

February 26, 2018

VIA EMAIL AND UPS

Ms. Anne Wells, Advance Planning Manager  
Mr. Andy Newkirk, Senior Planner  
City of Goleta  
130 Cremona, Suite B  
Goleta, CA 93117

Re: City of Goleta New Zoning Ordinance  
The Ritz-Carlton Bacara – Building Issues

Dear Anne and Andy:

I am writing on behalf of CWI Santa Barbara Hotel, LP and CWI 2 Santa Barbara Hotel, LP, the owners of The Ritz-Carlton Bacara (the “Bacara”), with respect to the proposed new Zoning Ordinance and its potential effect on the Bacara. I have reviewed the January 2019 Revised Draft Zoning Ordinance (the “Draft Ordinance”), and I am basing my comments on that document. My primary purpose in reviewing and commenting on the Draft Zoning Ordinance is to ensure that the present buildings and operations at the Bacara will not be detrimentally affected by the new Zoning Ordinance.

Background. The Bacara consists of 358 guest rooms located in 14 separate buildings, together with restaurants, bars and lounges, a spa and fitness center, pools, tennis courts and other recreational facilities, a wine tasting room and space for meetings, conferences, weddings and other events.

The Bacara was originally reviewed and approved through an extensive process by the County of Santa Barbara and the California Coastal Commission, prior to the incorporation of the City of Goleta (the “City”). The Bacara was designed and constructed in compliance with the requirements set forth in the Santa Barbara County Zoning Ordinance and the County’s conditions of approval as well as the Coastal Commission’s requirements. Upon its incorporation, the City adopted the County’s Zoning Ordinance, which is in effect today and is referred to as the Coastal Zoning Ordinance. Therefore, the existing buildings comply with the current requirements as set forth in the Coastal Zoning Ordinance.

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The Bacara is located within the Coastal Zone and is zoned C-V Resort/Visitor Serving Commercial ("C-V"). In Goleta's General Plan, the Bacara has a land use designation of Visitor Serving. The Bacara is constructed on two parcels, one of which has the hotel and resort buildings and a parking lot. The other parcel is generally undeveloped, other than tennis courts, an accessory building and a publicly accessible parking lot. The developed parcel with the hotel and resort is partially flat and the remainder slopes down toward Tecolote Creek, with an approximately 85 foot change in elevation. All of the buildings are designed in a single, unified Spanish colonial architectural style.

The following is a brief summary of the major concerns regarding how the Draft Ordinance may affect the Bacara:

1. Height. The Bacara is located in the C-V Resort/Visitor Serving Commercial ("C-V") zone. The height limit for structures in the C-V zone is presently 35 feet, and certain features and structures, including chimneys, elevator and stair housings, spires, and similar architectural features and structures, may be up to 50 feet in height. (Coastal Zoning Ordinance Section 35-127(1).) Under the Draft Ordinance, the C-V zone is renamed the Visitor Serving Commercial ("VS") zone and the height limit for structures in the Coastal Zone will remain at 35 feet. However, the permissible height of structures such as chimneys, elevator and stair housings, and architectural features will be reduced or eliminated. For example, chimneys and decorative features will be limited to 20% of the structure height, elevator and stair towers will be limited to 10 feet, and architectural features and projections have been eliminated. (Draft Ordinance Section 17.24.080) As a result, the maximum height of the Bacara buildings under the Draft Ordinance will be less than the currently allowed 50-foot limit and many of the Bacara buildings may exceed the new height limit.

2. Measurement of Height. Further, the Draft Ordinance changes the method of measuring building height. Under the current Coastal Zoning Ordinance, the height is measured from the building's average finished grade to the mean height of the highest gable of a pitched roof. (Coastal Zoning Ordinance Section 35-58, definition of Building Height.) The Draft Ordinance changes the method to an absolute height limit measured from grade to the top of the building. For buildings on lots sloped less than 10 percent, the height will be measured from the average elevation of the highest and lowest point where exterior walls touch the existing grade of the site prior to development to the topmost point of the roof. For buildings on lots with an average slope of 10 percent or more, building height will be measured as the greatest vertical distance from a line established between the highest and lowest points where the exterior walls touch the existing or finished grade, whichever is lower. (Draft Ordinance Section 17.03.100(B)(1) and (2).) As a result of this change, many of the Bacara's buildings may be rendered legal nonconforming as to height.



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In addition, the Draft Ordinance's measurement method will be difficult to implement at the Bacara, which has numerous buildings located on a single parcel that ranges from flat to slopes of more 10 percent. The Draft Ordinance does not explain how to determine the "average slope" for a parcel as large and varied in terrain as the Bacara. For any individual building, compliance with the height restrictions will vary considerably depending on whether the building is on flat or sloped ground.

3. Legal Nonconforming Buildings. If the Bacara buildings are rendered legal nonconforming, the Bacara is very concerned about its ability to reconstruct any building that is substantially damaged or destroyed. The Bacara will wish to restore any damaged building to its original condition as quickly as possible in order to return the building to use and to minimize disruption of its operations. Under the Draft Zoning Ordinance, if the cost of repair or reconstruction exceeds 75% of the replacement cost of the damaged building, it may not be restored unless the Planning Commission approves a Conditional Use Permit and the building satisfies all of the standards in effect at the time of the damage. (Draft Ordinance Section 17.36.050(D).) The requirement of the Conditional Use Permit and the application of new standards will be time consuming and burdensome.

4. Parking. The Draft Ordinance proposes to significantly increase parking requirements for hotels from the current requirement of one space per guest room and one space per five employees (Coastal Zoning Ordinance Section 35-110), to one space per guest room and one space per employee (Draft Ordinance Section 17.38.040(A)(2)). The Draft Ordinance would result in a five-fold increase in the number of parking spaces for employees. Because the peak employee count can be high at certain times, the new parking requirement will likely render the Bacara legal nonconforming as to parking. The Bacara's current parking capacity has adequately served the property's parking demands during the entire period of its operation, and there is no basis for increasing the amount of parking required for the hotel. Rather, the increasing use of ridesharing services such as Uber and Lyft, and availability of other alternatives to cars, such as shuttles, indicates that the parking requirements could actually be reduced, since not every guest room or employee uses a car that requires parking upon the premises.

5. Permitted Uses. Finally, all of the current uses at the Bacara should continue to be permitted uses in the new Zoning Ordinance. As presently written, the Draft Ordinance allows "Hotels and Motels" as a permitted use in the VS zone and it lists most of the current uses at the Bacara. However, certain present uses such as weddings, wine tasting rooms, spas, swimming pools and fitness centers are not specifically mentioned and we would want those uses to be included in the definition.

**PAUL**  
**HASTINGS**

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In conclusion, the Bacara was designed to fit on a challenging site and to create a unique experience with the highest architectural standards. Because of the Bacara's uniqueness, we feel it is appropriate to protect it from certain new rules that are intended to apply on a general basis across the City and that could have negative consequences to the Bacara. There are a number of different ways to address the issues noted above, and we would like the opportunity to meet with you to discuss possible solutions to these issues in the near future. We appreciate your consideration of Bacara's concerns and this request and we would like to discuss this with you further. Please let me know when would be convenient for you.

Sincerely yours,

A handwritten signature in blue ink that reads "Mitch Menzer". The signature is written in a cursive, flowing style.

Mitchell B. Menzer  
Of Paul Hastings LLP

cc: Mr. Lorcan Drew