

## COUNTY PLANNING COMMISSION

### Coastal Zone Staff Report for Miramar Acquisition Co., LLC – Housing – Mixed Use Development

**Hearing Date:** October 9, 2024

**Staff Report Date:** October 1, 2024

**Case Nos.:** 24RVP-00050, 24RVP-00051, 24AMD-00008, & 24CDP-00077

**Environmental Document:** CEQA

**Exemption:** Section 21159.25

**Deputy Director:** Travis Seawards

**Division:** Development Review

**Supervising Planner:** Joseph Dargel

**Supervising Planner Phone #:** (805) 568-3573

**Staff Contact:** Willow Brown

**Staff Contact Phone #:** (805) 568-2040

#### OWNER / APPLICANT:

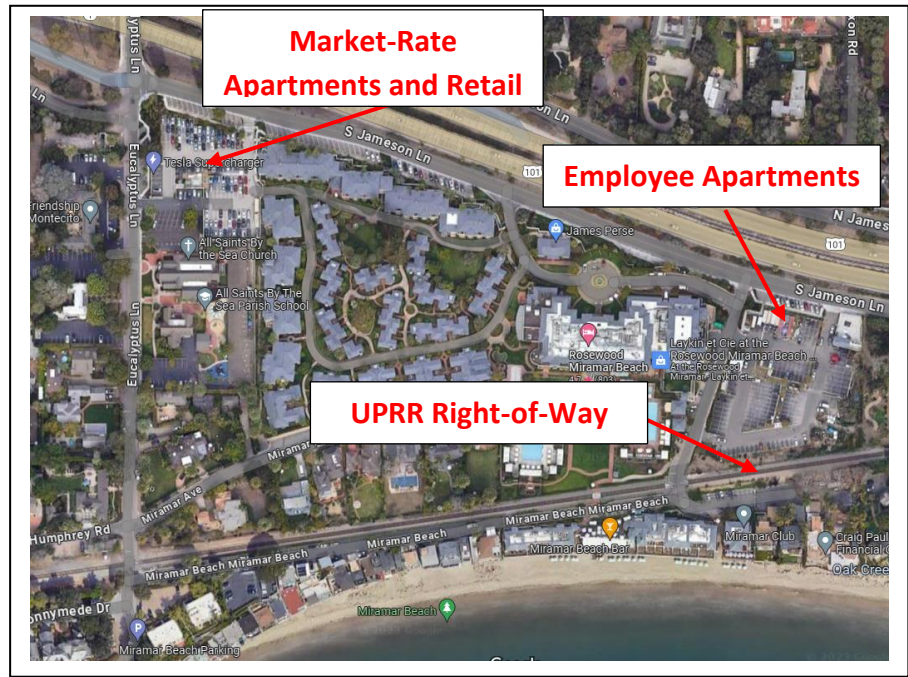
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This site is identified as Assessor Parcel Nos. 009-371-007, 009-333-013, and 009-010-004, located at 1759 South Jameson Lane and 96 Eucalyptus Lane, in the Montecito Community Plan area, First Supervisorial District.

## 1.0 REQUEST

Hearing on the request of Miramar Acquisition Co., LLC, property owner, to consider the following:

- a) Case No. 24RVP-00050 for revisions to Development Plan 14RVP-00000-00063 to allow 56,485 square feet of development in the CV (Visitor Serving Commercial) Zone consisting

of affordable employee and market-rate apartments and resort shops in compliance with Article II Section 35-174.10.

- b)** Case No. 24RVP-00051 for revisions to Minor Conditional Use Permit 07CUP-00000-00047 to allow residential uses consisting of 26 affordable employee apartments and eight market-rate apartments in compliance with Article II Section 35-172.11.
- c)** Case No. 24AMD-00008 to amend Major Conditional Use Permit 07CUP-00000-00045 for hotel improvements in the Transportation Corridor Zone District (within the Union Pacific railroad right-of-way) in compliance with Article II Section 35-172.11.
- d)** Case No. 24CDP-00077 for the development allowed by the revised Development Plan (Case No. 24RVP-00050) in compliance with Article II Section 35-174.9, the development and authorized use allowed by the revised Minor Conditional Use Permit (Case No. 24RVP-00051) in compliance with Article II Section 35-172.9, and the development and authorized use allowed by the amended Major Conditional Use Permit (Case No. 24AMD-00008) in compliance with Article II Section 35-172.9.
- e)** Determine the project is exempt from CEQA pursuant to Public Resources Code Section 21159.25, as outlined in the Notice of Exemption included as Attachment C.

The application involves Assessor Parcel Nos. 009-371-007, 009-333-013, and 009-010-004, zoned CV (Visitor Serving Commercial) and TC (Transportation Corridor), located at 1759 South Jameson Lane and 96 Eucalyptus Lane, in the Montecito Community Plan area, First Supervisorial District.

## **2.0 RECOMMENDATION AND PROCEDURES**

Your Commission's motion should include the following:

1. Make the required findings for approval of the project specified in Attachment A of this staff report, including CEQA findings.
2. Determine the project is exempt from CEQA pursuant to CEQA Section 21159.25, as outlined in the Notice of Exemption included as Attachment C.
3. Approve the project (Case Nos. 24RVP-00050, 24RVP-00051, 24AMD-00008, and 24CDP-00077) subject to the conditions included as Attachment B.

Refer back to staff if the County Planning Commission takes other than the recommended action for appropriate findings and conditions.

### **3.0 JURISDICTION**

This project requires a Revision to the Development Plan (14RVP-00000-00063) pursuant to Section 35-174.10.3 of the Article II Coastal Zoning Ordinance (Article II), which requires a Revision for changes to a Development Plan where the findings for an Amendment cannot be made and substantial conformity cannot be determined.

This project requires a Revision to the Minor Conditional Use Permit (07CUP-00000-00047) pursuant to Section 35-172.11.3 of Article II, which requires a Revision for changes to a Conditional Use Permit where the findings for an Amendment cannot be made and substantial conformity cannot be determined.

This project requires an Amendment to the Major Conditional Use Permit (07CUP-00000-00045) pursuant to Section 35-172.11.2 of Article II, which requires an Amendment for changes to a Conditional Use Permit where substantial conformity cannot be determined.

This project is being considered by the Planning Commission based on Article II, Sections 35-174.10.3, 35-172.11.3, and 35-172.11.2. Article II Sections 35-174.10.3 and 35-172.11.3 state that a Revised Conditional Use Permit and a Revised Development Plan shall be processed as a new Conditional Use Permit and a new Development Plan. Pursuant to Article II Section 35-174.2.4, Development Plans for building and structures that exceed 15,000 square feet in the CV Zone shall be in the jurisdiction of the Planning Commission. Pursuant to Article II Section 35-172.3, the Zoning Administrator shall have jurisdiction for all Minor Conditional Use Permits. Pursuant to Article II Section 35-172.11.2, the Zoning Administrator shall have jurisdiction for an Amendment to a Conditional Use Permit. Pursuant to Article II Section 35-57C.B.1, when two or more discretionary applications are submitted that relate to the same development project and the individual applications are under the separate jurisdiction of more than one decision-maker, all applications for the project shall be under the jurisdiction of the decision-maker with the highest jurisdiction.

The County Planning Commission is hearing the project under County Code Section 2-25.2(b)(3), which provides that projects in the Montecito Planning Area that are “applications, proposals or matters involving . . . affordable housing” remain within the jurisdiction of the County Planning Commission. Because the Miramar project, which includes 26 affordable workforce housing units, involves affordable housing, it is within the jurisdiction of the County Planning Commission.

### **4.0 ISSUE SUMMARY**

The project is a mixed-use development project consisting of 34 residential units (eight market-rate units and 26 affordable employee units), and 17,500 square feet of commercial space (15,000 square feet of resort shops and a 2,500-square-foot café). The project is eligible for

processing under the Housing Accountability Act, and is also utilizing State Density Bonus Law. Information on these two laws is provided below.

#### **4.1 The Housing Accountability Act**

This housing development project is eligible for processing pursuant to California Government Code Section 65589.5 (Housing Accountability Act [HAA]). The proposed housing project qualifies for the HAA because it is a mixed-use development consisting of residential and non-residential uses with at least two-thirds of the proposed square footage designated for residential use.

Under the HAA, a housing development project, as defined in Government Code, Section 65589.5, subdivision (h)(2), that is consistent with objective general plan, zoning, and subdivision standards and criteria, cannot be disapproved or conditioned to lower density unless the decision-maker finds, supported by a preponderance of the evidence in the record, that the project would:

1. Have a specific, adverse impact upon the public health or safety; and
2. There is no feasible method to satisfactorily mitigate or avoid the adverse impact.

Under the HAA, “specific, adverse impact” means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete; and “objective” means involving no personal or subjective judgment by a public official and being uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official. Additionally, the project is subject to a maximum of five hearings, including hearing continuances and hearings for appeals.

#### **4.2 Affordable Housing and State Density Bonus Law**

A State Density Bonus Law (SDBL) application pursuant to Government Code Sections 65915-65918 was provided as part of the project application. SDBL provides developers proportional increases in allowed density for projects that provide affordable units. In addition to provisions for increased density, SDBL also allows developers to request to modify or remove certain development standards in order to make their project economically and physically feasible. These requests fall under two categories, and are defined below:

- **Concessions/Incentives.** Pursuant to Government Code Sections 65915 (d)(1) and (k)(1), developers can request concessions or incentives to deviate from site development standards, zoning code requirements, or architectural design requirements when doing so would result in identifiable and actual cost reductions, in order to provide for the affordable housing. Developers are allowed up to four concessions/incentives depending on the percentage and level of affordable units proposed by the project.

- **Waivers/Reductions.** Pursuant to Government Code Sections 65915(e)(1) and 65915(e)(2), a developer can request waivers or reductions of development standards, as defined in the statute, when those requirements will have the effect of physically precluding the construction of a development at the allowed density or with the concessions or incentives permitted under State Density Bonus Law. Unlike concessions/incentives, the granting of waivers/reductions are based on whether the standard would physically preclude development, not on whether they would achieve actual identifiable cost reductions. Furthermore, unlike concessions/incentives, SDBL does not specify a limit on the number of waivers/reductions that can be used on a project.

The project proposes to provide 34 new multi-family residential units, nine of which will be rented to very low income households earning 30% to 50% of the Area Median Income (AMI), nine of which will be rented to low income households earning 50% to 80% of the AMI, and eight of which will be rented to moderate income households earning 80% to 120% of the AMI. The project proposes approximately 53% of the units at a low income level. Projects which propose at least 24% of units at a low income level are eligible for a 50% density bonus, three incentives/concessions, and any number of waivers that meet the statutory criteria. The project does not propose to utilize the density bonus or the available incentives/concessions; however, the applicant is requesting five waiver/reductions. These requests are described below and are analyzed further in Section 6.1:

1. **Article II Section 35-203 – Floor Area Ratio.** Request to increase the allowed Floor Area Ratio for the C-V Zone from 0.25 to 0.29.
2. **Article II Section 35-81.9 – Height Limit.** Request to allow a height of 40’-9” for Building C in lieu of the 38’ height limit for the C-V Zone.
3. **Article II Section 35-81.9 – Height Limit.** Request to allow three stories for Building C in lieu of the two stories allowed for development surrounded by areas zoned residential.
4. **Article II Section 35-81.11 – Open Space.** Request to allow a reduction in the requirement for common open space from 40% of the net lot area to 27.74% of the net lot area.
5. **Article II Section 35-81.8 – Setbacks for Buildings and Structures.** Request to reduce the required front, side, and rear setbacks for Buildings A, B, and C and the parking areas.

As discussed in Section 6.3 below, the County must grant requested waivers/reductions of development standards that would physically preclude construction of the project unless the County makes a written finding, based upon substantial evidence that:

- The request would have a specific, adverse impact upon health or safety, and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.
- The request would have an adverse impact on any real property that is listed in the California Register of Historical Resources.
- The request would be contrary to state or federal law.

## 5.0 PROJECT INFORMATION

### 5.1 Site Information

Site Information	
Comprehensive Plan Designation	Coastal, Urban, Montecito Community Plan, Resort/Visitor Serving Commercial (hotel grounds) and Transportation Corridor (UPRR)
Ordinance, Zone	Coastal Zoning Ordinance (Article II), CV (Visitor Serving Commercial), TC (Transportation Corridor), Coastal Commission Appeals Jurisdiction
Site Size	3.077 acres
Present Use & Development	Hotel/Resort
Surrounding Uses/Zone(s)	<p><b>North:</b> South Jameson Lane, U.S. Highway 101, TC (Transportation Corridor)</p> <p><b>South:</b> Residential, Pacific Ocean, REC (Recreation), TC (Transportation Corridor), DR-12 (Design Residential), and 7-R-1 (Single Family) zoning</p> <p><b>East:</b> Residential, DR 4.6 (Design Residential) and 1-E-1 (Single Family) zoning</p> <p><b>West:</b> Residential, All Saints by the Sea (church), 15-R-1 (Single Family) zoning</p>
Access	South Jameson Lane
Public Services	<p><b>Water Supply:</b> Montecito Water District</p> <p><b>Sewage:</b> Montecito Sanitary District</p> <p><b>Fire:</b> Montecito Fire Protection District</p> <p><b>Police Services:</b> County Sheriff</p> <p><b>Other:</b> Montecito Union and Santa Barbara High School Districts</p>

## 5.2 Background Information

The existing on-site development was approved under Case Nos. 14RVP-00000-00063, 14AMD-00000-00010, and 14AMD-00000-00011. Case No. 14RVP-00000-00063 approved the following structural development:

- 43,318-square-foot main building including spa, fitness, all-day dining, bar, lobby, ballroom, meeting rooms, and back of house/administrative functions. In the main building, a retail boutique and guest serving salon were approved as retail uses totaling 1,060 square feet.
- 3,932-square-foot beach bar and oceanfront restaurant.
- 3,870-square-foot beach club.
- 105,206 square feet of guest rooms (170 guest rooms).
- 2,022-square-foot theatre.
- 2,306-square-foot activity center/storage.
- 200-square-foot ice cream and guard station.
- Two pools, a smaller pool in the western portion of the lawn south of the main building and the main pool to the east of the lawn south of the lobby building.
- 300-square-foot adult pool restrooms.
- Four affordable employee housing units totaling 1,858 square feet.

The following operations were permitted:

<b>OPERATION</b>	
<b>No. of employees (full time, part-time, temporary &amp; permanent)</b>	102 (approximate no. of employees on site at any given time)
<b>Assembly area for events (SF) (Ballroom)</b>	10,425 including 4 meeting rooms and pre-function area
<b>No. of assembly seats (indoors and outdoors)</b>	400 maximum event patrons on site at a given time
<b>No. of onsite events</b>	4.7 events per day, on average; beach events count towards the size limit of 400 for one event.
<b>No. of beach events</b>	30 weddings on the beach per year of 100 people for 60 minutes
<b>Event hours</b>	7 am to 1 am (outdoor activities to conclude by 10:30 pm, events of over 200 people to begin after 9:30 am)
<b>Total no. of restaurant seats (indoors)</b>	258
<b>Hours of operation of restaurant</b>	6:30 am to 11 pm (bar closes at 2 am)

<b>Hours of operation of beach bar/snack house</b>	9:30 am to 12 am, last serving at 11:30 pm
<b>Beach Club membership</b>	300
<b>Spa use by non-guests</b>	12 non-guests/day
<b>Hours of operation of spa</b>	9 am to 9 pm

A 20-foot lateral easement to the public was recorded over the hotel’s full beach frontage. Additionally, three pedestrian easements were recorded over the Miramar property for access to the beach (Attachment K).

Case No. 14AMD-00000-00010 approved hotel improvements in the UPRR right-of-way including 12 parking spaces, drainage improvements, a fire access lane, a guard house, an ice cream stand, and landscaping.

Case No. 14AMD-00000-00011 approved a 14-foot-high sound wall located within the front setback of South Jameson Lane. Since the 2014 approvals, the following additional development has been approved by the Director:

- 16SCD-00000-00044
  - Exterior architectural changes to the following buildings: Main House, Jameson Lanai, West Lanai, Miramar Ave. Bungalows, and Oceanfront.
  - Reduction in guestrooms from 170 to 161.
  - Overall increase of 863 square feet (from 165,990 net square feet to 166,853 net square feet).
  - Grading changes resulting in 1,700 cubic yards of additional cut, a 2,100 cubic yard reduction in fill, and a 3,800 cubic yard reduction in import, resulting in lowering the grade of the eastern parking lot on-site.
  - Removal of the Jameson driveway near the main entrance to the ballroom, addition of a pull-out off of Jameson Lane.
  - Proposal for the temporary placement of trellises and landscaping at the Theater Building location (until completion of the Theater Building).
  - Minor overall landscape changes.
  - Removal of one additional California Sycamore to accommodate the Montecito Sanitary District Sewer Lift Station and planting of three replacement trees.
  - Removal of trees within the Union Pacific Railroad right-of way (per UPRR requirements).
  - Reduction in water use from 9.40 AFY to 8.93 AFY.
- 17SCD-00000-00003
  - Architectural Design Changes:
    - Family Pool Building: Architectural changes to the family pool activities building to improve architectural aesthetics and operations, resulting in a 444 gross square foot reduction.



- Adult Pool Building: Architectural changes to the adult pool towel bar and restroom building to improve architectural aesthetics and functionality of operations. The restrooms and outdoor showers were relocated from being integral with the towel bar building to the north east corner of the pool area, resulting in a 50 square foot reduction.
- Oceanfront Vestibules: Minor architectural changes as to add enclosed vestibules to the ocean front building to reduce sound transference from the railroad right-of-way to the guest rooms. The proposed revisions will result in a 415 gross square foot addition.
- Lift Station: Addition of an exterior unoccupied covered generator enclosure and unoccupied space for necessary lift station utility equipment, controls, ventilation and operational circulation as required to the Montecito Sanitary District (MSD). The proposed revisions will result in an addition of 634 gross square feet.
- General Site and Landscaping Design Changes:
  - Jameson Lane: Revisions to the Jameson Lane turnout near the main house, as required by Santa Barbara County Public Works Roads Division. The half circular turnaround has been revised to a turnout.
- 17SCD-00000-00041
  - Removal of a theater building of approximately 2,807 square feet, to be replaced in the same location, and with a similar architectural style by a guest services retail building of approximately 1,867 square feet, and for an increase in the height of select site walls at the east side of the property from six feet to eight feet.
- 18SCD-00000-00009
  - Landscape and hardscape changes throughout the property consisting primarily of a reduction in the number of palms and an increase in the size of shade trees on-site, as well as minor reconfiguration of hardscape areas.
- 18SCD-00000-00033
  - Placement of the historic Miramar neon sign at the Loading Dock (interior), including interpretive historic materials.
  - Addition of a replica Miramar neon sign on the Oceanfront West Building near the stair from the upper deck to the boardwalk.
- 21SCD-00000-00020
  - Remodel of five existing guest rooms located in Bungalow Building #1 into 2,709 square feet of retail space within the existing building.
  - Remodel of two of the existing guest rooms located in Bungalow Building #3 into a new resort food and beverage restaurant space within the existing building, encompassing 1,604 square feet of existing building space and a 288-square-foot patio enclosure totaling 1,892 square feet.
- 23SCD-00007
  - Exterior alterations to the northwest corner of the manor house, and exterior alterations to Bungalow #1 which was previously permitted to be converted to

- resort shops, consisting of the enclosure of 700 square feet of existing patios and additions totaling 112 square feet.
- Exterior alterations to a portion of the existing fitness center, proposed to be converted to an additional resort shop, consisting of the enclosure of the 500-square-foot existing patio and an addition of 243 square feet.
- The project allowed for the 3-5 retail spaces approved under 21SCD-00000-00020 to be expanded and reconfigured. The project did not approve additional retail spaces.

### **5.3 Project Description**

The project is a request by the applicant, Miramar Acquisitions Co., LLC, for approval of:

- A Revision to Development Plan Case No. 14RVP-00000-00063 to allow 56,485 square feet of development in the CV (Visitor Serving Commercial) Zone, consisting of affordable employee and market-rate apartments and 17,500 square feet of commercial space;
- A Revision to Conditional Use Permit Case No. 07CUP-00000-00047 to allow residential uses consisting of 26 affordable employee apartments and eight market-rate apartments;
- An Amendment to Conditional Use Permit Case No. 07CUP-00000-00045 for hotel improvements in the Transportation Corridor Zone District within the Union Pacific railroad (UPRR) right-of-way; and
- An associated Coastal Development Permit to allow for the development and the uses.

The proposed residential and commercial development will be located in the existing northwest and northeast parking lots on site. Development in the northwest parking lot will consist of two new mixed-use buildings, Building A and Building B. Building A will be 16,597 square feet, with 8,573 square feet of residential square footage and 8,024 square feet of commercial square footage. Building A will have a maximum height of 33'-5". Building B will be 20,786 square feet, with 11,310 square feet of residential square footage and 9,476 square feet of commercial square footage. Building B will have a maximum height of 30'-2". There will be eight market-rate apartments (four on the second-floor of each building) comprised of one one-bedroom unit, four two-bedroom units, and three three-bedroom units. The first floor of the buildings will be commercial space including 15,000 square feet of resort shops and a 2,500-square-foot café. There will be up to 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. There will also be a subterranean parking lot with 79 parking spaces.

Development in the northeast parking lot will consist of one new residential building, Building C. Building C will be 19,102 square feet and will have a maximum height of 40'-9". There will be 26 affordable employee apartments, comprised of 19 studio units, one one-bedroom unit, and six two-bedroom units. To the south of Building C, there will be a reconfigured parking area with 350

spaces comprised of 113 striped surface spaces, 60 valet spaces, 126 car stacker spaces, and an elevated parking deck with 42 striped spaces and 10 valet spaces.

The project also includes development in the UPRR right-of-way consisting of parking improvements and associated lighting.

The project proposes 14,372 square feet of new landscaping. Grading will include 17,650 cubic yards of cut (17,300 cubic yards of which is for underground parking) and 800 cubic yards of fill in the northwest lot, and 4,300 cubic yards of cut and 1,500 cubic yards of fill in the northeast lot. The following trees are proposed for removal:

Northwest Lot	
Species	Quantity
Mexican Fan Palm	2
African Sumac	5
Coast Live Oak	2
Australian Willow	10
Rosewood	1
Eastern Redbud	1
Strawberry	1
Jacaranda	1
Paperbark	1

Northeast Lot	
Species	Quantity
Strawberry	3
African Sumac	1
Western Sycamore	22

The proposed affordable employee apartments (Building C) will consist of nine very low income units, nine low income units, and eight moderate income units. Pursuant to State Density Bonus Law, an applicant may submit to the county a proposal for the waiver or reduction of development standards that will have the effect of physically precluding the construction of the development. The applicant proposes the following waivers of development standards:

1. To allow for a FAR increase to 0.29 in lieu of the 0.25 FAR permitted in the C-V Zone.
2. To allow for three stories for Building C in lieu of two stories allowed in the Montecito Community Plan area.
3. To allow for a height of 40'-9" for Building C in lieu of the 38' height limit for the C-V Zone.

4. To allow 27.74% of the net lot area for common open space in lieu of the 40% open space requirement in the C-V Zone.
5. To allow for reduced setbacks for Buildings A, B, and C, and reduced setbacks for parking.

The project also includes a modification to the required number of parking spaces to be provided (83 additional spaces required and 44 additional spaces provided, for a reduction of 39 spaces). The applicant has provided an updated “Shared Parking Analysis” prepared by Associated Transportation Engineers, dated June 25, 2024, which provides support for this modification request.

All development and operations previously approved under Case Nos. 14RVP-00000-00063, 14AMD-00000-00010, 14AMD-00000-00011, 21SCD-00000-00020, and 23SCD-00007, will remain. With approval of the project, the following development and operations will be permitted on site:

**Structural Development**

- 43,318-square-foot main building including spa, fitness, all-day dining, bar, lobby, ballroom, meeting rooms, and back of house/administrative functions. In the main building, a retail boutique and guest serving salon were approved as retail uses totaling 1,060 square feet.
- 3,932-square-foot beach bar and oceanfront restaurant.
- 3,870-square-foot beach club.
- 105,206 square feet of guest rooms (154 guest rooms).
- 2,306-square-foot activity center/storage.
- 200-square-foot ice cream and guard station.
- Two pools, a smaller pool in the western portion of the lawn south of the main building and the main pool to the east of the lawn south of the lobby building.
- 300-square-foot adult pool restrooms.
- 30 affordable employee housing units totaling 20,960 square feet.
- Eight market-rate apartments totaling 19,883 square feet.
- 21 resort shops totaling 23,481 square feet (8,481 existing plus 15,000 proposed).
- 2,500-square-foot café.

**Operations:**

<b>OPERATION</b>	
<b>No. of employees (full time, part-time, temporary &amp; permanent)</b>	102 (approximate no. of employees on site at any given time)
<b>Assembly area for events (SF)</b>	10,425 including 4 meeting rooms and pre-function area

<b>(Ballroom)</b>	
<b>No. of assembly seats (indoors and outdoors)</b>	400 maximum event patrons on site at a given time
<b>No. of onsite events</b>	4.7 events per day, on average; beach events count towards the size limit of 400 for one event.
<b>No. of beach events</b>	30 weddings on the beach per year of 100 people for 60 minutes
<b>Event hours</b>	7 am to 1 am (outdoor activities to conclude by 10:30 pm, events of over 200 people to begin after 9:30 am)
<b>Total no. of restaurant seats (indoors)</b>	258
<b>Hours of operation of restaurant</b>	6:30 am to 11 pm (bar closes at 2 am)
<b>Hours of operation of beach bar/snack house</b>	9:30 am to 12 am, last serving at 11:30 pm
<b>Beach Club membership</b>	200, with potential for 300 after MPC review
<b>Spa use by non-guests</b>	12 non-guests/day
<b>Hours of operation of spa</b>	9 am to 9 pm

A 20-foot lateral easement to the public over the hotel’s full beach frontage and three pedestrian easements over the Miramar property will continue to allow public access to the beach. The project proposes to slightly modify the location of the easement in the eastern parking lot, but the new location will continue to provide the same public access to the beach and is in generally the same location.

The property is served by the Montecito Water District, the Montecito Sanitary District, and the Montecito Fire Protection District. Access will continue to be provided off of South Jameson Lane. The property is a 15.99-acre parcel zoned C-V (Resort/Visitor Serving Commercial) and shown as Assessor's Parcel Numbers 009-371-007, 009-333-013, and 009-010-004, located at 1759 South Jameson Lane and 96 Eucalyptus Lane in the Montecito Community Plan area, First Supervisorial District.

## **6.0 PROJECT ANALYSIS**

### **6.1 Environmental Review**

The Project was evaluated for compliance with the California Environmental Quality Act (CEQA) and determined to be exempt from environmental review pursuant to CEQA Section 21159.25 [Residential or Mixed-Use Housing Projects], which exempts residential or mixed-use housing projects if all of the following conditions are met:

- 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.
- 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 proposed project qualifies for this exemption because the 34-unit residential unit project equates to 11.3 units per acre, which is denser than the surrounding properties residential density, which ranges from one unit per acre to 4.6 units per acre. The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with the applicable zoning designation and all applicable zoning regulations, as described in Sections 6.2 and 6.3 below. The project site is a legal parcel within an unincorporated urbanized area of the County, with a project site of approximately 3.077 acres, and will not result in any significant environmental effects because the project will be located in two existing, paved parking lots with no environmentally sensitive habitat or sensitive biological resources. Please see Attachment C, Notice of Exemption, for further detail.

## **6.2 Comprehensive Plan Consistency**

This housing development project is eligible for processing pursuant to the Housing Accountability Act (HAA). Under the HAA, an eligible housing development project that is consistent with objective general plan, zoning, and subdivision standards and criteria cannot be disapproved or conditioned to lower density unless the decision-maker finds, supported by a preponderance of the evidence in the record, that the project: 1) would have a specific, adverse impact upon the public health or safety; and 2) there is no feasible method to satisfactorily mitigate or avoid the adverse impact.

Under the HAA, “specific, adverse impact” means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete; and “objective” means involving no personal or subjective judgment by a public official and being uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official.

The following general plan and development standard consistency analyses are therefore limited to objective requirements, as defined under the HAA. Additionally, the HAA shall not be construed to relieve the local agency from complying with the California Coastal Act of 1976.

REQUIREMENT	DISCUSSION
<b>ADEQUATE SERVICES</b>	
<p><i><b>Coastal Plan Policy 2-4:</b> 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.</i></p> <p><i><b>Coastal Plan Policy 2-6:</b> 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 . . .</i></p>	<p><b>Consistent:</b> The proposed project is consistent with policies that require that the project is served by the appropriate public sewer and water district, and that adequate services are available to serve the proposed project. The site is served by the Montecito Water District, the Montecito Sanitary District, and the Montecito Fire Protection District. The Montecito Water District issued a Certificate of Water Service Availability, stating that the District can give preliminary approval to the subject property for the proposed development. The Montecito Sanitary District issued a Sewer Availability Letter stating that sanitary sewer service is available for the proposed development. These letters are included as Attachment D. The Montecito Fire Protection District reviewed the proposed project and provided a condition letter dated September 10, 2024, stating that the project meets the minimum fire access requirements. The project will take access from South Jameson Lane. The project was reviewed and approved by Public Works Transportation, and they issued a condition letter dated September 20, 2024. Police protection services will be provided by the County Sheriff.</p>
<b>AESTHETICS/VISUAL RESOURCES</b>	

**Coastal Plan 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.*

**Coastal Act Sec. 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 landforms, to be visually compatible with the character of the surrounding area and, where feasible, to restore and enhance visual quality in visually degraded areas.*

**Consistent:** Applicable aesthetic/visual resource policies are not objective policies. The proposed project, however, is consistent with the policies regarding conformance with the scale and character of the existing community and protection of the scenic and visual qualities of coastal areas. The proposed market-rate apartments and resort shops (Buildings A & B) in the northwest parking lot will be two stories and have a height of 33'-5" for Building A and 30'-2" for Building B, which meets the allowed height limit of 38' for the C-V Zone (35' + an additional 3' for a roof pitch that is equal to or greater than four in 12 [rise to run]). These heights are consistent with the existing hotel development, including the two-story lanai guest room buildings ranging in height up to 29', and the Manor House, which has a maximum height of 44'-6". The affordable employee apartments (Building C) in the northeast parking lot will be three stories and have a maximum height of 40'-9". The project is requesting a waiver under State Density Bonus Law to exceed the height limit of 38'. The nearest residential use to the northeast parking lot is approximately 125' east of the proposed development and is buffered by Oak Creek, landscaping, and mature trees.

The proposed buildings will be compatible with the existing "Cottage Type" architecture and will use similar architectural details and materials as the existing hotel, 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. Additionally, the project will allow a diversity of housing types, including affordable employee apartments as well as market-rate apartments.



	<p>The proposed development will be visible from South Jameson Lane, Highway 101, and Eucalyptus Lane. However, views of the coast are already blocked from South Jameson Lane and Highway 101 by existing development and vegetation. Views from the northwest parking lot are blocked by existing vegetation, All Saints by the Sea church, and the existing Miramar guest cottages. Views from the northeast parking lot are mostly blocked by development along Miramar Beach, including residences and the Miramar Beach Bar. The proposed development will not impact views of the coast from Eucalyptus Lane as it runs north and south, and as shown in the visual simulations included as Attachment F, the existing Miramar buildings, All Saints by the Sea Church buildings, and existing hedges block views of the ocean when facing the coast along Eucalyptus Lane.</p>
<b>BIOLOGICAL RESOURCES</b>	
<p><b><i>Coastal Plan Policy 9-35:</i></b> <i>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.</i></p> <p><b><i>Coastal Plan Policy 9-1:</i></b> <i>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</i></p>	<p><b>Consistent:</b> The proposed project is consistent with policies regarding protection of oak trees, protection of environmentally sensitive habitat areas, and buffer areas from streams and creeks. The northeast area of the project site contains two coast live oak trees, which will be retained and protected during construction. The northwest area of the project site contains four coast live oak trees, two of which will be retained on site and two of which are proposed for removal. The two that are proposed for removal have diameters of two inches and four inches. Any tree with a diameter of less than six inches can be removed without requiring a Coastal Development Permit. No specimen oak trees are proposed for removal. Four native specimen sycamore trees are proposed for removal, however they are isolated and located in the parking areas, and provide little</p>

*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.*

**MCP Policy BIO-M-1.3:** *Environmentally Sensitive Habitat (ESH) areas within the Montecito Planning Area shall be protected, and where appropriate, enhanced.*

**MCP Development Standard BIO-M-1.3.1:** *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. [...] 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.*

**MCP Development Standard BIO-M-1.3.3:** *Landscaping which includes invasive species shall be prohibited in or near Environmentally Sensitive Habitat 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.*

**MCP Policy BIO-M-1.6:** *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*

habitat value. A Tree Protection Plan was submitted requiring tree protection fencing and an onsite arborist to monitor any construction activities within the tree protection zone. Condition Nos. 51 and 52 of Attachment B-4 require implementation of the Tree Protection Plan during construction.

A Biological Resources Assessment Report prepared by Dudek, dated June 2024, concluded that with implementation of the project conditions impacts to biological resources will be less than significant. Oak Creek is located near the eastern boundary of the northeast parking lot. Environmentally Sensitive Habitat (ESH) bordering the creek consists of sycamore woodland and coast live oak vegetation. However, the project will be located entirely outside of the required 50-foot ESH buffer, and will have no direct impacts to ESH. Additionally, the Oak Creek ESH is heavily maintained and manicured in this creek section, and ground vegetation is predominantly non-native ornamentals. The ESH is surrounded by developed areas and experiences frequent human presence.

The project is conditioned to ensure there are no adverse impacts to a listed or special-status species in the unlikely event they are identified within the project site prior to or during construction activities. The project is conditioned to require pre-construction nesting bird surveys within 500 feet of construction activities to ensure no construction takes place within 500 feet of any raptor nest or 200 feet of any other native bird species' nest (Attachment B-4, Condition No. 20). Additionally, a Stormwater Pollution Prevention Plan (SWPPP) is required to minimize the potential for discharge of pollutants from the project site during

<p><i>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.</i></p> <p><b>MCP Policy BIO-M-1.8:</b> <i>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:</i></p> <ol style="list-style-type: none"> <li><i>1. Soil type and stability of stream corridors;</i></li> <li><i>2. How surface water filters into the ground;</i></li> <li><i>3. Slope of the land on either side of the stream;</i></li> <li><i>4. Location of the 100 year flood plain boundary; and</i></li> <li><i>5. Consistency with adopted plans, particularly Biological/Habitat policies.</i></li> </ol> <p><i>The buffer area shall be indicated on all grading plans. All ground disturbance and vegetation removal shall be prohibited in the buffer area.</i></p>	<p>construction activities (Attachment B-4, Condition Nos. 43 &amp; 44). The project area will also be fenced during construction (Attachment B-4, Condition No. 58), and all construction/contractor personnel will complete a Workers Environmental Awareness Program to ensure compliance with environmental/permit regulations and BMPs (Attachment B-4, Condition No. 57).</p>
<b>CIRCULATION</b>	
<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>Roadways:</p> <ul style="list-style-type: none"> <li>• East Valley Rd/Buena Vista to Sheffield – LOS C is acceptable</li> <li>• Sycamore Cyn Road - LOS C is acceptable</li> <li>• Hot Springs Rd/Sycamore Cyn to Coast Village - LOS D is acceptable</li> </ul>	<p><b>Consistent:</b> The project is consistent with the LOS requirements for roadway segments and intersections in the Montecito Planning area. The applicant submitted a Traffic and VMT Analysis prepared by Associated Transportation Engineers (Attachment H), dated June 25, 2024, which calculated the LOS during peak hour traffic volumes for the roadways and intersections that will be impacted by the project. The acceptable capacity for roadways is defined as the</p>

- Olive Mill Rd/Coast Village to Channel Dr. - LOS C is acceptable
- San Ysidro Rd/E. Valley to North Jameson - LOS C is acceptable
- San Ysidro Road/North to South Jameson - LOS D is acceptable

Intersections: Hot Springs/East Valley - LOS C is acceptable

**Roadway Standards:**

A project's consistency with this section shall be determined as follows:

1. For roadways where the estimated future volume does not exceed the acceptable capacity, a project would be consistent if the number of ADTs contributed by the project would not cause an exceedance of acceptable capacity.
2. For roadways where the estimated future volume exceeds the acceptable capacity but does not exceed design capacity, a project would be consistent with this section of the Community Plan only if the number of ADTs contributed by the project to the roadway does not exceed 25 ADT.
3. For roadways where the estimated future volume exceeds the design capacity, a project would be consistent with this section of the Community Plan only if the number of ADTs contributed by the project to the roadway does not exceed 10 ADT.

**Intersection Standards:**

1. Projects contributing Peak Hour Trips to intersections that operate at a Estimated Future Level of Service A shall be found

maximum number of Average Daily Trips (ADTs) that are acceptable for the normal operation of a given roadway. Although LOS D is acceptable for San Ysidro Road between North and South Jameson Road, the roadway operations were evaluated with an acceptable capacity of LOS C. The acceptable capacity for LOS C is 12,560 ADTs, and with the implementation of the project, it is anticipated there will be 8,169 ADTs. For South Jameson Lane east of San Ysidro Road, the acceptable capacity is LOS B, or 5,530 ADTs. With implementation of the project, it is anticipated there will be 5,102 ADTs. Therefore, the project will not result in traffic volumes exceeding the acceptable capacity for any roadways. Additionally, the project was reviewed and approved by Public Works Transportation, and they issued a condition letter dated September 20, 2024 (Attachment B-4).

The County of Santa Barbara, in conjunction with Santa Barbara Association of Governments (SBCAG) and Caltrans, is currently constructing improvements to the US 101/San Ysidro Road interchange. The construction will result in a combined roundabout at the San Ysidro Road/North Jameson Lane and San Ysidro Road/US 101 northbound ramp intersections. Construction of the roundabout is scheduled to be completed in 2025. The LOS calculations for the intersections that will be impacted by the project assume implementation of the roundabout improvements. The intersections that will be impacted by the project are the roundabout at the San Ysidro Road/North Jameson Lane and San Ysidro Road/US 101 northbound ramp intersections, the San Ysidro Road/Eucalyptus Lane/US 101 southbound ramps/South Jameson Lane four-way intersection, and the Eucalyptus Lane/South

<p>consistent with this section of the Community Plan unless the project results in a change in Volume/Capacity (V/C) ratio greater than 0.15.</p> <p>2. For intersections that are operating at a Estimated Future Level of Service that is less than or equal to LOS "B", a project must meet the following criteria in order to be found consistent with this section of the Community Plan (except for the intersection of Hot Springs and East Valley).</p> <ul style="list-style-type: none"> <li>o For intersections operating at a Estimated Future Level of Service B, no project must result in a change of V/C ratio greater than 0.10.</li> <li>o For intersections operating at a Estimated Future Level of Service C, no project shall contribute more than 15 Peak Hour Trips.</li> <li>o For intersections operating at a Estimated Future level of Service D, no project shall contribute more than 10 Peak Hour Trips.</li> <li>o For intersections operating at a Estimated Future Level of Service E or F, no project shall contribute more than 5 Peak Hour Trips.</li> </ul>	<p>Jameson Lane intersection. These intersections are shown in Figure 4 of the Traffic and VMT Analysis (Attachment H). The LOS in the AM and PM peak hour traffic volumes will not change with the project. The San Ysidro Road/North Jameson Lane and San Ysidro Road/US 101 northbound ramp intersections will continue to operate at LOS A. The San Ysidro Road/Eucalyptus Lane/US 101 southbound ramps/South Jameson Lane four-way intersection will continue to operate at LOS B. The Eucalyptus Lane/South Jameson Lane intersection will continue to operate at LOS A. As shown in the tables on pages 44-67 of the Traffic and VMT Analysis (Attachment H), there will not be a change in V/C ratio greater than 0.10. The Traffic and VMT Analysis was reviewed by Public Works Transportation, and they agreed with the report’s conclusions.</p>
<b>COASTAL ACCESS</b>	
<p><b><i>Coastal Act Policy 30211.</i></b> <i>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.</i></p>	<p><b>Consistent:</b> The project is consistent with policies regarding public access to the coast. An existing lateral access easement across the Miramar property (dated July 21, 1975, and recorded on October 6, 1975) on the beach at least 20 feet from the water line for public access will remain in effect at all times (except for when the water has reached the edge of the boardwalk). Although the Miramar Hotel will have use of the area of sand between the boardwalk and the water, at no time would any hotel activity be allowed to interfere with public use of this 20-foot easement. In addition, three pedestrian easements were recorded over the Miramar property for access to the beach (Attachment K). The project</p>

	<p>proposes to slightly modify the location of the easement in the eastern parking lot, but the new location will continue to provide the same public access to the beach and is in generally the same location. Additionally, Condition No. 62 of Attachment B-4 requires the hotel’s visitor serving amenities (commercial space, restaurant, spa, beach bar, beach, beach showers and restrooms, etc.) to be non-exclusive and fully open to the public.</p>
<b>CULTURAL RESOURCES</b>	
<p><b>Coastal Plan Policy 10-2:</b> <i>When developments are proposed for parcels where archaeological or other cultural sites are located, project design shall be required which avoids impacts to such cultural sites if possible.</i></p> <p><b>Coastal Plan Policy 10-3:</b> <i>When sufficient planning flexibility does not permit avoiding construction on archaeological or other types of cultural sites, adequate mitigation shall be required. Mitigation shall be designed in accord with guidelines of the State Office of Historic Preservation and the State of California Native American Heritage Commission.</i></p> <p><b>Coastal Plan Policy 10-5:</b> <i>Native Americans shall be consulted when development proposals are submitted which impact significant archaeological or cultural sites.</i></p>	<p><b>Consistent:</b> The project is consistent with policies regarding protection of cultural and archaeological resources. The applicant submitted a Phase I Cultural Resources Technical Report by Dudek, dated June 2024, which concluded that no known significant cultural resources exist within the project areas proposed for ground disturbance. The northwest parking lot has been subject to extensive and significant ground disturbance since at least the 1940s, and the northeast parking lot since at least 1929. If there are any cultural resources below the paved surface, it is likely they are no longer intact. However, the project is conditioned to require work to stop immediately and the applicant to retain a P&amp;D qualified archaeologist and Native American representative in the event that an archaeological resource is encountered during grading or other ground-disturbing activities (Attachment B-4, Condition No. 22).</p>
<b>HILLSIDE AND WATERSHED PROTECTION</b>	
<p><b>Coastal Plan Policy 3-13:</b> <i>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.</i></p>	<p><b>Consistent:</b> Applicable hillside and watershed protection policies are not objective policies. However, the project is consistent with policies regarding minimization of cut and fill operations, fitting the site topography, and preserving natural features. The project site is relatively flat, with an average slope of 2% in the project area. Total grading consists of</p>

<p><b>Coastal Plan Policy 3-14:</b> <i>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.</i></p>	<p>17,650 cubic yards of cut and 800 cubic yards of fill in the northwest lot, and 4,300 cubic yards of cut and 1,500 cubic yards of fill in the northeast lot. The majority of the grading in the northwest lot is for underground parking to replace the parking that will be lost from the development of the market-rate apartments and resort shops, which requires 17,300 cubic yards of cut. The finished grade will be similar to existing grade for all proposed buildings.</p> <p>Additionally, the project will not result in impacts to the natural terrain, as the development will be located within existing, paved parking lots. Trees will be preserved to the maximum extent feasible. A Tree Protection Plan was submitted requiring tree protection fencing and an onsite arborist to monitor any construction activities within the tree protection zone. The majority of trees on site were planted as part of the landscape plan for the original development, and are not part of a sensitive habitat area. No specimen oak trees are proposed for removal. Four native specimen sycamore trees are proposed for removal, however they are isolated and located in the parking areas, and provide little habitat value.</p> <p>There are no known soil, geologic, erosion, or other hazards on the site. The northeast parking lot is within the 100-year flood hazard overlay, however, the project was reviewed by Flood Control and they determined it meets all of their requirements. Flood Control issued a condition letter dated September 13, 2024, included in Attachment B-4.</p>
<b>NOISE</b>	
<p><b>Noise Element Policy 1:</b> <i>In the planning of land use, 65dB Day-Night Average Sound Level</i></p>	<p><b>Consistent:</b> The proposed project is consistent with policies regarding limiting noise levels to</p>

*should be regarded as the maximum exterior noise exposure compatible with noise-sensitive uses unless noise mitigation features are included in the project design.*

**Noise Element Policy 5:** *Noise-sensitive uses proposed in areas where the Day-Night Average Sound Level is 65 dB or more should be designed so that interior noise levels attributable to exterior sources do not exceed 45 dB LDN when doors and windows are closed. An analysis of the noise insulation effectiveness of proposed construction should be required, showing that the building design and construction specifications are adequate to meet the prescribed interior noise standard.*

**MCP Development Standard N-M-1.1.1:** *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.*

65dB and limiting construction activities to weekdays between 7:00 a.m. to 4:30 p.m. An Environmental Noise Impact Study prepared by Acoustical Engineering Services, Inc., dated July 2024, evaluated the potential noise and vibration impacts from the construction and operation of the project.

Operational noise levels from noise sources associated with the project, including mechanical equipment, parking facilities, and off-site traffic, will have a maximum level of 54.7 dBA at the nearest sensitive receptor locations. When added to the ambient noise level there will be a maximum noise increase of 2 dBA, and the operational noise level will still be well under the maximum of 65 dBA.

Pursuant to the Environmental Noise Impact Study, based on the estimated existing and future traffic volumes along South Jameson Lane, the proposed apartment buildings facing South Jameson Lane will be exposed to noise levels of up to 65.9 dBA. Typical new building construction will provide a minimum exterior/interior noise reduction of 30 dBA, resulting in an interior noise level of 35.9 dBA. The nearest outdoor living area will be the lawn area located between Building A and Building B on the site plan. Based on the distance from South Jameson Lane, the maximum exterior noise level will be approximately 61.9 dBA.

Construction activities will temporarily increase noise levels in the vicinity of the project site. The project includes best management practices, including temporary sound barriers between the construction areas and surrounding sensitive uses, and noise-generating equipment having noise control devices including mufflers, lagging, and/or motor enclosures (Attachment B-4, Condition



	<p>Nos. 47 and 48). Temporary construction-related noise impacts will be addressed through implementation of Condition No. 25 of Attachment B-4, which limits noise generating construction activity to between the hours of 7:00 a.m. and 4:30 p.m. on weekdays. Noise generating construction activity is prohibited on weekends and State holidays.</p>
<b>WATER RESOURCES/FLOODING</b>	
<p><b>Coastal Act Policy 30231.</b> <i>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.</i></p> <p><b>Coastal Plan Policy 3-18:</b> <i>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.</i></p> <p><b>Coastal Plan Policy 3-19:</b> <i>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</i></p>	<p><b>Consistent:</b> The project was reviewed in accordance with the requirements of County Code Chapter 15A/15B and conceptually approved by Flood Control (condition letter included in Attachment B-4). The project site is located outside of the floodway, but within the FEMA Regulatory Floodplain Zone AE and the FEMA Recovery Map High Hazard Area. The project will comply with the County Flood Control District Standard Conditions and design requirements to avoid impacts to water quality.</p> <p>Pollutants, such as chemicals, fuels, lubricants, raw sewage, and other harmful waste, will not be inappropriately discharged either during or after construction. The project is conditioned to require a designated equipment washout area that is located 100 feet from any storm drain, waterbody or sensitive biological resource (Attachment B-4, Condition No. 16).</p> <p>The project was also reviewed and conceptually approved by Project Clean Water, (condition letter included in Attachment B-4). The project is designed with the implementation of a conceptually approved Tier 4 Stormwater Control Plan (SWCP). Prior to issuance of a Zoning Clearance, a Final SWCP must be approved by Project Clean Water. In conformance with Hillside and Watershed Protection Policy No. 6, the project proposes to mitigate storm runoff by directing it to</p>

<p><i>into or alongside coastal streams or wetlands either during or after construction.</i></p> <p><b><i>Hillside and Watershed Policy 6: 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 onsite whenever possible to facilitate groundwater recharge.</i></b></p>	<p>underground basins to be treated and retained. Review and approval of the project’s SWCP by Project Clean Water staff will ensure that the proposed project will not result in stormwater runoff in excess of applicable County standards. Therefore, the proposed project will not result in the degradation of the water quality of the groundwater basin.</p>
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### **6.3 Zoning: Article II**

#### **6.3.1 Compliance with Article II, Coastal Zoning Ordinance**

As discussed above in Sections 4.1 and 6.2 of this staff report, this housing development project is eligible for processing pursuant to the Housing Accountability Act (HAA). Under the HAA, an eligible housing development project that is consistent with objective general plan, zoning, and subdivision standards and criteria cannot be disapproved or conditioned to lower density unless the decision-maker finds, supported by a preponderance of the evidence in the record, that the project: 1) would have a specific, adverse impact upon the public health or safety; and 2) there is no feasible method to satisfactorily mitigate or avoid the adverse impact. The following zoning consistency analyses are therefore limited to objective requirements, as defined under the HAA.

#### **Article II Section 35-81 C-V – Resort/Visitor Serving Commercial**

The purpose of the Resort/Visitor Serving Commercial district is to provide for tourist recreational development in areas of unique scenic and recreational value, while providing for maximum conservation of the resources of the site through comprehensive site planning. It is the intent of this district to provide for maximum public access, enjoyment, and use of an area’s scenic, natural, and recreational resources while ensuring preservation of such resources. Where this district is applied to areas adjacent to the shoreline, uses permitted shall in part require an oceanfront location in order to operate. The proposed project is consistent with the purpose and intent of the C-V Zone District as the project consists of the construction of affordable and market-rate housing and additional commercial uses at the existing Miramar Resort complex. The proposed project will provide affordable housing units in a region lacking affordable housing, and the additional commercial space will enhance the tourist recreational development on site with additional resort shops.

The project complies with the setbacks, height limit, open space, and floor area requirements with the use of waivers as permitted by the State Density Bonus Law, as outlined below. Additionally, the project complies with the following standards for the C-V Zone:

### **Section 35-81.5 Permitted Uses**

*Light commercial uses (i.e., barber and beauty shops, gift shops, restaurants, etc.) normally associated with the needs of visitors, provided such commercial activities are so designed and limited as to be incidental and directly oriented to the needs of visitors and do not substantially change the character of the resort/visitor-serving facility.*

**Consistent:** There are currently light commercial uses on-site, including resort-oriented clothing shops, a jewelry store, a wellness/beauty shop, and restaurants that primarily serve the guests and visitors of the Miramar resort. The project proposes up to 12 additional resort shops that will be similar in nature to the existing commercial development on site, and one café, which will not substantially change the character of the Miramar resort. The additional commercial development will not reduce the number of guest rooms and will be ancillary to the primary use as a resort. The commercial development will not be visible from surrounding streets or public viewing areas.

### **Section 35-81.7 Uses Permitted with a Minor Conditional Use Permit**

*Residences, provided the residential use is secondary to a primary commercial use on the same lot.*

### **Section 35-58 Definitions – Secondary Use**

**Secondary Use:** *a) A land use subordinate or accessory to a principal land use. b) 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.*

**Consistent:** The existing resort floor area totals 167,142 square feet. This would result in 334 bedrooms allowed. The project proposes 50 residential bedrooms. There are also four existing one-bedroom employee housing units, for a total of 54 residential bedrooms. The residential floor area totals 40,843 square feet. Therefore, the proposed residential use is secondary to the primary commercial use on the lot.

### **Development Plan Modifications**

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

Article II requires 618 spaces for the existing development on site, as follows:

Land Use	Size	Article II Requirement	Spaces Required
Hotel	154 rooms	1 space/room	154 spaces
	50 employees	1 space/5 employees	10 spaces
Restaurant – Family Dining	2,423 sf	1 space/300 sf of space devoted to patrons	9 spaces
	20 employees	1 space/2 employees	10 spaces
Spa	2,900 sf	1 space/300 sf	10 spaces
Banquet Hall	10,425 sf	1 space/30 sf	348 spaces
Apartments – Employee Affordable	4 one-bedroom	1 space/one-bedroom apartment	4 spaces
Restaurant – Fine Dining	2,684 sf	1 space/300 sf of space devoted to patrons	9 spaces
	20 employees	1 space/2 employees	10 spaces
Beach Club	665 sf	1 space/30 sf	23 spaces
Resort Shops	8,481 sf	1 space/500 sf	17 spaces
Sushi Restaurant	678 sf	1 space/300 sf of space devoted to patrons	3 spaces
	5 employees	1 space/2 employees	3 spaces
Lobby Bar	1,270 sf	1 space/300 sf of space devoted to patrons	5 spaces
	5 employees	1 space/2 employees	3 spaces

Previous approvals under Case Nos. 14RVP-00000-00063, 21SCD-00000-00020, and 23SCD-00007 included modifications to allow for 436 parking spaces instead of the 618 spaces required by Article II.

The proposed project requires 83 additional spaces based on Article II and SDBL. SDBL allows for reduced parking requirements for residential units. Pursuant to SDBL, upon the request of the developer, the county shall not require a vehicular parking ratio that exceeds the following ratios:

- (A) Zero to one bedroom: one onsite parking space.
- (B) Two to three bedrooms: one and one-half onsite parking spaces.
- (C) Four and more bedrooms: two and one-half parking spaces.

Land Use	Size	Article II/SDBL Requirement	Spaces Required
Apartments – Market Rate	1 one-bedroom	1 space/unit	1 space
	4 two-bedroom	1.5 spaces/unit	6 spaces
	3 three-bedroom	1.5 spaces/unit	5 spaces
Apartments – Employee Affordable	20 one-bedroom	1 space/unit	20 spaces
	6 two-bedroom	1.5 spaces/unit	9 spaces
Resort Café	2,500 sf	1 space/300 sf of space devoted to patrons	9 spaces
	5 employees	1 space/2 employees	3 spaces
Resort Shops	15,000 sf	1 space/500 sf	30 spaces

The proposed revised project proposes to modify the required number of parking spaces to allow for a reduction to 44 additional spaces from the 83 spaces required by Article II and SDBL. The applicant has provided an updated *Parking Analysis for the Miramar Beach Resort and Bungalows Affordable Employee Housing, Market Rate Housing and Resort Visitor Serving Commercial Project*, Associated Transportation Engineers, dated June 25, 2024 (included as Attachment J), which provides a basis for approving the parking modification request.

A shared parking model was developed to determine the peak parking demands for the existing development and proposed project during periods when the hotel, restaurants, and beach club would be busiest. The shared parking model recognizes that a single space may serve several different uses at different times during the day. The peak parking demand is estimated to be 462 spaces. The site will have a total of 480 spaces, for a surplus of 18 spaces.

In addition, Condition No. 40 of Attachment B-4 requires the preparation of a revised final parking plan, which provides for a designated traffic coordinator, notices to inform guests of parking procedures and locations, parking signage, and an overall site parking exhibit. Additionally, it requires an annual compliance report listing the total number of parking spaces used during all events (beach event, conferences, special events, etc.) and provides provisions for modifications to the parking plan in the event that the parking plan is determined inadequate to effectively park vehicles attributed to hotel activities.

**Waivers/Reductions.** Pursuant to Government Code Sections 65915(e)(1) and 65915(e)(2), a developer can waive or reduce development standards, as defined in the statute, when those requirements will have the effect of physically precluding the construction of a development at

the allowed density or with the concessions or incentives permitted under State Density Bonus Law. Unlike concessions/incentives, there are no financial criteria required for granting a waiver. Furthermore, State Density Bonus Law does not set a cap on the number of waivers/reductions that can be used on a project.

**1. Article II Section 35-203 Floor Area Ratio.** Request to increase the allowed Floor Area Ratio for the C-V Zone from 0.25 to 0.29.

**Consistent.** Compliance with the above Article II standard would preclude the construction of the development at the allowed density. The site has a net lot area of 686,977 square feet, which would allow 171,744 square feet of floor area to meet the Floor Area Ratio (FAR) of 0.25. The resort currently has a FAR of 0.24, with development totaling 169,000 square feet. This would only allow an additional 2,144 square feet of development to meet the FAR of 0.25. The project proposes 31,724 square feet of additional floor area, excluding the proposed affordable housing. This would result in a FAR of 0.29. The development cannot be constructed at the allowed density while meeting the FAR of 0.25. The waiver is not contrary to state or federal law and would not have a specific, adverse impact upon health and safety or an impact on a property listed in the California Register of Historical Resources. Therefore, the request for a waiver is consistent with Government Code Section 65915.

**2. Article II Section 35-81.9 Height Limit.** Request to allow for a height of 40'-9" for Building C in lieu of the 38' height limit for the C-V Zone.

**3. Article II Section 35-81.9 Height Limit.** Request to allow for three stories for Building C in lieu of the two stories allowed for development surrounded by areas zoned residential.

**Consistent.** Compliance with the 38-foot height limit for the C-V Zone (35' plus an additional three' for a roof pitch greater than or equal to four in 12) and two-story limit for development surrounded by areas zoned residential would physically preclude constructing the proposed development at the allowed density. In order to meet the height requirement, the height of Building C would have to be reduced by one-story, resulting in a loss of all third floor units. If the square footage were expanded to have more first and second floor units, it would reduce the amount of parking in the northeast lot. The waiver is not contrary to state or federal law and would not have a specific, adverse impact upon health and safety or an impact on a property listed in the California Register of Historical Resources. Therefore, the request for a waiver is consistent with Government Code Section 65915.

- 4. Article II Section 35-81.11 Open Space.** *Request to allow for a reduction in the requirement for common open space from 40% of the net lot area to 27.74% of the net lot area.*

**Consistent.** Compliance with the above Article II standard is physically infeasible and would preclude the construction of the development at the allowed density. The resort is fully developed and complying with the common open space requirement would require a reduction in the project's building footprints because there would not be sufficient area on the project site to provide more common open space. This building footprint reduction would result in a reduction in units and floor area because there would be insufficient building area to accommodate all the proposed units. The waiver is not contrary to state or federal law and would not have a specific, adverse impact upon health and safety or an impact on a property listed in the California Register of Historical Resources. Therefore, the request for a waiver is consistent with Government Code Section 65915.

- 5. Article II Section 35-81.8 Setbacks for Buildings and Structures.** *Request to reduce the required front, side, and rear setbacks for Buildings A, B, and C and the parking areas. Requested setback reductions are as follows:*

- *Reduced front yard setback along South Jameson Lane frontage to allow for a 49' setback for Building A, 47'-9" for Building C, and 37'-9" for the entry gate/columns in lieu of the required 50' setback from the centerline of South Jameson Lane.*
- *Reduced front yard setback along Eucalyptus Lane frontage to allow for a 41'-10" setback for Buildings A and B in lieu of the required 50' setback from the centerline of Eucalyptus Lane.*
- *Reduced variable width side yard setback ranging from 1'-3" to 22'-6" for Building B along the south property line in lieu of the required 50' setback from a residentially-zoned lot.*
- *Reduced side yard setback of 12' along the eastern property line to permit parking and associated stormwater management structures in lieu of the required 50' setback from a residentially-zoned lot.*
- *Reduced rear yard setback of 0' to permit parking in the northeast area of the site in lieu of the required 20' setback from the property line.*

**Consistent.** Compliance with the above Article II standard is physically infeasible and would preclude the construction of the development at the allowed density. Complying with the setback requirements would require a reduction in the project's building footprints as there is no room to relocate the buildings or parking in a manner that would maintain the minimum setbacks for the project as designed. The building footprint reduction would result in a reduction in units

because there would be insufficient building area to accommodate all the proposed units. The waiver is not contrary to state or federal law and would not have a specific, adverse impact upon health and safety. The site plan was reviewed and cleared by the Montecito Fire Protection District, and they provided a condition letter dated September 10, 2024 (Attachment B-4). The waiver would not have an impact on a property listed in the California Register of Historical Resources. Therefore, the request for a waiver is consistent with Government Code Section 65915.

#### **6.4 Subdivision/Development Review Committee**

The proposed project was reviewed by the Subdivision/Development Review Committee on August 15, 2024. Condition letters were received from the Flood Control District, Project Clean Water, County Parks, Public Works Transportation, and the Montecito Fire Protection District. Compliance with the condition letters is required pursuant to Attachment B-4, Condition No. 59. The County Surveyor had no comments or conditions.

#### **6.5 Development Impact Mitigation Fees**

A series of ordinances and resolutions adopted by the County Board of Supervisors require the payment of various development impact mitigation fees. This project is subject to the fees as shown in the following table. The amounts shown are estimates only. The actual amounts will be calculated in accordance with the fee resolutions in effect when the fees are paid.

The developer of a project that is required to pay development impact mitigation fees may appeal to the Board of Supervisors for a reduction, adjustment or waiver of any of those fees based on the absence of a reasonable relationship between the impacts of the proposed project and the fee category for which fees have been assessed. The appeal must be in writing and must state the factual basis on which the particular fee or fees should be reduced, adjusted or waived. The appeal must be submitted to the director(s) of the relevant departments within 15 calendar days following the determination of the fee amount(s). For a discretionary project, the date of determination of fee amounts is the date on which the decision-maker adopts the conditions of approval and approves the project.

<b>Estimated Countywide Development Impact Mitigation Fees</b>			
<b>Fee Program</b>	<b>Base Fee (per unit or peak hour trip)</b>	<b>Estimated Fee</b>	<b>Fee due at</b>
Recreation (Parks)	\$1,709/unit	\$58,820	Final Inspection
Transportation	\$2,965/peak hour trip	\$100,810	Final Inspection



## **7.0 APPEALS PROCEDURE**

The action of the County Planning Commission may be appealed to the Board of Supervisors within ten calendar days of said action. For developments which are appealable to the Coastal Commission under Section 35-182.6, no appeal fee will be charged.

The action of the Board of Supervisors may be appealed to the Coastal Commission within ten working days of receipt by the Coastal Commission of the County's notice of final action.

### **ATTACHMENTS**

- A. Findings
- B. Conditions of Approval
  - B-1. Conditions of Approval for Case No. 24RVP-00050
  - B-2. Conditions of Approval for Case No. 24RVP-00051
  - B-3. Conditions of Approval for Case No. 24AMD-00008
  - B-4. Conditions of Approval for Case No. 24CDP-00077
- C. CEQA Notice of Exemption
- D. Water and Sewer Availability letters
- E. Project Plans
- F. Visual Simulations
- G. UPRR Letter
- H. Traffic and VMT Analysis
- I. Historical Resources Technical Report
- J. Parking Analysis
- K. Easement Deed for Pedestrian Walkways
- L. Applicant Waiver Request

**ATTACHMENTS A – L**

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