



COASTAL DEVELOPMENT PERMIT NO.: 24CDP-00077

Project Name: MIRAMAR ACQUISITION CO, LLC - HOUSING - MIXED USE DEVELOPMENT
Project Address: 1759 S JAMESON LN, SANTA BARBARA, CA 93108
A.P.N.: 009-371-007
Zone: C-V

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

APPROVAL DATE: 12/10/2024

APPEALS:

The approval of this Coastal Development Permit may be appealed to the California Coastal Commission by the applicant, owner, any aggrieved person, or two members of the Coastal Commission. An aggrieved person is defined as any person who, either in person or through a representative, appeared at a public hearing in connection with this decision or action being appealed, or who by other appropriate means prior to a hearing or decision, informed the decision-maker of the nature of their concerns, or who, for good cause, was unable to do either.

PROJECT DESCRIPTION SUMMARY: Coastal Development Permit to allow for the development allowed by the revised Development Plan (Case No. 24RVP-00050), the development and authorized use allowed by the revised Minor Conditional Use Permit (Case No. 24RVP-00051), and the development and authorized use allowed by the amended Major Conditional Use Permit (Case No. 24AMD-00008).

- a) Case No. 24RVP-00050 for revisions to Development Plan 14RVP-00000-00063 to allow 54,768 square feet of development in the CV (Visitor Serving Commercial) Zone consisting of affordable employee and market-rate apartments and resort shops in compliance with Article II Section 35-174.10.
- b) Case No. 24RVP-00051 for revisions to Minor Conditional Use Permit 07CUP-00000-00047 to allow residential uses consisting of 26 affordable employee apartments and eight market-rate apartments in compliance with Article II Section 35-172.11.
- c) Case No. 24AMD-00008 to amend Major Conditional Use Permit 07CUP-00000-00045 for hotel improvements in the Transportation Corridor Zone District (within the Union Pacific railroad right-of-way) in compliance with Article II Section 35-172.11. To receive additional information regarding this project and/or to view the application and/or plans, please contact Willow Brown at 123 East Anapamu Street, Santa Barbara, by email (wbrown@countyofsb.org), or by phone ((805) 568-2040).

PROJECT SPECIFIC CONDITIONS: See Attachment A.

ASSOCIATED CASE NUMBERS: 24RVP-00050

PERMIT ISSUANCE: This Coastal Development Permit will be issued following the close of the appeal period, including the Coastal Commission appeal period, provided an appeal is not filed, or if appealed, the date of final action on the appeal which has the effect of upholding the approval of the permit. Issuance of this permit is subject to compliance with the following terms and conditions:

1. **Notice.** Notice of this project shall be posted on the project site by the applicant utilizing the language and form of the notice provided by the Planning and Development Department. The notice shall remain posted continuously until at least 10 calendar days following action on the permit, including an action on any appeal of this permit (Article II Section 35-181). The ***Proof of Posting of Notice on Project Site*** shall be signed and returned to the Planning and Development Department prior the issuance of the permit.
2. **Compliance with conditions.** All conditions that are required to be satisfied prior to issuance of the permit have been satisfied

and the permit has been signed by the applicant or owner.

- 3. **Design Review.** If required, the project has been granted final approval by the appropriate Board of Architectural Review (BAR), and an appeal of that final approval has not been filed.
- 4. **Appeals.** An appeal of the approval of this permit, or an appeal of the final approval by the BAR, has not been filed with the County, and an appeal of the approval of this permit has not filed with the Coastal Commission within the 10 working days following the receipt of the County's Notice of Final Action on the project by the Coastal Commission. If an appeal has been filed then the permit shall not be issued until final action on the appeal(s) has occurred, including appeals filed with the Coastal Commission, which has the effect of upholding the approval of this permit, and, if applicable, the final approval by the BAR.
- 5. **Other approvals.** Any other necessary approvals required prior to issuance of this Coastal Development Permit have been granted.

PERMIT EXPIRATION AND EXTENSION: This permit shall remain valid only as long as compliance with all applicable requirements of the Article II Coastal Zoning Ordinance and the permit continues, including the conditions of approval specific to this permit. Additionally:

- 1. The approval of this permit shall expire either 12 months from the effective date of the permit or other period allowed in compliance with an approved Time Extension, and shall be considered void and of no further effect unless the permit is either issued within the applicable period in compliance with the terms indicated above or a valid application for a Time Extension is submitted prior to the expiration of this 12 month period and is subsequently approved (Article II Section 35-169).
- 2. This permit shall expire two years from the date of issuance and be considered void and of no further effect unless the use and/or structure for which the permit was issued has been lawfully established or commenced in compliance with the issued permit or an application for a Time Extension is submitted prior to the expiration of this two year period and is subsequently approved (Article II Section 35-169).
- 3. The effective date of this permit shall be (a) the day following the close of any applicable appeal period, including an appeal to the Coastal Commission, provided an appeal is not filed, or (b) if appealed, the date of final action on the appeal, including an appeal to the Coastal Commission, which has the effect of upholding the approval (Article II Section 35-57B).

WORK PROHIBITED PRIOR TO PERMIT ISSUANCE: No work, development, or use intended to be authorized pursuant to this permit approval shall commence prior to issuance of this permit and/or any other required permit (e.g., building permit).

OWNER/APPLICANT ACKNOWLEDGMENT: Undersigned permittee acknowledges receipt of this approval and agrees to abide by all conditions and terms thereof. Undersigned permittee also acknowledges that issuance of this permit for this project does not allow construction or use outside of the project description, not shall it be construed to be an approval of a violation of any provision of any County policy, ordinance or other governmental regulation.

Print name	Signature	Date
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Coastal Development Permit Approval By:

Chair, Board of Supervisors	Date
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PERMIT ISSUANCE: The permit shall be issued and deemed effective on the date signed and indicated below.

Planning and Development Department Issuance By:

Planner	Date
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ATTACHMENT A: CONDITIONS OF APPROVAL

Project Description

1. **Proj Des-01 Project Description:** This Coastal Development Permit is based upon and limited to compliance with the project description, the hearing exhibits dated December 10, 2024, and all conditions of approval set forth below, including mitigation measures and specified plans and agreements included by reference, as well as all applicable County rules and regulations. The project description is as follows:

The project is a request by the applicant, Miramar Acquisitions Co., LLC, for approval of:

- A Revision to Development Plan Case No. 14RVP-00000-00063 to allow 54,768 square feet of development in the CV (Visitor Serving Commercial) Zone, consisting of affordable employee and market-rate apartments and 17,500 square feet of commercial space;
- A Revision to Conditional Use Permit Case No. 07CUP-00000-00047 to allow residential uses consisting of 26 affordable employee apartments and eight market-rate apartments; and
- An Amendment to Conditional Use Permit Case No. 07CUP-00000-00045 for hotel improvements in the Transportation Corridor Zone District within the Union Pacific railroad (UPRR) right-of-way.

The proposed residential and commercial development will be located in the existing northwest and northeast parking lots on site. Development in the northwest parking lot will consist of two new mixed-use buildings, Building A and Building B. Building A will be 16,597 square feet, with 8,573 square feet of residential square footage and 8,024 square feet of commercial square footage. Building A will have a maximum height of 33'-5". Building B will be 19,069 square feet, with 9,593 square feet of residential square footage and 9,476 square feet of commercial square footage. Building B will have a maximum height of 30'-2". There will be eight market-rate apartments (four on the second-floor of each building) comprised of one one-bedroom unit, four two-bedroom units, and three three-bedroom units. The first floor of the buildings will be commercial space including 15,000 square feet of resort shops and a 2,500-square-foot café. There will be up to 12 resort shops that will be resort/visitor-serving light commercial uses similar in nature to the existing resort shops on site, such as resort-oriented clothing shops, jewelry stores, and wellness/beauty shops. There will also be a subterranean parking lot with 79 parking spaces.

Development in the northeast parking lot will consist of one new residential building, Building C. Building C will be 19,102 square feet and will have a maximum height of 40'-9". There will be 26 affordable employee apartments, comprised of 19 studio units, one one-bedroom unit, and six two-bedroom units. To the south of Building C, there will be a reconfigured parking area with 350 spaces comprised of 113 striped surface spaces, 60 valet spaces, 126 car stacker spaces, and an elevated parking deck with 42 striped spaces and 10 valet spaces.

The project also includes development in the UPRR right-of-way consisting of parking improvements and associated lighting.

The project proposes 14,372 square feet of new landscaping. Grading will include 17,650 cubic yards of cut (17,300 cubic yards of which is for underground parking) and 800 cubic yards of fill in the

northwest lot, and 4,300 cubic yards of cut and 1,500 cubic yards of fill in the northeast lot. The following trees are proposed for removal:

Northwest Lot:

2 Mexican Fan Palm

5 African Sumac

2 Coast Live Oak

10 Australian Willow

1 Rosewood

1 Eastern Redbud

1 Strawberry

1 Jacaranda

1 Paperbark

Northeast Lot:

3 Strawberry

1 African Sumac

22 Western Sycamore

2. Proj Des-01 Project Description: The proposed affordable employee apartments (Building C) will consist of nine very low income units, nine low income units, and eight moderate income units. Pursuant to State Density Bonus Law, an applicant may submit to the county a proposal for the waiver or reduction of development standards that will have the effect of physically precluding the construction of the development. The applicant proposes the following waivers of development standards:

1. To allow for a FAR increase to 0.29 in lieu of the 0.25 FAR permitted in the C-V Zone.
2. To allow for three stories for Building C in lieu of two stories allowed in the Montecito Community Plan area.
3. To allow for a height of 40'-9" for Building C in lieu of the 38' height limit for the C-V Zone.
4. To allow 27.74% of the net lot area for common open space in lieu of the 40% open space requirement in the C-V Zone.
5. To allow for reduced setbacks for Buildings A, B, and C, and reduced setbacks for parking.

The project also includes a modification to the required number of parking spaces to be provided (83 additional spaces required and 44 additional spaces provided, for a reduction of 39 spaces). The applicant has provided an updated "Shared Parking Analysis" prepared by Associated Transportation Engineers, dated June 25, 2024, which provides support for this modification request.

All development and operations previously approved under Case Nos. 14RVP-00000-00063, 14AMD-00000-00010, 14AMD-00000-00011, 21SCD-00000-00020, and 23SCD-00007, will remain. With approval of the project, the following development and operations will be permitted on site:

Structural Development

- 43,318-square-foot main building including spa, fitness, all-day dining, bar, lobby, ballroom, meeting rooms, retail uses, and back of house/administrative functions.
- 3,932-square-foot beach bar and oceanfront restaurant.
- 1,892-square-foot sushi restaurant.
- 3,870-square-foot beach club.
- 105,206 square feet of guest rooms (154 guest rooms).
- 2,306-square-foot activity center/storage.
- 200-square-foot ice cream and guard station.
- Two pools, a smaller pool in the western portion of the lawn south of the main building and the main pool to the east of the lawn south of the lobby building.
- 300-square-foot adult pool restrooms.
- 30 affordable employee housing units totaling 20,960 square feet.
- Eight market-rate apartments totaling 18,166 square feet.
- 21 resort shops totaling 23,481 square feet (8,481 existing plus 15,000 proposed).
- 2,500-square-foot café.

Operations:

No. of employees (full time, part-time, temporary & permanent):102 (approximate no. of employees on site at any given time)

Assembly area for events (SF) (Ballroom):10,425 including 4 meeting rooms and pre-function area

No. of assembly seats (indoors and outdoors): 400 maximum event patrons on site at a given time

No. of onsite events: 4.7 events per day, on average; beach events count towards the size limit of 400 for one event.

No. of beach events: 30 weddings on the beach per year of 100 people for 60 minutes

Event hours: 7 am to 1 am (outdoor activities to conclude by 10:30 pm, events of over 200 people to begin after 9:30 am)

Total no. of restaurant/cafe seats (indoors): 288

Hours of operation of restaurant: 6:30 am to 11 pm (bar closes at 2 am)

Hours of operation of beach bar/snack house: 9:30 am to 12 am, last serving at 11:30 pm

Beach Club membership: 200, with potential for 300 after MPC review

Spa use by non-guests: 12 non-guests/day

Hours of operation of spa: 9 am to 9 pm

3. **Proj Des-01 Project Description:** A 20-foot lateral easement to the public over the hotel's full beach frontage and three pedestrian easements over the Miramar property will continue to allow public access to the beach. The project proposes to slightly modify the location of the easement in the eastern parking lot, but the new location will continue to provide the same public access to the beach and is in generally the same location.

The property is served by the Montecito Water District, the Montecito Sanitary District, and the Montecito Fire Protection District. Access will continue to be provided off of South Jameson Lane. The property is a 15.99-acre parcel zoned C-V (Resort/Visitor Serving Commercial) and shown as Assessor's Parcel Numbers 009-371-007, 009-333-013, and 009-010-004, located at 1759 South Jameson Lane and 96 Eucalyptus Lane in the Montecito Community Plan area, First Supervisorial District.

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.

4. **Proj Des-02 Project Conformity:** The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of the structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval thereto. 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.

Conditions By Issue Area

5. **Landscape Plan:** 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. Use of landscape planters or other landscaping adjacent to all building walls, garden walls, and fences visible from a public or private street.
 - c. 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.
 - d. Use of appropriate species along the eastern property line, to protect Oak Creek.
 - e. 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.
 - f. Use of plant materials within the road right-of-way consistent with Public Works-Transportation requirements.
 - g. Screening of the same density as shown on renderings submitted for project.
 - h. Use of mature canopy trees throughout the site as appropriate to create immediate aesthetic effect.

Timing: P&D, Public Works-Transportation and Flood Control shall approve the final Landscape Plan prior to Zoning Clearance approval for construction of structures. P&D Permit Compliance shall inspect and photo-document installation of landscaping along the northern, western, and eastern perimeters of the property and along public pedestrian pathways prior to P&D sign-off on occupancy clearance. 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.

6. **Landscape Performance Securities:** Two performance securities shall be provided to P&D by the applicant prior to Zoning Clearance approval 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 prior to occupancy clearance.
- b. The maintenance security shall guarantee maintenance of landscaping during the first three years after issuance of occupancy clearance.

Plan Requirements and Timing: Final landscape plans shall be submitted prior to Zoning Clearance issuance. **Monitoring:** P&D shall inspect landscaping and improvements for compliance with approved plans prior to authorizing release of the installation and maintenance securities.

7. **Exterior Lighting:** All exterior night lighting 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 surface parking lot areas, night-lighting and its intensity shall be minimized to the maximum extent feasible while still providing for security and safety purposes. 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 or structures. 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. Lighting plans shall include lighting of public sidewalk and parking areas as required by the Public Works Department. **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 prior to issuance of Zoning Clearance. **Monitoring:** P&D and Public Works shall review the Final Lighting Plan for compliance with this measure prior to Zoning Clearance approval. 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.
8. **Signage:** The Applicant shall obtain all required permits for all signage and 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 submit a SCC permit and 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 MBAR.

Timing: The final Signage Plan must be reviewed and approved by P&D and the MBAR prior to building permit issuance. Monitoring: P&D and MBAR shall review the final Signage Plan for compliance with this measure prior to building permit issuance. 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.

- 9. Dust Control:** 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.

- 10. Dust Monitor:** 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 Zoning Clearance approval. Monitoring: P&D shall contact the designated monitor as necessary to ensure compliance with dust control measures. APCD shall respond to complaints.

- 11. Graded Areas:** 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 grading plans. Timing: Notation shall be included on grading plans prior to Zoning Clearance approval. 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.

- 12. TDM Plan:** 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 Zoning Clearance approval 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.

- 13. Emission Reduction:** 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 Zoning Clearance approval 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. Energy-Conserving Techniques: 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 Zoning Clearance approval. Monitoring: Building and Safety shall site inspect to ensure development is in accordance with approved plans prior to occupancy clearance.

15. Erosion Control Measures: Erosion control measures shall be implemented in accordance with the approved Grading and Erosion Control Plan to prevent erosion or transport of sediment during construction. These measures may include, but are not limited to, placement of silt fencing, straw bales, and/or sand bags in appropriate locations. Plan Requirements: The Grading and Erosion Control Plan shall be submitted to and approved by P&D and Flood Control prior to Zoning Clearance approval. 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 Zoning Clearance approval for demolition and/or grading. P&D Permit Compliance and Grading staff shall perform site inspections throughout the construction phase.

16. Equipment Washout: 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 Zoning Clearance approval. The wash off areas shall be in place throughout construction. Monitoring: P&D staff shall check plans prior to Zoning Clearance approval. Permit Compliance shall inspect the site throughout the construction period to ensure proper use of wash off areas.

- 17. Oak Creek Landscaped Buffer:** 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 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 Zoning Clearance approval 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.
- 18. Exterior Lighting Near Creek:** 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 Zoning Clearance approval 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.
- 19. Fertilizer, Pesticide, and Herbicide Products:** 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.
- 20. Nesting Bird Surveys:** A pre-construction survey for nesting birds shall be conducted by a qualified biologist to determine if active nests of special-status birds or common bird species protected by the Migratory Bird Treaty Act and/or the California Fish and Game Code are present in the construction zone or within 300 feet of the construction zone, as access permits. The survey shall be conducted no more than 1 week prior to construction or site preparation activities that would occur during the nesting/breeding season of native bird species potentially nesting on the site (typically February 1 through August 30).

If active nests are found, a no-construction buffer shall be established at 100 feet (this distance may be reduced or increased, depending on the location of the nest, the natural history traits of the bird species, and the level of disturbance, as determined by the biologist) around the nest site. Clearing and construction within the no-construction buffer shall be postponed or halted, at the discretion of the

biologist, until the nest is vacated, juveniles have fledged, and there is no evidence of a second attempt at nesting. In addition, all active nests shall be mapped using GPS technology and nest locations with species-appropriate buffers, determined by a qualified biologist, shall be displayed on aerial-based figures for inclusion in regular updates to the County of Santa Barbara, project manager/engineer, and construction crew so that avoidance areas are well documented.

- 21. Cultural Resources in UPRR ROW:** 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. This condition shall be printed on all building and grading plans and P&D shall check plans prior to Zoning Clearance approval. 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).
- 22. Stop Work at Encounter:** In the event of inadvertent discovery of potential prehistoric or historic-era archaeological or cultural resources (sites, features, or artifacts) during ground disturbing activities for the project, all ground disturbing activities occurring within 50 feet of the discovery shall immediately stop, and the County-qualified archaeologist should be notified immediately in order to assess of the discovery and determine whether additional study is warranted. Depending upon the nature of the discovery, the County-qualified archaeologist may simply record the find and allow work to continue. If the archeologist determines that the discovery is potentially significant under CEQA, the archeologist may require additional work, such as subsurface testing and resource evaluation. If the archeologist determines discovery is significant under CEQA, the archeologist may require data recovery. If archaeological resources are discovered or are suspected to be of Native American origin, each of the consulting tribes for the Project should also be notified.

In the event that human remains are inadvertently encountered during construction activities, the remains and associated resources shall be treated in accordance with state and local regulations that provide requirements with regard to the accidental discovery of human remains, including California Health and Safety Code Section 7050.5, California Public Resources Code Section 5097.98, and CEQA Guidelines Section 15064.5(e). In accordance with these regulations, if human remains are found, the County Coroner must be immediately notified of the discovery. No further excavation or disturbance of the Project Site within 100 feet of the find shall occur until the County Coroner has determined whether the remains are potentially human in origin. If the County Coroner determines that the remains are, or are believed to be, Native American, they are required to immediately notify the Native American Heritage Commission (NAHC). The NAHC will notify those persons it believes to be the most likely descendant (MLD) from the deceased Native American. The MLD has 48 hours to make a recommendation for preferred treatment of the remains. The property owner or landowner's representative will then determine whether the recommendation is feasible. If no agreement can be reached and the remains cannot be left in place or reburied in the place of removal, then the remains and associated artifacts are to be reburied on the Project property in a place that will remain undisturbed in perpetuity. Any disputes will be handled in accordance with California PRC 5097.98 and HSC 7050.5.

- 23. Grading and Erosion Control Plan:** 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 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.

Timing: The Grading and Erosion Control Plan shall be submitted for review and approved by P&D and Flood Control prior to Zoning Clearance approval. 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.

- 24. Earthquake Standards:** 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.

- 25. Construction Noise:** 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 Zoning Clearance approval. 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.

26. Pre-School Construction Hours: 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 stating the construction hours, 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.

27. Idling Construction Equipment: Motorized construction equipment 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.

28. Construction Routes and Schedule: 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.

29. Noise Measurements: Follow-up noise measurements shall be taken by an acoustical engineer within the new apartments 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.

- 30. Amplified Sound:** Amplified sound shall not be used at outdoor gatherings, including weddings, on hotel grounds.
- 31. Noise Compliance Enforcement Program:** The contractor shall develop and implement a Noise Compliance Enforcement Program and Public Information and Complaint Response Procedures. 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.
- 32. Solid Waste Management Program:** 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 Zoning Clearance approval. 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.
- 33. Separation of Construction Materials:** 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.
- 34. Covered Receptacles:** 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 Zoning Clearances 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.

- 35. SWMP Review:** 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 Zoning Clearance approval. Monitoring: County staff shall ensure receipt of approved SWMP.
- 36. Street Parking:** 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 Zoning Clearance approval. Monitoring: P&D staff shall ensure receipt of the protocol document.
- 37. 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, South Jameson Lane, Miramar Ave, and Humphrey Lane to ensure that spaces remain available to the public and are not used by hotel guests or employees.
- a. Monitoring shall occur hourly between the hours of 8 am to 5 pm on weekend days throughout the year, during the week in the summer months (June 15 – September 15) and on all special event days. The designated traffic coordinator (or designee) shall inspect the public parking spaces on Eucalyptus Lane, South Jameson Lane, Miramar Avenue, and Humphrey Lane. A daily log will be maintained to document that the monitoring has occurred and will be made available to P&D staff as part of the annual reporting requirements and upon request
 - b. To prevent Beach Club members from parking in public spaces, Beach Club members must be informed of detailed parking procedures at the time of initiation, and will be required to RSVP in advance on peak summer weekends (June 15 to September 15) and on special event days. Beach Club members shall be provided complimentary valet parking as a part of their membership.
 - c. Monitoring report shall be submitted to the County annually. 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 for P&D's review and approval prior to Zoning Clearance approval. Monitoring: The County shall receive and file annual reports. P&D shall convey compliance reports to the Montecito Planning Commission annually until the MPC determines that annual reporting is no longer necessary.

- 38. Construction-Related Traffic:** 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.

- 39. Traffic Control Monitor:** 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, 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.

- 40. Final Parking Plan:** A Final Miramar Parking Plan shall be provided. The Final Plan shall 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 200 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). Annually, 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 Zoning Clearance approval. Monitoring: Permit Compliance and Public Works, Roads Division Staff shall respond to complaints. P&D shall convey compliance reports to the Montecito Planning Commission annually until the MPC determines that annual reporting is no longer necessary.

- 41. Drainage Plan:** Drainage shall be consistent with an approved Drainage Plan. Where drainage waters are discharged from the project site in a concentrated manner (e.g., streets, channels, culverts), such drainage shall be conveyed to established water courses in a non-erosive manner. Plan Requirements:

The final Drainage Plan shall be submitted to P&D and Flood Control for review and approval.

Timing: The Drainage Plan shall be reviewed and approved by Flood Control and P&D prior to Zoning Clearance approval for grading. Components of the Drainage Plan shall be implemented at appropriate times during the grading/construction phase and shall be completed prior to Zoning Clearance approval for structures. Monitoring: P&D and/or Flood Control shall site inspect during grading.

42. Drainage Improvement Certification Form: 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.

43. SWPPP: 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.

44. SWPPP Part 2: 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 Zoning Clearance, and shall be included in all specifications and bid packages for the project contract. Monitoring: P&D staff shall check plans prior to Zoning Clearance approval. The applicant shall provide a copy of the draft and final SWPPP after their preparation and prior to implementation of any project activities.

45. WatCons-03 Water Conservation in Landscaping: The project is subject to the California Water Conservation in Landscaping requirements. Prior to ZCI approval, the Owner/Applicant shall fill out, obtain the stamp of the appropriate licensed professional, sign, and submit to P&D a Water Authorization Supplemental application or Water Efficient Landscape Ordinance Supplemental application, as appropriate to the size of the landscape area. Timing: The supplemental application shall be completed, stamped, signed, and submitted to P&D prior to ZCI approval. The landscape and irrigation shall be installed per plan prior to Final Building Inspection Clearance. Monitoring: Permit Compliance shall check in the field prior to Final Building Inspection Clearance.

46. Employee Parking Program: In order to ensure that all employees of the Miramar Hotel park on-site, the applicant shall comply with the following requirements:

1. Management shall maintain a current list of each employee's typical transportation mode (e.g. bus, bicycle, vehicle)
2. Management shall maintain a list of employees and their vehicles so that the vehicles can be easily identified (e.g. make, model, color, license plate)
3. All employees who drive to work shall have a numbered Miramar hotel parking decal permanently affixed to their vehicle and shall park in a Miramar Hotel parking lot.
4. Management shall educate all employees regarding the parking and transportation options (e.g. no parking on neighborhood streets, shuttle schedules, ride share/carpool programs, bus schedules).
5. All employees must be told that they will be held accountable for complying with the parking plan. Employees must be provided with a written policy that prohibits employees from parking on

neighborhood streets and establishes penalties for failure to comply. The applicant shall provide procedures for non-compliance with the parking program.

Monitoring: Monitoring report shall be submitted to the County annually from the date of final occupancy clearance and thereafter. The applicant shall provide annual reports to P&D demonstrating the effectiveness of the employee parking program. Annual reports shall account for all employees, including part-time and contract employees. Reports shall include enforcement actions taken for non-compliance and details on how issues have been resolved. P&D shall convey compliance reports to the Montecito Planning Commission annually until the MPC determines that annual reporting is no longer necessary. **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 Zoning Clearance approval.

- 47. Temporary Sound Barrier:** A temporary and impermeable sound barrier shall be erected at the following locations, prior to the start of earth moving activities. At plan check, building plans shall include documentation prepared by a noise consultant verifying compliance with this design feature.
- Provide a minimum 16-foot-high temporary sound barrier along the western and southern boundary of the Project Northwest Lot between the construction area and the sensitive uses south and west of the construction area (represented by receptor locations R1, R2 and R3).
 - Provide a minimum 14-foot-high temporary sound barrier along the eastern and southern (along the 50-foot UPRR setback line) boundary of the Project Northeast Lot between the construction area and the sensitive uses to the south and east of the construction (represented by receptor locations R6, R7 and R8 in the noise study dated July 2024). The temporary sound barriers shall have a minimum Sound Transmission Class of STC-25.

The temporary sound barriers shall be installed with portable noise barrier/blanket between the installation equipment and the off-site noise sensitive receptors, to minimized noise impacts during the temporary sound barrier installation. **Plan Requirements:** Sound barrier shall be shown on building and grading plans. **Timing:** Sound barrier shall remain in the designated location(s) throughout construction activities.

Monitoring: Permit Compliance shall perform site inspections to ensure compliance with condition.

- 48. Noise Minimization:** Noise-generating equipment operated at the Project Site shall be equipped with the most effective and technologically feasible noise control devices, such as mufflers, lagging (enclosures for exhaust pipes), and/or motor enclosures. Construction equipment within the 50-foot UPRR setback line shall have maximum sound power levels (Lw) of 90 dBA. Examples of construction equipment with sound power levels of 90 dBA or less include: the Volvo ECR25 Electric Excavator (84 dBA) and the Volvo L25 Electric Wheel Loader (89 dBA). **Plan Requirements:** This condition shall be printed on building and grading plans. **Timing:** Noise control devices shall be used throughout construction activities. **Monitoring:** Permit Compliance shall perform site inspections to ensure compliance with condition.
- 49. Vibration Minimization:** The use of large vibratory roller shall be a minimum 23 feet from the church building adjacent to the Northwest Lot in order to minimize vibration impacts. **Plan Requirements:** This condition shall be printed on building and grading plans. **Monitoring:** Permit Compliance shall perform site inspections to ensure compliance with condition.
- 50. Balconies:** There will be no balcony along the north side of Buildings A and C, facing South

Jameson Lane. Plan Requirements: Balconies shall be shown on building and grading plans. Monitoring: Permit Compliance shall perform site inspections to ensure compliance with condition.

51. Tree Protection and Replacement: Tree Protection Construction Standards

Pre-Construction

a. Pre-Construction Meeting: The project arborist shall attend a pre-construction meeting with the contractors to explain the tree protection and monitoring requirements as outlined in the Tree Protection Plan (TPP) approved by the County.

b. Tree Protection Fencing: Prior to any clearing, grubbing, trenching, grading, or any land disturbances, tree protection fencing must be installed as follows:

i. Type – The fencing shall be temporary, readily visible, and a minimum of 5-feet high. The fencing shall effectively: 1) keep the foliage, crown, branch structure, and trunk clear from damage by equipment, materials, or disturbances; 2) preserve roots and soil in an intact and non-compacted state; and 3) identify the tree protection zone (TPZ). Tree protection fencing shall be 5’ high chain link or orange construction fencing with metal stakes every 6’.

ii. Signage – One English language and one Spanish language, readily-visible, durable, waterproof sign shall be installed on the fence in 4 equidistant locations around each individual protected tree. Signs placed on fencing around a stand of protected trees shall be placed at approximately 50-foot intervals. The size of each sign must be a minimum of 11 inches wide and must contain the wording below. The lettering in the word “WARNING” (and Spanish equivalent) must be in capital letters at least 2 inches in size; the phrase “TREE PROTECTION ZONE” must be in capital letters at least 1 inch in size; all other lettering must be at least ½ inch in size.

c. Verify Fencing Installation: Verification that tree protection fencing has been installed according to the approved TPP shall be provided to the County of Santa Barbara before construction commences.

During Construction

a. Tree Protection Zone Restrictions: No ground disturbance, grading, trenching, construction activities or structural development shall occur within TPZ except as specifically authorized by this permit and the approved TPP. No equipment, soil, or construction materials shall be placed within the TPZ. No oil, gasoline, chemicals, paints, solvents, or other damaging materials may be deposited within the TPZ or drainage channels, swales, or areas that may lead to the TPZ. Unless otherwise directed by the project arborist, all work done within the TPZ, including brush clearances, digging, trenching, and planting shall be done with hand tools or small hand-held power tools that are of a depth and design that will not cause root damage.

Where trenching or digging within the TPZ is requested in the tree permit application and specifically permitted by the County, the work shall be conducted in a manner that minimizes root damage, as directed by an arborist.

Grade changes outside of the TPZ shall not significantly alter drainage to protected trees. Grading within the TPZ shall use methods that minimize root damage and ensure that roots are not cut off from air. Where erosion may be a factor, return and protect the original grade or otherwise stabilize the soil.

Protected trees shall not be used to support posting signs, electrical wires or pulleys, and shall be kept free of nails, screws, rope, wires, stakes, and other unauthorized fastening devices or attachments.

b. Tree Care: All native specimen trees shall receive a 3” mulch cover over the TPZ during construction, and any trees affected by construction shall be deep-root fertilized to promote better health and vigor.

c. Pruning: Major pruning shall not occur unless the project arborist determines that it is necessary for tree health. Pruning should be performed under the supervision of the project arborist.

i. Pruning shall comply with the International Society of Arboriculture (ISA) Tree-Pruning Guidelines. Climbing gaffs shall be used on live wood.

ii. No live tissue may be removed from protected trees solely to alter the appearance of a tree.

52. Tree Protection and Replacement Part 2: d. Arborist Monitoring: An arborist shall be onsite to monitor all grubbing, trenching, digging, grading, and construction activities within the TPZ. Additionally, the arborist shall perform the following duties:

i. Perform weekly inspections of tree protection fencing during grading or construction in the vicinity of protected trees and report deficiencies immediately to the Planning Division. If construction-related dust has accumulated on protected tree foliage, notify the Permittee and the Planning Division that foliage should be hosed off.

ii. Produce and submit to the Planning Division monthly reports summarizing the above weekly inspections.

iii. Stop or divert all work when deficiencies require mediation and notify the Planning Division within 24 hours.

iv. Inform the Planning Division when tree protection fencing may be removed.

e. Unanticipated Tree Damage Reporting: The Permittee shall submit unanticipated damage reports to the Planning Division within 24 hours of occurrence or discovery of the damage.

Tree Removal Standards

The felling of protected trees shall be done in a manner that avoids damage to remaining protected trees. The stumps of any tree removed within the TPZ shall be ground down to just below the ground surface level and not excavated.

Tree Replacement

Four native specimen trees, Trees #50, 56, 57, and 76, are proposed for removal to facilitate the proposed construction on site. In the absence of a specific replacement policy for the removal of native specimen trees in the Coastal Zone, these trees may require replacement per County policy and standard practice at one of the following replacement ratios: 10:1 ratio for 5-gallon containers, 5:1 ratio for 15-gallon containers, 3:1 ratio for 24-inch boxes, 2:1 ratio for 36-inch boxes, or 1:1 ratio for 48-inch boxes. A drip irrigation system with a timer shall be installed. Trees should be planted prior to final inspection and irrigated and maintained until established (five years). The plantings shall be protected from predation by wild and domestic animals and from human interference by the use of staked, chain link fencing, and gopher fencing during the maintenance period. Please reference the

landscape architect's landscape planting plan for the location of replacement trees.

Plan Requirements: Owner/Applicant shall: (1) Submit Tree Protection and Replacement Plan; (2) Include as notes or depictions all plan components listed above. Timing: The Owner/Applicant shall comply with this measure prior to issuance of Zoning Clearance. Owner/Applicant shall install tree protection measures prior to issuance of grading/building permits and pre-construction meeting.

Monitoring: Owner/Applicant shall demonstrate to P&D compliance staff that trees identified for protection were not damaged or removed or if damage, or removal occurred, that correction is completed per the TPP prior to Final Building Inspection Clearance.

- 53. Archaeological Monitor:** Prior to ground disturbance activities, the Applicant and/or subsequent responsible parties shall retain a County-qualified archaeologist, meeting the Secretary of the Interior's Standards, and with experience in California prehistoric and historic resources (experience within Santa Barbara County preferred), to: prepare a CRMTP, manage archaeological monitoring, and address any inadvertent discoveries identified during Project implementation. Timing: Prior to approval of Zoning Clearance, the Owner/Applicant shall submit for P&D review and approval, a contract or Letter of Commitment between the Owner/Applicant and the archaeologist, consisting of a project description and scope of work, and once approved, shall execute the contract. Monitoring: The Owner/Applicant shall provide P&D compliance monitoring staff with the name and contact information for the assigned onsite monitor(s) prior to grading/building permit issuance and pre-construction meeting. P&D compliance monitoring staff shall confirm monitoring by archaeologist and Native American consultant and P&D grading inspectors shall spot check field work.
- 54. Cultural Resource Monitoring and Treatment Plan:** Prior to ground disturbance activities, the County-qualified archeologist will prepare a Cultural Resource Monitoring and Treatment Plan (CRMTP). The purpose of the CRMTP is to 1) guide additional inspection of soils at the Project Site after existing hardscape is removed; inspection may include ground inspection through pedestrian survey or subsurface testing in accordance with professional standards as outlined by the Office of Historic Preservation (1995); 2) outline cultural monitoring (archaeological and Native American/Tribal) protocols and a program of treatment in the case of an inadvertent discovery of cultural (archaeological or Native American/Tribal) resources during ground- disturbing phases; and 3) to provide for the proper identification, evaluation, treatment, and protection of any cultural resources in accordance with CEQA throughout the duration of the Project's ground disturbing activities. TIMING: The CRMTP shall be filed with the county prior to approval of Zoning Clearance. MONITORING: Planning and Development staff shall confirm submittal and approval of the CRMTP.
- 55. Workers Environmental Awareness Program (WEAP) Training:** All construction personnel and monitors who are not trained archaeologists will be briefed regarding inadvertent discoveries of cultural resources prior to the start of ground disturbing activities. A basic presentation will be prepared and presented by the County- qualified archaeologist to inform all personnel working on the Project about the potential of encountering cultural materials within the Project area. The purpose of the WEAP training is to provide specific details on the kinds of cultural materials that may be identified during Project implementation and explain the importance of protection of significant cultural resources. Each worker will also be instructed on the proper procedures to follow in the event that cultural resources or human remains are encountered during ground-disturbing activities. These procedures include work curtailment or redirection, and the immediate contact of a qualified archaeologist and if appropriate, the Tribal representative. PLAN REQUIREMENTS: The Applicant

shall submit the WEAP to the County for review and approval prior to implementation. All workers, contractors, and visitors shall attend the WEAP prior to entering the project site and performing any work. The Applicant shall provide copies of the training attendance sheets to County staff as a record of compliance with this measure. **TIMING:** The WEAP shall be reviewed and approved by the County prior to Zoning Clearance approval. Implementation of the WEAP training shall occur prior to the start of construction and as new crew members are added to the project. **MONITORING:** P&D permit compliance staff will ensure compliance with the WEAP throughout construction by review of attendance sheets, inspection of the site, and interviewing workers, as appropriate.

56. Archaeological and Native American Monitoring: The County-qualified archaeologist and a member of the Barbareño Band of Chumash Indians shall monitor all ground disturbances occurring within the archaeological site boundaries for P-42-000018 and 19-42-000019, and a 50-foot buffer from such boundaries within the Project area. Following the completion of construction, the qualified archaeologist shall provide an archaeological monitoring report to the County and the CCIC with the results of the cultural monitoring program. **TIMING:** Prior to approval of Zoning Clearance, the Owner/Applicant shall submit for P&D review and approval, a contract or Letter of Commitment between the Owner/Applicant and the archaeologist, consisting of a project description and scope of work, and once approved, shall execute the contract. **MONITORING:** The Owner/Applicant shall provide P&D compliance monitoring staff with the name and contact information for the assigned onsite monitor(s) prior to grading/building permit issuance and pre-construction meeting. P&D compliance monitoring staff shall confirm monitoring by archaeologist and Native American consultant and P&D grading inspectors shall spot check field work.

57. Worker Environmental Awareness Training: All construction/contractor personnel shall complete a Workers Environmental Awareness Program (WEAP) to ensure compliance with environmental/permit regulations and BMPs. At a minimum, the program shall include a description of special-status species potentially present in the biological survey area, their identification and habitat requirements, regulations protecting the species, specific measures being implemented to protect the species, and the boundaries within which the Project and work areas may be accomplished. The program shall also include directions regarding measures to take if listed species are observed within or near the work areas. On-site training and brochures may be used in the program. **PLAN REQUIREMENTS:** The Applicant shall submit the WEAP to the County for review and approval prior to implementation. All workers, contractors, and visitors shall attend the WEAP prior to entering the project site and performing any work. The Applicant shall provide copies of the training attendance sheets to County staff as a record of compliance with this measure. **TIMING:** The WEAP shall be reviewed and approved by the County prior to Zoning Clearance approval. Implementation of the WEAP training shall occur prior to the start of construction and as new crew members are added to the project. **MONITORING:** P&D permit compliance staff will ensure compliance with the WEAP throughout construction by review of attendance sheets and hardhats, inspection of the site, and interviewing workers, as appropriate.

58. Delimiting Construction Area: Prior to the initiation of ground disturbance, grading, or equipment mobilization, the applicant shall implement the following measures to protect natural resources adjacent to construction areas:

- Temporary fencing or equivalent form of demarcation shall be installed along the perimeter of defined construction areas.
- All construction-related activities shall be confined to the designated construction areas within the

fenced/demarcated areas.

- Fencing/demarcation shall be maintained for the duration of the Project, including repairing or replacing downed fences, and shall remain in place for the duration of construction.
- The contractor shall establish a temporary barrier around staging areas to delineate work boundaries and prevent entrance into non-impact areas. The temporary barrier shall use highly visible construction fencing to ensure that trees and other vegetation outside of work areas are avoided during construction.

Plan Requirements: Fencing shall be shown on plans prior to approval of Zoning Clearance. Timing: Fencing shall remain in the designated location(s) throughout construction activities. Monitoring: Permit Compliance shall perform site inspections to ensure compliance with condition.

County Rules and Regulations

59. Rules-29 Other Dept Conditions: Compliance with Departmental/Division letters required as follows:

1. Air Pollution Control District dated August 12, 2024;
2. Environmental Health Services Division dated August 15, 2024;
3. Montecito Fire Protection District dated September 10, 2024;
4. Flood Control Water Agency dated September 13, 2024;
5. Project Clean Water dated September 13, 2024;
6. Parks Department dated August 9, 2024;
7. Transportation Division dated September 20, 2024;
8. Housing & Community Development dated August 14, 2024.

Other

60. Fire Access Plan: 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 Zoning Clearance approval 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.

61. Historic Resources: Consistent with the December 1998 Preservation Planning Associates study and the Historical Resources Technical Report by Archaeological Resources Group dated June 2024, each of which are incorporated herein by reference, the project shall implement the following:

- 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.
- 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 remain on square sandstone piers

and relocated to the entrance of the northeast lot under the project.

Plan Requirements and Timing: Each requirement shall be noted on appropriate demolition/building plans. Monitoring: Permit Compliance shall site inspect to ensure adherence to the historic resources condition.

62. Amenity Access: Access to the Miramar Hotel's visitor serving amenities (restaurant, spa, beach bar, and the beach) shall be open and non-exclusive and open to the public.

63. Access Easements: Public pedestrian access easements shall be maintained in three alignments across the Miramar site: 1) From the main entry at Jameson Lane through the site and down to the boardwalk and beach, 2) From the main entry at Jameson Lane through the site to the midpoint of the E/W portion of Miramar Ave, and 3) From the entry drive to the eastern parking lot through the site and down to the boardwalk and beach. The easement to the eastern parking lot shall be updated to reflect the changes due to the development in the northeast parking lot.

Plan Requirements and Timing: The revised easement language, subject to review and approval by County Counsel, shall be recorded prior to Zoning Clearance issuance. MONITORING: P&D staff shall ensure recordation of the easement.

64. Signage Plan: 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 Zoning Clearance approval.

Monitoring: P&D shall ensure receipt of plan.

65. Finish Floor Elevation: 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 Zoning Clearance approval. Monitoring: Building inspectors shall site inspect during construction.

66. RWQCB Requirements: 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 approval of the first Zoning Clearance for the project 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 Zoning Clearance. P&D shall site inspect during construction for compliance with the SWPPP.

67. Event Attendance: To address parking concerns, a normal limit of up to 400 persons may attend functions on the project site.

68. Weddings: 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.

- 69. Beach Bar and Restaurant Hours:** The beach bar and oceanfront restaurant shall close no later than 12 am (midnight). The last meals served would be served approximately one-half hour before closing.
- 70. 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 24-36 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.
- 71. Agreement to Comply:** Prior to approval of the first Zoning Clearance for the project, the owner shall sign and record an Agreement to Comply with the project description and all conditions of approval.
- 72. Printed Conditions:** 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.
- 73. Permit Compliance:** 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 Zoning Clearance approval 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.
- 74. Payment of Fees:** Prior to approval of the first Zoning Clearance for the project the applicant shall pay all applicable P&D permit processing fees in full.
- 75. Change of Use:** 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.
- 76. Conformance with Development Plan:** No permits for development, including grading, shall be

issued except in conformance with the approved Final Development Plan as revised by this Revision. 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. 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, whichever is less, shall be reviewed and approved by the Montecito Planning Commission at a regularly noticed public hearing.

- 77. Previous Plans:** 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.
- 78. Time Extensions:** 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 Zoning Clearance approval.
- 79. Indemnity and Separation:** 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 revised Development Plan, amended Conditional Use Permits, and new Coastal Development Permits.
- 80. Ballroom Events:** 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.
- 81. UPRR Authorization:** The project shall receive express authorization from the UPRR to construct improvements in its right of way prior to the first Zoning Clearance approval for the proposed project.
- 82. Beach Bar Hours:** 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. Monitoring: Permit Compliance Staff shall respond to complaints.
- 83. 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. Planning & Development shall provide the compliance report to the Montecito Planning Commission annually (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. 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.
- 84. Permits Supersede:** Previous approvals for on-site development shall be superseded by the proposed revised project (24RVP-00050, 24RVP-00051, 24AMD-00008, & 24CDP-00077) upon

effectuation of the proposed project.

- 85. Automated Parking System:** The applicant shall install an automated parking system that utilizes access key cards in the parking lots. Employees who drive to work shall be issued parking lot access key card allowing admittance to the parking lots, thereby allowing the hotel operator to confirm employee use of on-site parking. **Plan Requirements and Timing:** The annual compliance reports shall confirm that staff who drive to the hotel park on-site. The compliance reports shall include information quantifying the number of staff parking on-site over the course of the previous 12 months. **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.
- 86. Excursion Buses:** Excursion Bus pick-up, drop-off and temporary parking shall be prohibited in areas of the site that are required for Fire Department Access and in the on-site driveway area used by residents at the oceanfront to access their homes. Excursion buses shall only utilize parking lots that are not being used to capacity and that can safely accommodate the buses. Excursion buses shall not idle off-site. **Monitoring:** P&D staff shall respond to complaints and reported complaints shall be transmitted to the Montecito Planning Commission during annual compliance reporting.
- 87. Offsite Parking:** In order to increase the number of beach club members from 200 to 300, project conditions require review of hotel operations regarding the adequacy of parking. Should the Montecito Planning Commission (MPC) find that, at that periodic review, additional parking would be required to accommodate the proposed increase in beach club members; the applicant shall provide an off-site parking plan for up to 50 off-site parking stalls or other long-term parking solution to address the increased number of beach club members. The proposed solutions must be in a form acceptable to P&D staff and the MPC and shall be subject to review for conformance with applicable ordinances and policies as well as CEQA.

August 12, 2024

Willow Brown
Santa Barbara County
Planning and Development
123 E. Anapamu Street
Santa Barbara, CA 93101

Sent Via Email: wbrown@countyofsb.org

Re: Santa Barbara County Air Pollution Control District Suggested Conditions for Miramar Acquisition Co., LLC – Housing – Mixed Use Development, 24RVP-00000-00050, 24RVP-00000-00051

Dear Willow Brown:

The Santa Barbara County Air Pollution Control District (District) has reviewed the referenced project, which consists of the development of residential and commercial uses at the Miramar Resort. Two new mixed-use buildings totaling 37,383 square feet (SF) are proposed with a total of eight resort apartments, 17,500 SF of resort visitor-serving commercial uses including an option for a 2,500 SF café, and 79 subterranean parking spaces. Also proposed is a new 19,102 SF residential building with 26 affordable apartments for resort employees. The site will have a reconfigured parking area with 350 spaces and new landscaping. Areas of the existing parking lot, hardscape, and buildings will be demolished. Estimated earthwork quantities for the northwest portion of the site are 17,650 cubic yards (CY) of cut and 800 CY of fill with 16,850 CY to be exported. The northeast portion of the site will require 4,300 CY of cut, 1,500 CY of fill, and 2,800 CY of import. The subject property, a 15.99-acre area of parcels zoned C-V and identified in the Assessor Parcel Map Book as APNs 009-371-007, 009-333-013, and 009-372-001, are located at 1759 South Jameson Lane in the community of Montecito.

The proposed project is subject to the following **regulatory requirements** that should be included as conditions of approval in the applicable land use permit:

1. All portable diesel-fired construction engines rated at 50 brake horsepower or greater must have either statewide Portable Equipment Registration Program (PERP) certificates or District permits prior to grading/building permit issuance. Construction engines with PERP certificates are exempt from the District permit, provided they will be on-site for less than 12 months.
2. The application of architectural coatings, such as paints, primers, and sealers that are applied to buildings or stationary structures, shall comply with District Rule 323.1, *Architectural Coatings* that places limits on the VOC-content of coating products.
3. Asphalt paving activities shall comply with District Rule 329, *Cutback and Emulsified Asphalt Paving Materials*.
4. Construction/demolition activities are subject to District Rule 345, *Control of Fugitive Dust from Construction and Demolition Activities*. This rule establishes limits on the generation of visible fugitive dust emissions at demolition and construction sites, includes measures for minimizing

fugitive dust from on-site activities, and from trucks moving on- and off-site. Please see www.ourair.org/wp-content/uploads/rule345.pdf. Activities subject to Rule 345 are also subject to Rule 302 (*Visible Emissions*) and Rule 303 (*Nuisance*).

5. Natural gas-fired fan-type central furnaces with a rated heat input capacity of less than 175,000 British thermal units per hour (Btu/hr) and water heaters rated below 75,000 Btu/hr must comply with the emission limits and certification requirements of District Rule 352. Please see www.ourair.org/wp-content/uploads/rule352.pdf for more information.
6. Boilers, water heaters, and process heaters rated between 75,000 and 2.0 million British thermal units per hour (Btu/hr) must comply with the emission limits and certification requirements of District Rule 360. Note: Units fired on fuel(s) other than natural gas still need to be certified under Rule 360. Please see www.ourair.org/wp-content/uploads/rule360.pdf for more information.
7. The applicant is required to obtain an asbestos survey for suspect asbestos containing material and submit an **Asbestos Demolition/Renovation Notification or an EXEMPTION** from Notification for Renovation and Demolition (District Form ENF-28 or District Form ENF-28e), which can be downloaded at www.ourair.org/compliance-forms for each regulated structure to be demolished or renovated. Demolition notifications are required regardless of whether asbestos is present or not. The completed exemption or notification should be presented, mailed, or emailed to the District with a minimum of 10 working days advance notice prior to disturbing asbestos in a renovation or starting work on a demolition. The applicant should visit www.ourair.org/asbestos to determine whether the project triggers asbestos notification requirements or whether the project qualifies for an exemption.

In addition, the District recommends that the following **best practices** be considered for inclusion as conditions of approval, in the interest of reducing emissions of criteria air pollutants, toxic air contaminants, greenhouse gases, dust and odors:

8. To reduce the potential for violations of District Rule 345 (*Control of Fugitive Dust from Construction and Demolition Activities*), Rule 302 (*Visible Emissions*), and Rule 303 (*Nuisance*), standard dust mitigations (**Attachment A**) are recommended for all construction and/or grading activities. The name and telephone number of an on-site contact person must be provided to the District prior to grading/building permit issuance.
9. The State of California considers particulate matter emitted by diesel engines carcinogenic. Therefore, during project grading, construction, and hauling, construction contracts must specify that contractors shall adhere to the requirements listed in **Attachment B** to reduce emissions of particulate matter (as well as of ozone precursors) from diesel equipment. Recommended measures should be implemented to the maximum extent feasible. Prior to grading/building permit issuance and/or map recordation, all requirements shall be shown as conditions of approval on grading/building plans, and/or on a separate sheet to be recorded with the map. Conditions shall be adhered to throughout all grading and construction periods. The contractor shall retain the Certificate of Compliance for CARB's In-Use Regulation for Off-Road Diesel Vehicles onsite and have it available for inspection.
10. At a minimum, prior to occupancy, any feasible greenhouse gas reduction measures from the following sector-based list should be applied to the project:

- Energy use (energy efficiency, low carbon fuels, renewable energy)
- Water conservation (improved practices and equipment, landscaping)
- Waste reduction (material re-use/recycling, composting, waste diversion/minimization)
- Architectural features (green building practices, cool roofs)
- Transportation (reduce vehicle miles traveled through employee commute trip reduction programs, such as ride-sharing programs and alternative transportation options, such as public transit, local shuttles, park-and-ride lots, etc., pedestrian- and bicycle-friendly features such as sidewalks and bike racks)
- Electric Vehicle Infrastructure (EV charger installation, installation of pre-wiring for future EV chargers)
- For additional information on greenhouse gas mitigation and potential strategies, see www.ourair.org/ghgmitigation-sbc.

11. Due to proximity to Highway 101, the residential portion of the project should be designed to minimize exposure to roadway-related pollutants. Design features may include:

- Maximizing the distance between the roadway and sensitive receptors,
- Locating air intake at the non-roadway facing sides of buildings,
- Ensuring that windows nearest to the roadway do not open,
- Installing mechanical ventilation systems with fresh air infiltration, and/or
- Constructing a physical barrier between the roadway source and receptors of pollutants (e.g., sound wall or vegetative planting).

If you or the project applicant have any questions regarding these comments, please feel free to contact me at (805) 979-8334 or via email at WaddingtonE@sbcapcd.org.

Sincerely,



Emily Waddington,
Air Quality Specialist
Planning Division

Attachments: Fugitive Dust Control Measures
Diesel Particulate and NO_x Emission Measures

cc: Planning Chron File



ATTACHMENT A
FUGITIVE DUST CONTROL MEASURES

These measures should be required for all projects involving earthmoving activities regardless of the project size or duration. Projects are expected to manage fugitive dust emissions such that emissions do not exceed APCD's visible emissions limit (APCD Rule 302), create a public nuisance (APCD Rule 303), and are in compliance with the APCD's requirements and standards for visible dust (APCD Rule 345).

- During construction, use water trucks, sprinkler systems, or dust suppressants in all areas of vehicle movement to prevent dust from leaving the site and from exceeding the APCD's limit of 20% opacity for greater than 3 minutes in any 60 minute period. When using water, this includes wetting down areas as needed but at least once in the late morning and after work is completed for the day. Increased watering frequency should be required when sustained wind speed exceeds 15 mph. Reclaimed water should be used whenever possible. However, reclaimed water should not be used in or around crops for human consumption.
- Onsite vehicle speeds shall be no greater than 15 miles per hour when traveling on unpaved surfaces.
- Install and operate a track-out prevention device where vehicles enter and exit unpaved roads onto paved streets. The track-out prevention device can include any device or combination of devices that are effective at preventing track out of dirt such as gravel pads, pipe-grid track-out control devices, rumble strips, or wheel-washing systems.
- If importation, exportation, and stockpiling of fill material is involved, soil stockpiled for more than one day shall be covered, kept moist, or treated with soil binders to prevent dust generation. Trucks transporting fill material to and from the site shall be tarped from the point of origin.
- Minimize the amount of disturbed area. After clearing, grading, earthmoving, or excavation is completed, treat the disturbed area by watering, OR using roll-compaction, OR revegetating, OR by spreading soil binders until the area is paved or otherwise developed so that dust generation will not occur. All roadways, driveways, sidewalks etc. to be paved should be completed as soon as possible.
- Schedule clearing, grading, earthmoving, and excavation activities during periods of low wind speed to the extent feasible. During periods of high winds (>25 mph) clearing, grading, earthmoving, and excavation operations shall be minimized to prevent fugitive dust created by onsite operations from becoming a nuisance or hazard.
- The contractor or builder shall designate a person or persons to monitor and document the dust control program requirements to ensure any fugitive dust emissions do not result in a nuisance and to enhance the implementation of the mitigation measures as necessary to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the Air Pollution Control District prior to grading/building permit issuance and/or map clearance.

PLAN REQUIREMENTS: All requirements shall be shown on grading and building plans and/or as a separate information sheet listing the conditions of approval to be recorded with the map. **Timing:** Requirements shall be shown on plans prior to grading/building permit issuance and/or recorded with the map during map recordation. Conditions shall be adhered to throughout all grading and construction periods.

MONITORING: The Lead Agency shall ensure measures are on project plans and/or recorded with maps. The Lead Agency staff shall ensure compliance onsite. APCD inspectors will respond to nuisance complaints.



ATTACHMENT B DIESEL PARTICULATE AND NO_x EMISSION REDUCTION MEASURES

Particulate emissions from diesel exhaust are classified as carcinogenic by the state of California. The following is a list of regulatory requirements and control strategies that should be implemented to the maximum extent feasible.

The following measures are required by state law:

- All portable diesel-powered construction equipment greater than 50 brake horsepower (bhp) shall be registered with the state's portable equipment registration program OR shall obtain an APCD permit.
- Fleet owners of diesel-powered mobile construction equipment greater than 25 hp are subject to the California Air Resource Board (CARB) In-Use Off-Road Diesel-Fueled Fleets Regulation (Title 13, California Code of Regulations (CCR), §2449), the purpose of which is to reduce oxides of nitrogen (NO_x), diesel particulate matter (DPM), and other criteria pollutant emissions from in-use off-road diesel-fueled vehicles. Off-road heavy-duty trucks shall comply with the State Off-Road Regulation. For more information, see www.arb.ca.gov/msprog/ordiesel/ordiesel.htm.
- Fleet owners of diesel-fueled heavy-duty trucks and buses are subject to CARB's On-Road Heavy-Duty Diesel Vehicles (In-Use) Regulation (Title 13, CCR, §2025), the purpose of which is to reduce DPM, NO_x and other criteria pollutants from in-use (on-road) diesel-fueled vehicles. For more information, see www.arb.ca.gov/msprog/onrdiesel/onrdiesel.htm.
- All commercial off-road and on-road diesel vehicles are subject, respectively, to Title 13, CCR, §2449(d)(3) and §2485, limiting engine idling time. Off-road vehicles subject to the State Off-Road Regulation are limited to idling no more than five minutes. Idling of heavy-duty diesel trucks during loading and unloading shall be limited to five minutes, unless the truck engine meets the optional low-NO_x idling emission standard, the truck is labeled with a clean-idle sticker, and it is not operating within 100 feet of a restricted area.

The following measures are recommended:

- Off-road heavy-duty diesel equipment with engines certified to meet U.S. EPA Tier 4 emission standards should be used to the maximum extent feasible. Please contact the District if alternative strategies for meeting Tier 4 emission standards are considered.
- On-road heavy-duty equipment with model year 2010 engines or newer should be used to the maximum extent feasible.
- Diesel powered equipment should be replaced by electric equipment whenever feasible. Electric auxiliary power units should be used to the maximum extent feasible.
- Equipment/vehicles using alternative fuels, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or renewable diesel, should be used on-site where feasible.
- Catalytic converters shall be installed on gasoline-powered equipment, if feasible.
- All construction equipment shall be maintained in tune per the manufacturer's specifications.
- The engine size of construction equipment shall be the minimum practical size.
- The number 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 worker trips should be minimized by requiring carpooling and by providing for lunch onsite.
- Construction truck trips should be scheduled during non-peak hours to reduce peak hour emissions whenever feasible.
- Proposed truck routes should minimize impacts to residential communities and sensitive receptors.
- Construction staging areas should be located away from sensitive receptors such that exhaust and other construction emissions do not enter the fresh air intakes to buildings, air conditioners, and windows.

PLAN REQUIREMENTS AND TIMING: Prior to grading/building permit issuance and/or map recordation, all requirements shall be shown as conditions of approval on grading/building plans, and/or on a separate sheet to be recorded with the map. Conditions shall be adhered to throughout grading and construction periods. The contractor shall retain onsite the Certificate of Compliance for CARB's In-Use Regulation for Off-Road Diesel Vehicles and have it available for inspection.

MONITORING: The Lead Agency shall ensure measures are on project plans and/or recorded with maps. The Lead Agency staff shall ensure compliance onsite. APCD inspectors will respond to nuisance complaints.

Subdivision Development Review - Special Problems Starts @ 1:30 PM Chair: Eric Graham 805-568-2073

Teams link: Join conversation (microsoft.com), or MS-Teams ID# 275 133 319 608 Passcode: u2HqMf computer/tablet/smartphone.

You can also call in (audio only) using your phone. Access Code: 1-805-724-0311, Conf ID# 311 503 719 #

Box Files: <https://cosantabarbara.box.com/s/9whm6yridhpnr0uj59dau8x0gtx2bj8>

Special Problems Committee Members: Chair: Eric Graham 805-568-2073

Surveyor – E. Teñell Matlovsky (Aleksandar Jevremovic) County Fire Department – Chris Olmstead (Sean Coffman)
 Building & Safety – Jason Crabtree (Bill Dang) Flood Control- Aurora Zemjanis (Katrina Brunasso)
 Public Works, Transportation – Will Robertson (Andrew Acosta) Environmental Health – Steven Nailor (Jason Johnston)
 Carpinteria - Summerland – Fire Protection District – Mike LoMonaco

Subdivision/Development Review Committee Members: Chair: Eric Graham 805-568-2073

County Fire Department – Chris Olmstead (Sean Coffman) Montecito Fire Protection District – Aaron Briner (Alex Broumand)
 APCD – Bryan Wong (Emily Waddington) Parks Division – Ryan Cooksey (George Amoon)
 Flood Control –Aurora Zemjanis (Katrina Brunasso) Public Works, Transportation – Will Robertson (Andrew Acosta)
 Environmental Health – Steven Nailor (Jason Johnston) Planning & Development – Jason Crabtree (Bill Dang)
 Surveyor – E. Teñell Matlovsky (Aleksandar Jevremovic) Project Clean Water – Aurora Zemjanis (Katrina Brunasso)
 Carpinteria - Summerland – Fire Protection District – Mike LoMonaco

Associate Members

HCD – Andrew Kish (Housing & Community Development) Solid Waste – Mackie Forgey (PW Resource Recovery & Waste Mgmt)

1. 24LUP-00228 Noyes Exercise Room Mission Canyon SP (Kylie Sanchez, sanchezk@countyofsb.org)

Request of Ian Noyes to convert a 409-square-foot storage space below the existing garage and ADU to a new exercise room with a half bathroom. The subject property is 0.2 acres, and is zoned 7-R-1. Water will be provided by the Santa Barbara City Water Resources division. Wastewater treatment will be provided by the Santa Barbara City Water Resources division. The subject property is shown as APN(s) 023-112-021, located at 2634 Montrose Place in the Mission Canyon Community Plan area, First Supervisorial District.

EHS Comments:

- Plans, sheet SP, shows a sewage collection tank and lift pump to lift sewage uphill to Montrose so it can enter into the sewer, part of CSA-12. Exercise room and ADU is at or below street level, thus gravity flow from exercise room below ADU is not possible as house is on the downhill side of the street,
- This project at an existing residence is using the City of Santa Barbara public water system and the CSA-12 public sewer system connected to the City of Santa Barbara.
- EHS has no further comments.

2. 24CDH-00016 6730 Del Playa Drive LLC – New SFD (SB 330) Goleta SDRC (Henry Wakamiya, wakamiyah@countyofsb.org)

Request of Lonnie Roy, agent, to allow construction of a new 3,290 SF Single Family Dwelling and 1,092 SF Accessory Dwelling Unit (under separate permits). The subject property is 0.11 acres, and is zoned SR-M-18. Water will be provided by the Goleta Water District. Wastewater treatment will be provided by the Goleta West Sanitary District. The subject property is shown as APN(s) 075-191-023, located at 6730 Del Playa Drive in the Goleta Community Plan area, Second Supervisorial District.

EHS Comments:

- This project at an existing residence is using the Goleta Water District public water system and the Goleta West Sanitary District.
- EHS requests the “can and will serve letters,” for both water and sewer.
- EHS has no further comments.

Delayed until Sept 5th Meeting**24DVP-00024**SDRC (Veronica King, kingv@countyofsb.org)**6. 24CDP-00097 Van Wingerden Family Trust Housing Development Carpinteria**

The project is a request for a Development Plan to allow for the construction of four new multi-family apartment buildings totaling 28,600 square feet (SF). The project includes 46 residential units consisting of 20 studio units (of approximately 320 SF), 18 one-bedroom units (of approximately 700 SF), four two-bedroom units (of approximately 850 SF), and four three-bedroom units (of approximately 1,500 SF). Two apartment buildings will be two-story structures with a maximum height of 29 feet and the remaining two will be three-story structures with a maximum height of 39 feet. A total of 10 units (20 percent) will be affordable housing units. 48 parking spaces will be provided to serve the development, including 28 standard, ten tandem (for a total of 20), and four ADA. Existing onsite development, consisting of two residential structures, are proposed for removal. Grading consists of 1,000 CY of cut and 750 CY of fill. The parcel will be served by the Carpinteria Water District, the Carpinteria Sanitary District, and the Carpinteria-Summerland Fire Protection District. Access will be provided via Cravens Lane utilizing two access points, with primary access on the north using a shared access easement and secondary access to the south. The property is zoned AG-I-5 and is shown as APN 004-013-025, located at 1360 Cravens Lane in the Carpinteria area, First Supervisorial District.

EHS Comments:

- A) This project proposes to use Carpinteria Water District, a public water system, and the Carpinteria Sanitary District for sewer services.
- B) EHS requests either “ability to serve,” or “can and will serve,” letters for both water and sewer services.
- C) Existing onsite wastewater treatment system (OWTS, septic) shall be abandoned under permit from EHS concurrent with demolition of existing 1-story residence.
- D) EHS has no further comments.

24RVP-00050**7. 24RVP-00051 Miramar Acquisition Co.,LLC Housing - Mixed Use Montecito (Willow Brown, wbrown@countyofsb.org)**

Request of Bryce Ross for revisions to Development Plan 14RVP-00000-00063 to allow 56,485 square feet of development in the CV (Visitor Serving Commercial) Zone consisting of employee and market-rate apartments and 17,500 square feet resort shops, and Case No. 24RVP-00051 for revisions to Conditional Use Permit 07CUP-00000-00047 to allow residential uses consisting of 26 employee apartments and eight market-rate apartments. The subject property is 15.99 acres, and is zoned C-V. Water will be provided by the Montecito Water District. Wastewater treatment will be provided by the Montecito Sanitary District. The subject property is shown as APN(s) 009-371-007 and 009-333-013, located at 1759 S Jameson Lane in the Montecito Community Plan area, First Supervisorial District.

EHS Comments:

- A. This project is an existing development served by a public water system (Montecito Water District) and a public sewer system (Montecito Sanitary District).
- B. Montecito Water District letter provides preliminary approval, contingent upon the applications completion of all obligations to the District.
- C. Montecito Sanitary District letter stating that service is available, but not yet approved, and requires submittal of plans for review and also resolve a list of six items.
- D. Prior to issuance of a building permit, submit and obtain a food facility plan check approval from Environmental Health Services.
- E. Prior to operation, obtain a food facility health permit from Environmental Health Services.
- F. EHS has no further comments.



MEMORANDUM

DATE: September 10, 2024

TO: Willow Brown, Planning & Development

FROM: Aaron Briner, Fire Marshal

SUBJECT: 1759 S. Jameson - Rosewood Miramar Affordable Employee Housing, Market Rate Housing, and Resort-Visitor serving Commercial Uses – Planning Condition Letter

The proposed project at 1759 S. Jameson is within the jurisdiction of the Montecito Fire Protection District (MFPD). After our initial review of the scope of work provided, we have determined that the project meets the minimum fire access requirements as shown on the submitted Entitlement Package dated 7-8-2024.

THE FOLLOWING CONDITIONS ARE FOR FUTURE DEVELOPMENT AND ARE ADVISORY

All standard fire department conditions and current codes shall apply at time of development.

PRIOR TO BUILDING PERMIT ISSUANCE

1. Fire Protection Certificate(s) and approved plans shall be required.
2. Minimum fire flow requirement will be determined based on the size of the proposed structures as stipulated in the code - CFC Table B105.1(2) and B105.2. Hydrants shall be in place such that the fire flow criteria of the Code are satisfied prior to structural framing.

PRIOR TO CONSTRUCTION

3. Prior to construction, access and water inspections shall be signed off by the MFPD.

PRIOR TO OCCUPANCY CLEARANCE

4. The fire access roadways and driveways providing access to the lots and structures shall comply with the California Fire Code, as amended by MFPD Ordinance, and Fire Department Access Development Standard in effect at the time the building permit is issued.
5. Turnouts and turnarounds shall be provided as stated in the Code.
6. Slope considerations along access routes shall be adhered to as presented in the Code.

7. All entry gates which obstruct the required access routes for fire apparatus shall comply with provisions stated in the Code.
8. Overhead clearance shall be maintained above the entire width of the required access road consistent with the Code standard.
9. All bridges over required access routes shall be certified by a California State licensed Civil Engineer and meet the load limit requirements as stated in the Code.
10. All new or existing residential structures shall be identified with address numbers or letters which comply with the Code and are clearly visible / legible from both directions of travel along the roadway fronting the property. Numbers shall be installed prior to final occupancy clearance.
11. Distance to furthest part of the structure measured from the engine spotting location along an approved route around the exterior of the structure (Representing hose pull) shall comply with provisions stated in the Code.
12. Defensible space clearance around all structures along with hazard mitigation on the property shall meet Fire District standards as stipulated in the Code.
13. A Fire Protection Plan based on a project-specific wildfire hazard assessment as described in Section 4903.2 of Ordinance No. 2022-01 may be required.
14. Minimum fire flow requirement will be determined based on the size of the proposed structures as stipulated in the Code and be operational prior to structural framing. CFC Table B105.1(2) and B105.2.
15. Roofing assemblies for all structures shall meet requirements for Class A Rating as stipulated in the Code. Wood roofing systems are otherwise prohibited by Santa Barbara County Ordinance.
16. Solar Photovoltaic system installations shall comply with the current Installation Guideline provided by the California Department of Forestry and Fire Protection Office of the State Fire Marshal.
17. There shall be four feet (4') of unobstructed access around all structures. This shall be indicated on the plans.
18. A District approved automatic fire sprinkler system may be required to be installed and maintained in compliance with the Code and shall be fully operational prior to final occupancy clearance.
19. Combination smoke / carbon monoxide detectors shall be installed in all bedrooms and hallways leading to bedrooms. All smoke detectors shall be hardwired and interlinked on a dedicated circuit.
20. A new FDC to be located in line with existing FDC on the western project. FDC location for the eastern project TBD.
21. Both underground parking locations will be required to install standpipes adjacent to stairwells with 150' pre-connects, at all levels, parking and living.
22. EV parking locations should be located outside in the open. Final locations TBD.

This project must comply with the California Fire Code, as amended by MFPD Ordinance, and all MFPD Development Standards in effect at the time the building permit is issued.

Respectfully,

A handwritten signature in blue ink, appearing to read 'A Briner', with a horizontal line extending to the right from the end of the signature.

Aaron Briner
Battalion Chief - Fire Marshal
Montecito Fire Protection District



**Santa Barbara County Public Works Department
Flood Control and Water Conservation District**

130 E. Victoria Street, Suite 200, Santa Barbara, CA 93101

PH (805) 568-3440 FAX (805) 568-3434

<https://www.countyofsb.org/2155/Flood-Control>

CHRIS SNEDDON

Director Public Works

WALTER RUBALCAVA

Deputy Director Flood Control

September 13, 2024

Willow Brown, Planner
County of Santa Barbara
Planning & Development Department
123 E. Anapamu St.
Santa Barbara, CA 93101

**Re: 24RVP-00050; MIRAMAR ACQUISITION CO, LLC - HOUSING - MIXED USE DEVELOPMENT
APN: 009-371-007; Montecito**

This letter supersedes the previously letter issued on June 17, 2024, and removes all remaining incompleteness items for the project. This letter is valid for work proposed in case numbers 24RVP-00050, 24RVP-00051, 24AMD-00008, and 24CDP-00077.

Dear Ms. Brown:

The Public Works Department Flood Control and Conservation District has the following conditions for proposed improvements to portions of the Miramar Resort ("Resort") located at 1759 South Jameson Lane within the Montecito area of Santa Barbara County ("County") with Resort apartments (Market Rate), affordable apartments for Resort employees, which comprise 76 percent of the proposed new residential units, and additional Resort-visitor commercial uses (collectively, the "Project").

The Resort comprises four parcels that contain approximately 696,525 square feet of gross lot area (15.99 acres) and 686,977 square feet of net lot area (15.77 acres) and is bordered by South Jameson Lane to the north, Eucalyptus Lane to the west, Miramar Beach and the ocean to the south, and Oak Creek to the east ("Resort Site"). The Project's proposed development and disturbed area is limited to two existing surface parking areas located in the northwest and northeast portions of the Resort Site comprising approximately 152,024 square feet (3.49 acres) (collectively, the "Project Site").

In the Project Site's northwest parking area, the Applicant proposes construction of two new mixed-use buildings (referred to herein and on the plans as Buildings A and B) that contain a total of eight (8) Resort apartments and approximately 17,500 gross square feet (16,433 net square feet) of Resort-visitor serving commercial uses, including an option for a 2,500 square foot café, along with subterranean parking with 79 shared parking spaces. In the Project Site's northeast parking area, the Applicant proposes construction of a new residential building (referred to herein and on the plans as Building C) that contains 26 affordable apartments (76% of total new units) for Resort.

This parcel is located within the FEMA Regulatory Floodplain Zone AE (with Base Flood Elevations – BFEs) and the FEMA Recovery Map High Hazard Area (with Advisory Flood Elevations – AFEs), and is subject to compliance with Chapter 15A of the Santa Barbara County Code, "Floodplain Management Ordinance."

This parcel is near a FEMA-regulatory watercourse shall be designed in compliance with the setback requirements described in Chapter 15B of the Santa Barbara County Code, "Development Along Watercourses Ordinance" of the Santa Barbara County Code.

No improvements are allowed within the Flood Control District easement.

The District requires that the above referenced project is subject to the following conditions:

1. Design/ Prior to Permit Issuance/Zoning Clearance:

- a. The applicant shall comply with the Santa Barbara County Flood Control District Standard Conditions of Project Plan Approval dated January 2011 (<https://content.civicplus.com/api/assets/1076b7b8-f860-4131-a24e-f93a66f4fb0e>)
- b. The applicant shall acquire and submit all required data, forms and certifications as described in the Standard Conditions of Approval.
- c. Submit Flood Control District plan check deposit in the amount of \$2500 payable to Santa Barbara County Flood Control District to the following address: 130 E. Victoria Street, Suite 200, Santa Barbara, CA 93101. Add case number and APN to the check.
- d. Submit project plans including grading and drainage plans, foundation plans, and elevation views with current topography in vertical datum NAVD 1988. The topographic map survey sheet shall be submitted concurrently with the plans and signed/stamped by a CA-licensed land surveyor.
- e. Site grading must:
 - i. Maintain overland drainage patterns onto and through the parcel.
 - ii. Maintain conveyance capacities of existing drainages through the site.
 - iii. Cause no adverse impacts to neighboring parcels. Proposed development shall not displace or reroute flows in a manner that deflects runoff onto neighboring parcels, or that concentrates flows at outfall locations.
- f. Any temporary work proposed within a Flood Control easement will require approval by the District, and a Temporary Right of Entry issued by the District.
- g. Identify the top-of-bank and the 50-foot top-of-bank setback. No structures are allowed within the setback. Hardscape and other elements with a low profile may be allowed if approved by the District.
- h. Submit a drainage report, and include predevelopment and post development runoff calculations, an offsite watershed map showing offsite areas contributing runoff to the site, and an onsite watershed map, delineating areas contributing to each concentration point (e.g. drop inlets).
- i. Detention basins are required and shall be designed such that the post-development peak discharge rate is less than or equal to the pre-development rate for the 2,5,10, 25, 50, and 100-year storm events and
 - i. Submit a geotechnical report including depth to groundwater information, and attestation regarding suitability of detention system.
 - ii. Underground detention systems are not automatically permitted, but must have prior District approval. They must include, but are not limited to, the following requirements:
 1. Must be oversized 10% above the required volume, or must provide 12" freeboard above the maximum calculated water surface elevation.
 2. Underground systems utilizing aggregate void space for storage volume must multiply the void ratio by 0.75.
 3. Must be free draining and have a positive outlet (the outlet invert must be higher than the ultimate outfall invert).
 4. Must include oversized outlet pipes.
 5. Orifice restriction plates must be removable and galvanized, with stainless steel bolts

6. Must overflow back onto the site in the event of a blockage.
 7. Underground overflow weirs are not allowed.
 8. Must incorporate a pre-treatment system.
 9. No credit towards the required detention volume as a result of infiltration (HydroCAD exfiltration) is allowed. The invert elevation of the primary outlet device is the base of the available storage volume.
- j. Submit freeboard calculation for Q100 overland flows assuming all inlets are plugged.
 - k. No overland cross-lot drainage is allowed. Overland runoff directed towards the property boundaries must be collected in the onsite storm drain system prior to being conveyed offsite.
 - l. If applicable, provide evidence of acceptance of the onsite storm drain tie-in to the offsite storm drain system on the adjacent property.
 - m. The applicant's design team must determine Design Flood Elevation (DFE) which will be the BFE or AFE + 2FT, must identify which elevations governs, and must submit their findings to the District for review.
 - n. For new residential structures within Special Flood Hazard Area Zone AE of the High Hazard Recovery Map Area:
 - i. The finished floor elevation of new residential structures must be situated to at least the DFE, and must be identified on plan and elevation views.
 - ii. Flood opening vents are required for all enclosed areas (such as crawlspaces) below the finished floor elevation residential structures and shall have a minimum of two flood opening vents sized according to 15A standards of one square inch of opening per one square foot of enclosed space subject to flooding. The vents shall be installed on at least two walls, and the bottom of the vents shall be no higher than one foot above highest adjacent grade, interior or exterior, whichever is higher. See FEMA Publication TB-1.
 - iii. Crawlspaces heights cannot exceed 48" at any location, or this will be considered the ground floor which must be situated at the DFE, or be used only for parking, access or minimal storage.
 - iv. Basements (any area of the building having its floor below ground level on all sides) are not allowed for new residential structures in the floodplain.
 - v. All space below the finished floor shall not be used for human habitation and must be used solely for parking of vehicles, building access, and limited storage.
 - o. Any accessory structure (shed/attached garage/detached garage/storage building) within Special Flood Hazard Area Zone AE or the High Hazard Recovery Map Area may have a finished floor elevation below the DFE, and
 - i. Must have a minimum of two flood opening vents that are sized according to Ordinance 15A,
 - ii. Must be used solely for parking of vehicles, access to residence, and for limited storage,
 - iii. Applicant must submit a Non-Conversion Agreement signed by the owner that confirms that the structure will not be converted to a habitable structure prior to demonstrating compliance with Ordinance 15A.
 - p. All structures utilized for purposes classified by FEMA as non-residential commercial (*office, public restrooms, processing and packing facilities, etc.*) within Special Flood Hazard Area Zone AE or the High Hazard Recovery Map Area
 - i. Must either be elevated with the finished floor situated to at least the BFE + 2FT, or
 - ii. Together with attendant utilities may be dry-floodproofed to BFE + 2FT so that the structure is watertight with walls substantially impermeable to passage of water, and
 1. Submit a **draft Floodproofing Certificate** prepared by licensed engineer: https://www.fema.gov/sites/default/files/documents/fema_form-ff-206-fy22-153.pdf
 2. Submit a **draft Flood Emergency Operations Plan and an Inspection & Maintenance Plan**. See FEMA P-936 and FEMA TB-3 for details.

- iii. See FEMA Publication P-936 for additional guidance:
https://www.fema.gov/sites/default/files/2020-07/fema_p-936_floodproofing_non-residential_buuildings_110618pdf.pdf
 - iv. See FEMA Technical Bulletin TB-3 for additional guidance:
https://www.fema.gov/sites/default/files/documents/fema_technical-bulletin-3_1-2021.pdf.
2. Prior to issuance of Building/Grading Permit Issuance:
- a. The applicant shall return the signed and notarized detention system **Maintenance Agreement** (Subdivider's or Owner's Agreement).
 - b. The applicant shall submit to the District PDF drawings of the approved grading plans, improvement plans, drainage plans, drainage studies and landscape plans.
 - c. The project plans must include plumbing, mechanical, electrical and structural drawings showing the foundation design, and finished floor elevations listed for all levels of every structure.
 - d. For structures within Special Flood Hazard Area Zone AE:
 - i. Submit a **Final Design Level Floodproofing Certificate** prepared by licensed engineer for any non-residential structure designed to be dry-floodproof.
 - ii. Materials below the DFE, must be constructed of flood-damage resistant materials per FEMA Publication TB-2, and must be identified by material type on the plans.
 - iii. Equipment and attendant utilities (such as HVAC, water heaters, purification system, panels, circuit breakers, washing machine) must be elevated to or above the DFE. Equipment for non-residential structures may be dry-floodproofed to the DFE
 - iv. Electrical components, receptacles, and cables below the DFE must be waterproofed or conform to NFPA 70 for wet locations.
 - v. Fuel supply lines extending below the DFE shall be equipped with a float operated automatic control valve to shut off fuel supply when floodwaters rise to the DFE, or dry-floodproofed if they serve non-residential structures.
 - vi. Plumbing shall be fitted with backflow devices to prevent the intrusion of floodwaters for any potable water systems with outlets below the DFE and any wastewater inlets below the DFE.
 - vii. If applicable, elevators:
 1. Elevator components (such as hydraulic lines, hydraulic cylinders, governor tails, buffer stands and springs) should be located above the DFE. However, they may be located below the DFE provided components are constructed of flood damage-resistant materials, or are located to protect the lines from physical damage due to design flood conditions, or are painted or coated with galvanic or rust-preventive paint.
 2. Drainage shall be provided for the elevator pit.
 3. If the elevator cab is designed to provide access below the DFE, it must be equipped with a floatation device to prevent the cab from descending into floodwaters.
 4. Elevator electrical control panels and mechanical and hydraulic equipment (such as hydraulic pumps, tanks, machine rooms and hoist motors) shall be elevated above the DFE.
 5. Elevator shafts must be designed to resist flood loads in accordance with ASCE 7 (ASCE/SEI 2010). Elevator shafts are not required to have flood openings.
 6. Elevator shafts in Coastal High Hazard Areas and Coastal A Zones are not required to have breakaway walls
 7. Submit manufacturing specifications and drawings.

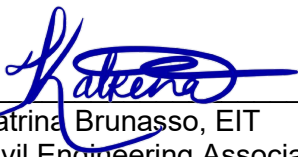
3. Prior to Occupancy Clearance

- a. The applicant must pay the appropriate ministerial permit fee directly to the District at the time of initial submittal of construction drawings.
- b. The engineer of record shall submit a **Drainage Improvement Certification** (attached to the Standard Conditions of Approval). This certification attests that the engineer has inspected all storm water control measures described in the Stormwater Control Plan and found them constructed per plans and stabilized in substantial conformance with the approved development plans.
- c. For dry-floodproofed, non-residential structures in the floodplain:
 - i. The engineer of record shall submit the **Final Construction Level Floodproofing Certificate**
 - ii. The engineer of record shall submit **Final Flood Emergency Operations Plans and an Inspection & Maintenance Plans** for non-residential structures designed to be watertight.
- d. For residential structures or elevated non-residential structures in the floodplain:
 - i. **A preliminary Elevation Certificate**, is required prior to establishing the finished floor for all new structures located within the FEMA Regulatory Floodplain for the District's review and approval.
 - ii. Upon completion of construction, the applicant shall submit an **Elevation Certificate** (FF-206-FY-22-152) to the District's Floodplain Manager for all new and Substantially Improved structures located within the FEMA Regulatory Floodplain for the District's review and approval.

Sincerely,

SANTA BARBARA COUNTY FLOOD CONTROL & WATER CONSERVATION DISTRICT

By: _____


Katrina Brunasso, EIT
Civil Engineering Associate
kbrunasso@countyofsb.org | (805)568-3267

Cc: Bryce Ross, Miramar Acquisition Co., 101 The Grove Drive, Los Angeles, CA 90036
Jackie S. Levy, Miramar Acquisition Co., 101 The Grove Drive, Los Angeles, CA 90036



County of Santa Barbara Public Works Department
Project Clean Water

123 E. Anapamu Street, Suite 27, Santa Barbara, CA 93101
(805) 568-3440 FAX (805) 568-3434
www.sbprojectcleanwater.org



CHRIS SNEDDON
Director

WALTER RUBALCAVA
Deputy Director

September 13, 2024

Willow Brown, Planner
County of Santa Barbara
Planning & Development Department
123 E. Anapamu St.
Santa Barbara, CA 93101

**Re: 24RVP-00050; MIRAMAR ACQUISITION CO, LLC - HOUSING - MIXED USE DEVELOPMENT
APN: 009-371-007; Montecito**

This letter supersedes the previously letter issued on June 17, 2024, and removes all remaining incompleteness items for the project. This letter is valid for work proposed in case numbers 24RVP-00050, 24RVP-00051, 24AMD-00008, and 24CDP-00077

Dear Ms. Brown:

The Public Works Department Water Resources Division, Project Clean Water has the following conditions for proposed improvements to portions of the Miramar Resort ("Resort") located at 1759 South Jameson Lane within the Montecito area of Santa Barbara County ("County") with Resort apartments (Market Rate), affordable apartments for Resort employees, which comprise 76 percent of the proposed new residential units, and additional Resort-visitor commercial uses (collectively, the "Project"). The Resort comprises four parcels that contain approximately 696,525 square feet of gross lot area (15.99 acres) and 686,977 square feet of net lot area (15.77 acres) and is bordered by South Jameson Lane to the north, Eucalyptus Lane to the west, Miramar Beach and the ocean to the south, and Oak Creek to the east ("Resort Site"). The Project's proposed development and disturbed area is limited to two existing surface parking areas located in the northwest and northeast portions of the Resort Site comprising approximately 152,024 square feet (3.49 acres) (collectively, the "Project Site"). In the Project Site's northwest parking area, the Applicant proposes construction of two new mixed-use buildings (referred to herein and on the plans as Buildings A and B) that contain a total of eight (8) Resort apartments and approximately 17,500 gross square feet (16,433 net square feet) of Resort-visitor serving commercial uses, including an option for a 2,500 square foot café, along with subterranean parking with 79 shared parking spaces. In the Project Site's northeast parking area, the Applicant proposes construction of a new residential building (referred to herein and on the plans as Building C) that contains 26 affordable apartments (76% of total new units) for Resort.

Project Clean Water requires the submittal of the following incompleteness items, which may amend the current conditions:

- A Stormwater Control Plan using the Stormwater Technical Guide that shows conformance with Tier 3 requirements. Tier 4 requirements may be addressed here, or within the Drainage Report (listed as incompleteness item for Flood Control).

The reports submitted in response to the incompleteness items listed above must have enough information in them to show that the project can be designed to meet both Flood Control and Project Clean Water requirements to obtain project approval.

This project must conform to the Central Coast Regional Water Quality Control Board Post-Construction Requirements (Resolution No. R3-2013-0032) for **Performance Requirement No. 4: Peak Management** due to new or replaced impervious surfaces greater than 22,500 sf. This requires the project to limit disturbance, minimize impervious surfaces, minimize runoff, implement source control measures, retain the storm water runoff for all events up to and including the design storm (95th percentile event), and demonstrate that the post-project peak runoff does not exceed the pre-project peak runoff for the 2- through 10-year storm events (which is less stringent and therefore superseded by separate requirements from the Santa Barbara County Flood Control District, as described above).

1. Prior to Permit Approval: for application completeness a **Tier 3 Conceptual Stormwater Control Plan (SWCP)** must be submitted for review. Please follow the County of Santa Barbara's Stormwater Technical Guide for a **Tier 3** project. The Stormwater Technical Guide is on the Water Resources Division website: <https://www.countyofsb.org/2324/New-Redevelopment>. A copy of the spreadsheet(s) used in the stormwater calculator shall be included, along with a summary of the general long-term maintenance requirements and responsibilities. Include exhibits clearly showing the existing and proposed impervious surfaces by type and square footage.

The **SWCP** must provide relevant details on the location and function of treatment facilities. These facilities shall be depicted on a separate plan sheet within the engineering plan set. At a minimum, the submittal(s) must:

- a. Show the locations of all impervious surfaces, their delineated drainage management area, and associated stormwater control measure,
 - b. Show that treatment areas manage runoff from the design storm, and
 - c. Demonstrate adequate space is dedicated to meet the performance objective for stormwater volume retention, and
 - d. Demonstrate that post-development Q2 through Q10 runoff rates are equal to or less than pre-development runoff via hydraulic analysis
2. Prior to issuance of Zoning Clearance, Land Use Permit Issuance, or Building or Grading Permits (whichever of these actions comes first), the applicant must submit to the Water Resources Division for review and approval a **Final Storm Water Control Plan** with accompanying civil, architectural, and landscape plans as appropriate, for the storm water control measures provided. The SWCP shall follow the County of Santa Barbara's Stormwater Technical Guide.

The final SWCP must include a separate long-term maintenance plan appropriate for the proposed facilities, including a site schematic identifying water quality treatment areas (no color, hatching, faint lines or small text). Instructions and templates for preparing a Maintenance Plan are provided in the Stormwater Technical Guide.

The applicant must submit a deposit for plan check review at the time the **Final SWCP** and engineering plans are submitted. The plan check deposit of \$2,000 shall be submitted to Water Resources Division, Public Works, 130 E. Victoria St., Santa Barbara, CA 93101. The check shall be made payable to Project Clean Water.

3. Prior to issuance of Building or Grading Permits, the owner must sign and notarize a Maintenance Agreement that includes the long-term maintenance plan. The maintenance agreement identifies the owner as the party responsible for maintaining the storm water retention facilities for the life of the project. The maintenance agreement will be signed and notarized by the property owner. **Within the first year after installation, the property owner shall arrange for one onsite inspection with Project Clean Water to verify BMP installation and maintenance.**
4. Upon installation of treatment systems, and before final clearance on the Grading Permit, or in those situations where underground systems are installed - prior to burying the treatment system, **the applicant will arrange for a site inspection with Project Clean Water staff. Documentation as shown on the final approved plans shall be provided to Project Clean Water showing installation details including: photos, material specifications, and surveyed elevations.**
5. Prior to Building Division final clearance on Grading or Building permits, all improvements required as part of the above conditions shall be installed in accordance with the approved plans. An **Engineer's Certificate of Approval** shall be signed and stamped by the engineer of record and submitted to the Water Resources Division along with a set of PDF As-Built plans with the storm water measures installed. This certification attests that the engineer has verified all storm water control measures described in the SWCP and found them constructed per plans and stabilized in substantial conformance with the approved development plans. As-built surveys may be required. If the treatment systems are installed in phases, separate Certificates of Approval can be provided for each phase. If necessary, the final maintenance plan shall be revised by the engineer of record based on as-built construction drawings.

Sincerely,

SANTA BARBARA COUNTY FLOOD CONTROL & WATER CONSERVATION DISTRICT on behalf of
PROJECT CLEAN WATER

By: _____
Katrina Brunasso, EIT
Civil Engineering Associate
kbrunasso@countyofsb.org (805)568-3267

Cc: Bryce Ross, Miramar Acquisition Co., 101 The Grove Drive, Los Angeles, CA 90036
Jackie S. Levy, Miramar Acquisition Co., 101 The Grove Drive, Los Angeles, CA 90036



Jesús Armas, Director, Community Services
Andrew Myung, Deputy Director, Administration & Chief Financial Officer
Joe Dzvoniak, Deputy Director, Housing & Community Development
Jeff Lindgren, Deputy Director, Parks Division
Ashley Watkins, Division Chief, Sustainability & Libraries Division
Sarah York Rubin, Executive Director, Office of Arts & Culture



August 9, 2024

TO: Willow Brown, Planner
Planning & Development

FROM: Ryan Cooksey, Parks Planner

RE: Miramar Housing & Mixed Use Development
24RVP-00050 (revision to 14RVP-00000-00063)
24RVP-00051 (revision to 07CUP-00000-00047)
1759 South Jameson Lane, Montecito, CA 93108
APN 009-371-007

County Parks recommends the following condition(s) to the approval of the above referenced project:

1) Pursuant to the provisions of Ordinance 4348 and the appurtenant fee resolutions adopted by the Board of Supervisors, the applicant will be required to pay a development mitigation fee for new dwelling unit(s) to offset the project's potential impact on the County's park system. Said fee will be used in conjunction with other similar fees collected in the area to provide park and recreational facilities in the Regional Demand Area. A protest of mitigation fees imposed may be filed pursuant to Government Code Section 66020(a). The protest shall be filed at the time of approval or conditional approval of the development or within 90 days after the date of the imposition of the fees, dedications, reservations, or other exactions to be imposed on a development project. The Applicant is hereby notified that the 90-day approval period in which the Applicant may protest has begun.

The current applicable fee for apartment dwelling units in the demand area is \$1,709 per unit. The total fee for the project would be \$58,106 (\$1,709 x 34 units). Fees shall be paid prior to final inspection approval, and shall be based on the fee schedule in effect when paid. Fee schedules are subject to yearly adjustments. Funds for payment of fees will not be accepted or processed prior to expiration of the appeal period following project approval by the decision maker.

Fees are payable to the COUNTY OF SANTA BARBARA, and may be paid in person or mailed to: Santa Barbara County Parks Administration, 123 East Anapamu St., 2nd floor, Santa Barbara CA 93101. Please indicate the project's planning permit number(s), assessor parcel number(s) and address on checks.

cc: Jesús Armas, Community Services Department Director

County Parks Division, Division of Energy & Sustainability Initiatives, Housing & Community Development Division:
123 East Anapamu Street, 2nd Floor, Santa Barbara, CA 93101 · T: (805) 568-2467 · F: (805) 568-2459
Office of Arts and Culture: 1100 Anacapa Street, 3rd Floor, Rotunda Tower, Santa Barbara, CA 93101
sbccsd.org

COUNTY OF SANTA BARBARA
PUBLIC WORKS DEPARTMENT
123 East Anapamu Street
Santa Barbara, California 93101
805/568-3232 FAX 805/568-3222



September 20, 2024

TO: Willow Brown, Planner
Development Review

FROM: William Robertson, AICP, PTP
Supervising Transportation Planner
Public Works, Transportation Division, Traffic Section

SUBJECT: **Miramar Acquisition Co., LLC – Housing – Mixed Use Development**
24RVP-00000-0050; 24RVP-00000-00051
1759 S. Jameson Lane & 96 Eucalyptus Lane
APN: 009-371-007, 009-333-013; Montecito
Conditions of Approval (5 pages)
Standard Conditions of Approval (5 pages)
Ordinance 4270 (14 pages)
Resolution 87-344 (5 pages)
Resolution 24416 (3 pages)
Resolution 81-229 (6 pages)

Traffic Mitigation Fees

1. Pursuant to Ordinance No. 4270 regarding Transportation Impact Fees, the applicant will be required to pay a fee for each new peak hour trip, for the purpose of funding transportation facilities within the Montecito Planning Area of the County.

Based on the current fee schedule, the total estimated fee for the proposed project is **\$50,405** (17 PM peak hour trips * \$2,965/PHT). Fractional PHT are rounded up to the next whole number. **Fees are due prior to occupancy clearance and shall be based on the fee schedule in effect when paid.** This office will not accept payment or process a check received prior to project approval.

Fees are payable to the County of Santa Barbara, and may be paid in person or mailed to: Santa Barbara County Transportation Division, 123 E. Anapamu St., 2nd Floor, Santa Barbara, CA 93101 or Santa Barbara County Transportation Division North, 620 West Foster Road, Santa Maria, CA 93455. Please phone this office prior to payment if unsure as to the final fee required.

Peak hour trip generation is taken from the Traffic and VMT Analysis for the Miramar Beach Resort and Bungalow Affordable Employee Housing, Market Rate Housing and Resort-Visitor Serving Commercial Project traffic study, completed by Associated Traffic Engineers (ATE), dated September 9th, 2024.

A protest of mitigation fees imposed may be filed pursuant to Government Code Section 66020(a). The protest shall be filed at the time of approval or conditional approval of the development or within 90 days after the date of the imposition of the fees, dedications, reservations, or other exactions to be imposed on a development project. The Applicant is hereby notified that the 90-day approval period in which the Applicant may protest has begun.

Undergrounding of Utilities

2. **Prior to zoning clearance**, the applicant shall engineer and post a surety, acceptable to County Counsel, for the undergrounding installation of all fronting overhead utilities and services, both existing and proposed, pursuant to Resolution No. 87-344 and Resolution No. 24416.
3. **Prior to occupancy clearance**, the following utilities and services, both existing and proposed, shall be installed underground in the roads pursuant to Resolution No. 87-344 and Resolution No. 24416. All services shall be connected to each commercial building or stubbed out to each legal lot where lots are created/sold: Gas, Water, Cable Television/Internet, Fiber Optic Cables, Telephone, Sanitary Sewer and Electrical Power.

Sight Distance

4. **Prior to zoning clearance**, the developer shall design, and prior to occupancy, the developer shall provide intersection sight distance in a manner acceptable to the Department of Public Works Traffic Section for all project roadways and intersection, both public and private.

When the criteria for sight distances cannot be met, the County may prohibit vehicle turning movements, require speed change lanes or require additional speed change lane lengths.

Access

5. **Prior to occupancy clearance**, the developer shall construct all site ingress and egress points in a manner acceptable to the Department of Public Works Traffic Section. All driveway accesses shall be improved to include a maximum combined driveway width of no greater than 40 feet and include radius curb returns unless otherwise approved through a formal design exception, signed by the Director of Public Works (see standard detail 4-050). All necessary pavement or cross gutters shall match adjacent improvements as required by the Department of Public Works Traffic Section.

Street Sections/Pavement Traffic Index

6. **Prior to zoning clearance**, the developer shall design, and **prior to occupancy clearance**, the developer shall construct pavement for all roadwork, both public and private, based on the appropriate road detail provided in the Santa Barbara County Engineering Design Standards. All designs and/or modifications shall be reviewed and approved, in writing, by the Department of Public Works Traffic and Permit Sections.

All proposed improvements shall transition in existing improvements in a manner acceptable to the Public Works Traffic and Permit Sections.

7. **Prior to zoning clearance**, the applicant shall engineer and post a surety, acceptable to County Counsel, for the construction/repair of standard road, concrete curb, gutter, sidewalk and up to 18 feet of matching asphalt paving opposite of the required half width improvements. This shall apply to all proposed public roads and applicable project frontages. Improvements shall be based on the appropriate road detail provided in the Santa Barbara County Engineering Design Standards and shall include any necessary off-site transitions.

Encroachment/Excavation Permit

9. **Prior to zoning clearance**, an Excavation or Encroachment Permit shall be required for any work performed in the County right of way, including, but not limited to, road construction, driveways, utility connections and hauling more than 1,000 cubic yards of earthwork.

The developer shall comply will all applicable Engineering Design Standards, as determined by the Public Works Traffic or Permit Sections, prior to issuance of an Encroachment Permit.

Encroachment Permits and/or Santa Barbara Engineering Design Standards and Pubic Works Standard Conditions of Approval can be obtained at the following locations:

North County Permits Section
620 West Foster Road
Santa Maria, CA 93455
805-803-8788

South County Permits Section
4417 Cathedral Oaks Road
Santa Barbara, CA 93110
805-681-4967

Traffic Controls

10. **Prior to zoning clearance**, traffic circulation and control on adjacent streets shall be designed as required by the Department of Public Works Traffic Section. This shall include, but is not limited to, curb openings, turn lanes and control signs for regulation, warning, and guidance of traffic.
11. **Prior to zoning clearance**, traffic circulation and control onsite shall meet the approval of the Department of Public Works Traffic Section.

12. **Prior to occupancy clearance**, all signs shall be installed, and prior to final clearance, the County may require the developer to add traffic safety devices, such as signing and striping, the need for which are not apparent at time of plan approval but which are warranted due to actual field conditions. The developer shall install the traffic safety devices prior to final occupancy clearance.

Street Lights

13. As authorized by the Board of Supervisors Resolution No. 81-229, **before the approval of any Final Subdivision Map, or Precise Plan** in planned developments or of any Conditional Use Permit, Conditional Exception or Variance involving land development, the Developer or owner must provide a Road Lighting Plan to the Department of Public Works for approval

The plan must have the approval of the public utility or the public agency involved.

The Road Lighting Plan must show the location of each road light, the mounting height, luminaire arm length, the luminaire type, lamp type and lumen rating and conform to IES, RP-08 standards as determined by County staff.

Whenever possible, road lights must be placed on lot lines and at intersections.

Residential and commercial road lighting poles may be required to be of an ornamental type acceptable to the Public Works Department and meeting the current standards filed by the utility company concerned in writing, with the Public Works Department

A written statement showing the number of lights, the amount of lumens and the monthly and yearly costs must accompany the Road Lighting Plan.

The Developer or owner, prior to final approval of occupancy, must deposit a check with the Public Works Department, payable to the County of Santa Barbara, sufficient in amount to maintain and energize the street lights shown of the approved lighting plan, from the requested date for occupancy clearance, up to the date the first charges or benefit assessments will be made or levied upon the property being developed.

All electrical equipment and installation must conform to the applicable standards of the following:

- a. Electrical safety orders of the Division of Industrial Relations, State of California
- b. Rules for overhead electric line construction, General Rule No. 95 of the California Public Utilities Commission.

Road lighting provided under Highway Lighting Districts or County Service Areas must only be installed in the right of way, roads, or other areas dedicated to the public.

The Department of Public Works may require increased illumination where it is found necessary for traffic or pedestrian safety, due to special circumstances affecting such areas.

Off-site Road Improvements

14. Where off-site road improvements or a dedication of right of way for off-site improvements is required for which a need cannot be attributed to the project, the County shall deduct the value of construction or dedication from the payment that would otherwise be collected for Traffic Mitigation Fees.

Improvements and dedication that are necessary to mitigate the specific impacts of a project on area roads are considered on-site and are not to be deducted from the Traffic Mitigation Fee's. If the value of the off-site road improvements or dedication exceeds the payment required, the County may:

1. Reimburse the applicant the difference between the amount of the payment and the value of the additional improvements and dedication, or
2. Enter into an agreement with the applicant to establish a credit for the additional improvements and dedications.

If you have any questions, please contact me at 805-803-8785.

Sincerely,



09/20/2024

William T. Robertson

Date

cc: Gary Smart, TE, Traffic Section Manager, County of Santa Barbara, Public Works Department

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COUNTY OF SANTA BARBARA



DEPARTMENT OF PUBLIC WORKS

Standard Conditions of Approval

1. Construction of all improvements required by the Public Works Department in the approval of the Tentative Map shall be in accordance with County Subdivision Ordinance No. 1722, the Geometric Design Standards contained in the Engineering Design Standards Manual, the applicable portions of the California Department of Transportation Standard Specifications of current date and the Standard Detail contained in Appendix 4 of the Engineering Design Standards Manual.
2. Design of all improvements to be constructed as part of this development shall be performed by a Civil Engineer registered in the State of California. Specifications and plan and profile drawings, completed in accordance with Department of Public Works Standards shall be submitted to the Public Works Department and appropriate officials of other departments for their approval, and all bonds and fees shall be posted prior to recordation of the final development map.
3. Prior to recordation of the Final Map and start of any construction, the Developer shall designate to the Department of Public Works the road or roads he intends for construction access to the development to the extent to which subject roads will be used as haul roads. The Public Works Department may, at its option, designate an alternate off-site access or may require a security for the repair or reconstruction in the event subject road is damaged by construction traffic.
4. The Structural road section for all proposed public roads shall consist of the following:

Aggregate Base conforming to the provisions in Section 26, "Aggregate Bases", of the Standard Specifications shall be placed with a minimum thickness of 0.50 feet on all public roads. The actual thickness of the aggregate base shall be determined by "R" Values from Test Method 301- F, California Department of Transportation Specifications. When the Traffic Index is less than 5.5 the minimum section will be 0.2 feet of A.C. and 0.5 feet of A.B. When the Traffic Index is 5.5 or greater, the minimum section will be 0.3 feet A.C. and 0.5 feet Class II Base.
5. All underground utilities shall be extended to development boundaries and laterals stubbed out to the property lines clear of zone at each lot before the placement of concrete surfacing. Prior to release of the Road Improvement Security and acceptance of the roads within the development, it will be necessary for the Developer to have each utility company certify in writing that the above has been accomplished.

6. Prior to release of the Road Improvement Security, the Registered Civil Engineer or Licensed Land Surveyor who performed the construction staking for the development shall certify in writing, that all curbs, gutters, storm drains, and other related street work have been staked in the field accordance with the plan and profile drawings by the Director of Public Works.
7. Prior to approval of plan and profile drawings by the Department of Public Works, the Developer shall post Sureties and provide inspection fees in amounts to be determined by the Department of Public Works to insure required improvements within the road right of way
8. Hydraulic studies indicating drainage flows to be anticipated from the entire watershed within which the development is located shall be submitted to the Public Works Department and Flood Control Engineer for review and approval. Detailed hydraulic studies of storm water run-off to be carried in each gutter of each street shall be submitted by the Developer's Engineer for approval by the Public Works Department. The amount of storm water runoff to be carried in a street section shall be computed on the basis of a 10 year frequency storm. Special drainage facilities will be required when the capacity of the street section has been reached. The drainage facility design shall be prepared in conformance with Section 13 and Appendix 12 of the Engineering Design Standards Manual, and submitted for approval by the Department of Public Works and Flood Control Engineer. Design criteria for underground drainage facilities will be based on a minimum storm frequency of 25 years. Actual design frequency will be determined by the Department of Public Works or the Flood Control Engineer.
9. Developer shall furnish and install any required road name signs, traffic control signs. *And striping to County standards. All traffic control signs shall be installed after roads are paved and prior to being opened up to traffic, including construction traffic.*
10. All off-tract drainage and flood control facilities and installations shall be installed and completed prior to grading of subject development.
11. Developer shall offer for dedication as easement to the County, at no cost to the County, all road rights of way shown within the boundaries of subject development map, except roads proposed to be private roads. All road rights of way offered for dedication to the County shall be free and clear of any easements prior to recordation of the Final Map, unless approved otherwise by the Department of Public Works.
12. A denied access strip one foot wide shall be offered for dedication in fee to the County as a separate parcel of land, not part of the road right of way, and standard Public Works Department road barricades constructed across the end of all public roads extending to the tract boundaries of any unit of the tract, except where they are extensions of existing improved public roads.
13. Prior to approval of plan and profile drawings by the Public Works Department, the following utilities shall be shown on the plans and approved by an authorized representative of the utility:
 1. Sewer System
 2. Water Distribution System
 3. Gas Distribution System
 4. Storm Drains required by Flood Control

Additionally, a preliminary plan showing underground electrical, telephone and Cable T.V. service shall be submitted by each agency.

14. All plan and profile drawings presented to the Public Works Department for approval shall be in conformance with the requirements of the Engineering Design Standards Manual. All road widths shall be as specified in this Manual. Roadway classifications are as specified in the Circulation Element of the General Plan.
15. Water for compaction and dust control shall be made available within the boundaries of the development prior to starting any earth moving operations other than necessary for the installation of subject water source. Applicant shall provide a water availability letter from the appropriate water supply agency.
16. Prior to start of any earth moving or improvements within the development the Developer shall obtain a Road Excavation and Encroachment Permit from the Public Works Department as required by Board of Supervisors Ordinance No. 1491, dated November 26, 1963, and/or shall obtain a County Grading Permit per Santa Barbara County Ordinance No. 1795 dated May 20, 1967.
17. The program for reconstruction of any existing County road being used by public traffic shall be presented in writing to the Public Works Department a minimum of 4 working days ahead of the proposed starting date. The Progress Schedule of proposed work shall be approved prior to start of construction. After construction on any existing County road commences, the project shall be pursued continuously to completion. Any delay will provide good cause for issuance of a stop order on all other portions of the development.
18. The following utilities and services, both existing and proposed, shall be installed underground in the roads pursuant to Resolution No. 24416 and connected to each dwelling unit where housed are built, or stubbed out to each lot where lots only are sold: Gas, Water, Cable T.V., Telephone, Sanitary Sewer and Electrical Power.
19. After Sign-off by the Public Works Department Inspector, and prior to release of final security, the Developer's Engineer shall add "Record Drawing" information to the original tracings in red or orange ink and sign them as "RECORD DRAWING".
20. *On any proposed streets where curbs, gutters and sidewalks are required, the sidewalks shall have a total distance from curb face to back of sidewalk as prescribed in the Standard Details contained in Appendix 3 and 4 of the Engineering Design Standards Manual. Existing streetlights or fire hydrants within the sidewalk area shall be relocated behind the sidewalk, and any proposed streetlights or fire hydrants placed behind the sidewalk.*
21. Any double frontage lot (lots having a street both front and rear) shall have denied access to the rear street.
22. Concrete masonry block walls, if required by the Resource Management Department shall be constructed to the design and standards of the Building and Safety Division of the Public Works Department. Walls adjacent to road rights of way shall be shown on the Department of Public Works plan and profile drawings. A Building Permit may be required for such walls.
23. Developer shall comply with the Department of Public Works policy relating to Subdivision Street Trees and Utility Service Laterals on all subdivision streets.
24. Chain link fences, if required by the Resource Management Department of Flood Control, shall be constructed to Cal Trans Standard Plans. Subject fences shall be shown on the Department of Public Works plan and profile drawings if adjacent to County road rights of way.

25. Developer shall post Security and provide plan-checking fees in amounts to be determined by the Public Works Department to insure proper construction of all private streets within the development. Security will be released upon certification of a Civil Engineer registered in the State of California that subject streets have been constructed to approved standards.
26. Occupancy of any building within the development will be denied until all street improvements and drainage facilities are completed.
27. The developer's engineer *of record, as specified in these conditions*, shall certify to the Public Works Department *prior to release of any securities* that all private streets within the subject development are constructed according to approved plans prior to occupancy of any dwelling unit within the tract, *and that all rough grading has been completed in substantial conformance with the tract grading plan*.
28. Upon completion of construction and prior to occupancy, the entire road right of way abutting this project will be cleaned to allow Public Works Department Inspectors to check for damage to curbs, gutters, or sidewalks caused by construction traffic. Any damage will be repaired by the Developer prior to occupancy.
29. The Developer shall comply with the current Bikeway Element of the General Plan as to the dedication and construction of bikeways.
30. All roads shall be kept clear of mud *and/or other construction debris* during construction.
31. The Developer will be responsible for and fees required for materials retesting.
32. The Developer may be required by the Public Works Department to *overlay or chip seal a road, as determined by the Public Works Department*, after construction work has been completed if it is determined by the County that local patching is insufficient to mitigate project related construction and utility trenching damage.
33. Subdivider shall submit a Grading Plan acceptable to the Public Works Department for all streets and building pads prior to submitting the Final Map for approval. The Grading Plan shall show all lots draining to the street on which they front unless otherwise approved by the Public Works Department. The Grading Plan shall also show method and degree of compaction and proposed method of stabilizing exposed slopes. Subdivider shall plant and maintain all cut and fill slopes and maintenance shall be continued until the lot is occupied.
34. A preliminary Soils Report of the area, prepared by a Civil Engineer experienced in soil mechanics and slope stability, and registered in the State of California, will be required prior to the issuance of Grading Permits. The report shall include data regarding the distribution, stability and expansive nature of existing soils and conclusions and recommendations for grading procedures and design criteria for corrective measures.
35. All grading shall comply with the provisions of County Grading Ordinance No. 1795, and to Public Works Department standards.
36. Grading shall be designed so that natural drainage from off-tract property is not obstructed.

37. Provision shall be made to prevent off-tract drainage from being received by lots. Tract drainage shall not be drained to a public street gutter that does not have storm drainage inlets and where the tract drainage could, after being carried along the road gutter for some distance, be dumped into another tract.
38. No grading can be done prior to Final Map recordation except in compliance with County Code Chapter 21-8-C4.
39. All underground utility trench backfills on private property and in private roads shall be compacted and tested to a minimum of 90%, or to the satisfaction of the Public Works Director. Compaction test reports shall be submitted before and grading is finalized.
40. The Subdivider shall furnish one copy of the Final Tract Map to the Public Works Department prior to approval.
41. All debris, liter, and other construction waste generated by this development shall be removed from the site or adjacent property. Occupancy clearance of any building will be denied until debris removal is acceptable to the Public Works
42. Since certain areas of Santa Barbara County are prone to accelerated seasonal erosion by either wind or water, and acceptable Erosion Control Plan, with timing, may be required with the project Grading Plan.
43. Any tract which is to be graded out (mass graded) and developed as a Phased Build-Out will require a detailed engineered Erosion Control Plan which will apply to all graded areas which are not built out. This plan shall be maintained until the respective tract phases are built out. *This condition shall also apply to Lot Sale Subdivisions.*
44. *On lot sale subdivisions, no building permits shall be issued for any lot until all required utilities, rough grading, drainage facilities, and street improvements have been completed, unless otherwise approved by the Director of Public Works. This condition must be shown on the Final Map, along with the time allowed by the Subdividers Contract for the developer to complete said improvements.*
45. *Prior to issuance of any road construction and/or grading permits, the applicant shall verify to the Department of Public Works, in writing, that a registered civil engineer has been retained to act as the Engineer of Record during construction and testing operations. This engineer shall be responsible for any and all observation during construction, which he deems necessary to certify those aspects of construction requiring certification pursuant to these conditions. Where possible, the engineer whose signature and stamp appear on the tract plans should be retained as the Engineer of Record.*
46. *Regardless of all review and/or acceptance of tract plans, specifications, calculations, and reports by Public Works or other County departments, the registered civil engineer whose signature and stamp appear on the tract grading and road improvement plans is responsible for the accuracy and integrity of the design and base information relating to the plans and calculations. Design conflicts which arise during construction may result in work being stopped until discrepancies are resolved.*

ORDINANCE NO. 4270

AN ORDINANCE OF THE COUNTY OF SANTA BARBARA
AMENDING CHAPTER 23 OF THE COUNTY CODE,
ADDING CHAPTER 23C TO THE COUNTY CODE,
AND ESTABLISHING A TRANSPORTATION IMPACT MITIGATION FEE PROGRAM

- § 23C-1 Findings.
- § 23C-2 Definitions.
- § 23C-3 Establishment of Transportation Impact Fee and Providing for their Adoption by Resolution of the Board of Supervisors.
- § 23C-4 Imposition of Transportation Impact Mitigation Fees.
- § 23C-5 Automatic Annual Adjustment.
- § 23C-6 Fee Revision by Resolution.
- § 23C-7 Creation of Special Funds.
- § 23C-8 Mitigation Fee Based on Proposed Land Use.
- § 23C-9 Calculation and Payment of Fees.
- § 23C-10 Fee Adjustments.
- § 23C-11 Fee Reduction Policy for Beneficial Projects.
- § 23C-12 Use of Funds.
- § 23C-13 Refund of Fees Paid.
- § 23C-14 Exemptions.
- § 23C-15 Developer Construction of Facilities.
- § 23C-16 Review.
- § 23C-17 California State Law.
- § 23C-18 Superseding Provisions.
- § 23C-19 Severability.
- § 23C-20 Effective Date.
- § 23C-21 Publication.

THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA BARBARA ORDAINS AS FOLLOWS:

Section 23C-1. Findings.

(A) Certain types of new development projects and subdivisions within the County can have impacts on public transportation and transit facilities.

(B) The State of California, through the enactment of Government Code Sections 66484 and 66001 through 66025 has decreed that local agencies may collect fees from new development projects and subdivisions within the County for the impacts they have on certain capital improvements, including transportation and transit facilities.

(C) New development and subdivisions within Santa Barbara County should be required to mitigate their transportation and transit facility impacts by constructing, or financing the construction of, the transportation and transit facilities needed to serve the new development and subdivisions.

(D) The County of Santa Barbara is comprised of different regions, and each of these regions has different transportation and transit facility needs that are impacted differently by new development and subdivisions.

(E) The County Board of Supervisors has (1) adopted, and regularly updates, a Santa Barbara County Comprehensive Plan Circulation Element that generally identifies future elements of the County transportation system that may be impacted by new development projects and subdivisions, and (2) has also initiated a program of developing Transportation Improvement Plans which identify the specific transportation and transit facility improvements needed in the various regions of the County that are impacted by new development projects and subdivisions.

(F) County staff periodically prepare reports that address the existing modes of transportation within the County and the demands created by new development projects and subdivisions for new or improved public facilities to accommodate motor vehicles and other modes of transportation.

(G) Documentation gathered by County staff has identified percentages of travellers using different modes of motorized and non-motorized transportation in the various planning areas of the County.

(H) The Board of Supervisors has determined that imposition of Transportation Impact Mitigation Fees to finance transportation and transit facilities for the County is necessary in order to; (1) protect the public health, safety and welfare by the provision of adequate transportation and transit facilities, (2) provide developers or subdividers certainty with regard to their financial obligations, and (3) ensure that new development or subdivisions will not create an undue burden on the interrelated transportation and transit facilities throughout the County.

(I) The Transportation Impact Mitigation Fees expected to be generated by new development projects and subdivisions will not exceed the estimated total cost of constructing or providing the transportation and transit facilities necessitated by these new development projects and subdivisions.

(J) There is a reasonable relationship between the need for transportation and transit facilities and the development projects and subdivisions for which the Transportation Impact Mitigation Fees authorized by this ordinance are to be charged, and that there also exists a reasonable relationship between the proposed use of these fees and the type of land use for which the fees are to be charged.

(K) Therefore it is ordered that there is added to the Santa Barbara County Code a new chapter entitled "Transportation Impact Mitigation Fees".

Section 23C-2. Definitions.

For purposes of this Chapter, the following terms, phrases, words and their derivations shall have the meanings ascribed to them by this section:

A. "Development" or "Development Project" means any project that involves the issuance of a Santa Barbara County Land Use Permit for construction, reconstruction or remodeling. The term "development" or "development project" shall also include the erection of manufactured buildings and building structures moved into the County.

B. "Fee" means a monetary exaction, other than a tax or special assessment, that is charged by the County of Santa Barbara in connection with approval of a development project or subdivision for the purpose of defraying all, or a portion, of the cost of transportation and transit facilities related to the development project or subdivision.

C. "Land Use Permit" means a permit, issued as per Sections 35-314, 35-169 or 35-482 of the County Code as they presently exist or may hereafter be amended, that allow for the erection, moving, alteration, enlarging, or rebuilding of any building, structure, or improvement within the County. This ordinance only applies to projects that (1) require a Land Use Permit and (2) have a transportation impact. Projects that do not require a Land Use Permit and that have no transportation impact are exempt. These exempted projects include, but are not limited to, the following:

1. Repair and maintenance activities.
2. The construction of fences and walls.
3. The installation of irrigation lines and other underground utilities.
4. The remodelling or reconstruction of structures in which the land use does not change.
5. Minor construction projects including tool and storage sheds, driveways, patio additions, spas, hot tubs, etc., where the gross floor of the land use is not increased such that a transportation impact occurs
6. The replacement or restoration of conforming buildings or structures that are damaged or destroyed by a disaster with a substantially similar building or structure.

Sections 35-314, 35-169 or 35-482 of the County Code, as they presently exist or may hereafter be amended, also provide additional, specific information regarding projects exempt from land use permits and should be consulted for a conclusive determination.

D. "Subdivision" means the division, by any subdivider, of any unit or units of improved or unimproved land, or any portion thereof, shown on the latest equalized County assessment roll as a unit or as contiguous units, for the purpose of sale lease or financing, whether immediate or future. Property shall be considered as contiguous units, even if separated by roads, streets, utility easement or railroad rights-of-way. "Subdivision" includes a condominium project, as defined in subdivision (f) of Section 1351 of the California Civil Code, a community apartment project as defined in subdivision (d) of Section 1351 of the California Civil Code, or the conversion of five or more existing dwelling units to a stock cooperative, as defined in subdivision (m) of Section 1351 of the California Civil Code, as the same presently exists or may hereafter be amended

E. "Transit Facilities" includes capital improvements for public transit systems including but not limited to bus turnouts, benches, bus stop covers and bus stop signage. It also includes the related planning, engineering, construction and administrative activity for these capital improvements.

F. "Transportation Facilities" includes but is not limited to roads, road rights of way, striping, curbs, gutters, sidewalks, bridges, traffic control devices, street lighting, bikelanes, bikepaths and related planning, engineering, construction and administrative activity.

G. "Transportation Impact" includes any project requiring a land use permit, and/or any subdivision of land, which generates one or more additional peak hour motor vehicle trips as determined by the Traffic Manual of the Institute of Traffic Engineers or its successor publication.

Section 23C-3. Establishment of Transportation Impact Mitigation Fees and Providing for their Adoption by Resolution of the Board of Supervisors.

Transportation impact mitigation fees may be established pursuant to this Chapter by resolution of the Board of Supervisors to address identified transportation impacts for each planning area of the County. These fees are payable upon approval of final subdivision maps, or the issuance of land use permits, in order to finance the cost of transportation and transit facilities. Planning areas of the County currently include, but are not limited to:

- A. Goleta Planning Area
- B. Montecito Planning Area
- C. Summerland Planning Area
- D. Mission Canyon Planning Area
- E. Orcutt Planning Area
- F. Mission Hills - Vandenberg Village Planning Area
- G. Santa Ynez Valley Planning Area
- H. Los Alamos Planning Area
- I. Rural County Planning Area

Planning Areas may be further defined, added, deleted or consolidated by resolution of the Board of Supervisors.

Section 23C-4. Imposition of Transportation Impact Mitigation Fees.

A. Any person who, after the effective date of this Chapter, seeks to develop or subdivide land within the County by receiving approval for a final subdivision map or a Land Use Permit shall be required to pay the appropriate Transportation Impact Mitigation fee(s) established pursuant to this ordinance, (unless exempted as provided herein by Section 23 C-14) in the manner, amount and for the purposes herein referenced.

B. No Land Use Permit for any Development Project shall be issued unless and until the appropriate Transportation Impact Mitigation fee(s) have been paid to the County in accordance with Sections 66000 et seq. of the California Government Code, or the development project has been found to be exempt from the payment of these fee(s) as provided by Section 23C-14 of this ordinance.

C. No final subdivision map shall be deemed approved unless and until the appropriate Transportation Impact Mitigation fee(s) have been paid to the County, or the subdivision has been found to be exempt from the payment of these fee(s) as provided by Section 23C-14 of this ordinance.

Section 23C-5. Automatic Annual Adjustment.

Each fee imposed by this Chapter shall be adjusted automatically on July 1st of each fiscal year, beginning on July 1, 1998, by a percentage equal to the appropriate Engineering Cost Index as published by Engineering News Record, or its successor publication, for the preceding twelve (12) months.

Section 23C-6. Fee Revision by Resolution.

The amount of each fee established pursuant to this Chapter may be set and revised periodically by resolution of the Board of Supervisors. This ordinance shall be considered enabling and directive in this regard.

Section 23C-7. Creation of Special Funds.

Each fee collected pursuant to this Chapter shall be deposited in a fund specifically identified by planning area to hold the revenue generated by the fee(s). Monies within this fund in excess of \$75,000 may be expended only for specific projects which are identified in the Capital Improvement Plans adopted by the Board of Supervisors for the various planning areas. Monies within this special fund in an amount less than \$75,000 may be expended by the appropriation of the Director of Public Works for specific projects which are of the same category, and in the same planning area, as that for which the money was collected.

Section 23C-8. Mitigation Fee Based on Proposed Land Use.

The proposed land use of the property to be developed or subdivided shall be used in the computation of the fees required to be paid with respect to any property. If a development or subdivision is proposed to have more than one land use then the applicable fees shall be prorated by parcels, units and/or square footage, as appropriate, attributable to each land use

classification. The methodology for calculating all fees due, or exemptions allowed, shall be determined by the Santa Barbara County Director of Public Works, or a designee authorized by the Director of Public Works, and approved by the Auditor-Controller, or a designee authorized by the Auditor-Controller.

Section 23C-9. Calculation and Payment of Fees.

A. Fees for residential land uses shall be calculated per parcel, for final approval of a subdivision map, or by dwelling unit, for issuance of a Land Use Permit.

B. Fees for commercial and industrial developments shall be calculated per parcel, for final approval of a subdivision map, or on the basis of gross square footage (i.e., all of the floor area confined by the outside surface of the exterior walls of a building, except for that floor area devoted solely to vehicle parking and/or vehicle circulation), for issuance of a Land Use Permit.

C. The fees established pursuant to this Chapter shall be detailed in the Transportation Impact Mitigation Program fee schedules for the various planning areas of the County and paid at the time of final approval of a subdivision map, or the issuance of any required Land Use Permit, except as otherwise provided herein. All fees shall be collected in accordance with the provisions of California Government Code Sections 66007 and 66484, as the same presently exists or may hereafter be amended. Any fee payable pursuant to this Chapter may be paid under protest as provided by Section 66020 of the California Government Code as it now exists or may hereafter be amended.

Section 23C-10. Fee Adjustments.

A. A developer of any project, or a subdivider of any land, subject to the payment of fees pursuant to this Chapter may appeal to the Board of Supervisors for a reduction, adjustment, or waiver of any Transportation Impact Mitigation Program fee based upon the absence of any reasonable relationship or nexus between the transportation impacts of the project or subdivision and either the amount of the fee(s) charged or the type of transportation or transit facilities to be financed. The appeal shall be made in writing, shall state the factual basis for the claim of reduction, adjustment or waiver, and shall be submitted to the Director of Public Works within 15 calendar days following the determination of the fee amount.

B. The Director of Public Works shall review the appeal, develop recommended actions to be taken by the Board of Supervisors, and submit both the appeal and recommended actions to the Board of Supervisors for their consideration at a public hearing to be conducted within 60 days after the filing of the appeal. The decision of the Board of Supervisors shall be final. If a reduction adjustment or waiver is granted, any change in use from the project as approved shall invalidate the waiver, adjustment or reduction of the fee.

Section 23C-11. Fee Reduction Policy for Beneficial Projects.

A. The Board of Supervisors may, by resolution, adopt a fee reduction policy for reductions, adjustments and waivers of Transportation Impact Mitigation Fees. Such a resolution may allow the reduction, adjustment or waiver of these fees for "beneficial projects" as defined in the County Comprehensive Plan Circulation Element.

B. Any reduction, adjustment or waiver of Transportation Impact Mitigation Fees must be accompanied by a finding of availability of substitute funds to assure that the transportation improvements needed to mitigate the impacts of the project receiving the reduction, adjustment or waiver can be constructed.

C. Any Transportation Impact Mitigation Fee reduction or waiver granted as a result of a fee reduction policy shall apply only to the original specified land use. Any change in land use shall be subject to reevaluation by the County and may result in the imposition of fees previously reduced or waived.

23C-12. Use of Funds.

A. Funds collected from Transportation Impact Mitigation fees shall be used for the purpose of (1) paying the actual or estimated costs of constructing and/or improving the pertinent transportation and transit facilities within the County necessary to serve development projects and subdivisions, including any required acquisition of land or rights of way; (2) reimbursing the County for the development's or subdivision's share of those transportation or transit facilities already constructed by the County, or to reimburse the County for costs advanced; or (3) reimbursing other developers or subdividers who have constructed transportation or transit facilities that were beyond those needed to mitigate the impact of their own project or subdivision and which benefit the newly proposed project or subdivision.

B. In the event that bonds or similar debt instruments are issued for advanced provision of transportation or transit facilities which benefit a proposed project or subdivision, the Transportation Impact Mitigation fees paid by the project or subdivision may be used for debt service on such bonds or similar debt instruments.

C. Funds may be used to provide refunds, as provided herein.

23C-13. Refund of Fees Paid.

A. If a Land Use Permit expires without commencement of construction, the feepayer shall be entitled to a refund of the Transportation Impact Mitigation fee(s) paid, with any interest accrued thereon, as a condition for the issuance of the permit. The feepayer shall submit a written request for a refund to the Public Works Director within two years after the expiration date of the permit. Failure to timely submit a request for a refund may constitute a waiver of any right to a refund.

B. In the event any fee collected pursuant to this ordinance remains unexpended and uncommitted five or more years after deposit of said fee, the Board of Supervisors shall make findings once each fiscal year to identify the purpose to which the fee is to be put and demonstrate a reasonable relationship between the fee and the purpose for which it was charged.

C. The unexpended and uncommitted portion of the fee, and any interest accrued thereon, for which need cannot be demonstrated pursuant to Subsection B, shall be refunded to the then current owner(s) of record of the development project(s), less any amounts expended as provided herein.

D. The provisions of California Government Code Section 66001 (d), (e) and (f), as they now exist or as they may be amended, shall apply to any refund of fees remaining unexpended or uncommitted by the County for five or more years after deposit.

23C-14. Exemptions.

The following will be exempted from payment of the Transportation Impact Mitigation fees referenced herein:

A. Any development project or subdivision that has no transportation impact, as defined by Section 23C-2.G. of this chapter.

B. Any development project that does not require a Land Use Permit (issued as per Sections 35-314, 35-169 or 35-482 of the County Code, as they presently exist or may hereafter be amended) that allows for the erection, moving, alteration, enlarging, or rebuilding of any building, structure or improvement within the County.

23C-15. Developer Construction of Facilities.

In lieu fee credit for the construction of transportation facilities and service improvements is allowable under the following conditions:

A. Only the costs of transportation or transit facilities listed on, or exempted from, the applicable Transportation Improvement Plan shall be eligible for in-lieu credit.

B. With prior approval of the Director of Public Works or his/her designee, an in-lieu credit of fees may be granted for actual construction costs (or a portion thereof) of transportation or transit facility provided by the developer.

C. Actual construction costs do not include design costs or the cost of environmental review. If the actual construction cost is greater than the required relevant fees, the County shall have no obligation to pay the excess amount.

D. An amount of in-lieu credit that is greater than the specific fee(s) required under this Chapter may be reserved and credited toward the fee of any subsequent phases of the same development or subdivision, if such credit is determined to be appropriate and timely, and approved in advance by the Director of Public Works.

E. If an applicant is required, as a condition of approval for a development permit or a final subdivision map, to construct any off-site transportation or transit facility, and the cost of the facility is determined to exceed the fee due under this Ordinance, a reimbursement agreement may be offered in writing by the Director of Public Works. The reimbursement agreement shall contain terms and conditions approved by the Public Works Director, Auditor-Controller, County Counsel and the Board of Supervisors. This section shall not create any duty to offer a reimbursement agreement.

F. Transportation and transit facilities specifically required exclusively to serve a project or subdivision shall not be eligible for in lieu fee credit.

G. A developer or subdivider seeking credit and/or reimbursement for construction or improvements of facilities, or dedication of land or rights-of-way, shall submit documentation acceptable to the Public Works Director to support the request for credit or reimbursement. The Public Works Director shall determine whether the facilities or improvements are eligible for credit or reimbursement, and the amount of such credit or reimbursement due the developer or subdivider if so eligible.

H. Any claim for credit must be made at or before the time of application for a Land Use Permit or final map approval. Any claim not so made shall be deemed waived.

I. Credits shall not be transferrable from one project or subdivision to another without Board of Supervisors' approval.

J. Determinations made by the Public Works Director pursuant to this section (23C-15) may be appealed to the Board of Supervisors by filing a written request with the Clerk of the Board, together with a fee established by the Board of Supervisors, within ten (10) working days of the determination of the Public Works Director.

23C-16. Review.

A. At least once each fiscal year a proposed capital improvement program detailing the specific transportation and transit facilities to be funded by Transportation Impact Mitigation Program fees shall be presented for adoption to the Board of Supervisors at a noticed public hearing in accordance with Section 65090 and 66002 of the Government Code, as they now exist or may be amended.

B. Except for the first year that this ordinance is in effect, no later than sixty (60) days following the end of each fiscal year, the Public Works Director shall submit a report to the Board of Supervisors identifying the balance of fees in the Transportation Impact Mitigation Program fund(s) established pursuant to this Chapter, the facilities constructed during the past fiscal year, and the facilities proposed for construction during the current fiscal year. In preparing the report, the Public Works Director shall adjust the estimated costs of the public improvements in accordance with the appropriate Engineering Construction Cost Index as published by Engineering News Record, or its successor publication, for the elapsed time period from the previous July 1 or the date that the cost estimate was developed.

B. At a public hearing the Board of Supervisors shall review estimated costs of the transportation and transit facilities described in the report, the continued need for these facilities, and the reasonable relationship between the need and the impacts of development for which the fees are charged. The Board of Supervisors may revise the Transportation Impact Mitigation Program fees to include additional projects not previously foreseen as being needed.

23C-17. California State Law.

The provisions of this Chapter and any resolution adopted pursuant hereto shall at all times be subject and subordinate to the provisions of the laws of the State of California as the same presently exist or may hereafter be amended.

23C-18. Superseding Provisions.

The provisions of this ordinance and any resolution adopted pursuant hereto shall supersede any previous County ordinance or resolution to the extent the same is in conflict with this ordinance. Off-site Transportation Improvement Fees existing prior to the effective date of this ordinance shall remain in effect within each planning area of the County until expressly repealed or modified by resolution of the Board of Supervisors.

23C-19. Severability.

If any section, phrase, sentence, or portion of this Chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision; and such holding shall not affect the remaining portions of this Chapter

23C-20. Effective Date.

Pursuant to California Code Section 66017(a), this ordinance shall be in full force and effect sixty (60) days after the date of its adoption by the Board of Supervisors.

23C-21. Publication.

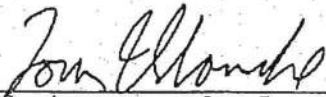
The Clerk of The Board is hereby authorized and directed to publish this ordinance by one insertion in the Santa Barbara News Press, a newspaper of general circulation within Santa Barbara County, within 15 days of its adoption by the Board of Supervisors.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 22nd day of July 1997, by the following vote:

AYES: Supervisors Schwartz, Graffy, Marshall, Staffel, Urbanske


NOES: None

AYES: None



Chair, Board of Supervisors
Tom Urbanske, Chair

ATTEST:
Michael F. Brown
Clerk of the Board

BY 


Deputy

APPROVED AS TO FORM:
Stephen Shane Stark
County Counsel

APPROVED AS TO ACCOUNTING FORM
Robert W. Geis
Auditor Controller

BY: 

Deputy County Counsel

BY 

Deputy

(OFFICE COPY)

UNDERGROUNDING
Policy -

APPENDIX 9 - EXHIBIT 2

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

IN THE MATTER OF RESTATING)
THE POLICY TO REQUIRE UTILITY)
SERVICES TO BE PLACED UNDER-)
GROUND ON APPROVAL OF NEW)
DEVELOPMENT)

RESOLUTION NO. 87-344

WHEREAS, advancements in the techniques for providing un-
derground public utilities have substantially reduced the cost
for such facilities to the extent that it is practical to serve
all types of development with underground utilities; and

WHEREAS, damage to or destruction of public utilities dur-
ing time of fire, flood or other catastrophe directly endangers
the public health, safety and welfare; and

WHEREAS, utilities placed underground are far less subject
to damage or destruction than are overhead services, and there-
fore, a requirement to place services underground will contri-
bute substantially to the protection of public health, safety
and welfare; and

WHEREAS, the addition of each new opportunity for devel-
opment provides a direct incremental increase in the utility
services which require attention; and

WHEREAS, the intrusion of overhead utility services into otherwise open air space above land to be subdivided or otherwise developed is contrary to the welfare of residents in or near the new development and of the County generally; and

WHEREAS, Board Resolution No. 24416 adopted December 7, 1964, requires that the utility services for new development, be placed underground but requires interpretation for use; and

WHEREAS, the Board of Supervisors wishes to state this requirement to underground utilities as a clear policy.

NOW THEREFORE, BE IT AND IT IS HEREBY RESOLVED that in allowing real property to be subdivided and in the approval of other new development, this Board and the agencies, agents, officers and employees that are directed by the policy of this Board, shall be guided by the following:

1. Any proposed subdivision of real property which will result in five or more new or reconfigured lots, and any proposed land development which requires the approval of a development plan, shall have all of the utilities and distribution facilities associated with or adjacent to the project placed underground at the expense of the applicant or proponent of the project. Transformers, junction and terminal boxes, meter cabinets, concealed ducts and similar facilities associated with underground installations may be permitted above ground where consistent with the policy that all utility services for such projects be placed underground where reasonably feasible.

Where it appears that lot sizes are or will be in excess of 3 acres or where the topography, soil or lot configuration or other special condition would make the installation of utilities underground impractical or unduly burdensome, the requirement may be modified or excused by the County representative having final approval authority for the project. It is the intent of this policy to protect the safety of areas affected and to relieve the areas affected from any gradually increasing accumulation of overhead utilities by reason of increasing development.

2. Where the real property which is subject to subdivision or development approval is traversed by or includes existing overhead or above ground poles, lines or other conduits which serve real property which is abutting, adjacent to, or contiguous with a public service easement, right of way, or street or highway, this policy shall apply also to those utility lines. Where overhead lines, otherwise subject to being placed underground pursuant to this policy, extend into State right of way, or into other parcels or areas which appear to be restricted from further development by reason of existing law or regulation, and are directly associated with the development proposed, the developer of an adjoining or contiguous parcel may be required to place these lines underground also, if deemed feasible and reasonable by the Director of Public Works.

Where the County Director of Public Works determines that it is not reasonably feasible to require such lines to be placed underground, the requirement may be modified or excused.

3. For the purpose of this policy, all conduits, wires, and other transmission lines for communications, power, cable television and other utilities and services, and their equipment and appurtenances, shall be placed underground by the developer except: through high voltage transmission lines (lines carrying 35,000 volts or greater); transformers; street lights and their associated supports, poles, cables, appurtenances, and facilities for which underground placement is not reasonably feasible.

4. It shall be, and is the responsibility of the subdivider, developer or other applicant for approval for the real property to comply with the requirement to place utilities underground, and that person shall make all necessary arrangements and coordination for such underground installation with utility or utilities companies.

5. The public right of way, where available, shall be used to locate such underground utilities whenever practical.

6. Requirements to satisfy these policies shall be placed on all development plans, tentative subdivision maps creating five or more lots, and on time extensions of such tentative maps, for all approvals identified in this Resolution.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors
of the County of Santa Barbara, State of California, this 20th
day of July, 1987, by the following vote:

AYES: David M. Yager, Thomas A. Rogers, William B.
Wallace, DeWayne Holmdahl

NOES: None

ABSENT: Toru Miyoshi

WILLIAM B. WALLACE
William B. Wallace
Chairman, Board of Supervisors

ATTEST:
KENNETH A. PETTIT
Clerk of the Board
of Supervisors

By Betsy Seamans
Deputy

APPROVED AS TO FORM
Kenneth L. Nelson
County Counsel

By Robert W. Pike
Robert W. Pike, Deputy

decision had been made as to whether they would go into this type of system or not.

A motion was made by Supervisor Grant, and seconded by Supervisor Bradbury to adopt the resolution as submitted to the Board and read, in part, by Mr. Griffith. Upon the roll being called, the following Supervisors voted Aye, to-wit: C. W. Bradbury and Daniel G. Grant.

NOES: Joe J. Callahan, Veril C. Campbell, and
Curtis Tunnell..

ABSENT: None

The motion failed for lack of a majority.

A motion was made by Supervisor Tunnell, seconded by Supervisor Campbell, and carried, to adopt the resolution including the following amendment, as suggested by Mr. Aiken of Pacific Gas and Electric Company for the streamlined system. (After line 8 on page 2 of the proposed resolution, add the following sentence: "Underground for the purpose of this subsection may, as determined by the Planning Commission, include an electric distribution system consisting of metal poles, supporting two high voltage wires, transformers and street lights with all other facilities and wires used for communications and for the supply and distribution of electric energy placed underground.")

Mr. Griffith objected to the amendment as a member of the Subdivision Committee

Upon the roll being called, the following Supervisors voted Aye, to-wit:

C. W. Bradbury, Joe J. Callahan, Veril C. Campbell,
and Curtis Tunnell.

NOES: Daniel G. Grant

ABSENT: None

In the Matter of Resolution Relating to Policy on Underground Public Utilities.

RESOLUTION NO. 24416

WHEREAS, it is the finding of the Subdivision Committee that recent advancements in the techniques for providing underground public utilities have substantially reduced the cost for such facilities to the extent that it is now practical to serve all types of residential development in such a manner; and

WHEREAS, the Board of Supervisors agrees that the findings of the Subdivision Committee are correct; and

WHEREAS, damage to or destruction of public utilities during time of fire, flood or other catastrophe directly endangers the public health, safety and welfare and public utilities installed above-ground rather than underground are far more subject to such damage or destruction and, hence, underground rather than above-ground installation of such facilities substantially contributes to the benefit of the public health, safety and welfare; and

WHEREAS, the intrusion of above-ground utility poles and lines into otherwise open airspace areas of subdivided lands is contrary to the endeavors of the County to enhance the present or potential value of urban development abutting or surrounding open airspace areas in new subdivision development, to establish a residential environment conducive to the attraction of new residents who, economically, would become customers of substantial business of the County, and, hence, to contribute to the economic and general welfare of the people of

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the County;

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED as follows:

1. That all utilities and transmission facilities, except transformers, junction and terminal boxes, meter cabinets, concealed ducts and the like of the type customarily used with underground utility installations, which are installed as part of a division or subdivision of land or in connection with land development requiring a development plan shall be placed underground; provided, that an adjustment may be granted in those cases where the Planning Commission or the Board finds that topography, soil, lot sizes in excess of 1.5 acres, or other special conditions would make underground installations impracticable. Underground for the purpose of this subsection may, as determined by the Planning Commission, include an electric distribution system consisting of metal poles, supporting two high voltage wires, transformers and street lights with all other facilities and wires used for communications and for the supply and distribution of electric energy placed underground.

2. That it shall be the responsibility of the subdivider or developer of the property involved to comply with the requirements of this resolution and he shall make the necessary arrangements for the underground installations with the utility companies.

3. That in said residential developments which abut existing recorded lots which were permitted above-ground utility lines, such lines shall be permitted to serve the tier of new lots immediately abutting such lots carrying such lines; provided, however, the rest of the development shall be served by underground utilities.

4. That the street right-of-way shall be used for the location of such underground utilities whenever practical.

5. That these requirements shall be imposed on all development plans, tentative subdivision maps approved after the effective date of this resolution, and on time extensions of tentative maps, whether or not units of the subdivision have been filed prior to the request for time extension.

6. This resolution shall not apply to the following:

a. Through transmission lines, wires, cables, appurtenances and facilities not serving the development.

b. Commercial and Industrial Developments.

Passed and adopted by the Board of Supervisors of the County of Santa Barbara, State of California, this 7th day of December, 1964, by the following vote:

Ayes: C. W. Bradbury, Joe J. Callahan, Veril C. Campbell,
and Curtis Tunnell

Noes: Daniel G. Grant

Absent: None

The Board recessed until 2 o'clock, p.m.

At 2 o'clock, p.m., the Board reconvened.

Present: Supervisors C. W. Bradbury, Joe J. Callahan,
Veril C. Campbell, and Curtis Tunnell; and J. E. Lewis,
Clerk.

Absent: Supervisor Daniel G. Grant

Supervisor Callahan in the Chair

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In the Matter of Continued Hearing on Abandonment of Portions of County Highways in Goleta Valley, Third Supervisorial District (Hollister Avenue and Kellogg Avenue).

This being the date and time set for a continued hearing on Subject matter;

Upon motion of Supervisor Bradbury, seconded by Supervisor Tunnell, and carried unanimously, it is ordered that the above-entitled matter be, and the same is hereby, removed from the agenda.

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In the Matter of Hearing on Formation and Establishment of Special Lighting Zone No. 1 in County Service Area No. 3, Goleta Valley (El Encanto Heights and El Encanto Heights No. 2).

This being the date and time set for a hearing on the formation and establishment of Special Lighting Zone No. 1 in County Service Area No. 3 in the Goleta Valley (El Encanto Heights and El Encanto Heights No. 2); the Affidavit of Publication being on file with the Clerk; and there being no appearances or written statements submitted for or against subject proposal;

Upon motion of Supervisor Campbell, seconded by Supervisor Bradbury, and carried unanimously, the following resolution was passed and adopted:

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In the Matter of Forming and Establishing Special Lighting Zone No. 1 in County Service Area No. 3 in the Goleta Valley (El Encanto Heights and El Encanto Heights No. 2).

RESOLUTION NO. 24417

WHEREAS, this Board has heretofore, on the 23rd day of November, 1964, adopted a resolution declaring its intention to form the hereinafter named Special Lighting Zone within County Service Area No. 3, and setting a time and place for public hearing thereon; and

WHEREAS, notice of such public hearing was duly published in the manner required by law; and

WHEREAS, a public hearing upon the said resolution and the proposed formation of the hereinafter named Special Lighting Zone has been duly held as required by law, and those persons desiring to be heard upon the matter were given opportunity to be heard at such public hearing; and

WHEREAS, evidence has been presented to this Board that it is in the public interest and in the interest of the hereinafter described territory that the said territory be formed into a Special Lighting Zone for the purpose of providing street lighting with ornamental light standards;

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED, FOUND AND DECLARED

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RESOLUTION OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

A RESOLUTION OF THE BOARD OF)
SUPERVISORS RESTATING ITS)
POLICY AND THE DUTIES AND)
AUTHORITY OF THE SANTA BARBARA)
COUNTY DIRECTOR OF TRANSPORTA-)
TION IN REGARD TO STREET LIGHT-)
ING FOR LAND DEVELOPMENTS AND)
RESCINDING RESOLUTION NO.)
76-135)

RESOLUTION NO. 81-229

JUN 8 1981

WHEREAS, the Board of Supervisors of the County of Santa Barbara deems it necessary to prescribe certain standards for street lighting equipment and installations, in order to protect the health, safety and general welfare of the public in the County of Santa Barbara; and

WHEREAS, the Board of Supervisors desires to designate an Officer to administer its policy concerning street lighting.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED as follows:

1. The Director of the Department of Transportation shall have the responsibility for implementing the policy decisions of the Board of Supervisors concerning street lighting.
2. Before approval of any Final Subdivision Map, or Precise Plan in planned developments pursuant to the provisions of Ordinance No. 661 or Ordinance No. 453 of the County of Santa Barbara, or of any Conditional Use Permit, Conditional Exception or Variance involving land development, the developer or owner shall cause a street lighting plan to be submitted to the County Director of Transportation for his approval. Said plan shall have the approval of the public utility or the public agency involved. The street lighting plan shall show the location of each street light, the mounting height, luminaire arm length, luminaire type, lamp type and lumen rating. The street lighting plan shall be accompanied

1 by a written statement showing the number of lights, the amount of
2 lumens and the monthly and yearly cost.

3 3. The developer or owner, prior to final approval of
4 occupancy, shall deposit a check with the County Director of
5 Transportation, payable to the County of Santa Barbara, sufficient
6 in amount to maintain and energize the street lights as shown on
7 the approved lighting plan, from the requested date for occupancy
8 clearance, up to the date the first charges or benefit assessments
9 shall be made or levied upon said property.

10 4. All electrical equipment and installation shall conform
11 to the applicable standards of the following:

12 A. Electrical safety orders of the Division of In-
13 dustrial Relations, State of California, as the
14 same may now be or hereafter be amended.

15 B. Rules for overhead electric line construction,
16 General Rule No. 95 of the California Public
17 Utilities Commission, as the same may now be
18 or hereafter be amended.

19 5. Street lighting provided under Highway Lighting Districts
20 or County Service Areas shall only be installed in the right of
21 ways, roads, or other areas dedicated to the public.

22 6. RESIDENTIAL - The following standard shall apply to all
23 residential developments unless modified by order of the County
24 Director of Transportation, effective upon approval by the Board
25 of Supervisors.

26 A. On all residential streets, the space between street
27 lights on the same street shall be not less than
28 180 feet nor more than 240 feet measured along the
29 centerline of the street. Minimum lamp size shall
30 be 5,800 lumens. Street lights shall be High
31 Pressure Sodium Vapor lights.

32 B. Whenever possible, street light poles shall be

1 placed on lot lines and at intersections.

2 C. Street lights shall be of a totally encased fixture
3 type that distributes light downward, and shall be
4 mounted at least 25 feet high, measured from the
5 surface of the road, vertically to the center of
6 the light source, except where Federal Aviation
7 Administration regulations require otherwise.

8 D. The County Director of Transportation may require
9 upgrading of lights at residential street inter-
10 sections where the existing illumination rate is
11 deemed insufficient and the upgrading is deemed
12 necessary to prevent a hazard to traffic or pedes-
13 trians.

14 E. The County Director of Transportation may waive
15 the requirement of installing street lighting in
16 residential areas, where he expressly finds that
17 street lighting will not be in keeping with the
18 established neighborhood pattern, or where all
19 lots in the subdivision contain a gross area of
20 not less than one acre and street lights are not
21 deemed necessary in order to maintain the continuity
22 of an established neighborhood street lighting
23 pattern. The County Director of Transportation
24 may require, however, in such residential areas,
25 that street lights nevertheless be installed at
26 specific intersections for the safety of traffic
27 and pedestrians.

28 7. COMMERCIAL - The following standards shall apply to all
29 Commercial Land Developments unless modified by order of the
30 County Director of Transportation, effective upon approval of the
31 Board of Supervisors.

32 A. Commercial street lights shall be a minimum of

1 16,000 lumens for 2 lane roads and 22,000 lumens
2 for 4 lane roads, and shall be High Pressure Sodium
3 Vapor Lights spaced not more than 250 feet apart
4 nor less than 100 feet apart, measured along the
5 centerline of the street. This spacing shall under
6 no circumstances be decreased. These standards
7 shall not apply to off-street parking in commercial
8 areas.

9 B. Street lights shall be mounted at least 30 feet in
10 height from the surface of the road vertically to
11 the center of the light source, except where other-
12 wise required by Federal Aviation Administration
13 regulations.

14 8. INDUSTRIAL - The following standards shall apply in all
15 Industrial Land Developments unless modified by order of the
16 County Director of Transportation, effective upon approval by the
17 Board of Supervisors.

18 A. Street lighting in industrial areas or in industrial
19 parks, with roads dedicated to the public, shall
20 have lights of at least 5,800 lumens.

21 B. Street light poles shall be located only at inter-
22 sections or crosswalks unless otherwise approved,
23 in writing, by the County Director of Transporta-
24 tion.

25 9. The County Director of Transportation may require in-
26 creased illumination in certain industrial or commercial areas,
27 where it is found necessary for traffic or pedestrian safety, due
28 to special circumstances affecting such areas.

29 10. All street lights shall be installed in accordance with
30 the approved Street Lighting Plan before authorization for occu-
31 pancy of any buildings, except that the County Director of Trans-
32 portation may modify or waive this requirement for reasons beyond

1 the developer's control, street lights could not have been in-
2 stalled earlier and the County Director of Transportation is
3 satisfied that the developer has made all necessary arrangements
4 for installation of street lights.

5 11. Street lights shall be illuminated during all hours of
6 darkness. Residential and commercial street lighting poles may
7 be required to be of an ornamental type acceptable to the County
8 Director of Transportation and meeting the current standards
9 filed by the utility company concerned, in writing, with the
10 County Director of Transportation. Neither the County of Santa
11 Barbara nor any Highway Lighting District, County Service Area
12 or other public agency shall be bound or obligated for the cost
13 or procurement or erection of ornamental street lighting stan-
14 dards. All street lighting systems shall be owned by a utility
15 company regulated by the California Public Utilities Commission
16 or by a public agency.

17 12. No underground wiring shall be installed for street
18 lighting purposes unless shown on the street lighting plan and
19 specifically approved in writing by the County Director of Trans-
20 portation, and the public utility or public agency serving the
21 system. Such systems shall conform to the standards of the said
22 public utility or said public agency.

23 13. Neither the County of Santa Barbara nor any Highway
24 Lighting District, County Service Area, or other public agency
25 shall be bound or obligated for the cost of equipment or installa-
26 tion of any underground wiring system.

27 14. Any waiver by the County Director of Transportation of
28 requirements for the installation of street lights in land de-
29 velopments shall not relieve the owner or developer from the
30 requirements imposed in applying for formation of a Street Light-
31 ing District or County Service Area, or in annexing to an existing
32 Highway Lighting District, or County Service Area.

1 15. The County Director of Transportation may order the in-
2 stallation and energizing of street lights provided that:

3 A. The street lights proposed are in the approved
4 budget;

5 or

6 B. Sufficient funds have been deposited with the
7 County to maintain said lights from the date of
8 energizing up to the date the first charges are
9 made or benefit assessments are levied upon said
10 property.

11 16. The developer or owner shall have the right to appeal
12 to the Board of Supervisors any conditions.

13 17. Resolution No. 76-135 is hereby rescinded.
14

15 PASSED, APPROVED AND ADOPTED by the Board of Supervisors of
16 the County of Santa Barbara, State of California, this 8th
17 day of June, 1981, by the following vote:

18 AYES: David H. Yager, Robert E. Kallman, William B. Wallace,
19 DeWayne Holmdahl, & Harrell Fletcher

20 NOES: None

21 ABSENT: None
22
23

24 William B. Wallace
25 Chairman, Board of Supervisors

26 ATTEST:
27 HOWARD C. MENZEL
28 County Clerk-Recorder

29 By Fred Guek (Seal)
30 Deputy Clerk

APPROVED AS TO FORM
KENNETH L. NELSON
COUNTY COUNSEL

31 By Kenneth L. Nelson
32



Jesús Armas, Director, Community Services
Andrew Myung, Deputy Director, Administration & Chief Financial Officer
Joe Dzvonic, Deputy Director, Housing & Community Development
Jeff Lindgren, Deputy Director, Parks Division
Sarah York Rubin, Executive Director, Office of Arts & Culture



August 14, 2024

TO: Willow Brown, Planner
Planning & Development

FROM: Andrew Kish, HPSS
Housing & Community Development

RE: Miramar Acquisition Co., LLC - Mixed Use
Case No. 24RVP-00050 & 24RVP-00051, APN's #009-371-007 and 009-333-013

Thank you for providing the project materials for review, please find County HCD's feedback & comments below.

Prior to the County's issuance of Zoning Clearance/Land Use Permit, the applicant shall enter into and record an Agreement to Provide Affordable Employee Housing for the deed restricted, Employee Affordable Housing units produced, in accordance with the Housing Element, and Government Code § 65915-65918. The Agreement shall be subject to review and approval by Planning & Development, Community Services Department, and County Counsel.

If you or the project applicant have any questions regarding these comments, please contact me at (805) 568-3534 or by email at akish@countyofsb.org.

Respectfully,

Andrew Kish, HPSS
CSD/HCD
Cc: Lucille Boss/HCD