



Appeal Application

County Use Only	Appeal Case No.:
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STEP 1: SUBJECT PROPERTY

009-371-007, 009-333-013 & 009-010-004

ASSESSOR'S PARCEL NUMBER(S)

1759 South Jameson Lane & 96 Eucalyptus Lane, Montecito, CA 93108

PROPERTY ADDRESS (IF APPLICABLE)

Miramar Hotel

BUSINESS/ESTABLISHMENT NAME (IF APPLICABLE)

STEP 2: PROJECT DETAILS

Miramar Hotel Mixed-Use Development Revision

PROJECT TITLE

24RVP-00050, 24RVP-00051, 24AMD-00008 & 24CDP-00077

CASE NO(S).

County Planning Commis: 11/1/2024

DECISION MAKER

DATE OF ACTION

Is the appeal related to cannabis activities? Yes No

STEP 3: APPEAL CONTACTS

APPELLANT

PUT YOUR NAME HERE Clifford A. Gherson

NAME (if LLC or other legal entity, must provide documentation)

63 Humphrey Rd

STREET ADDRESS

Santa Barbara CA 93108

CITY, STATE ZIP

805-729-2974 coghersen@gmail.com

PHONE EMAIL

AGENT

PUT YOUR NAME HERE

NAME (if LLC or other legal entity, must provide documentation)

STREET ADDRESS

CITY, STATE ZIP

PHONE EMAIL

ATTORNEY

PUT YOUR NAME HERE

NAME (if LLC or other legal entity, must provide documentation)

STREET ADDRESS

CITY, STATE ZIP

PHONE EMAIL

STEP 4: APPEAL DETAILS

Is the Appellant the project Applicant? Yes No

If not, please provide an explanation of how you are an "aggrieved party", as defined in Step 5 on page 2 of this application form:

Please provide a clear, complete, and concise statement of the reasons or ground for appeal:

- Why the decision or determination is consistent/inconsistent with the provisions and purposes of the County's Zoning Ordinances or other applicable law;
- There was error or abuse of discretion;
- The decision is not supported by the evidence presented for consideration;
- There was a lack of a fair and impartial hearing; or
- There is significant new evidence relevant to the decision which could not have been presented at the time the decision was made.
- Coastal Zone – Accessory Dwelling Unit appeals: Appellant must demonstrate that the project is inconsistent with the applicable provisions and policies of the certified Local Coastal Program or that the development does not conform to the public access policies set forth in the Coastal Act.

RECEIVED
 2024 NOV 12 P 4: 29
 DEPARTMENT OF PLANNING

Exhibit 1

Testimony from Cliff Ghersen,
November 1, 2024,
to the Santa Barbara Planning Commission

(Using several over-views and plan pages from the Miramar Resort Plans, submitted to the County, and various commissions.)

Hello, my name is Cliff Ghersen and I live at 63 Humphrey Road near the Miramar Hotel.

I feel this project will have an adverse impact on our public health and safety due mostly to overflowing street parking and much more traffic.

This **first slide** gives an overview of the resort: here's the proposed Miramar-only employee housing.

Over here, you see the two new large buildings meant to contain the café, the luxury apartments, and 12 very large retail stores. These stores are not "boutiques," as Caruso would have you believe: only two shops are less than 900 sq ft., and several are 1200-2500 sq ft., according to their submitted plans and drawings.

It is ironic that to "pay for" the new employee housing for 26 workers, the Miramar will, in this new retail/marketrate apt. section, have to create 50 to 60 more low paying jobs, such as waitresses, shop clerks, valets, cleaners, custodians, and so on. The new employees will further add to the traffic locally, and aggravate the on-site parking shortage. That, in addition to the new market rate apartment

dwellers, and all the delivery, supply, and service trucks that will converge there daily.

Keep in mind, also, that with valet only parking allowed, there will be many dozens of trips daily, by the valets on So. Jameson Lane, from the new valet drop point to the east parking lot, and back again! There will be many more garbage trucks needed, each week, to dispose of the increased refuse generated by the restaurant, 12 new stores, and 8 new high-end apartments.

You can also see on this map the four main choke points for traffic, along So. Jameson, and in the parking lots, where employees, customers, guests, deliveries, and valet parking create congestion.

(Second Slide)

The second slide shows figures for parking availability, but the numbers are inflated because they count "special valet spaces" - *in the aisles!*

(Third slide)

Here is a diagram for their parking plan in the new underground garage. I've highlighted the 15 "special phantom spaces" where valets will park cars -in the aisles, between stalls, perpendicular to and blocking other cars in regular slots! Not good!

(Fourth slide).

The same is true of their plan on the larger east lot, where they have 60 of these extra "phantom valet aisle spaces" marked. They are parking cars perpendicular to regular parking slots, creating a very difficult situation, and reducing the fire lanes to just a few feet wide!

In an emergency, you would have hundreds of guests and employees without their car keys and their cars blocked in. It is a recipe for disaster and should not be allowed.

It is clear that the hotel cannot safely accommodate all the additional workers, more retail customers, new residents, their guests, and all the delivery vehicles that this project will bring .

Very soon, savvy people will park on the streets of our neighborhood to not only avoid hefty valet fees, but also to side step the time delays and body dings sure to occur in these over-parked lots!

The additional traffic and congestion will pose a danger to the safety of neighborhood residents, who may be walking, riding their bikes, or driving in the area. The current roads are too narrow to allow two-way traffic, when cars are parked up on both sides of the street.

The project ONLY benefits the Rosewood/Miramar - it does not benefit or enhance our neighborhood. Furthermore, it brings an unwelcome huge commercial enterprise right into the midst of our residential area. This does not fit our coastal enclave, where there is a 120 year-old church, a well-known senior center, a parish pre-school, and many single-family homes.

In addition, Here now I am presenting to you 24 pages of petitions collected in our neighborhood, with 168 signatures, opposing the project. We submit them now to you and to the Board of Supervisors as evidence of community opposition.

Furthermore, over 200 people have taken the time to write in to the commission, this past week alone, (week of Oct. 28, 2024) stating their opinions, and giving good, solid, reasons for their opposition.

All 370+ people agree the plan for the retail mall and shops is not a good fit for Montecito.

We know very little, as well, about plans, restrictions, and safeguards proposed for the *construction* phase! For example, how will the hotel stay open and running during that time, with employees, when the parking lots will be out of service? Where will construction workers and hotel staff park? How will noise and dust be mitigated? Where will 2500 dump trucks go to take their loads? What route will they follow when freeway ramps are closed? How will the water table be protected during the digging of a massive 20-foot deep hole, where the UG parking will be?

What about rules for the *operational* phase? We need to consider hours and location for deliveries, business hours, bus and taxi rules, and intentions of serving liquor next to a church. We've heard nothing of that from the owners!

It seems like they have not really thought ahead with their plans, and informed the community or authorities!

Are you officials on the Planning Commission and Board of Supervisors going to listen to the hundreds of folks from the community who are against this mall idea, who want better planning and more time to sort it all out, or are you going to try to rush this through on behalf of a wealthy developer?

Exhibit 2

Dear Willow Brown, Planner, SB County Planning and Development,

June 15, 2024

In perusing the Caruso Rosewood Miramar development submission, I find it woefully lacking, unclear, and incomplete in many areas. I urge you to reject it and to make sure the developers do not attempt to short-cut the county's requirements or permitting processes.

First, There seems to be no mention or attention given to the various elements of the Montecito Community Plan, which was carefully crafted years ago to forestall and prevent just such a disastrous project as this one from gaining any traction.

Here are just a few samples of the Montecito Community Plan, which I see as being violated or ignored:

Policy LUC-M-1.1 "Commercially designated land serving local needs shall be provided within existing village areas and not expanded to new sites."

We don't want a new commercial village!

Furthermore, *Policy LUC-M-1.2*: "New commercial land designations shall be limited to those needed to serve the Greater Montecito Community."

Luxury retail shops (Prada, YSL, Gucci, Louis Vitton, etc.) **do not serve the greater community.** This shopping mall is planned with super-wealthy guests of the Miramar in mind, so that they can have "an LA-like shopping experience."

Regarding area Transportation issues - quote: "We should plan land-use patterns and densities that prevent further degradation of roadways and intersections from excess traffic volumes."

Goal LU-M-2: Preserve roads as important aesthetic elements that help to define the semi-rural character of the Community. Strive to ensure that all development along roads is designed in a manner that does not impinge on the character of the roadway."

To wit, this Project will add 30 foot-high buildings along Eucalyptus Lane and So. Jameson Lane that will overwhelm and overshadow the 120 year-old All Saints Church along that Lane to the beach, and will result in a 30-foot high wall of buildings virtually a quarter of a mile in length from the intersection of S. Jameson

and Euc. Ln nearly right down to the East Hotel Parking lot, where there will be a 40 foot high dormitory building!

The Policy LU-M-2.1 goes on to say " New structures shall be designed, sited, graded, and landscaped in a manner that MINIMIZES THEIR VISABILITY from public roads." This project does not adhere to the goal or policy.

Goal LUC-M-1 Commercial Land Use - "Strive to ensure that all commercial development and uses respect the scale and character of surrounding residential neighborhoods."

The project, with its massive size and scale in no way fits the beachside neighborhood there, with the church, the pre-school, the one-story Friendship Center for Seniors across the street, and most of the surrounding residential homes nearby.

Policy LUC-M-1.1 "Commercially designated land serving local needs shall be provided within the Montecito "Village Areas" BUT NOT EXPANDED TO NEW SITES."

We don't want a new shopping mall in our residential neighborhood.

I submit to you that building this new mall/apt complex means expanding commercial areas to new sites (prohibited) and luxury Italian (etc.) retail stores DO NOT serve the needs of the Greater Montecito Community!

Policy LUC-M-1.6 "Improvements to resort visitor-serving hotels shall be designed to be consistent with the existing "Cottage Type Hotel" tradition from the early days of Montecito, -- defined by cottages limited to six guest rooms (not 12 large boutiques or 10 luxury apartments!), which are GENERALLY SINGLE STORY IN HEIGHT. " This project violates that policy.

Development Standard LU-M-1.2.1 "New structures shall be limited to an average height of 16 feet above grade." The Caruso proposal greatly exceeds this height limit by a factor of two!

Goal VIS-m-1.1: "Protect the visual importance of the Santa Ynez Mountain Range as having both local and regional significance and protect from any developments, which could adversely affect these qualities. "

Policy VIS-M-1.3: " Development of property should minimize impacts to open space views a seen from public roads and viewpoints. "

Transportation Goal CIRC-M-3 "Achieve land use patterns and densities that reflect the desire of the community to prevent further degradation of roadways and intersections for the benefits of safety, aesthetics, and community character."

Eucalyptus Lane from 101 south to the ocean is listed as an example of roadways that "lack the geometry to handle traffic volumes associated with classified roadways, or currently should remain unclassified roadways." Eucalyptus Lane often is so crowded with cars parked both sides that it becomes a virtual One-Lane Road, where moving vehicles cannot pass each other in opposite directions. This is a safety hazard already in regards to emergency vehicle access, and must not be allowed to degrade further with increased retail, delivery, and/or further residential and service traffic for new luxury apartments.

A recent traffic study submitted by the Caruso Affiliates indicates an increase of at least 550 car trips per day due to the expanded project, or more than 3800 per week. That is too much to add to the narrow lanes of our neighborhood.

Furthermore, during the proposed construction phase, more than 2000 dump truck loads would be necessary to remove all the dirt from the project, all of it rolling on our Montecito surface roads, since the 101 South Bound and 101 North Bound on-ramps are both closed for an extended period of time.

I submit that this project does exactly the opposite of the stated Goals and Policies, and others, and should not be approved by county P and D for these numerous violations of the MCP. The MPC should also reject this project.

In regards to the County Codes of Development related to C-V zoned parcels, this project fails to meet or actually violates the ordinances in the following ways, which should all be checked and remedied before moving out of P and D.

The Santa Barbara County Code of Ordinances says, "Visitor-serving commercial recreational development that involves construction of major facilities, shall not change the character of -or impact -residential areas." This project does.

Sec. 35-81.5 Permitted Uses. C-V Zoning

1. Resort, guest ranch, hotel, motel, country club, convention and conference center- permitted.
2. 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.

Sec. 35.424.060 CV Zone Standards- Allowable Uses:

A-2. Visitor Serving Commercial: The approval of allowable V-SC uses shall require that the review authority first determine that each commercial use is designed and limited to be incidental and directly oriented towards the needs of the visitors... and will not substantially change the character of the larger resort/visitor-serving facility of which it is part. (as above.)

D. Mixed use affordable residential unit standards. Residential units allowed as part of a mixed use project in the CV zone shall be attached to the primary commercial structure, and comply with the following standards... (in this case, the Affordable Units are 1/4 mile from the "mixed use" buildings!!)

C-V Zone, section C-2 Purpose and Intent: To provide areas for local retail business and commercial needs, including stores, shops, and offices supplying commodities or performing services for the residents of the surrounding community.

(These high end haute couture stores DO NOT fit with the purchasing habits and needs of the local community.)

Sincerely,

Cliff Ghersen

Further, Regarding the Preliminary Development Plan from Caruso, I do not see the following information, nor is it made clear:

1. Location of area of geologic, seismic, flood, sensitive environmental habitats.

There is a FEMA Flood Zone just east of a major component of the project, and I don't see any references to it or mitigations.

2. The floor plans for the retail stores show very large spaces -- only 2 of them are less than 900 sq ft. These large spaces, dubbed "boutiques" by the developer, are huge retail spaces that can easily be subdivided into further retail spaces! How do we know, for example, that Caruso will not install 20 retail shops (or *later convert spaces*, as they have done in the original section of the hotel) when the proposal says 12? Even if that comes true a year or two from completion, it is not right!

3. I do not see clearly the location of sources for utilities and connections services.

4. The parking plans are suspect. More than 75 spaces are designated Special Valet Spaces, which are actually in the Driving Aisles, and perpendicular to the slotted regular parking spaces! This could lead to a lot of confusion and minor car accidents.

If Parking Decks and Mechanical lifts are to be used to meet parking goals on the East Side, why are there not clear drawings of such parking decks and mechanical lifts? It also appears that the Parking Deck on the east side would block the light and ventilation to the bottom floor of Building C, the employee housing. Is this the case? Are there not rules to govern that?!

5. I do not see descriptions of drainage systems. Will runoff from the east side parking lots and structures run directly into Oak Creek, thereby polluting the creek and the thus the nearby ocean with gasoline and oil residues, trash and litter? What about sump pumps in the underground garage!?

6. I do not see the individual units or number of dwelling units in Building C, the employee housing. This is important for Affordable Housing assignments.

7. Do all buildings, A, B, and C conform to the Floor Area Ratios prescribed for such a multi-story project? What are the numbers?

8. What are the parking ratios for employees and guests? Parking spaces per retail outlet, per residential space (long term and short term), or per square foot of construction?

9. Where will current employees, guests, and construction employees park During Construction?

10. What are the proposed traffic flow patterns, into and out of the various lots? Do they plan to use valet for all visitors or renters on the West side, thereby causing delays in people coming and going out of the ONE entry/exit driveway off So. Jameson Lane? Are you aware of the very poor Level of Service at the So. Jameson/ Eucalyptus Ln. intersection? What about those drivers who want to turn left onto So. Jameson from the new retail/Apt complex parking driveway? There have to be serious traffic studies done by an INDEPENDENT TRAFFIC CONSULTANT, not paid by Caruso.

11. Any Traffic Studies done before the reinstatement of the 101 on ramp and off ramps at San Ysidro Rd. will be INVALID without knowing how many vehicles will use those ramps and come over to the Eucalyptus Ln intersection.

12. In regards to traffic, what are the numbers of new visitors, new employees, delivery vehicles, or new residents resulting from the populating of 24 retail shops, 10 luxury apartments, and 26 employee-housing units? Is that 550/day?

13. **Why are there no story poles in place, or planned?** What have they got to hide -- except the monstrosity of these huge buildings in a low-key residential neighborhood? *The public deserves to know and see the scale!*

14. Are there any Archeological Considerations for the proposed sites? We know that the Native Americans often had settlements near creeks in our area.

15. The excavation and removal of earth for a 75 car, 20-foot deep underground parking garage is a substantial undertaking. What is the estimate of cubic yards of earth to be removed? How many dump trucks will that take? What effect will that process have on the nearby roads? Where will the dirt be taken? Will that digging disturb the local aquifer? I would think just this part of the project would require an Environmental Impact Report and CEQA report.

16. What about *CALGreen standards, Cal code of Regulations, title 24, Part 11*, et al, for non-residential structures, under AB 32, for energy efficiency, resource conservation, reduction of CO2 gasses, and environmental quality? Who will enforce those concepts in planning, design, and construction? It looks like P and D is simply rubber stamping the project submission.

17. What about regulations for operation, should the project actually be approved? Hours of operation; hours/locations of deliveries; liquor licenses; bus and taxi regulation; valet parking regs; worker, resident, and visitor parking regs; advertising; Change of Use regs; Traffic monitoring; Resident Complaints; a Community Room space; a Roadway Improvement Fund for impacted neighborhood roads?

Thank you for your consideration, and attention to these questions.

Sincerely,

Cliff Ghersen

Neighbors of the Miramar

Resident at 63 Humphrey Rd. 93108



Exhibit 3

Clifford Ghersen <caghersen@gmail.com>

Opposition to Rosewood at Miramar development proposal

Clifford Ghersen <caghersen@gmail.com>
To: Cliff Ghersen <caghersen@gmail.com>

Tue, Nov 12, 2024 at 1:22 PM

To the Santa Barbara County Board of Supervisors,
and the California Coastal Commission:

Dear Members of the Board,

I am appealing the decision of the Santa Barbara planning commission in regards to the development of the Rosewood at Miramar Hotel retail mall construction plans because there was a lack of a fair and impartial hearing.

In order to move the review of the project from the Montecito planning commission to the Santa Barbara planning commission, county staff cited a little known code section that indicated that certain projects, such as "airports, reservoirs, prisons, transportation, centers," and "affordable housing" should be under the purview of the County planning commission. The characteristic that all of those facilities have, is that they are open to, and used by the public. The Affordable employee housing in this specific case is not being made available to the public. It is for the private use of the developer. No public persons outside of the Miramar labor force are allowed to apply for housing or live there. Does this viewpoint mean that when any ranch owner, for example, in the county decides to build a bunkhouse for his hired hands, that that project would automatically come before the county planning commission, no matter its location?

This particular code, or rule, was used to remove the project review from the purview and jurisdiction of the Montecito Planning Commission. As a result, the plans were not reviewed by the Montecito Board of Architectural Review, and the plans do not follow or agree with the Montecito Community Plan, which certainly is designed, AND PAINSTAKINGLY CREATED, to review very large project such as this. Both MBAR and MCP were circumvented, setting a dangerous precedent to our community.

Furthermore, at the Montecito planning commission meeting of October 18, one of the commissioners was asked to recuse herself from the proceedings due to ex Parte communication between herself and one of the neighbors who stood in opposition to the plan. The Rosewood Miramar people saw this as a prejudicial attitude on the part of the commissioner and asked that she recuse herself, which she did. Her recusal led to a lack of a quorum, therefore, and the meeting ended abruptly without any recommendation or deliberation on the part of the Montecito planning commission.

Yet on November 1, Mr. John Parke, who had brokered a deal between the Miramar and the neighboring All Saints church, refused to recuse HIMSELF from the Santa Barbara commission proceedings, even though it was very clear that he was in favor of the Miramar project, particularly noticeable by the fact that he became a mediator for the Miramar. I asked the chairman of the commission, Mr. Martinez, to ask member Parke to recuse himself, but he refused. This unequal balance of support for the project led to its passage by the commission.

Furthermore, there were more than 210 letters written in opposition to the Miramar project submitted to the commission. In addition, my neighbors and I presented petitions with 168 names attached, also in opposition. The commissioners at the November 1 meeting did not appear to have read these letters, nor did they make any comment about them, even though they were written by important members of the community. One of the commissioners, near the end of the meeting, opine that "what we saw here today was democracy in action." But in fact, the Democratic process was subverted and ignored in order to speed this project along! The voices of over 300 residents of this area were ignored in favor of Mr. Caruso's team of 15 lawyers and executives sitting in the front row with suits and ties!

Therefore, I do not feel that the hearing was completely fair or impartial.

Sincerely, yours,

Cliff Ghersen



Exhibit 4

Cliff Ghersen <theroadtothetour@gmail.com>

Objection to Miramar Hotel Planned Expansion

Clifford Ghersen <caghersen@gmail.com>
To: Cliff Ghersen <theroadtothetour@gmail.com>

Tue, Nov 12, 2024 at 1:57 PM

Dear Members of the Board of Supervisors, and California Coastal Commission,

I am objecting to the plans of the Miramar Hotel to build 56,000 ft.² of residential and retail space at their hotel at 1555 South Jamison Ln., Montecito, California 93108.

I am objecting on the grounds that the hotel has never had an environmental impact report, even at its genesis in 2007–2015, and neither was an EIR or proper CEQA finding made before this project moved through the approval process. **The project is just too big not to have an EIR or CEQA clearance.**

I believe the project to be in violation of CEQA Section 21159.25, which is being improperly employed to remove this project from environmental review. Please see quotation below.

This quotation is from a letter written to the Santa Barbara Planning Commission for their November 1 meeting, found in public comment letters #6. This is quoted from Mitchell M Tsai law firm.

“B. The Project Would be Approved in Violation of CEQA as the Section 21159.25 Exemption is Inappropriate for the Project. The 21159.25 Exemption should not be used to exempt this large project from necessary environmental review. The purpose of the 21159.25 Exemption is to extend the Class 32 Exemption to urbanized locations in unincorporated areas. Importantly, the Class 32 Exemption requires the project sites be limited to no more than 5 acres. Here, the Project Site is reported as 3.077 acres. (Staff Report, p. 6.) However, the actual property, with the inclusion of the existing hotel and shops, is 15.99 acres. (Staff Report, p. 13.) By separating the new development from existing project, the Project Site is artificially reduced. The true Project Site should reflect both the existing buildings along with the proposed additions as this Project is intended to be an extension of the existing hotel. The more accurate acreage highlights that this Project is simply too big to be considered under a categorical exemption. The City has a burden to provide substantial evidence, which must be based upon facts, reasonable assumptions based on facts and expert opinion, rather than the City’s mere speculation, to support its findings. CEQA Guidelines § 15384(a); *Save Our Big Trees v. City of Santa Cruz* (2015) 241 Cal. App. 4th 694, 711 (citing *Muzzy Ranch Co. v. Solano County Airport Land Use Com.* (2007) 41 Cal. 4th 372, 386). C. The Project’s Incorporation of Best Management Practices Does Not Negate the Need for Mitigation Measures. The Staff Report notes improperly labeled mitigation measures as “Best Management Practices” which the CEQA analysis purports will reduce the Project’s impacts, such as noise (Staff Report Attachment C, p. 10.) Relying on the Best Management Practices, the Staff Report concludes that the Project will not have any significant impacts that would otherwise make the Section 21159.25 Exemption inapplicable.”

Sincerely,
Cliff Ghersen
63 Humphrey Rd
Santa Barbara, CA 93108