

CALIFORNIA COASTAL COMMISSION

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STAFF REPORT: APPEAL SUBSTANTIAL ISSUE

LOCAL GOVERNMENT: County of Santa Barbara
LOCAL DECISION: Approval with Conditions
APPEAL NO.: A-4-STB-05-130
APPLICANT: 1260 BB, LLC c/o Ty Warner Hotel & Resorts, LLC
APPELLANTS: Jacqueline Roston & James O. Kahan; Coral Casino Preservation Committee
PROJECT LOCATION: 1260 and 1281 Channel Drive, Montecito area, Santa Barbara County.

PROJECT DESCRIPTION: Development Plan Revision of the Four Seasons Biltmore Hotel and Coral Casino Beach and Cabana Club Historic Rehabilitation Plan to allow modifications resulting in a net increase of 4,954 sq. ft. (2,900 sq. ft. and 2,054 sq. ft. conversion to usable space) to the Coral Casino, a reduction of guestrooms at the Biltmore (from 232 to 229) and the addition of one parking space at the Biltmore. The proposed modifications do not increase the building footprint.

SUMMARY OF STAFF RECOMMENDATION: SUBSTANTIAL ISSUE DOES NOT EXIST

Staff recommends that the Commission determine that **no substantial issue** exists with respect to the grounds on which the appeal has been filed. The **motion** and **resolution** for no substantial issue are found on **pages 4**. The appellants contend that the approved project is not consistent with policies and provisions of the certified Local Coastal Program and applicable policies of the Coastal Act with regard to historic and architectural resources, coastal access, visual resources and community character, nonconforming structures, mitigation of impacts, variances, conflicts of interest, and Public Records Act requests. The standard of review to determine substantial issue is whether the development conforms to the standards set forth in the certified Local Coastal Program or the public access policies of the Coastal Act (see Page 7 for criteria).

The proposed project will not increase the footprint of the building, nor will it increase the building height, although a clear glass guard rail on the new rooftop deck would extend 1.5 feet above the height of the existing building. Given the other beneficial rehabilitation efforts that will take place and the minor nature of the changes, the project will not significantly impact architectural integrity, or have an adverse impact on public views to and along the ocean. Additionally, the proposed ramp will not adversely impact public access to the beach, but rather will improve it. In addition, the new restaurant will not serve more people and will not be open to the general public; therefore, it will not have any significant impact on availability of public beach access parking.

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EXHIBITS

- Exhibit 1.** Final Local Action Notice (County Approval With Conditions)
 - Exhibit 2.** Jacqueline Roston and James O. Kahan Appeal
 - Exhibit 3.** Coral Casino Preservation Committee Appeal
 - Exhibit 4.** Vicinity Map
 - Exhibit 5.** Location Map
 - Exhibit 6.** Floor Plans
 - Exhibit 7.** Building Elevations
 - Exhibit 8.** Proposed Public Beach Access Ramp
 - Exhibit 9.** Correspondence
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SUBSTANTIVE FILE DOCUMENTS: County of Santa Barbara Local Coastal Program; Final Environmental Impact Report (Case No. 04-EIR-00000-00006) & Appendices for the Four Seasons Biltmore Hotel & Coral Casino Historic Rehabilitation Plan, Development Plan Revision (County of Santa Barbara, April 2005);

I. APPEAL PROCEDURES

A. APPEAL JURISDICTION

Under Section 30603 of the Coastal Act, development approved by a local government may be appealed to the Commission if it is located within the appealable areas, such as those located between the sea and the first public road paralleling the sea, within 300 feet of the inland extent of any beach or of the mean high-tide line of the sea where there is no beach, whichever is greater, on state tidelands, or along or within 100 feet of any wetland, estuary, or stream. Further, any development approved by a local County government that is not designated as the principal permitted use within a zoning district may also be appealed to the Commission, irrespective of its geographic location within the coastal zone. Finally, development that constitutes major public works or major energy facilities may also be appealed to the Commission. (Coastal Act Section 30603[a][5]).

The Coral Casino Beach Club is located in the Montecito Community Plan area within unincorporated Santa Barbara County. The Post Local Coastal Program (LCP) Certification Permit and Appeal Jurisdiction map certified for the County of Santa Barbara indicates that the appeal jurisdiction for this area extends 300 feet from the beach. As such, the subject site is located within the appeal jurisdiction of the Commission and any project approved for the site is therefore appealable to the Commission.

B. APPEAL PROCEDURES

The Coastal Act provides that after certification of Local Coastal Programs, a local government's actions on Coastal Development Permits in certain areas and for certain types of development may be appealed to the Coastal Commission. Local governments must provide notice to the Commission of its coastal permit actions. During a period of 10 working days following Commission receipt of a notice of local permit action for an appealable development, an appeal of the action may be filed with the Commission.

1. Grounds for Appeal

The grounds for appeal of development approved by the local government and subject to appeal to the Commission shall be limited to an allegation that the development does not conform to the standards set forth in the certified Local Coastal Program or the public access policies set forth in Division 20 of the Public Resources Code (Section 30603[a][4] of the Coastal Act).

2. Substantial Issue Determination

Section 30625(b) of the Coastal Act requires the Commission to hear an appeal unless the Commission determines that no substantial issue exists with respect to the grounds on which the appeal was filed. When Commission staff recommends that a substantial issue exists with respect to the grounds of the appeal, substantial issue is deemed to exist unless three or more Commissioners wish to hear arguments and vote on substantial issue. If the Commission decides to hear arguments and vote on the

substantial issue question, proponents and opponents will have three minutes per side to address whether the appeal raises a substantial issue. The only persons qualified to testify before the Commission at the substantial issue stage of the appeal process are the applicant, persons who opposed the application before the local government (or its representatives), and the local government. Testimony from other persons must be submitted in writing. It takes a majority of Commissioners present to find that substantial issue is raised by the appeal.

3. De Novo Review Hearing

If a substantial issue is found to exist, the Commission will consider the County's action de novo. The de novo permit may be considered by the Commission at the same time as the substantial issue hearing or at a later time. The applicable test for the Commission to consider in a de novo review of the project is whether the proposed development is in conformity with the certified Local Coastal Program and the public access and public recreation policies of the Coastal Act. If a de novo hearing is held, testimony may be taken from all interested persons.

C. LOCAL GOVERNMENT ACTION AND FILING OF APPEAL

On July 5, 2005, the County of Santa Barbara Board of Supervisors approved Development Plan No. 03DVP-00000-00002 to revise the Four Seasons Biltmore Hotel and Coral Casino Beach and Cabana Club Historic Rehabilitation Plan within the community of Montecito. The Notice of Final Action for the project was received by Commission staff on July 12, 2005. A ten working day appeal period was set and notice provided beginning July 13, 2005, and extending to July 26, 2005.

An appeal of the County's action was filed by Jacqueline Roston & James Kahan and the Coral Casino Preservation Committee, during the appeal period, on July 25, 2005. Commission staff notified the County, the applicant, and all interested parties that were listed on the appeals.

II. STAFF RECOMMENDATION OF NO SUBSTANTIAL ISSUE

MOTION: *I move that the Commission determine that Appeal No. A-4-STB-05-130 raises **NO** substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act.*

STAFF RECOMMENDATION:

Staff recommends a **YES** vote. Passage of this motion will result in a finding of No Substantial Issue and adoption of the following resolution and findings. If the Commission finds No Substantial Issue, the Commission will not hear the application de novo and the local action will become final and effective. The motion passes only by an affirmative vote by a majority of the Commissioners present.

RESOLUTION TO FIND SUBSTANTIAL ISSUE:

The Commission hereby finds that Appeal No. A-4-STB-05-130 raises **no substantial issue** with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act regarding consistency with the Certified LCP and/or the public access and recreation policies of the Coastal Act.

III. FINDINGS AND DECLARATIONS FOR NO SUBSTANTIAL ISSUE

The Commission hereby finds and declares:

A. PROJECT DESCRIPTION AND BACKGROUND

On July 5, 2005, the Santa Barbara County Board of Supervisors undertook final discretionary action to approve a development plan revision that will result in a net increase of 4,954 sq. ft. (2,900 sq. ft. and 2,054 sq. ft. conversion to usable space) to the Coral Casino, a reduction of guestrooms at the Biltmore (from 232 to 229) and the addition of one parking space at the Biltmore. The proposed modifications will not increase the building footprint. Nor will they increase the building height, although a clear glass guard rail on the new rooftop deck would extend 1.5 feet above the height of the existing building.

The Coral Casino Historic Rehabilitation Plan (HRP) approved through the Development Plan Revision includes interior improvements, exterior alterations to the club's paving and pool deck area, removal of the La Perla Circle and La Perla restaurant interior spaces, and relocation of these functions to a proposed second story restaurant. An existing second story fitness room on the west side of the pool would also be removed and this function would be relocated to interior areas of the club. The existing sundeck on the second floor would be relocated to the roof of the proposed restaurant, and be surrounded by a 42" non-reflective glass guard rail. The project also proposes to add a net total of 2,900 sq. ft. and convert an additional 2,054 sq. ft. of existing but currently unused area to newly usable spaces, such that the square footage of the building would increase by 4,954 net new square feet. Interior floor plan changes include additions and remodels to the men's and women's locker rooms, addition of storage area for members behind the western cabanas, creation of a meeting room and improved administrative spaces, expansion of the first floor kitchen, addition of a second floor kitchen and addition of accessible restrooms throughout the facility. Floor plans are shown in Exhibit 6.¹

The HRP also includes related landscaping changes, tree replacements, and paving treatment changes, the enclosure of a small alley on the east side of the building, construction of an accessible ramp to the west of the club that would provide beach

¹ The County's approval of the Development Plan Revision appears to authorize the existing development itself (including development constructed prior to the Coastal Act and development that was approved in prior CDPs) as well as modifications to the existing development. However, since authorization is only required under the Coastal Act and LCP for new development, this report only discusses the proposed modifications to the existing development.

access to the public as well as Biltmore Hotel guests and Coral Casino members. Other landscaping, pool deck and paving changes are also proposed in and around the Coral Casino.

Operationally, the revised Development Plan continues to limit use of the Coral Casino to club members and guests of the Biltmore Hotel. It also includes conditions that maintain the same number of seasonal members and specifies use of the proposed restaurant for club members, hotel guests, and guests of hotel guests only. The revised development plan also recognizes reciprocal club usage, allowing up to 120 members from reciprocal clubs to access the facilities. To offset the only newly proposed uses, the revised development plan also reduces the number of rooms, or keys, at the Biltmore by a total of three guest rooms, and calls for the addition of one parking space in the area of the Hotel.

B. LOCAL PERMIT HISTORY

On May 5, 2005 the Montecito Planning Commission approved the Four Seasons Biltmore Hotel and Coral Casino Historic Rehabilitation Plan Development Plan Revision (Case No. 03DVP-00000-00002), with conditions. On May 16, 2005 the County Historic Landmark Advisory Commission (HLAC) approved the Coral Casino Rehabilitation Plan, adopting separate findings and applying separate conditions on its approval of alterations to the Coral Casino.

The Board of Supervisors received three appeals of the Montecito Planning Commission (MPC) action and three appeals of the Historic Landmarks Advisory Commission action. The appeals were submitted by the same three applicants: Coral Casino Preservation Committee, Coral Casino Members Committee, and James O. Kahan and Jacqueline Roston. Subsequently, the Coral Casino Members Committee withdrew their appeal of the MPC and HLAC actions.

The appeals by the Coral Casino Preservation Committee and James O. Kahan & Jacqueline Roston were heard at the Board of Supervisor's July 5, 2005 hearing. The Conditions of Approval and Findings for Approval of the Four Seasons Biltmore Hotel and Coral Casino Historic Rehabilitation Plan considered at the July 5, 2005 Board of Supervisors hearing represented the combined language of both the MPC and HLAC approvals. The appeals were denied by the Board of Supervisors and the final (combined) conditions and findings were adopted (Exhibit 1).

C. APPELLANTS' CONTENTIONS

The appeal filed by Jacqueline Roston and James Kahan is attached as Exhibit 2. The appeal asserts seven grounds for the appeal: (1) inconsistency with the Montecito Community Plan requirements for protection of the Coral Casino's architectural significance; (2) inconsistency with the LUP and Montecito Community Plan requirements for visual resources protection; (3) inconsistency with the Zoning Ordinance for nonconforming buildings and structures; (4) inconsistency with State Law prohibiting variances of this nature; (5) inconsistency with conflict of interest laws; (6) non-compliance with Public Records Act requests; and (7) inconsistency with the public access policies of the Coastal Act by increasing intensity of use of the restaurant

thereby impacting coastal access parking and by building an access ramp that will extend into the beach area.

The appeal filed by the Coral Casino Preservation Committee is attached as Exhibit 3. The appeal asserts five ground for the appeal: (1) inconsistency with the LUP and Montecito Community Plan requirements for protection of public access (traffic & parking); (2) inconsistency with the Montecito Community Plan requirements to preserve and protect properties and structures with historic significance, specifically including the Coral Casino; (3) inconsistency with the LUP and Montecito Community Plan with regard to protection of views; (4) inconsistency with the LUP and Montecito Community Plan requirements for commercial development to respect the scale and character of the surrounding residential neighborhoods; and (5) inconsistency with CEQA and the LCP by failing to comply with the requirement to mitigate project impacts to the maximum extent feasible.

D. ANALYSIS OF SUBSTANTIAL ISSUE

Pursuant to Sections 30603 and 30625 of the Coastal Act, the appropriate standard of review for the subject appeal is whether a substantial issue exists with respect to the grounds raised by the appellant relative to the project's conformity to the policies contained in the certified LCP or the public access policies of the Coastal Act. The appellants contend that the project, as approved by the County does not conform to the policies of the LCP and applicable policies of the Coastal Act with regard to historic and architectural resources, coastal access, visual resources and community character, nonconforming structures, mitigation of impacts, variances, conflicts of interest, and Public Records Act requests.

Based on the findings presented below, the Commission finds that a substantial issue does not exist with respect to the grounds on which the appeal has been filed. The approved project is consistent with the policies of the County of Santa Barbara LCP and the public access policies of the Coastal Act for the specific reasons discussed below.

The term "substantial issue" is not defined in the Coastal Act or its implementing regulations. The Commission's regulations indicate simply that the Commission will hear an appeal unless it "finds that the appeal raises no significant question" (Cal. Code Regs., title 14, section 13115(b)).

In evaluating the issue of whether the appeals raise a substantial issue, the Commission considers the following factors:

- (1) The degree of factual and legal support for the local government's decision that the development is consistent or inconsistent with the certified LCP;
- (2) The extent and scope of the development as approved or denied by the local government;
- (3) The significance of coastal resources affected by the decision;
- (4) The precedential value of the local government's decision for future interpretation of its LCP; and

- (5) Whether the appeal raises only local issues, or those of regional or statewide significance.

In this case, for the reasons discussed further below, the Commission exercises its discretion and determines that the development approved by the County does not raise a substantial issue with regard to the appellants' contentions regarding coastal resources.

1. Historic Resources

The Coral Casino has been designated as an official Historic Landmark by the County of Santa Barbara. The Coral Casino was designed by prominent San Francisco architect Gardner Dailey and was constructed in 1937. The structure is located on the beach behind a seawall. There is no dispute that this building is a significant historical resource in Montecito and Santa Barbara County.

The appellants cited the following policies from the Montecito Community Plan (MCP; a certified part of the LCP) and the County's certified Land Use Plan regarding protection of historic and architectural resources of significance.

Goal CR-M-1: Preserve and Protect Properties and Structures with Historic Importance in the Montecito Community to the Maximum Extent Feasible. (MCP, pg. 120)

Policy CR-M-1.2: Improvements to the Coral Casino recreation club shall be designed in a manner to protect and enhance the historic use and architectural integrity of the property. Any renovations or new development on this property shall be constructed at heights that do not exceed the height of existing structures. (MCP, pg. 120)

The Roston & Kahan appeal asserts that the "primary problem with the proposed project is the second story restaurant which destroys the architectural integrity of Gardner Dailey's Low, Linear, and Open design." Further the appeal contends that the second story restaurant expansion is unwarranted because the restaurant expansion can be accommodated with a design on the first floor, thereby maintaining the low, linear, and open design. The appellants assert that the proposed second story element alters the proportion, size, bulk, and scale of the original design to the extent that the Coral Casino will not maintain architectural integrity, and therefore will be inconsistent with Policy CR-M-1.2 of the Montecito Community Plan.

The Roston & Kahan appeal further contends that the proposed second story restaurant does not meet Goal CR-M-1.1 of the Montecito Community Plan because it does not preserve the historic integrity of the building to the maximum extent feasible, but rather "destroys the architectural integrity of the Coral Casino." Additionally, the appellants argue that the proposed project is inconsistent with the height restrictions in MCP Policy CR-M-1.2 which provides that renovations and new development shall not be constructed at heights which exceed the heights of existing structures.

The Coral Casino Preservation Committee (CCPC) appeal asserts that the project is inconsistent with Goal CR-M-1 of the Montecito Community Plan because the landmark can feasibly be preserved and protected. The appeal asserts that the Levikow/Coral

Casino Preservation Committee Alternative in the EIR is the environmentally superior alternative that would avoid Class I impacts to the historic resources of the building, and The Levikow/CCPC Alternative calls for removal of certain non-historic building elements where the restaurant and members' dining room are located today, and relocation of these functions to the interior portion of the first floor. In both alternative designs, the kitchen would be enlarged to a lesser extent, and additional restrooms provided in fewer numbers and in alternate locations.

The CCPC appeal further contends that the proposed project does not protect or enhance the landmark's architectural integrity, as required in the Montecito Community Plan because, though the project proposes to remove some additions that were not part of the original building, it is only in exchange for additions that are not part of the original building.

The County provided the following analysis with regard to protection of architectural integrity in its June 23, 2005 staff report:

Staff Response: Montecito Community Plan Goal CR-M-1 states: "Preserve And Protect Properties and Structures With Historic Importance In The Montecito Community To The Maximum Extent Feasible." Policy CR-M-1.2 grew out of this Goal. The project EIR (Attachment B) only identifies a Class I impact on the building as a historic resource, but does not identify a Class I impact on the building's aesthetics generally. The Montecito Planning Commission adopted Finding 1.5.1 that acknowledges potentially significant aesthetic impacts, but identifies mitigation measures that would reduce these effects to a less than significant level. The Montecito Board of Architectural Review also had generally favorable comments on September 13, 2004 regarding the project design (see Attachment D of the MPC staff report for April 20, provided in Attachment J of this Board Letter). Suggestions made by the MBAR were also incorporated by the applicant into the project.

The project complies with Policy CR-M-1.2 because it will accomplish repairs, maintenance, and facility upgrades necessary to "protect and enhance" the historic use and architectural integrity of the property. Goal CR-M-1 and Policy CR-M-1.2 do not require that the project conform to the Secretary of the Interior's Standards. Thus, the Class I impact identified based on a failure of the project to conform to the Secretary's Standards, does not require a finding that the project will not protect and enhance the architectural integrity of the Coral Casino and does not require denial of the project.

Additionally, the County provided the following analysis with regard to the height of existing structures in its June 23, 2005 staff report:

Staff Response: The proposed restaurant would be located where an existing unenclosed, but partially covered, sundeck exists today. A series of cabanas along the western side of the second floor would be removed and replaced with the restaurant, which would extend southward toward the ocean, over the existing banquet room

Planning and Development has determined that the existing building height is 22'8 1/2", based on the height of the parapet coping around the Coral Casino tower. This parapet is above the proposed roof sundeck (shown at a height of 20'9" on the project

plans), making the addition restaurant well within the building height. While the height of the railings surrounding the roof sundeck would be 24'3" high, the Montecito Planning Commission considered this railing to be an architectural projection and not a structure. Therefore, the project is consistent with MCP policy CR-M-1.2.

With regard to preservation of architectural integrity, the County's analysis concluded that the modifications would not be consistent with the Secretary of Interior's Standards for Rehabilitation for historic structures and therefore the EIR identified a Class I impact to the building. However, the County's approval was predicated on a number of historical resources benefits allowing for several of the Coral Casino's features to be restored to their original configuration.

The appeals are focused on the placement of a restaurant on the second story of the structure and the roof top deck that would be above the restaurant. These modifications are not part of the original design of the building. However, given the other beneficial rehabilitation efforts that will take place and the minor nature of the changes, the Commission finds that the project does not raise substantial issue with respect to preservation of historic structures.

Additionally, though the height of the non-reflective glass railing would be approximately 1.5 ft. above the height of the structure as determined by the local government, the insignificance of a visually permeable railing that only extends 1.5 feet above the structure does not rise to the level of a "substantial" issue with regard to architectural integrity or impairment of visual qualities. Further, the extent and scope of the modifications to the Coral Casino approved through the Development Plan Revision are primarily local architectural issues and do not adversely impact coastal resources.

2. Coastal Access

The appellants cited the following excerpts and policies from the Montecito Community Plan (a certified part of the LCP), the County's certified Land Use Plan, and applicable policies of the Coastal Act regarding protection of coastal access.

MCP: ... commercial development should be limited to the amount needed to serve the greater Montecito community and additional tourist facilities should not be developed. (pg. 21)

MCP: At such time as the County is able to provide an equivalent amount of public parking elsewhere in the vicinity, parking on one side of Channel Drive shall be eliminated in order to accommodate bicycle lanes. (pg. 86)

LUP: The location and amount of new development should maintain and enhance public access to the coast... (pg. 13)

LUP Sec. 3.7.3: The Coastal Act requires that coastal areas suited for water-oriented recreational activities are protected for such uses... (pg. 83)

LUP Sec. 3.7.4: Local policies and recommendations are intended to provide the framework or implementation of the Coastal Act goal of providing maximum opportunities for access and recreation. (pg. 83)

LUP Policy 7-10: The County shall provide increased opportunities for beach access and recreation in the Montecito Planning Area... (pg. 89)

Additionally, the Roston & Kahan appeal, though not specific, references the public access policies of the Coastal Act:

Section 30210: In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211: Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30212(a): Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

(1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources.

(2) adequate access exists nearby, or,

(3) agriculture would be adversely affected. Dedicated access shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

Section 30212.5: Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

There are a total of 454 on-site parking spaces currently serving the Biltmore Hotel and Coral Casino, as required by the County's 1998 Development Plan. The EIR reports that there are 35 on-street public parking spaces provided along Hill Road, directly adjacent to the Biltmore Hotel and 23 public parking spaces on Channel Drive, directly in front of the Coral Casino. An additional 70 on-street parallel spaces are provided along the Section of Channel Drive from the Coral Casino to the Breakers Building (33 spaces on the north side and 37 spaces on the south side, for a total of 128 on-street spaces in the immediate project vicinity). Additional public parking is provided on-street along Channel Drive to the north and west of the Coral Casino and Biltmore Hotel. Parking in these areas is limited and heavily used for public coastal access, and presumably use by guests of the Coral Casino and Biltmore Hotel. The beach, Butterfly Beach, adjacent to the Coral Casino is a popular year-round beach for a variety of public recreational uses.

Regional access to the Coral Casino is from Highway 101, which is located north of the site. The site is access via Olive Mill Road to Channel Drive. Parking exists along the west side of Olive Mill Road between Hill Road and Channel Drive. Parking also exists between red curb zones on the transitions section of Olive Mill Road, continuing into Channel Drive, for the length of the Biltmore Hotel frontage. A parking aisle is also provided along Channel Drive, across from the Biltmore Hotel, as well as a series of

perpendicular parking stalls immediately adjacent to the Coral Casino. A sidewalk exists along the west side of Olive Mill Road, continuing to the north side of Channel Drive, from Coast Village Road and all along the Biltmore Hotel frontage. Sidewalks are also provided on the south side of Channel Drive, west of the Coral Casino, and continue the length of the Biltmore Hotel frontage. The site is accessible via the public bus system and though a formal bicycle path is not striped on Channel Drive to connect the Class II bicycle lane on Olive Mill Road to the Class I bicycle lane on Fairway Road, the scenic route along Channel Drive can receive significant use by bicyclists.

The Roston & Kahan appeal asserts that the expanded use of the restaurant facilities will contribute additional demand for parking that will further restrict parking for the popular beaches in the immediate area, thereby impairing access to the beach and other coastal resources inconsistent with the public access policies of the Coastal Act. Additionally, the appeal asserts that the proposed public access ramp does not conform with the public access policies of the Coastal Act because the ramp will not be built entirely behind the existing seawall and will extend into the existing beach area. They assert that the ramp would therefore inhibit access to coastal resources by removing the underlying beach area. The appellants suggest that if the ramp were built several feet behind the existing railing, coastal access might not be impaired.

The Coral Casino Preservation Committee (CCPC) appeal argues that the additional traffic and parking demand caused by this new restaurant will prevent a bicycle lane from being built along Channel Drive because the elimination of parking on one side of Channel Drive would become impossible after implementation of the proposed project. Further, the appellant argues that traffic and parking are already a problem in this neighborhood, resulting in congestion, public safety risks and public beach access impacts.

The proposed new restaurant area will be larger than the existing restaurant and would operate 7 days per week serving 3 meals per day, rather than the existing 2-3 nights per week for dinner and 3 days for lunch. Additionally, the restaurant would be available to hotel guests, rather than limited to Coral Casino members. Both appeals argue that this use will not maintain and enhance public access to the neighboring beach because coastal visitors will compete with restaurant patrons for the limited parking spaces.

Additionally, the CCPC appeal asserts that the commercial nature of the restaurant is inconsistent with the provisions of the Montecito Community Plan because it serves as a tourist facility.

The proposed restaurant facility will receive intensified use as a result of the complete weekly dining schedule. However, as provided in Condition 62 of the County's approval, indoor restaurant seating shall not exceed 97 seats at any given time, and up to 113 seats for peak events. The outdoor dining area shall not exceed 62 seats associated with the restaurant service. Currently, there are a total of 113 indoor dining seats and 112 outdoor dining seats. Therefore there will be a net reduction in the total seating area.

There are two reasons why the restaurant use is not anticipated to contribute adverse impacts to the parking situation. First, the site is to be used primarily by club members

or Biltmore Hotel guests and parking is already provided for them at the Hotel. Because the Coral Casino is operated in conjunction with the Biltmore Hotel, parking for the Coral Casino is located on the Biltmore parcels. Coral Casino member parking is primarily provided in the northeast parking lot. Second, Condition 19 of the County's approval requires that complimentary valet parking be provided at the Coral Casino on Saturdays, Sundays, and holidays from 10 a.m. to 5 p.m., or when the members' dining room is open for business or whenever there are events of over 50 in attendance. All valet parking is required to use Biltmore parking lots and passenger loading zones shall be limited to drop-off and pick up. Use of the restaurant by guests of hotel patrons could potentially contribute to on-street parking; however this is not anticipated to substantially increase use of coastal access parking. Therefore, the Commission finds there is no substantial issue with regard to coastal access parking and because the parking situation is virtually the same, there would be no substantial change as to the future potential bicycle path along Channel Drive.

The proposed access ramp will be available to the public and will meet ADA accessibility requirements. This will enhance the existing public access to the coast in this location, even if it occupies a small area of the sandy beach. Additionally, the Commission finds that due to the significant limitations on use of the Coral Casino facilities and the restaurant and the fact that it replaces an existing restaurant that serves hotel guests, the facility is not a new tourist-oriented commercial facility and maintains the character of the existing uses.

3. Visual Resources & Community Character

The appellants cited the following policies from the Montecito Community Plan (a certified part of the LCP) and the County's certified Land Use Plan regarding protection of visual resources and community character.

MCP Goal VIS-M-1: Protect the Visual Importance of the Santa Ynez Mountain Range and Ocean Views as Having Both Local and Regional Significance and Protect from Development Which Could Adversely Affect This Quality.

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

MCP: .. commercial development should be limited to the amount needed to serve the greater Montecito community and additional tourist facilities should not be developed... (pg. 21)

MCP Land Use-Commercial Goal: Strive to Ensure that all Commercial Development and Uses Respect the Scale and Character of Surrounding Residential Neighborhoods (pg. 51)

Section 3.4.2 of the LUP: The scenic resources of Santa Barbara's coastal zone are of incalculable value to the economic and social well-being of Santa Barbara County. The beauty of the Santa Barbara coastline is world-renowned; it is the basis of the County's strong tourist and retirement economies and is a source of continuing pleasure for the local populace.

LUP Policy 1-2: Where policies within the land use plan overlap, the policy which is the most protective of coastal resources shall take precedence (pg. 11)

LUP Policy 4-4: *In areas designated as urban on the land use plan maps and in designated rural neighborhoods, new structures shall be in conformance with the scale and character of the existing community. (pg. 36)*

LUP Policy 4-5: *In addition to that required for safety, further bluff setbacks may be required for oceanfront structures to minimize or avoid impacts on public views from the beach. Blufftop structures shall be set back from the edge sufficiently far to insure that the structure does not infringe upon views from the beach except in areas where existing structures on both sides of the proposed structure already impact views from the beach. In such cases, the new structure shall be located no closer to the bluff's edge than adjacent structures.*

LUP Policy 7-28: *Visitor-serving commercial recreational development that involves construction of major facilities, i.e., motels, hotels, restaurants, should be located within urban areas, and should not change the character or impact residential areas. (pg 98)*

Coastal Act Section 30251 (incorporated into the certified LCP): *The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.*

The Coral Casino is located on the beach behind a seawall, with a public beach located upcoast, delineated by Channel Drive and a seawall. Downcoast uses include the Bonneyede Shores and Montecito Shores condominiums. Ocean Meadows, a planned unit development, is contiguous to and immediately east of Montecito Shores.

The Roston & Kahan appeal argues that "although some might not consider the seawall to be a bluff, it has the same practical effect as a bluff, i.e. it blocks views. There are no structures to the west of the Coral Casino and between the seawall and Channel Drive. Therefore, the in-fill exception should not apply to allow higher structures such as the second story restaurant. In other words, new construction should not be allowed to further degrade views." The appellants also assert that the project would create a second story closer to the ocean, thereby blocking the public's view of the landmark lighthouse tower and the Santa Ynez Mountains from certain locations along the beach and in the surf.

The CCPC appeal asserts that the project contributes to adverse visual impacts by exceeding the height requirement for the Coral Casino provided in the Montecito Community Plan. The appeal contends that the County defined an arbitrary point on the building as "the height of existing structures;" however, the MCP restriction on renovations and new development was specifically defined in terms of "heights." The appeal suggests that if the County had used a different method, in consideration of the irregular shape and multiple facades of the *original* structure (not including additions that were permitted subsequent to 1937), the restaurant would not be consistent with the height requirement. Additionally, the appellant asserts that the project will have

adverse impacts on the public's view of this historic landmark and that the commercial restaurant facility is not in character with the residential neighborhood.

The CCPC appeal also contends that the community character and character of the property shall be impacted due to the mass, bulk, and scale of the modifications and the expanded use by the hotel. The second floor deck with private cabanas will be replaced by a more heavily used second floor restaurant. The appellants argue that there will be increased commercialization of the property because there are no restrictions on hotel usage of the second floor and the Hotel could choose to have events in the ballroom and second floor restaurant simultaneously with normal private member and hotel use.

The County provided the following analysis with regard to the height of existing structures in its June 23, 2005 staff report:

Staff Response: *The proposed restaurant would be located where an existing unenclosed, but partially covered, sundeck exists today. A series of cabanas along the western side of the second floor would be removed and replaced with the restaurant, which would extend southward toward the ocean, over the existing banquet room*

Planning and Development has determined that the existing building height is 22'8 1/2", based on the height of the parapet coping around the Coral Casino tower. This parapet is above the proposed roof sundeck (shown at a height of 20'9" on the project plans), making the addition restaurant well within the building height. While the height of the railings surrounding the roof sundeck would be 24'3" high, the Montecito Planning Commission considered this railing to be an architectural projection and not a structure. Therefore, the project is consistent with MCP policy CR-M-1.2.

As stated previously, though the height of the non-reflective glass railing would be approximately 1.5 ft. above the height of the structure as determined by the local government, the insignificance of a visually permeable railing does not rise to the level of a "substantial" issue with regard to views to and along the coast.

Given that the existing legal development includes second story structures, the second story restaurant expansion, though visible from the public beach, would not substantially modify the public views to and along the ocean. The certified LCP does not provide provisions to protect views of the building itself for the public. Additionally, Condition 28 restricts free-standing umbrellas on the roof deck. The modifications to the existing structure do not extend the footprint of the development and do not change the type of use, except to allow use by Biltmore guests rather than limiting use to private members only. For the reasons listed above, the proposed changes do not substantially impact the community character or surrounding residential neighborhoods.

4. Other Grounds for Appeal

The appellants cited the following policies from the County's certified Zoning Ordinance regarding nonconforming structures.

Article II, Sec. 35-58: NONCONFORMING STRUCTURE: A building or structure, the setbacks, height, or location of which was lawful prior to the adoption of this Article or any amendments hereto, or previously adopted County Zoning Ordinances and which does not conform to the present regulations of the zoning district in which it is situated.

Article II, Div. 10, Sec. 35-60 (Purpose and Intent) states, in part: It is further the intent of this Article, subject to only very limited exceptions as specified to prevent nonconforming uses and structures from being enlarged, expanded or extended, or being used as grounds for adding other structures or uses prohibited elsewhere in the same district.

Article II, Sec. 35-162 (Nonconforming Buildings and Structures) states, in part: If a building or structure is conforming as to use but nonconforming as to setbacks, height, lot coverage, or other requirements concerning the building or structure, such structure may remain so long as it is otherwise lawful, subject to the following regulations.

1. Structural Change, Extension, or Expansion. A nonconforming building or structure may be enlarged, extended, moved, or structurally alternated provided that any such extension, enlargement, etc. complies with the setback, height, lot coverage, and other requirements of this Article.

The Roston & Kahan appeal argues that the proposed development will enlarge the nonconforming structure, including portions of the building within setback areas, inconsistent with the requirements of the certified Zoning Ordinance for nonconforming structures. Additionally, the appellants assert that portions of the structure would have to be reconstructed, for example foundation modifications to support the second story expansion for the restaurant, in order to allow the additions. This reconstruction would extend the life of the nonconforming portions of the building which would be inconsistent with the Article II nonconforming structure provisions.

The County provided the following analysis with regard to the project's setback modifications in its June 23, 2005 staff report:

Staff Response: The project design requires two modifications, which can be approved as part of a Development Plan, per Section 35-174.8 of Article II. The first modification is for the enlargement of an existing equipment access well to the east of the front entrance, such that the well would extend approximately eight feet into the required front yard setback. The second modification is needed pursuant to Section 35-174.8 to allow an existing alley on the eastern side of the building to be enclosed as part of the interior improvements to the Coral Casino.

Justification for these modifications is discussed in the P&D staff memorandum to the MPC, dated April 27, 2005, provided in Attachment K. The County granted a variance in 1937 to allow the Coral Casino to be located in the front yard setback, as part of the original project design. This variance therefore makes the structure legal by permanently changing the setback in that location, also confirmed through approval of the as built development plan, 98-DP-031.

The justifications for the front yard modification is based on the fact that the equipment access well would be a minor extension of an existing basement vent, would allow equipment access into the proposed new laundry area as needed but

likely less than once a year, and would be screened by landscaping along the building frontage. Justifications for the interior yard setback modification to allow the alley to be enclosed along the same line as the existing building, include the fact that infill of this space would not exacerbate the building's encroachment as the infill area would match the existing eastern walls of the building, and it would allow for other floor areas to accommodate storage functions for members' deck furniture, ocean kayaks, thereby reducing noise and aesthetic impacts of the unenclosed alley used as a storage area. Such justifications, or evidence, have been incorporated in the recommended Findings (Attachment C).

Staff Response: The County's Article II, Section 35-174.8, specifically allows the Planning Commission (or other appropriate decision maker) to grant modifications at the time of Development Plan approval.

Sec. 35-174.8 states, in pertinent part:

At the time the Preliminary or Final Development Plan is approved, or subsequent Amendments or Revisions are approved, the...Planning Commission or Board of Supervisors may modify the building height limit, distance between buildings, setback, yard, parking, building coverage, or screening requirements specified in the applicable zone district when the Director, Zoning Administrator, Planning Commission or Board of Supervisors finds the project justifies such modifications.

As a condition of approval of any Preliminary or Final Development Plan, the...Planning Commission or the Board of Supervisors may impose any appropriate and reasonable conditions or require any redesign of the project as they may deem necessary to protect persons or property in the neighborhood, to preserve the neighborhood character, natural resources or scenic quality of the area, to preserve or enhance the public peace, health, safety, and welfare, or to implement the purposes of this Article.

In the present case, modifications were justified because they were deemed necessary by the Planning Commission and granted under section 35-174.8. A variance was not sought nor was one granted.

The MPC approved modifications for the equipment access well along the front of the building, and the alley enclosure along the east side of the building. The modifications are supported by the recommended Findings, provided in Attachment C, which are supported by the evidence in the record and specifically articulated in Planning and Development's April 27, 2005 memorandum to the Montecito Planning Commission (see Attachment K). In the present case the findings and evidence support the grant of the modification pursuant to section 35-174.8.

As described in the above County excerpt, two minor modifications were approved within zoning setbacks: (1) the enlargement of an existing equipment access to the east of the front entrance, such that the well would extend approximately eight feet into the required front yard setback and (2) the enclosure of an existing alley on the eastern side of the building. The LCP allows for minor modifications such as these to be made pursuant to a Development Plan approval. Additionally, the LCP allows for nonconforming buildings to be enlarged, extended, moved, or structurally altered provided that any such modification complies with the setback, height, lot coverage and other requirements of this article. The second story restaurant, roof deck, and other modifications are consistent with this requirement. These modifications have no

significant impact on public views to and along the coast or the architectural integrity of the property.

The CCPC appeal states that both the CEQA and MCP require protection of the historic landmark to the maximum extent feasible, given that the EIR acknowledges that there will be a Class I impact to historic resources and there is an environmentally superior alternative that would mitigate this impact. The appeal further states that the Class I impact to historic resources and the inconsistencies with the MCP are caused by one element of the plan: the placement of a new restaurant on the second floor which requires removal of the historic fabric; and this in turn, requires the placement of a new private deck at a height in excess of the MCP limits for this building. Additionally, the appellant asserts that the proposed findings and statement of overriding considerations approving the plan are not supported by evidence as required by CEQA, the LCP, MCP, and the coastal zoning ordinance.

The County provided the following analysis with regard to the project alternatives and County findings in its June 23, 2005 staff report:

Staff Response: The project EIR, section 8.0, reviewed four alternatives, including two alternative design options. Both Alternative F and the Levikow/CCPC Alternative call for removal of certain non-historic building elements where the restaurant and members' dining room are located today, and relocation of these functions to the interior portion of the first floor. In both alternative designs, the kitchen would be enlarged to a lesser extent, and additional restrooms provided in fewer numbers and in alternate locations.

In addition to not meeting several project objectives, summarizing project components listed on page 222 and 225 of the FEIR, both alternatives would not meet one of the four primary project objectives: provision of "a second floor restaurant offering a first class dining experience and views of the Pacific Ocean" (page 61 of FEIR). The lack of meeting this primary project objective, not just a desired project element, was the basis for rejecting these alternatives, as noted in Findings 1.6.2 and 1.6.3 of both the MPC and HLAC Findings.

Additionally, the applicant's representatives have stated at both the Montecito Planning Commission and the Historic Landmarks Advisory Commission hearings that the applicant would simply not build these alternative projects, and may not therefore pursue a comprehensive rehabilitation of the building. Without such a thorough rehabilitation effort, it is reasonable to assume that some deferred maintenance could worsen. This statement (p. 21 of the April 20 staff report) was a statement of fact, and not cited as "evidence of infeasibility", as suggested by the appellant.

Through its certification of the proposed FEIR, and its adoption of Findings 1.6.2 and 1.6.3, the MPC acknowledged the infeasibility of these alternatives meeting the primary project objectives stated by the applicant.

Staff Response: CEQA's allowance for decision makers to adopt statements of overriding considerations provides a tool for recognizing significant impacts, and also recognizing project benefits that may outweigh such impacts. The applicant's statement that the "enhanced private view from the private restaurant – which is the source of the Class I Impact under CEQA- does not create any benefit that would outweigh the unmitigated impacts to historic resources..." is an opinion which

overlooks the other project benefits that outweigh the historic resource impacts resulting from addition of the restaurant.

As enumerated in the recommended Board Findings provided in Attachment C (and based on Findings 1.7.1 through 1.7.6 adopted by both the MPC and the HLAC), project benefits that outweigh the Class I impact include, among others:

- *Overall rehabilitation of the Coral Casino,*
- *Removal of certain non-historic additions (La Perla Circle, La Perla restaurant addition, second floor exercise room),*
- *Restoration of two cabanas on the east side of the pool,*
- *Structural upgrades to the Coral Casino tower,*
- *ADA upgrades throughout the building,*
- *Installation of a storm drain and filtration system to treat off-site and on-site surface runoff,*
- *Provision of a vehicle turnout area to smooth traffic flow,*
- *Provision of an accessible beach access ramp to serve the Coral Casino members and the public, and*
- *Improved fire access*

CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect, which the activity may have on the environment. As described in the above sections, the proposed project does not have any significant adverse impacts on coastal resources and therefore mitigation is not required. The project is also consistent with the requirements of the LCP that were adopted to insure that development does not have significant adverse impacts on coastal resources.

5. Other Contentions That Are Not A Basis of Appeal

Pursuant to Sections 30603 and 30625 of the Coastal Act, the appropriate standard of review for the subject appeals is whether a substantial issue exists with respect to the grounds raised by the appellants.

Section 30603 provides:

The grounds for an appeal pursuant to subdivision (a) shall be limited to an allegation that the development does not conform to the standards set forth in the certified local coastal program or the public access policies set forth in this division. (Section 30603(b)(1)).

Section 30625 provides:

The commission shall hear an appeal unless it determines the following: ... (2) With respect to appeals to the commission after certification of a local coastal program, that no substantial issue exists with respect to the grounds on which an appeal has been filed pursuant to Section 30603. (Section 30625(b)(2)).

In this case, the Roston & Kahan appeal on the County's final action includes three issues which do not meet the grounds for an appeal of the local action to the Commission. The grounds for appeal are limited to an allegation that the action does not conform to the LCP or public access policies of the Coastal Act.

The applicants' contentions with regard to variances under State law, conflicts of interest, and Public Records Act requests are not a grounds of appeal under the Coastal Act, pursuant to Section 30603 of the Coastal Act. Therefore, these issues cannot form the basis for the Coastal Commission's review of the County's action in approving the Development Plan Revision for the Coral Casino Rehabilitation Plan.

E. CONCLUSION

For the reasons discussed above, no substantial issue is raised with respect to the consistency of the approved development with the policies of the County's certified LCP regarding historic and architectural resources, coastal access, visual resources and community character, nonconforming structures, mitigation of impacts, variances, conflicts of interest, and Public Records Act requests. Applying the factors identified on page 7, the Commission finds that the proposed project will not increase the footprint of the building or increase the building height, although a clear glass guard rail on the new rooftop deck would extend 1.5 feet above the height of the existing building; therefore, it will not significantly impact architectural integrity, or have an adverse impact on public views to and along the ocean. The proposed ramp will not adversely impact public access to the beach, but rather will improve it. In addition, the new restaurant will not serve more people and will not be open to the general public; therefore, it will not have any significant impact on availability of public beach access parking. Therefore, the Commission finds that the appeals filed by Roston & Kahan and the Coral Casino Preservation Committee, do not raise a substantial issue as to the County's application of the policies of the LCP in approving the proposed development.

4-STB-05-107

Appeal period start 7/13/05



County of Santa Barbara Planning and Development

Dianne Meester, Assistant Director

NOTICE OF FINAL ACTION

RECEIVED

JUL 12 2005

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

July 8, 2005

TO: California Coastal Commission
Shana Gray
89 South California Street, Suite 200
Ventura, California 93001

On July 5, 2005, Santa Barbara County took final action on the appealable development described below:

- Appealable Coastal Development Permit
- Appealable Coastal Development Permit following discretionary case
- Discretionary action on a revised Development Plan, Case No. 03DVP-00000-00002

Project Applicant:

Jon Dohm, AICP, agent
Suzanne Elledge Planning & Permitting
800 Santa Barbara, CA 93101
(805) 966-2758

Property Owner:

1260 BB LLC
c/o Ty Warner Hotel & Resorts, LLC
Mr. Greg Rice
1180 Channel Drive
Santa Barbara, CA 93108
(805) 695-8887

Project Description: The request of Jon Dohm, agent for the owners, to consider Case No. 03DVP-00000-00002 for a Development Plan Revision under Section 35-174, in the C-V Zone District of Article II, to allow the Four Seasons Biltmore Hotel and Coral Casino Beach and Cabana Club Historic Rehabilitation Plan to allow modifications resulting in a net increase of 4,954 square feet (2,900 square foot addition and 2,054 square foot conversion to usable space) to the Coral Casino, a reduction of guestrooms at the Biltmore (from 232 to 229) and the addition of one parking space at the Biltmore.

Location: The property involves AP Nos. 009-352-009, 009-351-012, and 009-354-001 located on the north and south side of Channel Drive between Butterfly Lane and Olive Mill Road, commonly known as 1260 and 1281 Channel Drive, Montecito area, First Supervisorial District.

The receipt of this letter and the attached materials start the 10 working day appeal period during which the County's decision may be appealed to the Coastal Commission. Appeals must be in writing to the appropriate Coastal Commission district office.

Please contact Laura Bridley, the case planner at (805) 966-7260 if you have any questions regarding the County's action or this notice.

Laura Bridley, Project Planner

7.8.05

Date

Attachment: Final Action Letter dated July 8, 2005

cc: Case File: 03DVP-00000-00002
Cintia Mendoza, Hearing Support

G:\GROUP\Permitting\Case Files\APL\2000s\05 cases\05APL-00000-00007-12 - Coral Casino\no

123 East Anapamu Street · Santa Barbara, CA 93101-2058
Phone: (805) 568-2000 Fax: (805) 568-2030

EXHIBIT 1
A-4-STB-05-130
Local Action Notice



County of Santa Barbara Planning and Development

Dianne Meester, Assistant Director

July 8, 2005

Cynthia Ziegler and Charles Maunz,
Coral Casino Preservation Committee
P.O. Box 2148
Santa Barbara, CA 93120

James Kahan
3709 Dixon Street
Santa Barbara, CA 93105-2419

Jacqueline Roston
1600 Garden Street, #23
Santa Barbara, CA 93101

RECEIVED
JUL 12 2005

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

BOARD OF SUPERVISORS
HEARING OF JULY 5, 2005

**RE: *Four Seasons Biltmore and Coral Casino Historic Rehabilitation Plan,
05APL-00000-0007 through 12***

Hearing to consider the appeal of the Montecito Planning Commission's Approval of the Four Season's Biltmore Hotel & Coral Casino Historic Rehabilitation Plan Development Plan Revision, Case No. 03DVP-00000-00002 by the Coral Casino Preservation Committee [Appeal Case No. 05 APL-00000-00007], the Coral Casino Members Committee [Appeal Case No. 05APL-00000-00009, and James Kahan and Jacqueline Roston [Appeal Case No. 05APL-00000-00010] and to consider the Historic Landmark Advisory Commission's approval of the Four Season's Biltmore & Coral Casino Historic Rehabilitation Plan by the Coral Casino Members Committee [Appeal Case No. 05APL-00000-00008], the Coral Casino Preservation Committee [Appeal Case No. 05APL-00000-00011], and by James Kahan and Jacqueline Roston [Appeal Case no. 05APL-00000-00012], located at 1260 and 1281 Channel Drive, Montecito area, First Supervisorial District.

Dear Mr. Dohm:

At the Board of Supervisors' hearing of July 5, 2005, Supervisor, Supervisor Carbajal moved, seconded by Supervisor Gray and carried by a vote of 5-0 to:

1. Accept the withdrawal of appeals by the Coral Casino Members Committee [Appeal Case Nos. 05APL-00000-00009 and 05APL-00000-00008] of the Montecito Planning Commission approval and the Historic Landmark Advisory Commission approval with conditions, per the Coral Casino Members Committee Letter dated June 7, 2005, provided in Attachment A of the Board Letter;
2. Certify the proposed final Environmental Impact Report (04EIR-00000-00006), provided in Attachment B of the Board Letter, and adopt the mitigation monitoring program contained in the Montecito Planning Commission's Action Letter dated May 26, 2005, provided in Attachment D of the Board Letter;

3. Adopt the required findings as reflected in the July 1, 2005 Memorandum "Coral Casino Revised Findings" included as Attachment C-1 of the Board Letter, based on both the Montecito Planning Commission approval (per MPC Action Letter dated May 26, 2005, provided in Attachment D) and Historic Landmark Advisory Commission's approval (per HLAC Notice of Action Letter, dated May 25, 2005, provided in Attachment E);
4. Deny the appeal of the Coral Casino Preservation Committee dated May 12, 2005, of the Montecito Planning Commission approval with conditions of the Four Season's Biltmore Hotel & Coral Casino Historic Rehabilitation Plan Development Plan Revision, Case No. 03DVP-00000-00002 (provided in Attachment F of the Board Letter);
5. Deny the appeal of the Coral Casino Preservation Committee dated May 26, 2005, of the Historic Landmark Advisory Commission's approval with conditions of the Coral Casino Historic Rehabilitation Plan (provided in Attachment G of the Board Letter);
6. Deny the appeal of James O. Kahan and Jacqueline G. Roston dated May 16, 2005, of the Montecito Planning Commission approval with conditions of the Four Season's Biltmore Hotel & Coral Casino Historic Rehabilitation Plan Development Plan Revision, Case No. 03DVP-00000-00002 (provided in Attachment H of the Board Letter),
7. Deny the appeal of James O. Kahan and Jacqueline G. Roston dated May 26, 2005, of the Historic Landmark Advisory Commission's approval with conditions of the Coral Casino Historic Rehabilitation Plan (provided in Attachment I of the Board Letter);
8. Grant a *de novo* approval of Development Plan 03DVP-00000-00002, based on findings and conditions of approval provided in Attachment C of the June 23, 2005 Board Letter, as revised in the June 29 and July 1 Memoranda and as revised at the July 5 hearing (provided in Attachment C of the Board Letter);
9. Grant a *de novo* approval of the Coral Casino Historic Rehabilitation Plan, based on Board findings and conditions of approval (provided in Attachment C of the Board Letter).

REVISIONS TO THE FINDINGS

Finding 1.4.1, language is added:

- 1.4.1 Historic Resources: The relocation of a restaurant to the second floor contributes to the loss of historic fabric including, without limitation, the second floor cabanas and is considered significant and unavoidable due to the removal of original historic fabric from portions of the Coral Casino building, an identified historic resource. This removal, in part, would not comply with the *Secretary of the Interior's Standards for Rehabilitation*.

Finding 1.6.2, language is deleted and added:

1.6.2 Alternative F Redesign

Alternative F was identified by the applicant as an option that met some of the project objectives, including removal of the non-historic La Perla Circle addition and the entire La Perla Restaurant addition. This alternative would locate the replacement restaurant primarily in the existing bar and members' lounge area, and relocate these uses to the base of the tower. Alternative F would also provide new restrooms at the western edge of the La Pacifica ballroom (Banquet Room), and locate an expanded kitchen in the basement. While this alternative would reduce many impacts due to the omission of the second story restaurant, it could result in other impacts to the historic building by virtue of increased excavation needed to accommodate the kitchen in the basement. ~~Because this~~

~~alternative does not achieve one of the project's primary objectives, a second floor, high quality ocean view restaurant as discussed in Section 4.4 page 61 of the Final EIR, this alternative is found to be infeasible and therefore rejected.~~

Alternatives under CEQA are supposed to attain most of a project's basic objectives and avoid or substantially lessen the project's significant effects. The project's goals and objectives are set forth in Section 4.4, page 61 of the Final EIR as follows:

1. To rehabilitate the Coral Casino. The Club is in need of repairs, due to its age and proximity to the ocean which has taken its toll on the structural elements of the site. A comprehensive rehabilitation of the Coral Casino is required in order to preserve the building, address long-standing deferred maintenance and correct ill-designed additions that have occurred in the past which compromise the building's integrity.
2. To provide a first-class recreational experience, amenities and social functions that are typical of this beach club facility and that have historically been provided and required by a contractual obligation with members.
3. To return to the historic vision for the Coral Casino by removing certain building elements that compromise the original design of Gardner Dailey.
4. To provide a second-floor restaurant offering a first-class dining experience, and views of the Pacific Ocean, in place of the existing first floor dining area. The applicant has also indicated that it is necessary to have a kitchen on the same floor as the restaurant to provide the multi-star rating sought by the owner.

In the process of formulating the project, the applicant compiled a list of required uses for the Coral Casino Rehabilitation Project from three sources: (1) all uses contained in the original Gardner Dailey design; (2) uses that have been added over time; and (3) new elements required by current codes and ordinances. These uses are set forth in Appendix A to David Van Hoy's letter of June 29, 2005 to the Board of Supervisors. As set forth below, Alternative F fails to meet many of the goals and objectives of the project and does not provide many of the required uses:

1. The original Coral Casino dining room had views from all seats. The majority of dining room seats in Alternative F will not have a view of the ocean. The northern half of the room has no windows. From the southern half of the dining room views are limited to the pool area on the east and views to the south are blocked by the yoga area, historic clock tower, and pool bar. The seating capacity is significantly less than the existing dining room.
2. The original dining room also had an enclosed open-air courtyard, which provided access to the sun and protection from the sea breeze. Alternative F does not provide a courtyard.
3. Alternative F's proposed dining room restrooms are inadequate in size and will require members and guests to traverse the banquet room to use the facilities.
4. Alternative F proposes the bar and lounge ~~are proposed by Alternative F~~ in the same plan location as the historic bar, however this area has been remodeled to become a windowless room with no light or view since the adjacent banquet room was created in 1958.
5. No additional kitchen or restroom space was provided when the banquet room was originally created. The specialized equipment required for large production banquet cooking is completely separate from the equipment required for an a-la-carte dining room. Alternative F proposes that the kitchen be located in a new basement. This location creates operational difficulties because of its distance from the dining room.

6. Alternative F proposes that The construction of this new basement called for in Alternative F will cause additional stress and potential harm to the historic structure during construction, and may require partial demolition of the western wing of the existing building.
7. A major design element of the Coral Casino Rehabilitation Plan is the separation of member and non-member activities on-site. Alternative F does not separate member and non-member activities and does not provide for a guest entrance to the dining room, which are objectives of the project.
8. Alternative F proposes the removal of the existing exercise room addition but does not identify a new or replacement location.
9. Alternative F eliminates the existing private member lounge.
10. Alternative F does not provide a new location for the multi-purpose room which is displaced by the proposed bar/lounge.
11. Alternative F proposes the removal of the existing private members dining room, but no new location is identified for this element.
12. Alternative F does not provide for second level restrooms.
13. Alternative F does not provide for required ADA accessibility to the upper level or the proposed new basement functions.

In summary, Alternative F is incomplete, does not provide for many of the required functions and spatial relationships, does not meet the project goals and objectives and for these reasons is found to be infeasible and is therefore rejected.

Finding 1.6.3, language is deleted and added:

1.6.3 Levikow/CCPC Alternative

The Levikow/CCPC alternative removes the non-historic La Perla Circle addition and half of the La Perla Restaurant addition, and places the relocated restaurant in the existing Bar and Member's Lounge. The Bar and Lounge function would move to the base of the tower (similar to Alternative F). The kitchen would remain in the same location, and be slightly enlarged by incorporation of areas now used for table and chair storage, a few new restrooms would be added adjacent to the kitchen, and the storage function would be relocated to the basement, along with additional restrooms, but without accessible elevators. Storage is also suggested to move offsite in this alternative. The entrance for banquet room functions would remain from the west end of the building under this Alternative.

Alternatives under CEQA are supposed to attain most of a project's basic objectives and avoid or substantially lessen the project's significant effects. The project's goals and objectives are set forth
~~The Levikow/CCPC Alternative also does not meet one of the project's primary objectives, a second floor, high quality ocean view restaurant as discussed in Section 4.4, page 61 of the Final EIR as follows: this alternative is found to be infeasible and is therefore rejected.~~

1. To rehabilitate the Coral Casino. The club is in need of repairs due to its age and proximity to the ocean, which has taken its toll on the structural elements of the site. A comprehensive rehabilitation of the Coral Casino is required in order to preserve the building, address long-standing deferred maintenance and correct ill-designed additions that have occurred in the past which compromise the building's integrity.

2. To provide a first-class recreational experience, amenities and social functions that are typical of this beach club facility and that have historically been provided and required by a contractual obligation with members.
3. To return to the historic vision for the Coral Casino by removing certain building elements that compromise the original design of Gardner Dailey.
4. To provide a second floor restaurant offering a first-class dining experience, and views of the Pacific Ocean, in place of the existing first floor dining area. The applicant has also indicated that it is necessary to have a kitchen on the same floor as the restaurant to provide the multi-star rating sought by the owner.

In the process of formulating the project, the applicant compiled a list of required uses for the Coral Casino Rehabilitation Project from three sources: (1) all uses contained in the original Gardner Dailey design; (2) uses that have been added over time; and (3) new elements required by current codes and ordinances. These uses are set forth in Appendix A to David Van Hoy's letter of June 29, 2005 to the Board of Supervisors.

The Levikow/CCPC alternative floor plan describes only the western half of the main level of the Coral Casino which constitutes approximately 25% of the club. The CCPC Alternatives does not provide a design for the remaining 75% of the facility. This leaves the resolution of the majority of the required program elements unresolved. No exterior elevation drawings are provided to illustrate the proposed design. The Levikow/CCPC Alternative fails to meet many of the goals and objectives of the project and does not provide many of the required uses as set forth below:

1. The original Coral Casino dining room had views from all seats. The majority of dining room seats in the CCPC alternative will not have a view of the ocean. The northern half of the room has no windows. From the southern half of the dining-room views are limited to the pool area on the east and views to the south are blocked by the yoga area, historic clock tower, and pool bar, leaving only one or two windows on the west with an ocean view.
2. The original dining room also had an enclosed open-air courtyard, which provided access to the sun and protection from the sea breeze. The CCPC plan does not provide a courtyard.
3. The CCPC's proposed location of the dining room continues the status quo of a non-historic addition which blocks western views from the pool area, occupies space originally designed for pool related activities, and ignores the original historic building footprint.
4. The CCPC's proposed dining room restrooms are inadequate in size and will require members and guests to traverse the banquet room to use the facilities.
5. The CCPC Alternative proposes the bar and lounge in the same plan location as the historic bar, however this area has been remodeled to become a windowless room with no light or view since the adjacent banquet room was created in 1958.
6. No additional kitchen or restroom space was provided when the banquet room was originally created. The specialized equipment required for large production banquet cooking is completely separate from the equipment required for an a-la-carte dining room. The CCPC plan increases the space available for the kitchen, but does not create enough for the required equipment.
7. The CCPC Alternative proposes to provide banquet storage in a new basement creates operational difficulties and will require a large freight elevator, which is not shown on the plan. Incorporation of the freight elevator will further reduce the space available for the kitchen.

8. The CCPC's Alternative calls for locating banquet restrooms in a new basement, which is impractical given the restrooms must serve the 1st floor banquet room, which has a 300-person occupancy capacity.
9. In addition, the construction of the new basements called for by the CCPC plan will cause additional stress and potential harm to the historic structure during construction, and may require partial demolition of the western wing of the existing building.
10. A major design element of the Coral Casino Rehabilitation Plan is the separation of member and non-member activities on-site. The CCPC plan continues the conflicts that exist today, and does not provide for a guest entrance to the dining room, which is an objective of the project.
11. The CCPC's Alternative plan eliminates the existing exercise room addition, but does not identify a new location.
12. The CCPC's Alternative plan eliminates the existing private member lounge.
13. The CCPC's Alternative plan does not provide a new location for the multi-purpose room which is displaced by the proposed bar/lounge.
14. The CCPC's Alternative plan proposes to remove the existing private members' dining room, but does not identify a new location for this element.
15. The CCPC's Alternative plan does not provide for second level restrooms.
16. The CCPC's Alternative plan does not provide for required ADA accessibility to the upper level or the proposed new basement functions.

In summary, the Levikow/CCPC Alternative is incomplete, does not provide for many of the required functions and spatial relationships, does not meet the project goals and objectives and for these reasons is found to be infeasible and is therefore rejected.

REVISIONS TO CONDITIONS OF APPROVAL

Condition 8, language is added and deleted:

88. In order to preserve and restore the historic views from the southeastern cabanas and pool deck, no more than three semi-permanent umbrellas shall be installed adjacent to the La Pacifica ballroom. A total of five additional umbrellas may be used for specific events, but must remain portable and not placed in permanent ground fixtures. At no time may more than 11 43 umbrellas be used in this area south of the La Pacifica ballroom. (HLAC Condition 12)

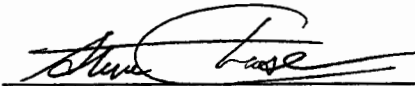
Condition 92 (new condition), language is added:

92. Existing materials from the north side cabanas on the existing second story sundeck shall be salvaged and stored on site or incorporated into other project details as adaptive re-use of the specified cabana elements, as technologically feasible.

The attached findings and conditions reflect the Board of Supervisors' action of July 5, 2005.

The time within which judicial review of this decision must be sought is governed by Section 65009 (c) of the California Government Code and Section 1094.6 of the California Code of Civil Procedure. You are advised to consult an attorney immediately if you intend to seek judicial review of this decision.

Sincerely,



Steve Chase
Deputy Director, Development Review
FOR DIANNE MEESTER, ASSISTANT
DIRECTOR

cc: Case File:05APL-00000-00007-12 & 03DVP-00000-00002
Planning Commission File
Records Management
Shana Gray, California Coastal Commission, 89 S. California Street, Suite 200, Ventura, CA 93001
Montecito Association, P.O. Box 5278, Santa Barbara, CA 93108
Address File: 1260 Channel Drive/1281 Channel Drive
Owner/Applicant: Greg Rice, Ty Warner Hotels and Resorts, 1180 Channel Drive, Santa Barbara, CA 93108
Agent: Jon Dohm, Suzanne Elledge Planning & Permitting, 800 Santa Barbara St. Santa Barbara, CA 93101
Attorney: Richard Monk, Hollister and Brace, 1126 Santa Barbara Street, Santa Barbara, CA 93101
David Allen, Deputy County Counsel
Jennifer Klein, Deputy County Counsel
Laura Bridley, Planner

Attachments: Board of Supervisors' Minute Order dated July 5, 2005
Attachment C-1 - Findings
Attachment C-2 - Conditions of Approval

SC:lmb

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ATTACHMENT C-1

BOARD OF SUPERVISORS FINDINGS

JULY 5, 2005

1.0 CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS

FINDINGS PURSUANT TO PUBLIC RESOURCES CODE SECTION 21081 AND THE CEQA GUIDELINES SECTIONS 15090 AND 15091:

1.1 CONSIDERATION OF THE EIR and FULL DISCLOSURE

The Board of Supervisors has reviewed and considered the Final Environmental Impact Report (EIR), 04-EIR-00000-00006, dated April 2005, and its appendices pursuant to CEQA Guidelines Section 15096, and the environmental effects of the project as shown in the EIR prior to approval.

The Board has determined that the document is adequate for this proposal. In addition, all voting Board members have reviewed and considered the complete record before it, including testimony and additional information presented at or prior to the public hearing of July 5, 2005. The Board further finds that the EIR analyzes a reasonable range of alternatives to the proposed project. The EIR reflects the independent judgment of the Board of Supervisors.

1.2 FULL DISCLOSURE

The Board of Supervisors finds and certifies that the Final EIR constitutes a complete, accurate, adequate and good faith effort at full disclosure under CEQA. The Board further finds and certifies the Final EIR has been completed in compliance with CEQA.

1.3 LOCATION OF RECORD OF PROCEEDINGS

The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Clerk of the Board, 105 East Anapamu Street, and related files with the Secretary of the Montecito Planning Commission, Mr. Steve Chase, and with the Secretary of the Historic Landmarks Advisory Commission, Ms. MaryLouise MorganWard, both of Planning and Development, located at 123 E. Anapamu St., Santa Barbara, CA 93101.

1.4 FINDINGS THAT CERTAIN UNAVOIDABLE IMPACTS ARE MITIGATED TO THE MAXIMUM EXTENT FEASIBLE

The Final Environmental Impact Report for the Coral Casino project identifies environmental impacts within the historic resources area that cannot be mitigated to a level of insignificance and are therefore considered unavoidable. The project has substantially lessened these impacts by the incorporation of changes or alterations into the project where feasible, including retention of a bench around the northern portion of the pool deck and adaptive reuse of building features related to the second floor cabanas. To the extent the impacts remain significant and unavoidable, such impacts are acceptable when weighed against the overriding social, economic, legal, technical, and other considerations set forth in the Statement of Overriding Considerations included herein. The "Class I" impacts identified by the Final EIR are discussed below, along with the appropriate findings as per CEQA Section 15091:

- 1.4.1 Historic Resources: The relocation of a restaurant to the second floor contributes to the loss of historic fabric including, without limitation, the second floor cabanas and is considered significant and unavoidable due to the removal of original historic fabric from portions of the Coral Casino building, an identified historic resource. This removal, in part, would not comply with the *Secretary of the Interior's Standards for Rehabilitation*.

To address this impact, mitigation measures identified in the Final EIR, Section 5.7.5, were adopted on May 5, 2005 by the MPC and on May 16, 2005 by the HLAC as conditions of approval, cited below. These mitigation measures are summarized below, with full text of conditions provided in Attachment D (MPC Action Letter) and Attachment E (HLAC Notice of Action Letter) to the Board Letter, and are adopted by the Board as provided in Attachment C:

Mitigation

- a. The applicant shall complete a documentation survey of the property in accordance with the Historic American Building Survey (HABS) standards, including archival quality photographs of significant interior and exterior features, and elevations with an emphasis placed on historic features to be demolished, and preparation of detailed “as built” site and floor plans. *(Mitigation Measure 5.7.5.B.1/MPC Condition 39/HLAC Condition 2)*
- b. A County approved historic preservation professional shall review treatments for non-structural building components and refurbishments and shall review project plans prior is issuance of applicable permits. *(Mitigation Measure 5.7.5.B.2/ MPC Condition 40/ HLAC Condition 3)*
- c. A County approved architect specializing in historic preservation shall review project working drawings to assure the retention of historic building fabric where it is not specifically slated for removal, and that alterations comply with the Secretary of the Interior’s Standards as much as possible. To the extent feasible, the landscape plan for the property shall be based upon documented historical and forensic evidence, retaining on site extant plantings from the period of significance or replacing them in-kind with compatible, suitable substitute plant materials. *(Mitigation Measure 5.7.5.B.3/ MPC Condition 41/ HLAC Condition 4)*
- d. Create an interpretive plan for the property for display in a permanent, publicly accessible on-site or off-site location. *(Mitigation Measure 5.7.5.B.4/ MPC Condition 42/HLAC Condition 5)*
- e. Prepare a historic preservation protocol plan for construction personnel that specifies how treatments of interior and exterior building fabric must be handled during site construction activities, including hazardous material abatement, and provide for the presence of a P&D approved historic resources professional on site during these stages. *(Mitigation Measure 5.7.5.B.5/ MPC Condition 42/ HLAC Condition 6)*
- f. The MBAR, in conjunction with HLAC, shall meet jointly and review and approve in separate actions the Preliminary and Final working drawings with architectural, landscape and building plans prior to the approval of applicable Coastal Development Permits for the project. HLAC’s review shall be limited to the historical aspects of the project, consistent with County Code Section 18A, Section 5. *(Not included in EIR/ MPC Condition 82/ HLAC Condition 7)*

However, such mitigation measures may not significantly reduce the identified Class I impacts to the building below a level of insignificance.

1.5 FINDINGS THAT CERTAIN IMPACTS ARE MITIGATED TO INSIGNIFICANCE BY CONDITIONS OF APPROVAL

The Final EIR, 04-EIR-00000-00006 identified several subject areas for which the project is considered to cause or contribute to significant, but mitigable environmental impacts. Each of these impacts is discussed below along with the appropriate findings as per CEQA Section 15091. To address these impacts, applicable mitigation measures identified in the Final EIR were adopted on May 5, 2005 by the MPC and on May 16, 2005 by the HLAC (where applicable) as conditions of approval, summarized below and specifically cited parenthetically. These measures are adopted by the Board of Supervisors on July 5, 2005 (Attachment C):

1.5.1 Aesthetics.

Potentially significant aesthetic impacts that can be feasibly mitigated or avoided are associated with visual impacts from relocation of the restaurant to the second story, building massing as seen from the beach, visibility of umbrellas on the first floor, awnings outside the second floor restaurant, and potential impacts of night lighting both on and off-site (lighting of the ocean in front of the Coral Casino). The project would contribute incrementally to potentially significant aesthetic impacts from reasonably foreseeable cumulative development.

Applicable policies incorporated as mitigation measures in section 5.1.5 of the FEIR, as well as those provided in the adopted Montecito Architectural Guidelines and Development Standards, would mitigate these impacts to a level of insignificance, are summarized below:

Mitigation Measure

- a. The design, scale, and character of the project architecture shall be compatible with vicinity development, with particular attention to color, visibility, design of the proposed 2nd story restaurant and proposed restaurant roof sundeck, including awnings and umbrellas. (*Mitigation Measure 5.1.5.1/ MPC Condition 26*)
- b. Future structures, including rail treatments around the relocated restaurant on the second floor, shall not exceed the heights identified in the project description and on the project plans. (*Mitigation Measure 5.1.5.2/ Reflected in MPC Condition 1*)
- c. Shade structures on the restaurant roof sundeck shall be limited to chairs with individualized canopies/awnings, and no. umbrellas shall be permitted on this restaurant roof sundeck. (*Mitigation Measure 5.1.5.3/ MPC Condition 28*)
- d. The applicant shall prepare a Tree Protection Plan designed to preserve during construction all trees and specimen plantings identified to remain, as indicated on the project landscape plans. (*Mitigation Measure 5.1.5.4/ MPC Condition 29*)
- e. Night-lighting and its intensity shall be minimized to the extent feasible for security and safety purposes and night-lighting shall be reduced following the close of activities on-site any given day. Any exterior night lighting installed on the project site shall be of low intensity, low glare design, and, with the exception of in-ground uplights, shall be hooded to direct light downward onto the subject parcel and prevent spill-over onto adjacent parcels. (*Mitigation Measure 5.1.5.5/ MPC Condition 30*)
- f. A trash storage area shall be installed which is architecturally compatible with the project design. The storage area shall be enclosed with a solid wall or gate of sufficient height to screen the area and shall include a gate. (*Mitigation Measure 5.1.5.6/ MPC Condition 31*)

Mitigation measures including, but not limited to, the measures identified above have been found to mitigate this impact to a level of insignificance.

1.5.2 Air Quality

Potentially significant project impacts related to the use of motor vehicles by employees, members and guests of the Coral Casino facility are not expected to create air quality impacts. Due to the project involving primarily remodeling, limited grading, and few operational changes in the future, it is not expected to cause ambient air quality to degrade below federal and state standards. Long term operational emissions of NO_x, ROG and CO normally associated with increased vehicle trips are considered adverse but less than significant. Air Pollution Control District (APCD) staff indicated that

the project could be found consistent with the Clean Air Plan due to the insignificant contribution to air quality impacts resulting from the project.

Mitigation

- a. Applicant shall complete the "Asbestos Demolitions/Renovation Notification form, provided with APCD memo dated March 17, 2003. (*Mitigation Measure 5.2.5.1/ MPC Condition 32*)
- b. Dust generated by the development activities shall be retained onsite and kept to a minimum by dust control measures listed in section 5.2 of the FEIR. Reclaimed water shall be used whenever possible. (*Mitigation Measure 5.2.5.2/ MPC Condition 33*)
- c. The applicant shall develop or document a Transportation Demand Management Program for the combined Coral Casino and Biltmore Hotel sites. Components of such a program shall be designed to effectively reduce vehicle demand and peak hour trips associated with the project, and could include purchase of, or discounts on, Metropolitan Transit District (MTD) bus passes, provision of employee amenities that encourage alternative transportation use, including bicycle storage lockers, and an employee lunchroom, refrigerator, microwave oven, sink, food preparation area, tables, and chairs. (*Recommended Measure 5.2.5.3.a., b., and d only/ MPC Condition 34*)
- d. Orientation of employees regarding the Ridesharing Program or similar successor programs administered by the Santa Barbara County Association of Governments or successor agency. (*Mitigation Measure 5.2.5.3.c/ MPC Condition 34 a., b., and d.*)
- e. The Hotel operator shall participate in any shuttle pass program developed by the County of Santa Barbara. (*Mitigation Measure 5.2.5.3.e/ MPC Condition 35 f*)
- f. The Coral Casino shall continue to maintain employee work shifts that avoid the peak hours of adjacent street traffic (7-9 a.m. and 4-6 p.m.). (*Mitigation Measure 5.2.5.3.f/ MPC Condition 34 g*)

Mitigation measures including, but not limited to, the measures identified above have been found to mitigate this impact to less than significant levels.

1.5.3 Archaeology:

Potentially significant archaeology impacts that could be feasibly mitigated or avoided are associated with the potential for significant, unknown buried cultural remains to be encountered within the project site during grading.

Mitigation

- a. In the event that archaeological remains are encountered during grading, work shall be stopped and the applicant shall fund evaluation of the resources encountered and shall implement recommended mitigation, consistent with County Archaeological Guidelines. (*Mitigation Measure 5.3.5.1/ MPC Condition 35*)

Mitigation measures including, but not limited to, the measure identified above have been found to mitigate this impact to less than significant levels.

1.5.4 Biological Resources:

The Coral Casino site is not located near an Environmentally Sensitive Habitat area or riparian corridor and does not contain significant biological habitat area, although it is located adjacent to the Pacific Ocean. A number of trees are proposed to be replaced with similar species, but in smaller sizes, including the series of Giant Yuccas located in front of the building. These plants are a non-native

species that are neither threatened nor are host to other biological resources such as butterflies or raptors. One 28-inch Monterey Pine tree is proposed to be removed at the northeastern corner of the building. No significant wildlife has been documented near the project site, and since the facility has existed with night lighting and activity next to the existing ocean environment for many years, indirect impacts associated with noise and night lighting are considered adverse, but less than significant. Overall, biological resource impacts can be considered less than significant.

The improvement of the storm drain system through the Coral Casino site, as well as the re-direction of pool drain discharge to the Montecito Sanitary District system will improve surface runoff conditions that have gone to the ocean previously.

Mitigation

- a. During construction, washing of concrete, trucks, paint, or equipment shall occur only in areas where polluted water and materials can be contained for subsequent removal from the site. Wash water shall not be discharged to the storm drains, street, drainage ditches, creeks, or wetlands, and shall not be allowed near sensitive biological resources. Areas designated for washing functions shall be identified. (*Mitigation Measure 5.4.4.1/ MPC Condition 54*)
- b. To minimize pollutants impacting the sea, storm drain filters/inserts, inline clarifiers, or separators shall be installed in the project area storm drain inlets and/or paved areas. The filters/inserts shall be maintained in working order. (*Mitigation Measure 5.4.4.2/ MPC Condition 52*)

Mitigation measures including, but not limited to, the measure identified above have been found to mitigate this impact to less than significant levels.

1.5.6 Geology

Potentially significant geologic impacts that can be feasibly mitigated or avoided are associated with ground shaking from potential earthquakes (potential structural impacts), and potential erosion, sedimentation and runoff as a result of grading and construction activities.

Mitigation

- a. Buildings shall be designed consistent with California Building Code or the State Historic Building Code requirements. (*Mitigation Measure 5.6.4.1/ MPC Condition 37/ HLAC Condition 15*)
- b. Erosion control measures shall be implemented in accordance with an approved Grading and Erosion Control Plan to prevent transport of sediment during construction. (*Mitigation Measure 5.6.4.2/ MPC Condition 38*)

The mitigation measures including, but not limited to, the measures stated above have been found to mitigate these impacts to less than significant levels.

1.5.7 Historic Resources

The project proposes complete removal of an historic element of the Coral Casino that can not be mitigated to less than significant levels. Other areas of work may also create potentially significant impacts to historic features of the building, but many of these areas have either already been altered, or are not considered character defining features, and therefore such changes have not been determined to be inconsistent with the *Secretary's Standards*. Therefore, work on these areas (e.g. interior work in the La Pacifica ballroom, eastern cabanas) is considered potentially significant but mitigable with the conditions 39-43 and 82 of the MPC action, summarized above under Finding 1.4.1, as well as additional conditions provided below, incorporated as HLAC conditions as parenthetically referenced below:

- a. Detailed design recommendations from the 2002 Historic Structure Report by Preservation Planning Associates shall be incorporated. *(HLAC condition 8)*
- b. The project shall retain the 28" Monterey Pine tree and other historic landscaping character. *(HLAC condition 9)*
- c. The existing tower door shall remain understated in appearance and follow specified design restrictions. *(HLAC condition 10)*
- d. The concrete bench at the north end of the pool shall be retained, as offered by the applicant during HLAC hearings. *(HLAC condition 11)*,
- e. The number of semi-permanent umbrellas that can be allowed adjacent to the La Pacifica ballroom shall be limited. *(HLAC condition 12)*
- f. Required storage of bar-b-que equipment and other portable items shall be located away from the viewshed between the clock tower and the members' lounge. *(HLAC condition 13)*
- g. The second floor and roof sundeck deck glass guardrails shall meet certain design restrictions (i.e. no cap, specified glass type). *(HLAC condition 14)*
- h. The structures shall be designed using the California or State Historic Building Code to the maximum extent feasible. *(HLAC condition 15)*

Mitigation measures including, but not limited to, the measures stated above have been found to mitigate historic impacts to less than significant levels.

1.5.8 Land Use

The project would maintain the use of the Biltmore Hotel and Coral Casino as a resort and visitor serving land use, consistent with its zoning designation. The Board of Supervisors finds that as an architectural projection and not a roofed structure, the rooftop sundeck railing does not result in an inconsistency with Policy CR-M-1.2 of the Montecito Community Plan. Other land use related issues such as noise, traffic, air quality have been addressed in those topical areas in these findings and in the EIR.

Mitigation

None required

1.5.9 Noise

Noise associated with creation of the outdoor seating area at the proposed second story restaurant would not represent a substantial increase in the ambient noise level. Potentially significant impacts that could be reasonably mitigated include short term construction noise and outdoor amplified music at the proposed second story restaurant.

Mitigation

- a. Construction activity for site preparation and construction equipment maintenance shall be limited to the hours between 7:00 a.m. and 4:30 p.m., Monday through Friday, with no construction on State holidays (e.g., Thanksgiving, Labor Day). *(Mitigation Measure 5.9.5.1/ MPC Condition 44)*

- b. Stationary construction equipment that generates noise which exceeds 65 dBA at the project boundaries shall be shielded to P&D's satisfaction and shall be located as far as possible from occupied residences. *(Mitigation Measure 5.9.5.2/ MPC Condition 45)*
- c. Construction routes shall be limited to Olive Mill Road, Channel Drive, and North Jameson Lane, and notice shall be provided to County Permit Compliance of the construction activity, schedule and routes. *(Mitigation Measure 5.9.5.3, amended by MPC Condition 46)*
- d. No outdoor music shall be allowed on the first floor after 10:00 p.m. except Friday, Saturday, Fiesta week, and holidays, when music shall cease at 12:00 midnight. *(Mitigation Measure 5.9.5.4, Modified as MPC Condition 47)*
- e. Outdoor amplified music shall not be permitted at the outdoor dining area of the proposed second story restaurant, or on the restaurant roof sundeck, at any time. *(Mitigation Measure 5.9.5.5/ Modified as MPC Condition 47)*

Mitigation measures including, but not limited to, the measures stated above have been found to mitigate noise impacts to less than significant levels.

1.5.10 Public Services - Sewer

Potentially significant sewer impacts that can be feasibly mitigated or avoided are associated with required upgrades of the building and compliance with requirements of the Montecito Sanitary District. Such requirements also include future coordination with the District regarding maintenance of the pool and its drainage.

Sewer Mitigation

- a. The applicant shall submit final working drawings to the Montecito Sanitary District that include specifications for future wastewater flows, upgrades of kitchen equipment and grease interceptors consistent with District standards. *(Mitigation Measure 5.10.1.D.1/ MPC Condition 48)*
- b. Coordinate future timing of pool drainage with the Montecito Sanitary District. *(Mitigation Measure 5.10.1.D.2/ MPC Condition 49)*

Mitigation measures including, but not limited to, the measure stated above have been found to mitigate sewer impacts to less than significant levels.

1.5.11 Public Services - Solid Waste

The Coral Casino Historic Rehabilitation Plan would result in a net increase of floor area, which serves as the only basis for estimating solid waste impacts. The project may generate a total of 33.35 tons per year of new solid waste, based only on the net increase in floor area, calculated as an eating and drinking establishment, and not on specific programmatic details. This figure is below project specific and cumulative thresholds, so this impact is considered less than significant, but would contribute cumulatively to generation of increased solid waste going to area landfills.

Recommended Solid Waste Mitigation

- a. Preparation of a long term Solid Waste Management Plan and implementation of this plan for the life of the project. *(Mitigation Measure 5.10.2.E.1/ MPC Condition 50)*
- b. Demolition and/or construction material shall be separated and recycled. *(Mitigation Measure 5.10.2.E.2/ MPC Condition 51)*

Mitigation measures including, but not limited to, the measure stated above are recommended to address the project's contribution to cumulative solid waste generation, but is not required as the project is anticipated to have a less than significant impact in this issue area. .

1.5.12 Public Services – Water Resources/Flooding

During construction activities, the Coral Casino project is expected to create water quality impacts resulting from construction equipment, erosion and sedimentation. The project's long term improvements to drainage both off-site and on-site, along with filtration methods planned for onsite surface drainage, would be considered a beneficial impact of the project. While the project would not require its own National Pollution Discharge and Elimination System (NPDES) permit, it would be required to comply with the County's NPDES permit through application of best management practices and related water quality mitigation measures.

The project would not be increasing flooding hazards, and the conversion of the basement area to offices and storage space are expected to meet County flood control standards. Therefore, flooding impacts are considered less than significant.

The levels of facility use resulting from the project would not change substantially from today's condition, and due to the availability of adequate water supplies in the Montecito groundwater basin, the project would have a less than significant effect on groundwater resources.

Mitigation

- a. Implementation of related erosion control measures from the Geology findings.
- b. Installation of storm drain filters/inserts, clarifiers or separators in project area storm drain inlets and/or paved areas; design of a clearly defined permanent overland escape path, and implementation of a comprehensive drainage plan. (*Mitigation Measure 5.10.3.D.1/ MPC Condition 52*)
- c. Implementation of best available erosion and sediment control measures during grading and construction activities, including sediment basins, gravel bags, silt fences, geo bags or gravel and geotextile fabric berms and other tools. (*Mitigation Measure 5.10.3.D.2/ MPC Condition 53*)
- d. Limitation of washing of construction vehicles and prohibition of discharging any polluted water or materials to the storm drain system or street. (*Mitigation Measure 5.10.3.D.3/ MPC Condition 54*)
- e. Application of seal coat only during dry weather and covering of storm drains and manholes during this time. (*Mitigation Measure 5.10.3.D.4/ MPC Condition 55*)
- f. Use of water saving mechanisms for indoor water use, including water efficient laundry and dishwashing facilities, lavatories and drinking fountains. (*Mitigation Measure 5.10.3.D.5/ MPC Condition 57*)

Mitigation measures including, but not limited to, the measures stated above have been found to mitigate water quality impacts to less than significant levels.

1.5.13 Recreation

The Coral Casino project proposes construction of a new ramp, west of the Coral Casino western gate, which would connect to Biltmore Beach and be accessible per the Americans with Disabilities Act standards. Potential loss of lateral beach area to accommodate this ramp would be considered adverse, but less than significant. The creation of the accessible ramp, along with recordation of a vertical

easement that would connect with an existing lateral beach easement, is considered a beneficial impact of the project. Therefore, no mitigation measures are required for this issue area.

1.5.14. Transportation

Physical improvements to the Coral Casino include the creation of a valet parking queue area at the northwest corner of the building to more smoothly accommodate special event parking need at the club. Operational changes proposed in the project (allowance for guests of registered overnight Biltmore Hotel guests to access the new restaurant, and recognition of reciprocal member uses of the club) would generate 20 average daily trips (ADT) and 1 PM peak hour trip. However, this traffic would be mitigated through the project's simultaneous loss of three lodging spaces known as "keys", or rooms, at the Biltmore Hotel. Therefore, the overall project related traffic would be reduced by 7 ADT, 2 AM peak hour trips and 1 PM peak hour trip.

Parking demand associated with the operational changes cited above would increase by one space, which will be provided at the Biltmore in the parking lot serving the "back of house" uses, or the northwest parking lot. This new space would increase the total parking on site serving the Biltmore Hotel and Coral Casino from 454 spaces to 455 spaces. Peak parking demand occurs 3-5 times annually, when the hotel experiences 100% occupancy at the same time as many events are booked at the combined Biltmore and Coral Casino facilities. During these times, a parking demand of 432 in the afternoon, to 561 parking spaces in the evening, was identified in the EIR (Table 5.12-10, page 191). With additional valet services, the onsite parking supply could be increased by 49 spaces to a total of 504 on site spaces. This would leave a remaining parking deficiency of 57 spaces during peak demand periods which occur 3-5 times per year.

Such a deficiency has existed for over 25 years, based on the prior acknowledgement by the County and California Coastal Commission in its approval of 78-CP-014, authorizing an addition of hotel rooms and parking spaces. As noted in the EIR, Section 5.12.3.G (p. 186 of FEIR), The Coastal Commission, in approving Coastal Development Permit # 4-82-5/31909, recognized that a parking deficiency of 125 spaces would remain after the project, and following the provision of 454 parking spaces as required by 78-CP-014. During such busy periods, the hotel and club operators also implement increased incentives for employees to use alternative means of transportation or carpool to lessen staff use of the onsite parking supply, and will continue to do so under the revised Development Plan.

Mitigation

- a. Continued compliance with the conditions of approval carried forward from 98-CP-031 AM01, including specification of the number of Biltmore hotel guest rooms, Coral Casino memberships, and number of parking spaces; continued compliance in scheduling Hotel and Coral Casino activities to coincide with off-peak traffic and beach utilization periods; continued compliance with requiring reservations for Sunday Brunch; implementation of valet parking during specific events and prohibition of parking lot area use for special event staging areas. (*MPC Conditions 1, 3,4,5, 15 – 22*)
- b. Implementation of a construction period parking management plan and use of traffic control monitors during construction. (*Mitigation Measure 5.12.5.B.1 & 2/ MPC 60 and 61*)
- c. Limitation of indoor and outdoor seating capacity at the Coral Casino's second story restaurant to 97 (and up to 113) indoor seats, and 62 seats outdoors. (*Mitigation Measure 5.12.5.B.3/ MPC Condition 62*)
- d. Implementation on a long term basis of an operational parking plan, and collection of parking data after the first year of operation, for filing with County P&D and forwarding to the MPC as an informational item. (*Mitigation Measure 5.12.5.B.4/ MPC condition 63*)

- e. Preparation of a compliance report listing the number of members, member events, special events, fundraisers by outside groups, conference groups using the Coral Casino and the number of people using the new second story restaurant. The compliance report will be filed with P&D staff, and provided as information to the MPC. (*MPC Condition 64*)

Mitigation measures including, but not limited to, the measures stated above have been found to mitigate traffic, circulation and parking impacts to less than significant levels

1.6 FINDINGS THAT IDENTIFIED PROJECT ALTERNATIVES ARE NOT FEASIBLE

The Final EIR, 04-EIR-00000-00006, prepared for the project evaluated a no project/routine maintenance alternative, two alternative designs, and an alternative location as methods of reducing or eliminating potentially significant environmental impacts. These alternatives are infeasible for the following reasons:

1.6.1. No Project/Routine Maintenance Alternative

This alternative would achieve none of the project objectives and would forego all the project's benefits, itemized in the Statement of Overriding Considerations, and is therefore rejected.

1.6.2 Alternative F Redesign

Alternative F was identified by the applicant as an option that met some of the project objectives, including removal of the non-historic La Perla Circle addition and the entire La Perla Restaurant addition. This alternative would locate the replacement restaurant primarily in the existing bar and members' lounge area, and relocate these uses to the base of the tower. Alternative F would also provide new restrooms at the western edge of the La Pacifica ballroom (Banquet Room), and locate an expanded kitchen in the basement. While this alternative would reduce many impacts due to the omission of the second story restaurant, it could result in other impacts to the historic building by virtue of increased excavation needed to accommodate the kitchen in the basement.

Alternatives under CEQA are supposed to attain most of a project's basic objectives and avoid or substantially lessen the project's significant effects. The project's goals and objectives are set forth in Section 4.4, page 61 of the Final EIR as follows:

1. To rehabilitate the Coral Casino. The Club is in need of repairs, due to its age and proximity to the ocean which has taken its toll on the structural elements of the site. A comprehensive rehabilitation of the Coral Casino is required in order to preserve the building, address long-standing deferred maintenance and correct ill-designed additions that have occurred in the past which compromise the building's integrity.
2. To provide a first-class recreational experience, amenities and social functions that are typical of this beach club facility and that have historically been provided and required by a contractual obligation with members.
3. To return to the historic vision for the Coral Casino by removing certain building elements that compromise the original design of Gardner Dailey.
4. To provide a second-floor restaurant offering a first-class dining experience, and views of the Pacific Ocean, in place of the existing first floor dining area. The applicant has also indicated that it is necessary to have a kitchen on the same floor as the restaurant to provide the multi-star rating sought by the owner.

In the process of formulating the project, the applicant compiled a list of required uses for the Coral Casino Rehabilitation Project from three sources: (1) all uses contained in the original Gardner Dailey design; (2) uses that have been added over time; and (3) new elements required by current codes and

ordinances. These uses are set forth in Appendix A to David Van Hoy's letter of June 29, 2005 to the Board of Supervisors. As set forth below, Alternative F fails to meet many of the goals and objectives of the project and does not provide many of the required uses:

1. The original Coral Casino dining room had views from all seats. The majority of dining room seats in Alternative F will not have a view of the ocean. The northern half of the room has no windows. From the southern half of the dining room views are limited to the pool area on the east and views to the south are blocked by the yoga area, historic clock tower, and pool bar. The seating capacity is significantly less than the existing dining room.
2. The original dining room also had an enclosed open-air courtyard, which provided access to the sun and protection from the sea breeze. Alternative F does not provide a courtyard.
3. Alternative F's proposed dining room restrooms are inadequate in size and will require members and guests to traverse the banquet room to use the facilities.
4. Alternative F proposed the bar and lounge in the same plan location as the historic bar, however this area has been remodeled to become a windowless room with no light or view since the adjacent banquet room was created in 1958.
5. No additional kitchen or restroom space was provided when the banquet room was originally created. The specialized equipment required for large production banquet cooking is completely separate from the equipment required for an a-la-carte dining room. Alternative F proposes that the kitchen be located in a new basement. This location creates operational difficulties because of its distance from the dining room.
6. The construction of this new basement called for in Alternative F will cause additional stress and potential harm to the historic structure during construction, and may require partial demolition of the western wing of the existing building.
7. A major design element of the Coral Casino Rehabilitation Plan is the separation of member and non-member activities on-site. Alternative F does not separate member and non-member activities and does not provide for a guest entrance to the dining room, which are objectives of the project.
8. Alternative F proposes the removal of the existing exercise room addition but does not identify a new or replacement location.
9. Alternative F eliminates the existing private member lounge.
10. Alternative F does not provide a new location for the multi-purpose room which is displaced by the proposed bar/lounge.
11. Alternative F proposes the removal of the existing private members dining room, but no new location is identified for this element.
12. Alternative F does not provide for second level restrooms.
13. Alternative F does not provide for required ADA accessibility to the upper level or the proposed new basement functions.

In summary, Alternative F is incomplete, does not provide for many of the required functions and spatial relationships, does not meet the project goals and objectives and for these reasons is found to be infeasible and is therefore rejected.

1.6.3 Levikow/CCPC Alternative

The Levikow/CCPC alternative removes the non-historic La Perla Circle addition and half of the La Perla Restaurant addition, and places the relocated restaurant in the existing Bar and Member's Lounge. The Bar and Lounge function would move to the base of the tower (similar to Alternative F). The kitchen would remain in the same location, and be slightly enlarged by incorporation of areas now used for table and chair storage, a few new restrooms would be added adjacent to the kitchen, and the storage function would be relocated to the basement, along with additional restrooms, but without accessible elevators. Storage is also suggested to move offsite in this alternative. The entrance for banquet room functions would remain from the west end of the building under this Alternative.

Alternatives under CEQA are supposed to attain most of a project's basic objectives and avoid or substantially lessen the project's significant effects. The project's goals and objectives are set forth in Section 4.4, page 61 of the Final EIR as follows:

1. To rehabilitate the Coral Casino. The club is in need of repairs due to its age and proximity to the ocean, which has taken its toll on the structural elements of the site. A comprehensive rehabilitation of the Coral Casino is required in order to preserve the building, address long-standing deferred maintenance and correct ill-designed additions that have occurred in the past which compromise the building's integrity.
2. To provide a first-class recreational experience, amenities and social functions that are typical of this beach club facility and that have historically been provided and required by a contractual obligation with members.
3. To return to the historic vision for the Coral Casino by removing certain building elements that compromise the original design of Gardner Dailey.
4. To provide a second floor restaurant offering a first-class dining experience, and views of the Pacific Ocean, in place of the existing first floor dining area. The applicant has also indicated that it is necessary to have a kitchen on the same floor as the restaurant to provide the multi-star rating sought by the owner.

In the process of formulating the project, the applicant compiled a list of required uses for the Coral Casino Rehabilitation Project from three sources: (1) all uses contained in the original Gardner Dailey design; (2) uses that have been added over time; and (3) new elements required by current codes and ordinances. These uses are set forth in Appendix A to David Van Hoy's letter of June 29, 2005 to the Board of Supervisors.

The Levikow/CCPC alternative floor plan describes only the western half of the main level of the Coral Casino which constitutes approximately 25% of the club. The CCPC Alternatives does not provide a design for the remaining 75% of the facility. This leaves the resolution of the majority of the required program elements unresolved. No exterior elevation drawings are provided to illustrate the proposed design. The Levikow/CCPC Alternative fails to meet many of the goals and objectives of the project and does not provide many of the required uses as set forth below:

1. The original Coral Casino dining room had views from all seats. The majority of dining room seats in the CCPC alternative will not have a view of the ocean. The northern half of the room has no windows. From the southern half of the dining room views are limited to the pool area on the east and views to the south are blocked by the yoga area, historic clock tower, and pool bar, leaving only one or two windows on the west with an ocean view.
2. The original dining room also had an enclosed open-air courtyard, which provided access to the sun and protection from the sea breeze. The CCPC plan does not provide a courtyard.

3. The CCPC's proposed location of the dining room continues the status quo of a non-historic addition which blocks western views from the pool area, occupies space originally designed for pool related activities, and ignores the original historic building footprint.
4. The CCPC's proposed dining room restrooms are inadequate in size and will require members and guests to traverse the banquet room to use the facilities.
5. The CCPC Alternative proposes the bar and lounge in the same plan location as the historic bar, however this area has been remodeled to become a windowless room with no light or view since the adjacent banquet room was created in 1958.
6. No additional kitchen or restroom space was provided when the banquet room was originally created. The specialized equipment required for large production banquet cooking is completely separate from the equipment required for an a-la-carte dining room. The CCPC plan increases the space available for the kitchen, but does not create enough for the required equipment.
7. The CCPC Alternative proposes to provide banquet storage in a new basement creates operational difficulties and will require a large freight elevator, which is not shown on the plan. Incorporation of the freight elevator will further reduce the space available for the kitchen.
8. The CCPC's Alternative calls for locating banquet restrooms in a new basement, which is impractical given the restrooms must serve the 1st floor banquet room, which has a 300-person occupancy capacity.
9. In addition, the construction of the new basements called for by the CCPC plan will cause additional stress and potential harm to the historic structure during construction, and may require partial demolition of the western wing of the existing building.
10. A major design element of the Coral Casino Rehabilitation Plan is the separation of member and non-member activities on-site. The CCPC plan continues the conflicts that exist today, and does not provide for a guest entrance to the dining room, which is an objective of the project.
11. The CCPC's Alternative plan eliminates the existing exercise room addition, but does not identify a new location.
12. The CCPC's Alternative plan eliminates the existing private member lounge.
13. The CCPC's Alternative plan does not provide a new location for the multi-purpose room which is displaced by the proposed bar/lounge.
14. The CCPC's Alternative plan proposes to remove the existing private members' dining room, but does not identify a new location for this element.
15. The CCPC's Alternative plan does not provide for second level restrooms.
16. The CCPC's Alternative plan does not provide for required ADA accessibility to the upper level or the proposed new basement functions.

In summary, the Levikow/CCPC Alternative is incomplete, does not provide for many of the required functions and spatial relationships, does not meet the project goals and objectives and for these reasons is found to be infeasible and is therefore rejected.

1.6.4. Alternative Site Project Size

Provision of some of the project objectives, including the second story ocean view restaurant, may be realized at an alternative site. One such alternative location is the Biltmore Hotel, also owned by Ty Warner Hotels and Resorts. The Biltmore currently has an ocean view first floor restaurant, set back from Channel drive against an expanse of lawn. An addition to this portion of the structure may compromise the architectural or historic integrity of this alternative location. Additionally, due to the site specific nature and relation of some of the project objectives to members of the Coral Casino Beach and Cabana Club, provision of another restaurant off site would not meet several other primary project objectives, such as the *comprehensive* rehabilitation of the Coral Casino facility, and provision of a second floor ocean view restaurant. Therefore, this alternative is infeasible and is also rejected.

1.7 STATEMENT OF OVERRIDING CONSIDERATIONS

The Final EIR for the Coral Casino identifies project impacts to Historic Resources as significant environmental impacts which are considered unavoidable. The Board of Supervisors therefore makes the following Statement of Overriding Considerations which warrants approval of the project notwithstanding that all identified impacts are not fully mitigated. Pursuant to CEQA Sections 15043, 15092 and 15093, any remaining significant effects on the environment, including cumulative impacts are acceptable due to the following overriding considerations:

1.7.1 Historical Resources Benefits.

- a. The Project will cause the rehabilitation of an historical landmark that is in need of repair and structural upgrades.
- b. The Project will cause the replacement of two cabanas constructed when the Coral Casino was originally built but removed during one of the subsequent remodels.
- c. The Project will result in the reinforcement of the historic tower structure.
- d. The Project will cause the Coral Casino building to be in full compliance with Americans with Disabilities Act standards.
- e. The Project will result in the removal of non-historic additions such as a second story fitness room, La Perla Circle and La Perla dining room.
- f. The removal of the La Perla Circle and the La Perla dining room addition will restore and recapture the original Gardner Dailey historic views of the ocean from the pool, deck and second floor cabanas.
- g. The Project will restore the historic bar area next to the clock tower.
- h. The Project will result in the restoration of historic landscape features.
- i. The Project will restore a portion of the sundeck and railings that were removed when the non-historic fitness room was added.

1.7.2. Environmental Benefits.

- a. The Project will result in the removal of all asbestos in the Coral Casino's buildings.
- b. The Project will result in a reduction of traffic due to the reduction of three (3) keys at the Biltmore Hotel, ensuring no significant increases in traffic would occur, and the project would be consistent with circulation policies. An improvement to on site parking supply,

and continuation of parking management strategies would be ensured with the project, addressing long-term parking deficiencies in the area.

- c. The Project will replace, upgrade and modernize the utility infrastructure for safety and efficiency, thereby conserving electricity, water and gas consumption.
- d. The Project will provide a pull-out area adjacent to the existing stone entry gate to be removed and reconstructed.
- e. The Project will improve water quality through the upgrading and diversion of existing drainage patterns such that off- and on-site surface runoff (including water on and around the pool deck) would be redirected to the storm drain system, and that pool water discharge will be treated with improved filtering systems and directed to the Montecito Sanitary District wastewater treatment facilities.
- f. The Project will cause the reduction of 687 square feet of meeting space thereby resulting in potentially fewer people at meetings and vehicle trips associated with that function.
- g. The Project will result in the removal of existing noisy roof-top equipment and the reduction of 60% of the heat extract (cooling capacity) off-site via the existing Biltmore central cooling plant.
- h. The Project will result in the removal of the terry cloth laundry which will further reduce the concentration of equipment and hot air exhaust on site.

1.7.3 Aesthetic Benefits.

- a. The Project will cause the concealment of the delivery area.
- b. The Project will restore historic landscape features.
- c. The Project will result in the repair of substantial deferred maintenance which, if left unattended, would cause significant damage to the historically designated portions of the Coral Casino buildings.

1.7.4 Recreation and Visitor Serving Benefits.

- a. The Project will result in the construction of an accessible ramp access to the beach in full compliance with the accessibility provisions of the California Building Code. An offer to dedicate public access over the ramp to the beach below will be provided.
- b. The Project will result in the provision of elevator service to the basement and second floor.
- c. The Project will result in the addition of bathrooms to the banquet facilities.
- d. The Project will be accomplished without any interference with lateral beach access routes.

1.7.5 Economic Benefits to Local Government.

- a. The new construction resulting from the rehabilitation of the Coral Casino's buildings will cause a reassessment of the improvements pursuant to the California Revenue and Taxation Code thereby resulting in increased property tax revenue to the County of Santa Barbara.

- b. The Project will create temporary construction jobs thereby benefiting the local economy.

1.7.6 Technological, Traffic, and Public Safety Benefits.

- a. The Project will result in improved fire access.
- b. The Project's buildings will be constructed to Uniform Building Code seismic zone 4 standards, or allowable standards contained within the State Historic Building Code.
- c. The Project's buildings will have improved noise insulation.
- d. The Project will cause the preparation of a Traffic Demand Management Plan.
- e. The Project will cause the preparation of a Parking Demand Management Plan.
- f. The Project will result in the storage of chemicals in a secure storage area.
- g. The Project will provide an additional parking stall in the "back-of-house" area on the Biltmore Hotel site.

1.8 ENVIRONMENTAL REPORTING AND MONITORING PROGRAM

Public Resources Code Section 21081.6. requires the County to adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment. The approved project description and conditions of approval, with their corresponding permit monitoring requirements, are hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.

2.0 ZONING ORDINANCE FINDINGS

FINDINGS PURSUANT TO ARTICLE II, THE COASTAL ZONING ORDINANCE

2.1 FINDINGS REQUIRED FOR APPROVAL OF A DEVELOPMENT PLAN PURSUANT TO SECTION 35-174.7.1

A Development Plan shall only be approved if all of the following findings are made:

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

The Biltmore and Coral Casino sites have been developed with hotel and recreational club uses for many decades and have received the review and approval of a variety of permits over the years as discussed in detail in the project EIR. The current operating permit 98-DP-031 AM01 was approved in February 2005. As part of that approval, the above finding was made by the Board of Supervisors regarding the sites appropriateness for the density and level of development proposed. The proposed project includes no new development on the Biltmore Hotel site and only minimal new development on the Coral Casino site. As a result, the finding can still be made that the site is adequate in size, shape, location, and physical characteristics to accommodate the density and level of development proposed.

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

All of the EIR mitigation measures have been incorporated into the project conditions of approval. These include measures identified in the EIR to reduce significant impacts to less than significant levels, as well as measures designed to minimize impacts identified as adverse, but less than significant. The remaining Class I significant unmitigable impacts will be addressed through decisionmakers' adoption of overriding considerations, provided in these findings. Additional review and requirements incorporated into the final grading, drainage, building and landscape plans in response to final plan review and sign-off by County departments and MBAR final approval will serve to further mitigate adverse impacts to the maximum extent feasible.

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

As identified in the EIR traffic section and the policy consistency discussion regarding circulation policies in section 6.2 of the staff report, the area street network is adequate and properly designed to carry the type and quantity of traffic generated by the project. Further, the project will cause a net reduction of 7 average daily trips, 2 AM peak hour trips and 1 PM peak hour trip due to the reduction of three keys at the Hotel.

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

Public services are currently serving the project site and would continue to provide service for the project as proposed, including, but not limited to treatment of swimming pool water by the Montecito Sanitary District, as the swimming pool water currently drains to the storm drain system.

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

The Biltmore and Coral Casino uses have existing in this neighborhood for nearly 70 years, prior to many of the residential uses established later. Further, the Biltmore and Coral Casino

operations have not been the subject of many complaints received by the County over the last ten years, indicating that on the whole, these institutions have been, and are expected to be, compatible with the surrounding neighborhood. The changes to the existing building and operational conditions would not significantly increase the level of activities documented in recent years at the Coral Casino.

2.1.6 That the project is in conformance with the applicable provisions of Article II and the Coastal Land Use Plan.

As discussed in the Issue Summary, Comprehensive Plan Consistency, and Ordinance Consistency sections of the April 20, 2005 MPC staff report, the project would be consistent with the applicable provisions of Article II and the Coastal Land Use Plan, including, but not limited to, the Montecito Community Plan. Modifications for the location of the proposed equipment well in the front yard setback and enclosure of the eastern alley are addressed in Finding 2.2.1 below.

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

The project is not located within a rural area.

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

The project would remove existing concrete platforms existing along the beach below the Coral Casino, thereby improving lateral access along the beach. The project includes construction of a new accessible ramp to the beach and an offer to dedicate a public access easement will be given by the applicant. This "offer to dedicate" would connect to an existing lateral easement south of the seawall to the mean high tide line.

2.2 FINDINGS REQUIRED FOR A DEVELOPMENT PLAN MODIFICATION PURSUANT TO SECTION 35-174.8.1

In addition to the findings for Development Plans set forth in Sec. 35-174.7. (Development Plans), the Planning Commission or Board of Supervisors may modify setback requirements when justified by the project.

2.2.1 The Board of Supervisors finds that the project justifies a modifications the required front and side yard setbacks.

The proposed equipment well in the front yard setback is justified because it would be a minor extension of an existing access vent, would be used not more than once per year on average, and would be surrounded by landscaping that would screen the vent. The enclosure of the eastern alley is also justified because it would fill in a small alley that exists along the otherwise continuous length of this eastern façade of the building, which is not a highly visible side of the structure.

2.3 FINDINGS REQUIRED FOR APPROVAL OF A DEVELOPMENT PLAN IN THE C-V ZONE DISTRICT PURSUANT TO SECTIONS 35-81.4.1 AND 35-81.4.2.

In addition to the findings for Development Plans set forth in Sec. 35-174.7. (Development Plans), no Preliminary or Final Development Plan shall be approved for property zoned or to be rezoned to Resort/Visitor Serving Commercial unless the Planning Commission also makes the following findings:

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

The project is not located in a rural area.

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

The Biltmore and Coral Casino are long established and permitted uses within the neighborhood. The changes to the existing sites/permits would not substantially alter the existing level of development or activities on-site or within the surrounded residential area.

2.4. **ADDITIONAL FINDINGS REQUIRED FOR APPROVAL OF A DEVELOPMENT PLAN IN THE C-V ZONE DISTRICT PURSUANT TO SECTION 35-280.1**

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

The proposed changes to the Coral Casino, in part a recreational component of the Biltmore, would provide repair and reconstruction to the aging historic facilities. The proposal would facilitate long-term preservation of this Historic Landmark from the "early days of Montecito."

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

The surrounding neighborhood includes a variety of structures with regard to mass, bulk, scale and design. Besides the Biltmore and Coral Casino structures, residential development in the area varies, and includes multi-story, multi-unit condominiums, duplexes, smaller cottage type residences, as well as a number of large and visible estate residences. The appearance of the facility would not change substantially and would remain compatible with the residential character of the surrounding neighborhood.

2.5 **ADDITIONAL FINDINGS REQUIRED PURSUANT TO THE MON OVERLAY DISTRICT SECTIONS 35-215.1 AND 35-215.3.**

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

As discussed in the policy consistency section of the April 20 MPC staff report, section 6.2, the project would be consistent with all applicable development standards included in the Montecito Community Plan.

- 2.5.2. *For projects subject to discretionary review, a finding shall be made that the development will not adversely impact recreational facilities and uses.*

The project would remove existing concrete platforms located along the beach below the Coral Casino, thereby improving lateral access along the beach. The project would also provide a new accessible ramp to the beach and an offer to dedicate a public access easement will be given by the applicant.

ATTACHMENT C-2

BOARD OF SUPERVISORS CONDITIONS OF APPROVAL

BILTMORE & CORAL CASINO CONDITIONS

CONDITIONS OF APPROVAL FOR 03DVP-00000-00002 (incorporating 98-DP-031 AM01, 04AMD-00000-00001, 04APL-00000-00026)

JULY 5, 2005

BILTMORE HOTEL AND CORAL CASINO HISTORIC REHABILITATION PLAN 03DVP-00000-00002

1. This project Development Plan, dated April 20, 2005, is based upon and limited to compliance with the project description, the hearing Exhibits F to the staff report dated April 20, 2005, and conditions of approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval. Approval of this Development Plan includes the proposed restaurant roof sundeck shown of exhibit F.

The Santa Barbara Biltmore Hotel is an existing cottage-type resort hotel. The Biltmore is located in Montecito on several parcels.

The main hotel complex is located on Parcel No. 3 (APN 009-352-009) which is approximately 12.32 acres in size. The hotel complex is comprised of 21 separate buildings housing a total of 229 guestrooms.

In addition, the Biltmore facilities have two maintenance buildings, 2 maintenance sheds, a guard shack, a pool and spa, and 3 tennis courts. 455 parking spaces are located onsite: 234 spaces (in northwest lot), 123 (in northeast lot), 44 (in back of house parking lot), 53 (in valet lot for Hotel), and 1 (in the Anacapa space).

Parcel No. 1 (APN 009-351-012) is approximately 2.02 acres in size and is located at the northwest corner of complex. Parcel No. 1 is used solely for parking, and accommodates 234 parking spaces.

Parcel No. 2 (APN 009-354-001) is approximately 1.68 acres in size, and is located at the northeast corner of complex. This parcel accommodates 123 parking spaces and 3 tennis courts.

The Coral Casino is a private beach and cabana club, operated in conjunction with the Biltmore Hotel, and is located southeast of the Biltmore on an adjacent 3.26 acre parcel, APN 009-353-15. The existing two-story club facilities are approximately 28,058 square feet in size and include a lounge, meeting rooms, a ballroom, two dining areas, two kitchens, service areas, storage, administrative area, locker rooms, exercise areas, two spa-pools, a children's pool, and a swimming pool. Parking is located on the adjacent Biltmore parcels, with member parking primarily provided in the northeast parking lot.

The development currently obtains water from the Montecito Water District and on-site wells, sanitary services from the Montecito Sanitary District. Access is taken via Channel Drive and Hill Road.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions

of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto.

This Development Plan (03DVP-00000-00002) represents a revision to the previous operating permit (98-DP-031 AM01) and supersedes all prior permits for the Biltmore Hotel & Coral Casino sites.

BILTMORE HOTEL ONLY:

2. Uses approved by this Development Plan shall be limited to those uses regularly associated with a cottage-type resort hotel and private recreational and social club.
3. The number of guestrooms or keys shall not exceed 229.
4. The total group of and convention occupancy, that is persons using the seminar or conference facilities, at the Biltmore Hotel shall be limited at any one time as follows:
 - a. Sunday night through Thursday night, 150 rooms
 - b. Friday and Saturday nights, 100 rooms

The Biltmore Hotel will submit semi-annual reports to the Santa Barbara County Planning Department specifying the size of, but not the name of, conventions and groups utilizing the hotel and the nights of their occupancy, Reports will be due February 1 and August 1 of each year and will cover periods from July 1 to December 31 and January 1 to June 30, respectively.

5. Except for residents of Santa Barbara County and contiguous counties, group and convention use of the Biltmore facilities will be limited to registered guests actually occupying the Biltmore. Occupants of other hotels are not to utilize Biltmore group or convention facilities.
6. The use of the hotel health spa shall be available to registered overnight hotel guests and members of the general public with priority given to registered overnight hotel guests. The areas of the hotel spa available for limited public use include the ten spa treatment rooms, the dressing/locker room area and the lobby. Use of the exercise/fitness room and the pool shall be restricted to registered overnight hotel guests only. Treatments at the spa shall be by appointment only. To ensure priority use of the spa by registered overnight hotel guests, spa appointments for the general public shall not be reserved more than three weeks in advance of the spa appointment date. Hotel personnel taking spa appointment reservations shall inform public users of the hotel spa to use the Biltmore's complimentary valet parking service.
7. During the low season (the day after Labor Day until just prior to the Memorial Day weekend) no more than 25 appointments per day shall be allowed for use by the general public. During the high season (the Memorial Day weekend through Labor Day) no more than 15 appointments per day shall be allowed for use by the general public.
8. Within one year of issuance of the follow-up Coastal Development Permit the Montecito Planning Commission will review compliance reports to determine whether the limited public use of the Biltmore Hotel health spa is in compliance with the conditions of approval (review to occur during Planning & Development Divisional Briefing on Administrative Agenda). The applicant shall maintain records documenting the number of spa users who are registered overnight hotel guests or members of the general public and shall file semi-annual compliance reports with P&D. If the Montecito Planning Commission determines that the applicant is not in compliance with the conditions of approval allowing limited public use of the hotel spa, or if the applicant requests changes to the conditions based upon information in the reports, then the limited public use of the spa shall be reconsidered consistent with Section 35-174.10 of Article

II, Substantial Conformity, Amendments and Revisions with any changes to be considered by the Montecito Planning Commission (on Standard Agenda). **Plan Requirements and Timing:** The compliance reports shall include information quantifying the number of users who are overnight hotel guests or members of the general public.

9. Tennis Court Conditions:

- a) Tennis court development shall be in substantial conformance with exhibit D, first considered by the Board of Supervisors on May 21, 1979. Use is limited to hotel guests and Coral Casino members only.
 - b) Nighttime use of the courts, for tennis or any other activity which may require the lights, shall be prohibited between the hours of 9:00 p.m. and 7:00 a.m.
 - c) Glare-free, minimum spillover lighting fixtures only shall be used.
 - d) The installation of practice backboards and bleachers is prohibited.
 - e) Noise due to tennis court sweeping shall not increase the ambient noise levels at adjacent residences. Courts shall be swept manually if necessary to comply with this condition
10. Permittee shall maximize effectiveness and guest use of airport limousine and charter bus services. In the event airport limousine service is not available to guest of the Hotel, the permittee shall provide such service.
11. The Biltmore will provide housing subsidies for no less than eight of its employees.
12. Permittee shall operate neither of the two onsite wells continuously, to allow water level recovery in the wells during periods of non-use, and minimize the extent of drawdown caused by well use. Should sustained daily maximum water use require operation of the new well at 50 gallons per minute for more than approximately fifty percent of the time, permittee shall undertake measures to reduce laundry / ancillary or recreational water use during these periods.
13. Permittee shall maintain backflow prevention devices to prevent commingling of Hotel water and District water.
14. Permittee shall continue to use the "fire brigade" concept and organization among its staff to provide internal prevention and protection.
15. Sunday brunch shall be by reservation only and attendance shall not exceed a number which can be accommodated in the onsite parking lots, excluding the north-east parking lot where priority parking shall be given to Coral Casino users
16. All signing shall comply with provisions of Chapter 35 of the Code of Santa Barbara County (Sign Regulations) except as approved by this Development Plan When appropriate, Permittee shall place "Registration – Valet Parking" and "Registration – Self Parking" signs at the front entrance and at the intersection of Hill Road and Olive Mill Road, and provide appropriate arrows guiding guests, visitors, and Coral Casino members to the front for valet parking and to the rear for self-parking. There shall be no internally illuminated signs. Signs shall be in compliance with a sign approved by this Planning Commission.
17. Permittee shall schedule Hotel and Coral Casino activities to coincide with off- peak traffic and beach utilization periods. Activities shall be scheduled so that arrival and departure times do not coincide with arrival and departure times for other activities. Events which cannot be appropriately scheduled shall be eliminated or restructured.

18. Group and convention events will not be scheduled at the Coral Casino on Saturday, Sunday, and holidays during the period from 10:00 a.m. to 5:00 p.m. at which attendance of more than a total of 50 non-registered Biltmore Hotel guests (excluding Coral Casino members) is expected. Such events at such times may be scheduled at the Biltmore Hotel provided the total; of nonregistered guests, excluding Coral Casino members, does not exceed a number which can be accommodated in the onsite parking lots, excluding the northeast parking lot where priority shall be given to Coral Casino users.
19. Valet parking shall be provided as follows:
 - a) for the Biltmore Hotel at all times;
 - b) for the Coral Casino: on Saturdays, Sundays, and holidays from 10:00 a.m. to 5:00 p.m.; on weekdays when the members' dining room is open for business or whenever there are events of over 50 in attendance. Valet shall remain until the last person using the valet parking has been supplied with his or her keys. In addition, valet parking will be supplied when requested by the Coral Casino Members Committee provided, however, that if management believes such requests to be unreasonable the request may be applied to the Montecito Planning Commission, which shall decide said appeal. All valet parking will be in the onsite parking lots. No charge for valet parking or parking lot use will be made to Coral Casino members and their guests. Except for delays reasonably necessary during pick up and delivery of automobiles, driveways and passenger loading zones will be kept free of automobiles.
20. Use of all onsite parking lots will be limited to users of the Biltmore Hotel and Coral Casino by attendants or mechanical devices employed for such purposes as follows: Saturday, Sunday, and holidays from 7:00 a.m. to 3:00 p.m.; weekdays at the northeast parking lot during periods requested by the Coral Casino Members Committee provided, however that if management believes such requests unreasonable, it may appeal such requests to the Montecito Planning Commission, which shall decide said appeal based upon the standards set out in Article II.
21. Parking lots at the Biltmore Hotel shall not be used to host or stage special events (e.g. automobile shows, cover with tents, etc.) such that they limit the availability of parking for hotel guests, Coral Casino members and employees of hotel and club.
22. Coral Casino Conditions:
 - a) The Coral Casino shall remain a private club.
 - b) Guest membership shall be limited to
 - 1) 600 – permanent members
 - 2) 50 - seasonal members, for guests of the Biltmore
 - 3) Up to 120 members per month from reciprocal clubs located at least 75 miles away from the Coral Casino.
 - c) Regular use of the facility shall be limited to club members, their guests, registered overnight Biltmore Hotel guests only. Guests of registered Biltmore Hotel guests may also use the second story restaurant when accompanied by the registered hotel guest. Such regular use also includes guest privileges afforded to the general manager of the club, for business purposes incidental to the operation of the club. Outside groups may use the facility for special functions.
 - d) No outdoor music after 10:00 p.m. except Friday, Saturday, Fiesta week, and holidays, when music shall cease at 12:00 midnight.

- e) Activities at the Coral Casino shall be those normally associated with a social, swim, and tennis club.
 - f) Use of the restaurant roof sundeck shall only be during daylight hours, through sunset, and during night time hours not more than four times annually.
23. A committee of at least seven members of the Coral Casino elected from time to time by the membership, known as the Coral Casino Member Committee, shall be consulted on all substantial changes in major Coral Casino policies including but not limited to, hours of operation, dues, staffing level, conditions of membership, and membership applications.
24. Nighttime truck deliveries are prohibited.
25. Studio location filming or filming which contributes to traffic congestion shall be subject to approval by the Planning Commission

CONDITIONS DERIVED FROM EIR (04-00000-00006) MITIGATION MEASURES:

Aesthetics

26. The design, scale, and character of the project architecture shall be compatible with vicinity development, with particular attention to color, visibility, design of the proposed 2nd story restaurant and proposed restaurant roof sundeck, including awnings and umbrellas. Particular attention should be paid to the proposed removal of the 28-inch Monterey Pine tree at the northeast corner of the building. **Plan Requirements and Timing:** The applicant shall submit landscape and architectural drawings of the project.

for review and approval by the Montecito Board of Architectural Review prior to approval of applicable Coastal Development Permits for the project.

27. Deleted
28. Shade mechanisms (portable or otherwise) on the restaurant roof sundeck shall be limited to chairs with individualized canopies/awnings as shown on project plans dated December 2004. Umbrellas, cabanas, dining tables and chairs or other higher profile shade structures shall not be permitted on this restaurant roof sundeck. **Plan requirement:** This measure shall be included on building plans. **Timing:** Plans shall be submitted prior to approval of applicable Coastal Development Permits.

MONITORING: Placement of chairs and not umbrellas shall be checked by Building and Safety and Permit Compliance staff prior to final occupancy.

29. The applicant shall prepare a Tree Protection Plan designed to preserve during construction all trees and specimen plantings identified to remain, as indicated on the project landscape plans. **Plan Requirements and Timing:** The Tree Protection Plan shall be adhered to throughout the construction period or for the life of the project as applicable. The Tree Protection Plan shall be submitted to and approved by P&D prior to approval of applicable Coastal Development Permits for site work (demolition of exterior surfaces or utility work) or building construction. The plans shall be implemented prior to the commencement of grading/construction. P&D shall check the plan for compliance with this measure.

MONITORING: Permit compliance shall check in the field during grading.

30. Night-lighting and its intensity shall be minimized to the extent feasible for security and safety purposes and night-lighting should be reduced following the close of activities on-site any given day. Any exterior night lighting installed on the project site shall be of low intensity, low glare design, and, with the exception of in-ground uplights, shall be hooded to direct light downward onto the subject parcel and prevent spill-over onto adjacent parcels. The height of night-lighting shall also be minimized to reduce its visibility from off-site. This would apply to both the height of light fixtures as well as minimizing the location of night lighting in the upper portion of the structure, particularly those at the highest elevations on-site (e.g., relocated La Perla restaurant, member's sun deck, tower). Applicant shall develop a lighting plan incorporating these requirements and provisions for dimming lights after 10:00 p.m., except when activities end at, or later than 10:00 p.m. For these exceptions, lighting shall be dimmed to the maximum extent feasible and at the earliest possible time after 10:00 p.m. The lighting plan shall also show how interior lighting will be designed so as not to increase visibility or glare to off-site locations. At a minimum, the lighting plan shall show all proposed lighting on or along structures, walkways, and garden and patio areas. **Plan Requirements and Timing:** The locations of all exterior lighting fixtures and an arrow showing the direction of light being cast by each fixture and the height of the fixtures shall be depicted on a Lighting Plan to be reviewed and approved by P&D and the MBAR. P&D and MBAR shall review a lighting plan for compliance with this measure prior to approval of applicable CDP's for structures or prior to CDP's for grading (if trenching for lighting is required).

MONITORING: Permit Compliance shall inspect structures upon completion to ensure that exterior lighting fixtures have been installed consistent with their depiction on the final lighting plan.

31. A trash storage area shall be installed which is architecturally compatible with the project design. The storage area shall be enclosed with a solid wall or gate of sufficient height to screen the area and shall include a gate. The trash storage area shall be maintained in good repair. **Plan Requirement/Timing:** Location and design of trash storage area shall be denoted on project plans prior to approval of Coastal Development Permits. Trash storage area shall be installed prior to occupancy clearance.

MONITORING: Permit Compliance shall inspect structures upon completion to ensure that exterior lighting fixtures have been installed consistent with their depiction on the final lighting plan.

Air Quality

32. The applicant shall complete the "Asbestos Demolitions/Renovation Notification form, provided with APCD memo dated March 17, 2003. The completed form should be mailed to the Santa Barbara APCD and EPA Region IX no later than the date specified in number 2 of the instructions. **Plan Requirements and Timing:** The APCD shall verify prior to approval of a CDP for demolition activities.
33. Dust generated by the development activities shall be retained onsite and kept to a minimum by following dust control measures listed below. Reclaimed water shall be used whenever possible.
- a. During clearing, grading, earth moving, or excavation, water trucks or sprinkler systems are to be used in sufficient quantities, after each day's activities cease, to prevent dust from leaving the site and to create a crust.
 - b. After clearing, grading, earth moving or excavation is completed, the disturbed area must be treated by watering or revegetation; or by spreading solid binders until the area is paved or otherwise developed so that dust generation will not occur.

- c. During construction, water trucks or sprinkler systems are to be used to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum this would include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency will be required whenever the wind speed exceeds 15 mph.
- d. Soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation.
- e. Trucks transporting soil, sand, cut or fill materials and/or construction debris to or from the site shall be tarped from the point of origin.
- f. The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holiday and weekend.
- g. periods when work may not be in progress. The name and telephone number of such persons shall be provided to P&D and the Air Pollution Control District prior to approval of a Coastal Development Permit.

Plan Requirements and Timing: All requirements shall be shown on grading and building plans prior to approval of applicable CDP's involving these plans. **Timing:** This condition shall be adhered to throughout all grading and construction periods.

MONITORING: P&D shall ensure measures are on plans. Permit Compliance, Grading, and Building inspectors shall spot check; Grading and Building shall ensure compliance on-site. Permit Compliance and APCD inspectors shall respond to nuisance complaints.

34. The applicant shall develop or document a Transportation Demand Management Program for the combined Coral Casino and Biltmore Hotel sites. Components of such a program shall be designed to effectively reduce vehicle demand and peak hour trips associated with the project. The provisions of the Transportation Demand Management Program should include the following:
- a. Employer purchase of, or discounts on, Metropolitan Transit District (MTD) bus passes or the equivalent for Coral Casino employees. Transit use should also be facilitated by distribution of bus routes and schedules in a central (public) location accessible to employees.
 - b. Provision of male and female employees' shower and locker facilities in a
 - c. Restroom that is made available for use before, during, and after work hours.
 - d. Orientation of employees regarding the Ridesharing Program or similar successor programs administered by the Santa Barbara County Association of Governments or successor agency.
 - e. Provision of employee amenities that encourage alternative transportation use, including bicycle storage lockers, and an employee lunchroom, refrigerator, microwave oven, sink, food preparation area, tables, and chairs.
 - f. The Hotel operator shall participate in any shuttle pass program developed by the MTD and/or the County of Santa Barbara.
 - g. The Coral Casino shall continue to maintain employee work shifts that avoid the peak hours of adjacent street traffic (7-9 a.m. and 4-6 p.m.)

Plan Requirements and Timing: APCD and P&D shall review and approve the TDM Program prior to approval of any applicable Coastal Development Permits for structures. The provisions of this Program shall be included in the lease/rental agreements of future hotel operators as a required "Transportation Demand Management Program." A copy of the clause in the lease/rental agreement needed to comply with this condition shall be provided to P&D and the APCD prior to occupancy clearance.

MONITORING: Permit Compliance shall ensure APCD and P&D have received a satisfactory lease agreement clause prior to signing off on occupancy clearance and shall respond to complaints.

Archaeology

35. All contractors and construction personnel shall be alerted to the potential for disturbing unknown archaeological artifacts and remains during grading and ground disturbance. In the event archaeological remains are encountered during grading, work shall be stopped immediately or redirected until a P&D qualified archaeologist and Native American representative are retained by the applicant to evaluate the significance of the find pursuant to Phase 2 investigations of the County Archaeological Guidelines. If remains are found to be significant, they shall be subject to a Phase 3 mitigation program consistent with County Archaeological Guidelines and funded by the applicant. **Plan Requirements/ Timing:** This condition shall be printed on all building and grading plans.

MONITORING: P&D shall check plans prior to approval of applicable Coastal Development Permits for the Historic Rehabilitation Project and shall spot check in the field

Fire Protection

36. The applicant shall work with MFPD to ensure access and design through completion of the Fire Department Access Plan that complies with MFPD requirements. Any modifications to the Fire Code requirements necessitated by field changes or other project modifications that occur during project construction shall be approved by the MFPD prior to implementation of the field changes or project modifications. **Plan Requirements and Timing:** Prior to approval of a CDP for grading or development, the plans shall be reviewed and approved by the MFPD to ensure the project circulation design, fire suppression water, and sprinklers are consistent with Fire District requirements.

MONITORING: Montecito Fire Protection District shall ensure compliance prior to occupancy clearance. Permit compliance and building inspectors shall field check to ensure compliance during the construction phase.

Geology

37. Structures shall be designed to earthquake standards of the California or State Historic Building Code. **Plan Requirements and Timing:** Prior to plan check, the applicant shall submit building plans indicating standards to the satisfaction of Building & Safety Division.

MONITORING: Building inspectors shall site inspect prior to occupancy clearance.

38. Erosion control measures shall also be implemented in accordance with an approved Grading and Erosion Control Plan to prevent erosion or transport of sediment during construction. These measures may include, but are not limited to, placement of silt fencing, straw bales, and/or sand bags in appropriate locations. **Plan Requirements and Timing:** The Grading and Erosion Control Plan shall be submitted to and approved by P&D and Flood Control prior to approval of any applicable Coastal Development Permits for the Historic Rehabilitation Plan.

The plans shall be implemented prior to the commencement of grading/construction. P&D shall check the plan for compliance with this measure.

MONITORING: P&D shall verify placement of erosion control measures prior to issuance of applicable Coastal Development Permits for demolition and/or grading. P&D Permit Compliance and Grading staff shall perform site inspections throughout the construction phase

Historic Resources

39. Prior to the approval of Coastal Development Permits, the applicant shall, in consultation with a County approved historic preservation professional, produce a documentation survey of the property in accordance with the Historic American Building Survey (HABS) standards. This documentation shall include archival quality photographs of exterior features, elevations and significant interior features of the Coral Casino, with an emphasis placed on historic features to be demolished. Scaled, "as built" site plan and floor plans shall also be produced and an historic documentation report included in the documentation package. The documentation package will be archived at an appropriate location determined by the County **Plan Requirements and Timing:** P&D shall review and approve the documentation survey, including photographs, as-built site and floor plans, and a historic documentation report prior to approval of any applicable Coastal Development Permits for grading, vegetation removal or architectural work on structures.

MONITORING: P&D will review the documentation survey and permit compliance will archive the survey and related materials in an appropriate location.

40. Prior to approval of applicable Coastal Development Permits for the Rehabilitation Plan, the applicant shall submit to P&D for review and approval by a County approved historic preservation professional, treatments for non-structural building components and refurbishments, such as restoration of the original flag pole on the west elevation, restoration of the original canvas awnings on the 2nd floor cabanas (east side of pool), and recreation of original umbrella and chair designs. **Plan Requirements and Timing:** P&D shall review the working drawings or plans, and a historic documentation report prior to approval of any applicable Coastal Development Permits for grading, vegetation removal or architectural work on structures.

MONITORING: P&D will review the documentation survey and permit compliance will archive the survey and related materials in an appropriate location.

41. Prior to approval of applicable Coastal Development Permits for the Rehabilitation Plan, design specifications for permanent alterations to the building shall be reviewed and approved by a County approved architect specializing in historic preservation, including the following:
- a. Historic building fabric shall be retained where it is not specifically slated for removal. Repairs of historic building fabric shall conform to the *Secretary of the Interior's Standards*, and utilize historically appropriate materials and finishes.
 - b. The restoration or replication of historic features and elevations, where proposed, shall be based on documentary evidence of the original design of these features.
 - c. All structural alterations shall be designed in accordance with the Secretary's Standards in order to minimize the introduction of architecturally incompatible elements and the destruction of historic building fabric.
 - d. To the extent it is technically and environmentally feasible, the landscape plan for the property shall be based upon documented historical evidence. Where extant plantings from the period of historic significance are to be removed, they shall be relocated where feasible, or replaced in-kind, or with compatible, suitable substitute plant materials.

Landscape planters shall be restored, where proposed, in a manner that does not result in the removal of historic building fabric. To the greatest extent feasible, the design of these planters should be based on historic and forensic evidence of their original location and dimensions.

Plan Requirements/Timing: Prior to approval of applicable Coastal Development Permits for demolition or grading, the applicant shall submit a copy of the final grading and building plans and Landscape Plan to P&D for review and approval. All aspects of the historic preservation notes cited above shall be noted on said plans and shall be implemented as approved. Timing on each measure shall be stated where applicable; where not otherwise stated, all measures must be in place throughout all grading and construction activities.

MONITORING: Permit Compliance shall conduct site inspections throughout all phases of development to ensure compliance with, and to evaluate the success of, preservation notes and measures.

42. In consultation with a County approved historic preservation professional, the applicant shall produce an interpretive plan for the property for display in a permanent, publicly accessible on-site or off-site location. Displayed materials may include photographs (current and historic) and written materials describing and interpreting the historical and architectural themes associated with the property.

Plan Requirements/Timing: Prior to approval of applicable Coastal Development Permits, the applicant shall submit a copy of the final site and building plans for review and approval by P&D, showing the location and type of interpretive materials to be displayed on site or a nearby off-site location.

MONITORING: Planning and Development will review and approve an interpretive display plan prior to approval of applicable CDP's, and inspect on site during construction of the display and project.

43. As part of construction plan preparation and specification development, the applicant shall prepare a historic preservation protocol plan that specifies how treatments of interior and exterior building fabric must be handled during site construction activities, including hazardous material abatement. This plan shall also identify stages during which portions of the landmarked building will be disturbed, and provide for the presence of a County qualified historic resources professional on site during these stages. All contractors and construction personnel shall be alerted to the potential for disturbing historic building materials or fabric. In the event some portion of the historic fabric is disturbed as unidentified on the project building plans, work shall be stopped immediately or redirected until a P&D approved historic resources professional is retained by the applicant to evaluate the significance of the work. The historic preservation protocol plan shall be reviewed by a County approved historic preservation professional, prior to approval of applicable Coastal Development Permits for the project. **Plan Requirements/Timing:** P&D shall review and approve the historic preservation protocol plan, which shall be printed as part of all building and grading plans. P&D shall monitor in the field as needed.

MONITORING: P&D shall check plans prior to approval of applicable CDP's and shall spot check in the field.

Noise

44. Construction activity for site preparation and for future development shall be limited to the hours between 7:00 a.m. and 4:30 p.m., Monday through Friday. No construction shall occur on State holidays (e.g., Thanksgiving, Labor Day). Construction equipment maintenance shall be limited to the same hours. Non-noise-generating construction activities, such as interior

painting, are not subject to these restrictions. The contractor or builder shall designate a person or persons to monitor noise-related restrictions and shall submit that designee's name and telephone number to P&D and the public, including written notification to the management of the Bonnymede residential condominium homeowner's association. **Plan Requirements:** Signs stating these restrictions shall be provided by the applicant and posted on site at the existing service driveway in the northeast corner of the site, in a location visible from the street. **Timing:** Signs shall be in place prior to beginning of and throughout grading and construction activities. Violations may result in suspension of permits.

MONITORING: Permit Compliance shall site inspect to ensure required signs are posted prior to and during construction. Building inspectors and Permit Compliance shall spot check and respond to complaints.

45. Stationary construction equipment that generates noise which exceeds 65 dBA at the project boundaries shall be shielded to P&D's satisfaction and shall be located as far as possible from occupied residences. **Plan Requirements:** The equipment area with appropriate acoustic shielding shall be designated on building and grading plans. **Timing:** Equipment and shielding shall remain in the designated location(s) throughout construction activities.

MONITORING: Permit Compliance shall perform site inspections to ensure compliance and shall respond to complaints.

46. Construction routes for heavy equipment and large construction vehicles shall be limited to Olive Mill Road, Channel Drive, and North Jameson Lane unless the limitation of use of these roads creates an unsafe situation. The applicant shall provide all adjacent residents and Permit Compliance with a construction activity schedule and construction routes seven days in advance of construction activities. Any alterations or additions shall require seven-day prior notification unless infeasible due to unanticipated events (e.g. traffic accident resulting in a road closures). **Plan Requirements and Timing:** The applicant shall submit a copy of the activity schedule and mailing list to P&D at least seven days prior to initiation of any earth movement.

MONITORING: Permit Compliance shall perform periodic site inspections to verify compliance with activity schedules and shall respond to complaints.

47. Outdoor, amplified music shall not be permitted at the outdoor dining area of the proposed second story restaurant, or on the outdoor restaurant roof sundeck, at any time. No music or organized activities shall be allowed on the restaurant roof sundeck. Live unamplified background music may be permitted on the outdoor dining area of the second story restaurant. **Timing:** This condition shall be enforced throughout the life of the project.

MONITORING: Permit Compliance shall respond to complaints.

Sewer

48. The applicant shall submit final working drawings to the Montecito Sanitary District that include specifications for anticipated wastewater flow volumes and that indicate upgrades of kitchen equipment and grease interceptors consistent with District standards. **Plan Requirements and Timing:** Prior to submitting applicable plans to P&D for review, the applicant shall receive confirmation from MSD that the final project design is acceptable to the MSD. P&D shall confirm sign-offs prior to issuance of applicable CDP's. Plans shall identify the location of the sewer easement and existing sewer lines.

MONITORING: P&D shall perform site inspections to ensure compliance with the approved plans, and the applicant shall coordinate with the Montecito Sanitary District prior to drainage of pool water.

49. The timing for the draining of the pools must be coordinated with the District, including possible testing and testing and/or de-chlorination before the water enters the District's system. The pool filters and the method for backwashing these filters must be reviewed and approved by the District prior to installation. **Plan Requirements and Timing:** Prior to issuance of applicable CDP's, P&D shall confirm sign-offs by MSD that final project design and specifications are acceptable to the MSD. Plans shall identify the location of the sewer easement and existing sewer lines.

MONITORING: The applicant shall coordinate with the MSD prior to planned drainage of the pool and/or Jacuzzis as needed for regular maintenance activities.

Solid Waste

50. The applicant shall prepare a Solid Waste Management Plan (SWMP) for the renovated Coral Casino facilities on-site. The SWMP shall be implemented during the life of the Development Plan, unless a modification to the plan is approved by County Public Works, Solid Waste Division, in consultation with P&D. **Plan Requirements:** The program shall include, but not be limited to, the following:
- a. On-site provision of adequate space and/or covered bins for storage of recyclable materials generated throughout the site;
 - b. Designation and/or expansion of a central recyclable material pickup area on-site;
 - c. Continued and expanded participation in the County's recyclables and greenwaste collection programs;
 - d. Development of a plan for accessible collection of increased volumes of recycle materials, particularly during peak use periods;
 - e. Implementation of a monitoring program (quarterly, bi-annually) to ensure participation in recycling efforts and requiring written documentation in the form of receipts;
 - f. Encourage the use of reusable cups and place settings at special events held onsite to minimize solid waste generation;
 - g. Development of a plan for recycling/reuse of yard waste on-site. This shall include on-site mulching and use of the mulch on-site as well as location of adequate green waste pick-up containers acceptable to area collection service.

Timing: The applicant shall submit a Final Solid Waste Management Plan for the expanded facilities to P&D and Public Works Department, Solid Waste Division for review and approval prior to approval of applicable CDP's, program components shall be implemented prior to occupancy clearance and throughout the life of the project.

MONITORING: P&D and Public Works shall site inspect periodically during construction, prior to occupancy, and after occupancy to ensure solid waste components are established and implemented.

51. Demolition and/or excess construction material shall be separated for reuse/recycling or proper disposal (e.g., concrete and asphalt). During grading and construction, separate bins for recycling of construction materials and brush shall be provided onsite. **Plan Requirements:** This requirement shall be printed on the grading and construction plans. Permittee shall provide P&D and Public Works with receipts for recycled materials or for separate bins. **Timing:** Materials shall be recycled as necessary throughout construction. All materials shall be recycled prior to occupancy clearance.

MONITORING: P&D Permit Compliance and Public Works shall review receipts prior to occupancy clearance.

Water Resources/Drainage

52. To minimize pollutants impacting downstream waterbodies or habitat, storm drain filters/inserts, inline clarifiers, or separators shall be installed in the project area storm drain inlets and/or paved areas. The filters/inserts shall be maintained in working order. **Plan Requirements:** Prior to approval of applicable CDP's, the applicant shall submit grading and building plans identifying the type and location of filters/inserts to P&D for review and approval. The location of such filters/inserts shall be noted on grading and building plans. **Timing:** Filters/inserts shall be installed prior to final occupancy of the building and shall be cleaned using approved methods at least twice a year, once immediately prior to November 1 (i.e. before the start of the rainy season) and once in January.

MONITORING: P&D shall site inspect periodically throughout the construction phase to ensure proper installation. Records of maintenance shall be maintained by Coral Casino management and shall be submitted to P&D on an annual basis prior to the start of the rainy season and for five years thereafter. After the fifth year the records shall be maintained by the landowner or HOA and be made available to P&D on request. P&D shall review the maintenance records and site inspect as needed following completion of construction to ensure periodic cleanout.

53. Best available erosion and sediment control measures shall be implemented during grading and construction. Best available erosion and sediment control measures may include but are not limited to use of sediment basins, gravel bags, silt fences, geo-bags or gravel and geotextile fabric berms, erosion control blankets, coir rolls, jute net, and straw bales. Storm drain inlets shall be protected from sediment-laden waters by use of inlet protection devices such as gravel bag barriers, filter fabric fences, block and gravel filters, and excavated inlet sediment traps. Sediment control measures shall be maintained for the duration of the grading period and until graded areas have been stabilized by structures, long-term erosion control measures or landscaping. Construction entrances and exits shall be stabilized using gravel beds, rumble plates, or other measures to prevent sediment from being tracked onto adjacent roadways. Any sediment or other materials tracked off site shall be removed the same day as they are tracked using dry cleaning methods. **Plan Requirements:** An erosion and sediment control plan shall be submitted to and approved by P&D and Flood Control prior to approval of applicable CDPs for the project. The plan shall be designed to address erosion and sediment control during all phases of development of the site. **Timing:** The plan shall be implemented prior to the commencement of grading/construction.

MONITORING: P&D staff shall perform site inspections throughout the construction phase.

54. During construction, washing of concrete trucks, paint, equipment, or similar activities shall occur only in areas where polluted water and materials can be contained for subsequent removal from the site. Wash water shall not be discharged to the storm drains, street, drainage ditches, creeks, wetlands or beach. Areas designated for washing functions shall be at least 100 feet from any storm drain, waterbody or sensitive biological resources. The location(s) of the washout area(s) shall be clearly noted at the construction site with signs. **Plan Requirements:** The applicant shall designate a washout area, acceptable to P&D, and this area shall be shown on the construction and/or grading and building plans. **Timing:** The wash off area shall be designated on all plans prior to approval of applicable Coastal Development Permits. The washout area(s) shall be in place and maintained throughout construction.

MONITORING: P&D staff shall check plans prior to approval of applicable CDP's and compliance staff shall site inspect throughout the construction period to ensure proper use and maintenance of the washout area(s).

55. To prevent storm water contamination during roadwork or pavement construction, concrete, asphalt, and seal coat shall be applied during dry weather. Storm drains and manholes within the construction area shall be covered when paving or applying seal coat, slurry, fog seal, etc. **Plan Requirements and Timing:** These requirements shall be specified on the grading and building plans submitted to P&D prior to approval of applicable CDP's.

MONITORING: P&D shall site inspect, as needed during construction.

56. The landowner shall be responsible for the long-term maintenance of the water quality conditions of approval (mitigation measures 1-4 above). **Plan Requirements and**

Timing: The proposed maintenance responsibilities and schedule shall be included in a maintenance program submitted by the landowner for commercial/industrial sites. The maintenance program shall be submitted for review by P&D, Flood Control and the Water Agency prior to approval of applicable CDPs. Annual records of the maintenance activities shall be maintained by the landowner and submitted to P&D upon request.

MONITORING: P&D shall review the maintenance records or site inspect, as needed. Costs shall be borne by the Owner.

57. Indoor water use shall be limited through the following measures, where feasible:

- a. All hot water lines shall be insulated.
- b. Recirculating, point-of-use, or on-demand water heaters shall be installed.
- c. Water efficient laundry facilities and dishwashers shall be installed.
- d. Lavatory, shower and water closet fixtures shall comply with State of California water conservation requirements.
- e. Drinking fountains shall be equipped with self-closing valves.

Plan Requirements: Prior to approval of Coastal Development Permits, indoor water-conserving measures shall be graphically depicted on building plans, subject to P&D review and approval. **Timing:** Indoor water-conserving measures shall be implemented prior to occupancy clearance.

MONITORING: P&D shall inspect for all requirements prior to occupancy clearance.

58. The project shall be designed with a clearly defined permanent overland escape path (preferable a street) for storm runoff. The escape path should be free of obstructions such as fencing, sound walls, etc.

MONITORING: P&D and/or Flood Control shall review and approve all drainage plans prior to approval of a Coastal Development Permit.

59. Drainage shall be consistent with an approved Drainage Plan. Where drainage waters are discharged from the project site in a concentrated manner (e.g., streets, channels, culverts), such drainage shall be conveyed to established water courses in a non-erosive manner. **Plan Requirements:** The final Drainage Plan shall be submitted to P&D and Flood Control for review and approval. **Timing:** The Drainage Plan shall be reviewed and approved by Flood

Control and P&D prior to approval of any applicable Coastal Development Permits for grading. Components of the Drainage Plan shall be implemented at appropriate times during the grading/construction phase and shall be completed prior to approval of applicable Coastal Development Permits for structures. The plan shall include the following:

- a. Location(s) of all proposed pipelines, the entire length of all proposed pipelines, trees located within fifteen feet of the pipeline, pipe diameters, and locations where the pipe(s) would surface in or near the Pacific Ocean, and amount of water that would flow from each pipeline.
- b. Provisions to smoke test the two existing storm drain lines to locate their points of discharge which are not currently ascertainable.
- c. Provision for openings in walls and curbs where they block flows that have historically passed through the area.
- d. Elimination of flow under proposed structures.
- e. Demonstration of positive drainage away from the exterior edge of new structures to reduce risk of water entry and oversaturation of the local earth materials.
- f. Conveyance of all runoff water from impervious areas by impervious conduits to existing drainages.
- g. Provision of a French drain system to intercept and transport all excess subsurface fluids away from all building components including floor slabs and retaining walls that are to be placed below existing ground surface to an appropriate disposal site.
- h. Provision for dewatering devices placed at least 18 inches below finish grade of the various components as appropriate.
- i. Provisions for storm drain outlets to dissipate the energy flows and ensure minimal erosion during storm events, and to prevent children from entering the storm drain system. Storm drains and drainage inlets shall be sized for a peak 25-year runoff event. Minimum size for storm drains shall be 18 inches unless otherwise approved by the Flood Control Engineer. Storm drains shall be covered with silt fence until landscaping or other suitable ground cover is in place.
- j. Hydraulic data shall be included on engineering plans for all drainage channel, pipes, etc. as required by the Flood Control Engineer.
- k. Provisions for notifying the Flood Control District five working days in advance of storm drain and attendant auxiliary construction. (The District may periodically inspect during construction.) A note to this effect shall be placed on the drainage plans.
- l. Signature of a California Registered Civil Engineer.
- m. Provisions for the Flood Control District to review and approve in writing any significant design revisions to the approved Plans prior to construction of the proposed revisions.
- n. Provision for "as-built" plans to be submitted to the Flood Control District as soon as practical upon completion of construction.

MONITORING: P&D and/or Flood Control shall site inspect during grading.

Transportation

60. To reduce the potential for construction-related traffic and parking to add to existing congested traffic conditions in the vicinity of the project site, the applicant shall prepare a construction period parking management plan which shall include but not be limited to the following measures. Consideration will be given to limiting Coral Casino construction when interior renovations are being completed at the Biltmore Hotel. **Plan Requirements and Timing:** The following provisions shall be incorporated into the

construction management and parking plans and shown on exhibits as part of the plan, and shall be reviewed and approved by P&D prior to approval of applicable Coastal Development Permit for the project:

- a. Materials delivery trucks and large construction equipment, including dump trucks, not parked onsite (including at the Biltmore Hotel overnight) shall make all reasonable efforts to arrive at the site after 9:00 a.m. and depart before 4:00 p.m.
- b. Equipment and delivery trucks shall minimize use of roadways within the Montecito area (i.e., use Highway 101 as much as possible) to access the work site.
- c. Construction workers' vehicles, construction equipment, and/or delivery trucks shall park only in designated areas within the Biltmore parking lot at the northwest corner of Hill Road and Olive Mill Road, or in an alternative off site location, with approval from P&D.
- d. Construction-related vehicles or equipment shall not be parked overnight on public roadways on a regular basis.
- e. Work that causes delays and/or redirecting of local traffic shall be discouraged prior to 9:00 a.m. and after 4:00 p.m.
- f. The applicant shall designate a person located at the site to receive and respond to complaints from the public regarding traffic. This designee's name, office location, and telephone number shall be prominently displayed at the site throughout the construction. The applicant also shall provide this information in individual written notification sent to all residences within 1,600 feet of the hotel property, the Bonnymede Homeowners' Association and Montecito Shores Homeowner's Association and P&D.
- g. To the maximum extent feasible, deliveries for events in the La Pacifica ballroom shall be directed to the valet turnout area and back of house areas on the Biltmore campus.

MONITORING: Permit Compliance shall periodically spot check and respond to complaints.

61. The applicant shall ensure that a traffic control monitor (flag person) is posted on public roadways as needed during construction. **Plan Requirements:** The monitor(s) shall direct traffic whenever heavy construction equipment is traversing and/or operating on or near Channel Drive and Olive Mill Road, or Hill Road, within the immediate project vicinity, whenever the roadway would be obstructed or delayed by construction vehicles or related activities, and any other time(s) and location(s) warranted to ensure public safety. **Plan Requirements:** This provision shall be noted on project grading and drainage plans, and included in any encroachment permit application filed by the applicant. **Timing:** P&D and Public Works Department shall review and approve project grading and drainage plans prior to the issuance of any coastal development permit for the project. The traffic monitor shall be posted throughout the demolition and construction periods, as necessary.

MONITORING: Permit Compliance shall spot check during demolition and construction to verify traffic monitor(s) present as needed. The applicant's designee and Public Works, Roads Division shall respond to complaints.

62. Indoor restaurant seating in the new second story restaurant, including the member's dining room, private dining room, bar and lounge areas and regular restaurant seating, shall not exceed 97 seats at any given time, and up to 113 seats for peak events. Outdoor dining area shall not exceed 62 seats associated with restaurant service (not including cabana, Raft, or pool deck lounge service). **Plan Requirements and Timing:** The Coral Casino Floor and Site Plans shall indicated seating areas and shall be reviewed and approved by P&D prior to any approval of a Coastal Development Permit.

MONITORING: Permit Compliance and shall respond to complaints.

63. A Hotel Campus/Coral Casino Parking Plan will be required and shall be reviewed by P&D. This Plan shall provide for designation of a traffic and parking coordinator, examples of notices to inform members and guests of parking procedures and locations, parking signage, an overall site parking exhibit and an exhibit indicating where additional on-site parking could be provided. The Biltmore Hotel/Coral Casino Parking Plan shall be implemented as approved. Implementation of said plan shall include collection of parking occupancy data on site and on public streets adjoining the Biltmore Hotel and Coral Casino once during the high season (summer) and once during the low season during the second year of operations. This information will be forwarded by Planning and Development to the Montecito Planning Commission as information in a Planning and Development Divisional briefing on an Administrative Agenda. **Plan Requirements and Timing:** The applicant shall comply with the Hotel Campus/Coral Casino Parking Plan as approved by P&D.

MONITORING: Permit Compliance and Public Works, Roads Division Staff shall respond to complaints.

64. At a minimum, for the first two years of operation, the applicant shall prepare a compliance report listing the number of members, member events, special events & fundraisers, and conference groups using the Coral Casino. The compliance report shall provide the date, hours of event, number of people using the Coral Casino, including the use of the second floor restaurant by guests of registered Biltmore Hotel guests, and the number of employees working at the site if deemed necessary by P&D Permit Compliance staff. **Plan Requirements and Timing:** The Coral Casino Compliance Plan shall be reviewed and approved by P&D prior to approval of any Coastal Development Permit.

MONITORING: Permit Staff shall review annual compliance reports respond to complaints.

65. The applicant shall apply for a County Road Encroachment permit for project related improvements within the public right-of-way, including frontage improvements and the proposed valet turn out area. The application for a Road Encroachment permit shall attempt to provide for improved pedestrian and bicycle access and bicycle parking areas in front of the Coral Casino, along Channel Drive. **Plan Requirements and Timing:** The Coral Casino encroachment permit request shall be reviewed and approved by P&D and Public Works prior to approval of any Coastal Development Permit.

MONITORING: Public Works, Roads Division Staff shall respond to complaints.

STANDARD and DEVELOPMENT PLAN CONDITIONS

66. Compliance with the following Departmental / Agency conditions:
- a) Department of Public Works March 16, 2005.

- b) Montecito Sanitary District Letter dated March 22, 2005
 - c) Air Pollution Control District letter dated October 22, 2004
67. No signs of any type are approved with this action unless otherwise specified. All signs require a separate Coastal Development Permit and Montecito Board of Architectural Review approval and shall comply with the Santa Barbara County Code Chapter 35, Article I (Sign Regulations).
68. To prevent construction and/or employee trash from blowing offsite, covered receptacles shall be provided onsite prior to commencement of grading or construction activities. Waste shall be picked up weekly or more frequently as directed by Permit Compliance staff. **Plan Requirements and Timing:** Prior to Land Use/Coastal Development Permit approval, applicant shall designate and provide to Planning and Development the name and phone number of a contact person(s) to monitor trash/waste and organize a clean-up crew. Additional covered receptacles shall be provided as determined necessary by Permit Compliance staff. This requirement shall be noted on all plans. Trash control shall occur throughout all grading and construction activities.
- MONITORING:** Permit Compliance staff shall inspect periodically throughout grading and construction activities.
69. A coastal vertical access easement shall be dedicated to the County that covers the proposed accessible ramp from Channel Drive to Biltmore Beach. Said easement shall be described in such a manner to connect to the existing lateral easement along the seawall. **Plan Requirements:** The offer shall be in form and language acceptable to Santa Barbara County. The specific location of the easement and the extent, location and design of any improvements shall be submitted by the applicant for review and approval of the Park Department and P&D. **Timing:** The easement and all plans shall be submitted for review and approval prior to issuance of applicable CDP's for the project.
- MONITORING:** Park Department and P&D shall review plans prior to issuance of applicable CDP's. Parks shall review easement for compliance with plans and provisions prior to occupancy clearance.
70. Approval of this Development Plan Revision shall expire five (5) years after approval by the Montecito Planning Commission unless prior to the expiration date, substantial physical construction has been completed on the development or a time extension has been applied for by the applicant. The decision-maker with jurisdiction over the project may, upon good cause shown, grant a time extension for one year.
71. If the applicant requests a time extension for this permit/project, the permit/project may be revised to include updated language to standard conditions and/or mitigation measures and additional conditions and/or mitigation measures which reflect changed circumstances or additional identified project impacts. Mitigation fees shall be those in effect at the time of approval of applicable CDP's.
72. The applicant shall obtain final approval from the Montecito Board of Architectural Review (BAR) prior to approval of a LDP.

COUNTY RULES & REGULATIONS/LEGAL REQUIREMENTS

73. **Additional Permits Required:** Before using any land or structure, or commencing any work pertaining to the erection, moving, alteration, enlarging, or rebuilding of any building, structure, or improvement, the applicant shall obtain a Coastal Development and Building Permit from Planning and Development. These Permits are required by ordinance and are necessary to

ensure implementation of the conditions required by the Planning Commission. Before any Permit will be issued by Planning and Development, the applicant must obtain written clearance from all departments having conditions; such clearance shall indicate that the applicant has satisfied all pre-construction conditions. A form for such clearance is available from Planning and Development.

74. **Signed Agreement to Comply Required:** Prior to approval of Coastal Development Permits for the project, the owner shall sign and record an agreement to comply with the project description and all conditions of approval.
75. **Plan Requirements and Timing:** Applicant shall submit departmental signatures on departmental sign-off sheet to P&D prior to approval of applicable CDP's. P&D shall ensure receipt of all necessary signatures (departments with condition letters) prior to approval of CDP's affected by project condition letters.
76. **Print & illustrate conditions on plans:** All applicable final conditions of approval (pursuant to the final action letter on the DP) shall be printed in their entirety on applicable pages of grading/construction or building plans submitted to P&D or Building and Safety Division. These shall be graphically illustrated where feasible.
77. **Mitigation Monitoring required:** The applicant shall ensure that the project complies with all approved plans and all project conditions including those which must be monitored after the project is built and occupied. To accomplish this the applicant agrees to:
 - a. Contact P&D compliance staff as soon as possible after project approval to provide the name and phone number of the future contact person for the project and give estimated dates for future project activities.
 - b. Contact P&D compliance staff at least two weeks prior to commencement of construction activities to schedule an on-site pre-construction meeting with the owner, compliance staff, other agency personnel, and with key construction personnel.
 - c. Pay fees prior to approval of Coastal Development Permits as authorized under ordinance and fee schedules to cover full costs of monitoring as described above, including costs for P&D to hire and manage outside consultants when deemed necessary by P&D staff (e.g. non-compliance situations, special monitoring needed for sensitive areas including but not limited to biologists, archaeologists) to assess damage and/or ensure compliance. In such cases, the applicant shall comply with P&D recommendations to bring the project into compliance. The decision of the Director of P&D shall be final in the event of a dispute.
78. **Fees Required:** Prior to issuance of Coastal Development Permit, the applicant shall pay all applicable P&D permit processing fees in full.
79. **Change of Use:** Any change of use in the proposed building or structure shall be subject to environmental analysis and appropriate review by the County including building code compliance.
80. **Indemnity and Separation Clauses:** Developer shall defend, indemnify and hold harmless the County or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of the Development Plan. In the event that the County fails promptly to notify the applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.

81. **Legal Challenge:** In the event that any condition imposing a fee, exaction, dedication or other mitigation measure is challenged by the project sponsors in an action filed in a court of law or threatened to be filed therein which action is brought within the time period provided for by law, this approval shall be suspended pending dismissal of such action, the expiration of the limitation period applicable to such action, or final resolution of such action. If any condition is invalidated by a court of law, the entire project shall be reviewed by the County and substitute conditions may be imposed.
82. The MBAR, in conjunction with HLAC, shall meet jointly and review and approve in separate actions the Preliminary and Final working drawings with architectural, landscape and building plans prior to the approval of applicable Coastal Development Permits for the project. HLAC's review shall be limited to the historical aspects of the project, consistent with County Code Section 18A, Section 5. **Requirements/Timing:** Prior to the issuance of applicable CDP's, the applicants shall obtain Preliminary and Final approvals from the MBAR and HLAC.
- MONITORING:** The applicant shall submit plans to MBAR and HLAC for Preliminary and Final approvals.
83. The applicant shall make all reasonable efforts to ensure that construction vehicle parking and construction staging areas are accommodated within the Biltmore Hotel/Coral Casino campus. Construction parking and staging proposed to be located within portions of the public road right-of-way shall be subject to standard reviews and approvals, assured through P&D's approval of encroachment permits issued through the Public Works Department.

CONDITIONS FROM HLAC ACTION MAY 16, 2005:

84. The following mitigation measures are incorporated to insure that there will be no significant impacts to historic resources beyond those addressed in the project's Final EIR (04-EIR-00000-00006) from the proposed demolition and alterations and that the proposed project will be compatible with the historic materials, features, size, scale, and proportion, and massing of the Coral Casino (Standard 9) (HLAC Condition 8).
- A. All new exterior construction shall match the adjacent historic materials, textures, and colors or to colors discovered through on-site chromochronological research. (PPA #2)
 - B. The roof line of the new second floor restaurant shall be no higher than the existing pavilion and shall have the thickness of the existing shade pavilion. The members' private dining room shall have a roof height no higher than the faceted parapet which forms the roof of the second floor central cabana, and shall have the thickness of the existing shade pavilion. (PPA #3)
 - C. The existing railings shall be retained and the new railings on the second floor shall match them in design. The new railings on the roof deck shall be glass to differentiate them from the existing railings. (PPA #4)
 - D. The new first floor single entrance door to the tower shall match the existing single door in scale and understated appearance. (PPA #5)
 - E. The elevator towers shall be no higher than the faceted parapet which forms the roof of the second floor central cabana. (PPA #6)
 - F. The proposed new door in the north parapet wall shall be flush with the existing siding, shall match the color and texture of the adjacent siding, shall have no trim or hinges exposed to the exterior, and shall have the hardware mounted below the height of the adjacent parapet. (PPA#8)

85. To retain as much of the historic landscaping character as possible, the 28" Monterey Pine tree located at the northeast corner of the building shall be retained. (HLAC Condition 9)
86. The final working drawings shall reflect the understated appearance of the tower door as reflected in the December 2004 drawings and the applicant's April 2005 presentations to the HLAC. Final plans shall include the door in the same location, with the same dimensions, color, surface texture, and hardware as exist on the building in May 2005. No surface mounted lighting or signage shall be used unless HLAC grants specific approval for such details. (HLAC Condition 10)
87. The existing concrete bench located north of the pool shall be retained and incorporated in all final working drawings for which Coastal Development Permits are issued. (HLAC Condition 11)
88. In order to preserve and restore the historic views from the southeastern cabanas and pool deck, no more than three semi-permanent umbrellas shall be installed adjacent to the La Pacifica ballroom. A total of five additional umbrellas may be used for specific events, but must remain portable and not placed in permanent ground fixtures. At no time may more than 11 umbrellas be used in this area south of the La Pacifica ballroom. (HLAC Condition 12)
89. All club equipment, portable bar-b-que set up equipment, and other portable items shall be stored in designated storage areas, away from the space between the clock tower and the members' lounge, as shown on the December 2004 plans. (HLAC Condition 13)
90. The glass guard rail to be used around the proposed restaurant roof sundeck shall not include a cap or separating elements between panels, to assure a seamless appearance from the club and beach areas. (HLAC Condition 14)
91. Structures shall be designed using the California or State Historic Building Code to the maximum extent feasible, subject to satisfaction of the Building and Safety Division. (HLAC Condition 15)
92. Existing materials from the north side cabanas on the existing second story sundeck shall be salvaged and stored on site or incorporated into other project details as adaptive re-use of the specified cabana elements, as technologically feasible.



County of Santa Barbara BOARD OF SUPERVISORS

Minute Order

July 05, 2005

Present: Supervisor Carbajal, Supervisor Rose, Supervisor Firestone, Supervisor

Gray and Supervisor Centeno

PLANNING AND DEVELOPMENT

File Reference No. 05-00556

- RE:** HEARING - Consider denial of the appeals by the Coral Casino Preservation Committee, and by James O. Kahan and Jacqueline G. Roston, and uphold the Montecito Planning Commission's May 5, 2005 approval of the Four Seasons Biltmore Hotel & Coral Casino Historic Rehabilitation Plan Development Plan Revision, Case No. 03DVP-00000-00002, located at 1281 Channel Drive (Coral Casino APN 009-351-015) and 1260 Channel Drive (Biltmore Hotel 009-351-012, 009-352-009 and 009-354-001), and uphold the Historic Landmark Advisory Commission's May 16, 2005 approval of the Rehabilitation Plan, Montecito area, First District, as follows: (EST. TIME: 3 HRS.)
- a) Accept the withdrawal of appeals by the Coral Casino Members Committee [Appeal Case Nos. 05APL-00000-00009 and 05APL-00000-00008] of the Montecito Planning Commission approval and the Historic Landmark Advisory Commission approval with conditions, per the Coral Casino Members Committee Letter dated June 7, 2005 (Attachment A to the Board Letter dated July 5, 2005);
 - b) Certify the proposed final Environmental Impact Report (04EIR-00000-00006), provided in Attachment B of this Board Letter, and adopt the mitigation monitoring program contained in the Montecito Planning Commission's Action Letter dated May 26, 2005 (Attachment D to the Board Letter dated July 5, 2005);
 - c) Adopt the required findings for the project, included as Attachment C of this Board Letter, based on both the Montecito Planning Commission approval (per MPC Action Letter dated May 26, 2005, provided in Attachment D) and Historic Landmark Advisory Commission's approval (per HLAC Notice of Action Letter, dated May 25, 2005, provided in Attachment E);
 - d) Deny the appeal of the Coral Casino Preservation Committee dated May 12, 2005, of the Montecito Planning Commission approval with conditions of the Four Season's Biltmore Hotel & Coral Casino Historic Rehabilitation Plan Development Plan Revision, Case No. 03DVP-00000-00002 (Attachment F to the Board Letter dated July 5, 2005);
 - e) Deny the appeal of the Coral Casino Preservation Committee dated May 26, 2005, of the Historic Landmark Advisory Commission's approval with conditions of the Coral Casino Historic Rehabilitation Plan (Attachment G to the Board Letter dated July 5, 2005);

July 05, 2005

Present: Supervisor Carbajal, Supervisor Rose, Supervisor Firestone, Supervisor

Gray and Supervisor Centeno

- f) Deny the appeal of James O. Kahan and Jacqueline G. Roston dated May 16, 2005, of the Montecito Planning Commission approval with conditions of the Four Season's Biltmore Hotel & Coral Casino Historic Rehabilitation Plan Development Plan Revision, Case No. 03DVP-00000-00002 (Attachment H to the Board Letter dated July 5, 2005);
- g) Deny the appeal of James O. Kahan and Jacqueline G. Roston dated May 26, 2005, of the Historic Landmark Advisory Commission's approval with conditions of the Coral Casino Historic Rehabilitation Plan (Attachment I to the Board Letter dated July 5, 2005);
- h) Grant a de novo approval of Development Plan 03DVP-00000-00002, based on Board findings and conditions of approval (Attachment C to the Board Letter dated July 5, 2005);
- i) Grant a de novo approval of the Coral Casino Historic Rehabilitation Plan, based on Board findings and conditions of approval (Attachment C to the Board Letter dated July 5, 2005).

COUNTY EXECUTIVE OFFICER'S RECOMMENDATION: POLICY

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST DISTRICT OFFICE
 89 SOUTH CALIFORNIA STREET, SUITE 200
 VENTURA, CA 93001-4508
 VOICE (805) 585-1800 FAX (805) 641-1732

ORIGINAL

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT**

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name: Jacqueline Roston, James O. Kahan

Mailing Address: 3709 Dixon Street

City: Santa Barbara

Zip Code: 93105-2419

Phone: 805.682.2972

RECEIVED
 JUL 25 2005

SECTION II. Decision Being Appealed

1. Name of local/port government:

County of Santa Barbara

2. Brief description of development being appealed:

An approval of a plan for the Coral Casino which approves a new second story & other changes which:

(1) Replaces open space on the second level with a restaurant and a kitchen, (2) Obscures the Coral Casino's lighthouse tower (one of its most defining architectural elements) especially when viewed from the south (beach) & west, (3) Alters the proportions of architect Gardner Dailey's low, linear and open design of the Coral Casino, (4) Numerous other changes to the Coral Casino Historic Landmark structure which destroy its architectural integrity and the intactness of Dailey's original design & (5) Numerous discretionary approvals to permit this plan.

3. Development's location (street address, assessor's parcel no., cross street, etc.):

1260 and 1281 Channel Drive, Santa Barbara (Montecito), CA93108
 APN 009-351-015, 009-351-012, 009-352-009 and 009-354-001

4. Description of decision being appealed (check one.):

- Approval; no special conditions
 Approval with special conditions:
 Denial

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: _____

DATE FILED: _____

DISTRICT: _____

EXHIBIT 2

A-4-STB-05-130

**Roston & Kahan
 Appeal**

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- Planning Director/Zoning Administrator
- City Council/Board of Supervisors
- Planning Commission
- Other

6. Date of local government's decision: July 05, 2005

7. Local government's file number (if any): 03DVP-00000-00002

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

APPLICANT:

Jon Dohm
Suzanne Elledge Planning and Permitting
800 Santa Barbara Street
Santa Barbara, CA 93101

PROPERTY OWNER:

1260 BB LLC
c/o Greg Rice
Ty Warner Hotels and Resorts
1260 Channel Drive
Santa Barbara, CA 93108

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) Cynthia Ziegler, 936 Roble Lane, Santa Barbara, CA 93103-2044

(2) David Van Hoy, 209 La Jolla Dr., Santa Barbara, CA 93109

(3) Richard Monk, Esq., Hollister and Brace, 1126 Santa Barbara St., Santa Barbara, CA 93101

(4) Richard Shaikewitz, Esq., 50 Butterfly Lane, Santa Barbara, CA 93108

The names and addresses of the Agent for the Property Owner Applicant and Property Owner are listed in Section III. a. above. The architect and attorney for the Applicant for this proposed project are listed in Subsections (2) and (3) above. The names for two other very interested parties are listed in (1) and (4) above. The other parties are too numerous to list, but the County of Santa Barbara should have a complete list.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

SECTION IV. Reasons Supporting This Appeal

PLEASE NOTE:

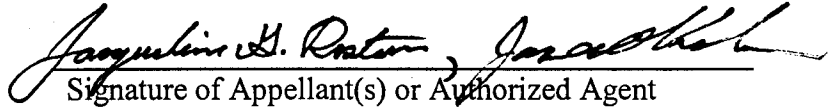
- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly your **reasons for this appeal**. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

See Attachment 1(20 pages)

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

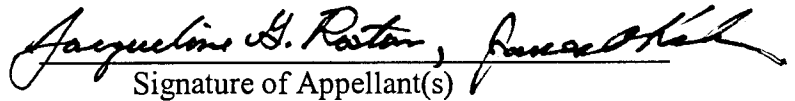

Signature of Appellant(s) or Authorized Agent

Date: July 25, 2005

Note: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize James O. Kahan
to act as my/our representative and to bind me/us in all matters concerning this appeal.


Signature of Appellant(s)

Date: July 25, 2005

Section IV. Reasons Supporting This Appeal (continued)

1. INTRODUCTION

This appeal concerns the Coral Casino, an architectural treasure, which is located on the Pacific Ocean in the unincorporated Montecito area of Santa Barbara county. In addition to being an important coastal resource, the Coral Casino has been designated an official Historic Landmark by the County of Santa Barbara because of its architectural significance. The Coral Casino was designed by internationally recognized San Francisco architect Gardner Dailey and was constructed in 1937. (For more information about Gardner Dailey, please go to the website/url "gardnerdailey.org" at <http://www.gardnerdailey.org/index.htm> .)

The Coral Casino is sui generis (one of a kind) and is frequently referred to as the "**Gem of the Pacific.**" Its **low, linear** and **open** International Modern design is dominated by its landmark lighthouse tower and a monumental front entrance. There is nothing like it in California. From a historic preservation perspective, the Coral Casino is the most architecturally significant building in Santa Barbara county that does not have a Hispanic design.

This appeal challenges approvals of a development plan for the Coral Casino because those approvals do not conform with and are inconsistent with the certified local coastal plan for the county of Santa Barbara. This local coastal plan includes at least four major elements which are:

1. The Santa Barbara County Coastal Plan;
2. The Coastal Zoning Ordinance of Santa Barbara (Article II of Chapter 35 of the Santa Barbara County Code) which partially implemented the Santa Barbara County Coastal Plan (Article III is the Inland Zoning Ordinance and Article IV is the Montecito Zoning Ordinance);
3. The Montecito Community (General) Plan which has been made part of the Santa Barbara County Coastal Plan in Section 4.4 of Chapter 4 of the Santa Barbara County Coastal Plan and is contained in Exhibit G of that Coastal Plan; and
4. The Montecito Architectural Guidelines and Development Standards which were identified and addressed in the Montecito Community Plan (Appendix B) and approved by the Board of Supervisors pursuant to Sections 35-144A and 35.184.6.11 of the Coastal Zoning Ordinance (Article II).

The specific standards which do not conform with or and are inconsistent with the local coastal plan for the County of Santa Barbara include, but are not limited to:

1. The Cultural Resources protections contained in the of the Montecito Community Plan (Chapter V, Section F) which specifically identifies the Coral Casino and gives it specific protections. The Coastal Act specifically includes "manmade ... cultural [and] **historic**" resources. [Public Resources Code Section 30344 (b)(2)] The proposed project will destroy the Coral Casino's **LOW, LINEAR** and **OPEN** design and the architectural integrity of its original design.

2. The visual resources protections contained in Section 3.4 Chapter 3 of the Santa Barbara County Coastal Plan, California Public Resources Code Section 30251 and Montecito Community Plan (Chapter V, Section H). Section H of the Montecito Community Plan contains a picture of a low seawall adjacent south of Channel Drive and next to the Coral Casino and to its immediate west. This picture is captioned "Scenic views along Montecito's coast" and does not show any buildings or other structures behind the railing for the seawall. The proposed project will further block views from the coast.

3. The proposed project does not conform with and is inconsistent with Section . 35-162 (Nonconforming Buildings and Structures) of the Coastal Zoning Ordinance (Article II which does not allow this type of change, enlargement, expansion, extension or alteration of a non-conforming building or structure and would be in direct violation of the Coastal Zoning Ordinance.

4. California Government Code § 65906 states prohibits the modifications which have been granted by Santa Barbara County to approve the deviations from the applicable Coastal Zoning Ordinance. Zoning is the most basic and fundamental of all land use restrictions and zoning has been accorded primacy by the California State Planning and Zoning Law (Government Code Code § 65000 et seq.) State law only permits deviations from zone requirements in very limited circumstances. Government Code § 65906 states:

"Variances from the terms of the zoning ordinances shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification."

"Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated."

The facts in this case do not support granting of the limited discretionary deviations permitted under Government Code §65906. Any governmental authorization to deviate from the setback requirements established by legal zoning is a variance. It does not make any difference if it is called a variance, modification, deviation, reduction, waiver, development plan or anything else. It still must comply with the strict requirements for a variance.

5. This project is so tainted by the numerous violations of conflict of interest laws and related fundamental principles that it should not be approved. The proposed project can be analogized to the tainted fruit of the poisoned tree.

6. The County of Santa Barbara has failed to comply with limited, reasonable and legitimate requests to inspect records pursuant to the Public Records Act (Government Code

Section 6250 et seq.). Until the County of Santa Barbara complies with that law, this project should not be approved. If the proposed project is considered, there should be inferences made against the Applicant which would deny approval of the second story restaurant.

2. CORAL CASINO - LOCATION AND BACKGROUND

A. LOCATION: The Coral Casino is located on the Pacific Ocean in the unincorporated Montecito area of Santa Barbara county. The Coral Casino is surrounded by the following uses and building:

South: Pacific Ocean and beach

West: Seawall with railing, Channel Drive and **open** space (see picture in Section H of the Montecito Community Plan on page 123 which is captioned "Scenic views along Montecito's coast." **THIS PICTURE DOES NOT SHOW ANY BUILDINGS OR OTHER STRUCTURES BEHIND THE RAILING FOR THE SEAWALL.**

North: Channel Drive which is 60 feet in width. The Biltmore Hotel is located on the parcels north of Channel Drive.

East: The Bonnymede Shores condominiums which were constructed in 1965 which predated the California Coastal Act (Public Resources Code §30000 et seq., added by Stats.1976, c. 1330, § 1.). Montecito Shores, another condominium development, is contiguous to and to the immediate east of Bonnymede Shores. The buildings on Montecito Shores are significantly set back from the mean high tide line (several hundred feet). This substantial setback probably resulted from the fact that Montecito Shores was developed after Bonnymede Shores at about the time the California Coast Act was adopted. Ocean Meadows, a planned unit development, is contiguous to and to the immediate east of Montecito Shores. Ocean Meadows was developed in the 1990s by attorney Charles Munger. Its buildings are much smaller in scale than Montecito Shores. Moreover, Ocean Meadows contains significant open spaces and much larger setbacks from the mean high tide line than Montecito Shores.

In summary, there have not been any recent approvals of two story structures on parcels contiguous to the Pacific Ocean in the vicinity of the Coral Casino without substantial setbacks. That would include many miles to the west and thousands of feet to the east. Moreover, I am not aware of any commercial building of two stories so close to the mean high tide line that has been approved between Summerland and Gaviota since 1976.

I DOUBT THAT THE COASTAL COMMISSION WOULD HAVE APPROVED THE DESIGN OF THE CORAL CASINO IF IT WERE SUBMITTED TODAY BECAUSE IT DOES NOT HAVE GREATER SETBACKS FROM THE TOP OF THE SEAWALL.

Except for its open clock tower (which was open when it was constructed in 1937), the railings and the illegally constructed exercise facility, the constriction above the roof of the first level of the Coral Casino has setbacks that are significantly greater than on its southerly (Pacific) side.

IN ADDITION TO BLOCKING THE LIGHTHOUSE TOWER, THE PROPOSED SECOND RESTAURANT IS NOT ADEQUATELY SET BACK BECAUSE IT BLOCKS VIEWS OF THE SANTA YNEZ MOUNTAINS AND THE SKY.

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MOREOVER, (i) THE NECESSARY AWNING TO PROTECT THE RESTAURANT'S PATRONS FROM THE AFTERNOON SUN, (ii) THE GLASS FOR THE THIRD LEVEL RAILING AND (iii) PEOPLE, FURNITURE AND UMBRELLAS ON THE THIRD LEVEL WILL FURTHER BLOCK VIEWS.

B. BACKGROUND - DESIGN AND CONSTRUCTION:

In addition to being an important coastal resource, the Coral Casino has been designated an official Historic Landmark by the County of Santa Barbara because of its architectural significance. The Coral Casino was designed by internationally recognized San Francisco architect Gardner Dailey and was constructed in 1937. (For more information about Gardner Dailey, please go to the website/url "gardnerdailey.org" at <http://www.gardnerdailey.org/index.htm> .)

The Coral Casino is sui generis (one of a kind) and is frequently referred to as the "**Gem of the Pacific.**" Its **LOW, LINEAR** and **OPEN** International Modern design is dominated by its landmark lighthouse tower and a monumental front entrance. There is nothing like it in California. Its light and open design are particularly suited to the mild coastal climate of the southern California.

It is undisputed from a historic preservation viewpoint that the Coral Casino, which is often referred to as the "**Gem of the Pacific,**" is the most architecturally significant building in Santa Barbara county with a style that is not Hispanic or Mission Revival. It was designed by Gardner Dailey, an Internationally recognized architect who is considered to be one of the most prominent Bay area architects of the Twentieth Century. Gardner Dailey considered it to be one of his best buildings and was especially proud of it.

For more information about the proposed project at the Coral Casino and related adverse impacts, go to the website/url "club93108.net" <http://club93108.net/> . (Submitted with this appeal is a disc that contains the pages on the club93108.net website, but it is easier to review the website on the Internet. This disk also contain numerous pictures that are referred to in this appeal, some of which are posted on the websites. In addition to textual information, there are numerous pictures and graphics on those websites. By this reference, I am incorporating the information contained in those websites into these appeals.)

C. GARDNER DAILEY: Gardner Dailey's work is characterized by high quality in numerous styles. He was also noted for his talent of mixing different styles. I refer you to the biography section in the website at <http://www.gardnerdailey.org> and the attached biography which is marked Attachment 2.

Among Gardner Dailey's first works were numerous mansions with a variety of styles on the Peninsula in the Bay area. Intel founder Gordon Moore purchased one of these great houses for \$4,000, 000 in 2000 and has restored it. In 1929, Dailey designed the Andalusian style Allied

Arts Guild in Menlo Park which has also been restored. In the mid-1930s, he embraced the International Modern Style and the Coral Casino was the highlight of his career with that Style. The Coral Casino showcased his ability to harmonize styles. The Coral Casino was designed with the International Modern Style, but it has a Regency Revival facade along Channel Drive. Dailey also designed the monumental Brazil exhibit at the 1939 World's Fair on Treasure Island in San Francisco Bay.

The World War II Manila American Cemetery and Memorial is Gardner Dailey's most monumental work. It can be viewed at the official site at <http://www.abmc.gov/ml.htm> or by clicking on the icon next to the Slide Show at <http://www.gardnerdailey.org/gallery.htm> Everybody with whom I have spoken who has seen it has described it with awe. I urge you to look at it.

D. THE 1937 APPROVAL WAS ONLY GRANTED AFTER THE APPROVAL OF A VARIANCE. The 1937 approval was only granted after the Board of Supervisors had issued a variance. This 1937 variance might have been granted to allow Gardner Dailey to bring his design magic to Santa Barbara to create his Gem of the Pacific. [Gardner Dailey was considered one of the great American architects of his time. His work was prominently displayed at the New York Museum of Modern Art in its landmark exhibit "*Built in the USA Since 1932.*" That exhibit also showcased other architectural luminaries such as Frank Lloyd Wright, LeCorbusier, Mies Van Der Rohe, Walter Gropius, Marcel Breuer, Oscar Neimeyer, Eliel and Eero Saarinen, Edward Durrell Stone, Philip Johnson, Gregory Ain, Richard Neutra, and other architects. (see Attachment 2 to this Appeal and biography at <http://www.gardnerdailey.org/highlights.htm>)]

The variance or variances granted in 1937 were for a specific building - Gardner Dailey's Gem of the Pacific. Variances are not forever, especially for an expansion beyond the original scope of the original project. **MOST IMPORTANTLY VARIANCES SHOULD NOT BE CONTINUED TO ALLOW THE DESTRUCTION OF THE ARCHITECTURAL INTEGRITY OF A LANDMARK.**

E. PRIMARY ISSUE - SECOND STORY RESTAURANT IS INCONSISTENT WITH THE "LOW, LINEAR AND OPEN DESIGN OF THE "GEM OF THE PACIFIC"

The primary problem with the proposed project is the second story restaurant which destroys the architectural integrity of Gardner Dailey's **LOW, LINEAR** and **OPEN** design. Almost everything that the Applicant wants can be accommodated with a design on the first floor, but the Applicant has not made any serious effort to create a restaurant design that is limited to the first floor. (see Section 3.2 of the Attachment)

The major theme of Dailey's design was "**LOW** and **LINEAR**" (horizontality), but the proposed second story restaurant alters its proportions, size, bulk and scale and creates a new verticality. As one critic noted, the primarily one-story Coral Casino with a monumental tower will be turned into a two-story building with a stump.

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The Coral Casino was designed in 1937 and was featured in *The Architect and Engineer*, (October 1938, page 46) and *Architectural Forum* (December 1940, pages 497-500). The picture in *The Architect and Engineer* featured the open clock tower, upper deck shade pavilion and lighthouse tower and emphasized the **LOW, LINEAR** and **OPEN** horizontal design. The *Architectural Forum* contained a more extensive discussion with pictures and plans. I particularly refer you to the aerial picture on the first page (which can be found under the link *Architectural Publications* on the website at <http://club93108.net/>). The aerial picture indicates several important design elements:

1. The prominence of the lighthouse tower, especially with the open Courtyard for the restaurant.

2. Four open Courtyards:

- A. The westerly open Courtyard which was surrounded by the restaurant on three sides and had a monumental stairway from the Courtyard to the upper deck area. This Courtyard was covered but its outline and the entrance to the grand stairway is now marked by railings on the second story deck. The proposed second story restaurant will cover this deck and replace the present light roof (not weight bearing) or roof like cover with a structural roof which would provide more useable area for expanded and increased uses. (The present light roof is only a covering which is barricaded by the railing and probably would not support any additional weight. In other words, this is an attempt to increase useable square footage for use of the restaurant and hotel. Moreover, the historic railings will be removed. The original design is still intact and can be restored with some relatively minor work, but **the impacts of the second story restaurant will permanently seal the fate and complete the demise of that open Courtyard.**

- B. The northeasterly Courtyard where the Raft snack bar is located. This Courtyard will not be impacted by the proposed project.

- C. The southeasterly Courtyard northeast of the cabanas (sometimes referred to as "as" or "kennel and dog run") will be removed for the project.

- D. There will be no impact on the Courtyard for the pool. It will remain surrounded on three sides.

3. An emphasis of the **low, linear** and **open** design except for the lighthouse tower.

The second page of the 1940 *Architectural Forum* article (page 498) emphasizes the **linear** design, highlights the shade pavilion which will be obliterated by the restaurant and contains a site plan. The third page of the 1940 *Architectural Forum* article (page 499) emphasizes **LOW, OPEN** and **LINEAR**, highlights the shade pavilion which will be obliterated by the second story restaurant and contains some interior pictures. The fourth page of the 1940 *Architectural Forum* article (page 500) shows the original open Courtyard and the dining room which surrounded it and emphasizes **LOW, LINEAR**, and **OPEN**.

F. INTACTNESS (INTEGRITY)

One of the major criteria for designating a building a landmark is the degree to which it is intact. This is sometimes referred to as "integrity." The Coral Casino is primarily intact and later additions can be easily removed. Moreover, many of the subsequent additions were **LOW** and

LINEAR and consistent with the original design. The upstairs exercise facility is the most obvious addition which is inconsistent with the **LOW**, **LINEAR** and **OPEN** design. That exercise facility was constructed without a permit. Although an as-built permit was eventually granted, this exercise facility exceeds the maximum height permitted in Montecito Community Plan Policy CR-M-1.2 which states:

“Improvements to the Coral Casino recreation club shall be designed in a manner to protect and enhance the historic use and architectural integrity of the property. Any renovations or new development on this property shall be constructed at heights that do not exceed the height of the existing structures.”

Fortunately, it can be removed easily .

The covering (light roof) over the formerly open westerly Courtyard could be easily removed . This would allow the restoration of the grand or monumental stairs. It should be emphasized that most of the other later additions are **LOW** and **LINEAR**.

As you can see from the pictures on the website on <http://club93108.net/> , the level of Integrity (intactness) at the Coral Casino is very high as confirmed by the Applicant's Historic Resources Study, Appendix I to proposed FEIR, pages 18-19.

There have been repeated references to “restoring the Coral Casino to its former grandeur.” I do not believe that the “Beach Club” had any “grandeur” except for the grand stairway that descended from the upper deck to the westerly open Courtyard. This stairway was removed decades ago and the Applicant has not shown any inclination to restore it. (note simulation of grand staircase on website in “Upper Deck pictures” link <http://club93108.net/MoreCoralCasinoPhotos.html> and on separate pictures that will be submitted.)

G. MONEY AND PROPERTY RIGHTS ARE NOT AN ISSUE

The Applicant has repeatedly asserted that (1) it has an entitlement to construct the project as proposed, (2) it needs the proposed project for economic reasons and (3) its property rights for the Coral Casino parcel are being unjustly restricted. None of these assertions are correct.

1. There is no such thing as an entitlement on the parcel where the Coral Casino is located. This parcel is located in (1) Montecito (the first portion of the County for which it adopted a zoning ordinance which was one of the earliest zoning ordinances in the United States - *Miller v. Board of Supervisors*) and (2) the coastal zone. This parcel is regulated by (3) the Coastal Zoning Ordinance (Article II), (4) Article IV zoning (Montecito), (5) the 1992 (updated in 1995) Montecito Community [General] Plan (which identified the Coral Casino for special preservation treatment), (6) the Santa Barbara County Coastal Plan , (7) the Montecito Architectural Design and Development Standards and (8) the California Coastal Commission. (9) The 1937 approval of the Coral Casino required a variance and (10) subsequent approvals contained numerous conditions. (11) Moreover, the Biltmore and Coral Casino have been the

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subject of significant number of land use disputes and litigation (*Hamilton v. Board of Supervisors* (1972) 269 Cal. App.2d 64, 75 Cal. Rptr. 106; *Allied Properties v. Blume* (1972) 23 Cal. App.3d 848, 102 Cal. Rptr. 259; *Miller v. Board of Supervisors* (1981) 122 Cal. App.3d 539, 176 Cal. Rptr. 136)

In an unpopulated area of the Mojave Desert there might be an entitlement, but this parcel along the coast in a residential neighborhood in Santa Barbara does not have an entitlement.

2. There is no economic justification for the proposed project and this has been confirmed by representatives of the Applicant. I have represented people and governmental entities in relation to hotel food services and my expertise makes me independently concur with the lack of economic justification for the proposed project.

In the County hearing where Mr. Warner challenged the amount of the tax assessment for the Biltmore and Coral Casino, it was reported that he said that he overpaid for the Biltmore and Coral Casino because he liked them so much. I do not understand that if money had nothing to do with the purchase of the Biltmore and Coral Casino, why money that would be generated by the proposed project has become so important now. Moreover, the proposed final Environmental Impact Report is defective and inadequate because it contained no independent economic study, much less any economic study, to support the economic assertions.

3. As a lawyer, I believe that property rights are a cornerstone to our freedoms and I have always been a strong supporter of property rights. However, I do not believe in unbridled development. It is reasonable to preserve the Coral Casino Landmark. Moreover, the Applicant did a **DUE DILIGENCE** review prior to purchasing the Biltmore and Coral Casino and should have known the degree of regulation that would be entailed. It unreasonable for the Applicant to claim its property rights for the Coral Casino are being restricted, especially when the unique character of its property rights are being protected by the Coastal Commission which does not sanction others buildings of the existing or proposed size to be built so close to the mean high tide line.

H. THE SECOND STORY "RESTAURANT" DESIGN ALLEGEDLY APPROVED BY GARDNER DAILEY IS BOGUS: I did not want to address this matter, but the Applicant continues to allege that Gardner Dailey approved the design of a second story restaurant for the Coral Casino in 1951, but that restaurant was never built. There is no credible evidence that Gardner Dailey had anything to do with the design of a "public dining [area] and bar" on the second story deck [see permit included with Susan Elledge letter (FEIR, Appendix U, Letter A)]. The 1951 restaurant story is BOGUS for many reasons, some of which are as follows:

1. The permit does not refer to a restaurant. The permit refers to a "public dining (area) and bar."
2. The drawing on the permit refers to a small portion of the Upper deck when the Open Courtyard still existed.
3. The permit lists the second deck area as 4,000 square feet. The proposed dining area

and bar were a small portion of Upper Deck which I guess to be less than 1,000 square feet.

4. **THE 1951 PERMIT FOR THE "DINING AREA AND BAR" SHOWED THAT IT WAS PROPOSED TO BE LOCATED TO THE REAR OF THE SECOND LEVEL DECK, NAMELY IT HAD A MUCH GREATER SETBACK THAN THE PROPOSED RESTAURANT.**

5. **THE 1951 PERMIT FOR THE "DINING AREA AND BAR" ONLY SHOWED A FOOTPRINT FOR A PROPOSED LOCATION, BUT DID NOT SHOW ANY ELEVATIONS OR EVEN A ROOF OR COVERING FOR THE "DINING AND BAR AREA."**

6. No kitchen was provided for the "dining" area.

7. Charles Porter was a lowly designer who worked for Gardner Dailey for a short period of time and never had any significant authority in the firm.

8. Architect Russell Levikow was a close associate of Dailey and he sent a letter to Chairman Robert Meghreblian of the Montecito Planning Commission which was dated April 25, 2005. This letter explained Porter's lowly position and explained the reasons that Gardner Dailey would never have authorized Porter to submit a design for him.

10. Gardner Dailey did not promote Charles Porter and expressed his pleasure about Porter's departure from Dailey's firm.

The only reasonable conclusion is that Charles Porter acted on his own and proposed something that Dailey would never have approved.

I. THERE IS NO EVIDENCE THAT GARDNER DAILEY APPROVED ANY FIXED COVERING OF THE WESTERLY COURTYARD: There is no evidence that Gardner Dailey approved any fixed covering of the westerly Courtyard. A fixed covering would have been inconsistent with Dailey's original design that was characterized by openness. Dailey implemented his emphasis of openness in many ways, one of which was having numerous sliding doors that could be opened in nice weather.

Because the covering of that open Courtyard was so inconsistent with Dailey's design and is forming the basis for increasing the useable square footage at Coral Casino by construction of a weight bearing roof that will have multiple uses, I searched the County files on several occasions for permits and plans that would show that Dailey approved the covering. However, I found no such documentation. Out of frustration, I made two requests for such records pursuant to the Public Records Act (Government Code Section 6250 et seq.), but the County did not produce such records. The County responded that I should search for the records and told me where I should go. The Public Records Act requires that the County produce such records, if they exist. The only reasonable conclusion is that the plans do not exist.

The covering of the Courtyard was a significant change to Gardner Dailey's original design. That covering is easily reversible at this time, but not after the proposed project is constructed. The only evidence that has been produced to support the assertion that Dailey approved the covering of the open Courtyard has been a permit that listed Gardner Dailey as the architect

(FEIR, Appendix U. Letter A), but that could have referred to the original construction in 1937. DAILEY DID NOT SIGN THIS PERMIT nor have I seen any evidence that he authorized the covering of the open Courtyard.

The light roof (not weight bearing roof) or other covering that was installed in 1958 is not a justification to create more useable space for the proposed second story restaurant. The County's refusal to comply with the Public Records Act alone subjects any approval to a legal challenge. Hence, the proposed project should be referred back to the Planning Department and Montecito Planning Commission for further review.

3. MONTECITO COMMUNITY PLAN - CULTURAL & HISTORIC RESOURCES

The Montecito Community Plan was adopted in 1992 and it is part of the Santa Barbara County Coastal Plan. The proposed project does not conform with and is inconsistent with the Montecito Community Plan in several ways.

1. PROTECT AND PRESERVE TO MAXIMUM EXTENT FEASIBLE AND ENHANCE ARCHITECTURAL INTEGRITY OF THE CORAL CASINO, A HISTORIC BUILDING:

Montecito Community Plan Goal CR-M-1.1 states:

“Preserve and Protect Properties and Important Structures With Historic Importance to the Montecito Community to the Maximum Extent Feasible.”
(emphasis added)

The Coral Casino is specifically designated as one of those structures. In fact, it is the only historic structure that is specifically identified in the Montecito Community Plan.

Montecito Community Plan Policy CR-M-1.2 states:

“Improvements to the Coral Casino recreation club shall be designed in a manner to protect and enhance the historic use and architectural integrity of the property. Any renovations or new development on this property shall be constructed at heights that do not exceed the height of the existing structures.”

Montecito Community Plan Goal CR-M-2 further gives further emphasis to preservation to the “maximum extent feasible” when it restates the standard as “Preserve And Protect Those Cultural Resources of Special Significance To The Maximum Extent Feasible.”

The proposed second story restaurant is not preservation to the maximum extent feasible or even true historic preservation. Moreover, the proposed plan does not enhance the architectural integrity of the Coral Casino. To the contrary, the proposed plan destroys the architectural integrity of the Coral Casino. Therefore, it is inconsistent with the Montecito Community Plan.

2. ALTERNATIVES WHICH WOULD HAVE PLACED THE NEW RESTAURANT ON

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THE FIRST FLOOR COULD BEEN SELECTED: There are many alternatives which would satisfy the Applicant's objectives which would not require a second story restaurant and comply with the **LOW, LINEAR** and **OPEN** design. The Levikow alternative does this, but there are several other reasonable design alternatives which would add even more additional square footage. The Applicant owns a significant amount of property to the west of the Coral Casino and south of Channel Drive. The Applicant could expand into that area which would give much more square footage for the restaurant, kitchen and reception area. Moreover, there are at least three major basements in the Coral Casino which are below surface grade and could be used for some of the functions that the Applicant claims to need. A separate west entrance for the restaurant and ballroom could be constructed which would not detract from Dailey's 1937 grand entrance.

Another addition could be made if the Applicant wants to remove the addition to La Perla and La Perla Circle. Then retractable walls could be installed which would go from the reduced lounge area to the clock tower. These could be closed for the additional seating in inclement weather or in the evening when no view would be obstructed. This would be in keeping with Dailey's grand design.

I have made repeated compromise offers to the Applicant since late 2001, but all of my efforts have been rebuffed. I gave a verbal offer to compromise to Craig Stevenson of Keystone (predecessor to Ty Warner Hotels and Resorts) in late 2001 and made repeated offers to Greg Rice, David Van Hoy, Richard Cremieux (Ty Warner's attorney in Chicago) and Richard Monk, but I never received any positive response or even a counteroffer. [See Attachment 3 (my letter to Greg Rice, dated March 24, 2002), page 3, first full paragraph through page 4. The second story restaurant has been the problem since 2001 and the numerous meetings never changed the impacts of the second story restaurant. **THERE MIGHT HAVE BEEN MORE THAN 100 MEETINGS BUT THE APPLICANT NEVER CHANGED ITS DESIRE FOR A SECOND STORY RESTAURANT.**

I made the suggestion almost four years ago to Keystone (predecessor to Ty Warner Hotels and Resorts) that it could do an authentic restoration and transfer the square footage that it eliminated from the Coral Casino to north of Channel Drive (Biltmore side) so that it would comply with the FAR (Floor Area Ratio) on the north side of Channel Drive. I even suggested the Biltmore might receive a bonus density for doing an authentic restoration. But the Applicant has not pursued that alternative.

3. ALL INDEPENDENT EXPERTS ARE OPPOSED TO THE PROPOSED PLAN. All independent preservation experts (who were not paid for an opinion) are opposed to the proposed plan. These experts include five architects who specialize in historic preservation [State Historic Preservation Officer (SHPO) Milford Wayne Donaldson (a Schwarzenegger appointee), George HoMsey (a partner of the late Bay Area architect Joe Esherick), J. Russell Levikow (Dailey's last practicing architect), Taylor Loudon and Ione Stiegler (immediate past President of the California Preservation Foundation). Some of the other non-architect professional and preservation

organizations that have expressed their opposition to the second story restaurant and support for true architectural preservation include Dr. Knox Mellon (former SHPO appointed by Governors Jerry Brown and Gray Davis), the National Trust for Historic Preservation (two letters, the most recent of which was signed by Dr. Knox Mellon, Mike Buhler (attorney for the National Trust) and Cindy Heitzman (Executive Director of the California Preservation Foundation), another letter from the National Trust for Historic Preservation, the California Preservation Foundation, Dave Weinstein (an architectural journalist who specializes in California architecture and has written about Gardner Dailey in the San Francisco Chronicle and elsewhere - see article which has a link on gardnerdailey.org at <http://www.gardnerdailey.org/projects.htm>), architectural historian Augustus Higginson, Dr. Jarrell Jackman [Phd., History; Executive Director of the Santa Barbara Trust for Historic Preservation; President of the California League of Park Associations and a former member of Santa Barbara Historic Landmark Advisory Commission ("HLAC")] and others individuals and preservation entities.

Supporting the proposed plan are four so-called architectural historians who have all been paid by the Applicant. None of these hired historians are architects. The so-called architectural historian whom the County retained to review the project was not an architect. **NONE OF THE ARCHITECTURAL HISTORIANS WHO SUPPORTED THIS PROJECT ARE LICENSED TO PRACTICE ARCHITECTURE OR ARE EVEN ARCHITECTS.** These lack of qualifications should be considered when evaluating their opinions and should be reason enough to disregard their opinions.

If this were not enough, the opinions of the four so-called architectural historians who have all been paid by the Applicant cannot be considered independent experts because of an inherent conflict of interest. The Bible described this lack of independence with the statement:

"No man may serve two masters, for either he will hate one and love the other; or else he will hold to the one and despise the other." -Matthew 6:24, Luke 16:13

There is no reason that this wisdom should be ignored. In the last two millenniums, we have become more aware of and sophisticated about conflicts, but the fundamental wisdom of the Bible still applies.

Moreover, the so-called architectural historian that the County retained to review the project did not comply with the state mandated requirements that consultants must file Statements of Economic Interest because the County of Santa Barbara does not require consultants to file Statements of Economic Interest. (see Section 8 of this Attachment for more for more details).

The sanction in this appeal should be to disregard his input on this matter.

When weighing the input in this appeal, the Commission should consider that the individuals, experts and organizations that have opposed the second story restaurant are independent. The questions should be asked why do so many prominent preservationists and preservation organizations oppose the second story restaurant? The answer is that they believe in true architectural preservation and believe that the Coral Casino is an important building of statewide

concern to preserve.

4. THE PROPOSED PLAN VIOLATES HEIGHT THE RESTRICTIONS IN THE MONTECITO COMMUNITY PLAN AND IS INCONSISTENT WITH SAID PLAN:

Montecito Community Plan Policy CR-M-1.2 states:

“Improvements to the Coral Casino recreation club shall be designed in a manner to protect and enhance the historic use and architectural integrity of the property. Any renovations or new development on this property shall be constructed at heights that do not exceed the height of the existing structures.”

Policy CR-M-1.1 uses the plural when it states “ heights that do not exceed the height of the existing structures.” This means all heights along each point of the structure. In essence, it establishes a vertical building envelope as the Coral Casino existed in 1992 when the Montecito community Plan was adopted. To decide otherwise, would render that section meaningless. If one is to select points higher than the vertical building envelope, why not select the top of the tower as the height of the building? This absurd example shows the unrealistic interpretation by County staff and the approvals that were given.

If the Montecito Community Plan intended a simple height limitation, it could have selected a specific single height limitation but it did not elect to take a simplistic solution. It wanted to protect the entire building by not allowing it to be expanded outside of the vertical building envelope that existed in 1992 which was primarily designed by Gardner Dailey.

5. PROTECTION OF VISUAL RESOURCES: The proposed project does not conform with and is inconsistent with the provisions that provide for protection of visual resources in the County Coastal Plan, the Montecito Community Plan and Public Resources Code §30251. Section 3.4.1 of the County Coastal Plan recognizes that Public Resources Code §30251 establishes the Coastal Act’s policies for protection of visual resources and quotes it as follows:

“The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. **Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas,** to minimize the alteration of natural land forms, **to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.** New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.” (emphasis added)

Section 3.4.2 states:

“The scenic resources of Santa Barbara’s coastal zone are of incalculable value to the economic and social well-being of Santa Barbara County. The beauty of the Santa Barbara Coastline is world-renowned; it is the basis of the County’s strong tourist and retirement economies and is a source of continuing pleasure for the

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local populace.”

In relation to the views proposed project, the Surfrider Foundation has commented on the importance of maintaining views from the beaches and surf.

Under Section 3.4.3, Policy 4-5 states:

“Blufftop structures shall be set back from the edge sufficiently far to insure that the structure does not infringe upon views from the beach except in areas where existing structures on both sides of the proposed structure already impact views from the beach. In such cases, the new structure shall be located no closer to the bluff’s edge than adjacent structures.”

Although some might not consider the seawall to be a bluff, it has the same practical effect as a bluff, i.e. it blocks views. There are no structures to the west of the Coral Casino and between the seawall and Channel Drive. Therefore, the in-fill exception should not apply to allow higher structures such as the second story restaurant. In other words, new construction should not be allowed to further degrade views.

Section H.1 of the Montecito Community Plan characterizes Montecito as semi-rural areas mixed with open space.

Section H.2 of the Montecito Community Plan establishes goals and policies for Montecito.

Goal VIS-M-1 states:

“Protect The Visual Importance Of The Santa Ynez Mountain Range And Ocean Views As Having Both Local and Regional Significance And Protect From Development Which Could Adversely Affect This Quality.”

Policy VIS-M-1.3 states:

“Development of property should minimize impacts to open space views as seen from public roads and viewpoints.”

The proposed project would create a second story closer to the Pacific will impact the public’s view of the landmark lighthouse tower and Santa Ynez Mountains from certain locations for those walking along the beach and in the surf.

6. ARTICLE II ALLOWS BUILDINGS/STRUCTURES TO CONTINUE TO BE USED AFTER ENACTMENT OF MORE RESTRICTIVE ZONING REGULATION, BUT PROHIBITS ENLARGEMENTS, EXTENSIONS OR EXPANSIONS OF NONCONFORMING STRUCTURES/BUILDINGS:

The proposed project is inconsistent with and does not conform with the standards in Sec. 35-162 (Nonconforming Buildings and Structures) of the Coastal Zoning Ordinance. The facts do not permit the proposed project to be constructed as a legal nonconforming structure. The staff reports merely concluded that the proposed project qualifies to receive an exemption as a

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nonconforming structure. Conclusionary statements about authorization as a non-conforming use do not justify the proposed project.

It is undisputed that the Coral Casino's building is a legal nonconforming structure . (see Appendix J of Board Agenda Letter, Staff Report, p. 32, discussion of setback requirements and reference to definition in Article II, Section 35-58). CONCERNING SETBACKS, THE STAFF REPORT STATES THAT "PORTIONS OF THE BUILDING [THE CORAL CASINO BUILDING/STRUCTURE] ARE CONSIDERED NONCONFORMING." The Building does not comply with the requirements of existing zoning law.

The relevant portions of Coastal Zoning Ordinance (Article II) are set forth below:

DEFINITIONS (Article II, Section 35-58)

"NONCONFORMING STRUCTURE: A building or structure, the setbacks, height, or location of which was lawful prior to the adoption of this Article or any amendments hereto, or previously adopted County Zoning Ordinances and which does not conform to the present regulations of the zoning district in which it is situated."

NONCONFORMING STRUCTURES AND USES, DIVISION 10,

Article II, Sec. 35-60 (Purpose and Intent) states in, relevant part, that:

"It is further the intent of this Article, subject to only very limited exceptions as specified to prevent nonconforming uses and structures from being enlarged, expanded or extended, or being used as grounds for adding other structures or uses prohibited elsewhere in the same district."

Sec. 35-162 (Nonconforming Buildings and Structures) states, in relevant part, that:

"If a building or structure is conforming as to use but nonconforming as to setbacks, height, lot coverage, or other requirements concerning the building or structure, such structure may remain so long as it is otherwise lawful, subject to the following regulations."

1. Structural Change, Extension, or Expansion. A nonconforming building or structure may be enlarged, extended, moved, or structurally altered provided that any such extension, enlargement, etc., complies with the setback, height, lot coverage, and other requirements of this Article."

The County has very limited exceptions, if any, which allow nonconforming buildings and structures to be enlarged or extended. ARTICLE 2 REQUIRES THAT THE EXCEPTIONS FOR A NONCONFORMING BUILDING OR STRUCTURE BE CONSTRUED VERY NARROWLY. The proposed reconstruction will enlarge the nonconforming building/structure.

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The reconstruction of the portions of the building/structure within the setback areas will not comply with the setback requirements.

The existing Tower does not comply with the height limit in 35-81.9 (See Staff Report, p. 32), but the Staff Report states that it is considered nonconforming. However, additional facilities will be constructed within the portions of the Tower located within the Setback area (stairs, etc.). This will also be an enlargement within the setback area.

Leading authorities on Land Use and Zoning have discussed the principles underlying nonconforming buildings and structures. It has been stated that the provisions of most local ordinances allow repairs, but extensive repairs are not usually allowed. Nonconforming structures represent conditions which should be reduced to conformity as is compatible with justice. In other words, continued use of a nonconforming structure is permitted with the goal of eventually making the property conforming. This is because the presence of any nonconforming structure endangers the benefits to be derived from a Comprehensive Zoning Plan. California law contemplates the eventual termination of nonconforming structures. If the County had wanted to do so, it could have established a time period to eliminate (amortize) nonconforming buildings/structures. Instead, it allowed them to be continued, but not expanded or given an extended life.

THE ADDITIONS CONTEMPLATED FOR THE PROPOSED PROJECT ARE INEXTRICABLY INTERWOVEN WITH THE NONCONFORMING PORTIONS OF THE BUILDING. MOREOVER, IT IS NOT CLEAR WHAT NONCONFORMING PORTIONS OF THE STRUCTURE WOULD HAVE TO BE RECONSTRUCTED TO ALLOW THE ADDITIONS. ANY SUCH RECONSTRUCTION WOULD EXTEND THE LIFE OF THE NONCONFORMING PORTIONS OF THE BUILDING WHICH WOULD BE A SEPARATE VIOLATION OF ARTICLE II AND UNIVERSALLY RECOGNIZED PRINCIPLES RELATING TO CONTINUANCE OF NONCONFORMING STRUCTURES.

Moreover, there will be major reconstruction on the east side of the Coral Casino which will significantly expand and extend the life of the building.

MOST SIGNIFICANTLY THE PLANS THAT THE APPLICANT HAS SUBMITTED DO NOT CLEARLY SHOW THE SPECIFICS OF THE PROPOSED PROJECT. HOW CAN SOMETHING BE APPROVED WHEN IT IS NOT SPECIFICALLY IDENTIFIED WHAT IS BEING APPROVED? THE ANSWER IS THAT THE UNKNOWN SHOULD NOT HAVE BEEN APPROVED.

The proposed project requires multiple discretionary decisions which should not be granted to destroy the architectural significance of a Landmark. Moreover, State law prohibits some of these discretionary decisions.

7. THE MODIFICATIONS GRANTED ARE PROHIBITED BY STATE PLANNING

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LAW: The proposed project requires multiple discretionary decisions which should not be granted for a Landmark. Moreover, State law prohibits some of these discretionary decisions.

1. VARIANCE IS REQUIRED BY STATE LAW: Zoning is the most basic and fundamental of all land use restrictions. Zoning has been accorded primacy by the California State Planning and Zoning Law (Government Code Code Section 65000 et seq.) State law only permits deviations from zone requirements in very limited circumstances. California Government Code § 65906 states:

“Variances from the terms of the zoning ordinances shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.” (Adopted by Added by Stats.1965, c. 1880)

Any governmental authorization to deviate from the setback requirements established by legal zoning is a variance. It does not make any difference if it is called a variance, modification, deviation, reduction, waiver or anything else. It still must comply with the strict requirements for a variance.

2. THE NECESSARY FACTS DO NOT EXIST TO JUSTIFY THE GRANT OF A VARIANCE FOR THIS PROJECT: The State law establishes very strict standards and requirements for granting variances. Even if a variance were granted in this matter, facts do not exist which would support the granting of a variance. However, if there were a desire to consider the grant of a variance, fundamental principles of due process require that it would have to be referred back to the Montecito Planning Commission for review.

3. THE EASTERLY ELEVATION OF THE CORAL CASINO IS NOT MINOR: The changes on the east side of the Coral Casino are significant. The proposed closing of the enclosed Courtyard, alley or runway is a significant addition. Gardner Dailey’s architectural detailing of the easterly elevation would be eliminated by the proposed project. The proposed project has an expansion along the eastern facade for additional storage space.

8. THE (PROPOSED) FINAL EIR AND THE STAFF REPORT ARE TAINTED BY NON-COMPLIANCE WITH THE FAIR POLITICAL PRACTICES ACT: The approvals for the proposed plan were inconsistent with and did not conform to State law. The consultants hired by the County for this project were directly involved in made discretionary decisions which led to the approval of the proposed project. The members of the County Historic Landmarks Advisory Commission (“HLAC”) gave discretionary decisions which formed some of the basis

for the approval of the proposed project by the Board of Supervisors. However, neither the members of the HLAC nor the above referenced consultants were required to comply with the minimal reporting requirements of State law.

The (Proposed) Final EIR and the Staff Report are tainted by apparent non-compliance with the Fair Political Practices Act. I AM NOT ASSERTING THAT THERE IS ANY CONFLICT, BUT THERE HAS NOT BEEN COMPLIANCE WITH THE LAW. **THE SANCTION SHOULD BE TO GRANT THE APPEAL AND DENY THE PROPOSED PROJECT.**

The County did not comply with the California Political Reform Act (Government Code Sections 81000-91015). Government Code Section 87100 states:

“No public official at any level of state or local government shall make, participate in making or in any way attempt to use his official position to influence a governmental decision in which he knows or has reason to know he has a financial interest.”

The Act requires every public official to disclose his/her economic interests who could foreseeably be affected by his/her duties. (Sections 87200-87313). Moreover, there are specific restrictions relating to members of non profit organizations. Section 82048 defines a public official and it states: "Public official" means every member, officer, employee or consultant of a state or local government agency." (Emphasis added) Regulation Section 18701 clarifies some important definitions of Public Official and states as follows:

“(a) For purposes of Government Code Section 82048, which defines ‘public official,’ and Government Code Section 82019, which defines ‘designated employee,’ the following definitions apply:

(1) ‘Member’ shall include, but not be limited to, salaried or unsalaried members of committees, boards or commissions with decisionmaking authority. A committee, board or commission possesses decisionmaking authority whenever:

- (A) It may make a final governmental decision;
- (B) It may compel a governmental decision; or it may prevent a governmental decision either by reason of an exclusive power to initiate the decision or by reason of a veto that may not be overridden; or
- (C) It makes substantive recommendations that are, and over an extended period of time have been, regularly approved without significant amendment or modification by another public official or governmental agency.

(2) ‘Consultant’ means an individual who, pursuant to a contract with a state or local government agency:

(A) Makes a governmental decision whether to:

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3. Issue, deny, suspend, or revoke any permit, license, application, certificate, approval, order, or similar authorization or entitlement;

(B) Serves in a staff capacity with the agency and in that capacity participates in making a governmental decision as defined in Regulation 18702.2 or performs the same or substantially all the same duties for the agency that would otherwise be performed by an individual holding a position specified in the agency's Conflict of Interest Code under Government Code Section 87302.

Deputy County Counsel Jennifer Klein stated in writing that the County does not require Consultants of the Planning and Development Department to comply with the Fair Political Practices Act and disclose financial interests. (Klein letter, dated April 6, 2005, to James Kahan in response to request for Public Records pursuant to the California Public Records Act, p.3, Request 13 -14). Likewise, the County does not require the members of the HLAC to file Statements of Economic Interests.

The County of Santa Barbara requires entry level planners to report and file Statements of Economic Interest. However, the County does not require land use consultants who have greater discretion and make significant discretionary land use decisions to report and file Statements of Economic Interests. This failure to require senior decision makers to report and file makes a mockery of the California Conflict of Interest laws and fundamental principles related to conflicts of interest. Hence, input by these non reporting individuals should be ignored and set aside.

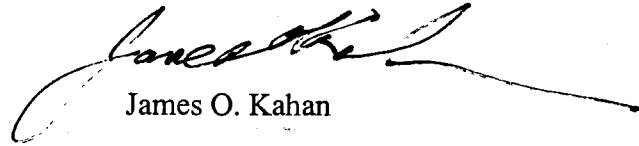
9. CONCLUSION: The Coral Casino is an architectural treasure that is a valuable coastal resource. The Coral Casino has been viewed by people from all parts of California and other parts of the world. The preservation of this architectural treasure is a matter of statewide concern.

Buildings are defenseless from development pressures. The proposed project and this appeal are a good example of why the Coastal Act was adopted. Buildings are even more defenseless than animals, because animals can run but buildings cannot. Architecturally significant buildings deserve protection and the Coral Casino is one of the more significant.

The Coral Casino needs and deserves protection by the Coastal Commission. The Coastal Commission has not approved developments similar to the proposed project between Summerland and Gaviota. And there is no reason to change the Coastal policies for this project.

This Appeal should be granted for numerous reasons, some of which are set forth herein. There are more than adequate grounds for the Coastal Commission to stop the proposed project.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "James O. Kahan", with a long horizontal flourish extending to the right.

James O. Kahan

Attachments (2)

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Gardner Dailey Biography - Second Bay Region Style/Tradition & Diversity of Work

1. DIVERSITY AND PROMINENCE

Gardner Dailey was one of the two most prominent architects in the San Francisco Bay area from the late 1920's until his death in 1967. The other leading architect for that period was William Wurster. [insert link <http://www.ced.berkeley.edu/cedarchives/profiles/wurster.htm>]

They were both born in 1895 and their careers had some striking similarities. They were the two leading proponents of the Second Bay Region Style, the term which was first coined by Lewis Mumford who was considered the leading architectural critic of his time. Mumford (1895-1990) was internationally renowned for his writings on architecture, environmentalism, cities, regional planning, technology, and modern life. He was called "the last of the great humanists" and his contributions mark him as one of the most original voices of the twentieth-century.

Dailey worked with many other styles which were very different from the Second Bay Region Style. If one reads much about Gardner Dailey, they will recognize his brilliance and prominence in the San Francisco community and his contributions to the architecture, art and design world. He soared with the eagles and produced a remarkable body of work, both in its quality and diversity.

Gardner Dailey was a very accomplished architect/designer who created masterpieces in a variety of different styles. These styles included thick-walled Andalusian, Monterey tradition, California ranch house, Anglo-Colonial Revival, Regency Tradition of England, Streamline Moderne, International Style, Second Bay Region Style/Tradition, Regency Revival and elements taken from Japanese architecture. (David Gebhard, in *"an everyday modernism: the houses of William Wurster"*, 1995, Marc Treib, ed., pp.164-174) Dailey also successfully combined a variety of styles. And his major buildings on the campus at Berkeley are another example of a different style. Dailey won awards for Tolman Hall and his interior of Hertz Hall is particularly beautiful, warm, comfortable and functional. The quality and diversity of Dailey's work is even more impressive because he produced so much work from a relatively small office.

2. EARLY CAREER SHOWED DIVERSITY

Dailey's early architectural work included mansions in San Francisco and on the Peninsula. In 1929, he designed the Allied Arts Guild in Menlo Park which David Gebhard described as thick-walled Andalusian (which some have called a subcategory of Mission Revival or Mediterranean). The Allied Arts Guild has gone through a major restoration. For more information, go to its website at <http://www.alliedartsguild.org/>. Some of the neighbors in Menlo Park are concerned about the expanded uses of the Allied property. Numerous neighbors of Allied and "Save Allied Arts Guild" have complained about the expanded uses. See website at <http://www.savealliedarts.com/maps.htm>. They also filed a lawsuit entitled "Allied Arts Neighbors v. City of Menlo Park" which is now pending before the Court of Appeal.

3. INTERNATIONAL STYLE MODERN

In the mid thirties, Dailey started working with the International Style and was one of the two leading proponents of the Second Bay Region Style. There were great similarities between the approaches to modern architecture in southern (Schindler, Neutra, Ain, etc.) and northern California (Dailey, Wurster, Esherick, etc.) The northern Californians used more natural materials such as wood in contrast to the southern Californians who used more metal and steel. Dailey was particularly noted for his entrances and use of wood when he designed in the Second Bay Region Style.

4. DAILEY AT MOMA - 1944 "*Built in the US since 1932*"

Gardner Dailey's work was shown nationally at the New York Museum of Modern Art in its landmark exhibit "*Built in the USA Since 1932.*" The catalog for that exhibit devoted at least four full pages to Gardner Dailey. That exhibit showcased Dailey along with other architectural luminaries such as Frank Lloyd Wright, LeCorbusier, Mies Van Der Rohe, Walter Gropius, Marcel Breuer, Oscar Neimeyer, Eliel and Eero Saarinen, Edward Durrell Stone, Philip Johnson, Gregory Ain, Richard Neutra, and several other architects who designed houses in what came to be known as the Second Bay Region Style (William Wurster, John Funk, Vernon Demars).

5. DAILEY AT THE SAN FRANCISCO ART MUSEUM ("SFMA") - 1949 "*Domestic Architecture of the San Francisco Bay Region*"

The next most important architectural exhibit involving Dailey was a landmark exhibition in 1949 at the San Francisco Museum of Art (now SFMOMA) which was entitled "*Domestic Architecture of the San Francisco Bay Region.*" The catalog for that important exhibition indicates that it displayed at least 52 houses (and multiple housing units), but the book only contains illustrations for 17 of those houses and only one of those 52 is a Dailey house designed for L. E. David in Ross, California with Thomas Church as the landscape architect. (Celebrated landscape architect Lawrence Halprin worked for landscape architect Thomas Church until Halprin opened his own office in 1949. Therefore, it is quite possible that Halprin worked on the David house. The cooperation among the Bay area architects are admirable.)

Lewis Mumford, the leading architectural critic of his time (1895-1990), authored a major portion of "*Domestic Architecture of the San Francisco Bay Region*" and coined the descriptive term known as the "Second Bay Region Style." William Wurster and Gardner Dailey were also named as authors of portions of "*Domestic Architecture of the San Francisco Bay Region.*"

Gardner Dailey was not a man who sought the limelight and did not seek to influence the composition of the exhibition to promote himself or display his work. Despite his deep involvement with the San Francisco Museum of Art and his contributions to "*Domestic Architecture of the San Francisco Bay Region,*" only one of Dailey's houses was selected for display at the exhibition. It should be remembered that Dailey was one of three members on the Jury of Selection for the exhibition and he was the Secretary of the San Francisco Museum of Art when W. W. Crocker was the Chairman and its Board members included Mortimer Fleishshacker, Robert Gordon Sproul (president of the University of California), J. D.

Zellerbach, Mrs. Hervey Parke Clark, Mrs. Peter Folger, Mrs. E. S. Heller, Mrs. W. S. Heller and Mrs. Charles O. Martin. Dailey served on the Board of SFMOMA for more than 20 years and was a powerful influence on it. This is most significant because William Wurster and Gardner Dailey were at that time the undisputed leaders of the Second Bay Region Style/Tradition and displays of several houses designed by Dailey would have been appropriate and perhaps more representative.

6. DAILEY AT THE SAN FRANCISCO MUSEUM OF MODERN ART ("SFMOMA") -1995

The San Francisco Museum of Modern Art (SFMOMA) was inaugurated in 1935 [then called the San Francisco Museum of Art (SFMA)]. Since then, SFMOMA "has been committed to the presentation and interpretation of both historical and new architecture" and has held many landmark exhibitions relating to architecture. (*"an everyday modernism: the houses of William Wurster"*, 1995, Marc Treib, ed., Director's Forward and Acknowledgments, p. 6) An exhibition entitled "*an everyday modernism: the houses of William Wurster*" was presented in 1995 (the centenary of the births of both William Wurster and Gardner Dailey) and it was the first major exhibition presented by SFMOMA's Department of Architecture and Design in the inaugural year of SFMOMA's new building. Marc Treib recognized that it was appropriate to hold a Wurster exhibition because he was being forgotten and it might be "because the architectural ideas and features central to his manner [style] might have become so common in California houses today, both architect designed and mass market." (Id., p. 8) Gardner Dailey's architectural ideas and features have become very common to California. Professor Treib's Introduction provides much information and raises some very provocative questions. It is difficult to understand why SFMOMA (or any other equivalent facility) has not held a similar exhibit for Gardner Dailey because Wurster and Dailey had so much in common and they were undisputably the leading architects in the Bay Area of their period from the late 1920s through mid 1960s.

7. OTHER RECOGNITION

The 2004 Annual Preservation Conference, sponsored by the California Preservation Foundation at the Presidio in San Francisco presented an educational session entitled "*Forgotten Modern Masters, Vanishing Legacy of the Second Bay Region Style*" which stressed the importance of Dailey.

Much of the drawings, pictures and documents relating to his work have been saved in the Design Archives of the College of Environmental Design at the University of California, Berkeley. <http://www.ced.berkeley.edu/cedarchives/about.html>

Its List of Collections contain many renowned architects and landscape architects. <http://www.ced.berkeley.edu/cedarchives/listcoll.html>

Clicking on an architect or landscape architect takes one to resources and brief information about that architect.

Its resources and information about Dailey contain some brief biographical information and a picture of his Brazil Building at the 1939 World's Fair in San Francisco Bay.

<http://www.ced.berkeley.edu/cedarchives/profiles/dailey.htm>

Architectural historian Pamela Post's dissertation (published in 2000) was entitled "East meets west, the model homes at the 1939-1940 New York and San Francisco World Fairs." William Wurster and Gardner Dailey were among the architects whose works were most prominently displayed on Treasure Island in San Francisco Bay and elsewhere in the Bay area. Her dissertation gives prominent recognition to Gardner Dailey.

8. AMERICAN BATTLE MONUMENTS COMMISSION ("ABMC")

Dailey was a pilot in World War I and was awarded a Purple Heart for an injury that he received when he was a pilot and his airplane crashed. This injury left him blind in his right eye. A legacy of his patriotism exists at the American Cemetery and Memorial in Manila and at the West Coast Memorial at the Presidio in San Francisco.

After World War II, Dailey designed the magnificent Manila American Cemetery and Memorial for the American Battle Monuments Commission (AMBC). In 1948, the Government of the Philippines granted permission to the United States to establish a memorial cemetery on part of the former reservation (152 acres) of Fort William McKinley. After a tremendous amount of grading and landscaping, the cemetery and memorial were completed and dedicated in 1960.

In addition to the spectacular monument/building, it contains the largest number of graves for United States military dead in World War II (17,206) as well as inscriptions of the names of 36,282 missing in action.

The ABMC web site is <http://www.abmc.gov/>
and Manila Cemetery & Memorial's website is <http://www.abmc.gov/ml.htm>

For more details, download the booklet referred to at the bottom of the page for the Manila Cemetery and Memorial because it gives a much more detailed and interesting discussion of this cemetery and memorial. Not only did Gardner Dailey design the buildings, he also designed most of the landscape. (booklet, p. 11)

Dailey also participated in the design of another very important memorial for the ABMC. Hervey Parke Clark designed the World War II West Coast Memorial which is located in the Presidio in San Francisco. Celebrated landscape architect Lawrence Halprin designed the landscaping for the West Coast Memorial and its lettering was based upon the work of Gardner Dailey. <http://www.abmc.gov/wc.htm>

At the time of the submittal, the American Battle Monuments Commission (ABMC) required that submittals contain full size drawings of the lettering. Hervey Parke Clark submitted lettering done by Gardner Dailey and that lettering is prominently included in the Memorial that

was constructed. The Architecture and Design Collection at the University of California at Santa Barbara has an original of that submittal (approximately 10 feet by 18 inches).

http://www.uam.ucsb.edu/Pages/adc_front.html

<http://www.uam.ucsb.edu/Pages/adc.html>

It was generous of Dailey to assist another architect who was a competitor for this important Memorial and commission. Lawrence Halprin was the landscape architect for this Memorial. (For more about Halprin, see information on Architectural Links)

The design of the West Coast Memorial was approved by the ABMC in 1957 and General of the Army George Marshall (chairman of the ABMC) said that construction would start shortly thereafter. The monument was dedicated in 1960 by numerous luminaries including Fleet Admiral Chester Nimitz.

10. FINAL YEARS

After World War II, Gardner Dailey started designing larger civic and institutional projects for the University of California, Stanford University and many others.

11. SOME HIGHLIGHTS OF PROJECT INDEX AT BERKELEY'S COLLEGE OF ENVIRONMENTAL DESIGN (CED)

The CED Project Index contains a listing of 312 projects by Dailey.

<http://www.ced.berkeley.edu/cedarchives/pindex/dailey.xls> But it does not contain all of Dailey's projects. Some of Dailey's more significant projects are listed below with their number on the Index.

1. Pacific War Memorial [include link] <http://www.abmc.gov/ml.htm>

6. Allied Arts Guild [include link] <http://www.alliedartsguild.org/>

7. Allied Properties (Mar Monte Hotel in Santa Barbara)

19. Bay Area Rapid Transit (BART) Lake Merritt station and Administration Building

20-25. Projects for several Bechtel family members

26. Bergeron's Trader Vic's restaurant in San Francisco

27. Berliner home (Sausalito)

29. Coral Casino (Santa Barbara)

34. Brazil Pavilion

- 43. Cadet Basic School (US Merchant Marine in San Mateo)
- 50-52. Clift Hotel Additions
- 74-79. Del Monte Properties
- 85. De Young Memorial Museum, Brundage Collection, San Francisco
- 110. Ernest Gallo
- 120. Golden Gate International Exhibition (GGIE), Brazil Pavilion
- 119-121. Haas family
- 145-154. Industrial Indemnity
- 186-196. Matson Company projects in San Francisco and Honolulu which included the Royal Hawaiian, Moana, Princess Kaiulani and Surfrider Hotels and offices
- 229. American Red Cross
- 232. William P. Roth
- 239-241. San Francisco Park and Playground Commission
- 251. Sir Francis Drake Hotel
- 256-251. Stanford University
- 273-284. University of California (Berkeley and Davis)

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March 24, 2002

Mr. Greg Rice
Keystone Advisors, Inc.
1189 Hill Road
Santa Barbara, CA 93108

Mr. David Van Hoy
Lenny, Yates, Van Hoy Architecture
15 West Mason Street
Santa Barbara, CA 93101

Re: Biltmore remodel

Dear Greg and Dave:

I had a long talk with Greg on March 22 and he made several comments to me which got me thinking about what would be required for me to support the proposal by Keystone. I want to concentrate on what can be done in the future rather than dwelling on what has occurred in the past.¹

I think that I have developed a "win win" solution that will benefit all parties concerned - the neighbors (especially at Bonnymede and Montecito Shores and along Hill Road and Channel Drive), The owner of the Biltmore, The Four Seasons, Club members and the public in general.

This design solution is very simple, especially in light of the amount of money that the owner of the Biltmore has spent and will have to spend in the future. I disagree with the assumption that the vehicular entrance to the Biltmore should be on the Pacific Ocean side of the Biltmore. It would make more sense to have the vehicular entrance on the north side.² In some instances that cannot be done.³ The best way to do this reorientation would be to relocate portions of Hill Road to the north and nearer to the railroad tracks. In addition, this reorientation and relocation will eliminate

¹ In September 2000, I said I would support the remodel plan (including the restaurant) if two general conditions were met. First, the privacy of the Club was protected for the members. Second, there be an enforceable agreement that would protect members from unreasonable increases of fees. Neither of these conditions were met to my satisfaction.

² The Ritz Carlton at Laguna Niguel, Bacara, Fess Parker's Double Tree Resort and other properties on the Pacific Ocean in California all orient their vehicular entrances away from the ocean. They have decided not to waste water views on vehicles.

³ The Albergo Splendido in Portofino had no option because of the location of the limited access.

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much controversy about the project and should result in obtaining approvals at an earlier date.

Some of the advantages for The Four Seasons and the owner of the Biltmore resulting from the reorientation of the entrance and the relocation of Hill Road would be:

1. The problems relating to the number of vehicular trips on Channel Drive would be eliminated.
2. Removing vehicles from the front of the Biltmore would be more aesthetically pleasing than what presently exists or is proposed.
3. There would be no need to construct massive underground parking facilities in front of the Biltmore. Problems with the water table would be avoided. Moreover, the openings to the underground facilities would not create eyesores.⁴
4. Air and pollution would be reduced because of shortened trips, more efficient handling of vehicles and a variety of other reasons.
5. The relocation of Hill Road in a straighter line and the vacation of its present easement would result in a net gain of useable space for the Biltmore.
6. Hill Road would no longer bisect the Biltmore property which also would give the Biltmore more useable space.
7. The owner of the Biltmore already owns most, if not all, of the property that it needs for the relocation. If the owner of the Biltmore could not acquire property that it needs for relocation of Hill Road, the County could use its power of eminent domain.
8. It would be easier to restrict access to the portions of Hill Road that are westerly of the Biltmore. The neighbors would be very happy about this control. I am certain that you could develop something that the neighbors would unanimously support.
9. It would seem to me that problems concerning the water table relating to underground parking structures north of Hill Road (at a higher elevation) would not be as severe as the problems for underground parking structures adjacent to Channel Drive.
10. The underground parking facilities north of Hill Road could be built higher in relation to the existing grade. Landscaped berms or mounding could be placed adjacent to it. This could offer the benefit of screening noise from both the railroad and freeway.
11. It might be possible to have an above ground parking facility between Hill Road and the railroad tracks. Depending on the design and landscaping, this could offer the benefit of screening noise from both the railroad and freeway.
12. The construction could be done in phases so as to minimize the impacts on the Biltmore and Coral Casino. After the relocation of Hill Road, the vacation of portions of existing Hill Road and completion of the parking facilities, construction on the Biltmore, Coral Casino and Breakers could start. This could be done in phases to lessen the risk that this project might become another disaster like the Miramar.

⁴ At one of the meetings that the Member Committee had with both of you, Susette Naylor observed that the openings would be unsightly from the street, especially for the westerly facility.

13. It is also possible the width of the sidewalks along Channel Drive can be reduced and the fire hydrants be removed from in middle of the sidewalk in front of the Biltmore. Depending on the design, the easement for Channel Drive might be able to be reduced from its present 60 feet which would give the Biltmore more useable land.

14. There have been safety problems along portions of Channel Drive. These adverse vehicular and pedestrian safety conditions would be mitigated by the reorientation of the entrance and relocation of Hill Road.

15. Objections from the Fire Department concerning congestion on Channel Drive would be eliminated.

16. Landscaping could be done on the Pacific Ocean side of the Biltmore which would make it much more attractive. Asphalt and concrete paving are not particular attractive.

17. The Biltmore would become a much more attractive facility when it is not forced to design around automobiles and other vehicles. You should try to move automobiles away from the Pacific. The result would be a more bucolic experience on the Pacific Ocean side of the Biltmore.

18. This proposal would be more consistent with the Montecito General Plan.

19. This proposal would save money in the long run. Approval would be expedited because so many objections would be eliminated.

I would recommend against the proposed second story restaurant at the Coral Casino for a variety of reasons. First, its size and design are inconsistent with Gardner Dailey's original design. Second, although the "great view" from the second story restaurant is one of the justifications that has been given, this assertion lacks merit. I suggest that you compare the view in the proposed restaurant to what exists at Miro (Bacara), Citronelle, the Harbor Restaurant, Longboard's Grill, Moby Dick or Brophy Brothers. It is my opinion that the view in the proposed restaurant will not be as good as those in the aforementioned restaurants. Another spectacular local restaurant view is from the Montecito Country Club.⁵ Third, a second story restaurant at the Coral Casino would be inconsistent with a variety of laws and regulations. As I discussed with Dave, there are a variety of zoning problems. Moreover, it would be inconsistent with the Montecito Architectural Guidelines and Development Standards. There are also other problems. Fourth, there is too much opposition to the restaurant to justify complicating the approval process with this issue. Fifth, it is not economically justified. I discussed some of my reasoning with Richard Cremieux and Pam Greacen when we met last year. Sixth, I do not understand why you want to spend the money on three new kitchens at the Coral Casino.

When I met with Greg in late 2000 or early last year, I made the suggestion that the ballroom (La Pacifica) not be touched and that its development rights be transferred to build a real ballroom on the Biltmore side of the street. I never heard anymore about my suggestion.

⁵ Access to the Montecito Country Club is not from its side facing the Pacific Ocean.

Mr. Greg Rice & Mr. David Van Hoy
Biltmore remodel
March 24, 2002
Page 4

Since my the previously mentioned conversations, I have learned much about the history of the design of the Coral Casino. Alex Cole did a superb research job. Her speaking with me was very informative. I prefer the original design with the circular restaurant and open courtyard as contrasted to the existing ballroom situation. I suggest that you speak with Alex to determine what she would prefer.

The proposals I have made enhance the operation of the Biltmore, beautify it and reduce intensification of uses from what has been proposed. I believe that you might have considered these alternatives that I have proposed, but I do not understand why you have not selected them for the project, especially in light of all of the benefits that they contain. The owner of the Biltmore spent a very large sum of money to purchase the Biltmore and intends to spend a large amount of money on the remodel. The cost, if any, of the proposed changes is relatively small in relation to the costs of the projected project.

You are going to have a lot of problems obtaining approvals for the project as recommended. It would save a lot of time and money if you could get virtually unanimous approval of the proposed project. I think that the suggestions contained in this letter would go a long way toward obtaining approval from all elements of the community. Objections from residents of Bonnymede should be eliminated. The residents on Hill Road should be pleased with the method you develop to control access. Members of the community should be happy because Channel Drive would be less congested. Finally, many of the objectors at the Coral Casino would be happy with what you are doing and would not oppose what you are attempting to do.

Michael Corrigan and I would like to meet with you about access and privacy issues.

I hope that you find the suggestions contained herein to be helpful. If you have any questions, do not hesitate to contact me.

Sincerely,

James O. Kahan

xc: Michael Corrigan

ATTACHMENT 3

JAMES O. KAHAN
ATTORNEY AT LAW

3709 DIXON STREET
(FORMERLY MAGNOLIA LANE)
SANTA BARBARA, CALIFORNIA
93105-2419

TELEPHONE (805) 682-2972
FACSIMILE (805) 682-8914
E-MAIL jok@kahansb.com

July 26, 2005

California Coastal Commission
South Central Coast Office
89 California St. , Suite 200
Ventura, CA 93001

Attention: Shana Gray

TRANSMITTED VIA FACSIMILE TO (805) 641-1732

Re: Coral Casino Appeal - Jacqueline Roston & James O. Kahan
Filed July 25, 2005
Supplement (amendment) to appeal - Coastal access issues

This letter will serve to add additional substantial issues concerning Coastal Access to the referenced Appeal.

First, the proposed new second story restaurant will draw additional customers and people. The present restaurant at the Coral Casino is only open for lunch on three days (Wednesday, Thursday and Friday) and dinner for two or three evenings. The proposed restaurant is scheduled to be open for breakfast, lunch and dinner. In addition, the proposed restaurant will have a new additional kitchen on the second level which will be added to at least one kitchen will remain on the first level. Moreover, the second story restaurant will have more square footage and seating than the existing restaurant. The Application for the development refers to relocating La Perla restaurant. However, the only relocation is for some of the seating area. **THE PROPOSAL IS FOR A NEW RESTAURANT, NOT A RELOCATION.**

The proposed second story restaurant (at least twenty one mealtimes per week, more seating and square footage and an additional new kitchen) dwarfs the existing restaurant with only five or six mealtimes shorter mealtimes per week.

The Applicant asserts that the restaurant will only be open to Coral Casino members, their guests and hotel guests. However, Coral Casino members will be given guests passes that others can use. This expanded use will create more demand for parking. This additional demand for parking will further restrict parking for the popular beaches in the immediate area. This restriction will impair access to the beach and other coastal resources and does not conform to Coastal Access policies,

Second, ramp that is proposed to be constructed to the immediate west of the Coral Casino does not conform to Coastal Access policies in several ways. The ramp will not be built entirely

California Coastal Commission
Coral Casino Appeal - Jacqueline Roston & James O. Kahan
July 26, 2005
Page 2

behind the existing seawall and will extend into the existing beach area. The removal of this beach area would also restrict access to coastal resources because this beach area would no longer exist. Such removal would not conform to Coastal Access policies.

Even if the ramp were built entirely behind the existing seawall, it might still impair Coastal Access because a portion of the significant, substantial and long viewing area along that balustrade (railing) above the seawall would be removed. However, if the ramp were built several feet behind the balustrade and a continuous viewing area remained, access to the coastal views might not be impaired.

If you have any further questions, do not hesitate to contact me.

Respectfully submitted,

James O. Kahan

JK:ac

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST DISTRICT OFFICE
89 SOUTH CALIFORNIA STREET, SUITE 200
VENTURA, CA 93001-4508
VOICE (805) 585-1800 FAX (805) 641-1732



APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name: Coral Casino Preservation Committee
Mailing Address: P.O. Box 2148
City: Santa Barbara Zip Code: 93120 Phone: 805-962-7878

SECTION II. Decision Being Appealed

- 1. Name of local/port government: Santa Barbara County Board of Supervisors
2. Brief description of development being appealed: "Four Seasons Biltmore Hotel and Coral Casino Historic Rehabilitation Plan and Development Plan Revision"
3. Development's location (street address, assessor's parcel no., cross street, etc.): 1260 and 1281 Channel Drive, Santa Barbara, CA APN 009-351-015, 009-351-012, 009-352-009, and 009-354-001
4. Description of decision being appealed (check one.):
[] Approval; no special conditions
[X] Approval with special conditions:
[] Denial

RECEIVED

JUL 25 2005

CALIFORNIA COASTAL COMMISSION SOUTH CENTRAL COAST DISTRICT

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO:
DATE FILED:
DISTRICT:

1815

EXHIBIT 3
A-4-STB-05-130
CCPC Appeal

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- Planning Director/Zoning Administrator
- City Council/Board of Supervisors
- Planning Commission
- Other

6. Date of local government's decision: July 5, 2005

7. Local government's file number (if any): Case No. 03DVP-00000-0002

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

Ty Warner Hotels and Resorts
1260 Channel Drive
Santa Barbara, CA 93108

Suzanne Elledge Planning & Permitting
800 Santa Barbara Street, Santa Barbara, CA 93101

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

NOTE: The Planning Department of the County of Santa Barbara has a list for notice
(1) of hearings regarding this project. These are the names available to us.

Jarrell C. Jackman, Ph.D.
5060 B Calle Real
Santa Barbara, CA 93111

(2) Roberta Deering Executive Director
California Preservation Foundation
1611 Telegraph Avenue, Suite 820
Oakland, CA 94612

(3) Sue Adams, HLAC
123 E. Anapamu Street
Santa Barbara, CA 93101

(4) J. Russell Levikow FAIA
442 Post Street, 7th Floor
San Francisco, CA 94102

The County of Santa Barbara has a list of interested parties

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

SECTION IV. Reasons Supporting This Appeal

PLEASE NOTE:

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal**. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SEE ATTACHED SECTION IV WITH ATTACHMENTS

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Coral Casino Preservation Committee
See attached for names of appellants

Signature of Appellant(s) or Authorized Agent

Date: July 26, 2005

Note: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize N/A
to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date: _____

4815

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL
 GOVERNMENT for the Four Seasons Biltmore Hotel and Coral Casino
 Historic Rehabilitation Plan Development Plan Revision by the Coral Casino
 Preservation Committee. Appellants are:

PRINT NAME

SIGN NAME

ADDRESS

Cynthia Ziegler Cynthia Ziegler 936 Roble Lane
 Santa Barbara, CA 93103

Madeline Roston Madeline Roston 1600 Garden St. #23, SBARCA 93101

Jacqueline Roston Jacqueline Roston 1600 Garden St. #23, SBARCA 93101

Cynthia White Cynthia White 1170 Hill Rd SB CA 93108

Clerelia Richards Clerelia Richards 1030 West Street

Scott Ringler Scott Ringler 1070 West Street

INNTFIRE (in fire) 427 Ocean Rd SB 93101

5915

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL
GOVERNMENT—SECTION IV, Reasons Supporting This Appeal

I. No one is Against an Authentic Rehabilitation Project

The applicant has the resources and the obligation as the current steward of this treasured County Historic Landmark to maintain the building. No appellant is opposed to an authentic rehabilitation that does not increase the commercial use of the facility at the beach.

II. This Project is an Alteration and Expansion of a County Landmark on the Coast, with elements of Rehabilitation

This project proposes to demolish and remove a significant amount of original, historic fabric from a County Historic Landmark in order to construct a new restaurant on the roof of the building.

NOTE: Please see Attachment 1a Applicant's Architect Peter Marino & Assoc's presentation of Original/Existing/Proposed (1) Bird's Eye View from Beach, (2) Bird's Eye View From Channel Drive, and (3) View from Beach (Public View)

III. The Elements of the Proposed Project that Cause the Damage to Historic Fabric and the Intensification of Commercial Use in a Residential Neighborhood are the new Restaurant and Tower Door

No one is opposed to the rehabilitation of the building proposed by this project. However, we are opposed to the construction of a new restaurant on the roof of the landmark and the creation of a new door in the base of the tower.

IV. The Proposed Project Does Not Conform to the Local Coastal Plan (LCP) Nor the Incorporated Montecito Community Plan (MCP)

A. Public Access to the Coast (Butterfly Beach), Traffic & Parking

1. *Both the LCP and the MCP have as a goal a bike lane for Channel Drive—"At such time as the County is able to provide an equivalent amount of public parking elsewhere in the vicinity, parking on one side of Channel Drive shall be eliminated in order to accommodate bicycle lanes." MCP p. 86*

We expect that the additional traffic and parking demand caused by this new restaurant will prohibit the realization of this goal, as eliminating parking on one side of Channel Drive would become impossible.

2. Has the County addressed the traffic and circulation problems resulting from the erosion and closure of Channel Drive in the 1980s? The Montecito Community Plan states this was to be done in 1992-1993. If this has not been done, how can increased commercial usage be permitted with the resulting additional traffic and parking demand?

Traffic and parking has been a problem in this beach neighborhood since the 1970s. In the 1980s, Channel Drive was closed due to cliff erosion, aggravating an already congested street system. There now is only one way in to this entire beach neighborhood, with resulting congestion, public safety risks and public beach access impacts.

3. "The location and amount of new development should maintain and enhance public access to the coast . . ." LCP p. 13

The proposed new first class restaurant does not maintain and enhance public access to Butterfly Beach. The current low-key Club dining room operates only 2 to 3 nights per week for dinner and only 3 days for lunch. The proposed restaurant will have the capacity to operate 7 days a week, 3 meals a day, with two seatings for dinner. The patrons for this proposed facility will compete with the public for limited parking spaces to access the beach. Additionally, how many members of the general public will be able to afford to eat in this proposed "first class" Four Seasons restaurant?

*4. "The Coastal Act requires that coastal areas suited for water-oriented recreational activities are protected for such uses . . .
3.7.4. Policies. Local policies and recommendations are intended to provide the framework or implementation of the
Coastal Act goal of providing maximum opportunities for
Access and recreation . . ." LCP p. 83*

Butterfly Beach is a very popular swimming beach in Santa Barbara County, with gentle waves and enough beach to enjoy, even at high tides. Access to the beach is illusory without parking and the proposed first class restaurant's patrons will compete with the public for limited parking spaces.

5. *"Montecito Planning Area, Policy 7-10: The County shall provide increased opportunities for beach access and recreation in the Montecito planning area . . ."* LCP p. 89

Again, parking demand will increase with the construction of the proposed new first class restaurant.

6. *"...commercial development should be limited to the amount needed to serve the greater Montecito community and additional tourist facilities should not be developed."* MCP p.21

This is very clear. The proposed project is a commercial hotel restaurant, connected to and run by the Four Seasons Biltmore Hotel across the street. This proposed second floor restaurant is a tourist facility.

Olive Mill Road is the only road into this entire beachside neighborhood and is often already gridlocked due to multiple, simultaneous events at the Club and the hotel. Adding an additional commercial facility will impact road capacity and will not increase opportunities for beach access for the general public.

Santa Barbara County follows the unfortunate practice of allowing applicants to select specialized consultants, manage their work product and pay for their services directly. The County then accepts this work product for decision-making purposes. Without impugning any consultants' professional ethics, we believe this puts consultants in a difficult position. The traffic analysis in this case was contracted and paid for by the applicant directly and convinced the local decisionmakers that this proposed project would not negatively impact traffic and parking. We requested that the County obtain its own, independent traffic analysis, which they declined.

B. Historic Resources

The Coral Casino Beach and Cabana Club was designed in 1937 by the important architect, Gardner A. Dailey FAIA. It was unanimously designated a County Historic Landmark in 2002 both by the County Historic Landmarks Commission and by the County Board of Supervisors.

1. *"Goal CR-M-1: Preserve and Protect Properties and Structures with Historic Importance in The Montecito Community to the Maximum Extent Feasible,"* MCP p. 120

2. *"Policy CR-M-1.2: Improvements to the Coral Casino recreation club shall be designed in a manner to protect and enhance the historic use and architectural integrity of the property MCP p. 120*

Feasibility

This landmark can feasibly be preserved and protected. No substantial evidence was presented by the applicant during the hearings that the two Alternatives deemed Environmentally Superior Alternatives by the EIR are infeasible. The applicant has stated that economic considerations are not an issue for this project. The applicant claims the Alternatives do not meet all of the goals of the project, but the applicant does not have the right to define the project's goals so narrowly that feasible alternatives are eliminated. The applicant's stated reason for requesting the restaurant addition is to provide a better view for patrons of his first class restaurant. Should a historic resource be degraded for the benefit of the views of a few privileged individuals? Please see Attachment 1 for an illustration of the Levikow/Coral Casino Preservation Committee Alternative, identified by the County's independent historic consultant as one of the Environmentally Superior Alternatives.

Architectural Integrity

The proposed project does not protect or enhance the landmark's architectural integrity. Quite the opposite would be achieved. While the project does propose to remove some later additions, this is in exchange for irreversibly demolishing or removing substantial amounts of original, historic fabric to construct a non-original addition on the rooftop of the building.

The Final EIR states the proposed project would result in a **Class I Impact** on the historic resources of the building—significant, unavoidable, adverse impacts. This Class I impact derives from the project's non-compliance with the Secretary of the Interior's Standards for Rehabilitation. The project does not comply with the Standards due to its unnecessary destruction of original, historic fabric. Please see Attachment 2 (Coral Casino Preservation Committee's Letter to the Historic Landmarks Advisory Council Regarding Non-Compliance with the Secretary of the Interior Standards) for an explanation of how this project does not comply with the Standards.

These Standards were adopted recently by the County Historic Landmarks Advisory Commission (HLAC) to use in their review of proposed alterations to

landmark buildings. During the HLAC's deliberations on this project however, the Commission chose to ignore these Standards, or *any* standards, on which to base their decision. No consistent criteria were used, so it is assumed that each Commissioner relied upon personal and arbitrary considerations.

As discussed above, under *Public Access to the Coast, Traffic and Parking*, the applicant contracted with and managed the work product of three local historical consultants. All three support their client's proposal. Fortunately, the County hired an independent, objective architectural historian. The County's architectural historian reported the Class I Impact and the Non-Compliance with the Secretary of the Interior's Standards for Rehabilitation.

In addition to the County's architectural historian's negative review of the proposed project, statewide preservation organizations and professionals have written the County to express their concerns that the proposed project damages too much original material and does not comply with the accepted Standards:

- a. *Two* State Historic Preservation Officers
- b. The National Trust for Historic Preservation
- c. The California Preservation Foundation
- d. Taylor Loudon AIA, Historical Architect
- e. And Others. Please see Attachment 3 (Letters from Preservation Organizations and Preservation Professionals)

C. Visual Impacts

1. *Any renovations or new development on this property shall be constructed at heights that do not exceed the height of existing structures.*" MCP p. 120

The authors of the MCP were very specific about this particular property; in fact, the Coral Casino is one of only two properties singled out for special, tailored protection. The authors purposefully wrote "*heights* (plural) *that do not exceed the height* (singular) *of existing structures* (plural)." This was done because the Coral Casino is an unusual building with its irregular shape and multiple facades. By this language the authors intended to preserve the original profile. There is no original structure at the height where the applicant proposes to construct the restaurant addition, therefore, the proposed project does not comply with this policy of the MCP.

10 8 15

The fact that the County Staff Planners chose to define an arbitrary point on the building as the "height of existing structures,"(which would allow this restaurant to be constructed,) does not override the more protective language of the MCP.

2. *"Introduction-Policy 1-2: Where policies within the land use plan overlap, the policy which is the most protective of coastal resources shall take precedence."* LCP p. 11
3. *"3.4.1. Coastal Act Policies. 30251. The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas . . ."* LCP p. 33
4. *"Policy 4-4: In areas designated as urban on the land use plan maps and in designated rural neighborhoods, new structures shall be in conformance with the scale and character of the existing community."* LCP p. 36
5. *"Policy 4-5: . . . further bluff setbacks may be required for oceanfront structures to minimize or avoid impacts on public views from the beach."* LCP p. 36
6. *"Goal VIS-M-1: Protect the Visual Importance of the . . . Ocean Views As Having Both Local and Regional Significance and Protect from Development Which Could Adversely Affect this Quality."* MCP p. 124
7. *"Policy VIS-M-1.3.1: Development of property should minimize impacts to open space views as seen from public roads and viewpoints."* MCP p. 124

For 67 years, the public walking along popular Butterfly Beach has had an unaltered view of this original landmark. Please refer to Attachment 4 (Visual Impacts of the Proposed Project – six photographs) for illustrations of the visual impact on the public's view of the landmark. The proposed addition of a commercial restaurant facility is not in character with the existing residential neighborhood. The proposed addition on the roof of the landmark alters the original size, scale and proportion of Dailey's design.

11 8 15

D. Increased Commercialization in a Residential Neighborhood

1. *"Visitor-Serving Commercial Development Policy 7-28: Visitor-serving commercial recreational development that involves the construction of major facilities, i.e. . . . restaurants, should be located within urban areas, and should not change the character or impact residential areas . . ."* LCP p. 98

The mass, bulk, and scale of this development and the expanded use by the hotel will forever change the character of this property. There are no controls or restrictions on the hotel usage of this second floor restaurant. The Four Seasons could have events in the ballroom and second floor restaurant simultaneously with normal private member and hotel use of the Raft Restaurant and the pool.

2. *" . . . commercial development should be limited to the amount needed to serve the greater Montecito community and additional tourist facilities should not be developed . . ."* MCP p. 21

The second floor restaurant will be advertised by the Four Seasons as a hotel facility. Again there are no restrictions preventing rental of the second floor restaurant as an event site.

3. *"Land Use-Commercial: Goal – Strive to Ensure that all Commercial Development and Uses Respect the Scale and Character of Surrounding Residential Neighborhoods"* MCP p. 51

A quiet second floor deck with simple private cabanas will be replaced by a more heavily used second floor restaurant. The intended use of a small scale fire exit door in the first floor of the Tower results in the building having three entrances with two of them facing Channel Drive.

E. Precedent

Both CEQA and the MCP require protection of this historic landmark to the maximum extent feasible. The appellants advocate for the "environmentally superior alternative" as identified in the EIR. There is no dispute that Warner's plan as approved by the Board of Supervisors of the County of Santa Barbara will result in a Class I impact to historic resources. The approved plan violates the MCP height limit for this particular property.

12 9 15

The Class I impact to historic resources and the inconsistencies with the MCP/LCP are caused by one element of the plan: the placement of a new restaurant on the second floor which requires removal of the historic fabric. This in turn requires the placement of a new private deck at a height in excess of the MCP limits for this building.

The Board of Supervisors' overriding Class I impact and violating the MCP sets a precedent for future projects.

The County of Santa Barbara has failed to comply with the requirements of its own coastal zoning ordinance, that project impacts must be mitigated to the maximum extent feasible. Feasibility is defined in CEQA and in the Coastal Act and its definition does not include the enhancement of private views. Warner's representatives do not claim that the "environmentally superior alternatives" are infeasible, but state that Mr. Warner will not build them.

Feasibility is defined in the Coastal Act and in CEQA as: capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors. Pub. Res. Code Section 21061.1, See also Pub. Res. Code Section 30108

There is no credible evidence that a rehabilitation project incorporating either of the "environmentally superior alternatives" is infeasible. The statement that "according to the applicant, the proposed plan is necessary to provide the type of amenities the owner and Coral Casino members 'desire'" is not evidence of infeasibility. The threat to allow this landmark to deteriorate ("the building could face increasing deferred mitigation" Staff Report p. 21) if every single 'desire' is not approved is not evidence of infeasibility.

The proposed findings and statement of overriding considerations approving the plan are not supported by evidence as required by CEQA, the LCP, MCP, and the certified Coastal Zoning Ordinance.

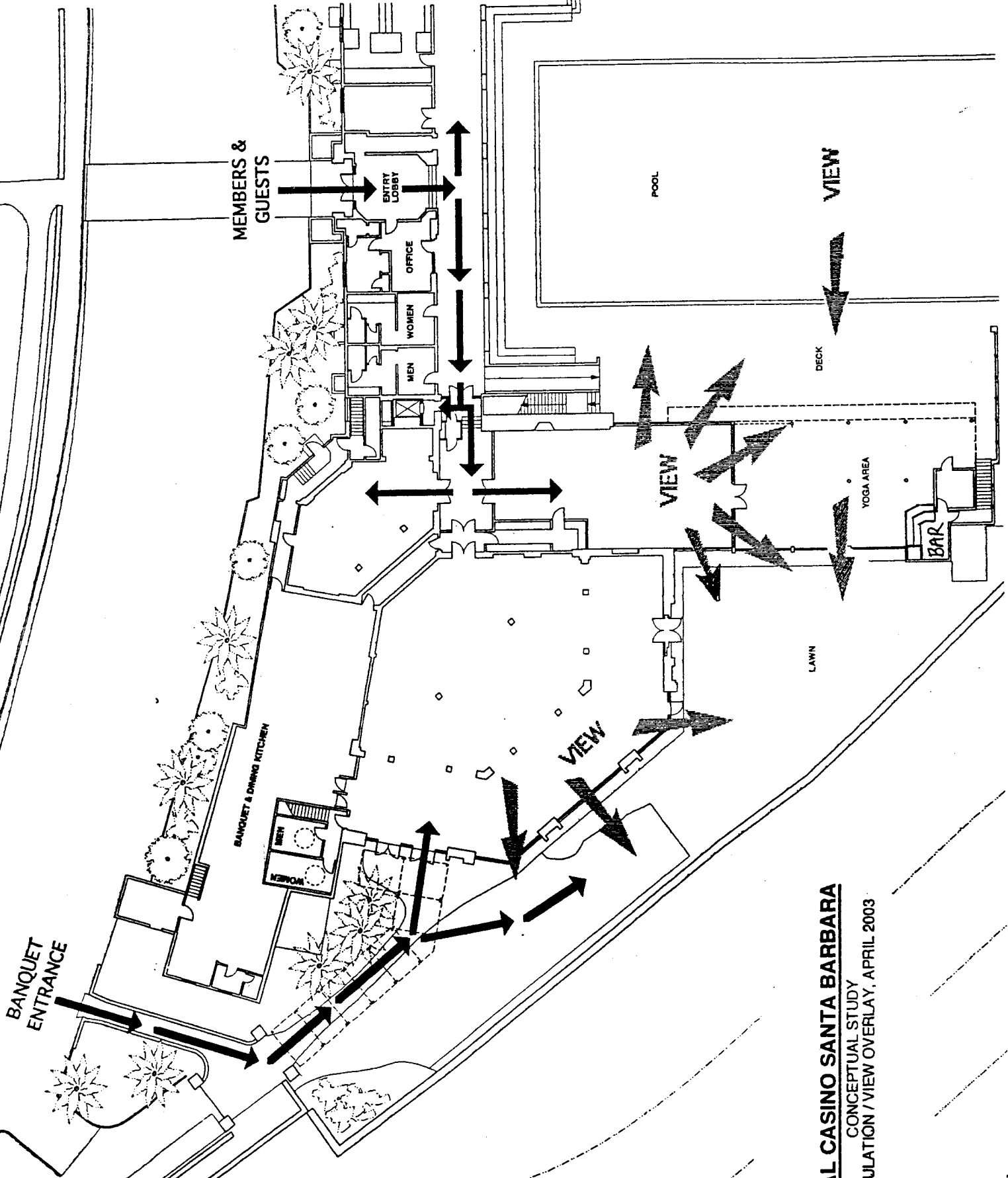
Upholding approval of approval by the Santa Barbara County Board of Supervisors sets a precedent that destroys the integrity of the MCP.

ATTACHMENT 1

One of the "Environmentally Superior Alternatives"

The Levikow/Coral Casino Preservation Committee Alternative

14815



CORAL CASINO SANTA BARBARA
CONCEPTUAL STUDY
CIRCULATION / VIEW OVERLAY, APRIL 2003

15 58 15

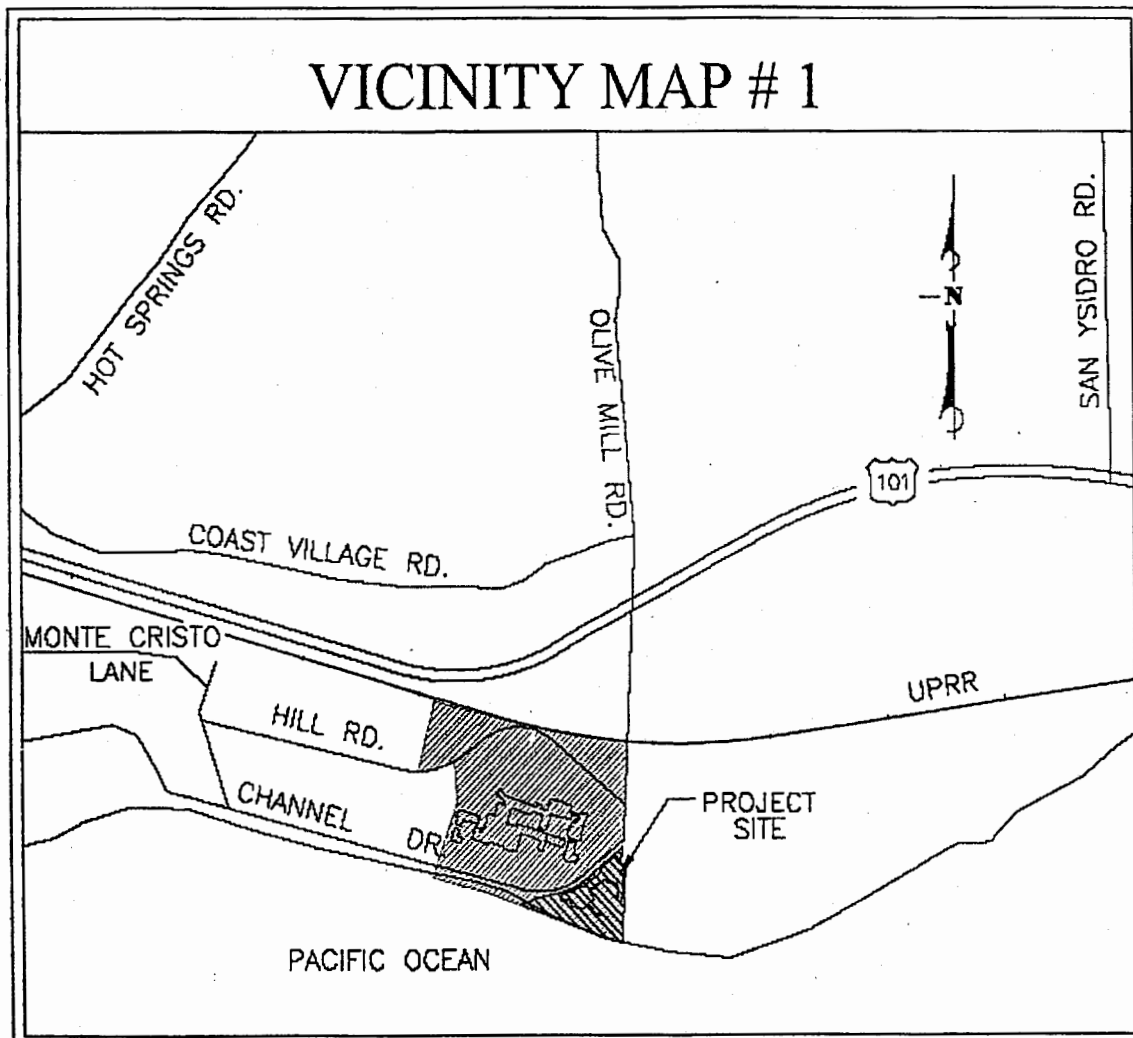


Figure 1
Coral Casino Vicinity Map

Figure
Existing Bi
Coral Casin

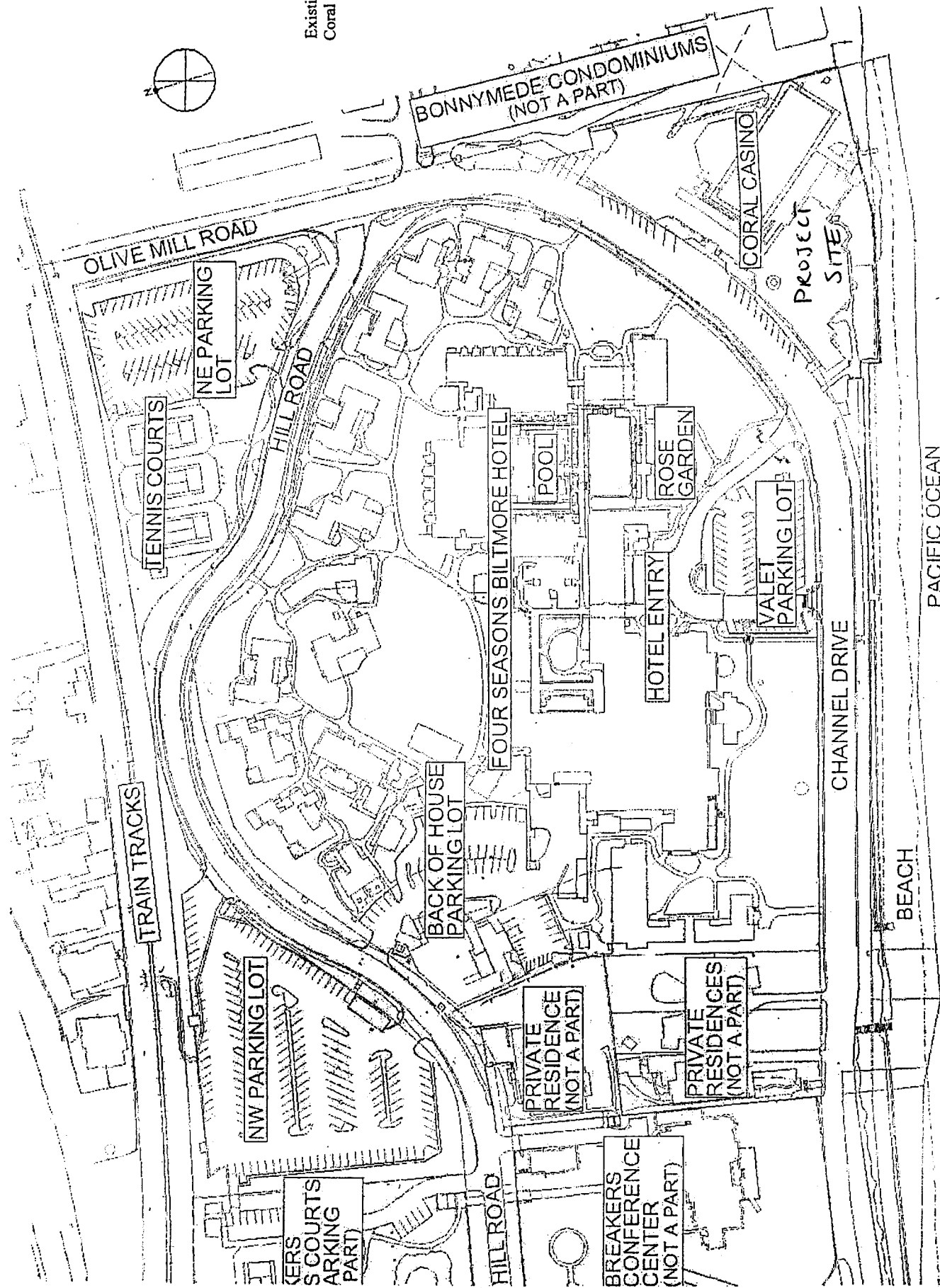
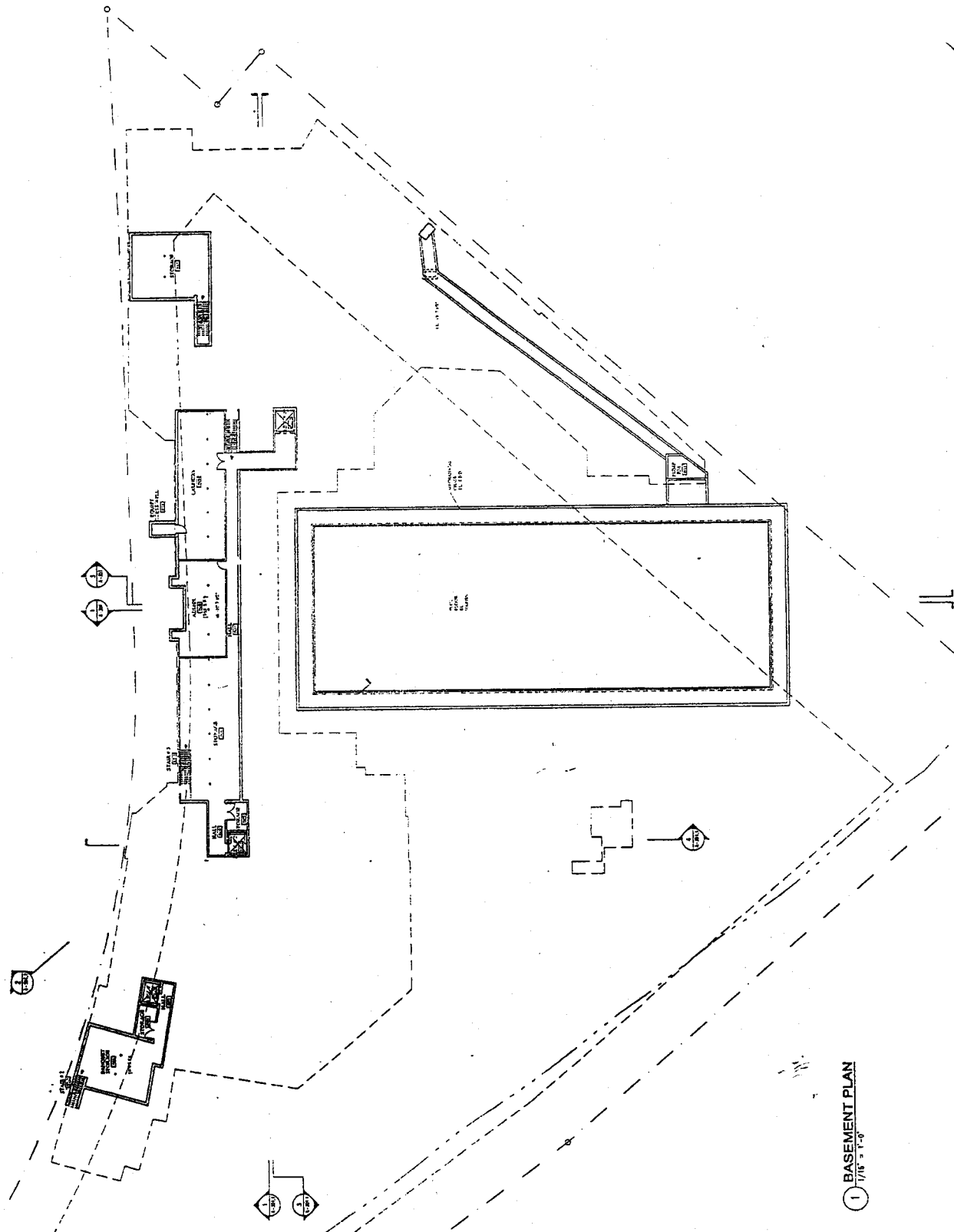
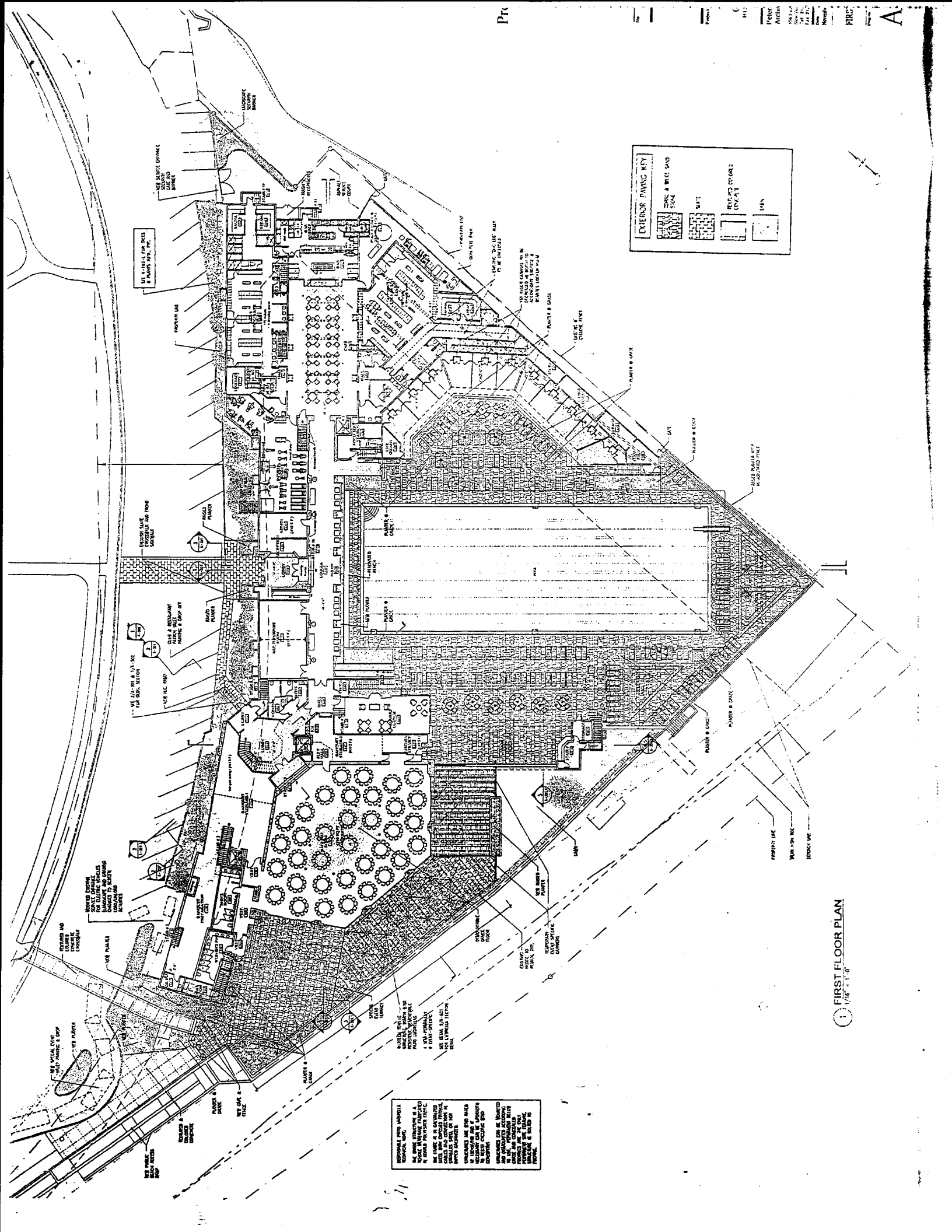


EXHIBIT 5
A-4-STB-05-130
Location Map

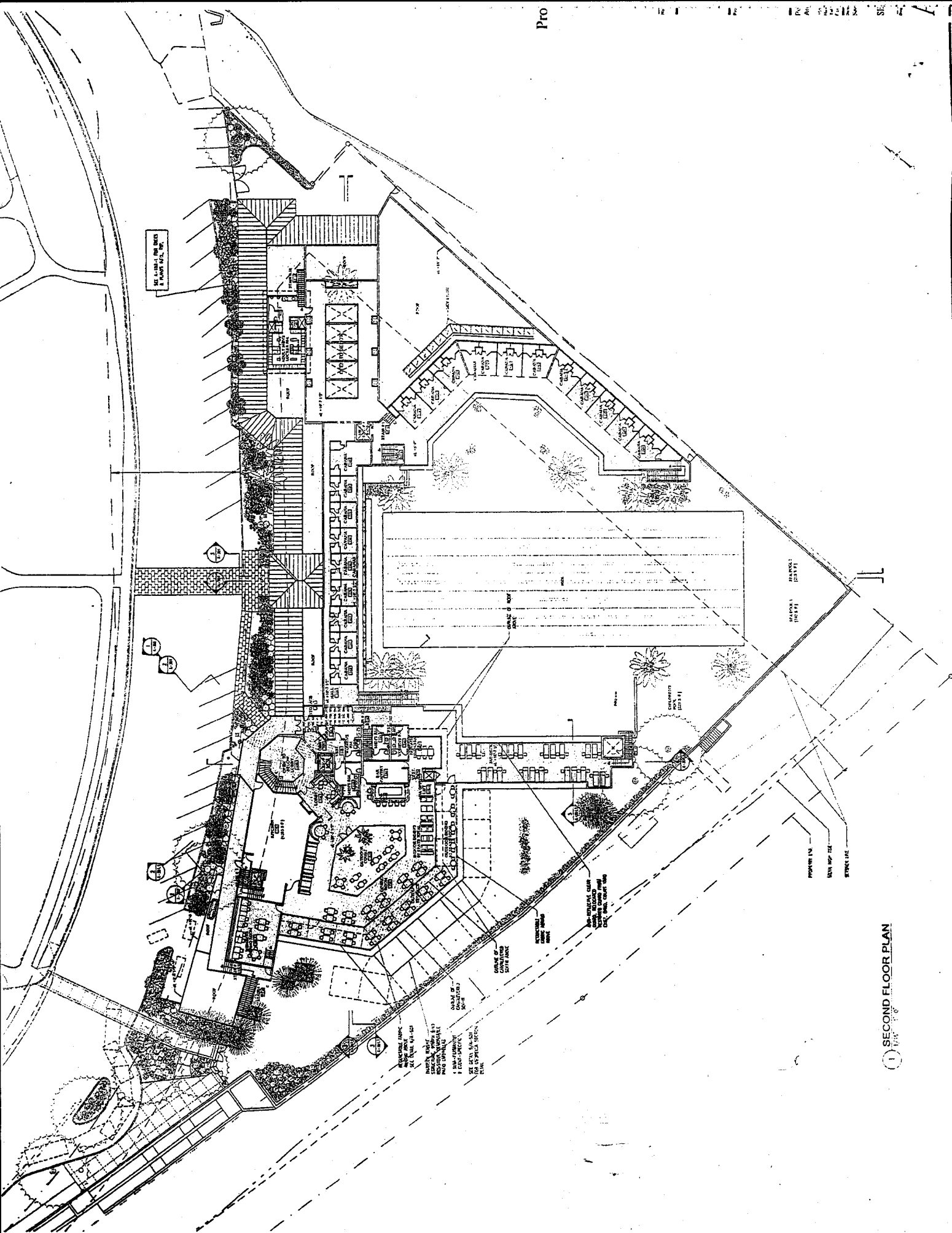


1 BASEMENT PLAN
1/8" = 1'-0"

EXHIBIT 6
A-4-STB-05-130
Floor Plans

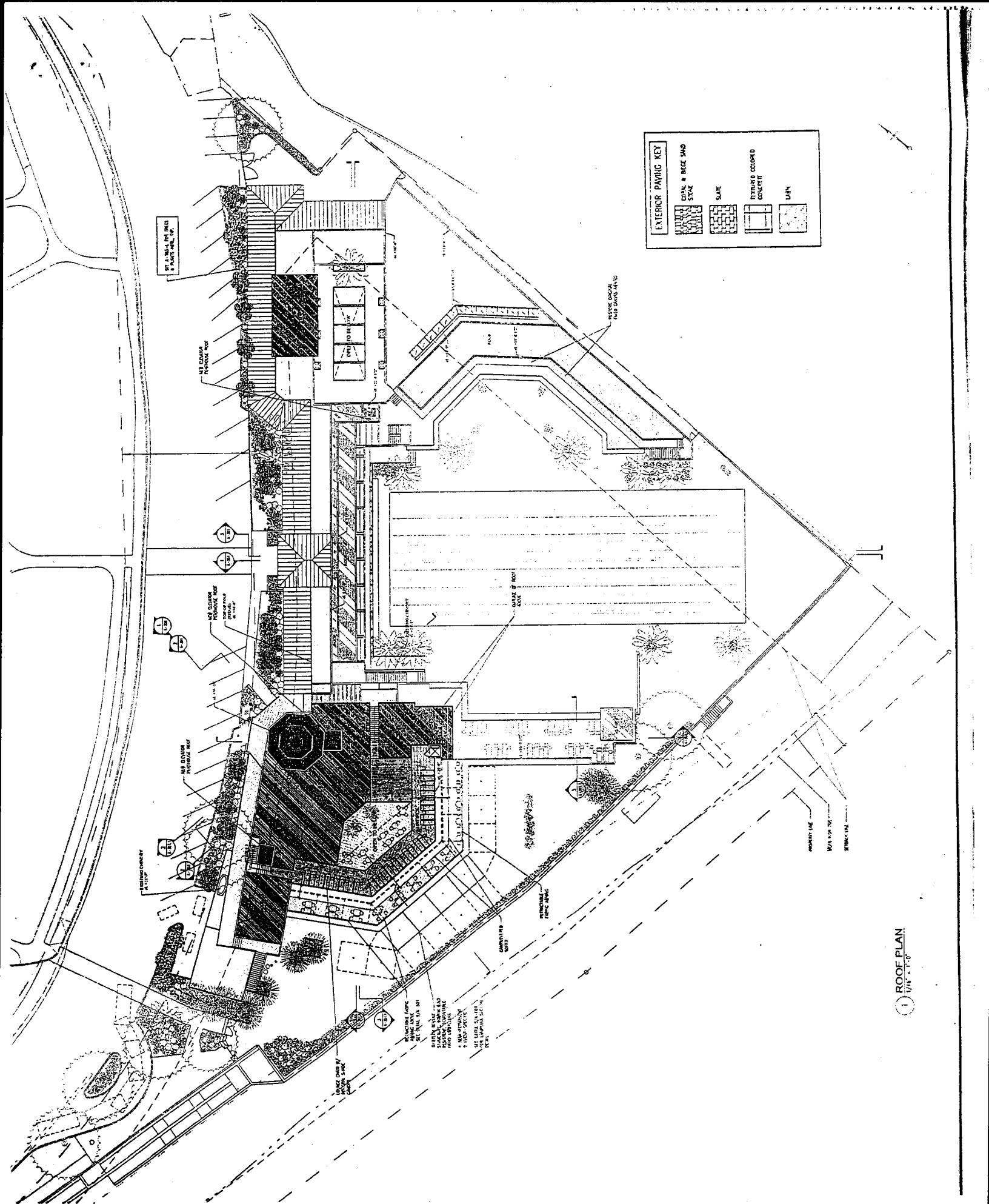


FIRST FLOOR PLAN
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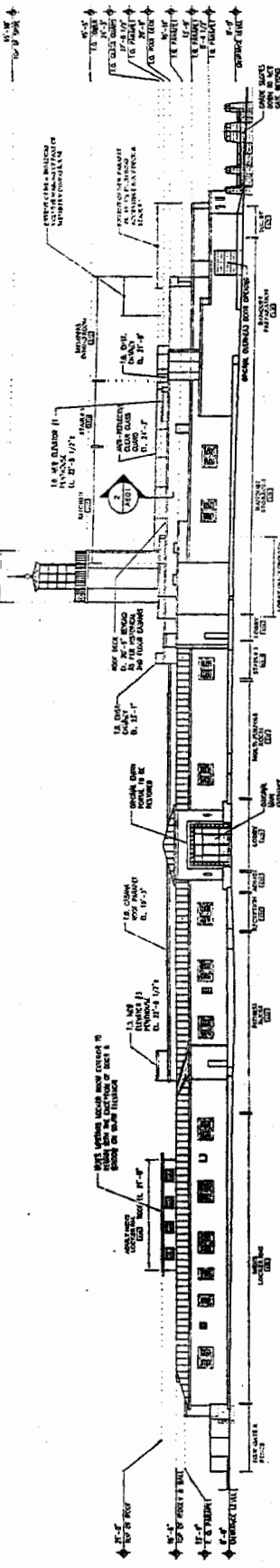
SEE PLANS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

1 SECOND FLOOR PLAN

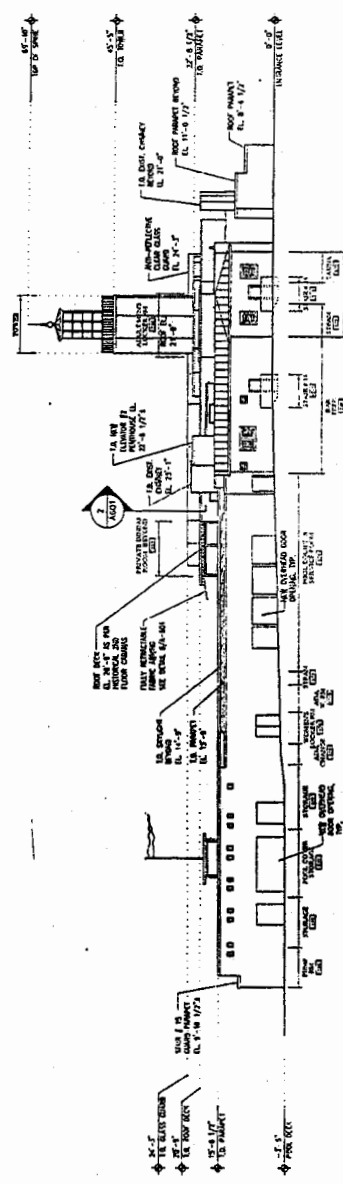


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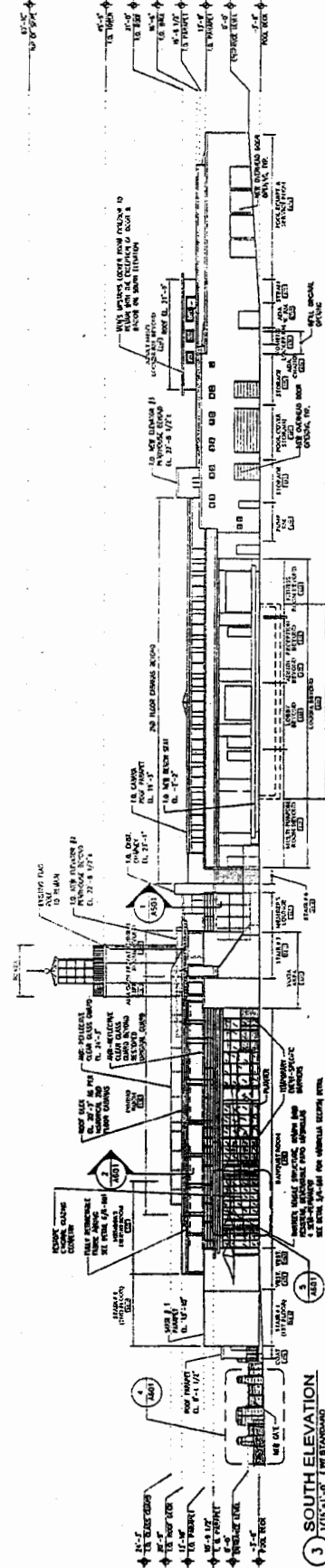
1 ROOF PLAN
1/16" = 1'-0"



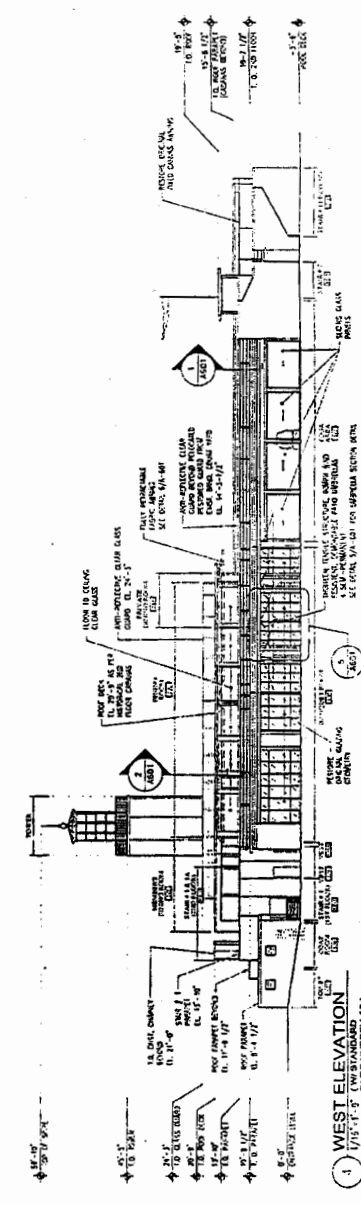
1 NORTH ELEVATION
1/18-11-97



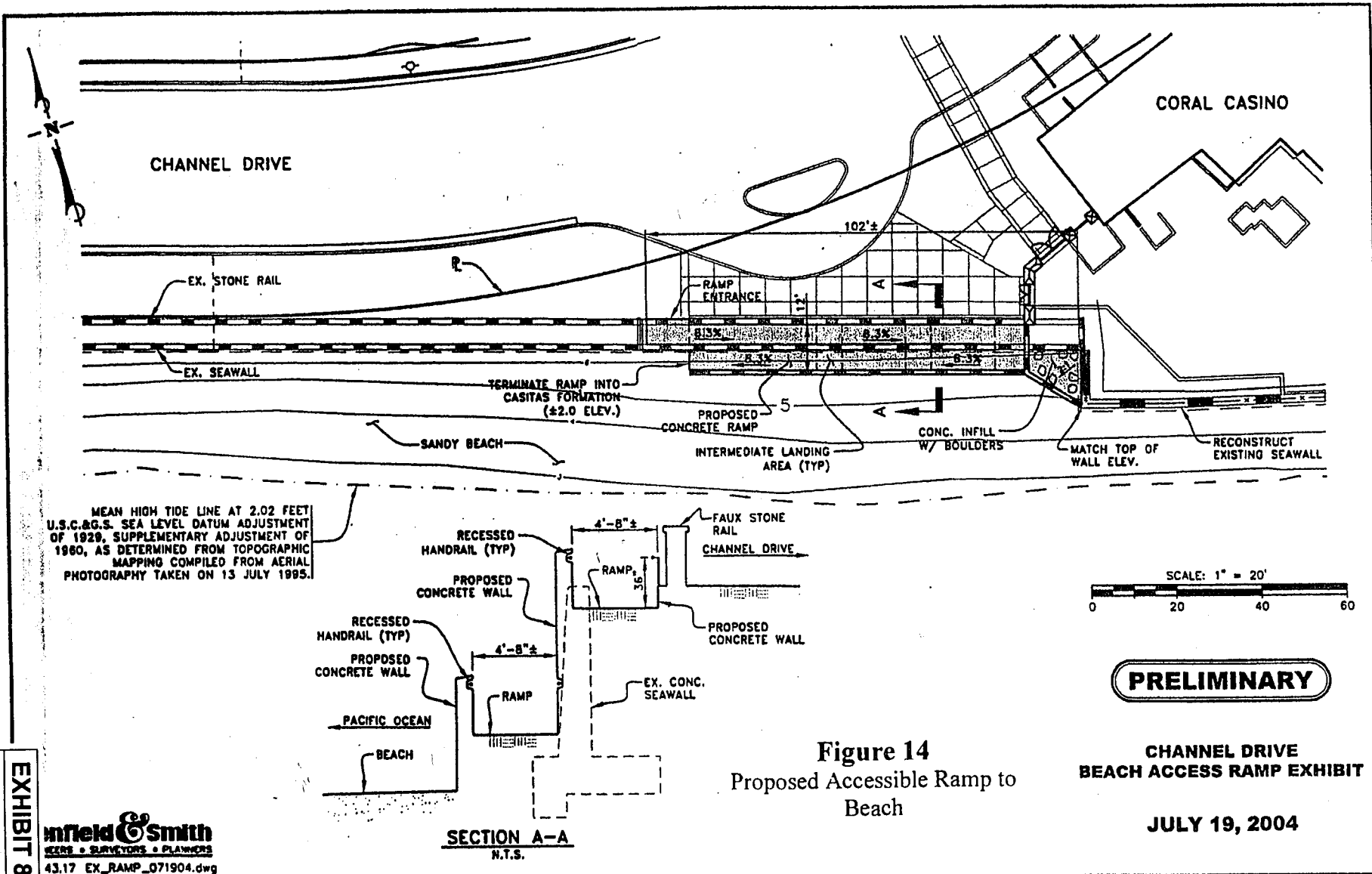
2 EAST ELEVATION
1/18-11-97



3 SOUTH ELEVATION
1/18-11-97 (W/STANDARD PATIO UNDERLAYS)



4 WEST ELEVATION
1/18-11-97 (W/STANDARD PATIO UNDERLAYS)



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JUL 27 2005

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Ms. Shana Gray, Coastal Planner
California Coastal Commission
South Central Coast Area Office
89 South California Street, Suite 200
Ventura, CA 93001

Re: Appeals of Local Government Approvals to California Coastal Commission
Coral Casino Beach and Cabana Club, Montecito Area
Santa Barbara County

Dear Shana:

We were disappointed, though not surprised, that an appeal was filed¹ in response to the Santa Barbara County Board of Supervisor's unanimous approval of the Coral Casino Historic Rehabilitation Plan ("CCHRP").

Throughout our lengthy and comprehensive local approval process, these two appellants, the Coral Casino Preservation Committee ("CCPC") and James Kahan and Jacqueline Roston, have consistently opposed our plan. Each and every local agency and commission charged with reviewing and approving the CCHRP have carefully considered the contentions of these appellants and have determined that they are without merit. As a result, on July 5, 2005 the Board of Supervisors of the County of Santa Barbara unanimously approved the CCHRP.

The purpose of this letter is to briefly respond to the issues raised in the appeal documents and to state the basis for our position that the Coastal Commission should find that "no substantial issue" exists with respect to this project's conformance with the certified Local Coastal Plan ("LCP") and Montecito Community Plan ("MCP"), and that the Coastal Commission therefore should decline to take jurisdiction over the coastal development permit for the CCHRP.

Appellant's Contentions and Project Reviews/Approvals by Santa Barbara County

The appellants contend that the CCHRP does not protect the historical and architectural integrity of the Coral Casino; does not protect the visual resources of the community; increases commercialization in the area; and, does not conform to the LCP or the MCP. The appellants raise several issues relative to these basic objections in their appeal letters to the Coastal Commission.

¹ We note that although two appeal documents were filed, there is functionally only one appeal since both documents were signed by the same person, Jacqueline Roston.

The project applicants disagree emphatically with these contentions. More significantly, the Board of Supervisor's final action on this project represented the culmination of numerous reviews and approvals by all agencies and commissions charged with protection of this historic resource, consistency with the MCP, and with protection and enhancement of coastal resources.

The summary below represents the local reviews and approvals granted by Santa Barbara County agencies and quasi-judicial entities:

- Montecito Board of Architectural Review ("MBAR")

The MBAR is charged with reviewing projects located within the Montecito area and ensuring that they are physically designed in a manner that is compatible with the surrounding built environment and are architecturally consistent with the MCP and the Montecito Architectural Guidelines and Standards (the "Guidelines").

The appellants contend that the project, specifically the relocated 2nd floor restaurant, is not compatible with the structure and is visually incompatible with the surrounding area.

The MBAR disagreed with this assertion and supported the project. In fact, in granting Preliminary Approval of the project's design elements ("Final Approval" in Santa Barbara County is not granted until working drawings are reviewed), the MBAR found that the 2nd floor restaurant is visually compatible with the existing landmark, that the plan as proposed is consistent with the MCP, and that the design meets the intent of the Montecito architectural standards and guidelines.

- Montecito Association ("MA")

MA is a private, citizen advisory committee charged with the protection, preservation and physical enhancement of the Montecito community. The MA reviews all development proposals in the community and makes specific, written recommendations as to denial or support of community projects to the MPC and the Board.

The appellants contend that the project is inconsistent with the LCP and the MCP, specifically as they relate to the protection and preservation of historic resources and as to the specific height approved for the Coral Casino structure.

The MA disagreed with these assertions and unanimously recommended that the MPC and Board approve the project. In granting approval to the CCHRP and recommending that both the MPC and the Board approve the project, the MA found that the project is consistent with the MCP (including the project's 2nd floor restaurant and the roof deck's architectural projection) and is consistent with the LCP. Under separate cover, we will provide you with a detailed explanation as to the project's consistency with the height limitations imposed on the Coral Casino structure, as contained in both the LCP and the MCP.

- Santa Barbara County Historic Landmarks Advisory Committee (“HLAC”)

The purpose of the HLAC is to promote the economic welfare and prosperity of the county by preserving and protecting those places, sites, buildings, structures, works of art and other objects having a special historic or aesthetic character or interest, for the use, education and view of the general public and to remind the citizens of this county and visitors from elsewhere of the background of the county.

The appellants contend that the HLAC erred when it approved the CCHRP on May 16, 2005. The appellants basic contention is that preservation of the Coral Casino can only occur without any expansion of the building’s physical footprint. The CCPC defines this as “authentic rehabilitation” in their CCC appeal letter. More specifically, the appellants contend that the relocation of the existing restaurant from the first floor to a new, second floor location significantly diminishes the building’s historical character.

The HLAC disagreed with these assertions, approved the project, and recommended that the MPC and Board approve the project. In reaching their conclusion, the HLAC considered hours of testimony from historical experts, including a comprehensive review of three historical reports prepared and submitted to the HLAC and County staff from three independent historical consultants. Each of these consultants independently determined that the CCHRP preserves and protects the Coral Casino and its historic landmark status and integrity.

Finally, the County of Santa Barbara hired a fourth, independent historic resources professional to analyze the CCHRP. This consultant concluded that although historic fabric of the structure would be removed during the rehabilitation, the project could be completed with the structures historic integrity in tact. In fact, during the hearing process at the MPC, this expert was asked whether, after the completion of the project, the Coral Casino would be eligible for National Historic status. This expert answered in the affirmative.

- Montecito Planning Commission (“MPC”)

The MPC is the lead planning agency in the County of Santa Barbara charged with approving the CCHRP, which was reviewed appropriately as an Amendment of an existing Development Plan (98-DP-031). As the lead planning agency, the MPC must make Findings of Approval that consider a wide range of planning, coastal, environmental and community issues, including but not limited to: consistency with the LCP; consistency with the MCP; consistency with environmental guidelines and policies of the County of Santa Barbara; consistency with the Montecito Architectural Guidelines and Development Standards (the “Guidelines”); and, consistency with and conformity to all requirements of Article II, Chapter 35, the Coastal Zoning Ordinance. The MPC carefully considered all aspects of the CCHRP at three noticed public hearings.

The appellants contend that the MPC erred when it approved the CCHRP. In their appeals, the appellants contend, among other things, that the project does not meet setback requirements; cannot be expanded because the building is "non-conforming"; and, does not comply with the LCP or MCP. The appellants also assert that "all independent experts are opposed to the proposed plan." (Kahan appeal, p. 11)

The MPC carefully considered all the evidence, testimony, and public record on the CCHRP, and approved the project on May 5, 2005. The MPC found that the project does comply with the LCP and the MCP; does comply with the Guidelines; and, does meet all the requirements imposed by Article II, Chapter 35.

With respect to the appellants' assertion that "all independent experts are opposed to the plan" the MPC and the Board considered these remarks and found them to be misleading and inaccurate. Accordingly, both agencies approved the project. A fuller response to the appellants' assertion regarding the "independent experts" is set forth in a separate letter from Alexandra Cole, architectural historian, which clarifies the positions of these other experts.

- Santa Barbara County Board of Supervisors ("the Board")

Decisions of the MPC may be appealed to the Board, and the CCHRP was appealed to the Board by the CCPC and Mr. Kahan and Ms. Roston. On July 5th, the Board considered the two appeals at a noticed public hearing. After considering the public record and public testimony, the Board unanimously dismissed both appeals and approved the CCHRP.

Analysis of Consistency with LCP Policies

The Coral Casino property is located within the Urban Area of the County's Land Use Element map and includes a Coastal Land Use designation and Montecito Community Plan designation of Resort/Visitor Serving Commercial. The current uses of the club are consistent with these designations.

The project's location within the MCP area and Montecito Overlay District requires a finding to be made that the project is consistent with the MCP. As discussed in Section 6.2 of the April 20, 2005 MPC Staff Report provided to you by Laura Bridley, the MBAR, MA, HLAC, MPC and the Board all determined that the project was consistent with all policies and guidelines of the MCP.

The HLAC, the MPC and the Board concurred that the CCHRP was consistent with the County's Comprehensive Plan, the MCP, the Coastal Zoning Ordinance, the LCP and the Coastal Act. In making this determination, these decision-making bodies reviewed and analyzed approximately sixty (60) policies, guidelines and standards.

Of particular relevance to the California Coastal Commission, the HLAC, the MPC and the Board found that the HRP is consistent with the following policies:

- *Coastal Act Policy 30251*: the project protects the scenic and visual qualities of coastal areas.
- *MCP Policy BIO-M-1.16*: all existing specimen trees shall be protected from damage or removal by development to the maximum extent feasible.
- *Coastal Land Use Plan Policy # 7-2*: all development between the first public road and the ocean shall grant a vertical access easement to the beach area.
- *MCP Policy N-M-1.1*: noise-sensitive uses shall be protected from significant noise impacts.
- *MCP Development Standard FD-M-4.5.1*: new development shall correct adverse drainage impacts to surrounding areas and properties.
- *MCP Policy PRT-M-1.6*: new development shall not adversely impact existing recreational facilities and uses.
- *MCP Policy PRT-M-1.6.1*: in approving new development, the County shall make the finding that the development will not adversely impact recreational facilities and uses.

Additionally, all agencies cited above found that the project to be consistent with the height restrictions imposed specifically on the Coral Casino facility by the policies of the MCP. Specifically, the language of the MCP states that new heights cannot exceed the height of the existing structures. Policy CR-M-1.2 states:

*"Improvements to the Coral Casino recreation club shall be designed in a manner to protect and enhance the historic use and architectural integrity of the property. Any renovations or new development on this property shall be constructed at heights that do not exceed the **height of existing structures**."* (Emphasis added)

Under separate cover, you will receive a letter from David VanHoy, project architect. His letter explains why each and every agency found that the CCHRP is consistent with the height limitation imposed by MCP Policy CR-M-1.2.

The Project Enhances and Protects Coastal Access and Recreational Opportunities

Contrary to the appellants' contentions, coastal access, visitor serving uses and protection of coastal resources are all enhanced by the implementation of the CCHRP.

Coastal Access

The CCHRP includes several specific improvements to coastal access—the replacement of the beach access stairway in front of the Coral Casino; the construction of a new, fully ADA accessible stairway and ramp adjacent to Channel Drive; and, the dedication of a vertical beach

access easement over the new ramp which intersects with an existing dedicated lateral beach access so as to improve public access to Butterfly Beach.

These improvements are described in the project description and in the project plans. Additionally, the applicants have committed in writing to the County of Santa Barbara that the new access ramp will be included in the first requested building permit filed with the County for the HRP. This commitment will ensure that this significant public benefit is realized early on in the project's construction period.

Visitor Serving Uses

The issue of traffic and parking was considered by the decision-makers and described in detail in the FEIR. The protection of existing beach parking for Butterfly Beach and Hammonds Meadow has been a concern of the applicants and residents for years. The Coastal Commission studied this issue in depth prior to approving Coastal Development Permit No. 4-82-5.

Since that permit was considered, the hotel has made significant improvements to parking supply, circulation and management, including providing additional parking spaces in all hotel lots, staggering of schedules and events; avoiding peak summer hours for larger events held at the Coral Casino, employee incentive transportation management programs and the use of valet parking.

Although the CCHRP proposes an increase in floor area to accommodate the relocated restaurant, the use of the Coral Casino remains virtually unchanged. The only changes are to allow visitors of hotel guests the ability to dine in the main restaurant and to formally recognize use of the Coral by reciprocal club members. These two changes only result in the addition of 20 average daily vehicle trips, and 1 peak hour trip. The parking demand cited by the FEIR only increases by 1 space. Moreover, with the above mentioned parking improvements and the project condition of approval (Condition No. 19) requiring valet parking, the hotel now has an onsite parking supply of 504 spaces.

Peak parking demand only occurs 3-5 times annually, when the hotel experiences 100% occupancy while large events are scheduled at the Coral Casino. During these times, an afternoon parking demand of 432 and an evening demand of 561 is identified in the FEIR. Consequently, the afternoon demand, when beach access parking can be at its peak, can be adequately accommodated on the hotel property without the need to use Channel Drive parking. In the evening, as beach parking demand has subsided, the minimal overflow parking that occurs during these rare occasions can be accommodated along Channel Drive.

Finally, to ensure to the greatest extent feasible that beach parking is protected, the applicant has agreed to five (5) mitigation measures imposed by the County:

- Continued compliance with existing conditions that limit use and membership; mandate the amount of parking; require valet parking; and prohibit special events in parking areas during peak periods.
- Implementation of a construction management plan.
- Limitation on indoor and outdoor seating at relocated restaurant.
- Implementation of long term operational parking plan.
- Requirement to provide compliance reports to County of Santa Barbara

Protection of Coastal Resources

The CCHRP also enhances coastal resources and water quality in particular, in several significant ways. First, the new drainage and surface water runoff plans captures runoff to the beach area, improving the water quality and cleanliness of the ocean. This is accomplished by the installation of state-of-the-art filters on catch basin and other drainage systems, and by directing runoff to the Montecito Sanitary District's storm water drains rather than allowing this water to simply sheet flow to the beach area.

Second, the new lighting system will reduce offsite lighting that potentially affects beach users and ocean wildlife. Finally, all antiquated roof equipment, such as air conditioning units, will be replaced by modern equipment, thereby reducing offsite noise impacts.

Conclusion

The County approved Coral Casino Historic Rehabilitation Plan followed over 4 years of meetings and County hearings. During these proceedings, all issues relative to local policies, ordinances, guidelines and standards were carefully and thoughtfully considered. Additionally, as required by law, all Coastal Act policies, guidelines and standards were also carefully considered and deliberated.

On May 5th, the Montecito Planning Commission approved the CCHRP. On appeal, the Board of Supervisors considered the project on July 5th, and unanimously rejected all assertions by the same appellants that are now appealing their decision to the California Coastal Commission. The MPC and Board rejected these appeals because the CCHRP includes conditions and mitigation measures that ensure, to the greatest extent feasible, that the Coral Casino's historical landmark status will be protected and preserved while providing significant community and visitor serving benefits.

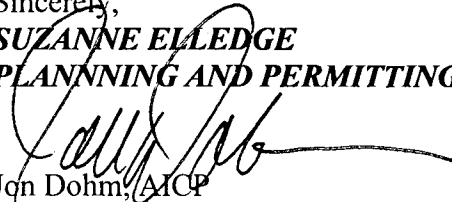
For these reasons, the Coastal Commission can make the finding that "no substantial issue" exists with respect to this project's conformity with the certified Santa Barbara County Local Coastal Plan and that public access and recreational opportunities in the immediate beach areas are not only preserved, they are in fact, enhanced by the project.

As such, we believe the Coastal Commission should decline to take jurisdiction over the coastal development permit for the project.

Ms. Shana Gray
27 July 2005
Page 8 of 8

Thank you, Shana. Please contact me at (805) 966-2758 should you have any questions.

Sincerely,
SUZANNE ELLEDGE
PLANNING AND PERMITTING SERVICES, INC.



Jon Dohm, AICP
Senior Planner

Cc: Gary Timm, Coastal Commission
Greg Rice, TWHR
Bill Medel, TWHR
Richard Monk, Hollister and Brace
Steve Goggia, County of Santa Barbara Planning and Development
Laura Bridley, County of Santa Barbara Planning and Development

PRESERVATION PLANNING ASSOCIATES

July 27, 2005

Ms. Shana Gray
California Coastal Commission
South Central Coast Area Office
89 South California Street, Suite 200
Ventura, CA 93001

Re: State Preservation Organizations - Coral Casino Historic Rehabilitation Plan
APN 009-353-015, 1260 Channel Drive, Montecito Area
Santa Barbara County

Dear Ms. Gray:

As the architectural historian associated with the Coral Casino project since 2000, I wish to comment on the information put forward by Cynthia Ziegler at the Board of Supervisors' meeting on July 5, 2005 - which was reiterated in the appeal to the California Coastal Commission on the Coral Casino Historic Rehabilitation Plan. Ms. Ziegler and her opposition group have, on several occasions, made false claims that California preservation organizations were on record as opposing the proposed project. I wish to comment on her remarks.

At no point in time has the National Trust for Historic Preservation or the California Preservation Foundation expressed opposition to the Coral Casino Historic Rehabilitation Plan, nor have they expressed opposition on the findings for overriding considerations on the Class I impact.

The opponent group solicited these agencies for comment on the DEIR for the Historic Rehabilitation Plan, at which point both agencies submitted letters expressing that Class I impacts should be avoided or allowed if overriding considerations were found. Neither agency felt that they had enough information to support an alternative, and neither agency has made any further comment since submitting their letters to the DEIR in October of 2004.

Following comments made by Cynthia Ziegler at the Montecito Association Land Use Committee on April 7, 2005, where she suggested that the National Trust for Historic Preservation and the California Preservation Foundation were in opposition, I made calls to the various groups whose letters she had quoted. I first called Cindy Heitzman, President of the California Preservation Foundation in Oakland on April 8, 2005, to ask her about her comments concerning the Coral Casino. These comments, specifically

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Telephone and FAX (805) 969-4183 Accole5@cs.com

addressed to the DEIR, were found in a letter dated October 10, 2004, which she signed jointly with Michael Buhler, Regional Attorney, the Western office of the National Trust for Historic Preservation, and with Knox Mellon, former California State Historic Preservation Officer.

In our telephone conversation, Ms. Heitzman indicated that she never opposed the proposed project in that letter but was merely responding to what she perceived as deficiencies in the DEIR which concerned unanswered questions and issues over the extent of the impacts from the proposed design scheme involving repairs and seismic upgrades, which were not even capable of being assessed at the time. She also felt that the alternatives had not sufficiently been addressed for her to determine whether or not they were superior because their impacts had not been adequately detailed.

In the October 18, 2004 letter, she and the other two signatories recommended that the County hire a qualified historic resources professional to develop a protocol plan and be present on-site during demolition and construction activities. This has been accomplished through mitigation measures in the FEIR. The applicant has hired a noted architectural firm in San Francisco, Architectural Resources Group, to develop the protocol plan and oversee construction.

The second letter cited by Ms. Ziegler came from M. Wayne Donaldson, State Historic Preservation Officer, which was dated October 14, 2004. Again, this letter was in response to the DEIR, and merely stated that he agreed with the general findings of the DEIR that the project would result in a Class I impact because the project does not conform to the Secretary of the Interior's Standards, and that the two alternatives appeared to conform to the Secretary's Standards. It's important to note that in the subsequent hearings before the Montecito Planning Commission and the Historic Landmarks Advisory Commission, this Class I impact was noted by both bodies and adopted findings of overriding considerations that addressed the Class I impact.

To my knowledge, none of the above preservation groups have responded to the FEIR or to the revised project which came out of that document with its various mitigation measures. I, therefore, have come to the conclusion that their comments must be limited to the review of the DEIR and not be construed as opposing the currently proposed project with its adjustments, conditions, and mitigation measures added in respect to the DEIR, public comment, and agency approval findings.

If you have questions, please call me at 805-969-4183.

Sincerely,

Alexandra C. Cole

Alexandra C. Cole, Principal

Cc: Gary Timm, California Coastal Commission
Laura Bridley, Santa Barbara County
Greg Rice, TWHR
Bill Medel, TWHR
Richard Monk, Hollister and Brace
David VanHoy, David VanHoy Architects

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CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

David VanHoy

Architect

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26 July 2005

Ms. Shana Gray
California Coastal Commission
South Central Coast Area Office
89 South California Street, Suite 200
Ventura, CA 93001

Re: Height Compliancy - Coral Casino Historic Rehabilitation Plan
APN 009-353-015, 1260 Channel Drive, Montecito Area
Santa Barbara County

Dear Ms. Gray:

My name is David VanHoy and I am one of the architects for the Coral Casino Historic Rehabilitation Plan. I apologize for piecemealing information to you in response to the two appeals filed against the Santa Barbara County's approvals of plan, but I understand that you are on a very tight deadline, and I wanted to address concerns brought up in the appeals related to height of the sundeck railing.

As you know, the Historic Rehabilitation Plan has received approvals by every review agency to date including the Montecito Association Land Use Committee, the Montecito Association Board, the Montecito Board of Architectural Review, the Montecito Planning Commission, the Historic Landmarks Advisory Committee, and the Santa Barbara County Board of Supervisors.

The more specific determination of all of the aforementioned agencies was to ascertain compliance with the Montecito Community Plan. Each agency adopted specific findings as part of their approvals that the Historic Rehabilitation Plan is compliant, particularly in relation to height of the proposed relocated restaurant and sundeck.

The design of the relocated restaurant matches the height of the existing second floor at the Coral Casino, therefore the only element of the Historic Rehabilitation Plan that comes into question on height compliance is the upper 18 inches of the 42 inch transparent glass safety railing on the rooftop sundeck.

Although the local coastal ordinance limits heights to 35 feet, the language of the Montecito Community Plan is ambiguous when defining building height restrictions for the Coral Casino. It states:

"Improvements to the Coral Casino recreation club shall be designed in a manner to protect and enhance the historic use and architectural integrity of the property. Any renovations or new development on this property shall be constructed at heights that do not exceed the height of existing structures."

Montecito Community Plan Policy CR-M-1.2:

The Montecito Community Plan restricts the heights of the new additions to the Coral Casino to the height of the existing structures, which could be considered the height of the existing tower (69'10") the height of the tower parapet (45') or the height of the building parapet (22'8.5"). Even if the height limit is established by the building parapet height, rooftop/safety railings are considered "architectural projections" that are exempt from height restrictions. During agency review meetings, several prominent Montecito architects submitted letters and testified that in their many years of practice in Montecito railings are always exempted when calculating the height of a building. Copies of their letters are enclosed.

Height exceptions established in the Coastal Zoning Ordinance are outlined as followed:

"Chimneys; elevator and stair housings; television receiving antennae sets; flag poles; monuments; oil and gas derricks; church spires; and similar architectural features and similar structures may be up to 50ft in height."

Costal Zoning Ordinance, Section 35-127.

More specific criteria established by other California coastal communities in their Local Coastal Plans state:

"Architectural features such as, but not limited to, cupolas, weathervanes, open protective railings for stairways, and other decorative roof-top features of an open nature, and solar equipment, but excluding parapet walls, may be permitted in excess of permitted height limits subject to the approval of a modification permit."

Article 20.65.070 - Exceptions to Height Limits

The mandate of the Montecito Association is to insure compliance with the Montecito Community Plan. The Montecito Association Board voted unanimously to approve the Coral Casino Historic Rehabilitation Plan. In addition, the Montecito Planning Commission, and both the Historic Landmarks Advisory Commission and the Santa Barbara County Board of Supervisors through their certification of the Montecito Planning Commission Findings, found the heights established in the Historic Rehabilitation Plan to be compliant with the Montecito Community Plan.

During their review, the Montecito Planning Commission deliberations centered upon the use of the rooftop sundeck and resulted in restrictions against the use of umbrellas and use after sunset. The findings made by the Montecito Planning Commission state:

The Montecito Planning Commission approved the findings that the sun deck railing is consistent with Montecito Community Plan policies requiring that building modifications be compatible with historic use and architecture.

Montecito Planning Commission Findings for Approval I.a.8

Enclosed, please find exhibits pertaining to the height ordinance included in the Montecito Community Plan and the existing and proposed height elevations at the Coral Casino. The graphics also illustrate that neither the sundeck nor the railing can be seen by the public from Channel Drive.

In closing, as an architect I find it ironic that the same group that filed this appeal sat back and watched numerous non-historic additions made to this property over the past three decades without comment.

The opposition to this historic rehabilitation is a fear of public use of this facility - that is if the Coral Casino is improved that more hotel guests and more community groups will use it. Those who filed this appeal from the start of this five-year process have had one single desire and that is to eliminate public use of what they consider their private club. The Biltmore Hotel constructed the Coral Casino in 1937 as a hotel amenity, a venue for public events and as a swim club. Since the property owner does not propose to change the hotel guest and public historic use of the facility, this very small group continues to fight.

Fortunately the vast majority of club members understand that the public, through hotel guest and community events, has the right to use the Coral Casino and welcome the improvements and the public. The height issue is just another in a continued presentation of red hearings to oppose public use and attempt to privatize the Coral Casino.

Thank you for your time in reviewing these matters. Please contact me at (805) 729-3184 should you have any questions or would like additional information relative to the Coral Casino Historic Rehabilitation Plan.

Sincerely,



David Van Hoy, Architect

Cc: Mr. Gary Timm
Ms. Laura Bridley

Coral Casino Height Exhibits

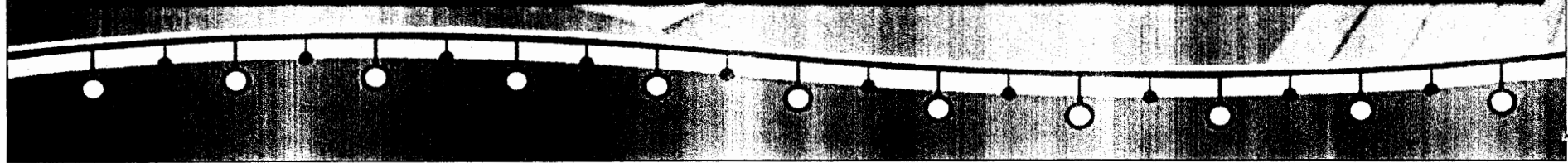
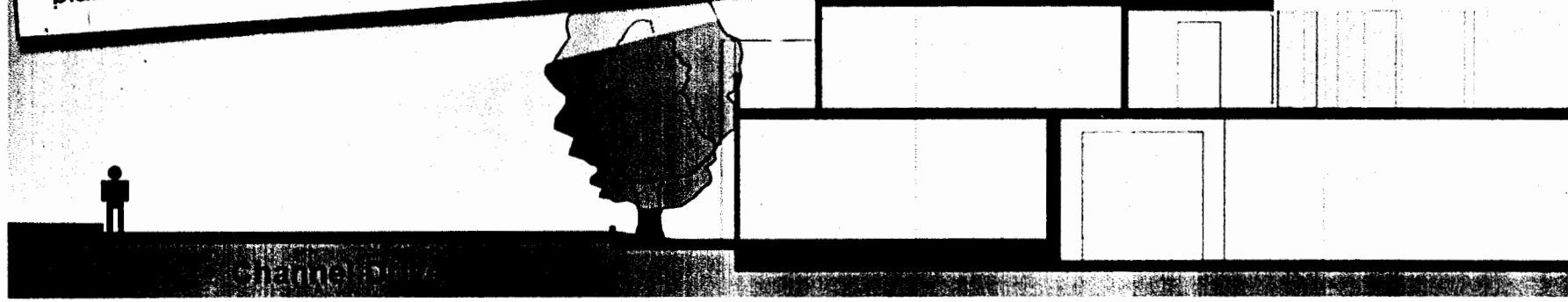
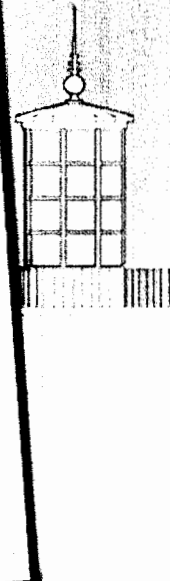
Coral Casino Historic Rehabilitation Plan has been designed well within all height limits:

The height of the replacement restaurant at the Coral Casino is well within the community height limits, as well as within the existing heights of the property under any definition, including the most conservative - the existing building parapet at 22 feet, 8.5 inches.

The transparent, non-reflective glass railing, at under 25 feet, is considered an architectural projection in the local coastal plan - the same as the existing 69 foot tower spire and the existing 45 foot spire walkway and railing.

The following illustrates the Montecito Community Plan and Local Coastal Plan, the heights today as defined and how the plan is well within any definition of height limit.

Cross-Section View Study
from Channel Drive

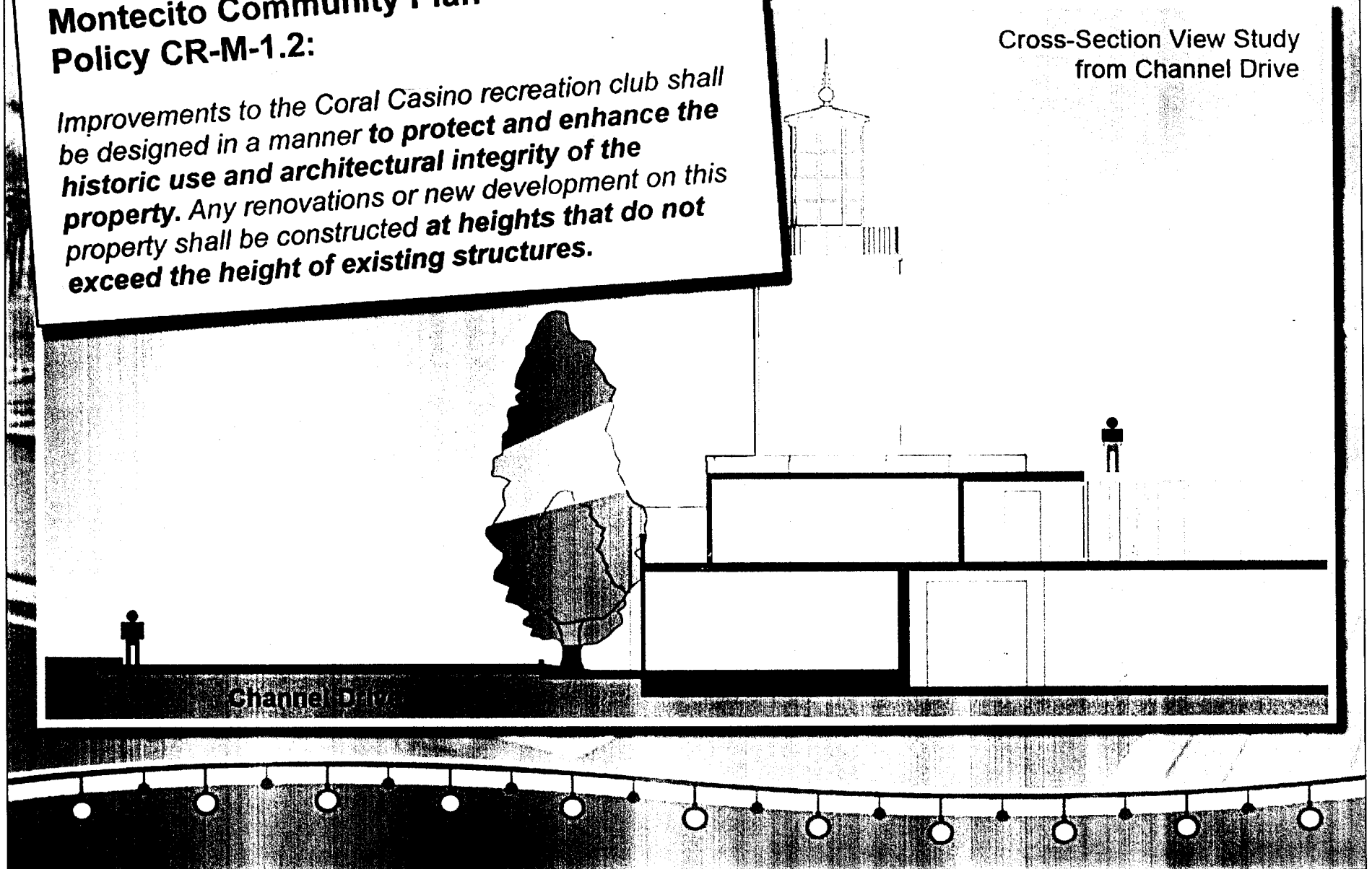


Height Within All Requirements

Montecito Community Plan Policy CR-M-1.2:

Improvements to the Coral Casino recreation club shall be designed in a manner to **protect and enhance the historic use and architectural integrity of the property**. Any renovations or new development on this property shall be constructed at heights that do not exceed the height of existing structures.

Cross-Section View Study
from Channel Drive



Height Within All Requirements

Montecito Community Plan Policy CR-M-1.2:

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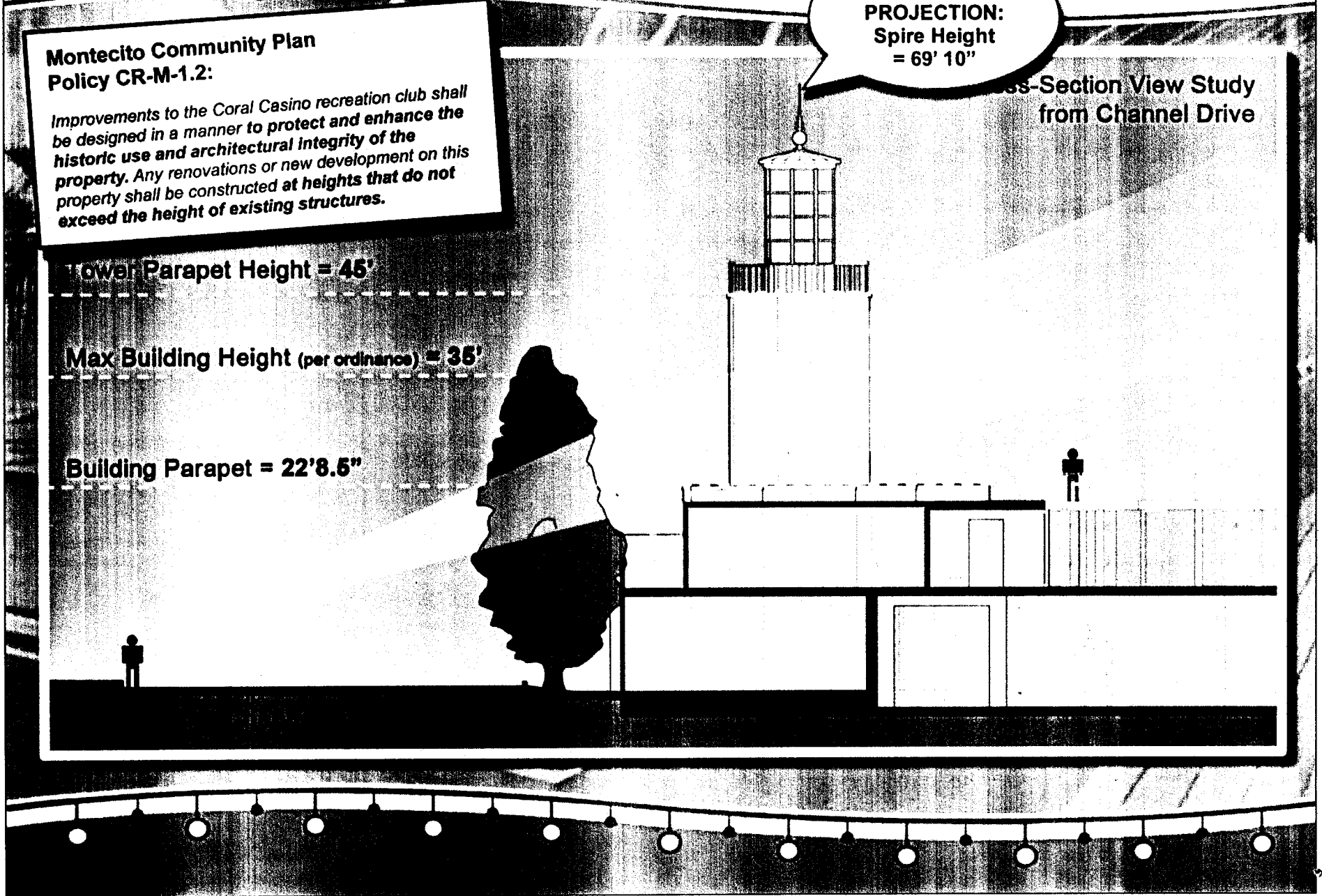
Lower Parapet Height = 45'

Max Building Height (per ordinance) = 35'

Building Parapet = 22'8.5"

ARCHITECTURAL
PROJECTION:
Spire Height
= 69' 10"

Section View Study
from Channel Drive



Height Within All Requirements

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Lower Parapet Height = 45'

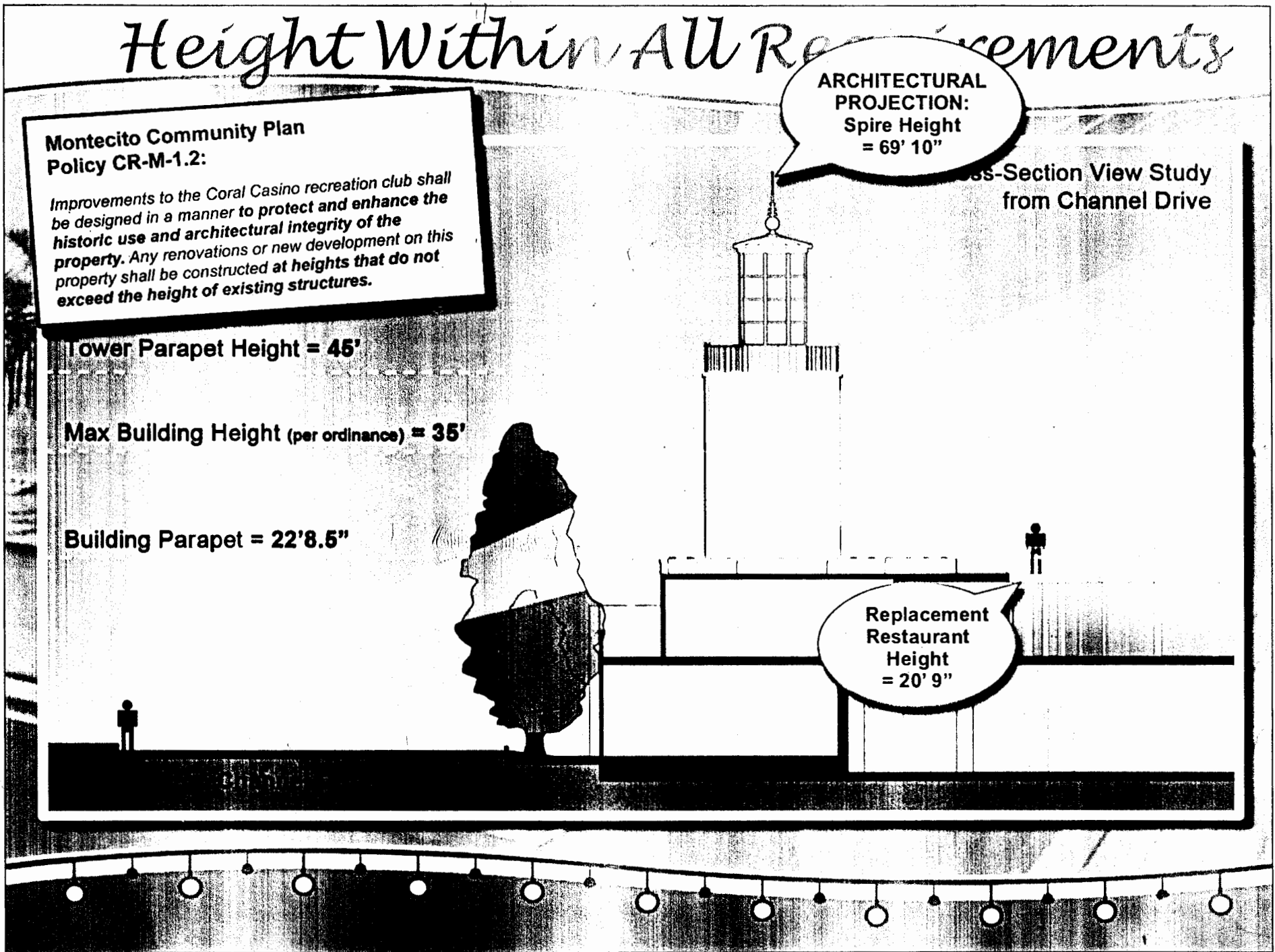
Max Building Height (per ordinance) = 35'

Building Parapet = 22'8.5"

ARCHITECTURAL
PROJECTION:
Spire Height
= 69' 10"

Cross-Section View Study
from Channel Drive

Replacement
Restaurant
Height
= 20' 9"



Height Within All Requirements

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Lower Parapet Height = 45'

Max Building Height (per ordinance) = 35'

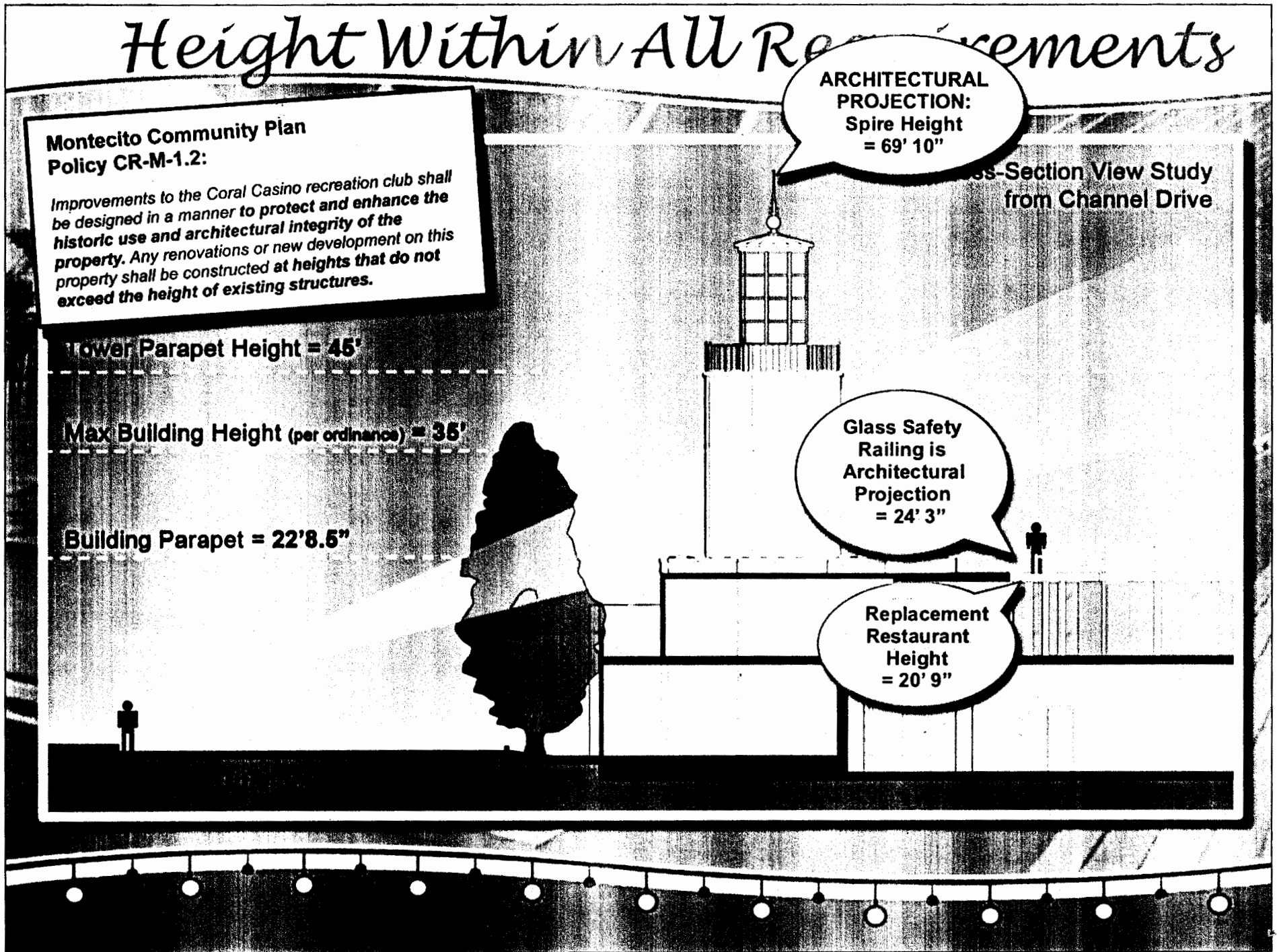
Building Parapet = 22'8.5"

ARCHITECTURAL
PROJECTION:
Spire Height
= 69' 10"

Section View Study
from Channel Drive

Glass Safety
Railing is
Architectural
Projection
= 24' 3"

Replacement
Restaurant
Height
= 20' 9"



Height Within All Requirements

Montecito Community Plan Policy CR-M-1.2:

Improvements to the Coral Casino recreation club shall be designed in a manner to protect and enhance the historic use and architectural integrity of the property. Any renovations or new development on this property shall be constructed at heights that do not exceed the height of existing structures.

GEN REGS - Height

Sec. 35-127. Height.

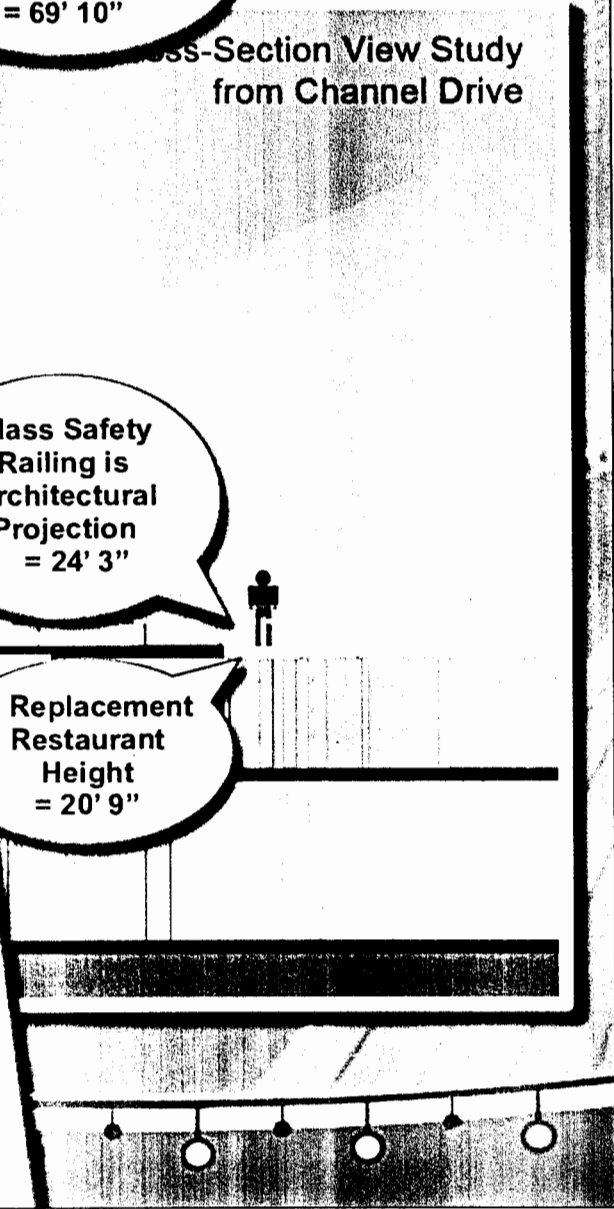
1. Chimneys; elevator and stair housings; television receiving antennae for individual receiving sets; flag poles; monuments; oil and gas derricks; church spires; and similar architectural features and similar structures may be up to fifty (50) feet in height in all zone districts where such excess heights are not prohibited by the F Airport Approach or VC, View Corridor Overlay District. (Amended by Ord. 4263, 6/24/97)
2. Antennas and the support structures (e.g., lattice tower, or similar structure) used for the commercial reception and transmission of communication signals (e.g., radio, television) and amateur "ham" radios may be up to fifty (50) feet in height. These facilities may exceed fifty (50) feet up to a maximum of seventy-five (75) feet in height where technical requirements dictate, unless prohibited by the F Airport Approach Area Overlay District. (Added by Ord. 4263, 6/24/97)
3. Specific exceptions to this limitation for the height of temporary drilling rigs to explore and produce offshore oil and/or gas reservoirs from onshore sites may be permitted until cessation of drilling in accordance with an approved plan that the height limitation shall not be exceeded for a operator, the

ARCHITECTURAL
PROJECTION:
Spire Height
= 69' 10"

Cross-Section View Study
from Channel Drive

Glass Safety
Railing is
Architectural
Projection
= 24' 3"

Replacement
Restaurant
Height
= 20' 9"



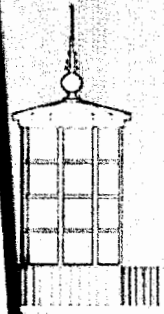
Height Within All Requirements

Montecito Community Plan Policy CR-M-1.2:

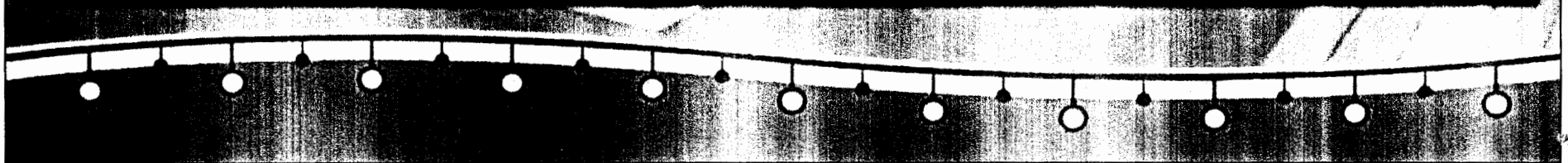
Improvements to the Coral Casino recreation club shall be designed in a manner to **protect and enhance the historic use and architectural integrity of the property**. Any renovations or new development on this property shall be constructed at heights that do not exceed the height of existing structures.

I.a.8: The Montecito Planning Commission approved the findings that the sundeck railing is consistent with Montecito Community Plan policies requiring that building modifications be compatible with historic use and architecture.

Cross-Section View Study
from Channel Drive



Channel Drive



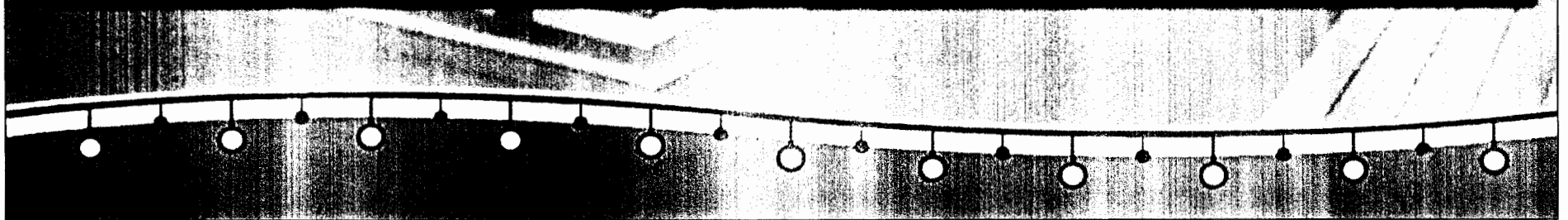
Members Private Sun Deck

Gross-Section View Study
from Beach

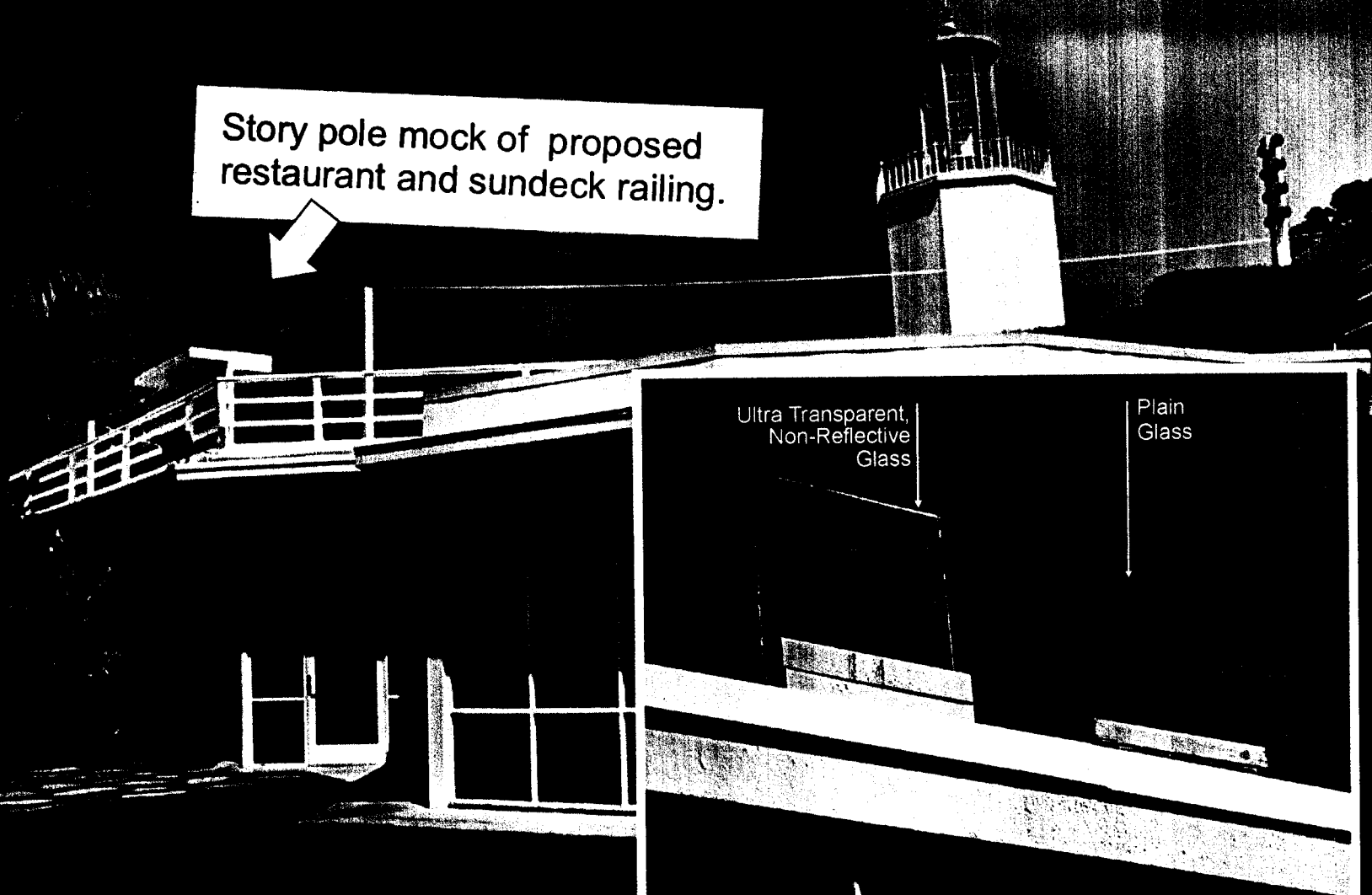
Umbrellas are restricted from use on the
sundeck. Original canopy chairs will be
recreated to provide individual sunshade.

Original deck
chairs with integral
sun canopies

Coral Casino sun deck, circa 1940.



Story pole mock of proposed restaurant and sundeck railing.



Ultra Transparent,
Non-Reflective
Glass

Plain
Glass

Ultra transparent, non-reflective glass (indicated in photo above) will be used for the sundeck railing.