

Ballantyne Appeal House Backgrounder

Procedural history

Project includes 15,864 sq. ft. of structures on a prominent ridge on a 17 acre parcel between Farren Road and Rancho Embarcadero. House (11,500 sq.ft.) garage (1800 sq.ft.), guest house (800 sq.ft.), garage to guest house (600 sq.ft.) and barn (1200 sq.ft.). The house is over 300 feet long, visible from many public viewing places including Highway 101, Farren Road, and Ranch Embarcadero. It breaks the skyline (the structure's outline is seen against the background of the sky) from many of these locations. The parcel is a legal non-conforming lot zoned for agriculture, AG-II-100.

Planning and Development Department Director deemed the project inconsistent with several General Plan policies and denied it at the Director level.

The applicant appealed to the Planning Commission in Fall 2006 and reversed the Planning and Development Department Director decision by a 3-2 vote. GCC timely appealed that decision to the Board of Supervisors. The Board of Supervisors will hear this appeal on June 19, 2007.

Planning Issues

The project violates three General Plan policies, including the following:

Structures shall be subordinate in appearance to natural landforms; shall be designed to follow the natural contours of the landscape; and shall be sited so as not to intrude into the skyline as seen from public viewing places.

Source: Land Use Element Visual Resources Policy 2; Inland zoning ordinance, § 35.30.060.

The proposed house is sited on the most prominent point on the parcel - a ridge overlooking the Rancho Embarcadero subdivision and eastern Gaviota Coast. Initially the applicant proposed citrus trees, then substituted a 600 foot long earthen berm, ranging from two to ten feet tall, to screen the structure. The County Planning and Development Department properly concluded these mitigations failed to meet General Plan and zoning ordinance requirements, which specifically requires structures be sited to avoid these impacts. The SBAR also concluded that the project violated visual resources standards.

Additionally, the project has also been found by County staff to be inconsistent with Hillside protection policies and the Goleta Community Plan.

The site is large enough that the house could be moved and modified to avoid these policy and zoning ordinance inconsistencies. Once this project's structures are relocated, some or all of the other General Plan policy inconsistencies may be avoided.

CEQA Issues

Although CEQA exempts typical single family homes, when the approval involves the exercise of decisionmaker discretion, CEQA applies. In this case, the Planning Commission imposed various conditions that attempted to make the project conform to the General Plan, but in so doing, exercised discretion, triggering CEQA. The County Staff Report agrees with the GCC appeal, and recommends that the project either be denied, or undergo environmental review.

The applicant is expected to claim the project is exempt under the single family home CEQA categorical exemption. This exemption only applies in residential areas. The Ballantyne parcel is zoned agricultural. Further, CEQA does not allow the use of categorical exemptions when projects are located on environmentally sensitive sites. The visibility of the project from several places for the scenic Gaviota Coast (Highway 101, Farren Road, Rancho Embarcadero and Calle Real) prevent use of this categorical exemption.