

**Response to Public Comments on the
Public Draft Subsequent Environmental Impact Report (SEIR) (08EIR-00000-00003)
for the Miramar Beach Resort and Bungalows Project (Proposed Project)
(Case Nos. 07RVP-00000-00009, 07CUP-00000-00045, 07CUP-00000-00046, 07CUP-00000-00047, and 08CUP-00000-00005)**

Letter No.	Response
1	<p>a) The Proposed Plan would generate a net increase of 2 A.M. Peak Hour Trips and 6 P.M. Peak Hour Trips when compared to the Approved Plan, which would not generate significant impacts based on the County’s thresholds of significance. The additions in floor area for the project noted in this comment do not necessarily equate to additions in traffic. Construction traffic (workers and truck traffic) would be regulated under the construction management plan. The preceding comment, provided by Associated Transportation Engineers (ATE), was reviewed and accepted as adequate by Will Robertson, Public Works Transportation Division (email dated 6/12/08).</p> <p>b) The traffic analysis prepared for the Approved Plan was prepared in 1999/2000 and the traffic data cited in the Addendum to 00-ND-003 was collected in 1998/1999. The data was supplemented with counts conducted in July 2007 at the U.S. Highway 101 SB Off-Ramp/San Ysidro intersection. The preceding comment, provided by ATE, was reviewed and accepted as adequate by Will Robertson, Public Works Transportation Division (email dated 6/12/08).</p> <p>c) The Addendum to 00-ND-003 does include an evaluation of the U.S. Highway 101 Northbound off-ramp at San Ysidro Road (see level of service (LOS) data in Table 14.1 for the U.S. Highway 101 Northbound Ramp/San Ysidro Road intersection). The net traffic increase generated by the Proposed Plan would add 3 P.M. Peak Hour Trips to the U.S. Highway 101 Northbound off-ramp intersection at San Ysidro Road. , which would not generate significant impacts. The County determines the significance of traffic impacts based on the amount of traffic added by a project to an intersection. The project’s addition of 3 P.M. Peak Hour Trips to the U.S. Highway 101 Northbound Ramp/San Ysidro Road intersection is less than significant according to County CEQA thresholds and the Montecito Community Plan policies related to traffic. The preceding comment, provided by ATE, was reviewed and accepted as adequate by Will Robertson, Public Works Transportation Division (email dated 6/12/08).</p> <p>d) The net traffic increase generated by the Proposed Plan would add 2 P.M. Peak Hour Trips to the U.S. Highway 101 Southbound on-ramp at South Jameson Lane, which would not significantly impact operations based on the County’s CEQA thresholds and the Montecito Community Plan policies related to traffic. The preceding comment, provided by ATE, was reviewed and accepted as adequate by Will Robertson, Public Works Transportation Division (email dated 6/12/08).</p> <p>e) The net traffic increase generated by the Proposed Plan would add 1 to 2 trips to the U.S. Highway 101 in the southbound direction and 2 trips in the northbound direction during the P.M. peak hour period. These additions are less than significant according to the Congestion</p>

Management Program (CMP) impact criteria. According to the CMP, the impact would be significant if the project would add 50 (or more) Peak Hour Trips to a freeway segment operating at LOS E or LOS F. The preceding comment, provided by ATE, was reviewed and accepted as adequate by Will Robertson, Public Works Transportation Division (email dated 6/12/08).

- f) Operations at the U.S. Highway 101 SB Off-Ramp/San Ysidro Road intersection were analyzed based on counts conducted in July 2007 to determine summer traffic levels. These traffic volumes reflect LOS C operations during the A.M. peak hour and LOS B during the P.M. peak hour. The area schools were not in session during the July summer period. The traffic count data collected in 1999 reflect LOS F operations at the intersection during the A.M. peak hour when schools were in session. The net traffic increase generated by the Proposed Plan would add 2 trips to the intersection during the A.M. peak hour period, which would be less than significant according to County CEQA thresholds of significance assuming either the 1999 or 2007 LOS calculations. The preceding comment, provided by ATE, was reviewed and accepted as adequate by Will Robertson.
- g) The Proposed Plan would result in a net addition of 2 A.M. Peak Hour Trips and 6 P.M. Peak Hour Trips when compared to the Approved Project and would not trigger significant impacts. Regarding the portion of the comment that suggests a peak hour factor of 0.92 be applied for analyses of the State facilities, application of the 0.92 peak hour factor would provide an assessment of operations during the peak 15-minutes within the peak hour period. The County CEQA thresholds and the Montecito Community Plan policies require analyses of the peak 1-hour period, not the peak 15-minutes within the peak 1-hour period. The preceding comment, provided by ATE, was reviewed and accepted as adequate by Will Robertson, Public Works Transportation Division (email dated 6/12/08).
- h) The trip generation analysis completed for the Proposed Plan assumed that the hotel complex would accommodate events in the on-site conference and banquet facilities. The Proposed Plan is not proposing to increase the size or the capacity of the conference/banquet facilities from the Approved Plan. The traffic related to the conference/banquet facilities and the special events was also included in the previous traffic analysis and MND completed for the Approved Plan. Thus this component of the project has been included in the impact analysis. Larger special event (600 guests) would be limited to no more than the 12 per year under the Proposed Plan, the same number of events that are entitled under the Approved Plan. During these events, the management of traffic and parking would be handled via a valet parking plan at the hotel. The preceding comment, provided by ATE, was reviewed and accepted as adequate by Will Robertson, Public Works Transportation Division (email dated 6/12/08).
- i) The Addendum to 00-ND-003 includes an estimate of construction workers for the Proposed Plan in addition to the trucking activity. The analysis also identifies the need for a construction management plan for the routing of truck traffic. The components of the plan are outlined in the mitigation measures developed for the Approved Plan and the final plan will be developed by the applicant and reviewed and approved by the County. The project would import fill material to the site, not export cut material to landfills as inferred in the comment. The haul period would last for only approximately 12 to 21 days, and the total construction period would last for 18-22 months and would not generate impacts beyond the construction period. The routing of construction traffic is unknown at this time. Construction vehicles accessing the site would use the U.S. Highway 101/San Ysidro Road interchange and the segment(s) of U.S.

	<p>Highway 101 north and/or south of the interchange. The State Highway system, including the ramps at the U.S. Highway 101 /San Ysidro Road interchange, is designed to accommodate truck traffic (all sizes) and would accommodate the truck traffic (loaded and unloaded) generated by this project. The preceding comment, provided by ATE, was reviewed and accepted as adequate by Will Robertson, Public Works Transportation Division (email dated 6/12/08).</p> <p>j) Delivery truck traffic would account for less than 1% of traffic generated by the project. The level of service calculations for the intersections were re-run assuming that the trucks comprise 4% of the traffic at the intersection (includes existing trucks and trucks generated by the project). The 4% parameter converts the traffic volume data to trucks using a passenger car equivalent (PCE) factor. The results show that inclusion of the 4% truck factor does not measurably change the results of the analysis (the intersection would operate in the level of service (LOS) A-C range). The preceding comment, provided by ATE, was reviewed and accepted as adequate by Will Robertson, Public Works Transportation Division (email dated 6/12/08).</p> <p>k) The Proposed Plan would result in a net addition of 2 A.M. Peak Hour Trips and 6 P.M. Peak Hour Trips when compared to the Approved Plan, thus no further traffic analysis is required. Pursuant to CEQA, the Approved Plan is the baseline. The preceding comment, provided by ATE, was reviewed and accepted as adequate by Will Robertson, Public Works Transportation Division (email dated 6/12/08).</p> <p>l) The Approved Plan was approved without traffic mitigations to the State Highway facilities. The Proposed Plan would not generate traffic impacts when compared to the Approved Plan and thus also does not required traffic mitigations. The preceding comment, provided by ATE, was reviewed and accepted as adequate by Will Robertson, Public Works Transportation Division (email dated 6/12/08).</p>
2	a) Your comment is noted and will be forwarded to the decision maker.
3	a) Comment is unclear, consisting merely of a copy of page 16 of the SEIR. Hence no response is necessary.
4	a) Please see response to comment 17 c) 3) below as well as policy consistency discussion in the Addendum. The applicant's Holmes Culley reports dated March 19, 2007 and April 15, 2008, respectively, assessing the structural integrity of the existing buildings on the Miramar site were peer reviewed and accepted as accurate by Mike Zimmer, County Building Official (personal communication December 2007 and email dated 6/11/08),
5	<p>a) Your comment is noted and will be forwarded to the decision maker.</p> <p>b) The previously proposed water well has been eliminated from the project description and the proposed project will rely exclusively on Montecito Water District water deliveries.</p> <p>c) Please see response to comment 29 h) below.</p> <p>d) Article II allows a permit path for projects subject to Conditional Use Permits, as in the instant case, to request relief from development standards including height, setback and parking restrictions. The applicant has requested modifications and the decision makers will</p>

	<p>weigh that recommendation with public input for a final decision in this regard.</p> <p>e) A March 7, 2008 drainage report by Penfield and Smith directly analyzes impacts associated with placing fill in the floodplain and concludes that impacts will be de minimis. This report has been reviewed and accepted as adequate by Tom Fayram, Deputy Director of Public Works, Flood Control and registered civil engineer.</p> <p>f) Please see response to comment 9 a), 16 c) and 8 d) below.</p>
6	<p>a) Please see response to comment 9 a) and 16 c) below.</p> <p>b) The proposed project includes 9.32 acres of open space comprising landscaping, paved pathways for circulation and water features. Of the 9.32 acres, 3.66 acres would be occupied by the paved pathways. The pathways are integral to the landscape design and runoff from these surfaces will be captured in the adjacent landscaped areas thereby allowing for percolation and groundwater replenishment. The proposed project description has been revised since circulation of the draft CEQA document to retain and relocate all eight existing oaks on site, hence, the project includes the loss of only a total of 85 trees. A total of 29 trees would be retained in place. Trees to be removed are non-natives in poor health. Landscape plans include installation of 1050 new trees. The baseline setting of the project, the Approved Plan, allowed for no significant views through the site to the ocean and islands (see 00-ND-003 for setting information and a discussion of baseline views). Similar to the Approved Project, the Proposed Project will continue to provide only intermittent public views to the ocean. Also similar to the Approved Plan, the Proposed Plan includes demolition of one oceanfront building which will open up views from the beach to the mountains that do not exist today.</p> <p>c) The commenter is correct in that the proposed project would be approximately 30,000 s.f. larger than the approved plan, there would be 9-11.5 feet of fill in various locations around the property to level the site, the main building would be approximately five times larger than the main building in the approved plan, and the proposed plan will demolish all existing development including cottages and replace them with new structures. The commenter is incorrect in that the proposed new buildings would only appear as one and two story units and not as four stories high. Architecturally, the project has been designed to be compatible with the surrounding community and of note is the Montecito Board of Architectural Reviews positive conceptual review of the project on December 17, 2007. Finally, the proposed plan would locate the largest buildings in the same northeast corner of the site where the large buildings of the approved plan were located.</p> <p>d) Additional public parking is being proposed along Jameson Lane and Eucalyptus Lane. Humphrey Lane will still be able to provide emergency egress if necessary. Additional Public parking is being proposed along Jameson Lane and Eucalyptus Lane. The development will be conditioned to meet the standard sight distance requirements at all project intersections with County roads. If sight distance requirements can not be met, turn restrictions may be imposed if an acceptable mitigation can not be determined. The Proposed Plan would result in a net addition of 2 A.M. Peak Hour Trips and 6 P.M. Peak Hour Trips when compared to the Approved Plan, thus significant congestion will not occur. The intersections that would be affected by the closing of Miramar Avenue currently operate at high LOS B. The addition of the additional 2 A.M. and 6 P.M. Peak Hour Trips plus the additional traffic rerouted by the closure will</p>

	<p>not, in Public Works staffs professional opinion, be sufficient to degrade the intersection below LOS B. Therefore, based on engineering judgment, the project is not required to analyze the effects of the closure any further.</p> <p>e) In a letter dated June 13, 2008, the Montecito Fire Protection District confirms that emergency access into and through the site is adequate. While Miramar Avenue would be abandoned under the proposed plan, the plan includes an emergency fire through access in the approximate location of Miramar Avenue.</p> <p>f) Please see response to comment 29 h) below in regard to reflected noise. 48 hour noise modeling of current ambient noise was considered redundant of the 24 hour noise measurements taken on the site. Regarding air quality emissions, the proposed project includes only an additional 48 Average Daily Trips (ADT) and 6 P.M. Peak Hour Trips and the level of associated increased emissions does not cause air quality impacts that would be substantially more severe than those assessed under 00-ND-003 in association with the approved plan. The commenter is incorrect in that there will not be a wall along the railroad tracks. The commenter is correct in noting that the proposed project would take a maximum of approximately 22 months to build while the Approved Plan was expected to take approximately 15 months to build and that the Proposed Project would involve more trucks for hauling than would the approved plan.</p> <p>g) The commenter correctly recites project statistics in relation to the proposed grading quantities. The commenter is also correct in that the proposed project includes installation of fill material in the floodplain and an approximately six foot retaining wall adjacent to the creek.</p> <p>h) The Montecito Water District has confirmed their ability to serve the proposed project given its demand of approximately 117 acre feet per year (certification of water service availability dated May 10, 2007).</p> <p>i) Architecturally, the proposed project has been designed to be compatible with the surrounding community and of note is the Montecito Board of Architectural Review's positive conceptual review of the project on December 17, 2007. In respect to the Montecito Community Plan (MCP) policy requiring visitor serving resorts to reflect a cottage style of architecture, please see response to comment 17 c) 3). In respect to oaks, the project description has been revised to include on site relocation of the eight oaks previously proposed for removal.</p> <p>j) Associated Traffic Engineer's February 6, 2008 Trip Generation and Parking Demand Analysis was reviewed and accepted as adequate by Will Robertson, Public Works Transportation Division (email dated 6/12/08). Please also see response to comment 17 c) below.</p> <p>k) Please see response to comment 17 c) below.</p> <p>l) Your comment is noted and will be forwarded to the decision maker. Please see response to comments 8 d), 8 e), 9 a), 16 c) and 17 a) below as to the appropriateness of an SEIR/Addendum serving as environmental analysis of the proposed project.</p>
7	<p>a) The formerly proposed well has been removed from the project description and the proposed project will rely exclusively on water deliveries from the Montecito Water District.</p>

	b) Please see response to comment 29 h) below.
8	<p>a) See responses below.</p> <p>b) The comment objects to the use of the Approved Project as the appropriate baseline. CEQA is clear, though, that where a CEQA document for a project has been previously approved or certified and that document has not been successfully challenged in court, then the proper baseline is the level of residual impacts that were established in the previous CEQA document. CEQA Guidelines Section 15162 is clear on this matter and states that the basis for determining if an EIR is required is whether the modified project creates “new” significant impacts or “substantial increases in the severity of <i>previously identified</i> the project impacts” (emphasis added) Thus, the baseline for a previously approved project is clearly not the conditions on the date of the NOP for an EIR or the date an addendum was started but is instead the residual level of impact determined in the previously approved CEQA document.</p> <p>c) The comment contends that because the County determined that the impacts to historical resources were found by the County to be potentially significant, the County must assess all resource areas in the EIR. The comment also states that CEQA Guidelines are clear that, “supplemental review is to be undertaken in a single document. While the comment cites CEQA Guidelines Section 15162, there is no such wording or direction in Section 15162. Section 15162 does not, in fact limit the configuration or the EIR nor does it state anything about a “single document.” Indeed CEQA does allow for the preparation of an addendum to determine if project modifications are potentially significant and of an EIR that limits the analysis to one or more resources areas. (See e.g. <i>Mani Brothers Real Estate Group v. City of Los Angeles</i> (2007) 153 Cal.App.4th 1385 (“Mani Brothers”). Since CEQA does permit the preparation of both an Addendum and an EIR that focuses on specific resource areas, the County’s citation of Section 15160 providing for variations in EIRs that are not exclusive is appropriate.</p> <p>d) Pursuant to CEQA Guidelines Section 15160, which provides for variations in EIRs, the SEIR prepared for the project focuses exclusively on the issue of historic resources. The summary appropriately identifies this as the area of controversy to be addressed in the SEIR. Other issues, such as hydrology, aesthetics, land use, drainage and water quality are addressed in the Addendum as impact levels that are expected to remain the same between the Approved Project and the Proposed Project; these issues are appropriately not raised in the SEIR summary.</p> <p>The SEIR project description is adequate under CEQA Guidelines Section 15124 insofar as it includes the precise location and boundaries of the proposed project, a statement of objectives sought by the proposed project, a general description of the project’s technical, economic and environmental characteristics and a statement briefly describing the intended uses of the SEIR. To this end, please note that the project does not require approvals from any body other than the County. Regardless, the project description has been updated to reflect the volume of floodwaters anticipated to be displaced by the proposed fill in the Oak Creek floodplain and the preliminary drainage report approved by the County has been attached to the staff report dated July 3, 2008 in Attachment D.</p> <p>e) The SEIR focuses on impacts to historic resources and discloses the disagreement amongst experts in this regard. The Addendum addresses flooding concerns and references and summarizes the substantial evidence to support the conclusion that flooding impacts from</p>

the Proposed Project associated with locating development in the Oak Creek floodplain are substantially the same as flooding impacts associated with the Approved Project.

- f) The County has drafted an SEIR on the proposed project's impacts to historic resources (which are considered Class I) and an Addendum to 00-ND-003 on the Proposed Project's impacts to all other issue areas. Draft findings of the Addendum confirm that there is no substantial increase in the severity of impacts between the Approved and the Proposed Projects. Please see responses below.
- g) The comments relating to drainage and flooding are not addressed to the latest Drainage report (March 7, 2008). Comments relative to earlier reports are irrelevant in that the March 7, 2008 report supersedes the previous reports and focuses on the current project. As a part of the new report, the Project redirects flows away from the Miramar Avenue drain and reduces flow to Oak Creek through adding flow to the pipe under the UPRR drain system which goes directly to the ocean.
- h) The comment again confuses earlier Penfield and Smith reports, and comments to those reports and does not recognize that the March 7, 2008 Drainage Report is the analysis for the current project and other reports are not relevant. In relation to floodplain impacts, the placement of fill in the floodplain is a set impact regardless of how high the fill is. Once the fill is at or above the 100 year flood elevation, any additional fill is irrelevant in regards to floodplain impacts. In relation to the impacts of filling in the floodplain, and to on site runoff impacts, the March 7, 2008 P&S report details the impacts of the project, and comments on earlier reports are not relevant. Please also see revised Water Resources/Flooding discussion in the addendum for additional discussion of how the placement of fill within the floodplain will not affect downstream properties during a significant flood event.
- i) Table 2-4 of the SEIR provides a comparison of the proposed project with the approved plan. Additionally, the analysis contained in the SEIR and the Addendum appropriately constitutes a quantitative and qualitative comparison of the two plans with the end result being an assessment of impact levels from the incremental changes between the two projects. The Aesthetics section of the Addendum has been revised to more explicitly address the differences in mass, bulk, scale and height between the two projects with no change to identified impact levels. See response to comment "b" above regarding the issue of baseline.
- j) The aesthetics section of the addendum has been revised to include an impact discussion related to the project's height and mass. Moreover, there is a clear permit path in the County's adopted ordinances that allow an applicant to request modifications to height limitations for a project subject to a CUP. The decision maker on the project will confirm or deny the appropriateness of such a request.
- k) The Montecito Architectural Guidelines are just that: guidelines. They are not ordinance nor do they constitute policy. Under the Land Use section of the Addendum, the policy from which the guidelines are derived is analyzed and a finding of consistency is made. Of the total number of structures devoted to guestrooms, a full 16, or 2/3, are single story in height ranging from 16 to 18 feet to the highest peak. While these buildings exceed a strict 16 foot height limitation, were they measured consistent with the methodology for measuring height in effect at the time the Guidelines were written, they would measure 16 feet in height or less. Insofar as the cottages are single story and under 18 feet as measured per the current methodology, the intent of the Guidelines height limitation is met.

- l) The Land Use section of the addendum has been revised to include a discussion of Montecito Architectural Guidelines section V.B.3.b.
- m) The table in the aesthetics section of the addendum has been revised to specify the setbacks approved with the Schragger plan.
- n) 1) Page 6 of the addendum has been corrected to reflect that there will be no night lighting of the beach but rather that there will be lighting of the boardwalk. The nighttime lighting subsection of the aesthetics section of the addendum has been updated to specifically comment on the lighting of the boardwalk. 2) Please refer to discussion in the aesthetics section of the addendum subtitled “Nighttime Lighting”. 3) The project, in its final form, is proposing a total of 204 keys. The additional two keys would be accommodated within the currently proposed buildings and would have no effect on Floor Area Ratio (FAR). 4) Parking generation rates assessed in 00-ND-003 derive from ITE. Parking generation rates assessed in the Addendum for the Proposed Project are based on operational data collected during summer weekends at the Coral Casino Beach Club, which, while double the size of the proposed Miramar Beach Club, provides pertinent data regarding use of a similar beach club in Montecito. Project specific data is often and appropriately substituted for generic information in the ITE manual for purposes of assessing parking needs. v) Please see the revised Water Resources/Flooding section of the addendum.
- o) Please see revised project description in the SEIR and also the revised Noise discussion in the addendum. Mitigation requiring the property owner to offer off site accommodations during pile driving activities is only one of several mitigations developed to reduce impacts associated with pile driving. Other mitigations include limitations on hours and days of construction, shielding of construction equipment, and erection of temporary sound barriers. It is true that the County cannot require homeowners to evacuate their residences to accommodate noisy construction. The mitigation is provided as an extra measure to affected homeowners if they so choose.
- p) Use of an on site well has been eliminated from the proposed project description. Please see revised Water Resources/Flooding analysis in the addendum for a discussion about impacts to groundwater resources from construction activities.
- q) Please see response to comment 8 d above. The SEIR is appropriately focused on historical resources. As such, alternatives are also appropriately focused on reducing impacts to historic resources.
- r) The SEIR includes a discussion of the cumulative impacts of the proposed project on historic resources and concludes that impacts are significant and unavoidable. The addendum analyzes the incremental changes between the approved and the proposed projects and finds that there is no substantial increase in the severity of any of the impacts analyzed. As such, cumulative discussions of the ND remain valid and do not need to be revisited.
- s) The County has processed the Miramar Beach Resort and Bungalows project to a level consistent with sound public policy and good government, consistent with the mandates of CEQA and our standard practices. Impacts of the project are fully disclosed in the SEIR/Addendum, as revised.

	<ul style="list-style-type: none"> t) The March 7, 2008 Drainage Report by Penfield & Smith in fact quantifies impacts associated with the placement of fill in the floodplain. u) Comments relating to earlier drainage Reports are not relevant. The commenter provides no data to support the assertion that the calculations are not accurate, while the March 7th Report contains its technical data and is stamped by a Registered Civil Engineer. v) In a letter dated 12/13/07, Union Pacific Railroad (UPRR) acknowledges that the proposed project is planned. The commenter is correct in that the UPRR has final approval authority over placement of fill in their right of way. w) County ordinance and FEMA standards allow fill in the floodplain but not the floodway. The March 7, 2008 quantifies the impacts. x) The flood impacts of the addition of fill the Floodplain are addressed in the March 7, 2008 Penfield and Smith report to the satisfaction of Tom Fayram, Registered Civil Engineer and Deputy Director of Public Works Flood Control.
9	<ul style="list-style-type: none"> a) The Proposed Plan constitutes a revision to the Approved Plan insofar as the major elements of the project remain the same and therefore, the revised project is essentially the same project as the approved project. Both plans include a resort hotel with major buildings (ballroom, lobby etc), 204-213 guest rooms, restaurants, a beach and tennis club, spa facilities and on site parking. It is the details of the projects that differ causing the need for new environmental analysis and a new permit. Except for historic resources, the severity (or level of impact) remains the same between the Approved and Proposed Projects. b) Mike Zimmer, the County's Building Official, has reviewed the Holmes Culley reports and concurs with their conclusions (personal communication December 2007 and email dated 6/11/08). The SEIR concludes that the project would have significant unavoidable impacts to historic resources on-site. c) 00-ND-003 found that impacts from development of the Approved Plan would result in potentially significant mitigable impacts associated with a change to the visual character of the area. The Addendum to the ND found that, similarly, the Proposed Plan would also result in potentially significant mitigable impacts associated with a change to the visual character of the area. While the proposed buildings are taller and longer than the approved buildings, and the Addendum has been revised to include a discussion in this regard, no new significant environmental effects or a substantial increase in the severity of previously identified significant effects under the approved 00-ND-003 have been found with the proposed project d) The proposed project has been revised to eliminate any request for amplified sound. e) See response to 9a above. As described in the noise analysis dated March 14, 2008 (appendix H of the SEIR/Addendum), a total of approximately 128 piles would be driven in a matrix of 13' by 13'. The length of time necessary to install the piles at ten per day would

	<p>be approximately 13 days. The addendum includes several mitigations to reduce impacts associated with the pile driving including installation of a minimum 12 foot high temporary sound wall, restrictions on hours and days of construction, and the offer of off site accommodations to adjacent affected neighbors. These mitigations are determined to be adequate to reduce impacts to less than significant levels. In respect to the option of drilled piers, total length of the time estimated for construction would be a minimum of 22 days; drilling derived waste would be generated during construction that could spill over onto the beach potentially causing additional environmental impacts; some construction equipment could wind up being staged on the beach instead of landward of the seawall as is the case with the equipment for driven piles; and groundwater encountered during construction would need to be pumped, stored, removed from the site and possibly treated with pumping equipment again being located on the beach due to space constraints. Given the lesser time frame for construction and the absence of impacts to groundwater and use of the beach for staging, driven piles are the environmentally superior option.</p> <p>f) Filling of the Floodplain is allowed under County Code and FEMA Regulations. The Penfield & Smith March 7, 2008 Report concludes that there is minimal impact of this action. Displacement of water from this action is addressed in the P&S Report. In the overall watershed of Oak Creek, the displacement area is not a significant portion of the floodplain. Comments on previous reports are irrelevant. The comments of Mr. Frye were issued prior to the March 7, 2008 Penfield & Smith Report. This report has identified both on site runoff impacts and floodplain issues for the project as proposed. Since that report was issued, the Public Works Department has specifically addressed the Penfield & Smith report and confirmed the accuracy of its methodology.</p> <p>g) Your comment is noted and will be forwarded to the decision maker.</p>
10	<p>a) Your comment is noted and will be forwarded to the decision maker.</p> <p>b) Your comment is noted and will be forwarded to the decision maker.</p> <p>c) Please see response to comment 17 c) 4) b) below in respect to the adequacy of proposed on site parking.</p> <p>d) The commenter is correct in that the proposed project includes an increase of 160 persons in the Beach and Tennis Club membership and that the overpass bridge was constructed in the 1950s. Caltrans' structural engineers periodically inspect the bridge structure and have not identified any structural deficiencies that would restrict loading. Moreover the ATE February 6, 2008 Site Access, Circulation and Parking Evaluation for the Miramar Hotel and Bungalows Remodel Project concludes that traffic generated by the proposed project would not affect area roadways and intersections. This report has been reviewed and accepted by Will Robertson, Public Works Transportation Division.</p> <p>e) Please see response to comments 8 d), 8 f) and 17 a) herein.</p>
11	<p>a) Flooding description is an account of past flooding events. Past flooding events do not themselves mean that the project will increase this condition. See previous comments 9f and 8h.</p>

12	a) The SEIR was prepared specifically to analyze impacts to the historic resources on the project site. Your comment will be forwarded to the Planning Commission for their consideration.
13	<p>a) Your comment is noted and will be forwarded to the decision maker. Please also see response to comment 8 d) above.</p> <p>b) Please see response to comment 17-d-4-b herein (below).</p> <p>c) Associated Transportation Engineer’s February 6, 2008 “Trip Generation and Parking Demand Analysis for the Miramar Hotel and Bungalows Remodel Project” and “Site Access, Circulation, and Parking Evaluation for the Miramar Hotel and Bungalows Remodel Project” analyzed the incremental difference in traffic impacts between the approved plan and the Proposed Project. These reports have been reviewed and accepted as adequate by Will Robertson, Public Works Transportation Division. The Proposed Project is anticipated to generate an additional 48 Average Daily Trips, 2 A.M. Peak Hour Trips and 6 P.M. Peak Hour Trips over and above the Approved Plan. Upon distributing these trips throughout the study area roadways and intersections consistent with trip distribution in the traffic studies analyzing the Approved Plan, the reports conclude that impacts to roadways and intersections would be less than significant and that hence the Proposed Project would cause no traffic related impacts.</p> <p>d) See responses b) and c) above.</p>
14	<p>a) Michael McMannus, Executive Vice President, Development, has confirmed that the project will use local contractors as feasible (personal communication June 5, 2008). The proposed project will involve a total of approximately 10,000 c.y. of export soils as opposed to the approved project which involved a total of 4,000 c.y. of export. The incremental difference between the projects is 6,000 c.y. which equates to approximately 600 truck trips. These trips are disclosed in the addendum to 00-ND-003 and mitigations are carried over from the ND to lessen associated impacts.</p> <p>b) The applicant anticipates having a total of 204 employees with approximately 102 staff persons at the site at any given time. Parking is provided to staff and the project also includes four affordable residential units specifically for staff persons.</p> <p>c) The formerly proposed well has been eliminated from the project description and the project would rely exclusively on Montecito Water District water service deliveries.</p> <p>d) The Proposed Project would generate only 48 Average Daily Trips (ADT) above and beyond the Approved Plan. Impacts of this traffic were assessed by Associated Transportation Engineers in their February 6, 2008 “Trip Generation and Parking Demand Analysis for the Miramar Hotel and Bungalows Remodel Project” and “Site Access, Circulation, and Parking Evaluation for the Miramar Hotel and Bungalows Remodel Project”. Similar to the approved plan, impacts to area roadways were determined to be less than significant.</p> <p>e) Your comment is noted and will be forwarded to the decision maker.</p>
15	a) Please see response to comments 9 a), 16 c), 8 d) and 8 e).

	<p>b) While the commenter is not specific, the comment appears to be referring to Montecito Community Plan policies GEO-M-1.2, “Grading from future ministerial and discretionary projects in Montecito shall be minimized to the extent feasible in order to prevent unsightly scars in the natural topography due to grading, and to minimize the potential for earth slippage, erosion and other safety risks” and GEO-M-1.6 “Excessive grading for the sole purpose of creating or enhancing views shall not be permitted”. In respect to GEO-M-1.2, proposed grading would not result in unsightly scars, earth slippage, erosion or other safety risks including increased risk of flooding from placing fill material in the floodplain. Please see response to comment 8 h) above. In respect to GEO-M-1.6, grading is proposed, not to create or enhance views but to create a level pad to achieve the easily walkable hotel experience desired by the applicant.</p> <p>c) The Article II zoning ordinance provides a permit path for requesting modifications to height. The proposed project includes a request for such a modification. If approved, the project would not be in violation of the ordinance but rather would be entitled to exceed the height restrictions of the ordinance through a grant of modification. The Montecito Community Plan does not contain specific height limits for guestrooms. Please see response to comment 8 k) herein.</p> <p>d) The commenter is referring to Policy LUC-M-1.6: <i>Improvements to resort visitor-serving hotels shall be designed to be consistent with the existing historic “Cottage Type Hotel” tradition from the early days of Montecito. “Cottage Type Hotel” is defined by cottages limited to six guest rooms each, which are generally single story in height.</i> As discussed in the Addendum, the original Miramar, along with the Biltmore and the San Ysidro Ranch are the resort visitor-serving hotels in Montecito upon which this policy was based. Each of these three resorts includes both large structures for congregation (restaurants, conference rooms, etc.) and smaller buildings or cottages for sleeping. In response to this policy, while not all rooms have to be in cottages, those buildings designed as cottages are limited to six guest rooms (or keys) each, generally single story in height. Moreover, the proposed project includes elimination of one of the existing guest rooms at the beach opening up a view corridor with a width of approximately 35 feet from the beach to the mountains.</p> <p>e) The Montecito overlay included in Article II prohibits recreational court lighting in all residential zone districts. The subject lot is zoned Resort/Visitor Serving Commercial. Additionally mitigation from 00-ND-003 is revised in the Addendum analyzing the proposed project to include provisions for timed shut-off of the tennis court lighting at 10 p.m. While the tennis courts are set at elevation 27 feet mean sea level (msl) and so they do sit higher in elevation than homes located immediately east of Oak Creek, the courts are setback a minimum of approximately 70 feet from the eastern property line providing adequate setbacks for purposes of privacy.</p> <p>f) The commenter is incorrect in that the proposed project does not include a wall running along the north side of the railroad tracks. The proposed project has been amended to eliminate any amplified sound. Please also see response to comment 9 e) above.</p> <p>g) Your comment is noted and will be forwarded to the decision maker.</p>
16	<p>a) Please see response to comments 9 a) and 16 c).</p> <p>b) Please see response to comments 9 a), 16 c), 8 d), 8 e), 8 f) , 29 d) and 29 g). Please also note that Montecito Community Plan policy LUC-M-1.6 does not mandate that all structures in resort/visitor serving hotels need to be cottages; please see response to comment 17 c)</p>

	<p>3).</p> <p>c) The Approved Plan, which has entitlements to build out, was approved in association with an adopted Negative Declaration, 00-ND-003. The baseline for that ND was the then operating Miramar hotel. The Proposed Project constitutes a revision to the Approved Plan insofar as the major elements of the project remain the same. Both plans include a resort hotel with major buildings (ballroom, lobby etc), 204-213 guest rooms, restaurants, a beach and tennis club, spa facilities and on site parking with allowances for conferences, weddings, beach events etc. It is the design details of the projects that differ causing the need for new environmental analysis and a new permit. Because the approved plan can be built out today, it constitutes baseline for purposes of environmental analysis of the proposed project (revision to the Approved Plan). An SEIR/Addendum has been prepared to analyze the incremental differences between the Proposed Project and the Approved Plan. Revisions to the Draft SEIR/Addendum have been included in the Draft Final SEIR/Addendum to address comments raised by the public. The decision makers will weigh in directly on the adequacy of the document in their consideration of the project.</p>
17	<p>a) The comment poses several questions. 1) CEQA Guidelines Section 15162(a) explicitly allows for a subsequent EIR where “substantial changes are proposed in the project which will require major revisions to the previous EIR or <i>negative declaration</i>....” (Emphasis added.) 2) The currently proposed project has been treated by the County as a modification, not a new project because the project objectives, purpose, capacity, location, footprint, and design are essentially the same. Therefore, the revised project is essentially the same project as the approved project. CEQA Guidelines Section 15162 treats such projects differently than a project that has never been the subject of a previous environmental review. Thus, this project is not similar to construction of a new residence where no previous environmental review under CEQA was prepared. 3) Section 15164(b) contains another threshold to allow for an addendum in addition to where there are minor or technical changes in the project. An addendum may be prepared where “none of the conditions described in Section 15162 calling for preparation of a subsequent EIR or Negative Declaration have occurred.” CEQA Guidelines Section 15164(b).</p> <p>b) Architects for the applicant have determined that due to the amount of rot and degradation of structural components of the cottages, preservation of the cottages is not feasible. Additionally, Holmes Culley, Consulting Structural Engineers, prepared reports addressing the structural integrity of the existing structures. These reports were reviewed by Mike Zimmer, the County’s Building Official, and determined to be adequate (personal communication December 2007 and email dated 6/11/08).</p> <p>c) Preserving the few cottages that remain would mean that those cottages would not meet modern safety and service standards for guests in those facilities. Impacts from grading of the project are not related to preservation of the cottages or other possibly historical aspects of the Miramar resort. The grading of the site could cause impacts to water resources but those impacts are examined in the water resources section of the Addendum. CEQA does not require an Addendum, unlike an EIR, to include a discussion of alternatives.</p> <p>d) See response 9a above. 1) The baseline for the Approved Project ND was the then existing Miramar Hotel which included buildings that today have been demolished thereby today allowing views through to the ocean. Because the proposed project constitutes a revision to the approved plan, the baseline for CEQA analysis is the Approved Project. Under 00-ND-003, “Section 4.1.1 Aesthetic/Visual Resources – Environmental Setting, views across the site are characterized as follows: “The site is developed with the existing Miramar Hotel structures which limit views to the ocean from Highway 101. Views toward the ocean from North Jameson Lane (north of</p>

Highway 101) also are blocked by intervening topography and landscaping. There is a limited view of the ocean at the driveway to the existing Miramar convention center, off of South Jameson Lane. Here, the ocean can be seen by looking under the roof overhang that connects the convention center to the Poolside rooms, then down the driveway between the two eastern-most Oceanfront units along the beach. This view is limited in that the two buildings through which the ocean is visible are only 20 feet apart.” 00-ND-003 concludes that under the approved plan “views toward the ocean from South Jameson Lane would remain essentially the same as exist today (i.e., mostly obscured by structures and landscaping)”. 2) Please see the revised Aesthetic/Visual Resource section of the Addendum which includes a chart outlining the specific setback reductions requested under both the approved and proposed plans. As can be seen from this chart, setback reduction requests are substantially similar between the Approved and the Proposed plans. 3) The commenter is correct in that the resort hotels providing the basis for the policy include the Biltmore, the San Ysidro Ranch and the Miramar. The discussion in the addendum is also correct in that “each of these resorts includes both large structures for congregation (restaurants, conference rooms, etc.) and smaller buildings or cottages for sleeping”. Hence, because existing cottage type hotels include the larger congregation facilities the policy cannot be read as though cottage type hotels must be limited strictly to supporting cottages of six guest rooms each. 4) a) Employees would be limited to no more than 102 employees on-site at a given time. The total number of employees would be 204. 4)b) The Associated Transportation Engineers Site Access, Circulation and Parking Evaluation for the Miramar Hotel and Bungalows Remodel Project dated August 8, 2007 and as subsequently amended, has been reviewed and approved by Will Robertson of the County of Santa Barbara Public Works Roads Division. The parking analysis was based on ULI figures for the conjunctive use of a hotel and conference facilities. This is considered a reasonable worst case analysis. The project includes 43 more parking spaces than were proven to be needed in the conjunctive use parking demand analysis dated March 11, 2008. There is no basis to account for four times the number of employees anticipated to serve the hotel by Caruso Affiliates. Retail operations are secondary to the hotel and it is anticipated that the majority of shoppers would be hotel guests; therefore the conjunctive use parking analysis considered this element of the project. Similarly beach events were considered in the conjunctive parking demand analysis: “Parking demands were estimated for the proposed Miramar Hotel Project assuming two different scenarios for the on site banquet facility. Scenario 1 determines parking demands for the hotel complex assuming an average size event with 300 persons, and Scenario 2 assumes a special event with 600 persons. Scenario 1 was developed to determine the peak parking demands which could occur at the site during peak summer weekend periods when the hotel, restaurant, and beach club facilities are busiest, and Scenario 2 examines a maximum size special event that could occur up to 12 times per year” (p 4, February 6, 2008, ATE Trip Generation and Parking Demand Analysis). 4)c)i) Miramar Avenue is owned in fee by Caruso Affiliates. 4)c)ii) Closure of Miramar Avenue was analyzed in the ATE February 6, 2008 Site Access, Circulation and Parking evaluation for the Miramar Hotel and Bungalows Remodel Project; impacts associated with diversion of traffic (74 ADT on weekdays, 107 ADT on weekends with an average of 3 trips during the AM Peak Hour and 7 trips during the PM Peak Hour) were determined to “not measurably affect traffic flows on Eucalyptus Lane”. The intersections that would be affected by the closing of Miramar Avenue currently operate at high LOS B. The addition of the Proposed Project’s additional 2 A.M. and 6 P.M. Peak Hour Trips plus the additional traffic rerouted by the closure will not, in Public Works staffs professional opinion, be sufficient to degrade the intersection below LOS B. Therefore, based on engineering judgment, the project applicant is not required to analyze the effects of the closure any further. 4)c)iii) The north south segment of Miramar Avenue supports 30 public parking spaces. Approximately two spaces would be lost to the new cul-de-sac at the end of the east-west segment of Miramar Avenue; these spaces would be regained through closure of two driveways and resultant new opportunities for parking. Approximately 40 public parking

	e) Your comment is noted and will be forwarded to the decision maker.
18	a) The formerly proposed well has been eliminated from the proposed project description. The proposed project would rely exclusive on deliveries from the Montecito Water District.
19	a) See responses 9a and 8d above. Please also see the policy discussion in the Land Use section of the addendum. While all other Coastal Land Use Plan policies applicable to the project will be evaluated in the staff report to be presented to the decision makers, the County's preliminary analysis suggests that the project may be found consistent with all applicable policies of the CLUP and the Montecito Community Plan including policies relating to seawalls, storm water runoff, design review, public views, beach access opportunities, visitor serving commercial recreational development, traffic, grading etc.
20	a) Your comment is noted and will be forwarded to the decision maker. b) Your comment is noted and will be forwarded to the decision maker.
21	a) Please see response to comment 16 c).
22	a) 1) Your comment is noted and will be forwarded to the decision maker. 2) Your comment is noted and will be forwarded to the decision maker. Please note that flooding impacts are discussed in the Addendum and were reviewed by the County Flood Control District.3) Your comment is noted and will be forwarded to the decision maker. However, Tom Fayram, Deputy Director Public Works Flood Control and registered civil engineer has reviewed and accepted the Penfield and Smith March 7, 2008 "Oak Creek Flood Analysis for the Miramar Beach Resort and Bungalows" as adequate analysis with appropriate conclusions. 4) Please see response to comment 9 f), above.
23	a) Analysis performed by Fugro shows that construction of the proposed project would not result in impacts to groundwater. The proposed project includes two levels of basement parking under the Ballroom at the lowest portion of the site with the finish floor elevation for the basement of the Ballroom structure planned at 16 feet above mean sea level (msl) (memo from Kenneth Clements, GE 2010 dated March 13, 2008); this is the deepest point of excavation included in the project and hence the worst case. In consideration of the required two feet of over excavation, soil disturbance during pad preparation would be at approximately 14 feet above msl. This is above the recorded groundwater levels on the site. Because this construction would occur above the existing ground surface, no impacts associated with dewatering either during construction or through operation would result. Hence, impacts associated with the proposed project are less than those associated with the approved project. Regardless, in the unlikely event that groundwater is encountered during construction, previously adopted mitigation measures would apply and impacts associated with development in areas of shallow groundwater would be reduced to less than significant resulting in a project with no substantial increase in the severity of previously identified significant effects. Additionally, worst case pile driving of the project would be associated with the oceanfront buildings. Here the bottom of the piles would be driven to an

elevation of about minus 20 feet. According to the Fugro report, "Survey of Small Water Systems Surrounding the Miramar Property" dated September 27, 2007, the surrounding private wells are generally drilled to depths of between 88 feet (Lingate Lane well) and 220 feet (Corral Gardens well) below ground surface. The aquifer is located at 75 to 100 feet below grade and extends to a depth ranging from 100 to 150 feet. Depths to top of the well casing perforations are reportedly between 68 feet and 90 feet below ground surface. Pile driving would then result in pile tip elevations at least 40 feet above the top of the perforations on the surrounding private wells. As a result, there would be no significant impact to the aquifer associated with the project.

- b) The proposed project no longer includes use of any well. Instead the proposed project would rely exclusively on water deliveries from the Montecito Water District.
- c) The proposed project no longer includes use of any well. Instead the proposed project would rely exclusively on water deliveries from the Montecito Water District.
- d) Your comment is noted and will be forwarded to the decision maker.
- e) Your comment is noted and will be forwarded to the decision maker.
- f) Traffic impacts from the proposed project are assessed in the addendum to 00-ND-003. Impacts from the approved plan associated with construction traffic and operational traffic were analyzed in 00-ND-003 and assessed as potentially significant but mitigable (Class II). Mitigation included prescribed timing of the arrival and departure of construction workers to avoid the A.M. Peak Hours and the P.M. Peak Hours associated with school traffic; prescribed timing of the arrival and departure of delivery trucks and large construction equipment and requirements that such vehicles park on the site; requirements that equipment and delivery trucks minimize use of roadways to access the project site; required parking on-site in designated areas specifically off roadways; prescriptions for the timing of work that causes redirection of traffic to outside the peak traffic hours; and required designation of a person to receive and respond to complaints from the public regarding traffic. While the proposed project would approximately double the construction worker population on the site as compared to the approved project, impacts are considered mitigable and the mitigation cited above from 00-ND-003 is carried over in the addendum and applies to the proposed project.
- g) Impacts associated with parking from the Proposed Project are analyzed in the Addendum to 00-ND-003. Please see response to comment 17-d-4-b, above. Additionally, on-site parking includes spaces for guests, employees and vendors. It is assumed that employees would park in the project's on site parking facilities (due to free on-site employee parking in proximity to work areas) so it is not anticipated that employees would park on public streets. Finally, while the number of total staff employed by the hotel would exceed 102, only 102 employees would be anticipated to be on site at any given time.
- h) Noise impacts from construction and operation of the Proposed project are fully analyzed in the Addendum to 00-ND-003. Mitigations from 00-ND-003 were carried over into the Addendum, updated as necessary per staff review, updated per new studies prepared by

	<p>Dudek and Associates and amplified by additional suggested mitigations to address noise associated with pile driving activities during construction.</p> <p>i) Noise associated with construction of the proposed project is fully analyzed in the addendum to 00-ND-003, including noise associated with pile driving.</p> <p>j) Please see response to comment 29 h), below.</p> <p>k) Please see response to comment a) above.</p> <p>l) There was indeed once a gas station on the project site. Rincon Consultants, Inc, in their January 8, 1998 report “Phase I Environmental Site Assessment, Miramar Hotel, 1555 South Jameson Lane, Montecito, California” indicate that a gasoline engine and crude oil underground storage tank was removed from adjacent to the engineering shop at the site. The information was supplied by the hotel engineer present during the UST removal in 1990/1991.</p> <p>During a subsequent site assessment, Rincon reported in their February 23, 1998 “Phase II Environmental Site Assessment, Miramar Hotel, Site No. 97-6951, 1555 South Jameson Lane, Montecito, California”, that geophysical surveys were performed at the following locations:</p> <ul style="list-style-type: none"> • Former hotel garage • Small garage • Garage & Service Station • Paint Shop • Tool House • Switch House • Transformer Room <p>No underground anomalies indicative of a UST were detected during the geophysical surveys.</p> <p>Limited soil remediation, to a maximum depth of 5 feet, was performed at the location where the gasoline engine and crude oil UST was removed. Confirmation samples were collected following remediation. The remediation is documented in Rincon’s September 4, 2008 report “Soil Remediation – Area B and Former Disposal Pit, Miramar hotel, 1555 South Jameson Lane, Montecito, California”. There are no indications that a UST is still present onsite.</p>
24	<p>a) Please see response to comment 23 a) above. Additionally, the proposed project no longer includes use of any on site well. Water will be supplied directly by the Montecito Water District.</p>

	<p>b) Please see response to comment 29 h) below. Additionally, your comment and suggestion will be forwarded to the decision maker.</p> <p>c) Please see response to comment 17-d-4-b and 17-d-4-c.</p> <p>d) Your comment is noted and will be forwarded to the decision maker.</p>
25	<p>a) The formerly proposed well has been withdrawn from the project description. The proposed project will rely exclusively on Montecito Water District water service deliveries. Please also see response to comment 37 b) below.</p> <p>b) 1. Please see response to comment 13 c) above. 2. The proposed project includes a request for a modification to ordinance requirements for parking to allow a reduced number of parking spaces on site. The project description specifies that on site employee parking would be free; this incentive would ensure that employees park on site. Mitigation carried over from 00-ND-003 requires that all construction vehicles, including private vehicles of construction workers, shall be parked on site; please also see response to comment 23 f).</p> <p>c) The proposed project was designed to be compatible with, while not identical to, existing structures in the surrounding neighborhood. Of note is the Montecito Board of Architectural Review's positive conceptual review of the project on December 17, 2007 which confirmed the MBAR's opinion that the project is compatible with the neighborhood.</p> <p>d) 1. The formerly proposed well has been withdrawn from the project description. The proposed project will rely exclusively on Montecito Water District deliveries. 2. As noted above, traffic impacts have been assessed and determined to be less than significant, the proposed project includes provision of 68 on street parking spaces and their dedication to public use and the project includes adequate parking to house employee, guest and club member vehicles; please also see response to comment 17-d-4-b.</p>
26	<p>a) While the applicant holds fee title to a portion of the sandy beach, public lateral access across the beach, consistent with the preexisting recorded property easement language (recorded October 28, 1975, Book 2591, page 617), would be maintained throughout any event and beachgoers would not be restricted from using the beach for activities such as running.</p> <p>b) Public access to the beach would not be affected by the Proposed Project. First, the 1975 public lateral access easement across the beach would remain in place. Second, the project includes dedication of two vertical pedestrian access easements through the Miramar property; one of these would replace the existing pedestrian and vehicular access presently available via the north south segment of Miramar Avenue and the other would be a new vertical access. The project includes the development and dedication to the public of 68 parking spaces along Eucalyptus Lane and South Jameson Lane; this constitutes a net loss of only four public on-street parking spaces when compared to the current on-street public parking situation. Finally, the Approved Plan included use of the public parking spaces during peak hotel use, whereas the Proposed Project provides on-site parking for all uses.</p> <p>c) Please see response to comment 6 e) above. Additionally, streets and intersections are adequately sized to accommodate the increased traffic from the proposed project which would include during an emergency; please see response to comment 17 c) 4) c) ii).</p>

	<p>d) Please see response to comment 13 c) above.</p> <p>e) The Montecito Water District has confirmed their ability to serve the proposed project given its demand of approximately 117 acre feet per year (certification of water service availability dated May 10, 2007). Moreover, the project landscaping includes a significant quantity of drought tolerant plant materials specifically to limit water usage.</p> <p>f) Your comment is noted and will be forwarded to the decision maker.</p> <p>g) Beach access will be maintained as noted in response to comment b above.</p> <p>h) Your comment is noted and will be forwarded to the decision maker.</p> <p>i) Please see response to comments 16 c), 8 d) and 8 e) herein.</p>
27	a) The Owl Clan Consultants will be advised of any and all upcoming hearings on this project.
28	<p>a) The baseline is the fully built out and operational Approved (Schrager) Plan. The Executive Summary of the SEIR has been revised to clarify this point.</p> <p>b) 1) The project description has been amended to clarify that there will be deed restrictions imposed on the four employee dwellings such that they will be affordable pursuant to the County’s housing program. 2) The frequency and size of onsite events is laid out in the project description contained in the SEIR. To reiterate herein, all hotel facilities would count toward the population limitations on events, i.e., combined population of beach, meeting room and ballroom events will count toward limitations. Standard hotel events (including weddings, conferences etc) would occur at a maximum of 4.7 times per day and would have a maximum population of 500 people. Special events would occur a maximum of 12 times per year and would have a maximum population of 600 people. Beach events are further restricted such that they would be limited to no more than 30 per year, no more than 60 minutes per event (not including set up and break down time) and no more than 100 people per event.</p> <p>c) The applicant has agreed to carry over the applicable historic mitigations from the 00-ND-003; the SEIR has been amended to reflect this fact. Additional measures to mitigate impacts to historical resources include: retaining the “Miramar” neon roof sign on site and in working order; retaining the neon pole sign at the corner of Eucalyptus Lane and South Jameson Lane in place; and restoring the sandstone entrance caps with “Miramar” incised in them on square sandstone piers to match those in historic photos.</p> <p>d) Pursuant to the proposed landscape plan, a total of 29 trees, including two natives and on Bunya-bunya, will be retained in place on the site and 54 trees, including 9 oaks and 3 sycamores will be relocated. Any tree that is unsuccessfully relocated will be replaced by two 60” box oak trees. Mitigation plantings would occur on site along the east side of the property behind the ballroom and adjacent to the eastern property line. The native trees to be retained and relocated constitute the native trees included in the project landscaping.</p>

- e) The County’s preliminary analysis suggests that the project may be found consistent with all applicable policies adopted for the purpose of avoiding or mitigating an environmental effect including all the policies cited in the land use section of 00-ND-003 as well as policies relating to seawalls, storm water runoff, design review, public views, beach access opportunities, visitor serving commercial recreational development, traffic, grading etc. The only policy raising potential inconsistencies is the policy relating to cottage type hotels and this policy is analyzed in the addendum’s Land Use section.
- f) As noted in the proposed project description, the proposed project includes 68 parking spaces located along South Jameson Lane and Eucalyptus to be dedicated to the public. This parking would be specifically labeled for “Public Use” to ensure exclusive public use and to deter hotel guest use. A new recommended mitigation has been added to the Recreation section of the Addendum to require the applicant to develop protocol for informing hotel guests and staff that street parking is for the public and to ensure that hotel guests and staff do not use the public parking spaces.
- g) 1) Table 4.15-1 has been appropriately labeled. 2) Roadway volume counts were conducted 7/16/2007 – 7/22/2007. Intersection counts were conducted 7/24/2007 and 7/25/2007. Schools were not in session at the time, but it has been the neighborhoods contention that the summer months are the peak period for the region due to the popularity of the local beaches. Highway Capacity Manual (HCM) methodology was used to determine the impacts and is considered the current approved method of analysis. Because traffic is a dynamic system, there is no right answer as to why the patterns and Level of Service (LOS) results have changed, the data simply is what it is and has been verified to be dropping regionally for some time. At the time the Approved Plan was approved, the project volumes were added to the LOS results. The Proposed Plan would result in a net addition of 2 A.M. Peak Hour Trips and 6 P.M. Peak Hour Trips when compared to the Approved Plan, therefore, even with failing intersections, the project would be consistent with applicable thresholds. 3) The Proposed Plan would result in a net addition of 2 A.M. Peak Hour Trips and 6 P.M. Peak Hour Trips when compared to the Approved Plan. Pursuant to CEQA, the Approved (Schrager) Plan is the baseline. 4) Pursuant to CEQA, the Approved Plan is the baseline. The Proposed Plan proposes to provide 551 parking spaces, 107 more than the 444 approved under the Approved Plan. Additionally, the 551 spaces is 35 spaces more than the 516 spaces deemed necessary by the ATE shared parking analysis. 5) The Proposed Plan would result in a net addition of 2 A.M. Peak Hour Trips and 6 P.M. Peak Hour Trips when compared to the Approved Plan. Pursuant to CEQA, the Approved Plan is the baseline. The additional trips do not trigger the County threshold for analysis which is 50 Peak Hour Trips or more.
- h) 1) Tom Fayram, Deputy Director of Public Works Flood Control and registered civil engineer peer reviewed the hydro geologic study and found it to be acceptable. 2) The Montecito Water District has issued the project a Certificate of Water Service Availability confirming its ability to serve all of the water needs of the project including landscape irrigation. With the elimination of the formerly proposed well, the District will be serving all the water needs of the hotel. In their letter dated April 30, 2008, the MWD confirmed that the proposed project is not subject to their recently adopted urgency ordinance. Additionally, while not all the plant materials proposed are drought tolerant, many are, and state of the art irrigation will be used to obviate any overwatering potential. The irrigation plan will be subject to review and approval by P&D. 3) Runoff from impervious areas is designed to be captured in bioswales, vegetated areas and landscaped open channels. These techniques will address ground water recharge.

	<p>i) The proposed project includes requests for modifications to building heights, setbacks and parking as necessary, subject to review and approval by decision-makers.</p>
29	<p>a) Your comment is noted and will be forwarded to the decision maker. See also 17 c) 1 and 2 above.</p> <p>b) The commenter is correct in that the approved project necessitated setback modifications primarily for as built conditions. It did however, include a setback reduction from the South Jameson Lane centerline to the front elevation of the banquet hall and also to the front elevations of the new cottages. The proposed plan includes requests for setback modifications which are similar to, or less egregious than, the approved plan, in order to gain site unification and create more space internal to the site to improve the aesthetic experience for the future hotel guests and other people using the hotel grounds.</p> <p>c) The aesthetics of the Miramar and the Biltmore have always differed. The approved project included a ten foot tall sound wall along the entire South Jameson Lane frontage as well as new cottages and a new banquet hall that required setback modifications to be located within the required front yard setback; impacts attributed to the change in the visual character of the site as seen from the north were determined to be potentially significant and mitigable. Similar to the approved plan, the proposed project includes large buildings along the easterly portion of the site's South Jameson Lane frontage and a visual "wall" of buildings along the westerly portion of the site's South Jameson Lane frontage. Unlike the approved project, however, the proposed project offers a nearly 200 foot wide public view opening in the approximately center of the site's South Jameson Lane frontage. Similar to the approved project, impacts from the proposed project attributed to the change in the visual character of the site as seen from the north were determined to be potentially significant and mitigable. Please see revised Aesthetics discussion in the Addendum for more analysis of the visual impacts of the project on public views from the north.</p> <p>d) The proposed project constitutes a revision to the approved vested project. See response 9a above. The CEQA document assessing the proposed project appropriately assumed the approved project as baseline and narrowly assessed impacts associated with the incremental change between the approved and proposed projects. Government Code Section 15160 provides for variations in EIRs. In the instant case, impacts to historical resources resulting from the proposed project were determined to be significant and unmitigable and hence an SEIR was prepared to address the change in historical impacts from those that had been identified in the adopted negative declaration for the approved project. An Addendum to 00-ND-003 was prepared to address all other issue areas where there was incremental change between the Approved Project and the Proposed Project. The Proposed Project was found to result in no substantial increase in the severity of impacts identified in the original ND. In the instant case, the Addendum substitutes for an Initial Study.</p> <p>e) The comment contends that CEQA Guidelines Section 15126.6 requires that an EIR describe a range of reasonable alternatives. The SEIR provides that on page 57 to 59. This analysis includes a discussion of the No Project Alternative, which does in fact include a description of the area as it is currently configured as required by Section 15126.6. This text also discusses what would reasonably be expected to occur as required by Section 15126.6.</p>

- f) The SEIR includes a discussion of cumulative impacts on page 53 with the conclusion that cumulative impacts from the proposed project to historic resources are significant and unmitigable.
- g) The comment contends that the SEIR analysis is insufficient because it is based on “a Negative Declaration for an entirely different project” and that a new EIR must be prepared that assesses impacts in all resource areas because the proposed project is a new project. This assertion is incorrect because the project is not new but is a modified project. The currently Proposed Project has been treated by the County as a modification, not a new project because the project objectives, purpose, capacity, location, scope, and design are essentially the same. Where the project is essentially the same as an approved project, CEQA Guidelines Section 15162 treats the project differently than a project that has never been the subject of a previous environmental review. Thus, this project is not similar to construction of a new residence where no previous environmental review under CEQA was prepared. The comment seems to suggest that the analysis in the Addendum and SEIR is not detailed enough. CEQA Guidelines Section 15146 speaks directly to this issue and requires that “the degree of specificity in the SEIR will correspond to the degree of specificity involved in the underlying activity...” The approved Negative Declaration and the Addendum appropriately include a level of specificity related to less than significant impacts and the SEIR corresponds to the higher level of specificity related to the potentially significant historical impacts for the project. The Negative Declaration, the Addendum and the EIR all rely on maps, diagrams, hydrological studies, historical analysis and other technical information as required by CEQA Guidelines Section 15147. The comment contends that a new EIR be prepared that assesses impacts in all resource areas because the proposed project is a new project. The project, however, is not a new project but is a modified project. The currently proposed project has been treated by the County as a modification, not a new project because the project objectives, purpose, capacity, location, footprint, and design are essentially the same. Since the project is essentially the same project. CEQA Guidelines Section 15162 treats the project differently than a project that has never been the subject of a previous environmental review.

h) New noise studies to assess the current noise levels in the area of the proposed project were submitted, and include:

- Dudek and Associates Noise Study dated June 2007
- Dudek and Associates Noise Study Addendum 1 dated January 16, 2008
- Dudek and Associates Noise Study Addendum 1- Revision 1 dated February 22, 2008
- Dudek and Associates Noise Study Addendum 1- Revision 2 dated March 14, 2008,
- Dudek and Associates Noise Study Addendum 2 dated February 5, 2008,
- Dudek and Associates Noise Study Addendum 3 dated February 6, 2008 and February 18, 2008
- Dudek and Associates Noise Study Addendum 4 dated March 21, 2008
- Dudek and Associates Noise Topical Response dated June 10, 2008

The current noise analysis measured the existing noise environment in May, October and November 2007 at several site locations. Both 24-hour and short-duration sound level measurements were conducted on both weekdays and weekends. Both daytime and nighttime noise levels were taken into account in a current noise analysis. The commenter suggests that increased traffic along Hwy. 101 over the past eight years has significantly increased noise levels in the area. Current measurements undertaken by Dudek and Associates found

	<p>noise levels to range between 52-66 dB(A), while results of noise studies conducted for the Approved Project found noise levels to be between 64-75.8 dB(A). This comparison indicates that ambient noise levels have not increased significantly, if at all, in the past eight years. Noise measurements undertaken for both the Approved and Proposed Plan measure all noise sources contributing to ambient noise, including traffic noise. The effect of reflected noise under both the Approved and Proposed Plans would remain the same (both because of the overall reported decrease in noise levels and because of the manner in which reflected noise contributes to ambient noise), meaning that under the both Plans the reflected noise would only result in a 1-2 dB(A) noise increase to properties on the north side of Hwy 101 (ArtNek Acoustical Analysis for the Miramar Resort Hotel dated November 7, 1999, Dudek and Associates Noise Topical Response dated June 10, 2008, personal communication with Acoustician Cornelius Overweg of Dudek and Associates, June, 19, 2008). It is true that the Proposed Project includes more and taller buildings along the South Jameson Lane frontage than did the Approved Project. But noise reflectivity analysis conducted by ArtNek for the Approved Plan assumed that the sound wall “was sufficiently high to cause a strong, direct reflection of traffic noise back to the north” thereby approximating the conditions presented by the Proposed Plan. In respect to reflected railway noise, because the direct noise generated by trains on the UPRR is closer to the beach than the distance of the noise reflected back to the beach off of the buildings, the direct noise will dominate. As a result, reflected railroad noise impacts are not anticipated to be significant and the impacts from the Proposed Project are not substantially more severe than impacts from the Approved Project (Dudek and Associates Noise Topical Response dated June 10, 2008). The Noise section of the Addendum has been updated to reflect this information. The average human ear can barely perceive noise level changes of up to 3 dB(A) under field (non-laboratory) conditions (ArtNek Acoustical Analysis for the Miramar Resort Hotel, November 7, 1999), therefore, increased noise of 1-2 dB(A) as a result of noise reflection would not be considered a significant impact. 00-ND-003 concluded that there were no significant impacts associated with reflected noise off the Approved Project and reasonable conclusions can be drawn that impacts are not substantially more severe in association with the Proposed Project.</p> <p>i) The on site well has been eliminated from the project description and the Proposed Project will rely exclusively on Montecito Water District water supplies. The Montecito Water District has issued a Certificate of Water Availability confirming their ability to serve.</p> <p>j) Your comment is noted and will be forwarded to the decision maker. See responses above.</p>
30	<p>a) The Addendum has been revised to include more discussion on the Proposed Project’s impacts to groundwater. Please see response to comment 23 a). Moreover, the Proposed Project no longer includes reliance on any well; rather, the Proposed Project would be served exclusively by the Montecito Water District.</p> <p>b) Because the Proposed Project would no longer include a well, the project itself would not be pumping groundwater and therefore no analysis on seawater intrusion at the site as a result of pumping is necessary.</p> <p>c) The Montecito Water District has confirmed that the approximate water use of the project would be 117 acre feet per year. This is based on applicant supplied information regarding landscaping as well as numbers of fixtures and laundry needs.</p>

	<p>d) Use of any well has been eliminated from the Proposed Project. Hence collecting additional information in regard to the existing well's water quality is unnecessary.</p> <p>e) Use of any well has been eliminated from the Proposed Project.</p> <p>f) Use of any well has been eliminated from the Proposed Project.</p> <p>g) Use of any well has been eliminated from the Proposed Project.</p>
31	<p>a) Use of any well has been eliminated from the Proposed Project. The Proposed Project would not result in groundwater contamination from application of fertilizers as the project would use natural fertilization methods to the extent feasible, it would have a state of the art controlled irrigation system to preclude overwatering and it would employ a series of best management practices to preserve water quality in the unlikely event of overwatering. Best management practices would include: infiltration galleries to prevent or reduce discharge of pesticides, herbicides and fertilizers; bioretention to filter out solid pollutants and break down chemicals and use of plants to take up nutrients; and biofilters to take up excess fertilizers and remove chemicals through soil interaction. In respect to old gas tanks, please see response to comment 23 l). In response to disruption to the aquifer from construction, please see response to comment 23 a). Finally, the Montecito Water District has confirmed their ability to serve the proposed project given its demand of approximately 117 acre feet per year (certification of water service availability dated May 10, 2007) and in response to Montecito Water District concerns about the originally proposed extensive use of lawn, the project has been redesigned to reduce lawn area from 66,860 square feet to 48,538 square feet.</p> <p>b) Please see response to comment 29 h).</p> <p>c) The Proposed Project includes a request for a modification to ordinance parking requirements on the basis of project specific derived parking numbers (ATE Trip Generation and Parking Demand Analysis dated February 6, 2008). It is unreasonable to assume that all Beach Club members would be present on site at any given time. Rather, the above cited ATE study assumes that 30% of the club membership would be present on a summer weekend and accounts for that number in the parking demand analysis. On site parking provisions are adequate to accommodate the anticipated parking needs of the project as a whole including the Beach Club members. Under the approved plan, 416 parking spaces were to be provided onsite plus 28 overflow spaces provided on the tennis courts (for a total of 444 spaces total). Additionally, County parking ordinance required 599 parking spaces for the hotel uses, leaving them 183 spaces short (not counting the overflow parking). A modification to the County's parking ordinance was granted by the County for the approved plan. Under the proposed project, 551 parking spaces would be provided onsite for hotel use plus the 28 overflow spaces that could be provided on the tennis courts. The amount of onsite parking would exceed the anticipated peak demand for the site and the Proposed Project would be just 120 spaces short. Therefore, the applicant seeks a modification to the County's parking ordinance for the proposed project as well. Given that the number of parking spaces provided onsite under the proposed project would meet their anticipated peak demand and given that the project would be short 120 spaces as opposed to 183 spaces under the Approved Plan, the Proposed Project would have less than significant impacts on parking for hotel uses and impacts would not be substantially more severe</p>

	<p>than under the Approved Plan.</p> <p>d) The commenter is correct in that the Proposed Project is approximately 30,000 s.f. larger than the Approved Plan, that the existing cottages would be demolished, that paved area would constitute 5.79 acres and that the main building is approximately five times larger than the Approved Plan. The commenter is incorrect in that 12, 100 year old oaks will not be removed for the project. Rather, the project description has been changed insofar as the eight oak trees previously proposed for removal are now proposed to be relocated with failure of any relocated oak to be mitigated by the installation of two 60" box oaks. Additionally, the commenter is incorrect in suggesting that ocean and island views would be lost were the Proposed Project to be constructed. Baseline for environmental analysis of the Proposed Project is the Approved Plan. 00-ND-003 characterizes the former setting and notes that ocean views are extremely limited to a narrow vista down the private drive on the east side of the property through the beachfront units. 00-ND-003 concluded that there would be no change from the then existing setting to the Approved Plan, i.e., the Approved Plan would not improve public views to the ocean. The Proposed Plan then, would constitute no change from baseline as it too would not improve public views to the ocean; the plan would however open public views into the site along an approximately 200 foot opening between the entry drive and the western edge of the main building. Please also see response to comment 15 d).</p>
32	<p>a) Please see response to comments 9 a) and 16 c).</p> <p>b) Please see response to comment 29 h). Additionally, and importantly, under CEQA, a project need only mitigate for significant impacts and any cumulatively considerable contribution to cumulative impacts. The Addendum to 00-ND-003 concludes that the noise impacts from the Proposed Project would not be substantially more severe than the noise impacts of the Approved Plan identified in the ND. The mitigations from the ND are carried over into the Proposed Project. Those mitigations were found to reduce any potentially significant impacts as well as the project's contribution to cumulative impacts to less than significant levels.</p>
33	<p>a) The property owner is engaged in ongoing extermination practices and would continue these through and following construction.</p> <p>b) Please see response to comment 23 l).</p>
34	<p>a) The monitoring report pertains to information regarding archaeological resources. This material is exempt from disclosure via Government Code § 6254 (R): Archaeological resources. Additionally, this material is available to Native American Tribes at the University of California Santa Barbara (UCSB) Central Coast Information Center (CCIC).</p> <p>b) Mitigation contained in 00-ND-003 as revised in the Addendum will ensure that all areas considered sensitive for archaeological resources, as determined by Heather McFarlane, would be monitored during construction.</p>
35	<p>a) The formerly proposed well has been eliminated from the project description and the Proposed Project would rely exclusively on deliveries from the Montecito Water District.</p> <p>b) Please see response to comment 29 h). Additionally, the Article II Coastal Zoning Ordinance provides a permit path for modifications to ordinance standards including setbacks, height and parking. The decision makers will weigh in on these requests in their consideration</p>

	<p>and action on the project.</p> <p>c) Associated Transportation Engineers produced two final transportation reports dated February 6, 2008: “Trip Generation and Parking Demand Analysis for the Miramar Hotel and Bungalows Remodel Project” and “Site Access, Circulation and Parking Evaluation for the Miramar Hotel and Bungalows Remodel Project”. Both of these reports were reviewed and accepted as adequate by Will Robertson, Public Works Transportation Division. The reports indicate that the addition of 48 Average Daily Trips (ADT), 2 A.M. Peak Hour Trips and 6 P.M. Peak Hour Trips would not create impacts to area roadways which were determined to be operating at acceptable levels of service.</p>
36	a) Your comment is noted and will be forwarded to the decision maker. Please also see response to comment 29 h).
37	<p>a) The County’s Storm Water Management Program was submitted to, and approved by, the Regional Water Quality Control Board to comply with the requirements of the state’s NPDES General Permit for Storm Water Discharges from Small Municipal Storm Sewer Systems (WQO 2003-0005-DWQ). The proposed project was reviewed in accordance with the provisions of the Storm Water Management Program, in particular those of the Post-Construction Minimum Control Measure (see Chapter 5.0 of SWMP). The level of detail provided in the application submittal is sufficient for purposes of analyzing impacts consistent with the Storm Water Management Program.</p> <p>The General Permit design standards (Attachment-4 of the permit) require that post-development peak storm water runoff discharges rates not exceed the estimated pre-development rate where the increased peak rate will result in downstream erosion. Discharges from the proposed project will not exceed the pre-development rate; nor will there be impacts from erosion from the post-development discharges.</p> <p>Comparisons of the previous drainage report is irrelevant. The March 7, 2008 report is the current report and supersedes the previous reports. Penfield and Smith has identified that the overall impervious area of the post project will be reduced. Decreases to the Oak Creek Drainage is accomplished by increasing flow to the UPRR culvert that discharges to the ocean. The Miramar Drainage outlet was also avoided by the project.</p> <p>b) Infiltration of stormwater from the proposed project area into the soil is not expected to result in contamination of groundwater. The NPDES permit states that monitoring and maintenance of infiltration BMPs is especially important where runoff is generated from areas of industrial activity or areas subject to high vehicular activity (ADT >25,000 vehicles) to ensure protection of groundwater. The proposed project does not include industrial use nor high vehicular activity.</p> <p>c) 1) This issue was addressed in the P&S Drainage Report dated March 7, 2008. 2) The UPRR culvert condition exists with or without the project. The project reduces flows to Oak Creek. 3) Most of the project drainage from the site is redirected away from this system. 4) The UPRR culvert is a privately owned facility, the project reduces flows to Oak Creek thus there is no impact of the project on the culvert. The project does direct additional flow to another culvert on the site that has the capacity to carry projected flows. 5) The March 7, 2008 Penfield & Smith report addresses on site and off site drainage. 6) See response to comment 37 a) above.</p>

	d) At this point in the environmental review process, no additional studies or submittals are necessary for compliance with the County's Storm Water Management Program.
38	a) Your comment is noted and will be forwarded to the decision maker. In addition, Mike Zimmer, County Building Official, peer reviewed the Holmes Culley structural reports and accepted them as adequate and reasonable.
39	a) Your comment is noted and will be forwarded to the decision maker.
40	a) Your comment is noted and will be forwarded to the decision maker. b) Please see response to comments 13 c) and 17 c) 4) b) above. c) Please see response to comments 9 a) and 15 d).
41	Duplicate. Please see responses to comment letter 25.
42	Duplicate. Please see responses to comment letter 3.
43	a) Please see response to comments 16 c), 8 d) and 8 e). b) Please see response to comments 8 d) and 8 e). Additionally, photo documentation is just one of several mitigations applied to the project in the SEIR. Other mitigations, carried over from 00-ND-003, include retention of the "Miramar" neon roof sign in working order on the site, retention of the neon pole sign at the corner of Eucalyptus Lane and South Jameson Lane in situ and restoration of the sandstone piers with sandstone entrance caps incised with "Miramar". c) Please see response to comments 15 d), 17 c) 3)m 6 c) 29 c) and 5 d). d) The commenter correctly identifies the number of proposed parking spaces. However the number of rooms proposed would comprise a maximum of 209 rooms, not 209+ rooms. e) Under the Approved Plan, Miramar Avenue was open to the public. The current plan proposes to abandon Miramar Avenue. Humphrey Lane will still be able to provide emergency egress if necessary. The Proposed Plan does propose to increase the Beach Club membership. The Proposed Plan would result in a net addition of 2 A.M. Peak Hour Trips and 6 P.M. Peak Hour Trips when compared to the Approved Plan. Pursuant to CEQA, the Approved Plan is the baseline. The County is unsure as to where the requirement of 100 to 400 employees was obtained in reference to a 5-star hotel. Traffic counts conducted in 2007 show that congestion has decreased since the Approved Plan was considered. Caltrans has not commented to the bridge being a safety issue. Pursuant to CEQA, the Approved Plan is the baseline. The Proposed Plan proposes to provide 551 parking spaces, 107 more than the 444 under the Approved Plan. Additionally, the 551 spaces is 35 spaces more than the 516 spaces deemed necessary by the ATE shared parking analysis. The applicant is also providing 68 additional parking spaces along South Jameson and Eucalyptus Road. Therefore, the Proposed Plan provides a total of 635 spaces as compared to the Approved Pllan at 444. Comment noted on valet parking. The applicant-prepared study prepared for ATE states that beach access with be provided at Eucalyptus Road. There should be no reason water sports equipment would be denied

along public access routes. Pursuant to CEQA, the Approved Plan is the baseline considering the minimal increase in vehicle traffic over the Approved Plan.

- f) The commenter is referring to Montecito Community Plan Goal LUC-M-1.
- g) The commenter cites statistics from the Proposed Project but uses hyperbole (“*PLUS”) to implicate that the Proposed Project maximums might be exceeded. Additionally, the commenter overstates the likely number of events to be held on the site. If approved, the project would be restricted to the limitations contained in the project description as well as the conditions of project approval. Deviation from these limitations would constitute a violation of the CUP and as such would be zoning violations which are subject to enforcement.
- h) The Associated Transportation Engineers final studies dated February 6, 2008 confirms that the incremental increase in traffic from the Proposed Project when compared to the approved project is 48 Average Daily Trips, not the 2-3,000 cited by the commenter. Hotel employees will receive free on-site parking which is an incentive to ensure that they do park on-site. Please also see response to comment 17-d-4-b.
- i) Of note is the Montecito Board of Architectural Review’s positive conceptual comments about the proposed project on December 17, 2007 confirming their consensus that the project is compatible with the surrounding neighborhood.
- j) The Article II zoning ordinance allows a permit path for projects seeking CUPs to modify ordinance restrictions related to setbacks, height and parking. The Proposed Project is requesting modifications to each of these ordinance standards for various components of the project. Please see Table 2-4 of the SEIR project description for details regarding the requested setback modifications. The berm will itself constitute fill materials and it will be planted with shrubs and trees.
- k) The commenter correctly cites project statistics except that there will be only 14 feet of fill maximum in the eastern portion of the property not 18 feet. The Proposed Project includes fill material to level the site to meet the project objective of an easily walkable site. While staff is recommending approval of the plan as proposed, the decision makers will weigh staff’s recommendation as well as public input in taking action on the applicant’s request.
- l) The Penfield and Smith March 7, 2008 “Oak Creek Flood Analysis” analyzes impacts to flood levels from Oak Creek associated with installing fill material in the floodplain and concludes that impacts will be de minimis. Please see the revised Water Resources/Flooding section in the Addendum. The Penfield and Smith report was reviewed and accepted as adequate by Tom Fayram, Deputy Director Public Works Flood Control and registered civil engineer.
- m) Please see response to comment 17 c) 1.

	<p>n) Please see response to comment 23 L).</p> <p>o) Please see response to comments 29 h) and 6 f).</p> <p>p) Please see response to comment 29 h).</p> <p>q) The approved plan included the removal of one native and 189 non-native trees and the relocation of three natives and 55 non-native trees. The proposed project includes removal of 40 non-native trees, relocation of 12 native (9 oaks, 3 sycamores) and 41 non-native trees and protection in place of two natives and 27 non-natives. Hence, the approved plan and the proposed project are similar in their treatment of on-site flora.</p> <p>r) Mitigation contained in 00-ND-003 as revised in the addendum will ensure that all areas considered sensitive for archaeological resources, as determined by Heather McFarlane, would be monitored during construction.</p>
44	<p>The Proposed Plan would result in a net addition of 2 A.M. Peak Hour Trips and 6 P.M. Peak Hour Trips when compared to the Approved Plan. Pursuant to CEQA, the Approved Plan is the baseline. b) Your comment is noted and will be forwarded to the decision maker. Please see response to comment 25 c) regarding neighborhood compatibility. c) Please see response to comment 28 h) regarding noise.</p>
45	<p>a) Your comment is noted and will be forwarded to the decision maker.</p> <p>b) Your comment is noted and will be forwarded to the decision maker.</p> <p>c) The commenter recommends an additional (3rd) route through the property to the beach. The Proposed Project includes dedication of 2 access paths, which includes one more route than the Approved Plan, to allow the public access to Miramar Beach. In addition to the one dedicated public access path from the public parking located at the western portion of the property at South Jameson Avenue, the public will have informal access into the property from the front hotel lobby and retail shop area southward into the internal gardens, hotel rooms and pool area, leading south towards the existing beach access across the UPRR. Signage will be included to direct the public towards the beach. The applicant proposes that each of the two dedicated access paths, including dedication of 68 public parking spaces, will be available for public use and no development, including signage, as defined in Section 30106 of the Coastal Act and in the County LCP, shall occur within the access corridors, which will prohibit or otherwise restrict public pedestrian access along the identified public access corridor, except for necessary short-term temporary disruptions such as: construction, reconstruction or maintenance work related to the project.</p> <p>d) The Approved Plan provided a total of 68 public parking spaces and presumed some overflow parking from hotel special events would use some of these spaces during peak operation. Public parking would still remain available along the east/west portion of Miramar Avenue (the portion not vacated) and would provide approximately 16 of spaces along both the north and south sides of the roadway.</p> <p>e) The applicant proposes to: 1) provide signage at the exterior entrances, as well as appropriately located in the interior of the hotel</p>

grounds directing the public towards the beach access; 2) There are no gates, landscaping or other barriers that would restrict or deter public access into the hotel entrances; 3) all employee parking is on-site within designated parking areas. Any vendors using the facility will be directed to on-site parking and/or loading areas; 4) The hotel operator staff and banquet facilitator would ensure closure of the tennis courts during peak operation of the banquet event; 5) see the answer to “g” below; 6) There is no mechanism for the County to monitor and enforce (ticket or towing) the proposed 4-hour timed parking spaces. The County has not established a parking ordinance or the enforcement program to effectuate such a request in the Montecito area. However, the applicant has agreed to monitor the use of the public parking areas and the project has been conditioned to require that the applicant monitor use of the public parking spaces on the weekends, during the summer, and during peak events, with annual reports provided to the County for review (see condition of approval number 52, attached to the staff report).7) Please refer to the existing air quality mitigation measures that direct use of public transportation as part of the hotel operations for employees, including use of the MTD bus stop located on the north side of Highway 101 at North Jameson.

- f) The Proposed Project maintains the same number of public access parking spaces (68) as the Approved Project, but provides additional on-site parking for the hotel uses, including hotel guests, banquet guests, employees and vendors. The Approved Plan relied upon part of the hotel operations overflow parking, thus potentially reducing available public access parking. The Proposed Project also includes use of the tennis courts for additional overflow parking. Therefore, there is an overall increase in available public access parking than the Approved Project and a monitoring program is unnecessary.
- g) The Proposed Project includes 551 on-site parking spaces to accommodate all hotel operational functions which is 107 more spaces than the Approved Project (444 spaces). At peak parking demand, the project would need 523 spaces. The hotel would employ approximately 204 total employees, with no more than 102 employees working on-site at any given time. Operational analysis conducted with the assistance of hotel consultants, James D. Kelley & Associates indicates that one employee per hotel room (204) would adequately meet operational needs of the hotel.
- h) The comment requests mitigation for the loss of lower-cost visitor serving overnight accommodations from the reconstructed Miramar hotel. This is not a CEQA impact issue, but does raise consistency with the County’s Local Coastal Program (LCP) and analyzed in the staff report to the decision-makers.
- i) The comment recommends inclusion of a sidewalk fronting the hotel façade along South Jameson and Eucalyptus Lanes for access from the public parking spaces. Creation of the sidewalk may reduce the amount of landscaping intended to soften the façade of the buildings due to space limitations. Through the project entitlement process, the Montecito Board of Architecture (MBAR) will review the project plans and recommend final placement of the any sidewalks and the accompanying landscaping.
- j) The comment questions the adequacy of the coastal engineering analysis for the seawall to ensure stability for the life of the structures, include an adequate factor for sea level rise. The Coastal Hazard and Wave Runup Analysis prepared by GeoSoils, dated November 2007, was updated on May 20, 2008 to increase the sea level rise factor from 1 to 2 feet. The updated report concluded the proposed

	<p>development is reasonably safe from coastal hazards including shoreline erosion, wave attack, wave over topping and coastal flooding.</p> <p>k) The applicant has modified the project description to retain all trees on the subject property. This includes relocation of 8 oak trees near the riparian area and maintenance of the trees. In addition to proposed mitigation for standard County tree replacement requirements, the applicant proposes replacement for each loss with two 60” box oak trees.</p>
46	<p>a) The Proposed Project has been redesigned such that the main building now has a three hour fire floor between it and the subterranean parking garage. Additionally, recent flow tests confirm that there is greater than 1,500 gpm@20 psi flow at the east end of the site (Montecito Water District letter dated June 10, 2008). Finally, the project description includes fire sprinklering and fire alarming of the facility.</p> <p>b) The proposed project has been redesigned such that the main building now has a three hour fire floor between it and the subterranean parking garage. Additionally, recent flow tests confirm that there is greater than 1,500 gpm@20 psi flow at the east end of the site (Montecito Water District letter dated June 10, 2008).</p> <p>c) According to the Montecito Water District pump tests, existing infrastructure appears to be adequate to serve the proposed project with water for fire suppression consistent with Fire Department interests.</p> <p>d) The project description includes fire sprinklering and fire alarming of the facility.</p> <p>e) Your comment is noted and will be forwarded to the decision maker.</p>
47	<p>a) Your comment is noted and will be forwarded to the decision maker.</p> <p>b) Your comment is noted and will be forwarded to the decision maker.</p> <p>c) The applicant has agreed to implement the historic resource mitigations that were included in 00-ND-003. These mitigations include restoration of the sandstone pillars and caps.</p> <p>d) Your comment is noted and will be forwarded to the decision maker.</p> <p>e) Your comment is noted and will be forwarded to the decision maker.</p>
48	Your comment is noted and will be forwarded to the decision maker.
49	Your comment is noted and will be forwarded to the decision maker.
50	Your comment is noted and will be forwarded to the decision maker.
51	Your comment is noted and will be forwarded to the decision maker.
52	Your comment is noted and will be forwarded to the decision maker.
53	Your comment is noted and will be forwarded to the decision maker.

89	Your comment is noted and will be forwarded to the decision maker.
90	Your comment is noted and will be forwarded to the decision maker.
91	<p>a) Your comment is noted and will be forwarded to the decision maker.</p> <p>b) The closure of the north south segment of Miramar Avenue is proposed in order to unify the hotel grounds. Please see response to comment 6 d). Additionally, emergency turfblock access, which will also be dedicated through an easement for public pedestrian access, is proposed to replace the roadway segment. A second pedestrian access, located along the private roadway between the proposed main building and ballroom, would also be dedicated in perpetuity to the public through an easement. A total of 68 parking spaces would be provided on the site along Eucalyptus Lane and South Jameson Lane providing parking proximate to the beach for public use only. The pedestrian access easements and parking would ensure that the proposed project would have no impacts on public access to the beach. In respect to traffic, please see response to comment 13 c).</p> <p>c) Your comment is noted and will be forwarded to the decision maker.</p>
92	Duplicate. Please see responses to comment letter 40.
93	<p>a) Cross referencing is accomplished through issue area titles. This is the County’s historic administrative practice and should provide an acceptable and adequate method to compare the impact assessments of the two projects.</p> <p>b) The comment requests a definition of “minor.” Minor is not defined in the Public Resources Code or the CEQA Guidelines. It is believed that the commenter is referring to minor in the context of one of the criteria for using an Addendum. The County, however, is not using this criterion but is instead using the other criterion for whether an Addendum is appropriate. That criterion is that an Addendum may be prepared where “none of the conditions described in Section 15162 calling for preparation of a subsequent EIR or Negative Declaration have occurred.” CEQA Guidelines Section 15164(b).</p> <p>c) The comment asks if a collective number of impacts and a substantial number of changes within a project could trigger a new ND or EIR. The answer is no; the threshold for preparation of a new ND or EIR is not the number of impacts from different resource areas added to a determination that a modified project has extensive changes. Each resource area is analyzed differently regarding whether impacts are substantially more significant. In the specific situation where the collective number of project impacts to the same resource area, such impacts could be viewed as cumulatively considerable and possibly require a new ND or EIR. However, the proposed project modifications cause no such cumulative impacts. Similarly, in answer to whether project changes on their own could necessitate the preparation of a new ND or EIR, the answer is no. CEQA’s criteria for whether an Addendum to an existing ND is adequate include whether the modified project’s <i>impacts</i> are substantially more severe. The criteria do not relate to the project changes on their own.</p> <p>d) The acreage changes shown in the Proposed Project are due to counting the area of the north south segment of Miramar Avenue, (proposed to be abandoned), counting the beach area that is owned in fee (the approved plan neglected to count this toward their total acreage) and counting the area to be improved within the UPRR right of way. In respect to the area counted in the UPRR right of way, because this area is included in the proposed revised development plan, it is appropriate, pursuant to Article II, Section 35-202, to count</p>

	<p>it toward the net lot area used as the divisor in the FAR calculations.</p> <p>e) Please see updated chart in the Addendum under the aesthetics discussion entitled “Comparison of the Proposed Project with the Approved Plan”.</p> <p>f) 1) Mitigation included in 00-ND-003 to address impacts associated with construction traffic is carried over verbatim into the currently proposed project through the Addendum. Mitigation is specific in directing “workers’ vehicles, construction equipment, and/or delivery trucks shall park only in designated areas and not on public roadways (South Jameson Lane, Eucalyptus Land and Miramar Avenue), except as necessary to perform specific, limited, construction related tasks. No construction-related vehicle or equipment shall be parked overnight on public roadways.” 2) All construction parking, including construction worker trucks and construction equipment, would be required to park on the project site except in the instances when a vehicle is needed to perform work in a roadway. In respect to where construction parking will occur during grading, pile driving and/or drilling, the parking would vary on location depending on the construction schedule and what activities may be occurring on site. The underground parking garage will be one of the first parts of the project that is constructed and it would be used for construction parking as well once it is built. 3) As noted above, yes, the construction roadway parking restriction also applies to construction equipment.</p> <p>g) 1) The north south segment of Miramar Avenue is owned in fee by Caruso Affiliates. 2) Please see response to comment 17-d-4-c-iii. 3) New pedestrian access through the site approximately along the current north south alignment of Miramar Avenue will be dedicated through an easement to County for the public. The terms of that easement will be made to the satisfaction of the County to ensure unencumbered public access. 4) The project site would be graded to achieve a level aesthetic. As a result, the fire access lane would be ADA compliant and the easterly public access would be ADA compliant through the site to the boardwalk. ADA access could be found from the boardwalk down to the beach although it would not follow the dedicated public access route. 5) Tour buses and other oversized vehicles would be accommodated in the motor courts of the main building and the ballroom. 6) Please see response to comment 17 c) 4) c) iii). 7) The Proposed Project would maintain the status quo in respect to parking and emergency access across the east west segment of Miramar Avenue with the exception of the closure of two driveways to allow more parking opportunities.</p> <p>h) County ordinance standards for parking (1 space per 500 s.f. of gross floor area) account for employees.</p> <p>i) The Proposed Project anticipates having 100 staff persons on site at any given time. The actual staff numbers would exceed 100 to achieve the service needs of a five star hotel.</p> <p>j) The incremental differences between the Approved Plan and the Proposed Project are analyzed in the SEIR/Addendum. The SEIR points out that impacts to historic resources from the Proposed Project are Class I whereas they were deemed mitigable in the Approved Plan. Otherwise the Addendum concludes that impact levels will remain the same between the two projects or will not be substantially more severe in under the Proposed Project.</p>
94	a) The commenter is correct in that the Approved Plan did have lighting of the boardwalk and beach bar. The project description has been

	changed to reflect this fact.
	b) The project description and discussion throughout the SEIR/Addendum has been revised to reflect the 204 key count.
95	Your comment relates to policy consistency, please refer to the staff report.
96	<ul style="list-style-type: none"> a) Your comment is noted and will be forwarded to the decision maker. b) Your comment is noted and will be forwarded to the decision maker. c) Your comment is noted and will be forwarded to the decision maker. d) Your comment is noted and will be forwarded to the decision maker. e) Your comment is noted and will be forwarded to the decision maker. f) Your comment is noted and will be forwarded to the decision maker. g) Your comment is noted and will be forwarded to the decision maker. h) The EIR adequately discloses the disagreement amongst experts and additional text is unnecessary. i) Your comment is noted and will be forwarded to the decision maker. j) Your comment is noted and will be forwarded to the decision maker. k) Your comment is noted and will be forwarded to the decision maker. l) Your comment is noted and will be forwarded to the decision maker. m) Your comment is noted and will be forwarded to the decision maker. n) Your comment is noted and will be forwarded to the decision maker. o) Your comment is noted and will be forwarded to the decision maker. p) Your comment is noted and will be forwarded to the decision maker. q) Your comment is noted and will be forwarded to the decision maker. r) Your comment is noted and will be forwarded to the decision maker. s) Your comment is noted and will be forwarded to the decision maker.
97	Your comment is noted and will be forwarded to the decision maker.
98	Your comment is noted and will be forwarded to the decision maker.
99	a) Please see response to comments 9 c), 25 c), 17 c) 4) b), 26 e), 28 h), and 31 a).
100	<ul style="list-style-type: none"> a) The intersections within the project area currently operate at acceptable levels of service. Since the approved baseline is the Approved Plan, the Proposed Project will not provide project specific impacts to the local intersections when analyzed under the County Environmental Thresholds. b) Please see response to comment 29 h). c) Please see response to comments 26 e), 28 h), 31 a), 17 c) 4) b), 8 g) and 8 h)
Environmental Hearing , April 28, 2008	
Comment No.	Response
H1	a) The written project description together with the project plans describe the whole of the project and quantify size and height. On

	<p>December 17, 2007 the Montecito Board of Architectural Review confirmed the appropriateness of the mass, bulk, scale and height of the project in their positive conceptual comments on the project.</p> <p>b) Please see response to comment 15 d). Additionally, the commenter is correct that the Montecito Architectural Guidelines do speak to landscaped spaces between the cottages. The proposed project includes such elements in its design, as shown on the project landscape plans.</p> <p>c) The closure of Miramar Avenue is intended to provide for a cohesive, pedestrian friendly, hotel campus. The mandates for a visitor serving resort to be compatible with surrounding residential areas does not mean they must be the same as those residential areas either in respect to style, size, bulk, scale or circulation. Of note is the Montecito Board of Architectural Review’s positive conceptual comments about the design confirming that body’s satisfaction as to the project’s compatibility with its surrounding residential neighborhood. Additionally, the project includes an approximately 200 foot wide opening between the entry drive and the westerly corner of the main building as seen from South Jameson and Highway 101. This opening allows for public views into the site and well spaces cottages with landscaping between.</p> <p>d) Please see response to comment 15 b) above. Additionally, creating a level pad for the hotel to enhance the pedestrian experience is a primary objective of the project.</p> <p>e) There are three resort/visitor serving uses in Montecito: the Biltmore, the San Ysidro Ranch and the Miramar. While these facilities have similarities (large buildings for congregation, guest rooms in cottages etc.) they have always had different aesthetics and it would be inappropriate in the environmental document to compare the Proposed Project to either of the other resorts. Rather, appropriately, the Proposed Project is compared to the Approved Plan, which has entitlements to build out. Please also see response to comment 29 c) above.</p> <p>f) The project appropriately uses the abandoned Miramar Avenue right of way and the area to be improved for hotel guest use in the UPRR right of way in its FAR calculations.</p> <p>g) The Proposed Project would protect 29 trees in place including one large oak and one large sycamore. Additionally, 20 significant trees, including nine oaks and three sycamores, would be relocated on the site. Given this, there would be an appropriate mix of new young plants and mature landscaping throughout the site.</p> <p>h) The Proposed Project includes guest rooms in a combination of single-story cottages and two-story lanai buildings located throughout the site with adequate spacing and landscaping between them and meandering pathways around open lawn areas. The style of the buildings and the landscaping is consistent throughout the site leading to a harmonious site aesthetic oriented toward the ocean consistent with the intent of the resort/visitor serving commercial zoning.</p>
H2	a) Your comment is noted and will be forwarded to the decision maker.

	<p>b) The formerly proposed well has been eliminated from the proposed project in favor of water deliveries from the Montecito Water District.</p> <p>c) Please see response to comment 29 h).</p>
H3	<p>a) Please see response to comment 23 a).</p> <p>b) The formerly proposed well has been eliminated from the proposed project in favor of water deliveries from the Montecito Water District. Please also see response to comment 23 a).</p> <p>c) The formerly proposed well has been eliminated from the proposed project in favor of water deliveries from the Montecito Water District.</p> <p>d) The Montecito Water District has confirmed their ability to serve the proposed project given its demand of approximately 117 acre feet per year (certification of water service availability dated May 10, 2007) and in response to Montecito Water District concerns about the originally proposed extensive use of lawn, the project has been redesigned to reduce lawn area from 66,860 square feet to 48,538 square feet.</p> <p>e) The formerly proposed well has been eliminated from the proposed project in favor of water deliveries from the Montecito Water District.</p>
H4	<p>a) The formerly proposed well has been eliminated from the proposed project in favor of water deliveries from the Montecito Water District.</p> <p>b) Please see response to comment 29 h).</p> <p>c) Your comment is noted and will be forwarded to the decision maker.</p>
H5	<p>a) The formerly proposed well has been eliminated from the proposed project in favor of water deliveries from the Montecito Water District. Please also see response to comments 23 a) and 31 a) above.</p> <p>b) Please see response to comment 29 h) above.</p>
H6	<p>a) The formerly proposed well has been eliminated from the proposed project in favor of water deliveries from the Montecito Water District. Please also see response to comment 31 a) above.</p> <p>b) Please see response to comment 23 a).</p>

	<p>c) Please see response to comment 29 h).</p> <p>d) Please see response to comment 13 c).</p> <p>e) Please see response to comments 17-d-4-b and 93 f).</p>
H7	<p>a) The Proposed Project does include the abandonment of Miramar Avenue, however public pedestrian access would be maintained in the approximate location of Miramar Avenue through the project’s dedication of a vertical public access easement across the proposed “Fire Lane”. The Fire Lane itself would provide emergency access through the site. Parking lost from the closure of Miramar Avenue would be approximately recouped by the projects’ proposed new 68 parking spaces dedicated to the public and located along South Jameson and Eucalyptus Lanes. Please also see response to comment 6 d).</p> <p>b) Traffic associated with the proposed new retail uses were factored into the Associated Transportation Engineer’s February 6, 2008 “Trip Generation and Parking Demand Analysis for the Miramar Hotel and Bungalows Remodel Project” and “Site Access, Circulation, and Parking Evaluation for the Miramar Hotel and Bungalows Remodel Project”. These reports analyzed the incremental difference in traffic impacts between the approved plan and the proposed project. These reports have been reviewed and accepted as adequate by Will Robertson, County Public Works Transportation Division. The Proposed Project is anticipated to generate an additional 48 Average Daily Trips, 2 A.M. Peak Hour Trips and 6 P.M. Peak Hour Trips over and above the Approved Plan. Upon distributing these trips throughout the study area roadways and intersections consistent with trip distribution in the traffic studies analyzing the Approved Plan, the reports conclude that impacts to roadways and intersections would be less than significant and that hence the proposed project would cause no traffic related impacts.</p> <p>c) The project would be conditioned to meet the standard sight distance requirements at all project intersections with County roads.</p> <p>d) All proposed hotel uses were considered in the ATE traffic studies (dated July 24, July 25, and August 1, 2007 as well as January 1, March 11, and March 14, 2008) performed to analyze the project. Please also see response to comment 13 c).</p>
H8	<p>a) Your comment is noted and will be forwarded to the decision makers.</p> <p>b) A total of 40 non-native trees are proposed to be removed in association with the project. All existing oaks on site would either be retained and protected in place or relocated on site. Any tree lost as a result of relocation would be replaced on a basis of two 60” box oaks per oak lost. Please also see response to comment 17 c) above.</p> <p>c) The commenter is correct in that the Proposed Project is approximately 30,000 s.f. larger than the Approved Plan and that the proposed main building is approximately five times larger than the banquet hall included in the Approved Plan. However, the commenter is incorrect in that there is not a continuous 920 foot elevational mass of buildings along South Jameson. Rather there are two primary South Jameson Lane elevational components of the project: one to the east of the main drive into the site comprising three lanai buildings and the spa (measuring approximately 500 feet in total length with three openings between the buildings), and one to the west of the main</p>

	<p>driveway comprising the Main Building and the Ballroom (measuring approximately 540 feet in total length with a 45 foot opening between the two buildings. The project includes an approximately 305 foot opening between the two primary South Jameson Lane elevational components (i.e., between the easterly corner of the lanai building and the westerly corner of the Main Building). Please also see response to comment 9 a).</p> <p>d) Please see response to comment H7 a and b above.</p> <p>e) Please see response to comment 6 f) above.</p> <p>f) Please see response to comment H1 d) above.</p> <p>g) Please see the Land Use discussion in the Addendum which analyzes the project against policy LUC-M-1.6: <i>Improvements to resort visitor-serving hotels shall be designed to be consistent with the existing historic “Cottage Type Hotel” tradition from the early days of Montecito. “Cottage Type Hotel” is defined by cottages limited to six guest rooms each, which are generally single story in height.</i> Please also see response to comment 15 d).</p> <p>h) The Article II zoning ordinance provides a permit path for uses allowed under a Conditional Use permit to Modify certain ordinance requirements including parking. The Proposed Project is requesting such a modification, subject to approval by decision-makers</p> <p>i) The proposed new buildings will all appear as one or two story buildings, not four story buildings’ the commenter is correct, however, in that they would be located on fill materials. Of note is the Montecito Board of Architectural Review’s positive conceptual comments on the project confirming that body’s concurrence that the project is compatible with its surroundings.</p> <p>j) Please see response to comment 31 a).</p> <p>k) The project would not result in the loss of 12, 100 year old oaks. Please also see response to comment g above.</p>
H9	<p>a) The formerly proposed well has been eliminated from the proposed project in favor of water deliveries from the Montecito Water District. Please also see response to comment 31 a).</p> <p>b) Please see response to comment 29 h).</p> <p>c) Please see response to comment 13 c).</p> <p>d) The proposed project would provide a total of 68 public parking spaces along Eucalyptus Lane and South Jameson Lane thereby maintaining all but four of the public parking spaces currently available in the area for beach users. Additionally, the Approved Plan was permitted to allow overflow parking demand for the hotel to use the public parking spaces, whereas the Proposed Project will include all</p>

	hotel use parking on-site.
H10	a) Penfield and Smith produced a March 7, 2008 “Oak Creek Flood Analysis for the Miramar Beach Resort and Bungalows”. This report was reviewed and accepted as adequate by Tom Fayram, Deputy Director of Public Works, Flood Control and registered civil engineer.
H11	Your comment is noted and will be forwarded to the decision makers.

G:\GROUP\PERMITTING\Case Files\RVP\07 cases\07RVP-00000-00009 Miramar\CEQA\Proposed Final SEIR & Addendum\Responses to Public Comments\RTC_App C of SEIR.doc