

Board of Supervisors

Miramar Beach Resort & Bungalows Time Extensions

Case Nos. 10TEX-00000-00005, 10TEX-00000-00008, 10TEX-00000-00009, 10TEX-00000-00010 & 10TEX-00000-00011


March 16, 2010



Miramar Time Extensions

Project Approval

- Approved by the MPC on October 7, 2008
- Approved on appeal by the BOS on December 9, 2008
- Appeal to Coastal Commission resolved on April 6, 2009
- April 6, 2009 is the date of final action for the project



4 Conditional Use Permits
(18 months)

Expires October 6, 2010



Coastal Development
Permit
(1 year)

Expires April 6, 2010



Development Plan
(5 years)

Expires April 6, 2014

Decision-Maker Jurisdiction

- Article II, Section 35-169.6.1.a (Expiration) states:
- ...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...can still be made.
- Montecito Planning Commission provides a recommendation to BOS.

Project Description

- Applicant requests Time Extensions for:
 - The approved Coastal Development for one year to April 6, 2011
 - The approved Conditional Use Permits (4) for 54 months to April 6, 2015

MPC Recommendation to BOS

- Make the required findings for approval of Case No. 10TEX-00000-00005 (for the CDP)
- Accept the previous Environmental Review as adequate for Case No. 10TEX-00000-00005
- Approve Case No. 10TEX-00000-00005.
- Delay consideration of the CUP extensions 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.
- Revise Condition 81 to delay payment of \$1.44M fee until after demolition

Staff Recommendation

- Maintain original recommendation, not that of the Montecito Planning Commission
 - Findings-Good Cause has been shown
 - No change in circumstances as referred to in Condition 76

Findings

- Coastal Development Permit
 - Good Cause
 - Original Findings can still be made

- Conditional Use Permits
 - Good Cause
 - Timely filed

Environmental Review

- Section 15162 of the State CEQA Guidelines is applicable to the Miramar Beach Resort & Bungalows Time Extensions project:
 - 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 (08EIR-00000-00003 & 00-ND-003 as revised in the Addendum).

Staff Recommendation

- Make the required findings for approval of the project including the (CEQA) findings.
- 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.
- Approve the project, Case Nos. 10TEX-00000-00005, 10TEX-00000-00008, 10TEX-00000-00009, 10TEX-00000-00010 & 10TEX-00000-00011.

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Coastal Development Permit

- 1) Prior to the expiration of a time extension approved in compliance with Subsection 2.a above, the decision-maker who approved the time extension may approve two additional time extensions for two years each if good cause is shown and the applicable findings for the approval required in compliance with Section 35-169.5 can still be made.

Conditional Use Permits

c. The decision-maker with jurisdiction over the project ... may extend the time limit one time for good cause shown provided:

2) The approved time extension shall not extend the time in which to obtain the required Land Use Permit beyond the maximum potential expiration date of the Coastal Development Permit approved in conjunction with the Conditional Use Permit.

Condition 76

If the applicant requests a time extension for this permit/project, the permit/project may be revised to include updated language to standard conditions and/or mitigation measures and additional conditions and/or mitigation measures which reflect changed circumstances or additional identified project impacts...