

**From:** [Dale Goldsmith](#)  
**To:** [sbcob](#)  
**Cc:** [Brown, Willow](#); [Brian Pettit](#); [Chris Robertson](#)  
**Subject:** Miramar Project (Appeal of Case Nos. 24RVP-00050 and 24RVP-00051; Public Hearing Item No. 5 on the Board's December 10, 2024 agenda)  
**Date:** Friday, December 6, 2024 11:55:44 AM  
**Attachments:** [image001.png](#)  
[01 AGD Ltr to BOS re Miramar Appea12-6-24.pdf](#)

---

**Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.**

Dear Clerk

I have attached a letter regarding the above matter. Please include this in the documents presented to the Board and confirm receipt.

Thank you,

Dale

Dale J. Goldsmith



12100 Wilshire Blvd., Suite 1600  
Los Angeles, California 90025  
O: 310-209-8800  
M: 310-259-3134

This e-mail, and any attachments hereto, is intended only for use by the addressees named herein and may contain legally privileged and/or confidential information. If you are not the intended recipient of this e-mail, you are hereby notified that any dissemination, distribution or copying of this e-mail, and any attachments hereto, is strictly prohibited. If you have received this e-mail in error, please immediately notify this office at 310.209.8800 and permanently delete the original and any copy of any e-mail and any printout thereof.



DALE J. GOLDSMITH  
T: 310.254.9054  
E: Dale@AGD-Landuse.com

December 6, 2024

BY EMAIL

The Honorable County of Santa Barbara  
Board of Supervisors  
105 E. Anapamu Street,  
Santa Barbara CA 93101

sbcob@countyofsb.org

Re: Miramar Beach Resort and Bungalows Affordable Employee Housing, Market Rate Housing and Resort-Visitor Serving Commercial Project (Appeal of Case Nos. 24RVP-00050 and 24RVP-00051; Public Hearing Item No. 5 on the Board's December 10, 2024 agenda)

Dear Board members:

We represent Miramar Acquisition Co., LLC ("Applicant"), which is seeking to develop needed housing, including 26 units of affordable apartments for Resort employees, and additional Resort-visitor commercial uses (the "Project") on two existing surface parking lots ("Project Site") at the Miramar Beach Resort ("Resort"). On November 1, 2024, the County Planning Commission ("CPC") unanimously found the Project to be exempt from CEQA under Public Resources Code ("PRC") Section 21159.25 and approved the Project.

Clifford Gherson, Heal the Ocean, Christopher Horner, Julie and Rober Teufel, and UNITE HERE Local 11 (collectively "Appellants") respectively appealed the CPC's action (collectively the "Appeals"). As summarized below in and our attached point-by-point response memorandum and supporting expert reports and responses, the Appeals are without merit and should be denied.

**1. The Resort Currently Provides Adequate Parking and Will Continue to do so Under the Project.** The Resort implements a robust parking plan to ensure that Resort employees, guests, visitors, and vendors park onsite. The Applicant has submitted parking reports that show compliance with all applicable parking requirements. Further, the Applicant has agreed that hotel staff or security will monitor the public parking spaces along S. Jameson Lane and Eucalyptus Lane on an hourly basis (from 8 a.m. to 5 p.m.) to ensure that Resort employees are not parking in these spaces. A daily log will be maintained to document the monitoring that has occurred and made available to County P&D Staff as part of the annual reporting requirements.

ATE prepared an updated Shared Parking Analysis for the Project using widely utilized methodologies and based on empirical data from real world projects. This study, which was reviewed and approved by County Staff and peer reviewed by parking and traffic experts

ATTORNEYS AT LAW  
12100 WILSHIRE BOULEVARD, SUITE 1600 | LOS ANGELES, CALIFORNIA 90025 | T: 310.209.8800  
www.AGD-Landuse.com



Linscott, Law & Greenspan (“LLG”) shows that the proposed parking will exceed peak demand by 18 spaces. Thus, the Resort will continue to have adequate parking under the Project.

A total of 87 public parking spaces would continue to be provided under the Project. As set forth in ATE’s October 28, 2024 memorandum, a recent parking survey conducted on a peak weekend with good weather shows that parking demand at the Resort ranged from 43 to 75 percent, which demonstrates the adequacy of existing parking on-site. In addition, use of the adjacent public parking spaces on S. Jameson Lane, Eucalyptus Lane, and Miramar Avenue by members of the public ranged from 44 to 80 percent. This demonstrates that the Resort is not currently impacting public beach access and, with an 18-space surplus on-site under the Project, will continue to be protective of beach access.

**2. The Project Will Not Result in Significant Traffic Impacts.** The expert traffic analysis by ATE, which used very conservative assumptions that significantly overstate the number of trips generated, demonstrates that the Project will not result in any significant traffic impacts. The County traffic engineer reviewed and approved this study and all its data and assumptions, and LLG’s peer review affirmed the trip generation. The study shows that 50 percent of the Resort shop customers will be guests staying at the hotel and on-site residents and 70 percent of the external trips will be local trips from Montecito. As most of the customers will be local, the shops are not a regional destination that would generate significant traffic.

**3. The Project Will Be Able to Safely Evacuate in an Emergency if Required.** The Resort maintains daily coordination with the sheriff and fire departments to remain vigilant and responsive to any emerging needs during emergencies. In the case of a mandatory evacuation, the Resort would undergo a complete shutdown, with only the security team remaining on-site as the primary point of contact with the fire and sheriff departments. In an emergency, the Resort will follow a structured protocol to ensure the safety and well-being of guests, employees, and the local community. When local authorities issue an evacuation order, the Resort partners with a designated hotel or safe location outside the evacuation zone to facilitate a smooth and early transition for Resort guests and non-essential employees. This approach will avoid last-minute evacuations and prioritize safety. While such situations have only occurred a couple of times over the years, the Resort remains prepared to coordinate departures based on optimal routes identified in real-time.

**4. The Project Will Be Safe from Flooding and Sea Level Rise.** The Project complies with County and FEMA requirements for the site by elevating the finished floor elevations two feet above the base flood elevation. The expert Sea Level Rise and Flood Hazards Report prepared by GeoSoils, Inc. demonstrates that Project will be safe from coastal hazards during its design life.

**5. The Project Qualifies for the CEQA Exemption.** As set forth in the Notice of Exemption prepared by County Staff and the attached memoranda, the Project meets all the criteria for the PRC Section 21159.25 CEQA exemption. The Project site is limited to 3.077



The Honorable County Planning Commission  
December 6, 2024  
Page 3

acres and is substantially surrounded by urban uses. No new development or construction activity related to the Project will occur in other portions of the Resort, which comprise the environmental baseline under CEQA and are not part of the Project.

**6. The County Has Not Engaged in Piecemealing.** Since the Resort was originally approved in 2015, the County properly approved minor changes to the Resort that the County found to be within the scope of, and in substantial conformance with, the prior approvals. As such, the Resort as it exists today is the CEQA baseline and not part of the Project.

**7. The Project is Consistent with the C-V Zoning and Montecito Community Plan.** The attached expert memorandum from EcoTierra demonstrates that the Project is consistent with all the applicable provisions of the C-V zoning and Montecito Community Plan.

For the foregoing reasons, the Appeals are without merit. Therefore, we respectfully request that you deny the Appeals and uphold the CPC's unanimous approval of the Project.

We are available to answer any questions you may have.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Dale J. Goldsmith', with a stylized flourish at the end.

Dale J. Goldsmith

cc: Willow Brown  
Brian Pettit, Esq.  
Miramar Acquisition Co., LLC

# MEMORANDUM



**DATE:** December 6, 2024

**TO:** The Honorable Board of Supervisors of Santa Barbara County

**FROM:** Dale Goldsmith

**CC:** Willow Brown  
Brian Pettit, Esq.

**SUBJECT:** Miramar Beach Resort and Bungalows Affordable Employee Housing, Market Rate Housing and Resort-Visitor Serving Commercial Project (Project) (Appel of Case Nos. 24RVP-00050 and 24RVP-0005; Public Hearing Item No. 5 on the Board's December 10, 2024 agenda)

---

The following are point-by-point responses to the five appeals (Appeals) of the County Planning Commission's (CPC) unanimous approval of the Project and certain last minute public comments made to the CPC. The Appeals and comments make various arguments against the Project and the CPC's determination that the Project qualifies for the CEQA statutory exemption in Public Resources Code section 21159.25. As set forth below, all these arguments are without merit, and the Appeals should be denied. All undefined, capitalized terms herein have the same meaning as in our letter dated December 6, 2024. The arguments of the appellants and commenters are summarized in the numbered and underlined headings below, and our responses are below these headings.

## **I. Responses to Appeals**

### **A. Clifford Gherson Appeal Arguments**

1. During emergencies, employees and guests will not have access to their cars as the valets will have their keys and the cars will be blocked in.

Response: The Resort maintains daily coordination with the sheriff and fire departments to remain vigilant and responsive to any emerging needs during emergencies. In the event of an emergency evacuation order, the Resort will follow a structured protocol to ensure the safety and well-being of guests, employees, and the local community. When local authorities issue an evacuation order (voluntary or mandatory), the Resort partners with a designated hotel or safe location outside the evacuation zone to facilitate a smooth and early transition for Resort guests and non-essential employees. This approach will avoid last-minute evacuations and prioritize safety, and therefore all employees and guests will be able to access their vehicles, assisted by the valets. While such situations have only



occurred a couple of times over the years, the Resort remains prepared to coordinate departures based on optimal routes identified in real-time.

In the case of a mandatory evacuation, the Resort would undergo a complete shutdown, with only the security team remaining on-site as the primary point of contact with the fire and sheriff departments. Throughout past emergencies, including fires and mudslides, the Resort has supported local residents by providing essential supplies such as food, water, and power. Notably, the Resort supplied power to elderly neighbors in need of life-sustaining equipment like ventilators for extended periods. Additionally, the Resort has stationed security personnel along the nearby train tracks to prevent looting in evacuated areas.

2. People will park on the streets to avoid valet fees.

Response: The appellant speculates that guests and customers will park on streets to avoid valet fees but provides no credible evidence in support. All hotel guests are required to use valet parking. Further, valet parking will be free for all restaurant and retail customers. Refer also to Response C.2 below.

3. Project traffic and congestion will pose a danger to neighborhood residents.

Response: The expert traffic analysis by ATE, which used very conservative assumptions that significantly overstate the number of trips generated, demonstrates that the Project will not result in any safety impacts due to traffic and congestion or create any safety hazards. The County traffic engineer reviewed and approved this study and all its data and assumptions. The appellant provides no credible evidence to the contrary.

4. There is no information as to where Resort employees, guests, and construction workers park during construction. The Applicant will provide offsite parking during for construction workers and Resort guests and visitors as needed pursuant to the Construction Management Plan, which will include a parking management plan during construction.

5. The excavation for the subterranean parking will impact the groundwater table.

Response: As set forth in the expert Responses to Comments from Flowers dated December 5, 2024 attached as Exhibit 1 (Flowers Responses), the finished floor of the Project's subterranean garage is proposed at elevation 23.5 feet. Per the June 2024 Soils Report by GPI, groundwater was found at elevation 12 feet. Therefore, groundwater will be 11.5 feet below the parking garage finished floor, and the garage will be above the groundwater. Nonetheless, the garage will be water- and floodproofed. Therefore, the Project will not affect groundwater or be affected by it.



6. The Project is not consistent with the Montecito Community Plan.

Response: As set forth in the CPC determination, Staff Report, and expert memorandum from Ecotierra dated December 5, 2024 attached as Exhibit 2 (Ecotierra Memorandum), the Project is consistent with all the applicable policies of the Montecito Community Plan. The appellant has provided no credible evidence of inconsistency.

7. The Project is not consistent with the C-V zoning.

Response: As set forth in the CPC determination, Staff Report, and Ecotierra Memorandum, the Project is consistent with the zoning and all applicable development standards with the CPC-approved density bonus waivers. The appellant has provided no credible evidence of inconsistency.

8. Many of the required parking spaces will be located in drive aisles.

Response: The Project provides valet parking for all hotel guests and visitors and customers of the restaurants and Resort shops. Consistent with current conditions at the Resort and County requirements, some of the Project's parking spaces are tandem or located in drive aisles and will only be used by valets. However, the drive aisles will remain usable for vehicular access. The current valet operations are efficient and function well, and the valet operations are anticipated to continue to do so under the Project.

9. The Project will add congestion to the Eucalyptus Lane/Jameson Lane intersection.

Response: The expert traffic analysis by ATE demonstrates the Project will not add a substantial amount of traffic to the Eucalyptus Lane/S. Jameson Lane intersection, which will continue to operate at an acceptable level of service (LOS) under County standards. In any event, LOS-based traffic congestion is no longer a CEQA transportation issue.

10. The traffic study is invalid as it does not consider how many vehicles will use the improved 101 Freeway ramps and enter the Eucalyptus Lane intersection.

Response: The traffic analysis accounted for traffic from the 101 Freeway ramps based on information from Caltrans. As set forth in Response A.9 above, the Eucalyptus Lane/S. Jameson Lane intersection will continue to operate at an acceptable LOS under County standards.



## **B. Heal the Ocean Appeal Arguments**

1. There are discrepancies in the stormwater runoff calculations, which show an increase in impervious surfaces but a decrease in flow quantities.

Response: As set forth in the Flowers Responses, the Water Resources Report only provides the final runoff quantities. The Preliminary Drainage Analysis attached as Appendix A to the Water Resources Report provides an analysis of pre- and post-peak flow analysis. As set forth in the Preliminary Drainage Analysis, the Project will include underground detention basins that will detain and treat stormwater, thereby reducing peak flows and improving water quality.

2. The Project will place affordable housing in a flood zone.

Response: As set forth in the EcoTierra Memorandum and Flowers Responses, a portion of the Project Site is designated as a 100-year flood zone (1% chance of flooding) under the currently applicable FEMA flood maps and as a 500-year flood zone (0.2% chance of flooding) under the pending FEMA maps update. Much of the coastal zone is a designated flood area, and the development of housing is not prohibited within them. Rather, the County and FEMA have adopted requirements to ensure that the development is safe and the residents are not at risk due to flooding.

The Project complies with these requirements for the Project Site by elevating the finished floor elevations of Building C two feet above the base flood elevation. The proposed finished floor elevations of the buildings are based upon the County's most current 2024 Recovery Mapping for the Project Site and include the two feet of freeboard required. The Project was reviewed by County Flood Control, which issued a conditional letter of approval dated September 13, 2024.

The Resort monitors potential flood events and follows instructions from government officials, which have been to shelter in place during the last most recent events, including the flooding and mudslides in 2018. The Resort did not experience flooding or mudflow during that event. Therefore, there are no significant risks due to flooding or evacuation.

3. The Sea Level Rise calculations are uncertain.

Response: The expert Sea Level Rise and Flood Hazards Report prepared by GeoSoils, Inc. (SLR Report) analyzed the potential for impacts from future flooding due to Sea Level Rise (SLR) under the California Coastal Commission's SLR Policy Guidance, as well as from wave runup and beach erosion. The SLR Report demonstrates that the Project will be safe from coastal hazards during its design life. The appellant has provided no credible evidence to the contrary.





4. The Project will result in cumulative hydrology impacts due to changes since 2000.

Response: The Resort was originally approved in 2000, and the County approved modifications in 2008, 2011, and 2015. However, the 2000, 2008, and 2011 versions were never built, and therefore cannot cause cumulative impacts. In connection with its approval of the 2015 plan, which was constructed and represents the existing baseline conditions, the County reviewed and approved a hydrology report and drainage plans to address hydrology impacts.

The Project will be developed only on the Project Site. As set forth in the Water Resources and Preliminary Drainage Reports prepared by Flowers, the Project would not result in a significant hydrology impact. As the rest of the Resort will not be modified and will remain in its current condition, there is no potential for cumulative hydrology impacts. The appellant provides no credible evidence of a cumulative impact, only speculation. Speculation is not substantial evidence. (CEQA Guidelines section 15145.)

5. The CPC did not include CEQA findings in their approval of the Project.

Response: The CPC adopted CEQA findings, which are included in Attachment 2 to the CPC's decision letter.

6. The County has engaged in impermissible piecemealing.

Response: There has been no piecemealing. Since the current Resort was approved in 2015, the County properly approved minor changes to the Resort through the Substantial Conformity Determination (SCD) process in the Coastal Zoning Ordinance, which the County found to be within the scope of, and in substantial conformance with, the prior approvals. The SCD's have not resulted in material changes to the Resort or its operations. As such, the Resort as it exists today is the CEQA baseline and not part of the Project. No further CEQA review of the existing Resort is required.

7. The Project does not qualify for the statutory CEQA exemption as the Project Site exceeds five acres.

Response: CEQA Guidelines section 15378 defines a "project" as an action that has a potential for resulting in a direct or indirect physical change in the environment. The 3.077-acre Project Site includes all areas that will be physically changed by the Project.

The other portions of the Resort are part of the existing physical environment. No new development or construction activity related to the Project will occur in these other portions. As such, they comprise the environmental baseline under CEQA and are not part of the Project.



The Public Resources Code (PRC) section 21159.25 exemption is based on the CEQA Guidelines Section 15332 exemption, referred to as the Class 32 infill exemption, that applies to cities. In *Protect Tustin Ranch v. City of Tustin* (2021) 70 Cal App 5th 951 (*Protect Tustin Ranch*), the Court of Appeal upheld the use of the Class 32 exemption for a 2.38-acre project site included within a 12-acre existing shopping center as the development would only occur on the project site, which was below the five-acre maximum. The Court's holding in *Protect Tustin Ranch* is equally applicable to the Project.

8. The hydrology report should have addressed the entire Resort.

Response: As set forth above, the County reviewed and approved a hydrology report and preliminary drainage plans to address hydrology impacts. The Project will be developed only on the Project Site. The Resort will otherwise not be modified and will remain in its current condition. It is part of the baseline conditions under CEQA and will continue to implement required best management practices (BMPs) and comply with all applicable regulations pertaining to hydrology and water quality. As noted above, in connection with the County's approval of the 2015 plan, which was constructed and represents the existing baseline conditions, the County reviewed and approved a hydrology report and drainage plans to address hydrology impacts.

9. The calculations for the underground catchment systems, which are based on the 2,5, 10, 25, 50, and 100-year storms, do not fully address the volatility of climate change and SLR, and the new FEMA map adds up to a cumulative impact.

Response: As set forth in the Flowers Responses, the calculations in the Water Resources and Preliminary Drainage Reports were based on current County standards, which the County of Santa Barbara Flood Control District (District) requires. They are not outdated and are the only ones that currently apply to the Project. The appellant provides no credible evidence that these standards are inadequate.

As set forth in Response B.3 above, the SLR Report demonstrates that the Project will be safe from coastal hazards during its design life. The appellant has provided no credible evidence to the contrary.

As set forth in the Flowers Responses, FEMA has released updated preliminary FIRM maps. The District has yet to adopt these maps for new development. Final FEMA FIRM maps are anticipated to be completed in 2026. The County has adopted the Santa Barbara Recovery Mapping as the latest FEMA maps to design new projects. At the Project Site, the Santa Barbara Recovery Mapping is more conservative than the future Preliminary FEMA FIRM maps. As the Project is designed to the Santa Barbara Recovery Maps, the design would also be effective for the yet-to-be-adopted FEMA FIRM maps.



The Honorable Board of Supervisors of Santa Barbara County

December 6, 2024

Page 7

10. There are no studies addressing the health of Oak Creek after years of runoff from the Miramar property.

Response: The Project will not involve any alteration to Oak Creek and will observe the required 50-foot buffer. Oak Creek is part of the environmental baseline; therefore, an analysis of its existing condition is not required. As set forth in the Water Resources and Preliminary Drainage Reports, the Project will implement a stormwater control plan to capture and treat stormwater runoff that will reduce flows and improve water quality. Potential impacts to Oak Creek from runoff will be reduced as compared to existing conditions and less than significant.

11. The underground parking garage will be impacted by flooding.

Response: Please refer to Response A.5 above.

12. The current hydrology report has the same flaws as the 2008 report, as outlined in the letter from Coast Law Group.

Response: The 2008 hydrology report was for a different iteration of the Resort that was never built. That report was superseded by updated reports in 2011 and 2015. Moreover, the County reviewed and approved the Water Resources Report, Preliminary Drainage Report, and Stormwater Control Plan for the Project based on current requirements and current conditions at the Project Site, both of which are different from those in 2008. Therefore, the Coast Law Group letter has no relevance to the Project.

### **C. Christopher Horner Appeal Arguments**

1. The Miramar has not monitored or enforced employee and guest parking, resulting in hotel-related parking on public streets.

Response: The Resort implements a Parking Plan to ensure that Resort employees, guests, visitors, and vendors park onsite. As set forth in the memorandum by ATE dated October 28, 2024, recent parking surveys conducted on a peak weekend with good weather show that use of the Resort-adjacent public parking spaces on South Jameson Lane, Eucalyptus Lane, and Miramar Avenue ranged from 44 to 80 percent. This demonstrates that the Resort is not currently impacting public parking.

Moreover, the Applicant has agreed that hotel staff or security will monitor the public parking spaces along South Jameson Lane and Eucalyptus Lane on an hourly basis (from 8 a.m. - 5 p.m.) to ensure that Resort employees are not parking in these spaces. A daily log will be maintained to document the monitoring that has occurred and made available to County P&D Staff as part of the annual reporting requirements.



2. People will park on the streets to avoid valet fee.

Response: Please refer to Response A.2 above.

3. The Project is incompatible with the neighborhood.

Response: As set forth in the CPC determination and Staff Report findings, the Project will be compatible with the Resort's existing building heights and scale and will not impact the character of the surrounding community. The maximum heights of Building A and B are 33 feet, 5 inches and 30 feet, 2 inches, respectively, which are within the permitted height limit of 38 feet (with pitched roof) in the C-V zone and consistent with the existing building heights in the Resort, including the two-story lanai guest room buildings located near Buildings A and B and oceanfront guest room buildings that range in height up to 29 feet, and the Manor House, which is 44.5 feet in height.

The height of Building C is below the height of the Manor House and is compatible with the existing building heights and scale of the Resort. Moreover, Building C is located in the northeast portion of the Resort Site and is not located adjacent to sensitive uses. The nearest residential use to Building C is located approximately 125 feet east of the proposed development and is buffered by the 50-foot buffer, Oak Creek, landscaping, and mature trees.

There are currently 1½- and two-story buildings surrounding the All Saints-by-the-Sea Church (Church) sanctuary and parish hall, including the Church's two-story office building across Eucalyptus Lane from the main Church campus. Thus, at two stories in height, Buildings A and B would be compatible with the size and scale of buildings within the Church property's existing setting and in keeping with other buildings in the surrounding area.

In addition, the Project is designed to be compatible and complement the existing Resort "Cottage Type" architecture. Therefore, the Project will be compatible with the surrounding neighborhood. The appellant has provided no credible evidence of incompatibility.

4. The Project and the Academy expansions and Biltmore/Coral Casino restoration will result in cumulative impacts.

Response: The appellant has provided no credible evidence of any cumulative impacts. As set forth in the expert supplemental traffic memo by ATE dated October 24, 2024, these other pending projects would either result in reduced trips or would not add traffic to any of the roadways in the Project vicinity. Moreover, CEQA transportation impacts are no longer assessed based on LOS but on vehicle miles travelled (VMT). Under the County's VMT methodology, a project that has a less-than-significant project VMT



impact also has a less than significant cumulative impact. Therefore, the Project will not result in any significant cumulative traffic impacts.

As also set forth in ATE's October 28, 2024 memorandum, parking impacts are localized (i.e., within close proximity to the project site). The projects cited by the appellant are all located a mile or more away. Moreover, these other projects would be required to provide adequate parking per County requirements. Moreover, parking supply is not a CEQA impact. Therefore, cumulative impacts will be less than significant.

5. The County should consider Marc Chytilo's letter.

Response: Mr. Chytilo's letter was part of the record before the CPC, which unanimously approved the Project. Our letter to the CPC dated October 30, 2024 includes a point-by-point response to that letter and demonstrates that Mr. Chytilo's arguments are without merit. Furthermore, Mr. Chytilo's client, the Church, no longer opposes the Project.

**D. Julie and Robert Teufel Appeal Arguments**

1. The Project will result in noise and air pollution during construction.

Response: The appellants speculate that the Project will result in significant noise and air quality impacts during construction, but provides no supporting evidence. As set forth the expert Noise Report by AES dated July 2024 and the expert Air Quality Technical Report by Ramboll dated June 2024, the Project would not result in any significant noise or air quality impacts during construction or operation.

2. Parking is a problem and will get worse with the Project.

Response: In compliance with the existing conditions of approval, the Applicant has submitted annual parking reports that show compliance with the applicable parking requirements. Further, as part of its investigation into a recent complaint, the County inspected the Resort and confirmed that it complies with such requirements.

ATE prepared an updated Shared Parking Analysis for the Project, which shows that the proposed parking for the Resort will exceed peak demand by 18 spaces. County Staff reviewed and approved this study and agreed with its conclusions. The Resort will continue to have adequate parking with the Project, and the Project will not create street congestion or traffic hazards.

As set forth in the memorandum by ATE dated October 28, 2024, recent parking surveys conducted on a peak weekend with good weather show that parking demand at the Resort ranged from 43 to 75 percent, which demonstrates the adequacy of the existing



parking. In addition, use of the adjacent public parking spaces on South Jameson Lane, Eucalyptus Lane, and Miramar Avenue ranged from 44 to 80 percent. This demonstrates that the Resort is not currently impacting public parking.

Expert traffic engineers Linscott, Law & Greenspan (LLG) have conducted a peer review of both the Shared Parking Analysis and parking surveys (see Exhibit 3), and affirmed the methodologies and conclusions of both. Therefore, the Project will provide adequate parking and will not impair public access to coastal resources. Please refer also to Responses A.2, A.8, and C.1 above.

3. There needs to be an evacuation plan.

Response: As set forth in the Ecotierra Memorandum, the County does not prescribe fixed emergency evacuation routes for wildfire events due to the variability and transformative nature of wildfires. The Santa Barbara County Fire Department (SBCFD) maintains Standard Operating Procedures (SOPs) that outline the protocols for fire-induced evacuations based on individual emergency scenarios. The Project is located in a Local Responsibility Area (LRA). During wildfire emergencies in a contract county, SBCFD is responsible for assessing hazard areas to identify evacuation requirements and coordinating with other County agencies and departments to ensure that residents are evacuated, as necessary. Evacuations may either be mandatory or voluntary.

The Resort maintains daily coordination with the sheriff and fire departments to remain vigilant and responsive to any emerging needs during emergencies. In the event of an emergency evacuation order, the Resort will follow a structured protocol to ensure the safety and well-being of guests, employees, and the local community. When local authorities issue an evacuation order, the Resort partners with a designated hotel or safe location outside the evacuation zone to facilitate a smooth and early transition for Resort guests and non-essential employees. This approach will avoid last-minute evacuations and prioritize safety. While such situations have only occurred a couple of times over the years, the Resort remains prepared to coordinate departures based on optimal routes identified in real-time.

In the case of a mandatory evacuation, the Resort would undergo a complete shutdown, with only the security team remaining on-site as the primary point of contact with the fire and sheriff departments. Throughout past emergencies, including fires and mudslides, the Resort has supported local residents by providing essential supplies such as food, water, and power. Notably, the Resort supplied power to elderly neighbors in need of life-sustaining equipment like ventilators for extended periods. Additionally, the Resort has stationed security personnel along nearby train tracks to prevent looting in evacuated areas.



4. The Project should be delayed until freeway construction has been completed.

Response: The County has imposed conditions on the Project to ensure that Project construction will not result in traffic, access, or safety issues. The Project is not expected to be completed until the freeway construction has been completed, and the ATE traffic analysis addressed traffic flows on the completed improvements based on data from Caltrans. There is no basis for delaying the Project.

**E. UNITE HERE Appeal Arguments**

1. Personal observations from residents show that the Resort is currently under-parked, causing spillover into adjacent public street parking.

Response: As set forth in Response D.2 above, recent parking surveys conducted on a peak weekend with good weather show that parking demand at the Resort ranged from 43 to 75 percent, which demonstrates the adequacy of the existing Resort parking. In addition, use of the adjacent public parking spaces on South Jameson Lane, Eucalyptus Lane, and Miramar Avenue ranged from 44 to 80 percent. This demonstrates that the Resort is not currently impacting public parking. LLG has affirmed the conclusions of the surveys in their peer review.

The anecdotal observations from Project opponents that public parking spaces are being utilized by Resort guests, visitors, employees and/or vendors are not credible evidence of spillover parking. As set forth in the Parking Plan and clearly shown on the signs posted on South Jameson Lane, Resort employees and guests are not permitted to park in the public spaces. Moreover, these spaces are open to the public and available for use by residents and beachgoers. While commenters have submitted various photographs, they fail to demonstrate that a material number of public spaces are occupied by persons associated with the Resort. Many of these photographs do not include date or time stamps or identify who parked the car. Moreover, the photos depict only a moment in time and do not show that the spaces are used for a substantial amount of time. In contrast, the peer reviewed parking surveys were conducted over two days and accurately reflect actual utilization of the existing Resort parking spaces and the public spaces.

2. The Resort lost spaces in adding the Tesla charging station.

Response: As demonstrated by the annual parking reports and confirmed by County Staff by onsite inspection, ATE's recent parking survey, and LLG's peer review, the Resort provides the required amount of parking, which is adequate to meet its current parking demand. The County approved the addition of the Tesla charging station pursuant to a SCD.



3. The Resort's use of offsite parking is evidence that there is insufficient onsite parking.

Response: The Resort does not use offsite parking to meet parking demand. Rather, such parking is utilized from time to time for special events to improve operational efficiency and reduce valet wait times or occasionally when a special event requires use of a portion of the parking areas. As set forth in Response D.2 above, a recent parking survey confirms that the Resort has sufficient parking. In addition, the Resort implements a Parking Plan to ensure that Resort employees, guests, visitors, and vendors park onsite. Further, as discussed in D.2 above, the Applicant will conduct monitoring of public on-street parking spaces on an hourly basis (from 8 a.m. to 5 p.m.) to ensure that Resort employees are not parking in these spaces.

4. The Project's parking will result in increased queuing, potentially onto adjacent streets, and delayed evacuation due to valets, stackers, and double/triple stacked parking.

Response: The appellant speculates that the Project's parking will result in increased queuing and delayed evacuation, but provides no credible evidence thereof. As set forth in Response A.8, the drive aisles will remain usable for vehicular access. Further, the new valet on the Northwest lot will be set back from South Jameson Lane to ensure there is no backup onto the street. Refer also to Responses A.1 and D.3 above.

5. The Resort's existing TDM plan is ineffective.

Response: The appellant asserts that the existing TDM plan is ineffective, but provides no credible evidence in support. The conditions of approval for the Resort require implementation of a TDM plan but do not require a minimum participation percentage. Moreover, the Project traffic analysis did not take a TDM credit against the trip generation.

Further, the County added the TDM requirement to address potential LOS impacts. Consistent with state law requirements, the County assesses traffic impacts under CEQA based on VMT. As set forth in the traffic analysis, the Project's VMT impacts would be less than significant without taking into account the TDM plan. Therefore, no changes to the TDM plan are warranted.

6. The Resort shops will function as a shopping center and generate significantly more traffic and emissions and have a higher parking demand; as the applicant is a well-known developer of luxury shopping centers, it is reasonable to assume that the Resort shops will generate trips like one.

Response: The expert traffic report by ATE shows that 50 percent of the Resort shop customers will be guests staying at the hotel and on-site residents and 70 percent of





the external trips will be local trips from Montecito. As most of the customers will be local, the shops are not a regional destination.

Regional shopping centers are generally located on sites of 40 to 100 acres and contain 400,000 to 800,000 square feet of floor area and have two or more anchor department stores.<sup>1</sup> In contrast, the Project's retail component would be located on a portion of a 3.077-acre site and comprises only 17,500 square feet without an anchor department store. Moreover, the fact that applicant may have developed shopping centers elsewhere does not transform a small amount of Resort shops into a regional mall. As the Resort shops are clearly not a regional shopping center, it makes no sense to assume that they are one.

As set forth in ATE's expert Responses to Comments dated December 5, 2023 attached as Exhibit 4, the ITE Trip Apparel Store trip rates were used for the traffic assessment to provide a conservative analysis of the traffic generated by the new Resort shops. The ITE Trip Generation does not contain trip rates for land use categories that correspond to the kind and character of Resort shops that would occupy the new retail area. Data from the existing Resort shops, which are similar in nature to what is proposed for the Project, show that the anticipated trip rates would be approximately 75 percent less than the ITE trip rates.

As also set forth in ATE's Responses to Comments, the Apparel Store average daily trip (ADT) rates used for the Resort shops is 18 percent higher than the rates for Strip Retail Plaza and 44 percent higher than the rates for Shopping Center. While the Apparel Store ADT rates are 2 percent lower than rates for Shopping Plaza, using the Shopping Plaza rates would not change the findings of the traffic analysis. Therefore, treating the Resort shops like a shopping center would not result in any significant impacts.

As confirmed by LLG in its peer review, the traffic analysis used very conservative assumptions that overstate the number of trips generated. The County traffic engineer also reviewed and approved the traffic study and all its data and assumptions. The commenter provides no credible evidence that the trip rates are inaccurate, only speculation; speculation is not substantial evidence. (CEQA Guidelines section 15145.)

7. The traffic study assumptions are not substantiated as the transaction data from the existing Resort shop has not been made public.

Response: As set forth in ATE's Responses Comments, ATE reviewed confidential and proprietary data from the existing Resort shops to estimate trips for the proposed Resort shops. This data shows anticipated trips would be much lower than the number based on

---

<sup>1</sup> ICSC (2017) [https://www.icsc.com/uploads/research/general/US\\_CENTER\\_CLASSIFICATION.pdf](https://www.icsc.com/uploads/research/general/US_CENTER_CLASSIFICATION.pdf)



the Apparel Store rate. However, ATE did not rely on this data in determining that the Apparel Store rate was the most appropriate. Rather, the trip estimate from the existing shops' data was only used to provide corroboration that the Apparel Rate was not undercounting future trip generation from the proposed Resort shops. As set forth above, the Apparel Store rate is higher than other ITE rates that might apply and thus results in a more conservative (i.e., higher number of trips) analysis. In its peer review, LLG concurred with the use that the Apparel Store rate provided a conservative forecast of traffic volumes expected to be generated by the Project.

8. The recent parking survey failed to consider seasonal variability or events with more than 250 attendees.

Response: As set forth in the ATE's Responses to Comments, the ITE model accounts for seasonal variability. Moreover, the shared parking demand model assessed the worst case scenario, assuming 100 percent occupancy of the hotel, a full 400-person event, fully utilized restaurant space, and peak beach club use during the summer.

As set forth in LLG's peer review, at LLG's request, ATE modified its shared parking model for the Project to reflect utilization of the Resort during the Saturday parking survey day (the highest day of observed parking demand at the Resort) to include hotel occupancy (i.e., 136 of the 154 hotel guest rooms occupied), as well as the wedding attended by 230 guests (i.e., as compared to the 400-person capacity of the banquet facility). LLG found that this modified model greatly overstates the actual observed parking demand at the Resort during the 12:00 PM and 6:00 PM surveys on the Saturday survey day. The 328-space peak demand at 3:00 PM on the Saturday survey day is essentially equivalent to the forecast peak parking demand for the existing Resort only (i.e., not considering the Project) of 325 spaces per the modified model. Therefore, based on the parking utilization survey data, LLG confirmed that ATE's shared parking model provides a reasonably conservative estimate of peak parking demand for the Project, and would therefore be expected to reliably forecast peak parking demand for both the existing Resort and the Project.

9. The parking survey is inaccurate because it was conducted when the Resort employed additional monitors.

Response: As set forth in ATE's Responses to Comments, the presence of additional monitors did not affect the accuracy of the survey. The appellant has provided no credible evidence to contradict the parking survey.



10. The VMT analysis improperly assumed that the retail would be hotel/local serving and did not consider changes to the Resort over time.

Response: The expert traffic report shows that 50 percent of the Resort shop customers will be guests staying at the hotel and on-site residents and 70 percent of the external trips will be local trips from Montecito. While the Project's exact retail tenant mix is not currently known, the goods offered in the new Resort shops will be similar to those offered by the existing shops. Like the existing shops, the new shops' storefronts will be internal to the Resort and will primarily serve Resort guests and local residents. Therefore, the new Resort shops would be hotel and local serving. The appellant has provided no credible evidence to the contrary.

As set forth in ATE's Responses to Comments and as discussed above, the changes to the Resort were approved by the County and completed. Therefore, they represent the baseline conditions and have no bearing on the Project's trip generation.

11. The traffic and parking analysis failed to consider actual parking and trip data.

Response: LLG's peer review confirms that the trip generation rate used for the traffic analysis is conservative and overstates Project trips. The parking surveys validate the Shared Parking Analysis for the existing Resort, and Project's Shared Parking Analysis used the same methodology. County Staff reviewed and approved both the traffic analysis and the Shared Parking Analysis for the Project, both of which were prepared in accordance with County guidelines. The appellant provides no credible evidence that additional data from the existing Resort would result in any different conclusions or significant impacts.

As set forth in ATE's Responses to Comments, it is not feasible to determine trip generation and parking demand estimates for the Retail shops based on the surveys at the existing Resort, as it is not possible to differentiate these trips from hotel guests, restaurant patrons, hotel employees, beach club users, etc. Moreover, the shared parking demand model assessed the worst case scenario, assuming 100 percent occupancy of the hotel, a full 400-person event, fully utilized restaurant space, and peak beach club use during the summer. Conducting onsite surveys to capture this worst case scenario is not feasible as this scenario does not occur on a regular or predictable basis (if at all).

12. The loss of public parking from Resort spillover impairs coastal access.

Response: As set forth in ATE's Responses to Comments and as confirmed by LLG's peer review, the parking surveys demonstrate that the Resort has sufficient parking and that there is no spillover onto public street parking that impairs coastal access.



13. Adding more luxury retail will attract more visitors to utilize coastal resources.

Response: The expert traffic report shows that 50 percent of the Resort shop customers will be guests staying at the hotel and on-site residents and 70 percent of the external trips will be local trips from Montecito. The appellant's speculation that the shops will attract more visitors who will utilize coastal resources is not substantial evidence. (CEQA Guidelines section 15145.)

14. The Resort has impaired public access via the easements through the Resort.

Response: As required under the conditions of approval, the Resort maintains the public access easements open to the public. The Resort from time to time temporarily closes the easement areas to perform necessary maintenance to ensure that the easements are clean and safe for public access. However, during such periods of temporary closure alternative paths of travel to and from the beach through the Resort are available. The appellant cites a single instance where the easement may have been temporarily closed for a short period of time. However, the appellant has provided no evidence of frequent or extended closures. Further, the Resort has never received a notice of violation from the County for failing to maintain the required access.

15. The public access easements will be impaired due to the intensification of traffic and parking.

Response: The appellant speculates that the public easements will be impaired by Project traffic and parking but fails to provide any supporting evidence. In fact, the only purported evidence that the appellant cites is his own prior letter, which also consists of unsupported argument. As set forth in the expert reports discussed herein, the Project will not result in significant parking or traffic impacts.

As required by the CPC conditions, the public access easements will remain open to the public. They will be in substantially the same location, with only minor adjustments to one to coincide with adjustments to the sidewalk path to allow for a more attractive and interesting landscape buffer and to slightly jog around Building C. As modified, the easements will continue to provide adequate access for the public to the beach.

16. The addition of luxury shopping at this high end resort may require additional consideration of public recreational opportunities under PRC Section 30213.

Response: The appellant speculates that the Resort shops would induce more visitors to utilize the beach and other coastal-dependent resources, making them less available to the public. However, the appellant does not provide any credible evidence that the Resort shops would induce more visitors to use the beach and other coastal areas.



Moreover, consistent with PRC section 30213, the Project would not remove any lower cost visitor or recreational opportunities. On the contrary, the Project would retain three vertical access easements and one lateral access easement providing public access through the Resort property to and along the beach, which would continue to offer free recreational and open space opportunities. In addition, by providing 26 affordable housing units on-site for Project employees, the Project would be making these free passive public recreational opportunities even more accessible to those who might not otherwise be able to conveniently access them, in furtherance of Public Resources Code section 30213.

17. The Applicant has failed to substantiate its estimated employee service population of 61 employees and could have provided information from the existing shops.

**Response:** As set forth in the expert Responses to Comments from Ramboll dated December 5, 2024 attached as Exhibit 5, the full-time employee service population for the new Resort shops and cafe was determined based on the estimated working hours per day and the number of employees present at the shops or the café. This estimate is based on the data from the existing Resort shops attached to the Ramboll responses. There will be more total full-time employees than the number of employees present at any given time because there will be multiple shifts of workers. Furthermore, employees are present before and after a retail establishment opens and closes to prepare and clean up. The total hours of work per week were converted to equivalent full-time employee service population using 40 hours per week. The appellant provides no credible evidence that the service population is inaccurate.

As set forth in Ramboll's Response to Comments and the EcoTierra Memorandum, in late August 2024 the County adopted the 2030 Climate Action Plan (CAP) and a resolution approving proposed amendments to Chapter 11, Greenhouse Gas Emissions, of the Environmental Thresholds and Guidelines Manual, to include new non-stationary source greenhouse gas emissions thresholds of significance, and the 2030 Climate Action Plan Consistency Checklist (Consistency Checklist).

Under the new GHG threshold, "a project that is consistent with all applicable measures of the 2030 CAP would result in less-than-significant GHG emissions and would not result in a cumulatively considerable impact related to GHG emissions and climate change." Projects can demonstrate consistency with the 2030 CAP by completing the Consistency Checklist.

County Staff determined that because CEQA review of the Project had been completed at the time the new threshold was adopted, the Project was not subject to the new GHG threshold. However, as this new threshold is more protective of the environment and will help the County meet its GHG reduction targets and address climate change, the



Applicant has agreed to apply the new threshold and implement all applicable measures in the 2030 CAP. These measures have been incorporated into the Project description as Project design features. As demonstrated by the completed Consistency Checklist attached to the Ramboll response, the Project is consistent with the 2030 CAP. Therefore, the Project would result in less-than-significant GHG emissions and would not result in a cumulatively considerable impact related to GHG emissions and climate change.

18. The CPC failed to consider additional mitigation measures to further reduce the Resort's GHG impacts.

Response: As set forth in Ramboll's expert Greenhouse Gas Technical Report dated June 2024, which was independently reviewed and approved by County Staff, Ramboll's Responses to Comment, and the EcoTierra Memorandum, the Project would not result in any significant GHG impact. CEQA Guidelines section 15126.4(a)(3) provides that mitigation measures are not required for effects determined to be less than significant. Therefore, Project mitigation measures for GHG impacts are not warranted.

If the appellant is suggesting that the measures be imposed on the existing Resort, it is part of the environmental baseline, will remain unchanged, and is not part of the Project. As CEQA only applies to physical changes to the baseline, no mitigation for the existing Resort is warranted.

19. Locating housing in a flood zone and the need for an evacuation plan shows that the Project will impact public safety.

Response: Please refer to Responses A.1, B.2, and D.3.

20. The proposed Resort shops are incompatible with the residential uses near Eucalyptus Lane/Jameson Lane.

Response: The appellant provides no credible evidence to support its claim of incompatibility. There has been a hotel on the Resort site since the late 19<sup>th</sup> century. The existing Resort, which includes ancillary retail, has been in operation since 2019. While the Project's exact retail tenant mix is not currently known, the goods offered by the new Resort shops will be similar to those offered by the existing shops as approved by the County. Like the existing shops, the new shops' storefronts will be internal to the Resort, and they will primarily serve Resort guests and local residents. As set forth in the CPC determination, Staff Report, and the EcoTierra Memorandum, the new Resort shops are permitted under the Project Site's C-V zoning.

The Project will be compatible with the Resort's existing building heights and scale, will not impact the character of the surrounding community, and will not impact coastal



views. The maximum heights of Building A and B are 33 feet, 5 inches and 30 feet, 2 inches, respectively, which are within the permitted height limit of 38 feet (with pitched roof) in the C-V zone and consistent with the existing building heights in the Resort, including the two-story lanai guest room buildings located near Buildings A and B and oceanfront guest room buildings that range in height up to 29 feet, and the Manor House which is 44.5 feet in height.

The height of Building C is below the height of the Manor House (44.5 feet) and is compatible with the existing building heights and scale of the Resort. Moreover, Building C is located in the northeast portion of the Resort Site and is not located adjacent to sensitive uses. The nearest residential use to Building C is located approximately 125 feet east of the proposed development and is buffered by the 50-foot buffer, Oak Creek, landscaping, and mature trees.

In addition, the Project is designed to be compatible and complement the existing Resort “Cottage Type” architecture. Therefore, the Project’s height and retail density are compatible with adjacent offsite uses, including the adjacent Church and the residential uses across Eucalyptus Lane.

21. The Project is inconsistent with the Montecito Community Plan.

Response: As set forth in the CPC’s determination, Staff Report, and Ecotierra Memorandum, the Project is consistent with all applicable policies contained in the County’s Comprehensive Plan (General Plan), including the Coastal Land Use Plan and the Montecito Community Plan. The appellant has provided no credible evidence to support its claim of inconsistency.

22. The County has engaged in improper piecemealing as none of the uses can operate independently of one another.

Response: As set forth in Response B.6 above, there has been no piecemealing. Since the current Resort was approved in 2015, the County properly approved minor changes to the Resort that the County found to be within the scope of, and in substantial conformance with, the prior approvals. They have not resulted in material changes to the Resort or its operations.

The appellant misstates the legal standard for piecemealing. A possible future expansion or other action related to a project must be analyzed together with the project only if the future expansion is a “reasonably foreseeable consequence” of the project. *Laurel Heights Improvement Ass’n v Regents of Univ. of Cal.* (1988) 47 C3d 376, 396. Further, a related activity need not be treated as part of the project under review based in significant part on whether the project has independent utility or serves an independent



purpose and is not dependent on completion of the related activity. *Del Mar Terrace Conservancy, Inc. v City Council* (1992) 10 CA4th 712, 736.

In this case, the Project is not a “reasonably foreseeable consequence” of the development of the Resort or the prior approved minor modifications. The Resort has been very successful and can continue to operate as it does currently without the Project. Although the Resort would benefit from the Project, the Project is not a consequence of the development and operation of the Resort. Moreover, the Project has independent utility from the Resort and serves an independent purpose – to provide market rate and affordable employee housing and a greater range of shopping and dining options for hotel guests and the nearby community.

The appellant asserts that the Project would exacerbate the Resort’s existing environmental impacts, but has provided no evidence to support this assertion. As set forth in the County-approved CEQA documents for the Resort<sup>2</sup>, the development and operation of the Resort would not result in any significant impacts, except for impacts resulting from the demolition of the original hotel’s now demolished historic buildings. Thus, there is substantial evidence in the record that there are no existing impacts to exacerbate, other than possibly historic. However, as set forth in ARG’s Historical Resources Technical Report, there are no historic resources left onsite, and the Project would not result in a significant impact to historic resources. Therefore, the historic impacts of the Resort development would not be exacerbated.

Moreover, substantial evidence in the record, including expert reports that have been independently reviewed and approved by the County, demonstrates that the Project would not result in any significant impacts. Therefore, the Project will not exacerbate any existing impacts.

23. The 2015 approved project, SCDs, and current Project could have significant cumulative impacts.

Response: The appellant asserts that there could be significant cumulative impacts, but provide no credible evidence in support. As set forth in the EcoTierra Memorandum, the Project will not result in any significant cumulative impacts. As set forth in the above response, the Project would not exacerbate any existing impacts.

---

<sup>2</sup> Mitigated Negative Declaration 00-ND-003 dated May 3, 2000 (MND), Addendum to the MND dated December 9, 2008 (2008 Addendum), Final Subsequent Environmental Impact Report (SEIR) 08EIR-00000-00003, Addendum dated March 15, 2011 to the SEIR, MND, and 2008 Addendum (2011 Addendum), and Revised Addendum dated March 24, 2015 to the SEIR, MND, and 2008 Addendum and 2011 Addendum.





24. The Project exceeds five acres, and the *Protect Tustin Ranch* case is distinguishable as the Resort is in a semi-rural area intended to serve as an integrated luxury resort and requires shared parking. As set forth in Response B.7, the Project Site is only 3.077 acres. As set forth in the CPC determination, Staff Report, and Ecotierra Memorandum, the Project Site is wholly within the boundaries of a designated urbanized area. Moreover, the Project Site is not located in the rural area as designated on the County's Comprehensive Plan maps, and the Montecito Community Plan maps show that the Project Site is in a designated urban area. While the text of the Montecito Community Plan describes Montecito as being semi-rural in character, this applies generally to the entire Community Plan area and not specifically to the Project Site of the Resort. Moreover, the Montecito Community Plan was adopted in 1993 and is superseded by the 2023-2031 Housing Element Update, which designates the Project Site for additional housing. Therefore, the semi-rural description in the Montecito Community Plan is not an unusual circumstance that could preclude the use of the statutory exemption.

Our firm represented Costco in connection with obtaining approvals for the new gas station from the City of Tustin and defending the CEQA lawsuit in *Protect Tustin Ranch*. Therefore, we are very familiar with facts of that case. Contrary to appellant's assertion, *Protect Tustin Ranch* involved a very similar set of facts to those present here. Just as the Project Site is integrated into the Resort, the Costco gas station was integrated into the larger Costco shopping center and, like the Costco, is only open to Costco members. Just as in this case, the parking for the Costco project was shared with the Costco Warehouse.<sup>3</sup>

The appellant further claims that the County has deliberately minimized retail uses at the Resort to reduce traffic impacts. As set forth in the Ecotierra Memorandum, the County has never limited the amount of retail uses to address traffic or any other impacts. Rather, the Applicant revised the amount of proposed retail square footage both up and down between the original 2000 approval and the 2015 approval. The reduced amount included in the 2015 approval was requested by the Applicant, not imposed by County to address traffic or any other concerns.

Lastly, the appellant argues that their mere raising of other objections to the exemption renders *Protect Tustin Ranch* inapplicable. This is clearly wrong. As demonstrated herein and in the record, none of these other objections have merit. The

---

<sup>3</sup> The Costco project involved both the construction of a new gas station and the "demolition of an existing Goodyear Tire Center and adjacent surface parking, all to be replaced with 56 new surface parking stalls." *Protect Tustin Ranch*, 70 Cal App 5th 951, 956. As Costco members do not park when visiting the gas station, it is obvious that this parking was intended to serve the larger shopping center.



exemption would be meaningless if merely raising objections could disqualify a project.<sup>4</sup> The petitioners in the *Protect Tustin Ranch* likewise raised multiple objections; however, as with the appellant's objections here, they were without merit.

Based on the foregoing, the rationale in *Project Tustin Ranch* applies here.

25. The Project appears inconsistent with applicable land use and zoning requirements.

Response: As set forth in the CPC determination, Staff Report findings, and EcoTierra Memorandum, the Project is consistent with all applicable land use and zoning requirements. The appellant has provided no credible evidence of inconsistency.

26. Cumulative impacts were not considered, including parking, traffic, GHG, VMT, and coastal access.

Response: The appellant has not provided any credible evidence of a cumulative impact. As set forth in the Ecotierra Memorandum, the Project and the related projects would not result in any cumulative impacts, including, but not limited to, parking, traffic, GHG, VMT, and coastal access.

27. Various unusual circumstances preclude the use of the exemption.

Response: As set forth in the Ecotierra Memorandum, none of the purported unusual circumstances are in fact unusual. Moreover, the appellant has failed to provide any credible evidence showing that any of these purported usual circumstances has the potential to result in a significant environmental impact.

26. Subsequent CEQA review is required under PRC section 21166.

Response: PRC section 21166 applies only when the lead agency is relying on prior CEQA review. However, the County is not relying on any prior CEQA review here. Rather, the County has found, based on substantial evidence in the record, that the Project qualifies for the CEQA exemption in PRC section 21159.25. Therefore, no further CEQA review is required, including further review under PRC section 21166.

---

<sup>4</sup> “[U]nsupported concerns, presumptions or conjectures are not enough to force the City to proceed further down the CEQA road. A categorically exempt project, by definition, is deemed by law to not have a potentially significant impact on the environment unless the project's administrative record sufficiently demonstrates applicability of an exception to the claimed exemption.” *Protect Tustin Ranch*, 70 Cal App 5th 951, 964.



27. The County should have required additional studies, added new mitigation measures, and Project modifications.

Response: As set forth in our letter and memorandum to the CPC dated October 30, 2024, no further studies are warranted. Moreover, there is substantial evidence in the record that the Project will not result in a significant impact, and the appellants have not provided any credible evidence of such an impact. Therefore, no mitigation measures or Project modifications are warranted.

## **II. Responses to Late Public Comments to the CPC**

The following comments were submitted by members of the public just prior to or at the public hearing. Comments 1 to 3 were included in the October 30, 2024 from the Mitchell M. Tsai law firm.

**Comment 1: The County should require the Project to use a local union workforce for construction to reduce transportation, AQ, and GHG impacts.**

Response: There is no CEQA provision, nor any applicable law, that mandates that the Project use union construction labor. Further, the expert technical studies demonstrate that the Project will not result in any significant transportation, air quality, or GHG impacts that such a requirement could mitigate. Therefore, a local hiring requirement is neither warranted nor appropriate.

**Comment 2: The County should impose training requirements for Project construction to prevent the spread of COVID-19.**

Response: Should there be a resurgence of COVID-19 during Project construction, the Applicant's contractor would be required to adhere to the CDC's workplace guidelines for construction workers, including the Construction COVID-19 Checklist for Employers and Employees. Furthermore, the Project would be required to adhere to the County workplace guidelines in effect at the time. Adherence to CDC and County workplace guidelines would be sufficient to reduce exposure and transmission risk of COVID-19.

**Comment 3: The Project's incorporation of best management practices does not negate the need for mitigation measures.**

Response: Under CEQA Guidelines section 15126.4(a)(3), mitigation measures are not required for impacts that are not significant. There is substantial evidence in the record that the Project will not result in a significant impact, and neither the commenters nor the appellants have provided any credible evidence of such an impact. Therefore, no mitigation measures are warranted.



The commenter’s argument is based entirely on *Lotus v. Department of Transportation* (2014) 223 Cal. App. 4th 645 (*Lotus*). That case, however, is distinguishable. *Lotus* involved a highway construction project through an old growth redwood forest. Caltrans’ EIR acknowledged that the project could impact old growth trees but did not include any information that would enable the reader to evaluate the significance of these impacts. In fact, the EIR failed to identify any standard of significance, much less to apply one to an analysis of predictable impacts from the project or how many redwoods would be impacted. In contrast, the voluminous expert technical reports for the Project applied identifiable quantitative or qualitative thresholds of significance for each impact area analyzed based on the County’s Environmental Thresholds and Guidelines Manual and determined, based on substantial evidence, that the Project would not result in any significant impacts.

Further, in *Lotus* the “avoidance measures” were vague and deferred and were to be taken at the contractors’ discretion rather than as enforceable mitigation measures, even though the measures would be necessary to avoid a significant environmental impact to tree roots. In this case, the Project’s best management practices are neither vague nor deferred and have been incorporated into enforceable conditions of approval. Therefore, *Lotus* is inapplicable.

**Comment 4: The conditions of approval require 436 spaces, but the parking study assumes only 435 spaces.**

Response: The County approved a one space reduction as part of a prior SCD. Nonetheless, the Resort currently has 436 spaces. Therefore, the Shared Parking Analysis is conservative as the parking supply is greater than assumed.

**Comment 5: The Project valet parking operation relies on stacked parking and tandem spaces and will be unworkable.**

Response: It is very common for valet parking to use tandem and stacked parking. The Resort has operated an efficient and effective valet operation with such parking since it opened, consistent with the shared parking approved for the Resort by the County in 2015. It will continue to do so with the Project. There is no basis to support the claim that the valet parking operation will suddenly become unworkable.

**Comment 6: The Project will result in significant traffic impacts.**

Response: Traffic congestion is no longer a CEQA issue. Consistent with state law requirements, the County assessed the Project’s traffic impacts based on VMT. With less than 50,000 square feet of retail uses, the Project’s VMT impacts are deemed to be less than significant per the County’s thresholds.



The County also required an assessment of the Project's local traffic impacts based on LOS. This assessment shows that all area intersections and roadway segments will operate at acceptable levels under County standards with the addition of Project traffic.

**Comment 7: The proposed Resort shops will generate more trips as they are not part of the hotel and will be in a prominent location.**

Response: Like the existing shops, the new shops' storefronts will be internal to the Resort. Further, the trip rates used in the traffic study apply to standalone retail uses. The County traffic engineer reviewed and approved the traffic study and all its data and assumptions and agreed with its conclusions.

**Comment 8: The traffic study should not have used trip rates for an apparel store.**

Response: As set forth in ATE's Responses to Comments, the ITE Trip Apparel Store trip rates were used for the traffic assessment to provide a conservative analysis of the traffic generated by the new Resort shops. The ITE Trip Generation does not contain trip rates for land use categories that correspond to the kind and character of resort shops that would occupy the new retail area. Data from the existing Resort shops show that the anticipated trip rates would be approximately 75 percent less than the ITE trip rates.

As also set forth in ATE's Responses to Comments, the Apparel Store ADT rates used for the Resort shops is 18 percent higher than the rates for Strip Retail Plaza and 44 percent higher than the rates for Shopping Center. While the Apparel Store ADT rates are 2 percent lower than rates for Shopping Plaza, using the Shopping Plaza rates would not change the findings of the traffic analysis. This further confirms that the Apparel Store rates used in the traffic study are conservative. In its peer review, LLG concurred with the use that the Apparel Store rate provided a conservative forecast of traffic volumes expected to be generated by the Project.

**Comment 9: The internal capture and pass by trip assumptions are excessive.**

Response: The internal capture rates are consistent with the rates for the Resort that were previously approved by the County. It is anticipated that a higher percentage of the Project's retail customers would be guests already staying at the hotel or on-site residents. Therefore, the internal capture rates are considered conservative.

The pass by rates are based on empirical data from the ITE. The County traffic engineer reviewed and approved the traffic study and all its data and assumptions and agreed with its conclusions. The commenter has not provided any credible evidence that these rates are inaccurate or understate Project traffic.



The Honorable Board of Supervisors of Santa Barbara County  
December 6, 2024  
Page 26

**Comment 10. The VMT analysis should analyze the entire Resort.**

Response: CEQA only requires analysis of physical changes over the existing environmental baseline conditions. As the Resort is built and operating, it is part of the CEQA baseline and not the Project. No such analysis is required.

**Comment 11: The Project will block views.**

Response: As set forth in the CPC determination, Staff Report, and EcoTierra's Analysis of Potential View Impacts dated November 19, 2024 attached as Exhibit 6, the Project will not block any views that are protected under CEQA or County law. The commenter has not provided any credible evidence to the contrary.

# EXHIBIT 1

**MEMORANDUM**

To: **Chris Robertson  
Caruso**

W.O.: **22090**

From: **Robert Schmidt, PE  
Flowers & Associates, Inc**

Date: **December 2, 2024**  
Subject: **Miramar Beach Resort and  
Bungalows Affordable  
Employee Husing, Market  
Rate Housing and Resort-  
Visitor Serving Commercial  
Project (Case Nos. 24RVP-  
00050 and 24RVP-00051**

---

The Technical Memorandum provides responses to the hydrology and water quality related comments in the Heal the Ocean (HTO) Appeal letter dated November 11, 2024, regarding the Miramar Beach Resort and Bungalows Affordable Employee housing, Market Rate Housing and Resort-Visitor Servin Commercial Project (Project).

**COMMENT –**

Page 3 of HTO letter:

EXCEEDANCE OF 5 ACRE LIMIT: Heal the Ocean has sited (sic) hydrological issues that exist over the entire Project site- which is 16 acres: 1) The Underground Garage at one end, and 2) Installation of impermeable paving at the other end, which, together with increased rooftop impermeability, increases stormwater runoff from the site – to creek, ocean, stormwater drains.3) FEMA Flood Maps updated to include the proposed Affordable Housing Site.

In its application submittal, Caruso Affiliates describes the project site as 3.077 acres as cited in section 5.1 of the County Staff Report. As illustrated above, the project site is the entire 16 acres of the Miramar property, and exceeds the 5-acre limit for CEQA exemption Pub. Res. Code 21159.27.

**RESPONSE-**

The entire Resort property is 16 acres. However, the Project site, which comprises the entire disturbed area for the proposed improvements (Northeast parking lot and Northwest parking lot) is only 3.077 acres. No construction will occur in the remaining 12.923 acres, which will remain in their current condition. Items 1, 2 and 3 in the comment are addressed below.



## COMMENT-

Page 3 of Attachment A:

**The Miramar Hotel must be examined holistically** – the whole thing all together. Another underground garage is proposed, a big hole where cars will be parked.

SEE RESPONSE 1 BELOW

There will be more impermeable surfaces such that there will be an increase in stormwater runoff, but we're presented with a system of underground catchment basins – yet calculations are based on old standards, 2, 5, 10, 25, 50, 100-year storm markers – which do not fully address the volatility of climate change and sea level rise projections – and a revised FEMA map that has included more of the Miramar property than before. The current update adds up to a cumulative impact, which by law must be examined under the lens of CEQA.

SEE RESPONSE 2 BELOW

## RESPONSES –

### Item 1-

The County of Santa Barbara Flood Control District (District) reviewed and approved a hydrology report and preliminary drainage plans to address hydrology impacts. The Project will be located only on the 3.077-acre Project site, which comprises the two parking lots. The Resort will otherwise not be modified and will remain in its current condition. The Resort will continue to implement all required best management practices (BMPs) and comply with all applicable regulations pertaining to hydrology and water quality.

### Item 2-

The calculations in Water Resources and Preliminary Drainage Reports were based on current County standards, which the District requires. They are the only ones that currently apply to the Project.

The unadopted preliminary FEMA map is addressed below.

## COMMENT-

Page 4 and 5 of Attachment A, Storm water Runoff:

**UPDATE TO TODAY:** This time around, HTO has run into the same numbers game. The Water Resources Report released June 27, 2024, contained a similar discrepancy as we found in the reports of 2008, and we notified Willow Brown, the County Planner on the Miramar project about it, as follows:

On page 10 in the Water Resources Report, an Increase in impervious surfaces is documented, yet there is a decrease in peak flows from pre-project to post-project. As shown in Table 1 and 2, development of the Project would result in reduced peak flows at the Project Site as compared to existing conditions.

We understand how these results were produced.

The pre-project hydrologic peak flows for the existing Project Site (the Northwest Lot is 36.6% impervious and the Northeast Lot is 33.2%) analyzed using HydroCAD Stormwater Modeling System software. The existing runoff analysis is based on topography compiled by Stantec dated April 2023. Runoff calculations were prepared using the Santa Barbara County Flood Urban Hydrograph (SBUH) Method. Results are summarized in Table 1.

After development of the Project, the Northwest Lot will be approximately 78% impervious and the Northeast Lot 93% impervious. The post-development hydrologic peak flows for the site were analyzed using HydroCAD Stormwater Modeling System software. The analysis is based on the Conceptual Grading Plan for the site prepared by Flowers & Associates, Inc., dated April 19, 2024. Post-development runoff was calculated using the Santa Barbara County Flood Urban Hydrograph (SBUH) Method. Results are summarized in Table 2, below.

Increases in impervious surfaces, with other variables removed, result in an increase of peak flows. What is the explanation for the decrease in peak flows despite the increase in impervious surfaces? Please guide us, and please include us in any correspondence with Flood Control about this issue.

**SEE RESPONSE 1 BELOW**

The response to our concerns came almost two months later — in the form of a new update of the Water Resources report. This report contained completely different numbers for post-project flows. We were baffled by this change, because while the post-project flows were completely different from the first version, these flow quantities are still less than the pre-project

flows, which satisfies County regulations, but doesn't answer the question as to how an increase in impervious surfaces results in a decrease of peak flows. We received no reason for the difference in data between the first and second report.

Now we were to find out about underground catchment systems. How volume is calculated is not explained, and again, the old standard 2, 5, 10, 25, 50, 100-year storm rating is outdated, since Climate Change is here, and flooding is happening more frequently.

### SEE RESPONSE 2 BELOW

A proper review is needed, with expert up-to-date analysis of differences, reasons for change. (Were these numbers inserted to satisfy the County, or are they based on fact?) Scientific explanation is currently absent and is necessary before massive digging, installations, and building take place.

It is explained in the Water Resources Report that in high storm events, overflows will be directed to Oak Creek. After years of updates to the Miramar Hotel, and after reviewing the most recent proposed updates to the hotel, we still do not have any form of environmental review that analyzes the health of Oak Creek as a result of years of directing flows from the Miramar property to the creek during high storm events. In expecting an increase in the frequency and intensity of high storm and flooding events in years to come, the impacts to this creek, needs to be carefully reviewed, particularly since the creek serves to protect the nearby areas by directing potentially dangerous flows to the ocean. This is yet another example of a cumulative impact that must be inspected through a proper Environmental Impact Review.

### SEE RESPONSE 3 BELOW

## RESPONSES –

**Item 1-** The 6/27/2024 Water Resources Report only provides the final runoff quantities. The Preliminary Drainage Analysis dated 6/27/2024 attached as Appendix A to the Water Resources Report provides an analysis of pre- and post-peak flow analysis. The Drainage Analysis also describes the underground detention basins that account for reduction in peak flows.

Note: The Preliminary Drainage Analysis has been updated based on further review by District. The current approved drainage analysis is dated 9/4/2024. Peak flows for the various storms have been updated in this analysis based on input from the Santa Barbara County Flood Control District (District).

**Item 2** – HTO maintains that Water Resources Report was updated with different quantities. Only one Water Resource Report was provided to the County of Santa Barbara dated 6/27/2024. As noted above, the Preliminary Drainage Analysis was updated. The current date on this report is 9/4/2024.

HTO claims that how volume is calculated is not explained, and that the District's standards are outdated. First, this analysis assesses Peak Flow and not volume. Second, these standards are required by the District, can be found in the District's currently applicable Standard Conditions of Project Plan Approval, and therefore are not outdated.

**Item 3-** Since the peak flow analysis has determined that the Project will reduce the peak flow of a 2- through 100-year storm, Oak Creek impacts would be reduced from this site under the Project.

**COMMENT-**

**I. AFFORDABLE HOUSING IN THE NEW FEMA FLOOD ZONE**

FEMA recently released new maps of flood areas, some of which are expanded due to increased rains and changes in weather patterns. The map has expanded into the northeast area of the Miramar Hotel footprint, yet the proposed Miramar plans have placed the affordable housing in the northeast project area, in the newly expanded FEMA flood zone.

**RESPONSE-**

FEMA has released updated preliminary FIRM maps. The District has yet to adopt these maps for new development. Final FEMA FIRM maps are anticipated to be completed in 2026. Additional information on this can be found on the District's website. The County has adopted the Santa Barbara Recovery Mapping as the latest FEMA maps for the design of new projects. At the subject property, the Santa Barbara Recovery Mapping is more conservative than that future Preliminary FEMA FIRM maps. As the Project is designed to the Santa Barbara Recovery Maps, the design would also be effective for the yet-to-be-adopted FEMA FIRM maps.

**COMMENT-**

**I. UNDERGROUND GARAGE/EVACUATION**

Heal the Ocean has taken a consistent objection to the development of underground parking garages in the coastal zone. We have thoroughly examined the Sea Level Rise Study that has been produced for the Miramar project and do not feel that its conservative projections in Sea Level Rise should be considered 100% realistic in a time where projections of climate change, flooding events, and sea level rise are changing, to the point of becoming highly unpredictable. The possibility for extreme

scenarios, particularly on the coastline, is well known, and the Miramar location is no exception.

That the Miramar developers intends (sic) to build an underground parking garage by excavating down toward an already shallow and rising groundwater table needs thorough examination. We have seen in other parts of the country — particularly Florida, but even in Los Angeles (see photo- what the grave consequences are for any lack of foresight. If a major storm event occurs, Heal the Ocean feels it prudent to have an approved plan to evacuate the underground parking garage as well as all the other cares and people on the property. This situation is yet another example of a cumulative impact that needs review in an Environmental Impact Report.

## **RESPONSE -**

The Sea Level Rise and Flood Hazards Report prepared by GeoSoils, Inc analyzed the potential for impacts from future flooding due to Sea Level Rise under the California Coastal Commission's SLR Policy Guidance, as well as from wave runup and beach erosion. This report demonstrates that the Project will be safe from coastal hazards during its design life.

The Project's underground parking garage is located in the northwest corner of the Miramar Property. The finish floor of the parking garage is proposed at 23.5 feet. Per the June 2024 Soils Report by GPI, groundwater was found at elevation 12 feet. Groundwater will be 11.5 feet below the parking garage finish floor. Therefore, the garage will be above the groundwater. Nonetheless, the garage will be water-and floodproofed.

# EXHIBIT 2



SENT VIA EMAIL

December 5, 2024

Ms. Willow Brown, Planner  
**County of Santa Barbara**  
Planning & Development Department  
123 Anapamu Street  
Santa Barbara, CA 93101

**RE: Supporting Analysis for Notice of Exemption and CEQA Findings Related to the Miramar Resort Residential Use Project**

Dear Ms. Brown:

**EcoTierra Consulting, Inc.** ("EcoTierra") was retained by Miramar Acquisition Co, LLC to provide environmental consulting services for the proposed Miramar Resort Residential Project ("Project") located at 1759 South Jameson Lane ("Project Site") within the Montecito area of Santa Barbara County ("County"). Our scope of services involved preparing analysis: (1) supporting a statutory exemption from the California Environmental Quality Act (CEQA) for the Project; and (2) addressing certain issues raised by appellants during the County's entitlement review process. The analysis is presented as an attachment to this letter report. My curriculum vitae is also attached.

We appreciate the opportunity to provide this information for the County's consideration. I can be reached at [craig@ecotierraconsulting.com](mailto:craig@ecotierraconsulting.com) if there are any questions.

Sincerely,

**EcoTierra Consulting, Inc.**

A handwritten signature in black ink, appearing to read "Craig Fajnor", written in a cursive style.

Craig Fajnor  
Principal

Attachments

## **ATTACHMENT 1**

### **Supporting Analysis for NOE and CEQA Findings**

#### **Miramar Resort Residential Use Project**

**December 5, 2024**

#### **I. Introduction**

Miramar Acquisitions Co., LLC (Applicant) proposes to improve portions of the Miramar Resort (Resort) located at 1759 South Jameson Lane within the Montecito area of Santa Barbara County (County) with market rate Resort apartments and affordable apartments for Resort employees, which comprise 76 percent of the proposed new residential units, and additional Resort-visitor commercial uses (Project). The memorandum, which has been prepared in support of the County's Notice of Exemption (NOE) and CEQA findings, demonstrates that the Project meets all the requirements for the statutory CEQA exemption set forth in Public Resources Code (PRC) section 21159.25.

#### **A. Project Site and Surrounding Uses**

The Project will be developed on two existing surface parking areas (Project Site) located in the northwest (Northwest Lot) and northeast (Northeast Lot) portions of the Resort and comprising approximately 3.077 acres. The Project Site is located within the Resort (Resort Site), but only 3.077 acres of the Resort Site are part of the proposed Project, and the Project will be adjacent to the existing Resort development. The Project Site includes a portion of the public right-of-way along Jameson Lane adjacent to the northwest portion where minor improvements are proposed to be made.

The Resort is situated just south of U.S. Route 101 and north of Miramar Beach and the Pacific Ocean. It is primarily surrounded by single-family residential properties. The All Saints-by-the-Sea Episcopal Church and Parish School (Church) is located directly south and adjacent to the Project Site, along Eucalyptus Lane. A parcel owned by Union Pacific Railroad, which includes train tracks, is located south of the Project Site. An offsite environmentally sensitive habitat (ESH) area around Oak Creek is located near the eastern boundary of the Project Site.

#### **B. Existing Zoning and Land Use Designation**

The County's General Plan designates the portions of the Project Site owned by the Applicant as Resort/Visitor Serving Commercial with a corresponding zone of C-V. The C-V zone is intended to provide for tourist recreational development in areas of unique scenic and recreational value and permits resort and hotel uses and light commercial uses. Residential uses are permitted with approval of a Minor Conditional Use Permit, provided the residential use is secondary to the primary commercial use (i.e., Resort use).



The Union Pacific Railroad parcel, which includes certain Resort improvements as permitted by the 2015 approvals granted by the County, is zoned TC (Transportation Corridor). The Project Site is located within the California Coastal Zone and is subject to compliance with the County's certified Local Coastal Program (LCP), which consists of the Coastal Land Use Plan (LUP) and Coastal Zoning Ordinance (CZO), codified in Article II of the County's Code. The Project Site is within the Montecito Community Plan Overlay District of the CZO and is also subject to additional development standards in Division 16.

### **C. Proposed Project**

#### ***Northwest Lot***

The Northwest Lot would be developed with two new buildings (Building A and Building B). Building A is a two-story, mixed-use building with a maximum height of 33 feet, 5 inches, measured from existing grade. Building A would include 16,597 square feet, consisting of 8,024 square feet of Resort-visitor commercial uses on the ground floor (including a 2,500 square-foot café located on the ground floor) and four market rate apartment units comprising 8,573 square feet on the second floor.

Building B is a two-story mixed-use building located across from proposed Building A with a maximum height of 30 feet, 2 inches measured from existing grade. The second floor of proposed Building B would be set back at least 80.5 feet from the western property line. Building B would include 19,069 square feet, consisting of 9,476 square feet of Resort-visitor commercial uses on the ground floor and four market rate apartment units comprising 9,593 square feet on the second floor.

There will be up to a total of 12 Resort shops that will be resort/visitor-serving light commercial uses similar in nature to the existing Resort shops on site, such as resort-oriented clothing shops, jewelry stores, and wellness/beauty shops.

Approximately 79 parking spaces would be provided within one level of subterranean parking located under Buildings A and B. Pedestrian pathways flanked by landscaping are provided at the front and rear of each building and between the buildings. In addition, the Project would add new trees and landscaping along the street facing facades and along the south side of Building B to soften the appearance and provide visual screening to the Church buildings.

#### ***Northeast Lot***

The Northeast Lot would be developed with a single building (Building C), a three-story building with a maximum height of 40 feet, 9 inches, measured from existing grade, which includes 26 affordable apartments for Resort employees located within the northern portion of the northeast parking area. Building C contains 19,102 square feet of residential uses. The height of Building C is less than the maximum height of the Manor House at 44.5 feet, which is the closest Resort building to the west.

To the south of Building C, the Applicant proposes a re-configured parking area with 351 surface parking spaces, comprising 113 striped surface spaces, 60 valet spaces, 126 car stacker spaces (63 stackers) at grade, and a small, elevated parking deck with 42 striped spaces and 10 valet spaces.

### ***Parking***

In 2015, the County granted a modification for the Resort to the required number of parking spaces to be provided (614 required and 435 provided) based on the “Shared Parking Analysis” prepared by Associated Transportation Engineers (ATE), dated July 31, 2014, which concluded that the maximum peak demand of the Resort was 430 spaces. Parking for the Resort is primarily provided by valet services that occur at the valet stand located along the motor court fronting the Manor House. In addition to the 435 spaces provided onsite for the Resort, there are 87 public parking stalls located partially on the Resort site along South Jameson Lane, Eucalyptus Lane, and Miramar Avenue.

ATE prepared an updated “Shared Parking Analysis” for the Project which concludes that the peak parking demand for the existing Resort uses and the Project is 462 spaces. Following completion of the Project, the Resort and Project Site would include 480 spaces, which would result in a surplus of 18 parking spaces even at times of peak demand. In addition, as required by the 2015 approvals, 87 public parking spaces will continue to be provided.

### ***Design***

The Project has been designed to be compatible and complement the existing Resort “Cottage Type” architecture and includes architectural details and materials that match the existing Resort architecture including slate roof tiling, painted wood shutters, wood door and window accents, wood balcony railings, painted columns, copper gutters and downspouts, varying colored brick, limestone, painted columns, fabric awnings, metal lattices, and metal railings. The Project would incorporate new landscaping and trees along the street edges of South Jameson Drive and Eucalyptus Drive that will enhance the neighborhood. The Project has been designed to be entirely inward facing to protect and preserve the character of the community to the west and south.

### ***Project Design Features***

The Project Description includes implementation of all the best management practices and Project design features referenced in the technical reports and below, including, but not limited to, the 2030 Climate Action Plan (CAP) measures set forth in the 2030 CAP Consistency Checklist, In addition, hotel staff or security will monitor the parking along Jameson and Eucalyptus on an hourly basis (from 8 a.m. to 5 p.m.) to ensure that Resort employees are not parking in the public parking spaces. A daily log will be maintained to document the monitoring that has occurred and made available to the County P&D staff as part of the annual reporting requirements.

## D. Entitlement Requests

The Applicant is requesting the following discretionary approvals from the County for the Project:

1. Pursuant to CZO Section 35-169, a Coastal Development Permit to permit construction of three new buildings for Resort Apartments, Affordable Housing for Resort Employees, Resort-visitor commercial uses, and ancillary site work, walls, grading, landscape, hardscape, and lighting on property zoned C-V and TC.
2. Pursuant to CZO Section 35-172, a Major Conditional Use Permit for Resort parking improvements and associated lighting in the Transportation Corridor Zone District (within the Union Pacific railroad right-of-way) on property zoned TC.
3. Pursuant to CZO Section 35-172, a Minor Conditional Use Permit to permit residential as a secondary use on property zoned C-V.
4. Pursuant to CZO Section 35-174, an Amendment to the existing Development Plan on property located in the C-V and TC zones.
5. Pursuant to CZO Section 35-174.8, in conjunction with the Development Plan request, a modification to continue to permit the number of parking spaces required for the Project pursuant to a shared parking demand analysis, to continue to permit tandem and compact parking, to permit alternative stall size for valet spaces, and to permit a reduce drive aisle width within the proposed northeast parking area.
6. Pursuant to CZO Section 35-144.C, State Density Bonus Waiver of Development Standards to permit:
  - a. A FAR increase of 0.29 for the Resort site in lieu of the 0.25 FAR otherwise permitted in the C-V zone per CZO Section 35-203.
  - b. To permit three-stories and 40 feet, 9 inches of height for Building C in lieu of two-stories and 38 feet otherwise required per CZO Section 35-81.9 (Height of Buildings and Structures).
  - c. To permit a 27.74 percent of the lot area for common open space for the Resort site in lieu of 40 percent otherwise required per CZO Section 35-81.11.
  - d. To permit a reduced front yard setback along the South Jameson Lane frontage of 49 feet for Building A, 47 feet, 9 inches for Building C, and 37 feet, 9 inches to the entry gate/columns in lieu of 50 feet from the centerline of South Jameson Lane otherwise required per CZO Section 35-81.8.1; to permit a reduced front yard setback of 41 feet, 10 inches for Buildings A and B in lieu of 50 feet from the centerline of Eucalyptus Lane otherwise required per CZO Section 35-81.8.1; to permit a variable

width side yard setback of 1 foot, 3 inches to 22 feet, 6 inches for Building B in lieu of 50 feet adjacent to a residential zoned lot otherwise required per CZO Section 35-81.8.3; to permit a reduced side yard of 12 feet (along easterly yard in Northeast Lot) to permit parking (defined as a Structure) and associated improvements in lieu of 50 feet adjacent to a residential zoned lot otherwise required per CZO Section 35-81.8.3; and to permit a reduced rear yard setback of 0 feet to permit parking and associated improvements in the Northeast Lot in lieu of 20 feet otherwise required per CZO Section 35-81.8.3.

## **II. Public Resources Code Section 21159.25 Exemption Criteria**

PRC Section 21159.25 establishes a statutory CEQA exemption in unincorporated counties for infill residential or mixed-use housing projects, defined as a project consisting of multifamily residential uses only or a mix of multifamily residential and nonresidential uses, with at least two-thirds of the square footage of the development designated for residential use.<sup>1</sup> This exemption is patterned after the Class 32 infill categorical exemption in CEQA, which applies only to cities.

To qualify for the exemption, the residential or mixed-use housing project must meet all of the following criteria set forth in PRC Section 21159.25(b):

(1) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.

(2) (A) The public agency approving or carrying out the project determines, based upon substantial evidence, that the density of the residential portion of the project is not less than the greater of the following:

(i) The average density of the residential properties that adjoin, or are separated only by an improved public right-of-way from, the perimeter of the project site, if any.

(ii) The average density of the residential properties within 1,500 feet of the project site.

(iii) Six dwelling units per acre.

(B) The residential portion of the project is a multifamily housing development that contains six or more residential units.

(3) The proposed development occurs within an unincorporated area of a county on a project site of no more than five acres substantially surrounded by qualified urban uses.

---

<sup>1</sup> The Project qualifies as a mixed use project under PRC Section 21159.25(a) because multifamily residential comprises 39,985 gross square feet (69%) out of a total of 56,485 gross square feet for the entire Project.

(4) The project site has no value as habitat for endangered, rare, or threatened species.

(5) Approval of the project would not result in any significant effects relating to transportation, noise, air quality, greenhouse gas emissions, or water quality.

(6) The site can be adequately served by all required utilities and public services.

(7) The project is located on a site that is a legal parcel or parcels wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.

The following is an analysis of each of the above criteria.

**A. The Project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.**

The County's Comprehensive Plan designates the Project Site as Resort/Visitor Serving Commercial. The intent of this designation is to cater to the needs of visitors to recreational areas. Visitor-serving commercial uses will normally be found adjacent to important recreational resource areas, at special points of interest, or in special neighborhoods or communities. The intensity of the commercial development shall be subordinate to the character of the recreational setting. Uses shall include, but not be limited to, the following: resort hotels, motels, restaurants, country clubs, guest ranches, riding stables, and beach clubs. Residential uses are also permitted, provided such use is secondary to a primary commercial use.

As discussed in the attached Comprehensive Plan Consistency Analysis, the Project would be consistent with the applicable policies contained in the County's Comprehensive Plan (General Plan), including the Coastal Land Use Plan and the Montecito Community Plan. As set forth below, the Project conforms with applicable provisions of the Coastal Zoning Ordinance.

**Uses: Section 35-81.7**

The C-V zone permits residential uses with a Minor CUP, provided the residential use is secondary to a primary commercial use on the same lot. The Coastal Zoning Ordinance defines "secondary use" as "A land use subordinate or accessory to a principal land use. When used in reference to residential use in conjunction with commercial and industrial uses in this Article, secondary shall mean two residential bedrooms per 1,000 square feet of total gross floor area of commercial or industrial development. However, in no event shall the total gross floor area of the residential development exceed the total gross floor area of the commercial or industrial use" (i.e., Resort use). First, the Project's market rate and affordable employee housing would be subordinate to the primary resort use. CZO Section 35-58 defines an accessory use as: "A use that is incidental, related, appropriate and clearly subordinate to the main use of the lot or building, which accessory use does not alter the principal use of the subject lot or adversely affect other

properties in the zone.” As the Project’s residential use would not alter the principal resort use or adversely affect other properties in the zone, this use is an accessory use. Second, based on the Resort’s proposed commercial floor area of 184,642 square feet, a maximum of 369 bedrooms would be permitted (184,642 SF / 1,000 SF x 2) as a secondary use. The Project proposes 50 bedrooms plus four existing bedrooms for a total of 54 bedrooms on the Resort Site, well under the definition’s threshold. Third, as demonstrated on the Project plans, the Resort use is the primary use as it comprises the majority of overall floor area of the Resort site.

In addition, the Project requests a Major CUP to permit reconfigured parking within the TC zone district along with landscaping. The proposed improvements would be consistent with the existing Resort improvements already approved in the TC zone and with the LUP and other elements of the Comprehensive Plan (as discussed in the Comprehensive Plan Consistency Findings).

**FAR: Section 35-203**

A maximum 0.25 FAR is permitted in the Montecito Overlay District (MOD). The existing Resort site is developed with 169,000 square feet of net floor area, which results in a 0.24 FAR. The Project proposes 31,724 square feet of additional net floor area, which per the MOD excludes the net floor area within Building C that is devoted for affordable housing, resulting in an overall 0.29 FAR on the Resort Site. The Project requests a State Density Bonus Law<sup>2</sup> Waiver of Development Standard to permit a maximum 0.29 FAR on the Resort Site, which is needed to physically accommodate the housing at the Project’s proposed density. With approval of the waiver, the Project would comply with permitted FAR.

**Setbacks: Section 35-81.8**

The C-V zone requires setbacks for buildings and structures as follows:

- Front: 50 feet from the centerline and 20 feet from the right-of-way line of any street.
- Side and Rear: 20 feet.
- In addition, no building or structure shall be located within 50 feet of a lot zoned residential.

Pursuant to CZO Section 35-144.C, the Project requests State Density Bonus Waiver of Development Standards to permit:

- Reduced front yard setback along South Jameson Lane frontage of 49 feet for Building A, 47 feet, 9 inches for Building C, and 37 feet, 9 inches to the entry gate/columns in lieu of 50 feet from the centerline of South Jameson Lane otherwise required per CZO section 35-81.8.1;

---

<sup>2</sup> Government Code Section 65915.

- Reduced front yard setback along Eucalyptus Lane frontage of 41 feet, 10 inches for Buildings A and B in lieu of 50 feet from the centerline of Eucalyptus Lane otherwise required per CZO section 35-81.8.1;
- Reduced variable width side yard setback of 1 foot, 3 inches to 22 feet, 6 inches (along southerly yard) for Building B in lieu of 50 feet adjacent to a residential zoned lot (Church lot) otherwise required per CZO section 35-81.8.3;
- Reduced side yard of 12 feet (along easterly yard) to permit parking (defined as a Structure) and associated improvements in the Northeast Lot in lieu of 50 feet adjacent to a residential zoned lot otherwise required per CZO section 35-81.8.3; and
- Reduced rear yard setback of 0 feet to permit parking in Northeast Lot in lieu of 20 feet otherwise required per CZO section 35-81.8.3.

With approval of the waiver, the Project would comply with permitted setbacks.

**Height: Section 35-81.9**

No building or structure shall exceed a height of 38 feet that has a roof pitch of 4 in 12 (rise to run) or greater. In addition, for development surrounded by areas zoned residential, no building or structure shall exceed two stories. The proposed maximum building heights as shown on the architectural plans, elevations, and sections are as follows:

- Building A: 33 feet, 5 inches (two stories)
- Building B: 30 feet, 2 inches (two stories)
- Building C: 40 feet, 9 inches (three stories)

Building A and Building B comply with the permitted height and story limitations. Pursuant to CZO Section 35-144.C, the Project requests a State Density Bonus Law Waiver of Development Standards to permit three-stories and 40 feet, 9 inches of height for Building C only in lieu of two-stories and 38 feet otherwise permitted per CZO Section 35-81.9 (Height of Buildings and Structures). With approval of the waiver, the Project would comply with permitted height.

**Open Space: Section 35-81.11**

Forty percent of the net area of the lot(s) shall be retained in public and/or common open space. There is insufficient area at the Resort to provide the required open space and develop the Project at the proposed density. As such, pursuant to CZO Section 35-144.C, the Project requests a State Density Bonus Law Waiver of Development Standards to permit a 27.74 percent of the net lot area for public and/or common open space in lieu of 40 percent otherwise required per CZO Section 35-81.11. The Resort includes a variety of open spaces throughout the Resort Site that includes the great lawn, two intimate event lawns, pool areas, and a variety of open spaces located between the lanais and bungalow buildings. With approval of the waiver, the Project would comply with minimum open space.

### **Landscaping: Section 35-81.12**

Along each side or rear yard abutting a residential district, an adequate buffer consisting of fencing, walls, plant materials, or any combination thereof shall be installed and maintained to protect adjacent residents from impacts of noise or lighting and to provide separation between residential and commercial uses. The Resort is programmed with generous ornamental landscaping throughout the Resort Site. The entrance into the Resort is landscaped with a variety of mature trees and hedging consistent with area landscaping which provides planting buffers along the frontage of South Jameson Lane. The main entrance off of South Jameson Lane is planted with a combination of plant materials and the motor court includes landscaping with decorative paving materials, potted plants, and colorful flowering shrubs and hedges. The Project Site abuts a residential district to the south of the northwest area, which is developed with an institutional use (the Church). The Project proposes to add new trees and landscaping along the south side of Building B to soften the appearance of the building, provide visual screening, and to help buffer the Church from noise and lighting associated with proposed Buildings A and B. In addition, the Project Site abuts a residential district to the east of the northeast Lot that includes a portion of the Oak Creek stream corridor. Residential uses are located on the easterly side of Oak Creek approximately 125 feet from the Resort Site and are buffered from the Site by dense landscaping and mature trees, which would be retained to minimize potential impacts.

### **Parking: Division 6**

Code-required parking for the residential units is based on the parking reductions in State Density Law<sup>3</sup>, which permits 1 space per studio and 1-bed units and 1.5 spaces for 2-bed units and above. Parking for new resort-visitor commercial uses is 1 space per 500 square feet of gross floor area for retail uses, and one space per 300 square feet of space devoted to patrons plus one space per two employees for café uses.

The County granted a modification in 2015 to reduce the required number of parking spaces (614 required and 436 provided<sup>4</sup>) based on the “Shared Parking Analysis” prepared by ATE, dated July 31, 2014, which concluded the maximum peak demand of the Resort was 430 spaces.

ATE prepared an updated shared parking demand analysis that demonstrates that the proposed 480 space parking supply meets the total Resort’s and Project’s peak parking demand of 462 spaces, resulting in a surplus of 18 parking spaces. Following development of the Project, there will be a total of 480 parking spaces for the Project and existing Resort uses, which results in an increase of 45 parking spaces on the Resort site over existing conditions. The new parking would be provided within a subterranean parking level under Buildings A and B that can accommodate 79 spaces. To the south of Building C, the Project proposes a reconfigured parking area with 351 spaces in a combination of surface parking spaces, vehicular lifts, and a partially elevated parking deck. An additional existing 50 parking spaces located on Resort land adjacent to Miramar

---

<sup>3</sup> Government Code Section 65915(p)

<sup>4</sup> The County subsequently reduced the required parking to 435 spaces as part of a substantial conformance determination.



Avenue, near the oceanfront buildings, on the east side of the Manor House, and along the entry court would be retained as is.

Pursuant to CZO Section 35-174.8, the Project requests a new modification to the number of parking spaces required for the Project to permit continued valet tandem and compact parking, reduced stall size for valet parking, and reduced drive aisle width. With approval of the Modification, the Project would comply with the applicable parking standards.

### **Section 35-115. Landscape/Screening of Parking Areas**

Where non-residential parking areas abut residentially zoned or developed property, a wall or solid fence of not less than five feet in height shall be erected and maintained between the parking area and the adjoining residentially zoned or developed property. Screening shall be provided along each property line consisting of a five-foot wide strip, planted with sufficient shrubbery to effectively screen the parking area, or a solid fence or wall not less than four feet in height. As shown on Sheet C2.0 (Demolition Plan), the existing five-foot wall located between the parking area and adjoining residential zoned property to the east would be maintained. As shown on Sheet L-7, the Project proposes landscaping and islands within the parking area to break up the continuity of the parking area and is broken into groupings.

### **Exterior Lighting Section 35-139**

All exterior lighting shall be hooded, and no unobstructed beam of exterior lighting shall be directed toward any area zoned or developed residential, or toward any environmentally sensitive habitat area. No lighting shall be so designed as to interfere with vehicular traffic at any portion of a street. As demonstrated on the Photometric Plans (Sheets LT-01 to LT-09), the Project's new lighting would be low level and shielded to prevent light spillage and to eliminate impacts to night sky lighting. In addition, no new lighting would be directed towards the ESH to the east or towards residentially zoned parcels.

### **Loading Facilities: Section 35-116**

For every building which is to be occupied by a retail use, one loading space is required and shall not be less than 10 feet in width, 30 feet in length, and with an overhead clearance of 14 feet. Such space may not be located in any part of any required front or side yard and shall be designed so that it will not interfere with vehicular circulation or parking nor with pedestrian circulation.

The existing loading facilities provided for the Resort are located on the east side of the main building (Manor House) and will be maintained and will accommodate loading for the Project and the existing Resort uses in compliance with this development standard.

**Driveways: Section 35-117**

Width, Number, and Location. Unless otherwise provided in the specific, applicable zone districts, the width and number of driveways in relation to intersections, obstructions, other driveways, and property lines shall be as prescribed by Resolution No. 76-428 on Road Standards of the County Board of Supervisors or any subsequent resolution of the said Board regulating road standards.

Driveway to Side or Rear Parking Areas. A driveway used for access to a parking area at the side or rear of a building shall not be less than 10 feet wide in clear distance between any obstruction to vehicular traffic.

The Project does not propose new driveways and would utilize existing driveways serving the Resort which comply with this development standard.

**Fences, Walls, and Gate Posts: Section 35-123**

The following setbacks are required:

- Front Setback: 6 feet, 8 feet for gateposts
- Side/Rear Setback: 8 feet, 10 feet for gateposts
- Outside Setbacks: 8 feet, 10 feet for gateposts

As shown on the Project's architecture and grading plans (refer to Sheets A-5, A-19, C1.1, C2.1, C2.2), the Project's new fences, walls, and gateposts comply with the development standards.

**Accessory Structures: Section 35-210**

The Project does not propose any new accessory structures.

**Conclusion**

As discussed above, the Project is consistent with the applicable General Plan designation and all applicable General Plan policies, as well as with the zoning designation and applicable regulations. Therefore, the Proposed Project satisfies the first criterion under PRC Section 21159.25(b).

- B. The density of the residential portion of the Project is not less than the greater of: (i) the average density of the residential properties that adjoin, or are separated only by an improved public right-of-way from, the perimeter of the Project Site, if any; (ii) the average density of the residential properties within 1,500 feet of the Project Site; or (iii) six dwelling units per acre, and the residential portion of the Project is a multifamily housing development that contains six or more residential units.**

The Project Site is 3.077 acres, which results in 18 units or 6 units per acre. The Project would meet the foregoing requirements as the density of the residential portion of the Project is not less than the greater of:

*i) The average density of the residential properties that adjoin, or are separated only by an improved public right-of-way from, the perimeter of the project site, if any.*

The adjoining properties are developed with single family residential uses at a density of one unit per property, one multi-family residential development to the east with five units, and the rest of the adjoining properties are developed with the Church complex and the Friendship Center adult daycare center. The average density of the adjoining residential properties is approximately 1.25 units.

*(ii) The average density of the residential properties within 1,500 feet of the project site.*

The vast majority of properties within 1,500 feet of the Project Site are developed with single family residential uses at a density of one unit per property. There is one multi-family residential development to the east with five units, and the rest of the adjoining properties are developed with the Church complex and the Friendship Center adult daycare center. As such, the average density of properties within 1,500 feet of the Project Site is slightly greater than 1.0 unit.

*(iii) Six dwelling units per acre.*

The density of the Project must not be less than 6 units per acre. The Project proposes 34 units of multifamily housing on the 3.077-acre Project Site, or approximately 11 units per acre.

Therefore, the Project meets the second criterion under Public Resources Code Section 21159.25(b).

- C. The proposed development occurs within an unincorporated area of a county on a project site of no more than five acres substantially surrounded by qualified urban uses.**

The Project Site is located within a portion of the existing Resort Site. The Project Site (consisting of the two existing surface parking lots and the offsite improvement area) has a total area of

approximately 3.077 acres. The Project Site includes all areas that will be physically changed.<sup>5</sup> As shown in the Project plans, no new development or construction activity related to the Project will occur in the other portions of the Resort, nor will the existing operations at the Resort change as a result of the Project. The Resort uses and areas are part of the existing physical environment prior to the Project that will not change as result of the Project. As such, they comprise the environmental baseline and are not part of the Project.<sup>6</sup>

Under PRC Section 21159.25(a) “substantially surrounded” means (a) at least 75 percent of the perimeter of the project site adjoins, or is separated only by an improved public right-of-way from, parcels that are developed with qualified urban uses, and (b) the remainder of the perimeter of the site adjoins, or is separated only by an improved public right-of-way from, parcels that have been designated for qualified urban uses in a zoning, community plan, or general plan for which an environmental impact report (EIR) was certified. PRC Section 21072 defines “qualified urban uses” any residential, commercial, public institutional, transit or transportation passenger facility, or retail use, or any combination of those uses.

The entire perimeter of the Northwest Lot adjoins, or is separated only by an improved public right-of-way from, existing residential, Resort, church/school, and senior adult center uses, all of which are qualified urban uses. The western, northern, and southern perimeters of the Northeast Lot adjoin, or are separated only by an improved public right-of-way from, existing Resort, residential, and transit uses, which are also qualified urban uses. The eastern perimeter adjoins land that is designated for a qualified urban use (residential) under the zoning and General Plan, for which an EIR (SCH # 2009011031) was certified.

Therefore, the Proposed Project satisfies the third criterion under PRC Section 21159.25(b).

**D. The Project Site has no value as habitat for endangered, rare or threatened species.**

The Project Site is currently developed with parking lots and is located within the existing Resort Site. As set forth in Biological Resources Assessment Report by Dudek dated June 2024 (BRA), the Project Site has no value as habitat for endangered, rare or threatened species.

---

<sup>5</sup> CEQA Guidelines Section 15378(a) provides: “Project’ means the whole of an action, which has a potential for resulting in either a direct *physical change in the environment*, or a reasonably foreseeable indirect *physical change in the environment...*” (Emphasis added.) See *Protect Tustin Ranch v. City of Tustin*, 70 Cal.App.5th 951 (2021) (Upholding use of Class 32 CEQA exemption for 2.38-acre project site included within 12-acre existing shopping center as project site was below 5-acre maximum). As noted, the PRC Section 21159.25 exemption is patterned after the Class 32 exemption.

<sup>6</sup> CEQA Guidelines Section 15125(a) provides: “An EIR must include a description of the physical environmental conditions in the vicinity of the project ... at the time environmental analysis is commenced, from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant.”

With implementation of the best management practices (BMPs) detailed in the Biological Resources Assessment Report to achieve compliance with applicable regulations, impacts to biological resources would be less than significant. In addition, Project development and activities would occur outside of the required 50-foot buffer; therefore, there will be no direct impact to the offsite ESH. Compliance with applicable regulatory requirements, including implementation of a Stormwater Pollution Prevention Plan and conditions of approval (including CDP Condition 18, which limits lighting), will ensure that there are no indirect impacts to this ESH. In the unlikely event that a listed or special-status species is identified within the Project Site prior to or during Project activities, the appropriate regulatory protection measures will be applied to ensure that no significant effects on these species result from Project activities. Therefore, the Project would not result in a significant impact to endangered, rare, or threatened species.

As set forth in the BRA, there are no wetlands or other riparian habitat on the Project Site, which is developed with surface parking lots and public-right-of-way in the offsite improvement area. Therefore, the Project would not result in a significant impact to wetlands or other riparian habitat.

As set forth in the BRA, the Oak Creek channel may provide limited movement potential for wildlife, but the Project would result in no direct or indirect impacts to this feature. In addition, Project construction is planned within an already developed, fenced, and landscaped area and is unlikely to result in any additional limitations to the potential for wildlife movement in the area. Therefore, the Project would have a less than significant impact on wildlife movement.

As set forth in the Arborist Report by Bill Mellett, the Project will comply with the tree removal regulations as set forth in Article II of the County Code (Coastal Zoning Ordinance). Consistent with Montecito Community Plan development standard BIO-M-1.16.1, a Tree Protection Plan has been prepared based on the County's existing Tree Protection Plan standards.

As discussed in the Tree Protection Plan, no specimen oak trees are proposed for removal, nor do any of the other criteria under Section 35-140 of the Coastal Zoning Ordinance requiring a Coastal Development Permit apply to the trees proposed for removal as part of the Project. The Project would remove four significant non-protected trees. The Tree Protection Plan requires the replacement of significant trees to be removed in conformance with the County's tree replacement requirements.

The Project Site is located in an urbanized area and is currently developed with surface parking lots. As previously discussed, the Project Site does not support any known habitat or natural community. Further, no Habitat Conservation Plan, Natural Community Conservation Plan, or other approved habitat conservation plans apply to the Project Site.<sup>7</sup>

Therefore, the Proposed Project satisfies the fourth criterion under PRC Section 21159.25(b).

---

<sup>7</sup> Program Environmental Impact Report (EIR) for the 2023-2031 Housing Element Update (SCH 2022070490), Section 3.4.4.1.

**E. Approval of the Project would not result in any significant effects relating to transportation, noise, air quality, greenhouse gas emissions, or water quality.**

**1. Transportation**

As set forth in the Traffic and Vehicle Miles Travelled (VMT) Analysis for the Miramar Beach Resort and Bungalows Affordable Employee Housing, Market Rate Housing and Resort-Visitor Servicing Commercial Project by ATE dated June 25, 2024 (Traffic Report) the Project would not result in any significant VMT or other transportation impacts.

**2. Noise**

As set forth in the Environmental Noise Impact Study by Acoustical Engineering Services, Inc (AES) dated July 2024, the Project's noise and vibration impacts would be less than significant.

**3. Air Quality**

As set forth in the Air Quality Technical Report prepared by Ramboll Americas Engineering Solutions, Inc. (Ramboll), dated June 2024, the Project's would not exceed any of the significance thresholds for criteria pollutants, result in any carbon monoxide "hotspots," conflict with an applicable air quality plan, or include uses that would generate offensive odors.

The Project will implement best practices to protect the residents in the housing units, including locating air intake at the non-roadway facing sides of buildings; utilizing air intake systems equipped with state-of-the-art particle filtration; installing mechanical ventilation systems with fresh air filtration; and locating courtyards and walkways in the interior of the Project Site so that they are shielded by buildings. Therefore, the Project's future residents will not be significantly impacted by freeway emissions.

Therefore, the Project would not result in significant impacts with respect to air quality.

**4. Greenhouse Gas (GHG) Emissions**

As set forth in the Greenhouse Gas Technical Report prepared by Ramboll, dated June 2024, the Project would not result in significant impacts with respect the GHG emissions.

Appellants maintain that the number of employees used to determine the service population for the GHG analysis is unsubstantiated. As set forth in the expert Responses to Comments from Ramboll dated December 5, 2024, the full-time employee service population for the new Resort shops and cafe was determined in accordance with Santa Barbara County's Environmental Thresholds and Guidelines Manual. It was based on the estimated working hours per day and the number of employees present at the shops or the café. This estimate is based on the data from the existing Resort shops provided by the Applicant.

As also set forth in the Ramboll responses, in late August 2024 the County adopted the 2030 Climate Action Plan (CAP) and a resolution approving proposed amendments to Chapter 11, Greenhouse Gas Emissions, of the Environmental Thresholds and Guidelines Manual, to include new non-stationary source greenhouse gas emissions thresholds of significance, and the 2030 Climate Action Plan Consistency Checklist (Consistency Checklist).

Under the new GHG threshold, “a project that is consistent with all applicable measures of the 2030 CAP would result in less-than-significant GHG emissions and would not result in a cumulatively considerable impact related to GHG emissions and climate change.” Projects can demonstrate consistency with the 2030 CAP by completing the Consistency Checklist.

County Staff determined that because CEQA review of the Project had been completed at the time the new threshold was adopted, the Project was not subject to the new GHG threshold. However, as this new threshold is more protective of the environment and will help the County meet its GHG reduction targets and address climate change, the Applicant has agreed to apply the new threshold and implement all applicable measures in the 2030 CAP. These measures are incorporated into the Project Description as described above. As demonstrated by the completed Consistency Checklist attached to the Ramboll responses, the Project is consistent with the 2030 CAP. Therefore, the Project would result in less-than-significant GHG emissions and would not result in a cumulatively considerable impact related to GHG emissions and climate change.

## **5. Water Quality**

As set forth in the Water Resources Report prepared by Flowers & Associates, Inc., dated June 2024, the Project would not (a) violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface water or groundwater quality, (b) substantially decrease groundwater supplies or interfere substantially with groundwater recharge, (c) substantially alter the existing drainage pattern of the site or area in a manner that would result in a substantial erosion or siltation on- or off-site, substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or impede or redirect flood flows; (d) risk the release of pollutants due to inundation; or (e) conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

In compliance with applicable regulations, the Project will implement a stormwater control plan to capture and treat stormwater runoff. Compliance with these existing regulations would ensure that impacts to Oak Creek from Project runoff will be less than significant.

Therefore, the Project would not result in a significant impact with respect to water quality.

## Conclusion

Based on the foregoing, the Project satisfies the fifth criterion under PRC Section 21159.25(b).

### **F. The Project Site can be adequately served by all required utilities and public services.**

The Project Site is located in an urbanized area within the existing Resort. The infrastructure for the utilities required to serve the Project is already in place and serves the existing Resort. The Applicant would be responsible for all connections and any required upgrades. All utility service providers (water, sewer, electric, gas, cable TV, and internet) have issued will serve letters for the Project.

The Project is an infill project that will be adequately served by the County's franchised solid waste service hauler. The Project will also comply with all applicable regulations regarding solid waste, including applicable recycling and other waste diversion/reduction requirements. Specifically, the Project will implement a County Public Works-approved Solid Waste Management Program (SWMP) to increase recycling and reduce solid waste generation. Moreover, earlier this year the County approved a 6.1 million cubic yard expansion of the Tajiguas Landfill, which will help ensure long-term adequacy of disposal capacity in the County. Therefore, the Project's solid waste impacts would be less than significant.

The Resort is well served by existing police and fire services, schools, parks, and libraries. Police services are provided by the County Sheriff's Office. The Office currently has a ratio of approximately 1.5 officers for every 1,200 persons, which exceeds County's preferred service ratio standard of 1 officer per 1,200 persons.<sup>8</sup> In addition, the Project Site is within the Resort, which includes security features such as CCTV and 24-hour security coverage that will also apply to the Project and reduce the demand on police services.

Fire protection services are provided by the County Fire Department, which has a current firefighter-to-population ratio of one firefighter for approximately every 711 persons, which is within the established ideal standard of one firefighter on duty for every 2,000 persons.<sup>9</sup> Fire protection is also provided by the Montecito Fire District (MFD) pursuant to a mutual aid agreement. MFD Station 91 is located approximately 1.5 miles from the Project Site. Further, the Project will comply with all applicable Fire Code requirements and will include a sprinkler system, monitored fire alarm system, and new hydrants, which will reduce demand on fire services.

The Project Site is located near several public parks, including Miramar Beach (adjacent to the Resort), Manning Park (approximately 1.3 miles), and Lookout Park (approximately 2.3 miles). In addition, the Applicant will pay Parks Development Mitigation Fees, which will offset the Project's demand on parks.

---

<sup>8</sup> Program Environmental Impact Report (EIR) for the 2023-2031 Housing Element Update, Section 3.13 (SCH 2022070490)

<sup>9</sup> *Ibid.*



The Project Site is located within the Montecito Union School District, which currently operates below capacity.<sup>10</sup> Furthermore, there are several private schools in the Project vicinity, including the All Saints-by-the-Sea Episcopal Church and Parish School adjacent to the Project Site. Moreover, the Applicant will pay developer school fees, which will offset the Project's demand on schools.

The Project would be well served by two existing libraries, the Montecito Branch Library (approximately 1.4 miles) and the Eastside Branch Library (approximately 3.5 miles). Further, the Project's residential units would be equipped to receive individual internet service, which provides information and research capabilities that studies have shown to reduce demand at physical library locations.<sup>11,12</sup>

Therefore, the Project can be adequately served by all required utilities and public services and satisfies the sixth criterion under Public Resources Code Section 21159.25(b).

**G. The Project is located on a site that is a legal parcel or parcels wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.**

The Project is located on an existing legal parcel. As shown on the maps from the United States Census Bureau, the Project Site is wholly within the boundaries of a designated urbanized area. Therefore, the Project satisfies the final criterion under Public Resources Code Section 21159.25(b).

**III. Public Resources Code Section 21159.25 Exclusion Criteria**

The PRC Section 21159.25 exemption does not apply if any of the following conditions set forth in subsection (c) exist:

- (1) The cumulative impact of successive projects of the same type in the same place over time is significant.
- (2) There is a reasonable possibility that the project will have a significant effect on the environment due to unusual circumstances.
- (3) The project may result in damage to scenic resources, including, but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway.

---

<sup>10</sup> *Ibid.*

<sup>11</sup> Denise A. Troll, *How and Why Libraries are Changing: What We Know and What We Need to Know*, Carnegie Mellon University, 2002.

<sup>12</sup> Carol Tenopir, "Use and Users of Electronic Library Resources: An Overview and Analysis of Recent Research Studies," 2003.

(4) The project is located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.

(5) The project may cause a substantial adverse change in the significance of a historical resource.

The following is an analysis of whether any of the above conditions exist.

### **1. Cumulative Impacts**

As set forth below, the Project and successive projects of the same type in the same place would not result in cumulative impacts. Therefore, the condition set forth in PRC Section 21159.25 (c)(1) does not apply.

#### **a. Traffic**

The County's VMT significance thresholds are project-specific; therefore, the VMT analysis and conclusions are not affected by cumulative development. Moreover, the County would review any related project for consistency with transportation plans and VMT impacts. Each related project would be required to comply with applicable County design standards and therefore would not substantially increase hazards. Further, like the Project, the related projects will be required to maintain emergency access and therefore would not result in a significant cumulative impact to emergency access.

As set forth in the supplemental traffic memo by ATE dated October 24, 2024, the other pending projects cited in public comments would either result in reduced trips or would not add traffic to any of the roadways in the Project vicinity. Therefore, there is no potential for cumulative non-CEQA (i.e., level of service) traffic impacts. Furthermore, parking impacts are localized, and these other pending projects are all located a mile or more away from the Project Site.<sup>13</sup> Moreover, these other projects would be required to provide adequate parking per County requirements, so there is no potential for significant cumulative parking impacts.

#### **b. Noise**

Noise from the construction of development related projects is typically localized and has the potential to affect only noise-sensitive uses within 500 feet from the construction site. As set forth on the County's Cumulative Projects List, the closest related projects are the Montecito Family YMCA, which is approximately 3,400 feet north of the Project Site, and the Crane School, which is more than 3,500 feet away. In addition, there are intervening buildings and vegetation located between the Project Site and these related projects. Therefore, based on distance attenuation and noise reduction provided by the intervening buildings and landscaping, there

---

<sup>13</sup> In addition, parking is no longer a CEQA impact and is discussed herein for informational purposes.

would be no potential significant cumulative construction noise or vibration impacts from the Project and the related projects.

With respect to onsite operational noise sources, it is anticipated that, as with the Project, all the related projects would be required to comply with the County's noise regulations. As a result, regulatory compliance measures will ensure that cumulative noise impacts from onsite sources are less than significant.

Regarding mobile noise sources during operations, it generally requires a doubling of traffic volumes to result in a perceptible increase in traffic noise. The future roadway traffic volumes in the Traffic Report included traffic from the development of the approved and pending projects in the Montecito community area found in the County's Cumulative Projects List. As shown in the Traffic Report, the Project would not result in a doubling of traffic volumes on any roadways. Accordingly, cumulative noise impacts from operational traffic would be less than significant.

### **c. Air Quality**

Cumulative air quality impacts from construction and operation of the Proposed Project, based on Santa Barbara County Air Pollution Control District (SBCAPCD) guidelines, are analyzed in a manner similar to project-specific air quality impacts. The SBCAPCD recommends that a project's potential contribution to cumulative impacts should be assessed utilizing the same significance criteria as those for project-specific impacts. Therefore, according to the SBCAPCD, only those individual development projects that generate construction or operational emissions that exceed the SBCAPCD's recommended daily thresholds for project-specific impacts would also cause a cumulatively considerable increase in emissions.

Because the construction-related and operational daily emissions associated with the Project would not exceed the SBCAPCD's recommended thresholds, the emissions associated with the Project would not be cumulatively considerable. Therefore, cumulative air quality impacts would be less than significant.

### **d. GHG Emissions**

GHG emission impacts are inherently cumulative because climate change is a global problem, and the emissions from any single project alone would be negligible. Accordingly, the Greenhouse Gas Technical Report took into account the potential for the Project to contribute to the cumulative impact of global climate change. As the Project's GHG impacts would be less than significant, the Project would not result in cumulative GHG impact.

### **e. Water Quality**

As set forth above, the Project would not result in any significant water quality impacts. Like the Project, any other projects in the vicinity would be required to implement an Erosion and Sediment Control Plan (or SWPPP). Mandatory structural BMPs in accordance with the NPDES water quality program and the County's Low Impact Development (LID) requirements would

result in a cumulative treatment and reduction of surface water runoff, as the development in the vicinity of the Project Site is limited to infill development and redevelopment of existing urbanized areas. Therefore, by means of regulatory compliance by the Project and related projects, cumulative water quality impacts would be less than significant.

## **2. Unusual Circumstances**

As noted in the analyses presented herein, there are no unusual circumstances that exist in connection with the Project or surrounding environmental conditions that have the potential to result in significant environmental impacts. The Project Site is located in an urbanized area of the County and is consistent with the existing physical arrangement of the properties within the vicinity of the Project Site. As set forth above, the Project is permitted under the zoning and General Plan.

The Project constitutes infill development within a portion of the existing Resort and would be in close proximity to significant transportation facilities. There are no features of the Project, such as its size or location, that distinguish it from others in the exempt class. The Project's residential uses and Resort shops are generally consistent with other residential and visitor-serving uses in the area, including the existing employee housing and Resort shops at the Resort.

### **Appellant Contentions Related to the Presence of Unusual Circumstances**

Appellants maintain that there are various unusual circumstances that have the potential to result in significant environmental impacts:

**a. Relationship to the Resort.** An appellant claims that the interrelationship between the Project and the Resort is an unusual circumstance that has the potential to result in significant environmental impacts. As the PRC 21159.25 exemption is limited to infill development, qualifying projects are very likely to be closely linked to surrounding development. A housing project would not be viable without interrelationship with nearby supporting uses such as retail amenities, businesses that provide jobs, entertainment venues, and transportation facilities. Moreover, with the adoption of recent state laws that allow reduced or no onsite parking, it is not unusual for residential or mixed-use housing projects to rely on offsite parking. In any event, the appellants have not established any unusual circumstance that has the potential to result in significant environmental impacts.

**b. Location in a Semi-Rural Area within the Coastal Zone.** The appellants maintain that the Montecito Community Plan states that the Project Site and Resort are located in a semi-rural area. As set forth in Section II.G above, the Project Site is wholly within the boundaries of a designated urbanized area. Moreover, the Project Site is not located in the rural area as designated on the County's Comprehensive Plan maps.<sup>14</sup>

---

<sup>14</sup> Santa Barbara County Comprehensive Plan Land Use Element COMP-1, revised on October 3, 2024

The Montecito Community Plan maps show that the Project Site is in a designated urban area.<sup>15</sup> The text of the Montecito Community Plan describes Montecito as being semi-rural in character, this applies generally to entire Community Plan area and not specifically to the Project Site or the Resort. Moreover, the Montecito Community Plan was adopted in 1993 and is superseded by the 2023-2031 Housing Element Update, which designates the Project Site for additional housing. Therefore, the semi-rural description in the Montecito Community Plan is not an unusual circumstance that could preclude the use of the statutory exemption.

Even, assuming, for argument's sake, that the Resort was located in a semi-rural area, the appellants have not provided any evidence that this would have the potential to result in significant environmental impacts.

As the PRC section 21159.25 exemption applies to qualifying projects in the coastal zone, the Project's location in the coastal zone cannot be considered to be an unusual circumstance. Moreover, the expert Sea Level Rise and Flood Hazards Report prepared by GeoSoils, Inc. analyzed the potential for impacts from future flooding due to Sea Level Rise (SLR) under the California Coastal Commission's SLR Policy Guidance, as well as from wave runup and beach erosion. This report demonstrates that the Project will be safe from coastal hazards during its design life. Therefore, the Project's location the coastal zone does not have the potential to result in significant environmental impacts.

**c. Parking.** The appellants maintain that the Resort provides significantly fewer parking spaces than required by Code, which requires the unusual circumstance of securing off-site parking for Resort employees. As a preliminary matter, CZO Section 35-174.8 permits the County to approve reduced parking via a modification. As the County approved such a modification for the Resort based on a Shared Parking Analysis, the Resort meets current Code requirements. As set forth in the memorandum by ATE dated October 28, 2024, a recent parking survey conducted on a peak weekend with good weather shows that parking demand at the Resort ranged from 43 to 75 percent of the existing parking supply, which demonstrates the adequacy of existing parking.

The CPC granted a parking modification for the Project, based on an updated Shared Parking Analysis that has been reviewed and approved by County Staff. Therefore, the Resort will continue to meet Code requirements following development of the Project.

The appellants assert that the Resort has secured offsite parking for its employees. This is incorrect; all employees are required to park onsite. The Resort has from time to time utilized offsite parking for guests attending special events to improve operational efficiency and reduce valet wait times or occasionally when a special event requires use of a portion of the parking areas.

---

<sup>15</sup> <https://cosantabarbara.app.box.com/s/jahda07lnuewmzm65la18r1xlo8h6vf8/file/393288999399>, accessed November 30, 2024

**d. Locating Housing in a Flood Zone.** Appellants claim that locating some of the Project's housing in a flood zone is an unusual circumstance that has the potential to result in significant environmental impacts. As set forth in the Flowers Responses, a portion of the Project Site designated as a 100-year flood zone (1% chance of flooding) under the currently applicable FEMA flood maps and as a 500-year flood zone (0.2% chance of flooding) under the pending FEMA maps update. However, as much of the coastal area in the County is in a designated flood zone,<sup>16</sup> this is not an unusual circumstance.

Furthermore, development of housing is not prohibited within these zones. Rather, the County and FEMA have adopted requirements to ensure that the residents are not at risk due to flooding. The Project complies with all applicable County and FEMA requirements for the Project Site by elevating the finished floor elevations of Building C two feet above the base flood elevation. The proposed finished floor elevations of the buildings are based upon the County's most current 2024 Recovery Mapping for the Project Site, and include the 2 feet of freeboard required. In addition, the bottom subterranean garage will be located above the groundwater level, and the garage will be water- and flood-proofed. Therefore, impacts to the Project from flooding will be less than significant.

The Resort monitors potential flood events and follows instructions from government officials, which have been to shelter in place during the last several events, including the flooding and mudslides of 2018. The Resort did not experience flooding or mudflow during that event. Therefore, locating Building C in a flood zone will not have potential to result in significant environmental impacts.

**e. Evacuation During Wildfires and Floods.** The appellants speculate that after Project development the Resort will not be able to be safely evacuated during wildfires and floods and claim that this is an unusual circumstance.

The Project site is not located in a Fire Hazard Severity Zone<sup>17</sup> or a County Wildland-Urban Interface area<sup>18</sup>. Moreover, the Project is subject to the County Fire Code and Chapter 15 of the County's Code of Ordinances, which require adequate and unobstructed emergency access for fire department apparatus and personnel to buildings, structures, hazardous occupancies, or other premises, including at least two routes of ingress and egress to facilitate emergency response and evacuation, as determined appropriate by Santa Barbara County Fire Department (SBCFD). The standards apply to newly proposed private roads and driveways that are used to provide access to dwellings and structures for emergency access. These regulations ensure new development provides adequate access during a wildfire to allow emergency response and

---

<sup>16</sup> <https://cosbent.maps.arcgis.com/apps/instant/media/index.html?appid=5bacf1aa166b4bf6987665419258d3b3>

<sup>17</sup> [https://34c031f8-c9fd-4018-8c5a-4159cdf6b0d-cdn-endpoint.azureedge.net/-/media/osfm-website/what-we-do/community-wildfire-preparedness-and-mitigation/fire-hazard-severity-zones/fire-hazard-severity-zones-map-2022/fire-hazard-severity-zones-maps-2022-files/fhsz\\_county\\_sra\\_11x17\\_2022\\_santabarbara\\_2.pdf](https://34c031f8-c9fd-4018-8c5a-4159cdf6b0d-cdn-endpoint.azureedge.net/-/media/osfm-website/what-we-do/community-wildfire-preparedness-and-mitigation/fire-hazard-severity-zones/fire-hazard-severity-zones-map-2022/fire-hazard-severity-zones-maps-2022-files/fhsz_county_sra_11x17_2022_santabarbara_2.pdf), accessed November 30, 2024.

<sup>18</sup> Program Environmental Impact Report (EIR) for the 2023-2031 Housing Element Update, Figure 3.16-2

evacuation of the Resort Site. In addition, the MFD reviewed the Project and confirmed in a letter dated September 10, 2024 that the Project meets the applicable fire access requirements.

Further, the Project would be required to follow standards and practices aiming to prevent post-wildfire hazards, such as those in the Seismic and Safety Element of the Comprehensive Plan and County Code, which require existing and new development to be adequately protected from potential flooding or landslides through careful site planning, design, and construction. Although the Seismic Safety and Safety Element does not have policies that pertain directly to debris flows, these policies would nonetheless serve to reduce associated risks.

The County does not prescribe fixed emergency evacuation routes for wildfire events due to the variability and transformative nature of wildfires<sup>19</sup>. The SBCFD maintains Standard Operating Procedures (SOPs) that outline the protocols for fire-induced evacuations based on individual emergency scenarios. The Project is located in Local Responsibility Area (LRA). During wildfire emergencies in a contract county, SBCFD is responsible for assessing hazard areas to identify evacuation requirements, and coordinating with other County agencies and departments to ensure that residents are evacuated as necessary. Evacuations may either be mandatory or voluntary.

The Resort maintains daily coordination with the sheriff and fire departments to remain vigilant and responsive to any emerging needs during emergencies. In the event of an emergency evacuation order, the Resort will follow a structured protocol to ensure the safety and well-being of guests, employees, and the local community. When local authorities issue a recommended evacuation, the Resort partners with a designated hotel or safe location outside the evacuation zone to facilitate a smooth and early transition for Resort guests and non-essential employees. This approach will avoid last-minute evacuations and prioritize safety. While such situations have only occurred a couple of times over the years, the Resort remains prepared to coordinate departures based on optimal routes identified in real-time.

In the case of a mandatory evacuation, the Resort would undergo a complete shutdown, with only the security team remaining on-site as the primary point of contact with the fire and sheriff departments. Throughout past emergencies, including fires and mudslides, the Resort has supported local residents by providing essential supplies such as food, water, and power. Notably, the Resort deployed generators to supply power to elderly neighbors in need of life-sustaining equipment like ventilators for extended periods. Additionally, the Resort has stationed security personnel along nearby train tracks to prevent looting in evacuated areas.

**f. Prior CEQA Review.** An appellant claims that the Project had undergone CEQA review that limited the amount of retail, and that this is an unusual circumstance. While the County has conducted CEQA review of various iterations of the Resort since 2020, the Project, which was only proposed this year, has not undergone any prior review. Moreover, the County has not specifically limited the amount of retail uses to address traffic or any other impacts.

---

<sup>19</sup> Program Environmental Impact Report (EIR) for the 2023-2031 Housing Element Update, Section 3.16.2.6

Rather, it was the Applicant that revised the amount of retail square footage both up and down between the original 2000 approval and the 2015 approval. The reduced amount included in the 2015 approval was requested by the Applicant, not imposed by County to address traffic or any other concerns.

Based on the foregoing, no unique or unusual circumstances exist with respect to the Project that would give rise to a reasonable possibility of a significant effect upon the environment, and appellants have to demonstrate otherwise. Therefore, the condition set forth in PRC Section 21159.25 (c)(2) does not apply.

### **3. Scenic Highways**

The Project Site is located in an urbanized area and does not contain any significant scenic resources. The Project Site is not bordered by or within the viewshed of any designated scenic highway.<sup>20</sup> Therefore, the Project would not damage any scenic resources within an officially designated scenic highway.

Further, the Project would not result in any significant impacts due to blockage of views of significant scenic resources. As set forth in the Analysis of Potential View Impacts dated November 19, 2024 by EcoTierra, the Project would not block any views of a scenic vista. Private views are not protected under CEQA, Appendix G of the CEQA Guidelines or the County's Environmental Thresholds and Guidelines Manual. The Project will not block any public views of scenic vistas as the Project's height is consistent with the heights of existing buildings at the Resort. Views of the mountains from Eucalyptus Lane will not be blocked as views to the north up the street will remain. Views across the Project Site are already impaired by existing buildings and trees and the Church.

Therefore, the condition set forth in PRC Section 21159.25 (c)(3) does not apply.

### **4. Hazardous Materials**

The Project Site and adjoining properties are not listed in any hazardous materials database, as confirmed in the Phase I Environmental Site Assessment Report by Tetra Tech BAS dated April 19, 2024. In addition, the Project Site is not listed for cleanup, permitting, or investigation of any hazardous waste contamination on any of the lists published pursuant to Government Code Section 65962.5. Therefore, the Project Site is not located on a site that the Department of Toxic Substance Control and the Secretary for Environmental Protection have identified as being affected by hazardous wastes or clean-up problems. Moreover, there are no recognized environmental conditions, controlled recognized environmental conditions (CREC), historical recognized environmental conditions (HREC), de minimis conditions, or significant data gaps with

---

<sup>20</sup> <https://dot.ca.gov/-/media/dot-media/programs/design/documents/od-county-scenic-hwys-2015-a11y.pdf>;  
<https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways>



respect to the Project Site. Therefore, the condition set forth in PRC Section 21159.25 (c)(4) does not apply.

## **5. Historical Resources**

As set forth in Historic Resources Technical Report by Architectural Resources Group (ARG) dated June 10, 2024, there are no historical resources on the Project Site, which comprises two surface parking lots. The Resort, completed in 2019, is not eligible for listing in the National Register, California Register, or as a Santa Barbara County Landmark or Place of Historic Merit. It is thus not a historical resource for purposes of CEQA. The Project would not result in direct impacts to historical resources since there are no historical resources located on the Project Site or on the Resort Site.

There is one historical built environment resource within the vicinity of the Project Site (the Church) which the County Board of Supervisors designated as a County Historic Landmark. The Project would not cause a substantial adverse change in the Church property because the Project does not materially impair the significance of the Church. Specifically, views from the Church are not historically significant, as the Board found in connection with its designation of the Church, and as set forth in the ARG report. As such, the Project would not have indirect impact on any historical resources in its vicinity. Therefore, the Project would not cause a substantial adverse change in the significance of a historic resource.

As set forth in the Archeological Resources Report dated June 2024 by Dudek, the Project would not have a significant impact on archeological or tribal cultural resources.

Based on the foregoing, the Project would not result in a significant impact on historical or cultural resources.

## **IV. Conclusion**

Overall, based on all information in the record, the Project meets all of the criteria of, and does not demonstrate any of the conditions for exclusion from, the statutory exemption set forth in Public Resources Code Section 21159.25.

**EXHIBIT 1  
COMPREHENSIVE PLAN CONSISTENCY ANALYSIS**

<b>Coastal Land Use Plan Findings</b>	
<b>POLICY</b>	<b>FINDING</b>
<b>Section 3.2 Development Policies</b>	
<b>Coastal Act Polices</b>	
<p>30250. (a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases, for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels. (b) Where feasible, new hazardous industrial development shall be located away from existing developed areas.</p> <p>30252. The location and amount of new development should maintain and enhance public access to the coast by: (1) facilitating the provision or extension of transit service; (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads; (3) providing non-automobile circulation within the development; (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation; (5) assuring the potential for public transit for high-intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not- overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of on-site recreational facilities to serve the new development.</p> <p>30254. New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of this Division; provided, however, that it is the intent of the Legislature that State Highway Route 1 in rural areas of the coastal zone remain a scenic two-lane road. Special districts shall not be formed or expanded except where assessment for, and provision of, the service would not induce new development inconsistent with this division. Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal-dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development.</p>	
<p><b>LUP Policy 2-2:</b> The long term integrity of groundwater basins or sub-basins located wholly within the coastal zone shall be protected. To this end, the safe yield as determined by competent hydrologic evidence of such a groundwater basin or sub-basin shall not be exceeded except on a temporary basis as</p>	<p>Coastal Act Polices 30250, 30252, and 30254 are implemented by the specific development policies in LUP Section 3.2. In conjunction with the 2015 underlying approvals and build out of the Miramar Resort, the Montecito Water District issued a Certificate of Water Service Availability. The proposed Project</p>

part of a conjunctive use or other program managed by the appropriate water district. If the safe yield of a groundwater basin or sub-basin is found to be exceeded for reasons other than a conjunctive use program, new development, including land division and other use dependent upon private wells, shall not be permitted if the net increase in water demand for the development causes basin safe yield to be exceeded, but in no case shall any existing lawful parcel be denied development of one single family residence. This policy shall not apply to appropriators or overlying property owners who wish to develop their property using water to which they are legally entitled pursuant to an adjudication of their water rights.

**LUP Policy 2-4:** Within designated urban areas, new development other than that for agricultural purposes shall be serviced by the appropriate public sewer and water district or an existing mutual water company, if such service is available.

**LUP Policy 2-5:** Water-conserving devices shall be used in all new development.

**LUP Policy 2-6:** Prior to issuance of a development permit, the County shall make the finding, based on information provided by environmental documents, staff analysis, and the applicant, that adequate public or private services and resources (i.e., water, sewer, roads, etc.) are available to serve the proposed development. The applicant shall assume full responsibility for costs incurred in service extensions or improvements that are required as a result of the proposed project. Lack of available public or private services or resources shall be grounds for denial of the project or reduction in the density otherwise indicated in the land use plan. Where an affordable housing project is proposed pursuant to the Affordable Housing Overlay regulations, special needs housing or other affordable housing projects

would incrementally increase water demand for the additional development of housing, additional Resort-visitor commercial uses, and landscaping. The Montecito Water District reviewed the proposed Project and issued a Certificate of Water Availability dated July 9, 2024, which confirmed that there is adequate water availability that would accommodate the additional water demand for the Project. In addition, in compliance with the Certificate of Water Availability and Land Use Policy 2-5, the Project would incorporate state of the art water conserving technologies and devices both indoors and outdoors, such as the use of low-flow fixtures, drought-tolerant landscaping, and a drip irrigation system.

The Montecito Sanitary District issued a Sewer Availability Letter dated July 24, 2024, that sanitary sewer service is available for the proposed Project.

A Drainage and Water Quality Report prepared for the Project shows that the Project will not impact groundwater.

Based on information provided by environmental documents, staff analysis, and the applicant, adequate public or private services and resources (i.e., water, sewer, roads, etc.) are available to serve the proposed development. The applicant will assume full responsibility for costs incurred in service extensions or improvements that are required as a result of the Project.

<p>which include at least 50% of the total number of units for affordable housing or 30% of the total number of units affordable at the very low income level are to be served by entities that require can-and-will-serve letters, such projects shall be presumed to be consistent with the water and sewer service requirements of this policy if the project has, or is conditioned to obtain all necessary can-and-will-serve letters at the time of final map recordation, or if no map, prior to issuance of land use permits. (amended by 93-GP-11)</p>	
<p><b>LUP Policy 2-8:</b> The County shall give equal priority to the following land uses in the coastal zone of Montecito:</p> <ul style="list-style-type: none"> <li>• Expansion of public recreational opportunities</li> <li>• Visitor-serving commercial uses, i.e., restaurants, retail commercial, motels, etc. Low and moderate income housing</li> <li>• Agricultural expansion</li> </ul>	<p>The Project is consistent with this policy by providing additional visitor-serving commercial uses and new housing, including 26 affordable units for Resort employees at very low, low and moderate income levels.</p>
<p><b>LUP Policy 2-11:</b> All development, including agriculture, adjacent to areas designated on the land use plan or resource maps as environmentally sensitive habitat areas, shall be regulated to avoid adverse impacts on habitat resources. Regulatory measures include, but are not limited to, setbacks, buffer zones, grading controls, noise restrictions, maintenance of natural vegetation, and control of runoff.</p>	<p>As discussed further below, , the northeast portion of the Project Site, which is developed with a surface parking lot and utility building, is located adjacent to the west of mapped Environmentally Sensitive Habitat (ESH) associated with the Oak Creek stream corridor. A Biological Report prepared by Dudek mapped the 50-foot buffer from the banks of the stream, which is shown on the Conceptual Grading Plans (Refer to Sheets C2.1 – C2.3). The Project’s proposed development in the northeast area, which includes Building C and the reconfigured parking area, is entirely located outside the ESH buffer, in conformance with LUP Section 3.9 (Environmentally Sensitive Habitat). In addition, the existing mature trees, including five Coast Live Oaks, located on the Project Site boundary immediately adjacent to the Oak Creek property within the 50-foot buffer, would be protected in place and retained.</p>
<p><b>LUP Policy 2-12:</b> The densities specified in the land use plan are maximums and shall be reduced if it is determined that such reduction</p>	<p>The County Land Use Plan designates the Project Site as Resort/Visitor Serving Commercial, which does not regulate</p>

<p>is warranted by conditions specifically applicable to a site, such as topography, geologic or flood hazards, habitat areas, or steep slopes. However, density may be increased for affordable housing projects provided such projects are found consistent with all applicable policies and provisions of the Local Coastal Program.</p>	<p>residential density (i.e., number of units). The Coastal Zoning Ordinance, part of the Coastal Local Coastal Program, permits a maximum 0.25 FAR. The Project requests a State Density waiver of development standard to permit a maximum 0.29 FAR, which is needed to physically accommodate the housing at the proposed density, which includes 26 affordable units for Resort employees (76% of proposed new units). As set forth in the findings herein, the proposed development and additional FAR are consistent with the policies and provisions of the Local Coastal Program.</p>
<p><b>Section 3.3 Hazards</b>  <b>Coastal Act Policies</b>  30253. New development shall:  (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.  (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.</p> <p>30235. Revetments, breakwaters, groins, harbor channels, seawalls, cliff-retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal dependent uses or to protect existing structures or public beaches in danger from erosion and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fish kills should be phased out or upgraded where feasible.</p>	
<p><b>LUP Policy 3-8:</b> Applications for grading and building permits, and applications for subdivision shall be reviewed for adjacency to, threats from, and impacts on geologic hazards arising from seismic events, tsunami runup, landslides, beach erosion, or other geologic hazards such as expansive soils and subsidence areas. In areas of known geologic hazards, a geologic report shall be required. Mitigation measures shall be required where necessary.</p>	<p>A Coastal Hazards Report was prepared for the Project that analyzed the proposed Project and the potential for impacts from future flooding due to Sea Level Rise (SLR) under the California Coastal Commission (CCC) SLR Policy Guidance, as well as from tsunami runup and beach erosion. The Project will be safe from coastal hazards during its design life and will not impact coastal resources considering the influence of future SLR, and there will be no impacts to coastal access and recreation, water quality, ESHA or wetlands, natural landforms, scenic resources, and archaeological resources.</p> <p>In addition, a Geotechnical Report was prepared for the Project. As with the</p>

	<p>Geotechnical Report prepared for the approved project in 2015, neither soil nor geologic conditions will be encountered that would preclude the construction of the Project and that the Project would not result in significant impacts relating to geologic processes, including risks from fault rupture, ground shaking, ground lurching and amplification, liquefaction, sea cliff retreat, tsunamis or settlement and differential compaction.</p> <p>Additionally, as part of the building permit process, the Project would be required to comply with current engineering standards, and the seismic safety requirements set forth in the County's Building Code.</p>
--	---

**Flood Hazard Area Overlay Designation**

The intent of the Flood Hazard Area designation is to avoid exposing new developments to flood hazard and reduce the need for future flood control protective works and resulting alteration of stream and wetland environments by regulating development within the 100-year flood plain.

**LUP Policy 3-11:** All development, including construction, excavation, and grading, except for flood control projects and non-structural agricultural uses, shall be prohibited in the floodway unless off-setting improvements in accordance with HUD regulations are provided. If the proposed development falls within the floodway fringe, development may be permitted, provided creek setback requirements are met and finish floor elevations are above the projected 100-year flood elevation, as specified in the Flood Plain Management Ordinance.

The east portion of the Project Site is located within the Flood Hazard Area Overlay. The Project does not involve development within a floodway but does include development (Building C and parking area) in the floodplain of Oak Creek. The Project would be designed to meet standard floodplain safety requirements as set forth in Chapter 15A of the County Code which would minimize impacts on adjacent and downstream properties. The Santa Barbara County Flood Control & Water Conservation District will review the Project and ensure that the Project conforms with the County's Floodplain Ordinance, including creek setback and finished floor elevation requirements.

**LUP Policy 3-12:** Permitted development shall not cause or contribute to flood hazards or lead to expenditure of public funds for flood control works, i.e., dams, stream channelization's, etc.

**Section 3.3.4 Hillside And Watershed Protection Coastal Act Policies**

In addition to Section 30253 which requires that new development neither create nor contribute significantly to erosion, the Act requires that biological productivity and quality of coastal waters, streams, and wetlands be maintained and that development be sited to minimize alteration of natural landforms.

30231. The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface waterflow, encouraging wastewater reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

30251. The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas.

**LUP Policy 3-13:** Plans for development shall minimize cut and fill operations. Plans requiring excessive cutting and filling may be denied if it is determined that the development could be carried out with less alteration of the natural terrain.

**LUP Policy 3-14:** All development shall be designed to fit the site topography, soils, geology, hydrology, and any other existing conditions and be oriented so that grading and other site preparation is kept to an absolute minimum. Natural features, landforms, and native vegetation, such as trees, shall be preserved to the maximum extent feasible. Areas of the site which are not suited for development because of known soil, geologic, flood, erosion or other hazards shall remain in open space.

The Project is an infill development consisting of the construction of three new buildings on two surface parking lots, which serves to minimize grading and site disturbance. The existing northwest surface parking lot would be removed to accommodate Buildings A and B, and the majority of site work and grading is necessary to construct the subterranean parking level, which would hide parking that is currently visible along Highway 101, Jameson Lane, and Eucalyptus Lane. The finished grades of Buildings A and B would largely mirror the existing grade of the parking area. In the northeast parking lot, grading would be limited to creating a level site for Building C and the reconfigured parking area.

A Tree Protection Plan has been prepared for the Project that includes protection and retention of as many existing trees as feasible and new trees would be planted in the proposed development areas to replace the removal of trees necessary to accommodate the Project.

**LUP Policy 3-16:** Sediment basins (including debris basins, desilting basins, or silt traps) shall be installed on the project site in conjunction with the initial grading operations and maintained throughout the development process to remove sediment from runoff waters. All sediment shall be retained on site unless removed to an appropriate dumping location.

A Preliminary Stormwater Control Plan was prepared for the Project by Flowers and Associates Inc. Short term impacts to water quality associated with construction would be mitigated by the imposition of standard Best Management Practices (BMPs), which would ensure that the Project would be consistent with this policy.

<p><b>LUP Policy 3-18:</b> Provisions shall be made to conduct surface water to storm drains or suitable watercourses to prevent erosion. Drainage devices shall be designed to accommodate increased runoff resulting from modified soil and surface conditions as a result of development. Water runoff shall be retained on-site whenever possible to facilitate groundwater recharge.</p> <p><b>LUP Policy 3-19:</b> Degradation of the water quality of groundwater basins, nearby streams, or wetlands shall not result from development of the site. Pollutants, such as chemicals, fuels, lubricants, raw sewage, and other harmful waste, shall not be discharged into or alongside coastal streams or wetlands either during or after construction.</p>	<p>The Project is designed with a StormTrap underground stormwater detention system that manages and controls the volume and discharge timing of stormwater runoff. This detention system temporarily stores runoff in large underground precast concrete chambers before releasing it at a controlled rate which serves to mitigate the effects of high volumes of stormwater runoff, such as erosion and flooding. The StormTrap system includes stormwater treatment methods that filter pollutants, remove sedimentation, and collect debris.</p> <p>In addition, the Project would continue to incorporate methods to avoid contamination of groundwater from application of chemicals during landscape maintenance include natural fertilization methods, controlled irrigation, and water quality control.</p>
<p><b>Section 3.4 Visual Resources</b></p> <p><b>Coastal Act Policies</b></p> <p>30251. The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.</p>	
<p><b>LUP Policy 4-1:</b> Areas within the coastal zone which are now required to obtain approval from the County Board of Architectural Review, because of the requirements of the “D”-Design Supervision Combining Regulations or because they are within the boundaries of Ordinance #453, shall continue to be subject to design review. In addition, developments in all areas designated on the land use plan maps as Commercial, Industrial, or Planned Development and residential structures on bluff top lots shall be required to obtain plan approval from the County BAR.</p> <p><b>LUP Policy 4-2:</b> All commercial, industrial, planned development, and greenhouse projects</p>	<p>The Project proposes improvement to the existing Miramar Resort, which is a hotel-resort use with ancillary commercial uses that is developed with several buildings, including a two-story 44.5 feet in height main building with lobby and ballroom (Manor House), meeting rooms and conference facilities, back-of-house areas, surface parking, a spa and fitness facility, resort guest rooms located within one and two story buildings standing in height from one-story and 11 feet to two-stories and 29 feet, restaurants and a beach bar, pool, new landscaping, retail uses, and four employee dwellings. Consistent with the requirement that visitor-serving development be located in an urban area as designated in the Montecito Community Plan, the Project is</p>



shall be required to submit a landscaping plan to the County for approval.

**LUP Policy 4-4:** In areas designated as urban on the land use plan maps and in designated rural neighborhoods, new structures shall be in conformance with the scale and character of the existing community. Clustered development, varied circulation patterns, and diverse housing types shall be encouraged.

**LUP Policy 4-6:** Signs shall be of size, location, and appearance so as not to detract from scenic areas or views from public roads and other viewing points.

**LUP Policy 4-7:** Utilities, including television, shall be placed underground in new developments in accordance with the rules and regulations of the California Public Utilities Commission, except where cost of undergrounding would be so high as to deny service.

located within an urban area and not on a bluff top. Further, hotel-resort use is a part of the historic character of the neighborhood.

Consistent with the historic template of Montecito's resort visitor serving hotels and as set forth in the underlying approvals granted in 2015, the Miramar Resort was designed and constructed with "Cottage Type" architecture as defined by the Montecito Planning Commission and was determined to be consistent with the character of the surrounding area which is developed with the All Saints by the Sea Church and Parish School, the Friendship Center which provides adult day services, and low density residential uses.

The Project proposes to redevelop two surface parking areas located within the northwest and northeast portions of the Project Site. In the northwest area, the Project includes development of two, two-story buildings (Buildings A and B) with resort commercial space on the ground floor and residential apartments located on the second level. Between the buildings are gardens and a pedestrian paseo that connects to existing pedestrian pathways located throughout the Resort. The maximum height of Building A is 33 feet, 5 inches and the maximum height of Building B is 30 feet, 2 inches which is within the permitted height limit of 38 feet (with pitched roof) in the C-V zone and consistent with the existing building heights in the Resort, including the two-story lanai guest room buildings located near Buildings A and B and oceanfront guest room buildings that range in height up to 29 feet, and the Manor House which is 44.5 feet in height.

In the northeast area, the Project proposes to construct a three-story building, 40 feet, 9 inch in height building with 26 affordable apartments for Resort employees. As part of the entitlement request, the Project requests a State Density Bonus waiver of development

standard to permit a three-story building and to exceed the permitted height by approximately three feet (38 to 40 feet, 9 inches). The State Density Bonus waiver is necessary to accommodate the proposed development at the density proposed. In addition, the height of Building C is below the height of the Manor House (44.5 feet) and is thus compatible with the existing building heights in the Resort. Moreover, Building C is located in the northeast portion of the Resort Site and is not located adjacent to sensitive uses. The nearest residential use is located approximately 125 feet east of the proposed development and is buffered by Oak Creek, landscaping, and mature trees.

The proposed new buildings are designed to be compatible and complement the existing Resort “Cottage Type” architecture and are designed with architectural details and materials that match the existing Resort architecture including slate roof tiling, painted wood shutters, wood door and window accents, wood balcony railings, painted columns, copper gutters and downspouts, varying colored brick, limestone, painted columns, fabric awnings, metal lattices, and metal railings. The Project would incorporate new landscaping and trees along the street edges of South Jameson Drive and Eucalyptus Drive that will enhance the neighborhood and add new trees and landscaping along the south side of Building B to soften the appearance and provide visual screening to the Church buildings. As such, the proposed Project would not change the character of the neighborhood of impact residential uses.

Although Buildings A, B, and C would be visible briefly and intermittently to travelers along Highway 101 and S. Jameson Drive, the Resort’s existing development, fencing, walls, and vegetation already largely block views of the ocean. From Eucalyptus Lane, the existing Resort and adjacent church

	buildings and existing and proposed vegetation already screen views of the ocean traveling along Eucalyptus Lane.
<p><b>Section 3.5. Housing Coastal Act Policies</b></p> <p>Section 30213 of the Coastal Act was amended effective January 1, 1982, to delete the policies of the Coastal Act concerning provision of housing for persons or families of low or moderate income in the coastal zone. Concurrently, the Legislature established provisions for affordable housing in the coastal zone in Section 65590 of the Government Code. Under these provisions, the proposed conversion or demolition of existing residential dwellings which would result in the displacement of persons and families of low or moderate income would be prevented, unless provision has been made for replacement housing opportunities. In addition, housing for persons and families of low or moderate income would be required in new housing developments, where feasible.</p>	
<p><b>LUP Policy 5-5:</b> In large residential developments of 20 units or more, housing opportunities representative of all socioeconomic sectors of the community shall be preferred. Such developments would include a range of apartment sizes (studios, one, two, three, and four bedroom units) and a mix of housing types (apartments, condominiums, and single family detached) to provide for balanced housing opportunities, where feasible.</p>	<p>The Project proposes construction of 34 new rentals apartments that includes 26 affordable housing units (76%) for Resort employees in a range of apartment units that include studios, one-bedroom units, two-bedrooms units, and three-bedroom units. As such, the Project provides new housing opportunities for a range of socioeconomic sectors.</p>
<p><b>LUP Policy 5-8:</b> To provide for a balanced housing mix that will accommodate all economic segments of the community, review and approval of new development in the coastal zone, i.e., agriculture, coastal dependent industry, visitor-serving commercial, etc., shall include an assessment of its growth-inducing impacts on housing needs. The provision of adequate housing should be a necessary corollary to new growth-inducing developments.</p>	<p>The Project proposes to improve the Project Site, which is located within Miramar Resort, an existing visitor-serving commercial use. The Project would add 34 new housing units, consisting of 8 market rate rental units and 26 affordable rental units (76%) for Resort employees, and approximately 17,500 gross square feet of additional Resort-visitor serving commercial uses. The additional commercial uses would serve the existing Resort use and are not anticipated to create growth inducing impacts on housing needs. The proposed new housing provides a balanced housing mix of market rate and affordable rental uses that accommodates a range of economic segments of the community and provides critically needed affordable housing for existing and future Resort employees.</p>
<p><b>LUP Policy 5-9:</b> In the areas designated for commercial uses on the land use plan maps,</p>	<p>The Project requests approval of a Minor CUP to permit the residential use in the C-V zone.</p>

residential development shall be a permitted secondary use subject to required permits, and existing residential uses shall be considered permitted uses rather than legal non-conforming uses.

The C-V zone permits residential uses with a Minor CUP, provided the residential use is secondary to a primary commercial use on the same lot. The Coastal Zoning Ordinance defines “secondary use” as *“A land use subordinate or accessory to a principal land use. When used in reference to residential use in conjunction with commercial and industrial uses in this Article, secondary shall mean two residential bedrooms per 1,000 square feet of total gross floor area of commercial or industrial development. However, in no event shall the total gross floor area of the residential development exceed the total gross floor area of the commercial or industrial use.”* (i.e., Resort use). As demonstrated on the plans, the Resort use is the primary use as it comprises the majority of overall floor area of the Resort Site. Moreover, the residential units will include housing for Resort employees, which will support the primary Resort land use.

**Section 3.7 Coastal Access And Recreation  
Coastal Act Policies**

30210. In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners and natural resource areas from overuse.

30211. Development shall not interfere with the public’s right of access to the sea where acquired through use, custom, or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

30212. (a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

30212.5 Wherever appropriate and feasible, public-facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

30213. Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

Neither the commission nor any regional commission shall either: (1) require that overnight room rentals be fixed at an amount certain for any privately owned and operated hotel, motel, or other similar visitor-serving facility located on either public or private lands; or (2) establish or approve any method for the identification of low and moderate income persons for the purpose of determining eligibility for overnight room rentals in any such facilities.

30214. (a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:

- 1) Topographic and geologic site characteristics.
- 2) The capacity of the site to sustain use and at what level of intensity.
- 3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses.
- 4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.

(b) It is the intent of the Legislature that the public access policies of this article be carried out in a reasonable manner that considers the equities and that balances the rights of the individual property owner with the public's constitutional right of access pursuant to Section 4 of Article X of the California Constitution.

(c) In carrying out the public access policies of this article, the commission, regional commissions, and any other responsible public agency shall consider and encourage the utilization of innovative access management techniques, including, but not limited to, agreements with private organizations which would minimize management costs and encourage the use of volunteer programs.

30220. Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

30221. Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

30223. Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

**LUP Policy 7-1:** The County shall take all necessary steps to protect and defend the public's constitutionally guaranteed rights of access to and along the shoreline. At a minimum, County actions shall include:

- a. Initiating legal action to acquire easements to beaches and access corridors for which prescriptive rights exist consistent with the availability of staff and funds.

The Project would preserve the existing lateral and vertical public access easements on the Project Site. Specifically, the existing lateral public access easement across the Miramar property (dated July 21, 1975 and recorded on October 6, 1975) on the beach which is a minimum of 20 feet from the water line (except for when the water has reached the edge of the boardwalk) will remain in effect at all times.

<p>b. Accepting offers of dedication which will increase opportunities for public access and recreation consistent with the County’s ability to assume liability and maintenance costs.</p> <p>c. Actively seeking other public or private agencies to accept offers of dedications, having them assume liability and maintenance responsibilities, and allowing such agencies to initiate legal action to pursue beach access.</p> <p><b>LUP Policy 7-2:</b> For all development between the first public road and the ocean granting of an easement to allow vertical access to the mean high tide line shall be mandatory unless:</p> <p>a. Another more suitable public access corridor is available or proposed by the land use plan within a reasonable distance of the site measured along the shoreline, or</p> <p>b. Access at the site would result in unmitigable adverse impacts on areas designated as “Habitat Areas” by the land use plan, or</p> <p>c. Findings are made, consistent with Section 30212 of the Act, that access is inconsistent with public safety, military security needs, or that agriculture would be adversely affected, or</p> <p>d. The parcel is too narrow to allow for an adequate vertical access corridor without adversely affecting the privacy of the property owner. In no case, however, shall development interfere with the public’s right of access to the sea where acquired through use unless an equivalent access to the same beach area is guaranteed.</p>	<p>In compliance with the underlying approvals granted in 2015, the Resort site contains three vertical public access easements through the site. The Project proposes to slightly modify the location of one of the public access easements located in the northeast development area. The new location would continue to provide the same public access to the beach generally in the same location as exists today. In addition, the Project proposes to remove four public parking spaces located along South Jameson Lane which would be replaced along Miramar Avenue, which is closer to the beach. As a result, the Project would continue to provide 87 public parking spaces as required by the underlying approvals comprising 58 public parking stalls along Jameson Lane, 8 spaces along Eucalyptus Lane, and 21 public parking stalls along Miramar Avenue.</p>
<p><b>3.7.7 Visitor-Serving Commercial Development</b>  Visitor-serving commercial development includes hotels, motels, private campgrounds, restaurants, and commercial-recreational developments such as shopping and amusement areas for tourists. These visitor-serving facilities together with public parks and beaches provide the major opportunities for public access and recreation on the coast.</p> <p><b>Coastal Act Policies</b>  Section 30222. The use of private lands suitable for visitor-serving commercial recreation facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.</p>	
<p><b>LUP Policy 7-28:</b> Visitor-serving commercial recreational development that involves</p>	<p>The Project Site is located within the existing Miramar Resort, which is a hotel-resort use</p>

<p>construction of major facilities, i.e., motels, hotels, restaurants, should be located within urban areas, and should not change the character or impact residential areas.</p>	<p>with ancillary commercial uses permitted by the underlying zoning. Consistent with the requirement that visitor-serving development be located in an urban area as designated in the Montecito Community Plan, the Project is located within an urban area. Further, the Project will support the existing hotel-resort use that is a part of the historic character of the neighborhood.</p>
	<p>Consistent with the historic template of Montecito’s resort visitor serving hotels and as set forth in the underlying approvals granted in 2015, the Miramar Resort was designed and constructed with “Cottage Type” architecture as defined by the Montecito Planning Commission and was determined to be consistent with the character of the surrounding area which is developed with the All Saints by the Sea Church and Parish School, the Friendship Center which provides adult day services, and low density residential uses.</p>
	<p>The Project would be located on the Project Site, which is developed with surface parking that serves the Resort. The Project is designed to be compatible and complement the existing Resort “Cottage Type” architecture. In addition, the Project would provide new landscaping and trees that will enhance the neighborhood. As such, the Project would not change the character of the neighborhood or impact residential uses. In addition, the Project would provide adequate parking onsite to meet the peak parking demand of the Resort uses, such that spillover parking into the neighborhood would not occur.</p>

**Section 3.9 Environmentally Sensitive Habitat Areas  
Coastal Act Policies**

30230. Marine resources shall be maintained, enhanced, and, where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

30231. The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored though, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

**LUP Policy 9-1:** Prior to the issuance of a development permit, all projects on parcels shown on the land use plan and/or resource maps with a Habitat Area overlay designation or within 250 feet of such designation or projects affecting an environmentally sensitive habitat area shall be found to be in conformity with the applicable habitat protection policies of the land use plan. All development plans, grading plans, etc., shall show the precise location of the habitat(s) potentially affected by the proposed project. Projects which could adversely impact an environmentally sensitive habitat area may be subject to a site inspection by a qualified biologist to be selected jointly by the County and the applicant.

**LUP 9-35:** Oak trees, because they are particularly sensitive to environmental conditions, shall be protected. All land use activities, including cultivated agriculture and grazing, should be carried out in such a manner as to avoid damage to native oak trees. Regeneration of oak trees on grazing lands should be encouraged.

**LUP Policy 9-37:** The minimum buffer strip for major streams in rural areas, as defined by the land use plan, shall be presumptively 100 feet, and for streams in urban areas, 50 feet. These minimum buffers may be adjusted upward or downward on a case-by-case basis. The buffer shall be established based on an investigation of the following factors and after consultation with the Department of Fish and Game and Regional Water Quality Control Board in order to protect the biological productivity and water quality of streams:

- 1) soil type and stability of stream corridors;

The northeast portion of the Project Site, which is developed with a surface parking lot and utility building, is located adjacent to the west of mapped Environmentally Sensitive Habitat Area (ESH) associated with the Oak Creek stream corridor.

The Project Site is located within an Urban area, for which the LCP prescribes a 50-foot stream buffer that is measured horizontally from the banks of the stream landward. A Biological Report prepared by Dudek mapped the 50-foot buffer from the banks of the stream which is shown on the Conceptual Grading Plans (Refer to Sheets C2.1 – C2.3). The Project’s proposed development in the northeast area, which includes Building C and the reconfigured parking area, is entirely located outside the ESH buffer. In addition, the existing mature trees, including four Coast Live Oaks, located on the Project Site boundary immediately adjacent to the Oak Creek property within the 50-foot buffer would be protected in place and retained.

The Project’s northeast area development area contains five Coast Live Oaks that would be protected and retained in place. The northwest area contains four Coast Live Oaks, three of which would be protected and retained in place, and one would be removed to accommodate the new development. The oak tree to be removed is less than 6” in DBH and thus does not meet the threshold for a Coastal Development Permit.



<p>2) how surface water filters into the ground;</p> <p>3) slope of the land on either side of the stream; and</p> <p>4) location of the 100-year flood plain boundary.</p> <p>Riparian vegetation shall be protected and shall be included in the buffer. Where riparian vegetation has previously been removed, except for channelization, the buffer shall allow for the reestablishment of riparian vegetation to its prior extent to the greatest degree possible.</p> <p><b>LUP Policy 9-38:</b> No structures shall be located within the stream corridor except: public trails, dams for necessary water supply projects, flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development; and other development where the primary function is for the improvement of fish and wildlife habitat. Culverts, fences, pipelines, and bridges (when support structures are located outside the critical habitat) may be permitted when no alternative route/location is feasible. All development shall incorporate the best mitigation measures feasible.</p> <p><b>9-35:</b> Oak trees, because they are particularly sensitive to environmental conditions, shall be protected. All land use activities, including cultivated agriculture and grazing, should be carried out in such a manner as to avoid damage to native oak trees. Regeneration of oak trees on grazing lands should be encouraged.</p>	<p>As shown on the plans, the Project’s new structures (including Building C and reconfigured parking area), are located outside the stream buffer.</p> <p>According to the Tree Protection Plan, one of the Coast Live Oaks located in the northwest development area, which was planted when the Resort was built in 2019, is proposed to be removed and in poor health. In addition, this oak does not meet the size criteria under the Coastal Zoning Ordinance to require a Coastal Development Permit for removal. Overall, the Project would include a tree mitigation plan that would provide for the replacement of significant trees in conformance with the County’s tree replacement requirements.</p>
<p><b>Section 3.11 Air Quality</b></p>	

**Coastal Act Policies**

Only two sections of the Coastal Act directly address the issue of air quality. Under Section 30253.(3) of the Coastal Act, new development shall “Be consistent with requirements imposed by an air-pollution control district or the State Air Resources Control Board as to each particular development.”

In addition, under Section 30253.(4), new development shall “Minimize energy consumption and vehicle miles traveled.”

A number of other sections of the Coastal Act reinforce these policies either directly or indirectly. Section 30250 urges that new development be located near existing developed areas to prevent excessive sprawl. Section 30252 urges that new development be sited so as to assure the potential for public transit for high intensity uses, and that non-automobile circulation be encouraged within the development.

**LUP Policy 11-1:** The provisions of the Air Quality Attainment Plan shall apply to the coastal zone.

As set forth in the Air Quality Technical Report prepared by Ramboll Americas Engineering Solutions, Inc. (Ramboll), dated June 2024, the Project is in compliance with the Santa Barbara County Air Pollution Control District (SBCAPCD) Air Quality Attainment Plan. Similar to the 2015 approvals for the Resort, the Project would not result in construction or operational air quality emissions that exceed significant thresholds. In addition, the Project would be required to comply with any applicable regulatory measures enforced by the SBCAPCD to reduce stationary and mobile source compliance with respect to both construction and operational emissions.

**Section 4.4 MONTECITO**

**GOAL II.A.** Maintain orderly growth consistent with available resources and the semi-rural character of the community.

**LUP Policy II.A.I.** In order to pace development with long-term readily available resources and services (i.e., water, sewer, roads, schools), the County shall not permit the number of primary residential units to exceed an annual rate of one half of one percent of the permitted 1989 housing stock unless specifically exempted by ordinance. This rate shall represent the maximum allocated residential growth rate until such time that the County determines, through a periodic public

In October 2010, the County adopted Ordinance No. 4763 that created the Montecito Growth Management Ordinance which provided that the County shall not permit the number of primary residential units to exceed an annual rate of one half of one percent of the permitted 1989 housing stock, for a total of 19 dwelling units permitted annually.

However, SB 330 (Statutes of 2019) requires the California Department of Housing and Community Development (HCD) to develop a list of and census designated places (CDPs) within the unincorporated county (“affected

<p>review of the status of services and infrastructure in the Montecito Planning Area, that further growth can be accommodated by acceptable and reliable supplies and capacities without diminishing the quality of life in the community.</p>	<p>counties”) that are prohibited from taking certain zoning-related actions, including, among other things, (1) Downzoning certain parcels, (2) Imposing or implementing a moratorium on development, and (3) Imposing design review standards that are not objective.</p> <p>HCD identified Santa Barbara County as an “affected county.” The County’s recently adopted 2023-2031 Housing Element (Program 16 – Actions &amp; Implementation) provides that “By February 2024, amend the zoning ordinances to clarify that the Montecito Growth Management Ordinance has been suspended to comply with SB 330.”</p> <p>Thus, this policy is superseded by SB330 and is no longer in effect or applicable to the Project.</p>
---	--

<b>Montecito Community Plan</b>	
<b>POLICY</b>	<b>FINDING</b>
<b>Land Use - Community Character</b>	
<p><b>Goal LU-M-1:</b> In order to protect the semi-rural quality of life, encourage excellence in architectural and landscape design. Promote area-wide and neighborhood compatibility; protect residential privacy, public views, and to the maximum extent feasible, private views of the mountains and ocean.</p> <p><b>Policy LU-M-1.1:</b> Architectural and development guidelines shall be adopted, implemented, and enforced by the County in order to preserve, protect and enhance the semi-rural environment of Montecito and the natural mountainous setting.</p>	<p>Consistent with the historic template of Montecito’s resort visitor serving hotels and as set forth in the underlying approvals granted in 2015, the Miramar Resort was designed and constructed with “Cottage Type” architecture as defined by the Montecito Planning Commission and was determined to be consistent with the character of the surrounding area which is developed with the All Saints by the Sea Church and Parish School, the Friendship Center which provides adult day services, and low density residential uses.</p> <p>The Project would be located within the Project Site on portions already developed with surface parking. The Project is designed to be compatible and complement the existing Resort “Cottage Type” architecture. As shown on the illustrative elevations (Sheets A-13, A-14 and A-27) and renderings (Sheets A-32 and A-34), the new proposed buildings are designed with architectural details and materials that match</p>

	<p>the existing Resort architecture including slate roof tiling, painted wood shutters, wood door and window accents, wood balcony railings, painted columns, copper gutters and downspouts, varying colored brick, limestone, painted columns, fabric awnings, metal lattices, and metal railings.</p> <p>The Project would incorporate new landscaping and trees along the street edges that will enhance the neighborhood and along the south side of Building B to soften the appearance and provide visual screening to the Church buildings.</p> <p>Although Buildings A and C would be visible briefly and intermittently to travelers along Highway 101 and S. Jameson Drive, the Resort’s existing development, fencing, walls, and vegetation already largely block views of the ocean. From Eucalyptus Lane, the existing Resort and adjacent church buildings and existing and proposed vegetation already screen views of the ocean traveling along Eucalyptus Lane.</p>
<p><b>Policy LU-M-1.2:</b> Excessive grading for the sole purpose of creating or enhancing views shall not be permitted.</p> <p><b>Development Standard LU-M-1.2.1:</b> 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.</p>	<p>The Project is an infill development consisting of the construction of three new buildings on two surface parking lots, which serves to minimize grading and site disturbance. The existing northwest surface parking lot would be removed to accommodate Buildings A and B and the majority of site work and grading is necessary to construct the subterranean parking level, which would hide parking that is currently visible along Highway 101, Jameson Lane, and Eucalyptus Lane. The finished grades of Buildings A and B would largely mirror the existing grade of the parking area. In the northeast area, grading would be limited to creating a level site for Building C and the reconfigured parking area.</p> <p>The Project does not include site preparation that results in a maximum fill of 10 feet or</p>

	greater in height, and thus the 16 foot height restriction is not applicable.
<p><b>GOAL LU-M-2:</b> Preserve roads as important aesthetic elements that help to define the semi-rural character of the community. Strive to ensure that all development along roads is designed in a manner that does not impinge upon the character of the roadway.</p> <p><b>Policy LU-M-2.1:</b> New structures shall be designed, sited, graded, and landscaped in a manner which minimizes their visibility from public roads.</p>	<p>The existing Resort buildings, structures, and parking areas are partially visible from surrounding public roads, including South Jameon Lane, Eucalyptus Lane, and Miramar Avenue. The Resort is developed with several tall walls along the property lines with trees and landscape which help shield and minimize visibility from public streets. As shown on the illustrative elevations (Sheets A-13, A-14 and A-27) and renderings (Sheets A-32 and A-34), proposed Buildings A, B, C would be partially visible at the upper levels and the Project proposes additional landscaping and trees to minimize the views from surrounding public roads.</p>
<p><b>Policy LU-M-2.2:</b> Lighting of structures, roads and properties shall be minimized to protect privacy, and to maintain the semi-rural, residential character of the community.</p>	<p>A lighting plan has been prepared for the Project that demonstrates new light sources associated with the proposed buildings and parking spaces are compatible with the adjacent neighborhood. New exterior lighting is designed to be hooded and downcasted so that no lighting is directed toward adjacent areas to the south of Buildings A and B (All Saints Church) or to the east of Building C (Oak Creek) to maintain the character of the neighborhood. The applicant would be required to prepare a final lighting plan to be reviewed and approved by the P&amp;D and Public Works to ensure consistent with this policy.</p>
<b>Land Use – Commercial</b>	
<p><b>Goal LUC-M-1:</b> Strive to ensure that all commercial development and uses respect the scale and character of surrounding residential neighborhoods.</p> <p><b>Policy LUC-M- 1.6:</b> 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.</p>	<p>As set forth above in the findings for “Land Use - Community Character,” the Project’s mixed-use development is compatible with the scale and character of the neighborhood, which is developed with a resort use, institutional uses, and residential uses and is designed consistent and compatible with the existing Resort which is designed in the “Cottage Type Hotel” tradition from the early days of Montecito .</p>

<p><b>GOAL LUC-M-2:</b> Encourage residential mixed use at affordable levels in neighborhood commercial and visitor-serving commercial areas, in order to meet local housing needs as well as to minimize impacts on traffic and air quality.</p>	<p>The Project conforms with this policy by providing additional visitor-serving commercial uses and new housing in range of unit types, including 26 affordable units (76%) at very low, low, and moderate income levels.</p>
<p><b>Policy LUC-M-1.3:</b> No additional Visitor-Serving Commercial (i.e. CV-zoned) areas shall be designated in Montecito. However, existing resort hotels and motels may be improved on existing sites.</p>	<p>The Project Site is located within the C-V (Commercial Visitor) zone. which permits visitor-serving commercial uses and secondary residential uses with approval of a Minor Conditional Use Permit.</p>
<p><b>Policy LUC-M-1.5:</b> A maximum Floor Area Ratio (F.A.R) of 0.25 shall be applied to parcels zoned Resort-Visitor Serving (CV) in the Coastal Zone, and a maximum FAR 0.10 shall be applied to parcels zoned CV in non-coastal areas. A reduction in the maximum F.A.R. however may be required for consistency with other adopted goals, policies and regulations, or may be required for compatibility with surrounding areas. The maximum F.A.R. shall not apply to on-site affordable housing, pursuant to provisions of the Resort-Visitor Serving Commercial zone district or for projects where a finding for a zoning ordinance variance may be made.</p>	<p>The Coastal Zoning Ordinance permits a maximum 0.25 FAR. The Project requests a State Density waiver of development standard to permit a maximum 0.29 FAR, which is needed to physically accommodate the housing at the proposed density which includes 26 affordable units (76%). As set forth in the findings herein, the proposed development and additional FAR are consistent with the policies and provisions of the Local Coastal Program.</p>
<p><b>Land Use - Housing</b></p>	
<p><b>GOAL H-M-1:</b> Strive To Ensure That Montecito Meets Its Fair Share Of Affordable Housing Within The Planning Area.</p> <p><b>Policy H-M-1.1:</b> In addition to the application of the policies and programs embodied in the County's Housing Element, the County shall continue to seek feasible methods for the provision of affordable housing within the Montecito Planning Area.</p> <p><b>Policy H-M-1.2:</b> Affordable housing in Montecito should be provided through a variety of means and distributed geographically throughout the community to the extent that environmental and public service constraints allow. The County shall encourage the production of affordable housing in areas identified by an affordable</p>	<p>The Project proposes construction of 34 new rentals apartments that includes 26 affordable housing units (76%) for Resort employees in a range of apartment units that include studios, one-bedroom units, two-bedrooms units, and three-bedroom units.</p> <p>The proposed new housing provides a balanced housing mix of market rate and affordable rental uses that accommodates a range of economic segments of the community and provides critical affordable housing for existing and future Resort employees.</p>

<p>housing overlay or where allowed by applicable zone districts. Such development must be consistent with the architectural and development standards mandated by this community plan and consistent with other applicable goals and policies of this community plan.</p> <p><b>Policy H-M-1.3:</b> The County shall promote a jobs/housing balance within the Montecito Planning Area by providing for on-site affordable units where services and resources are available.</p> <p><b>Policy H-M-1.6:</b> The County shall support efforts by public service providers (i.e., fire, water, and sanitary districts) in Montecito to provide affordable housing within the Montecito Planning Area for use by their employees.</p>	
<b>Public Facilities &amp; Services</b>	
<p><b>GOAL CIRC-M-1:</b> Permit reasonable development of parcels within the community of Montecito based upon the policies and land use designations adopted in this community plan, while maintaining safe roadways and intersections that operate at acceptable levels.</p> <p><b>Policy CIRC- M-1.4:</b> The County shall strive to permit reasonable development of parcels within the community of Montecito based upon the policies and land use designations adopted in this Community Plan, while maintaining safe roadways and intersections that operate at acceptable levels.</p> <p><b>Policy CIRC- M-1.6:</b> The minimally acceptable Level of Service (LOS) on roadway segments and intersections in the Montecito Planning Area is "B". Exceptions to this are:</p> <p><u>Roadways:</u></p> <ul style="list-style-type: none"> <li>• East Valley Rd/Buena Vista to Sheffield <ul style="list-style-type: none"> <li>– LOS C is acceptable</li> </ul> </li> </ul>	<p>The Project Site is located within the C-V (Commercial Visitor) zone, which permits visitor-serving commercial uses and secondary residential uses with approval of a Minor Conditional Use Permit. The Project, with new visitor-serving commercial uses and housing, include 26 affordable units (76%), is consistent with the intent and uses permitted in the C-V zone and consistent with various housing policies in the Coastal Land Use, Community Plan, and Housing Element which encourage the development of new affordable housing. Access to the Miramar Resort would remain as it exists today from South Jameson Lane via Highway 101. Therefore, the proposed Project represents reasonable development.</p> <p>As set forth in the Traffic and Vehicle Miles Travelled (VMT) Analysis for the Miramar Beach Resort and Bungalows Affordable Employee Housing, Market Rate Housing and Resort-Visitor Servicing Commercial Project by ATE dated June 25, 2024, the Project</p>

<ul style="list-style-type: none"> <li>• Sycamore Cyn Road - LOS C is acceptable</li> <li>• Hot Springs Rd/Sycamore Cyn to Coast Village - LOS D is acceptable</li> <li>• Olive Mill Rd/Coast Village to Channel Dr. - LOS C is acceptable</li> <li>• San Ysidro Rd/E. Valley to North Jameson - LOS C is acceptable</li> <li>• San Ysidro Road/North to South Jameson - LOS D is acceptable</li> </ul> <p>Intersections: Hot Springs/East Valley - LOS C is acceptable</p> <p><b>GOAL CIRC-M-3:</b> Achieve land use patterns and densities that reflect the desire of the community to prevent further degradation of roadways and intersections for the benefits of safety, aesthetics and community character.</p> <p><b>Policy CIRC- M-3.2:</b> Land uses and densities shall reflect the desire of the community to maintain minor local roads (i.e., roads not classified in the Circulation Element) below acceptable capacities and Levels of Service for designated roads.</p> <p><b>Policy CIRC- M-3.10:</b> New Major Conditional Use Permits shall be required to demonstrate that the proposed use would not potentially result in traffic levels higher than those anticipated for that parcel by the Community Plan and its associated environmental documents. If higher traffic levels could potentially result from the proposed Major Conditional Use Permit, in order to approve the project, a finding must be made that:</p> <ol style="list-style-type: none"> <li>1. The increase in traffic is not large enough to cause the affected roadways and/or intersections to exceed their designated acceptable capacity levels at buildout of the Community Plan, or</li> </ol>	<p>would not exceed the capacity of local roadways or intersections, and the existing landscaping and parking improvements in the right-of-way would continue to provide adequate site distances into and out of the Resort Site, which would remain unchanged.</p>
--	---



<p>2. Road improvements included as part of the project description are consistent with the community plan and are adequate to fully offset the identified potential increase in traffic.</p>	
<p><b>GOAL CIRC-M-1B:</b> The County shall continue to develop programs that encourage the use of alternative modes of transportation including, but not limited to, an updated bicycle route plan, park and ride facilities, and Transportation Demand Management ordinances.</p> <p><b>Policy CIRC-M-1.7:</b> The County shall continue to develop programs that encourage the use of alternative modes of transportation including, but not limited to, an updated bicycle route plan, park and ride facilities, and transportation demand management ordinances.</p> <p><b>Policy CIRC- M-1.8:</b> New development shall be sited and designed to provide maximum access to non- motor vehicle forms of transportation.</p> <p><b>Development Standard CIRC-M-1.8.1:</b> Site design shall encourage pedestrian and bicycle access to adjacent walkways and paths.</p> <p><b>Development Standard CIRC-M-1.8.2:</b> Higher intensity residential and commercial development should be located in close proximity to transit lines, bike paths and pedestrian trails.</p>	<p>In compliance with Condition No. 11 in the 2015 approvals for the Resort, the applicant will continue to implement a Transportation Demand Management Program that encourages use of public transportation and/or bicycles to work and in order to encourage alternative transportation. In addition, new bike parking would be provided for the Project in compliance with CalGreen.</p> <p>The Resort, including the Project Site, includes numerous public pedestrian pathways both through the site and along the perimeter of the property. There are two bus stops located at less than a 10 minute walk from the hotel (one at North Jameson Road and Miramar Ave. and another at San Ysidro Road and San Leandro Road). Therefore, the Project would encourage alternative modes of transportation and already includes design elements that would facilitate pedestrian and bicycle access.</p>
<p><b>Policy CIRC- M-3.6:</b> It is the intent of the community to preserve and maintain mature landscaping within the road rights-of way to the extent that it does not interfere significantly with motorized and non-motorized transportation safety.</p>	<p>The existing Resort includes dense landscaping (including mature trees) along the majority of South Jameson Lane and Eucalyptus Lane. The Project proposes to plant additional trees along South Jameson Lane Eucalyptus Lane and would be designed with adequate site distances to not interfere with motorized and non-motorized transportation safety.</p>
<p><b>Parks, Recreation, And Trails</b></p>	

<p><b>Policy PRT-M-1.6:</b> New development shall not adversely impact existing recreational facilities and uses.</p> <p><b>Development Standard PRT-M-1.6.1:</b> In approving new development, the County shall make the finding that the development will not adversely impact recreational facilities and uses.</p>	<p>The Project Site does not contain any existing public recreational facilities and uses. In compliance with the underlying approvals granted in 2015, the Resort Site contains three vertical public access easements through the site to the beach. The Project proposes to slightly modify the location of one of the public access easements located in the northeast development area. The new location would continue to provide the same public access to the beach generally in the same location as exists today.</p>
<p><b>Air Quality</b></p>	
<p><b>Policy AQ-M-1.2:</b> The County shall encourage Transportation Management techniques.</p> <p><b>Policy AQ-M-1.3:</b> Air pollution emissions from new development and associated construction activities shall be minimized to the maximum extent feasible. These activities shall be consistent with the Air Quality Attainment Plan and Air Pollution Control District guidelines.</p> <p><b>Development Standard AQ-M-1.3.1:</b> Future project construction in Montecito shall follow all requirements of the SBAPCD and shall institute Best Available Control Technology (BACT) where necessary to reduce emissions below APCD thresholds.</p> <p><b>Development Standard AQ-M-1.3.2:</b> The applicant shall minimize the generation of fugitive dust during construction activities by observing the following:</p> <ul style="list-style-type: none"> <li>a. Minimize the amount of disturbed area;</li> <li>b. Utilize water and or dust palliatives; and</li> <li>c. Revegetate/stabilize disturbed area as soon as possible.</li> </ul> <p><b>Policy AQ-M-1.4:</b> The County shall, in its land use decisions, protect and enhance the air quality in Montecito consistent with California Ambient Air Quality Standards and National Ambient Air Quality Standards.</p>	<p>As set forth above in the findings for Public Services (Transportation), the applicant will continue to implement a Transportation Demand Management Program for the Resort that encourages use of public transportation and/or bicycle to work that will help to reduce air quality emissions that would otherwise occur from use of automobiles. Moreover, the Project will include units for Resort employees, which will reduce commute trips and VMT and associated emissions.</p> <p>As set forth in the Air Quality Technical Report prepared by Ramboll Americas Engineering Solutions, Inc. (Ramboll), dated June 2024, the Project is consistent with the Santa Barbara County Air Pollution Control District (SBCAPCD) Air Quality Attainment Plan and would not result in construction or operational air quality emissions that exceed significance thresholds. In addition, the Project would be required to comply with any applicable regulatory measures enforced by the SBCAPCD to reduce stationary and mobile source compliance with respect to both construction and operational emissions.</p>

<b>Biological Habitat</b>	
<p><b>GOAL BIO-M-1:</b> Recognize that the biological resources of Montecito are an important regional asset. The vegetation and wildlife of the area contribute substantially to the semi-rural character of the community.</p> <p><b>Policy BIO-M-1.1:</b> Designate and provide protection to important or sensitive environmental resources and habitats in the inland portion of the Montecito Planning Area.</p> <p><b>Development Standard BIO-M-1.3.1:</b> All applicants proposing new development within 100 feet of an Environmentally Sensitive Habitat (ESH), shall be required to include setbacks or undeveloped buffer zones from these habitats as part of the proposed development except where setbacks or buffer zones would preclude reasonable development of the parcel. In determining the location, width and extent of setbacks and buffer zones, staff shall refer to the Montecito Biological Resources Map as well as other available data (e.g., maps, studies, or observations). If the project would result in potential disturbance to the habitat, a restoration plan shall be required. When restoration is not feasible onsite, offsite restoration may be considered.</p> <p><b>Development Standard BIO-M-1.3.3:</b> Landscaping which includes invasive species shall be prohibited in or near Environmentally Sensitive Habitat (ESH) areas. The California Native Plant Society publishes a list of invasive species to which the applicant may refer. Landscaping in ESH areas shall include compatible native species.</p> <p><b>Policy BIO-M-1.6:</b> Riparian vegetation shall be protected as part of a stream or creek buffer. Where riparian vegetation has previously been removed, (except for channel cleaning necessary for free-flowing conditions as determined by the County Flood Control District) the buffer shall allow the</p>	<p>The northeast portion of the Project Site, which is developed with a surface parking lot and storage building, is located adjacent to the west of mapped Environmentally Sensitive Habitat Area (ESH) associated with the Oak Creek stream corridor. The Biological Resources Assessment Report prepared by Dudek shows that the Project would not result in a significant impact to biological resources. It also mapped the required 50-foot buffer from the banks of the stream which is shown on the Conceptual Grading Plans (Refer to Sheets C2.1 – C2.3). The Project’s proposed development in the northeast area, which includes Building C and the reconfigured parking area, is entirely located outside the ESH buffer. In addition, the existing mature trees, including Coast Live Oaks, are located on the Project Site boundary immediately adjacent to the Oak Creek property within the 50-foot buffer and would be protected in place and retained.</p> <p>As shown on the plans, the Project’s new structures (Building C and reconfigured parking area) are located outside the required buffer, and the Project would not include invasive plant species located near the mapped ESH.</p>

reestablishment of riparian vegetation to its prior extent to the greatest degree possible. Restoration of degraded riparian areas to their former state shall be encouraged.

**Development Standard BIO-M-1.6.1:**

Riparian protection measures shall be based on a project's proximity to riparian habitat and the project's potential to directly or indirectly damage riparian habitat through activities related to a land use permit or coastal development permit such as grading, brushing, construction, vehicle parking, supply/equipment storage, or the proposed use of the property. Damage could include, but is not limited to, vegetation removal/disturbance, erosion/sedimentation, trenching, and activities which hinder or prevent wildlife access and use of habitat. Prior to initiation of any grading or development activities associated with a Land Use or Coastal Development Permit, a temporary protective fence shall be installed along the outer buffer boundary at the applicant's expense, unless the County finds that this measure is not necessary to protect biological resources (Le., due to topographical changes or other adequate barriers). Storage of equipment, supplies, vehicles, or placement of fill or refuse, shall not be permitted within the fenced buffer region.

**Policy BIO-M-1.7:** No structures shall be located within a riparian corridor except: public trails that would not adversely affect existing habitat; dams necessary for water supply projects; flood control projects where no other method for protecting existing structures in the floodplain is feasible and where such protection is necessary for public safety, other development where the primary function is for the improvement of fish and wildlife habitat and where this policy would preclude reasonable development of a parcel.

<p>Culverts, fences, pipelines, and bridges (when support structures are located outside the critical habitat) may be permitted when no alternative route/location is feasible. All development shall incorporate the best mitigation measures feasible to minimize the impact to the greatest extent.</p> <p>The minimum buffer strip for development near streams and creeks in Rural Areas shall be presumptively 100 feet from top of bank and for streams in Urban Areas, 50 feet. These minimum buffers may be adjusted upward or downward on a case-by-case basis but shall not preclude reasonable development of a parcel. The buffer shall be established based on an investigation of the following factors and after consultation with the Department of Fish and Game and Regional Water Quality Board in order to protect the biological productivity and water quality of streams:</p> <ol style="list-style-type: none"> <li>1. soil type and stability of stream corridors;</li> <li>2. how surface water filters into the ground;</li> <li>3. slope of the land on either side of the stream;</li> <li>4. location of the 100 year flood plain boundary; and</li> <li>5. consistency with adopted plans, particularly Biology/Habitat policies.</li> </ol> <p>The buffer area shall be indicated on all grading plans. All ground disturbance and vegetation removal shall be prohibited in the buffer area.</p>	
<p><b>Policy BIO-M- 1.15:</b> To the maximum extent feasible, specimen trees shall be preserved. Specimen trees are defined for the purposes of this policy as mature trees that are healthy and structurally sound and have grown into the natural stature particular to the species. Native or non-native trees that have unusual scenic or aesthetic quality, have important historic value, or are unique due to species type or location shall be preserved to the maximum extent feasible.</p>	<p>A Tree Protection Plan has been prepared for the Project that includes protection and retention of as many existing trees as feasible, and new trees would be planted in the proposed development areas to mitigate the removal of trees necessary to accommodate the Project.</p> <p>The Project's northeast development area contains five Coast Live Oaks in the northeast area which would be protected and retained in place. The northwest area contains four Coast Live Oaks, three of which would be protected</p>

**Development Standard BIO-M-1.15.1:**

All existing specimen trees shall be protected from damage or removal by development to the maximum extent feasible.

**Policy BIO-M- 1.16:** All existing native trees regardless of size that have biological value shall be preserved to the maximum extent feasible.

**Policy BIO-M- 1.16.1:** Where native trees of biological value may be impacted by new development (either ministerial or discretionary), a Tree Protection Plan shall be required. The decision to require preparation of a Tree Protection Plan shall be based on the location of the native trees and the project's potential to directly or indirectly damage the trees through such activities as grading, brushing, construction, vehicle parking, supply/equipment storage, trenching or the proposed use of the property. The Tree Protection Plan shall be based on the County's existing Tree Protection Plan standards and shall include a graphic depiction of the Tree Protection Plan elements on final grading and building plans (Existing landscaping plans submitted to County Board of Architectural Review (BAR) may be sufficient). A report shall be prepared by a County approved arborist/biologist which indicates measures to be taken to protect affected trees where standard measures are determined to be inadequate. If necessary, an appropriate replacement/replanting program may be required. The Tree Protection Plan shall be developed at the applicant's expense. The plan shall be approved by RMD prior to issuance of a Land Use or Coastal Development Permit.

**Policy BIO-M- 1.17:** Oak trees, because they are particularly sensitive to environmental conditions, shall be protected to the maximum

and retained in place, and one would be removed to accommodate the new development. According to the Tree Protection Plan, one of the Coast Live Oaks located in the northwest development area, which was planted when the Resort was built in 2019, is proposed to be removed. In addition, this oak does not meet the size criteria under the Coastal Zoning Ordinance to require a Coastal Development Permit for removal. The Project includes a tree replacement plan that would provide for the replacement of significant trees per the County's tree replacement requirements.

<p>extent feasible. All land use activities, including agriculture, shall be carried out in such a manner as to avoid damage to native oak trees. Regeneration of oak trees shall be encouraged.</p>	
<p><b>Flooding And Drainage</b></p>	
<p><b>Policy FD-M- 2.1:</b> Development shall be designed to minimize the threat of on-site and downstream flood potential and to allow recharge of the groundwater basin to the maximum extent feasible.</p> <p><b>GOAL FD-M-3:</b> Protect stream corridors from sedimentation or other impacts of upstream development.</p>	<p>The Project would be designed to meet standard floodplain safety requirements as set forth in Chapter 15A of the County Code, which would minimize impacts on adjacent and downstream properties. The Santa Barbara County Flood Control &amp; Water Conservation District will review the Project to ensure that the Project conforms with the County’s Floodplain Ordinance, including creek setback and finished floor elevation requirements, and impacts associated with proposed Project development in the floodplain would be minimal.</p> <p>The Preliminary Stormwater Control Plan was prepared for the Project and short term impacts to water quality associated with construction would be mitigated by the imposition of standard Best Management Practices (BMPs), which would ensure that the Project would be consistent with this policy.</p> <p>The Project is designed with a StormTrap underground stormwater detention system that manages and controls the volume and discharge timing of stormwater runoff. This detention system temporarily stores runoff in large underground precast concrete chambers before releasing it at a controlled rate which serves to mitigate the effects of high volumes of stormwater runoff, such as erosion and flooding. The StormTrap system includes stormwater treatment methods that filter pollutants, remove sedimentation, and collect debris.</p> <p>In addition, the Project would incorporate methods to avoid contamination of groundwater from application of chemicals during landscape maintenance include natural fertilization</p>

	methods, controlled irrigation, and water quality control.
<b>Geology, Hillsides And Topography</b>	
<p><b>Policy GEO-M-1.6:</b> Excessive grading for the sole purpose of creating or enhancing views shall not be permitted.</p> <p><b>Development Standard GEO-M-1.6.1:</b> 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.</p>	<p>The Project is an infill development consisting of the construction of three new buildings on two surface parking lots, which serves to minimize grading and site disturbance. The existing northwest surface parking lot would be removed to accommodate Buildings A and B and the majority of site work and grading is necessary to construct the subterranean parking level, which would hide parking that is currently visible along Highway 101, Jameson Lane, and Eucalyptus Lane. The finished grades of Buildings A and B would largely mirror the existing grade of the parking area. In the northeast area, grading would be limited to creating a level site for Building C and the reconfigured parking area.</p> <p>The Project does not include site preparation that results in a maximum fill of 10 feet or greater in height, and thus the 16-foot height restriction is not applicable.</p>
<b>Cultural Resources/Archaeology</b>	
<p><b>GOAL CR-M-2:</b> Preserve and protect those cultural resources deemed of special significance to the maximum extent feasible without interfering with the rights of the property owners.</p> <p><b>Policy CR-M-2.1:</b> Significant cultural, archaeological, and historic resources in the Montecito area shall be protected and preserved to the extent feasible.</p> <p><b>Development Standard CR-M-2.1.1:</b> Prior to the issuance of a Land Use or Coastal Development Permit, RMD shall determine whether the project site is located either in a known archaeological site or in an area with potential archaeological resources. This shall be determined by consulting the Resource Management Department staff archaeologist</p>	<p>As set forth in Historic Resources Technical Report by Architectural Resources Group dated June 10, 2024, attached as Exhibit “10,” there are no historical resources on the Project Site. The Miramar Beach Resort, completed in 2019 and comprising the Project Site, is not eligible for listing in the National Register, California Register, or as a Santa Barbara County Landmark or Place of Historic Merit. It is thus not a historical resource for purposes of CEQA. The Project would not result in direct impacts to historical resources since there are no historical resources located on the Site. While the neon pole sign and sandstone entrance caps do not constitute historical resources as defined by CEQA, these features would be retained under the Project.</p> <p>There is one historical built environment resource within the vicinity of the Project</p>



<p>for archaeological surveys of the area which would provide such information.</p>	<p>Site—All Saints-by-the-Sea Episcopal Church. The Project would not cause a substantial adverse change in the Church property because the Project does not materially impair the significance of the Church. As such, the Project would not have indirect impact on any historical resources in its vicinity. Therefore, the Project would not cause a substantial adverse change in the significance of an historical resource.</p> <p>An Archaeological Resources Technical Report was prepared for the Project. This report concluded that based on the mapped boundaries of recorded prehistoric resources overlapping the Project Site and records of cultural artifacts observed within the Miramar Resort complex, there remains the possibility of encountering cultural materials during construction. To provide appropriate identification and treatment of inadvertent discoveries during construction implementation, a qualified archaeologist and Native American representative will be present at the Project construction kickoff meeting to discuss the potential for sensitive discoveries, and to observe initial ground disturbance. Should any cultural materials be identified during initial ground disturbance, County guidelines require those discoveries to be evaluated for significance and appropriately addressed through Project Design Features if avoidance is not feasible. Therefore, impacts to cultural resources will be less than significant</p>
<p><b>Noise</b></p>	
<p><b>GOAL N-M-1:</b> Maintain the existing low ambient noise level as part of the semi-rural character of the Montecito community.</p> <p><b>Policy N-M-1.1:</b> Noise-sensitive uses (i.e., residential and lodging facilities, educational facilities, public meeting places and others specified in the Noise Element) shall be protected from significant noise impacts.</p>	<p>As set forth in the Environmental Noise Impact Study by Acoustical Engineering Services, Inc (AES) dated July 2024, the Project would incorporate noise reducing features to reduce noise levels at noise sensitive uses on-site and noise levels from Project activities to off-site sensitive receptors to 65 dBA or less as required by Policy 1 of the Comprehensive Plan Noise Element. As a result, the Project’s</p>

<p><b>Development Standard N-M-1.1.1:</b> All site preparation and associated exterior construction activities related to new residential units including remodeling, demolition, and reconstruction, shall take place between 7:00 a.m. and 4:30 p.m., weekdays only.</p> <p><b>Development Standard N-M-1.1.2:</b> Significant noise impacts shall be avoided upon development of new noise sensitive land uses (as defined by the Noise Element) through the provision of sound shielding and/or adequate design which provides sufficient attenuation or through proper siting of structures to avoid areas of elevated ambient noise.</p>	<p>noise and vibration impacts would be less than significant.</p>
--	--

**Visual/Open Space resources**

<p><b>Goal VIS-M-1:</b> Protect the visual importance of the Santa Ynez Mountain range and ocean views as having both local and regional significance and protect from development which could adversely affect this quality.</p> <p><b>Policy VIS-M- 1.2:</b> Grading required for access roads and site development shall be limited in scope so as to protect the viewshed.</p> <p><b>Policy VIS-M- 1.3:</b> Development of property should minimize impacts to open space views as seen from public roads and viewpoints.</p>	<p>Although Buildings A and C would be visible for briefly and intermittently to travelers along Highway 101 and S. Jameson Drive, the Resort’s existing development, fencing, walls, and vegetation already largely block views of the ocean. From Eucalyptus Lane, the existing Resort and adjacent church buildings and existing and proposed vegetation already screen views of the ocean traveling along Eucalyptus Lane.</p> <p>The Project is an infill development consisting of the construction of three new buildings on two surface parking lots, which serves to minimize grading and site disturbance. The existing northwest surface parking lot would be removed to accommodate Buildings A and B and the majority of site work and grading is necessary to construct the subterranean parking level, which would hide parking that is currently visible along Highway 101, Jameson Lane, and Eucalyptus Lane. The finished grades of Buildings A and B would largely mirror the existing grade of the parking area. In the northeast area, grading would be limited to creating a level site for Building C and the reconfigured parking area. Therefore,</p>
---	--

	viewsheds would not be impacted.
<b>Water</b>	
<p><b>Policy WAT-M-1.2:</b> The County should coordinate with the Montecito Water District in order to encourage conservation and coordinate supplies with current and future demand.</p> <p><b>Development Standard WAT-M-1.2.1:</b> Landscape plans, where required for development, shall include drip irrigation systems and/or other water saving irrigation systems.</p>	<p>In conjunction with the 2015 underlying approvals and build out of the Miramar Resort, the Montecito Water District issued a Certificate of Water Service Availability. The proposed Project would incrementally increase water demand for the additional development of housing, additional Resort-visitor commercial uses, and landscaping.</p> <p>The Montecito Water District reviewed the proposed Project and issued a Certificate of Water Availability dated July 9, 2024, which confirmed that there is adequate water availability that would accommodate the additional water demand for the Project. In addition, in compliance with the Certificate of Water Availability the Project would incorporate state of the art water conserving technologies and devices both indoors and outdoors, such as the use of low-flow fixtures, drought-tolerant landscaping, and a drip irrigation system.</p>

<b>2023-2031 Housing Element</b>	
<b>POLICY</b>	<b>FINDINGS</b>
<p><b>Goal 1:</b> Enhance the affordability, diversity, quantity, and quality of the housing supply and promote livable communities.</p> <p><b>Policy 1.1:</b> Promote new housing opportunities throughout the unincorporated county and the revitalization of existing housing to meet the needs of all economic segments of the community, including extremely low-income households, while respecting the County’s rural and unique characteristics.</p>	<p>As described in the 2023-2031 Housing Element, the State HCD assigned a Regional Housing Needs Allocation (RHNA) of 24,856 total new housing units to the entire county and the Santa Barbara County Association of Governments (SBCAG) for the 2023-2031 planning period. SBCAG’s RHNA Plan 6th Cycle 2023-2031 (2023-2031 RHNA Plan) allocated 5,664 of these units to the County to be satisfied in the unincorporated areas of the County.</p> <p>Moreover, the Housing Element found that the County faces a significant countywide shortfall of low- and very low-income units, and, in particular, the South Coast area, where</p>

	<p>the Project Site is located, also faces a shortfall of moderate-income units.</p> <p>Table D-20 (Non-Vacant Sites Contributing to 2023-2031 RHNA) of the 2023-2031 Housing Element identifies a portion of the Resort site for housing uses to meet the County’s RHNA obligations.</p> <p>The Project’s proposed 34 residential apartments, comprised of market rate and 26 affordable housing units (76%), help to meet the Housing Element’s housing goal for the Site, and contribute to the County’s RHNA obligation to meet the housing needs of the State, County, and region.</p>
<p><b>Policy 1.2:</b> Encourage large employers, including corporations, government, institutions, and schools, to collaborate with local governments, non-profits, and private interests to fund, develop, and maintain high-quality affordable housing to accommodate the region’s workforce.</p>	<p>The Miramar Resort is one the larger employers in the Montecito coastal area, and the Project includes 26 affordable housing units (76%) that would be occupied by Resort employees, thereby help to accommodate the region’s workforce.</p>
<p><b>Policy 1.5:</b> Encourage housing development close to existing public services including public transit.</p>	<p>The Project’s new housing is located on the Project Site, which is within the existing Miramar Resort site and has adequate public services such as roads, sidewalks, water, wastewater, and trash services. The Project Site is located near two bus stops which are less than a 10-minute walk (one at North Jameson Road and Miramar Ave. and another at San Ysidro Road and San Leandro Road).</p>
<p><b>Goal 6:</b> Promote homeownership and/or the continued availability of affordable housing units through programs and implementing ordinances for all economic segments of the population, including extremely low-, very low-, low-, moderate-, and/or upper moderate-income households to assure that existing and projected needs for affordable housing are accommodated in residential development with preference given to people who live and/or work within Santa Barbara County.</p>	<p>The Project conforms with this policy by providing new housing, including 26 affordable units (76%) at very low, low and moderate income levels, which accommodates a range of economic segments of the community and provides critical affordable housing for existing and future Resort employees who work in the County.</p>

<p><b>Policy 6.1:</b> Designate appropriate land and/or provide programmatic strategies (e.g., fee waivers or reductions, regulatory incentives) for the development of affordable housing when preparing and amending land use and/or community plans, the zoning codes, and growth management plans.</p>	<p>As described above, the Housing Element identifies the Project Site as an appropriate location for new housing, including affordable housing. To facilitate the proposed housing, the Project requests regulatory incentives in the form of State Density Bonus waiver of development standards that are needed to construct the new housing on the Site.</p>
<p><b>Policy 6.2:</b> Promote the inclusion of affordable housing units as part of residential land use and development to 1) reduce the negative environmental, economic, and social effects of the jobs to housing imbalance and the resulting commuting and vehicle miles traveled (VMT), and 2) achieve efficient, compact, and cost-effective use of buildable land.</p>	<p>The 2023-2031 Housing Elements notes that “Employment opportunities on the South Coast outstrip the supply of local affordable housing. This “jobs-housing imbalance” increases housing costs and forces many local employees to live and work in separate communities. From 2010 to 2019, the number of workers on the South Coast traveling greater than 50 miles to work increased by nearly 33 percent (Rosen et. al. 2022). From 2010 to 2019, more than 75 percent of new jobs added to the South Coast were filled by residents living outside the South Coast, either in the North County or surrounding counties (e.g., Ventura and San Luis Obispo counties).”</p> <p>Providing new housing on the Project Site, including affordable units (76%) for very-low, low and moderate unit households for Resort employees, would help reduce daily commutes and VMT and associated vehicle emissions by enabling employees to live and work near their employment and help to address the County’s jobs-housing imbalance.</p> <p>The new residential units would be constructed on the Project Site, which is currently utilized for parking, which results in an efficient, compact, and cost-effective use of buildable land.</p>
<p><b>Policy 6.4:</b> Provide incentives to the greatest extent feasible for projects subject to the County’s inclusionary housing requirements, including bonus density increases and/or modifications to zoning requirements.</p>	<p>The Project would utilize State Density Bonus law and the implementation provisions set forth in the Coastal Zoning Ordinance to permit waiver of development standards for increased height for Building C, to permit an overall I FAR up to 0.29, to permit reduced open space, and to permit reduced setbacks. The requested waivers are</p>

	necessary to physically accommodate the proposed Project's housing, including the affordable units, at the density requested.
--	---



## INTRODUCTION

**EcoTierra Consulting, Inc.** is an environmental consulting firm that assists public and private entities with implementation of the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). These two laws require public agencies to consider the potential environmental consequences of agency decisions by following processes and procedures set forth in state and federal law and regulation. These laws apply to agency-sponsored projects and to private development projects.

## **CRAIG FAJNOR / PRINCIPAL**

### ***Experience Summary***

Mr. Craig Fajnor, Co-Founder and Principal of **EcoTierra Consulting, Inc.**, has 40 years of experience in environmental planning and project management. Mr. Fajnor has served in a senior management position at various consulting firms for over 18 years and operated an independent consulting practice for more than 13 years. Mr. Fajnor specializes in urban projects and has managed large and complex projects in Los Angeles and throughout the Southern California region, including EIRs for the Staples Center and Hollywood and Highland projects, and an EIR/EIS for the Los Angeles Air Force Base. Mr. Fajnor brings extensive hands-on experience in all forms of environmental documentation which may be needed to meet the requirements of the California Environmental Quality Act and the National Environmental Policy Act.

### ***Education Background and Professional Affiliations***

- M.A. in Planning – University of Virginia
- B.A. in Political Science – Duke University
- American Planning Association (APA)
- Former editor of The Dispatch, newsletter of the Los Angeles Section of APA

### ***Project Experience***

#### *EIRs/EISs*

- Metro Universal Project (EIR, View Study)
- Universal City Specific Plan (EIR, View Study)
- North Hollywood Arts and Entertainment District (EIR/EIS, View Study)
- Playa Vista Phase I (EIR, View Study)
- Anaheim Gateway Project (EIR)
- Ashland Chemical Distribution Center (EIR)
- Bradley Landfill and Recycling Center Master Plan (EIR)
- Chinatown Redevelopment Project (EIR Addendum)
- Downey Studios Mixed-Use Development Specific Plan (EIR)
- Grand Avenue Project (EIR Addendum)
- Harbor Gateway Center (EIR)
- Hollywood & Highland (EIR)
- Hollywood Redevelopment Plan (EIR)
- Hollywood and Vine (EIR Addendum)
- Kinder-Morgan Tank Farm Projects (EIR)
- LAAFB Land Conveyance, Construction and Development Project (EIR/EIS)
- Olive Avenue Development Peer Review
- Sepulveda/Rosecrans Site Rezoning and Plaza El Segundo Development (EIR)
- Santa Monica-UCLA Medical Center (EIR)
- Staples Center (EIR)
- UCLA University Village Expansion (EIR)
- Wilshire Grand Redevelopment Plan (EIR)
- Vermont Corridor (EIR)



# EXHIBIT 3.1



## MEMORANDUM

---

To:	Dale J. Goldsmith Armbruster Goldsmith & Delvac LLP	Date:	December 5, 2024
From:	David S. Shender, P.E. Jason A. Shender, AICP Linscott, Law & Greenspan, Engineers	LLG Ref:	1-24-4664-1
Subject:	<b>Review of the Parking Analysis for the Miramar Beach Resort and Bungalows Affordable Employee Housing, Market Rate Housing and Resort-Visitor Serving Commercial Project</b>		

---

600 S. Lake Avenue  
Suite 500  
Pasadena, CA 91106  
626.796.2322 T  
www.llgengineers.com

Pasadena  
Irvine  
San Diego

This memorandum has been prepared by Linscott, Law & Greenspan, Engineers (“LLG”) to provide a review of the parking analysis<sup>1</sup> prepared by Associated Transportation Engineers (“ATE Parking Analysis”) for the proposed Miramar Beach Resort and Bungalows Affordable Housing, Market Rate Housing and Resort-Visitor Serving Commercial project (“Proposed Project”) located at 1759 South Jameson Lane (“Project Site”) in the Montecito area of unincorporated Santa Barbara County (“County”).

The Rosewood Miramar Beach Resort (“Resort”) is currently developed with 154 hotel guest rooms, 8,481 square feet of resort shops, four (4) affordable employee housing units, 288 restaurant/bar seats, and 400-guest banquet facility, a private beach club with 300 members, a spa facility, and 435 onsite parking spaces (“Approved Project”). The Proposed Project would add 26 employee affordable apartment units exclusively for hotel staff and up to eight (8) market rate resort apartments. The Proposed Project would also add up to 15,000 square feet of resort shops and a 2,500 square-foot café. The Proposed Project would increase the Resort’s onsite parking supply to 480 onsite spaces from the existing 435 onsite parking spaces.

### **Parking Analysis Review**

#### *ATE Shared Parking Model*

The ATE Parking Analysis includes a shared parking model (“ATE Model”) which was used to determine the peak parking demands for the Approved Project and the Proposed Project during periods when the various uses contained within the Resort would be busiest. The concept of shared parking is widely recognized within the transportation planning industry and accounts for the changes in parking demand over time for different types of land uses within a multi-use project such as the Approved Project and Proposed Project. The ATE Model was developed using parking demand rates and time-of-day factors contained in the Urban Land Institute (“ULI”) publication *Shared Parking*<sup>2</sup> and in the Institute of Transportation Engineers’ (“ITE”) *Parking Generation*.<sup>3</sup> Both the ULI

---

<sup>1</sup> *Parking Analysis for the Miramar Beach Resort and Bungalows Affordable Housing, Market Rate Housing and Resort-Visitor Serving Commercial Project – Santa Barbara County*, Associated Transportation Engineers, June 25, 2024.

<sup>2</sup> Urban Land Institute *Shared Parking*, 3<sup>rd</sup> Edition, Washington, D.C., 2020.

<sup>3</sup> Institute of Transportation Engineers *Parking Generation*, 6<sup>th</sup> Edition, Washington, D.C., 2023.



*Shared Parking* and *ITE Parking Generation* publications are the industry standard for developing parking demand rates and time-of-day factors for shared parking models such as the ATE Model.

LLG has reviewed ATE's methodology utilized to determine the ATE Model. The parking demand rates utilized in the ATE Model represent peak demand, and therefore, can be assumed to forecast parking demand when the Resort is at its busiest. These rates account for hotel guests, restaurant/banquet patrons, beach club members, and Resort employees for all components (restaurant, banquet, spa, etc.). The shared parking demand analysis in the ATE Model also accounts for the fact that a portion of the patrons at the restaurants, banquet facility, and resort shops will be guests at the hotel and thus would not generate additional parking demands. LLG concurs with the conclusion that the parking demand rates utilized in the ATE Model represent peak conditions, and with the assumption that a portion of the patrons at the restaurants, banquet facility, and resort shops will be guests at the hotel.

The ATE Parking Analysis states that ITE Apparel Store parking demand rates were used for the parking demand analysis for the resort shops to provide a conservative analysis. The ATE Parking Analysis notes that the current version of the *ITE Parking Generation* publication (6<sup>th</sup> Edition) does not contain parking rates for land use categories that correspond to the kind and character of resort shops that would occupy the new retail area and instead utilized parking rates for this land use from the immediate prior version of the manual (5<sup>th</sup> Edition). Based on the information provided in the ATE Parking Analysis, data from the existing resort shops at the Resort indicate that the anticipated customer levels and resulting parking demands of the new resort shops would be approximately 25% of the ITE Apparel Store parking demand forecasts, resulting in a peak parking demand of approximately 10 spaces for the Proposed Project's resort shops. Based on the ATE Model attached to the ATE Parking Analysis, the peak parking demand utilized in the analysis for the Proposed Project's resort shops is 20 spaces. LLG concurs that utilization of the ITE Apparel Store parking demand rates from the 5<sup>th</sup> Edition of the *ITE Parking Generation* publication provides a conservative analysis of parking demand related to the Proposed Project's resort shops component.

Additionally, the ATE Model assumes that the Resort's banquet facility will be fully occupied (i.e., 400-guest event) from the hours of 8:00 AM to 8:00 PM. While the banquet facility may be reserved for a full day (e.g., for a wedding at the Resort), it is highly unlikely that the space would be fully occupied for the entirety of the day. Therefore, the assumption that the Resort's banquet facility will be fully occupied from the hours of 8:00 AM to 8:00 PM is highly conservative.

The results of the ATE Model are summarized in Table 4 of the ATE Parking Analysis. As shown in Table 4, the forecast peak parking demand at the Resort during the mid-day/afternoon peak period (12:00 PM) upon buildout of the Proposed Project is 462 spaces (i.e., 409 spaces for Approved Project plus 53 spaces for the Proposed Project). When compared to the proposed parking supply of 480 spaces, a surplus of 18 spaces is expected at 12:00 PM.



Similarly, as shown in Table 4, the forecast peak parking demand at the Resort during the evening peak period (7:00 PM) upon buildout of the Proposed Project is 434 spaces (i.e., 382 spaces for Approved Project plus 52 spaces for the Proposed Project). When compared to the proposed parking supply of 480 spaces, a surplus of 46 spaces is expected at 7:00 PM.

Based on review of the methodology and assumptions utilized to develop the ATE Model, LLG concurs that the ATE Model provides a highly conservative forecast of parking demand expected to be generated by the Resort upon buildout of the Proposed Project. LLG concurs with the conclusion that based on the ATE Model, the proposed parking supply at the Resort of 480 spaces will adequately accommodate the forecast peak parking demand forecasts for both the Approved Project and the Proposed Project. Accordingly, as the proposed onsite parking supply would be able to accommodate the peak demand forecast, development of the Proposed Project would not result in spillover parking onto public spaces or otherwise impact public access to the beach and other local coastal resources.

#### *ULI Shared Parking Model*

ATE developed a second shared parking model (“ULI Model”) for the Approved Project and the Proposed Project utilizing the demand rates and time-of-day factors presented in the *ULI Shared Parking* publication. Based on LLG’s review of the ATE Parking Analysis, the ULI Model was developed to validate the findings and conclusions of the ATE Model. While the ATE Model is more of a hybrid model utilizing parking demand factors from both ULI and ITE (as well as ATE’s own parking data), the ULI Model relies solely on the demand rates and time-of-day factors presented in the *ULI Shared Parking* publication. In addition, the *ULI Shared Parking* publication provides recommendations for day of week parking factors. For example, for the Approved Project’s Fine Dining and Sushi Restaurant components (combined 3,362 square feet of floor area), the *ULI Shared Parking* publication states that the weekday customer parking demand is estimated to be 87% of the forecast weekend day parking demand. The ATE Model conservatively does not make any reductions for reduced parking demands related to the individual Project components on weekdays or weekend days.

Furthermore, the *ULI Shared Parking* publication states that a reduction in parking demand can be expected at mixed-use developments due to patronage at multiple land uses. Typical examples of parking reducing behavior cited in the *ULI Shared Parking* publication that are applicable to the Approved Project and Proposed Project include 1) hotel guests shopping at the resort shops, 2) hotel guests eating at the Resort’s onsite dining facilities, 3) hotel guests using the Resort’s spa, and 4) hotel guests attending an event at the banquet facility.

The *ULI Shared Parking* publication expresses these multi-purpose parking stays as “non-captive” adjustments. That is, uses which are considered to be “primary” destinations – such as the hotel use – have little or no non-captive adjustments (i.e., their parking demand is not reduced based on the mix of uses at the site). Other uses that are considered to be



“ancillary” destinations – such as the resort shops, banquet facility, and restaurants – are expected to attract a relatively higher number of patrons who are already at the site and would not otherwise extend the length of stay of the parked vehicle.

The ULI *Shared Parking* manual notes that other “captive market” characteristics at mixed-use developments actually do not reduce parking; these behaviors simply extend the length of stay of a parked vehicle, and therefore do not contribute to an overall reduced parking demand. An example of this behavior is a group who visit the resort shops and then stay at the Resort to have dinner at a restaurant. The ULI *Shared Parking* publication does not provide specific recommendations with respect to non-captive adjustment factors but provides examples of use in their case studies (Chapter 5 therein). LLG has reviewed the non-captive adjustments included in the ULI Model and concurs that they are indeed appropriate.

Table 5 in the ATE Parking Analysis summarizes the results of the ULI Model developed for the Approved Project and the Proposed Project. As shown in Table 5, the weekday peak parking demand will occur at 6:00 PM when a forecast demand of 423 spaces would be occupied. When compared to the proposed parking supply of 480 spaces, a surplus of 57 parking spaces is expected during the weekday peak period.

As stated herein, the ULI Model was developed to validate the ATE Model. LLG has reviewed the ULI Model and concurs with the methodology and assumptions utilized by ATE. Use of the ULI Model results in a peak parking demand of 423 spaces on a weekday and 376 spaces on a weekend day, both lower than the forecast peak demand of 462 occupied parking spaces based on the ATE Model. Therefore, LLG concurs with the conclusion of the ATE Parking Analysis that the proposed parking supply of 480 would accommodate the peak demand forecasts for the Approved Project and the Proposed Project. Accordingly, as the proposed onsite parking supply would be able to accommodate the peak demand forecasts, development of the Proposed Project would not result in spillover parking onto public spaces or otherwise impact public access to the beach and other local coastal resources.

### **Parking Utilization/Validation Surveys**

A letter<sup>4</sup> was submitted to the County Planning Commission on behalf of the Applicant, Miramar Acquisition Co., LLC, to respond to various comments regarding the Proposed Project (“Responses to Comments Letter”), including on issues regarding parking. To respond to comments regarding parking and the relative reliability of the parking demand forecast prepared for the Project as provided in the ATE Parking Analysis, ATE conducted parking utilization surveys at the existing Resort and the adjacent parking areas on South Jameson Lane, Eucalyptus Lane, and Miramar Avenue serving Miramar Beach. The purpose of the parking counts was to demonstrate the existing parking supply at the Resort

---

<sup>4</sup> *Miramar Beach Resort and Bungalows Affordable Housing, Market Rate Housing and Resort-Visitor Serving Commercial Project (Case Nos. 24RVP-00050 and 24RVP-00051, scheduled for the Commission’s November 1, 2024 meeting)*, Armbruster Goldsmith & Delvac LLP, October 30, 2024.



is adequate. Exhibit 3 attached the Responses to Comments Letter contains a memorandum<sup>5</sup> summarizing the parking utilization surveys (“ATE Parking Surveys Memo”).

As stated in the ATE Parking Surveys Memo, parking utilization surveys were at the existing Resort and the adjacent parking areas on South Jameson Lane, Eucalyptus Lane, and Miramar Avenue on Friday, October 18, 2024, and Saturday, October 19, 2024. On the Friday survey day, parking utilization was documented at 11:00 AM, 1:00 PM, and 6:00 PM. On the Saturday survey day, parking utilization was documented at 12:00 PM, 3:00 PM, and 6:00 PM. Weather conditions were sunny and warm on the survey days, and there was a 230-person wedding held at the Resort on the Saturday survey day.

### *Onsite Parking Utilization Surveys*

The results of the onsite parking utilization surveys are summarized in Table 1 of the ATE Parking Surveys Memo. As shown in Table 1 of the ATE Parking Surveys Memo, the highest demand for parking on the Friday survey day occurred at 6:00 PM, when 307 of the Resort’s 435 onsite parking spaces were occupied (i.e., 71% occupancy). On the Saturday survey day, Table 1 of the ATE Parking Surveys Memo shows that the highest demand for parking occurred at 3:00 PM, when 328 spaces were occupied (i.e., 75% occupancy).

In conjunction with this review, LLG requested ATE to modify its ATE Model to reflect utilization of the Resort during the Saturday parking survey day (the highest day of observed parking demand at the Resort) to include hotel occupancy (i.e., 136 of the 154 hotel guest rooms occupied), as well as the wedding attended by 230 guests (i.e., as compared to the 400-person capacity of the banquet facility). The modified ATE Model is attached to this memorandum for reference. **Table 1** below provides a comparison of the observed parking utilization at the Resort on the Saturday survey day and the forecast parking demand during the three survey periods (i.e., 12:00 PM, 3:00 PM, and 6:00 PM).

**Table 1**  
**Comparison of Observed and Forecast Parking Demand on Saturday Survey Day**

<b>Time</b>	<b>Observed Demand</b>	<b>Forecast Demand per Modified ATE Model</b>
12:00 PM	263	340
3:00 PM	328	325
6:00 PM	279	326

---

<sup>5</sup> *Miramar Beach Resort and Bungalows Affordable Housing, Market Rate Housing and Resort-Visitor Serving Commercial Project Parking Surveys*, Associated Transportation Engineers, October 28, 2024.

As shown in *Table 1*, the ATE Model modified to reflect conditions at the resort during the October 2024 parking surveys greatly overstates the actual observed parking demand at the Resort during the 12:00 PM and 6:00 PM surveys on the Saturday survey day. The 328-space peak demand at 3:00 PM on the Saturday survey day is essentially equivalent to the forecast peak parking demand for the Approved Project only (i.e., not considering the Proposed Project) of 325 spaces per the modified ATE Model. Therefore, based on the parking utilization survey data, the ATE Model provides a reasonably conservative estimate of peak parking demand for the Approved Project, and would therefore be expected to reliably forecast peak parking demand for both the Approved Project and the Proposed Project.

### *Off-Site Parking Utilization Surveys*

In addition to the onsite parking utilization surveys, parking utilization surveys were conducted for the Miramar Beach public parking areas adjacent to the Resort on South Jameson Lane, Eucalyptus Lane, and Miramar Avenue. These public parking areas provide a total of 87 parking spaces.

The results of the off-site parking utilization surveys are summarized in Table 2 of the ATE Parking Surveys Memo. As shown in Table 2 of the ATE Parking Surveys Memo, peak utilization of the adjacent public parking spaces on the Friday survey day occurred at 6:00 PM, when 61 of the available 87 spaces were occupied (i.e., 70% occupancy). On the Saturday survey day, Table 2 of the ATE Parking Surveys Memo shows that the peak utilization of the adjacent public parking spaces occurred at 6:00 PM, when 70 of the available 87 spaces were occupied (i.e., 80% occupancy).

Based on the off-site parking utilization surveys, which show a maximum utilization of 80% of the available parking inventory, the Resort is not impeding public access to the beach or other coastal resources. In summary, based on the onsite utilization surveys and the parking models presented in the ATE Parking Analysis, LLG concurs that the proposed parking supply of 480 spaces to be provided at the Resort upon buildout of the Proposed Project will adequately satisfy the forecast demand. Accordingly, the Resort will not impede public access to the coastal areas.

### **Summary**

This memorandum has been prepared to provide a review of the parking analyses prepared by ATE for the proposed Miramar Beach Resort and Bungalows Affordable Housing, Market Rate Housing and Resort-Visitor Serving Commercial project located at 1759 South Jameson Lane in the Montecito area of unincorporated Santa Barbara County. The findings of the parking review are as follows:

- The ATE Parking Analysis relies upon a shared parking analysis. The concept of shared parking is widely recognized within the transportation planning industry and accounts for the changes in parking demand over time for different types of



land uses within a multi-use project such as the Approved Project and Proposed Project.

- The ATE Model for the Approved Project and the Proposed Project was developed using parking demand rates and time-of-day factors contained in the ULI *Shared Parking* and the ITE *Parking Generation* publications. Both the ULI *Shared Parking* and ITE *Parking Generation* publications are the industry standard for developing parking demand rates and time-of-day factors for shared parking models such as the ATE Model.
- Per the ATE Model, the forecast peak parking demand at the Resort during the mid-day/afternoon peak period (12:00 PM) upon buildout of the Proposed Project is 462 spaces (i.e., 409 spaces for Approved Project plus 53 spaces for the Proposed Project). When compared to the proposed parking supply of 480 spaces, a surplus of 18 spaces is expected at 12:00 PM.
- Based on review of the methodology and assumptions utilized to develop the ATE Model, LLG concurs that the ATE Model provides a highly conservative forecast of parking demand expected to be generated by the Resort upon buildout of the Proposed Project. LLG concurs with the conclusion that based on the ATE Model, the proposed parking supply at the Resort of 480 spaces will adequately accommodate the forecast peak parking demand forecasts for both the Approved Project and the Proposed Project.
- A second shared parking model, the ULI Model, was developed by ATE to validate the ATE Model. LLG has reviewed the ULI Model and concurs with the methodology and assumptions utilized by ATE. Use of the ULI Model results in a peak parking demand of 423 spaces on a weekday and 376 spaces on a weekend day, both lower than the forecast peak demand of 462 occupied parking spaces based on the ATE Model. Therefore, LLG concurs with the conclusion of the ATE Parking Analysis that the proposed parking supply of 480 would accommodate the peak demand forecasts for the Approved Project and the Proposed Project.
- Parking utilization surveys were conducted at the existing Resort, as well as the adjacent Miramar Beach public parking areas, to validate the results of the shared parking analysis. The parking utilization surveys were on Friday, October 18, 2024, and Saturday, October 19, 2024. On the Friday survey day, parking utilization was documented at 11:00 AM, 1:00 PM, and 6:00 PM. On the Saturday survey day, parking utilization was documented at 12:00 PM, 3:00 PM, and 6:00 PM. Weather conditions were sunny and warm on the survey days, and there was a 250-person wedding held at the Resort on the Saturday survey day.
- Peak parking utilization at the Resort occurred at 3:00 PM on the Saturday survey day, when 328 of the resorts 435 parking spaces were occupied (i.e., 75% occupancy). The ATE Model was modified to reflect occupancy conditions at the resort during the survey days, including the actual number of guest rooms occupied



and the hosting of the wedding with 230 attendees. The 328-space peak demand at 3:00 PM on the Saturday survey day is essentially equivalent to the 325-space forecast demand for the Approved Project only (i.e., not considering the Proposed Project) per the modified ATE Model. The modified ATE Model greatly overstates the parking demand at the Resort during the 12:00 PM and 6:00 PM hours as compared to the observed parking demand per the parking surveys. Therefore, based on the parking utilization survey data, the ATE Model provides a reasonably conservative forecast of peak parking demand for the Approved Project, and would therefore be expected to reliably forecast peak parking demand for both the Approved Project and the Proposed Project.

- Peak parking utilization of the adjacent Miramar Beach public parking spaces occurred on the Saturday survey day at 6:00 PM, when 70 of the available 87 spaces were occupied (i.e., 80% occupancy). Accordingly, the Resort is not impeding public access to the coastal areas.
- Based on the onsite utilization surveys and the parking models presented in the ATE Parking Analysis, L.L.G. concurs that the proposed parking supply of 480 spaces to be provided at the Resort upon buildout of the Proposed Project will adequately satisfy the forecast demand. Accordingly, the Resort is not resulting in spillover parking onto public spaces or otherwise impacting public access to the beach and other local coastal resources.

cc: File

**ASSOCIATED TRANSPORTATION ENGINEERS - MIRAMAR BEACH RESORT AND BUNGALOWS AFFORDABLE EMPLOYEE HOUSING, MARKET RATE HOUSING AND RESORT-VISITOR SERVING COMMERCIAL PROJECT - #20060**  
**SHARED PARKING MODEL (EXISTING PROJECT WITH 88% HOTEL OCCUPANCY AND 230-GUEST BANQUET EVENT)**  
**ITE/ULI RATES - (30% INTERNAL CAPTURE FOR RESTAURANT/BANQUET, 50% INTERNAL CAPTURE FOR RETAIL)**

**ITE AVERAGE PARKING DEMAND RATES**

LAND-USE	SIZE	DEMAND RATE	MIXED-USE	PEAK DEMAND
Hotel (a) - Guest	136 Rooms	1.00 Rooms	1.00	136 Spaces
Hotel (b) - Employees	136 Rooms	0.15 Rooms	1.00	20 Spaces
Retail (c)	8,481 KSF	2.66 KSF	0.50	11 Spaces
Fine Dining (d)	113 Seats	0.47 Seats	0.30	37 Spaces
Family Dining (e)	85 Seats	0.47 Seats	0.30	28 Spaces
Sushi Restaurant (d)	50 Seats	0.47 Seats	0.30	16 Spaces
Lobby Bar (d)	40 Seats	0.47 Seats	0.30	13 Spaces
Banquet (f)	230 Guest	0.35 Guest	1.00	81 Spaces
Beach Club (g)	300 Members	0.30 Members	1.00	90 Spaces
Spa (g)	12 Visitors	0.30 Visitors	1.00	4 Spaces
Employee Housing (h)	4 Units	1.00 Units	1.00	4 Spaces

PARKING DEMAND	PARKING SUPPLY	SURPLUS
340	435	95

**ITE/ULI TIME-OF-DAY FACTORS**

Time	Hotel (Guest)		Hotel (Employees)		Retail		Fine Dining Restaurant		Family Dining Restaurant		Sushi Restaurant		Lobby Bar		Banquet Hall		Tennis/Beach Club + Spa		Employee Housing		TOTAL DEMAND	PARKING SUPPLY	RESERVE SPACES
	Peak (a)	136	Peak (b)	20	Peak (c)	11	Peak (d)	37	Peak (e)	28	Peak (d)	16	Peak (i)	13	Peak (f)	81	Peak (g)	94	Peak (h)	4			
6:00	95%	129	10%	2	0%	0	0%	0	25%	7	0%	0	0%	0	0%	0	0%	0	95%	4	142	435	293
7:00	90%	122	30%	6	0%	0	0%	0	50%	14	0%	0	0%	0	50%	41	5%	5	85%	3	191	435	244
8:00	80%	109	100%	20	0%	0	0%	0	64%	18	0%	0	0%	0	100%	81	10%	9	75%	3	240	435	195
9:00	70%	95	100%	20	0%	0	0%	0	74%	21	0%	0	0%	0	100%	81	30%	28	65%	3	248	435	187
10:00	60%	82	100%	20	47%	5	15%	6	82%	23	15%	2	0%	0	100%	81	45%	42	60%	2	263	435	172
11:00	60%	82	100%	20	69%	8	40%	15	89%	25	40%	6	0%	0	100%	81	75%	71	55%	2	310	435	125
12:00	55%	75	100%	20	97%	11	75%	28	100%	28	75%	12	0%	0	100%	81	85%	80	50%	2	337	435	98
1:00	55%	75	100%	20	82%	9	75%	28	86%	24	75%	12	0%	0	100%	81	95%	89	50%	2	340	435	95
2:00	60%	82	100%	20	88%	10	65%	24	57%	16	65%	10	0%	0	100%	81	100%	94	50%	2	339	435	96
3:00	60%	82	100%	20	100%	11	40%	15	44%	12	40%	6	15%	2	100%	81	100%	94	55%	2	325	435	110
4:00	65%	88	70%	14	65%	7	50%	19	39%	11	50%	8	25%	3	100%	81	95%	89	60%	2	322	435	113
5:00	70%	95	70%	14	65%	7	75%	28	62%	17	75%	12	50%	7	100%	81	75%	71	65%	3	335	435	100
6:00	75%	102	40%	8	47%	5	95%	35	73%	20	95%	15	75%	10	100%	81	50%	47	70%	3	326	435	109
7:00	75%	102	20%	4	59%	6	100%	37	95%	27	100%	16	100%	13	100%	81	20%	19	75%	3	308	435	127
8:00	80%	109	20%	4	47%	5	100%	37	76%	21	100%	16	100%	13	100%	81	10%	9	80%	3	298	435	137
9:00	85%	116	20%	4	0%	0	100%	37	60%	17	100%	16	100%	13	50%	41	10%	9	85%	3	256	435	179
10:00	95%	129	20%	4	0%	0	95%	35	55%	15	95%	15	100%	13	0%	0	5%	5	95%	4	220	435	215
11:00	100%	136	10%	2	0%	0	75%	28	45%	13	75%	12	75%	10	0%	0	5%	5	97%	4	210	435	225
12:00	100%	136	5%	1	0%	0	25%	9	25%	7	25%	4	50%	7	0%	0	0%	0	100%	4	168	435	267

- (a) ULI Time of Day Factors and Parking Demand Rates (Hotel-Leisure)
- (b) ULI Time of Day Factors and Parking Demand Rates (Hotel-Employees)
- (c) ITE Time of Day Factors and Parking Demand Rates (Apparel Store - Saturday #876). ITE Parking Generation Manual 6th Edition no longer contains Apparel Store rates, thus the 5th Edition was used. Time of Day Factors from Shopping Center (#820) -Weekday were used for the missing 10:00 AM - 12:00 PM hours. Assumes 50% of the retail customers will come from guests unrelated to the hotel.
- (d) ITE Parking Demand Rates (Quality Restaurant Friday) and ULI Time of Day Factors (Fine/Casual Dining - Weekday), assumes 30% of diners are hotel guest
- (e) ITE Parking Demand Rates for High-Turnover Sit Down Restaurant (Serves Breakfast) (#932) - ULI Time of Day Factors (Family Dining Restaurant - Weekday). Assumes 30% of diners are hotel guests.
- (f) ATE Parking Demand Rates and Time of Day Factors, assumes 30% of guest are affiliated with the hotel and a 2.0 AVO for public guest
- (g) ATE Time of Day Factors and Parking Demand Rates
- (h) Assumes Parking Demand Rate of 1.00 and ULI Time of Day Factors (Residential - Rental). Analysis assumes no reserved spaces for employee housing.
- (i) ITE Parking Demand Rates (Quality Restaurant Friday) and ULI Time of Day Factors (Bar/lounge/nightclub - Weekday), assumes 30% of diners are hotel guest. Also assumes the bar opens at 4:00 PM.

# EXHIBIT 3.2



## MEMORANDUM

---

To:	Dale J. Goldsmith Armbruster Goldsmith & Delvac LLP	Date:	December 4, 2024
From:	David S. Shender, P.E. Jason A. Shender, AICP Linscott, Law & Greenspan, Engineers	LLG Ref:	1-24-4664-1
Subject:	<b>Review of the Trip Generation Forecast for the Miramar Beach Resort and Bungalows Affordable Employee Housing, Market Rate Housing and Resort-Visitor Serving Commercial Project</b>		

---

600 S. Lake Avenue  
Suite 500  
Pasadena, CA 91106  
626.796.2322 T  
www.llgengineers.com

Pasadena  
Irvine  
San Diego

This memorandum has been prepared by Linscott, Law & Greenspan, Engineers (“LLG”) to provide a review of the trip generation forecast prepared by Associated Transportation Engineers (“ATE”) for the proposed Miramar Beach Resort and Bungalows Affordable Housing, Market Rate Housing and Resort-Visitor Serving Commercial project (“Proposed Project”) located at 1759 South Jameson Lane (“Project Site”) in the Montecito area of unincorporated Santa Barbara County (“County”). The trip generation forecast is contained within the Traffic and Vehicle Miles Traveled (“VMT”) analysis<sup>1</sup> prepared by ATE for the Proposed Project (“ATE Traffic and VMT Report”).

The Rosewood Miramar Beach Resort (“Resort”) is currently developed with 154 hotel guest rooms, 8,481 square feet of resort shops, four (4) affordable employee housing units, 288 restaurant/bar seats, and 400-guest banquet facility, a private beach club with 300 members, a spa facility, and 435 onsite parking spaces (“Approved Project”). The Proposed Project would add 26 employee affordable apartment units exclusively for hotel staff and up to eight (8) market rate resort apartments. The Proposed Project would also add up to 15,000 square feet of resort shops and a 2,500 square-foot café. The Proposed Project would increase the Resort’s onsite parking supply to 480 onsite spaces from the existing 435 onsite parking spaces.

### Trip Generation Forecast Review

The trip generation forecast provided within the ATE Traffic and VMT Report for the Proposed Project is based on rates provided in the latest version (11<sup>th</sup> Edition) of the Institute of Transportation Engineers’ (“ITE”) *Trip Generation Manual*.<sup>2</sup> The trip rates contained within the ITE *Trip Generation Manual* publication are the industry standard for estimating trip generation for land use projects. ATE utilized the following trip generation rates to forecast traffic volumes expected to be generated by the Proposed Project:

---

<sup>1</sup> *Traffic and VMT Analysis for the Miramar Beach Resort and Bungalows Affordable Employee Housing, Market Rate Housing and Resort-Visitor Serving Commercial Project – Santa Barbara County*, Associated Transportation Engineers, June 25, 2024.

<sup>2</sup> Institute of Transportation Engineers *Trip Generation Manual*, 11<sup>th</sup> Edition, Washington, D.C., 2021.



- Market Rate Resort Apartments: ITE Land Use Code 220 (Multifamily Housing [Low-Rise]) trip generation average rates were used to forecast the traffic volumes expected to be generated by the Market Rate Resort Apartments component of the Proposed Project.
- Employee Affordable Apartments: ITE Land Use Code 223 (Affordable Housing) trip generation average rates were used to forecast the traffic volumes expected to be generated by the Employee Affordable Apartments (exclusively for hotel staff) component of the Proposed Project.
- Resort Shops: ITE Land Use Code 876 (Apparel Store) trip generation average rates were used to forecast the traffic volumes expected to be generated by the Resort Shops component of the Proposed Project.
- Resort Café: ITE Land Use Code 932 (High-Turnover [Sit-Down] Restaurant) trip generation average rates were used to forecast the traffic volumes expected to be generated by the Resort Café component of the Proposed Project.

The ATE Traffic and VMT Report states that ITE Land Use Code 876 (Apparel Store) trip generation rates were used to provide a conservative forecast of traffic volumes expected to be generated by the Resort Shops component of the Proposed Project. For retail uses under 40,000 square feet of floor area, ITE recommends use of ITE Land Use Code 822 (Strip Retail Plaza) trip rates. However, the ITE Apparel Store daily trip rate (66.40 trips per 1,000 square feet of floor area) is greater than the ITE Strip Retail Plaza trip rate (54.45 trips per 1,000 square feet of floor area). Thus, the use of the ITE Apparel Store trip rates provides a reasonably conservative estimate of vehicle trips forecast to be generated by the Resort Shops component of the Proposed Project.

LLG concurs with the use of the respective ITE trip generation rates for the various components of the Proposed Project. The ITE trip generation rates are derived based on field data collected at sites across the country, varying in location and size. However, the data are collected at single-purpose sites, rather than locations containing a variety of uses such as the Resort. Taking driveway counts at the existing Resort to derive trip generation forecasts for the Employee Affordable Apartments, Resort Shops, and Resort Café components of the Proposed Project would not be an appropriate as they would not differentiate which component of the existing Resort the vehicle trip is associated with. Therefore, the trip generation rates provided in the ITE *Trip Generation Manual* provide a conservative forecast of traffic volumes expected to be generated by the Proposed Project.

### *Internal Capture Trip Estimates*

Based on the existing and proposed land uses and the location of the site within the Resort, ATE applied an internal capture adjustment to account for the synergistic effects of the existing and proposed land use mix. Internal capture trips are those trips made internal to the site between land uses in a mixed or multi-use development, land uses tend to interact,



and thus attract a portion of each other's trip generation. For the Proposed Project, internal capture includes interactions between the proposed Resort Shops and Resort Café and guests staying at the hotel, as well as between the existing uses. The following internal capture adjustments have been applied to the trip generation forecast for the Proposed Project:

- **Market Rate Resort Apartments:** No internal capture adjustment was applied to the Market Rate Resort Apartments component of the Proposed Project. While residents of the Market Rate Resort Apartments may shop or dine at the existing and/or proposed shops and restaurants at the Resort, trips generated by the Market Rate Resort Apartments are generally expected to be independent from those generated by the other components of the Resort.
- **Employee Affordable Apartments:** ATE applied a 25% internal capture adjustment to the trip generation forecast for the Employee Affordable Apartments, which will be reserved exclusively for hotel staff, to account for employees living and working at the Project Site, and therefore, not commuting to work. LLG believes this is an appropriate internal capture adjustment.
- **Resort Shops:** ATE applied a 50% internal capture adjustment to the trip generation forecast for the Resort Shops component of the Proposed Project. As discussed above, the ATE Traffic and VMT Report utilizes the ITE Apparel Store trip rates, which are more conservative than the ITE Strip Retail Plaza trip rates, ITE's recommended trip rates for retail uses less than 40,000 square feet in floor area. Furthermore, given the Resort Shops location within the Resort, it can be reasonably assumed that a large percentage of the customers would be guests staying at the hotel rather than coming to the Resort for the sole purpose of visiting the Resort Shops. As it is anticipated that a higher percentage of customers would be guests already staying at the hotel, LLG concurs that a 50% internal capture adjustment is conservative.
- **Resort Café:** ATE applied a 30% internal capture adjustment to the trip generation forecast for the Resort Café component of the Proposed Project. A 30% reduction is very conservative, as the Resort Café could be considered an ancillary use to the hotel, and therefore, it is expected that a significant portion of the Resort Café's patrons would be hotel guests.

LLG has reviewed the internal capture adjustments applied by ATE to the Employee Affordable Apartments, Resort Shops, and Resort Café components of the Proposed Project, and concurs that the adjustments are conservative.

### *Pass-By Trip Estimates*

Pass-by trips are made as intermediate stops on the way from an origin to a primary destination without a route diversion. Pass-by trips are attracted from traffic passing the site on an adjacent street or roadway that offers direct access to the site. In this instance,



the adjacent roadways to the Project Site include South Jameson Lane and San Ysidro Road – Eucalyptus Lane. Primary trips, as defined by ITE, are trips with the sole purpose of patronizing commercial uses (i.e., from home to the resort shops and then return home). As recommended in the ITE *Trip Generation Manual*, ATE applied a 40% pass-by reduction to the trip generation for the Resort Shops component of the Proposed Project and a 43% pass-by reduction to the Resort Café component of the Proposed Project. LLG concurs with these adjustments, particularly in consideration that South Jameson Lane provides immediate connections to on- and off-ramps to the US-101 Freeway, thereby allowing for convenient access to the Resort’s retail and restaurant components for motorists already driving by the Project Site.

### *Trip Generation Summary*

The trip generation forecasts for the Proposed Project for the weekday AM and PM peak hours, as well as over a 24-hour period, are summarized in Table 2 of the ATE Traffic and VMT Report. As shown in Table 2, the Proposed Project is forecast to generate 23 net new vehicle trips (9 inbound trips and 14 outbound trips) during the weekday AM peak hour. During the weekday PM peak hour, the Proposed Project is forecast to generate 41 net new vehicle trips (24 inbound trips and 17 outbound trips). Over a 24-hour period, the Proposed Project is forecast to generate 554 net new daily vehicle trips (i.e., approximately 277 inbound trips and 277 outbound trips). LLG concurs with the trip generation forecasts presented in Table 2 of the ATE Traffic and VMT Report prepared for the Proposed Project. Furthermore, it is noted that the results of the VMT analysis prepared for the Proposed Project are not dependent on the trip generation forecast summarized in Table 2. As summarized in the ATE Traffic and VMT Report, the Proposed Project’s potential transportation impacts related to VMT are deemed to be less than significant.

### **Review of Retail Trip Generation Rates**

Subsequent to the preparation of the ATE Traffic and VMT Report prepared for the Proposed Project, a letter<sup>3</sup> was submitted to the County Planning Commission on behalf of the Applicant, Miramar Acquisition Co., LLC, to respond to various comments regarding the Proposed Project, including on issues regarding trip generation. To respond to comments regarding trip generation, particularly as it relates to the use of ITE Apparel Store trip rates to forecast trip generation related to the Resort Shops component of the Proposed Project, ATE prepared a comparison of retail trip rates contained in the ITE *Trip Generation Manual*, summarized in a brief memorandum<sup>4</sup> (“ATE Trip Rate Comparison Memo”).

---

<sup>3</sup> *Miramar Beach Resort and Bungalows Affordable Housing, Market Rate Housing and Resort-Visitor Serving Commercial Project (Case Nos. 24RVP-00050 and 24RVP-00051, scheduled for the Commission’s November 1, 2024 meeting)*, Armbruster Goldsmith & Delvac LLP, October 30, 2024.

<sup>4</sup> *Miramar Beach Resort and Bungalows Affordable Housing, Market Rate Housing and Resort-Visitor Serving Commercial Project Response to Comments*, Associated Transportation Engineers, November 25, 2024.



Table 1 of the ATE Trip Rate Comparison Memo displays the weekday daily trip generation rates for the following ITE Land Use Codes:

- ITE Land Use Code 820 (Shopping Center [> 150,000 square feet])
- ITE Land Use Code 821 (Shopping Plaza [40,000 - 150,000 square feet, no supermarket])
- ITE Land Use Code 822 (Strip Retail Plaza [< 40,000 square feet])

The Resort Shops component of the Proposed Project would provide 15,000 square feet of new retail space. Therefore, ITE Strip Retail Plaza trip rates (54.45 trips per 1,000 square feet of floor area) would be most appropriate for the Resort Shops component of the Project because its total floor area falls within the range covered in the ITE land use category.

*Table A* below provides a comparison of the weekday daily trip generation forecast for the Resort Shops component of the Proposed Project utilizing the ITE Apparel Store trip rate of 66.40 trips per 1,000 square feet (as was done by in the ATE Traffic and VMT Report) and the ITE Strip Retail Plaza trip rate of 54.45 trips per 1,000 square feet.

**Table A**  
**Comparison of ITE Apparel Store and Strip Retail Plaza Trip Rates**

	<b>ITE 876 (Apparel Store)</b>	<b>ITE 822 (Strip Retail Plaza)</b>
Trip Rate	66.40 trips/KSF	54.45 trips/KSF
Trip Generation Forecast (Unadjusted)	996	817
Internal Capture Adjustment (50%)	(498)	(409)
Pass-By Adjustment (40%)	<u>(199)</u>	<u>(164)</u>
<b>NET NEW TRIPS</b>	<b>299</b>	<b>244</b>

As shown in *Table A* above, utilization of the ITE Apparel Store trip rates with the subsequent adjustments taken in the ATE Traffic and VMT Report results in a greater number of trips expected to be generated by the Resort Shops component of the Proposed Project than use of the use of the ITE Strip Retail Plaza trip rates. Therefore, use of the trip rates related to the ITE Apparel Store land use category results in a reasonably conservative estimate of trip generated by the Resort Shops component of the Proposed Project.





## Summary

This memorandum has been prepared to provide a review of the trip generation forecast prepared by ATE for the proposed Miramar Beach Resort and Bungalows Affordable Housing, Market Rate Housing and Resort-Visitor Serving Commercial project located at 1759 South Jameson Lane in the Montecito area of unincorporated Santa Barbara County. The findings of the parking review are as follows:

- The trip generation forecast for the Proposed Project was prepared utilizing trip rates provided in the latest version of the *ITE Trip Generation Manual*. The *ITE Trip Generation Manual* is considered to be the industry standard for preparing trip generation forecasts for land use projects such as the Proposed Project.
- The ITE trip generation rates are derived based on field data collected at sites across the country, varying in location and size. However, the data are collected at single-purpose sites, rather than locations containing a variety of uses such as the Resort. Taking driveway counts at the existing Resort to derive trip generation forecasts for the Employee Affordable Apartments, Resort Shops, and Resort Café components of the Proposed Project would not be an appropriate as they would not differentiate which component of the existing Resort the vehicle trip is associated with. Therefore, the trip generation rates provided in the *ITE Trip Generation Manual* provide a conservative forecast of traffic volumes expected to be generated by the Proposed Project.
- Based on the existing and proposed land uses and the location of the site within the Resort, ATE applied an internal capture adjustment to account for the synergistic effects of the existing and proposed land use mix. Internal capture trips are those trips made internal to the site between land uses in a mixed or multi-use development, land uses tend to interact, and thus attract a portion of each other's trip generation. For the Proposed Project, internal capture includes interactions between the proposed Resort Shops and Resort Café and guests staying at the hotel, as well as between the existing uses. LLG reviewed the internal capture adjustments applied to the trip generation forecast and concurs that they are conservative.
- As recommended in the *ITE Trip Generation Manual*, ATE applied a 40% pass-by reduction to the trip generation for the Resort Shops component of the Proposed Project and a 43% pass-by reduction to the Resort Café component of the Proposed Project. LLG concurs with these adjustments, particularly in consideration that South Jameson Lane provides immediate connections to on- and off-ramps to the US-101 Freeway, thereby allowing for convenient access to the Resort's retail and restaurant components for motorists already driving by the Project Site.
- Per the ATE Traffic and VMT Report, the Proposed Project is forecast to generate 23 net new vehicle trips during the weekday AM peak hour. During the weekday PM peak hour, the Proposed Project is forecast to generate 41 net new vehicle trips



(24 inbound trips and 17 outbound trips). Over a 24-hour period, the Proposed Project is forecast to generate 554 net new daily vehicle trips (i.e., approximately 277 inbound trips and 277 outbound trips). LLG concurs with the trip generation forecasts presented in the ATE Traffic and VMT Report prepared for the Proposed Project. Furthermore, it is noted that the results of the VMT analysis prepared for the Proposed Project are not dependent on the trip generation forecast summarized in Table 2. As summarized in the ATE Traffic and VMT Report, the Proposed Project's potential transportation impacts related to VMT are deemed to be less than significant.

- An additional review of the trip generation rates utilized to forecast trips generated by the Resort Shops was conducted. It is concluded that utilization of the ITE Apparel Store trip rates results in a more conservative forecast of trips expected to be generated by the Resort Shops as compared to the ITE Strip Retail Plaza trip rates.

cc: File

# EXHIBIT 4

# Memo

**To:** Public Works, County of Santa Barbara

**From:** Scott Schell & Glenn Manaois, ATE

**Date:** December 5, 2024

20060M06

**Re:** Miramar Beach Resort and Bungalows Affordable Employee Housing, Market Rate Housing and Resort-Visitor Serving Commercial Project Response To Comments

---

ATE has prepared the following responses to the comments provided by UNITE HERE on the traffic and parking studies prepared for the Miramar Beach Resort and Bungalows Affordable Employee Housing, Market Rate Housing and Resort-Visitor Serving Commercial Project (the "Project").

## **POTENTIAL DIRECT AND INDIRECT TRAFFIC, VMT AND PARKING IMPACTS, PAGE 5 OF 17**

### **Comment #1:**

"Relevant, fact-specific concerns raised by local residents and community members- substantiated by photos, affidavits, drone imagery, video evidence, personal observations, and other relevant evidence- demonstrate that the existing site is under-parked causing parking spillover into the adjacent streets resulting in the loss of public parking spots, the Resort's conversion of some parking spaces that further reduced parking spaces onsite (e.g., Tesla charging station), and the need to utilize the off-site employee parking at the adjacent church parking lot and other location known as the 'QAD'."

### **Response #1:**

The parking surveys conducted in October 2024 showed that the resort parking areas were 53% to 75% occupied on Friday and Saturday. The surveys also showed that the public parking areas adjacent to the resort were 44% to 80% occupied on Friday and Saturday. The results of the surveys show that there was sufficient parking on-site, therefore there was no spillover into the adjacent streets. The surveys also confirmed that the Resort currently provides all the required parking. See response to #7 for more information regarding the parking surveys and the seasonal variations.

The Resort rents offsite parking from time to time during special events for the convenience of guests and not because there is insufficient parking onsite. The parking analyses showed that these spaces were not needed. The additional parking spaces were only utilized to improve operational efficiency and reduce valet wait times. It is noted that County compliance staff confirmed onsite that the Resort meets the parking requirements under the conditions of approval.

**Comment #2:**

“Public Safety concerns regarding emergency vehicle access within proposed parking lots (i.e., proposed underground, surface, platform facilities); potential increased queuing and delayed evacuations related to the parking’s proposed valet service, stacker facilities, and double/triple stacked parking configuration; and potential queuing into adjacent local roads that may adversely impact pedestrian, bike, and vehicle circulation on existing small roads already congested by Resort-related parking/traffic demands.”

**Response #2:**

The Resort maintains daily coordination with the sheriff and fire departments to remain vigilant and responsive to any emerging needs during emergencies. In the event of an emergency, the Resort will follow a structured protocol to ensure the safety and well-being of guests, employees, and the local community. When local authorities issue a recommended evacuation, the Resort partners with a designated hotel or safe location outside the evacuation zone to facilitate a smooth and early transition for our guests and non-essential employees. This approach will avoid last-minute evacuations and prioritize safety. While such situations have only occurred a couple of times over the years, the Resort remains prepared to coordinate departures based on optimal routes identified in real-time.

The valet station in the western lot would be located onsite approximately 100’ south of the edge of travel way on South Jameson Lane. This storage would accommodate approximately 5 vehicles in queue, which would accommodate the anticipated valet arrivals without causing queuing onto South Jameson Lane.

**Comment #3:**

“The Resort’s existing Parking Plan and TDM program are ineffective and have not been adequately enforced in a timely manner.”

**Response #3:**

The Resort continues to enforce the approved parking management plan. County compliance staff recently confirmed onsite that the Resort meets the parking requirements under the conditions of approval. The traffic study documented that approximately 20% of the Resort employees participate in alternative modes of transportation to work programs. Further, the traffic analysis for the Project did not take any credit for the TDM measures to provide a more conservative analysis.

**Comment #4:**

“Existing spillover effects adversely impact public parking spaces (i.e., 87 public parking spaces) that provide public access to the beach and other coastal resources.”

**Response #4:**

The results of the parking surveys in October 2024 showed that the resort parking areas were approximately 53% to 75% occupied on Friday and Saturday (with 88% occupancy and a large wedding event). The surveys also showed that the public parking areas adjacent to the resort were 44% to 80% occupied on Friday and Saturday. The results of the surveys show that there is sufficient parking on-site, therefore there was no spillover into the adjacent streets.

**Comment #5:**

“Reasonable assumptions predicated upon site/applicant-specific facts and other evidence demonstrating the existing and proposed retail will function as a luxury boutique shopping center generating significantly more traffic (and associated emissions) and parking demand than what was assumed.”

**Response #5:**

The study assumed a conservative analysis for the resort shops. As noted in the study, the ITE Apparel Store trip rates were used for the resort shops. It is noted that the ITE Apparel Store ADT rate is higher than the ADT rates for a Strip Retail Plaza (ITE #822) or a Shopping Center (ITE #820) (see attached memo).

ATE reviewed confidential and proprietary customer data from the existing Resort shops to estimate trips for the proposed Resort shops. This data shows that anticipated trips would be much lower than the number based on the Apparel Store rate. However, ATE did not rely on this data in determining that the Apparel Store rate was the most appropriate. Rather, the trip estimate from the existing shops' data was only used to provide corroboration that the Apparel Rate was not undercounting future trip generation from the proposed Resort shops. As set forth above, the Apparel Store rate is higher than other ITE rates that might apply and thus results in a more conservative (i.e., higher number of trips) analysis.

**Comment #6:**

“Residents highlight that after the CPC hearing held on October 9, the Resort stationed approximately six new parking monitors that, while effective at reducing spillover impacts, are generally not present at the site to enforce parking management solutions.”

**Response #6:**

There is no existing problem with spillover impacts. UNITE HERE claims that there is a shortage of onsite parking and that the high amount of vacant public spaces shown in the survey was due additional temporary monitoring. If this were true, the guests and employees who allegedly were parking in the public spaces would have instead parked at the Resort, thereby resulting and a shortage of onsite parking. However, the parking survey showed ample parking available, even at peak times (this requirement has been added to the current Project description).

**Comment #7:**

“The Resort’s recent October parking survey failed to consider seasonal variability (particularly during peak summer session), consider peak periods when big events coincide with other significant operations demanding significant parking, or specify periods when off-site employee parking locations are utilized or how the survey may be likely skewed by the ad hoc parking monitors recently implemented.

**Response #7:**

The Hotel occupancy during the parking surveys ranged from 86% to 88%. As noted in the parking survey memo, weather conditions were sunny and warm. Additionally, there was a 230-person wedding event held at the Resort, with 30 of the attendees staying overnight. It is noted that the shared parking model from the parking study was adjusted to reflect the 88% occupancy, as well as the 230-person wedding event on Saturday, resulting in a peak shared parking demand of 325 spaces onsite. The parking survey on Saturday showed a peak parking demand of 328 spaces onsite, validating the shared parking model. The parking surveys were therefore collected during a reasonable time considering an occupancy level above 85%, as well as a 230-person wedding event.

The ULI shared parking model shows that the weekday peak parking demand for hotels in October is 6% lower than the peak month and the weekend peak parking demand in October is 8% lower than the peak month. Adjusting the October survey data to assume 100% occupancy of the hotel, a full 400 person event, and the seasonal factors for October would not change the findings of the surveys – there would still be a surplus of parking within the Resort’s onsite parking areas.

**Comment #8:**

“The Project fails to include a VMT impact analysis due to the improper assumption that retail is merely local/hotel-serving and refusal to consider the potential cumulative impacts from successive developments at the Resort (e.g., 2015 Approved Project, various SCDs as part of the 2023 Modified Project, and current Proposed Project).”

**Response #8:**

As shown in the Traffic and VMT analysis for the Project, a minimum of 50% of the trips to the new shops would be guests at the Resort (transaction records indicate a higher percentage are from guests at the Resort). Furthermore, a certain percentage of the traffic generated by the new shops would be pass-by; and it is estimated that 70% of the Resort shops customers would be from the local area. Under the County's VMT threshold, a project that has locally serving retail uses that are 50,000 square feet or less, such as a specialty retail, shopping center, grocery/food store, bank/financial facility, fitness center, restaurant, or cafe, is presumed to have a less than significant VMT impact. At 17,500 square feet, the Retail shops and cafe included in the Project meet the screening criteria, and VMT impacts would be less than significant.

Additionally, the previous changes to uses at the Resort were reviewed and approved by the County under the SCD process are part of the baseline conditions and are not considered under the current Project analysis.

**Comment #9:**

"The Project environmental review fails to consider actual parking demand, trip counts, employee time records over relevant periods, and other site-specific data to base traffic/parking impact analysis instead of utilizing a hypothetical model that has proven inaccurate over time."

**Response #9:**

The shared parking demand model takes into account the worst-case scenario assuming 100% occupancy of the hotel, a full 400-person event, fully utilized restaurant space and peak beach club use during the Summer. Conducting onsite surveys to capture this worst case scenario would not be feasible as they do not occur on a regular and predictable basis. The shared parking demand model has been reviewed and approved by County staff for past SCD approvals. As noted in response to comment #7, the parking survey data collected at the site in October 2024 validated the shared parking demand model.

**ADDITIONAL COMMENTS, PAGE 7 OF 17****Comment #1:**

Residents' personal observations of traffic conditions show that the proposed parking plan is similar to what was previously required as part of the 2015 Project approval, resulting in spillover parking impacts. The Resort only implemented parking monitors in the middle of the Proposed Project approval hearings.



**Response #1:**

As noted previously, there is no existing problem with spillover impacts. Further, the Resort volunteered to implement a more rigorous parking monitor system to ensure that no employees are parking outside. The anecdotal observations from Project opponents that public parking spaces are being utilized by Resort guests, visitors, employees, and/or vendors are not credible evidence of spillover parking. These spaces are used by residents and beachgoers. While commenters have submitted various photographs, they fail to demonstrate that a material number of public spaces are occupied by persons associated with the Resort, as many of these photographs do not include a date or time. Moreover, the photos depict only a moment in time and do not show that the spaces are used for a substantial amount of time. In contrast, the parking surveys were conducted over two days and accurately reflect actual utilization of the existing Resort and the public spaces.

**Comment #2:**

The TDM and Parking Plan are inadequate under existing conditions, therefore the County should consider enhanced TDM's and Parking Plan measures.

**Response #2:**

See Response #3 in the Comments, Page 5 of 17 section, regarding the Resort's parking plan and TDM program.

**Comment #3:**

The shared parking analysis is incorrect by stating a surplus of 18 parking spaces onsite. Community member observations indicate spillover impacts. The analysis should use operational data, rather than empirical data from ITE and ULI.

**Response #3:**

The shared parking demand model takes into account the worst-case utilization of the site (i.e., 100% occupancy of the hotel, a full 400-person event, full utilization of the restaurants and peak beach club use, etc.) The model has been reviewed and approved by County staff for past SCD approvals. As noted in response to comment #7 in the Comments, Page 5 of 17 section, the parking survey data collected at the site in October 2024 validated the shared parking demand model.

**Comment #4:**

The parking surveys in October 2024 were conducted when the Resort was employing six new parking monitors, which is not the usual circumstance experienced by community members. The proposed Parking Plan does not mandate six parking monitors. Additionally, the parking survey does not discuss the use of off-site parking locations for employees or provide any details on how often they are used. The parking survey does not account for larger events (greater than 250 persons) or account for peak periods during summer.

**Response #4:**

See Response #7 from the Comments, Page 5 of 17 section.

**Comment #5:**

The trip generation rates for the resort shops are considered conservative due to customer data from the existing resort shops transactions. There is no explanation of why redacted copies cannot be provided to protect against disclosure of confidential/proprietary information, which Applicant can reasonably do.

**Response #5:**

The customer data is confidential and proprietary and cannot legally be disclosed. However, ATE did not rely on this data in determining that the Apparel Store rate was the most appropriate. Rather, the trip estimate from the existing shops' data was only used to provide corroboration that the Apparel Rate was not undercounting future trip generation from the proposed Resort shops. See Response #5 from the Comments, Page 5 of 17 section regarding the ITE Apparel Store trip rates.

**Comment #6:**

The proposed resort shops will generate traffic/parking demand much greater than ITE rates for an apparel store. The applicant refuses to provide actual trip counts, parking demand, inventory of actual onsite employees, a complete description of off-site parking facilities in use, or redacted copies of data purporting to justify assumed trip rate estimates.

**Response #6:**

See Response #5 regarding ITE rates.

It is not feasible to determine trip generation and parking demand estimates for the Retail shops based on the surveys at the existing facility, as it is not possible to differentiate these trips from Hotel guests, restaurant patrons, hotel employees, beach club users, etc.

# Memo

**To:** Public Works, County of Santa Barbara  
**From:** Scott Schell & Glenn Manaois, ATE  
**Date:** December 5, 2024 20060M07  
**Re:** Miramar Beach Resort and Bungalows Affordable Employee Housing, Market Rate Housing and Resort-Visitor Serving Commercial Project Response To Comments

---

ATE prepared a traffic and VMT study for the Miramar Beach Resort and Bungalows Affordable Employee Housing, Market Rate Housing and Resort-Visitor Serving Commercial Project (the "Project"), dated September 9, 2024. The following memo provides additional information regarding the retail trip rates and provides a comparison of the ITE rates used in the study with other ITE retail rates.

## **Retail Trip Generation Rates**

Trip generation estimates were calculated for the Project using data from the Institute of Transportation Engineers (ITE) Trip Generation manual.<sup>1</sup> Like many other jurisdictions across the country, the County uses ITE rates, which are based on empirical data collected at various sites, to estimate trip generation. As noted in the Traffic and VMT Analysis, the ITE Apparel Store (ITE #876) trip rates were used for the traffic assessment in order to provide a more conservative analysis of the traffic generated by the new resort shops. It is noted that the ITE Trip Generation manual does not contain trip rates for land use categories that correspond to the kind and character of guest-serving, ancillary resort shops that would occupy the new retail area. Data from the existing resort shops at The Miramar show that the anticipated trip rates would be approximately 75% less than the ITE trip rates, indicating that the estimated new average daily traffic generated by the resort shops would be approximately 70 trips or 35 round trips. Table 1 presents comparison of the Apparel Store trip rates with the rates for other retail land-uses.

---

<sup>1</sup> Trip Generation, Institute of Transportation Engineers, 11th Edition, 2021.

**Table 1**  
**ITE Trip Generation 11<sup>th</sup> Edition Retail Rates**

Land Use	ITE Code	ADT Rate / KSF	% Difference
Apparel Store	876	66.40	N/A
Strip Retail Plaza (< 40k)	822	54.45	-18%
Shopping Plaza (40-150k) – No Supermarket	821	67.52	+ 2%
Shopping Center (> 150k)	820	37.01	-44%

The data presented in Table 1 show that the Apparel Store ADT rate used for the resort shops is 18% higher than the rate for Strip Retail Plaza and 44% higher than the rate for Shopping Center. The Apparel Store ADT rate is 2% lower than the Shopping Plaza, which would not change the findings of the analysis. The Apparel Store rates used in the traffic study are therefore conservative.

# EXHIBIT 5

# MEMORANDUM

To: Chris Robertson  
Caruso Management Company, Ltd

From: Eric C. Lu, Sarah Manzano, and Luke Pramod  
Ramboll Americas Engineering Solution, Inc.

Subject: **RESPONSE TO COMMENTS ON THE AIR QUALITY AND GREENHOUSE GAS TECHNICAL REPORTS PREPARED FOR THE MIRAMAR LANE PROJECT IN MONTECITO, CALIFORNIA**

Dear Ms. Robertson:

December 5, 2024

Ramboll Americas Engineering Solutions, Inc. (Ramboll) prepared air quality (AQ) and greenhouse gas (GHG) technical reports in support of the Miramar Lane Project in Montecito, California (the "Project"). Ramboll reviewed two Project comment letters submitted by (1) Marc Chytilo on behalf of the Law Office of Marc Chytilo, and (2) Jordan Sisson on behalf of the Law Office of Jordan R. Sisson. Ramboll understands additional comments have been made regarding the Project at the public hearings on the Project. Ramboll provides the following point-by-point responses to the comments made on the AQ and GHG technical reports. As demonstrated below, the comments made do not contain any credible evidence that would change the conclusions that the Project would not result in significant air quality or greenhouse gas impacts.

Ramboll  
5 Park Plaza  
Suite 500  
Irvine, CA 92614  
USA

T +1 949 261 5151  
F +1 949 261 6202

[www.ramboll.com](http://www.ramboll.com)

## Response to Comment – Marc Chytilo on behalf of the Law Office of Marc Chytilo

### **Chytilo Comment #1:**

*CEQA requires that a project be consistent with all state and local land use policies, including the Coastal Act. By seeking to construct the proposed affordable housing units directly next to Highway 101 without performing air quality studies to assess the increased risk of pollution to its future residents, the County will be perpetuating a cycle of environmental justice for low-income communities in violation of the Coastal Act and therefore, in violation of CEQA.*

### **Response to Chytilo Comment #1:**

The Project will not violate any environmental justice policies, which are intended to protect disadvantaged communities with high air pollution burdens. First, Montecito is not a disadvantaged community and is not shown as such in Cal EPA's SB 535 Disadvantaged Communities mapping tool. In addition, Cal EPA's EnviroScreen mapping tool shows that the Project Site has a low air pollution burden.

Furthermore, we understand Caruso has committed to implementing the following design features:

- Locating air intake at the non-roadway facing sides of buildings;
- Utilizing air intake systems equipped with particle filtration at an efficiency equivalent to at least MERV 13; and
- Installing mechanical ventilation systems with fresh air filtration.

These measures will reduce the exposure of future residents in the Project's housing units to toxic air contaminants, including diesel particulate matter, from the 101 Freeway. In addition, the market rate and affordable units will be located within substantially the same distance from the freeway, so there is no unfair treatment of the employees in the affordable units.

**Chytilo Comment #2:**

*We request that the Planning Commission direct the preparation of several additional studies and reports to inform your Commission, the Montecito Planning Commission and the public about Miramar's proposal, and help provide a path for an acceptable project. Since the Project entails a number of potentially significant impacts and areas of neighborhood incompatibility, and some of the submitted studies have substantial flaws and other issues have not been addressed, we request that the Planning Commission direct preparation of the following studies and analysis to inform review of this Project: [...] Air quality hot spots analysis, both interim addressing conditions during Highway 101 construction and operational once the highway is completed and congestion reemerges per the Caltrans project analysis.*

**Response to Chytilo Comment #2:**

Ramboll analyzed the need to evaluate carbon monoxide (CO) hotspots in Section 4.1 of the AQ Technical Report. Santa Barbara County's Environmental Thresholds and Guidelines Manual establishes screening thresholds for project-level CO impacts at 800 peak hour trips.<sup>1</sup> As shown in **Table 6** of the AQ Technical Report, the Project would add approximately 60 peak hour trips to adjacent roadways. The peak hour trip generation from the Project falls well below the Santa Barbara County screening threshold for CO impacts.

Additionally, SBCAPCD notes that CO is an attainment pollutant in the region. SBCAPCD no longer requires CO hotspots analysis anywhere in Santa Barbara County because of low background ambient CO concentrations in Santa Barbara County.<sup>2</sup> Moreover, the formation of CO hotspots has become less common since the inception of CO hotspots analyses due to vehicle catalytic converters.

Therefore, the Project's impacts with respect to CO impacts would be less than significant. The commenter has provided no credible evidence of a potential significant impact or that additional studies are required.

---

<sup>1</sup> Santa Barbara County. 2021. Environmental Thresholds and Guidelines Manual. January. Available at: [https://www.sblafco.org/files/f2915ea5d/Information\\_Item\\_No\\_1\\_\\_\\_Attachment\\_B\\_Environmental\\_Thresholds\\_Amended\\_January\\_2021.pdf](https://www.sblafco.org/files/f2915ea5d/Information_Item_No_1___Attachment_B_Environmental_Thresholds_Amended_January_2021.pdf). Accessed: October 2024.

<sup>2</sup> SBCAPCD. 2022. Scope and Content of Air Quality Sections in Environmental Documents. January. Available at: <https://www.ourair.org/wp-content/uploads/ScopeContentJanuary2022-LimitedUpdates.pdf>. Accessed: October 2024.

Response to Comment – Jordan Sisson on behalf of the Law Office of Jordan R. Sisson

**Sisson Comment #1:**

*The Applicant claims the Project would not have a GHG impact based on the Project meeting an applicable efficiency threshold, which is calculated by the Project's modeled GHG emissions (commonly referred as CalEEMod), divided by the Project's service population (i.e., residents+ full-time employees). (ATT-C, pp. 11-12.) For example, according to its CalEEMod results, the Project is expected to generate only 584 MTCO<sub>2e</sub> per year of GHG emissions, which divided by its purported total service population of 157 (i.e., 96 full-time residents+ 50 full-time shop employees+ 11 full-time cafe employees), result in a 3.7 MTCO<sub>2e</sub>/yr per service population efficiency level, which is below the County's 3.8 MTCO<sub>2e</sub>/yr per service population threshold. (Id.)*

*However, when examining the Project's GHG study dated June 2024 ("GHG Study"), it seems clear that the estimated employees are very possibly inaccurate. CalEEMod is based on a default assumption, which can and should be altered by the user when more accurate project-specific information is supported by substantial evidence. (GHG Study, PDF pp. 5, 20.53) Here, the Applicant estimated that there would be 50 full-time shop employees and 11 full-time cafe employees. (Id., at PDF pp. 20, 22.) Yet, there is no justification for this value or any evidence to support this claim. Additionally, it is facially inconsistent to assume that a cafe purportedly serving primarily hotel guests needs 11 full-time employees when the Project also assumes that only five full-time employees are needed to assess parking impacts. Moreover, common sense suggests that it is unreasonable to assume 61 employees are needed for the incidental cafe/retail uses when it purportedly takes only 50 employees to serve all 154 rooms of the Resort. (Id.) Here, these self-serving assumptions do not seem supported by substantial evidence.*

*Here, it takes only three employees to change the above analysis from no impact (i.e., 584/157 = 3.71) to finding an impact (i.e., 584 / 154 = 3.81). Nor has there been an assessment of the cumulative GHG impacts caused by the entire Resort operation, including a holistic assessment to comprehensively mitigate the Resort's GHG profile (e.g., enhance TDM measures, expanding solar, etc.). This is important because GHG impacts would counter an AB 1804 Exemption (Pub. Res. Code § 21159.25(b)(S)), which would be fixed under the Project Alternative that would maintain residential units onsite (i.e., reduce employee emissions) and avoid the potentially understated emissions (i.e., regional, luxury shoppers driving great distance).*

**Response to Sisson Comment #1:**

Ramboll determined the employee service population in accordance with Santa Barbara County's Environmental Thresholds and Guidelines Manual, which is defined as "the sum of full-time employees of a project".<sup>3</sup> The County's definition of service population refers to Bay Area Air Quality Management District's (BAAQMD) CEQA Air Quality Guidelines dated for 2017.<sup>4</sup>

The full-time employee service population for the Project was determined based on the estimated working hours per day and the number of employees present at the shops or the café. The full-time employees would be more than the employees present at any given time because there will be multiple

<sup>3</sup> Santa Barbara County. 2021. Environmental Thresholds and Guidelines Manual. January. Available at: [https://www.sblafco.org/files/f2915ea5d/Information\\_Item\\_No\\_1\\_\\_Attachment\\_B\\_Environmental\\_Thresholds\\_Amended\\_January\\_2021.pdf](https://www.sblafco.org/files/f2915ea5d/Information_Item_No_1__Attachment_B_Environmental_Thresholds_Amended_January_2021.pdf). Accessed: October 2024.

<sup>4</sup> BAAQMD. 2017. California Environmental Quality Act Air Quality Guidelines. May. Available at: [https://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa\\_guidelines\\_may2017-pdf.pdf?la=en](https://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en). Accessed: October 2024.



shifts of workers. Furthermore, employees are present before and after a retail establishment opens and closes to prepare and clean up. The total hours of work per week were converted to equivalent full-time employee service population using 40 hours per week. The table below shows a summary of the methodology used to obtain the full-time employee service population used for the GHG technical report, which relies upon Project-specific estimates of employee’s time onsite and the number of employees, provided by Caruso based on the employment data from the existing resort shops. As shown in the table below, the use of 50 full time shop employees in the GHG efficiency metric resulted in a conservative estimate of GHG emissions per service population.

<b>Assumption</b>	<b>Twelve (12) Resort Shops</b>	<b>One (1) Café</b>	<b>Unit</b>
Hours Employees Onsite per Day	10	15.5	Hours per day
Employees Present at One time	30	4	Employees
Days per week	7	7	Days per week
Hours per week	2,100	434	Hours per week
<b>Full-Time Equivalent</b>	<b>53</b>	<b>11</b>	<b>Workers</b>

Furthermore, the full-time equivalent employee service population cannot be compared to the number of employees for the shops and café cited in the Shared Parking Analysis. The number of employees used in the calculation of emissions per service population is the total number of full time equivalent employees, as the Project’s GHG emissions are based, in part, on the total amount of employee vehicle miles traveled. In contrast, the Share Parking Analysis assessed the peak parking demand for all the uses onsite at any given time and therefore used only the number of employees onsite at that time and not the total number of employees. As shown above, the numbers of total and peak employees are different there are multiple shifts.

In late August 2024 the County adopted the 2030 Climate Action Plan (CAP) and a resolution approving proposed amendments to Chapter 11, Greenhouse Gas Emissions, of the Environmental Thresholds and Guidelines Manual, to include new non-stationary source greenhouse gas emissions thresholds of significance, and the 2030 Climate Action Plan Consistency Checklist (Consistency Checklist). The 2030 CAP is a qualified greenhouse gas emissions reduction plan, pursuant to CEQA Guidelines Section 15183.5(b). The 2030 CAP includes measures that are applicable to existing developments and municipal government operations, as well as mandatory measures to be applied to future development for public and private projects and plans. These measures are required to be implemented on a project-by-project basis to ensure that the specified emissions targets identified in the 2030 CAP are achieved, and the 2030 CAP Program EIR determined that with implementation of these measures there would not be an impact to GHG emissions.

Under the new GHG threshold, “a project that is consistent with all applicable measures of the 2030 CAP would result in less-than-significant GHG emissions and would not result in a cumulatively considerable

impact related to GHG emissions and climate change,<sup>5</sup> and “no further CEQA review of GHG is required.”<sup>6</sup> Projects can demonstrate consistency with the 2030 CAP by completing the Consistency Checklist.

County Staff determined that because CEQA review of the Project had been completed at the time the new threshold was adopted, the Project was not subject to the new GHG threshold. However, as this new threshold is more protective of the environment and will help the County meet its GHG reduction targets and address climate change, the Applicant has agreed to apply the new threshold and implement all applicable measures in the 2030 CAP. These measures have been incorporated into the Project description. However, not all measures have been incorporated into the emissions calculations in the CEQA assessment, which results in a conservative estimate of emissions. GHG emissions would be lower if all measures the Project has committed to were incorporated. As demonstrated by the attached completed Consistency Checklist, the Project is consistent with the 2030 CAP. Therefore, the Project would result in less-than-significant GHG emissions and would not result in a cumulatively considerable impact related to GHG emissions and climate change.

**Sisson Comment #2:**

*CEQA requires that a project be consistent with all state and local land use policies, including the Coastal Act. By seeking to construct the proposed affordable housing units directly next to Highway 101 without performing air quality studies to assess the increased risk of pollution to its future residents, the County will be perpetuating a cycle of environmental justice for low-income communities in violation of the Coastal Act and therefore, in violation of CEQA.*

**Response to Sisson Comment #2:**

Refer to the “Response to Chytilo Comment #1”.

**Sisson Comment #3:**

*First, as previously discussed, the proposed resort shops may function as a regional-serving, luxury shopping center, which could generate trips more akin to the levels of a retail strip plaza (i.e., ITE Code 822) or shopping plaza (ITE Code 821). In fact, the traffic study cited ITE Code 821 when applying hourly trip rates (ATT-H, PDF p. 36), and the Project’s GHG Study utilized the retail strip plaza rates, which supports the rationale of applying similar trip generation rates from the traffic generation.*

**Response to Sisson Comment #3:**

The GHG Technical Report used a “strip mall” land use in the California Emission Estimator Model (CalEEMod®) as the most accurate representation of the Project among the available retail options in CalEEMod for non-mobile emissions sources, which are energy use, wastewater, solid waste, and area sources like architectural coatings and landscaping equipment. Project-specific trip generation from Associated Transportation Engineers (ATE) was used for mobile emissions. Therefore, there is no inconsistency between the GHG Technical Report and the ATE traffic analysis.

The commenter speculates that the Project’s resort shops may function as regional-serving shopping center, which would align most closely with the “regional shopping center” retail land use category in CalEEMod®. CalEEMod defines a regional shopping center as “an integrated group of commercial establishments that is planned, developed, owned and managed as a unit. A shopping center’s

---

<sup>5</sup> Amendments to the Environmental Thresholds and Guidelines Manual, Chapter 11, adopted August 27, 2024

<sup>6</sup> Board of Supervisors Agenda Letter, August 27, 2024

composition is related to its market area in terms of size, location and type of store”.<sup>7</sup> The composition of the Project’s retail uses aligns most closely with a local-serving shopping center rather than a regional shopping destination, which tend to be much larger in size as they serve a larger market area.<sup>8</sup>

“Regional shopping center” is not an appropriate land use category because the Project is local-serving. ATE’s the traffic analysis shows that 50% of the Resort shop customers will be guests staying at the hotel and on-site residents and 70% of the external trips will be local trips from the City of Montecito. As most of the customers will be local, the shops are not considered a regional destination.

CalEEMod<sup>®</sup> provides a limited selection of retail land uses for a model user to select from, which include non-applicable land uses such as “automobile care center”, “convenience market”, “discount club”, “electronic superstore”, “free-standing discount store”, and “gasoline/service station”.<sup>9</sup> Furthermore, CalEEMod<sup>®</sup> defines “strip mall” as “small strip shopping centers contain a variety of retail shops and specialize in quality apparel, hard goods and services such as real estate offices, dance studios, florists and small restaurants”.<sup>10</sup> This CalEEMod<sup>®</sup> definition most closely aligns with the Project’s retail land uses, thus, the “strip mall” land use category is the most appropriate for the non-mobile emissions.

Revising the GHG Technical Report to use a “regional shopping center” to capture non-mobile source emissions via CalEEMod<sup>®</sup> would not result in higher Project-level GHG emissions. Ramboll determined that CalEEMod<sup>®</sup> will produce identical criteria air pollutant (CAP) and GHG estimates between “regional shopping center” and “strip mall” for non-mobile emissions categories, which are energy use, wastewater, solid waste, and area sources like architectural coatings and landscaping equipment.

As noted above, the mobile source emissions used in CalEEMod<sup>®</sup> are based on trip counts and trip type distributions estimated by ATE. The mobile source emissions were determined irrespective of the land use category selected in CalEEMod<sup>®</sup>

## Response to Comment – Public Hearing Comment

### **Public Hearing Comment #1:**

A commenter questioned if idling emissions from the proposed Project’s valet service were accounted for in the AQ Technical Report (i.e., vehicle idling emissions from the valet).

### **Response to Public Hearing Comment #1:**

CalEEMod<sup>®</sup> inherently accounts for vehicle idling based on the number of trips specified by the model user and region-specific emissions activity from the California Air Resources Board’s EMFAC2021 model.<sup>11</sup> Project-specific trips estimated by ATE were incorporated into the model. Therefore, the mobile emissions presented in the AQ Technical Reports account for vehicle idling during the Project trips. Even if additional emissions were to be conservatively included for idling during the valet operation, those emissions are unlikely to substantially increase the emissions compared to those emissions already included in the Project emissions inventory due to the relatively short duration of time that cars have

<sup>7</sup> CAPCOA. 2022. California Emissions Estimator Model. Version 2022.1. Available at: [https://www.caleemod.com/documents/user-guide/CalEEMod\\_User\\_Guide\\_v2022.1.pdf](https://www.caleemod.com/documents/user-guide/CalEEMod_User_Guide_v2022.1.pdf). Accessed: October 2024.

<sup>8</sup> Regional shopping centers are generally located on sites of 40 to 100 acres and contain 400,000 to 800,000 square feet of floor area and have two or more anchor department stores. ICSC (2017) [https://www.icsc.com/uploads/research/general/US\\_CENTER\\_CLASSIFICATION.pdf](https://www.icsc.com/uploads/research/general/US_CENTER_CLASSIFICATION.pdf). Accessed: October 2024

<sup>9</sup> CAPCOA. 2022. California Emissions Estimator Model. Version 2022.1. Available at: [https://www.caleemod.com/documents/user-guide/CalEEMod\\_User\\_Guide\\_v2022.1.pdf](https://www.caleemod.com/documents/user-guide/CalEEMod_User_Guide_v2022.1.pdf). Accessed: October 2024.

<sup>10</sup> Ibid.

<sup>11</sup> Ibid.

their engines on during the valet operation and the short distances cars travel as part of these operations. Moreover, the Project's emissions are well below the applicable significance thresholds for all pollutants, and thus any increase through this conservative addition is not expected to change the overall conclusions. For example, even if the vehicle emissions from the valet operations are conservatively assumed to double the total Project mobile emissions (e.g., the trip lengths for the valet operations would be equivalent to the trip lengths traveling to and from the Resort), the Project's operational emissions would remain well below the significance thresholds.

**2030 CLIMATE ACTION PLAN  
CONSISTENCY CHECKLIST**

# GENERAL PROJECT INFORMATION

<b>Contact Information:</b> Chris Robertson	
<b>Project or Plan Name:</b> Miramar Beach Resort and Bungalows Affordable Employee Housing, Market Rate Housing and Resort-Visitor Serving Commercial Project	
<b>Address:</b> 1759 South Jameson Lane, Montecito, CA 93108	
<b>Applicant Name and Co.:</b> Miramar Acquisitions Co. LLC	
<b>Contact Phone:</b> 323-900-8198	<b>Contact Email:</b> <a href="mailto:bross@caruso.com">bross@caruso.com</a>
<b>Was a consultant retained to complete this checklist? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></b> If Yes, complete the following:	
Consultant Name: <u>Sarah Manzano</u>	Contact Phone: (415) 426-5011
Company Name: <u>Ramboll Americas Engineering Solutions, Inc.</u>	Contact Email: <a href="mailto:smanzano@ramboll.com">smanzano@ramboll.com</a>
<b>Project Information</b>	
<b>What is the size of the project site or plan area (acres)?</b> <b>Gross:</b> <u>3.077 acres</u> <b>Net:</b> <u>3.04 acres</u>	
<b>Identify all applicable proposed land uses:</b> <input checked="" type="checkbox"/> Residential (indicate # of single-family and multi-family dwelling units): <b><u>34 multifamily units, including 26 affordable units for Resort employees</u></b>  <input checked="" type="checkbox"/> Commercial (indicate total square footage, gross and net): <b><u>17,500 gross sf (16,433 net sf) of commercial, comprising 15,000 gross sf of Resort shops and a 2,500 gross sf cafe</u></b> <input type="checkbox"/> Other (describe):	
<b>Project description. This description should be consistent with the project description that will be used for the CEQA document. The description may be attached to the GHG Checklist if there are space constraints.</b> <u>See Attachment #1</u> _____ _____ _____ _____ _____ _____ _____	

# COMPLIANCE CHECKLIST TABLE

Section 1: COMPREHENSIVE PLAN AND ORDINANCE CONSISTENCY			
Regulation	Requirements	Project/Plan Compliance <sup>2</sup>	Required Explanation <sup>3</sup>
Comprehensive Plan	1a. Does the Project/Plan include a Comprehensive Plan, Zoning Map, or Ordinance Amendment? If “No”, proceed to Section 2 – CAP Strategies Consistency. If “Yes”, proceed to question 1b.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>	<b>As set forth in the Project Description in Attachment #1, the Project will not require a Comprehensive Plan, Zoning Map or Ordinance Amendment.</b> <hr/> <hr/> <hr/>
Comprehensive Plan	1b. Does the Comprehensive Plan, Zoning Map, or Ordinance Amendment result in an equivalent or less GHG-intensive project when compared to the existing designation? Rezones involving increases in density (e.g., residential density) are an increase in GHG intensity. Rezones between non-density based zones (e.g., commercial zones) may be equivalent, but will depend on the proposed development.	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	<hr/> <hr/> <hr/> <hr/> <hr/>

<sup>2</sup> A Project/Plan that answers “No” to any question 1.b through 9 is determined inconsistent with the CAP and must prepare a Project/Plan-specific analysis of GHG emissions compared to the GHG emissions thresholds.

<sup>3</sup> Every question included in this checklist is required to be answered with explanation of either: 1) how it will be achieved, 2) why it will not be achieved, or 3) why it is not applicable.

## Section 2: 2030 CLIMATE ACTION PLAN MEASURES CONSISTENCY

Regulation	Requirements	Project/Plan Compliance <sup>2</sup>	Required Explanation <sup>3</sup>
<b>Clean Energy</b>			
County 2030 Climate Action Plan (Measure CE-1)	<p><b>2. All Project Types - Building Electrification.</b> Will the Project/Plan (whether all new construction, remodel, or combination thereof) comply with 2030 Climate Action Plan Action CE-1.1 and be all-electric with no natural gas hookup?</p>	<p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p>	<p><u>The Project will be all-electric</u></p> <p><u>and will not have any natural gas</u></p> <p><u>hookups.</u></p> <hr/> <hr/> <hr/> <hr/>
County 2030 Climate Action Plan (Measure CE-1)	<p><b>3. All Project Types - Carbon Free Electricity.</b> Will the Project/Plan (whether all new construction, remodel, or combination thereof) retain Central Coast Community Energy as the energy provider or otherwise utilize 100% carbon free electricity? Southern California Edison (SCE) and Pacific Gas and Electric (PG&amp;E) both distribute power from Central Coast Community Energy.</p>	<p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p>	<p><u>The Project will retain Central</u></p> <p><u>Coast Community Energy as the</u></p> <p><u>energy provider and will utilize</u></p> <p><u>100% carbon free electricity.</u></p> <hr/> <hr/> <hr/>



## Section 2: 2030 CLIMATE ACTION PLAN MEASURES CONSISTENCY

Regulation	Requirements	Project/Plan Compliance <sup>2</sup>	Required Explanation <sup>3</sup>
<p>County 2030 Climate Action Plan (Measure TR-1) &amp; County Municipal Code (Article XVII. - Expedited Permitting Procedures for Electric Vehicle Charging Station Review)</p>	<p><b>4. All Project Types - EV Charging Infrastructure.</b> Will the Project/Plan (whether all new construction, remodel, or combination thereof) meet or exceed the requirements of the California Green Building Standards Code, Title 24, Part 11, (CALGreen) Tier II for EV charging infrastructure? New single-family or two-family dwellings are not required to include EV charging infrastructure. Multi-family dwellings (more than three dwellings) and non-residential project must include EV charging infrastructure based on the project size.</p>	<p>Yes <input checked="" type="checkbox"/> X                      No <input type="checkbox"/>                      N/A <input type="checkbox"/></p>	<p><u>The Project will meet the requirements of CALGREEN Tier II for EV charging infrastructure, including the requirements for multifamily dwellings.</u></p> <hr/> <hr/>
<p>County 2030 Climate Action Plan (Measure TR-3)</p>	<p><b>5. All Project Types - Off-Road Equipment Electrification.</b> Will the Project/Plan (whether all new construction, remodel, or combination thereof) commit to the use of electrified off-road landscaping equipment (e.g., mowers, chippers, tractors) for ongoing operations and maintenance?</p>	<p>Yes <input checked="" type="checkbox"/> X                      No <input type="checkbox"/>                      N/A <input type="checkbox"/></p>	<p><u>The Project will commit to the use of electrified off-road landscaping equipment for ongoing Project operations and maintenance.</u></p> <hr/> <hr/>

## Section 2: 2030 CLIMATE ACTION PLAN MEASURES CONSISTENCY

Regulation	Requirements	Project/Plan Compliance <sup>2</sup>	Required Explanation <sup>3</sup>
<b>Housing &amp; Transportation</b>			
<p>County 2030 Climate Action Plan (Measure TR-2) &amp; County Environmental Thresholds and Guidelines Manual</p>	<p><b>6. All Project Types- Reduce VMT.</b> Will the Project/Plan demonstrate consistency with the County's Thresholds of Significance for Transportation Impacts in the County Environmental Thresholds and Guidelines Manual by either:</p> <p>a. meeting the screening criteria for Vehicle Miles Traveled (VMT) to not require further analysis; or</p> <p>b. resulting in a reduction in VMT?</p>	<p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p>	<p><u>As set forth in the Traffic and VMT Analysis dated June 25, 2024 by ATE, the Project's commercial component meets the VMT screening criteria as it comprises less than 50,000 sf of local-serving retail, and the residential VMT is 11.1 per resident, which is below the County's 14.8 VMT per resident threshold.</u></p>

<p>County 2030 Climate Action Plan (Measure TR-2)</p>	<p><b>7. Large Employers - Transportation Demand Management (TDM).</b> If the Project/Plan will have 50 or more employees, will the Project/Plan (whether all new construction, remodel, or combination thereof) provide a commuter benefit program for employees with measures (such as subsidies for employees that bike, walk, or carpool, telework policy, and/or provide free transit passes for all employees) and achieve a 50-80% telework participation rate by eligible employees able to work remotely consistent with Connected 2050 RTP/SCS?</p>	<p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p>	<p><u>The Project will provide a commuter benefit program for</u></p> <p><u>Project employees with measures and achieve a 50-80%</u></p> <p><u>telework participation rate for</u></p> <p><u>eligible employees to work</u></p> <p><u>remotely to the extent the</u></p> <p><u>nature of their jobs permits this.</u></p>
---	---	---	---

**Section 2: 2030 CLIMATE ACTION PLAN MEASURES CONSISTENCY**

Regulation	Requirements	Project/Plan Compliance <sup>2</sup>	Required Explanation <sup>3</sup>
------------	--------------	--------------------------------------	-----------------------------------

**Waste, Water, and Wastewater**

<p>County 2030 Climate Action Plan (Measure W-1 and W-2)</p>	<p><b>8. All Project Types - Residential &amp; Commercial Landfill Diversion Rate Goal.</b> Will the Project/Plan (whether all new construction, remodel, or combination thereof) meet current legislation and 2030 Climate Action Plan goals to properly sort and collect recyclables and organic waste, as applicable, to reduce communitywide landfilled organics 80% by 2030 and 100% by 2045 by providing dedicated space for organic waste and/or recycling receptacles? To find out your specific requirements based on project type and geographic area, please visit <a href="https://lessismore.org/organics/">https://lessismore.org/organics/</a>.</p>	<p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p>	<p><u>The Project will comply with all</u></p> <p><u>applicable requirements to</u></p> <p><u>properly sort and collect</u></p> <p><u>recyclables and organic waste</u></p> <p><u>and will provide dedicated space</u></p> <p><u>for organic waste and/or</u></p> <p><u>recycling receptacles.</u></p>
--	--	---	--

<p>County 2030 Climate Action Plan (Measure W-2)</p>	<p><b>9. All Project Types - Residential &amp; Commercial Organics Recycling Requirement.</b> Will the Project/Plan (whether all new construction, remodel, or combination thereof) meet SB 1383 legislation requirements by posting education signage, as applicable, and sorting and collecting organic waste, as applicable, to achieve 0.08 tons per capita compost procurement requirements for the unincorporated County? To find out your specific requirements based on project type and geographic area, please visit <a href="https://lessismore.org/organics/">https://lessismore.org/organics/</a>.</p>	<p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p>	<p><u>The project will comply with SB 1383 by posting education signage, as applicable, and sorting and collecting organic waste, as applicable.</u></p> <hr/> <hr/>
--	---	---	--



## **Attachment #1 to Consistency Checklist**

### **A. Project Site and Surrounding Uses**

Miramar Beach Resort and Bungalows Affordable Employee Housing, Market Rate Housing and Resort-Visitor Serving Commercial Project (Project) will be developed on two existing surface parking areas (Project Site) located in the northwest (Northwest Lot) and northeast (Northeast Lot) portions of the Resort and comprising approximately 3.077 acres. The Project Site is located within the Resort (Resort Site), but only 3.077 acres of the Resort Site are part of the proposed Project, and the Project will be adjacent to the existing Resort development. The Project Site includes a portion of the public right-of-way along Jameson Lane adjacent to the northwest portion where minor improvements are proposed to be made.

The Resort is situated just south of U.S. Route 101 and north of Miramar Beach and the Pacific Ocean. It is primarily surrounded by single-family residential properties. The All Saints-by-the-Sea Episcopal Church and Parish School (Church) is located directly south and adjacent to the Project Site, along Eucalyptus Lane. A parcel owned by Union Pacific Railroad, which includes train tracks, is located south of the Project Site. An offsite environmentally sensitive habitat (ESH) area around Oak Creek is located near the eastern boundary of the Project Site.

### **B. Existing Zoning and Land Use Designation**

The County's General Plan designates the portions of the Project Site owned by the Applicant as Resort/Visitor Serving Commercial with a corresponding zone of C-V. The C-V zone is intended to provide for tourist recreational development in areas of unique scenic and recreational value and permits resort and hotel uses and light commercial uses. Residential uses are permitted with approval of a Minor Conditional Use Permit, provided the residential use is secondary to the primary commercial use (i.e., Resort use).

The Union Pacific Railroad parcel, which includes certain Resort improvements as permitted by the 2015 approvals granted by the County, is zoned TC (Transportation Corridor). The Project Site is located within the California Coastal Zone and is subject to compliance with the County's certified Local Coastal Program (LCP), which consists of the Coastal Land Use Plan (LUP) and Coastal Zoning Ordinance (CZO), codified in Article II of the County's Code. The Project Site is within the Montecito Community Plan Overlay District of the CZO and is also subject to additional development standards in Division 16.

### **C. Proposed Project**

#### ***Northwest Lot***

The Northwest Lot would be developed with two new buildings (Building A and Building B). Building A is a two-story, mixed-use building with a maximum height of 33 feet, 5 inches, measured from existing grade. Building A would include 16,597 square feet, consisting of 8,024 square feet of Resort-visitor commercial uses on the ground floor (including a 2,500 square-foot

café located on the ground floor) and four market rate apartment units comprising 8,573 square feet on the second floor.

Building B is a two-story mixed-use building located across from proposed Building A with a maximum height of 30 feet, 2 inches measured from existing grade. The second floor of proposed Building B would be set back at least 80.5 feet from the western property line. Building B would include 19,069 square feet, consisting of 9,476 square feet of Resort-visitor commercial uses on the ground floor and four market rate apartment units comprising 9,593 square feet on the second floor.

There will be up to a total of 12 Resort shops that will be resort/visitor-serving light commercial uses similar in nature to the existing Resort shops on site, such as resort-oriented clothing shops, jewelry stores, and wellness/beauty shops.

Approximately 79 parking spaces would be provided within one level of subterranean parking located under Buildings A and B. Pedestrian pathways flanked by landscaping are provided at the front and rear of each building and between the buildings. In addition, the Project would add new trees and landscaping along the street facing facades and along the south side of Building B to soften the appearance and provide visual screening to the Church buildings.

### ***Northeast Lot***

The Northeast Lot would be developed with a single building (Building C), a three-story building with a maximum height of 40 feet, 9 inches, measured from existing grade, which includes 26 affordable apartments for Resort employees located within the northern portion of the northeast parking area. Building C contains 19,102 square feet of residential uses. The height of Building C is less than the maximum height of the Manor House at 44.5 feet, which is the closest Resort building to the west.

To the south of Building C, the Applicant proposes a re-configured parking area with 351 surface parking spaces, comprising 113 striped surface spaces, 60 valet spaces, 126 car stacker spaces (63 stackers) at grade, and a small, elevated parking deck with 42 striped spaces and 10 valet spaces.

### ***Parking***

In 2015, the County granted a modification for the Resort to the required number of parking spaces to be provided (614 required and 435 provided) based on the “Shared Parking Analysis” prepared by Associated Transportation Engineers (ATE), dated July 31, 2014, which concluded that the maximum peak demand of the Resort was 430 spaces. Parking for the Resort is primarily provided by valet services that occur at the valet stand located along the motor court fronting the Manor House. In addition to the 435 spaces provided onsite for the Resort, there are 87 public parking stalls located partially on the Resort site along South Jameson Lane, Eucalyptus Lane, and Miramar Avenue.

ATE prepared an updated “Shared Parking Analysis” for the Project which concludes that the peak parking demand for the existing Resort uses and the Project is 462 spaces. Following completion of the Project, the Resort and Project Site would include 480 spaces, which would result in a surplus of 18 parking spaces even at times of peak demand. In addition, as required by the 2015 approvals, 87 public parking spaces will continue to be provided.

### ***Design***

The Project has been designed to be compatible and complement the existing Resort “Cottage Type” architecture and includes architectural details and materials that match the existing Resort architecture including slate roof tiling, painted wood shutters, wood door and window accents, wood balcony railings, painted columns, copper gutters and downspouts, varying colored brick, limestone, painted columns, fabric awnings, metal lattices, and metal railings. The Project would incorporate new landscaping and trees along the street edges of South Jameson Drive and Eucalyptus Drive that will enhance the neighborhood. The Project has been designed to be entirely inward facing to protect and preserve the character of the community to the west and south.

### ***Project Design Features***

The Project Description includes implementation of all the best management practices and Project design features referenced in the technical reports and below, including, but not limited to, the 2030 Climate Action Plan (CAP) measures set forth in the 2030 CAP Consistency Checklist. In addition, hotel staff or security will monitor the parking along Jameson and Eucalyptus on an hourly basis (from 8 a.m. - 5 p.m.) to ensure that Resort employees are not parking in the public parking spaces. A daily log will be maintained to document the monitoring that has occurred and made available to the County P&D staff as part of the annual reporting requirements.

### ***D. Entitlement Requests***

The Applicant is requesting the following discretionary approvals from the County for the Project:

1. Pursuant to CZO Section 35-169, a Coastal Development Permit to permit construction of three new buildings for Resort Apartments, Affordable Housing for Resort Employees, Resort-visitor commercial uses, and ancillary site work, walls, grading, landscape, hardscape, and lighting on property zoned C-V and TC.
2. Pursuant to CZO Section 35-172, a Major Conditional Use Permit for Resort parking improvements and associated lighting in the Transportation Corridor Zone District (within the Union Pacific railroad right-of-way) on property zoned TC.



3. Pursuant to CZO Section 35-172, a Minor Conditional Use Permit to permit residential as a secondary use on property zoned C-V.
4. Pursuant to CZO Section 35-174, an Amendment to the existing Development Plan on property located in the C-V and TC zones.
5. Pursuant to CZO Section 35-174.8, in conjunction with the Development Plan request, a modification to continue to permit the number of parking spaces required for the Project pursuant to a shared parking demand analysis, to continue to permit tandem and compact parking, to permit alternative stall size for valet spaces, and to permit a reduce drive aisle width within the proposed northeast parking area.
6. Pursuant to CZO Section 35-144.C, State Density Bonus Waiver of Development Standards to permit:
  - a. A FAR increase of 0.29 for the Resort site in lieu of the 0.25 FAR otherwise permitted in the C-V zone per CZO Section 35-203.
  - b. To permit three-stories and 40 feet, 9 inches of height for Building C in lieu of two-stories and 38 feet otherwise required per CZO Section 35-81.9 (Height of Buildings and Structures).
  - c. To permit a 27.74 percent of the lot area for common open space for the Resort site in lieu of 40 percent otherwise required per CZO Section 35-81.11.
  - d. To permit a reduced front yard setback along the South Jameson Lane frontage of 49 feet for Building A, 47 feet, 9 inches for Building C, and 37 feet, 9 inches to the entry gate/columns in lieu of 50 feet from the centerline of South Jameson Lane otherwise required per CZO Section 35-81.8.1; to permit a reduced front yard setback of 41 feet, 10 inches for Buildings A and B in lieu of 50 feet from the centerline of Eucalyptus Lane otherwise required per CZO Section 35-81.8.1; to permit a variable width side yard setback of 1 foot, 3 inches to 22 feet, 6 inches for Building B in lieu of 50 feet adjacent to a residential zoned lot otherwise required per CZO Section 35-81.8.3; to permit a reduced side yard of 12 feet (along easterly yard in Northeast Lot) to permit parking (defined as a Structure) and associated improvements in lieu of 50 feet adjacent to a residential zoned lot otherwise required per CZO Section 35-81.8.3; and to permit a reduced rear yard setback of 0 feet to permit parking and associated improvements in the Northeast Lot in lieu of 20 feet otherwise required per CZO Section 35-81.8.3.

# EXHIBIT 6



SENT VIA EMAIL

November 19, 2024

Ms. Willow Brown, Planner  
**County of Santa Barbara**  
Planning & Development Department  
123 Anapamu Street  
Santa Barbara, CA 93101

**RE: Analysis of Potential View Impacts Related to the Miramar Resort Residential Use Project**

Dear Ms. Brown :

**EcoTierra Consulting, Inc.** ("EcoTierra") was retained by Miramar Acquisition Co, LLC to provide environmental consulting services for the proposed Miramar Resort Residential Project ("Project") located at 1759 South Jameson Lane ("Project Site") within the Montecito area of Santa Barbara County ("County"). Our scope of services involved preparing an analysis of the potential effects on public views that could result from new construction associated with the Project. Our findings are presented in this letter report.

**Project Description**

The Project involves improvement of portions of the Miramar Resort with Resort apartments (Market Rate), affordable apartments for Resort employees, and additional Resort visitor-serving shops and a small cafe. The proposed development would take place within two existing surface parking areas located in the northwest and northeast portions of the Resort comprising approximately 134,034 square feet (3.077 acres) of the overall Resort site. Overall, the Project proposes 56,485 square feet of new gross floor area (47,539 square feet of net floor area) and 45 additional parking spaces.

In the Project Site's northwest parking area, the Applicant proposes construction of two new mixed-use buildings (referred to as Buildings A and B) that contain a total of 37,383 gross square feet of floor area (31,724 net square feet) with a total of eight (8) Resort apartments (Market Rate) comprised of one (1) one-bedroom unit, four (4) two-bedroom units, and three (3) three-bedroom units and approximately 17,500 gross square feet (16,433 net square feet) of Resort-visitor serving commercial uses.

In the Project Site's eastern parking area, the Applicant proposes construction of a new residential building (referred to as Building C) that contains approximately 19,102 gross square feet (15,815 net square feet) with 26 affordable apartments (76% of total new units) for Resort employees comprising seventeen (17) studios, three (3) one-bedroom units, and six (6) two-bedroom units. To the south of Building C, the Project proposes a reconfigured parking area with 350 spaces in a combination of surface parking spaces, vehicular lifts, and a partially elevated parking deck.

Building A is proposed to be a two-story, mixed-use building with a maximum height of 33 feet, 5 inches measured from existing grade. Building B is proposed to be a two-story mixed-use building located across from proposed Building A with a maximum height of 30 feet, 2 inches measured from existing grade. The second floor of proposed Building B would be set back at least 40 feet from the western façade of Building B.

Building C is proposed to be a three-story building with a maximum height of 40 feet, 9 inches measured from existing grade. To the south of Building C, a re-configured parking area with 350 surface parking spaces comprising 113 striped surface spaces, 60 valet spaces, 126 car stacker spaces (63 stackers) at grade, and a small, elevated parking deck with 42 striped spaces and 10 valet spaces is proposed.

### **Project Analysis**

The analysis described in the remainder of this report addresses two aspects of the potential view impacts of the Project: (1) whether potential impacts of the Project related to views would disqualify the Project from the CEQA Exemption set forth in California Public Resources Code (PRC) section 21159.25; and (2) whether the Project would result in significant view obstruction impacts based on policies in the Montecito Community Plan and the County's Local Coastal Program.

#### ***Exemption from CEQA Per PRC section 21159.25***

##### **Exemption Conditions**

PRC Section 21159.25 provides a statutory CEQA exemption (Exemption) for Multifamily or Mixed Use Projects that meet conditions related to: consistency with the applicable general plan designation and all applicable general plan policies, applicable zoning designation and regulations; density of the residential portion of the project; multifamily housing development containing six or more units; occurs within an unincorporated area of a county; project site of no more than five acres surrounded by urban uses with no value as habitat for endangered, rare, or threatened species; would not result in any significant effects relating to transportation, noise, air quality, greenhouse gas emissions, or water quality and can be adequately served by all required utilities and public services; and located within an urbanized area as defined by the U.S. Census Bureau.

The Project's consistency with these conditions is documented elsewhere in the record.

##### **Exemption Exceptions**

Projects that exhibit exceptions to the Exemption under PRC 21159.25 are not qualified for the Exemption. These include Projects where: the cumulative impact of successive projects is significant; there is a reasonable possibility that the project will have a significant effect on the environment due to unusual circumstances; the project is located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code; and the project may cause a substantial adverse change in the significance of a historical resource.

The Project does not exhibit any of these exceptions, as documented elsewhere in the record.

An additional exception is provided that states the following:

- The project may result in damage to scenic resources, including, but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway.

As set forth in the County's Comprehensive Plan Open Space Element and Environmental Thresholds and Guidelines Manual<sup>1</sup>, views of the mountains to the north and the ocean to the south comprise the views of scenic resources that are available in the Project vicinity. There are no designated state scenic highways in the vicinity of the Project. The segment of US-101 that is located to the north of the Project Site has been designated as eligible for listing as a state scenic highway, but has not been officially designated.

Nevertheless, if a Project were to result in an adverse impact to scenic resources, the exception listed above would preclude that Project's eligibility to qualify for the CEQA Exemption provided in PRC Section 21159.25. In this case, as set forth in the analysis below, the Project would not create a significant impact with respect to any of the listed resources – trees, historic buildings, rock outcroppings – nor would it affect the mountains or ocean. Therefore, the Project would not meet this exception to the Exemption.

***Potential Impacts of the Project Related to Views***

Even though the Project has been determined to be exempt from CEQA because it is consistent with the qualifying conditions and does not demonstrate any of the exceptions for exemption under PRC 21159.25, the following analysis of potential impacts of the Project with respect to view impacts is being provided for informational purposes.

CEQA Guidelines Appendix G, Section I. Aesthetics provides that a Project would have a significant impact if it would:

- a) Have a substantial adverse effect on a scenic vista?
- b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

The County's Environmental Thresholds and Guidelines Manual provides sets additional criteria and guidance for determining potential view impacts:

“The classification of a project's aesthetic impacts as beneficial or adverse, and insignificant or significant, is clearly subject to some personal and cultural interpretation. However, there are guidelines and policies which can be used to direct and standardize the assessment of visual impacts. Thus, this discussion does not constitute a formal significance threshold, but instead it directs the evaluator to the questions which predict the adversity of impacts to visual resources.

The potential impact of the project on visual resources located onsite and on views in the project vicinity which may be partially or fully obstructed by the project must be determined. To some extent, the former step is more important in rural settings, and the latter in urban areas. Determining compliance with local and state policies regarding visual resources is also an important part of visual impact assessment.

Significant visual resources as noted in the Comprehensive Plan Open Space Element which have aesthetic value include:

---

<sup>1</sup> County of Santa Barbara, Planning and Development, ***Environmental Thresholds and Guidelines Manual***, January, 2021

- Scenic highway corridors
- Views of coastal bluffs, streams, lakes, estuaries, rivers, water sheds, mountains, and cultural resource sites
- Scenic areas.

All views addressed in these guidelines are public views, not private views. (page 184).

Affirmative answers to the following questions indicate potentially significant impacts to visual resources. (page 184-185)

- 1a. Does the project site have significant visual resources by virtue of surface waters, vegetation, elevation, slope, or other natural or man-made features which are publicly visible?
- 1b. If so, does the proposed project have the potential to degrade or significantly interfere with the public's enjoyment of the site's existing visual resources?
- 2a. Does the project have the potential to impact visual resources of the Coastal Zone or other visually important area (i.e., mountainous area, public park, urban fringe, or scenic travel corridor)?
- 2b. If so, does the project have the potential to conflict with the policies set forth in the Coastal Land Use Plan, the Comprehensive Plan or any applicable community plan to protect the identified views?
3. Does the project have the potential to create a significantly adverse aesthetic impact through obstruction of public views, incompatibility with surrounding uses, structures, or intensity of development, removal of significant amounts of vegetation, loss of important open space, substantial alteration of natural character, lack of adequate landscaping, or extensive grading visible from public areas?"

CEQA Guidelines, Appendix G, Section 1.b does not apply to the Project because the Project Site does not contain any scenic resources.

County's Environmental Thresholds and Guidelines Manual question 1a does not apply to the Project because the Project Site does not contain any scenic resources. County's Environmental Thresholds and Guidelines Manual question 1b does not apply to the Project because the Project would not directly impact any visual resources located in the Coastal Zone or other visually important areas. Project consistency with the Coastal Land Use Plan, Comprehensive Plan and applicable community plans is addressed elsewhere in the record.

Therefore, of the listed criteria, the following would be relevant to potential view impacts that could be associated with the Project:

CEQA Guidelines Appendix G, Section I. Would the project:

- a) Have a substantial adverse effect on a scenic vista?

County of Santa Barbara, Environmental Thresholds and Guidelines Manual:

3. Does the project have the potential to create a significantly adverse aesthetic impact through *obstruction of public views*, incompatibility with surrounding uses, structures, or intensity of development, removal of significant amounts of vegetation, loss of important open space, substantial alteration of natural character, lack of adequate landscaping, or extensive grading visible from public areas?

These criteria relate to potential view obstruction that could result from the Project, while the other criteria relate to potential impacts to scenic resources. As discussed above under ***Exemption from CEQA Per PRC section 21159.25***, the Project would not have any effects on scenic resources located in the vicinity of the Project.

The following analysis addresses views of scenic resources through the Project Site (i.e, mountains and ocean) that are presently available from public rights-of-way and could potentially be impacted by the Project. The analysis addresses views from pertinent public view locations on the periphery of the Project Site.

**Views through the Project Site from the South**

Views of the Project Site from Miramar Road are largely blocked by existing block walls, vegetation and buildings. Figure 1 (Views from South of the Project Site), View 1, looks toward the location of proposed Building C and the parking improvements located in the northeastern development site from the eastern end of Miramar Avenue. As shown, views toward the northeast parking lot are already blocked by existing development, and there are no scenic views from this location. There are limited views of the mountain ridge from the eastern end of Miramar Avenue looking north (Figure 1, View 2). These views would not be affected by Project development since the development would be located outside this view corridor. Thus, the Project would not create an adverse effect related to public views of the mountains from Miramar Avenue.

**Views through the Project Site from the North**

Views from South Jameson Lane through the northeast parking lot do not include any ocean views (see Figure 2, Views Across Northeast Development Site). Views through the Project Site to the ocean are already blocked by existing buildings and vegetation. Proposed development of Building C and the parking improvements would not block any additional views of scenic resources. Thus, the Project would not result in significant adverse effects related to public views of the ocean from this location.

Views from South Jameson Lane through the northwest parking lot do not include any ocean views (see Figure 3, Views Across Northwest Development Site). Views through the Project Site to the ocean are already blocked by existing development and vegetation. Thus, the proposed development of Buildings A and B would also not block any additional views of scenic resources. Thus, the Project would not result in significant adverse effects related to public views of the ocean from this location.

Views from North Jameson Lane across the freeway through the Project Site do not include any views of the ocean (see Figure 4, View from North Jameson Lane) as views through the Project Site to the ocean are already blocked by existing buildings.

Views toward the ocean at the intersection of South Jameson Lane and Eucalyptus Lane are also blocked by existing development and vegetation (see Figure 5, Visual Simulation of Northwest Development, Top

Image). As shown in the Visual Simulation (see Figure 5, Bottom Image), although proposed Building A would be visible from this vantage point, the development does not block views of the ocean as views through the Project Site to the ocean are already blocked by existing development and landscaping.

Additional views taken from Highway 101 towards the northeast parking lot are shown in Figure 6 (Visual Simulation of Northeast Development). However, as shown in this simulation, proposed development would not obstruct ocean views which are presently blocked by existing development and landscaping. Thus, the Project would not result in significant adverse effects related public views of the ocean would occur from this location.

### **Views from Eucalyptus Lane**

Eucalyptus Lane provides a clear north-south public view corridor of the mountains directly to the north and the ocean directly to the south (see Figure 7, Eucalyptus Lane View Corridors, Views 1 and 2). These views are framed by existing development and landscaping on both sides of the roadway. Proposed project development would not affect these views as it does not extend into the roadway and thus would have no potential to obstruct northward views to the mountains. The Visual Simulation in Figure 8, Visual Simulation Looking North on Eucalyptus Lane, shows a prospective view from Eucalyptus Lane looking slightly northeast over the existing All Saints by the Sea Church and proposed Building B. As shown in Figure 8, in order to maintain the view corridor from Eucalyptus Lane to the mountains, the second floor of proposed Building B would be set back from the western property line at least 80.5 feet, which would represent a 40-foot step-back from the ground floor of Building B's western façade. Figure 8 shows that, with the construction of proposed Building B, the public view of the mountains would remain. Accordingly, proposed development would not obstruct mountain views, and no significant adverse effects related to public views of the mountains would occur from this location.

As the viewer moves northward on Eucalyptus Lane, views of the mountains become more expansive (see Figure 9, Views from Eucalyptus Lane at Friendship Center, Views 1, 2 and 3). Figure 9 reflects available views of the mountains from the roadway adjacent to the Friendship Center. Proposed development of Buildings A and B could partially obstruct mountain views to the east and northeast (Figure 9, View 3) from this location. However, obstruction of these views would only affect a small portion of the available field of view, and expansive public views of the mountains (i.e., Views 1 and 2) would continue to be available from this location. As such, no significant adverse effects related to public views of the mountains would occur from this location.

From the northernmost locations on Eucalyptus Avenue, near its intersection with South Jameson Lane/US 101 southbound off-ramp, expansive views of the mountains continue to be available, primarily to the north and northeast (see Figure 10, Views from Eucalyptus Lane Just South of South Jameson Lane, Views 1 and 2). A limited view corridor to the mountains is available to the east (see Figure 10, View 3). Proposed development of Buildings A and B could partially obstruct the views of the mountains to the east from this location. However, only affect a portion of the available field of view would be affected, and expansive public views of the mountains would continue to be available. As such, no significant adverse effects related to public views of the mountains would occur from this location.



Ms. Willow Brown, Planner  
**County of Santa Barbara**  
November 6, 2024  
Page 7

We appreciate the opportunity to provide this information for your consideration. I can be reached at [craig@ecotierraconsulting.com](mailto:craig@ecotierraconsulting.com) if there are any questions.

Sincerely,

**EcoTierra Consulting, Inc.**

A handwritten signature in black ink that reads "Craig Fajnor". The signature is written in a cursive, flowing style.

Craig Fajnor  
Principal

Attachments

Figures  
Professional Resume of Craig Fajnor

# FIGURES



**View 1:** Looking east from east end of Miramar Avenue.



**View 2:** Looking north-northeast from east end of Miramar Avenue.



- MIRAMAR BEACH RESORT AND BUNGALOWS PROPERTY
- PROJECT DEVELOPMENT SITES

PHOTO LOCATION MAP

Source: Google Earth, October, 2024 (base map); EcoTierra Consulting, October, 2024 (photos).

**Figure 1**  
Views From South of Project Site  
Views 1 and 2



**View 1:** Looking southwest from S. Jameson Lane and Project Driveway.



**View 2:** Looking south from S. Jameson Lane and Project Driveway.



**View 3:** Looking southeast from S. Jameson Lane and Project Driveway.



MIRAMAR BEACH RESORT AND BUNGALOWS PROPERTY  
 PROJECT DEVELOPMENT SITES

PHOTO LOCATION MAP

Source: Google Earth, October, 2024 (base map); EcoTierra Consulting, October, 2024 (photos).



**View 1:** Looking southwest from S. Jameson Lane and Project Driveway.



**View 2:** Looking south from S. Jameson Lane and Project Driveway.



 MIRAMAR BEACH RESORT AND BUNGALOWS PROPERTY

 PROJECT DEVELOPMENT SITES

PHOTO LOCATION MAP

Source: Google Earth, October, 2024 (base map); EcoTierra Consulting, October, 2024 (photos).

**Figure 3**  
Views Across Northwest Development Site  
Views 1 and 2



**View 1:** Looking south from N. Jameson Lane across US-101.



- MIRAMAR BEACH RESORT AND BUNGALOWS PROPERTY
- PROJECT DEVELOPMENT SITES

PHOTO LOCATION MAP

Source: Google Earth, October, 2024 (base map); EcoTierra Consulting, October, 2024 (photos).



Source: Elkus | Manfredi Architects, June 2024.

Figure 5  
Visual Simulation of Northwest Development



Source: Elkus | Manfredi Architects, June 2024.

Figure 6  
Visual Simulation of Eastern Development





**View 1:** Looking north from Eucalyptus Lane to mountains.



**View 2:** Looking south from Eucalyptus Lane to ocean.



 MIRAMAR BEACH RESORT AND BUNGALOWS PROPERTY

 PROJECT DEVELOPMENT SITES

PHOTO LOCATION MAP

Source: Google Earth, October, 2024 (base map); EcoTierra Consulting, October, 2024 (photos).



Source: Elkus | Manfredi Architects, 2024.

Figure 8  
Visual Simulation Looking North on Eucalyptus Lane



**View 1:** Looking northwest from Eucalyptus Lane at Friendship Center parking lot.



**View 2:** Looking north-northeast from Eucalyptus Lane at Friendship Center parking



**View 3:** Looking northeast from Eucalyptus Lane at Friendship Center parking lot.



- MIRAMAR BEACH RESORT AND BUNGALOWS PROPERTY
- PROJECT DEVELOPMENT SITES

PHOTO LOCATION MAP

Source: Google Earth, October, 2024 (base map); EcoTierra Consulting, October, 2024 (photos).



**View 1:** Looking north from south of the intersection of Eucalyptus Lane and S. Jameson Lane/US-101 off-ramp.



**View 2:** Looking north-northeast from south of the intersection of Eucalyptus Lane and S. Jameson Lane/US-101 off-ramp



**View 3:** Looking northeast from south of the intersection of Eucalyptus Lane and S. Jameson Lane/US-101 off-ramp.



MIRAMAR BEACH RESORT AND BUNGALOWS PROPERTY

PROJECT DEVELOPMENT SITES

PHOTO LOCATION MAP

Source: Google Earth, October, 2024 (base map); EcoTierra Consulting, October, 2024 (photos).

**Figure 10**  
Views from Eucalyptus Lane just South of S. Jameson Lane  
Views 1, 2, and 3

RESUME



## INTRODUCTION

**EcoTierra Consulting, Inc.** is an environmental consulting firm that assists public and private entities with implementation of the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). These two laws require public agencies to consider the potential environmental consequences of agency decisions by following processes and procedures set forth in state and federal law and regulation. These laws apply to agency-sponsored projects and to private development projects.

## **CRAIG FAJNOR / PRINCIPAL**

### ***Experience Summary***

Mr. Craig Fajnor, Co-Founder and Principal of **EcoTierra Consulting, Inc.**, has 40 years of experience in environmental planning and project management. Mr. Fajnor has served in a senior management position at various consulting firms for over 18 years and operated an independent consulting practice for more than 13 years. Mr. Fajnor specializes in urban projects and has managed large and complex projects in Los Angeles and throughout the Southern California region, including EIRs for the Staples Center and Hollywood and Highland projects, and an EIR/EIS for the Los Angeles Air Force Base. Mr. Fajnor brings extensive hands-on experience in all forms of environmental documentation which may be needed to meet the requirements of the California Environmental Quality Act and the National Environmental Policy Act.

### ***Education Background and Professional Affiliations***

- M.A. in Planning – University of Virginia
- B.A. in Political Science – Duke University
- American Planning Association (APA)
- Former editor of The Dispatch, newsletter of the Los Angeles Section of APA

### ***Project Experience***

#### *EIRs/EISs*

- Metro Universal Project (EIR, View Study)
- Universal City Specific Plan (EIR, View Study)
- North Hollywood Arts and Entertainment District (EIR/EIS, View Study)
- Playa Vista Phase I (EIR, View Study)
- Anaheim Gateway Project (EIR)
- Ashland Chemical Distribution Center (EIR)
- Bradley Landfill and Recycling Center Master Plan (EIR)
- Chinatown Redevelopment Project (EIR Addendum)
- Downey Studios Mixed-Use Development Specific Plan (EIR)
- Grand Avenue Project (EIR Addendum)
- Harbor Gateway Center (EIR)
- Hollywood & Highland (EIR)
- Hollywood Redevelopment Plan (EIR)
- Hollywood and Vine (EIR Addendum)
- Kinder-Morgan Tank Farm Projects (EIR)
- LAAFB Land Conveyance, Construction and Development Project (EIR/EIS)
- Olive Avenue Development Peer Review
- Sepulveda/Rosecrans Site Rezoning and Plaza El Segundo Development (EIR)
- Santa Monica-UCLA Medical Center (EIR)
- Staples Center (EIR)
- UCLA University Village Expansion (EIR)
- Wilshire Grand Redevelopment Plan (EIR)
- Vermont Corridor (EIR)