen tree dripline.
  - d. No fill soil, rocks, or construction materials shall be stored or placed within six feet of the dripline of all oak or specimen tree.
  - e. Any roots encountered that are one inch in diameter or greater shall be cleanly cut. This shall be done under the direction of a P&D approved arborist/biologist.
  - f. Any trenching required within the dripline or sensitive root zone of any specimen tree shall be done by hand.
  - g. No permanent irrigation shall occur within the dripline of any existing oak tree.
  - h. Any construction activity required within three feet of a oak or specimen tree's dripline shall be done with hand tools.
  - i. Any oak trees which are removed and/or damaged (more than 25% of root zone disturbed) shall be replaced on a 5:1 basis with 15 gallon size saplings grown from locally obtained seed. Where necessary to remove a tree and feasible to replant, trees shall be boxed and replanted. A drip irrigation system with a timer shall be installed. Trees shall be planted prior to occupancy clearance and irrigated and maintained until established (five years). The plantings shall be protected from predation by wild and domestic animals, and from human interference by the use of staked, chain link fencing and gopher fencing during the maintenance period.
  - j. Maintenance of oak or specimen tree shall be accomplished through water-conserving irrigation techniques.
  - k. Any unanticipated damage that occurs to trees or sensitive habitats resulting from construction activities shall be mitigated in a manner approved by P&D. This mitigation may include but is not limited to posting of a performance security, tree replacement on a 5:1 ratio and hiring of an outside consultant biologist to assess the damage and recommend mitigation. The required mitigation shall be done immediately under the direction of P&D prior to any further work occurring on site. Any performance securities required for installation and maintenance of replacement trees will be released by P&D after its inspection and approval of such installation.

1. All trees located within 25 feet of proposed buildings shall be protected from stucco or paint during construction.
7. In the event that cultural resources are encountered during grading activities, activities shall be temporarily suspended in the area of the find and the applicant shall retain a P&D approved archaeologist and Native American observer to carry out a Phase 1 archaeological investigation pursuant to County Archaeological Guidelines. If resources are found to be significant, a Phase 3 data recovery program shall be funded by the applicant pursuant to County Archaeological Guidelines. The scope of work for all investigations shall be prepared by P & D.
8. There shall be no irrigation placed within the 75-year bluff setback area. Any new plantings in the 75-year setback shall be drought-tolerant, non-invasive, and native species.
9. In the event that bluff erosion threatens the proposed pergola no erosion control devices shall be constructed or put in place without a new Coastal Development Permit.
10. Construction activity for site preparation and for future development shall be limited to the hours between 7:00 a.m. and 4:00 p.m., Monday through Friday. No construction shall occur on State holidays (i.e. Thanksgiving, Labor Day). Construction equipment maintenance shall be limited to the same hours. Non-noise generating construction activities such as interior painting are not subject to these restrictions.
11. All construction vehicles shall park off-street and on-site. No construction vehicles shall park on Marina Drive.
12. If the Zoning Administrator determines at a noticed public hearing that the permittee is not in compliance with any conditions of this permit pursuant to the provisions of Section 35-170.6 of Article II of the Santa Barbara County Code, the Zoning Administrator may, in addition to revoking the permit pursuant to said section, amend, alter, delete or add conditions to this permit.
13. The Zoning Administrator's approval of this Appealable CDP shall expire one year from the date of approval or, if appealed, the date of action by the Board of Supervisors or the California Coastal Commission on the appeal, if the use, building or structure permit has not been issued. Prior to the expiration of such one year period, the Director of Planning and Development may grant one extension of one year for good cause shown.
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 the 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. The total number of horses for this parcel is not to exceed 3 horses.
18. The bathroom in the stables is limited to a sink and a toilet, no bathing facilities shall be permitted.
19. Applicant will obtain approval as to the adequacy of the existing individual sewage disposal system to accommodate the additional plumbing fixtures proposed as part of this permit and approval of the animal waste management plan from Environmental Health Services prior to the issuance of the Coastal Development Permit, 99-CDP-188H.
20. Demolition and/or excess construction materials shall be separated onsite for reuse/recycling or proper disposal (e.g., concrete asphalt). During grading and construction, separate bins for recycling of construction materials and brush shall be provided onsite. This requirement shall be printed on the grading and construction plan. Materials shall be recycled as necessary throughout construction. All materials shall be recycled prior to Final Inspection.
21. During construction, washing of concrete, paint, or equipment shall occur only in areas where polluted water and materials can be contained for subsequent removal from the site. Washing shall not be allowed near sensitive biological resources. An area designated for washing functions shall be identified. The applicant shall designate a wash off area, acceptable to P&D, on the construction plans. The wash off area shall be designated on all plans prior to issuance of the Coastal Development Permit. The washout area shall be in place throughout construction.
22. Prior to Coastal Development Permit issuance, the applicant shall submit an additional plan set, including the landscape plan, and pay a Permit Compliance fee of \$595.00.

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JUL 05 2001

CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

<b>EXHIBIT 5 (page 11 of 11)</b>
<b>CDP A-4-STB-01-120 (Lancashire)</b>
<b>Decision by Board of Supervisors'</b>

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA  
89 SOUTH CALIFORNIA ST., 2ND FLOOR  
VENTURA, CA 93001  
(805) 641-0142

APPEAL FROM COASTAL PERMIT  
DECISION OF LOCAL GOVERNMENT

ORIGINAL

Please Review Attached Appeal Information Sheet Prior To Completi  
This Form.

SECTION I. Appellant(s)

Name, mailing address and telephone number of appellant(s):

Roni Capital, LLC

Mindy A. Wolfe, Hatch and Parent

21 East Carrillo Street

Santa Barbara, CA 93101

(805) 963-7000

Zip

Area Code

Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port

government: Santa Barbara County Board of Supervisors

2. Brief description of development being

appealed: Extensive residential assessor structures, including but not limited to, horse stable, garage, garbage enclosure, horse waste dumpster, eight foot high pergola, pool equipment enclosure, bar-b-que area (built in)

3. Development's location (street address, assessor's parcel

no., cross street, etc.): 4385 Marina Drive, Santa Barbara;

APN 063-220-022; adjacent to Pacific Ocean at the south

4. Description of decision being appealed:

a. Approval; no special conditions: \_\_\_\_\_

b. Approval with special conditions: \_\_\_\_\_ X

c. Denial: \_\_\_\_\_

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: \_\_\_\_\_

DATE FILED: \_\_\_\_\_

DISTRICT: \_\_\_\_\_

H5: 4/88

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JUN 28 2001

EXHIBIT 6 (page 1 of 14)  
CDP A-4-STB-01-120 (Lancashire)  
Appeal

C  
SOUTH

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- a.  Planning Director/Zoning Administrator      c.  Planning Commission  
b.  City Council/Board of Supervisors      d.  Other \_\_\_\_\_

6. Date of local government's decision: May 22, 2001

7. Local government's file number (if any): 97-CDP-188

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

Chris and Alicia Lancashire  
4385 Marina Drive      1510 Princes Drive  
Santa Barbara, CA 93110      Glendale, CA 91207

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) Terry Ann Bartlett      Reetz, Fox & Bartlett  
116 E. Sola Street  
Santa Barbara, CA 93101

(2) Leslie Monser      Monser Land Use and Planning  
331 North Milpas St., Suite A  
Santa Barbara, CA 93103

(3) Hope Ranch Park Homes Association  
695 Via Tranquila  
Santa Barbara, CA 93110

(4) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page

EXHIBIT 6 (page 2 of 14)
CDP A-4-STB-01-120 (Lancashire)
Appeal

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

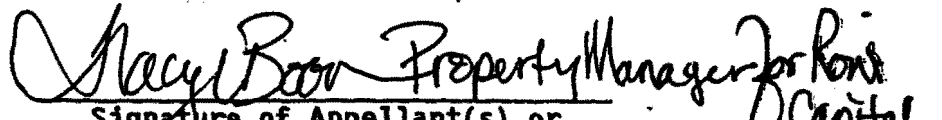
State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

See attached

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

**SECTION V. Certification**

The information and facts stated above are correct to the best of my/our knowledge.

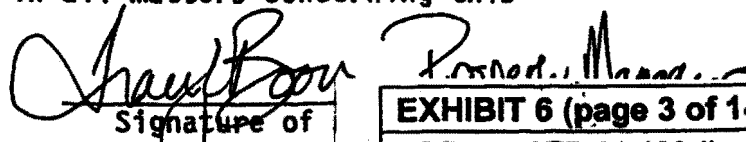
  
Signature of Appellant(s) or Authorized Agent

Date 6/27/01

NOTE: If signed by agent, appellant(s) must also sign below.

**Section VI. Agent Authorization**

I/We hereby authorize Mindy A. Wolfe, Esq. to act as my/our representative and to bind me/us in all matters concerning this appeal.

  
Signature of

Date 6/27/01

EXHIBIT 6 (page 3 of 14)
CDP A-4-STB-01-120 (Lancashire)
Appeal

**SECTION IV.**  
**REASONS SUPPORTING THE RONI CAPITAL, LLC APPEAL TO THE  
CALIFORNIA COASTAL COMMISSION OF 97-CDP-188**

Roni Capital, LLC ("Roni") appeals the decision of the Santa Barbara County Board of Supervisors ("Board") approving issuance of a coastal development permit allowing for construction of an extensive array of residential assessor structures and appurtenances on a coastal bluff top site owned by Chris and Alicia Lancashire (collectively "Applicant") in the Hope Ranch area of Santa Barbara County [Santa Barbara County Case No. 99-CDP-188] ("Project").

Roni appeals the Board's decision as there is no rational basis, in fact or law, for (1) permitting new development within the 75-year bluff setback, (2) granting a CEQA categorical exemption for a project which is in fact a component of a much larger project, and (3) approving the Project which is out of character with the surrounding neighborhood and inconsistent with the Coastal Zoning Ordinance.

**1. There is No Rational Basis for Development Within 75-year Bluff Setback**

The Board's approval of the Project permits development within the 75-year bluff setback contrary to Chapter 35, Article II, Section 35-67 of the Santa Barbara County Coastal Zoning Ordinance ("Coastal Zoning Ordinance"). Coastal Zoning Ordinance Section 35-67 is attached as Exhibit 1. The lack of proper environmental review and the lack of appropriate conditions of approval increases the necessity for protective bluff devices to support the Project improvements.

Among other concerns raised by Roni, the Board ignored expert testimony by Prof. Donald Weaver establishing that the Applicant's geological report was invalid at the time it was relied upon by the County. Dr. Weaver, a registered engineering geologist and former University of California professor, explained that all geologists place time restrictions on the viability of their reports dealing with coastal properties due to the rapid rate of change attributable to the dynamic coastal processes. At the Board's hearing, the Applicant presented no evidence to refute the fact that the County and the Applicant relied on a geological report that expired in 1998 in approving the Project on February 5, 2001. On its face, the Applicant's geological report states in two different places that it expires two years after its 1996 drafting date.

Further, in its action the Board ignored Dr. Weaver's testimony regarding his observations of unstable bluff conditions, potential aggravations of those conditions attributable to the Project, and the Applicant's attempt, without the required County permits, to structurally fortify an existing bluff top retaining wall for purposes of retaining fill material being added to the Lancashire site. There is no evidence a structural engineer was consulted or retained by the Applicant to design, engineer and oversee these major retaining wall excavation and repair attempts. Photos of the unpermitted work were presented to the Board at the May 22, 2001 hearing and are attached hereto as Exhibit 2. This retaining wall is essential to the stability of the area of the Lancashire site which already contains a large swimming pool and where the Project is proposing further development.

There is no evidence that the stability of this wall, or the lack thereof, was every analyzed by the County in granting approval of the Project or the other improvements built on the site by the Applicant. A failure of this bluff top retaining wall could cause severe negative impacts to public access on the beach below the Project and the adjoining bluff top property owned by Roni. At a minimum, an updated geologic report specifically addressing the Applicant's proposed new construction is essential for determining the impacts on coastal resources, the Lancashire property, the adjacent bluff top properties, and the potential need for future coastal bluff protective devices.

Finally, there is a history of bluff failures on both sides of the project site. The California Supreme Court has said that "...knowledge of the regional setting [of a project] is critical to the assessment of environmental impacts." (*Bozung v. LAFCO* (1979) 13 Cal.3d 263, 283, 529 P.2d 1017.) Dr. Weaver testified the expired geological report relied on by the Applicant and County failed to take into consideration the conditions on the properties immediately adjacent to the Project site. Despite this empirical evidence supported by expert testimony, the County and Applicant relied on an expired geological report to determine that project development within the bluff setback is appropriate.

There is no rational basis for permitting substantial new development within the Coastal Zoning Ordinance mandated bluff setback. The Project does not conform with the shoreline erosion and geologic setback requirements. The Board's approval ignored credible, adverse evidence pertaining directly to the foreseeable impacts of the Project. Specifically, the Board's (i) reliance on an expired geological report, (ii) decision to ignore expert testimony pertaining to unstable bluff conditions, and (iii) refusal to consider physical evidence of unpermitted retaining wall construction which may increase the present bluff instability constituted an abuse of discretion. These items were clearly sufficient to establish that approval of the Project was contrary to the goal of preserving coastal resources as mandated by the Coastal Act and the County's local costal plan.

## **2. No CEQA Categorical Exemption Should Have Been Granted**

The Board's approval of the Project included approval of a Notice of Exemption ("Exemption") based on Guideline Sections 15301(d)(4) and 15303(e) of the California Environmental Quality Act ("CEQA"). Granting the Exemption was contrary to CEQA principles and policies in that approval ignored the Project's location on a sensitive coastal bluff with identified environmentally sensitive habitat (CEQA Guideline § 15300.2(a)). Granting the Exemption also ignored the substantial possibility the Project may have a significant adverse effect on the environment (coastal resources) and failed to consider the cumulative impacts of this Project when reviewed along side the "successive projects" on the Applicant's property over the past three years (CEQA Guidelines § 15300.2(b, c)). CEQA policies prohibit the approval of the Project's Exemption because of the Project's sensitive location, considerable cumulative impacts and the reasonable possibility of a significant effect on the environment.

The Applicant has segmented development of the site by starting with an 11,000 square foot



residence and pool, which has already taken almost three years to construct. This was followed by the current Project which proposes extensive additional accessory structures and appurtenances. The effect of the Applicant's "segmenting" of the property development has resulted in avoidance of disclosure of potential environmental impacts in violation of well established CEQA principles. (*Bozung v. LAFCO* (1979) 13 Cal.3d 263, 529 P.2d 1017.) CEQA mandates that "environmental considerations do not become submerged by chopping large projects into many little ones – each with a minimum potential impact on the environment – which cumulatively may have disastrous consequences." (*Bozung v. LAFCO* (1979) 13 Cal.3d 263, 284, 529 P.2d 1017.) The Applicant's incremental development process evidences a pattern of intense development of this site without the benefit of comprehensive and meaningful environmental review. This has in effect allowed the County and Applicant to characterize each small piece of the large development on this sensitive coastal bluff top property as qualifying for an exemption.

The environmental impacts of the Project have never been fully and comprehensively examined. This is clear after review of the Board's Notice of Final Action and the corresponding Board Findings at Attachment B ("Findings") of the Notice of Final Action. By way of illustration, Findings Section 2.1.1.1 states that the pergola is located at least 100 feet from the environmentally sensitive habitat ("ESH"). The Findings also state that the ESH is along the edge of the bluff and bluff face. This contradicts Findings Section 2.1.2 which states the pergola is 35 feet from the edge of bluff. Another example of the inadequate and inconsistent review of this Project, is Findings Section 2.1.2 which states that the Project is located on a parcel next to a "private road" in the Hope Ranch area. The Lancashire site abuts Marina Drive which is a public road. The cursory review and arbitrary dismissal of potential adverse impacts on the environment and sensitive coastal resources are evidenced by these blatant mistakes and inconsistencies.

The Applicant's property is located between the ocean and the first public road. The County has ignored possible impacts on the public by identifying the road as private. The County staff report identifies ESH, albeit degraded, along the bluff edge and bluff face of the property. The conditions of approval imposed on the Project by the Board do not address the ESH and do not require any meaningful mitigation.

In granting the Exemption and approving the Project, the Board ignored substantial evidence that the approval could have significant adverse impacts on environmentally sensitive coastal resources.

### **3. The Project is Out of Scale with Surrounding Ocean Bluff Neighborhood**

The Board's approval ignores evidence that the development on the Lancashire site attributable to the Project surpasses the established physical scale of the area. In the Board's Findings at Section 2.1.3, the County improperly attempts to delegate to the Hope Ranch Park Homes Association the review of the Project for consistency with the physical scale of the neighborhood. There is no evidence that the County's delegation of this review is authorized and/or permissible under the Coastal Zoning Ordinance, the Coastal Act or any other legal authority.

The stable with attached garage is approximately 2,324 square feet and has a two story element which is 23 feet high. The Applicant's main residence, which is still under construction, is over 11,000 square feet. Other recently approved development on the Applicant's property include a swimming pool (within 75-year bluff setback), formal gardens, motor court, horse paddock, and vineyard. The Applicant's property is so over developed that it has burst at the seams. The County's approval has permitted development to spill over into the front yard setback contrary to Section 35-119 (3,4) of the Coastal Zoning Ordinance, a copy of which is attached as Exhibit 3. There is no justification for the County's labeling of the corrals and associated garbage enclosure as anything other than part of the stable. All parts of all accessory structures must meet all setback requirements according to the Coastal Zoning Ordinance. (Coastal Zoning Ordinance § 35-119 (3,4).) The Board's approval allows these accessory structure elements within the setbacks contrary to the applicable provisions of the Coastal Zoning Ordinance.

### **Conclusion**

The Santa Barbara County Coastal Zoning Ordinance policies and standards do not support approval of the Project because the it includes (i) development of a potentially unstable coastal bluff within the 75-year bluff setback, (ii) the construction of accessory structures and appurtenances within the front yard setbacks, and (iii) overall site development that exceeds the physical scale of the area. Further, the Coastal Zoning Ordinance does not support piece meal environmental review by slicing up large development projects into small pieces in order to fit them into a CEQA exemption.

Development projects on California's coastline have a potentially statewide impact. A substantial issue is presented to the California Coastal Commission through this appeal because local government decisions must adhere to Coastal Act and CEQA mandates, policies and procedures. In interpreting its own Coastal Zoning Ordinance provisions pertaining to the protection of coastal resources, the Board must do so in a manner consistent with state law. Approval of development on sensitive coastal bluffs without appropriate review and consistency determinations, threatens your commission's charge of protecting the California coastline and insuring its preservation for the use and enjoyment of future generations.

## **DEVELOPMENT STANDARDS**

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### **Sec. 35-67. Bluff Development**

1. In areas of new development, above-ground structures shall be set back a sufficient distance from the bluff edge to be safe from the threat of bluff erosion for a minimum of 75 years, unless such standard will make a lot unbuildable, in which case a standard of 50 years shall be used. The County shall determine the required setback. A geologic report shall be required by the County in order to make this determination. At a minimum, such geologic report shall be prepared in conformance with the Coastal Commission's adopted Statewide Interpretive Guidelines regarding "Geologic Stability of Blufftop Development." (See also Policy 4-5 regarding protection of visual resources.)
2. In addition to that required for safety, further bluff setbacks may be required for oceanfront structures to minimize or avoid impacts on public views from the beach. Blufftop structures shall be set back from the bluff edge sufficiently far to insure that the structure does not infringe on views from the beach except in areas where existing structures on both sides of the proposed structure already impact public views from the beach. In such cases, the new structure shall be located no closer to the bluff's edge than the adjacent structures.
3. Within the required blufftop setback, drought-tolerant vegetation shall be maintained. Grading, as may be required to establish proper drainage or to install landscaping, and minor improvements, i.e., patios and fences that do not impact bluff stability, may be permitted. Surface water shall be directed away from the top of the bluff or be handled in a manner satisfactory to prevent damage to the bluff by surface and percolating water.
4. Development and activity of any kind beyond the required blufftop setback shall be constructed to insure that all surface and subsurface drainage shall not contribute to the erosion of the bluff face or the stability of the bluff itself.
5. No development shall be permitted on the bluff face, except for engineered staircases or accessways to provide beach access, and pipelines for scientific research or coastal dependent industry. Drainpipes shall be allowed only where no other less environmentally damaging drain system is feasible and the drainpipes are

**EXHIBIT 6 (page 8 of 14)**

**CDP A-4-STB-01-120 (Lancashire)**

**Appeal**

*Coastal Zoning Ordinance - Chapter 35, Article II  
December 1997*

## **DEVELOPMENT STANDARDS**

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designed and placed to minimize impacts to the bluff face, toe, and beach. Drainage devices extending over the bluff face shall not be permitted if the property can be drained away from the bluff face.

**EXHIBIT 6 (page 9 of 14)**

**CDP A-4-STB-01-120 (Lancashire)**

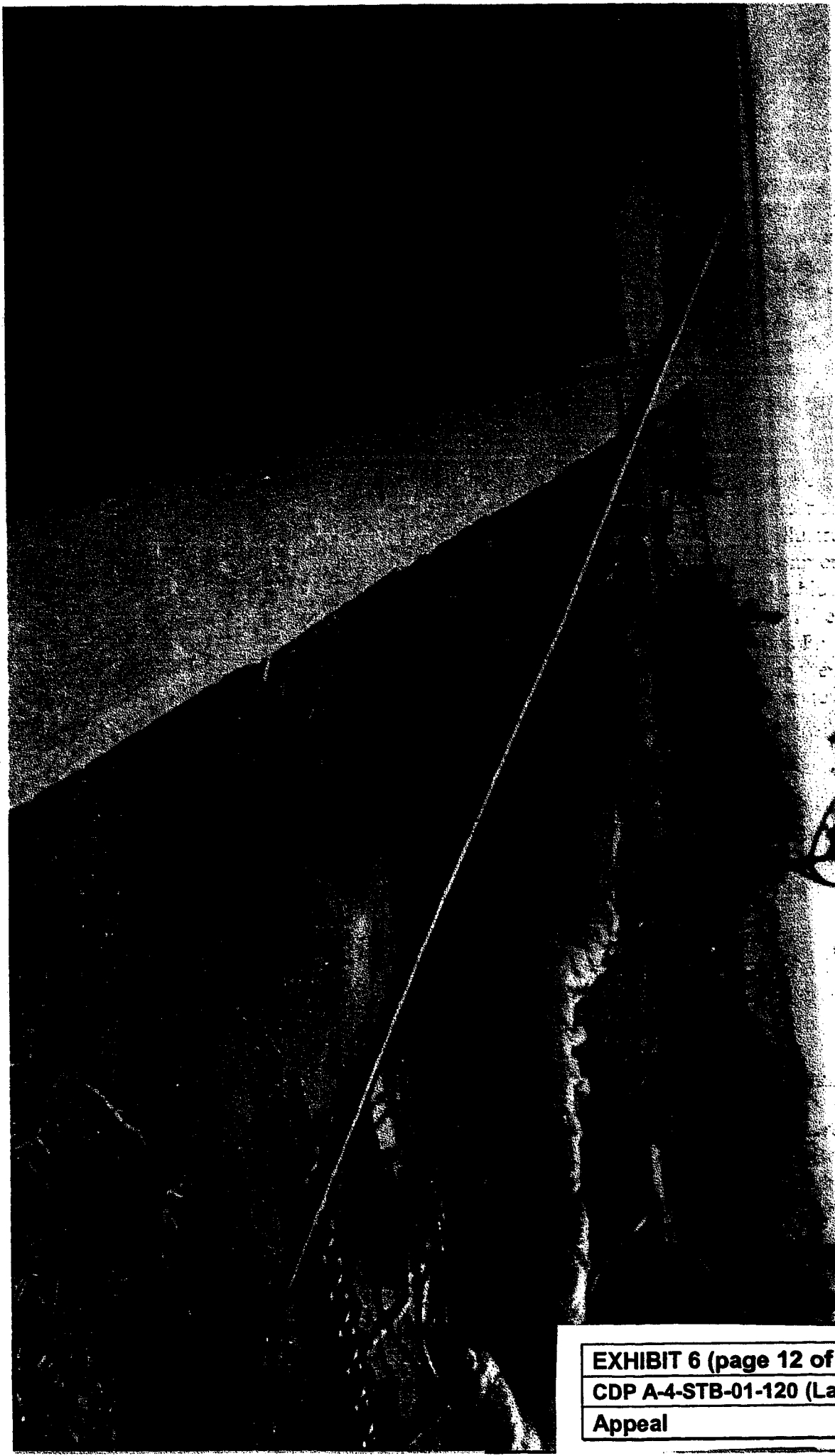
**Appeal**

*Coastal Zoning Ordinance - Chapter 35, Article II  
December 1997*





**EXHIBIT 2**



<b>EXHIBIT 6 (page 12 of 14)</b>
<b>CDP A-4-STB-01-120 (Lancashire)</b>
<b>Appeal</b>

## ACCESSORY STRUCTURES

### **Sec. 35-119. Accessory Structures.**

1. All accessory structures, including agricultural accessory structures, shall conform to criteria set forth in this section and as defined by ordinance except that mobile home site accessory structures within a Mobile Home Park shall instead be regulated by the MHP District provisions (Sec. 35-91.). *(Amended by Ord. 3844, 3/20/90; Ord. 4086, 12/15/92).*
2. Except in agricultural districts, no accessory structure shall be constructed on a lot until construction of the principal structure has begun, and no accessory structure shall be used unless the principal structure on the lot is also being used.
3. An accessory structure erected as an integral part of the principal structure shall comply in all respects with the use, yard, and height requirements applicable to the principal structure.
4. Accessory structures shall conform to the height requirements and the front and side yard setback regulations of the district. An accessory structure may be located in the required rear yard setback provided that it is located no closer than five (5) feet to the principal structure and that it occupies no more than 40% of the required rear yard, and that it does not exceed a height of twelve (12) feet.
5. No accessory structure on a corner lot shall be located closer to the street right-of-way or centerline than the principal building on that lot, nor within any side or front yard setback.
6. For a corner lot backing on a key lot, an accessory structure shall be setback from the rear property line by a distance equal to the side yard setback requirement applicable to the key lot. *(Amended by Ord. 4298, 3/24/98).*
7. Agricultural accessory structures which serve as a primary place of employment or which are used by the public may include a bathroom and wetbar area, provided that a Notice to Property Owner is recorded by the property owner. For all other accessory structures, plumbing devices shall be limited to toilets and wash basins, and no bathing facilities or wetbars shall be allowed.
8. No cooking facilities shall be allowed in accessory structures.

<b>EXHIBIT 6 (page 13 of 14)</b>
<b>CDP A-4-STB-01-120 (Lancashire)</b>
<b>Appeal</b>

*Coastal Zoning Ordinance - Chapter 35, Article II  
December 1997; Replacement Page October 1998*



## ACCESSORY STRUCTURES

9. Accessory buildings and structures shall not be used for sleeping purposes and shall not be used as guest houses, artist studios, or cabañas, unless specifically permitted for such use. *(Amended by Ord. 4298, 3/24/98)*
10. On lots of one acre or less, the gross floor area of an accessory structure shall not exceed 800 square feet, excluding garages, barns and stables.
11. Additional requirements, identified in Division 15 (Montecito Community Plan Overlay District), exist for those parcels identified with the MON overlay zone. *(Added by Ord. 4196, 5/16/95)*

<b>EXHIBIT 6 (page 14 of 14)</b>
<b>CDP A-4-STB-01-120 (Lancashire)</b>
<b>Appeal</b>

*Coastal Zoning Ordinance - Chapter 35, Article II  
December 1997; Replacement Page October 1998*

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CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

July 19, 2001

Ms. Sabrina Haswell  
South Central Coast Area  
89 South California Street, 2<sup>nd</sup> Floor  
Ventura, CA 93001

**APPEAL OF COASTAL DEVELOPMENT PERMIT FOR 4385 MARINA DRIVE,  
SANTA BARBARA – COMMENTS REGARDING SUBSTANTIAL ISSUE**

Dear Ms. Haswell,

This office represents Chris and Alicia Lancashire (the “Lancshires”), owners of the property located at 4385 Marina Drive in Hope Ranch, Santa Barbara and applicants for the above-referenced Coastal Development Permit (“CDP”). The Santa Barbara County Board of Supervisors has approved the Lancashire’s application for a CDP to build a stable and pergola on their 2.9-acre property site. This appeal comes to you from a neighbor, Roni Capital, LLC (“Roni Capital”), who has persistently objected to the construction of the stable and pergola on the Lancashire property.

For the reasons stated below, we believe that no substantial issue exists.

**I. PROJECT DESCRIPTION**

The Lancshires applied to the Santa Barbara County Zoning Administrator (the “County”) for a CDP to build a stable and pergola on their property. The stable replaces a guesthouse with an attached garage. The stable is approximately 1700 square feet of paddock and approximately 624 square feet of attached garage. The stable itself will include three horse corrals and a trash enclosure.

The proposed stable is setback 125 feet as required by County Zoning Ordinances (“CZO”), however, the associated corrals are located approximately 14 feet into this setback. These corrals consist of split rail fences less than 6 feet in height. Adjacent to the garage portion of the stable, a trash enclosure is also proposed. The trash enclosure consists of a 6 foot screening wall that is not attached to the garage or stable. The Zoning Administrator has treated the corrals and trash enclosure in a manner consistent with Article II of the CZO governing fences and walls (Section 35-123).

**EXHIBIT 7 (page 1 of 5)**  
**CDP A-4-STB-01-120 (Lancashire)**  
**Letter from Applicant**

Ms. Sabrina Haswell  
July 19, 2001  
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The pergola consists of columns approximately 7'11" in height with intermittent 7' screening walls. The pergola also includes pool equipment storage (below grade) and a barbecue area. A portion of the pergola falls within the 75-year bluff setback; however, it has been determined by the County's geologist that the pergola's placement approximately 90 feet from the top of the sea cliff will not impact bluff stability.

The stable and the pergola are the only development included in the CDP.

## II. SUBSTANTIAL ISSUE

Roni Capital fails to raise a substantial issue in its appeal and, therefore, the Coastal Commission should refuse to hear the appeal.

The California Public Resources Code and the California Code of Regulations authorize the Coastal Commission to hear an appeal of a local agency's issuance of a CDP when a substantial issue is raised in the appeal. Pub. Res. § 30635(b)(2) & Cal. Regs. § 13321. A "substantial issue" is a "significant question as to conformity with the certified local coastal program . . ." Cal. Regs. § 13115(b). The appeal is "limited to an allegation that the development does not conform to the standards set forth in the certified local coastal program . . ." Pub. Res. § 30603(b)(1).

Roni Capital makes three allegations in its appeal: 1) The County improperly approved development within the 75-year bluff setback that runs along the rear of the Lancashire property; 2) The County improperly granted a CEQA exemption for the stable and pergola; and 3) The County improperly approved the stable and pergola as the addition is inconsistent with the character of the community of Hope Ranch and with the CZO.

Of these three allegations, one is not relevant to this appeal and the other two fail to present a substantial issue.

A. **Roni Capital's Challenge to the County's Issuance of a CDP Is Limited to Conformity with the County's Coastal Zoning Ordinance and, Therefore, It Is Improper for the Coastal Commission to Address the CEQA Allegation.**

An appeal to the Coastal Commission challenging a local agency's issuance of a CDP is "limited to an allegation that the development does not conform to the standards set forth in the certified local coastal program . . ." Pub. Res. § 30603(b)(1). Roni Capital's appeal questions the County's finding that the Lancshires' stable and pergola is exempt from CEQA. Compliance with CEQA and conformity with the County's CZO are two different animals. The Coastal Commission is not the appropriate forum for Roni Capital's CEQA challenge.

Ms. Sabrina Haswell  
July 19, 2001  
Page 3

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**B. The Stable and Pergola Clearly Meet the Zoning Requirements and Development Standards Set Forth in the County's Coastal Zoning Ordinance and Are Consistent with the Character of Hope Ranch, Therefore, There Is No Substantial Issue for this Appeal.**

The County's CZO includes very particular zoning and development standards for Hope Ranch development. Accordingly, the Lancashire stable must meet specific setback and height requirements. For the setbacks, the ordinance requires that the front yard have a 125 foot setback from the centerline of the adjacent public road "except in the case of appurtenant structures wherein front, side, and rear setbacks may be decreased by 15 feet." CZO § 35-73.6. An "appurtenant structure" is defined as "a structure that is auxiliary or accessory to another structure or use." CZO § 35-58. For the height restrictions, no building may exceed 25 feet. CZO 35-73.8.

The Lancashire stable meets these setback and height requirements. The stable is at least 125 feet from the centerline of Marina Drive. The three horse corrals and the trash enclosure do encroach on this 125 foot setback. Yet, the corrals and trash enclosure are auxiliary structures within the above definition and are within the extra 15 feet permitted by the County's CZO. Further, at its tallest point, the stable is only 23 feet in height. Decidedly, the stable meets the setback and height requirements of the CZO.

In addition, the pergola must meet strict development standards. While there is no applicable rear yard setback as the Lancashire property abuts a coastal bluff, the CZO does limit development within the 75-year bluff setback. "Within the required blufftop setback . . . minor improvements, i.e., patios and fences that do not impact bluff stability, may be permitted." CZO § 35-67(3). The CZO further requires that "[d]evelopment and activity of any kind beyond the required blufftop setback shall be constructed to insure that all surface and subsurface drainage shall not contribute to the erosion of the bluff or the stability of the bluff itself." CZO § 35-67(4).

Pursuant to CZO section 35-67(3), the County considers requests to place non-habitable structures within the 75-year bluff setback. The County looks at these requests on a case-by-case basis. Pursuant to CZO section 35-67(4), the County requires that the County Geologist review these requests to make sure the project will not promote bluff erosion.

For the Lancashire pergola, the County reviewed the project as a non-habitable structure. In its review, the County and its Geologist determined that the pergola would not promote bluff erosion and was a proper exception to the 75-year bluff setback requirement. Further, the County placed several restrictions in the CDP that prevent any irrigation within the 75-year setback, require new plantings of drought-tolerant, non-invasive, native plants, and prevents construction of erosion control devices to protect the pergola without a new CDP. In summary, the pergola complies with the strict

Ms. Sabrina Haswell  
July 19, 2001  
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development standards of the CZO, and the County properly exercised its discretion in allowing part of the pergola within the 75-year bluff setback.

Finally, as for the scale of the Lancashire home site with the new stable and pergola, the County Zoning Administrator found that the property would be "consistent with the established physical scale of the Hope Ranch area." Zoning Administrator Findings § 2.1.3. Hope Ranch is an equestrian dominated area just west of the Santa Barbara city limits. Stables are found throughout this community as are outdoor living areas which encourage property owners to enjoy the beauty of Santa Barbara.

The County accurately determined that the Lancashire stable and pergola meet the strict zoning and development standards of the CZO and that the Lancashire home site is consistent in scale and character with other homes in Hope Ranch. The County adhered to the CZO in making this decision. Therefore, there is no substantial issue as to the Lancashire stable and pergola CDP conforming to the CZO.

### III. CONCLUSION

In order for the Coastal Commission to hear Roni Capital's appeal, there must be a "*significant question* as to conformity with the certified local coastal program." Cal. Regs. § 13115(b)(emphasis added). The County Zoning Administrator, after a public hearing, determined that the Lancashire stable and pergola conformed to the County's CZO. Following an appeal of the County Zoning Administrator's determination, the County Board of Supervisors held a public hearing and unanimously determined that the project conformed to the CZO as well.

The County Zoning Administrator and Board of Supervisors have properly exercised their discretion and determined that the Lancashire CDP conforms to the County CZO. No significant question as to conformity with the local coastal plan is present. While Roni Capital may not like the outcome, it fails to raise a substantial issue regarding the Lancashire CDP conforming to the County CZO. Therefore, the Coastal Commission should not hear this appeal.

EXHIBIT 7 (page 4 of 5)  
CDP A-4-STB-01-120 (Lancashire)  
Letter from Applicant

REETZ, FOX & BARTLETT

Ms. Sabrina Haswell  
July 19, 2001  
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Thank you for your time and consideration.

Sincerely,

REETZ, FOX & BARTLETT LLP

  
Terry A. Bartlett

Lancashire\Marina Drive\Haswell-01.doc

cc: Alan Seltzer, Deputy County Counsel  
Santa Barbara County Counsel  
Winston Wright, Planner  
Santa Barbara County Planning & Development  
Chris & Alicia Lancashire  
Leslie Monser,  
Monser Land Use & Planning Service

EXHIBIT 7 (page 5 of 5)

CDP A-4-STB-01-120 (Lancashire)

Letter from Applicant

# Memorandum

Date: July 18, 2001

To: Sabrina Haswell  
California Coastal Commission

From: Brian R. Baca  
Engineering Geologist  
Planning and Development

Subject: Lancashire Appeal, 99-CDP-188H: Comments on 75-year setback

CC: Winston Wright, P&D

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## INTRODUCTION

CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

This memorandum responds to your request for clarification of the 75-year seacliff retreat setback imposed on the single family dwelling and associated accessory structures.

## DISCUSSION

The 75-year setback applied to the single family dwelling approved on the Lancashire property is located approximately 140 feet landward of the edge of the bluff. This setback was recommended in a December 14, 1996 report by the applicant's geologic consultant (J. Fischer, CEG). A 50-foot setback for accessory structures was also recommended in the 12-14-96 report.

The 140-foot setback distance was based on observed retreat of about 10 feet over a 68-year period (1928-1996) and the application of a methodology for determining seacliff setback that is not recognized by the County. This setback was accepted because it was consistent with (and greatly exceeded) the setback that would be required by the County. In this case, the retreat rate reported by Fischer (about 2 inches/year) would only require a setback of about 13 feet. Seacliff retreat rates of up to 8 inches per year have been reported for this section of the coast. At that rate, the required 75-year seacliff setback would be 50 feet.

Since the pergola and pool components of the residential development are more than 50 feet from the bluff edge, they would meet a 75-year setback required by the County. Such structures, however, have been routinely approved by the County within the 75-year setback zone as they can be found consistent with

EXHIBIT 8 (page 1 of 2)  
CDP A-4-STB-01-120 (Lancashire)  
Letter from County Geologist

Memo to S. Haswell from B. Baca, 7-18-01  
Lancashire 99-CDP-188H  
Page 2 of 2

Coastal Land Use Plan policies 3-5 and 3-6. Note that bluff stability is not affected by the installation of an adequately engineered pool. First, the weight of the water in the pool is substantially less than the soil displaced. Second, with an engineered subdrain system, the potential for leakage is reduced to a minimal and acceptable level.

G:\...lwplcdpl99\_cases\9cdp188h\memotoCCC.retreat.doc

**EXHIBIT 8 (page 2 of 2)**  
**CDP A-4-STB-01-120 (Lancashire)**  
**Letter from County Geologist**





# County of Santa Barbara Planning and Development

John Patton, Director  
Dianne Meester, Assistant Director

June 27, 2001

California Coastal Commission  
Attention: Sabrina Hoswell, Coastal Program Analyst  
89 S. California Street, Suite 200  
Ventura, CA 93001

Re: Staff Report and Action Letter for 99-CDP-188 H, Lancashire Demo Guest House, New Stable/Wall/Pergola

Dear Ms. Hoswell:

Thank you for the call regarding the staff report for the Coastal Development Permit, 99-CDP-188H, for the Lancashire project at 4385 Marina Drive on Assessor's Parcel Number 063-220-022. This Coastal Development Permit is for the construction of a new horse stable, a walled trash enclosure, and a pergola. As you pointed out in our telephone conversation on June 26, 2001 there is an error in the Administrative Findings, *Section 2.1.1.3*, of the Staff Report for this project which states; "*The pergola is proposed to be located approximately 35 feet from the edge of the bluff, however it can not be seen from the beach because of the height of the bluff face.*" The proposed pergola is in fact approximately 90 feet from the edge of the bluff. I attempted to clarify the proposed distance of pergola from the edge of the bluff during the Zoning Administrator's Hearing by requesting changes to the submitted Staff Report, however these changes did not get recorded and I did not catch this error before the Action Letter was filed.

The project plans illustrate that the proposed location of the pergola is approximately 90 feet from the top of the coastal bluff. I apologize for any confusion the error may have caused while you were reviewing the Board of Supervisor's Action Letter that denied the Roni Capital Appeal of the Lancashire project, 99-CDP-188 H. If you have any questions regarding this letter or the project please feel free to call me at 805 884-8055, or I can be reached via e-mail at [wwright@co.santa-barbara.ca.us](mailto:wwright@co.santa-barbara.ca.us).

Sincerely,

Winston Wright, Planner  
Development Review South

C: June Pujo, Supervising Planner

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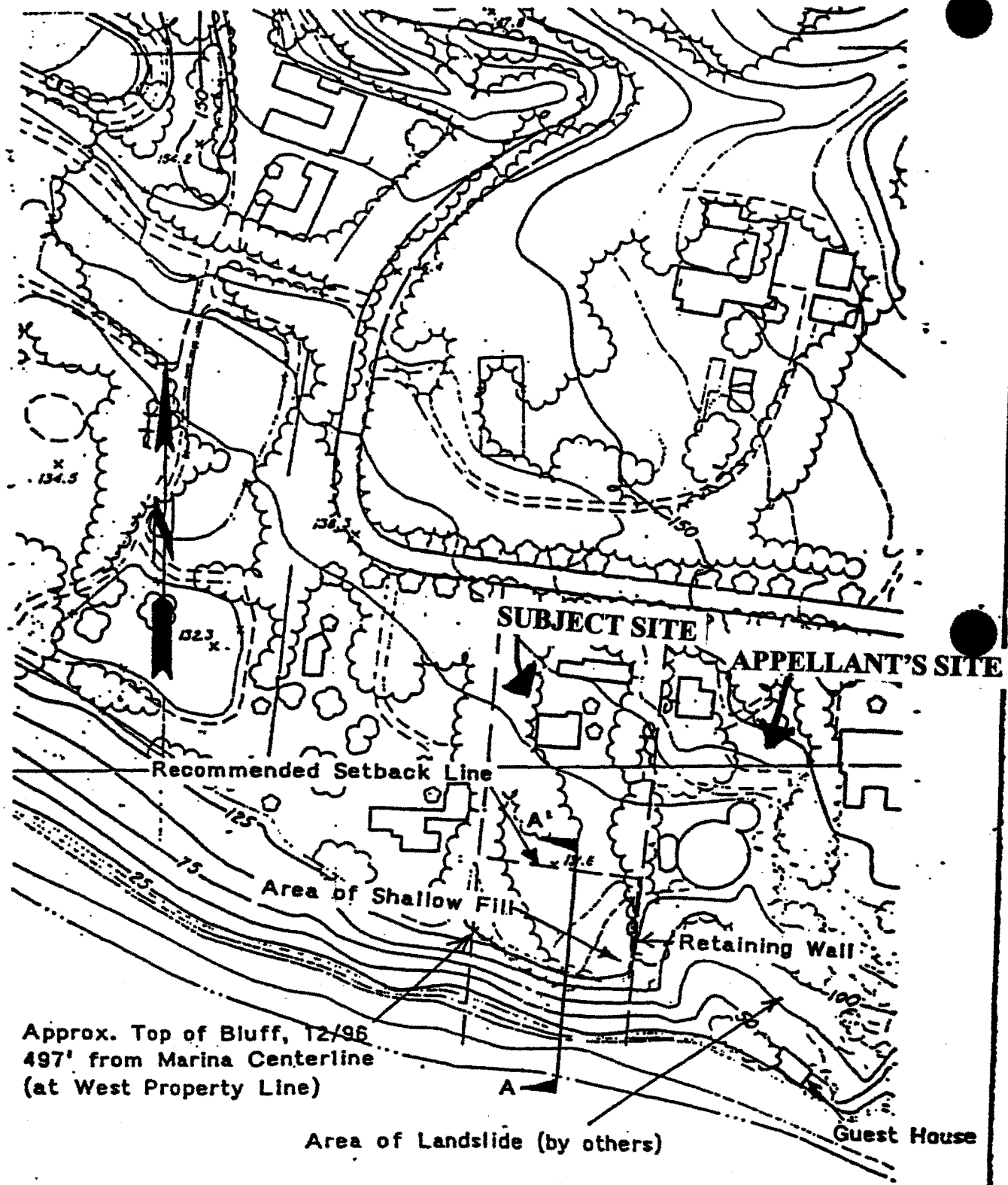
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CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

EXHIBIT 9

CDP A-4-STB-01-120 (Lancashire)

Letter from County Planner



Approx. Top of Bluff, 12/96  
 497' from Marina Centerline  
 (at West Property Line)

Area of Landslide (by others)

Base Map: Co. Flood, 1991 Sheets 52, 57

CFG CONSULTANTS



Engineering Geology

Scale: 1"=200

Project: 961204

Figure: 3

**EXHIBIT 10**  
**CDP A-4-STB-01-120 (Lancashire)**  
**Topographic Map**