



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: 3/16/10
Placement: Departmental
Estimated Time: 1 hour
Continued Item: No
If Yes, date from: N/A
Vote Required: Majority

TO: Board of Supervisors

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

SUBJECT: Miramar Beach Resort & Bungalows Time Extensions

County Counsel Concurrence

As to form: Yes

Other Concurrence:

As to form: N/A

Auditor-Controller Concurrence

As to form: N/A

Recommended Actions:

Consider the recommendations 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, and take the following actions:

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 the Board agenda letter dated March 2, 2010), 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, included as Attachment 3 of the Board agenda letter dated March 2, 2010 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:

The Montecito Planning Commission (MPC) considered the Miramar time extension requests at their February 24, 2010 hearing. Their recommendation is intended to inform the Board of Supervisors and is outlined in some detail in the February 24, 2010 MPC action letter included as Attachment 1 of this Board letter.

During the hearing, the Commission discussed the current condition of the site and as a Body was concerned about the fire, and health safety impacts the site may currently have on the surrounding community. The Commission asked the applicant to demolish the existing buildings onsite to mitigate these perceived impacts. The MPC's recommendation includes a revision to Condition No. 81 which would delay the timing for collection of a \$1,440,000 payment (to fund lower cost visitor serving overnight accommodations in Santa Barbara County) until "prior to the issuance of the first Land Use Permit for any activity other than demolition". The intent of this change was to allow the applicant to demolish the existing buildings without first having to pay the \$1,440,000 fee as the condition currently requires. The MPC also recommended that the BOS delay consideration of the Conditional Use Permit time extensions until a future date-certain but prior to their expiration on October 6, 2010. The Commission contends clearing the site of existing buildings would alleviate the fire-safety and general health and safety impacts to the surrounding community. The Commission further expressed that the applicant's demolition and clearing of the site would demonstrate their interest in building out the approvals granted under the CUPs.

Alternatively, staff continues to recommend your Board approve all the requested time extensions. That recommendation is based upon; 1) the fact that good cause exists (depressed economic climate) to support the extension of all permits; and 2) the fact that the originally approved Development Plan (07RVP-00000-00009) set out a five year timeframe for this project and the requested time extensions would serve to support this timeframe already allowed to the applicant. Additionally, staff is not recommending any changes to the conditions of approval as the terms of Condition No. 76 have not occurred, i.e., there is no change in circumstance which warrants changes to the project's approved conditions. Therefore, staff maintains their original recommendation.

Additional background information was provided to your Board in staff's March 2, 2010 set hearing letter.

Project Description:

The request is for time extensions to a previously approved project, Case Nos. 08CDP-00000-00054, 07CUP-00000-00045, 07CUP-00000-00046, 07CUP 00000-00047 & 08CUP-00000-00005. 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 of the March 2, 2010 Board agenda letter, 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. 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. Montecito Planning Commission Action Letter dated February 24, 2010

Authored by:

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Planning & Development
Development Review Division, South
568-2047

cc:

Anne Almy, Supervising Planner
Dave Ward, Deputy Director, Development Review South
Dianne Black, Director of Development Services