



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Planning and
Development
Department No.: 053
For Agenda Of: March 15, 2011
Placement: Departmental Agenda
Estimated Time: 15 minutes
Continued Item: No
If Yes, date from: N/A
Vote Required: Majority

TO: Board of Supervisors
FROM: Department: Planning and Development
Director: Glenn Russell, Ph.D., Director, 568-2085
Contact Info: Alice McCurdy, Deputy Director, 568-2518
Development Review Division– South County
SUBJECT: Miramar Beach Resort and Bungalows Time Extension Project

County Counsel Concurrence

As to form: Yes

Other Concurrence: N/A

As to form: N/A

Auditor-Controller Concurrence

As to form: N/A

Recommended Actions:

Consider the recommendation of the Montecito Planning Commission on Case No. 10TEX-00000-00039 regarding a request by the applicant, Caruso Affiliated, for a time extension for the Miramar Beach Resort & Bungalows project, and take the following actions:

1. Make the required findings for approval of the project specified in Attachment A of the Montecito Planning Commission action letter dated February 23, 2011 (Attachment 2 of this Board Report) regarding the time extension project including the California Environmental Quality Act (CEQA) findings.
2. Accept 08EIR-00000-00003, 00-ND-003 and the Addendum dated December 9, 2008, included as Attachment 6 of the Amended Project Board Report dated March 15, 2011, as adequate Environmental Review for Case No. 10TEX-00000-00039, pursuant to Section 15162 of the State Guidelines for Implementation of the California Environmental Quality Act.
3. Approve the project, Case No. 10TEX-00000-00039.

Background:

The Montecito Planning Commission (MPC) considered the Miramar time extension request at their February 23, 2011 hearing. Their recommendation to the Board of Supervisors is outlined in the February 23, 2011 MPC action letter, included as Attachment 2 of this Board Report.

The approved Miramar Beach Resort and Bungalows project, which includes a Revised Development Plan, four Conditional Use Permits and the subject Coastal Development Permit, was approved by the Board of Supervisors on appeal on December 9, 2008. On March 16, 2010, the Board granted the applicant an extension of 08CDP-00000-00054 for one year from April 6, 2010 to April 6, 2011. At that same hearing, the project Conditional Use Permits, 07CUP-00000-00045, 07CUP-00000-00046, 07CUP-00000-00047 & 08CUP-00000-00005, were extended by the Board for an additional 54 months from their expiration date on October 6, 2010 to April 6, 2015. The accompanying Development Plan (07RVP-00000-00009) has a potential lifespan of 6 years from approval (five-year approval with a one-time, one-year time extension), also expiring on April 6, 2015. The maximum life-spans of the CUP's and the DVP are synchronized and are set to expire on April 6, 2015.

The applicant is currently requesting a two-year time extension for 08CDP-00000-00054. If granted, the request would extend the life of the permit two years from April 6, 2011 to April 6, 2013 as allowed by Ordinance. If necessary and prior to April 6, 2013, the applicant could request one additional time extension if the permit is not yet issued. Pursuant to Section 35-169.6.2.a.1, the decision-maker could approve one additional time extension for two years if good cause is shown and the applicable CDP findings could still be made. If all available time extensions are eventually granted, the CDP would be valid until April 6, 2015, synchronizing its expiration with the project DVP and CUP's.

Project Description:

The request is for a two-year time extension to a previously approved Coastal Development Permit (CDP), Case No. 08CDP-00000-00054. The request would extend the life of the permit two years from April 6, 2011 to April 6, 2013.

Concurrent with this Time Extension request, the applicant has also separately requested approval of an Amendment (Case Nos. 10AMD-00000-00010, 11CDH-00000-00001, 11AMD-00000-00002, 11AMD-00000-00003, 11AMD-00000-00004, 11AMD-00000-00005) to the approved Miramar Beach Resort & Bungalows project. If this Time Extension request and the Amendment request are both approved, two approved versions of the project would exist simultaneously: 1) That approved under Case Nos. 07RVP-00000-00009, 07CUP-00000-00045, 07CUP-00000-00046, 07CUP-00000-00047, 08CUP-00000-00005, 08GOV-00000-00014, and 08CDP-00000-00054; and 2) The Amended project approved under Case Nos. 10AMD-00000-00010, 11CDH-00000-00001, 11AMD-00000-00002, 11AMD-00000-00003, 11AMD-00000-00004, 11AMD-00000-00005. As part of the Time Extension request, the applicant would voluntarily add the following new condition to clarify their intent to only go forward with only one of the approved plans.

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

The abbreviated project description for the approved Miramar Beach Resort & Bungalows project, Case Nos. 07RVP-00000-00009, 07CUP-00000-00045, 07CUP-00000-00046, 07CUP-00000-00047, 08CUP-00000-00005, 08GOV-00000-00014, and 08CDP-00000-00054 is as follows:

Redevelopment of the Miramar Hotel with all new buildings (all existing buildings to be demolished) totaling approximately 401,541 gross (170,150 net) square feet, including a main building with a lobby, meeting rooms and conference facilities, back-of-house areas, and underground parking; a ballroom; a spa, a Beach and Tennis Club with expanded membership; 192 guest rooms; two restaurants and a beach bar; two pools and two tennis courts; new landscaping; new 10-foot high sound wall; four employee dwellings; and abandonment of the north-

south segment of Miramar Avenue with approximately 36,300 cubic yards of cut and 46,100 cubic yard of fill with 10,000 cubic yards to be imported. Refer to the Board of Supervisors action letter dated December 11, 2008, included as Attachment B of the February 4, 2011 Montecito Planning Commission Staff Report (Attachment 1 of this Board Letter), for the approved project description and conditions of approval.

Fiscal and Facilities Impacts:

Budgeted: Yes

The cost of processing the time extension request to the Board of Supervisors is borne completely by the applicant. The estimated staff cost to process the project is approximately \$3,651 (20 planner hours). Permit revenues are budgeted in the Development Review Permits section within the Development Review South Division, on page D-330 of the adopted 2010-2011 fiscal year budget.

Noticing Instructions:

Noticing instructions were included with the Miramar Beach Resort & Bungalows Project set hearing letter dated March 1, 2011. The Clerk of the Board shall fulfill the noticing requirements. A minute order and a copy of the notice and proof of publication shall be returned to Planning and Development, attention David Villalobos.

Attachments:

1. Montecito Planning Commission staff report dated February 4, 2011
2. Montecito Planning Commission action letter dated February 23, 2011

Authored by:

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568-2047

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