

## **ATTACHMENT 2: PROJECT SPECIFIC CONDITIONS**

### **Case No's: 14RVP-00000-00063, 14CDP-00000-00086, 14CDP-00000-00090, 14CDP-00000-00091**

#### **1. PROJECT DESCRIPTION:**

This Revision (14RVP-00000-00063) to Development Plan 07RVP-00000-00009 (as amended by 10AMD-00000-00010) is based upon and limited to compliance with the project description, Attachment-M to the January 21, 2015 Montecito Planning Commission Staff Report and Attachment-14 to the March 24, 2015 Board Letter, and conditions of approval set forth below. This revised Final Development Plan shall supersede past approvals including: 78-CP-77, 99-DP-001, 99-DP-001 AM01, 02AMD-00000-00007 and 10AMD-00000-00010 for the Miramar site. Project conditions associated with the amended Conditional Use Permits for hotel development within the Transportation Corridor zone district (14AMD-00000-00010, 14CDP-00000-00090), and for construction of a 10-14-foot sound wall (14AMD-00000-00011, 14CDP-00000-00091), have been incorporated into the conditions of approval. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

#### **The 2011 Approved Project (186 key/Approved Caruso Plan) consists of the following components:**

- Construction of a Main building and Ballroom over one level of subterranean parking with 247 stalls. Portions of the parking garage would be covered by an event lawn, with a motor court and access ramp to underground parking;
- Construction of a strip of guest serving retail attached to the Main building adjacent to the Entry Court;
- Construction of a lobby and administration building on South Jameson Lane;
- Construction of two new restaurants, two in a one story poolside building, and one in a beach bar/snack house; The maximum number of restaurant seats would be 258
- Creation of a central lawn area in front of the Main Building lobby and Main Building guestrooms;
- Creation of additional open space by vacating the north-south segment of Miramar Avenue, and connecting the site via internal meandering paths resulting in additional new landscape areas throughout the site;
- Construction of a spa and treatment rooms and a separate fitness center for use by guests of the hotel and members of the public and one building for exclusive use by the Beach Club members;
- Beach club membership of 300;
- Removal of all the existing guestroom buildings (completed);
- Construction of a maximum of 186 new guestrooms;
- A restored beach boardwalk;
- Sixty-eight new public parking spaces along Eucalyptus and South Jameson to improve public beach access to existing public access points;
- New public access routes along the fire lane on the Miramar property and along the private road between the proposed Main Building and Ballroom;

- Construction of a 10-foot sound barrier along South Jameson Lane west of the main entrance drive;
- Construction of two new swimming pools to replace the two pools that previously existed on the site;
- Landscaping plan would include the removal and relocation of numerous trees and new planting of both native and non-native species throughout the site;
- Four affordable on-site hotel employee housing units;
- Events including 30 beach events per year, for a maximum of 100 people for 60 minutes; and a maximum number of guests on site for an event (or a combination of events) of 500;
- A request for modifications to the height, parking, and setback requirements of the County's Coastal Zoning Ordinance;
- Parking spaces on site: 494;
- Surface parking lot on the eastern portion of the site containing 207 parking spaces. (constructed with permeable surfaces and broken up into smaller sections by landscaping) The lot would also be built near existing grade and approximately six feet lower than the adjacent public roadway, South Jameson Lane, to minimize visual impacts.

### **Proposed Revised Project (170 Key Plan)**

- Reduction in net floor area from 170,575 SF to 165,990 SF
- Elimination of the level of underground parking below the main building (a smaller portion of the subterranean level continues to exist for loading and back of house functions);
  - All parking is now surface parked primarily in lots with permeable paving (approximately 2.05 acres total for the parking lots).
  - The primary lot at the eastern end of the site has increased in capacity from 207 stalls to 226 stalls.
  - The new secondary surface lot in the northwestern portion of the site has 151 spaces.
  - The remaining parking stalls are located throughout the site adjacent to the entry court, the oceanfront, and along Miramar Avenue. All guests and members will valet park with the exception of the Miramar Avenue bungalow guests who will have the option of self-parking in the stalls along Miramar Avenue. Guests of the Oceanfront presidential suite will also have the option of parking in one of the adjacent stalls at the oceanfront.
  - Overall parking on site has been reduced from 494 stalls to 436 stalls.
- Reduction in key count from 186 keys to a 170 keys maximum;
- Replacement of beach bar/ snack shack with full service dinner and lunch restaurant at the Oceanfront. A walk up beverage bar would still exist at the previous beach bar location;
- Elimination of a portion of the second story of the Oceanfront East building above the new proposed restaurant;
- Reconfiguration of the main building;
  - All day dining restaurant is now attached to the main building instead of in a separate building adjacent to the pool.
  - The spa has reduced in size from 7,003 SF to 2800 SF and is now a part of the main building (note: both figures exclude guestroom square footage)
  - Non-hotel spa guests have been reduced from 15 to 12 outside guests per day.
  - The fitness center is also now part of the main building.
  - Increase in the Main Building square footage from 34,745 to 43,318 square feet.
- Lanai Buildings have been re-sited and realigned;
  - Jameson Lanai buildings have been stepped back further from Jameson Road and are staggered; the previously approved encroachment into the 20' setback from the property line continues to exist for portions of the building.

- The Eucalyptus Lane Lanai buildings have increased from one to two stories.
- New screening room theater building is proposed adjacent to the entry court (to be used for guests and member related special functions);
- Sound walls have been modified;
  - Construction of a 10-14 ft sound wall (increased from a previous 10 ft maximum height) along South Jameson Lane (reduced in length by 177 feet).
  - Construction of a new 8-foot sound wall south of the Union Pacific railroad tracks.
  - Construction of three 6 foot sound walls between the northwestern parking lot and All Saints by the Sea Church.
- The proposed revised plan includes removal of 84 trees versus 40 in the 2011 approved plan. The approved plan involved relocation of 41 trees and the proposed revised plan would relocate no trees. However, 372 new trees as well as 112 palms, including approximately 252 specimen size trees are proposed to be planted under the proposed revised plan.
- Events including 30 beach events per year, for a maximum of 100 people for 60 minutes; and a maximum number of guests on site for an event (or a combination of events) of 350 (which may be scaled up to 400 at 12-18 months).

**Table 2-1  
PROPOSED REVISED PROJECT IN COMPARISON TO THE 2011 APPROVED PROJECT**

The table below provides a comparison of the 2011 approved project and the proposed revised project.

<b>Project Component</b>	<b>2011 Approved Project (186 key)</b>	<b>Proposed Revised Project (170 key)</b>
<b>STRUCTURAL DEVELOPMENT (EXCLUDING PAVING) (NET FLOOR AREA IN SQUARE FEET [SF])</b>		
<b>Ballroom (included in Main Building)</b>	included in main building (see below)	included in main building, (see below)
<b>Main Building (including ballroom function)</b>	34,745 (incorporating Ballroom function and hotel administration offices,)	43,318 (excludes 13 guestrooms on level 2 which are included in the guestroom square footage total of 105,206 SF listed below), includes spa, fitness, all day dining, bar, lobby, ballroom, meeting rooms, and back of house/ administrative functions.
<b>Pool Bar/Restaurant</b>	4,394 SF (includes all hotel formal dining)	Casual dining restaurant included in Main Building above.
<b>Beach Bar (and Restaurant)</b>	643 SF	3,932 SF, includes bar and new proposed Oceanfront restaurant and restaurant BOH.
<b>Spa</b>	7,003 SF	included in main building SF above

<b>Project Component</b>	<b>2011 Approved Project (186 key)</b>	<b>Proposed Revised Project (170 key)</b>
<b>Beach Club</b>	3,206 SF (at the oceanfront)	3,870 SF (at the oceanfront)
<b>Retail</b>	3,952 SF	Included in main building SF above (1060 total in retail & salon)
<b>Guestrooms</b>	111,276 SF	105,206 SF
<b>Misc. Buildings (theatre building, children's center, concessions: ice cream and guard station and adult pool restroom)</b>	None	Theatre: 2,022 SF Activity Center/Storage: 2,306 SF Concessions 1 & 2 (ice cream and guard): 200 SF Adult pool restrooms: 300 SF
<b>Total Net Floor Area<sup>1</sup></b>	<b>170,575 SF</b>	<b>165,990 SF</b>
<b>Total Net Lot Area</b>	686,977 SF (15.77 acres)	Same as 2011 approved plan
<b>Floor Area Ratio (FAR)</b>	0.248	0.245
<b>New Net Floor Area to be Constructed (not counting renovation of existing structures)</b>	170,575	165,990
<b>Total Gross Interior Floor Area<sup>2</sup></b>	258,860 SF	205,687 SF
<b>Height modifications requested</b>	46.0' height of Main Building (46' from existing grade / 38' from Jameson curb line).	Same as 2011 approved plan (46' from existing grade / 38' from Jameson curb line).
<b>Setback modifications requested</b>	<u>West:</u> All guestrooms encroach approx. 35' into the 50' setback from the property line; Spa encroaches approx. 10' into the 50' setback from the centerline of Eucalyptus <u>East:</u> All setbacks are met <u>North:</u> Main Bldg. encroaches approx. 10' into 20' setback from the right-of-way &	<u>West:</u> Guestrooms encroach 35' into 50' setback from the property line (same as approved plan); Spa and a portion of Jameson Lanai have been removed from the northwest corner of site. <u>East:</u> all setbacks are met. <u>North:</u> Main building meets setback requirements; Theatre building and

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

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

<b>Project Component</b>	<b>2011 Approved Project (186 key)</b>	<b>Proposed Revised Project (170 key)</b>
	20' into 50' setback from the centerline of South Jameson; <u>South:</u> Guestrooms along east-west segment of Miramar Avenue encroach up to 20' into the 20' setback from the property line and 30' into the 50' setback from the centerline of Miramar Ave.; Oceanfront guestrooms encroach <10' into the 10' setback from the UPRR property line; Restaurant requires a setback modification for 10' encroachment into the 20' setback from UPRR property line.	portions of the Jameson Lanai encroach approx. 10' into 20' setback from the right of way and 20' into 50' setback from centerline of South Jameson; <u>South:</u> Guestroom along east-west segment of Miramar Avenue encroach 15' into 50' setback from centerline and 10' into the 20' setback from right of way; parking spaces along east-west segment of Miramar Avenue encroach 20' into the 20' setback from right-of way and 30' into 50' the setback from centerline; Oceanfront guestrooms encroach 10' into the 20' setback from the UPRR property line. The restaurant that required a setback modification on the North side of the train tracks has been eliminated. The ice cream and adult pool restrooms (labeled concessions #1) and Adult Pool restrooms shed encroach approximately 10 feet into the 20' setback from the UPRR property line.
<b>PARKING SUPPLY</b>		
<b>Public</b>		
<b>South side of South Jameson</b>	58	61
<b>North side of South Jameson</b>	0 (potential 16)	Same as 2011 approved plan
<b>North-south segment of Miramar Avenue</b>	0	Same as 2011 approved plan
<b>East-west segment of Miramar Ave</b>	7 of 14 stalls remain (7 of 14 stalls eliminated by project)	17 stalls (3 more than the 14 existing stalls)
<b>Eucalyptus Lane</b>	10	9
<b>Total</b>	75	87
<b>For Hotel</b>		
<b>Parking structure</b>	247	0
<b>Onsite</b>	247	436
<b>Overflow on tennis courts</b>	0	0
<b>Total</b>	494	436
<b>PARKING DEMAND Spaces Required by Ordinance</b>		
<b>Hotels/Motels</b>		
<b>1 space per guest room</b>	186 spaces	170 spaces
<b>1 space per 5 employees</b>	11 spaces (55 employees)	10 spaces (50 employees)
<b>Hotel/Motel Total</b>	197	180

<b>Project Component</b>	<b>2011 Approved Project (186 key)</b>	<b>Proposed Revised Project (170 key)</b>
<b>Restaurant</b>		
<b>1 space per 300 SF of patron space (indoor + outdoor)</b>	Poolside restaurant in approved plan: 18 spaces (2,161 SF net indoors + 3,000 SF outdoors = 5,161)	In main building in proposed revised plan: 11 spaces (2,140 SF net indoors + 1,150SF net outdoors =3,290 SF net)
<b>1 space per 2 employees</b>	21 (42 employees)	13 (25 employees)
<b>Restaurant Total</b>	39	24
<b>Beach bar/</b>		
<b>1 space per 300 SF of patron space (indoor + outdoor)</b>	3 (252 SF net indoors + 494 SF outdoors = 745 SF)	included in beach restaurant below
<b>1 space per 2 employees</b>	2 (3 employees)	included in beach restaurant below
<b>Beach Bar Total</b>	5	included in beach restaurant below
<b>Spa facility</b>		
<b>1 space per 300 SF of gross area</b>	24 spaces (7,003 SF gross)	10 spaces (2,900 SF gross)
<b>Tennis Courts (1.5 per court)</b>	eliminated	none. same as 2011 approved plan
<b>Assembly space (for events + library)</b>		
<b>1 space per 30 SF of assembly space</b>	302 spaces (9,087 SF, Ballroom, Pre-function & Boardroom)	348 spaces (10,425 SF ball room, pre function, and meeting rooms)
<b>Employee Dwellings</b>		
<b>1 per each dwelling unit (for one-bedroom units)</b>	4 spaces	Same as 2011 approved plan
<b>Restaurant (fine dining/ Beach Restaurant)</b>		
<b>1 space per 300 SF of patron space (indoor + outdoor)</b>	Not in 2011 approved plan	11 spaces (1500 net indoors + 1350 net outdoors + 325 SF net for beach bar area= 3175SF at oceanfront)
<b>1 space per 2 employees</b>	Not in 2011 approved plan	13 spaces (25 employees includes restaurant and beach bar)
<b>Restaurant (fine dining/ Beach Restaurant) Total</b>	Not in 2011 approved plan	24 spaces
<b>Beach Club</b>		
<b>1 space per 30 SF of assembly space</b>	53 spaces (1,603 SF lounge area)	22 spaces (665 SF) lounge/event room; balance of space used for lockers/ back of house

<b>Project Component</b>	<b>2011 Approved Project (186 key)</b>	<b>Proposed Revised Project (170 key)</b>
<b>Retail</b>		
<b>1 space per 500 SF of gross floor area</b>	8 spaces (3,952 SF)	2 spaces (1,060 SF)
<b>Total no. of required spaces</b>	<b>632 spaces</b>	<b>614 spaces</b>
<b>No. of spaces short of ordinance requirements</b>	<b>138 spaces</b> (at 100% occupancy and 300 beach club members)	<b>178 spaces</b> (at 100% occupancy and 300 beach club members)
<b>SITE IMPROVEMENTS</b>		
<b>Utilities replaced</b>	Replace sewer, water, & electrical lines	Same as 2011 approved Plan
<b>Repairs to seawall proposed</b>	Yes	Same as 2011 approved Plan
<b>Lighting</b>	Night lighting of the boardwalk & parking lots	Same as 2011 approved plan
<b>Tree removal or relocation</b>	Removed: 40 non-natives Relocated: 3 sycamores, 9 oaks, & 41 non-natives Total: 12 natives & 81 non-natives	Retained: 30  Removed: 84 6 oaks, 4 sycamores & 74 non-natives Total: 10 natives & 74 non-natives (See revised arborist report.) Mitigation trees: 33 (24 inch box) New trees: 431 (various sizes)
<b>Landscaping (acres)</b>	5.52	4.9 (approx.)
<b>Paving (acres)</b>	5.81 (Including 1.2 acres of permeable pavement)	5.15 (including 2.05 acres of permeable parking lot pavement)
<b>Grading</b>	26,000 cy of cut; 33,500 cy of fill; & 7,500 cy of import	15,300 cy of cut; 48,100 cy of fill & 32,800 cy of import
<b>Duration of construction</b>	18 to 20 months	same as 2011 approved project
<b>No. of truck trips</b>	750 truck trips for grading materials	(1,750 truck trips for grading materials) - (1,430 fewer trips required for building materials due to elimination of underground parking)= 320 truck trips ( <i>Parking and Circulation Study for the Revised Miramar Hotel Project</i> by Associated Transportation Engineers (ATE), dated November 18, 2014 )
<b>No. of construction workers</b>	250	Same as 2011 approved Plan
<b>OPERATION</b>		
<b>No. of guestrooms (“keys”)</b>	186	170
<b>No. of employees (full time, part-time, temporary &amp; permanent)</b>	102 (approximate no. of employees on site at any given time)	Same as 2011 approved plan
<b>No. of employee dwellings</b>	4	Same as 2011 approved Plan
<b>Assembly area for events (SF)</b>	9,087	10,425 including 4 meeting rooms and pre-function area

<b>Project Component</b>	<b>2011 Approved Project (186 key)</b>	<b>Proposed Revised Project (170 key)</b>
<b>(Ballroom)</b>		
<b>No. of assembly seats (indoors and outdoors)</b>	500 maximum event patrons on site at a given time	350 maximum event patrons on site at a given time (may be increased to 400 at 12-18 months)
<b>No. of onsite events</b>	4.7 events per day, on average; beach events count towards the size limit of 500 for one event	Same as 2011 approved plan; beach events count towards the size limit of 350 for one event.
<b>No. of beach events</b>	30 weddings on the beach per year of 100 people for 60 minutes (beach events now count towards the size limits events instead of being in addition to these events)	Same as 2011 approved plan
<b>Event hours</b>	7 am to 1 am (outdoor activities to conclude by 10:30 pm, events of over 200 people to begin after 9:30 am)	Same as 2011 approved plan
<b>Total no. of restaurant seats (indoors)</b>	258	Same as 2011 approved plan
<b>Hours of operation of restaurant</b>	6:30 am to 11 pm (bar closes at 2 am)	Same as 2011 approved plan
<b>Hours of operation of beach bar/snack house</b>	9:30 am to 12 am, last serving at 11:30 pm (midnight)	Same as 2011 approved plan
<b>Beach Club membership</b>	300 (200 at occupancy, 100 phased in 12-18 months)	300 (100 at occupancy, 200 phased in 36-42 months after occupancy or upon 6 months of stabilized operations at 76% occupancy)
<b>Spa use by non-guests</b>	15 non-guests/day	12 non-guests/day
<b>Hours of operation of spa</b>	9 am to 9 pm	Same as 2011 approved plan
<b>Public access through Miramar to the beach</b>	Dedicated public access easements to east-west segment of Miramar Avenue and ultimately to the beach at the end of Eucalyptus Lane to offset the abandonment of the north-south segment of Miramar Avenue, and on the private road through the property to the beach bar opening to the beach.	Same as 2011 approved plan with the addition of a third access through the center of the site and past the proposed pools
<b>Public access signs</b>	“No Trespassing” signs removed; new signs installed on the boundaries of the Miramar property and dedicated public access easements along the fire access lane directing the public to the beach, and along the private road through the property directing the public to the beach through the beach bar area.	Same as 2011 approved plan

## Proposed Structural Development

The proposed revised project would involve the addition of 235,198 gross square feet (165,990 net square feet) of structural development, excluding paved areas. Table 2-2, below, summarizes the square footages of the proposed new buildings along with their maximum height (as measured from existing grade).

Pursuant to Section 35-203 of Article II of the County Code, Coastal Zoning Ordinance, in the Montecito Community Plan Overlay District, the maximum floor area ratio (FAR) for projects in the CV, Resort/Visitor Serving Commercial zone is 0.25. The proposed revised project would result in 167,982 square feet of net floor area for an FAR of 0.245 (see Table 2-2 below). While Table 2-1 shows project statistics for the proposed revised project, a more detailed summary showing the statistics for both the approved and proposed revised projects is included in Table 2-2 below.

**Table 2-2**  
**Project Statistics – Structural Development for the Proposed Revised Project**

**BUILDING AREA TABLE**

**Proposed Architectural Style**

BUILDING AREA TABLE							
BUILDING NO.	BUILDING NAME	STORIES	MAX BUILDING HGT ABOVE EXISTING GRADE	LEVEL	GUEST ROOM KEYS	GROSS FLOOR AREA (*A)	NET FLOOR AREA (*B)
1	MAIN BUILDING	2 + 1	44.5'	B	13	89,879	54,915
		(BASEMENT)		1			
				2			
2	THEATER BUILDING	1	33.6'	1		2,807	2,022
3	POOL RESTROOMS	1	14.8'	1		386	386
4	ACTIVITY CENTER	1 + 1	30'	B		2,366	2,306
		(BASEMENT)		1			
4a	ADULT POOL RESTROOM	1	15.5'	1		324	300
4b	CONCESSION 1	1	14.5'	1		100	100
4c	CONCESSION 2	1	15.5'	1		100	100
5	OCEANFRONT WEST	2	24'	1	5	11,250	7,819
				2	4		
6	OCEANFRONT EAST	2	24'	1	8	16,264	11,706
				2	8		
7	MIRAMAR CLUB	2	24'	1		4,483	3,870
				2			
8	JAMESON LANAI	2	34.2'	1	25	41,953	28,624
				2	23		
9	WEST LANAI	2	28'	1	8	15,068	10,235
				2	8		
10	WEST LANAI	2	29.1'	1	8	15,068	10,235
				2	8		
11	FAMILY COTTAGE	1	17.6'	1	4	3,497	2,983
12	FAMILY COTTAGE	1	17.9'	1	4	3,497	2,983
13	MIRAMAR BUNGALOW	1	18.9'	1	4	3,400	3,150
14	MIRAMAR BUNGALOW	1	18.9'	1	4	3,400	3,150
15	MIRAMAR BUNGALOW	1	18.6'	1	4	3,400	3,150
16	GARDEN COTTAGE	1	13.3'	1	4	2,360	2,360
17	GARDEN COTTAGE	1	13.7'	1	4	2,360	2,360
18	GARDEN COTTAGE	1	17.6'	1	4	2,360	2,360
19	GARDEN COTTAGE	1	11.8'	1	3	1,664	1,664
20	GARDEN COTTAGE	1	12.5'	1	4	2,360	2,360
21	GARDEN COTTAGE	1	11.4'	1	3	1,664	1,664
22	GARDEN COTTAGE	1	11.4'	1	3	1,664	1,664
23	GARDEN COTTAGE	1	14'	1	5	2,360	2,360
24	GARDEN COTTAGE	1	13.5'	1	2	1,164	1,164
TOTALS					170	235,198	165,990

The proposed architectural style for the project shall be described as “Cottage Type Hotel” as defined<sup>3</sup>:

<sup>3</sup> During the August 28, 2008 hearing, the MPC directed the applicant to return to the MPC for further discussion to ensure the proposed project be consistent with the above “Cottage Style Hotel” definition, including colors, materials and style prior to returning to the MBAR for preliminary approval.

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

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

The Miramar, as it existed in 1992 when the Montecito Community Plan was adopted, along with the Biltmore and the San Ysidro Ranch, are the resort visitor-serving hotels in Montecito upon which the existing "Cottage Type Hotel" tradition was based. Both the Biltmore and the then Miramar included both large structures for congregation (restaurants, conference rooms, etc.) with attached guestrooms, and smaller buildings or cottages housing additional guest rooms. Consistent with the historic template of Montecito's resort visitor serving hotels and similar to the 2011 approved project, the proposed revised project includes large structures for congregation (lobby, restaurant, spa), two-story lanai guest room buildings, and single story cottage structures with six or fewer keys. Besides architectural style and arrangement (as discussed above), factors listed in the Montecito Community Plan and Montecito Architectural Guidelines as contributing to the "Cottage-style" nature of a project include guest rooms with 6 keys or less, guest rooms of one story in height, and guest rooms of less than 16 feet in height. The following table lists each criterion for the 2011 approved and proposed revised project:

<b>Standard</b>	<b>Approved</b>	<b>Proposed</b>
Single story guestroom	13 (out of 18 structures); 72%	14 (out of 20 structures); 70%
6 key or less guestroom	15 (out of 18 structures); 83%	14 (out of 20 structures); 70%
No. of rooms in cottages	61 (out of 186 rooms); 32%	52 (out of 170 rooms); 31%
Rooms in Cottages with 6 keys or less	61	52
Guest rooms buildings 16 ft or less from existing grade	none	9 (14 are below 19 ft)

The architectural style of the proposed revised project provides additional refinement from the 2011 approved project. Generous open spaces are located throughout the project site along with a variety of experiences and building types that reinforce the outdoor temperate lifestyle encouraged by the design. As with the 2011 approved project, guestrooms would be located in one-story cottages, two-story lanais, and oceanfront buildings with panoramic window lines, expansive patios, porches, courtyards and balconies. Buildings will be constructed in a variety of building materials to add character. Awnings, ornamental fences, shutters and gates, and landscaped trellises would add detail and shade to the outdoor environment.

## **Ballroom**

Under the 2011 approved project, the Ballroom is incorporated into the Main Building. The Ballroom area within the Main Building is intended to be used for events of various sizes. It would be for use both by resort guests and the public. Vehicles would arrive at the Ballroom via the Main Building motor court where cars would be valet parked. Access to the Ballroom is through the Main

Building lobby. The ballroom now has one wall of windows open to an outdoor event garden. The ballroom will primarily be accessed through the main hotel entrance; however, a slip lane and a secondary entrance have been created to ensure ease of traffic flow during special events.

In the proposed revised project, a large perimeter hallway and pre-function space would provide adequate circulation for either one large event or three concurrent events. The Ballroom and other event spaces would accommodate a maximum of 350 people (potential 400 at 12-18 months) at one time under the proposed revised project, a reduction from 500 under the 2011 approved project.

### **Affordable Employee Housing**

As part of the proposed revised project, four affordable employee housing units would be provided on the ground floor in the northeast corner of the Jameson lanai building. As with the 2011 approved project, the affordable employee housing units would be rented to moderate income (120% Area Median Income) full-time employees. Income eligibility for affordable rental units would be determined by the County or its designee.

### **Main Building**

The proposed revised project plan reconfigures the main building to be the social and activity hub of the property, consolidating all public and social uses in this one location to free up open space and create a serene guest experience on the western portion of the site. The spa and fitness centers have been removed from outbuildings, reduced in size, and added to the main building. The all-day dining restaurant is no longer a stand-alone structure and is now included on the ground floor of the main building. The lobby, bar, check in and concierge functions continue to be located in the main building.

The ballroom, meeting rooms and pre-function areas continue to be located in the main building (a ballroom, pre-function, and single meeting room on the ground floor; three meeting rooms on the second floor.) While the primary entrance for guests and event attendees continues to be the main motor court, there is a secondary access point that can be used to manage event traffic when necessary.

The main building now includes only 13 guestrooms on its second level instead of a total of 57 in the previously approved plan. These 13 rooms are designed to be premium guest rooms and suites to maximize views from their elevated position.

### **Poolside Bar/Restaurant, Fine Dining and Beach Bar**

The one-story poolside restaurant is eliminated in the proposed amended plan. The casual all-day dining restaurant is now located off of the lobby in the main building, overlooking the family pool. In the approved plan, the poolside restaurant structure would have hosted both casual and fine dining restaurant functions. Now, the lobby-adjacent restaurant will serve the casual dining function, and a second fine dining function has been created at the oceanfront.

Similar to the 2011 approved project, a beach bar would be located between the two Oceanfront guestroom buildings in the proposed revised project; it would include minimal bar seating and would include only beverage storage and preparation areas. Those wishing to have a sit down meal at the oceanfront would go to the Oceanfront restaurant. In the proposed revised project, in addition to this walk up beverage bar, an oceanfront fine dining restaurant has been added. This is intended to be a restaurant for lunch and dinner only and would be located directly at the beach. This

function would be located immediately adjacent to the bar at the center of the oceanfront buildings on the lower level (attached to the East oceanfront building). The second level of the restaurant would be an open air patio/ viewing area.

As with the 2011 approved project, the total indoor and outdoor seating capacity in the two restaurants (including the beach bar and lobby lounge) would remain at 258. Forty seats will be located in the lobby bar, 120 (approximately 80 indoor, 40 outdoor) seats at the all-day dining restaurant, and 98 (approximately 60 indoor, 38 outdoor) seats at the oceanfront restaurant and beach bar.

### **Spa and Fitness Facilities**

A new spa facility would be constructed as a part of the main building instead of in a freestanding structure on the northwestern corner of the site (as proposed under the 2011 approved project). In addition to guest use, there would be allowance for 12 non-guest users per day, a reduction from the 15 included in the 2011 approved project.

Differing from the 2011 approved project, fitness facilities have been moved from a guestroom building next to the spa in the northeast corner of the property and are now located in the main building adjacent to the spa.

### **Beach Club (now renamed Miramar Club)**

The proposed revised project includes a three-story clubhouse (two stories above grade, one story basement) building for the Miramar Club. The clubhouse would be for the use of Club members only and would include lockers, a sauna and steam rooms, and a lounge area available for member gatherings. In the 2011 approved project the clubhouse was located in a free-standing building on the oceanfront. Under the proposed project, the clubhouse will remain at the oceanfront.

As with the 2011 approved project, the Club would be limited to a maximum membership of 300 (with 100 memberships available at the initial time of occupancy, and the additional 200 members conditionally added by the Montecito Planning Commission 36-42 months after opening or upon 6 months of documented 76% occupancy). Members would be allowed to bring family and guests. Since most families would travel to the Club in one car, it would not be anticipated that Club members would have a significant impact on traffic or parking during normal days. 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.

This policy would be enforced by Condition No. 52 requiring the applicant to monitor parking and provide P&D with annual reports. The Club building would be exclusively for beach club members, their families and guests (consistent with above). These provisions were included with the 2011 approved project and would continue to apply to the proposed revised project.

### **Hotel Retail**

The Main Building would include a single guest serving/sundries style small retail boutique plus a small guest serving salon within the Main Building. The total retail space has been reduced from 3,952 square feet to 1,060 square feet (retail plus salon).

As with the 2011 approved project, this incidental retail and salon would be geared to satisfy the needs of the hotel guests but could also be a resource to the public for browsing, services, and gift item purchases. Examples of possible retail uses include apparel, beach recreation (i.e., beach towels, hats, beach chairs, boogie boards, etc.), magazines and newspapers, spa related items, candy, sunglasses, and limited specialty food sales.

### **Theater Building**

The proposed new theater building would operate as a private screening room and conference space for guests of the hotel only and would not be open to the public.

### **New Guestrooms**

The 2011 approved project included 186 guestrooms while the revised project has been reduced to 170 guestrooms. As with the 2011 approved project, a variety of guestroom buildings are proposed under the revised project: Lanai buildings, Cottages, Bungalows, Oceanfront buildings, and guestrooms in the Main Building (as summarized in Table 2-1, above). The Jameson and West Lanai buildings, Oceanfront buildings, and guestrooms on the second level the Main Building, would be two-story buildings. All others would be one-story buildings.

### **Sound Barrier**

As with the 2011 approved project, a sound barrier is proposed along South Jameson Lane west of the main entrance drive to reduce noise from the freeway in exterior spaces under the proposed revised project. Along South Jameson Lane, this sound barrier would consist of a 10 to 14-foot high (as measured from the South Jameson Lane grade) sound wall. The sound wall would include landscaping as well as architectural features and required exit/ fire access gates that would enhance the visual appearance of the wall.

Under the proposed revised project, the applicant is proposing three 6 foot tall sound walls between and within the northwestern parking lot and All Saints by the Sea Church. The applicant is proposing an additional 8 foot tall sound wall along portions of the south side of the UPRR right of way and. This sound wall will help shield noise from the oceanfront, but due to grade changes on the Northern portion of the property, will not obstruct views of the ocean. Finally, the wall will not exist in the area between the West and East Oceanfront buildings.

### **Boardwalk and Seawall Repairs (Same as 2011 Approved Project)**

An existing timber and concrete seawall retains the soil supporting most of the existing oceanfront units (the existing oceanfront units are not supported by deep foundations). Under both the 2011 approved and proposed revised project, the new oceanfront units would be supported on deep foundations (approximately 128 driven piles) to comply with requirements in the Coastal High Hazard Zone. Compacted soil would be placed beneath the foundations between the piles to further protect structures from collapsing in the event of lateral earth movement during an earthquake. The existing seawall would be retained to support the soil beneath the piles. Many of the timber piles supporting the existing seawall are damaged and may need to be replaced under the approved and proposed revised project (with new driven piles); construction of this element of the project is anticipated to last 13 days. In addition, new shotcrete (concrete mixture used to strengthen existing vertical surfaces) would be installed on the face of the seawall to further strengthen it from wave

forces. No changes have been made to the structural components of the Boardwalk and seawall under the proposed revised project.

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

A 2 x10 foot plank timber boardwalk is framed off the face of the seawall, approximately 9.8 feet above existing grade (sand). The boardwalk is supported by timber piles, 10 x12 foot beams, and 2 x14 foot joists. In addition, a stairway leads to the beach off the boardwalk. Due to extensive wood rot, the deck of the boardwalk would be replaced under the proposed revised project (as was contemplated under the 2011 approved project). The existing piles and the existing beach stairway would be retained.

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

### **Additional Fences and Walls**

**Table 2-3 Project Statistics-Site Walls**

Table 2-3 summarizes the proposed site walls and their heights under the proposed revised project. Note: the 10 to 14 foot sound wall along Jameson Lane, 8 foot sound wall along the UPRR tracks and the 6 foot sound walls between and within the northwestern parking lot and All Saints by the Sea Church are discussed separately above.

<b>Wall Location</b>	<b>Maximum Height of wall (above existing grade) (ft)</b>
Between South Jameson and the north end eastern parking lot.	6.33'
On eastern side of the eastern parking lot, (Section F on Sheet C1.02, conceptual grading and drainage plan)	3.5'
Between the beach access road and the eastern parking lot (Section E on Sheet C1.02, conceptual grading and drainage plan)	2.9'
Along the eastern and southern edges of the family pool area	7.75'
Between the adult pool area and the residential parcel owned by Miramar to the west and along the southern edge of the adult pool area (Section C on Sheet C1.02, conceptual grading and drainage plan)	4.0'
Between the parking stalls on the northern side of Miramar Ave. and the proposed cottages along that road.	4.0'

### **Modifications**

Section 35-174.8 of Article II, Coastal Zoning Ordinance, stipulates that the decision-maker for a Development Plan (e.g., Montecito Planning Commission) “*may modify the building height limit, distance between buildings, setback, yard, parking, building coverage, or screening requirements specified in the applicable zone district when the decision-maker finds that the project justifies such*

*modifications.*” The applicant proposes modifications to height limits, setbacks, and parking requirements.

### **Height Modifications**

The height limit in the C-V zone is 35 feet above existing grade, or 38 feet with roof pitches that are 4 in 12 or greater. As under the 2011 approved project, all proposed new buildings would meet this height restriction except for the Main Building, where the maximum height is proposed at 46 feet from grade (or 38’ feet from the top of Jameson curb line at an average of 27’ adjacent to the main building). The height of the Main Building is unchanged from the 2011 approved project.

Similar to the 2011 approved project, a modification to the height limit required in Section 35-208.2(1) of the Montecito Community Plan Overlay District would be necessary for the proposed revised project because 9 of the 20 buildings which would contain guest rooms would exceed 16 feet in height above existing grade (under the 2011 approved project, all guestroom buildings exceeded 16 feet in height).

### **Setback Modifications**

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

The proposed revised project includes the same setback modifications as the 2011 approved project. Specifically, all the guestroom buildings along the western property line (adjacent to All Saints church) would encroach 35 feet into the required 50-foot setback from the adjacent residentially zoned properties (for a setback of approximately 15 feet from the western property line). In addition, the Garden cottages and Miramar Avenue Bungalows would be located well within the 50-foot setback from the centerline of the north-south portion of Miramar Avenue (to be abandoned). The Main Building and oceanfront guestrooms all would slightly encroach into setbacks and would continue to require the same setback modifications as the approved plan. Therefore, modifications to the setback requirements would be required for most of the buildings proposed under the revised project (see Table 2-4 below for specific details on encroachment into setbacks). Note: the main building in the proposed revised plan has shifted back further from Jameson road from 11’ to 94’ depending on the location. The theatre/screening room building is located in roughly the same location as the previous retail strip adjacent to Jameson Lane and requires a setback modification. The spa building previously located in the northwestern portion of the site has been eliminated and therefore no longer requires a setback modification. The proposed revised project also includes setback modifications for parking, as did the 2011 approved project (summarized in Table 2-4, below).

**Table 2-4**  
**Setback Modifications Required for the Proposed Revised Project**

<b><u>Location of Encroachment</u></b>	<b><u>Encroachment</u></b>	<b><u>Encroachment into Setback Area</u></b>
Northern property line adjacent to S. Jameson	Theatre Building , small portion of Jameson Lanai	<u>Buildings:</u> 10-15’ into the setback area (same as 2011 approved

	Guestrooms, Parking	project) <u>Parking:</u> Public spaces are located entirely within the front yard setback, up to 15' into the right-of-way; 4 private spaces located entirely within the front yard setback, other private spaces are located up to 14' into the front yard setback
Western property line adjacent to Eucalyptus Lane and the Church property	Guestrooms along the church, Parking	<u>Buildings:</u> Between 32' & 35' into the 50' setback from residentially zoned properties (approx. same as 2011 approved project) <u>Parking:</u> Public spaces are located entirely within the setback from residentially zoned properties; 49 private spaces are located entirely within the setback from residentially zoned properties, other private spaces up to 5' within the setback from residentially zoned properties
Western Property line adjacent to the east-west portion of Miramar Ave. and home at 60 Miramar Ave.	Pool restrooms	Located entirely within setback from residentially zoned properties (in the 2011 approved project the restaurant and bar were located entirely within the setback)
Southern property line adjacent to the east-west portion on Miramar Ave.	Guestrooms, Parking	<u>Buildings:</u> 15' into 50' setback from centerline and 10' into the 20' setback from right of way (less than 2011 approved project) from residentially zoned properties <u>Parking:</u> 20 private spaces located entirely within the setback from residentially zoned properties
Southern portion of the hotel, which is north of the railroad track, between the Main Building and the Oceanfront Units	Poolside auxiliary functions (ice cream shack, pool restrooms, and security shack)	<u>Buildings:</u> Approx. 10' into the rear yard setback area (less than 2011 approved project)
Property line north of the Oceanfront Guestrooms and south of the UPRR.	Oceanfront Guestrooms, Parking	<u>Buildings:</u> Approx. 10' into the 20' rear yard setback from the UPRR property line (same as 2011 approved project) <u>Parking:</u> Approx. 12 spaces entirely within UPRR property (same as 2011 approved project)
Eastern Property Line	Parking	Approx. 20 private spaces located entirely within setback from residentially zoned properties; other private spaces up to approx. 15' into setback from residentially zoned properties

## **Parking Modifications**

The 2011 approved plan included a modification to the required number of parking spaces to be provided (632 required and 494 to be provided, for a shortfall of 138 spaces). The proposed revised project would also need a modification to the number of required parking spaces (614 required and 436 provided, for a shortfall of 178 spaces). The applicant has provided an updated “Shared Parking Analysis” prepared by Associated Transportation Engineers, dated July 31, 2014, which provides support for this modification request. Because the proposed revised project includes a reduction in guest rooms from 186 to 170 and a reduction in the maximum number of event attendees from 500 to 400, the analysis concludes the peak demand for parking spaces during a 400-person event would be reduced to 430 spaces under the proposed plan. Therefore, the proposed 436 spaces would be adequate to serve peak demands at the site.

## **SITE IMPROVEMENTS**

### **Grading, Drainage, and Utilities**

Grading for the project entails excavation of the underground “back of house” area to be located beneath the Main Building, and re-contouring of the entire site. The eastern portion of the site will be filled in order to level the site for preparation of the surface parking lot. The amount of fill has increased from the 2011 approved project. Fill within the Oak Creek floodplain would constitute a total loss of up to approximately 4 acre-feet, as in the approved plan, of storm water ponding. A total of approximately 15,300 cubic yards (cy) of cut and 48,100 cy of fill would be required (including over excavation and compaction). As a result, a total of 32,800 cy of import would be required. The 2011 approved project included 26,000 cy of cut, 33,500 cy of fill and 7,500 cy of import.

The haul period for the import of 32,800 cy of fill is proposed as follows:

<b>Activity</b>	<b>2011 Approved Project</b>	<b>Proposed Revised Project</b>
<b>Import volume</b>	7,500 cy	32,800 cy
<b>Truck capacity</b>	10 cy	10 to 20 cy
<b>Truck trips per hour</b>	6 to 10	6 to 10
<b>Duration of import</b>	9 to 16 days	Approximately 30 to 60 days

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

The proposed revised project involves approximately 5.00 acres of paving (including approx. 2.00 acres of permeable pavement) compared to 4.61 acres in the 2011 approved project (approximately 1.26 acres of which was permeable). Drainage for the property would be designed following recommendations contained within the Penfield & Smith Preliminary Stormwater Control Plan, dated September 12, 2014.

All existing on-site storm, sanitary and water systems (with the exception of the existing on-site water well) would be removed or properly abandoned and new systems installed per current codes. As with the 2011 approved project, the proposed revised project would rely exclusively on Montecito Water District service. The private well on site is not proposed to be used at this time. Existing water facilities in the to-be-vacated northern portion of Miramar Avenue, which serves a portion of the adjacent community, would be maintained in place until a new system is activated as part of the project.

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

As with the 2011 approved project, under the proposed revised project, the applicant proposes the use of two 100 brake horse power (bhp) boilers, two 3,000 million British thermal units (MMBTu) boilers, and a 500 kilowatt (kW) emergency generator.

### **Vehicular Access to the Hotel**

Access to the site would remain primarily the same under the proposed revised project as it was under the 2011 approved project. The site would be accessed at three points along South Jameson Lane: 1) the main entrance road to the lobby; and 2) the private road that would provide access to the eastern parking lot, oceanfront rooms, and the three private homes to the immediate east of the resort, and 3) direct access into the western surface parking lot. This entry way would be used by valets and hotel employees only during regular use. In the case of large events or peak summer beach days this lot could also be set up to accommodate a secondary valet to intercept traffic going to the main building to prevent traffic backup. There is also an auxiliary access point adjacent to the main building/ ballroom to be utilized for special event valet parking.

The private beach access road would be improved from its current condition. Specifically, the private road's elevation would be raised to make it consistent with the new surrounding topography, raise it above the new surface parking lot, and to elevate it out of the flood plain. The road would be built in compliance with all required engineering standards and requirements of the Montecito Fire Protection District. The roadway edge would be attractively landscaped, consistent with the approved plan.

### **Pools and Pool Cabanas**

As with the 2011 approved project, there would be two pools on the property under the proposed revised project, 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. The smaller pool is envisioned as a less populated and quiet adult oriented lounge pool while the main pool would be the focus of the resort's outdoor and family activities. Lawn area, large seating areas, the all-day dining restaurant terrace, and pool cabanas would surround the main pool. Both pools will be lined with cabanas which would be temporary open-air shade structures for rental use by the hotel guests and club members.

### **Landscaping, Gardens, and Pathways**

Approximately 4.96 acres of the Miramar Beach Resort and Bungalows site would be devoted to landscaping under the proposed revised project, a decrease from the 5.52 acres in the 2011 approved project. A portion of the existing, mature landscape materials, including many varieties of specimen trees such as sycamores, eucalyptus, Camphor trees, and Canary Island Palms, would remain on the property. It is a goal of the project to save as many trees as possible and replenish the

property with new trees as well. The remainder of the plant palette would consist of a combination of drought tolerant and non-drought tolerant shrub and ground cover species.

The entrance into the property would be landscaped with a variety of mature trees and hedging consistent with area landscaping, providing a planting buffer along the entire frontage of South Jameson Lane. This would set the tone for the Miramar, bringing it once again, back to its destination resort setting established nearly 100 years ago. The entrance drive off of South Jameson Lane would be planted with a combination of non-drought tolerant and drought tolerant plant materials. The motor court would be appropriately landscaped with decorative paving materials, potted plants, and colorful flowering shrubs and hedges.

The experience at Miramar Beach Resort and Bungalows would primarily be a walking and strolling experience. Therefore, pathways would be added and carefully placed to appropriately accommodate hotel guests as well as take into consideration cart access to the Main Building, the oceanfront buildings as well as the lanai buildings, cottages and bungalows throughout. Decomposed granite pathways and other decorative and permeable walkways are envisioned for pedestrian use. Turf block has been prohibited for fire access by the Montecito Fire District and as such a portion of the fire lane that was once a narrower impervious surface flanked by turf blocking will be replaced by an all hard surface. Pathways have been laid out to avoid disturbing trees, but to also accommodate fire and maintenance access.

Significant landscaping would be placed within and around the newly proposed surface parking lots. The Eastern surface lot (in the same location as the 2011 approved plan) would be surrounded by a combination of landscaped berms, trees, bushes, and hedges to essentially hide the lot from view from hotel guests to the west, from Jameson Avenue to the north, and from the residential properties to the east. The new proposed western surface parking lot would be similarly landscaped. Internally, the parking lots would be broken up by hedges placed within islands, breaking the lot up into smaller sections. The eastern surface parking lot includes the preservation of a specimen sycamore tree that was proposed to be removed in the previous plan. The preservation of this large mature tree will enhance views, provide shade for many cars, and mask the appearance of the parking lot.

### **Signs (Same as 2011 Approved Project)**

A new sign would be installed on South Jameson Lane at the entrance of the Main Building. The new fire access lane through the property (see “Public Access to the Beach and Public Use of the Site” below), would be marked with directional signs to the midpoint of E/W Miramar Avenue which can be used to access the beach at the end of Eucalyptus Lane, and clearly marking the path as public access. Public beach access signs would also be located along the private road east of the Main Building directing people to the beach through the beach bar area. Finally, signs would also be installed on the exterior of the property directing people to public beach access points at the end of Eucalyptus Lane and the end of Posilipo Lane. No changes from the 2011 approved project would be made with respect to signage.

### **Lighting**

As in the 2011 approved project, lighting is proposed on the boardwalk and the beach bar, but no lighting is proposed for the beach or sandy area. Lighting along the boardwalk would not be directed onto the sand in front of the resort or onto the water. Likewise, lighting at the beach bar would be kept to a minimum and would be extinguished at 10 p.m. each evening.

The proposed revised project adds a surface parking lot in the western portion of the site. To prevent light spillage and to eliminate impacts to night sky lighting, lighting of the additional surface parking lot would be low level and shielded, as in the approved plan. The proposed revised project would include lighting throughout the remainder of the property consistent with the approved plan's *Concept Lighting Approach*.

### **Fire Access Plan**

A Fire Access plan has been reviewed in conjunction with the Montecito Fire District. E/W Miramar Avenue will include one 50' turnaround and one hammerhead turnaround per District requirements, will be widened to a consistent 20 feet and shall be of hard surface (no turf block). Please see the Fire District condition letters dated January 14, 2015.

### **Solid Waste Management Plan (Same as 2011 Approved Project)**

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

#### General Solid Waste

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

#### Gardening Waste

1. The overall project landscape design would consider the following yard waste minimization methods:
  - Trees would be selected for the appropriate size and scale to reduce pruning waste over the long-term.
  - Slow growing, drought tolerant plants would be included in the landscape plan. Drought tolerant plants require less pruning and generate less long-term pruning waste, require less water, and require less fertilizer than plants with higher water and fertilizer needs.
2. The initial landscape contractor and the subsequent landscaping maintenance crew hired by the

Property Manager would be responsible for all garden waste management duties for the project area. Both contractor and maintenance crew would be informed through written and verbal information sources regarding this waste plan.

3. Woody waste would be chipped and used as mulch and/or composted on-site, to the maximum extent feasible.
4. All gardening wastes not composted/utilized as mulch on-site shall be hauled offsite by the maintenance crew.

#### Hazardous Waste

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

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

1. Estimated weight, by material type, to be discarded during construction.
2. Estimated weight, by material type, to be recycled or reused during construction.
3. Estimated number of separate bins required for recycling construction materials and cleared brush during grading and construction activities. All demolition and/or excess construction materials shall be separated on-site, as feasible, for reuse/recycling or proper disposal (e.g., separate bins for concrete and asphalt, wood, metal, drywall, and brush) and to take advantage of decreased prices for recycling these materials.
4. Prior to demolition/construction, the contractor would arrange for construction recycling service with a waste collection provider/s. Roll-off bins for the collection of recoverable construction materials would be located onsite. Materials earmarked for recycling include: wood, concrete, drywall, metal, cardboard, asphalt, soil, and land clearing debris (greenwaste). Sorting of general construction debris and materials would be done on-and off-site in coordination with recycling/waste collection provider.
5. The contractor would be referred to the following sources for recycled content, or reusable construction products:
  1. Calmax – California Materials Exchange (916) 255-2369 – a program that facilitates the reuse and recycling of business' excess products, materials, and discards through a bi-

- monthly publication listing such materials free of charge;
2. California Integrated Waste Management Board (800) 553-2962 – a State agency that provides information about recycling and waste reduction.
3. Hayward Lumber (805) 692-2113 – a local construction materials vendor that provides a wide range of recycled-content products and sustainably harvested lumber.
6. Contractor shall monitor recycling efforts and collect receipts for roll-off bins and/or construction waste recycling. All subcontractors would be informed of the recycling plan, including which materials are to be source-separated and placed in proper bins (see materials earmarked above).
7. These construction waste-recycling measures would be incorporated into the construction specifications for the contractor.
8. Development of a Source Reduction Element (SRE) describing the recommended program(s) and the estimated reduction of the solid waste before it is created. For example, the SRE may include a description of value-engineering building techniques employed to keep excess cutoffs to a minimum (including increased spacing of joists and studs, in-line framing, reduced header sizes, and modular roof designs).

### **Construction Details (Same as 2011 Approved Project)**

Grading, construction and landscaping are estimated to require approximately 18 to 20 months for completion with several activities likely to be occurring onsite simultaneously. It is estimated there would be up to 250 construction workers on site at any one time. Construction vehicles and equipment would be parked within the hotel site during the renovation effort; no construction-related parking would be allowed along Eucalyptus Lane, or on the east-west portion of Miramar Avenue. Pursuant to the *Parking and Circulation Study for the Revised Miramar Hotel Project* by Associated Transportation Engineers (ATE) (dated July 30, 2014), the truck trips required for the increased grading import volumes will be offset by the fact that demolition has already been completed and all underground parking has been eliminated, thereby reducing the amount of construction materials that will need to be trucked to the site.

As with the 2011 approved project, Torque Down 1275 pile installation would occur only in the area of the oceanfront units under the proposed revised project. Torque Down 1275 pile installation activities associated with the oceanfront units is anticipated to be performed in one phase lasting 7 days, eight hours per day (total of approximately 120-170 piles with an installation capability of approximately 25 piles per day).

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

#### **To Miramar from US 101**

##### **Proposed Northbound Truck Route**

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

- b. Entrance onto site via private road (between Main Building and Ballroom).

### **Proposed Southbound Truck Route**

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

### **From Miramar to US 101**

#### **Proposed Northbound Truck Route**

1. Exit the site via vacated Miramar Avenue or private road by turning left (west) onto South Jameson Lane.
2. Turn right (north) onto San Ysidro Road.
3. Cross the US 101 bridge.
4. At the stop sign, turn left (west) onto the northbound on-ramp.

#### **Proposed Southbound Truck Route**

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

### **PROPOSED OPERATION OF THE HOTEL**

#### **Number of Guestrooms (or “Keys”) (Reduced from 2011 Approved Project)**

The proposed revised project includes a reduction in the number of guest rooms from 186 to 170 keys but would continue to include 4 affordable employee residences. There would be a total of 20 buildings containing guestrooms (including the main building). Of the 21 buildings containing guestrooms, 15 would have six guest room keys or less, and 5 would have more than six room keys (the Jameson Lanai, the Main Building, the (2) West Lanai Buildings, the Oceanfront West, and the Oceanfront East buildings).

#### **Events (Reduced attendees from 2011 Approved Project)**

Under the proposed revised project, the total maximum attendees at one event or several events occurring simultaneously shall be reduced from 500 (2011 approved project) to 350 (may be increased to 400 people by the Montecito Planning Commission upon review of operations at 12-18 months) people. It is anticipated that 4.7 events per day on average would occur (no change from 2011 approved project).

The Miramar Beach Resort and Bungalows may accommodate events in the Ballroom facility, the outdoor lawns, the meeting rooms in the Main Building, the beach directly in front of the hotel, or any combination thereof. Strict limits were placed on event capacity for the 2011 approved project, and those limits have been reduced in the proposed revised plan as described below:

- Event capacity is limited to 350 people (may be increased to 400 people by the Montecito Planning Commission upon review of operations at 12-18 months) on-site at any given time.

This can be one event of 350 (potentially 400) people in the Ballroom, or an aggregate number of people at smaller events in the Ballroom, meeting rooms, and/or the beach.

- **Example:** 350 person event in Ballroom (outdoor/indoor) **OR** 200 person event in Ballroom + 100 people gathered in meeting rooms + 50 person beach event = 350 person event.
- As with the 2011 approved project, there would be no limit on the number of events with 350 (potentially 400) people. However, there will be no attendee overlap between events resulting in excess of the general limit of 350 (potentially 400) attendees. After each event, there will be a cleanup and set up period before the following event so that attendees of an event will effectively be “cleared out” before attendees to the subsequent event show up. Events will be scheduled so as to avoid overlap and ensure adherence to attendance cap.

### **Beach Events (Same as 2011 Approved Project)**

Beach events would include, but would not be limited to, wedding ceremonies, commitment ceremonies, cocktail parties, or other small gatherings in the hotel beach use area and would be limited to no more than 30 per year, no more than 60 minutes per event (excluding setup and breakdown times), and no more than 100 people (“beach events”). All beach events would be subject to the 4.7 events per day on average limitation as proposed by the applicant. Beach events would be planned and scheduled in coordination with the use of the Ballroom facilities and would be managed in a fashion whereby the combined use of the Ballroom and beach use area would not exceed the maximum attendance of 350 people (or 400 people upon review by the Montecito Planning Commission at 12-18 months). No changes to “beach events” would be made under the proposed revised project.

### **Restaurant Use (Same Seats as 2011 Approved Project)**

Capacity for the restaurants would remain the same as permitted under the 2011 approved project. A total of 258 seats would be spread out between the two restaurants (all day dining, fine dining beachfront which now includes the former beach bar/snack house, and the lobby bar).

### **Spa Use (Smaller size and reduced use from 2011 Approved Project)**

As a reduction from the 2011 approved project, a total of 12 non-guests per day are proposed to be able to use the spa facilities.

### **Retail Use (Reduced from 2011 Approved Project)**

The proposed hours of the retail stores would be from 7:30 a.m. to 10:30 p.m. (No change). The approved plan includes 3,800 SF of retail (primarily guest/ resort serving). The proposed plan includes a 1,060 SF sundry store and salon that will serve as a sundry/ gift store and salon oriented for guests, and may include spa related items for sale. This use is not anticipated to draw special trips to the hotel, but rather serve as an amenity for the guests or public already on site.

### **Number of Employees (Same as 2011 Approved Project)**

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

## **Parking**

Eighty-nine public spaces will be located along South Jameson Lane, Eucalyptus Lane and the East/West segment of Miramar Ave. Seven of these spaces are new public spaces created as a part of the project. All public spaces would be labeled for “Public Use” to ensure exclusive public use and deter hotel guest use.

Parking on the hotel grounds would be shared, with a single space serving several different uses at different times during the day, also referred to as conjunctive use. In the proposed revised project, underground parking would be eliminated and a new surface parking lot would be created on the western portion of the property.

The overall number of parking spaces in the approved plan is 494. Under the proposed revised project, there would be a total of 436 stalls on site. Updated parking calculations provided by ATE in a letter dated July 31, 2014 show that with the reduction in the project and in maximum event capacity, the 430 spaces would accommodate peak summertime demand, with an excess of 6 spaces at peak demand. A modification to the parking requirement is being requested for the proposed revised project as the proposed number of spaces represents a shortfall of 176 spaces from the ordinance requirement of 614 spaces (see Table 2-1, above).

The proposed revised project includes 87 public parking spaces, whereas the 2011 approved project included 75 public parking spaces. These 87 public spaces are in addition to the 436 spaces provided for private hotel use.

As with the 2011 approved project, hotel parking would be provided by valet service. Overnight guests would use the hotel’s full valet service, dropping off and picking up their vehicles at the valet stand located at the hotel lobby and would be taken to their rooms by a golf cart or on foot. All guests would be informed that the street parking spaces along South Jameson Lane and Eucalyptus Lane are public and not available for hotel guest use. Public spaces would be labeled as such to ensure public use only.

Parking associated with Ballroom functions would occur in the surface parking lots. Tandem parking is included in the 2011 approved project and would be retained in the proposed amended project to maximize the efficiency of the surface parking lots. The eastern surface parking lot would be accessed by valet parkers driving through the drive aisle located within the Miramar property connecting to the private road and then driving into the surface parking lot. In the new plan, under certain peak parking demand conditions, valets will take some of the cars back onto Jameson Avenue to reach the northwestern surface parking lot. Valet operations will ensure that the primary Eastern parking lot is full before utilizing the secondary western lot to reduce the number of trips on Jameson. Employee parking will occur in the western parking lot to ensure that a maximum number of spaces are available in the eastern lot at all times.

Under the proposed revised project, 17 (an increase from 10 in the approved plan) hotel parking spaces have been created along Miramar Avenue so that all guests of the bungalows nearest Miramar Avenue may self park their cars.

## **Public Access to the Beach and Public Use of the Hotel Site (Same as 2011 Approved Project)**

Under previous ownerships, the Miramar Hotel did not welcome members of the public entering the grounds or using the beach in front of the boardwalk. The proposed revised project demonstrates a commitment to enhancing and achieving the public's interest in visiting the Miramar property.

Public access to beaches within the vicinity of the Miramar Hotel is provided through several vertical and lateral access points as shown on sheet A1.02b of the proposed plans. A 20-foot lateral easement to the public is recorded over the hotel's full beach frontage. The southern boundary of the public lateral easement is the water's edge; as a result, the 20 foot lateral easement varies in location with the change in tide line. However, as a matter of State law, the public always maintains the right to access the beach below the mean high-tide line regardless of where the water's edge is located at any moment in time. Existing public vertical access is located at Eucalyptus Lane about 500 feet west of the Miramar stairs to the beach, as well as from Posilipo Lane, located approximately 1,500 feet to the east of the site.

The 2011 approved project provided 68 public parking spaces on Eucalyptus Lane and South Jameson Lane, maintained 7 existing public spaces along the East/West segment of Miramar Ave and eliminated 7 existing public spaces along the East/West segment of Miramar Ave. The proposed revised project provides 70 public parking spaces on Eucalyptus Lane and South Jameson Lane and 17 public parking stalls along the East/West segment of Miramar Ave, resulting in an increase of 5 stalls over the approved plan. The 2011 approved project included a commitment for the dedication of two public access easements through the site. These easements would provide access across the hotel property along a curving pathway (which would also serve as the fire access lane) replacing the vacated portion of Miramar Avenue and connecting to the mid-point of the remaining portion of Miramar Avenue for easy access to Eucalyptus Lane. Along this fire access lane, coastal access signs would be posted clearly directing people to Miramar Avenue and ultimately to the beach area (see "Signs and Lighting" above). In addition, the proposed revised project includes a third public access point. This third location provides access down the private road between the Main Building and Ballroom through the property and toward a stairway to the beach. Legal descriptions for the proposed easements will be provided to the County.

Maintaining the privacy of hotel guests is a priority and the hotel would reserve areas and amenities for use only by its guests and members of the Beach Club (i.e., swimming pools and the Beach Club building). However, the public would have access to much more of the property than when it was previously operated. As a commercial, visitor-serving operation, use by the public and the associated business that it generates is viewed as an integral part of the hotel operation. All of the restaurants would be available for use by the public as well as guests. Also, there would be up to 12 non-guest reservations per day available at the spa.

Under the 2011 approved and proposed revised projects, the public would be able to access the boardwalk and the beach bar/ fine dining restaurant directly from the beach. There would also be restrooms near the beach that would be available to the public, as well as showers available to the public adjacent to the oceanfront buildings.

### **Hotel Beach Use (Same as 2011 Approved Project)**

No changes to hotel beach use would be made as part of the proposed revised project. On a portion of the sandy beach section of the property ("hotel beach use area"), running along the entire width of the Miramar Hotel beach frontage and to a line approximately 60 feet seaward of the existing

boardwalk, subject to adjustment in accordance with the public access agreement<sup>4</sup>, the hotel owner would provide a number of services to its hotel guests and visitors. In the hotel beach use area, the hotel may serve limited food and beverages to hotel guests during the hours of operation of the beach bar. Food and beverage service would be available to non-guests by going to the beach bar or fine dining restaurant on the boardwalk.

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

Hotel events in the hotel beach use area would include, but would not be limited to, wedding ceremonies, commitment ceremonies, cocktail parties, or other small gatherings and would be limited to no more than 30 per year, for no more than 60 minutes per event, and with no more than 100 people. During hotel events on the beach, non-permanent items such as chairs, small tents, rope barriers, and small signs may be put up immediately before the event and removed promptly afterwards. Non-amplified music would be allowed on the beach during these events, (i.e., guitars, small string trios or quartets, etc.).

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

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

- 2. Departmental Letters.** Compliance with Departmental letters required as follows:
- a. Air Pollution Control District dated August 22, 2014
  - b. Environmental Health Services dated January 13, 2015
  - c. Fire Department dated January 14, 2015
  - d. Flood Control dated August 21, 2014
  - e. Road Division (Public Works) dated November 18, 2014
  - f. P&D Building and Safety dated December 3, 2014
  - g. Project Clean Water (Public Works) dated August 28, 2014
  - h. Montecito Water District dated July 29, 2008 (and confirmed by August 28, 2014 letter)
  - i. Parks Department dated July 11, 2008
  - j. Montecito Sanitary District dated October 2, 2008 (and confirmed by September 8, 2014 letter)

## **Aesthetic/Visual Resources/Land Use**

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<sup>4</sup> Described in a dedication by William P. Gawzner and June Outhwaite dated July 21<sup>st</sup> 1975 (Recorded October 28, 1975, Book 2591, Page 617).

3. Landscaping shall be compatible with the character of the surroundings and the architectural style of development on the site and shall be maintained throughout the life of the project. The applicant shall submit a Landscape Plan detailing locations and types of plantings throughout the site to P&D for review and approval. **Plan Requirements:** The Landscape Plan shall include, but is not limited to:
  - a. Use of drought-tolerant and/or Mediterranean-type species to the extent feasible to screen the site from surrounding land uses;
  - b. Extensive landscaping of the sound barrier and pedestrian pathway along South Jameson Lane and Eucalyptus Lane;
  - c. Use of landscape planters or other landscaping adjacent to all building walls, garden walls, and fences visible from a public or private street;
  - d. Use of clinging vines and/or vertical planting on trash/recycle enclosure walls and any other masonry walls where appropriate, as determined by P&D;
  - e. Use of appropriate species along the eastern property line, as identified in condition no. 19, below, to protect Oak Creek;
  - f. Specification that all landscaping shall be maintained throughout the project life and shall be inspected by P&D prior to release of the performance security required by condition no. 4 below.
  - g. Extensive landscaping around the surface parking lots to hide them from view from South Jameson and Eucalyptus Lanes and the southerly neighbors, as well as within the parking lot to break it up into smaller sections.
  - h. Vegetative screening between the West Lanai Buildings and All Saints by the Sea Church to obscure views from the second story of the West Lanai buildings to the Church Preschool.
  - i. Use of plant materials within the road right-of-way consistent with Public Works-Transportation requirements.
  - j. Screening of the same density as shown on renderings submitted for project.
  - k. 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 for the Main Building. **MONITORING:** In addition to the specific sign-offs required above, Permit Compliance shall inspect and document maintenance of landscaping once per year for the first three years after issuance of occupancy clearance and at least once immediately prior to release of each performance bond.

4. Two performance securities shall be provided to P&D by the applicant prior to 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, including but not limited to landscaping of the sound barrier and pedestrian pathway along South Jameson Lane and Eucalyptus Lane, as described in the approved Landscape Plan and Tree Removal and Relocation Plan, prior to occupancy clearance.
- b. The maintenance security shall guarantee maintenance of landscaping, including but not limited to landscaping of the sound barrier and pedestrian pathway along South Jameson Lane and Eucalyptus Lane, as described in the approved Landscape Plan and Tree Removal and Relocation Plan, during the first three years after issuance of occupancy clearance.

**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.

5. The design, scale, and character of the project architecture and landscaping shall be compatible with development in the vicinity and historic architectural elements of the existing development, consistent with condition no. 4, above [Mitigation Measure #2, Section 4.10.3 (Historic Resources on the Final ND 00-ND-003)]. **Plan Requirements and Timing:** The applicant shall submit the Landscape Plan and final architectural drawings of the project for review and approval by the Montecito Board of Architectural Review prior to Zoning Clearance approval. Such plans shall be consistent with the Montecito Architectural Guidelines and Development Standards (5/16/95) and other applicable MBAR guidelines and/or standards. **MONITORING:** P&D shall verify final MBAR approval prior to Zoning Clearance approval. Permit Compliance shall periodically site-inspect during and after construction to ensure plan requirements are implemented.
6. All exterior night lighting, including lighting identified in the *Concept Lighting Approach Plan*, dated February 26, 2008 shall be of low intensity, low glare design, and shall be fully hooded to direct light downward and/or to prevent spillover onto neighboring parcels. In respect to 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 and the MBAR prior to issuance of follow-on Land Use Permits. **MONITORING:** P&D, Public Works, and MBAR 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.

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

#### **Air Quality**

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

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

9. The contractor or builder shall designate a person or persons to monitor dust generation and implement the dust control program and to order increased watering as necessary to prevent transport of dust off-site. Their duties shall include holiday and weekend periods when work may not be in progress. **Plan Requirements:** The name and telephone number of such persons shall be provided to the APCD. **Timing:** The dust monitor shall be designated prior to 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.

10. If the construction site is graded and left undeveloped for over four weeks, the applicant shall employ the following methods immediately to inhibit dust generation:

- a. Seeding and watering to revegetate graded areas; and/or
- b. Spreading of soil binders; and/or
- c. Any other methods deemed appropriate by APCD and/or P&D.

**Plan Requirements:** These requirements shall be noted on all 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.

11. To minimize the project's contribution to cumulative air quality impacts, the applicant shall develop a Transportation Demand Management Program. Components of such a program shall be designed to effectively reduce vehicle demand and peak hour trips associated with the project. The provisions of the Transportation Demand Management Program shall include the following:

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

3. Advertisement for and solicitation of meetings and other events which includes explanation of the County's clean air and energy reduction goals and an explanation of the benefits of using alternative transportation modes.
  - i. Free shuttle/transportation service to the airport, train depot, bus depot, etc. shall be provided to minimize the need for hotel guests to rent a car.
  - j. Bicycle rentals shall be made available to Hotel guests.
  - k. The Hotel operator shall participate in any shuttle pass program developed by the MTD and/or the County of Santa Barbara.

**Plan Requirements and Timing:** APCD and P&D shall review and approve the TDM Program prior to 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.

12. An Asbestos Notification Form shall be filed with the Santa Barbara County Air Pollution Control District. **Plan Requirements and Timing:** The notification form shall be filed prior to demolition. A copy of the notification shall be sent to P&D and the Director of the All Saints by the Sea pre-school at the same time it is filed with the APCD and shall include the name and telephone number of a contact person designated by the contractor and/or applicant to respond to inquiries and/or complaints. **MONITORING:** Permit Compliance and/or the APCD shall respond to complaints.
13. Construction contractors shall adhere to the following requirements during project grading and construction to reduce emissions of ozone precursors and particulate emissions from diesel exhaust, which are classified as carcinogenic by the State of California.
  - Heavy-duty diesel-powered construction equipment manufactured after 1996 (with federally mandated "clean" diesel engines) shall be utilized.
  - The engine size of construction equipment shall be the minimum practical size.
  - The number of pieces of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time.
  - Construction equipment shall be properly maintained per the manufacturer's specifications.
  - Catalytic converters shall be installed on gasoline-powered equipment.
  - Diesel catalytic converters shall be installed.
  - Diesel-powered equipment shall be replaced by electric equipment whenever feasible, for smaller equipment.
  - Construction worker trips shall be minimized by promoting carpooling and by making onsite lunch available.
  - Low volatile organic compound (VOC) architectural coatings shall be used whenever feasible.

**Plan Requirements/Timing:** The applicant shall include these measures as notes on the grading and building plans that shall be reviewed and approved prior to 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. The applicant shall obtain individual permits from the APCD for the proposed 500 kW emergency generator and shall consult with the APCD to determine if individual permits are required for the proposed boilers as well. **Plan Requirements/Timing:** Permits shall be obtained from APCD and copies of the permits provided to P&D prior to Zoning Clearance approval for the project. **MONITORING:** P&D shall confirm that permits have been obtained prior to Zoning Clearance approval for the project.
15. The following energy-conserving techniques should be incorporated into the project.
  - Installation of low NOx residential water heaters.
  - Use of natural lighting where feasible.
  - Installation of energy efficient appliances.
  - Installation of energy efficient lighting.

**Plan Requirements and Timing:** The applicant should incorporate the listed provisions into building and improvement plans prior to Zoning Clearance approval. **MONITORING:** Building and Safety shall site inspect to ensure development is in accordance with approved plans prior to occupancy clearance.

## Biological Resources

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

### A. Protection During Demolition and Site Preparation

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

## **B. Protection During and Following Construction**

1. After demolition, and once construction parameters are determined, TPZ's should be reconfirmed or reestablished with placement of chain link fencing.
2. Once established, TPZ's should be void of all activities, including parking of vehicles, operation of equipment, storage of materials, or dumping (including temporary spoils from excavation).
3. All excavation and grading near trees shall be monitored by the project arborist as necessary.
4. Any roots encountered during grading, landscaping or construction that are ½ inch in diameter or greater shall be cleanly cut by hand.
5. Buildings, walls and fences within the TPZ should be supported by piers, posts, screw piles, or caissons and above grade beams.
6. Oaks and pines that are impacted by any root damage should be sprayed in the early spring and late summer with pemithrin (*Astro*) to help resist attack of boring beetles. The application should be applied to the lower 6 inches of trunk for a minimum of two years after project completion.
7. As determined by the project arborist, supplemental irrigation shall be required to aid mature trees that have sustained root loss or damage.
8. When roots have been pruned, soils should be kept moist. Exposed soil profiles containing exposed roots that remain open for longer than one day should be covered by burlap and irrigated as frequently as necessary to keep soils moist.
9. Pruning of protected trees shall be performed by or supervised by a Certified Arborist. The project arborist should review goals with workers prior to commencement of any tree pruning.
10. Tree trunk areas shall be properly drained to avoid ponding.
11. All utilities shall be placed within or directly adjacent to roadways and driveways or in a designated utility corridor in order to minimize impacts to trees.
12. Any trenching required within the TPZ or sensitive root zone of any specimen tree shall be done by hand.
13. To the maximum extent feasible, no artificial surface, pervious or impervious, shall be placed within six feet of the TPZ of any tree.
14. No permanent irrigation shall occur within the TPZ of any oak tree that is not slated for removal.
15. All trees located within 25 feet of proposed buildings shall be protected from stucco or paint during construction.
16. Any unanticipated damage that occurs to trees or sensitive habitats resulting from construction activities shall be mitigated in a manner approved by P&D. This mitigation may include but is not limited to posting of a performance security, tree replacement on a 10:1 ratio and hiring of an outside consultant biologist and/or arborist to assess the damage and recommend mitigation. The required mitigation shall be completed immediately under the direction of P&D prior to any further work occurring on the site. Any performance securities required for installation and maintenance of replacement trees will be released by P&D after its inspection and approval of such installation.

## **C. Tree Relocation Requirements**

1. Roots should be cleanly cut.
2. Soil remaining in the root ball or box shall be kept moist. The root ball should not be allowed to dry out.

3. New planting holes should be twice the width of the root ball of the relocated tree.
4. Moisture should be monitored both inside and outside the root ball to determine the required frequency and quantity of water application.
5. Relocated trees shall be boxed and replanted in accordance with the final County-approved Tree Removal and Relocation Plan. A drip irrigation system with a timer shall be installed. Trees shall be planted prior to occupancy clearance and irrigated and maintained until established (five years).
6. Tree relocation shall be performed under the supervision of the project arborist

#### **D. Tree Replacement**

1. For every significant or native removed or tree with 25% or more root zone encroachment, a minimum of three 24-inch box or ten 1-gallon trees shall be planted. Impacted native trees shall be replaced with native replacement trees of the same species. Trees shall be maintained until established (five years).
2. Every relocated oak tree that potentially fails shall be replaced by two, 60 inch box oak trees.
3. A tree replacement performance and maintenance security shall be posted with the County prior to Zoning Clearance approval. The performance security shall be based upon a detailed estimate provided by the landscape architect and landscape installation contractor, including cost of installation, materials and maintenance. The performance security shall be provided by the applicant prior to Zoning Clearance approval, and shall be equal to the value of installation of all items as well as the value of maintenance and/or replacement of the items for three years of maintenance of the items. The performance security shall be increased if determined necessary by Planning and Development staff. The amounts shall be agreed to by P&D. If such maintenance has not occurred at any point throughout the five-year maintenance period, the plants or improvements shall be replaced and the security held for another year. If the applicant fails to either install or maintain according to the approved plan, P&D may collect security and complete work on property. There shall be no early release of the performance security. **Monitoring:** Permit Compliance shall conduct site inspections throughout all phases of development to ensure compliance with, and to evaluate the success of, all tree protection and replacement measures.

**Plan Requirements:** Prior to Zoning Clearance approval grading, the applicant shall submit a copy of the final grading and building plans, Landscape Plan, Tree Removal and Relocation Plan, and Tree Protection and Replacement Plan to P&D for review and approval. Plans shall graphically depict the location and extent of TPZ for all native and specimen trees, location of required fencing and equipment storage and staging areas designated outside of TPZ areas. All aspects of these plans shall be implemented as approved. **Timing:** Timing on each measure shall be stated where applicable; where not otherwise stated, all measures must be in place throughout all grading and construction activities. **MONITORING:** Permit Compliance shall conduct site inspections throughout all phases of development to ensure compliance with, and to evaluate the success of, all tree protection and replacement measures. The project arborist shall monitor site activities throughout the duration of the project and especially during fence installation, excavation and grading.

17. Erosion control measures shall be implemented in accordance with the approved Grading and Erosion Control Plan required in condition 28 (mitigation measure #1 in Section 4.8.3 of Negative Declaration 00-ND-003) to prevent erosion or transport of sediment

- during construction. These measures may include, but are not limited to, placement of silt fencing, straw bales, and/or sand bags in appropriate locations. **Plan Requirements:** The Grading and Erosion Control Plan shall be submitted to and approved by P&D and Flood Control prior to 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.
18. During construction, washing of concrete, paint, or equipment shall occur only in areas where polluted water and materials can be contained for subsequent removal from the site. Washing shall not be allowed near sensitive biological resources. Areas designated for washing functions shall be identified. **Plan Requirements:** The applicant shall designate wash off areas, acceptable to P&D, on the construction plans. **Timing:** The wash off areas shall be designated on all plans prior to 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.
  19. Consistent with the Montecito Community Plan Policies BIO-M-1.3 and BIO-M-1.22 and Development Standard 1.3.3, the landscaped buffer zone along the eastern property line (adjacent to Oak Creek) shall be planted with appropriate native species (i.e., sycamore, coast live oak, toyon, elderberry). Sycamore and oak shall be included as landscape trees within the hotel grounds, especially towards the eastern boundary. **Plan Requirements:** The final Landscape Plan (see condition no. 3) 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.
  20. All outdoor lighting in the vicinity of Oak Creek shall be shielded to prevent stray light from illuminating the riparian corridor as per the Concept Lighting Plan. **Plan Requirements:** Locations and shielding of all outdoor lighting shall be shown on the Lighting Plan. **Timing:** The applicant shall obtain P&D approval of the final Lighting Plan prior to 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.
  21. All fertilizer, pesticide and herbicide products used on-site shall be certified as organically based. Landscape plans and practices shall be designed to eliminate the use of toxic materials and shall include the following: incorporation of organic matter during garden renovation, recycling attachments on lawnmowers, use of organic mulch, insectary plantings, use of compost tea for nutrients, introduction of earthworms and introduction of beneficial organisms (such as nematodes). **Plan Requirements:** Requirements shall be noted on Landscape Plans. **MONITORING:** Permit Compliance shall site inspect during construction and prior to signing off on occupancy clearance.

22. The applicant shall hire a P&D-approved biologist to conduct a pre-construction inspection for nesting native bird species, including nesting raptors, within 500 feet of construction activities and not more than two weeks prior to the proposed beginning of construction (including staging, clearing and grubbing). If birds are determined to be nesting on the project site, no construction, grading or heavy equipment operation shall take place within 500 feet of any raptor nest or 200 feet of any other native bird species' nest, except for certain construction activities that may be allowed on a case-by-case basis as reviewed and approved by P&D. Other than those activities that are allowed by P&D, no construction activities shall take place within the 500-foot radius (for raptors) or 200-foot radius (for other species) of any nests on the project site until it can be verified that all fledglings have left the nest. **Plan Requirements/ Timing:** This condition shall be printed on all construction, grading, and building plans. **MONITORING:** The applicant shall submit a report on the pre-construction survey to Permit Compliance and Permit Compliance shall review and approve the report prior to construction. Permit Compliance staff shall perform site inspections throughout the construction phase.

### Cultural Resources

23. Potential unidentified cultural resources in the portion of CA-SBA-18/19 previously recorded within the Railroad right-of-way shall be protected. **Plan Requirements and Timing:** Excavation for all activities within the Railroad right-of-way shall be performed by hand and be monitored by a qualified archaeologist and Native American representative. If cultural resources are encountered, work shall be redirected away from the resource while its significance can be assessed, in accordance with condition 25. 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).
24. Areas 1-4 as shown on the Cultural Resource Monitoring and Significance Survey map on file with P&D shall be monitored continuously throughout all grading, construction, demolition, and ground disturbing activities. Phase 1 archaeological surveys shall be undertaken by a P&D-qualified archaeologist following demolition of any existing structures in areas 1-4 and shall be completed prior to grading and construction. If prehistoric or historic archaeological resources are encountered, work shall be redirected away from the resource while its significance can be assessed, in accordance with measure CUL-3. **Plan Requirements and Timing:** This condition shall be printed on all building and grading plans and P&D shall check plans prior to Zoning Clearance approval. **MONITORING:** If historic resources are encountered, the monitor(s) shall notify Permit Compliance immediately. If historic resources are not encountered, the monitor(s) shall report the results of the monitoring to Permit Compliance within two weeks of completion of ground-disturbing activities within the monitored area(s).
25. In the event that an unexpected potentially significant prehistoric or historic archaeological resource is encountered during grading or other ground-disturbing activity at any location on the project site, work in that area shall be stopped immediately and redirected until a P&D-qualified archaeologist and Native American representative (for prehistoric resources) or a P&D-qualified historic archaeologist only (for historic

resources) are retained by the applicant to evaluate the significance of the resource pursuant to Phase 2 investigations of the County Archaeological Guidelines. If the resource is found to be significant, it shall be subject to a Phase 3 mitigation program consistent with County Archaeological Guidelines and funded by the applicant. **Plan Requirements and Timing:** This condition shall be printed on all building and grading plans and P&D shall check plans prior to Zoning Clearance approval.

**MONITORING:** Permit Compliance shall spot check in the field.

26. Phase 2 subsurface/significance testing shall be conducted after demolition, but prior to new construction in ocean front area 5 as shown on the Cultural Resource Monitoring and Significance Survey map on file with P&D. Area 5 shall also be monitored continuously throughout all grading, construction, demolition, and ground disturbing activities. Boundaries of survey are shall be staked and flagged prior to demolition. If prehistoric or historic archaeological resources are encountered, work shall be redirected away from the resource while its significance can be assessed, in accordance with measure condition 25. **Plan Requirements and Timing:** This condition shall be printed on all building and grading plans and P&D shall check plans prior to Zoning Clearance approval. **MONITORING:** If prehistoric or historic archaeological resources are encountered, the archaeologist shall notify Permit Compliance and P&D staff immediately. If prehistoric or historic archaeological resources are not encountered, the archaeologist shall notify Permit Compliance and P&D staff within two weeks of completion of ground-disturbing activities within the surveyed area(s).

### Fire Protection

27. The applicant shall implement a Fire Access Plan approved by the Montecito Fire Protection District. Any modifications to the Fire Access Plan necessitated by field changes or other project modifications that occur during project construction shall be approved by the MFPD prior to implementation of the field changes or project modifications. **Plan Requirements and Timing:** The Fire Access Plan requirements shall be denoted on building and grading plans as appropriate prior to 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.

### Geological Processes

28. Excavation and grading shall be limited the dry season of the year (April 15 – November 1) unless a Building & Safety-approved Grading and Erosion Control Plan is in place and all measures therein are in effect. **Plan Requirements:** The Grading and Erosion Control Plan shall be designed to minimize erosion and shall include the following:
- a. Detailed plans and report prepared by a licensed geologist or engineer for any permanent erosion control structures.
  - b. Methods such as retention basins, drainage diversion structures and spot grading shall be used as appropriate to reduce siltation into adjacent drainages or roadways during the grading and construction activities.
  - c. Provisions to reseed exposed graded surfaces with ground cover to minimize erosion. Graded areas that are to be built upon shall be revegetated within four (4)

weeks of completion of grading activities with deep-rooted, drought-tolerant species wherever possible and in accordance with the required Landscape Plan (condition 3) 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 recompact to engineered standards as specified within the Uniform Building Code or by a qualified Soils Engineer and as approved by P&D.
- f. Recommendations regarding the placement of fill material, recompaction, and grading methods contained within the *Preliminary Geotechnical Report, Miramar Hotel and Bungalows, 1555 South Jameson Lane, Montecito, California, January 4, 2008, Fugro West Inc.* incorporated herein by reference shall be implemented.

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

29. Structures shall be designed to earthquake standards of the Uniform Building Code Seismic Zone 4. **Plan Requirements and Timing:** Prior to plan check, the applicant shall submit building plans indicating standards to the satisfaction of Building & Safety Division. **MONITORING:** Building inspectors shall site inspect prior to occupancy clearance.

### **Hazardous Materials/Risk of Upset**

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

### **Historic Resources**

31. Potential impacts to historic resources at the Miramar Hotel site shall be mitigated through implementation of the recommendations of the December 1998 Preservation Planning Associates study, including subsequent Addenda as appropriate. Specific measures to be implemented are:
  - a. The "Miramar" neon roof sign shall be retained in working order on the site. The sign need not be lit, but shall remain functional. The preferred site for relocation is on the outside wall of the proposed parking garage. If the sign is placed inside

- the garage, it shall be accompanied by a display of historic postcards and photographs of the Miramar Hotel, including the 1940s period.
- b. The neon pole sign at the corner of Eucalyptus Lane and South Jameson Lane shall be retained at this location.
  - c. The sandstone entrance caps with “*Miramar*” incised in them shall be placed on square sandstone piers to match those in historic photographs, at the junction of Miramar Avenue and South Jameson Lane.
  - d. Prior to demolition, the kidney-shaped swimming pool, sandstone poolhouse, and Linen building shall be documented with large-format black and white photographs according to Santa Barbara County guidelines and the remaining buildings shall be documented with color photographs. These photographs shall be deposited in the Montecito Historic Committee archives, with a copy of the Preservation Planning Associates report (including Addenda).

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

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

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

~~**Plan Requirements and Timing:** An architectural historian shall be hired by the applicant to complete this mitigation measure. The applicant shall submit a copy of the package that is required to be archived at the Santa Barbara Historical Society’s Gledhill Library for~~

~~review by P&D and the County's Historic Landmarks Advisory Commission prior to issuance of follow on Land Use Permits for demolition, grading, or construction of the proposed project. **MONITORING:** P&D and the Historic Landmarks Advisory Commission shall confirm that these measures are implemented prior to issuance of follow on Land Use Permits. **(THIS CONDITON HAS A BEEN SATISFIED)**~~

## Noise

33. Construction activity for site preparation and for future development shall be limited to the hours between 7:00 a.m. and 4:30 p.m., Monday through Friday. No construction shall occur on State holidays (e.g., Thanksgiving, Labor Day). Construction equipment maintenance shall be limited to the same hours. Non-noise-generating construction activities, such as interior painting, are not subject to these restrictions. The contractor or builder shall designate a person or persons to monitor noise-related restrictions and shall submit that designee's name and telephone number to P&D and the public. **Plan Requirements:** Two signs stating these restrictions shall be provided by the applicant and posted on site in locations visible to the public. In addition, specific written notification of the noise monitor's name, location, and telephone number shall be provided to the Director of the All Saints by the Sea pre-school and to neighboring residences within 300 feet of the project site. **Timing:** Signs shall be in place prior to beginning of and throughout grading and construction activities. Written notifications shall be mailed prior to 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.
34. Demolition/construction activity within 100 feet of the All Saints by the Sea Church pre-school building and/or play deck area shall not occur when school is in session, as follows:
- September-May: Mondays 8:30 a.m. to noon and Tuesday through Thursday 8:30 a.m. to 3:00 p.m.
  - June-July: Tuesday through Thursday, 9:30 a.m. to 12:30 p.m.

Non-noise-generating construction activities, such as interior painting, are not subject to these restrictions. **Plan Requirements:** These restrictions shall be provided by the applicant and posted onsite in locations visible to the public; they may be included on the signs required in condition no. 33, above, or on a separate sign, but in either case shall be easily visible to patrons of the pre-school. The contractor or builder shall designate a person to monitor this restriction and shall provide the name and telephone number of the designee to the Director of the All Saints by the Sea pre-school. **Timing:** Monitor information shall be provided and signs shall be in place prior to initiation of and throughout grading and construction activities. Violations may result in suspension of permits. **MONITORING:** Permit Compliance shall site inspect to ensure required signs are posted prior to and during construction. Applicant's designee shall respond to complaints/inquiries. Building inspectors and Permit Compliance shall spot check and respond to complaints.

35. Stationary construction equipment that generates noise that exceeds 65 dBA at the project boundaries, with the exception of the Torque Down 1275 pile equipment used at the Oceanfront units, shall be shielded to P&D's satisfaction and shall be located at a

- minimum of 100 feet from occupied residences and/or All Saints by the Sea Church pre-school. **Plan Requirements:** Equipment area(s) with appropriate acoustic shielding shall be designated on building and grading plans. **Timing:** Equipment and shielding shall remain in the designated location(s) throughout construction activities. **MONITORING:** Permit Compliance shall perform site inspections to ensure compliance and shall respond to complaints.
36. Motorized construction equipment, with the exception of the Torque Down 1275 pile equipment used at the Oceanfront units, shall not be allowed to idle for longer than five minutes within 100 feet of occupied residences and/or All Saints by the Sea Church pre-school without appropriate acoustical shielding in place. **Plan Requirements:** Temporary acoustical shielding shall be installed around construction equipment such that sound levels are less than 65 dBA CNEL at sensitive receptors. **Timing:** Shielding shall remain in the necessary location(s) throughout noise-generating construction activities. **MONITORING:** Applicant's designee shall promptly respond to complaints. Permit Compliance shall perform periodic site inspections to ensure compliance and shall respond to complaints.
  37. Construction routes shall be limited to South Jameson Lane. The applicant shall provide all adjacent residents and All Saints by the Sea church and pre-school and Permit Compliance with a construction activity schedule and construction routes seven days in advance of construction activities. Any alterations or additions shall require seven-day prior notification. **Plan Requirements and Timing:** The applicant shall submit a copy of the activity schedule and mailing list to P&D at least seven days prior to initiation of any earth movement. **MONITORING:** Permit Compliance shall perform periodic site inspections to verify compliance with activity schedules and shall respond to complaints.
  38. All construction techniques, recommendations and construction assumptions (e.g., exterior wall materials, roof, window, and door materials, etc.) presented in the Dudek Associates' November 2007 acoustical analyses regarding the proposed project shall be incorporated into the project design to reduce exterior noise to or below 65 dBA CNEL and interior noise of new structures to or below 45 dBA CNEL. **Plan Requirements and Timing:** Construction techniques and recommendations of the noise study shall be incorporated into the project design and detailed on building plans. P&D shall verify plans include these requirements prior to Zoning Clearance approval **MONITORING:** Building inspectors shall ensure that all noise control measures have been implemented according to approved plans.
  39. Follow-up noise measurements shall be taken by an acoustical engineer within the new guestrooms along South Jameson Lane to verify that indoor noise levels do not exceed 45 dBA CNEL. Exceedance of this standard will require that additional noise reduction measures be implemented. **Plan Requirements and Timing:** The survey shall be conducted after construction is complete and prior to occupancy clearance. A report documenting the survey results and prepared by an acoustical engineer shall be reviewed and approved by P&D prior to occupancy clearance. **MONITORING:** P&D shall ensure required sound levels have been achieved prior to signing off on occupancy clearance.
  40. Amplified sound shall not be used at outdoor gatherings, including weddings, on hotel grounds. **Plan Requirements and Timing:** Prior to approval of occupancy for the renovated hotel, the applicant shall submit to P&D for review a copy of the notice to

potential hotel guests or event organizers that amplified sound is not allowed for private outdoor functions. **MONITORING:** P&D shall review amplified sound notice prior to signing off on occupancy clearance and Permit Compliance shall respond to complaints regarding nighttime noise during hotel operations.

41. During pile-driving activities a temporary sound wall shall be erected between pile driving activities and adjacent noise-sensitive receptors. Temporary sound wall construction parameters presented in the Dudek Associates' March 14, 2008 noise study addendum regarding pile driving activities shall be incorporated into the wall design. **MONITORING:** Building inspectors shall ensure that the sound wall has been constructed according to parameters presented in the Dudek Associates' March 14, 2008 noise study addendum.
42. Off-site accommodation for residents in proximity to pile driving shall be provided during maximum noise-generating pile driving activities (at or exceeding 95 dB(A) at the source). The applicant shall work with neighbors to identify a time when pile-driving activities would cause minimal disruption. The applicant shall notify residents of properties located within 100 feet of pile driving activities a minimum of 14 days prior to the commencement of activities. The applicant shall provide a notice to residents within 100 feet of pile driving activities that off-site accommodation will be provided as necessary during maximum noise-generating pile driving activities and shall provide accommodation as requested. **Plan Requirements and Timing:** A copy of the resident notice shall be provided to P&D. Notices shall include specific written notification of the responsible name, location, and telephone number of the individual responsible for coordinating accommodations. **MONITORING:** Permit compliance shall document and review notices and shall respond to complaints.
43. The contractor shall develop and implement a Noise Compliance Enforcement Program and Public Information and Complaint Response Procedures as presented in the Dudek Associates' March 14, 2008 noise study addendum. **Plan Requirements and Timing:** A copy of the Public Information and Complaint Response Procedures shall be provided to P&D for review prior to grading and construction. The name and telephone number of the Noise Compliance Enforcement monitor shall be provided to P&D prior to grading and construction. **MONITORING:** Permit compliance shall document receipt of the procedures and the name and telephone number of the compliance enforcement monitor.

### Public Facilities

44. The applicant shall implement a Public Works-approved Solid Waste Management Program (SWMP). **Plan Requirements:** The program shall include, but is not limited to the following measures:
  - a. Provision of space and/or bins for storage of recyclable materials within the project site.
  - b. Implementation of a green waste source reduction program, including the chipping and spreading of landscaping materials.
  - c. Implementation of a curbside recycling program or participation in an existing program to serve the development.
  - d. Development of a Source Reduction Plan (SRP), describing the recommended program(s) and the estimated reduction of the solid waste disposed by the project. For example, the SRP may include a description of how fill will be used on the

construction site, instead of landfilling, or a detailed set of office procedures such as use of duplex copy machines and purchase of office supplies with recycled content.

- e. Implementation of a program to purchase materials that have recycled content for project construction and/or operation (i.e., plastic lumber, office supplies, etc.). The program could include requesting suppliers to show recycled materials content. Reports on materials purchased, recycled content, participation, and other available information shall be made to Permit Compliance annually.

**Timing:** The applicant shall initiate implementation of the approved Solid Waste Management Program prior 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.

45. Demolition and/or excess construction materials shall be separated onsite for reuse/recycling or proper disposal (e.g., concrete asphalt). During grading and construction, separate bins for recycling of construction materials and plant material shall be provided onsite. **Plan Requirements:** This requirement shall be printed on the grading and construction plan. The hotel operator shall provide P&D with receipts for recycled materials or for separate bins. **Timing:** Materials shall be recycled as necessary throughout construction. **MONITORING:** P&D shall review receipts.
46. To prevent construction and/or employee trash from blowing offsite, covered receptacles shall be provided onsite prior to commencement of demolition or construction activities. Waste shall be picked up weekly or more frequently as directed by P&D staff. **Plan Requirements and Timing:** Prior to issuance of follow-on 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.
47. The proposed SWMP shall be developed in association with County of Santa Barbara Public Works Solid Waste staff. **Plan Requirements and Timing:** SWMP shall be developed and approved by P&D and PW prior to Zoning Clearance approval. **MONITORING:** County staff shall ensure receipt of approved SWMP.

## Recreation

48. Access to the Miramar Hotel's visitor serving amenities (restaurant, spa, beach bar, and the beach) shall be open and non-exclusive and open to the public. **Plan Requirements and Timing:** Prior to approval of the first occupancy clearance for the renovated hotel, the applicant shall remove all existing "No Trespassing...", "Private Property..." and "Public Rights on Miramar Beach..." signs located throughout the site, and as identified on the Overall Signage and Lighting Plan. **MONITORING:** P&D shall perform a walk-through the hotel grounds to verify conformance with the approved Overall Signage and Lighting Plan prior to signing off on occupancy clearance. Permit Compliance shall respond to complaints regarding restricted access through the property.
49. Public pedestrian access easements shall be recorded in three alignments across the Miramar site (as shown on sheet A1.02b of the proposed plans): 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. **Plan Requirements and Timing:** Easements, subject to review and approval by County Counsel, shall be recorded concurrent with the County's vacation of the north south segment of Miramar Avenue. **MONITORING:** P&D staff shall ensure recordation of the easements.
50. The applicant shall develop protocol for informing hotel guests and staff that street parking is for the public specifically to ensure that hotel guests and staff do not use the public parking spaces. **Plan Requirements and Timing:** Protocol shall be developed and presented to P&D in written form for review and approval prior to Zoning Clearance approval. **Monitoring:** P&D staff shall ensure receipt of the protocol document.
51. The applicant shall submit their proposed signage plan marking public routes through the site to the beach to P&D for review and approval. **Plan Requirements and Timing:** Signage plan shall be provided to P&D and reviewed and approved prior to Zoning Clearance approval. **Monitoring:** P&D shall ensure receipt of plan.
52. **Parking Decal Program.** To prevent employees from parking in public spaces, parking decals, to be fixed on the windshield of all employee cars, shall be issued to all employees. Said decals shall be displayed at all times during employment. Additionally, the applicant shall develop a plan and be responsible for monitoring use of parking spaces along Eucalyptus Lane, 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 on weekend days throughout the year, during the week in the summer months (June 15 – September 15) and on all special event days.
  - 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 from the date of final occupancy clearance and thereafter. 12-18 months after the beginning of operations, Planning & Development shall provide the monitoring reports to the Montecito Planning Commission (review to occur during Planning & Development Divisional Briefing on Administrative Agenda).

**Plan Requirements and Timing:** The applicant shall submit the monitoring plan including the design and intended location of employee parking decals for P&D's review and approval prior to Zoning Clearance approval. **Monitoring:** The County shall receive and file annual reports. P&D shall convey compliance reports to the Montecito Planning Commission at the 12-18 month review and return annually until the MPC determines that annual reporting is no longer necessary.

### Transportation/Circulation

53. To reduce the potential for construction-related traffic to add to existing congested peak-hour traffic conditions in the vicinity of the project site, the following measures shall be implemented. **Plan Requirements and Timing:**
  - a. Workers shall be directed to arrive at the worksite before 7:00 a.m. or after 8:30 a.m. and to depart before 2:30 p.m. or after 3:30 p.m.
  - b. Materials delivery trucks and large construction equipment, including dump trucks, not parked onsite overnight shall arrive at the site after 9:00 a.m. and depart before 4:00 p.m.
  - c. Equipment and delivery trucks shall minimize use of roadways within the Montecito area (i.e., use Highway 101 as much as possible) to access the work site.
  - d. Workers' vehicles, construction equipment, and/or delivery trucks shall park only in designated areas and not on public roadways (South Jameson Lane, Eucalyptus Lane, and Miramar Avenue), except as necessary to perform specific tasks. No construction-related vehicle or equipment shall be parked overnight on public roadways.
  - e. Work that causes delays and/or redirecting of local traffic shall not commence prior to 9:00 a.m. and shall not continue after 4:00 p.m.

The applicant shall designate a person located at the site to receive and respond to complaints from the public regarding traffic. This designee's name, office location, and telephone number shall be prominently displayed at the site throughout the construction. The applicant also shall provide this information in individual written notification sent to all residences within 1,600 feet of the hotel property, All Saints by the Sea Church and Pre-school, and P&D. **MONITORING:** Permit Compliance shall periodically spot check and respond to complaints.

54. The applicant shall ensure that a traffic control monitor (flag person) is posted on public roadways as needed during construction. **Plan Requirements:** The monitor(s) shall direct traffic whenever heavy construction equipment is traversing and/or operating on or near South Jameson Lane, San Ysidro Road, Miramar Avenue, and Posilipo Lane, and any other time(s) and location(s) warranted to ensure public safety. **Timing:** The traffic monitor shall be posted throughout the demolition and construction periods, as necessary. **MONITORING:** Permit Compliance shall spot check during demolition and construction to verify traffic monitor(s) present as needed. The applicant's designee and Public Works, Roads Division shall respond to complaints.

55. A Final Miramar Parking Plan shall be provided. The Final Plan shall include all elements of the Draft Plan and shall also provide for a designated traffic coordinator, examples of notices to inform guests of parking procedures and locations, parking signage, an overall site parking exhibit and an exhibit indicating where additional on-site parking could be developed. The Final Miramar Parking Plan shall be implemented as approved. Additionally, the applicant shall prepare annual compliance report listing the total number of parking spaces used during all events (beach event, conferences, special events, etc.) which generate 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). 12-18 months after the beginning of operations, Planning & Development shall provide the compliance report to the Montecito Planning Commission (review to occur during Planning & Development Divisional Briefing on Administrative Agenda). **Plan Requirements and Timing:** The Miramar Parking Plan shall be reviewed and approved by P&D and Public Works Transportation Division prior to Zoning Clearance approval. A review of the parking situation shall be made by the Planning Commission 12-18 months after occupancy of the site in order to determine the adequacy of the Parking Plan. **MONITORING:** Permit Compliance and Public Works, Roads Division Staff shall respond to complaints. P&D shall convey compliance reports to the Montecito Planning Commission at the 12-18 month review and return annually until the MPC determines that annual reporting is no longer necessary.

### Water Resources/Flooding

56. Drainage shall be consistent with an approved Drainage Plan. Where drainage waters are discharged from the project site in a concentrated manner (e.g., streets, channels, culverts), such drainage shall be conveyed to established water courses in a non-erosive manner. **Plan Requirements:** The final Drainage Plan shall be submitted to P&D and Flood Control for review and approval. The plan shall include the following:
- a. Location(s) of all proposed pipelines, the entire length of all proposed pipelines, trees located within fifteen feet of the pipeline, pipe diameters, and locations where the pipe(s) would surface in or near the creek, and amount of water that would flow from each pipeline.
  - b. Provision for openings in walls and curbs where they block flows that have historically passed through the area.
  - c. Elimination of flow under proposed structures.
  - d. Demonstration of positive drainage away from the exterior edge of new structures to reduce risk of water entry and oversaturation of the local earth materials.
  - e. Conveyance of all runoff water from impervious areas by bioswales and other methods which allow storm water infiltration or impervious conduits to existing drainages.
  - f. Provision of a French drain system to intercept and transport all excess subsurface fluids away from all building components including floor slabs and retaining walls that are to be placed below existing ground surface to an appropriate disposal site.
  - g. Provision for dewatering devices placed at least 18 inches below finish grade of the various components as appropriate.
  - h. Provisions for storm drain outlets to dissipate the energy flows and ensure minimal erosion during storm events, and to prevent children from entering the storm drain system. Storm drains and drainage inlets shall be sized for a peak 25-year runoff event. Minimum size for storm drains shall be 18 inches unless otherwise approved

- by the Flood Control Engineer. Storm drains shall be covered with silt fence until landscaping or other suitable ground cover is in place.
- i. Provisions to install oil and grease traps in storm and drain inlets to prevent oil, silt and other debris from entering Oak Creek during construction and operations. Such temporary traps shall be maintained and cleaned out as necessary during construction (e.g., after storms). Permanent traps shall be maintained and cleaned out every spring and fall to prevent overflow situations and potential mosquito habitats from forming.
  - j. Provisions to install temporary silt fencing or other barriers to ensure surface runoff continues to flow to the drainage inlet to Oak Creek during construction.
  - k. Provisions to contain storm runoff from exposed surfaces onsite during grading and construction. Storm runoff shall be directed to the drainage inlet near Oak Creek.
  - l. The Design energy and hydraulic grade lines shall be on the Improvement or Underground Storm Drain profiles. Junction losses are to be calculated by a momentum analysis. The 100-year Energy and Hydraulic Grade Line shall be shown on plans and profiles for open channel designs.
  - m. Hydraulic data shall be included on engineering plans for all drainage channel, pipes, etc. as required by the Flood Control Engineer.
  - n. Provisions for notifying the Flood Control District five working days in advance of storm drain and attendant auxiliary construction. (The District may periodically inspect during construction.) A note to this effect shall be placed on the drainage plans.
  - o. Signature of a California Registered Civil Engineer.
  - p. Provisions for the Flood Control District to review and approve in writing any significant design revisions to the approved Plans prior to construction of the proposed revisions.
  - q. Provision for “as-built” plans to be submitted to the Flood Control District as soon as practical upon completion of construction.

**Timing:** The Drainage Plan shall be reviewed and approved by Flood Control and P&D prior to 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.

57. The applicant shall obtain a Drainage Improvement Certification Form from the Flood Control District. **Plan Requirements:** The District certification form requires that the California Registered Engineer certify that all drainage improvements (e.g. ditches, swales, channels, storm drains, drainage inlets, junctions, retention basins, revetment) were constructed in substantial conformance with the approved Plans. A note to this effect shall be placed on the plans. **Timing:** Certification shall be obtained prior to occupancy clearance. **MONITORING:** Permit Compliance shall verify certification prior to signing off on occupancy clearance.
58. Pursuant to County Ordinance 3898, the lowest finish floor elevation of all new structures, in habitable spaces, shall be at least two (2) feet above the 100-year water surface elevation or flood proofed in accordance with County Code 15A and 15B. **Plan Requirements:** Graded pads with slab on grade foundations shall be at least 1.5 feet above the 100-year water surface elevation, with finish floor 2 feet above the 100-year elevation. Finish floor elevations may be increased if deemed necessary by the Flood Control Engineer. Finish floor elevations or flood-proofed elevations shall be higher than overland escape of adjacent streets, bridges and other obstructions. **Timing:** Building

plans shall be reviewed and approved by P&D and Flood Control prior to Zoning Clearance approval. **MONITORING:** Building inspectors shall site inspect during construction.

59. The applicant shall dedicate a flood control easement to the Flood Control District for maintenance purposes. **Plan Requirements:** Prior to Zoning Clearance approval for grading, the applicant shall submit a map and description specifying the easement location subject to P&D and Flood Control approval. **Timing:** The easement shall be dedicated prior to occupancy clearance. **MONITORING:** Planning and Development shall confirm receipt of easement location prior to Zoning Clearance approval for grading. Permit Compliance shall verify easement dedication prior to signing off on occupancy clearance.
60. The applicant shall submit proof of exemption or a copy of the Notice of Intent to obtain coverage under the Construction General Permit of the National Pollutant Discharge Elimination System issued by the California Regional Water Quality Control Board. **Plan Requirements and Timing:** Prior to 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 follow-on Land Use Permits. P&D shall site inspect during construction for compliance with the SWPPP.
61. The following measures and requirements shall be incorporated into the project Storm Water Pollution Prevention Plan (SWPPP). The SWPPP shall incorporate all feasible Best Management Practices (BMPs) to reduce erosion from construction activities, to prevent sediment in storm water discharges, and to minimize non-storm water pollutants at the project site to the maximum extent possible.
  - a) The SWPPP shall include spill containment measures and communications and shall restrict road paving to dry weather.
  - b) Temporary stockpiles at the project site shall be protected from erosion by the combined use of surface stabilization, upslope runoff diversions, temporary berms around the perimeter, perimeter interceptor ditches, and temporary downstream catchments, as necessary and appropriate. Stockpiles that are present during the winter season (designated the following period for this project: November 1 to April 1) shall be protected from erosion due to direct precipitation or runoff during the winter by the use of surface stabilization (such as erosion control blankets or temporary seed cover) and perimeter berms and catchments.
  - c) BMPs to prevent discharge of construction materials, contaminants, washings, concrete, asphalt, fuels, and oils shall include the following measures:
    - i. All fuel, lubricants, paints and other construction liquids shall be placed in secured and covered containers within a bermed or otherwise contained area at least 200 feet from the creek.
    - ii. Refueling shall only occur in bermed areas with impermeable surfaces at least 200 feet from the creek or ocean.

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

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

### **General Conditions of Approval**

- 62. To address parking concerns, a normal limit of up to 350 persons (potential 400 after review by the Montecito Planning Commission at 12-18 months) at any one time may attend functions on the project site.
- 63. ~~Outdoor events at the ballroom shall conclude by 10:30 pm.~~ **(NO LONGER APPLICABLE GIVEN PROJECT CHANGES)**
- 64. Weddings on the sandy beach shall be limited to the ceremony only, which must be 60 minutes or less in length, and no more than 100 people in attendance.

65. The 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.
66. **Beach Club Membership Phasing.** The Beach Club memberships shall be 100 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 36-42 months after occupancy or upon 6 months of stabilized operations at 76% occupancy in order to determine the adequacy of the site (i.e. with respect to circulation, parking and intensity of use) to host additional Beach Club memberships. If it is determined by the Montecito Planning Commission that the Beach Club is operating adequately and the site is capable of operating with additional memberships, the number of members may be increased, but shall not exceed a maximum of 300 individuals or families. **Monitoring:** P&D shall review the Beach Club operations in conjunction with the annual reports required for parking and events and report to the Montecito Planning Commission annually until the MPC determines that annual reporting is no longer necessary.
67. New buildings shall not be constructed over legal parcel lines. Prior to approval of the first Zoning Clearance for the project to allow construction of the Main Building, if it is determined that APN 009-371-003 is a legally created lot, it shall be combined with 009-371-004 through a process acceptable to the County Surveyor (i.e. merger, reversion to acreage, etc.). If it is determined that the antiquated parcel lines on either side of Miramar Avenue represent separate legal lots, these too shall be combined prior to the ZCI approval for a new or relocated structure over any of these lines.
68. 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.
69. All applicable final conditions of shall be printed in their entirety on applicable pages of grading/construction or building plans submitted to P&D or Building and Safety Division. These shall be graphically illustrated where feasible.
70. The applicant shall ensure that the project complies with all approved plans and all project conditions including those which must be monitored after the project is built and occupied. To accomplish this, the applicant agrees to:
  - Contact P&D compliance staff as soon as possible after project approval to provide the name and phone number of the future contact person for the project and give estimated dates for future project activities.
  - Contact P&D compliance staff at least two weeks prior to commencement of construction activities to schedule an on-site pre-construction meeting with the owner, compliance staff, other agency personnel and with key construction personnel.
  - Pay fees prior to 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.
71. Prior to approval of the first Zoning Clearance for the project the applicant shall pay all applicable P&D permit processing fees in full.
  72. Any change of use in any of the Miramar Beach Resort and Bungalows Project buildings or structures shall be subject to environmental analysis and appropriate review by the County including building code compliance.
  73. ~~Approval of the Development Plan shall expire five (5) years after final original decision maker approval on April 6, 2009, unless prior to the expiration date, substantial physical construction has been completed on the development or a time extension has been applied for by the applicant.~~ **(NO LONGER APPLICABLE GIVEN NON-EXPIRATION OF 2011 APPROVED PROJECT)**
  74. No permits for development, including grading, shall be issued except in conformance with the approved Final Development Plan as revised by this Amendment. The size, shape, arrangement, use, and location of buildings, walkways, parking areas, and landscaped areas shall be developed in conformity with the approved development plan marked Montecito Planning Commission Exhibit October 8, 2008 and as revised by the Montecito Planning Commission Exhibit dated January 21, 2015. Any increase in structural square footage that results in an increase of 1,000 square feet or more than 10 percent of building coverage of a particular structure (over January 21, 2015 project approvals), whichever is less, shall be reviewed and approved by the Montecito Planning Commission at a regularly noticed public hearing.
  75. On the date a subsequent Preliminary or Final Development Plan is approved for this site, any previously approved but unbuilt plans shall become null and void.
  76. If the applicant requests a time extension for this permit/project, the permit/project may be revised to include updated language to standard conditions and/or mitigation measures and additional conditions and/or mitigation measures which reflect changed circumstances or additional identified project impacts. Mitigation fees shall be those in effect at the time of Zoning Clearance approval.
  77. Developer shall defend, indemnify and hold harmless the County or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of the revised Development Plan, amended Conditional Use Permits, and new Coastal Development Permits. In the event that the County fails promptly to notify the applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.
  78. ~~In the event that any condition imposing a fee, exaction, dedication or other mitigation measure is challenged by the project sponsors in an action filed in a court of law or threatened to be filed therein which action is brought within the time period provided for by law, this approval shall be suspended pending dismissal of such action, the expiration of the limitation period applicable to such action, or final resolution of such action. If any condition is invalidated by a court of law, the entire project shall be reviewed by the~~

~~County and substitute conditions may be imposed.~~ (THE COUNTY NO LONGER APPLIES THIS CONDITION TO PROJECTS)

79. To reduce the potential for Ballroom-related traffic to add to existing congested peak-hour traffic conditions in the vicinity of the project site, Ballroom events expected to draw over 200 patrons from the local community shall not occur prior to 9:30 a.m. weekday mornings. **MONITORING:** Permit Compliance shall periodically spot check and respond to complaints.
80. The applicant shall work with the neighbors in the hedgerow district and with Caltrans to develop a noise mitigation plan, including, but not limited to sound walls along this area's frontage along U.S. Hwy. 101.
- ~~81. Prior to the issuance of the Coastal Development Permit, the applicant shall submit to the County Planning Director a sum of \$1,395,000 (based on 186 rooms x 0.25 x \$30,000) to fund lower cost visitor serving overnight accommodations in Santa Barbara County. Said fee shall be deposited into an interest bearing account, "Lower Cost Visitor Serving Overnight Accommodations Fund", to be established and managed by the County of Santa Barbara. The purpose of the account shall be to establish new lower cost visitor serving accommodations, such as new cabins, tent and yurt sites, and/or bicycle camp sites at the County's Jalama Beach Park, located in the coastal zone of Santa Barbara County. The entire fee and any accrued interest shall be used for the above stated purpose within ten years of the fee being deposited into the account. Any portion of the fee that remains after ten years shall be donated to the California Department of Parks and Recreation for use at one or more of the State Park units located along southern Santa Barbara County, or other organization acceptable to the County Planning Director, for the purpose of providing lower cost visitor serving overnight accommodations. (THIS CONDITION HAS BEEN SATISFIED)~~
82. 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.
83. A review of the Beach Bar's hours of operations shall be made by the Montecito Planning Commission 12-18 months after occupancy in order to determine the compatibility of the Beach Bar' hours of operation with the residential character of the area. Subsequent Montecito Planning Commission review may be necessary in order to determine peak season beach bar hours of operation. **Monitoring:** Permit Compliance Staff shall respond to complaints.<sup>5</sup>
84. **Review of Events.** The applicant shall prepare a compliance report listing the number of events, fundraisers and conference groups using the Miramar Resort Hotel site on an annual basis. The compliance report shall provide the date, type (beach event, conference, normal or special event, etc.) and hours of the event, number of people in attendance and the number of employees working at the site for each event. 12-18 months after the beginning of operations, Planning & Development shall provide the compliance report to the Montecito Planning Commission (review to occur during Planning & Development

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<sup>5</sup> Condition no. 83 was included with the July 16, 2008 staff report but was attached to condition no. 78 and therefore did not have an independent identity. The intent of Condition no. 83 has not been changed. It has simply been separated from condition no. 78 and given a unique number.

Divisional Briefing on Administrative Agenda). **Plan Requirements and Timing:** The compliance reports shall include information quantifying the number of events per day over the course of the previous 12-18 months as specified above. **Monitoring:** P&D shall review the compliance reports in conjunction with the annual reports required for parking and report to the Montecito Planning Commission annually until the MPC determines that annual reporting is no longer necessary.

85. ~~Prior to removal, photo documentation of the cottages, poolside rooms and associated buildings 'in situ' shall occur pursuant to the County's standards as outlined in Condition No. 32. The owner shall make available for 90 days from the date of final discretionary approval of the project, any cottage(s) or the poolside rooms for removal and relocation to any individual or organization proposing to rehabilitate said structure(s). All costs and liability for transportation and removal, including any necessary permits shall be the sole responsibility of the individual or organization seeking relocation and reuse of the structure(s). **Plan Requirements and Timing:** Notice of availability of structures shall be provided in local newspaper, notice on site and other public outreach efforts to the community by the applicant. The applicant shall document such effort with the County prior to the approval of the follow on Land Use Permit. (THIS CONDITION HAS BEEN SATISFIED)~~

86. ~~**Relocation of Laundry Operations.** Excessive water consumption by Hotel operations during a declared water shortage emergency could exacerbate the ongoing water supply/demand imbalance within the Montecito Water District. If the Montecito Water District declares a water shortage emergency, laundry operations shall be relocated to an offsite facility (or contractor) outside the Montecito Water District service boundaries. **Plan Requirements and Timing:** For the life of the project, if the Montecito Water District declares a water shortage emergency, laundry operations shall be relocated to an offsite facility (or contractor) outside the Montecito Water District service boundaries. Limited laundry operations (i.e. unforeseen circumstances, emergencies, etc.) up to 10% of total laundry operations could continue to be undertaken onsite. Onsite laundry operations could be restored to full operation once the Montecito Water District ends its declaration of the water shortage emergency subject to P&D approval. **Monitoring:** P&D shall verify that the District has declared a water shortage emergency and ensure that the offsite facility (or contractor) is located outside the Montecito Water District service boundaries. (LAUNDRY FACILITIES ARE NO LONGER PROPOSED ON-SITE)~~

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

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

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

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

**The following are new conditions applied to the 2014 proposed revised project:**

88. **Special Condition DVP-1.** Prior to approval of the first follow-on Zoning Clearance for the Project, the abandonment of the North-South segment of Miramar Avenue and dedication of public access easements through the site (as shown on sheet A1.02b of the approved plans) shall be approved by the Board of Supervisors.
89. **Permits Supersede.** Previous approvals for on-site development shall be superseded by the proposed revised project (14RVP-00000-00063, 14AMD-00000-00010, 14AMD-00000-00011, 14CDP-00000-00086, 14CDP-00000-00090, 14CDP-00000-00091) upon effectuation of the proposed project.
90. **Fire District Access.** All project plans shall be in conformance with the Fire Department Turnaround Exhibit dated December 3, 2014. **Timing.** Prior to Zoning Clearance approval, all project plans shall depict the Fire-District approved access over the railroad tracks as shown on the Fire Department Turnaround Exhibit dated December 3, 2014.
91. **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 LUP 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.
92. **Parking Stall Length.** Prior to Zoning Clearance approval, the applicant shall revise the project plans to ensure that the parallel parking spaces along the E/W portion of Miramar Ave. are 23 feet in length. **Plan Requirements and Timing:** All site plans shall be updated to graphically depict the 23-foot long stalls. Stalls shall be dimensioned. **Monitoring:** P&D shall review plans prior to Zoning Clearance approval.
93. **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. Consistent with condition 52, 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 12-18 months from final occupancy and shall return 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.

94. **Automated Parking System.** The applicant shall install an automated parking system that utilizes access key cards in the northwestern parking lot. Employees who drive to work shall be issued parking lot access key card allowing admittance to the northwest parking lot, 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.
95. **Excursion Buses.** Excursion Bus, pick-up, drop-off and temporary parking shall only occur in the main valet entrance to the hotel and 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.