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MONTECITO PLANNING COMMISSION
Coastal Zone Staff Report for the Miramar Beach Resort and Bungalows
Time Extensions Project

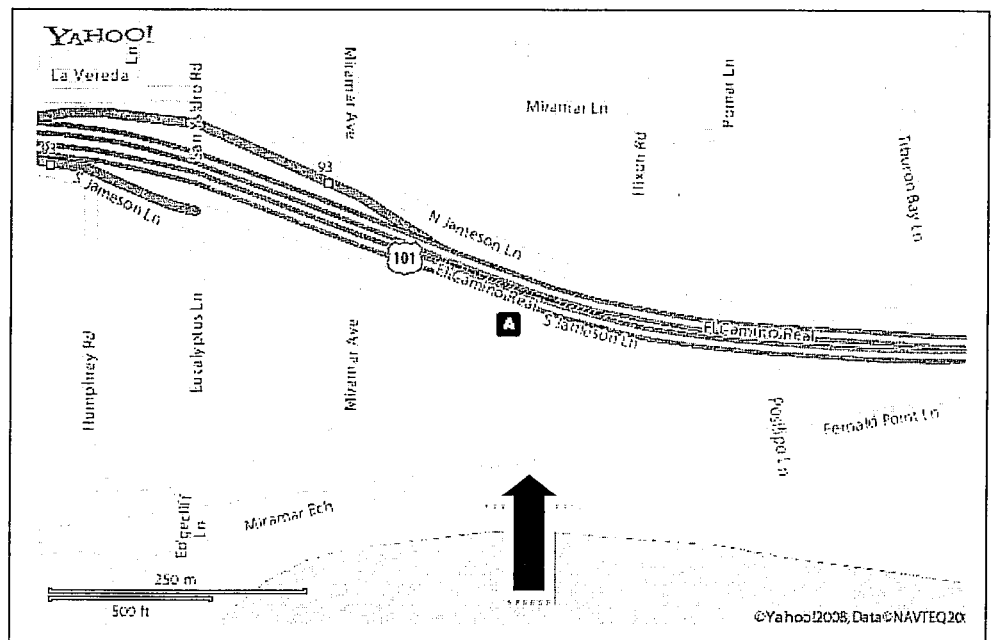
Hearing Date: February 23, 2011
Staff Report Date: February 4, 2011
Case Nos.: 10TEX-00000-00039

Alice McCurdy
Deputy Director: Alice McCurdy
Division: Development Review South
Supervising Planner: Anne Almy
Staff Contact: Errin Briggs
Planner's Phone No.: 568-2047

Environmental Document: 15162, Previous
Environmental Review (08EIR-00000-00003, 00-ND-003 and the Addendum dated December 9, 2008)

OWNER/APPLICANT:
Caruso BSC Miramar LLC
Contact: Matt Middlebrook
101 The Grove Drive
Los Angeles, CA 90036
(323) 900-8135

VICINITY MAP



This site is identified as Assessor Parcel Numbers 009-371-003 & -004, 009-372-001, 009-333-010, and 009-010-002 (UPRR) at 1555 S. Jameson Lane, Montecito area, First Supervisorial District.

1.0 REQUEST

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:

1. Case No. 10TEX-00000-00039, [application filed on November 23, 2010] for a two year time extension (from April 6, 2011 to April 6, 2013) to Case No. 08CDP-00000-00054 in compliance with Section 35-169 of Article II, on property zoned C-V & TC; and

to accept (08EIR-00000-00003, 00-ND-003 & the Addendum dated December 9, 2008) as adequate Environmental Review for Case No. 10TEX-00000-00039 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.

Application Submitted: November 23, 2010

Application Complete: January 18, 2011

2.0 RECOMMENDATION AND PROCEDURES

Follow the procedures outlined below and recommend that the County Board of Supervisors approve Case No. 10TEX-00000-00039, marked "Officially Accepted, County of Santa Barbara, February 23, 2011, Montecito Planning Commission Exhibits A-E", due to the project's consistency with the policies contained within the Comprehensive Plan including the Coastal Land Use Plan and the Montecito Community Plan, and on the ability to make the required findings.

Your Commission's motion should include the following:

1. Recommend that the Board of Supervisors make the required findings for approval of the project specified in Attachment A of this staff report, 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 December 9, 2008) as adequate Environmental Review for Case No. 10TEX-00000-00039, pursuant to Section 15162 of the State Guidelines for Implementation of the California Environmental Quality Act.
3. Recommend that the Board of Supervisors approve the project, Case No. 10TEX-00000-00039.

3.0 JURISDICTION

The Montecito Planning Commission (MPC) may make a recommendation to the County Board of Supervisors based on:

1. Article II, Section 35-169.6.2.a(1) (Expiration) which states:

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.

Because the Board of Supervisors was the decision-maker who approved the project (on appeal), the Board of Supervisors is also the decision-maker for the requested time extension. The Montecito Planning Commission may provide a recommendation to the Board of Supervisors on

the subject request. The Board of Supervisors will hear the requested time extensions on March 15, 2010.

4.0 ISSUE SUMMARY

The Miramar Beach Resort & Bungalows project was approved by the Montecito Planning Commission on October 8, 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 date the project's final approval date.

On March 16, 2010, the Board granted the applicant an extension of 08CDP-00000-00054 for one year from April 6, 2010 to April 6, 2011. At that same hearing, the project Conditional Use Permits, 07CUP-00000-00045, 07CUP-00000-00046, 07CUP-00000-00047 & 08CUP-00000-00005, were extended by the Board for an additional 54 months from their expiration date on October 6, 2010 to April 6, 2015. The accompanying Development Plan (07RVP-00000-00009) has a potential lifespan of 6 years from approval (five-year approval with a one-time, one-year time extension), also expiring on April 6, 2015. The maximum life-spans of the CUP's and the DVP are synchronized and are set to expire on April 6, 2015.

The applicant is currently requesting a two-year time extension for 08CDP-00000-00054. If granted, the request would extend the life of the permit two years from April 6, 2011 to April 6, 2013 as allowed by Ordinance. If necessary and prior to April 6, 2013, the applicant could request one additional time extension if the permit is not yet issued. Pursuant to Section 35-169.6.2.a.1, the decision-maker could approve one additional time extension for two years 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, synchronizing its expiration with project DVP and CUP's.

Time Extensions may be granted for good cause shown. Good cause has been shown for the requested time extension as detailed in their application submittal. The applicant states that unexpected delays have prevented them from completing the conditions of approval including effects stemming from 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 or other relevant factors has occurred with respect to the project.

The decision-maker's scope of review for the 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 decision-maker 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 request are included as Attachment A of this staff report.

5.0 PROJECT INFORMATION

5.1 Site Information

Miramar Beach Resort and Bungalows Site Information	
Montecito Community Plan Designation	Coastal, Urban, Resort/Visitor Serving Commercial (hotel grounds) and Transportation Corridor (UPRR)
Ordinance / Zone Districts	Coastal Zoning Ordinance (Article II) / C-V, Resort/Visitor Serving Commercial; REC, Recreation (20' portion of 60' easement); TC, Transportation Corridor (100'- wide, centered on RR tracks) Coastal Commission Appeals Jurisdiction
Assessor Parcel Numbers	9-333-10, 9-371-03, 9-371-04, 9-372-01 and 9-010-002 (UPRR)
Site Size	Gross: 15.99 acres w/ UPRR parcel (14.66 acres without UPRR parcel); Net: 15.77 acres w/ UPRR parcel (13.30 acres without UPRR parcel)
Present Use/Development	Beach resort hotel, dilapidated and unused
Surrounding Uses/Zoning	<u>North:</u> South Jameson Lane, U.S. Highway 101 and residential/TC and 20-R-1 zoning north of U.S. Highway 101 <u>South:</u> Residential, Pacific Ocean/REC, TC, DR-12, and 7-R-1 zoning <u>East:</u> Residential/DR 4.6 and 1-E-1 zoning <u>West:</u> Residential, All Saints by the Sea (church)/15-R-1 zoning
Access	U.S. Highway 101, South Jameson Lane, Eucalyptus Lane, Miramar Ave.
Public Services	<u>Water Supply:</u> Montecito Water District (use of private well was eliminated from the project in the 2009 approval) <u>Sewage:</u> Montecito Sanitary District <u>Fire:</u> Montecito Fire Protection District <u>Other:</u> Montecito Union and Santa Barbara High School Districts

5.2 Description

The request is for a time extension to a previously approved Coastal Development Permit (CDP), Case No. 08CDP-00000-00054. The approved project, which includes a Revised Development Plan, four Conditional Use Permits and the subject Coastal Development Permit, 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 date the project's final approval date. 08CDP-00000-00054 was previously extended by the Board of Supervisors from April 6, 2010 to April 6, 2011. The applicant requests a two-year time extension for 08CDP-00000-00054, which would extend the life of the permit from April 6, 2011 to April 6, 2013.

Concurrent with this Time Extension request, the applicant has also separately requested approval of an Amendment (10AMD-00000-00010 & 11CDH-00000-00001) to the approved Miramar Beach Resort & Bungalows project. If this Time Extension request and the Amendment request are both approved, two approved versions of the project would exist simultaneously: 1) That approved under Case No. 08CDP-00000-00054; and 2) The Amended project approved under Case Nos. 10AMD-00000-00010, 11CDH-00000-00001, 11CUP-00000-00005, 11CUP-00000-00006, 11CUP-00000-00007 & 11CUP-00000-00008. As part of the Time Extension request, the applicant would voluntarily add the following new condition to clarify their intent to only go forward with one of the approved plans.

89. Upon the issuance of this Coastal Development Permit, Coastal Development Permit 11-CDH-1 for the amended project shall become null and void. Upon the issuance of 11CDH-00000-00001, 08CDP-00000-00054 shall become null and void.

The abbreviated project description for the approved 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; 192 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 B, Board of Supervisors action letter dated December 11, 2009, for the entire project description and conditions of approval.

5.3 Ordinance Compliance

The requested time extension for Coastal Development Permit, 08CDP-00000-00054, was timely filed and is consistent with the provisions of the Article II Coastal Zoning Ordinance.

The requested time extension would extend the life of the permit two years from April 6, 2011 to April 6, 2013, consistent with Section 35-169.6.2.a.1.

2. Coastal Development Permits approved in compliance with Section 35-169.4.3.

- a. *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 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.

- 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.*

Good cause has been shown by the applicant for the requested Time Extension as detailed in the application submittal. The applicant states that unexpected delays including adverse effects stemming from the severe downturn in the general economic climate have prevented them from completing the conditions of approval.

6.1 Environmental Review

A Subsequent EIR (08EIR-00000-00003), Negative Declaration (00-ND-003) and Addendum dated December 9, 2008 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.) 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 this package of CEQA documents, 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 unless substantial evidence would require major revisions of the previous EIR or ND 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 Extension project, Case No. 10TEX-00000-00039, 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.

00-ND-003 and the Addendum dated December 9, 2008, evaluated the potentially significant long and short-term impacts of development of the project on aesthetics, air quality, biological resources, cultural resources, geology (erosion), land use, and noise, (etc.) and found that all of these potential impacts were subject to feasible mitigation. Mitigation measures included landscape and lighting restrictions, dust control measures, tree protection plans, erosion control measures, (etc.). Additionally, 08EIR-00000-00003 evaluated the potentially significant long and short-term impacts of development of the project on historic resources. Mitigation measures included historic documentation of the site's existing conditions, the retention of several

physical, historic components of the original hotel and making the existing cottages available for relocation and re-use offsite by interested parties. Incorporation of these mitigation conditions into the Conditions of Approval for the proposed project was found by the Board of Supervisors on December 9, 2008, to adequately address potential environmental impacts. No impacts previously found to be insignificant are now significant. 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.

7.0 APPEALS PROCEDURE

- The action of the Montecito Planning Commission is a recommendation to the Board of Supervisors and cannot be appealed.
- The action of the Board of Supervisors may be appealed to the Coastal Commission within ten (10) working days of receipt by the Coastal Commission of the County's notice of final action. For developments which are appealable to the Coastal Commission under Section 35-182.6, no appeal fee will be charged.

ATTACHMENTS

- A. Findings
- B. 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
- C. 08EIR-00000-00003, 00-ND-003 and the Addendum dated December 9, 2008 are available on the County's website at <http://www.sbcountyplanning.org/projects/07RVP-00009/index.cfm> and are physically available at the Planning & Development offices located at 123 East Anapamu upon request
- D. Site Plan



ATTACHMENT A: FINDINGS

1.0 CEQA FINDINGS

A Subsequent EIR (08EIR-00000-00003), Negative Declaration (00-ND-003) and Addendum dated December 9, 2008 were certified for the approved Miramar Beach Resort & Bungalows project (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 and 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 unless substantial evidence would require major revisions of the previous EIR or ND 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 Extension project, Case No. 10TEX-00000-00039, 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 08EIR-00000-00003, 00-ND-003 and the Addendum.

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:

2.1.1 *good cause is shown;*

Good cause has been shown by the applicant for the requested Time Extension as detailed in the application submittal. The applicant states that unexpected delays including adverse effects stemming from the severe downturn in the general economic climate have prevented them from completing the conditions of approval. Therefore, this finding can be made.

2.1.2 *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 or other relevant factors has occurred with respect to the project. Please see the findings, hereby incorporated by reference, which support the approved project 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.

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Attachment B





County of Santa Barbara Planning and Development

Glenn S. Russell, Ph.D., Director

Dianne Black, Director of Development Services

Derek Johnson, Director of Long Range Planning

March 18, 2010

Caruso BSC Miramar LLC
Attn: Matt Middlebrook
101 The Grove Drive
Los Angeles, CA 90026

BOARD OF SUPERVISORS HEARING OF MARCH 16, 2010

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

Hearing to consider the recommendation of the Montecito Planning Commission on Case Nos. 10TEX-00000-00005, 10TEX-00000-00008, 10TEX-00000-00009, 10TEX-00000-00010, and 10TEX-00000-00011 [applications file on January 19, 2010] regarding a request by the applicant, Caruso Affiliated, for time extensions for the Miramar Beach Resort & Bungalows project.

Dear Mr. Middlebrook:

At the Board of Supervisors' hearing of March 16, 2010, Supervisor Carbajal moved, seconded by Supervisor Farr and carried by a vote of 4 to 0 (Centeno absent) to:

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.

Sincerely,


DIANNE M. BLACK
DIRECTOR DEVELOPMENT SERVICES

Development Review
Building & Safety
Energy, Administration
123 E. Anapamu Street
Santa Barbara, CA 93101
Phone: (805) 568-2000
FAX: (805) 568-2030

Long Range Planning
30 E. Figueroa St, 2nd Floor
Santa Barbara, CA 93101
Phone: (805) 568-3380
FAX: (805) 568-2076

Development Review
Building & Safety
Agricultural Planning
624 W. Foster Road
Santa Maria, CA 93455
Phone: (805) 934-6250
FAX: (805) 934-6258

Board of Supervisors' Hearing of March 16, 2010
Miramar Beach Resort & Bungalows Time Extensions; 10TEX-00000-00005, 10TEX-00000-00008, 10TEX-00000-00009,
10TEX-00000-00010, 10TEX-00000-00011
Page 2

cc: Case File: 10TEX-00000-00005, 10TEX-00000-00008, 10TEX-00000-00009, 10TEX-00000-00010, 10TEX-00000-00011
Montecito Planning Commission File
Montecito Association, P.O. Box 5278, Santa Barbara, CA 93108
County Chief Appraiser
County Surveyor
Fire Department
Flood Control
Park Department
Public Works
Environmental Health Services
APCD
Rachel Van Mullem, Deputy County Counsel
Errin Briggs, Planner

Attachments: Attachment A - Findings

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

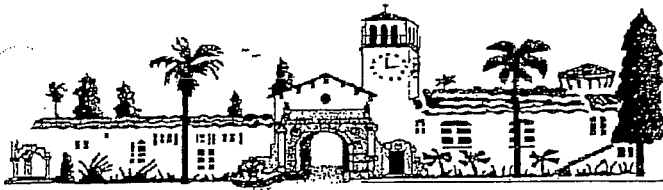
169.5 remain current and relevant. No change in circumstances, legislation or other relevant factors has occurred with respect to the project. Please see the findings which support the CDP in the Board of Supervisors Action Letter dated December 11, 2009 for Case Nos. 07RVP-00000-00009, 07CUP-00000-00045, 07CUP-00000-00046, 07CUP-00000-00047, 08CUP-00000-00005, 08GOV-00000-00014, and 08CDP-00000-00054. Therefore, this finding can be made.

2.2 Conditional Use Permit Time Extension Findings

Pursuant to Section 35-172.9.3.c of Article II, prior to the expiration of the approval (of a Conditional Use Permit), 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:

- 1) A written request that includes a statement of the reasons for the time extension request is filed with the Planning and Development Department prior to the expiration date.*
- 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.*

Good cause has been shown for the requested Conditional Use Permit (CUP) Time Extensions 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. The extension requests were filed prior to the expiration date of the CUPs. Additionally, granting of the extension requests would 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 CUPs. Therefore, this finding can be made.



County of Santa Barbara Planning and Development

Glenn S. Russell, Ph.D., Director

Dianne Black, Director of Development Services

Derek Johnson, Director of Long Range Planning

December 11, 2008

Caruso BSC Miramar LLC
Attn: Matt Middlebrook
101 The Grove Drive
Los Angeles, CA 90036

REVISED
BOARD OF SUPERVISORS
HEARING OF DECEMBER 9, 2008

RE: *Miramar Beach Resort and Bungalows Project; 07RVP-00000-00009, 07CUP-00000-00045, 07CUP-00000-00046, 07CUP-00000-00047, 08CUP-00000-00005 and 08CDP-00000-00054*

Hearing to consider the following appeals: Case Nos. 08APL-00000-00036 and 08APL-00000-00037 for the Jean and Stan Harfinest and Citizens Planning Association Appeals of the Montecito Planning Commission's Approval of the Miramar Beach Resort and Bungalows Project, 07RVP-00000-00009, 07CUP-00000-00045, 07CUP-00000-00046, 07CUP 00000-00047, 08CUP-00000-00005, and 08CDP-00000-00054, First District.

Dear Mr. Middlebrook:

At the Board of Supervisors' hearing of December 9, 2008, Supervisor Carbajal moved, seconded by Supervisor Firestone and carried by a vote of 4 to 1 (Supervisor Wolf no) to:

1. Deny the appeals;
2. Adopt the required findings for the project contained in the October 8, 2008 Montecito Planning Commission Action Letter, as amended at the hearing and specified below, including findings for the revised Development Plan and modifications to the ordinance standards for setbacks, height, and parking, including the CEQA findings;
3. Certify the Subsequent Environmental Impact Report 08EIR-00000-00003 and approve the Addendum as amended at the hearing and specified below, and adopt the mitigation monitoring program contained in the conditions of approval; and
4. Grant *de novo* approval of the project, subject to the conditions included as Attachment C of the October 8, 2008 Montecito Planning Commission Action Letter as amended at the hearing and specified below.

Development Review
Building & Safety
Energy, Administration
123 E. Anapamu Street
Santa Barbara, CA 93101
Phone: (805) 568-2000
FAX: (805) 568-2030

Long Range Planning
30 E. Figueroa St, 2nd Floor
Santa Barbara, CA 93101
Phone: (805) 568-3380
FAX: (805) 568-2076

Development Review
Building & Safety
Agricultural Planning
624 W. Foster Road
Santa Maria, CA 93455
Phone: (805) 934-6250
FAX: (805) 934-6258

REVISIONS TO THE FINDINGS

Finding 1.1.3, Page 7, was revised:

Due to generation of noise up to ~~100~~ 85 dB(A) at 50 feet away from residences due to new Torque Down 1275 pile installation ~~pile-driving~~ activities for the new Oceanfront building foundations and seawall that were not part of the approved plan, and greater unmitigated noise generation at residences closer than 50 feet, additional mitigation would be required for the proposed project to ensure that construction noise affecting residences located within 100 feet from Torque Down 1275 pile installation ~~pile-driving~~ activities would be adequately mitigated. Implementation of mitigations requiring installation of a temporary noise barrier, implementation of a noise monitoring program and offering the provision of temporary off-site accommodation for residents adjacent to the construction during maximum noise-generating activities, would reduce short-term noise impacts associated with pile installation to *less than significant levels*.

Previously identified mitigation measures would reduce impact levels to less than significance and impacts associated with the proposed project change would not be substantially more severe than impacts associated with the approved Schragger plan or the MPC approved Caruso plan.

REVISIONS TO THE ADDENDUM

Air Quality, Page 13, was revised:

The County does not have a threshold for short-term construction-related NO_x and ROC emissions or for PM₁₀ emissions. Nevertheless, short-term construction-related vehicle exhaust emissions are not considered significant because all short-term construction activities in the County contribute only a relatively small portion of the total NO_x and ROC emissions in the County (construction only generated 6% of the total NO_x in Santa Barbara County in 1990). Therefore, construction of any given project would not be expected to contribute significantly to the current violation of the state ozone standard or violate the federal ozone standard. Consistent with this rationale, 00-ND-003 found that impacts associated with short term construction emissions were less than significant for the approved Schragger Plan. Although the MPC approved Caruso Plan ~~proposed project~~ would involve more grading and additional construction worker vehicular emissions, the proposed project's short-term construction emissions would also be deemed less than significant. Regardless, the County CEQA guidelines for the preparation of air quality assessments indicate that short-term construction-related emissions should be discussed.

Dudek prepared an Air Quality analysis for the MPC approved Caruso project (Air Quality Impact Analysis Miramar Hotel and Bungalows Project, Dudek March 11, 2008, incorporated herein by reference) which utilized the URBEMIS program Version 9.2.4. This analysis was updated in November 2008 with relevant information on the Torque Down 1275 pile equipment to be used for pile installation. Construction related emissions from the Torque Down 1275 pile installation equipment did not significantly differ from the equipment utilized for the previously proposed pile driving activities. Previously identified mitigation measures would reduce impact levels to less than significance and impacts associated with the proposed project change would not be substantially more severe than impacts associated with the approved Schragger plan or the MPC approved Caruso plan.

Noise, Pages 34-37, were revised:

Construction activities under the proposed project are expected to take 18 to 23 months to complete whereas the approved plan was to take 15 months. Construction activities potentially impacting the

noise environment include demolition and site preparation using heavy equipment such as dozers and front loaders, interior construction and mechanical equipment installation requiring compressors and generators, and foundation construction/pile driving installation using Torque Down 1275 pile installation equipment pneumatic drills and cranes. Maximum noise levels of proposed project construction activities (at 50 feet from the noise source) are expected to range from 71 dB(A) for an air compressor with noise reducing features to 100-85 dB(A) for a pile driver the Torque Down 1275 pile installation equipment. As discussed in *Miramar Hotel and Bungalows Project, Montecito, California Noise Study Addendum 1 - Revision 1 - Pile Driving Oceanfront Properties* February 22, 2008 Cornelis H. Overweg, P.E., INCE Senior Acoustician, Dudek, incorporated herein by reference, pile driving at the Main Building would occur over a period of approximately three months. The nearest sensitive receptors to this construction activity include the All Saints by the Sea Church and Preschool as well as several residences. These sensitive receptors are located at a minimum 300 foot distance from the Main Building; as such, noise from the pile driving at the Main Building is expected to attenuate to a maximum noise level at the nearest of these sensitive receptors of 85 dB(A). Similar to the approved plan, impacts would be potentially significant but would not be substantially more severe than those associated with the approved plan. Mitigations included in 00-ND-003 requiring limitations on construction hours for the entire site, specific construction hours for development near the All Saints by the Sea Church and Preschool, shielding of construction equipment, and designation of specific construction access routes, would be adequate to address short term noise impacts for most construction activities.

The approved Schragger plan did not include installation of piles to support the Oceanfront units while the MPC approved plan does. The *Miramar Hotel and Bungalows Project, Montecito, California Noise Study Addendum 1 - Revision 1 - Pile Driving Oceanfront Properties* February 22, 2008 Cornelis H. Overweg, P.E., INCE Senior Acoustician, Dudek, incorporated herein by reference. As discussed in the *Noise Study Addendum*, cited above, discussed the use of pile driving at the oceanfront units to install the supporting piers but would occur, at the closest, within 6.5 feet of adjacent residences causing noise levels at these residences to reach up to 120 dB(A) the project has since replaced the pile driving technique with a new technique for pile installation, the Torque Down 1275 pile installation method. According to the November 19, 2008 Acentech Noise & Vibration Analysis (Attachment B of the December 9, 2008 Board Letter), use of the Torque Down 1275 pile installation method would generate noise of approximately 85 dB(A) at 50 feet from the equipment. Because noise decreases by 6 dB(A) per doubling of distance, noise generated by the Torque Down 1275 pile installation method at 25 feet of distance would be 91 dB(A). The use of noise attenuation barriers along the beachfront property lines would reduce noise levels by a minimum of 10 dB(A), (ANC AB12 Noise Barrier/Sound Absorber Composite) bringing the noise level down to 81 dB(A) at 25 feet. One home occurs is located within 50-25 feet and two within 100 feet to the east of where the Torque Down 1275 pile installation equipment would be placed near the easternmost oceanfront units and approximately two homes occur are located within 50-25 feet and four within 100 feet of where the Torque Down 1275 pile installation equipment would be placed near the west of the westernmost oceanfront units. Due to generation Because the project would generate of noise up to 100-81 dB(A) at 50-25 feet away from residences, and greater unmitigated noise generation at residences closer than 50 feet, consistent with County thresholds (construction equipment generating noise levels above 95dB(A) at a distance of 50 feet requires mitigation in addition to standard work hours), no additional mitigation would be required to ensure that construction noise affecting residences located within 100 feet from installation activities (required for repairing the seawall and boardwalk) would be adequately mitigated. Noise levels associated with the MPC approved Caruso Plan, which included the pile driving technique to install piles under the Oceanfront units, were anticipated to be approximately 120

dB(A) at the nearest residences, and as such were greater than the noise levels generated by the Torque Down 1275 pile installation method. Therefore, impacts to noise associated with the use of the Torque Down 1275 pile installation method at the beachfront units would be less than significant, similar to the previously proposed pile-driving method.

REVISIONS TO THE PROJECT DESCRIPTION

Construction Details, Page 15, was revised:

~~Torque Down 1275 pile installation~~ Pile driving would occur in two areas on the project site: ~~beneath the Main Building and only in the area beneath of~~ the oceanfront units. ~~Pile driving activities associated with the Main Building are anticipated to last for approximately three months.~~ Torque Down 1275 pile installation Pile driving activities associated with the oceanfront units is anticipated to be performed in one phase lasting ~~13-7~~ days, eight hours per day (total of ~~approximately 128-120-170~~ piles with a driving installation capability of approximately ~~10-25~~ piles per day).

REVISIONS TO THE PROJECT CONDITIONS

Condition No. 5 was revised:

5. The design, scale, and character of the project architecture and landscaping shall be compatible with development in the vicinity and historic architectural elements of the existing development, consistent with Mitigation Measure #2, Section 4.10.3 (Historic Resources on the Final ND 00-ND-003). **Plan Requirements and Timing:** The applicant shall submit the Landscape Plan and final architectural drawings of the project for review and approval by the County **Montecito** Board of Architectural Review prior to issuance of follow-on Land Use Permits. Such plans shall be consistent with the Montecito Architectural Guidelines and Development Standards (5/16/95) and other applicable **MBAR** guidelines and/or standards. **MONITORING:** P&D shall verify final **MBAR** approval prior to issuance of follow-on Land Use Permits. Permit Compliance shall periodically site-inspect during and after construction to ensure plan requirements are implemented.

Condition No. 35 was revised:

35. Stationary construction equipment that generates noise that exceeds 65 dBA at the project boundaries, with the exception of the Torque Down 1275 pile equipment used at the Oceanfront units, shall be shielded to P&D's satisfaction and shall be located at a minimum of 100 feet from occupied residences and/or All Saints by the Sea Church pre-school. **Plan Requirements:** Equipment area(s) with appropriate acoustic shielding shall be designated on building and grading plans. **Timing:** Equipment and shielding shall remain in the designated location(s) throughout construction activities. **MONITORING:** Permit Compliance shall perform site inspections to ensure compliance and shall respond to complaints.

Condition No. 36 was revised:

36. Motorized construction equipment, with the exception of the Torque Down 1275 pile equipment used at the Oceanfront units, shall not be allowed to idle for longer than five minutes within 100 feet of occupied residences and/or All Saints by the Sea Church pre-school without appropriate acoustical shielding in place. **Plan Requirements:** Temporary acoustical shielding shall be

installed around construction equipment such that sound levels are less than 65 dBA CNEL at sensitive receptors. **Timing:** Shielding shall remain in the necessary location(s) throughout noise-generating construction activities. **MONITORING:** Applicant's designee shall promptly respond to complaints. Permit Compliance shall perform periodic site inspections to ensure compliance and shall respond to complaints.

Condition No. 87 was revised:

87. The design, scale, and character of the project architecture and landscaping shall be compatible with the "Cottage Type Hotel" tradition as discussed in Montecito Community Plan Policy LUC-M-1.6 including the refined description as follows:

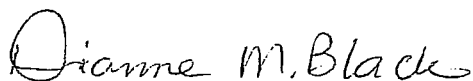
A "Cottage-Type" hotel is a collection of one and two story-building structures that vary in size and orientation. Placement and scale of buildings should be in a garden-type setting with large canopy trees. Site should be pedestrian friendly.

"Cottage-Type" hotel buildings refer to a quaint architectural style and can be California Cottage and Bungalow or an architectural style reflecting the historical regional California coast. Architectural vernacular should incorporate low-sloped roofs with gables and/or hips, residentially scaled plate heights, overhangs and eaves; casement, double-hung or fixed windows or French doors with divided lights, porches and/or trellis; exterior walls of masonry, plaster, stone and/or wood siding (or other simulated materials).

Plan Requirements and Timing: Prior to further review by the Montecito Board of Architectural Review (MBAR), the applicant shall return to the Montecito Planning Commission for review and approval of the project plan's consistency with the definition of "Cottage Type Hotel". The applicant shall submit the final architectural and landscape drawings of the project for review and approval by the Montecito Board of Architectural Review prior to issuance of follow-on Land Use Permits. Such plans shall be consistent with the definition of "Cottage Type Hotel" as described by the Montecito Planning Commission.

Final action by the County on this project may be appealed to the Coastal Commission by the applicant, an aggrieved person, as defined above, or any two members of the Coastal Commission within the 10 working days following the date the County's Notice of Final Action is received by the Coastal Commission.

Sincerely,



DIANNE M. BLACK
DIRECTOR DEVELOPMENT SERVICES

cc: Case File: 07RVP-00000-00009, 07CUP-00000-00045, 07CUP-00000-00046, 07CUP-00000-00047, 08CUP-00000-00005; 08GOV-00000-00017 and 08CDP-00000-00054
Montecito Association, P.O. Box 5278, Montecito, CA 93150
Agent: Jane Gray, Dudek, 621 Chapala Street, Santa Barbara, CA 93101
County Chief Appraiser
County Surveyor
Montecito Fire Department

Flood Control
Park Department
Public Works
Environmental Health Services
APCD
Supervisor Carbajal, First District
Supervisor Wolf, Second District
Supervisor Farr, Third District
Supervisor Centeno, Fifth District
Supervisor Gray, Fourth District
Mike Ghizzoni, Chief Deputy County Counsel
Dave Ward, Deputy Director, Development Review South
Anne Almy, Supervising Planner
Errin Briggs, Planner
Nicole Mashore, Planner

Attachments:

Findings

Conditions of Approval

Board of Supervisors' Minute Order dated December 9, 2008

SC:cnm

ATTACHMENT A: FINDINGS

1.0 CEQA FINDINGS

1.1 FINDINGS FOR THE ADDENDUM

1.1.1 Consideration of the Addendum and Full Disclosure

The Addendum to Negative Declaration 00-ND-003, as revised September 25, 2008 was presented to the Montecito Planning Commission and all voting members of the Montecito Planning Commission have reviewed and considered the Addendum and as revised in the Negative Declaration, October 8, 2008 Montecito Planning Commission staff report, prior to approving this proposal. In addition, all voting Commissioners have reviewed and considered testimony and additional information presented at or prior to public hearing[s] on the Miramar Beach Resort and Bungalows Project. The Addendum reflects the independent judgment of the Montecito Planning Commission and has been completed in compliance with CEQA and, together with the 00-ND-003 and the SEIR discussed below, is adequate for this proposal.

1.1.2 Location of Record of Proceedings

The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of: The Secretary of the Planning Commission, Dianne Black, of Planning and Development located at 123 E. Anapamu St., Santa Barbara, CA 93101. The documents are also online at <http://sbcountyplanning.org/projects/07DVP-00017/index.cfm>.

1.1.3 Findings that Certain Impacts are Mitigated to Insignificance by Conditions of Approval

The Addendum to Negative Declaration 00-ND-003 that was prepared for the Miramar Beach Resort and Bungalows project identified several subject areas for which the project is considered to cause or contribute to significant, but mitigable environmental impacts. Each of these impacts is discussed below along with the appropriate findings as per CEQA Section 15091:

Aesthetics/Visual Resources

While the approved plan scope has changed, the impacts to visual character from the South Jameson Lane frontage massing and public views previously assessed would remain essentially the same as identified in 00-ND-003. With these changes under the proposed project description and the revisions to the project plans identified at the October 8, 2008 MPC hearing, the previous 3 mitigation measures of the approved project remain applicable to ensure the visual impacts of the proposed project *remain less than significant*.

Regarding lighting, 00-ND-003 addressed exterior night lighting and determined that the impact of the approved plan, with mitigation, was less than significant. The proposed project includes similar night lighting features. With implementation of the mitigation measures required in 00-ND-003 impacts related to night lighting would be reduced to *less than significant levels*.

As with the approved plan, the proposed project's residual impact on aesthetics/visual resources and contribution to cumulative impacts would be *less than significant* with implementation of mitigation measures required in Negative Declaration 00-ND-003 as modified by the Addendum prepared for the proposed project.

Air Quality

Pursuant to the County's adopted environmental thresholds, the percentage of pollutant emissions related to short-term construction activities was determined to represent an insignificant portion of total pollutant emissions in the County. Therefore, short-term construction emissions are deemed less

than significant. However, all discretionary projects are required to implement dust control measures as described in 00-ND-003. In addition, an Asbestos Notification Form must be filed with the Santa Barbara Air Pollution Control District (APCD) prior to demolition (see the 00-ND-003 as well). If asbestos is present, certain procedures must be followed to prevent its release during structure demolition.

The proposed project would result in greater dust emissions and emission of pollutants from construction equipment such as graders, bulldozers, and dump trucks, and construction worker trips, as well as more potential for release of asbestos. The dust and asbestos mitigation measures in 00-ND-003 would adequately address these issues, however a new mitigation measure (AIR-6 in the Addendum) was also recommended in the air quality analysis prepared for the proposed project (Dudek 2008) to further minimize emissions from construction equipment.

For long-term impacts, since the adoption of 00-ND-003, the County adopted new interim long-term/operational emissions thresholds for significant air quality impacts creating a new threshold of 55 pounds per day of reactive organic compounds (ROC) or nitrogen oxides (NO_x) for combined vehicular and stationary (e.g., boilers, generators) source emissions (County's 2003 Environmental Thresholds and Guidelines Manual, as amended in 2006). The proposed project would generate an additional 48 average daily trips (ADT), 2 A.M. peak hour trips, and 6 P.M. peak hour trips above the approved plan and would include operation of two 100 brake horse power (bhp) boilers, two 3,000 million British thermal units (MMBTu) boilers, and a 500 kilowatt (kW) emergency generator. However, emissions thresholds would not be exceeded under the proposed project and long-term air quality impacts would be less than significant.

Because stationary sources were not evaluated in 00-ND-003, new standard mitigation measure AIR-7 was added that requires the applicant to obtain individual permits from the APCD for diesel-powered emergency generators and to consult with the APCD to determine if the boilers need permits also.

00-ND-003 predates the impact analysis of greenhouse gas (GHG) emissions. The proposed project would generate more GHGs than the approved plan, with the addition of 48 more ADT and with more structural development resulting in more electricity use. Santa Barbara County is currently working with its APCD, the California Air Pollution Control Officers Association (CAPCOA), and salient California agencies, to develop CEQA thresholds of significance that would guide classification of impacts associated with global climate change in CEQA documents. Absent such thresholds, CEQA lead agencies must rely on their own careful judgment, based on scientific and factual data to the extent possible, in determining if impacts related to global climate change are significant. Unfortunately, scientific and factual data are not sufficiently available to judge, without undo speculation, whether projects with relatively small, incremental contributions to the state's GHG totals are cumulatively significant or insignificant. In the interim, only relatively large GHG emitters are considered, under any reasonable review, to have significant effects on the environment; that is, projects that are estimated to emit the equivalent of 50,000 tons of CO₂ from both stationary and mobile sources during long-term operations, and projects estimated to emit 25,000 tons of CO₂ emissions from stationary sources alone, from long-term operations. Projects below these levels remain unclassifiable until more evidence becomes available.

The proposed project is unlikely to be one of the "relatively large GHG emitters". Implementation of recommended mitigation measure AIR-8 as well as AIR-6 (contained in the Addendum), would ensure that energy saving techniques would be used to minimize GHG emissions.

Biological Resources

00-ND-003 found that impacts to the Oak Creek corridor, from the increased intensity of use associated with development of a new parking area on the east side of the property, would result in

potentially significant impacts. Similar to the approved plan, the proposed project would intensify use in this area of the site and impacts would be roughly similar. Given existing mitigation requiring planting of the area with riparian species, including sycamores, impacts associated with the proposed project would be *less than significant*.

00-ND-003 found that indirect impacts to wildlife in the Oak Creek corridor due to increased lighting in the eastern portion of the site were potentially significant. Because the proposed project includes installation of new lighting throughout the property, impacts under the proposed project would be similar to impacts under the approved plan. Mitigation included under the Aesthetics/Visual Resource discussion above would reduce impacts associated with night lighting to *less than significant levels*. As under the approved plan, the proposed project would light the boardwalk, but no beach lighting or tennis court lighting would occur. Impacts would be similar.

00-ND-003 found impacts from surface water runoff during both construction and operations of the approved plan to be potentially significant. Similar to the approved plan, under the proposed project surface water runoff from the street, parking and driveway areas, and runoff containing contaminants such as herbicides and pesticides could result in long-term adverse impacts to water quality. Impacts from the proposed project would thus be similar to those of the approved plan. However, new recommended mitigation measure BIO-7 (in the Addendum) requires the use of organic fertilizers, herbicides, and pesticides on the site which would further minimize potential impacts on water quality.

Under the approved plan 189 non-native trees of indeterminate significance and one native oak were to be removed. Approximately 55 palms and 3 oaks were to be relocated. After approval of the Schragger Plan, a number of trees and other landscaping were removed. Under the proposed project, 46 trees, including 12 significant trees, either native or of habitat value, would be relocated. Similar to the approved plan, impacts from the proposed project would thus be considered potentially significant. Under the approved plan, a Tree Protection and Replacement condition was required as mitigation for the potentially significant impacts associated with tree removal. A revised Tree Protection and Replacement Plan was prepared for the proposed project, and the mitigation measure was updated with recommendations from this Plan. Further, the applicant included in the project description a commitment to replace any oak tree potentially lost during relocation with two, 60" box oak trees.

No unique, rare or threatened animal species, or habitat areas for such species is known to occur onsite, therefore, no reduction in the numbers, restriction in the range, or impact to the critical habitat of these species is expected to occur. However, parts of the existing riparian corridor and mature trees located on-site still offer potential habitat for migratory passerine birds and raptors. Mature sycamores, coast live oak, and eucalyptus trees may also provide temporary autumnal roost sites for Monarchs. Impacts associated with human presence during the construction phase of the project, and increased human habitation following completion of new hotel facilities, would be minimal, due to the fact that the property has historically been used as a hotel site. Impacts to fauna under the proposed project would be less than significant, i.e., substantially the same as impacts under the approved plan. However, new recommended mitigation measure BIO-8 (in the Addendum) requires a pre-construction survey for migratory birds, including raptors, which would further minimize the potential for impacts on birds.

As with the approved plan, the proposed project's residual impact and contribution to cumulative impacts would be *less than significant* with implementation of mitigation measures required in Negative Declaration 00-ND-003 as added to and modified by the Addendum prepared for the proposed project.

Cultural Resources

Two archaeological sites, CA-SBA-18 and CA-SBA-19, were recorded in the vicinity of the project area over 70 years ago. Based on the findings of three archaeological surveys, 00-ND-003 found

impacts to cultural resources to be potentially significant and mitigable. Mitigation measures included Native American and archaeologist monitoring during grading and development in the railroad right-of-way, historic archaeologist monitoring of grading activities in areas sensitive for the occurrence of historic archaeological features, and a stop-work requirement in the event of the uncovering of potentially significant prehistoric or historic archaeological resources.

The proposed project differs from the approved plan in that the approved plan proposed localized development and the proposed project includes grading and development over essentially the entire site. Based on the testing and monitoring already completed on the Miramar property, where no intact, significant archaeological deposits have been found, uncovering of significant cultural resource elsewhere on the site is unlikely. Therefore, additional subsurface/significance testing is not recommended prior to demolition for the proposed project, except in the area of the Oceanfront Buildings (Heather Macfarlane, email, March 3, 2008). Due to the common occurrence of cultural resources in oceanfront areas, and a lack of investigation in this area of the site under any previous site surveys, additional subsurface/significance testing to allow the assessment of potential cultural resources in the area of the Oceanfront Buildings is recommended after demolition and prior to construction (see new mitigation measure CUL-4). Implementation of this new mitigation measure and revisions to the approved mitigation measures would reduce impacts to *less than significant levels*.

As with the approved plan, the proposed project's residual impact and contribution to cumulative impacts would be *less than significant* with implementation of mitigation measures required in Negative Declaration 00-ND-003 as added to and modified by the Addendum prepared for the proposed project.

Fire Protection

While the square footages of the proposed project exceed those of the approved plan, significant circumstances have not changed: the project site is not located in a high fire hazard area; the proposed project itself will not cause high fire hazards on the site and in fact the entire complex will be equipped with automatic sprinkler systems; there is adequate water pressure, adequate access for fire fighting and the ability to safely locate hydrants pursuant to Montecito Fire District standards (Montecito Fire District email dated March 17, 2008); and the proposed project remains within the safe Fire Department response time. Therefore, similar to the approved plan, impacts from the proposed project would be less than significant with implementation of the required Fire Access Plan (sheet A0-11, dated February 15, 2008) and the mitigation measures required under the approved plan. As with the approved plan, the proposed project's residual impact and contribution to cumulative impacts would be *less than significant* with implementation of mitigation measures required in Negative Declaration 00-ND-003 as modified by the Addendum prepared for the proposed project.

Geologic Processes

00-ND-003 found no significant impacts relating to geologic processes from the proposed project, including risks from fault rupture, ground shaking, ground lurching and amplification, liquefaction, sea cliff retreat, tsunamis or settlement and differential compaction. The ND did, however, include mitigation measures to address geologic constraint issues raised in Montecito Community Plan policies. The approved plan and the proposed project are substantially the same in respect to geologic processes with the exception of two project changes that warrant discussion.

First, the approved plan assumed the continued viability of the existing sea wall, protecting the sea cliff on the site from retreat, and included only a maintenance program for the sea wall. The current application included an analysis of the sea wall which concludes that repair and maintenance is necessary to perpetuate the sea wall (Fugro 2007 and 2008). This change in the proposed project supports the

conclusion under 00-ND-003 that impacts to sea cliff retreat would be insignificant as a result of the perpetuation of the existing seawall on the site.

Second, the approved plan was designed to generally retain the existing site contours which are described in 00-ND-003 as "nearly flat to moderately sloping with gradients generally to the south and south east [...] Average slopes on the property range from 1.75 to 5.2 percent". The approved plan included 10,000 c.y. of fill and 6,000 c.y. of cut. The proposed project is designed to level the existing rolling site starting at the western portion of the property with four feet of cut and ending in 13 feet of fill at the eastern end of the property supported by a series of engineered stepped retaining walls. Total grading quantities of the proposed project are approximately 42,000 c.y. of cut and approximately 39,000 c.y. of fill. The proposed project would alter the site topography such that the rolling topography of the grounds within the site would be lost and the eastern edge of the site would be manufactured in its topographic relief. Regardless, the site contour as viewed from the beach would remain the same as it is currently and the changed site contour at the easternmost portion of the site as viewed from South Jameson Lane would be generally hidden by a site wall and vegetation. In addition, as discussed under Section 16, Water Resources and Flooding, below, proposed changes to topography would have no significant effect on the floodway of Oak /San Ysidro Creek and the proposed project drainage improvements are acceptable to the County Flood Control District as designed. Therefore, while grading quantities vary between the approved plan and proposed project, impacts associated with the change in topography are not significant.

As with the approved plan, the proposed project's residual impact and contribution to cumulative impacts would be *less than significant* with implementation of mitigation measures required in Negative Declaration 00-ND-003 as modified by the Addendum prepared for the proposed project.

Hazardous Materials/Risk of Upset

00-ND-003 identified potentially significant and mitigable impacts associated with public safety hazards from the occurrence of approximately 1,000 linear feet of train tracks within the hotel site. Mitigation proposed by the applicant and adopted with the ND included installation of warning device improvements for the pedestrian railroad crossing.

The currently proposed project presents approximately the same set of facts as the approved plan: there remain 1,000 linear feet of railroad track within the hotel site with uses proposed both to the north and south of the tracks. Changes to circumstances include: 1) an increase in projected train trips from 14 per day in 2000 to 17 per day currently, 2) a decrease in the maximum site capacity of 183 people from approximately 1,200 people under the approved plan to 1,017 people under the current proposal, and 3) an increase of approximately 12 people within the 80' hazard footprint of the tracks from 30 people under the approved plan to 42 people under the currently proposed project.

An increase of three trains per day equates to approximately 17% more trains trips per day. Because the probabilities of pedestrians being hit by a train (once every 629 years), vehicles being hit by a train (once every 148 years) and train derailment (once every 256 years) are low, the additional three trains per day does not constitute a significant increase in risk (Dudek). Moreover, the overall reduction in site capacity would lower the public health and safety risks and the increase in the number of people in the eighty foot hazard footprint by 12 is not considered a substantial increase. Impacts, therefore, associated with the risks to pedestrians and vehicles of being hit by a train and with the risks of a derailment remain substantially the same under the currently proposed project as under the approved plan. Moreover, the proposed project includes several design measures to further reduce train safety impacts. These include: 1) an increase in the distance between the pedestrian crossing and an improved vehicular crossing to increase the separation of pedestrians from other vehicular traffic at railroad crossings, 2) increased landscaping and pedestrian paths directing people to the appropriate crossing, and 3) an upgrade to the warning system for the pedestrian crossing.

As with the approved plan, the proposed project's residual impact and contribution to cumulative impacts would be *less than significant* with implementation of mitigation measures required in Negative Declaration 00-ND-003.

Land Use

00-ND-003 concluded that the approved plan, as mitigated throughout the ND, resulted in no significant impacts to issues associated with land use. The currently proposed use of the site is substantially the same as the approved use with a reduction in keys from 213 to 192 and an increase in beach events and membership in the beach and tennis club. As a result, impact levels associated with issues related to land use are substantially the same as in the approved plan.

The design of the currently proposed project however, differs substantially from that originally approved. As a result, the proposed project includes requests for a number of building height modifications due to the grading. Additionally, because not all of these new structures are cottages, a discussion of the project's consistency with Policy LUC-M-1.6, below, is warranted.

LUC-M-1.6: *Improvements to resort visitor-serving hotels shall be designed to be consistent with the existing historic "Cottage Type Hotel" tradition from the early days of Montecito. "Cottage Type Hotel" is defined by cottages limited to six guest rooms each, which are generally single story in height.*

The Miramar, as it existed in 1992 when the Montecito Community Plan was adopted, along with the Biltmore and the San Ysidro Ranch are the resort visitor-serving hotels in Montecito upon which the existing "Cottage Type Hotel" tradition was based. Both the Biltmore and the then Miramar include both large structures for congregation (restaurants, conference rooms, etc.) with attached guestrooms, and smaller buildings or cottages housing additional guest rooms. Consistent with the historic template of Montecito's resort visitor serving hotels, the proposed project includes both large structures for congregation (lobby, restaurants, ballroom), two-story lanai guest room buildings and six or fewer key single story cottage structures. Of the total number of 25 structures devoted to guest rooms, 19 are single story cottages with six or fewer rooms and 2 are two story cottages with six or fewer rooms. Of the total number of 192 keys, 74 are located in the cottages.

In addition to the above-described general characteristics which help to define "Cottage Type Hotel", during the August 28, 2008 hearing, the Montecito Planning Commission (MPC) further refined the definition to include the following:

A "Cottage-Type" hotel is a collection of one and two story-building structures that vary in size and orientation. Placement and scale of buildings should be in a garden type setting with large canopy trees. Site should be pedestrian friendly.

"Cottage-Type" hotel buildings refer to a quaint architectural style and can be California Cottage and Bungalow or an architectural style reflecting the historical regional California coast. Architectural vernacular should incorporate low-sloped roofs with gables and/or hips, residentially scaled plate heights, overhangs and eaves; casement, double-hung or fixed windows or French doors with divided lights, porches and/or trellis; exterior walls of masonry, plaster, stone an/or wood siding (or other simulated materials).

The MPC directed the applicant to undergo further Montecito Board of Architectural Review (MBAR) with specific direction for the MBAR to ensure the proposed project be consistent with the above definition. Because the proposed project includes small cottages, landscaping is adequate to screen and beautify the property, nearly all parking is underground and so hidden from public view, and because the MBAR would ensure the appropriateness of the proposed architecture in relation to the specific direction given by the MPC, the project can be found consistent with the "Cottage Type Hotel" tradition.

As with the approved plan, the proposed project's residual impact and contribution to cumulative impacts would be *less than significant* with implementation of mitigation measures required in Negative Declaration 00-ND-003 and the MPC's direction to require the project to be redesigned consistent with the above definition of "Cottage Style Hotel" and further reviewed by the MBAR.

Noise

00-ND-003 found that construction related impacts to noise sensitive receptors would be potentially significant. Mitigation measures required under the approved plan to address short-term construction noise included limitations on construction hours for the entire site, specific construction hours for development near the All Saints by the Sea preschool, shielding of construction equipment, and designation of specific construction access routes.

The proposed project differs from the approved plan in terms of construction noise impacts in that new construction will take place over essentially the entire site, while new construction under the approved plan was limited to guestrooms along South Jameson Lane. Sensitive receptors within 1,600 feet associated with the proposed project include residences to southeast, southwest, immediate west, immediate east and the All Saints by the Sea church and pre-school to the west. Construction activities under the proposed project are expected to take 18 to 23 months to complete whereas the approved plan was to take 15 months.

Due to generation of noise up to 85 dB(A) at 50 feet away from residences due to new Torque Down 1275 pile installation activities for the new Oceanfront building foundations and seawall that were not part of the approved plan, and greater unmitigated noise generation at residences closer than 50 feet, additional mitigation would be required for the proposed project to ensure that construction noise affecting residences located within 100 feet from Torque Down 1275 pile installation activities would be adequately mitigated. Implementation of mitigations requiring installation of a temporary noise barrier, implementation of a noise monitoring program and offering the provision of temporary off-site accommodation for residents adjacent to the construction during maximum noise-generating activities, would reduce short-term noise impacts associated with pile installation to *less than significant levels*.

Previously identified mitigation measures would reduce impact levels to less than significance and impacts associated with the proposed project change would not be substantially more severe than impacts associated with the approved Schrager plan or the MPC approved Caruso plan.

Over the long-term, calculations performed to estimate noise levels for new structures under the proposed project found that interior noise levels would be approximately 32 dB(A) after implementation of mitigation measures requiring specific noise-reducing construction techniques. Existing exterior noise levels were found to range from 52 to 66 dB(A), slightly over the 65 dB(A) threshold. The *Santa Barbara County Environmental Thresholds* allow for flexibility in noise thresholds based on the circumstances of a particular project. In this case, reasonable flexibility would allow for noise levels of 66 dB(A) as an impact to new hotel users on the site of a historically existing hotel. Additionally, the proposed project would include construction of 10 foot tall sound wall along the South Jameson Lane frontage which is expected to reduce noise impacts below existing levels. Therefore, no new significant impacts to hotel users with respect to exterior noise are expected as a result of project implementation.

Long-term impacts to surrounding sensitive receptors, including nearby residences and the All Saints by the Sea church and pre-school were expected to be less than significant under the approved plan, although it was recommended that noise from beach events and the beach bar be minimized through limitations on the hours and size of events. Additionally, the approved plan mitigation measures prohibited amplified sound at outdoor events and required that amplified music emanating from the beach bar not be audible offsite or on the sandy beach below the bar. Residences north of the Miramar and Highway 101 are

beyond the County's 1,600-foot limit for evaluating noise impacts, however, concerns expressed by neighbors about possible reflection of freeway noise by the proposed sound wall resulted in investigation of sound reflection under the approved plan.

Noise reflection was found to result in an approximately 1.1 dB(A) increase to property on the north side of the freeway. This level of increase is generally not audible to the human ear and therefore was not considered a significant impact.

Under the proposed project, non-amplified music (i.e. guitars, small string trios or quartets, etc.) would occur on the beach during a limited number of beach events throughout the year. Background noise levels from non-amplified music and human voices during beach events are expected to be nominal (Dudek Noise Study Addendum-Special Events-Impact Analysis update, March 21, 2008). Condition language carried over from the approved plan would require that music or other amplified sound from the Beach Bar not be audible offsite or on the sandy beach below the bar.

As with the approved plan, the proposed project's residual impact and contribution to cumulative impacts would be *less than significant* with implementation of mitigation measures required in Negative Declaration 00-ND-003 as added to and modified by the Addendum prepared for the proposed project.

Public Facilities

Implementation of the approved plan was not expected to adversely affect police, health care or school services, nor was the approved plan expected to result in the need for new or altered sewer system facilities. Unlike the approved plan, the proposed project includes construction of a new sanitary sewer lift station on the project site. Pursuant to the Montecito Sanitary District October 2, 2008 letter in which they confirmed the District's ability to serve the proposed project, the applicant would be required to provide the District with a "Dedication Agreement for Sewer facilities" to ensure construction of the lift station, engineered plans for all required sewage collection system elements and the appropriate connection fees prior to issuance of building permits. Construction impacts associated with infrastructure improvements would be mitigated to *less than significant levels* as per the construction impact mitigation measures included in 00-ND-003.

With implementation of an effective source reduction and recycling program the proposed project is expected to generate approximately 186.4 tons of solid waste per year. This is slightly more (approximately 29.9 tons/year) waste than that generated by the approved plan yet it is still below the significance threshold of 196 tons/year. Therefore impacts from the proposed project would be roughly the same as impacts associated with the approved plan.

Generation of waste during construction would approximate 1,487.5 tons of solid waste. Currently there are no construction and demolition thresholds of significance, hence impacts would be less than significant. However, thresholds are being proposed to address projects which generate over 350 tons of solid waste during construction. Mitigation for these projects constitutes development of a Solid Waste Management Plan (SWMP). The proposed project description includes development of a Solid Waste Management Plan for construction which would effectively divert 98.5% of the construction waste generated from entering County landfills. This SWMP would satisfy imminent County requirements.

With implementation of mitigation measures, the approved plan was expected to generate 112.9 tons/year less than the previously existing hotel. Therefore, regional cumulative solid waste impacts were considered less than significant. With implementation of mitigation measures the proposed project is expected to generate only 29.9 tons/year more than the approved plan. Therefore cumulative impact levels are substantially the same.

As with the approved plan, the proposed project's residual impact and contribution to cumulative impacts would be *less than significant* with implementation of mitigation measures required in Negative Declaration 00-ND-003 as added to and modified by the Addendum prepared for the proposed project.

Recreation

The proposed project mirrors elements of the approved plan, i.e., elimination of No Trespassing signs, commitment to the existing lateral public access easement across Miramar beach, provision of public access through the hotel site to the beach, coastal access signage directing the public to the beach through the project site and encouraging public use of certain hotel facilities. The currently proposed project differs from the approved plan insofar as it includes a request for the County to abandon the north-south segment of Miramar Avenue to allow uninterrupted pedestrian access throughout the Miramar property. Abandonment of Miramar Avenue would result in the elimination of existing public parking (24 spaces) and public access provided by Miramar Avenue.

While the approved plan maintained the status quo in respect to public parking along Miramar Avenue, it provided no public parking on site and assumed hotel use of 47 of the 48 existing public parking spaces along South Jameson Lane. The proposed project would retain 45 of the 48 existing public parking spaces along South Jameson Lane and would add 10 spaces on Eucalyptus Lane adjacent to the Spa Building. The proposed project also includes 13 new parking stalls within the public right-of-way at the northeast portion of the property, specifically dedicated to public use and not to hotel guests, which will approximately recoup the loss of parking along Miramar Avenue resulting in no significant impact to public parking in the area. A new recommended mitigation, included in the addendum, would require the hotel to monitor use of the public parking spaces and provide the County with annual reports as to its adequacy.

The proposed project includes informally rerouting public pedestrian access through the hotel site in a curvilinear alignment just east of the existing Miramar Avenue right of way to be dedicated to the County as a formal easement. While the proposed project commitment to allow access would mitigate for the loss of the public right of way, recommended mitigation below would require recordation of a public easement across the proposed new path through the site connecting to the lateral beach access to retain the public's right of access in perpetuity. The approved plan included an informal public pedestrian access link to the beach along a promenade centrally located on the site. The proposed project includes a public pedestrian access link to the beach along an existing private access easement located on the eastern portion of the site. Recordation of a public easement as proposed across this proposed path would improve upon the plan in that it would provide a new public pedestrian coastal access from South Jameson Lane across the site and to the beach.

The proposed project includes development of a comprehensive signage plan that would clearly mark public routes to the beach both from public parking areas and through the site. This program would improve upon the approved plan.

The approved plan included a total of 12 weddings per year on the beach, lasting a total of 30 minutes and limited to a total of 50 people each. The proposed project would include a total of 30 events (inclusive of but not restricted to weddings), lasting a total of one hour and limited to a total of 100 people each. Because public lateral access across the beach, consistent with the preexisting recorded property easement language (Recorded October 28, 1975, Book 2591, page 617), would be maintained throughout any event, intensification of the exclusive hotel use of the private portion of the beach would have no significant impact on public recreational use of the beach. Additionally, the proposed project improves upon the approved plan in this regard through providing public showers and restrooms adjacent to the boardwalk for use by the public.

As with the approved plan, the proposed project's residual impact and contribution to cumulative impacts would be *less than significant* with implementation of mitigation measures required in Negative Declaration 00-ND-003 as added to and modified by the Addendum prepared for the proposed project.

Transportation/Circulation

The proposed project would generate substantially more construction traffic on area roadways than the approved plan, in terms of truck trips and trips by construction workers, and would involve a more intense hauling period with 1,000 truck trips generated over a much more concentrated time period of 12 to 21 days. As with the approved plan, impacts would be significant, however, implementation of mitigation measures 1 and 2 in the Transportation/Circulation section of 00-ND-003 would be adequate to reduce these impacts to *less than significant levels*.

Under the approved plan, the project would have added a total of 34 ADT (average daily trips) and 3 PHT (peak hour trips) to area roadways (ATE 1999) over the trips generated by the historic Miramar. Under the proposed project, a total of 103 fewer ADT would be generated than under the approved plan, and 6 fewer PHTs (P.M.) than under the approved plan.

In the traffic study prepared by Associated Transportation Engineers (ATE) for the approved plan, the intersection of San Ysidro Road and North Jameson Lane was measured at a Level of Service (LOS) D during the A.M. peak hour, the intersection of San Ysidro Road and the U.S. Highway 101 northbound on-ramp was measured at an LOS C, and the intersection of San Ysidro Road and the U.S. Highway 101 southbound off-ramp was measured at an LOS F. The traffic study (August 27, 2008) that was prepared by ATE for the proposed project found that the intersection of San Ysidro Road and North Jameson Lane was measured at a Level of Service (LOS) D during the P.M. peak hour, the intersection of San Ysidro Road and the U.S. Highway 101 northbound on-ramp was measured at an LOS B, and the intersection of San Ysidro Road and U.S. Highway 101 southbound off-ramp was at an LOS C. In the ATE study for the approved plan, the LOS D for the San Ysidro Road/North Jameson Lane was centered between 7:55 and 8:25 A.M., and was determined to be related to arrivals and departures at the three schools present in the corridor (Howard, Crane, and Montecito Union), as well as the commute trips which enter and exit the Montecito area in the morning. In addition, the operation of the San Ysidro/U.S. Highway 101 Southbound Ramps was also determined to be significantly influenced by the San Ysidro Road/North Jameson Lane intersection; during the peak A.M. period, queues of northbound vehicles back up across the freeway bridge and block the U.S. 101 southbound off-ramp so that vehicles wishing to turn left from the ramp are significantly delayed.

Under the approved plan, ATE determined how the average daily A.M. and P.M. peak hour trips would be distributed on area roadways in the Montecito area based on certain percentages that are "based on travel patterns observed in the study area [at the time of the traffic counts] as well as a consideration of retail, employment, and recreational opportunities in the Montecito/Santa Barbara area." ATE determined that 45 percent of traffic traveling north along San Ysidro Road would end up getting on the Highway 101 northbound on-ramp, 35 percent would head southbound on Highway 101, and the remaining 20 percent would head north on San Ysidro Road.

According to Will Robertson, (verbal discussion with P&D staff, September 16, 2008) the County's traffic engineer, the reduction of 6 PHTs would not result in an increase in the volume-to-capacity ratio of an intersection over the approved plan, and therefore would not trigger a significant impact on the intersection of San Ysidro Road/U.S. Highway 101 Southbound Offramp/Eucalyptus Lane, based on its LOS C rating. Therefore, the proposed project would have a less than significant impact on these intersections as well.

Under the approved plan, 416 parking spaces were to be provided onsite plus 28 overflow spaces could be provided on the tennis courts (for a total of 444 spaces total) for less than their anticipated peak demand (originally the previous owner proposed to count an additional 47 public spaces along South Jameson Lane towards their hotel use but were disallowed to do this by the Montecito Planning Commission). Additionally, County parking ordinance required 599 parking spaces for the hotel uses, 183 spaces short (not counting the overflow parking). A modification to the County's parking ordinance was granted by the County for the approved plan.

Under the proposed project, 551 parking spaces would be provided onsite for hotel use plus the 28 overflow spaces that could be provided on the tennis courts. The amount of onsite parking would exceed the anticipated peak demand for the site, however, County parking ordinance requires a total of 639 onsite parking spaces for the hotel uses (see project description), leaving them 88 spaces short. Therefore, the applicant seeks a modification to the County's parking ordinance for the proposed project as well.

Given that the number of parking spaces provided onsite under the proposed project would meet their anticipated peak demand and given that the project would be short 88spaces as opposed to 183 spaces under the approved plan, the proposed project would have less than significant impacts on parking for hotel uses.

Under the proposed project, the County would abandon the north-south segment of Miramar Avenue. No parcels exit to this segment of Miramar Avenue, except for the Miramar Hotel itself, however, area residents and beachgoers travel up and down this segment to get to and from Eucalyptus Lane, the east-west segment of Miramar Avenue, and South Jameson Lane. All of the traffic along this segment of Miramar Avenue is anticipated to travel up and down Eucalyptus Lane and the east-west segment of Miramar Avenue from South Jameson Lane, rather than making a loop along the north-south segment of Miramar Avenue to get back to South Jameson Lane. Miramar Avenue carries 74 ADT on weekdays and 107 ADT on weekends, with an average of 3 trips during the A.M. peak hour and 7 trips during the P.M. peak hour. According to ATE (2008), these volumes are relatively low and would not measurably affect traffic flows on Eucalyptus Lane. Therefore, diversion of traffic would have a less than significant impact on circulation in the area.

ATE (2008) also conducted A.M. and P.M. peak turning movement counts at Eucalyptus Lane-San Ysidro/U.S. Highway 101 southbound off-ramp-South Jameson Lane intersection. The intersection is controlled by stop signs on the U.S. Highway 101 Southbound off-ramp and South Jameson Lane approaches, however, the Eucalyptus Lane and San Ysidro Road approaches are uncontrolled (free flow). ATE observed that there is some confusion with drivers exiting the off-ramp who were unsure of who had the right-of-way. Some drivers were observed stopping at the Eucalyptus Lane approaches which are not controlled by stop signs. The sight distance for vehicles stopped at the westbound South Jameson Lane approach looking south on Eucalyptus Lane is also somewhat constrained. Based on these field observations, ATE recommends that the County install all-way stop signs to eliminate confusion. However, the proposed project is not anticipated to significantly affect this issue. Finally, ATE determined that the proposed entrance driveway would operate at an LOS A during both morning and afternoon peak periods with existing + project volumes. Therefore, impacts would be less than significant.

The proposed project would double the number of construction workers onsite, which could significantly impact parking in the area if construction workers were allowed to park on area roadways. However, mitigation measure number 2 in the Transportation/Circulation section of the 00-ND-003 restricts construction workers from parking on public roadways. Therefore, this mitigation measure would be adequate to bring this potentially significant impact to *less than significant* levels.

The proposed project would result in a larger number of truck trips and construction worker trips on area roadways, resulting in potentially significant impacts on circulation in the area. However, no construction traffic is proposed up or down Eucalyptus Lane. In addition, mitigation measure number 1 of the Transportation/Circulation section of the 00-ND-003 restricts construction traffic to non-peak periods and mitigation number 2, as modified for the proposed construction route, requires traffic control monitors whenever and wherever heavy construction equipment is traversing and/or operating on or near South Jameson Lane, San Ysidro Road, the north-south segment of Miramar Avenue, and Posilipo Lane. Finally, the applicant will be required to obtain a haul permit from the County Roads Division prior to issuance of land use permits, where County Roads will require the applicant to pay for any damages to area roads caused by construction. Therefore, with implementation of these mitigation measures, potentially significant impacts would be reduced to *less than significant* levels.

Caltrans is currently planning the South Coast 101 High Occupancy Vehicle (HOV) project on Highway 101 near the Miramar property, where Caltrans is proposing to add an HOV lane in each direction from Sycamore Creek in the City of Santa Barbara south to 0.44 mile south of the Carpinteria Creek Bridge in the City of Carpinteria (Chris Schaeffer, Caltrans District 5 Development Review, pers. comm. March 21, 2008). Caltrans anticipates that most of the viable and feasible alternatives would focus on widening the 101 "to the middle" or toward the existing median in constrained locations. Some overpass and ramp improvements are anticipated throughout the project limits.

Construction of the proposed project is targeted for 2010 and expected to take 22 months to complete, which is likely not going to overlap with Caltrans' South Coast 101 High Occupancy Vehicle (HOV) project. In addition, because Caltrans' project would not likely affect South Jameson or the Miramar property itself, encroachment into the road right-of-way for South Jameson Lane is not anticipated to affect the Caltrans project or County roads. Finally, the proposed project is not anticipated to significantly impact the Highway 101 off-ramps or on-ramps to San Ysidro Road, however, Caltrans' potential improvements to the overpass and ramps would improve site conditions. Therefore, the proposed project is not anticipated to have a considerable contribution to these new cumulative impacts on transportation/circulation.

Water Resources/Flooding

The approved plan had a service commitment from the Montecito Water District. The approved plan also proposed use of an existing on site well to satisfy the project's water needs for irrigation and laundry (total demand of 13.7 acre feet per year). 00-ND-003 found no significant impacts associated with water use by the approved plan on groundwater resources.

The currently proposed project also has a commitment for service from the Montecito Water District (certification of water service availability dated May 10, 2007 and subsequent District Water Service letter dated July 29, 2008) which anticipates total water usage by the project at approximately 45 acre feet per year (AFY) excluding water for landscape irrigation. The District's commitment to serve on the basis that the Miramar has five existing water meters and is an existing customer, along with the fact that the district has adequate resources to serve existing customers including excess water available for purchase in the market (Tom Mosby, Montecito Water District Manager, August 6 and August 28, 2008), constitutes the basis for a determination of no significant impacts to groundwater. No construction or use of a water well would occur under the proposed project.

The MWD has the ability to serve all its water customers as documented by the General Manager Tom Mosby for both short and long-term needs (letter dated July 30, 2008). District water supply is taken from 5 sources: Cachuma Lake, Jameson Lake, Doulton Tunnel, District groundwater basin, and District allocation from the State Water Project. While there is recent concern regarding the District's water demand and supply imbalance (refer to the PowerPoint slides contained in the July 30, 2008 letter and District Ordinance 89 which contains findings identifying the current imbalance), the District

is committed to serving all its existing customers. In response to the current water supply/demand imbalance, the Montecito Water District Board acted to approve Ordinance 90 and Resolution 2047 (adopted water rates and service) at their August 20, 2008 meeting. The Ordinance and Resolution establish proven conservation efforts in the form of new classification definitions and a conservation rate structure which would address the current water supply and demand imbalance by establishing an increased rate structure for customers using more than their base allotments.

In their letter dated July 29, 2008, the MWD provided the rationale they used to estimate water usage from the proposed project at 45 AFY. The District also confirmed that while the base allotment to the Miramar would be 45 AFY, the Miramar, like any other customer, could use in excess of the base allotment for an increased cost. In their letter dated July 29, 2008, the Caruso team confirmed that they accepted the base allotment and that their projections showed that the project would use a total of 51.3 AFY for all hotel needs including landscaping. The Caruso team subsequently provided a second letter dated August 20, 2008 which further substantiates the project's proposed water demand.

The District's commitment to serve on the basis that the Miramar has five existing water meters and is an existing customer, along with the fact that the district has adequate resources to serve existing customers including excess water available for purchase in the market (Tom Mosby, Montecito Water District Manager, August 6 and August 28, 2008), constitutes the basis for a determination of no significant impacts to groundwater. Further, the proposed project would neither result in new significant environmental effects on groundwater resources nor a substantial increase in the severity of effects over and above the approved Schrage plan.

The project site overlies a perched groundwater table. Under the approved plan, mitigation included development and implementation of a comprehensive drainage plan which included dewatering provisions during construction and the use of subdrains for any structure that was to be completed at an elevation below existing ground surface. Under the proposed project, previously adopted mitigation would apply and impacts associated with development in shallow groundwater would be reduced to *less than significant levels*.

The proposed project includes a drainage plan comprising both surface flow and subsurface drainage infrastructure that ultimately directs surface water runoff to two discharge points on the site: one at the eastern end of the property, where drainage would be directed into Oak Creek, and the other point at an existing 21-inch reinforced concrete pipe (rcp) under the UPRR tracks (near the railroad crossing) where drainage is directed to the beach. County Flood Control has assessed and on a preliminary basis accepted the proposed drainage plan. Adopted mitigation would ensure Flood Control review and approval of a final drainage plan resulting in *less than significant* impacts similar to the approved plan.

The proposed project includes development in the floodplain of Oak Creek. Craig A. Steward, P.E., CFM of Penfield and Smith prepared a report dated March 7, 2008 analyzing whether the project meets standard floodplain safety requirements and also providing information regarding potential impacts on adjacent and downstream properties. This report has been reviewed by County Flood Control and accepted as adequate (Tom Fayram, March 14, 2008). Conclusions of the report include:

- In the post-project condition, for flows less than or equal to the 100-year event in Oak Creek, there will be *no increase in flow rate* compared to the pre-project condition for adjacent property due to the Miramar Project.
- In the post-project condition upstream of the Union Pacific Railroad (UPRR), for flows less than or equal to the 100-year event in Oak Creek, there will be *no change in water surface* elevation compared to the pre-project condition for adjacent property due to the Miramar Project.
- In the post-project condition, for flows less than or equal to the 100-year event in Oak Creek, there will be *no change in flow velocity* for property downstream of the UPRR.

- In the post-project condition, for flows less than or equal to the 100-year event in Oak Creek, there will *not be a significant change in flow velocity* for property upstream of the UPRR because the greatest estimated increases in post-project flow velocity will be significantly less than the applicable industry standard (change of greater than five feet per second).
- In the post-project condition the peak flow rate downstream of the UPRR is estimated to increase from 3,510 cfs to 3,600 cfs during the most extreme storm conditions equivalent to concurrent 100-year flooding in Oak Creek and San Ysidro Creek. The resulting maximum increase in average flood depth in this area would be about $\frac{3}{4}$ of an inch, which is *significantly less* than the applicable threshold of significance (one foot).

In sum, impacts associated with proposed project development in the floodplain would be less than significant.

The approved plan proposed no changes to the existing seawall and boardwalk. The proposed project would repair the existing seawall and boardwalk in situ. The applicant submitted a "Wave Runup & Coastal Hazard Analysis, Miramar Hotel and Bungalows Site, Montecito, Santa Barbara County" November 2007, by GeoSoils Inc. and updated March 13, 2008 (GeoSoils 2008). That study indicates the finished floor elevation of Oceanfront building 03, which is located to the east of the existing seawall and behind a bulkhead, would be set at two feet above the adjacent grade to elevation +19.1 feet. The Wave Runup and Coastal Hazard Study calculates the 100 Year recurrence interval wave overtopping to conservatively be 1.5 feet of water at the bulkhead, not at the building; the study assumes that the lawn areas will dissipate the water efficiently enough to reduce any impacts associated with wave run up to less than significant. Because there is some potential for the rare coincidence of very high tides and high waves overtopping the bulkhead reaching the finished floor elevation of the building, the project would include floor shields, which while not required by FEMA, are considered a best management practice. Therefore, with implementation of floor shields impacts from wave action on Oceanfront buildings would be less than significant.

Finally, the proposed project includes Best Management Practices designed to fulfill the storm water quality mandates of the NPDES General Permit for new projects in Santa Barbara County. This general permit was not in effect at the time the approved plan was assessed. Proposed project elements designed to address NPDES mandates include the significant use of covered underground parking, landscape areas, micro detention and infiltration prior to entry into storm drains, appropriate design of maintenance bays and docks, and the use of covered and controlled trash enclosures. Treatment for storm water runoff from vehicular road surfaces includes a combination of bioretention, infiltration, and/or cartridge-type water quality inlets. Methods to be employed to obviate contamination of groundwater from application of chemicals during landscape maintenance include natural fertilization methods, controlled irrigation and water quality control. The County Water Agency has preliminarily approved these proposed project components and with the Water Agency's continued oversight and the standard required submittal of a storm water pollution prevention plan (SWPPP), water quality impacts associated with the project would be *less than significant*. Short term impacts to water quality associated with construction are mitigated to *less than significant* levels by the imposition of standard mitigations.

As with the approved plan, the proposed project's residual impact and contribution to cumulative impacts would be *less than significant* with implementation of mitigation measures required in Negative Declaration 00-ND-003 as added to and modified by the Addendum prepared for the proposed project.

The Addendum addressed the following issue areas:

- Aesthetics/Visual
- Air Quality
- Biological Resources
- Cultural Resources

- Energy
- Fire Protection
- Geologic Processes
- Hazardous Materials/Risk of Upset
- Land Use
- Noise
- Public Facilities
- Recreation
- Transportation & Circulation
- Water Resources

The addendum addressed minor changes and revisions which did not identify any of the conditions described in CEQA Guidelines Section 15162.

1.2 FINDINGS FOR THE SUBSEQUENT EIR

The findings for the Subsequent Environmental Impact Report (SEIR) prepared for the proposed project are detailed below pursuant to Public Resources Code Section 21081 and the California Environmental Quality Act Guidelines Sections 15090 and 15091.

1.2.1. Consideration of the EIR

The Final Subsequent Environmental Impact Report (SEIR), 08EIR-00000-00003, to Negative Declaration 00-ND-003 was presented to the Montecito Planning Commission and all voting members of the Montecito Planning Commission have reviewed and considered the SEIR, 08EIR-00000-00003, and its appendices, , prior to approving this proposal. In addition, all voting Commissioners have reviewed and considered testimony and additional information presented at or prior to public hearing[s] on the Miramar Beach Resort and Bungalows Project. The SEIR reflects the independent judgment of the Montecito Planning Commission and is adequate for this proposal.

1.2.2 Full Disclosure

The Montecito Planning Commission finds and certifies that the Final SEIR, , constitute a complete, accurate, adequate and good faith effort at full disclosure under CEQA. The Montecito Planning Commission further finds and certifies the Final SEIR has been completed in compliance with CEQA.

1.2.3. Findings that Certain Unavoidable Impacts are Mitigated to the Maximum Extent Feasible

The Final Subsequent Environmental Impact Report on the Miramar Beach Resort and Bungalows project identifies project-specific and cumulative environmental impacts on historic resources which cannot be fully mitigated and are therefore considered unavoidable. To the extent the impacts remain significant and unavoidable, such impacts are acceptable when weighed against the overriding social, economic, legal, technical, and other considerations set forth in the Statement of Overriding Considerations included herein. These "Class I" impacts identified by the Final SEIR are discussed below, along with the appropriate findings as per CEQA Section 15091:

All of the existing cottages (except for Matilija), several storage and maintenance buildings, and the Poolside Rooms have been determined to be locally historically significant structures at the Miramar; additionally, the Poolside Rooms are eligible to be a Santa Barbara County Historic Landmark and are eligible to be included on the California Register of Historic Resources and on the National Register of Historic Places. The "Miramar" neon roof sign, neon pole sign, and sandstone caps that previously existed at the Miramar during its operation are also considered locally historically significant features. Under the proposed project, all existing historically significant buildings or features would be

demolished and currently, there are no plans to display the "Miramar" neon sign, neon pole sign, or sandstone caps. A Structural Conditions Report was recently prepared for the cottages and out buildings on the Miramar property by Holmes Culley (March 19, 2007), which determined that these buildings would either be structurally completely unsalvageable due to extensive water damage, weathering, and other forms of decay, or would need to have their exteriors completely replaced due to termite and severe mold issues. Based on the Holmes Culley report, repair of these historically significant buildings onsite would not be feasible without completely destroying the character-defining features that determine their historical significance (i.e., shingles, clapboard, skirting boards rafter tails, gable vents, and any remaining multi-paned windows). In addition, the Poolside Rooms were studied by Holmes Culley in a report dated April 15, 2008. While these buildings are determined to have the highest potential for reuse, regardless, due to the dry rot found, an increased amount of work would be required to rebuild the structures. Also a future investigation of the existing concrete foundations would be required. Mike Zimmer, County Building Official has reviewed the Holmes Culley reports and concurs with their conclusions.

New mitigation measure HIST-1 (contained in the SEIR) would ensure that each historical structure will be completely documented following the Secretary of the Interior's HABS (Historic American Buildings Survey)/HAER (Historic American Engineering Record) procedures and methods, however, under the proposed project, there are no other known feasible mitigation measures to preserve the character-defining features of the buildings and demolition of all of the existing historically significant structures would be a permanent loss to the historic resource. Therefore, impacts would be considered a Class I, significant and unmitigable project-specific impact.

Due to the fact that the Miramar Hotel was the first tourist resort established in Montecito, the first cottage style resort, and the first resort to be close to and oriented towards the ocean, the loss of the historically significant cottages, and out buildings at the Miramar would also be a considerable contribution to cumulative impacts on historic resources in the community. In addition, because the Poolside Rooms is one of the only intact commercial works of noted architect Lulah Maria Riggs, the loss of these structures would also be a considerable contribution to cumulative impacts on historic resources. Even with documentation, the loss of these structures would be permanent and unmitigable under the proposed project.

Regarding the "Miramar" neon roof sign, neon pole sign, and sandstone caps, implementation of the mitigation measures contained in 00-ND-003 for the treatment of these features are still feasible and shall be implemented for the proposed project. Therefore, impacts on these historically significant resources would remain Class II, significant but mitigable.

At the July 16, 2008 MPC hearing, both the Coastal Law Group (letter dated July 15, 2008), and Kellem de Forrest on behalf of the Pearl Chase Society raised concerns regarding the potential loss of historic structures and questioned feasible mitigation and the adequacy of alternatives analysis. Specifically, the commenters proposed that an historic Miramar cottage be restored or replicated and that such a cottage be established for a museum commemorating the old Miramar hotel. The proposed Final SEIR, Section 7.2, contains Alternative 1 – replacement of historically significant features of existing cottages and out buildings, and the repair of the poolside rooms. Pages 57-58, identify the infeasibility of the alternative and conclude:

The impacts of Alternative 1 were briefly reviewed in order to compare the potential impacts of Alternative 1 to the Modified Project. Due to the fact that it is infeasible to repair the character-defining features that define the historical significance of the cottages and out buildings and due to the need to use mainly non original, historic materials Alternative 1 would mainly rely on rebuilding and documentation, not on preservation. Under CEQA, storage and display of some historical materials and documentation on their own are not considered sufficient to fully mitigate significant impacts. Since Alternative 1 would also involve rebuilding units in the relevant

historical style (duplication) and would include limited reuse of historical materials impacts would be reduced, however the impacts would still remain Class I.

Even if the applicant were to redesign the proposed project to preserve one cottage relocated onsite, the inability to repair the character-defining features and therefore reliance only on replication, would still result in a Class I impact to historic resources as noted above. The purpose of a project alternative is to reduce anticipated project impact levels. While both commenters propose this project change to include retention of one or more historically significant structures onsite, neither commenter acknowledges that the impact classification would therefore remain unchanged, Class I significant and unavoidable.

Regarding the adequacy of alternatives analysis, the comment raised concern that the County analysis of Alternative 2 – relocation of historically significant structures – was inadequate because it failed to “evaluate any potentially viable relocation sites or otherwise explain attempts that were made to identify available sites”. While the SEIR discloses that there are no known sites, the County has in the past worked in partnership with a developer to relocate historically significant structures to an off-site location. For example, the Santa Claus statue (an historical example of vernacular roadside architecture) was offered for relocation to the community as part of the developer’s permit approval and ultimately found a home in Ventura County, just outside the City of Oxnard. Similarly, Condition No. 85 was added to the project at the request of the MPC to include the opportunity for possible relocation of the structure(s), pursuant to the language listed below:

85. Prior to removal, photo documentation of the cottages, poolside rooms and associated buildings ‘in situ’ shall occur pursuant to the County’s standards as outlined in Condition No. 32. The owner shall make available for 90 days from the date of final discretionary approval of the project, any cottage(s) or the poolside rooms for removal and relocation to any individual or organization proposing to rehabilitate said structure. All costs and liability for transportation and removal, including any necessary permits shall be the sole responsibility to the individual or organization seeking relocation and reuse of the structure(s). Notice of availability of structures shall be provided in local newspaper, notice on site and other public outreach efforts to the community by the applicant. The applicant shall document such effort with the County prior to the approval of the follow-on Land Use Permit.

With incorporation of this mitigation measure, the resulting impacts to historic resources would continue to be Class I, significant and unavoidable.

1.2.4. Finding that Mitigation of Certain Impacts is Within the Responsibility and Jurisdiction of Another Public Agency

There is no other public agency with responsibility or jurisdiction over mitigating impacts associated with the Miramar Beach Resort and Bungalows project.

1.2.5. Findings that Identified Project Alternatives Are Not Feasible

The Final SEIR, 08EIR-00000-00003, prepared for the project evaluated three alternatives to the proposed project as follows: (1) the No Action Alternative (continued vacancy of the lot and degradation of on site facilities or construction of the approved Schragger Plan), (2) Alternative 1 - Replacement of Historically Significant Features on Existing Cottages and “Out Buildings” and Repair of the Poolside Rooms, and (3) Alternative 2 - Relocation of Historically Significant Structures. Of these alternatives, the only one that was determined to be feasible was the No Action Alternative, however, it was determined to have Class I impacts on historic resources as well. Under the no project alternative, either the site could remain vacant and abandoned or the existing entitlements could be exercised. In the event that the site were to remain vacant and abandoned, all buildings on site would

continue their ongoing degradation to the point of collapse, posing both an attractive nuisance and a health and safety hazard. Continued degradation of the historic structures would cause irreparable damage to the historic structures resulting in Class I impacts to the resources. Alternatively, because the Schragger Plan may proceed under its existing permits, it is reasonable to expect that if this proposed revised plan were not approved at least some of the approved development would be constructed. Repair of the existing cottages and "out-buildings" was proposed at the time of the Schragger approval, and was feasible in 2000. However, repair of these structures is no longer feasible due to the fact that the character-defining features that define the historical significance of the buildings would be completely destroyed in order to ensure that the buildings are structurally sound and safe. In addition, under the approved plan, the historically significant Poolside Rooms were slated for demolition. Therefore, impacts on historic resources would be considered significant and unmitigable (Class I) under the No Project Alternative.

With the infeasibility of repairing the character-defining features that define the historical significance of the cottages and out buildings onsite, replacement of the character-defining features on these buildings would be the next priority according to the Secretary of Interior's *Guidelines for Rehabilitation*. Under Alternative 1, the cottages and out buildings would be either completely replaced or the exteriors would be completely replaced as recommended by the applicant's structural engineer, Holmes Culley and the character-defining features that define the historical significance of the buildings could be replaced with materials that match the old design, while maintaining a compatible size and shape of each building.

Under this alternative, repairs to the Poolside Rooms would also be implemented, assuming the building is in adequate structural condition. If repairs are not possible, then the character-defining features could be replaced while maintaining a compatible size and shape of the buildings.

Under this alternative, all of the other proposed new buildings on the property (e.g., Main Building, Ballroom, spa, Beach and Tennis Club etc.) would need to be redesigned with a style that would be differentiated from the old style, but that would be compatible with the massing, size, scale, and architectural features of the historically significant buildings pursuant to the Secretary of Interior's *Standards for Rehabilitation*.

Impacts on these historical structures could not be reduced to significant, but mitigable impacts, Class II. This is due to the fact that it is infeasible to repair the character-defining features that define the historical significance of the cottages and out buildings and due to the need to use mainly non original, historic materials. Alternative 1 would mainly rely on rebuilding and documentation, not on preservation. Under CEQA, storage and display of some historical materials and documentation on their own are not considered sufficient to fully mitigate significant impacts. Since Alternative 1 would also involve rebuilding units in the relevant historical style and would include limited use of historical materials on the reconstructed buildings, impacts on these historical structures from Alternative 1 would not be reduced to significant, but mitigable impacts, Class II. While the impacts could be mitigated to Class II under Alternative 1, the loss of most of the actual buildings would still be a substantial historical loss.

Alternative 2 would involve relocation of the historically significant cottages, out buildings, and Poolside Rooms, and replacement of their character-defining features. Currently, however, a potential alternate site for these buildings is unknown. Therefore, this alternative is determined to be infeasible and was rejected from further consideration.

1.2.6. Statement of Overriding Considerations

The Final SEIR for the Miramar Beach Resort and Bungalows project identifies project-specific and cumulative impacts to historic resources as significant environmental impacts which are considered unavoidable. The proposed project and the No Action Alternative (continued vacancy of the site and degradation of site facilities or construction of the Schragger Plan), would both result in Class I impacts

on historic resources and there are no other feasible alternatives to further minimize impacts on historic resources, other than the no build alternative. However, under the no build alternative, the site would lay vacant and the public would not benefit from access across the site as the site would likely remain fenced for security reasons. The Montecito Planning Commission therefore makes the following Statement of Overriding Considerations which warrant approval of the project notwithstanding that all identified impacts are not fully mitigated. Pursuant to CEQA Guidelines Sections 15043, 15092 and 15093, any remaining significant effects on the environment are acceptable due to these overriding considerations:

The proposed project would provide benefits such as:

- Redevelopment of the Miramar Hotel for visitor serving commercial use in Montecito.
- Replacement of what is currently a blighted area in the Montecito community;
- Generation of transient occupancy taxes.
- Provision of four new affordable housing units in the Montecito Community Plan area;
- Improved public access to the beach through the creation of 68 public parking spaces;
- Improved public access by providing dedicated public access paths through the property to the beach;
- Beautiful landscaping along South Jameson Lane and throughout the property that would significantly improve the environment in the neighborhood;
- Increase in the amount of permeable surfaces on the property which would reduce storm water runoff to Oak Creek;
- Improved safety around the railroad tracks by improving the road which crosses the tracks, and by improving the pedestrian crossing;
- Better care for existing trees that have been largely abandoned while adding significant amounts of new trees thereby creating a more pleasant environment for guests and the surrounding neighborhood;
- High-quality architecture that would fit well with the surrounding community;
- Restoration of the Miramar Beach and Tennis Club for its members and provide more membership opportunities for the community;
- New meeting and ballroom facilities available for use by hotel guests and the community;
- Small boutique retail shops for uses by hotel guests and the community;
- Underground parking that significantly improves the environment of the site by creating more open space; and
- New restaurants for the surrounding community to use.

The County hereby finds that each of the reasons stated above constitutes a separate and independent basis of justification for the Statement of Overriding Considerations, and each is able to independently support the Statement of Overriding Considerations and override the unavoidable environmental effects of the Project. In addition, each reason is independently supported by substantial evidence contained in the administrative record.

1.2.7. Environmental Reporting and Monitoring Program

Public Resources Code Section 21081.6 requires the County to adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment. The approved project description and conditions of approval, with their corresponding permit monitoring requirements, are hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.

1.2.8. Location of Record of Proceedings

The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of: The Secretary of the Planning Commission, Dianne Black, of Planning and Development located at 123 E. Anapamu St., Santa Barbara, CA 93101. The documents are also online at <http://sbcountyplanning.org/projects/07DVP-00017/index.cfm>.

2.0 ADMINISTRATIVE FINDINGS

2.1 Development Plan Findings (07RVP-00000-00009)

2.1.1 Findings for all Preliminary or Final Development Plans

Pursuant to Section 35-174.7 of Article II, Coastal Zoning Ordinance, prior to the approval or conditional approval of an application for a Revised Development Plan the review authority shall first make the following findings:

2.1.1.1 That the site for the project is adequate in size, shape, location, and physical characteristics to accommodate the density and level of development proposed.

As discussed in Sections 7.2 and 7.3 of the staff report dated July 3, 2008 for the proposed project and as updated in the staff memorandums to the Montecito Planning Commission dated August 6, 2008, August 28, 2008 and October 8, 2008, and incorporated herein by reference, the 15.99 acre property is of adequate size, shape, location, and topography to adequately accommodate the scale of the proposed project. During the August 28, 2008 Montecito Planning Commission hearing, the MPC determined that it was appropriate to include lots 6 and 11 in the project area calculations for the Development Plan thus bringing the overall project site area to 15.99 acres. Therefore, the project is adequate in size, shape, location, and physical characteristics to accommodate the density and level of development proposed and this finding can be made.

2.1.1.2 That adverse impacts are mitigated to the maximum extent feasible.

As discussed in Section 7.1 of the staff report dated July 3, 2008 for the proposed project and as updated in the staff memorandums to the Montecito Planning Commission dated August 6, 2008, August 28, 2008 and October 8, 2008, and incorporated herein by reference, adverse impacts anticipated to all issue areas except for historic resources have been mitigated to less than significant levels (Class II impacts).

The proposed project has a commitment for service from the Montecito Water District (District Water Service letter dated July 29, 2008) which anticipates total water usage by the project at approximately 45 acre feet per year (AFY) excluding water for landscape irrigation. The District's commitment to serve on the basis that the Miramar has five existing water meters and is an existing customer, along with the fact that the district has adequate resources to serve existing customers including excess water available for purchase in the market, constitutes the basis for a determination of less than significant impacts related to water resources.

The MWD has the ability to serve all its water customers as documented by the General Manager Tom Mosby for both short and long-term needs (letter dated July 30, 2008). District water supply is taken from 5 sources: Cachuma Lake, Jameson Lake, Doulton Tunnel, District groundwater basin, and District allocation from the State Water Project. While there is recent concern regarding the District's water demand and supply imbalance (refer to the PowerPoint slides contained in the July 30, 2008

letter and District Ordinance 89 which contains findings identifying the current imbalance), the District is committed to serving all its existing customers. In response to the current water supply/demand imbalance, the Montecito Water District Board acted to approve Ordinance 90 and Resolution 2047 (adopted water rates and service) at their August 20, 2008 meeting. The Ordinance and Resolution establish new classification definitions and a conservation rate structure which would address the current water supply and demand imbalance by establishing an increased rate for customers using more than their base allotments.

In their letter dated July 29, 2008, the MWD provided the rationale they used to estimate water usage from the proposed project at 45 AFY. The District also confirmed that while the base allotment to the Miramar would be 45 AFY, the Miramar, like any other customer, could use in excess of the base allotment for an increased cost. In their letter dated July 29, 2008, the Caruso team confirmed that they accepted the base allotment and that their projections showed that the project would use a total of 51.3 AFY for all hotel needs including landscaping. The Caruso team subsequently provided a second letter dated August 20, 2008 which further substantiates the project's proposed water demand.

The District's commitment to serve on the basis that the Miramar has five existing water meters and is an existing customer, along with the fact that the district has adequate resources to serve existing customers including excess water available for purchase in the market (Tom Mosby, Montecito Water District Manager, August 6 and August 28, 2008), constitutes the basis for a determination of no significant impacts to groundwater. Further, the proposed project would neither result in new significant environmental effects on groundwater resources nor a substantial increase in the severity of effects over and above the approved Schragger plan.

With respect to Land Use conflicts related to Montecito Community Plan Policy LUC-M-1.6, the MPC directed the applicant to undergo further Montecito Board of Architectural Review (MBAR) with specific direction for the MBAR to ensure the proposed project to be consistent with the definition of "Cottage Type Hotel" established by the MPC. Because the proposed project includes small cottages and the MBAR would ensure the appropriateness of the proposed architecture, including colors, style and materials, in relation to the specific direction given by the MPC, the project can be found consistent with the "Cottage Type Hotel" tradition.

Project-specific and cumulative impacts on historic resources would be adverse, unavoidable, and cannot be fully mitigated (Class I impact). Statements of Overriding Consideration are required for these impacts and are made in Section 1.0 CEQA Findings above. Therefore, this finding can be made.

2.1.1.3 That streets and highways are adequate and properly designed to carry the type and quantity of traffic generated by the proposed use.

As discussed in Section 7.2 of the staff report dated July 3, 2008 for the proposed project and as updated in the staff memorandums to the Montecito Planning Commission dated August 6, 2008, August 28, 2008 and October 8, 2008, and incorporated herein by reference, the nearby streets and highways are of an adequate capacity and design to accept the traffic anticipated to be generated by the proposed project and the proposed project would not adversely affect the capacity of the nearby roadways and intersections. Specifically, South Jameson Lane has adequate capacity to host the 58 angled public parking spaces in addition to two 12-foot travel lanes (one traveling east and one traveling west) within the existing right-of-way. Therefore, this finding can be made.

2.1.1.4 That there are adequate public services, including but not limited to fire protection, water supply, sewage disposal, and police protection to serve the project.

As discussed in Section 7.2 of the staff report dated July 3, 2008 for the proposed project and as updated in the staff memorandums to the Montecito Planning Commission dated August 6, 2008, August 28, 2008 and October 8, 2008, and incorporated herein by reference, there are adequate public services for the proposed project including fire protection, water supply, sewage disposal, and police protection.

The proposed project includes construction of a new sanitary sewer lift station on the project site. Pursuant to the Montecito Sanitary District October 2, 2008 letter in which they confirmed the District's ability to serve the proposed project, the applicant would be required to provide the District with a "Dedication Agreement for Sewer facilities" to ensure construction of the lift station, engineered plans for all required sewage collection system elements and the appropriate connection fees prior to issuance of building permits. Construction impacts associated with infrastructure improvements would be mitigated to *less than significant levels* as per the construction impact mitigation measures included in 00-ND-003.

The MWD has the ability to serve all its water customers as documented by the General Manager Tom Mosby for both short and long-term needs (letter dated July 30, 2008). District water supply is taken from 5 sources: Cachuma Lake, Jameson Lake, Doulton Tunnel, District groundwater basin, and District allocation from the State Water Project. While there is recent concern regarding the District's water demand and supply imbalance (refer to the PowerPoint slides contained in the July 30, 2008 letter and District Ordinance 89 which contains findings identifying the current imbalance), the District is committed to serving all its existing customers. In response to the current water supply/demand imbalance, the Montecito Water District Board acted to approve Ordinance 90 and Resolution 2047 (adopted water rates and service) at their August 20, 2008 meeting. The Ordinance and Resolution establish new classification definitions and a conservation rate structure which would address the current water supply and demand imbalance by establishing an increased rate for customers using more than their base allotments.

In their letter dated July 29, 2008, the MWD provided the rationale they used to estimate water usage from the proposed project at 45 AFY. The District also confirmed that while the base allotment to the Miramar would be 45 AFY, the Miramar, like any other customer, could use in excess of the base allotment for an increased cost. In their letter dated July 29, 2008, the Caruso team confirmed that they accepted the base allotment and that their projections showed that the project would use a total of 51.3 AFY for all hotel needs including landscaping. The Caruso team subsequently provided a second letter dated August 20, 2008 which further substantiates the project's proposed water demand.

The District's commitment to serve on the basis that the Miramar has five existing water meters and is an existing customer, along with the fact that the district has adequate resources to serve existing customers including excess water available for purchase in the market (Tom Mosby, Montecito Water District Manager, August 6 and August 28, 2008), constitutes the basis for a determination of no significant impacts to groundwater. Further, the proposed project would neither result in new significant environmental effects on groundwater resources nor a substantial increase in the severity of effects over and above the approved Schragger plan.

During the August 6, 2008 hearing, Montecito Water District Manager, Tom Mosby testified that the existing fire hydrants surrounding the Miramar property were tested and determined to have adequate pressure (greater than 1,500 psi) to serve fire fighting operations. Therefore, this finding can be made.

2.1.1.5 That the project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will not be incompatible with the surrounding area.

As discussed in Sections 7.1 and 7.2 of the staff report dated July 3, 2008 for the proposed project and as updated in the staff memorandums to the Montecito Planning Commission dated August 6, 2008, August 28, 2008 and October 8, 2008, Addendum as revised and in the SEIR, incorporated herein by reference, with implementation of mitigation measures the proposed project would not have a significant impact on health and safety, comfort, convenience, or general welfare of the neighborhood, including flood risk, air quality, noise, and traffic impacts, risk of injury due to proximity to the railroad tracks etc.

Specific to visual character, the Negative Declaration for the Schrage Plan (00-ND-003), identified impacts that remain relevant to the site today and the project changes proposed under the Caruso Plan (proposed project). Overall, the approved plan would have added bulk to the South Jameson Lane frontage, which would have resulted in a significant change to the visual character of this portion of the roadway. This would have had the effect of making the approved plan appear to be a more intensive use of the site than it is today. Within the site, the appearance of the hotel grounds would have been improved with the removal of much of the existing asphalt and substantial new landscaping.

To address these impacts, the approved plan included the following measures to mitigate potential aesthetic impacts to a less than significant level and ensure consistency with Montecito Community Plan (MCP) policies: 1) landscaping shall be compatible with the character of the surroundings and the architectural style of development on the site and shall be maintained throughout the life of the project; 2) the approved plan included mitigation requiring the applicant to provide landscape and maintenance performance securities; and 3) the design, scale, and character of the approved project architecture and landscaping shall be compatible with development in the vicinity and the applicant shall submit the Landscape Plan and final architectural drawings of the approved project for review and approval by the Montecito Board of Architectural Review.

As with the approved project, the proposed project includes building mass along South Jameson Lane and allows some limited views into the site as shown in the project elevation on Sheet A5.50 of the site plans (contained in Appendix F of the draft Final Subsequent Environmental Impact Report dated July 3, 2008 and incorporated herein by reference). Refer to Attachment 1 in the Proposed Final SEIR for photographs of the proposed project's story poles (staking and flagging of the highest ridgelines) from December 14 to 17, 2007. Of note is the Montecito Board of Architectural Review's positive comments during their December 17, 2007 conceptual review of the project. While retaining the proposed underground parking lot, the applicant revised the height of the Main Building along the frontage and modified the sound wall and landscaping plan in response to the Montecito Planning Commission's Concept Review on January 16, 2008 for increased articulation. Specifically, the Main Building was reduced by 3.5 feet. The overall height of the Main Building was further reduced by an additional 4 feet as shown in the project plans approved at the October 8, 2008 MPC hearing and all building elements which front Jameson Lane are one story in height. Also, in response to comments made by the MPC during the August 6, 2008 hearing, the Ballroom Building was relocated out of the front yard setback. Additionally, the solid 10-foot high sound wall running along the front property line was broken into two segments, allowing for a 9-foot high landscape berm with associated landscape trees and shrubs. These proposed project changes would soften the views of the resort frontage as viewed along South Jameson Lane and Highway 101.

The Miramar hotel is bounded on the south by the Pacific Ocean, on the north by Highway 101, on the west by the All Saints Church and on the east by Oak Creek and residences. In response to comments made by the MPC during the August 6, 2008 MPC hearing, the two-story building (formerly Building No. 43) adjacent to All Saints by the Sea Church was lowered to one story in height and the setback

for all buildings along the western property line was increased from 10 feet to 15 feet. The proposed Ocean Front guestrooms are two stories and attached. The size, bulk and scale of these buildings are consistent with existing, tightly organized residential development on Miramar Beach. The proposed guest cottages arrayed along the north side of the east west segment of Miramar Avenue are all one-story reflecting the size, bulk and scale of the residential structures arrayed along the south side of the east west segment of Miramar Avenue. Finally, the proposed spa building, which is located on the northwest corner of the site, has been reduced to a one-story building to better reflect the size, bulk and scale of the residences it faces across Eucalyptus Lane.

While the approved plan scope has changed through the elements listed above, the impacts to visual character and South Jameson Lane frontage massing previously assessed would remain essentially the same as identified in 00-ND-003. With these changes under the proposed project description, the previous 3 mitigation measures of the approved project remain applicable to ensure the proposed project will be compatible with the surrounding area and that the project would be consistent with the visual resource protection policies of the Coastal Land Use Plan and Montecito Community Plan. Therefore, this finding can be made.

2.1.1.6 That the project is in conformance with 1) the Comprehensive Plan, including the Coastal Land Use Plan, and 2) with the applicable provisions of this Article and/or the project falls within the limited exception allowed under Section 35-161.7.

As discussed in Sections 7.2 and 7.3 of the staff report dated July 3, 2008 for the proposed project and as updated in the staff memorandums to the Montecito Planning Commission dated August 6, 2008, August 28, 2008 and October 8, 2008, and incorporated herein by reference, the proposed project would be consistent with the policies of the County's Comprehensive Plan, including the Coastal Land Use Plan and Montecito Community Plan, and would be in conformance with the provisions of Article II, except where modifications would be required for height limits, parking standards, and setbacks. Findings for the modifications are discussed in Section 2.3 below. The project does not fall within the limited exception allowed under Section 35-161.7 for nonconforming industrial uses. Therefore, this finding can be made.

2.1.1.7 That in designated rural areas the use is compatible with and subordinate to the scenic, agricultural, and rural character of the area.

The proposed project is designated as an urban area, therefore, this finding does not apply.

2.1.1.8 That the project will not conflict with any easements required for public access through, or public use of a portion of property.

As discussed in Section 7.2 of the staff report dated July 3, 2008 for the proposed project and as updated in the staff memorandums to the Montecito Planning Commission dated August 6, 2008, August 28, 2008 and October 8, 2008, and incorporated herein by reference, the public retains a lateral access easement across the Miramar property on the beach at least 20 feet from the water line at all times (except for when the water has reached the edge of the boardwalk). Although the Miramar Hotel would have use of the area of sand between the boardwalk and the water, at no time would any hotel activity be allowed to interfere with public use of this 20-foot easement. In addition, Condition of Approval No. 50 would require recordation of a public easement across the proposed new fire lane through the site and a public easement down the existing access road connecting to the lateral beach access. Therefore, the proposed project would not conflict with this lateral easement and this finding can be made.

2.1.1.9 Additional findings, identified in Division 15, Section 35-215 (Montecito Community Plan Overlay District), are required for those parcels identified with the MON overlay zone.

Additional findings required for Development Plans in the Montecito Community Plan Overlay District are made below in Section 2.4. Therefore, this finding can be made.

2.1.2 Additional Findings Required for Final Development Plans

2.1.2.1 The Final Development Plan is in substantial conformity with any approved Preliminary or Revised Preliminary Development Plan. If the Final Development Plan is under the jurisdiction of the Director, and the Director cannot find that the Final Development Plan is in substantial conformity with the Preliminary Development Plan, then the Director shall refer the Final Development Plan to the decision-maker that approved the Preliminary Development Plan.

The proposed project is to revise a Final Development Plan. Therefore, this finding does not apply.

2.1.3 Additional Findings Required for Preliminary or Final Development Plans for Sites Zoned C-V (Visitor Serving Commercial)

2.1.3.1 In addition to the findings for Development Plans set forth in Section 35-174.7 (Development Plans), no Preliminary or Final Development Plan shall be approved for property zoned or to be rezoned to Resort/Visitor Serving Commercial unless the Planning Commission also makes the following findings:

2.1.3.2 For development in rural areas as designated on the Coastal Land Use Plan Maps, the project will not result in a need for ancillary facilities on nearby land, i.e., residences, stores, etc.

The proposed project is designated as an urban area, therefore, these findings do not apply.

2.1.3.3 For developments surrounded by areas zoned residential, the proposed use is compatible with the residential character of the area.

The subject property is bounded by residential zoned property to the east and west, however, the Pacific Ocean and a Transportation Corridor occur to the south of the property (and through the southern end of the property), and South Jameson and Highway 101 occur to the north of the property. Therefore, the subject property is not "surrounded" by areas zoned residential and this finding does not apply.

2.1.3.4 Additional requirements, identified in Division 15 (Montecito Community Plan Overlay District), exist for those parcels identified with the MON overlay zone.

Additional findings required for Development Plans in the C-V zone district in the Montecito Community Plan Overlay District are made below in Section 2.4. Therefore, this finding can be made.

2.2 Conditional Use Permit Findings (07CUP-00000-00045, 07CUP-00000-00046, 07CUP-00000-00047, and 08CUP-00000-00005)

Pursuant to Section 35-172.8, a Conditional Use Permit shall only be approved or conditionally approved if decision-makers first make all of the following findings:

2.2.1 That the site for the project is adequate in size, shape, location and physical characteristics to accommodate the type of use and level of development proposed.

As discussed in Sections 7.1 and 7.2 of the staff report dated July 3, 2008 for the proposed project and as updated in the staff memorandums to the Montecito Planning Commission dated August 6, 2008, August 28, 2008 and October 8, 2008, and incorporated herein by reference, the 15.99 acre property is of adequate size, shape, location, and topography to adequately accommodate the scale of the proposed project. During the August 28, 2008 Montecito Planning Commission hearing, the MPC determined that it was appropriate to include lots 6 and 11 in the project area calculations for the development plan thus bringing the overall project site area to 16 acres. Therefore, this finding can be made.

2.2.2 That adverse environmental impacts are mitigated to the maximum extent feasible.

As discussed in Section 7.1 of the staff report dated July 3, 2008 for the proposed project and in the Revised Addendum and SEIR and as updated in the staff memorandums to the Montecito Planning Commission dated August 6, 2008, August 28, 2008 and October 8, 2008, and incorporated herein by reference, adverse impacts anticipated to all issue areas except for historic resources have been mitigated to less than significant levels (Class II impacts).

The proposed project has a commitment for service from the Montecito Water District (District Water Service letter dated July 29, 2008) which anticipates total water usage by the project at approximately 45 acre feet per year (AFY) excluding water for landscape irrigation. No construction or use of a water well would occur under the proposed project. The District's commitment to serve on the basis that the Miramar has five existing water meters and is an existing customer, along with the fact that the district has adequate resources to serve existing customers including excess water available for purchase in the market (Tom Mosby, Montecito Water District Manager, August 6 and August 28, 2008), constitutes the basis for a determination of less than significant impacts related to water resources.

The MWD has the ability to serve all its water customers as documented by the General Manager Tom Mosby for both short and long-term needs (letter dated July 30, 2008). District water supply is taken from 5 sources: Cachuma Lake, Jameson Lake, Doulton Tunnel, District groundwater basin, and District allocation from the State Water Project. While there is recent concern regarding the District's water demand and supply imbalance (refer to the PowerPoint slides contained in the July 30, 2008 letter and District Ordinance 89 which contains findings identifying the current imbalance), the District is committed to serving all its existing customers. In response to the current water supply/demand imbalance, the Montecito Water District Board acted to approve Ordinance 90 and Resolution 2047 (adopted water rates and service) at their August 20, 2008 meeting. The Ordinance and Resolution establish new classification definitions and a conservation rate structure which would address the current water supply and demand imbalance by establishing an increased rate for customers using more than their base allotments.

In their letter dated July 29, 2008, the MWD provided the rationale they used to estimate water usage from the proposed project at 45 AFY. The District also confirmed that while the base allotment to the Miramar would be 45 AFY, the Miramar, like any other customer, could use in excess of the base allotment for an increased cost. In their letter dated July 29, 2008, the Caruso team confirmed that they accepted the base allotment and that their projections showed that the project would use a total of

51.3 AFY for all hotel needs including landscaping. The Caruso team subsequently provided a second letter dated August 20, 2008 which further substantiates the project's proposed water demand.

The District's commitment to serve on the basis that the Miramar has five existing water meters and is an existing customer, along with the fact that the district has adequate resources to serve existing customers including excess water available for purchase in the market (Tom Mosby, Montecito Water District Manager, August 6 and August 28, 2008), constitutes the basis for a determination of no significant impacts to groundwater. Further, the proposed project would neither result in new significant environmental effects on groundwater resources nor a substantial increase in the severity of effects over and above the approved Schragger plan.

With respect to Land Use conflicts related to Montecito Community Plan Policy LUC-M-1.6, the MPC directed the applicant to undergo further Montecito Board of Architectural Review (MBAR) with specific direction for the MBAR to ensure the proposed project to be consistent with the definition of "Cottage Type Hotel" established by the MPC. Because the proposed project includes small cottages and the MBAR would ensure the appropriateness of the proposed architecture, including colors, materials and style, in relation to the specific direction given by the MPC, the project can be found consistent with the "Cottage Type Hotel" tradition.

Project-specific and cumulative impacts on historic resources would be adverse, unavoidable, and cannot be fully mitigated (Class I impact). Statements of Overriding Consideration are required for these impacts and are made in Section 1.0 CEQA Findings above. Therefore, this finding can be made.

2.2.3 That streets and highways are adequate and properly designed to carry the type and quantity of traffic generated by the proposed use.

As discussed in Section 7.1 of the staff report dated July 3, 2008 for the proposed project and in the SEIR for the project and as updated in the staff memorandums to the Montecito Planning Commission dated August 6, 2008, August 28, 2008 and October 8, 2008, and incorporated herein by reference, the nearby streets and highways are of an adequate capacity and design to accept the traffic anticipated to be generated by the proposed project and the proposed project would not adversely affect the capacity of the nearby roadways and intersections. Specifically, South Jameson Lane has adequate capacity to host the 58 angled public parking spaces (45 near the northwest portion of the property and 13 near the northeast portion of the property) in addition to two 12-foot travel lanes (one traveling east and one traveling west) within the existing right-of-way. Therefore, this finding can be made.

2.2.4 That there are adequate public services, including but not limited to fire protection, water supply, sewage disposal, and police protection to serve the project.

As discussed in Sections 7.1 and 7.2 of the staff report dated July 3, 2008 for the proposed project, and incorporated herein by reference, and as updated in the staff memorandums to the Montecito Planning Commission dated August 6, 2008, August 28, 2008 and October 8, 2008, there are adequate public services for the proposed project including fire protection, water supply, sewage disposal, and police protection.

The proposed project includes construction of a new sanitary sewer lift station on the project site. Pursuant to the Montecito Sanitary District October 2, 2008 letter in which they confirmed the District's ability to serve the proposed project, the applicant would be required to provide the District with a "Dedication Agreement for Sewer facilities" to ensure construction of the lift station, engineered plans for all required sewage collection system elements and the appropriate connection fees prior to issuance of building permits. Construction impacts associated with infrastructure

improvements would be mitigated to *less than significant levels* as per the construction impact mitigation measures included in 00-ND-003.

The proposed project has a commitment for service from the Montecito Water District (District Water Service letter dated July 29, 2008) which anticipates total water usage by the project at approximately 45 acre feet per year (AFY) excluding water for landscape irrigation. No construction or use of a water well would occur under the proposed project. The District's commitment to serve on the basis that the Miramar has five existing water meters and is an existing customer, along with the fact that the district has adequate resources to serve existing customers including excess water available for purchase in the market (Tom Mosby, Montecito Water District Manager, August 6 and August 28, 2008), constitutes the basis for a determination of less than significant impacts related to water resources.

The MWD has the ability to serve all its water customers as documented by the General Manager Tom Mosby for both short and long-term needs (letter dated July 30, 2008). District water supply is taken from 5 sources: Cachuma Lake, Jameson Lake, Doulton Tunnel, District groundwater basin, and District allocation from the State Water Project. While there is recent concern regarding the District's water demand and supply imbalance (refer to the PowerPoint slides contained in the July 30, 2008 letter and District Ordinance 89 which contains findings identifying the current imbalance), the District is committed to serving all its existing customers. In response to the current water supply/demand imbalance, the Montecito Water District Board acted to approve Ordinance 90 and Resolution 2047 (adopted water rates and service) at their August 20, 2008 meeting. The Ordinance and Resolution establish new classification definitions and a conservation rate structure which would address the current water supply and demand imbalance by establishing an increased rate for customers using more than their base allotments.

In their letter dated July 29, 2008, the MWD provided the rationale they used to estimate water usage from the proposed project at 45 AFY. The District also confirmed that while the base allotment to the Miramar would be 45 AFY, the Miramar, like any other customer, could use in excess of the base allotment for an increased cost. In their letter dated July 29, 2008, the Caruso team confirmed that they accepted the base allotment and that their projections showed that the project would use a total of 51.3 AFY for all hotel needs including landscaping. The Caruso team subsequently provided a second letter dated August 20, 2008 which further substantiates the project's proposed water demand.

The District's commitment to serve on the basis that the Miramar has five existing water meters and is an existing customer, along with the fact that the district has adequate resources to serve existing customers including excess water available for purchase in the market (Tom Mosby, Montecito Water District Manager, August 6 and August 28, 2008), constitutes the basis for a determination of no significant impacts to groundwater. Further, the proposed project would neither result in new significant environmental effects on groundwater resources nor a substantial increase in the severity of effects over and above the approved Schragger plan.

During the August 6, 2008 hearing, Montecito Fire District Captain Jim Langhorne testified that the existing fire hydrants surrounding the Miramar property were tested and determined to have adequate pressure (greater than 1,500 psi) to serve fire fighting operations. Therefore, this finding can be made.

2.2.5 That the project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will not be incompatible with the surrounding area.

As discussed in Sections 7.1 and 7.2 of the staff report dated July 3, 2008 for the proposed project and as updated in the staff memorandums to the Montecito Planning Commission dated August 6, 2008, August 28, 2008 and October 8, 2008, and incorporated herein by reference, with implementation of mitigation measures the proposed project would not have a significant impact on health and safety,

comfort, convenience, or general welfare of the neighborhood, including flood risk, air quality, noise, and traffic impacts, risk of injury due to proximity to the railroad tracks etc.

Specific to visual character, the Negative Declaration for the Schragger Plan (00-ND-003), identified impacts that remain relevant to the site today and the project changes proposed under the Caruso Plan (proposed project). Overall, the approved plan would have added bulk to the South Jameson Lane frontage, which would have resulted in a significant change to the visual character of this portion of the roadway. This would have had the effect of making the approved plan appear to be a more intensive use of the site than it is today. Within the site, the appearance of the hotel grounds would have been improved with the removal of much of the existing asphalt and substantial new landscaping.

To address these impacts, the approved plan included the following measures to mitigate potential aesthetic impacts to a less than significant level and ensure consistency with Montecito Community Plan (MCP) policies: 1) landscaping shall be compatible with the character of the surroundings and the architectural style of development on the site and shall be maintained throughout the life of the project; 2) the approved plan included mitigation requiring the applicant to provide landscape and maintenance performance securities; and 3) the design, scale, and character of the approved project architecture and landscaping shall be compatible with development in the vicinity and the applicant shall submit the Landscape Plan and final architectural drawings of the approved project for review and approval by the Montecito Board of Architectural Review.

As with the approved project, the proposed project includes building mass along South Jameson Lane and allows some limited views into the site as shown in the project elevation on Sheet A5.50 of the site plans (contained in Appendix F of the Draft Final SEIR dated July 3, 2008 and incorporated herein by reference). Refer to Attachment 1 in the Proposed Final SEIR for photographs of the proposed project's story poles (staking and flagging of the highest ridgelines) from December 14 to 17, 2007. Of note is the Montecito Board of Architectural Review's positive comments during their December 17, 2007 conceptual review of the project. While retaining the proposed underground parking lot, the applicant revised the height of the Main Building along the frontage and modified the sound wall and landscaping plan in response to the Montecito Planning Commission's Concept Review on January 16, 2008 for increased articulation. Specifically, the Main Building was reduced by 3.5 feet. The maximum height of the Main Building was further reduced by an additional 4 feet as shown in the project plans approved at the October 8, 2008 MPC hearing. Also, in response to comments made during the August 6, 2008 MPC hearing, the Ballroom Building was relocated out of the front yard setback. Additionally, the solid 10-foot high sound wall running along the front property line was broken into two segments, allowing for a low 9-foot high landscape berm with associated landscape trees and shrubs. These proposed project changes would soften the views of the resort frontage as viewed along South Jameson Lane and Highway 101.

The Miramar hotel is bounded on the south by the Pacific Ocean, on the north by Highway 101, on the west by the All Saints Church and on the east by Oak Creek and residences. In response to comments made by the MPC during the August 6, 2008 MPC hearing, the two-story building (formerly Building No. 44) adjacent to All Saints by the Sea Church was lowered to one story in height and the setback for all buildings along the western property line was increased from 10 feet to 15 feet. The proposed Ocean Front guestrooms are two stories and attached. The size, bulk and scale of these buildings are consistent with existing, tightly organized residential development on Miramar Beach. The proposed guest cottages arrayed along the north side of the east west segment of Miramar Avenue are all one-story reflecting the size, bulk and scale of the residential structures arrayed along the south side of the east west segment of Miramar Avenue. Finally, the proposed Spa Building, which is located on the northwest corner of the site, has been reduced to a one-story building to better reflect the size, bulk and scale of the residences it faces across Eucalyptus Lane.

While the approved plan scope has changed through the elements listed above, the impacts to visual character and South Jameson Lane frontage massing previously assessed would remain essentially the same as identified in 00-ND-003. With these changes under the proposed project description, the previous 3 mitigation measures of the approved project remain applicable to ensure the proposed project will be compatible with the mass, bulk, scale and design of the residential character of the surrounding neighborhood and that the project would be consistent with the visual resource protection policies of the Coastal Land Use Plan and Montecito Community Plan. Therefore, this finding can be made.

2.2.6 That the project is in conformance with the applicable provisions and policies of this Article and the Coastal Land Use Plan.

As discussed in Sections 7.2 and 7.3 of the staff report dated July 3, 2008 for the proposed project and as updated in the staff memorandums to the Montecito Planning Commission dated August 6, 2008, August 28, 2008 and October 8, 2008, and incorporated herein by reference, the proposed project would be consistent with the policies of the County's Comprehensive Plan, including the Coastal Land Use Plan and Montecito Community Plan, and would be in conformance with the provisions of Article II, except where modifications would be required for height limits, parking standards, and setbacks. Findings for the modifications are discussed in Section 2.3 below. Therefore, this finding can be made.

2.2.7 That in designated rural areas the use is compatible with and subordinate to the scenic and rural character of the area.

The proposed project is designated as an urban area, therefore, this finding does not apply.

2.2.8 That the project will not conflict with any easements required for public access through, or public use of the property.

As discussed in Section 7.2 of the staff report dated July 3, 2008 for the proposed project, and incorporated herein by reference and as updated in the staff memos to the Montecito Planning Commission dated August 6, 2008, August 28, 2008 and October 8, 2008, the public retains a lateral access easement across the Miramar property on the beach at least 20 feet from the water line at all times (except for when the water has reached the edge of the boardwalk). Although the Miramar Hotel would have use of the area of sand between the boardwalk and the water, at no time would any hotel activity be allowed to interfere with public use of this 20-foot easement. In addition, Condition of Approval No. 50 would require recordation of a public easement across the proposed new fire lane through the site and a public easement down the existing access road connecting to the lateral beach access. Therefore, the proposed project would not conflict with this easement. Therefore, this finding can be made.

2.2.9 That the proposed use is not inconsistent with the intent of the zone district.

For Conditional Use Permit 07CUP-00000-00045, for hotel improvements in the Transportation Corridor (TC) zone district, the purpose of the TC zone district is to "preserve and protect established and proposed transportation corridors, to regulate land uses within and adjacent to such corridors, and to provide uniform TC development standards." The intent of the zone district is to apply local authority over matters of public health, safety and welfare, land use, and zoning" and "to ensure that development within transportation corridors is consistent with the Coastal Plan and other elements of the Comprehensive Plan." Finally, it is the intent of the zone district to accommodate other priority uses within transportation corridors to the extent feasible, such as recreational access to and along the coast and use of the corridors for bikelanes, and routes for pipelines and cables for example. The proposed project would involve construction of drainage improvements, a fire access lane, a guard

house, and landscaping within the TC zoned property owned by the Union Pacific Railroad. In their letter of May 13, 2008, while not granting an express authorization, the UPRR confirms that it has worked closely with the applicant and finds the preliminary plans acceptable; a condition of approval is included requiring the UPRR's express authorization prior to issuance of the first LUP for the proposed project. In addition, these improvements would help ensure the safe passage of hotel visitors and the public to the beach. Therefore, they would be consistent with the intent of the zone district to maximize beach access in these zone districts. Therefore, this finding can be made.

The purpose of the C-V zone district is "to provide for tourist recreational development in areas of unique scenic and recreational value, while providing for maximum conservation of resources of the site through comprehensive site planning" and the intent of the zone district is to "maximum public access, enjoyment, and use of an area's scenic, natural, and recreational resources while ensuring preservation of such resources." For Conditional Use Permits 07CUP-00000-00046, 07CUP-00000-00047, and 08CUP-000000-00005, construction of a 10-foot sound wall, construction of four employee dwellings, and repairs to a seawall in the C-V zone district would all enhance the enjoyment of the property by the public, hotel guests, and employees. Therefore, these CUPs would be consistent with the intent of the zone district and this finding can be made.

2.3 Development Plan Modification Findings

Section 35-174.8 of Article II, Coastal Zoning Ordinance, for Development Plans, stipulates that the decision-maker of a Development Plan (e.g., Montecito Planning Commission) "may modify the building height limit, distance between buildings, setback, yard, parking, building coverage, or screening requirements specified in the applicable zone district when the decision-maker finds that the project justifies such modifications." As stated above in the project description the applicant is requesting modifications to height limits, setbacks, and parking requirements. Specifically, the following modifications are being requested with a bullet-point list of justification below:

Height

A modification to the 38 foot height limit (35 feet + 3 more feet for buildings with 4 in 12 roof pitches) for the Main Building is being requested. The proposed height for this building is 46 feet.

Justification:

- The height of the Main Building provides for optimal site planning allowing underground parking which increases aesthetics of the overall site (no large parking fields), the amount of open space, landscaping and a better visitor experience; and
- The tallest portion of the Main Building is set perpendicular from Jameson and set back from the road in order to lessen potential visual impact. The highest peak of the Main Building is set back 76 feet from South Jameson, thereby lessening its visibility from surrounding viewpoints.

A modification to the 38 foot height limit (35 feet + 3 more feet for buildings with 4 in 12 roof pitches) for the Ballroom Building is being requested. The proposed height for this building is 41 feet.

Justification:

- The height of the Ballroom Building provides for optimal site planning allowing underground parking which increases aesthetics of the overall site (no large parking fields), the amount of open space, landscaping and a better visitor experience; and

A modification to the height limit required in Section 35-204(1) of the Montecito Overlay in Article II, the County's Coastal Zoning Ordinance for the Beach and Tennis Club, which states:

1. New structures shall be limited to an average height of 16 feet above finished grade where site preparation results in a maximum fill of 10 feet or greater in height. This height limitation shall apply except as provided for in Section 35-127, Height.

The proposed height of the Beach and Tennis Club is 26 feet.

Justification:

- The site design/building layout and the bulk, size, height and scale of the proposed structures have been designed with maximization of open space views in mind. With the proposed vacation of Miramar Avenue and the location of buildings and landscaping, the project site will open up and improve internal open space views that were previously fragmented; and
- The Beach and Tennis Club building is located internal to the site and views of the building are not available from public viewing areas.

Setbacks

A modification to the front, rear, and side yard setbacks for a number of buildings as described in the project description above.

Justification:

- Modifications to the setbacks would help to meet the project objectives to create site uniformity and site layout by creating a cohesive site design of bungalows, cottage clusters and other buildings around resort amenities and expansive landscaping grounds and paths to serve guests and visitors, and to increase public access to and through the property. As such, setbacks would aid in good design of the site;
- Structures in the setbacks from property lines are in almost all instances either greater than in the approved Schragger plan, or the same. For example, with regard to the westerly property line, the Schragger Plan proposed setbacks as small as 2.9 feet to the property line. The proposed project would maintain setbacks at least 15 feet wide adjacent to this property line;
- With respect to the encroachment into the setbacks along South Jameson Lane, the encroachment will not adversely affect the visibility or traffic safety along this corridor. Public parking and a significant improvement in the amount of landscaping providing a visual buffer that will be maintained;
- Surrounding properties are also built within the setbacks, and requested setbacks are consistent with those that exist in the immediate vicinity of the property; and
- All buildings, with the exception of the main building, located within the setbacks including the spa building and the five cottage buildings adjacent to All Saints by the Sea Church are one story in height. While the main building contains two-story elements, those elements of the building which are located within the setback are limited to one story in height.

Parking

A modification to the number of parking spaces is required for the project. The County's parking standards contained in the Article II, Coastal Zoning Ordinance require a total of 639 parking spaces onsite to accommodate the proposed project. However, only a total of 551 parking spaces would be provided, for a total of 88 spaces fewer than ordinance requirements.

Justification:

- The shared parking analysis (ATE Access, Circulation, and Parking Evaluation, March 2008 and August 27, 2008) indicates that there would be 551 parking spaces, which is more than adequate capacity for all uses on the project site while the approved plan had a deficit of parking spaces at peak times when overflow demand would rely upon public parking spaces;
- While the intensity of proposed uses at the hotel are nearly the same as the approved plan, the proposed plan includes 135 additional on-site parking spaces; and
- Transportation Demand Management (TDM) provisions for the project would reduce parking and traffic impacts, including these provisions:
 - Explicit notice and encouraged participation to employees of the TDM program.
 - Notice of Montecito Transit District (MTD) bus routes and schedules placed and maintained in a central public location accessible to employees.
 - Free bus passes for employees.
 - Male and female employees' shower and locker room facilities provided and maintained on-site.
 - Employees shall be made aware of a ride-sharing program and encouraged to participate in the program.
 - Bicycle storage locations shall be provided.

2.3.1 The review authority finds the project justifies such modifications

Because each modification to the height limit, parking standards, and setbacks would help to meet the project objectives to create site uniformity and site layout through abandonment of Miramar Avenue and to create a cohesive site design of bungalows, cottage clusters and other buildings around resort amenities and expansive landscaping grounds and paths to serve guests and visitors, and to increase public beach parking and access to and through the property, these modifications would aid in good design of the site.

Specifically, approval of the requested modifications to specific ordinance requirements would not hinder emergency access to or within the hotel site. A majority of the existing buildings encroach into setbacks adjacent to a residential parcel owned by the Miramar or the UPRR. Approval of the requested modifications would not change the established character of the neighborhood where several surrounding properties have existing development located within required setbacks, nor significantly affect the project's consistency with applicable policies of the Coastal Land Use Plan, the Montecito Community Plan, or the purpose and intent of the applicable zone districts (Resort/Visitor Serving Commercial). Therefore, the modifications are justified and this finding can be made.

2.4 Montecito Community Plan Overlay Findings

2.4.1 Montecito Community Plan Overlay Findings

2.4.1.1 In addition to the findings that are required for approval of a development project (as development is defined in the Santa Barbara County Coastal Plan), as identified in each section of Division 11 – Permit Procedures of Article II, a finding shall also be made that the project meets all the applicable development standards included in the Montecito Community Plan of the Coastal Land Use Plan.

As discussed in Sections 7.2 and 7.3 of the staff report dated July 3, 2008 for the proposed project and as updated in the staff memorandums to the Montecito Planning Commission dated August 6, 2008, August 28, 2008 and October 8, 2008, and incorporated herein by reference, the proposed project would be consistent with the policies and development standards of the County's Comprehensive Plan, including the Coastal Land Use Plan and Montecito Community Plan, and would be in conformance with the provisions of Article II, except where modifications would be required for height limits,

parking standards, and setbacks. Findings for the modifications are discussed in Section 2.3. Therefore, this finding can be made.

2.4.1.2 For projects requiring a Major Conditional Use Permit, a finding shall be made that the project will not potentially result in traffic levels higher than those anticipated for the parcel by the Montecito Community Plan and its associated environmental documents; or if the project will result in higher traffic levels, that the increase in traffic is not large enough to cause the affected roadway(s) and/or intersection(s) to exceed their designated acceptable capacity levels at buildout of the Montecito Community Plan or that road improvements included as part of the project description are consistent with provisions of the Comprehensive Plan (specifically the Montecito Community Plan) and are adequate to fully offset the identified potential increase in traffic.

As discussed in Section 7.1 of the staff report dated July 3, 2008 for the proposed project and in the SEIR for the project and as updated in the staff memorandums to the Montecito Planning Commission dated August 6, 2008, August 28, 2008 and October 8, 2008, and incorporated herein by reference, the proposed project would generate 103 fewer Average Daily Trips (ADT), 9 fewer A.M. peak hour trips, and 6 fewer P.M. peak hour trips than under the approved plan. Thus, the traffic study prepared for the project found that the project would not significantly affect the capacity and design of nearby streets and their intersections, therefore, project-specific and cumulative impacts on traffic would be less than significant. Therefore, this finding can be made.

2.4.1.3 For projects subject to discretionary review, a finding shall be made that the development will not adversely impact recreational facilities and uses.

As discussed in Section 7.1 of the staff report dated July 3, 2008 for the proposed project and in the SEIR for the project and as updated in the staff memorandums to the Montecito Planning Commission dated August 6, 2008, August 28, 2008 and October 8, 2008, and both incorporated herein by reference, after implementation of mitigation measures, the proposed project would have less than significant impacts on recreation, including beach use, beach access and parking, and low cost visitor serving accommodation, and the proposed project would be consistent with the policies of the County's Comprehensive Plan, including the public access and recreation policies of the Coastal Land Use Plan and Montecito Community Plan. Therefore, this finding can be made.

2.4.2 Additional Findings Required for Approval of Development Plans for Sites in the Resort/Visitor Serving (C-V) Zone District Within the Montecito Community Plan Overlay District

2.4.2.1 Improvements to resort visitor serving hotels have been designed to be consistent with the existing historic "Cottage Type Hotel" tradition of the early days of Montecito.

The Miramar, as it existed in 1992 when the Montecito Community Plan was adopted, along with the Biltmore and the San Ysidro Ranch are the resort visitor-serving hotels in Montecito upon which the existing "Cottage Type Hotel" tradition was based. Both the Biltmore and the Miramar includes both large structures for congregation (restaurants, conference rooms, etc.) with attached guestrooms, and smaller buildings or cottages housing additional guest rooms. Consistent with the historic template of Montecito's resort visitor serving hotels, the proposed project includes both large structures for congregation (lobby, restaurants, ballroom) and attached guest rooms, two-story lanai guest room buildings and six or fewer key single story cottage structures. Of the total number of 25 structures devoted to guest rooms, 19 are single story cottages with six or fewer rooms. Of the total number of 192 keys, 67 are located in the cottages.

In addition to the above-described general characteristics which help to define "Cottage Type Hotel", during the August 28, 2008 hearing, the Montecito Planning Commission (MPC) further refined the definition to include the following:

A "Cottage-Type" hotel is a collection of one and two story-building structures that vary in size and orientation. Placement and scale of buildings should be in a garden type setting with large canopy trees. Site should be pedestrian friendly.

"Cottage-Type" hotel buildings refer to a quaint architectural style and can be California Cottage and Bungalow or an architectural style reflecting the historical regional California coast. Architectural vernacular should incorporate low-sloped roofs with gables and/or hips, residentially scaled plate heights, overhangs and eaves; casement, double-hung or fixed windows or French doors with divided lights, porches and/or trellis; exterior walls of masonry, plaster, stone and/or wood siding (or other simulated materials).

The MPC directed the applicant to undergo further Montecito Board of Architectural Review (MBAR) with specific direction for the MBAR to ensure the proposed project be consistent with the above refined definition of cottage style. Because the proposed project includes small cottages, landscaping is adequate to screen and beautify the property, nearly all parking is underground and so hidden from public view, and because the MBAR would ensure the appropriateness of the proposed architecture, materials and colors, in relation to the specific direction given by the MPC, the project can be found consistent with the "Cottage Type Hotel" tradition.

2.4.2.2 The facility is compatible with the mass, bulk, scale, and design with the residential character of the surrounding neighborhoods.

Specific to visual character, the Negative Declaration for the Schragger Plan (00-ND-003), identified impacts that remain relevant to the site today and the project changes proposed under the Caruso Plan (proposed project). Overall, the approved plan would have added bulk to the South Jameson Lane frontage, which would have resulted in a significant change to the visual character of this portion of the roadway. This would have had the effect of making the approved plan appear to be a more intensive use of the site than it is today. Within the site, the appearance of the hotel grounds would have been improved with the removal of much of the existing asphalt and substantial new landscaping.

To address these impacts, the approved plan included the following measures to mitigate potential aesthetic impacts to a less than significant level and ensure consistency with Montecito Community Plan (MCP) policies: 1) landscaping shall be compatible with the character of the surroundings and the architectural style of development on the site and shall be maintained throughout the life of the project; 2) the approved plan included mitigation requiring the applicant to provide landscape and maintenance performance securities; and 3) the design, scale, and character of the approved project architecture and landscaping shall be compatible with development in the vicinity and the applicant shall submit the Landscape Plan and final architectural drawings of the approved project for review and approval by the Montecito Board of Architectural Review.

As with the approved project, the proposed project includes building mass along South Jameson Lane and allows some limited views into the site as shown in the project elevation on Sheet A5.50 of the site plans (contained in Appendix F of the draft Final SEIR dated July 3, 2008 and incorporated herein by reference). Refer to Attachment 1 in the Proposed Final SEIR for photographs of the proposed project's story poles (staking and flagging of the highest ridgelines) from December 14 to 17, 2007. Of note is the Montecito Board of Architectural Review's positive comments during their December 17, 2007 conceptual review of the project. While retaining the proposed underground parking lot, the applicant revised the height of the Main Building along the frontage and modified the sound wall and landscaping plan in response to the Montecito Planning Commission's Concept Review on January 16,

2008 for increased articulation. Specifically, the Main Building was reduced by 3.5 feet. The overall height of the Main Building was further reduced by an additional 4 feet as shown in the project plans approved at the October 8, 2008 MPC hearing. Also, in response to comments made during the August 6, 2008 MPC hearing, the Ballroom Building was relocated out of the front yard setback. Additionally, the solid 10-foot high sound wall running along the front property line was broken into two segments, allowing for a 9-foot high landscape berm with associated landscape trees and shrubs. These proposed project changes would soften the views of the resort frontage as viewed along South Jameson Lane and Highway 101.

The Miramar hotel is bounded on the south by the Pacific Ocean, on the north by Highway 101, on the west by the All Saints Church and on the east by Oak Creek and residences. In response to comments made by the MPC during the August 6, 2008 MPC hearing, the two-story building (formerly Building No. 44) adjacent to All Saints by the Sea Church was lowered to one story in height and the setback for all buildings along the western property line was increased from 10 feet to 15 feet. The proposed Ocean Front guestrooms are two stories and attached. The size, bulk and scale of these buildings are consistent with existing, tightly organized residential development on Miramar Beach. The proposed guest cottages arrayed along the north side of the east west segment of Miramar Avenue are all one-story reflecting the size, bulk and scale of the residential structures arrayed along the south side of the east west segment of Miramar Avenue. Finally, the proposed Spa Building, which is located on the northwest corner of the site, has been reduced to a one-story building to better reflect the size, bulk and scale of the residences it faces across Eucalyptus Lane.

In addition to the general characteristics which help to define "Cottage Type Hotel", during the August 28, 2008 hearing, the Montecito Planning Commission (MPC) further refined the definition to include the following:

A "Cottage-Type" hotel is a collection of one and two story-building structures that vary in size and orientation. Placement and scale of buildings should be in a garden type setting with large canopy trees. Site should be pedestrian friendly.

"Cottage-Type" hotel buildings refer to a quaint architectural style and can be California Cottage and Bungalow or an architectural style reflecting the historical regional California coast. Architectural vernacular should incorporate low-sloped roofs with gables and/or hips, residentially scaled plate heights, overhangs and eaves; casement, double-hung or fixed windows or French doors with divided lights, porches and/or trellis; exterior walls of masonry, plaster, stone and/or wood siding (or other simulated materials).

The MPC directed the applicant to undergo further Montecito Board of Architectural Review (MBAR) with specific direction for the MBAR to ensure the proposed project be consistent with the above refined definition of cottage style. Because the proposed project includes small cottages, landscaping is adequate to screen and beautify the property, nearly all parking is underground and so hidden from public view, and because the MBAR would ensure the appropriateness of the proposed architecture, including colors, materials and style, in relation to the specific direction given by the MPC, the project can be found consistent with the "Cottage Type Hotel" tradition.

While the approved plan scope has changed through the elements listed above, the impacts to visual character and South Jameson Lane frontage massing previously assessed would remain essentially the same as identified in 00-ND-003. With these changes under the proposed project description, the previous 3 mitigation measures of the approved project remain applicable to ensure the proposed project will be compatible with the mass, bulk, scale and design of the residential character of the surrounding neighborhood and that the project would be consistent with the visual resource protection policies of the Coastal Land Use Plan and Montecito Community Plan. Therefore, this finding can be made.

2.5 65402 Findings (08GOV-00000-00017)

Based on the Section 7.2 of the staff report, dated July 3, 2008, incorporated herein by reference, abandonment of the public access easement along the north-south segment of Miramar Avenue and replacement with dedicated public access path and parking is consistent with the policies of the Comprehensive Plan, including the County's Coastal Land Use Plan.

2.6 Coastal Development Permit Findings (08CDP-00000-00054)

2.6.1 A Coastal Development Permit subject to Section 35-169.4.1 shall be approved or conditionally approved only if the decision-makers first make all of the following findings:

2.6.1.1 The proposed development conforms:

2.6.1.2 To the applicable policies of the Comprehensive Plan, including the Coastal Land Use Plan.

As discussed in Section 7.2 of the staff report dated July 3, 2008 for the proposed project, and as updated in the staff memorandums to the Montecito Planning Commission dated August 6, 2008, August 28, 2008 and October 8, 2008, and incorporated herein by reference, the proposed project would be consistent with the policies of the County's Comprehensive Plan, including the Coastal Land Use Plan and Montecito Community Plan. Therefore, this finding can be made.

2.6.1.3 With the applicable provisions of this Article or the project falls within the limited exceptions allowed under Section 35-161 (Nonconforming use of Land, Buildings and Structures).

As discussed in Section 7.3 of the staff report dated July 3, 2008 for the proposed project, and as updated in the staff memorandums to the Montecito Planning Commission dated August 6, 2008, August 28, 2008 and October 8, 2008, and incorporated herein by reference, the proposed project would be in conformance with the provisions of Article II, except where modifications would be required for height limits, parking standards, and setbacks. Findings for the modifications are discussed in Section 2.3 of these findings. The project does not fall within the limited exception allowed under Section 35-161 for nonconforming land, buildings, or uses. Therefore, this finding can be made.

2.6.1.4 The proposed development is located on a legally created lot.

The Miramar property comprises ten legally created parcels plus one parcel owned by the Union Pacific Railroad as described below according to a survey of the property completed by Psomas on February 13, 2007:

Parcels One, Two, Three, and Ten: Part of the Ocean Side Subdivision per map recorded in Book 1, Page 29 of the Maps and Surveys in the Office of the Recorder.

Parcels Four, Five, and Six: Part of the Outside of the Pueblo Lands of the City of Santa Barbara

Parcel Seven: Access and utility easement reserved by the owner in deeds recorded: (1) December 23, 1946 as instrument no. 18903 in Book 718, Page 72, (2) October 7, 1952 as instrument no. 15696 in Book 1101, Page 304, (3) December 24, 1952 in instrument no. 20074 in Book 1118, Page 47, and (4) December 14, 1953 as instrument no. 20027 in Book 1201, Page 146.

Parcel Eight: Described as "A parcel of real property situated in Montecito, County of Santa Barbara, State of California."

Parcel Nine: Described as "A parcel of real property situated in Montecito, County of Santa Barbara, State of California."

Parcel Eleven: Easement reserved by the owner for maintenance, vehicular, pedestrian, and disabled access, parking, building encroachment, and beautification with the Union Pacific Railroad's parcel that is owned in fee.

2.6.1.5 The subject property and development on the property is in compliance with all laws, rules and regulations pertaining to zoning uses, subdivisions, setbacks and any other applicable provisions of this Article, and any applicable zoning violation enforcement fees and processing fees have been paid. This subsection shall not be interpreted to impose new requirements on legal nonconforming uses and structures in compliance with Division 10 (Nonconforming Structures and Uses).

There are no outstanding zoning violations on the subject property. Therefore, this finding can be made.

2.6.2 A Coastal Development Permit subject to Section 35-169.4.2 shall be approved or conditionally approved only if the decision-maker first makes all of the following findings:

2.6.2.1 Those findings specified in Section 35-169.4.1, above.

Findings were made for the proposed project pursuant to Section 35-169.4.1 in Section 2.6.1 above. Therefore, this finding can be made.

2.6.2.2 The development will not significantly obstruct public views from any public road or from a public recreation area to, and along the coast.

Specific to public views, 00-ND-003 identified several impacts that remain relevant to the site today and the project changes proposed under the Caruso Plan (proposed project):

- Views toward the ocean from South Jameson Lane would remain essentially the same as exist today (i.e., mostly obscured by structures and landscaping). Although the new lobby and promenade of the approved plan would have provided a wider, more direct view of the ocean once the viewer was inside the property, views into the site from South Jameson Lane would be partially blocked by the new guestrooms and soundwall.
- Features of the approved plan that would have improved scenic views to and from the site include increased and enhanced landscaping, removal of asphalt parking areas, undergrounding of utility lines on portions of the site where the lines conflict with new construction.

Grading for the proposed project would essentially level the existing rolling site topography starting at the western portion of the property with four feet of cut and ending in 13 feet of fill at the eastern end of the property supported by a series of engineered stepped retaining walls. Unlike the approved plan, the proposed project would alter the site topography such that the rolling topography of the grounds within the site would be lost and the eastern edge of the site would be manufactured in its topographic relief. Regardless, the site contour as viewed from the beach would remain the same as it is currently and the changed site contour at the easternmost portion of the site as viewed from South Jameson Lane would be generally hidden by a site wall and vegetation. The riparian corridor of Oak Creek along the project site would be planted with restoration plantings: this measure would have the added benefit over time of mitigating private views from the east of the changed topography and stepped retaining

walls. Finally, the proposed project includes an approximate 200 foot view corridor through the South Jameson Lane elevation between the easterly end of the sound wall and the westerly corner of the Main Building. As a result, impacts to public views of the changed site topography would be less than significant.

Both the approved plan and the proposed project include elimination of one oceanfront building, thereby opening up the beach view northward into the resort grounds and beyond to the Santa Ynez Mountains. Specifically, the proposed project includes a 35-foot wide opening between the Oceanfront Building 02 and the proposed Oceanfront Building 01.

While the approved plan scope has changed through the elements listed above, the impacts to public views previously assessed would remain essentially the same as identified in 00-ND-003. With these changes under the proposed project description, the previous 3 mitigation measures of the approved project (contained in 00-ND-003) requiring landscaping that is compatible with the neighborhood, preliminary and final Board of Architectural Review approval of the structures and landscaping, and performance securities for installation and maintenance of landscaping remain applicable to ensure the visual impacts of the proposed project remain less than significant and that the proposed project would be consistent with visual resource protection policies of the Coastal Land Use Plan and Montecito Community Plan. Therefore, this finding can be made.

2.6.2.3 The development is compatible with the established physical scale of the area.

Specific to visual character, the Negative Declaration for the Schragger Plan (00-ND-003), identified impacts that remain relevant to the site today and the project changes proposed under the Caruso Plan (proposed project). Overall, the approved plan would have added bulk to the South Jameson Lane frontage, which would have resulted in a significant change to the visual character of this portion of the roadway. This would have had the effect of making the approved plan appear to be a more intensive use of the site than it is today. Within the site, the appearance of the hotel grounds would have been improved with the removal of much of the existing asphalt and substantial new landscaping.

To address these impacts, the approved plan included the following measures to mitigate potential aesthetic impacts to a less than significant level and ensure consistency with Montecito Community Plan (MCP) policies: 1) landscaping shall be compatible with the character of the surroundings and the architectural style of development on the site and shall be maintained throughout the life of the project; 2) the approved plan included mitigation requiring the applicant to provide landscape and maintenance performance securities; and 3) the design, scale, and character of the approved project architecture and landscaping shall be compatible with development in the vicinity and the applicant shall submit the Landscape Plan and final architectural drawings of the approved project for review and approval by the Montecito Board of Architectural Review.

As with the approved project, the proposed project includes building mass along South Jameson Lane and allows some limited views into the site as shown in the project elevation on Sheet A5.50 of the site plans (contained in Appendix F of the draft Final SEIR dated July 3, 2008 and incorporated herein by reference). Refer to Attachment 1 in the Proposed Final SEIR for photographs of the proposed project's story poles (staking and flagging of the highest ridgelines) from December 14 to 17, 2007. Of note is the Montecito Board of Architectural Review's positive comments during their December 17, 2007 conceptual review of the project. While retaining the proposed underground parking lot, the applicant revised the height of the Main Building along the frontage and modified the sound wall and landscaping plan in response to the Montecito Planning Commission's Concept Review on January 16, 2008 for increased articulation. Specifically, the Main Building was reduced by 3.5 feet. The maximum height of the Main Building was further reduced by an additional 4 feet as shown in the project plans approved at the October 8, 2008 MPC hearing. Also, in response to comments made during the August 6, 2008 MPC hearing, the Ballroom Building was relocated out of the front yard

setback. Additionally, the solid 10-foot high sound wall running along the front property line was broken into two segments, allowing for a low 9-foot high landscape berm with associated landscape trees and shrubs. These proposed project changes would soften the views of the resort frontage as viewed along South Jameson Lane and Highway 101.

The Miramar hotel is bounded on the south by the Pacific Ocean, on the north by Highway 101, on the west by the All Saints Church and on the east by Oak Creek and residences. In response to comments made by the MPC during the August 6, 2008 MPC hearing, the two-story building (formerly Building No. 44) adjacent to All Saints by the Sea Church was lowered to one story in height and the setback for all buildings along the western property line was increased from 10 feet to 15 feet. The proposed Ocean Front guestrooms are two stories and attached. The size, bulk and scale of these buildings are consistent with existing, tightly organized residential development on Miramar Beach. The proposed guest cottages arrayed along the north side of the east west segment of Miramar Avenue are all one-story reflecting the size, bulk and scale of the residential structures arrayed along the south side of the east west segment of Miramar Avenue. Finally, the proposed Spa Building, which is located on the northwest corner of the site, has been reduced to a one-story building to better reflect the size, bulk and scale of the residences it faces across Eucalyptus Lane.

While the approved plan scope has changed through the elements listed above, the impacts to visual character and South Jameson Lane frontage massing previously assessed would remain essentially the same as identified in 00-ND-003. With these changes under the proposed project description, the previous 3 mitigation measures of the approved project remain applicable to ensure the proposed project will be compatible with the mass, bulk, scale and design of the residential character of the surrounding neighborhood and that the project would be consistent with the visual resource protection policies of the Coastal Land Use Plan and Montecito Community Plan. Therefore, this finding can be made.

2.6.2.4 The development will comply with the public access and recreation policies of this Article and the Comprehensive Plan including the Coastal Land Use Plan.

As discussed in Section 7.2 of the staff report dated July 3, 2008 for the proposed project, and as updated in the staff memorandums to the Montecito Planning Commission dated August 6, 2008, August 28, 2008 and October 8, 2008, and incorporated herein by reference, the proposed project would be consistent with the policies of the County's Comprehensive Plan, including the public access and recreation policies of the Coastal Land Use Plan and Montecito Community Plan. Therefore, this finding can be made.

ATTACHMENT C: Conditions of Approval for 07RVP-00000-00009

1. Project Description

This Final Development Plan is based upon and limited to compliance with the project description, the hearing exhibits marked Montecito Planning Commission Exhibits, dated October 8, 2008 and conditions of approval set forth below. This Final Development Plan Revision shall supersede past approvals including: 78-CP-77, 99-DP-001, 99-DP-001 AM01, and 02AMD-00000-00007 for the Miramar site. Project conditions associated with the associated Conditional Use Permits for hotel development within the Transportation Corridor zone district (07CUP-00000-00045), for construction of a 10-foot soundwall (07CUP-00000-00046), for construction of four new employee dwellings (07CUP-00000-00047), and for repairs to an existing seawall (08CUP-00000-00005) have been incorporated into these Final Development Plan conditions of approval.

The proposed project is as follows:

Caruso BSC Miramar LLC requests approval of a Revision to a previously approved Development Plan and associated Conditional Use Permits granted for the renovation of the Miramar Hotel project (hereby referred to as the Schragger Plan). The original approved plan for the renovation of Miramar was approved in June 2000 and includes a Final Development Plan (Case No. 99-DP-001), a Conditional Use Permit (CUP) (00-CP-032) required for construction in a Transportation Corridor zone (within a parcel owned by the Union Pacific Railroad), and a CUP (99-CP-002) for construction of four employee dwellings and for construction of a 10-foot sound wall within the front yard setback.

The original approved Schragger Plan was subsequently modified twice by amendments: the first involved the removal of the employee units and alterations to some building square footages which was approved in July 2000 (Case Nos. 99-DP-001 AM01 and 99-CP-002 AM01; [Case No. 00-CP-032 was not amended], and the second involved phasing of the project which was approved in July 2002 (Case Nos. 02AMD-00000-00007 [for the development plan], 02CUP-00000-00030 [for construction of the 10-foot soundwall], and 02AMD-00000-00008 [for construction in the Transportation Corridor zone]).

The proposed Final Development Plan revision (Case No. 07RVP-00000-00009) and revisions to the CUPs for construction within a Transportation Corridor (Case No. 07CUP-00000-00045) and for construction of a 10-foot sound wall (07CUP-00000-00046) (hereby referred to as the Caruso Plan or the proposed project) would supercede the current approved permits. Because employee dwellings are proposed to be added back into the project description, the proposed project would also require a revision (Case No. 07CUP-00000-00047) to the original approved CUP 99-CP-002 for the employee dwellings. Finally, a new CUP is required for repairs to an existing seawall (Case No. 08CUP-00000-00005) which were not required under the Schragger Plan. A follow-on Coastal Development Permit (08CDP-00000-00054) for buildout of the physical improvements approved under the Development Plan and Conditional Use Permits would also be processed. Site plans for the project are contained Appendix E.

The subject property is reported at 15.99 gross acres (15.77 net acres) and comprises ten lots of legal record totaling 696,470 square feet (SF) of gross lot area and 686,977 SF of net lot area, including one parcel owned in fee by the Union Pacific Railroad but over which Caruso BSC Miramar LLC has an easement to allow certain uses. Caruso BSC Miramar LLC owns another adjacent parcel to the southwest of the proposed new hotel (APN 009-344-008), however this parcel is not a part of the Development Plan. Caruso BSC Miramar LLC is applying to merge the legal lots of record owned by Caruso BSC Miramar LLC for the proposed project.

The original approved Schragger Plan (approved under Case Nos. 99-DP-001, 00-CP-32, and 99-CP-002) consisted of the following components:

- Construction of a new banquet hall over subterranean parking, and an attached new parking structure with three tennis courts on its roof;
- Construction of a new lobby at South Jameson Lane and a central promenade that would extend continuously from the lobby southward through the site to the beach;
- Construction of a new restaurant;
- Construction of a new beach bar;
- Construction of a new spa building and treatment rooms to incorporate the existing Beach & Tennis Club and salon;
- Removal of one of the existing Oceanfront guestroom buildings south of the new promenade;
- Construction of eight new guestrooms along South Jameson Lane;
- Conversion of four of the existing Garden Rooms to four employee housing units and hotel support;
- Interior remodels of the existing cottages/guestrooms;
- Removal of 4.73 acres of asphalt throughout the site; and
- Construction of a sound barrier/hedgerow along South Jameson Lane.
- Two new swimming pools and four new fountains would replace the two existing pools. Landscaping efforts would include the removal and relocation of numerous trees and new plantings of both native and non-native species throughout the site.
- The renovated Miramar Hotel would have had 213 guestrooms, plus four employee dwelling units.
- Demolition, grading, construction, and landscaping were estimated to require approximately 15 months to complete, with up to 125 workers onsite at any one time.

The proposed Caruso Plan consists of the following components (Table 2-4 below also provides a comparison of the Caruso Plan versus the Schragger Plan):

- Construction of a new ballroom over subterranean parking. Portions of the parking garage would be covered by an event lawn, with a new motor court and access ramp to underground parking;
- Construction of a new lobby and administration building on South Jameson Lane;
- Construction of three new restaurants, one on the second floor above the lobby, one near the pool, and the third as a new beach bar/snack house;
- Creation of a central lawn area in front of the main building lobby and main building guestrooms;
- Creation of additional open space by vacating the north-south segment of Miramar Avenue, and connecting the site via internal meandering paths resulting in additional new landscape areas throughout the site;
- Construction of a new spa and fitness building and treatment rooms for use by guests of the hotel and members of the public and one new building for exclusive use by the Beach and Tennis Club members;
- Increased beach club membership from 140 to 300;
- Construction of two new tennis courts for use by hotel guests and beach club members;
- Removal of all the existing guestroom buildings;
- Construction of a maximum of 192 new guestrooms located in 25 guest room buildings and cottages throughout the site;
- A restored beach boardwalk;
- Sixty-eight new public parking spaces along Eucalyptus and South Jameson to improve public beach access to existing public access points;

- New public access routes along the fire lane on the Miramar property and along the private road between the proposed Main Building and Ballroom;
- Construction of a 10-foot sound barrier along South Jameson Lane west of the main entrance drive;
- Construction of two new swimming pools to replace the two pools that previously existed on the site;
- Landscaping plan would include the removal and relocation of numerous trees and new planting of both native and non-native species throughout the site;
- Four affordable on-site hotel employee housing units;
- Increased number, duration, and attendance of beach events (e.g., weddings) from 12 beach events per year, for a maximum of 50 people for 30 minutes to 30 beach events per year, for a maximum of 100 people for 60 minutes; and
- A request for modifications to the height, parking, and setback requirements of the County's Coastal Zoning Ordinance.

Below is a summary of the proposed structural development, site improvements, and proposed operation of the new beach resort and bungalows.

PROPOSED STRUCTURAL DEVELOPMENT

The proposed project would involve the demolition of all existing structures on the property and the addition of 385,296 gross SF (164,849 net SF) of structural development, excluding paved areas. Table 2-1 below summarizes the square footages of the proposed new buildings along with their maximum height (as measured from existing grade).

Pursuant to Section 35-203 of Article II of the County Code, Coastal Zoning Ordinance, in the Montecito Community Plan Overlay District, the maximum floor area ratio (FAR) for projects in the C-V, Resort/Visitor Serving Commercial zone is 0.25. The proposed project would result in 164,849 SF of net floor area for an FAR of 0.2399 (see Table 2-1 below).

**Table 2-1
 Project Statistics – Structural Development**

Building Name	Building No. on Plans	No. of Stories	Max. Height above Existing Grade (ft.)	No. of Guest-rooms	Gross Interior Area (SF)	Net Floor Area (used for FAR) (SF)	Gross Exterior Area (SF)	Total Site Coverage (SF)
Ballroom	5	2	41'	0	24,702	13,331	5,278	25,280
Main Building	1	2 ¹	46'	28	216,923	37,759	15,623	76,804
Pool Bar/Restaurant	7	1	27.3'	0	878	667	0	2,342
Spa	31	2	26.2'	0	15,575	10,313	0	10,546
Beach and Tennis Club	6	2	38'	0	2,222	1,482	326	1,238
Retail – R1	24	1	19'	0	1,003	704	0	1,003
Retail – R2	25	1	18.6'	0	959	711	0	959
Retail – R3	26	1	16.1'	0	930	676	0	930
Retail – R4	27	1	16.0'	0	1,669	1,170	0	1,669
Retail – R5	28	1	18.5'	0	924	641	0	924
Lanai 9 – L9	44	2	31.5'	49	35,151	24,478	7,642	22,912
Lanai 1 – L1	11	2	31.5'	6	5,528	3,614	1,059	3,497
Lanai 2 – L2	9	2	33.5'	14	11,020	8,598	2,777	7,261
Cottage – C3	43	1	17.3'	6	4,111	3,684	1,020	6,060
Cottage – C3	42	1	17.8'	6	4,111	3,684	1,020	6,060
Cottage 1 – C1	22	1	16.6'	4	2,385	2,184	679	3,632
Cottage 1 – C1	23	1	19.0'	4	2,385	2,184	679	3,632
Cottage 3 – C3	32	1	17.5'	6	4,533	3,684	1,284	5,817
Cottage 3 – C3	34	1	17.5'	6	4,533	3,684	1,284	5,817
Cottage 3 – C3	40	1	17.8'	6	4,533	3,684	1,284	5,817
Cottage 3 – C3 Alt	41	1	17.3'	6	4,533	3,684	1,284	5,817
Cottage 4 – C4	36	1	19'	4	3,152	2,901	552	3,704
Cottage 4 – C4	37	1	17.5'	4	3,152	2,901	552	3,704
Bungalow 1 – B1	33	1	17.1'	1	929	811	249	1,178
Bungalow 1 – B1	35	1	18.6'	1	929	811	249	1,178
Bungalow 2 – B2	15	1	18'	2	1,431	1,265	367	1,798
Bungalow 2 – B2	16	1	18.5'	2	1,431	1,265	367	1,798
Bungalow 2 – B2	18	1	17'	2	1,431	1,265	367	1,798
Bungalow 2 – B2	19	1	17'	2	1,431	1,265	367	1,798
Bungalow 2 – B2	20	1	17'	2	1,431	1,265	367	1,798
Governor's Suite – G1	17	1	17.5'	2	1,674	1,506	335	2,009
Oceanfront West – O1	2	2	24.0'	10	6,712	4,250	1,326	4,411
Oceanfront East - O2	3	2	24.0'	16	14,433	10,433	3,272	9,216
Oceanfront Presidential - O3	4	2	24.0'	1	2,965	2,728	500	1,830
TOTAL				192*	385,296	164,849	50,099	230,517

Notes: Based upon plans submitted on September 19, 2008. * The impact analysis was conducted for a maximum of 209 rooms.

¹ The main building is a two story building with two underground stories of parking.

Proposed Architectural Style

The proposed architectural style for the project shall be described as “Cottage Type Hotel” as defined²:

A "Cottage-Type" hotel is a collection of one and two story-building structures that vary in size and orientation. Placement and scale of buildings should be in a garden type setting with large canopy trees. Site should be pedestrian friendly.

"Cottage-Type" hotel buildings refer to a quaint architectural style and can be California Cottage and Bungalow or an architectural style reflecting the historical regional California coast. Architectural vernacular should incorporate low-sloped roofs with gables and/or hips, residentially scaled plate heights, overhangs and eaves; casement, double-hung or fixed windows or French doors with divided lights, porches and/or trellis; exterior walls of masonry, plaster, stone an/or wood siding (or other simulated materials).

The Miramar, as it existed in 1992 when the Montecito Community Plan was adopted, along with the Biltmore and the San Ysidro Ranch are the resort visitor-serving hotels in Montecito upon which the existing “Cottage Type Hotel” tradition was based. Both the Biltmore and the then Miramar include both large structures for congregation (restaurants, conference rooms, etc.) with attached guestrooms, and smaller buildings or cottages housing additional guest rooms. Consistent with the historic template of Montecito’s resort visitor serving hotels, the proposed project includes both large structures for congregation (lobby, restaurants, ballroom), two-story lanai guest room buildings and six or fewer key single story cottage structures. Of the total number of 25 structures devoted to guest rooms, 19 are single story cottages with six or fewer rooms and 2 are two story cottages with six or fewer rooms. Of the total number of 192 keys, 74 are located in the cottages.

The guest arrival is to the Main Building with a see-through lobby that overlooks a courtyard with the ballroom beyond. All guest parking except for a limited number of spaces in the front motor court and at the oceanfront buildings, has been moved underground to allow the landscaping to reflect the refined residential nature of this building.

Throughout the project there are generous open spaces and a variety of experiences and building types that reinforce the outdoor temperate lifestyle encouraged by the design. Guestrooms are located in one-story cottages and two-story lanais, oceanfront and poolside buildings with panoramic window lines, expansive patios and balconies. Awnings and drapes and landscaped trellises add detail and shade to the outdoor environment.

Ballroom/Employee Dwellings

The ballroom would primarily be used for special events of various sizes. It would be for use both by beach resort and bungalow guests and the community. Vehicles would arrive at the ballroom via the existing private road. There would be a forecourt at the ballroom with valet parking, and cars would be parked in the underground parking through a separate entrance directly across the road from the forecourt. One would also be able to access the ballroom from the main building by either going down stairs or an elevator and crossing the private road on foot. The ballroom could either

² During the August 28, 2008 hearing, the MPC directed the applicant to undergo further Montecito Board of Architectural Review (MBAR) with specific direction for the MBAR to ensure the proposed project be consistent with the above “Cottage Style Hotel” definition, including colors, materials and style.

accommodate one large event, or with slide walls could be subdivided to accommodate up to three different events.

There are large hallways outside of the ballroom to provide adequate circulation for either one large event or three concurrent events. The ballroom building also houses a banquet kitchen that would be used primarily for special events. This is separate from the primary kitchen in the Main Building. There would be large doors opening out to a large lawn south of the building that would allow the ballroom facility to accommodate up to 600 people.

The ballroom building also houses the four affordable employee housing units on the north side of the building facing South Jameson Lane. The affordable employee housing units would be rented to moderate income (120% AMI) full-time employees. Income eligibility for affordable rental units would be determined by the County or its designee.

Main Building/Restaurant/Two-level Parking Garage

The main building in the Caruso plan includes the lobby/check-in area, a second floor three-meal restaurant, administrative offices, three meeting rooms, back of house (BOH) areas, and guestrooms all built on top of a two-level subterranean parking garage. The main building is oriented around an interior courtyard situated on top of the parking deck. Guestrooms, the lobby, and the restaurant face the main lawn area where the main pool is located. The new restaurant above the lobby would be a more formal venue for dining with a portion of the seating located in an unenclosed deck area.

Pool Bar/Restaurant and Beach Bar/Snack House

The second restaurant would be located near the main pool and would be more casual in nature and designed to have seating in an unenclosed patio area. The new beach bar would be located on the west end of the Oceanfront Building East (O2); it would have patio seating only and include food storage and preparation areas. The beach bar has been designed with low roof forms to create architectural diversity with respect to the oceanfront units and to allow for ocean views through the Miramar site. The views from the beach into the property and from the property to the beach would be enhanced by the large opening that would be created between the oceanfront buildings where the beach bar would be located. The opening would be 35 feet wide at its narrowest point, and would average a width of 40 feet.

The total indoor and outdoor seating in the two restaurants and the beach bar/snack house is proposed to match the 258 seats previously approved in the Schragger Plan and also matches the seat count in the formerly operating hotel.

Spa

A new spa facility would be constructed in the north section of the site along South Jameson Lane. The spa would include new treatment rooms, men's and women's locker rooms, fitness facilities, and relaxation gardens in a one level structure oriented around a courtyard.

The building would be located in the northwest corner of the site in close proximity to a second pool (spa pool) on the property. In addition to guest use, there would be allowance for 15 non-guest users per day consistent with the uses approved in the Schragger Plan.

Beach and Tennis Club

The proposed project includes a two-story clubhouse for the Beach and Tennis Club. The clubhouse would be for the use of Beach and Tennis Club members only and would include lockers, a sauna and steam rooms, and a lounge area. Adjacent to the clubhouse would be two new tennis courts. These would be available for use by the club members and beach resort and bungalow guests. The courts would be enclosed by netting instead of fences to allow for views across the courts. If necessary, the courts could also be used for overflow parking for large events.

Membership in the Beach and Tennis Club would be limited to 300. Members would be allowed to bring family and guests. Since most families would travel to the Beach and Tennis Club in one car, it would not be anticipated that club members would have a significant impact on traffic or parking during normal days. On days that the surrounding beach area is anticipated to be busy (i.e. Mother's Day, Memorial Day, July 4th, Labor Day), the hotel would issue parking passes in advance to club members for parking in the private Miramar parking lots. The passes would need to be displayed and each membership would be limited to one pass each on the busiest days, thus limiting each membership to one car. This policy would be enforced by Condition No. 52 requiring the applicant to monitor such parking and provide P&D with annual reports.

The following guidelines are intended for the Beach/Tennis Club members:

- Beach Club building would be exclusively for beach club members, their families and guests (consistent with above); and,
- Members, at minimum, would have access to tennis courts in addition to the Beach Club building.

Five New Retail Buildings

Adjacent to the main building would be a cluster of small cottage style retail boutiques featuring convenience type products and services to the hotel guest. This incidental retail use would be geared to satisfy the needs of the hotel guests but could also be a resource to the public for browsing, services and gift item purchases. Examples of possible retail uses include apparel, beach recreation (i.e., beach towels, hats, beach chairs, boogie boards, etc.), magazines and newspapers, candy, sunglasses, specialty food sales (i.e., bakery goods, ice cream, coffee), jewelry, art, gifts, visitor information, gourmet grocery items, and wine, among others. Uses would not include open alcohol sales, fast food meals, dry cleaners, post office, parcel services, or a bank.

New Guestrooms

Under the Schragger Plan, 213 guestrooms were approved, whereas under the Caruso Plan, 192 guestrooms are proposed. Seven types of guestroom buildings are proposed under the Caruso plan: Lanai buildings, Cottages, Bungalows, Oceanfront buildings, one Governor Suite, one Presidential Oceanfront unit, and guestrooms attached to the Main Building (as summarized in Table 2-1 above). The Lanai buildings, Oceanfront buildings, Presidential Oceanfront unit, and guestrooms attached to the Main Building would be two-story buildings while the others would be one-story buildings.

Sound Barrier

A sound barrier is proposed along South Jameson Lane west of the main entrance drive to reduce noise from the freeway in exterior spaces. Along South Jameson Lane, this sound barrier would consist of an approximate 10-foot high (as measured from the South Jameson Lane grade) sound wall with landscaping on both sides to make the wall visually appealing as well as architectural features that would enhance the visual appearance of the wall.

Boardwalk and Seawall Repairs

An existing timber and concrete seawall retains the soil supporting most of the existing oceanfront units (the existing oceanfront units are not supported by deep foundations). Under the proposed project, the new oceanfront units would be supported on deep foundations (approximately 128 driven piles) to comply with requirements in the Coastal High Hazard Zone, however, compacted soil would be placed beneath the foundations between the piles to further protect the structure from collapsing in the event of lateral earth movement during an earthquake. The existing seawall would be retained to support the soil beneath the piles. Many of the timber piles supporting the existing seawall are damaged and may need to be replaced under the proposed project (with new driven piles); construction of this element of the project is anticipated to last 13 days. In addition, new shotcrete would be installed on the face of the seawall to further strengthen it from wave forces.

The existing easternmost oceanfront unit is not protected by the seawall, but rather by a timber bulkhead located further seaward than the seawall. No repairs are proposed for the bulkhead.

A 2x10 foot plank timber boardwalk is framed off the face of the seawall, approximately 9.8 feet above existing grade (sand). The boardwalk is supported by timber piles, 10x12 foot beams, and 2x14 foot joists. In addition, a stairway leads to the beach off the boardwalk. Due to extensive wood rot, the deck of the boardwalk would be replaced under the proposed project, however, the existing piles and the existing beach stairway would be retained.

There is no anticipated need for construction equipment to be parked on the beach, though hoses, cables, etc. may go down onto the beach (i.e., shotcrete application to the seawall).

Additional Fences and Walls

Table 2-2 summarizes the proposed site walls and their heights under the Caruso plan.

Table 2-2

Project Statistics – Site Walls

Wall Location	Maximum Height of Wall (above existing grade) (ft.)
Between the spa and South Jameson (Section A on Sheet C-2, the preliminary grading and drainage plan)	5.5'
In the northwest corner of the property by the spa (Section H on Sheet C-2, the preliminary grading and drainage plan)	4.6'
Along the western property line between All Saints by the Sea (Section B on Sheet C-2, the preliminary grading and drainage plan)	3.8'
Along the southwestern property line between All Saints by the Sea (Section C on Sheet C-2, the preliminary grading and drainage plan)	2.1'
Between Lanai L2 and the residential parcel owned by Miramar to the west (Section D on Sheet C-2, the preliminary grading and drainage plan)	3.9'
Series of three stepped walls in the far southeast corner of the property near the tennis courts (Section F on Sheet C-2, the preliminary grading and drainage plan)	1.6', 5.5', & 6.5' for a total of 13.6'
Along service road along entire eastern boundary of the property (Section G on Sheet C-2, the preliminary grading and drainage plan)	6.7'

Retaining wall between the easternmost guestrooms on the Main Building and the entrance road	6.5'
Retaining wall between the Oceanfront units and the new fire access road and railroad tracks to the north	8'

Modifications

Section 35-174.8 of Article II, Coastal Zoning Ordinance, for Development Plans, stipulates that the decision-maker of a Development Plan (e.g., Montecito Planning Commission) “may modify the building height limit, distance between buildings, setback, yard, parking, building coverage, or screening requirements specified in the applicable zone district when the decision-maker finds that the project justifies such modifications.” The applicant proposes modifications to height limits, setbacks, and parking requirements.

Height Modifications

The height limit in the C-V zone is 35 feet above existing grade, or 38 feet with 4 in 12 roof pitches. Section 35-127(A)(1)(a)(3) of Article II, Coastal Zoning Ordinance also allows exceptions to the height limit by 8 feet for a maximum total of 10% of the roof area or 400 square feet, whichever is less. All proposed new buildings would meet these height restrictions, except for the Main Building where the maximum height is proposed at 46 feet and the Ballroom Building where the maximum height is proposed at 41 feet. Therefore, a modification to the height limit is requested for this building. A height modification was not requested under the Schragger Plan.

Section 35-204(1) of the Montecito Overlay in Article II, the County’s Coastal Zoning Ordinance states:

1. New structures shall be limited to an average height of 16 feet above finished grade where site preparation results in a maximum fill of 10 feet or greater in height. This height limitation shall apply except as provided for in Section 35-127, Height.

Under the Caruso Plan, the finished floors of the Beach and Tennis Club and the pool bar would be raised at least 10 feet above existing grade. Table 2-3 shows the difference between the finished floors and existing grade at reference points corresponding with the ridgelines of each of these buildings (see Sheet A0.20 of the plans also). Table 2-3 also shows the proposed building height above the finished floor, and indicates where this height exceeds the 16 foot limit. A modification to the height limit would be required for the Beach and Tennis Club but not for the pool bar. This type of modification was not required for the Schragger Plan.

Table 2-3

Height Modifications Required for Buildings Requiring More than 10 Feet of Fill

Building	Existing Grade (EG) (feet above mean sea level)	Finished Floor (FF) (feet above mean sea level)	FF – EG (feet above mean sea level)	Bldg. Height Above FF (feet above mean sea level)	Height above the 16' Limit
Beach and Tennis Club					
A	17.5	28.5	+11	+22.5	+6.5
B	16.5	28.5	+12	+26	+10
Pool Bar					
A	21	32.5	+11.5	+12	-4
B	20.5	32.5	+12	+15.3	-0.7

Setback Modifications

At Miramar, there is a required 20-foot setback from the right-of-way line and a 50-foot setback from the centerline of South Jameson Lane, Eucalyptus Lane, and Miramar Avenue. In addition, there is a 50-foot setback from the entire western and eastern property line due to adjacent residential zoned properties. Finally, there is a 20-foot setback from the northern edge of the Union Pacific Railroad easement (a rear yard setback) and a 10-foot setback from the southern edge of the Union Pacific Railroad easement (a front yard setback for an interior lot).

Similar to the approved (Schrager) plan, the proposed plan also includes setback modifications. Specifically, all of the guestrooms along the western property line would encroach 35 feet into the required 50-foot setback to the adjacent residential zoned properties (for a setback of approximately 15 feet from the western property line); patios for Cottages C3/C3 would be 8 feet from the western property line. In addition, the two C4 cottages, two B2 cottages, and the Governor’s Suite (G1) would be located on the right-of-way line and well within the 50-foot setback from the centerline of Miramar Avenue. Finally, the Spa building, Main Building, and oceanfront guestrooms all would slightly encroach into setbacks as well. Therefore, a modification to the setback requirements would be required for most of the buildings (see Table2- 4 below as well for more details on encroachment into setbacks).

Table 2-4

Setback Modifications Required for the Caruso Plan

<u>Location of Encroachment</u>	<u>Building Encroachment</u>	<u>Building Encroachment into Setback Area</u>
<u>Northern property line adjacent to S. Jameson</u>	<u>Main Building, Spa</u>	<u>Approximately 10’ into the setback area</u>
<u>Western property line adjacent to Eucalyptus Lane and the Church property</u>	<u>Spa & Guestrooms</u>	<u>Between 32’ & 35’ into the 50’ setback</u>
<u>Southern property line adjacent to the east-west portion on Miramar Ave.</u>	<u>Guestrooms</u>	<u>Approximately 20’ into the setback area & on the ROW line</u>
<u>South-western portion of the hotel, which is south of Miramar Ave and north of the railroad track, adjacent to the properties at 50, 56, and 60 Miramar Avenue</u>	<u>Guestrooms</u>	<u>Approximately 20’ into the setback area</u>
<u>Property line north of the Oceanfront Guestrooms and south of the UPRR.</u>	<u>Oceanfront Guestrooms</u>	<u>Approximately 10’ into the 10’ setback from the UPRR property line</u>

Parking Modifications

Please see below for further discussion about the parking proposed for the project. The County’s parking standards contained in Article II, Coastal Zoning Ordinance, require a total of 639 parking spaces onsite to accommodate the proposed project. However, only a total of 551 parking spaces

would be provided, for a total of 88 spaces fewer than ordinance requirements. Therefore, a modification to the parking requirements would be required. Under the Schrager Plan, the project would have been 183 spaces short of ordinance requirements, and a modification was granted for that project.

SITE IMPROVEMENTS

Grading, Drainage, and Utilities

Grading for the project entails excavation of the underground parking under the Main Building and Ballroom and re-contouring of the site. In order to bring the eastern portion of the site above the floodplain, the grades on the eastern portion of the site need to be raised and the grades on the western portion are to be slightly lowered, moderately flattening the site. Fill within the Oak Creek floodplain would constitute a total loss of approximately 7.6 acre feet of storm water ponding volume upstream of the railroad. A total of approximately 36,300 cubic yards (cy) of cut and approximately 46,100 cy of fill would be required for the project, which factors in the amount of overexcavation and compaction required. As a result, a total of 10,000 cy of import would be required for the project.

The proposed haul period for the import of 10,000 cy of fill is proposed as follows:

Import volume	10,000 cy
Truck capacity	10 cy
Truck trips per hour	6 to 10
Duration of import	100 to 170 hours/12 to 21 days

Note: It is assumed that import of fill would occur sporadically during early stages of the project

The previously operating Miramar hotel contained about 2.028 acres of asphalt parking and pathway areas within the hotel site and the approved Schrager Plan involved a total of 2.028 acres of paving (including the north-south segment of Miramar Avenue). The proposed project involves approximately 5.79 acres of paving. Drainage for the property would be designed following the County-approved drainage study prepared for the proposed project.

All existing on-site storm, sanitary and water systems would be removed or properly abandoned and new systems installed per current codes. The Miramar hotel would rely exclusively on Montecito Water District service: no private well use is associated with the proposed project. Existing water service in the to-be-vacated northern portion of Miramar Avenue, which serves a portion of the adjacent community, would be maintained in place until a new system is activated as part of the project. Sanitary service would be provided by Montecito Sanitary District service lines adjacent to the southwest corner of the property and at the eastern end of Miramar Avenue. The Montecito Sanitary District is currently updating this sewer system, including service lines that would serve the project. In conjunction with these upgrades, the project would include installation of a sewer lift station with an emergency overflow basin. The sewer lift station and overflow basin would be located in the northeastern portion of the property, and the wells for the pump station would be located approximately four to five feet below the sanitary sewer line. All existing overhead electrical lines would be relocated underground.

The applicant proposes the use of two 100 brake horse power (bhp) boilers, two 3,000 million British thermal units (MMBTu) boilers, and a 500 kilowatt (kW) emergency generator.

The project would utilize water from the Montecito Water District.

Vehicular Access to the Hotel

The site would be accessed primarily at two points along South Jameson Lane – the main entrance road to the lobby and the private road that would provide access to the ballroom, the Beach and Tennis Club, the oceanfront rooms, and continued access for the three private homes to the immediate east of the beach resort. There would also be a third access point at the far east end of the property for service vehicles only.

The private road would be improved from its current condition. The private road's elevation would be raised to make it consistent with the new surrounding topography and to elevate it out of the current flood plain (currently, parts of the private road sit more than five feet below the 100-year flood plain). The road would be built in compliance with all required engineering standards and requirements of the Montecito Fire Protection District. The roadway edge would be attractively landscaped.

Pools and Pool Cabanas

There would be two pools on the property, a smaller pool in the northeast corner of the property near the lanai buildings, and the main pool south of the lobby building. The smaller pool is envisioned as less populated and quiet while the main pool would be the focus of the resort's outdoor activities. Lawn area, large seating areas, the outdoor poolside restaurant, and pool cabanas would surround the main pool. The cabanas would be temporary open-air shade structures for rental use by the hotel guests.

Landscaping, Gardens, and Pathways

Approximately 5.33 acres of the Miramar Beach Resort and Bungalows site would be devoted to landscaping. Many of the existing, mature landscape materials, including many varieties of majestic trees such as sycamores, eucalyptus, Camphor trees, and Canary Island Palms, would remain on the property. It is a goal of the project to save as many trees as possible, relocating as possible and replenishing the property with new trees as well. The remainder of the plant palette would consist of a combination of drought tolerant and non-drought tolerant shrub and ground cover species.

The entrance into the property would be landscaped with a variety of mature trees, providing a planting buffer along the entire frontage of South Jameson Lane. This would set the tone for Miramar, bringing it once again, back to its destination resort setting, established nearly 100 years ago. In conjunction with the hotel's architecture, landscape improvements along South Jameson Lane would also help attenuate noise from Highway 101. The entrance drive off of South Jameson Lane would be planted with a combination of non-drought tolerant and drought tolerant plant materials. The motor court would be appropriately landscaped with decorative paving materials, potted plants, and colorful, flowering shrubs and hedges.

The experience at Miramar Beach Resort and Bungalows would primarily be a walking and strolling experience. Therefore, pathways would be added and carefully placed to appropriately accommodate hotel guests as well as take into consideration cart access to the main building, the oceanfront buildings as well as the lanai buildings, cottages and bungalows throughout.

Decomposed granite pathways are envisioned for pedestrian use while other materials would be used for golf cart access. The pathways have been laid out to avoid disturbing any trees, but to also accommodate fire and maintenance access.

Signs and Lighting

A new sign would be installed on South Jameson Avenue at the main entrance to the Main Building. The new fire access lane through the property (see “Public Access to the Beach and Public Use of the Site” below), would be marked with directional signs to Miramar Avenue which can be used to access the beach at the end of Eucalyptus Lane, and clearly marking the path as public access. Public beach access signs will also be located along the private road between the Main Building and Ballroom directing people to the beach through the beach bar area. Finally, signs would also be installed on the exterior of the property directing people to public beach access points at the end of Eucalyptus Lane and the end of Posilipo Lane.

The tennis courts would not have lighting, consistent with the Schragger Plan.

Also consistent with the Schragger Plan, lighting is proposed on the boardwalk and the beach bar, but no lighting is proposed for the beach or sandy area. Lighting along the boardwalk would not be directed onto the sand in front of the resort or on the water. Likewise, lighting at the beach bar would be kept to a minimum and would cease at 10 p.m. each evening.

Fire Access Plan

A Fire Access Plan has been prepared for the proposed project, and incorporated into the site plans for the project, that outlines fire access lanes throughout the property and fire access points to the roof top of each building on the property.

Solid Waste Management Plan

The applicant proposes to reduce the solid waste volume generated by operation of the proposed project by 50 percent. In order to achieve this diversion rate, the following measures would be implemented:

General Solid Waste

1. A County-designated hauler would provide individual bins within centralized enclosure/s on the property for trash and commingled recycling. Commingled recycling containers would be utilized for depositing materials such as aluminum, plastic, glass, newspapers, junk mail, bimetal cans, magazines, cereal boxes, and cardboard. Trash and recyclables would be picked up at appropriate time intervals determined by the designated waste hauler.
2. Interior spaces of each project area would be provided with storage for smaller recyclable materials such as office paper, cardboard, newspaper, glass and plastic bottles, aluminum and bimetal cans.
3. The designated waste hauler would provide the designated trash/recycling enclosures with commingled recycling containers for materials such as aluminum, plastic, glass, newspapers, junk mail, metal cans, magazines, cereal boxes, and cardboard. Recyclables would be picked up at appropriate time intervals determined by the designated waste hauler.

Gardening Waste

1. The overall project landscape design would consider the following yard waste minimization methods:
 - Trees would be selected for the appropriate size and scale to reduce pruning waste over the long-term.
 - Slow growing, drought tolerant plants would be included in the landscape plan. Drought tolerant plants require less pruning and generate less long-term pruning waste, require less water, and require less fertilizer than plants with higher water and fertilizer needs.
2. The initial landscape contractor and the subsequent landscaping maintenance crew hired by the Property Manager would be responsible for all garden waste management duties for the project area. Both contractor and maintenance crew would be informed through written and verbal information sources regarding this waste plan.
3. Woody waste would be chipped and used as mulch and/or composted on-site, to the maximum extent feasible.
4. All gardening wastes not composted/utilized as mulch on-site shall be hauled offsite by the maintenance crew.

Hazardous Waste

1. The Community Environmental Council (CEC) is a resource for information on non-toxic alternatives. Guests/visitors would be made aware that they may contact the CEC at (805) 963-0583 for additional information on non-toxic or less toxic products.
2. The CEC and University of California, Santa Barbara (UCSB) maintain a permanent facility for the collection of hazardous waste generated by residents and small businesses in the area. The owner would be made aware of this service, which includes the recycling/disposal of solvents, oils, and other chemicals, located at the UCSB Household Hazardous Waste Facility.

During construction, the applicant would employ a combination of local recycling services to reduce demolition and construction waste by 98.5 percent. Recycling of construction materials is provided locally by a number of waste collection companies, such as MarBorg Industries and BFI; Granite Construction, Lash Construction, and Santa Barbara Sand and Topsoil also offer construction waste recycling. For construction, a Solid Waste Management Plan shall be developed and implemented for each phase of construction. The Plan shall identify:

1. Estimated weight, by material type, to be discarded during construction.
2. Estimated weight, by material type, to be recycled or reused during construction.
3. Estimated number of separate bins required for recycling construction materials and cleared brush during grading and construction activities. All demolition and/or excess construction materials shall be separated on-site, as feasible, for reuse/recycling or proper disposal (e.g., separate bins for concrete and asphalt, wood, metal, drywall, and brush) and to take advantage of decreased prices for recycling these materials.
4. Prior to demolition/construction, the contractor would arrange for construction recycling service with a waste collection provider/s. Roll-off bins for the collection of recoverable construction

materials would be located onsite. Materials earmarked for recycling include: wood, concrete, drywall, metal, cardboard, asphalt, soil, and land clearing debris (greenwaste). Sorting of general construction debris and materials would be done on-and off-site in coordination with recycling/waste collection provider.

5. The contractor would be referred to the following sources for recycled content, or reusable construction products:
 - Calmax – California Materials Exchange (916) 255-2369 – a program that facilitates the reuse and recycling of business' excess products, materials, and discards through a bi-monthly publication listing such materials free of charge;
 - California Integrated Waste Management Board (800) 553-2962 – a State agency that provides information about recycling and waste reduction.
 - Hayward Lumber (805) 692-2113 – a local construction materials vendor that provides a wide range of recycled-content products and sustainably harvested lumber.
6. Contractor shall monitor recycling efforts and collect receipts for roll-off bins and/or construction waste recycling. All subcontractors would be informed of the recycling plan, including which materials are to be source-separated and placed in proper bins (see materials earmarked above).
7. These construction waste-recycling measures would be incorporated into the construction specifications for the contractor.
8. Development of a Source Reduction Element (SRE) describing the recommended program(s) and the estimated reduction of the solid waste before it is created. For example, the SRE may include a description of value-engineering building techniques employed to keep excess cutoffs to a minimum (including increased spacing of joists and studs, in-line framing, reduced header sizes, and modular roof designs).

Construction Details

Demolition, grading, construction and landscaping are estimated to require approximately 18 to 22 months to complete, with several activities likely to be occurring onsite simultaneously. It is estimated that there would be up to 250 construction workers on site at any one time. Construction vehicles and equipment would be parking within the hotel site during the renovation effort; no construction-related parking would be allowed along Eucalyptus Lane, or on the east-west portion of Miramar Avenue during the construction/renovation period.

Torque Down 1275 pile installation would occur only in the area of the oceanfront units. Torque Down 1275 pile installation activities associated with the oceanfront units is anticipated to be performed in one phase lasting 7 days, eight hours per day (total of approximately 120-170 piles with an installation capability of approximately 25 piles per day).

The proposed haul routes are as follows:

To Miramar from US 101

Proposed Northbound Truck Route

1. Travel northbound on US 101.
2. Exit San Ysidro off-ramp.
3. Turn left (south) at top of the off-ramp onto San Ysidro Road.
4. Turn left (east) onto South Jameson Lane.

5. Entrances to Miramar site are located on left (south side of South Jameson Lane) as follows:
 - a. Entrance onto site via vacated Miramar Avenue.
 - b. Entrance onto site via private road (between Main Building and Ballroom).

Proposed Southbound Truck Route

1. Travel southbound on US 101
2. Exit San Ysidro off-ramp.
3. Advance straight at top of off-ramp onto Jameson Lane.
4. Entrances to Miramar site are located on left (south side of South Jameson Lane) as follows:
 - a. Entrance onto site via vacated Miramar Avenue.
 - b. Entrance onto site via private road (between Main Building and Ballroom).

From Miramar to US 101

Proposed Northbound Truck Route

1. Exit the site via vacated Miramar Avenue or private road by turning left (west) onto South Jameson Lane.
2. Turn right (north) onto San Ysidro Road.
3. Cross the US 101 bridge.
4. At the stop sign, turn left (west) onto the northbound on-ramp.

Proposed Southbound Truck Route

1. Exit the site via vacated Miramar Avenue or private road.
2. Turn right (east) onto South Jameson Lane.
3. Head straight to southbound on-ramp to US 101.

PROPOSED OPERATION OF THE HOTEL

Number of Guestrooms (or “Keys”)

The Caruso BSC Miramar LLC renovation project proposes 192 keys and 4 affordable employee residences. There are 25 guestroom buildings and of those buildings, 21 have six keys or less, while 4 have more than six keys.

Events

Under the proposed project, a number of events may be held at the hotel and the total maximum attendees at one event or several events occurring simultaneously shall not exceed 600 people, individually or collectively. Normal events (“normal events”) would have an attendee limit of 500 persons and would utilize the 6,655 square feet ballroom, 1,812 square feet of three meeting rooms, the outside, or beach area (subject to additional limitations below), or any combination thereof. It is anticipated that the same number of normal events would occur as under the approved Schragger Plan (4.7 events per day on average per year).

Types of Events

The Miramar Beach Resort and Bungalows may, upon approval, accommodate events in the ballroom facility, the outdoor area adjacent to the ballroom facility, the meeting rooms in the main building, the beach directly in front of the hotel, or any combination thereof. Strict limits were placed on event capacity for the approved plan, and those limits have been applied to the proposed plan, with some revision to the Beach events. Those limits are as follows:

- **Normal events:** Event capacity is limited to 500 people on-site at any given time. This can be one event of 500 people in the ballroom (outdoor/indoor), or an aggregate number of people at smaller events in the ballroom, meeting rooms, and/or the beach. Events up to 500 people are referred to as “**Normal Events**” in the proposed plan.
 - **Example:** 500 person event in ballroom (outdoor/indoor) **OR** 200 person event in ballroom + 200 people gathered in meeting rooms + 100 person beach event = 500 person “Normal Event”.
 - There is no limit on the number of “Normal Events”; however, there will be no attendee overlap between events resulting in excess of the general limit of 500 attendees. After each event, there will be a clean up and set up period before the following event so that attendees of an event will effectively be “cleared out” before attendees to the subsequent event show up. Events will be scheduled so as to avoid overlap and ensure adherence to attendance cap.
- **Special Events:** Event capacity on-site is allowed to exceed 500 people up to a maximum of 600 people 12 times per year. These are referred to as “**Special Events.**” Again, the 600 person maximum is an aggregate figure for events on the site; therefore a single event or combination of events that exceed 500 people at a given time is considered a “Special Event.”
 - **Example:** 600 person event in ballroom **OR** 350 person event in ballroom + 150 gathered in meeting rooms + 100 person beach event = 600 person “Special Event”.
 - Though “Special Events” are limited to only 12 times per year, the parking analysis conservatively used the 600 person figure in its analysis of “peak demand”. The parking analysis showed that even at “peak demand” there is excess parking on the site.

Beach Events

Beach events would include, but would not be limited to, wedding ceremonies, commitment ceremonies, cocktail parties, or other small gatherings in the hotel beach use area and would be limited to no more than 30 per year, no more than 60 minutes per event (excluding setup and breakdown times), and no more than 100 people (“beach events”). Beach events would not count against the 12 per year special events unless the beach component would bring the activity’s total attendance to between 500 and 600 people. All beach events that are not considered special events would be considered normal events and subject to the 4.7 events per day on average limitation. Beach events would be planned and scheduled in coordination with the use of the ballroom facilities and would be managed in a fashion whereby the combined use of the ballroom and beach use area would not exceed the maximum attendance of 600 for special events or maximum attendance of 500 for normal events.

Restaurant Use

Capacity for the restaurants would remain the same as currently permitted. A total of 258 seats would be spread out between the two new restaurants and the beach bar/snack house.

Spa Use

As under the Schragger Plan, a total of 15 non-guests per day are proposed to be able to use the spa facilities.

Retail Use

The proposed hours of the retail stores would be from 7:30 a.m. to 10:30 p.m.

Number of Employees

There would be approximately 102 full time, part-time, seasonal, and permanent employees under the proposed plan on-site at any given time. The total number of people employed by the hotel would be 204.

Parking

In the Caruso proposal, 551 parking spaces would be provided on site; 511 spaces would be provided in a two level underground parking deck and the rest in surface parking near the main entrance and behind the oceanfront buildings and along Miramar Avenue. Additionally, 68 public spaces are proposed along South Jameson Lane and Eucalyptus Lane (a net increase of 2 spaces over the Schragger Plan) (under the Schragger Plan and the Caruso Plan, 16 public spaces were assumed to be available on the north side of South Jameson Lane, however, the area is posted "No Parking," therefore, these spaces are not available). All public spaces would be labeled for "Public Use" to ensure exclusive public use and deter hotel guest use.

Parking on the hotel grounds would be shared, with a single space serving several different uses at different times during the day; also referred to as conjunctive uses. Parking calculations prepared by ATE, a licensed traffic engineer, for the proposed Caruso project indicate that the 551 spaces proposed to be provided at the site would accommodate the project's peak summertime demands when peak events with up to 600 guests are held (511 peak afternoon demand). Nevertheless, a modification to the parking requirement is being requested for the Caruso plan as the proposed number of spaces is short of the ordinance requirement (see Table 4 below).

Hotel parking in the Caruso plan would be provided by valet service only. Overnight guests would use the hotels' full valet service, dropping off and picking up their vehicles at the valet stand located at the hotel lobby and would be taken to their rooms by a golf cart or on foot. All guests would be informed that the street parking spaces along South Jameson Lane and the Eucalyptus Lane are public and not available for hotel guest use. Public spaces would be labeled as such to ensure public as opposed to hotel guest utilization of spaces. Guests staying in rooms adjacent to the ocean front rooms would have designated surface parking areas and would have the option of parking near their rooms if these spots are available.

Parking associated with ballroom functions would occur in the parking structure. The Miramar Parking Plan details the event scenarios (300- and 600-person events), each of which uses valet parking. Tandem parking was included in the previously approved Schragger plan and would be retained in the current plan to maximize the efficiency of the underground parking structure and remove as much surface parking as possible from the site. In the revised plan, there would be a separate valet service area that would serve both the ballroom and the Beach and Tennis Club and would be accessed from the private road. The valet service would park these cars in the underground parking lot, accessed through a separate entrance within the property. Public patrons of the restaurant, spa, beach-bar or other visitors to the site would have the option of using the lobby valet service. Hotel employees would not be charged for parking.

Public Access to the Beach and Public Use of the Hotel Site

Under the previous ownerships, the Miramar Hotel did not welcome members of the public entering the grounds or using the beach in front of the boardwalk. The current application submittal package states that the applicant is committed to enhancing the public's interest in visiting the Miramar and it is one of the project objectives.

Public access to beaches within the vicinity of the Miramar Hotel is provided through several vertical and lateral access points. The hotel owner provides a 20-foot recorded lateral easement to the public over the hotel's full beach frontage. The southern boundary of the public lateral easement is the water's edge; as a result, the 20 foot lateral easement varies in location with the change in tide line. There is existing public vertical access from Eucalyptus Lane about 500 feet west of the Miramar stairs to the beach, as well as from Posilipo Lane, located approximately 1,500 feet to the east.

The proposed project would ensure that there would be 68 public parking spaces on Eucalyptus Lane and South Jameson Lane. Under the Schragger Plan, an additional 16 spaces along the north side of Jameson were discussed, however, this area is posted for "No Parking" and therefore these spaces cannot be counted. The proposed hotel includes a commitment for the dedication of two public access easements through the site. The easements would provide access across the Miramar Hotel property along the curving pathway (which would also serve as the fire access lane) replacing the vacated portion of Miramar Avenue and connecting the public to the remaining portion of Miramar Avenue for easy access to Eucalyptus Lane. Along this fire access lane, coastal access signs would be posted clearly directing people to Miramar Avenue and ultimately to the beach area (see "Signs and Lighting" above). In addition, public access to the beach would be provided down the private road between the Main Building and Ballroom through the property and toward the beach bar area where there would be a stairway to the beach as an additional way to access the beach. Legal descriptions for the proposed easements have been provided to the County.

Maintaining the privacy of hotel guests is a priority and the hotel would reserve areas and amenities for use only by its guests and members of the Beach and Tennis Club (i.e., swimming pools, tennis courts, and the Beach and Tennis Club building), however, the public would have access to much more of the property than when it was previously operated. As a commercial, visitor-serving operation, use by the public and the associated business that it generates is viewed as an integral part of the hotel operation. All of the restaurants would be available for use by the public as well as guests. There would be up to 15 non-guest reservations per day available at the spa, and the small retail area at the front of the property would be available for public use.

The public would also be able to access the boardwalk and the beach bar/snackhouse from the beach (access to the boardwalk was prohibited by pre-Schragger owners). There would also be restrooms near the beach that would be available to the public, as well as showers available to the public adjacent to the oceanfront buildings.

Hotel Beach Use

On a portion of the sandy beach section of the property ("hotel beach use area"), running along the entire width of the Miramar Hotel beach frontage and to a line approximately 60 feet seaward of the existing boardwalk, subject to adjustment in accordance with the public access agreement³, the hotel owner would provide a number of services to its hotel guests and visitors. In the hotel beach use

³ Described in a dedication by William P. Gawzner and June Outhwaite dated July 21st 1975 (Recorded October 28, 1975, Book 2591, Page 617).

area, the hotel may serve limited food and beverages to hotel guests during the hours of operation of the beach bar. Food and beverage service would be available to non-guests by going to the beach bar and snack house on the boardwalk.

The hotel may place non-permanent items such as chairs, umbrellas, and other non-motorized beach-related recreation items (inflatable rafts, boogie boards, etc.) out for hotel guests within the hotel beach use area, outside of the public's lateral access area, which would be removed nightly; these non-permanent items would only be placed out in response to guest requests.

Hotel events in the hotel beach use area would include, but would not limited to, wedding ceremonies, commitment ceremonies, cocktail parties, or other small gatherings and would be limited to no more than 30 per year, for no more than 60 minutes per event, and with no more than 100 people. During hotel events on the beach, non-permanent items such as chairs, small tents, rope barriers, and small signs may be put up immediately before the event and removed promptly afterwards. Non-amplified music would be allowed on the beach during these events, (i.e., guitars, small string trios or quartets, etc.).

During a hotel event on the beach, part of the hotel beach use area would be limited to use by the hotel. However, hotel operations would at no time infringe on the lateral public easement as described in the dedication referenced above.

The beach in front of the resort would be kept clean by hotel staff for the enjoyment of hotel guests and the public. The resort and bungalow's beach area would be kept clean throughout the day by hotel staff, and would be cleaned thoroughly each evening.

COMPARISON OF PROPOSED REVISIONS WITH THE APPROVED SCHRAGER PLAN

Table 2-5 below provides a comparison of the proposed Caruso Plan with the original Schragger Plan approved in 2000 (99-DP-001, 99-CP-002, and 00-CP-032).

Table 2-5

Comparison of the Proposed Caruso Plan with the Approved Schragger Plan

Project Component	Approved Plan under 99-DP-001/99-CP-002/00-CP-032 ¹ (Schragger Plan)	Proposed Caruso Plan
STRUCTURAL DEVELOPMENT (EXCLUDING PAVING) (NET FLOOR AREAS IN SQUARE FEET (SF))		
Ballroom/Employee Dwellings (or Banquet Hall/Parking Structure under Schragger Plan)	13,805 SF	13,590 SF
Main Building/Restaurant (or Lobby under Schragger Plan)	6,076 SF	26,756 SF

Pool Bar/Restaurant (or Restaurant under Schragger Plan)	12,080 SF	809 SF
Beach Bar	1,033 SF	Square footage included in Oceanfront Building 02
Spa	8,334 SF	7,270 SF
Beach and Tennis Club	included in Spa	1,482 SF
Retail	896 SF (new tennis shop)	4,978 SF
Guestrooms (& employee housing in Schragger Plan)	92,583 SF	109,964 SF
Misc. Buildings	6,133 SF	None
Total Net Floor Area	137,711 SF (=140,940 SF - 3,229 SF basement area used for storage)	164,849 SF (27,138 SF than Schragger Plan)
Total Net Lot Area	568,304 SF (13.05 acres)	686,977 SF (15.77 acres)
Floor Area Ratio (FAR)²	0.242	0.2399
Existing Net Floor Area	127,827 SF	97,382 SF (diner, lobby, convention center already demolished)
Net Floor Area to be Demolished	34,603 SF	97,382 SF (+62,779 SF than Schragger Plan)
New Net Floor Area to be Constructed (not counting renovation of existing structures)	46,979 SF	164,849 SF (+117,870 SF than Schragger Plan)
Height modifications requested	None	46.0' height of Main Building
Setback modifications requested	Encroachments into all setbacks except for eastern side yard setbacks West: All guestrooms encroach approximately 45' into the required 50' setback from the property line at the Church. East: All setbacks are met. North: Lanai A, the eight new cottages and the banquet hall encroach 10' into the required 50' from the centerline of South Jameson. South: The Studio, Grey, Palomita and Bamboo cottages encroach up to 15 feet into the required 20' setback from the Miramar Avenue right of way, oceanfront guestroom encroach <10' into the 10' setback from the UPRR property line.	Same as Schragger Plan <u>West:</u> All guestrooms encroach approx. 35' into the 50' setback from the property line; Spa encroaches approx. 10' into the 50' setback from the centerline of Eucalyptus <u>East:</u> All setbacks are met <u>North:</u> Main Bldg. encroaches approx. 10' into 20' setback from the right-of-way & 20' into 50' setback from the centerline of South Jameson; <u>South:</u> Guestrooms along east- west segment of Miramar Avenue encroach up to 20' into the 20' setback from the property line and 30' into the 50' setback from the centerline of Miramar Ave.; Oceanfront guestrooms encroach <10' into the 10' setback from the UPRR property line.
PARKING		
Public		
South side of South Jameson	44	58
North side of South Jameson	16 spaces not factored in	16
North-south segment of Miramar Avenue	24 spaces not factored in	0
Eucalyptus Lane	0	10
Total	68 (44 factored +40 present but not factored in = 84; 84-16 in "No Parking" zone=	68 (84-16 in "No Parking" zone = 68 legitimate public parking spaces)

	68 legitimate public parking spaces)	
For Hotel		
Parking structure	301	511
Onsite	115	40
Overflow on tennis courts	28	28
Total	416 + 28 overflow spaces	551 + 28 overflow spaces
Spaces Required by Ordinance		
Hotels/Motels		
1 space per guest room	213	192
1 space per 5 employees (100 employees)	20	7 (35 employees)
Restaurant		
1 space per 300 SF of patron space (indoor + outdoor)	13 (3,804 SF)	6 (270 SF net indoors + 1461 SF outdoors=1,731 SF) ✓
1 space per 2 employees	10 (20 employees)	10 (20 employees)
Beach bar		
1 space per 300 SF of patron space (indoor + outdoor)	3 (876 SF)	2 (108 SF net indoors + 361 SF outdoors = 469 SF) ✓
1 space per 2 employees	3 (5 employees)	2 (3 employees)
Spa facility		
1 space per 300 SF of gross area	38 (11,190 SF gross)	35 (10,546 SF gross)
Tennis		
1.5 per court	5 (3 courts)	3 (2 courts)
Assembly space (for events + library)		
1 space per 30 SF of assembly space	290 (8,689 SF incl. a library)	282 (8,467 SF, no library proposed)
Employee Dwellings		
1 per each dwelling unit (for one-bedroom units)	4	4
Restaurant in Main Building		
1 space per 300 SF of patron space (indoor + outdoor)	0	16 (3,965 SF net indoors + 947 SF outdoors = 4,912 SF) ✓
1 space per 2 employees	0	21 (42 employees)
Beach and Tennis Club		
1 space per 30 SF of assembly space	0	49 (1,482 SF)
Retail		
1 space per 500 SF of gross floor area	0 (896 SF tennis shop not counted in approved plan)	10 (4,978 SF)
Total no. of req'd spaces	599	639
No. of spaces short of ordinance requirements	183 (not counting overflow parking)	88 (not counting overflow parking)
SITE IMPROVEMENTS		
Utilities replaced	Replace electrical lines; use of existing water well for landscape irrigation	Replace sewer, water, & electrical lines
Repairs to seawall proposed	No	Yes

Close ✓

UPSTAIRS ONLY ✓

Lighting	No night lighting of tennis courts or of the beach. Night lighting of the boardwalk.	Night lighting of the boardwalk.
Tree removal or relocation	Removed: 1 sycamore & 189 non-natives Relocated: 3 coast live oaks and 55 non-natives Total: 4 natives & 244 non-natives	Removed: 40 non-natives Relocated: 3 sycamores, 9 oaks, & 41 non-natives Total: 12 natives & 81 non-natives
Landscaping (acres)	6.13	5.33
Paving (acres)	2.028 (1.57 acres paving + 0.458 acre of paving associated with the north-south segment of Miramar Avenue still present)	5.79 (1.78 acres asphalt + 4.01 acres of hardscape such as pathways)
Grading	10,000 cy of cut; 6,000 cy of fill; & 4,000 cy of export	36,300 cy of cut; 46,100 cy of fill; & 10,000 cy of import
Duration of construction	15 months	18 to 22 months
No. of truck trips	375 to 400 (for hauling dirt over 12 weeks) + truck trips for equipment delivery etc. during entire duration of construction	1,000 (over a haul period of 12 to 21 days) + truck trips for equipment delivery etc. during entire duration of construction
No. of construction workers	125	250
OPERATION		
No. of guestrooms ("keys")	213	192
No. of employees (full time, part-time, temporary & permanent)	125	102 (approximate no. of employees on site at any given time)
No. of employee dwellings	4	4
Assembly area for events (SF)	8,672 SF	8,467 SF
No. of assembly seats (indoors and outdoors)	600	600
No. of onsite events	4.7 events per day for "normal" events of 500 people + 12 "special events" per year of 600 people + 30 weddings onsite per year of 50 to 200 people	Same as Schragger Plan, except now, beach events count towards the size limit of 500 for normal or 600 for special events

Project Component	Approved Plan under 99-DP-001/99-CP-002/00-CP-032 ¹ (Schrager Plan)	Proposed Caruso Plan
No. of beach events	12 weddings on the beach per year of 50 people for 30 minutes	30 weddings on the beach per year of 100 people for 60 minutes (beach events now count towards the size limits on normal and special events instead of being in addition to these events)
Event hours	7 am to 1 am (outdoor activities to conclude by 10:30 pm)	Same as Schrager Plan
Total no. of restaurant seats (indoors)	258	258
Total no. of restaurant seats (outdoors)	see above (no. combined for indoor & outdoor seats)	see above (no. combined for indoor & outdoor seats)
Hours of operation of restaurant	6:30 am to 11 pm (bar closes at 2 am)	Same as Schrager Plan
Hours of operation of beach bar/snack house	9:30 am to 12 am (midnight)	Same as Schrager Plan
Beach and Tennis Club membership	140	300
Spa use by non-guests	13-15 non-guests/day	15 non-guests/day
Hours of operation of spa	9 am to 9 pm	Same as Schrager Plan
Public access through Miramar to the beach	Public access to the beach required by condition of approval along a new promenade running through the center of Miramar from the lobby to the beach. No new public access easements required.	Dedicated public access easements to east-west segment of Miramar Avenue and ultimately to the beach at the end of Eucalyptus Lane to offset the abandonment of the north-south segment of Miramar Avenue, and on the private road through the property to the beach bar opening to the beach.
Public access signs	“No Trespassing” signs removed; 3 new coastal access signs installed on the boundaries of the Miramar property directing public to the beach (one outside hotel entrance, one at intersection of South Jameson and private driveway to the banquet hall, and one at the 90-degree bend in Miramar Avenue)	“No Trespassing” signs removed; new signs installed on the boundaries of the Miramar property and dedicated public access easements along the fire access lane directing the public to the beach, and along the private road through the property directing the public to the beach through the beach bar area.

Notes:

* Both the Schrager Plan and the Caruso Plan discuss 16 parallel parking spaces on the north side South Jameson Lane, however, this area is currently posted for “No Parking,” therefore, they cannot be counted as actual available parking spaces to the public.

1. The Approved Schrager Plan (Case Nos. 99-DP-001/99-CP-002/00-CP-032) was amended twice under Case Nos. 99-DP-001 AM01/99-CP-002 AM01 (00-CP-032 unchanged) (in July 2000) and 02AMD-00000-00007/02AMD-00000-00008/02CUP-00000-00030 (in July 2002). These amendments both resulted in reductions in the project and/or changes that resulted in a negligible change in environmental impacts. Therefore, the baseline for the environmental impact analysis of the Caruso Plan is based on a comparison against the worst-case Approved Plan under the original case nos. 99-DP-001/99-CP-002/00-CP-032.

2. Floor Area Ratio = Net Floor Area/Net Lot Area

Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved

changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

2. Compliance with Departmental letters required as follows:
 - a. Air Pollution Control District dated May 20, 2008
 - b. Environmental Health Services dated May 13, 2008
 - c. Fire Department dated June 13, 2008
 - d. Flood Control dated June 26, 2008
 - e. Road Division (Public Works) dated June 30, 2008
 - f. P&D Building and Safety Letter dated July 3, 2008
 - g. Project Clean Water (Public Works) dated June 22, 2007
 - h. Montecito Water District dated July 29, 2008
 - i. Parks Department dated July 11, 2008
 - j. Montecito Sanitary District dated October 2, 2008

Aesthetic/Visual Resources/Land Use

3. Landscaping shall be compatible with the character of the surroundings and the architectural style of development on the site and shall be maintained throughout the life of the project. The applicant shall submit a Landscape Plan detailing locations and types of plantings throughout the site to P&D for review and approval. **Plan Requirements:** The Landscape Plan shall include, but is not limited to:
 - a. Use of drought-tolerant and/or Mediterranean-type species to the extent feasible to screen the site from surrounding land uses;
 - b. Extensive landscaping of the sound barrier and pedestrian pathway along South Jameson Lane and Eucalyptus Lane;
 - c. Use of landscape planters or other landscaping adjacent to all building walls, garden walls, and fences visible from a public or private street;
 - d. Use of clinging vines and/or vertical planting on trash/recycle enclosure walls and any other masonry walls where appropriate, as determined by P&D;
 - e. Use of appropriate species along the eastern property line, as identified in Section 4.4.3 (Biological Resources) Mitigation Measure #5 of Negative Declaration 00-ND-003, to protect Oak Creek;
 - f. Specification that all landscaping shall be maintained throughout the project life and shall be inspected by P&D prior to release of the performance security required by Mitigation Measure #2 below.

Timing: P&D and Flood Control shall approve the final Landscape Plan prior to issuance of follow-on Land Use Permits for construction of structures. P&D Permit Compliance shall inspect and photo-document installation of landscaping along the northern and eastern perimeters of the property and along the pedestrian path on Eucalyptus Lane prior to P&D sign-off on occupancy clearance for the Lobby and Banquet Hall.
MONITORING: In addition to the specific sign-offs required above, Permit Compliance shall inspect and document maintenance of landscaping once per year for the first three years after issuance of occupancy clearance and at least once immediately prior to release of each performance bond.

4. Two performance securities shall be provided to P&D by the applicant prior to issuance of follow-on Land Use Permits for construction of any structure. One security shall be equal to the value of installation of all items listed in (a) below (labor and materials) and

the other equal to the value of maintenance and/or replacement of the items listed in (b) below for three years of maintenance of the items. The amounts shall be approved by P&D. Changes to the approved Landscape Plan may require a substantial conformity determination or a modification of the Development Plan. The installation security shall be released upon satisfactory installation of all items listed below, based on a site inspection by P&D. If plants and irrigation and/or any items listed below have been established and maintained, as documented by a P&D site inspection, P&D may release the maintenance security two years after issuance of occupancy clearance. If such maintenance has not occurred, the plants or improvements shall be replaced and the security held for another year. If the applicant fails to either install or maintain according to the approved Landscape Plan, P&D may collect the security and complete work on the property.

- a. The installation security shall guarantee compliance with installation of landscaping, including but not limited to landscaping of the sound barrier, pedestrian pathway along South Jameson Lane and Eucalyptus Lane, as described in the approved Landscape Plan and Tree Removal and Relocation Plan, prior to occupancy clearance.
- b. The maintenance security shall guarantee maintenance of landscaping, including but not limited to landscaping of the sound barrier, pedestrian pathway along South Jameson Lane and Eucalyptus Lane, as described in the approved Landscape Plan and Tree Removal and Relocation Plan, during the first three years after issuance of occupancy clearance.

MONITORING: P&D shall inspect landscaping and improvements for compliance with approved plans prior to authorizing release of the installation and maintenance securities.

5. The design, scale, and character of the project architecture and landscaping shall be compatible with development in the vicinity and historic architectural elements of the existing development, consistent with Mitigation Measure #2, Section 4.10.3 (Historic Resources on the Final ND 00-ND-003). **Plan Requirements and Timing:** The applicant shall submit the Landscape Plan and final architectural drawings of the project for review and approval by the Montecito Board of Architectural Review prior to issuance of follow-on Land Use Permits. Such plans shall be consistent with the Montecito Architectural Guidelines and Development Standards (5/16/95) and other applicable MBAR guidelines and/or standards. **MONITORING:** P&D shall verify final MBAR approval prior to issuance of follow-on Land Use Permits. Permit Compliance shall periodically site-inspect during and after construction to ensure plan requirements are implemented.
6. All exterior night lighting identified in the *Concept Lighting Approach Plan*, dated February 26, 2008 shall be of low intensity, low glare design, and shall be fully hooded to direct light downward and/or to prevent spillover onto neighboring parcels. There shall be no uplighting of trees. Beach lighting shall only include those depicted in the *Concept Lighting Approach Plan* identified along the boardwalk and there shall be no floodlights directed towards the beach. **Plan Requirements:** The applicant shall incorporate these measures into the final Lighting Plan. There shall be no night lighting of the tennis courts. The locations and heights of all exterior lighting fixtures with arrows showing the direction of light being cast by each fixture shall be depicted on the final Lighting Plan. **Timing:** The final Lighting Plan must be reviewed and approved by

P&D and the Montecito BAR prior to issuance of issuance of follow-on Land Use Permits. **MONITORING:** P&D and BAR shall review the final Lighting Plan for compliance with this measure prior to issuance of follow-on Land Use Permits. Permit Compliance shall inspect structures and landscaping upon completion and prior to occupancy clearance to ensure that exterior lighting fixtures have been installed consistent with their depiction on the approved Signage and Lighting Plan.

7. All signage identified in the *Conceptual Signage Plan*, dated February 6, 2008 shall meet the signage regulations pursuant to the County Sign Ordinance, Article One, Section 35-13 and 35-17, and the Resort/Visitor-Serving Commercial Zone District regulations contained in the County Coastal Zoning Ordinance, Article II, Section 35-81. **Plan Requirements:** The applicant shall prepare a final Signage Plan, including the elevation, sign face design, and proposed illumination of each sign for review by the P&D and the Montecito BAR. **Timing:** The final Signage Plan must be reviewed and approved by P&D and the Montecito BAR prior to issuance of follow-on Land Use Permits. **MONITORING:** P&D and Montecito BAR shall review the final Signage Plan for compliance with this measure prior to issuance of follow-on Land Use Permits. Permit Compliance shall inspect structures and landscaping upon completion to ensure that all signage has been installed consistent with their depiction on the approved Signage Plan.

Air Quality

8. Dust generated by the development activities shall be kept to a minimum with a goal of retaining dust on the site. Applicant shall follow the dust control measures listed below:
 - a. During clearing, grading, earth moving, excavation, or transportation of cut or fill materials, water trucks or sprinkler systems are to be used to prevent dust from leaving the site and to create a crust after each day's activities cease.
 - b. During construction, water trucks or sprinkler systems shall be used to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this would include wetting down such areas in the later morning and after work is completed for the day and whenever wind exceeds 15 miles per hour.
 - c. Soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation.

Plan Requirements: All requirements shall be shown on grading and building plans.
Timing: Condition shall be adhered to throughout all grading and construction periods.

MONITORING: P&D shall ensure measures are on plans. P&D Grading and Building inspectors shall spot check; Grading and Building inspectors shall ensure compliance on-site. APCD inspectors shall respond to nuisance complaints.

9. The contractor or builder shall designate a person or persons to monitor dust generation and implement the dust control program and to order increased watering as necessary to prevent transport of dust off-site. Their duties shall include holiday and weekend periods when work may not be in progress. **Plan Requirements:** The name and telephone number of such persons shall be provided to the APCD. **Timing:** The dust monitor shall be designated prior to issuance of follow-on Land Use Permits. **MONITORING:** P&D shall contact the designated monitor as necessary to ensure compliance with dust control measures. APCD shall respond to complaints.

10. If the construction site is graded and left undeveloped for over four weeks, the applicant shall employ the following methods immediately to inhibit dust generation:
 - a. Seeding and watering to revegetate graded areas; and/or
 - b. Spreading of soil binders; and/or
 - c. Any other methods deemed appropriate by APCD and/or P&D.

Plan Requirements: These requirements shall be noted on all plans. **Timing:** Plan approvals are required prior to issuance of follow-on Land Use Permits. **MONITORING:** Grading inspectors and Permit Compliance shall perform periodic site inspections. Permit Compliance shall determine the date grading is completed for purposes of dust control measures.

11. To minimize the project's contribution to cumulative air quality impacts, the applicant shall develop a Transportation Demand Management Program. Components of such a program shall be designed to effectively reduce vehicle demand and peak hour trips associated with the project. The provisions of the Transportation Demand Management Program shall include the following:
 - a. The hotel operator shall contact the Metropolitan Transit District (MTD) to purchase bus passes or the equivalent for hotel employees. These passes shall be provided free of charge to employees who request them for travel to and from work. Explicit notice of the free passes shall be provided to existing and new employees when they are hired.
 - b. Notice of MTD bus routes and schedules shall be placed and maintained up-to-date in a central (public) location accessible to employees.
 - c. Male and female employees shower and locker facilities shall be provided and maintained in a restroom (the specific location is subject to the review and approval of County staff). The showers shall be available for use before, during, and after work hours. Notice of these facilities shall be provided when employees are hired.
 - d. Employees shall be made aware of the Ridesharing Program or similar successor programs administered by the Santa Barbara County Association of Governments or successor agency. The Owner and/or all employers shall have all employees registered semi-annually in the Ride-Sharing Program and shall make every effort to encourage participation in the program.
 - e. An employee lunchroom shall be provided in the hotel and shall include, at a minimum, the following amenities: refrigerator, microwave oven, sink, food preparation area, tables, and chairs.
 - f. Bicycle storage lockers shall be provided.
 - g. In the event of an emergency or work requirement which interferes with the normal transportation arrangement of any employees using mass transportation, a carpool, or a vanpool to get to work, the Owner/employer shall provide cab fare, a company car, or other means to guarantee a free ride home.
 - h. A Visitor Information Program shall be prepared and implemented. The Program shall include, but not be limited to:
 1. A means of providing train, bus, and airline schedules and maps to prospective hotel guests.
 2. A means of providing hotel guests with information on alternative transportation modes, schedules and maps, beach area and other local and regional points of interest. In addition, the hotel operator shall contact the MTD to purchase bus and/or shuttle passes or tokens for hotel guests. These passes shall be available to any guests who request them.

3. Advertisement for and solicitation of meetings and other events which includes explanation of the County's clean air and energy reduction goals and an explanation of the benefits of using alternative transportation modes.
 - i. Free shuttle/transportation service to the airport, train depot, bus depot, etc. shall be provided to minimize the need for hotel guests to rent a car.
 - j. Bicycle rentals shall be made available to Hotel guests.
 - k. The Hotel operator shall participate in any shuttle pass program developed by the MTD and/or the County of Santa Barbara.

Plan Requirements and Timing: APCD and P&D shall review and approve the TDM Program prior to issuance of follow-on Land Use Permits for structures. The provisions of this Program shall be included in the lease/rental agreements of future hotel operators as a required "Transportation Demand Management Program." A copy of the clause in the lease/rental agreement needed to comply with this condition shall be provided to P&D and the APCD prior to occupancy clearance. **MONITORING:** Permit Compliance shall ensure APCD and P&D have received a satisfactory lease agreement clause prior to signing off on occupancy clearance and shall respond to complaints.

12. An Asbestos Notification Form shall be filed with the Santa Barbara County Air Pollution Control District. **Plan Requirements and Timing:** The notification form shall be filed prior to demolition. A copy of the notification shall be sent to P&D and the Director of the All Saints by the Sea pre-school at the same time it is filed with the APCD and shall include the name and telephone number of a contact person designated by the contractor and/or applicant to respond to inquiries and/or complaints. **MONITORING:** Permit Compliance and/or the APCD shall respond to complaints.
13. Construction contractors shall adhere to the following requirements during project grading and construction to reduce emissions of ozone precursors and particulate emissions from diesel exhaust, which are classified as carcinogenic by the State of California.
 - Heavy-duty diesel-powered construction equipment manufactured after 1996 (with federally mandated "clean" diesel engines) shall be utilized.
 - The engine size of construction equipment shall be the minimum practical size.
 - The number of pieces of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time.
 - Construction equipment shall be properly maintained per the manufacturer's specifications.
 - Catalytic converters shall be installed on gasoline-powered equipment.
 - Diesel catalytic converters shall be installed.
 - Diesel-powered equipment shall be replaced by electric equipment whenever feasible, for smaller equipment.
 - Construction worker trips shall be minimized by promoting carpooling and by making onsite lunch available.
 - Low volatile organic compound (VOC) architectural coatings shall be used whenever feasible.

Plan Requirements/Timing: The applicant shall include these measures as notes on the grading and building plans that shall be reviewed and approved prior to issuance of follow-on Land Use Permits for grading or structural development. These measures shall be implemented during and after project construction as appropriate. **MONITORING:**

P&D shall ensure that these measures are on the plans. Permit compliance staff shall perform periodic equipment inspections and respond to nuisance complaints.

14. The applicant shall obtain individual permits from the APCD for the proposed 500 kW emergency generator and shall consult with the APCD to determine if individual permits are required for the proposed boilers as well. **Plan Requirements/Timing:** Permits shall be obtained from APCD and copies of the permits provided to P&D prior to issuance of follow-on Land Use Permits for the project. **MONITORING:** P&D shall confirm that permits have been obtained prior to issuance of follow-on Land Use Permits for the project.
15. The following energy-conserving techniques should be incorporated into the project.
 - Installation of low NOx residential water heaters.
 - Use of natural lighting where feasible.
 - Installation of energy efficient appliances.
 - Installation of energy efficient lighting.

Plan Requirements and Timing: The applicant should incorporate the listed provisions into building and improvement plans prior to issuance of follow-on Land Use Permits. **MONITORING:** Building and Safety shall site inspect to ensure development is in accordance with approved plans prior to occupancy clearance.

Biological Resources

16. A Tree Protection and Replacement Plan, prepared by a P&D-approved arborist shall be implemented. All development and potential ground disturbances shall be designed to avoid trees to the maximum extent feasible. The plan shall include but is not limited to the following components:

A. Protection During Demolition and Site Preparation

1. A pre-construction meeting shall be held prior to the commencement of any demolition, grading or construction to discuss tree protection measures. The pre-construction meeting shall include project contractors.
2. Prior to demolition and grading a TPZ (Tree Protection Zone) shall be established with the installation of chain-link fence around each tree, with a 1 foot radius of protection zone for each inch of DBH (diameter at breast height measured 54" above ground).
3. All trees to be removed shall be designated and clearly distinguished from trees to be relocated.
4. Where a required TPZ conflicts with an *existing* structure, equipment (such as buckets on longer booms) that allows operation further from the trunk shall be used as directed by the project arborist.
5. In areas where demolition or grading must come closer than the perimeter of the TPZ, encountered roots that are ½ inch in diameter or greater shall be cleanly cut by hand and not ripped by demolition equipment.
6. Fences shall be maintained in upright positions throughout demolition and site preparation. No equipment or building materials or soils shall be stockpiled against required fencing.

B. Protection During and Following Construction

1. After demolition, and once construction parameters are determined, TPZ's should be reconfirmed or reestablished with placement of chain link fencing.
2. Once established, TPZ's should be void of all activities, including parking of vehicles, operation of equipment, storage of materials, or dumping (including temporary spoils from excavation).
3. All excavation and grading near trees shall be monitored by the project as necessary.
4. Any roots encountered during grading, landscaping or construction that are ½ inch in diameter or greater shall be cleanly cut by hand.
5. Buildings, walls and fences within the TPZ should be supported by piers, posts, screw piles, or caissons and above grade beams.
6. Oaks and pines that are impacted by any root damage should be sprayed in the early spring and late summer with permethrin (*Astro*) to help resist attack of boring beetles. The application should be applied to the lower 6 inches of trunk for a minimum of two years after project completion.
7. As determined by the project arborist, supplemental irrigation shall be required to aid mature trees that have sustained root loss or damage.
8. When roots have been pruned, soils should be kept moist. Exposed soil profiles containing exposed roots that remain open for longer than one day should be covered by burlap and irrigated as frequently as necessary to keep soils moist.
9. Pruning of protected trees shall be performed by or supervised by a Certified Arborist. The project arborist should review goals with workers prior to commencement of any tree pruning.
10. Tree trunk areas shall be properly drained to avoid ponding.
11. All utilities shall be placed within or directly adjacent to roadways and driveways or in a designated utility corridor in order to minimize impacts to trees.
12. Any trenching required within the TPZ or sensitive root zone of any specimen tree shall be done by hand.
13. To the maximum extent feasible, no artificial surface, pervious or impervious, shall be placed within six feet of the TPZ of any tree.
14. No permanent irrigation shall occur within the TPZ of any oak tree that is not slated for removal.
15. All trees located within 25 feet of proposed buildings shall be protected from stucco or paint during construction.
16. Any unanticipated damage that occurs to trees or sensitive habitats resulting from construction activities shall be mitigated in a manner approved by P&D. This mitigation may include but is not limited to posting of a performance security, tree replacement on a 10:1 ratio and hiring of an outside consultant biologist and/or arborist to assess the damage and recommend mitigation. The required mitigation shall be completed immediately under the direction of P&D prior to any further work occurring on the site. Any performance securities required for installation and maintenance of replacement trees will be released by P&D after its inspection and approval of such installation.

C. Tree Relocation Requirements

1. Roots should be cleanly cut.
2. Soil remaining in the root ball or box shall be kept moist. The root ball should not be allowed to dry out.
3. New planting holes should be twice the width of the root ball of the relocated tree.

4. Moisture should be monitored both inside and outside the root ball to determine the required frequency and quantity of water application.
5. Relocated trees shall be boxed and replanted in accordance with the final County-approved Tree Removal and Relocation Plan. A drip irrigation system with a timer shall be installed. Trees shall be planted prior to occupancy clearance and irrigated and maintained until established (five years).
6. Tree relocation shall be performed under the supervision of the project arborist

D. Tree Replacement

1. For every significant or native removed or tree with 25% or more root zone encroachment, a minimum of three 24-inch box or ten 1-gallon trees shall be planted. Impacted native trees shall be replaced with native replacement trees of the same species. Trees shall be maintained until established (five years).
2. Every relocated oak tree that potentially fails shall be replaced by two, 60 box oak trees.
3. A tree replacement performance and maintenance security shall be posted with the County prior to issuance of a Coastal Development on the affected parcel. The performance security shall be based upon a detailed estimate provided by the landscape architect and landscape installation contractor, including cost of installation, materials and maintenance. The performance security shall be provided by the applicant prior to issuance of follow-on Land Use Permits, and shall be equal to the value of installation of all items as well as the value of maintenance and/or replacement of the items for five years of maintenance of the items. The performance security shall be increased if determined necessary by Planning and Development staff. The amounts shall be agreed to by P&D. If such maintenance has not occurred at any point throughout the five-year maintenance period, the plants or improvements shall be replaced and the security held for another year. If the applicant fails to either install or maintain according to the approved plan, P&D may collect security and complete work on property. There shall be no early release of the performance security. **Monitoring:** Permit Compliance shall conduct site inspections throughout all phases of development to ensure compliance with, and to evaluate the success of, all tree protection and replacement measures.

Requirements: Prior to issuance of follow-on Land Use Permits for demolition or grading, the applicant shall submit a copy of the final grading and building plans, Landscape Plan, Tree Removal and Relocation Plan, and Tree Protection and Replacement Plan to P&D for review and approval. Plans shall graphically depict the location and extent of TPZ for all native and specimen trees, location of required fencing and equipment storage and staging areas designated outside of TPZ areas. All aspects of these plans shall be implemented as approved. **Timing:** Timing on each measure shall be stated where applicable; where not otherwise stated, all measures must be in place throughout all grading and construction activities. **MONITORING:** Permit Compliance shall conduct site inspections throughout all phases of development to ensure compliance with, and to evaluate the success of, all tree protection and replacement measures. The project arborist shall monitor site activities throughout the duration of the project and especially during fence installation, excavation and grading.

17. Erosion control measures shall be implemented in accordance with the approved Grading and Erosion Control Plan required in mitigation measure #1 in Section 4.8.3 of Negative

Declaration 00-ND-003 to prevent erosion or transport of sediment during construction. These measures may include, but are not limited to, placement of silt fencing, straw bales, and/or sand bags in appropriate locations. **Plan Requirements:** The Grading and Erosion Control Plan shall be submitted to and approved by P&D and Flood Control prior to issuance of follow-on Land Use Permits. **Timing:** The plan shall be implemented prior to the commencement of grading/construction. **MONITORING:** P&D shall verify placement of erosion control measures prior to issuance of follow-on Land Use Permits for demolition and/or grading. P&D Permit Compliance and Grading staff shall perform site inspections throughout the construction phase.

18. During construction, washing of concrete, paint, or equipment shall occur only in areas where polluted water and materials can be contained for subsequent removal from the site. Washing shall not be allowed near sensitive biological resources. Areas designated for washing functions shall be identified. **Plan Requirements:** The applicant shall designate wash off areas, acceptable to P&D, on the construction plans. **Timing:** The wash off areas shall be designated on all plans prior to issuance of follow-on Land Use Permits. The wash off areas shall be in place throughout construction. **MONITORING:** P&D staff shall check plans prior to issuance of follow-on Land Use Permits. Permit Compliance shall inspect the site throughout the construction period to ensure proper use of wash off areas.
19. Consistent with the Montecito Community Plan Policies BIO-M-1.3 and BIO-M-1.22 and Development Standard 1.3.3, the landscaped buffer zone along the eastern property line (adjacent to Oak Creek) shall be planted with appropriate native species (i.e., sycamore, coast live oak, toyon, elderberry). Sycamore and oak shall be included as landscape trees within the hotel grounds, especially towards the eastern boundary. **Plan Requirements:** The final Landscape Plan (see mitigation measure #1 in Section 4.1.3, Aesthetic/Visual Resources of Negative Declaration 00-ND-003) shall include landscaping in the eastern half of the site, and especially along the eastern property boundary adjacent to Oak Creek, that maximizes native riparian species (obtained from locally obtained seed where feasible) and excludes use of invasive, exotic species in the eastern half of the site and the use of sycamores and oaks as landscape species within the remainder of the hotel grounds. **Timing:** The applicant shall obtain County approval of the Landscape Plan prior to issuance of follow-on Land Use Permits for construction of structures. **MONITORING:** P&D shall review the Landscape Plan for incorporation of requirements and site inspect as appropriate during installation of landscaping. P&D shall verify proper implementation of the Landscape Plan prior to occupancy clearance.
20. All outdoor lighting in the vicinity of Oak Creek shall be shielded to prevent stray light from illuminating the riparian corridor as per the Concept Lighting Plan. **Plan Requirements:** Locations and shielding of all outdoor lighting shall be shown on the Lighting Plan. **Timing:** The applicant shall obtain P&D approval of the final Lighting Plan prior to issuance of follow-on Land Use Permits for structures. Lighting shall be installed per plan requirements during construction. **MONITORING:** Permit Compliance shall site inspect during construction and prior to signing off on occupancy clearance.
21. All fertilizer, pesticide and herbicide products used on-site shall be certified as organically based. Landscape plans and practices shall be designed to eliminate the use of toxic materials and shall include the following: incorporation of organic matter during garden renovation, recycling attachments on lawnmowers, use of organic mulch, insectary plantings, use of compost tea for nutrients, introduction of earthworms and

introduction of beneficial organisms (such as nematodes). **Plan Requirements:** Requirements shall be noted on Landscape Plans. **MONITORING:** Permit Compliance shall site inspect during construction and prior to signing off on occupancy clearance.

22. The applicant shall hire a P&D-approved biologist to conduct a pre-construction inspection for nesting native bird species, including nesting raptors, within 500 feet of construction activities and not more than two weeks prior to the proposed beginning of construction (including staging, clearing and grubbing). If birds are determined to be nesting on the project site, no construction, grading or heavy equipment operation shall take place within 500 feet of any raptor nest or 200 feet of any other native bird species' nest, except for certain construction activities that may be allowed on a case-by-case basis as reviewed and approved by P&D. Other than those activities that are allowed by P&D, no construction activities shall take place within the 500-foot radius (for raptors) or 200-foot radius (for other species) of any nests on the project site until it can be verified that all fledglings have left the nest. **Plan Requirements/ Timing:** This condition shall be printed on all construction, grading, and building plans. **MONITORING:** The applicant shall submit a report on the pre-construction survey to Permit Compliance and Permit Compliance shall review and approve the report prior to construction. Permit Compliance staff shall perform site inspections throughout the construction phase.

Cultural Resources

23. Potential unidentified cultural resources in the portion of CA-SBA-18/19 previously recorded within the Railroad right-of-way shall be protected. **Plan Requirements and Timing:** Excavation for all activities within the Railroad right-of-way shall be performed by hand and be monitored by a qualified archaeologist and Native American representative.

If cultural resources are encountered, work shall be redirected away from the resource while its significance can be assessed, in accordance with measure CUL-3 (00-ND-003). This condition shall be printed on all building and grading plans and P&D shall check plans prior to issuance of follow-on Land Use Permits.

MONITORING: If cultural resources are encountered, the monitor(s) shall notify Permit Compliance immediately. If cultural resources are not encountered, the archaeological monitor(s) shall report the results of the monitoring to Permit Compliance within two weeks of completion of ground-disturbing activities within the monitored area(s).

24. Areas 1-4 as shown on the Cultural Resource Monitoring and Significance Survey map on file with P&D shall be monitored continuously throughout all grading, construction, demolition, and ground disturbing activities. Phase 1 archaeological surveys shall be undertaken by a P&D-qualified archaeologist following demolition of any existing structures in areas 1-4 and shall be completed prior to grading and construction. If prehistoric or historic archaeological resources are encountered, work shall be redirected away from the resource while its significance can be assessed, in accordance with measure CUL-3. **Plan Requirements and Timing:** This condition shall be printed on all building and grading plans and P&D shall check plans prior to issuance of follow-on Land Use Permits. **MONITORING:** If historic resources are encountered, the monitor(s) shall notify Permit Compliance immediately. If historic resources are not encountered, the monitor(s) shall report the results of the monitoring to Permit Compliance within two weeks of completion of ground-disturbing activities within the monitored area(s).

25. In the event that an unexpected potentially significant prehistoric or historic archaeological resource is encountered during grading or other ground-disturbing activity at any location on the project site, work in that area shall be stopped immediately and redirected until a P&D-qualified archaeologist and Native American representative (for prehistoric resources) or a P&D-qualified historic archaeologist only (for historic resources) are retained by the applicant to evaluate the significance of the resource pursuant to Phase 2 investigations of the County Archaeological Guidelines. If the resource is found to be significant, it shall be subject to a Phase 3 mitigation program consistent with County Archaeological Guidelines and funded by the applicant. **Plan Requirements and Timing:** This condition shall be printed on all building and grading plans and P&D shall check plans prior to issuance of follow-on Land Use Permits.

MONITORING: Permit Compliance shall spot check in the field.

26. Phase 2 subsurface/significance testing shall be conducted after demolition, but prior to new construction in ocean front area 5 as shown on the Cultural Resource Monitoring and Significance Survey map on file with P&D. Area 5 shall also be monitored continuously throughout all grading, construction, demolition, and ground disturbing activities. Boundaries of survey are shall be staked and flagged prior to demolition. If prehistoric or historic archaeological resources are encountered, work shall be redirected away from the resource while its significance can be assessed, in accordance with measure CUL-3. **Plan Requirements and Timing:** This condition shall be printed on all building and grading plans and P&D shall check plans prior to issuance of follow-on Land Use Permits.

MONITORING: If prehistoric or historic archaeological resources are encountered, the archaeologist shall notify Permit Compliance and P&D staff immediately. If prehistoric or historic archaeological resources are not encountered, the archaeologist shall notify Permit Compliance and P&D staff within two weeks of completion of ground-disturbing activities within the surveyed area(s).

Fire Protection

27. The applicant shall implement the Fire Access Plan approved by the Montecito Fire Protection District. Any modifications to the Fire Access Plan necessitated by field changes or other project modifications that occur during project construction shall be approved by the MFPD prior to implementation of the field changes or project modifications. **Plan Requirements and Timing:** The Fire Access Plan requirements shall be denoted on building and grading plans as appropriate prior to issuance of follow-on Land Use Permits for grading and shall be implemented during project construction. Applicant shall verify MFPD approval of any changes to the Fire Access Plan during project construction. **MONITORING:** Montecito Fire Protection District shall ensure compliance prior to occupancy clearance. Permit Compliance shall verify compliance prior to signing off on occupancy clearance.

Geological Processes

28. Excavation and grading shall be limited the dry season of the year (April 15 – November 1) unless a Building & Safety-approved Grading and Erosion Control Plan is in place and all measures therein are in effect. **Plan Requirements:** The Grading and Erosion Control Plan shall be designed to minimize erosion and shall include the following:

- a. Detailed plans and report prepared by a licensed geologist or engineer for any permanent erosion control structures.
- b. Methods such as retention basins, drainage diversion structures and spot grading shall be used as appropriate to reduce siltation into adjacent drainages or roadways during the grading and construction activities.
- c. Provisions to reseed exposed graded surfaces with ground cover to minimize erosion. Graded areas that are to be built upon shall be revegetated within four (4) weeks of completion of grading activities with deep-rooted, drought-tolerant species wherever possible and in accordance with the required Landscape Plan (Mitigation Measure #1 in Section 4.1.3; Aesthetics/Visual Resources of Negative Declaration 00-ND-003) to minimize the potential for oversaturation and erosion. Surfaces graded for placement of structures shall be seeded with ground cover if construction does not commence within four (4) weeks of grading completion. This requirement shall be noted on all grading and building plans.
- d. All cut and fill slopes on the property shall be no steeper than 2:1 (horizontal to vertical).
- e. All fill material shall be recompacted to engineered standards as specified within the Uniform Building Code or by a qualified Soils Engineer and as approved by P&D.
- f. Recommendations regarding the placement of fill material, recompaction, and grading methods contained within the *Preliminary Geotechnical Report, Miramar Hotel and Bungalows, 1555 South Jameson Lane, Montecito, California, January 4, 2008*, Fugro West Inc. incorporated herein by reference shall be implemented.

Timing: The Grading and Erosion Control Plan shall be submitted for review and approved by P&D and Flood Control prior to issuance of follow-on Land Use Permits for grading. The applicant shall notify Permit Compliance prior to commencement of demolition. Applicable components of the grading plan shall be implemented during demolition and grading activities and prior to occupancy clearance. **MONITORING:** Grading inspectors shall monitor technical aspects of the grading activities. Permit Compliance shall site inspect during grading to monitor dust generation and four weeks after grading completion to verify seeding and/or that construction has commenced in areas graded for structures.

29. Structures shall be designed to earthquake standards of the Uniform Building Code Seismic Zone 4. **Plan Requirements and Timing:** Prior to plan check, the applicant shall submit building plans indicating standards to the satisfaction of Building & Safety Division. **MONITORING:** Building inspectors shall site inspect prior to occupancy clearance.

Hazardous Materials/Risk of Upset

30. Warning device improvements for the pedestrian railroad crossing shall include enhanced pavement markings, conspicuously posted warning signs, an acoustic warning system, and automatically closing gates in accordance with UPRR requirements. **Plan Requirements and Timing:** Safety measures shall be shown on all grading and building plans. P&D shall verify safety measures are on plans prior to issuance of follow-on Land Use Permits for grading. **MONITORING:** P&D shall site inspect prior to signing off on occupancy to ensure safety features are in place and operational.

Historic Resources

31. Potential impacts to historic resources at the Miramar Hotel site shall be mitigated through implementation of the recommendations of the December 1998 Preservation Planning Associates study, including subsequent Addenda as appropriate. Specific measures to be implemented are:
- a. The "Miramar" neon roof sign shall be retained in working order on the site. The sign need not be lit, but shall remain functional. The preferred site for relocation is on the outside wall of the proposed parking garage. If the sign is placed inside the garage, it shall be accompanied by a display of historic postcards and photographs of the Miramar Hotel, including the 1940s period.
 - b. The neon pole sign at the corner of Eucalyptus Lane and South Jameson Lane shall be retained at this location.
 - c. The sandstone entrance caps with "*Miramar*" incised in them shall be placed on square sandstone piers to match those in historic photographs, at the junction of Miramar Avenue and South Jameson Lane.
 - d. Prior to demolition, the kidney-shaped swimming pool, sandstone poolhouse, and Linen building shall be documented with large-format black and white photographs according to Santa Barbara County guidelines and the remaining buildings shall be documented with color photographs. These photographs shall be deposited in the Montecito Historic Committee archives, with a copy of the Preservation Planning Associates report (including Addenda).

Plan Requirements and Timing: Each requirement shall be noted on appropriate demolition/building plans. A plan detailing procedures to implement these requirements and providing for notice to Permit Compliance staff prior to any demolition/renovation of historic components shall be prepared by a P&D-approved historian and reviewed and approved by P&D prior to issuance of follow-on Land Use Permits for demolition/renovation of any historic structure. **MONITORING:** Permit Compliance shall site inspect to ensure adherence to the historic resources mitigation measures.

32. The following mitigation measures shall be implemented for all existing structures on the Miramar property, except for the Garden Rooms, Lanai Rooms, Oceanfront Rooms, and two garages, using the Secretary of the Interior's HABS (Historic American Buildings Survey)/HAER (Historic American Engineering Record) procedures and methods:
1. Photodocument the building and adjacent landscaping using large-format negatives (4"x5", 5"x7", or 8"x10" size). These photographs shall preserve a visual record of each structure and its setting. The documentation shall include photographs of each building's four elevations, as well as selected images of the each building's interior and the grounds.
 2. Prepare measured drawings of each building before its exterior or interior alteration or relocation.
 3. Submit written data on each building, including the history and description of each building (the detailed history and architectural descriptions in the historical reports prepared for the proposed project fulfill the requirements for written data) (Santa Barbara County Guidelines 1986, revised 1993: 18).

4. Additionally, the photographs, measured drawings, as well as a copy of all of the combined historical resource reports for the property, shall be archived at the Santa Barbara Historical Society's Gledhill Library for future use by researchers and members of the community.
5. Photographs and other memorabilia of the historic Miramar shall be placed on display in a prominent location on the property

Plan Requirements and Timing: An architectural historian shall be hired by the applicant to complete this mitigation measure. The applicant shall submit a copy of the package that is required to be archived at the Santa Barbara Historical Society's Gledhill Library for review by P&D and the County's Historic Landmarks Advisory Commission prior to issuance of follow-on Land Use Permits for demolition, grading, or construction of the proposed project. **MONITORING:** P&D and the Historic Landmarks Advisory Commission shall confirm that these measures are implemented prior to issuance of follow-on Land Use Permits.

Noise

33. Construction activity for site preparation and for future development shall be limited to the hours between 7:00 a.m. and 4:30 p.m., Monday through Friday. No construction shall occur on State holidays (e.g., Thanksgiving, Labor Day). Construction equipment maintenance shall be limited to the same hours. Non-noise-generating construction activities, such as interior painting, are not subject to these restrictions. The contractor or builder shall designate a person or persons to monitor noise-related restrictions and shall submit that designee's name and telephone number to P&D and the public. **Plan Requirements:** Two signs stating these restrictions shall be provided by the applicant and posted on site in locations visible to the public. In addition, specific written notification of the noise monitor's name, location, and telephone number shall be provided to the Director of the All Saints by the Sea pre-school and to neighboring residences within 300 feet of the project site. **Timing:** Signs shall be in place prior to beginning of and throughout grading and construction activities. Written notifications shall be mailed prior to issuance of follow-on Land Use Permits for grading and construction activities. Violations may result in suspension of permits.

MONITORING: Permit Compliance shall site inspect to ensure required signs are posted prior to and during construction. Building inspectors and Permit Compliance shall spot check and respond to complaints.

34. Demolition/construction activity within 100 feet of the All Saints by the Sea Church pre-school building and/or play deck area shall not occur when school is in session, as follows:
 - September-May: Mondays 8:30 a.m. to noon and Tuesday through Thursday 8:30 a.m. to 3:00 p.m.
 - June-July: Tuesday through Thursday, 9:30 a.m. to 12:30 p.m.

Non-noise-generating construction activities, such as interior painting, are not subject to these restrictions. **Plan Requirements:** These restrictions shall be provided by the applicant and posted onsite in locations visible to the public; they may be included on the signs required in mitigation measure # 1 above, or on a separate sign, but in either case shall be easily visible to patrons of the pre-school. The contractor or builder shall

designate a person to monitor this restriction and shall provide the name and telephone number of the designee to the Director of the All Saints by the Sea pre-school. **Timing:** Monitor information shall be provided and signs shall be in place prior to initiation of and throughout grading and construction activities. Violations may result in suspension of permits. **MONITORING:** Permit Compliance shall site inspect to ensure required signs are posted prior to and during construction. Applicant's designee shall respond to complaints/inquiries. Building inspectors and Permit Compliance shall spot check and respond to complaints.

35. Stationary construction equipment that generates noise that exceeds 65 dBA at the project boundaries, with the exception of the Torque Down 1275 pile equipment used at the Oceanfront units, shall be shielded to P&D's satisfaction and shall be located at a minimum of 100 feet from occupied residences and/or All Saints by the Sea Church pre-school. **Plan Requirements:** Equipment area(s) with appropriate acoustic shielding shall be designated on building and grading plans. **Timing:** Equipment and shielding shall remain in the designated location(s) throughout construction activities. **MONITORING:** Permit Compliance shall perform site inspections to ensure compliance and shall respond to complaints.
36. Motorized construction equipment, with the exception of the Torque Down 1275 pile equipment used at the Oceanfront units, shall not be allowed to idle for longer than five minutes within 100 feet of occupied residences and/or All Saints by the Sea Church pre-school without appropriate acoustical shielding in place. **Plan Requirements:** Temporary acoustical shielding shall be installed around construction equipment such that sound levels are less than 65 dBA CNEL at sensitive receptors. **Timing:** Shielding shall remain in the necessary location(s) throughout noise-generating construction activities. **MONITORING:** Applicant's designee shall promptly respond to complaints. Permit Compliance shall perform periodic site inspections to ensure compliance and shall respond to complaints.
37. Construction routes shall be limited to South Jameson Lane. The applicant shall provide all adjacent residents and All Saints by the Sea church and pre-school and Permit Compliance with a construction activity schedule and construction routes seven days in advance of construction activities. Any alterations or additions shall require seven-day prior notification. **Plan Requirements and Timing:** The applicant shall submit a copy of the activity schedule and mailing list to P&D at least seven days prior to initiation of any earth movement. **MONITORING:** Permit Compliance shall perform periodic site inspections to verify compliance with activity schedules and shall respond to complaints.
38. All construction techniques, recommendations and construction assumptions (e.g., exterior wall materials, roof, window, and door materials, etc.) presented in the Dudek Associates' November 2007 acoustical analyses regarding the proposed project shall be incorporated into the project design to reduce exterior noise to or below 65 dBA CNEL and interior noise of new structures to or below 45 dBA CNEL. **Plan Requirements and Timing:** Construction techniques and recommendations of the noise study shall be incorporated into the project design and detailed on building plans. P&D shall verify plans include these requirements prior to issuance of follow-on Land Use Permits for grading. **MONITORING:** Building inspectors shall ensure that all noise control measures have been implemented according to approved plans.

39. Follow-up noise measurements shall be taken by an acoustical engineer within the new guestrooms along South Jameson Lane to verify that indoor noise levels do not exceed 45 dBA CNEL. Exceedance of this standard will require that additional noise reduction measures be implemented. **Plan Requirements and Timing:** The survey shall be conducted after construction is complete and prior to occupancy clearance. A report documenting the survey results and prepared by an acoustical engineer shall be reviewed and approved by P&D prior to occupancy clearance. **MONITORING:** P&D shall ensure required sound levels have been achieved prior to signing off on occupancy clearance.
40. Amplified sound shall not be used at outdoor gatherings, including weddings, on hotel grounds. **Plan Requirements and Timing:** Prior to approval of occupancy for the renovated hotel, the applicant shall submit to P&D for review a copy of the notice to potential hotel guests or event organizers that amplified sound is not allowed for private outdoor functions. **MONITORING:** P&D shall review amplified sound notice prior to signing off on occupancy clearance and Permit Compliance shall respond to complaints regarding nighttime noise during hotel operations.
41. During pile-driving activities a temporary sound wall shall be erected between pile driving activities and adjacent noise-sensitive receptors. Temporary sound wall construction parameters presented in the Dudek Associates' March 14, 2008 noise study addendum regarding pile driving activities shall be incorporated into the wall design. **MONITORING:** Building inspectors shall ensure that the sound wall has been constructed according to parameters presented in the Dudek Associates' March 14, 2008 noise study addendum.
42. Off-site accommodation for residents in proximity to pile driving shall be provided during maximum noise-generating pile driving activities (at or exceeding 95 dB(A) at the source). The applicant shall work with neighbors to identify a time when pile-driving activities would cause minimal disruption. The applicant shall notify residents of properties located within 100 feet of pile driving activities a minimum of 14 days prior to the commencement of activities. The applicant shall provide a notice to residents within 100 feet of pile driving activities that off-site accommodation will be provided as necessary during maximum noise-generating pile driving activities and shall provide accommodation as requested. **Plan Requirements and Timing:** A copy of the resident notice shall be provided to P&D. Notices shall include specific written notification of the responsible name, location, and telephone number of the individual responsible for coordinating accommodations. **MONITORING:** Permit compliance shall document and review notices and shall respond to complaints.
43. The contractor shall develop and implement a Noise Compliance Enforcement Program and Public Information and Complaint Response Procedures as presented in the Dudek Associates' March 14, 2008 noise study addendum. **Plan Requirements and Timing:** A copy of the Public Information and Complaint Response Procedures shall be provided to P&D for review prior to grading and construction. The name and telephone number of the Noise Compliance Enforcement monitor shall be provided to P&D prior to grading and construction. **MONITORING:** Permit compliance shall document receipt of the procedures and the name and telephone number of the compliance enforcement monitor.

Public Facilities

44. The applicant shall implement a Public Works-approved Solid Waste Management Program (SWMP). **Plan Requirements:** The program shall include, but is not limited to the following measures:
- a. Provision of space and/or bins for storage of recyclable materials within the project site.
 - b. Implementation of a green waste source reduction program, including the chipping and spreading of landscaping materials.
 - c. Implementation of a curbside recycling program or participation in an existing program to serve the development.
 - d. Development of a Source Reduction Plan (SRP), describing the recommended program(s) and the estimated reduction of the solid waste disposed by the project. For example, the SRP may include a description of how fill will be used on the construction site, instead of landfilling, or a detailed set of office procedures such as use of duplex copy machines and purchase of office supplies with recycled content.
 - e. Implementation of a program to purchase materials that have recycled content for project construction and/or operation (i.e., plastic lumber, office supplies, etc.). The program could include requesting suppliers to show recycled materials content. Reports on materials purchased, recycled content, participation, and other available information shall be made to Permit Compliance annually.

Timing: The applicant shall initiate implementation of the approved Solid Waste Management Program prior to issuance of follow-on Land Use Permits for demolition. Program components shall be implemented prior to occupancy clearance and throughout the life of the project. **MONITORING:** P&D shall site inspect during construction, prior to occupancy, and after occupancy to ensure solid waste management components are established and implemented. P&D and Public Works shall review annual reports.

45. Demolition and/or excess construction materials shall be separated onsite for reuse/recycling or proper disposal (e.g., concrete asphalt). During grading and construction, separate bins for recycling of construction materials and plant material shall be provided onsite. **Plan Requirements:** This requirement shall be printed on the grading and construction plan. The hotel operator shall provide P&D with receipts for recycled materials or for separate bins. **Timing:** Materials shall be recycled as necessary throughout construction. **MONITORING:** P&D shall review receipts.
46. To prevent construction and/or employee trash from blowing offsite, covered receptacles shall be provided onsite prior to commencement of demolition or construction activities. Waste shall be picked up weekly or more frequently as directed by P&D staff. **Plan Requirements and Timing:** Prior to issuance of follow-on Land Use Permits for demolition/grading, the applicant shall designate and provide to P&D the name and telephone number of a contact person(s) to monitor trash/waste and organize a clean-up crew. Additional covered receptacles shall be provided as determined necessary by Permit Compliance staff. This requirement shall be noted on all plans. Trash control shall occur throughout all grading and construction activities. **MONITORING:** Permit Compliance shall inspect periodically throughout grading and construction activities.
47. The proposed SWMP shall be developed in association with County of Santa Barbara Public Works Solid Waste staff. **Plan Requirements and Timing:** SWMP shall be developed and approved by P&D and PW prior to issuance of follow-on Land Use Permits. **MONITORING:** County staff shall ensure receipt of approved SWMP.

Recreation

48. Access to the Miramar Hotel's visitor serving amenities (restaurant, spa, beach bar, and the beach) shall be open and non-exclusive down to the beach. **Plan Requirements and Timing:** Prior to approval of the first occupancy clearance for the renovated hotel, the applicant shall remove all existing "No Trespassing...", "Private Property..." and "Public Rights on Miramar Beach..." signs located throughout the site, and as identified on the Overall Signage and Lighting Plan. **MONITORING:** P&D shall perform a walk-through the hotel grounds to verify conformance with the approved Overall Signage and Lighting Plan prior to signing off on occupancy clearance. Permit Compliance shall respond to complaints regarding restricted access through the property.
49. Public pedestrian access easements shall be recorded in two alignments across the Miramar site: from South Jameson along the fire lane in the westerly portion of the site to the remaining Miramar Avenue right of way; and from South Jameson Lane, along the private access roadway running through the site between the Main Building and the Ballroom, to the boardwalk and thence to the beach. **Plan Requirements and Timing:** Easements, subject to review and approval by County Counsel, shall be recorded concurrent with the County's vacation of the north south segment of Miramar Avenue. **MONITORING:** P&D staff shall ensure recordation of the easements.
50. The applicant shall develop protocol for informing hotel guests and staff that street parking is for the public specifically to ensure that hotel guests and staff do not use the public parking spaces. **Plan Requirements and Timing:** Protocol shall be developed and presented to P&D in written form for review and approval prior to issuance of Land Use Permits. **Monitoring:** P&D staff shall ensure receipt of the protocol document.
51. The applicant shall submit their proposed signage plan marking public routes through the site to the beach to P&D for review and approval. **Plan Requirements and Timing:** Signage plan shall be provided to P&D and reviewed and approved prior to approval of Land Use Permits. **Monitoring:** P&D shall ensure receipt of plan.
52. **Parking Decal Program.** To prevent employees from parking in public spaces, parking decals, to be fixed on the windshield of all employee cars, shall be issued to all employees. Said decals shall be displayed at all times during employment. Additionally, the applicant shall develop a plan and be responsible for monitoring use of parking spaces along Eucalyptus Lane and South Jameson Lane to ensure that spaces remain available to the public and are not used by hotel guests or employees. Monitoring shall occur on weekend days throughout the year, during the week in the summer months (June 15 – September 15) and on all special event days. Monitoring report shall be submitted to the County annually from the date of final occupancy clearance and thereafter. 12-18 months after the beginning of operations, Planning & Development shall provide the monitoring reports to the Montecito Planning Commission (review to occur during Planning & Development Divisional Briefing on Administrative Agenda). **Plan Requirements and Timing:** The applicant shall submit the monitoring plan including the design and intended location of employee parking decals for P&D's review and approval prior to approval of land use permits. **Monitoring:** The County shall receive and file annual reports. P&D shall convey compliance reports to the Montecito Planning Commission at the 12-18 month review and return annually until the MPC determines that annual reporting is no longer necessary.

Transportation/Circulation

53. To reduce the potential for construction-related traffic to add to existing congested peak-hour traffic conditions in the vicinity of the project site, the following measures shall be implemented. **Plan Requirements and Timing:**
- a. Workers shall be directed to arrive at the worksite before 7:00 a.m. or after 8:30 a.m. and to depart before 2:30 p.m. or after 3:30 p.m.
 - b. Materials delivery trucks and large construction equipment, including dump trucks, not parked onsite overnight shall arrive at the site after 9:00 a.m. and depart before 4:00 p.m.
 - c. Equipment and delivery trucks shall minimize use of roadways within the Montecito area (i.e., use Highway 101 as much as possible) to access the work site.
 - d. Workers' vehicles, construction equipment, and/or delivery trucks shall park only in designated areas and not on public roadways (South Jameson Lane, Eucalyptus Lane, and Miramar Avenue), except as necessary to perform specific tasks. No construction-related vehicle or equipment shall be parked overnight on public roadways.
 - e. Work that causes delays and/or redirecting of local traffic shall not commence prior to 9:00 a.m. and shall not continue after 4:00 p.m.
 - f. The applicant shall designate a person located at the site to receive and respond to complaints from the public regarding traffic. This designee's name, office location, and telephone number shall be prominently displayed at the site throughout the construction. The applicant also shall provide this information in individual written notification sent to all residences within 1,600 feet of the hotel property, All Saints by the Sea Church and Pre-school, and P&D.

MONITORING: Permit Compliance shall periodically spot check and respond to complaints.

54. The applicant shall ensure that a traffic control monitor (flag person) is posted on public roadways as needed during construction. **Plan Requirements:** The monitor(s) shall direct traffic whenever heavy construction equipment is traversing and/or operating on or near South Jameson Lane, San Ysidro Road, north-south segment of Miramar Avenue, and Posilipo Lane, and any other time(s) and location(s) warranted to ensure public safety. **Timing:** The traffic monitor shall be posted throughout the demolition and construction periods, as necessary. **MONITORING:** Permit Compliance shall spot check during demolition and construction to verify traffic monitor(s) present as needed. The applicant's designee and Public Works, Roads Division shall respond to complaints.
55. A Final Miramar Parking Plan shall be provided. The Final Plan shall include all elements of the Draft Plan and shall also provide for a designated traffic coordinator, examples of notices to inform guests of parking procedures and locations, parking signage, an overall site parking exhibit and an exhibit indicating where additional on-site parking could be developed. The Final Miramar Parking Plan shall be implemented as approved. Additionally, the applicant shall prepare annual compliance report listing the total number of parking spaces used during all events (beach event, conferences, special events, etc.) which generate 500 cumulative patrons or more at any one time. The compliance report shall provide the date, type of event(s) and maximum number of parking spaces used during the event(s). 12-18 months after the beginning of operations, Planning &

Development shall provide the compliance report to the Montecito Planning Commission (review to occur during Planning & Development Divisional Briefing on Administrative Agenda). **Plan Requirements and Timing:** The Miramar Parking Plan shall be reviewed and approved by P&D and Public Works Transportation Division prior to approval of follow-on Land Use Permits. A review of the parking situation shall be made by the Planning Commission 12-18 months after occupancy of the site in order to determine the adequacy of the Parking Plan. Subsequent Planning Commission review may be necessary in order to determine peak season parking plan adequacy. If it is determined that the Miramar Parking Plan is inadequate to effectively park vehicles attributed to hotel activities, and upon a demonstrated need to require additional on-site parking spaces or reduce the number of patrons attending events, a change to the approved Development Plan shall be processed consistent with Section 35-174.10. *Substantial Conformity, Amendments and Revisions.* If it is determined that the valet-only parking approach is inadequate, such changes may include implementation of the self-parking alternative (146 spaces converted from valet to self-parking) as described and shown in sheets A2.01-M and A2.02-M in the project plans dated September 8, 2008 (attached to the October 8, 2008 staff report). All self-parking shall be free of charge with validation from the Hotel. **MONITORING:** Permit-Compliance and Public-Works, Roads Division Staff shall respond to complaints. P&D shall convey compliance reports to the Montecito Planning Commission at the 12-18 month review and return annually until the MPC determines that annual reporting is no longer necessary.

Water Resources/Flooding

56. Drainage shall be consistent with an approved Drainage Plan. Where drainage waters are discharged from the project site in a concentrated manner (e.g., streets, channels, culverts), such drainage shall be conveyed to established water courses in a non-erosive manner. **Plan Requirements:** The final Drainage Plan shall be submitted to P&D and Flood Control for review and approval. The plan shall include the following:
- a. Location(s) of all proposed pipelines, the entire length of all proposed pipelines, trees located within fifteen feet of the pipeline, pipe diameters, and locations where the pipe(s) would surface in or near the creek, and amount of water that would flow from each pipeline.
 - b.
 - c. Provision for openings in walls and curbs where they block flows that have historically passed through the area.
 - d. Elimination of flow under proposed structures.
 - e. Demonstration of positive drainage away from the exterior edge of new structures to reduce risk of water entry and oversaturation of the local earth materials.
 - f. Conveyance of all runoff water from impervious areas by bioswales and other methods which allow storm water infiltration or impervious conduits to existing drainages.
 - g. Provision of a French drain system to intercept and transport all excess subsurface fluids away from all building components including floor slabs and retaining walls that are to be placed below existing ground surface to an appropriate disposal site.
 - h. Provision for dewatering devices placed at least 18 inches below finish grade of the various components as appropriate.
 - i. Provisions for storm drain outlets to dissipate the energy flows and ensure minimal erosion during storm events, and to prevent children from entering the storm drain system. Storm drains and drainage inlets shall be sized for a peak 25-year runoff event. Minimum size for storm drains shall be 18 inches unless otherwise approved

by the Flood Control Engineer. Storm drains shall be covered with silt fence until landscaping or other suitable ground cover is in place.

- j. Provisions to install oil and grease traps in storm and drain inlets to prevent oil, silt and other debris from entering Oak Creek during construction and operations. Such temporary traps shall be maintained and cleaned out as necessary during construction (e.g., after storms). Permanent traps shall be maintained and cleaned out every spring and fall to prevent overflow situations and potential mosquito habitats from forming.
- k. Provisions to install temporary silt fencing or other barriers to ensure surface runoff continues to flow to the drainage inlet to Oak Creek during construction.
- l. Provisions to contain storm runoff from exposed surfaces onsite during grading and construction. Storm runoff shall be directed to the drainage inlet near Oak Creek.
- m. The Design energy and hydraulic grade lines shall be on the Improvement or Underground Storm Drain profiles. Junction losses are to be calculated by a momentum analysis. The 100-year Energy and Hydraulic Grade Line shall be shown on plans and profiles for open channel designs.
- n. Hydraulic data shall be included on engineering plans for all drainage channel, pipes, etc. as required by the Flood Control Engineer.
- o. Provisions for notifying the Flood Control District five working days in advance of storm drain and attendant auxiliary construction. (The District may periodically inspect during construction.) A note to this effect shall be placed on the drainage plans.
- p. Signature of a California Registered Civil Engineer.
- q. Provisions for the Flood Control District to review and approve in writing any significant design revisions to the approved Plans prior to construction of the proposed revisions.
- r. Provision for “as-built” plans to be submitted to the Flood Control District as soon as practical upon completion of construction.

Timing: The Drainage Plan shall be reviewed and approved by Flood Control and P&D prior to issuance of follow-on Land Use Permits for grading. Components of the Drainage Plan shall be implemented at appropriate times during the grading/construction phase and shall be completed prior to issuance of Land Use Permits for structures.

MONITORING: P&D and/or Flood Control shall site inspect during grading.

57. The applicant shall obtain a Drainage Improvement Certification Form from the Flood Control District. **Plan Requirements:** The District certification form requires that the California Registered Engineer certify that all drainage improvements (e.g. ditches, swales, channels, storm drains, drainage inlets, junctions, retention basins, revetment) were constructed in substantial conformance with the approved Plans. A note to this effect shall be placed on the plans. **Timing:** Certification shall be obtained prior to occupancy clearance. **MONITORING:** Permit Compliance shall verify certification prior to signing off on occupancy clearance.
58. Pursuant to County Ordinance 3898, the lowest finish floor elevation of all new structures, in habitable spaces, shall be at least two (2) feet above the 100-year water surface elevation or flood proofed in accordance with County Code 15A and 15B. **Plan Requirements:** Graded pads with slab on grade foundations shall be at least 1.5 feet above the 100-year water surface elevation, with finish floor 2 feet above the 100-year elevation. Finish floor elevations may be increased if deemed necessary by the Flood Control Engineer. Finish floor elevations or flood-proofed elevations shall be higher than overland escape of adjacent streets, bridges and other obstructions. **Timing:** Building plans shall be reviewed and approved by P&D and Flood Control prior to issuance of

follow-on Land Use Permits. **MONITORING:** Building inspectors shall site inspect during construction.

59. The applicant shall dedicate a flood control easement to the Flood Control District for maintenance purposes. **Plan Requirements:** Prior to issuance of follow-on Land Use Permits for grading, the applicant shall submit a map and description specifying the easement location subject to P&D and Flood Control approval. **Timing:** The easement shall be dedicated prior to occupancy clearance. **MONITORING:** Planning and Development shall confirm receipt of easement location prior to issuance of follow-on Land Use Permits for grading. Permit Compliance shall verify easement dedication prior to signing off on occupancy clearance.
60. The applicant shall submit proof of exemption or a copy of the Notice of Intent to obtain coverage under the Construction General Permit of the National Pollutant Discharge Elimination System issued by the California Regional Water Quality Control Board. **Plan Requirements and Timing:** Prior to issuance of follow-on Land Use Permits the applicant shall submit proof of exemption or a copy of the Notice of Intent and shall provide a copy of the required Storm Water Pollution Prevention Plan (SWPPP) to P&D. A copy of the SWPPP must be maintained on the project site during grading and construction activities. **MONITORING** P&D shall review the documentation prior to issuance of follow-on Land Use Permits. P&D shall site inspect during construction for compliance with the SWPPP.
61. The following measures and requirements shall be incorporated into the project Storm Water Pollution Prevention Plan (SWPPP). The SWPPP shall incorporate all feasible Best Management Practices (BMPs) to reduce erosion from construction activities, to prevent sediment in storm water discharges, and to minimize non-storm water pollutants at the project site to the maximum extent possible.
- a) The SWPPP shall include spill containment measures and communications and shall restrict road paving to dry weather.
 - b) Temporary stockpiles at the project site shall be protected from erosion by the combined use of surface stabilization, upslope runoff diversions, temporary berms around the perimeter, perimeter interceptor ditches, and temporary downstream catchments, as necessary and appropriate. Stockpiles that are present during the winter season (designated the following period for this project: November 1 to April 1) shall be protected from erosion due to direct precipitation or runoff during the winter by the use of surface stabilization (such as erosion control blankets or temporary seed cover) and perimeter berms and catchments.
 - c) BMPs to prevent discharge of construction materials, contaminants, washings, concrete, asphalt, fuels, and oils shall include the following measures:
 - i. All fuel, lubricants, paints and other construction liquids shall be placed in secured and covered containers within a bermed or otherwise contained area at least 200 feet from the creek.
 - ii. Refueling shall only occur in bermed areas with impermeable surfaces at least 200 feet from the creek or ocean.

- iii. Implement measures and provide materials to contain any accidental spills or leakage during the fueling of construction equipment at the site.
 - iv. Equipment washing and major maintenance at the project site, except for washdown of vehicles to remove dirt, shall be prohibited.
 - v. Ensure that all construction vehicles and equipment that enter the construction and grading areas are properly maintained (off-site) to prevent leaks of fuel, oil and other vehicle fluids
 - vi. All refuse and construction debris shall be removed from the site as soon as possible.
- d) Two weeks or more prior to the beginning of the winter season (designated November 1 for this project) erosion control BMPs shall be installed at the site in anticipation of rain events. Due to the extensive area and volume to be graded at the project site and the proximity of the creek, erosion control measures shall include more than the placement of silt fences. Additional controls shall include other-BMPs that are equally or more effective; and that provide redundancy, such as temporary grass cover, interceptor ditches, coconut fiber rolls, erosion control mats, and temporary catchment basins.
- e) All entrances/exits to the construction site shall be stabilized (e.g. using rumble plates, gravel beds or other best available technology) to reduce transport of sediment off site. Any sediment or other materials tracked off site shall be removed the same day as they are tracked using dry cleaning methods.
- f) All storm drain or other drainage inlets shall be protected from sediment-laden waters by the use of inlet protection devices such as gravel bag barriers, filter fabric fences, block and gravel filters, and excavated inlet sediment traps.
- g) Sediment control measures shall be maintained for the duration of the project and until graded areas have been stabilized by structures, long-term erosion control measures or vegetation.

Plan Requirements and Timing: These measures shall be included in the required SWPPP. P&D and the Water Agency shall ensure that the SWPPP contains these measures. This condition shall be shown on all project plans prior to issuance of follow-on Land Use Permits, and shall be included in all specifications and bid packages for the project contract. **Monitoring:** P&D staff shall check plans prior to issuance of follow-on Land Use Permits. The applicant shall provide a copy of the draft and final SWPPP after their preparation and prior to implementation of any project activities.

General Conditions of Approval

- 62. To address parking concerns, a normal limit of up to 500 persons at any one time may attend functions. Special events of up to 600 persons may occur a maximum of 12 times per year.
- 63. Outdoor events at the ballroom shall conclude by 10:30 pm.
- 64. Weddings on the sandy beach shall be limited to the ceremony only, which must be 60 minutes or less in length, and no more than 100 people in attendance.

65. The new beach bar shall close no later than 12 am (midnight). The last meals served in the beach bar would be served approximately one-half hour before closing.
66. **Beach & Tennis Club Membership Phasing.** The Beach & Tennis Club memberships shall be 200 individuals or families upon occupancy (i.e. a couple would have one membership as would a couple and their children living at home). **Plan Requirements and Timing:** A review of the Beach & Tennis Club operations shall be made by the Montecito Planning Commission 12-18 months after occupancy in order to determine the adequacy of the site (i.e. with respect to circulation, parking and intensity of use) to host additional Beach & Tennis Club memberships. If it is determined by the Montecito Planning Commission that the Beach & Tennis Club is operating adequately and the site is capable of operating with additional memberships, the number of members may be increased, but shall not exceed a maximum of 300 individuals or families. **Monitoring:** P&D shall review the Beach & Tennis Club operations in conjunction with the annual reports required for parking and events and report to the Montecito Planning Commission annually until the MPC determines that annual reporting is no longer necessary.
67. ~~New buildings shall not be constructed over legal parcel lines. Prior to issuance of follow-on Land Use Permits to allow construction of the ballroom, if it is determined that APN 009-371-003 is a legally created lot, it shall be combined with 009-371-004 through a process acceptable to the County Surveyor (i.e. merger, reversion to acreage, etc.). If it is determined that the antiquated parcel lines on either side of Miramar Avenue represent separate legal lots, these too shall be combined prior to the issuance of a CDP for a new or relocated structure over any of these lines.~~
68. Prior to the issuance of the first Land Use Permit for demolition or grading, the owner shall sign and record an Agreement to Comply with the project description and all conditions of approval.
69. All applicable final conditions of shall be printed in their entirety on applicable pages of grading/construction or building plans submitted to P&D or Building and Safety Division. These shall be graphically illustrated where feasible.
70. The applicant shall ensure that the project complies with all approved plans and all project conditions including those which must be monitored after the project is built and occupied. To accomplish this, the applicant agrees to:
 - Contact P&D compliance staff as soon as possible after project approval to provide the name and phone number of the future contact person for the project and give estimated dates for future project activities.
 - Contact P&D compliance staff at least two weeks prior to commencement of construction activities to schedule an on-site pre-construction meeting with the owner, compliance staff, other agency personnel and with key construction personnel.
 - Pay fees prior to issuance of follow-on Land Use Permits as authorized under ordinance and fee schedules to cover full costs of monitoring as described above, including costs for P&D to hire and manage outside consultants when deemed necessary by P&D staff (e.g. non-compliance situations, special monitoring needed for sensitive areas including but not limited to biologists, archaeologists) to assess damage and/or ensure compliance. In such cases, the applicant shall comply with P&D recommendations to bring the project into compliance. The decision of the Director of P&D shall be final in the event of a dispute.

71. Prior to issuance of the first Land Use Permit for demolition or grading, the applicant shall pay all applicable P&D permit processing fees in full.
72. Any change of use in any of the Miramar Beach Resort and Bungalows Project buildings or structures shall be subject to environmental analysis and appropriate review by the County including building code compliance.
73. Approval of the Development Plan shall expire five (5) years after final decision maker approval, unless prior to the expiration date, substantial physical construction has been completed on the development or a time extension has been applied for by the applicant.
74. No permits for development, including grading, shall be issued except in conformance with the approved Final Development Plan. The size, shape, arrangement, use, and location of buildings, walkways, parking areas, and landscaped areas shall be developed in conformity with the approved development plan marked Montecito Planning Commission Exhibit October 8, 2008. Any increase in structural square footage that results in an increase of 1,000 square feet or more than 10 percent of building coverage of a particular structure (over October 8, 2008 project approvals), whichever is less, shall be reviewed and approved by the Montecito Planning Commission at a regularly noticed public hearing.
75. On the date a subsequent Preliminary or Final Development Plan is approved for this site, any previously approved but unbuilt plans shall become null and void.
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. Mitigation fees shall be those in effect at the time of issuance of follow-on Land Use Permits.
77. Developer shall defend, indemnify and hold harmless the County or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of the Development Plan, Conditional Use Permits, and Coastal Development Permit. In the event that the County fails promptly to notify the applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.
78. In the event that any condition imposing a fee, exaction, dedication or other mitigation measure is challenged by the project sponsors in an action filed in a court of law or threatened to be filed therein which action is brought within the time period provided for by law, this approval shall be suspended pending dismissal of such action, the expiration of the limitation period applicable to such action, or final resolution of such action. If any condition is invalidated by a court of law, the entire project shall be reviewed by the County and substitute conditions may be imposed.
79. To reduce the potential for ballroom-related traffic to add to existing congested peak-hour traffic conditions in the vicinity of the project site, ballroom events expected to draw over 200 patrons from the local community shall not occur prior to 9:30 a.m. weekday mornings. **MONITORING:** Permit Compliance shall periodically spot check and respond to complaints.

80. The applicant shall work with the neighbors in the hedgerow district and with Caltrans to develop a noise mitigation plan, including, but not limited to sound walls along this area's frontage along U.S. Hwy. 101.
81. Prior to the issuance of the Coastal Development Permit, 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.
82. The project shall receive express authorization from the UPRR to construct improvements in its right of way prior to issuance of the first LUP granted for the proposed project.
83. A review of the Beach Bar's hours of operations shall be made by the Montecito Planning Commission 12-18 months after occupancy in order to determine the compatibility of the Beach Bar' hours of operation with the residential character of the area. Subsequent Montecito Planning Commission review may be necessary in order to determine peak season beach bar hours of operation. If it is determined that the Beach Bar hours of operation are incompatible with the neighborhood and should be shortened, a change to the approved Development Plan shall be processed consistent with Section 35-174.10. *Substantial Conformity, Amendments and Revisions. Monitoring:* Permit Compliance Staff shall respond to complaints.⁴
84. **Review of Events.** The applicant shall prepare a compliance report listing the number of events including normal and special events, fundraisers and conference groups using the Miramar Resort Hotel site on an annual basis. The compliance report shall provide the date, type (beach event, conference, normal or special event, etc.) and hours of the event, number of people in attendance and the number of employees working at the site for each event. 12-18 months after the beginning of operations, Planning & Development shall provide the compliance report to the Montecito Planning Commission (review to occur during Planning & Development Divisional Briefing on Administrative Agenda). **Plan Requirements and Timing:** The compliance reports shall include information quantifying the number of events per day over the course of the previous 12-18 months as specified above. **Monitoring:** P&D shall review the compliance reports in conjunction with the annual reports required for parking and report to the Montecito Planning

⁴ Condition no. 83 was included with the July 16, 2008 staff report but was attached to condition no. 78 and therefore did not have an independent identity. The intent of Condition no. 83 has not been changed. It has simply been separated from condition no. 78 and given a unique number.

Commission annually until the MPC determines that annual reporting is no longer necessary.

85. Prior to removal, photo documentation of the cottages, poolside rooms and associated buildings 'in situ' shall occur pursuant to the County's standards as outlined in Condition No. 32. The owner shall make available for 90 days from the date of final discretionary approval of the project, any cottage(s) or the poolside rooms for removal and relocation to any individual or organization proposing to rehabilitate said structure(s). All costs and liability for transportation and removal, including any necessary permits shall be the sole responsibility of the individual or organization seeking relocation and reuse of the structure(s). **Plan Requirements and Timing:** Notice of availability of structures shall be provided in local newspaper, notice on site and other public outreach efforts to the community by the applicant. The applicant shall document such effort with the County prior to the approval of the follow-on Land Use Permit.
86. **Relocation of Laundry Operations.** Excessive water consumption by Hotel operations during a declared water shortage emergency could exacerbate the ongoing water supply/demand imbalance within the Montecito Water District. If the Montecito Water District declares a water shortage emergency, laundry operations shall be relocated to an offsite facility (or contractor) outside the Montecito Water District service boundaries. **Plan Requirements and Timing:** For the life of the project, if the Montecito Water District declares a water shortage emergency, laundry operations shall be relocated to an offsite facility (or contractor) outside the Montecito Water District service boundaries. Limited laundry operations (i.e. unforeseen circumstances, emergencies, etc.) up to 10% of total laundry operations could continue to be undertaken onsite. Onsite laundry operations could be restored to full operation once the Montecito Water District ends its declaration of the water shortage emergency subject to P&D approval. **Monitoring:** P&D shall verify that the District has declared a water shortage emergency and ensure that the offsite facility (or contractor) is located outside the Montecito Water District service boundaries.
87. The design, scale, and character of the project architecture and landscaping shall be compatible with the "Cottage Type Hotel" tradition as discussed in Montecito Community Plan Policy LUC-M-1.6 including the refined description as follows:

A "Cottage-Type" hotel is a collection of one and two story-building structures that vary in size and orientation. Placement and scale of buildings should be in a garden-type setting with large canopy trees. Site should be pedestrian friendly.

"Cottage-Type" hotel buildings refer to a quaint architectural style and can be California Cottage and Bungalow or an architectural style reflecting the historical regional California coast. Architectural vernacular should incorporate low-sloped roofs with gables and/or hips, residentially scaled plate heights, overhangs and eaves; casement, double-hung or fixed windows or French doors with divided lights, porches and/or trellis; exterior walls of masonry, plaster, stone and/or wood siding (or other simulated materials).

Plan Requirements and Timing: Prior to further review by the Montecito Board of Architectural Review (MBAR), the applicant shall return to the Montecito Planning Commission for review and approval of the project plan's consistency with the definition of "Cottage Type Hotel". The applicant shall submit the final architectural and landscape drawings of the project for review and approval by the Montecito Board of Architectural Review prior to issuance of follow-on Land Use Permits. Such plans shall be consistent

with the definition of "Cottage Type Hotel" as described by the Montecito Planning Commission.

88. A turnaround consistent with County Public Works Roads standards shall be constructed in the area of the service driveway. Appropriate signage shall be provided to direct traffic. Turnaround signage shall be reviewed and approved by P&D and County Public Works Roads Division and reviewed in conjunction with the overall sign plan.

Michelle Gibbs, Project Planner
County of Santa Barbara
Planning & Development, South County
123 E. Anapamu Street
Santa Barbara, CA 93101

RE: Miramar Resort Project (Case Nos. 07RVP-00000-00009, 07CUP-00000-00045, 07CUP-00000-00046, 07CUP-00000-00047 and 08CUP-00000-00005): Recommended Conditions of Approval

Dear Michelle:

The Santa Barbara County Air Pollution Control District (APCD) recommends the following conditions of approval for this hotel/resort redevelopment project, consistent with the CEQA 15164 Addendum to Negative Declaration 00-ND-03, dated April 1, 2008. Please note, that in general all APCD Rules and Regulations that are applicable to this project must be followed.

1. During the construction period, the following fugitive dust control measures are required for all projects involving earthmoving activities regardless of the project size or duration. Proper implementation of these measures is assumed to fully mitigate fugitive dust emissions.
 - During construction, use water trucks or sprinkler systems to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this should include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency should be required whenever the wind speed exceeds 15 mph. Reclaimed water should be used whenever possible; however, reclaimed water should not be used in or around crops grown for human consumption.
 - Minimize amount of disturbed area and reduce on site vehicle speeds to 15 miles per hour or less.
 - If importation, exportation and stockpiling of fill material is involved, soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation. Trucks transporting fill material to and from the site shall be tarped from the point of origin.
 - Gravel pads shall be installed at all access points to prevent tracking of mud onto public roads.
 - After clearing, grading, earth moving or excavation is completed, treat the disturbed area by watering, or revegetating, or by spreading soil binders until the area is paved or otherwise developed so that dust generation will not occur.

- The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the Air Pollution Control District prior to land use clearance for map recordation and land use clearance for finish grading of the structure.
- Prior to land use clearance, the applicant shall include, as a note on a separate information sheet to be recorded with map, these dust control requirements. All requirements shall be shown on grading and building plans.

Plan Requirements/Timing: The applicant shall include these measures as notes on the grading and building plans that shall be reviewed and approved prior to issuance of Coastal Development Permits for grading or structural development. These measures shall be implemented during and after project construction as appropriate.

MONITORING: P&D shall ensure that these measures are on the plans. Permit compliance staff shall perform periodic equipment inspections and respond to nuisance complaints.

2. During project grading and construction and hauling, construction contracts must specify that construction contractors shall adhere to the following requirements to reduce emissions of ozone precursors and particulate emissions from diesel exhaust, which are classified as carcinogenic by the State of California.
 - Heavy-duty diesel-powered construction equipment manufactured after 1996 (with federally mandated "clean" diesel engines) shall be utilized.
 - The engine size of construction equipment shall be the minimum practical size.
 - The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time.
 - Construction equipment shall be maintained in tune per the manufacturer's specifications.
 - Construction equipment operating onsite shall be equipped with two to four degree engine timing retard or pre-combustion chamber engines.
 - Catalytic converters shall be installed on gasoline-powered equipment, if feasible.
 - Diesel catalytic converters, diesel oxidation catalysts and diesel particulate filters as certified and/or verified by EPA or California shall be installed.
 - Diesel powered equipment should be replaced by electric equipment whenever feasible.
 - Idling of heavy-duty diesel trucks during loading and unloading shall be limited to five minutes; auxiliary power units should be used whenever possible.
 - Construction worker trips should be minimized by requiring carpooling and by providing for lunch onsite.

- In accordance with APCD Rule 323, low volatile organic compound (VOC) architectural coatings shall be used.

Plan Requirements/Timing: The applicant shall include these measures as notes on the grading and building plans that shall be reviewed and approved prior to issuance of Coastal Development Permits for grading or structural development. These measures shall be implemented during and after project construction as appropriate.

MONITORING: P&D shall ensure that these measures are on the plans. Permit compliance staff shall perform periodic equipment inspections and respond to nuisance complaints.

3. The applicant shall obtain individual permits from the APCD for the proposed 500 kW emergency generator and shall consult with the APCD to determine if individual permits are required for the proposed boilers as well. APCD permits are required for any individual unit of grouping of units rated over 2.0 MMBtu/hr.

Plan Requirements/Timing: Permits shall be obtained from APCD and copies of the permits provided to P&D prior to issuance of Coastal Development Permits for the project.

MONITORING: P&D shall confirm that permits have been obtained prior to issuance of Coastal Development Permits for the project.

4. The following energy-conserving techniques should be incorporated into the project.
 - Installation of low NO_x residential water heaters.
 - Use of natural lighting where feasible.
 - Installation of energy efficient appliances.
 - Installation of energy efficient lighting.

Plan Requirements and Timing: The applicant should incorporate the listed provisions into building and improvement plans prior to issuance of Coastal Development Permits.

MONITORING: Building and Safety shall site inspect to ensure development is in accordance with approved plans prior to occupancy clearance.

5. At all times, idling of heavy-duty diesel trucks during loading and unloading must be limited to five minutes; auxiliary power units should be used whenever possible. State law requires that drivers of diesel-fueled commercial vehicles weighing more than 10,000 pounds:

- a. shall not idle the vehicle's primary diesel engine for greater than 5 minutes at any location
- b. shall not idle a diesel-fueled auxiliary power system (APS) for more than 5 minutes to power a heater, air conditioner, or any ancillary equipment on the vehicle if you have a sleeper berth and you're within 100 feet of a restricted area (homes and schools).

Plan Requirements and Timing: The applicant should incorporate the listed provisions

into building and improvement plans and hotel operations prior to issuance of Coastal Development Permits.

MONITORING: Building and Safety shall site inspect to ensure development is in accordance with approved plans prior to occupancy clearance.

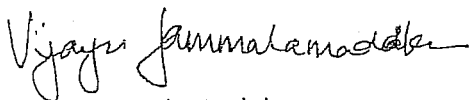
6. Global climate change is a growing concern that needs to be addressed and mitigated. The project participates in this potential impact through its incremental contribution combined with the cumulative increase of all other sources of greenhouse gases. Therefore, we strongly recommend all feasible mitigation measures under long-term impacts. At a minimum, the project should include mitigations to reduce emissions of greenhouse gases by:
- Incorporating green building technologies;
 - Increasing energy efficiency at least 20% beyond Title 24 requirements;
 - Increasing recycling goals (e.g., separate waste and recycling receptacles); and
 - Increasing landscaping (shade trees decrease energy requirements and also provide carbon storage.)

Plan Requirements and Timing: The applicant should incorporate the listed provisions into building and improvement plans and hotel operations prior to issuance of Coastal Development Permits.

MONITORING: Building and Safety shall site inspect to ensure development is in accordance with approved plans prior to occupancy clearance.

Please contact me by phone at 961-8893, or by e-mail: VLJ@sbcapcd.org if you have questions.

Sincerely,



Vijaya Jammalamadaka
Air Quality Specialist
Technology and Environmental Assessment Division

cc: Brian Shafritz, APCD
Project File
TEA Chron File

Santa Barbara County
PUBLIC Health
DEPARTMENT

Environmental Health Services

2125 S. Centerpointe Pkwy., #333 • Santa Maria, CA 93455-1340
805/346-8460 • FAX 805/346-8485

Elliot Schulman, MD, MPH *Health Officer/Director*
Michelle Mickiewicz, *Deputy Director*
Rick Merrifield, *Environmental Health Director*

TO: Michelle Gibbs, Planner
Planning & Development Department
Development Review Division

FROM: Paul Jenzen
Environmental Health Services

DATE: May 13, 2008

SUBJECT: Case No. 07RVP-00000-00009, 07CUP-00000-00047 Montecito Area

Applicant: Rick Caruso, Caruso Affiliated
101 The Grove Drive
Los Angeles, CA. 90036

Property Location: Assessor's Parcel No. 009-333-010; 009-371-007; 009-372-001; 009-371-003; 339-345-003; 009-345-031, zoned C-V, REC and TC, located at 1555 South Jameson Lane.

Case No. 07RVP-00000-00009, CUP-00000-00047 represents a request to redevelop the Miramar Hotel with all new buildings of 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; 209 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; all existing buildings will be demolished.

Domestic water supply is proposed to be provided by the Montecito Water District. Because the project may impact the community water system, the Montecito Water District will need to review the proposal and indicate in writing that it will serve the project.

Sewage disposal is proposed to be provided by the Montecito Sanitary District. The Montecito Sanitary District will also need to review the proposal and indicate in writing that it will serve the proposed project.

Providing the Planning Commission grants approval of the applicant's request, Environmental Health Services recommends the following be included as Conditions of Approval:

1. Prior to Zoning Clearance, the Montecito Water District and the Montecito Sanitary District shall indicate in writing that the proposed project will be served.

2. Prior to the Issuance of a Building Permit, construction plans for any swimming pool or spa pool and any necessary rest room and pool related facilities shall be reviewed and approved by Environmental Health Services.
3. Prior to Issuance of a Building Permit, Environmental Health Services shall review and approve the plans and specifications for the proposed food facilities and related facilities.
4. Prior to Issuance of a Building Permit, the abandonment of the existing well shall be completed under permit and inspection by Environmental Health Services. Additionally, the proposed new agricultural well shall be completed under permit and inspection by Environmental Health Services.
5. Prior to the Issuance of a Building Permit, if additional backflow prevention devices are required, the method of backflow protection for the domestic water supply system shall be specified and approved by the Montecito Water District.



Paul Jenzen, R.E.H.S.
Senior Environmental Health Specialist

cc: Applicant
Agent, Dudek, Ken Marshall, 621 Chapala Street, Santa Barbara, CA. 93105
Montecito Water District
Montecito Sanitary District
Mike Zimmer, Planning & Development Dept, Building Div., Santa Barbara
Gustavo Guerrero, Environmental Health Services



MONTECITO FIRE PROTECTION DISTRICT

595 San Ysidro Road • Santa Barbara, California 93108 • (805) 969-7762 • FAX (805) 969-3598

June 13, 2008

Mr. David Ward
Planning & Development
County of Santa Barbara
123 E. Anapamu St.
Santa Barbara, CA 93101

sent via facsimile: 568-2030

RECEIVED

JUN 17 2008

S.B. COUNTY
PLANNING & DEVELOPMENT

Re: Miramar Reach Resort & Bungalows

Dear Mr. Ward,

I have asked to clarify my comments from a letter, dated May 16, 2008, to Ms. Michelle Gibbs, formerly from your agency. Fortunately, there have been some further discoveries with regards to infrastructure availability and the project's demands upon that infrastructure since that letter was written. I would hope that this correspondence makes it clear as to where things stand regarding the Fire District's requirements for this proposed project at the present time.

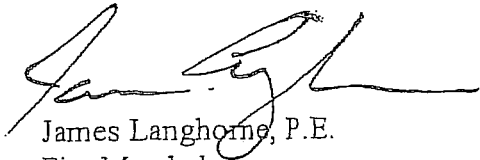
Caruso Affiliated has provided me with a draft of a study initiated by Brian Hagglund, P.E., of Schirmer Engineering Corporation, which proposes an interpretation of the water flow requirements for the proposed podium design of the main building complex. Though interpretations of the applicable code language tend to vary widely between design professionals and code officials, the project applicant has been advised that the District will accept the determinations provided by a completed fire flow study bearing the valid stamp of a State of California licensed Fire Protection Engineer. The Fire District awaits that completed study.

Penfield & Smith Engineers has commissioned the Montecito Water District (MWD) to conduct hydrant flow tests from the existing MWD mains which are most proximate to the proposed project site. This just completed Water District analysis revealed that recent water main improvements have resulted in significant flow increases well beyond that which the MWD had previously deemed available to the project site. This new information should allow the project applicant to design and propose those further water delivery infrastructure improvements necessary to meet the Fire District's flow requirements for the applicant's proposed array of buildings.

As referenced in the Fire District's conditions letter, dated April 6, 2000, a fundamental requirement for the previously approved Schrage plan was the installation of automatic fire sprinklers within all structures proposed for the project. It is the Fire District's expectation that, given the limited emergency access for this site, all structures proposed within this project will be fitted with fire sprinklers also.

The Fire District continues to support the site emergency access plan as is presently proposed by the project applicant. This plan includes both all-weather roadways suitable for the Fire District's apparatus and designated ground laddering areas suitable for immediate roof access for Fire District personnel.

Sincerely,

A handwritten signature in black ink, appearing to read 'James Langhorne', written in a cursive style.

James Langhorne, P.E.
Fire Marshal



RECEIVED
JUN 30 2008
S.B. COUNTY
PLANNING & DEVELOPMENT

Santa Barbara County Public Works Department
Flood Control & Water Agency

June 26, 2008

Planning Commission
County of Santa Barbara
Planning & Development Department
123 East Anapamu Street
Santa Barbara, CA 93101

Re: **Miramar Hotel, 07DVP-00000-00017**

Dear Commissioners:

The District recommends that approval of the above referenced project be subject to the following conditions:

1. General

- a. The applicant shall comply with the Santa Barbara County Flood Control District Standard Conditions of Approval dated November 2007 (www.countyofsb.org/pwd/water/downloads/StdCond_PlnApproval.pdf).
- b. The applicant shall provide a site plan of the proposed development following the guidelines provided in the Standard Conditions of Approval.

2. Prior to Issuance of Permits

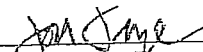
- a. The applicant shall submit all improvement plans, grading plans, drainage plans, drainage studies and landscape plans to the District for review and approval.
- b. The applicant shall acquire and submit all required data, forms and certifications as described in the Standard Conditions of Approval.
- c. All proposed development shall have finish floors elevated a minimum of two feet above the 100-year Base Flood Elevation (BFE) as determined from FEMA's most current Flood Insurance Study (FIS).
- d. Below-grade parking shall conform to the requirements of FEMA Technical Bulletin 6-93. A completed Floodproofing Certificate for Non-residential Structures (FEMA Form 81-65, <http://www.fema.gov/pdf/nfip/manual200610/08cert.pdf>) is required for all such buildings located within a Special Flood Hazard Area.
- e. Post-development peak discharge rate shall not exceed the pre-development rate.

- f. Development located within V-zones (Coastal High Hazard Areas) shall conform to the requirements listed in Section 15A-22, "Coastal High Hazard Areas" of the County Floodplain Management Ordinance (attached).
 - g. Development located within V-zones (Coastal High Hazard Areas) shall follow the recommendations presented in the guidance document "Coastal Construction Manual" published by the Federal Emergency Management Agency.
(http://www.fema.gov/pdf/rebuild/mat/fema499/hgcc_fact05.pdf).
 - h. A registered civil engineer or architect shall certify that the design and methods of construction to be used are in accordance with said Ordinance and FEMA guidance document.
 - i. The base flood level is elevation 11 feet (NGVD Datum).
 - j. Utilities for new or substantially improved structures shall be elevated above 11 feet (NGVD Datum) or be designed to eliminate infiltration of flood waters into the system.
 - k. The applicant shall sign the Agreement for Payment of Plan Check Fees (attached to the Standard Conditions of Approval) and pay the appropriate plan check fee deposit at the time of the initial submittal of maps, plans and studies.
 - l. If necessary, the applicant shall sign and return the Maintenance Agreement (Owner's Agreement).
 - m. The applicant shall submit to the District electronic drawings in PDF format of the approved grading plans, improvement plans, drainage plans, drainage studies and landscape plans on a compact disc along with one hard copy of each.
3. Prior to Occupancy Clearance
- a. The engineer of record shall submit a Drainage Improvement Certification (attached to the Standard Conditions of Approval).
 - b. The applicant shall submit an elevation certificate prepared by a licensed land surveyor, which indicates that the lowest horizontal portion of the structural members of the lowest floor (excluding the pilings or columns) is elevated to 11 feet (NGVD Datum).
 - c. The applicant shall submit a Project Summary Report in PDF format to the District.
 - d. The applicant shall submit an Elevation Certificate (FEMA Form 81-31) to the District's Floodplain Manager for all lots located within a Special Flood Hazard Area.

Sincerely,

SANTA BARBARA COUNTY FLOOD CONTROL & WATER CONSERVATION
DISTRICT

By: _____


Jonathan S. Frye

Engineering Manager

cc: Anne Almy, County Planning & Development Department
Rick Caruso, Caruso Affiliated, 101 The Grove Drive, Los Angeles, CA 90036
Don E. Donaldson, Penfield & Smith, 111 East Victoria Street, Santa Barbara, CA 93101

Attachment: Section 15A-22, "Coastal High Hazard Areas" of the County Floodplain
Management Ordinance

CHAPTER 15A FLOODPLAIN MANAGEMENT

Sec. 15A-22. Coastal high hazard areas.

Within coastal high hazard areas established in section 15A-7, the following standards shall apply:

- (a) All new construction, substantial improvement and other proposed new development shall be elevated on adequately anchored pilings or columns and securely anchored to such pilings or columns so that the lowest horizontal portion of the structural members of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood level. The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable state or local building standards.
- (b) All new construction, shall be located landward of the reach of mean high tide.
- (c) All new construction, substantial improvement and other proposed new development shall have the space below the lowest floor free of obstructions or constructed with breakaway walls as defined in section 15A-5 of this chapter. Such enclosed space shall not be used for human habitation and will be useable solely for parking of vehicles or building-access.
- (d) Fill shall not be used for structural support of buildings.
- (e) Man-made alteration of sand dunes which would increase potential flood damage is prohibited.
- (f) The floodplain administrator shall obtain and maintain the following records:
 - (1) Certification by a registered engineer or architect that a proposed structure complies with subsection (a) of this section.
 - (2) The elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings or columns) of all new and substantially improved structures, and whether such structures contain a basement. (Ord. No. 3898, § 1)

JUNTY OF SANTA BARBARA
PUBLIC WORKS DEPARTMENT
123 East Anapamu Street
Santa Barbara, California 93101
805/568-3232 FAX 805/568-3222



June 30, 2008

TO: Anne Almy, Planner
Development Review

FROM: William Robertson, Transportation Planner
Public Works, Transportation Division

SUBJECT: Conditions of Approval (9 pages)
Miramar Beach Resort and Bungalows Project
07RVP-00000-00009, 07CUP-00000-00045, 07CUP-00000-00046, 07CUP-00000-00047,
08CUP-00000-00005, 08GOV-00000-00017, 08CDP-00000-000054
APN: 009-371-004, 009-371-003, 009-372-001, 009-333-010, and 009-010-002
1555 S. Jameson Lane, Montecito

Traffic Mitigation Fees

1. Pursuant to Ordinance No. 4270 regarding Transportation Impact Fees, the applicant will be required to pay a fee for each new peak hour trip (PHT), for the purpose of funding transportation facilities within the Unincorporated Planning Area of the County.

Based on the current fee schedule, the total estimated fee for the proposed project is \$10,698 (6 new P.M. PHT's x \$1,783 Traffic Fee). Fees are due prior to land use clearance and shall be based on the fee schedule in effect when paid. This office will not accept payment or process a check received prior to project approval.

Fees are payable to the County of Santa Barbara, and may be paid in person or mailed to: Santa Barbara County Transportation Division, 123 E. Anapamu St., 2nd Floor, Santa Barbara, CA 93101 or Santa Barbara County Transportation Division North, 620 West Foster Road, Santa Maria, CA 93455. Please phone this office prior to payment if unsure as to the final fee required.

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Standard Conditions of Approval

- 2. The applicant shall comply with all Standard Conditions for Tentative Tract Map Approval, dated January 1991 (attached).

Sight Distance

- 3. Prior to land use clearance, the developer shall design, and prior to occupancy, the developer shall provide intersection sight distance in a manner acceptable to the Department of Public Works Traffic Section.

When the criteria for sight distances cannot be met, the County may prohibit vehicle turning movements, require speed change lanes or require additional speed change lane lengths.

Driveways/Drive Aisles

- 4. Prior to land use clearance, the developer shall design, and prior to occupancy the developer shall construct, all site ingress and egress points in a manner acceptable to the Department of Public Works Traffic Section. All driveway accesses shall be improved to include all necessary pavement or cross gutters to match adjacent improvements as required by the Department of Public Works Traffic and Permit Sections.

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Street Sections/Pavement Traffic Index

- 5. Prior to land use clearance or tract/parcel map approval, the developer shall design, and prior to occupancy, the developer shall construct pavement for all roadwork based on the appropriate road detail provided in the Santa Barbara County Engineering Design Standards. All designs and/or modifications shall be reviewed and approved by the Department of Public Works Traffic Section.

- 6. Prior to recordation of the Final Map or Zoning Clearance, the applicant shall engineer and post a surety acceptable to County Counsel for the construction of standard concrete curb, gutter, ADA compliant walkways and up to 18 feet of matching asphalt paving for all proposed public roads and applicable project frontages. Improvements shall be based on the appropriate road detail provided in the Santa Barbara County Engineering Design Standards and shall include any necessary off-site transitions. Sidewalks shall be a minimum of 10 feet within commercial zones.

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7. Prior to land use clearance, improvement plans shall include the following items, designed to the satisfaction of the County Traffic Engineer:

- a) Design and re-construct any substandard County owned improvements along the project frontage. All Construction shall conform to the County Engineering Design Standards. Any substandard modifications to these standards shall be approved by the County Traffic and Permit sections prior to occupancy.

Encroachment/Excavation/Haul Permit

8. An Excavation or Encroachment Permit shall be required for any work performed in the County right of way, including road construction, driveways, utilities, connections and hauling more than 1000 cubic yards of earthwork.

The developer shall comply will all applicable Public Works Standard Conditions of Approval and Engineering Design Standards, as determined by the Public Works Traffic or Permit Sections, prior to issuance of an Encroachment Permit.

Encroachment Permits and/or Santa Barbara Engineering Design Standards and Pubic Works Standard Conditions of Approval can be obtained at the following locations:

North County Permits Section
 620 West Foster Road
 Santa Maria, CA 93455
 805-739-8788

South County Permits Section
 4417 Cathedral Oaks Road
 Santa Barbara, CA 93110
 805-681-4967

Traffic Controls

9. Prior to land use clearance, traffic circulation and control on adjacent streets shall be designed as required by the Department of Public Works Traffic Section. This shall include, but is not limited to, curb openings, turn lanes and control signs for regulation, warning, and guidance of traffic.

10. Prior to land use clearance, traffic circulation and control onsite shall meet the approval of the Department of Public Works Traffic Section.

11. Prior to occupancy, all signs shall be installed, and prior to final clearance, the County may require the developer to add traffic safety devices, such as signing and striping, the need for which are not apparent at time of plan approval but which are warranted due to actual field conditions. The developer shall install the traffic safety devices prior to final clearance.

Street Lights

12. As authorized by the Board of Supervisors Resolution No. 81-229, before the approval of any Final Subdivision Map, or Precise Plan in planned developments or of any Conditional Use Permit, Conditional Exception or Variance involving land development, the Developer or owner must provide a Road Lighting Plan to the Department of Public Works for approval

The plan must have the approval of the public utility or the public agency involved.

The Road Lighting Plan must show the location of each road light, the mounting height, luminaire arm length, the luminaire type, lamp type and lumen rating and conform to the Commercial Road Standards as follows unless approved otherwise by the Public Works Traffic or Permit Sections.

- a. Commercial road lights must be a minimum of 16,000 lumens for 2 lane roads and 22,000 lumens for 4 lane roads and will be High Pressure Sodium Vapor Lights spaced no more than 250 feet apart no less than 200 feet apart measured along the centerline of the road. This spacing will under no circumstances be decreased. These standards will not apply to off-street parking in commercial areas.
- b. Road lights must be mounted at least 30 feet in height from the surface of the road vertically to the center of the light source, except where otherwise required by Federal Aviation Administration regulations.

Residential and commercial road lighting poles may be required to be of an ornamental type acceptable to the Public Works Department and meeting the current standards filed by the utility company concerned in writing, with the Public Works Department. Luminaire spacing shall be adjusted to the satisfaction of the County Traffic Engineer if ornamental poles are chosen.

A written statement showing the number of lights, the amount of lumens and the monthly and yearly costs must accompany the Road Lighting Plan.

The Developer or owner, prior to final approval of occupancy, must deposit a check with the Public Works Department, payable to the County of Santa Barbara, sufficient in amount to maintain and energize the street lights shown of the approved lighting plan, from the requested date for occupancy clearance, up to the date the first charges or benefit assessments will be made or levied upon the property being developed.

All electrical equipment and installation must conform to the applicable standards of the following:

- a. Electrical safety orders of the Division of Industrial Relations, State of California
- b. Rules for overhead electric line construction, General Rule No. 95 of the California Public Utilities Commission.

Road lighting provided under Highway Lighting Districts or County Service Areas must only be installed in the right of way, roads, or other areas dedicated to the public.

The Department of Public Works may require increased illumination where it is found necessary for traffic or pedestrian safety, due to special circumstances affecting such areas.

13. Prior to zoning clearance, the applicant must apply for annexation of the tract into the applicable County Lighting District/County Service Area , and pay all fee's and costs for advertising public hearings in connection therewith.

Off-Site Road Improvements

14. Where off-site road improvements or a dedication of right of way for off-site improvements is required for which a need cannot be attributed to the project, the County shall deduct the value of construction or dedication from the payment that would otherwise be collected for Traffic Mitigation Fee's.

Improvements and dedication that are necessary to mitigate the specific impacts of a project on area roads are considered on-site and are not to be deducted from the Traffic Mitigation Fee's. If the value of the off-site road improvements or dedication exceeds the payment required, the County may:

1. Reimburse the applicant the difference between the amount of the payment and the value of the additional improvements and dedication, or
2. Enter into an agreement with the applicant to establish a credit for the additional improvements and dedications.

If you have any questions, please contact me at 739-8785.

Sincerely,



William T. Robertson

cc: F:\GROUP\TRAFFIC\WINWORD\PLANNING\Montecito\Miramar Beach Resort and Bungalows 07RVP-Cond.doc
Charlie Ebeling, Transportation Manager, County of Santa Barbara, Public Works Department
07RVP-00000-00009



COUNTY OF SANTA BARBARA



DEPARTMENT OF PUBLIC WORKS

Standard Conditions of Approval

1. Construction of all improvements required by the Public Works Department in the approval of the Tentative Map shall be in accordance with County Subdivision Ordinance No. 1722, the Geometric Design Standards contained in the Engineering Design Standards Manual, the applicable portions of the California Department of Transportation Standard Specifications of current date and the Standard Details contained in Appendix 4 of the Engineering Design Standards Manual.
2. Design of all improvements to be constructed as part of this development shall be performed by a Civil Engineer registered in the State of California. Specifications and plan and profile drawings, completed in accordance with Department of Public Works Standards shall be submitted to the Public Works Department and appropriate officials of other departments for their approval, and all bonds and fees shall be posted prior to recordation of the final development map.
3. Prior to recordation of the Final Map and start of any construction, the Developer shall designate to the Department of Public Works road or roads he intends for construction access to the development to the extent to which subject roads will be used as haul roads. The Public Works Department may, at its option, designate an alternate off-site access or may require a security for the repair or reconstruction in the event subject road is damaged by construction traffic.
4. The Structural road section for all proposed public roads shall consist of the following:

Aggregate Base conforming to the provisions in Section 26, "Aggregate Bases", of the Standard Specifications shall be placed with a minimum thickness of 0.50 feet on all public roads. The actual thickness of the aggregate base shall be determined by "R" Values from Test Method 301- F, California Department of Transportation Specifications. When the Traffic Index is less than 5.5 the minimum section will be 0.2 feet of A.C. and 0.5 feet of A.B. When the Traffic Index is 5.5 or greater, the minimum section will be 0.3 feet A.C. and 0.5 feet Class II Base.
5. All underground utilities shall be extended to development boundaries and laterals stubbed out to the property lines clear of zone at each lot before the placement of concrete surfacing. Prior to release of the Road Improvement Security and acceptance of the roads within development, it will be necessary for the Developer to have each utility company certify in writing that the above has been accomplished.
6. Prior to release of the Road Improvement Security, the Registered Civil Engineer or Licensed Land Surveyor who performed the construction staking for the development shall certify in writing, that all curbs, gutters, storm drains, and other related street work have been staked in the field accordance with the plan and profile drawings by the Director of Public Works.
7. Prior to approval of plan and profile drawings by the Department of Public Works, the Developer shall post Sureties and provide inspection fees in amounts to be determined by the Department of Public Works to insure required improvements within the roadway.
8. Hydraulic studies indicating drainage flows to be anticipated from the entire watershed within which the development is located shall be submitted to the Public Works Department and Flood Control Engineer for review and approval. Detailed hydraulic studies of storm water run-off to be carried in each gutter of each street shall be submitted by the Developer's Engineer for approval by the Public Works Department.

Department. The amount of storm water runoff to be carried in a street section shall be computed on the basis of a 10 year frequency storm. Special drainage facilities will be required when the capacity of the street section has been reached. The drainage facility design shall be prepared in conformance with Section 13 and Appendix 12 of the Engineering Design Standards Manual, and submitted for approval by the Department of Public Works and Flood Control Engineer. Design criteria for underground drainage facilities shall be based on a minimum storm frequency of 25 years. Actual design frequency will be determined by the Department of Public Works or the Flood Control Engineer.

9. Developer shall furnish and install any required road name signs, traffic control signs. *And striping to County standards. All traffic control signs shall be installed after roads are paved and prior to being opened up to traffic, including construction traffic.*
10. All off-tract drainage and flood control facilities and installations shall be installed and completed prior to grading of subject development.
11. Developer shall offer for dedication as easement to the County, at no cost to the County, all road rights of way shown within the boundaries of subject development map, except roads proposed to be private roads. All road rights of way offered for dedication to the County shall be free and clear of any easements prior to recordation of the Final Map, unless approved otherwise by the Department of Public Works.
12. A denied access strip one foot wide shall be offered for dedication in fee to the County as a separate parcel of land, not part of the road right of way, and standard Public Works Department road barricades constructed across the end of all public roads extending to the boundaries of any unit of the tract, except where they are extensions of existing improved public roads.
13. Prior to approval of plan and profile drawings by the Public Works Department, the following utilities shall be shown on the plans and approved by an authorized representative of the utility:
 1. Sewer System
 2. Water Distribution System
 3. Gas Distribution System
 4. Storm Drains required by Flood Control

Additionally, a preliminary plan showing underground electrical, telephone and Cable T.V. service shall be submitted by each agency.

14. All plan and profile drawings presented to the Public Works Department for approval shall be in conformance with the requirements of the Engineering Design Standards Manual. All road widths shall be as specified in this Manual. Roadway classifications are as specified in the Circulation Element of the General Plan.
15. Water for compaction and dust control shall be made available within the boundaries of the development prior to starting any earth moving operations other than necessary for the installation of subject water source. Applicant shall provide a water availability letter from the appropriate water supply agency.
16. Prior to start of any earth moving or improvements within the development the Developer shall obtain a Road Excavation and Encroachment Permit from the Public Works Department as required by Board of Supervisors Ordinance No. 1491, dated November 1963, and/or shall obtain a County Grading Permit per Santa Barbara County Ordinance No. 1795 dated May 20, 1967.
17. The program for reconstruction of any existing County road being used by public traffic shall be presented in writing to the Public Works Department a minimum of 4 working days ahead of the proposed starting date. The Progress Schedule of proposed work shall be approved prior to start of construction. After construction on any existing County road commences, the project shall be pursued continuously to completion. Any delay will provide good cause for issuance of a stop order on all other portions of the development.
18. The following utilities and services, both existing and proposed, shall be installed underground in the roads pursuant to Resolution N 24416 and connected to each dwelling unit where housed are built, or stubbed out to each lot where lots only are sold: Gas, Water, Cable T.V., Telephone, Sanitary Sewer and Electrical Power.

After Sign-off by the Public Works Department Inspector, and prior to release of final security, the Developer's Engineer shall add "Record Drawing" information to the original tracings in red or orange ink and sign them as "RECORD DRAWING".

20. *On any proposed streets where curbs, gutters and sidewalks are required, the sidewalks shall have a total distance from curb face to back of sidewalk as prescribed in the Standard Details contained in Appendix 3 and 4 of the Engineering Design Standards Manual. Existing streetlights or fire hydrants within the sidewalk area shall be relocated behind the sidewalk, and any proposed streetlights or fire hydrants placed behind the sidewalk.*

21. Any double frontage lot (lots having a street both front and rear) shall have denied access to the rear street.
Concrete masonry block walls, if required by the Resource Management Department shall be constructed to the design and standards of the Building and Safety Division of the Public Works Department. Walls adjacent to road rights of way shall be shown on the Department of Public Works plan and profile drawings. A Building Permit may be required for such walls.
23. Developer shall comply with the Department of Public Works policy relating to Subdivision Street Trees and Utility Service Laterals all subdivision streets.
24. Chain link fences, if required by the Resource Management Department of Flood Control, shall be constructed to Cal Trans Standard Plans. Subject fences shall be shown on the Department of Public Works plan and profile drawings if adjacent to County road rights of way.
25. Developer shall post Security and provide plan-checking fees in amounts to be determined by the Public Works Department to insure proper construction of all private streets within the development. Security will be released upon certification of a Civil Engineer registered in the State of California that subject streets have been constructed to approved standards.
26. Occupancy of any building within the development will be denied until all street improvements and drainage facilities are completed
27. The developer's engineer *of record, as specified in these conditions*, shall certify to the Public Works Department *prior to release of securities* that all private streets within the subject development are constructed according to approved plans prior to occupancy of a dwelling unit within the tract, *and that all rough grading has been completed in substantial conformance with the tract grading plan.*
28. Upon completion of construction and prior to occupancy, the entire road right of way abutting this project will be cleaned to allow Public Works Department Inspectors to check for damage to curbs, gutters, or sidewalks caused by construction traffic. Any damage will be repaired by the Developer prior to occupancy.
29. The Developer shall comply with the current Bikeway Element of the General Plan as to the dedication and construction of bikeways
All roads shall be kept clear of mud *and/or other construction debris* during construction.
31. The Developer will be responsible for and fees required for materials retesting.
32. The Developer may be required by the Public Works Department to *overlay or chip seal a road, as determined by the Public Works Department*, after construction work has been completed if it is determined by the County that local patching is insufficient to mitigate project related construction and utility trenching damage.
33. Subdivider shall submit a Grading Plan acceptable to the Public Works Department for all streets and building pads prior to submitting the Final Map for approval. The Grading Plan shall show all lots draining to the street on which they front unless otherwise approved by the Public Works Department. The Grading Plan shall also show method and degree of compaction and proposed method of stabilizing exposed slopes. Subdivider shall plant and maintain all cut and fill slopes and maintenance shall be continued until the lot is occupied.
34. A preliminary Soils Report of the area, prepared by a Civil Engineer experienced in soil mechanics and slope stability, and registered in the State of California, will be required prior to the issuance of Grading Permits. The report shall include data regarding the distribution, stability and expansive nature of existing soils and conclusions and recommendations for grading procedures and design criteria for corrective measures.
35. All grading shall comply with the provisions of County Grading Ordinance No. 1795, and to Public Works Department standards.
36. Grading shall be designed so that natural drainage from off-tract property is not obstructed.
37. Provision shall be made to prevent off-tract drainage from being received by lots. Tract drainage shall not be drained to a public street gutter that does not have storm drainage inlets and where the tract drainage could, after being carried along the road gutter for some distance, be dumped into another tract.

No grading can be done prior to Final Map recordation except in compliance with County Code Chapter 21-8-C4.
39. All underground utility trench backfills on private property and in private roads shall be compacted and tested to a minimum of 90%, to the satisfaction of the Public Works Director. Compaction test reports shall be submitted before grading is finalized.

The Subdivider shall furnish one copy of the Final Tract Map to the Public Works Department prior to approval.

41. All debris, litter, and other construction waste generated by this development shall be removed from the site or adjacent property. Occupancy clearance of any building will be denied until debris removal is acceptable to the Public Works
42. Since certain areas of Santa Barbara County are prone to accelerated seasonal erosion by either wind or water, and acceptable Erosion Control Plan, with timing, may be required with the project Grading Plan.
43. Any tract which is to be graded out (mass graded) and developed as a Phased Build-Out will require a detailed engineered Erosion Control Plan which will apply to all graded areas which are not built out. This plan shall be maintained until the respective tract phase are built out. *This condition shall also apply to Lot Sale Subdivisions.*
44. *On lot sale subdivisions, no building permits shall be issued for any lot until all required utilities, rough grading, drainage facilities, and street improvements have been completed, unless otherwise approved by the Director of Public Works. This condition must be shown on the Final Map, along with the time allowed by the Subdividers Contract for the developer to complete said improvements.*
45. *Prior to issuance of any road construction and/or grading permits, the applicant shall verify to the Department of Public Works, in writing, that a registered civil engineer has been retained to act as the Engineer of Record during construction and testing operations. This engineer shall be responsible for any and all observation during construction, which he deems necessary to certify those aspects construction requiring certification pursuant to these conditions. Where possible, the engineer whose signature and stamp appear on tract plans should be retained as the Engineer of Record.*
46. *Regardless of all review and/or acceptance of tract plans, specifications, calculations, and reports by Public Works or other County departments, the registered civil engineer whose signature and stamp appear on the tract grading and road improvement plans is responsible for the accuracy and integrity of the design and base information relating to the plans and calculations. Design conflicts which arise during construction may result in work being stopped until discrepancies are resolved.*

COUNTY OF SANTA BARBARA
PLANNING AND DEVELOPMENT

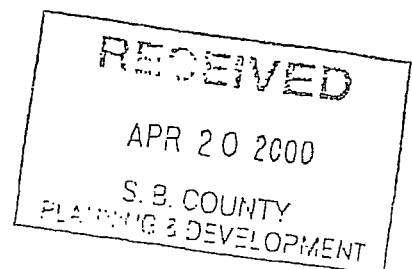
MEMORANDUM

TO: Steve Goggia
FROM: Frank Breckenridge, Building & Safety Division *FB*
DATE: April 11, 2000
RE: Miramar Hotel Subdivision Conditions

Construction permits, including grading, building, electrical, plumbing and mechanical, will be required for all work including demolition work and remodeling. Work needs to be designed to the 1997 Uniform Codes and 1998 California Codes where applicable. A pre-design meeting is recommended with County Building & Safety Division staff.

FB/jbl

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County of Santa Barbara Public Works Department
Project Clean Water

123 E. Anapamu Street, Suite 240, Santa Barbara, CA 93101
(805) 568-3440 FAX (805) 568-3434
Website: www.countyofsb.org/project_cleanwater



PHILLIP M. DEMERY
Director

THOMAS D. FAYRAM
Deputy Director

June 22, 2007

Planning Commission
Santa Barbara County Planning & Development
County of Santa Barbara
123 E. Anapamu Street
Santa Barbara, CA 93101

Re: 07DVP-00000-00017; Miramar Hotel
APN: 009-333-010, 009-371-003 & 004, 009-372-001, 009-344-008/Montecito

Dear Commissioners:

The above referenced project is subject to the County of Santa Barbara's Standard Conditions for Project Plan Approval – Water Quality BMPs. The conditions apply because the project is more than 0.5 acre of commercial development and includes more than 25 parking stalls. These conditions require appropriate treatment of runoff from impervious surfaces for the design storm (see attachment) to remove potential pollutants.

Because this project restores impervious areas and includes a great deal of landscaping, there are many opportunities to protect water quality by eliminating directly-connected impervious areas, providing for short-term storage of runoff in small landscaped depressions, conveying water through open vegetated systems, and providing for infiltration of treated runoff. These storm water management measures, included in series and integrated throughout the development, will reduce the total amount of runoff and could eliminate all discharges, and associated pollutants, from low volume storm events.

The following specific provisions apply:

1. Prior to issuance of development permits, the applicant shall submit to the Water Resources Division (attention: Cathleen Garnand) for review and approval either A) improvement plans, grading & drainage plans, landscape plans, and a drainage study or B) a Storm Water Quality Management Plan that includes relevant details on improvements, grading & drainage, and landscaping. The submittals must:
 - a. show the locations of all treatment facilities and their drainage areas,
 - b. demonstrate how the treatment facilities comply with the conditions by treating runoff from the design storm, and

- c. include a long-term maintenance plan appropriate for the proposed facilities.
2. Prior to issuance of development permits, applicant shall enter into an approved maintenance agreement with the County of Santa Barbara to assure perpetual maintenance of the treatment control facilities by the property owner.
3. Prior to issuance of Occupancy Clearance, all drainage improvements required as part of the above conditions shall be constructed in accordance with the approved plans and certified by a Registered Civil Engineer or Landscape Architect. A set of As-Built plans shall be submitted to Water Resources Division.
4. The applicant will be required to pay the current plan check fee deposit at the time the plans are submitted for review and approval.

Design guidance is available from the following resources:

- California Stormwater Best Management Practice Handbooks – New Development and Redevelopment. California Stormwater Quality Association. 2003 (or most recent edition).
- Technical Guidance Manual for Stormwater Quality Control Measures. Ventura Countywide Stormwater Quality Management Program See Section 5.0, Treatment Control BMPs
- Post-Construction Storm Water Management in New Development & Redevelopment –National Menu of Best Management Practices for Stormwater Phase II. U.S. Environmental Protection Agency.

It is important to incorporate the treatment control features early on the design process. I would be happy to work with the project team in selecting effective and appropriate measures for this site. I can be reached at (805) 568-3561.

Sincerely,



Cathleen Garnand
Civil Engineering Associate

cc: Julie Harris, Planning & Development
Caruso, BCS, Miramar LLC, 101 The Grove Drive, Los Angeles, CA 90036
Dudek, 621 Chapala Street, Santa Barbara, CA 93105
Hill Glazier Architects, 925 Alma Street, Palo Alto, CA 94301
Penfield & Smith, 101 E. Victoria St., Santa Barbara, CA 93101

Attached Standard Conditions

COUNTY OF SANTA BARBARA

STANDARD CONDITIONS FOR PROJECT PLAN APPROVAL – WATER QUALITY BMPS

1. All new residential, commercial, industrial, and transportation development projects, including redevelopment projects, must address water quality through the use of best management practices (BMPs) as determined by the Director of Planning & Development and/or the Public Works Director. BMPs shall be applied in the following order of priority: site design, source control, and treatment control. Examples of good site design include reducing directly connected impervious areas and incorporating drainage system elements into site design. Examples of source control include covered parking or use of Integrated Pest Management techniques in landscape maintenance. Examples of treatment control include systems that either detain or filter water to remove pollutants prior to discharge. Furthermore, projects will seek to reduce post-development runoff volumes from pre-development volumes through such measures as infiltration, evapotranspiration, and storage/reuse.
2. Treatment control BMPs shall meet the following specific design requirements unless otherwise approved by the Public Works Director.
3. At a minimum, these specific design requirements for treatment control BMPs apply to all new or redevelopment projects of the following sizes: residential 1 acre or greater in disturbance; and commercial industrial, and transportation / vehicle facilities which are 0.5 acres or greater in disturbance. Treatment control BMPs may be required on new development or redevelopment projects at the discretion of the Public Works Director, based upon the categories listed in Attachment A. The selection of BMPs shall be based upon the ultimate use of the drainage area, unless the facility will be re-built/sized during subsequent phases of construction.
4. Projects cannot be subdivided or phased to avoid complying with these requirements. Development and redevelopment of the same or adjacent property(ies) permitted within 5 years may be considered together for purposes of assessing the above criteria..
5. All water quality facilities will require regular maintenance. Applicants are required to enter a maintenance agreement with the District to ensure adequate performance and to allow County emergency access. Maintenance of the basin is the responsibility of the development, unless otherwise agreed upon.

6. **Detention Basins.** Detention of storm water runoff allows for the settling of fine particles and associated pollutants. Detention times for water quality control are longer than for flood control. Although a detention system for water quality could be combined with a flood control system, the volume assigned for water quality control must meet minimum detention times. The required design volume for detention-based storm water quality treatment facilities is equal to the runoff volume that would occur from the contributing area from a 1.2-inch rainstorm event.

a) The volume calculation will be computed as follows:

$$\text{WQDV} = (.05 + 0.9 \times \text{IMP}) \times 1.2'' \times A \times 3630$$

where,

WQDV = water quality design volume (cubic feet)
IMP = total impervious area, expressed as a percentage
A = tributary area (acres)
3630 = factor to convert units from acre-inch to cubic feet

b) The draw-down (or draining) time for the detention volume, which is intended to drain down completely (vs. permanent wet volume), shall be greater than or equal to 36 hours. For the top half of the detention volume, the drawdown time shall be greater than or equal to 12 hours. The remaining bottom-half of the detention volume must drain in no less than 24 hours. The outlet shall be sized using Figure 1 to achieve the required detention times and shall be large enough that clogging is unlikely to occur. Pipes less than 4 inches in diameter should not be used. Perforated risers are acceptable for controlling the flow rate. However, potential clogging of the perforations should be addressed in the maintenance plan.

c) The detention system shall be designed to maximize the distance between the inlet and outlet, and to minimize "dead spaces" (areas where little or no exchange occurs during a storm event), thereby limiting short-circuiting. A minimum flow-path length to width ratio of 3 is recommended and can be achieved using internal berms or other means to prevent short-circuiting.

d) For ponds designed to be permanently wet, the applicant must show a water balance that demonstrates that there will be sufficient dry weather flows to maintain the planned pool volume, without creating stagnate conditions. A Mosquito Management Plan or Service Contract must be approved or waived by the Santa Barbara Coastal Vector Control District for any facility that maintains a pool of water for 72 hours or more.

e) For dry extended detention ponds, the applicant must show that the pond will be able to handle dry-weather flows (such as irrigation return flows) without causing a nuisance (visual eye sore, stagnate water, etc.).

f) Detention based water quality systems are recommended to be off-line from flood conveyance. If they are to be on-line or combined with a flood detention facility, then the facility must be designed to pass the appropriate flood without damage to the facility, as well as to minimize re-entrainment of pollutants.

7. **Flow-through Facilities.** Flow-through based storm water quality facilities are ones where either the flow is passed with little or no storage through a filtration media or infiltrated into a subsurface soil matrix. The purpose is to remove, through filtration, the smaller sized fraction of particles. Examples of these BMPs include vegetated swales, infiltration facilities, bioretention filters, and some types of commercial filters.

a) The required flow rate for flow-through based storm water quality treatment facilities is the runoff that would be produced from a rainfall intensity of 0.3 inches per hour. Water quality treatment shall be maintained at this rate for a minimum of four hours. Flows above this rate can either be by-passed, or routed through the facility if it can be demonstrated that velocities will not re-entrain captured pollutants.

b) The flow-through based facility must be able to completely treat the flow rate based upon the following:

$$WQFR = (0.05 + 0.9 \times IMP) \times 0.3 \times A$$

where,

- WQFR = water quality flow rate in cubic feet per second
- IMP = total impervious area, expressed as a percentage
- A = area of the site in acres

c) Infiltration facilities shall only utilize highly permeable soils with significant pollutant removal capacities. The applicant must demonstrate that slope stability, groundwater quality, and depth to groundwater are suitable for infiltration facilities. Infiltration facilities will require periodic maintenance to maintain permeability.

d) Vegetated (wetland/native plants and/or grass) swales shall be designed so that at the water quality flow rate (WQFR), the swale width is such that the flow depth is no greater than 4 inches and the hydraulic grade line is no greater than 2 percent (unless drop structures are employed) between structures. The inflow should be directed towards the upstream end of the swale as much as possible, but should at a minimum occur evenly over the length of the swale. The length of flow in the swale should be a minimum of 100 feet or the bioswale should provide 10 minutes of contact time with the vegetation.

e) Bioretention filters are vegetated (landscaped) areas where runoff is directed through vegetation and soils for filtration. In most cases, unless there is shown to be

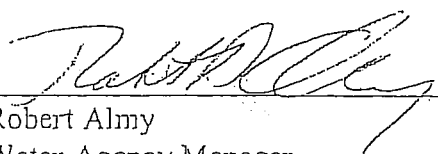
adequate infiltration capacity, underdrains and overflow drains should be included to collect filtered runoff to discharge to the storm drainage system. The ponding depth should be 6 inches or less with a stabilized mulch layer of 2 to 3 inches. A sandy planting soil of 2 to 3 inches should be used. Each facility should have no more than 1 acre of tributary area, and shall be designed to convey larger flows in a manner that does not cause re-entrainment of trapped materials.

f) Commercial (media) filters or such devices shall be accompanied by a certification from a licensed civil engineer that the filter/device will maintain an effluent quality of 10-30 mg/L of total suspended solids with no visible oily sheen under design operating conditions.

8. Combination facilities, or treatment trains, are encouraged to provide better treatment capability. For example, short-term detention may be placed upstream of a flow-through facility to reduce the size of the flow-through facility. In such cases, each facility will be reduced in size accordingly based upon demonstrated water quality effectiveness for the pollutants of concern.
9. These are minimum requirements. If the County determines that additional controls and/or lower thresholds for developments are required to meet specific water quality regulatory requirements (NPDES, TMDL, etc.) in watersheds that drain to sensitive receiving waters (as defined by the Central Coast Regional Water Quality Control Board), additional requirements may be imposed. These may include design requirements that result in larger or more effective facilities as well as additional types of structural or non-structural controls. The design solution will be contingent upon the pollutants that are found to be impacting such water bodies and the regulatory status of the water body.
10. Easements, fencing, grading, access roads, ramps, etc. for water quality facilities shall be provided in accordance with current policies of the Flood Control District. Easements, if required, shall be dedicated on the Final Map or dedicated by a separate instrument. The Developer will pay the cost for easement acceptance by the County and processing through County Real Property Agents.
11. A Surety Bond for structural improvements will be posted with the Public Works Department in an amount approved by the Public Works Director prior to recordation of the Final Map or Zoning Clearance. Bond amounts will be based on the submitted cost estimates of proposed drainage improvements to be constructed outside the Public Road right-of-way.
12. The Flood Control District shall be notified 5 working days in advance of storm drain and attendant auxiliary construction. The District may provide periodic inspection during construction at the developers cost. A note shall be placed on the plans to this effect.


13. During the construction process, the County will review and approve in writing any significant design revisions to the approved Plans prior to construction of the proposed revisions.
14. Prior to occupancy clearance, the "As-Built" Plans shall be submitted to the Santa Barbara County Public Works Department.
15. A Flood Control Encroachment Permit is required for improvements in the Flood Control District right-of-way. An Encroachment Permit shall be executed prior to the start of construction within District right-of-way. District notification shall be required 5 working days prior to the start of construction. An Encroachment Permit fee is required. A note shall be placed in the plans to this effect.
16. Review by the Public Works Department of plans and granting of encroachment permits does not relieve the applicant, developer, contractor and/or owner from the responsibility to obtain all other required permits and approvals required by law, including but not limited to grading permits, building permits, environmental review for CEQA/NEPA requirements, Fish & Game permits, Army Corps of Engineers permits and other City, CalTrans or other County department approvals and the approval of the underlining property owner(s) of record
17. The County reserves the right to modify these conditions as site conditions warrant.

STANDARD CONDITIONS OF APPROVAL FOR WATER QUALITY
RECOMMENDED BY:



 Robert Almy
 Water Agency Manager

STANDARD CONDITIONS OF APPROVAL FOR WATER QUALITY
APPROVED AND ADOPTED BY:



 Thomas D. Fayram, P.E.
 Deputy Public Works Director

Attachment A

All discretionary development and redevelopment projects that fall into one of the following categories are subject to these conditions of approval:

- Single-Family Hillside Residences
- 100,000 Square Foot Commercial Developments
- Automotive Repair Shops
- Retail Gasoline Outlets
- Restaurants
- Home Subdivisions with 10 to 99 housing units
- Home Subdivisions with 100 or more housing units
- Parking lots 5,000 square feet or more or with 25 or more parking spaces and potentially exposed to storm water runoff

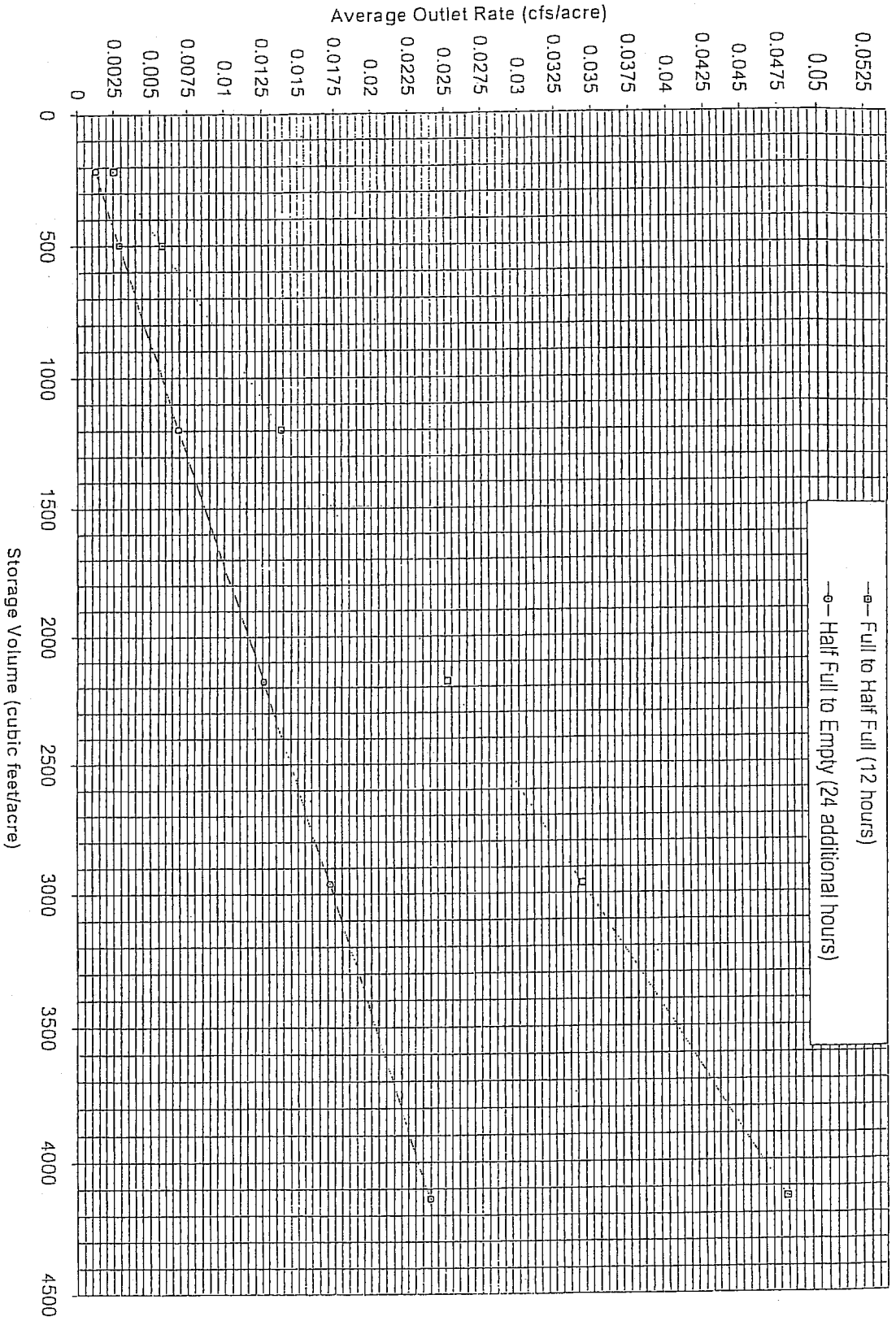


FIGURE 1. REQUIRED AVERAGE OUTLET DISCHARGE RATES FOR DETENTION BASED FACILITY



July 29, 2008

Mr. Matt Middlebrook
Caruso Affiliated
101 The Grove Drive
Los Angeles, CA 90036

Re: Proposed Miramar Beach Resort and Bungalows - District Water Service

Sent via fax and postal mail

Dear Mr. Middlebrook:

This letter is to clarify the terms, conditions and circumstances for Montecito Water District (MWD) water service availability and a reasonable water budget for the proposed Miramar Project. A water budget will reflect the needs of the proposed project, consider community-wide usage patterns and be within the District's short and long-term available supplies. The water budget will also serve as the "base allotment" for future fees and charges under the currently proposed commercial base allotment rate structure, which the MWD Board will consider at a public hearing in August of this year. The base allotment concept will also result in your project funding, through the block rate structure, any need for the District to acquire any project water use above the established base allotment. The proposed new rate structure is part of an overall District water conservation program to restore a balance between District water supply and demand. The base allotment addresses water rate structure, not water availability.

The processing of this project to date has been somewhat unusual for MWD. The Miramar property has remained a District customer in good standing, paying its rates and charges for five District meters even though water usage has been minimal since closure of the hotel in 1999. If this had been a new project, MWD and the owner/applicant would have worked together to define the project's water supply and water service needs early in the process. A project of this size would normally need the assistance of a project planning and permitting service (hired by the owner) that takes the lead role in collecting, analyzing and summarizing all information needed to fully define the project's water requirements. In your case, the District initially met with Caruso Affiliated, the property owner; Dudek and Associates, a planning firm representing the property owner; and the County of Santa Barbara Planning and Development Department.

The previous Miramar Hotel operated until 1999 with a combination of District service for interior potable use and a private well for exterior and other non-potable use. Since the hotel closure, the District has reviewed various proposals to rehabilitate/reconstruct the Miramar. Each proposal showed demand for District

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supplies consistent with previous historic water use levels. Based on the representation that the Caruso proposal would also show no increase in intensity of use, except for increased landscaping to be served by an onsite well, MWD provided the proposed project with a Certificate of Water Service Availability (CWSA), dated May 11, 2007. As stated in the CWSA: "The District can and will serve the proposed project through the existing water services. If there is a change in water demand, the owner may apply for larger District meters subject to completion of a Water Meter Use Evaluation application, approval of the application by District staff and payment of all fees and costs for the meter size increase." To date, Caruso and its consultants have not applied for increased service, or completed a Water Meter Use Evaluation application. A Meter Use Evaluation would provide definition of infrastructure improvements, development of a reasonable water budget, and a peak flow analysis to confirm the adequacy of the existing meter service to the property. Without this information, all indications were that water use on the property would remain substantially the same.

To ensure that the overall project water demand would be within reasonable historic limits, and to address infrastructure issues, the District continued working directly with Caruso Affiliated. The District had several meetings with Caruso representatives, sent letters to Caruso Affiliated and has, to a limited extent, received correspondence from Caruso Affiliated regarding project water use. The District also reviewed the proposed project scope as detailed in a Revised Development Plan (RDP) application dated November 13, 2007 from Caruso Affiliated. Based on the November 13, 2007 RDP, which was provided by Santa Barbara County, the District concluded that proposed changes to the project that would affect water use were mainly limited to outdoor landscaping. The District's correspondence to Caruso Affiliated focused on outdoor water use and the continued use of an existing water well on the property for irrigation/non-potable water needs.

While we understand that the scope and size of the project has not increased since our November 2007 review, the project apparently no longer includes the onsite well. Water demand estimates, provided in the County staff report and SEIR/Addendum indicated that the project water use will be much greater than the historic use. In response to recent requests from the County and Caruso, the District has again analyzed its ability to provide for project water demand based on the current project description, and is providing its estimate of project demand in this letter.

The following table from page four of the Caruso Affiliated Revised Development Plan (RDP), dated November 13, 2007 compares the previously operating Miramar Hotel with the Schragger and Caruso plans. You will note from the table that the proposed Caruso plan is comparable to the previously operating Miramar Hotel and actually has fewer rooms. The only apparent change that could increase interior water use is the addition of a 1,482 square foot Beach Club clubhouse with a membership increase from the previous 140 members to 300 members. The proposed clubhouse would increase water use since it includes saunas, locker rooms, showers and toilets. However, the installation of modern, state-of-the-art water conservation devices and practices for the entire project, in the District's opinion, should offset any such water demand increases.

Caruso Affiliated - November 13, 2007 Revised Development Plan

HOTEL OPERATIONS

In order to avoid as many environmental impacts as possible and quickly begin the renovation process, the proposed project closely adheres to the previously approved level of development and either maintains or reduces the impacts associated with the hotel operations. The table below summarizes key operating features of the Miramar Hotel, as it existed prior to closing in October of 2000, the Schragger renovation plan approved in 2000, and the proposed Caruso project.

<i>Existing and Proposed Hotel Operations</i>			
<i>Operational Component</i>	<i>Previously Operating Miramar Hotel</i>	<i>Approved Schragger Plan</i>	<i>Proposed Caruso Plan</i>
<i>Number of rental units</i>	213	213	202
<i>Number of employee units</i>	2 Existing CUP allows 5 of the 213 units to be used for employee housing	4	4
<i>Banquet Hall/Ballroom</i>			
<i>Maximum number of seats</i>	835 No CUP limits; regulated	600	600
<i>Assembly Area</i>	12,386 SF (No CUP limits)	8,672 SF	8,467 SF
<i>Hours of Operation</i>	Operator currently requires indoor activities to conclude by 1 a.m. and outdoor activities by 10:30 p.m.	7 a.m. to 1 a.m. (outdoor activities to conclude by 10:30 p.m.)	7 am to 1 am (outdoor activities to conclude by 10:30 p.m.)
<i>Restaurants</i>			
<i>Number of seats</i>	193	193	193
<i>Hours of Operation</i>	(no CUP limits) 7 am to 11 p.m.	6:30 am to 11 p.m. (Bar closes at 2 am)	6:30 am to 11 p.m. (Bar closes at 2 am)
<i>Beach Bar/Snack House</i>			
<i>Number of seats</i>	65 (Rail Car Diner)	65	65
<i>Hours of Operation</i>	8 am to 3 p.m. weekdays 8 am to 5 p.m. weekends	9:30 am to 12 am (midnight)	9:30 am to 12 am (midnight)
<i>Beach Club Membership</i>	140	140	300
<i>Salon/Spa Use</i>	3-5 non-guests/day 9am to 9pm	13-15 non-guests/day 9 am to 9 pm	15 non-guests/day 9 am to 9 pm
<i>Parking Provided</i>	406	460 stalls	551 stalls
<i>FAR</i>		0.242	.2463

Our review indicated that, for the Caruso Project as proposed, excluding outdoor water use, and assuming the use of state of the art water saving technologies, water use would be comparable to the previously operating Miramar Hotel.

Historical water usage for the Miramar Hotel between 1989 and 1998 is shown in the table below. The 1998/99 water use year is not shown as the hotel closed in early 1999.

MIRAMAR HOTEL HISTORICAL USAGE									
Total All Meters	97/98	96/97	95/96	94/95	93/94	92/93	91/92	90/91	89/90
July	1872	1379	1209	1106	1082	1251	809	1554	2089
August	1799	1870	1654	1402	1212	1682	1094	1727	2338
September	1416	1190	1101	1040	756	1890	629	2121	2366
October	1505	1003	994	694	767	1591	690	1478	1459
November	829	823	923	657	641	533	618	1269	1149
December	729	625	698	645	483	550	590	1956	1144
January	602	419	588	334	396	376	766	1279	1397
February	605	611	428	517	426	502	626	1071	1250
March	972	956	640	594	665	567	858	525	1303
April	1164	1237	726	748	671	858	696	543	1142
May	1138	1358	943	730	751	744	841	784	1049
June	1419	1495	1121	1068	1124	832	1171	640	1523
Units (HCF)	14050	12966	11025	9535	8974	11376	9388	14947	18209
Units (AF)	32.3	29.8	25.3	21.9	20.6	26.1	21.6	34.3	41.8

The District's analysis of anticipated demand, based on the historical usage, has focused on per room or "key" usage. In this analysis, the District recognizes that all existing water fixtures were of the older inefficient and wasteful types that were very common for the period of the hotel operation. The fixtures in place were of the 3.5-5 gallon/flush toilet type tanks, 3-5 gallons per minute showerheads and 2 gallons per minute lavatory faucets.

A study prepared in August 1989 by Interface Environmental Services, titled *Water Demand and Conservation Study* ("Interface Water Demand Study") for the Santa Barbara South Coast region encompassing the City of Santa Barbara, the County of Santa Barbara, Goleta and a portion of Ventura County, focused on the water savings associated with the replacement of such older water-wasteful fixtures with water-saving, conservation fixtures for hotels. That Interface Water Demand Study is used by the City of Santa Barbara for its estimation of hotel water demand.

The Interface Water Demand Study estimates the water savings for each room or key was about 30% with replacement of inefficient water fixtures with state of the art water efficient technology. The base use was determined by analyzing water use in hotels within the south coast area, which determined that room or key usage averaged about 134 gallons per day. With the 30% water savings from modern water efficient, conservation technology, in-room or key usage is reduced to about 94 gallons per day. This results in a total projected demand for the Miramar Project of 21.4 acre-feet per year with 100% occupancy of its 204 proposed

rooms (most current revised Plan). With the estimated annual occupancy rate of 71 % used by Caruso Affiliated, the total in-room use for the 204 units is estimated at approximately 15.25 acre-feet per year.

The Interface Water Demand Study reports that room or interior usage accounts for 60-70% of a hotel's overall usage. At a conservative 60% interior usage estimate of 15.25 AF/year, the extrapolated total project usage is estimated at 26 AF/year with the 71 % occupancy rate. A "worst case" interior demand with 100% occupancy would be approximately 36 acre-feet per year, which is still within the Miramar's historic District water usage. While the Miramar Project may have some water usage that is above and beyond a typical hotel with the addition of a spa, pools and the clubhouse, the District expects that with appropriate use of water saving technology, overall potable water demand can still be met within historic usage and with existing District service.

Therefore, in the District's opinion and based on the Interface Water Demand Study, the expected Miramar project interior water use, with the above exception for landscaping and with the replacement of the prior inefficient and wasteful water fixtures with new state of the art water conservation fixtures, will be comparable to the historical usage. In addition, the use of state of the art water conservation technology and fixtures should also reduce peak water demands and enable the project to utilize the existing meters serving the property. This would avoid requiring an increase in meter size and increasing the demand on the District's limited water supply.

Comparing the District's estimation of projected Miramar water demand with the 117 acre-foot estimate shown in the County SEIR for the project, the District has the following comments which would further support the District's analysis.

The SEIR estimate of Clubhouse water use was not useful for the District because it did not show the number of fixtures. The clubhouse will serve up to 300 members; it is unclear if these are individual memberships or family memberships. This 1,482 square foot structure includes a sauna, locker room, showers, toilets and lavatory faucets. The District expects that any such clubhouse use would be included as part of the 40% non-room interior use discussed above, but in any case the District does not expect that it would require more than 2-4 acre-feet of water per year.

Water use for an onsite laundry facility has also been estimated in the SEIR at about 42 acre-feet of water per year. The District believes that this figure is about ten times the actual demand for such a hotel. The District has not been able to ascertain how this value was determined. The estimated laundry demand also does not account for savings from the use of rinse water reuse technology which should be incorporated into any project involving a laundry. Such water conservation technology should reduce laundry water demand to a point where it is consistent with the overall project. A reasonable estimate for such laundry use is expected to be no more than 4 acre-feet per year.

Other water use as estimated by Caruso for the kitchens, restaurants, meetings, and special events including weddings and conventions is set at about 25 acre-feet. These estimates also appear to be high. Again, looking at the Interface Water Demand Study, interior guestroom water use is normally 60-70% of the total facility demand. If we use the conservative 60%

figure for interior guestroom demand, then all other ancillary water usage (excluding landscape irrigation) at 40% would be less than 20 acre-feet per year.

Even assuming the laundry and clubhouse each use an additional 4 acre-feet per year, total project water demand (excluding landscaping) is less than 45 acre-feet. This is slightly greater than the maximum historical usage of 42 acre-feet, and is within the District's ability to serve the project with the existing meters. Project landscape usage noted above will be discussed further on in this letter.

The District has also compared the proposed Caruso Miramar Project water use estimates to the nearby, larger, Biltmore Hotel. The historical use for the Biltmore for the same period as that analyzed for the previous Miramar Hotel is shown in the table below. The Biltmore has its own onsite laundry facility, more water features, a greater number of rooms, more banquet facilities and larger landscaped area.

BILTMORE HOTEL HISTORICAL USAGE					
Total All Meters	98/99	97/98	96/97	95/96	94/95
July	3309	3418	3327	2529	2891
August	3133	2755	2938	3456	3314
September	2789	2745	2482	3211	2662
October	3154	2863	2493	2907	2221
November	2581	2316	2427	2597	2206
December	2477	2329	2250	2391	2365
January	2094	2323	2229	2222	1863
February	2165	1992	2334	2159	2153
March	2689	2954	2693	2706	2214
April	3375	2659	2916	2906	2242
May	2890	3272	2847	3708	2279
June	3148	2926	2505	3638	2535
Usage (HCF)	33804	32552	31441	34430	28945
Usage (AF)	77.6	74.7	72.2	79.0	66.4

The Biltmore water usage is greater than the historic Miramar usage, which is indicative of the large turf-based landscape area encompassing the Biltmore property. The difference in historic water use between the two hotels also illustrates that the estimated water use figures for the "new" Miramar Hotel used in the County SEIR are far higher than the larger "old" Biltmore.

In recent years, the Biltmore has expanded landscaping and amenities, yet its use has stayed constant or actually decreased, as shown in the table below for the most recent 10 year period.

Biltmore Hotel Water Use										
Total	07/08	06/07	05/06	04/05	03/04	02/03	01/02	00/01	99/00	98/99
July	3273	3166	3623	3220	3532	3820	3603	435	3737	3309
August	3486	3630	2900	3830	4119	2404	1709	10564	3574	3133
September	2778	2426	2921	3456	3121	1507	1964	3650	3210	2789
October	2512	2650	2519	2638	2947	3268	2341	3356	3252	3154
November	2779	2419	2264	2148	2299	2749	2314	2972	2594	2581
December	2186	1971	1062	2226	2715	2746	2090	2454	3158	2477
January	2427	2329	896	1685	1998	2816	2298	2827	2186	2094
February	1961	2541	873	2044	2258	2158	2202	1642	2459	2165
March	2735	2883	1335	1465	2134	2346	3720	2521	3079	2689
April	2887	2679	2116	2539	2784	2617	3590	2442	2966	3375
May	3454	3800	2448	2335	2374	1609	4662	2526	3628	2890
June	3405	2358	3433	2812	2821	4399	3524	2815	1421	3148
HCF	33883	32852	26390	30398	33102	32439	34017	38204	35264	33804
Acre Feet	77.8	75.4	60.6	69.8	76.0	74.5	78.1	87.7	80.9	77.6

The previously operated Miramar Hotel had significant areas dedicated to onsite vehicular access and parking. As such the grounds had extensive paving and limited landscaped area. The proposed Caruso Project removes interior site vehicle access, including the paved road right-of-way on Miramar Avenue, and replaces about 4.7 acres of asphalt surfaces with hardscape and landscaping.

Based on calculations provided by Santa Barbara County, this project's estimated exterior water use for landscaping and water features is about 12 acre-feet per year. At 12 acre-feet, the District recognizes that this landscape water demand estimate is equivalent to a little over 2 acre-feet per year per acre for the estimated 5.3 acres of open space. This low water demand value is indicative of a strong conservation-based project planting design and schedule.

MWD was advised early on by Caruso Affiliated that all such exterior use would be served from an onsite well, with total outdoor use less than the historic well use by the previously operating Miramar Hotel. Letters from MWD explained that the well on the property would be important in reducing water demand on the District's potable water supply. MWD also indicated that the well should not be considered a remedy for extravagant plantings and landscaping and that drought tolerant, low water use plantings should be emphasized in the overall landscape design.

MWD's review of the current Miramar Project SEIR issued by Santa Barbara County, shows that the water well is now no longer a part of the project. MWD was not informed until recently that the use of well water, which has been a part of the previously operated Miramar Hotel for decades, is no longer a viable water supply option for the project.

Regarding the use of well water at the site, the District is governed by a Groundwater Basin Management Plan under AB 3030 which was prepared in coordination with County and State

agencies. Based on that Plan, the District is the Groundwater Basin Manager for all properties within its service boundary. With this management designation and responsibility, MWD monitors water well levels District-wide twice a year to determine groundwater basin conditions. In its role as the groundwater basin manager, from time to time MWD will also consult with a registered hydro-geologist to ascertain groundwater conditions. MWD's support for use of a water well for the project is founded on its comprehensive understanding of water use within the groundwater basin. MWD was not consulted prior to the removal of this important alternate water supply. As its removal will increase project water demand the decision to remove the well as a project non-potable water source makes it imperative that the Caruso project further emphasize ways to utilize state of the art water conservation technology to reduce water demand.

MWD has discussed with Caruso Affiliated the possibility of the District re-activating a District-owned well that is currently not in use and not on the Miramar property. This water source has been designated by the District as a stand-by water supply. If the District determines that this stand-by water supply should be re-activated and that it will be of benefit to the community at large, and further if Caruso Affiliated will contribute and pay a proportionate share of the development costs, to be mutually determined by both parties, the District may increase the project-base allotment from 45-acre-feet-per year to 60 acre-feet-per year. The base allotment increase from 45 acre-feet to 60 acre-feet is expected to cover that portion of project water used for outdoor irrigation purposes and is conditional on there being no water well in use on the property.

With this said, the District believes that a base allotment of 45 acre-feet, excluding water for landscape irrigation is a fair and appropriate value. The 45 acre-foot annual allotment would be the amount of water applied to the commercial classification block one rate (subject to the adoption of a new conservation rate structure by the District Board in August) which is currently \$4.25 per unit of water (100 cubic feet). All water used by the proposed project in excess of 45 acre-feet annually would be billed at the block 2 rate of \$5.90 per unit. The higher block 2 rate covers the estimated additional cost to the District for acquiring higher priced supplemental water that is above and beyond the District's normal supply. The 45 acre-foot base allotment will be divided into monthly allocations predicated on historic usage patterns for the property.

The District will serve project demand above that 45 acre-foot amount, to the extent, and consistent with the District ability to serve all other District customers and at the higher block water rate. The District expects it will be able to serve such additional amounts in most years, except in years of extreme shortage. In the event of a prolonged shortage in the District's normal supply the price difference from block 1 to block 2 will likely increase as the cost of water on the statewide water supplies market increases and the need for local conservation is enhanced.

The issue of providing water service during periods of peak flow has not been addressed in any of the documents reviewed by the District. The Miramar property is served by five water meters as shown in the table below. This table indicates size and, more important, the continuous and peak meter design rate of flow.

Meter Install Date	Meter Size (in)	Meter Peak Flow (GPM)	Meter Continuous Flow (GPM)
1924	2	180	130
1930	2	180	130
1955	2	180	130
1947	1 ½	125	88
1952	1	50	25
Total Flow		715	503

The previously operated Miramar Hotel was served without a flow deficiency and due to the similar size of the Caruso project, it was expected that the existing meters would be able to adequately serve the project. With increases in water demand to the property caused by the new ancillary facilities and landscaping, timing of flow demand will need to be coordinated for the existing five meters to serve the project. This concern needs to be further examined in order to ensure that there is not a need for new meters which would constitute an expansion of use on the property. Such potential impacts can be addressed, however, by inclusion of the above-referenced conservation fixtures and techniques, and by timing of landscape watering, pool maintenance and other similar activities to avoid peak guest demand. With infrastructure improvements and implementation of measures consistent with the District's attached conditions, the District expects to be able to serve the project through its existing services. A peak use study will need to be completed to confirm the flow adequacy of the existing meters during peak demand periods.

MWD has, from the beginning of the project under Caruso Affiliated, been proactive in alerting you to possible water supply issues. As a public agency, the District's goal is to work with its customers to help a project meet the reasonable needs of the customer without compromising the District or the community. The established 45 acre-foot base allotment is considered by the District to be a reasonable and appropriate project water demand estimate for interior water use. The District will continue work with Caruso Affiliated to provide additional project water above the 45 acre-foot base allotment subject to the terms and conditions noted above.

Once again, while the District expects that it will be able to serve additional project demand if it occurs, this will be at a higher rate, reflective of the District's actual cost to obtain such additional water supply. Please note that at times of severe drought or service interruption, the District may declare a water shortage emergency. In this emergency condition, the Miramar will be treated as other District customers and be subject to reductions in available water and/or cost increases necessary to conserve the remaining water supply for the community. Please contact me at (805) 969-2271 if you have any questions or require further clarification of the information provided above.

Sincerely,



Tom Mosby
General Manager

cc: David Ward, County of Santa Barbara
Rick Caruso, Caruso Affiliated



MONTECITO WATER DISTRICT

Project: Miramar Beach Resort and Bungalows

DISTRICT PROJECT CONDITIONS OF APPROVAL

Project conditions listed below apply to the Miramar Beach Resort and Bungalows Project (Project/Owner) as it is currently being proposed with the information currently available to the Montecito Water District (District). Conditions of Approval beyond those listed herein may be added in the event the Project Description is modified in such a manner that the water supply and water distribution to the Project deviates from what is currently proposed.

- Owner shall provide a water supply and peak demand study for the project prepared by a District approved water engineering consultant specializing in hotel/resort operations. Consultant shall be familiar with comprehensive water demand analysis with the application of the most current water saving fixtures and conservation design technology. The water supply and peak demand study shall be based on the existing water meter services to the Hotel property. The study shall be reviewed and approved by the District in writing as a condition of the project.
- Owner shall execute a District Public Water Main Extension/Relocation Agreement with the District and fulfill all obligations and responsibilities associated with the agreement.
- The Owner shall provide the District with a Preliminary Design Report (PDR) prepared by a District approved water resources engineering consultant. The PDR shall serve such purpose as to provide the District with sufficient information to determine if proposed pipeline sizes and alignments are acceptable and satisfy District requirements. The PDR shall contain at a minimum: a project description; plan view scaled engineering drawings of the District's existing public water distribution system infrastructure and easements on the property; all proposed project underground and surface improvements in conflict with existing District infrastructure; and easement corridors, existing and proposed locations of all District water meters, lateral connections to each meter, backflow protection devices, and all secondary connections for potable and non-potable property water uses. The PDR shall be reviewed and approved by the District in writing as a condition of the project.
- Owner shall provide the District with scaled engineering drawings, prepared by a civil engineer registered in the state of California showing all proposed relocated District facilities and new District easements that are being moved to avoid conflicts with proposed project underground and surface improvements. District facilities being relocated must be within a 12-foot wide (clear dimension with no obstructions) easement corridor accessible to District equipment at all times. Engineering drawings for relocated District facilities must be submitted in accordance with District Ordinances, construction

standards and all applicable health and safety code requirements. All public water system alterations and changes shall be reviewed and approved by the District in writing as a condition of this project.

- Owner shall make provisions for a non-potable water distribution system dedicated for outdoor irrigation using possible future reclaim or other non-potable water sources that may become available in the future.
- Owner shall utilize the latest generation of water efficient and conservation technologies to meet the project water use base allotment. Water conservation fixtures and equipment shall be utilized in Hotel operations with such equipment consisting of but not limited to; high efficiency rated commercial dishwashers and front loading laundry systems incorporating rinse water reuse technology, low flow water use interior fixtures, water-less urinals where appropriate in public restrooms. All water efficient technology shall meet the most current edition of the Uniform Plumbing Code and other applicable State and County ordinances and standards at the time of construction.
- Landscape irrigation systems and project landscaping shall be designed in accordance with the most current State Water Efficient Landscape Ordinance that is projected to be adopted by the State in the 2009 calendar year. Irrigation water requirements shall be designed in accordance with an ETo of 40-inches per year from the City of Santa Barbara CIMIS station with a ETo factor of .6, requiring a mixture of drought and low water use plantings with areas of turf. The State Water Efficient Landscape Ordinance makes reference to the use of "Smart" Irrigation controllers with soil moisture sensors and rain detected auto shutoff capabilities which shall be a condition of the irrigation system design and incorporated as part of the project.



El C. Hernandez, MPA
Director of Parks
(805) 568-2461

Michael Gibson, MPA
Business Manager
(805) 568-2477

Beltranena, AIA, AICP
Project Manager
(805) 568-2470

Jeff Stone
North County
Deputy Director
(805) 934-6145

Erik Axelson
South County
Deputy Director
(805) 681-5651

Administration Office
610 Mission Canyon Road
Santa Barbara, CA 93105
Tel: (805) 568-2461
Fax: (805) 568-2459

North County
Park Operations
300 Goodwin Road
Santa Maria, CA 93455
Tel: (805) 934-6123
Fax: (805) 934-6213

South County
Park Operations
4568 Calle Real, Building E
Santa Barbara, CA 93110
Tel: (805) 681-5650
Fax: (805) 681-5657

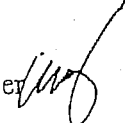
Cachuma Lake
Recreation Area
HC 59, Hwy. 154
Santa Barbara, CA 93105
Tel: (805) 686-5055
Fax: (805) 686-5075

www.sbparcs.org

Equal Opportunity Employer

July 11, 2008

TO: Anne Almy, Planner
Planning & Development

FROM: Claude Garciacelay, Park Planner 

RE: 07RVP-009 / 07CUP-047 Miramar
APN 009-371-003, -004; 009-372-001; 009-333-010; 009-010-002

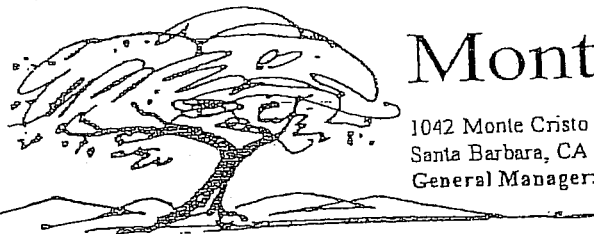
County Parks recommends the following condition(s) to the approval of the above referenced project:

1) Pursuant to the provisions of Ordinance 4348 and the appurtenant fee resolutions adopted by the Board of Supervisors, the applicant will be required to pay a development mitigation fee for new dwelling unit(s) to offset the project's potential impact on the County's park system. Said fee will be used in conjunction with other similar fees collected in the area to provide park and recreational facilities in the Regional Demand Area.

The current applicable fee in the demand area for employee residential unit is \$760 per unit. The total fee for the project would be \$3,040.00 (4 unit(s)). Fees are payable prior to final inspection. The final fee amount shall be based on the fee schedule in effect when paid and fee schedules are subject to annual adjustments. This office will not accept or process a check received prior to project permit approval by the decision maker.

The check must be made out to COUNTY OF SANTA BARBARA, and can be paid in person or mailed to: Santa Barbara County Parks, Rocky Nook Park, 610 Mission Canyon Road, Santa Barbara, CA 93105, or in person at our north county administrative office at Waller Park, 300 Goodwin Road, Santa Maria, CA 93455.

c: Owner:
Matt Middlebrook, Caruso BSC Miramar, LLC
101 The Grove Drive, Los Angeles CA 90036
Agent:
Jane Gray, Dudeck
621 Chapala St., Santa Barbara CA 93101



Montecito Sanitary District

1042 Monte Cristo Lane
Santa Barbara, CA 93108
General Manager: Diane M. Gabriel

A Public Service Agency

PHONE: (805) 969-4200
FAX: (805) 969-9049
E-MAIL: DGabriel@montsan.org

October 2, 2008

Ms. Anne Almy
S B County Planning and Development
105 East Anapamu Street
Santa Barbara, CA 93101

SUBJECT: Proposed Miramar Hotel Development

Dear Ms. Almy,

We are providing the following information specific to the process that the Montecito Sanitary District would go through to permit the currently proposed Miramar development project.

The August 20, 2008 memorandum from Caruso regarding water consumption indicates that they will be using low-flow plumbing fixtures and water efficient appliances. Table 1 of the memorandum estimates the internal water consumption to be approximately 40 acre-feet per year or approximately 40,000 gallons of wastewater discharging to the District's sewage system per day. These figures are considered to be just estimates and more detailed calculations will be necessary.

Prior to County building permit issuance the following is required:

- Execute a "Dedication Agreement for Sewer facilities" between the District and Caruso. As you are aware through prior correspondence from Caruso Affiliated, the developer has agreed to construct, to district standards, an on-site sewer lift station. At the developer's expense, the lift station will need to be sized and designed by a licensed civil engineer, constructed by an experienced and qualified contractor and dedicated to the District. This work will be performed under a "Dedication Agreement for Sewer Facilities."
- The District must receive and approve engineered plans and specifications for the construction of all required sewage collection system elements. The flows to the system will be determined following calculations performed by a licensed engineer for the specific fixtures to be installed in each portion of the project (i.e., flows from faucets in guest rooms, flows from dishwasher(s), flows from toilets, flows from pool and spa facilities, flow from the laundry etc.)

Ms. Anne Almy
October 2, 2008
Page Two

- Applicant must provide the District with information regarding the proposed flows to the District's sewer system from all additional and new sources. The District will then be able to calculate connection permit fees, in accordance with the District's fee Resolution in place at the time of submittal, using the former hotel and restaurant sizes and functions as the baseline.
- Applicant will pay the District all connection fees, agreement fees, plan check fees, inspection fees, performance deposits and all other fees that may be in place at the time of application.

Please feel free to contact me if you have any questions regarding these requirements.

Sincerely,



Diane M. Gabriel, P.E.
General Manager/District Engineer

DMG/dh





Attachment D



Approved Project Site Plan (07RVP-000000-00004)

The Maramba
 BEACH RESORT AND BUNGALOWS
 UNIVERSITY, CALIFORNIA

CARUSO
 AFFILIATED

M/S Hill Center Studio
 925 Arroyo Street
 Palo Alto, CA 94301-2405
 (650) 871-0365

Landscape International, Inc.
 4530 Comstock Drive
 San Bernardino, CA 92403
 (914) 778-8888

Site design
 5183 Vanier Avenue, Suite
 2100
 Berkeley, CA 94704
 (510) 842-4576

PERFIELD & SMITH
 101 E. Victoria Street
 San Bernardino, CA 92401
 (909) 842-2322

LEGEND:

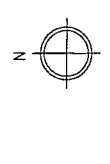
EXISTING VEHICLE ACCESS
 ROUTE TO BE ELIMINATED



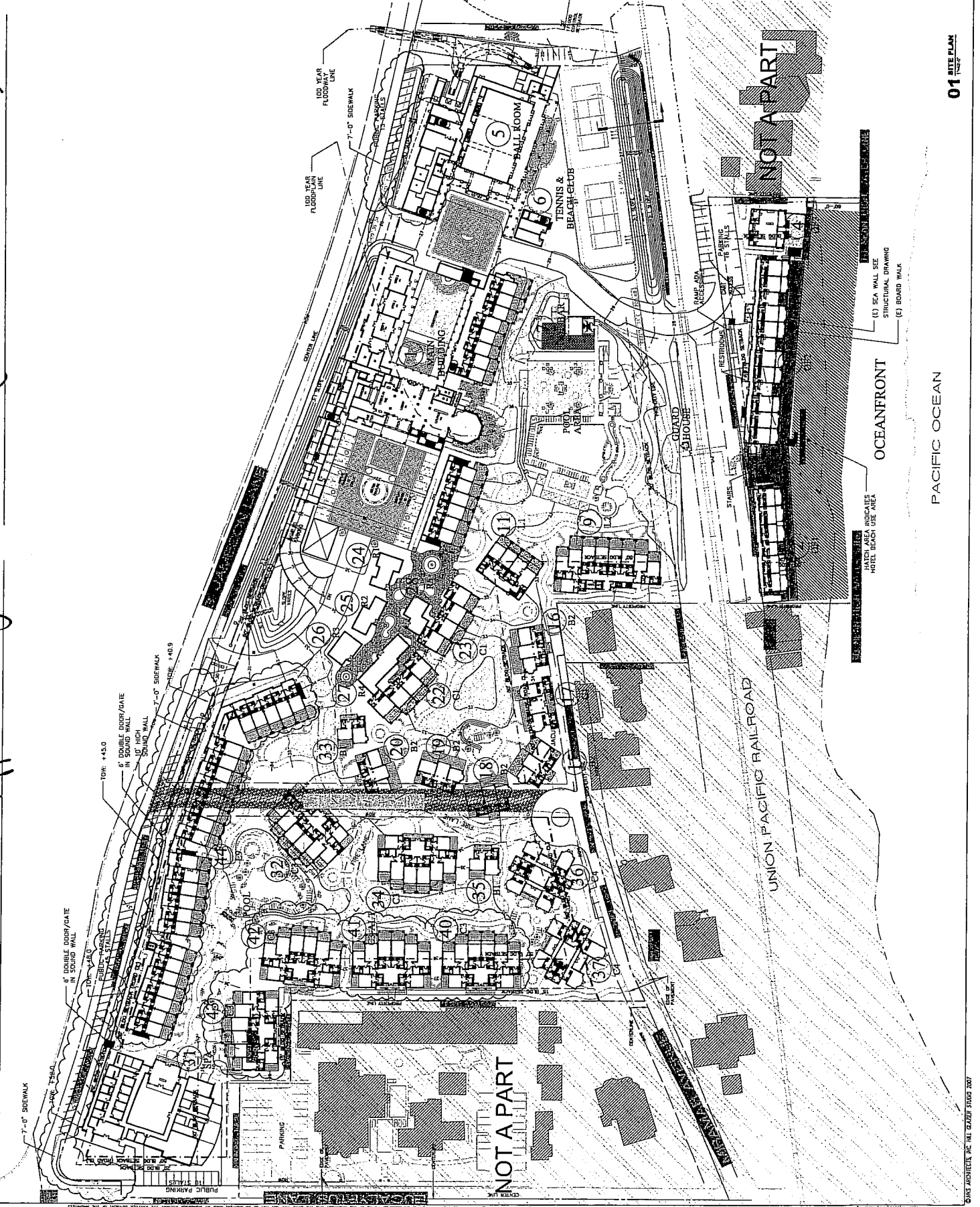
HOUSE DEVELOPMENT PLAN APPLICATION
A0.10

FINAL DEVELOPMENT PLAN

PROJECT: 1128AL000
 SEPT 16, 2004



01 SITE PLAN
 1128AL000



ALL DIMENSIONS AND NOTATIONS APPLICABLE UNLESS OTHERWISE SPECIFIED. THE ARCHITECT HAS CONDUCTED VISUAL VERIFICATION OF THE EXISTING CONDITIONS AND HAS FOUND THEM TO BE AS SHOWN. THE ARCHITECT HAS CONDUCTED VISUAL VERIFICATION OF THE EXISTING CONDITIONS AND HAS FOUND THEM TO BE AS SHOWN. THE ARCHITECT HAS CONDUCTED VISUAL VERIFICATION OF THE EXISTING CONDITIONS AND HAS FOUND THEM TO BE AS SHOWN.

