

SANTA BARBARA COUNTY BOARD AGENDA LETTER



Clerk of the Board of Supervisors
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Agenda Number:

Prepared on: February 3, 2005
Department Name: Planning & Development
Department No.: 053
Agenda Date: February 15, 2005
Placement: Departmental
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If Yes, date from:
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TO: Board of Supervisors

FROM: Val Alexeeff, Director
Planning & Development

STAFF CONTACT: Julie Harris, Planner III (x3518)
Steve Goggia, Supervising Planner (x2067)

SUBJECT: Hearing on the Four Seasons Biltmore Hotel Appeal of the Montecito Planning Commission's Partial Approval of the Dilworth/Anton Appeal of the Planning & Development Department's Approval of an Amendment to the Biltmore's Development Plan under case numbers 04APL-00000-00026 (Dilworth/Anton Appeal) and 04AMD-00000-00001 (Development Plan Amendment), located at 1260 Channel Drive, Montecito Community Plan area, First Supervisorial District [BOS Appeal Case No. 04APL-00000-00036].

Recommendation(s):

That the Board of Supervisors deny the appeal by the Biltmore Hotel and uphold the Montecito Planning Commission's December 15, 2004 partial approval of the Dilworth/Anton Appeal.

The Board of Supervisors' action should include the following:

1. Adopt the required findings for the project specified in the Montecito Planning Commission's Action Letter dated January 10, 2005 included as Attachment A of this Board Agenda Letter,
2. Accept the CEQA Exemption included in the Staff Memo to the Montecito Planning Commission dated December 3, 2004 and included as Attachment B of this Board Agenda Letter, and
3. Deny the appeal and uphold the decision of the Montecito Planning Commission to partially approve 04APL-00000-00026, subject to the conditions of approval set forth in the Montecito

Planning Commission's Action Letter dated January 10, 2005 included as Attachment A of this Board Agenda Letter.

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

Alignment with Board Strategic Plan:

The recommendation is primarily aligned with actions required by law or by routine business necessity.

Executive Summary and Discussion:

Background

On September 22, 2004 the Director of Planning and Development approved the Amendment, 04AMD-00000-00001, to modify conditions of approval of 98-DP-031 and 98-DP-031 AM01, the Development Plan under which the Four Seasons Biltmore Hotel and Health Spa operate. The Director's decision clarified that members of the general public would be allowed to use the hotel's existing health spa on a limited basis, in addition to its use by registered overnight hotel guests. The Amendment also reduced the maximum number of guestrooms that the hotel might operate from 236 to 232. Use of the exercise/fitness center and the hotel pool would still be restricted to registered overnight hotel guests. The Amendment does not affect operating conditions of the Coral Casino. The Director's action was based on the findings and conditions set forth in the Director's Action Letter dated September 23, 2004, the requirements of Article II of Chapter 35 of the Santa Barbara County Code, and the project's consistency with the policies and development standards of the Coastal Land Use Plan and the Montecito Community Plan (Attachment D).

The Director's decision included the following conditions on the proposed project and agreed to by the Biltmore Hotel. These conditions included:

1. Prohibiting the taking of reservations for spa appointments for general public users more than three weeks in advance of the appointment date,
2. Directing general public users of the spa to use the Biltmore's complimentary valet parking,
3. Limiting the general public use of the health spa to a maximum of up to 25 people per day during the low season and up to 15 people per day during the high season, and
4. Requiring that the project be reviewed for compliance within one year of operation including the submission of compliance reports document spa usage.

These conditions were a direct result of Director's consideration of public comments received during the process. Public comment letters submitted to the Director Commission are on file at Planning & Development.

On October 4, 2004, Elizabeth Dilworth and George and Eileen Anton filed an appeal of the Director's decision to the Montecito Planning Commission (04APL-00000-00026). The Montecito Planning Commission heard the appeal on November 17, 2004 and December 15, 2004. On December 15th the Montecito Planning Commission granted a portion of the appeal, prohibiting

limited public use during the high season (the Memorial Day weekend through Labor Day) while allowing such use during the low season (the day after Labor Day until just prior to the Memorial Day weekend).

The Montecito Planning Commission's decision included the following conditions on the proposed project and agreed to by the Biltmore Hotel. These conditions included:

1. Modifying the compliance reporting condition to require the report to include a new traffic and parking demand study that considers the effect of spa use on traffic during the low season and whether the traffic and parking situation in the high season would allow future consideration of allowing the general public to use the spa during the high season on a limited basis,
2. Requiring that the Montecito Planning Commission receive the reports, and
3. Clarifying that the Biltmore parking lots not be used for hosting or staging special events.

These conditions were a direct result of the Montecito Planning Commission consideration of public comments received during the appeal hearing and process. Public comment letters submitted to the Montecito Planning Commission are on file at Planning & Development.

The Montecito Planning Commission's partial approval of the Dilworth/Anton appeal also resulted in a change to spa Condition 4 regarding limited public use of the spa during the high season: i.e., the Montecito Planning Commission limited high season use to registered overnight hotel guests only.

On December 15, 2004 Richard Monk of Hollister & Brace, representing Ty Warner Hotels and Resorts, LLC (owner of the Four Seasons Biltmore Hotel), submitted an appeal of this decision with the Clerk of the Board. A facilitation meeting was not held as the appellant of the Montecito Planning Commission's decision is the original project proponent.

Appellant Issues

The appellant objects to the limitation placed upon the spa use during the high season and would like to be allowed limited use of the hotel health spa by up to 15 people of the general public per day as approved by the Director of Planning and Development. The appeal is included as Attachment G.

The appellant specifically objects to the Montecito Planning Commission's findings based on Commissioners' observations that traffic and parking in the Biltmore neighborhood during the high season are issues of concern. Observations of Commissioners in the record regarding traffic and parking may constitute substantial evidence supporting a discretionary decision. The Commissioners' observations and comments expressed during the hearing included the following:

1. That Commissioners have observed the heavy traffic and parking issues during the summer,
2. That evidence and pictures presented at the hearing disclosed how difficult parking can be in the summer,
3. That traffic counts of July 2003 are not recent enough to accurately depict current summer traffic conditions, and

4. That a cumulative analysis is needed that would factor in Music Academy of the West and Coral Casino construction traffic.

The Montecito Planning Commission's decision does not preclude the opportunity for allowing limited public use of the spa during the high season in the future should new traffic data be presented that indicates that traffic is flowing within acceptable levels of service identified in the Montecito Community Plan and that no traffic thresholds of significance would be triggered. The Montecito Planning Commission's decision included a condition requiring a report back to the Commission after one year of operation to review compliance. The report is required to include new high season traffic counts.

In support of his position, the appellant refers to the findings of the traffic study¹ prepared by Associated Transportation Engineers (ATE) for the applicant, which was reviewed for adequacy by County Public Works Transportation Division and Planning and Development staff. The study indicates that the proposed limited public use of the spa during the high and low seasons, combined with the reduction of four guestrooms, would have negligible changes in traffic generation. The traffic study also indicates that during the high season there would be a net reduction of morning and afternoon peak hour trips of one each and a reduction of 12 average daily trips on Saturdays. No traffic thresholds of significance would be triggered, nor would there be an increase in traffic that would lead to inconsistencies with Comprehensive Plan policies, including transportation/circulation policies of the Montecito Community Plan.

In its study, ATE used one traffic count data point measured in April 2000. As this count was taken for a roadway segment crucial to the analysis of potential traffic impacts of this proposed project (Olive Mill Road, south of Spring Road), ATE appeared before the Montecito Planning Commission with more recent data, taken in July 2003 for the Music Academy of the West Environmental Impact Report. The more recent count indicates a higher traffic volume than that measured during the low season of 2000 (see Attachment F); however, the roadway still operates at acceptable levels of service and the proposed project would not trigger any impact thresholds or inconsistencies with the Montecito Community Plan. More recent traffic counts are currently unavailable. A complete discussion of the traffic issues and the traffic study can be found in Section 7.0 of the staff report prepared for appeal (Attachment C).

Although the traffic count data indicate area roadways, including Olive Mill Road, are operating at acceptable levels of service based on both Average Daily Trips and Peak Hour Trips, P&D recognizes that much of the perceived traffic concern stems from a parking problem because to some extent circulation slows when autos park in areas of reduced road shoulder widths or in red zones. Also, when parking is difficult to find on sunny weekend days circulation may suffer as people slow to look for parking or wait for others to leave. If requested, P&D will be prepared to discuss some of the measures that the County is working on to alleviate these parking and circulation issues at the Board hearing.

¹ Associated Transportation Engineers. 2004. *Revised Traffic and Parking Analysis for the Biltmore Hotel Spa Facility – Montecito, California*. April 14, 2004.

A Note on Procedure

Should your Board uphold the decision of the Montecito Planning Commission, then the attachments to this Board Letter contain all of the Findings, CEQA Exemption and Conditions of Approval required to finalize such action. Should your Board decide to take any action other than upholding the decision of the Montecito Planning Commission, staff will request additional time to draft revised Findings, Exemption and Conditions of Approval to reflect the action proposed by your Board.

Mandates and Service Levels:

Section 35-182.3.1 of Article II (the Coastal Zoning Ordinance) of Chapter 35 of the County Code provides that the decisions of the Planning Commission may be appealed to the Board of Supervisors.

Pursuant to Government Code Sections 65355 and 65090, a notice shall be published in at least one newspaper of general circulation.

Pursuant to Government Code Section 65091, mailed notice required to property owners within 300 feet of the project, including the real property owners, project applicant and local agencies expected to provide essential services, shall be done at least 10 days prior to the hearing.

Fiscal and Facilities Impacts:

This project is located within the state-designated Appeals Jurisdiction of the Coastal Zone; therefore, the California Coastal Commission retains appeal authority over discretionary projects within this geographic area. The County does not charge a fee for appeals within the coastal zone per the Planning & Development Department fee schedule (Resolution No. 04-060, adopted by the Board of Supervisors on March 15, 2004). The cost of processing this appeal is budgeted in the Permitting and Compliance program of the Development Review South Division on page D-290.

Special Instructions:

Clerk of the Board shall forward a copy of the Minute Order to Planning & Development, Hearing Support Section, Attention: Cintia Mendoza.

Concurrence: None

Attachments:

- A. Montecito Planning Commission Action Letter dated January 10, 2005 including Findings and Project Conditions of Approval
- B. Staff Memo to Montecito Planning Commission dated December 3, 2004
- C. Staff Report to Montecito Planning Commission dated November 4, 2004
- D. Director of Planning and Development Action Letter dated September 23, 2004
- E. Staff Report to the Director of Planning and Development dated August 13, 2004
- F. Traffic Count Data Collected for Music Academy of the West Environmental Impact Report
- G. Appeal dated December 15, 2004