

SANTA BARBARA COUNTY BOARD AGENDA LETTER



Clerk of the Board of Supervisors
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TO: Board of Supervisors

FROM: Dianne Meester, Assistant Director
Planning & Development

STAFF CONTACT: Laura Bridley, Contract Planner III (966-7260)
Steve Goggia, Supervising Planner (x2067)

SUBJECT: Hearing on the appeals of the:

(A) Montecito Planning Commission's Approval of the Four Seasons Biltmore Hotel & Coral Casino Historic Rehabilitation Plan Development Plan Revision, Case No. 03DVP-00000-00002 by the Coral Casino Preservation Committee [Appeal Case No. 05APL-00000-00007], the Coral Casino Members Committee [Appeal Case No. 05APL-00000-00009], and James O. Kahan and Jacqueline G. Roston [Appeal Case No. 05APL-00000-00010]; and

(B) Historic Landmark Advisory Commission's approval of the the Four Seasons Biltmore Hotel & 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 O. Kahan and Jacqueline G. Roston [Appeal Case No. 05APL-00000-00012], located at 1260 and 1281 Channel Drive, Montecito Community Plan area, First Supervisorial District

Recommendations:

That the Board of Supervisors deny 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, and

uphold the Historic Landmark Advisory Commission's May 16, 2005 approval of the Rehabilitation Plan.

The Board of Supervisors' action should include the following:

- 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, provided in Attachment A of this Board Letter,
- 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, provided in Attachment D of this Board Letter,
- 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 (provided in Attachment F of this Board Letter),
- 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 (provided in Attachment G of this Board Letter),
- 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 (provided in Attachment H of this Board Letter),
- 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 (provided in Attachment I of this Board Letter),
- H. Grant a *de novo* approval of Development Plan 03DVP-00000-00002, based on Board findings and conditions of approval (provided in Attachment C of this Board Letter),
- I. 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 this Board

Letter).

Refer back to staff if the Board takes other than the recommended action for appropriate findings and conditions.

Alignment with Board Strategic Plan:

The recommendation is primarily aligned with actions required by law or by routine business necessity.

Executive Summary and Discussion:

1. PERMITTING HISTORY

On May 5, 2005 the Montecito Planning Commission approved with conditions the Four Seasons Biltmore Hotel and Coral Casino Historic Rehabilitation Plan, 03DVP-00000-00002, and certified the project Environmental Impact Report (EIR), 04EIR-00000-00006. On May 16, 2005, the County HLAC approved the Coral Casino Rehabilitation Plan, adopting separate findings and applying separate conditions on its approval of alterations to the Coral Casino. These two meetings concluded a public hearing process summarized below.

- December 3, 2002: Upon recommendation from County Historic Landmarks Advisory Commission, Board of Supervisors designates Coral Casino a County Landmark per Resolution 02-438
- June 2003: Development Plan Revision (03DVP-00000-00002) application deemed complete
- November 20, 2003: County P&D held a scoping hearing for public input on issues to be analyzed in EIR
- January 12, 2004: County prepares Notice of Preparation and sends to Trustee and Responsible Agencies per CEQA
- January 26, 2004: Montecito Board of Architectural Review comments on project.
- September 1, 2004: Draft EIR finished and released for public review.
- September 13, 2004: Montecito Board of Architectural Review comments on project
- September 18, 2004: Public hearing held by P&D to receive public comment on Draft EIR
- October 11, 2004: County Historic Landmarks Advisory Commission discussed Draft EIR
- October 18, 2004: Close of public comment period, during which 57 comment letters were received.
- April 1, 2005: Final EIR released to public (provided in Attachment B)
- April 11, 2005: County Historic Landmarks Advisory Commission reviews project to provide comments to Montecito Planning Commission
- April 12, 2005: The Montecito Association meets to discuss proposed FEIR, conceptually comment on project (but staff report not yet released)
- April 20, 2005: First hearing by Montecito Planning Commission; continued to special meeting of April 27, 2005

- April 27, 2005: Second Montecito Planning Commission hearing; continued to special meeting of May 5, 2005
- May 5, 2005: Third and final Montecito Planning Commission hearing; project approved with findings and conditions
- May 9, 2005: County Historic Landmarks Advisory Commission reviews project; continues to special meeting of May 16, 2005
- May 16, 2005: County Historic Landmarks Advisory Commission reviews project and approves with findings and conditions.

The Board of Supervisors received three timely filed appeals of the Montecito Planning Commission action. The Board of Supervisors also received three timely filed appeals of the Historic Landmarks Advisory Commission action. On May 12, 2005, the Coral Casino Preservation Committee filed its appeal of the Montecito Planning Commission action, and on May 26th filed its appeal of the HLAC action. On May 16, 2005, the Coral Casino Members Committee filed its appeals of both commissions' actions, but subsequently withdrew both appeals on June 7. On May 16, 2005, James O. Kahan and Jacqueline Roston filed their appeals of the Montecito Planning Commission action, and on May 26th filed their appeal of the HLAC action. All six appeals have been consolidated for consideration by the Board. At the time this Board letter was being written attempts to arrange facilitation were ongoing.

2. PROJECT DESCRIPTION

The Coral Casino Historic Rehabilitation Plan (HRP) approved through the revised Development Plan 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 square feet, and convert an additional 2,054 existing but currently unused square feet 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 areas 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.

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 access to the public as well as Biltmore hotel guests and Coral Casino members. Landscaping, pool deck and paving treatment changes are also proposed as part of the HRP, as more fully described in Section 5.4 the April 20, 2005 Montecito Planning Commission staff report.

Operationally, the revised Development Plan continues to limit use of the Coral Casino to club members and guests of the Biltmore Hotel (see condition 22 of Attachment C and D). It also includes conditions that maintain the same number of Coral Casino members (600 permanent members), same number of seasonal members (50), and specifies use of the proposed restaurant for club members, hotel guests, and guests of hotel guests only (see condition 22 c). The revised Development Plan also recognizes reciprocal club usage, allowing up to 120 members from reciprocal clubs to access the facilities (see condition 22.b.3). To offset the only newly proposed uses (reciprocal club usage and use of the restaurant by guests of Hotel guests), 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 on the Biltmore campus.

The Montecito Planning Commission's action was based on the findings and conditions set forth in the staff report for the April 20 MPC hearing (see Attachment J), the P&D staff memo for the April 27 MPC hearing (Attachment K), baseline information summarized in the EIR and transmitted as information to the MPC separately on April 27 (see Attachment L) and the P&D staff memorandum for the May 5, 2005 MPC hearing (Attachment M). The Montecito Planning Commission's findings were based on evidence contained in the complete record before it.

Similarly, the County Historic Landmarks Advisory Commission's action was based on findings and conditions set forth in the Planning and Development memorandums for the May 9 (see Attachment N) and May 16, 2005 (see Attachment O) hearings. The Historic Landmarks Advisory Commission's findings were based on evidence contained in the complete record before it, resulting in the HLAC Action Letter (see Attachment E).

A copy of the record has been lodged with the Clerk of the Board.

3. APPEALS

This section provides a summary of each appellant's contentions on appeal and also provides staff's response to those contentions.

A. **CORAL CASINO PRESERVATION COMMITTEE APPEAL OF MPC ACTION (05APL-00000-00007 – ATTACHMENT F)**

ISSUE 1: The Coral Casino Preservation Committee (CCPC) contends that the Montecito Planning Commission's approval violates Montecito Community Plan (MCP), Policies CR-M-1.2 and CR-M-2.1. This contention is based on the CCPC's interpretation of those policies.

- (A) The appellant alleges three ways in which the project does not comply with the following policy:

MCP 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. Historic Use: First, the appellant contends that the historic use of the Coral Casino has been as “a private beach club”, and alleges that conditions in the revised Development Plan will not limit the use of the Coral Casino by Biltmore Hotel guests.

Staff Response: The existing Development Plan (98-DP-031AM01, also reprinted on pages 14-22 of the FEIR) covers both the Coral Casino and Biltmore properties. Condition 1 of this Development Plan describes the Coral Casino as a “private beach and cabana club”. Condition 17 (b) and 17(c) further clarifies allowable use of the Coral Casino as follows:

- “17 b: Guest membership shall be limited to
- a) 600 – permanent members
 - b) 50 – seasonal members, for guests of the Biltmore

17 c: Regular use of the facility shall be limited to club members, their guests, and Biltmore Hotel guests only. Outside groups may use the facility for special functions.”

The appellant has indicated that she interprets condition 17 (b) to restrict Biltmore Hotel guests to not more than 50 per day. However, the applicant has indicated that the Hotel and Club operators have assumed that condition 17 (b) applies to long term seasonal guests of the Biltmore Hotel, a tradition dating back to the hotel’s early days of accommodating guests on a long term basis during winter months. This tradition relates to the fact that the Coral Casino was built as an amenity for the Biltmore Hotel guests. This fact is documented by early permits for the structure, the project EIR discussion of the site history (page 115) based on the applicant’s historic structure reports as confirmed by the County’s architectural historian consultant. County P&D staff has concurred with this interpretation.

Further, the existing condition 17 (c) of the Biltmore and Coral Casino’s current Development Plan does not restrict the number of hotel guests on a daily, or any other, basis. As such, staff does not concur that the revised Development Plan would reduce limitations on use of the Coral Casino by Biltmore Hotel guests, since no limitation exist today.

Various speakers at the Montecito Planning Commission’s three hearings acknowledged that the Coral Casino members had to share the club with guests of the Biltmore Hotel under current operations, and acknowledged the Club as an amenity for the Hotel. Condition 17 (c) has been replaced with Condition 22 in the

Development Plan Revision approved by the MPC (see Attachment D), as well as the recommended conditions of approval by the Board (Attachment C).

Overall, the use of the Club's facilities by guests staying at the Biltmore Hotel, and by outside groups for limited special functions, does not alter or impair the historic and continued characterization of the club as a "private beach and cabana club". In fact, this condition of approval on the Biltmore Development Plan (and its predecessor Conditional Use Permit) was already in effect with the Montecito Community Plan Policy CR-M-1.1 was written. Based on this historical use, and the retention of this condition in the updated Development Plan, the project's approval does comply with MCP Policy CR-M-1.2.

- ii. Architectural Integrity: The appellant alleges that the project will not protect and enhance the architectural integrity of the Coral Casino since the project EIR identified a Class I, (significant and unavoidable), "impact on the building and does not conform to the *Secretary of Interior's Standards for Rehabilitation...*"

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.

- iii. Height of existing structures: The appellant contends that the second part of Policy CR-M-1.2 prohibits the project's addition of the restaurant to the second floor, and the replacement of an existing sundeck and covered cabanas. The portion of Policy CR-M-1.2 cited by appellant states: "*Any renovations or new development on*

this [the Coral Casino] property shall be constructed at heights that do not exceed the height of existing structures.”

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 ½“, 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.

- (B) The appellant alleges that the project does not comply with MCP policy CR-M-2.1, which states:

Policy CR-M-2.1: *Significant cultural, archaeological and historic resources in the Montecito area shall be protected and preserved to the extent feasible.*

Specifically, the appellant contends that the Coral Casino landmark can be better protected and preserved through the adoption of a feasible alternative project.

Staff Response: The feasibility of alternatives is addressed in this appellant’s Issue #2, discussed below.

ISSUE 2: Appellant alleges that there is no substantial evidence that the Environmentally Superior Alternatives are infeasible.

The appellant cites a definition of feasibility 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.” The appellant also suggests that the Montecito Planning Commission did not seriously consider the Environmentally Superior Alternative.

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 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.

ISSUE 3: Appellant alleges that the Statement of Findings and Overriding Considerations are not supported by evidence.

The appellant repeats the point about feasibility of Alternatives, and this has been addressed in Issue 2, above. The appeal claims that no evidence exists to support the statement of overriding considerations, and states that “the enhanced private view from the proposed restaurant does not create any benefit that would outweigh the unmitigated impacts to historic resources, especially since the impact to resources would not exist if the restaurant were located on the first floor.”

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

ISSUE 4: Appellant alleges that the setback modification is not supported by substantial evidence.

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 galley 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).

ISSUE 5: Appellant alleges that the project is inconsistent with Article II, section 35-65 (preservation of cultural sites if possible) and Section 35-174.7 (adverse impacts must be mitigated to the maximum extent feasible).

Staff Response: The Coral Casino Historic Rehabilitation Plan preserves the historical landmark on site, and approval of the Development Plan revision allowing this Plan is based on full disclosure of all environmental impacts and policy and ordinance consistency contained in the project EIR and staff reports provided in Attachments B, J, K, L, M, N, and O. Condition 35, and 39-43 identify mitigation measures to facilitate such preservation and mitigate adverse impacts identified in the EIR.

ISSUE 6: The Appellant alleges that the EIR is inadequate because it fails to identify all impacts, including the creation of a second entrance door and other impacts set forth in correspondence to the Commissions.

Staff Response: The project proposes to use an existing emergency exit door located at the base of the tower, as a new entrance for Biltmore Hotel guests and their guests to the second story restaurant. This planned use is acknowledged on page 68 (Section 5.1.3, Impact Assessment – Aesthetics) and page 127 (Section 5.7.3.E, Impact Assessment - Historic Resources) of the proposed final EIR. The County’s architectural historian consultant, San Buenaventura Research Associates, has opined that because the door exists today, is not planned to be altered per the project plans, there is no impact that can be identified simply as a result of the use of the door. The HLAC and MPC agreed.

The “other impacts” to which the appellant refers in this item are unidentified, and therefore can not be responded to based on such vague citations.

B. JAMES O. KAHAN AND JACQUELINE ROSTON APPEAL OF MPC APPROVAL (05APL-00000-00010 – ATTACHMENT H)

Note: These appellants base their appeal on their appeal letter, which repeats some points made in Mr. Kahan’s letters of April 13, April 15, April 20, or May 9, all of which pre-date the decisions of the Montecito Planning Commission and HLAC, and which are attached to the appeal letter for reference. The staff responses below only address the allegations made in the appeal letter, and do not separately address matters raised in Mr. Kahan’s other letters to the extent they differ from those raised by the appeal letter.

ISSUE 1: Appellants allege that the modifications granted by the project approval are prohibited by State Planning Law.

The appellants list a number of Government Code citations related to granting of variances, and notes that “it does not make any difference if it is called a variance, modification, deviation, reduction, waiver or anything else.”

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:

1. *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.*
2. *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.

Please also see the response to Issue number 4 of the CCPC Appeal, above for further analysis.

ISSUE 2&3: The Appellants allege that the necessary facts do not exist to justify the grant of a variance for this project; and that the easterly elevation of the Coral Casino is not minor.

Staff Response: As noted in the April 27 staff memo, in 1937, the County granted a variance to allow the Coral Casino to be located within the required front yard setback. Please also see the response to Issue number 4 of the CCPC Appeal, above; the modifications are not variances; they have separate findings and distinct purposes and intents. The eastern elevation where the alley is proposed to be altered is addressed in the EIR Section 5.7.3 D, which notes that this area is not considered a character defining elevation, and has been previously altered. Therefore, work in this area was not identified in the EIR as having an impact.

ISSUE 4: The Appellants allege that Article II prohibits enlargements to buildings with non-conforming uses.

Staff Response: The appellant notes that the staff report does not address the Coral Casino as a building with a non-conforming *use*. This is because the Coral Casino currently conforms to its Coastal Zoning designation, C-V, or Resort-Visitor Serving. Therefore the Coral Casino and Biltmore are conforming to their land use designations in Article II.

ISSUE 5: The Appellants allege that the project is inconsistent with the Montecito Community Plan (Goal CR-M-1.1 and CR-M-1.2).

Staff Response: See response to Appellant A (CCPC), Issue 1.

ISSUE 6: The Appellants allege that the County's failure to comply with state requirements for conflicts of interest should invalidate approvals.

Staff Response: The County complied with all state law requirements for conflicts of interest. The County has promulgated a "Single Comprehensive Conflict of Interest Code" which lists those positions that are considered "designated employees" as that phrase is used in Government Code §82019. Government Code §82019 states in pertinent part:

(a) "Designated employee" means any officer, employee, member, or consultant of any agency whose position with the agency:

...

(3) Is designated in a Conflict of Interest Code because the position entails the making or participation in the making of decisions which may foreseeably have a material effect on any financial interest.

The County has not designated Planning and Development's independently hired consultants, such as those hired to work on the Coral Casino project and associated EIR (Laura M. Bridley and San Buenaventura Research Associates), as employees who are subject to the County's Single Conflict of Interest Code and who must file original statements of economic interest with the Elections Division of the Clerk-Recorder's Office. By not listing consultants as designated employees, the County predetermined that their position does not "entail the making or participation in the making of decisions which may foreseeably have a material effect on any financial interest." Similarly, members of the County Historic Landmarks Advisory Commission are not designated in the County's Single Conflict of Interest Code and did not file original statements of economic interest. The failure to file original statements, if such filing were found necessary, is a separate issue unrelated to the Board's action on the project.

The County's October 2003 Request for Proposal for architectural historian services specifically asked for disclosure by bidding firms of any professional relationship with the applicant, their agents or related parties within the previous year. San Buenaventura Research Associates proposal indicated that it had no economic interest with the applicant or his agents and representatives. The County's contract planner, Laura Bridley, also stated at the May 9, 2005 HLAC hearing that she had no economic interest related to the Biltmore and Coral Casino projects, nor any other applications filed by the applicant or team members.

Additionally, prior to taking action on the project HLAC Commissioners considered the appellants allegations of potential Commissioner conflicts and appearance of bias and determined that no conflict or appearance of bias existed. In particular, no Commissioner possesses any financial interest in the project whatsoever. For the foregoing reasons, there has been no failure to comply with state conflict of interest requirements.

C. Coral Casino Preservation Committee Appeal of HLAC action (05APL-00000-00011) – Attachment G)

ISSUE 1: Appellants allege that the HLAC action approving with conditions the Coral Casino project does not “preserve and protect” the landmark, and therefore fails to meet the purpose and intent of Chapter 18A.

Staff Response: The Historic Landmarks Advisory Commission approved the Coral Casino Historic Rehabilitation Plan with conditions pursuant to Board Resolution No.02-438 and Chapter 18A. The HLAC supported its approval of the project with conditions on its finding that that it would conform with Resolution No.02-438 and the purpose of Chapter 18A. The purpose of Chapter 18A is stated below:

The purpose of this chapter 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 background of the county. (Ch. 18A, §18A-1)

See Attachment C (Board Findings) and Attachment E (HLAC Findings) to this Board Letter for HLAC’s specific findings approving the project and imposing conditions. The HLAC’s decision on the project and findings in support thereof are based on the complete record before it, including the proposed Final EIR, staff memorandums, presentations from the applicant, and extensive public testimony and written submissions.

Neither Resolution No. 02-438, nor Chapter 18A require that a project conform to the Secretary of the Interior’s *Standards*. HLAC’s Bylaws permit the HLAC to consider Secretary’s *Standards* when reviewing projects pursuant to Chapter 18A, but do not mandate that the HLAC apply the federal standards to projects affecting County landmarks. The Coral Casino is not a federally designated landmark. The Bylaws state in pertinent part:

The Commission may deny, approve, or approve with modifications a proposed project, consistent with the terms of the designating resolution and County Code, Chapter 18A. In considering whether to deny, approve, or approve with modifications a proposed project, the Commission may consider the U.S. Department of the Interior’s Standards for Rehabilitation and the latest version of the California Historical Building Code (Title 24 California Code of Regulations Part 8.). (HLAC Bylaws, VII.2.)

Separate from HLAC's review of the Project under Chapter 18A of the County Code is the environmental review of the project conducted pursuant to the California Environmental Quality Act (CEQA). In the CEQA context, if a project fully conforms to the Secretary of the Interior's Standards, then there is a presumption that significant effects of the project have been mitigated. Thus, where a project does not fully conform to the Secretary's Standards, that project will be considered as having a "Class I" unmitigated impact.

Neither County Code Chapter 18A, nor HLAC's Bylaws, prohibit the approval of a project with Class I impacts. Furthermore, CEQA does not prohibit the approval of a project with a Class I impact, when statements of overriding consideration are made. In the present case, in accordance with CEQA, the HLAC reviewed the project EIR, and considered the identification of a Class I impact on historic resources. On balance and based on the record before it, the HLAC determined that the benefits of the Project outweighed the identified Class I impact. In so doing, the HLAC adopted its statement of overriding considerations for the project, included in its Findings 1.7.1 through 1.7.6 (see Attachment E). The HLAC adopted findings in support of its statement of overriding consideration, and acknowledged that the Historic Rehabilitation Plan preserved and protected the Coral Casino as a historic resource, notwithstanding the identification of a Class I impact in this issue area. The HLAC's Findings, along with those from the MPC, are the basis of the recommended Findings for the Board of Supervisors' Findings, provided in Attachment C.

ISSUE 2: Appellants allege that HLAC failed to impose reasonable conditions or to analyze and/or adopt reasonable alternatives to the project.

Staff Response: The conditions imposed by HLAC were reasonable because they were based on the Commission's careful review of many historical analyses before it, as well as extensive public testimony and solutions identified by the applicant as a result of commissioners' concerns. The conditions imposed were necessary to ensure that the project conformed to the purpose and requirements of Chapter 18A and Resolution No. 02-438. The HLAC found all alternatives analyzed in the EIR to be infeasible. The HLAC's determination of infeasibility was supported by the findings, which were supported by the evidence in the full record. Alternative design schemes deemed infeasible did not provide one of the primary project objectives, a second story ocean view restaurant, and also did not avoid with certainty unknown impacts to the building, based on the conceptual design concepts reviewed. The suggested lack of evidence regarding the feasibility of alternatives to the project has been previously addressed in this Board Letter (see Section 3, Appeal A, Issue 2 and its response).

ISSUE 3: Appellants allege that the HLAC failed to meet CEQA Requirements. (Note: this allegation is made in appellant's May 16, 2005 letter submitted to HLAC prior to its action on the project. Appellants attach their prior May 16, 2005 letter to HLAC to their appeal letter, and the staff responses 3.a-3.d below therefore address points raised in Appellants' May 16 letter.

3.a: Protection of Historic Landmarks: Specifically, the appellant's May 16 letter to HLAC appears to allege that that the HLAC's action on the Project was arbitrary and capricious.

Staff Response: The Appellant's appeal letter does not elaborate on or provide facts in support of this allegation. The HLAC's final action was not arbitrary or capricious because it was based on adequate findings which were based on evidence contained in the record before HLAC (see Attachment E, the HLAC's Notice of Final Action letter). In particular, HLAC imposed specific conditions of approval, which were based in part on the mitigation measures identified in the EIR, as well as conditions based in part on those imposed separately by the Montecito Planning Commission.

Overall, in making its decision, the HLAC received and carefully reviewed the entire record, including the project EIR, applicant's submissions, and staff memoranda, and held extensive public hearings and received numerous public comment and written submissions, and made all required findings in support of its action. For the above reasons, HLAC's action was not arbitrary or capricious.

3.b: HLAC did not Carry Out CEQA Mandates: Appellants appear to allege that HLAC did not comply with CEQA mandates for responsible agencies.

Staff Response: Appellants do not elaborate or provide evidence in support of this allegation. HLAC was treated as a responsible agency for purposes of compliance with the California Environmental Quality Act. Consequently, HLAC followed the process contained in CEQA Guidelines section 15096 for responsible agencies. In particular, HLAC Finding 1.3.1 acknowledges the Class I impact identified on historic resources, and Findings 1.5.2 a-c identify mitigation measure designed to minimize related impacts.

3.c: HLAC's rejection of alternatives based on findings of infeasibility.

Staff Response: Alternatives were rejected by the HLAC primarily because they did not meet one of the Applicant's four primary project objectives: provision of a second story ocean view restaurant. See response to Appeal by CCPC of MPC action, Issue 2 and Response, above.

3.d: Project does not comply with the *Secretary of Interiors Standards for Rehabilitation.* The appellants allege that the HLAC did not comply with the Secretary's Standards, and for that reason should be rejected.

Staff Response: As stated previously, it is undisputed that the Project does not comply with the Secretary's Standards for the reasons stated in the EIR. This non-compliance is reflected in the EIR's determination of a Class I impact on the historic resource. However, the existence of this Class I impact does not require denial of the Project under CEQA, County Code Chapter 18A, Resolution No. 02-438, or HLAC's Bylaws.

The appellant lists in detail a number of criteria and how the appellant(s) believe the project does not comply with these Standards. Again, the project EIR addresses the project's compliance with the *Secretary's Standards* in detail, and notes that certain

elements of the project do not comply with these guidelines (see page 132-135 of EIR). The interpretation of compliance with the *Secretary's Standards* has varied between experts and interested parties, and was addressed in detail in the staff memorandum to the MPC on April 27 (page 2-3 of Attachment L). Portions of the project that were not deemed to comply with the *Standards* as analyzed in the EIR were elements that contributed to the finding of a Class I impact on historic resources. Therefore, whether all project elements comply, or only a portion of the project complies with these Standards, the resulting Class I impact finding would not change.

The recommended Board Findings, Finding 1.4.1, also acknowledges the lack of complete compliance with the *Secretary's Standards*, while Findings 1.5.7 acknowledges that construction of other project elements are not character defining features, and therefore are considered mitigable.

D. James O. Kahan and Jacqueline Roston Appeal of HLAC approval (05APL-00000-00012 – Attachment I)

ISSUE 1: Appellants allege that HLAC's approval of the project was inconsistent with County Code Chapter 18A.

Staff Response: Please see response to Appeal by Coral Casino Preservation Committee of HLAC action, item C above, Issue and Response #1.

ISSUE 2-4: Appellants appear to allege that that HLAC's approval violates CEQA because the alternatives analyzed in the EIR were not demonstrated to be infeasible, and because the adopted statement of overriding considerations did not justify project approval.

Staff Response: These issues are addressed above in the CCPC Appeal of the Montecito Planning Commission approval, in issues 2, 3 and 6.

ISSUE 5: Appellants allege that the addition of an entrance to the tower door detracts from the major entrance designed for Coral Casino.

Staff Response: An existing door in the tower, currently functioning as an emergency exit door, is proposed to be used as an entry for Biltmore Hotel guests and their guests to access the second story restaurant. The EIR concludes that because the door exists today, and no design changes are proposed in the project plans, there is no impact associated with it from a historical resource perspective. The HLAC reviewed this issue extensively, and included condition 10 specifically addressing the design of this door. The existing main entrance for the Coral Casino serving members, their guests, and Biltmore Hotel guests using facilities other than the second floor restaurant, would remain as the primary entrance.

ISSUE 6: Appellants allege that the project will alter spaces that previously contained the original restaurant columns.

Staff Response: The proposed restaurant addition could cause structural alterations to this interior space. However, the banquet room, former bar and grill area, and other first floor areas had already lost a great deal of historic fabric during a 1988-89 renovation by prior owners. This prior alteration was noted in the EIR, and formed a basis for determining that much of the presumed interior work would not alter original historic fabric. Additionally, interior portions of the Coral Casino are not landmarked separately

ISSUE 7: The Appellants allege that the present roof over the banquet room is not a roof that was designed by Gardner Dailey.

Staff Response: Whether or not the present roof over the banquet room was or was not designed by Gardner Daily, does not affect the approval or denial of the Project.

ISSUE 8: The Appellants allege that the easterly elevation of the Coral Casino is not minor.

Staff Response: The EIR preparers, the MBAR, the HLAC, and the MPC all disagree with Appellants opinion and characterization of the easterly elevation of the Coral Casino as “not minor”. This is based primarily on the fact that the design of that façade did not provide a prominent public display, primarily served several ‘back of house’ or operational functions (laundry area, equipment access, members’ storage areas), and was therefore not considered a character defining feature of the building.

ISSUE 9: The project is inconsistent with the MCP policy CR-M-1.1 and CR-M-1.2.

Staff Response: Please see discussion under Coral Casino Preservation Committee Appeal (Item 3.a. above), Issue 1.

ISSUES 10-11: Failure to comply with conflict of interest code invalidates project approvals. The Appellants allege that the County’s failure to comply with state requirements for conflicts of interest should invalidate approvals. Appellant also alleges that the appearance of other, unspecified conflicts of interest have “tainted” the Project’s approval.

Staff Response: See response to same appellants’ arguments concerning the MPC action, as discussed above under Appeal B (MPC), Issue 6.

ISSUE 12: The Appellants allege that the County did not comply with the Appellants’ Public Records Act requests related to this project, and that based on this alleged failure, the Project should be denied.

Staff Response: The County fully complied with each and every Public Records Act request made by Mr. Kahan. Planning and Development staff provided hard copy files related to the project site in October 2004 and March 2005. Mr. Kahan was also directed to find older permit records related to the project site within the P&D microfiche system at that time.

A Note on Procedure

Should your Board uphold the decision of the Montecito Planning Commission and Historic Landmarks Advisory Commission and approve the project on a *de novo* basis, then the Attachment C to this Board Letter contains all of the Findings, CEQA Findings and Conditions of Approval required to finalize such action. Should your Board decide to take any action other than upholding the decision of the Montecito Planning Commission and Historic Landmarks Advisory Commission, staff will request additional time to draft revised Findings, Exemption and Conditions of Approval to reflect the action proposed by your Board.

Mandates and Service Levels:

Section 35-182.3.1 of Article II (the Coastal Zoning Ordinance) of Chapter 35 of the County Code provides that the decisions of the Planning Commission may be appealed to the Board of Supervisors. Chapter 18A, section 18A-7 of the County Code provides that the decisions of the Historic Landmarks Advisory Commission may be appealed to the Board of Supervisors.

Pursuant to Government Code Sections 65355 and 65090, a notice shall be published in at least one newspaper of general circulation.

Pursuant to Government Code Section 65091, mailed notice required to property owners within 300 feet of the project, including the real property owners, project applicant and local agencies expected to provide essential services, shall be done at least 10 days prior to the hearing.

Fiscal and Facilities Impacts:

This project is located within the state-designated Appeals Jurisdiction of the Coastal Zone; therefore, the California Coastal Commission retains appeal authority over discretionary projects within this geographic area. The County does not charge a fee for appeals within the coastal zone per the Planning & Development Department fee schedule (Resolution No. 04-060, adopted by the Board of Supervisors on March 15, 2004). The cost of processing this appeal is budgeted in the Permitting and Compliance program of the Development Review South Division on page D-290.

Special Instructions:

Clerk of the Board shall forward a copy of the Minute Order to Planning & Development, Hearing Support Section, Attention: Cintia Mendoza.

Concurrence: None

Attachments:

- A. Coral Casino Members Committee Letter dated June 7, 2005, withdrawing Appeals 05APL-00000-00008 and 05APL-00000-00009

- B. Proposed Final EIR (04EIR-00000-00006) for the Four Seasons Biltmore & Coral Casino Historic Rehabilitation Plan Development Plan Revision (under separate cover), April, 2005
- C. Board of Supervisors Findings, based on Montecito Planning Commission approval
- D. Montecito Planning Commission Action Letter dated May 18, 2005
- E. Historic Landmarks Advisory Commission Action Letter dated May 25, 2005
- F. Coral Casino Preservation Committee Appeal (case 05APL-00000-00007), filed May 12, 2005, of the Montecito Planning Commission's approval
- G. Coral Casino Preservation Committee Appeal (case 05APL-00000-00011), filed May 26, 2005, of the Historic Landmarks Advisory Commission's approval
- H. James O. Kahan and Jacqueline Roston Appeal (case 05APL-00000-00010, filed May 16, 2005, of the Montecito Planning Commission approval
- I. James O. Kahan and Jacqueline Roston Appeal (case 05APL-00000-00012), filed May 26, 2005, of the Historic Landmarks Advisory Commission's approval
- J. Staff Report to Montecito Planning Commission dated April 11, 2005
- K. Staff Memorandum to the Montecito Planning Commission dated April 27, 2005
- L. Baseline Data of Coral Casino Use, transmitted under separate cover to MPC for April 27, 2004 hearing, and summarized in EIR section 3.0
- M. Staff Memorandum to the Montecito Planning Commission dated May 5, 2005
- N. Staff Memorandum to the Historic Landmarks Advisory Commission dated May 6, 2005
- O. Staff Memorandum to the Historic Landmarks Advisory Commission dated May 11, 2005.
- P. Public Comment Letters

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 judgement 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 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 to 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. 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.

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. 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, this alternative 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 screed 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 indicate seating areas and shall be reviewed and approved by P&D prior to any approval of a Coastal Development Permit.

MONITORING: Permit Compliance 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 13 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)