



# COUNTY OF SANTA BARBARA CALIFORNIA

## MONTECITO PLANNING COMMISSION

COUNTY ENGINEERING BUILDING  
123 E. ANAPAMU STREET  
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TO THE HONORABLE BOARD OF SUPERVISORS  
COUNTY OF SANTA BARBARA, CALIFORNIA

MONTECITO PLANNING COMMISSION  
HEARING OF FEBRUARY 24, 2009

**RE: *Miramar Beach Resort and Bungalows Time Extensions; 10TEX-00000-00005, 10TEX-00000-00008, 10TEX-00000-00009, 10TEX-00000-00010, 10TEX-00000-00011***

Hearing on the request of Matt Middlebrook, representing the owner Caruso Affiliated, that the Montecito Planning Commission consider and adopt a recommendation to the County Board of Supervisors that they approve the following:

- a) **10TEX-00000-00005**, [application filed on January 19, 2010] for a one (1) year time extension (from April 6, 2010 to April 6, 2011) to Case No. 08CDP-00000-00054 in compliance with Section 35-169 of Article II, on property zoned C-V & TC;
- b) **10TEX-00000-00008**, [application filed on January 19, 2010] for a 54-month time extension (from October 6, 2010 to April 6, 2015) to Case No. 07CUP-00000-00045 in compliance with Section 35-172 of Article II, on property zoned C-V & TC;
- c) **10TEX-00000-00009**, [application filed on January 19, 2010] for a 54-month time extension (from October 6, 2010 to April 6, 2015) to Case No. 07CUP-00000-00046 in compliance with Section 35-172 of Article II, on property zoned C-V & TC;
- d) **10TEX-00000-00010**, [application filed on January 19, 2010] for a 54-month time extension (from October 6, 2010 to April 6, 2015) to Case No. 07CUP-00000-00047 in compliance with Section 35-172 of Article II, on property zoned C-V & TC;
- e) **10TEX-00000-00011**, [application filed on January 19, 2010] for a 54-month time extension (from October 6, 2010 to April 6, 2015) to Case No. 08CUP-00000-00005 in compliance with Section 35-172 of Article II, on property zoned C-V & TC; and

to 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. The application involves APNs 009-371-003 & -004, 009-372-001, 009-333-010, and 009-010-002, located at 1555 S. Jameson Lane, in the Montecito area, First Supervisorial District.

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Dear Honorable Members of the Board of Supervisors:

At the Montecito Planning Commission hearing of February 24, 2010, Commissioner Phillips moved, seconded by Commissioner Gottsdanker and carried by a vote of 5 to 0 to:

1. Recommend that the Board of Supervisors make the required findings for approval of Case No. 10TEX-00000-00005 (time extension for the Coastal Development Permit) as specified in Attachment A of the staff report, dated February 5, 2010 including the California Environmental Quality Act (CEQA) findings.
2. Recommend that the Board of Supervisors accept (08EIR-00000-00003 & 00-ND-003 as revised in the Addendum dated September 25, 2008) as adequate Environmental Review for Case No. 10TEX-00000-00005, pursuant to Section 15162 of the State Guidelines for Implementation of the California Environmental Quality Act.
3. Recommend that the Board of Supervisors approve Case No. 10TEX-00000-00005.
4. Recommend that the Board of Supervisors delay consideration of Case Nos. 10TEX-00000-00008, 10TEX-00000-00009, 10TEX-00000-00010 & 10TEX-00000-00011 (time extension for the Conditional Use Permits) until a date certain to occur prior to October 6, 2010, the expiration date of the CUPs. When considering these requests, the Montecito Planning Commission recommends the Board of Supervisors consider the general conditions of the project site including those related to fire safety and public health and safety.

**The Montecito Planning Commission recommends the Board of Supervisors make the following revision to the conditions of approval for Case No. 07RVP-00000-00009:**


***Recommend Condition No. 81 be revised:***

81. Prior to the issuance of the first Land Use Coastal Development Permit for any activity other than demolition, the applicant shall submit to the County Planning Director a sum of \$1,440,000 (based on 192 rooms x 0.25 x \$30,000) to fund lower cost visitor serving overnight accommodations in Santa Barbara County. Said fee shall be deposited into an interest bearing account, "Lower Cost Visitor Serving Overnight Accommodations Fund", to be established and managed by the County of Santa Barbara. The purpose of the account shall be to establish new lower cost visitor serving accommodations, such as new cabins, tent and yurt sites, and/or bicycle camp sites at the County's Jalama Beach Park, located in the coastal zone of Santa Barbara County. The entire fee and any accrued interest shall be used for the above stated purpose within ten years of the fee being deposited into the account. Any portion of the fee that remains after ten years shall be donated to the California Department of Parks and Recreation for use at one or more of the State Park units located along southern Santa Barbara County, or other organization acceptable to the County Planning Director, for the purpose of providing lower cost visitor serving overnight accommodations.

***The attached findings reflect the recommendations of the Montecito Planning Commission on February 24, 2010.***

The recommendation of the Montecito Planning Commission is automatically forwarded to the Board of Supervisors for their action on this project.

Sincerely,



Dianne M. Black  
Secretary to the Montecito Planning Commission

cc: Case File: 10TEX-00000-00005, 10TEX-00000-00008, 10TEX-00000-00009, 10TEX-00000-00010, 10TEX-00000-00011  
Montecito Planning Commission File  
Applicant: Caruso BCS Miramar LLC, Attn: Matt Middlebrook, 101 the Grove Drive, Los Angeles, CA 90036  
Shana Gray, California Coastal Commission, 89 S. California Street, Suite 200, Ventura, CA 93001  
Montecito Association, P.O. Box 5278, Montecito, CA 93150  
County Chief Appraiser  
County Surveyor  
Fire Department  
Flood Control  
Park Department  
Public Works  
Environmental Health Services  
APCD  
Supervisor Carbajal, First District  
Commissioner Eidelson  
Commissioner Burrows  
Commissioner Phillips  
Commissioner Overall  
Commissioner Gottsdanker  
✓ Rachel Van Mullem, Deputy County Counsel  
✓ Errin Briggs, Planner

**Attachments:      Attachment A - Findings**

DMB/dmv

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## ATTACHMENT A: FINDINGS

### 1.0 CEQA FINDINGS

A Subsequent EIR & Negative Declaration with Addendum (08EIR-00000-00003 & 00-ND-003) were certified for the project (Miramar Beach Resort & Bungalows, Case Nos. 07RVP-00000-00009, 07CUP-00000-00045, 07CUP-00000-00046, 07CUP-00000-00047, 08CUP-00000-00005, and 08CDP-00000-00054 on December 9, 2008. These documents are available for review at the County's Planning & Development department and on the County's website at <http://www.sbcountyplanning.org/projects/07RVP-00009/index.cfm>. The potential environmental impacts of the Miramar Beach Resort & Bungalows project were evaluated in (08EIR-00000-00003 & 00-ND-003 as revised in the Addendum) and mitigation measures for these impacts were incorporated into the Condition of Approval for the project.

CEQA Section 15162 allows the use of a previously adopted EIR and/or ND (as revised in the Addendum dated September 25, 2008) unless substantial evidence would require major revisions of the previous EIR or ND (as revised in the Addendum dated September 25, 2008) due to substantial changes in the proposed project because of: 1) new significant environmental effects or a substantial increase in the severity of previously identified significant effects; 2) substantial changes to the circumstances under which the project is undertaken due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or 3) new information of substantial importance. Section 15162 of the State CEQA Guidelines is found to be applicable to the Miramar Beach Resort & Bungalows Time Extensions project, Case No. 10TEX-00000-00005, as no new significant environmental effects would occur, previously identified environmental effects will not increase in severity, and no new information of substantial importance will require revisions to the previously approved EIR & ND (as revised in the Addendum dated September 25, 2008).

Because the current project meets the conditions for the application of State CEQA Guidelines Section 15162, preparation of a subsequent Environmental Impact Report or Negative Declaration is not required.

### 2.0 ADMINISTRATIVE FINDINGS

#### 2.1 Coastal Development Permit Time Extension Findings

**Pursuant to Section 35-169.6.2.a of Article II, prior to the expiration of the approval (of a Coastal Development Permit), the decision-maker who approved the Coastal Development Permit may extend the approval for one year if:**

***a. good cause is shown;***

Good cause has been shown for the requested Time Extension as detailed in the application included as Attachment D of this staff report. The applicant states that unexpected delays have prevented them from completing the conditions of approval including longer than anticipated discussions with hotel operators and effects stemming from the severe downturn in the general economic climate. Therefore, this finding can be made.

***b. and the applicable findings for the approval required in compliance with Section 35-169.5 can still be made.***

The findings made by the Board of Supervisors as part of their December 9, 2008 approval of the project which support the Coastal Development Permit (CDP) as required by Section 35-169.5 remain current and relevant. No change in circumstances, legislation or other relevant factors has occurred with respect to the project. Please see the findings which support the CDP in the Board of Supervisors Action Letter dated December 11, 2009 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. Therefore, this finding can be made.

