



COUNTY OF SANTA BARBARA CALIFORNIA

MONTECITO PLANNING COMMISSION

COUNTY ENGINEERING BUILDING
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TO THE HONORABLE BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA, CALIFORNIA

MONTECITO PLANNING COMMISSION
HEARING OF FEBRUARY 22, 2012

***RE: Miramar Beach Resort and Bungalows Time Extension for the Amended Project;
11TEX-00000-00032***

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 Case No. 11TEX-00000-00032, [application filed on December 22, 2011] for a one-year time extension (from March 15, 2012 to March 15, 2013) to Case No. 11CDH-00000-00001 in compliance with Section 35-169 of Article II, on property zoned C-V & TC; and to accept the previously certified environmental review documents (Addendum dated March 15, 2011 together with the focused Environmental Impact Report (08EIR-00000-00003), Mitigated Negative Declaration (00-ND-003) and Addendum dated December 9, 2008) as adequate Environmental Review for Case No. 11TEX-00000-00032 pursuant to Section 15162 of the State Guidelines for Implementation of the California Environmental Quality Act. The application involves AP Nos. 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.

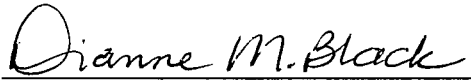
Dear Honorable Members of the Board of Supervisors:

At the Planning Commission hearing of February 22, 2012, Commissioner Phillips moved, seconded by Commissioner Eidelson and carried by a vote of 5 to 0 to:

1. Recommend that the Board of Supervisors make the required findings for approval of the project specified in Attachment A of the staff report, dated February 3, 2012, including the California Environmental Quality Act (CEQA) findings.
2. Recommend that the Board of Supervisors, after considering the environmental review documents [Addendum dated March 15, 2011 together with the previously certified focused Environmental Impact Report (08EIR-00000-00003), the previously adopted Mitigated Negative Declaration (00-ND-003) and Addendum dated December 9, 2008] determine that, as reflected in the CEQA findings, no subsequent EIR or Negative Declaration shall be prepared for this project.

3. Recommend that the Board of Supervisors approve the project, Case No. 11TEX-00000-00032.

Sincerely,



Dianne M. Black
Secretary Planning Commission

cc: Case File: 11TEX-00000-00032
Montecito Planning Commission File
Dianne M. Black, Director Development Review
Applicant: Caruso BSC Miramar LLC, Matt Middlebrook, 101 The Grove Drive, Los Angeles, CA 90036
Rachel Van Mullem, Senior Deputy County Counsel
Errin Briggs, Planner

Attachments: Attachment A - Findings

DMB/dmv

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ATTACHMENT A: FINDINGS

1.0 CEQA FINDINGS

A package of environmental review documents including a Focused EIR (08EIR-00000-00003), Negative Declaration (00-ND-003) and two Addendums dated December 9, 2008 and March 15, 2011 were certified for the Miramar Beach Resort & Bungalows project (Case Nos. 10AMD-00000-00010 (amendment to 07RVP-00000-00009), 11CDH-00000-00001, 11AMD-00000-00002 (amendment to 07CUP-00000-00045), 11AMD-00000-00003 (amendment to 07CUP-00000-00046), 11AMD-00000-00004 (amendment to 07CUP-00000-00047), 11AMD-00000-00005 (amendment to 08CUP-00000-00005) on March 15, 2011. 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 associated Addendums and mitigation measures for these impacts were incorporated into the Condition of Approval for the project.

CEQA Section 15162 requires the use of a previously certified EIR or previously adopted ND unless the County determines, on the basis of substantial evidence in light of the whole record, one or more of the following:

- (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration 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, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
 - (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
 - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Section 15162 of the State CEQA Guidelines is found to be applicable to the Miramar Beach Resort & Bungalows Time Extension project, Case No. 11TEX-00000-00032, 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 package of environmental review documents.

Because the current project meets the conditions for the application of State CEQA Guidelines Section 15162, no subsequent Environmental Impact Report or Negative Declaration shall be prepared.

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 included as Attachment D of the Montecito Planning Commission staff report dated February 3, 2012, incorporated herein by reference. 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 March 15, 2011 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 March 15, 2011 (included as Attachment B of the Montecito Planning Commission staff report dated February 22, 2012) for Case Nos. 11CDH-00000-00001, 10AMD-00000-00010, 11CDH-00000-00001, 11AMD-00000-00002, 11AMD-00000-00003, 11AMD-00000-00004 and 11AMD-00000-00005. Therefore, this finding can be made.