

*A. Liew*



**COUNTY OF SANTA BARBARA  
CALIFORNIA**

**MONTECITO PLANNING COMMISSION**

COUNTY ENGINEERING BUILDING  
123 E. ANAPAMU STREET  
SANTA BARBARA, CALIFORNIA 93101-2058  
PHONE: (805) 568-2000  
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January 28, 2015

Evan Krenzien  
Caruso Affiliated  
101 The Grove Drive  
Los Angeles, CA 90036

MONTECITO PLANNING COMMISSION  
HEARING OF JANUARY 21, 2015

**RE: *The Miramar Beach Resort and Bungalows Proposed Revised Project; 14RVP-00000-00063, 14AMD-00000-00010, 14AMD-00000-00011, 14CDP-00000-00086, 14CDP-00000-00090, 14CDP-00000-00091***

Hearing on the request of Evan Krenzien, agent for the owner, Caruso Affiliated, to consider the following:

- a) **14RVP-00000-00063**, [application filed on August 1, 2014 ], for revisions to Development Plan 07RVP-00000-00009 (as amended by 10AMD-00000-00010) to redevelop the Miramar Hotel in compliance with Section 35-174 of Article II, on property zoned CV and TC;
- b) **14AMD-00000-00010**, [application filed on August 18, 2014], for an Amended Major Conditional Use Permit (amendment to 07CUP-00000-00045) for hotel improvements in the Transportation Corridor Zone District (within the Union Pacific railroad right-of-way) in compliance with Section 35-172 of Article II, on property zoned TC;
- c) **14AMD-00000-00011**, [application filed on August 18, 2014], for an Amended Minor Conditional Use Permit (amendment to 07CUP-00000-00046) for a (maximum) 14-ft. high sound wall located in the front yard setback of South Jameson Lane in compliance with Section 35-172 of Article II, on property zoned CV;
- d) **14CDP-00000-00086**, [application filed on October 14, 2014 ], for revisions to Development Plan 07RVP-00000-00009 (as amended by 10AMD-00000-00010) to redevelop the Miramar Hotel in compliance with Section 35-169 of Article II, on property zoned CV and TC;
- e) **14CDP-00000-00090**, [application filed on November 4, 2014], for hotel improvements in the Transportation Corridor Zone District (within the Union Pacific railroad right-of-way) in compliance with Section 35-172 of Article II, on property zoned TC;
- f) **14CDP-00000-00091**, [application filed on November 4, 2014], for a (maximum) 14-ft. high sound wall located in the front yard setback of South Jameson Lane in compliance with Section 35-172 of Article II, on property zoned CV; and

and to accept the Addendum dated November 21, 2014 to the CEQA documentation package (08EIR-00000-00003, 00-ND-003 and the Addenda dated December 9, 2008 and March 11, 2011) as adequate Environmental Review for Case No's: 14RVP-00000-00063, 14AMD-00000-00010, 14AMD-00000-00011, 14CDP-00000-00086, 14CDP-00000-00090, and 14CDP-00000-00091 pursuant to Section 15164 of the State Guidelines for Implementation of the California Environmental Quality Act. There are no new significant environmental impacts as a result of this modification request. The original EIR identified significant (Class I) effects on the environment in the following categories: Cultural (Historic) Resources. The Negative Declaration (00-ND-03) identified significant but mitigable (Class II) effects in the following areas: aesthetics/visual resources, air quality, biological resources, cultural resources, fire protection, geologic processes, hazardous materials/risk of upset, land use, noise, public facilities, recreation, transportation/circulation, and water resources/flooding. The Addenda to the EIR and all documents may be reviewed at the Planning and Development Department, 123 E. Anapamu St., Santa Barbara. The application involves AP No's. 009-371-003 and -004; 009-372-001; 009-343-010; 009-333-010; 009-344-008; and 009-010-002, located at 1555 South Jameson Lane, in the Montecito area, First Supervisorial District. (Continued from 12/15/14)

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Dear Mr. Krenzien:

At the Montecito Planning Commission hearing of January 21, 2015, Commissioner Overall moved, seconded by Commissioner Burrows and carried by a vote of 5 to 0 to accept late submittals into the record (with exception of January 21, 2015 "Responses to 1-13-15" submittal from Evan Krenzien).

Commissioner Cole moved, seconded by Commissioner Phillips and carried by a vote of 5 to 0 to accept late submittal "Responses to 1-13-15" from Evan Krenzien into the record.

Commissioner Phillips moved, seconded by Commissioner Burrows and carried by a vote of 3 to 2 (Overall and Brown no) to:

1. Make the required findings for approval of the project specified in Attachment-A of the staff report, dated November 21, 2014, including CEQA findings;
2. After considering the November 21, 2014 Addendum (Attachment-F of the staff report, dated November 21, 2014) together with the previously certified Environmental Impact Report [08EIR-00000-00003], the previously adopted Mitigated Negative Declaration [00-ND-003] and the previous Addenda dated December 9, 2008 and March 11, 2011 (Attachment-E of the staff report, dated November 21, 2014) determine that no subsequent Environmental Impact Report or subsequent Negative Declaration shall be prepared for this project because none of the conditions described in CEQA Guidelines section 15162 have occurred; and
3. Approve the project, Case No's: 14AMD-00000-00010, 14AMD-00000-00011, 14CDP-00000-00090, and 14CDP-00000-00091 subject to the conditions included as Attachments C and D of the November 21, 2014 staff report.
4. Approve the project, Case No's: 14RVP-00000-00063, 14CDP-00000-00086, 14AMD-00000-00010, 14AMD-00000-00011, 14CDP-00000-00090, and 14CDP-00000-00091 subject to the conditions included as Attachment N of the staff memorandum dated January 13, 2015, as revised in the staff memorandum dated January 16, 2015 and at the hearing of January 21, 2015.

*The following conditions have been revised:*

1. The project description has been revised to reflect a reduction in the starting number of event attendees from a maximum of 400, to a maximum of 350 as well as to reflect a reduction in the starting number of Beach Club memberships from 200 to 100.
  
3. Landscaping shall be compatible with the character of the surroundings and the architectural style of development on the site and shall be maintained throughout the life of the project. The applicant shall submit a Landscape Plan detailing locations and types of plantings throughout the site to P&D for review and approval. **Plan Requirements:** The Landscape Plan shall include, but is not limited to:
  - a. Use of drought-tolerant and/or Mediterranean-type species to the extent feasible to screen the site from surrounding land uses;
  - b. Extensive landscaping of the sound barrier and pedestrian pathway along South Jameson Lane and Eucalyptus Lane;
  - c. Use of landscape planters or other landscaping adjacent to all building walls, garden walls, and fences visible from a public or private street;
  - d. Use of clinging vines and/or vertical planting on trash/recycle enclosure walls and any other masonry walls where appropriate, as determined by P&D;
  - e. Use of appropriate species along the eastern property line, as identified in condition no. 19, below, to protect Oak Creek;
  - f. Specification that all landscaping shall be maintained throughout the project life and shall be inspected by P&D prior to release of the performance security required by condition no. 4 below.
  - g. Extensive landscaping around the surface parking lots to hide them from view from South Jameson and Eucalyptus Lanes and the southerly neighbors, as well as within the parking lot to break it up into smaller sections.
  - h. Vegetative screening between the West Lanai Buildings and All Saints by the Sea Church to obscure views from the second story of the West Lanai buildings to the Church Preschool.
  - i. Use of plant materials within the road right-of-way consistent with Public Works-Transportation requirements.
  - j. Screening of the same density as shown on renderings submitted for project.
  - k. Use of mature canopy trees throughout the site as appropriate to create immediate aesthetic effect.

**Timing:** P&D, Public Works-Transportation and Flood Control shall approve the final Landscape Plan prior to Zoning Clearance approval for construction of structures. P&D Permit Compliance shall inspect and photo-document installation of landscaping along the northern, western, and eastern perimeters of the property and along public-pedestrian pathways prior to P&D sign-off on occupancy clearance for the Main Building. **MONITORING:** In addition to the specific sign-offs required above, Permit Compliance shall inspect and document maintenance of landscaping once per year for the first three years after issuance of occupancy clearance and at least once immediately prior to release of each performance bond.

52. **Parking Decal Program.** To prevent employees from parking in public spaces, parking decals, to be fixed on the windshield of all employee cars, shall be issued to all employees. Said decals shall be displayed at all times during employment. Additionally, the applicant shall develop a plan and be responsible for monitoring use of parking spaces along Eucalyptus Lane, South Jameson Lane, ~~and Miramar Ave,~~ and Humphrey Road to ensure that spaces remain available to the public and are not used by hotel guests or employees.
- a. Monitoring shall occur on weekend days throughout the year, during the week in the summer months (June 15 – September 15) and on all special event days.
  - b. To prevent Beach Club members from parking in public spaces, Beach Club members must be informed of detailed parking procedures at the time of initiation, and will be required to RSVP in advance on peak summer weekends (June 15 to September 15) and on special event days. Beach Club members shall be provided complimentary valet parking as a part of their membership.
  - c. Monitoring report shall be submitted to the County annually from the date of final occupancy clearance and thereafter. 12-18 months after the beginning of operations, Planning & Development shall provide the monitoring reports to the Montecito Planning Commission (review to occur during Planning & Development Divisional Briefing on Administrative Agenda).
- Plan Requirements and Timing:** The applicant shall submit the monitoring plan including the design and intended location of employee parking decals for P&D's review and approval prior to Zoning Clearance approval. **Monitoring:** The County shall receive and file annual reports. P&D shall convey compliance reports to the Montecito Planning Commission at the 12-18 month review and return annually until the MPC determines that annual reporting is no longer necessary.

55. A Final Miramar Parking Plan shall be provided. The Final Plan shall include all elements of the Draft Plan and shall also provide for a designated traffic coordinator, examples of notices to inform guests of parking procedures and locations, parking signage, an overall site parking exhibit and an exhibit indicating where additional on-site parking could be developed. The Final Miramar Parking Plan shall be implemented as approved. Additionally, the applicant shall prepare annual compliance report listing the total number of parking spaces used during all events (beach event, conferences, special events, etc.) which generate ~~400~~ 200 cumulative patrons or more at any one time. The compliance report shall provide the date, type of event(s) and maximum number of parking spaces used during the event(s). 12-18 months after the beginning of operations, Planning & Development shall provide the compliance report to the Montecito Planning Commission (review to occur during Planning & Development Divisional Briefing on Administrative Agenda). **Plan Requirements and Timing:** The Miramar Parking Plan shall be reviewed and approved by P&D and Public Works Transportation Division prior to Zoning Clearance approval. A review of the parking situation shall be made by the Planning Commission 12-18 months after occupancy of the site in order to determine the adequacy of the Parking Plan. **MONITORING:** Permit Compliance and Public Works, Roads Division Staff shall respond to complaints. P&D shall convey compliance reports to the Montecito Planning Commission at the 12-18 month review and return annually until the MPC determines that annual reporting is no longer necessary.

66. **Beach Club Membership Phasing.** The Beach Club memberships shall be ~~200~~ 100 individuals or families upon occupancy (i.e. a couple would have one membership as would a couple and

their children living at home). **Plan Requirements and Timing:** A review of the Beach Club operations shall be made by the Montecito Planning Commission ~~12-18~~ 36-42 months after occupancy or upon 6 months of stabilized operations at 76% occupancy in order to determine the adequacy of the site (i.e. with respect to circulation, parking and intensity of use) to host additional Beach Club memberships. If it is determined by the Montecito Planning Commission that the Beach Club is operating adequately and the site is capable of operating with additional memberships, the number of members may be increased, but shall not exceed a maximum of 300 individuals or families. **Monitoring:** P&D shall review the Beach Club operations in conjunction with the annual reports required for parking and events and report to the Montecito Planning Commission annually until the MPC determines that annual reporting is no longer necessary.

*The following conditions have been added:*

94. **Automated Parking System.** The applicant shall install an automated parking system that utilizes access key cards in the northwestern parking lot. Employees who drive to work shall be issued parking lot access key card allowing admittance to the northwest parking lot, thereby allowing the hotel operator to confirm employee use of on-site parking. Plan Requirements and Timing: The annual compliance reports shall confirm that staff who drive to the hotel park on-site. The compliance reports shall include information quantifying the number of staff parking on-site over the course of the previous 12 months. Monitoring: P&D shall review the compliance reports in conjunction with the annual reports required for parking and report to the Montecito Planning Commission annually until the MPC determines that annual reporting is no longer necessary.
95. **Excursion Buses.** Excursion Bus, pick-up, drop-off and temporary parking shall only occur in the main valet entrance to the hotel and shall not idle off-site. Monitoring: P&D staff shall respond to complaints and reported complaints shall be transmitted to the Montecito Planning Commission during annual compliance reporting.

*The attached findings and conditions reflect the Montecito Planning Commission's actions of January 21, 2015.*

The action of the Montecito Planning Commission on this project may be appealed to the Board of Supervisors by the applicant or any aggrieved person adversely affected by such decision. To qualify as an aggrieved persons the appellant, in person or through a representative, must have informed the Montecito Planning Commission by appropriate means prior to the decision on this project of the nature of their concerns, or, for good cause, was unable to do so.

Appeal applications may be obtained at the Clerk of the Board's office. The appeal form must be filed along with any attachments to the Clerk of the Board. In addition to the appeal form a concise summary of fifty words or less, stating the reasons for the appeal, must be submitted with the appeal. The summary statement will be used for public noticing of your appeal before the Board of Supervisors. The appeal, which shall be in writing together with the accompanying applicable fee must be filed with the Clerk of the Board of Supervisors within the 10 calendar days following the date of the Montecito Planning Commission's decision. In the event that the last day for filing an appeal falls on a non-business of the County, the appeal may be timely filed on the next business day. This letter or a copy should be taken to the Clerk of the Board of Supervisors in order to determine that the appeal is filed within the allowed appeal period. **The appeal period for this project ends on Monday, February 2, 2015 at 5:00 p.m.**

**Final action by the County on this project may be appealed to the Coastal Commission by the applicant, an aggrieved person, as defined above, or any two members of the Coastal Commission within the 10 working days following the date the County's Notice of Final Action is received by the Coastal Commission.**

**A protest of mitigation fees imposed pursuant to Condition 2 in the Action Letter dated January 23, 2015 may be filed pursuant to Government Code Section 66020(a). The protest shall be filed at the time of approval or conditional approval of the development or within 90 days after the date of the imposition of the fees, dedications, reservations, or other exactions to be imposed on a development project. The Applicant is hereby notified that the 90-day approval period in which the Applicant may protest has begun.**

Sincerely,



Dianne M. Black  
Secretary to the Montecito Planning Commission

cc: Case File: 14RVP-00000-00063, 14AMD-00000-00010, 14AMD-00000-00011, 14CDP-00000-00086, 14CDP-00000-00090, 14CDP-00000-00091  
Montecito Planning Commission File  
Montecito Association, P.O. Box 5278, Montecito, CA 93150  
Architect: Appleton and Associates, 117 W. Micheltorena Street, Santa Barbara, CA 93101  
County Chief Appraiser  
County Surveyor  
Fire Department  
Flood Control  
Community Services Department  
Public Works  
Environmental Health Services  
APCD  
Supervisor Carbajal, First District  
Commissioner Cole  
Commissioner Burrows  
Commissioner Phillips  
Commissioner Overall  
Commissioner Brown  
Rachel Van Mullem, Chief Assistant County Counsel  
Nicole Lieu, Planner

DMB/dmv

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**Attachments:**

A-Findings

B- Conditions of approval for 14RVP-00000-00063, attached Departmental Letters, and associated 14CDP-00000-00086

C-Amended Conditional Use Permit 14AMD-00000-00010 and associated 14CDP-00000-00090

Montecito Planning Commission Hearing of January 21, 2015  
The Miramar Beach Resort and Bungalows Proposed Revised Project; 14RVP-00000-00063, 14AMD-00000-00010,  
14AMD-00000-00011, 14CDP-00000-00086, 14CDP-00000-00090, 14CDP-00000-00091  
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D-Amended Conditional Use Permit 14AMD-00000-00011 and associated 14CDP-00000-00091





## ATTACHMENT A: FINDINGS

### 1.0 CEQA FINDINGS

#### FINDINGS PURSUANT TO PUBLIC RESOURCES CODE SECTION 21081 AND THE CALIFORNIA ENVIRONMENTAL QUALITY ACT GUIDELINES SECTIONS 15164:

#### 1.1 CONSIDERATION OF THE ADDENDUM AND FULL DISCLOSURE

The Montecito Planning Commission has considered the Addendum dated November 21, 2014 together with the previously certified EIR (08EIR-00000-00003), Mitigated Negative Declaration (00-ND-003) and December 9, 2008 and March 11, 2011 Addenda to 00-ND-003 for the Miramar Hotel and Bungalows project. The Addendum reflects the independent judgment of the Montecito Planning Commission and has been completed in compliance with CEQA. The Addendum, together with the previously certified EIR (08EIR-00000-00003), Mitigated Negative Declaration (00-ND-003) and December 9, 2008 and March 11, 2011 Addenda to 00-ND-003, is adequate for this proposal. On the basis of the whole record, including the Addendum, the previously certified CEQA documents, and any public comments received, the Montecito Planning Commission finds that the project changes described in the Addendum will not create any new significant effects or a substantial increase in the severity of previously identified significant effects on the environment.

#### 1.2 LOCATION OF DOCUMENTS

The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Secretary of the Montecito Planning Commission of the Planning and Development Department located at 123 East Anapamu Street, Santa Barbara, CA 93101.

#### 1.3 ENVIRONMENTAL REPORTING AND MONITORING PROGRAM

Public Resources Code Section 21081.6 and CEQA Guidelines Section 15091(d) require the County to adopt a reporting or monitoring program for the changes to the project that it has adopted or made a condition of approval in order to avoid or substantially lessen significant effects on the environment. The 2014 proposed revised project description and conditions of approval, with their corresponding permit monitoring requirements, are hereby adopted as the reporting and monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.

#### 1.4 ADDENDUM ISSUE AREAS

The Addendum prepared for the project addresses the following issues: Aesthetics/Visual Resources, Air Quality, Biological Resources, Geologic Processes, Noise, Transportation/Circulation, and Water Resources/Flooding.

#### 1.5 CEQA GUIDELINES SECTION 15162

CEQA Section 15162 states the following:

*When an EIR has been certified or a Negative Declaration adopted, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in light of the whole record, one or more of the following:*

*(1) Substantial changes are proposed in the project which will require major revisions of the EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in severity of previously identified significant effects;*

*(2) Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions of the EIR or Negative Declaration due to involvement of new significant environmental effects or a substantial increase in severity of previously identified significant effects; or*

*(3) New information of substantial importance which was not known could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified or the Negative Declaration was adopted, shows the following:*

*(A) The project will have one or more significant effects not discussed in the previous EIR or Negative Declaration.*

*(B) Significant effects previously examined will be substantially more severe than previously shown in the previous EIR.*

*(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or*

*(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponent decline to adopt the mitigation measure or alternative.*

No substantial changes to the project are proposed that would cause new significant environmental effects or a substantial increase in severity of previously identified significant effects. The overall plan layout and amenities to be provided by the resort remain generally the same and a number of reductions in the scope of the project are proposed. Proposed reductions include elimination of the spa building, a reduction in overall square footage, elimination of all underground parking, reduction in the number of guest rooms and reduction in the maximum allowable attendance for events. As discussed in detail in the Addendum prepared for the proposed revised project (included as Attachment-G) updated studies in the areas of transportation/circulation, water resources/flooding, and noise all show a reduction in potential impacts as compared to the 2011 approved project. No substantial changes have occurred with respect to the circumstances under which the project is being undertaken, no new significant effects have been identified, and there would be no substantial increase in severity of previously identified significant effects. As discussed in detail in the Addendum prepared for the proposed revised project (included as Attachment-G) no increase in the severity of impacts would occur, and in many cases a reduction in impacts would occur, such as in the areas of aesthetics, air quality, biological resources, geologic processes, noise, transportation and water resources/flooding. No new information of substantial importance shows that the project would have significant effects not discussed under the previous environmental review for the 2011 and 2008 approved projects, no significant effects would be substantially more severe than previously shown, and no new mitigation measures or alternatives have been found feasible that the applicant has declined to adopt. Therefore, an addendum, pursuant to CEQA guidelines Section 15164, is found to be appropriate analysis for the proposed revised project.

## **2.0 ADMINISTRATIVE FINDINGS**

### **2.1 COASTAL DEVELOPMENT PERMIT FINDINGS**

**2.1.1 Finding required for all Coastal Development Permits. In compliance with Section 35-60.5 of the Article II Zoning Ordinance, prior to issuance of a Coastal Development Permit, the County shall make the finding, based on information provided by environmental documents, staff analysis, and/or the applicant, that adequate public or private services and resources (i.e., water, sewer, roads, etc.) are available to serve the proposed development.**

As with the 2011 approved project, the proposed revised project would continue to be served by the Montecito Water District (Water Service Letter for the 2011 approved project dated July 29, 2008 and a confirmation letter for the proposed revised project dated August 28, 2014), the Montecito Sanitary District (Service and Condition Letter dated October 2, 2008 and updated Sanitary Service Letter dated September 8, 2014) and the Montecito Fire Protection District (July 30, 2014). With respect to access, as with the 2011 approved project, area roadways and intersections are adequate to serve the proposed revised project. Therefore, this finding can be made.

- 2.1.2 Findings required for Coastal Development Permit applications subject to Section 35-169.4.3 for development that may be appealed to the Coastal Commission. In compliance with Section 35-169.5.3 of the Article II Zoning Ordinance, prior to the approval or conditional approval of an application for a Coastal Development Permit subject to Section 35-169.4.3 for development that may be appealed to the Coastal Commission the review authority shall first make all of the following findings:**

**The development conforms:**

- 2.2.1.a To the applicable provisions of the Comprehensive Plan, including the Coastal Land Use Plan;**
- 2.2.1.b The applicable provisions of this Article or the project falls within the limited exceptions allowed in compliance with Section 161 (Nonconforming Use of Land, Buildings and Structures).**

As discussed in sections 6.1 and 6.2 of the staff report dated November 21, 2014, and incorporated herein by reference, the project would be consistent with all applicable polices contained in the Comprehensive Plan, including the Coastal Land Use Plan and the Montecito Community Plan and with the applicable provisions of the Coastal Zoning Ordinance. Therefore, this finding can be made.

- 2.1.2. 2 The development is located on a legally created lot.**

The Miramar property comprises ten legally created parcels plus one parcel owned by the Union Pacific Railroad (over which the Miramar holds an easement) as described below according to a survey of the property completed by Psomas on February 13, 2007:

Parcels One, Two, Three, and Ten: Part of the Ocean Side Subdivision per map recorded in Book 1, Page 29 of the Maps and Surveys in the Office of the Recorder.

Parcels Four, Five, and Six: Part of the Outside of the Pueblo Lands of the City of Santa Barbara

Parcel Seven: Access and utility easement reserved by the owner in deeds recorded: (1) December 23, 1946 as instrument no. 18903 in Book 718, Page 72, (2) October 7, 1952 as instrument no. 15696 in Book 1101, Page 304, (3) December 24, 1952 in instrument no. 20074 in Book 1118, Page 47, and (4) December 14, 1953 as instrument no. 20027 in Book 1201, Page 146.

Parcel Eight: Described as “A parcel of real property situated in Montecito, County of Santa Barbara, State of California.”

Parcel Nine: Described as “A parcel of real property situated in Montecito, County of Santa Barbara, State of California.”

Parcel Eleven: Easement reserved by the owner for maintenance, vehicular, pedestrian, and disabled access, parking, building encroachment, and beautification with the Union Pacific Railroad’s parcel that is owned in fee.

Therefore, this finding can be made.

**2.1.1.3 The subject property and development on the property is in compliance with all laws, rules and regulations pertaining to zoning uses, subdivisions, setbacks and any other applicable provisions of this Article, and any applicable zoning violation enforcement fees and processing fees have been paid. This subsection shall not be interpreted to impose new requirements on legal nonconforming uses and structures in compliance with Division 10 (Nonconforming Structures and Uses).**

There are no current zoning violations associated with the property and no enforcement fees are required to be paid. Therefore, this finding can be made.

**2.1.2.4 The development will not significantly obstruct public views from any public road or from a public recreation area to, and along the coast.**

The historical Miramar Hotel included structures, fencing and vegetation that blocked views of the ocean as viewed from South Jameson Lane and Highway 101. Both the 2011 approved and proposed revised project include landscaping and structures that would obstruct views toward the coast in a manner similar to that of the historical Miramar hotel. The massing of the 2011 approved project and proposed revised project are almost identical as viewed from the oceanfront, with the exception of the proposed fine dining restaurant (former beach bar). This element has been reduced from a two-story to single-story structure opening up views from the north toward the ocean and from the beach toward the Santa Ynez Mountains. On the western edge of the property, facing All Saints by the Sea Church, the West Lanai buildings have been increased from one to two stories. However, no public views are available from Eucalyptus Lane as a result of existing structures (such as All Saints by the Sea church) and existing vegetation. Improvements to the boardwalk included with the proposed project would be made in place such that no structures would be located closer to the ocean than exist today. As such, views along the sandy beach would be unaffected by project implementation. Therefore, the development will not significantly obstruct public views from any public road or from a public recreation area to, and along the coast, and this finding can be made.

**2.1.2.5 The proposed development will be compatible with the established physical scale of the area.**

As discussed in section 6.2 of this staff report, dated November 21, 2014, and incorporated herein by reference, the hotel would be compatible in mass, bulk, scale, and design with the residential character of the surrounding neighborhood. Of note is the fact that the subject property has historically been the site of a resort/hotel and therefore a cottage-style resort/hotel has historically been a part

of the established physical scale of the area. With respect to the project's building mass along South Jameson Lane, the proposed revised project would represent an improvement over the 2011 approved project because the Spa building has been eliminated, the Main building has been set back further from South Jameson Lane, and the Jameson Lanai buildings have been staggered to break up the frontage along South Jameson Lane. The massing of the 2011 approved project and proposed revised project are almost identical as viewed from the oceanfront, with the exception of the proposed fine dining restaurant (former beach bar) which has been reduced from a two-story to single-story structure, opening up views from the north toward the ocean and from the beach toward the Santa Ynez Mountains. On the western edge of the property, facing All Saints by the Sea Church, the West Lanai buildings have been increased from one to two stories. However, the buildings would be screened from the church by intervening vegetation and the structures would be minimally visible from the nearest public road, Eucalyptus Lane. Therefore, the hotel would be compatible with the established physical scale of the area and this finding can be made.

**2.1.2.6 The development will comply with the public access and recreation policies of this Article and the Comprehensive Plan including the Coastal Land Use Plan.**

As discussed in sections 6.2 and 6.3 of this staff report, dated November 21, 2014, and incorporated herein by reference, the development will comply with the public access and recreation policies of the Article II Coastal Zoning Ordinance and the Comprehensive Plan including the Coastal Land Use Plan. The project includes elimination of No Trespassing signs and the provision of new signage directing the public to the beach through the project site. The project includes public access easements through the site in three locations and maintains lateral public beach access. The proposed revised project includes the development of new public parking stalls to offset the loss of parking on Miramar Avenue. Public use of the site would be encouraged and the project provides showers and restrooms adjacent to the boardwalk for use by members of the public. Therefore, the project would not adversely impact recreational facilities and uses and this finding can be made.

**2.1.3 Additional findings required for sites within the Montecito Community Plan area.**

**2.1.3.1 In compliance with Section 35-215 of the Article II Zoning Ordinance, prior to approval or conditional approval of an application for a Coastal Development Permit on sites with the Montecito Community Plan area, the review authority shall first find for all development projects as development as defined in the Coastal Land Use Plan that the project meets all the applicable development standards included in the Montecito Community Plan of the Coastal Land Use Plan.**

As discussed in section 6.2 of the staff report dated November 21, 2014, and incorporated herein by reference, the project would be consistent with all applicable development standards included in the Montecito Community Plan. Therefore, this finding can be made.

**2.1.3.2 In compliance with Section 35-215 of the Article II Zoning Ordinance, prior to the approval or conditional approval of an application for a Coastal Development Permit on sites within the Montecito Community Plan area the review authority shall first find for projects subject to discretionary review that the development will not adversely impact recreational facilities and uses.**

As discussed in section 6.2 of this staff report, dated November 21, 2014, and incorporated herein by reference, the development will not adversely impact recreational facilities and uses. The project includes elimination of No Trespassing signs and the provision of new signage directing the public to the beach through the project site. The project includes public access easements through the site in three locations and maintains lateral public beach access. The project includes new public parking stalls to offset the loss of parking on Miramar Avenue. Public use of the site would be encouraged and the project provides showers and restrooms adjacent to the boardwalk for use by members of the public. Therefore, the project would not adversely impact recreational facilities and uses and this finding can be made.

## **2.2 DEVELOPMENT PLAN FINDINGS**

Pursuant to Article II, Section 35.174.10, for an Revised Development Plan, the finding must be made that the original findings required for approval of the original Final Development Plan are still applicable to the project. Therefore, the required Final Development Plan findings are made below.

**2.2.1 Findings required for all Preliminary and Final Development Plans.** In compliance with Section 35-174.7.1 of the Article II Zoning Ordinance, prior to the approval or conditional approval of an application for a Preliminary or Final Development Plan the review authority shall first make all of the following findings, as applicable:

**2.2.1.1 That the site for the project is adequate in size, shape, location, and physical characteristics to accommodate the density and level of development proposed.**

The project site consists of an existing, disturbed, 15.99 acre (total of all eleven parcels) property that historically supported a resort hotel with a greater number of rooms than the proposed revised project. The site is gently sloping and maintains access from South Jameson Lane via Highway 101. The close proximity of Highway 101 provides easy access to the site. Therefore, the project is adequate in size, shape, location, and physical characteristics to accommodate the density and level of development proposed and this finding can be made.

**2.2.1.2 That adverse impacts are mitigated to the maximum extent feasible.**

As discussed in the environmental review documents [Environmental Impact Report (08EIR-00000-00003), Mitigated Negative Declaration (00-ND-003) and Addenda dated December 9, 2008 and March 11, 2011] for the 2011 approved project, and incorporated herein by reference, adverse impacts anticipated for all issue areas except for historic resources would be mitigated to less than significant levels (Class II impacts).

Environmental Impact Report (08EIR-00000-00003) determined that project-specific and cumulative impacts to historic resources would be adverse, unavoidable, and could not be fully mitigated (Class I impact). Impacts to

historic resources were determined to be Class I as a result of proposed demolition (under the 2011 approved project) of historically significant structures. A Structural Conditions Report by Holmes Culley (March 19, 2007 and April 15, 2008), determined that the buildings on-site would either be completely unsalvageable structurally due to extensive water damage, weathering, and other forms of decay, or would need to have their exteriors completely replaced due to termite and severe mold issues. Based on the Holmes Culley reports, repair of the historically significant buildings onsite was determined to be infeasible without completely destroying the character-defining features that determine their historical significance (i.e., shingles, clapboard, skirting boards rafter tails, gable vents, and any remaining multi-paned windows). The findings of these reports were verified by the County's Building Official.

Statements of Overriding Consideration for the Class I impact were made by the Board of Supervisors on December 9, 2008 for the project approved in 2008. All structures previously located on-site, including historically significant structures, were demolished following approval of the 2011 project. Prior to demolition of the structures in 2011, the applicant complied with mitigation measure HIST-1 (Condition No. 32), which required that each historical structure be completely documented following the Secretary of the Interior's procedures and methods. In addition, Condition No. 31 requires retention and display of the "Miramar" neon roof sign on-site, retention of the neon pole sign at the corner of Eucalyptus Lane and South Jameson Lane, re-use of historic sandstone caps and photo-documentation. Consistent with Condition No. 85, the applicant also made the cottages on-site available for relocation by any interested party. There were no other known feasible mitigation measures to preserve the character-defining features of the buildings. Demolition of the existing historically significant structures was considered a permanent loss to the historic resource.

The Addendum for the proposed revised project, dated November 21, 2014, confirms that the proposed revised project would not create any new significant effects or a substantial increase in the severity of previously identified significant effects on the environment. Therefore, impacts associated with the proposed revised project are reduced to the maximum extent feasible and this finding can be made.

**2.2.1.3 That streets and highways are adequate and properly designed to carry the type and quantity of traffic generated by the proposed use.**

As discussed in Section 6.2 of the staff report dated November 21, 2014, and incorporated herein by reference, the nearby streets and highways are of adequate capacity and design to accept the traffic anticipated to be generated by the proposed revised project. As such, the proposed revised project would not adversely affect the capacity of the nearby roadways and intersections. The applicant provided an updated *Parking and Circulation Study for the Revised Miramar Hotel Project*, Associated Transportation Engineers dated July 30, 2014 which supports these conclusions. The analysis concludes that the proposed revised project will generate fewer peak hour trips than the 2011 approved project and therefore, will not generate significant impacts to the surrounding street network. Therefore, this finding can be made.

**2.2.1.4 That there are adequate public services, including but not limited to fire protection, water supply, sewage disposal, and police protection to serve the project.**

As discussed in Section 6.2 of the staff report dated November 21, 2014, and incorporated herein by reference, there would be adequate public services to serve the proposed revised. Specifically, the project would be served by the Montecito Water District, the Montecito Sanitary District, the Montecito Fire Protection District, and the Santa Barbara County Sheriff. With respect to access, as with the 2011 approved project, area roadways and intersections are adequate to serve the proposed revised project.

**2.2.1.5 That the project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will not be incompatible with the surrounding area.**

The proposed revised project includes new public sidewalks, public parking, and landscaping along the majority of South Jameson Lane. Sidewalks and landscaping are also proposed along Eucalyptus Lane. The East/West segment of Miramar Ave. would be widened and sidewalks (open to the public) would be provided within the Miramar property adjacent to the East/West segment of Miramar Ave. As conditioned (Condition 2) the project would include landscaping, sidewalks, curbs, and gutters along South Jameson Lane and Eucalyptus Lane, designed with adequate site distance, as required by the Public Works Department. The landscaping, sidewalks, curbs, and gutters would all represent an improvement to the health, safety, comfort, convenience, and general welfare of the neighborhood by providing safer and more orderly pedestrian and vehicular circulation. The existing railroad crossing on the east side of the property would be upgraded as part of the project, resulting in a safer crossing for residents who use this access and live east of the Miramar property along the beach. Services would be provided by the appropriate public service entity including the Montecito Sanitary District, the Montecito Water District, the County Sheriff, and the Montecito Fire Protection District. As discussed in findings 2.2.1.3 and 2.2.1.4, above, and incorporated herein by reference, streets and highways would be adequately designed to support the proposed revised project. With implementation of the project, the currently vacant site would be redeveloped into an amenity for the community. Redevelopment of the site would also actively discourage trespassing and vandalism.

The project would be located on a site that historically supported a hotel-resort use and is located within an urban area. Hotel-resort use is a part of the historic character of the neighborhood. The architectural style of the hotel would be "cottage-style" and compatible with the residential nature of the surrounding area. Therefore, project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will be compatible with the surrounding area and this finding can be made.

**2.2.1.6 That the project is in conformance with 1) the Comprehensive Plan, including the Coastal Land Use Plan, and 2) with the applicable provisions of this Article and/or the project falls with the limited exception allowed under Section 35-161.7.**

As discussed in sections 6.2 and 6.3 of this staff report, dated November 21, 2014, and incorporated herein by reference, the proposed revised project is in conformance with the Comprehensive Plan, including the Coastal Land Use Plan



and Montecito Community Plan, and with the requirements of the Article II Coastal Zoning Ordinance. Therefore, this finding can be made.

**2.2.1.7 That in designated rural areas the use is compatible with and subordinate to the scenic, agricultural and rural character of the area.**

The proposed revised project is not located in a rural area, but rather in an urban area as designated by the Montecito Community Plan and therefore this finding does not apply.

**2.2.1.8 That the project will not conflict with any easements required for public access through, or public use of a portion of the property.**

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 would remain in effect at all times (except for when the water has reached the edge of the boardwalk). Although the Miramar Hotel would 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, as proposed, public access would be provided in three locations (as shown on sheet A1.02b of the proposed plans): 1) From the main entry at Jameson Lane through the site and down to the boardwalk and beach; 2) From the main entry at Jameson Lane through the site to the E/W portion of Miramar Ave; and 3) From the entry drive to the eastern parking lot through the site and down to the boardwalk and beach. Condition of Approval No. 49 would require recordation of public easements along the proposed public accessways, connecting to the lateral beach access to retain the public's right of access in perpetuity. In addition to providing for these public easements, Condition of Approval No. 48 would require the applicant to make the hotel's visitor serving amenities (restaurant, spa, beach bar, beach, beach showers and restrooms, etc.) non-exclusive and fully open to the public. Therefore, the proposed revised project would not conflict with easements required for public access and this finding can be made.

**2.2.2 Additional findings required for sites within the Montecito Community Plan area.**

**2.2.2.1 Preliminary and Final Development Plans for sites zoned Resort/Visitor Serving Commercial (C-V). In compliance with Section 35-208.1 of the Article II Zoning Ordinance, prior to the approval or conditional approval of an application for a Preliminary or Final Development Plan on sites within the Montecito Community Plan area the review authority shall first make all of the following findings:**

**2.2.2.1.a Improvements to resort visitor serving hotels have been designed to be consistent with the existing historic "Cottage Type Hotel" tradition from the early days of Montecito.**

As discussed in section 6.2 of this staff report, dated November 21, 2014, and incorporated herein by reference, improvements to the hotel have been designed to be consistent with the existing historic "Cottage Type Hotel" tradition from the early days of Montecito. Consistent with the historic template of Montecito's resort visitor serving hotels, as with the 2011 approved project, the proposed revised project includes large structures for congregation (lobby, restaurant, spa), two-story lanai guest room buildings and six-or-fewer

key, single-story cottage structures. Prior to submittal of the proposed revised project, the applicant revised the architectural style of the proposed buildings to conform to “Cottage Type” architecture as defined by the Montecito Planning Commission in 2008. Following conceptual review of the proposed plans at the August 25, 2014 MBAR hearing, the MBAR found that the “proposal meets ‘cottage type hotel’ style and architecture.” Therefore, this finding can be made.

**2.2.2.1.b The facility is compatible in mass, bulk, scale, and design with the residential character of the surrounding neighborhoods.**

As discussed in section 6.2 of this staff report, dated November 21, 2014, and incorporated herein by reference, the hotel would be compatible in mass, bulk, scale, and design with the residential character of the surrounding neighborhood. With respect to the project’s building mass along South Jameson Lane, the proposed revised project would represent an improvement over the 2011 approved project because the Spa building has been eliminated, the Main building has been set back further from South Jameson Lane, and the Jameson Lanai buildings have been staggered to break up the frontage along South Jameson Lane. The massing of the 2011 approved project and proposed revised project are almost identical as viewed from the oceanfront, with the exception of the proposed fine dining restaurant (former beach bar) which has been reduced from a two-story to single-story structure, opening up views from the north toward the ocean and from the beach toward the Santa Ynez Mountains. On the western edge of the property, facing All Saints by the Sea Church, the West Lanai buildings have been increased from one to two stories. However, the buildings would be screened from the church by intervening vegetation and the structures would be minimally visible from the nearest public road, Eucalyptus Lane. Therefore, the proposed buildings would be minimally visible from public roads, and the project would protect views to the maximum extent feasible and reduce overall building mass as compared to the 2011 approved project. The architectural design of the project has been redesigned to be “cottage-type” and now incorporates elements of cottage style architecture such as low-sloped roofs, windows with divided lights, trellises, and wood siding, consistent with the architectural style of many homes in the surrounding neighborhood. In their review of the project, the Montecito Board of Architectural Review (MBAR) was “*generally pleased with the project,*” and stated that they “*like that the main hotel is not turning its back to community but rather opens itself to the motor court [and] it has a residential or park like feel.*” Therefore, the proposed revised project would be compatible in mass, bulk, scale, and design with the residential character of the surrounding neighborhood, and this finding can be made.

**2.2.2.2 All Preliminary and Final Development Plans. In compliance with Section 35-215 of the Article II Zoning Ordinance, prior to the approval or conditional approval of an application for a Preliminary**

**or Final Development Plan on sites within the Montecito Community Plan area the review authority shall first find that the development will not adversely impact recreational facilities and uses.**

As discussed in section 6.2 of this staff report, dated November 21, 2014 and incorporated herein by reference, the proposed revised project will not adversely impact recreational facilities and uses. The project includes elimination of No Trespassing signs and the provision of new signage directing the public to the beach through the project site. The project includes public access easements through the site in three locations and maintains lateral public beach access. The project includes 75 public parking stalls to offset the loss of parking on both the North/South and East/West segments of Miramar Avenue, maintains 7 existing stalls on E/W Miramar Avenue and provides 7 additional public parking stalls (for a total of 89 public parking stalls). Public use of the site would be encouraged and the project provides showers and restrooms adjacent to the boardwalk for use by members of the public. Therefore, the project would not adversely impact recreational facilities and uses and this finding can be made.

**2.2.2.3 In addition to the findings that are required for approval of a development project (as development is defined in the Santa Barbara County Coastal Plan), as identified in each section of Division 11 - Permit Procedures of Article II, a finding shall also be made that the project meets all the applicable development standards included in the Montecito Community Plan of the Coastal Land Use Plan.**

As discussed in section 6.2 of this staff report, and incorporated herein by reference, the proposed revised project would meet all the applicable development standards included in the Montecito Community Plan and the Coastal Land Use Plan. Therefore, this finding can be made.

**2.2.3 Additional findings required for sites zoned Visitor Serving Commercial (C-V). In compliance with Section 35-81.4 of the Article II Zoning Ordinance, prior to the approval or conditional approval of an application for a Preliminary or Final Development Plan for sites zoned C-V or to be rezoned to C-V the review authority shall first make all of the following findings:**

**2.2.3.1 For development in rural areas as designated on the Coastal Land Use Plan Maps, the project will not result in a need for ancillary facilities on nearby land, i.e., residences, stores, etc.**

The project site is located in an urban area as designated by the Montecito Community Plan. Therefore, this finding does not apply.

**2.2.3.2 For developments surrounded by areas zoned residential, the proposed use is compatible with the residential character of the area.**

The project site is partially bounded by residentially zoned property to the east and west. The Pacific Ocean and a Transportation Corridor occur to the south of the property (and through the southern end of the property), and South Jameson and Highway 101 occur to the north of the property. Therefore, the subject property is not "surrounded" by areas

zoned residential. However, the project is bordered by residential areas to the east and west. As discussed in section 6.2 of this staff report, dated November 21, 2014, and incorporated herein by reference, the proposed revised project would be compatible in mass, bulk, scale, and design with the residential character of the surrounding neighborhood. Therefore, this finding can be made.

#### 2.2.4 Findings required for all Preliminary and Final Development Plans.

**In compliance with Section 35-174.8.1 of the Article II Zoning Ordinance, prior to the approval or conditional approval of an application for a Preliminary or Final Development Plan that includes a modification to the zone development standards the review authority shall first find that the project justifies such modifications.**

Section 35-174.8 of Article II, Coastal Zoning Ordinance, for Development Plans, stipulates that the decision-maker of a Development Plan (e.g., Montecito Planning Commission) may modify the building height limit, distance between buildings, setback, yard, parking, building coverage, or screening requirements specified in the applicable zone district when the decision-maker finds that the project justifies such modifications. As stated in section 5.2 (project description) of the staff report dated November 21, 2014, the applicant is requesting modifications to height limits, setbacks, and parking requirements. Modifications to height, setbacks, and parking were also included in the 2011 approved project. Specifically, the following modifications are requested for the proposed revised project:

- A modification to the 38 foot height limit (35 feet + 3 more feet for buildings with 4 in 12 roof pitches) for the Main Building is being requested.

The proposed height for this building is 46 feet above existing grade.

- A modification to the height limit required in Section 35-208.2(1) of the Montecito Community Plan Overlay District, which states the following:

*Two thirds of any new or reconstructed buildings which are guest rooms shall be limited to 16 feet in height, except as provided for pursuant to Division 10, Nonconforming Structures and Uses and Section 35-214, "Restoration of Damaged Nonconforming Buildings and Structures" of Division 15.*

Under the proposed revised project, 9 out of 21 guestroom buildings would be 16 feet in height above existing grade. Therefore, a modification is being requested for this ordinance requirement.

- A modification to the front, rear, and side yard setbacks for a number of buildings as described in section 5.2 (project description) of the staff report dated November 21, 2014.
- A modification to the number of parking spaces required for the project. The County's parking standards contained in Article II, Coastal Zoning Ordinance require a total of 614 parking spaces onsite to accommodate the proposed revised project. However, a total of 436 parking spaces would be provided for conjunctive use, for a total of 178 spaces fewer than ordinance requirements.

Because each modification would help to meet the overall project objectives to 1) create site uniformity and site layout through abandonment of Miramar Avenue; 2) create a cohesive site design of bungalows, cottage clusters and other buildings around resort amenities; 3) provide expansive landscaping grounds and paths to serve guests and visitors; and 4) increase public beach parking and access to and through the property, these modifications would aid in good design of the site. Please see Section 6.3 of the staff report dated November 21, 2014, incorporated herein by reference, for a more detailed discussion on the justification of the modification related to parking provisions.

Approval of these requested modifications would not hinder emergency access to or within the hotel site. A majority of the previously existing hotel buildings encroached into setbacks adjacent to a residential parcel owned by the Miramar or the UPRR, as did the previously approved plan. Approval of the requested modifications would not change the established character of the neighborhood, nor significantly affect the project's consistency with applicable policies of the Coastal Land Use Plan, the Montecito Community Plan, or the purpose and intent of the applicable zone district. Therefore, the modifications are justified and this finding can be made.

## 2.3 CONDITIONAL USE PERMIT AMMENDMENT FINDINGS

**2.3.1 Findings required for all Conditional Use Permit Amendments.** In compliance with Section 35-172.11.2 of the Article II Zoning Ordinance, prior to the approval or conditional approval of an application for an Amendment to an approved Major or Minor Conditional Use Permit the review authority shall first make all of the following findings, as applicable:

**2.3.1.1 That the findings required for approval of the Conditional Use Permit, including any environmental review findings made in compliance with the California Environmental Quality Act, that were previously made when the Conditional Use Permit was initially approved remain valid to accommodate the project as revised with the new development proposed by the applications for the Amendment and the Coastal Development Permit.**

The proposed revised project includes two amended Conditional Use Permits (CUP's) for: 1) 14AMD-00000-00010 amending 07CUP-00000-00045 for hotel improvements in the Transportation Corridor Zone District (within the Union Pacific railroad right-of-way); and 2) 14AMD-00000-00011 amending 07CUP-00000-00046 for a 10 to 14-ft. high sound wall located in the front yard setback of South Jameson Lane. The required findings are the same for each CUP and apply to each CUP.

The proposed revised project is consistent with the specific findings of approval, including the CEQA findings that were adopted when the Conditional Use Permits were previously approved by the Board of Supervisors on December 9, 2008. Project changes include elimination of all underground parking and creation of a new surface parking lot in the previous location of the spa building, reduction in the number of guest rooms from 186 to 170, a reduction in the maximum allowable attendance for events from 500 persons to 400 persons, and a reduction in the available retail space. While a small segment of the sound wall has been increased from 10 to 14 feet in height, the wall would be screened by vines and dense vegetation. In addition, the sound wall along South Jameson Lane has been reduced in length by 177 feet. Overall, these changes have reduced the project's scope such that it continues to be consistent with the

original findings of approval. Specific findings of approval for the proposed CUPs, incorporated herein by reference, are discussed in Section 2.4 (Conditional Use Permit Findings) below. As discussed in Attachment-F (Addendum) to the staff report dated November 21, 2014, and incorporated herein by reference, environmental impacts related to the proposed revised project changes would be substantially the same as or less than those identified for the 2011 approved project. Therefore, the Amendment is consistent with the specific findings of approval, including CEQA findings that were adopted when the Conditional Use Permit was previously approved, and this finding can be made.

**2.3.1.2 The environmental impacts related to the proposed change are determined to be substantially the same or less than those identified for the previously approved project.**

As discussed in Attachment-F (Addendum) to the staff report dated November 21, 2014, and incorporated herein by reference, environmental impacts related to the proposed revised project changes would be substantially the same as or less than those identified for the 2011 (previously) approved project. Therefore, this finding can be made.

**2.3.2 Additional findings required for sites within the Montecito Community Plan area.** In compliance with Section 35-215 of the Article II Zoning Ordinance, prior to the approval or conditional approval of an application for an Amendment to an approved Major or Minor Conditional Use Permit on sites within the Montecito Community Plan area, the review authority shall first make all of the following findings:

**2.3.2.1 That the project meets all the applicable development standards included in the Montecito Community Plan.**

As discussed in section 6.2 of the staff report dated November 21, 2014, and incorporated herein by reference, the project would be consistent with all applicable development standards included in the Montecito Community Plan. Therefore, this finding can be made.

**2.3.1.2 The project will not potentially result in traffic levels higher than those anticipated for the parcel by the Montecito Community Plan and its associated environmental documents; or if the project will result in higher traffic levels, that the increase in traffic is not large enough to cause the affected roadway(s) and/or intersection(s) to exceed their designated acceptable capacity levels at buildout of the Montecito Community Plan or that road improvements included as part of the project description are consistent with provisions of the Comprehensive Plan (specifically the Montecito Community Plan) and are adequate to fully offset the identified potential increase in traffic.**

As discussed in the project trip generation studies including the *Site Access, Circulation and Parking Evaluation for the Miramar Hotel and Bungalows Project*, ATE, March 11, 2008 (updated on January 5, 2011) and the *Parking and Circulation Study for the Revised Miramar Hotel Project*, ATE, July 30, 2014, and incorporated herein by reference, the proposed revised project would generate 31 fewer peak hour trips than the originally approved (2008) project and 23 fewer peak hour trips than the 2011 approved project. Traffic studies prepared for the project found that it would not significantly affect the capacity or design of nearby streets and intersections and would not cause area

roadway(s) and/or intersection(s) to exceed their designated acceptable capacity levels under a peak demand scenario. The studies concluded that project-specific and cumulative impacts on traffic would be less than significant. Therefore, this finding can be made.

**2.3.1.3 That the developments will not adversely impact recreational facilities and uses.**

As discussed in section 6.2 of this staff report, dated November 21, 2014 and finding 2.2.2.2, above, and incorporated herein by reference, the development will not adversely impact recreational facilities and uses. The proposed revised project includes elimination of No Trespassing signs and the provision of new signage directing the public to the beach through the project site. The proposed revised project includes public access easements through the site in three locations and maintains lateral public beach access. The proposed revised project includes 75 public parking spaces to replace the loss of 68 public parking spaces on North/South Miramar Avenue and 7 spaces on the East/West segments of Miramar Avenue. In addition, the project maintains 7 existing spaces on E/W Miramar Avenue and provides 7 new public parking spaces (for a total of 89 public parking spaces). Public use of the site would be encouraged and the project provides showers and restrooms adjacent to the boardwalk for use by members of the public. Therefore, the project would not adversely impact recreational facilities and uses and this finding can be made.

**2.4 CONDITIONAL USE PERMIT FINDINGS**

**2.4.1 That the site for the project is adequate in size, shape, location and physical characteristics to accommodate the type of use and level of development proposed.**

The project site consists of an existing, disturbed, 15.99 acre (total of all eleven parcels) property that historically supported a resort hotel with a greater number of rooms than the proposed revised project. The site is gently sloping and maintains access from South Jameson Lane via Highway 101. The close proximity of Highway 101 provides easy access to the site. Therefore, the proposed revised project is adequate in size, shape, location, and physical characteristics to accommodate the density and level of development proposed and this finding can be made.

**2.4.2 That adverse environmental impacts are mitigated to the maximum extent feasible.**

As discussed in the environmental review documents [Environmental Impact Report (08EIR-00000-00003), Mitigated Negative Declaration (00-ND-003) and Addenda dated December 9, 2008, March 11, 2011] and in the November 21, 2014 addendum for the proposed revised project, and incorporated herein by reference, adverse impacts anticipated to all issue areas except for historic resources would be mitigated to less than significant levels (Class II impacts).

Environmental Impact Report (08EIR-00000-00003) determined that project-specific and cumulative impacts to historic resources would be adverse, unavoidable, and could not be fully mitigated (Class I impact). Impacts to historic resources were determined to be Class I as a result of proposed demolition (under the 2011 approved project) of historically significant structures. A Structural Conditions Report by Holmes Culley (March 19, 2007 and April 15, 2008), determined that the buildings on-site would either be completely unsalvageable structurally due to extensive water damage, weathering, and other forms of decay, or would need to have their exteriors completely replaced due

to termite and severe mold issues. Based on the Holmes Culley reports, repair of the historically significant buildings onsite was determined to be infeasible without completely destroying the character-defining features that determine their historical significance (i.e., shingles, clapboard, skirting boards rafter tails, gable vents, and any remaining multi-paned windows). The findings of these reports were verified by the County's Building Official. Statements of Overriding Consideration for the Class I impact were made by the Board of Supervisors on December 9, 2008 for the project approved in 2008.

All structures previously located on-site, including historically significant structures, were demolished following approval of the 2011 project. Prior to demolition of the structures in 2011, the applicant complied with mitigation measure HIST-1 (Condition No. 32), which required that each historical structure be completely documented following the Secretary of the Interior's procedures and methods. In addition, Condition No. 31 requires retention and display of the "Miramar" neon roof sign on-site, retention of the neon pole sign at the corner of Eucalyptus Lane and South Jameson Lane, re-use of historic sandstone caps and photo-documentation. Finally, consistent with Condition No. 85, the applicant made the cottages on-site available for relocation by any interested party. There were no other known feasible mitigation measures to preserve the character-defining features of the buildings. Demolition of the existing historically significant structures was considered a permanent loss to the historic resource.

The Addendum for the proposed revised project, dated November 21, 2014, confirms that the proposed revised project would not create any new significant effects or a substantial increase in the severity of previously identified significant effects on the environment. Therefore, impacts associated with the proposed revised project are reduced to the maximum extent feasible and this finding can be made.

**2.4.3 That streets and highways are adequate and properly designed to carry the type and quantity of traffic generated by the proposed use.**

As discussed in Section 6.2 of the staff report dated November 21, 2014, and incorporated herein by reference, the nearby streets and highways are of adequate capacity and design to accept the traffic anticipated to be generated by the proposed revised project. As such, the proposed revised project would not adversely affect the capacity of the nearby roadways and intersections. The applicant provided an updated *Parking and Circulation Study for the Revised Miramar Hotel Project*, Associated Transportation Engineers dated July 30, 2014, which supports these conclusions. The analysis concludes that the proposed revised project will generate fewer peak hour trips than the 2011 approved project and therefore, will not generate significant impacts to the surrounding street network. Therefore, this finding can be made.

**2.4.4 That there will be adequate public services, including but not limited to fire protection, water supply, sewage disposal, and police protection to serve the project.**

As discussed in Section 6.2 of the staff report dated November 21, 2014, and incorporated herein by reference, there would be adequate public services to serve the proposed revised project. Specifically, the project would be served by the Montecito Water District, the Montecito Sanitary District, the Montecito Fire Protection District and the Santa Barbara County Sheriff. With respect to access, as with the 2011 approved project, area roadways and intersections are adequate to serve the proposed revised project.



**2.4.5 That the project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will not be incompatible with the surrounding area.**

The proposed revised project includes new public sidewalks, public parking, and landscaping along the majority of South Jameson Lane. Sidewalks and landscaping are also proposed along Eucalyptus Lane. The East/West segment of Miramar Ave. would be widened and sidewalks (open to the public) would be provided within the Miramar property adjacent to the East/West segment of Miramar Ave. As conditioned (Condition 2) the project would include landscaping, sidewalks, curbs, and gutters along South Jameson Lane and Eucalyptus Lane, designed with adequate site distance, as required by the Public Works Department. The landscaping, sidewalks, curbs, and gutters would all represent an improvement to the health, safety, comfort, convenience, and general welfare of the neighborhood by providing safer and more orderly pedestrian and vehicular circulation. The existing railroad crossing on the east side of the property would be upgraded as part of the project, resulting in a safer crossing for residents who use this access and live east of the Miramar property along the beach. Services would be provided by the appropriate public service entity including the Montecito Sanitary District, the Montecito Water District, the County Sheriff, and the Montecito Fire Protection District. As discussed in findings 2.2.1.3 and 2.2.1.4, above, and incorporated herein by reference, streets and highways would be adequately designed to support the proposed revised project. With implementation of the project, the currently vacant site would be redeveloped into an amenity for the community. Redevelopment of the site would also actively discourage trespassing and vandalism.

The project would be located on a site that historically supported a hotel-resort use and is located within an urban area. Hotel-resort use is a part of the historic character of the neighborhood. The architectural style of the hotel would be "cottage-style" and compatible with the residential nature of the surrounding area. Therefore, the proposed revised project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will be compatible with the surrounding area and this finding can be made.

**2.4.6 That the project is in conformance with the applicable provisions and policies of this Article and the Coastal Land Use Plan.**

As discussed in sections 6.2 and 6.3 of this staff report, dated November 21, 2014, and incorporated herein by reference, the proposed revised project is in conformance with the Comprehensive Plan, including the Coastal Land Use Plan and Montecito Community Plan, and with the requirements of the Article II Coastal Zoning Ordinance. Therefore, this finding can be made.

**2.4.7 That in designated rural areas the use is compatible with and subordinate to the scenic and rural character of the area.**

The proposed revised project is not located in a rural area, but rather in an area designated as urban in the Montecito Community Plan and therefore this finding does not apply.

**2.4.8 That the project will not conflict with any easements required for public access through, or public use of the property.**

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 would remain in effect at all times (except for when the water has reached the edge of the boardwalk). Although the Miramar Hotel would 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, as proposed, public access would be provided in three locations (as shown on sheet A1.02b of the proposed plans): 1) From the main entry at Jameson Lane through the site and down to the boardwalk and beach; 2) From the main entry at Jameson Lane through the site to the E/W portion of Miramar Ave; and 3) From the entry drive to the eastern parking lot through the site and down to the boardwalk and beach. Condition of Approval No. 49 would require recordation of public easements along the proposed public accessways, connecting to the lateral beach access to retain the public's right of access in perpetuity prior to Zoning Clearance approval. In addition to providing for these public easements, Condition of Approval No. 48 would require the applicant to make the hotel's visitor serving amenities (restaurant, spa, beach bar, beach, restrooms, beach showers, etc.) non-exclusive and fully open to the public. Therefore, the proposed revised project would not conflict with easements required for public access and this finding can be made.

#### **2.4.9 That the proposed use is not inconsistent with the intent of the zone district.**

The proposed revised project includes two amended Conditional Use Permits (CUPs): 1) 14AMD-00000-00010 amending 07CUP-00000-00045 for hotel improvements in the Transportation Corridor Zone District (within the Union Pacific railroad right-of-way); and 2) 14AMD-00000-00011 amending 07CUP-00000-00046 for a 10 to 14-ft. high sound wall located in the front yard setback of South Jameson Lane. The required findings are the same for each CUP and apply to each CUP.

For Conditional Use Permit amendment 14AMD-00000-00010, for hotel improvements in the Transportation Corridor (TC) zone district, the purpose of the TC zone district is to *"preserve and protect established and proposed transportation corridors, to regulate land uses within and adjacent to such corridors, and to provide uniform TC development standards."* The intent of the zone district is to *"apply local authority over matters of public health, safety and welfare, land use, and zoning"* and *"to ensure that development within transportation corridors is consistent with the Coastal Plan and other elements of the Comprehensive Plan."* Finally, it is the intent of the zone district to accommodate other priority uses within transportation corridors to the extent feasible, such as recreational access to and along the coast and use of the corridors for bikelanes, and routes for pipelines and cables for example. The proposed revised project would involve construction of drainage improvements, a fire access lane, a guard house, parking spaces, an ice cream stand, and landscaping within the TC zoned property owned by the Union Pacific Railroad. While it has not yet granted an express authorization, the UPRR confirms that it has worked closely with the applicant and finds the preliminary plans acceptable (letters dated May 13, 2008, February 15, 2011, and November 7, 2014); a condition of approval is included requiring the UPRR's express authorization prior to issuance of the first ZCI for the proposed revised project. The proposed improvements would help ensure the safe passage of hotel visitors and the public to the beach and would be consistent with the Coastal Plan and other elements of the Comprehensive Plan (as discussed in section 6.2 of the staff report dated November 21, 2014 and incorporated herein by reference). Therefore, the improvements would be consistent with the intent of the zone district and this finding can be made.

The purpose of the C-V zone district is *"to provide for tourist recreational development in areas of unique scenic and recreational value, while providing for maximum conservation of resources of the site through comprehensive site planning"* and the intent of the zone district is to provide *"maximum public access, enjoyment, and use of an area's scenic, natural, and recreational resources while ensuring preservation of*

*such resources.*” Construction of a 10-14 foot sound wall, as proposed under 14AMD-00000-00011 would not conflict with public access through the site, would not block public views of the ocean or mountains (as depicted in the visual simulations included as Attachment-J, herein incorporated by reference), and would provide noise protection for hotel guests and neighboring properties. Therefore, construction of the wall would not be inconsistent with the intent of the zone district, and this finding can be made.



## ATTACHMENT B: PROJECT SPECIFIC CONDITIONS

Case No's: 14RVP-00000-00063, 14CDP-00000-00086, 14CDP-00000-00090, 14CDP-00000-00091

### 1. PROJECT DESCRIPTION:

This Revision (14RVP-00000-00063) to Development Plan 07RVP-00000-00009 (as amended by 10AMD-00000-00010) is based upon and limited to compliance with the project description, the Montecito Planning Commission Attachment-M dated January 21, 2015 and conditions of approval set forth below. This revised Final Development Plan shall supersede past approvals including: 78-CP-77, 99-DP-001, 99-DP-001 AM01, 02AMD-00000-00007 and 10AMD-00000-00010 for the Miramar site. Project conditions associated with the amended Conditional Use Permits for hotel development within the Transportation Corridor zone district (14AMD-00000-00010, 14CDP-00000-00090), and for construction of a 10-14-foot sound wall (14AMD-00000-00011, 14CDP-00000-00091), have been incorporated into the conditions of approval. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

#### The 2011 Approved Project (186 key/Approved Caruso Plan) consists of the following components:

- Construction of a Main building and Ballroom over one level of subterranean parking with 247 stalls. Portions of the parking garage would be covered by an event lawn, with a motor court and access ramp to underground parking;
- Construction of a strip of guest serving retail attached to the Main building adjacent to the Entry Court;
- Construction of a lobby and administration building on South Jameson Lane;
- Construction of two new restaurants, two in a one story poolside building, and one in a beach bar/snack house; The maximum number of restaurant seats would be 258
- Creation of a central lawn area in front of the Main Building lobby and Main Building guestrooms;
- Creation of additional open space by vacating the north-south segment of Miramar Avenue, and connecting the site via internal meandering paths resulting in additional new landscape areas throughout the site;
- Construction of a spa and treatment rooms and a separate fitness center for use by guests of the hotel and members of the public and one building for exclusive use by the Beach Club members;
- Beach club membership of 300;
- Removal of all the existing guestroom buildings (completed);
- Construction of a maximum of 186 new guestrooms;
- A restored beach boardwalk;
- Sixty-eight new public parking spaces along Eucalyptus and South Jameson to improve public beach access to existing public access points;
- New public access routes along the fire lane on the Miramar property and along the private road between the proposed Main Building and Ballroom;
- Construction of a 10-foot sound barrier along South Jameson Lane west of the main entrance drive;
- Construction of two new swimming pools to replace the two pools that previously existed on the site;
- Landscaping plan would include the removal and relocation of numerous trees and new planting of both native and non-native species throughout the site;
- Four affordable on-site hotel employee housing units;
- Events including 30 beach events per year, for a maximum of 100 people for 60 minutes; and a maximum number of guests on site for an event (or a combination of events) of 500;
- A request for modifications to the height, parking, and setback requirements of the County's Coastal Zoning Ordinance;
- Parking spaces on site: 494;

- Surface parking lot on the eastern portion of the site containing 207 parking spaces. (constructed with permeable surfaces and broken up into smaller sections by landscaping) The lot would also be built near existing grade and approximately six feet lower than the adjacent public roadway, South Jameson Lane, to minimize visual impacts.

### **Proposed Revised Project (170 Key Plan)**

- Reduction in gross building area and net floor area from 258,860 to 206,793 (gross) and from 170,575 SF to 167,982 SF (net floor area);
- Elimination of the level of underground parking below the main building (a smaller portion of the subterranean level continues to exist for loading and back of house functions);
  - All parking is now surface parked primarily in lots with permeable paving (approximately 2.05 acres total for the parking lots).
  - The primary lot at the eastern end of the site has increased in capacity from 207 stalls to 226 stalls.
  - The new secondary surface lot in the northwestern portion of the site has 151 spaces.
  - The remaining parking stalls are located throughout the site adjacent to the entry court, the oceanfront, and along Miramar Avenue. All guests and members will valet park with the exception of the Miramar Avenue bungalow guests who will have the option of self-parking in the stalls along Miramar Avenue. Guests of the Oceanfront presidential suite will also have the option of parking in one of the adjacent stalls at the oceanfront.
  - Overall parking on site has been reduced from 494 stalls to 436 stalls.
- Reduction in key count from 186 keys to a 170 keys maximum;
- Relocation of the Miramar Beach Club building to a location adjacent to the family pool;
- Replacement of the previously approved beach club building with a presidential suite;
- Increase of guestrooms/ suites at the beach from 20 keys to 27 keys (including the presidential suite);
- Replacement of beach bar/ snack shack with full service dinner and lunch restaurant at the Oceanfront. A walk up beverage bar would still exist at the previous beach bar location;
- Elimination of a portion of the second story of the Oceanfront East building above the new proposed restaurant;
- Reconfiguration of the main building;
  - All day dining restaurant is now attached to the main building instead of in a separate building adjacent to the pool.
  - The spa has reduced in size from 7,003 SF to 2800 SF and is now a part of the main building.
  - Non-hotel spa guests have been reduced from 15 to 12 outside guests per day.
  - The fitness center is also now part of the main building.
  - Increase in the Main Building square footage from 34,745 to 43,318 square feet.
- Lanai Buildings have been re-sited and realigned;
  - Jameson Lanai buildings have been stepped back further from Jameson Road and are staggered; the previously approved encroachment into the 20' setback from the property line continues to exist for portions of the building.
  - The Eucalyptus Lane Lanai buildings have increased from one to two stories.
- New screening room theater building is proposed adjacent to the entry court (to be used for guests and member related special functions);
- Sound walls have been modified;
  - Construction of a 10-14 ft sound wall (increased from a previous 10 ft maximum height) along South Jameson Lane (reduced in length by 177 feet).
  - Construction of a new 8-foot sound wall south of the Union Pacific railroad tracks.
  - Construction of three 6 foot sound walls between the northwestern parking lot and All Saints by the Sea Church.

- The proposed revised plan includes removal of 84 trees versus 40 in the 2011 approved plan. The approved plan involved relocation of 41 trees and the proposed revised plan would relocate no trees. However, 372 new trees as well as 112 palms, including approximately 252 specimen size trees are proposed to be planted under the proposed revised plan.
- Events including 30 beach events per year, for a maximum of 100 people for 60 minutes; and a maximum number of guests on site for an event (or a combination of events) of 350 (which may be scaled up to 400 at 12-18 months).

**Table 2-1  
 PROPOSED REVISED PROJECT IN COMPARISON TO THE 2011 APPROVED PROJECT**

The table below provides a comparison of the 2011 approved project and the proposed revised project.

Project Component	2011 Approved Project (186 key)	Proposed Revised Project (170 key)
<b>STRUCTURAL DEVELOPMENT (EXCLUDING PAVING) (NET FLOOR AREA IN SQUARE FEET [SF])</b>		
Ballroom (included in Main Building)	included in main building (see below)	included in main building, (see below)
Main Building (including ballroom function)	34,745 (incorporating Ballroom function and hotel administration offices,)	43,318 (excludes 13 guestrooms on level 2 which are included in the guestroom square footage total of 112,634 SF listed below), includes spa, fitness, all day dining, bar, lobby, ballroom, meeting rooms, and back of house/ administrative functions.
Pool Bar/Restaurant	4,394 SF (includes all hotel formal dining)	Casual dining restaurant included in Main Building above.
Beach Bar (and Restaurant)	643 SF	3,932 SF, includes bar and new proposed Oceanfront restaurant and restaurant BOH.
Spa	7,003 SF	included in main building SF above
Beach Club	3,206 SF (at the oceanfront)	3,270 SF (adjacent to the adult pool)
Retail	3,952 SF	Included in main building SF above (1060 total in retail & salon)
Guestrooms (includes back of house/ storage/housekeeping areas associated with guest rooms)	111,276 SF	112,634 SF
Misc. Buildings (theatre)	None	Theatre: 2022 SF

Project Component	2011 Approved Project (186 key)	Proposed Revised Project (170 key)
building, children's center, concessions: ice cream and guard station and adult pool restroom)		Children's Center/Storage: 2306 SF Concessions 1 & 2 (ice cream and guard): 200 SF Adult pool restrooms: 300 SF
Total Net Floor Area <sup>1</sup>	170,575 SF	167,982 SF
Total Net Lot Area	686,977 SF (15.77 acres)	Same as 2011 approved plan
Floor Area Ratio (FAR)	0.248	0.245
New Net Floor Area to be Constructed (not counting renovation of existing structures)	170,575	167,982
Total Gross Interior Floor Area <sup>2</sup>	258,860 SF	208,354 SF
Height modifications requested	46.0' height of Main Building (46' from existing grade / 38' from Jameson curb line).	Same as 2011 approved plan (46' from existing grade / 38' from Jameson curb line).
Setback modifications requested	<u>West:</u> All guestrooms encroach approx. 35' into the 50' setback from the property line; Spa encroaches approx. 10' into the 50' setback from the centerline of Eucalyptus <u>East:</u> All setbacks are met <u>North:</u> Main Bldg. encroaches approx. 10' into 20' setback from the right-of-way & 20' into 50' setback from the centerline of South Jameson; <u>South:</u> Guestrooms along east-west segment of Miramar Avenue encroach up to 20' into the 20' setback from the property line and 30' into the 50' setback from the centerline of Miramar Ave.; Oceanfront guestrooms encroach <10' into the 10' setback from the UPRR property line; Restaurant requires a setback modification for 10' encroachment into the	<u>West:</u> Guestrooms encroach 35' into 50' setback from the property line (same as approved plan); Spa and a portion of Jameson Lanai have been removed from the northwest corner of site. <u>East:</u> all setbacks are met. <u>North:</u> Main building meets setback requirements; Theatre building and portions of the Jameson Lanai encroach approx. 10' into 20' setback from the right of way and 20' into 50' setback from centerline of South Jameson; <u>South:</u> Guestroom along east-west segment of Miramar Avenue encroach 15' into 50' setback from centerline and 10' into the 20' setback from right of way; parking spaces along east-west segment of Miramar Avenue encroach 20' into the 20' setback from right-of way and 30'

<sup>1</sup> Net Floor Area – Includes interior occupied areas only (no garage parking) minus all circulation areas & mechanical shafts.

<sup>2</sup> Gross Interior Area – Includes all interior areas only, occupied or unoccupied, measured from the interior face of the exterior walls exclusive of the vent shafts.



Project Component	2011 Approved Project (186 key)	Proposed Revised Project (170 key)
	20' setback from UPRR property line.	into 50' the setback from centerline; Oceanfront guestrooms encroach 10' into the 20' setback from the UPRR property line. The restaurant that required a setback modification on the North side of the train tracks has been eliminated. The ice cream and adult pool restrooms (labeled concessions #1) and Adult Pool restrooms shed encroach approximately 10 feet into the 20' setback from the UPRR property line.
<b>PARKING SUPPLY</b>		
<b>Public</b>		
South side of South Jameson	58	61
North side of South Jameson	0 (potential 16)	Same as 2011 approved plan
North-south segment of Miramar Avenue	0	Same as 2011 approved plan
East-west segment of Miramar Ave	7 of 14 stalls remain (7 of 14 stalls eliminated by project)	17 stalls (3 more than the 14 existing stalls)
Eucalyptus Lane	10	9
<b>Total</b>	<b>75</b>	<b>87</b>
<b>For Hotel</b>		
Parking structure	247	0
Onsite	247	436
Overflow on tennis courts	0	0
<b>Total</b>	<b>494</b>	<b>436</b>
<b>PARKING DEMAND Spaces Required by Ordinance</b>		
<b>Hotels/Motels</b>		
1 space per guest room	186 spaces	170 spaces
1 space per 5 employees	11 spaces (55 employees)	10 spaces (50 employees)
<b>Hotel/Motel Total</b>	<b>197</b>	<b>180</b>
<b>Restaurant</b>		
1 space per 300 SF of patron space (indoor + outdoor)	Poolside restaurant in approved plan: 18 spaces (2,161 SF net indoors + 3,000 SF outdoors = 5,161)	In main building in proposed revised plan: 11 spaces (2,140 SF net indoors + 1,150 SF net outdoors = 3,290 SF net)
1 space per 2 employces	21 (42 employees)	13 (25 employees)
<b>Restaurant Total</b>	<b>39</b>	<b>24</b>
<b>Beach bar/</b>		
1 space per 300 SF of	3	included in beach restaurant below

Project Component	2011 Approved Project (186 key)	Proposed Revised Project (170 key)
patron space (indoor + outdoor)	(252 SF net indoors + 494 SF outdoors = 745 SF)	
1 space per 2 employees	2 (3 employees)	included in beach restaurant below
Beach Bar Total	5	included in beach restaurant below
Spa facility		
1 space per 300 SF of gross area	24 spaces (7,003 SF gross)	10 spaces (2,900 SF gross)
Tennis Courts (1.5 per court)	eliminated	none. same as 2011 approved plan
Assembly space (for events + library)		
1 space per 30 SF of assembly space	302 spaces (9,087 SF, Ballroom, Pre-function & Boardroom)	348 spaces (10,425 SF ball room, pre function, and meeting rooms)
Employee Dwellings		
1 per each dwelling unit (for one-bedroom units)	4 spaces	Same as 2011 approved plan
Restaurant (fine dining/ Beach Restaurant)		
1 space per 300 SF of patron space (indoor + outdoor)	Not in 2011 approved plan	11 spaces (1500 net indoors + 1350 net outdoors + 325 SF net for beach bar area= 3175SF at oceanfront)
1 space per 2 employees	Not in 2011 approved plan	13 spaces (25 employees includes restaurant and beach bar)
Restaurant (fine dining/ Beach Restaurant) Total	Not in 2011 approved plan	24 spaces
Beach Club		
1 space per 30 SF of assembly space	53 spaces (1,603 SF lounge area)	22 spaces (665 SF) lounge/event room; balance of space used for lockers/ back of house
Retail		
1 space per 500 SF of gross floor area	8 spaces (3,952 SF)	2 spaces (1,060 SF)
Total no. of required spaces	632 spaces	614 spaces
No. of spaces short of ordinance requirements	138 spaces (at 100% occupancy and 300 beach club members)	178 spaces (at 100% occupancy and 300 beach club members)
<b>SITE IMPROVEMENTS</b>		
Utilities replaced	Replace sewer, water, & electrical lines	Same as 2011 approved Plan
Repairs to seawall proposed	Yes	Same as 2011 approved Plan
Lighting	Night lighting of the boardwalk & parking lots	Same as 2011 approved plan
Tree removal or relocation	Removed: 40 non-natives	Retained: 30

Project Component	2011 Approved Project (186 key)	Proposed Revised Project (170 key)
	Relocated: 3 sycamores, 9 oaks, & 41 non-natives Total: 12 natives & 81 non-natives	Removed: 84 6 oaks, 4 sycamores & 74 non-natives Total: 10 natives & 74 non-natives (See revised arborist report.) Mitigation trees: 33 (24 inch box) New trees: 431 (various sizes)
Landscaping (acres)	5.52	4.9 (approx.)
Paving (acres)	5.81 (Including 1.2 acres of permeable pavement)	5.15 (including 2.05 acres of permeable parking lot pavement)
Grading	26,000 cy of cut; 33,500 cy of fill; & 7,500 cy of import	15,300 cy of cut; 48,100 cy of fill & 32,800 cy of import
Duration of construction	18 to 20 months	same as 2011 approved project
No. of truck trips	750 truck trips for grading materials	(1,750 truck trips for grading materials) - (1,430 fewer trips required for building materials due to elimination of underground parking) = 320 truck trips ( <i>Parking and Circulation Study for the Revised Miramar Hotel Project</i> by Associated Transportation Engineers (ATE), dated November 18, 2014)
No. of construction workers	250	Same as 2011 approved Plan
<b>OPERATION</b>		
No. of guestrooms ("keys")	186	170
No. of employees (full time, part-time, temporary & permanent)	102 (approximate no. of employees on site at any given time)	Same as 2011 approved plan
No. of employee dwellings	4	Same as 2011 approved Plan
Assembly area for events (SF) (Ballroom)	9,087	10,425 including 4 meeting rooms and pre-function area
No. of assembly seats (indoors and outdoors)	500 maximum event patrons on site at a given time	350 maximum event patrons on site at a given time (may be increased to 400 at 12-18 months)
No. of onsite events	4.7 events per day, on average; beach events count towards the size limit of 500 for one event	Same as 2011 approved plan; beach events count towards the size limit of 350 for one event.
No. of beach events	30 weddings on the beach per year of 100 people for 60 minutes (beach events now count towards the size limits events instead of being in addition to these events)	Same as 2011 approved plan
Event hours	7 am to 1 am (outdoor activities to conclude by 10:30 pm, events of over 200	Same as 2011 approved plan

Project Component	2011 Approved Project (186 key)	Proposed Revised Project (170 key)
	people to begin after 9:30 am)	
Total no. of restaurant seats (indoors)	258	Same as 2011 approved plan
Hours of operation of restaurant	6:30 am to 11 pm (bar closes at 2 am)	Same as 2011 approved plan
Hours of operation of beach bar/snack house	9:30 am to 12 am, last serving at 11:30 pm (midnight)	Same as 2011 approved plan
Beach Club membership	300 (200 at occupancy, 100 phased in 12-18 months)	300 (100 at occupancy, 200 phased in 36-42 months after occupancy_or upon 6 months of stabilized operations at 76% occupancy)
Spa use by non-guests	15 non-guests/day	12 non-guests/day
Hours of operation of spa	9 am to 9 pm	Same as 2011 approved plan
Public access through Miramar to the beach	Dedicated public access easements to east-west segment of Miramar Avenue and ultimately to the beach at the end of Eucalyptus Lane to offset the abandonment of the north-south segment of Miramar Avenue, and on the private road through the property to the beach bar opening to the beach.	Same as 2011 approved plan with the addition of a third access through the center of the site and past the proposed pools
Public access signs	“No Trespassing” signs removed; new signs installed on the boundaries of the Miramar property and dedicated public access easements along the fire access lane directing the public to the beach, and along the private road through the property directing the public to the beach through the beach bar area.	Same as 2011 approved plan

### Proposed Structural Development

The proposed revised project would involve the addition of 237,865 gross square feet (167,982 net square feet) of structural development, excluding paved areas. Table 2-2, below, summarizes the square footages of the proposed new buildings along with their maximum height (as measured from existing grade).

Pursuant to Section 35-203 of Article II of the County Code, Coastal Zoning Ordinance, in the Montecito Community Plan Overlay District, the maximum floor area ratio (FAR) for projects in the CV, Resort/Visitor Serving Commercial zone is 0.25. The proposed revised project would result in 167,982 square feet of net floor area for an FAR of 0.245 (see Table 2-2 below). While Table 2-1 shows project statistics for the proposed revised project, a more detailed summary showing the statistics for both the approved and proposed revised projects is included in Table 2-2 below.

**Table 2-2**  
**Project Statistics – Structural Development for the Proposed Revised Project**

**BUILDING AREA TABLE**

Building Number	Building Name	Level	Stories	Maximum Height Above Existing Grade	Guest Room Keys	Gross Floor Area (*A)	Net Floor Area (*B)
1	Main Building	B	2+1 (Basement)	44.5'	13	89,879	54,915
		1					
		2					
2	Theater Building	1	1	33.6'		2,807	2,022
3	Miramar Club	B	2+1 (Basement)	38		3,945	3,270
		1					
		2					
4	Activity Center	B	1+1 (Basement)	30'		2,366	2,306
		1					
4a	Adult Pool Restroom	1	1	15.5'		324	300
4b	Concession 1	1	1	14.5'		100	100
4c	Concession 2	1	1	15.5'		100	100
5	Oceanfront West	1	2	24'	5	11,250	7,819
		2			5		
6	Oceanfront East	1	2	24'	8	16,264	11,706
		2			8		
7	Presidential Suite	1	2	24'	1	4,483	3,870
		2					
8	Jameson Lanai	1	2	34.2'	25	41,953	28,624
		2			23		
9	West Lanai	1	2	28'	8	15,068	10,235
		2			8		
10	West Lanai	1	2	29.1'	8	15,068	10,235
		2			8		
11	Family Cottage	1	1	17.6'	4	3,497	2,983
12	Family Cottage	1	1	17.9'	4	3,497	2,983
13	Miramar Bungalow	1	1	18.9'	4	3,400	3,150
14	Miramar Bungalow	1	1	18.9'	4	3,400	3,150
15	Miramar Bungalow	1	1	18.6'	4	3,400	3,150
16	Garden Cottage	1	1	13.3'	3	1,664	1,664
17	Garden Cottage	1	1	13.7'	4	2,360	2,360
18	Garden Cottage	1	1	17.6'	4	2,360	2,360
19	Garden Cottage	1	1	11.8'	3	1,664	1,664
20	Garden Cottage	1	1	12.5'	4	2,360	2,360
21	Garden Cottage	1	1	11.4'	3	1,664	1,664
22	Garden Cottage	1	1	11.4'	3	1,664	1,664
23	Garden Cottage	1	1	14'	3	1,664	1,664
24	Garden Cottage	1	1	13.5'	3	1,664	1,664
<b>TOTALS</b>					170	237,865	167,982

**Proposed Architectural Style**

The proposed architectural style for the project shall be described as “Cottage Type Hotel” as defined<sup>3</sup>:

*A "Cottage-Type" hotel is a collection of one and two story- structures that vary in size and orientation. Placement and scale of buildings should be in a garden type setting with large canopy trees. Site should be pedestrian friendly.*

*"Cottage-Type" hotel buildings refer to a quaint architectural style and can be California Cottage and Bungalow or an architectural style reflecting the historical regional California coast. Architectural vernacular should incorporate low-sloped roofs with gables and/or hips, residentially scaled plate heights, overhangs and eaves; casement, double-hung or fixed windows or French doors with divided lights, porches and/or trellis; exterior walls of masonry, plaster, stone and/or wood siding (or other simulated materials).*

The Miramar, as it existed in 1992 when the Montecito Community Plan was adopted, along with the Biltmore and the San Ysidro Ranch, are the resort visitor-serving hotels in Montecito upon which the existing “Cottage Type Hotel” tradition was based. Both the Biltmore and the then Miramar included both large structures for congregation (restaurants, conference rooms, etc.) with attached guestrooms, and smaller buildings or cottages housing additional guest rooms. Consistent with the historic template of Montecito’s resort visitor serving hotels and similar to the 2011 approved project, the proposed revised project includes large structures for congregation (lobby, restaurant, spa), two-story lanai guest room buildings, and single story cottage structures with six or fewer keys. Besides architectural style and arrangement (as discussed above), factors listed in the Montecito Community Plan and Montecito Architectural Guidelines as contributing to the “Cottage-style” nature of a project include guest rooms with 6 keys or less, guest rooms of one story in height, and guest rooms of less than 16 feet in height. The following table lists each criterion for the 2011 approved and proposed revised project:

Standard	Approved	Proposed
Single story guestroom	13 (out of 18 structures); 72%	14 (out of 21 structures); 66%
6 key or less guestroom	15 (out of 18 structures); 83%	15 (out of 21 structures); 71%
No. of rooms in cottages	61 (out of 186 rooms); 32%	50 (out of 170 rooms); 29%
Cottages with 6 keys or less	61	50
Guest rooms buildings 16 ft or less from existing grade	none	9 (14 are below 19 ft)

The architectural style of the proposed revised project provides additional refinement from the 2011 approved project. Generous open spaces are located throughout the project site along with a variety of experiences and building types that reinforce the outdoor temperate lifestyle encouraged by the design. As with the 2011 approved project, guestrooms would be located in one-story cottages, two-story lanais, and oceanfront buildings with panoramic window lines, expansive patios, porches, courtyards and balconies. Buildings will be constructed in a variety of building materials to add character. Awnings, ornamental fences, shutters and gates, and landscaped trellises would add detail and shade to the outdoor environment.

<sup>3</sup> During the August 28, 2008 hearing, the MPC directed the applicant to return to the MPC for further discussion to ensure the proposed project be consistent with the above “Cottage Style Hotel” definition, including colors, materials and style prior to returning to the MBAR for preliminary approval.

## **Ballroom**

Under the 2011 approved project, the Ballroom is incorporated into the Main Building. The Ballroom area within the Main Building is intended to be used for events of various sizes. It would be for use both by resort guests and the public. Vehicles would arrive at the Ballroom via the Main Building motor court where cars would be valet parked. Access to the Ballroom is through the Main Building lobby. The ballroom now has one wall of windows open to an outdoor event garden. The ballroom will primarily be accessed through the main hotel entrance; however, a slip lane and a secondary entrance have been created to ensure ease of traffic flow during special events.

In the proposed revised project, a large perimeter hallway and pre-function space would provide adequate circulation for either one large event or three concurrent events. The Ballroom and other event spaces would accommodate a maximum of 350 people (potential 400 at 12-18 months) at one time under the proposed revised project, a reduction from 500 under the 2011 approved project.

## **Affordable Employee Housing**

As part of the proposed revised project, four affordable employee housing units would be provided on the ground floor in the northeast corner of the Jameson lanai building. As with the 2011 approved project, the affordable employee housing units would be rented to moderate income (120% Area Median Income) full-time employees. Income eligibility for affordable rental units would be determined by the County or its designee.

## **Main Building**

The proposed revised project plan reconfigures the main building to be the social and activity hub of the property, consolidating all public and social uses in this one location to free up open space and create a serene guest experience on the western portion of the site. The spa and fitness centers have been removed from outbuildings, reduced in size, and added to the main building. The all-day dining restaurant is no longer a stand-alone structure and is now included on the ground floor of the main building. The lobby, bar, check in and concierge functions continue to be located in the main building.

The ballroom, meeting rooms and pre-function areas continue to be located in the main building (a ballroom, pre-function, and single meeting room on the ground floor; three meeting rooms on the second floor.) While the primary entrance for guests and event attendees continues to be the main motor court, there is a secondary access point that can be used to manage event traffic when necessary.

The main building now includes only 13 guestrooms on its second level instead of a total of 57 in the previously approved plan. These 13 rooms are designed to be premium guest rooms and suites to maximize views from their elevated position.

## **Poolside Bar/Restaurant, Fine Dining and Beach Bar**

The one-story poolside restaurant is eliminated in the proposed amended plan. The casual all-day dining restaurant is now located off of the lobby in the main building, overlooking the family pool. In the approved plan, the poolside restaurant structure would have hosted both casual and fine dining restaurant functions. Now, the lobby-adjacent restaurant will serve the casual dining function, and a second fine dining function has been created at the oceanfront.

Similar to the 2011 approved project, a beach bar would be located between the two Oceanfront guestroom buildings in the proposed revised project; it would include minimal bar seating and would include only beverage storage and preparation areas. Those wishing to have a sit down meal at the oceanfront would go to the Oceanfront restaurant. In the proposed revised project, in addition to this walk up beverage bar, an oceanfront fine dining restaurant has been added. This is intended to be a restaurant for lunch and dinner only and would be located directly at the beach. This function would be located immediately adjacent to the bar at the center of the oceanfront buildings on the lower level (attached to the East oceanfront building). The second level of the restaurant would be an open air patio/ viewing area.

As with the 2011 approved project, the total indoor and outdoor seating capacity in the two restaurants (including the beach bar and lobby lounge) would remain at 258. Forty seats will be located in the lobby bar, 120 (approximately 80 indoor, 40 outdoor) seats at the all-day dining restaurant, and 98 (approximately 60 indoor, 38 outdoor) seats at the oceanfront restaurant and beach bar.

### **Spa and Fitness Facilities**

A new spa facility would be constructed as a part of the main building instead of in a freestanding structure on the northwestern corner of the site (as proposed under the 2011 approved project). In addition to guest use, there would be allowance for 12 non-guest users per day, a reduction from the 15 included in the 2011 approved project.

Differing from the 2011 approved project, fitness facilities have been moved from a guestroom building next to the spa in the northeast corner of the property and are now located in the main building adjacent to the spa.

### **Beach Club (now renamed Miramar Club)**

The proposed revised project includes a three-story clubhouse (two stories above grade, one story basement) building for the Miramar Club. The clubhouse would be for the use of Club members only and would include lockers, a sauna and steam rooms, and a 665 SF lounge area available for member gatherings. In the 2011 approved project the clubhouse was located in a free-standing building on the oceanfront. The proposed revised clubhouse building replaces the former beach club with a Presidential Suite. The proposed revised club location is in the central portion of the site adjacent to the main building and the family pool. The Club members would still be granted access to all hotel facilities including the beach; however, this location is in closer proximity to the hotel entrance, the fitness center, spa, pools, and all day dining restaurant and bar.

As with the 2011 approved project, the Club would be limited to a maximum membership of 300 (with 100 memberships available at the initial time of occupancy, and the additional 200 members conditionally added by the Montecito Planning Commission 36-42 months after opening or upon 6 months of documented 76% occupancy). Members would be allowed to bring family and guests. Since most families would travel to the Club in one car, it would not be anticipated that Club members would have a significant impact on traffic or parking during normal days. To prevent Beach Club members from parking in public spaces, Beach Club members must be informed of detailed parking procedures at the time of initiation, and will be required to RSVP in advance on peak summer weekends (June 15 to September 15) and on special event days. Beach Club members shall be provided complimentary valet parking as a part of their membership.

This policy would be enforced by Condition No. 52 requiring the applicant to monitor parking and provide P&D with annual reports. The Club building would be exclusively for beach club members,



their families and guests (consistent with above). These provisions were included with the 2011 approved project and would continue to apply to the proposed revised project.

### **Hotel Retail**

The Main Building would include a single guest serving/sundries style small retail boutique plus a small guest serving salon within the Main Building. The total retail space has been reduced from 3,952 square feet to 1,060 square feet (retail plus salon).

As with the 2011 approved project, this incidental retail and salon would be geared to satisfy the needs of the hotel guests but could also be a resource to the public for browsing, services, and gift item purchases. Examples of possible retail uses include apparel, beach recreation (i.e., beach towels, hats, beach chairs, boogie boards, etc.), magazines and newspapers, spa related items, candy, sunglasses, and limited specialty food sales.

### **Theater Building**

The proposed new theater building would operate as a private screening room and conference space for guests of the hotel only and would not be open to the public.

### **New Guestrooms**

The 2011 approved project included 186 guestrooms while the revised project has been reduced to 170 guestrooms. As with the 2011 approved project, a variety of guestroom buildings are proposed under the revised project: Lanai buildings, Cottages, Bungalows, Oceanfront buildings, and guestrooms in the Main Building (as summarized in Table 2-1, above). The Jameson and West Lanai buildings, Oceanfront buildings, and guestrooms on the second level the Main Building, and the two story presidential suite at the oceanfront would be two-story buildings. All others would be one-story buildings.

### **Sound Barrier**

As with the 2011 approved project, a sound barrier is proposed along South Jameson Lane west of the main entrance drive to reduce noise from the freeway in exterior spaces under the proposed revised project. Along South Jameson Lane, this sound barrier would consist of a 10 to 14-foot high (as measured from the South Jameson Lane grade) sound wall. The sound wall would include landscaping as well as architectural features and required exit/ fire access gates that would enhance the visual appearance of the wall.

Under the proposed revised project, the applicant is proposing three 6 foot tall sound walls between and within the northwestern parking lot and All Saints by the Sea Church. The applicant is proposing an additional 8 foot tall sound wall along portions of the south side of the UPRR right of way and. This sound wall will help shield noise from the oceanfront, but due to grade changes on the Northern portion of the property, will not obstruct views of the ocean. Finally, the wall will not exist in the area between the West and East Oceanfront buildings.

### **Boardwalk and Seawall Repairs (Same as 2011 Approved Project)**

An existing timber and concrete seawall retains the soil supporting most of the existing oceanfront units (the existing oceanfront units are not supported by deep foundations). Under both the 2011 approved and proposed revised project, the new oceanfront units would be supported on deep foundations (approximately 128 driven piles) to comply with requirements in the Coastal High Hazard Zone. Compacted soil would be placed beneath the foundations between the piles to further protect structures

from collapsing in the event of lateral earth movement during an earthquake. The existing seawall would be retained to support the soil beneath the piles. Many of the timber piles supporting the existing seawall are damaged and may need to be replaced under the approved and proposed revised project (with new driven piles); construction of this element of the project is anticipated to last 13 days. In addition, new shotcrete (concrete mixture used to strengthen existing vertical surfaces) would be installed on the face of the seawall to further strengthen it from wave forces. No changes have been made to the structural components of the Boardwalk and seawall under the proposed revised project.

The existing easternmost oceanfront unit (proposed Presidential Suite) is not protected by the seawall, but rather by a timber bulkhead located further seaward than the seawall. No repairs are proposed for the bulkhead.

A 2 x10 foot plank timber boardwalk is framed off the face of the seawall, approximately 9.8 feet above existing grade (sand). The boardwalk is supported by timber piles, 10 x12 foot beams, and 2 x14 foot joists. In addition, a stairway leads to the beach off the boardwalk. Due to extensive wood rot, the deck of the boardwalk would be replaced under the proposed revised project (as was contemplated under the 2011 approved project). The existing piles and the existing beach stairway would be retained.

There is no anticipated need for construction equipment to be parked on the beach, though hoses, cables, etc. may go down onto the beach (i.e., shotcrete application to the seawall) during construction activities.

### Additional Fences and Walls

#### Table 2-3 Project Statistics-Site Walls

Table 2-3 summarizes the proposed site walls and their heights under the proposed revised project. Note: the 10 to 14 foot sound wall along Jameson Lane, 8 foot sound wall along the UPRR tracks and the 6 foot sound walls between and within the northwestern parking lot and All Saints by the Sea Church are discussed separately above.

<b>Wall Location</b>	<b>Maximum Height of wall (above existing grade) (ft)</b>
Between South Jameson and the north end eastern parking lot.	6.33'
On eastern side of the eastern parking lot, (Section F on Sheet C1.02, conceptual grading and drainage plan)	3.5'
Between the beach access road and the eastern parking lot (Section E on Sheet C1.02, conceptual grading and drainage plan)	2.9'
Along the eastern and southern edges of the family pool area	7.75'
Between the adult pool area and the residential parcel owned by Miramar to the west and along the southern edge of the adult pool area (Section C on Sheet C1.02, conceptual grading and drainage plan)	4.0'
Between the parking stalls on the northern side of Miramar Ave. and the proposed cottages along that road.	4.0'

### Modifications

Section 35-174.8 of Article II, Coastal Zoning Ordinance, stipulates that the decision-maker for a Development Plan (e.g., Montecito Planning Commission) *“may modify the building height limit, distance between buildings, setback, 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 proposes modifications to height limits, setbacks, and parking requirements.

**Height Modifications**

The height limit in the C-V zone is 35 feet above existing grade, or 38 feet with roof pitches that are 4 in 12 or greater. As under the 2011 approved project, all proposed new buildings would meet this height restriction except for the Main Building, where the maximum height is proposed at 46 feet from grade (or 38’ feet from the top of Jameson curb line at an average of 27’ adjacent to the main building). The height of the Main Building is unchanged from the 2011 approved project.

Similar to the 2011 approved project, a modification to the height limit required in Section 35-208.2(1) of the Montecito Community Plan Overlay District would be necessary for the proposed revised project because 9 of the 21 buildings which would contain guest rooms would exceed 16 feet in height above existing grade (under the 2011 approved project, all guestroom buildings exceeded 16 feet in height).

**Setback Modifications**

Within the subject property, there is a required 20-foot setback from the right-of-way line and a 50-foot setback from the centerline of South Jameson Lane, Eucalyptus Lane, and Miramar Avenue. In addition, there is a 50-foot setback from both the western and eastern property lines due to adjacent residentially zoned properties. Finally, there is a 20-foot setback from the northern edge of the Union Pacific Railroad easement (a rear yard setback) and a 10-foot setback from the southern edge of the Union Pacific Railroad easement (a front yard setback for an interior lot).

The proposed revised project includes the same setback modifications as the 2011 approved project. Specifically, all the guestroom buildings along the western property line (adjacent to All Saints church) would encroach 35 feet into the required 50-foot setback from the adjacent residentially zoned properties (for a setback of approximately 15 feet from the western property line). In addition, the Garden cottages and Miramar Avenue Bungalows would be located well within the 50-foot setback from the centerline of the north-south portion of Miramar Avenue (to be abandoned). The Main Building and oceanfront guestrooms all would slightly encroach into setbacks and would continue to require the same setback modifications as the approved plan. Therefore, modifications to the setback requirements would be required for most of the buildings proposed under the revised project (see Table 2-4 below for specific details on encroachment into setbacks). Note: the main building in the proposed revised plan has shifted back further from Jameson road from 11’ to 94’ depending on the location. The theatre/screening room building is located in roughly the same location as the previous retail strip adjacent to Jameson Lane and requires a setback modification. The spa building previously located in the northwestern portion of the site has been eliminated and therefore no longer requires a setback modification. The proposed revised project also includes setback modifications for parking, as did the 2011 approved project (summarized in Table 2-4, below).

**Table 2-4**  
**Setback Modifications Required for the Proposed Revised Project**

<u>Location of Encroachment</u>	<u>Encroachment</u>	<u>Encroachment into Setback Area</u>
Northern property line adjacent to S. Jameson	Theatre Building, small portion of Jameson Lanai Guestrooms, Parking	<u>Buildings:</u> 10-15’ into the setback area (same as 2011 approved project) <u>Parking:</u> Public spaces are located

		entirely within the front yard setback, up to 15' into the right-of-way; 4 private spaces located entirely within the front yard setback, other private spaces are located up to 14' into the front yard setback
Western property line adjacent to Eucalyptus Lane and the Church property	Guestrooms along the church, Parking	<u>Buildings:</u> Between 32' & 35' into the 50' setback from residentially zoned properties (approx. same as 2011 approved project) <u>Parking:</u> Public spaces are located entirely within the setback from residentially zoned properties; 49 private spaces are located entirely within the setback from residentially zoned properties, other private spaces up to 5' within the setback from residentially zoned properties
Western Property line adjacent to the east-west portion of Miramar Ave. and home at 60 Miramar Ave.	Pool restrooms	Located entirely within setback from residentially zoned properties (in the 2011 approved project the restaurant and bar were located entirely within the setback)
Southern property line adjacent to the east-west portion on Miramar Ave.	Guestrooms, Parking	<u>Buildings:</u> 15' into 50' setback from centerline and 10' into the 20' setback from right of way (less than 2011 approved project) from residentially zoned properties <u>Parking:</u> 20 private spaces located entirely within the setback from residentially zoned properties
Southern portion of the hotel, which is north of the railroad track, between the Main Building and the Oceanfront Units	Poolside auxiliary functions (ice cream shack, pool restrooms, and security shack)	<u>Buildings:</u> Approx. 10' into the rear yard setback area (less than 2011 approved project)
Property line north of the Oceanfront Guestrooms and south of the UPRR.	Oceanfront Guestrooms, Parking	<u>Buildings:</u> Approx. 10' into the 20' rear yard setback from the UPRR property line (same as 2011 approved project) <u>Parking:</u> Approx. 12 spaces entirely within UPRR property (same as 2011 approved project)
Eastern Property Line	Parking	Approx. 20 private spaces located entirely within setback from residentially zoned properties; other private spaces up to approx. 15' into setback from residentially zoned properties

**Parking Modifications**

The 2011 approved plan included a modification to the required number of parking spaces to be provided (632 required and 494 to be provided, for a shortfall of 138 spaces). The proposed revised project would also need a modification to the number of required parking spaces (614 required and 436 provided, for a shortfall of 178 spaces). The applicant has provided an updated “Shared Parking Analysis” prepared by Associated Transportation Engineers, dated July 31, 2014, which provides support for this modification request. Because the proposed revised project includes a reduction in guest rooms from 186 to 170 and a reduction in the maximum number of event attendees from 500 to 400, the analysis concludes the peak demand for parking spaces during a 400-person event would be reduced to 430 spaces under the proposed plan. Therefore, the proposed 436 spaces would be adequate to serve peak demands at the site.

## SITE IMPROVEMENTS

### Grading, Drainage, and Utilities

Grading for the project entails excavation of the underground “back of house” area to be located beneath the Main Building, and re-contouring of the entire site. The eastern portion of the site will be filled in order to level the site for preparation of the surface parking lot. The amount of fill has increased from the 2011 approved project. Fill within the Oak Creek floodplain would constitute a total loss of up to approximately 4 acre-feet, as in the approved plan, of storm water ponding. A total of approximately 15,300 cubic yards (cy) of cut and 48,100 cy of fill would be required (including over excavation and compaction). As a result, a total of 32,800 cy of import would be required. The 2011 approved project included 26,000 cy of cut, 33,500 cy of fill and 7,500 cy of import.

The haul period for the import of 32,800 cy of fill is proposed as follows:

Activity	2011 Approved Project	Proposed Revised Project
Import volume	7,500 cy	32,800 cy
Truck capacity	10 cy	10 to 20 cy
Truck trips per hour	6 to 10	6 to 10
Duration of import	9 to 16 days	Approximately 30 to 60 days

Note: It is assumed that import of fill would occur sporadically during early stages of the project

The proposed revised project involves approximately 5.00 acres of paving (including approx. 2.00 acres of permeable pavement) compared to 4.61 acres in the 2011 approved project (approximately 1.26 acres of which was permeable). Drainage for the property would be designed following recommendations contained within the Penfield & Smith Preliminary Stormwater Control Plan, dated September 12, 2014.

All existing on-site storm, sanitary and water systems (with the exception of the existing on-site water well) would be removed or properly abandoned and new systems installed per current codes. As with the 2011 approved project, the proposed revised project would rely exclusively on Montecito Water District service. The private well on site is not proposed to be used at this time. Existing water facilities in the to-be-vacated northern portion of Miramar Avenue, which serves a portion of the adjacent community, would be maintained in place until a new system is activated as part of the project.

Sanitary service would be provided by Montecito Sanitary District. The project would include, but not be limited to, funding, construction and dedication to the District of a sewer lift station with an emergency backup generator and new sewer force mains. The sewer lift station and backup generator would be located in the northeastern portion of the property, and the wells for the pump station would be located consistent with MSD engineering directives. Sewer force main improvements, as deemed necessary by the District would be constructed in South Jameson Lane heading westerly to connect

with existing MSD infrastructure in or near Danielson Road. All existing overhead electrical lines would be relocated underground.

As with the 2011 approved project, under the proposed revised project, the applicant proposes the use of two 100 brake horse power (bhp) boilers, two 3,000 million British thermal units (MMBTu) boilers, and a 500 kilowatt (kW) emergency generator.

### **Vehicular Access to the Hotel**

Access to the site would remain primarily the same under the proposed revised project as it was under the 2011 approved project. The site would be accessed at three points along South Jameson Lane: 1) the main entrance road to the lobby; and 2) the private road that would provide access to the eastern parking lot, oceanfront rooms, and the three private homes to the immediate east of the resort, and 3) direct access into the western surface parking lot. This entry way would be used by valets and hotel employees only during regular use. In the case of large events or peak summer beach days this lot could also be set up to accommodate a secondary valet to intercept traffic going to the main building to prevent traffic backup. There is also an auxiliary access point adjacent to the main building/ ballroom to be utilized for special event valet parking.

The private beach access road would be improved from its current condition. Specifically, the private road's elevation would be raised to make it consistent with the new surrounding topography, raise it above the new surface parking lot, and to elevate it out of the flood plain. The road would be built in compliance with all required engineering standards and requirements of the Montecito Fire Protection District. The roadway edge would be attractively landscaped, consistent with the approved plan.

### **Pools and Pool Cabanas**

As with the 2011 approved project, there would be two pools on the property under the proposed revised project, 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. The smaller pool is envisioned as a less populated and quiet adult oriented lounge pool while the main pool would be the focus of the resort's outdoor and family activities. Lawn area, large seating areas, the all-day dining restaurant terrace, and pool cabanas would surround the main pool. Both pools will be lined with cabanas which would be temporary open-air shade structures for rental use by the hotel guests and club members.

### **Landscaping, Gardens, and Pathways**

Approximately 4.96 acres of the Miramar Beach Resort and Bungalows site would be devoted to landscaping under the proposed revised project, a decrease from the 5.52 acres in the 2011 approved project. A portion of the existing, mature landscape materials, including many varieties of specimen trees such as sycamores, eucalyptus, Camphor trees, and Canary Island Palms, would remain on the property. It is a goal of the project to save as many trees as possible and replenish the property with new trees as well. The remainder of the plant palette would consist of a combination of drought tolerant and non-drought tolerant shrub and ground cover species.

The entrance into the property would be landscaped with a variety of mature trees and hedging consistent with area landscaping, providing a planting buffer along the entire frontage of South Jameson Lane. This would set the tone for the Miramar, bringing it once again, back to its destination resort setting established nearly 100 years ago. The entrance drive off of South Jameson Lane would be planted with a combination of non-drought tolerant and drought tolerant plant materials. The motor court would be appropriately landscaped with decorative paving materials, potted plants, and colorful flowering shrubs and hedges.

The experience at Miramar Beach Resort and Bungalows would primarily be a walking and strolling experience. Therefore, pathways would be added and carefully placed to appropriately accommodate hotel guests as well as take into consideration cart access to the Main Building, the oceanfront buildings as well as the lanai buildings, cottages and bungalows throughout. Decomposed granite pathways and other decorative and permeable walkways are envisioned for pedestrian use. Turf block has been prohibited for fire access by the Montecito Fire District and as such a portion of the fire lane that was once a narrower impervious surface flanked by turf blocking will be replaced by an all hard surface. Pathways have been laid out to avoid disturbing trees, but to also accommodate fire and maintenance access.

Significant landscaping would be placed within and around the newly proposed surface parking lots. The Eastern surface lot (in the same location as the 2011 approved plan) would be surrounded by a combination of landscaped berms, trees, bushes, and hedges to essentially hide the lot from view from hotel guests to the west, from Jameson Avenue to the north, and from the residential properties to the east. The new proposed western surface parking lot would be similarly landscaped. Internally, the parking lots would be broken up by hedges placed within islands, breaking the lot up into smaller sections. The eastern surface parking lot includes the preservation of a specimen sycamore tree that was proposed to be removed in the previous plan. The preservation of this large mature tree will enhance views, provide shade for many cars, and mask the appearance of the parking lot.

### **Signs (Same as 2011 Approved Project)**

A new sign would be installed on South Jameson Lane at the entrance of the Main Building. The new fire access lane through the property (see “Public Access to the Beach and Public Use of the Site” below), would be marked with directional signs to the midpoint of E/W Miramar Avenue which can be used to access the beach at the end of Eucalyptus Lane, and clearly marking the path as public access. Public beach access signs would also be located along the private road east of the Main Building directing people to the beach through the beach bar area. Finally, signs would also be installed on the exterior of the property directing people to public beach access points at the end of Eucalyptus Lane and the end of Posilipo Lane. No changes from the 2011 approved project would be made with respect to signage.

### **Lighting**

As in the 2011 approved project, lighting is proposed on the boardwalk and the beach bar, but no lighting is proposed for the beach or sandy area. Lighting along the boardwalk would not be directed onto the sand in front of the resort or onto the water. Likewise, lighting at the beach bar would be kept to a minimum and would be extinguished at 10 p.m. each evening.

The proposed revised project adds a surface parking lot in the western portion of the site. To prevent light spillage and to eliminate impacts to night sky lighting, lighting of the additional surface parking lot would be low level and shielded, as in the approved plan. The proposed revised project would include lighting throughout the remainder of the property consistent with the approved plan’s *Concept Lighting Approach*.

### **Fire Access Plan**

A Fire Access plan has been reviewed in conjunction with the Montecito Fire District. E/W Miramar Avenue will include one 50’ turnaround and one hammerhead turnaround per District requirements, will be widened to a consistent 20 feet and shall be of hard surface (no turf block). Please see the Fire District condition letters dated January 14, 2015.

### **Solid Waste Management Plan (Same as 2011 Approved Project)**

No changes would be made to the approved Solid Waste Management Plan as part of the proposed revised project. The applicant proposes to reduce the solid waste volume generated by operation of the proposed revised project by 50 percent. In order to achieve this diversion rate, the following measures would be implemented:

#### General Solid Waste

1. A County-designated hauler would provide individual bins within centralized enclosure/s on the property for trash and commingled recycling. Commingled recycling containers would be utilized for depositing materials such as aluminum, plastic, glass, newspapers, junk mail, bimetal cans, magazines, cereal boxes, and cardboard. Trash and recyclables would be picked up at appropriate time intervals determined by the designated waste hauler.
2. Interior spaces of each project area would be provided with storage for smaller recyclable materials such as office paper, cardboard, newspaper, glass and plastic bottles, aluminum and bimetal cans.
3. The designated waste hauler would provide the designated trash/recycling enclosures with commingled recycling containers for materials such as aluminum, plastic, glass, newspapers, junk mail, metal cans, magazines, cereal boxes, and cardboard. Recyclables would be picked up at appropriate time intervals determined by the designated waste hauler.

#### Gardening Waste

1. The overall project landscape design would consider the following yard waste minimization methods:
  - Trees would be selected for the appropriate size and scale to reduce pruning waste over the long-term.
  - Slow growing, drought tolerant plants would be included in the landscape plan. Drought tolerant plants require less pruning and generate less long-term pruning waste, require less water, and require less fertilizer than plants with higher water and fertilizer needs.
2. The initial landscape contractor and the subsequent landscaping maintenance crew hired by the Property Manager would be responsible for all garden waste management duties for the project area. Both contractor and maintenance crew would be informed through written and verbal information sources regarding this waste plan.
3. Woody waste would be chipped and used as mulch and/or composted on-site, to the maximum extent feasible.
4. All gardening wastes not composted/utilized as mulch on-site shall be hauled offsite by the maintenance crew.

#### Hazardous Waste

1. The Community Environmental Council (CEC) is a resource for information on non-toxic alternatives. Guests/visitors would be made aware that they may contact the CEC at (805) 963-0583 for additional information on non-toxic or less toxic products.
2. The CEC and University of California, Santa Barbara (UCSB) maintain a permanent facility for the collection of hazardous waste generated by residents and small businesses in the area. The



owner would be made aware of this service, which includes the recycling/disposal of solvents, oils, and other chemicals, located at the UCSB Household Hazardous Waste Facility.

During construction, the applicant would employ a combination of local recycling services to reduce demolition and construction waste by 98.5 percent. Recycling of construction materials is provided locally by a number of waste collection companies, such as MarBorg Industries and BFI; Granite Construction, Lash Construction, and Santa Barbara Sand and Topsoil also offer construction waste recycling. For construction, a Solid Waste Management Plan shall be developed and implemented for each phase of construction. The Plan shall identify:

1. Estimated weight, by material type, to be discarded during construction.
2. Estimated weight, by material type, to be recycled or reused during construction.
3. Estimated number of separate bins required for recycling construction materials and cleared brush during grading and construction activities. All demolition and/or excess construction materials shall be separated on-site, as feasible, for reuse/recycling or proper disposal (e.g., separate bins for concrete and asphalt, wood, metal, drywall, and brush) and to take advantage of decreased prices for recycling these materials.
4. Prior to demolition/construction, the contractor would arrange for construction recycling service with a waste collection provider/s. Roll-off bins for the collection of recoverable construction materials would be located onsite. Materials earmarked for recycling include: wood, concrete, drywall, metal, cardboard, asphalt, soil, and land clearing debris (greenwaste). Sorting of general construction debris and materials would be done on-and off-site in coordination with recycling/waste collection provider.
5. The contractor would be referred to the following sources for recycled content, or reusable construction products:
  1. Calmax – California Materials Exchange (916) 255-2369 – a program that facilitates the reuse and recycling of business' excess products, materials, and discards through a bi-monthly publication listing such materials free of charge;
  2. California Integrated Waste Management Board (800) 553-2962 – a State agency that provides information about recycling and waste reduction.
  3. Hayward Lumber (805) 692-2113 – a local construction materials vendor that provides a wide range of recycled-content products and sustainably harvested lumber.
6. Contractor shall monitor recycling efforts and collect receipts for roll-off bins and/or construction waste recycling. All subcontractors would be informed of the recycling plan, including which materials are to be source-separated and placed in proper bins (see materials earmarked above).
7. These construction waste-recycling measures would be incorporated into the construction specifications for the contractor.
8. Development of a Source Reduction Element (SRE) describing the recommended program(s) and the estimated reduction of the solid waste before it is created. For example, the SRE may include a description of value-engineering building techniques employed to keep excess cutoffs to a minimum (including increased spacing of joists and studs, in-line framing, reduced header sizes, and modular roof designs).

**Construction Details (Same as 2011 Approved Project)**

Grading, construction and landscaping are estimated to require approximately 18 to 20 months for completion with several activities likely to be occurring onsite simultaneously. It is estimated there would be up to 250 construction workers on site at any one time. Construction vehicles and equipment would be parked within the hotel site during the renovation effort; no construction-related parking would be allowed along Eucalyptus Lane, or on the east-west portion of Miramar Avenue. Pursuant to the *Parking and Circulation Study for the Revised Miramar Hotel Project* by Associated Transportation Engineers (ATE) (dated July 30, 2014), the truck trips required for the increased grading import volumes will be offset by the fact that demolition has already been completed and all underground parking has been eliminated, thereby reducing the amount of construction materials that will need to be trucked to the site.

As with the 2011 approved project, Torque Down 1275 pile installation would occur only in the area of the oceanfront units under the proposed revised project. Torque Down 1275 pile installation activities associated with the oceanfront units is anticipated to be performed in one phase lasting 7 days, eight hours per day (total of approximately 120-170 piles with an installation capability of approximately 25 piles per day).

No changes would be made with respect to construction details or haul routes as part of the proposed revised project. The proposed haul routes are as follows:

#### **To Miramar from US 101**

##### **Proposed Northbound Truck Route**

1. Travel northbound on US 101.
2. Exit San Ysidro off-ramp.
3. Turn left (south) at top of the off-ramp onto San Ysidro Road.
4. Turn left (east) onto South Jameson Lane.
5. Entrances to Miramar site are located on left (south side of South Jameson Lane) as follows:
  - a. Entrance onto site via vacated Miramar Avenue.
  - b. Entrance onto site via private road (between Main Building and Ballroom).

##### **Proposed Southbound Truck Route**

1. Travel southbound on US 101
2. Exit San Ysidro off-ramp.
3. Advance straight at top of off-ramp onto Jameson Lane.
4. Entrances to Miramar site are located on left (south side of South Jameson Lane) as follows:
  - a. Entrance onto site via vacated Miramar Avenue.
  - b. Entrance onto site via private road (between Main Building and Ballroom).

#### **From Miramar to US 101**

##### **Proposed Northbound Truck Route**

1. Exit the site via vacated Miramar Avenue or private road by turning left (west) onto South Jameson Lane.
2. Turn right (north) onto San Ysidro Road.
3. Cross the US 101 bridge.
4. At the stop sign, turn left (west) onto the northbound on-ramp.

##### **Proposed Southbound Truck Route**

1. Exit the site via vacated Miramar Avenue or private road.
2. Turn right (east) onto South Jameson Lane.
3. Head straight to southbound on-ramp to US 101.

## **PROPOSED OPERATION OF THE HOTEL**

### **Number of Guestrooms (or “Keys”) (Reduced from 2011 Approved Project)**

The proposed revised project includes a reduction in the number of guest rooms from 186 to 170 keys but would continue to include 4 affordable employee residences. There would be a total of 21 buildings containing guestrooms (including the presidential suite and the main building). Of the 21 buildings containing guestrooms, 15 would have six guest room keys or less, and six would have more than six room keys (the Jameson Lanai, the Main Building, the (2) West Lanai Buildings, the Oceanfront West, and the Oceanfront East buildings).

### **Events (Reduced attendees from 2011 Approved Project)**

Under the proposed revised project, the total maximum attendees at one event or several events occurring simultaneously shall be reduced from 500 (2011 approved project) to 350 (may be increased to 400 people by the Montecito Planning Commission upon review of operations at 12-18 months) people. It is anticipated that 4.7 events per day on average would occur (no change from 2011 approved project).

The Miramar Beach Resort and Bungalows may accommodate events in the Ballroom facility, the outdoor lawns, the meeting rooms in the Main Building, the beach directly in front of the hotel, or any combination thereof. Strict limits were placed on event capacity for the 2011 approved project, and those limits have been reduced in the proposed revised plan as described below:

- Event capacity is limited to 350 people (may be increased to 400 people by the Montecito Planning Commission upon review of operations at 12-18 months) on-site at any given time. This can be one event of 350 (potentially 400) people in the Ballroom, or an aggregate number of people at smaller events in the Ballroom, meeting rooms, and/or the beach.
  - **Example:** 350 person event in Ballroom (outdoor/indoor) **OR** 200 person event in Ballroom + 100 people gathered in meeting rooms + 50 person beach event = 350 person event.
  - As with the 2011 approved project, there would be no limit on the number of events with 350 (potentially 400) people. However, there will be no attendee overlap between events resulting in excess of the general limit of 350 (potentially 400) attendees. After each event, there will be a cleanup and set up period before the following event so that attendees of an event will effectively be “cleared out” before attendees to the subsequent event show up. Events will be scheduled so as to avoid overlap and ensure adherence to attendance cap.

### **Beach Events (Same as 2011 Approved Project)**

Beach events would include, but would not be limited to, wedding ceremonies, commitment ceremonies, cocktail parties, or other small gatherings in the hotel beach use area and would be limited to no more than 30 per year, no more than 60 minutes per event (excluding setup and breakdown times), and no more than 100 people (“beach events”). All beach events would be subject to the 4.7 events per day on average limitation as proposed by the applicant. Beach events would be planned and scheduled in coordination with the use of the Ballroom facilities and would be managed in a fashion whereby the combined use of the Ballroom and beach use area would not exceed the maximum attendance of 350 people (or 400 people upon review by the Montecito Planning Commission at 12-18 months). No changes to “beach events” would be made under the proposed revised project.

### **Restaurant Use (Same Seats as 2011 Approved Project)**

Capacity for the restaurants would remain the same as permitted under the 2011 approved project. A total of 258 seats would be spread out between the two restaurants (all day dining, fine dining beachfront which now includes the former beach bar/snack house, and the lobby bar).

#### **Spa Use (Smaller size and reduced use from 2011 Approved Project)**

As a reduction from the 2011 approved project, a total of 12 non-guests per day are proposed to be able to use the spa facilities.

#### **Retail Use (Reduced from 2011 Approved Project)**

The proposed hours of the retail stores would be from 7:30 a.m. to 10:30 p.m. (No change). The approved plan includes 3,800 SF of retail (primarily guest/ resort serving). The proposed plan includes a 1,060 SF sundry store and salon that will serve as a sundry/ gift store and salon oriented for guests, and may include spa related items for sale. This use is not anticipated to draw special trips to the hotel, but rather serve as an amenity for the guests or public already on site.

#### **Number of Employees (Same as 2011 Approved Project)**

There would be approximately 102 full time, part-time, seasonal, and permanent employees on-site at any given time. The total number of people employed by the hotel would be 204. (No change)

#### **Parking**

Eighty-nine public spaces will be located along South Jameson Lane, Eucalyptus Lane and the East/West segment of Miramar Ave. Seven of these spaces are new public spaces created as a part of the project. All public spaces would be labeled for "Public Use" to ensure exclusive public use and deter hotel guest use.

Parking on the hotel grounds would be shared, with a single space serving several different uses at different times during the day, also referred to as conjunctive use. In the proposed revised project, underground parking would be eliminated and a new surface parking lot would be created on the western portion of the property.

The overall number of parking spaces in the approved plan is 494. Under the proposed revised project, there would be a total of 436 stalls on site. Updated parking calculations provided by ATE in a letter dated July 31, 2014 show that with the reduction in the project and in maximum event capacity, the 430 spaces would accommodate peak summertime demand, with an excess of 6 spaces at peak demand. A modification to the parking requirement is being requested for the proposed revised project as the proposed number of spaces represents a shortfall of 176 spaces from the ordinance requirement of 614 spaces (see Table 2-1, above).

The proposed revised project includes 87 public parking spaces, whereas the 2011 approved project included 75 public parking spaces. These 87 public spaces are in addition to the 436 spaces provided for private hotel use.

As with the 2011 approved project, hotel parking would be provided by valet service. Overnight guests would use the hotel's full valet service, dropping off and picking up their vehicles at the valet stand located at the hotel lobby and would be taken to their rooms by a golf cart or on foot. All guests would be informed that the street parking spaces along South Jameson Lane and Eucalyptus Lane are public and not available for hotel guest use. Public spaces would be labeled as such to ensure public use only.

Parking associated with Ballroom functions would occur in the surface parking lots. Tandem parking is included in the 2011 approved project and would be retained in the proposed amended project to maximize the efficiency of the surface parking lots. The eastern surface parking lot would be accessed by valet parkers driving through the drive aisle located within the Miramar property connecting to the private road and then driving into the surface parking lot. In the new plan, under certain peak parking demand conditions, valets will take some of the cars back onto Jameson Avenue to reach the northwestern surface parking lot. Valet operations will ensure that the primary Eastern parking lot is full before utilizing the secondary western lot to reduce the number of trips on Jameson. Employee parking will occur in the western parking lot to ensure that a maximum number of spaces are available in the eastern lot at all times.

Under the proposed revised project, 17 (an increase from 10 in the approved plan) hotel parking spaces have been created along Miramar Avenue so that all guests of the bungalows nearest Miramar Avenue may self park their cars.

### **Public Access to the Beach and Public Use of the Hotel Site (Same as 2011 Approved Project)**

Under previous ownerships, the Miramar Hotel did not welcome members of the public entering the grounds or using the beach in front of the boardwalk. The proposed revised project demonstrates a commitment to enhancing and achieving the public's interest in visiting the Miramar property.

Public access to beaches within the vicinity of the Miramar Hotel is provided through several vertical and lateral access points as shown on sheet A1.02b of the proposed plans. A 20-foot lateral easement to the public is recorded over the hotel's full beach frontage. The southern boundary of the public lateral easement is the water's edge; as a result, the 20 foot lateral easement varies in location with the change in tide line. However, as a matter of State law, the public always maintains the right to access the beach below the mean high-tide line regardless of where the water's edge is located at any moment in time. Existing public vertical access is located at Eucalyptus Lane about 500 feet west of the Miramar stairs to the beach, as well as from Posilipo Lane, located approximately 1,500 feet to the east of the site.

The 2011 approved project provided 68 public parking spaces on Eucalyptus Lane and South Jameson Lane, maintained 7 existing public spaces along the East/West segment of Miramar Ave and eliminated 7 existing public spaces along the East/West segment of Miramar Ave. The proposed revised project provides 70 public parking spaces on Eucalyptus Lane and South Jameson Lane and 17 public parking stalls along the East/West segment of Miramar Ave, resulting in an increase of 5 stalls over the approved plan. The 2011 approved project included a commitment for the dedication of two public access easements through the site. These easements would provide access across the hotel property along a curving pathway (which would also serve as the fire access lane) replacing the vacated portion of Miramar Avenue and connecting to the mid-point of the remaining portion of Miramar Avenue for easy access to Eucalyptus Lane. Along this fire access lane, coastal access signs would be posted clearly directing people to Miramar Avenue and ultimately to the beach area (see "Signs and Lighting" above). In addition, the proposed revised project includes a third public access point. This third location provides access down the private road between the Main Building and Ballroom through the property and toward a stairway to the beach. Legal descriptions for the proposed easements will be provided to the County.

Maintaining the privacy of hotel guests is a priority and the hotel would reserve areas and amenities for use only by its guests and members of the Beach Club (i.e., swimming pools and the Beach Club building). However, the public would have access to much more of the property than when it was previously operated. As a commercial, visitor-serving operation, use by the public and the associated business that it generates is viewed as an integral part of the hotel operation. All of the restaurants would be available for use by the public as well as guests. Also, there would be up to 12 non-guest reservations per day available at the spa.

Under the 2011 approved and proposed revised projects, the public would be able to access the boardwalk and the beach bar/ fine dining restaurant directly from the beach. There would also be restrooms near the beach that would be available to the public, as well as showers available to the public adjacent to the oceanfront buildings.

### **Hotel Beach Use (Same as 2011 Approved Project)**

No changes to hotel beach use would be made as part of the proposed revised project. On a portion of the sandy beach section of the property (“hotel beach use area”), running along the entire width of the Miramar Hotel beach frontage and to a line approximately 60 feet seaward of the existing boardwalk, subject to adjustment in accordance with the public access agreement<sup>4</sup>, the hotel owner would provide a number of services to its hotel guests and visitors. In the hotel beach use area, the hotel may serve limited food and beverages to hotel guests during the hours of operation of the beach bar. Food and beverage service would be available to non-guests by going to the beach bar or fine dining restaurant on the boardwalk.

The hotel may place non-permanent items such as chairs, umbrellas, and other non-motorized beach-related recreation items (inflatable rafts, boogie boards, etc.) out for hotel guests within the hotel beach use area, outside of the public’s lateral access area. The non-permanent items would be removed nightly and would only be placed out in response to guest requests.

Hotel events in the hotel beach use area would include, but would not be limited to, wedding ceremonies, commitment ceremonies, cocktail parties, or other small gatherings and would be limited to no more than 30 per year, for no more than 60 minutes per event, and with no more than 100 people. During hotel events on the beach, non-permanent items such as chairs, small tents, rope barriers, and small signs may be put up immediately before the event and removed promptly afterwards. Non-amplified music would be allowed on the beach during these events, (i.e., guitars, small string trios or quartets, etc.).

During a hotel event on the beach, part of the hotel beach use area would be limited to use by the hotel. However, hotel operations would at no time infringe on the lateral public easement as described in the dedication referenced above.

The beach in front of the resort would be kept clean by hotel staff for the enjoyment of hotel guests and the public. The resort and bungalow’s beach area would be kept clean throughout the day by hotel staff, and would be cleaned thoroughly each evening. No changes in beach use would occur under the proposed revised project.

2. **Departmental Letters.** Compliance with Departmental letters required as follows:
  - a. Air Pollution Control District dated August 22, 2014
  - b. Environmental Health Services dated January 13, 2015
  - c. Fire Department dated January 14, 2015
  - d. Flood Control dated August 21, 2014
  - e. Road Division (Public Works) dated November 18, 2014
  - f. P&D Building and Safety dated December 3, 2014

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4 Described in a dedication by William P. Gawzner and June Outhwaite dated July 21<sup>st</sup> 1975 (Recorded October 28, 1975, Book 2591, Page 617).

- g. Project Clean Water (Public Works) dated August 28, 2014
- h. Montecito Water District dated July 29, 2008 (and confirmed by August 28, 2014 letter)
- i. Parks Department dated July 11, 2008
- j. Montecito Sanitary District dated October 2, 2008 (and confirmed by September 8, 2014 letter)

### **Aesthetic/Visual Resources/Land Use**

3. Landscaping shall be compatible with the character of the surroundings and the architectural style of development on the site and shall be maintained throughout the life of the project. The applicant shall submit a Landscape Plan detailing locations and types of plantings throughout the site to P&D for review and approval. **Plan Requirements:** The Landscape Plan shall include, but is not limited to:
  - a. Use of drought-tolerant and/or Mediterranean-type species to the extent feasible to screen the site from surrounding land uses;
  - b. Extensive landscaping of the sound barrier and pedestrian pathway along South Jameson Lane and Eucalyptus Lane;
  - c. Use of landscape planters or other landscaping adjacent to all building walls, garden walls, and fences visible from a public or private street;
  - d. Use of clinging vines and/or vertical planting on trash/recycle enclosure walls and any other masonry walls where appropriate, as determined by P&D;
  - e. Use of appropriate species along the eastern property line, as identified in condition no. 19, below, to protect Oak Creek;
  - f. Specification that all landscaping shall be maintained throughout the project life and shall be inspected by P&D prior to release of the performance security required by condition no. 4 below.
  - g. Extensive landscaping around the surface parking lots to hide them from view from South Jameson and Eucalyptus Lanes and the southerly neighbors, as well as within the parking lot to break it up into smaller sections.
  - h. Vegetative screening between the West Lanai Buildings and All Saints by the Sea Church to obscure views from the second story of the West Lanai buildings to the Church Preschool.
  - i. Use of plant materials within the road right-of-way consistent with Public Works-Transportation requirements.
  - j. Screening of the same density as shown on renderings submitted for project.
  - k. Use of mature canopy trees throughout the site as appropriate to create immediate aesthetic effect.

**Timing:** P&D, Public Works-Transportation and Flood Control shall approve the final Landscape Plan prior to Zoning Clearance approval for construction of structures. P&D Permit Compliance shall inspect and photo-document installation of landscaping along the northern, western, and eastern perimeters of the property and along public-pedestrian pathways prior to P&D sign-off on occupancy clearance for the Main Building. **MONITORING:** In addition to the specific sign-offs required above, Permit Compliance shall inspect and document maintenance of landscaping once per year for the first three years after issuance of occupancy clearance and at least once immediately prior to release of each performance bond.

4. Two performance securities shall be provided to P&D by the applicant prior to Zoning Clearance approval for construction of any structure. One security shall be equal to the value of installation of all items listed in (a) below (labor and materials) and the other equal to the value

of maintenance and/or replacement of the items listed in (b) below for three years of maintenance of the items. The amounts shall be approved by P&D. Changes to the approved Landscape Plan may require a substantial conformity determination or a modification of the Development Plan. The installation security shall be released upon satisfactory installation of all items listed below, based on a site inspection by P&D. If plants and irrigation and/or any items listed below have been established and maintained, as documented by a P&D site inspection, P&D may release the maintenance security two years after issuance of occupancy clearance. If such maintenance has not occurred, the plants or improvements shall be replaced and the security held for another year. If the applicant fails to either install or maintain according to the approved Landscape Plan, P&D may collect the security and complete work on the property.

- a. The installation security shall guarantee compliance with installation of landscaping, including but not limited to landscaping of the sound barrier and pedestrian pathway along South Jameson Lane and Eucalyptus Lane, as described in the approved Landscape Plan and Tree Removal and Relocation Plan, prior to occupancy clearance.
- b. The maintenance security shall guarantee maintenance of landscaping, including but not limited to landscaping of the sound barrier and pedestrian pathway along South Jameson Lane and Eucalyptus Lane, as described in the approved Landscape Plan and Tree Removal and Relocation Plan, during the first three years after issuance of occupancy clearance.

**Plan Requirements and Timing:** Final landscape plans shall be submitted prior to Zoning Clearance issuance. **MONITORING:** P&D shall inspect landscaping and improvements for compliance with approved plans prior to authorizing release of the installation and maintenance securities.

5. The design, scale, and character of the project architecture and landscaping shall be compatible with development in the vicinity and historic architectural elements of the existing development, consistent with condition no. 4, above [Mitigation Measure #2, Section 4.10.3 (Historic Resources on the Final ND 00-ND-003)]. **Plan Requirements and Timing:** The applicant shall submit the Landscape Plan and final architectural drawings of the project for review and approval by the Montecito Board of Architectural Review prior to Zoning Clearance approval. Such plans shall be consistent with the Montecito Architectural Guidelines and Development Standards (5/16/95) and other applicable MBAR guidelines and/or standards. **MONITORING:** P&D shall verify final MBAR approval prior to Zoning Clearance approval. Permit Compliance shall periodically site-inspect during and after construction to ensure plan requirements are implemented.
6. All exterior night lighting, including lighting identified in the *Concept Lighting Approach Plan*, dated February 26, 2008 shall be of low intensity, low glare design, and shall be fully hooded to direct light downward and/or to prevent spillover onto neighboring parcels. In respect to surface parking lot areas, night-lighting and its intensity shall be minimized to the maximum extent feasible while still providing for security and safety purposes. Night-lighting shall be reduced following the close of event activities on-site any given day. The height of night-lighting shall also be minimized to reduce its visibility from off-site. The applicant shall incorporate these requirements into the *Concept Lighting Approach Plan* and include provisions for dimming lights after 10:00 p.m. except when event activities end at or later than 10:00 p.m. For these exceptions, lighting shall be dimmed to the maximum extent feasible and at the earliest possible time after 10:00 p.m. There shall be no up-lighting of trees or structures. Beach lighting shall only include those depicted in the *Concept Lighting Approach Plan* identified along the boardwalk and there shall be no floodlights directed towards the beach. Lighting plans shall include lighting of public sidewalk and parking areas as required by the Public Works Department. **Plan Requirements:** The applicant shall incorporate these



measures into the Final Lighting Plan. The locations and heights of all exterior lighting fixtures with arrows showing the direction of light being cast by each fixture shall be depicted on the final Lighting Plan. **Timing:** The final Lighting Plan must be reviewed and approved by P&D and the MBAR prior to issuance of follow-on Land Use Permits. **MONITORING:** P&D, Public Works, and MBAR shall review the Final Lighting Plan for compliance with this measure prior to Zoning Clearance approval. Permit Compliance shall inspect structures and landscaping upon completion and prior to occupancy clearance to ensure that exterior lighting fixtures have been installed consistent with their depiction on the approved Signage and Lighting Plan.

7. All signage identified in the *Conceptual Signage Plan*, dated February 6, 2008 shall meet the signage regulations pursuant to the County Sign Ordinance, Article One, Section 35-13 and 35-17, and the Resort/Visitor-Serving Commercial Zone District regulations contained in the County Coastal Zoning Ordinance, Article II, Section 35-81. **Plan Requirements:** The applicant shall prepare a final Signage Plan, including the elevation, sign face design, and proposed illumination of each sign for review by the P&D and the MBAR. **Timing:** The final Signage Plan must be reviewed and approved by P&D and the MBAR prior to Zoning Clearance approval. **MONITORING:** P&D and MBAR shall review the final Signage Plan for compliance with this measure prior to Zoning Clearance approval. Permit Compliance shall inspect structures and landscaping upon completion to ensure that all signage has been installed consistent with their depiction on the approved Signage Plan.

#### Air Quality

8. Dust generated by the development activities shall be kept to a minimum with a goal of retaining dust on the site. Applicant shall follow the dust control measures listed below:
  - a. During clearing, grading, earth moving, excavation, or transportation of cut or fill materials, water trucks or sprinkler systems are to be used to prevent dust from leaving the site and to create a crust after each day's activities cease.
  - b. During construction, water trucks or sprinkler systems shall be used to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this would include wetting down such areas in the later morning and after work is completed for the day and whenever wind exceeds 15 miles per hour.
  - c. Soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation.

**Plan Requirements:** All requirements shall be shown on grading and building plans. **Timing:** Condition shall be adhered to throughout all grading and construction periods. **MONITORING:** P&D shall ensure measures are on plans. P&D Grading and Building inspectors shall spot check; Grading and Building inspectors shall ensure compliance on-site. APCD inspectors shall respond to nuisance complaints.

9. The contractor or builder shall designate a person or persons to monitor dust generation and implement the dust control program and to order increased watering as necessary to prevent transport of dust off-site. Their duties shall include holiday and weekend periods when work may not be in progress. **Plan Requirements:** The name and telephone number of such persons shall be provided to the APCD. **Timing:** The dust monitor shall be designated prior to Zoning Clearance approval. **MONITORING:** P&D shall contact the designated monitor as necessary to ensure compliance with dust control measures. APCD shall respond to complaints.
10. If the construction site is graded and left undeveloped for over four weeks, the applicant shall employ the following methods immediately to inhibit dust generation:

- a. Seeding and watering to revegetate graded areas; and/or
- b. Spreading of soil binders; and/or
- c. Any other methods deemed appropriate by APCD and/or P&D.

**Plan Requirements:** These requirements shall be noted on all grading plans. **Timing:** Notation shall be included on grading plans prior to Zoning Clearance approval. **MONITORING:** Grading inspectors and Permit Compliance shall perform periodic site inspections. Permit Compliance shall determine the date grading is completed for purposes of dust control measures.

11. To minimize the project's contribution to cumulative air quality impacts, the applicant shall develop a Transportation Demand Management Program. Components of such a program shall be designed to effectively reduce vehicle demand and peak hour trips associated with the project. The provisions of the Transportation Demand Management Program shall include the following:
  - a. The hotel operator shall contact the Metropolitan Transit District (MTD) to purchase bus passes or the equivalent for hotel employees. These passes shall be provided free of charge to employees who request them for travel to and from work. Explicit notice of the free passes shall be provided to existing and new employees when they are hired.
  - b. Notice of MTD bus routes and schedules shall be placed and maintained up-to-date in a central (public) location accessible to employees.
  - c. Male and female employees shower and locker facilities shall be provided and maintained in a restroom (the specific location is subject to the review and approval of County staff). The showers shall be available for use before, during, and after work hours. Notice of these facilities shall be provided when employees are hired.
  - d. Employees shall be made aware of the Ridesharing Program or similar successor programs administered by the Santa Barbara County Association of Governments or successor agency. The Owner and/or all employers shall have all employees registered semi-annually in the Ride-Sharing Program and shall make every effort to encourage participation in the program.
  - e. An employee lunchroom shall be provided in the hotel and shall include, at a minimum, the following amenities: refrigerator, microwave oven, sink, food preparation area, tables, and chairs.
  - f. Bicycle storage lockers shall be provided.
  - g. In the event of an emergency or work requirement which interferes with the normal transportation arrangement of any employees using mass transportation, a carpool, or a vanpool to get to work, the Owner/employer shall provide cab fare, a company car, or other means to guarantee a free ride home.
  - h. A Visitor Information Program shall be prepared and implemented. The Program shall include, but not be limited to:
    1. A means of providing train, bus, and airline schedules and maps to prospective hotel guests.
    2. A means of providing hotel guests with information on alternative transportation modes, schedules and maps, beach area and other local and regional points of interest. In addition, the hotel operator shall contact the MTD to purchase bus and/or shuttle passes or tokens for hotel guests. These passes shall be available to any guests who request them.
    3. Advertisement for and solicitation of meetings and other events which includes explanation of the County's clean air and energy reduction goals and an explanation of the benefits of using alternative transportation modes.

- i. Free shuttle/transportation service to the airport, train depot, bus depot, etc. shall be provided to minimize the need for hotel guests to rent a car.
- j. Bicycle rentals shall be made available to Hotel guests.
- k. The Hotel operator shall participate in any shuttle pass program developed by the MTD and/or the County of Santa Barbara.

**Plan Requirements and Timing:** APCD and P&D shall review and approve the TDM Program prior to Zoning Clearance approval for structures. The provisions of this Program shall be included in the lease/rental agreements of future hotel operators as a required "Transportation Demand Management Program." A copy of the clause in the lease/rental agreement needed to comply with this condition shall be provided to P&D and the APCD prior to occupancy clearance. **MONITORING:** Permit Compliance shall ensure APCD and P&D have received a satisfactory lease agreement clause prior to signing off on occupancy clearance and shall respond to complaints.

12. An Asbestos Notification Form shall be filed with the Santa Barbara County Air Pollution Control District. **Plan Requirements and Timing:** The notification form shall be filed prior to demolition. A copy of the notification shall be sent to P&D and the Director of the All Saints by the Sea pre-school at the same time it is filed with the APCD and shall include the name and telephone number of a contact person designated by the contractor and/or applicant to respond to inquiries and/or complaints. **MONITORING:** Permit Compliance and/or the APCD shall respond to complaints.
13. Construction contractors shall adhere to the following requirements during project grading and construction to reduce emissions of ozone precursors and particulate emissions from diesel exhaust, which are classified as carcinogenic by the State of California.
  - Heavy-duty diesel-powered construction equipment manufactured after 1996 (with federally mandated "clean" diesel engines) shall be utilized.
  - The engine size of construction equipment shall be the minimum practical size.
  - The number of pieces of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time.
  - Construction equipment shall be properly maintained per the manufacturer's specifications.
  - Catalytic converters shall be installed on gasoline-powered equipment.
  - Diesel catalytic converters shall be installed.
  - Diesel-powered equipment shall be replaced by electric equipment whenever feasible, for smaller equipment.
  - Construction worker trips shall be minimized by promoting carpooling and by making onsite lunch available.
  - Low volatile organic compound (VOC) architectural coatings shall be used whenever feasible.

**Plan Requirements/Timing:** The applicant shall include these measures as notes on the grading and building plans that shall be reviewed and approved prior to Zoning Clearance approval for grading or structural development. These measures shall be implemented during and after project construction as appropriate. **MONITORING:** P&D shall ensure that these measures are on the plans. Permit compliance staff shall perform periodic equipment inspections and respond to nuisance complaints.

14. The applicant shall obtain individual permits from the APCD for the proposed 500 kW emergency generator and shall consult with the APCD to determine if individual permits are

required for the proposed boilers as well. **Plan Requirements/Timing:** Permits shall be obtained from APCD and copies of the permits provided to P&D prior to Zoning Clearance approval for the project. **MONITORING:** P&D shall confirm that permits have been obtained prior to Zoning Clearance approval for the project.

15. The following energy-conserving techniques should be incorporated into the project.

- Installation of low NOx residential water heaters.
- Use of natural lighting where feasible.
- Installation of energy efficient appliances.
- Installation of energy efficient lighting.

**Plan Requirements and Timing:** The applicant should incorporate the listed provisions into building and improvement plans prior to Zoning Clearance approval. **MONITORING:** Building and Safety shall site inspect to ensure development is in accordance with approved plans prior to occupancy clearance.

## Biological Resources

15. A Tree Protection and Replacement Plan, prepared by a P&D-approved arborist shall be implemented. All development and potential ground disturbances shall be designed to avoid trees to the maximum extent feasible. The plan shall include but is not limited to the following components:

### A. Protection During Demolition and Site Preparation

1. A pre-construction meeting shall be held prior to the commencement of any demolition, grading or construction to discuss tree protection measures. The pre-construction meeting shall include project contractors.
2. Prior to demolition and grading a TPZ (Tree Protection Zone) shall be established with the installation of chain-link fence around each tree, with a 1 foot radius of protection zone for each inch of DBH (diameter at breast height measured 54" above ground).
3. All trees to be removed shall be designated and clearly distinguished from trees to be relocated.
4. Where a required TPZ conflicts with an *existing* structure, equipment (such as buckets on longer booms) that allows operation further from the trunk shall be used as directed by the project arborist.
5. In areas where demolition or grading must come closer than the perimeter of the TPZ, encountered roots that are ½ inch in diameter or greater shall be cleanly cut by hand and not ripped by demolition equipment.
6. Fences shall be maintained in upright positions throughout demolition and site preparation. No equipment or building materials or soils shall be stockpiled against required fencing.

### B. Protection During and Following Construction

1. After demolition, and once construction parameters are determined, TPZ's should be reconfirmed or reestablished with placement of chain link fencing.
2. Once established, TPZ's should be void of all activities, including parking of vehicles, operation of equipment, storage of materials, or dumping (including temporary spoils from excavation).

3. All excavation and grading near trees shall be monitored by the project arborist as necessary.
4. Any roots encountered during grading, landscaping or construction that are ½ inch in diameter or greater shall be cleanly cut by hand.
5. Buildings, walls and fences within the TPZ should be supported by piers, posts, screw piles, or caissons and above grade beams.
6. Oaks and pines that are impacted by any root damage should be sprayed in the early spring and late summer with permethrin (*Astro*) to help resist attack of boring beetles. The application should be applied to the lower 6 inches of trunk for a minimum of two years after project completion.
7. As determined by the project arborist, supplemental irrigation shall be required to aid mature trees that have sustained root loss or damage.
8. When roots have been pruned, soils should be kept moist. Exposed soil profiles containing exposed roots that remain open for longer than one day should be covered by burlap and irrigated as frequently as necessary to keep soils moist.
9. Pruning of protected trees shall be performed by or supervised by a Certified Arborist. The project arborist should review goals with workers prior to commencement of any tree pruning.
10. Tree trunk areas shall be properly drained to avoid ponding.
11. All utilities shall be placed within or directly adjacent to roadways and driveways or in a designated utility corridor in order to minimize impacts to trees.
12. Any trenching required within the TPZ or sensitive root zone of any specimen tree shall be done by hand.
13. To the maximum extent feasible, no artificial surface, pervious or impervious, shall be placed within six feet of the TPZ of any tree.
14. No permanent irrigation shall occur within the TPZ of any oak tree that is not slated for removal.
15. All trees located within 25 feet of proposed buildings shall be protected from stucco or paint during construction.
16. Any unanticipated damage that occurs to trees or sensitive habitats resulting from construction activities shall be mitigated in a manner approved by P&D. This mitigation may include but is not limited to posting of a performance security, tree replacement on a 10:1 ratio and hiring of an outside consultant biologist and/or arborist to assess the damage and recommend mitigation. The required mitigation shall be completed immediately under the direction of P&D prior to any further work occurring on the site. Any performance securities required for installation and maintenance of replacement trees will be released by P&D after its inspection and approval of such installation.

### **C. Tree Relocation Requirements**

1. Roots should be cleanly cut.
2. Soil remaining in the root ball or box shall be kept moist. The root ball should not be allowed to dry out.
3. New planting holes should be twice the width of the root ball of the relocated tree.
4. Moisture should be monitored both inside and outside the root ball to determine the required frequency and quantity of water application.
5. Relocated trees shall be boxed and replanted in accordance with the final County-approved Tree Removal and Relocation Plan. A drip irrigation system with a timer shall be installed. Trees shall be planted prior to occupancy clearance and irrigated and maintained until established (five years).
6. Tree relocation shall be performed under the supervision of the project arborist

#### D. Tree Replacement

1. For every significant or native removed or tree with 25% or more root zone encroachment, a minimum of three 24-inch box or ten 1-gallon trees shall be planted. Impacted native trees shall be replaced with native replacement trees of the same species. Trees shall be maintained until established (five years).
2. Every relocated oak tree that potentially fails shall be replaced by two, 60 inch box oak trees.
3. A tree replacement performance and maintenance security shall be posted with the County prior to Zoning Clearance approval. The performance security shall be based upon a detailed estimate provided by the landscape architect and landscape installation contractor, including cost of installation, materials and maintenance. The performance security shall be provided by the applicant prior to Zoning Clearance approval, and shall be equal to the value of installation of all items as well as the value of maintenance and/or replacement of the items for three years of maintenance of the items. The performance security shall be increased if determined necessary by Planning and Development staff. The amounts shall be agreed to by P&D. If such maintenance has not occurred at any point throughout the five-year maintenance period, the plants or improvements shall be replaced and the security held for another year. If the applicant fails to either install or maintain according to the approved plan, P&D may collect security and complete work on property. There shall be no early release of the performance security. **Monitoring:** Permit Compliance shall conduct site inspections throughout all phases of development to ensure compliance with, and to evaluate the success of, all tree protection and replacement measures.

**Plan Requirements:** Prior to Zoning Clearance approval grading, the applicant shall submit a copy of the final grading and building plans, Landscape Plan, Tree Removal and Relocation Plan, and Tree Protection and Replacement Plan to P&D for review and approval. Plans shall graphically depict the location and extent of TPZ for all native and specimen trees, location of required fencing and equipment storage and staging areas designated outside of TPZ areas. All aspects of these plans shall be implemented as approved. **Timing:** Timing on each measure shall be stated where applicable; where not otherwise stated, all measures must be in place throughout all grading and construction activities. **MONITORING:** Permit Compliance shall conduct site inspections throughout all phases of development to ensure compliance with, and to evaluate the success of, all tree protection and replacement measures. The project arborist shall monitor site activities throughout the duration of the project and especially during fence installation, excavation and grading.

17. Erosion control measures shall be implemented in accordance with the approved Grading and Erosion Control Plan required in condition 28 (mitigation measure #1 in Section 4.8.3 of Negative Declaration 00-ND-003) to prevent erosion or transport of sediment during construction. These measures may include, but are not limited to, placement of silt fencing, straw bales, and/or sand bags in appropriate locations. **Plan Requirements:** The Grading and Erosion Control Plan shall be submitted to and approved by P&D and Flood Control prior to Zoning Clearance approval. **Timing:** The plan shall be implemented prior to the commencement of grading/construction. **MONITORING:** P&D shall verify placement of erosion control measures prior to Zoning Clearance approval for demolition and/or grading. P&D Permit Compliance and Grading staff shall perform site inspections throughout the construction phase.
18. During construction, washing of concrete, paint, or equipment shall occur only in areas where polluted water and materials can be contained for subsequent removal from the site. Washing shall not be allowed near sensitive biological resources. Areas designated for washing functions

shall be identified. **Plan Requirements:** The applicant shall designate wash off areas, acceptable to P&D, on the construction plans. **Timing:** The wash off areas shall be designated on all plans prior to Zoning Clearance approval. The wash off areas shall be in place throughout construction. **MONITORING:** P&D staff shall check plans prior to Zoning Clearance approval. Permit Compliance shall inspect the site throughout the construction period to ensure proper use of wash off areas.

19. Consistent with the Montecito Community Plan Policies BIO-M-1.3 and BIO-M-1.22 and Development Standard 1.3.3, the landscaped buffer zone along the eastern property line (adjacent to Oak Creek) shall be planted with appropriate native species (i.e., sycamore, coast live oak, toyon, elderberry). Sycamore and oak shall be included as landscape trees within the hotel grounds, especially towards the eastern boundary. **Plan Requirements:** The final Landscape Plan (see condition no. 3) shall include landscaping in the eastern half of the site, and especially along the eastern property boundary adjacent to Oak Creek, that maximizes native riparian species (obtained from locally obtained seed where feasible) and excludes use of invasive, exotic species in the eastern half of the site and the use of sycamores and oaks as landscape species within the remainder of the hotel grounds. **Timing:** The applicant shall obtain County approval of the Landscape Plan prior to Zoning Clearance approval for construction of structures. **MONITORING:** P&D shall review the Landscape Plan for incorporation of requirements and site inspect as appropriate during installation of landscaping. P&D shall verify proper implementation of the Landscape Plan prior to occupancy clearance.
20. All outdoor lighting in the vicinity of Oak Creek shall be shielded to prevent stray light from illuminating the riparian corridor as per the Concept Lighting Plan. **Plan Requirements:** Locations and shielding of all outdoor lighting shall be shown on the Lighting Plan. **Timing:** The applicant shall obtain P&D approval of the final Lighting Plan prior to Zoning Clearance approval for structures. Lighting shall be installed per plan requirements during construction. **MONITORING:** Permit Compliance shall site inspect during construction and prior to signing off on occupancy clearance.
21. All fertilizer, pesticide and herbicide products used on-site shall be certified as organically based. Landscape plans and practices shall be designed to eliminate the use of toxic materials and shall include the following: incorporation of organic matter during garden renovation, recycling attachments on lawnmowers, use of organic mulch, insectary plantings, use of compost tea for nutrients, introduction of earthworms and introduction of beneficial organisms (such as nematodes). **Plan Requirements:** Requirements shall be noted on Landscape Plans. **MONITORING:** Permit Compliance shall site inspect during construction and prior to signing off on occupancy clearance.
22. The applicant shall hire a P&D-approved biologist to conduct a pre-construction inspection for nesting native bird species, including nesting raptors, within 500 feet of construction activities and not more than two weeks prior to the proposed beginning of construction (including staging, clearing and grubbing). If birds are determined to be nesting on the project site, no construction, grading or heavy equipment operation shall take place within 500 feet of any raptor nest or 200 feet of any other native bird species' nest, except for certain construction activities that may be allowed on a case-by-case basis as reviewed and approved by P&D. Other than those activities that are allowed by P&D, no construction activities shall take place within the 500-foot radius (for raptors) or 200-foot radius (for other species) of any nests on the project site until it can be verified that all fledglings have left the nest. **Plan Requirements/Timing:** This condition shall be printed on all construction, grading, and building plans. **MONITORING:** The applicant shall submit a report on the pre-construction survey to Permit

Compliance and Permit Compliance shall review and approve the report prior to construction. Permit Compliance staff shall perform site inspections throughout the construction phase.

## Cultural Resources

23. Potential unidentified cultural resources in the portion of CA-SBA-18/19 previously recorded within the Railroad right-of-way shall be protected. **Plan Requirements and Timing:** Excavation for all activities within the Railroad right-of-way shall be performed by hand and be monitored by a qualified archaeologist and Native American representative. If cultural resources are encountered, work shall be redirected away from the resource while its significance can be assessed, in accordance with condition 25. This condition shall be printed on all building and grading plans and P&D shall check plans prior to Zoning Clearance approval. **MONITORING:** If cultural resources are encountered, the monitor(s) shall notify Permit Compliance immediately. If cultural resources are not encountered, the archaeological monitor(s) shall report the results of the monitoring to Permit Compliance within two weeks of completion of ground-disturbing activities within the monitored area(s).
24. Areas 1-4 as shown on the Cultural Resource Monitoring and Significance Survey map on file with P&D shall be monitored continuously throughout all grading, construction, demolition, and ground disturbing activities. Phase 1 archaeological surveys shall be undertaken by a P&D-qualified archaeologist following demolition of any existing structures in areas 1-4 and shall be completed prior to grading and construction. If prehistoric or historic archaeological resources are encountered, work shall be redirected away from the resource while its significance can be assessed, in accordance with measure CUL-3. **Plan Requirements and Timing:** This condition shall be printed on all building and grading plans and P&D shall check plans prior to Zoning Clearance approval. **MONITORING:** If historic resources are encountered, the monitor(s) shall notify Permit Compliance immediately. If historic resources are not encountered, the monitor(s) shall report the results of the monitoring to Permit Compliance within two weeks of completion of ground-disturbing activities within the monitored area(s).
25. In the event that an unexpected potentially significant prehistoric or historic archaeological resource is encountered during grading or other ground-disturbing activity at any location on the project site, work in that area shall be stopped immediately and redirected until a P&D-qualified archaeologist and Native American representative (for prehistoric resources) or a P&D-qualified historic archaeologist only (for historic resources) are retained by the applicant to evaluate the significance of the resource pursuant to Phase 2 investigations of the County Archaeological Guidelines. If the resource is found to be significant, it shall be subject to a Phase 3 mitigation program consistent with County Archaeological Guidelines and funded by the applicant. **Plan Requirements and Timing:** This condition shall be printed on all building and grading plans and P&D shall check plans prior to Zoning Clearance approval. **MONITORING:** Permit Compliance shall spot check in the field.
26. Phase 2 subsurface/significance testing shall be conducted after demolition, but prior to new construction in ocean front area 5 as shown on the Cultural Resource Monitoring and Significance Survey map on file with P&D. Area 5 shall also be monitored continuously throughout all grading, construction, demolition, and ground disturbing activities. Boundaries of survey are shall be staked and flagged prior to demolition. If prehistoric or historic archaeological resources are encountered, work shall be redirected away from the resource while its significance can be assessed, in accordance with measure condition 25. **Plan Requirements and Timing:** This condition shall be printed on all building and grading plans and P&D shall check plans prior to Zoning Clearance approval.



**MONITORING:** If prehistoric or historic archaeological resources are encountered, the archaeologist shall notify Permit Compliance and P&D staff immediately. If prehistoric or historic archaeological resources are not encountered, the archaeologist shall notify Permit Compliance and P&D staff within two weeks of completion of ground-disturbing activities within the surveyed area(s).

### Fire Protection

27. The applicant shall implement a Fire Access Plan approved by the Montecito Fire Protection District. Any modifications to the Fire Access Plan necessitated by field changes or other project modifications that occur during project construction shall be approved by the MFPD prior to implementation of the field changes or project modifications. **Plan Requirements and Timing:** The Fire Access Plan requirements shall be denoted on building and grading plans as appropriate prior to Zoning Clearance approval and shall be implemented during project construction. Applicant shall verify MFPD approval of any changes to the Fire Access Plan during project construction. **MONITORING:** Montecito Fire Protection District shall ensure compliance prior to occupancy clearance. Permit Compliance shall verify compliance prior to signing off on occupancy clearance.

### Geological Processes

28. Excavation and grading shall be limited the dry season of the year (April 15 – November 1) unless a Building & Safety-approved Grading and Erosion Control Plan is in place and all measures therein are in effect. **Plan Requirements:** The Grading and Erosion Control Plan shall be designed to minimize erosion and shall include the following:
- a. Detailed plans and report prepared by a licensed geologist or engineer for any permanent erosion control structures.
  - b. Methods such as retention basins, drainage diversion structures and spot grading shall be used as appropriate to reduce siltation into adjacent drainages or roadways during the grading and construction activities.
  - c. Provisions to reseed exposed graded surfaces with ground cover to minimize erosion. Graded areas that are to be built upon shall be revegetated within four (4) weeks of completion of grading activities with deep-rooted, drought-tolerant species wherever possible and in accordance with the required Landscape Plan (condition 3) to minimize the potential for oversaturation and erosion. Surfaces graded for placement of structures shall be seeded with ground cover if construction does not commence within four (4) weeks of grading completion. This requirement shall be noted on all grading and building plans.
  - d. All cut and fill slopes on the property shall be no steeper than 2:1 (horizontal to vertical).
  - e. All fill material shall be recompact to engineered standards as specified within the Uniform Building Code or by a qualified Soils Engineer and as approved by P&D.
  - f. Recommendations regarding the placement of fill material, recompact, and grading methods contained within the *Preliminary Geotechnical Report, Miramar Hotel and Bungalows, 1555 South Jameson Lane, Montecito, California*, January 4, 2008, Fugro West Inc. incorporated herein by reference shall be implemented.

**Timing:** The Grading and Erosion Control Plan shall be submitted for review and approved by P&D and Flood Control prior to Zoning Clearance approval. The applicant shall notify Permit Compliance prior to commencement of demolition. Applicable components of the grading plan shall be implemented during demolition and grading activities and prior to occupancy

clearance. **MONITORING:** Grading inspectors shall monitor technical aspects of the grading activities. Permit Compliance shall site inspect during grading to monitor dust generation and four weeks after grading completion to verify seeding and/or that construction has commenced in areas graded for structures.

29. Structures shall be designed to earthquake standards of the Uniform Building Code Seismic Zone 4. **Plan Requirements and Timing:** Prior to plan check, the applicant shall submit building plans indicating standards to the satisfaction of Building & Safety Division. **MONITORING:** Building inspectors shall site inspect prior to occupancy clearance.

### Hazardous Materials/Risk of Upset

30. Warning device improvements for the pedestrian railroad crossing shall include enhanced pavement markings, conspicuously posted warning signs, an acoustic warning system, and automatically closing gates in accordance with UPRR requirements. **Plan Requirements and Timing:** Safety measures shall be shown on all grading and building plans. P&D shall verify safety measures are on plans prior to Zoning Clearance approval. **MONITORING:** P&D shall site inspect prior to signing off on occupancy to ensure safety features are in place and operational.

### Historic Resources

31. Potential impacts to historic resources at the Miramar Hotel site shall be mitigated through implementation of the recommendations of the December 1998 Preservation Planning Associates study, including subsequent Addenda as appropriate. Specific measures to be implemented are:
- a. The “Miramar” neon roof sign shall be retained in working order on the site. The sign need not be lit, but shall remain functional. The preferred site for relocation is on the outside wall of the proposed parking garage. If the sign is placed inside the garage, it shall be accompanied by a display of historic postcards and photographs of the Miramar Hotel, including the 1940s period.
  - b. The neon pole sign at the corner of Eucalyptus Lane and South Jameson Lane shall be retained at this location.
  - c. The sandstone entrance caps with “*Miramar*” incised in them shall be placed on square sandstone piers to match those in historic photographs, at the junction of Miramar Avenue and South Jameson Lane.
  - d. Prior to demolition, the kidney-shaped swimming pool, sandstone poolhouse, and Linen building shall be documented with large-format black and white photographs according to Santa Barbara County guidelines and the remaining buildings shall be documented with color photographs. These photographs shall be deposited in the Montecito Historic Committee archives, with a copy of the Preservation Planning Associates report (including Addenda).

**Plan Requirements and Timing:** Each requirement shall be noted on appropriate demolition/building plans. A plan detailing procedures to implement these requirements and providing for notice to Permit Compliance staff prior to any demolition/renovation of historic components shall be prepared by a P&D-approved historian and reviewed and approved by P&D prior to Zoning Clearance approval. **MONITORING:** Permit Compliance shall site inspect to ensure adherence to the historic resources mitigation measures.

- ~~32. The following mitigation measures shall be implemented for all existing structures on the Miramar property, except for the Garden Rooms, Lanai Rooms, Oceanfront Rooms, and two garages, using the Secretary of the Interior's HABS (Historic American Buildings Survey)/HAER (Historic American Engineering Record) procedures and methods:~~
- ~~1. Photodocument the building and adjacent landscaping using large format negatives (4"x5", 5"x7", or 8"x10" size). These photographs shall preserve a visual record of each structure and its setting. The documentation shall include photographs of each building's four elevations, as well as selected images of the each building's interior and the grounds.~~
  - ~~2. Prepare measured drawings of each building before its exterior or interior alteration or relocation.~~
  - ~~3. Submit written data on each building, including the history and description of each building (the detailed history and architectural descriptions in the historical reports prepared for the proposed project fulfill the requirements for written data) (Santa Barbara County Guidelines 1986, revised 1993: 18).~~
  - ~~4. Additionally, the photographs, measured drawings, as well as a copy of all of the combined historical resource reports for the property, shall be archived at the Santa Barbara Historical Society's Gledhill Library for future use by researchers and members of the community.~~
  - ~~5. Photographs and other memorabilia of the historic Miramar shall be placed on display in a prominent location on the property.~~
- ~~**Plan Requirements and Timing:** An architectural historian shall be hired by the applicant to complete this mitigation measure. The applicant shall submit a copy of the package that is required to be archived at the Santa Barbara Historical Society's Gledhill Library for review by P&D and the County's Historic Landmarks Advisory Commission prior to issuance of follow on Land Use Permits for demolition, grading, or construction of the proposed project.~~
- ~~**MONITORING:** P&D and the Historic Landmarks Advisory Commission shall confirm that these measures are implemented prior to issuance of follow on Land Use Permits. **(THIS CONDTION HAS A BEEN SATISFIED)**~~

## Noise

33. Construction activity for site preparation and for future development shall be limited to the hours between 7:00 a.m. and 4:30 p.m., Monday through Friday. No construction shall occur on State holidays (e.g., Thanksgiving, Labor Day). Construction equipment maintenance shall be limited to the same hours. Non-noise-generating construction activities, such as interior painting, are not subject to these restrictions. The contractor or builder shall designate a person or persons to monitor noise-related restrictions and shall submit that designee's name and telephone number to P&D and the public. **Plan Requirements:** Two signs stating these restrictions shall be provided by the applicant and posted on site in locations visible to the public. In addition, specific written notification of the noise monitor's name, location, and telephone number shall be provided to the Director of the All Saints by the Sea pre-school and to neighboring residences within 300 feet of the project site. **Timing:** Signs shall be in place prior to beginning of and throughout grading and construction activities. Written notifications shall be mailed prior to Zoning Clearance approval. Violations may result in suspension of permits. **MONITORING:** Permit Compliance shall site inspect to ensure required signs are posted prior to and during construction. Building inspectors and Permit Compliance shall spot check and respond to complaints.

34. Demolition/construction activity within 100 feet of the All Saints by the Sea Church pre-school building and/or play deck area shall not occur when school is in session, as follows:
- September-May: Mondays 8:30 a.m. to noon and Tuesday through Thursday 8:30 a.m. to 3:00 p.m.
  - June-July: Tuesday through Thursday, 9:30 a.m. to 12:30 p.m.

Non-noise-generating construction activities, such as interior painting, are not subject to these restrictions. **Plan Requirements:** These restrictions shall be provided by the applicant and posted onsite in locations visible to the public; they may be included on the signs required in condition no. 33, above, or on a separate sign, but in either case shall be easily visible to patrons of the pre-school. The contractor or builder shall designate a person to monitor this restriction and shall provide the name and telephone number of the designee to the Director of the All Saints by the Sea pre-school. **Timing:** Monitor information shall be provided and signs shall be in place prior to initiation of and throughout grading and construction activities. Violations may result in suspension of permits. **MONITORING:** Permit Compliance shall site inspect to ensure required signs are posted prior to and during construction. Applicant's designee shall respond to complaints/inquiries. Building inspectors and Permit Compliance shall spot check and respond to complaints.

35. Stationary construction equipment that generates noise that exceeds 65 dBA at the project boundaries, with the exception of the Torque Down 1275 pile equipment used at the Oceanfront units, shall be shielded to P&D's satisfaction and shall be located at a minimum of 100 feet from occupied residences and/or All Saints by the Sea Church pre-school. **Plan Requirements:** Equipment area(s) with appropriate acoustic shielding shall be designated on building and grading plans. **Timing:** Equipment and shielding shall remain in the designated location(s) throughout construction activities. **MONITORING:** Permit Compliance shall perform site inspections to ensure compliance and shall respond to complaints.
36. Motorized construction equipment, with the exception of the Torque Down 1275 pile equipment used at the Oceanfront units, shall not be allowed to idle for longer than five minutes within 100 feet of occupied residences and/or All Saints by the Sea Church pre-school without appropriate acoustical shielding in place. **Plan Requirements:** Temporary acoustical shielding shall be installed around construction equipment such that sound levels are less than 65 dBA CNEL at sensitive receptors. **Timing:** Shielding shall remain in the necessary location(s) throughout noise-generating construction activities. **MONITORING:** Applicant's designee shall promptly respond to complaints. Permit Compliance shall perform periodic site inspections to ensure compliance and shall respond to complaints.
37. Construction routes shall be limited to South Jameson Lane. The applicant shall provide all adjacent residents and All Saints by the Sea church and pre-school and Permit Compliance with a construction activity schedule and construction routes seven days in advance of construction activities. Any alterations or additions shall require seven-day prior notification. **Plan Requirements and Timing:** The applicant shall submit a copy of the activity schedule and mailing list to P&D at least seven days prior to initiation of any earth movement. **MONITORING:** Permit Compliance shall perform periodic site inspections to verify compliance with activity schedules and shall respond to complaints.
38. All construction techniques, recommendations and construction assumptions (e.g.,-exterior wall materials, roof, window, and door materials, etc.) presented in the Dudek Associates' November 2007 acoustical analyses regarding the proposed project shall be incorporated into the project design to reduce exterior noise to or below 65 dBA CNEL and interior noise of new

- structures to or below 45 dBA CNEL. **Plan Requirements and Timing:** Construction techniques and recommendations of the noise study shall be incorporated into the project design and detailed on building plans. P&D shall verify plans include these requirements prior to Zoning Clearance approval. **MONITORING:** Building inspectors shall ensure that all noise control measures have been implemented according to approved plans.
39. Follow-up noise measurements shall be taken by an acoustical engineer within the new guestrooms along South Jameson Lane to verify that indoor noise levels do not exceed 45 dBA CNEL. Exceedance of this standard will require that additional noise reduction measures be implemented. **Plan Requirements and Timing:** The survey shall be conducted after construction is complete and prior to occupancy clearance. A report documenting the survey results and prepared by an acoustical engineer shall be reviewed and approved by P&D prior to occupancy clearance. **MONITORING:** P&D shall ensure required sound levels have been achieved prior to signing off on occupancy clearance.
  40. Amplified sound shall not be used at outdoor gatherings, including weddings, on hotel grounds. **Plan Requirements and Timing:** Prior to approval of occupancy for the renovated hotel, the applicant shall submit to P&D for review a copy of the notice to potential hotel guests or event organizers that amplified sound is not allowed for private outdoor functions. **MONITORING:** P&D shall review amplified sound notice prior to signing off on occupancy clearance and Permit Compliance shall respond to complaints regarding nighttime noise during hotel operations.
  41. During pile-driving activities a temporary sound wall shall be erected between pile driving activities and adjacent noise-sensitive receptors. Temporary sound wall construction parameters presented in the Dudek Associates' March 14, 2008 noise study addendum regarding pile driving activities shall be incorporated into the wall design. **MONITORING:** Building inspectors shall ensure that the sound wall has been constructed according to parameters presented in the Dudek Associates' March 14, 2008 noise study addendum.
  42. Off-site accommodation for residents in proximity to pile driving shall be provided during maximum noise-generating pile driving activities (at or exceeding 95 dB(A) at the source). The applicant shall work with neighbors to identify a time when pile-driving activities would cause minimal disruption. The applicant shall notify residents of properties located within 100 feet of pile driving activities a minimum of 14 days prior to the commencement of activities. The applicant shall provide a notice to residents within 100 feet of pile driving activities that off-site accommodation will be provided as necessary during maximum noise-generating pile driving activities and shall provide accommodation as requested. **Plan Requirements and Timing:** A copy of the resident notice shall be provided to P&D. Notices shall include specific written notification of the responsible name, location, and telephone number of the individual responsible for coordinating accommodations. **MONITORING:** Permit compliance shall document and review notices and shall respond to complaints.
  43. The contractor shall develop and implement a Noise Compliance Enforcement Program and Public Information and Complaint Response Procedures as presented in the Dudek Associates' March 14, 2008 noise study addendum. **Plan Requirements and Timing:** A copy of the Public Information and Complaint Response Procedures shall be provided to P&D for review prior to grading and construction. The name and telephone number of the Noise Compliance Enforcement monitor shall be provided to P&D prior to grading and construction. **MONITORING:** Permit compliance shall document receipt of the procedures and the name and telephone number of the compliance enforcement monitor.

## Public Facilities

44. The applicant shall implement a Public Works-approved Solid Waste Management Program (SWMP). **Plan Requirements:** The program shall include, but is not limited to the following measures:
- a. Provision of space and/or bins for storage of recyclable materials within the project site.
  - b. Implementation of a green waste source reduction program, including the chipping and spreading of landscaping materials.
  - c. Implementation of a curbside recycling program or participation in an existing program to serve the development.
  - d. Development of a Source Reduction Plan (SRP), describing the recommended program(s) and the estimated reduction of the solid waste disposed by the project. For example, the SRP may include a description of how fill will be used on the construction site, instead of landfilling, or a detailed set of office procedures such as use of duplex copy machines and purchase of office supplies with recycled content.
  - e. Implementation of a program to purchase materials that have recycled content for project construction and/or operation (i.e., plastic lumber, office supplies, etc.). The program could include requesting suppliers to show recycled materials content. Reports on materials purchased, recycled content, participation, and other available information shall be made to Permit Compliance annually.
- Timing:** The applicant shall initiate implementation of the approved Solid Waste Management Program prior Zoning Clearance approval. Program components shall be implemented prior to occupancy clearance and throughout the life of the project. **MONITORING:** P&D shall site inspect during construction, prior to occupancy, and after occupancy to ensure solid waste management components are established and implemented. P&D and Public Works shall review annual reports.
45. Demolition and/or excess construction materials shall be separated onsite for reuse/recycling or proper disposal (e.g., concrete asphalt). During grading and construction, separate bins for recycling of construction materials and plant material shall be provided onsite. **Plan Requirements:** This requirement shall be printed on the grading and construction plan. The hotel operator shall provide P&D with receipts for recycled materials or for separate bins. **Timing:** Materials shall be recycled as necessary throughout construction. **MONITORING:** P&D shall review receipts.
46. To prevent construction and/or employee trash from blowing offsite, covered receptacles shall be provided onsite prior to commencement of demolition or construction activities. Waste shall be picked up weekly or more frequently as directed by P&D staff. **Plan Requirements and Timing:** Prior to issuance of follow-on Zoning Clearances for demolition/grading, the applicant shall designate and provide to P&D the name and telephone number of a contact person(s) to monitor trash/waste and organize a clean-up crew. Additional covered receptacles shall be provided as determined necessary by Permit Compliance staff. This requirement shall be noted on all plans. Trash control shall occur throughout all grading and construction activities. **MONITORING:** Permit Compliance shall inspect periodically throughout grading and construction activities.
47. The proposed SWMP shall be developed in association with County of Santa Barbara Public Works Solid Waste staff. **Plan Requirements and Timing:** SWMP shall be developed and approved by P&D and PW prior to Zoning Clearance approval. **MONITORING:** County staff shall ensure receipt of approved SWMP.

## Recreation

48. Access to the Miramar Hotel's visitor serving amenities (restaurant, spa, beach bar, and the beach) shall be open and non-exclusive and open to the public. **Plan Requirements and Timing:** Prior to approval of the first occupancy clearance for the renovated hotel, the applicant shall remove all existing "No Trespassing...", "Private Property..." and "Public Rights on Miramar Beach..." signs located throughout the site, and as identified on the Overall Signage and Lighting Plan. **MONITORING:** P&D shall perform a walk-through the hotel grounds to verify conformance with the approved Overall Signage and Lighting Plan prior to signing off on occupancy clearance. Permit Compliance shall respond to complaints regarding restricted access through the property.
49. Public pedestrian access easements shall be recorded in three alignments across the Miramar site (as shown on sheet A1.02b of the proposed plans): 1) From the main entry at Jameson Lane through the site and down to the boardwalk and beach, 2) From the main entry at Jameson Lane through the site to the midpoint of the E/W portion of Miramar Ave, and 3) From the entry drive to the eastern parking lot through the site and down to the boardwalk and beach. **Plan Requirements and Timing:** Easements, subject to review and approval by County Counsel, shall be recorded concurrent with the County's vacation of the north south segment of Miramar Avenue. **MONITORING:** P&D staff shall ensure recordation of the easements.
50. The applicant shall develop protocol for informing hotel guests and staff that street parking is for the public specifically to ensure that hotel guests and staff do not use the public parking spaces. **Plan Requirements and Timing:** Protocol shall be developed and presented to P&D in written form for review and approval prior to Zoning Clearance approval. **Monitoring:** P&D staff shall ensure receipt of the protocol document.
51. The applicant shall submit their proposed signage plan marking public routes through the site to the beach to P&D for review and approval. **Plan Requirements and Timing:** Signage plan shall be provided to P&D and reviewed and approved prior to Zoning Clearance approval. **Monitoring:** P&D shall ensure receipt of plan.
52. **Parking Decal Program.** To prevent employees from parking in public spaces, parking decals, to be fixed on the windshield of all employee cars, shall be issued to all employees. Said decals shall be displayed at all times during employment. Additionally, the applicant shall develop a plan and be responsible for monitoring use of parking spaces along Eucalyptus Lane, South Jameson Lane, Miramar Ave, and Humphrey Lane to ensure that spaces remain available to the public and are not used by hotel guests or employees.
  - a. Monitoring shall occur on weekend days throughout the year, during the week in the summer months (June 15 – September 15) and on all special event days.
  - b. To prevent Beach Club members from parking in public spaces, Beach Club members must be informed of detailed parking procedures at the time of initiation, and will be required to RSVP in advance on peak summer weekends (June 15 to September 15) and on special event days. Beach Club members shall be provided complimentary valet parking as a part of their membership.
  - c. Monitoring report shall be submitted to the County annually from the date of final occupancy clearance and thereafter. 12-18 months after the beginning of operations, Planning & Development shall provide the monitoring reports to the Montecito

Planning Commission (review to occur during Planning & Development Divisional Briefing on Administrative Agenda).

**Plan Requirements and Timing:** The applicant shall submit the monitoring plan including the design and intended location of employee parking decals for P&D's review and approval prior to Zoning Clearance approval. **Monitoring:** The County shall receive and file annual reports. P&D shall convey compliance reports to the Montecito Planning Commission at the 12-18 month review and return annually until the MPC determines that annual reporting is no longer necessary.

### Transportation/Circulation

53. To reduce the potential for construction-related traffic to add to existing congested peak-hour traffic conditions in the vicinity of the project site, the following measures shall be implemented.

**Plan Requirements and Timing:**

- a. Workers shall be directed to arrive at the worksite before 7:00 a.m. or after 8:30 a.m. and to depart before 2:30 p.m. or after 3:30 p.m.
- b. Materials delivery trucks and large construction equipment, including dump trucks, not parked onsite overnight shall arrive at the site after 9:00 a.m. and depart before 4:00 p.m.
- c. Equipment and delivery trucks shall minimize use of roadways within the Montecito area (i.e., use Highway 101 as much as possible) to access the work site.
- d. Workers' vehicles, construction equipment, and/or delivery trucks shall park only in designated areas and not on public roadways (South Jameson Lane, Eucalyptus Lane, and Miramar Avenue), except as necessary to perform specific tasks. No construction-related vehicle or equipment shall be parked overnight on public roadways.
- e. Work that causes delays and/or redirecting of local traffic shall not commence prior to 9:00 a.m. and shall not continue after 4:00 p.m.

The applicant shall designate a person located at the site to receive and respond to complaints from the public regarding traffic. This designee's name, office location, and telephone number shall be prominently displayed at the site throughout the construction. The applicant also shall provide this information in individual written notification sent to all residences within 1,600 feet of the hotel property, All Saints by the Sea Church and Pre-school, and P&D. **MONITORING:** Permit Compliance shall periodically spot check and respond to complaints.

54. The applicant shall ensure that a traffic control monitor (flag person) is posted on public roadways as needed during construction. **Plan Requirements:** The monitor(s) shall direct traffic whenever heavy construction equipment is traversing and/or operating on or near South Jameson Lane, San Ysidro Road, Miramar Avenue, and Posilipo Lane, and any other time(s) and location(s) warranted to ensure public safety. **Timing:** The traffic monitor shall be posted throughout the demolition and construction periods, as necessary. **MONITORING:** Permit Compliance shall spot check during demolition and construction to verify traffic monitor(s) present as needed. The applicant's designee and Public Works, Roads Division shall respond to complaints.

55. A Final Miramar Parking Plan shall be provided. The Final Plan shall include all elements of the Draft Plan and shall also provide for a designated traffic coordinator, examples of notices to inform guests of parking procedures and locations, parking signage, an overall site parking exhibit and an exhibit indicating where additional on-site parking could be developed. The Final Miramar Parking Plan shall be implemented as approved. Additionally, the applicant shall prepare annual



compliance report listing the total number of parking spaces used during all events (beach event, conferences, special events, etc.) which generate 200 cumulative patrons or more at any one time. The compliance report shall provide the date, type of event(s) and maximum number of parking spaces used during the event(s). 12-18 months after the beginning of operations, Planning & Development shall provide the compliance report to the Montecito Planning Commission (review to occur during Planning & Development Divisional Briefing on Administrative Agenda). **Plan Requirements and Timing:** The Miramar Parking Plan shall be reviewed and approved by P&D and Public Works Transportation Division prior to Zoning Clearance approval. A review of the parking situation shall be made by the Planning Commission 12-18 months after occupancy of the site in order to determine the adequacy of the Parking Plan. **MONITORING:** Permit Compliance and Public Works, Roads Division Staff shall respond to complaints. P&D shall convey compliance reports to the Montecito Planning Commission at the 12-18 month review and return annually until the MPC determines that annual reporting is no longer necessary.

### Water Resources/Flooding

56. Drainage shall be consistent with an approved Drainage Plan. Where drainage waters are discharged from the project site in a concentrated manner (e.g., streets, channels, culverts), such drainage shall be conveyed to established water courses in a non-erosive manner. **Plan Requirements:** The final Drainage Plan shall be submitted to P&D and Flood Control for review and approval. The plan shall include the following:
- a. Location(s) of all proposed pipelines, the entire length of all proposed pipelines, trees located within fifteen feet of the pipeline, pipe diameters, and locations where the pipe(s) would surface in or near the creek, and amount of water that would flow from each pipeline.
  - b. Provision for openings in walls and curbs where they block flows that have historically passed through the area.
  - c. Elimination of flow under proposed structures.
  - d. Demonstration of positive drainage away from the exterior edge of new structures to reduce risk of water entry and oversaturation of the local earth materials.
  - e. Conveyance of all runoff water from impervious areas by bioswales and other methods which allow storm water infiltration or impervious conduits to existing drainages.
  - f. Provision of a French drain system to intercept and transport all excess subsurface fluids away from all building components including floor slabs and retaining walls that are to be placed below existing ground surface to an appropriate disposal site.
  - g. Provision for dewatering devices placed at least 18 inches below finish grade of the various components as appropriate.
  - h. Provisions for storm drain outlets to dissipate the energy flows and ensure minimal erosion during storm events, and to prevent children from entering the storm drain system. Storm drains and drainage inlets shall be sized for a peak 25-year runoff event. Minimum size for storm drains shall be 18 inches unless otherwise approved by the Flood Control Engineer. Storm drains shall be covered with silt fence until landscaping or other suitable ground cover is in place.
  - i. Provisions to install oil and grease traps in storm and drain inlets to prevent oil, silt and other debris from entering Oak Creek during construction and operations. Such temporary traps shall be maintained and cleaned out as necessary during construction (e.g., after storms). Permanent traps shall be maintained and cleaned out every spring and fall to prevent overflow situations and potential mosquito habitats from forming.
  - j. Provisions to install temporary silt fencing or other barriers to ensure surface runoff continues to flow to the drainage inlet to Oak Creek during construction.

- k. Provisions to contain storm runoff from exposed surfaces onsite during grading and construction. Storm runoff shall be directed to the drainage inlet near Oak Creek.
- l. The Design energy and hydraulic grade lines shall be on the Improvement or Underground Storm Drain profiles. Junction losses are to be calculated by a momentum analysis. The 100-year Energy and Hydraulic Grade Line shall be shown on plans and profiles for open channel designs.
- m. Hydraulic data shall be included on engineering plans for all drainage channel, pipes, etc. as required by the Flood Control Engineer.
- n. Provisions for notifying the Flood Control District five working days in advance of storm drain and attendant auxiliary construction. (The District may periodically inspect during construction.) A note to this effect shall be placed on the drainage plans.
- o. Signature of a California Registered Civil Engineer.
- p. Provisions for the Flood Control District to review and approve in writing any significant design revisions to the approved Plans prior to construction of the proposed revisions.
- q. Provision for “as-built” plans to be submitted to the Flood Control District as soon as practical upon completion of construction.

**Timing:** The Drainage Plan shall be reviewed and approved by Flood Control and P&D prior to Zoning Clearance approval for grading. Components of the Drainage Plan shall be implemented at appropriate times during the grading/construction phase and shall be completed prior to Zoning Clearance approval for structures. **MONITORING:** P&D and/or Flood Control shall site inspect during grading.

- 57. The applicant shall obtain a Drainage Improvement Certification Form from the Flood Control District. **Plan Requirements:** The District certification form requires that the California Registered Engineer certify that all drainage improvements (e.g. ditches, swales, channels, storm drains, drainage inlets, junctions, retention basins, revetment) were constructed in substantial conformance with the approved Plans. A note to this effect shall be placed on the plans. **Timing:** Certification shall be obtained prior to occupancy clearance. **MONITORING:** Permit Compliance shall verify certification prior to signing off on occupancy clearance.
- 58. Pursuant to County Ordinance 3898, the lowest finish floor elevation of all new structures, in habitable spaces, shall be at least two (2) feet above the 100-year water surface elevation or flood proofed in accordance with County Code 15A and 15B. **Plan Requirements:** Graded pads with slab on grade foundations shall be at least 1.5 feet above the 100-year water surface elevation, with finish floor 2 feet above the 100-year elevation. Finish floor elevations may be increased if deemed necessary by the Flood Control Engineer. Finish floor elevations or flood-proofed elevations shall be higher than overland escape of adjacent streets, bridges and other obstructions. **Timing:** Building plans shall be reviewed and approved by P&D and Flood Control prior to Zoning Clearance approval. **MONITORING:** Building inspectors shall site inspect during construction.
- 59. The applicant shall dedicate a flood control easement to the Flood Control District for maintenance purposes. **Plan Requirements:** Prior to Zoning Clearance approval for grading, the applicant shall submit a map and description specifying the easement location subject to P&D and Flood Control approval. **Timing:** The easement shall be dedicated prior to occupancy clearance. **MONITORING:** Planning and Development shall confirm receipt of easement location prior to Zoning Clearance approval for grading. Permit Compliance shall verify easement dedication prior to signing off on occupancy clearance.
- 60. The applicant shall submit proof of exemption or a copy of the Notice of Intent to obtain coverage under the Construction General Permit of the National Pollutant Discharge

Elimination System issued by the California Regional Water Quality Control Board. **Plan Requirements and Timing:** Prior to approval of the first Zoning Clearance for the project the applicant shall submit proof of exemption or a copy of the Notice of Intent and shall provide a copy of the required Storm Water Pollution Prevention Plan (SWPPP) to P&D. A copy of the SWPPP must be maintained on the project site during grading and construction activities. **MONITORING:** P&D shall review the documentation prior to issuance of follow-on Land Use Permits. P&D shall site inspect during construction for compliance with the SWPPP.

61. The following measures and requirements shall be incorporated into the project Storm Water Pollution Prevention Plan (SWPPP). The SWPPP shall incorporate all feasible Best Management Practices (BMPs) to reduce erosion from construction activities, to prevent sediment in storm water discharges, and to minimize non-storm water pollutants at the project site to the maximum extent possible.
- a) The SWPPP shall include spill containment measures and communications and shall restrict road paving to dry weather.
  - b) Temporary stockpiles at the project site shall be protected from erosion by the combined use of surface stabilization, upslope runoff diversions, temporary berms around the perimeter, perimeter interceptor ditches, and temporary downstream catchments, as necessary and appropriate. Stockpiles that are present during the winter season (designated the following period for this project: November 1 to April 1) shall be protected from erosion due to direct precipitation or runoff during the winter by the use of surface stabilization (such as erosion control blankets or temporary seed cover) and perimeter berms and catchments.
  - c) BMPs to prevent discharge of construction materials, contaminants, washings, concrete, asphalt, fuels, and oils shall include the following measures:
    - i. All fuel, lubricants, paints and other construction liquids shall be placed in secured and covered containers within a bermed or otherwise contained area at least 200 feet from the creek.
    - ii. Refueling shall only occur in bermed areas with impermeable surfaces at least 200 feet from the creek or ocean.
    - iii. Implement measures and provide materials to contain any accidental spills or leakage during the fueling of construction equipment at the site.
    - iv. Equipment washing and major maintenance at the project site, except for washdown of vehicles to remove dirt, shall be prohibited.
    - v. Ensure that all construction vehicles and equipment that enter the construction and grading areas are properly maintained (off-site) to prevent leaks of fuel, oil and other vehicle fluids
    - vi. All refuse and construction debris shall be removed from the site as soon as possible.
  - d) Two weeks or more prior to the beginning of the winter season (designated November 1 for this project) erosion control BMPs shall be installed at the site in anticipation of rain events. Due to the extensive area and volume to be graded at the project site and the proximity of the creek, erosion control measures shall include more than the placement of silt fences. Additional controls shall include other BMPs that are equally or more effective, and that provide redundancy, such as temporary grass cover, interceptor ditches, coconut fiber rolls, erosion control mats, and temporary catchment basins.

- e) All entrances/exits to the construction site shall be stabilized (e.g. using rumble plates, gravel beds or other best available technology) to reduce transport of sediment off site. Any sediment or other materials tracked off site shall be removed the same day as they are tracked using dry cleaning methods.
- f) All storm drain or other drainage inlets shall be protected from sediment-laden waters by the use of inlet protection devices such as gravel bag barriers, filter fabric fences, block and gravel filters, and excavated inlet sediment traps.
- g) Sediment control measures shall be maintained for the duration of the project and until graded areas have been stabilized by structures, long-term erosion control measures or vegetation.

**Plan Requirements and Timing:** These measures shall be included in the required SWPPP. P&D and the Water Agency shall ensure that the SWPPP contains these measures. This condition shall be shown on all project plans prior to issuance of follow-on Land Use Permits, and shall be included in all specifications and bid packages for the project contract. **Monitoring:** P&D staff shall check plans prior to Zoning Clearance approval. The applicant shall provide a copy of the draft and final SWPPP after their preparation and prior to implementation of any project activities.

### General Conditions of Approval

- 62. To address parking concerns, a normal limit of up to 350 persons (potential 400 after review by the Montecito Planning Commission at 12-18 months) at any one time may attend functions on the project site.
- 63. ~~Outdoor events at the ballroom shall conclude by 10:30 pm.~~ **(NO LONGER APPLICABLE GIVEN PROJECT CHANGES)**
- 64. Weddings on the sandy beach shall be limited to the ceremony only, which must be 60 minutes or less in length, and no more than 100 people in attendance.
- 65. The beach bar and oceanfront restaurant shall close no later than 12 am (midnight). The last meals served would be served approximately one-half hour before closing.
- 66. **Beach Club Membership Phasing.** The Beach Club memberships shall be 100 individuals or families upon occupancy (i.e. a couple would have one membership as would a couple and their children living at home). **Plan Requirements and Timing:** A review of the Beach Club operations shall be made by the Montecito Planning Commission 36-42 months after occupancy or upon 6 months of stabilized operations at 76% occupancy in order to determine the adequacy of the site (i.e. with respect to circulation, parking and intensity of use) to host additional Beach Club memberships. If it is determined by the Montecito Planning Commission that the Beach Club is operating adequately and the site is capable of operating with additional memberships, the number of members may be increased, but shall not exceed a maximum of 300 individuals or families. **Monitoring:** P&D shall review the Beach Club operations in conjunction with the annual reports required for parking and events and report to the Montecito Planning Commission annually until the MPC determines that annual reporting is no longer necessary.
- 67. New buildings shall not be constructed over legal parcel lines. Prior to approval of the first Zoning Clearance for the project to allow construction of the Main Building, if it is determined that APN 009-371-003 is a legally created lot, it shall be combined with 009-371-004 through a process acceptable to the County Surveyor (i.e. merger, reversion to acreage, etc.). If it is

determined that the antiquated parcel lines on either side of Miramar Avenue represent separate legal lots, these too shall be combined prior to the ZCI approval for a new or relocated structure over any of these lines.

68. Prior to approval of the first Zoning Clearance for the project, the owner shall sign and record an Agreement to Comply with the project description and all conditions of approval.
69. All applicable final conditions of shall be printed in their entirety on applicable pages of grading/construction or building plans submitted to P&D or Building and Safety Division. These shall be graphically illustrated where feasible.
70. The applicant shall ensure that the project complies with all approved plans and all project conditions including those which must be monitored after the project is built and occupied. To accomplish this, the applicant agrees to:
  - Contact P&D compliance staff as soon as possible after project approval to provide the name and phone number of the future contact person for the project and give estimated dates for future project activities.
  - Contact P&D compliance staff at least two weeks prior to commencement of construction activities to schedule an on-site pre-construction meeting with the owner, compliance staff, other agency personnel and with key construction personnel.
  - Pay fees prior to Zoning Clearance approval as authorized under ordinance and fee schedules to cover full costs of monitoring as described above, including costs for P&D to hire and manage outside consultants when deemed necessary by P&D staff (e.g. non-compliance situations, special monitoring needed for sensitive areas including but not limited to biologists, archaeologists) to assess damage and/or ensure compliance. In such cases, the applicant shall comply with P&D recommendations to bring the project into compliance. The decision of the Director of P&D shall be final in the event of a dispute.
71. Prior to approval of the first Zoning Clearance for the project the applicant shall pay all applicable P&D permit processing fees in full.
72. Any change of use in any of the Miramar Beach Resort and Bungalows Project buildings or structures shall be subject to environmental analysis and appropriate review by the County including building code compliance.
73. ~~Approval of the Development Plan shall expire five (5) years after final original decision maker approval on April 6, 2009, unless prior to the expiration date, substantial physical construction has been completed on the development or a time extension has been applied for by the applicant.~~ **(NO LONGER APPLICABLE GIVEN NON-EXPIRATION OF 2011 APPROVED PROJECT)**
74. No permits for development, including grading, shall be issued except in conformance with the approved Final Development Plan as revised by this Amendment. The size, shape, arrangement, use, and location of buildings, walkways, parking areas, and landscaped areas shall be developed in conformity with the approved development plan marked Montecito Planning Commission Exhibit October 8, 2008 and as revised by the Montecito Planning Commission Exhibit dated January 21, 2015. Any increase in structural square footage that results in an increase of 1,000 square feet or more than 10 percent of building coverage of a particular structure (over January 21, 2015 project approvals), whichever is less, shall be reviewed and approved by the Montecito Planning Commission at a regularly noticed public hearing.

75. On the date a subsequent Preliminary or Final Development Plan is approved for this site, any previously approved but unbuilt plans shall become null and void.
76. If the applicant requests a time extension for this permit/project, the permit/project may be revised to include updated language to standard conditions and/or mitigation measures and additional conditions and/or mitigation measures which reflect changed circumstances or additional identified project impacts. Mitigation fees shall be those in effect at the time of Zoning Clearance approval.
77. Developer shall defend, indemnify and hold harmless the County or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of the revised Development Plan, amended Conditional Use Permits, and new Coastal Development Permits. In the event that the County fails promptly to notify the applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.
78. ~~In the event that any condition imposing a fee, exaction, dedication or other mitigation measure is challenged by the project sponsors in an action filed in a court of law or threatened to be filed therein which action is brought within the time period provided for by law, this approval shall be suspended pending dismissal of such action, the expiration of the limitation period applicable to such action, or final resolution of such action. If any condition is invalidated by a court of law, the entire project shall be reviewed by the County and substitute conditions may be imposed.~~ (THE COUNTY NO LONGER APPLIES THIS CONDITION TO PROJECTS)
79. To reduce the potential for Ballroom-related traffic to add to existing congested peak-hour traffic conditions in the vicinity of the project site, Ballroom events expected to draw over 200 patrons from the local community shall not occur prior to 9:30 a.m. weekday mornings. **MONITORING:** Permit Compliance shall periodically spot check and respond to complaints.
80. The applicant shall work with the neighbors in the hedgerow district and with Caltrans to develop a noise mitigation plan, including, but not limited to sound walls along this area's frontage along U.S. Hwy. 101.
81. ~~Prior to the issuance of the Coastal Development Permit, the applicant shall submit to the County Planning Director a sum of \$1,395,000 (based on 186 rooms x 0.25 x \$30,000) to fund lower cost visitor serving overnight accommodations in Santa Barbara County. Said fee shall be deposited into an interest bearing account, "Lower Cost Visitor Serving Overnight Accommodations Fund", to be established and managed by the County of Santa Barbara. The purpose of the account shall be to establish new lower cost visitor serving accommodations, such as new cabins, tent and yurt sites, and/or bicycle camp sites at the County's Jalama Beach Park, located in the coastal zone of Santa Barbara County. The entire fee and any accrued interest shall be used for the above stated purpose within ten years of the fee being deposited into the account. Any portion of the fee that remains after ten years shall be donated to the California Department of Parks and Recreation for use at one or more of the State Park units located along southern Santa Barbara County, or other organization acceptable to the County Planning Director, for the purpose of providing lower cost visitor serving overnight accommodations.~~ (THIS CONDITION HAS BEEN SATISFIED)

82. The project shall receive express authorization from the UPRR to construct improvements in its right of way prior to the first Zoning Clearance approval for the proposed project.
83. A review of the Beach Bar's hours of operations shall be made by the Montecito Planning Commission 12-18 months after occupancy in order to determine the compatibility of the Beach Bar' hours of operation with the residential character of the area. Subsequent Montecito Planning Commission review may be necessary in order to determine peak season beach bar hours of operation. **Monitoring:** Permit Compliance Staff shall respond to complaints.<sup>5</sup>
84. **Review of Events.** The applicant shall prepare a compliance report listing the number of events, fundraisers and conference groups using the Miramar Resort Hotel site on an annual basis. The compliance report shall provide the date, type (beach event, conference, normal or special event, etc.) and hours of the event, number of people in attendance and the number of employees working at the site for each event. 12-18 months after the beginning of operations, Planning & Development shall provide the compliance report to the Montecito Planning Commission (review to occur during Planning & Development Divisional Briefing on Administrative Agenda). **Plan Requirements and Timing:** The compliance reports shall include information quantifying the number of events per day over the course of the previous 12-18 months as specified above. **Monitoring:** P&D shall review the compliance reports in conjunction with the annual reports required for parking and report to the Montecito Planning Commission annually until the MPC determines that annual reporting is no longer necessary.
85. ~~Prior to removal, photo documentation of the cottages, poolside rooms and associated buildings 'in situ' shall occur pursuant to the County's standards as outlined in Condition No. 32. The owner shall make available for 90 days from the date of final discretionary approval of the project, any cottage(s) or the poolside rooms for removal and relocation to any individual or organization proposing to rehabilitate said structure(s). All costs and liability for transportation and removal, including any necessary permits shall be the sole responsibility of the individual or organization seeking relocation and reuse of the structure(s). **Plan Requirements and Timing:** Notice of availability of structures shall be provided in local newspaper, notice on site and other public outreach efforts to the community by the applicant. The applicant shall document such effort with the County prior to the approval of the follow on Land Use Permit. (THIS CONDITION HAS BEEN SATISFIED)~~
86. ~~**Relocation of Laundry Operations.** Excessive water consumption by Hotel operations during a declared water shortage emergency could exacerbate the ongoing water supply/demand imbalance within the Montecito Water District. If the Montecito Water District declares a water shortage emergency, laundry operations shall be relocated to an offsite facility (or contractor) outside the Montecito Water District service boundaries. **Plan Requirements and Timing:** For the life of the project, if the Montecito Water District declares a water shortage emergency, laundry operations shall be relocated to an offsite facility (or contractor) outside the Montecito Water District service boundaries. Limited laundry operations (i.e. unforeseen circumstances, emergencies, etc.) up to 10% of total laundry operations could continue to be undertaken onsite. Onsite laundry operations could be restored to full operation once the Montecito Water District ends its declaration of the water shortage emergency subject to P&D approval. **Monitoring:** P&D shall verify that the District has declared a water shortage emergency and ensure that the offsite~~

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<sup>5</sup> Condition no. 83 was included with the July 16, 2008 staff report but was attached to condition no. 78 and therefore did not have an independent identity. The intent of Condition no. 83 has not been changed. It has simply been separated from condition no. 78 and given a unique number.

~~facility (or contractor) is located outside the Montecito Water District service boundaries.~~  
**(LAUNDRY FACILITIES ARE NO LONGER PROPOSED ON-SITE)**

87. The design, scale, and character of the project architecture and landscaping shall be compatible with the “Cottage Type Hotel” tradition as discussed in Montecito Community Plan Policy LUC-M-1.6 including the refined description as follows:

*A "Cottage-Type" hotel is a collection of one and two story-building structures that vary in size and orientation. Placement and scale of buildings should be in a garden-type setting with large canopy trees. Site should be pedestrian friendly.*

*"Cottage-Type" hotel buildings refer to a quaint architectural style and can be California Cottage and Bungalow or an architectural style reflecting the historical regional California coast. Architectural vernacular should incorporate low-sloped roofs with gables and/or hips, residentially scaled plate heights, overhangs and eaves; casement, double-hung or fixed windows or French doors with divided lights, porches and/or trellis; exterior walls of masonry, plaster, stone and/or wood siding (or other simulated materials).*

**Plan Requirements and Timing:** Prior to further review by the Montecito Board of Architectural Review (MBAR), the applicant shall return to the Montecito Planning Commission for review and approval of the project plan’s consistency with the definition of “Cottage Type Hotel”. The applicant shall submit the final architectural and landscape drawings of the project for review and approval by the Montecito Board of Architectural Review prior to Zoning Clearance approval issuance of follow-on Land Use Permits. Such plans shall be consistent with the definition of “Cottage Type Hotel” as described by the Montecito Planning Commission.

**The following are new conditions applied to the 2014 proposed revised project:**

88. **Special Condition DVP-1.** Prior to approval of the first follow-on Zoning Clearance for the Project, the abandonment of the North-South segment of Miramar Avenue and dedication of public access easements through the site (as shown on sheet A1.02b of the approved plans) shall be approved by the Board of Supervisors.
89. **Permits Supersede.** Previous approvals for on-site development shall be superseded by the proposed revised project (14RVP-00000-00063, 14AMD-00000-00010, 14AMD-00000-00011, 14CDP-00000-00086, 14CDP-00000-00090, 14CDP-00000-00091) upon effectuation of the proposed project.
90. **Fire District Access.** All project plans shall be in conformance with the Fire Department Turnaround Exhibit dated December 3, 2014. **Timing.** Prior to Zoning Clearance approval, all project plans shall depict the Fire-District approved access over the railroad tracks as shown on the Fire Department Turnaround Exhibit dated December 3, 2014.
91. **WatCons-03 Water Conservation in Landscaping.** The project is subject to the California Water Conservation in Landscaping requirements. Prior to ZCI approval, the Owner/Applicant shall fill out, obtain the stamp of the appropriate licensed professional, sign, and submit to P&D a Water Authorization Supplemental application or Water Efficient Landscape Ordinance Supplemental application, as appropriate to the size of the landscape area. **TIMING:** The supplemental application shall be completed, stamped, signed, and submitted to P&D prior to LUP approval. The landscape and irrigation shall be installed per plan prior to Final Building Inspection Clearance. **MONITORING:** Permit Compliance shall check in the field prior to Final Building Inspection Clearance.



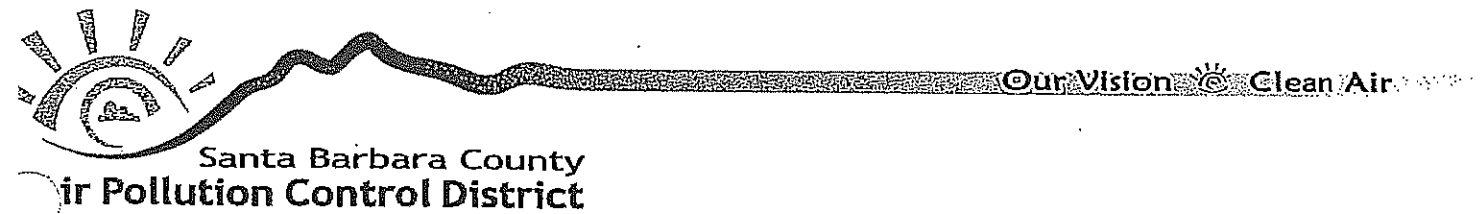
92. **Parking Stall Length.** Prior to Zoning Clearance approval, the applicant shall revise the project plans to ensure that the parallel parking spaces along the E/W portion of Miramar Ave. are 23 feet in length. **Plan Requirements and Timing:** All site plans shall be updated to graphically depict the 23-foot long stalls. Stalls shall be dimensioned. **Monitoring:** P&D shall review plans prior to Zoning Clearance approval.
93. **Employee Parking Program.** In order to ensure that all employees of the Miramar Hotel park on-site, the applicant shall comply with the following requirements:
1. Management shall maintain a current list of each employee's typical transportation mode (e.g. bus, bicycle, vehicle)
  2. Management shall maintain a list of employees and their vehicles so that the vehicles can be easily identified (e.g. make, model, color, license plate)
  3. Consistent with condition 52, all employees who drive to work shall have a numbered Miramar hotel parking decal permanently affixed to their vehicle and shall park in a Miramar Hotel parking lot.
  4. Management shall educate all employees regarding the parking and transportation options (e.g. no parking on neighborhood streets, shuttle schedules, ride share/carpool programs, bus schedules).
  5. All employees must be told that they will be held accountable for complying with the parking plan. Employees must be provided with a written policy that prohibits employees from parking on neighborhood streets and establishes penalties for failure to comply. The applicant shall provide procedures for non-compliance with the parking program.

**Monitoring:** Monitoring report shall be submitted to the County annually from the date of final occupancy clearance and thereafter. The applicant shall provide annual reports to P&D demonstrating the effectiveness of the employee parking program. Annual reports shall account for all employees, including part-time and contract employees. Reports shall include enforcement actions taken for non-compliance and details on how issues have been resolved. P&D shall convey compliance reports to the Montecito Planning Commission 12-18 months from final occupancy and shall return annually until the MPC determines that annual reporting is no longer necessary. **Plan Requirements and Timing:** The applicant shall submit the monitoring plan including the design and intended location of employee parking decals for P&D's review and approval prior to Zoning Clearance approval.

94. **Automated Parking System.** The applicant shall install an automated parking system that utilizes access key cards in the northwestern parking lot. Employees who drive to work shall be issued parking lot access key card allowing admittance to the northwest parking lot, thereby allowing the hotel operator to confirm employee use of on-site parking. **Plan Requirements and Timing:** The annual compliance reports shall confirm that staff who drive to the hotel park on-site. The compliance reports shall include information quantifying the number of staff parking on-site over the course of the previous 12 months. **Monitoring:** P&D shall review the compliance reports in conjunction with the annual reports required for parking and report to the Montecito Planning Commission annually until the MPC determines that annual reporting is no longer necessary.
95. **Excursion Buses.** Excursion Bus, pick-up, drop-off and temporary parking shall only occur in the main valet entrance to the hotel and shall not idle off-site. **Monitoring:** P&D staff shall

The Miramar Beach Resort and Bungalows Proposed Revised Project; 14RVP-00000-00063, 14AMD-00000-00010, 14AMD-00000-00011, 14CDP-00000-00086, 14CDP-00000-00090, 14CDP-00000-00091  
Attachment B – Conditions of Approval  
Page B-54

respond to complaints and reported complaints shall be transmitted to the Montecito Planning Commission during annual compliance reporting.



**Santa Barbara County  
Air Pollution Control District**

August 22, 2014

Nicole Lieu  
Santa Barbara County  
Planning and Development  
123 E. Anapamu Street  
Santa Barbara, CA 93101

**Re: APCD Comments on Miramar Hotel Revision, 14RVP-00000-00063, 14CUP-00000-00020, -021, -022, -023**

Dear Ms. Lieu:

The Air Pollution Control District (APCD) has reviewed the referenced case, which consists of the construction of a new hotel on the Miramar Hotel project site. A revision/amendment to an approved Development Plan (10AMD-00000-00019 and 11CDH-00000-00001) is being requested. The revision will amend the scope of the project to reduce the number of guest room "keys" and amend the overall site plan of the hotel with minor project modifications.

The proposed hotel development will consist of the construction of a 170 "key" hotel; a 43,318 square foot (SF) Main Building with spa, fitness, all day dining, bar, lobby, ballroom, meeting rooms, and back of house/administrative functions; a casual dining restaurant included in the Main Building; a 3,932 SF oceanfront restaurant and bar; a 3,270 SF beach club; a 2,200 SF theatre; a 2,306 SF children's center/storage; concessions buildings; and adult pool restrooms. Total lot area is proposed at 686,977 square feet, and net floor area is proposed at 167,982 square feet. The site is currently vacant as the former hotel has been completely demolished. Grading associated with the proposed project consists of 17,400 cubic yards (CY) of cut, 41,400 CY of fill, and 35,000 CY of import. Grading, construction, and landscaping are estimated to require approximately 18-20 months for completion. The 15.99-acre subject property is zoned C-V, TC, REC, is identified in the Assessor Parcel Map Book as APN 009-371-004, 009-371-003, 009-372-001, 009-333-010, and 009-010-002, and is located at 1555 S Jameson Lane in the community of Montecito.

The revised project compared to the approved project represents a reduction in program and square footage from the previously approved project. The main changes to the project description are as follows: the maximum key count has been reduced from 186 to 170, there is a reduction in gross and net building floor area, the level of underground parking has been eliminated, the Miramar Beach Club building has been relocated away from the beach and the presidential suite has been sited in its place, the beach/bar snack shack has been replaced with a full service lunch and dinner restaurant, the spa has been reduced from 7,003 SF to 2,800 SF and moved into the Main Building, and the maximum event head count has been reduced from 500 to 400 maximum guests on site at any one time.

Air Pollution Control District staff offers the following comments regarding the proposed changes to the approved project:

1. **Greenhouse Gas Reductions:** It is our understanding that a CEQA document has been certified for the original project, and that Santa Barbara County will consider whether the proposed

revisions to the project conform to the CEQA findings for the approved project and whether there are new environmental impacts related to the proposed revisions. Regarding global climate change/greenhouse gas impacts related to the project, we recommend that impacts be reduced/avoided to the extent reasonably possible, whether or not they are determined to be significant. Therefore, we have suggested a condition that allows the applicant to work with Santa Barbara County to identify and apply greenhouse gas reduction measures as feasible for the project (see suggested condition number 9 below). For additional information regarding greenhouse gas reduction measures, please refer to the California Air Pollution Control Officers Association (CAPCOA) document entitled *Quantifying Greenhouse Gas Mitigation Measures*, an extensive sector-by-sector compendium of project-specific mitigation measures that includes quantification methods to calculate GHG reductions. This document is available online at [www.capcoa.org](http://www.capcoa.org).

2. **Emergency/Standby Generator Engine and Health Risk:** The applicant has indicated that an internal combustion (IC) engine will be installed to provide emergency/standby power generation during power failure, and has provided engine specifications for a 500 kW (818 bhp) diesel-fired engine. The use of an engine of this size on-site will require an APCD permit and a permit will not be issued unless it is demonstrated through a health risk assessment (HRA) that the operation will not result in a significant health risk. We recommend that this HRA be performed up front during the land use review process to ensure the engine will not result in a significant impact, and so that any mitigation necessary can be addressed in the County permit conditions. APCD staff may be able to assist by conducting a screening level HRA. In order to conduct a screening level HRA, the following information must be provided:
  - The precise location of the proposed engine. Assumptions will be made with respect to worst-case daily and annual operating hours for maintenance and testing purposes.
  - Distance from the engine to the nearest hotel guest room.
  - Distance from the engine to the nearest residence and to the nearest sensitive receptor (as defined by Section 2.8.5 of APCD Form-15i).
  - Distance from the engine to the nearest place of work.
  - Estimated installation date for the proposed engine. The installation date will be used to determine the emissions requirements and associated emission factors for the engine.
  - If a different engine is proposed for the project than the one that was included in the previous submittal materials, please provide revised engine specifications, including manufacturer, model, and horsepower rating.
  - Based on previously submitted materials, it is assumed that the engine will be operated at full load. If another load scenario is expected, please provide the engine operational load factor, along with a discussion/justification for the load factor that is proposed.

Please contact David Harris in APCD Engineering Division at (805) 961-8824 if you would like the APCD to conduct the screening analysis.

Air Pollution Control District staff offers the following suggested conditions:

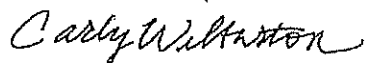
1. Standard dust mitigations (Attachment A) are recommended for all construction and/or grading activities. The name and telephone number of an on-site contact person must be provided to the APCD prior to issuance of land use clearance.

2. APCD Rule 345, *Control of Fugitive Dust from Construction and Demolition Activities*, became effective on July 21, 2010 and establishes new limits on the generation of visible fugitive dust emissions at demolition and construction sites. The rule includes measures for minimizing fugitive dust from on-site activities and from trucks moving on- and off-site. The text of the rule can be viewed on the APCD website at [www.sbcapcd.org/rules/download/rule345.pdf](http://www.sbcapcd.org/rules/download/rule345.pdf).
3. Fine particulate emissions from diesel equipment exhaust are classified as carcinogenic by the State of California. Therefore, during project grading, construction, and hauling, construction contracts must specify that contractors shall adhere to the requirements listed in Attachment B to reduce emissions of ozone precursors and fine particulate emissions from diesel exhaust.
4. Prior to occupancy, APCD permits must be obtained for all equipment that requires an APCD permit. APCD Authority to Construct permits are required for diesel engines rated at 50 bhp and greater (e.g., firewater pumps and emergency standby generators) and boilers/large water heaters whose combined heat input rating exceeds 2.0 million Btu/hr.
5. All portable diesel-fired construction engines rated at 50 brake-horsepower or greater must have either statewide Portable Equipment Registration Program (PERP) certificates or APCD permits prior to operation. Construction engines with PERP certificates are exempt from APCD permit, provided they will be on-site for less than 12 months.
6. Small boilers and water heating units (rated between 75,000 and 2.0 million Btu/hr) must comply with the emission limits and certification requirements of APCD Rule 360. Combinations of units totaling 2.0 million Btu/hr or greater are required to obtain a District permit prior to installation. Please see [www.sbcapcd.org/eng/boiler/rule360/rule\\_360.htm](http://www.sbcapcd.org/eng/boiler/rule360/rule_360.htm) for more information and a list of certified boilers (note: any units fired on fuel(s) other than natural gas must be certified by the SBCAPCD on a case-by-case basis, even if the unit is certified when fired on natural gas).
7. At all times, idling of heavy-duty diesel trucks must be limited to five minutes; auxiliary power units should be used whenever possible. State law requires that drivers of diesel-fueled commercial vehicles:
  - Shall not idle the vehicle's primary diesel engine for greater than 5 minutes at any location
  - Shall not idle a diesel-fueled auxiliary power system (APS) for more than 5 minutes to power a heater, air conditioner, or any ancillary equipment on the vehicle.
8. At a minimum, prior to occupancy any feasible greenhouse gas mitigation from the following sector-based list should be applied to the project:
  - Energy use (energy efficiency, low carbon fuels, renewable energy)
  - Transportation (reduce vehicle miles traveled, compact and transit-oriented development, pedestrian- and bicycle-friendly communities)
  - Water conservation (improved practices and equipment, landscaping)
  - Waste reduction (material re-use/recycling, composting, waste diversion, waste minimization)
  - Architectural features (green building practices, cool roofs)
9. Asphalt paving activities shall comply with APCD Rule 329, *Cutback and Emulsified Asphalt Paving Materials*.

APCD Comments on 14RVP-00000-00063, Miramar Hotel Revision  
August 22, 2014  
Page 4

If you or the project applicant have any questions regarding these comments, please feel free to contact me at (805) 961-8890 or via email at [cvw@sbcapcd.org](mailto:cvw@sbcapcd.org).

Sincerely,



Carly Wilburton,  
Air Quality Specialist  
Technology and Environmental Assessment Division

Attachments: Fugitive Dust Control Measures  
Diesel Particulate and NO<sub>x</sub> Emission Measures

cc: Jane Gray, Dudek  
Matt Middlebrook, Miramar Acquisition Co., LLC  
Kaitlin McNally  
David Harris  
Project File  
TEA Chron File



ATTACHMENT A  
FUGITIVE DUST CONTROL MEASURES

These measures are required for all projects involving earthmoving activities regardless of the project size or duration. Proper implementation of these measures is assumed to fully mitigate fugitive dust emissions.

- During construction, use water trucks or sprinkler systems to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this should include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency should be required whenever the wind speed exceeds 15 mph. Reclaimed water should be used whenever possible. However, reclaimed water should not be used in or around crops for human consumption.
- Minimize amount of disturbed area and reduce on site vehicle speeds to 15 miles per hour or less.
- If importation, exportation and stockpiling of fill material is involved, soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation. Trucks transporting fill material to and from the site shall be tarped from the point of origin.
- Gravel pads shall be installed at all access points to prevent tracking of mud onto public roads.
- After clearing, grading, earth moving or excavation is completed, treat the disturbed area by watering, or revegetating, or by spreading soil binders until the area is paved or otherwise developed so that dust generation will not occur.
- The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the Air Pollution Control District prior to land use clearance for map recordation and land use clearance for finish grading of the structure.

**Plan Requirements:** All requirements shall be shown on grading and building plans and as a note on a separate information sheet to be recorded with map. **Timing:** Requirements shall be shown on plans or maps prior to land use clearance or map recordation. Condition shall be adhered to throughout all grading and construction periods.

**MONITORING:** Lead Agency shall ensure measures are on project plans and maps to be recorded. Lead Agency staff shall ensure compliance onsite. APCD inspectors will respond to nuisance complaints.



ATTACHMENT B  
DIESEL PARTICULATE AND NO<sub>x</sub> EMISSION MEASURES

Particulate emissions from diesel exhaust are classified as carcinogenic by the state of California. The following is an updated list of regulatory requirements and control strategies that should be implemented to the maximum extent feasible.

The following measures are required by state law:

- All portable diesel-powered construction equipment shall be registered with the state's portable equipment registration program OR shall obtain an APCD permit.
- Fleet owners of mobile construction equipment are subject to the California Air Resource Board (CARB) Regulation for In-use Off-road Diesel Vehicles (Title 13 California Code of Regulations, Chapter 9, § 2449), the purpose of which is to reduce diesel particulate matter (PM) and criteria pollutant emissions from in-use (existing) off-road diesel-fueled vehicles. For more information, please refer to the CARB website at [www.arb.ca.gov/msprog/ordiesel/ordiesel.htm](http://www.arb.ca.gov/msprog/ordiesel/ordiesel.htm).
- All commercial diesel vehicles are subject to Title 13, § 2485 of the California Code of Regulations, limiting engine idling time. Idling of heavy-duty diesel construction equipment and trucks during loading and unloading shall be limited to five minutes; electric auxiliary power units should be used whenever possible.

The following measures are recommended:

- Diesel construction equipment meeting the California Air Resources Board (CARB) Tier 1 emission standards for off-road heavy-duty diesel engines shall be used. Equipment meeting CARB Tier 2 or higher emission standards should be used to the maximum extent feasible.
- Diesel powered equipment should be replaced by electric equipment whenever feasible.
- If feasible, diesel construction equipment shall be equipped with selective catalytic reduction systems, diesel oxidation catalysts and diesel particulate filters as certified and/or verified by EPA or California.
- Catalytic converters shall be installed on gasoline-powered equipment, if feasible.
- All construction equipment shall be maintained in tune per the manufacturer's specifications.
- The engine size of construction equipment shall be the minimum practical size.
- The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time.
- Construction worker trips should be minimized by requiring carpooling and by providing for lunch onsite.

**Plan Requirements:** Measures shall be shown on grading and building plans. **Timing:** Measures shall be adhered to throughout grading, hauling and construction activities.

**MONITORING:** Lead Agency staff shall perform periodic site inspections to ensure compliance with approved plans. APCD inspectors shall respond to nuisance complaints.



Santa Barbara County  
**PUBLIC Health**  
DEPARTMENT



Environmental Health Services

225 Camino del Remedio • Santa Barbara, CA 93110  
805/681-4900 • FAX 805/681-4901

Takasil M. Wada, MD, MPH Director  
Anne M. Fearon Deputy Director  
Suzanna Jacobson, CPA Chief Financial Officer  
Susan Klein-Rothschild, MSW Deputy Director  
Angela Gonzalez, MHA Deputy Director  
Polly Baldwin, MD, MPH Medical Director  
Charity Thoman, MD, MPH Health Officer

2125 S. Centerpointe Pkwy. #333 • Santa Maria, CA 93455-1340  
805/346-8460 • FAX 805/346-8485

Lawrence Fay Director of Environmental Health

TO: Nicole Lieu, Planner  
Planning & Development Department  
Development Review Division

FROM: Paul Jenzen  
Environmental Health Services

DATE: January 13, 2015

SUBJECT: Case No. 14RVP-00000-00063, 14CDP-00000-00086 formerly known as 07RVP-  
00000-00009, 07CUP-00000-00047 Montecito Area

Applicant: Rick Caruso, Caruso Affiliated  
101 The Grove Drive  
Los Angeles, CA. 90036

Property Location: Assessor's Parcel No. 009-333-010; 009-371-007; 009-372-  
001; 009-371-003; 339-345-003; 009-345-031, zoned C-V,  
REC and TC, located at 1555 South Jameson Lane.

This is a revised letter based on information received by Environmental Health Services subsequent to the writing of the letter dated May 13, 2008.

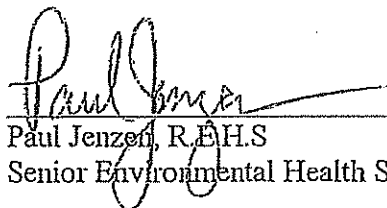
The proposed project represents a request to redevelop the Miramar Hotel with all new buildings of approximately 206,793 gross (167,942 net) square feet, including a main building with a lobby, meeting rooms and conference facilities, back-of-house areas, a ballroom; a spa, a Beach and Tennis Club with expanded membership; 170 guest rooms; two restaurants and a beach bar; two pools; new landscaping; new 10-14 foot high sound wall and four employee dwellings.

Domestic water supply is proposed to be provided by the Montecito Water District. Because the project may impact the community water system, the Montecito Water District will need to review the proposal and indicate in writing that it will serve the project.

Sewage disposal is proposed to be provided by the Montecito Sanitary District. The Montecito Sanitary District will also need to review the proposal and indicate in writing that it will serve the proposed project.

Providing the Planning Commission grants approval of the applicant's request, Environmental Health Services recommends the following be included as Conditions of Approval:

1. Prior to Zoning Clearance, the Montecito Water District and the Montecito Sanitary District shall indicate in writing that the proposed project will be served.
2. Prior to the Issuance of a Building Permit, construction plans for any **swimming pool** or spa pool and any necessary rest room and pool related facilities shall be reviewed and approved by Environmental Health Services.
3. Prior to Issuance of a Building Permit, Environmental Health Services shall review and approve the plans and specifications for the proposed **food facilities** and related facilities.
4. Prior to Issuance of a Building Permit, the abandonment of the existing well shall be completed under permit and inspection by Environmental Health Services.
5. Prior to the Issuance of a Building Permit, if additional **backflow prevention devices** are required, the method of backflow protection for the domestic water supply system shall be specified and approved by the Montecito Water District.

  
\_\_\_\_\_  
Paul Jenzen, R.E.H.S.  
Senior Environmental Health Specialist

cc: Applicant  
Agent, Dudek, Jane Gray, 621 Chapala Street, Santa Barbara, CA. 93105  
Montecito Water District  
Montecito Sanitary District  
Norman Fujimoto, Environmental Health Services

LU-4861



# MONTECITO FIRE PROTECTION DISTRICT

595 San Ysidro Road • Santa Barbara, California 93108 • (805) 969-7762 • FAX (805) 969-3598

January 14, 2015

Nicole Lieu  
County of Santa Barbara  
Planning and Development  
2<sup>nd</sup> Floor  
123 Anapamu St.  
Santa Barbara, CA. 93101

Re: Miramar Beach Resort and Bungalows  
Site Access Plan

Dear Ms Lieu,

The Montecito Fire Protection District Operations Division and Prevention Bureau staff has had a series of meetings with Caruso Affiliated representatives to discuss the latest Miramar Hotel revision. The purpose of the meetings was to allow the Fire District personnel an opportunity to review revisions to the Site Access Plan for the Hotel project. Fire District concerns at this stage of review are primarily focused on emergency response access. The District offered a perspective for tactical operations during potential fire suppression efforts and for emergency medical response needs. Standards from the access requirements section of the California Fire Code and the adopted Montecito Fire Protection Plan were cited and applied to this project. A series of subsequent discussions ensued with other county departments and working diligently together, we have come to mutually agreed upon solutions which are included in the following list of conditions for the project.

Agreed upon conditions for Fire District approval for site access:

- East/West section of Miramar Avenue fire lane
  - Emergency response access along this road in its entirety shall have an unobstructed width of 20 feet.
  - Provide an unobstructed turnaround in a bulb shape configuration at the end of the lane with a minimum 50 foot diameter. Additionally, provide a 5' buffer around the entire perimeter allowing for full use of the pavement edge and for apparatus bumper and tailboard overhang.
  - Provide additional District approved turnaround at the midway point along the lane.
- Beach Access Route
  - Emergency response access from intersection with S. Jameson lane south to the railroad tracks and along both sections of road serving the beach front cottages shall have a minimum unobstructed width of 20 feet
  - Turnaround capabilities for District fire apparatus must be provided just south of the tracks and a at the lower section of the east fork near the beach access ramp

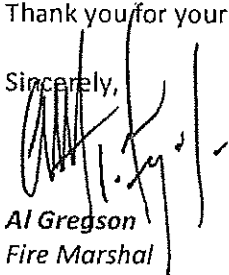
- Access serving Garden Cottages
  - The access route serving the interior cottages shall have an unobstructed width of not less than 14 feet from the west parking lot to the interior roundabout
  - The interior roundabout shall have a minimum diameter of 60 feet with a minimum 20 foot drivable surface around the proposed planter
  - The section of access route from the roundabout to the intersection with Hedge Row Lane shall have an unobstructed width of 15 feet with softened corners at the intersection
- Pavement Requirements
  - All access roadways must consist minimally of the equivalent of 5 inches of compacted Class II aggregate base with a fog seal prior to structural framing
  - All fire access routes are required to be all weather impermeable surface, however permeable surfaces may be approved at the discretion of the Fire District Official and county of Santa Barbara Planning and Development
  - *Grass-Crete or Turf Block is not an acceptable method of paving an access route and will not be permitted in the District*
- Vegetation clearance along access routes
  - A minimum 13 ½ foot vertical clearance shall be maintained above the full width of the required roadways
  - Horizontal vegetation shall be maintained, at minimum, to the road right of way or to the edge of the pavement
- Gates
  - Automatic security gate installations across all apparatus access routes shall have a clear width equivalent to that of the required roadway
  - Where automatic security gates are installed, they shall have an approved means of auxiliary backup power and remain operational at all times.
  - Each security gate shall be fitted with Fire District approved override switch or lock box containing access keys.
- Access through 10' sound wall along S. Jameson Lane
  - Provide 8' minimum width opening in the S. Jameson sound wall at the mid-way point allowing emergency access to the north side of Lanai buildings
  - Provide access paths around the full perimeter of the cottages
  - Provide access keys in approved vault if gate is locked
- Access paths
  - Provide access paths along the north side of the Jameson Lanai Cottages and along the Westside Lanai Cottages adjacent to the All Saints Church and Preschool. There shall be enough space provided for fire personnel to access the roof line at any given spot utilizing ground ladders.
- Beach Access Ramp
  - Provide a 10' wide ramp allowing emergency access to the beach
- Hydrant Locations
  - Yet to be determined
  - Water main infrastructure to be improved
- Fire Department Connection (FDC) Locations for the fire sprinkler systems
  - Yet to be determined

- Power lines
  - To be installed underground

Fire District Staff appreciated the opportunities given to meet with the Caruso Group and their representatives to discuss emergency response access needs and how the requirements could be integrated into their project. We are confident the above mentioned conditions will be met and pursuant to the recently reviewed Fire Access Exhibits dated January 9, 2015, the Fire District accepts the plan as submitted and issues approval. Further the District encourages the project to move forward as planned.

Thank you for your consideration. Please let me know if there are any questions or concerns.

Sincerely,



*Al Gregson*  
*Fire Marshal*  
*Montecito Fire Protection District*  
*595 San Ysidro Road*  
*Santa Barbara, Ca. 93108*  
*805 969-1445*  
*agregson@montecitofire.com*

cc: Caruso Affiliated





Santa Barbara County Public Works Department  
Flood Control & Water Agency

August 21, 2014

Nicole Lieu, Planner  
County of Santa Barbara  
Planning & Development Department  
123 East Anapamu Street  
Santa Barbara, CA 93101

RECEIVED

AUG 25 2014

S.B. COUNTY  
PLANNING & DEVELOPMENT

Re: 14RVP-00000-00063, 14CUP-00000-00020, 14CUP-00000-00021,  
14CUP-00000-00022, 14CUP-00000-00023; Miramar Hotel Revisions  
APN: 009-333-010, 009-344-008, 009-345-031, 009-371-004, 009-372-001,  
009-371-003; Montecito

Dear Ms. Lieu:

The District recommends that approval of the above referenced project be subject to the following conditions:

1. General

- a. The applicant shall comply with the Santa Barbara County Flood Control District Standard Conditions of Approval dated January 2011 (<http://www.countyofsb.org/uploadedFiles/pwd/Water/Development/StdConditionsJan2011.pdf>).
- b. The applicant shall provide a site plan of the proposed development following the guidelines provided in the Standard Conditions of Approval.

2. Prior to Issuance of Permits

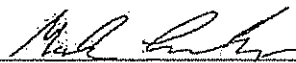
- a. The applicant shall submit all improvement plans, grading plans, drainage plans, drainage studies and landscape plans to the District for review and approval.
- b. The applicant shall acquire and submit all required data, forms and certifications as described in the Standard Conditions of Approval.
- c. All proposed development shall have finish floors elevated a minimum of two feet above the 100-year Base Flood Elevation (BFE) as determined from FEMA's most current Flood Insurance Study (FIS).
- d. Structures below the Base Flood Elevation shall conform to the requirements of FEMA Technical Bulletin 3-93. A completed Floodproofing Certificate for Non-residential Structures (FEMA Form 81-65, (<https://www.fema.gov/media>).

library/assets/documents/2748) is required for all such buildings located within a Special Flood Hazard Area.

- e. Post-development peak discharge rate shall not exceed the pre-development rate.
  - f. Development located within V-zones (Coastal High Hazard Areas) shall conform to the requirements listed in Section 15A-22, "Coastal High Hazard Areas" of the County Floodplain Management Ordinance.
  - g. Development located within V-zones (Coastal High Hazard Areas) shall follow the recommendations presented in the guidance document "Coastal Construction Manual" published by the Federal Emergency Management Agency. (<http://www.fema.gov/media-library/assets/documents/3293?fromSearch=fromsearch&id=1671>).
  - h. A registered civil engineer or architect shall certify that the design and methods of construction to be used are in accordance with said Ordinance and FEMA guidance document.
  - i. The coastal Base Flood Elevation is 13.6 feet (NAVD Datum).
  - j. Utilities for new or substantially improved structures shall be elevated above 13.6 feet (NAVD Datum) or be designed to eliminate infiltration of flood waters into the system.
  - k. The applicant shall sign the Agreement for Payment of Plan Check Fees (attached to the Standard Conditions of Approval) and pay the appropriate plan check fee deposit at the time of the initial submittal of maps, plans and studies.
  - l. If necessary, the applicant shall sign and return the Maintenance Agreement (Owner's Agreement).
  - m. The applicant shall submit to the District electronic drawings in PDF format of the approved grading plans, improvement plans, drainage plans, drainage studies and landscape plans on a compact disc along with one hard copy of each.
3. Prior to Occupancy Clearance
- a. The engineer of record shall submit a Drainage Improvement Certification (attached to the Standard Conditions of Approval).
  - b. The applicant shall submit an Elevation Certificate (FEMA Form 81-31) prepared by a licensed land surveyor to the District's Floodplain Manager for each structure located within a Special Flood Hazard Area.

Sincerely,

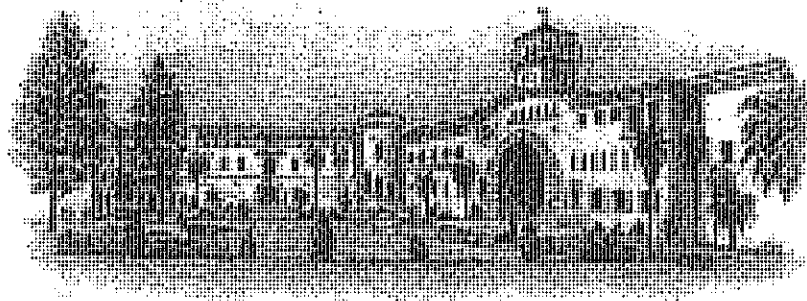
SANTA BARBARA COUNTY FLOOD CONTROL & WATER CONSERVATION DISTRICT

By:   
Mark Luehrs, CFM  
Development Review Engineer

Cc: Matt Middlebrook, Miramar Acquisitions Co., LLC, 101 The Grove Drive,  
Los Angeles, CA 90036  
Penfield & Smith, 111 East Victoria St., Santa Barbara, CA 93101  
Appleton & Associates, Inc., 117 W. Micheltorena St., Santa Barbara, CA 93101



COUNTY OF SANTA BARBARA  
PUBLIC WORKS DEPARTMENT  
123 East Anapamu Street  
Santa Barbara, California 93101  
805/568-3232 FAX 805/568-3222



November 18, 2014

TO: Nicole Lieu, Planner  
Development Review

FROM: William Robertson, Transportation Planner  
Public Works, Transportation Division

SUBJECT: Revised Conditions of Approval (9 pages)  
Miramar Beach Resort and Bungalows Project  
14AMD-00000-00010, 14AMD-00000-00011, 14RVP-00000-00063 Revision to:  
07RVP-00000-00009, 07CUP-00000-00045, 07CUP-00000-00046, 07CUP-00000-00047,  
08CUP-00000-00005, 08GOV-00000-00017, 08CDP-00000-000054  
APN: 009-371-003, 009-371-004, 009-372-001, 009-333-010, 009-344-008, and 009-010-002  
1555 S. Jameson Lane, Montecito

#### Traffic Mitigation Fees

1. Pursuant to Ordinance No. 4270 regarding Transportation Impact Fees, the applicant will be required to pay a fee for each new peak hour trip (PHT), for the purpose of funding transportation facilities within the Lompoc Planning Area of the County.

Based on the current fee schedule and proposed project description, the total estimated fee for the proposed project is \$0 ( 0 net new peak hour trips above baseline Schragger approval). Fractional PHT's are rounded. In the event fees are determined to be due, they shall be paid prior to occupancy clearance and shall be based on the fee schedule in effect when paid. This office will not accept payment or process a check received prior to project approval.

Fees are payable to the County of Santa Barbara, and may be paid in person or mailed to: Santa Barbara County Transportation Division, 123 E. Anapamu St., 2<sup>nd</sup> Floor, Santa Barbara, CA 93101 or Santa Barbara County Transportation Division North, 620 West Foster Road, Santa Maria, CA 93455. Please phone this office prior to payment if unsure as to the final fee required.

#### Roadway Abandonment

2. Prior to approval of the first follow-on Zoning Clearance for the Project, the abandonment of the North-South segment of Miramar Avenue and dedication of public access easements through the site (as shown on sheet A1.02b of the approved plans) shall be approved by the Board of Supervisors.

### Sight Distance

3. Prior to zoning clearance, the developer shall design, and prior to occupancy, the developer shall provide intersection sight distance in a manner acceptable to the Department of Public Works Traffic Section.

When the criteria for sight distances cannot be met, the County may prohibit vehicle turning movements, require speed change lanes or require additional speed change lane lengths.

### Driveways/Drive Aisles

4. Prior to zoning clearance, the developer shall design, and prior to occupancy the developer shall construct, all site ingress and egress points in a manner acceptable to the Department of Public Works Traffic Section. All driveway accesses shall be improved to include all necessary pavement or cross gutters to match adjacent improvements as required by the Department of Public Works Traffic and Permit Sections.

### Street Sections/Pavement Traffic Index

5. Prior to zoning clearance or tract/parcel map approval, the developer shall design, and prior to occupancy, the developer shall construct all roadwork based on the appropriate road detail provided in the Santa Barbara County Engineering Design Standards. All design exceptions and/or modifications shall be reviewed and approved by the Department of Public Works Traffic, Permit and Engineering sections. All design exceptions must also be signed by the County Road Commissioner (Public Works Director) prior to zoning clearance.
6. Prior to recordation of the Final Map or Zoning Clearance, the applicant shall engineer and post a surety acceptable to County Counsel for the construction and /or repair of standard concrete curb, gutter, sidewalk, streetlights and up to 18 feet of matching asphalt paving for all proposed public roads and applicable project frontages. Improvements shall be based on the appropriate road detail provided in the Santa Barbara County Engineering Design Standards and shall include any necessary off-site transitions.
7. Prior to zoning clearance, improvement plans shall include the following items:
  - a) Design and re-construct any substandard County owned frontage improvements (curbs gutters, sidewalks, etc) along all project fronting public roadways. All construction shall conform to the County Engineering Design Standards. All design exceptions and/or modifications shall be reviewed and approved by the Department of Public Works Traffic, Permit and Engineering sections. All design exceptions must also be signed by the County Road Commissioner (Public Works Director) prior to zoning clearance.
  - b) Design the all new access points to meet AASHTO sight distance requirements along Jamison Lane South, Eucalyptus and Miramar Ave to the satisfaction of the County Traffic Engineer.
  - c) Design angled parking along Jamison Lane South, Eucalyptus and Miramar Ave to the satisfaction of the County Traffic Engineer.

- Advisory- As of 11/18/14 an adequate roadway cross section showing the feasibility of angled parking within the current County owned right-of-way has not been provided. It is possible that additional right-of-way may be necessary in order to keep the current parking configuration. Without verification, parking modifications could be required after project approval that could reduce the amount of parking depicted within the public right-of-way

Encroachment/Excavation/Haul Permit

8. a) An Excavation or Encroachment Permit shall be required for any work performed in the County right of way, including road construction, driveways, utilities, connections and hauling more than 1000 cubic yards of earthwork.

Encroachment Permits and/or Santa Barbara Engineering Design Standards and Public Works Standard Conditions of Approval can be obtained at the following locations:

North County Permits Section  
620 West Foster Road  
Santa Maria, CA 93455  
805-739-8788

South County Permits Section  
4417 Cathedral Oaks Road  
Santa Barbara, CA 93110  
805-681-4967

- b) The developer shall comply will all applicable Public Works Standard Conditions of Approval (attached) and Engineering Design Standards, as determined by the Public Works Traffic or Permit Sections, prior to issuance of an Encroachment Permit.

Traffic Controls

9. Prior to zoning clearance, traffic circulation and control on adjacent streets shall be designed as required by the Department of Public Works Traffic Section. This shall include, but is not limited to, curb openings, turn lanes and control signs for regulation, warning, and guidance of traffic.
10. Prior to zoning clearance, traffic circulation and control onsite shall meet the approval of the Department of Public Works Traffic Section.
11. Prior to zoning clearance, all signs shall be installed, and prior to final occupancy, the County may require the developer to add additional traffic safety devices (i.e. signing/stripping/roadway markers), the need for which were not apparent at time of plan approval, but which are warranted due to actual field conditions. The developer shall install the traffic safety devices prior to final clearance.

## Street Lights

12. a) As authorized by the Board of Supervisors Resolution No. 81-229, before the approval of any Final Subdivision Map, or Precise Plan in planned developments or of any Conditional Use Permit, Conditional Exception or Variance involving land development, the Developer or owner must provide a Road Lighting Plan to the Department of Public Works for approval

The plan must have the approval of the public utility or the public agency involved.

The Road Lighting Plan must show the location of each road light, the mounting height, luminaire arm length, the luminaire type, lamp type and lumen rating and conform to the standards as follows unless approved otherwise by the Public Works Traffic or Permit Sections.

- i. All roadway lighting shall be designed in accordance with IES standard publication RP-8-00.
- ii. Whenever possible road lights must be placed on lot lines and at intersections.
- iii. Ornamental roadway lighting shall be a type acceptable to the Public Works Department and meeting the approval of the responsible utility company. Luminaire spacing shall be adjusted to the satisfaction of the County Traffic Engineer if ornamental poles and/or luminaires are chosen.

A written statement showing the number of lights, the amount of lumens and the monthly and yearly costs must accompany the Road Lighting Plan.

- b) The developer or owner, prior to occupancy, must deposit a check with the Public Works Department, payable to the County of Santa Barbara, sufficient in amount to maintain and energize the street lights shown on the approved lighting plan, from the requested date for occupancy clearance, up to the date the first charges or benefit assessments will be made or levied upon the property being developed.
  - c) All electrical equipment and installation must conform to the applicable standards of the following:
    - i. Electrical safety orders of the Division of Industrial Relations, State of California
    - ii. Rules for overhead electric line construction, General Rule No. 95 of the California Public Utilities Commission.
  - d) Road lighting provided under Highway Lighting Districts or County Service Areas must only be installed in the right of way, roads, or other areas dedicated to the public.
  - e) The Department of Public Works may require increased illumination where it is found necessary for traffic or pedestrian safety, due to special circumstances affecting such areas.
13. Prior to zoning clearance, if applicable, the applicant must apply for annexation into the appropriate County Lighting District/County Service Area, and pay all fees and costs for advertising public hearings in connection therewith.

Off-Site Road Improvements

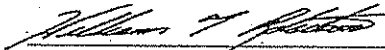
14. Where off-site road improvements or a dedication of right of way for off-site improvements is required for which a need cannot be attributed to the project, the County shall deduct the value of construction or dedication from the payment that would otherwise be collected for Traffic Mitigation Fee's.

Improvements and dedication that are necessary to mitigate the specific impacts of a project on area roads are considered on-site and are not to be deducted from the Traffic Mitigation Fee's. If the value of the off-site road improvements or dedication exceeds the payment required, the County may:

- a) Reimburse the applicant the difference between the amount of the payment and the value of the additional improvements and dedication, or
- b) Enter into an agreement with the applicant to establish a credit for the additional improvements and dedications.

If you have any questions, please contact me at 739-8785.

Sincerely,

 11-18-2014  
William T. Robertson Date

cc: 14RVP-00000-00063

Gary Smart, Transportation Manager, County of Santa Barbara, Public Works Department

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Lieu, Nicole

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**From:** Bohnett, Tony  
**Sent:** Wednesday, December 03, 2014 4:15 PM  
**To:** Lieu, Nicole  
**Subject:** MIRAMAR HOTEL PROJECT SDRC UPDATE REQUIREMENTS FROM BUILDING AND SAFETY

**Categories:** Red Category

NICOLE  
AS The SDRC Representative for Building and Safety these requirements will need to be met for the Miramar Project.

All work, reports and conditions shall follow the prescribed rules and codes of the 2013 California Building Code, Applicable current ADA Codes, current Santa Barbara Grading Policies and Ordinances – Chapter 14 Grading Ord. # 4766

A comprehensive current Geology report of the area to be developed  
A comprehensive current soils report for the area to be developed  
(borings shall be to a depth of 50 ft. to address any possible liquefaction issues)  
When appropriate submit a current Grading and Drainage plan.  
( A master drainage plan will be required)  
(site will need to apply for a WDID number with the State Water Quality Board)  
When appropriate submit Building Plans and  
As a separate submittal the ADA paths of travel plan

A pre-design meeting is recommended with County Building and Safety Division Staff

Thank You  
Tony Bohnett  
Building and Safety  
805-568-3114







County of Santa Barbara Public Works Department  
Project Clean Water  
123 E. Anapamu Street, Suite 240, Santa Barbara, CA 93101  
(805) 568-3440 FAX (805) 568-3434  
Website: [www.countyofsb.org/project\\_cleanwater](http://www.countyofsb.org/project_cleanwater)



SCOTT D. MCGOLPIN  
Director

THOMAS D. FAYRAM  
Deputy Director

August 28, 2014

Nicole Lieu  
Planning & Development Department  
County of Santa Barbara  
123 E. Anapamu St.  
Santa Barbara, CA 93101

Re: Miramar Hotel Revisions 14RVP-00000-00063; 14CUP-00000-00020; 14CUP-00000-00021; 14CUP-00000-00022; 14CUP-00000-00023  
APNs: 009 371-003, -004, 009-372-001, 009-343-010 and 009-333-010, 009-344-008, and 009-010-002

Dear Ms. Lieu,

The same conditions as the Project Clean Water letter dated June 22, 2007 (07DVP-00000-00017 Miramar Hotel) apply to this project for treating stormwater runoff from the design storm event. The County does not recommend media filters in drop inlets to meet these conditions, as shown on the current application. This is because of the unique challenges and costs inherent in maintaining these facilities, as compared to above-ground, landscape-oriented treatment facilities. The applicant shall refer to the specifications shown in the County's Stormwater Technical Guide for Low Impact Development in developing the design.

The following provisions apply to this application:

1. For Application Completeness, submit a Stormwater Control Plan that identifies source control measures and how runoff is retained using LID facilities such as bioretention or dispersal to landscaping or vegetated areas. The information must include a site plan showing the location of each drainage management area and LID facility, to demonstrate that adequate space is dedicated to meet the performance requirements. A copy of the spreadsheet(s) used in the stormwater calculator shall be included, along with a summary of the general long-term maintenance requirements and responsibilities for the proposed LID facilities.
2. Prior to issuance of Zoning Clearance, Land Use Clearance, or Building or Grading Permits, whichever of these actions comes first, the applicant must

submit to the Water Resources Division (attention: Project Clean Water) for review and approval a final Storm Water Control Plan.

The final Stormwater Control Plan must provide relevant details on the location and function of LID facilities on a separate plan sheet within the engineering plan set. The construction checklist will be updated based on the final plan set sheet numbers.

Note that the applicant will be required to pay a deposit for plan check review at the time the final Stormwater Control Plan and engineering plans are submitted. The plan check deposit of \$1,150 payable to County of Santa Barbara Project Clean Water shall be submitted along with the plans to Water Resources Division, Public Works, 123 E. Anapamu St. Santa Barbara, CA 93101.

3. Prior to issuance of Zoning Clearance or Land Use Clearance, or Building or Grading Permits, whichever comes first, the owner must sign a maintenance agreement that includes the long-term maintenance plan. Instructions for preparing a maintenance plan are provided in the Stormwater Technical Guide. The maintenance agreement identifies the party responsible for implementing the maintenance plan in perpetuity. The maintenance agreement will be signed and notarized by the property owner.
4. Prior to Rough Grade inspection, and if appropriate for landscape installation, prior to issuance of Occupancy Clearance, all drainage improvements required as part of the above conditions shall be constructed in accordance with the approved plans and certified by a Registered Civil Engineer. Prior to Occupancy Clearance, a Drainage Improvement Certificate shall be signed and stamped by the engineer of record and be submitted to the Water Resources Division along with a set of As-Built plans.

I am happy to work with you and the applicant on ways to meet the recommendations and conditions set forth in this letter. Please don't hesitate to contact me at (805) 568-3561.

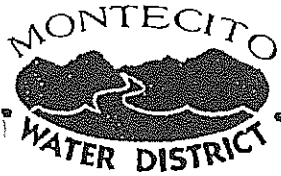
Sincerely,



Cathleen Garnand  
Civil Engineering Associate

Attached      Standard Conditions

cc:    Evan Krenzien, Caruso Affiliated, 101 The Grove Drive, LA CA 90036  
      Robert Schmidt, Penfield and Smith 111 East Victoria Street SB CA 93101  
      Jane Gray, Dudek 621 Chapala St. Santa Barbara, CA 93101



July 29, 2008

Mr. Matt Middlebrook  
Caruso Affiliated  
101 The Grove Drive  
Los Angeles, CA 90036

Re: Proposed Miramar Beach Resort and Bungalows - District Water Service

*Sent via fax and postal mail*

Dear Mr. Middlebrook:

This letter is to clarify the terms, conditions and circumstances for Montecito Water District (MWD) water service availability and a reasonable water budget for the proposed Miramar Project. A water budget will reflect the needs of the proposed project, consider community-wide usage patterns and be within the District's short and long-term available supplies. The water budget will also serve as the "base allotment" for future fees and charges under the currently proposed commercial base allotment rate structure, which the MWD Board will consider at a public hearing in August of this year. The base allotment concept will also result in your project funding, through the block rate structure, any need for the District to acquire any project water use above the established base allotment. The proposed new rate structure is part of an overall District water conservation program to restore a balance between District water supply and demand. The base allotment addresses water rate structure, not water availability.

The processing of this project to date has been somewhat unusual for MWD. The Miramar property has remained a District customer in good standing, paying its rates and charges for five District meters even though water usage has been minimal since closure of the hotel in 1999. If this had been a new project, MWD and the owner/applicant would have worked together to define the project's water supply and water service needs early in the process. A project of this size would normally need the assistance of a project planning and permitting service (hired by the owner) that takes the lead role in collecting, analyzing and summarizing all information needed to fully define the project's water requirements. In your case, the District initially met with Caruso Affiliated, the property owner; Dudek and Associates, a planning firm representing the property owner; and the County of Santa Barbara Planning and Development Department.

The previous Miramar Hotel operated until 1999 with a combination of District service for interior potable use and a private well for exterior and other non-potable use. Since the hotel closure, the District has reviewed various proposals to rehabilitate/reconstruct the Miramar. Each proposal showed demand for District

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supplies consistent with previous historic water use levels. Based on the representation that the Caruso proposal would also show no increase in intensity of use, except for increased landscaping to be served by an onsite well, MWD provided the proposed project with a Certificate of Water Service Availability (CWSA), dated May 11, 2007. As stated in the CWSA: "The District can and will serve the proposed project through the existing water services. If there is a change in water demand, the owner may apply for larger District meters subject to completion of a Water Meter Use Evaluation application, approval of the application by District staff and payment of all fees and costs for the meter size increase." To date, Caruso and its consultants have not applied for increased service, or completed a Water Meter Use Evaluation application. A Meter Use Evaluation would provide definition of infrastructure improvements, development of a reasonable water budget, and a peak flow analysis to confirm the adequacy of the existing meter service to the property. Without this information, all indications were that water use on the property would remain substantially the same.

To ensure that the overall project water demand would be within reasonable historic limits, and to address infrastructure issues, the District continued working directly with Caruso Affiliated. The District had several meetings with Caruso representatives, sent letters to Caruso Affiliated and has, to a limited extent, received correspondence from Caruso Affiliated regarding project water use. The District also reviewed the proposed project scope as detailed in a Revised Development Plan (RDP) application dated November 13, 2007 from Caruso Affiliated. Based on the November 13, 2007 RDP, which was provided by Santa Barbara County, the District concluded that proposed changes to the project that would affect water use were mainly limited to outdoor landscaping. The District's correspondence to Caruso Affiliated focused on outdoor water use and the continued use of an existing water well on the property for irrigation/non-potable water needs.

While we understand that the scope and size of the project has not increased since our November 2007 review, the project apparently no longer includes the onsite well. Water demand estimates, provided in the County staff report and SEIR/Addendum indicated that the project water use will be much greater than the historic use. In response to recent requests from the County and Caruso, the District has again analyzed its ability to provide for project water demand based on the current project description, and is providing its estimate of project demand in this letter.

The following table from page four of the Caruso Affiliated Revised Development Plan (RDP), dated November 13, 2007 compares the previously operating Miramar Hotel with the Schragger and Caruso plans. You will note from the table that the proposed Caruso plan is comparable to the previously operating Miramar Hotel and actually has fewer rooms. The only apparent change that could increase interior water use is the addition of a 1,482 square foot Beach Club clubhouse with a membership increase from the previous 140 members to 300 members. The proposed clubhouse would increase water use since it includes saunas, locker rooms, showers and toilets. However, the installation of modern, state-of-the-art water conservation devices and practices for the entire project, in the District's opinion, should offset any such water demand increases.

Caruso Affiliated - November 13, 2007 Revised Development Plan

**HOTEL OPERATIONS**

In order to avoid as many environmental impacts as possible and quickly begin the renovation process, the proposed project closely adheres to the previously approved level of development and either maintains or reduces the impacts associated with the hotel operations. The table below summarizes key operating features of the Miramar Hotel, as it existed prior to closing in October of 2000, the Schragger renovation plan approved in 2000, and the proposed Caruso project.

<i>Existing and Proposed Hotel Operations</i>			
<i>Operational Component</i>	<i>Previously Operating Miramar Hotel</i>	<i>Approved Schragger Plan</i>	<i>Proposed Caruso Plan</i>
<i>Number of rental units</i>	213	213	202
<i>Number of employee units</i>	2 Existing CUP allows 5 of the 213 units to be used for employee housing	4	4
<i>Banquet Hall/Ballroom</i>			
<i>Maximum number of seats</i>	535 No CUP limits; regulated	600	600
<i>Assembly Area</i>	12,386 SF	8,672 SF	8,467 SF
<i>Hours of Operation</i>	(No CUP limits) Operator currently requires indoor activities to conclude by 1 a.m. and outdoor activities by 10:30 p.m.	7 a.m. to 1 a.m. (outdoor activities to conclude by 10:30 p.m.)	7 am to 1 am (outdoor activities to conclude by 10:30 p.m.)
<i>Restaurants</i>			
<i>Number of seats</i>	193	193	193
<i>Hours of Operation</i>	(no CUP limits) 7 am to 11 p.m.	6:30 am to 11 p.m. (Bar closes at 2 am)	6:30 am to 11 p.m. (Bar closes at 2 am)
<i>Beach Bar/Snack House</i>			
<i>Number of seats</i>	65 (Rail Car Diner)	65	65
<i>Hours of Operation</i>	8 am to 3 p.m. weekdays 8 am to 5 p.m. weekends	9:30 am to 12 am (midnight)	9:30 am to 12 am (midnight)
<i>Beach Club Membership</i>	140	140	300
<i>Salon/Spa Use</i>	3-5 non-guests/day 9am to 9pm	13-15 non-guests/day 9 am to 9 pm	15 non-guests/day 9 am to 9 pm
<i>Parking Provided</i>	406	460 stalls	551 stalls
<i>FAR</i>		0.242	.2463

Our review indicated that, for the Caruso Project as proposed, excluding outdoor water use, and assuming the use of state of the art water saving technologies, water use would be comparable to the previously operating Miramar Hotel.

Historical water usage for the Miramar Hotel between 1989 and 1998 is shown in the table below. The 1998/99 water use year is not shown as the hotel closed in early 1999.

MIRAMAR HOTEL HISTORICAL USAGE									
Total All Meters	97/98	96/97	95/96	94/95	93/94	92/93	91/92	90/91	89/90
July	1872	1379	1209	1106	1082	1251	809	1554	2089
August	1799	1870	1654	1402	1212	1682	1094	1727	2338
September	1416	1190	1101	1040	756	1890	629	2121	2366
October	1505	1003	994	694	767	1591	690	1478	1459
November	829	823	923	657	641	533	618	1269	1149
December	729	625	698	645	483	550	590	1956	1144
January	602	419	588	334	396	376	766	1279	1397
February	605	611	428	517	426	502	626	1071	1250
March	972	956	640	594	665	567	858	525	1303
April	1164	1237	726	748	671	858	696	543	1142
May	1138	1358	943	730	751	744	841	784	1049
June	1419	1495	1121	1068	1124	832	1171	640	1523
Units (HCF)	14050	12966	11025	9535	8974	11376	9388	14947	18209
Units (AF)	32.3	29.8	25.3	21.9	20.6	26.1	21.6	34.3	41.8

The District's analysis of anticipated demand, based on the historical usage, has focused on per room or "key" usage. In this analysis, the District recognizes that all existing water fixtures were of the older inefficient and wasteful types that were very common for the period of the hotel operation. The fixtures in place were of the 3.5-5 gallon/flush toilet type tanks, 3-5 gallons per minute showerheads and 2 gallons per minute lavatory faucets.

A study prepared in August 1989 by Interface Environmental Services, titled *Water Demand and Conservation Study* ("Interface Water Demand Study") for the Santa Barbara South Coast region encompassing the City of Santa Barbara, the County of Santa Barbara, Goleta and a portion of Ventura County, focused on the water savings associated with the replacement of such older water-wasteful fixtures with water-saving, conservation fixtures for hotels. That Interface Water Demand Study is used by the City of Santa Barbara for its estimation of hotel water demand.

The Interface Water Demand Study estimates the water savings for each room or key was about 30% with replacement of inefficient water fixtures with state of the art water efficient technology. The base use was determined by analyzing water use in hotels within the south coast area, which determined that room or key usage averaged about 134 gallons per day. With the 30% water savings from modern water efficient, conservation technology, in-room or key usage is reduced to about 94 gallons per day. This results in a total projected demand for the Miramar Project of 21.4 acre-feet per year with 100% occupancy of its 204 proposed

rooms (most current revised Plan). With the estimated annual occupancy rate of 71 % used by Caruso Affiliated, the total in-room use for the 204 units is estimated at approximately 15.25 acre-feet per year.

The Interface Water Demand Study reports that room or interior usage accounts for 60-70% of a hotel's overall usage. At a conservative 60% interior usage estimate of 15.25 AF/year, the extrapolated total project usage is estimated at 26 AF/year with the 71 % occupancy rate. A "worst case" interior demand with 100% occupancy would be approximately 36 acre-feet per year, which is still within the Miramar's historic District water usage. While the Miramar Project may have some water usage that is above and beyond a typical hotel with the addition of a spa, pools and the clubhouse, the District expects that with appropriate use of water saving technology, overall potable water demand can still be met within historic usage and with existing District service.

Therefore, in the District's opinion and based on the Interface Water Demand Study, the expected Miramar project interior water use, with the above exception for landscaping and with the replacement of the prior inefficient and wasteful water fixtures with new state of the art water conservation fixtures, will be comparable to the historical usage. In addition, the use of state of the art water conservation technology and fixtures should also reduce peak water demands and enable the project to utilize the existing meters serving the property. This would avoid requiring an increase in meter size and increasing the demand on the District's limited water supply.

Comparing the District's estimation of projected Miramar water demand with the 117 acre-foot estimate shown in the County SEIR for the project, the District has the following comments which would further support the District's analysis.

The SEIR estimate of Clubhouse water use was not useful for the District because it did not show the number of fixtures. The clubhouse will serve up to 300 members; it is unclear if these are individual memberships or family memberships. This 17,482 square foot structure includes a sauna, locker room, showers, toilets and lavatory faucets. The District expects that any such clubhouse use would be included as part of the 40% non-room interior use discussed above, but in any case the District does not expect that it would require more than 2-4 acre-feet of water per year.

Water use for an onsite laundry facility has also been estimated in the SEIR at about 42 acre-feet of water per year. The District believes that this figure is about ten times the actual demand for such a hotel. The District has not been able to ascertain how this value was determined. The estimated laundry demand also does not account for savings from the use of rinse water reuse technology which should be incorporated into any project involving a laundry. Such water conservation technology should reduce laundry water demand to a point where it is consistent with the overall project. A reasonable estimate for such laundry use is expected to be no more than 4 acre-feet per year.

Other water use as estimated by Caruso for the kitchens, restaurants, meetings, and special events including weddings and conventions is set at about 25 acre-feet. These estimates also appear to be high. Again, looking at the Interface Water Demand Study, interior guestroom water use is normally 60-70% of the total facility demand. If we use the conservative 60%

figure for interior guestroom demand, then all other ancillary water usage (excluding landscape irrigation) at 40% would be less than 20 acre-feet per year.

Even assuming the laundry and clubhouse each use an additional 4 acre-feet per year, total project water demand (excluding landscaping) is less than 45 acre-feet. This is slightly greater than the maximum historical usage of 42 acre-feet, and is within the District's ability to serve the project with the existing meters. Project landscape usage noted above will be discussed further on in this letter.

The District has also compared the proposed Caruso Miramar Project water use estimates to the nearby, larger, Biltmore Hotel. The historical use for the Biltmore for the same period as that analyzed for the previous Miramar Hotel is shown in the table below. The Biltmore has its own onsite laundry facility, more water features, a greater number of rooms, more banquet facilities and larger landscaped area.

BILTMORE HOTEL HISTORICAL USAGE					
Total All Meters	98/99	97/98	96/97	95/96	94/95
July	3309	3418	3327	2529	2891
August	3133	2755	2938	3456	3314
September	2789	2745	2482	3211	2662
October	3154	2863	2493	2907	2221
November	2581	2316	2427	2597	2206
December	2477	2329	2250	2391	2365
January	2094	2323	2229	2222	1863
February	2165	1992	2334	2159	2153
March	2689	2954	2693	2706	2214
April	3375	2659	2916	2906	2242
May	2890	3272	2847	3708	2279
June	3148	2926	2505	3638	2535
Usage (HCF)	33804	32552	31441	34430	28945
Usage (AF)	77.6	74.7	72.2	79.0	66.4

The Biltmore water usage is greater than the historic Miramar usage, which is indicative of the large turf-based landscape area encompassing the Biltmore property. The difference in historic water use between the two hotels also illustrates that the estimated water use figures for the "new" Miramar Hotel used in the County SEIR are far higher than the larger "old" Biltmore.

In recent years, the Biltmore has expanded landscaping and amenities, yet its use has stayed constant or actually decreased, as shown in the table below for the most recent 10 year period.



Biltmore Hotel Water Use										
Total	07/08	06/07	05/06	04/05	03/04	02/03	01/02	00/01	99/00	98/99
July	3273	3166	3623	3220	3532	3820	3603	435	3737	3309
August	3486	3630	2900	3830	4119	2404	1709	10564	3574	3133
September	2778	2426	2921	3456	3121	1507	1964	3650	3210	2789
October	2512	2650	2519	2638	2947	3268	2341	3356	3252	3154
November	2779	2419	2264	2148	2299	2749	2314	2972	2594	2581
December	2186	1971	1062	2226	2715	2746	2090	2454	3158	2477
January	2427	2329	896	1685	1998	2816	2298	2827	2186	2094
February	1961	2541	873	2044	2258	2158	2202	1642	2459	2165
March	2735	2883	1335	1465	2134	2346	3720	2521	3079	2689
April	2887	2679	2116	2539	2784	2617	3590	2442	2966	3375
May	3454	3800	2448	2335	2374	1609	4662	2526	3628	2890
June	3405	2358	3433	2812	2821	4399	3524	2815	1421	3148
HCF	33883	32852	26390	30398	33102	32439	34017	38204	35264	33804
Acre Feet	77.8	75.4	60.6	69.8	76.0	74.5	78.1	87.7	80.9	77.6

The previously operated Miramar Hotel had significant areas dedicated to onsite vehicular access and parking. As such the grounds had extensive paving and limited landscaped area. The proposed Caruso Project removes interior site vehicle access, including the paved road right-of-way on Miramar Avenue, and replaces about 4.7 acres of asphalt surfaces with hardscape and landscaping.

Based on calculations provided by Santa Barbara County, this project's estimated exterior water use for landscaping and water features is about 12 acre-feet per year. At 12 acre-feet, the District recognizes that this landscape water demand estimate is equivalent to a little over 2 acre-feet per year per acre for the estimated 5.3 acres of open space. This low water demand value is indicative of a strong conservation-based project planting design and schedule.

MWD was advised early on by Caruso Affiliated that all such exterior use would be served from an onsite well, with total outdoor use less than the historic well use by the previously operating Miramar Hotel. Letters from MWD explained that the well on the property would be important in reducing water demand on the District's potable water supply. MWD also indicated that the well should not be considered a remedy for extravagant plantings and landscaping and that drought tolerant, low water use plantings should be emphasized in the overall landscape design.

MWD's review of the current Miramar Project SEIR issued by Santa Barbara County, shows that the water well is now no longer a part of the project. MWD was not informed until recently that the use of well water, which has been a part of the previously operated Miramar Hotel for decades, is no longer a viable water supply option for the project.

Regarding the use of well water at the site, the District is governed by a Groundwater Basin Management Plan under AB 3030 which was prepared in coordination with County and State

agencies. Based on that Plan, the District is the Groundwater Basin Manager for all properties within its service boundary. With this management designation and responsibility, MWD monitors water well levels District-wide twice a year to determine groundwater basin conditions. In its role as the groundwater basin manager, from time to time MWD will also consult with a registered hydro-geologist to ascertain groundwater conditions. MWD's support for use of a water well for the project is founded on its comprehensive understanding of water use within the groundwater basin. MWD was not consulted prior to the removal of this important alternate water supply. As its removal will increase project water demand the decision to remove the well as a project non-potable water source makes it imperative that the Caruso project further emphasize ways to utilize state of the art water conservation technology to reduce water demand.

MWD has discussed with Caruso Affiliated the possibility of the District re-activating a District-owned well that is currently not in use and not on the Miramar property. This water source has been designated by the District as a stand-by water supply. If the District determines that this stand-by water supply should be re-activated and that it will be of benefit to the community at large, and further if Caruso Affiliated will contribute and pay a proportionate share of the development costs, to be mutually determined by both parties, the District may increase the project base allotment from 45 acre-feet per year to 60 acre-feet per year. The base allotment increase from 45 acre-feet to 60 acre-feet is expected to cover that portion of project water used for outdoor irrigation purposes and is conditional on there being no water well in use on the property.

With this said, the District believes that a base allotment of 45 acre-feet, excluding water for landscape irrigation is a fair and appropriate value. The 45 acre-foot annual allotment would be the amount of water applied to the commercial classification block one rate (subject to the adoption of a new conservation rate structure by the District Board in August) which is currently \$4.25 per unit of water (100 cubic feet). All water used by the proposed project in excess of 45 acre-feet annually would be billed at the block 2 rate of \$5.90 per unit. The higher block 2 rate covers the estimated additional cost to the District for acquiring higher priced supplemental water that is above and beyond the District's normal supply. The 45 acre-foot base allotment will be divided into monthly allocations predicated on historic usage patterns for the property.

The District will serve project demand above that 45 acre-foot amount, to the extent, and consistent with the District ability to serve all other District customers and at the higher block water rate. The District expects it will be able to serve such additional amounts in most years, except in years of extreme shortage. In the event of a prolonged shortage in the District's normal supply the price difference from block 1 to block 2 will likely increase as the cost of water on the statewide water supplies market increases and the need for local conservation is enhanced.

The issue of providing water service during periods of peak flow has not been addressed in any of the documents reviewed by the District. The Miramar property is served by five water meters as shown in the table below. This table indicates size and, more important, the continuous and peak meter design rate of flow.

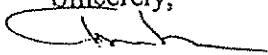
Meter Install Date	Meter Size (in)	Meter Peak Flow (GPM)	Meter Continuous Flow (GPM)
1924	2	180	130
1930	2	180	130
1955	2	180	130
1947	1 ½	125	88
1952	1	50	25
Total Flow		715	503

The previously operated Miramar Hotel was served without a flow deficiency and due to the similar size of the Caruso project, it was expected that the existing meters would be able to adequately serve the project. With increases in water demand to the property caused by the new ancillary facilities and landscaping, timing of flow demand will need to be coordinated for the existing five meters to serve the project. This concern needs to be further examined in order to ensure that there is not a need for new meters which would constitute an expansion of use on the property. Such potential impacts can be addressed, however, by inclusion of the above-referenced conservation fixtures and techniques, and by timing of landscape watering, pool maintenance and other similar activities to avoid peak guest demand. With infrastructure improvements and implementation of measures consistent with the District's attached conditions, the District expects to be able to serve the project through its existing services. A peak use study will need to be completed to confirm the flow adequacy of the existing meters during peak demand periods.

MWD has, from the beginning of the project under Caruso Affiliated, been proactive in alerting you to possible water supply issues. As a public agency, the District's goal is to work with its customers to help a project meet the reasonable needs of the customer without compromising the District or the community. The established 45 acre-foot base allotment is considered by the District to be a reasonable and appropriate project water demand estimate for interior water use. The District will continue work with Caruso Affiliated to provide additional project water above the 45 acre-foot base allotment subject to the terms and conditions noted above.

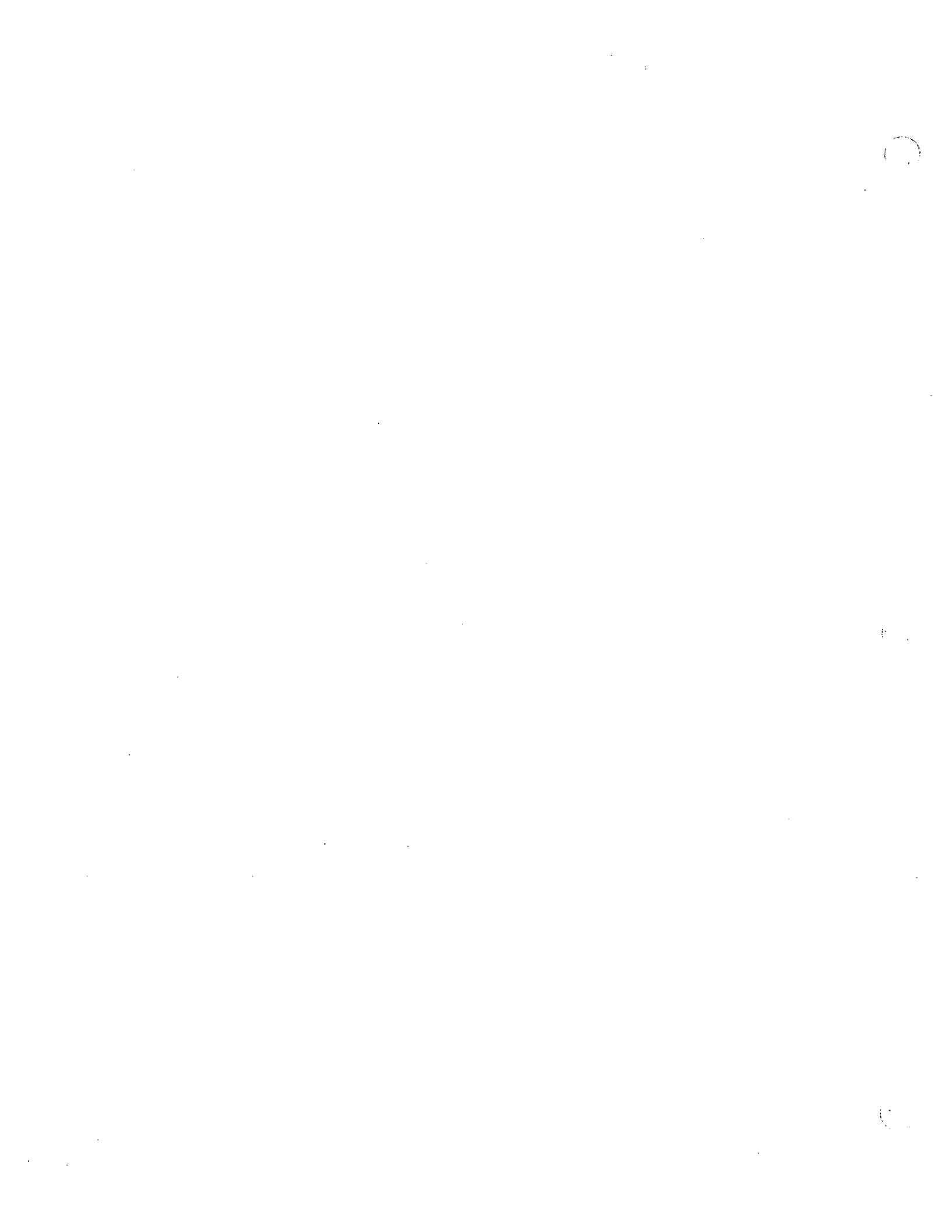
Once again, while the District expects that it will be able to serve additional project demand if it occurs, this will be at a higher rate, reflective of the District's actual cost to obtain such additional water supply. Please note that at times of severe drought or service interruption, the District may declare a water shortage emergency. In this emergency condition, the Miramar will be treated as other District customers and be subject to reductions in available water and/or cost increases necessary to conserve the remaining water supply for the community. Please contact me at (805) 969-2271 if you have any questions or require further clarification of the information provided above.

Sincerely,



Tom Mosby  
General Manager

cc: David Ward, County of Santa Barbara  
Rick Caruso, Caruso Affiliated



## MONTECITO WATER DISTRICT

Project: Miramar Beach Resort and Bungalows

### DISTRICT PROJECT CONDITIONS OF APPROVAL

Project conditions listed below apply to the Miramar Beach Resort and Bungalows Project (Project/Owner) as it is currently being proposed with the information currently available to the Montecito Water District (District). Conditions of Approval beyond those listed herein may be added in the event the Project Description is modified in such a manner that the water supply and water distribution to the Project deviates from what is currently proposed.

- Owner shall provide a water supply and peak demand study for the project prepared by a District approved water engineering consultant specializing in hotel/resort operations. Consultant shall be familiar with comprehensive water demand analysis with the application of the most current water saving fixtures and conservation design technology. The water supply and peak demand study shall be based on the existing water meter services to the Hotel property. The study shall be reviewed and approved by the District in writing as a condition of the project.
- Owner shall execute a District Public Water Main Extension/Relocation Agreement with the District and fulfill all obligations and responsibilities associated with the agreement.
- The Owner shall provide the District with a Preliminary Design Report (PDR) prepared by a District approved water resources engineering consultant. The PDR shall serve such purpose as to provide the District with sufficient information to determine if proposed pipeline sizes and alignments are acceptable and satisfy District requirements. The PDR shall contain at a minimum: a project description; plan view scaled engineering drawings of the District's existing public water distribution system infrastructure and easements on the property; all proposed project underground and surface improvements in conflict with existing District infrastructure; and easement corridors, existing and proposed locations of all District water meters, lateral connections to each meter, backflow protection devices, and all secondary connections for potable and non-potable property water uses. The PDR shall be reviewed and approved by the District in writing as a condition of the project.
- Owner shall provide the District with scaled engineering drawings, prepared by a civil engineer registered in the state of California showing all proposed relocated District facilities and new District easements that are being moved to avoid conflicts with proposed project underground and surface improvements. District facilities being relocated must be within a 12-foot wide (clear dimension with no obstructions) easement corridor accessible to District equipment at all times. Engineering drawings for relocated District facilities must be submitted in accordance with District Ordinances, construction

standards and all applicable health and safety code requirements. All public water system alterations and changes shall be reviewed and approved by the District in writing as a condition of this project.

- Owner shall make provisions for a non-potable water distribution system dedicated for outdoor irrigation using possible future reclaim or other non-potable water sources that may become available in the future.
- Owner shall utilize the latest generation of water efficient and conservation technologies to meet the project water use base allotment. Water conservation fixtures and equipment shall be utilized in Hotel operations with such equipment consisting of but not limited to; high efficiency rated commercial dishwashers and front loading laundry systems incorporating rinse water reuse technology, low flow water use interior fixtures, water-less urinals where appropriate in public restrooms. All water efficient technology shall meet the most current edition of the Uniform Plumbing Code and other applicable State and County ordinances and standards at the time of construction.
- Landscape irrigation systems and project landscaping shall be designed in accordance with the most current State Water Efficient Landscape Ordinance that is projected to be adopted by the State in the 2009 calendar year. Irrigation water requirements shall be designed in accordance with an ETo of 40-inches per year from the City of Santa Barbara CIMIS station with a ETo factor of .6, requiring a mixture of drought and low water use plantings with areas of turf. The State Water Efficient Landscape Ordinance makes reference to the use of "Smart" Irrigation controllers with soil moisture sensors and rain detected auto shutoff capabilities which shall be a condition of the irrigation system design and incorporated as part of the project.

## MONTECITO WATER DISTRICT

DATE: AUGUST 28, 2014  
TO: ANNE ALMY, Senior Planner – Santa Barbara County  
FROM: TOM MOSBY, General Manager  
RE: MIRAMAR BEACH RESORT AND BUNGALOWS - Revision, 14 RVP-63, 1555 South Jameson Lane

Dear Ms. Lieu

Please allow this email to respond to your email of August 18, 2014 concerning the above referenced project.

Responses to the two specific questions set forth in your email are as follows:

1. Would the proposed project result in overdraft or over-commitment of any groundwater basin or a significant increase in the existing overdraft or over-commitment of any groundwater basin? Or, is the previous allocation already considered in the District's water demand?

The proposed project will not adversely affect/impact groundwater supplies because, as presently proposed, it does not propose use of groundwater.

2. Would the proposed project result in a substantial reduction in the amount of water otherwise available for public water supplies? Or, is the previous allocation already considered in the District's water demand?

The Miramar is a commercial customer of the District with 5 active water meters. However, the Miramar had no water allocation under Ordinance 93 because the project was not in use when those allocations were determined. The CWSA for the project contains a 45 Acre Foot ("AF") base annual allocation, which is less than 1% of the available water supply under Ordinance 93. A base allocation, of course, is not a promise that any particular volume of water will be available under current conditions of extreme drought. However, this project will share in available water supplies of the District on the same terms as other commercial customers of the District and be subject to service restrictions on the same terms as those other commercial customers.

Please note that the following issues require consideration and review by the County relative to this project:

1. Montecito Water District submitted project conditions of approval to the County on or about August 27, 2008, and compliance with those conditions is still a requirement for this project. A pdf copy of those conditions is attached to this email.

2. On February 11, 2014, Montecito Water District passed Ordinance 92, declaring a Water Shortage Emergency and providing for restrictions on use of water and penalties for failure to comply with conservation measures. Given its rapidly diminishing water supply, the District adopted Ordinance 93 on February 21, 2014, establishing a mandatory water rationing program for all of its customers and penalties for consumption in excess of allocation.

Currently, under Ordinance 93, the District has allocated 5,300 AF of water for the current water year amongst its active customers. Although the District had originally anticipated having to further reduce these allocations as we moved into the 2014 -15 water year (which commences October 1, 2014), due to the extraordinary conservation efforts by our customers and the aggressive procurement of supplemental (emergency) supplies of water by the District, we are now able to continue the existing allocation of 5,300 AF of water into the new year.

The District currently projects having only 2,070 AF of water to allocate for the 2015-16 water year, which is nearly 61% less water than is currently being allocated amongst the District's customers. The District will continue to explore opportunities to procure additional sources of supply, however, this is the most current information we can provide, given the extremely serious and dynamic nature of the situation.

As set forth above, the CWSA for this project allocates 45 AF of base allocation to the Miramar. This allocation was based upon the District's water supply during normal situations, and we are currently in a statewide and local Water Shortage Emergency.

The District will honor the Certificate of Water Service Availability for the project, and the 45 AF base allocation set forth therein. However, as with all other District customers, the amount of water available to serve the property in the future cannot be guaranteed while a Water Shortage Emergency exists, but this property will be treated on the same terms as other active commercial customers of the District.

3. In light of the Water Shortage Emergency, the County should consider dust control restriction measures during project grading that require the use of non-potable water.



## MONTECITO WATER DISTRICT

Project: Miramar Beach Resort and Bungalows

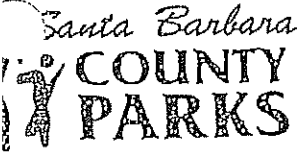
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el C. Hernandez, MPA  
Director of Parks  
(805) 568-2461

Michael Gibson, MPA  
Business Manager  
(805) 568-2477

Beltranena, AIA, AICP  
Project Manager  
(805) 568-2470

Jeff Stone  
North County  
Deputy Director  
(805) 934-6145

Erik Axelsson  
South County  
Deputy Director  
(805) 681-5651

ark Administration Office  
610 Mission Canyon Road  
Santa Barbara, CA 93105  
Tel: (805) 568-2461  
Fax: (805) 568-2459

North County  
Park Operations  
300 Goodwin Road  
Santa Maria, CA 93455  
Tel: (805) 934-6123  
Fax: (805) 934-6213

South County  
Park Operations  
4568 Calle Real, Building E  
Santa Barbara, CA 93110  
Tel: (805) 681-5650  
Fax: (805) 681-5657

Cachuma Lake  
Recreation Area  
HC 59, Hwy. 154  
Santa Barbara, CA 93105  
Tel: (805) 686-5055  
Fax: (805) 686-5075

July 11, 2008

TO: Anne Almy, Planner  
Planning & Development

FROM: Claude Garciacelay, Park Planner *[Signature]*

RE: 07RVP-009 / 07CUP-047 Miramar  
APN 009-371-003, -004; 009-372-001; 009-333-010; 009-010-002

County Parks recommends the following condition(s) to the approval of the above referenced project:

- 1) Pursuant to the provisions of Ordinance 4348 and the appurtenant fee resolutions adopted by the Board of Supervisors, the applicant will be required to pay a development mitigation fee for new dwelling unit(s) to offset the project's potential impact on the County's park system. Said fee will be used in conjunction with other similar fees collected in the area to provide park and recreational facilities in the Regional Demand Area.

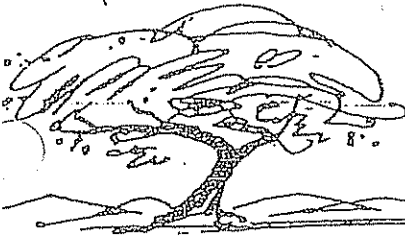
The current applicable fee in the demand area for employee residential unit is \$760 per unit. The total fee for the project would be \$3,040.00 (4 unit(s)). Fees are payable prior to final inspection. The final fee amount shall be based on the fee schedule in effect when paid and fee schedules are subject to annual adjustments. This office will not accept or process a check received prior to project permit approval by the decision maker.

The check must be made out to COUNTY OF SANTA BARBARA, and can be paid in person or mailed to: Santa Barbara County Parks, Rocky Nook Park, 610 Mission Canyon Road, Santa Barbara, CA 93105, or in person at our north county administrative office at Waller Park, 300 Goodwin Road, Santa Maria, CA 93455.

c: Owner:  
Matt Middlebrook, Caruso BSC Miramar, LLC  
101 The Grove Drive, Los Angeles CA 90036

Agent:  
Jane Gray, Dudeck  
621 Chapala St., Santa Barbara CA 93101





# Montecito Sanitary District

1042 Monte Cristo Lane  
Santa Barbara, CA 93108  
General Manager: Diane M. Gabriel

*A Public Service Agency*

PHONE: (805) 969-4200  
FAX: (805) 969-9049  
E-MAIL: DGabriel@montsan.org

October 2, 2008

Ms. Anne Almy  
S B County Planning and Development  
105 East Anapamu Street  
Santa Barbara, CA 93101

**SUBJECT:** Proposed Miramar Hotel Development

Dear Ms. Almy,

We are providing the following information specific to the process that the Montecito Sanitary District would go through to permit the currently proposed Miramar development project.

The August 20, 2008 memorandum from Caruso regarding water consumption indicates that they will be using low-flow plumbing fixtures and water efficient appliances. Table 1 of the memorandum estimates the internal water consumption to be approximately 40 acre-feet per year or approximately 40,000 gallons of wastewater discharging to the District's sewage system per day. These figures are considered to be just estimates and more detailed calculations will be necessary.

Prior to County building permit issuance the following is required:

- Execute a "Dedication Agreement for Sewer facilities" between the District and Caruso. As you are aware through prior correspondence from Caruso Affiliated, the developer has agreed to construct, to district standards, an on-site sewer lift station. At the developer's expense, the lift station will need to be sized and designed by a licensed civil engineer, constructed by an experienced and qualified contractor and dedicated to the District. This work will be performed under a "Dedication Agreement for Sewer Facilities."
- The District must receive and approve engineered plans and specifications for the construction of all required sewage collection system elements. The flows to the system will be determined following calculations performed by a licensed engineer for the specific fixtures to be installed in each portion of the project (i.e., flows from faucets in guest rooms, flows from dishwasher(s), flows from toilets, flows from pool and spa facilities, flow from the laundry etc.)

Ms. Anne Almy  
October 2, 2008  
Page Two

- Applicant must provide the District with information regarding the proposed flows to the District's sewer system from all additional and new sources. The District will then be able to calculate connection permit fees, in accordance with the District's fee Resolution in place at the time of submittal, using the former hotel and restaurant sizes and functions as the baseline.
- Applicant will pay the District all connection fees, agreement fees, plan check fees, inspection fees, performance deposits and all other fees that may be in place at the time of application.

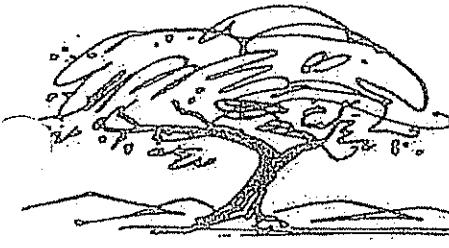
Please feel free to contact me if you have any questions regarding these requirements.

Sincerely,



Diane M. Gabriel, P.E.  
General Manager/District Engineer

DMG/dh



# Montecito Sanitary District

1042 Monte Cristo Lane  
Santa Barbara, CA 93108  
General Manager: Diane M. Gabriel, P.E.  
*A Public Service Agency*

PHONE: (805) 969-4200  
FAX: (805) 969-9049  
E-MAIL: dgabriel@montsan.org

September 8, 2014

RECEIVED

SEP 11 2014

S.B. COUNTY  
PLANNING & DEVELOPMENT

Ms. Nicole Lieu  
S.B. County Planning and Development  
105 East Anapamu Street  
Santa Barbara, CA 93101

SUBJECT: PROPOSED REVISED MIRAMAR HOTEL PROJECT – SANITARY SEWER SERVICE

Dear Ms. Lieu:

This letter is in response to your verbal request to have written documentation that the Montecito Sanitary District will serve the proposed revised Miramar Hotel Project. As you are aware, sanitary sewer service can only be provided to the Miramar Hotel Project if a new sewer force main and a sewer lift station are constructed. All costs associated with the permitting, design, construction, construction management and inspections of these facilities will be the responsibility of the applicant. The applicant will also be required to pay the District all connection fees, agreement fees, plan check fees, inspection fees and performance deposits and all other fees that may be in place at the time, including but not limited to fees associated with the funding of a wastewater treatment plant expansion as is statutorily required of the District by the State of California.

The location of the proposed sewer lift station has been preliminarily located by the applicant however this location may be subject to change as the District deems appropriate. Additionally, the length of the proposed sewer force main in South Jameson Lane is over 3,000 feet in length and will cross through the San Ysidro/ Eucalyptus Lane intersection with South Jameson. The sewer main construction may require relocation of other underground utilities. The specifics of such relocations, potential service interruptions and the duration of the construction effort in the public right-of-way are all unknown at this time. The construction of the sewer main in the public right-of-way will require the applicant to obtain a Road Encroachment Permit from the County of Santa Barbara Roads Division as well as Caltrans. All conditions of these permits must be met by the applicant including the potential requirement of a full width pavement overlay along the force main alignment. All costs to plan, design, permit and construct the necessary improvements shall be paid by the applicant.

Please feel free to contact me if you have any questions regarding these requirements.

Sincerely,

Diane M. Gabriel, P.E.  
General Manager/District Engineer







## COUNTY OF SANTA BARBARA

# Planning and Development

www.sbcountyplanning.org

### COASTAL DEVELOPMENT PERMIT NO: 14CDP-00000-00086

**Project Name:** MIRAMAR HOTEL REVISION  
**Project Address:** 1555 S JAMESON LN, SANTA BARBARA, CA 93108  
**A.P.N.:** 009-345-031  
**Zone:** 7-R-1

The Planning and Development Department hereby approves and intends to issue this Coastal Development Permit for the development described below, based upon the required findings and subject to the attached terms and conditions.

**APPROVAL DATE:** 1/21/2015  
**LOCAL APPEAL PERIOD BEGINS:** 1/22/2015  
**LOCAL APPEAL PERIOD ENDS:** 2/2/2015

**APPEALS:** The approval of this Coastal Development Permit may be appealed to the Montecito Planning Commission by the applicant, or an aggrieved person. The written and accompanying fee must be filed with the Planning and Development Department at either at 123 East Anapamu Street, Santa Barbara or 624 West Foster Road, Suite C, Santa Maria, by 5:00 p.m. on or before the appeal period end date identified above.

The final action by the County on this Coastal Development Permit may be appealed to the California Coastal Commission after the appellant has exhausted all local appeals. Therefore a fee is not required to file an appeal of this Coastal Development Permit.

To receive additional information regarding this project and/or to view the application and plans, please contact Nicole Lieu at 123 East Anapamu Street, Santa Barbara, 93101, by email at [nmashore@co.santa-barbara.ca.us](mailto:nmashore@co.santa-barbara.ca.us), or by phone at (805)884-8068.

**PERMIT ISSUANCE:** This permit shall not issue prior to the expiration of the appeal period, or if appealed, prior to the final action on the appeal by the decision-maker (see Article II, Section 35-182 (Appeals)); nor shall this permit issue until all prior-to-issuance conditions have been satisfied or any other necessary approvals have been obtained. If final action is appealable to the California Coastal Commission, this permit shall not issue until 10 working days following the date of receipt by the California Coastal Commission of the County's Notice of Final Action during which time an appeal of the action may be filed in compliance with Article II, Section 35-182 (Appeals). If an appeal is filed with the California Coastal Commission, this permit shall not issue prior to the final action on the appeal by the California Coastal Commission.

**PROJECT DESCRIPTION SUMMARY:** Revisions to Development Plan 07RVP-00000-00009 (as amended by 10AMD-00000-00010) to redevelop the Miramar Hotel

**PROJECT SPECIFIC CONDITIONS:** See Attachment "A"

*ASSOCIATED CASE NUMBERS:* 14RVP-00000-00063

*PERMIT COMPLIANCE CASE:* Not Applicable

*BOARD OF ARCHITECTURAL REVIEW (BAR):* Not Applicable

**WARNING! THIS IS NOT A BUILDING/GRADING PERMIT.**

**TERMS OF PERMIT ISSUANCE:**

**Work Prohibited Prior to Permit Issuance.** No work, development, or use intended to be authorized pursuant to this approval shall commence prior to issuance of the Coastal Development Permit and/or any other required permit. (e.g., building permit).

**Date of Permit Issuance.** This permit shall be issued and deemed effective on the date signed and indicated below.

**Time Limit.** The approval of this Coastal Development Permit shall be valid for one year from the date of approval. Failure to obtain a required construction, demolition, or grading permit and to lawfully commence development within two years of permit issuance shall render this Coastal Development Permit null and void.

**NOTE:** Issuance of a permit for this project does not allow construction or use outside of the project description, or terms or conditions; nor shall it be construed to be an approval of a violation of any provision of any County policy, ordinance or other governmental regulation.

**OWNER/APPLICANT ACKNOWLEDGMENT:** Undersigned permittee acknowledges receipt of this approval and agrees to abide by all terms and conditions thereof.

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**Planning and Development Department Approval by:**

\_\_\_\_\_  
Planner

\_\_\_\_\_  
Date

**Planning and Development Department Issuance by:**

\_\_\_\_\_  
Planner

\_\_\_\_\_  
Date



ATTACHMENT-C

SANTA BARBARA COUNTY CONDITIONAL USE PERMIT  
ARTICLE II, CHAPTER 35

14AMD-00000-00010 (Amending 07CUP-00000-00045)  
Miramar Beach Resort and Bungalows Project  
Hotel Improvements within the Transportation Corridor Zone District

I. A Conditional Use Permit is Hereby Granted:

TO: Caruso BSC Miramar, LLC

APNs: 009-371-003, -004, 009-372-001, 009-343-010, 009-333-010, 009-344-008, 009-010-002

PROJECT ADDRESS: 1555 South Jameson Lane, Santa Barbara, CA 93108

ZONE: Resort/Visitor Serving Commercial (CV) and Transportation Corridor (TC) (APN 009-010-002)

AREA: Montecito

SUPERVISORIAL DIST.: First

FOR: Hotel improvements within the Transportation Corridor Zone District

II. This permit is subject to compliance with the following condition(s):

1. This Conditional Use Permit is based upon and limited to compliance with the project description, the associated Final Development Plan for the Miramar Beach Resort and Bungalows Project (14AMD-00000-00063 amending 07RVP-00000-00009), the conditions of approval associated with 14AMD-00000-00063 and the conditions of approval included below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the by Planning and Development for conformity with this approval. Deviations may require modification to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

- Hotel improvements within the Transportation Corridor (TC) Zone District consistent with (14AMD-00000-00063 amending 07RVP-00000-00009). Improvements would include construction of drainage improvements, a fire access lane, a guard house, parking spaces, an ice cream stand, and landscaping within TC zoned property owned by the Union Pacific Railroad.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project

description and the approved hearing exhibits and conditions of approval hereto. All plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

Within eighteen months after granting this permit, construction and/or the use shall commence. (eighteen months is measured from expiration of a 10 day appeal period, or the date after the matter is heard and approved on appeal to the Board of Supervisors.)

2. Developer shall defend, indemnify and hold harmless the County or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of the Conditional Use Permit. In the event that the County fails promptly to notify the applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.
3. In the event that any condition imposing a fee, exaction, dedication or other mitigation measure is challenged by the project sponsors in an action filed in a court of law or threatened to be filed therein which action is brought within the time period provided for by law, this approval shall be suspended pending dismissal of such action, the expiration of the limitation period applicable to such action, or final resolution of such action. If any condition is invalidated by a court of law, the entire project shall be reviewed by the County and substitute conditions may be imposed.
4. This Conditional Use Permit is not valid until a Zoning Clearance for the development and/or use has been obtained. Failure to obtain said Zoning Clearance shall render this Conditional Use Permit null and void. Prior to the issuance of the Zoning Clearance, all of the conditions listed in this Conditional Use Permit that are required to be satisfied prior to issuance of the Zoning Clearance must be satisfied. Upon issuance of the Zoning Clearance, the Conditional Use Permit shall be valid. The effective date of this Permit shall be the date of expiration of the appeal period, or if appealed, the date of action by the Board of Supervisors.
5. If the Planning Commission determines at a Noticed Public Hearing, that the permittee is not in compliance with any permit condition(s), pursuant to the provisions of Sec. 35-172 of Article II of the Santa Barbara County Code, the Planning Commission is empowered, in addition to revoking the permit pursuant to said section, to amend, alter, delete, or add conditions to this permit.
6. Any use authorized by this CUP shall immediately cease upon expiration or revocation of this CUP. Any LUP or Zoning Clearance issued pursuant to this CUP shall expire upon expiration or revocation of the CUP. CUP renewals must be applied for prior to expiration of the CUP.
7. The applicant's acceptance of this permit and/or commencement of construction and/or operations under this permit shall be deemed to be acceptance by the permittee of all conditions of this permit.
8. Within 18 months after the effective date of this permit, construction and/or the use shall commence. Construction or use cannot commence until a Zoning Clearance has been issued.

9. If the applicant requests a time extension for this permit/project, the permit/project may be revised to include updated language to standard conditions and/or mitigation measures and additional conditions and/or mitigation measures which reflect changed circumstances or additional identified project impacts. Mitigation fees shall be those in effect at the time of issuance of land use clearance.

III. This permit is issued pursuant to the provisions of Section 35-172 of Article II of the Code of Santa Barbara County and is subject to the foregoing conditions and limitations; and this permit is further governed by the following provisions:

- a. If any of the conditions of the Conditional Use Permit are not complied with, the Planning Commission, after written notice to the permittee and a noticed public hearing, may in addition to revoking the permit, amend, alter, delete or add conditions to this permit at a subsequent public hearing noticed for such action.
- b. A Conditional Use Permit shall become null and void and automatically revoked if the use permitted by the Conditional Use Permit is discontinued for more than one year.
- c. Said time may be extended by the Planning Commission one time for good cause shown, provided a written request, including a statement of reasons for the time limit extension request is filed with Planning and Development prior to the expiration date.







COUNTY OF SANTA BARBARA

Planning and Development

www.sbcountyplanning.org

**COASTAL DEVELOPMENT PERMIT NO: 14CDP-00000-00090**

**Project Name:** MIRAMAR HOTEL IMPROVEMENTS  
**Project Address:** 1555 S JAMESON LN, SANTA BARBARA, CA 93108  
**A.P.N.:** 009-345-031  
**Zone:** 7-R-1

The Montecito Planning Commission hereby approves and intends to issue this Coastal Development Permit for the development described below, based upon the required findings and subject to the attached terms and conditions.

**APPROVAL DATE:** 1/21/2015  
**LOCAL APPEAL PERIOD BEGINS:** 1/22/2015  
**LOCAL APPEAL PERIOD ENDS:** 2/2/2015

**APPEALS:** The approval of this Coastal Development Permit may be appealed to the Montecito Planning Commission by the applicant, or an aggrieved person. The written and accompanying fee must be filed with the Planning and Development Department at either at 123 East Anapamu Street, Santa Barbara or 624 West Foster Road, Suite C, Santa Maria, by 5:00 p.m. on or before the appeal period end date identified above.

The final action by the County on this Coastal Development Permit may be appealed to the California Coastal Commission after the appellant has exhausted all local appeals. Therefore a fee is not required to file an appeal of this Coastal Development Permit.

To receive additional information regarding this project and/or to view the application and plans, please contact Nicole Lieu at 624 West Foster Road, Suite C, Santa Maria, 93455, by email at nmashore@co.santa-barbara.ca.us, or by phone at (805)884-8068.

**PERMIT ISSUANCE:** This permit shall not issue prior to the expiration of the appeal period, or if appealed, prior to the final action on the appeal by the decision-maker (see Article II, Section 35-182 (Appeals)); nor shall this permit issue until all prior-to-issuance conditions have been satisfied or any other necessary approvals have been obtained. If final action is appealable to the California Coastal Commission, this permit shall not issue until 10 working days following the date of receipt by the California Coastal Commission of the County's Notice of Final Action during which time an appeal of the action may be filed in compliance with Article II, Section 35-182 (Appeals). If an appeal is filed with the California Coastal Commission, this permit shall not issue prior to the final action on the appeal by the California Coastal Commission.

**PROJECT DESCRIPTION SUMMARY:** Hotel improvements within the Transportation Corridor (TC) Zone District consistent with (14AMD-00000-00063 amending 07RVP-00000-00009). Improvements would include construction of drainage improvements, a fire access lane, a guard house, parking spaces, an ice cream stand, and landscaping within TC zoned property owned by the Union Pacific Railroad.

*PROJECT SPECIFIC CONDITIONS:* See Attachment "A"

*ASSOCIATED CASE NUMBERS:* None

*PERMIT COMPLIANCE CASE:* Not Applicable

*BOARD OF ARCHITECTURAL REVIEW (BAR):* Not Applicable





ATTACHMENT-D

SANTA BARBARA COUNTY CONDITIONAL USE PERMIT  
ARTICLE II, CHAPTER 35

14AMD-00000-00011 (Amending 07CUP-00000-00046)  
Miramar Beach Resort and Bungalows Project  
Construction of a 10 to 14-foot Soundwall

I. A Conditional Use Permit is Hereby Granted:

TO: Caruso BSC Miramar, LLC

APNs: 009-371-003, -004, 009-372-001, 009-343-010, 009-333-010, 009-344-008, 009-010-002

PROJECT ADDRESS: 1555 South Jameson Lane, Santa Barbara, CA 93108

ZONE: Resort/Visitor Serving Commercial (CV) and Transportation Corridor (TC) (APN 009-010-002)

AREA: Montecito

SUPERVISORIAL DIST.: First

FOR: Construction of a 10 to 14 foot sound wall (measured from the South Jameson Lane frontage) within front and side yard setbacks along South Jameson Lane.

II. This permit is subject to compliance with the following condition(s):

10. This Conditional Use Permit is based upon and limited to compliance with the project description, the associated Final Development Plan for the Miramar Beach Resort and Bungalows Project (14AMD-00000-00063 amending 07RVP-00000-00009), the conditions of approval associated with 14AMD-00000-00063 and the conditions of approval included below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the by Planning and Development for conformity with this approval. Deviations may require modification to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

- A sound barrier along South Jameson Lane consistent with (14AMD-00000-00063 amending 07RVP-00000-00009). This sound barrier would consist of a 10 to 14 foot high (as measured from the South Jameson Lane grade) sound wall.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project

- description and the approved hearing exhibits and conditions of approval hereto. All plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.  
Within eighteen months after granting this permit, construction and/or the use shall commence. (eighteen months is measured from expiration of a 10 day appeal period, or the date after the matter is heard and approved on appeal to the Board of Supervisors.)
11. Developer shall defend, indemnify and hold harmless the County or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of the Conditional Use Permit. In the event that the County fails promptly to notify the applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.
  12. In the event that any condition imposing a fee, exaction, dedication or other mitigation measure is challenged by the project sponsors in an action filed in a court of law or threatened to be filed therein which action is brought within the time period provided for by law, this approval shall be suspended pending dismissal of such action, the expiration of the limitation period applicable to such action, or final resolution of such action. If any condition is invalidated by a court of law, the entire project shall be reviewed by the County and substitute conditions may be imposed.
  13. This Conditional Use Permit is not valid until a Zoning Clearance for the development and/or use has been obtained. Failure to obtain said Zoning Clearance shall render this Conditional Use Permit null and void. Prior to the issuance of the Zoning Clearance, all of the conditions listed in this Conditional Use Permit that are required to be satisfied prior to issuance of the Zoning Clearance must be satisfied. Upon issuance of the Zoning Clearance, the Conditional Use Permit shall be valid. The effective date of this Permit shall be the date of expiration of the appeal period, or if appealed, the date of action by the Board of Supervisors.
  14. If the Planning Commission determines at a Noticed Public Hearing, that the permittee is not in compliance with any permit condition(s), pursuant to the provisions of Sec. 35-172 of Article II of the Santa Barbara County Code, the Planning Commission is empowered, in addition to revoking the permit pursuant to said section, to amend, alter, delete, or add conditions to this permit.
  15. Any use authorized by this CUP shall immediately cease upon expiration or revocation of this CUP. Any LUP or Zoning Clearance issued pursuant to this CUP shall expire upon expiration or revocation of the CUP. CUP renewals must be applied for prior to expiration of the CUP.
  16. The applicant's acceptance of this permit and/or commencement of construction and/or operations under this permit shall be deemed to be acceptance by the permittee of all conditions of this permit.
  17. Within 18 months after the effective date of this permit, construction and/or the use shall commence. Construction or use cannot commence until a Zoning Clearance has been issued.

18. If the applicant requests a time extension for this permit/project, the permit/project may be revised to include updated language to standard conditions and/or mitigation measures and additional conditions and/or mitigation measures which reflect changed circumstances or additional identified project impacts. Mitigation fees shall be those in effect at the time of issuance of land use clearance.
- III. This permit is issued pursuant to the provisions of Section 35-172 of Article II of the Code of Santa Barbara County and is subject to the foregoing conditions and limitations; and this permit is further governed by the following provisions:
- a. If any of the conditions of the Conditional Use Permit are not complied with, the Planning Commission, after written notice to the permittee and a noticed public hearing, may in addition to revoking the permit, amend, alter, delete or add conditions to this permit at a subsequent public hearing noticed for such action.
  - b. A Conditional Use Permit shall become null and void and automatically revoked if the use permitted by the Conditional Use Permit is discontinued for more than one year.
  - c. Said time may be extended by the Planning Commission one time for good cause shown, provided a written request, including a statement of reasons for the time limit extension request is filed with Planning and Development prior to the expiration date.







COUNTY OF SANTA BARBARA

Planning and Development

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**COASTAL DEVELOPMENT PERMIT NO: 14CDP-00000-00091**

**Project Name:** MIRAMAR HOTEL SOUND WALL  
**Project Address:** 1555 S JAMESON LN, SANTA BARBARA, CA 93108  
**A.P.N.:** 009-345-031  
**Zone:** 7-R-1

The Montecito Planning Commission hereby approves and intends to issue this Coastal Development Permit for the development described below, based upon the required findings and subject to the attached terms and conditions.

**APPROVAL DATE:** 1/21/2015  
**LOCAL APPEAL PERIOD BEGINS:** 1/22/2015  
**LOCAL APPEAL PERIOD ENDS:** 2/2/2015

**APPEALS:** The approval of this Coastal Development Permit may be appealed to the Montecito Planning Commission by the applicant, or an aggrieved person. The written and accompanying fee must be filed with the Planning and Development Department at either at 123 East Anapamu Street, Santa Barbara or 624 West Foster Road, Suite C, Santa Maria, by 5:00 p.m. on or before the appeal period end date identified above.

The final action by the County on this Coastal Development Permit may be appealed to the California Coastal Commission after the appellant has exhausted all local appeals. Therefore a fee is not required to file an appeal of this Coastal Development Permit.

To receive additional information regarding this project and/or to view the application and plans, please contact Nicole Lieu at 123 East Anapamu Street, Santa Barbara, 93101, by email at nmashore@co.santa-barbara.ca.us, or by phone at (805)884-8068.

**PERMIT ISSUANCE:** This permit shall not issue prior to the expiration of the appeal period, or if appealed, prior to the final action on the appeal by the decision-maker (see Article II, Section 35-182 (Appeals)); nor shall this permit issue until all prior-to-issuance conditions have been satisfied or any other necessary approvals have been obtained. If final action is appealable to the California Coastal Commission, this permit shall not issue until 10 working days following the date of receipt by the California Coastal Commission of the County's Notice of Final Action during which time an appeal of the action may be filed in compliance with Article II, Section 35-182 (Appeals). If an appeal is filed with the California Coastal Commission, this permit shall not issue prior to the final action on the appeal by the California Coastal Commission.

**PROJECT DESCRIPTION SUMMARY:** A sound barrier along South Jameson Lane consistent with (14AMD-00000-00063 amending 07RVP-00000-00009). This sound barrier would consist of a 10 to 14 foot high (as measured from the South Jameson Lane grade) sound wall.

**PROJECT SPECIFIC CONDITIONS:** See Attachment "A"

*ASSOCIATED CASE NUMBERS:* 14AMD-00000-00011

*PERMIT COMPLIANCE CASE:* Not Applicable

*BOARD OF ARCHITECTURAL REVIEW (BAR):* Not Applicable



