



BOARD OF SUPERVISORS  
AGENDA LETTER

**Agenda Number:**

**Clerk of the Board of Supervisors**  
105 E. Anapamu Street, Suite 407  
Santa Barbara, CA 93101  
(805) 568-2240

**Department Name:** Planning & Development  
**Department No.:** 053  
**For Agenda Of:** Set Hearing on 3/2/10 for 3/16/10  
**Placement:** Departmental  
**Estimated Time:** 30 minutes  
**Continued Item:** No  
**If Yes, date from:** N/A  
**Vote Required:** Majority

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**TO:** Board of Supervisors

**FROM:** Department Planning & Development  
Director Glenn Russell, PhD, 568-2085  
Contact Info Dave Ward, Deputy Director, 568-2520  
Development Review Division– South County

**SUBJECT: Miramar Beach Resort & Bungalows Time Extensions**

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**County Counsel Concurrence**

As to form: Yes

Other Concurrence: Select\_Other

As to form: N/A

**Auditor-Controller Concurrence**

As to form: N/A

**Recommended Actions:**

On March 2, 2010, set hearing for March 16, 2010 to consider the recommendation of the Montecito Planning Commission on Case Nos. 10TEX-00000-00005, 10TEX-00000-00008, 10TEX-00000-00009, 10TEX-00000-00010 & 10TEX-00000-00011 regarding a request by the applicant, Caruso Affiliated, for time extensions for the Miramar Beach Resort & Bungalows project.

On March 16, 2010, your Board's action should include the following:

1. Make the required findings for approval of the project specified in Attachment A of the Montecito Planning Commission staff report dated February 24, 2010 (included as Attachment 1 of this staff report), including the California Environmental Quality Act (CEQA) findings.
2. Accept (08EIR-00000-00003 & 00-ND-003 as revised in the Addendum dated September 25, 2008) as adequate Environmental Review for Case Nos. 10TEX-00000-00005, 10TEX-00000-00008, 10TEX-00000-00009, 10TEX-00000-00010 & 10TEX-00000-00011, pursuant to Section 15162 of the State Guidelines for Implementation of the California Environmental Quality Act.
3. Approve the project, Case Nos. 10TEX-00000-00005, 10TEX-00000-00008, 10TEX-00000-00009, 10TEX-00000-00010 & 10TEX-00000-00011.

**Background:**

On December 9, 2008, the Board of Supervisors approved the Miramar Beach Resort & Bungalows project. The approved project includes a Development Plan, four Conditional Use Permits and a Coastal Development Permit to redevelop the Miramar Hotel. The project was subsequently appealed to the California Coastal Commission by two parties. Those appeals were resolved on April 6, 2009 which is now the effective date of project approval.

**Time Extension Summary:**

The requested time extension for the Coastal Development Permit (CDP), 08CDP-00000-00054, would extend the life of the permit one year from April 6, 2010 to April 6, 2011 as allowed by Ordinance. If necessary and prior to April 6, 2011, the applicant could request additional time extensions if the permit is not yet issued. Pursuant to Section 35-169-.6.2.a.1, the Board of Supervisors could approve two additional time extensions for two years each if good cause is shown and the applicable CDP findings could still be made. If all available time extensions are eventually granted, the CDP would be valid until April 6, 2015.

The requested time extensions for the Conditional Use Permits, 07CUP-00000-00045, 07CUP-00000-00046, 07CUP-00000-00047 & 08CUP-00000-00005, would extend the life of these permits an additional 54 months from their expiration date on October 6, 2010 to April 6, 2015. The CUPs have an original life span of 18-months from project approval (April 6, 2009 to October 6, 2010). Granting these time extensions would synchronize the expiration of the CUP's with the maximum potential expiration date of the Coastal Development Permit as allowed for in Section 35-172.9.3.c.2 of Article II.

Good cause has been shown for the requested time extensions as detailed in the application included as Attachment 4 of this Board letter. The applicant states that unexpected delays have prevented them from completing the conditions of approval including longer than anticipated discussions with hotel operators and the severe downturn in the general economic climate. All original project findings can be made including the CDP findings required by Section 35-169-.6.2.a.1 and no change in circumstances, legislation or other relevant factors has occurred with respect to the project.

The Revised Development Plan, Case No. 07RVP-00000-00009, has a life-span of 5 years from the date of project approval (April 6, 2009 to April 6, 2014) and does not require an extension at this time.

The Board's scope of review for this time extension project is limited to the time extension request itself and does not include consideration of the merits of the approved project. In order to approve the time extension request, the Board must determine that the applicable findings for approval of the Coastal Development Permit (Section 35-169.5) can still be made. The applicable findings for approval of the time extension requests are included in Attachment 1 of this Board letter.

**Jurisdiction:**

Because the Board of Supervisors was the decision-maker who approved the project (December 9, 2008 on appeal), the Board of Supervisors is also the decision-maker for the requested time extensions pursuant to the following provisions.

1. Article II, Section 35-169.6.1.a (Expiration) states:

*The approval or conditional approval of a Coastal Development Permit shall be valid for one year from the date of decision-maker action. Prior to the expiration of the approval, the decision-maker who approved the Coastal Development Permit may extend the approval one time for one year if good cause is shown and the applicable findings for the approval required in compliance with Section 35-169.5 can still be made.*

2. And, Article II, Section 35-172.9.3c. (Expiration) states:

*The decision-maker with jurisdiction over the project in compliance with Section 35-172.3 (Conditional Use Permits, Jurisdiction) may extend the time limit one time for good cause shown provided...*

The Montecito Planning Commission will conduct a hearing on February 24, 2010 to consider the applicant's request for the subject time extensions and may make a recommendation to the Board of Supervisors. At the time this set hearing letter was drafted, the recommendation of the Commission was not yet known. That recommendation will be detailed either at or before the March 16, 2010 Board hearing.

**Project Description:**

The request is for time extensions to a previously approved project, Case Nos. 07CUP-00000-00045, 07CUP-00000-00046, 07CUP 00000-00047, 08CUP-00000-00005, and 08CDP-00000-00054. The project was approved by the Montecito Planning Commission on October 7, 2008 and subsequently by the Board of Supervisors on appeal on December 9, 2008. The Board of Supervisor's approval of the project was then appealed to the California Coastal Commission by two appellants. Those appellants withdrew their appeals on April 6, 2009 making this the effective approval date. The applicant requests a time extension for the Coastal Development Permit, 08CDP-00000-00054, which would extend the life of the permit one year to April 6, 2011. The applicant also requests time extensions for the Conditional Use Permits, 07CUP-00000-00045, 07CUP-00000-00046, 07CUP-00000-00047 & 08CUP-00000-00005, which would extend the life of these permits an additional 54 months from their expiration date on October 6, 2010 to April 6, 2015.

The abbreviated project description for the Miramar Beach Resort & Bungalows project, Case Nos. 07RVP-00000-00009, 07CUP-00000-00045, 07CUP-00000-00046, 07CUP-00000-00047, 08CUP-00000-00005, 08GOV-00000-00014, and 08CDP-00000-00054 is as follows:

Redevelopment of the Miramar Hotel with all new buildings (all existing buildings to be demolished) totaling approximately 401,541 gross (170,150 net) square feet, including a main building with a lobby, meeting rooms and conference facilities, back-of-house areas, and underground parking; a ballroom; a spa, a Beach and Tennis Club with expanded membership; 204 guest rooms; two restaurants and a beach bar; two pools and two tennis courts; new landscaping; new 10-foot high sound wall; four employee dwellings; and abandonment of the north-south segment of Miramar Avenue with approximately 36,300 cubic yards of cut and 46,100 cubic yard of fill with 10,000 cubic yards to be imported. Refer to Attachment 2, Board of Supervisors action letter dated December 11, 2008, for the entire project description and conditions of approval.

**Fiscal and Facilities Impacts:**

Budgeted: Yes

The cost of processing the time extension request to the Board of Supervisors is borne completely by the applicant. The estimated staff cost to process the project is approximately \$3,090 (20 planner hours). Permit revenues are budgeted in the Development Review Permits section within the Development Review South Division, on page D-308 of the adopted 2009-2010 fiscal year budget.

**Special Instructions:**

The Clerk of the Board shall publish a legal notice at least 10 days prior to the hearing on March 16, 2010. The notice shall appear in the Santa Barbara Daily Sound. The Clerk of the Board shall fulfill the noticing requirements. Mailing labels for the mailed notice are attached. A minute order and a copy of the notice and proof of publication shall be returned to Planning and Development, attention David Villalobos.

**Attachments:**

1. Planning Commission Staff Report dated February 24, 2010
2. Board of Supervisors Action Letter dated December 11, 2009 w/ Notice of Final Action cover page for Case Nos. 07RVP-00000-00009, 07CUP-00000-00045, 07CUP-00000-00046, 07CUP-00000-00047, 08CUP-00000-00005, 08GOV-00000-00014, and 08CDP-00000-00054
3. 08EIR-00000-00003 and 00-ND-003 as revised by the Addendum dated September 25, 2008 is available on the County's website at <http://www.sbcountyplanning.org/projects/07RVP-00009/index.cfm> and is physically available at the Clerk of the Board (A copy will be available for review at the BOS hearing on March 16, 2010)
4. Application
5. Site Plan

**Authored by:**

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**cc:**

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