

## ATTACHMENT 2: CONDITIONS OF APPROVAL

### Project Description

- 1. Proj Des-01 Project Description.** This Development Plan Amendment (22AMD-00000-00005) and Coastal Development Permit (22CDP-00000-00079) are based upon and limited to compliance with the project description, the hearing exhibits marked 1-13, dated July 11, 2023, 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. Additionally, all conditions of approval on 03DVP-00000-00002 (as amended by 05AMD-00000-00005, 07AMD-00000-00011, and 13AMD-00000-00005) remain in effect as approved, with the exception of Condition Nos. 3 and 22, which are amended herein.

The Project is a request for an Amendment to the Biltmore Hotel and Coral Casino Revised Development Plan (03DVP-00000-00002) and approval of an associated Coastal Development Permit to modify Condition Nos. 3 and 22 of the Development Plan conditions of approval, as detailed below. Condition No. 3 will be modified to reduce the maximum number of permitted Biltmore Hotel guestrooms/keys to 192. Prior to Coastal Development Permit issuance, the Owner/Applicant shall provide site/floor plans to Planning and Development for review and approval. The site/floor plans shall depict the layout of existing Biltmore Hotel guestrooms and the proposed reduction in guestrooms to 192. The reduction in the existing number of Biltmore Hotel guestrooms will be accomplished with interior alterations only to combine adjacent separate guestrooms into singular, larger guestrooms (including suites and junior suites). Condition No. 22 will be modified to allow limited public use of the existing second floor Coral Casino Restaurant, reduce the Coral Casino monthly membership allowance for members of reciprocal clubs, eliminate the Coral Casino seasonal membership allowance for Biltmore Hotel guests, and eliminate the Coral Casino regular use allowance for registered overnight Biltmore Hotel guests. Prior to Coastal Development Permit issuance, the Owner/Applicant shall provide a revised Coral Casino site plan exhibit to Planning and Development for review and approval. The revised Coral Casino site plan exhibit shall depict the second floor restaurant area, including restrooms that serve the restaurant, as presented during the Montecito Planning Commission hearing of April 5, 2023. Additionally, use of the existing 2,050-sq. ft. event/meeting room at the Biltmore Hotel (currently identified as the La Marina banquet room) will be limited to non-dining entertainment and other activities for hotel guests only.

The Project does not involve any new structural development or exterior alterations to existing development, and no additional services or access will be required. The property will continue to be served by the Montecito Water District, the Montecito Sanitary District, and the Montecito Fire Protection District. Access is provided from Channel Drive. The proposed project is located on a 19.28-acre property, zoned C-V and shown as Assessor's Parcel Numbers 009-352-009, 009-354-001, 009-351-012 and 009-353-015, located at 1260 and 1281 Channel Drive in the Coastal Zone of the Montecito Community Plan Area, First Supervisorial District.

Changes to 03DVP-00000-00002 Conditions of Approval (deleted text shown in strikethrough font and new text shown in underlined font):

3. *The number of guestrooms or keys shall not exceed ~~229~~192.*
  
22. *Coral Casino Conditions:*
  - a) *The Coral Casino shall remain a private club.*
  - b) *Guest membership shall be limited to:*
    - 1) *600 – permanent members*
    - 2) *~~50 – seasonal members, for guest of the Biltmore Deleted~~*
    - 3) *Up to ~~120~~60 members per month from reciprocal clubs located at least 75 miles away from the Coral Casino*
  - c) *With the exception of the 2<sup>nd</sup> floor restaurant, regular use of the facility shall be limited to club members and their guests, and registered overnight Biltmore Hotel guests only. Guests of registered Biltmore Hotel guests may also use the second story restaurant when accompanied by the registered hotel guest. Such regular use also includes guest privileges afforded to the general manager of the club, for business purposes incidental to the operation of the club. Outside groups may use the facility for special functions. The 2<sup>nd</sup> floor restaurant shall be available for club members and their guests, including 34 indoor seats reserved only for club members. In addition, the 2<sup>nd</sup> floor restaurant shall be available by reservation for up to 265 members of the public per day (for the purposes of this condition registered hotel guests are considered members of the public). Reservation data shall be maintained by the operator and provided to County Planning and Development staff, upon request.*
  - d) *No outdoor music after 10:00 p.m. except Friday, Saturday, Fiesta week, and holidays, when music shall cease at 12:00 midnight.*
  - e) *Activities at the Coral Casino shall be those normally associated with a social, swim, and tennis club.*
  - f) *Use of the restaurant roof sundeck shall only be during daylight hours, through sunset, and during night time hours not more than four times annually.*

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.

2. **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 must be submitted for review and approval and shall be implemented as approved by the County.

### **County Rules and Regulations**

3. **Rules-02 Effective Date-Appealable to CCC.** This Coastal Development Permit shall become effective upon the expiration of the applicable appeal period provided an appeal has not been filed. If an appeal has been filed, the planning permit shall not be deemed effective until final action by the review authority on the appeal, including action by the California Coastal Commission if the planning permit is appealed to the Coastal Commission. [ARTICLE II § 35-169].
4. **Rules-03 Additional Permits Required.** The use and/or construction of any structures or improvements authorized by this approval shall not commence until the all necessary planning and building permits are obtained.
5. **Rules-05 Acceptance of Conditions.** The Owner/Applicant's acceptance of this permit and/or commencement of use, construction and/or operations under this permit shall be deemed acceptance of all conditions of this permit by the Owner/Applicant.
6. **Rules-11 CDP Expiration-With CUP or DVP.** The approval or conditional approval of a Coastal Development Permit shall be valid for one year from the dated of decision-maker action. Prior to the expiration of the approval, the review authority who approved the Coastal Development Permit may extend the approval for one year if good cause is shown and the applicable findings for the approval required in compliance with Article II Section 35-169.5 can still be made. Prior to the expiration of a time extension noted above, the review authority who approved the time extension may approve two additional time extensions for two years each if good cause is shown and the applicable findings for the approval required in compliance with Article II Section 35-169.5 can still be made. A Coastal Development Permit shall expire two years from the date of issuance if the use or structure for which the permit was issued has not been established or commenced in conformance with the effective permit.
7. **Rules-23 Processing Fees Required.** Prior to issuance of the Coastal Development Permit, the Owner/Applicant shall pay all applicable P&D permit processing fees in full as required by County ordinances and resolutions.
8. **Rules-29 Other Dept Conditions.** Compliance with Departmental/Division letters is required as follows:
  - a. Environmental Health Services Division letter dated September 15, 2022
9. **Rules-30 Plan Requirements.** The Owner/Applicant shall ensure all applicable final conditions of approval are 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.

- 10. Rules-32 Contractor and Subcontractor Notification.** The Owner/Applicant shall ensure that potential contractors are aware of County requirements. Owner/Applicant shall notify all contractors and subcontractors in writing of the site rules, restrictions, and Conditions of Approval and submit a copy of the notice to P&D compliance monitoring staff.
- 11. Rules-33 Indemnity and Separation.** The Owner/Applicant shall defend, indemnify and hold harmless the County or its agents or 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 this project.
- 12. Rules-35 Limits-Except DPs.** This approval does not confer legal status on any existing structures(s) or use(s) on the property unless specifically authorized by this approval.
- 13. Rules-37 Time Extensions-All Projects.** The Owner/Applicant may request a time extension prior to the expiration of the permit or entitlement for development. The review authority with jurisdiction over the project may, upon good cause shown, grant a time extension in compliance with County rules and regulations, which include reflecting changed circumstances and ensuring compliance with CEQA. If the Owner/Applicant requests a time extension for this permit, the permit 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.