



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

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

Department Name: Planning and
Development
Department No.: 053
For Agenda Of: November 18, 2008
Placement: Set Hearing
Estimated Time: 3 hours on 12/9/08
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department John Baker, Director, 568-2085
Director Planning and Development
Contact Info: Dave Ward, Deputy Director, 568-2520
Development Review Division– South County
SUBJECT: Set Hearing for Citizens Planning Association and Jean & Stan Harfinest Appeals of the Montecito Planning Commission’s Approval of the Miramar Beach Resort and Bungalows Project

County Counsel Concurrence

As to form: Yes

Other Concurrence: N/A

As to form: N/A

Recommended Actions:

Set hearing for the December 9, 2008 Departmental Agenda to consider Case Nos. 08APL-00000-00036 & 08APL-00000-00037 for the Jean & Stan Harfinest & Citizens Planning Association Appeals of the Montecito Planning Commission’s Approval of the Miramar Beach Resort and Bungalows Project (07RVP-00000-00009, 07CUP-00000-00045, 07CUP-00000-00046, 07CUP-00000-00047, 08CUP-00000-00005; 08GOV-00000-00017 and 08CDP-00000-00054) (time estimate 3 hours; 10 minute staff presentation):

On December 9, 2008, your Board’s action should include the following:

1. Deny the appeals.
2. Adopt the required findings for the project contained in the October 8, 2008 Montecito Planning Commission Action Letter, including findings for the revised Development Plan and modifications to the ordinance standards for setbacks, height, and parking, included as Attachment A of this staff report, including the CEQA findings;
3. Certify the Subsequent Environmental Impact Report 08EIR-00000-00003 included as Attachment C of this staff report and approve the Addendum also included as Attachment C of this staff report, and adopt the mitigation monitoring program contained in the conditions of approval;

Auditor-Controller Concurrence

As to form: N/A

4. Grant de novo approval of the project subject to the conditions included as Attachment C of the October 8, 2008 Montecito Planning Commission Action Letter included as Attachment A of this staff report.

Summary Text:

This docket package contains the record for the Miramar Beach Resort and Bungalows project through four Montecito Planning Commission hearings on July 16, August 6, August 28 and October 8, 2008. The record includes:

1. The project's environmental review comprising the Shrager Negative Declaration (00-ND-003), an addendum to the Shrager Negative Declaration, a Supplemental EIR on the topic of Historic Resources (08EIR-00000-00003), public comments and response to public comments.
2. Staff reports for each of the hearing dates and associated memos, errata and action letters.
3. Studies and Technical Appendices.

A second Board Report containing the appeal issue response and analysis will be provided to the Board of Supervisors for the December 9, 2008 hearing (available to the public on November 24, 2008).

Background:

Montecito Planning Commission Action

At the Montecito Planning Commissions' hearing of October 8, 2008, the Commission took the following action: Commissioner Phillips moved, seconded by Commissioner Burrows and carried by a vote of 4-1 (Commissioner Overall voted no) to: 1) approve the project based on the project's consistency with the Comprehensive Plan including the Coastal Land Use Plan and the Montecito Community Plan, and the Coastal Zoning Ordinance, and the ability to make the required findings; and 2) Certify the Subsequent EIR 08EIR-00000-00003 and approve the revised Addendum, and adopt the mitigation monitoring program contained in the conditions of approval, as revised in the errata; and 3) approve the requested modifications to the Coastal Zoning Ordinance provisions for height, setbacks and parking.

Project Description

Caruso BSC Miramar LLC requests a revised Development Plan and several Conditional Use Permits to redevelop the Miramar Hotel with all new buildings of approximately 385,296 gross (164,849 net) square feet, including a main building with a lobby, meeting rooms and conference facilities, back-of-house areas, and underground parking; a ballroom; a spa, a Beach and Tennis Club; 192 guest rooms; two restaurants and a beach bar; two pools and two tennis courts; new landscaping; new 10-foot high sound wall; four employee dwellings; and abandonment of the north-south segment of Miramar Avenue with approximately 36,300 cubic yards of cut and 46,100 cubic yard of fill with 10,000 cubic yards to be imported. All existing buildings would be demolished.

Please see Attachment C of the October 8, 2008 Montecito Planning Commission action letter for a fully detailed project description.

Fiscal Analysis:

Budgeted: Yes

County costs for processing an appeal in the Coastal Zone are not reimbursed by the appellant as no appeal fee is collected by the Clerk of the Board. The estimated staff cost to process the appeal is approximately \$8,070.00 (60 planner hours). Permit revenues are budgeted in the Permitting and Compliance Division of the Development Review South Division, on page D-301 of the adopted 2008-2009 fiscal year budget.

Staffing Impacts:

None

Special Instructions:

The Clerk of the Board shall publish a legal notice at least 10 days prior to the hearing on December 9, 2008. The notice shall appear in the Santa Barbara Daily Sound. The Clerk of the Board shall fulfill the noticing requirements. Mailing labels for the mailed notice are attached. A minute order and a copy of the notice and proof of publication shall be returned to Planning and Development, attention David Villalobos.

Attachments:

- A. Montecito Planning Commission action letter dated October 8, 2008 (Includes the Proposed Final Findings and Conditions)
- B. Project Plans (For Supervisor Only)

Due to the excessive volume of the record, the following attachments are not distributed with this staff report. These attachments are available for review on the Web at <http://www.sbcountyplanning.org/projects/07RVP-00009/index.cfm>. Hard-copy versions of this information (Attachments C-G below) are also available, and can be viewed at the North and South County Clerk of the Board offices. The technical studies supporting the project analysis are also available for review at the North and South County Clerk of the Board offices.

- C. Comprehensive Environmental Review including the Shrager Negative Declaration (00-ND-003), an addendum to the Shrager Negative Declaration, a Supplemental EIR on the topic of Historic Resources (08EIR-00000-00003) and Technical Appendices (Totaling Four Individual Binders; I, II, III & IV)
- D. Montecito Planning Commission October 8, 2008 Hearing Binder
- E. Montecito Planning Commission August 28, 2008 Hearing Binder
- F. Montecito Planning Commission August 6, 2008 Hearing Binder
- G. Montecito Planning Commission July 16, 2008 Hearing Binder

Authored by:

Errin Briggs, Planner III
Development Review Division, South
568-2047

cc:

Anne Almy, Supervising Planner