

ATTACHMENT 2

PROJECT SPECIFIC CONDITIONS

Case No. 10AMD-00000-00010 amending 07RVP-00000-00009

1. This Amendment (10AMD-00000-00010) to Development Plan (07RVP-00000-00009) is based upon and limited to compliance with the project description, the hearing exhibits marked Board of Supervisors Exhibits 1-9, dated March 15, 2011 and conditions of approval set forth below. This amended Final Development Plan shall supersede past approvals including: 78-CP-77, 99-DP-001, 99-DP-001 AM01, and 02AMD-00000-00007 for the Miramar site. Project conditions associated with the amended Conditional Use Permits for hotel development within the Transportation Corridor zone district (11AMD-00000-00002), for construction of a 10-foot soundwall (11AMD-00000-00003), for construction of four new employee dwellings (11AMD-00000-00004), and for repairs to an existing seawall (11AMD-00000-00005) have been incorporated into these conditions of approval. 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.

The project description is as follows:

Development Plan (Approved Caruso Plan)

Caruso BSC Miramar LLC is requesting an Amendment to their Development Plan, Case No. 07RVP-00000-00009, to reduce the scope of the project.

The approved project consists of the following components:

- Construction of a new Ballroom over subterranean parking. Portions of the parking garage would be covered by an event lawn, with a new motor court and access ramp to underground parking;
- Construction of a new lobby and administration building on South Jameson Lane;
- Construction of three new restaurants, one on the second floor above the lobby, one near the pool, and the third as a new beach bar/snack house;
- Creation of a central lawn area in front of the Main Building lobby and Main Building guestrooms;
- Creation of additional open space by vacating the north-south segment of Miramar Avenue, and connecting the site via internal meandering paths resulting in additional new landscape areas throughout the site;
- Construction of a new spa and fitness building and treatment rooms for use by guests of the hotel and members of the public and one new building for exclusive use by the Beach and Tennis Club members;
- Increased beach club membership from 140 to 300;
- Construction of two new tennis courts for use by hotel guests and beach club members;
- Removal of all the existing guestroom buildings;
- Construction of a maximum of 192 new guestrooms located in 25 guest room buildings and cottages throughout the site;
- A restored beach boardwalk;
- Sixty-eight new public parking spaces along Eucalyptus and South Jameson to improve public beach access to existing public access points;

- New public access routes along the fire lane on the Miramar property and along the private road between the proposed Main Building and Ballroom;
- Construction of a 10-foot sound barrier along South Jameson Lane west of the main entrance drive;
- Construction of two new swimming pools to replace the two pools that previously existed on the site;
- Landscaping plan would include the removal and relocation of numerous trees and new planting of both native and non-native species throughout the site;
- Four affordable on-site hotel employee housing units;
- Increased number, duration, and attendance of beach events (e.g., weddings) from 12 beach events per year, for a maximum of 50 people for 30 minutes to 30 beach events per year, for a maximum of 100 people for 60 minutes; and
- A request for modifications to the height, parking, and setback requirements of the County’s Coastal Zoning Ordinance.

The proposed amended project includes the following changes:

- Elimination of the stand-alone Ballroom building on the eastern portion of the site. The Ballroom function and space has been consolidated into the Main Building;
- Reduction in number of hotel rooms from 192 to 186;
- Conversion of the 2-story poolside guestroom building to a one-story restaurant building and relocation to the east side of the main pool;
- Elimination of a restaurant from Main Building, consolidating it into the Poolside restaurant (total number of hotel restaurant seats remains the same as approved project);
- Elimination of the previously approved tennis courts;
- Reduction in the maximum number of guests allowed on-site for events from 600 to 500;
- Consolidation of the retail village into the Main Building and overall reduction in the amount of retail space on site;
- Reduction in the number of parking spaces on site from 551 to 494;
- Creation of a surface parking lot on the eastern portion of the site containing 207 parking spaces. The parking lot would be constructed with permeable surfaces and would be broken up into smaller sections by landscaping so it is not one continuous parking field. Surface parking lot would also be built near existing grade approximately six feet lower than the adjacent public roadway, South Jameson Lane, to minimize visual impacts. The project continues to include one level of underground parking with 247 stalls;
- Elimination of the need for three height modifications throughout the site. i.e., for the approved beach club building, poolside restaurant, ballroom (height modification to the Main Building remains the same as under the approved project);
- Increased amount of open space and permeable surfaces on site; and
- Approximately 25 percent reduction in the amount of fill to be imported to the site.

COMPARISON OF PROPOSED AMENDMENT TO THE APPROVED CARUSO PLAN

The table below provides a comparison of the approved Caruso Plan and the proposed amended Caruso Plan. As with the approved project, the proposed amended project includes 102 total employees onsite at any one time.

Table 2-1
Comparison of the Approved Caruso Plan and the Proposed Amended Caruso Plan

Project Component	Approved Caruso Plan	Proposed Amended Caruso Plan
STRUCTURAL DEVELOPMENT (EXCLUDING PAVING) (NET FLOOR AREAS IN SQUARE FEET [SF])		
Ballroom	13,590 SF	Amended Ballroom Net Floor Area Included Below in Main Building (Approved building eliminated and employee dwellings relocated to first floor of Lanai Building No. 44)
Main Building/Restaurant	26,756 SF	38,010 <u>34,745</u> (incorporating Ballroom function (13,590 SF) and hotel administration offices, eliminated formal dining)
Pool Bar/Restaurant	809 SF	6,485 <u>4,394</u> SF (consolidates all hotel formal dining)
Beach Bar	Square footage included in Oceanfront Building 02	643 SF
Spa	7,270 SF	7,003 SF
Beach Club	1,482 SF	3,206 SF (Approved building eliminated, now occupying Beachfront OF3)
Retail	4,978 SF (5 buildings)	3,952 SF (now included with Main Building)
Guestrooms	109,964 SF	111,276 SF
Misc. Buildings	None	None
Total Net Floor Area¹	164,849 SF	170,575 <u>165,219</u> SF
Total Net Lot Area	686,977 SF (15.77 acres)	Same as approved Plan
Floor Area Ratio (FAR)	0.2399	0.248 <u>0.2405</u>
Existing Net Floor Area	97,382 SF (diner, lobby, convention center already demolished)	Same as approved Plan
Net Floor Area to be Demolished	97,382 SF	Same as approved Plan
New Net Floor Area to be Constructed (not counting renovation of existing structures)	164,849 SF	170,575 <u>165,219</u> SF

¹ Net Floor Area – Includes interior occupied areas only (no garage parking) minus all circulation areas & mechanical shafts.

Project Component	Approved Caruso Plan	Proposed Amended Caruso Plan
Total Gross Interior Floor Area ²	385,286 SF	263,114 <u>258,860</u> SF
Height modifications requested	46.0' height of Main Building 26.0' height of Beach and Tennis Club building located on 10-feet of fill or greater	Same as approved Plan <u>No longer needed as Beach & Tennis Club building has been eliminated</u>
Setback modifications requested	<u>West:</u> All guestrooms encroach approx. 35' into the 50' setback from the property line; Spa encroaches approx. 10' into the 50' setback from the centerline of Eucalyptus <u>East:</u> All setbacks are met <u>North:</u> Main Bldg. encroaches approx. 10' into 20' setback from the right-of-way & 20' into 50' setback from the centerline of South Jameson; <u>South:</u> Guestrooms along east-west segment of Miramar Avenue encroach up to 20' into the 20' setback from the property line and 30' into the 50' setback from the centerline of Miramar Ave.; Oceanfront guestrooms encroach <10' into the 10' setback from the UPRR property line.	Same as approved project <u>with the exception of the Restaurant which now requires a setback modification for a 10' encroachment into the 10' setback from the UPRR property line.</u>
PARKING SUPPLY		
Public		
South side of South Jameson	58	Same as approved Plan
North side of South Jameson	16*	Same as approved Plan
North-south segment of Miramar Avenue	0	Same as approved Plan
Eucalyptus Lane	10	Same as approved Plan
Total	68 (84-16 in "No Parking" zone = 68 legitimate public parking spaces)	Same as approved Plan
For Hotel		
Parking structure	511	247
Onsite	40	247
Overflow on tennis courts	28	0
Total	551 + 28 overflow spaces	494 (No overflow spaces provided due

² Gross Interior Area – Includes all interior areas only, occupied or unoccupied, measured from the interior face of the exterior walls Exclusive of the vent shafts.

Project Component	Approved Caruso Plan	Proposed Amended Caruso Plan
		to removal of the tennis courts)
PARKING DEMAND Spaces Required by Ordinance		
Hotels/Motels		
1 space per guest room	192	186
1 space per 5 employees	7 (35 employees)	11 (55 employees)
Restaurant		
1 space per 300 SF of patron space (indoor + outdoor)	6 (270 SF net indoors + 1461 SF outdoors=1,731 SF)	18 (2,9382,161 SF net indoors + 2,2493,000 SF outdoors) = <u>5,1875,161</u>
1 space per 2 employees	10 (20 employees)	21 (42 employees)
Beach bar		
1 space per 300 SF of patron space (indoor + outdoor)	2 (108 SF net indoors + 361 SF outdoors = 469 SF)	3 (252 SF net indoors + 494 SF outdoors = 745 SF)
1 space per 2 employees	2 (3 employees)	Same as approved Plan
Spa facility		
1 space per 300 SF of gross area	35 (10,546 SF gross)	24 (7,003 SF gross)
Tennis Courts (1.5 per court)	3 (2 courts)	eliminated
Assembly space (for events + library)		
1 space per 30 SF of assembly space	282 (8,467 SF, no library proposed)	302 (9,087 SF, Ballroom, Pre-function & Boardroom)
Employee Dwellings		
1 per each dwelling unit (for one-bedroom units)	4	Same as approved Plan
Restaurant in Main Building		
1 space per 300 SF of patron space (indoor + outdoor)	16 (3,965 SF net indoors + 947 SF outdoors = 4,912 SF)	eliminated
1 space per 2 employees	21 (42 employees)	eliminated (consolidated into restaurant adjacent to pool)
Beach Club		
1 space per 30 SF of assembly space	49 (1,482 SF)	53 (1,603 SF)
Retail		
1 space per 500 SF of gross	10	8

Project Component	Approved Caruso Plan	Proposed Amended Caruso Plan
floor area	(4,978 SF)	(3,952 SF)
Total no. of required spaces	639	632
No. of spaces short of ordinance requirements	88 (not counting overflow parking)	138
SITE IMPROVEMENTS		
Utilities replaced	Replace sewer, water, & electrical lines	Same as approved Plan
Repairs to seawall proposed	Yes	Same as approved Plan
Lighting	Night lighting of the boardwalk.	Night lighting of the boardwalk & parking lot
Tree removal or relocation	Removed: 40 non-natives Relocated: 3 sycamores, 9 oaks, & 41 non-natives Total: 12 natives & 81 non-natives	Same as approved Plan
Landscaping (acres)	5.33	5.52
Paving (acres)	5.79 (1.78 acres asphalt + 4.01 acres of hardscape such as pathways)	5.81 (Including 1.2 acres of permeable pavement)
Grading	36,300 cy of cut; 46,100 cy of fill; & 10,000 cy of import	26,000 cy of cut; 33,500 cy of fill; & 7,500 cy of import
Duration of construction	18 to 22 months	18 to 20 months
No. of truck trips	1,000 (over a haul period of 12 to 21 days) + truck trips for equipment delivery etc. during entire duration of construction	750 (over a haul period of 9 to 16 days) + truck trips for equipment delivery etc. during entire duration of construction
No. of construction workers	250	Same as approved Plan
OPERATION		
No. of guestrooms (“keys”)	192	186
No. of employees (full time, part-time, temporary & permanent)	102 (approximate no. of employees on site at any given time)	Same as approved Plan
No. of employee dwellings	4	Same as approved Plan
Assembly area for events (SF) (Ballroom)	8,467 SF	9,087
No. of assembly seats (indoors and outdoors)	600	500
No. of onsite events	Beach events count towards the size limit of 500 for one event	Beach events count towards the size limit of 500 for one event. (600 person events have been eliminated)
No. of beach events	30 weddings on the beach per year of 100 people for 60 minutes (beach events now count towards the size limits events instead of being in addition to these events)	Same as approved plan

Project Component	Approved Caruso Plan	Proposed Amended Caruso Plan
Event hours	7 am to 1 am (outdoor activities to conclude by 10:30 pm)	Same as approved Plan
Total no. of restaurant seats (indoors)	258	Same as approved Plan
Hours of operation of restaurant	6:30 am to 11 pm (bar closes at 2 am)	Same as approved Plan
Hours of operation of beach bar/snack house	9:30 am to 12 am (midnight)	Same as approved Plan
Beach Club membership	300	Same as approved Plan
Spa use by non-guests	15 non-guests/day	Same as approved Plan
Hours of operation of spa	9 am to 9 pm	Same as approved Plan
Public access through Miramar to the beach	Dedicated public access easements to east-west segment of Miramar Avenue and ultimately to the beach at the end of Eucalyptus Lane to offset the abandonment of the north-south segment of Miramar Avenue, and on the private road through the property to the beach bar opening to the beach.	Same as approved Plan
Public access signs	“No Trespassing” signs removed; new signs installed on the boundaries of the Miramar property and dedicated public access easements along the fire access lane directing the public to the beach, and along the private road through the property directing the public to the beach through the beach bar area.	Same as approved plan

Below is a summary of the proposed amended project’s structural development, site improvements, and operations.

PROPOSED STRUCTURAL DEVELOPMENT

The proposed amended project would involve the demolition of all existing structures on the property and the addition of 263,111 gross square feet (170,575 net square feet) of structural development, excluding paved areas. Table 2-1 below summarizes the square footages of the proposed new buildings along with their maximum height (as measured from existing grade).

Pursuant to Section 35-203 of Article II of the County Code, Coastal Zoning Ordinance, in the Montecito Community Plan Overlay District, the maximum floor area ratio (FAR) for projects in the C-V, Resort/Visitor Serving Commercial zone is 0.25. The proposed amended project would result in 170,575 square feet of net floor area for an FAR of 0.2483 (see Table 2-2 below). While Table 2-1 shows project statistics for the proposed amended project, a more detailed comparative summary showing the statistics for both the approved and proposed amended projects is included with Table 2-5 below.

Table 2-2
Project Statistics – Structural Development for the Proposed Amended Project

Building Name	Building No. on Plans	No. of Stories	Max. Height above Existing Grade (ft.)	No. of Guest-rooms	Gross Interior Area ³ (SF)	Net Floor Area ⁴ (used for FAR) (SF)	Gross Exterior Area ⁵ (SF)	Total Site Coverage ⁶ (SF)
Main Building and Ballroom	1	2	46'	57	139,381	66,046 62,781	13,749	51,622
Spa	31	2	26.2'	0	7,003	7,003	7,397	14,572
Retail – R1			27.67		3,952	3,952	0	4,352
Retail – R2	removed							
Retail – R3	removed							
Retail – R4	removed							
Retail – R5	removed							
Lanai 9 – L9	44	2	31.5'	48	32,599	24,755	10,203	23,359
Lanai 1 – L1	11	2	31.5'	6	5,528	3,614	1,059	3,473
Pool Bar/ Restaurant	9	21	33.5 29'		8,090 4,394	6,485 4,394	6,145 4,680	9,438
Cottage – C3Alt	43	1	17.3'	3	4,158 (2,088 for fitness)	3,748	1,397	5,985
Cottage – C3	42	1	17.8'	6	4,158	3,748	1,397	5,985
Cottage 3 – C3	32	1	17.5'	6	4,158	3,748	1,397	5,985
Cottage 3 – C3	34	1	17.5'	6	4,158	3,748	1,397	5,985
Cottage 3 – C3	40	1	17.8'	6	4,158	3,748	1,397	5,985
Cottage 3 – C3	41	1	17.3'	6	4,158	3,748	1,397	5,985
Cottage 4 – C4	36	1	19'	4	3,036	2,844	552	3,965
Cottage 4 – C4	37	1	17.5'	4	3,036	2,844	552	3,965
Bungalow 1 – B1	33	1	17.1'	1	929	811	100	1,245
Bungalow 1 – B1	35	1	17'	1	929	811	100	1,245

³ Gross Interior Area – Includes all interior areas only, occupied or unoccupied, measured from the interior face of the exterior walls Exclusive of the vent shafts.

⁴ Net Floor Area – Includes interior occupied areas only (no garage parking) minus all circulation areas & mechanical shafts.

⁵ Gross Exterior Area – Exterior areas that are covered for weather protection with hard canopies or extended soffits.

⁶ Site Coverage – Area that is covered by the building footprint (to exterior face of exterior walls) plus any Exterior Gross Areas & uncovered patios.

Bungalow 2 – B4	15	1	18.5'	4	2,762	2,762	776	3,625
Bungalow 2 – B4	16	1	17.5'	4	2,762	2,762	776	3,625
Bungalow 2 – B4	18	1	18'	4	2,762	2,762	776	3,625
Oceanfront West – O1	2	2	24.0'	6	6,364	5,478	2,822	5,738
Oceanfront East - O2	3	2	24.0'	14	13,863	11,309	4,788	11,120
Beach Club	4	2	24.0'		3,656	3,206		1,950
TOTAL				186	263,111	170,575	58,177	183,386

Proposed Architectural Style (Same as Approved Project)

The proposed architectural style for the project shall be described as “Cottage Type Hotel” as defined⁷:

A "Cottage-Type" hotel is a collection of one and two story- structures that vary in size and orientation. Placement and scale of buildings should be in a garden type setting with large canopy trees. Site should be pedestrian friendly.

"Cottage-Type" hotel buildings refer to a quaint architectural style and can be California Cottage and Bungalow or an architectural style reflecting the historical regional California coast. Architectural vernacular should incorporate low-sloped roofs with gables and/or hips, residentially scaled plate heights, overhangs and eaves; casement, double-hung or fixed windows or French doors with divided lights, porches and/or trellis; exterior walls of masonry, plaster, stone and/or wood siding (or other simulated materials).

The Miramar, as it existed in 1992 when the Montecito Community Plan was adopted, along with the Biltmore and the San Ysidro Ranch are the resort visitor-serving hotels in Montecito upon which the existing “Cottage Type Hotel” tradition was based. Both the Biltmore and the then Miramar include both large structures for congregation (restaurants, conference rooms, etc.) with attached guestrooms, and smaller buildings or cottages housing additional guest rooms. Consistent with the historic template of Montecito’s resort visitor serving hotels and similar to the approved project, the proposed amended project includes large structures for congregation (lobby, restaurant, spa), two-story lanai guest room buildings and single story cottage structures with six or fewer keys. Of the total number of 18 structures devoted to guest rooms, 13 are single story cottages with six or fewer rooms and 2 are two story cottages with six or fewer rooms. Of the total number of 186 guest rooms, 61 are located in the cottages. This compares to the approved project where of the total number of 25 structures devoted to guest rooms, 19 are single story cottages with six or fewer rooms and 2 are two story cottages with six or fewer rooms. Of the total number of 192 guest rooms, 74 are located in the cottages in the approved project.

⁷ During the August 28, 2008 hearing, the MPC directed the applicant to return to the MPC for further discussion to ensure the proposed project be consistent with the above “Cottage Style Hotel” definition, including colors, materials and style prior to returning to the MBAR for preliminary approval.

The architectural style of the proposed amended project has not been updated or refined from the approved project. As directed by the Montecito Planning Commission, the applicant would return to the Commission where a discussion would be held to ensure the project is consistent with the definition of “Cottage Type Hotel” as it applies to the Miramar project. The MBAR would not grant the project preliminary approval until the MPC is satisfied the project meets the refined definition.

Generous open spaces are located throughout the project site along with a variety of experiences and building types that reinforce the outdoor temperate lifestyle encouraged by the design. As with the approved project, guestrooms would be located in one-story cottages, two-story lanais, and oceanfront buildings with panoramic window lines, expansive patios and balconies. Awnings, drapes and landscaped trellises would add detail and shade to the outdoor environment.

Ballroom

Under the approved project, the Ballroom was located within a separate, standalone building. In the proposed amended project, the Ballroom building would be eliminated and the Ballroom function would be incorporated into the Main Building. The Ballroom area within the Main Building is intended to be used for events of various sizes. It would be for use both by resort guests and the public. Vehicles would arrive at the Ballroom via the Main Building motor court where cars would be valet parked. Access to the Ballroom is through the Main Building lobby. As with the approved project, the Ballroom can accommodate one large event, or could be subdivided with moveable partitions to accommodate up to three different events simultaneously. A separate Board Room for smaller events, breakout sessions and/or meetings is located within the Main Building near the Ballroom.

Large perimeter hallways would provide adequate circulation for either one large event or three concurrent events. The Ballroom would accommodate a maximum of 500 people under the proposed amended project, a reduction from the 600 included in the approved project.

Affordable Employee Housing

As part of the proposed amended project, four affordable employee housing units would be provided on the ground floor in the northeast corner of the lanai building (building no. 44). They have been moved from their approved location in the approved standalone. As with the approved project, the affordable employee housing units would be rented to moderate income (120% AMI) full-time employees. Income eligibility for affordable rental units would be determined by the County or its designee.

Main Building

Since the Ballroom has been consolidated into the Main Building structure, there is no longer a separate entrance or driveway for the Ballroom and all guests of the hotel would arrive at the Main Building motor court. The first floor of the Main Building includes the lobby and check-in area, a lounge, a pre-function area for the ballroom, a board room for use by members of the community or hotel guests for meetings, and the hotel executive offices. The second floor of the Main Building houses the hotel administrative offices. In the approved project the second floor of the Main Building included a restaurant which has now been moved to the Poolside Restaurant building.

An extension of the Main Building guestrooms has been added as part of the amended project to replace the rooms that were eliminated by the deletion of the two-story guest room building immediately west of the pool (Building No. 9 with 14 guestrooms) in the approved project. There are 18 guest rooms in the new guest room extension and 57 guestrooms total in the Main Building as

compared with the approved project which had 28 guest rooms in the Main Building. By adding more rooms to the Main Building structure and consolidating the retail village in the approved project into a single building north of the Main Building motor court in the proposed amended project, more open space is created within the hotel property.

Poolside Bar/Restaurant, Fine Dining and Beach Bar/Snack House

The 2one-story poolside restaurant included with the proposed amended project replaces a previously approved 2-story guestroom building in the approved project (Building No. 9). However, rather than locating the restaurant building on the west side of the pool as was Building No. 9 under the approved project, the amended project would locate the The new restaurant building would remain located directly west-east of the main pool. The ground floor restaurant would include separate areas that host both casual family dining and fine dining. would be casual in nature and designed to have interior and exterior seating. The second floor would house the fine dining restaurant.

Similar to the approved project, a beach bar would be located between the two Oceanfront guestroom buildings in the proposed amended project; it would have patio seating only and include food storage and preparation areas. Unlike the approved project which attached the beach bar to Oceanfront building OF2, the approved project sites the beach bar in the middle of the opening between the two of the Oceanfront buildings OF1 and OF2. The beach bar would be limited to 9 feet in height above the boardwalk surface and has been designed with low roof forms to create architectural diversity with respect to the oceanfront units and to allow for ocean views through the Miramar site. Views from the beach into the property and from the property to the beach would be more obstructed when compared to the approved project due to placing the beach bar in the middle of the opening between OF1 and OF2.

As with the approved project, the total indoor and outdoor seating capacity in the two restaurants and the beach bar/snack house would remain at 258 seats under the proposed amended project.

Spa

As with the approved project, a new spa facility would be constructed in the northwestern portion of the site along South Jameson Lane under the proposed amended project. The spa would include new treatment rooms, men's and women's locker rooms, and relaxation gardens in a one level structure oriented around a courtyard. The building would be located in the northwest corner of the site in close proximity to a second pool (spa pool) on the property. In addition to guest use, there would be allowance for 15 non-guest users per day as was included in the approved project.

Differing from the approved project, fitness facilities have been moved from the spa and are now part of a guestroom building next to the spa in the northeast corner of the property (Building No. 43 at 2,088 square feet on the proposed amended site plan).

Beach Club

The proposed amended project includes a two-story clubhouse building for the Beach Club. The clubhouse would be for the use of Beach Club members only and would include lockers, a sauna and steam rooms, and a lounge area. In the approved project the clubhouse was located in a free-standing building on the eastern portion of the property. This building (which required a height modification) has been eliminated. The proposed amended clubhouse building replaces the Presidential Suite in the approved project and would be located in the easternmost oceanfront location.

As with the approved project, the Beach Club would be limited to a maximum membership of 300. Members would be allowed to bring family and guests. Since most families would travel to the Beach Club in one car, it would not be anticipated that club members would have a significant impact on traffic or parking during normal days. As with the approved project, on days that the surrounding beach area is anticipated to be busy (i.e. Mother's Day, Memorial Day, July 4th, Labor Day), the hotel would issue parking passes in advance to club members for parking in the private Miramar surface parking lot. The passes would need to be displayed and each membership would be limited to one pass each on the busiest days, thus limiting each membership to one car. This policy would be enforced by Condition No. 52 requiring the applicant to monitor such parking and provide P&D with annual reports. The Beach Club building would be exclusively for beach club members, their families and guests (consistent with above). These provisions were included with the approved project and would continue to apply to the proposed amended project.

Hotel Retail Building

The Main Building would include a small retail boutique within the west wing on the north side of the Main Building parking court featuring convenience type products and services for hotel guests in the location where the administrative buildings were located in the approved project. The number of retail buildings has been reduced from five individual buildings in the approved project to one in the amended plan and overall square footage of the retail space has also been reduced from 5,485 square feet to 3,952 square feet.

As with the approved project, this incidental retail would be geared to satisfy the needs of the hotel guests but could also be a resource to the public for browsing, services and gift item purchases. Examples of possible retail uses include apparel, beach recreation (i.e., beach towels, hats, beach chairs, boogie boards, etc.), magazines and newspapers, candy, sunglasses, specialty food sales (i.e., bakery goods, ice cream, coffee), jewelry, art, gifts, visitor information, gourmet grocery items, and wine, among others. Uses would not include open alcohol sales, fast food meals, dry cleaners, post office, parcel services, or a bank.

New Guestrooms

The approved project includes 192 guestrooms while the amended project has been reduced to 186 guestrooms. As with the approved project, seven types of guestroom buildings are proposed under the amended project: Lanai buildings, Cottages, Bungalows, Oceanfront buildings, and guestrooms attached to the Main Building (as summarized in Table 2-1 above). The Lanai buildings, one 6-key cottage building, Oceanfront buildings, and guestrooms attached to the Main Building would be two-story buildings. All others would be one-story buildings.

Sound Barrier (Same as Approved Project)

As with the approved project, a sound barrier is proposed along South Jameson Lane west of the main entrance drive to reduce noise from the freeway in exterior spaces under the proposed amended project. Along South Jameson Lane, this sound barrier would consist of an approximately 10-foot high (as measured from the South Jameson Lane grade) sound wall with landscaping on both sides, as well as architectural features that would enhance the visual appearance of the wall.

Boardwalk and Seawall Repairs (Same as Approved Project)

An existing timber and concrete seawall retains the soil supporting most of the existing oceanfront units (the existing oceanfront units are not supported by deep foundations). Under the approved and proposed

amended project, the new oceanfront units would be supported on deep foundations (approximately 128 driven piles) to comply with requirements in the Coastal High Hazard Zone, however, compacted soil would be placed beneath the foundations between the piles to further protect the structure from collapsing in the event of lateral earth movement during an earthquake. The existing seawall would be retained to support the soil beneath the piles. Many of the timber piles supporting the existing seawall are damaged and may need to be replaced under the approved and proposed amended project (with new driven piles); construction of this element of the project is anticipated to last 13 days. In addition, new shotcrete (concrete mixture used to strengthen existing vertical surfaces) would be installed on the face of the seawall to further strengthen it from wave forces. No changes have been made to the structural components of the Boardwalk and seawall under the proposed amended project.

The existing easternmost oceanfront unit (proposed Beach Club) is not protected by the seawall, but rather by a timber bulkhead located further seaward than the seawall. No repairs are proposed for the bulkhead.

A 2 x10 foot plank timber boardwalk is framed off the face of the seawall, approximately 9.8 feet above existing grade (sand). The boardwalk is supported by timber piles, 10 x12 foot beams, and 2 x14 foot joists. In addition, a stairway leads to the beach off the boardwalk. Due to extensive wood rot, the deck of the boardwalk would be replaced under the proposed amended project as was contemplated under the approved project. However, the existing piles and the existing beach stairway would be retained.

There is no anticipated need for construction equipment to be parked on the beach, though hoses, cables, etc. may go down onto the beach (i.e., shotcrete application to the seawall) during construction activities.

Additional Fences and Walls

Table 2-2 summarizes the proposed site walls and their heights under the proposed amended project. Note the 10-foot soundwall along Jameson Lane is discussed separately above.

Table 2-3
Project Statistics – Site Walls

Wall Location	Maximum Height of Wall (above existing grade) (ft.)
Between the spa and South Jameson (Section I on Sheet C-2, the preliminary grading and drainage plan)	6'
In the northwest corner of the property by the spa (Section J on Sheet C-2, the preliminary grading and drainage plan)	5'
Along the western property line between All Saints by the Sea (Section B on Sheet C-2, the preliminary grading and drainage plan)	2.9'
Along the western property line between All Saints by the Sea (Section A on Sheet C-2, the preliminary grading and drainage plan)	4.4'
Between the Restaurant and Bar and the residential parcel owned by Miramar to the west (Section C on Sheet C-2, the preliminary grading and drainage plan)	1.8'
On eastern side of parking lot, eastern side of the property (Section G on Sheet C-2, the preliminary grading and drainage plan)	3.2' (reduced from approximately 10-foot retaining wall in the approved project)

Retaining wall between the easternmost guestrooms on the Main Building and the entrance road (Section E, on Sheet C-2, preliminary grading and drainage plan)	8.4'
Retaining wall between the Oceanfront units and the new fire access road and railroad tracks to the north (Section H on Sheet C-2, preliminary grading and drainage plan)	8.4'

Modifications

Section 35-174.8 of Article II, Coastal Zoning Ordinance, stipulates that the decision-maker for a Development Plan (e.g., 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 decision-maker finds that the project justifies such modifications.” The applicant proposes modifications to height limits, setbacks, and parking requirements.

Height Modifications

The height limit in the C-V zone is 35 feet above existing grade, or 38 feet with roof pitches that are 4 in 12 or greater. Unlike the approved project where three buildings required height modifications, all proposed new buildings would meet this height restriction except for the Main Building, where the maximum height is proposed at 46 feet. The height of the Main Building is unchanged from the approved project. ~~Whereas the approved project required an additional height modification for the previous Beach & Tennis Club building built over 10’ of fill. However, the amended plan eliminates the Beach & Tennis Club building and therefore, eliminates the need for this modification and replaces it with a two-story Restaurant building. Because the Restaurant building would be limited to one-story and less than 16 feet in height, no modification to height for the restaurant building would be necessary.~~

Similar to the approved project, a modification to the height limit required in Section 35-208.2(1) of the Montecito Community Plan Overlay District would be necessary for the proposed amended project because none of the 18 buildings which would contain guest rooms would be limited to 16 feet in height above existing grade under the proposed amended project. However, more than two thirds (13 buildings, or 72.2 percent) of the 18 buildings with guestrooms would be one story buildings from finished grade.

Setback Modifications

Within the subject property, there is a required 20-foot setback from the right-of-way line and a 50-foot setback from the centerline of South Jameson Lane, Eucalyptus Lane, and Miramar Avenue. In addition, there is a 50-foot setback from both the western and eastern property lines due to adjacent residentially zoned properties. Finally, there is a 20-foot setback from the northern edge of the Union Pacific Railroad easement (a rear yard setback) and a 10-foot setback from the southern edge of the Union Pacific Railroad easement (a front yard setback for an interior lot).

The proposed amended project includes the same setback modifications as the approved project with the exception of the standalone Ballroom building which has been removed from the proposed amended project. Specifically, all the guestroom buildings along the western property line would encroach 35 feet into the required 50-foot setback to the adjacent residentially zoned properties (for a setback of approximately 15 feet from the western property line); patios for Cottages C3/C3-Alt would be 8 feet from

the western property line. In addition, the two C4 cottages, two B2 cottages, and the Governor’s Suite (G1) would be located on the right-of-way line and well within the 50-foot setback from the centerline of Miramar Avenue (to be abandoned). Finally, while a previously approved setback modification for the Ballroom Building is no longer included with the project (only change between the approved and proposed amended projects with respect to setback modifications), the Spa building, Main Building, and oceanfront guestrooms all would slightly encroach into setbacks and continue to require setback modifications as well. Therefore, a modification to the setback requirements would be required for most of the buildings (see Table 2- 4 below as well for more details on encroachment into setbacks) included with the project.

Table 2-4
Setback Modifications Required for the Proposed Amended Project

<u>Location of Encroachment</u>	<u>Building Encroachment</u>	<u>Building Encroachment into Setback Area</u>
Northern property line adjacent to S. Jameson	Main Building, Spa	Approximately 10’ into the setback area (Same as Approved Project)
Western property line adjacent to Eucalyptus Lane and the Church property	Spa & Guestrooms	Between 32’ & 35’ into the 50’ setback (Same as Approved Project)
Southern property line adjacent to the east-west portion on Miramar Ave.	Guestrooms	Approximately 20’ into the setback area & on the ROW line (Same as Approved Project)
South-western portion of the hotel, which is south of Miramar Ave and north of the railroad track, adjacent to the properties at 50, 56, and 60 Miramar Avenue <u>between the Main Building and the Oceanfront Units</u>	Poolside Restaurant	Approximately 10’ into the setback area
Property line north of the Oceanfront Guestrooms and south of the UPRR.	Oceanfront Guestrooms	Approximately 10’ into the 10’ setback from the UPRR property line (Same as Approved Project)

Parking Modifications

Please see discussion in the “Parking” section below for further details about the parking proposed for the project. The approved plan included a modification to the required number of parking spaces to be provided onsite (639 required and 551 provided). The proposed amended project would also need a modification to the number of required parking spaces (632 required and 494 to be provided). The applicant has provided an updated “Shared Parking Analysis” prepared by Associated Transportation Engineers dated January 5, 2011 which provides support for this modification request. The Shared Parking Analysis is included with the staff report as Attachment K. Because the proposed amended project includes a reduction in guest rooms from 192 to 186 and a reduction in the maximum number of event attendees from 600 to 500, the analysis concludes the peak demand for parking spaces during a 500-person event would be reduced to 464 spaces under the proposed amended plan. Therefore, 494 spaces would be adequate to serve peak demands at the site.

Project	Article II Requirement	Actual Spaces Provided	Difference in Article II Requirement & Actual Spaces Provided	Peak Demand per ATE Analysis	Difference in Spaces Provided vs. Peak Demand
Approved Caruso	639	551	88	523	28
Proposed Amended Caruso	632	494	138	464	30

SITE IMPROVEMENTS

Grading, Drainage, and Utilities

Grading for the project entails excavation of the underground parking garage to be located beneath the Main Building, and re-contouring of the entire site. The eastern portion of the site will be filled in order to level the site for preparation of the surface parking lot. However, the amount of imported fill material required has been reduced in the proposed amended project to 7,500 cubic yards from the 10,000 cubic yards included with the approved project. Fill within the Oak Creek floodplain would constitute a total loss of approximately 4 acre-feet of storm water ponding volume upstream of the railroad tracks as compared to the approved project which lost 7.6 acre-feet. A total of approximately 26,000 cubic yards (cy) of cut and 33,500 cy of fill would be required for the project, which factors in the amount of over excavation and compaction required. As a result, a total of 7,500 cy of import would be required. The approved project included 36,300 cy of cut and 46,100 cy of fill.

The proposed haul period for the import of 7,500 cy of fill is proposed as follows:

Activity	Approved Project	Proposed Amended Project
Import volume	10,000 cy	7,500 cy
Truck capacity	10 cy	10 cy
Truck trips per hour	6 to 10	6 to 10
Duration of import	100 to 170 hours/12 to 21 days	75 to 125 hours/9 to 16 days

Note: It is assumed that import of fill would occur sporadically during early stages of the project

The proposed amended project involves approximately 6.10 acres of paving, (including 1.12 acres of permeable pavement), compared to 5.79 acres in the approved project (none of which was permeable). Drainage for the property would be designed following recommendations contained within the Penfield & Smith drainage study prepared for the proposed amended project.

All existing on-site storm, sanitary and water systems would be removed or properly abandoned and new systems installed per current codes. As with the approved project, the Miramar Hotel would rely exclusively on Montecito Water District service: there would be no private well use associated with the proposed amended project. Existing water facilities in the to-be-vacated northern portion of Miramar Avenue, which serves a portion of the adjacent community, would be maintained in place until a new system is activated as part of the project.

Sanitary service would be provided by Montecito Sanitary District. The project would include, but not be limited to, funding, construction and dedication to the District of a sewer lift station with an emergency backup generator and new sewer force mains. The sewer lift station and backup generator would be located in the northeastern portion of the property, and the wells for the pump station would be located consistent with MSD engineering directives. Sewer force main improvements, as deemed necessary by the District would be constructed in South Jameson Lane heading westerly to connect with existing MSD infrastructure in or near Danielson Road.

All existing overhead electrical lines would be relocated underground.

As with the approved project, the applicant proposes the use of two 100 brake horse power (bhp) boilers, two 3,000 million British thermal units (MMBTu) boilers, and a 500 kilowatt (kW) emergency generator under the proposed amended project.

Vehicular Access to the Hotel (Same as Approved Project)

Access to the site would remain the same under the proposed amended project as it was under the approved project. The site would be accessed primarily at two points along South Jameson Lane: 1) the main entrance road to the lobby; and 2) the private road that would provide access to the surface parking lot and the oceanfront rooms, and continues to provide access for the three private homes to the immediate east of the resort. The private road would be improved from its current condition. Specifically, the private road's elevation would be raised to make it consistent with the new surrounding topography, raise it above the new surface parking lot and to elevate it out of the flood plain (currently, parts of the private road sit more than five feet below the 100-year flood plain elevation). The road would be built in compliance with all required engineering standards and requirements of the Montecito Fire Protection District. The roadway edge would be attractively landscaped.

Pools and Pool Cabanas (Same as Approved Project)

As with the approved project, there would be two pools on the property under the proposed amended project, a smaller pool in the northeast corner of the property near the lanai buildings, and the main pool south of the lobby building. The smaller pool is envisioned as less populated and quiet while the main pool would be the focus of the resort's outdoor activities. Lawn area, large seating areas, the outdoor poolside restaurant, and pool cabanas would surround the main pool. The cabanas would be temporary open-air shade structures for rental use by the hotel guests.

Landscaping, Gardens, and Pathways

Approximately 5.52 acres of the Miramar Beach Resort and Bungalows site would be devoted to landscaping under the proposed amended plan, an increase from the 5.36 acres in the approved project. Many of the existing, mature landscape materials, including many varieties of specimen trees such as sycamores, eucalyptus, Camphor trees, and Canary Island Palms, would remain on the property. It is a goal of the project to save as many trees as possible, relocating as possible and replenishing the property with new trees as well. The remainder of the plant palette would consist of a combination of drought tolerant and non-drought tolerant shrub and ground cover species.

The entrance into the property would be landscaped with a variety of mature trees, providing a planting buffer along the entire frontage of South Jameson Lane. This would set the tone for the Miramar, bringing it once again, back to its destination resort setting established nearly 100 years ago. In conjunction with

the proposed sound wall, landscape improvements along South Jameson Lane would also help attenuate noise from Highway 101. The entrance drive off of South Jameson Lane would be planted with a combination of non-drought tolerant and drought tolerant plant materials. The motor court would be appropriately landscaped with decorative paving materials, potted plants, and colorful, flowering shrubs and hedges.

The experience at Miramar Beach Resort and Bungalows would primarily be a walking and strolling experience. Therefore, pathways would be added and carefully placed to appropriately accommodate hotel guests as well as take into consideration cart access to the Main Building, the oceanfront buildings as well as the lanai buildings, cottages and bungalows throughout. Decomposed granite pathways are envisioned for pedestrian use while other materials such as “turf-block” would be used for golf cart access. Pathways have been laid out to avoid disturbing any trees, but to also accommodate fire and maintenance access.

Significant landscaping would be placed within and around the newly proposed surface parking lot. The lot would be surrounded by a combination of landscaped berms, trees, bushes, and hedges to essentially hide the lot from view from hotel guests to the west, from Jameson Avenue to the north and from the residential properties to the east. Internally the parking lot would be broken up by hedges placed on islands, breaking the lot up into smaller sections.

Signs (Same as Approved Project)

A new sign would be installed on South Jameson Avenue at the entrance of the Main Building. The new fire access lane through the property (see “Public Access to the Beach and Public Use of the Site” below), would be marked with directional signs to Miramar Avenue which can be used to access the beach at the end of Eucalyptus Lane, and clearly marking the path as public access. Public beach access signs would also be located along the private road east of the Main Building directing people to the beach through the beach bar area. Finally, signs would also be installed on the exterior of the property directing people to public beach access points at the end of Eucalyptus Lane and the end of Posilipo Lane. No changes from the approved project would be made with respect to signage.

Lighting

As in the approved project, lighting is proposed on the boardwalk and the beach bar, but no lighting is proposed for the beach or sandy area. Lighting along the boardwalk would not be directed onto the sand in front of the resort or on the water. Likewise, lighting at the beach bar would be kept to a minimum and would be extinguished at 10 p.m. each evening.

The proposed amended project adds a surface parking lot in the eastern portion of the site. To prevent light spillage and to eliminate impacts to night sky lighting, lighting of the surface parking lot would be low level and shielded. The approved project did not include a surface parking lot and therefore, did not include associated night lighting of this type in this area. The proposed amended project would include lighting throughout the remainder of the property consistent with the *Concept Lighting Approach* developed for the approved project.

Fire Access Plan

A Fire Access Plan was approved for the approved project and incorporated into the site plans for the ~~current~~ proposed amended project which outlines fire access lanes and turnarounds throughout the property. The east-west segment of Miramar Avenue would be improved to 18 feet in width and a fire-

turnaround would be provided where Miramar Avenue intersects the north-south trending fire lane in the western portion of the property. Fire access points to the roof top of each building on the property would be updated and approved by the Montecito Fire Department prior to issuance of a follow-on Land Use Permit.

Solid Waste Management Plan (Same as Approved Project)

No changes would be made to the approved Solid Waste Management Plan as part of the proposed amended project. The applicant proposes to reduce the solid waste volume generated by operation of the proposed amended project by 50 percent. In order to achieve this diversion rate, the following measures would be implemented:

General Solid Waste

1. A County-designated hauler would provide individual bins within centralized enclosure/s on the property for trash and commingled recycling. Commingled recycling containers would be utilized for depositing materials such as aluminum, plastic, glass, newspapers, junk mail, bimetal cans, magazines, cereal boxes, and cardboard. Trash and recyclables would be picked up at appropriate time intervals determined by the designated waste hauler.
2. Interior spaces of each project area would be provided with storage for smaller recyclable materials such as office paper, cardboard, newspaper, glass and plastic bottles, aluminum and bimetal cans.
3. The designated waste hauler would provide the designated trash/recycling enclosures with commingled recycling containers for materials such as aluminum, plastic, glass, newspapers, junk mail, metal cans, magazines, cereal boxes, and cardboard. Recyclables would be picked up at appropriate time intervals determined by the designated waste hauler.

Gardening Waste

1. The overall project landscape design would consider the following yard waste minimization methods:
 - Trees would be selected for the appropriate size and scale to reduce pruning waste over the long-term.
 - Slow growing, drought tolerant plants would be included in the landscape plan. Drought tolerant plants require less pruning and generate less long-term pruning waste, require less water, and require less fertilizer than plants with higher water and fertilizer needs.
2. The initial landscape contractor and the subsequent landscaping maintenance crew hired by the Property Manager would be responsible for all garden waste management duties for the project area. Both contractor and maintenance crew would be informed through written and verbal information sources regarding this waste plan.
3. Woody waste would be chipped and used as mulch and/or composted on-site, to the maximum extent feasible.
4. All gardening wastes not composted/utilized as mulch on-site shall be hauled offsite by the maintenance crew.

Hazardous Waste

1. The Community Environmental Council (CEC) is a resource for information on non-toxic alternatives. Guests/visitors would be made aware that they may contact the CEC at (805) 963-0583 for additional information on non-toxic or less toxic products.
2. The CEC and University of California, Santa Barbara (UCSB) maintain a permanent facility for the collection of hazardous waste generated by residents and small businesses in the area. The owner would be made aware of this service, which includes the recycling/disposal of solvents, oils, and other chemicals, located at the UCSB Household Hazardous Waste Facility.

During construction, the applicant would employ a combination of local recycling services to reduce demolition and construction waste by 98.5 percent. Recycling of construction materials is provided locally by a number of waste collection companies, such as MarBorg Industries and BFI; Granite Construction, Lash Construction, and Santa Barbara Sand and Topsoil also offer construction waste recycling. For construction, a Solid Waste Management Plan shall be developed and implemented for each phase of construction. The Plan shall identify:

1. Estimated weight, by material type, to be discarded during construction.
2. Estimated weight, by material type, to be recycled or reused during construction.
3. Estimated number of separate bins required for recycling construction materials and cleared brush during grading and construction activities. All demolition and/or excess construction materials shall be separated on-site, as feasible, for reuse/recycling or proper disposal (e.g., separate bins for concrete and asphalt, wood, metal, drywall, and brush) and to take advantage of decreased prices for recycling these materials.
4. Prior to demolition/construction, the contractor would arrange for construction recycling service with a waste collection provider/s. Roll-off bins for the collection of recoverable construction materials would be located onsite. Materials earmarked for recycling include: wood, concrete, drywall, metal, cardboard, asphalt, soil, and land clearing debris (greenwaste). Sorting of general construction debris and materials would be done on-and off-site in coordination with recycling/waste collection provider.
5. The contractor would be referred to the following sources for recycled content, or reusable construction products:
 1. Calmax – California Materials Exchange (916) 255-2369 – a program that facilitates the reuse and recycling of business' excess products, materials, and discards through a bi-monthly publication listing such materials free of charge;
 2. California Integrated Waste Management Board (800) 553-2962 – a State agency that provides information about recycling and waste reduction.
 3. Hayward Lumber (805) 692-2113 – a local construction materials vendor that provides a wide range of recycled-content products and sustainably harvested lumber.
6. Contractor shall monitor recycling efforts and collect receipts for roll-off bins and/or construction waste recycling. All subcontractors would be informed of the recycling plan, including which materials are to be source-separated and placed in proper bins (see materials earmarked above).
7. These construction waste-recycling measures would be incorporated into the construction

specifications for the contractor.

8. Development of a Source Reduction Element (SRE) describing the recommended program(s) and the estimated reduction of the solid waste before it is created. For example, the SRE may include a description of value-engineering building techniques employed to keep excess cutoffs to a minimum (including increased spacing of joists and studs, in-line framing, reduced header sizes, and modular roof designs).

Construction Details (Same as Approved Project)

Demolition, grading, construction and landscaping are estimated to require approximately 18 to 20 months for completion with several activities likely to be occurring onsite simultaneously. It is estimated there would be up to 250 construction workers on site at any one time. Construction vehicles and equipment would be parked within the hotel site during the renovation effort; no construction-related parking would be allowed along Eucalyptus Lane, or on the east-west portion of Miramar Avenue.

As with the approved project, Torque Down 1275 pile installation would occur only in the area of the oceanfront units under the proposed amended project. Torque Down 1275 pile installation activities associated with the oceanfront units is anticipated to be performed in one phase lasting 7 days, eight hours per day (total of approximately 120-170 piles with an installation capability of approximately 25 piles per day).

No changes would be made with respect to construction details or haul routes as part of the proposed amended project. The proposed haul routes are as follows:

To Miramar from US 101

Proposed Northbound Truck Route

2. Travel northbound on US 101.
3. Exit San Ysidro off-ramp.
4. Turn left (south) at top of the off-ramp onto San Ysidro Road.
5. Turn left (east) onto South Jameson Lane.
6. Entrances to Miramar site are located on left (south side of South Jameson Lane) as follows:
 - a. Entrance onto site via vacated Miramar Avenue.
 - b. Entrance onto site via private road (between Main Building and Ballroom).

Proposed Southbound Truck Route

1. Travel southbound on US 101
2. Exit San Ysidro off-ramp.
3. Advance straight at top of off-ramp onto Jameson Lane.
4. Entrances to Miramar site are located on left (south side of South Jameson Lane) as follows:
 - a. Entrance onto site via vacated Miramar Avenue.
 - b. Entrance onto site via private road (between Main Building and Ballroom).

From Miramar to US 101

Proposed Northbound Truck Route

1. Exit the site via vacated Miramar Avenue or private road by turning left (west) onto South Jameson Lane.
2. Turn right (north) onto San Ysidro Road.

3. Cross the US 101 bridge.
4. At the stop sign, turn left (west) onto the northbound on-ramp.

Proposed Southbound Truck Route

1. Exit the site via vacated Miramar Avenue or private road.
2. Turn right (east) onto South Jameson Lane.
3. Head straight to southbound on-ramp to US 101.

PROPOSED OPERATION OF THE HOTEL

Number of Guestrooms (or “Keys”)

The proposed amended project includes a reduction in the number of guest rooms from 192 to 186 but would continue to include 4 affordable employee residences. There would be 18 guestroom buildings and of those buildings, 14 would have six guest room keys or less, while 4 would have more than six room keys.

Events

Under the proposed amended project, a number of events may be held at the hotel and the total maximum attendees at one event or several events occurring simultaneously shall be reduced from the approved project set at 600, to 500 people, individually or collectively. Normal events (“normal events”) would have an attendee limit of 500 persons. It is anticipated that 4.7 events per day on average per year would occur (no change from approved project).

The Miramar Beach Resort and Bungalows may accommodate events in the Ballroom facility, the outdoor area near the main pool, the meeting rooms in the Main Building, the beach directly in front of the hotel, or any combination thereof. Strict limits were placed on event capacity for the approved project, and those limits have been reduced in the proposed amended plan as described below:

- **Normal events:** As in the approved project, event capacity is limited to 500 people on-site at any given time. This can be one event of 500 people in the Ballroom, or an aggregate number of people at smaller events in the Ballroom, meeting rooms, and/or the beach. Events up to 500 people are referred to as “**Normal Events**” in the approved plan.
 - **Example:** 500 person event in Ballroom (outdoor/indoor) **OR** 200 person event in Ballroom + 200 people gathered in meeting rooms + 100 person beach event = 500 person “Normal Event”.
 - As with the approved project, there would be no limit on the number of “Normal Events”; however, there will be no attendee overlap between events resulting in excess of the general limit of 500 attendees. After each event, there will be a cleanup and set up period before the following event so that attendees of an event will effectively be “cleared out” before attendees to the subsequent event show up. Events will be scheduled so as to avoid overlap and ensure adherence to attendance cap.
 - **Special Events:** In the approved project, event capacity on-site was allowed to exceed 500 people up to a maximum of 600 people 12 times per year. In the proposed amended project, “Special Events” would be eliminated, thus capping the maximum number of event attendees at 500 people.

Beach Events (Same as Approved Project)

Beach events would include, but would not be limited to, wedding ceremonies, commitment ceremonies, cocktail parties, or other small gatherings in the hotel beach use area and would be limited to no more than 30 per year, no more than 60 minutes per event (excluding setup and breakdown times), and no more than 100 people (“beach events”). All beach events would be subject to the 4.7 events per day on average limitation. Beach events would be planned and scheduled in coordination with the use of the Ballroom facilities and would be managed in a fashion whereby the combined use of the Ballroom and beach use area would not exceed the maximum attendance of 500 people. No changes to “beach events” would be made under the proposed amended project.

Restaurant Use (Same as Approved Project)

Capacity for the restaurants would remain the same as permitted under the approved project. A total of 258 seats would be spread out between the two restaurants and the beach bar/snack house.

Spa Use (Same as Approved Project)

As under the approved project, a total of 15 non-guests per day are proposed to be able to use the spa facilities.

Retail Use (Same as Approved Project)

The proposed hours of the retail stores would be from 7:30 a.m. to 10:30 p.m. (No change).

Number of Employees (Same as Approved Project)

There would be approximately 102 full time, part-time, seasonal, and permanent employees on-site at any given time. The total number of people employed by the hotel would be 204. (No change)

Parking

Under the approved project, 551 parking spaces were to be provided on site; 511 spaces would have been provided in a two level underground parking deck and the rest in surface parking near the main entrance, behind the oceanfront buildings and along Miramar Avenue. Additionally, 68 public spaces were to be located along South Jameson Lane and Eucalyptus Lane. All public spaces would be labeled for “Public Use” to ensure exclusive public use and deter hotel guest use.

Parking on the hotel grounds would be shared, with a single space serving several different uses at different times during the day, also referred to as conjunctive uses. In the proposed amended project, the lower level of underground parking would be eliminated and a new surface parking lot would be created on the eastern portion of the property. The overall number of parking spaces would be reduced from 551 under the approved project to 494. Under the proposed amended project, there would be 207 spaces available in the surface parking lot, 247 in the underground parking, 17 at the oceanfront rooms, 13 in the Main Building forecourt, and 10 along Miramar Avenue. Updated parking calculations by ATE in a letter dated November 23, 2010 show that with the reduction in maximum event capacity, the 494 spaces in the proposed amended project would accommodate peak summertime demand, with an excess of 26 spaces at peak demand. A modification to the parking requirement is being requested for the proposed amended project as the proposed number of spaces is short of the ordinance requirement of 632 spaces (see Table 4 below).

The number of public parking spaces would remain the same and in the same locations and alignment in the proposed amended project as under the approved project.

As with the approved project, hotel parking would be provided by valet service only under the proposed amended project. Overnight guests would use the hotel's full valet service, dropping off and picking up their vehicles at the valet stand located at the hotel lobby and would be taken to their rooms by a golf cart or on foot. All guests would be informed that the street parking spaces along South Jameson Lane and Eucalyptus Lane are public and not available for hotel guest use. Public spaces would be labeled as such to ensure public use only. Guests staying in rooms adjacent to the ocean front rooms would have designated surface parking areas and would have the option of parking near their rooms if these spots are available.

Parking associated with Ballroom functions would occur in the parking structure and surface parking lot. The amended Miramar Parking Plan details the event scenarios (300- and 500-person events), each of which uses valet parking. Tandem parking was included in the approved project and would be retained in the proposed amended project to maximize the efficiency of the underground and surface parking lots. In the approved project, Ballroom patrons arrived at the Ballroom forecourt via the private road. With the movement of the Ballroom into the Main Building, Ballroom parking would now also be handled by valet at the main entrance. The surface parking lot would be accessed by valet parkers driving through the underground parking lot, surfacing through a driveway at the private road and then driving into the surface parking lot. Valet will not take cars out onto Jameson Avenue to reach the new surface lot.

Under the proposed amended project, 10 new parking spaces have been created along Miramar Avenue so guests of the bungalows nearest Miramar Avenue may self park their cars.

Additionally, since the Beach Club has been moved to the beachfront, some number of the existing spaces at the oceanfront may be reserved for beach club members, while most beach club guests would have their cars valet parked.

As with the approved project, under the proposed amended project, public patrons of the restaurant, spa, beach-bar or other visitors to the site would have the option of using the lobby valet service. Hotel employees would not be charged for parking.

Public Access to the Beach and Public Use of the Hotel Site (Same as Approved Project)

Under previous ownerships, the Miramar Hotel did not welcome members of the public entering the grounds or using the beach in front of the boardwalk. The approved project as well as the proposed amended project demonstrates a commitment to enhancing the public's interest in visiting the Miramar property which is one of the project objectives. No changes related to public access in the approved project would be made as part of the proposed amended project.

Public access to beaches within the vicinity of the Miramar Hotel is provided through several vertical and lateral access points. The hotel owner provides a 20-foot recorded lateral easement to the public over the hotel's full beach frontage. The southern boundary of the public lateral easement is the water's edge; as a result, the 20 foot lateral easement varies in location with the change in tide line. However, as a matter of State law, the public always maintains the right to access the beach below the mean high-tide line regardless of where the water's edge is located at any moment in time. Existing public vertical access is located at Eucalyptus Lane about 500 feet west of the Miramar stairs to the beach, as well as from Posilipo Lane, located approximately 1,500 feet to the east of the site.

The approved project provides 68 public parking spaces on Eucalyptus Lane and South Jameson Lane which would remain under the proposed amended project. The approved project includes a commitment for the dedication of two public access easements through the site, and this remains the same in the proposed amended project. These easements would provide access across the hotel property along a curving pathway (which would also serve as the fire access lane) replacing the vacated portion of Miramar Avenue and connecting to the remaining portion of Miramar Avenue for easy access to Eucalyptus Lane. Along this fire access lane, coastal access signs would be posted clearly directing people to Miramar Avenue and ultimately to the beach area (see “Signs and Lighting” above). In addition, public access to the beach would be provided down the private road between the Main Building and Ballroom through the property and toward the beach bar area where a stairway to the beach would be located as an additional way to access the beach. Legal descriptions for the proposed easements have been provided to the County.

Maintaining the privacy of hotel guests is a priority and the hotel would reserve areas and amenities for use only by its guests and members of the Beach Club (i.e., swimming pools, and the Beach Club building). However, the public would have access to much more of the property than when it was previously operated. As a commercial, visitor-serving operation, use by the public and the associated business that it generates is viewed as an integral part of the hotel operation. All of the restaurants would be available for use by the public as well as guests. There would be up to 15 non-guest reservations per day available at the spa, and the small retail area at the front of the property would be available for public use.

Under the approved and proposed amended projects, the public would be able to access the boardwalk and the beach bar/snackhouse directly from the beach. There would also be restrooms near the beach that would be available to the public, as well as showers available to the public adjacent to the oceanfront buildings.

Hotel Beach Use (Same as Approved Project)

No changes to hotel beach use would be made as part of the proposed amended project. On a portion of the sandy beach section of the property (“hotel beach use area”), running along the entire width of the Miramar Hotel beach frontage and to a line approximately 60 feet seaward of the existing boardwalk, subject to adjustment in accordance with the public access agreement⁸, the hotel owner would provide a number of services to its hotel guests and visitors. In the hotel beach use area, the hotel may serve limited food and beverages to hotel guests during the hours of operation of the beach bar. Food and beverage service would be available to non-guests by going to the beach bar and snack house on the boardwalk.

The hotel may place non-permanent items such as chairs, umbrellas, and other non-motorized beach-related recreation items (inflatable rafts, boogie boards, etc.) out for hotel guests within the hotel beach use area, outside of the public’s lateral access area. The non-permanent items would be removed nightly and would only be placed out in response to guest requests.

Hotel events in the hotel beach use area would include, but would not be limited to, wedding ceremonies, commitment ceremonies, cocktail parties, or other small gatherings and would be limited to no more than 30 per year, for no more than 60 minutes per event, and with no more than 100 people. During hotel

⁸ Described in a dedication by William P. Gawzner and June Outhwaite dated July 21st 1975 (Recorded October 28, 1975, Book 2591, Page 617).

events on the beach, non-permanent items such as chairs, small tents, rope barriers, and small signs may be put up immediately before the event and removed promptly afterwards. Non-amplified music would be allowed on the beach during these events, (i.e., guitars, small string trios or quartets, etc.).

During a hotel event on the beach, part of the hotel beach use area would be limited to use by the hotel. However, hotel operations would at no time infringe on the lateral public easement as described in the dedication referenced above.

The beach in front of the resort would be kept clean by hotel staff for the enjoyment of hotel guests and the public. The resort and bungalow's beach area would be kept clean throughout the day by hotel staff, and would be cleaned thoroughly each evening. No changes in beach use would occur under the proposed amended project.

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, the referenced 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 exhibits and conditions of approval hereto. All plans (such as Landscape and Tree Protection Plans) shall be implemented as approved by the County.

2. Compliance with Departmental letters required as follows:

- a. Air Pollution Control District dated February 3, 2011
- b. Environmental Health Services dated May 13, 2008
- c. Fire Department dated June 13, 2008 (and supported by February 18, 2011 letter)
- d. Flood Control dated June 26, 2008 (and confirmed by February 15, 2011 letter)
- e. Road Division (Public Works) dated February 4, 2011
- f. P&D Building and Safety Letter dated April 11, 2000
- g. Project Clean Water (Public Works) dated June 22, 2007
- h. Montecito Water District dated July 29, 2008 (and confirmed by February 15, 2011 letter)
- i. Parks Department dated July 11, 2008
- j. Montecito Sanitary District dated October 2, 2008

Aesthetic/Visual Resources/Land Use

3. Landscaping shall be compatible with the character of the surroundings and the architectural style of development on the site and shall be maintained throughout the life of the project. The applicant shall submit a Landscape Plan detailing locations and types of plantings throughout the site to P&D for review and approval. **Plan Requirements:** The Landscape Plan shall include, but is not limited to:

- a. Use of drought-tolerant and/or Mediterranean-type species to the extent feasible to screen the site from surrounding land uses;
- b. Extensive landscaping of the sound barrier and pedestrian pathway along South Jameson Lane and Eucalyptus Lane;
- c. Use of landscape planters or other landscaping adjacent to all building walls, garden walls, and fences visible from a public or private street;

- d. Use of clinging vines and/or vertical planting on trash/recycle enclosure walls and any other masonry walls where appropriate, as determined by P&D;
- e. Use of appropriate species along the eastern property line, as identified in Section 4.4.3 (Biological Resources) Mitigation Measure #5 of Negative Declaration 00-ND-003, to protect Oak Creek;
- f. Specification that all landscaping shall be maintained throughout the project life and shall be inspected by P&D prior to release of the performance security required by Mitigation Measure #2 below.
- g. Extensive landscaping around the surface parking lot to hide it from view from Jameson Avenue and the southerly neighbors, as well as within the parking lot to break it up into smaller sections.

Timing: P&D and Flood Control shall approve the final Landscape Plan prior to issuance of follow-on Land Use Permits for construction of structures. P&D Permit Compliance shall inspect and photo-document installation of landscaping along the northern and eastern perimeters of the property and along the pedestrian path on Eucalyptus Lane prior to P&D sign-off on occupancy clearance for the Lobby and Banquet Hall. **MONITORING:** In addition to the specific sign-offs required above, Permit Compliance shall inspect and document maintenance of landscaping once per year for the first three years after issuance of occupancy clearance and at least once immediately prior to release of each performance bond.

4. Two performance securities shall be provided to P&D by the applicant prior to issuance of follow-on Land Use Permits for construction of any structure. One security shall be equal to the value of installation of all items listed in (a) below (labor and materials) and the other equal to the value of maintenance and/or replacement of the items listed in (b) below for three years of maintenance of the items. The amounts shall be approved by P&D. Changes to the approved Landscape Plan may require a substantial conformity determination or a modification of the Development Plan. The installation security shall be released upon satisfactory installation of all items listed below, based on a site inspection by P&D. If plants and irrigation and/or any items listed below have been established and maintained, as documented by a P&D site inspection, P&D may release the maintenance security two years after issuance of occupancy clearance. If such maintenance has not occurred, the plants or improvements shall be replaced and the security held for another year. If the applicant fails to either install or maintain according to the approved Landscape Plan, P&D may collect the security and complete work on the property.
 - a. The installation security shall guarantee compliance with installation of landscaping, including but not limited to landscaping of the sound barrier, pedestrian pathway along South Jameson Lane and Eucalyptus Lane, as described in the approved Landscape Plan and Tree Removal and Relocation Plan, prior to occupancy clearance.
 - b. The maintenance security shall guarantee maintenance of landscaping, including but not limited to landscaping of the sound barrier, pedestrian pathway along South Jameson Lane and Eucalyptus Lane, as described in the approved Landscape Plan and Tree Removal and Relocation Plan, during the first three years after issuance of occupancy clearance.

MONITORING: P&D shall inspect landscaping and improvements for compliance with approved plans prior to authorizing release of the installation and maintenance securities.

5. The design, scale, and character of the project architecture and landscaping shall be compatible with development in the vicinity and historic architectural elements of the existing development, consistent with Mitigation Measure #2, Section 4.10.3 (Historic Resources on the Final ND 00-ND-003). **Plan Requirements and Timing:** The applicant shall submit the Landscape Plan and final architectural drawings of the project for review and approval by the Montecito Board of Architectural Review prior to issuance of follow-on Land Use Permits. Such plans shall be consistent with the Montecito Architectural Guidelines and Development Standards (5/16/95) and other applicable MBAR guidelines and/or standards. **MONITORING:** P&D shall verify final MBAR approval prior to issuance of follow-on Land Use Permits. Permit Compliance shall periodically site-inspect during and after construction to ensure plan requirements are implemented.

6. All exterior night lighting identified in the *Concept Lighting Approach Plan*, dated February 26, 2008 shall be of low intensity, low glare design, and shall be fully hooded to direct light downward and/or to prevent spillover onto neighboring parcels. In respect to the surface parking lot, 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 event activities on-site any given day. The height of night-lighting shall also be minimized to reduce its visibility from off-site. The applicant shall incorporate these requirements into the *Concept Lighting Approach Plan* and include provisions for dimming lights after 10:00 p.m. except when event 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. There shall be no up-lighting of trees. Beach lighting shall only include those depicted in the *Concept Lighting Approach Plan* identified along the boardwalk and there shall be no floodlights directed towards the beach. **Plan Requirements:** The applicant shall incorporate these measures into the final Lighting Plan. The locations and heights of all exterior lighting fixtures with arrows showing the direction of light being cast by each fixture shall be depicted on the final Lighting Plan. **Timing:** The final Lighting Plan must be reviewed and approved by P&D and the Montecito BAR prior to issuance of issuance of follow-on Land Use Permits. **MONITORING:** P&D and MBAR shall review the final Lighting Plan for compliance with this measure prior to issuance of follow-on Land Use Permits. Permit Compliance shall inspect structures and landscaping upon completion and prior to occupancy clearance to ensure that exterior lighting fixtures have been installed consistent with their depiction on the approved Signage and Lighting Plan.

7. All signage identified in the *Conceptual Signage Plan*, dated February 6, 2008 shall meet the signage regulations pursuant to the County Sign Ordinance, Article One, Section 35-13 and 35-17, and the Resort/Visitor-Serving Commercial Zone District regulations contained in the County Coastal Zoning Ordinance, Article II, Section 35-81. **Plan Requirements:** The applicant shall prepare a final Signage Plan, including the elevation, sign face design, and proposed illumination of each sign for review by the P&D and the Montecito BAR. **Timing:** The final Signage Plan must be reviewed and approved by P&D and the Montecito BAR prior to issuance of follow-on Land Use Permits. **MONITORING:** P&D and Montecito BAR shall review the final Signage Plan for compliance with this measure prior to issuance of follow-on Land Use Permits. Permit Compliance shall inspect structures and landscaping upon completion to ensure that all signage has been installed consistent with their depiction on the approved Signage Plan.

Air Quality

8. Dust generated by the development activities shall be kept to a minimum with a goal of retaining dust on the site. Applicant shall follow the dust control measures listed below:
 - a. During clearing, grading, earth moving, excavation, or transportation of cut or fill materials, water trucks or sprinkler systems are to be used to prevent dust from leaving the site and to create a crust after each day's activities cease.
 - b. During construction, water trucks or sprinkler systems shall 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 later morning and after work is completed for the day and whenever wind exceeds 15 miles per hour.
 - c. Soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation.

Plan Requirements: All requirements shall be shown on grading and building plans. **Timing:** Condition shall be adhered to throughout all grading and construction periods. **MONITORING:** P&D shall ensure measures are on plans. P&D Grading and Building inspectors shall spot check; Grading and Building inspectors shall ensure compliance on-site. APCD inspectors shall respond to nuisance complaints.

9. The contractor or builder shall designate a person or persons to monitor dust generation and implement the dust control program and to order increased watering as necessary to prevent transport of dust off-site. Their duties shall include holiday and weekend periods when work may not be in progress. **Plan Requirements:** The name and telephone number of such persons shall be provided to the APCD. **Timing:** The dust monitor shall be designated prior to issuance of follow-on Land Use Permits. **MONITORING:** P&D shall contact the designated monitor as necessary to ensure compliance with dust control measures. APCD shall respond to complaints.
10. If the construction site is graded and left undeveloped for over four weeks, the applicant shall employ the following methods immediately to inhibit dust generation:
 - a. Seeding and watering to revegetate graded areas; and/or
 - b. Spreading of soil binders; and/or
 - c. Any other methods deemed appropriate by APCD and/or P&D.

Plan Requirements: These requirements shall be noted on all plans. **Timing:** Plan approvals are required prior to issuance of follow-on Land Use Permits. **MONITORING:** Grading inspectors and Permit Compliance shall perform periodic site inspections. Permit Compliance shall determine the date grading is completed for purposes of dust control measures.

11. To minimize the project's contribution to cumulative air quality impacts, the applicant shall develop a Transportation Demand Management Program. 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 shall include the following:
 - a. The hotel operator shall contact the Metropolitan Transit District (MTD) to purchase bus passes or the equivalent for hotel employees. These passes shall be provided free of charge

- to employees who request them for travel to and from work. Explicit notice of the free passes shall be provided to existing and new employees when they are hired.
- b. Notice of MTD bus routes and schedules shall be placed and maintained up-to-date in a central (public) location accessible to employees.
 - c. Male and female employees shower and locker facilities shall be provided and maintained in a restroom (the specific location is subject to the review and approval of County staff). The showers shall be available for use before, during, and after work hours. Notice of these facilities shall be provided when employees are hired.
 - d. Employees shall be made aware of the Ridesharing Program or similar successor programs administered by the Santa Barbara County Association of Governments or successor agency. The Owner and/or all employers shall have all employees registered semi-annually in the Ride-Sharing Program and shall make every effort to encourage participation in the program.
 - e. An employee lunchroom shall be provided in the hotel and shall include, at a minimum, the following amenities: refrigerator, microwave oven, sink, food preparation area, tables, and chairs.
 - f. Bicycle storage lockers shall be provided.
 - g. In the event of an emergency or work requirement which interferes with the normal transportation arrangement of any employees using mass transportation, a carpool, or a vanpool to get to work, the Owner/employer shall provide cab fare, a company car, or other means to guarantee a free ride home.
 - h. A Visitor Information Program shall be prepared and implemented. The Program shall include, but not be limited to:
 1. A means of providing train, bus, and airline schedules and maps to prospective hotel guests.
 2. A means of providing hotel guests with information on alternative transportation modes, schedules and maps, beach area and other local and regional points of interest. In addition, the hotel operator shall contact the MTD to purchase bus and/or shuttle passes or tokens for hotel guests. These passes shall be available to any guests who request them.
 3. Advertisement for and solicitation of meetings and other events which includes explanation of the County's clean air and energy reduction goals and an explanation of the benefits of using alternative transportation modes.
 - i. Free shuttle/transportation service to the airport, train depot, bus depot, etc. shall be provided to minimize the need for hotel guests to rent a car.
 - j. Bicycle rentals shall be made available to Hotel guests.
 - k. The Hotel operator shall participate in any shuttle pass program developed by the MTD and/or the County of Santa Barbara.

Plan Requirements and Timing: APCD and P&D shall review and approve the TDM Program prior to issuance of follow-on Land Use 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.

12. An Asbestos Notification Form shall be filed with the Santa Barbara County Air Pollution Control District. **Plan Requirements and Timing:** The notification form shall be filed prior to demolition. A copy of the notification shall be sent to P&D and the Director of the All Saints by the Sea pre-school at the same time it is filed with the APCD and shall include the name and telephone number of a contact person designated by the contractor and/or applicant to respond to inquiries and/or complaints. **MONITORING:** Permit Compliance and/or the APCD shall respond to complaints.

13. Construction contractors shall adhere to the following requirements during project grading and construction to reduce emissions of ozone precursors and particulate emissions from diesel exhaust, which are classified as carcinogenic by the State of California.
 - Heavy-duty diesel-powered construction equipment manufactured after 1996 (with federally mandated “clean” diesel engines) shall be utilized.
 - The engine size of construction equipment shall be the minimum practical size.
 - The number of pieces of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time.
 - Construction equipment shall be properly maintained per the manufacturer’s specifications.
 - Catalytic converters shall be installed on gasoline-powered equipment.
 - Diesel catalytic converters shall be installed.
 - Diesel-powered equipment shall be replaced by electric equipment whenever feasible, for smaller equipment.
 - Construction worker trips shall be minimized by promoting carpooling and by making onsite lunch available.
 - Low volatile organic compound (VOC) architectural coatings shall be used whenever feasible.

Plan Requirements/Timing: The applicant shall include these measures as notes on the grading and building plans that shall be reviewed and approved prior to issuance of follow-on Land Use Permits for grading or structural development. These measures shall be implemented during and after project construction as appropriate. **MONITORING:** P&D shall ensure that these measures are on the plans. Permit compliance staff shall perform periodic equipment inspections and respond to nuisance complaints.

14. The applicant shall obtain individual permits from the APCD for the proposed 500 kW emergency generator and shall consult with the APCD to determine if individual permits are required for the proposed boilers as well. **Plan Requirements/Timing:** Permits shall be obtained from APCD and copies of the permits provided to P&D prior to issuance of follow-on Land Use Permits for the project. **MONITORING:** P&D shall confirm that permits have been obtained prior to issuance of follow-on Land Use Permits for the project.

15. The following energy-conserving techniques should be incorporated into the project.
 - Installation of low NOx residential water heaters.
 - Use of natural lighting where feasible.
 - Installation of energy efficient appliances.
 - Installation of energy efficient lighting.

Plan Requirements and Timing: The applicant should incorporate the listed provisions into building and improvement plans prior to issuance of follow-on Land Use Permits.
MONITORING: Building and Safety shall site inspect to ensure development is in accordance with approved plans prior to occupancy clearance.

Biological Resources

16. A Tree Protection and Replacement Plan, prepared by a P&D-approved arborist shall be implemented. All development and potential ground disturbances shall be designed to avoid trees to the maximum extent feasible. The plan shall include but is not limited to the following components:

A. Protection During Demolition and Site Preparation

1. A pre-construction meeting shall be held prior to the commencement of any demolition, grading or construction to discuss tree protection measures. The pre-construction meeting shall include project contractors.
2. Prior to demolition and grading a TPZ (Tree Protection Zone) shall be established with the installation of chain-link fence around each tree, with a 1 foot radius of protection zone for each inch of DBH (diameter at breast height measured 54" above ground).
3. All trees to be removed shall be designated and clearly distinguished from trees to be relocated.
4. Where a required TPZ conflicts with an *existing* structure, equipment (such as buckets on longer booms) that allows operation further from the trunk shall be used as directed by the project arborist.
5. In areas where demolition or grading must come closer than the perimeter of the TPZ, encountered roots that are ½ inch in diameter or greater shall be cleanly cut by hand and not ripped by demolition equipment.
6. Fences shall be maintained in upright positions throughout demolition and site preparation. No equipment or building materials or soils shall be stockpiled against required fencing.

B. Protection During and Following Construction

1. After demolition, and once construction parameters are determined, TPZ's should be reconfirmed or reestablished with placement of chain link fencing.
2. Once established, TPZ's should be void of all activities, including parking of vehicles, operation of equipment, storage of materials, or dumping (including temporary spoils from excavation).
3. All excavation and grading near trees shall be monitored by the project as necessary.
4. Any roots encountered during grading, landscaping or construction that are ½ inch in diameter or greater shall be cleanly cut by hand.
5. Buildings, walls and fences within the TPZ should be supported by piers, posts, screw piles, or caissons and above grade beams.
6. Oaks and pines that are impacted by any root damage should be sprayed in the early spring and late summer with permethrin (*Astro*) to help resist attack of boring beetles. The application should be applied to the lower 6 inches of trunk for a minimum of two years after project completion.
7. As determined by the project arborist, supplemental irrigation shall be required to aid mature trees that have sustained root loss or damage.

8. When roots have been pruned, soils should be kept moist. Exposed soil profiles containing exposed roots that remain open for longer than one day should be covered by burlap and irrigated as frequently as necessary to keep soils moist.
9. Pruning of protected trees shall be performed by or supervised by a Certified Arborist. The project arborist should review goals with workers prior to commencement of any tree pruning.
10. Tree trunk areas shall be properly drained to avoid ponding.
11. All utilities shall be placed within or directly adjacent to roadways and driveways or in a designated utility corridor in order to minimize impacts to trees.
12. Any trenching required within the TPZ or sensitive root zone of any specimen tree shall be done by hand.
13. To the maximum extent feasible, no artificial surface, pervious or impervious, shall be placed within six feet of the TPZ of any tree.
14. No permanent irrigation shall occur within the TPZ of any oak tree that is not slated for removal.
15. All trees located within 25 feet of proposed buildings shall be protected from stucco or paint during construction.
16. Any unanticipated damage that occurs to trees or sensitive habitats resulting from construction activities shall be mitigated in a manner approved by P&D. This mitigation may include but is not limited to posting of a performance security, tree replacement on a 10:1 ratio and hiring of an outside consultant biologist and/or arborist to assess the damage and recommend mitigation. The required mitigation shall be completed immediately under the direction of P&D prior to any further work occurring on the site. Any performance securities required for installation and maintenance of replacement trees will be released by P&D after its inspection and approval of such installation.

C. Tree Relocation Requirements

1. Roots should be cleanly cut.
2. Soil remaining in the root ball or box shall be kept moist. The root ball should not be allowed to dry out.
3. New planting holes should be twice the width of the root ball of the relocated tree.
4. Moisture should be monitored both inside and outside the root ball to determine the required frequency and quantity of water application.
5. Relocated trees shall be boxed and replanted in accordance with the final County-approved Tree Removal and Relocation Plan. A drip irrigation system with a timer shall be installed. Trees shall be planted prior to occupancy clearance and irrigated and maintained until established (five years).
6. Tree relocation shall be performed under the supervision of the project arborist

D. Tree Replacement

1. For every significant or native removed or tree with 25% or more root zone encroachment, a minimum of three 24-inch box or ten 1-gallon trees shall be planted. Impacted native trees shall be replaced with native replacement trees of the same species. Trees shall be maintained until established (five years).
2. Every relocated oak tree that potentially fails shall be replaced by two, 60 box oak trees.
3. A tree replacement performance and maintenance security shall be posted with the County prior to issuance of a Coastal Development on the affected parcel. The performance security shall be based upon a detailed estimate provided by the landscape architect and landscape

installation contractor, including cost of installation, materials and maintenance. The performance security shall be provided by the applicant prior to issuance of follow-on Land Use Permits, and shall be equal to the value of installation of all items as well as the value of maintenance and/or replacement of the items for five years of maintenance of the items. The performance security shall be increased if determined necessary by Planning and Development staff. The amounts shall be agreed to by P&D. If such maintenance has not occurred at any point throughout the five-year maintenance period, the plants or improvements shall be replaced and the security held for another year. If the applicant fails to either install or maintain according to the approved plan, P&D may collect security and complete work on property. There shall be no early release of the performance security. **Monitoring:** Permit Compliance shall conduct site inspections throughout all phases of development to ensure compliance with, and to evaluate the success of, all tree protection and replacement measures. **Plan Requirements:** Prior to issuance of follow-on Land Use Permits for demolition or grading, the applicant shall submit a copy of the final grading and building plans, Landscape Plan, Tree Removal and Relocation Plan, and Tree Protection and Replacement Plan to P&D for review and approval. Plans shall graphically depict the location and extent of TPZ for all native and specimen trees, location of required fencing and equipment storage and staging areas designated outside of TPZ areas. All aspects of these plans shall be implemented as approved. **Timing:** 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, all tree protection and replacement measures. The project arborist shall monitor site activities throughout the duration of the project and especially during fence installation, excavation and grading.

17. Erosion control measures shall be implemented in accordance with the approved Grading and Erosion Control Plan required in mitigation measure #1 in Section 4.8.3 of Negative Declaration 00-ND-003 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:** The Grading and Erosion Control Plan shall be submitted to and approved by P&D and Flood Control prior to issuance of follow-on Land Use Permits. **Timing:** The plan shall be implemented prior to the commencement of grading/construction. **MONITORING:** P&D shall verify placement of erosion control measures prior to issuance of follow-on Land Use Permits for demolition and/or grading. P&D Permit Compliance and Grading staff shall perform site inspections throughout the construction phase.
18. During construction, washing of concrete, paint, or equipment shall occur only in areas where polluted water and materials can be contained for subsequent removal from the site. Washing shall not be allowed near sensitive biological resources. Areas designated for washing functions shall be identified. **Plan Requirements:** The applicant shall designate wash off areas, acceptable to P&D, on the construction plans. **Timing:** The wash off areas shall be designated on all plans prior to issuance of follow-on Land Use Permits. The wash off areas shall be in place throughout construction. **MONITORING:** P&D staff shall check plans prior to issuance of follow-on Land Use Permits. Permit Compliance shall inspect the site throughout the construction period to ensure proper use of wash off areas.

19. Consistent with the Montecito Community Plan Policies BIO-M-1.3 and BIO-M-1.22 and Development Standard 1.3.3, the landscaped buffer zone along the eastern property line (adjacent to Oak Creek) shall be planted with appropriate native species (i.e., sycamore, coast live oak, toyon, elderberry). Sycamore and oak shall be included as landscape trees within the hotel grounds, especially towards the eastern boundary. **Plan Requirements:** The final Landscape Plan (see mitigation measure #1 in Section 4.1.3, Aesthetic/Visual Resources of Negative Declaration 00-ND-003) shall include landscaping in the eastern half of the site, and especially along the eastern property boundary adjacent to Oak Creek, that maximizes native riparian species (obtained from locally obtained seed where feasible) and excludes use of invasive, exotic species in the eastern half of the site and the use of sycamores and oaks as landscape species within the remainder of the hotel grounds. **Timing:** The applicant shall obtain County approval of the Landscape Plan prior to issuance of follow-on Land Use Permits for construction of structures. **MONITORING:** P&D shall review the Landscape Plan for incorporation of requirements and site inspect as appropriate during installation of landscaping. P&D shall verify proper implementation of the Landscape Plan prior to occupancy clearance.
20. All outdoor lighting in the vicinity of Oak Creek shall be shielded to prevent stray light from illuminating the riparian corridor as per the Concept Lighting Plan. **Plan Requirements:** Locations and shielding of all outdoor lighting shall be shown on the Lighting Plan. **Timing:** The applicant shall obtain P&D approval of the final Lighting Plan prior to issuance of follow-on Land Use Permits for structures. Lighting shall be installed per plan requirements during construction. **MONITORING:** Permit Compliance shall site inspect during construction and prior to signing off on occupancy clearance.
21. All fertilizer, pesticide and herbicide products used on-site shall be certified as organically based. Landscape plans and practices shall be designed to eliminate the use of toxic materials and shall include the following: incorporation of organic matter during garden renovation, recycling attachments on lawnmowers, use of organic mulch, insectary plantings, use of compost tea for nutrients, introduction of earthworms and introduction of beneficial organisms (such as nematodes). **Plan Requirements:** Requirements shall be noted on Landscape Plans. **MONITORING:** Permit Compliance shall site inspect during construction and prior to signing off on occupancy clearance.
22. The applicant shall hire a P&D-approved biologist to conduct a pre-construction inspection for nesting native bird species, including nesting raptors, within 500 feet of construction activities and not more than two weeks prior to the proposed beginning of construction (including staging, clearing and grubbing). If birds are determined to be nesting on the project site, no construction, grading or heavy equipment operation shall take place within 500 feet of any raptor nest or 200 feet of any other native bird species' nest, except for certain construction activities that may be allowed on a case-by-case basis as reviewed and approved by P&D. Other than those activities that are allowed by P&D, no construction activities shall take place within the 500-foot radius (for raptors) or 200-foot radius (for other species) of any nests on the project site until it can be verified that all fledglings have left the nest. **Plan Requirements/Timing:** This condition shall be printed on all construction, grading, and building plans. **MONITORING:** The applicant shall submit a report on the pre-construction survey to Permit Compliance and Permit Compliance shall review and approve the report prior to construction. Permit Compliance staff shall perform site inspections throughout the construction phase.

Cultural Resources

23. Potential unidentified cultural resources in the portion of CA-SBA-18/19 previously recorded within the Railroad right-of-way shall be protected. Plan Requirements and Timing: Excavation for all activities within the Railroad right-of-way shall be performed by hand and be monitored by a qualified archaeologist and Native American representative. If cultural resources are encountered, work shall be redirected away from the resource while its significance can be assessed, in accordance with measure CUL-3 (00-ND-003). This condition shall be printed on all building and grading plans and P&D shall check plans prior to issuance of follow-on Land Use Permits. **MONITORING:** If cultural resources are encountered, the monitor(s) shall notify Permit Compliance immediately. If cultural resources are not encountered, the archaeological monitor(s) shall report the results of the monitoring to Permit Compliance within two weeks of completion of ground-disturbing activities within the monitored area(s).

24. Areas 1-4 as shown on the Cultural Resource Monitoring and Significance Survey map on file with P&D shall be monitored continuously throughout all grading, construction, demolition, and ground disturbing activities. Phase 1 archaeological surveys shall be undertaken by a P&D-qualified archaeologist following demolition of any existing structures in areas 1-4 and shall be completed prior to grading and construction. If prehistoric or historic archaeological resources are encountered, work shall be redirected away from the resource while its significance can be assessed, in accordance with measure CUL-3. **Plan Requirements and Timing:** This condition shall be printed on all building and grading plans and P&D shall check plans prior to issuance of follow-on Land Use Permits. **MONITORING:** If historic resources are encountered, the monitor(s) shall notify Permit Compliance immediately. If historic resources are not encountered, the monitor(s) shall report the results of the monitoring to Permit Compliance within two weeks of completion of ground-disturbing activities within the monitored area(s).

25. In the event that an unexpected potentially significant prehistoric or historic archaeological resource is encountered during grading or other ground-disturbing activity at any location on the project site, work in that area shall be stopped immediately and redirected until a P&D-qualified archaeologist and Native American representative (for prehistoric resources) or a P&D-qualified historic archaeologist only (for historic resources) are retained by the applicant to evaluate the significance of the resource pursuant to Phase 2 investigations of the County Archaeological Guidelines. If the resource is found to be significant, it shall be subject to a Phase 3 mitigation program consistent with County Archaeological Guidelines and funded by the applicant. **Plan Requirements and Timing:** This condition shall be printed on all building and grading plans and P&D shall check plans prior to issuance of follow-on Land Use Permits.

MONITORING: Permit Compliance shall spot check in the field.

26. Phase 2 subsurface/significance testing shall be conducted after demolition, but prior to new construction in ocean front area 5 as shown on the Cultural Resource Monitoring and Significance Survey map on file with P&D. Area 5 shall also be monitored continuously throughout all grading, construction, demolition, and ground disturbing activities. Boundaries of survey are shall be staked and flagged prior to demolition. If prehistoric or historic archaeological resources are encountered, work shall be redirected away from the resource while its significance can be assessed, in accordance with measure CUL-3. **Plan Requirements and Timing:** This condition shall be printed on all building and grading plans and P&D shall check plans prior to issuance of follow-on Land Use Permits.

MONITORING: If prehistoric or historic archaeological resources are encountered, the archaeologist shall notify Permit Compliance and P&D staff immediately. If prehistoric or historic archaeological resources are not encountered, the archaeologist shall notify Permit Compliance and P&D staff within two weeks of completion of ground-disturbing activities within the surveyed area(s).

Fire Protection

27. The applicant shall implement a Fire Access Plan approved by the Montecito Fire Protection District. Any modifications to the Fire Access Plan 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:** The Fire Access Plan requirements shall be denoted on building and grading plans as appropriate prior to issuance of follow-on Land Use Permits for grading and shall be implemented during project construction. Applicant shall verify MFPD approval of any changes to the Fire Access Plan during project construction. **MONITORING:** Montecito Fire Protection District shall ensure compliance prior to occupancy clearance. Permit Compliance shall verify compliance prior to signing off on occupancy clearance.

Geological Processes

28. Excavation and grading shall be limited the dry season of the year (April 15 – November 1) unless a Building & Safety-approved Grading and Erosion Control Plan is in place and all measures therein are in effect. **Plan Requirements:** The Grading and Erosion Control Plan shall be designed to minimize erosion and shall include the following:
- a. Detailed plans and report prepared by a licensed geologist or engineer for any permanent erosion control structures.
 - b. Methods such as retention basins, drainage diversion structures and spot grading shall be used as appropriate to reduce siltation into adjacent drainages or roadways during the grading and construction activities.
 - c. Provisions to reseed exposed graded surfaces with ground cover to minimize erosion. Graded areas that are to be built upon shall be revegetated within four (4) weeks of completion of grading activities with deep-rooted, drought-tolerant species wherever possible and in accordance with the required Landscape Plan (Mitigation Measure #1 in Section 4.1.3, Aesthetics/Visual Resources of Negative Declaration 00-ND-003) to minimize the potential for oversaturation and erosion. Surfaces graded for placement of structures shall be seeded with ground cover if construction does not commence within four (4) weeks of grading completion. This requirement shall be noted on all grading and building plans.
 - d. All cut and fill slopes on the property shall be no steeper than 2:1 (horizontal to vertical).
 - e. All fill material shall be recompacted to engineered standards as specified within the Uniform Building Code or by a qualified Soils Engineer and as approved by P&D.
 - f. Recommendations regarding the placement of fill material, recompaction, and grading methods contained within the *Preliminary Geotechnical Report, Miramar Hotel and Bungalows, 1555 South Jameson Lane, Montecito, California*, January 4, 2008, Fugro West Inc. incorporated herein by reference shall be implemented.

Timing: The Grading and Erosion Control Plan shall be submitted for review and approved by P&D and Flood Control prior to issuance of follow-on Land Use Permits for grading. The applicant shall notify Permit Compliance prior to commencement of demolition. Applicable components of the grading plan shall be implemented during demolition and grading activities and prior to occupancy clearance. **MONITORING:** Grading inspectors shall monitor technical aspects of the grading activities. Permit Compliance shall site inspect during grading to monitor dust generation and four weeks after grading completion to verify seeding and/or that construction has commenced in areas graded for structures.

29. Structures shall be designed to earthquake standards of the Uniform Building Code Seismic Zone 4. **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.

Hazardous Materials/Risk of Upset

30. Warning device improvements for the pedestrian railroad crossing shall include enhanced pavement markings, conspicuously posted warning signs, an acoustic warning system, and automatically closing gates in accordance with UPRR requirements. **Plan Requirements and Timing:** Safety measures shall be shown on all grading and building plans. P&D shall verify safety measures are on plans prior to issuance of follow-on Land Use Permits for grading. **MONITORING:** P&D shall site inspect prior to signing off on occupancy to ensure safety features are in place and operational.

Historic Resources

31. Potential impacts to historic resources at the Miramar Hotel site shall be mitigated through implementation of the recommendations of the December 1998 Preservation Planning Associates study, including subsequent Addenda as appropriate. Specific measures to be implemented are:
- a. The “Miramar” neon roof sign shall be retained in working order on the site. The sign need not be lit, but shall remain functional. The preferred site for relocation is on the outside wall of the proposed parking garage. If the sign is placed inside the garage, it shall be accompanied by a display of historic postcards and photographs of the Miramar Hotel, including the 1940s period.
 - b. The neon pole sign at the corner of Eucalyptus Lane and South Jameson Lane shall be retained at this location.
 - c. The sandstone entrance caps with “*Miramar*” incised in them shall be placed on square sandstone piers to match those in historic photographs, at the junction of Miramar Avenue and South Jameson Lane.
 - d. Prior to demolition, the kidney-shaped swimming pool, sandstone poolhouse, and Linen building shall be documented with large-format black and white photographs according to Santa Barbara County guidelines and the remaining buildings shall be documented with color photographs. These photographs shall be deposited in the Montecito Historic Committee archives, with a copy of the Preservation Planning Associates report (including Addenda).

Plan Requirements and Timing: Each requirement shall be noted on appropriate demolition/building plans. A plan detailing procedures to implement these requirements and providing for notice to Permit Compliance staff prior to any demolition/renovation of historic components shall be prepared by a P&D-approved historian and reviewed and approved by P&D prior to issuance of follow-on Land Use Permits for demolition/renovation of any historic structure. **MONITORING:** Permit Compliance shall site inspect to ensure adherence to the historic resources mitigation measures.

~~32. The following mitigation measures shall be implemented for all existing structures on the Miramar property, except for the Garden Rooms, Lanai Rooms, Oceanfront Rooms, and two garages, using the Secretary of the Interior's HABS (Historic American Buildings Survey)/HAER (Historic American Engineering Record) procedures and methods:~~

- ~~1. Photodocument the building and adjacent landscaping using large format negatives (4"x5", 5"x7", or 8"x10" size). These photographs shall preserve a visual record of each structure and its setting. The documentation shall include photographs of each building's four elevations, as well as selected images of the each building's interior and the grounds.~~
- ~~2. Prepare measured drawings of each building before its exterior or interior alteration or relocation.~~
- ~~3. Submit written data on each building, including the history and description of each building (the detailed history and architectural descriptions in the historical reports prepared for the proposed project fulfill the requirements for written data) (Santa Barbara County Guidelines 1986, revised 1993: 18).~~
- ~~4. Additionally, the photographs, measured drawings, as well as a copy of all of the combined historical resource reports for the property, shall be archived at the Santa Barbara Historical Society's Gledhill Library for future use by researchers and members of the community.~~
- ~~5. Photographs and other memorabilia of the historic Miramar shall be placed on display in a prominent location on the property.~~

~~**Plan Requirements and Timing:** An architectural historian shall be hired by the applicant to complete this mitigation measure. The applicant shall submit a copy of the package that is required to be archived at the Santa Barbara Historical Society's Gledhill Library for review by P&D and the County's Historic Landmarks Advisory Commission prior to issuance of follow on Land Use Permits for demolition, grading, or construction of the proposed project. **MONITORING:** P&D and the Historic Landmarks Advisory Commission shall confirm that these measures are implemented prior to issuance of follow on Land Use Permits. **(THIS CONDTION HAS A BEEN SATISFIED)**~~

Noise

33. 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. **Plan Requirements:** Two signs stating these restrictions shall be provided by the applicant and posted on site in locations visible to the public. In addition, specific written notification of the noise monitor's name, location, and telephone number shall be provided to the Director of the All Saints by the Sea pre-school and to neighboring residences within 300 feet of the project site. **Timing:** Signs shall be in place prior to beginning of and throughout grading and construction activities. Written notifications shall be mailed prior to issuance of follow-on Land Use Permits for 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.

34. Demolition/construction activity within 100 feet of the All Saints by the Sea Church pre-school building and/or play deck area shall not occur when school is in session, as follows:
- September-May: Mondays 8:30 a.m. to noon and Tuesday through Thursday 8:30 a.m. to 3:00 p.m.
 - June-July: Tuesday through Thursday, 9:30 a.m. to 12:30 p.m.

Non-noise-generating construction activities, such as interior painting, are not subject to these restrictions. **Plan Requirements:** These restrictions shall be provided by the applicant and posted onsite in locations visible to the public; they may be included on the signs required in mitigation measure # 1 above, or on a separate sign, but in either case shall be easily visible to patrons of the pre-school. The contractor or builder shall designate a person to monitor this restriction and shall provide the name and telephone number of the designee to the Director of the All Saints by the Sea pre-school. **Timing:** Monitor information shall be provided and signs shall be in place prior to initiation 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. Applicant's designee shall respond to complaints/inquiries. Building inspectors and Permit Compliance shall spot check and respond to complaints.

35. Stationary construction equipment that generates noise that exceeds 65 dBA at the project boundaries, with the exception of the Torque Down 1275 pile equipment used at the Oceanfront units, shall be shielded to P&D's satisfaction and shall be located at a minimum of 100 feet from occupied residences and/or All Saints by the Sea Church pre-school. **Plan Requirements:** Equipment area(s) 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.
36. Motorized construction equipment, with the exception of the Torque Down 1275 pile equipment used at the Oceanfront units, shall not be allowed to idle for longer than five minutes within 100 feet of occupied residences and/or All Saints by the Sea Church pre-school without appropriate acoustical shielding in place. **Plan Requirements:** Temporary acoustical shielding shall be installed around construction equipment such that sound levels are less than 65 dBA CNEL at sensitive receptors. **Timing:** Shielding shall remain in the necessary location(s) throughout noise-generating construction activities. **MONITORING:** Applicant's designee shall promptly respond to complaints. Permit Compliance shall perform periodic site inspections to ensure compliance and shall respond to complaints.

37. Construction routes shall be limited to South Jameson Lane. The applicant shall provide all adjacent residents and All Saints by the Sea church and pre-school 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. **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.
38. All construction techniques, recommendations and construction assumptions (e.g.,-exterior wall materials, roof, window, and door materials, etc.) presented in the Dudek Associates' November 2007 acoustical analyses regarding the proposed project shall be incorporated into the project design to reduce exterior noise to or below 65 dBA CNEL and interior noise of new structures to or below 45 dBA CNEL. **Plan Requirements and Timing:** Construction techniques and recommendations of the noise study shall be incorporated into the project design and detailed on building plans. P&D shall verify plans include these requirements prior to issuance of follow-on Land Use Permits for grading. **MONITORING:** Building inspectors shall ensure that all noise control measures have been implemented according to approved plans.
39. Follow-up noise measurements shall be taken by an acoustical engineer within the new guestrooms along South Jameson Lane to verify that indoor noise levels do not exceed 45 dBA CNEL. Exceedance of this standard will require that additional noise reduction measures be implemented. **Plan Requirements and Timing:** The survey shall be conducted after construction is complete and prior to occupancy clearance. A report documenting the survey results and prepared by an acoustical engineer shall be reviewed and approved by P&D prior to occupancy clearance. **MONITORING:** P&D shall ensure required sound levels have been achieved prior to signing off on occupancy clearance.
40. Amplified sound shall not be used at outdoor gatherings, including weddings, on hotel grounds. **Plan Requirements and Timing:** Prior to approval of occupancy for the renovated hotel, the applicant shall submit to P&D for review a copy of the notice to potential hotel guests or event organizers that amplified sound is not allowed for private outdoor functions. **MONITORING:** P&D shall review amplified sound notice prior to signing off on occupancy clearance and Permit Compliance shall respond to complaints regarding nighttime noise during hotel operations.
41. During pile-driving activities a temporary sound wall shall be erected between pile driving activities and adjacent noise-sensitive receptors. Temporary sound wall construction parameters presented in the Dudek Associates' March 14, 2008 noise study addendum regarding pile driving activities shall be incorporated into the wall design. **MONITORING:** Building inspectors shall ensure that the sound wall has been constructed according to parameters presented in the Dudek Associates' March 14, 2008 noise study addendum.
42. Off-site accommodation for residents in proximity to pile driving shall be provided during maximum noise-generating pile driving activities (at or exceeding 95 dB(A) at the source). The applicant shall work with neighbors to identify a time when pile-driving activities would cause minimal disruption. The applicant shall notify residents of properties located within 100 feet of pile driving activities a minimum of 14 days prior to the commencement of activities. The

applicant shall provide a notice to residents within 100 feet of pile driving activities that off-site accommodation will be provided as necessary during maximum noise-generating pile driving activities and shall provide accommodation as requested. **Plan Requirements and Timing:** A copy of the resident notice shall be provided to P&D. Notices shall include specific written notification of the responsible name, location, and telephone number of the individual responsible for coordinating accommodations. **MONITORING:** Permit compliance shall document and review notices and shall respond to complaints.

43. The contractor shall develop and implement a Noise Compliance Enforcement Program and Public Information and Complaint Response Procedures as presented in the Dudek Associates' March 14, 2008 noise study addendum. **Plan Requirements and Timing:** A copy of the Public Information and Complaint Response Procedures shall be provided to P&D for review prior to grading and construction. The name and telephone number of the Noise Compliance Enforcement monitor shall be provided to P&D prior to grading and construction. **MONITORING:** Permit compliance shall document receipt of the procedures and the name and telephone number of the compliance enforcement monitor.

Public Facilities

44. The applicant shall implement a Public Works-approved Solid Waste Management Program (SWMP). **Plan Requirements:** The program shall include, but is not limited to the following measures:
- a. Provision of space and/or bins for storage of recyclable materials within the project site.
 - b. Implementation of a green waste source reduction program, including the chipping and spreading of landscaping materials.
 - c. Implementation of a curbside recycling program or participation in an existing program to serve the development.
 - d. Development of a Source Reduction Plan (SRP), describing the recommended program(s) and the estimated reduction of the solid waste disposed by the project. For example, the SRP may include a description of how fill will be used on the construction site, instead of landfilling, or a detailed set of office procedures such as use of duplex copy machines and purchase of office supplies with recycled content.
 - e. Implementation of a program to purchase materials that have recycled content for project construction and/or operation (i.e., plastic lumber, office supplies, etc.). The program could include requesting suppliers to show recycled materials content. Reports on materials purchased, recycled content, participation, and other available information shall be made to Permit Compliance annually.

Timing: The applicant shall initiate implementation of the approved Solid Waste Management Program prior to issuance of follow-on Land Use Permits for demolition. Program components shall be implemented prior to occupancy clearance and throughout the life of the project. **MONITORING:** P&D shall site inspect during construction, prior to occupancy, and after occupancy to ensure solid waste management components are established and implemented. P&D and Public Works shall review annual reports.

45. Demolition and/or excess construction materials shall be separated onsite for reuse/recycling or proper disposal (e.g., concrete asphalt). During grading and construction, separate bins for recycling of construction materials and plant material shall be provided onsite. **Plan**

Requirements: This requirement shall be printed on the grading and construction plan. The hotel operator shall provide P&D with receipts for recycled materials or for separate bins. **Timing:** Materials shall be recycled as necessary throughout construction. **MONITORING:** P&D shall review receipts.

46. To prevent construction and/or employee trash from blowing offsite, covered receptacles shall be provided onsite prior to commencement of demolition or construction activities. Waste shall be picked up weekly or more frequently as directed by P&D staff. **Plan Requirements and Timing:** Prior to issuance of follow-on Land Use Permits for demolition/grading, the applicant shall designate and provide to P&D the name and telephone 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 shall inspect periodically throughout grading and construction activities.
47. The proposed SWMP shall be developed in association with County of Santa Barbara Public Works Solid Waste staff. **Plan Requirements and Timing:** SWMP shall be developed and approved by P&D and PW prior to issuance of follow-on Land Use Permits. **MONITORING:** County staff shall ensure receipt of approved SWMP.

Recreation

48. Access to the Miramar Hotel's visitor serving amenities (restaurant, spa, beach bar, and the beach) shall be open and non-exclusive down to the beach. **Plan Requirements and Timing:** Prior to approval of the first occupancy clearance for the renovated hotel, the applicant shall remove all existing "No Trespassing...", "Private Property..." and "Public Rights on Miramar Beach..." signs located throughout the site, and as identified on the Overall Signage and Lighting Plan. **MONITORING:** P&D shall perform a walk-through the hotel grounds to verify conformance with the approved Overall Signage and Lighting Plan prior to signing off on occupancy clearance. Permit Compliance shall respond to complaints regarding restricted access through the property.
49. Public pedestrian access easements shall be recorded in two alignments across the Miramar site: from South Jameson along the fire lane in the westerly portion of the site to the remaining Miramar Avenue right of way; and from South Jameson Lane, along the private access roadway running through the site between the Main Building and the surface parking lot, to the boardwalk and thence to the beach. **Plan Requirements and Timing:** Easements, subject to review and approval by County Counsel, shall be recorded concurrent with the County's vacation of the north south segment of Miramar Avenue. **MONITORING:** P&D staff shall ensure recordation of the easements.
50. The applicant shall develop protocol for informing hotel guests and staff that street parking is for the public specifically to ensure that hotel guests and staff do not use the public parking spaces. **Plan Requirements and Timing:** Protocol shall be developed and presented to P&D in written form for review and approval prior to issuance of Land Use Permits. **Monitoring:** P&D staff shall ensure receipt of the protocol document.
51. The applicant shall submit their proposed signage plan marking public routes through the site to the beach to P&D for review and approval. **Plan Requirements and Timing:** Signage plan shall

be provided to P&D and reviewed and approved prior to approval of Land Use Permits.
Monitoring: P&D shall ensure receipt of plan.

52. **Parking Decal Program.** To prevent employees from parking in public spaces, parking decals, to be fixed on the windshield of all employee cars, shall be issued to all employees. Said decals shall be displayed at all times during employment. Additionally, the applicant shall develop a plan and be responsible for monitoring use of parking spaces along Eucalyptus Lane and South Jameson Lane to ensure that spaces remain available to the public and are not used by hotel guests or employees. Monitoring shall occur on weekend days throughout the year, during the week in the summer months (June 15 – September 15) and on all special event days. Monitoring report shall be submitted to the County annually from the date of final occupancy clearance and thereafter. 12-18 months after the beginning of operations, Planning & Development shall provide the monitoring reports to the Montecito Planning Commission (review to occur during Planning & Development Divisional Briefing on Administrative Agenda). **Plan Requirements and Timing:** The applicant shall submit the monitoring plan including the design and intended location of employee parking decals for P&D's review and approval prior to approval of land use permits. **Monitoring:** The County shall receive and file annual reports. P&D shall convey compliance reports to the Montecito Planning Commission at the 12-18 month review and return annually until the MPC determines that annual reporting is no longer necessary.

Transportation/Circulation

53. To reduce the potential for construction-related traffic to add to existing congested peak-hour traffic conditions in the vicinity of the project site, the following measures shall be implemented.
Plan Requirements and Timing:
- a. Workers shall be directed to arrive at the worksite before 7:00 a.m. or after 8:30 a.m. and to depart before 2:30 p.m. or after 3:30 p.m.
 - b. Materials delivery trucks and large construction equipment, including dump trucks, not parked onsite overnight shall arrive at the site after 9:00 a.m. and depart before 4:00 p.m.
 - c. 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.
 - d. Workers' vehicles, construction equipment, and/or delivery trucks shall park only in designated areas and not on public roadways (South Jameson Lane, Eucalyptus Lane, and Miramar Avenue), except as necessary to perform specific tasks. No construction-related vehicle or equipment shall be parked overnight on public roadways.
 - e. Work that causes delays and/or redirecting of local traffic shall not commence prior to 9:00 a.m. and shall not continue after 4:00 p.m.

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, All Saints by the Sea Church and Pre-school, and P&D. **MONITORING:** Permit Compliance shall periodically spot check and respond to complaints.

54. 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 South

Jameson Lane, San Ysidro Road, north-south segment of Miramar Avenue, and Posilipo Lane, and any other time(s) and location(s) warranted to ensure public safety. **Timing:** 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.

55. A Final Miramar Parking Plan shall be provided. The Final Plan shall include all elements of the Draft Plan and shall also provide for a designated traffic coordinator, examples of notices to inform guests of parking procedures and locations, parking signage, an overall site parking exhibit and an exhibit indicating where additional on-site parking could be developed. The Final Miramar Parking Plan shall be implemented as approved. Additionally, the applicant shall prepare annual compliance report listing the total number of parking spaces used during all events (beach event, conferences, special events, etc.) which generate 500 cumulative patrons or more at any one time. The compliance report shall provide the date, type of event(s) and maximum number of parking spaces used during the event(s). 12-18 months after the beginning of operations, Planning & Development shall provide the compliance report to the Montecito Planning Commission (review to occur during Planning & Development Divisional Briefing on Administrative Agenda). **Plan Requirements and Timing:** The Miramar Parking Plan shall be reviewed and approved by P&D and Public Works Transportation Division prior to approval of follow-on Land Use Permits. A review of the parking situation shall be made by the Planning Commission 12-18 months after occupancy of the site in order to determine the adequacy of the Parking Plan. Subsequent Planning Commission review may be necessary in order to determine peak season parking plan adequacy. If it is determined that the Miramar Parking Plan is inadequate to effectively park vehicles attributed to hotel activities, and upon a demonstrated need to require additional on-site parking spaces or reduce the number of patrons attending events, a change to the approved Development Plan shall be processed consistent with Section 35-174.10. *Substantial Conformity, Amendments and Revisions.* If it is determined that the valet-only parking approach is inadequate, such changes may include implementation of a self-parking alternative. All self-parking shall be free of charge with validation from the Hotel. **MONITORING:** Permit Compliance and Public Works, Roads Division Staff shall respond to complaints. P&D shall convey compliance reports to the Montecito Planning Commission at the 12-18 month review and return annually until the MPC determines that annual reporting is no longer necessary.

Water Resources/Flooding

56. 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. 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 creek, and amount of water that would flow from each pipeline.
 - b. Provision for openings in walls and curbs where they block flows that have historically passed through the area.
 - c. Elimination of flow under proposed structures.

- d. 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.
- e. Conveyance of all runoff water from impervious areas by bioswales and other methods which allow storm water infiltration or impervious conduits to existing drainages.
- f. 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.
- g. Provision for dewatering devices placed at least 18 inches below finish grade of the various components as appropriate.
- h. 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.
- i. Provisions to install oil and grease traps in storm and drain inlets to prevent oil, silt and other debris from entering Oak Creek during construction and operations. Such temporary traps shall be maintained and cleaned out as necessary during construction (e.g., after storms). Permanent traps shall be maintained and cleaned out every spring and fall to prevent overflow situations and potential mosquito habitats from forming.
- j. Provisions to install temporary silt fencing or other barriers to ensure surface runoff continues to flow to the drainage inlet to Oak Creek during construction.
- k. Provisions to contain storm runoff from exposed surfaces onsite during grading and construction. Storm runoff shall be directed to the drainage inlet near Oak Creek.
- l. The Design energy and hydraulic grade lines shall be on the Improvement or Underground Storm Drain profiles. Junction losses are to be calculated by a momentum analysis. The 100-year Energy and Hydraulic Grade Line shall be shown on plans and profiles for open channel designs.
- m. Hydraulic data shall be included on engineering plans for all drainage channel, pipes, etc. as required by the Flood Control Engineer.
- n. 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.
- o. Signature of a California Registered Civil Engineer.
- p. 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.
- q. Provision for “as-built” plans to be submitted to the Flood Control District as soon as practical upon completion of construction.

Timing: The Drainage Plan shall be reviewed and approved by Flood Control and P&D prior to issuance of follow-on Land Use 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 issuance of Land Use Permits for structures. **MONITORING:** P&D and/or Flood Control shall site inspect during grading.

57. The applicant shall obtain a Drainage Improvement Certification Form from the Flood Control District. **Plan Requirements:** The District certification form requires that the California Registered Engineer certify that all drainage improvements (e.g. ditches, swales, channels, storm drains, drainage inlets, junctions, retention basins, revetment) were constructed in

substantial conformance with the approved Plans. A note to this effect shall be placed on the plans. **Timing:** Certification shall be obtained prior to occupancy clearance. **MONITORING:** Permit Compliance shall verify certification prior to signing off on occupancy clearance.

58. Pursuant to County Ordinance 3898, the lowest finish floor elevation of all new structures, in habitable spaces, shall be at least two (2) feet above the 100-year water surface elevation or flood proofed in accordance with County Code 15A and 15B. **Plan Requirements:** Graded pads with slab on grade foundations shall be at least 1.5 feet above the 100-year water surface elevation, with finish floor 2 feet above the 100-year elevation. Finish floor elevations may be increased if deemed necessary by the Flood Control Engineer. Finish floor elevations or flood-proofed elevations shall be higher than overland escape of adjacent streets, bridges and other obstructions. **Timing:** Building plans shall be reviewed and approved by P&D and Flood Control prior to issuance of follow-on Land Use Permits. **MONITORING:** Building inspectors shall site inspect during construction.
59. The applicant shall dedicate a flood control easement to the Flood Control District for maintenance purposes. **Plan Requirements:** Prior to issuance of follow-on Land Use Permits for grading, the applicant shall submit a map and description specifying the easement location subject to P&D and Flood Control approval. **Timing:** The easement shall be dedicated prior to occupancy clearance. **MONITORING:** Planning and Development shall confirm receipt of easement location prior to issuance of follow-on Land Use Permits for grading. Permit Compliance shall verify easement dedication prior to signing off on occupancy clearance.
60. The applicant shall submit proof of exemption or a copy of the Notice of Intent to obtain coverage under the Construction General Permit of the National Pollutant Discharge Elimination System issued by the California Regional Water Quality Control Board. **Plan Requirements and Timing:** Prior to issuance of follow-on Land Use Permits the applicant shall submit proof of exemption or a copy of the Notice of Intent and shall provide a copy of the required Storm Water Pollution Prevention Plan (SWPPP) to P&D. A copy of the SWPPP must be maintained on the project site during grading and construction activities. **MONITORING** P&D shall review the documentation prior to issuance of follow-on Land Use Permits. P&D shall site inspect during construction for compliance with the SWPPP.
61. The following measures and requirements shall be incorporated into the project Storm Water Pollution Prevention Plan (SWPPP). The SWPPP shall incorporate all feasible Best Management Practices (BMPs) to reduce erosion from construction activities, to prevent sediment in storm water discharges, and to minimize non-storm water pollutants at the project site to the maximum extent possible.
 - a) The SWPPP shall include spill containment measures and communications and shall restrict road paving to dry weather.
 - b) Temporary stockpiles at the project site shall be protected from erosion by the combined use of surface stabilization, upslope runoff diversions, temporary berms around the perimeter, perimeter interceptor ditches, and temporary downstream catchments, as necessary and appropriate. Stockpiles that are present during the winter season (designated the following period for this project: November 1 to April 1) shall be protected from erosion due to direct precipitation or runoff during the winter by the use of surface stabilization (such as erosion control blankets or temporary seed cover) and perimeter berms and catchments.

- c) BMPs to prevent discharge of construction materials, contaminants, washings, concrete, asphalt, fuels, and oils shall include the following measures:
 - i. All fuel, lubricants, paints and other construction liquids shall be placed in secured and covered containers within a bermed or otherwise contained area at least 200 feet from the creek.
 - ii. Refueling shall only occur in bermed areas with impermeable surfaces at least 200 feet from the creek or ocean.
 - iii. Implement measures and provide materials to contain any accidental spills or leakage during the fueling of construction equipment at the site.
 - iv. Equipment washing and major maintenance at the project site, except for washdown of vehicles to remove dirt, shall be prohibited.
 - v. Ensure that all construction vehicles and equipment that enter the construction and grading areas are properly maintained (off-site) to prevent leaks of fuel, oil and other vehicle fluids
 - vi. All refuse and construction debris shall be removed from the site as soon as possible.
- d) Two weeks or more prior to the beginning of the winter season (designated November 1 for this project) erosion control BMPs shall be installed at the site in anticipation of rain events. Due to the extensive area and volume to be graded at the project site and the proximity of the creek, erosion control measures shall include more than the placement of silt fences. Additional controls shall include other BMPs that are equally or more effective, and that provide redundancy, such as temporary grass cover, interceptor ditches, coconut fiber rolls, erosion control mats, and temporary catchment basins.
- e) All entrances/exits to the construction site shall be stabilized (e.g. using rumble plates, gravel beds or other best available technology) to reduce transport of sediment off site. Any sediment or other materials tracked off site shall be removed the same day as they are tracked using dry cleaning methods.
- f) All storm drain or other drainage inlets shall be protected from sediment-laden waters by the use of inlet protection devices such as gravel bag barriers, filter fabric fences, block and gravel filters, and excavated inlet sediment traps.
- g) Sediment control measures shall be maintained for the duration of the project and until graded areas have been stabilized by structures, long-term erosion control measures or vegetation.

Plan Requirements and Timing: These measures shall be included in the required SWPPP. P&D and the Water Agency shall ensure that the SWPPP contains these measures. This condition shall be shown on all project plans prior to issuance of follow-on Land Use Permits, and shall be included in all specifications and bid packages for the project contract. **Monitoring:** P&D staff shall check plans prior to issuance of follow-on Land Use Permits. The applicant

shall provide a copy of the draft and final SWPPP after their preparation and prior to implementation of any project activities.

General Conditions of Approval

62. To address parking concerns, a normal limit of up to 500 persons at any one time may attend functions. ~~Special events of up to 600 persons may occur a maximum of 12 times per year.~~
63. ~~Outdoor events at the ballroom shall conclude by 10:30 pm.~~ **(NO LONGER APPLICABLE GIVEN PROJECT CHANGES)**
64. Weddings on the sandy beach shall be limited to the ceremony only, which must be 60 minutes or less in length, and no more than 100 people in attendance.
65. The new beach bar shall close no later than 12 am (midnight). The last meals served in the beach bar would be served approximately one-half hour before closing.
66. **Beach Club Membership Phasing.** The Beach Club memberships shall be 200 individuals or families upon occupancy (i.e. a couple would have one membership as would a couple and their children living at home). **Plan Requirements and Timing:** A review of the Beach Club operations shall be made by the Montecito Planning Commission 12-18 months after occupancy in order to determine the adequacy of the site (i.e. with respect to circulation, parking and intensity of use) to host additional Beach Club memberships. If it is determined by the Montecito Planning Commission that the Beach Club is operating adequately and the site is capable of operating with additional memberships, the number of members may be increased, but shall not exceed a maximum of 300 individuals or families. **Monitoring:** P&D shall review the Beach Club operations in conjunction with the annual reports required for parking and events and report to the Montecito Planning Commission annually until the MPC determines that annual reporting is no longer necessary.
67. New buildings shall not be constructed over legal parcel lines. Prior to issuance of follow-on Land Use Permits to allow construction of the Ballroom, if it is determined that APN 009-371-003 is a legally created lot, it shall be combined with 009-371-004 through a process acceptable to the County Surveyor (i.e. merger, reversion to acreage, etc.). If it is determined that the antiquated parcel lines on either side of Miramar Avenue represent separate legal lots, these too shall be combined prior to the issuance of a CDP for a new or relocated structure over any of these lines.
68. Prior to the issuance of the first Land Use Permit for demolition or grading, the owner shall sign and record an Agreement to Comply with the project description and all conditions of approval.
69. All applicable final conditions of 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.

70. 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:
- 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.
 - 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.
 - Pay fees prior to issuance of follow-on Land Use 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.
71. Prior to issuance of the first Land Use Permit for demolition or grading, the applicant shall pay all applicable P&D permit processing fees in full.
72. Any change of use in any of the Miramar Beach Resort and Bungalows Project buildings or structures shall be subject to environmental analysis and appropriate review by the County including building code compliance.
73. Approval of the Development Plan shall expire five (5) years after final original decision maker approval on April 6, 2009, 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.
74. No permits for development, including grading, shall be issued except in conformance with the approved Final Development Plan as revised by this Amendment. The size, shape, arrangement, use, and location of buildings, walkways, parking areas, and landscaped areas shall be developed in conformity with the approved development plan marked Montecito Planning Commission Exhibit October 8, 2008 and as revised by the Montecito Planning Commission Exhibit dated February 23, 2011. Any increase in structural square footage that results in an increase of 1,000 square feet or more than 10 percent of building coverage of a particular structure (over February 23, 2011~~October 8, 2008~~ project approvals), whichever is less, shall be reviewed and approved by the Montecito Planning Commission at a regularly noticed public hearing.
75. On the date a subsequent Preliminary or Final Development Plan is approved for this site, any previously approved but unbuilt plans shall become null and void.
76. 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 issuance of follow-on Land Use Permits.

77. 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 amended Development Plan, amended Conditional Use Permits, and new Coastal Development Permit. 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.
78. 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.
79. To reduce the potential for Ballroom-related traffic to add to existing congested peak-hour traffic conditions in the vicinity of the project site, Ballroom events expected to draw over 200 patrons from the local community shall not occur prior to 9:30 a.m. weekday mornings. **MONITORING:** Permit Compliance shall periodically spot check and respond to complaints.
80. The applicant shall work with the neighbors in the hedgerow district and with Caltrans to develop a noise mitigation plan, including, but not limited to sound walls along this area's frontage along U.S. Hwy. 101.
81. Prior to the issuance of the Coastal Development Permit, the applicant shall submit to the County Planning Director a sum of ~~\$1,395,000~~\$1,440,000 (based on ~~192-186~~ rooms x 0.25 x \$30,000) to fund lower cost visitor serving overnight accommodations in Santa Barbara County. Said fee shall be deposited into an interest bearing account, "Lower Cost Visitor Serving Overnight Accommodations Fund", to be established and managed by the County of Santa Barbara. The purpose of the account shall be to establish new lower cost visitor serving accommodations, such as new cabins, tent and yurt sites, and/or bicycle camp sites at the County's Jalama Beach Park, located in the coastal zone of Santa Barbara County. The entire fee and any accrued interest shall be used for the above stated purpose within ten years of the fee being deposited into the account. Any portion of the fee that remains after ten years shall be donated to the California Department of Parks and Recreation for use at one or more of the State Park units located along southern Santa Barbara County, or other organization acceptable to the County Planning Director, for the purpose of providing lower cost visitor serving overnight accommodations.
82. The project shall receive express authorization from the UPRR to construct improvements in its right of way prior to issuance of the first LUP granted for the proposed project.
83. A review of the Beach Bar's hours of operations shall be made by the Montecito Planning Commission 12-18 months after occupancy in order to determine the compatibility of the Beach Bar' hours of operation with the residential character of the area. Subsequent Montecito

Planning Commission review may be necessary in order to determine peak season beach bar hours of operation. If it is determined that the Beach Bar hours of operation are incompatible with the neighborhood and should be shortened, a change to the approved Development Plan shall be processed consistent with Section 35-174.10. *Substantial Conformity, Amendments and Revisions.*
Monitoring: Permit Compliance Staff shall respond to complaints.⁹

84. **Review of Events.** The applicant shall prepare a compliance report listing the number of events, fundraisers and conference groups using the Miramar Resort Hotel site on an annual basis. The compliance report shall provide the date, type (beach event, conference, normal or special event, etc.) and hours of the event, number of people in attendance and the number of employees working at the site for each event. 12-18 months after the beginning of operations, Planning & Development shall provide the compliance report to the Montecito Planning Commission (review to occur during Planning & Development Divisional Briefing on Administrative Agenda). **Plan Requirements and Timing:** The compliance reports shall include information quantifying the number of events per day over the course of the previous 12-18 months as specified above. **Monitoring:** P&D shall review the compliance reports in conjunction with the annual reports required for parking and report to the Montecito Planning Commission annually until the MPC determines that annual reporting is no longer necessary.
85. ~~Prior to removal, photo documentation of the cottages, poolside rooms and associated buildings ‘in situ’ shall occur pursuant to the County’s standards as outlined in Condition No. 32. The owner shall make available for 90 days from the date of final discretionary approval of the project, any cottage(s) or the poolside rooms for removal and relocation to any individual or organization proposing to rehabilitate said structure(s). All costs and liability for transportation and removal, including any necessary permits shall be the sole responsibility of the individual or organization seeking relocation and reuse of the structure(s). **Plan Requirements and Timing:** Notice of availability of structures shall be provided in local newspaper, notice on site and other public outreach efforts to the community by the applicant. The applicant shall document such effort with the County prior to the approval of the follow-on Land Use Permit. (THIS CONDITION HAS BEEN SATISFIED)~~
86. **Relocation of Laundry Operations.** Excessive water consumption by Hotel operations during a declared water shortage emergency could exacerbate the ongoing water supply/demand imbalance within the Montecito Water District. If the Montecito Water District declares a water shortage emergency, laundry operations shall be relocated to an offsite facility (or contractor) outside the Montecito Water District service boundaries. **Plan Requirements and Timing:** For the life of the project, if the Montecito Water District declares a water shortage emergency, laundry operations shall be relocated to an offsite facility (or contractor) outside the Montecito Water District service boundaries. Limited laundry operations (i.e. unforeseen circumstances, emergencies, etc.) up to 10% of total laundry operations could continue to be undertaken onsite. Onsite laundry operations could be restored to full operation once the Montecito Water District ends its declaration of the water shortage emergency subject to P&D approval. **Monitoring:** P&D shall verify that the District has declared a water shortage emergency and ensure that the offsite facility (or contractor) is located outside the Montecito Water District service boundaries.

⁹ Condition no. 83 was included with the July 16, 2008 staff report but was attached to condition no. 78 and therefore did not have an independent identity. The intent of Condition no. 83 has not been changed. It has simply been separated from condition no. 78 and given a unique number.

87. The design, scale, and character of the project architecture and landscaping shall be compatible with the “Cottage Type Hotel” tradition as discussed in Montecito Community Plan Policy LUC-M-1.6 including the refined description as follows:

A "Cottage-Type" hotel is a collection of one and two story-building structures that vary in size and orientation. Placement and scale of buildings should be in a garden-type setting with large canopy trees. Site should be pedestrian friendly.

"Cottage-Type" hotel buildings refer to a quaint architectural style and can be California Cottage and Bungalow or an architectural style reflecting the historical regional California coast. Architectural vernacular should incorporate low-sloped roofs with gables and/or hips, residentially scaled plate heights, overhangs and eaves; casement, double-hung or fixed windows or French doors with divided lights, porches and/or trellis; exterior walls of masonry, plaster, stone and/or wood siding (or other simulated materials).

Plan Requirements and Timing: Prior to further review by the Montecito Board of Architectural Review (MBAR), the applicant shall return to the Montecito Planning Commission for review and approval of the project plan’s consistency with the definition of “Cottage Type Hotel”. The applicant shall submit the final architectural and landscape drawings of the project for review and approval by the Montecito Board of Architectural Review prior to issuance of follow-on Land Use Permits. Such plans shall be consistent with the definition of “Cottage Type Hotel” as described by the Montecito Planning Commission.

88. A turnaround consistent with County Public Works Roads standards shall be constructed in the area of the easternmost entrance to the surface parking lot. Appropriate signage shall be provided to direct traffic. Turnaround signage shall be reviewed and approved by P&D and County Public Works Roads Division and reviewed in conjunction with the overall sign plan.

89. Upon the issuance of this Coastal Development Permit, Coastal Development Permit 08CDP-00000-00054 for the previously approved project shall become null and void. Upon the issuance of 08CDP-00000-00054, 11CDH-00000-00001 shall become null and void.

ATTACHMENT C

Conditions of Approval for 11AMD-00000-00002

Improvements in a Transportation Corridor

SANTA BARBARA COUNTY CONDITIONAL USE PERMIT

ARTICLE II, CHAPTER 35

**11AMD-00000-00002 (Amending 07CUP-00000-00045)
Miramar Beach Resort and Bungalows Project
Development in the Transportation Corridor Zone District**

I. A Conditional Use Permit is Hereby Granted:

TO: Caruso BSC Miramar, LLC

APNs: 009-371-004, 009-371-003, 009-372-001, 009-333-010, 009-010-002.

PROJECT ADDRESS: 1555 South Jameson Lane, Santa Barbara, CA 93108

ZONE: Transportation Corridor (TC) (APN 009-010-002)

AREA: Montecito

SUPERVISORIAL DIST.: First

FOR: Hotel development within the Transportation Corridor zone district.

II. This permit is subject to compliance with the following condition(s):

1. This amended Conditional Use Permit is based upon and limited to compliance with the project description, the associated amended Final Development Plan for the Miramar Beach Resort and Bungalows Project (10AMD-00000-00010 amending 07RVP-00000-00009) and conditions of approval associated with 10AMD-00000-00010. Any deviations from the project description, exhibits or conditions must be reviewed and approved by Planning and Development for conformity with this approval. Deviations may require modification to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.

The project description is as follows:

- Hotel development within the Transportation Corridor zone district consistent with (10AMD-00000-00010 amending 07RVP-00000-00009).

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 accompanying the associated Amended Development Plan. 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. All plans

(such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

III. This permit is issued pursuant to the provisions of Section 35-172 of Article II of the Code of Santa Barbara County and is subject to the foregoing conditions and limitations; and this permit is further governed by the following provisions:

- a. If any of the conditions of the Conditional Use Permit are not complied with, the Planning Commission, after written notice to the permittee and a noticed public hearing, may in addition to revoking the permit, amend, alter, delete or add conditions to this permit at a subsequent public hearing noticed for such action.
- b. Conditional Use Permit shall become null and void and automatically revoked if the use permitted by the Conditional Use Permit is discontinued for more than one year.
- c. **CUP Expiration.** The Owner/Applicant shall obtain the required follow-on Land Use Permit prior to April 6, 2015. If the required Land Use Permit is not issued prior to April 6, 2015 following the effective date of this Conditional Use Permit, then this Conditional Use Permit shall be considered void and of no further effect.
- d. Said time may be extended by the Planning Commission one time for good cause shown, provided a written request, including a statement of reasons for the time limit extension request is filed with Planning and Development prior to the expiration date.

ATTACHMENT D

Conditions of Approval for 11AMD-00000-00003

Construction of a 10-Foot Soundwall

SANTA BARBARA COUNTY CONDITIONAL USE PERMIT

ARTICLE II, CHAPTER 35

11AMD-00000-00003 (Amending 07CUP-00000-00046)

Miramar Beach Resort and Bungalows Project

Construction of a 10-foot Soundwall

- I. A Conditional Use Permit is Hereby Granted:**
- TO:** Caruso BSC Miramar, LLC
- APNs:** 009-371-004, 009-371-003, 009-372-001, 009-333-010, 009-010-002.
- PROJECT ADDRESS:** 1555 South Jameson Lane, Santa Barbara, CA 93108
- ZONE:** Resort/Visitor Serving Commercial (CV) and Transportation Corridor (TC) (APN 009-010-002)
- AREA:** Montecito
- SUPERVISORIAL DIST.:** First
- FOR:** Construction of a 10 foot sound wall (measured from the South Jameson Lane frontage) within front and side yard setbacks along South Jameson Lane.

II. This permit is subject to compliance with the following condition(s):

1. This amended Conditional Use Permit is based upon and limited to compliance with the project description, the associated Final Development Plan for the Miramar Beach Resort and Bungalows Project (10AMD-00000-00010 amending 07RVP-00000-00009) and conditions of approval associated with 10AMD-00000-00010. Any deviations from the project description, exhibits or conditions must be reviewed and approved by Planning and Development for conformity with this approval. Deviations may require modification to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.

The project description is as follows:

- A sound barrier along South Jameson Lane consistent with (10AMD-00000-00010 amending 07RVP-00000-00009). This sound barrier would consist of an approximate ten-foot high (as measured from the South Jameson Lane grade) sound wall.

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 accompanying the associated Amended Development Plan. 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. All plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

IV. This permit is issued pursuant to the provisions of Section 35-172 of Article II of the Code of Santa Barbara County and is subject to the foregoing conditions and limitations; and this permit is further governed by the following provisions:

- a. If any of the conditions of the Conditional Use Permit are not complied with, the Planning Commission, after written notice to the permittee and a noticed public hearing, may in addition to revoking the permit, amend, alter, delete or add conditions to this permit at a subsequent public hearing noticed for such action.
- b. A Conditional Use Permit shall become null and void and automatically revoked if the use permitted by the Conditional Use Permit is discontinued for more than one year.
- c. **CUP Expiration.** The Owner/Applicant shall obtain the required follow-on Land Use Permit prior to April 6, 2015. If the required Land Use Permit is not issued prior to April 6, 2015 following the effective date of this Conditional Use Permit, then this Conditional Use Permit shall be considered void and of no further effect.
- d. Said time may be extended by the Planning Commission one time for good cause shown, provided a written request, including a statement of reasons for the time limit extension request is filed with Planning and Development prior to the expiration date.

ATTACHMENT E

Conditions of Approval for 11AMD-00000-00004

Construction of a Four Employee Dwellings

SANTA BARBARA COUNTY CONDITIONAL USE PERMIT

ARTICLE II, CHAPTER 35

11AMD-00000-00004 (Amending 07CUP-00000-00047)

Miramar Beach Resort and Bungalows Project

Construction of Four Employee Dwellings

- I. A Conditional Use Permit is Hereby Granted:**
- TO:** Caruso BSC Miramar, LLC
- APNs:** 009-371-004, 009-371-003, 009-372-001, 009-333-010, 009-010-002.
- PROJECT ADDRESS:** 1555 South Jameson Lane, Santa Barbara, CA 93108
- ZONE:** Resort/Visitor Serving Commercial (CV) and Transportation Corridor (TC) (APN 009-010-002)
- AREA:** Montecito
- SUPERVISORIAL DIST.:** First
- FOR:** Construction of Four Employee Dwellings
- II. This permit is subject to compliance with the following condition(s):**

1. This amended Conditional Use Permit is based upon and limited to compliance with the project description, the associated Final Development Plan for the Miramar Beach Resort and Bungalows Project (10AMD-00000-00010 amending 7RVP-00000-00009) and conditions of approval associated with 10AMD-00000-00010. Any deviations from the project description, exhibits or conditions must be reviewed and approved by Planning and Development for conformity with this approval. Deviations may require modification to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.

The project description is as follows:

- Construct four employee dwellings in Lanai Building Number 44 consistent with (10AMD-00000-00010 amending 7RVP-00000-00009).

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 accompanying the associated Amended Development Plan. 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. All plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

III. This permit is issued pursuant to the provisions of Section 35-172 of Article II of the Code of Santa Barbara County and is subject to the foregoing conditions and limitations; and this permit is further governed by the following provisions:

- a. If any of the conditions of the Conditional Use Permit are not complied with, the Planning Commission, after written notice to the permittee and a noticed public hearing, may in addition to revoking the permit, amend, alter, delete or add conditions to this permit at a subsequent public hearing noticed for such action.
- b. A Conditional Use Permit shall become null and void and automatically revoked if the use permitted by the Conditional Use Permit is discontinued for more than one year.
- c. **CUP Expiration.** The Owner/Applicant shall obtain the required follow-on Land Use Permit prior to April 6, 2015. If the required Land Use Permit is not issued prior to April 6, 2015 following the effective date of this Conditional Use Permit, then this Conditional Use Permit shall be considered void and of no further effect.
- d. Said time may be extended by the Planning Commission one time for good cause shown, provided a written request, including a statement of reasons for the time limit extension request is filed with Planning and Development prior to the expiration date.

ATTACHMENT F

Conditions of Approval for 11AMD-00000-00005

Repairs to an Existing Seawall

SANTA BARBARA COUNTY CONDITIONAL USE PERMIT

ARTICLE II, CHAPTER 35

11AMD-00000-00005 (Amending 08CUP-00000-00005)

Miramar Beach Resort and Bungalows Project

Conduct Repairs to an Existing Seawall

I. A Conditional Use Permit is Hereby Granted:

TO: Caruso BSC Miramar, LLC

APNs: 009-371-004, 009-371-003, 009-372-001, 009-333-010, 009-010-002.

PROJECT ADDRESS: 1555 South Jameson Lane, Santa Barbara, CA 93108

ZONE: Resort/Visitor Serving Commercial (CV) and Transportation Corridor (TC) (APN 009-010-002)

AREA: Montecito

SUPERVISORIAL DIST.: First

FOR: Conduct Repairs to an Existing Seawall

II. This permit is subject to compliance with the following condition(s):

1. This amended Conditional Use Permit is based upon and limited to compliance with the project description, the associated Final Development Plan for the Miramar Beach Resort and Bungalows Project (10AMD-00000-00010 amending 07RVP-00000-00009) and conditions of approval associated with 10AMD-00000-00010. Any deviations from the project description, exhibits or conditions must be reviewed and approved by Planning and Development for conformity with this approval. Deviations may require modification to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.

The project description is as follows:

- Conduct repairs to an existing seawall in front of proposed Oceanfront Buildings 01 and 02, consistent with (10AMD-00000-00010 amending 07RVP-00000-00009).

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 accompanying the associated Amended Development Plan. 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. All plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

III. This permit is issued pursuant to the provisions of Section 35-172 of Article II of the Code of Santa Barbara County and is subject to the foregoing conditions and limitations; and this permit is further governed by the following provisions:

- a. If any of the conditions of the Conditional Use Permit are not complied with, the Planning Commission, after written notice to the permittee and a noticed public hearing, may in addition to revoking the permit, amend, alter, delete or add conditions to this permit at a subsequent public hearing noticed for such action.
- b. A Conditional Use Permit shall become null and void and automatically revoked if the use permitted by the Conditional Use Permit is discontinued for more than one year.
- c. **CUP Expiration.** The Owner/Applicant shall obtain the required follow-on Land Use Permit prior to April 6, 2015. If the required Land Use Permit is not issued prior to April 6, 2015 following the effective date of this Conditional Use Permit, then this Conditional Use Permit shall be considered void and of no further effect.
- d. Said time may be extended by the Planning Commission one time for good cause shown, provided a written request, including a statement of reasons for the time limit extension request is filed with Planning and Development prior to the expiration date.



COUNTY OF SANTA BARBARA

Planning and Development

COASTAL DEVELOPMENT PERMIT

Case No.: 11CDH-00000-00001

Project Name: Miramar Beach Resort & Bungalows Amended Project

Project Address: 1555 S. Jameson Lane

Assessor Parcel Nos.: 009-371-003 & -004, 009-372-001, 009-333-010, and 009-010-002

Applicant Name: Caruso BSC Miramar LLC

The Board of Supervisors hereby approves this Coastal Development Permit for the development described below, based upon the required findings and subject to the attached terms and conditions.

Associated Case Number(s): 07RVP-00000-00009, 10AMD-00000-00010, 11AMD-00000-00002, 11AMD-00000-00003, 11AMD-00000-00004, 11AMD-00000-00005

Project Description Summary: See Attached Description

Project Specific Conditions: See Attached Conditions

Permit Compliance Case: Yes No

Permit Compliance Case No.: _____

Appeals: The final action by the County on this Coastal Development Permit may be appealed to the California Coastal Commission after the appellant has exhausted all local appeals. Therefore a fee is not required to file an appeal of this Coastal Development Permit.

Terms of Permit Issuance:

- 1. Work Prohibited Prior to Permit Issuance.** No work, development, or use intended to be authorized pursuant to this approval shall commence prior to issuance of this Coastal Development Permit and/or any other required permit (e.g., Building Permit). **Warning! This is not a Building/Grading Permit.**
- 2. Date of Permit Issuance.** This Permit shall be deemed effective and issued after expiration of the Coastal Commission appeal period, provided an appeal of this approval has not been filed.
- 3. Time Limit.** The approval of this Coastal Development Permit shall be valid for one year from the date of approval. Failure to obtain a required construction, demolition, or grading permit and to lawfully commence development within two years of permit issuance shall render this Coastal Development Permit null and void.

NOTE: Approval and issuance of a Coastal Development Permit for this project does not allow construction or use outside of the project description, terms or conditions; nor shall it be construed to be an approval of a violation of any provision of any County Policy, Ordinance or other governmental regulation.

Miramar Beach Resort and Bungalows Amended Project
Case Nos. 10AMD-00000-00010, 11CDH-00000-00001, 11AMD-00000-00002, 11AMD-0000000003, 11AMD-00000-
00004, 11AMD-00000-00005
Page G-2

Owner/Applicant Acknowledgement: Undersigned permittee acknowledges receipt of this pending approval and agrees to abide by all terms and conditions thereof.

_____ / _____
Print Name Signature Date

Date of Board of Supervisors Approval: _____

Planning and Development Department Issuance by:

_____ / _____
Print Name Signature Date