



COUNTY OF SANTA BARBARA CALIFORNIA

MONTECITO PLANNING COMMISSION

COUNTY ENGINEERING BUILDING
123 E. ANAPAMU STREET
SANTA BARBARA, CALIFORNIA 93101-2058
PHONE: (805) 568-2000
FAX: (805) 568-2030

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

MONTECITO PLANNING COMMISSION
HEARING OF FEBRUARY 23, 2011

RE: Miramar Beach Resort and Bungalows Time Extension; 10TEX-00000-00039

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. 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 the CEQA documentation package for 07RVP-00000-00009, i.e., (08EIR-00000-00003, 00-ND-003 and 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.

Dear Honorable Members of the Board of Supervisors:

At the Montecito Planning Commission hearing of February 23, 2011, Commissioner Gottsdanker moved, seconded by Commissioner Burrows 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 4, 2011, 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; and
3. Recommend that the Board of Supervisors approve the project, Case No. 10TEX-00000-00039.

REVISIONS TO THE CONDITIONS OF APPROVAL FOR 08CDP-00000-00054

The following condition was added:

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

Sincerely,



Dianne M. Black
Secretary Planning Commission

cc: Case File: 10TEX-00000-00039
Planning Commission File
Dianne M. Black, Director Development Review
Owner/Applicant: Caruso BSC Miramar LLC, Attn: Matt Middlebrook, 101 The Grove Drive, Los Angeles, CA 90036
Rachel Van Mullem, Deputy County Counsel
Errin Briggs, Planner

Attachments: Attachment A - Findings

DMB/dmv

G:\GROUP\PERMITTING\Case Files\AMD\10 cases\10AMD-00000-00010 Miramar\Montecito Planning Commission 2.23.11\02-23-11actltr for
TEX.doc

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.