

**ATTACHMENT 3 - NOTICE OF EXEMPTION**

**TO:** Santa Barbara County Clerk of the Board of Supervisors

**FROM:** Willow Brown, Planning & Development Department

2024 DEC 11 AM 11:05

The project or activity identified below is determined to be exempt from further environmental review requirements of the California Environmental Quality Act (CEQA) of 1970, as defined in the State and County Guidelines for the implementation of CEQA.

**APN:** 009-371-007, 009-333-013, & 009-010-004

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

**Location:** 1759 S Jameson Lane and 96 Eucalyptus Lane, Montecito, CA 93108

**Project Title:** Miramar Acquisition Co., LLC – Housing – Mixed-Use Development

**Project Applicant:** Miramar Acquisitions Co., LLC

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

- A Revision to Development Plan Case No. 14RVP-00000-00063 to allow 54,768 square feet of development in the CV (Visitor Serving Commercial) Zone, consisting of affordable employee and market-rate apartments and 17,500 square feet of commercial space;
- A Revision to Conditional Use Permit Case No. 07CUP-00000-00047 to allow residential uses consisting of 26 affordable employee apartments and eight market-rate apartments;
- An Amendment to Conditional Use Permit Case No. 07CUP-00000-00045 for hotel improvements in the Transportation Corridor Zone District within the Union Pacific railroad (UPRR) right-of-way; and
- An associated Coastal Development Permit to allow for the development and the uses.

The proposed residential and commercial development will be located in the existing northwest and northeast parking lots on site. Development in the northwest parking lot will consist of two new mixed-use buildings, Building A and Building B. Building A will be 16,597 square feet, with 8,573 square feet of residential square footage and 8,024 square feet of commercial square footage. Building A will have a maximum height of 33'-5". Building B will be 19,069 square feet, with 9,593 square feet of residential square footage and 9,476 square feet of commercial square footage. Building B will have a maximum height of 30'-2". There will be eight market-rate apartments (four on the second-floor of each building) comprised of one one-bedroom unit, four two-bedroom units, and three three-bedroom units. The first floor of the buildings will be commercial space including 15,000 square feet of resort shops and a 2,500-square-foot café. There will be up to 12 resort shops that will be resort/visitor-serving light commercial uses similar

in nature to the existing resort shops on site, such as resort-oriented clothing shops, jewelry stores, and wellness/beauty shops. There will also be a subterranean parking lot with 79 parking spaces.

Development in the northeast parking lot will consist of one new residential building, Building C. Building C will be 19,102 square feet and will have a maximum height of 40'-9". There will be 26 affordable employee apartments, comprised of 19 studio units, one one-bedroom unit, and six two-bedroom units. To the south of Building C, there will be a reconfigured parking area with 350 spaces comprised of 113 striped surface spaces, 60 valet spaces, 126 car stacker spaces, and an elevated parking deck with 42 striped spaces and 10 valet spaces. All proposed buildings will be fully electric to comply with the 2030 Climate Action Plan and the project will voluntarily comply with the other requirements in the Consistency Checklist.

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

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

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

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

The proposed affordable employee apartments (Building C) will consist of nine very low income units, nine low income units, and eight moderate income units. The applicant agrees to the continued affordability of the very low, low, and moderate income units for the life of the development. Pursuant to State Density Bonus Law, an applicant may submit to the county a proposal for the waiver or

reduction of development standards that will have the effect of physically precluding the construction of the development. The applicant proposes the following waivers of development standards:

1. To allow for a FAR increase to 0.29 in lieu of the 0.25 FAR permitted in the C-V Zone.
2. To allow for three stories for Building C in lieu of two stories allowed in the Montecito Community Plan area.
3. To allow for a height of 40'-9" for Building C in lieu of the 38' height limit for the C-V Zone.
4. To allow 27.74% of the net lot area for common open space in lieu of the 40% open space requirement in the C-V Zone.
5. To allow for reduced setbacks for Buildings A, B, and C, and reduced setbacks for parking.

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

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

#### **Structural Development**

- 43,318-square-foot main building including spa, fitness, all-day dining, bar, lobby, ballroom, meeting rooms, retail uses, and back of house/administrative functions.
- 3,932-square-foot beach bar and oceanfront restaurant.
- 1,892-square-foot sushi restaurant.
- 3,870-square-foot beach club.
- 105,206 square feet of guest rooms (154 guest rooms).
- 2,306-square-foot activity center/storage.
- 200-square-foot ice cream and guard station.
- Two pools, a smaller pool in the western portion of the lawn south of the main building and the main pool to the east of the lawn south of the lobby building.
- 300-square-foot adult pool restrooms.
- 30 affordable employee housing units totaling 20,960 square feet.
- Eight market-rate apartments totaling 18,166 square feet.
- 21 resort shops totaling 23,481 square feet (8,481 existing plus 15,000 proposed).
- 2,500-square-foot café.

Operations:

<b>OPERATION</b>	
<b>No. of employees (full time, part-time, temporary &amp; permanent)</b>	102 (approximate no. of employees on site at any given time)
<b>Assembly area for events (SF) (Ballroom)</b>	10,425 including 4 meeting rooms and pre-function area
<b>No. of assembly seats (indoors and outdoors)</b>	400 maximum event patrons on site at a given time
<b>No. of onsite events</b>	4.7 events per day, on average; beach events count towards the size limit of 400 for one event.
<b>No. of beach events</b>	30 weddings on the beach per year of 100 people for 60 minutes
<b>Event hours</b>	7 am to 1 am (outdoor activities to conclude by 10:30 pm, events of over 200 people to begin after 9:30 am)
<b>Total no. of restaurant/café seats (indoors)</b>	288
<b>Hours of operation of restaurant</b>	6:30 am to 11 pm (bar closes at 2 am)
<b>Hours of operation of beach bar/snack house</b>	9:30 am to 12 am, last serving at 11:30 pm
<b>Beach Club membership</b>	200, with potential for 300 after MPC review
<b>Spa use by non-guests</b>	12 non-guests/day
<b>Hours of operation of spa</b>	9 am to 9 pm

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

The property is served by the Montecito Water District, the Montecito Sanitary District, and the Montecito Fire Protection District. Access will continue to be provided off of South Jameson Lane.

Miramar Acquisition Co., LLC – Housing – Mixed Use Development  
Case Nos. 24RVP-00050, 24RVP-00051, 24AMD-00008, & 24CDP-00077  
Hearing Date: December 10, 2024  
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The property is a 15.99-acre parcel zoned C-V (Resort/Visitor Serving Commercial) and shown as Assessor's Parcel Numbers 009-371-007, 009-333-013, and 009-010-004, located at 1759 South Jameson Lane and 96 Eucalyptus Lane in the Montecito Community Plan area, First Supervisorial District.

**Name of Public Agency Approving Project:** County of Santa Barbara

**Name of Person or Entity Carrying Out Project:** Bryce Ross

**Exempt Status:**

- Ministerial
- Statutory Exemption
- Categorical Exemption
- Emergency Project
- Declared Emergency

**Cite specific CEQA and/or CEQA Guidelines Section:** The proposed project is exempt from CEQA pursuant to CEQA Section 21159.25, Exemption: Residential or Mixed-Use Housing Projects. Section 21159.25 applies to a residential or mixed-use housing project if all of the following conditions are met:

- 1) *The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.***

The project is consistent with the applicable general plan designation and applicable zoning designation. The subject parcel is designated V, or Resort/Visitor Serving Commercial. The subject parcel is zoned C-V, or Resort/Visitor Serving Commercial. The purpose of the Resort/Visitor Serving Commercial district is to provide for tourist recreational development in areas of unique scenic and recreational value, while providing for maximum conservation of the resources of the site through comprehensive site planning. It is the intent of this district to provide for maximum public access, enjoyment, and use of an area's scenic, natural, and recreational resources while ensuring preservation of such resources. The project will enhance the tourist recreational development on site with the additional resort shops and will still allow for public access to the coast. Residential uses are allowed in the C-V Zone so long as they are secondary to a primary commercial use on the same lot. A secondary use is defined as two residential bedrooms per 1,000 square feet of total gross floor area of commercial or industrial development. The existing resort floor area totals 169,000 square feet. This would result in 338 bedrooms allowed. The project proposes 50 residential bedrooms. There are also four existing one-bedroom employee housing units, for a total of 54 residential

bedrooms. The residential floor area totals 39,126 square feet. Therefore, the proposed residential use is secondary to the primary commercial use on the lot.

As discussed in Section 6.3 of the of the Planning Commission staff report dated October 1, 2024, included as Attachment 10 of this Board Letter and incorporated herein by reference, with the approval of the SDBL requests for five waivers/modifications to applicable Article II development standards for floor area ratio, height, number of stories, setbacks, and open space, the project complies with all applicable objective standards. Pursuant to Government Code Sections 65915(e)(1) and 65915(e)(2), a developer can reduce or modify development standards, as defined in the statute, when those requirements will have the effect of physically precluding the construction of a development at the allowed density. The County Planning Commission finds that without the requested waivers, the development at the allowed density would be precluded and therefore, the waivers are granted.

As detailed in Section 6.2 of the of the Planning Commission staff report dated October 1, 2024, included as Attachment 10 of this Board Letter and incorporated herein by reference, the proposed project, as conditioned, is consistent with the applicable policies and development standards of the Comprehensive Plan, including objective policies regarding adequate services, noise, and protection of biological resources, visual resources, cultural resources, and water resources.

- 2) *(A) The public agency approving or carrying out the project determines, based upon substantial evidence, that the density of the residential portion of the project is not less than the greater of the following:*
- I. The average density of the residential properties that adjoin, or are separated only by an improved public right-of-way from, the perimeter of the project site, if any.*
  - II. The average density of the residential properties within 1,500 feet of the project site.*
  - III. Six dwelling units per acre.*

The density of the residential portion of the project is greater than the average density of the residential properties that adjoin the project site, greater than the average density of the residential properties within 1,500 feet of the project site, and greater than six dwelling units per acre. The project site is approximately 3.077 acres, and proposes 34 units, resulting in a density of approximately 11.3 units per acre. The properties to the north and west are zoned R-1, with a density of one single-family dwelling per lot. Additionally, All Saints By the Sea Church and the Friendship Center adult daycare center are to the west of the project site. The property to the east is zoned DR-4.6, with a density of 4.6 units per acre. The properties to the south are zoned R-1 and are developed with single-family residences. The majority of the properties within 1,500 feet of the project site are zoned R-1 or E-1, with a density of one unit per acre.

***(B) The residential portion of the project is a multifamily housing development that contains six or more residential units.***

The project contains 34 residential units.

***3) The proposed development occurs within an unincorporated area of a county on a project site of no more than five acres substantially surrounded by qualified urban uses.***

“Substantially surrounded” means at least 75 percent of the perimeter of the project site adjoins, or is separated only by an improved public right-of-way from, parcels that are developed with qualified urban uses. The remainder of the perimeter of the site adjoins, or is separated only by an improved public right-of-way from, parcels that have been designated for qualified urban uses in a zoning, community plan, or general plan for which an environmental impact report was certified. A “qualified urban use” means any residential, commercial, public institutional, transit or transportation passenger facility, or retail use, or any combination of those uses. The proposed development is located on a 3.077-acre project site in the unincorporated area of Santa Barbara County in a designated urban area, and is bordered by residential uses to the east, residential and public institutional uses to the west, South Jameson Lane and Highway 101 to the north, and residential and transit (railroad) to the south. The parcels on the other side of Highway 101 are developed with residential uses.

***4) The project site has no value as habitat for endangered, rare, or threatened species.***

The project site has no value as habitat for endangered, rare, or threatened species because it is located within the developed resort site in two paved parking lots. There is no environmentally sensitive habitat on the project site. Oak Creek is located near the eastern boundary of the northeast parking lot. Environmentally Sensitive Habitat (ESH) bordering the creek consists of sycamore woodland and coast live oak vegetation. However, the project will be located entirely outside of the required 50-foot ESH buffer, and will have no direct impacts to ESH. The Oak Creek ESH is heavily maintained and manicured in this creek section, and ground vegetation is predominantly non-native ornamentals. The ESH is surrounded by developed areas and experiences frequent human presence. Additionally, the project is conditioned to ensure there are no adverse impacts to a listed or special-status species in the unlikely event they are identified within the project site prior to or during construction activities. The project is conditioned to require pre-construction nesting bird surveys, construction fencing, a Workers Environmental Awareness Program, and a Stormwater Pollution Prevention Plan (Condition Nos. 20, 43, 44, 57, & 58 of Attachment 2-4 of the Board Letter dated December 10, 2024) to ensure

there are no significant impacts on any endangered, rare, or threatened species as a result of the project.

**5) *Approval of the project would not result in any significant effects relating to transportation, noise, air quality, greenhouse gas emissions, or water quality.***

The project will not result in significant effects related to transportation, noise, air quality, greenhouse gas emissions, or water quality.

**Transportation:** According to the County’s Environmental Thresholds and Guidelines Manual, a significant transportation impact will occur when:

a. **Potential Conflict with a Program, Plan, Ordinance, or Policy.** A transportation impact occurs if a project conflicts with the overall purpose of an applicable transportation and circulation program, plan, ordinance, or policy, including impacts to existing transit systems and bicycle and pedestrian networks pursuant to Public Resources Code Section 21099(b)(1). In such cases, applicants must identify project modifications or mitigation measures that eliminate or reduce inconsistencies with applicable programs, plans, ordinances, and policies. For example, some community plans include provisions that encourage complete streets. As a result, an applicant for a multifamily apartment complex may need to reduce excess parking spaces, fund a transit stop, and/or add bike storage facilities to comply with a community plan’s goals and policies.

b. **Potential Impact to VMT.** The County expresses thresholds of significance in relation to existing, or baseline, county VMT. Specifically, the County compares the existing, or baseline, county VMT (i.e., pre-construction) to a project’s VMT. Projects with VMT below the applicable threshold would normally result in a less than significant VMT impact and, therefore, would not require further analyses or studies. Projects with a VMT above the applicable threshold would normally result in a significant VMT impact and, therefore, would require further analyses and studies, and, if necessary, project modifications or mitigation measures. CEQA Guidelines Section 15064.3 establish VMT as the most appropriate measure of transportation impacts under CEQA.

The County presumes that land use or transportation projects meeting any of the screening criteria will have less than significant VMT impacts and will not require further analysis. County thresholds identify Small Projects as a project that generates 110 or fewer average daily trips. The VMT thresholds of significance are for general use and should apply to most projects subject to environmental review. However, the thresholds may not be appropriate for unique projects. In such cases, CEQA Guidelines Section 15064.7(c) allows the County to use other thresholds “... on a case-by-case basis as provided in Section 15064(b)(2).” The OPR Technical Advisory recommended thresholds



for land use projects including Residential, Employment, Regional Retail, Mixed-Use Projects, and Other Land Use types.

c. **Design Features and Hazards.** Threshold “c” considers whether a project will increase roadway hazards. An increase could result from existing or proposed uses or geometric design features. In part, the analysis should review these and other relevant factors and identify results that conflict with the County’s Engineering Design Standards or other applicable roadway standards.

d. **Emergency Access.** Threshold “d” considers any changes to emergency access resulting from a project. To identify potential impacts, the analysis must review any proposed roadway design changes and determine if they will potentially impede emergency access vehicles.

**Impact Discussion:**

**(a) Potential Conflict with a Program, Plan, Ordinance, or Policy.** The Santa Barbara County Association of Governments (SBCAG) 2040 Regional Transportation Plan and Sustainable Communities Strategy (SBCAG, 2013) and the County’s Comprehensive Plan, zoning ordinances, capital improvement programs, and other planning documents contain transportation and circulation programs, plans, ordinances, and policies. A transportation impact occurs if a project conflicts with the overall purpose of an applicable transportation and circulation program, plan, ordinance, or policy, including impacts to existing transit systems and bicycle and pedestrian networks pursuant to Public Resources Code Section 21099(b)(1). As detailed in Section 6.2 of the Planning Commission staff report dated October 1, 2024, included as Attachment 10 of this Board Letter and incorporated herein by reference, the project is consistent with all transportation and circulation policies. The project will not result in conflicts with an applicable Program, Plan, Ordinance, or Policy related to transportation, and therefore, will result in an insignificant impact.

**(b) Potential Impact to VMT.** The County presumes that land use projects meeting any of the screening criteria, absent substantial evidence to the contrary, will have less than significant VMT impacts and will not require further analysis. The applicant included a Traffic and VMT (Vehicle Miles Traveled) Analysis, which evaluated the potential trip generation of the proposed project. Mixed-use projects are analyzed by evaluating each project component independently. The screening threshold for residential uses is whether the project VMT exceeds a level of 15 percent below existing County VMT for home-based VMT per resident. The County threshold is 14.8 VMT per resident, and the project will generate 11.1 VMT per resident. The residential portion of the project will not have a significant traffic impact. The screening threshold for the commercial component of the project is 50,000 square feet for locally serving retail uses. The project consists of 17,500 square feet of commercial development and is therefore below this threshold. The retail component of the project is anticipated to reduce VMT in the County by providing

new dining and retail opportunities for hotel guests (approximately 50% of customers), on-site residents/employees, as well as existing residents and employees in the surrounding areas of Montecito (approximately 35% of customers). The commercial portion of the project will not have a significant traffic impact.

**(c) Design Features and Hazards.** The proposed project involves construction of 34 new apartments and 17,500 square feet of resort shops and a café. Access to the project site will be provided via an existing driveway off South Jameson Lane. The proposed driveway improvements are designed to be consistent with the County's driveway standards, and will not result in hazards due to a geometric design feature. The project will not result in roadway improvements to roads in the vicinity that introduce safety hazards. Further, the proposed project involves construction of multi-family dwellings and retail consistent with the existing resort and with the C-V Zone, and will not increase hazards due to incompatible uses. Therefore, the project will not result in hazards due to a geometric design feature or incompatible uses, and impacts will be insignificant.

**(d) Emergency Access.** During project construction, all construction trucks, equipment, and materials will be staged on-site. The proposed access improvements included as part of the project are designed to comply with Montecito Fire Protection District standards and will not result in inadequate emergency access. Therefore, impacts related to emergency access are insignificant.

**Noise:** The project will not result in any significant effects relating to noise. An Environmental Noise Impact Study prepared by Acoustical Engineering Services, Inc., dated July 2024, evaluated the potential noise and vibration impacts from the construction and operation of the project.

According to the County's Environmental Thresholds and Guidelines Manual, a significant noise impact will occur if:

1. Existing exterior noise levels experienced by sensitive receptors is below 65 dBA and the project will generate exterior noise levels exceeding 65 dBA.
2. Existing interior noise levels experienced by sensitive receptors is below 45 dBA, and the proposed project will generate noise levels exceeding 45 dBA.

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

Based on the estimated existing and future traffic volumes along South Jameson Lane, the proposed apartment buildings facing South Jameson Lane will be exposed to noise levels of up to 65.9 dBA. Typical new building construction will provide a minimum

exterior/interior noise reduction of 30 dBA, resulting in an interior noise level of 35.9 dBA. The nearest outdoor living area will be the lawn area located between Building A and Building B on the site plan. Based on the distance from South Jameson Lane, the maximum exterior noise level will be approximately 61.9 dBA.

Construction activities will temporarily increase noise levels in the vicinity of the project site. The project includes best management practices, including temporary sound barriers between the construction areas and surrounding sensitive uses, and noise-generating equipment having noise control devices including mufflers, lagging, and/or motor enclosures (Condition Nos. 47 and 48 of Attachment 2-4 of the Board Letter dated December 10, 2024). Temporary construction-related noise impacts will be addressed through implementation of Condition No. 25 of Attachment 2-4 of the Board Letter dated December 10, 2024, which limits noise generating construction activity to between the hours of 7:00 a.m. and 4:30 p.m. on weekdays. Noise generating construction activity is prohibited on weekends and State holidays.

#### **Air Quality:**

*Short-Term Construction Impacts.* Project construction would require site preparation, grading, demolition, building construction, and paving activities, which would temporarily produce air pollutant emissions. Emissions of ozone precursors (NO<sub>x</sub> and ROC) during project construction would result primarily from the on-site use of heavy earthmoving equipment. Due to the limited period of time that grading activities would occur on the project site, construction-related emissions of NO<sub>x</sub> and ROC would not be significant on a project-specific or cumulative basis. However, due to the non-attainment status of the air basin for ozone, the project should implement measures recommended by the APCD to reduce construction-related emissions of ozone precursors to the extent feasible. Compliance with these measures is routinely required for all new development in the County.

*Long-Term Operation Emissions.* Long-term emissions are typically estimated using the CalEEMod computer model program. However, the proposed project, consisting of 34 new residential units and 17,500 square feet of resort shops and a café, is below threshold levels for significant air quality impacts, pursuant to the screening table maintained by the Santa Barbara County APCD. The screening table indicates that a housing project involving condominiums or apartments of fewer than 200 units will likely not exceed the air quality threshold. Additionally, a “strip mall” retail use of less than 64,000 square feet will likely not exceed the air quality threshold. Therefore, the proposed project does not have a potentially significant long-term impact on air quality.

**Greenhouse Gas Emissions:** Analysis of the project using CalEEMod v.2022.1 concludes that annual operational greenhouse gas (GHG) emissions for the project would be 584 MTCO<sub>2</sub>e/year. This includes the amortized GHG emissions over 30 years due to

construction of 32 MTCO<sub>2</sub>e/year, and operational emissions including area sources (landscaping equipment), energy use, water supply and treatment, solid waste disposal, and vehicle trips. 584 MTCO<sub>2</sub>e/year is above the County's Screening Threshold of 300 MTCO<sub>2</sub>e/year, and therefore the GHG emissions for the project are compared against the Significance Threshold for potential significant environmental impacts.

The Significance Threshold is 3.8 MTCO<sub>2</sub>e per service population per year. Service population is the total number of residents and/or jobs anticipated to be generated by the project. The project is anticipated to result in 96 full-time residents (based on CalEEMod default for the total number of dwelling units), 50 full-time resort shop employees, and 11 full-time café employees (based on a project-specific estimate). The total service population would be 157, resulting in 3.7 MTCO<sub>2</sub>e per service population per year. Projects with GHG emissions less than the Significance Threshold would normally result in an insignificant impact and would not require further analyses or studies. Therefore, the project will not have a significant impact on GHG emissions.

**Water Quality:** The project will not have a significant impact on water quality. The project is conditioned to require an Erosion Control Plan and a Storm Water Pollution Prevention Plan to reduce erosion from construction activities and prevent sediment in storm water discharges. Additionally, the project is required to comply with Tier 4 requirements delineated in the County of Santa Barbara Stormwater Technical Guide for Low Impact Development. Two underground infiltration basins will be utilized to treat and retain runoff.

Portions of the project site are located within the FEMA Regulatory Floodplain Zone AE and the FEMA Recovery Map High Hazard Area. A Base Flood Elevation (BFE) analysis was conducted for the project site. The finish floor elevations for all structures were set two feet above the Advisory Flood Elevation (BFE plus two feet). The project will be supplied water from the Montecito Water District. The Montecito Water District has indicated that they have adequate water to supply the proposed project. The project will not significantly impact water supplies.

**6) *The site can be adequately served by all required utilities and public services.***

The project site can be adequately served by all required utilities and public services. The site is served by the Montecito Water District, the Montecito Sanitary District, and the Montecito Fire Protection District. The Montecito Water District issued a Certificate of Water Service Availability, stating that the District can give preliminary approval to the subject property for the proposed development. The Montecito Sanitary District issued a Sewer Availability Letter stating that sanitary sewer service is available for the proposed development. These letters are included as Attachment D to the Planning Commission staff report dated October 1, 2024, included as Attachment 10 of this Board Letter and incorporated herein by reference. The Montecito Fire Protection District reviewed the

proposed project and provided a condition letter dated September 10, 2024, stating that the project meets the minimum fire access requirements. The project will take access from South Jameson Lane. The project was reviewed and approved by Public Works Transportation, and they issued a condition letter dated September 20, 2024. Police protection services will be provided by the County Sheriff.

- 7) *The project is located on a site that is a legal parcel or parcels wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.***

The project site is located on a legal lot created by a Voluntary Lot Merger recorded March 25, 2016, as Instrument No. 2016-0014107 of Official Records. The parcel is located within the Census-designated Santa Barbara Urban Area.

The CEQA exemption does not apply to a residential or mixed-use housing project if any of the following conditions exist:

- (a) The cumulative impact of successive projects of the same type in the same place, over time is significant.**

This exception does not apply because the cumulative impact of successive projects of the same type in the same place, over time would not be significant. The Applicant provided studies (Transportation, Noise, Air Quality, GHG Emissions, etc.) to evaluate the potential impacts of the project in comparison to the existing baseline conditions and have demonstrated that neither project nor cumulatively significant impacts will occur. No other projects of the same or similar type, in the same place, over time are anticipated because the project is surrounded by existing residential development to the east and west, the US-101 freeway to the north, and additional portions of the resort property and the Pacific Ocean to the south. Other projects of similar type are not located within close proximity to the site (Biltmore Hotel and Music Academy of the West), and are not expected to have significant impacts. The closest project to the Miramar site is the Biltmore Hotel, which is over a mile away, is located adjacent to different Highway 101 on and off-ramps, and is an existing use and no increase in traffic is anticipated as part of their planned improvements. The project is located within an urban area where the construction of residential dwellings is both commonplace and allowable by ordinance. The proposed resort shops will be compatible with the existing retail and restaurants on site. Additional structural development of the same type that is developed in conformance with applicable ordinance and policy regulations where allowed by the zoning would not result in a cumulatively significant impact.

- (b) There is a reasonable possibility that the project will have a significant effect on the environment due to unusual circumstances.**

This exception does not apply because there is no substantial evidence that there are unusual circumstances associated with the project. The project will be located in areas of the site currently developed as parking lots. The parcel is located within the FEMA Regulatory Floodplain Zone AE and the FEMA Recovery Map High Hazard Area. As such, the project was reviewed by County Flood Control, and the project complies with all requirements of Chapter 15A of the Santa Barbara County Code, "Floodplain Management Ordinance". No flood related impacts are expected. Oak Creek is located near the eastern boundary of the project site, but all development will be located outside of the required 50-foot ESH buffer. There are adequate services to serve the proposed development. Therefore, there is not a reasonable possibility that the project will result in significant impacts which threaten the environment due to unusual circumstances.

- (c) The project may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway.**

This exception does not apply because the project is not located within viewing distance of a state scenic highway. The nearest designated scenic highway is State Highway 154, which is located approximately nine miles from the project site.

Although not visible from a designated scenic highway, the project will not impact historic views of All Saints-by-the-Sea Episcopal Church, an identified historical built environment resource adjacent to the project site. Historically significant views of the property are from Eucalyptus Lane to the east of the church. Since the project is located directly north of the church, it will not block any historically important views of the church when traveling north or south along Eucalyptus Lane. Additionally, the northwest lot was previously developed with several guest cottages associated with the historic Miramar Hotel, as well as a dense buffer of vegetation between the properties. The church was not historically visible from South Jameson Lane.

- (d) The project is located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.**

This exception does not apply since the project site is not included on any list compiled pursuant to Section 65962.5 of the Government Code (hazardous and toxic waste sites). In addition, there is no evidence of historic or current use or disposal of hazardous or toxic materials on the project site.

- (e) The project may cause a substantial adverse change in the significance of a historical resource.**

This exception does not apply because the project will not cause a substantial adverse change in the significance of a historical resource. The project site does not contain any historical resources as defined by CEQA. As discussed in the Historical Resources Technical Report by the Architectural Resources Group, dated June 10, 2024, (Attachment I to the Planning Commission staff report dated October 1, 2024, included as Attachment 10 of this Board Letter and incorporated herein by reference) the Miramar Resort, completed in 2019, is not eligible for listing in the National Register, California Register, or as a Santa Barbara County Landmark or Place of Historic Merit. The only features that remain from the original hotel are the neon pole sign and the sandstone entrance caps with engraved "Miramar" signage. Retention of these features is required by the project's conditions of approval. The project will not impact either of these features. All historic buildings from the original hotel were removed by 2018. Additionally, the project will not materially impair the significance of any historical resources in the vicinity of the site. The only historic resource in the vicinity of the project site is All Saints-by-the-Sea Episcopal Church. As discussed above, the project will not impact any public views of the church. The project will not impact the historic integrity of the church's location, design, materials, workmanship, feeling, or association. Although the project will result in a change in the church property's setting, its historic integrity of setting has already been altered with the replacement of old church buildings and construction of new buildings on the church campus, and demolition of surrounding buildings including the Miramar Hotel guest cottages. The project does not involve physical demolition, destruction, relocation, or alteration of the church or its immediate surroundings.

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Department/Division Representative: Willow Brown

Date: 12/11/24

Acceptance Date: \_\_\_\_\_

Distribution: Hearing Support Staff

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